TITLE 40—PUBLIC BUILDINGS, PROPERTY, AND WORKS

Chap.		Sec.
1.	**Public Buildings, Grounds, Parks, and Wharves in District of Columbia**	**1**
2.	**Capitol Building and Grounds**	**161**
2A.	**National Archives [Transferred or Repealed]**	**231**
3.	**Public Buildings and Works Generally**	**251**
4.	**The Public Property**	**301**
5.	**Hours of Labor and Safety on Public Works**	**321**
6.	**Acquisition of Sites for and Construction of Public Buildings**	**341**
7.	**Acquisition of Land in District of Columbia for Use of United States by Condemnation Proceedings [Repealed]**	**361**
8.	**Emergency Public Works and Construction Projects**	**401**
9.	**Non-Federal Public Works**	**451**
10.	**Management and Disposal of Government Property**	**471**
11.	**Real Property Transactions by Military Departments [Repealed]**	**551**
12.	**Construction, Alteration, and Acquisition of Public Buildings**	**601**
13.	**National Capital Transportation Program [Repealed or Omitted]**	**651**
14.	**Safety Standards for Motor Vehicles**	**701**
15.	**Government Losses in Shipment**	**721**
16.	**General Services Administration**	**751**
17.	**Alaska Communications Disposal**	**771**
17A.	**Alaska Federal-Civilian Energy Efficiency Swap**	**795**
18.	**National Visitor Center Facilities; Union Station Redevelopment; Capitol Guide Service**	**801**
19.	**Capitol and White House-Pennsylvania Avenue Development**	**871**
20.	**Federal Motor Vehicle Expenditure Control**	**901**
21.	**National Capital Memorials and Commemorative Works**	**1001**
22.	**Federal Triangle Development**	**1101**
23.	**Judiciary Office Building Development**	**1201**
24.	**National Capital Area Interest Arbitration Standards**	**1301**
25.	**Information Technology Management**	**1401**

CHAPTER 1—PUBLIC BUILDINGS, GROUNDS, PARKS, AND WHARVES IN DISTRICT OF COLUMBIA

Sec.

1 to 13. Repealed or Omitted.

Sec.

13a. United States Supreme Court Building.
- (a) Structural and mechanical care; care and maintenance of grounds; direction of operations, maintenance and repairs; contract authority.
- (b) Heating and air-conditioning refrigeration expenses; deposits in Treasury of advancements to credit of Capitol Power Plant; electrical energy purchases.

13b. Structural, mechanical, and grounds employees; Supreme Court Building and grounds.

13c. Domestic care and custody; superintendent; Supreme Court Building.

13d. Repealed.

13e. Care and maintenance of Oliver Wendell Holmes Garden.

13f. Supreme Court Building and grounds; policing; designation of members of the Supreme Court Police.

13g. Restriction of public travel; Supreme Court grounds.

13h. Sale of articles; signs; solicitation; Supreme Court Building and grounds.

13i. Injuries to property; Supreme Court Building and grounds.

13j. Firearms or fireworks; speeches; objectionable language; Supreme Court Building and grounds.

13k. Parades or assemblages; display of flags; Supreme Court Building and grounds.

13*l*. Rules and regulations; posting in public place; availability to public.

13m. Penalties; Supreme Court Building and grounds.

13n. Policing authority.
- (a) Authority of Marshal of the Supreme Court and Supreme Court Police.
- (b) Authority of Metropolitan police force of the District of Columbia.
- (c) Termination of authority; reporting requirements; duties with respect to an official guest of Supreme Court.
- (d) Definitions.

13*o*. Suspension of prohibitions against use of Supreme Court grounds.

13p. Area of Supreme Court grounds.

14 to 18a. Repealed.

19. Supervision of public buildings and grounds in District of Columbia not otherwise provided for by law; eviction of trespassers.

20 to 22. Repealed or Omitted.

22a. Heat for Corcoran Gallery of Art.

22b. Heat for Board of Governors of the Federal Reserve System.

22c. Rates for heat for non-Federal public buildings.

23 to 30a. Repealed or Omitted.

31. Use of public buildings for public ceremonies.

32 to 33a. Repealed or Omitted.

34. Rent of buildings in District of Columbia; contracts not to be made until appropriation.

35. Rent of other buildings.

Sec.
36 to 41. Repealed, Omitted, or Transferred.
42. Rooms and accommodations for Office of Personnel Management.
43. Advertisements and sales in or around Washington Monument.
44. Repealed.
45. Chief of Engineers; charge of Washington Aqueduct and other public works.
46. Compensation of Chief of Engineers.
47. Apartments of Chief of Engineers.
48. Obedience to President by Chief of Engineers.
49. Record of property by Chief of Engineers.
50. Reports by Chief of Engineers.
51. Authority of Chief of Engineers.
52. Appeal to Secretary of the Army by Chief of Engineers.
53. Repealed.
53a. MacArthur Boulevard; jurisdiction and control.
54. Moneys for public works; expenditure.
55. Mains or pipes; laying for use of public buildings.
56. Unauthorized opening.
57 to 60. Omitted or Repealed.
60a. Reservation of parking spaces for Members of Congress.
61 to 63. Omitted.
64. Jurisdiction over portion of B Street.
65. Omitted.
66. Improper appropriation of streets.
67. Omitted.
68. Buildings on reservations, parks, or public grounds.
69, 70. Omitted.
71. Physical development of National Capital.
(a) General purposes; findings.
(b) Definitions.
71a. Federal and District planning agencies in National Capital.
(a)(1) National Capital Planning Commission; creation; central Federal agency; functions; excepted functions.
(2) Mayor of District of Columbia; central local agency; functions; excepted functions; comprehensive plan for District: procedures for citizen participation and consultations with non-Federal agencies.
(3) Comprehensive plan for District; functions of Mayor and Council respecting impact on Federal Establishment.
(4) Certifications; incorporation and implementation; Council's action; joint publication of Federal activities elements and District elements; time limitation extension, authority of Council; joint establishment of procedures for consultations throughout planning process.
(b) National Capital Planning Commission; official members; citizen members: qualifications, terms of office, vacancies, compensation.
(c) Chairman; officers; Director and other personnel; employment of city planners, architects, etc.; compensation.
(d) Advisory and coordinating committees; participation by representatives of planning and developmental agencies.
(e) General scope of functions.
71b. Omitted.
71c. Comprehensive plan for the National Capital.
(a) Preparation and adoption by Commission.
(b), (c) Repealed.
(d) Progressive adoption, amendment, or review.
(e) Consultation with interested agencies; hearings; citizen advisory councils.
71d. Proposed Federal and District developments and projects.
(a) Consultations between agencies and Commission; procedure.
(b) Exceptions to consultation procedure.
(c) Approval of District Government buildings within central area; time for transmittal of approval or disapproval of such buildings.
(d) Additional procedure for consultation on developments and projects within environs.
(e) Intent of section; interchange of plans, data, etc.
71e. Repealed.
71f. Capital improvements.
(a) Six-year program of public works; recommendations and annual review; submission of advance programs.
(b) Submission of multiyear capital improvement plan.
71g. Zoning regulations and maps, and subdivision of lands.
(a) Amendments of zoning regulations and maps.
(b) Further reports on proposed amendments.
(c) Performance of functions by Zoning Committee of National Capital Planning Commission.
(d) Recommendations as to platting and subdividing lands; procedure.
71h. Transfer of functions to Commission.
71i. Authorization of appropriations to carry out sections 71 to 71i.
72. Acquisition of land by Commission.
72a. Acquisition of land by Commission subject to limited rights reserved to grantor; acquisition of limited permanent rights in land adjoining park property.
72b. Lease of lands acquired for park, parkway, or playground purposes.
72c. Power to sell lands.
72d. Expenses of land sales.
72e. Execution of deeds to lands.
73. Authorization of appropriations for expenses, and acquisition of lands by Commission; assignment of playground areas; control of lands outside District.
74. Annual reports of Commission to Congress; estimates for Office of Management and Budget.
74a. Sale by the Secretary of the Interior of lands no longer needed for public purposes.
74b. Sale to highest bidder; rights of abutting owner.
74c. Expenses of sale; disposition of proceeds.
75 to 78. Omitted or Repealed.
79. Transfers of jurisdiction between Director of National Park Service and Mayor of District of Columbia.
80, 81. Omitted.
82. Public spaces resulting from filling of canals under jurisdiction of Director.
83 to 88. Omitted.
89. Potomac Park; temporary occupancy by Department of Agriculture.
90 to 99. Omitted or Repealed.
100. Part of Washington Aqueduct for playground purposes.
101. Laws of District extended to public buildings and grounds.
102. Ailanthus trees prohibited.
103. Trees, shrubs, and plants, in greenhouses and nursery.

Sec.
104. Commission of Fine Arts.
105. Secretary and executive officer.
106. Authorization of appropriations.
107 to 112a. Omitted or Repealed.
113. Delivery of fuel for use during ensuing fiscal year.
114 to 120. Repealed or Omitted.
121. Regulation of height, design, and construction of private and semipublic buildings adjacent to public buildings and grounds; building permits.
122. Jurisdiction over public lands; transfer by Federal and District authorities.
123. Effect of section 122 on existing laws.
124. Theodore Roosevelt Island; administration; development.
125. Means of access; care, maintenance, and improvements; appropriation; Theodore Roosevelt Island.
126. Erection of monument or memorial and related structures; authorization of appropriations; Theodore Roosevelt Island.
127. Designation in documents, etc.; Theodore Roosevelt Island.
128. Approval by Administrator of General Services of sketches, plans, and estimates of buildings; exemptions.
129. Lease of building space by wholly owned Government corporations; rental.
129a. Courthouse construction authorized; cost; repayment to United States.
130. Courthouse for United States Court of Appeals and United States District Court for the District of Columbia; maintenance and operation; allocation of space.
130a. Authorization of appropriations.
131. Development of Washington metropolitan region; necessity for coordination.
132. Declaration of policy; coordinated development and management.
133. Priority projects; water supply, sewage disposal, water pollution, and transportation.
134. Study of final report of Joint Committee on Washington Metropolitan Problems; recommendations.
135. ''Washington metropolitan region'' defined.
136. National Capital Service Area.
(a) Establishment.
(b) National Capital Service Director.
(c) Personnel; compensation.
(d) Omitted.
(e) Presidential report to Congress.
(f) Boundaries.
(g) Presidential survey; map and description.
(h) Creation of National Capital Service Area not to affect existing provisions covering buildings and grounds within Area; availability of services and facilities.
(i) Continued application of laws, rules, and regulations covering areas within National Capital Service Area.
(j) Residency within National Capital Service Area.
137. Protection of Federal Government buildings in District of Columbia.
138. Repealed.

CROSS REFERENCES

Reorganization of Executive Agencies, see Executive Order No. 6166, §§1, 2, promulgated June 10, 1933, set out as a note under section 901 of Title 5, Government Organization and Employees.

Right of action for death or personal injury within national park or other place under exclusive jurisdiction of United States or governed by State laws, see section 457 of Title 16, Conservation.

§1. Repealed. Pub. L. 89–554, §8(a), Sept. 6, 1966, 80 Stat. 644

Section, act Mar. 1, 1919, ch. 86, §10, 40 Stat. 1269, related to control and allotment of space in public buildings in District of Columbia.

§1a. Repealed. June 30, 1949, ch. 288, title I, §103(b), 63 Stat. 380

Section, act July 9, 1943, ch. 210, 57 Stat. 390, related to compensation of former Commissioner of Public Buildings.

EFFECTIVE DATE OF REPEAL

Repeal effective July 1, 1949, pursuant to section 505 of act June 30, 1949.

§§2 to 5. Omitted

CODIFICATION

Section 2, act Feb. 26, 1925, ch. 339, §1, 43 Stat. 983, which established the Office of Public Buildings and Public Parks of the National Capital, was omitted in view of abolition of this office and transfer of its functions to the National Park Service by Ex. Ord. No. 6166, §2, June 10, 1933, set out under section 901 of Title 5, Government Organization and Employees.

Section 3, acts Feb. 26, 1925, ch. 339, §2, 43 Stat. 983; July 3, 1930, ch. 846, 46 Stat. 907; Ex. Ord. No. 6166, §2, eff. June 10, 1933; Mar. 2, 1934, ch. 38, 48 Stat. 389, which abolished the commission in charge of Department of State Building and transferred duties of commission and superintendent thereof to Director of National Park Service, was omitted in view of transfer of functions of National Park Service to Public Buildings Administration in Federal Works Agency by Reorg. Plan No. I of 1939, §§301, 303, eff. July 1, 1939, 4 F.R. 2729, 53 Stat. 1426, 1427, set out in the Appendix to Title 5, Government Organization and Employees, and the subsequent abolition of Federal Works Agency and transfer of its functions to Administrator of General Services Administration by act June 30, 1949, ch. 288, title I, §103, 63 Stat. 380, which enacted section 753 of this title.

Section 4, acts Feb. 26, 1925, ch. 339, §3, 43 Stat. 983; Ex. Ord. No. 6166, §2, eff. June 10, 1933; Mar. 2, 1934, ch. 38, §1, 48 Stat. 389, abolished the Office of Public Buildings and Grounds and transferred its functions and duties to Director of the National Park System. See note set out under section 3 of this title.

Section 5, act Feb. 26, 1925, ch. 339, §4, 43 Stat. 983, provided officers and employees for Office of Public Buildings and Public Parks of the National Capital. See note for section 2 of this title.

§5a. Repealed. Oct. 31, 1951, ch. 654, §1(73), 65 Stat. 704

Section, act July 19, 1932, ch. 510, 47 Stat. 705, related to employment of landscape architects, architects, engineers, artists, etc., in connection with public buildings in the National Capital. See section 758 of this title.

§6. Omitted

CODIFICATION

Section, act Feb. 26, 1925, ch. 339, §6, 43 Stat. 984, related to the Office of Public Buildings and Public Parks of the National Capital, which was abolished by Ex. Ord. No. 6166, §2, eff. June 10, 1933, set out as a note under section 901 of Title 5, Government Organization and Employees.

§7. Repealed. Oct. 31, 1951, ch. 654, §1(74), 65 Stat. 704

Section, act July 8, 1918, ch. 139, 40 Stat. 831, related to distribution of building employees among various

government office buildings. See section 754 of this title.

§ 7a. Omitted

CODIFICATION

Section, acts June 26, 1934, ch. 145, title I, 57 Stat. 176; June 27, 1944, ch. 286, title I, 58 Stat. 367; May 3, 1945, ch. 106, title I, 59 Stat. 112; Mar. 28, 1946, ch. 113, title I, 60 Stat. 65, which related to appointment of personnel by Commissioner of Public Buildings, was omitted in view of the abolition of the office of Commissioner of Public Buildings by act June 30, 1949, ch. 288, title I, § 103(b), 63 Stat. 380, effective July 1, 1949. See section 758 of this title.

§§ 8 to 13. Repealed. Oct. 31, 1951, ch. 654, § 1(75)–(80), 65 Stat. 704

Section 8, R.S. § 1798; acts Feb. 26, 1925, ch. 339, § 3, 43 Stat. 983; Ex. Ord. No. 6166, § 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. 1426, 1427, related to expenditures made for repairs and improvements of public buildings and grounds in the District of Columbia.

Section 9, acts Mar. 3, 1883, ch. 128, 22 Stat. 553; Feb. 26, 1925, ch. 339, § 2, 43 Stat. 983; July 3, 1930, ch. 846, 46 Stat. 907; Ex. Ord. No. 6166, § 2, eff. June 10, 1933; Mar. 2, 1934, ch. 38, 48 Stat. 389; 1939 Reorg. Plan No. I, §§ 301, 303, eff. July 1, 1939, 4 F.R. 2729, 53 Stat. 1426, 1427, directed the Federal Works Administrator to be in charge of care and maintenance of Department of State Building.

Section 10, acts May 22, 1908, ch. 186, 35 Stat. 218; Mar. 28, 1918, ch. 28, § 1, 40 Stat. 482; June 4, 1918, ch. 92, 40 Stat. 598; Feb. 26, 1925, ch. 339, § 2, 43 Stat. 983; Ex. Ord. No. 6166, § 2, eff. June 10, 1933; Mar. 2, 1934, ch. 38, 48 Stat. 389; 1939 Reorg. Plan No. I, §§ 301, 303, eff. July 1, 1939, 4 F.R. 2729, 53 Stat. 1426, 1427, authorized the Federal Works Administrator to act as superintendent of certain annex buildings.

Section 11, acts Mar. 28, 1918, ch. 28, 40 Stat. 483; June 4, 1918, ch. 92, 40 Stat. 598; Feb. 26, 1925, ch. 339, § 2, 43 Stat. 983; Ex. Ord. No. 6166, § 2, eff. June 10, 1933; Mar. 2, 1934, ch. 38, 48 Stat. 389; 1939 Reorg. Plan No. I, §§ 301, 303, eff. July 1, 1939, 4 F.R. 2729, 53 Stat. 1426, 1427, directed the Federal Works Administrator to be in charge of care and maintenance of certain temporary office buildings.

Section 12, acts May 24, 1922, ch. 199, 42 Stat. 554; Feb. 26, 1925, ch. 339, §§ 1–6, 43 Stat. 983, 984; Ex. Ord. No. 6166, § 2, eff. June 10, 1933; Mar. 2, 1934, ch. 38, 48 Stat. 389; 1939 Reorg. Plan No. I, §§ 301, 303, eff. July 1, 1939, 4 F.R. 2729, 53 Stat. 1426, 1427, transferred care and maintenance of Interior Department, Pension Office, Patent Office, and General Land Office to Federal Works Administrator.

Section 13, acts Feb. 13, 1923, ch. 72, 42 Stat. 1239; Feb. 26, 1925, ch. 339, §§ 1–6, 43 Stat. 983, 984; Ex. Ord. No. 6166, § 2, eff. June 10, 1933; Mar. 2, 1934, ch. 38, 48 Stat. 389; 1939 Reorg. Plan No. I, §§ 301, 303, eff. July 1, 1939, 4 F.R. 2729, 53 Stat. 1426, 1427, transferred care and maintenance of Department of Justice buildings to Federal Works Administrator.

§ 13a. United States Supreme Court Building

(a) Structural and mechanical care; care and maintenance of grounds; direction of operations, maintenance and repairs; contract authority

The Architect of the Capitol shall have charge of the structural and mechanical care of the United States Supreme Court Building, including the care and maintenance of the grounds, and the supplying of all mechanical furnishings and mechanical equipment for the building. The operation and maintenance of the mechanical equipment and repair of the building shall be performed under his direction and he is authorized to enter into all necessary contracts.

(b) Heating and air-conditioning refrigeration expenses; deposits in Treasury of advancements to credit of Capitol Power Plant; electrical energy purchases

In addition to the foregoing, any funds hereafter appropriated under authority of sections 13a to 13c of this title shall be available also for expenses of heating and air-conditioning refrigeration supplied by the Capitol Power Plant, advancements for which shall be made and deposited in the Treasury to the credit of appropriations hereafter provided for the Capitol Power Plant; and for the purchase of electrical energy.

(May 7, 1934, ch. 222, § 1, 48 Stat. 668; Pub. L. 95–431, title IV, Oct. 10, 1978, 92 Stat. 1036.)

CODIFICATION

Existing provisions were editorially designated subsec. (a) in view of amendment by Pub. L. 95–431 which added subsec. (b) without designating existing provisions as subsec. (a).

AMENDMENTS

1978—Subsec. (b). Pub. L. 95–431 added subsec. (b).

CARE OF BUILDING AND GROUNDS

Pub. L. 101–162, title IV, Nov. 21, 1989, 103 Stat. 1010, provided: "That for fiscal year 1990 and hereafter, funds appropriated under this heading [SUPREME COURT OF THE UNITED STATES and CARE OF THE BUILDING AND GROUNDS] shall be available for improvements, maintenance, repairs, equipment, supplies, materials, and appurtenances; special clothing for workmen; and personal and other services (including temporary labor without regard to the Classification and Retirement Acts, as amended); and for snow removal by hire of men and equipment or under contract, and for the replacement of electrical transformers containing polychlorinated biphenyls, both without compliance with section 3709 of the Revised Statutes, as amended (41 U.S.C. 5)."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 13b, 1204 of this title.

§ 13b. Structural, mechanical, and grounds employees; Supreme Court Building and grounds

Employees required for the performance of the provisions of section 13a(a) of this title shall be (a) appointed by the Architect of the Capitol with the approval of the Chief Justice of the United States; (b) compensated in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of title 5; and (c) be subject to the provisions of subchapter III of chapter 83 of title 5.

(May 7, 1934, ch. 222, § 2, 48 Stat. 668; Oct. 28, 1949, ch. 782, title XI, § 1106(a), 63 Stat. 972; Pub. L. 95–431, title IV, Oct. 10, 1978, 92 Stat. 1036.)

CODIFICATION

In clause (b), "chapter 51 and subchapter III of chapter 53 of title 5" substituted for "the Classification of 1949, as amended" 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.

In clause (c), ''subchapter III of chapter 83 of title 5'' substituted for ''the Act entitled 'An Act for the retirement of employees in the classified civil service, and for other purposes' approved May 22, 1920, as amended (U.S.C., title 5, ch. 14)'' to reflect the enactment of Title 5 by Pub. L. 89–554, Sept. 6, 1966, 80 Stat. 378.

AMENDMENTS

1978—Pub. L. 95–431 substituted ''section 13a(a) of this title'' for ''the foregoing'' which had been translated as ''the provisions of section 13a of this title''.

1949—Act Oct. 28, 1949, substituted ''Classification Act of 1949'' for ''Classification Act of 1923''.

REPEALS

Act Oct. 28, 1949, ch. 782, cited as a credit to this section, was repealed (subject to a savings clause) by Pub. L. 89–554, Sept. 6, 1966, § 8, 80 Stat. 632, 655.

§ 13c. Domestic care and custody; superintendent; Supreme Court Building

All other duties and work required for the operation, domestic care, and custody of the building shall be performed under the direction of the Marshal of the Supreme Court of the United States, who shall be superintendent of the United States Supreme Court Building.

(May 7, 1934, ch. 222, § 3, 48 Stat. 668; June 25, 1948, ch. 646, § 27, 62 Stat. 990.)

AMENDMENTS

1948—Act June 25, 1948, struck out provision relating to custodial employees. See section 672 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.

§ 13d. Repealed. June 25, 1948, ch. 646, § 39, 62 Stat. 992

Section, act May 7, 1934, ch. 222, § 4, 48 Stat. 668, related to disbursement of appropriations by Marshal. See section 672 of Title 28, Judiciary and Judicial Procedure.

EFFECTIVE DATE OF REPEAL

Repeal effective Sept. 1, 1948, see section 38 of act June 25, 1948.

§ 13e. Care and maintenance of Oliver Wendell Holmes Garden

After the completion and dedication of the Oliver Wendell Holmes Garden, it shall be maintained and cared for by the Architect of the Capitol in accordance with the provisions of law applicable with respect to the maintenance and care of the grounds of the United States Supreme Court Building.

(Oct. 22, 1940, ch. 908, § 6, 54 Stat. 1208.)

CROSS REFERENCES

Maintenance and care of Supreme Court Building, see sections 13a to 13c of this title and section 672 of Title 28, Judiciary and Judicial Procedure.

§ 13f. Supreme Court Building and grounds; policing; designation of members of the Supreme Court Police

The Marshal of the Supreme Court of the United States, under the general supervision and direction of the Chief Justice of the United States, may designate employees of the Supreme Court as members of the Supreme Court Police, without additional compensation.

(Aug. 18, 1949, ch. 479, § 1, 63 Stat. 616; Pub. L. 97–390, § 1(a), Dec. 29, 1982, 96 Stat. 1957.)

AMENDMENTS

1982—Pub. L. 97–390 substituted ''members of the Supreme Court Police'' for ''special policemen'' and struck out provisions relating to duties of such special policemen.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 13n, 13p of this title.

§ 13g. Restriction of public travel; Supreme Court grounds

Public travel in and occupancy of the Supreme Court grounds is restricted to the sidewalks and other paved surfaces.

(Aug. 18, 1949, ch. 479, § 2, 63 Stat. 616.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 13*l*, 13m, 13n, 13*o*, 13p of this title.

§ 13h. Sale of articles; signs; solicitation; Supreme Court Building and grounds

It shall be unlawful to offer or expose any article for sale in the Supreme Court Building or grounds; to display any sign, placard, or other form of advertisement therein; or to solicit fares, alms, subscriptions, or contributions therein.

(Aug. 18, 1949, ch. 479, § 3, 63 Stat. 616.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 13*l*, 13m, 13n, 13*o*, 13p of this title.

§ 13i. Injuries to property; Supreme Court Building and grounds

It shall be unlawful to step or climb upon, remove, or in any way injure any statue, seat, wall, fountain,[1] or other erection or architectural feature, or any tree, shrub, plant, or turf in the Supreme Court Building or grounds.

(Aug. 18, 1949, ch. 479, § 4, 63 Stat. 617.)

CODIFICATION

The word ''fountain'', appearing in text, conforms to the original text as signed into law by the President. Typographical error was made in printing the law in the Statutes-at-Large (63 Stat. 617) wherein the word appears as ''foundation''.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 13*l*, 13m, 13n, 13*o*, 13p of this title.

§ 13j. Firearms or fireworks; speeches; objectionable language; Supreme Court Building and grounds

It shall be unlawful to discharge any firearm, firework or explosive, set fire to any combustible, make any harangue or oration, or utter loud, threatening, or abusive language in the Supreme Court Building or grounds.

[1] See Codification note below.

(Aug. 18, 1949, ch. 479, § 5, 63 Stat. 617.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 13*l*, 13m, 13n, 13*o*, 13p of this title.

§ 13k. Parades or assemblages; display of flags; Supreme Court Building and grounds

It shall be unlawful to parade, stand, or move in processions or assemblages in the Supreme Court Building or grounds, or to display therein any flag, banner, or device designed or adapted to bring into public notice any party, organization, or movement.

(Aug. 18, 1949, ch. 479, § 6, 63 Stat. 617.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 13*l*, 13m, 13n, 13*o*, 13p of this title.

§ 13*l*. Rules and regulations; posting in public place; availability to public

(a) In addition to the restrictions and requirements specified in sections 13g to 13k of this title, the Marshal of the Supreme Court may prescribe such regulations, approved by the Chief Justice of the United States, as may be deemed necessary for the adequate protection of the Supreme Court Building and grounds and of persons and property therein, and for the maintenance of suitable order and decorum within the Supreme Court Building and grounds.

(b) All regulations prescribed under this section shall be posted in a public place at the Supreme Court Building and shall be made reasonably available to the public in writing.

(Aug. 18, 1949, ch. 479, § 7, 63 Stat. 617; Pub. L. 97–390, § 1(b), Dec. 29, 1982, 96 Stat. 1957.)

AMENDMENTS

1982—Subsec. (b). Pub. L. 97–390 substituted ''prescribed under this section shall be posted in a public place at the Supreme Court Building and shall be made reasonable available to the public in writing'' for ''promulgated under the authority of this section shall be printed in one or more of the daily newspapers published in the District of Columbia, and shall not become effective until the expiration of ten days after the date of such publication''.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 13m, 13n, 13p of this title.

§ 13m. Penalties; Supreme Court Building and grounds

Whoever violates any provision of sections 13g to 13k of this title, or of any regulation prescribed under section 13*l* of this title, shall be fined not more than $100 or imprisoned not more than sixty days, or both, prosecution for such offenses to be had in the Superior Court of the District of Columbia, upon information by the United States Attorney or any of his assistants: *Provided*, That in any case where, in the commission of any such offense, public property is damaged in an amount exceeding $100, the period of imprisonment for the offense may be not more than five years.

(Aug. 18, 1949, ch. 479, § 8, 63 Stat. 617; Pub. L. 87–873, § 1, Oct. 23, 1962, 76 Stat. 1171; Pub. L. 88–60, § 1, July 8, 1963, 77 Stat. 77; Pub. L. 91–358, title I, § 111, July 29, 1970, 84 Stat. 475.)

CHANGE OF NAME

''District of Columbia Court of General Sessions'' changed to ''Superior Court of the District of Columbia'' pursuant to Pub. L. 91–358, which provided that such change is effective first day of seventh calendar month which begins after July 29, 1970.

Municipal Court for the District of Columbia redesignated District of Columbia Court of General Sessions by Pub. L. 87–873, § 1, Oct. 23, 1962, 76 Stat. 1171, and Pub. L. 88–60, § 1, July 8, 1963, 77 Stat. 77.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 13n, 13p of this title.

§ 13n. Policing authority

(a) Authority of Marshal of the Supreme Court and Supreme Court Police

The Marshal of the Supreme Court and the Supreme Court Police shall have authority, in accordance with regulations prescribed by the Marshal and approved by the Chief Justice of the United States—

(1) to police the Supreme Court Building and grounds, and adjacent streets for the purpose of protecting persons and property;

(2) in any part of the United States, to protect—

(A) the person of the Chief Justice of the United States, any Associate Justice of the Supreme Court, and any official guest of the Supreme Court; and

(B) the person of any officer or employee of the Supreme Court while such officer or employee is engaged in the performance of official duties;

(3) in the performance of duties necessary for carrying out paragraph (1) of this subsection, to make arrests for any violation of a law of the United States or any State and any regulation under such law;

(4) in the performance of duties necessary for carrying out paragraph (2) of this subsection, to make arrests for any violation of a law of the United States and any regulation under such law; and

(5) to carry firearms as may be required for the performance of duties under sections 13f to 13p of this title.

(b) Authority of Metropolitan police force of the District of Columbia

The Metropolitan police force of the District of Columbia are[1] authorized to make arrests within the Supreme Court Building and grounds for any violations of any such laws or regulations, but such authority shall not be construed as authorizing the Metropolitan Police force, except with the consent or upon the request of the Marshal of the Supreme Court or his assistants, to enter the Supreme Court Building to make arrests in response to complaints or to serve warrants or to patrol the Supreme Court Building or grounds.

[1] So in original. Probably should be ''is''.

(c) Termination of authority; reporting requirements; duties with respect to an official guest of Supreme Court

The authority created under subsection (a)(2) of this section shall expire on December 29, 2000. The Marshal of the Supreme Court shall report annually to the Congress on March 1 regarding the administrative cost of carrying out his duties under such subsection. Duties under subsection (a)(2)(A) of this section with respect to an official guest of the Supreme Court in any part of the United States (other than the District of Columbia, Maryland, and Virginia) shall be authorized in writing by the Chief Justice of the United States or an Associate Justice of the Supreme Court, if such duties require the carrying of firearms under subsection (a)(5) of this section.

(d) Definitions

As used in sections 13f to 13p of this title, the term—

(1) ''official guest of the Supreme Court'' means an individual who is a guest of the Supreme Court, as determined by the Chief Justice of the United States or any Associate Justice of the Supreme Court;

(2) ''State'' means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States; and

(3) ''United States'', when used in a geographical sense, means the several States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.

(Aug. 18, 1949, ch. 479, § 9, 63 Stat. 617; Pub. L. 93–198, title VII, § 739(g)(8), Dec. 24, 1973, 87 Stat. 829; Pub. L. 97–390, § 1(c), Dec. 29, 1982, 96 Stat. 1957; Pub. L. 99–218, Dec. 26, 1985, 99 Stat. 1729; Pub. L. 99–492, § 1, Oct. 16, 1986, 100 Stat. 1240; Pub. L. 101–462, Oct. 25, 1990, 104 Stat. 1079; Pub. L. 103–193, Dec. 14, 1993, 107 Stat. 2293; Pub. L. 104–280, § 1, Oct. 9, 1996, 110 Stat. 3359.)

AMENDMENTS

1996—Subsec. (c). Pub. L. 104–280 substituted ''2000'' for ''1996''.

1993—Subsec. (c). Pub. L. 103–193 substituted ''1996'' for ''1993''.

1990—Subsec. (c). Pub. L. 101–462 substituted ''1993'' for ''1990''.

1986—Subsec. (c). Pub. L. 99–492 substituted ''on December 29, 1990'' for ''one year after the date of the enactment of this subsection''.

1985—Subsec. (c). Pub. L. 99–218, in amending subsec. (c) generally, substituted ''one year after December 26, 1985'' for ''three years after December 29, 1982'', and struck out ''During the three-year effective period of subsection (a)(2) of this section'' before ''The Marshal of the Supreme Court shall report''.

1982—Subsec. (a). Pub. L. 97–390, § 1(c)(1), substituted provisions of subsec. (a) for provisions formerly preceding proviso which read as follows: ''The special police provided for in section 13f of this title shall have the power, within the Supreme Court Building and grounds and adjacent streets, to enforce and make arrests for violations of any provision of sections 13g to 13k of this title, or any regulation prescribed under section 13*l* of this title or of any law of the United States, any law of the District of Columbia, or of any State, or any regulation promulgated pursuant thereto''.

Subsec. (b). Pub. L. 97–390, § 1(c)(1), designated as subsec. (b) the provisions formerly set out in the form of a proviso dealing with the authority of the Metropolitan police force of the District of Columbia.

Subsecs. (c), (d). Pub. L. 97–390, § 1(c)(2), added subsecs. (c) and (d).

1973—Pub. L. 93–198 substituted '', any law of the District of Columbia, or of any State,'' for ''or of any State''.

EFFECTIVE DATE OF 1973 AMENDMENT

Section 771 of Pub. L. 93–198 provided that the amendment made by Pub. L. 93–198 is effective Jan. 2, 1975, if a majority of the registered qualified electors in the District of Columbia voting on the charter issue in the charter referendum accepted the charter set out in title IV of Pub. L. 93–198, Dec. 24, 1973, 87 Stat. 785. The charter was approved by the voters on May 7, 1974.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 13p of this title.

§ 13*o*. Suspension of prohibitions against use of Supreme Court grounds

In order to permit the observance of authorized ceremonies within the Supreme Court Building and grounds, the Marshal of the Supreme Court of the United States may suspend for such occasions so much of the prohibitions contained in sections 13g to 13k of this title, as may be necessary for the occasion, but only if responsible officers shall have been appointed, and arrangements determined which are adequate, in the judgment of the Marshal, for the maintenance of suitable order and decorum in the proceedings, and for the protection of the Supreme Court Building and grounds and of persons and property therein.

(Aug. 18, 1949, ch. 479, § 10, 63 Stat. 617.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 13n, 13p of this title.

§ 13p. Area of Supreme Court grounds

For the purposes of sections 13f to 13p of this title the Supreme Court grounds shall be held to extend to the line of the face of the east curb of First Street Northeast, between Maryland Avenue Northeast and East Capitol Street; to the line of the face of the south curb of Maryland Avenue Northeast, between First Street Northeast and Second Street Northeast; to the line of the face of the west curb of Second Street Northeast, between Maryland Avenue Northeast and East Capitol Street; and to the line of the face of the north curb of East Capitol Street between First Street Northeast and Second Street Northeast. In addition to the property referred to in the preceding sentence, for the purposes of sections 13f to 13p of this title, the Supreme Court grounds are comprised of any property under the custody and control of the Supreme Court as part of the Supreme Court grounds, including property acquired as provided by law on behalf of the United States in lots 2, 3, 800, 801, and 802 in square 758 in the District of Columbia as an addition to the grounds of the United States Supreme Court Building.

(Aug. 18, 1949, ch. 479, § 11, 63 Stat. 617; Pub. L. 97–390, § 1(d), Dec. 29, 1982, 96 Stat. 1958.)

AMENDMENTS

1982—Pub. L. 97–390 inserted provision that in addition to the property already referred to, for the pur-

poses of sections 13f to 13p of this title, the Supreme Court grounds are comprised of any property under the custody and control of the Supreme Court as part of the Supreme Court grounds, including property acquired as provided by law on behalf of the United States in lots 2, 3, 800, 801, and 802 in square 758 in the District of Columbia as an addition to the grounds of the United States Supreme Court Building.

UNITED STATES SUPREME COURT BUILDING; ACQUISITION OF CERTAIN REAL PROPERTY

Pub. L. 96–532, Dec. 15, 1980, 94 Stat. 3130, as amended by Pub. L. 97–390, § 3, Dec. 29, 1982, 96 Stat. 1958, provided: "That the Architect of the Capitol is authorized to acquire on behalf of the United States by purchase, condemnation, transfer, or otherwise, as an addition to the grounds of the United States Supreme Court Building, all privately owned real property contained in lots 2, 3, 800, 801, and 802 in square 758 in the District of Columbia, as such lots appear on the records in the office of the Surveyor of the District of Columbia as of the date of the enactment of this Act [Dec. 15, 1980].

"SEC. 2. The acquisition of real property under this Act shall be conducted in accordance with the Act entitled 'Uniform Relocation Assistance and Land Acquisition Policies Act of 1970', Public Law 91–646, approved January 2, 1971 [42 U.S.C. 4601 et seq.], and any proceeding for condemnation brought in its course shall be conducted in accordance with the Act entitled 'An Act to provide for the acquisition of land in the District of Columbia for the use of the United States', approved March 1, 1929 (16 D.C. Code, secs. 1351–1368).

"SEC. 3. Upon acquisition of such real property by the Architect of the Capitol, on behalf of the United States, such property shall become a part of the grounds of the United States Supreme Court Building and shall be subject to all of the provisions of the Act entitled 'An Act to provide for the custody and maintenance of the United States Supreme Court Building and the equipment and grounds thereof', approved May 7, 1934 (40 U.S.C. 13a–13c), and section 6 of the joint resolution entitled 'Joint resolution to provide for the use and disposition of the bequest of the late Justice Oliver Wendell Holmes to the United States, and for other purposes', approved October 22, 1940 (40 U.S.C. 13e).

"SEC. 4. The Architect of the Capitol is authorized to enter into contracts and to make expenditures for grading and paving and such other expenditures, including expenditures for personal and other services, as may be necessary to carry out the purposes of this Act.

"SEC. 5. There is hereby authorized to be appropriated the sum of $645,000 for fiscal year 1981 for the purpose of carrying out the provisions of this Act, said appropriation to remain available until expended."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 13n, 136 of this title.

§ 14. Repealed. Oct. 31, 1951, ch. 654, § 1(80), 65 Stat. 704

Section, act Feb. 13, 1923, ch. 72, 42 Stat. 1239, related to care, maintenance, etc., of Department of Commerce buildings.

§ 14a. Repealed. Pub. L. 92–317, § 3(f), June 22, 1972, 86 Stat. 235

Section, act Apr. 29, 1926, ch. 195, title III, 44 Stat. 356, related to care, maintenance etc., of Bureau of Standards building. See section 278e of Title 15, Commerce and Trade.

§§ 15 to 18. Repealed. Oct. 31, 1951, ch. 654, § 1(80), (81), 65 Stat. 704

Section 15, acts Feb. 13, 1923, ch. 72, 42 Stat. 1239; Feb. 26, 1925, ch. 339, §§ 1–6, 43 Stat. 983, 984; Ex. Ord. No. 6166, § 2, eff. June 10, 1933; Mar. 2, 1934, ch. 38, 48 Stat. 389; 1939 Reorg. Plan No. I, §§ 301, 303, eff. July 1, 1939, 4 F.R. 2729, 53 Stat. 1426, 1427, transferred care, maintenance, and protection of Labor Department Buildings to the Federal Works Administrator.

Section 16, acts Apr. 4, 1924, ch. 84, title I, 43 Stat. 66; Feb. 26, 1925, ch. 339, §§ 1–6, 43 Stat. 983, 984; Ex. Ord. No. 6166, § 2, eff. June 10, 1933; Mar. 2, 1934, ch. 38, 48 Stat. 389; 1939 Reorg. Plan No. I, §§ 301, 303, eff. July 1, 1939, 4 F.R. 2729, 53 Stat. 1426, 1427, transferred care, maintenance, and protection of Treasury Department Annex building to the Federal Works Administrator.

Section 17, acts Feb. 13, 1923, ch. 72, 42 Stat. 1240; Feb. 26, 1925, ch. 339, §§ 1–6, 43 Stat. 983, 984; Ex. Ord. No. 6166, § 2, eff. June 10, 1933; Mar. 2, 1934, ch. 38, 48 Stat. 389; 1939 Reorg. Plan No. I, §§ 301, 303, eff. July 1, 1939, 4 F.R. 2729, 53 Stat. 1426, 1427, transferred care, maintenance, and protection of Civil Service Commission buildings to the Federal Works Administrator.

Section 18, acts Feb. 13, 1923, ch. 72, 42 Stat. 1240; Feb. 26, 1925, ch. 339, §§ 1–6, 43 Stat. 983, 984; Ex. Ord. No. 6166, § 2, eff. June 10, 1933; Mar. 2, 1934, ch. 38, 48 Stat. 389; 1939 Reorg. Plan No. I, §§ 301, 303, eff. July 1, 1939, 4 F.R. 2729, 53 Stat. 1426, 1427, transferred care, maintenance, and protection of Interstate Commerce Commission buildings to the Federal Works Administrator.

§ 18a. Repealed. May 27, 1930, ch. 341, 46 Stat. 394

Section, act Mar. 4, 1929, ch. 707, § 1, 45 Stat. 1625, related to care, maintenance, etc., of Mount Weather, Virginia.

§ 19. Supervision of public buildings and grounds in District of Columbia not otherwise provided for by law; eviction of trespassers

The Administrator of General Services shall have charge of the public buildings and grounds in the District of Columbia, under such regulations as may be prescribed by the President, except those buildings and grounds which are otherwise provided for by law; and when it shall be made to appear to the said Administrator of General Services, or to the officer under his direction having immediate charge of said public buildings and grounds, that any person or persons is in unlawful occupation of any portion of said public lands in the District of Columbia, it shall be the duty of said officer in charge thereof to notify the marshal of the District of Columbia in writing of such unlawful occupation, and the said marshal shall thereupon cause the said trespasser or trespassers to be ejected from said lands, and shall restore possession of the same to the officer charged by law with the custody thereof.

(R.S. 1797; Apr. 28, 1902, ch. 594, 32 Stat. 152; Feb. 26, 1925, ch. 339, § 3, 43 Stat. 983; Ex. Ord. No. 6166, § 2, eff. June 10, 1933; Mar. 2, 1934, ch. 38, 48 Stat. 389; 1939 Reorg. Plan No. I, § 303, eff. July 1, 1939, 4 F.R. 2729, 53 Stat. 1427; June 30, 1949, ch. 288, title I, § 103(a), 63 Stat. 380; 1950 Reorg. Plan No. 18, § 2, eff. July 1, 1950, 15 F.R. 3177, 64 Stat. 1270.)

CODIFICATION

R.S. § 1797 derived from acts Aug. 4, 1854, ch. 242, § 15, 10 Stat. 573; Mar. 2, 1867, ch. 167, § 2, 14 Stat. 466; Feb. 14, 1874, ch. 22, 18 Stat. 14.

R.S. § 1797, as amended by act Apr. 28, 1902, gave the charge of public buildings and grounds in the District of Columbia to the Chief of Engineers. The former contained only the provision that the Chief of Engineers should have charge of public buildings and grounds and ended with the words, "otherwise provided for by law." The amendatory act of 1902 added the provisions beginning with the words, "and when it shall be made to appear," etc., to the end of the section.

TRANSFER OF FUNCTIONS

Functions with respect to the operation, maintenance, and custody of office buildings owned by Government and of office or parts thereof acquired by lease, including those post-office buildings which, as determined by Director of Bureau of the Budget, are not used predominantly for post-office purposes, with certain exceptions, transferred from respective agencies in which theretofore vested to Administrator of General Services by section 2 of Reorg. Plan No. 18 of 1950, set out as a note under section 490 of this title. For delegation of those transferred functions to other personnel of General Services Administration, or to heads and personnel of other agencies, and for transfer of personnel, property, records, and funds, see sections 3 and 4 of that Plan.

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 that act.

Functions of Director of National Park Service relating to public buildings transferred to Federal Works Administrator by section 303(b) of Reorg. Plan No. I of 1939, set out in the Appendix to Title 5, Government Organization and Employees. Sections 301 and 303 of that Plan also transferred Public Buildings Branch of Procurement Division in Treasury Department, to Public Buildings Administration, at head of which was Commissioner of Public Buildings who acted under direction and supervision of Federal Works Administrator.

Office of Public Buildings and Public Parks of National Capital abolished and functions thereof transferred to Office of National Parks, Buildings and Reservations of Department of the Interior by Ex. Ord. No. 6166, set out as a note under section 901 of Title 5. Name of Office of National Parks, Buildings and Reservations changed to ''National Park Service'' by act Mar. 2, 1934.

Office of Public Buildings and Grounds under Chief of Engineers abolished and functions of Chief of Engineers and of Secretary of War with respect thereto transferred to Director of Public Buildings and Public Parks of National Capital by act Feb. 26, 1925.

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 TITLE OF WHOLLY OWNED GOVERNMENT CORPORATIONS' BUILDINGS; CONTROL AND ALLOTMENT OF SPACE

Act July 30, 1947, ch. 358, title III, § 306, 61 Stat. 584, provided in part: ''Title to all office buildings at the seat of government, which are owned by wholly owned Government corporations, and all right, title, or interest of such corporations in the land upon which such buildings are located are hereby transferred to the United States, and the Secretary of the Treasury is authorized and directed to discharge the indebtedness to the Treasury of any corporation holding such rights, title, or interests in any such land or building to the value thereof as determined by the Secretary of the Treasury as of the date of transfer: Provided, That in case of disagreement on the part of the head of the Corporation with respect to said value as determined, the Administrator of the Federal Works Agency shall make a final determination of the property value. Hereafter, such buildings shall be controlled and managed in the same manner as prescribed in the Act of March 1, 1919, as amended (former section 1 of this title).''

CROSS REFERENCES

Draping of public buildings in mourning, see section 286 of this title.

Improper use of streets, see section 66 of this title.

Lease of building space by wholly owned Government corporations, and rental, see section 129 of this title.

Operation of buildings and related activities by Administrator of General Services, general powers and duties, see section 490 of this title.

Use of buildings for public ceremonies, see section 31 of this title.

Vending stands for blind in Federal buildings, see section 107 et seq. of Title 20, Education.

§§ 20, 21. Repealed. Oct. 31, 1951, ch. 654, § 1(79), (82), 65 Stat. 704

Section 20, R.S. § 1812, related to an annual report of operations in connection with public buildings and grounds. See section 492 of this title.

Section 21, act May 24, 1922, ch. 199, 42 Stat. 554, related to manufacture and sale of ice, electricity, and steam to executive departments and independent agencies.

§ 22. Omitted

CODIFICATION

Section, acts June 23, 1913, ch. 3, 38 Stat. 25; June 12, 1917, ch. 27, 40 Stat. 112; July 3, 1930, ch. 846, 46 Stat. 907, authorized construction of a central heating, lighting, and power plant to furnish heat, light, and power for certain buildings in Washington, D.C.

Act June 12, 1917, ch. 27, 40 Stat. 112, authorized Secretary of the Treasury, in his discretion, to include among the buildings supplied by the central heating, lighting, and power plant, the Pan American Building, the building occupied by the Civil Service Commission, and the municipal fish market.

Act Mar. 4, 1931, ch. 522, 46 Stat. 1604, provided an appropriation for a central heating plant for buildings in the Triangle, the Treasury group, Museum group, Department of Agriculture group, Bureau of Engraving and Printing group, and the Washington Monument, in lieu of the requirement under act June 23, 1913, supra, as amended.

Act Mar. 3, 1933, ch. 212, 47 Stat. 1502, purported to amend act Mar. 4, 1931, supra, ''so as to include the Pan American Union Buildings, old and new, and the American Red Cross Building: *Provided*, That the Pan American Union and the American Red Cross agree (a) to reimburse the United States for the cost of connecting such buildings with the Government mains, and (b) to pay for heat furnished at such rates, not less than cost, as may be determined by the Secretary of the Treasury.''

§ 22a. Heat for Corcoran Gallery of Art

The Administrator of General Services is authorized to furnish heat from the Central Heating Plant to the Corcoran Gallery of Art: *Provided*, That the proper authority of such institution agrees (a) to pay for heat furnished at such rates, not less than cost, as may be determined by the Administrator of General Services, and (b) to connect such building with the Government mains in a manner satisfactory to the Administrator of General Services.

(June 19, 1934, ch. 648, title I, 48 Stat. 1044; 1939 Reorg. Plan No. I, §§ 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; 1950 Reorg. Plan No. 18, § 2, eff. July 1, 1950, 15 F.R. 3177, 64 Stat. 1270.)

TRANSFER OF FUNCTIONS

For transfer of functions to General Services Administrator, see note set out under section 19 of this title.

This section originally authorized Treasury Department to furnish heat from Central Heating Plant under act June 19, 1934. Public Buildings Branch of Procurement Division in Treasury Department and its functions and personnel transferred to Public Buildings Ad-

ministration of Federal Works Agency by Reorg. Plan No. I of 1939, set out in the Appendix to Title 5, Government Organization and Employees.

CROSS REFERENCES

Operations of buildings and related activities by Administrator of General Services, general powers and duties, see section 490 of this title.

§ 22b. Heat for Board of Governors of the Federal Reserve System

The Administrator of General Services is authorized to furnish steam from the central heating plant for the use of the Board of Governors of the Federal Reserve System on the property which has been acquired by it in squares east of 87 and east of 88 in the District of Columbia: *Provided*, That the Board of Governors of the Federal Reserve System agrees to pay for the steam furnished at reasonable rates, not less than cost, as may be determined by the Administrator of General Services: *Provided further*, That the Board of Governors of the Federal Reserve System agrees to provide the necessary connections with the Government mains at its own expense and in a manner satisfactory to the Administrator of General Services.

(June 27, 1935, ch. 320, § 1, 49 Stat. 425; Aug. 23, 1935, ch. 614, § 203(a), 49 Stat. 704; 1939 Reorg. Plan No. I, §§ 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; 1950 Reorg. Plan No. 18, § 2, eff. July 1, 1950, 15 F.R. 3177, 64 Stat. 1270.)

CHANGE OF NAME

Section 203(a) of act Aug. 23, 1935, changed name of Federal Reserve Board to Board of Governors of the Federal Reserve System.

TRANSFER OF FUNCTIONS

For transfer of functions to General Services Administrator, see note set out under section 19 of this title.

This section originally authorized Secretary of the Interior through National Park Service to furnish heat from Central Heating Plant under act June 27, 1935. Branch of Buildings Management of National Park Service and its functions and personnel transferred to Public Buildings Administration of Federal Works Agency by Reorg. Plan. No. I of 1939, set out in the Appendix to Title 5, Government Organization and Employees.

REPEAL OF INCONSISTENT ACTS

Section 3 of act June 27, 1935 provided that: ''All Acts and parts of Acts which may be inconsistent or in conflict with this Act [enacting this section and section 22c of this title] are hereby repealed to the extent of such inconsistency or conflict.''

CROSS REFERENCES

Operations of buildings and related activities by Administrator of General Services, general powers and duties, see section 490 of this title.

§ 22c. Rates for heat for non-Federal public buildings

On and after June 27, 1935 the rates to be paid for steam furnished to the Corcoran Gallery of Art, the buildings, old and new, of the Pan American Union, the American Red Cross Buildings, and such other non-Federal public buildings as are or hereafter may be authorized to receive steam from the central heating plant shall be determined by the Administrator of General Services.

(June 27, 1935, ch. 320, § 2, 49 Stat. 425; 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; 1950 Reorg. Plan No. 18, § 2, eff. July 1, 1950, 15 F.R. 3177, 64 Stat. 1270.)

TRANSFER OF FUNCTIONS

For transfer of functions to General Services Administrator, see note set out under section 19 of this title.

This section originally provided that Secretary of the Interior should determine rates to be paid for steam. Functions of Secretary of the Interior relating to administration of functions of Branch of Buildings Management transferred to Federal Works Administrator by Reorg. Plan No. I of 1939, set out in the Appendix to Title 5, Government Organization and Employees.

CROSS REFERENCES

Operations of buildings and related activities by Administrator of General Services, general powers and duties, see section 490 of this title.

§§ 23, 24. Repealed. Pub. L. 86–249, § 17(1), (2), Sept. 9, 1959, 73 Stat. 484

Section 23, act Sept. 1, 1916, ch. 433, § 6, 39 Stat. 716, prescribed maximum rates payable to Washington Gas Light Company or Georgetown Gas Light Company for gas used in any public buildings of the United States or the District of Columbia.

Section 24, act Mar. 4, 1911, ch. 285, 36 Stat. 1404, related to sum payable for lighting gas and electric lamps in public grounds.

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.

§§ 25 to 27. Omitted

CODIFICATION

Section 25, act Mar. 15, 1934, ch. 70, title I, 48 Stat. 442, related to amount to be paid as rentals for gas governors in certain public buildings, and was not repeated in subsequent appropriations acts.

Section 26, act Apr. 17, 1936, ch. 233, 49 Stat. 1224, related to inspection of gas and electric meters, and was not repeated in subsequent appropriations acts.

Section 27, acts July 31, 1876, ch. 246, 19 Stat. 115; Mar. 3, 1877, ch. 105, 19 Stat. 359; June 10, 1921, ch. 18, §§ 301, 304, 42 Stat. 23, 24, related to reports of gas consumption.

§ 27a. Repealed. Oct. 31, 1951, ch. 654, § 1(83), 65 Stat. 704

Section, act Aug. 9, 1937, ch. 570, 50 Stat. 608, related to monthly reports of consumption of gas and electricity to General Accounting Office.

§§ 28 to 30a. Omitted

CODIFICATION

Section 28, acts Feb. 4, 1874, ch. 22, 18 Stat. 14; June 20, 1874, ch. 328, 18 Stat. 88; Feb. 26, 1925, ch. 339, § 3, 43 Stat. 983; Ex. Or. No. 6166, § 2, eff. June 10, 1933; Mar. 2, 1934, ch. 38, 48 Stat. 389, related to telegraph lines connecting the Capitol with various departments in Washington.

Section 29, act Mar. 7, 1874, ch. 50, 18 Stat. 20, restricted use of telegraph lines to certain authorized persons.

Section 30, acts Mar. 3, 1879, ch. 182, 20 Stat. 388; Feb. 26, 1925, ch. 339, § 3, 43 Stat. 983; Ex. Or. No. 6166, § 2, eff.

June 10, 1933; Mar. 2, 1934, ch. 38, 48 Stat. 389, related to sale of condemned materials or lines.

Section 30a, acts Dec. 20, 1928, ch. 39, title I, 45 Stat. 1048; Mar. 15, 1930, ch. 289, title I, 46 Stat. 358; Feb. 23, 1931, ch. 277, title I, 46 Stat. 1235; July 5, 1932, ch. 430, title I, 47 Stat. 596; Mar. 3, 1933, ch. 212, title I, 47 Stat. 1506; Mar. 15, 1934, ch. 70, title I, 48 Stat. 442, authorized Secretary of the Treasury to contract for telephone service in public buildings under the control of Treasury Department.

§ 31. Use of public buildings for public ceremonies

No public building, or the approaches thereto, other than the Capitol Building and the White House, in the District of Columbia, shall be used or occupied in any manner whatever in connection with ceremonies attending the inauguration of President of the United States or other public function, except as may be expressly authorized by law.

(Apr. 28, 1902, ch. 594, 32 Stat. 152.)

§§ 32, 33. Repealed. Pub. L. 86–249, § 17(3), (4), Sept. 9, 1959, 73 Stat. 484

Section 32, act July 15, 1870, ch. 293, 16 Stat. 311, related to alterations or work on Treasury Building. See section 601 et seq. of this title.

Section 33, act Mar. 4, 1907, ch. 2918, § 9, 34 Stat. 1371; 1939 Reorg. Plan No. I, §§ 301, 303, eff. July 1, 1939, 4 F.R. 2729, 53 Stat. 1426, 1427; act June 30, 1949, ch. 288, title I, § 103, 63 Stat. 380; 1950 Reorg. Plan No. 18, § 2, eff. July 1, 1950, 15 F.R. 3177, 64 Stat. 1270, restricted expenditures for production of electricity.

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.

§ 33a. Omitted

CODIFICATION

Section, Pub. L. 87–125, title V, § 507, Aug. 3, 1961, 75 Stat. 283, which prohibited use of funds available to wholly owned Government corporations for purchase or construction of office buildings without specific authority in law, was from the General Government Matters, Department of Commerce, and Related Agencies Appropriation Act, 1962, and was not repeated in subsequent appropriation acts.

Similar provisions were contained in the following prior appropriations acts:

July 12, 1960, Pub. L. 86–642, title II, § 207, 74 Stat. 478.
July 8, 1959, Pub. L. 86–79, title II, § 207, 73 Stat. 166.
June 25, 1958, Pub. L. 85–468, title II, § 207, 72 Stat. 225.
June 5, 1957, Pub. L. 85–48, title II, § 207, 71 Stat. 54.
June 13, 1956, ch. 385, title II, § 207, 70 Stat. 281.
June 29, 1955, ch. 226, title II, § 207, 69 Stat. 196.
Aug. 26, 1954, ch. 935, ch. XIII, § 1307, 68 Stat. 829.
Aug. 7, 1953, ch. 340, ch. XIII, § 1307, 67 Stat. 436.
July 15, 1952, ch. 758, ch. XIV, § 1407, 66 Stat. 660.
Nov. 1, 1951, ch. 664, ch. XIII, § 1307, 65 Stat. 756.
Sept. 6, 1950, ch. 869, title XII, § 1207, 64 Stat. 764.
Aug. 24, 1949, ch. 506, title III, § 307, 63 Stat. 662.
June 30, 1948, ch. 773, title III, § 302, 62 Stat. 1194.
July 30, 1947, ch. 358, title III, § 302, 61 Stat. 583.
July 20, 1946, ch. 589, title III, § 302, 60 Stat. 595.

§ 34. Rent of buildings in District of Columbia; contracts not to be made until appropriation

No contract shall be made for the rent of any building, or part of any building, to be used for the purposes of the Government in the District of Columbia, until an appropriation therefor shall have been made in terms by Congress, and this clause shall be regarded as notice to all contractors or lessors of any such building or any part of building.

(Mar. 3, 1877, ch. 106, 19 Stat. 370.)

CROSS REFERENCES

Operation of buildings and related activities by Administrator of General Services, general powers and duties, see section 490 of this title.

Section inapplicable to lease-purchase contracts, see section 356 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 356 of this title; title 8 section 1363a; title 15 section 2076; title 19 section 2081; title 26 section 7608; title 42 sections 242b, 282, 285a–2, 285b–3, 299c–4, 300cc–41, 1532, 2473.

§ 35. Rent of other buildings

Where buildings are rented for public use in the District of Columbia, the executive departments are authorized, whenever it shall be advantageous to the public interest, to rent others in their stead: *Provided*, That, except as otherwise provided, no increase in the number of buildings in use, nor in the amounts paid for rents, shall result therefrom.

(Aug. 5, 1882, ch. 389, 22 Stat. 241.)

CODIFICATION

Act Aug. 5, 1882, did not contain ''except as otherwise provided,''. The word ''now'' after ''buildings'' in the proviso was eliminated.

Section is based on Legislative, Executive, and Judicial Appropriation Act of Aug. 5, 1882, fiscal year 1883.

CROSS REFERENCES

Operation of buildings and related activities by Administrator of General Services, general powers and duties, see section 490 of this title.

§ 36. Repealed. Pub. L. 85–493, § 2, July 2, 1958, 72 Stat. 294

Section, acts Mar. 2, 1913, ch. 93, 37 Stat. 718; June 14, 1946, ch. 404, § 6, 60 Stat. 258; June 30, 1949, ch. 288, title I, § 103(a), 63 Stat. 380, authorized the Commissioner of Public Buildings to enter into leases for periods not exceeding five years. See section 490 of this title.

§ 37. Repealed. Pub. L. 85–861, § 36A, Sept. 2, 1958, 72 Stat. 1569

Section, acts July 9, 1918, ch. 143, 40 Stat. 861; July 26, 1947, ch. 343, title II, § 205(a), 61 Stat. 501, authorized Secretary of the Army to lease buildings in District of Columbia. See sections 4780 and 9780 of Title 10, Armed Forces.

§ 37a. Repealed. Pub. L. 85–493, § 2, July 2, 1958, 72 Stat. 294

Section, acts June 16, 1949, ch. 218, title IV, § 407, 63 Stat. 199; June 30, 1949, ch. 288, title I, § 103(a), 63 Stat. 380; Aug. 9, 1955, ch. 629, 69 Stat. 552, which authorized Commissioner of Public Buildings to lease additional space in District of Columbia for periods not in excess of five years. See section 490 of this title.

§§ 38 to 40. Omitted

CODIFICATION

Section 38, act Mar. 4, 1913, ch. 142, 37 Stat. 771, related to temporary rental of a building for Navy Department.

Section 39, act May 10, 1916, ch. 117, 39 Stat. 109, related to temporary rental of a building for Department of Justice.

Section 40, act May 10, 1916, ch. 117, 39 Stat. 118, related to temporary rental of a building for Department of Labor.

§ 40a. Transferred

CODIFICATION

Section, acts June 30, 1932, ch. 314, § 322, 47 Stat. 412; Mar. 3, 1933, ch. 212, title II, § 15, 47 Stat. 1517, which related to maximum rental for lease of buildings to the Government, was transferred to section 278a of this title and was subsequently repealed.

§ 41. Repealed. Pub. L. 85–861, § 36A, Sept. 2, 1958, 72 Stat. 1569

Section, acts July 8, 1918, ch. 139, 40 Stat. 826; July 26, 1947, ch. 343, title II, § 205(a), 61 Stat. 501, related to requisition of buildings in District of Columbia by Secretary of the Army. See sections 4780 and 9780 of Title 10, Armed Forces.

§ 42. Rooms and accommodations for Office of Personnel Management

It shall be the duty of the Administrator of General Services to cause suitable and convenient rooms and accommodations to be assigned or provided, and to be furnished, heated, and lighted, at the city of Washington, for carrying on the work of the Office of Personnel Management and the examinations provided for in sections 3304 and 3305 of title 5, and to cause the necessary stationery and other articles to be supplied and the necessary printing to be done for the said Office.

(Jan. 16, 1883, ch. 27, § 4, 22 Stat. 405; May 29, 1920, ch. 214, 41 Stat. 642; 1950 Reorg. Plan No. 18, §§ 1, 2, eff. July 1, 1950, 15 F.R. 3177, 64 Stat. 1270; 1978 Reorg. Plan No. 2, § 102, eff. Jan. 1, 1979, 43 F.R. 36037, 92 Stat. 3783.)

CODIFICATION

The words ''the examinations provided for in sections 3304 and 3305 of title 5'' were substituted for ''said examinations'', meaning the examinations provided for in section 3 of act Jan. 16, 1883, to reflect the enactment of Title 5, Government Organization and Employees, by Pub. L. 89–554, Sept. 6, 1966, 80 Stat. 378.

AMENDMENTS

1920—Act May 29, 1920, transferred the duty under this section, as enacted originally, from the Secretary of the Interior to the Civil Service Commission.

TRANSFER OF FUNCTIONS

''Office of Personnel Management'' and ''said Office'' substituted in text for ''Civil Service Commission'' and ''said commission'', respectively, 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 functions vested by statute in 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.

Functions with respect to acquiring space in buildings by lease, functions with respect to assigning and reassigning space in buildings for use by agencies (including both space acquired by lease and space in Government-owned buildings), and functions with respect to operation, maintenance, and custody of office buildings owned by Government and of office buildings or parts thereof acquired by lease, including those post-office buildings which, as determined by Director of Bureau of the Budget, are not used predominantly for post-office purposes, with certain exceptions, transferred from respective agencies in which theretofore vested to Administrator of General Services by sections 1 and 2 of Reorg. Plan No. 18 of 1950, eff. July 1, 1950, 15 F.R. 3177, 64 Stat. 1270, set out as a note under section 490 of this title. For delegation of those transferred functions to other personnel of General Services Administration, or to heads and personnel of other agencies, and for transfer of personnel, property, records, and funds, see sections 3 and 4 of that Plan.

CROSS REFERENCES

Contracts for rent precluded until specific appropriations therefor are made, see section 34 of this title.

Operation of buildings and related activities by Administrator of General Services, general powers and duties, see section 490 of this title.

Office of Personnel Management, organization of, see section 1101 et seq. of Title 5, Government Organization and Employees.

§ 43. Advertisements and sales in or around Washington Monument

No advertisement of any kind shall be displayed and no articles of any kind shall be sold in or around the Washington Monument, except upon the written authority of the Director of the National Park Service.

(Mar. 4, 1909, ch. 299, 35 Stat. 997; Feb. 26, 1925, ch. 339, § 3, 43 Stat. 983; Ex. Ord. No. 6166, § 2, eff. June 10, 1933; Mar. 2, 1934, ch. 38, 48 Stat. 389.)

CODIFICATION

Section is based on act Mar. 4, 1909, which appropriated funds for care and maintenance of the Washington Monument.

PRIOR PROVISIONS

Provisions similar to those in this section were contained in the following prior appropriation acts:

Feb. 9, 1909, ch. 101, 35 Stat. 615.

May 27, 1908, ch. 200, 35 Stat. 357.

CHANGE OF NAME

Act Mar. 2, 1934, changed name of Office of National Parks, Buildings, and Reservations of Department of the Interior to National Park Service.

TRANSFER OF FUNCTIONS

Ex. Ord. No. 6166, set out as a note under section 901 of Title 5, Government Organization and Employees, abolished Office of Public Buildings and Public Parks of National Capital and transferred its functions to Office of National Parks, Buildings, and Reservations of Department of the Interior.

Act Feb. 26, 1925, transferred functions of Secretary of War under this section, as enacted originally, to Directors of Public Buildings and Public Parks of National Capital.

§ 44. Repealed. Oct. 31, 1951, ch. 654, § 1(84), 65 Stat. 704

Section, act June 30, 1906, ch. 3912, 34 Stat. 659, related to control of fishponds in the Monument Grounds, grounds around them, and buildings thereon.

§ 45. Chief of Engineers; charge of Washington Aqueduct and other public works

The Chief of Engineers shall have the immediate superintendence of the Washington Aqueduct, together with all rights, appurtenances,

and fixtures connected with the same, and belonging to the United States, and of all other public works and improvements in the District of Columbia in which the Government has an interest, and which are not otherwise specially provided for by law.

(R.S. §1800.)

CODIFICATION

R.S. §1800 derived from acts Mar. 3, 1859, ch. 84, §1, 11 Stat. 435; June 25, 1860, ch. 211, §1, 12 Stat. 106; Mar. 2, 1867, ch. 167, §2, 14 Stat. 466; Mar. 30, 1867, ch. 20, §3, 15 Stat. 12.

Act Mar. 2, 1927, ch. 271, 44 Stat. 1331, which was the District of Columbia Appropriation Act for the fiscal year 1928, provided that nothing therein should be construed as affecting the superintendence and control of the Secretary of War over said aqueduct.

WASHINGTON AQUEDUCT

Pub. L. 104–182, title III, §306, Aug. 6, 1996, 110 Stat. 1685, provided that:

''(a) DEFINITIONS.—In this section:

''(1) NON-FEDERAL PUBLIC WATER SUPPLY CUSTOMER.—The terms 'non-Federal public water supply customer' and 'customer' mean—

''(A) the District of Columbia;

''(B) Arlington County, Virginia; and

''(C) the city of Falls Church, Virginia.

''(2) SECRETARY.—The term 'Secretary' means the Secretary of the Army, acting through the Chief of Engineers.

''(3) VALUE TO THE GOVERNMENT.—The term 'value to the Government' means the net present value of a contract entered into under subsection (e)(2), calculated in accordance with subparagraphs (A) and (B) of section 502(5) of the Congressional Budget Act of 1974 (2 U.S.C. 66la(5)), other than section 502(5)(B)(I) [probably means section 502(5)(B)(i)] of the Act, as though the contract provided for repayment of a direct loan to a customer.

''(4) WASHINGTON AQUEDUCT.—The term 'Washington Aqueduct' means the Washington Aqueduct facilities and related facilities owned by the Federal Government as of the date of enactment of this Act [Aug. 6, 1996], including—

''(A) the dams, intake works, conduits, and pump stations that capture and transport raw water from the Potomac River to the Dalecarlia Reservoir;

''(B) the infrastructure and appurtenances used to treat water taken from the Potomac River to potable standards; and

''(C) related water distribution facilities.

''(b) REGIONAL ENTITY.—

''(1) IN GENERAL.—The Congress encourages and grants consent to the customers to establish a non-Federal public or private entity, or to enter into an agreement with an existing non-Federal public or private entity, to—

''(A) receive title to the Washington Aqueduct; and

''(B) operate, maintain, and manage the Washington Aqueduct in a manner that adequately represents all interests of its customers.

''(2) CONSIDERATION.—If an entity receiving title to the Washington Aqueduct is not composed entirely of non-Federal public water supply customers, the entity shall consider the customers' historical provision of equity for the Aqueduct.

''(3) PRIORITY ACCESS.—The customers shall have priority access to any water produced by the Washington Aqueduct.

''(4) CONSENT OF THE CONGRESS.—The Congress grants consent to the customers to enter into any interstate agreement or compact required to carry out this section.

''(5) STATUTORY CONSTRUCTION.—This section shall not preclude the customers from pursuing any option regarding ownership, operation, maintenance, and management of the Washington Aqueduct.

''(c) PROGRESS REPORT AND PLAN.—Not later than 1 year after the date of enactment of this Act [Aug. 6, 1996], the Secretary shall report to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives on any progress in achieving the objectives of subsection (b)(1) and shall submit a plan for the transfer of ownership, operation, maintenance, and management of the Washington Aqueduct to a non-Federal public or private entity. Such plan shall include a detailed consideration of any proposal to transfer such ownership, maintenance, or management to a private entity.

''(d) TRANSFER.—

''(1) IN GENERAL.—Subject to subsection (b)(2), the other provisions of this subsection, and any other terms and conditions the Secretary considers appropriate to protect the interests of the United States, the Secretary shall, not later than 3 years after the date of enactment of this Act [Aug. 6, 1996] and with the consent of a majority of the customers and without consideration to the Federal Government, transfer all right, title, and interest of the United States in the Washington Aqueduct, and its real property, facilities, and personalty, to a non-Federal, public or private entity. Approval of such transfer shall not be unreasonably withheld by the Secretary.

''(2) ADEQUATE CAPABILITIES.—The Secretary shall transfer ownership of the Washington Aqueduct under paragraph (1) only if the Secretary determines, after opportunity for public input, that the entity to receive ownership of the Aqueduct has the technical, managerial, and financial capability to operate, maintain, and manage the Aqueduct.

''(3) RESPONSIBILITIES.—The Secretary shall not transfer title under this subsection unless the entity to receive title assumes full responsibility for performing and financing the operation, maintenance, repair, replacement, rehabilitation, and necessary capital improvements of the Washington Aqueduct so as to ensure the continued operation of the Washington Aqueduct consistent with the Aqueduct's intended purpose of providing an uninterrupted supply of potable water sufficient to meet the current and future needs of the Aqueduct's service area.

''(e) BORROWING AUTHORITY.—

''(1) BORROWING.—

''(A) IN GENERAL.—Subject to the other provisions of this paragraph and paragraph (2), the Secretary is authorized to borrow from the Treasury of the United States such amounts for fiscal years 1997, 1998, and 1999 as are sufficient to cover any obligations that the Army Corps of Engineers is required to incur in carrying out capital improvements during fiscal years 1997, 1998, and 1999 for the Washington Aqueduct to ensure continued operation of the Aqueduct until such time as a transfer of title to the Aqueduct has taken place.

''(E)[(B)] LIMITATION.—The amount borrowed by the Secretary under subparagraph (A) may not exceed $29,000,000 for fiscal year 1997, $24,000,000 for fiscal year 1998, and $22,000,000 for fiscal year 1999.

''(C) AGREEMENT.—Amounts borrowed under subparagraph (A) may only be used for capital improvements agreed to by the Army Corps of Engineers and the customers.

''(D) TERMS OF BORROWING.—

''(i) IN GENERAL.—The Secretary of the Treasury shall provide the funds borrowed under subparagraph (A) under such terms and conditions as the Secretary of Treasury determines to be necessary and in the public interest and subject to the contracts required under paragraph (2).

''(ii) TERM.—The term of any loan made under subparagraph (A) shall be for a period of not less than 20 years.

''(iii) PREPAYMENT.—There shall be no penalty for the prepayment of any amounts borrowed under subparagraph (A).

''(2) CONTRACTS WITH CUSTOMERS.—

''(A) IN GENERAL.—The borrowing authority under paragraph (1)(A) shall be effective only after the Chief of Engineers has entered into contracts with each customer under which the customer commits to repay a pro rata share (based on water purchase) of the principal and interest owed by the Secretary to the Secretary of the Treasury under paragraph (1).

''(B) PREPAYMENT.—Any customer may repay, at any time, the pro rata share of the principal and interest then owed by the customer and outstanding, or any portion thereof, without penalty.

''(C) RISK OF DEFAULT.—Under each of the contracts, the customer that enters into the contract shall commit to pay any additional amount necessary to fully offset the risk of default on the contract.

''(D) OBLIGATIONS.—Each contract under subparagraph (A) shall include such terms and conditions as the Secretary of the Treasury may require so that the value to the Government of the contracts entered into under subparagraph (A) is estimated to be equal to the obligations of the Army Corps of Engineers for carrying out capital improvements at the Washington Aqueduct at the time that each series of contracts is entered into.

''(E) OTHER CONDITIONS.—Each contract entered into under subparagraph (A) shall—

''(i) provide that the customer pledges future income only from fees assessed for principal and interest payments required by such contracts and costs to operate and maintain the Washington Aqueduct;

''(ii) provide the United States priority in regard to income from fees assessed to operate and maintain the Washington Aqueduct; and

''(iii) include other conditions consistent with this section that the Secretary of the Treasury determines to be appropriate.

''(3) LIMITATIONS.—

''(A) BORROWING AUTHORITY.—The Secretary's borrowing authority for making capital improvements at the Washington Aqueduct under paragraph (1) shall not extend beyond fiscal year 1999.

''(B) OBLIGATION AUTHORITY.—Upon expiration of the borrowing authority exercised under paragraph (1), the Secretary shall not obligate funds for making capital improvements at the Washington Aqueduct except funds which are provided in advance by the customers. This limitation does not affect the Secretary's authority to conduct normal operation and maintenance activities, including minor repair and replacement work.

''(4) IMPACT ON IMPROVEMENT PROGRAM.—Not later than 180 days after the date of enactment of this Act [Aug. 6, 1996], the Secretary, in consultation with other Federal agencies, shall transmit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that assesses the impact of the borrowing authority provided under this subsection on the near-term improvement projects in the Washington Aqueduct Improvement Program, work scheduled, and the financial liability to be incurred.

''(f) REISSUANCE OF NPDES PERMIT.—Prior to reissuing a National Pollutant Discharge Elimination System (NPDES) permit for the Washington Aqueduct, the Administrator of the Environmental Protection Agency shall consult with the customers and the Secretary regarding opportunities for more efficient water facility configurations that might be achieved through various possible transfers of the Washington Aqueduct. Such consultation shall include specific consideration of concerns regarding a proposed solids recovery facility, and may include a public hearing.''

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 48 of this title.

§ 46. Compensation of Chief of Engineers

The Chief of Engineers shall receive no compensation, other than his regular pay as an officer of the Corps of Engineers, for the services required of him under the provisions of title 21 of the Revised Statutes.

(R.S. § 1807.)

REFERENCES IN TEXT

Title 21 of the Revised Statutes, referred to in text, was in the original ''this Title'', meaning title 21 of the Revised Statutes, comprising R.S. §§ 1795 to 1835, which were classified to sections 49 to 52 of former Title 3, The President, sections 6 and 7 of former Title 4, Flag and Seal, Seat of Government and the States, section 702 of former Title 18, Criminal Code and Criminal Procedure, and sections 8, 19, 20, 45 to 52, 54 to 58, 66, 102, 166, 170, 187 to 189, 193, 206, 207, 208, 210, 211, 215, 216, 218 to 221 of this title. Such sections 49 to 52 of former Title 3 were repealed by act June 25, 1948, ch. 644, § 3, 62 Stat. 672, and are covered by sections 109 and 110 of revised Title 3. Such sections 6 and 7 of former Title 4 were repealed by act July 30, 1947, ch. 389, § 2, 61 Stat. 645, and are covered by sections 71 and 72 of revised Title 4. Such section 702 of former Title 18 was repealed by act June 25, 1948, ch. 645, § 21, eff. Sept. 1, 1948, as covered by D.C. Code, 1940, § 24–416. Such sections 8, 20, and 218 to 220 of this title were repealed by act Oct. 31, 1951, ch. 654, §§ 1(75)–(80), (82), 3(19)–(21), 65 Stat. 704, 709. Such sections 57, 58, and 221 of this title were omitted from the Code. See notes thereunder.

CODIFICATION

R.S. § 1807 derived from act Mar. 3, 1859, ch. 84, § 1, 11 Stat. 435.

§ 47. Apartments of Chief of Engineers

The Chief of Engineers shall be furnished official apartments in one of the public buildings in the city of Washington, as may be directed by the Administrator of General Services, and shall be supplied by the Government with the stationery, instruments, books, and furniture which may be required for the performance of his duties.

(R.S. § 1808; June 30, 1949, ch. 288, title I, § 103(a), 63 Stat. 380.)

CODIFICATION

R.S. § 1808 derived from act Mar. 3, 1859, ch. 84, § 1, 11 Stat. 435.

REPEALS

Section 10 of act Mar. 1, 1919, ch. 86, 40 Stat. 1269, formerly set out as a credit to this section, was repealed by Pub. L. 89–554, § 8(a), Sept. 6, 1966, 80 Stat. 644.

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.

R.S. § 1808 provided that official apartments should be furnished to the Chief of Engineers at the direction of the President. The function of allotment of space in public buildings in the District of Columbia was placed in the Public Buildings Commission by act Mar. 1, 1919, ch. 86, § 10, 40 Stat. 1269.

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.

CROSS REFERENCES

Operations of buildings and related activities by Administrator of General Services, general powers and duties, see section 490 of this title.

§ 48. Obedience to President by Chief of Engineers

The Chief of Engineers shall obey, in the discharge of the duties mentioned in section 45 of this title, such regulations, pursuant to law, as may be prescribed by the President, through the Department of the Army.

(R.S. § 1801; July 26, 1947, ch. 343, title II, § 205(a), 61 Stat. 501.)

CODIFICATION

R.S. § 1801 derived from acts May 2, 1828, ch. 45, § 4, 4 Stat. 266; Mar. 3, 1859, ch. 84, § 1, 11 Stat. 435; June 25, 1860, ch. 211, § 1, 12 Stat. 106; Mar. 30, 1867, ch. 20, § 3, 15 Stat. 12.

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.

§ 49. Record of property by Chief of Engineers

The Chief of Engineers shall keep in his office a complete record of all the lands and other property connected with or belonging to the Washington Aqueduct and other public works under his charge, together with accurate plans and surveys of the public grounds and reservations in the District of Columbia.

(R.S. § 1809.)

CODIFICATION

R.S. § 1809 derived from act Mar. 3, 1859, ch. 84, § 1, 11 Stat. 435.

§ 50. Reports by Chief of Engineers

The Chief of Engineers shall, as superintendent of the Washington Aqueduct, annually submit to the Secretary of the Army, within nine months after the end of the fiscal year, a report of the Chief of Engineers' operations for that year and a report of the condition, progress, repairs, casualties, and expenditures of the Washington Aqueduct and other public works under the Chief of Engineers' charge.

(R.S. § 1812; Feb. 26, 1925, ch. 339, § 3, 43 Stat. 983; July 26, 1947, ch. 343, title II, § 205(a), 61 Stat. 501; Pub. L. 96–470, title II, § 202(a), Oct. 19, 1980, 94 Stat. 2242.)

CODIFICATION

R.S. § 1812 derived from acts Mar. 3, 1829, ch. 51, § 3, 4 Stat. 363; Aug. 4, 1854, ch. 242, § 15, 10 Stat. 573; Mar. 3, 1859, ch. 84, § 1, 11 Stat. 435; June 25, 1860, ch. 211, § 1, 12 Stat. 106.

Provisions of this section which authorized the Chief of Engineers, as Superintendent of Public Buildings and Grounds, to report to the Secretary of War [Army] concerning the Chief of Engineers' operations for the preceding year including an account of the manner in which all appropriations for public buildings and grounds had been applied, were omitted in view of the abolishment of the Office of Public Buildings and Grounds under the Chief of Engineers and the transfer of the functions of the Chief of Engineers and the Secretary of War with respect thereto to the Director of Public Buildings and Public Parks of the National Capital by act Feb. 26, 1925, ch. 339, § 3, 43 Stat. 983.

AMENDMENTS

1980—Pub. L. 96–470 substituted "within nine months after the end of the fiscal year, a report of the Chief of Engineers' operations for that year" for "in time to accompany the annual message of the President to Congress, a report of his operations for the preceding year" and "the Chief of Engineers' charge" for "his charge".

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.

§ 51. Authority of Chief of Engineers

The Chief of Engineers and his necessary assistants are empowered to use all lawful means for the discharge of their duties; and, particularly, he shall have full control over the Washington Aqueduct, to regulate the manner in which the authorities of the District of Columbia may tap the supply of water to the inhabitants thereof; and he shall stop the same whenever it is found to be no more than adequate to the wants of the public buildings and grounds.

(R.S. § 1810.)

CODIFICATION

R.S. § 1810 derived from acts May 2, 1828, ch. 45, § 4, 4 Stat. 266; Mar. 3, 1859, ch. 84, § 1, 11 Stat. 435.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 52 of this title.

§ 52. Appeal to Secretary of the Army by Chief of Engineers

The decision of the Chief of Engineers on all questions concerning the supply of water, as provided in section 51 of this title, shall be subject to appeal to the Secretary of the Army only.

(R.S. § 1811; July 26, 1947, ch. 343, title II, § 205(a), 61 Stat. 501.)

CODIFICATION

R.S. § 1811 derived from act Mar. 3, 1859, ch. 84, § 1, 11 Stat. 435.

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.

§ 53. Repealed. Pub. L. 94–587, § 165, Oct. 22, 1976, 90 Stat. 2934

Section, acts Sept. 1, 1916, ch. 433, 39 Stat. 693; Mar. 4, 1942, ch. 129, 56 Stat. 123, authorized Chief of Engineers of Department of the Army to enforce traffic regulations for protection of Washington Aqueduct and Filtration Plant, provided for imposition of fines ranging from $1 to $40, specified tribunals for conduct of prosecutions in District of Columbia and State of Maryland, and authorized arresting officers to parole arrested persons for attendance at trial.

§ 53a. MacArthur Boulevard; jurisdiction and control

Jurisdiction and control over MacArthur Boulevard for its full width in the District of Columbia between Foxhall Road and the District line, excepting a strip nineteen feet wide within the lines of said road, the center of which is coincident with the center of the water supply conduit, is transferred from the Secretary of the Army to the Council of the District of Columbia, and property abutting thereon shall be subject to any and all lawful assessments which may be levied by the said council for public improvements, the same as other private property in the District of Columbia: *Provided*, That all municipal laws and regulations shall apply to the entire width of the said road in the District of Columbia in the same degree that they apply to other streets and highways in the said District.

(May 22, 1926, ch. 372, 44 Stat. 627; Mar. 4, 1942, ch. 129, 56 Stat. 123; July 26, 1947, ch. 343, title II, § 205(a), 61 Stat. 501; 1967 Reorg. Plan No. 3, § 402(172), eff. Nov. 3, 1967, 32 F.R. 11669, 81 Stat. 951; Pub. L. 93–198, title IV, § 401, Dec. 24, 1973, 87 Stat. 785.)

CODIFICATION

Section is also set out in D.C. Code, § 7–1401.

AMENDMENTS

1942—Act Mar. 4, 1942, changed name of Conduit Road to MacArthur Boulevard.

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.

TRANSFER OF FUNCTIONS

''Council of the District of Columbia'' substituted in text for ''District of Columbia Council'' pursuant to section 401 of Pub. L. 93–198. District of Columbia Council, 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, classified to section 1–211 of the District of Columbia Code, and replaced by Council of District of Columbia, as provided by section 401 of Pub. L. 93–198, classified to section 1–221 of the District of Columbia Code.

Previously, reference to the Board of Commissioners of the District of Columbia had been changed to the District of Columbia Council pursuant to section 402(172) of Reorganization Plan No. 3 of 1967, 32 F.R. 11669, set out in the Appendix to Title 5, Government Organization and Employees, which transferred the regulatory and other functions of the Board of Commissioners relating to the jurisdiction and control over MacArthur Boulevard (formerly Conduit Road) and the levying of assessments for public improvements under this section to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorg. Plan No. 3 of 1967.

§ 54. Moneys for public works; expenditure

All moneys appropriated for the Washington Aqueduct, and for the other public works in the District of Columbia, not otherwise expressly provided for by law, shall be expended under the direction of the Secretary of the Army.

(R.S. § 1802; July 26, 1947, ch. 343, title II, § 205(a), 61 Stat. 501.)

CODIFICATION

R.S. § 1802 derived from acts Mar. 3, 1859, ch. 84, § 1, 11 Stat. 435; June 18, 1862, No. 36, 12 Stat. 620; Mar. 30, 1867, ch. 20, § 3, 15 Stat. 12.

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.

§ 55. Mains or pipes; laying for use of public buildings

No greater number of main pipes of the Washington Aqueduct shall be laid at the expense of the United States than are sufficient to furnish the public buildings, offices, and grounds with the necessary supply of water. The cost of any main pipe, for the supply of water to the inhabitants of Washington, must be paid by the District of Columbia, in the manner provided by law.

(R.S. § 1805; Feb. 11, 1895, ch. 79, 28 Stat. 650.)

CODIFICATION

R.S. § 1805 derived from act Mar. 3, 1859, ch. 84, § 6, 11 Stat. 436.

Section is also set out in D.C. Code, § 43–1549.

§ 56. Unauthorized opening

No person, unless by consent of the Chief of Engineers, shall tap or open the mains or pipes laid or hereafter to be laid by the United States, under a penalty of not less than $50 nor more than $500.

(R.S. § 1803; Feb. 26, 1925, ch. 339, § 3, 43 Stat. 983.)

CODIFICATION

The words ''in charge of public buildings and works'' which followed ''Chief of Engineers'' were omitted in view of the abolition of the Office of Public Buildings and Grounds under the Chief of Engineers and the transfer of certain functions of the Chief of Engineers to the Director of Public Buildings and Grounds of the National Capital by act Feb. 26, 1925, ch. 339, § 3, 43 Stat. 983. For further details, see notes set out under section 19 of this title.

R.S. § 1803 derived from act Mar. 3, 1859, ch. 84, § 5, 11 Stat. 436.

Section is also set out in D.C. Code, § 43–1550.

§§ 57, 58. Omitted

CODIFICATION

Section 57, R.S. § 1804; act Feb. 11, 1895, ch. 79, 28 Stat. 650, which related to punishment for breaking or destroying pipes, hydrants, etc., in the city of Washington, was omitted as not having general applicability. See section 43–1548 of the District of Columbia Code.

Section 58, R.S. § 1806; act Feb. 11, 1895, ch. 79, 28 Stat. 650, which related to punishment for maliciously making water impure in the city of Washington, was omitted as not having general applicability. See section 22–3118 of the District of Columbia Code.

§ 59. Repealed. Pub. L. 86–249, § 17(5), Sept. 9, 1959, 73 Stat. 484

Section, act Mar. 3, 1883, ch. 143, 22 Stat. 615, provided for shutting off of water in public buildings in District of Columbia.

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.

§ 60. Omitted

CODIFICATION

Section, act July 1, 1898, ch. 543, § 1, 30 Stat. 570, which related to street parking in the District of Columbia, was omitted as not having general applicability. See section 8–106 of the District of Columbia Code.

§ 60a. Reservation of parking spaces for Members of Congress

On and after June 29, 1956, the Council of the District of Columbia is authorized and directed to designate, reserve, and properly mark appropriate and sufficient parking spaces on the streets adjacent to all public buildings in the District for the use of Members of Congress engaged on public business.

(June 29, 1956, ch. 479, 70 Stat. 447; 1967 Reorg. Plan No. 3, § 402(300), eff. Nov. 3, 1967, 32 F.R. 11669, 81 Stat. 951; Pub. L. 93–198, title IV, § 401, Dec. 24, 1973, 87 Stat. 785.)

