

day after such effective date, the Capitol Guide Board shall, out of the assets and property transferred under subsection (b) of this section, on the basis of a special audit which shall be conducted by the General Accounting Office—

- “(1) settle and pay any outstanding accounts payable of the United States Capitol Guides,
 - “(2) discharge the financial and other obligations of the United States Capitol Guides (including reimbursement to purchasers of tickets for guided tours which are purchased and paid for in advance of intended use and are unused), and
 - “(3) otherwise wind up the affairs of the United States Capitol Guides,
- which exist immediately prior to such effective date. The Capitol Guide Board shall dispose of any net monetary amounts remaining after the winding up of the affairs of the United States Capitol Guides, in accordance with the practices and procedures of the United States Capitol Guides, existing immediately prior to the effective date of this section, with respect to disposal of monetary surpluses.”

Section 443 of Pub. L. 91-510 effective immediately prior to noon on Jan. 3, 1971, see section 601(1) of Pub. L. 91-510, set out as an Effective Date of 1970 Amendment note under section 72a of Title 2, The Congress.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 2 section 60j.

CHAPTER 19—CAPITOL AND WHITE HOUSE-PENNSYLVANIA AVENUE DEVELOPMENT

- Sec. 871. Congressional findings.
- 872. Pennsylvania Avenue Development Corporation.
 - (a) Establishment.
 - (b) Dissolution.
 - (c) Board of Directors; composition.
 - (d) Alternate directors.
 - (e) Term of office.
 - (f) Chairman.
 - (g) Nonvoting membership on board.
 - (h) Compensation.
 - (i) Meetings; quorum.
 - (j) Advisory Board.
- 873. Board of Directors.
 - (a) Executive Director and other officers and employees.
 - (b) Procurement of services of experts.
 - (c) Administrative services.
- 874. Development plan.
 - (a) Contents.
 - (b) Cooperation in preparation.
 - (c) Submittal to Secretary of the Interior and Mayor of District of Columbia; public hearings.
 - (d) Transmittal to Congress.
 - (e) Alteration, revision, or amendment.
 - (f) Utilization of other governmental services and facilities.
- 875. Powers of Corporation.
- 876. Powers of other Federal and local agencies in the development area; certification of new construction, etc.
- 877. Corporation as grantee of property.
 - (a) Acquisition and title; Corporation as party to proceedings.
 - (b) Services of local redevelopment agency.
 - (c) Coordination of relocation programs.
 - (d) Preferential rights of displaced owners or tenants.
- 878. Local needs, primary consideration; compliance with District laws, ordinances, etc.
- 879. Tax exemption; payments to District of Columbia government.
- 880. Reports and estimates.
 - (a) Annual reports to the President and to Congress.

- Sec. (b) Estimate of additional necessary funds through fiscal year 1990.
- (c) Protection and enhancement of significant historic and architectural values.
- 881. Civil service retirement and disability fund; contributions.
- 882. Assets and funds for conduct of business.
- 883. Violations and penalties.
 - (a) Larceny, embezzlement, or conversion.
 - (b) False entries, reports, or statements.
 - (c) Rebates and conspiracies.
- 884. Separability.
- 885. Authorization of appropriations; prohibition of appropriations from Land and Water Conservation Fund.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in section 1104 of this title.

§ 871. Congressional findings

The Congress finds and declares—

(a) that it is in the national interest that the area adjacent to Pennsylvania Avenue between the Capitol and the White House, most of which was designated on September 30, 1965, as a national historic site under the Historic Sites Act of August 21, 1935 (16 U.S.C. 461 et seq.) be developed, maintained, and used in a manner suitable to its ceremonial, physical, and historic relationship to the legislative and executive branches of the Federal Government and to the governmental buildings, monuments, memorials, and parks in or adjacent to the area;

(b) that the area adjacent to Pennsylvania Avenue between the Capitol and the White House, because of its blighted character, imposes severe public, economic, and social liabilities upon the District of Columbia as the seat of the government of the United States, thereby impeding its sound growth and development and constituting a serious and growing threat to the public health, safety, morals, and welfare of its inhabitants;

(c) that to insure suitable development, maintenance, and use of the area and the elimination of blight, it is essential that there be developed and carried out as an entirety plans for this area which will specify the uses, both public and private, to which property is to be put, the programing and financing of necessary acquisitions, construction, reconstruction, and other activities;

(d) that such duties and responsibilities can best be developed and carried out by vesting the requisite powers in a Federal corporation which can take maximum advantage of the private as well as the public resources which will be necessary;

(e) that the powers conferred by this chapter are for public uses and purposes for which public powers may be employed, public funds may be expended, and the power of eminent domain and the police power may be exercised, and the granting of such powers is necessary in the public interest; and

(f) that the area thus to be developed, maintained, and used in accordance with the provisions of this chapter (hereinafter referred to as the development area) shall be the area bounded as follows:

Beginning at a point on the south west corner of the intersection of Fifteenth Street and E Street Northwest;

thence proceeding easterly along the southerly side of E Street to the southwest corner of the intersection of Thirteenth Street and Pennsylvania Avenue Northwest;

thence southeasterly along the southerly side of Pennsylvania Avenue to a point being the southeast corner of the intersection of Pennsylvania Avenue and Third Street Northwest;

thence northerly along the east side of Third Street to the northeast corner of the intersection of C Street and Third Street Northwest;

thence westerly along the north side of C Street to the northeast corner of the intersection of C Street and Sixth Street Northwest;

thence northerly along the east side of Sixth Street to the northeast corner of the intersection of E Street and Sixth Street Northwest;

thence westerly along the north side of E Street to the northeast corner of the intersection of E Street and Seventh Street Northwest;

thence northerly along the east side of Seventh Street to the northeast corner of the intersection of Seventh Street and F Street Northwest;

thence westerly along the north side of F Street to the northwest corner of the intersection of F Street and Ninth Street Northwest;

thence southerly along the west side of Ninth Street to the northwest corner of the intersection of Ninth Street and E Street Northwest;

thence westerly along the north side of E Street to the northeast corner of the intersection of E Street and Thirteenth Street Northwest;

thence northerly along the east side of Thirteenth Street to the northeast corner of the intersection of F Street and Thirteenth Street Northwest;

thence westerly along the north side of F Street to the northwest corner of the intersection of F Street and Fifteenth Street Northwest;

thence northerly along the west side of Fifteenth Street to the northwest corner of the intersection of Pennsylvania Avenue and Fifteenth Street Northwest;

thence westerly along the southern side of Pennsylvania Avenue to the southeast corner of the intersection of Pennsylvania Avenue and East Executive Avenue Northwest;

thence southerly along the east side of East Executive Avenue to the intersection of South Executive Place and E Street Northwest;

thence easterly along the south side of E Street to the point of beginning being the southwest corner of the intersection of Fifteenth Street and E Street Northwest.

(Pub. L. 92-578, § 2, Oct. 27, 1972, 86 Stat. 1266.)

REFERENCES IN TEXT

The Historic Sites Act of August 21, 1935, referred to in subsec. (a), which is also known as the Historic Sites, Buildings, and Antiquities Act, is act Aug. 21, 1935, ch. 593, 49 Stat. 666, as amended, which is classified to sections 461 to 467 of Title 16, Conservation. For

complete classification of this Act to the Code see Short Title note set out under section 461 of Title 16 and Tables.

SHORT TITLE

Section 1 of Pub. L. 92-578 provided: "That this Act [enacting this chapter and amending section 846 of former Title 31, Money and Finance] may be cited as the 'Pennsylvania Avenue Development Corporation Act of 1972.'"

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1104 of this title.