CODIFICATION

Section is from the District of Columbia Appropriation Act, 1957.

Section is also set out in D.C. Code, § 40–710.

PRIOR PROVISIONS

Provisions similar to those in this section were contained in the following prior appropriation acts:

July 5, 1955, ch. 272, 69 Stat. 254.
July 1, 1954, ch. 499, 68 Stat. 386.
July 31, 1953, ch. 299, 67 Stat. 290.
July 5, 1952, ch. 576, 66 Stat. 385.
Aug. 3, 1951, ch. 292, 65 Stat. 167.
July 18, 1950, ch. 467, 64 Stat. 364.
June 29, 1949, ch. 279, 63 Stat. 319.
June 19, 1948, ch. 555, 62 Stat. 553.
July 25, 1947, ch. 324, 61 Stat. 443.
July 9, 1946, ch. 544, 60 Stat. 518.
June 30, 1945, ch. 209, 59 Stat. 289.
June 28, 1944, ch. 300, 58 Stat. 526.
July 1, 1943, ch. 184, 57 Stat. 338.
June 27, 1942, ch. 452, 56 Stat. 451.
July 1, 1941, ch. 271, 57 Stat. 529.
June 12, 1940, ch. 333, 54 Stat. 334.
July 15, 1939, ch. 281, 53 Stat. 1033.

TRANSFER OF FUNCTIONS

''Council of the District of Columbia'' substituted in text for ''District of Columbia Council'' pursuant to section 401 of Pub. L. 93–198. District of Columbia Council, 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, classified to section 1–211 of the District of Columbia Code, and replaced by Council of District of Columbia, as provided by section 401 of Pub. L. 93–198, classified to section 1–221 of the District of Columbia Code.

Previously, reference to the Board of Commissioners of the District of Columbia had been changed to the District of Columbia Council pursuant to section 402(300) of Reorganization Plan No. 3 of 1967, 32 F.R. 11669, set out in the Appendix to Title 5, Government Organization and Employees, which transferred the regulatory and other functions of the Board of Commissioners relating to designating and reserving parking spaces for the use of members of the Congress under this section to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorg. Plan No. 3 of 1967.

§§ 61 to 63. Omitted

CODIFICATION

Section 61, act Feb. 22, 1921, ch. 70, 41 Stat. 1117, which related to jurisdiction and control of the Francis Scott Key Bridge, was omitted as not having general applicability. See section 7–507 of the District of Columbia Code.

Section 62, act Feb. 28, 1923, ch. 148, 42 Stat. 1338, which related to jurisdiction and control of the Highway Bridge, was omitted as not having general applicability. See section 7–511 of the District of Columbia Code.

Section 63, act June 7, 1924, ch. 302, 43 Stat. 550, which related to construction and repair of bridges over railway and canal right of ways in the District of Columbia, was omitted as not having general applicability. See section 7–502 of the District of Columbia Code.

§ 64. Jurisdiction over portion of B Street

The jurisdiction over that portion of B Street west of Virginia Avenue, under the control of the Commissioners of the District of Columbia prior to May 27, 1908, shall be under the Director of the National Park Service.

(May 27, 1908, ch. 200, 35 Stat. 356; Feb. 26, 1925, ch. 339, § 3, 43 Stat. 983; Ex. Ord. No. 6166, § 2, eff. June 10, 1933; Mar. 2, 1934, ch. 38, 48 Stat. 389.)

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with certain exceptions, to Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

Ex. Ord. No. 6166 abolished Office of Public Buildings and Public Parks of National Capital and transferred functions thereof to Office of National Parks, Buildings and Reservations of Department of the Interior. Act Mar. 2, 1934, changed name of latter office to National Park Service.

Act May 27, 1908, transferred jurisdiction from Commissioners of District of Columbia to Chief of Engineers. Act Feb. 26, 1925, transferred functions of latter to Director of Public Buildings and Public Parks of National Capital.

§ 65. Omitted

CODIFICATION

Section, R.S. § 1813; act June 20, 1874, ch. 337, § 2, 18 Stat. 116, which related to limitation on contracts of the District of Columbia commissioners, was omitted as not having general applicability. See section 7–625 of the District of Columbia Code.

§ 66. Improper appropriation of streets

The Secretary of the Interior is directed to prevent the improper appropriation or occupation of any of the public streets, avenues, squares, or reservations in the city of Washington, belonging to the United States, and to reclaim the same if unlawfully appropriated; and particularly to prevent the erection of any permanent building upon any property reserved to or for the use of the United States, unless plainly authorized by act of Congress, and to report to Congress at the commencement of each session his proceedings in the premises, together with a full statement of all such property, and how, and by what authority, the same is occupied or claimed. Nothing herein contained shall be construed to interfere with the temporary and proper occupation of any portion of such property, by lawful authority, for the legitimate purposes of the United States.

(R.S. § 1818.)

CODIFICATION

R.S. § 1818 derived from Res. June 30, 1864, No. 56, 13 Stat. 412.

Section is also set out in D.C. Code, § 7–1409.

CROSS REFERENCES

Ejection of trespassers from public grounds, see section 19 of this title.

§ 67. Omitted

CODIFICATION

Section, acts Mar. 3, 1891, ch. 540, 26 Stat. 868; July 1, 1898, ch. 543, § 3, 30 Stat. 570; June 21, 1906, ch. 3506, 34 Stat. 385; Feb. 26, 1925, ch. 339, § 3, 43 Stat. 983, which related to permits for extensions of buildings beyond the building line, was omitted as not having general applicability. See section 5–204 of the District of Columbia Code.

§ 68. Buildings on reservations, parks, or public grounds

On and after August 24, 1912 there shall not be erected on any reservation, park, or public grounds, of the United States within the District of Columbia, any building or structure without express authority of Congress.

(Aug. 24, 1912, ch. 355, 37 Stat. 444.)

CODIFICATION

Section is also set out in D.C. Code, § 8–128.

§§ 69, 70. Omitted

CODIFICATION

Section 69, act Aug. 5, 1882, ch. 389, 22 Stat. 243, which related to police powers of park watchmen in District of Columbia, was omitted as not having general applicability. See section 4–201 of the District of Columbia Code.

Section 70, act Apr. 28, 1902, ch. 594, 32 Stat. 152, which related to free medical attendance for park watchmen in the District of Columbia, was omitted as not having general applicability. See section 4–204 of the District of Columbia Code.

§ 71. Physical development of National Capital

(a) General purposes; findings

It is the purpose of sections 71 to 71i, 72, 73, and 74 of this title to secure comprehensive planning for the physical development of the National Capital and its environs; to provide for the participation of the appropriate planning agencies of the environs in such planning; and to establish the agency and procedures requisite to the administration of the functions of the Federal and District of Columbia governments related to such planning. The Congress finds that the location of the seat of government in the District of Columbia has brought about the development of a metropolitan region extending well into adjoining territory in Maryland and Virginia; that effective comprehensive planning is necessary on a regional basis and of continuing importance to the Federal establishment; that the distribution of Federal installations throughout the region has been and will continue to be a major influence in determining the extent and character of development; that there is needed a central planning agency for the National Capital region to coordinate certain developmental activities of the many different agencies of the Federal and District Governments so that such activities may conform with general objectives; that there is an increasing mutuality of interest and responsibility between the various levels of government that calls for coordinate and unified policies in planning both Federal and local development in the interest of order and economy; that there are developmental problems of an interstate character, the planning of which requires collaboration between Federal, State, and local governments in the interest of equity and constructive action; and that the instrumentalities and procedures herein provided will aid in providing the Congress from time to time with information and advice requisite to legislation. The general objective of said sections is to enable appropriate agencies to plan for the development of the Federal establishment at the seat of government in a manner consistent with the nature and function of the National Capital and with due regard for the rights and prerogatives of the adjoining States and local governments to exercise control appropriate to their functions, and in a manner which will, in accordance with present and future needs, best promote public health, safety, morals, order, convenience, prosperity, and the general welfare, as well as efficiency and economy in the process of development.

(b) Definitions

As used in sections 71 to 71i, 72, 73, and 74 of this title, (1) ''region'' or ''National Capital region'' means the District of Columbia; Montgomery and Prince Georges Counties in Maryland; Arlington, Fairfax, Loudoun, and Prince William Counties in Virginia; and all cities now or hereafter existing in Maryland or Virginia within the geographic area bounded by the outer boundaries of the combined area of said counties; (2) ''environs'' means the territory sur-

rounding the District of Columbia included within the National Capital region; (3) ''National Capital'' means the District of Columbia and territory owned by the United States within the environs; and (4) ''planning agency'' means any city, county, bi-county, part-county, or regional planning agency authorized under State and local laws to make and adopt comprehensive plans whether or not its jurisdiction is exclusive or concurrent.

(June 6, 1924, ch. 270, § 1, 43 Stat. 463; Feb. 26, 1925, ch. 339, § 3, 43 Stat. 983; Apr. 30, 1926, ch. 198, 44 Stat. 374; May 24, 1928, ch. 726, 45 Stat. 726; Ex. Ord. No. 6166, § 2, eff. June 10, 1933; Mar. 2, 1934, ch. 38, 48 Stat. 389; July 19, 1952, ch. 949, § 1, 66 Stat. 781.)

CODIFICATION

Section is also set out in D.C. Code, § 1–2001.

AMENDMENTS

1952—Act July 19, 1952, restated the general purposes of sections 71 to 72, 73, and 74 of this title, and substituted entirely new provisions for former provisions relating to creation and duties of the ''National Capital Park and Planning Commission'' which have been superseded. See sections 71a to 71i of this title.

1928—Act May 24, 1928, provided that the Director of Public Buildings and Public Parks of the National Capital should be the executive and disbursing officer of said National Capital Park and Planning Commission.

1926—Act Apr. 30, 1926, amended section generally to establish and provide for a National Capital Park and Planning Commission, and abolished the Highway Commission which had been established by section 2 of act Mar. 2, 1893, ch. 197, 27 Stat. 533.

1925—Act Feb. 26, 1925, changed the name of the officer in charge of public buildings and grounds to the Director of Public Buildings and Public Parks of the National Capital.

SHORT TITLE OF 1952 AMENDMENT

Section 2 of act July 19, 1952, provided in part that: ''Sections 1 and 2 of this Act [amending this section] may be cited as the 'National Capital Planning Act of 1952'.''

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of Department of the Interior, with certain exceptions, to Secretary of the Interior, with power to delegate, see Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

Ex. Ord. No. 6166, set out as a note under section 901 of Title 5, abolished Office of Public Buildings and Public Parks of National Capital and transferred functions thereof to Office of National Parks, Buildings and Reservations of Department of the Interior, and act Mar. 2, 1934, changed name of latter office to National Park Service.

Function of disbursement of moneys of United States by any agency except War Department, Navy Department, and Panama Canal, transferred to Treasury Department and, together with Office of Disbursing Clerk of that Department, consolidated in a Division of Disbursements, by section 4 of Ex. Ord. No. 6166 and Ex. Ord. No. 6728, May 29, 1934. Division of Disbursements consolidated in Fiscal Service by Reorg. Plan No. III of 1940, § 1(a)(3), eff. June 30, 1940, 5 F.R. 2107, 54 Stat. 1231, set out in the Appendix to Title 5. See section 306 of Title 31, Money and Finance.

STUDY COMMISSION TO INVESTIGATE AND STUDY SITES AND PLANS FOR FACILITIES AND SERVICES FOR VISITORS AND STUDENTS COMING TO WASHINGTON, D.C.

Pub. L. 89–790, Nov. 7, 1966, 80 Stat. 1424, created a Study Commission to make a full and complete investigation and study of sites and plans to provide facilities and services for visitors and students coming to the Nation's Capital. The Commission was directed to report the results of its study and investigation to Congress not later than Sept. 15, 1967.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 71h, 71i, 72, 72a, 74 of this title.

§ 71a. Federal and District planning agencies in National Capital

(a)(1) National Capital Planning Commission; creation; central Federal agency; functions; excepted functions

The National Capital Planning Commission (hereinafter referred to as the ''Commission'') is created as the central Federal planning agency for the Federal Government in the National Capital, and to preserve the important historical and natural features thereof, except with respect to the United States Capitol buildings and grounds as defined in sections 193a and 193m of this title, and to any extension thereof or additions thereto, or to buildings and grounds under the care of the Architect of the Capitol.

(2) Mayor of District of Columbia; central local agency; functions; excepted functions; comprehensive plan for District: procedures for citizen participation and consultations with non-Federal agencies

The Mayor of the District of Columbia (hereinafter referred to as the ''Mayor'') shall be the central planning agency for the government of the District of Columbia (hereinafter referred to as the ''District'') in the National Capital. The Mayor shall be responsible for coordinating the planning activities of the District government and for preparing and implementing the District elements of the comprehensive plan for the National Capital, which may include land use elements, urban renewal and redevelopment elements, a multiyear program of public works for the District, and physical, social, economic, transportation, and population elements. The Mayor's planning responsibility shall not extend to Federal or international projects and developments in the District, as determined by the Commission, or to the United States Capitol buildings and grounds as defined in sections 193a and 193m of this title, or to any extension thereof or additions thereto, or to buildings and grounds under the care of the Architect of the Capitol. In carrying out his responsibility under this section, the Mayor shall establish procedures for citizen participation in the planning process, and for appropriate meaningful consultation with any State or local government or planning agency in the National Capital region affected by any aspect of a comprehensive plan (including amendments thereto) affecting or relating to the District.

(3) Comprehensive plan for District; functions of Mayor and Council respecting impact on Federal Establishment

The Mayor shall submit each District element of the comprehensive plan and any amendment thereto, to the Council for revision or modification, and adoption, by act, following public hearings. Following adoption and prior to imple-

mentation, the Council shall submit each such element or amendment to the Commission for review and comment with regard to the impact of such element or amendment on the interests or functions of the Federal Establishment in the National Capital.

(4) Certifications; incorporation and implementation; Council's action; joint publication of Federal activities elements and District elements; time limitation extension, authority of Council; joint establishment of procedures for consultations throughout planning process

(A) The Commission shall, within sixty days after receipt of such a District element of the comprehensive plan, or amendment thereto, from the Council, certify to the Council whether such element or amendment has a negative impact on the interests or functions of the Federal Establishment in the National Capital. If within such sixty days the Commission takes no action with respect to such element or amendment, such element or amendment shall be deemed to have no such negative impact, and such element or amendment shall be incorporated into the comprehensive plan for the National Capital and shall be implemented.

(B) If the Commission finds, within such sixty days, such negative impact, it shall certify its findings and recommendations with respect to such negative impact to the Council. Upon receipt of the Commission's findings and recommendations, the Council may—

(i) reject such findings and recommendations and resubmit such element or amendment, in a modified form, to the Commission for reconsideration; or

(ii) accept such findings and recommendations and modify such element or amendment accordingly.

If the Council accepts such findings and recommendations and modifies such element or amendment under clause (ii), the Council shall submit such element or amendment to the Commission for it to determine whether such modification has been made in accordance with the Commission's findings and recommendations. If, within thirty days after receipt of the modified element or amendment, the Commission takes no action with respect to such element or amendment, it shall be deemed to have been modified in accordance with such findings or recommendations, and shall be incorporated into the comprehensive plan for the National Capital and shall be implemented. If within such thirty days, the Commission again determines such element or amendment to have a negative impact on the functions or interests of the Federal Establishment in the National Capital such element or amendment shall not be implemented.

(C) If the Council rejects the findings and recommendations of the Commission and resubmits a modified element or amendment to it under clause (i), the Commission shall, within sixty days after receipt of such modified element or amendment from the Council, determine whether such modified element or amendment has a negative impact on the interests or functions of the Federal Establishment within the National Capital. If the Commission finds such negative impact it shall certify its findings (in sufficient detail that the Council can understand the basis of the objection of the Commission) and recommendations to the Council, and such element or amendment shall not be implemented. If the Commission takes no action with respect to such modified element or amendment within such sixty days, such modified element or amendment shall be deemed to have no such negative impact and shall be incorporated into the comprehensive plan and it shall be implemented. Any element or amendment which the Commission has determined to have a negative impact on the Federal Establishment in the National Capital, and which is submitted again in a modified form not less than one year from the day it was last rejected by the Commission shall be deemed to be a new element or amendment for purposes of the review procedure specified in this section.

(D) The Commission and the Mayor shall jointly publish, from time to time as appropriate, a comprehensive plan for the National Capital, consisting of the elements of the comprehensive plan for the Federal activities in the National Capital developed by the Commission, and the District elements developed by the Mayor and the Council in accordance with the provisions of this section.

(E) The Council may grant, upon request made to it by the Commission, an extension of any time limitation contained in this section.

(F) The Commission and the Mayor shall jointly establish procedures for appropriate meaningful continuing consultation throughout the planning process for the National Capital.

(b) National Capital Planning Commission; official members; citizen members: qualifications, terms of office, vacancies, compensation

The National Capital Planning Commission shall be composed of—

(1) ex officio, the Secretary of the Interior, the Secretary of Defense, the Administrator of the General Services Administration, the Mayor, the Chairman of the Council of the District of Columbia, and the chairmen of the Committees on the District of Columbia of the Senate and the House of Representatives, or such alternates as each such person may from time to time designate to serve in his stead, and in addition,

(2) five citizens with experience in city or regional planning, three of whom shall be appointed by the President and two of whom shall be appointed by the Mayor. The citizen members appointed by the Mayor shall be bona fide residents of the District of Columbia and of the three appointed by the President at least one shall be a bona fide resident of Virginia and at least one shall be a bona fide resident of Maryland. The terms of office of the members appointed by the President shall be for six years, except that of the members first appointed, the President shall designate one to serve two years and one to serve four years. Members appointed by the Mayor shall serve for four years. The members first appointed under this section shall assume their office on

January 2, 1975. Any person appointed to fill a vacancy shall be appointed only for the unexpired term of the member whom he shall succeed. The citizen members shall each receive compensation at the rate of $100 for each day such member is engaged in the actual performance of duties vested in the Commission in addition to reimbursement for necessary expenses incurred by them in the performance of such duties.

(c) Chairman; officers; Director and other personnel; employment of city planners, architects, etc.; compensation

The President shall designate the Chairman of the Commission and the Commission may elect from among its members such other officers as it deems desirable. The Commission is authorized to employ a Director, an executive officer, and such other technical and administrative personnel as it may deem necessary. Further, without regard to section 5 of title 41, the civil service and classification laws, or section 3109 of title 5, the Commission may employ, by contract or otherwise, the temporary or intermittent (not in excess of one year) services of city planners, architects, engineers, appraisers, and other experts or organizations thereof, as may be necessary to carry out its functions, and in any such case the rate of compensation shall be fixed by the Commission so as not to exceed the rate usual for similar services.

(d) Advisory and coordinating committees; participation by representatives of planning and developmental agencies

The Commission may establish, with the consent of each agency concerned as to its representation, such advisory and coordinating committees composed of representatives of such agencies of the Federal and District of Columbia Governments as may be necessary or helpful to obtain the maximum amount of cooperation and correlation of effort among the various agencies of such Governments, in order that the National Capital may be developed in accordance with the comprehensive plan. As it may deem appropriate, the Commission may invite representatives of the planning and developmental agencies of the environs to participate in the work of such committees.

(e) General scope of functions

As hereinafter more specifically described in sections 71c to 71g of this title, it shall be among the principal duties of the Commission to (1) prepare, adopt, and amend a comprehensive plan for the Federal activities in the National Capital and make related recommendations to the appropriate developmental agencies; (2) serve as the central planning agency for the Federal Government within the National Capital region, and in such capacity to review their development programs in order to advise as to consistency with the comprehensive plan; and (3) be the representative of the Federal and District Governments for collaboration with the Regional Planning Council, as hereinafter provided.

(June 6, 1924, ch. 270, § 2, as added July 19, 1952, ch. 949, § 1, 66 Stat. 782; amended Pub. L. 87–683, Sept. 25, 1962, 76 Stat. 575; 1967 Reorg. Plan No. 3, § 401, eff. Nov. 3, 1967, 32 F.R. 11669, 81 Stat. 951; Pub. L. 93–198, title II, § 203(a), (b), title IV, §§ 401, 421, Dec. 24, 1973, 87 Stat. 779, 782, 785, 789.)

REFERENCES IN TEXT

The civil service laws, referred to in subsec. (c), are set forth in Title 5, Government Organization and Employees. See, particularly, section 3301 et seq. of Title 5.

The classification laws, referred to in subsec. (c), are classified generally to chapter 51 (§ 5101 et seq.) and to subchapter III (§ 5331 et seq.) of chapter 53 of Title 5.

Section 71e of this title, included within the reference in subsec. (e) to sections 71c to 71g of this title, was repealed by Pub. L. 93–198, title II, § 203(e), Dec. 24, 1973, 87 Stat. 782.

CODIFICATION

In subsec. (c), ''section 3109 of title 5'' substituted for ''section 15 of Act of August 2, 1946 (5 U.S.C. 55a)'' 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.

Section is also set out in D.C. Code, § 1–2002.

PRIOR PROVISIONS

Provisions relating to the general powers and duties of the National Capital Park and Planning Commission, to which the National Capital Planning Commission succeeded under the provisions of section 71h of this title, were contained in section 71 of this title prior to amendment by act July 19, 1952.

AMENDMENTS

1973—Subsec. (a). Pub. L. 93–198, § 203(a), incorporated existing subsec. (a) text in provisions designated as par. (1), made the Commission the central Federal planning agency only for the Federal Government in the National Capital, except certain areas from the Commission's jurisdiction, and added pars. (2) to (4).

Subsec. (b)(1). Pub. L. 93–198, § 203(a), substituted as members ex officio: Secretary of the Interior, Secretary of Defense, Administrator of General Services Administration, Commissioner, Chairman of District of Columbia Council for former such members: Chief of Engineers of Army, Engineer Commissioner of District of Columbia, Director of National Park Service, Commissioner of Public Buildings, Federal Highway Administrator, and Administrator of National Capital Transportation Agency, and substituted provision for designation of alternates for service in stead of any official for former such provision applicable only to committees on the District of Columbia of the Senate and the House of Representatives.

Subsec. (b)(2). Pub. L. 93–198, § 203(a), substituted provisions for: citizen members with experience in planning for former provision for such membership from eminent citizens well qualified and experienced in planning; appointment by President of three members, including one each for Virginia and Maryland, for six year terms, including initial appointments for two and four year terms, and by Commissioner of two members from the District for four year terms for former provision for such appointment by President, including two members from the District or the environs, including one appointee from three nominees of Commissioner of the District, for six year terms; compensation of $100 per each day of actual service and necessary expenses for former provision for a per diem allowance and travel costs; provided for assumption of office by first appointees on Jan. 2, 1975; and deleted provisions respecting: waiver of professional requirements of District appointees of demonstrated capacity for leadership in planning and development of the District, service of unexpired terms of appointive members of National Capital Park and Planning Commission as members of National Capital Planning Commission, and expiration of initial appointments on Apr. 30, 1953, 1954, 1955, 1956, and 1957, and every six years after such appointments.

Subsec. (e)(1). Pub. L. 93–198, § 203(b)(1), substituted ''Federal activities in the National Capital'' for ''National Capital''.

Subsec. (e)(2). Pub. L. 93–198, § 203(b)(2), substituted ''Government'' for ''and District Governments,''.

1962—Subsec. (b)(1). Pub. L. 87–683 inserted ''the Administrator of the National Capital Transportation Agency,'' before ''the chairmen of the committees''.

TRANSFER OF FUNCTIONS

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 ''commissioner''.

''Council of the District of Columbia'' substituted in text for ''District of Columbia Council'' pursuant to section 401 of Pub. L. 93–198. District of Columbia Council, 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, classified to section 1–211 of the District of Columbia Code, and replaced by Council of District of Columbia, as provided by section 401 of Pub. L. 93–198, classified to section 1–221 of the District of Columbia Code.

Previously, reference to the Board of Commissioners of the District of Columbia had been changed to the Commissioner of the District of Columbia pursuant to section 401 of Reorganization Plan No. 3 of 1967, 32 F.R. 11669, which transferred the functions of the Board of Commissioners, including functions of the President of the Board and all functions of each other member of the Board, including the executive power vested therein, to the Commissioner of the District of Columbia, except as provided by other sections of the Reorganization Plan. For provisions establishing the office of Commissioner of the District of Columbia and abolishing the Board of Commissioners, see sections 301 and 503 of the Plan, set out in the Appendix to Title 5, Government Organization and Employees.

ABOLITION OF COMMITTEES ON THE DISTRICT OF COLUMBIA

Committee on the District of Columbia of Senate abolished and its jurisdiction given to Committee on Governmental Affairs of Senate, effective Feb. 11, 1977. See Rules XXV of Standing Rules of Senate, as amended by Senate Resolution 4 (popularly cited as the ''Committee System Reorganization Amendments of 1977''), approved Feb. 4, 1977.

Committee on the District of Columbia of House of Representatives abolished by House Resolution No. 6, One Hundred Fourth Congress, Jan. 4, 1995. References to Committee on the District of Columbia treated as referring to Committee on Government Reform and Oversight of House of Representatives, see section 1(b) of Pub. L. 104–14, set out as a note preceding section 21 of Title 2, The Congress.

ABOLITION OF COUNCIL

National Capital Regional Planning Council abolished by Reorg. Plan No. 5 of 1966, eff. Sept. 8, 1966, 31 F.R. 11857, 80 Stat. 1611, set out as a note under section 71b of this title.

TERMINATION OF ADVISORY COMMITTEES

Advisory committees 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 committee established by the President or an officer of the Federal Government, such committee is renewed by appropriate action prior to the expiration of such 2-year period, or in the case of a committee established by the Congress, its duration is otherwise provided by law. Advisory committees established after Jan. 5, 1973, to terminate not later than the expiration of the 2-year period beginning on the date of their establishment, unless, in the case of a committee established by the President or an officer of the Federal Government, such committee is renewed by appropriate action prior to the expiration of such 2-year period, or in the case of a committee established by the Congress, its duration is otherwise provided by law. See section 14 of Pub. L. 92–463, Oct. 6, 1972, 86 Stat. 776, set out in the Appendix to Title 5, Government Organization and Employees.

GEOGRAPHIC INFORMATION SYSTEM FEES

Pub. L. 105–83, title II, Nov. 14, 1997, 111 Stat. 1589, provided in part: ''That beginning in fiscal year 1998 and thereafter, the Commission is authorized to charge fees to cover the full costs of Geographic Information System products and services supplied by the Commission, and such fees shall be credited to this account as an offsetting collection, to remain available until expended.''

DEFINITIONS

The definitions in section 1–202 of the District of Columbia Code apply to this section as amended by Pub. L. 93–198.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 71, 71i, 72, 72a, 136 of this title.

§ 71b. Omitted

CODIFICATION

Section, act June 6, 1924, ch. 270, § 3, as added July 19, 1952, ch. 949, § 1, 66 Stat. 783, which established the National Capital Regional Planning Council, and set forth the composition and powers and functions of the Council, was omitted in view of the abolition of the Council by Reorg. Plan No. 5 of 1966, eff. Sept. 8, 1966, 31 F.R. 11857, 80 Stat. 1611, set out as a note below.

REORGANIZATION PLAN NO. 5 OF 1966

Eff. Sept. 8, 1966, 31 F.R. 11857, 80 Stat. 1611

Prepared by the President and transmitted to the Senate and the House of Representatives in Congress assembled, June 29, 1966, pursuant to the provisions of the Reorganization Act of 1949, 63 Stat. 203, as amended [see 5 U.S.C. 901 et. seq.].

NATIONAL CAPITAL REGIONAL PLANNING COUNCIL

SECTION 1. ABOLITION

The National Capital Regional Planning Council (66 Stat. 783), together with all of its functions, is hereby abolished.

SEC. 2. LIQUIDATION

The National Capital Planning Commission shall make such provisions as it shall deem necessary respecting the winding up of the outstanding affairs of the National Capital Regional Planning Council.

MESSAGE OF THE PRESIDENT

To the Congress of the United States:

I am transmitting Reorganization Plan No. 5 of 1966, prepared in accordance with the Reorganization Act of 1949, as amended.

The time has come to recognize the readiness of local governments in the Washington area to undertake a role which is properly and rightfully theirs. To that end, I am submitting a reorganization plan to abolish the National Capital Regional Planning Council.

Comprehensive regional planning is vital to the orderly development of our metropolitan areas. Nowhere is it more important than in the National Capital region.

To be most effective, regional planning must be a responsibility of the area's State and local governments acting together to solve mutual problems of growth and change. It should not be a Federal function, although the Federal Government should support and advance it.

The need for cooperative planning was recognized years ago in the National Capital region. The establishment of the National Capital Regional Planning Council in 1952 to prepare a comprehensive development plan was a major step in meeting that need.

However, the Council was designed for conditions which no longer exist. It was established by Federal law as a Federal agency financed by Federal funds because the various local jurisdictions then felt they were not in a position to provide the financing necessary for areawide comprehensive planning.

The situation that existed in 1952 has been changed by two major developments—

The founding of the Metropolitan Washington Council of Governments; and

The inauguration of a nationwide urban planning assistance program, commonly referred to as the "701 Program."

The Metropolitan Washington Council of Governments, established in 1957, is a voluntary association of elected officials of local governments in the area. It has a competent professional staff and has done constructive work on areawide development matters. It had a budget of nearly a quarter of a million dollars for fiscal year 1965, mostly derived from local government contributions, and has developed to the point where it can fully carry out the State and local aspects of regional planning.

The urban planning assistance program provides for Federal financing of two-thirds of the cost of metropolitan planning. The National Capital Regional Planning Council, as a Federal agency, is not eligible for assistance under this program. The Metropolitan Washington Council of Governments, however, became eligible for that assistance under the terms of the Housing and Urban Development Act of 1965. Accordingly, the elected local governments of the National Capital region have declared their intention of undertaking the responsibility for areawide comprehensive planning through the Council of Governments.

The reorganization plan will not alter the basic responsibilities of the National Capital Planning Commission. That Commission will continue to represent the Federal interest in the planning and development of the region. Indeed, its work should increase as comprehensive regional planning by the Council of Governments is accelerated. In accord with the reorganization plan, the Commission will work closely with the Council of Governments in regional planning. The Commission will also deal directly with the suburban jurisdictions and assume the liaison functions now exercised by the National Capital Regional Planning Council.

The reorganization plan will improve existing organizational arrangements of and promote more effective and efficient planning for the National Capital region.

It will also result in long-range savings to the Federal Government. The regional planning effort of the Council of Governments is supported in part by local contributions. The same work done by the National Capital Regional Planning Council has been supported totally with Federal funds. The plan will eliminate this overlapping effort.

Annual savings of at least $25,000 should result from the reorganization plan.

The functions to be abolished by the reorganization plan are provided for in sections 2(e), 3, 4, 5(d), and 6(b) of the act approved June 6, 1924, entitled "An Act providing for a comprehensive development of the park and playground system of the National Capital" (43 Stat. 463), as amended (66 Stat. 783, 40 U.S.C. 71a(e), 71b, 71c, 71d(d), and 71E(b)).

I have found, after investigation, that each reorganization included in the accompanying reorganization plan is necessary to accomplish one or more of the purposes set forth in section 2(a) of the Reorganization Act of 1949, as amended.

I recommend that the Congress allow the reorganization plan to become effective.

LYNDON B. JOHNSON.

THE WHITE HOUSE, June 29, 1966.

§ 71c. Comprehensive plan for the National Capital

(a) Preparation and adoption by Commission

The Commission is hereby charged with the duty of preparing and adopting a comprehensive, consistent, and coordinated plan for the National Capital, which plan shall include the Commission's recommendations or proposals for Federal developments or projects in the environs, and those District elements, or amendments thereto, of the comprehensive plan adopted by the Council and with respect to which the Commission has not determined a negative impact to exist, which elements or amendments shall be incorporated into such comprehensive plan without change. The Commission shall collaborate with the National Capital Regional Planning Council in the development of those elements of the plan for the National Capital which should be incorporated in the regional plan provided for in section 71b of this title. While consistency between the respective proposals of the Commission and the National Capital Regional Planning Council shall be sought, lack of action or agreement by the National Capital Regional Planning Council shall not prevent the Commission from adopting any part of its plan or any recommendation or proposal for Federal developments or projects in the environs. The Commission may include in its plan any portion of any plan adopted by the National Capital Regional Planning Council or any planning agency in the environs and from time to time make recommendations of collateral interest to the National Capital Regional Planning Council or to the aforesaid agencies.

(b), (c) Repealed. Pub. L. 93–198, title II, § 203(c)(3), Dec. 24, 1973, 87 Stat. 782

(d) Progressive adoption, amendment, or review

The Commission may, as the work of preparing the comprehensive plan progresses, adopt any element or a part or parts thereof and from time to time shall review and may amend or extend the plan, in order that its recommendations may be kept up to date.

(e) Consultation with interested agencies; hearings; citizen advisory councils

Prior to the final adoption of the comprehensive plan or any element thereof, or any subsequent revision, the Commission shall present such plan, element, or revision to the appropriate Federal or District of Columbia authorities for comment and recommendations. Presentation of proposed revisions may at the Commission's discretion be made annually in a consolidated form. The said recommendations by Federal and District of Columbia authorities shall not be binding on the Commission, but it shall give careful consideration to such views and recommendations as are submitted prior to final adoption. The Commission may, in addition and at its discretion, periodically provide opportunity by public hearings, meetings, or conferences, exhibitions and publication of its plans, for review and comments by nongovernmental agencies or groups, and, in consultation

with the Council of the District of Columbia, encourage the formation of one or more citizen advisory councils.

In carrying out its planning functions with respect to Federal developments or projects in the environs, the Commission may act in conjunction and cooperation and enter into agreements with any State or local authority or planning agency, as the Commission may deem necessary, to effectuate the adoption of any plan or proposal and secure its realization.

(June 6, 1924, ch. 270, § 4, as added July 19, 1952, ch. 949, § 1, 66 Stat. 785; amended 1967 Reorg. Plan No. 3, § 402(28), eff. Nov. 3, 1967, 32 F.R. 11669, 81 Stat. 951; Pub. L. 93–198, title II § 203(c), title IV, § 401, Dec. 24, 1973, 87 Stat. 782, 785.)

REFERENCES IN TEXT

Section 71b of this title, referred to in subsec. (a), was omitted from the Code in view of the abolition of the National Capital Regional Planning Council by Reorg. Plan No. 5 of 1966, eff. Sept. 8, 1966, 31 F.R. 11857, 80 Stat. 1611, set out as a note under section 71b of this title.

CODIFICATION

The words ''National Capital Regional Planning'' were added before references to ''Council'' where necessary to avoid possible confusion between references to such Council and the District of Columbia Council.

Section is also set out in D.C. Code, § 1–2003.

PRIOR PROVISIONS

Provisions similar to those concerning preparation and maintenance of a comprehensive plan for the National Capital and its environs were contained in section 71 of this title prior to amendment by act July 19, 1952.

AMENDMENTS

1973—Subsec. (a), first sentence. Pub. L. 93–198, § 203(c)(1), inserted introductory ''hereby'' and substituted ''Federal developments or projects in the environs, and those District elements, or amendments thereto, of the comprehensive plan adopted by the Council and with respect to which the Commission has not determined a negative impact to exist, which elements or amendments shall be incorporated into such comprehensive plan without charge'' for ''Federal and District developments or projects in the environs''.

Subsec. (a), third sentence. Pub. L. 93–198, § 203(c)(2), struck out ''within the District of Columbia'' after ''part of its plan'' and ''or District'' from phrase ''Federal or District developments or projects''.

Subsecs. (b), (c). Pub. L. 93–198, § 203(c)(3), repealed provisions of subsec. (b) relating to contents of comprehensive plan and of subsec. (c) relating to generalized elements of comprehensive plan. See comprehensive plan provisions of section 71a(a) of this title.

TRANSFER OF FUNCTIONS

''Council of the District of Columbia'' substituted in text for ''District of Columbia Council'' pursuant to section 401 of Pub. L. 93–198. District of Columbia Council, 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, classified to section 1–211 of the District of Columbia Code, and replaced by Council of District of Columbia, as provided by section 401 of Pub. L. 93–198, classified to section 1–221 of the District of Columbia Code.

Previously, reference to the Board of Commissioners of the District of Columbia had been changed to the District of Columbia Council pursuant to section 402(28) of Reorganization Plan No. 3 of 1967, 32 F.R. 11669, set out in the Appendix to Title 5, Government Organization and Employees, which transferred the regulatory and other functions of the Board of Commissioners relating to consultations concerning the formation of one or more citizens advisory councils under subsec. (e) of this section to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions abolishing the District of Columbia Council, see section 201 of Reorg. Plan No. 3 of 1967.

ABOLITION OF COUNCIL

National Capital Regional Planning Council, referred to in subsec. (a), abolished by Reorg. Plan No. 5 of 1966, eff. Sept. 8, 1966, 31 F.R. 11857, 80 Stat. 1611, set out as a note under section 71b of this title.

DEFINITIONS

The definitions in section 1–202 of the District of Columbia Code apply to this section as amended by Pub. L. 93–198.

EX. ORD. NO. 11815. DELEGATION OF PRESIDENTIAL FUNCTION OF ESTABLISHING METES AND BOUNDS OF NATIONAL CAPITAL SERVICE AREA

Ex. Ord. No. 11815, Oct. 23, 1974, 39 F.R. 37963, provided:

By virtue of the authority vested in me by section 739(g) of the District of Columbia Self-Government and Governmental Reorganization Act (87 Stat. 828; Public Law 93–198), and as President of the United States, the Chairman of the National Capital Planning Commission is authorized and directed to exercise all authority and to carry out all duties vested in the President by section 739(g) of the above cited law with respect to establishing the metes and bounds of the National Capital Service Area. Prior to establishing said metes and bounds, the Chairman shall consult with the appropriate representative of the District of Columbia Government.

GERALD R. FORD.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 71, 71a, 71i, 72, 72a, 136 of this title.

§ 71d. Proposed Federal and District developments and projects

(a) Consultations between agencies and Commission; procedure

In order to insure the comprehensive planning and orderly development of the National Capital, each Federal and District of Columbia agency prior to the preparation of construction plans originated by such agency for proposed developments and projects or to commitments for the acquisition of land, to be paid for in whole or in part from Federal or District funds, shall advise and consult with the Commission in the preparation by the agency of plans and programs in preliminary and successive stages which affect the plan and development of the National Capital: *Provided*, *however*, That the Commission shall determine in advance the type or kinds of plans, developments, projects, improvements, or acquisitions which do not need to be submitted for review by the Commission as to conformity with its plans. After receipt of such plans, maps, and data, it shall be the duty of the Commission to make promptly a preliminary report and recommendations to the agency or agencies concerned. If, after having received and considered the report and recommendations of the Commission the agency does not concur, it shall advise the Commission with its reasons

therefor, and the Commission shall submit a final report. After such consultation and suitable consideration of the views of the Commission the agency may proceed to take action in accordance with its legal responsibilities and authority.

(b) Exceptions to consultation procedure

The procedure prescribed in subsection (a) of this section shall not apply to projects within the Capitol grounds or to structures erected by the Department of Defense during wartime or national emergency within existing military, naval, or Air Force reservations, except that the appropriate defense agency shall consult with the Commission as to any developments which materially affect traffic or require coordinated planning of the surrounding area.

(c) Approval of District Government buildings within central area; time for transmittal of approval or disapproval of such buildings

The provisions of section 16 of the Act approved June 20, 1938 [D.C. Code, §5–432], are extended to include public buildings erected by any agency of the Government of the District of Columbia within the boundaries of the central area of the District, as such central area may be defined and from time to time redefined by concurrent action of the Commission and the Council, except that the Commission shall transmit its approval or disapproval respecting any such building within thirty days after the day it was submitted to the Commission.

(d) Additional procedure for consultation on developments and projects within environs

Within the environs, general plans showing the location, character, extent and intensity of use for proposed Federal and District developments and projects involving the acquisition of land, shall be submitted to the Commission for report and recommendations before final commitment to said acquisition, unless such matters shall have been specifically approved by an Act of Congress. Before acting on any general plan, the Commission shall advise and consult with the National Capital Regional Planning Council and the appropriate planning agency having jurisdiction over the affected part of the environs. When, in the judgment of the Commission, proposed developments or projects submitted to the Commission under subsection (a) of this section involve a major change in the character or intensity of an existing use in the environs, the Commission shall likewise advise and consult with the National Capital Regional Planning Council and the aforesaid planning agency. The report and recommendations required under this subsection shall be submitted within sixty days and shall be accompanied by any reports or recommendations that may have been prepared by the National Capital Regional Planning Council or the aforesaid planning agency.

(e) Intent of section; interchange of plans, data, etc.

It is the intent of this section to obtain cooperation and correlation of effort between the various agencies of the Federal Government which are responsible for public developments and projects, including the acquisition of land. These agencies, therefore, shall look to the Commission and utilize it as the central planning agency for the Federal activities in the National Capital region. To aid the Commission in carrying out this function, plans, data, and records, or copies thereof, necessary to the Commission shall be furnished upon its request by such Federal and District governmental agencies; and the Commission shall likewise furnish related plans, data, and records, or copies thereof, to Federal and District of Columbia governmental agencies upon request.

(June 6, 1924, ch. 270, §5, as added July 19, 1952, ch. 949, §1, 66 Stat. 787; amended 1967 Reorg. Plan No. 3, §402(29), eff. Nov. 3, 1967, 32 F.R. 11669, 81 Stat. 951; Pub. L. 93–198, title II, §203(d), Dec. 24, 1973, 87 Stat. 782.)

CODIFICATION

The words ''National Capital Regional Planning'' were added before references to ''Council'' where necessary to avoid possible confusion between references to such Council and the District of Columbia Council.

Previously, reference to the Board of Commissioners of the District of Columbia had been changed to the District of Columbia Council pursuant to section 402(29) of Reorganization Plan No. 3 of 1967, 32 F.R. 11669, set out in the Appendix to Title 5, Government Organization and Employees, which transferred the regulatory and other functions of the Board of Commissioners relating to the definition and redefinition of the central area of the District of Columbia to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorg. Plan No. 3 of 1967.

Section is also set out in D.C. Code, §1–2004.

PRIOR PROVISIONS

Similar provisions relating to the preparation and maintenance of a comprehensive plan for the National Capital and its environs, and the cooperation between the former National Capital Park and Planning Commission and agencies of the Federal and District Governments were contained in section 71 of this title prior to amendment by act July 19, 1952.

AMENDMENTS

1973—Subsec. (c). Pub. L. 93–198, §203(d)(1), provided for Commission transmittal of its approval or disapproval respecting any building within thirty days after the day it was submitted to the Commission.

Subsec. (e). Pub. L. 93–198, §203(d)(2), struck out ''of the foregoing provisions'' after ''intent'' and substituted ''Federal Government'' for ''Federal and District Governments'' in first sentence and substituted ''Federal activities'' for ''Federal and District Governments'' in second sentence.

ABOLITION OF COUNCIL

National Capital Regional Planning Council, referred to in subsec. (b), abolished by Reorg. Plan No. 5 of 1966, eff. Sept. 8, 1966, 31 F.R. 11857, 80 Stat. 1611, set out as a note under section 71b of this title.

DEFINITIONS

The definitions in section 1–202 of the District of Columbia Code apply to this section as amended by Pub. L. 93–198.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 71, 71a, 71i, 72, 72a, 136, 616 of this title.

§ 71e. Repealed. Pub. L. 93–198, title II, § 203(e), Dec. 24, 1973, 87 Stat. 782

Section, act June 6, 1924, ch. 270, § 6, as added July 19, 1952, ch. 949, § 1, 66 Stat. 789, provided for inclusion in comprehensive plan of thoroughfare and mass transportation plans, providing in former subsec. (a) for preparation and adoption of plans by Commission and submission, approval, and revision and in former subsec. (b) for consultations prior to adoption of a thoroughfare plan, recommendations, and procedure by Bureau of Public Roads.

§ 71f. Capital improvements

(a) Six-year program of public works; recommendations and annual review; submission of advance programs

The Commission shall recommend a six-year program of public works projects for the Federal Government which it shall review annually with the agencies concerned. To this end, each Federal agency shall submit to the Commission in the first quarter of each fiscal year a copy of its advance program of capital improvements within the National Capital and its environs.

(b) Submission of multiyear capital improvement plan

The Mayor shall submit to the Commission, by February 1 of each year, a copy of the multiyear capital improvements plan for the District developed by him under section 444 of the District of Columbia Home Rule Act [D.C. Code, § 47–303]. The Commission shall have thirty days within which to comment upon such plan but shall have no authority to change or disapprove of such plan.

(June 6, 1924, ch. 270, § 7, as added July 19, 1952, ch. 949, § 1, 66 Stat. 789; amended 1967 Reorg. Plan No. 3, § 402(32), eff. Nov. 3, 1967, 32 F.R. 11669, 81 Stat. 951; Pub. L. 93–198, title II, § 203(f), title IV, § 421, Dec. 24, 1973, 87 Stat. 782, 789; Pub. L. 105–33, title XI, § 11717(b), Aug. 5, 1997, 111 Stat. 786.)

CODIFICATION

Section is also set out in D.C. Code, § 1–2005.

PRIOR PROVISIONS

Similar provisions relating to preparation and maintenance of a comprehensive plan for the National Capital and its environs, including public works, and for cooperation between the former National Capital Park and Planning Commission and Federal and District Governments were contained in section 71 of this title prior to amendment by act July 19, 1952.

AMENDMENTS

1997—Subsec. (b). Pub. L. 105–33 substituted ''District of Columbia Home Rule Act'' for ''District of Columbia Self-Government and Governmental Reorganization Act''.

1973—Subsec. (a). Pub. L. 93–198 designated existing provisions as subsec. (a), inserted ''for the Federal Government'' after ''public works projects'', and struck out ''and the District of Columbia Council'' after ''Federal agency''.

Subsec. (b). Pub. L. 93–198 added subsec. (b).

EFFECTIVE DATE OF 1997 AMENDMENT

Amendment by Pub. L. 105–33 effective Oct. 1, 1997, except as otherwise provided in title XI of Pub. L. 105–33, see section 11721 of Pub. L. 105–33, set out as a note under section 4246 of Title 18, Crimes and Criminal Procedure.

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 subsec. (b) for ''commissioner''.

Previously, reference to the Board of Commissioners of the District of Columbia had been changed to the District of Columbia Council pursuant to section 402(32) of Reorganization Plan No. 3 of 1967, 32 F.R. 11669, set out in the Appendix to Title 5, Government Organization and Employees, which transferred the regulatory and other functions of the Board of Commissioners relating to the submission of a copy of the District's advance program of capital improvements to the National Capital Planning Commission, to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorg. Plan No. 3 of 1967.

DEFINITIONS

The definitions in section 1–202 of the District of Columbia Code apply to this section as amended by Pub. L. 93–198.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 71, 71a, 71i, 72, 72a, 136 of this title.

§ 71g. Zoning regulations and maps, and subdivision of lands

(a) Amendments of zoning regulations and maps

The Commission may make a report and recommendation to the Zoning Commission of the District of Columbia, as provided in section 5 of the Act of March 1, 1920 (D.C. Code, sec. 5–417), on proposed amendments of the zoning regulations and maps as to the relation, conformity, or consistency of such amendments with the comprehensive plan for the National Capital. The Commission may also submit to the said Zoning Commission proposed amendments or general revisions to the zoning regulations or the zoning map for said District.

(b) Further reports on proposed amendments

When requested by a properly authorized representative of the Commission, the Zoning Commission may at its discretion recess for a reasonable period of time any public hearing held by it to consider a proposed amendment to the zoning regulations or map, in order that the Commission or its representative may have an opportunity to present to the Zoning Commission a further report on the proposed amendment.

(c) Performance of functions by Zoning Committee of National Capital Planning Commission

The functions vested in the Commission pursuant to this section may, to such extent as the Commission shall determine, and subject to confirmation by the Commission when requested by the Zoning Commission of the District of Columbia, be performed by a committee of the Commission which shall be known as the Zoning

Committee of the National Capital Planning Commission and shall consist of not less than three members of the Commission designated by the Commission for the purpose. The number of members serving on the Zoning Committee may be varied from time to time.

(d) Recommendations as to platting and subdividing lands; procedure

Any proposed change in or addition to the regulations or general orders regulating the platting and subdividing of lands and grounds in the District of Columbia shall first be submitted to the Commission by the Council of the District of Columbia for report and recommendation prior to adoption by such Council. Should the Council not concur in the recommendations of the Commission, it shall so advise the Commission with its reasons therefor and the Commission shall submit a final report within thirty days. After consideration of this final report, the Council may proceed to take action in accordance with its legal responsibilities and authority. It shall be the duty of the Commission to submit any proposed changes in or amendments to the general orders that the Commission considers appropriate and the Council shall treat the amendments proposed in the same manner as other proposed amendments.

(June 6, 1924, ch. 270, § 8, as added July 19, 1952, ch. 949, § 1, 66 Stat. 790; amended 1967 Reorg. Plan No. 3, § 402(21), eff. Nov. 3, 1967, 32 F.R. 11669, 81 Stat. 951; Pub. L. 93–198, title II, § 203(g), title IV, § 401, Dec. 24, 1973, 87 Stat. 783, 785.)

CODIFICATION

Section is also set out in D.C. Code, § 1–2006.

PRIOR PROVISIONS

Similar provisions relating to the preparation and maintenance of a comprehensive plan for the National Capital and its environs, including zoning regulations, plats, and subdivisions, and for cooperation between the former National Capital Park and Planning Commission and Federal and District Governments were contained in section 71 of this title prior to amendment by act July 19, 1952.

AMENDMENTS

1973—Subsec. (a). Pub. L. 93–198 provided for the making of a report and recommendations as provided in section 5 of the Act of March 1, 1920 (D.C. Code, sec. 5–417), including consistency of proposed amendments of zoning regulations and maps with the comprehensive plan, substituting ''comprehensive plan for the National Capital'' for ''comprehensive plan of the District of Columbia'' and deleted provision for Commission submission to the Zoning Commission of proposed amendments or general revisions to the zoning regulations or the zoning map for the District.

TRANSFER OF FUNCTIONS

''Council of the District of Columbia'' substituted in subsec. (d) for ''District of Columbia Council'' pursuant to section 401 of Pub. L. 93–198. District of Columbia Council, 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, classified to section 1–211 of the District of Columbia Code, and replaced by Council of District of Columbia, as provided by section 401 of Pub. L. 93–198, classified to section 1–221 of the District of Columbia Code.

Previously, reference to the Board of Commissioners of the District of Columbia had been changed to the District of Columbia Council to reflect D.C. Code § 1–613 and section 402(21) of Reorganization Plan No. 3 of 1967, 32 F.R. 11669, set out in the Appendix to Title 5, Government Organization and Employees, which transferred the regulatory and other functions of the Board of Commissioners relating to the making and publishing of general orders regulating the platting and subdividing of lands and grounds to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of Reorg. Plan No. 3 of 1967.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 71, 71a, 71i, 72, 72a, 136 of this title.

§ 71h. Transfer of functions to Commission

All other functions, powers, and duties of the National Capital Park and Planning Commission, including those formerly vested in the Highway Commission established by the Act of March 2, 1893 (27 Stat. 532) [D.C. Code, § 7–107 et seq.], and those formerly vested in the National Capital Park Commission by the Act of June 6, 1924 (43 Stat. 463) together with the personnel, records, property, and unexpended balances (available or to be made available) of appropriations, allocations, and all other funds, including trust funds, of the National Capital Park and Planning Commission, are transferred to the Commission.

(June 6, 1924, ch. 270, § 9, as added July 19, 1952, ch. 949, § 1, 66 Stat. 790.)

REFERENCES IN TEXT

Act of March 2, 1893 (27 Stat. 532), referred to in text, is act Mar. 2, 1893, ch. 197, 27 Stat. 532, as amended, which appears in sections 7–107 to 7–111 of Title 7, Highways, Streets, Bridges, of the District of Columbia Code.

The functions, powers, and duties formerly vested in the National Capital Park Commission by the Act of June 6, 1924 (43 Stat. 463), referred to in text, are the functions, powers, and duties vested by act June 6, 1924, ch. 270, §§ 1 to 4, 43 Stat. 463, which enacted sections 71, 72, 73, and 74 of this title prior to the amendment of such act by act July 19, 1952, ch. 949, § 1, 66 Stat. 781.

The Commission, referred to in text, is the National Capital Planning Commission created by section 71a of this title.

CODIFICATION

Section is also set out in D.C. Code, § 1–2007.

TRANSFER OF FUNCTIONS

Functions of National Capital Park Commission and Highway Commission of District of Columbia transferred to National Capital Park and Planning Commission by act Apr. 30, 1926, ch. 198, 44 Stat. 376.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 71, 71i, 72, 72a of this title.

§ 71i. Authorization of appropriations to carry out sections 71 to 71i

There are authorized to be appropriated, out of any moneys in the Treasury of the United States not otherwise appropriated and in any appropriate appropriation Act other than the annual District of Columbia Appropriation Act, such sums as may be necessary to carry out the provisions of sections 71 to 71i of this title, any

existing provisions of law to the contrary notwithstanding.

(June 6, 1924, ch. 270, § 10, as added July 19, 1952, ch. 949, § 1, 66 Stat. 791.)

CODIFICATION

Section is also set out in D.C. Code, § 1–2008.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 71, 72, 72a of this title.

§ 72. Acquisition of land by Commission

Said Commission or a majority thereof is authorized and directed to acquire such lands as in its judgment shall be necessary and desirable in the District of Columbia and adjacent areas in Maryland and Virginia, within the limits of the appropriations made for such purposes, for suitable development of the National Capital park, parkway, and playground system. Said Commission is authorized to acquire such lands by purchase when they can be acquired at prices reasonable in the judgment of said Commission, otherwise by condemnation proceedings, such proceedings to acquire lands within the District of Columbia to be in accordance with the provisions of the Act of Congress approved August 30, 1890, providing a site for the Government Printing Office (United States Statutes at Large, volume 26, chapter 837), the Chief of Engineers of the Army being, for the purposes of sections 71 to 71i, 72, 73 and 74 of this title, clothed with all the power vested by the said act of August 30, 1890, in the board created. Said Commission is authorized to acquire such lands, located in Maryland or Virginia, either by purchase or condemnation proceedings, by such arrangements as to acquisition and payment for the lands as it shall determine upon by agreement with the proper officials of the States of Maryland and Virginia. In the selection of lands to be acquired the advice of the Commission of Fine Arts shall be requested. The designation of all lands to be acquired by condemnation, all contracts for purchase of lands, and all agreements between said Commission and the officials of the States of Maryland and Virginia shall be subject to the approval of the President of the United States.

(June 6, 1924, ch. 270, § 11, formerly § 2, 43 Stat. 463; renumbered § 11, July 19, 1952, ch. 949, § 2, 66 Stat. 791.)

REFERENCES IN TEXT

The Act of Congress approved August 30, 1890, providing a site for the Government Printing Office (United States Statutes at Large, volume 26, chapter 837), referred to in text, is act Aug. 30, 1890, ch. 837, 26 Stat. 412, which enacted section 120 of this title, section 861a of former Title 10, Army and Air Force, section 446 of Title 16, Conservation, sections 497, 601 and 651 of former Title 31, Money and Finance, section 887 of Title 33, Navigation and Navigable Waters, and sections 212, 662 and 945 of Title 43, Public Lands, and amended section 321 of Title 43. Former Titles 10 and 31 were revised generally by act Aug. 10, 1956, ch. 1041, § 1, 70A Stat. 1, and Pub. L. 97–258, Sept. 13, 1982, 96 Stat. 877, respectively. For disposition of sections of former titles, see Table I—Revised Titles. For complete classification of this Act to the Code, see Tables.

Section 2 of act August 30, 1890, referred to in text, created a board consisting of the Secretary of the Treasury, the Public Printer, and the Architect of the Capitol to acquire land for the accommodation of the Government Printing Office and the construction of needed storage and distributing warehouses in connection therewith. Section 3 of such act authorized the board to acquire the land by negotiation at a price not above a fair relative value as to other lands which had been sold in the immediate vicinity; or if the board were unable to purchase said land by agreement with any one or more of the respective owners at a reasonable price within sixty days after the passage of the act, it was authorized to ''make application to the Supreme Court of the District of Columbia [now the United States District Court for the District of Columbia], at any general or special term thereof, by petition for the condemnation of such land not so purchased, and for the ascertainment of its value. Such petition shall contain a particular description of the property not so purchased, and selected for the purpose aforesaid, with the name of the owner or owners thereof and their residences, so far as the same may be ascertained, together with a plan of the land proposed to be taken; and thereupon the said court is authorized and required to cite all such owners and all other persons interested to appear in said court at a time to be fixed by such court, on reasonable notice, to answer the said petition; and if it shall appear to the court that there are any owners or other persons interested who are under disability the court shall give public notice of the time at which the said court will proceed with the matter of condemnation; and at such time if it shall appear that there are any persons under disability either who have appeared or who have not appeared, the court shall appoint guardians ad litem for each such persons, and the court shall thereupon proceed to appoint three capable and disinterested commissioners to appraise the value of the respective interests of all persons concerned in such lands, under such regulations as to notice and hearing as to the court shall seem meet. Such commissioners shall thereupon, after being duly sworn for the proper performance of their duties, examine the premises and hear the persons in interest who may appear before them, and return their appraisement of the value of the interests of all persons, respectively, in such land; and in case any of the persons entitled according to the judgment of the court are under disability, or can not be found, or neglect to receive payment, the money to be paid to any of them shall be deposited in the Treasury to their credit, unless there shall be some person lawfully authorized to receive the same under the direction of the court, and when such payments are so made, or the amounts belonging to persons to whom payment shall not be made are so deposited, the said lands shall be deemed to be condemned and taken by the United States for the public use.'' These provisions were never executed and the appropriation therefor was suspended by act Mar. 3, 1891, ch. 542, 26 Stat. 989.

However, the provisions of section 3 of the act of Aug. 30, 1890, referred to and partly quoted above, with respect to condemnation proceeding, were rendered general and permanent by a provision of the end of that section which read as follows:

''And hereafter, in all cases of the taking of property in the District of Columbia for public use, whether herein, heretofore, or hereafter authorized, the foregoing provisions, as it respects the application by the proper officer to the supreme court of the District of Columbia [see above for change in name] and the proceedings therein shall be as in the foregoing provisions declared''. In view of this provision, section 3, reworded at the beginning thereof to incorporate it, was classified to former section 120 of this title. Former section 120 was superseded in effect by act Mar. 1, 1929, ch. 416, 45 Stat. 1415, which was formerly classified to section 361 et seq. of this title. See chapter 13 (§ 16–1301 et seq.) of Title 16, Particular Actions, Proceedings and Matters, of the District of Columbia Code.

CODIFICATION

Section is also set out in D.C. Code, § 1–2009.

TRANSFER OF FUNCTIONS

''Commission'', as used in this section, refers to National Capital Planning Commission, rather than to National Capital Park and Planning Commission, in view of transfer of functions, powers, etc., from latter to former by section 71h of this title.

DELEGATION OF FUNCTIONS

Authority of President under last sentence of this section to approve (i) designation of lands to be acquired by condemnation, (ii) contracts for purchase of lands, and (iii) agreements between National Capital Planning Commission and officials of States of Maryland and Virginia delegated to Director of Office of Management and Budget, see section 9(4) of Ex. Ord. No. 11609, July 22, 1971, 36 F.R. 13747, set out as a note under section 301 of Title 3, The President.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 71, 71h, 72a, 74 of this title.

§ 72a. Acquisition of land by Commission subject to limited rights reserved to grantor; acquisition of limited permanent rights in land adjoining park property

The authority of the National Capital Planning Commission, established by section 71 of this title, is enlarged as follows:

Said Commission is authorized to acquire, for and in behalf of the United States of America, by gift, devise, purchase, or condemnation, in accordance with the provisions of sections 71 to 71i, 72, 73, and 74 of this title, (1) fee title to land subject to limited rights, but not for business purposes, reserved to the grantor: *Provided*, That such reservation of rights shall not continue beyond the life or lives of the grantor or grantors of the fee: *Provided further*, That in the opinion of said Commission the permanent public park purposes for which control over said land is needed are not essentially impaired by said reserved rights and that there is a substantial saving in cost by acquiring said land subject to said limited rights as compared with the cost of acquiring unencumbered title thereto; (2) permanent rights in land adjoining park property sufficient to prevent the use of said land in certain specified ways which would essentially impair the value of the park property for its purposes: *Provided*, That in the opinion of said Commission the protection and maintenance of the essential public values of said park can thus be secured more economically than by acquiring said land in fee or by other available means: *Provided further*, That all contracts for acquisition of land subject to such limited rights reserved to the grantor and for acquisition of such limited permanent rights in land shall be subject to the approval of the President of the United States.

(Dec. 22, 1928, ch. 48, § 1, 45 Stat. 1070; June 6, 1924, ch. 279, § 9, as added July 19, 1952, ch. 949, § 1, 66 Stat. 790.)

REFERENCES IN TEXT

Former provisions of section 71 of this title, referred to in text, established the National Capital Park and Planning Commission, to which such clause originally referred. For transfer of functions, powers, etc., of that Commission to the National Capital Planning Commission, see Transfer of Functions note set out below, and for creation of the latter Commission, see section 71a of this title.

CODIFICATION

Section is also set out in D.C. Code, § 8–101.

TRANSFER OF FUNCTIONS

In opening clause, ''National Capital Planning Commission'' substituted for ''National Capital Park and Planning Commission'', on authority of act June 6, 1924, ch. 270, § 9, as added July 19, 1952, which transferred functions of latter to former. See section 71h of this title and Transfer of Functions note thereunder.

DELEGATION OF FUNCTIONS

Authority of President under this section to approve contracts for acquisition of land subject to limited rights reserved to grantor and for acquisition of limited permanent rights in land adjoining park property delegated to Director of Office of Management and Budget, see section 9(5) of Ex. Ord. No. 11609, July 22, 1971, 36 F.R. 13747, set out as a note under section 301 of Title 3, The President.

§ 72b. Lease of lands acquired for park, parkway, or playground purposes

The Administrator of General Services is authorized, subject to the approval of the National Capital Planning Commission, to lease, for a term not exceeding five years, and to renew such lease, subject to such approval, for an additional term not exceeding five years, pending need for their immediate use in other ways by the public, and on such terms as the Administrator shall determine, land or any existing building or structure on land acquired for park, parkway, or playground purposes.

(Dec. 22, 1928, ch. 48, § 2, 45 Stat. 1070; Ex. Ord. No. 6166, § 2, eff. June 10, 1933; Mar. 2, 1934, ch. 38, § 1, 48 Stat. 389; 1939 Reorg. Plan No. 1, § 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; June 6, 1924, ch. 279, § 9, as added July 19, 1952, ch. 949, § 1, 66 Stat. 790.)

CODIFICATION

Section is also set out in D.C. Code, § 8–103.

TRANSFER OF FUNCTIONS

''National Capital Planning Commission'' substituted in text for ''National Capital Park and Planning Commission'', on authority of act June 6, 1924, ch. 270, § 9, as added July 19, 1952, which transferred functions of latter to former. See section 71h of this title and Transfer of Functions note thereunder.

''Administrator of General Services'' substituted in text for ''Director of Public Buildings and Public Parks of the National Capital''. See Transfer of Functions note set out under section 19 of this title.

§ 72c. Power to sell lands

The Mayor of the District of Columbia, with the approval of the National Capital Planning Commission, is authorized and empowered in his discretion, for the best interests of the District of Columbia, to sell and convey, in whole or in part, to the highest bidder at public or private sale, real estate now or hereafter owned in fee simple by the District of Columbia for municipal use, in the District of Columbia, which the Council of the District of Columbia and the National Capital Planning Commission find to be no longer required for public purposes.

(Aug. 5, 1939, ch. 449, § 1, 53 Stat. 1211; June 6, 1924, ch. 279, § 9, as added July 19, 1952, ch. 949, § 1,

66 Stat. 790; 1967 Reorg. Plan No. 3, §§401, 402(192), eff. Nov. 3, 1967, 32 F.R. 11669, 81 Stat. 951; Pub. L. 93–198, title IV, §§401, 421, Dec. 24, 1973, 87 Stat. 785, 789.)

CODIFICATION

Section is also set out in D.C. Code, §9–401.

REPEALS

Section 7 of act Aug. 5, 1939, repealed all acts and parts of acts inconsistent or in conflict therewith.

TRANSFER OF FUNCTIONS

''National Capital Planning Commission'' substituted in text for ''National Capital Park and Planning Commission'', on authority of act June 6, 1924, ch. 270, §9, as added July 19, 1952, which transferred functions of latter to former. See section 71h of this title and Transfer of Functions note thereunder.

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''.

Function of Board of Commissioners to find that real estate is no longer required for a public purpose transferred to District of Columbia Council pursuant to section 402(192) of Reorg. Plan No. 3 of 1967.

''Council of the District of Columbia'' substituted in text for ''District of Columbia Council'' pursuant to section 401 of Pub. L. 93–198. District of Columbia Council, 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, classified to section 1–211 of the District of Columbia Code, and replaced by Council of District of Columbia, as provided by section 401 of Pub. L. 93–198, classified to section 1–221 of the District of Columbia Code.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 72e, 74b of this title.

§ 72d. Expenses of land sales

The Mayor of the District of Columbia is further authorized to pay the reasonable and necessary expenses of sale of each parcel of land sold, and shall deposit the net proceeds thereof in the Treasury of the United States to the credit of the District of Columbia.

(Aug. 5, 1939, ch. 449, §2, 53 Stat. 1211; 1967 Reorg. Plan No. 3, §401, eff. Nov. 3, 1967, 32 F.R. 11669, 81 Stat. 951; Pub. L. 93–198, title IV, §421, Dec. 24, 1973, 87 Stat. 789.)

CODIFICATION

Section is also set out in D.C. Code, §9–402.

REPEALS

Section 7 of act Aug. 5, 1939, repealed all acts and parts of acts inconsistent or in conflict therewith.

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''.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 72e, 74b of this title.

§ 72e. Execution of deeds to lands

The Mayor of the District of Columbia is authorized to execute proper deeds of conveyance for real estate sold under the provisions of sections 72c to 72e and 74a to 74c of this title, which shall contain a full description of the land sold, either by metes and bounds, or otherwise, according to law.

(Aug. 5, 1939, ch. 449, §3, 53 Stat. 1211; 1967 Reorg. Plan No. 3, §401, eff. Nov. 3, 1967, 32 F.R. 11669, 81 Stat. 951; Pub. L. 93–198, title IV, §421, Dec. 24, 1973, 87 Stat. 789.)

CODIFICATION

Section is also set out in D.C. Code, §9–403.

REPEALS

Section 7 of act Aug. 5, 1939, repealed all acts and parts of acts inconsistent or in conflict therewith.

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''.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 74b of this title.

§ 73. Authorization of appropriations for expenses, and acquisition of lands by Commission; assignment of playground areas; control of lands outside District

There is authorized to be appropriated, each year, in the annual District of Columbia Appropriation Act, a sum not exceeding 1 cent for each inhabitant of the continental United States as determined by the last preceding decennial census, said sum to be used by said Commission for the payment of its expenses and for the acquisition of the lands herein authorized to be acquired by said Commission for the purposes named, the compensation for the land, the expense of surveys, ascertainment of title, condemnation proceedings, if any, and necessary conveyancing to be paid from said appropriations. The funds so appropriated shall be paid from the revenues of the District of Columbia and the general funds of the Treasury in the same proportion as other expenses of the District of Columbia. The land so acquired within the District of Columbia shall be a part of the park system of the District of Columbia and be

under control of the Director of the National Park Service. Areas suitable for playground purposes may, in the discretion of said Commission, be assigned to the control of the Mayor of the District of Columbia for playground purposes. The land so acquired outside the District of Columbia shall be controlled as determined by agreement between said commission and the proper officers of the States of Maryland and Virginia, such agreements to be subject to the approval of the President.

(June 6, 1924, ch. 270, § 12, formerly § 3, 43 Stat. 463; Feb. 26, 1925, ch. 339, § 3, 43 Stat. 983; Ex. Ord. No. 6166, § 2, eff. June 10, 1933, Mar. 2, 1934, ch. 38, § 1, 48 Stat. 389; renumbered § 12, July 19, 1952, ch. 949, § 2, 66 Stat. 791; 1967 Reorg. Plan No. 3, § 401, eff. Nov. 3, 1967, 32 F.R. 11669, 81 Stat. 951; Pub. L. 93–198, title IV, § 421, Dec. 24, 1973, 87 Stat. 789.)

CODIFICATION

Section is also set out in D.C. Code, § 1–2010.

TRANSFER OF FUNCTIONS

''Commission'', as used in this section, refers to National Capital Planning Commission, rather than to National Capital Park and Planning Commission, in view of transfer of functions, powers, etc., from latter to former by section 71h of this title.

Functions of all other officers of Department of the Interior and functions of all agencies and employees of that Department, with two exceptions, transferred to Secretary of the Interior, with power vested in him to authorize their performance or performance of any of his functions by any of those officers, agencies, and employees, by 1950 Reorg. Plan No. 3, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees. National Park Service, referred to in text, is an agency of Department of the Interior.

Office of Public Buildings and Public Parks of National Capital abolished and functions 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.

Act Feb. 26, 1925 ch. 339, § 3, 43 Stat. 983, abolished office of Public Buildings and Grounds under Chief of Engineers and transferred functions thereof to Director of Public Buildings and Public Parks.

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''.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 71, 71h, 72, 72a, 74 of this title.

§ 74. Annual reports of Commission to Congress; estimates for Office of Management and Budget

Said Commission shall report to Congress annually on the first Monday of March the lands acquired during the preceding fiscal year, the method of acquisition, and the cost of each tract. It shall also submit to the Office of Management and Budget on or before December 15 of each year its estimate of the total sum to be appropriated for expenditure under the provisions of sections 71 to 71i, 72, 73 and 74 of this title during the succeeding fiscal year.

(June 6, 1924, ch. 270, § 13, formerly § 4, 43 Stat. 464; renumbered § 13, July 19, 1952, ch. 949, § 2, 66 Stat. 791; 1970 Reorg. Plan No. 2, § 102, eff. July 1, 1970, 35 F.R. 7959, 84 Stat. 2085; Pub. L. 94–273, § 21, Apr. 21, 1976, 90 Stat. 379.)

CODIFICATION

Section is also set out in D.C. Code, § 1–2011.

AMENDMENTS

1976—Pub. L. 94–273 substituted ''March'' for ''December'' and ''December'' for ''September''.

TRANSFER OF FUNCTIONS

''Commission'', as used in this section, refers to National Capital Planning Commission, rather than to National Capital Park and Planning Commission, in view of transfer of functions, powers, etc., from latter to former by section 71h of this title.

Functions vested by law (including reorganization plan) in Bureau of the Budget or Director of Bureau of the Budget transferred to President of United States by section 101 of Reorg. Plan No. 2 of 1970. Section 102 of Reorg. Plan No. 2 of 1970 redesignated Bureau of the Budget as Office of Management and Budget.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 71, 71h, 72, 72a of this title.

§ 74a. Sale by the Secretary of the Interior of lands no longer needed for public purposes

The Secretary of the Interior, with the approval of the National Capital Planning Commission, is authorized, in his discretion, for the best interests of the United States, to sell and convey, in whole or in part, by proper deed or instrument, any real estate held by the United States in the District of Columbia and under the jurisdiction of the National Park Service, which may be no longer needed for public purposes for cash, or on such deferred-payment plan as the Secretary of the Interior may approve, at a price not less than that paid for it by the Government and not less than its present appraised value as determined by him.

(Aug. 5, 1939, ch. 449, § 4, 53 Stat. 1211; June 6, 1924, ch. 279, § 9, as added July 19, 1952, ch. 949, § 1, 66 Stat. 790.)

CODIFICATION

Section is also set out in D.C. Code, § 9–404.

REPEALS

Section 7 of act Aug. 5, 1939, repealed all acts and parts of acts inconsistent or in conflict therewith.

TRANSFER OF FUNCTIONS

''National Capital Planning Commission'' substituted in text for ''National Capital Park and Planning Commission'', on authority of act June 6, 1924, ch. 270, § 9, as added July 19, 1952, which transferred functions of latter to former. See section 71h of this title and Transfer of Functions note thereunder.

Functions of all other officers of Department of the Interior and functions of all agencies and employees of that Department, with two exceptions, transferred to Secretary of the Interior, with power vested in him to

authorize their performance or performance of any of his functions by any of those officers, agencies, and employees, by Reorg. Plan No. 3 of 1950, §§1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees. National Park Service, referred to in text, is an agency of Department of the Interior.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 72e, 74b of this title.

§ 74b. Sale to highest bidder; rights of abutting owner

In selling any parcel of land under sections 72c to 72e and 74a to 74c said Secretary shall cause such public or private solicitation for bids or offers to be made as he may deem appropriate, and shall sell the parcel to the party agreeing to pay the highest price therefor if such price is otherwise satisfactory: *Provided*, That in the event the price offered or bid by the owner of any lands abutting the lands to be sold equals the highest price offered or bid by any other party, the parcel may be sold to such abutting owner.

(Aug. 5, 1939, ch. 449, § 5, 53 Stat. 1211.)

CODIFICATION

Section is also set out in D.C. Code, § 9–405.

REPEALS

For repeal, see note under section 74a of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 72e of this title.

§ 74c. Expenses of sale; disposition of proceeds

Said Secretary is further authorized to pay the reasonable and necessary expenses of sale of each parcel of land sold, and shall deposit the net proceeds thereof in the Treasury to the credit of the United States and the District of Columbia in the proportion that each paid the appropriations from which the parcels of land were acquired or were obligated to pay the same, at the time of acquisition, by reimbursement.

(Aug. 5, 1939, ch. 449, § 6, 53 Stat. 1211.)

CODIFICATION

Section is also set out in D.C. Code, § 9–406.

REPEALS

For repeal, see note under section 74a of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 72e, 74b of this title.

§§ 75 to 77. Omitted

CODIFICATION

Section 75, acts July 1, 1898, ch. 543, § 2, 30 Stat. 570; Feb. 2, 1904, ch. 89, 33 Stat. 10; Apr. 14, 1906, ch. 1622, 34 Stat. 112; Feb. 26, 1925, ch. 339, § 3, 43 Stat. 983, related to park system in District of Columbia and rules relating to improvements, parking spaces, and business streets. See D.C. Code, § 8–104.

Section 76, acts June 5, 1920, ch. 235, 41 Stat. 898; Feb. 26, 1925, ch. 339, § 3, 43 Stat. 983, related to vehicle and traffic regulations issued and enforced by Director of National Park Service in District of Columbia. See D.C. Code, § 8–105.

Section 77, act May 27, 1924, ch. 199, § 9, 43 Stat. 176, related to appointment and powers of special police in District of Columbia. See D.C. Code, § 4–205.

§ 77a. Repealed. Pub. L. 89–554, § 8(a), Sept. 6, 1966, 80 Stat. 656

Section, act Aug. 11, 1951, ch. 301, title I, 65 Stat. 185, authorized a detail of Secret Service Agents to supervise the guard for Treasury Department buildings.

Acts May 6, 1939, ch. 115, title I, 53 Stat. 657; Mar. 25, 1940, ch. 71, title I, 54 Stat. 57; May 31, 1941, ch. 156, title I, 55 Stat. 214; Mar. 10, 1942, ch. 178, title I, 56 Stat. 152; June 30, 1943, ch. 179, title I, 57 Stat. 260; Apr. 22, 1944, ch. 175, title I, 58 Stat. 204; Apr. 24, 1945, ch. 92, title I, 59 Stat. 64; July 20, 1946, ch. 588, title I, 60 Stat. 576; July 1, 1947, ch. 186, title I, 61 Stat. 222; June 14, 1948, ch. 466, title I, 62 Stat. 413; June 30, 1949, ch. 286, title I, 63 Stat. 362; Sept. 6, 1950, ch. 896, Ch. IV, title I, 64 Stat. 638, contained similar provisions to section 77a of this title, prior to repeal by Pub. L. 89–554, § 8(a), Sept. 6, 1966, 80 Stat. 650 to 656.

§ 78. Omitted

CODIFICATION

Section, acts July 1, 1898, ch. 543, § 4, 30 Stat. 570; Feb. 26, 1925, ch. 339, § 3, 43 Stat. 983, related to use of spaces and reservation of spaces for widening roadways in the District of Columbia. See D.C. Code, § 8–123.

§ 79. Transfers of jurisdiction between Director of National Park Service and Mayor of District of Columbia

When in accordance with law or mutual legal agreement, spaces or portions of public land are transferred from the jurisdiction of the Director of the National Park Service, as established by this Act to that of the Mayor of the District of Columbia, or vice versa, the letters exchanged between them of transfer and acceptance shall be sufficient authority for the necessary change in the official maps and for record when necessary.

(July 1, 1898, ch. 543, § 5, 30 Stat. 570; Feb. 26, 1925, ch. 339, § 3, 43 Stat. 983; Ex. Ord. No. 6166, § 2, eff. June 10, 1933, Mar. 2, 1934, ch. 38, 48 Stat. 389; 1939 Reorg. Plan No. 1, § 303(b), eff. July 1, 1939, 4 F.R. 2729, 53 Stat. 1427; 1967 Reorg. Plan No. 3, § 401, eff. Nov. 3, 1967, 32 F.R. 11669, 81 Stat. 951; Pub. L. 93–198, title IV, § 421, Dec. 24, 1973, 87 Stat. 789.)

REFERENCES IN TEXT

This Act, referred to in text, is act July 1, 1898, ch. 543, 30 Stat. 570, as amended, which enacted sections 60, 75, 78, 79, and 80 of this title and amended section 67 of this title. Sections 60, 67, 75, 78, and 80 of this title have been omitted from the Code. See sections 8–106, 5–204, 8–104, 8–123, and 8–137 of the D.C. Code. For complete classification of this Act to the Code, see Tables.

CODIFICATION

Section is also set out in D.C. Code, § 8–129.

Act July 1, 1898 applied to transfers of land from the jurisdiction of the Chief of Engineers of the United States Army, as established by said act to that of the Commissioners of the District of Columbia, or vice versa.

TRANSFER OF FUNCTIONS

Functions of all other officers of Department of the Interior and functions of all agencies and employees of that Department, with two exceptions, transferred to Secretary of the Interior, with power vested in him to authorize their performance or performance of any of his functions by any of those officers, agencies, and employees, by Reorg. Plan No. 3 of 1950, §§1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix

to Title 5, Government Organization and Employees. National Park Service, referred to in text, is an agency of Department of the Interior.

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 Public Buildings and Public Parks of National Capital abolished and functions 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.

Office of Public Buildings and Grounds under Chief of Engineers abolished and functions of Chief of Engineers and of Secretary of War with respect thereto transferred to Director of Public Buildings and Public Parks of National Capital by act Feb. 26, 1925.

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''.

Section 402(181) of Reorganization Plan No. 3 of 1967, 32 F.R. 11669, set out in the Appendix to Title 5, Government Organization and Employees, transferred regulatory and other functions of Board of Commissioners relating to transferal of jurisdiction over properties or parts of properties to Federal authorities, and accepting from Federal authorities jurisdiction over properties or parts thereof under this section, to District of Columbia Council, subject to right of Commissioner as provided by section 406 of the Plan. For provisions establishing District of Columbia Council, see section 201 of the Reorg. Plan No. 3 of 1967.

CROSS REFERENCES

General authorization for transfer; recommendation by National Capital Planning Commission; reports to Congress, see section 122 of this title.

§§ 80, 81. Omitted

CODIFICATION

Section 80, acts July 1, 1898, ch. 543, § 6, 30 Stat. 571; Feb. 26, 1925, ch. 339, § 3, 43 Stat. 983, related to authority to make regulations for care of public grounds. See D.C. Code, § 8–137.

Section 81, acts Mar. 4, 1909, ch. 299, 35 Stat. 994; Feb. 26, 1925, ch. 339, § 3, 43 Stat. 983, related to authority to make regulations for care of sidewalks. See D.C. Code, § 8–138.

§ 82. Public spaces resulting from filling of canals under jurisdiction of Director

All public spaces resulting from the filling of canals in the original city of Washington not under the jurisdiction of the Director of the National Park Service as of August 1, 1914, except such portions as are included in the navy yard or in actual use as roadways and sidewalks, and except the portions assigned by law to the District of Columbia for use as a property yard and the location of a sewage pumping station, respectively, are placed under the jurisdiction of the Director of the National Park Service and shall be laid out as reservations as a part of the park system of the District of Columbia.

(Aug. 1, 1914, ch. 223, 38 Stat. 633; Feb. 26, 1925, ch. 339, § 3, 43 Stat. 983; Ex. Ord. No. 6166, eff. June 10, 1933; Mar. 2, 1934, ch. 38, 48 Stat. 389.)

CODIFICATION

Section is also set out in D.C. Code, § 8–139.

Section is based on Sundry Civil Appropriation Act Aug. 1, 1914, fiscal year 1915.

TRANSFER OF FUNCTIONS

For transfer of functions from Chief of Engineers of United States Army to Director of National Park Service by act Feb. 26, 1925, Ex. Ord. No. 6166, and by act Mar. 2, 1934, see note set out under section 73 of this title.

§§ 83 to 88. Omitted

CODIFICATION

Section 83, act Sept. 27, 1890, ch. 1001, § 1, 26 Stat. 492, related to establishment of Rock Creek Park in District of Columbia. See D.C. Code, § 8–140.

Section 84, acts Sept. 27, 1890, ch. 1001, § 7, 26 Stat. 495; July 1, 1918, ch. 113, 40 Stat. 650; Feb. 26, 1925, ch. 339, § 3, 43 Stat. 983, related to control and regulation of Rock Creek Park in District of Columbia. See D.C. Code, § 8–142.

Section 85, act July 1, 1918, ch. 113, 40 Stat. 650, related to Piney Branch Parkway part of park system in District of Columbia. See D.C. Code, § 8–146.

Section 86, act Mar. 3, 1897, ch. 375, 29 Stat. 624, related to establishment of Potomac Park in District of Columbia. See D.C. Code, § 8–147.

Section 87, acts Aug. 1, 1914, ch. 223, 38 Stat. 634; Feb. 26, 1925, ch. 339, § 3, 43 Stat. 983, related to control of Potomac Park in District of Columbia. See D.C. Code, § 8–148.

Section 88, act Aug. 1, 1914, ch. 223, 38 Stat. 634, related to restriction on construction of lagoon or speedway in Potomac Park in District of Columbia. See D.C. Code, § 8–149.

§ 89. Potomac Park; temporary occupancy by Department of Agriculture

The Director of the National Park Service is authorized to grant permission to the Department of Agriculture for the temporary occupation of such area or areas of Potomac Park, not exceeding a total of seventy-five acres in extent, as may not be needed in any one season for the reclamation or park improvement, the said areas to be used by the Department of Agriculture as testing grounds: *Provided*, That nothing herein contained shall be construed to change the essential character of the lands so used, which lands shall continue to be a public park, as provided in section 86 of this title: *And provided further*, That said area or areas shall be vacated by the Department of Agriculture at the close of any season upon the request of the said director: *And provided further*, That the entire park shall remain under the charge of the said director.

(Mar. 3, 1899, ch. 458, § 2, 30 Stat. 1378; Feb. 26, 1925, ch. 339, § 3, 43 Stat. 983; Ex. Ord. No. 6166, § 2, eff. June 10, 1933; Mar. 2, 1934, ch. 38, 48 Stat. 389.)

REFERENCES IN TEXT

Section 86 of this title, referred to in text, was omitted from the Code. See D.C. Code, § 8–147.

CODIFICATION

Section is also set out in D.C. Code, § 8–150.

TRANSFER OF FUNCTIONS

Duties imposed upon Secretary of War in relation to grounds, parks, etc., in District of Columbia trans-

ferred to Director of Public Buildings and Public Parks of National Capital by act Feb. 26, 1925.

Office of Public Buildings and Public Parks of National Capital abolished and its functions 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.

§ 90. Omitted

CODIFICATION

Section, act May 27, 1908, ch. 200, 35 Stat. 355, related to licenses for boathouses on banks of tidal reservoir on Potomac River in District of Columbia. See D.C. Code, § 8–151.

§ 91. Repealed. Mar. 4, 1925, ch. 556, 43 Stat. 1323

Section, act June 12, 1917, ch. 27, 40 Stat. 133, related to Tidal Basin bathing beach.

§§ 92 to 99. Omitted

CODIFICATION

Section 92, act Mar. 4, 1913, ch. 147, § 22, 37 Stat. 885, related to reimbursement to United States of part of cost of construction of parkway connecting Potomac Park with Zoological Park and Rock Creek Park in District of Columbia. See D.C. Code, § 8–152.

Section 92a, act Mar. 2, 1929, ch. 542, 45 Stat. 1523, related to boundaries of parkway connecting Potomac Park with Zoological and Rock Creek Parks in District of Columbia. See D.C. Code, § 8–153.

Section 93, acts Mar. 4, 1913, ch. 150, 37 Stat. 971; Aug. 1, 1914, ch. 223, 38 Stat. 625; Feb. 26, 1925, ch. 339, § 3, 43 Stat. 983, related to small parks at certain street intersections in District of Columbia. See D.C. Code, § 8–107.

Section 94, act Aug. 31, 1918, ch. 164, 40 Stat. 950, 951, related to designation of Anacostia Park in District of Columbia. See D.C. Code § 8–155.

Section 95, act June 6, 1924, ch. 271, § 1, 43 Stat. 464, related to boundaries of Glover Parkway and Children's Playground in District of Columbia. See D.C. Code § 8–156.

Section 96, act June 6, 1924, ch. 271, § 2, 43 Stat. 464, related to designation of Glover Parkway and Children's Playground as part of park system of District of Columbia. See D.C. Code, § 8–157.

Section 97, acts May 18, 1910, ch. 248, 36 Stat. 383; Feb. 26, 1925, ch. 339, § 3, 43 Stat. 983, related to jurisdiction over reservation number 185 in District of Columbia. See D.C. Code, § 8–122.

Section 98, act Mar. 3, 1903, ch. 1007, 32 Stat. 1122, related to use of public grounds for playgrounds in District of Columbia. See D.C. Code, § 8–124.

Section 99, act May 27, 1908, ch. 200, 35 Stat. 355, related to licenses for temporary structures on reservations used as playgrounds in District of Columbia. See D.C. Code, § 8–125.

§ 100. Part of Washington Aqueduct for playground purposes

The Chief of Engineers is authorized to transfer for playground purposes the possession, use, and control of all that portion of the land of the Washington Aqueduct adjacent to the Champlain Avenue pumping station and lying outside of the fence around said pumping station existing on August 31, 1918, to the control and jurisdiction of the Mayor of the District of Columbia. Nothing in this section shall be construed as affecting the superintendence and control of the Secretary of the Army over the Washington Aqueduct, its rights, appurtenances, and fixtures connected with the same.

(Aug. 31, 1918, ch. 164, 40 Stat. 951; 1967 Reorg. Plan No. 3, § 401, eff. Nov. 3, 1967, 32 F.R. 11669, 81 Stat. 951; Pub. L. 93–198, title IV, § 421, Dec. 24, 1973, 87 Stat. 789.)

CODIFICATION

Section is based on District of Columbia Appropriation Act of Aug. 31, 1918.

Section is also set out in D.C. Code, § 8–126.

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 ''commissioner''.

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.

§ 101. Laws of District extended to public buildings and grounds

The provisions of the several laws and regulations within the District of Columbia for the protection of public or private property and the preservation of peace and order are extended to all public buildings and public grounds belonging to the United States within the District of Columbia. Any person guilty of disorderly and unlawful conduct in or about the same, or who shall willfully injure the buildings or shrubs, or shall pull down, impair, or otherwise injure any fence, wall, or other inclosure, or shall injure any sink, culvert, pipe, hydrant, cistern, lamp, or bridge, or shall remove any stone, gravel, sand, or other property of the United States, or any other part of the public grounds or lots belonging to the United States in the District of Columbia shall be fined not more than $500, or imprisoned not more than six months, or both.

(July 29, 1892, ch. 320, § 15, 27 Stat. 325; Pub. L. 90–108, § 2, Oct. 20, 1967, 81 Stat. 277.)

CODIFICATION

Section is also set out in D.C. Code, §§ 4–116, 22–3111.

PRIOR PROVISIONS

Provisions similar to those comprising this section were contained in former section 192 of this title.

AMENDMENTS

1967—Pub. L. 90–108 substituted ''shall be fined not more than $500, or imprisoned not more than six months, or both'' for ''shall, upon conviction thereof, be fined not more than $50''.

VIOLATIONS PRIOR TO 1967 AMENDMENT

For prosecution of violations of this section prior to enactment of Pub. L. 90–108, see section 3 of Pub. L. 90–108, set out as an Effective Date of 1967 Amendment note under section 193a of this title.

EFFECT OF OTHER LAWS

Section as unaffected by sections 193a to 193*l*, 212a, 212b of this title, see note set out under section 193a of this title.

BOARD OF METROPOLITAN POLICE

Duties and authority of former Board of Metropolitan Police of District of Columbia, for police purposes, were extended to all public squares and places, and authorizing and requiring Board to make appropriate rules and regulations in relation thereto, by act Mar. 3, 1875, ch. 130, 18 Stat. 385, and repeated in act July 31, 1876, ch. 246, 19 Stat. 110, and act Mar. 3, 1877, ch. 105, 19 Stat. 346. Powers and duties exercised by Board transferred to Commissioners of District of Columbia by act June 11, 1878, ch. 180, § 6, 20 Stat. 107.

SPECIAL POLICEMEN

The provision of act Oct. 26, 1942, ch. 629, title II, 56 Stat. 1000, which related to designation by Commissioner of Public Buildings of employees of Public Buildings Administration as special policemen without compensation during continuance of unlimited national emergency declared by President on May 27, 1941, was repealed, effective July 1, 1948, by Joint Res. July 25, 1947, ch. 327, § 2(a), 61 Stat. 451.

§ 102. Ailanthus trees prohibited

No more ailantus[1] trees shall be purchased for or planted in the public grounds.

(R.S. § 1830.)

CODIFICATION

R.S. § 1830 derived from act Mar. 3, 1853, ch. 97, § 1, 10 Stat. 207.

§ 103. Trees, shrubs, and plants, in greenhouses and nursery

On and after June 20, 1878, only such trees, shrubs, and plants shall be propagated at the greenhouses and nursery as are suitable for planting in the public reservations, to which purpose only the said productions of the greenhouses and nursery shall be applied.

(June 20, 1878, ch. 359, 20 Stat. 220.)

CODIFICATION

Section is based on Sundry Civil Appropriation Act June 20, 1878, fiscal year 1879.

TRANSFER OF FUNCTIONS

Functions of all officers, agencies, and employees of Department of Agriculture transferred, with certain exceptions, to Secretary of Agriculture by Reorg. Plan No. 2 of 1953, § 1, eff. June 4, 1953, 18 F.R. 3219, 67 Stat. 633, set out in the Appendix to Title 5, Government Organization and Employees.

§ 104. Commission of Fine Arts

A permanent Commission of Fine Arts is created to be composed of seven well-qualified judges of the fine arts, who shall be appointed by the President, and shall serve for a period of four years each, and until their successors are appointed and qualified. The President shall have authority to fill all vacancies. It shall be the duty of such commission to advise upon the location of statues, fountains, and monuments in the public squares, streets, and parks in the District of Columbia, and upon the selection of models for statues, fountains, and monuments erected under the authority of the United States and upon the selection of artists for the execution of the same. It shall be the duty of the officers charged by law to determine such questions in each case to call for such advice. The foregoing provisions of this section shall not apply to the Capitol Building of the United States and the building of the Library of Congress. The commission shall also advise generally upon questions of art when required to do so by the President, or by any committee of either House of Congress. Said commission shall have a secretary and such other assistance as the commission may authorize, and the members of the commission shall each be paid actual expenses in going to and returning from Washington to attend the meetings of said Commission and while attending the same.

(May 17, 1910, ch. 243, § 1, 36 Stat. 371.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 106 of this title.

§ 105. Secretary and executive officer

The officer in charge of public buildings and grounds shall be the secretary and shall act as the executive officer of the Commission of Fine Arts.

(June 25, 1910, ch. 384, 36 Stat. 728.)

CODIFICATION

Section is based on Sundry Civil Appropriation Act June 25, 1910, fiscal year 1910.

CROSS REFERENCES

Supervision of public buildings and grounds in the District of Columbia not otherwise provided by law, see section 19 of this title and note thereunder.

§ 106. Authorization of appropriations

There are authorized to be appropriated such amounts as may be necessary to carry out the provisions of section 104 of this title.

(May 17, 1910, ch. 243, § 2, 36 Stat. 371; May 25, 1955, ch. 76, 69 Stat. 66; Pub. L. 86–461, May 13, 1960, 74 Stat. 128.)

AMENDMENTS

1960—Pub. L. 86–461 substituted ''There are authorized to be appropriated such amounts as may be necessary to carry out the provisions of section 104 of this title'' for ''To meet the expenses made necessary by section 104 of this title an expenditure of not exceeding $35,000 a year is authorized''.

1955—Act May 25, 1955, increased amount authorized for annual expenses from $10,000 to $35,000.

§§ 107, 108. Omitted

CODIFICATION

Section 107, act Mar. 3, 1899, ch. 458, § 1, 30 Stat. 1377, related to control and jurisdiction of wharf property in District of Columbia. See D.C. Code, § 9–101.

Section 108, act Mar. 3, 1899, ch. 458, § 2, 30 Stat. 1378, related to District of Columbia wharf property and the authority to make rules and regulations relating to leases and rents. See D.C. Code, § 9–102.

§§ 109, 109a. Repealed. July 18, 1940, ch. 634, §§ 1, 2, 54 Stat. 764

Section 109, act July 18, 1940, ch. 634, § 1, 54 Stat. 764, related to inspection of fuel in District of Columbia and repealed R.S. §§ 3711, 3712, 3713, from which section 109 was derived, but made no mention of acts Mar. 2, 1895, ch. 177, § 6, 28 Stat. 808; Mar. 15, 1898, ch. 68, § 6, 30 Stat. 316; June 10, 1921, ch. 18, §§ 301, 304, 42 Stat. 23, 24, which were amendments to R.S. § 3711.

[1] So in original. Probably should be ''ailanthus''.

Section 109a, act July 18, 1940, ch. 634, § 2, 54 Stat. 764, repealed those parts of acts Mar. 15, 1934, ch. 70, title I, 48 Stat. 438; May 14, 1935, ch. 110, 49 Stat. 234; June 23, 1936, ch. 725, 49 Stat. 1844; May 14, 1937, ch. 180, title I, 50 Stat. 154; Mar. 28, 1938, ch. 55, 52 Stat. 139, from which section 109a was derived, and which related to purchases of coal and wood by Procurement Division; application of statutory requirements as to weighing, etc., but failed to repeal act May 6, 1939, ch. 115, title I, 53 Stat. 674, and act Mar. 25, 1940, ch. 71, title I, 54 Stat. 69, which contained similar provisions. Similar provisions were also contained in Treasury Department Appropriation Acts of June 30, 1943, ch. 179, title I, 57 Stat. 262; Mar. 10, 1942, ch. 178, title I, 56 Stat. 161; May 31, 1941, ch. 156, title I, 55 Stat. 226. No subsequent act contained those provisions.

§§ 110 to 112. Repealed. Oct. 31, 1951, ch. 654, § 1(85–87), 65 Stat. 704

Section 110, act July 1, 1918, ch. 113, 40 Stat. 672, related to fuel storage and distributing yards in District of Columbia and authority of Secretary of the Treasury to select, purchase, contract for and distribute fuel required by the Federal and District of Columbia governments.

Section 111, act July 11, 1919, ch. 9, 41 Stat. 148, excepted naval establishments from operation of section 110 of this title except the naval hospital in District of Columbia.

Section 112, act July 19, 1919, ch. 24, 41 Stat. 200, related to authority of Secretary of the Treasury to contract for the purchase of fuel in advance of the availability of appropriations.

§ 112a. Omitted

CODIFICATION

Section, act Mar. 5, 1928, ch. 126, title I, 45 Stat. 186, related to payment of contracts for fuel for public buildings. See sections 474, 481, and 756 of this title.

§ 113. Delivery of fuel for use during ensuing fiscal year

The Administrator of General Services is authorized to deliver, during the months of April, May, and June of each year, to all branches of the Federal service and the municipal government in the District of Columbia, such quantities of fuel for their use during the following fiscal year as it may be practicable to store at the points of consumption, payment therefor to be made by these branches of the Federal service and municipal government from their applicable appropriations for such fiscal year.

(June 5, 1920, ch. 235, 41 Stat. 913; Ex. Ord. No. 4239, July 1, 1925; Ex. Ord. No. 6166, § 1, June 10, 1933.)

CODIFICATION

Section is based on Sundry Civil Appropriation Act June 5, 1920, fiscal year 1920.

TRANSFER OF FUNCTIONS

Transfers of functions in respect to Government fuel yards by Executive Orders and act June 30, 1949, ch. 288, 63 Stat. 380, see sections 474, 481, and 756 of this title.

The authority of this section originally, by act June 5, 1920, was vested in Secretary of the Interior.

CROSS REFERENCES

Operation of fuel yards by Administrator of General Services or executive agencies, see section 481 of this title.

§ 114. Repealed. Oct. 31, 1951, ch. 654, § 1(88), 65 Stat. 704

Section, act Jan. 24, 1923, ch. 42, 42 Stat. 1211, related to payments by various branches of Federal service for fuel furnished, and method thereof. See section 756 of this title.

§§ 115, 115a. Omitted

CODIFICATION

Section 115, act Mar. 1, 1933, ch. 144, title III, 47 Stat. 1406, related to requirement that all moneys received from sales of fuel be credited to appropriation for operating expenses of fuel yard.

Section 115a, act Mar. 15, 1934, ch. 70, title I, 48 Stat. 438, related to purchases of coal and wood by government fuel yards and application of statutory requirements as to weighing etc.

§§ 116, 117. Repealed. Oct. 31, 1951, ch. 654, § 1(85), (88), 65 Stat. 704

Section 116, act July 1, 1918, ch. 113, 40 Stat. 673, prohibited use of any moneys appropriated in taking over or in any way interfering with the yards or coal dumps or other facilities for storage and distribution of coal that were used and occupied during the year preceding July 1, 1918, by coal dealers for supplying the general public.

Section 117, act Jan. 24, 1923, ch. 42, 42 Stat. 1211, related to use of appropriations for maintenance and operation of fuel yard in District of Columbia for acquisition of land therefor and construction of a garage building thereon. See section 756 of this title.

§ 118. Repealed. June 30, 1949, ch. 288, title VI, § 602(a)(25), formerly title V, § 502(a)(25), 63 Stat. 401; renumbered Sept. 5, 1950, ch. 849, § 6(a), (b), 64 Stat. 583

Section, act June 5, 1920, ch. 235, 41 Stat. 913; Ex. Ord. No. 4239, July 1, 1925; Ex. Ord. No. 6166, § 1, June 10, 1933, related to exchange of motor vehicles and other equipment used by fuel yards for new equipment. See section 471 et seq. of this title and section 251 et seq. of Title 41, Public Contracts.

EFFECTIVE DATE OF REPEAL

Repeal effective July 1, 1949, see section 505 of act June 30, 1949.

§ 119. Repealed. Oct. 31, 1951, ch. 654, § 1(89), 65 Stat. 705

Section, act June 5, 1920, ch. 235, 41 Stat. 913, related to hauling of sand, gravel, stone, etc., in trucks of Government fuel yards, and payment therefor. See sections 474, 481, and 756 of this title.

§ 120. Omitted

CODIFICATION

Section, act Aug. 30, 1890, ch. 837, § 3, 26 Stat. 412, related to proceedings for acquisition of lands in District of Columbia. See D.C. Code, § 16–1301 et seq., and notes set out under section 72 of this title.

§ 121. Regulation of height, design, and construction of private and semipublic buildings adjacent to public buildings and grounds; building permits

In view of the provisions of the Constitution respecting the establishment of the seat of the National Government, the duties it imposed upon Congress in connection therewith, and the solicitude shown and the efforts exerted by President Washington in the planning and devel-

opment of the Capital City, it is hereby declared that such development should proceed along the lines of good order, good taste, and with due regard to the public interests involved, and a reasonable degree of control should be exercised over the architecture of private or semipublic buildings adjacent to public buildings and grounds of major importance. To this end, hereafter when application is made for permit for the erection or alteration of any building, any portion of which is to front or abut upon the grounds of the Capitol, the grounds of the White House, the portion of Pennsylvania Avenue extending from the Capitol to the White House, Lafayette Park, Rock Creek Park, the Zoological Park, the Rock Creek and Potomac Parkway, Potomac Park, The Mall Park System and public buildings adjacent thereto, or abutting upon any street bordering any of said grounds or parks, the plans therefor, so far as they relate to height and appearance, color, and texture of the materials of exterior construction, shall be submitted by the Mayor of the District of Columbia to the Commission of Fine Arts; and the said Commission shall report promptly to said Mayor its recommendations, including such changes, if any, as in its judgment are necessary to prevent reasonably avoidable impairment of the public values belonging to such public building or park; and said Mayor shall take such action as shall, in his judgment, effect reasonable compliance with such recommendation: *Provided*, That if the said Commission of Fine Arts fails to report its approval or disapproval of such plans within thirty days, its approval thereof shall be assumed and a permit may be issued.

(May 16, 1930, ch. 291, 46 Stat. 366; July 31, 1939, ch. 400, 53 Stat. 1144; 1967 Reorg. Plan No. 3, §401, eff. Nov. 3, 1967, 32 F.R. 11669, 81 Stat. 951; Pub. L. 93–198, title IV, §421, Dec. 24, 1973, 87 Stat. 789.)

CODIFICATION

Section is also set out in D.C. Code, §5–410.

AMENDMENTS

1939—Act July 31, 1939, inserted reference to Lafayette Park.

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 ''commissioner''.

AREA OF PLATS REQUIRING CERTAIN BUILDING PERMITS

Section 2 of act May 16, 1930, provided that: ''Said Commissioners of the District of Columbia, in consultation with the National Capital Park and Planning Commission, as early as practicable after approval of this act [enacting this section], shall prepare plats defining the areas within which application for building permits shall be submitted to the Commission of Fine Arts for its recommendations.''

§122. Jurisdiction over public lands; transfer by Federal and District authorities

Federal and District authorities administering properties within the District of Columbia owned by the United States or by the said District are authorized to transfer jurisdiction over parts or all of such properties among or between themselves for purposes of administration and maintenance under such conditions as may be mutually agreed upon: *Provided*, That prior to the consummation of any transfer hereunder such proposed transfer shall be recommended by the National Capital Planning Commission: *Provided further*, That all such transfers and agreements shall be reported to Congress by the District authorities concerned.

(May 20, 1932, ch. 197, §1, 47 Stat. 161; June 6, 1924, ch. 270, §9, as added July 19, 1952, ch. 949, §1, 66 Stat. 790; Aug. 30, 1954, ch. 1076, §1(20), 68 Stat. 967.)

CODIFICATION

Section is also set out in D.C. Code, §8–111.

AMENDMENTS

1954—Act Aug. 30, 1954, repealed requirement that Federal authorities concerned should also report to Congress all transfers and agreements authorized by this section.

TRANSFER OF FUNCTIONS

Section 402(181) of Reorganization Plan No. 3 of 1967, 32 F.R. 11669, set out in the Appendix to Title 5, Government Organization and Employees, transferred regulatory and other functions of Board of Commissioners relating to transfer of jurisdiction over properties or parts of properties to Federal authorities, and accepting from Federal authorities jurisdiction over properties or parts thereof under this section, to District of Columbia Council, subject to right of Commissioner as provided by section 406 of Plan. For provisions establishing District of Columbia Council, see section 201 of the Reorg. Plan No. 3 of 1967.

''National Capital Planning Commission'' substituted in text for ''National Capital Park and Planning Commission'', on authority of act June 6, 1924, ch. 270, §9, as added July 19, 1952, which transferred functions of latter to former. See section 71h of this title and Transfer of Functions note thereunder.

CROSS REFERENCES

Letters of transfer and acceptance as authority for the necessary change in the official maps and for record when necessary, see section 79 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 123 of this title.

§123. Effect of section 122 on existing laws

Nothing in section 122 of this title shall be construed to repeal the provisions of any existing law or laws authorizing the transfer of jurisdiction of certain lands between and among Federal and District authorities, but all such laws shall remain in full force and effect.

(May 20, 1932, ch. 197, §2, 47 Stat. 162.)

CODIFICATION

Section is also set out in D.C. Code, §8–112.

§124. Theodore Roosevelt Island; administration; development

The island, known as Theodore Roosevelt Island, shall be maintained and administered by

the Director of the National Park Service as a natural park for the recreation and enjoyment of the public: *Provided*, That no general plan for the development of the island be adopted without the approval of the Theodore Roosevelt Association; and that, so long as this association remains in existence, no development, inconsistent with this plan, be executed without the association's consent.

(May 21, 1932, ch. 200, § 1, 47 Stat. 163; Feb. 11, 1933, ch. 48, § 1, 47 Stat. 799; Ex. Ord. No. 6166, § 2, eff. June 10, 1933; Mar. 2, 1934, ch. 38, 48 Stat. 389; May 21, 1953, ch. 63, § 2, 67 Stat. 28.)

CODIFICATION

Provisions of this section relating to acceptance of Theodore Roosevelt Island by the National Park Service from the Theodore Roosevelt Association have been omitted.

Section is also set out in D.C. Code, § 8–158.

AMENDMENTS

1953—Act May 21, 1953, substituted ''Theodore Roosevelt Association'' for ''Roosevelt Memorial Association''.

1933—Act Feb. 11, 1933, substituted ''Theodore Roosevelt Island'' for ''Roosevelt Island''.

TRANSFER OF FUNCTIONS

Functions of all other officers of Department of the Interior and functions of all agencies and employees of that Department, with two exceptions, transferred to Secretary of the Interior, with power vested in him to authorize their performance or performance of any of his functions by any of those officers, agencies, and employees, by Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

Ex. Ord. No. 6166 abolished Office of Public Buildings and Parks of National Capital and transferred functions thereof to Office of National Parks, Buildings and Reservations of Department of the Interior. Act Mar. 2, 1934, changed name of latter Office to National Park Service.

§ 125. Means of access; care, maintenance, and improvements; appropriation; Theodore Roosevelt Island

The Director of the National Park Service is authorized to provide suitable means of access to and upon the said Theodore Roosevelt Island as appropriations are made available from time to time and subject to the approval of the National Capital Planning Commission; and the appropriations needed for such construction and annually for the care, maintenance, and improvement of the said lands and improvements, are authorized to be made from any funds not otherwise appropriated from the Treasury of the United States.

(May 21, 1932, ch. 200, § 2, 47 Stat. 164; Feb. 11, 1933, ch. 48, § 1, 47 Stat. 799; Ex. Ord. No. 6166, § 2, June 10, 1933; Mar. 2, 1934, ch. 38, 48 Stat. 389; June 6, 1924, ch. 279, § 9, as added July 19, 1952, ch. 949, § 1, 66 Stat. 790.)

CODIFICATION

Section is also set out in D.C. Code, § 8–159.

AMENDMENTS

1933—Act Feb. 11, 1933, substituted ''Theodore Roosevelt Island'' for ''Roosevelt Island''.

TRANSFER OF FUNCTIONS

''Director of the National Park Service'' substituted for ''director'', meaning Director of Public Buildings and Public Parks of National Capital. See Transfer of Functions note set out under section 124 of this title.

''National Capital Planning Commission'' substituted for ''National Capital Park and Planning Commission'' on authority of act June 6, 1924, ch. 270, § 9, as added July 19, 1952, which transferred functions of latter to former. See section 71h of this title and Transfer of Functions note thereunder.

§ 126. Erection of monument or memorial and related structures; authorization of appropriations; Theodore Roosevelt Island

The Secretary of the Interior shall erect on Theodore Roosevelt Island such monument or memorial to the memory of Theodore Roosevelt, and related structures, as may be approved by the living children of Theodore Roosevelt, the Theodore Roosevelt Association, the Commission of Fine Arts, and the National Capital Planning Commission. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section.

(May 21, 1932, ch. 200, § 3, 47 Stat. 164; Feb. 11, 1933, ch. 48, § 1, 47 Stat. 799; May 21, 1953, ch. 63, § 2, 67 Stat. 28; Pub. L. 86–764, Sept. 13, 1960, 74 Stat. 904.)

CODIFICATION

Section is also set out in D.C. Code, § 8–160.

AMENDMENTS

1960—Pub. L. 86–764 substituted provisions for erection of a monument or memorial to memory of Theodore Roosevelt by the Secretary of the Interior with the approval of the living children of Theodore Roosevelt and authorizing an appropriation therefor for former provision permitting the Roosevelt Memorial Association to undertake such construction.

1953—Act May 21, 1953, substituted ''Theodore Roosevelt Association'' for ''Roosevelt Memorial Association''.

1933—Act Feb. 11, 1933, substituted ''Theodore Roosevelt Island'' for ''Roosevelt Island''.

§ 127. Designation in documents, etc.; Theodore Roosevelt Island

In all public documents, records, and maps of the United States in which Roosevelt Island is designated or referred to it shall be designated as ''Theodore Roosevelt Island.''

(Feb. 11, 1933, ch. 48, § 2, 47 Stat. 799.)

CODIFICATION

Section is also set out in D.C. Code, § 8–161.

§ 128. Approval by Administrator of General Services of sketches, plans, and estimates of buildings; exemptions

On and after June 14, 1946, subject to applicable provisions of existing law relating to the functions in the District of Columbia of the National Capital Planning Commission and the Commission of Fine Arts, only the Administrator of General Services shall be required to approve sketches, plans, and estimates for buildings to be constructed by the General Services Administration, except in the case of buildings designed for post-office purposes which shall be approved by the Administrator of General Services and the United States Postal Service.

(June 14, 1946, ch. 404, § 8, 60 Stat. 258; June 30, 1949, ch. 288, title I, § 103(a), 63 Stat. 380; June 6,

1924, ch. 279, § 9, as added July 19, 1952, ch. 949, § 1, 66 Stat. 790; Pub. L. 91–375, § 4(a), Aug. 12, 1970, 84 Stat. 773.)

TRANSFER OF FUNCTIONS

''National Capital Planning Commission'' substituted in text for ''National Capital Park and Planning Commission'' on authority of act June 6, 1924, ch. 270, § 9, as added July 19, 1952, which transferred functions of latter to former. See section 71h of this title and Transfer of Functions note thereunder.

''Administrator of General Services'' substituted in text for ''Commissioner of Public Buildings'' on authority of act June 30, 1949, which transferred functions of latter to former. See section 753 of this title.

''United States Postal Service'' substituted in text for ''Postmaster General'' pursuant to Pub. L. 91–375, § 4(a), set out as a note under section 201 of Title 39, Postal Service, which abolished office of Postmaster General of Post Office Department and transferred its functions to United States Postal Service.

§ 129. Lease of building space by wholly owned Government corporations; rental

Wholly owned Government corporations requiring space in office buildings at the seat of government shall occupy only such space as may be allotted in accordance with the provisions of section 1 of this title, and shall pay such rental thereon as may be determined by the Administrator of General Services, such rental to include all cost of maintenance, upkeep, and repair.

(July 30, 1947, ch. 358, title III, § 306, 61 Stat. 584; June 30, 1949, ch. 288, title I, § 103(a), 63 Stat. 380.)

REFERENCES IN TEXT

Section 1 of this title, referred to in text, was act Mar. 1, 1919, ch. 86, § 10, 40 Stat. 1269, which was repealed by Pub. L. 89–554, § 8(a), Sept. 6, 1966, 80 Stat. 644.

TRANSFER OF FUNCTIONS

Functions with respect to acquiring space in buildings by lease and functions with respect to assigning and reassigning space in buildings for use by agencies (including both space acquired by lease and space in Government-owned buildings), with certain exceptions, transferred from respective agencies in which theretofore vested to Administrator of General Services by section 1 of Reorg. Plan No. 18 of 1950, eff. July 1, 1950, 15 F.R. 3177, 64 Stat. 1270, set out as a note under section 490 of this title. For delegation of those transferred functions to other personnel of General Services Administration, or to heads and personnel of other agencies, and for transfer of personnel, property, records, and funds, see sections 3 and 4 of that Plan.

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 that act.

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.

CROSS REFERENCES

Operation of buildings and related activities by Administrator of General Services, general powers and duties, see section 490 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 12 section 1438.

§ 129a. Courthouse construction authorized; cost; repayment to United States

The Administrator of General Services is hereby authorized to construct, equip, and furnish the building for the use of the United States Court of Appeals for the District of Columbia and the United States District Court for the District of Columbia, the planning and site acquisition of which were authorized by the Act of May 29, 1947 (Public Law 80, Eightieth Congress), under a total limit of cost for the entire project of $18,665,000, including architectural, engineering, and administrative expenses (which limit of cost also includes the credit of $2,420,000 granted the District of Columbia as compensation for the site of the project by said Act of May 29, 1947, and the $370,000 for plans and specifications heretofore appropriated under Public Law 271, Eightieth Congress, approved July 30, 1947): *Provided*, That the Mayor of the District of Columbia shall repay to the United States, over a period of twenty-five years, 50 per centum of the cost of the entire project upon completion, less the credit of $2,420,000 granted the District of Columbia as compensation for the site of the project by said Act of May 29, 1947, in equal annual installments, beginning with the July 1 next following the date of completion of the project: *Provided further*, That the cost of operation, maintenance, and repair of the completed project shall be divided equally between the United States of America and the District of Columbia.

(May 14, 1948, ch. 290, § 1, 62 Stat. 235; June 25, 1948, ch. 646, § 32(b), 62 Stat. 991; May 24, 1949, ch. 139, § 127, 63 Stat. 107; June 30, 1949, ch. 288, title I, § 103(a), 63 Stat. 380; 1967 Reorg. Plan No. 3, § 401, eff. Aug. 11, 1967, 32 F.R. 11669, 81 Stat. 951; Pub. L. 93–198, title IV, § 421, Dec. 24, 1973, 87 Stat. 789.)

REFERENCES IN TEXT

Act of May 29, 1947 (Public Law 80, Eightieth Congress), and Public Law 271, Eightieth Congress, approved July 30, 1947, referred to in text, are not classified to the Code.

CHANGE OF NAME

''United States District Court for the District of Columbia'' substituted in text for ''District Court of the United States for the District of Columbia'' on authority of act June 25, 1948, § 32(b), as amended by act May 24, 1949, § 127.

TRANSFER OF FUNCTIONS

Functions, powers and duties of Federal Works Administrator transferred to Administrator of General Services by act June 30, 1949, § 103(a), which is classified to section 753(a) of this title.

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''.

E. BARRETT PRETTYMAN UNITED STATES COURTHOUSE DESIGNATION

Pub. L. 104–151, July 1, 1996, 110 Stat. 1383, provided that:

''SECTION 1. DESIGNATION OF COURTHOUSE.

''The United States courthouse located at 3rd Street and Constitution Avenue, Northwest, in Washington, District of Columbia, shall be designated and known as the 'E. Barrett Prettyman United States Courthouse'.

''SEC. 2. REFERENCES.

''Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States courthouse referred to in section 1 shall be deemed to be a reference to the 'E. Barrett Prettyman United States Courthouse'.''

CANCELLATION OF DISTRICT OF COLUMBIA'S SHARE OF COSTS OF COURTHOUSE

Pub. L. 91–358, title I, § 173(a)(1), July 29, 1970, 84 Stat. 591, provided that: ''All outstanding and future obligations of the Commissioner [now Mayor] of the District of Columbia with respect to the District of Columbia's share of the cost of construction, operation, maintenance, and repair of the United States courthouse in the District of Columbia, as required by the Act of May 14, 1948 (62 Stat. 235) [this section], are canceled upon the effective date of this title [Feb. 1, 1971].''

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 130a of this title.

§ 130. Courthouse for United States Court of Appeals and United States District Court for the District of Columbia; maintenance and operation; allocation of space

The operation, maintenance, and repair of the completed building for the use of the United States Court of Appeals for the District of Columbia and the United States District Court for the District of Columbia shall be under the control of the Administrator of General Services, and the allocation of space therein shall be vested in the chief judge of the United States Court of Appeals for the District of Columbia and the chief judge of the United States District Court for the District of Columbia.

(May 14, 1948, ch. 290, § 2, 62 Stat. 235; June 25, 1948, ch. 646, § 32(b), 62 Stat. 991; May 24, 1949, ch. 139, § 127, 63 Stat. 107; June 30, 1949, ch. 288, title I, § 103(a), 63 Stat. 380.)

CHANGE OF NAME

''United States District Court for the District of Columbia'' substituted in text for ''District Court of the United States for the District of Columbia'' on authority of act June 25, 1948, § 32(b), as amended by act May 24, 1949, § 127.

The terms chief justice of the United States Court of Appeals for the District of Columbia and the chief justice of the United States District Court for the District of Columbia were changed to chief judge by act June 25, 1948, as amended by act May 29, 1949.

TRANSFER OF FUNCTIONS

Functions with respect to acquiring space in buildings by lease and functions with respect to assigning and reassigning space in buildings for use by agencies (including both space acquired by lease and space in Government-owned buildings), with certain exceptions, transferred from respective agencies in which theretofore vested to Administrator of General Services by section 1 of Reorg. Plan No. 18 of 1950, eff. July 1, 1950, 15 F.R. 3177, 64 Stat. 1270, set out as a note under section 490 of this title. For delegation of those transferred functions to other personnel of General Services Administration, or to heads and personnel of other agencies, and for transfer of personnel, property, records, and funds, see sections 3 and 4 of that Plan.

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 that act.

EFFECTIVE DATE OF TRANSFER OF FUNCTIONS

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

REFERENCES TO COURTHOUSE

Reference to United States Courthouse in District of Columbia deemed reference to ''E. Barrett Prettyman United States Courthouse'', see section 2 of Pub. L. 104–151, set out as an E. Barrett Prettyman United States Courthouse Designation note under section 129a of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 130a of this title.

§ 130a. Authorization of appropriations

There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of sections 129a and 130 of this title.

(May 14, 1948, ch. 290, § 3, 62 Stat. 235.)

§ 131. Development of Washington metropolitan region; necessity for coordination

The Congress hereby declares that, because the District which is the seat of the Government of the United States and has now become the urban center of a rapidly expanding Washington metropolitan region, the necessity for the continued and effective performance of the functions of the Government of the United States at the seat of said Government in the District of Columbia, the general welfare of the District of Columbia and the health and living standards of the people residing or working therein and the conduct of industry, trade, and commerce therein require that the development of the District of Columbia and the management of its public affairs shall, to the fullest extent practicable be coordinated with the development of the other areas of the Washington metropolitan region and with the management of the public affairs of such other areas, and that the activities of all of the departments, agencies, and instrumentalities of the Federal Government which may be carried out in, or in relation to, the other areas of the Washington metropolitan region shall, to the fullest extent practicable, be coordinated with the development of such other areas and with the management of their public affairs; all toward the end that, with the cooperation and assistance of the other areas of the Washington metropolitan region, all of the areas therein shall be so developed and the public affairs thereof shall be so managed as to contribute effectively toward the solution of the community development problems of the Washington metropolitan region on a unified metropolitan basis.

(Pub. L. 86–527, §2, June 27, 1960, 74 Stat. 223.)

CODIFICATION

Section is also set out in D.C. Code, §1–2101.

SHORT TITLE

Section 1 of Pub. L. 86–527 provided that: ''This Act [enacting this section and sections 132 to 135 of this title] may be cited as the 'Washington Metropolitan Region Development Act'.''

ADVISORY GROUP

Pub. L. 96–514, title I, §108, Dec. 12, 1980, 94 Stat. 2972, provided that: ''The Secretary is authorized to appoint an advisory group which may include government officials, as well as members from outside the government to undertake such activities as may be appropriate to study the effect of future growth and development on the beauty, historic values and other features that make the national capital area unique, and to recommend measures that will protect its values. The advisory group shall designate a chairman and shall complete its work and submit to the Secretary and to the Congress a report with its findings and recommendations within three years of the date of its organization. To support its activities, the advisory group may also receive gifts and grants from private sources. Members of the group shall receive no compensation, but may be reimbursed for travel, per diem, and other reasonable expenses.''

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 132, 133 of this title.

§132. Declaration of policy; coordinated development and management

The Congress further declares that the policy to be followed for the attainment of the objective established by section 131 of this title, and for the more effective exercise by the Congress, the executive branch of the Federal Government and the Mayor of the District of Columbia and all other officers and agencies and instrumentalities of the District of Columbia of their respective functions, powers, and duties in respect of the Washington metropolitan region, shall be that all such functions, powers, and duties shall be exercised and carried out in such manner as (with proper recognition of the sovereignty of the State of Maryland and the Commonwealth of Virginia in respect of those areas of the Washington metropolitan region as are situate within their respective jurisdictions) will best facilitate the attainment of such objective of the coordinated development of the areas of the Washington metropolitan region and coordinated management of their public affairs so as to contribute effectively to the solution of the community development problems of the Washington metropolitan region on a unified metropolitan basis.

(Pub. L. 86–527, §3, June 27, 1960, 74 Stat. 223; 1967 Reorg. Plan No. 3, §401, eff. Nov. 3, 1967, 32 F.R. 11669, 81 Stat. 951; Pub. L. 93–198, title IV, §421, Dec. 24, 1973, 87 Stat. 789.)

CODIFICATION

Section is also set out in D.C. Code, §1–2102.

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. The 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''.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 133 of this title.

§133. Priority projects; water supply, sewage disposal, water pollution, and transportation

The Congress further declares that, in carrying out the policy pursuant to section 132 of this title for the attainment of the objective established by section 131 of this title, priority should be given to the solution, on a unified metropolitan basis, of the problems of water supply, sewage disposal, and water pollution and transportation.

(Pub. L. 86–527, §4, June 27, 1960, 74 Stat. 223.)

CODIFICATION

Section is also set out in D.C. Code, §1–2103.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 135 of this title.

§134. Study of final report of Joint Committee on Washington Metropolitan Problems; recommendations

The Congress further declares that the officers, departments, agencies, and instrumentalities of the executive branch of the Federal Government and the Mayor of the District of Columbia and the other officers, agencies, and instrumentalities of the District of Columbia, and other agencies of government within the Washington metropolitan region are invited and encouraged to engage in an intensive study of the final report and recommendation of the Joint Committee on Washington Metropolitan Problems with a view to submitting to the Congress the specific recommendations of each of the agencies of government specified.

(Pub. L. 86–527, §5, June 27, 1960, 74 Stat. 223; 1967 Reorg. Plan No. 3, §401, eff. Nov. 3, 1967, 32 F.R. 11669, 81 Stat. 951; Pub. L. 93–198, title IV, §421, Dec. 24, 1973, 87 Stat. 789.)

CODIFICATION

Section is also set out in D.C. Code, §1–2104.

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. The 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''.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 135 of this title.

§ 135. "Washington metropolitan region" defined

As used in sections 131 to 135 of this title, the term ''Washington metropolitan region'' includes the District of Columbia, the counties of Montgomery and Prince Georges in the State of Maryland, the counties of Arlington and Fairfax and the cities of Alexandria and Falls Church in the Commonwealth of Virginia.

(Pub. L. 86–527, § 6, June 27, 1960, 74 Stat. 224.)

CODIFICATION

Section is also set out in D.C. Code, § 1–2105.

§ 136. National Capital Service Area

(a) Establishment

There is established within the District of Columbia the National Capital Service Area which shall include, subject to the following provisions of this section, the principal Federal monuments, the White House, the Capitol Building, the United States Supreme Court Building, and the Federal executive, legislative, and judicial office buildings located adjacent to the Mall and the Capitol Building, and is more particularly described in subsection (f) of this section.

(b) National Capital Service Director

There is established in the Executive Office of the President the National Capital Service Director who shall be appointed by the President. The President, through the National Capital Service Director, shall assure that there is provided, utilizing District of Columbia governmental services to the extent practicable, within the area specified in subsection (a) of this section and particularly described in subsection (f) of this section, adequate fire protection and sanitation services. Except with respect to that portion of the National Capital Service Area comprising the United States Capitol Buildings and Grounds as defined in sections 193a and 193m of this title, the United States Supreme Court Building and Grounds as defined in section 13p of this title, and the Library of Congress Buildings and Grounds as defined in section 167j of title 2, the National Capital Service Director shall assure that there is provided within the remainder of such area specified in subsection (a) of this section and subsection (f) of this section, adequate police protection and maintenance of streets and highways.

(c) Personnel; compensation

The National Capital Service Director shall be entitled to receive compensation at the maximum rate as may be established from time to time for level IV of the Executive Schedule of section 5314 of title 5. The Director may appoint, subject to the provisions of title 5 governing appointments in the competitive service, and fix the pay of, in accordance with the provisions of chapter 51 and subchapter 3[1] of chapter 53 of such title relating to classification and General Schedule pay rates, such personnel as may be necessary.

(d) Omitted

(e) Presidential report to Congress

(1) Within one year after January 2, 1975, the President is authorized and directed to submit to the Congress a report on the feasibility and advisability of combining the Executive Protective Service and the United States Park Police within the National Capital Service Area, and placing them under the National Capital Service Director.

(2) Such report shall include such recommendations, including recommendations for legislative and executive action, as the President deems necessary in carrying out the provisions of paragraph (1) of this subsection.

(f) Boundaries

(1)(A) The National Capital Service Area referred to in subsection (a) is more particularly described as follows:

Beginning at that point on the present Virginia-District of Columbia boundary due west of the northernmost point of Theodore Roosevelt Island and running due east to the eastern shore of the Potomac River;

thence generally south along the shore at the mean high water mark to the northwest corner of the Kennedy Center;

thence east along the north side of the Kennedy Center to a point where it reaches the E Street Expressway;

thence east on the expressway to E Street Northwest and thence east on E Street Northwest to Eighteenth Street Northwest;

thence south on Eighteenth Street Northwest to Constitution Avenue Northwest;

thence east on Constitution Avenue to Seventeenth Street Northwest;

thence north on Seventeenth Street Northwest to Pennsylvania Avenue Northwest;

thence east on Pennsylvania Avenue to Jackson Place Northwest;

thence north on Jackson Place to H Street Northwest;

thence east on H Street Northwest to Madison Place Northwest;

thence south on Madison Place Northwest to Pennsylvania Avenue Northwest;

thence east on Pennsylvania Avenue Northwest to Fifteenth Street Northwest;

thence south on Fifteenth Street Northwest to Pennsylvania Avenue Northwest;

thence southeast on Pennsylvania Avenue Northwest to John Marshall Place Northwest;

thence north on John Marshall Place Northwest to C Street Northwest;

thence east on C Street Northwest to Third Street Northwest;

thence north on Third Street Northwest to D Street Northwest;

thence east on D Street Northwest to Second Street Northwest;

thence south on Second Street Northwest to the intersection of Constitution Avenue Northwest and Louisiana Avenue Northwest;

thence northeast on Louisiana Avenue Northwest to North Capitol Street;

thence north on North Capitol Street to Massachusetts Avenue Northwest;

thence southeast on Massachusetts Avenue Northwest so as to encompass Union Square;

thence following Union Square to F Street Northeast;

thence east on F Street Northeast to Second Street Northeast;

[1] So in original. Probably should be subchapter ''III''.

thence south on Second Street Northeast to D Street Northeast;

thence west on D Street Northeast to First Street Northeast;

thence south on First Street Northeast to Maryland Avenue Northeast;

thence generally north and east on Maryland Avenue to Second Street Northeast;

thence south on Second Street Northeast to C Street Southeast;

thence west on C Street Southeast to New Jersey Avenue Southeast;

thence south on New Jersey Avenue Southeast to D Street Southeast;

thence west on D Street Southeast to Canal Street Parkway;

thence southeast on Canal Street Parkway to E Street Southeast;

thence west on E Street Southeast to the intersection of Canal Street Southwest and South Capitol Street;

thence northwest on Canal Street Southwest to Second Street Southwest;

thence south on Second Street Southwest to Virginia Avenue Southwest;

thence generally west on Virginia Avenue to Third Street Southwest;

thence north on Third Street Southwest to C Street Southwest;

thence west on C Street Southwest to Sixth Street Southwest;

thence north on Sixth Street Southwest to Independence Avenue;

thence west on Independence Avenue to Twelfth Street Southwest;

thence south on Twelfth Street Southwest to D Street Southwest;

thence west on D Street Southwest to Fourteenth Street Southwest;

thence south on Fourteenth Street Southwest to the middle of the Washington Channel;

thence generally south and east along the mid-channel of the Washington Channel to a point due west of the northern boundary line of Fort Lesley McNair;

thence due east to the side of the Washington Channel;

thence following generally south and east along the side of the Washington Channel at the mean high water mark, to the point of confluence with the Anacostia River, and along the northern shore at the mean high water mark to the northern most point of the Eleventh Street Bridge;

thence generally south and east along the northern side of the Eleventh Street Bridge to the eastern shore of the Anacostia River;

thence generally south and west along such shore at the mean high water mark to the point of confluence of the Anacostia and Potomac Rivers;

thence generally south along the eastern shore at the mean high water mark of the Potomac River to the point where it meets the present southeastern boundary line of the District of Columbia;

thence south and west along such southeastern boundary line to the point where it meets the present Virginia-District of Columbia boundary;

thence generally north and west up the Potomac River along the Virginia-District of Columbia boundary to the point of beginning.

(B) Where the area in paragraph (1) is bounded by any street, such street, and any sidewalk thereof, shall be included within such area.

(2) Any Federal real property affronting or abutting, as of December 24, 1973, the area described in paragraph (1) shall be deemed to be within such area.

(3) For the purposes of paragraph (2), Federal real property affronting or abutting such area described in paragraph (1) shall—

(A) be deemed to include, but not limited to, Fort Lesley McNair, the Washington Navy Yard, the Anacostia Naval Annex, the United States Naval Station, Bolling Air Force Base, and the Naval Research Laboratory; and

(B) not be construed to include any area situated outside of the District of Columbia boundary as it existed immediately prior to the date of the enactment of this Act, nor be construed to include any portion of the Anacostia Park situated east of the northern side of the Eleventh Street Bridge, or any portion of the Rock Creek Park.

(g) Presidential survey; map and description

(1) Subject to the provisions of paragraph (2) of this subsection, the President is authorized and directed to conduct a survey of the area described in this section in order to establish the proper metes and bounds of such area, and to file, in such manner and at such place as he may designate, a map and a legal description of such area, and such description and map shall have the same force and effect as if included in this Act, except that corrections of clerical, typographical and other errors in any such legal descriptions and map may be made. In conducting such survey, the President shall make such adjustments as may be necessary in order to exclude from the National Capital Service Area any privately owned properties, and buildings and adjacent parking facilities owned by the District of Columbia government.

(2) In carrying out the provisions of paragraph (1) of this subsection, the President shall, to the extent that such survey, legal description, and map involves areas comprising the United States Capitol Buildings and Grounds as defined in sections 193a and 193m of this title, and other buildings and grounds under the care of the Architect of the Capitol, consult with the Architect of the Capitol.

(3)–(9) Omitted

(h) Creation of National Capital Service Area not to affect existing provisions covering buildings and grounds within Area; availability of services and facilities

(1) Except to the extent specifically provided by the provisions of this section, and amendments made by this section, nothing in this section shall be applicable to the United States Capitol Buildings and Grounds as defined in sections 193a and 193m of this title, or to any other buildings and grounds under the care of the Architect of the Capitol, the United States Supreme Court Building and Grounds as defined in section 13p of this title, and the Library of Congress Buildings and Grounds as defined in section 167j of title 2, and except to the extent herein specifically provided, including amendments made by this section, nothing in this section

shall be construed to repeal, amend, alter, modify, or supersede any provision of sections 193a to 193m, 212a, 212a–2, and 212b of this title, or any other of the general laws of the United States or any of the laws enacted by the Congress and applicable exclusively to the District of Columbia, or any rule or regulation promulgated pursuant thereto, in effect on January 1, 1975, pertaining to said buildings and grounds, or any existing authority, with respect to such buildings and grounds, vested by law, or otherwise, on such date, in the Senate, the House of Representatives, the Congress, or any committee or commission or board thereof, the Architect of the Capitol, or any other officer of the legislative branch, the Chief Justice of the United States, the Marshal of the Supreme Court of the United States, or the Librarian of Congress.

(2) Notwithstanding the foregoing provision of this section, any of the services and facilities authorized by this Act to be rendered or furnished (including maintenance of streets and highways, and services under section 1537 of title 31) shall, as far as practicable, be made available to the Senate, the House of Representatives, the Congress, or any committee or commission or board thereof, the Architect of the Capitol, or any other officer of the legislative branch vested by law or otherwise on January 1, 1975, with authority over such buildings and grounds, the Chief Justice of the United States, the Marshal of the Supreme Court of the United States, and the Librarian of Congress, upon their request, and, if payment would be required for the rendition or furnishing of a similar service or facility to any other Federal agency, payment therefor shall be made by the recipient thereof, upon presentation of proper vouchers, in advance or by reimbursement (as may be agreed upon by the parties rendering and receiving such services).

(i) Continued application of laws, rules, and regulations covering areas within National Capital Service Area

Except to the extent otherwise specifically provided in the provisions of this section, and amendments made by this section, all general laws of the United States and all laws enacted by the Congress and applicable exclusively to the District of Columbia, including regulations and rules promulgated pursuant thereto, in effect on January 1, 1975, and which, on such date, are applicable to and within the areas included within the National Capital Service Area pursuant to this section shall, on and after January 2, 1975, continue to be applicable to and within such National Capital Service Area in the same manner and to the same extent as if this section had not been enacted, and shall remain so applicable until such time as they are repealed, amended, altered, modified, or superseded, and such laws, regulations and rules shall thereafter be applicable to and within such area in the manner and to the extent so provided by any such amendment, alteration, or modification.

(j) Residency within National Capital Service Area

In no case shall any person be denied the right to vote or otherwise participate in any manner in any election in the District of Columbia solely because such person resides within the National Capital Service Area.

(Pub. L. 93–198, title VII, § 739, Dec. 24, 1973, 87 Stat. 825.)

REFERENCES IN TEXT

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

This Act, referred to in subsecs. (g)(1) and (h)(2), means the District of Columbia Self-Government and Governmental Reorganization Act, Pub. L. 93–198, Dec. 24, 1973, 87 Stat. 774, which is classified principally to the District of Columbia Code. See chapter 2 (§ 1–201 et seq.) of Title 1, Administration, of the District of Columbia Code. For classification of this Act to the U.S. Code, see Tables.

The amendments made by this section, referred to in subsecs. (h)(1) and (i), means the amendments made by section 739(d) and (g)(3) to (9) of Pub. L. 93–198, which amended sections 13n, 193a, 212a, and 212b of this title and section 167h of Title 2, The Congress, and enacted provision set out as a note under section 193a of this title.

CODIFICATION

Subsecs. (d) and (g)(3) to (9) of this section made the amendments specified in the References in Text note above.

In subsec. (h)(2), ''section 1537 of title 31'' substituted for ''section 731 of this Act [31 U.S.C. 685a]'' 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.

Section is also set out in section 9–142 of the District of Columbia Code.

CHANGE OF NAME

Reference to Executive Protective Service held to refer to United States Secret Service Uniformed Division pursuant to Pub. L. 95–179, set out as a note under section 202 of Title 3, The President.

DEFINITIONS

The definitions in section 103 of Pub. L. 93–198 (which is classified to section 1–202 of the District of Columbia Code) apply to this section.

§ 137. Protection of Federal Government buildings in District of Columbia

The Attorney General and the Secretary of the Treasury may prohibit—

(1) any vehicles from parking or standing on any street or roadway adjacent to any building in the District of Columbia used by law enforcement authorities subject to their jurisdiction, that is in whole or in part owned, possessed, or leased to the Federal Government; and

(2) any person or entity from conducting business on any property immediately adjacent to any building described in paragraph (1).

(Pub. L. 104–132, title VIII, § 803, Apr. 24, 1996, 110 Stat. 1305.)

§ 138. Repealed. Pub. L. 105–100, title I, § 157(f), Nov. 19, 1997, 111 Stat. 2187

Section, Pub. L. 105–33, title XI, §§ 11715, 11717(b), Aug. 5, 1997, 111 Stat. 784, 786, related to requirement that certain Federal officials provide notice before carrying out activities affecting real property located in the District of Columbia.

EFFECTIVE DATE OF REPEAL

Section 157(f) of Pub. L. 105–100 provided that the repeal of this section is effective Oct. 1, 1997.

CHAPTER 2—CAPITOL BUILDING AND GROUNDS

Sec.

161. Title of Superintendent of Capitol Building and Grounds changed to Architect of Capitol.
161a. Repealed.
162. Architect of Capitol; powers and duties.
162–1. Appointment of Architect of Capitol.
162a. Compensation of Architect of Capitol.
162b. Semiannual report of expenditures by Architect of Capitol.
163. Care and superintendence of Capitol by Architect of Capitol.
163a. Exterior of Capitol, duty of Architect.
163b. Delegation of authority by Architect of Capitol.
164. Omitted.
164a. Assistant Architect of Capitol to act in case of absence, disability, or vacancy.
165. Repealed.
166. Architect of Capitol; repairs of Capitol.
166a. Travel expenses.
166a–1. Appropriations under control of Architect of Capitol; availability for expenses of advertising.
166b, 166b–1. Omitted or Repealed.
166b–1a. Compensation of employees under Architect of Capitol; single per annum gross rates of pay.
166b–1b. Conversion by Architect of Capitol of existing basic pay rates to per annum gross pay rates.
166b–1c. Obsolete references in existing law to basic pay rates.
166b–1d. Savings provisions.
166b–1e. Effect on existing law.
166b–1f. Exemptions.
166b–2. Registered nurses compensated under appropriations for Capitol Buildings, Senate Office Buildings, and House Office Buildings; allocation to General Schedule salary grade.
166b–3. Authorization to fix basic rate of compensation for certain positions.
166b–3a. Compensation of certain positions in Office of Architect of Capitol.
(a) Amount of compensation to be that specified in appropriations Acts.
(b) Positions covered.
(c) Calculation of amounts.
(d) Effective date.
166b–3b. Compensation of certain positions under jurisdiction of Architect of Capitol.
(a) Director of Engineering.
(b) Other listed positions.
(c) Authority to list additional positions.
166b–4. Gratuities for survivors of deceased employees under jurisdiction of Architect of Capitol.
166b–5. Withholding and remittance of State income tax by Architect of Capitol.
(a) Agreement by Architect with appropriate State official; covered individuals.
(b) Number of remittances authorized.
(c) Requests for withholding and remittance; amount of withholding; number and effective date of requests; change of designated State; revocation of request; rules and regulations.
(d) Time or times of agreements by Architect.
(e) Provisions as not imposing duty, burden, requirement or penalty upon United States or any officer or employee of United States.
(f) ''State'' defined.
166b–6. Assignment and reassignment of personnel by Architect of Capitol for personal services.
166b–7. Architect of the Capitol human resources program.
(a) Short title.
(b) Finding and purpose.
(c) Personnel management system.
(d) Implementation of personnel management system.
166c. Acquisition of surplus supplies, materials, etc.; priority.
166d. Rental or lease of storage space.
166e. Funds out of Contingent Expenses, Architect of Capitol.
166f. Funds out of Capitol Buildings, Architect of Capitol.
166g. Expenses for flying American flags and providing certification services therefor.
166h. Transfer of funds by Architect of Capitol; approval.
167. Lighting, heating, and ventilating House of Representatives.
167a. Repealed.
168. Heating and ventilating Senate wing.
168a. Repealed.
169. Furniture for House of Representatives.
170. Purchase of furniture or carpets for House or Senate.
170a. Transferred.
171. Transfer of discontinued apparatus to other branches.
172. Repealed.
173. Estimates for improvements in grounds.
174, 174a. Omitted.
174b. Senate Office Building; approval of structural changes by Architect of Capitol.
174b–1. Additional Senate office building.
174c. Control, care, and supervision of Senate Office Building.
174d. Assignment of space in Senate Office Building.
174d–1. Assignment of space for meetings of joint committees, conference committees, etc.
174e. Certification of vouchers by Architect of Capitol.
174f to 174j. Omitted.
174j–1. Senate Restaurants; management by Architect of Capitol; approval of matters of general policy; termination.
174j–2. Omitted.
174j–3. Authorization and direction to effectuate purposes of sections 174j–1 to 174j–7 of this title.
174j–4. Special deposit account; establishment; appropriations; approval of payments.
174j–5. Deposits and disbursements under special deposit account.
174j–6. Bond of Architect, Assistant Architect, and other employees.
174j–7. Supersedure of prior provisions for maintenance and operation of Senate Restaurants.
174j–8. Management personnel and miscellaneous expenses; availability of appropriations; annual and sick leave.
174j–9. Loans for Senate Restaurants.
(a) Borrowing authority.
(b) Amount and period of loan; voucher.
(c) Deposit, credit, and future availability of proceeds from repayment.
174j–10. Transfer of appropriations for management personnel and miscellaneous restaurant expenses to special deposit account.
174k. House of Representatives restaurant, cafeteria, and food services.

Sec.
(a) Management and duties.
(b) Transfer of accounts, records, supplies, equipment, and assets.
(c) Special deposit account.
(d) Effective date.
175. House Office Building; control, supervision, and care.
176. Speaker as member of House Office Building commission.
177. Assignment of rooms in House Office Building.
178. Vacant rooms; assignment to Representatives.
179. Vacant rooms; withdrawal by Representatives of request for assignment; relinquishment of rooms previously assigned.
180. Exchange of rooms.
181. Record of assignment of rooms, etc.
182. Assignment of rooms to Commissioner from Puerto Rico.
183. Assignment etc., of rooms; control of by House.
184. Assignment of unoccupied space.
184a. John W. McCormack Residential Page School.
(a) Construction authorization for dormitory and classroom facilities complex.
(b) Acquisition of property in District of Columbia.
(c) Condemnation proceedings.
(d) Transfer of United States owned property.
(e) Alley and street closures by Mayor of the District of Columbia.
(f) United States Capitol Grounds provisions applicable.
(g) Designation; employment of services under supervision and control of Architect of Capitol: joint approval and direction of Speaker and President pro tempore; annual estimates to Congress; regulations governing Architect of Capitol.
(h) Joint appointee for supervision and control over page activities; regulations; Residence Superintendent of Pages: appointment, compensation, and duties; additional personnel: appointment and compensation.
(i) Section 88b of title 2 unaffected.
184b to 184f. Repealed.
184g. House of Representatives Child Care Center.
(a) Maintenance and operation; admission of children.
(b) Advisory board; membership, functions, etc.
(c) Duties of Chief Administrative Officer of House of Representatives.
(d) Salaries and expenses; funding limits.
(e) Definitions.
185. Capitol power plant.
185a. Senate Garage; control, supervision, servicing of official motor vehicles.
186. Transfer of material and equipment to Architect.
187. National Statuary Hall.
188. Works of fine arts.
188a. United States Capitol Preservation Commission.
(a) Establishment and purposes.
(b) Membership.
(c) Designees.
(d) Architect of the Capitol.
(e) Staff support and assistance.
188a–1. Authority of Commission to accept gifts and conduct other transactions relating to works of fine art and other property.
(a) In general.
(b) Transfer and disposition of works of fine art and other property.
(c) Requirements for conduct of transactions.
188a–2. Capitol Preservation Fund.
(a) In general.
(b) Availability of fund.
(c) Transaction costs and proportionality.
(d) Deposits, credits, and disbursements.
(e) Investments.
188a–3. Audits by the Comptroller General.
188a–4. Advisory boards.
188a–5. ''Member of the House of Representatives'' defined.
188b. Senate Commission on Art.
(a) Establishment.
(b) Chairman and Vice Chairman; quorum; Executive Secretary.
(c) Selection of Curator of Art and Antiquities of the Senate; availability of professional and clerical assistance.
(d) Hearings and meetings.
188b–1. Duties of Commission.
(a) In general.
(b) Issuance and publication of regulations.
(c) Consistency of regulations.
(d) Responsibilities of Committee on Rules and Administration of Senate.
188b–2. Supervision and maintenance of Old Senate Chamber.
188b–3. Publication of list of works of art, historical objects, and exhibits.
188b–4. Authorization of appropriations.
188b–5. Additional authority for Senate Commission on Art to acquire works of art, historical objects, documents, or exhibits.
188b–6. Conservation, restoration, replication, or replacement of items in United States Senate Collection.
(a) Use of moneys in Senate contingent fund.
(b) United States Senate Collection.
(c) Approval of disbursements by Chairman or Executive Secretary of Senate Commission on Art.
188c. House of Representatives Fine Arts Board.
(a) Establishment and authority.
(b) Clerk of the House of Representatives.
(c) Architect of the Capitol.
188c–1. Acceptance of gifts on behalf of the House of Representatives.
189. Art exhibits.
190. Private studios and works of art.
190a. Omitted.
190b. Location of reference library for Senate and House of Representatives.
191, 192. Repealed or Omitted.
193. Protection of buildings and property.
193a. United States Capitol Grounds; area comprising; jurisdiction.
193b. Public use of Capitol Grounds.
193c. Obstruction of roads; conveyance of goods or merchandise; Capitol Grounds.
193d. Sale of articles; signs; solicitation; Capitol Grounds.
193e. Injuries to property; Capitol Grounds.
193f. Capitol Grounds and Buildings security.
(a) Firearms, dangerous weapons, explosives, or incendiary devices.
(b) Violent entry and disorderly conduct.
(c) Exemption of Government officials.
193g. Parades or assemblages; display of flags; Capitol Grounds.
193h. Prosecution and punishment of offenses.
(a) Firearms, dangerous weapons, explosives, or incendiary device offenses.

Sec.
(b) Other offenses.
(c) Procedure.
193i. Assistance to authorities by Capitol employees.
193j. Suspension of prohibitions against use of grounds.
193k. Power of Capitol Police Board to suspend prohibitions.
193*l*. Concerts on grounds.
193m. Definitions.
193m–1. Audit for private organizations conducting activities or performing services in or on United States Capitol Buildings or Grounds; report to Congress.
193n. Smithsonian Institution; policing of buildings and grounds.
193*o*. Public use of Smithsonian grounds.
193p. Sale of articles; signs; solicitation; Smithsonian grounds.
193q. Injury to property; Smithsonian grounds.
193r. Additional protective regulations; publication; Smithsonian grounds.
193s. Prosecution and punishment; Smithsonian grounds.
193t. Police power; Smithsonian grounds.
193u. Suspension of regulations; Smithsonian grounds.
193v. ''Buildings and grounds'' defined.
193w. Repealed.
193x. Enforcement power of special police.
194 to 205. Repealed.
206. Capitol Police; appointment; Chief of the Capitol Police.
206–1. Capitol Police; compensation of Chief.
206a to 206a–8. Omitted.
206b. Emergency duty overtime pay for Capitol Police from funds disbursed by the Chief Administrative Officer of the House of Representatives.
(a) Entitlement of officer or member.
(b) Determination of rate of compensation.
(c) Written election by officer for compensation or compensatory time off for additional hours of duty.
(d) Certification procedure for additional compensation.
(e) Transfer of accrued compensatory time off or receipt of lump-sum payment upon termination of service.
(f) Definitions.
206c. Emergency duty overtime pay for Capitol Police from funds disbursed by Secretary of the Senate; compensatory time off in place of additional pay; election, accrual and transfer of time off; rules and regulations.
207. Payment of Capitol Police.
207a. Unified payroll administration for Capitol Police.
207b. Establishment by Capitol Police Board of unified schedules of rates of basic pay and leave system; lump sum payments.
(a) Rates of basic pay.
(b) Leave system.
(c) Lump sum payments.
(d) Effect on appointment authority.
208. Suspension of Capitol Police members.
209. Pay of Capitol Police members under suspension.
210. Uniform, belts and arms; Capitol Police.
210a. Uniforms to display United States flag or colors.
211. Uniform; at whose expense; Capitol Police.
212. Wearing uniform on duty; Capitol Police.
212a. Policing of Capitol Buildings and Grounds; powers of Capitol Police; arrests by Capitol Police for crimes of violence; arrests by District of Columbia police.
212a–1. Capitol Grounds and Library of Congress Grounds; detail of police.
Sec.
212a–2. Protection of Members of Congress, officers of Congress, and members of their families.
(a) Authority of the Capitol Police.
(b) Detail of police.
(c) Arrest of suspects.
(d) Fines and penalties.
(e) Construction of provisions.
(f) ''United States'' defined.
212a–3. Law enforcement authority of Capitol Police.
(a) Scope.
(b) Area.
(c) Authority of Metropolitan Police unaffected.
(d) ''Crime of violence'' defined.
212a–4. Security systems for Capitol buildings and grounds.
(a) Design and installation.
(b) Transfer of responsibility to Capitol Police Board.
(c) Transfer of positions to Capitol Police.
212a–4a. Maintenance of security systems for Capitol buildings and grounds.
212a–5. Capitol Police citation release.
(a) In general.
(b) Authority.
212b. Regulation of traffic by Capitol Police Board.
(a) Exclusive charge and control of all vehicular and other traffic.
(b) Promulgation of regulations.
(c) Printing of regulations and effective dates.
(d) Cooperation with Mayor of District of Columbia.
213, 213a. Repealed or Omitted.
214. Protection of grounds.
214a. Omitted.
214b. Designation of Capitol grounds as play area for children of Members and employees of Senate or House of Representatives.
(a) Authority of Capitol Police Board.
(b) Required approval; fences; termination of authority.
(c) Playground equipment; required approval.
(d) Day care center.
214c. Senate Employee Child Care Center.
(a) Applicability of provisions.
(b) Employee election of health care insurance coverage.
(c) Deductions and withholding from employee pay.
(d) Employee records; amount of deductions.
(e) Government contributions.
(f) Regulations.
214d. Child care center employee benefits.
(a) Election for coverage.
(b) Payment of deposit; payroll deduction.
(c) Survivor annuities and disability benefits.
(d) Participation in Thrift Savings Plan.
(e) Life insurance coverage.
(f) Government contributions.
(g) Certification of creditable service.
(h) Payment to center of amounts equal to Federal tax on employers.
(i) Administrative provisions.
(j) Regulations.
214e. Reimbursement of Senate day care center employees.
(a) Cost of training classes, conferences, and related expenses.
(b) Documentation.
(c) Regulations and limitations.
(d) Effective date.
215. Supervision of Botanical Garden.
216. Superintendent, etc., of Botanical Garden and greenhouses.

Sec.
216a. Restriction on use of appropriation for Botanical Garden.
216b. Utilization of personnel by Architect of Capitol for maintenance and operation of Botanic Garden.
216c. National Garden.
(a) Establishment; gifts.
(b) Gifts and bequests of money; appropriations.
(c) Donations of personal services.
(d) Tax deductions.
216d. Disbursement of appropriations for Botanic Garden.
217. Repealed.
217a. Plant material exchanges.
217b to 222. Repealed or Omitted.
223. Capitol Grounds shuttle service; purchase, etc., of vehicles.
224. Transportation of House Pages by Capitol Grounds shuttle service.

CROSS REFERENCES

Operation of buildings and related activities by Administrator of General Services, general powers and duties, see section 490 of this title.

Reorganization of Executive Agencies, see Executive Order No. 6166, §§1, 2, promulgated June 10, 1933, set out as a note under section 901 of Title 5, Government Organization and Employees.

Right of action for death or personal injury within national park or other place under exclusive jurisdiction of United States or governed by State laws, see section 457 of Title 16, Conservation.

§ 161. Title of Superintendent of Capitol Building and Grounds changed to Architect of Capitol

The title of ''Superintendent of the Capitol Building and Grounds'' is changed to ''Architect of the Capitol.''

(Feb. 14, 1902, ch. 17, 32 Stat. 20; Mar. 3, 1921, ch. 124, 41 Stat. 1291.)

CODIFICATION

The title of Architect of the Capitol was changed to Superintendent of the Capitol Building and Grounds, by act Feb. 14, 1902, popularly known as the ''Urgent Deficiency Appropriation Act for 1902''.

Act Mar. 3, 1921, restored the original title, and is based on the Legislative, Executive, and Judicial Appropriation Act Mar. 3, 1921, fiscal year 1922.

PRIOR PROVISIONS

Act May 2, 1828, ch. 45, §1, 4 Stat. 266, abolished office of Architect of the Capitol. The duties of that office were transferred to Commissioner of Public Buildings and Grounds, appointed by President under act April 29, 1816, ch. 150, §2, 3 Stat. 324, to succeed a previously existing board of three commissioners of Public Buildings and Grounds.

Act Mar. 3, 1829, ch. 151, §2, 4 Stat. 363, authorized President to continue office of Architect of the Capitol long enough to complete work in progress.

Act Sept. 30, 1850, ch. 90, §1, 9 Stat. 538, made appropriation for ''the extension of the Capitol'' according to the plan as might be approved by the President, to be expended under his direction, ''by such architect as he may appoint to execute the same.'' Subsequent acts frequently referred to the Architect of the Capitol or to the Architect of the Capitol Extension.

Act Mar. 2, 1867, ch. 167, §2, 14 Stat. 466, abolished office of Commissioner of Public Buildings and Grounds referred to in section 162 of this title, and transferred the duties of that office to the Chief of Engineers of the Army.

Act Aug. 15, 1876, ch. 287, §1, 19 Stat. 147, transferred duties relative to the Capitol theretofore performed by Commissioner of Public Buildings and Grounds to Architect of the Capitol.

§ 161a. Repealed. June 20, 1929, ch. 33, § 6, 46 Stat. 39

Section, act May 24, 1924, ch. 183, 43 Stat. 149, related to compensation of employees of the office of the Architect of the Capitol. Under section 3 of act June 20, 1929, such employees came within the Classification Act of 1923, which was set out in section 661 et seq. of former Title 5, Executive Departments and Government Officers and Employees. The Classification Act of 1923 was repealed, and superseded by the Classification Act of 1949, which was repealed by Pub. L. 89–554, §8(a), Sept. 6, 1966, 80 Stat. 644. The former provisions of the Classification Act of 1949 are now covered by chapter 51 and subchapter III of chapter 53 of Title 5, Government Organization and Employees.

§ 162. Architect of Capitol; powers and duties

The Architect of the Capitol shall perform all the duties relative to the Capitol Building performed prior to August 15, 1876, by the Commissioner of Public Buildings and Grounds, and shall be appointed by the President: *Provided*, That no change in the architectural features of the Capitol Building or in the landscape features of the Capitol Grounds shall be made except on plans to be approved by Congress.

(Aug. 15, 1876, ch. 287, 19 Stat. 147; Feb. 14, 1902, ch. 17, 32 Stat. 20; Mar. 3, 1921, ch. 124, 41 Stat. 1291.)

CHANGE OF NAME

Change of name of Architect of the Capitol, functions abolished, transferred, etc., by prior acts, see Codification and Prior Provisions notes set out under section 161 of this title.

CROSS REFERENCES

Appropriations under control of the Architect of the Capitol, see section 166a–1 of this title.

Duties of Architect with respect to Library of Congress Building, see sections 141 and 143 of Title 2, The Congress.

§ 162–1. Appointment of Architect of Capitol

(a)(1) The Architect of the Capitol shall be appointed by the President by and with the advice and consent of the Senate for a term of 10 years.

(2) There is established a commission to recommend individuals to the President for appointment to the office of Architect of the Capitol. The commission shall be composed of—

(A) the Speaker of the House of Representatives,

(B) the President pro tempore of the Senate,

(C) the majority and minority leaders of the House of Representatives and the Senate, and

(D) the chairmen and the ranking minority members of the Committee on House Oversight of the House of Representatives, the Committee on Rules and Administration of the Senate, the Committee on Appropriations of the House of Representatives, and the Committee on Appropriations of the Senate.

The commission shall recommend at least three individuals for appointment to such office.

(3) An individual appointed Architect of the Capitol under paragraph (1) shall be eligible for reappointment to such office.

(b) Subsection (a) of this section shall be effective in the case of appointments made to fill va-

cancies in the office of Architect of the Capitol which occur on or after November 21, 1989. If no such vacancy occurs within the six-year period which begins on November 21, 1989, no individual may, after the expiration of such period, hold such office unless the individual is appointed in accordance with subsection (a) of this section.

(Pub. L. 101–163, title III, §319, Nov. 21, 1989, 103 Stat. 1068; Pub. L. 104–19, title I, §701, July 27, 1995, 109 Stat. 220.)

AMENDMENTS

1995—Subsec. (a)(2). Pub. L. 104–19, §701(1), (2), substituted ''office'' for ''Office'' in first sentence and ''commission'' for ''Commission'' in introductory provisions in second sentence.

Subsec. (a)(2)(D). Pub. L. 104–19, §701(3), substituted ''Oversight of the House of Representatives, the Committee on Rules and Administration of the Senate, the Committee on Appropriations of the House of Representatives, and the Committee on Appropriations of the Senate'' for ''Administration of the House of Representatives and the Committee on Rules and Administration of the Senate''.

Subsec. (b). Pub. L. 104–19, §701(1), substituted ''office'' for ''Office'' in first sentence.

§162a. Compensation of Architect of Capitol

The compensation of the Architect of the Capitol shall be at an annual rate which is equal to the annual rate of basic pay payable for positions at level III of the Executive Schedule under section 5314 of title 5.

(Pub. L. 88–426, title II, §203(c), Aug. 14, 1964, 78 Stat. 415; Pub. L. 90–206, title II, §219(2), Dec. 16, 1967, 81 Stat. 639; Pub. L. 94–82, title II, §204(b), Aug. 9, 1975, 89 Stat. 421; Pub. L. 96–146, §1(1), Dec. 14, 1979, 93 Stat. 1086.)

PRIOR PROVISIONS

A prior section 162a, acts Oct. 15, 1949, ch. 695, §5(a), 63 Stat. 880; Aug. 5, 1955, ch. 568, §101, 69 Stat. 515, prescribed annual rate of basic compensation of Architect of the Capitol, prior to repeal by Pub. L. 89–554, §8(a), Sept. 6, 1966, 80 Stat. 655.

AMENDMENTS

1979—Pub. L. 96–146 increased compensation of Architect to an annual rate equal to annual rate of basic pay payable for positions at level III of the Executive Schedule under section 5314 of title 5.

1975—Pub. L. 94–82 increased compensation of Architect to an annual rate equal to rate for positions at level IV of the Executive Schedule.

1967—Pub. L. 90–206, §219(2), substituted ''$28,750'' for ''$27,000''.

EFFECTIVE DATE OF 1979 AMENDMENT

Section 2 of Pub. L. 96–146 provided that: ''The provisions of this Act [amending this section and section 166b of this title] shall take effect on the first day of the first applicable pay period commencing on or after the date of the enactment of this Act [Dec. 14, 1979].''

EFFECTIVE DATE OF 1967 AMENDMENT

Amendment by Pub. L. 90–206 effective at beginning of first pay period which begins on or after Dec. 16, 1967, see section 220(a)(3) of Pub. L. 90–206, set out as a note under section 603 of Title 28, Judiciary and Judicial Procedure.

EFFECTIVE DATE

Section effective first day of first pay period which begins on or after July 1, 1964, except to the extent provided in section 501(c) of Pub. L. 88–426, see section 501 of Pub. L. 88–426.

SALARY INCREASES

1987—Salary of Architect increased to $82,500 per annum, on recommendation of the President of the United States, see note set out under section 358 of Title 2, The Congress.

1977—Salary of Architect increased to $50,000 per annum, on recommendation of the President of the United States, see note set out under section 358 of Title 2.

1969—Salary of Architect increased to $38,000 per annum, on recommendation of the President of the United States, see note set out under section 358 of Title 2.

REPEALS

Pub. L. 90–206, title II, §219(2), Dec. 16, 1967, 81 Stat. 639, cited as a credit to this section, was repealed by Pub. L. 97–258, §5(b), Sept. 13, 1982, 96 Stat. 1080.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 2 section 356.

§162b. Semiannual report of expenditures by Architect of Capitol

(1) Commencing with the semiannual period beginning January 1, 1965 and for each semiannual period thereafter, the Architect of the Capitol shall compile and, not later than sixty days following the close of the semiannual period, submit to the Senate and the House of Representatives a report of all expenditures made from monies appropriated to the Architect of the Capitol, based on payrolls and other vouchers transmitted during such period to the Treasury Department for disbursement, such report to include (1) the name, title, and gross salary payment to each employee; (2) a list of government contributions to retirement, health, insurance, and other similar funds; and (3) name of payee, brief description of service rendered or items furnished under contract, purchase order or other agreement. Such report shall be printed as a Senate document.

(2) The report by the Architect of the Capitol under paragraph (1) for the semiannual period beginning on January 1, 1976, shall include the period beginning on July 1, 1976, and ending on September 30, 1976, and such semiannual period shall be treated as closing on September 30, 1976. Thereafter, the report by the Architect of the Capitol under paragraph (1) shall be for the semiannual periods beginning on October 1 and ending on March 31 and beginning on April 1 and ending on September 30 of each year.

(Pub. L. 88–454, §105(b), Aug. 20, 1964, 78 Stat. 551; Pub. L. 94–303, title I, §118(c), June 1, 1976, 90 Stat. 616.)

AMENDMENTS

1976—Pub. L. 94–303 designated existing provisions as par. (1) and added par. (2).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 2 section 356.

§163. Care and superintendence of Capitol by Architect of Capitol

The Architect of the Capitol shall have the care and superintendence of the Capitol, includ-

ing lighting. His office shall be in the Capitol Building.

(Aug. 15, 1876, ch. 287, 19 Stat. 147; Mar. 3, 1877, ch. 102, 19 Stat. 298; Oct. 31, 1951, ch. 654, § 3(14), 65 Stat. 708.)

CODIFICATION

Section is based on appropriation for the person in charge of heating apparatus in act Aug. 15, 1876, popularly known as the ''Sundry Civil Appropriation Act''. It was repeated in the similar act Mar. 3, 1877.

AMENDMENTS

1951—Act Oct. 31, 1951, struck out '', and shall submit through the Secretary of the Interior estimates thereof'' at end of first sentence.

CHANGE OF NAME

Change of name of Architect of the Capitol, functions abolished, transferred, etc., by prior acts, see Codification and Prior Provisions notes set out under section 161 of this title.

CROSS REFERENCES

Lighting of the Capitol, see sections 167 and 185 of this title.

§ 163a. Exterior of Capitol, duty of Architect

It shall be the duty of the Architect to clean and keep in proper order the exterior of the Capitol.

(July 7, 1884, ch. 332, 23 Stat. 209.)

§ 163b. Delegation of authority by Architect of Capitol

The Architect of the Capitol is authorized hereafter to delegate to the Assistant Architect and other assistants such authority of the Architect as he may deem proper.

(Aug. 5, 1955, ch. 568, 69 Stat. 515.)

§ 164. Omitted

CODIFICATION

Section, acts July 7, 1898, ch. 571, 30 Stat. 672; Apr. 17, 1900, ch. 192, 31 Stat. 125; Mar. 3, 1901, ch. 830, § 1, 31 Stat. 1000, related to absence, disability, or vacancy of Architect of the Capitol. See section 164a of this title.

§ 164a. Assistant Architect of Capitol to act in case of absence, disability, or vacancy

On and after August 18, 1970, the Assistant Architect of the Capitol shall act as Architect of the Capitol during the absence or disability of that official or whenever there is no Architect.

(Pub. L. 91–382, Aug. 18, 1970, 84 Stat. 817; Pub. L. 101–163, title I, § 106(d), Nov. 21, 1989, 103 Stat. 1057.)

CODIFICATION

Section is from Pub. L. 91–382, popularly known as the ''Legislative Branch Appropriation Act, 1971''.

PRIOR PROVISIONS

Provisions similar to those in this section were contained in the following prior appropriation acts:
Pub. L. 87–730, Oct. 2, 1962, 76 Stat. 688.
Pub. L. 87–130, Aug. 10, 1961, 75 Stat. 329.
Pub. L. 86–628, July 12, 1960, 74 Stat. 455.
Pub. L. 86–176, Aug. 21, 1959, 73 Stat. 407.
Pub. L. 85–570, July 31, 1958, 72 Stat. 448.
Pub. L. 85–75, July 1, 1957, 71 Stat. 251.
June 27, 1956, ch. 453, 70 Stat. 365.
Aug. 5, 1955, ch. 568, 69 Stat. 515.
July 2, 1954, ch. 455, title I, 68 Stat. 405.
Aug. 1, 1953, ch. 304, title I, 67 Stat. 327.
July 9, 1952, ch. 598, 66 Stat. 472.
Oct. 11, 1951, ch. 485, 65 Stat. 396.
Sept. 6, 1950, ch. 896, Ch. II, 64 Stat. 602.
June 22, 1949, ch. 235, 63 Stat. 224.
June 14, 1948, ch. 467, 62 Stat. 430.
July 17, 1947, ch. 262, 61 Stat. 369.
July 1, 1946, ch. 530, 60 Stat. 400.
May 18, 1946, ch. 263, title I, 60 Stat. 185.
June 13, 1945, ch. 189, 59 Stat. 251.
June 26, 1944, ch. 277, title I, 58 Stat. 346.
June 28, 1943, ch. 173, title I, 57 Stat. 232.
June 8, 1942, ch. 396, 56 Stat. 341.
July 1, 1941, ch. 268, 55 Stat. 457.
June 18, 1940, ch. 396, 54 Stat. 472.
June 16, 1939, ch. 208, 53 Stat. 831.
May 17, 1938, ch. 236, 52 Stat. 390.
May 18, 1937, ch. 223, 50 Stat. 179.
Apr. 17, 1936, ch. 233, 49 Stat. 1224.
July 8, 1935, ch. 374, 49 Stat. 469.
May 30, 1934, ch. 372, 48 Stat. 826.
Feb. 28, 1933, ch. 134, 47 Stat. 1360.
June 30, 1932, ch. 314, 47 Stat. 391.
Feb. 20, 1931, ch. 234, 46 Stat. 1183.
June 6, 1930, ch. 407, 46 Stat. 513.

AMENDMENTS

1989—Pub. L. 101–163 struck out '', and, in case of the absence or disability of the Assistant Architect, the Executive Assistant shall so act'' before period at end.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 166b–3a of this title.

§ 165. Repealed. Pub. L. 89–554, § 8(a), Sept. 6, 1966, 80 Stat. 634

Section, act Mar. 3, 1879, ch. 182, 20 Stat. 391, required disbursing clerk of Department of the Interior to act as disbursing clerk of Architect of the Capitol.

§ 166. Architect of Capitol; repairs of Capitol

All improvements, alterations, additions, and repairs of the Capitol Building shall be made by the direction and under the supervision of the Architect of the Capitol.

(R.S. § 1816; Feb. 14, 1902, ch. 17, 32 Stat. 20; Mar. 3, 1921, ch. 124, 41 Stat. 1291; Oct. 31, 1951, ch. 654, § 3(15), 65 Stat. 708.)

CODIFICATION

R.S. § 1816 derived from Res. Apr. 16, 1862, No. 28, 12 Stat. 617; acts Mar. 30, 1867, ch. 24, § 2, 15 Stat. 13; July 20, 1868, ch. 177, § 1, 15 Stat. 115; Mar. 3, 1869, ch. 121, § 1, 15 Stat. 283, 284; Mar. 3, 1871, ch. 114, § 1, 16 Stat. 500; Aug. 15, 1876, ch. 287, 19 Stat. 147.

Provision of R.S. § 1816 relating to purchase of furniture or carpets for House or Senate is classified to section 170 of this title.

AMENDMENTS

1951—Act Oct. 31, 1951, struck out requirement that such improvements, etc., should be paid for by Secretary of the Interior out of appropriations for Capitol extension, and from no other appropriation.

CHANGE OF NAME

Change of name of Architect of the Capitol, functions abolished, transferred, etc., by prior acts, see Codification and Prior Provisions notes set out under section 161 of this title.

ENERGY MANAGEMENT REQUIREMENTS FOR CONGRESSIONAL BUILDINGS

Pub. L. 102–486, title I, § 168, Oct. 24, 1992, 106 Stat. 2862, provided that:

''(a) IN GENERAL.—The Architect of the Capitol (hereafter in this section referred to as the 'Architect') shall undertake a program of analysis and, as necessary, retrofit of the Capitol Building, the Senate Office Buildings, the House Office Buildings, and the Capitol Grounds, in accordance with subsection (b).

''(b) PROGRAM.—

''(1) LIGHTING.—

''(A) IMPLEMENTATION.—

''(i) IN GENERAL.—Not later than 18 months after the date of the enactment of this Act [Oct. 24, 1992] and subject to the availability of funds to carry out this section, the Architect shall begin implementing a program to replace in each building described in subsection (a) all inefficient office and general use area fluorescent lighting systems with systems that incorporate the best available design and technology and that have payback periods of 10 years or less, as determined by using methods and procedures established under section 544(a) of the National Energy and Conservation Policy Act (42 U.S.C. 8254(a)).

''(ii) REPLACEMENT OF INCANDESCENT LIGHTING.—Whenever practicable in office and general use areas, the Architect shall replace incandescent lighting with efficient fluorescent lighting.

''(B) COMPLETION.—Subject to the availability of funds to carry out this section, the program described in subparagraph (A) shall be completed not later than 5 years after the date of the enactment of this Act.

''(2) EVALUATION AND REPORT.—

''(A) IN GENERAL.—Not later than 6 months after the date of the enactment of this Act [Oct. 24, 1992], the Architect shall submit to the Speaker of the House of Representatives and the President pro tempore of the Senate a report evaluating potential energy conservation measures for each building described in subsection (a) in the areas of heating, ventilation, air conditioning equipment, insulation, windows, domestic hot water, food service equipment, and automatic control equipment.

''(B) COSTS.—The report submitted under subparagraph (A) shall detail the projected installation cost, energy and cost savings, and payback period of each energy conservation measure, as determined by using methods and procedures established under section 544(a) of the National Energy Conservation Policy Act (42 U.S.C. 8254(a)).

''(3) REVIEW AND APPROVAL OF ENERGY CONSERVATION MEASURES.—The Committee on Public Works and Transportation of the House of Representatives and the Committee on Rules and Administration of the Senate shall review the energy conservation measures identified in accordance with paragraph (2) and shall approve any such measure before it may be implemented.

''(4) UTILITY INCENTIVE PROGRAMS.—In carrying out this section, the Architect is authorized and encouraged to—

''(A) accept any rebate or other financial incentive offered through a program for energy conservation or demand management of electricity, water, or gas that—

''(i) is conducted by an electric, natural gas, or water utility;

''(ii) is generally available to customers of the utility; and

''(iii) provides for the adoption of energy efficiency technologies or practices that the Architect determines are cost-effective for the buildings described in subsection (a); and

''(B) enter into negotiations with electric and natural gas utilities to design a special demand management and conservation incentive program to address the unique needs of the buildings described in subsection (a).

''(5) USE OF SAVINGS.—The Architect shall use an amount equal to the rebate or other savings from the financial incentive programs under paragraph (4)(A), without additional authorization or appropriation, for the implementation of additional energy and water conservation measures in the buildings under the jurisdiction of the Architect.

''(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.''

CONDITIONS FOR USE OF CERTAIN TELECOMMUNICATIONS SYSTEMS AND SERVICES BY AGENCY OF LEGISLATIVE BRANCH

Pub. L. 101–520, title III, §306, Nov. 5, 1990, 104 Stat. 2277, provided that:

''(a) Hereafter, notwithstanding any other provision of law, any agency of the legislative branch is authorized to use telecommunications systems and services provided by the Architect of the Capitol or the House of Representatives or the Senate under the approved plan required by section 305 of Public Law 100–202 (101 Stat. 1329–308) [formerly set out below] if such systems and services—

''(1) have been acquired competitively; and

''(2) in the case of long distance service, have been determined by the Architect of the Capitol to be at least equal in quality to, and not greater in cost than, the systems and services available under the procurement conducted by the Administrator of General Services known as 'FTS2000'.

''(b) As used in this section, the term 'agency of the legislative branch' means the office of the Architect of the Capitol, the Botanic Garden, the General Accounting Office, the Government Printing Office, the Library of Congress, the Office of Technology Assessment, and the Congressional Budget Office.''

Similar provisions were contained in the following prior appropriations acts:

Pub. L. 101–163, title III, §306, Nov. 21, 1989, 103 Stat. 1064.

Pub. L. 100–458, title III, §307B, Oct. 1, 1988, 102 Stat. 2183.

DEVELOPMENT OF OVERALL PLAN FOR SATISFYING TELECOMMUNICATIONS REQUIREMENTS OF AGENCIES OF LEGISLATIVE BRANCH

Pub. L. 102–392, title III, §305, Oct. 6, 1992, 106 Stat. 1721, provided that:

''(a) The Architect of the Capitol, in consultation with the heads of the agencies of the legislative branch, shall develop an overall plan for satisfying the telecommunications requirements of such agencies, using a common system architecture for maximum interconnection capability and engineering compatibility. The plan shall be subject to joint approval by the Committee on House Administration [now Committee on House Oversight] of the House of Representatives and the Committee on Rules and Administration of the Senate, and, upon approval, shall be communicated to the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate. No part of any appropriation in this Act or any other Act shall be used for acquisition of any new or expanded telecommunications system for an agency of the legislative branch, unless, as determined by the Architect of the Capitol, the acquisition is in conformance with the plan, as approved.

''(b) As used in this section—

''(1) the term 'agency of the legislative branch' means the Office of the Architect of the Capitol, the Botanic Garden, the General Accounting Office, the Government Printing Office, the Library of Congress, the Office of Technology Assessment, and the Congressional Budget Office; and

''(2) the term 'telecommunications system' means an electronic system for voice, data, or image communication, including any associated cable and switching equipment.

''(c) This section shall apply with respect to fiscal years beginning after September 30, 1992.''

Similar provisions were contained in the following prior appropriations acts:

Pub. L. 102–90, title III, § 305, Aug. 14, 1991, 105 Stat. 466.

Pub. L. 101–520, title III, § 305, Nov. 5, 1990, 104 Stat. 2276.

Pub. L. 101–163, title III, § 305, Nov. 21, 1989, 103 Stat. 1063.

Pub. L. 100–458, title III, § 305, Oct. 1, 1988, 102 Stat. 2182.

Pub. L. 100–202, § 101(i) [title III, § 305], Dec. 22, 1987, 101 Stat. 1329–290, 1329–308.

Pub. L. 99–500, § 101(j) [H.R. 5203, title III, § 305], Oct. 18, 1986, 100 Stat. 1783–287, and Pub. L. 99–591, § 101(j) [H.R. 5203, title III, § 305], Oct. 30, 1986, 100 Stat. 3341–287.

RESTORATION OF WEST CENTRAL FRONT OF UNITED STATES CAPITOL; APPROPRIATION OF FUNDS; CONSULTING ARCHITECT

Pub. L. 98–63, title I, July 30, 1983, 97 Stat. 335, which made supplemental appropriations for fiscal year ending Sept. 30, 1983, provided in part that: ''Notwithstanding any other provision of law, to enable the Architect of the Capitol, under the direction of the Commission on the West Central Front of the United States Capitol, to restore the West Central Front of the United States Capitol (without change of location or change of the present architectural appearance thereof) in substantial accordance with the 'Restoration of the West Central Facade' report dated March 1978, $49,000,000, to remain available until expended: *Provided*, That the Architect of the Capitol, under the direction of such Commission and without regard to the provisions of section 3709 of the Revised Statutes, as amended [41 U.S.C. 5], is authorized and directed to enter into such contracts, incur such obligations, and make such expenditures for personal and other services and other expenses as may be necessary to carry out this paragraph: *Provided further*, That any general construction contracts entered into under authority of this paragraph shall be for a firm fixed price, supported by standard performance and payment bonds, and shall be awarded competitively among selected responsible general contractors approved by such Commission and upon the approval by such Commission of the amount of the firm fixed price contracts: *Provided further*, That, the Commission on the West Central Front of the United States Capitol shall appoint, from among private individuals who are qualified, by reason of education, training, and experience, a consulting architect who shall assist the Commission in directing the Architect of the Capitol with respect to the restoration of the West Central Front of the United States Capitol: *Provided further*, That the Architect of the Capitol shall keep the consulting architect appointed under this paragraph fully and currently informed of the progress of the restoration of the West Central Front of the United States Capitol: *Provided further*, That the consulting architect for the restoration of the West Central Front of the United States Capitol appointed under this paragraph shall be paid for his services (out of the sum appropriated by this paragraph) at such rate of pay as the Commission considers appropriate, but not exceeding a rate equal to the daily equivalent of the rate of basic pay payable for grade GS–18 under the General Schedule under section 5332 of title 5, United States Code.''