§ 872. Pennsylvania Avenue Development Corporation

(a) Establishment

There is hereby created a body corporate to be known as the Pennsylvania Avenue Development Corporation (hereinafter referred to as the "Corporation").

(b) Dissolution

The Corporation shall be dissolved on or before April 1, 1996. Upon dissolution, assets, obligations, indebtedness, and all unobligated and unexpended balances of the Corporation shall be transferred in accordance with the Department of the Interior and Related Agencies Appropriations Act, 1996.

(c) Board of Directors; composition

The powers and management of the Corporation shall be vested in a Board of Directors consisting of fifteen members, as follows:

- (1) The Secretary of the Interior;
- (2) The Secretary of the Treasury;
- (3) The Secretary of Housing and Urban Development;
- (4) The Secretary of Transportation;
- (5) The Administrator of General Services;
- (6) The Mayor of the District of Columbia;
- (7) The Chairman, Council of the District of Columbia; and

(8) Eight, at least four of whom shall be residents and who are registered voters of the District of Columbia, appointed by the President from private life, who shall have knowledge and experience in one or more fields of history, architecture, city planning, retailing, real estate, construction, or government.

(d) Alternate directors

Each member of the Board of Directors specified in paragraphs (1) through (7) of subsection (c) of this section may designate another official to serve on the Board in his stead if unable to serve in person.

(e) Term of office

Each member of the Board of Directors appointed under paragraph (8) of subsection (c) of this section shall serve for a term of six years from the expiration of his predecessor's term; except that (1) any Director appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term, and (2) the terms of office of the Directors first taking office shall begin on October 27, 1972, and shall expire as designated at the time of appointment, two at the end of two years, two at the end of four years, and four at the end of

six years. A Director may continue to serve until his successor has qualified.

(f) Chairman

The President shall designate a Chairman and a Vice Chairman from among the members of the Board of Directors, chosen from private life.

(g) Nonvoting membership on board

The Chairman, upon his appointment, shall invite to serve on the Board of Directors as nonvoting members the following:

- (1) The Chairman of the Commission of Fine Arts;
- (2) The Chairman of the National Capital Planning Commission;
- (3) The Secretary of the Smithsonian Institution;
- (4) The Director of the National Gallery of Art;
- (5) The Architect of the Capitol;
- (6) The Archivist of the United States;
- (7) The Chairman of the District of Columbia, Commission on the Arts; and
- (8) The Director of the District of Columbia Department of Housing and Community Development.

(h) Compensation

Members of the Board of Directors who are officers or employees of the Federal or District of Columbia government shall receive no additional compensation by virtue of their membership on the Board. Other members of the Board, when engaged in the activities of the Corporation, shall be entitled to receive compensation at the daily equivalent of the rate for GS-18 of the General Schedule, and travel expenses, including per diem in lieu of subsistence, as authorized by law (5 U.S.C. 5703(b)-(d)¹ and 5707) for persons in the Government service employed intermittently.

(i) Meetings; quorum

The Board of Directors shall meet at the call of the Chairman, who shall require it to meet not less often than once each three months. A majority of the voting members of the Board of Directors (or their designated alternates) shall constitute a quorum.

(j) Advisory Board

There shall be established a nonvoting Advisory Board of seven members appointed by the Chairman from among tenants and owners of real property within the development area. The Advisory Board shall meet at least twice annually with the Board of Directors, and shall otherwise offer such advice and assistance as may be of benefit to the Board of Directors during preparation of the development plan.

(Pub. L. 92-578, §3, Oct. 27, 1972, 86 Stat. 1267; Pub. L. 95-629, title I, §101(1)(a)-(c), Nov. 10, 1978, 92 Stat. 3635; Pub. L. 98-141, §8(c)(1), Oct. 31, 1983, 97 Stat. 910; Pub. L. 104-134, title I, §101(c) [title III, §313(g)], Apr. 26, 1996, 110 Stat. 1321-156, 1321-200; renumbered title I, Pub. L. 104-140, §1(a), May 2, 1996, 110 Stat. 1327.)

REFERENCES IN TEXT

The Department of the Interior and Related Agencies Appropriations Act, 1996, referred to in subsec. (b), is

¹ See References in Text note below.

section 101(c) of Pub. L. 104-134, title I, Apr. 26, 1996, 110 Stat. 1321-156; renumbered title I, Pub. L. 104-140, §1(a), May 2, 1996, 110 Stat. 1327. For complete classification of this Act to the Code, see Tables.

Section 5703 of title 5, referred to in subsec. (h), was amended generally by Pub. L. 94-22, §4, May 19, 1975, 89 Stat. 85, and, as so amended, does not contain subsecs. (b)-(d).

AMENDMENTS

1996—Subsec. (b). Pub. L. 104-134 amended subsec. (b) generally. Prior to amendment, subsec. (b) read as follows: "The Corporation shall be dissolved upon completion, as determined by the Board of Directors, of its implementation of the development plan provided for in section 874 of this title. Upon dissolution, assets remaining after all the obligations and indebtedness of the Corporation has been fulfilled and paid or satisfied shall be the assets of the United States."

1983—Subsec. (c)(7). Pub. L. 98-141 inserted "(7)" before "The Chairman, Council of the District of Columbia".

1978—Subsec. (c)(6). Pub. L. 95-629, §101(1)(a), substituted "The Mayor of the District of Columbia" for "The Commissioner of the District of Columbia".

Subsec. (c)(7). Pub. L. 95-629, §101(1)(b), substituted "The Chairman, Council of the District of Columbia" for "The Chairman, District of Columbia Council".

Subsec. (g)(8). Pub. L. 95-629, §101(1)(c), substituted "The Director of the District of Columbia Department of Housing and Community Development" for "The Chairman of the District of Columbia Redevelopment Land Agency".

RIGHTS AND AUTHORITIES OF FORMER PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION

Pub. L. 104-208, div. A, title I, §101(f) [title IV], Sept. 30, 1996, 110 Stat. 3009-314, 3009-335, provided in part: "That the Administrator is authorized in fiscal year 1997 and thereafter, to enter into and perform such leases, contracts, or other transactions with any agency or instrumentality of the United States, the several States, or the District of Columbia, or with any person, firm, association, or corporation, as may be necessary to implement the trade center plan at the Federal Triangle Project and is hereby granted all the rights and authorities of the former Pennsylvania Avenue Development Corporation (PADC) with regard to property transferred from the PADC to the General Services Administration in fiscal year 1996: *Provided further*, That notwithstanding any other provision of law, the Administrator of General Services is hereby authorized to use all funds transferred from the PADC or income earned on PADC properties for activities associated with carrying out the responsibilities of the PADC transferred to the Administrator of General Services and that any such income earned on or after April 1, 1996, shall be deposited to the Pennsylvania Avenue Activities account and shall remain available until expended: *Provided further*, That any funds or income as may be deemed by the Administrator as excess to the amount needed to fulfill the PADC responsibilities transferred to the Administrator of General Services, shall be applied to any outstanding debt, with the exception of debt associated with the Ronald Reagan Building and International Trade Center, incurred by the PADC in the course of acquiring real estate: *Provided further*, That with respect to real property transferred from the PADC to the General Services Administration pursuant to section 313 of Public Law 104-134, Title III, General Provisions [set out below], the Administrator of General Services is hereafter authorized and directed to make payments required by section 10(b) of the PADC Act of 1972, Public Law 92-578 [40

U.S.C. 879(b)] in the same manner as previously paid by the PADC”.