STUDY AND REPORT ON UTILIZATION OF SPACE IN UNITED STATES CAPITOL AND HOUSE AND SENATE OFFICE BUILDINGS AND ANNEXES; DRAWINGS AND SPECIFICATIONS FOR RESTORATION AND EXTENSION OF WEST CENTRAL FRONT OF UNITED STATES CAPITOL; FUNDING, ETC.

Pub. L. 95–94, title III, § 301, Aug. 5, 1977, 91 Stat. 681, provided that: ''The Architect of the Capitol is authorized and directed (1) to conduct a study of the utilization of space in the United States Capitol for the purpose of recommending and reporting to the Speaker of the House of Representatives and the President of the Senate and to the Committees on Appropriations of both Houses, and the Senate Committee on Rules and Administration, those offices which, by virtue of the functions performed therein, should be located in the Capitol and those offices which could be relocated to the House and Senate Office Buildings and Annexes; (2) to prepare drawings and specifications for restoration of the West Central Front of the United States Capitol in accordance with each of the various plans and alternatives proposed to the Committees on Appropriations during hearings on Legislative Branch Appropriations for 1978; and (3) to prepare drawings and specifications for extension of the West Central Front of the United States Capitol in accordance with the modified plan for extension of the West Central Front approved by the Commission for Extension of the United States Capitol on April 7, 1977; the drawings and specifications to be prepared in such detail as will enable the cost of such restoration proposals and extension proposal to be ascertained. The unexpended balance of appropriations heretofore appropriated under the heading, 'EXTENSION OF THE CAPITOL' shall be transferred immediately upon approval of this Act to a Commission on the West Central Front of the United States Capitol which shall be composed of the following: The Vice President of the United States, who shall be the Chairman, the Speaker of the House of Representatives, the Majority and Minority Leaders of the House of Representatives, and the Majority and Minority Leaders of the Senate. Such unexpended balances shall be available for (1) the conduct of such study and (2) the preparation of such drawings and specifications under the direction of the Commission on the West Central Front of the United States Capitol. The drawings and specifications shall be completed by March 1, 1978, and submitted for the approval of the Committees on Appropriations of the Senate and House of Representatives and the Commission on the West Central Front of the United States Capitol prior to the issuance of invitations to bid on the restoration or extension of the West Central Front of the United States Capitol.''

PRELIMINARY DESIGN SKETCHES OF MURALS FOR HOUSE WING OF UNITED STATES CAPITOL AS GIFT FROM UNITED STATES CAPITOL HISTORICAL SOCIETY; FUNDS FOR DESIGNS; EMPLOYMENT OF ARTIST; CONTRACT AUTHORITY; FUNDS AVAILABLE UNTIL EXPENDED

Pub. L. 94–497, Oct. 14, 1976, 90 Stat. 2377, provided: ''That, notwithstanding any other provision of law, the Joint Committee on the Library is authorized to accept, on behalf of the Congress, as a gift from the United States Capitol Historical Society, preliminary design sketches intended as a basic design for murals proposed to be painted on the ceiling and walls of the first floor corridors in the House wing of the United States Capitol.

''SEC. 2. Notwithstanding any other provision of law, the Architect of the Capitol is authorized—

''(1) to accept in the name of the United States, from the United States Capitol Historical Society, such sum or sums as such society may tender in full payment thereof, and such sum or sums, when so received, shall be credited to the appropriation account 'Capitol Buildings, Architect of the Capitol', and

''(2) subject to section 3 of this joint resolution, to expend such sum or sums for the employment, by contract, of an artist or artists, for the execution of mural decorations on the ceiling and walls of the first floor corridor in the House wing of the United States Capitol in substantial accordance with the preliminary design sketches referred to in the first section of the joint resolution, after the acceptance by the Joint Committee on the Library, and for all other necessary items in connection therewith, subject to such modifications thereof as may be approved by such joint committee.

''SEC. 3. The Architect of the Capitol, under the direction of the Speaker of the House of Representatives, is authorized to enter into contracts and to incur such other obligations and make such expenditures, as may be necessary to carry out the purposes of the joint resolution.

''SEC. 4. Sums received under the joint resolution, when credited to the appropriation account 'Capitol Buildings, Architect of the Capitol', shall be expended and shall remain available until expended. Any net monetary amounts remaining after the completion of the project authorized by the joint resolution, and in excess of the cost of such project, shall be returned to the United States Capitol Historical Society.''

REMODELING OF CAUCUS ROOMS AND RESTAURANTS

Act Aug. 2, 1946, ch. 753, § 241, 60 Stat. 838, authorized the Architect of the Capitol to prepare plans for the remodeling and improvement of the caucus rooms of the Senate and House Office Buildings and Restaurants in the Senate and House and directed him to submit said plans at the earliest practicable date.

Section 241 of act Aug. 2, 1946, was made effective Aug. 2, 1946 by section 245 of said act.

EXTENSION, RECONSTRUCTION, AND REPLACEMENT OF CENTRAL PORTION OF THE UNITED STATES CAPITOL

Act Aug. 5, 1955, ch. 568, § 101, 69 Stat. 515, as amended by Pub. L. 91–77, Sept. 29, 1969, 83 Stat. 124, provided in part that: ''The Architect of the Capitol is hereby authorized, under the direction of a Commission for Extension of the United States Capitol, to be composed of the President of the Senate, the Speaker of the House of Representatives, the majority leader of the Senate, the majority leader of the House of Representatives, the minority leader of the Senate, the minority leader of the House of Representatives, and the Architect of the Capitol, to provide for the extension, reconstruction, and replacement of the central portion of the United States Capitol in substantial accordance with scheme B of the architectural plan submitted by a joint commission of Congress and reported to Congress on March 3, 1905 (House Document numbered 385, Fifty-eighth Congress), but with such modifications and additions, including provisions for restaurant facilities, and such other facilities in the Capitol Grounds, together with utilities, equipment, approaches, and other appurtenant or necessary items, as may be approved by said Commission.''

GALLERY FACILITIES IN HOUSE CHAMBER: MODERNIZATION AND IMPROVEMENT; APPOINTMENT AND TERMINATION OF SPECIAL COMMISSION; PROGRAM FORMULATION, DEVELOPMENT, AND IMPLEMENTATION; COMPLETION DATE; CONTRACT AUTHORITY; APPROPRIATIONS

Pub. L. 91–510, title IV, § 499, Oct. 26, 1970, 84 Stat. 1200, provided that:

''(a) The Speaker of the House of Representatives shall appoint a special commission of the House, to be designated the 'Special Commission on Modernization of House Gallery Facilities', composed of five Members of the House, three from the majority party and two from the minority party. The Speaker shall designate as chairman of the commission one of the Members so appointed. A vacancy in the membership of the commission shall be filled in the same manner as the original appointment. The commission shall conduct a study of the structure and uses of the gallery facilities in the Chamber of the House of Representatives and shall formulate and develop a program for the modernization and improvement of the House gallery facilities in order to improve the physical conditions under which the proceedings on the floor of the House are conducted and to provide for spectators in the House galleries modernized and improved accommodations for their enlightenment, information, and understanding with respect to the proceedings on the floor of the House and the role of the House generally in the legislative branch of the Government. Any such program formulated and developed by the commission shall provide for—

''(1) the enclosure of the galleries with soundproof and transparent coverage in such manner as to preserve the visibility from the galleries of proceedings on the House floor and eliminate the audibility on the House floor of noise in the galleries;

''(2) the installation of facilities and devices which will permit the proceedings on the floor of the House to be heard by spectators in the galleries, together with facilities and devices by which appropriate comments and explanations may be made to spectators in the galleries with respect to the proceedings on the House floor; and

''(3) such other items or features of modernization and improvement of the House galleries as may be directed by the commission, including items and features of modernization designed to provide for and facilitate the consultation of legislative materials and the taking of written notes by visitors to the House galleries, under such regulations as the Speaker may from time to time prescribe, without any distraction to or disturbance of the conduct of proceedings on the floor of the House.

''(b) At the request of the commission, the Architect of the Capitol shall provide advice, counsel, and assistance to the commission in the conduct of its study.

''(c) Such study shall be completed not later than the close of the first session of the Ninety-second Congress.

''(d) After the completion of such study, the commission through the Architect of the Capitol, subject to the availability of appropriations for such purpose, shall put the program for the modernization and improvement of the galleries into effect. The Architect of the Capitol may procure or make such plans, enter into such contracts, employ such personnel, and take such other actions and make such expenditures, as may be necessary to complete such program of modernization and improvement of the House galleries. In all matters connected with such program, the Architect shall be subject to the supervision, direction, and control of the commission.

''(e) The commission shall cease to exist when the Speaker determines that the program for modernization and improvement of the galleries has been completed.

''(f) There are hereby authorized to be appropriated, to remain available until expended, such sums as may be necessary to carry out the provisions of this section.''

Section 499 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.

CROSS REFERENCES

Changes in architectural features of the Capitol Building or in landscape features of Capitol grounds, see section 162 of this title.

§ 166a. Travel expenses

Appropriations under the control of the Architect of the Capitol shall be available for expenses of travel on official business not to exceed in the aggregate under all funds the sum of $20,000.

(Pub. L. 104–197, title I, Sept. 16, 1996, 110 Stat. 2404.)

CODIFICATION

Section is from the appropriation act cited as the credit to this section.

PRIOR PROVISIONS

Provisions similar to those in this section were contained in the following prior appropriation acts:

Pub. L. 104–53, title I, Nov. 19, 1995, 109 Stat. 527.
Pub. L. 103–283, title I, July 22, 1994, 108 Stat. 1434.
Pub. L. 103–69, title I, Aug. 11, 1993, 107 Stat. 702.
Pub. L. 102–392, title I, Oct. 6, 1992, 106 Stat. 1714.
Pub. L. 102–90, title I, Aug. 14, 1991, 105 Stat. 458.
Pub. L. 101–520, title I, Nov. 5, 1990, 104 Stat. 2266.
Pub. L. 101–163, title I, Nov. 21, 1989, 103 Stat. 1055.
Pub. L. 100–458, title I, Oct. 1, 1988, 102 Stat. 2169.

Pub. L. 100–202, § 101(i) [title I], Dec. 22, 1987, 101 Stat. 1329–290, 1329–301.
Pub. L. 99–500, § 101(j) [H.R. 5203, title I], Oct. 18, 1986, 100 Stat. 1783–287, and Pub. L. 99–591, § 101(j), Oct. 30, 1986, 100 Stat. 3341–287.
Pub. L. 99–151, title I, Nov. 13, 1985, 99 Stat. 800.
Pub. L. 98–367, title I, July 17, 1984, 98 Stat. 482.
Pub. L. 98–51, title I, § 112, July 14, 1983, 97 Stat. 273.
Pub. L. 97–276, § 101(e) [S. 2939, title I], Oct. 2, 1982, 96 Stat. 1189.
Pub. L. 97–51, § 101(c) [H.R. 4120, title I], Oct. 1, 1981, 95 Stat. 959.
Pub. L. 96–536, § 101(c) [H.R. 7593, title I], Dec. 16, 1980, 94 Stat. 3167.
Pub. L. 96–86, § 101(c) [H.R. 4390, title I], Oct. 12, 1979, 93 Stat. 657.
Pub. L. 95–391, title I, Sept. 30, 1978, 92 Stat. 781.
Pub. L. 95–94, title I, Aug. 5, 1977, 91 Stat. 672.
Pub. L. 94–440, title VI, Oct. 1, 1976, 90 Stat. 1452.
Pub. L. 94–59, title V, July 25, 1975, 89 Stat. 287.
Pub. L. 93–371, Aug. 13, 1974, 88 Stat. 437.
Pub. L. 93–145, Nov. 1, 1973, 87 Stat. 540.
Pub. L. 92–342, July 10, 1972, 86 Stat. 442.
Pub. L. 92–51, July 9, 1971, 85 Stat. 137.
Pub. L. 91–382, Aug. 18, 1970, 84 Stat. 818.
Pub. L. 91–145, Dec. 12, 1969, 83 Stat. 350.
Pub. L. 90–417, July 23, 1968, 82 Stat. 407.
Pub. L. 90–57, July 28, 1967, 81 Stat. 136.
Pub. L. 89–545, Aug. 27, 1966, 80 Stat. 364.
Pub. L. 89–90, July 27, 1965, 79 Stat. 276.
Pub. L. 88–454, Aug. 20, 1964, 78 Stat. 544.
Pub. L. 88–248, Dec. 30, 1963, 77 Stat. 812.
Pub. L. 87–730, Oct. 2, 1962, 76 Stat. 688.
Pub. L. 87–130, Aug. 10, 1961, 75 Stat. 329.
Pub. L. 86–628, July 12, 1960, 74 Stat. 455.
Pub. L. 86–176, Aug. 21, 1959, 73 Stat. 407.
Pub. L. 85–570, July 31, 1958, 72 Stat. 448.
Pub. L. 85–75, July 1, 1957, 71 Stat. 251.
June 27, 1956, ch. 453, 70 Stat. 365.
Aug. 5, 1955, ch. 568, 69 Stat. 515.
July 2, 1954, ch. 455, title I, 68 Stat. 405.
Aug. 1, 1953, ch. 304, title I, 67 Stat. 327.
July 9, 1952, ch. 598, 66 Stat. 472.
Oct. 11, 1951, ch. 485, 65 Stat. 396.
Sept. 6, 1950, ch. 896, Ch. II, 64 Stat. 602.
June 22, 1949, ch. 235, 63 Stat. 224.
June 14, 1948, ch. 467, 62 Stat. 430.
July 17, 1947, ch. 262, 61 Stat. 369.
July 1, 1946, ch. 530, 60 Stat. 400.
June 13, 1945, ch. 189, 59 Stat. 251.
June 26, 1944, ch. 277, title I, 58 Stat. 346.
June 26, 1943, ch. 173, title I, 57 Stat. 232.
June 8, 1942, ch. 396, 56 Stat. 341.
July 1, 1941, ch. 268, 55 Stat. 457.
June 18, 1940, ch. 396, 54 Stat. 472.

§ 166a–1. Appropriations under control of Architect of Capitol; availability for expenses of advertising

Appropriations under the control of the Architect of the Capitol shall be available for expenses of advertising and personal and other services.

(Feb. 28, 1929, ch. 367, 45 Stat. 1395; June 6, 1930, ch. 407, 46 Stat. 513.)

CODIFICATION

Section consolidates provisions from the Legislative Branch Appropriation Acts for fiscal years 1930 and 1931.

Section was formerly classified to section 689 of Title 31 prior to the general revision and enactment of Title 31, Money and Finance, by Pub. L. 97–258, § 1, Sept. 13, 1982, 96 Stat. 877.

§ 166b. Omitted

Section, Pub. L. 88–426, title II, § 203(d), Aug. 14, 1964, 78 Stat. 415; Pub. L. 90–206, title II, § 219(3), Dec. 16, 1967, 81 Stat. 639; Pub. L. 94–82, title II, § 204(b), Aug. 9, 1975, 89 Stat. 421; Pub. L. 96–146, § 1(2), Dec. 14, 1979, 93 Stat. 1086, set compensation of Assistant Architect of the Capitol at a rate equal to the rate for level V of Executive Schedule under 5 U.S.C. 5315. See section 166b–3a of this title.

A prior section 166b, acts May 18, 1946, ch. 263, title I, 60 Stat. 184; July 1, 1946, ch. 530, 60 Stat. 400; July 17, 1947, ch. 262, 61 Stat. 369; Oct. 15, 1949, ch. 695, § 6(a), 63 Stat. 881; Aug. 5, 1955, ch. 568, § 101, 69 Stat. 515, prescribed annual rate of basic compensation for Assistant Architect of the Capitol, prior to repeal by Pub. L. 89–554, § 8(a), Sept. 6, 1966, 80 Stat. 653, 654.

§ 166b–1. Repealed. Pub. L. 101–163, title I, § 106(b), Nov. 21, 1989, 103 Stat. 1056

Section, Pub. L. 96–536, § 101(c) [H.R. 7593, title I, title III, § 303], Dec. 16, 1980, 94 Stat. 3167, set the salary of the Executive Assistant, Architect of the Capitol.

A prior section 166b–1, Pub. L. 91–382, Aug. 18, 1970, 84 Stat. 817, which prescribed salary of Executive Assistant, Architect of the Capitol, was superseded by Pub. L. 96–536.

Another prior section 166b–1, acts Aug. 14, 1964, Pub. L. 88–426, title II, § 203(e), 78 Stat. 415; Dec. 16, 1967, Pub. L. 90–206, title II, § 219(4), 81 Stat. 639, which prescribed compensation of Second Assistant Architect of the Capitol, was superseded by provisions of Pub. L. 91–382 which replaced Second Assistant with an Executive Assistant, Architect of the Capitol.

Another prior section 166b–1, acts Aug. 5, 1955, ch. 568, 69 Stat. 515; July 1, 1957, Pub. L. 85–75, 71 Stat. 251; Aug. 10, 1961, Pub. L. 87–130, 75 Stat. 329, which prescribed salary of Second Assistant Architect of the Capitol, was repealed by Pub. L. 89–554, § 8(a), Sept. 6, 1966, 80 Stat. 658.

§ 166b–1a. Compensation of employees under Architect of Capitol; single per annum gross rates of pay

Whenever the rate of pay of—

(1) an employee of the Office of the Architect of the Capitol; or

(2) an employee of the House Restaurant, or of the Senate Restaurant, under the supervision of the Architect of the Capitol as an agent of the House or Senate, respectively, as the case may be;

is fixed or adjusted on or after the effective date of this section, that rate, as so fixed and adjusted, shall be a single per annum gross rate.

(Pub. L. 91–510, title IV, § 481, Oct. 26, 1970, 84 Stat. 1196.)

REFERENCES IN TEXT

The effective date of this section, referred to in text, means 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 sections 166b–1b, 166b–1c, 166b–1d, 166b–1e, 166b–1f of this title.

§ 166b–1b. Conversion by Architect of Capitol of existing basic pay rates to per annum gross pay rates

The Architect of the Capitol shall convert, as of the effective date of this section, to a single per annum gross rate, the rate of pay of each employee described in subparagraph (1) or subparagraph (2) of section 166b–1a of this title,

whose pay immediately prior to such effective date was fixed at a basic rate with respect to which additional pay was payable by law.

(Pub. L. 91–510, title IV, § 482, Oct. 26, 1970, 84 Stat. 1196.)

REFERENCES IN TEXT

The effective date of this section, referred to in text, means 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 sections 166b–1c, 166b–1d, 166b–1e, 166b–1f of this title.

§ 166b–1c. Obsolete references in existing law to basic pay rates

In any case in which—

(1) the rate of pay of, or any maximum or minimum rate of pay with respect to—

(A) any employee described in subparagraph (1) or subparagraph (2) of section 166b–1a of this title, or

(B) the position of such employee, or

(C) any class or group of such employees or positions,

is referred to in or provided by statute or other authority; and

(2) the rate so referred to or provided is a basic rate with respect to which additional pay is provided by law;

such statutory provision or authority shall be deemed to refer, in lieu of such basic rate, to the per annum gross rate which an employee receiving such basic rate immediately prior to the effective date of this section would receive, without regard to such statutory provision or authority, under section 166b–1b of this title on and after such date.

(Pub. L. 91–510, title IV, § 483, Oct. 26, 1970, 84 Stat. 1196.)

REFERENCES IN TEXT

The effective date of this section, referred to in text, means 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 sections 166b–1d, 166b–1e, 166b–1f of this title.

§ 166b–1d. Savings provisions

The provisions of sections 166b–1a to 166b–1f of this title shall not be construed to—

(1) limit or otherwise affect any authority for the making of any appointment to, or for fixing or adjusting the pay for, the position of any employee described in subparagraph (1) or subparagraph (2) of section 166b–1a of this title;

(2) affect the continuity of employment of, or reduce the pay of, any employee holding any position referred to in subparagraph (1) of this section; or

(3) modify, change, supersede, or otherwise affect the provisions of sections 5504 and 6101(a)(5) of title 5, insofar as such sections relate to the Office of the Architect of the Capitol.

(Pub. L. 91–510, title IV, § 484, Oct. 26, 1970, 84 Stat. 1197.)

EFFECTIVE DATE

Section 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 sections 166b–1e, 166b–1f of this title.

§ 166b–1e. Effect on existing law

(a) All provisions of law inconsistent with sections 166b–1a to 166b–1f of this title are hereby superseded to the extent of the inconsistency.

(b) Sections 5504 and 6101(a)(5) of title 5 shall apply to employees of the House and Senate Restaurants who are paid at per annum rates of pay as long as such employees are under the supervision of the Architect of the Capitol as an agent of the House or Senate, respectively, as the case may be.

(Pub. L. 91–510, title IV, § 485, Oct. 26, 1970, 84 Stat. 1197.)

EFFECTIVE DATE

Section 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 sections 166b–1d, 166b–1f of this title.

§ 166b–1f. Exemptions

Notwithstanding any other provision of sections 166b–1a to 166b–1f of this title, the foregoing provisions of such sections do not apply to any employee described in section 166b–1a of this title whose pay is fixed and adjusted—

(1) in accordance with chapter 51, and subchapter III of chapter 53, of title 5, relating to classification and General Schedule pay rates;

(2) in accordance with subchapter IV of chapter 53 of title 5, relating to prevailing rate pay systems;

(3) at per hour or per diem rates in accordance with section 3 of the Legislative Pay Act of 1929, as amended (46 Stat. 38; 55 Stat. 615), relating to employees performing professional and technical services for the Architect of the Capitol in connection with construction projects and employees under the Office of the Architect of the Capitol whose tenure of employment is temporary or of uncertain duration; or

(4) in accordance with prevailing rates under authority of sections 174j–1 to 174j–7 of this title entitled ''Joint Resolution transferring the management of the Senate Restaurants to the Architect of the Capitol, and for other purposes'', or section 174k of this title, relating to the duties of the Architect of the Capitol with respect to the House of Representatives Restaurant.

(Pub. L. 91–510, title IV, § 486, Oct. 26, 1970, 84 Stat. 1197.)

REFERENCES IN TEXT

The General Schedule, referred to in par. (1), is set out under section 5332 of Title 5, Government Organization and Employees.

Section 3 of the Legislative Pay Act of 1929, as amended (46 Stat. 38; 55 Stat. 615), referred to in par. (3), amended section 2 of the Classification Act of 1923, which was classified to section 662 of former Title 5, Executive Departments and Government Officers and Employees. The Classification Act of 1923, as amended, was repealed and superseded by the Classification Act of 1949, Oct. 28, 1949, ch. 782, 63 Stat. 954, 972. The amendment of section 3 of the Legislative Pay Act of 1929 made by act Aug. 1, 1941, § 6, 55 Stat. 615, was not repealed by the Classification Act of 1949. See section 1202(7), 63 Stat. 973.

Section 174j–2 of this title, included within reference in par. (4) to sections 174j–1 to 174j–7 of this title, was omitted from the Code.

EFFECTIVE DATE

Section 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 sections 166b–1d, 166b–1e of this title.

§ 166b–2. Registered nurses compensated under appropriations for Capitol Buildings, Senate Office Buildings, and House Office Buildings; allocation to General Schedule salary grade

Notwithstanding any other provision of law, effective on the first day of the first applicable pay period which begins on or after December 27, 1974, the positions of registered nurses compensated under appropriations for Capitol Buildings, Senate Office Buildings, and House Office Buildings, shall be allocated by the Architect of the Capitol at not to exceed grade 12 of the General Schedule.

Notwithstanding any other provision of law, effective January 1, 1975, none of the funds appropriated to the Architect of the Capitol shall thereafter be available for any nursing position unless the position is occupied by a Registered Nurse: *Provided*, That such provision shall not be applicable to the present incumbents of such positions.

(Pub. L. 93–554, title I, ch. III, Dec. 27, 1974, 88 Stat. 1777; Pub. L. 101–520, title I, § 109, Nov. 5, 1990, 104 Stat. 2269; Pub. L. 103–283, title I, § 103, July 22, 1994, 108 Stat. 1435.)

REFERENCES IN TEXT

The General Schedule, referred to in text, is set out under section 5332 of Title 5, Government Organization and Employees.

PRIOR PROVISIONS

A prior section 166b–2, Pub. L. 85–462, § 4(j), (t), June 20, 1958, 72 Stat. 208, 209, established position of Chief Nurse in the Senate Office Building, under Office of Architect of the Capitol, and set forth salary grade for each position of nurse under Architect of the Capitol.

AMENDMENTS

1994—Pub. L. 103–283 substituted ''at not to exceed grade 12'' for ''to grade 11'' in first par.

1990—Pub. L. 101–520 substituted ''grade 11'' for ''grade 10'' and struck out ''and compensated initially at the same steps in such grade, currently in effect for their present grades, so long as such positions are held by the present incumbents'' after ''General Schedule'' in first par.

§ 166b–3. Authorization to fix basic rate of compensation for certain positions

On and after August 21, 1959, the Architect of the Capitol is authorized, without regard to chapter 51 and subchapter III of chapter 53 of title 5, to fix the compensation of four positions under the appropriation ''Salaries, Office of the Architect of the Capitol'', of two positions under the appropriation ''Capitol Buildings'', and of one position under the appropriation ''House Office Buildings'' at a basic rate of $8,200 per annum each: *Provided*, That this provision shall not be applicable to the positions of Architect or Assistant Architect.

On and after August 21, 1959, the Architect of the Capitol is authorized, without regard to chapter 51 and subchapter III of chapter 53 of title 5, to fix the compensation of one position under the appropriation ''Senate Office Buildings'', at a basic rate of $8,200 per annum.

(Pub. L. 86–176, Aug. 21, 1959, 73 Stat. 407; Pub. L. 89–309, ch. VII, Oct. 31, 1965, 79 Stat. 1147; Pub. L. 90–206, title II, § 214(p), Dec. 16, 1967, 81 Stat. 638; Pub. L. 90–239, ch. IV, Jan. 2, 1968, 81 Stat. 775; Pub. L. 94–157, title I, ch. IV, Dec. 18, 1975, 89 Stat. 835; Pub. L. 101–163, title I, § 106(c), Nov. 21, 1989, 103 Stat. 1056.)

CODIFICATION

''Chapter 51 and subchapter III of chapter 53 of title 5'' substituted for ''the Classification Act of 1949, as amended'' in text 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.

AMENDMENTS

1989—Pub. L. 101–163 substituted ''four positions'' for ''three positions'' and ''Architect or Assistant Architect'' for ''Architect, Assistant Architect, or Second Assistant Architect of the Capitol''.

1975—Pub. L. 94–157 increased to two positions from one position the number of positions under the appropriation ''Capitol Buildings''.

1968—Pub. L. 90–239 increased the compensation of one position under appropriation ''Senate Office Buildings'' from ''$7,700'' to ''$8,200''.

1967—Pub. L. 90–206 increased the compensation from $7,700 to $8,200 per annum each of the three positions under the appropriation ''Salaries, Office of the Architect of the Capitol'', of one position under the appropriation ''Capitol Buildings'', and of one position under the appropriation ''House Office Buildings''.

1965—Pub. L. 89–309 increased the compensation of one position under appropriation ''Senate Office Buildings'' from $7,020 to $7,700.

EFFECTIVE DATE OF 1967 AMENDMENT

Amendment by Pub. L. 90–206 effective as of beginning of first pay period which begins on or after Oct. 1, 1967, see section 220(a)(2) of Pub. L. 90–206, set out as a note under section 5332 of Title 5, Government Organization and Employees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 166b–3a of this title; title 5 section 5307.

§ 166b–3a. Compensation of certain positions in Office of Architect of Capitol

(a) Amount of compensation to be that specified in appropriations Acts

Notwithstanding any other provision of law, the pay for positions described in subsection (b) of this section shall be the amounts specified for such positions in appropriations Acts.

(b) Positions covered

The positions referred to in subsection (a) of this section are—

(1) the position of assistant referred to in the proviso in the first undesignated paragraph under the center subheadings ''OFFICE OF THE ARCHITECT OF THE CAPITOL'' and ''SALARIES'' in the first section of the Legislative Branch Appropriation Act, 1971 (40 U.S.C. 164a), and

(2) the eight positions provided for in the third and fourth undesignated paragraphs under the center subheadings ''OFFICE OF THE ARCHITECT OF THE CAPITOL'' and ''SALARIES'' in the first section of the Legislative Branch Appropriation Act, 1960 (40 U.S.C. 166b–3).

(c) Calculation of amounts

The pay for each position described in subsection (b) of this section shall be the pay payable for such position with respect to the last pay period before this section takes effect, subject to any applicable adjustment during fiscal year 1988 under, or by reference to any applicable adjustment during fiscal year 1988 under, subchapter I of chapter 53 of title 5.

(d) Effective date

This section shall apply in fiscal years beginning after September 30, 1987, with respect to pay periods beginning after December 22, 1987.

(Pub. L. 100–202, § 101(i) [title III, § 308], Dec. 22, 1987, 101 Stat. 1329–290, 1329–309; Pub. L. 101–163, title I, § 106(e), Nov. 21, 1989, 103 Stat. 1057.)

AMENDMENTS

1989—Subsec. (b). Pub. L. 101–163 amended subsec. (b) generally. Prior to amendment, subsec. (b) read as follows: ''The positions referred to in subsection (a) of this section are: (1) the two positions of assistant referred to in the proviso in the first undesignated paragraph under the center subheadings 'OFFICE OF THE ARCHITECT OF THE CAPITOL' and 'SALARIES' in the Legislative Branch Appropriation Act, 1971 (40 U.S.C. 164a), and (2) the seven positions provided for in the third and fourth undesignated paragraphs under the center subheadings 'OFFICE OF THE ARCHITECT OF THE CAPITOL' and 'SALARIES' in the Legislative Branch Appropriation Act, 1960 (40 U.S.C. 166b–3).''

FISCAL YEAR ADJUSTMENTS IN PAY

Section 307 of Pub. L. 101–163 provided that: ''The pay for the positions described in section 308(b) of the Legislative Branch Appropriations Act, 1988, as contained in section 101(i) of Public Law 100–202 [40 U.S.C. 166b–3a(b)]—

''(1) shall be subject to any applicable adjustment during fiscal year 1990 under, or by reference to any applicable adjustment during fiscal year 1990 under, subchapter I of chapter 53 of title 5, United States Code; and

''(2) with respect to the position of Assistant Architect of the Capitol, shall be subject to any recommendation of the President that, pursuant to section 225 of the Federal Salary Act of 1967 (2 U.S.C. 351 et seq.), takes effect during fiscal year 1990.''

Similar provisions were contained in the following prior appropriations act:

Pub. L. 100–458, title III, § 308, Oct. 1, 1988, 102 Stat. 2183.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 5 section 5306.

§ 166b–3b. Compensation of certain positions under jurisdiction of Architect of Capitol

(a) Director of Engineering

Effective as of the first day of the first applicable pay period beginning on or after November 5, 1990, the compensation of the Director of Engineering (under the Architect of the Capitol) shall be equal to such rate as the Architect considers appropriate, not to exceed 90 percent of the highest total rate of pay for the Senior Executive Service under chapter 53 of title 5 for the locality involved.

(b) Other listed positions

(1) Effective beginning with any pay period beginning on or after November 5, 1990, the Architect of the Capitol may fix the rate of basic pay—

(A) for not more than one of the positions under paragraph (2) at a rate not to exceed 90 percent of the highest total rate of pay for the Senior Executive Service under chapter 53 of title 5 for the locality involved; and

(B) for any other position under paragraph (2), at such rate as the Architect considers appropriate for such position, not to exceed 85 percent of the highest total rate of pay for the Senior Executive Service under chapter 53 of title 5 for the locality involved.

(2) Authority under paragraph (1) may be exercised with respect to any of the following positions under the jurisdiction of the Architect of the Capitol:

(A) The Senior Landscape Architect.

(B) The Administrative Assistant.

(C) The Executive Officer.

(D) The Budget Officer.

(E) The General Counsel.

(F) The Superintendent of the Senate Office Buildings.

(G) The Superintendent of the House Office Buildings.

(H) The Supervising Engineer of the United States Capitol.

(c) Authority to list additional positions

Effective beginning with any pay period beginning on or after August 14, 1991, the rate of basic pay for up to 8 positions under the jurisdiction of the Architect of the Capitol may be fixed at such rate as the Architect considers appropriate for each, not to exceed 135 percent of the minimum rate payable for grade GS–15 of the General Schedule.

(Pub. L. 101–520, title I, § 108, Nov. 5, 1990, 104 Stat. 2268; Pub. L. 102–90, title I, § 104, Aug. 14, 1991, 105 Stat. 459; Pub. L. 105–55, title III, § 311(a), (b), Oct. 7, 1997, 111 Stat. 1201.)

REFERENCES IN TEXT

The General Schedule, referred to in subsec. (c), is set out under section 5332 of Title 5, Government Organization and Employees.

AMENDMENTS

1997—Subsec. (a). Pub. L. 105–55, § 311(a), substituted ''such rate as the Architect considers appropriate, not to exceed 90 percent of the highest total rate of pay for the Senior Executive Service under chapter 53 of title 5 for the locality involved'' for ''the rate of basic pay payable for level V of the Executive Schedule''.

Subsec. (b)(1). Pub. L. 105–55, § 311(b)(1), struck out at end ''For purposes of the preceding sentence, 'the maximum rate allowable for the Senior Executive Service' means the highest rate of basic pay that may be set for the Senior Executive Service under section 5382(b) of title 5.''

Subsec. (b)(1)(A), (B). Pub. L. 105–55, § 311(b)(2), substituted ''the highest total rate of pay for the Senior Executive Service under chapter 53 of title 5 for the locality involved'' for ''the maximum rate allowable for the Senior Executive Service''.

1991—Subsec. (b)(1). Pub. L. 102–90, § 104(a)(3), inserted sentence at end relating to maximum rate allowable for Senior Executive Service.

Subsec. (b)(1)(A). Pub. L. 102–90, § 104(a)(1), substituted ''90 percent of the maximum rate allowable for the Senior Executive Service;'' for ''the rate payable for grade GS–18 of the General Schedule;''.

Subsec. (b)(1)(B). Pub. L. 102–90, § 104(a)(2), substituted ''85 percent of the maximum rate allowable for the Senior Executive Service.'' for ''the rate payable for step 2 of grade GS–17 of the General Schedule.''

Subsec. (c). Pub. L. 102–90, § 104(b), added subsec. (c).

EFFECTIVE DATE OF 1997 AMENDMENT

Section 311(c) of Pub. L. 105–55 provided that: ''The amendments made by this section [amending this section] shall apply with respect to pay periods beginning on or after January 1, 1998.''

§ 166b–4. Gratuities for survivors of deceased employees under jurisdiction of Architect of Capitol

Until otherwise provided by law, there is authorized to be paid out of the applicable accounts of the House of Representatives, on vouchers signed by the chairman of the Committee on House Oversight, a gratuity to the widow, widower, or heirs-at-law, of each deceased employee under the jurisdiction of the Architect of the Capitol who was assigned to duty in the House of Representatives at the time of his death. The payment of each such gratuity shall be in accordance with uniform rules and regulations adopted by the Committee on House Oversight except that no such gratuity shall be in excess of that payable to the widow, widower, or heirs-at-law of any deceased employee under the jurisdiction of the Architect of the Capitol having a comparable length of service, who was assigned to similar duties in the Senate at the time of his death.

(Pub. L. 88–454, § 103, Aug. 20, 1964, 78 Stat. 550; Pub. L. 104–186, title II, § 221(1), Aug. 20, 1996, 110 Stat. 1748.)

CODIFICATION

Section is based on House Resolution No. 291, June 18, 1963, which was enacted into permanent law by Pub. L. 88–454.

AMENDMENTS

1996—Pub. L. 104–186 substituted ''applicable accounts'' for ''contingent fund'' and substituted ''House Oversight'' for ''House Administration'' in two places.

§ 166b–5. Withholding and remittance of State income tax by Architect of Capitol

(a) Agreement by Architect with appropriate State official; covered individuals

Whenever—

(1) the law of any State provides for the collection of an income tax by imposing upon employers generally the duty of withholding sums from the compensation of employees and remitting such sums to the authorities of such State; and

(2) such duty to withhold is imposed generally with respect to the compensation of employees who are residents of such State;

then the Architect of the Capitol is authorized, in accordance with the provisions of this section, to enter into an agreement with the appropriate official of that State to provide for the withholding and remittance of sums for individuals—

(A) employed by the Office of the Architect of the Capitol, the United States Botanic Garden, or the Senate Restaurant; and

(B) who request the Architect to make such withholdings for remittance to that State.

(b) Number of remittances authorized

Any agreement entered into under subsection (a) of this section shall not require the Architect to remit such sums more often than once each calendar quarter.

(c) Requests for withholding and remittance; amount of withholding; number and effective date of requests; change of designated State; revocation of request; rules and regulations

(1) An individual employed by the Office of the Architect of the Capitol, the United States Botanic Garden, or the Senate Restaurant may request the Architect to withhold sums from his pay for remittance to the appropriate authorities of the State that he designates. Amounts of withholdings shall be made in accordance with those provisions of the law of that State which apply generally to withholding by employers.

(2) An individual may have in effect at any time only one request for withholdings, and he may not have more than two such requests in effect with respect to different States during any one calendar year. The request for withholdings is effective on the first day of the first pay period commencing on or after the day on which the request is received in the Office of the Architect, the Botanic Garden Office, or the Senate Restaurant Accounting Office except that—

(A) when the Architect first enters into an agreement with a State, a request for withholdings shall be effective on such date as the Architect may determine; and

(B) when an individual first receives an appointment, the request shall be effective on the day of appointment, if the individual makes the request at the time of appointment.

(3) An individual may change the State designated by him for the purposes of having withholdings made and request that the withholdings be remitted in accordance with such change, and he may also revoke his request for withholdings. Any change in the State designated or revocation is effective on the first

day of the first pay period commencing on or after the day on which the request for change or the revocation is received in the appropriate office.

(4) The Architect is authorized to issue rules and regulations he considers appropriate in carrying out this subsection.

(d) Time or times of agreements by Architect

The Architect may enter into agreements under subsection (a) of this section at such time or times as he considers appropriate.

(e) Provisions as not imposing duty, burden, requirement or penalty upon United States or any officer or employee of United States

This section imposes no duty, burden, or requirement upon the United States, or any officer or employee of the United States, except as specifically provided in this section. Nothing in this section shall be deemed to consent to the application of any provision of law which has the effect of subjecting the United States, or any officer or employee of the United States to any penalty or liability by reason of the provisions of this section.

(f) "State" defined

For the purposes of this section, ''State'' means any of the States of the United States.

(Pub. L. 94–59, title V, § 501, July 25, 1975, 89 Stat. 290.)

CROSS REFERENCES

Withholding State income taxes—
Generally, see section 5517 of Title 5, Government Organization and Employees.
Clerk and Sergeant at Arms of the House of Representatives, see section 60e–1a of Title 2, The Congress.
Secretary of the Senate, see section 60c–3 of Title 2.

§ 166b–6. Assignment and reassignment of personnel by Architect of Capitol for personal services

Notwithstanding any other provisions of law, in order to improve the economic use of the personal services of his employees, the Architect of the Capitol is authorized on and after October 12, 1979, to assign and reassign, without increase or decrease in basic salary or wages, any person on the employment rolls of his Office, for personal services in any buildings, facilities or grounds under his jurisdiction or for personal services in connection with any project under his jurisdiction for which appropriations have been made and are available, whenever such action, in his opinion, will be most advantageous to the interest of or result in either specific or overall savings to the Government. Exceptions may be made where there are differences in equipment. No assignment or reassignment of personnel by the Architect of the Capitol pursuant to this provision shall operate in any respect to augment or decrease any general or specific appropriation.

(Pub. L. 96–86, § 101(c), Oct. 12, 1979, 93 Stat. 657; Pub. L. 100–202, § 106, Oct. 22, 1987, 101 Stat. 1329–433.)

CODIFICATION

Section is based on section 102 of title I of H.R. 4390 (Legislative Branch Appropriation Act, 1980), as incorporated by reference by section 101(c) of Pub. L. 96–86, and enacted into law by section 106 of Pub. L. 100–202.

EFFECTIVE DATE

Section 106 of Pub. L. 100–202 provided in part that this section is effective on date of enactment [Oct. 12, 1979] of the ''pertinent joint resolution'' making continuing appropriations for fiscal year 1980 [Pub. L. 96–86].

PILOT PROGRAM TO DETERMINE ECONOMIC FEASIBILITY OF CENTRALIZING CERTAIN MAINTENANCE FUNCTIONS AND ASSIGNING OR REASSIGNING PERSONS ON EMPLOYMENT ROLLS

Pub. L. 101–163, title I, § 104, Nov. 21, 1989, 103 Stat. 1056, provided that: ''Notwithstanding any other provisions of law, the Architect of the Capitol is hereby authorized to (1) develop a pilot program to determine the economic feasibility and efficiency of centralizing certain maintenance functions, to assign and reassign, without increase or decrease in basic salary or wages, any person on the employment rolls of the Office of the Architect of the Capitol, for personal services in any buildings, facilities, or grounds under his jurisdiction for which appropriations have been made and are available; (2) maintain appropriate cost and productivity records for the program; and (3) report to appropriate authorities, including the Committees on Appropriations, on the results of the program, together with recommendations for continuation or expansion of the program.''

Similar provisions were contained in the following prior appropriation acts:

Pub. L. 100–458, title I, § 104, Oct. 1, 1988, 102 Stat. 2171.

Pub. L. 100–202, § 101(i) [title I, § 103], Dec. 22, 1987, 101 Stat. 1329–290, 1329–302.

§ 166b–7. Architect of the Capitol human resources program

(a) Short title

This section may be cited as the ''Architect of the Capitol Human Resources Act''.

(b) Finding and purpose

(1) Finding

The Congress finds that the Office of the Architect of the Capitol should develop human resources management programs that are consistent with the practices common among other Federal and private sector organizations.

(2) Purpose

It is the purpose of this section to require the Architect of the Capitol to establish and maintain a personnel management system that incorporates fundamental principles that exist in other modern personnel systems.

(c) Personnel management system

(1) Establishment

The Architect of the Capitol shall establish and maintain a personnel management system.

(2) Requirements

The personnel management system shall at a minimum include the following:

(A) A system which ensures that applicants for employment and employees of the Architect of the Capitol are appointed, promoted, and assigned on the basis of merit and fitness after fair and equitable consideration of all applicants and employees through open competition.

(B) An equal employment opportunity program which includes an affirmative employment program for employees and applicants for employment, and procedures for monitoring progress by the Architect of the Capitol in ensuring a workforce reflective of the diverse labor force.

(C) A system for the classification of positions which takes into account the difficulty, responsibility, and qualification requirements of the work performed, and which conforms to the principle of equal pay for substantially equal work.

(D) A program for the training of Architect of the Capitol employees which has among its goals improved employee performance and opportunities for employee advancement.

(E) A formal performance appraisal system which will permit the accurate evaluation of job performance on the basis of objective criteria for all Architect of the Capitol employees.

(F) A fair and equitable system to address unacceptable conduct and performance by Architect of the Capitol employees, including a general statement of violations, sanctions, and procedures which shall be made known to all employees, and a formal grievance procedure.

(G) A program to provide services to deal with mental health, alcohol abuse, drug abuse, and other employee problems, and which ensures employee confidentiality.

(H) A formal policy statement regarding the use and accrual of sick and annual leave which shall be made known to all employees, and which is consistent with the other requirements of this section.

(d) Implementation of personnel management system

(1) Development of plan

The Architect of the Capitol shall—

(A) develop a plan for the establishment and maintenance of a personnel management system designed to achieve the requirements of subsection (c) of this section;

(B) submit the plan to the Speaker of the House of Representatives, the House Office Building Commission, the Committee on Rules and Administration of the Senate, the Joint Committee on the Library, and the Committees on Appropriations of the Senate and the House of Representatives not later than 12 months after July 22, 1994; and

(C) implement the plan not later than 90 days after the plan is submitted to the Speaker of the House of Representatives, the House Office Building Commission, the Committee on Rules and Administration of the Senate, the Joint Committee on the Library, and the Committees on Appropriations of the Senate and the House of Representatives, as specified in subparagraph (B).

(2) Evaluation and reporting

The Architect of the Capitol shall develop a system of oversight and evaluation to ensure that the personnel management system of the Architect of the Capitol achieves the requirements of subsection (c) of this section and complies with all other relevant laws, rules and regulations. The Architect of the Capitol shall report to the Speaker of the House of Representatives, the House Office Building Commission, the Committee on Rules and Administration of the Senate, and the Joint Committee on the Library on an annual basis the results of its evaluation under this subsection.

(3) Application of laws

Nothing in this section shall be construed to alter or supersede any other provision of law otherwise applicable to the Architect of the Capitol or its employees, unless expressly provided in this section.

(Pub. L. 103–283, title III, § 312, July 22, 1994, 108 Stat. 1443; Pub. L. 104–1, title V, § 504(c)(1), Jan. 23, 1995, 109 Stat. 41.)

CODIFICATION

Section is comprised of section 312 of Pub. L. 103–283. Subsec. (f) of section 312 of Pub. L. 103–283 amended sections 60m, 1201, 1205, and 1212 of Title 2, The Congress.

AMENDMENTS

1995—Subsec. (e). Pub. L. 104–1 struck out subsec. (e) which related to processing of discrimination complaints.

SAVINGS PROVISION

Section 504(c)(1) of Pub. L. 104–1 provided in part that subsec. (e) of this section is repealed, except as provided in section 1435 of Title 2, The Congress.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 2 section 1435; title 31 sections 753, 755.

§ 166c. Acquisition of surplus supplies, materials, etc.; priority

On and after July 1, 1946, the Architect of the Capitol in expending appropriations under his control may acquire supplies, materials, equipment, furniture, and other items from Government agencies, disposing of such property under The Surplus Property Act of 1944, as amended, and shall be accorded the same priority as granted other Government agencies under that Act.

(July 1, 1946, ch. 530, 60 Stat. 401.)

REFERENCES IN TEXT

The Surplus Property Act of 1944 and ''that Act'', referred to in text, are act Oct. 3, 1944, ch. 479, 58 Stat. 765, as amended, which was classified principally to sections 1611 to 1646 of Title 50, Appendix, War and National Defense, and was repealed effective July 1, 1949, with the exception of sections 1622, 1631, 1637, and 1641 of Title 50, Appendix, by act June 30, 1949, ch. 288, title VI, § 602(a)(1), 63 Stat. 399, renumbered Sept. 5, 1950, ch. 849, § 6(a), (b), 64 Stat. 583. Sections 1622 and 1641 were partially repealed by the 1949 act, and section 1622 is still set out in part in Title 50, Appendix. Section 1622(g) was repealed and reenacted as sections 47151 to 47153 of Title 49, Transportation, by Pub. L. 103–272, §§ 1(e), 7(b), July 5, 1994, 108 Stat. 1278–1280, 1379. Section 1631 was repealed by act June 7, 1939, ch. 190, § 6(e), as added by act July 23, 1946, ch. 590, 60 Stat. 599, and is covered by sections 98 et seq. of Title 50. Section 1637 was repealed by act June 25, 1948, ch. 645, § 21, 62 Stat. 862, eff. Sept. 1, 1948, and is covered by section 3287 of

Title 18, Crimes and Criminal Procedure. Provisions of section 1641 not repealed by the 1949 act were repealed by Pub. L. 87–256, § 111(a)(1), Sept. 21, 1961, 75 Stat. 538, and are covered by chapter 33 (§ 2451 et seq.) of Title 22, Foreign Relations and Intercourse. The provisions of the Surplus Property Act of 1944 originally repealed by the 1949 act are covered by chapter 10 (§ 471 et seq.) of this title.

CODIFICATION

Section is from act July 1, 1946, popularly known as the Legislative Branch Appropriation Act, 1947.

CROSS REFERENCES

Federal Property and Administrative Services Act of 1949, exemption of Architect of Capitol from provisions of, see section 474 of this title.

§ 166d. Rental or lease of storage space

Notwithstanding any other provision of law, the Architect of the Capitol, with the approval of the House Office Building Commission and Senate Committee on Rules and Administration, is authorized to secure, through rental, lease, or other appropriate agreement, storage space in areas within the District of Columbia and its environs beyond the boundaries of the United States Capitol Grounds for use of the United States Senate, the United States House of Representatives, and the Office of the Architect of the Capitol, under such terms and conditions as such Commission and committee may authorize, and to incur any necessary incidental expenses in connection therewith.

(Pub. L. 93–180, § 1, Dec. 13, 1973, 87 Stat. 704.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 166e of this title.

§ 166e. Funds out of Contingent Expenses, Architect of Capitol

Any expenditures required to implement the provisions of section 166d of this title shall be paid from the appropriation ''Contingent Expenses, Architect of the Capitol'' and any funds appropriated under this head shall hereafter be available for such purpose.

(Pub. L. 93–180, § 2, Dec. 13, 1973, 87 Stat. 705.)

§ 166f. Funds out of Capitol Buildings, Architect of Capitol

On and after October 18, 1986, the Architect of the Capitol may incur expenses authorized by section 166d of this title to be paid from the appropriation ''Capitol Buildings, Architect of the Capitol''.

(Pub. L. 99–500, § 101(j), Oct. 18, 1986, 100 Stat. 1783–287, and Pub. L. 99–591, § 101(j), Oct. 30, 1986, 100 Stat. 3341–287, as amended Pub. L. 100–71, title I, July 11, 1987, 101 Stat. 425.)

CODIFICATION

Section is based on the words ''to hereafter incur expenses authorized by the Act of December 13, 1973 (87 Stat. 704)'' appearing under heading ''Architect of the Capitol'' and subheading ''Capitol Buildings'' contained in H.R. 5203 (see House Report 99–805 as filed in the House on Aug. 15, 1986), as incorporated by reference in section 101(j) of Pub. L. 99–500 and Pub. L. 99–591, as amended by Pub. L. 100–71, to be effective as if enacted into law.

§ 166g. Expenses for flying American flags and providing certification services therefor

On and after November 19, 1995, expenses, based on full cost recovery, for flying American flags and providing certification services therefor shall be advanced or reimbursed upon request of the Architect of the Capitol, and amounts so received shall be deposited into the Treasury.

(Pub. L. 104–53, title I, Nov. 19, 1995, 109 Stat. 528.)

§ 166h. Transfer of funds by Architect of Capitol; approval

During fiscal year 1997 and fiscal years thereafter, amounts appropriated to the Architect of the Capitol (including amounts relating to the Botanic Garden) may be transferred among accounts available to the Architect of the Capitol upon the approval of—

(1) the Committee on Appropriations of the House of Representatives, in the case of amounts transferred from the appropriation for Capitol buildings and grounds under the heading ''HOUSE OFFICE BUILDINGS'';

(2) the Committee on Appropriations of the Senate, in the case of amounts transferred from the appropriation for Capitol buildings and grounds under the heading ''SENATE OFFICE BUILDINGS''; and

(3) the Committees on Appropriations of the Senate and the House of Representatives, in the case of amounts transferred from any other appropriation.

(Pub. L. 104–197, title III, § 306, Sept. 16, 1996, 110 Stat. 2413.)

§ 167. Lighting, heating, and ventilating House of Representatives

The electrician, together with everything pertaining to the electrical machinery and apparatus, and the ventilation and heating of the House of Representatives, and all laborers and others connected with the lighting, heating, and ventilating thereof, shall be subject exclusively to the orders, and in all respects under the direction, of the Architect of the Capitol, subject to the control of the Speaker; and no removal or appointment shall be made except with his approval. And all engineers and others who are engaged in heating and ventilating the House shall be subject to the orders, and in all respects under the direction, of the Architect of the Capitol, subject to the control of the Speaker; and no removal or appointment shall be made except with his approval.

(Mar. 3, 1877, ch. 105, 19 Stat. 348; Mar. 3, 1881, ch. 130, § 1, 21 Stat. 388.)

CODIFICATION

Section, except the words ''and the ventilating and heating of the House of Representatives,'' is based on act Mar. 3, 1881, popularly known as the ''Legislative, Executive, and Judicial Appropriation Act''. The excepted words were based on act Mar. 3, 1877, popularly known as the ''Sundry Civil Appropriation Act, fiscal year 1878''.

CHANGE OF NAME

Change of name of Architect of the Capitol, functions abolished, transferred, etc., by prior acts, see Codifica-

tion and Prior Provisions notes set out under section 161 of this title.

CROSS REFERENCES

Vacancies occurring in force operating Capitol power plant and substations to be filled by Architect of the Capitol with approval of commission in charge of House Office Building, see section 185 of this title.

§ 167a. Repealed. Pub. L. 90–417, July 23, 1968, 82 Stat. 407

Section, act July 9, 1952, ch. 598, title I, 66 Stat. 473, directed Architect of Capitol to maintain service for House of Representatives after daily adjournment.

EFFECTIVE DATE OF REPEAL

Pub. L. 90–417 provided that after June 30, 1968, provisions of section 167a shall no longer be applicable.

§ 168. Heating and ventilating Senate wing

All engineers and others who are engaged in heating and ventilating the Senate wing of the Capitol shall be subject to the orders and in all respects under the direction of the Architect of the Capitol, subject to the approval of the Senate Committee on Rules and Administration.

(July 11, 1888, ch. 615, 25 Stat. 258; Aug. 2, 1946, ch. 753, title I, § 102, title II, § 224, 60 Stat. 814, 838.)

CODIFICATION

Section is based on act July 11, 1888, popularly known as the ''Legislative, Executive, and Judicial Appropriation Act July 11, 1888, fiscal year 1889''.

AMENDMENTS

1946—Act Aug. 2, 1946, substituted ''Committee on Rules and Administration'' for ''Committee on Rules''.

EFFECTIVE DATE OF 1946 AMENDMENT

Section 142 of act Aug. 2, 1946, provided that section 102 of that act shall take effect on Jan. 2, 1947, and section 245 of that act provided that section 224 thereof shall ''take effect on the day on which the Eightieth Congress convenes''. The Eightieth Congress convened on Jan. 3, 1947.

CROSS REFERENCES

Vacancies occurring in force operating Capitol power plant and substations to be filled by Architect of Capitol with approval of commission in charge of House Office Building, see section 185 of this title.

§ 168a. Repealed. Oct. 31, 1951, ch. 654, § 3(16), 65 Stat. 708

Section, act June 6, 1900, ch. 791, 31 Stat. 612, provided that fuel be delivered to the two wings of Capitol only during hours and under regulations as Architect of Capitol prescribes.

§ 169. Furniture for House of Representatives

The Architect of the Capitol shall supervise and direct the care and repair of all furniture in the Hall, cloakrooms, lobby, committee rooms, and offices of the House, and all furniture required for the House of Representatives or for any of its committee rooms or offices shall be procured on designs and specifications made or approved by the said Architect.

(Apr. 28, 1902, ch. 594, 32 Stat. 125.)

CODIFICATION

Section is based on act Apr. 28, 1902, popularly known as the ''Legislative, Executive, and Judicial Appropriation Act, fiscal year 1903''.

CHANGE OF NAME

Change of name of the Architect of the Capitol, functions abolished, transferred, etc., by prior acts, see Codification and Prior Provisions notes set out under section 161 of this title.

§ 170. Purchase of furniture or carpets for House or Senate

No furniture or carpets for either House shall be purchased without the written order of the chairman of the Committee on Rules and Administration, for the Senate, or without the written order of the chairman of the Committee on House Oversight of the House of Representatives, for the House of Representatives.

(R.S. § 1816; Aug. 2, 1946, ch. 753, title I, § 102, title II, § 224, 60 Stat. 814, 838; Pub. L. 104–186, title II, § 221(2), Aug. 20, 1996, 110 Stat. 1748.)

CODIFICATION

R.S. § 1816 derived from Res. Apr. 16, 1862, No. 28, 12 Stat. 617; acts Mar. 30, 1867, ch. 24, § 2, 15 Stat. 13; July 20, 1868, ch. 177, § 1, 15 Stat. 115; Mar. 3, 1869, ch. 121, § 1, 15 Stat. 283, 284; Mar. 3, 1871, ch. 114, § 1, 16 Stat. 500; Aug. 15, 1876, ch. 287, 19 Stat. 147.

Provision of R.S. § 1816 relating to repairs of Capitol is classified to section 166 of this title.

AMENDMENTS

1996—Pub. L. 104–186 substituted ''House Oversight of the House of Representatives, for the House of Representatives'' for ''Accounts of the House of Representatives, for the House''.

1946—Act Aug. 2, 1946, substituted ''Committee on Rules and Administration'' for ''Committee to Audit and Control the Contingent Expenses of the Senate''.

EFFECTIVE DATE OF 1946 AMENDMENT

Section 142 of act Aug. 2, 1946, provided that section 102 of that act shall take effect on Jan. 2, 1947, and section 245 of that act provided that section 224 thereof shall ''take effect on the day on which the Eightieth Congress convenes''. The Eightieth Congress convened on Jan. 3, 1947.

§ 170a. Transferred

CODIFICATION

Section, Pub. L. 97–276, § 101(e), Oct. 2, 1982, 96 Stat. 1189, which related to disposition of receipts from sale of used or surplus furniture and furnishings of Senate, was transferred to section 117b–1 of Title 2, The Congress.

§ 171. Transfer of discontinued apparatus to other branches

The Architect of the Capitol may transfer apparatus, appliances, equipments, and supplies of any kind, discontinued or permanently out of service, to other branches of the service of the United States, or District of Columbia, whenever, in his judgment the interests of the Government service may require it.

(June 26, 1912, ch. 182, § 11, 37 Stat. 184; Mar. 3, 1921, ch. 124, 41 Stat. 1291; May 29, 1928, ch. 901, § 1(120), 45 Stat. 995; Oct. 31, 1951, ch. 654, § 3(17), 65 Stat. 708.)

CODIFICATION

Section is based on act June 26, 1912, popularly known as the ''District of Columbia Appropriation Act June 26, 1912, fiscal year 1913''.

PRIOR PROVISIONS

Act Mar. 2, 1911, ch. 192, § 9, 36 Stat. 1011.

AMENDMENTS

1951—Act Oct. 31, 1951, struck out ''with the approval of the Secretary of the Interior,'' after ''whenever,''.

1928—Act May 29, 1928, struck out provision that required a transfer statement to be submitted in the annual report to Congress by the Superintendent of the Capitol Building and Grounds.

CHANGE OF NAME

Change of name of Architect of the Capitol, functions abolished, transferred, etc., by prior acts, see Codification and Prior Provisions notes set out under section 161 of this title.

CROSS REFERENCES

Federal Property and Administrative Services of 1949, exemption of Architect of Capitol from provisions of, see section 474 of this title.

§ 172. Repealed. Oct. 31, 1951, ch. 654, § 3(18), 65 Stat. 709

Section, act July 16, 1914, ch. 141, 38 Stat. 458, related to custodianship of the building or buildings on reservation numbered 13 in the District of Columbia selected for the purpose of storing unused documents and materials removed from the Capitol Building and Senate and House Office Buildings, and Patent Office models removed from the Senate and House Office Buildings.

§ 173. Estimates for improvements in grounds

All changes and improvements in the Capitol grounds, including approaches to the Capitol, shall be estimated for in detail, showing what modifications are proposed and the estimate cost of the same.

(Mar. 3, 1883, ch. 143, 22 Stat. 621.)

CODIFICATION

Section is based on act Mar. 3, 1883, popularly known as the ''Sundry Civil Appropriation Act, fiscal year 1884''.

SIMILAR PROVISIONS

Enlargement of the Capitol grounds by the acquisition of certain squares in the city of Washington, provided by the following Sundry Civil Appropriation Acts for the fiscal years 1911, 1912, 1913, and 1914.

June 23, 1913, ch. 3, 38 Stat. 44.
Aug. 24, 1912, ch. 355, 37 Stat. 454.
Mar. 4, 1911, ch. 285, 36 Stat. 1414.
June 25, 1910, ch. 384, 36 Stat. 738.

CROSS REFERENCES

Change in architectural or landscape features of Capitol or grounds without approval of Congress, see section 162 of this title.

§§ 174, 174a. Omitted

CODIFICATION

Section 174, acts Aug. 26, 1912, ch. 408, 37 Stat. 605; Mar. 3, 1921, ch. 124, 41 Stat. 1291; May 29, 1928, ch. 901, § 1(85), 45 Stat. 992, which related to control, supervision, and care of buildings and grounds, was superseded by act Mar. 4, 1929, ch. 708, 45 Stat. 1694, and act July 31, 1946, ch. 707, § 1, 60 Stat. 718. See sections 193a to 193m, 212a and 212b of this title.

Section 174a, act May 17, 1938, ch. 236, 52 Stat. 391, related to control and supervision of the Senate Office Building. See section 174c of this title. Similar provisions were contained in the following prior appropriation acts:

May 18, 1937, ch. 223, 50 Stat. 180.
July 8, 1935, ch. 374, 49 Stat. 470.
May 30, 1934, ch. 372, 48 Stat. 827.
Feb. 28, 1933, ch. 134, 47 Stat. 1361.
June 30, 1932, ch. 314, 47 Stat. 392.
Feb. 20, 1931, ch. 234, 46 Stat. 1184.
June 6, 1930, ch. 407, 46 Stat. 514.

§ 174b. Senate Office Building; approval of structural changes by Architect of Capitol

Structural changes in the Senate Office Building shall only be made with the approval of the Architect of the Capitol.

(July 1, 1941, ch. 268, 55 Stat. 458.)

CODIFICATION

The following language preceded the text of this section in act July 1, 1941: ''The care and operation of the Senate Office Building under the direction and supervision of the Senate Committee on Rules.''

Section is based on act July 1, 1941, popularly known as the ''Legislative Branch Appropriation Act, 1942''.

PRIOR PROVISIONS

Provisions similar to those in this section were contained in the following prior acts:

June 18, 1940, ch. 396, 54 Stat. 473.
June 16, 1939, ch. 208, 53 Stat. 832.

IMPROVEMENT OF ACCOMMODATIONS; APPROPRIATION

Pub. L. 85–95, July 10, 1957, 71 Stat. 289, provided: ''That the Architect of the Capitol, under the direction of the Senate Office Building Commission, created by the Sundry Civil Appropriation Act of April 28, 1904 (33 Stat. 481), as amended, is authorized and directed to enlarge and remodel Senators' suites and to make structural, mechanical, and other changes and improvements in the existing Senate Office Building, to provide improved accommodations for the United States Senate, in accordance with plans to be prepared by or under direction of the Architect of the Capitol and to be submitted to and approved by the Senate Office Building Commission.

''SEC. 2. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act, and the Architect of the Capitol, under the direction of the Senate Office Building Commission, is authorized to enter into contracts and to make such other expenditures, including expenditures for personal and other services, as may be necessary to carry out the purposes of this Act.''

CROSS REFERENCES

Senate Office Building, control, care, and supervision, see section 174c of this title.

§ 174b–1. Additional Senate office building

Upon completion of the additional office building for the United States Senate, the building and the grounds and sidewalks surrounding the same shall be subject to the provisions of sections 174(c), 174(d), 174c, 174d, 193a to 193m, 212a, 212a–2, and 212b of this title, in the same manner and to the same extent as the present Senate Office Building and the grounds and sidewalks surrounding the same.

(June 25, 1948, ch. 658, title I, 62 Stat. 1029.)

REFERENCES IN TEXT

Sections 174(c) and 174(d) of this title, referred to in text, have been omitted from the Code.

ACQUISITION OF PROPERTY FOR USE AS RESIDENTIAL FACILITY FOR UNITED STATES SENATE PAGES

Pub. L. 102–330, § 1, Aug. 3, 1992, 106 Stat. 849, as amended by Pub. L. 103–50, ch. XII, § 1202, July 2, 1993, 107 Stat. 267, provided that:

''(a) ACQUISITION OF PROPERTY.—(1) The Architect of the Capitol, under the direction of the Senate Committee on Rules and Administration, may acquire, on behalf of the United States Government, by purchase, condemnation, transfer or otherwise, as an addition to the United States Capitol Grounds, such real property in the District of Columbia as may be necessary to carry out the provisions of this Act [this note]. Real property acquired for purposes of this Act, may, in the discretion of the Architect of the Capitol, extend to the outer face of the curbs of such property so acquired, including alleys or parts of alleys and streets within the lot lines and curblines surrounding such real property, together with any or all improvements thereon.

''(2) Subject to the approval by the Committee on Appropriations of the Senate, an amount necessary to enable the Architect of the Capitol to carry out the provisions of this section may be transferred from any appropriation under the heading 'SENATE' and the subheadings 'SALARIES, OFFICERS AND EMPLOYEES', and 'OFFICE OF THE SERGEANT AT ARMS AND DOORKEEPER', and the subheadings 'CONTINGENT EXPENSES OF THE SENATE' and 'SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE' to the account appropriated under the heading 'ARCHITECT OF THE CAPITOL' and the subheadings 'CAPITOL BUILDINGS AND GROUNDS' and 'SENATE OFFICE BUILDINGS'.

''(b) UNITED STATES CAPITOL GROUNDS AND BUILDINGS.—Immediately upon the acquisition by the Architect of the Capitol, on behalf of the United States, of the real property, and the improvements thereon, as provided under subsection (a), the real property acquired shall be a part of the United States Capitol Grounds, and the improvements on such real property shall be a part of the Senate Office Buildings. Such real property and improvements shall be subject to the Act of July 31, 1946 (40 U.S.C. 193a et seq.), and the Act of June 8, 1942 (40 U.S.C. 174c).

''(c) BUILDING CODES.—The real property and improvements acquired in accordance with subsection (a) shall be repaired and altered, to the maximum extent feasible as determined by the Architect of the Capitol, in accordance with a nationally recognized model building code, and other applicable nationally recognized codes (including electrical codes, fire and life safety codes, and plumbing codes, as determined by the Architect of the Capitol), using the most current edition of the nationally recognized codes referred to in this subsection.

''(d) REPAIRS; EXPENDITURES.—The Architect of the Capitol is authorized, without regard to the provisions of section 3709 of the Revised Statutes of the United States [41 U.S.C. 5], to enter into contracts and to make expenditures for (1) necessary repairs to, and refurbishment of, the real property and the improvements on such real property acquired in accordance with subsection (a), including expenditures for personal and other services as may be necessary to carry out the purposes of this Act; and (2) for the construction on such real property of any facilities thereon as authorized under subsection (f). In no event shall the aggregate value of contracts and expenditures under this subsection exceed an amount equal to that authorized to be appropriated pursuant to subsection (e).

''(e) AUTHORIZATION.—There is authorized to be appropriated to the account under the heading 'Architect of the Capitol' and the subheadings 'Capitol Buildings and Grounds' and 'Senate Office Buildings', $2,000,000 for carrying out the purposes of this Act. Moneys appropriated pursuant to this authorization may remain available until expended.

''(f) USE OF PROPERTY.—The real property, and improvements thereon, acquired in accordance with subsection (a) shall be available to the Sergeant at Arms and Doorkeeper of the Senate for use as a residential facility for United States Senate Pages, and for such other purposes as the Senate Committee on Rules and Administration may provide.''

AUTHORIZATION OF ARCHITECT OF CAPITOL TO LEASE CITY POST OFFICE BUILDING FOR USE BY SENATE AND FOR OTHER PURPOSES

Pub. L. 101–520, title I, § 107, Nov. 5, 1990, 104 Stat. 2267, provided that:

''(a) Notwithstanding any other provision of law, the Architect of the Capitol, subject to the approval of the Committee on Rules and Administration, is authorized to lease, for use by the United States Senate, and for such other purposes as such committee may approve, 150,000 square feet of space, more or less, in the property located at 2 Massachusetts Avenue, N.E., Washington, District of Columbia, known as the City Post Office Building: *Provided*, That rental payments shall be paid from the account 'Architect of the Capitol, Senate Office Buildings' upon vouchers approved by the Architect of the Capitol: *Provided further*, That nothing in this section shall be construed so as to obligate the Senate or any of its Members, officers, or employees to enter into any such lease or to imply any obligation to enter into any such lease.

''(b) Notwithstanding any other provision of law, property leased under authority of subsection (a) shall be maintained by the Architect of the Capitol as part of the 'Senate Office Buildings' subject to the laws, rules, and regulations governing such buildings, and the Architect is authorized to incur such expenses as may be necessary to provide for such occupancy.

''(c) There is hereby authorized to be appropriated to the 'Architect of the Capitol, Senate Office Buildings' such sums as may be necessary to carry out the provisions of subsections (a) and (b).

''(d) There is authorized to be appropriated to the Sergeant at Arms of the United States Senate such sums as may be necessary to provide for the planning and relocation of offices and equipment to the property described in subsection (a), subject to direction by the Committee on Rules and Administration.

''(e) The authority under this section shall continue until otherwise provided by law.''

NORTH CAPITOL PLAZA BUILDING; CONTINUATION OF AUTHORITY FOR LEASE AND SUBLEASE OF PROPERTY; LEASED PROPERTY AS PART OF SENATE OFFICE BUILDINGS; RENT LIMITATIONS; NECESSITY OF SENATE RESOLUTION; TERM OF LEASE; PURCHASE OPTION

Pub. L. 94–157, title I, § 112, Dec. 18, 1975, 89 Stat. 832, provided that:

''(a) Notwithstanding any other provision of law, the Sergeant at Arms of the Senate, subject to the approval of the Committee on Rules and Administration, and the Committee on Appropriations, is authorized to lease, for use by the United States Senate, and for such other purposes as such committees may approve, all or any part of the property located at 400 North Capitol Street, Washington, District of Columbia, known as the 'North Capitol Plaza Building': *Provided*, That rental payments under such lease for the entire property shall not exceed $3,375,000 per annum, exclusive of amounts for reimbursement for taxes paid and utilities furnished by the lessor: *Provided further*, That a lease shall not become effective until approved by Senate Resolution. Prior to such approval process the General Accounting Office shall examine the terms of the proposed lease and shall report to the Senate on its reasonableness, taking into account such factors as rental rates for similar space, advantages of proximity, and possible alternative arrangements. Such payments shall be paid from the Contingent Fund of the Senate upon vouchers approved by the Sergeant at Arms: *Provided further*, That such lease may be for a term not in excess of five years, and shall contain an option to purchase such property, and shall include such other terms and conditions as such committees may determine to be in the best interests of the Government: *Provided further*, That nothing in this section shall be construed

so as to obligate the Senate or any of its Members, officers, or employees to enter into any such lease or to imply any obligation to enter into any such lease.

''(b) Notwithstanding any other provision of law, property leased under authority of subsection (a) shall be maintained by the Architect of the Capitol as part of the 'Senate Office Buildings' subject to the laws, rules, and regulations governing such buildings, and the Architect is authorized to incur such expenses as may be necessary to provide for such occupancy.

''(c) Notwithstanding any other provision of law, the Sergeant at Arms of the Senate, subject to the approval of the Committee on Rules and Administration and the Committee on Appropriations, is authorized to sublease any part of the property leased under authority of subsection (a) which is in excess of the requirements of the Senate. All rental payments under any such sublease shall be paid to the Sergeant at Arms of the Senate and such amounts shall thereupon be added to and merged with the appropriation 'Miscellaneous Items' under the Contingent Fund of the Senate.

''(d) Notwithstanding any other provision of law, upon the approval of the Committee on Rules and Administration and the Committee on Appropriations, the Secretary of the Senate shall transfer by voucher or vouchers to the Architect of the Capitol from the 'Contingent Fund of the Senate' such amounts as may be necessary for the Architect of the Capitol to carry out the provisions of subsection (b) and such amounts shall thereupon be added to and merged with the appropriation 'Senate Office Buildings'.

''(e) The authority under this section shall continue until otherwise provided by law.''

CONSTRUCTION OF EXTENSION TO NEW SENATE OFFICE BUILDING

Pub. L. 96–69, title V, §502, Sept. 25, 1979, 93 Stat. 450, appropriated additional funds of $52,583,400 toward finishing construction of an extension to the New Senate Office Building, to remain available until expended, set the figure $137,730,400 as the ceiling on the total cost for construction of the building, and further provided that the building and office space therein upon completion meet all needs for personnel presently supplied by the Carrol Arms, the Senate Courts, the Plaza Hotel, and the Capitol Hill Apartments and that those buildings be vacated.

Pub. L. 93–245, ch. VI, Jan. 3, 1974, 87 Stat. 1079, appropriated funds for the construction of an extension of the Senate subway transportation system, construction of additional floor levels on the rear center wing of the Dirksen Office Building, changes to the Dirksen and Russell Office Buildings to provide improved means of circulation to, in, and through those buildings and the extension, and other changes required to properly correlate use of the three buildings.

Pub. L. 92–607, ch. V, §508, Oct. 31, 1972, 86 Stat. 1510, appropriated funds for the construction and equipment of an extension to the New Senate Office Building and for structural and other changes in the existing New Senate Office Building necessitated by such construction.

DEVELOPMENT OF PLANS FOR GARAGE AND RELATED FACILITIES FOR SENATE

Pub. L. 92–607, ch. V, §508, Oct. 31, 1972, 86 Stat. 1512, authorized the Architect of the Capitol to conduct a study of design and cost alternatives for construction of a parking garage and to establish an architectural design competition for design of the garage structure.

ACQUISITION OF PROPERTY AS SITE FOR PARKING FACILITIES FOR SENATE

Pub. L. 92–607, ch. V, §508, Oct. 31, 1972, 86 Stat. 1510, as amended by Pub. L. 93–305, title I, ch. VIII, §801, June 8, 1974, 88 Stat. 206, authorized the Architect of the Capitol to acquire certain real property as a site for parking facilities for the Senate, with such property to become a part of the United States Capitol Grounds upon acquisition.

ACQUISITION OF PROPERTY TO EXTEND ADDITIONAL SENATE OFFICE BUILDING SITE

Pub. L. 85–429, May 29, 1958, 72 Stat. 148; Pub. L. 85–591, Aug. 6, 1958, 72 Stat. 495; Pub. L. 91–145, Dec. 12, 1969, 83 Stat. 352; Pub. L. 91–382, Aug. 18, 1970, 84 Stat. 819; Pub. L. 92–184, ch. IV, Dec. 15, 1971, 85 Stat. 637, authorized the Architect of the Capitol to acquire certain real property for purposes of extension of Additional Senate Office Building Site or for Additions to United States Capitol Grounds.

ADDITIONAL SENATE OFFICE BUILDING

Act Aug. 1, 1953, ch. 304, title I, 67 Stat. 328, authorized certain appropriations made available for expenditure for the preparation of additional preliminary plans and cost estimates for an additional Senate Office Building, such expenditure to be made by the Architect of the Capitol under the supervision of the Senate Office Building Commission, whose membership was increased by act Aug. 1, 1953 from five to seven members.

Act July 11, 1947, ch. 220, 61 Stat. 307, increased the membership of the Senate Office Building Commission from three to five members and provided that the Architect of the Capitol, under the supervision of the Commission, was to prepare preliminary plans and cost estimates for an additional Senate Office Building and authorized certain appropriations therefore.

FURNITURE AND FURNISHINGS

Pub. L. 85–93, July 10, 1957, 71 Stat. 284, directed Architect of the Capitol to provide furniture and furnishings for additional Senate Office Building, authorized appropriations necessary therefore, and authorized Architect of the Capitol to enter into contracts and make such expenditures as are necessary to furnish the building.

§174c. Control, care, and supervision of Senate Office Building

On and after June 8, 1942 the Senate Office Building, and the employment of all services (other than for officers and privates of the Capitol Police) necessary for its protection, care, and occupancy, together with all other items that may be appropriated for by the Congress for such purposes, shall be under the control and supervision of the Architect of the Capitol, subject to the approval of the Senate Committee on Rules and Administration as to matters of general policy; and the Architect of the Capitol shall submit annually to the Congress estimates in detail for all services (other than for officers and privates of the Capitol Police) and for all other expenses in connection with said office building and necessary for its protection, care, and occupancy.

(June 8, 1942, ch. 396, 56 Stat. 343; Aug. 2, 1946, ch. 753, title I, §102, title II, §224, 60 Stat. 814, 838.)

AMENDMENTS

1946—Act Aug. 2, 1946, substituted ''Committee on Rules and Administration'' for ''Committee on Rules''.

EFFECTIVE DATE OF 1946 AMENDMENT

Section 142 of act Aug. 2, 1946, provided that section 102 of that act shall take effect on Jan. 2, 1947, and section 245 of that act provided that section 224 thereof shall ''take effect on the day on which the Eightieth Congress convenes''. The Eightieth Congress convened on Jan. 3, 1947.

CROSS REFERENCES

Additional Senate Office Building, see section 174b–1 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 174b–1 of this title.

§ 174d. Assignment of space in Senate Office Building

On and after June 8, 1942 the assignment of rooms and other space in the Senate Office Building shall be under the direction and control of the Senate Committee on Rules and Administration and shall not be a part of the duties of the Architect of the Capitol.

(June 8, 1942, ch. 396, 56 Stat. 343; Aug. 2, 1946, ch. 753, title I, § 102, title II, § 224, 60 Stat. 814, 838.)

AMENDMENTS

1946—Act Aug. 2, 1946, substituted ''Committee on Rules and Administration'' for ''Committee on Rules''.

EFFECTIVE DATE OF 1946 AMENDMENT

Section 142 of act Aug. 2, 1946, provided that section 102 of that act shall take effect on Jan. 2, 1947, and section 245 of that act provided that section 224 thereof shall ''take effect on the day on which the Eightieth Congress convenes''. The Eightieth Congress convened on Jan. 3, 1947.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 174b–1 of this title.

§ 174d–1. Assignment of space for meetings of joint committees, conference committees, etc.

The President pro tempore of the Senate and the Speaker of the House of Representatives shall cause a survey to be made of available space within the Capitol which could be utilized for joint committee meetings, meetings of conference committees, and other meetings, requiring the attendance of both Senators and Members of the House of Representatives; and shall recommend the reassignment of such space to accommodate such meetings.

(Aug. 2, 1946, ch. 753, title II, § 242, 60 Stat. 839.)

EFFECTIVE DATE

Section effective Aug. 2, 1946, see section 245 of act Aug. 2, 1946, set out as a note under section 72a of Title 2, The Congress.

§ 174e. Certification of vouchers by Architect of Capitol

It shall not be a duty of the Architect of the Capitol to certify any pay roll or other voucher covering any expenditure from any appropriation for the Senate Office Building, or for any other building or activity, unless the obligation involved was incurred by him or under his direction.

(June 8, 1942, ch. 396, 56 Stat. 343.)

§§ 174f to 174j. Omitted

CODIFICATION

Sections 174f to 174j were omitted on authority of the Senate Committee on Rules and Administration resolution adopted July 16, 1947, set out as a note below:

Section 174f, act Sept. 9, 1942, ch. 558, § 1, 56 Stat. 750, related to management of the Senate Restaurants.

Section 174g, act Sept. 9, 1942, ch. 558, § 3, 56 Stat. 751, related to authority of Architect of the Capitol.

Section 174h, act Sept. 9, 1942, ch. 558, § 4, 56 Stat. 751, related to special deposit account of Architect of the Capitol.

Section 174i, act Sept. 9, 1942, ch. 558, § 5, 56 Stat. 751, related to persons authorized to make deposits in special deposit account.

Section 174j, act Sept. 9, 1942, ch. 558, § 6, 56 Stat. 751, related to persons required to furnish surety bonds under the terms of the special deposit account.

SENATE COMMITTEE ON RULES AND ADMINISTRATION RESOLUTION ADOPTED JULY 16, 1947

''Whereas the management of the Senate Restaurants and all matters connected therewith was transferred, under the provisions of Public Law 709, Seventy-seventh Congress [these sections], from the jurisdiction of the Senate Committee on Rules to the jurisdiction of the Architect of the Capitol, subject to the approval of such committee as to matters of general policy; and

''Whereas Public Law 709 further provided that management of such restaurant should revert to the jurisdiction of the Committee on Rules upon adoption by the committee of a resolution ordering such reversion; and

''Whereas the functions, powers, and duties of the Committee on Rules under Public Law 709 has devolved upon the Committee on Rules and Administration pursuant to the provisions of subsection (*o*)(1)(f) of Rule XXV of the Standing Rules of the Senate and of section 224 of the Legislative Reorganization Act of 1946, as amended [amending sections 168, 170, 174c, and 174d of this title]; and

''Whereas it is the conclusion of the committee that the management of such Restaurants should revert to the jurisdiction of the Committee: Therefore be it

''Resolved by the Committee on Rules and Administration of the Senate, That, pursuant to the authority contained in the first section of Public Law 709, Seventy-seventh Congress [section 174f of this title], the transfer of the management of the Senate Restaurants and all matters connected therewith from the jurisdiction of the Architect of the Capitol to the jurisdiction of the Committee on Rules and Administration is hereby ordered, effective August 1, 1947.

''Resolved further, That the Architect of the Capitol is hereby requested, pursuant to such order, to transfer on August 1, 1947, to this Committee or to such person or corporation as may be authorized by this Committee to operate the Senate Restaurants all books, records, accounts, supplies, equipment, and other assets of the Senate Restaurants.

''Resolved further, That in the interests of effecting an orderly transfer the Comptroller General is requested to audit the accounts of the Senate Restaurants as of the close of business on July 31, 1947.''

See, also, Second Supplemental Appropriation Act, 1948 (act July 31, 1947, ch. 414, § 1, 61 Stat. 696) [amending section 60a of Title 2, The Congress], second paragraph under heading ''Senate''.

§ 174j–1. Senate Restaurants; management by Architect of Capitol; approval of matters of general policy; termination

Effective August 1, 1961, the management of the Senate Restaurants and all matters connected therewith, heretofore under the direction of the Senate Committee on Rules and Administration, shall be under the direction of the Architect of the Capitol under such rules and regulations as the Architect may prescribe for the operation and the employment of necessary assistance for the conduct of said restaurants by such business methods as may produce the best results consistent with economical and modern management, subject to the approval of the Senate Committee on Rules and Administration as to matters of general policy: *Provided*, That the

management of the Senate Restaurants by the Architect of the Capitol shall cease and the restaurants revert from the jurisdiction of the Architect of the Capitol to the jurisdiction of the Senate Committee on Rules and Administration upon adoption by that committee of a resolution ordering such transfer of jurisdiction at any time hereafter.

(Pub. L. 87–82, § 1, July 6, 1961, 75 Stat. 199.)

TREATMENT OF SEPARATED EMPLOYEES OF ARCHITECT OF CAPITOL

Pub. L. 105–55, title III, § 310, Oct. 7, 1997, 111 Stat. 1199, provided that:

''(a) SEVERANCE PAY.—[Amended section 5595 of Title 5, Government Organization and Employees.]

''(b) EARLY RETIREMENT.—(1) This subsection applies to an employee of the United States Senate Restaurants of the Office of the Architect of the Capitol who—

''(A) voluntarily separates from service on or after the date of enactment of this Act [Oct. 7, 1997] and before October 1, 1999; and

''(B) on such date of separation—

''(i) has completed 25 years of service as defined under section 8331(12) or 8401(26) of title 5, United States Code; or

''(ii) has completed 20 years of such service and is at least 50 years of age.

''(2) Notwithstanding any provision of chapter 83 or 84 of title 5, United States Code, an employee described under paragraph (1) is entitled to an annuity which shall be computed consistent with the provisions of law applicable to annuities under section 8336(d) or 8414(b) of title 5, United States Code.

''(c) VOLUNTARY SEPARATION INCENTIVE PAYMENTS.—(1) In this subsection, the term 'employee' means an employee of the United States Senate Restaurants of the Office of the Architect of the Capitol, serving without limitation, who has been currently employed for a continuous period of at least 12 months, except that such term shall not include—

''(A) a reemployed annuitant under subchapter III of chapter 83 or chapter 84 of title 5, United States Code, or another retirement system for employees of the Government;

''(B) an employee having a disability on the basis of which such employee is or would be eligible for disability retirement under any of the retirement systems referred to in subparagraph (A); or

''(C) an employee who is employed on a temporary when actually employed basis.

''(2) Notwithstanding any other provision of law, in order to avoid or minimize the need for involuntary separations due to a reduction in force, reorganization, transfer of function, or other similar action affecting the agency, the Architect of the Capitol shall establish a program under which voluntary separation incentive payments may be offered to encourage not more than 50 eligible employees to separate from service voluntarily (whether by retirement or resignation) during the period beginning on the date of the enactment of this Act [Oct. 7, 1997] through September 30, 1999.

''(3) Such voluntary separation incentive payments shall be paid in accordance with the provisions of section 5597(d) of title 5, United States Code. Any such payment shall not be a basis of payment, and shall not be included in the computation, of any other type of Government benefit.

''(4)(A) Subject to subparagraph (B), an employee who has received a voluntary separation incentive payment under this section and accepts employment with the Government of the United States within 5 years after the date of the separation on which the payment is based shall be required to repay the entire amount of the incentive payment to the agency that paid the incentive payment.

''(B)(i) If the employment is with an executive agency (as defined by section 105 of title 5, United States Code), the Director of the Office of Personnel Management may, at the request of the head of the agency, waive the repayment if the individual involved possesses unique abilities and is the only qualified applicant available for the position.

''(ii) If the employment is with an entity in the legislative branch, the head of the entity or the appointing official may waive the repayment if the individual involved possesses unique abilities and is the only qualified applicant available for the position.

''(iii) If the employment is with the judicial branch, the Director of the Administrative Office of the United States Courts may waive the repayment if the individual involved possesses unique abilities and is the only qualified applicant available for the position.

''(C) For purposes of subparagraph (A) (but not subparagraph (B)), the term 'employment' includes employment under a personal services contract with the United States.

''(5) The Architect of the Capitol may prescribe regulations to carry out this subsection.

''(d) COMPETITIVE SERVICE TREATMENT FOR CERTAIN EMPLOYEES.—(1) This subsection applies to any employee of the United States Senate Restaurants of the Office of the Architect of the Capitol who—

''(A) is involuntarily separated from service on or after the date of the enactment of this Act [Oct. 7, 1997] and before October 1, 1999 (except by removal for cause on charges of misconduct or delinquency); and

''(B) has performed any period of service employed in the Office of the Architect of the Capitol (including the United States Senate Restaurants) in a position in the excepted service as defined under section 2103 of title 5, United States Code.

''(2) For purposes of applying for employment for any position in the executive branch (including for purposes of the administration of chapter 33 of title 5, United States Code, with respect to such employment application), any period of service described under paragraph (1)(B) of this subsection shall be deemed a period of service in the competitive service as defined under section 2102 of title 5, United States Code.

''(3) This subsection shall—

''(A) take effect on the date of enactment of this Act; and

''(B) apply only to an employment application submitted by an employee during the 2-year period beginning on the date of such employee's separation from service described under paragraph (1)(A).

''(e) RETRAINING, JOB PLACEMENT, AND COUNSELING SERVICES.—(1) In this subsection, the term 'employee'—

''(A) means an employee of the United States Senate Restaurants of the Office of the Architect of the Capitol; and

''(B) shall not include—

''(i) a reemployed annuitant under subchapter III of chapter 83 or chapter 84 of title 5, United States Code, or another retirement system for employees of the Government; or

''(ii) an employee who is employed on a temporary when actually employed basis.

''(2) The Architect of the Capitol may establish a program to provide retraining, job placement, and counseling services to employees and former employees.

''(3) A former employee may not participate in a program established under this subsection, if—

''(A) the former employee was separated from service with the United States Senate Restaurants of the Office of the Architect of the Capitol for more than 1 year; or

''(B) the separation was by removal for cause on charges of misconduct or delinquency.

''(4) Retraining costs for the program established under this subsection may not exceed $5,000 for each employee or former employee.

''(f) ADMINISTRATIVE PROVISIONS.—(1) The Architect of the Capitol—

''(A) may use employees of the Office of the Architect of the Capitol to establish and administer programs and carry out the provisions of this section; and

''(B) may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, to carry out such provisions—

''(i) not subject to the 1 year of service limitation under such section 3109(b); and

''(ii) at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

''(2) Funds to carry out subsections (a) and (c) may be expended only from funds available for the basic pay of the employee who is receiving the applicable payment.

''(3) Funds to carry out subsection (e) may be expended from any funds made available to the Architect of the Capitol.''