TRANSFER AND ASSIGNMENT OF ALL RIGHTS, TITLE, AND INTEREST IN ALL LEASES, COVENANTS, AGREEMENTS, EASEMENTS, AND IN ALL PROPERTY

Section 101(c) [title III, §313(a)–(f)] of Pub. L. 104-134 provided that:

“(a) On or before April 1, 1996, the Pennsylvania Avenue Development Corporation shall—

“(1) transfer and assign in accordance with this section all of its rights, title, and interest in and to all of the leases, covenants, agreements, and easements it has executed or will execute by March 31, 1996, in carrying out its powers and duties under the Pennsylvania Avenue Development Corporation Act [of 1972] (40 U.S.C. 871–885) and the Federal Triangle Development Act (40 U.S.C. 1101–1109) to the General Services Administration, National Capital Planning Commission, or the National Park Service; and

“(2) except as provided by subsection (d), transfer all rights, title, and interest in and to all property, both real and personal, held in the name of the Pennsylvania Avenue Development Corporation to the General Services Administration.

“(b) The responsibilities of the Pennsylvania Avenue Development Corporation transferred to the General Services Administration under subsection (a) include, but are not limited to, the following:

“(1) Collection of revenue owed the Federal Government as a result of real estate sales or lease agreements entered into by the Pennsylvania Avenue Development Corporation and private parties, including, at a minimum, with respect to the following projects:

“(A) The Willard Hotel property on Square 225.

“(B) The Gallery Row project on Square 457.

“(C) The Lansburgh’s project on Square 431.

“(D) The Market Square North project on Square 407.

“(2) Collection of sale or lease revenue owed the Federal Government (if any) in the event two undeveloped sites owned by the Pennsylvania Avenue Development Corporation on Squares 457 and 406 are sold or leased prior to April 1, 1996.

“(3) Application of collected revenue to repay United States Treasury debt incurred by the Pennsylvania Avenue Development Corporation in the course of acquiring real estate.

“(4) Performing financial audits for projects in which the Pennsylvania Avenue Development Corporation has actual or potential revenue expectation, as identified in paragraphs (1) and (2), in accordance with procedures described in applicable sale or lease agreements.

“(5) Disposition of real estate properties which are or become available for sale and lease or other uses.

“(6) Payment of benefits in accordance with the Uniform Relocation Assistance and Real Property Acquisitions Policies Act of 1970 [42 U.S.C. 4601 et seq.] to which persons in the project area squares are entitled as a result of the Pennsylvania Avenue Development Corporation’s acquisition of real estate.

“(7) Carrying out the responsibilities of the Pennsylvania Avenue Development Corporation under the Federal Triangle Development Act (40 U.S.C. 1101–1109), including responsibilities for managing assets and liabilities of the Corporation under such Act.

“(c) In carrying out the responsibilities of the Pennsylvania Avenue Development Corporation transferred under this section, the Administrator of the General Services Administration shall have the following powers:

“(1) To acquire lands, improvements, and properties by purchase, lease or exchange, and to sell, lease, or otherwise dispose of real or personal property as necessary to complete the development plan developed under section 5 of the Pennsylvania Avenue Development Corporation Act of 1972 (40 U.S.C. 874) if a notice of intention to carry out such acquisition or dis-

posal is first transmitted to the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives and the Committee on Environment and Public Works and the Committee on Appropriations of the Senate and at least 60 days elapse after the date of such transmission.

“(2) To modify from time to time the plan referred to in paragraph (1) if such modification is first transmitted to the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives and the Committee on Environment and Public Works and the Committee on Appropriations of the Senate and at least 60 days elapse after the date of such transmission.

“(3) To maintain any existing Pennsylvania Avenue Development Corporation insurance programs.

“(4) To enter into and perform such leases, contracts, or other transactions with any agency or instrumentality of the United States, the several States, or the District of Columbia or with any person, firm, association, or corporation as may be necessary to carry out the responsibilities of the Pennsylvania Avenue Development Corporation under the Federal Triangle Development Act (40 U.S.C. 1101–1109).

“(5) To request the Council of the District of Columbia to close any alleys necessary for the completion of development in Square 457.

“(6) To use all of the funds transferred from the Pennsylvania Avenue Development Corporation or income earned on Pennsylvania Avenue Development Corporation property to complete any pending development projects.

“(d)(1)(A) On or before April 1, 1996, the Pennsylvania Avenue Development Corporation shall transfer all its right, title, and interest in and to the property described in subparagraph (B) to the National Park Service, Department of the Interior.

“(B) The property referred to in subparagraph (A) is the property located within the Pennsylvania Avenue National Historic Site depicted on a map entitled ‘Pennsylvania Avenue National Historic Park’, dated June 1, 1995, and numbered 840–82441, which shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior. The Pennsylvania Avenue National Historic Site includes the parks, plazas, sidewalks, special lighting, trees, sculpture, and memorials.

“(2) Jurisdiction of Pennsylvania Avenue and all other roadways from curb to curb shall remain with the District of Columbia but vendors shall not be permitted to occupy street space except during temporary special events.

“(3) The National Park Service shall be responsible for management, administration, maintenance, law enforcement, visitor services, resource protection, interpretation, and historic preservation at the Pennsylvania Avenue National Historic Site.

“(4) The National Park Service may enter into contracts, cooperative agreements, or other transactions with any agency or instrumentality of the United States, the several States, or the District of Columbia or with any person, firm, association, or corporation as may be deemed necessary or appropriate for the conduct of special events, festivals, concerts, or other art and cultural programs at the Pennsylvania Avenue National Historic Site or may establish a nonprofit foundation to solicit funds for such activities.

“(e) Notwithstanding any other provision of law, the responsibility for ensuring that development or redevelopment in the Pennsylvania Avenue area is carried out in accordance with the Pennsylvania Avenue Development Corporation Plan—1974, as amended, is transferred to the National Capital Planning Commission or its successor commencing April 1, 1996.

“(f) SAVINGS PROVISIONS.—

“(1) REGULATIONS.—Any regulations prescribed by the Corporation in connection with the Pennsylvania Avenue Development Corporation Act of 1972 (40

U.S.C. 871-885) and the Federal Triangle Development Act (40 U.S.C. 1101-1109) shall continue in effect until suspended by regulations prescribed by the Administrator of the General Services Administration.

“(2) EXISTING RIGHTS, DUTIES, AND OBLIGATIONS NOT AFFECTED.—Subsection (a) shall not be construed as affecting the validity of any right, duty, or obligation of the United States or any other person arising under or pursuant to any contract, loan, or other instrument or agreement which was in effect on the day before the date of the transfers under subsection (a).

“(3) CONTINUATION OF SUITS.—No action or other proceeding commenced by or against the Corporation in connection with administration of the Pennsylvania Avenue Development Corporation Act of 1972 (40 U.S.C. 871-885) and the Federal Triangle Development Act (40 U.S.C. 1101-1109) shall abate by reason of enactment and implementation of this Act [probably means the Department of the Interior and Related Agencies Appropriations Act, 1996, enacted by section 101(c) of Pub. L. 104-134], except that the General Services Administration shall be substituted for the Corporation as a party to any such action or proceeding.”

ARCHIVIST OF THE UNITED STATES

References to Archivist of the United States deemed to refer to Archivist appointed under section 2103 of Title 44, Public Printing and Documents, with respect to functions transferred by Pub. L. 98-497 or an amendment made by Pub. L. 98-497 and exercised after Apr. 1, 1985, see sections 106 and 108 of Pub. L. 98-497, set out as notes under section 2102 of Title 44.

TERMINATION OF ADVISORY BOARDS

Advisory boards in existence on Jan. 5, 1973, to terminate not later than the expiration of the 2-year period following Jan. 5, 1973, unless, in the case of a board established by the President or an officer of the Federal Government, such board is renewed by appropriate action prior to the expiration of such 2-year period, or in the case of a board established by the Congress, its duration is otherwise provided by law. See sections 3(2) and 14 of Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, 776, set out in the Appendix to Title 5, Government Organization and Employees.

REFERENCES IN OTHER LAWS TO GS-16, 17, OR 18 PAY RATES

References in laws to the rates of pay for GS-16, 17, or 18, or to maximum rates of pay under the General Schedule, to be considered references to rates payable under specified sections of Title 5, Government Organization and Employees, see section 529 [title I, § 101(c)(1)] of Pub. L. 101-509, set out in a note under section 5376 of Title 5.

§ 873. Board of Directors

(a) Executive Director and other officers and employees

The Board of Directors shall have the power to appoint and fix the compensation and duties of the Executive Director and such other officers and employees of the Corporation as may be necessary for the efficient administration of the Corporation; the Executive Director and two other officers of the Corporation may be appointed and compensated without regard to the provisions of title 5 governing appointments in the competitive service and chapter 51 and subchapter III of chapter 53 of title 5.

(b) Procurement of services of experts

The Board of Directors is authorized to procure the temporary (not in excess of one year) or

intermittent services of city planners, architects, engineers, appraisers, and other experts or consultants or organizations thereof in accordance with section 3109 of title 5, but at rates for individuals not in excess of the rate in effect for grade GS-18 of the General Schedule.

(c) Administrative services

Administrative services shall be provided by the General Services Administration on a reimbursable basis.

(Pub. L. 92-578, § 4, Oct. 27, 1972, 86 Stat. 1268; Pub. L. 93-427, § 1, Oct. 1, 1974, 88 Stat. 1170; Pub. L. 95-629, title I, § 101(1)(d), Nov. 10, 1978, 92 Stat. 3635.)

REFERENCES IN TEXT

The provisions of title 5 governing appointments in the competitive service, referred to in subsec. (a), are classified to section 3301 et seq. of Title 5, Government Organization and Employees.

AMENDMENTS

1978—Subsec. (a). Pub. L. 95-629 substituted “subchapter III of chapter 53” for “subchapter 53”.

1974—Subsecs. (b), (c). Pub. L. 93-427 added subsec. (b) and redesignated former subsec. (b) as (c).

REFERENCES IN OTHER LAWS TO GS-16, 17, OR 18 PAY RATES

References in laws to the rates of pay for GS-16, 17, or 18, or to maximum rates of pay under the General Schedule, to be considered references to rates payable under specified sections of Title 5, Government Organization and Employees, see section 529 [title I, § 101(c)(1)] of Pub. L. 101-509, set out in a note under section 5376 of Title 5.

§ 874. Development plan

(a) Contents

The development plan for the development area shall include, but not be limited to: (1) the types of uses, both public and private, to be permitted; (2) criteria for the design and appearance of buildings, facilities, open spaces, and other improvements; (3) an estimate of the current values of all properties to be acquired; (4) an estimate of the relocation costs which would be incurred in carrying out the provisions of section 877 of this title; (5) an estimate of the cost of land preparation for all properties to be acquired; (6) an estimate of the reuse values of the properties to be acquired; (7) a program for the staging of a proposed development, including a detailed description of the portion of the program to be scheduled for completion by 1976; (8) a determination of the marketability of such development; (9) an estimate of the development costs, both public and private; (10) a thorough study of the economic impact of such development, including the impact on the local tax base, the metropolitan area as a whole, and the existing business activities within the development area; and (11) the procedures (including both interim and long-term arrangements) to be used in carrying out and insuring continuing conformance to the development plan.

(b) Cooperation in preparation

The development plan provided for in subsection (a) of this section shall be prepared with the cooperation of the Department of the Inte-

rior, the General Services Administration, and the District of Columbia government with the maximum feasible use of their staffs and other resources on a reimbursable basis by the Corporation.

(c) Submittal to Secretary of the Interior and Mayor of District of Columbia; public hearings

After the development plan has been completed and approved by the Board of Directors of the Corporation, it shall be submitted to the Secretary of the Interior and the Mayor of the District of Columbia. The Secretary of the Interior, within ninety days, shall notify the Corporation of his approval or recommended modifications from the standpoint of the compatibility of the plan with his responsibilities for the administration, protection, and development of the areas within the Pennsylvania Avenue National Historic Site. The Mayor of the District of Columbia, within ninety days, shall consult with the National Capital Planning Commission, shall hold public hearings on the plan, and shall notify the Corporation of his approval or recommended modifications: *Provided*, That in the event that the Secretary of the Interior or the Mayor of the District of Columbia has not notified the Corporation of his approval or recommended modifications of the plan within ninety days after the date of submission, he shall be deemed to have approved the plan.

(d) Transmittal to Congress

In the event the Secretary of the Interior or the Mayor of the District of Columbia has recommended modifications of the plan, the Corporation within one hundred and twenty days of the original submission of the plan shall consult with them regarding such modifications and shall prepare a development plan which shall be transmitted to the President of the Senate and the Speaker of the House of Representatives.

If the Secretary of the Interior or the Mayor of the District of Columbia has not approved the development plan, the transmittal shall include a specification of the areas of difference, the modifications suggested by the Secretary of the Interior or the Mayor of the District of Columbia and the views of the Corporation thereon. Following the expiration of sixty legislative days after the date of such transmittal, the Corporation may proceed with the execution and implementation of the plan unless between the date of transmittal and the end of the sixty legislative day period, either the Senate or the House of Representatives passes a resolution in opposition to the development plan.

(e) Alteration, revision, or amendment

(1) Activities under the development plan shall be carried out in accordance with the approved development plan.

(2) The Corporation may alter, revise, or amend the plan, but any such alteration, revision, or amendment which is a substantial change from the approved development plan shall take effect only upon compliance with the procedures set forth in subsections (c) and (d) of this section. For the purposes of this subsection, the term "substantial change" shall mean one involving a major alteration in the character or

intensity of an existing or proposed use in the development area which in the opinion of the Corporation causes an increase or decrease of 10 per centum or more of the dollar amount of the estimate prepared in accordance with subsection (a)(9) of this section, or one which, in the opinion of the Secretary of the Interior, affects his responsibilities for the administration, protection, and development of the areas within the Pennsylvania Avenue National Historic Site.

(3) Any alteration, revision, or amendment of the plan and any other action taken by the Corporation which is not a substantial change in the plan within the meaning of paragraph (2) but—

(A) which is a significant change in the plan, or which is another significant action taken by the Corporation, and

(B) which relates to housing, any major structure, historic preservation, parks, office space, or retail uses, within the development area

shall not take effect until thirty days after notice of such change or other action has been submitted to the Committee on Natural Resources of the United States House of Representatives and to the Committee on Energy and Natural Resources of the United States Senate, unless prior to the expiration of such thirty-day period each of such committees notifies the Corporation in writing that the committee does not object to such change or other action. Such notice to the committees shall include an explanation of the reasons why the change or other action is proposed and a summary of any recommendations received by the Corporation from the Secretary of the Interior, the Mayor of the District of Columbia, or from any other interested agency, organization, or individual.

(f) Utilization of other governmental services and facilities

To avoid duplication and unnecessary expense the Corporation shall, to the maximum feasible extent in conducting its operations, utilize the services and facilities of other agencies, including the Department of the Interior, General Services Administration, the National Capital Planning Commission, and the District of Columbia government.

(Pub. L. 92-578, § 5, Oct. 27, 1972, 86 Stat. 1269; Pub. L. 95-629, title I, § 101(1)(a), (e), Nov. 10, 1978, 92 Stat. 3635; Pub. L. 98-141, § 8(b), (c)(2), (3), Oct. 31, 1983, 97 Stat. 910; Pub. L. 103-437, § 14(d), Nov. 2, 1994, 108 Stat. 4591.)