DISTRIBUTION OF UNUSED SENATE CAFETERIAS FOOD BY PRIVATE DISTRIBUTION ORGANIZATION

Pub. L. 100–458, title I, § 5, Oct. 1, 1988, 102 Stat. 2161, provided that: ''The Committee on Rules and Administration of the Senate may provide for the distribution of unused food from the Senate cafeterias under the jurisdiction of the committee to the needy of the District of Columbia through an appropriate private distribution organization selected by the committee.''

Similar provisions were contained in the following prior appropriation act:

Pub. L. 100–202, § 144, Dec. 22, 1987, 101 Stat. 1329–443.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 166b–1f, 174j–3, 174j–4, 174j–7, 174j–9 of this title; title 5 section 5533.

§ 174j–2. Omitted

CODIFICATION

Section, Pub. L. 87–82, § 2, July 6, 1961, 75 Stat. 199, related to transfer of accounts, records, supplies, equipment and assets of Senate Restaurants after close of business July 31, 1961, from Senate Committee on Rules and Administration to Architect of the Capitol.

§ 174j–3. Authorization and direction to effectuate purposes of sections 174j–1 to 174j–7 of this title

The Architect of the Capitol is authorized and directed to carry into effect for the United States Senate the provisions of sections 174j–1 to 174j–7 of this title and to exercise the authorities contained herein, and any resolution of the Senate amendatory hereof or supplementary hereto hereafter adopted. Such authority and direction shall continue until the United States Senate shall by resolution otherwise order, or until the Senate Committee on Rules and Administration shall by resolution order the restaurants to be returned to the committee's jurisdiction.

(Pub. L. 87–82, § 3, July 6, 1961, 75 Stat. 199.)

REFERENCES IN TEXT

Herein, referred to in text, means Pub. L. 87–82, July 6, 1961, 75 Stat. 199, as amended, which enacted sections 174j–1 to 174j–7 of this title. For complete classification of this Act to the Code, see Tables.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 166b–1f, 174j–4, 174j–7, 174j–9 of this title; title 5 section 5533.

§ 174j–4. Special deposit account; establishment; appropriations; approval of payments

There is established with the Treasurer of the United States a special deposit account in the name of the Architect of the Capitol for the United States Senate Restaurants, into which shall be deposited all sums received pursuant to sections 174j–1 to 174j–7 of this title or any amendatory or supplementary resolutions hereafter adopted and from the operations thereunder and from which shall be disbursed the sums necessary in connection with the exercise of the duties required under sections 174j–1 to 174j–7 of this title or any amendatory or supplementary resolutions and the operations thereunder. Any amounts appropriated for fiscal year 1973 and thereafter from the Treasury of the United States, which shall be part of a ''Contingent Expenses of the Senate'' item for the particular fiscal year involved, shall be paid to the Architect of the Capitol by the Secretary of the Senate at such times and in such sums as the Senate Committee on Rules and Administration may approve. Any such payment shall be deposited by the Architect in full under such special deposit account.

(Pub. L. 87–82, § 4, July 6, 1961, 75 Stat. 199; Pub. L. 92–51, July 9, 1971, 85 Stat. 129; Pub. L. 92–342, § 101, July 10, 1972, 86 Stat. 435.)

AMENDMENTS

1972—Pub. L. 92–342 substituted provision that amounts appropriated for 1973 and thereafter which shall be part of ''Contingent Expenses of the Senate'' be paid to the Architect of the Capitol, for provision that amounts appropriated for 1972 and thereafter specifically for Senate Restaurants as ''Contingent Expenses of the Senate'' be paid to Architect of the Capitol.

1971—Pub. L. 92–51 substituted ''amounts appropriated for fiscal year 1972 and thereafter'' for Senate Restaurants for ''amounts hereafter appropriated'' for such Restaurants, provision that amounts appropriated specifically for such Restaurants as a Contingent Expense of the Senate item for fiscal year involved shall be paid to Architect of the Capitol, for prior provision declaring amounts appropriated for such Restaurants shall be a part of such Restaurants as a Contingent Expense of Senate for fiscal year involved and for payment of such part to Architect of the Capitol, and provision for approval of payments by Senate Committee on Rules and Administration, including times for payments, for prior provision for payments as appropriations shall specify.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 166b–1f, 174j–3, 174j–7, 174j–9, 174j–10 of this title; title 5 section 5533.

§ 174j–5. Deposits and disbursements under special deposit account

Deposits and disbursements under such special deposit account (1) shall be made by the Architect, or, when directed by him, by such employees of the Architect as he may designate, and (2) shall be subject to audit by the General Accounting Office at such times and in such manner as the Comptroller General may direct: *Provided*, That payments made by or under the direction of the Architect of the Capitol from such special deposit account shall be conclusive upon all officers of the Government.

(Pub. L. 87–82, § 5, July 6, 1961, 75 Stat. 200.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 166b–1f, 174j–3, 174j–4, 174j–6, 174j–7, 174j–9 of this title; title 5 section 5533.

§ 174j–6. Bond of Architect, Assistant Architect, and other employees

The Architect, Assistant Architect, and any employees of the Architect designated by the Architect under section 174j–5 of this title shall each give bond in the sum of $5,000 with such surety as the Secretary of the Treasury may approve for the handling of the financial transactions under such special deposit account.

(Pub. L. 87–82, § 6, July 6, 1961, 75 Stat. 200.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 166b–1f, 174j–3, 174j–4, 174j–7, 174j–9 of this title; title 5 section 5533.

§ 174j–7. Supersedure of prior provisions for maintenance and operation of Senate Restaurants

Sections 174j–1 to 174j–7 of this title shall supersede any other Acts or resolutions heretofore approved for the maintenance and operation of the Senate Restaurants: *Provided, however*, That any Acts or resolutions now in effect shall again become effective, should the restaurants at any future time revert to the jurisdiction of the Senate Committee on Rules and Administration.

(Pub. L. 87–82, § 7, July 6, 1961, 75 Stat. 200.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 166b–1f, 174j–3, 174j–4, 174j–9 of this title; title 5 section 5533.

§ 174j–8. Management personnel and miscellaneous expenses; availability of appropriations; annual and sick leave

On and after July 9, 1971, appropriations for the ''Senate Office Buildings'' shall be available for employment of management personnel of the Senate restaurant facilities and miscellaneous restaurant expenses (except cost of food and cigar stand sales) and, in fixing the compensation of such personnel, the compensation of four positions hereafter to be designated as Director of Food Service, Assistant Director of Food Service, Manager (special functions), and Administrative Officer shall be fixed by the Architect of the Capitol without regard to chapter 51 and subchapter III and IV of chapter 53 of title 5, and shall thereafter be adjusted in accordance with section 5306 of title 5. Annual and sick leave balances of such personnel, as of July 9, 1971, shall be credited to the leave accounts of such personnel, subject to the provisions of section 6304 of title 5, upon their transfer to the appropriation for Senate Office Buildings and such personnel shall continue, while employed by the Architect of the Capitol, to earn leave at rates not less than their present accrual rates.

(Pub. L. 92–51, July 9, 1971, 85 Stat. 138; Pub. L. 94–59, title V, July 25, 1975, 89 Stat. 289; Pub. L. 101–509, title V, § 529 [title I, § 101(b)(5)], Nov. 5, 1990, 104 Stat. 1427, 1440.)

AMENDMENTS

1990—Pub. L. 101–509 substituted ''5306'' for ''5307''.

1975—Pub. L. 94–59 inserted references to compensation of Director of Food Service, Assistant Director of Food Service, Manager (special functions), and Administrative Officer.

EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101–509 effective on such date as the President shall determine, but not earlier than 90 days, and not later than 180 days, after Nov. 5, 1990, see section 529 [title III, § 305] of Pub. L. 101–509, set out as a note under section 5301 of Title 5, Government Organization and Employees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 174j–9 of this title.

§ 174j–9. Loans for Senate Restaurants

(a) Borrowing authority

Subject to the approval of the Senate Committee on Rules and Administration, the Architect of the Capitol shall have authority to borrow (and be accountable for), from time to time, from the appropriation account, within the contingent fund of the Senate, for ''Miscellaneous Items'', such amount as he may determine necessary to carry out the provisions of the joint resolution entitled ''Joint Resolution transferring the management of the Senate Restaurants to the Architect of the Capitol, and for other purposes'', approved July 6, 1961, as amended (40 U.S.C. 174j–1 through 174j–8),[1] and resolutions of the Senate amendatory thereof or supplementary thereto.

(b) Amount and period of loan; voucher

Any such loan authorized pursuant to subsection (a) of this section shall be for such amount and for such period as the Senate Committee on Rules and Administration shall prescribe, and shall be made by the Secretary of the Senate to the Architect of the Capitol upon a voucher approved by the Chairman of the Senate Committee on Rules and Administration.

(c) Deposit, credit, and future availability of proceeds from repayment

All proceeds from the repayment of any such loan shall be deposited in the appropriation account, within the contingent fund of the Senate, for ''Miscellaneous Items'', shall be credited to the fiscal year during which such loan was made, and shall thereafter be available for the same purposes for which the amount loaned was initially appropriated.

(Pub. L. 98–396, title I, Aug. 22, 1984, 98 Stat. 1395.)

REFERENCES IN TEXT

''Joint Resolution transferring the management of the Senate Restaurants to the Architect of the Capitol, and for other purposes'', approved July 6, 1961, referred to in subsec. (a), is Pub. L. 87–82, July 6, 1961, 75 Stat. 199, which enacted sections 174j–1 to 174j–7 of this title. Section 174j–2 of this title was omitted from the Code. For complete classification of this Act to the Code, see Tables.

§ 174j–10. Transfer of appropriations for management personnel and miscellaneous restaurant expenses to special deposit account

Appropriations under this heading for management personnel and miscellaneous restaurant expenses on and after October 7, 1997, shall be transferred at the beginning of each fiscal year

[1] See References in Text note below.

to the special deposit account in the United States Treasury established under section 174j–4 of this title, and effective October 1, 1997, all management personnel of the Senate Restaurant facilities shall be paid from the special deposit account. Management personnel transferred hereunder shall be paid at the same rates of pay applicable immediately prior to the date of transfer, and annual and sick leave balances shall be credited to leave accounts of such personnel in the Senate Restaurants.

(Pub. L. 105–55, title I, Oct. 7, 1997, 111 Stat. 1189.)

REFERENCES IN TEXT

Appropriations under this heading, referred to in text, probably means appropriations under the headings ''ARCHITECT OF THE CAPITOL'', ''CAPITAL BUILDINGS AND GROUNDS'', and ''SENATE OFFICE BUILDINGS'' in the annual Legislative Branch Appropriations Act.

§ 174k. House of Representatives restaurant, cafeteria, and food services

(a) Management and duties

Notwithstanding any other authority with respect to the jurisdiction and control over the management of the House Restaurant and the cafeteria and other food service facilities of the House of Representatives, the jurisdiction over such restaurant and facilities and authority over the direction and supervision of the immediate management and operation thereof shall be vested in the Committee on House Oversight; and the immediate management and operation of such restaurant and facilities may be vested in such official or other authority, acting as the agent of the committee, as the committee may designate; and the official or authority so designated shall perform the duties vested in the Architect of the Capitol by section 208[1] of the First Supplemental Civil Functions Appropriation Act, 1941 (54 Stat. 1056; Public, No. 812, Seventy-sixth Congress).

(b) Transfer of accounts, records, supplies, equipment, and assets

The Architect of the Capitol is hereby authorized and directed to transfer, as the Committee on House Oversight directs, all accounts, records, supplies, equipment, and assets of the House Restaurant and the cafeteria and other food service facilities of the House which are in the possession or under the control of the Architect of the Capitol in order that all such items may be available for the maintenance and operation of the House Restaurant under the authority of, and as directed by, the Committee on House Oversight.

(c) Special deposit account

All authority, responsibility, and functions vested in or imposed upon the Architect of the Capitol in connection with the special deposit account established by section 208[1] of the First Supplemental Civil Functions Appropriation Act, 1941, shall be vested in or imposed upon such other official, authority, or authorities as the Committee on House Oversight may designate.

[1] See References in Text note below.

(d) Effective date

The provisions of this section shall become effective on the first day of the first calendar month beginning after the date of adoption of this resolution, until otherwise provided by law.

(Pub. L. 92–51, July 9, 1971, 85 Stat. 133; Pub. L. 104–186, title II, § 221(3)(A), Aug. 20, 1996, 110 Stat. 1748.)

REFERENCES IN TEXT

Section 208 of the First Supplemental Civil Functions Appropriation Act, 1941, referred to in subsecs. (a) and (c), is section 208 of act Oct. 9, 1940, ch. 780, title II, 54 Stat. 1056, which was formerly classified to this section, and was repealed by Pub. L. 104–186, title II, § 221(3)(B), Aug. 20, 1996, 110 Stat. 1748. See Prior Provisions note below.

The first day of the first calendar month beginning after the date of adoption of this resolution, referred to in subsec. (d), is April 1, 1971.

CODIFICATION

Section is based on section 2 of House Resolution No. 317, Ninety-second Congress, Mar. 25, 1971, which was enacted into permanent law by Pub. L. 92–51.

PRIOR PROVISIONS

A prior section 174k, act Oct. 9, 1940, ch. 780, title II, § 208, 54 Stat. 1056, which provided that the House Restaurant was to be managed under the direction of the Architect of the Capitol, was classified to this section and was repealed by Pub. L. 104–186, title II, § 221(3)(B), Aug. 20, 1996, 110 Stat. 1748.

AMENDMENTS

1996—Subsecs. (a) to (c). Pub. L. 104–186 substituted ''House Oversight'' for ''House Administration'' wherever appearing.

SPECIAL DEPOSIT ACCOUNT FROM VENDING OPERATIONS

Pub. L. 104–53, title I, § 107A, Nov. 19, 1995, 109 Stat. 522, as amended by Pub. L. 104–197, title I, § 101(a), Sept. 16, 1996, 110 Stat. 2400, provided that:

''(a) Subject to the direction of the Committee on House Oversight of the House of Representatives, the amounts deposited in the account specified in subsection (b) from vending operations of the House of Representatives Restaurant System shall be available to pay the cost of goods sold for such operations.

''(b) The account referred to in subsection (a) is the special deposit account established for the House of Representatives Restaurant by section 208 of the First Supplemental Civil Functions Appropriation Act, 1941 (40 U.S.C. 174k note).''

[Pub. L. 104–197, title I, § 101(b), Sept. 16, 1996, 110 Stat. 2401, provided that: ''The amendments made by subsection (a) [amending section 107A of Pub. L. 104–53, set out above] shall apply with respect to fiscal years beginning after September 30, 1996.'']

TRANSFER OF FOOD SERVICE OPERATIONS; ELECTION BY CERTAIN AFFECTED EMPLOYEES; DISABILITY AND RETIREMENT BENEFITS; PROMULGATION OF REGULATIONS

Pub. L. 99–500, § 111, Oct. 18, 1986, 100 Stat. 1783–348, and Pub. L. 99–591, § 111, Oct. 30, 1986, 100 Stat. 3341–348, provided that:

''(a) Any individual who—

''(1) on the day before the date on which food services operations for the House of Representatives are transferred by contract to a corporation or other person—

''(A) is a congressional employee (as defined in section 2107 of title 5, United States Code), other than an employee of the Architect of the Capitol, engaged in providing such food services under the administrative control of the Architect of the Capitol; and

''(B) is subject to subchapter III of chapter 83 of title 5, United States Code, or chapter 84 of such title;

''(2) as a result of such contract, ceases to be an employee described in paragraph (1); and

''(3) becomes employed to provide such food services under contract, including a successor contract;

may, for purposes of the provisions of law specified in subsection (b), elect to be treated, for so long as such individual continues to be employed (without a break in service) as described in paragraph (3), as if such individual had not ceased to be an employee described in paragraph (1). Such election shall be made on or before the day referred to in paragraph (1) and shall be available only to an individual whose transition from the employment described in paragraph (1) to the employment described in paragraph (3) takes place without a break in service.

''(b) The provisions of law referred to in subsection (a) are—

''(1) subchapter III of chapter 83 of title 5, United States Code (including section 8339(m) of such title (which shall be applied, when an employee retires on an immediate annuity or dies, as if the employment at the time of retirement or death were under a formal leave system), with respect to unused sick leave to the credit of an employee on the day referred to in subsection (a)(1));

''(2) chapter 84 of title 5, United States Code; and

''(3) title III of the Federal Employees' Retirement System Act of 1986 [sections 301 to 312 of Pub. L. 99–335, see Tables for classification].

''(c)(1) At the earliest practicable opportunity, the Director of the Office of Personnel Management shall, in consultation with the Architect of the Capitol, prescribe regulations to carry out this section with respect to matters within the jurisdiction of the Office, including regulations under which—

''(A) an individual who makes an election under subsection (a) shall pay into the Civil Service Retirement and Disability Fund any employee contributions which would be required if such individual were a Congressional employee; and

''(B) the employer furnishing food services under a contract referred to in subsection (a) shall pay into the Civil Service Retirement and Disability Fund amounts equal to any agency contributions which would be required if the individual were a Congressional employee.

''(2) At the earliest practicable opportunity, the Executive Director of the Federal Retirement Thrift Investment Board shall, in consultation with the Architect of the Capitol, prescribe regulations to carry out this section with respect to matters within the jurisdiction of the Board.''

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 166b–1f of this title; title 5 section 5533.

§175. House Office Building; control, supervision, and care

The House of Representatives Office Building, which shall hereafter be designated as the House Office Building and the employment of all service, other than officers and privates of the Capitol police, that may be appropriated for by Congress, necessary for its protection, care, and occupancy, shall be under the control and supervision of the Architect of the Capitol, subject to the approval and direction of a commission consisting of the Speaker of the House of Representatives and two Representatives in Congress, to be appointed by the Speaker. Vacancies occurring by resignation, termination of service as Representatives in Congress, or otherwise in the membership of said commission shall be filled by the Speaker, and any two members of said commission shall constitute a quorum to do business. The Architect of the Capitol shall submit annually to Congress estimates in detail for all services, other than officers and privates of the Capitol police, and for all other expenses in connection with said office building and necessary for its protection, care, and occupancy; and said commission herein referred to shall from time to time prescribe rules and regulations to govern said architect in making all such employments, together with rules and regulations governing the use and occupancy of all rooms and space in said building.

(Mar. 4, 1907, ch. 2918, 34 Stat. 1365; May 28, 1908, No. 30, 35 Stat. 578; Mar. 3, 1921, ch. 124, 41 Stat. 1291.)

CODIFICATION

Section is based on act Mar. 4, 1907, popularly known as the ''Sundry Civil Appropriation Act, fiscal year 1908'' appropriating for the maintenance of such Building.

CHANGE OF NAME

Change of name of Architect of the Capitol, functions abolished, transferred, etc., by prior acts, see Codification and Prior Provisions notes set out under section 161 of this title.

ACQUISITION OF SITE

Act Mar. 3, 1903, ch. 1007, 32 Stat. 1113, authorized acquisition of a site for and the construction of the House Office Building, and appointment of a Commission to supervise its construction.

Joint Resolution May 28, 1908, provided that it should be designated the House Office Building.

HOUSE PUBLIC ADDRESS SOUND SYSTEM ACTIVITIES; TRANSFER OF EMPLOYEES AND FUNDING

Pub. L. 104–197, title III, §307, Sept. 16, 1996, 110 Stat. 2413, provided that:

''(a) Upon approval of the Committee on Appropriations of the House of Representatives, and in accordance with conditions determined by the Committee on House Oversight, positions in connection with House public address sound system activities and related funding shall be transferred from the appropriation for the Architect of the Capitol for Capitol buildings and grounds under the heading 'CAPITOL BUILDINGS' to the appropriation for salaries and expenses of the House of Representatives for the Office of the Clerk under the heading 'SALARIES, OFFICERS AND EMPLOYEES'.

''(b) For purposes of section 8339(m) of title 5, United States Code, the days of unused sick leave to the credit of any such employee as of the date such employee is transferred under subsection (a) shall be included in the total service of such employee in connection with the computation of any annuity under subsections (a) through (e) and (*o*) of such section.

''(c) In the case of days of annual leave to the credit of any such employee as of the date such employee is transferred under subsection (a), the Architect of the Capitol is authorized to make a lump sum payment to each such employee for that annual leave. No such payment shall be considered a payment or compensation within the meaning of any law relating to dual compensation.''

501 FIRST STREET SE., DISTRICT OF COLUMBIA; DISPOSAL OF REAL PROPERTY

Pub. L. 104–99, title I, §121, Jan. 26, 1996, 110 Stat. 30, provided that:

''(a) DISPOSAL OF REAL PROPERTY.—

''(1) IN GENERAL.—The Architect of the Capitol shall dispose of by sale at fair market value all right, title,

and interest of the United States in and to the parcel of real property described in paragraph (9), including all improvements to such real property. Such disposal shall be made by quitclaim deed.

''(2) HOUSE OFFICE BUILDING COMMISSION.—The Architect of the Capitol shall carry out this section under the direction of the House Office Building Commission.

''(3) PROCEDURES.—Notwithstanding any other provision of law, the disposal under paragraph (1) shall be made in accordance with such procedures as the Architect of the Capitol determines appropriate.

''(4) SENSE OF CONGRESS.—It is the sense of Congress that the child care center of the House of Representatives should remain in operation during the implementation of this section.

''(5) TERMS AND CONDITIONS.—The deed of conveyance for the property to be disposed of under paragraph (1) shall contain such terms and conditions as the Architect of the Capitol determines are necessary to protect the interests of the United States.

''(6) DEPOSIT OF PROCEEDS.—All proceeds from the disposal under paragraph (1) shall be deposited in the account established by subsection (b).

''(7) ADVERTISING AND MARKETING.—The Architect of the Capitol shall begin advertising and marketing the property to be disposed of under paragraph (1) not later than 30 days after the date of the enactment of this Act [Jan. 26, 1996].

''(8) LOCAL ZONING AND OCCUPANCY REQUIREMENTS.—Until such date as the purchaser of the property to be disposed of under paragraph (1) takes full occupancy of such property, such property and the tenants of such property shall be deemed to be in compliance with all applicable zoning and occupancy requirements of the District of Columbia.

''(9) PROPERTY DESCRIPTION.—The parcel of real property referred to in paragraph (1) is the approximately 31,725 square feet of land located at 501 First Street, SE., on square 736 S, Lot 801 (formerly part of Reservation 17) in the District of Columbia. Such parcel is bounded by E Street, SE., to the north, First Street, SE., to the east, New Jersey Avenue, SE., to the west, and Garfield Park to the south.

''(b) SEPARATE ACCOUNT IN THE TREASURY.—

''(1) ESTABLISHMENT.—There is established in the Treasury of the United States a separate account which shall consist of amounts deposited into the account by the Architect of the Capitol under subsection (a).

''(2) AVAILABILITY OF FUNDS.—Funds in the account established by paragraph (1) shall be available, in such amounts as are specified in appropriations Acts, to the Architect of the Capitol for—

''(A) payment of expenses associated with relocating the tenants of the property to be disposed of under subsection (a)(1);

''(B) payment of expenses associated with renovating facilities under the jurisdiction of the Architect for the purpose of accommodating such tenants; and

''(C) reimbursement of expenses incurred for advertising and marketing activities related to the disposal under subsection (a)(1) in a total amount of not to exceed $75,000.

Funds made available under this paragraph shall not be subject to any fiscal year limitation.

''(3) REPORTING OF TRANSACTIONS.—Receipts, obligations, and expenditures of funds in the account established by paragraph (1) shall be reported in annual estimates submitted to Congress by the Architect of the Capitol for the operation and maintenance of the Capitol Buildings and Grounds.

''(4) TERMINATION OF ACCOUNT.—Not later than 2 years after the date of settlement on the property to be disposed of under subsection (a)(1), the Architect of the Capitol shall terminate the account established by paragraph (1) and all amounts remaining in the account shall be deposited into the general fund of the Treasury of the United States and credited as miscellaneous receipts.

''(c) AUTHORITY TO FURNISH STEAM AND CHILLED WATER.—

''(1) IN GENERAL.—The Architect of the Capitol is authorized to furnish steam and chilled water from the Capitol Power Plant to the owner of the property to be disposed of under subsection (a)(1) if the owner agrees to pay for such steam and chilled water at market rates, as determined by the Architect of the Capitol.

''(2) AUTHORITY LIMITED TO EXISTING FACILITIES.—The Architect of the Capitol may furnish steam and chilled water under paragraph (1) only with respect to facilities which, on the date of the enactment of this Act [Jan. 26, 1996], are located on the property to be disposed of under subsection (a)(1).

''(3) PROCEEDS.—All proceeds from the sale of steam and chilled water under paragraph (1) shall be deposited into the general fund of the Treasury of the United States and credited as miscellaneous receipts.''

[Pub. L. 104–134, title II, § 21103, Apr. 26, 1996, 110 Stat. 1321–335, provided that: ''Notwithstanding section 106 of Public Law 104–99 [110 Stat. 27], sections 118 [110 Stat. 30], 121 [set out as a note above], and 129 [amending section 1611 of Title 2, The Congress, and enacting provisions set out as a note under section 1611 of Title 2] of Public Law 104–99 shall remain in effect as if enacted as part of this Act.'']

Pub. L. 98–367, title I, July 17, 1984, 98 Stat. 483, provided in part: ''That notwithstanding any other provision of law, the House Office Building Commission is authorized to use, to such extent as it may deem necessary, for the purposes of providing office and other accommodations for the House of Representatives, the building located at 501 First Street, S.E., on a portion of Reservation 17 in the District of Columbia when such building is acquired by the Architect of the Capitol at the direction of the House Office Building Commission under authority of the Additional House Office Building Act of 1955, and to incur any expenditures under this appropriation required for alterations, maintenance, and occupancy thereof: *Provided further*, That any space in such building used for office and other accommodations for the House of Representatives shall be deemed to be a part of the 'House Office Buildings' and, as such, shall be subject to the laws, rules, and regulations applicable to those buildings.''

HOUSE PARKING ACTIVITIES; TRANSFER OF EMPLOYEES AND FUNDING

Pub. L. 104–53, title III, § 306, Nov. 19, 1995, 109 Stat. 536, provided that:

''(a) Upon approval of the Committee on Appropriations of the House of Representatives, and in accordance with conditions determined by the Committee on House Oversight, positions in connection with House parking activities and related funding shall be transferred from the appropriation 'Architect of the Capitol, Capitol buildings and grounds, House office buildings' to the appropriation 'House of Representatives, salaries, officers and employees, Office of the Sergeant at Arms': *Provided*, That the position of Superintendent of Garages shall be subject to authorization in annual appropriations Acts.

''(b) For purposes of section 8339(m) of title 5, United States Code, the days of unused sick leave to the credit of any such employee as of the date such employee is transferred under subsection (a) shall be included in the total service of such employee in connection with the computation of any annuity under subsections (a) through (e) and (*o*) of such section.

''(c) In the case of days of annual leave to the credit of any such employee as of the date such employee is transferred under subsection (a) the Architect of the Capitol is authorized to make a lump sum payment to each such employee for that annual leave. No such payment shall be considered a payment or compensation within the meaning of any law relating to dual compensation.''

DESIGNATION OF HOUSE OFFICE BUILDINGS

House Resolution No. 402, One Hundred First Congress, Sept. 10, 1990, provided that:

''SECTION 1. DESIGNATIONS.

''(a) THOMAS P. O'NEILL, JR. HOUSE OF REPRESENTATIVES OFFICE BUILDING.—The House of Representatives office building located at C Street and New Jersey Avenue, Southeast, in the District of Columbia, and known as House of Representatives Office Building Annex No. 1, shall be known and designated as the 'Thomas P. O'Neill, Jr. House of Representatives Office Building'.

''(b) GERALD R. FORD HOUSE OF REPRESENTATIVES OFFICE BUILDING.—The House of Representatives office building located at 3d and D Streets, Southwest, in the District of Columbia, and known as House of Representatives Office Building Annex No. 2, shall be known and designated as the 'Gerald R. Ford House of Representatives Office Building'.

''SEC. 2. REFERENCES.

''Any reference in a law, map, regulation, document, paper, or other record of the United States to a building referred to in section 1 shall be deemed to be a reference to the building as designated in that section.

''SEC. 3. STATUES.

''The Speaker of the House of Representatives may purchase or accept as a gift to the House of Representatives, for permanent display in the appropriate building designated in section 1, a suitable statue or bust of the individual for whom the building is named. Such purchase or acceptance shall be carried out—

''(1) in the case of the building referred to in section 1(a), in consultation with the majority leader of the House of Representatives; and

''(2) in the case of the building referred to in section 1(b), in consultation with the minority leader of the House of Representatives.''

ADDITIONAL HOUSE OFFICE BUILDING

Pub. L. 94–6, ch. I, Feb. 28, 1975, 89 Stat. 12, provided in part that: ''Notwithstanding any other provision of law, the House Office Building Commission is authorized (1) to use, to such extent as it may deem necessary, for the purposes of providing office and other accommodations for the House of Representatives, the building located on Square 581 in the District of Columbia when such Square, including the improvements thereon, is acquired by the Architect of the Capitol at the direction of the House Office Building Commission under authority of the Additional House Office Building Act of 1955 [act Apr. 22, 1955, ch. 26, Ch. XIIA, 69 Stat. 41, see note below] and to incur any expenditures under this appropriation [$15,000,000 for fiscal year ending June 30, 1975, to remain available until expended] required for alterations, maintenance, and occupancy thereof, and (2) prior to occupancy of the entire building by the House of Representatives, to permit the temporary occupancy by other governmental activities of any part of such building not so occupied, under such terms and conditions as such Commission may authorize: *Provided further*, That any space in such building used for office and other accommodations for the House of Representatives shall be deemed to be a part of the 'House Office Buildings' and, as such, shall be subject to the laws, rules, and regulations applicable to those buildings.''

Act Apr. 22, 1955, ch. 26, Ch. XIIA, 69 Stat. 41, authorized the construction of an additional fireproof office building for use of the House of Representatives, on a site approved by the House Office Building Commission, in accordance with plans prepared by the Architect of the Capitol and approved by the Commission, authorized the Architect of the Capitol to acquire certain real property in the District of Columbia, subject to the approval of the Commission, for construction of the office building or for additions to the United States Capitol Grounds, designated the necessary procedure for condemnation proceedings conducted pursuant to such real property acquisition, authorized the demolition of certain buildings by the Architect, and appropriated $5,000,000 and authorized such additional appropriations as the Commission deemed necessary for the construction project.

Act July 11, 1947, ch. 227, 61 Stat. 312, authorized the Architect of the Capitol, subject to the direction of the House Office Building Commission, to prepare preliminary plans and cost estimates for construction of extensions to the House Office Buildings, the remodeling of the Old House Office Building, and the renewal of the plumbing in the Old House Office Building, and authorized appropriations of $25,000 for such purposes.

USE OF CONGRESSIONAL HOTEL AS HOUSE OFFICE BUILDING; LEASE OF UNUSED SPACE

Pub. L. 92–313, §8, June 16, 1972, 86 Stat. 222, provided that:

''(a) Notwithstanding any other provision of law, the House Office Building Commission is authorized (1) to use, to such extent as it may deem necessary, for the purpose of providing office and other accommodations for the House of Representatives, the building, known as the Congressional Hotel, acquired by the Government in 1957 as part of Lot 20 in Square 692 in the District of Columbia under authority of the Additional House Office Building Act of 1955 [set out as a note above] and (2) to direct the Architect of the Capitol to lease, at fair market value, for such other use and under such terms and conditions and to such parties as such Commission may authorize, any space in such building not required for the aforesaid purpose.

''(b) Any space in such building used for office and other accommodations for the House of Representatives shall be deemed to be a part of the 'House Office Buildings' and, as such, shall be subject to the laws, rules, and regulations applicable to those buildings.''

For effective date of section 8 of Pub. L. 92–313, see section 11 of Pub. L. 92–313, set out as an Effective Date of 1972 Amendment note under section 603 of this title.

SOLAR ENERGY FOR CERTAIN HOUSE OFFICE BUILDINGS

Pub. L. 95–577, Nov. 2, 1978, 92 Stat. 2470, directed Architect of the Capitol, under direction of House Office Building Commission, to install solar collectors for furnishing a portion of the energy needs of Rayburn House Office Building and of House Office Building Annex Numbered 2 (Gerald R. Ford House of Representatives Office Building).

ADDITIONAL PARKING SPACE FOR HOUSE EMPLOYEES

House Resolution No. 208, Ninety-fourth Congress, Feb. 24, 1975, as enacted into permanent law by Pub. L. 94–59, title II, §201, July 25, 1975, 89 Stat. 282, and amended by Pub. L. 104–186, title II, §221(4)(B), Aug. 20, 1996, 110 Stat. 1749, provided: ''That the chairman, Committee on House Oversight of the House of Representatives is authorized:

''(1) to lease or to otherwise provide additional indoor and outdoor parking facilities for employees of the House of Representatives in an area or areas in the District of Columbia outside but adjacent to the limits of the United States Capitol Grounds;

''(2) to regulate and assign such additional parking facilities;

''(3) to utilize the United States Capitol Police with respect to such parking areas, and transit routes; and

''(4) to utilize the services of the Architect of the Capitol to prepare bids, leases, or otherwise assist in obtaining such additional parking facilities.

Until otherwise provided by law, there shall be paid out of the applicable accounts of the House of Representatives such sums as may be necessary to carry out this authorization.''

Pub. L. 93–305, title I, ch. VIII, §801, June 8, 1974, 88 Stat. 206, authorized a detailed study of the House garages located in the Rayburn and Cannon House Office Buildings and in Squares 637 and 691 to determine the feasibility of providing additional parking.

INCLUSION OF ADDITIONAL AREAS AND BUILDINGS

For inclusion of additional areas and buildings as part of the United States Capitol grounds, see order of the House Office Building Commission affecting the Capitol grounds and buildings, set out as a note under section 193a of this title.

COMPENSATION OF SUPERINTENDENT OF GARAGES OF HOUSE OFFICE BUILDINGS

Pub. L. 100–458, title I, Oct. 1, 1988, 102 Stat. 2170, as amended by Pub. L. 102–90, title I, § 105, Aug. 14, 1991, 105 Stat. 460; Pub. L. 104–186, title II, § 221(4)(A), Aug. 20, 1996, 110 Stat. 1748, provided: ''That upon enactment of this Act [Oct. 1, 1988], the pay for the position of Superintendent of Garages shall be equivalent to the pay payable for positions at step 1 of level 12 of the House Employees Schedule, subject to the further increases authorized under section 5306(a)(1)(B) of title 5, United States Code, relating to the implementation of salary comparability policy, and subject to any increase which may be allowed by the Committee on House Oversight based on performance exceeding an acceptable level of competence over a 52-week period (except that no such performance-based increase shall affect the waiting period or effective date of any longevity step-increase or increase under such section 5306(a)(1)(B)).''

Pub. L. 93–145, Nov. 1, 1973, 87 Stat. 542, provided that on and after April 1, 1973, the compensation of the Superintendent of Garages was to be at the gross annual rate of $25,000 subject to the further increases authorized under 5 U.S.C. 5307(a)(1)(B).

Pub. L. 90–367, § 4, June 29, 1968, 82 Stat. 278, provided that the per annum gross rate of compensation of the position of Superintendent of Garages was to be $12,540 and that such position was to be subject to the salary comparability provisions in section 212 of the Federal Salary Act of 1967, set out as a note under section 5304 of Title 5, Government Organization and Employees.

COMPENSATION OF PERSONNEL ASSIGNED TO HOUSE GARAGES IN CONNECTION WITH PARKING ACTIVITIES

Pub. L. 93–245, ch. VI, Jan. 3, 1974, 87 Stat. 1079, provided that: ''Effective on the first day of the first applicable pay period which begins on or after the date of enactment of this Act [Jan. 3, 1974], the compensation of personnel assigned to the House garages in connection with parking activities and paid from the appropriation 'House Office Building' under the Architect of the Capitol, shall be fixed by the Architect of the Capitol without regard to chapter 51 and subchapters III and IV of chapter 53 of title 5, United States Code, and shall thereafter be adjusted in accordance with 5 U.S.C. 5307.''

APPROPRIATIONS

Appropriations for maintenance have been carried under the heading ''House Office Buildings'' in Legislature Branch Appropriation Acts since 1933.

CROSS REFERENCES

Remodeling caucus rooms and restaurant, see note under section 166 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 183, 185 of this title.

§ 176. Speaker as member of House Office Building commission

The Speaker shall continue a member of the commission in control of said building until his successor as Speaker is elected or his term as a Representative in Congress shall have expired.

(Mar. 4, 1911, ch. 240, 36 Stat. 1306.)

CODIFICATION

Section is based on act Mar. 4, 1911, popularly known as the ''Deficiency Appropriation Act, fiscal year 1911''.

§ 177. Assignment of rooms in House Office Building

The assignment of rooms in the House Office Building, made prior to May 28, 1908, by resolution or order of the House of Representatives, shall continue in force until modified or changed in accordance with the provisions of sections 177 to 184 of this title, and the room so assigned to any Representative shall continue to be held by such Representative as his individual office room so long as he shall remain a Member or Member-elect of the House of Representatives, or until he shall relinquish the same, subject, however, to the provisions of said sections, and no Representative shall allow his office room to be used for any other purpose.

(May 28, 1908, No. 30, 35 Stat. 578.)

CROSS REFERENCES

Assignment of space for joint committee meetings, conference committees, etc., see section 174d–1 of this title.

Control of assignment of rooms by House of Representatives, see section 183 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 182, 183 of this title.

§ 178. Vacant rooms; assignment to Representatives

Any Member or Member-elect of the House of Representatives may file with the Architect of the Capitol a request in writing that any individual office room be assigned to him whenever it shall become vacant. If only one such request has been made for any room which shall at any time have become vacant, the room shall be assigned as requested. If two or more requests are made for the same vacant room, preference shall be given to the Representative making the request who has been longest in continuous service as a Member and Member-elect of the House of Representatives. If two or more Representatives with equal length of continuous service, or two or more Representatives-elect make request for the same room, preference shall be given to the one first preferring his request.

(May 28, 1908, No. 30, 35 Stat. 578; Mar. 3, 1921, ch. 124, 41 Stat. 1291.)

CHANGE OF NAME

Change of name of Architect of the Capitol, functions abolished, transferred, etc., by prior acts, see Codification and Prior Provisions notes set out under section 161 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 177, 182, 183 of this title.

§ 179. Vacant rooms; withdrawal by Representatives of request for assignment; relinquishment of rooms previously assigned

A Representative or Representative-elect making request for the assignment of a vacant room may withdraw the same at any time and no one shall have pending at the same time more than one such request. The assignment of a new room to a Representative, upon his re-

quest, or the appointment of any Representative having an individual office room as chairman of a committee having a committee room, shall act as a relinquishment by him of the room previously assigned to him.

(May 28, 1908, No. 30, 35 Stat. 578.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 177, 182, 183 of this title.

§ 180. Exchange of rooms

Representatives having rooms assigned to them in the foregoing manner may exchange rooms one with another, but such exchange shall be valid only so long as both Members making the exchange shall remain continuously Members or Members-elect of the House of Representatives.

(May 28, 1908, No. 30, 35 Stat. 578.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 177, 182, 183 of this title.

§ 181. Record of assignment of rooms, etc.

The Architect of Capitol shall keep a record of the assignment of rooms made, exchanges which may be made, requests for vacant rooms which may be filed, and the assignment thereof, which record shall be open for the inspection of Representatives or Representatives-elect of the House.

(May 28, 1908, No. 30, 35 Stat. 579; Mar. 3, 1921, ch. 124, 41 Stat. 1291.)

CHANGE OF NAME

Change of name of Architect of the Capitol, functions abolished, transferred, etc., by prior acts, see Codification and Prior Provisions notes set out under section 161 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 177, 182, 183 of this title.

§ 182. Assignment of rooms to Commissioner from Puerto Rico

In the matter of the assignment of rooms under sections 177 to 184 of this title, Delegates in Congress and the Commissioner from Puerto Rico shall be treated the same as Representatives.

(May 28, 1908, No. 30, 35 Stat. 579; May 17, 1932, ch. 190, 47 Stat. 158; Proc. No. 2695, eff. July 4, 1946, 11 F.R. 7517, 60 Stat. 1352.)

CODIFICATION

Words ''and the Philippine Islands'' after ''Puerto Rico'' were omitted pursuant to 1946 Proc. No. 2695, eff. July 4, 1946, 11 F.R. 7517, 60 Stat. 1352, which granted independence to the Philippine Islands on July 4, 1946, under the authority of act Mar. 24, 1934, ch. 84, § 10, 48 Stat. 463, as amended, which is classified to section 1394 of Title 22, Foreign Relations and Intercourse.

CHANGE OF NAME

''Puerto Rico'' substituted in text for ''Porto Rico'' pursuant to act May 17, 1932, which is classified to section 731a of Title 48, Territories and Insular Possessions.

COMMISSIONER FROM PUERTO RICO AS RESIDENT COMMISSIONER

Section 2106 of Title 5, Government Organization and Employees, provides that the term ''Members of Congress'' shall include the ''Resident Commissioner from Puerto Rico.''

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 177, 183 of this title.

§ 183. Assignment, etc., of rooms; control of by House

The assignment and reassignment of the rooms and other space in the House Office Building shall be subject to the control of the House of Representatives by rule, resolution, order, or otherwise. Nothing in sections 177 to 184 of this title shall be construed to affect or repeal the provisions of section 175 of this title, placing said House Office Building under the control of the Architect of the Capitol, subject to the approval and direction of the commission provided therein.

(May 28, 1908, No. 30, 35 Stat. 579; Mar. 3, 1921, ch. 124, 41 Stat. 1291.)

CHANGE OF NAME

Change of name of Architect of the Capitol, functions abolished, transferred, etc., by prior acts, see Codification and Prior Provisions notes set out under section 161 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 177, 182 of this title.

§ 184. Assignment of unoccupied space

Unoccupied space in said building shall be assigned by the Architect of the Capitol under the direction of the commission and subject to the control of the House of Representatives.

(May 28, 1908, No. 30, 35 Stat. 579; Mar. 3, 1921, ch. 124, 41 Stat. 1291.)

CHANGE OF NAME

Change of name of Architect of the Capitol, functions abolished, transferred, etc., by prior acts, see Codification and Prior Provisions notes set out under section 161 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 177, 182, 183 of this title.

§ 184a. John W. McCormack Residential Page School

(a) Construction authorization for dormitory and classroom facilities complex

There is hereby authorized to be constructed, on a site jointly approved by the Senate Office Building Commission and the House Office Building Commission, in accordance with plans which shall be prepared by or under the direction of the Architect of the Capitol and which shall be submitted to and jointly approved by the Senate Office Building Commission and the House Office Building Commission, a fireproof building containing dormitory and classroom facilities, including necessary furnishings and equipment, for pages of the Senate, the House of

Representatives, and the Supreme Court of the United States.

(b) Acquisition of property in District of Columbia

The Architect of the Capitol, under the joint direction and supervision of the Senate Office Building Commission and the House Office Building Commission, is authorized to acquire on behalf of the United States, by purchase, condemnation, transfer, or otherwise, such publicly or privately owned real property in the District of Columbia (including all alleys, and parts of alleys, and streets within the curblines surrounding such real property) located in the vicinity of the United States Capitol Grounds, as may be approved jointly by the Senate Office Building Commission and the House Office Building Commission, for the purpose of constructing on such real property, in accordance with this section, a suitable dormitory and classroom facilities complex for pages of the Senate, the House of Representatives, and the Supreme Court of the United States.

(c) Condemnation proceedings

Any proceeding for condemnation instituted under subsection (b) of this section shall be conducted in accordance with subchapter IV of chapter 13 of title 16 of the District of Columbia Code.

(d) Transfer of United States owned property

Notwithstanding any other provision of law, any real property owned by the United States, and any alleys, or parts of alleys and streets, contained within the curblines surrounding the real property acquired on behalf of the United States under this section shall be transferred, upon the request of the Architect of the Capitol made with the joint approval of the Senate Office Building Commission and the House Office Building Commission, to the jurisdiction and control of the Architect of the Capitol.

(e) Alley and street closures by Mayor of the District of Columbia

Notwithstanding any other provision of law, any alleys, or parts of alleys and streets, contained within the curblines surrounding the real property acquired on behalf of the United States under this section shall be closed and vacated by the Mayor of the District of Columbia in accordance with any request therefor made by the Architect of the Capitol with the joint approval of the Senate Office Building Commission and the House Office Building Commission.

(f) United States Capitol Grounds provisions applicable

Upon the acquisition on behalf of the United States of all real property under this section, such property shall be a part of the United States Capitol Grounds and shall be subject to the provisions of sections 193a to 193m, 212a, 212a–2, and 212b of this title.

(g) Designation; employment of services under supervision and control of Architect of Capitol: joint approval and direction of Speaker and President pro tempore; annual estimates to Congress; regulations governing Architect of Capitol

The building constructed on the real property acquired under this section shall be designated the ''John W. McCormack Residential Page School''. The employment of all services (other than that of the United States Capitol Police) necessary for its protection, care, maintenance, and use, for which appropriations are made by Congress, shall be under the control and supervision of the Architect of the Capitol. Such supervision and control shall be subject to the joint approval and direction of the Speaker and the President pro tempore. The Architect shall submit annually to the Congress estimates in detail for all services, other than those of the United States Capitol Police or those provided in connection with the conduct of school operations and the personal supervision of pages, and for all other expenses in connection with the protection, care, maintenance, and use of the John W. McCormack Residential Page School. The Speaker and the President pro tempore shall prescribe, from time to time, regulations governing the Architect in the provision of services and the protection, care, and maintenance, of the John W. McCormack Residential Page School.

(h) Joint appointee for supervision and control over page activities; regulations; Residence Superintendent of Pages: appointment, compensation, and duties; additional personnel: appointment and compensation

The Speaker of the House of Representatives and the President pro tempore of the Senate jointly shall designate an officer of the House and an officer of the Senate, other than a Member of the House or Senate, who shall jointly exercise supervision and control over the activities of the pages resident in the John W. McCormack Residential Page School. With the approval of the Speaker and the President pro tempore, such officers so designated shall prescribe regulations governing—

(1) the actual use and occupancy of the John W. McCormack Residential Page School including, if necessary, the imposition of a curfew for pages;

(2) the conduct of pages generally; and

(3) other matters pertaining to the supervision, direction, safety, and well-being of pages in off-duty hours.

Such officers, subject to the approval of the Speaker and the President pro tempore, jointly shall appoint and fix the per annum gross rate of pay of a Residence Superintendent of Pages, who shall perform such duties with respect to the supervision of pages resident therein as those officials shall prescribe. In addition, such officers, subject to the approval of the Speaker and the President pro tempore, jointly shall appoint and fix the per annum gross rates of pay of such additional personnel as may be necessary to assist those officers and the Residence Superintendent of Pages in carrying out their functions under this section.

(i) Section 88b of title 2 unaffected

Nothing in section 88b–1 of title 2 and this section shall affect the operation of section 88b of title 2, relating to educational facilities of pages and other minors who are congressional employees.

(Pub. L. 91–510, title IV, § 492, Oct. 26, 1970, 84 Stat. 1199; Pub. L. 93–198, title IV, § 421, Dec. 24,

1973, 87 Stat. 789; Pub. L. 104–186, title II, § 204(34)(C), Aug. 20, 1996, 110 Stat. 1734.)

REFERENCES IN TEXT

Section 88b–1 of title 2 and this section, referred to in subsec. (i), were in the original ''this part'', meaning part 9 of title IV of Pub. L. 91–510, Oct. 26, 1970, 84 Stat. 1199, which enacted section 88b–1 of Title 2, The Congress, and this section, repealed section 88c of Title 2, and enacted a provision set out as a note under section 88b–1 of Title 2.

AMENDMENTS

1996—Subsec. (i). Pub. L. 104–186 struck out ''section 88a of title 2 or'' after ''affect the operation of''.

EFFECTIVE DATE

Section 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.

TRANSFER OF FUNCTIONS

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 subsec. (e) for ''commissioners''.

ACQUISITION OF PROPERTY AS SITE FOR JOHN W. MCCORMACK RESIDENTIAL PAGE SCHOOL

Pub. L. 92–607, ch. V, § 508, Oct. 31, 1972, 86 Stat. 1512, authorized Architect of the Capitol to acquire certain specified real estate for use as a green park area pending its development for permanent use as site of John W. McCormack Residential Page School.

§§ 184b to 184f. Repealed. Pub. L. 102–90, title III, § 312(f), Aug. 14, 1991, 105 Stat. 469

Section 184b, Pub. L. 99–500, § 101(j), Oct. 18, 1986, 100 Stat. 1783–287, and Pub. L. 99–591, § 101(j), Oct. 30, 1986, 100 Stat. 3341–287, as amended Pub. L. 100–71, title I, July 11, 1987, 101 Stat. 425; Pub. L. 101–163, title III, § 313(a), Nov. 21, 1989, 103 Stat. 1065, authorized assignment of space for House of Representatives Child Care Center. See section 184g of this title.

Section 184c, Pub. L. 99–500, § 101(j), Oct. 18, 1986, 100 Stat. 1783–287, and Pub. L. 99–591, § 101(j), Oct. 30, 1986, 100 Stat. 3341–287, as amended Pub. L. 100–71, title I, July 11, 1987, 101 Stat. 425, related to status, board of directors, and reporting requirements of House of Representatives Child Care Center. See section 184g of this title.

Section 184d, Pub. L. 99–500, § 101(j), Oct. 18, 1986, 100 Stat. 1783–287, and Pub. L. 99–591, § 101(j), Oct. 30, 1986, 100 Stat. 3341–287, as amended Pub. L. 100–71, title I, July 11, 1987, 101 Stat. 425, related to duties of corporation administering House of Representatives Child Care Center. See section 184g of this title.

Section 184e, Pub. L. 99–500, § 101(j), Oct. 18, 1986, 100 Stat. 1783–287, and Pub. L. 99–591, § 101(j), Oct. 30, 1986, 100 Stat. 3341–287, as amended Pub. L. 100–71, title I, July 11, 1987, 101 Stat. 425; Pub. L. 101–163, title III, § 313(b), Nov. 21, 1989, 103 Stat. 1065, related to initial funding and self-sufficiency of House of Representatives Child Care Center. See section 184g of this title.

Section 184f, Pub. L. 99–500, § 101(j), Oct. 18, 1986, 100 Stat. 1783–287, and Pub. L. 99–591, § 101(j), Oct. 30, 1986, 100 Stat. 3341–287, as amended Pub. L. 100–71, title I, July 11, 1987, 101 Stat. 425; Pub. L. 101–163, title III, § 313(c), Nov. 21, 1989, 103 Stat. 1066, defined terms used in former sections 184b to 184f.

For provisions similar to former sections 184b to 184f, see section 184g of this title.

Sections 184b to 184f were based on sections 1 to 5, respectively, of House Resolution No. 21, Ninety-ninth Congress, Dec. 11, 1985, which was enacted into permanent law by section 103 of H.R. 5203 (see House Report 99–805 as filed in the House on Aug. 15, 1986), and incorporated by reference in section 101(j) of Pub. L. 99–500 and Pub. L. 99–591, as amended by Pub. L. 100–71, to be effective as if enacted into law.

§ 184g. House of Representatives Child Care Center

(a) Maintenance and operation; admission of children

(1) The Chief Administrative Officer of the House of Representatives shall maintain and operate a child care center (to be known as the ''House of Representatives Child Care Center'') to furnish pre-school child care—

(A) for children of individuals whose pay is disbursed by the Chief Administrative Officer of the House of Representatives and children of support personnel of the House of Representatives; and

(B) if places are available after admission of all children who are eligible under subparagraph (A), for children of individuals whose pay is disbursed by the Secretary of the Senate and children of employees of agencies of the legislative branch.

(2) Children shall be admitted to the center on a nondiscriminatory basis and without regard to any office or position held by their parents.

(b) Advisory board; membership, functions, etc.

(1)(A) The Speaker of the House of Representatives shall appoint 15 individuals (of whom 7 shall be upon recommendation of the minority leader of the House of Representatives), to serve without pay, as members of an advisory board for the center. The board shall—

(i) provide advice to the Chief Administrative Officer on matters of policy relating to the administration and operation of the center (including the selection of the director of the center);

(ii) be chosen from among Members of the House of Representatives, spouses of Members, parents of children enrolled in the center, and other individuals with expertise in child care or interest in the center; and

(iii) serve during the Congress in which they are appointed, except that a member of the board may continue to serve after the expiration of a term until a successor is appointed.

(B) The director of the center shall serve as an additional member of the board, ex officio and without the right to vote.

(2) A vacancy on the board shall be filled in the manner in which the original appointment is made.

(3) The chairman of the board shall be elected by the members of the board.

(c) Duties of Chief Administrative Officer of House of Representatives

In carrying out subsection (a) of this section, the Chief Administrative Officer is authorized—

(1) to collect fees for child care services;

(2) to accept such gifts of money and property as may be approved by the Chairman and the ranking minority party member of the

Committee on House Oversight of the House of Representatives, acting jointly; and

(3) to employ a director and other employees for the center.

(d) Salaries and expenses; funding limits

(1) There is established an account which, subject to appropriation, and except as provided in paragraph (2), shall be the exclusive source for all salaries and expenses for activities carried out under this section. The Chief Administrative Officer shall deposit in the account any amounts received under subsection (c) of this section.

(2) With respect to employees of the center, the House of Representatives shall make Government contributions and payments for health insurance, retirement, employment taxes, and similar benefits and programs in the same manner as such contributions and payments are made for other employees of the House of Representatives.

(e) Definitions

As used in this section—

(1) the term ''Member of the House of Representatives'' means a Representative in, or a Delegate or Resident Commissioner to, the Congress;

(2) the term ''agency of the legislative branch'' means the Office of the Architect of the Capitol, the Botanic Garden, the General Accounting Office, the Government Printing Office, the Library of Congress, the Office of Technology Assessment, the Congressional Budget Office, and the Copyright Royalty Tribunal; and

(3) the term ''support personnel'' means, with respect to the House of Representatives, any employee of a credit union or of the Architect of the Capitol, whose principal duties are to support the functions of the House of Representatives.

(Pub. L. 102–90, title III, § 312, Aug. 14, 1991, 105 Stat. 467; Pub. L. 102–392, title III, § 319(a), Oct. 6, 1992, 106 Stat. 1725; Pub. L. 104–186, title II, § 221(5), (6), Aug. 20, 1996, 110 Stat. 1749.)

CODIFICATION

Section is comprised of section 312 of Pub. L. 102–90. Subsec. (f) of section 312 of Pub. L. 102–90 repealed sections 184b to 184f of this title.

AMENDMENTS

1996—Pub. L. 104–186, § 221(5)(A), substituted ''Chief Administrative Officer'' for ''Clerk'' wherever appearing.

Subsec. (a)(1)(A). Pub. L. 104–186, § 221(5)(B), struck out ''or the Sergeant at Arms of the House of Representatives'' before ''and children''.

Subsec. (b)(1)(A). Pub. L. 104–186, § 221(6)(A), substituted ''minority leader'' for ''Minority Leader''.

Subsec. (c)(2). Pub. L. 104–186, § 221(6)(B), substituted ''House Oversight'' for ''House Administration''.

Subsec. (d)(1). Pub. L. 104–186, § 221(6)(C), struck out ''in the contingent fund of the House of Representatives'' after ''established''.

Subsec. (d)(2). Pub. L. 104–186, § 221(5)(C), substituted ''With respect'' for ''with respect''.

1992—Subsec. (d)(2). Pub. L. 102–392 amended par. (2) generally. Prior to amendment, par. (2) read as follows: ''During fiscal year 1992, of the funds provided in this Act for the 'HOUSE OF REPRESENTATIVES' under 'SALARIES AND EXPENSES', not more than $45,000 may be expended to carry out this section, subject to approval of the Committee on Appropriations of the House of Representatives. Any amount under this paragraph shall be in addition to any amount made available under paragraph (1).''

EFFECTIVE DATE OF 1992 AMENDMENT

Section 319(b) of Pub. L. 102–392 provided that: ''The amendment made by subsection (a) [amending this section] shall apply to fiscal years beginning after September 30, 1992.''

RETIREMENT CREDIT FOR CERTAIN PRIOR SERVICE WITH HOUSE CHILD CARE CENTER

Pub. L. 103–69, title III, § 309, Aug. 11, 1993, 107 Stat. 711, provided that:

''(a) DEFINITIONS.—For the purpose of this section—

''(1) the term 'House Child Care Center' means the House of Representatives Child Care Center; and

''(2) the term 'Congressional employee' has the meaning given such term—

''(A) in subchapter III of chapter 83 of title 5, United States Code, to the extent that this section relates to the Civil Service Retirement System; or

''(B) in chapter 84 of title 5, United States Code, to the extent that this section relates to the Federal Employees' Retirement System.

''(b) CSRS.—(1) Subject to paragraph (2), any individual who is an employee of the House Child Care Center on the date of enactment of this Act [Aug. 11, 1993] shall be allowed credit under subchapter III of chapter 83 of title 5, United States Code, as a Congressional employee, for any service if—

''(A) such service was performed before October 1, 1991, as an employee of the House Child Care Center (as constituted before that date); and

''(B) the employee is subject to subchapter III of chapter 83 of such title as of the date of enactment of this Act.

''(2) Credit for service described in paragraph (1)(A) shall not be allowed under this section unless there is paid into the Civil Service Retirement and Disability Fund, by or on behalf of the employee involved, an amount equal to the deductions from pay which would have been applicable under section 8334(c) of title 5, United States Code, for the period of service involved, if such employee were then a Congressional employee, including interest. Retirement credit may not be allowed under this section for any such service unless the full amount of the deposit required under the preceding sentence has been paid.

''(c) FERS.—(1) Subject to paragraph (2), any individual who is an employee of the House Child Care Center on the date of enactment of this Act [Aug. 11, 1993] shall be allowed credit under chapter 84 of title 5, United States Code, as a Congressional employee, for any service if—

''(A) such service was performed before October 1, 1991, as an employee of the House Child Care Center (as constituted before that date); and

''(B) the employee is subject to chapter 84 of such title as of the date of enactment of this Act.

''(2) Credit for service described in paragraph (1)(A) shall not be allowed under this section unless there is paid into the Civil Service Retirement and Disability Fund, by or on behalf of the employee involved, an amount equal to the deductions from pay which would have been payable under applicable provisions of law, for the period of service involved, if such employee were then a Congressional employee, including interest (computed in the same way as interest under subsection (b)(2)). Retirement credit may not be allowed under this section for any such service unless the full amount of the deposit required under the preceding sentence has been paid.

''(d) CLARIFICATION.—Nothing in this section shall be considered to relate to the Thrift Savings Plan.

''(e) OPM FUNCTIONS.—The Office of Personnel Management shall—

''(1) prescribe any regulations which may be necessary to carry out this section; and

''(2) with respect to any service for which credit is sought under this section, accept the certification of the Clerk of the House of Representatives concerning the period of such service and the amount of pay which was paid for such service.''

AVAILABILITY OF AMOUNTS DEPOSITED IN ACCOUNT FOR SALARIES AND EXPENSES

Section 307 of Pub. L. 102–392 provided that: ''The amounts deposited in the account established by section 312(d)(1) of the Legislative Branch Appropriations Act, 1992 (40 U.S.C. 184g(d)(1)) shall be available for salaries and expenses of the House of Representatives Child Care Center without fiscal year limitation, subject to the approval of the Committee on Appropriations of the House of Representatives.''

CROSS REFERENCES

Play area on Capitol grounds for children attending day care center, see section 214b of this title.

Senate Employee Child Care Center, see section 214c of this title.

§ 185. Capitol power plant

The heating, lighting, and power plant constructed under the terms of the Act approved April 28, 1904, shall be known as the ''Capitol power plant''; and all vacancies occurring in the force operating said plant and the substations in connection therewith shall be filled by the Architect of the Capitol with the approval of the commission in control of the House Office Building appointed under section 175 of this title.

(Mar. 4, 1911, ch. 285, 36 Stat. 1414; Mar. 3, 1921, ch. 124, 41 Stat. 1291.)

REFERENCES IN TEXT

Act approved April 28, 1904, referred to in text, is act Apr. 28, 1904, ch. 1762, § 1 (part), 33 Stat. 452 (479), which provided an appropriation for the construction of a heating, lighting and power plant in connection with the office building for the House of Representatives to furnish the necessary heat, light, and power for the office building for the House of Representatives, the Capitol building, the Congressional Library building, and for such other public buildings erected after Apr. 28, 1904, on grounds adjacent to the Capitol grounds at the east of the Capitol building and facing the same.

CODIFICATION

Section is based on act Mar. 4, 1911, popularly known as the ''Sundry Civil Appropriation Act, fiscal year 1912''. It followed an appropriation for the Capitol power plant.

CHANGE OF NAME

Change of name of Architect of the Capitol, functions abolished, transferred, etc., by prior acts, see Codification and Prior Provisions notes set out under section 161 of this title.

GENERAL SERVICES ADMINISTRATION COAL YARD

Pub. L. 100–458, title I, Oct. 1, 1988, 102 Stat. 2170, provided: ''That appropriations under this head shall hereafter be available for maintenance, alterations, personal and other services, and for all other necessary expenses of the Government owned property, buildings and facilities located in Lot 803, Square 695, formerly known as the General Services Administration Coal Yard at 42 I Street, S.E., in the District of Columbia.''

§ 185a. Senate Garage; control, supervision, servicing of official motor vehicles

(a) The employees of the Senate garage engaged by the Architect of the Capitol for the primary purpose of servicing official motor vehicles, together with the functions performed by such employees, shall, on October 1, 1980, be transferred to the jurisdiction of the Sergeant at Arms and Doorkeeper of the Senate: *Provided further*, That, effective July 1, 1965, the underground space in the north extension of the Capitol Grounds, known as the Legislative Garage shall hereafter be known as the Senate Garage and shall be under the jurisdiction and control of the Architect of the Capitol, subject to such regulations respecting the use thereof as may be promulgated by the Senate Committee on Rules and Administration: *Provided further*, That, such regulations shall provide for the continued assignment of space and the continued furnishing of service in such garage for official motor vehicles of the House and the Senate and the Architect of the Capitol and Capitol Grounds maintenance equipment.

(b) As used in subsection (a) of this section, the term ''servicing'' includes, with respect to an official motor vehicle, the washing and fueling of such vehicle, the checking of its tires and battery, and checking and adding oil.

(June 30, 1932, ch. 314, 47 Stat. 391; Pub. L. 88–454, Aug. 20, 1964, 78 Stat. 545; Pub. L. 96–444, § 1(a)(1), (b), Oct. 13, 1980, 94 Stat. 1889.)

AMENDMENTS

1980—Subsec. (a). Pub. L. 96–444, § 1(a)(1), designated existing provision as subsec. (a) and substituted provision transferring, on October 1, 1980, employees of the Senate garage engaged by the Architect of the Capitol for the primary purpose of servicing official motor vehicles, together with the functions performed by such employees, to the jurisdiction of the Sergeant at Arms and Doorkeeper of the Senate for provision transferring, on July 1, 1932, employees engaged in the care and maintenance of the Senate garage to the jurisdiction of the Architect of the Capitol, without any reduction in compensation to these employees as the result of such transfer.

Subsec. (b). Pub. L. 96–444, § 1(b), added subsec. (b).

1964—Pub. L. 88–454 redesignated the Legislative Garage as the Senate Garage, transferred the authority to promulgate rules from the Vice President and the Speaker of the House to the Senate Committee on Rules and Administration, and directed that the regulations provide for the continued assignment of space and the continued furnishing of service for official motor vehicles of the House and the Senate and the Architect of the Capitol and Capitol Grounds maintenance equipment.

AVAILABILITY OF APPROPRIATIONS FOR EXPENSES OF SENATE GARAGE

Title I of S. 2939, Ninety-seventh Congress, 2d Session, as reported Sept. 22, 1982, and incorporated by reference in Pub. L. 97–276, § 101(e), Oct. 2, 1982, 96 Stat. 1189, to be effective as if enacted into law, provided in part: ''That appropriations under this head [SENATE OFFICE BUILDINGS] shall hereafter be available for maintenance, alternations [alterations], personal and other services, and for all other necessary expenses of the Senate Garage as authorized by the paragraph beginning 'Capitol Garages' under the general heading 'ARCHITECT OF THE CAPITOL' in the first section of the Act entitled 'An Act making appropriations for the Legislative Branch of the Government for the fiscal year ending June 30, 1933, and for other purposes', approved June 30, 1933 (40 U.S.C. 185a) and Public Law

96–444 [amending this section and enacting provisions set out as notes under this section].''

UNUSED SICK LEAVE AND UNUSED ANNUAL LEAVE OF TRANSFERRED EMPLOYEES; ANNUITY COMPUTATION AND LUMP SUM PAYMENT

Section 1(a)(2), (3) of Pub. L. 96–444 provided that:

''(2) For purposes of section 8339(m) of title 5, United States Code, the days of unused sick leave to the credit of any such employee as of the date such employee is transferred under paragraph (1) [amending subsec. (a) of this section], shall be included in the total service of such employee in connection with the computation of any annuity under subsections (a)–(e) and (*o*) of such section.

''(3) In the case of days of annual leave to the credit of any such employee as of the date such employee is transferred under paragraph (1) [amending subsec. (a) of this section], the Architect of the Capitol is authorized to make a lump sum payment to each such employee for that annual leave. No such payment shall be considered a payment or compensation within the meaning of any law relating to dual compensation.''

APPOINTMENT OF GARAGE ATTENDANTS; COMPENSATION; LONGEVITY COMPENSATION

Section 2 of Pub. L. 96–444 provided that:

''(a) Effective October 1, 1980, the Sergeant at Arms and Doorkeeper of the Senate is authorized to appoint and fix the compensation of four garage attendants at not to exceed $14,100 per annum each.

''(b) If, and to the extent that, positions established by subsection (a) are first filled by individuals transferred under subsection (a)(1) of the first section [amending subsec. (a) of this section], the Sergeant at Arms and Doorkeeper of the Senate is authorized to fix, in lieu of the compensation prescribed in subsection (a), the compensation—

''(1) of not more than two of such positions so filled at not to exceed $16,560 per annum each;

''(2) of one of such positions so filled at not to exceed $15,485 per annum; and

''(3) of one of such positions so filled at not to exceed $14,390 per annum.

Compensation fixed under this subsection for a position first filled by an individual transferred under subsection (a)(1) of the first section shall cease to be applicable with respect to such position on the date that such individual first ceases to occupy such position.

''(c) During any period with respect to which subsection (b) is applicable to a position occupied by an individual described in such subsection, such individual shall be credited, for purposes of longevity compensation, as authorized by section 106(a), (b), and (d) of the Legislative Branch Appropriation Act, 1963 (2 U.S.C. 60j), for service performed by such individual in the position of garage attendant, as an employee of the Architect of the Capitol, as certified to the Secretary of the Senate by the Architect of the Capitol.''

APPLICABILITY OF OTHER LAWS

Section as unaffected by sections 193a to 193*l*, 212a, 212a–2, and 212b of this title, see note set out under section 193a of this title.

§ 186. Transfer of material and equipment to Architect

The Secretary of the Army is authorized to transfer, without payment, to the Architect of the Capitol, such material and equipment, not required by the Department of the Army, as the Architect may request for use at the Capitol power plant, the Capitol Building, and the Senate and House Office Buildings.

(June 5, 1920, ch. 253, 41 Stat. 1035; Mar. 3, 1921, ch. 124, 41 Stat. 1291; July 26, 1947, ch. 343, title II, § 205(a), 61 Stat. 501.)

CODIFICATION

Section is based on act June 5, 1920, popularly known as the ''Third Deficiency Appropriation Act June 5, 1920, fiscal year 1920''.

CHANGE OF NAME

Change of name of Architect of the Capitol, functions abolished, transferred, etc., by prior acts, see Codification and Prior Provisions notes set out under section 161 of this title.

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.

TRANSFER OF FUNCTIONS

For transfer of certain functions insofar as they pertain to Air Force, and to extent that they were not previously transferred to Secretary of the Air Force from Secretary of the Army, see Secretary of Defense Transfer Order No. 40 [App. A(65)], July 22, 1949.

§ 187. National Statuary Hall

Suitable structures and railings shall be erected in the old hall of Representatives for the reception and protection of statuary, and the same shall be under the supervision and direction of the Architect of the Capitol. And the President is authorized to invite all the States to provide and furnish statues, in marble or bronze, not exceeding two in number for each State, of deceased persons who have been citizens thereof, and illustrious for their historic renown or for distinguished civic or military services, such as each State may deem to be worthy of this national commemoration; and when so furnished, the same shall be placed in the old hall of the House of Representatives, in the Capitol of the United States, which is set apart, or so much thereof as may be necessary, as a national statuary hall for the purpose herein indicated.

(R.S. § 1814; Aug. 15, 1876, ch. 287, 19 Stat. 147.)

CODIFICATION

R.S. § 1814 derived from act July 2, 1864, ch. 210, § 2, 13 Stat. 347.

Section 2 of act July 2, 1864, gave the supervision and direction of the National Statuary Hall to the Commissioner of Public Buildings.

CHANGE OF NAME

Change of name of Architect of the Capitol, functions abolished, transferred, etc., by prior acts, see Codification and Prior Provisions notes set out under section 161 of this title.

LOCATION OF STATUES

House Concurrent Resolution 47, passed Feb. 24, 1933, 47 Stat. Part 2, 1784, provided: ''That the Architect of the Capitol, upon the approval of the Joint Committee on the Library, with the advice of the Commission of Fine Arts, is hereby authorized and directed to relocate within the Capitol any of the statues already received and placed in Statuary Hall, and to provide for the reception and location of the statues received hereafter from the States.''

§ 188. Works of fine arts

The Joint Committee on the Library, whenever, in their judgment, it is expedient, are au-

thorized to accept any work of the fine arts, on behalf of Congress, which may be offered, and to assign the same such place in the Capitol as they may deem suitable, and shall have the supervision of all works of art that may be placed in the Capitol.

(R.S. § 1831.)

CODIFICATION

R.S. § 1831 derived from act June 10, 1872, ch. 415, § 1, 17 Stat. 362.

CROSS REFERENCES

Art exhibits, not property of United States, prohibited, see section 189 of this title.

Commission of Fine Arts, see section 104 of this title.

§ 188a. United States Capitol Preservation Commission

(a) Establishment and purposes

There is established in the Congress the United States Capitol Preservation Commission (hereinafter in sections 188a to 188a–5 of this title referred to as the ''Commission'') for the purposes of—

(1) providing for improvements in, preservation of, and acquisitions for, the United States Capitol;

(2) providing for works of fine art and other property for display in the United States Capitol and at other locations under the control of the Congress; and

(3) conducting other activities that directly facilitate, encourage, or otherwise support any purposes specified in paragraph (1) or (2).

(b) Membership

The Commission shall be composed of the following Members of Congress:

(1) The President pro tempore of the Senate and the Speaker of the House of Representatives, who shall be co-chairmen.

(2) The Chairman and Vice-Chairman of the Joint Committee on the Library.

(3) The Chairman and the ranking minority party member of the Committee on Rules and Administration of the Senate, and the Chairman and the ranking minority party member of the Committee on House Oversight of the House of Representatives.

(4) The majority leader and the minority leader of the Senate.

(5) The majority leader and the minority leader of the House of Representatives.

(6) The Chairman of the Commission on the Bicentennial of the United States Senate and the Chairman of the Commission of the House of Representatives Bicentenary, to be succeeded upon expiration of such commissions, by a Senator or Member of the House of Representatives, as appropriate, appointed by the Senate or House of Representatives co-chairman of the Commission, respectively.

(7) One Senator appointed by the President pro tempore of the Senate and one Senator appointed by the minority leader of the Senate.

(8) One Member of the House of Representatives appointed by the Speaker of the House of Representatives and one Member of the House of Representatives appointed by the minority leader of the House of Representatives.

(c) Designees

Each member of the Commission specified under subsection (b) of this section (other than a member under paragraph (7) or (8) of such subsection) may designate a Senator or Member of the House of Representatives, as the case may be, to serve as a member of the Commission in place of the member so specified.

(d) Architect of the Capitol

In addition to the members under subsection (b) of this section, the Architect of the Capitol shall participate in the activities of the Commission, ex officio, and without the right to vote.

(e) Staff support and assistance

The Senate Commission on Art, the House of Representatives Fine Arts Board, and the Architect of the Capitol shall provide to the Commission such staff support and assistance as the Commission may request.

(Pub. L. 100–696, title VIII, § 801, Nov. 18, 1988, 102 Stat. 4608; Pub. L. 104–186, title II, § 221(7), Aug. 20, 1996, 110 Stat. 1749.)

AMENDMENTS

1996—Subsec. (b)(3). Pub. L. 104–186 substituted ''House Oversight'' for ''House Administration''.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 188a–1, 188a–2, 188a–5 of this title.

§ 188a–1. Authority of Commission to accept gifts and conduct other transactions relating to works of fine art and other property

(a) In general

In carrying out the purposes referred to in section 188a(a) of this title the Commission is authorized—

(1) to accept gifts of works of fine art, gifts of other property, and gifts of money; and

(2) to acquire property, administer property, dispose of property, and conduct other transactions related to such purposes.

(b) Transfer and disposition of works of fine art and other property

The Commission shall, with respect to works of fine art and other property received by the Commission—

(1) in consultation with the Joint Committee on the Library, the Senate Commission on Art, or the House of Representatives Fine Arts Board, as the case may be, transfer such property to the entity consulted;

(2) if a transfer described in paragraph (1) is not appropriate, dispose of the work of fine art by sale or other transaction; and

(3) in the case of property that is not directly related to the purposes referred to in section 188a(a) of this title, dispose of such property by sale or other transaction.

(c) Requirements for conduct of transactions

In conducting transactions under this section, the Commission shall—

(1) accept money only in the form of a check or similar instrument made payable to the Treasury of the United States and shall de-

posit any such check or instrument in accordance with section 188a–2 of this title;

(2) in making sales and engaging in other property transactions, take into consideration market conditions and other relevant factors; and

(3) assure that each transaction is directly related to the purposes referred to in section 188a(a) of this title.

(Pub. L. 100–696, title VIII, § 802, Nov. 18, 1988, 102 Stat. 4609; Pub. L. 101–302, title III, § 312(a), May 25, 1990, 104 Stat. 245.)

AMENDMENTS

1990—Subsec. (b)(1). Pub. L. 101–302 amended par. (1) generally. Prior to amendment, par. (1) read as follows: ''upon agreement with the Joint Committee on the Library, the Senate Commission on Art, or the House of Representatives Fine Arts Board, as the case may be, transfer such property to the entity with which the agreement is made;''.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 188a, 188a–2, 188a–5, 188c–1 of this title.

§ 188a–2. Capitol Preservation Fund

(a) In general

There is established in the Treasury a fund, to be known as the ''Capitol Preservation Fund'' (hereafter in sections 188a to 188a–5 of this title referred to as the ''fund''), which shall consist of (1) amounts deposited, and interest and proceeds credited, under subsection (d) of this section, (2) obligations obtained under subsection (e) of this section, and (3) all surcharges received by the Secretary of the Treasury from the sale of coins minted under the Bicentennial of the United States Congress Commemorative Coin Act.

(b) Availability of fund

The fund shall be available to the Commission—

(1) for payment of transaction costs and similar expenses incurred under section 188a–1 of this title;

(2) subject to the approval of the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate, for improvement and preservation projects for the United States Capitol;

(3) for disbursement with respect to works of fine art and other property as provided in section 188a–1 of this title; and

(4) for such other payments as may be required to carry out section 188a of this title or section 188a–1 of this title.

(c) Transaction costs and proportionality

In carrying out this section, the Commission shall, to the extent practicable, take such action as may be necessary—

(1) to minimize disbursements under subsection (b)(1) of this section; and

(2) to equalize disbursements under subsection (b) of this section between the Senate and the House of Representatives.

(d) Deposits, credits, and disbursements

The Commission shall deposit in the fund gifts of money and proceeds of transactions under section 188a–1 of this title. The Secretary of the Treasury shall credit to the fund the interest on, and the proceeds from sale or redemption of, obligations held in the fund. Disbursements from the fund shall be made on vouchers approved by the Commission and signed by the co-chairmen.

(e) Investments

The Secretary of the Treasury shall invest any portion of the fund that, as determined by the Commission, is not required to meet current withdrawals. Each investment shall be made in an interest bearing obligation of the United States or an obligation guaranteed as to principal and interest by the United States that, as determined by the Commission has a maturity suitable for the fund. In carrying out this subsection, the Secretary may make such purchases, sales, and redemptions of obligations as may be approved by the Commission.

(Pub. L. 100–696, title VIII, § 803, Nov. 18, 1988, 102 Stat. 4609; Pub. L. 101–302, title III, § 312(b), May 25, 1990, 104 Stat. 245.)

REFERENCES IN TEXT

The Bicentennial of the United States Congress Commemorative Coin Act, referred to in subsec. (a), is Pub. L. 100–673, Nov. 17, 1988, 102 Stat. 3992, which is set out as a note under section 5112 of Title 31, Money and Finance.

AMENDMENTS

1990—Subsec. (b). Pub. L. 101–302, § 312(b)(1), struck out ''subject to the approval, except for the purchase of fine art and antiques, of the Committees on Appropriations of the House of Representatives and Senate, respectively'' after ''The fund shall be available to the Commission''.

Subsec. (b)(2). Pub. L. 101–302, § 312(b)(2), inserted ''subject to the approval of the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate,'' before ''For improvement''.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 188a, 188a–1, 188a–5 of this title.

§ 188a–3. Audits by the Comptroller General

The Comptroller General shall conduct annual audits of the transactions of the Commission and shall report the results of each audit to the Congress.

(Pub. L. 100–696, title VIII, § 804, Nov. 18, 1988, 102 Stat. 4610.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 188a, 188a–2, 188a–5 of this title.

§ 188a–4. Advisory boards

The Commission may establish appropriate boards to provide advice and assistance to the Commission and to further the purposes of the Commission. The boards shall be composed of members (including chairmen) who shall be appointed by the Commission from public and private life and shall serve at the pleasure of the Commission and each co-chairman of the Commission may appoint one member to any such board. The members of boards under this section may be reimbursed for actual and necessary expenses incurred in the performance of the duties

of the boards, at the discretion of the Commission.

(Pub. L. 100–696, title VIII, § 805, Nov. 18, 1988, 102 Stat. 4610.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 188a, 188a–2, 188a–5 of this title.

§ 188a–5. "Member of the House of Representatives" defined

As used in sections 188a to 188a–5 of this title, the term ''Member of the House of Representatives'' means a Representative in, or a Delegate or Resident Commissioner to, the Congress.

(Pub. L. 100–696, title VIII, § 806, Nov. 18, 1988, 102 Stat. 4610.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 188a, 188a–2 of this title.

§ 188b. Senate Commission on Art

(a) Establishment

There is hereby established a Senate Commission on Art (hereinafter referred to as ''the Commission'') consisting of the President pro tempore of the Senate, the chairman and ranking minority member of the Committee on Rules and Administration of the Senate, and the majority and minority leaders of the Senate.

(b) Chairman and Vice Chairman; quorum; Executive Secretary

The Commission shall elect a Chairman and a Vice Chairman at the beginning of each Congress. Three members of the Commission shall constitute a quorum for the transaction of business, except that the Commission may fix a lesser number which shall constitute a quorum for the taking of testimony. The Secretary of the Senate shall be the Executive Secretary of the Commission[1]

(c) Selection of Curator of Art and Antiquities of the Senate; availability of professional and clerical assistance

The Commission shall select a Curator of Art and Antiquities of the Senate who shall be appointed by and be an employee of the Secretary of the Senate. The Curator shall serve at the pleasure of the Commission, shall perform such duties as it may prescribe, and shall receive compensation at a gross rate, not to exceed $22,089 per annum to be fixed by the Commission. At the request of the Commission the Secretary of the Senate shall detail to the Commission such additional professional, clerical, and other assistants as, from time to time, it deems necessary.

(d) Hearings and meetings

The Commission shall be empowered to hold hearings, summon witnesses, administer oaths, employ reporters, request the production of papers and records, take such testimony, and adopt such rules for the conduct of its hearings and meetings, as it deems necessary.

[1] So in original. Probably should be followed by a period.

(Pub. L. 100–696, title IX, § 901(a), (b)(1), (3), Nov. 18, 1988, 102 Stat. 4610, 4611.)

CODIFICATION

Section is based on section 1 of Senate Resolution No. 382, Ninetieth Congress, Oct. 1, 1968, which was enacted into permanent law and amended by Pub. L. 100–696.

AMENDMENTS

1988—Subsec. (a). Pub. L. 100–696, § 901(b)(3), substituted ''Senate Commission on Art'' for ''Commission on Art and Antiquities of the United States Senate''.

Subsec. (b). Pub. L. 100–696, § 901(b)(1), inserted ''The Secretary of the Senate shall be the Executive Secretary of the Commission''.

SENATE RULEMAKING POWER

Section 901(d) of Pub. L. 100–696 provided that: ''The provisions of this section [enacting sections 188b to 188b–5 of this title and amending sections 188b, 188b–1, and 188b–5 of this title] are enacted by the Congress—

''(1) as an exercise of the rulemaking power of the Senate, and as such they shall be considered as part of the rules of the Senate, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

''(2) with full recognition of the constitutional right of the Senate to change such rules at any time, in the same manner, and to the same extent as in the case of any other rule of the Senate.''

INCREASES IN COMPENSATION

Increases in compensation for officers and employees of the Senate under authority of the Federal Pay Comparability Act of 1970 (Pub. L. 91–656), see Salary Directives of the President pro tempore of the Senate, set out as notes under section 60a–1 of Title 2, The Congress.

CROSS REFERENCES

Authority of Secretary of Senate to fix compensation of certain positions, see section 61a–11 of Title 2, The Congress.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 188b–5 of this title.

§ 188b–1. Duties of Commission

(a) In general

The Commission is hereby authorized and directed to supervise, hold, place, protect, and make known all works of art, historical objects, and exhibits within the Senate wing of the United States Capitol, any Senate Office Buildings, and in all rooms, spaces, and corridors thereof, which are the property of the United States, and in its judgment to accept any works of art, historical objects, or exhibits which may hereafter be offered, given, or devised to the Senate, its committees, and its officers for placement and exhibition in the Senate wing of the Capitol, the Senate Office Buildings, or in rooms, spaces, or corridors thereof.

(b) Issuance and publication of regulations

The Commission shall prescribe such regulations as it deems necessary for the care, protection, and placement of such works of art, exhibits, and historical objects in the Senate wing of the Capitol and the Senate Office Buildings, and for their acceptance on behalf of the Senate, its committees, and officers. Such regulations shall be published in the Congressional Record at

such time or times as the Commission may deem necessary for the information of the Members of the Senate and the public.

(c) Consistency of regulations

Regulations authorized by the provisions of section 193 of this title to be issued by the Sergeant at Arms of the Senate for the protection of the Capitol, and any regulations issued, or activities undertaken, by the Committee on Rules and Administration of the Senate, or the Architect of the Capitol, in carrying out duties relating to the care, preservation, and protection of the Senate wing of the Capitol and the Senate Office Buildings, shall be consistent with such rules and regulations as the Commission may issue pursuant to subsection (b) of this section.

(d) Responsibilities of Committee on Rules and Administration of Senate

The Committee on Rules and Administration of the Senate in consultation with the Architect of the Capitol and consistent with regulations prescribed by the Commission under subsection (b) of this section, shall have responsibility for the supervision, protection, and placement of all works of art, historical objects, and exhibits which shall have been accepted on behalf of the Senate by the Commission or acknowledged as United States property by inventory of the Commission, and which may be lodged in the Senate wing of the Capitol or the Senate Office Buildings by the Commission.

(Pub. L. 100–696, title IX, § 901(a), (b)(2), Nov. 18, 1988, 102 Stat. 4610, 4611.)

CODIFICATION

Section is based on section 2 of Senate Resolution No. 382, Ninetieth Congress, Oct. 1, 1968, which was enacted into permanent law and amended by Pub. L. 100–696.

AMENDMENTS

1988—Subsec. (a). Pub. L. 100–696, § 901(b)(2), substituted ''protect, and make known'' for ''and protect'' and ''Senate wing of the United States Capitol, any Senate Office Buildings'' for ''Senate wing of the Capitol''.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 188b–5 of this title.

§ 188b–2. Supervision and maintenance of Old Senate Chamber

The Commission shall have responsibility for the supervision and maintenance of the Old Senate Chamber on the principal floor of the Senate wing of the Capitol insofar as it is to be preserved as a patriotic shrine in the Capitol for the benefit of the people of the United States.

(Pub. L. 100–696, title IX, § 901(a), Nov. 18, 1988, 102 Stat. 4610.)

CODIFICATION

Section is based on section 3 of Senate Resolution No. 382, Ninetieth Congress, Oct. 1, 1968, which was enacted into permanent law by Pub. L. 100–696.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 188b–5 of this title.

§ 188b–3. Publication of list of works of art, historical objects, and exhibits

The Commission shall, from time to time, but at least once every ten years, publish as a Senate document a list of all works of art, historical objects, and exhibits currently within the Senate wing of the Capitol and the Senate Office Buildings, together with their description, location, and with such notes as may be pertinent to their history.

(Pub. L. 100–696, title IX, § 901(a), Nov. 18, 1988, 102 Stat. 4610.)

CODIFICATION

Section is based on section 4 of Senate Resolution No. 382, Ninetieth Congress, Oct. 1, 1968, which was enacted into permanent law by Pub. L. 100–696.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 188b–5 of this title.

§ 188b–4. Authorization of appropriations

There is hereby authorized to be appropriated out of the contingent fund of the Senate for the expenses of the Commission the sum of $15,000 each fiscal year, to be disbursed by the Secretary of the Senate on vouchers signed by the Chairman or Vice Chairman of the Commission: *Provided*, That no payment shall be made from such appropriation as salary.

(Pub. L. 100–696, title IX, § 901(a), Nov. 18, 1988, 102 Stat. 4610.)

CODIFICATION

Section is based on section 5 of Senate Resolution No. 382, Ninetieth Congress, Oct. 1, 1968, which was enacted into permanent law by Pub. L. 100–696.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 188b–5 of this title.

§ 188b–5. Additional authority for Senate Commission on Art to acquire works of art, historical objects, documents, or exhibits

(a) The Senate Commission on Art, in addition to any authority conferred upon it by sections 188b to 188b–4 of this title, is authorized to acquire any work of art, historical object, document or material relating to historical matters, or exhibit for placement or exhibition in the Senate wing of the Capitol, the Senate Office Buildings, or in rooms, spaces, or corridors thereof.

(b) This section shall be effective as of March 1, 1971.

(Pub. L. 100–696, title IX, § 901(a), (c), Nov. 18, 1988, 102 Stat. 4610, 4611.)

CODIFICATION

Section is based on Senate Resolution No. 95, Ninety-second Congress, Apr. 1, 1971, which was enacted into permanent law and amended by Pub. L. 100–696.

AMENDMENTS

1988—Subsec. (a). Pub. L. 100–696, § 901(c), substituted ''Senate Commission on Art'' for ''Commission on Art and Antiquities of the United States Senate''.

§188b–6. Conservation, restoration, replication, or replacement of items in United States Senate Collection

(a) Use of moneys in Senate contingent fund

Effective with the fiscal year ending September 30, 1998, and each fiscal year thereafter, subject to the approval of the Committee on Appropriations of the Senate, any unexpended and unobligated funds in the appropriation account for the ''Secretary of the Senate'' within the contingent fund of the Senate which have not been withdrawn in accordance with section 102a of title 2, shall be available for the expenses incurred, without regard to the fiscal year in which incurred, for the conservation, restoration, and replication or replacement, in whole or in part, of items of art, fine art, and historical items within the Senate wing of the United States Capitol, any Senate Office Building, or any room, corridor, or other space therein. In the case of replication or replacement of such items, the funds available under this subsection shall be available for any such items previously contained within the Senate wing of the Capitol, or an item historically accurate.

(b) United States Senate Collection

All such items of art referred to in subsection (a) of this section shall be known as the ''United States Senate Collection''.

(c) Approval of disbursements by Chairman or Executive Secretary of Senate Commission on Art

Disbursements for expenses incurred for the purposes in subsection (a) of this section shall be made upon vouchers approved by the Chairman of the Senate Commission on Art or the Executive Secretary of the Senate Commission on Art.