AMENDMENTS

1994—Subsec. (e)(3). Pub. L. 103-437 substituted "Natural Resources" for "Interior and Insular Affairs" before "of the United States House" in concluding provisions.

1983—Subsec. (a)(10). Pub. L. 98-141, § 8(c)(2), inserted "a" before "whole, and the existing business".

Subsec. (b). Pub. L. 98-141, § 8(c)(3), substituted "cooperation" for "Cooperation".

Subsec. (e). Pub. L. 98-141, § 8(b), designated first sentence of existing provisions as par. (1), designated second and succeeding sentences of existing provisions as par. (2), and added par. (3).

1978—Subsecs. (c), (d). Pub. L. 95-629, § 101(1)(a), substituted "Mayor of the District of Columbia" for "Commissioner of the District of Columbia" wherever appearing.

Subsec. (f). Pub. L. 95-629, §101(1)(e), struck out reference to the District of Columbia Redevelopment Land Agency following reference to the District of Columbia government.

CHANGE OF NAME

Committee on Natural Resources of House of Representatives treated as referring to Committee on Resources of House of Representatives by section 1(a) of Pub. L. 104-14, set out as a note preceding section 21 of Title 2, The Congress.

REVIEW OF PORTIONS OF PENNSYLVANIA AVENUE DEVELOPMENT AREA NOT UNDER DEVELOPMENT FOR PRESERVATION OF HISTORIC VALUES OF SUCH AREA; REPORT TO CONGRESS

Pub. L. 96-515, title V, §505, Dec. 12, 1980, 94 Stat. 3005, provided that the Pennsylvania Avenue Development Corporation review the development plan for those parts of the development area not under development or committed for development as of Dec. 12, 1980, to identify means by which the historic values of such parts of the development area could be preserved and enhanced to the maximum extent feasible, such review not to be limited by the applicable provisions of the development plan in effect at the time of the review, and not to require any actions by the Corporation during the course of the review or during its consideration by the Congress. Within one year of Dec. 12, 1980, the Corporation was to submit to the appropriate committees of Congress a report containing the findings of the review, together with the Corporation's recommendations for any legislative measures or funding necessary to carry out the purposes of this section, such report to also include a description of those activities which the Corporation proposed to undertake to carry out the purposes of this section and the financial implications of carrying out those activities.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 875, 876, 885, 1104 of this title.

§ 875. Powers of Corporation

In carrying out its powers and duties, the Corporation—

(1) shall have all necessary and proper powers for the exercise of the authorities vested in it;

(2) shall have succession in its corporate name;

(3) may adopt and use a corporate seal which shall be judicially noticed;

(4) may sue and be sued in its corporate name. All litigation arising out of the activities of the Corporation shall be conducted by the Attorney General;

(5) may adopt, amend, and repeal bylaws, rules, and regulations governing the manner in which its business may be conducted and the powers vested in it may be exercised;

(6) may acquire lands, improvements, and properties within the development area by purchase, lease, donation, or exchange; may hold, maintain, use, or operate such properties; may sell, lease, or otherwise dispose of such real and personal property and any interest therein as the Corporation deems necessary to carry out the development plan; or may lease, repurchase, or otherwise acquire and hold any property which the Corporation has theretofore sold, leased, conveyed, transferred, or otherwise disposed of: *Provided*, That condemnation proceedings for the acquisition of real property (including interests therein),

which may be necessary or appropriate in order to carry out the development plan, shall be conducted in accordance with the procedural provisions of chapter 13, subchapter IV, of title 16 of the District of Columbia Code: *Provided further*, That prior to acquiring any residential property there shall be a finding of assurance of adequate replacement housing consonant with the requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (84 Stat. 1894) [42 U.S.C. 4601 et seq.];

(7) may enter into and perform such contracts, leases, cooperative agreements, or other transactions with any agency or instrumentality of the United States, the several States, or the District of Columbia or with any person, firm, association, or corporation (including agreements with private utility companies with respect to the relocation of utility lines and other facilities in the development area) as may be deemed necessary or appropriate to the conduct of activities authorized under this chapter;

(8) may establish (through covenants, regulations, agreements, or otherwise) such restrictions, standards, and requirements as are necessary to assure development, maintenance, and protection of the development area in accordance with the development plan;

(9) shall seek authority from the Congress to borrow money by issuing marketable obligations, after obtaining proposals from at least three private financial analysts on the feasibility of private versus public financing of the Corporation, which proposals shall be transmitted to the Congress with the development plan as provided in section 874 of this title.

(10) may borrow money from the Treasury of the United States in such amounts as may be authorized in appropriation Acts, but not to exceed \$120,000,000. Such borrowings from the Treasury shall have such maturities, terms, and conditions as may be agreed upon by the Corporation and the Secretary of the Treasury, but the maturities may not be in excess of forty years, and such borrowings may be redeemable at the option of the Corporation before maturity. Such borrowings shall bear interest at a rate determined by the Secretary of the Treasury taking into consideration the average market yield on outstanding marketable obligations of the United States of comparable maturities during the month preceding the issuance of the obligations of the Corporation. The interest payments on such obligations may be deferred with the approval of the Secretary of the Treasury but any interest payment so deferred shall bear interest. Said obligations shall be issued in amounts and at prices approved by the Secretary of the Treasury. The authority of the Corporation to issue obligations hereunder shall remain available without fiscal year limitation. The Secretary of the Treasury is authorized and directed to purchase any obligations of the Corporation to be issued under this paragraph and for such purpose the Secretary of the Treasury is authorized to use as a public debt transaction of the United States the proceeds from the sale

of any securities issued under chapter 31 of title 31, and the purposes for which securities may be issued under chapter 31 of title 31 are extended to include any purchase of the Corporation's obligations under this paragraph;

(11) may invest any funds held in reserve or sinking funds, or any moneys not required for immediate use or disbursement, with the approval of the Secretary of the Treasury, in obligations of the United States Government, or obligations the principal and interest of which are guaranteed by the United States Government: *Provided*, That this authority shall not extend to moneys obtained by borrowing from the Government or through appropriations to the Corporation;

(12) may procure insurance against any loss in connection with its property and other assets and operations;

(13) may contract for and accept any gifts or grants or property or financial or other aid in any form from the Federal Government or any agency or instrumentality thereof, or from any State or any agency or instrumentality thereof, or from any source, and comply subject to the provisions of this chapter, with the terms and conditions thereof;

(14) may determine the character of and necessity for its obligations and expenditures, and the manner in which they shall be incurred, allowed, and paid, subject to provisions and laws specifically applicable to wholly owned Government corporations;

(15) may prepare or cause to be prepared plans, specifications, designs, and estimates of cost for the construction, reconstruction, rehabilitation, improvement, alteration, or repair of any project, and from time to time may modify such plans, specifications, designs, or estimates;

(16) may acquire, construct, reconstruct, rehabilitate, improve, alter, or repair or provide for the construction, reconstruction, improvement, alteration, or repair of any project;

(17) may grant options to purchase any project or may renew any leases entered into by it in connection with any of its projects, on such terms and conditions as it may deem advisable;

(18) may manage any project, owned or leased by the Corporation, and may enter into agreements with the District of Columbia government or any agency or instrumentality thereof, or with any person, firm, partnership, or corporation, either public or private, for the purpose of causing any such project to be managed;

(19) shall request the Council of the District of Columbia, when required for implementation of the development plan, to close any street, road, highway, alley, or any part thereon in the development area. If the title to the street, road, highway, or alley so closed is in the United States, the Mayor of the District of Columbia shall convey the title to the land on behalf of the United States to the Corporation, without cost, except that the Corporation shall reimburse the District of Columbia for the administrative expenses of the action. If the title to the street, road, highway, or alley so closed is not in the United States, the

Mayor shall convey title to the land on behalf of the District of Columbia to the Corporation, without cost, except that the Corporation shall reimburse the District of Columbia for the administrative costs of the action: *Provided*, That if the land would have reverted to a private abutting property owner under otherwise applicable law of the District of Columbia, the Corporation shall pay such owner the fair market value of the land that would have reverted to him.¹

(20) may transfer title to, interests in, or jurisdiction over real property which has been acquired by the Corporation and is to be devoted to public uses under the development plan, to any agency of the United States or the District of Columbia. Agencies of the United States or the District of Columbia may accept such transfers under this paragraph, and shall thereafter administer and maintain the property in accordance with the development plan and the terms of any transfer agreement. The Director of the National Park Service may transfer title to or interest in public reservations, roadways, spaces, or parks under his jurisdiction within the development area to the Corporation to facilitate implementation of the development plan; and, notwithstanding any other provision of law, the Corporation may utilize such transferred property for any public or private development consistent with the plan.¹

(21) may utilize or employ the services of personnel of any agency or instrumentality of the Federal Government or of the District of Columbia, with the consent of the agency or instrumentality concerned, upon a reimbursable basis, or utilize voluntary or uncompensated personnel;

(22) shall publish and disseminate information and make known to potential users, by advertisement, solicitation, or other means, the availability for development of lands in the development area;

(23) may execute all instruments necessary or appropriate in the exercise of any of its functions under this chapter, and may delegate to members of the Board or the Executive Director such of its powers and responsibilities as it deems appropriate and useful for the administration of the Corporation; and

(24) shall be entitled to the use of the United States mails in the same manner as the executive departments of the Government, and shall have all the rights, privileges, and immunities of the United States with respect to debts due from insolvent, deceased, or bankrupt debtors.

(Pub. L. 92-578, § 6, Oct. 27, 1972, 86 Stat. 1270; Pub. L. 95-629, title I, § 101(2), (3), Nov. 10, 1978, 92 Stat. 3635; Pub. L. 98-141, § 8(a)(1), Oct. 31, 1983, 97 Stat. 910.)

REFERENCES IN TEXT

The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, referred to in par. (6), is Pub. L. 91-646, Jan. 2, 1971, 84 Stat. 1894, as amended, which is classified principally to chapter 61 (§ 4601 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the

¹ So in original. The period should be a semicolon.

Code, see Short Title note set out under section 4601 of Title 42 and Tables.

CODIFICATION

In par. (10), “chapter 31 of title 31” substituted for “the Second Liberty Loan Bond Act, as amended” 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

1983—Par. (10). Pub. L. 98-141 substituted “\$120,000,000” for “\$100,000,000”.

1978—Par. (10). Pub. L. 95-629, §101(2), substituted “\$100,000,000” for “\$50,000,000” and substituted provisions relating to the availability of the Corporation’s authority to issue obligations without fiscal year limitation for provisions which related to the expiration of the Corporation’s authority on June 3, 1980, except for obligations to provide funds necessary for the performance of contracts entered into by the Corporation prior to June 3, 1980.

Pars. (19) to (24). Pub. L. 95-629, §101(3), added pars. (19) and (20) and redesignated former pars. (19) to (22) as (21) to (24), respectively.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1104 of this title.

§ 876. Powers of other Federal and local agencies in the development area; certification of new construction, etc.

(a) Nothing in this chapter shall preclude other agencies or instrumentalities of the Federal Government or of the District of Columbia from exercising any lawful powers in the development area consistent with the development plan or the provisions and purposes of this chapter; but no such agency or instrumentality shall release, modify, or depart from any feature or detail of the development plan without the prior approval of the Corporation.

(b) After October 1, 1974, no new construction (including substantial remodeling, conversion, rebuilding, enlargement, extension, or major structural improvement of existing building, but not including ordinary maintenance or remodeling or changes necessary to continue occupancy) shall be authorized or conducted within the development area except upon prior certification by the Corporation that the construction is, or may reasonably be expected to be, consistent with the carrying out of the development plan for the area: *Provided*, That if the development plan for the area does not become effective under the provisions of section 874 of this title by June 30, 1975, this subsection shall be of no further force and effect until such time as the development plan does become effective under that section.

(Pub. L. 92-578, §7, Oct. 27, 1972, 86 Stat. 1272; Pub. L. 93-427, §2, Oct. 1, 1974, 88 Stat. 1170.)

AMENDMENTS

1974—Subsec. (b). Pub. L. 93-427 substituted “the date of the enactment of the Act to amend the Act of October 27, 1972 (86 Stat. 1266)” for “the date of the enactment of this Act”, which for purposes of codification constituted the substitution of “October 1, 1974” for “October 27, 1972”, and “by June 30, 1975” for “within twelve months of the date of enactment of this Act”, which, for purposes of codification, had been translated as “within twelve months of October 27, 1972”.

§ 877. Corporation as grantee of property

(a) Acquisition and title; Corporation as party to proceedings

The title to any real property (or interest therein) acquired under the authority of this chapter shall be taken by and in the name of the Corporation and proceedings for condemnation or other acquisition of property shall be brought by and in the name of the Corporation.

(b) Services of local redevelopment agency

In the administration of a relocation program or programs pursuant to the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 [42 U.S.C. 4601 et seq.], the Corporation may utilize the services of the District of Columbia government. Costs of such services shall be reimbursed by the Corporation to the District of Columbia government.

(c) Coordination of relocation programs

All relocation services performed by or on behalf of the Corporation shall be coordinated with the District of Columbia’s central relocation programs.

(d) Preferential rights of displaced owners or tenants

Owners and tenants of real property whose residence, or retail, wholesale, service or other business is terminated as a result of acquisitions made pursuant to this chapter shall be granted a preferential right to lease or purchase from the Corporation or its agent such like real property as may become available for a similar use upon implementation of the development plan. Any such preferential right shall be limited to the parties in interest and shall not be transferable or assignable.

(Pub. L. 92-578, §8, Oct. 27, 1972, 86 Stat. 1273; Pub. L. 95-629, title I, §101(1)(f), Nov. 10, 1978, 92 Stat. 3635.)

REFERENCES IN TEXT

The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, referred to in subsec. (b), is Pub. L. 91-646, Jan. 2, 1971, 84 Stat. 1894, as amended, which is classified principally to chapter 61 (§4601 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 4601 of Title 42 and Tables.

AMENDMENTS

1978—Subsec. (b). Pub. L. 95-629 substituted “District of Columbia government” for “District of Columbia Redevelopment Land Agency” in two places.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 874 of this title.

§ 878. Local needs, primary consideration; compliance with District laws, ordinances, etc.

(a) In effectuating the purposes of this chapter, the Corporation:

(1) shall consult and cooperate with District of Columbia officials and community leaders at the earliest practicable time;

(2) shall give primary consideration to local needs and desires and to local and regional goals and policies as expressed in urban renewal, community renewal, and comprehensive land use plans and regional plans; and

(3) shall foster local initiative and participation in connection with the planning and development of its projects.

(b) The Corporation shall comply with all District of Columbia laws, ordinances, codes, and regulations in constructing, reconstructing, rehabilitating, altering, and improving any project: *Provided*, That the provisions of section 428 of title 5 of the District of Columbia Code shall apply to all the constructing, reconstructing, rehabilitating, altering, and improving of all buildings by the Corporation. The construction, reconstruction, rehabilitation, alteration, and improvement of any project by non-Government sources shall be subject to the provisions of the District of Columbia Code and zoning regulations.

(Pub. L. 92-578, §9, Oct. 27, 1972, 86 Stat. 1273.)

REFERENCES IN TEXT

Section 428 of title 5 of the District of Columbia Code, referred to in subsec. (b), was transferred to section 5-432 of Title 5, Building Restrictions and Regulations, of the District of Columbia Code.