(Pub. L. 101–302, title III, §316, May 25, 1990, 104 Stat. 246; Pub. L. 101–520, title III, §323, Nov. 5, 1990, 104 Stat. 2285; Pub. L. 102–90, title III, §310, Aug. 14, 1991, 105 Stat. 467; Pub. L. 102–392, title III, §312, Oct. 6, 1992, 106 Stat. 1723; Pub. L. 103–69, title III, §314, Aug. 11, 1993, 107 Stat. 713; Pub. L. 103–283, title III, §309, July 22, 1994, 108 Stat. 1442; Pub. L. 104–53, title III, §311, Nov. 19, 1995, 109 Stat. 538; Pub. L. 104–197, title III, §313, Sept. 16, 1996, 110 Stat. 2415; Pub. L. 105–55, title III, §309, Oct. 7, 1997, 111 Stat. 1198.)

AMENDMENTS

1997—Subsec. (a). Pub. L. 105–55 substituted ''1998'' for ''1997''.

1996—Subsec. (a). Pub. L. 104–197 substituted ''1997'' for ''1996''.

1995—Subsec. (a). Pub. L. 104–53 substituted ''1996'' for ''1995''.

1994—Subsec. (a). Pub. L. 103–283 substituted ''1995'' for ''1994''.

1993—Subsec. (a). Pub. L. 103–69 substituted ''1994'' for ''1993''.

1992—Subsec. (a). Pub. L. 102–392 substituted ''1993'' for ''1992''.

1991—Subsec. (a). Pub. L. 102–90 substituted ''1992'' for ''1991''.

1990—Subsec. (a). Pub. L. 101–520 substituted ''1991'' for ''1990''.

§188c. House of Representatives Fine Arts Board

(a) Establishment and authority

There is established in the House of Representatives a Fine Arts Board (hereafter in sections 188c and 188c–1 of this title referred to as the ''Board''), comprised of the House of Representatives members of the Joint Committee on the Library. The chairman of the Committee on House Oversight of the House of Representatives shall be the chairman of the Board. The Board, in consultation with the House Office Building Commission, shall have authority over all works of fine art, historical objects, and similar property that are the property of the Congress and are for display or other use in the House of Representatives wing of the Capitol, the House of Representatives Office Buildings, or any other location under the control of the House of Representatives.

(b) Clerk of the House of Representatives

Under the supervision and direction of the Board, the Clerk of the House of Representatives shall be responsible for the administration, maintenance, and display of the works of fine art and other property referred to in subsection (a) of this section.

(c) Architect of the Capitol

The Architect of the Capitol shall provide assistance to the Board and to the Clerk of the House of Representatives in the carrying out of their responsibilities under sections 188c and 188c–1 of this title.

(Pub. L. 100–696, title X, §1001, Nov. 18, 1988, 102 Stat. 4611; Pub. L. 104–186, title II, §221(8), Aug. 20, 1996, 110 Stat. 1749.)

AMENDMENTS

1996—Subsec. (a). Pub. L. 104–186 substituted ''House Oversight'' for ''House Administration''.

TRANSFER OF FUNCTIONS

Certain functions of Clerk of House of Representatives transferred to Director of Non-legislative and Financial Services by section 7 of House Resolution No. 423, One Hundred Second Congress, Apr. 9, 1992. Director of Non-legislative and Financial Services replaced by Chief Administrative Officer of House of Representatives by House Resolution No. 6, One Hundred Fourth Congress, Jan. 4, 1995.

§188c–1. Acceptance of gifts on behalf of the House of Representatives

The Board is authorized to accept, on behalf of the House of Representatives, gifts of works of fine art, historical objects, and similar property, including transfers from the United States Capitol Preservation Commission under section 188a–1 of this title, for display or other use in the House of Representatives wing of the Capitol, the House of Representatives Office Buildings, or any other location under the control of the House of Representatives.

(Pub. L. 100–696, title X, §1002, Nov. 18, 1988, 102 Stat. 4612.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 188c of this title.

§189. Art exhibits

No work of art or manufacture other than the property of the United States shall be exhibited in the National Statuary Hall, the Rotunda, or the corridors of the Capitol.

(R.S. § 1815; Mar. 3, 1875, ch. 130, 18 Stat. 376; Mar. 3, 1879, ch. 182, 20 Stat. 391.)

CODIFICATION

Section is based on act Mar. 3, 1879, popularly known as the ''Sundry Civil Appropriation Act, fiscal year 1879''.

R.S. § 1815 derived from act July 20, 1868, ch. 176, § 6, 15 Stat. 110.

§ 190. Private studios and works of art

No room in the Capitol shall be used for private studios or works of art, without permission from the Joint Committee on the Library, given in writing; and it shall be the duty of the Architect of the Capitol to carry this provision into effect.

(Mar. 3, 1875, ch. 130, 18 Stat. 376.)

§ 190a. Omitted

CODIFICATION

Section, act Mar. 2, 1895, ch. 189, 28 Stat. 959, related to location of terminal of the conveying apparatus for rapid transmission of books, papers, and messages between Library of Congress and Capitol.

§ 190b. Location of reference library for Senate and House of Representatives

The rooms and space recently occupied by the Library of Congress in the Capitol building shall be divided into three stories, the third story of which shall be fitted up and used for a reference library for the Senate and House of Representatives, and that portion of the other two stories north of a line drawn east and west through the center of the Rotunda shall be used for such purpose as may be designated by the Senate of the United States, and that portion of the first and second stories south of said line shall be used for such purpose as may be designated by the House of Representatives.

(June 6, 1900, No. 33, 31 Stat. 719.)

§ 191. Repealed. Jan. 24, 1934, ch. 4, § 34, 48 Stat. 336

Section, act Mar. 3, 1903, ch. 1012, § 34, 32 Stat. 1221, prohibited sale of intoxicating liquors within limits of the Capitol Building. See the ''District of Columbia Alcoholic Beverage Control Act'', chapter 1 (§ 25–101 et seq.) of Title 25, Alcoholic Beverages, of the District of Columbia Code.

§ 192. Omitted

CODIFICATION

Section, R.S. § 1819; act Aug. 15, 1876, ch. 287, 19 Stat. 147, which extended to the Capitol Square the laws of the District of Columbia, was superseded by section 101 of this title.

§ 193. Protection of buildings and property

The Sergeants at Arms of the Senate and of the House of Representatives are authorized to make such regulations as they may deem necessary for preserving the peace and securing the Capitol from defacement, and for the protection of the public property therein, and they shall have power to arrest and detain any person violating such regulations, until such person can be brought before the proper authorities for trial.

(R.S. § 1820.)

CODIFICATION

R.S. § 1820 derived from acts Mar. 30, 1867, ch. 20, § 2, 15 Stat. 12; Apr. 29, 1876, ch. 86, 19 Stat. 41.

Section is also set out in D.C. Code, § 9–105.

APPLICABILITY OF OTHER LAWS

Section as unaffected by sections 193a to 193*l*, 212a, 212a–2, and 212b of this title, see note set out under section 193a of this title.

CROSS REFERENCES

Policing of Capitol Building and Grounds, see section 212a of this title.

Use of Capitol Grounds as playground prohibited, see section 214 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 188b–1 of this title.

§ 193a. United States Capitol Grounds; area comprising; jurisdiction

The United States Capitol Grounds shall comprise all squares, reservations, streets, roadways, walks, and other areas as defined on a map entitled ''Map showing areas comprising United States Capitol Grounds'', dated June 25, 1946, approved by the Architect of the Capitol and recorded in the Office of the Surveyor of the District of Columbia in book 127, page 8, including all additions added thereto by law subsequent to June 25, 1946, and the jurisdiction and control over the United States Capitol Grounds, vested prior to July 31, 1946 by law in the Architect of the Capitol, is extended to the entire area of the United States Capitol Grounds, and the Architect of the Capitol shall be responsible for the maintenance and improvement thereof, including those streets and roadways in said United States Capitol Grounds as shown on said map as being under the jurisdiction and control of the Commissioners of the District of Columbia, except that the Mayor of the District of Columbia shall be responsible for the maintenance and improvement of those portions of the following streets which are situated between the curblines thereof: Constitution Avenue from Second Street Northeast to Third Street Northwest, First Street from D Street N.E. to D Street S.E., D Street from First Street S.E. to Canal Street S.W., and First Street from the north side of Louisiana Avenue to the intersection of C Street and Canal Street S.W., Pennsylvania Avenue Northwest from First Street Northwest to Third Street Northwest, Maryland Avenue Southwest from First Street Southwest to Third Street Southwest, Second Street Northeast from F Street Northeast to C Street Southeast; C Street Southeast from Second Street Southeast to First Street Southeast; that portion of Maryland Avenue Northeast from Second Street Northeast to First Street Northeast; that portion of New Jersey Avenue Northwest from D Street Northwest to Louisiana Avenue; that portion of Second Street Southwest from the north curb of D Street to the south curb of Virginia Avenue Southwest; that portion of Virginia Avenue Southwest from the east curb of Second Street Southwest to the west curb of Third Street Southwest; that portion of

Third Street Southwest from the south curb of Virginia Avenue Southwest to the north curb of D Street Southwest; that portion of D Street Southwest from the west curb of Third Street Southwest to the east curb of Second Street Southwest; that portion of Canal Street Southwest, including sidewalks and traffic islands, from the south curb of Independence Avenue Southwest to the west curb of South Capitol Street: *Provided*, That the Mayor of the District of Columbia shall be permitted to enter any part of said United States Capitol Grounds for the purpose of repairing or maintaining or, subject to the approval of the Architect of the Capitol, for the purpose of constructing or altering, any utility service of the District of Columbia government.

(July 31, 1946, ch. 707, § 1, 60 Stat. 718; 1967 Reorg. Plan No. 3, § 401, eff. Nov. 3, 1967, 32 F.R. 11669, 81 Stat. 951; Pub. L. 90–108, § 1(a), Oct. 20, 1967, 81 Stat. 275; Pub. L. 93–198, title IV, § 421, title VII, § 739(g)(7), Dec. 24, 1973, 87 Stat. 789, 829; Pub. L. 96–432, § 2, Oct. 10, 1980, 94 Stat. 1852.)

CODIFICATION

Section is also set out in D.C. Code, § 9–106.

AMENDMENTS

1980—Pub. L. 96–432 substituted ''Constitution Avenue from Second Street Northeast to Third Street Northwest'' and ''C Street and Canal Street S.W., Pennsylvania Avenue Northwest from First Street Northwest to Third Street Northwest, Maryland Avenue Southwest from First Street Southwest to Third Street Southwest, Second Street Northeast from F Street Northeast to C Street Southeast; C Street Southeast from Second Street Southeast to First Street Southeast; that portion of Maryland Avenue Northeast from Second Street Northeast to First Street Northeast; that portion of New Jersey Avenue Northwest from D Street Northwest to Louisiana Avenue; that portion of Second Street Southwest from the north curb of D Street to the south curb of Virginia Avenue Southwest; that portion of Virginia Avenue Southwest from the east curb of Second Street Southwest to the west curb of Third Street Southwest; that portion of Third Street Southwest from the south curb of Virginia Avenue Southwest to the north curb of D Street Southwest; that portion of D Street Southwest from the west curb of Third Street Southwest to the east curb of Second Street Southwest; that portion of Canal Street Southwest, including sidewalks and traffic islands, from the south curb of Independence Avenue Southwest to the west curb of South Capitol Street: *Provided*'' for ''Constitution Avenue from First Street N.E. to Second Street N.W.'' and ''C Street and Canal Street S.W.: *Provided*'', respectively.

1973—Pub. L. 93–198 substituted '', including those streets and roadways in said United States Capitol Grounds as shown on said map as being under the jurisdiction and control of the Commissioners of the District of Columbia, except that the Commissioner of the District of Columbia shall be responsible for the maintenance and improvement of those portions of the following streets which are situated between the curblines thereof: Constitution Avenue from First Street N.E. to Second Street N.W., First Street from D Street N.E. to D Street S.E., D Street from First Street S.E. to Canal Street S.W., and First Street from the north side of Louisiana Avenue to the intersection of C Street and Canal Street S.W.: *Provided*,'' for '': *Provided*, That those streets and roadways as being under the jurisdiction and control of the Commissioner of the District of Columbia shall continue under such jurisdiction and control, and said Commissioner shall be responsible for the maintenance and improvement thereof: *Provided further*,''.

1967—Pub. L. 90–108 inserted ''including all additions added thereto by law subsequent to June 25, 1946,'' after ''book 127, page 8'', and struck out ''as defined on the aforementioned map'' after ''the entire area of the United States Capitol Grounds''.

EFFECTIVE DATE OF 1980 AMENDMENT

Section 4 of Pub. L. 96–432 provided that: ''The foregoing provisions of this Act [amending this section and enacting provisions set out as notes below] shall take effect upon the expiration of the thirty-day period following the date of the enactment of this Act [Oct. 10, 1980].''

EFFECTIVE DATE OF 1973 AMENDMENT

Section 771 of Pub. L. 93–198 provided that the amendment made by Pub. L. 93–198 is effective on Jan. 2, 1975, if a majority of the registered qualified electors in the District of Columbia voting on the charter issue in the charter referendum accepted the charter set out in title IV of Pub. L. 93–198, Dec. 24, 1973, 87 Stat. 785. The charter was approved by the voters on May 7, 1974.

EFFECTIVE DATE OF 1967 AMENDMENT

Section 3 of Pub. L. 90–108 provided that: ''Prosecutions for violations of the Act of July 31, 1946 (60 Stat. 718; 40 U.S.C. 193a et seq.; D.C. Code 9–118 et seq. [9–106 et seq.]) [sections 193a to 193m, 212a, 212a–2, and 212b of this title] and of section 15 of the Act of July 29, 1892 (27 Stat. 325; D.C. Code 4–120 [4–116], 22–3111) [section 101 of this title], occurring prior to the enactment of these amendments [Oct. 20, 1967] shall not be affected by these amendments or abated by reason thereof. The provisions of this Act [amending sections 101, 193a, 193f, 193h and 193m of this title] shall be applicable to violations occurring after its enactment [Oct. 20, 1967].''

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 ''Commissioner'' and for ''Commissioners'' the second time appearing.

COMMISSION ON THE BICENTENNIAL OF THE UNITED STATES CAPITOL

Pub. L. 102–392, title III, § 324, Oct. 6, 1992, 106 Stat. 1726, established in the Congress the Commission on the Bicentennial of the United States Capitol to organize and publicize a celebration in 1993 to observe the 200th anniversary of the laying of the cornerstone of the United States Capitol, set forth its composition of certain Members of Congress and its staffing authority, authorized the Commission to use voluntary staff and services and information, services, facilities, and personnel of the Secretary of the Senate and the Clerk of the House of Representatives, and directed support and assistance from legislative agencies and funding of expenses from the contingency funds of the Senate and House of Representatives.

CHANGES IN UNITED STATES CAPITOL GROUNDS

Pub. L. 104–333, div. I, title V, § 514, Nov. 12, 1996, 110 Stat. 4165, provided that:

''(a) PURPOSE.—It is the purpose of this section—

''(1) to assist in the effort to timely establish within the District of Columbia a national memorial to Japanese American patriotism in World War II; and

''(2) to improve management of certain parcels of Federal real property located within the District of Columbia,

by the transferring jurisdiction over such parcels to the Architect of the Capitol, the Secretary of the Interior, and the Government of the District of Columbia.

''(b) TRANSFERS OF JURISDICTION.—

''(1) IN GENERAL.—Effective on the date of the enactment of this Act [Nov. 12, 1996] and notwithstanding any other provision of law, jurisdiction over the parcels of Federal real property described in paragraph (2) is transferred without additional consideration as provided by paragraph (2).

''(2) SPECIFIC TRANSFERS.—

''(A) TRANSFERS TO SECRETARY OF THE INTERIOR.—

''(i) IN GENERAL.—Jurisdiction over the following parcels is transferred to the Secretary of the Interior:

''(I) That triangle of Federal land, including any contiguous sidewalks and tree space, that is part of the United States Capitol Grounds under the jurisdiction of the Architect of the Capitol bound by D Street, N.W., New Jersey Avenue, N.W., and Louisiana Avenue, N.W., in square W632 in the District of Columbia, as shown on the Map Showing Properties Under Jurisdiction of the Architect of the Capitol, dated November 8, 1994.

''(II) That triangle of Federal land, including any contiguous sidewalks and tree space, that is part of the United States Capitol Grounds under the jurisdiction of the Architect of the Capitol bound by C Street, N.W., First Street, N.W., and Louisiana Avenue, N.W., in the District of Columbia, as shown on the Map Showing Properties Under Jurisdiction of the Architect of the Capitol, dated November 8, 1994.

''(ii) LIMITATION.—The parcels transferred by clause (i) shall not include those contiguous sidewalks abutting Louisiana Avenue, N.W., which shall remain part of the United States Capitol Grounds under the jurisdiction of the Architect of the Capitol.

''(iii) CONSIDERATION AS MEMORIAL SITE.—The parcels transferred by subclause (I) of clause (i) may be considered as a site for a national memorial to Japanese American patriotism in World War II.

''(B) TRANSFERS TO ARCHITECT OF THE CAPITOL.—Jurisdiction over the following parcels is transferred to the Architect of the Capitol:

''(i) That portion of the triangle of Federal land in Reservation No. 204 in the District of Columbia under the jurisdiction of the Secretary of the Interior, including any contiguous sidewalks, bound by Constitution Avenue, N.E., on the north, the branch of Maryland Avenue, N.E., running in a northeast direction on the west, the major portion of Maryland Avenue, N.E., on the south, and 2nd Street, N.E., on the east, including the contiguous sidewalks.

''(ii) That irregular area of Federal land in Reservation No. 204 in the District of Columbia under the jurisdiction of the Secretary of the Interior, including any contiguous sidewalks, northeast of the real property described in clause (i) bound by Constitution Avenue, N.E., on the north, the branch of Maryland Avenue, N.E., running to the northeast on the south, and the private property on the west known as lot 7, in square 726.

''(iii) The two irregularly shaped medians lying north and east of the property described in clause (i), located between the north and south curbs of Constitution Avenue, N.E., west of its intersection with Second Street, N.E., all as shown in Land Record No. 268, dated November 22, 1957, in the Office of the Surveyor, District of Columbia, in Book 138, Page 58.

''(iv) All sidewalks under the jurisdiction of the District of Columbia abutting on and contiguous to the land described in clauses (i), (ii), and (iii).

''(C) TRANSFERS TO DISTRICT OF COLUMBIA.—Jurisdiction over the following parcels is transferred to the Government of the District of Columbia:

''(i) That portion of New Jersey Avenue, N.W., between the northernmost point of the intersection of New Jersey Avenue, N.W., and D Street, N.W., and the northernmost point of the intersection of New Jersey Avenue, N.W., and Louisiana Avenue, N.W., between squares 631 and W632, which remains Federal property.

''(ii) That portion of D Street, N.W., between its intersection with New Jersey Avenue, N.W., and its intersection with Louisiana Avenue, N.W., between squares 630 and W632, which remains Federal property.

''(c) MISCELLANEOUS.—

''(1) COMPLIANCE WITH OTHER LAWS.—Compliance with this section shall be deemed to satisfy the requirements of all laws otherwise applicable to transfers of jurisdiction over parcels of Federal real property.

''(2) LAW ENFORCEMENT RESPONSIBILITY.—Law enforcement responsibility for the parcels of Federal real property for which jurisdiction is transferred by subsection (b) shall be assumed by the person acquiring such jurisdiction.

''(3) UNITED STATES CAPITOL GROUNDS.—

''(A) DEFINITION.—The first section of the Act entitled 'An Act to define the United States Capitol Grounds, to regulate the use thereof, and for other purposes', approved July 31, 1946 (40 U.S.C. 193a), is amended to include within the definition of the United States Capitol Grounds the parcels of Federal real property described in subsection (b)(2)(B).

''(B) JURISDICTION OF CAPITOL POLICE.—The United States Capitol Police shall have jurisdiction over the parcels of Federal real property described in subsection (b)(2)(B) in accordance with section 9 of such Act of July 31, 1946 (40 U.S.C. 212a).

''(4) EFFECT OF TRANSFERS.—A person relinquishing jurisdiction over a parcel of Federal real property transferred by subsection (b) shall not retain any interest in the parcel except as specifically provided by this section.''

Pub. L. 97–379, Dec. 22, 1982, 96 Stat. 1935, provided: ''That section 1 of the Act of July 31, 1946, as amended (40 U.S.C. 193a), is amended to include within the definition of the United States Capitol Grounds the following additional areas which are situated as follows:

''(1) All sidewalks and contiguous areas presently under the jurisdiction of the District of Columbia located on the south side of Pennsylvania Avenue, Northwest, between the west curb of First Street, Northwest and the east curb of Third Street, Northwest.

''(2) All sidewalks and contiguous areas presently under the jurisdiction of the District of Columbia located on the north side of Maryland Avenue, Southwest, between the west curb of First Street, Southwest and the east curb of Third Street, Southwest.

''(3) All sidewalks and contiguous areas presently under the jurisdiction of the District of Columbia located on the west side of First Street between the south curb of Pennsylvania Avenue, Northwest and the north curb of Maryland Avenue, Southwest.

''(4) All sidewalks and contiguous areas presently under the jurisdiction of the District of Columbia located on the east side of Third Street between the south curb of Pennsylvania Avenue, Northwest and the north curb of Maryland Avenue, Southwest.''

Section 1 of Pub. L. 96–432 provided: ''That section 1 of the Act of July 31, 1946, as amended (40 U.S.C. 193a), is amended to include within the definition of the United States Capitol Grounds the following additional areas and portions of streets which are situated as follows:

''(1) that portion of D Street Northeast from the east curb of Second Street Northeast to the east curb of First Street Northeast;

''(2) that portion of Second Street Northeast and Southeast from the south curb of F Street Northeast to the south curb of C Street Southeast;

''(3) that portion of Constitution Avenue Northeast from the east curb of Second Street Northeast to the east curb of First Street Northeast;

''(4) that portion of Pennsylvania Avenue Northwest from the west curb of First Street Northwest to the east curb of Third Street Northwest;

''(5) that portion of Maryland Avenue Southwest from the west curb of First Street Southwest to the east curb of Third Street Southwest;

''(6) that portion of Constitution Avenue Northwest from the east curb of Second Street Northwest to the east curb of Third Street Northwest;

''(7) that portion of Independence Avenue Southwest from the west curb of First Street Southwest to the east curb of Third Street Southwest;

''(8) that portion of Maryland Avenue Northeast from the east curb of Second Street Northeast to the east curb of First Street Northeast;

''(9) that portion of East Capitol Street from the east curb of Second Street Southeast to the east curb of First Street Southeast;

''(10) that portion of Independence Avenue Southeast from the east curb of Second Street Southeast to the east curb of First Street Southeast;

''(11) that portion of C Street Southeast from the east curb of Second Street Southeast to the east curb of First Street Southeast;

''(12) that portion of North Capitol Street from the south curb of Massachusetts Avenue to the north curb of Louisiana Avenue;

''(13) that portion of New Jersey Avenue Northwest from the north curb of D Street Northwest to the north curb of Louisiana Avenue;

''(14) that portion of Second Street Southwest from the north curb of D Street to the south curb of Virginia Avenue Southwest;

''(15) that portion of Virginia Avenue Southwest from the east curb of Second Street Southwest to the west curb of Third Street Southwest;

''(16) that portion of Third Street Southwest from the south curb of Virginia Avenue Southwest to the north curb of D Street Southwest;

''(17) that portion of D Street Southwest from the west curb of Third Street Southwest to the east curb of Second Street Southwest;

''(18) that portion of Canal Street Southwest, including sidewalks and traffic islands, from the south curb of Independence Avenue Southwest to the west curb of South Capitol Street; and

''(19) all that area contiguous to, and surrounding, square numbered 724 from the property line thereof to the contiguous curb;

''(20) those areas contiguous to, and surrounding, the areas comprising the grounds of the United States Botanic Garden from the property line of such grounds to the contiguous curb;

''(21) all that area contiguous to, and surrounding, the structures comprising the United States Capitol Power Plant, from the building lines of such structures to the contiguous curbs; and

''(22) all that area contiguous to, and surrounding, square numbered 581 from the property line thereof to the contiguous curb.''

Pub. L. 93–198, title VII, §739(g)(3), Dec. 24, 1973, 87 Stat. 828, effective Jan. 2, 1975, [title IV of Pub. L. 93–198 having been accepted by a majority of the registered qualified electors in the District of Columbia voting on the charter issue in the charter referendum conducted May 8, 1974], provided in part that the definition of United States Capitol Grounds should include the following streets: Independence Avenue from the west curb of First Street S.E. to the east curb of First Street S.W., New Jersey Avenue S.E. from the south curb of Independence Avenue to the north curb of D Street S.E., South Capitol Street from the south curb of Independence Avenue to the north curb of D Street; Delaware Avenue S.W. from the south curb of C Street S.W. to the North Curb of D Street S.W., C Street from the west curb of First Street S.E. to the intersection of First and Canal Streets, S.W., D Street from the west curb of First Street S.E. to the intersection of Canal Street and Delaware Avenue S.W., that part of First Street lying west of the outer face of the curb of the sidewalk on the east side thereof from D Street, N.E. to D Street S.E., that part of First Street within the east and west curblines thereof extending from the north side of Pennsylvania Avenue N.W. to the intersection of C Street and Canal Street S.W., including the two circles within such area, but that nothing in the inclusion of such streets should be construed as repealing, or otherwise altering, modifying, affecting, or superseding those provisions of law in effect prior to the vesting of authority in the United States Supreme Court police and Library of Congress police by title IV of Pub. L. 93–198 to make arrests in adjacent streets, including First Street N.E. and First Street S.E.

JURISDICTION OF THE CAPITOL POLICE BOARD AND THE ARCHITECT OF THE CAPITOL

Section 3 of Pub. L. 96–432 provided that: ''On and after the effective date of this section [see Effective Date of 1980 Amendment note set out above], that portion of C Street Northeast from the west curb of Second Street Northeast to the east curb of First Street Northeast shall be under the exclusive jurisdiction and control of the Capitol Police Board and the Architect of the Capitol in the same manner and to the same extent as such Board or the Architect of the Capitol has over other streets comprising the United States Capitol Grounds, and the Architect of the Capitol shall be responsible for the maintenance and improvement thereof.''

UNITED STATES SUPREME COURT AND LIBRARY OF CONGRESS; JURISDICTIONAL BOUNDARIES

Section 6(a), (b) of Pub. L. 96–432 provided that:

''(a) Notwithstanding any other provisions of this Act [enacting section 212a–1 of this title, amending this section, and enacting provisions set out as notes under sections 193a and 193d of this title], with respect to those squares occupied by the United States Supreme Court and the Library of Congress, those streets or portions thereof referred to in the first section of this Act [set out as a note above] which surround such squares shall be considered a part of the Capitol Grounds only to the face of the curbs contiguous to such squares.

''(b) Nothing in this Act shall be construed as repealing, or otherwise altering, modifying, affecting, or superseding those provisions of law in effect on the date immediately preceding the date of the enactment of this Act [Oct. 10, 1980] vesting authority in the United States Supreme Court Police and the Library of Congress Police to make arrests in adjacent streets.''

ARCHITECT OF THE CAPITOL; ACQUISITION OF ADDITIONAL PROPERTY

Pub. L. 97–12, title I, June 5, 1981, 95 Stat. 64, provided in part: ''That upon acquisition of such real property pursuant to this paragraph [incorporating by reference the provisions of Pub. L. 96–432, Oct. 10, 1980, 94 Stat. 1851, which related to the acquisition of property in squares 693, 640, and 582 in the District of Columbia], the structure located on lot 801 of square 693 shall become a part of the House Office Buildings, subject to the provisions of the Act of July 31, 1946 (40 U.S.C. secs. 193a through 193m, 212a[, 212a–2,] and 212b), including any amendments thereto, which are applicable to the Capitol Buildings, and to the Act of March 4, 1907 (40 U.S.C. 175).''

Sections 7–10 of Pub. L. 96–432 provided that:

''SEC. 7. (a) The Architect of the Capitol, under the direction of the House Office Building Commission, is hereby authorized to acquire, on behalf of the United States, by purchase, condemnation, transfer, or otherwise, for addition to the United States Capitol Grounds, all publicly or privately owned property contained in lot 49 in square 582; lot 70 in square 640; and lots 1, 2, 67, 79, 80, 800, 801, 807, 814 through 822, and 834 in square 693 in the District of Columbia (including all alleys or parts of alleys and streets within the lotlines and curblines surrounding such real property): *Provided*, That upon the acquisition of any such real prop-

erty by the Architect of the Capitol on behalf of the United States, such property shall be subject to the provisions of the Act of July 31, 1946 (60 Stat. 718) [sections 193a to 193m, 212a, 212a–2, and 212b of this title and provisions set out as notes under sections 193a and 193h of this title] as amended in the same manner and to the same extent as all other areas comprising the United States Capitol Grounds.

''(b) For the purposes of this section the properties authorized to be acquired hereunder, shall be deemed to extend to the outer face of the curbs of the squares in which they are located.

''(c) There is hereby authorized to be appropriated to the Architect of the Capitol for the fiscal year ending September 30, 1981, the sum of $11,500,000 for the purpose of carrying out the provisions of this section, said appropriation to remain available until expended.

''SEC. 8. The acquisition of real property under this Act [enacting section 212a–1 of this title, amending this section, and enacting provisions set out as notes under sections 193a and 193d of this title] shall be conducted in accordance with the Act entitled 'Uniform Relocation Assistance and Land Acquisition Policies Act of 1970', Public Law 91–646, approved January 2, 1971 [42 U.S.C. 4601 et seq.], and any proceeding for condemnation brought in its course shall be conducted in accordance with the Act entitled 'An Act to provide for the acquisition of land in the District of Columbia for the use of the United States', approved March 1, 1929 (16 D.C. Code, secs. 1351–1368).

''SEC. 9. The Architect of the Capitol is authorized to enter into contracts and to make expenditures for grading and paving and such other expenditures, including expenditures for personal and other services, as may be necessary to carry out the purposes of section 7 of this Act.

''SEC. 10. Any contract entered into pursuant to this Act or pursuant to any amendment made by this Act shall be effective only to such extent and in such amounts as may be provided in advance in an appropriation Act.''

SOUND AND LIGHT PERFORMANCE FOR THE RE-CREATION OF THE EVOLUTION OF AMERICAN HISTORY

Pub. L. 93–226, Dec. 29, 1973, 87 Stat. 943, provided:

''[SEC. 1. Study and report by the United States Capitol Historical Society on the desirability and feasibility of sound and light performance for the re-creation of the evolution of American History] That, notwithstanding any other provision of law, the United States Capitol Historical Society is authorized, under direction of the Architect of the Capitol, to prepare a feasibility study to determine the desirability of installing within the United States Capitol Grounds, at the east front of the United States Capitol, all items of equipment and other facilities required for a sound and light performance, consisting of an interplay of light, music, narrative, and sound effects (without the use of live actors), which, when projected onto the imposing facade of the east front of the United States Capitol, will re-create the evolution of American history, based on a foundation of thorough historical research, subject to the following conditions:

''(1) Such study and all expenditures connected therewith will be borne by the United States Capitol Historical Society.

''(2) Upon completion of such study, the United States Capitol Historical Society, at its expense, will furnish the Architect of the Capitol a report detailing the results of such study, installations, and programs proposed, and estimates of cost required to implement such project without expense to the United States, including maintenance and operating expenses.

''(3) The project may not be implemented, beyond the report stage, except as provided in section 2 hereof.

''SEC. 2. [Review of the report by the Architect of the Capitol and recommendations to Congressional Officials; implementation of the project] The Architect of the Capitol shall review such report and submit the same, with his recommendations, to the Speaker and majority and minority leaders of the House of Representatives and to the United States Senate Commission on Art and Antiquities.

''If the project, as presented, with or without modifications, meets with the approval of such House and Senate officials, the Architect of the Capitol, notwithstanding any other provision of law, is authorized after such approval—

''(1) To accept in the name of the United States from the United States Capitol Historical Society, as a gift, such sum or sums as may be required to further implement such project, and such sum or sums when received, shall be credited as an addition to the appropriation account 'Capitol Buildings, Architect of the Capitol'.

''(2) Subject to section 3 hereof, to expend such sum or sums for all items of equipment and other facilities required for the sound and light performance, and for any other items in connection therewith.

''SEC. 3. [Authority to enter into contracts and make payments] The Architect of the Capitol, under the direction of the House and Senate officials designated in section 2 hereof, is authorized to enter into contracts and to incur such other obligations and make such expenditures as may be necessary to carry out the provisions of said section 2.

''SEC. 4. [Availability and use of appropriated funds] Sums received under this joint resolution, when credited as an addition to the appropriation account 'Capitol Buildings, Architect of the Capitol', shall be available for expenditure and shall remain available until expended. Following completion of the installation, such sums may thereafter be used by the Architect of the Capitol, in whole or in part, to defray any expenses which he may incur for maintenance and operation.''

APPLICATION OF SECTIONS 193a TO 193*l*, 212a, AND 212b TO OTHER LAWS

Section 16(b) of act July 31, 1946, provided that nothing in sections 193a to 193*l*, 212a, 212a–2, or 212b of this title shall be construed to repeal, amend, alter or supersede the following: (1) sections 185a, 193 and 214 of this title, and (2) section 101 of this title, except as provided in section 212a of this title.

ADDITIONS TO UNITED STATES CAPITOL GROUNDS SUBSEQUENT TO JUNE 25, 1946

John W. McCormack Residential Page School, United States Capitol Grounds provisions applicable, see section 184a of this title.

Green park area use pending development for permanent page school use, subject to United States Capitol Grounds provisions, see section 508 of Pub. L. 92–607, ch. V, Oct. 31, 1972, 86 Stat. 1512, set out as a note under section 184a of this title.

Senate Parking Facilities Site, acquisition of real property as site for parking facilities of Senate, subject to United States Capitol Grounds provisions, see section 508 of Pub. L. 92–607, ch. V, Oct. 31, 1972, 86 Stat. 1512, set out as a note under section 174b–1 of this title.

ACQUISITION OF PROPERTY TO EXTEND ADDITIONAL SENATE OFFICE BUILDING

Pub. L. 85–429, May 29, 1958, 72 Stat. 148 and Pub. L. 85–591, Aug. 6, 1958, 72 Stat. 495, authorized the Architect of the Capitol to acquire certain real property for purposes of extension of Additional Senate Office Building Site or for Additions to United States Capitol Grounds.

ORDER OF THE HOUSE OFFICE BUILDING COMMISSION

October 17, 1967

WHEREAS, under authority of Section 1202 of Public Law 24, 84th Congress (69 Stat. 41), approved April 22, 1955, known as the ''Additional House Office Building Act of 1955'', the Architect of the Capitol, at the direc-

tion of the House Office Building Commission, acquired during the period of 1955 to 1960, on behalf of the United States, by condemnation, seven squares in the District of Columbia, located south of Independence Avenue, in the vicinity of the United States Capitol Grounds, as a site for an additional office building and other necessary facilities for the House of Representatives and for additions to the United States Capitol Grounds;

WHEREAS, under the aforesaid authority, the Architect of the Capitol, at the direction of the Commission, acquired in 1965 on behalf of the United States, through transfer from the Redevelopment Land Agency, Square 639, also located south of Independence Avenue, for an addition to the United States Capitol Grounds;

WHEREAS, the aforesaid eight squares are identified and bound as follows: *Square 635*, bounded on the north by Independence Avenue, on the east by Delaware Avenue, on the west by First Street, on the south by C Street; *Square 637*, bounded on the north by C Street, on the east by South Capitol Street, on the west by Delaware Avenue, on the south by D Street; *Square South of 635*, bounded on the north by C Street, on the east by Delaware Avenue, on the west and south by Canal Street; *Square 691*, bounded on the north by C Street, on the east by New Jersey Avenue, on the west by South Capitol Street, on the south by D Street; *Square 692*, bounded on the north by C Street, on the east by First Street, on the west by New Jersey Avenue, on the south by D Street; *Square 732 north*, bounded on the north by Independence Avenue, on the east by Second Street, on the west by First Street, on the south by Carroll Street; *Square 732 south*, bounded on the north by Carroll Street, on the east by Second Street, on the west by First Street, on the south by C Street; and *Square 639*, bounded on the north by D Street, on the east by South Capitol Street, on the west and south by Canal Street;

WHEREAS, title to all real property in these 8 squares is now vested in fee simple absolute in the United States of America;

WHEREAS, subsequent to acquisition of these 8 squares, under the aforesaid authority, all alleys in these squares were closed and vacated, as were also Delaware Avenue between Independence Avenue and C Street and Carroll Street between First and Second Streets, by the Commissioners of the District of Columbia, and all areas between the property lines and outer faces of curbs surrounding these squares and Square 636 were transferred from the jurisdiction of the Commissioners of the District of Columbia to the jurisdiction of the Architect of the Capitol;

WHEREAS, the Rayburn House Office Building has been constructed on Squares 635 and 636 (the latter square being already owned by the government and having been combined with Square 635 as a site for this building under the aforesaid authority), and the said building is now maintained by the Architect of the Capitol as a part of the House Office Buildings, and the sidewalks and other paved and grassed areas surrounding this building are now maintained as part of the Capitol Grounds;

WHEREAS, underground garages for the House of Representatives have been constructed in Squares 637 and 691 and are now maintained by the Architect of the Capitol as part of the House Office Buildings, and the areas above these garages have been landscaped as a part of the Capitol Grounds;

WHEREAS, Squares South of 635 and 639 have been developed as parking lots for automobiles for Members and employees of the House and are now maintained as part of the Capitol Grounds;

WHEREAS, part of Square 692 is occupied by the Congressional Hotel, acquired by the Architect of the Capitol under the aforesaid authority and leased to the Knott Hotels Corporation for use as a hotel, and the remainder of this square has been converted into a parking lot for automobiles for Members and employees of the House and is now maintained as a part of the Capitol Grounds;

WHEREAS, Squares 732 north and south were acquired as an addition to the Capitol Grounds, are now maintained as part of the Capitol Grounds, and will continue to be so maintained until such time as required for construction thereon of the Library of Congress James Madison Memorial Building, authorized by Public Law 89–260, approved October 19, 1965;

WHEREAS, the aforesaid Additional House Office Building Act provides, in pertinent part, with respect to these properties, as follows:

> "* * * At such time or times as may be fixed by order of the House Office Building Commission, (1) any real property acquired under, or made available for the purposes of, this chapter shall become part of the United States Capitol Grounds and subject to the Act entitled 'An Act to define the area of the United States Capitol Grounds, to regulate the use thereof, and for other purposes', approved July 31, 1946 (40 U.S.C., secs. 193a—193m, 212a, [212a–2,] and 212b), and (2) the building and all facilities constructed pursuant to section 1201 of this chapter shall become subject to such Act approved July 31, 1946, and to the provisions of law relating to the control, supervision, and care of the House Office Building contained in the Act approved Mar. 4, 1907, as amended (40 U.S.C., sec. 175)."

NOW, THEREFORE, in formal compliance with the aforecited provisions of the Additional House Office Building Act, the House Office Building Commission, in confirmation of actions heretofore taken by the Commission, hereby orders:

1. The Rayburn House Office Building, the subway connecting such building to the Capitol Building, the pedestrian tunnels connecting such building to the Longworth House Office Building, the underground garages in Squares 637 and 691 and the tunnels connecting these garages to the House Office Buildings, are hereby declared to be House Office Buildings and, as such, are hereby made subject to those provisions of the Act of July 31, 1946 (40 U.S.C., secs. 193a to 193m, 212a, [212a–2,] and 212b), including any amendments to such Act, which are applicable to the Capitol Buildings, and to the Act of Mar. 4, 1907 (40 U.S.C. 175).
2. All other real property acquired by the Architect of the Capitol under authority of the Additional House Office Building Act is hereby declared to be part of the United States Capitol Grounds and is hereby made subject to the Act of July 31, 1946 (40 U.S.C., secs. 193a to 193m, 212a, and 212b), including any amendments to such Act.
3. Nothing herein shall be construed to contravene (a) the provisions of Public Law 89–260 authorizing the future use of Squares 732 north and south as a site for the Library of Congress James Madison Memorial Building; or (b) the authority delegated by the House Office Building Commission to the Select House Committee under authority of H. Res. 514, 90th Congress, pertaining to the direction and supervision of the use and operation of the four House Garages and outdoor parking lots.
4. This order shall become effective immediately.

HOUSE OFFICE BUILDING COMMISSION

JOHN W. MCCORMACK, *Chairman*.
EMANUEL CELLER, *Member*.
CHARLES E. GOODELL, *Member*.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 71a, 136, 174b–1, 184a, 193h, 193i, 193k, 193*l*, 193m, 210, 212a of this title.

§ 193b. Public use of Capitol Grounds

Public travel in and occupancy of said United States Capitol Grounds shall be restricted to the roads, walks, and places prepared for that purpose by flagging, paving, or otherwise.

(July 31, 1946, ch. 707, § 2, 60 Stat. 718.)

CODIFICATION

Section is also set out in D.C. Code, § 9–108.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 136, 174b–1, 184a, 193h, 193i, 193j, 193k, 193*l*, 193m, 212a of this title.

§ 193c. Obstruction of roads; conveyance of goods or merchandise; Capitol Grounds

It is forbidden to occupy the roads in said United States Capitol Grounds in such manner as to obstruct or hinder their proper use, or to use the roads in the area of said United States Capitol Grounds, south of Constitution Avenue and B Street and north of Independence Avenue and B Street, for the conveyance of goods or merchandise, except to or from the Capitol on Government service.

(July 31, 1946, ch. 707, § 3, 60 Stat. 718.)

CODIFICATION

Section is also set out in D.C. Code, § 9–109.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 136, 174b–1, 184a, 193h, 193i, 193j, 193k, 193*l*, 193m, 212a of this title.

§ 193d. Sale of articles; signs; solicitation; Capitol Grounds

It is forbidden to offer or expose any article for sale in said United States Capitol Grounds; to display any sign, placard, or other form of advertisement therein; to solicit fares, alms, subscriptions, or contributions therein.

(July 31, 1946, ch. 707, § 4, 60 Stat. 718.)

CODIFICATION

Section is also set out in D.C. Code, § 9–110.

RELOCATION OF VENDORS; TEMPORARY SUSPENSION OF PROHIBITION OF SALE OF ARTICLES, ETC.

Pub. L. 96–432, § 6(c), Oct. 10, 1980, 94 Stat. 1853, provided that, in order to provide a fair and reasonable transition period in which to permit the orderly relocation of those duly licensed vendors operating, as of Oct. 10, 1980, on those portions of Pennsylvania Avenue Northwest, and Maryland Avenue Southwest, hereby included in the definition of United States Capitol Grounds pursuant to section 1(4) and (5) [of Pub. L. 96–432, set out as a note under section 193a of this title], so much of the prohibitions contained in section 4 of the law of July 31, 1946 (60 Stat. 718) [this section], as would prevent the use of those portions of Pennsylvania Avenue Northwest, and Maryland Avenue Southwest, for the offer and exposure of articles for sale, be suspended for a period not to exceed one year.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 136, 174b–1, 184a, 193h, 193i, 193j, 193k, 193*l*, 193m, 212a, 1205 of this title; title 2 sections 121c, 121d.

§ 193e. Injuries to property; Capitol Grounds

It is forbidden to step or climb upon, remove, or in any way injure any statue, seat, wall, fountain, or other erection or architectural feature, or any tree, shrub, plant, or turf in said United States Capitol Grounds.

(July 31, 1946, ch. 707, § 5, 60 Stat. 718.)

CODIFICATION

Section is also set out in D.C. Code, § 9–111.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 136, 174b–1, 184a, 193h, 193i, 193j, 193k, 193*l*, 193m, 212a of this title.

§ 193f. Capitol Grounds and Buildings security

(a) Firearms, dangerous weapons, explosives, or incendiary devices

It shall be unlawful for any person or group of persons—

(1) Except as authorized by regulations which shall be promulgated by the Capitol Police Board:

(A) to carry on or have readily accessible to the person of any individual upon the United States Capitol Grounds or within any of the Capitol Buildings any firearm, dangerous weapon, explosive, or incendiary device; or

(B) to discharge any firearm or explosive, to use any dangerous weapon, or to ignite any incendiary device, upon the United States Capitol Grounds or within any of the Capitol Buildings; or

(C) to transport by any means upon the United States Capitol Grounds or within any of the Capitol Buildings any explosive or incendiary device; or

(2) Knowingly, with force and violence, to enter or to remain upon the floor of either House of the Congress.

(b) Violent entry and disorderly conduct

It shall be unlawful for any person or group of persons willfully and knowingly—

(1) to enter or to remain upon the floor of either House of the Congress, to enter or to remain in any cloakroom or lobby adjacent to such floor, or to enter or to remain in the Rayburn Room of the House or the Marble Room of the Senate, unless such person is authorized, pursuant to rules adopted by that House or pursuant to authorization given by that House, to enter or to remain upon such floor or in such cloakroom, lobby, or room;

(2) to enter or to remain in the gallery of either House of the Congress in violation of rules governing admission to such gallery adopted by that House or pursuant to authorization given by that House;

(3) to enter or to remain in any room within any of the Capitol Buildings set aside or designated for the use of either House of the Congress or any Member, committee, subcommittee, officer, or employee of the Congress or either House thereof with intent to disrupt the orderly conduct of official business;

(4) to utter loud, threatening, or abusive language, or to engage in any disorderly or disruptive conduct, at any place upon the United States Capitol Grounds or within any of the Capitol Buildings with intent to impede, disrupt, or disturb the orderly conduct of any session of the Congress or either House thereof, or the orderly conduct within any such building of any hearing before, or any deliberations of, any committee or subcommittee of the Congress or either House thereof;

(5) to obstruct, or to impede passage through or within, the United States Capitol Grounds or any of the Capitol Buildings;

(6) to engage in any act of physical violence upon the United States Capitol Grounds or within any of the Capitol Buildings; or

(7) to parade, demonstrate, or picket within any of the Capitol Buildings.

(c) Exemption of Government officials

Nothing contained in this section shall forbid any act of any Member of the Congress, or any employee of a Member of the Congress, any officer or employee of the Congress or any committee or subcommittee thereof, or any officer or employee of either House of the Congress or any committee or subcommittee thereof, which is performed in the lawful discharge of his official duties.

(July 31, 1946, ch. 707, § 6, 60 Stat. 718; Pub. L. 87–571, Aug. 6, 1962, 76 Stat. 307; Pub. L. 90–108, § 1(b), Oct. 20, 1967, 81 Stat. 276.)

CODIFICATION

Section is also set out in D.C. Code, § 9–112.

AMENDMENTS

1967—Pub. L. 90–108 struck out prohibition covering discharge of fireworks, ignition of combustibles, and making of harangues and orations, removed provisions making special allowance for use of construction tools actuated by or employing explosive charges, and inserted provisions prohibiting carrying or ready access to firearms, dangerous weapons, explosives, or incendiary devices upon the United States Capitol Grounds or within any of the Capitol Buildings, expanding area within which discharge of firearms or explosives are prohibited so as to include the interior of the Capitol Buildings, adding ignition of incendiary devices and use of dangerous weapons to list of acts prohibited within such areas, prohibiting transport of explosive or incendiary devices and knowing entry or stay with force and violence upon the floor of either House of Congress, prohibiting disorderly and disruptive conduct on the floor of either House of Congress, cloakrooms, adjacent lobbies, the Rayburn Room of the House or the Marble Room of the Senate, the gallery of either House, and Committee rooms, and excepting members and employees of the Congress in the lawful discharge of their official duties.

1962—Pub. L. 87–571 permitted use of tools actuated by or employing explosives in construction, if the tools are of a kind ordinarily used for such construction, the Architect of the Capitol has authorized their use after determining they will not endanger life or safety, and such use is in accordance with his rules and regulations.

EFFECTIVE DATE OF 1967 AMENDMENT

Amendment by Pub. L. 90–108 effective Oct. 20, 1967, see section 3 of Pub. L. 90–108, set out as a note under section 193a of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 136, 174b–1, 184a, 193h, 193i, 193j, 193k, 193*l*, 193m, 212a of this title.

§ 193g. Parades or assemblages; display of flags; Capitol Grounds

It is forbidden to parade, stand, or move in processions or assemblages in said United States Capitol Grounds, or to display therein any flag, banner, or device designed or adapted to bring into public notice any party, organization, or movement, except as hereinafter provided in sections 193j and 193k of this title.

(July 31, 1946, ch. 707, § 7, 60 Stat. 719.)

CODIFICATION

Section is also set out in D.C. Code, § 9–113.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 136, 174b–1, 184a, 193h, 193i, 193j, 193k, 193*l*, 193m, 212a of this title.

§ 193h. Prosecution and punishment of offenses

(a) Firearms, dangerous weapons, explosives, or incendiary device offenses

Any violation of section 193f(a) of this title, and any attempt to commit any such violation, shall be a felony punishable by a fine not exceeding $5,000, or imprisonment not exceeding five years, or both.

(b) Other offenses

Any violation of section 193b, 193c, 193d, 193e, 193f(b), or 193g of this title, and any attempt to commit any such violation, shall be a misdemeanor punishable by a fine not exceeding $500, or imprisonment not exceeding six months, or both.

(c) Procedure

Violations of sections 193a to 193m, 212a, 212a–2, and 212b of this title, including attempts or conspiracies to commit such violations, shall be prosecuted by the United States attorney or his assistants in the name of the United States. None of the general laws of the United States and none of the laws of the District of Columbia shall be superseded by any provision of said sections. Where the conduct violating said sections also violates the general laws of the United States or the laws of the District of Columbia, both violations may be joined in a single prosecution. Prosecution for any violation of section 193f(a) of this title or for conduct which constitutes a felony under the general laws of the United States or the laws of the District of Columbia shall be in the United States District Court for the District of Columbia. All other prosecutions for violations of said sections may be in the Superior Court of the District of Columbia. Whenever any person is convicted of a violation of said sections and of the general laws of the United States or the laws of the District of Columbia, in a prosecution under this subsection, the penalty which may be imposed for such violation is the highest penalty authorized by any of the laws for violation of which the defendant is convicted.

(July 31, 1946, ch. 707, § 8, 60 Stat. 719; Pub. L. 88–60, §§ 1, 7, July 8, 1963, 77 Stat. 77, 78; Pub. L. 90–108, § 1(c), Oct. 20, 1967, 81 Stat. 277; Pub. L. 91–358, title I, § 155(a), July 29, 1970, 84 Stat. 570.)

CODIFICATION

Section is also set out in D.C. Code, § 9–114.

AMENDMENTS

1967—Pub. L. 90–108 struck out provisions setting a blanket punishment of not exceeding $100 or imprisonment not exceeding 60 days for offenses against sections 193b to 193g of this title, with prosecution for such offenses to be had in the District of Columbia Court of General Sessions upon information by the United States Attorney or any of his assistants and raising the imprisonment to not more than five years in cases where public property is damaged in an amount exceeding $100 and inserted provisions dividing the offenses

into felonies and misdemeanors with different punishments for each and setting out the procedures to be followed in the prosecution for such felonies or misdemeanors, including provisions when the conduct involved violates both the general laws of the United States and the District of Columbia in addition to sections 193a to 193m, 212a, 212a–2, and 212b, of this title.

CHANGE OF NAME

''District of Columbia Court of General Sessions'' was changed to ''Superior Court of the District of Columbia'' pursuant to Pub. L. 91–358, which provides that such change is effective the first day of the seventh calendar month which begins after July 29, 1970.

''District of Columbia Court of General Sessions'' was the designation given to the ''Municipal Court for the District of Columbia'' by Pub. L. 88–60, §§1, 7, July 8, 1963, 77 Stat. 77, 78, which provided that, eff. Jan. 1, 1963, whenever reference is made in any Act of Congress to the ''Municipal Court for the District of Columbia'', such reference shall be held to be a reference to the ''District of Columbia Court of General Sessions.''

EFFECTIVE DATE OF 1967 AMENDMENT

Amendment by Pub. L. 90–108 effective Oct. 20, 1967, see section 3 of Pub. L. 90–108, set out as a note under section 193a of this title.

OFFENSES COMMITTED PRIOR TO JULY 31, 1946

Section 15 of act July 31, 1946, provided that: ''Any violation of any of the provisions of said Acts hereby repealed [sections 194 to 205 and 213 of this title], occurring before the date of this repeal [July 31, 1946], may be prosecuted to the same extent as if this Act [enacting sections 193a to 193m, 212a, 212a–2, and 212b of this title] had not been enacted.''

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 136, 174b–1, 184a, 193i, 193k, 193*l*, 193m, 212a of this title.

§ 193i. Assistance to authorities by Capitol employees

It shall be the duty of all persons employed in the service of the Government in the Capitol or in the United States Capitol Grounds to prevent, as far as may be in their power, offenses against sections 193a to 193m, 212a, 212a–2, and 212b of this title, and to aid the police, by information or otherwise, in securing the arrest and conviction of offenders.

(July 31, 1946, ch. 707, § 10, 60 Stat. 719.)

CODIFICATION

Section is also set out in D.C. Code, § 9–123.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 136, 174b–1, 184a, 193h, 193k, 193*l*, 193m, 212a of this title.

§ 193j. Suspension of prohibitions against use of grounds

In order to admit of the due observance within the United States Capitol Grounds of occasions of national interest becoming the cognizance and entertainment of Congress, the President of the Senate and the Speaker of the House of Representatives, acting concurrently, are authorized to suspend for such proper occasions so much of the prohibitions contained in sections 193b to 193g of this title as would prevent the use of the roads and walks of the said grounds by processions or assemblages, and the use upon them of suitable decorations, music, addresses, and ceremonies: *Provided*, That responsible officers shall have been appointed, and arrangements determined which are adequate, in the judgment of said President of the Senate and Speaker of the House of Representatives, for the maintenance of suitable order and decorum in the proceedings, and for guarding the Capitol and its grounds from injury.

(July 31, 1946, ch. 707, § 11, 60 Stat. 719.)

CODIFICATION

Section is also set out in D.C. Code, § 9–124.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 136, 174b–1, 184a, 193g, 193h, 193i, 193k, 193*l*, 193m, 212a of this title.

§ 193k. Power of Capitol Police Board to suspend prohibitions

In the absence from Washington of either of the officers, designated in section 193j of this title, the authority therein given to suspend certain prohibitions of sections 193a to 193m, 212a, 212a–2, and 212b of this title shall devolve upon the other, and in the absence from Washington of both it shall devolve upon the Capitol Police Board: *Provided*, That notwithstanding the provisions of sections 193g and 193j of this title, the Capitol Police Board is authorized to grant the Mayor of the District of Columbia authority to permit the use of Louisiana Avenue for any of the purposes prohibited by section 193g of this title.

(July 31, 1946, ch. 707, § 12, 60 Stat. 719; 1967 Reorg. Plan No. 3, § 401, eff. Nov. 3, 1967, 32 F.R. 11669, 81 Stat. 951; Pub. L. 93–198, title IV, § 421, Dec. 24, 1973, 87 Stat. 789.)

CODIFICATION

Section is also set out in D.C. Code, § 9–125.

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''.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 136, 174b–1, 184a, 193g, 193h, 193i, 193*l*, 193m, 212a of this title.

§ 193*l*. Concerts on grounds

Nothing in sections 193a to 193k, 212a, and 212a–2 of this title shall be construed to prohibit the giving of concerts in the United States Capitol Grounds, at such times as will not interfere with the Congress, by any band in the service of the United States, when and as authorized by the Architect of the Capitol.

(July 31, 1946, ch. 707, § 13, 60 Stat. 720.)

CODIFICATION

Section is also set out in D.C. Code, § 9–126.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 136, 174b–1, 184a, 193h, 193i, 193k, 193m, 212a of this title.

§ 193m. Definitions

As used in sections 193a to 193m, 212a, 212a–2, and 212b of this title—

(1) The term ''Capitol Buildings'' means the United States Capitol, the Senate and House Office Buildings and garages, the Capitol Power Plant, all subways and enclosed passages connecting two or more of such structures, and the real property underlying and enclosed by any such structure.

(2) The term ''firearm'' shall have the same meaning as when used in section 901(3) of title 15.

(3) The term ''dangerous weapon'' includes all articles enumerated in section 14(a) of the Act of July 8, 1932 (47 Stat. 654, as amended; D.C. Code, sec. 22–3214(a)) and also any device designed to expel or hurl a projectile capable of causing injury to persons or property, daggers, dirks, stilettoes, and knives having blades over three inches in length.

(4) The term ''explosive'' shall have the same meaning as when used in section 121(1) of title 50.

(5) The term ''act of physical violence'' means any act involving (1) an assault or any other infliction or threat of infliction of death or bodily harm upon any individual, or (2) damage to or destruction of any real property or personal property.

(July 31, 1946, ch. 707, § 16(a), 60 Stat. 721; Pub. L. 90–108, § 1(d), Oct. 20, 1967, 81 Stat. 277.)

REFERENCES IN TEXT

Section 901(3) of title 15, referred to in par. (2), was repealed by Pub. L. 90–351, title IX, § 906, June 19, 1968, 82 Stat. 234. For regulation of firearms, see chapter 44 (§ 921 et seq.) of Title 18, Crimes and Criminal Procedure.

Section 121 of title 50, referred to in par. (4), was repealed by Pub. L. 91–452, title XI, § 1106(a), Oct. 15, 1970, 84 Stat. 960. For regulation of explosives, see chapter 40 (§ 841 et seq.) of Title 18.

CODIFICATION

Section is comprised of subsection (a) of section 16 of act of July 31, 1946. Subsection (b) of section 16 is set out as a note under section 193a of this title.

Section is also set out in D.C. Code, § 9–128.

AMENDMENTS

1967—Pub. L. 90–108 struck out provision exempting inside of Capitol Buildings from applicability of sections 193a to 193*l*, 212a, 212a–2, and 212b of this title, enlarged definition of ''Capitol Buildings'' to include garages, subways and enclosed passages and the real property underlying and enclosed by certain enumerated structures, and defined ''firearm'', ''dangerous weapon'', ''explosive'', and ''act of physical violence''.

EFFECTIVE DATE OF 1967 AMENDMENT

Amendment by Pub. L. 90–108 effective Oct. 20, 1967, see section 3 of Pub. L. 90–108, set out as a note under section 193a of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 71a, 136, 174b–1, 184a, 193h, 193i, 193k, 210, 212a of this title.

§ 193m–1. Audit for private organizations conducting activities or performing services in or on United States Capitol Buildings or Grounds; report to Congress

Any private organization, except political parties and committees constituted for election of Federal officials, whether or not organized for profit and whether or not any of its income inures to the benefit of any person, which performs services or conducts activities in or on the United States Capitol Buildings or Grounds, as defined by or pursuant to law, shall be subject, for each year in which it performs such services or conducts such activities, to a special audit of its accounts which shall be conducted by the General Accounting Office. The results of such audit shall be reported by the Comptroller General to the Senate and House of Representatives.

(Pub. L. 91–510, title IV, § 451(a), Oct. 26, 1970, 84 Stat. 1193.)

EFFECTIVE DATE

Section 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 section 1205 of this title; title 36 section 1213.

§ 193n. Smithsonian Institution; policing of buildings and grounds

Subject to section 5375 of title 5, the Secretary of the Smithsonian Institution, the Trustees of the National Gallery of Art, and the Trustees of the John F. Kennedy Center for the Performing Arts, or their authorized representatives, may designate employees of their respective agencies as special policemen, without additional compensation for duty in connection with the policing of the respective buildings and grounds specified in section 193v of this title.

(Oct. 24, 1951, ch. 559, § 1, 65 Stat. 634; Pub. L. 91–34, § 2(c), June 30, 1969, 83 Stat. 41; Pub. L. 104–134, title I, § 101(c) [title II], Apr. 26, 1996, 110 Stat. 1321–156, 1321–193; renumbered title I, Pub. L. 104–140, § 1(a), May 2, 1996, 110 Stat. 1327.)

CODIFICATION

Reference to section 5375 of title 5 substituted in text for section 5365 of title 5 on authority of Pub. L. 95–454, § 801(a)(3)(A)(ii), Oct. 13, 1978, 92 Stat. 1221, which redesignated sections 5361 through 5365 of title 5 as sections 5371 through 5375 of title 5.

AMENDMENTS

1996—Pub. L. 104–134 substituted ''Institution, the Trustees of the National Gallery of Art, and the Trustees of the John F. Kennedy Center for the Performing Arts,'' for ''Institution and the Trustees of the National Gallery of Art,''.

1969—Pub. L. 91–34 inserted provision that appointive power of Secretary and Trustees be subject to section 5365 of title 5.

EFFECTIVE DATE OF 1969 AMENDMENT

Amendment by Pub. L. 91–34 effective at beginning of first pay period which commences on or after June 30, 1969, see section 3(a) of Pub. L. 91–34, set out as an Effective Date note under section 5375 of Title 5, Government Organization and Employees.

REDUCTION OF BASIC PAY RATE

Rate of basic pay not to be reduced by reason of the enactment of Pub. L. 91–34, which amended this section, see section 3(b) of Pub. L. 91–34, set out as a note under section 5375 of Title 5, Government Organization and Employees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 193t, 193v, 193r, 193x of this title.

§ 193*o*. Public use of Smithsonian grounds

Public travel in and occupancy of the specified grounds is restricted to the sidewalks and other paved surfaces, except in the National Zoological Park.

(Oct. 24, 1951, ch. 559, § 2, 65 Stat. 634.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 193r, 193s, 193t, 193u, 193v, 193x of this title.

§ 193p. Sale of articles; signs; solicitation; Smithsonian grounds

It shall be unlawful for anyone other than an authorized employee or concessionaire to offer or expose any article for sale within the specified buildings or grounds; or to display any sign, placard, or other form of advertisement; or to solicit alms, subscriptions, or contributions therein.

(Oct. 24, 1951, ch. 559, § 3, 65 Stat. 634.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 193r, 193s, 193t, 193u, 193v, 193x of this title.

§ 193q. Injury to property; Smithsonian grounds

It shall be unlawful for anyone other than an authorized employee to touch or handle objects of art or scientific or historical objects on exhibition, or for anyone to step or climb upon, remove, or in any way injure any object of art, exhibit, including exhibit animals, equipment, seat, wall, fountain, or other erection or architectural feature, or any tree, shrub, plant, or turf, within the specified buildings or grounds.

(Oct. 24, 1951, ch. 559, § 4, 65 Stat. 634.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 193r, 193s, 193t, 193u, 193v, 193x of this title.

§ 193r. Additional protective regulations; publication; Smithsonian grounds

(a) In addition to the restrictions and requirements specified in sections 193*o* to 193q of this title, the Secretary of the Smithsonian Institution, the Trustees of the National Gallery of Art, and the Trustees of the John F. Kennedy Center for the Performing Arts, may prescribe for their respective agencies such regulations as are deemed necessary for the adequate protection of the specified buildings and grounds and of persons and property therein, and for the maintenance of suitable order and decorum within the specified buildings and grounds, including the control of traffic and parking of vehicles in the National Zoological Park and all other areas in the District of Columbia under their control.

(b) All regulations promulgated under the authority of this section shall be printed in the Federal Register and shall not become effective until the expiration of ten days after the date of such publication.

(Oct. 24, 1951, ch. 559, § 5, 65 Stat. 634; Pub. L. 88–391, § 1, Aug. 1, 1964, 78 Stat. 365; Pub. L. 103–279, § 9(a), July 21, 1994, 108 Stat. 1416.)

AMENDMENTS

1994—Subsec. (a). Pub. L. 103–279 substituted ''Institution, the Trustees of the National Gallery of Art, and the Trustees of the John F. Kennedy Center for the Performing Arts,'' for ''Institution and the Trustees of the National Gallery of Art''.

1964—Subsec. (a). Pub. L. 88–391 inserted ''and all other areas in the District of Columbia under their control''.

CROSS REFERENCES

Power to arrest of special police, see section 193t of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 193s, 193t, 193v of this title.

§ 193s. Prosecution and punishment; Smithsonian grounds

Whoever violates any provision of sections 193*o* to 193q of this title, or any regulation prescribed under section 193r of this title, shall be fined not more than $100 or imprisoned not more than sixty days, or both, prosecution for such offenses to be had in the Superior Court of the District of Columbia, upon information by the United States attorney or any of his assistants: *Provided*, That in any case where, in the commission of such offense, property is damaged in an amount exceeding $100, the amount of the fine for the offense may be not more than $5,000, the period of imprisonment for the offense may be not more than five years and prosecution shall be had in the United States District Court for the District of Columbia by indictment, or if the defendant, after he has been advised of the nature of the charge and of his rights, waives in open court prosecution by indictment, by information by the United States attorney or any of his assistants.

(Oct. 24, 1951, ch. 559, § 6, 65 Stat. 635; Pub. L. 87–873, § 1, Oct. 23, 1962, 76 Stat. 1171; Pub. L. 88–60, § 1, July 8, 1963, 77 Stat. 77; Pub. L. 91–358, title I, § 155(a), July 29, 1970, 84 Stat. 570.)

CHANGE OF NAME

''District of Columbia Court of General Sessions'' substituted for ''Municipal Court for the District of Columbia'' pursuant to Pub. L. 87–873 and Pub. L. 88–60 which both redesignated ''Municipal Court for the District of Columbia'' as ''District of Columbia Court of General Sessions''. ''District of Columbia Court of General Sessions'' changed to ''Superior Court of the District of Columbia'' pursuant to Pub. L. 91–358, which provides that such change is effective first day of seventh calendar month which begins after July 29, 1970.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 193v of this title.

§ 193t. Police power; Smithsonian grounds

The special police provided for in section 193n of this title shall have the power, within the specified buildings and grounds, to enforce and make arrests for violations of any provision of sections 193*o* to 193q of this title, of any regulation prescribed under section 193r of this title, or of any law of the United States or of any State or any regulation promulgated pursuant thereto, and they may be furnished, without charge, with uniforms and such other equipment as may be necessary for the proper performance of their duties, including badges, revolvers, and ammunition.

(Oct. 24, 1951, ch. 559, § 7, 65 Stat. 635; Pub. L. 88–391, § 2, Aug. 1, 1964, 78 Stat. 365.)

AMENDMENTS

1964—Pub. L. 88–391 authorized furnishing without charge of uniforms and other necessary equipment including badges, revolvers, and ammunition.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 193v of this title.

§ 193u. Suspension of regulations; Smithsonian grounds

In order to permit authorized services, training programs, and ceremonies within the specified buildings and grounds, the Secretary of the Smithsonian Institution, the Trustees of the National Gallery of Art, the Trustees of the John F. Kennedy Center for the Performing Arts, or their designated representatives may suspend for their respective agencies so much of the prohibitions contained in sections 193*o* to 193q of this title as may be necessary for the occasion or circumstance, but only if responsible officers shall have been appointed, and arrangements determined which are adequate, in the judgment of the Secretary of the Smithsonian Institution, the Trustees of the National Gallery of Art, the Trustees of the John F. Kennedy Center for the Performing Arts, or their designees, for the maintenance of suitable order and decorum in the proceedings, and for the protection of the specified buildings and grounds and of persons and property therein.

(Oct. 24, 1951, ch. 559, § 8, 65 Stat. 635; Pub. L. 103–279, § 9(b), July 21, 1994, 108 Stat. 1416.)

AMENDMENTS

1994—Pub. L. 103–279 substituted ''the Secretary of the Smithsonian Institution, the Trustees of the National Gallery of Art, the Trustees of the John F. Kennedy Center for the Performing Arts, or'' for ''the Secretary of the Smithsonian Institution or the Trustees of the National Gallery of Art or'' in two places.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 193v of this title.

§ 193v. "Buildings and grounds" defined

For the purpose of sections 193n to 193x of this title ''buildings and grounds'' shall mean—

(1) The Smithsonian Institution and its grounds which shall be construed to include the following:

(A) the Smithsonian Building, the Arts and Industries Building, the Freer Gallery of Art Building, the Air and Space Building, the Museum of Natural History, the National Museum of American History Building, and all other buildings of the Smithsonian Institution within the Mall, including the entrance walks, unloading areas, and other pertinent service roads and parking areas;

(B) the National Zoological Park comprising all the buildings, streets, service roads, walks, and other areas within the boundary fence of the National Zoological Park in the District of Columbia and including the public space between the said fence and the face of the curb lines of the adjacent city streets; and

(C) all buildings, service roads, walks, and other areas within the exterior boundaries of any real estate or land or interest in land (including temporary use) which shall hereafter be acquired by the Smithsonian Institution by gift, purchase, exchange of Government-owned land, or otherwise, when determined by the Secretary of the Institution to be necessary for the adequate protection of persons or property therein and suitable for administration as a part of the Smithsonian Institution.

(2) The National Gallery of Art and its grounds, which shall be held to extend (A) to the line of the face of the south curb of Constitution Avenue Northwest, between Seventh Street Northwest, and Fourth Street Northwest, to the line of the face of the west curb of Fourth Street Northwest, between Constitution Avenue Northwest, and Madison Drive Northwest; to the line of the face of the north curb of Madison Drive Northwest, between Fourth Street Northwest, and Seventh Street Northwest; and to the line of the face of the east curb of Seventh Street Northwest, between Madison Drive Northwest, and Constitution Avenue Northwest; (B) to the line of the face of the south curb of Pennsylvania Avenue Northwest, between Fourth Street and Third Street Northwest, to the line of the face of the west curb of Third Street Northwest, between Pennsylvania Avenue and Madison Drive Northwest, to the line of the face of the north curb of Madison Drive Northwest, between Third Street and Fourth Street Northwest, and to the line of the face of the east curb of Fourth Street Northwest, between Pennsylvania Avenue and Madison Drive Northwest,[1] and (C) to the line of the face of the south curb of Constitution Avenue Northwest, between Ninth Street Northwest and Seventh Street Northwest; to the line of the face of the west curb of Seventh Street Northwest, between Constitution Avenue Northwest and Madison Drive Northwest; to the line of the face of the north curb of Madison Drive Northwest, between Seventh Street Northwest and the line of the face of the east side of the east retaining wall of the Ninth Street Expressway Northwest; and to the line of the face of the east side of the east retaining wall of the Ninth Street Expressway Northwest, between

[1] So in original. The comma probably should be a semicolon.

Madison Drive Northwest and Constitution Avenue Northwest.

(3) The site of the John F. Kennedy Center for the Performing Arts, which shall be held to extend to the line of the west face of the west retaining walls and curbs of the Inner Loop Freeway on the east, the north face of the north retaining walls and curbs of the Theodore Roosevelt Bridge approaches on the south, the east face of the east retaining walls and curbs of Rock Creek Parkway on the west, and the south curbs of New Hampshire Avenue and F Street on the north, as generally depicted on the map entitled ''Transfer of John F. Kennedy Center for the Performing Arts'', numbered 844/82563, and dated April 20, 1994 (as amended by the map entitled ''Transfer of John F. Kennedy Center for the Performing Arts'', numbered 844/82563A and dated May 22, 1997), which shall be on file and available for public inspection in the office of the National Capital Region, National Park Service, Department of the Interior.

(Oct. 24, 1951, ch. 559, § 9, 65 Stat. 635; Pub. L. 88–391, § 3, Aug. 1, 1964, 78 Stat. 366; Pub. L. 90–376, § 3, July 5, 1968, 82 Stat. 286; Pub. L. 96–441, § 3, Oct. 13, 1980, 94 Stat. 1884; Pub. L. 102–336, Aug. 7, 1992, 106 Stat. 864; Pub. L. 103–279, § 9(c), July 21, 1994, 108 Stat. 1417; Pub. L. 105–95, § 4, Nov. 19, 1997, 111 Stat. 2149.)

AMENDMENTS

1997—Par. (3). Pub. L. 105–95 inserted ''(as amended by the map entitled 'Transfer of John F. Kennedy Center for the Performing Arts', numbered 844/82563A and dated May 22, 1997)'' after ''April 20, 1994''.

1994—Par. (3). Pub. L. 103–279 added par. (3).

1992—Par. (2)(C). Pub. L. 102–336 added cl. (C).

1968—Par. (2). Pub. L. 90–376 designated existing provisions as cl. (A) and added cl. (B).

1964—Pub. L. 88–391 amended section generally, and among other changes, redescribed buildings and grounds of the Smithsonian Institution and provided for inclusion of future acquisitions of land and buildings.

CHANGE OF NAME

''National Museum of American History'' substituted for ''Museum of History and Technology'' in par. (1)(A), effective Oct. 14, 1980, pursuant to section 3 of Pub. L. 96–441 which is set out as a note under section 71 of Title 20, Education.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 193n of this title.

§ 193w. Repealed. Pub. L. 89–554, § 8(a), Sept. 6, 1966, 80 Stat. 660

Section, act Oct. 24, 1951, ch. 559, § 10, as added Sept. 23, 1959, Pub. L. 86–379, § 1, 73 Stat. 702, provided for the classification of positions on National Zoological Park police force. Such provisions were reenacted in section 5109(c) of Title 5, Government Organization and Employees, by Pub. L. 89–554, and were later repealed by Pub. L. 91–34, § 2(b), June 30, 1969, 83 Stat. 41.

Pub. L. 89–554 also repealed sections 2 and 3 of Pub. L. 86–379, which prescribed the effective date of Pub. L. 86–379 and provided for certain pay adjustments.

§ 193x. Enforcement power of special police

The special police provided for in section 193n of this title are authorized to enforce concurrently with the United States Park Police the laws and regulation applicable to the National Capital Parks, and to make arrests for violations of sections 193*o* to 193q of this title, within the several areas located within the exterior boundaries of the face of the curb lines of the squares within which the aforementioned buildings are located.

(Oct. 24, 1951, ch. 559, § 11, as added Pub. L. 88–391, § 4, Aug. 1, 1964, 78 Stat. 366.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 193v of this title.

§§ 194 to 205. Repealed. July 31, 1946, ch. 707, § 15, 60 Stat. 720

Section 194, acts July 1, 1882, ch. 258, § 1, 22 Stat. 126; Mar. 3, 1901, ch. 854, § 881, 31 Stat. 1333, related to public use of Capitol grounds. See section 193b of this title.

Section 195, acts July 1, 1882, ch. 258, § 2, 22 Stat. 126; Mar. 3, 1901, ch. 854, § 882, 31 Stat. 1333, related to obstruction of roads in Capitol grounds. See section 193c of this title.

Section 196, acts July 1, 1882, ch. 258, § 3, 22 Stat. 126; Mar. 3, 1901, ch. 854, § 883, 31 Stat. 1333, related to sale of articles in Capitol grounds. See section 193d of this title.

Section 197, acts July 1, 1882, ch. 258, § 4, 22 Stat. 126; Mar. 3, 1901, ch. 854, § 884, 31 Stat. 1333, related to injury to property in Capitol grounds. See section 193e of this title.

Section 198, acts July 1, 1882, ch. 258, § 5, 22 Stat. 127; Mar. 3, 1901, ch. 854, § 885, 31 Stat. 1333, related to firearms or fireworks in Capitol grounds. See section 193f of this title.

Section 199, acts July 1, 1882, ch. 258, § 6, 22 Stat. 127; Mar. 3, 1901, ch. 854, § 886, 31 Stat. 1333, related to parades or assemblages in Capitol grounds. See section 193g of this title.

Section 200, acts July 1, 1882, ch. 258, § 7, 22 Stat. 127; Mar. 3, 1901, ch. 854, § 887, 31 Stat. 1333, related to prosecution and punishment of offenses on Capitol grounds. See section 193h of this title.

Section 201, acts July 1, 1882, ch. 258, § 8, 22 Stat. 127; Mar. 3, 1901, ch. 854, § 888, 31 Stat. 1334, related to arrests in Capitol grounds. See section 212a of this title.

Section 202, acts July 1, 1882, ch. 258, § 9, 22 Stat. 127; Mar. 3, 1901, ch. 854, § 889, 31 Stat. 1334, related to aid in enforcement by Capitol employees. See section 193i of this title.

Section 203, acts July 1, 1882, ch. 258, § 10, 22 Stat. 127; Mar. 3, 1901, ch. 854, § 890, 31 Stat. 1334, related to suspension of regulations respecting Capitol grounds. See section 193j of this title.

Section 204, acts July 1, 1882, ch. 258, § 11, 22 Stat. 127; Mar. 3, 1901, ch. 854, § 890, 31 Stat. 1334, related to authority of Capitol Police Commission to suspend regulations. See section 193k of this title.

Section 205, act June 6, 1900, ch. 791, 31 Stat. 613, related to concerts in Capitol grounds. See section 193*l* of this title.

OFFENSES COMMITTED PRIOR TO JULY 31, 1946

Prosecution of offenses committed prior to repeal of sections 194 to 205, see section 15 of act July 31, 1946, set out as a note under section 193h of this title.

§ 206. Capitol Police; appointment; Chief of the Capitol Police

There shall be a Capitol police. There shall be a captain of the Capitol police and such other members with such rates of compensation, respectively, as may be appropriated for by Congress from year to year. The captain and lieutenants shall be selected jointly by the Sergeant at Arms of the Senate and the Sergeant at Arms

of the House of Representatives; and one-half of the privates shall be selected by the Sergeant at Arms of the Senate and one-half by the Sergeant at Arms of the House of Representatives. The Capitol Police shall be headed by a Chief who shall be appointed by the Capitol Police Board and shall serve at the pleasure of the Board.

(R.S. §1821; Apr. 28, 1902, ch. 594, 32 Stat. 124; June 28, 1943, ch. 173, title I, 57 Stat. 230; Pub. L. 96–152, §1(a), Dec. 20, 1979, 93 Stat. 1099.)

CODIFICATION

Section is a composite of provisions cited in the credits.

R.S. §1821 derived from acts Mar. 2, 1867, ch. 167, §2, 14 Stat. 466; Mar. 3, 1873, ch. 226, 17 Stat. 488.

AMENDMENTS

1979—Pub. L. 96–152 inserted last sentence providing that the Capitol Police be headed by a Chief who shall be appointed by the Capitol Police Board and who shall serve at the pleasure of the Board.

EFFECTIVE DATE OF 1979 AMENDMENT

Section 7 of Pub. L. 96–152 provided that: ''This Act [enacting section 206–1 of this title and amending this section] shall take effect on the first day of the second month after the month in which this Act is enacted [Dec. 1979].''

SELECTION OF PRIVATES

Similar provisions as to the selection of privates were contained in the following acts:

June 8, 1942, ch. 396, 56 Stat. 340.
July 1, 1941, ch. 268, 55 Stat. 456.
June 18, 1940, ch. 396, 54 Stat. 471.
June 16, 1939, ch. 208, 53 Stat. 831.
May 17, 1938, ch. 236, 52 Stat. 389.
May 18, 1937, ch. 223, 50 Stat. 178.
Apr. 17, 1936, ch. 233, 49 Stat. 1223.
July 8, 1935, ch. 374, 49 Stat. 468.
May 30, 1934, ch. 372, 48 Stat. 826.
Feb. 28, 1933, ch. 134, 47 Stat. 1359.
June 30, 1932, ch. 314, 47 Stat. 390.
Feb. 20, 1931, ch. 234, 46 Stat. 1182.
June 6, 1930, ch. 407, 46 Stat. 512.
Feb. 28, 1929, ch. 367, 45 Stat. 1394.
May 14, 1928, ch. 551, 45 Stat. 524.
Feb. 23, 1927, ch. 168, 44 Stat. 1154.
May 13, 1926, ch. 294, 44 Stat. 545.
Mar. 4, 1925, ch. 549, 43 Stat. 1294.
June 7, 1924, ch. 303, 43 Stat. 586.
Feb. 20, 1923, ch. 98, 42 Stat. 1272.
Mar. 20, 1922, ch. 103, 42 Stat. 422.

CAPITOL POLICE POSITIONS UNDER THE SENATE

Section 116 of Pub. L. 97–51, Oct. 1, 1981, 95 Stat. 963, which is classified to section 61f–7 of Title 2, The Congress, abolished all statutory positions in Office of the Sergeant at Arms and Doorkeeper of the Senate, and authorized the Sergeant at Arms and Doorkeeper of the Senate to establish such numbers of positions as he deems appropriate and fix the compensation of employees to fill the positions so established. Previously, Capitol Police positions under the Senate were authorized by the following acts:

Sept. 30, 1978, Pub. L. 95–391, title I, 92 Stat. 765.
May 4, 1977, Pub. L. 95–26, title I, 91 Stat. 81.
July 25, 1975, Pub. L. 94–59, title I, 89 Stat. 271.
Aug. 13, 1974, Pub. L. 93–371, 88 Stat. 425.
Nov. 1, 1973, Pub. L. 93–145, 87 Stat. 530.
July 9, 1971, Pub. L. 92–51, 85 Stat. 127.
Aug. 18, 1970, Pub. L. 91–382, 84 Stat. 809.
July 23, 1968, Pub. L. 90–417, 82 Stat. 399.
July 28, 1967, Pub. L. 90–57, 81 Stat. 128.
Aug. 27, 1966, Pub. L. 89–545, 80 Stat. 355.
July 31, 1958, Pub. L. 85–570, 72 Stat. 440.
Mar. 28, 1958, Pub. L. 85–352, ch. VI, 72 Stat. 57.
June 27, 1956, ch. 453, 70 Stat. 357.
July 31, 1947, ch. 414, 61 Stat. 695.
July 1, 1946, ch. 530, 60 Stat. 391.

CAPITOL POLICE POSITIONS UNDER THE HOUSE OF REPRESENTATIVES

Capitol Police positions under the House of Representatives were authorized by the following acts:

House Resolution No. 294, One Hundred First Congress, Nov. 17, 1989, made permanent law Nov. 5, 1990, Pub. L. 101–520, title I, §103, 104 Stat. 2262.

House Resolution No. 320, Ninety-ninth Congress, Nov. 14, 1985, made permanent law by section 102 of H.R. 5203 (see House Report 99–805 as filed in the House on Aug. 15, 1986), and incorporated by reference in section 101(j) of Pub. L. 99–500, Oct. 18, 1986, 100 Stat. 1783–287, and section 101(j) of Pub. L. 99–591, Oct. 30, 1986, 100 Stat. 3341–287, as amended by Pub. L. 100–71, title I, July 11, 1987, 101 Stat. 425, to be effective as if enacted into law.

House Resolution No. 343, Ninety-eighth Congress, Oct. 26, 1983, made permanent law July 17, 1984, Pub. L. 98–367, title I, §103, 98 Stat. 479.

House Resolution No. 625, Ninety-seventh Congress, Dec. 9, 1982, made permanent law July 14, 1983, Pub. L. 98–51, title I, §110, 97 Stat. 269.

House Resolution No. 244, Ninety-seventh Congress, Dec. 16, 1981, made permanent law by section 109 of S. 2939, Ninety-seventh Congress, 2d Session, as reported Sept. 22, 1982, and incorporated by reference in section 101(e) of Pub. L. 97–276, Oct. 2, 1982, 96 Stat. 1189, to be effective as if enacted into law.

House Resolution No. 229, Ninety-sixth Congress, May 4, 1979, made permanent law by section 101 of H.R. 7593, as passed the House of Representatives July 21, 1980, and incorporated by reference in section 101(c) of Pub. L. 96–536, Dec. 16, 1980, 94 Stat. 3167, to be effective as if enacted into law.

House Resolution No. 661, Ninety-fifth Congress, July 29, 1977, made permanent law Sept. 30, 1978, Pub. L. 95–391, title I, §111, 92 Stat. 777.

House Resolution No. 360, Ninety-fourth Congress, Mar. 26, 1975, made permanent law July 25, 1975, Pub. L. 94–59, title II, §201, 89 Stat. 282.

House Resolution No. 398, Ninety-third Congress, June 4, 1973, made permanent law Jan. 3, 1974, Pub. L. 93–245, ch. VI, 87 Stat. 1079.

House Resolution No. 449, Ninety-second Congress, June 2, 1971, made permanent law Dec. 15, 1971, Pub. L. 92–184, ch. IV, 85 Stat. 636.

House Resolution No. 1293, Ninety-first Congress, Dec. 17, 1970, as readopted and continued with respect to the Ninety-second Congress without break in application and effect by section 1 of House Resolution No. 150, Ninety-second Congress, Jan. 25, 1971, made permanent law July 9, 1971, Pub. L. 92–51, §103, 85 Stat. 144.

House Resolution No. 1211, Ninetieth Congress, Oct. 11, 1968, made permanent law Dec. 12, 1969, Pub. L. 91–145, §103, 83 Stat. 359.

House Resolution No. 464, Ninetieth Congress, May 11, 1967, made permanent law July 9, 1968, Pub. L. 90–392, title I, 82 Stat. 318.

House Resolution No. 796, Eighty-ninth Congress, June 29, 1966, made permanent law Oct. 27, 1966, Pub. L. 89–697, ch. VI, 80 Stat. 1063.

House Resolution No. 648, Eighty-eighth Congress, June 2, 1964, made permanent law July 9, 1971, Pub. L. 92–51, §103, 85 Stat. 144.

House Resolution No. 448, Eighty-fourth Congress, May 8, 1956, made permanent law June 27, 1956, ch. 453, §103, 70 Stat. 370.

July 1, 1946, ch. 530, 60 Stat. 395.

CAPITOL POLICE CIVILIAN SUPPORT POSITIONS WITH RESPECT TO THE HOUSE OF REPRESENTATIVES

House Resolution No. 199, One Hundred Second Congress, Aug. 1, 1991, made permanent law Pub. L. 102–392, title I, §102, Oct. 6, 1992, 106 Stat. 1710, and amended by

Pub. L. 104–186, title II, § 221(9)(B), Aug. 20, 1996, 110 Stat. 1749, authorized Committee on House Oversight of the House of Representatives to establish 114 civilian support positions for the Capitol Police, provided for functions, compensation, and classification of positions, provided procedures for appointments to positions and that as each position was filled there would be abolished one position of private on Capitol Police, provided that positions would be filled by individuals in Capitol Police positions so abolished, that all positions would be filled by the end of the One Hundred Second Congress, and that at least 50 of such positions would be filled not later than the end of the first session of such Congress, and authorized Committee on House Oversight to prescribe regulations to carry out this provision.

DIRECTOR OF EMPLOYMENT PRACTICES UNDER CAPITOL POLICE BOARD

House Resolution No. 420, One Hundred First Congress, June 26, 1990, made permanent law Pub. L. 101–520, title I, § 105, Nov. 5, 1990, 104 Stat. 2262, and amended by Pub. L. 104–186, title II, § 221(9)(C), Aug. 20, 1996, 110 Stat. 1749, established the position of Director of Employment Practices with respect to members of the Capitol Police, at the appropriate rate of pay under level HS–11 of the House Employees Schedule, with payment from amounts appropriated for the Capitol Police, such appointment to be made by the Capitol Police Board, subject to prior approval of the Committee on House Oversight, without regard to political affiliation and solely on basis of fitness to perform functions of the position.

GENERAL COUNSEL TO CHIEF OF CAPITOL POLICE

House Resolution No. 661, Ninety-fifth Congress, July 29, 1977, made permanent law Pub. L. 95–391, title I, § 111, Sept. 30, 1978, 92 Stat. 777, and amended by Pub. L. 104–186, title II, § 221(9)(A), Aug. 20, 1996, 110 Stat. 1749, established the position of General Counsel to the Chief of the Capitol Police, for duty under the House of Representatives, at a per annum gross rate of compensation which is equal to the rate in effect from time to time for HS level 10, step 1, of the House Employees Schedule, such appointment to be made by the Capitol Police Board, subject to the prior approval of the Committee on House Oversight, without regard to political affiliation and solely on the basis of fitness to perform the duties of the position.

CROSS REFERENCES

Library of Congress special police, see section 167 of Title 2, The Congress.

Removal or suspension of Capitol police officer, see section 208 of this title.

Secret Service Uniformed Division, see section 202 et seq. of Title 3, The President.

Supreme Court Police, see section 13f of this title.

§ 206–1. Capitol Police; compensation of Chief

The Chief of the Capitol Police shall receive compensation at a rate determined by the Capitol Police Board, but not to exceed the annual rate of basic pay payable for level IV of the Executive Schedule under section 5315 of title 5.

(Pub. L. 96–152, § 1(c), Dec. 20, 1979, 93 Stat. 1099.)

EFFECTIVE DATE

Section effective Feb. 1, 1980, see section 7 of Pub. L. 96–152, set out as an Effective Date of 1979 Amendment note under section 206 of this title.