§ 879. Tax exemption; payments to District of Columbia government

(a) Since the exercise of the powers granted by this chapter will be in all respects for the benefit of the people, the Corporation is hereby declared to be devoted to an essential public and governmental function and purpose and shall be exempt from all taxes and special assessments of every kind of the United States and of the District of Columbia.

(b) To the end that the District of Columbia may not suffer undue loss of tax revenue by reason of the provisions of subsection (a) of this section, the Corporation, in connection with any real property acquired and owned by the Corporation in carrying out the provisions of this chapter shall pay to the District of Columbia government an amount equal to the amount of the real property tax which would have been payable to the District of Columbia government beginning on the date of acquisition of such real property by the Corporation if legal title to such property had been held by a private citizen on such date and during all periods to which such date relates.

(Pub. L. 92-578, §10, Oct. 27, 1972, 86 Stat. 1273.)

§ 880. Reports and estimates

(a) Annual reports to the President and to Congress

The Corporation shall transmit to the President and the Congress, annually each January and at such other times as it deems desirable, a comprehensive and detailed report of its operations, activities, and accomplishments under this chapter.

(b) Estimate of additional necessary funds through fiscal year 1990

Within six months after October 31, 1983, the Corporation shall transmit to the Congress an estimate, for each fiscal year, of the additional funds which will be necessary for the Corporation to carry out the development plan through

the fiscal year 1990. Such estimate shall include a detailed statement of the projects and other expenditures for which such funds are proposed to be used, together with an estimate of the projected costs thereof.

(c) Protection and enhancement of significant historic and architectural values

The report submitted under subsection (a) of this section shall include a detailed discussion of the actions the Corporation has taken within the reporting period to protect and enhance the significant historic and architectural values of structures within the boundaries of the Corporation's jurisdiction, and indicating similar actions it plans to take and issues it anticipates dealing with during the upcoming fiscal year related to historic and architectural preservation. Such report shall indicate the degree to which public concern has been considered and incorporated into decisions made by the Corporation relative to historic and architectural preservation.

(Pub. L. 92-578, §11, Oct. 27, 1972, 86 Stat. 1274; Pub. L. 98-141, §8(d), Oct. 31, 1983, 97 Stat. 910.)

AMENDMENTS

1983—Pub. L. 98-141 designated existing provisions as subsec. (a) and added subsecs. (b) and (c).

§ 881. Civil service retirement and disability fund; contributions

(a) The Corporation shall contribute to the civil service retirement and disability fund, on the basis of annual billings as determined by the Director of the Office of Personnel Management for the excess, if any, of the Government's share of the normal cost of the civil service retirement system applicable to the Corporation's employees and their beneficiaries over the agency contributions required by section 8334(a)(1) of title 5.

(b) The Corporation shall include in the annual billings provided for under subsection (a) of this section, a statement of the fair portion of the cost of the administration of the fund, which shall be paid by the Corporation into the Treasury as miscellaneous receipts.

(Pub. L. 92-578, §12, Oct. 27, 1972, 86 Stat. 1274; 1978 Reorg. Plan No. 2, §102, eff. Jan. 1, 1979, 43 F.R. 36037, 92 Stat. 3783.)

TRANSFER OF FUNCTIONS

“Director of the Office of Personnel Management” substituted for “Civil Service Commission” in subsec. (a), pursuant to Reorg. Plan No. 2 of 1978, §102, 43 F.R. 36037, 92 Stat. 3783, set out under section 1101 of Title 5, Government Organization and Employees, which transferred all functions vested by statute in United States Civil Service Commission to Director of Office of Personnel Management (except as otherwise specified), effective Jan. 1, 1979, as provided by section 1-102 of Ex. Ord. No. 12107, Dec. 28, 1978, 44 F.R. 1055, set out under section 1101 of Title 5.

§ 882. Assets and funds for conduct of business

The Corporation is authorized to use in the conduct of its business all its funds and other assets and all funds and other assets which have been or may hereafter be transferred to, allocated to, borrowed by, or otherwise acquired by it.

(Pub. L. 92-578, §13, Oct. 27, 1972, 86 Stat. 1274.)

§ 883. Violations and penalties

(a) Larceny, embezzlement, or conversion

All general penal statutes relating to the larceny, embezzlement, or conversion of public moneys or property of the United States shall apply to moneys and property of the Corporation.

(b) False entries, reports, or statements

Any person who, with intent to defraud the Corporation, or to deceive any director, officer, or employee of the Corporation or any officer or employee of the United States, (1) makes any false entry in any book of the Corporation, or (2) makes any false report or statement for the Corporation, shall, upon conviction thereof, be fined not more than \$10,000 or imprisoned not more than five years, or both.

(c) Rebates and conspiracies

Any person who with intent to defraud the Corporation (1) receives any compensation, rebate, or reward, or (2) enters into any conspiracy, collusion, or agreement, express or implied, shall, on conviction thereof, be fined not more than \$5,000 or imprisoned not more than five years, or both.

(Pub. L. 92-578, §14, Oct. 27, 1972, 86 Stat. 1274.)

§ 884. Separability

If any provisions of this chapter or the application thereof to any body, agency, situation, or circumstances is held invalid the remainder of the chapter and the application of such provision to other bodies, agencies, situations, or circumstances shall not be affected thereby.

(Pub. L. 92-578, §16, Oct. 27, 1972, 86 Stat. 1274.)

§ 885. Authorization of appropriations; prohibition of appropriations from Land and Water Conservation Fund

(a) In addition to the sums heretofore appropriated, there are authorized to be appropriated for operating and administrative expenses of the Corporation \$3,000,000 for the fiscal year ending September 30, 1979; \$3,200,000 for the fiscal years ending September 30, 1980, and September 30, 1981; and \$3,500,000 for the fiscal years ending September 30, 1982, and September 30, 1983. There are further authorized to be appropriated for operating and administrative expenses of the Corporation sums not to exceed \$3,250,000, each, for the fiscal years ending September 30, 1984, September 30, 1985, September 30, 1986, September 30, 1987, and September 30, 1988. There are further authorized to be appropriated for operating and administrative expenses of the Corporation \$2,353,000 for the fiscal year 1989; \$2,650,000 for the fiscal year 1990; \$2,400,000 for the fiscal year 1991; and \$2,807,000 for the fiscal year 1992. There are further authorized to be appropriated for operating and administrative expenses of the Corporation \$2,686,000 for fiscal year 1993 and such sums as may be necessary for fiscal year 1994.

(b) To commence implementation of the development plan authorized by section 874 of this

title, there are authorized to be appropriated to the Corporation through the fiscal years ending September 30, 1978, \$38,800,000, for fiscal year 1979, \$15,000,000, for fiscal year 1980, \$35,000,000, for fiscal year 1981, \$25,000,000, for fiscal year 1982, \$30,000,000, and, for fiscal 1983, \$35,000,000. For the authorizations made in this subsection, any amounts authorized but not appropriated in any fiscal year shall remain available for appropriation in succeeding years. Any amounts appropriated under this subsection shall remain available without fiscal year limitation. *Provided*, That appropriations made under the authority of this paragraph shall include sufficient funds to assure the development of square 225 as a demonstration area for the development plan, and shall assure the preservation of the structure now located on square 225 known as the Willard Hotel and its historic facade. No appropriations shall be made from the Land and Water Conservation Fund established by the Act of September 30, 1964 (78 Stat. 897, as amended) [16 U.S.C. 4601-4 et seq.], to effectuate the purposes of this chapter.

(Pub. L. 92-578, §17, Oct. 27, 1972, 86 Stat. 1275; Pub. L. 93-427, §3, Oct. 1, 1974, 88 Stat. 1170; Pub. L. 94-388, Aug. 14, 1976, 90 Stat. 1188; Pub. L. 95-629, title I, §101(4), Nov. 10, 1978, 92 Stat. 3636; Pub. L. 98-141, §8(a)(2), Oct. 31, 1983, 97 Stat. 910; Pub. L. 100-415, Aug. 22, 1988, 102 Stat. 1104; Pub. L. 102-219, §1, Dec. 11, 1991, 105 Stat. 1673; Pub. L. 102-439, §1, Oct. 23, 1992, 106 Stat. 2223.)

REFERENCES IN TEXT

Act of September 30, 1964, referred to in subsec. (b), probably means the act of Sept. 3, 1964, Pub. L. 88-578, 78 Stat. 897, as amended, known as the Land and Water Conservation Fund Act of 1965, which is classified generally to part B (§4601-4 et seq.) of subchapter LXIX of chapter 1 of Title 16, Conservation. For complete classification of this Act to the Code, see Short Title note set out under section 4601-4 of Title 16 and Tables.

AMENDMENTS

1992—Subsec. (a), Pub. L. 102-439 inserted provisions at end authorizing appropriations for operating and administrative expenses for fiscal years 1993 and 1994.

1991—Subsec. (a), Pub. L. 102-219 substituted “\$2,807,000” for “\$2,200,000” before “for the fiscal year 1992”.

1988—Subsec. (a), Pub. L. 100-415 inserted provision authorizing appropriations of \$2,353,000 for the fiscal year 1989, \$2,650,000 for the fiscal year 1990, \$2,400,000 for the fiscal year 1991, and \$2,200,000 for the fiscal year 1992, for operating and administrative expenses of the Corporation.

1983—Subsec. (a), Pub. L. 98-141 inserted provisions authorizing appropriations for operating and administrative expenses of not to exceed \$3,250,000 for each of the fiscal years 1984, 1985, 1986, 1987, and 1988.

1978—Subsec. (a), Pub. L. 95-629 substituted provisions authorizing appropriations for operating and administrative expenses of the Corporation for fiscal years ending Sept. 30, 1979, 1980, 1981, 1982 and 1983 for provisions which authorized appropriations for operating and administrative expenses of not to exceed \$1,300,000 for the fiscal year ending June 30, 1976, \$325,000 for the period July 1 through Sept. 30, 1976, and \$1,500,000 each, for the fiscal years ending Sept. 30, 1977 and 1978.

Subsec. (b), Pub. L. 95-629 inserted provisions authorizing appropriations for fiscal years 1979, 1980, 1981, 1982 and 1983, and substituted provisions directing that any amounts authorized but not appropriated in any fiscal year remain available for appropriation in succeeding

years and that amounts appropriated remain available without fiscal year limitation for provisions that appropriations would remain available without fiscal year limitation through Sept. 30, 1990.

1976—Subsec. (a). Pub. L. 94-388 designated existing provisions as subsec. (a) and substituted provisions authorizing appropriations not to exceed \$1,300,000 for fiscal year ending June 30, 1976; \$325,000 for the period July 1 through Sept. 30, 1976, and \$1,500,000 each, for fiscal years ending Sept. 30, 1977 and Sept. 30, 1978 for provision authorizing appropriations not to exceed \$1,750,000, struck out provision for appropriation for the development of the plan to be prepared pursuant to section 874 of this title, and provision prohibiting an appropriation from the Land and Water Conservation Fund established by section 4607-5 of Title 16 to effectuate the purposes of this chapter.

Subsec. (b). Pub. L. 94-388 added subsec. (b).

1974—Pub. L. 93-427 substituted “\$1,750,000 for the operating and administrative expenses of the Corporation and” for “\$1,000,000”.

CHAPTER 20—FEDERAL MOTOR VEHICLE EXPENDITURE CONTROL

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|------|---|
| Sec. | |
| 901. | Monitoring system. |
| 902. | Data collection. <ul style="list-style-type: none"> (a) Cost identification and analysis. (b) Requirements for data systems. |
| 903. | Agency statements with respect to motor vehicle use. <ul style="list-style-type: none"> (a) Contents of statement. (b) Compliance with requirements. |
| 904. | Presidential report. <ul style="list-style-type: none"> (a) Summary and analysis of agency statements. (b) Applicability to fiscal year 1986. |
| 905. | Study required. <ul style="list-style-type: none"> (a) Study of costs, benefits, and feasibility. (b) Submission to Director and Comptroller General. |
| 906. | Interagency consolidation. <ul style="list-style-type: none"> (a) Identification of opportunities for consolidation. (b) Report and action on findings. |
| 907. | Reduction of storage and disposal costs. |
| 908. | Savings. <ul style="list-style-type: none"> (a) Actions by President required. (b) Monitoring of compliance and compliance report. |
| 909. | Compliance. <ul style="list-style-type: none"> (a) Administrator of General Services. (b) Managers of other motor pools. |
| 910. | Applicability. <ul style="list-style-type: none"> (a) Priority in reducing headquarters use. (b) Regulations, standards, and definitions. |
| 911. | Cooperation. |
| 912. | Reports. |
| 913. | Definitions. |

§ 901. Monitoring system

The head of each executive agency, including the Department of Defense, shall designate one office, officer, or employee of the agency to establish and operate a central monitoring system for, and provide oversight of, the motor vehicle operations of the agency, related activities, and related reporting requirements.

(Pub. L. 99-272, title XV, §15301, Apr. 7, 1986, 100 Stat. 335.)

§ 902. Data collection

(a) Cost identification and analysis

The head of each executive agency, including the Department of Defense, shall develop a sys-

tem to identify, collect, and analyze data with respect to all costs, including obligations and outlays, incurred by the agency in the operation, maintenance, acquisition, and disposition of motor vehicles, including Government-owned vehicles, leased vehicles, and privately owned vehicles used for official purposes.

(b) Requirements for data systems

The Administrator, in cooperation with the Comptroller General and the Director, shall promulgate requirements governing the establishment and operation by executive agencies of the systems required by subsection (a) of this section, including requirements with respect to data concerning the costs and uses of motor vehicles and with respect to the uniform collection and submission of such data. Requirements promulgated under this section shall be in conformance with accounting principles and standards issued by the Comptroller General. Each executive agency, including the Department of Defense, shall comply with such requirements.

(Pub. L. 99-272, title XV, §15302, Apr. 7, 1986, 100 Stat. 335.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 903 of this title.

§ 903. Agency statements with respect to motor vehicle use

(a) Contents of statement

The head of each executive agency, including the Department of Defense, shall include with the appropriation request of such agency submitted under section 1108 of title 31 for fiscal year 1988 and each succeeding fiscal year, a statement—

(1) specifying—

(A) the total motor vehicle acquisition, maintenance, leasing, operation, and disposal costs, including obligations and outlays, incurred by such agency in the most recently completed fiscal year; and

(B) an estimate of such costs for the fiscal year in which such request is submitted and for the succeeding fiscal year; and

(2) justifying why the existing and any new motor vehicle acquisition, maintenance, leasing, operation, and disposal requirements of the agency cannot be met through the Interagency Fleet Management System operated by the Administrator, a qualified private fleet management firm, or any other method which is less costly to the Government.

(b) Compliance with requirements

The head of each executive agency shall comply with the requirements promulgated under section 902(b) of this title in preparing each statement required under subsection (a) of this section.

(Pub. L. 99-272, title XV, §15303, Apr. 7, 1986, 100 Stat. 336.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 904 of this title.

§ 904. Presidential report

(a) Summary and analysis of agency statements

The President shall include with the budget transmitted pursuant to section 1105 of title 31