§§ 206a to 206a–8. Omitted

CODIFICATION

Sections, which related to establishment of additional positions on the Capitol Police for duty under the House of Representatives, were based on House Resolutions that were made permanent law, and have been omitted as of limited interest. These House Resolutions and the acts that made them permanent law are listed in a note set out under section 206 of this title.

§ 206b. Emergency duty overtime pay for Capitol Police from funds disbursed by the Chief Administrative Officer of the House of Representatives

(a) Entitlement of officer or member

Each officer or member of the United States Capitol Police force—

(1) whose pay is disbursed by the Chief Administrative Officer of the House of Representatives; and

(2) who performs duty in addition to the number of hours of his regularly scheduled tour of duty beginning on or after July 1, 1974;

is entitled (subject to such rules and regulations as the Capitol Police Board may prescribe) to receive compensation as a result of performing such duty pursuant to the order of proper authority, or to receive compensatory time off for each such additional hour of duty, except that an officer shall be entitled to receive such compensation only upon a determination of the Capitol Police Board with respect to the additional hours of duty of such officer.

(b) Determination of rate of compensation

Compensation of an officer or member for each additional hour of duty shall be paid at a rate equal to—

(1) in the case of an officer, his hourly rate of compensation; or

(2) in the case of a member, one and one-half times his hourly rate of compensation.

The hourly rate of compensation of an officer or member shall be determined by dividing the annual rate of compensation of the officer or member by 2,080.

(c) Written election by officer for compensation or compensatory time off for additional hours of duty

Any officer or member entitled to receive compensation for additional hours of duty shall make a written election with respect to his additional hours of duty which shall designate whether such officer or member desires to receive—

(1) compensation for additional hours of duty; or

(2) compensatory time off for additional hours of duty subject to approval of the Chief and the Capitol Police Board.

(d) Certification procedure for additional compensation

Compensation which officers and members are entitled to receive under this section shall be made upon certification by the Chief of the Capitol Police at the end of each calendar quarter to the Capitol Police Board, and upon the transmission of approval from the Capitol Police Board to the Committee on House Oversight of the House of Representatives.

(e) Transfer of accrued compensatory time off or receipt of lump-sum payment upon termination of service

No officer or member may, upon the termination of his service as an officer or member of

the United States Capitol Police force, transfer accrued compensatory time off for application with respect to his employment by any other department, agency, or establishment of the Federal Government or the District of Columbia. No officer or employee may, upon such termination, receive any lump-sum payment with respect to such accrued compensatory time off.

(f) Definitions

For purposes of this section—

(1) the term ''officer'' includes all personnel of the rank of lieutenant or higher, including inspector; and

(2) the term ''member'' includes all personnel below the rank of lieutenant, including detectives.

(Pub. L. 92–184, ch. IV, Dec. 15, 1971, 85 Stat. 636; Pub. L. 93–245, ch. VI, § 600, Jan. 3, 1974, 87 Stat. 1079; Pub. L. 93–554, title I, ch. III, Dec. 27, 1974, 88 Stat. 1777; Pub. L. 104–186, title II, § 221(10), (11), Aug. 20, 1996, 110 Stat. 1750.)

CODIFICATION

Subsecs. (a) to (f) of this section are based on section 3 of H. Res. No. 449, Ninety-second Congress, June 2, 1971, enacted into permanent law by Pub. L. 92–184, as amended by H. Res. No. 398, Ninety-third Congress, June 4, 1973, eff. Jan. 3, 1974, enacted into permanent law by Pub. L. 93–245, and H. Res. No. 1309, Ninety-third Congress, Oct. 10, 1974, eff. Dec. 27, 1974, enacted into permanent law by Pub. L. 93–554.

Subsec. (g) of this section was based on section 3 of H. Res. No. 1309, Ninety-third Congress, Oct. 10, 1974, eff. Dec. 27, 1974, enacted into permanent law by Pub. L. 93–554, and was repealed by Pub. L. 104–186, title II, § 221(11)(B), Aug. 20, 1996, 110 Stat. 1750. See 1996 Amendment note below.

As originally codified, this section consisted of two undesignated pars. based on sections 3 and 5 of H. Res. No. 449, Ninety-second Congress, June 2, 1971, enacted into permanent law by Pub. L. 92–184. Section 5 of H. Res. No. 449 was superseded by section 3 of H. Res. No. 1309, formerly set out as subsec. (g) of this section, and was subsequently repealed by Pub. L. 104–186, title II, § 221(11)(B), Aug. 20, 1996, 110 Stat. 1750.

AMENDMENTS

1996—Subsec. (a)(1). Pub. L. 104–186, § 221(10), substituted ''Chief Administrative Officer'' for ''Clerk''.

Subsec. (d). Pub. L. 104–186, § 221(11)(A), substituted ''House Oversight'' for ''House Administration''.

Subsec. (g). Pub. L. 104–186, § 221(11)(B), struck out subsec. (g) which read as follows: ''There shall be paid out of the contingent fund of the House of Representatives, until otherwise provided by law, such sums as may be necessary to make payments of overtime pay under the provisions of this section.''

§ 206c. Emergency duty overtime pay for Capitol Police from funds disbursed by Secretary of the Senate; compensatory time off in place of additional pay; election, accrual and transfer of time off; rules and regulations

Each officer or member of the Capitol Police force whose compensation is disbursed by the Secretary of the Senate, who performs duty in addition to the number of hours of his regularly scheduled tour of duty for any day on or after July 1, 1974, is entitled to be paid compensation (when ordered to perform such duty by proper authority) or receive compensatory time off for each such additional hour of duty, except that an officer shall be entitled to such compensation only upon a determination made by the Capitol Police Board with respect to any additional hours. Compensation of an officer or member for each additional hour of duty shall be paid at a rate equal to his hourly rate of compensation in the case of an officer, and at a rate equal to one and one-half times his hourly rate of compensation for a member of such force. The hourly rate of compensation of such officer or member shall be determined by dividing his annual rate of compensation by 2,080. Any officer or member entitled to be paid compensation for such additional hours shall make a written election, which is irrevocable, whether he desires to be paid that compensation or to receive compensatory time off instead for each such hour. Compensation due officers and members under this paragraph shall be paid by the Secretary, upon certification by the Chief of the Capitol Police at the end of each calendar quarter and approval of the Capitol Police Board, from funds available in the Senate appropriation, ''Salaries, Officers and Employees'' for the fiscal year in which the additional hours of duty are performed without regard to the limitations specified therein. Any compensatory time off accrued and not used by an officer or member at the time he is separated from service on the Capitol Police force may not be transferred to any other department, agency, or establishment of the United States Government or the government of the District of Columbia, and no lump-sum amount shall be paid for such accrued time. The Capitol Police Board is authorized to prescribe regulations to carry out this section.

(Pub. L. 92–51, July 9, 1971, 85 Stat. 130; Pub. L. 93–145, Nov. 1, 1973, 87 Stat. 532; Pub. L. 93–371, § 5, Aug. 13, 1974, 88 Stat. 430.)

AMENDMENTS

1974—Pub. L. 93–371 generally amended provisions relating to payment of emergency duty overtime pay and inserted provisions relating to election by officers or members entitled to compensation for additional duty of either payment of such compensation or compensatory time off in place of any additional pay, and provisions setting forth duties of the Capitol Police Board with respect to approval of additional compensation payments and promulgation of rules and regulations for implementing this section, effective July 1, 1974.

1973—Pub. L. 93–145 inserted ''inspectors,'' before ''captains''.

§ 207. Payment of Capitol Police

The said police shall be paid on the order of the Sergeant at Arms of the Senate and the Sergeant at Arms of the House, or of either of them.

(R.S. § 1822.)

CODIFICATION

Provisions of R.S. § 1822 relating to composition and pay rates of the Capitol police were omitted as obsolete and superseded.

R.S. § 1822 derived from acts Mar. 30, 1867, ch. 20, § 1, 15 Stat. 11; Mar. 3, 1871, ch. 113, § 1, 16 Stat. 477.

CROSS REFERENCES

Pay during suspension, see section 209 of this title.

§ 207a. Unified payroll administration for Capitol Police

Payroll administration for the Capitol Police and civilian support personnel of the Capitol Po-

lice shall be carried out on a unified basis by a single disbursing authority. The Capitol Police Board, with the approval of the Committee on House Oversight of the House of Representatives and the Committee on Rules and Administration of the Senate, acting jointly, shall, by contract or otherwise, provide for such unified payroll administration.

(July 31, 1946, ch. 707, § 9C, as added Pub. L. 102–397, title I, § 102, Oct. 6, 1992, 106 Stat. 1950; amended Pub. L. 104–186, title II, § 221(12), Aug. 20, 1996, 110 Stat. 1750.)

AMENDMENTS

1996—Pub. L. 104–186 substituted ''House Oversight'' for ''House Administration''.

EFFECTIVE DATE

Section 104 of Pub. L. 102–397, as amended by Pub. L. 102–392, title III, § 321, Oct. 6, 1992, 106 Stat. 1726, provided that: ''The unified payroll administration under the amendment made by section 102 [enacting this section] shall apply with respect to pay periods beginning after September 30, 1993.''

[Section 321 of Pub. L. 102–392 provided that the amendment made by that section to section 104 of Pub. L. 102–397, set out above, is effective Oct. 6, 1992.]

LUMP-SUM PAYMENT

Title II of Pub. L. 102–397 provided that:

''SEC. 201. DEFINITIONS.

''For the purpose of this title—

''(1) the term 'officer' includes all personnel of the rank of lieutenant or higher, including inspector;

''(2) the term 'member' includes all personnel below the rank of lieutenant, including detectives; and

''(3) the term 'Clerk of the House of Representatives' or 'Clerk' includes a successor in function to the Clerk.

''SEC. 202. LUMP-SUM PAYMENT FOR ACCUMULATED AND CURRENT ACCRUED ANNUAL LEAVE.

''An officer or member of the United States Capitol Police who separates from service within the 2-year period beginning on the date of the enactment of this title [Oct. 6, 1992] and who, at the time of separation, satisfies the age and service requirements for title to an immediate annuity under subchapter III of chapter 83 or chapter 84 of title 5, United States Code, shall be entitled to receive a lump-sum payment for the accumulated and current accrued annual leave to which that individual is entitled, but only to the extent that such leave is attributable to service performed by such individual as an officer or member of the Capitol Police.

''SEC. 203. PROCEDURES.

''(a) IN GENERAL.—A payment under this title shall be paid—

''(1) in the case of an officer or member whose pay (for service last performed before separation) is disbursed by the Clerk of the House of Representatives—

''(A) by the Clerk;

''(B) after appropriate certification is made to the Clerk by the Sergeant at Arms of the House of Representatives; and

''(C) out of funds available to pay the salaries of officers and members of the Capitol Police whose pay is disbursed by the Clerk; and

''(2) in the case of an officer or member whose pay (for service last performed before separation) is disbursed by the Secretary of the Senate—

''(A) by the Secretary of the Senate;

''(B) after appropriate certification is made to the Secretary of the Senate by the Sergeant at Arms and Doorkeeper of the Senate; and

''(C) out of funds available to pay the salaries of officers and members of the Capitol Police whose pay is disbursed by the Secretary of the Senate.

''(b) CERTIFICATION.—Any certification under subsection (a)(1)(B) or (a)(2)(B) shall state the total of the accumulated and current accrued annual leave, to the credit of the officer or member involved, which may be taken into account for purposes of a computation under subsection (c).

''(c) COMPUTATION.—(1) The amount of a lump-sum payment under this title shall be determined by multiplying the hourly rate of basic pay of the officer or member involved by the number of hours certified with respect to such officer or member in accordance with the preceding provisions of this section.

''(2) The hourly rate of basic pay of an officer or member shall, for purposes of this title, be determined by dividing 2,080 into the annual rate of basic pay last payable to such officer or member before separating.

''(d) TREATMENT AS PAY.—A lump-sum payment under this title shall be considered to be pay for taxation purposes only.

''(e) CLARIFICATION.—For purposes of this title, the terms 'officer' and 'member' may not be construed to include any civilian employee.''

§ 207b. Establishment by Capitol Police Board of unified schedules of rates of basic pay and leave system; lump sum payments

(a) Rates of basic pay

(1) The Capitol Police Board shall establish and maintain unified schedules of rates of basic pay for members and civilian employees of the Capitol Police which shall apply to both members and employees whose appointing authority is an officer of the Senate and members and employees whose appointing authority is an officer of the House of Representatives.

(2) The Capitol Police Board may, from time to time, adjust any schedule established under paragraph (1) to the extent that the Board determines appropriate to reflect changes in the cost of living and to maintain pay comparability.

(3) A schedule established or revised under paragraph (1) or (2) shall take effect only upon approval by the Committee on House Oversight of the House of Representatives and the Committee on Rules and Administration of the Senate.

(4) A schedule approved under paragraph (3) shall have the force and effect of law.

(b) Leave system

(1) The Capitol Police Board shall prescribe, by regulation, a unified leave system for members and civilian employees of the Capitol Police which shall apply to both members and employees whose appointing authority is an officer of the Senate and members and employees whose appointing authority is an officer of the House of Representatives. The leave system shall include provisions for—

(A) annual leave, based on years of service;

(B) sick leave;

(C) administrative leave;

(D) leave under the Family and Medical Leave Act of 1993 (29 U.S.C. 2601 et seq.);

(E) leave without pay and leave with reduced pay, including provisions relating to contributions for benefits for any period of such leave;

(F) approval of all leave by the Chief or the designee of the Chief;

(G) the order in which categories of leave shall be used;

(H) use, accrual, and carryover rules and limitations, including rules and limitations for any period of active duty in the Armed Forces;

(I) advance of annual leave or sick leave after a member or civilian employee has used all such accrued leave;

(J) buy back of annual leave or sick leave used during an extended recovery period in the case of an injury in the performance of duty;

(K) the use of accrued leave before termination of the employment as a member or civilian employee of the Capitol Police, with provision for lump sum payment for unused annual leave; and

(L) a leave-sharing program.

(2) The leave system under this section may not provide for the accrual of either annual or sick leave for any period of leave without pay or leave with reduced pay.

(3) All provisions of the leave system established under this subsection shall be subject to the approval of the Committee on House Oversight of the House of Representatives and the Committee on Rules and Administration of the Senate. All regulations approved under this subsection shall have the force and effect of law.

(c) Lump sum payments

(1) Upon the approval of the Capitol Police Board, a member or civilian employee of the Capitol Police who is separated from service may be paid a lump sum payment for the accrued annual leave of the member or civilian employee.

(2) The lump sum payment under paragraph (1)—

(A) shall equal the pay the member or civilian employee would have received had such member or employee remained in the service until the expiration of the period of annual leave;

(B) shall be paid from amounts appropriated to the Capitol Police;

(C) shall be based on the rate of basic pay in effect with respect to the member or civilian employee on the last day of service of the member or civilian employee;

(D) shall not be calculated on the basis of extending the period of leave described under subparagraph (A) by any holiday occurring after the date of separation from service;

(E) shall be considered pay for taxation purposes only; and

(F) shall be paid only after the Chairman of the Capitol Police Board certifies the applicable period of leave to the Secretary of the Senate or the Chief Administrative Officer of the House of Representatives, as appropriate.

(3) A member or civilian employee of the Capitol Police who enters active duty in the Armed Forces may—

(A) receive a lump sum payment for accrued annual leave in accordance with this subsection, in addition to any pay or allowance payable from the Armed Forces; or

(B) elect to have the leave remain to the credit of such member or civilian employee until such member or civilian employee returns from active duty.

(4) The Capitol Police Board may prescribe regulations to carry out this subsection. No lump sum payment may be paid under this subsection until such regulations are approved by the Committee on Rules and Administration of the Senate and the Committee on House Oversight of the House of Representatives. All regulations approved under this subsection shall have the force and effect of law.

(d) Effect on appointment authority

Nothing in this section shall be construed to affect the appointing authority of any officer of the Senate or the House of Representatives.

(Pub. L. 105–55, title I, §111, Oct. 7, 1997, 111 Stat. 1186.)

REFERENCES IN TEXT

The Family and Medical Leave Act of 1993, referred to in subsec. (b)(1)(D), is Pub. L. 103–3, Feb. 5, 1993, 107 Stat. 6, as amended, which enacted sections 60m and 60n of this title, sections 6381 to 6387 of Title 5, Government Organization and Employees, and chapter 28 (§2601 et seq.) of Title 29, Labor, amended section 2105 of Title 5, and enacted provisions set out as notes under section 2601 of Title 29. For complete classification of this Act to the Code, see Short Title note set out under section 2601 of Title 29 and Tables.

§208. Suspension of Capitol Police members

The captain of the Capitol police may suspend any member of the force, subject to the approval of the two Sergeants at Arms and of the Architect of the Capitol.

(R.S. §1823; Mar. 3, 1921, ch. 124, §1, 41 Stat. 1291.)

CODIFICATION

R.S. §1823 derived from acts Mar. 3, 1873, ch. 226, 17 Stat. 488; June 20, 1874, ch. 328, 18 Stat. 86; Mar. 3, 1875, ch. 129, 18 Stat. 345.

CHANGE OF NAME

Change of name of Architect of the Capitol, functions abolished, transferred etc., by prior acts, see Codification and Prior Provisions notes set out under section 161 of this title.

§209. Pay of Capitol Police members under suspension

On and after March 3, 1875, whenever a member of the Capitol police or watch force is suspended from duty for cause, said policeman or watchman shall receive no compensation for the time of such suspension if he shall not be reinstated.

(Mar. 3, 1875, ch. 129, 18 Stat. 345.)

CODIFICATION

Section is based on a proviso in act Mar. 3, 1875, popularly known as the ''Legislature, Executive, and Judicial Appropriation Act, fiscal year 1876''.

§210. Uniform, belts and arms; Capitol Police

The Sergeant at Arms of the Senate and the Sergeant at Arms of the House of Representatives shall select and regulate the pattern for a uniform for the Capitol police and watchmen, and furnish each member of the force with the necessary belts and arms, payable out of the contingent fund of the Senate and House of Representatives upon the certificate of the officers

above named. Such arms so furnished shall be carried by each officer and member of the Capitol Police, while in the Capitol Buildings (as defined in section 193m(1) of this title), and while within or outside of the boundaries of the United States Capitol Grounds (as defined in section 193a of this title), in such manner and at such times as the Sergeant at Arms of the Senate and the Sergeant at Arms of the House of Representatives may, by regulations, prescribe.

(R.S. § 1824; Pub. L. 92–607, ch. V, § 507, Oct. 31, 1972, 86 Stat. 1508; Pub. L. 95–26, title I, § 112, May 4, 1977, 91 Stat. 87.)

CODIFICATION

R.S. § 1824 derived from act Mar. 30, 1867, ch. 20, § 1, 15 Stat. 11.

AMENDMENTS

1977—Pub. L. 95–26 struck out ''at a cost not to exceed twenty dollars per man,'' after ''furnish each member of the force with the necessary belts and arms,''.

1972—Pub. L. 92–607 directed that the arms be carried in the Capitol Buildings and within and without the boundaries of the United States Capitol Grounds according to regulations prescribed by the Sergeant at Arms of the Senate and the Sergeant at Arms of the House of Representatives.

§ 210a. Uniforms to display United States flag or colors

(a) The uniform of officers and members of the United States Park Police force, the United States Secret Service Uniformed Division, the Capitol Police, and the Metropolitan Police force of the District of Columbia shall bear a distinctive patch, pin, or other emblem depicting the flag of the United States or the colors thereof.

(b) The Secretary of the Interior in the case of the United States Park Police force, the Secretary of the Treasury in the case of the United States Secret Service Uniformed Division, the Capitol Police Board in the case of the Capitol Police, and the Mayor of the District of Columbia in the case of the Metropolitan Police force shall prescribe such regulations as may be necessary to carry out the purposes of this section.

(Pub. L. 91–297, title II, § 201(a), (b), June 30, 1970, 84 Stat. 357; Pub. L. 93–198, title IV, § 421, Dec. 24, 1973, 87 Stat. 789; Pub. L. 95–179, Nov. 15, 1977, 91 Stat. 1371.)

CODIFICATION

Section is also set out in D.C. Code, § 4–127.

AMENDMENTS

1977—Pub. L. 95–179 substituted ''United States Secret Service Uniformed Division'' for ''Executive Protective Service'' wherever appearing.

EFFECTIVE DATE

Section 201(c) of Pub. L. 91–297 provided that: ''This section [enacting this section] shall take effect one hundred and eighty days after the date of enactment of this title [June 30, 1970].''

TRANSFER OF FUNCTIONS

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 ''commissioner''.

§ 211. Uniform; at whose expense; Capitol Police

The members of the Capitol police shall furnish, at their own expense, each his own uniform, which shall be in exact conformity to that required by regulation of the Sergeants at Arms.

(R.S. § 1825.)

CODIFICATION

R.S. § 1825 derived from act July 20, 1868, ch. 176, § 1, 15 Stat. 94.

§ 212. Wearing uniform on duty; Capitol Police

The officers, privates, and watchmen of the Capitol police shall, when on duty, wear the regulation uniform.

(Mar. 18, 1904, ch. 716, § 1, 33 Stat. 89.)

CODIFICATION

The text of this section was taken from act Mar. 18, 1904, popularly known as the ''Legislative, Executive and Judicial Appropriation Act for the fiscal year ending June 30, 1905''. Similar provisions were contained in the following prior appropriation acts:

Feb. 25, 1903, ch. 755, § 1, 32 Stat. 857.

Mar. 3, 1901, ch. 830, § 1, 31 Stat. 963.

§ 212a. Policing of Capitol Buildings and Grounds; powers of Capitol Police; arrests by Capitol Police for crimes of violence; arrests by District of Columbia police

The Capitol Police shall police the United States Capitol Buildings and Grounds under the direction of the Capitol Police Board, consisting of the Sergeant at Arms of the United States Senate, the Sergeant at Arms of the House of Representatives, and the Architect of the Capitol, and shall have the power to enforce the provisions of sections 193a to 193m, 212a, 212a–2, and 212b of this title and regulations promulgated under section 212b of this title, and to make arrests within the United States Capitol Buildings and Grounds for any violations of any law of the United States, of the District of Columbia, or of any State, or any regulation promulgated pursuant thereto: *Provided*, That for the fiscal year for which appropriations are made by this Act the Capitol Police shall have the additional authority to make arrests within the District of Columbia for crimes of violence, as defined in section 16 of title 18, committed within the Capitol Buildings and Grounds and shall have the additional authority to make arrests, without a warrant, for crimes of violence, as defined in section 16 of title 18, committed in the presence of any member of the Capitol Police performing official duties: *Provided further*, That the Metropolitan Police force of the District of Columbia are authorized to make arrests within the United States Capitol Buildings and Grounds for any violation of any such laws or regulations, but such authority shall not be construed as authorizing the Metropolitan Police force, except with the consent or upon the request of the Capitol Police Board, to enter such buildings to make arrests in response to complaints or to serve warrants or to patrol the United States

Capitol Buildings and Grounds. For the purpose of this section, the word ''grounds'' shall include the House Office Buildings parking areas and that part or parts of property which have been or hereafter are acquired in the District of Columbia by the Architect of the Capitol, or by an officer of the Senate or the House, by lease, purchase, intergovernment transfer, or otherwise, for the use of the Senate, the House, or the Architect of the Capitol.

(July 31, 1946, ch. 707, § 9, 60 Stat. 719; Pub. L. 93–198, title VII, § 739(g)(4), (5), Dec. 24, 1973, 87 Stat. 829; Pub. L. 101–520, title I, § 106, formerly § 106(a), Nov. 5, 1990, 104 Stat. 2264, renumbered § 106 and amended Pub. L. 102–392, title III, § 310, Oct. 6, 1992, 106 Stat. 1723; Pub. L. 102–397, title I, § 103, Oct. 6, 1992, 106 Stat. 1950.)

REFERENCES IN TEXT

This Act, referred to in text, probably means Pub. L. 101–520, Nov. 5, 1990, 104 Stat. 2254, known as the Legislative Branch Appropriations Act, 1991, which amended this section generally. For complete classification of this Act to the Code, see Tables.

CODIFICATION

Section is also set out in D.C. Code, § 9–115.

AMENDMENTS

1992—Pub. L. 102–392 and Pub. L. 102–397 amended directory language of Pub. L. 101–520 identically. See 1990 Amendment note below.

1990—Pub. L. 101–520, as amended by Pub. L. 102–392 and Pub. L. 102–397, amended section generally. Prior to amendment, section read as follows: ''The Capitol Police shall police the United States Capitol Buildings and Grounds under the direction of the Capitol Police Board, consisting of the Sergeant at Arms of the United States Senate, the Sergeant at Arms of the House of Representatives, and the Architect of the Capitol, and shall have the power to enforce the provisions of sections 193a to 193m, 212a, 212a–2, and 212b of this title and regulations promulgated under section 212b of this title, and to make arrests within the United States Capitol Buildings and Grounds for any violations of any law of the United States, of the District of Columbia, or of any State, or any regulation promulgated pursuant thereto: *Provided*, That the Metropolitan Police force of the District of Columbia are authorized to make arrests within the United States Capitol Buildings and Grounds for any violations of any such laws or regulations, but such authority shall not be construed as authorizing the Metropolitan Police force, except with the consent or upon the request of the Capitol Police Board, to enter such buildings to make arrests in response to complaints or to serve warrants or to patrol the United States Capitol Buildings and Grounds. For the purpose of this section, the word 'grounds' shall include the House Office Building parking area.''

1973—Pub. L. 93–198 inserted reference to violations of any law of the District of Columbia and struck out '', with the exception of the streets and roadways shown on the map referred to in section 193a of this title as being under the jurisdiction and control of the Commissioners of the District of Columbia'' after ''or to patrol the United States Capitol Buildings and Grounds''.

EFFECTIVE DATE OF 1992 AMENDMENTS

Section 103 of Pub. L. 102–397 provided that the amendment made by that section is effective Nov. 5, 1990.

Section 310 of Pub. L. 102–392 provided that the amendment made by that section is effective Nov. 5, 1990.

EFFECTIVE DATE OF 1973 AMENDMENT

Section 771 of Pub. L. 93–198 provided that the amendment made by Pub. L. 93–198 is effective on Jan. 2, 1975, if a majority of the registered qualified electors in the District of Columbia voting on the charter issue in the charter referendum accepted the charter set out in title IV of Pub. L. 93–198, Dec. 24, 1973, 87 Stat. 785. The charter was approved by the voters on May 7, 1974.

JURISDICTION OF UNITED STATES CAPITOL POLICE OVER TEMPORARY PARKING AREAS DURING CONSTRUCTION OF JUDICIARY ANNEX BUILDING

Pub. L. 101–302, title III, § 313, May 25, 1990, 104 Stat. 245, provided that:

''(a) The supervision and jurisdiction of the United States Capitol Police shall extend over any area with respect to which the Architect of the Capitol has contracted, or otherwise entered into an agreement, for parking space in the Union Station parking garage to accommodate personnel of the United States Senate whose parking privileges have been affected by the construction of the Judiciary Annex Building, and over any area and streets necessary to carry out such supervision and to travel between such parking area and the United States Capitol Grounds.

''(b) In carrying out such supervision, the United States Capitol Police shall have, within any such area or street, jurisdiction, concurrent with that of the Metropolitan Police of the District of Columbia, to provide security for such personnel and property of such personnel and of the United States Senate within such area or street, and to make arrests for the violation of the laws and regulations of the United States and the District of Columbia.

''(c) The provisions of subsections (a) and (b) shall be effective only during the period that there is in effect a contract or other agreement as referred to in subsection (a).''

EXTENSION OF UNITED STATES CAPITOL POLICE SUPERVISION

Pub. L. 95–175, Nov. 14, 1977, 91 Stat. 1362, provided: ''That the supervision of the United States Capitol Police shall extend over that part or parts of the premises located at 600 Pennsylvania Avenue, Southeast, Washington, District of Columbia, leased by the Office of Technology Assessment. In carrying out such supervision, the United States Capitol Police shall have within such part or parts jurisdiction, concurrent with that of the Metropolitan Police of the District of Columbia, to provide security for the personnel and property of the Office of Technology Assessment within such leased premises, and to make arrest therein for the violation of the laws and regulations of the United States and the District of Columbia.''

POLICE MOTOR VEHICLES USED BY INSTRUCTOR PERSONNEL WHILE ON ASSIGNMENT TO FEDERAL LAW ENFORCEMENT TRAINING CENTER

Pub. L. 95–26, title I, § 113, May 4, 1977, 91 Stat. 87, provided that: ''The Chairman of the Capitol Police Board is authorized, subject to such conditions as he may impose, to authorize the assignment of a police motor vehicle for use by instructor personnel of the Capitol Police Force while assigned to the Federal Law Enforcement Training Center.''

CROSS REFERENCES

Definition of Capitol buildings, see section 193m of this title.

Sergeants at Arms of Senate and House of Representatives, power to arrest and detain persons violating certain regulations, see section 193 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 136, 174b–1, 184a, 193h, 193i, 193*l*, 193m of this title.

§ 212a–1. Capitol Grounds and Library of Congress Grounds; detail of police

The Capitol Police Board is authorized to detail police from the House Office, Senate Office, and Capitol Buildings for police duty on the Capitol Grounds and on the Library of Congress Grounds.

(Pub. L. 96–432, § 5, Oct. 10, 1980, 94 Stat. 1853.)

CODIFICATION

Provisions of this section were enacted as permanent law in Pub. L. 96–432. Similar fiscal year provisions were contained in the following appropriation acts and have not been repeated since 1983:

Pub. L. 98–51, title I, § 112, July 14, 1983, 97 Stat. 271.
Pub. L. 97–276, § 101(e) [S. 2939, title I], Oct. 2, 1982, 96 Stat. 1189.
Pub. L. 97–51, § 101(c) [H.R. 4120, title I], Oct. 10, 1981, 95 Stat. 959.
Pub. L. 96–536, § 101(c) [H.R. 7593, title I], Dec. 16, 1980, 94 Stat. 3167.
Pub. L. 95–391, title I, Sept. 30, 1978, 92 Stat. 780.
Pub. L. 95–94, title I, Aug. 5, 1977, 91 Stat. 671.
Pub. L. 94–440, title III, Oct. 1, 1976, 90 Stat. 1451.
Pub. L. 94–59, title III, July 25, 1975, 89 Stat. 285.
Pub. L. 93–371, Aug. 13, 1974, 88 Stat. 436.
Pub. L. 93–145, Nov. 1, 1973, 87 Stat. 539.
Pub. L. 92–342, July 10, 1972, 86 Stat. 441.
Pub. L. 92–51, July 9, 1971, 85 Stat. 136.
Pub. L. 91–382, Aug. 18, 1970, 84 Stat. 817.
Pub. L. 91–145, Dec. 12, 1969, 83 Stat. 350.
Pub. L. 90–417, July 23, 1968, 82 Stat. 406.
Pub. L. 90–57, July 28, 1967, 81 Stat. 135.
Pub. L. 89–545, Aug. 27, 1966, 80 Stat. 363.
Pub. L. 89–90, July 27, 1965, 79 Stat. 275.
Pub. L. 88–454, Aug. 20, 1964, 78 Stat. 544.
Pub. L. 88–248, Dec. 30, 1963, 77 Stat. 811.
Pub. L. 87–730, § 104, Oct. 2, 1962, 76 Stat. 694.
Pub. L. 87–130, § 104, Aug. 10, 1961, 75 Stat. 334.
Pub. L. 86–628, § 104, July 12, 1960, 74 Stat. 460.
Pub. L. 86–176, § 104, Aug. 21, 1959, 73 Stat. 412.
Pub. L. 85–570, § 104, July 31, 1958, 72 Stat. 453.
Pub. L. 85–75, § 104, July 1, 1957, 71 Stat. 256.
June 27, 1956, ch. 453, § 104, 70 Stat. 370.
Aug. 5, 1955, ch. 568, § 104, 69 Stat. 520.
July 2, 1954, ch. 455, title I, § 104, 68 Stat. 409.
Aug. 1, 1953, ch. 304, title I, § 106, 67 Stat. 332.
July 9, 1952, ch. 598, § 106, 66 Stat. 478.
Oct. 11, 1951, ch. 485, § 106, 65 Stat. 403.
Sept. 6, 1950, ch. 896, § 106, 64 Stat. 608.
June 22, 1949, ch. 235, § 106, 63 Stat. 230.
June 14, 1948, ch. 467, § 106, 62 Stat. 437.
July 17, 1947, ch. 262, § 106, 61 Stat. 377.
July 1, 1946, ch. 530, § 106, 60 Stat. 408.
June 13, 1945, ch. 189, § 106, 59 Stat. 259.
June 26, 1944, ch. 277, title I, § 105, 58 Stat. 354.
June 28, 1943, ch. 173, title I, 57 Stat. 230.
June 8, 1942, ch. 396, 56 Stat. 340.
July 1, 1941, ch. 268, 55 Stat. 456.
June 18, 1940, ch. 396, 54 Stat. 471.
June 16, 1939, ch. 208, 53 Stat. 831.
May 17, 1938, ch. 236, 52 Stat. 390.

§ 212a–2. Protection of Members of Congress, officers of Congress, and members of their families

(a) Authority of the Capitol Police

Subject to the direction of the Capitol Police Board, the United States Capitol Police is authorized to protect, in any area of the United States, the person of any Member of Congress, officer of the Congress, as defined in section 60–1(b) of title 2, and any member of the immediate family of any such Member or officer, if the Capitol Police Board determines such protection to be necessary.

(b) Detail of police

In carrying out its authority under this section, the Capitol Police Board, or its designee, is authorized, in accordance with regulations issued by the Board pursuant to this section, to detail, on a case-by-case basis, members of the United States Capitol Police to provide such protection as the Board may determine necessary under this section.

(c) Arrest of suspects

In the performance of their protective duties under this section, members of the United States Capitol Police are authorized (1) to make arrests without warrant for any offense against the United States committed in their presence, or for any felony cognizable under the laws of the United States if they have reasonable grounds to believe that the person to be arrested has committed or is committing such felony; and (2) to utilize equipment and property of the Capitol Police.

(d) Fines and penalties

Whoever knowingly and willfully obstructs, resists, or interferes with a member of the Capitol Police engaged in the performance of the protective functions authorized by this section, shall be fined not more than $300 or imprisoned not more than one year, or both.

(e) Construction of provisions

Nothing contained in this section shall be construed to imply that the authority, duty, and function conferred on the Capitol Police Board and the United States Capitol Police are in lieu of or intended to supersede any authority, duty, or function imposed on any Federal department, agency, bureau, or other entity, or the Metropolitan Police of the District of Columbia, involving the protection of any such Member, officer, or family member.

(f) "United States" defined

As used in this section, the term ''United States'' means each of the several States of the United States, the District of Columbia, and territories and possessions of the United States.

(July 31, 1946, ch. 707, § 9A, as added Pub. L. 97–143, § 1(a), Dec. 29, 1981, 95 Stat. 1723.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 136, 174b–1, 184a, 193h, 193i, 193k, 193*l*, 193m, 212a of this title.

§ 212a–3. Law enforcement authority of Capitol Police

(a) Scope

Subject to such regulations as may be prescribed by the Capitol Police Board and approved by the Committee on House Oversight of the House of Representatives and the Committee on Rules and Administration of the Senate, a member of the Capitol Police shall have authority to make arrests and otherwise enforce the laws of the United States, including the laws of the District of Columbia—

(1) within the District of Columbia, with respect to any crime of violence committed within the United States Capitol Grounds;

(2) within the District of Columbia, with respect to any crime of violence committed in

the presence of the member, if the member is in the performance of official duties when the crime is committed;

(3) within the District of Columbia, to prevent imminent loss of life or injury to person or property, if the officer is in the performance of official duties when the authority is exercised; and

(4) within the area described in subsection (b) of this section.

(b) Area

The area referred to in subsection (a)(4) of this section is that area bounded by the north curb of H Street from 3rd Street, N.W. to 7th Street, N.E., the east curb of 7th Street from H Street, N.E., to M Street, S.E., the south curb of M Street from 7th Street, S.E. to 1st Street, S.E., the east curb of 1st Street from M Street, S.E. to Potomac Avenue S.E., the southeast curb of Potomac Avenue from 1st Street, S.E. to South Capitol Street, S.W., the west curb of South Capitol Street from Potomac Avenue, S.W. to P Street, S.W., the north curb of P Street from South Capitol Street, S.W. to 3rd Street, S.W., and the west curb of 3rd Street from P Street, S.W. to H Street, N.W.

(c) Authority of Metropolitan Police unaffected

This section does not affect the authority of the Metropolitan Police force of the District of Columbia with respect to the area described in subsection (b) of this section.

(d) "Crime of violence" defined

As used in this section, the term ''crime of violence'' has the meaning given that term in section 16 of title 18.

(July 31, 1946, ch. 707, § 9B, as added Pub. L. 102–397, title I, § 101, Oct. 6, 1992, 106 Stat. 1949; amended Pub. L. 104–186, title II, § 221(13), Aug. 20, 1996, 110 Stat. 1750.)

CODIFICATION

Section is also set out in D.C. Code, § 9–115.2.

AMENDMENTS

1996—Subsec. (a). Pub. L. 104–186 substituted ''House Oversight'' for ''House Administration''.

§ 212a–4. Security systems for Capitol buildings and grounds

(a) Design and installation

(1) Effective October 1, 1995, the unexpended balances of appropriations specified in paragraph (2) are transferred to the appropriation for general expenses of the Capitol Police, to be used for design and installation of security systems for the Capitol buildings and grounds.

(2) The unexpended balances referred to in paragraph (1) are—

(A) the unexpended balance of appropriations for security installations, as referred to in the paragraph under the heading ''CAPITOL BUILDINGS'', under the general headings ''JOINT ITEMS'', ''ARCHITECT OF THE CAPITOL'', and ''CAPITOL BUILDINGS AND GROUNDS'' in title I of the Legislative Branch Appropriations Act, 1995 (108 Stat. 1434), including any unexpended balance from a prior fiscal year and any unexpended balance under such headings in this Act; and

(B) the unexpended balance of the appropriation for an improved security plan, as transferred to the Architect of the Capitol by section 102 of the Legislative Branch Appropriations Act, 1989 (102 Stat. 2165).

(b) Transfer of responsibility to Capitol Police Board

Effective October 1, 1995, the responsibility for design and installation of security systems for the Capitol buildings and grounds is transferred from the Architect of the Capitol to the Capitol Police Board. Such design and installation shall be carried out under the direction of the Committee on House Oversight of the House of Representatives and the Committee on Rules and Administration of the Senate, and without regard to section 5 of title 41. On and after October 1, 1995, any alteration to a structural, mechanical, or architectural feature of the Capitol buildings and grounds that is required for a security system under the preceding sentence may be carried out only with the approval of the Architect of the Capitol.

(c) Transfer of positions to Capitol Police

(1) Effective October 1, 1995, all positions specified in paragraph (2) and each individual holding any such position (on a permanent basis) immediately before that date, as identified by the Architect of the Capitol, shall be transferred to the Capitol Police.

(2) The positions referred to in paragraph (1) are those positions which, immediately before October 1, 1995, are—

(A) under the Architect of the Capitol;

(B) within the Electronics Engineering Division of the Office of the Architect of the Capitol; and

(C) related to the design or installation of security systems for the Capitol buildings and grounds.

(3) All annual leave and sick leave standing to the credit of an individual immediately before such individual is transferred under paragraph (1) shall be credited to such individual, without adjustment, in the new position of the individual.

(Pub. L. 104–53, title III, § 308, Nov. 19, 1995, 109 Stat. 537.)

REFERENCES IN TEXT

The paragraph under the heading ''CAPITOL BUILDINGS'', under the general headings ''JOINT ITEMS'', ''ARCHITECT OF THE CAPITOL'', and ''CAPITOL BUILDINGS AND GROUNDS'' in title I of the Legislative Branch Appropriations Act, 1995, referred to in subsec. (a)(2)(A), is contained in Pub. L. 103–283, title I, July 22, 1994, 108 Stat. 1423, 1434, and is not classified to the Code.

This Act, referred to in subsec. (a)(2)(A), is Pub. L. 104–53, Nov. 19, 1995, 109 Stat. 514, known as the Legislative Branch Appropriations Act, 1996. Provisions under such headings in this Act appear at 109 Stat. 527, and are not classified to the Code.

Section 102 of the Legislative Branch Appropriations Act, 1989, referred to in subsec. (a)(2)(B), is section 102 of Pub. L. 100–458, title I, Oct. 1, 1988, 102 Stat. 2165, which is not classified to the Code.

§ 212a–4a. Maintenance of security systems for Capitol buildings and grounds

(a) Effective October 1, 1996, the responsibility for maintenance of security systems for the Cap-

itol buildings and grounds is transferred from the Architect of the Capitol to the Capitol Police Board. Such maintenance shall be carried out under the direction of the Committee on House Oversight of the House of Representatives and the Committee on Rules and Administration of the Senate. On and after October 1, 1996, any alteration to a structural, mechanical, or architectural feature of the Capitol buildings and grounds that is required for security system maintenance under the preceding sentence may be carried out only with the approval of the Architect of the Capitol.

(b)(1) Effective October 1, 1996, all positions specified in paragraph (2) and each individual holding any such position (on a permanent basis) immediately before that date, as identified by the Architect of the Capitol, shall be transferred to the Capitol Police.

(2) The positions referred to in paragraph (1) are those positions which, immediately before October 1, 1996, are—

(A) under the Architect of the Capitol;

(B) within the Electronics Engineering Division of the Office of the Architect of the Capitol; and

(C) related to the maintenance of security systems for the Capitol buildings and grounds.

(3) All annual leave and sick leave standing to the credit of an individual immediately before such individual is transferred under paragraph (1) shall be credited to such individual, without adjustment, in the new position of the individual.

(Pub. L. 104–197, title III, § 308, Sept. 16, 1996, 110 Stat. 2413.)

§ 212a–5. Capitol Police citation release

(a) In general

The Chief of the Capitol Police, with the approval of the Capitol Police Board, may designate a member of the Capitol Police to have responsibility for citation release.

(b) Authority

(1) In the same manner as provided for with respect to an official of the Metropolitan Police Department of the District of Columbia under section 23–1110(a) of the District of Columbia Code, the Superior Court of the District of Columbia shall have the authority to appoint the member of the Capitol Police designated under subsection (a) of this section to take bail or collateral from persons charged with offenses triable in the Superior Court of the District of Columbia. Pursuant to that authority—

(A) the citation power described in subsection (b) of section 23–1110 of the District of Columbia Code shall be exercised by such member of the Capitol Police in the same manner as by an official of the Metropolitan Police Department; and

(B) paragraph (4) of subsection (b) of section 23–1110 of the District of Columbia Code, relating to failure to appear, shall apply with respect to citations under subparagraph (A) of this paragraph.

(2) The United States District Court for the District of Columbia shall have the power to authorize the member of the Capitol Police referred to in subsection (a) of this section to take bond from persons arrested upon writs and process from that court in criminal cases in the same manner as provided for with respect to an official of the Metropolitan Police Department of the District of Columbia under the third sentence of section 23–1110(a) of the District of Columbia Code.

(Pub. L. 104–186, title I, § 108, Aug. 20, 1996, 110 Stat. 1723.)

§ 212b. Regulation of traffic by Capitol Police Board

(a) Exclusive charge and control of all vehicular and other traffic

The Capitol Police Board, consisting of the Sergeant at Arms of the United States Senate, the Sergeant at Arms of the House of Representatives, and the Architect of the Capitol, shall have exclusive charge and control of the regulation and movement of all vehicular and other traffic, including the parking and impounding of vehicles and limiting the speed thereof, within the United States Capitol Grounds; and said Board is authorized and empowered to make and enforce all necessary regulations therefor and to prescribe penalties for violation of such regulations, such penalties not to exceed a fine of $300 or imprisonment for not more than ninety days. Notwithstanding the foregoing provisions of this section those provisions of the District of Columbia Traffic Act of 1925, as amended [D.C. Code, § 40–301 et seq. and 40–701 et seq.], for the violation of which specific penalties are provided in said Act, as amended, shall be applicable to the United States Capitol Grounds. Prosecutions for violation of such regulations shall be in the Superior Court of the District of Columbia, upon information by the Corporation Counsel of the District of Columbia or any of his assistants.

(b) Promulgation of regulations

Regulations authorized to be promulgated under this section shall be promulgated by the Capitol Police Board and such regulations may be amended from time to time by the Capitol Police Board whenever it shall deem it necessary: *Provided*, That until such regulations are promulgated and become effective, the traffic regulations of the District of Columbia shall be applicable to the United States Capitol Grounds.

(c) Printing of regulations and effective dates

All regulations promulgated under the authority of this section shall, when adopted by the Capitol Police Board, be printed in one or more of the daily newspapers published in the District of Columbia, and shall not become effective until the expiration of ten days after the date of such publication, except that whenever the Capitol Police Board deems it advisable to make effective immediately any regulation relating to parking, diverting of vehicular traffic, or the closing of streets to such traffic, the regulation shall be effective immediately upon placing at the point where it is to be in force conspicuous signs containing a notice of the regulation. Any expenses incurred under this subsection shall be payable from the appropriation ''Uniforms and Equipment, Capitol Police''.

(d) Cooperation with Mayor of District of Columbia

It shall be the duty of the Mayor of the District of Columbia, or any officer or employee of the government of the District of Columbia designated by said Mayor upon request of the Capitol Police Board, to cooperate with the Board in the preparation of the regulations authorized to be promulgated under this section, and any future amendments thereof.

(July 31, 1946, ch. 707, § 14, 60 Stat. 720; July 11, 1947, ch. 221, §§ 1, 2, 61 Stat. 308; Pub. L. 87–873, § 1, Oct. 23, 1962, 76 Stat. 1171; Pub. L. 88–60, § 1, July 8, 1963, 77 Stat. 77; 1967 Reorg. Plan No. 3, § 401, eff. Nov. 3, 1967, 32 F.R. 11669, 81 Stat. 951; Pub. L. 91–358, title I, § 155(a), July 29, 1970, 84 Stat. 570; Pub. L. 93–198, title IV, § 421, title VII, § 739(g)(6), Dec. 24, 1973, 87 Stat. 789, 829.)

REFERENCES IN TEXT

The District of Columbia Traffic Act of 1925, as amended, referred to in subsec. (a), is act Mar. 3, 1925, ch. 443, 43 Stat. 1119, as amended, which appears in chapter 3 (§ 40–301 et seq.) and chapter 7 (§ 40–701 et seq.) of Title 40, Motor Vehicles, of the District of Columbia Code.

CODIFICATION

Section is also set out in D.C. Code, § 9–127.

AMENDMENTS

1973—Subsec. (a). Pub. L. 93–198, § 739(g)(6), struck out ‘‘, except on those streets and roadways shown on the map referred to in section 193a of this title as being under the jurisdiction and control of the Commissioner of the District of Columbia’’.

1947—Subsec. (b). Act July 11, 1947, § 1, struck out reference to six months after July 31, 1946, as the time for promulgation of regulations and authorized amendment of regulations.

Subsec. (c). Act July 11, 1947, § 2, authorized certain traffic regulations to be effective immediately upon placing conspicuous signs containing notice of regulations at the places affected thereby and inserted provision for payment of expenses.

CHANGE OF NAME

‘‘District of Columbia Court of General Sessions’’ changed to ‘‘Superior Court of the District of Columbia’’ pursuant to Pub. L. 91–358, which provided that such change is effective first day of seventh calendar month which begins after July 29, 1970.

Pub. L. 87–873, § 1, Oct. 23, 1962, 76 Stat. 1171 and Pub. L. 88–60, § 1, July 8, 1963, 77 Stat. 77, both redesignated the ‘‘Municipal Court for the District of Columbia’’ as the ‘‘District of Columbia Court of General Sessions’’.

EFFECTIVE DATE OF 1973 AMENDMENT

Section 771 of Pub. L. 93–198 provided that the amendment made by Pub. L. 93–198 is effective on Jan. 2, 1975, if a majority of the registered qualified electors in the District of Columbia voting on the charter issue in the charter referendum accepted the charter set out in title IV of Pub. L. 93–198, Dec. 24, 1973, 87 Stat. 785. The charter was approved by the voters on May 7, 1974.

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 subsec. (d) for ‘‘commissioner’’.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 136, 174b–1, 184a, 193h, 193i, 193m, 212a of this title.

§ 213. Repealed. July 31, 1946, ch. 707, § 15, 60 Stat. 720

Section, act May 28, 1896, ch. 252, 29 Stat. 143, related to policing of Capitol buildings and grounds. See section 212a of this title.

OFFENSES COMMITTED PRIOR TO JULY 31, 1946

Prosecution of offenses committed prior to repeal of section, see section 15 of act July 31, 1946, set out as a note under section 193h of this title.

§ 213a. Omitted

CODIFICATION

Section, act July 1, 1946, ch. 530, § 106, 60 Stat. 408, which authorized the Capitol Police Board to detail police for duty on the Capitol grounds, was omitted as not repeated in subsequent appropriation acts. See section 212a of this title. Similar provisions were contained in the following prior appropriation acts:

June 13, 1945, ch. 189, § 106, 59 Stat. 259.
June 26, 1944, ch. 277, title I, § 105, 58 Stat. 354.
June 28, 1943, ch. 173, title I, 57 Stat. 230.
June 8, 1942, ch. 396, 56 Stat. 340.
July 1, 1941, ch. 268, 55 Stat. 456.
June 18, 1940, ch. 396, 54 Stat. 471.
June 16, 1939, ch. 208, 53 Stat. 831.
May 17, 1938, ch. 236, 52 Stat. 390.

§ 214. Protection of grounds

It shall be the duty of the Capitol police on and after April 29, 1876, to prevent any portion of the Capitol Grounds and terraces from being used as playgrounds or otherwise, so far as may be necessary to protect the public property, turf and grass from destruction or injury.

(Apr. 29, 1876, ch. 86, 19 Stat. 41.)

CODIFICATION

Section is also set out in D.C. Code, § 9–107.

APPLICABILITY OF OTHER LAWS

Section as unaffected by sections 193a to 193*l*, 212a, 212a–2, and 212b of this title, see note under section 193a of this title.

§ 214a. Omitted

CODIFICATION

Section, Pub. L. 89–698, title IV, § 401, Oct. 29, 1966, 80 Stat. 1072; 1967 Reorg. Plan No. 3, § 401, eff. Aug. 11, 1967, 32 F.R. 11669, 81 Stat. 951; Pub. L. 93–198, title IV, § 421, Dec. 24, 1973, 87 Stat. 789, authorized the Architect of the Capitol to permit the Mayor of the District of Columbia to operate for recreational purposes only the land known as Square 732 in the District of Columbia as long as such land is not required for building or other purposes by the Architect. Pub. L. 89–260, Oct. 19, 1965, 79 Stat. 987, as amended, set out as a note under section 141 of Title 2, The Congress, authorized the construction in square 732 of the Library of Congress James Madison Memorial Building. Funds for construction were appropriated and the building was built.

§ 214b. Designation of Capitol grounds as play area for children of Members and employees of Senate or House of Representatives

(a) Authority of Capitol Police Board

Notwithstanding any other provision of law and subject to the provisions of paragraph (1) of subsection (b) of this section, the Capitol Police Board is authorized to designate certain portions of the Capitol grounds (other than a portion within the area bounded on the North by Constitution Avenue, on the South by Independence Avenue, on the East by First Street, and on the West by First Street) for use exclusively as play areas for the benefit of children attending a day care center which is established for the primary purpose of providing child care for the children of Members and employees of the Senate or the House of Representatives.

(b) Required approval; fences; termination of authority

(1) In the case of any such designation referred to in subsection (a) of this section involving a day care center established for the benefit of children of Members and employees of the Senate, the designation shall be with the approval of the Senate Committee on Rules and Administration, and in the case of such a center established for the benefit of children of Members and employees of the House of Representatives, the designation shall be with the approval of the House Committee on House Oversight, with the concurrence of the House Office Building Commission.

(2) The Architect of the Capitol shall enclose with a fence any area designated pursuant to subsection (a) of this section as a play area.

(3) The authority to use an area designated pursuant to subsection (a) of this section as a play area may be terminated at any time by the Committee which approved such designation.

(c) Playground equipment; required approval

Nothing in this or any other Act shall be construed as prohibiting any day care center referred to in subsection (a) of this section from placing playground equipment within an area designated pursuant to subsection (a) of this section for use solely in connection with the operation of such center, subject to, in the case of a day care center established for the benefit of children of Members and employees of the Senate, the approval of the Senate Committee on Rules and Administration, and in the case of such a center established for the benefit of children of Members and employees of the House of Representatives, the approval of the House Committee on House Oversight, with the concurrence of the House Office Building Commission.

(d) Day care center

The day care center referred to in S. Res. 269, Ninety-eighth Congress, first session, is a day care center for which space may be designated under subsection (a) of this section for use as a play area.

(Pub. L. 98–392, § 3, Aug. 21, 1984, 98 Stat. 1362; Pub. L. 104–186, title II, § 221(14), Aug. 20, 1996, 110 Stat. 1750.)

REFERENCES IN TEXT

This Act, referred to in subsec. (c), is Pub. L. 98–392, Aug. 21, 1984, 98 Stat. 1362, which enacted this section and amended section 2107 of Title 20, Education. For complete classification of this Act to the Code, see Tables.

S. Res. 269, Ninety-eighth Congress, first session, referred to in subsec. (d), is dated Nov. 14, 1983, and reads as follows: ''*Resolved*, That payment is authorized from the contingent fund of the Senate in an amount not to exceed $20,000 for the start-up costs, including the procurement of the services of individual consultants or organizations, for a Senate day care center, which shall be ready for occupancy by January 1, 1984.

''SEC. 2. Payments under this resolution shall be paid from the appropriation account for 'Miscellaneous Items' in the contingent fund of the Senate upon vouchers approved by the chairman of the Committee on Rules and Administration.

''SEC. 3. The Committee on Rules and Administration shall supervise any contract entered into on behalf of the Senate, under authority of this resolution. Such contract shall not be subject to the provisions of section 5 of title 41 of the United States Code or any other provision of law requiring advertising.''

AMENDMENTS

1996—Subsecs. (b)(1), (c). Pub. L. 104–186 substituted ''House Oversight'' for ''House Administration''.

CROSS REFERENCES

House of Representatives Child Care Center, see section 184g of this title.

Senate Employee Child Care Center, see section 214c of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 214c, 214d of this title.

§ 214c. Senate Employee Child Care Center

(a) Applicability of provisions

The provisions of this section shall apply to any individual who is employed by the Senate day care center (known as the ''Senate Employee Child Care Center'' and hereafter in this section referred to as the ''Center'') established pursuant to Senate Resolution 269, Ninety-eighth Congress, and section 214b of this title.

(b) Employee election of health care insurance coverage

Any individual described under subsection (a) of this section who is employed by the Center on or after August 14, 1991, shall be deemed an employee under section 8901(1) of title 5 for purposes of health insurance coverage under chapter 89 of such title. An individual described under subsection (a) of this section who is an employee of the Center on August 14, 1991, may elect coverage under this subsection during the 31-day period beginning on August 14, 1991, and during such periods as determined by the Office of Personnel Management for employees of the Center employed after August 14, 1991.

(c) Deductions and withholding from employee pay

The Center shall make such deductions and withholdings from the pay of an individual described under subsection (a) of this section who is an employee of the Center in accordance with subsection (d) of this section.

(d) Employee records; amount of deductions

The Center shall—

(1) maintain records on all employees covered under this section in such manner as the

Secretary of the Senate may require for administrative purposes; and

(2) after consultation with the Secretary of the Senate—

(A) make deductions from the pay of employees of amounts determined in accordance with section 8906 of title 5; and

(B) transmit such deductions to the Secretary of the Senate for deposit and remittance to the Office of Personnel Management.

(e) Government contributions

Government contributions for individuals receiving benefits under this section, as computed under section 8906 of title 5, shall be made by the Secretary of the Senate from the appropriations account, within the contingent fund of the Senate, ''miscellaneous items''.

(f) Regulations

The Office of Personnel Management may prescribe regulations to carry out the provisions of this section.

(Pub. L. 102–90, title III, §311, Aug. 14, 1991, 105 Stat. 467.)

REFERENCES IN TEXT

For Senate Resolution 269, referred to in subsec. (a), see References in Text note set out under section 214b of this title.

CROSS REFERENCES

House of Representatives Child Care Center, see section 184g of this title.

§214d. Child care center employee benefits

(a) Election for coverage

The provisions of this section shall apply to any individual who—

(1)(A) on October 6, 1992, is employed by the Senate day care center (known as the ''Senate Employee Child Care Center'') established pursuant to Senate Resolution 269, Ninety-eighth Congress, and section 214b of this title; and

(B) makes an election to be covered by this section with the Secretary of the Senate, no later than 60 days after October 6, 1992; or

(2) is hired by the Center after October 6, 1992, and makes an election to be covered by this section with the Secretary of the Senate, no later than 60 days after the date such individual begins employment.

(b) Payment of deposit; payroll deduction

(1) Any individual described under subsection (a) of this section may be credited,[1] under section 8411 of title 5 for service as an employee of the Senate day care center before January 1, 1993, if such employee makes a payment of the deposit under section 8411(f)(2) of such title without application of the provisions of section 8411(b)(3) of such title.

(2) An individual described under subsection (a) of this section shall be credited under section 8411 of title 5 for any service as an employee of the Senate day care center on or after October 6, 1992, if such employee has such amounts deducted and withheld from his pay as determined by the Office of Personnel Management (in accordance with regulations prescribed by such Office subject to subsection (h) of this section) which would be deducted and withheld from the basic pay of an employee under section 8422 of title 5.

(c) Survivor annuities and disability benefits

Notwithstanding any other provision of this section, any service performed by an individual described under subsection (a) of this section as an employee of the Senate day care center is deemed to be civilian service creditable under section 8411 of title 5 for purposes of qualifying for survivor annuities and disability benefits under subchapters IV and V of chapter 84 of such title, if such individual makes payment of an amount, determined by the Office of Personnel Management, which would have been deducted and withheld from the basic pay of such individual if such individual had been an employee subject to section 8422 of title 5 for such period so credited, together with interest thereon.

(d) Participation in Thrift Savings Plan

An individual described under subsection (a) of this section shall be deemed a congressional employee for purposes of chapter 84 of title 5 including subchapter III thereof and may make contributions under section 8432 of such title effective for the first applicable pay period beginning on or after October 6, 1992.

(e) Life insurance coverage

An individual described under subsection (a) of this section shall be deemed an employee under section 8701(a)(3) of title 5 for purposes of life insurance coverage under chapter 87 of such title.

(f) Government contributions

Government contributions for individuals receiving benefits under this section, as computed under sections 8423, 8432, and 8708,[2] shall be made by the Secretary of the Senate from the appropriations account, within the contingent fund of the Senate, ''Miscellaneous Items''.

(g) Certification of creditable service

The Office of Personnel Management shall accept the certification of the Secretary of the Senate concerning creditable service for the purpose of this section.

(h) Payment to center of amounts equal to Federal tax on employers

(1) Subject to the provisions of paragraph (2), the Secretary of the Senate shall pay such amounts to the Senate day care center equal to the tax on employers under section 3111 of title 26 with respect to each employee of the Senate day care center. Such payments shall be made from the appropriations account, within the contingent fund of the Senate, ''Miscellaneous Items''.

(2) The Senate day care center shall provide appropriate documentation to the Secretary of the Senate of payment by such center of the tax described under paragraph (1), before the Secretary of the Senate may pay any amount to such center as provided under paragraph (1).

[1] So in original. The comma probably should not appear.

[2] So in original. The words ''of title 5'' probably should precede the comma.

(i) Administrative provisions

The Center shall—

(1) consult with the Secretary of the Senate on the administration of this section;

(2) maintain records on all employees covered under this section in such manner as the Secretary of the Senate may require for administrative purposes;

(3) make deductions and withholdings from the pay of employees in the amounts determined under sections 8422, 8432, and 8707 of title 5; and

(4) transmit such deductions and withholdings to the Secretary of the Senate for deposit and remittance to the Office of Personnel Management.

(j) Regulations

The Office of Personnel Management may prescribe regulations to carry out the provisions of this section.

(Pub. L. 102–392, title III, § 320, Oct. 6, 1992, 106 Stat. 1725; Pub. L. 103–50, ch. XII, § 1203(a)(1), (b)(1), July 2, 1993, 107 Stat. 268.)

REFERENCES IN TEXT

For Senate Resolution 269, referred to in subsec. (a)(1)(A), see References in Text note set out under section 214b of this title.

AMENDMENTS

1993—Subsec. (b)(1). Pub. L. 103–50, § 1203(b)(1), substituted ''January 1, 1993'' for ''October 6, 1992''.

Subsecs. (h) to (j). Pub. L. 103–50, § 1203(a)(1), added subsec. (h) and redesignated former subsecs. (h) and (i) as (i) and (j), respectively.

EFFECTIVE DATE OF 1993 AMENDMENT

Section 1203(a)(2) of Pub. L. 103–50 provided that: ''The amendments made by paragraph (1) [amending this section] shall take effect on the first day of the first month beginning on or after the date of the enactment of this Act [July 2, 1993].''

Section 1203(b)(2) of Pub. L. 103–50 provided that: ''The amendment made by paragraph (1) [amending this section] shall take effect on the date of the enactment of this Act [July 2, 1993].''

§ 214e. Reimbursement of Senate day care center employees

(a) Cost of training classes, conferences, and related expenses

Notwithstanding section 1345 of title 31, the Secretary of the Senate may reimburse any individual employed by the Senate day care center for the cost of training classes and conferences in connection with the provision of child care services and for travel, transportation, and subsistence expenses incurred in connection with the training classes and conferences.

(b) Documentation

The Senate day care center shall certify and provide appropriate documentation to the Secretary of the Senate with respect to any reimbursement under this section. Reimbursements under this section shall be made from the appropriations account ''MISCELLANEOUS ITEMS'' within the contingent fund of the Senate on vouchers approved by the Secretary of the Senate.

(c) Regulations and limitations

Reimbursements under this section shall be subject to the regulations and limitations prescribed by the Committee on Rules and Administration of the Senate for travel and related expenses for which payment is authorized to be made from the contingent fund of the Senate.

(d) Effective date

This section shall be effective on and after October 1, 1996.

(Pub. L. 104–197, title I, § 6, Sept. 16, 1996, 110 Stat. 2397.)

§ 215. Supervision of Botanical Garden

The supervision of the Capitol police shall extend over the Botanical Garden.

(R.S. § 1826.)

CODIFICATION

R.S. § 1826 derived from Res. July 15, 1870, No. 131, 16 Stat. 391.

RELOCATION OF POPLAR POINT GREENHOUSE AND NURSERY OF UNITED STATES BOTANIC GARDEN AND DISTRICT OF COLUMBIA LANHAM TREE NURSERY TO NEW SITE

Pub. L. 98–340, July 3, 1984, 98 Stat. 308, directed the Architect of the Capitol under the direction of the Joint Committee on the Library and the District of Columbia government to enter into an agreement under which the Architect and the District would determine a site of not less than twenty-five contiguous acres under the jurisdiction of the District upon which the facilities existing on July 3, 1984, being operated and maintained by the United States Botanic Garden at the Poplar Point Greenhouse and Nursery, would be relocated. The agreement would also provide that the District convey without consideration to the Architect on behalf of the United States all right, title, and interest of the District in the replacement site and that the District convey without consideration to the Secretary of the Interior on behalf of the United States all right, title, and interest of the District in the real property known as the Lanham Tree Nursery. Within sixty days of July 3, 1984, the Botanic Garden Greenhouse and Nursery at Poplar Point would come within the jurisdiction of the Secretary of the Interior and within sixty days after the Secretary assumed jurisdiction for such real property the Secretary would enter into an agreement with the District and the Washington Metropolitan Area Transit Authority under which the District and the Washington Metropolitan Area Transit Authority would be authorized to construct, maintain, and operate certain facilities designed to improve transportation in the Washington metropolitan area.

§ 216. Superintendent, etc., of Botanical Garden and greenhouses

There shall be a superintendent and assistants in the Botanical Garden and greenhouses, who shall be under the direction of the Joint Committee on the Library.

(R.S. § 1827.)

CODIFICATION

R.S. § 1827 derived from act Mar. 3, 1873, ch. 226, § 1, 17 Stat. 491.

§ 216a. Restriction on use of appropriation for Botanical Garden

On and after July 31, 1958, no part of any appropriation for the Botanic Garden shall be used for the distribution, by congressional allotment, of trees, plants, shrubs, or other nursery stock.

(Pub. L. 85–570, July 31, 1958, 72 Stat. 450.)

§ 216b. Utilization of personnel by Architect of Capitol for maintenance and operation of Botanic Garden

On and after December 27, 1974, with the approval of the Joint Committee on the Library, the Architect of the Capitol may utilize personnel paid from appropriations under his control for performance of administrative and clerical duties in connection with the maintenance and operation of the United States Botanic Garden, to such extent as he may deem feasible.

(Pub. L. 93–554, title I, ch. III, Dec. 27, 1974, 88 Stat. 1777.)

§ 216c. National Garden

(a) Establishment; gifts

The Architect of the Capitol, subject to the direction of the Joint Committee on the Library, is authorized to—

(1) construct a National Garden demonstrating the diversity of plants, including the rose, our national flower, to be located between Maryland and Independence Avenues, S.W., and extending from the Botanic Garden Conservatory to Third Streets, S.W., in the District of Columbia; and

(2) solicit, receive, accept, and hold gifts, including money, plant material, and other property, on behalf of the Botanic Garden, and to dispose of, utilize, obligate, expend, disburse, and administer such gifts for the benefit of the Botanic Garden, including among other things, the carrying out of any programs, duties, or functions of the Botanic Garden, and for constructing, equipping, and maintaining the National Garden referred to in paragraph (1).

(b) Gifts and bequests of money; appropriations

(1) Gifts or bequests of money under subsection (a)(2) of this section shall, when received by the Architect, be deposited with the Treasurer of the United States, who shall credit these deposits as offsetting collections to an account entitled ''Botanic Garden, Gifts and Donations''. The gifts or bequests described under subsection (a)(2) of this section shall be accepted only in the total amount provided in appropriations Acts.

(2) Receipts, obligations, and expenditures of funds under this section shall be included in annual estimates submitted by the Architect for the operation and maintenance of the Botanic Garden and such funds shall be expended by the Architect, without regard to section 5 of title 41, for the purposes of this section after approval in appropriation Acts. All such sums shall remain available until expended, without fiscal year limitation.

(c) Donations of personal services

(1) In carrying out this section and his duties, the Architect of the Capitol may accept personal services, including educationally related work assignments for students in nonpay status, if the service is to be rendered without compensation.

(2) No person shall be permitted to donate his or her personal services under this section unless such person has first agreed, in writing, to waive any and all claims against the United States arising out of or in connection with such services, other than a claim under the provisions of chapter 81 of title 5.

(3) No person donating personal services under this section shall be considered an employee of the United States for any purpose other than for purposes of chapter 81 of title 5.

(4) In no case shall the acceptance of personal services under this section result in the reduction of pay or displacement of any employee of the Botanic Garden.

(d) Tax deductions

Any gift accepted by the Architect of the Capitol under this section shall be considered a gift to the United States for purposes of income, estate, and gift tax laws of the United States.

(Pub. L. 100–458, title III, § 307E, Oct. 1, 1988, 102 Stat. 2183; Pub. L. 102–229, title II, § 209(a), Dec. 12, 1991, 105 Stat. 1716; Pub. L. 104–53, title II, § 201(b), Nov. 19, 1995, 109 Stat. 529.)

REFERENCES IN TEXT

The income, estate, and gift tax laws of the United States, referred to in subsec. (d), are classified generally to Title 26, Internal Revenue Code.

AMENDMENTS

1995—Subsec. (a)(1). Pub. L. 104–53 substituted ''plants'' for ''plans''.

1991—Pub. L. 102–229 amended section generally. Prior to amendment, section read as follows: ''The Architect of the Capitol, subject to the direction of the Joint Committee on the Library, is authorized to—

''(1) construct a National Garden demonstrating the diversity of plants, including the rose, our national flower, to be located between Maryland and Independence Avenues, S.W., and extending from the United States Botanic Garden Conservatory to Third Street, S.W., in the District of Columbia; and

''(2) accept gifts, including money, plants, volunteer time, planning, construction and installation expenses, assistance and implements, and garden structures, on behalf of the United States Botanic Garden for the purpose of constructing the National Garden described in paragraph (1).''

FUNDS AVAILABLE FOR CONSTRUCTING, EQUIPPING, AND MAINTAINING NATIONAL GARDEN

Pub. L. 102–392, title II, § 201, Oct. 6, 1992, 106 Stat. 1716, as amended by Pub. L. 104–53, title II, § 201(a), Nov. 19, 1995, 109 Stat. 529, provided that: ''Pursuant to section 307E of the Legislative Branch Appropriations Act, 1989 (40 U.S.C. 216c), not more than $10,000,000 shall be accepted and not more than $10,000,000 of the amounts accepted shall be available for obligation by the Architect of the Capitol for constructing, equipping, and maintaining the National Garden.''

RENOVATION OF CONSERVATORY OF BOTANIC GARDEN

Section 209(b) of Pub. L. 102–229 provided that: ''Pursuant to section 307E of the Legislative Branch Appropriations Act, 1989 [40 U.S.C. 216c], not more than $2,000,000 shall be accepted and not more than $2,000,000 of the amounts accepted shall be available for obligation by the Architect for preparation of working drawings, specifications, and cost estimates for renovation of the Conservatory of the Botanic Garden.''

§ 216d. Disbursement of appropriations for Botanic Garden

On and after November 5, 1990, all appropriations made on account of the Botanic Garden shall be disbursed for that purpose in the same

manner as other appropriations under the control of the Architect of the Capitol.

(Pub. L. 101–520, title II, Nov. 5, 1990, 104 Stat. 2270.)

§ 217. Repealed. Oct. 10, 1940, ch. 851, § 4, 54 Stat. 1111

Section, acts May 13, 1926, ch. 294, 44 Stat. 548; Feb. 23, 1927, ch. 168, 44 Stat. 1157; May 14, 1928, ch. 551, 45 Stat. 528; Feb. 28, 1929, ch. 367, 45 Stat. 1397; June 6, 1930, ch. 407, 46 Stat. 516; Feb. 20, 1931, ch. 234, 46 Stat. 1186; June 30, 1932, ch. 314, 47 Stat. 393; Feb. 28, 1933, ch. 134, 47 Stat. 1362; May 30, 1934, ch. 372, 48 Stat. 828; July 8, 1935, ch. 374, 49 Stat. 471; Apr. 17, 1936, ch. 233, 49 Stat. 1226; May 18, 1937, ch. 223, 50 Stat. 181; May 17, 1938, ch. 236, 52 Stat. 392; June 16, 1939, ch. 208, 53 Stat. 834; June 18, 1940, ch. 396, 54 Stat. 474, related to purchases for Botanic Garden.

§ 217a. Plant material exchanges

On and after July 8, 1935, plant material exchanges may be made with botanic gardens, institutions, municipal parks, and gardens.

(July 8, 1935, ch. 374, 49 Stat. 471.)

§ 217b. Repealed. Oct. 10, 1940, ch. 851, § 4, 54 Stat. 1111

Section, acts Apr. 17, 1936, ch. 233, 49 Stat. 1226; May 18, 1937, ch. 223, 50 Stat. 181; May 17, 1938, ch. 236, 52 Stat. 393; June 16, 1939, ch. 208, 53 Stat. 834; June 18, 1940, ch. 396, 54 Stat. 474, related to purchase of supplies for Botanic Garden. That part which was an exception to section 16 of Title 41, Public Contracts (repealed by act Oct. 21, 1941, ch. 452, 55 Stat. 743) was not repealed by act Oct. 10, 1940, ch. 851, § 4, 54 Stat. 1111, and was classified to former section 16b of Title 41. See note under sections 16a to 16d of that title.

§§ 218 to 220. Repealed. Oct. 31, 1951, ch. 654, § 3(19)–(21), 65 Stat. 709

Sections, R.S. §§ 1832 to 1834, respectively, related to annual statements, to the Architect of the Capitol, of public property in and about the Capitol and the Botanical Garden, the maintenance of an inventory of that property by the Architect, and annual reports by him to Congress with respect thereto, and inapplicability of those provisions to books, pamphlets, etc., in the Library of Congress, or to supplies of stationery and fuel.

§§ 221, 222. Omitted

CODIFICATION

Section 221, R.S. § 1835, provided that no pay or compensation other than that fixed by Title XXI of the Revised Statutes should be allowed to any officer, employee, or laborer embraced within the provisions thereof. The only provision of that title fixing compensation was contained in R.S. § 1822, which fixed the pay of the Capitol police. That provision is not classified to the Code. See section 5101 et seq. of Title 5, Government Organization and Employees.

Section 222, act May 13, 1926, ch. 294, 44 Stat. 547, related to purchases and services for Architect of Capitol.

§ 223. Capitol Grounds shuttle service; purchase, etc., of vehicles

Funds appropriated for the Capitol Grounds after October 1, 1976, shall be available for the purchase or rental, maintenance and operation of passenger motor vehicles to provide shuttle service for Members and employees of Congress to and from the buildings in the Legislative group.

(Pub. L. 94–440, title VI, Oct. 1, 1976, 90 Stat. 1453.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 224 of this title.

§ 224. Transportation of House Pages by Capitol Grounds shuttle service

The passenger motor vehicles authorized by section 223 of this title to provide a shuttle service for Members and employees of Congress may be used for the transportation of House Pages to and from special events associated with their education when approved by the House of Representatives Page Board: *Provided further*, That the use of the said passenger motor vehicles for transportation of House Pages shall not interfere with the shuttle service for Members and employees of the Congress.

(Pub. L. 99–151, title I, Nov. 13, 1985, 99 Stat. 801.)

CHAPTER 2A—NATIONAL ARCHIVES

§§ 231 to 232a. Transferred

CODIFICATION

Section 231, act June 19, 1934, ch. 668, § 1, 48 Stat. 1122, which created the Office of the Archivist of the United States, was transferred to section 300 of former Title 44, Public Printing and Documents, and was 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. See 2102 of Title 44.

Section 232, act June 19, 1934, ch. 668, § 2, 48 Stat. 1122, which related to the salaries of employees of the National Archives and the appointment procedure of such employees, was transferred to section 300a of former Title 44, and was 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. See section 758 of this title.

Section 232a, act May 23, 1938, ch. 259, 52 Stat. 421, which related to appointment of employees in accordance with the civil service laws, was transferred to section 300a of former Title 44, and was thereafter repealed by Pub. L. 90–620, § 3, Oct. 22, 1968, 82 Stat. 1309. See section 758 of this title.

§ 232b. Repealed. Pub. L. 89–554, § 8(a), Sept. 6, 1966, 80 Stat. 650

Section, act May 23, 1938, ch. 259, 52 Stat. 421, prescribed manner by which persons employed in National 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 trans-

ferred 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.

CHAPTER 3—PUBLIC BUILDINGS AND WORKS GENERALLY

Sec.
251, 252. Omitted or Repealed.
253. Detail of members of field force of General Services Administration.
254. Repealed.
255. Approval of title prior to Federal land purchases; payment of title expenses; application to Tennessee Valley Authority; Federal jurisdiction over acquisitions.
256. Repealed.
257. Condemnation of realty for sites and other uses.
258. Omitted.
258a. Lands, easements, or rights of way for public use; taking of possession and title in advance of final judgment; authority; procedure.
258b. Taking in advance of final judgment; appeal or giving of bond as preventing or delaying vesting of title.
258c. Obligation of United States to pay ultimate award when fixed.
258d. Taking in advance of final judgment; right as additional to existing rights, powers, and authority.
258e. Taking in advance of final judgment; demolition of buildings thereon; erection of public buildings or works; funds available for purpose.
258e–1. Interest as part of just compensation.
258f. Exclusion of certain property by stipulation of Attorney General.
259, 260. Repealed.
261. Contracts authorized within limit of cost fixed, though appropriations are in part only.
262 to 270. Repealed or Omitted.
270a. Bonds of contractors of public buildings or works.
(a) Type of bonds required.
(b) Waiver of bonds for contracts performed in foreign countries.
(c) Authority to require additional bonds.
(d) Coverage for taxes in performance bond.
270b. Rights of persons furnishing labor or material.
270c. Right of person furnishing labor or material to copy of bond.
270d. ''Person'' defined.
270d–1. Waiver of sections 270a to 270d with respect to small contracts.
270e. Waiver of sections 270a to 270d–1 with respect to Army, Navy, Air Force, or Coast Guard contracts.
270f. Waiver of sections 270a to 270d–1 with respect to transportation contracts.
271 to 276. Omitted or Repealed.
276a. Rate of wages for laborers and mechanics.
276a–1. Termination of work on failure to pay agreed wages; completion of work by Government.
276a–2. Payment of wages by Comptroller General from withheld payments; listing contractors violating contracts.
276a–3. Effect on other Federal laws.
276a–4. Effective date of sections 276a to 276a–5.
276a–5. Suspension of sections 276a to 276a–5 during emergency.
276a–6. Omitted.
276a–7. Application of sections 276a to 276a–5 to contracts entered into without regard to section 5 of title 41.
276b. Repealed.
276c. Regulations governing contractors and subcontractors.
276d. Purpose.
276d–1. Waiver for individuals who perform volunteer services for public entities.
(a) In general.
(b) Expenses.
(c) Economic reality.
276d–2. Waiver for individuals who perform volunteer services for nonprofit entities.
276d–3. Contracts affected.
277 to 278c. Repealed or Omitted.
279. Appropriations for buildings available for use in temporary rented quarters.
280. Operating supplies, operating force, and repairs.
281. Furniture and repairs.
282. Repealed.
283. Furniture for new buildings.
284. Omitted.
285. Buildings under control of Administrator of General Services.
285a. Washington City post office under control of United States Postal Service.
286. Buildings not to be draped in mourning.
287. Repealed.
288. Customhouse wharf at Charleston, South Carolina.
289. Buildings for departments; control of space; compensation.
289a. Transferred.
290. State workmen's compensation laws; extension to buildings and works of United States.
291. Admission of guide dogs accompanied by blind masters.
292. Omitted.
293. Working capital fund for blueprinting, photostating, and duplicating services in General Services Administration; reimbursement.
294. Repealed.
295. Operation of public utility communications services serving governmental activities.
296. Transfer of administrative expenses into special account.
297 to 298. Repealed.
298a. Acceptance of gifts of real, personal, or other property.
298b. Administrator of General Services to furnish services in continental United States to international bodies.

Sec.
298c. Repealed.
298d. Naming and renaming of buildings.

§ 251. Omitted

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. I 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. I, §§ 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. I 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; Pub. L. 91–393, §1, Sept. 1, 1970, 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 lighthouses, 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 258[1] 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.

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.

[1] See References in Text note below.

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 8 section 1103; title 16 sections 81e, 159a, 231b, 242, 263, 403i, 423k, 423n, 425a, 430a, 430k, 430u, 430nn, 433c, 433h, 447b, 449, 450m, 450p, 459a; title 25 sections 500a, 941j, 1724, 1754; title 42 sections 1532, 2222; title 43 section 1522.

§ 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 persons 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; Pub. L. 99–656, § 1(1), Nov. 14, 1986, 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.

§ 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.

§ 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.

§ 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.

§ 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; Pub. L. 91–393, § 4, Sept. 1, 1970, 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.

§ 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 Pub. L. 99–656, § 1(2), Nov. 14, 1986, 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.

§ 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 behalf 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.)

§§ 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; Pub. L. 89–719, title I, § 105(b), Nov. 2, 1966, 80 Stat. 1139; Pub. L. 95–585, Nov. 2, 1978, 92 Stat. 2484; Pub. L. 99–514, § 2, Oct. 22, 1986, 100 Stat. 2095; Pub. L. 103–355, title IV, § 4104(b)(1)(B), Oct. 13, 1994, 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 7, formerly § 5, of act Aug. 24, 1935, as renumbered by Pub. L. 104–106, div. D, title XLIII, § 4321(i)(8), Feb. 10, 1996, 110 Stat. 676, 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.''

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; Pub. L. 86–135, § 1, Aug. 4, 1959, 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 7 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 section 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; Pub. L. 86–135, § 2, Aug. 4, 1959, 73 Stat. 279; Pub. L. 98–269, Apr. 18, 1984, 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 7 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 7 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 Pub. L. 103–355, title IV, § 4104(b)(1)(A), Oct. 13, 1994, 108 Stat. 3341.)

PRIOR PROVISIONS

A prior section 5 of act Aug. 24, 1935, was renumbered section 7 and 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; Pub. L. 89–670, § 6(b)(1), Oct. 15, 1966, 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 Pub. L. 91–469, § 39, Oct. 21, 1970, 84 Stat. 1036; amended Pub. L. 97–31, § 12(12), Aug. 6, 1981, 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 enforcible 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 enforcible 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; Pub. L. 86–624, § 26, July 12, 1960, 74 Stat. 418; Pub. L. 88–349, § 1, July 2, 1964, 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, 4114; 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 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 sections would otherwise be applicable to such contract.

(Mar. 23, 1941, ch. 26, 55 Stat. 53; Aug. 21, 1941, ch. 395, 55 Stat. 664.)

§ 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 construction 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; Pub. L. 85–800, § 12, Aug. 28, 1958, 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 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 appplicability 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 Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.);

(2) section 254b[1] of title 42;

(3) section 254c[1] of title 42;

(4) the Indian Health Care Improvement Act (25 U.S.C. 1601 et seq.); and

(5) 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; Pub. L. 104–208, div. A, title I, § 101(e) [title VII, § 709(a)(4)], Sept. 30, 1996, 110 Stat. 3009–233, 3009–312.)

REFERENCES IN TEXT

The Indian Self-Determination and Education Assistance Act, referred to in par. (1), 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.

Sections 254b and 254c of title 42, referred to in pars. (2) and (3), were in the original references to sections 329 and 330 of the Public Health Service Act, act July 1, 1944, which were omitted in the general amendment of subpart I (§ 254b et seq.) of part D of subchapter II of

[1] See References in Text note below.

chapter 6A of Title 42, The Public Health and Welfare, by Pub. L. 104–299, § 2, Oct. 11, 1996, 110 Stat. 3626. Sections 2 and 3(a) of Pub. L. 104–299 enacted new sections 330 and 330A of act July 1, 1944, which are classified, respectively, to sections 254b and 254c of Title 42.

The Indian Health Care Improvement Act, referred to in par. (4), 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, Indians. 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. (5), 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.

AMENDMENTS

1996—Pub. L. 104–208 redesignated pars. (2) to (6) as (1) to (5), respectively, and struck out former par. (1) which read as follows: ''the Library Services and Construction Act (20 U.S.C. 351 et seq.);''.

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. I, §§ 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. 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.

§ 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. 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.

§ 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 Administrator, 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. 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.

§ 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 1, § 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 repeated 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. I, §§ 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. 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.

§ 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; Pub. L. 91–375, §§ 4(a), 6(*o*), Aug. 12, 1970, 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; Pub. L. 93–198, title IV, § 421, Dec. 24, 1973, 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. I 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, constructions, 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 nowise 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 governmental 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 operation 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; Pub. L. 91–375, §§ 4(a), 6(*o*), Aug. 12, 1970, 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; Pub. L. 91–375, § 4(a), Aug. 12, 1970, 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; Pub. L. 85–542, July 18, 1958, 72 Stat. 399.)

AMENDMENTS

1958—Pub. L. 85–542 struck out requirement of approval by Bureau of the Budget for change or rechange 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.
304. Disposal of lands acquired by devise.
304a. Disposition of surplus real property; assignment to governmental agency; lease; sale.
304a–1. Expenses of sale; maintenance.
304a–2. Demolition; historic buildings.

Sec.
304b. Alterations and repairs to real property assigned; payment by agency.
304c. Payment by agencies of rent, repairs, alterations, maintenance, operation, and moving costs.
304d. Regulations under sections 304a to 304e.
304e. ''Federal agency'', as used in sections 304a to 304e, defined.
304f. Disposition of property abandoned or forfeited to United States; definitions of words used in sections 304f to 304m.
304g. Disposition of property voluntarily abandoned to United States.
304h. Disposition of property forfeited to United States.
304i. Disposition of property subject to pending court proceedings for forfeiture.
304j. Appropriation available for maintenance, etc., of abandoned and forfeited property, payment of liens and other charges.
304k. Retention or delivery of abandoned or forfeited property deemed sale with respect to informer's fees and mitigation of forfeiture.
304*l*. Reports by agencies concerning abandoned or forfeited property; rules and regulations.
304m. Effect on other laws; abandoned or forfeited property excluded from allocation.
305. Power to obtain releases.
306. Release of lands in certain cases.
307. Omitted.
308. Releasing property from attachment.
309. Payment.
310. Abandoned property.
311, 311a. Repealed.
311b. Disposition of unfit horses and mules.
312 to 313a. Repealed or Omitted.
314. Sale of war supplies, lands, and buildings.
314a, 315. Omitted.
316. Disposition of securities.
317. Repealed.
318. Special police.
(a) Appointment.
(b) Powers.
318a. Rules and regulations; posting.
318b. Application for protection; detail of special police; utilization of Federal law-enforcement agencies.
318c. Penalties.
318d. Nonuniformed special policemen; powers; arrests without warrant.
319. Grant of easements; authority of executive agencies; application; protection of Federal interests; consideration; legislative jurisdiction: notice of relinquishment, acceptance and State proceedings.
319a. Termination of easements; notice to grantees, successors or assignees; effective date.
319b. Additional easement authority.
319c. Definitions for easement provisions.

§ 301. Charge of property transferred to the United States

The Administrator of General Services shall have charge of all lands and other property which have been or may be assigned, set off, or conveyed to the United States in payment of debts, and of all trusts created for the use of the United States in payment of debts due them; and of the sale and disposal of lands assigned or set off to the United States in payment of debts, or vested in them by mortgage or other security for the payment of debts: *Provided*, That this section shall not apply to real estate which has been or shall be assigned, set off, or conveyed to the United States, in payment of debts arising under the internal-revenue laws, nor to trusts created for the use of the United States, in payment of such debts due them.

(R.S. § 3750; May 10, 1934, ch. 277, § 512(b), 48 Stat. 759; Pub. L. 89–30, § 2, June 2, 1965, 79 Stat. 119.)

REFERENCES IN TEXT

The internal-revenue laws, referred to in text, are classified generally to Title 26, Internal Revenue Code.

CODIFICATION

R.S. § 3750 derived from acts May 29, 1830, ch. 153, § 1, 4 Stat. 414; Mar. 2, 1867, ch. 169, § 4, 14 Stat. 472.

AMENDMENTS

1965—Pub. L. 89–30 substituted ''Administrator of General Services'' for ''General Counsel for the Department of the Treasury''.

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of Department of the Treasury, with certain exceptions, to Secretary of the Treasury with power to delegate, see Reorg. Plan No. 26 of 1950, §§ 1, 2, eff. July 31, 1950, 15 F.R. 4935, 64 Stat. 1280, 1281, set out in the Appendix to Title 5, Government Organization and Employees. Functions of Coast Guard and Commandant of Coast Guard excepted from transfer when Coast Guard is operating as part of Navy under sections 1 and 3 of Title 14, Coast Guard.

Act May 10, 1934, abolished offices of General Counsel and Assistant General Counsel for Bureau of Internal Revenue and offices of Solicitor and Assistant Solicitor of the Treasury, and transferred powers, duties, and functions thereof to General Counsel for Department of the Treasury.

CROSS REFERENCES

Administration of real estate acquired by the United States in payment of debts arising under the internal revenue laws, see section 7506 of Title 26, Internal Revenue Code.

Distraint on real estate, see section 6331 et seq. of Title 26.

Purchase of lands sold on execution by the United States, see section 3715 of Title 31, Money and Finance.

§ 302. Repealed. Oct. 31, 1951, ch. 654, § 1(95), 65 Stat. 705

Section, R.S. § 3749, related to renting or selling of unproductive lands, or other property of United States acquired under judicial process or otherwise in collection of debts. See sections 483 and 484 of this title.

§ 303. Repealed. Aug. 5, 1947, ch. 493, § 2, 61 Stat. 774

Section, acts July 28, 1892, ch. 316, 27 Stat. 321; May 29, 1928, ch. 901, § 1(29), 45 Stat. 988, related to lease of property not required for public use by Secretary of the Army. See section 2667 of Title 10, Armed Forces.

§ 303a. Repealed. Oct. 31, 1951, ch. 654, § 1(96), 65 Stat. 705

Section, act Mar. 3, 1879, ch. 182, 20 Stat. 383, related to leasing, by Secretary of the Treasury, of unoccupied and unproductive property of United States under his control, and annual reports in connection therewith. See sections 483, 484 and 492 of this title. The provision requiring the submission of annual reports had been previously repealed by act Aug. 7, 1946, ch. 770, § 1(49), 60 Stat. 870.

§ 303b. Lease of buildings by Government; money consideration

On and after June 30, 1932, except as otherwise specifically provided by law, the leasing of

buildings and properties of the United States shall be for a money consideration only, and there shall not be included in the lease any provision for the alteration, repair, or improvement of such buildings or properties as a part of the consideration for the rental to be paid for the use and occupation of the same. The moneys derived from such rentals shall be deposited and covered into the Treasury as miscellaneous receipts.

(June 30, 1932, ch. 314, § 321, 47 Stat. 412.)

CROSS REFERENCES

Lease of real or personal property by Secretary of a military department, section as inapplicable to, see section 2667 of Title 10, Armed Forces.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 303c of this title; title 10 sections 2667, 2878; title 14 section 685; title 16 sections 17*o*, 20f, 450ss–4; title 20 section 196; title 36 section 493; title 38 sections 8122, 8162, 8201; title 42 sections 1502, 1544, 2473.

§ 303c. Maintenance and repair of Government improvements under concession contracts

Privileges, leases, and permits granted by the Secretary of the Interior for the use of land for the accommodation of park visitors, pursuant to section 3 of title 16, may provide for the maintenance and repair of Government improvements by the grantee notwithstanding the provisions of section 303b of this title, or any other provision of law.

(Pub. L. 87–608, Aug. 24, 1962, 76 Stat. 405.)

§ 304. Disposal of lands acquired by devise

The General Services Administration is authorized to take custody, for disposal as excess property under the Federal Property and Administrative Services Act of 1949, as amended [40 U.S.C. 471 et seq.], of such lands as have been or may hereafter be acquired by the United States by devise.

(Mar. 3, 1903, ch. 1007, 32 Stat. 1112; Oct. 31, 1951, ch. 654, § 4(8), 65 Stat. 709.)

REFERENCES IN TEXT

The Federal Property and Administrative Services Act of 1949, as amended, referred to in text, is act June 30, 1949, ch. 288, 63 Stat. 377, as amended. Provisions of that act relating to disposal of excess government property are classified to chapter 10 (§ 471 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 471 of this title and Tables.

CODIFICATION

Section is based on act Mar. 3, 1903, popularly known as the ''Sundry Civil Appropriation Act, fiscal year 1904''. It superseded a provision of act Aug. 7, 1882, ch. 433, § 1, 22 Stat. 319, which authorized the Secretary of the Treasury to ''sell such lands as have been acquired by devise,'' etc.

AMENDMENTS

1951—Act Oct. 31, 1951, amended section generally. Prior to amendment, section authorized Secretary of the Treasury to sell the type of lands described upon such terms and after public notice by advertisement as he might deem best for the public interest.

CROSS REFERENCES

Disposition of real property located outside of the District of Columbia, see section 304a of this title.

§ 304a. Disposition of surplus real property; assignment to governmental agency; lease; sale

Notwithstanding any other provisions of law, whenever any real property located outside of the District of Columbia, exclusive of military or naval reservations, heretofore or hereafter acquired by any Federal agency, by judicial process or otherwise in the collection of debts, purchase, donation, condemnation, devise, forfeiture, lease, or in any other manner, is, in whole or in part, declared to be in excess of its needs by the Federal agency having control thereof, or by the President on recommendation of the Administrator of General Services, the Administrator of General Services is authorized (a) to assign or reassign to any Federal agency or agencies space therein: *Provided*, That if the Federal agency to which space is assigned does not desire to occupy the space so assigned to it, the decision of the Administrator of General Services shall be subject to review by the President; or (b) pending a sale, to lease such real property on such terms and for such period not in excess of five years as he may deem in the public interest; or (c) to sell the same at public sale to the highest responsible bidder upon such terms and after such public advertisement as he may deem in the public interest: *Provided*, *further*, That if no bids which are satisfactory as to price and responsibility of bidder are received as a result of such public advertisement, the Administrator of General Services is authorized to sell such property by negotiation, upon such terms as may be deemed to be to the best interest of the Government, but at a price not less than that bid by the highest responsible bidder.

(Aug. 27, 1935, ch. 744, § 1, 49 Stat. 885; July 18, 1940, ch. 635, §§ 1, 3, 54 Stat. 764, 765; June 30, 1949, ch. 288, title I, § 103(a), 63 Stat. 380.)

AMENDMENTS

1940—Act July 18, 1940, inserted last proviso and substituted ''Federal Works Administrator'' for ''Secretary of the Treasury'' and ''Commissioner of Public Buildings'' for ''Director of Procurement''.

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.

CROSS REFERENCES

Lands of certain recreational demonstration projects as subject to sections 304a, 304b to 304e of this title, see sections 459r to 459t of Title 16, Conservation.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 304a–1, 304a–2, 304b, 304d, 304e of this title; title 16 section 459t.

§ 304a–1. Expenses of sale; maintenance

There are authorized to be appropriated such amounts as may be necessary to cover the costs incident to the sale or lease of real property, or demolition of buildings thereon as hereinafter authorized, which have been or may hereafter be declared surplus to the needs of any Federal agency in accordance with the provisions of sections 304a to 304e of this title, and the care, maintenance, and protection thereof, including, but not limited to pay of employees, travel of Government employees, brokers' fees not in excess of rates paid for similar services in the community where the property is situated, appraisals, photographs, surveys, evidence of title and perfecting of defective titles, advertising, and telephone and telegraph charges: *Provided, however*, That a Federal agency shall remain responsible for the proper care, maintenance, and protection of the aforesaid property, notwithstanding any declaration that the same is in excess of its needs until such time as custody is assumed by the Administrator of General Services or other disposition is made thereof.

(Aug. 27, 1935, ch. 744, § 6, as added July 18, 1940, ch. 635, § 2, 54 Stat. 764; amended 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 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, 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 304a–2, 304d, 304e of this title.

§ 304a–2. Demolition; historic buildings

The Administrator of General Services is authorized, upon his determination that such action will be to the best interest of the Government, to demolish any building declared surplus to the needs of the Government in accordance with the provisions of sections 304a to 304e of this title: *Provided*, That before proceeding with the demolition of any building, the Administrator of General Services shall inform the Secretary of the Interior in writing of his intention to demolish it, and shall not proceed with the demolition until he shall have received written notice from the Secretary of the Interior that said building is not an historic building of national significance within the meaning of sections 461 to 467 of title 16: *Provided, however*, That if the Secretary of the Interior shall fail to notify the Administrator of General Services of his determination as to whether such building is an historic building of national significance within ninety days of the receipt of the notice of intention to demolish the Administrator of General Services may proceed to demolish said building.

(Aug. 27, 1935, ch. 744, § 7, as added July 18, 1940, ch. 635, § 2, 54 Stat. 764; amended June 30, 1949, ch. 288, title I, § 103(a), 63 Stat. 380.)

REFERENCES IN TEXT

Section 461 to 467 of title 16, referred to in text, was in the original a reference to the Act of Aug. 21, 1935, ch. 593, 49 Stat. 666, which is popularly known as the Historic Sites, Buildings, and Antiquities Act.

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.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 304a–1, 304d, 304e of this title.

§ 304b. Alterations and repairs to real property assigned; payment by agency

Whenever after investigation it is determined by the Administrator of General Services that any such real property should be used for the accommodation of any Federal agency or agencies, the Administrator of General Services is authorized to make any repairs thereto or alterations thereof which he deems necessary or advisable and to maintain and operate the same. To the extent that the appropriations of the General Services Administration not otherwise allocated are inadequate for such repairs, alterations, maintenance, or operation, the Administrator of General Services may require each Federal agency to which space has been assigned therein pursuant to the provisions of section 304a of this title to pay promptly by check to the Administrator of General Services out of its appropriation for rent, either in advance of or upon or during occupancy of such space, all or part of the estimated or actual cost of such repairs, alterations, maintenance, and operation: *Provided*, That the total amount so to be paid shall be determined and equitably apportioned by the Administrator of General Services among the Federal agencies to whom space has been so assigned.

(Aug. 27, 1935, ch. 744, § 2, 49 Stat. 886; July 18, 1940, ch. 635, § 3, 54 Stat. 765; June 14, 1946, ch. 404, § 4, 60 Stat. 257; June 30, 1949, ch. 288, title I, § 103(a), 63 Stat. 380.)

AMENDMENTS

1946—Act June 14, 1946, repealed last two provisos relating to computation of rates of assigned space.

1940—Act July 18, 1940, substituted ''Federal Works Administrator'', ''Commissioner of Public Buildings'', and ''Public Buildings Administration'' for ''Secretary of the Treasury'', ''Director of Procurement'', and ''Procurement Division'', respectively, throughout section.

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 304a–1, 304a–2, 304d, 304e of this title; title 16 section 459t.

§ 304c. Payment by agencies of rent, repairs, alterations, maintenance, operation, and moving costs

To the extent that the appropriations of the General Services Administration not otherwise required are inadequate therefor, the Administrator of General Services may require each Federal agency to which leased space has been assigned to pay promptly by check to the Administrator of General Services out of its available appropriations, either in advance or during occupancy of such space, all or part of the estimated cost of rent, repairs, alterations, maintenance, operation, and moving: *Provided*, That when space in a building is occupied by two or more agencies, the Administrator of General Services shall determine and equitably apportion rental, operation, and other charges on the basis of the total amount of space so leased.

(Aug. 27, 1935, ch. 744, § 3, 49 Stat. 886; July 18, 1940, ch. 635, § 3, 54 Stat. 765; June 14, 1946, ch. 404, § 4, 60 Stat. 257; June 30, 1949, ch. 288, title I, § 103(a), 63 Stat. 380; Pub. L. 85–493, § 2, July 2, 1958, 72 Stat. 294.)

AMENDMENTS

1958—Pub. L. 85–493 struck out provisions which authorized leasing of space outside of District of Columbia for periods not in excess of five years, which provisions are now covered by section 490 of this title.

1946—Act June 14, 1946, substituted provision which authorized Commissioner of Public Buildings to require each Federal agency to pay the estimated cost of rental, repair, etc. of leased space assigned to that agency and to equitably apportion the charges when two or more agencies occupy the same space for provision which authorized the Director of Procurement to procure space for agencies in the same manner authorized by section 304a of this title and to require these agencies to pay the total expense required in the manner specified by section 304b of this title.

1940—Act July 18, 1940, substituted ''Commissioner of Public Buildings'' and ''Federal Works Administrator'' for ''Director of Procurement'' and ''Secretary of the Treasury'', respectively.

TRANSFER OF FUNCTIONS; EXCEPTIONS

Functions with respect to acquiring space in buildings by lease, functions with respect to assigning and reassigning space in buildings for use by agencies (including both space acquired by lease and space in Government-owned buildings), with certain exceptions, transferred from respective agencies in which theretofore vested to Administrator of General Services by sections 1 and 2 of Reorg. Plan No. 18 of 1950, eff. July 1, 1950, 15 F.R. 3177, 64 Stat. 1270, set out as a note under section 490 of this title. For delegation of those transferred functions to other personnel of General Services Administration, or to heads and personnel of other agencies, and for transfer of personnel, property, records, and funds, see sections 3 and 4 of that Plan.

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.

CROSS REFERENCES

Section inapplicable to lease-purchase contracts, see section 356 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 304a–1, 304a–2, 304d, 304e, 356 of this title; title 16 section 459t.

§ 304d. Regulations under sections 304a to 304e

The Administrator of General Services is authorized to make such regulations as may be necessary to carry out the provisions of sections 304a to 304e of this title.

(Aug. 27, 1935, ch. 744, § 4, 49 Stat. 886; July 18, 1940, ch. 635, § 3, 54 Stat. 765; June 30, 1949, ch. 288, title I, § 103(a), 63 Stat. 380.)

AMENDMENTS

1940—Act July 18, 1940, substituted ''Commissioner of Public Buildings'' and ''Federal Works Administrator'' for ''Director of Procurement'' and ''Secretary of the Treasury'', respectively.

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.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 304a–1, 304a–2, 304e of this title; title 16 section 459t.

§ 304e. "Federal agency", as used in sections 304a to 304e, defined

The term ''Federal agency'', as used in sections 304a to 304e of this title, means any executive department, independent establishment, commission, board, bureau, division, or office in the executive branch, or other agency of the United States, including corporations wholly owned by the United States.

(Aug. 27, 1935, ch. 744, § 5, 49 Stat. 886.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 304a–1, 304a–2, 304d of this title; title 16 section 459t.

§ 304f. Disposition of property abandoned or forfeited to United States; definitions of words used in sections 304f to 304m

As used in sections 304f to 304m of this title—

(1) ''Property'' means all personal property, including but not limited to vessels, vehicles, and aircraft;

(2) ''Agency'' includes any executive department, independent establishment, board, commission, bureau, service, or division of the United States, and any corporation in which the United States owns all or a majority of the stock.

(3) ''Administrator'' means the Administrator of General Services.

(Aug. 27, 1935, ch. 740, title III, § 301, 49 Stat. 879; June 30, 1949, ch. 288, title I, § 102(a), 63 Stat. 380.)

TRANSFER OF FUNCTIONS

Functions of Director of Bureau of Federal Supply transferred to Administrator of General Services and office of Director abolished by section 102(a) of act June 30, 1949, which is classified to section 752 of this title.

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 304j, 304k, 304*l*, 304m of this title; title 18 section 3668.

§ 304g. Disposition of property voluntarily abandoned to United States

In the event that any property is or has been voluntarily abandoned to any agency in such manner as to vest title thereto in the United States, it may be retained by such agency and devoted to official use only. If such agency shall not desire so to retain such property, the head thereof shall forthwith notify the Administrator to that effect, and the Administrator shall, within a reasonable time—

(a) order such agency to deliver the property to any other agency which requests and in his judgment should be given the property, or

(b) order disposal of the property as otherwise provided by law.

(Aug. 27, 1935, ch. 740, title III, § 302, 49 Stat. 879; June 30, 1949, ch. 288, title I, § 102(a), 63 Stat. 380.)

TRANSFER OF FUNCTIONS

Functions of Director of Bureau of Federal Supply transferred to Administrator of General Services and office of Director abolished by section 102(a) of act June 30, 1949, which is classified to section 752 of this title.

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 304f, 304j, 304k, 304*l*, 304m of this title; title 18 section 3668.

§ 304h. Disposition of property forfeited to United States

In the event that any property seized by any agency is or has been forfeited to the United States otherwise than by court decree, it may, in the event that the property is not ordered by competent authority to be returned to any claimant, and in lieu of being disposed of as otherwise provided by law (including advertisement for sale, and sale), be retained by such agency and devoted to official use only. If such agency shall not desire so to retain such property, the head thereof shall forthwith notify the Administrator to that effect, and such property shall—

(a) in the event that it is not ordered by competent authority to be returned to any claimant, and in lieu of being disposed of as otherwise provided by law (including advertisement for sale, and sale), be delivered by such agency, upon order of the Administrator given within a reasonable time, to any other agency which requests and in the judgment of the Administrator should be given the property, or

(b) upon order of the Administrator given within a reasonable time, be disposed of as otherwise provided by law.

(Aug. 27, 1935, ch. 740, title III, § 303, 49 Stat. 879; June 30, 1949, ch. 288, title I, § 102(a), 63 Stat. 380.)

TRANSFER OF FUNCTIONS

Functions of Director of Bureau of Federal Supply transferred to Administrator of General Services and office of Director abolished by section 102(a) of act June 30, 1949, which is classified to section 752 of this title.

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 304f, 304j, 304k, 304*l*, 304m of this title; title 18 section 3668.

§ 304i. Disposition of property subject to pending court proceedings for forfeiture

In the event that proceedings are or have been commenced for the forfeiture of any property by court decree, the agency which seized such property shall forthwith notify the Administrator and may at the same time file with him a request for such property for its official use. The Administrator shall, before entry of a decree, apply to the court to order delivery of such property—

(a) to the agency filing such request; or

(b) if no such request has been filed, to any other agency which requests and in the judgment of the Administrator should be given such property; or

(c) if the agency which seized such property has not requested it, and no other agency has requested and in the judgment of the Administrator should be given such property, and if in the judgment of the Administrator the property may later become necessary to any agency for official use, to the seizing agency to be retained in its custody. Thereafter, the Administrator shall, within a reasonable time, order such agency to deliver the property to any other agency which requests and in his judgment should be given such property, or to dispose of it as otherwise provided by law,

and if forfeiture thereof is decreed, the court shall, in the event that the property is not ordered by competent authority to be returned to any claimant, order delivery accordingly. All the property for which no such application is made shall be disposed of by the court in accordance with law.

(Aug. 27, 1935, ch. 740, title III, § 304, 49 Stat. 880; June 30, 1949, ch. 288, title I, § 102(a), 63 Stat. 380.)

TRANSFER OF FUNCTIONS

Functions of Director of Bureau of Federal Supply transferred to Administrator of General Services and office of Director abolished by section 102(a) of act June 30, 1949, which is classified to section 752 of this title.

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 304f, 304j, 304k, 304*l*, 304m of this title; title 18 section 3668.

§ 304j. Appropriation available for maintenance, etc., of abandoned and forfeited property, payment of liens and other charges

The appropriation available to any agency for the purchase, hire, operation, maintenance, and repair of property of any kind shall be available for the payment of expenses of operation, maintenance, and repair of property of the same kind received by it under any provision of sections 304f to 304m of this title for official use; for the payment of any lien recognized and allowed pursuant to law, and for the payment of all moneys found to be due any person upon the duly authorized remission or mitigation of any forfeiture; and for reimbursement of other agencies as hereafter provided. The costs of hauling, transporting, towing, and storage of such property shall be paid by the agency which has seized such property or to which it has been abandoned; and, if such property is later delivered to another agency for official use under sections 304g to 304i of this title, the latter shall make reimbursement for all such costs incurred prior to the date of delivery to it of such property.

(Aug. 27, 1935, ch. 740, title III, § 305, 49 Stat. 880.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 304f, 304*l*, 304m of this title; title 18 section 3668.

§ 304k. Retention or delivery of abandoned or forfeited property deemed sale with respect to informer's fees and mitigation of forfeiture

Retention or delivery of forfeited or abandoned property under sections 304f to 304m of this title shall be regarded as the sale thereof for the purpose of laws providing for informer's fees or remission or mitigation of any forfeiture. Any property so acquired when no longer needed for official use shall be disposed of in the same manner as other surplus property.

(Aug. 27, 1935, ch. 740, title III, § 306, 49 Stat. 880.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 304f, 304j, 304*l*, 304m of this title; title 18 section 3668.

§ 304*l*. Reports by agencies concerning abandoned or forfeited property; rules and regulations

The Administrator is authorized, with the approval of the Secretary of the Treasury, (1) to require any agency, from time to time, to make a report of all property abandoned to it or seized and the disposal thereof, and (2) to make such rules and regulations as may be necessary to carry out the provisions of sections 304f to 304m of this title.

(Aug. 27, 1935, ch. 740, title III, § 307, 49 Stat. 880; June 30, 1949, ch. 288, title I, § 102(a), 63 Stat. 380.)

TRANSFER OF FUNCTIONS

Functions of Director of Bureau of Federal Supply transferred to Administrator of General Services and office of Director abolished by section 102(a) of act June 30, 1949, which is classified to section 752 of this title.

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 304f, 304j, 304k, 304m of this title; title 18 section 3668.

§ 304m. Effect on other laws; abandoned or forfeited property excluded from allocation

Nothing contained in sections 304f to 304m of this title shall be construed as repealing any other laws relating to the disposition of forfeited or abandoned property, except such provisions of such laws as are directly in conflict with any provisions of said sections.

The following classes of property shall not be subject to allocation under sections 304g to 304i of this title, but shall be disposed of in the manner otherwise provided by law:

(1) arms or munitions of war included in section 404 of title 22;

(2) narcotic drugs, as defined in the Controlled Substances Act [21 U.S.C. 801 et seq.];

(3) firearms, as defined in section 5845 of title 26; and

(4) such other classes or kinds of property as the Administrator, with the approval of the Secretary of the Treasury, may deem in the public interest, and may by rules and regulations provide.

(Aug. 27, 1935, ch. 740, title III, § 308, 49 Stat. 880; June 30, 1949, ch. 288, title I, § 102(a), 63 Stat. 380; Pub. L. 91–513, title III, § 1102(*o*), Oct. 27, 1970, 84 Stat. 1293.)

REFERENCES IN TEXT

Section 404 of title 22, referred to in par. (1), was repealed by act Aug. 13, 1953, ch. 434, § 2, 67 Stat. 577.

The Controlled Substances Act, referred to in par. (2), is title II of Pub. L. 91–513, Oct. 27, 1970, 84 Stat. 1242, as amended, which is classified principally to subchapter I (§ 801 et seq.) of chapter 13 of Title 21, Food and Drugs. For complete classification of this Act to the Code, see Short Title note set out under section 801 of Title 21 and Tables.

CODIFICATION

In par. (3), ''section 5845 of title 26'' substituted for ''section 2733 of title 26'' on authority of section 7852(b)

of Title 26, Internal Revenue Code, which provides that a reference in other laws to the Internal Revenue Code of 1939 is deemed a reference to corresponding provision of the Internal Revenue Code of 1986.

AMENDMENTS

1970—Pub. L. 91–513 substituted ''the Controlled Substances Act'' for ''section 171 of title 21'' in definition of narcotic drugs.

EFFECTIVE DATE OF 1970 AMENDMENT

Amendment by Pub. L. 91–513 effective on first day of seventh calendar month that begins after the day immediately preceding the date of enactment of Pub. L. 91–513, which was approved on Oct. 27, 1970, see section 1105(a) of Pub. L. 91–513, set out as an Effective Date note under section 951 of Title 21, Food and Drugs.

TRANSFER OF FUNCTIONS

Functions of Director of Bureau of Federal Supply transferred to Administrator of General Services and office of Director abolished by section 102(a) of act June 30, 1949, which is classified to section 752 of this title.

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.

SAVINGS PROVISION

Prosecutions for any violation of law occurring, and civil seizures or forfeitures and injunctive proceedings commenced, prior to the effective date of amendment of this section by section 1102 of Pub. L. 91–513 not to be affected or abated by reason thereof, see section 1103 of Pub. L. 91–513, set out as a note under section 171 of Title 21, Food and Drugs.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 304f, 304j, 304k, 304*l* of this title; title 18 section 3668.

§ 305. Power to obtain releases

Whenever any lands have been or shall be conveyed to individuals or officers, for the use or benefit of the United States, the President is authorized to obtain from such person a release of his interest to the United States.

(R.S. § 3752.)

CODIFICATION

R.S. § 3752 derived from act Apr. 28, 1828, ch. 41, § 3, 4 Stat. 264.

§ 306. Release of lands in certain cases

In cases where real estate has become the property of the United States, by conveyance, extent, or otherwise, in payment of a debt, and such debt is afterward fully paid in money, and the same has been received by the United States, the Administrator of General Services may release by deed or otherwise convey the same real estate to the debtor from whom it was taken, if he is living, or, if such debtor is dead, to his heirs or devisees, or such person as they may appoint: *Provided*, That this section shall not apply to real estate so acquired by the United States in payment of any debt arising under the internal-revenue laws.

(R.S. § 3751; May 10, 1934, ch. 277, § 512(b), 48 Stat. 759; Pub. L. 89–30, § 3, June 2, 1965, 79 Stat. 119.)

REFERENCES IN TEXT

The internal-revenue laws, referred to in text, are classified generally to Title 26, Internal Revenue Code.

CODIFICATION

R.S. § 3751 derived from acts May 29, 1830, ch. 153, § 1, 4 Stat. 414; Mar. 2, 1867, ch. 169, § 4, 14 Stat. 472.

AMENDMENTS

1965—Pub. L. 89–30 substituted ''Administrator of General Services'' for ''General Counsel for the Department of the Treasury''.

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of Department of the Treasury, with certain exceptions, to Secretary of the Treasury with power to delegate, see Reorg. Plan No. 26 of 1950, §§ 1, 2, eff. July 31, 1950, 15 F.R. 4935, 64 Stat. 1280, 1281, set out in the Appendix to Title 5, Government Organization and Employees. Functions of Coast Guard and Commandant of Coast Guard excepted from transfer when Coast Guard is operating as part of Navy under sections 1 and 3 of Title 14, Coast Guard.

Act May 10, 1934, abolished offices of General Counsel and Assistant General Counsel for Bureau of Internal Revenue and offices of Solicitor and Assistant Solicitor of Treasury, and transferred powers, duties, and functions thereof to General Counsel for Department of the Treasury.

§ 307. Omitted

CODIFICATION

Section, acts May 7, 1822, ch. 96, § 3, 3 Stat. 692; July 1, 1879, ch. 62, 21 Stat. 47; Mar. 3, 1921, ch. 123, 41 Stat. 1251, provided for issuance of deeds for land in city of Washington, D.C., sold under section 2 of act May 7, 1822.

§ 308. Releasing property from attachment

Whenever any property owned or held by the United States, or in which the United States has or claims an interest, shall, in any judicial proceeding under the laws of any State, district, or territory, be seized, arrested, attached, or held for the security or satisfaction of any claim made against such property, the Attorney General, in his discretion, may direct the United States Attorney for the district in which the property is located, to cause a stipulation to be entered into for the discharge of such property from such seizure, arrest, attachment, or proceeding, to the effect that upon such discharge, the person asserting the claim against such property shall become entitled to all the benefits of this section and section 309 of this title. Nothing herein contained shall, however, be considered as recognizing or conceding any right to enforce by seizure, arrest, attachment, or any judicial process, any claim against any property of the United States, or against any property held, owned, or employed by the United States, or by any department thereof, for any public use, or as waiving any objection to any proceeding instituted to enforce any such claim.

(R.S. § 3753; May 10, 1934, ch. 277, § 512(b), 48 Stat. 759; Pub. L. 89–30, § 1(a), June 2, 1965, 79 Stat. 118.)

CODIFICATION

R.S. § 3753 derived from act June 11, 1864, ch. 117, 13 Stat. 122.

AMENDMENTS

1965—Pub. L. 89–30 substituted the Attorney General acting through the United States Attorney for the dis-

trict in which the property is located, for the Secretary of the Treasury, acting through the General Counsel for the Department of the Treasury, as the proper official to cause a stipulation to be entered into for the discharge of attached property.

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of Department of the Treasury, with certain exceptions, to Secretary of the Treasury with power to delegate, see Reorg. Plan No. 26 of 1950, §§1, 2, eff. July 31, 1950, 15 F.R. 4935, 64 Stat. 1280, 1281, set out in the Appendix to Title 5, Government Organization and Employees. Functions of Coast Guard and Commandant of Coast Guard excepted from transfer when Coast Guard is operating as part of Navy under sections 1 and 3 of Title 14, Coast Guard.

Act May 10, 1934, abolished offices of General Counsel and Assistant General Counsel for Bureau of Internal Revenue and offices of Solicitor and Assistant Solicitor of the Treasury, and transferred powers, duties, and functions thereof to General Counsel for Department of the Treasury.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 309 of this title.

§ 309. Payment

In all cases where a stipulation is entered into under section 308 of this title, and, in consequence thereof, the property is discharged, and final judgment is afterward given in the court of last resort to which the Attorney General may deem proper to cause such proceedings to be carried, affirming the claim for the security or satisfaction of which such proceedings have been instituted, and the right of the person asserting the same to enforce it against such property by means of such proceedings, notwithstanding the claims of the United States thereto, such final judgment shall be deemed, to all intents and purposes, a full and final determination of the rights of such person, and shall entitle such person, as against the United States, to such rights as he would have had in case possession of such property had not been changed. Whenever such claim is for the payment of money, and the same is by such judgment found to be due, the presentation of a duly authenticated copy of the record of such judgment and proceedings shall be sufficient evidence to the proper accounting officers for the allowance thereof; and the same shall thereupon be allowed and paid out of any moneys in the Treasury not otherwise appropriated. The amount so to be allowed and paid shall not, however, exceed the value of the interest of the United States in the property in question.

(R.S. §3754; Pub. L. 89–30, §1(b), June 2, 1965, 79 Stat. 119.)

CODIFICATION

R.S. §3754 derived from act June 11, 1864, ch. 117, 13 Stat. 122.

AMENDMENTS

1965—Pub. L. 89–30 substituted ''Attorney General'' for ''Secretary of the Treasury''.

APPROPRIATIONS

Section 3 of act June 26, 1934, ch. 756, 48 Stat. 1226, which was classified to section 725b of former Title 31, Money and Finance, provided in part that, effective July 1, 1935, the permanent or continuing appropriation account ''Judgments of courts (Revised Statutes, section 3754 [40 U.S.C. 309]) (7x965)'' is abolished, and any unobligated balances in such account are covered into the Treasury; and that any claims accruing on and after July 1, 1935, which, but for this section would have been charged to this appropriation title, shall, upon proper audit, be certified to Congress for appropriation from the general fund of the Treasury, which is authorized.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 308 of this title.

§ 310. Abandoned property

The Administrator of General Services is authorized to make such contracts and provisions as he may deem for the interest of the Government, for the preservation, sale, or collection of any property, or the proceeds thereof, which may have been wrecked, abandoned, or become derelict, being within the jurisdiction of the United States, and which ought to come to the United States, and in such contracts to allow such compensation to any person giving information thereof, or who shall actually preserve, collect, surrender, or pay over the same, as the Administrator of General Services may deem just and reasonable. No costs or claim shall, however, become chargeable to the United States in so obtaining, preserving, collecting, receiving, or making available property, debts, dues, or interests, which shall not be paid from such moneys as shall be realized and received from the property so collected, under each specific agreement.

(R.S. §3755; Pub. L. 89–30, §4, June 2, 1965, 79 Stat. 119.)

CODIFICATION

The clause in this section, as originally enacted, making it applicable also to ''or of any moneys, dues, and other interests lately in the possession of or due to the so-called Confederate States, or their agents, and now belonging to the United States, which are now withheld or retained by any person, corporation or municipality whatever, and which ought to have come into the possession and custody of, or been collected or received by, the United States;'' was omitted.

R.S. §3755 derived from Res. June 21, 1870, No. 75, 16 Stat. 380.

AMENDMENTS

1965—Pub. L. 89–30 substituted ''Administrator of General Services'' for ''Secretary of the Treasury''.

§§ 311, 311a. Repealed. June 30, 1949, ch. 288, title VI, § 602(a)(5), (6), formerly title V, § 502(a)(5), (6), 63 Stat. 400; renumbered Sept. 5, 1950, ch. 849, § 6(a), (b), 64 Stat. 583

Section 311, act July 11, 1919, ch. 6, §5, 41 Stat. 67, related to purchase of material and supplies from government services following cessation of war activities. See section 471 et seq. of this title.

Section 311a, act Dec. 20, 1928, ch. 39, title I, 45 Stat. 1030, related to surplus materials, supplies and equipment, and application of Executive Order of Dec. 3, 1918. See section 471 et seq. of this title. Similar provisions were contained in the following prior acts:

Feb. 12, 1925, ch. 225, title I, 43 Stat. 894.
June 30, 1922, ch. 253, title I, 42 Stat. 717.
July 19, 1919, ch. 24, §3, 41 Stat. 232.
July 11, 1919, ch. 7, §7, 41 Stat. 103.

EFFECTIVE DATE OF REPEAL

Repeal of sections effective July 1, 1949, pursuant to section 505 of act June 30, 1949.

§ 311b. Disposition of unfit horses and mules

Subject to applicable regulations under the Federal Property and Administrative Services Act of 1949, as amended [40 U.S.C. 471 et seq.], horses and mules belonging to the United States which have become unfit for service may be destroyed or put out to pasture, either on the pastures belonging to the United States Government or those belonging to financially sound and reputable humane organizations whose facilities permit them to care for them during the remainder of their natural life, at no cost to the Government.

(June 15, 1938, ch. 400, 52 Stat. 693; June 3, 1939, ch. 176, 53 Stat. 808; Oct. 31, 1951, ch. 654, § 2(24), 65 Stat. 707.)

REFERENCES IN TEXT

The Federal Property and Administrative Services Act of 1949, as amended, referred to in text, is act June 30, 1949, ch. 288, 63 Stat. 377, as amended. Provisions of that act relating to disposal of government property are classified to chapter 10 (§ 471 et seq.) of this title. Provisions of that act relating to regulations are classified to section 486 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 471 of this title and Tables.

AMENDMENTS

1951—Act Oct. 31, 1951, inserted reference to applicable regulations of the Federal Property and Administrative Services Act of 1949, as amended.

1939—Act June 3, 1939, amended section generally, inserting ", either on the pastures belonging to the United States Government or those belonging to financially sound and reputable humane organizations whose facilities permit them to care for them during the remainder of their natural life, at no cost to the Government".

§ 312. Repealed. Oct. 31, 1951, ch. 654, § 1(97), 65 Stat. 705

Section, act Dec. 20, 1928, ch. 39, title I, 45 Stat. 1030, related to issuance of surplus typewriters and computing machines to Government departments and establishments. See sections 483 and 484 of this title.

Similar provisions were contained in the following prior appropriation acts:

Mar. 5, 1928, ch. 126, 45 Stat. 165.
Jan. 26, 1927, ch. 58, 44 Stat. 1030.
Mar. 2, 1926, ch. 43, 44 Stat. 139.
Jan. 22, 1925, ch. 87, 43 Stat. 766.
Apr. 4, 1924, ch. 84, 43 Stat. 67.
Jan. 3, 1923, ch. 22, 42 Stat. 1090.
Feb. 17, 1922, ch. 55, 42 Stat. 369.

§§ 313, 313–1. Omitted

CODIFICATION

Section 313, which was from the Treasury and Post Office Departments Appropriation Act, 1949, act June 14, 1948, ch. 466, title I, 62 Stat. 415, related to repairs to typewriting machines in Government service in District of Columbia, and was not repeated in subsequent appropriation acts.

Similar provisions were contained in the following prior appropriation acts:

July 1, 1947, ch. 186, title I, 61 Stat. 224.
July 20, 1946, ch. 588, title I, 60 Stat. 579.
Apr. 24, 1945, ch. 92, title I, 59 Stat. 67.
Apr. 22, 1944, ch. 175, title I, 58 Stat. 206.
June 30, 1943, ch. 179, title I, 57 Stat. 262.
Mar. 10, 1942, ch. 178, title I, 56 Stat. 161.
Feb. 21, 1942, ch. 108, title I, 56 Stat. 109.
May 31, 1941, ch. 156, title I, 55 Stat. 226.
Mar. 25, 1940, ch. 71, title I, 54 Stat. 70.
May 6, 1939, ch. 115, title I, 53 Stat. 674.
Mar. 28, 1938, ch. 55, title I, 52 Stat. 139.
May 14, 1937, ch. 180, title I, 50 Stat. 154.
June 23, 1936, ch. 725, title I, 49 Stat. 1844.
May 14, 1935, ch. 110, title I, 49 Stat. 234.
Mar. 15, 1934, ch. 70, 48 Stat. 438.
Mar. 3, 1933, ch. 212, 47 Stat. 1491.
July 5, 1932, ch. 430, 47 Stat. 582.
Feb. 23, 1931, ch. 277, 46 Stat. 1219.
May 15, 1930, ch. 289, 46 Stat. 337.
Dec. 20, 1928, ch. 39, 45 Stat. 1031.
Mar. 5, 1928, ch. 126, 45 Stat. 165.
Jan. 26, 1927, ch. 58, 44 Stat. 1030.
Mar. 2, 1926, ch. 43, 44 Stat. 139.
Jan. 22, 1925, ch. 87, 43 Stat. 766.
Apr. 4, 1924, ch. 84, 43 Stat. 67.
Jan. 3, 1923, ch. 22, 42 Stat. 1090.
Feb. 17, 1922, ch. 55, 42 Stat. 369.

Section 313–1, which was from the Independent Offices Appropriation Act, 1951, act Sept. 6, 1950, ch. 896, ch. VIII, title I, 64 Stat. 708, related to the control, survey, and disposition of typewriting machines by Administrator of General Services, and was not repeated in subsequent appropriation acts.

Similar provisions were contained in the following prior appropriation act:

June 30, 1949, ch. 286, title I, 63 Stat. 364.

§ 313–2. Omitted

CODIFICATION

Section, which was from the Treasury, Postal Service, and General Government Appropriation Act, 1972, Pub. L. 92–49, title VI, § 611, July 9, 1971, 85 Stat. 124, provided that no money appropriated by this or any other Act or any agency of executive branch of Government was to be used during current fiscal year for purchase within continental limits of United States of any typewriting machines, except in accordance with regulations issued pursuant to provisions of Federal Property and Administrative Services Act of 1949, as amended, and was not repeated in subsequent appropriation acts.

Similar provisions were contained in the following prior appropriation acts:

Dec. 17, 1970, Pub. L. 91–556, title I, 84 Stat. 1448.
Nov. 26, 1969, Pub. L. 91–126, title I, 83 Stat. 228.
Oct. 4, 1968, Pub. L. 90–550, title I, 82 Stat. 944.
Nov. 3, 1967, Pub. L. 90–121, title I, 81 Stat. 349.
Sept. 6, 1966, Pub. L. 89–555, title I, 80 Stat. 674.
Aug. 16, 1965, Pub. L. 89–128, title I, 79 Stat. 531.
Aug. 30, 1964, Pub. L. 88–507, title I, 78 Stat. 655.
Dec. 19, 1963, Pub. L. 88–215, title I, 77 Stat. 436.
Oct. 3, 1962, Pub. L. 87–741, title I, 76 Stat. 727.
Aug. 17, 1961, Pub. L. 87–141, title I, 75 Stat. 353.
July 12, 1960, Pub. L. 86–626, title I, 74 Stat. 434.
Sept. 14, 1959, Pub. L. 86–255, title I, 73 Stat. 507.
Aug. 28, 1958, Pub. L. 85–844, title I, 72 Stat. 1069.
June 29, 1957, Pub. L. 85–69, title I, 71 Stat. 232.
June 27, 1956, ch. 452, title I, 70 Stat. 345.
June 30, 1955, ch. 244, title I, 69 Stat. 205.
June 24, 1954, ch. 359, title I, 68 Stat. 282.
July 31, 1953, ch. 302, title I, 67 Stat. 304.
July 5, 1952, ch. 578, title I, 66 Stat. 400.
Aug. 31, 1951, ch. 376, title I, 65 Stat. 275.

§ 313a. Omitted

CODIFICATION

Section, which was from the Treasury and Post Office Departments Appropriation Act, 1949, act June 14, 1948, ch. 466, title I, 62 Stat. 415, related to repair and reissue of surplus property, and was not repeated in subsequent appropriation acts.

Similar provisions were contained in the following prior appropriation acts:

July 1, 1947, ch. 186, title I, 61 Stat. 224.
July 20, 1946, ch. 588, title I, 60 Stat. 579.

Apr. 24, 1945, ch. 92, title I, 59 Stat. 67.
Apr. 22, 1944, ch. 175, title I, 58 Stat. 206.
June 30, 1943, ch. 179, title I, 57 Stat. 262.
Mar. 10, 1942, ch. 178, title I, 56 Stat. 161.
Feb. 21, 1942, ch. 108, title I, 56 Stat. 109.
May 31, 1941, ch. 156, title I, 55 Stat. 226.
Mar. 25, 1940, ch. 71, title I, 54 Stat. 69.
May 6, 1939, ch. 115, title I, 53 Stat. 674.
Mar. 28, 1938, ch. 55, title I, 52 Stat. 139.
May 14, 1937, ch. 180, title I, 50 Stat. 154.
June 23, 1936, ch. 725, title I, 49 Stat. 1844.
May 14, 1935, ch. 110, 49 Stat. 218.

§314. Sale of war supplies, lands, and buildings

The President is authorized, through the head of any executive department, to sell, upon such terms as the head of such department shall deem expedient, to any person, partnership, association, corporation, or any other department of the Government, or to any foreign State or Government, engaged in war against any Government with which the United States is at war, any war supplies, material and equipment, and any by-products thereof, and any building, plant or factory, acquired since April sixth, nineteen hundred and seventeen, including the lands upon which the plant or factory may be situated, for the production of such war supplies, materials, and equipment which, during the emergency existing July 9, 1918, may have been purchased, acquired, or manufactured by the United States: *Provided further*, That sales of guns and ammunition made under the authority contained in this section or any other Act shall be limited to sales to other departments of the Government and to foreign States or Governments engaged in war against any Government with which the United States is at war, and to members of the National Rifle Association and of other recognized associations organized in the United States for the encouragement of small-arms target practice.

(July 9, 1918, ch. 143, 40 Stat. 850; Feb. 25, 1919, ch. 39, §3, 40 Stat. 1173; May 29, 1928, ch. 901, §1(8), 45 Stat. 986; Aug. 7, 1946, ch. 770, §1(55), 60 Stat. 870.)

AMENDMENTS

1946—Act Aug. 7, 1946, repealed same provisions, relating to reports to Congress, which were repealed by act May 29, 1928.

1928—Act May 29, 1928, discontinued report required by act July 9, 1918, to be made to Congress of money received by sales of supplies, materials, equipment, or other property purchased, acquired, or manufactured, in the United States in connection with the prosecution of the war.

1919—Act Feb. 25, 1919, repealed following proviso: ''Any moneys received by the United States as the proceeds of any such sale shall be deposited to the credit of that appropriation out of which was paid the cost to the Government of the property thus sold, and the same shall immediately become available for the purposes named in the original appropriation.''

CROSS REFERENCES

Disposal of surplus property, see section 484 of this title.

§§314a, 315. Omitted

CODIFICATION

Section 314a, act June 30, 1949, ch. 286, title I, 63 Stat. 363, provided for proceeds of sale of surplus property by Bureau of Federal Supply to be covered into Treasury as miscellaneous receipts. See section 485 of this title.

Section 315, act June 16, 1933, ch. 101, §7, 48 Stat. 305, which authorized President to increase price of services rendered or articles sold by Government upon a finding that charge was less than cost, expired two years after June 16, 1933.

§316. Disposition of securities

With respect to any bonds, notes, or other securities acquired on behalf of the United States under the provisions of the Transportation Act of 1920, including, without limitation of the foregoing, any securities acquired as an incident to a case under title 11, receivership, or reorganization proceeding, or by assignment, transfer, substitution, or issuance, or by purchase, default, or other acquisition (whether at a foreclosure sale or otherwise) of collateral given for the payment of obligations to the United States, the President, or any officer, agent, or agency he may designate, is authorized to sell, exchange or otherwise dispose of, any such bonds, notes, or other securities, or to enter into arrangements for the extension of the maturity thereof, in such manner, in such amounts, at such prices, for cash, securities or other property, or any combination thereof, and upon such terms and conditions as the President or any officer, agent, or agency so designated may deem advisable and in the public interest.

(Feb. 28, 1920, ch. 91, §213, as added Aug. 13, 1940, ch. 666, 54 Stat. 788; amended Pub. L. 95–598, title III, §325, Nov. 6, 1978, 92 Stat. 2679.)

REFERENCES IN TEXT

The Transportation Act of 1920, referred to in text, is act Feb. 28, 1920, ch. 91, 41 Stat. 456, as amended, which was classified to this section, section 1375a of former Title 10, Army and Air Force, sections 131 to 146 of Title 45, Railroads, and sections 1 to 5, 6, 10 to 15a, 16, 17, 18, 19a, 20, 20a, 25 to 27, 71 to 74, 76 to 79, 141, and 142 of Title 49, Transportation. For complete classification of this Act to the Code, see Tables. Numerous sections of the Act that were classified to Title 49 were repealed by Pub. L. 95–473, §4(b), Oct. 13, 1978, 92 Stat. 1467, the first section of which enacted subtitle IV (§10101 et seq.) of Title 49. For distribution of former sections of Title 49 into the revised Title 49, see table at the beginning of Title 49.

CODIFICATION

Section was formerly classified to section 80 of Title 49, Transportation.

AMENDMENTS

1978—Pub. L. 95–598 substituted ''case under title 11'' for ''bankruptcy''.

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95–598 effective Oct. 1, 1979, see section 402(a) of Pub. L. 95–598, set out as an Effective Date note preceding section 101 of Title 11, Bankruptcy.

§317. Repealed. Pub. L. 88–118, Sept. 6, 1963, 77 Stat. 152

Section, acts Oct. 26, 1942, ch. 629, title II, 56 Stat. 999; Oct. 26, 1949, ch. 757, 63 Stat. 930, related to control of electric fans, water-cooling units and air-conditioning equipment in certain buildings operated by Administrator of General Services.

§ 318. Special police

(a) Appointment

The Administrator of General Services, or officials of the General Services Administration duly authorized by the Administrator, may appoint uniformed guards of such Administration as special policemen without additional compensation for duty in connection with the policing of all buildings and areas owned or occupied by the United States and under the charge and control of the Administrator.

(b) Powers

Special policemen appointed under this section shall have the same powers as sheriffs and constables upon property referred to in subsection (a) of this section to enforce the laws enacted for the protection of persons and property, and to prevent breaches of the peace, to suppress affrays or unlawful assemblies, and to enforce any rules and regulations promulgated by the Administrator of General Services or such duly authorized officials of the General Services Administration for the property under their jurisdiction; except that the jurisdiction and policing powers of such special policemen shall not extend to the service of civil process.

(June 1, 1948, ch. 359, § 1, 62 Stat. 281; Pub. L. 100–678, § 8(a), (b), Nov. 17, 1988, 102 Stat. 4052, 4053.)

AMENDMENTS

1988—Pub. L. 100–678, § 8(b), in amending section generally, inserted section catchline ''Special police'', designated provision relating to appointment of special police as subsec. (a), designated provision relating to powers of special police as subsec. (b), and struck out provision in subsec. (b) which restricted the jurisdiction and policing powers to Federal property over which the United States has acquired exclusive or concurrent criminal jurisdiction.

Pub. L. 100–678, § 8(a), substituted ''Administrator of General Services'' for ''Federal Works Administrator'' and ''General Services Administration'' for ''Federal Works Agency'' in three places.

SHORT TITLE

Act June 1, 1948, which enacted this section and sections 318a to 318d of this title, is popularly known as the ''Protection of Public Property Act''.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 50 section 403*o*.

§ 318a. Rules and regulations; posting

The Administrator of General Services or officials of the General Services Administration duly authorized by him are authorized to make all needful rules and regulations for the government of the property under their charge and control, and to annex to such rules and regulations such reasonable penalties, within the limits prescribed in section 318c of this title, as will insure their enforcement: *Provided*, That such rules and regulations shall be posted and kept posted in a conspicuous place on such property.

(June 1, 1948, ch. 359, § 2, 62 Stat. 281; Pub. L. 100–678, § 8(a), (c)(1), Nov. 17, 1988, 102 Stat. 4052, 4053.)

AMENDMENTS

1988—Pub. L. 100–678 substituted ''Administrator of General Services'' for ''Federal Works Administrator'', ''General Services Administration'' for ''Federal Works Agency'', and ''property'' for ''Federal property'' in two places.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 318c of this title.

§ 318b. Application for protection; detail of special police; utilization of Federal law-enforcement agencies

Upon the application of the head of any department or agency of the United States having property of the United States under its administration and control, the Administrator of General Services or officials of the General Services Administration duly authorized by him are authorized to detail any such special policemen for the protection of such property and if he deems it desirable, to extend to such property the applicability of any such regulations and to enforce the same as set forth herein; and the Administrator of General Services or official of the General Services Administration duly authorized by him, whenever it is deemed economical and in the public interest, may utilize the facilities and services of existing Federal law-enforcement agencies, and, with the consent of any State or local agency, the facilities and services of such State or local law-enforcement agencies.

(June 1, 1948, ch. 359, § 3, 62 Stat. 281; Pub. L. 100–678, § 8(a), (c)(2), Nov. 17, 1988, 102 Stat. 4052, 4053.)

REFERENCES IN TEXT

Herein, referred to in text, means act June 1, 1948, ch. 359, 62 Stat. 281, as amended, which enacted sections 318 to 318d of this title. For complete classification of this Act to the Code, see Tables.

AMENDMENTS

1988—Pub. L. 100–678, § 8(c)(2), struck out ''and over which the United States has acquired exclusive or concurrent criminal jurisdiction'' after ''administration and control''.

Pub. L. 100–678, § 8(a), substituted ''Administrator of General Services'' for ''Federal Works Administrator'' in two places and ''General Services Administration'' for ''Federal Works Agency'' in two places.

§ 318c. Penalties

(a) Except as provided in subsection (b) of this section, whoever violates any rule or regulation promulgated pursuant to section 318a of this title shall be fined not more than $50 or imprisoned not more than thirty days, or both.

(b)(1) Whoever violates any military traffic regulation shall be fined an amount not to exceed the amount of the maximum fine for a like or similar offense under the criminal or civil law of the State, territory, possession, or district where the military installation in which the violation occurred is located, or imprisoned for not more than 30 days, or both.

(2) For purposes of this subsection, the term ''military traffic regulation'' means a rule or regulation for the control of vehicular or pedestrian traffic on military installations that is promulgated by the Secretary of Defense, or the designee of the Secretary, under the authority delegated pursuant to section 318a of this title.

(June 1, 1948, ch. 359, § 4, 62 Stat. 281; Pub. L. 104–201, div. A, title X, § 1067, Sept. 23, 1996, 110 Stat. 2654.)

AMENDMENTS

1996—Pub. L. 104–201 designated existing provisions as subsec. (a), substituted ''Except as provided in subsection (b) of this section, whoever violates'' for ''Whoever shall violate'', inserted ''than'' after ''fined not more'', and added subsec. (b).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 318a of this title; title 50 section 403*o*.

§ 318d. Nonuniformed special policemen; powers; arrests without warrant

Officials or employees of the General Services Administration who have been duly authorized to perform investigative functions may be empowered by the Administrator of General Services, or officials of General Services Administration duly authorized by him, to act as nonuniformed special policemen in order to protect property under the charge and control of the General Services Administration and to carry firearms, whether on Federal property or in travel status. Such officials or employees who are empowered to act as nonuniformed special policemen shall have, while on real property under the charge and control of the General Services Administration, the power to enforce Federal laws for the protection of persons and property and the power to enforce rules and regulations made and published for such purposes by the Administrator or duly authorized officials of the General Services Administration. Any such special policeman may make arrests without warrant for any offense committed upon such property if he has reasonable ground to believe (1) the offense constitutes a felony under the laws of the United States, and (2) that the person to be arrested is guilty of that offense.

(June 1, 1948, ch. 359, § 5, as added Pub. L. 87–275, Sept. 22, 1961, 75 Stat. 574.)

§ 319. Grant of easements; authority of executive agencies; application; protection of Federal interests; consideration; legislative jurisdiction: notice of relinquishment, acceptance and State proceedings

Whenever a State or political subdivision or agency thereof or any person makes application for the grant of an easement in, over, or upon real property of the United States for a right-of-way or other purpose, the executive agency having control of such real property may grant to the applicant, on behalf of the United States, such easement as the head of such agency determines will not be adverse to the interests of the United States, subject to such reservations, exceptions, limitations, benefits, burdens, terms, or conditions, including those provided in section 319a of this title, as the head of the agency deems necessary to protect the interests of the United States. Such grant may be made without consideration, or with monetary or other consideration, including any interest in real property. In connection with the grant of such an easement, the executive agency concerned may relinquish to the State in which the affected real property is located such legislative jurisdiction as the executive agency deems necessary or desirable. Relinquishment of legislative jurisdiction under the authority of sections 319 to 319c of this title may be accomplished by filing with the Governor of the State concerned a notice of relinquishment to take effect upon acceptance thereof or by proceeding in such manner as the laws applicable to such State may provide.

(Pub. L. 87–852, § 1, 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 319b, 319c of this title.

§ 319a. Termination of easements; notice to grantees, successors or assignees; effective date

The instrument granting any such easement may provide for termination of the easement in whole or in part if there has been—

(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.
328. Forty hour week; overtime compensation; contractual conditions; liability of employers for violation; withholding funds to satisfy liabilities of employers.
329. Contracts subject to this subchapter; workers covered; exceptions.
(a) Contracts involving employment of laborers or mechanics.
(b) Exceptions.
(c) Inapplicability to small contracts.
330. Report of violations and withholding of funds for unpaid wages and liquidated damages.
(a) Reports of inspectors; determination of amount of unpaid wages and liquidated damages; authorization for direct payments by Comptroller General.
(b) Rights of action and intervention against contractors and sureties.
(c) Right of contractors to appeal; limitations; administrative determination; review by Secretary and issuance of final decision; filing claim in United States Court of Federal Claims.
(d) Applicability of other laws.
331. Limitations, variations, tolerances, and exemptions.
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.
(b) Compliance with section and regulations: inspections, hearings, orders, findings of fact, and decisions; application of sections 38 and 39 of title 41; opportunity for hearing; consequences of noncompliance: cancellation of contracts, completion contracts, additional costs, and withholding of assistance; nonapplication of section 330 of this title.
(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 Act [enacting this section and sections 328 to 333 of this title, amending section 673c of former Title 5, Executive Departments and Government Officers and Employees, and section 1499 of Title 28, Judiciary and Judicial Procedure, repealing sections 321, 322, and 324 to 326 of this title, and enacting provisions set out as notes under this section, section 321 of this title, and section 1499 of Title 28] may be cited as the 'Work Hours and Safety Act of 1962' and title I [enacting this section and sections 328 to 333 of this title] may be cited as the 'Contract Work Hours and Safety Standards Act'.''

DEFINITION OF ''THIS ACT''

Section 2 of Pub. L. 87–581, as amended by Pub. L. 91–54, §2, Aug. 9, 1969, 83 Stat. 98, provided that: ''As used in this Act [see Short Title note above], the term 'this Act' means the Work Hours and Safety Act of 1962 except in title I [this section and sections 328 to 333 of this title] where it means the Contract Work Hours and Safety Standards Act.''

§ 328. Forty hour week; overtime compensation; contractual conditions; liability of employers for violation; withholding funds to satisfy liabilities of employers

(a) Notwithstanding any other provision of law, the wages of every laborer and mechanic employed by any contractor or subcontractor in his performance of work on any contract of the character specified in section 329 of this title shall be computed on the basis of a standard workweek of forty hours, and work in excess of such standard workweek shall be permitted subject to provisions of this section. For each workweek in which any such laborer or mechanic is so employed such wages shall include compensation, at a rate not less than one and one-half

times the basic rate of pay, for all hours worked in excess of forty hours in the workweek.

(b) The following provisions shall be a condition of every contract of the character specified in section 329 of this title and of any obligation of the United States, any territory, or the District of Columbia in connection therewith:

(1) No contractor or subcontractor contracting for any part of the contract work which may require or involve the employment of laborers or mechanics shall require or permit any laborer or mechanic, in any workweek in which he is employed on such work, to work in excess of forty hours in such workweek except in accordance with the provisions of this subchapter; and

(2) In the event of violation of the provisions of paragraph (1), the contractor and any subcontractor responsible therefor shall be liable to such affected employee for his unpaid wages and shall, in addition, be liable to the United States (or, in the case of work done under contract for the District of Columbia or a territory, to such District or to such territory) for liquidated damages as provided therein. Such liquidated damages shall be computed, with respect to each individual employed as a laborer or mechanic in violation of any provision of this subchapter, in the sum of $10 for each calendar day on which such individual was required or permitted to work in excess of the standard workweek of forty hours without payment of the overtime wages required by this subchapter. The governmental agency for which the contract work is done or by which financial assistance for the work is provided may withhold, or cause to be withheld, subject to the provisions of section 330 of this title, from any moneys payable on account of work performed by a contractor or subcontractor, such sums as may administratively be determined to be necessary to satisfy any liabilities of such contractor or subcontractor for unpaid wages and liquidated damages as herein provided.

(Pub. L. 87–581, title I, § 102, Aug. 13, 1962, 76 Stat. 357; Pub. L. 99–145, title XII, § 1241(a), Nov. 8, 1985, 99 Stat. 734.)

AMENDMENTS

1985—Subsec. (a). Pub. L. 99–145, § 1241(a)(1), amended subsec. (a) generally. Prior to amendment, subsec. (a) read as follows: ''Notwithstanding any other provision of law, the wages of every laborer and mechanic employed by any contractor or subcontractor in his performance of work on any contract of the character specified in section 329 of this title shall be computed on the basis of a standard workday of eight hours and a standard workweek of forty hours, and work in excess of such standard workday or workweek shall be permitted subject to the provisions of this section. For each workweek in which any such laborer or mechanic is so employed, such wages shall include compensation, at a rate not less than one and one-half times the basic rate of pay, for all hours worked in excess of forty hours in the workweek, as the case may be.''

Subsec. (b)(1). Pub. L. 99–145, § 1241(a)(2)(A), struck out ''eight hours in any calendar day or in excess of'' before ''forty hours in such workweek''.

Subsec. (b)(2). Pub. L. 99–145, § 1241(a)(2)(B), struck out ''eight hours or in excess of'' before ''the standard workweek''.

EFFECTIVE DATE OF 1985 AMENDMENT

Amendment by Pub. L. 99–145 effective Jan. 1, 1986, see section 1241(c) of Pub. L. 99–145, set out as a note under section 35 of Title 41, Public Contracts.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 329 of this title.

§ 329. Contracts subject to this subchapter; workers covered; exceptions

(a) Contracts involving employment of laborers or mechanics

The provisions of this subchapter shall apply, except as otherwise provided, to any contract which may require or involve the employment of laborers or mechanics upon a public work of the United States, of any territory, or of the District of Columbia, and to any other contract which may require or involve the employment of laborers or mechanics if such contract is one (1) to which the United States or any agency or instrumentality thereof, any territory, or the District of Columbia is a party, or (2) which is made for or on behalf of the United States, any agency or instrumentality thereof, any territory, or the District of Columbia, or (3) which is a contract for work financed in whole or in part by loans or grants from, or loans insured or guaranteed by, the United States or any agency or instrumentality thereof under any statute of the United States providing wage standards for such work: *Provided*, That the provisions of section 328 of this title, shall not apply to work where the assistance from the United States or any agency or instrumentality as set forth above is only in that nature of a loan guarantee, or insurance. Except as otherwise expressly provided, the provisions of this subchapter shall apply to all laborers and mechanics, including watchmen and guards, employed by any contractor or subcontractor in the performance of any part of the work contemplated by any such contract, and for purposes of this subchapter, laborers and mechanics shall include workmen performing services in connection with dredging or rock excavation in any river or harbor of the United States or of any territory or of the District of Columbia, but shall not include any employee employed as a seaman.

(b) Exceptions

This subchapter shall not apply to contracts for transportation by land, air, or water, or for the transmission of intelligence, or for the purchase of supplies or materials or articles ordinarily available in the open market. This subchapter shall not apply with respect to any work required to be done in accordance with the provisions of the Walsh-Healey Public Contracts Act.

(c) Inapplicability to small contracts

This subchapter does not apply to a contract in an amount that is not greater than $100,000.

(Pub. L. 87–581, title I, § 103, Aug. 13, 1962, 76 Stat. 358; Pub. L. 103–355, title IV, § 4104(c)(1), Oct. 13, 1994, 108 Stat. 3342.)

REFERENCES IN TEXT

The Walsh-Healey Public Contracts Act, referred to in subsec. (b), probably means act June 30, 1936, ch. 881, 49 Stat. 2036, as amended, known as the Walsh-Healey Act, which is classified generally to sections 35 to 45 of Title 41, Public Contracts. For complete classification of this Act to the Code, see Short Title note set out under section 35 of Title 41 and Tables. See also section 262 of Title 29, Labor.

AMENDMENTS

1994—Subsec. (c). Pub. L. 103–355 added subsec. (c).

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.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 328, 330, 333 of this title.

§330. Report of violations and withholding of funds for unpaid wages and liquidated damages

(a) Reports of inspectors; determination of amount of unpaid wages and liquidated damages; authorization for direct payments by Comptroller General

Any officer or person designated as inspector of the work to be performed under any contract of the character specified in section 329 of this title, or to aid in the enforcement or fulfillment thereof shall, upon observation or investigation, forthwith report to the proper officer of the United States, of any territory or possession, or of the District of Columbia, all violations of the provisions of this subchapter occurring in the performance of such work, together with the name of each laborer or mechanic who was required or permitted to work in violation of such provisions and the day or days of such violation. The amount of unpaid wages and liquidated damages owing under the provisions of this subchapter shall be administratively determined and the officer or person whose duty it is to approve the payment of moneys by the United States, the territory, or the District of Columbia in connection with the performance of the contract work shall direct the amount of such liquidated damages to be withheld for the use and benefit of the United States, said territory, or said District, and shall direct the amount of such unpaid wages to be withheld for the use and benefit of the laborers and mechanics who were not compensated as required under the provisions of this subchapter. The Comptroller General of the United States is authorized and directed to pay directly to such laborers and mechanics, from the sums withheld on account of underpayments of wages, the respective amounts administratively determined to be due, if the funds withheld are adequate, and, if not, an equitable proportion of such amounts.

(b) Rights of action and intervention against contractors and sureties

If the accrued payments withheld under the terms of the contracts, 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 this subchapter, such laborers and mechanics shall, in the case of a department or agency of the Federal Government, have the rights 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.

(c) Right of contractors to appeal; limitations; administrative determination; review by Secretary and issuance of final decision; filing claim in United States Court of Federal Claims

Any contractor or subcontractor aggrieved by the withholding of a sum as liquidated damages as provided in this subchapter shall have the right, within sixty days thereafter, to appeal to the head of the agency of the United States or of the territory for which the contract work is done or by which financial assistance for the work is provided, or to the Mayor of the District of Columbia in the case of liquidated damages withheld for the use and benefit of said District. Such agency head or Mayor, as the case may be, shall have authority to review the administrative determination of liquidated damages and to issue a final order affirming such determination; or, if it is found that the sum determined is incorrect or that the contractor or subcontractor violated the provisions of this subchapter inadvertently notwithstanding the exercise of due care on his part and that of his agents, recommendations may be made to the Secretary that an appropriate adjustment in liquidated damages be made, or that the contractor or subcontractor be relieved of liability for such liquidated damages. The Secretary shall review all pertinent facts in the matter and may conduct such investigations as he deems necessary, so as to affirm or reject the recommendation. The decision of the Secretary shall be final. In all such cases in which a contractor or subcontractor may be aggrieved by a final order for the withholding of liquidated damages as hereinbefore provided, such contractor or subcontractor may, within sixty days after such final order, file a claim in the United States Court of Federal Claims: *Provided, however*, That final orders of the agency head, the Mayor of the District of Columbia or the Secretary, as the case may be, shall be conclusive with respect to findings of fact if such findings are supported by substantial evidence.

(d) Applicability of other laws

Reorganization Plan Numbered 14 of 1950 (64 Stat. 1267) shall be applicable with respect to the provisions of this subchapter, and section 276c of this title, shall be applicable with respect to those contractors and subcontractors referred to therein who are engaged in the performance of contracts subject to the provisions of this subchapter.

(Pub. L. 87–581, title I, §104, Aug. 13, 1962, 76 Stat. 358; 1967 Reorg. Plan No. 3, §401, eff. Nov. 3, 1967, 32 F.R. 11669, 81 Stat. 951; Pub. L. 93–198, title IV, §421, Dec. 24, 1973, 87 Stat. 789; Pub. L. 97–164, title I, §160(a)(13), Apr. 2, 1982, 96 Stat. 48; Pub. L. 102–572, title IX, §902(b)(1), Oct. 29, 1992, 106 Stat. 4516.)

REFERENCES IN TEXT

Reorganization Plan Numbered 14 of 1950, referred to in subsec. (d), is Reorg. Plan No. 14 of 1950, eff. May 24, 1950, 15 F.R. 3176, 64 Stat. 1267, which is set out in the Appendix to Title 5, Government Organization and Employees.

AMENDMENTS

1992—Subsec. (c). Pub. L. 102–572 substituted ''United States Court of Federal Claims'' for ''United States Claims Court''.

1982—Subsec. (c). Pub. L. 97–164 substituted ''United States Claims Court'' for ''Court of Claims''.

EFFECTIVE DATE OF 1992 AMENDMENT

Amendment by Pub. L. 102–572 effective Oct. 29, 1992, see section 911 of Pub. L. 102–572, set out as a note under section 171 of Title 28, Judiciary and Judicial Procedure.

EFFECTIVE DATE OF 1982 AMENDMENT

Amendment by Pub. L. 97–164 effective Oct. 1, 1982, see section 402 of Pub. L. 97–164, set out as a note under section 171 of Title 28, Judiciary and Judicial Procedure.

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 District of Columbia Code. Accordingly, ''Mayor'' substituted in subsec. (c) for ''commissioners''.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 328, 333 of this title; title 28 section 1499.

§ 331. Limitations, variations, tolerances, and exemptions

The Secretary may provide such reasonable limitations and may make such rules and regulations allowing reasonable variations, tolerances, and exemptions to and from any or all provisions of this subchapter as he may find necessary and proper in the public interest to prevent injustice or undue hardship or to avoid serious impairment of the conduct of Government business.

(Pub. L. 87–581, title I, § 105, Aug. 13, 1962, 76 Stat. 359.)

§ 332. Violations; penalties

Any contractor or subcontractor whose duty it shall be to employ, direct, or control any laborer or mechanic employed in the performance of any work contemplated by any contract to which this subchapter applies, who shall intentionally violate any provision of this subchapter, shall be deemed guilty of a misdemeanor, and for each and every such offense shall, upon conviction, be punished by a fine of not to exceed $1,000 or by imprisonment for not more than six months, or by both such fine and imprisonment, in the discretion of the court having jurisdiction thereof.

(Pub. L. 87–581, title I, § 106, Aug. 13, 1962, 76 Stat. 359.)

§ 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

It shall be a condition of each contract (other than a contract referred to in section 329(c) of this title) which is entered into under legislation subject to Reorganization Plan Numbered 14 of 1950 (64 Stat. 1267), and is for construction, alteration, and/or repair, including painting and decorating, that no contractor or subcontractor contracting for any part of the contract work shall require any laborer or mechanic employed in the performance of the contract to work in surroundings or under working conditions which are unsanitary, hazardous, or dangerous to his health or safety, as determined under construction safety and health standards promulgated by the Secretary by regulation based on proceedings pursuant to section 553 of title 5, provided that such proceedings include a hearing of the nature authorized by said section. In formulating such standards, the Secretary shall consult with the Advisory Committee created by subsection (e) of this section.

(b) Compliance with section and regulations: inspections, hearings, orders, findings of fact, and decisions; application of sections 38 and 39 of title 41; opportunity for hearing; consequences of noncompliance: cancellation of contracts, completion contracts, additional costs, and withholding of assistance; nonapplication of section 330 of this title

The Secretary is authorized to make such inspections, hold such hearings, issue such orders, and make such decisions based on finding of fact, as are deemed necessary to gain compliance with this section and any health and safety standard promulgated by the Secretary under subsection (a) of this section, and for such purposes the Secretary and the United States district courts shall have the authority and jurisdiction provided by sections 38 and 39 of title 41. In the event that the Secretary of Labor determines noncompliance under the provisions of this section after an opportunity for an adjudicatory hearing by the Secretary of any condition of a contract of a type described in clause (1) or (2) of section 329(a) of this title, the governmental agency for which the contract work is done shall have the right to cancel the contract, and to enter into other contracts for the completion of the contract work, charging any additional cost to the original contractor. In the event of noncompliance, as determined by the Secretary after an opportunity for an adjudicatory hearing by the Secretary, of any condition of a contract of a type described in clause (3) of section 329(a) of this title, the governmental agency by which financial guarantee, assistance, or insurance for the contract work is provided shall have the right to withhold any such assistance attributable to the performance of the contract. Section 330 of this title shall not apply to the enforcement of this section.

(c) Jurisdiction; cause shown; enforcement of compliance

The United States district courts shall have jurisdiction for cause shown, in any actions

brought by the Secretary, to enforce compliance with the construction safety and health standard promulgated by the Secretary under subsection (a) of this section.

(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

(1) If the Secretary determines on the record after an opportunity for an agency hearing that, by repeated willful or grossly negligent violations of this subchapter, a contractor or subcontractor has demonstrated that the provisions of subsections (b) and (c) of this section are not effective to protect the safety and health of his employees, the Secretary shall make a finding to that effect and shall, not sooner than thirty days after giving notice of the findings to all interested persons, transmit the name of such contractor or subcontractor to the Comptroller General.

(2) The Comptroller General shall distribute each name so transmitted to him to all agencies of the Government. Unless the Secretary otherwise recommends, no contract subject to this section shall be awarded to such contractor or subcontractor or to any person in which such contractor or subcontractor has a substantial interest until three years have elapsed from the date the name is transmitted to the Comptroller General. If, before the end of such three-year period, the Secretary, after affording interested persons due notice and opportunity for hearing, is satisfied that a contractor or subcontractor whose name he has transmitted to the Comptroller General will thereafter comply responsibly with the requirements of this section, shall terminate the application of the preceding sentence to such contractor or subcontractor (and to any person in which the contractor or subcontractor has a substantial interest); and when the Comptroller General is informed of the Secretary's action he shall inform all agencies of the Government thereof.

(3) Any person aggrieved by the Secretary's action under subsections (b) or (d) of this section may, within sixty days after receiving notice thereof, file with the appropriate United States court of appeals a petition for review of such action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary, who shall thereupon file in the court the record upon which he based his action, as provided in section 2112 of title 28. The findings of fact by the Secretary, if supported by substantial evidence, shall be final. The court shall have power to make and enter a decree enforcing, modifying, and enforcing as so modified, or setting aside in whole or in part, the order of the Secretary or the appropriate Government agency. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28.

(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.

(1) The Secretary shall establish in the Department of Labor an Advisory Committee on Construction Safety and Health (hereinafter referred to as the ''Advisory Committee'') consisting of nine members appointed, without regard to the civil service laws, by the Secretary. The Secretary shall appoint one such member as Chairman. Three members of the Advisory Committee shall be persons representative of contractors to whom this section applies, three members shall be persons representative of employees primarily in the building trades and construction industry engaged in carrying out contracts to which this section applies, and three public representatives who shall be selected on the basis of their professional and technical competence and experience in the construction health and safety field.

(2) The Advisory Committee shall advise the Secretary in the formulation of construction safety and health standards and other regulations, and with respect to policy matters arising in the administration of this section. The Secretary may appoint such special advisory and technical experts or consultants as may be necessary to carry out the functions of the Advisory Committee.

(3) Members of the Advisory Committee shall, while serving on the business of the Advisory Committee, be entitled to receive compensation at rates fixed by the Secretary, but not exceeding $100 per day, including traveltime; and while so serving away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5 for persons in the Government service employed intermittently.

(f) Safety programs: promotion; prevention of injuries through reports, data, and consultations with employers

The Secretary shall provide for the establishment and supervision of programs for the education and training of employers and employees in the recognition, avoidance, and prevention of unsafe working conditions in employments covered by this subchapter, and to collect such reports and data and to consult with and advise employers as to the best means of preventing injuries.

(Pub. L. 87–581, title I, §107, as added Pub. L. 91–54, §1, Aug. 9, 1969, 83 Stat. 96; amended Pub. L. 103–355, title IV, §4104(c)(2), Oct. 13, 1994, 108 Stat. 3342.)

REFERENCES IN TEXT

Reorganization Plan Numbered 14 of 1950, referred to in subsec. (a), is Reorg. Plan No. 14 of 1950, eff. May 24, 1950, 15 F.R. 3176, 64 Stat. 1267, which is set out in the Appendix to Title 5, Government Organization and Employees.

The civil service laws, referred to in subsec. (e)(1), are set forth in Title 5. See, particularly, section 3301 et seq. of Title 5.

AMENDMENTS

1994—Subsec. (a). Pub. L. 103–355 inserted ''(other than a contract referred to in section 329(c) of this title)'' after ''It shall be a condition of each contract''.

EFFECTIVE DATE 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.

TERMINATION OF ADVISORY COMMITTEES

Advisory committees 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 committee established by the President or an officer of the Federal Government, such committee is renewed by appropriate action prior to the expiration of such 2-year period, or in the case of a committee established by the Congress, its duration is otherwise provided by law. Advisory committees established after Jan. 5, 1973, to terminate not later than the expiration of the 2-year period beginning on the date of their establishment, unless, in the case of a committee established by the President or an officer of the Federal Government, such committee is renewed by appropriate action prior to the expiration of such 2-year period, or in the case of a committee established by the Congress, its duration is otherwise provided by law. See section 14 of Pub. L. 92–463, Oct. 6, 1972, 86 Stat. 776, set out in the Appendix to Title 5, Government Organization and Employees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 49 section 24312.

§ 334. Contractor certification or contract clause in acquisition of commercial items

(a) No certification by a contractor, and no contract clause, may be required in the case of a contract for the acquisition of commercial items in order to implement a prohibition or requirement in this subchapter.

(b) In subsection (a) of this section, the term ''commercial item'' has the meaning given such term in section 403(12) of Title 41.

(Pub. L. 87–581, title I, § 108, as added Pub. L. 103–355, title VIII, § 8301(b), Oct. 13, 1994, 108 Stat. 3396.)

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.

CHAPTER 6—ACQUISITION OF SITES FOR AND CONSTRUCTION OF PUBLIC BUILDINGS

Sec.
341 to 345a. Repealed or Omitted.
345b. Disposition of obsolete buildings and sites; purchase price.
345c. Conveyance or transfer of Federal property to States or political subdivisions.
(a) Widening of public highways, streets, or alleys; determination by executive agency head.
(b) ''Executive agency'' defined.
(c) Highway purposes.
346 to 355. Repealed or Transferred.
356. Lease purchase contracts.
(a) Authority to procure space; terms; limitation on amount.
(b) Utilization of existing property.
(c) Agreements to effectuate purposes; development and improvement of land.
(d) Contract provisions; limitations on amount of payments.
(e) Omitted.
(f) Utilization of funds for payments; conditions.
(g) Postal purposes.
(h) State and local taxes.
(i) Separability.
(j) Applicability of other sections.
356a. Exercise of lease purchase contract authority.
(a) Southwestern portion of District of Columbia; conformance to Redevelopment Act; terms of contracts.
(b) Authority to exchange lands.
(c) Demolition of temporary buildings.
(d) Authority to negotiate purchase contracts.
357. Effect on Federal construction programs.

CROSS REFERENCES

For provisions relating to the construction, alteration, and acquisition of public buildings of the Federal Government, see the Public Buildings Act of 1959, which is classified to section 601 et seq. of this title.

§§ 341 to 342a. Repealed. Pub. L. 86–249, § 17(19), (20), Sept. 9, 1959, 73 Stat. 486

Section 341, act May 25, 1926, ch. 380, § 1, 44 Stat. 630, authorized acquisition of sites and construction of public buildings. See section 601 et seq. of this title.

Section 342, act May 25, 1926, ch. 380, § 2, 44 Stat. 631, related to work of preparing designs and other drawings, estimates, specifications, and awarding of contracts, and supervision of work authorized under sections 341, 342, 344, 345, 346, and 347 of this title.

Section 342a, act Dec. 22, 1927, ch. 5, 45 Stat. 32, related to manner of payment for outside professional services wherein period of performance extended beyond fiscal year in which contract for services was entered into.

SAVINGS PROVISION

Section 17 of Pub. L. 86–249 provided in part that sections 23, 24, 32, 33, 59, 254, 259, 260, 262 to 265, 267, 268, 274 to 276, 277, 278, 282, 297 to 298, 298c, 341 to 342a, 344, 345, 346 to 350a, and 352 to 354 of this title are repealed except as to their application to any project referred to in section 613 of this title.

§ 343. Omitted

CODIFICATION

Section, act May 25, 1926, ch. 380, § 3, 44 Stat. 632, authorized Secretary of the Treasury to carry into effect provisions of existing law authorizing acquisition of land for sites and construction of public buildings in certain enumerated cities and provided an additional appropriation law.

§§ 344, 345. Repealed. Pub. L. 86–249, § 17(19), Sept. 9, 1959, 73 Stat. 486

Section 344, act May 25, 1926, ch. 380, § 4, 44 Stat. 632, provided for submission of estimates to Bureau of the Budget, basis of allocation, availability of moneys essential to letting contracts, and required report to Congress.

Section 345, acts May 25, 1926, ch. 380, § 5, 44 Stat. 633; June 16, 1949, ch. 218, title IV, §§ 402, 403, 63 Stat. 199; Sept. 2, 1958, Pub. L. 85–886, § 4, 72 Stat. 1710, related to spacing of public buildings and to exchange of sites.

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.

§ 345a. Omitted

CODIFICATION

Section, acts May 25, 1926, ch. 380, § 5, 44 Stat. 633; Feb. 16, 1931, ch. 203, § 1, 46 Stat. 1164, provided appropriations for public-building program.

§ 345b. Disposition of obsolete buildings and sites; purchase price

In order to suitably dispose of certain Federal buildings and the sites thereof under the control of the Administrator of General Services, which have been supplanted by new structures, and for which the Administrator of General Services has determined there is no further Federal need, he is authorized, in his discretion, if he deems it to be in the best interests of the Government, to sell such buildings and sites or parts of sites to States, counties, municipalities, or other duly constituted political subdivisions of States for public use upon such terms, pursuant to such rules and regulations promulgated by him, as he deems proper, and to convey the same by the usual quitclaim deed, and he may enter into long-term contracts for the payment of the purchase price in such installments as he deems fair and reasonable and may furthermore waive any requirements for interest charges on deferred payment: *Provided*, That the total purchase price shall in no case be less than 50 per centum of the appraised value of the land, the appraisal to be made by the Administrator of General Services: *Provided further*, That the proceeds of the sales shall be deposited in the Treasury as miscellaneous receipts.

(Aug. 26, 1935, ch. 684, § 1, 49 Stat. 800; 1939 Reorg. Plan No. I, §§ 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; Pub. L. 86–608, July 7, 1960, 74 Stat. 363.)

AMENDMENTS

1960—Pub. L. 86–608 struck out provisions which empowered Administrator, in event portions of any Federal building sites under his control are desired by municipalities by reason of any duly authorized, comprehensive street-widening program, to deed to such municipalities, without cost, such areas needed for street uses as may be dedicated without jeopardy to Federal interest. See section 345c of this title.

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.

By Reorg. Plan No. 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.

§ 345c. Conveyance or transfer of Federal property to States or political subdivisions

(a) Widening of public highways, streets, or alleys; determination by executive agency head

Whenever a State or political subdivision of a State makes application therefor in connection with an authorized widening of a public highway, street, or alley, the head of the executive agency having control over the affected real property of the United States may convey or otherwise transfer, with or without consideration, to such State or political subdivision for such highway, street, or alley widening purposes, such interest in such real property as he determines will not be adverse to the interests of the United States, subject to such terms and conditions as he deems necessary to protect the interests of the United States.

(b) "Executive agency" defined

As used in this section the term ''executive agency'' means any executive department or independent establishment in the executive branch of the Government of the United States, including any wholly owned Government corporation.

(c) Highway purposes

Nothing in this section shall be deemed to authorize the conveyance or other transference of any interest in real property which can be transferred to a State or political subdivision of a State for highway purposes under title 23.

(Aug. 26, 1935, ch. 684, § 2, as added Pub. L. 86–608, July 7, 1960, 74 Stat. 363.)

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.

§§ 346 to 350a. Repealed. Pub. L. 86–249, § 17(19), (21)–(23), Sept. 9, 1959, 73 Stat. 486

Section 346, act May 25, 1926, ch. 380, § 6, 44 Stat. 634, related to control and allotment of space in public buildings.

Section 347, act May 25, 1926, ch. 380, § 7, 44 Stat. 635, provided for survey of public-building conditions.

Section 348, act Jan. 13, 1928, ch. 9, § 3, 45 Stat. 52, related to care, maintenance, and protection of public buildings constructed under sections 341 and 343 of this title.

Section 349, act Mar. 31, 1930, ch. 99, § 1(e), 46 Stat. 137, made provisions of sections 341, 342, 344, 345, 346 and 347 of this title applicable to the Territories.

Section 350, act June 27, 1930, ch. 645, 46 Stat. 823, authorized acceptance of donations of sites for public buildings.

Section 350a, act Mar. 31, 1930, ch. 99, § 1(c), 46 Stat. 137, authorized employment of outside professional or technical services of persons, firms, or corporations. See section 609 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.

§ 351. Transferred

CODIFICATION

Section, act Aug. 24, 1949, ch. 506, title III, § 307, 63 Stat. 662, which prohibited use of funds of any wholly owned Government corporation for construction etc., of office buildings in Washington, D.C., for the use of the Government, was transferred to section 33a of this title and subsequently omitted from the Code.

§§ 352 to 354. Repealed. Pub. L. 86–249, § 17(18), Sept. 9, 1959, 73 Stat. 486

Section 352, act June 16, 1949, ch. 218, title I, § 101, 63 Stat. 176, related to comprehensive planning of Federal public buildings outside the District of Columbia, cooperation between the Administrator of General Services and the Postmaster General, and equitable distribution of projects. See section 601 et seq. of this title.

Section 353, act June 16, 1949, ch. 218, title I, § 102, 63 Stat. 176, stated Congressional declaration of purpose for equitable distribution of selected projects.

Section 354, act June 16, 1949, ch. 218, title I, § 103, 63 Stat. 176, authorized appropriations for carrying out the purposes of sections 352 and 353 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.

§ 355. Repealed. Pub. L. 87–466, May 31, 1962, 76 Stat. 87

Section, act June 16, 1949, ch. 218, title IV, § 409, 63 Stat. 200, required submission of a report to Congress concerning eligible public building projects.

§ 356. Lease purchase contracts

(a) Authority to procure space; terms; limitation on amount

Whenever the Administrator of General Services determines that (1) the needs for space for the permanent activities of the Federal Government in any particular area cannot be satisfied by utilization of any existing property suitable for the purpose then owned by the Government, and (2) the best interests of the United States will be served by taking action hereunder, he is authorized to obtain and provide space for the accommodation of activities of the Government in the several States, the District of Columbia, and the Territories and possessions of the United States (including Guam), except for the accommodation of activities of the United States Postal Service, by negotiating and entering into purchase contracts, the terms of which shall not be less than ten nor more than twenty-five years and which shall provide in each case that title to the property shall vest in the United States at or before the expiration of the contract term and upon fulfillment of the terms and conditions stipulated in each of such purchase contracts. Such terms and conditions shall include provision for the application to the purchase price agreed upon therein of installment payments made thereunder including provision for the exchange of surplus real property or real property which may become surplus as a result of such agreement, where the Administrator determines that the best interests of the Government in economy and efficiency of operation will be served. Every purchase contract entered into pursuant to this title shall provide for equal annual payments for the amortization of principal with interest thereon and the Administrator shall not enter into any such contract unless the amount of the annual payment required by such contract plus the aggregate of the annual payments required by all other purchase contracts entered into during the same fiscal year do not exceed the specific limitations on such payments which shall be provided in appropriation acts: *Provided*, That prior to July 1, 1955, a limitation of not to exceed $5,000,000 is established for such purpose.

(b) Utilization of existing property

The Administrator of General Services is authorized to exercise the powers granted in this section with respect to existing properties, including those for which conversions, additions, extensions, or remodeling may be required, and properties upon which construction is to be subsequently effected in pursuance of the terms of applicable purchase contracts.

(c) Agreements to effectuate purposes; development and improvement of land

The Administrator of General Services is authorized to enter into agreements with any person, copartnership, corporation, or other public or private entity, to effectuate any of the purposes of this section; and is further authorized to bring about the development and improvement of any land owned by the United States and under the control of the General Services Administration including the demolition of obsolete and outmoded structures situated thereon, by providing for the construction thereon by others of such structures and facilities as shall be the subject of the applicable purchase contracts.

(d) Contract provisions; limitations on amount of payments

Each such purchase contract shall include such provisions as the Administrator of General Services, in his discretion, shall deem to be in the best interests of the United States and appropriate to secure the performance of the obligations imposed upon the party or parties that shall enter into such agreement with the United States: *Provided*, That no such agreement may provide for the payment by the United States in pursuance of the terms thereof of moneys in an aggregate annual amount in excess of 15 per centum of the appraised fair market value of the property at the date of the purchase contract, or in the case of property where construction shall not have been completed at that date in excess of 15 per centum of the fair market value at the date of completion of such construction. No such purchase contract shall provide for any payments to be made by the United States in excess of the amount necessary, as determined by the Administrator, to—

(1) amortize—

(A) the cost of improvements to be constructed plus the fair market value, on the

date of the agreement, of the site, if owned or acquired by the contractor; or

(B) the fair market value, on the date of the agreement, of completed improvements together with the site thereof; or

(C) a combination of the foregoing in the case of existing improvements to be remodeled by the contractor; and

(2) provide a reasonable rate of interest on the outstanding principal as determined under (1) above; and

(3) reimburse the contractor for the cost of any other obligations assumed by him under the contract, including (but not limited to) payment of taxes, costs of carrying appropriate insurance, and costs of repair and maintenance if so assumed by the contractor.

(e) Omitted

(f) Utilization of funds for payments; conditions

Funds now or hereafter available for the payment of rent and related charges for premises, whether appropriated directly to the General Services Administration or to any other agency of the Government and received by said Administration for such purpose, may be utilized by the Administrator of General Services to make payments becoming due from time to time from the United States as current charges in connection with agreements entered into under authority of this section: *Provided*, That no such funds may be expended for acquisition of title to the property covered by any such agreement prior to the expiration of the contract term specified therein (whether by exercise of option to purchase or otherwise) in the absence of specific appropriations of funds for such acquisition, which appropriations are authorized: *Provided further*, That the value of any Government real property to be exchanged under any such agreement may be credited at the time of exchange to the payments to be made by the United States thereunder: *Provided further*, That Government real property to be exchanged may be credited in whole or in part to the purchase price of the property for which it is exchanged, except that where the amount of the credit for the real property to be exchanged exceeds the amount of the purchase price, the amount of the remaining proceeds shall, except as provided in section 2003 of title 39, be covered into the miscellaneous receipts of the Treasury of the United States.

(g) Postal purposes

When requested by the United States Postal Service, the Administrator of General Services is authorized to exercise the authority vested in him by this section (1) to acquire property for postal purposes, or (2) to provide space for postal purposes in buildings acquired under this section for other purposes.

(h) State and local taxes

With respect to any interest in real property acquired under the provisions of this section, the same shall be subject to State and local taxes until title to the same shall pass to the Government of the United States.

(i) Separability

If any provision of this section or the application thereof to any person or circumstance is held invalid, the remainder of this section and the application thereof to other persons or circumstances shall not be affected thereby.

(j) Applicability of other sections

(1) Section 252(c)[1] of title 41 and section 255 of this title shall apply to purchase contract agreements entered into under this section, except that any such agreement may be entered into and placed in effect after request for but prior to receipt of an opinion of the Attorney General with respect to the validity of title to the property described therein.

(2) Except as provided by paragraph (1) of this subsection, sections 34, 37a,[1] 259,[1] 267[1] and 304c of this title; and sections 12 and 14 of title 41; and any other provision of law (except applicable labor standards provisions) relating to the acquisition of real property, construction of buildings, or leasing of space, shall not apply to purchase contract agreements executed under this section.

(June 16, 1949, ch. 218, title IV, §411, as added July 22, 1954, ch. 560, title I, §101, 68 Stat. 518; amended July 9, 1956, ch. 525, §1, 70 Stat. 510; Pub. L. 91–375, §§4(a), 6(m)(1), (*o*), Aug. 12, 1970, 84 Stat. 773, 782, 783.)

REFERENCES IN TEXT

This title, referred to in subsec. (a), means title IV of act June 16, 1949, ch. 218, which enacted sections 37a, 298, 298a, 298b, 298c, 298d, 355, 356, and 356a of this title, and amended section 345 of this title. Sections 37a, 298, 298c, 345, and 355 of this title have since been repealed.

Subsection (c) of section 252 of title 41, referred to in subsec. (j), was struck out by section 2714(a)(1)(B) of Pub. L. 98–369 and provisions formerly contained in subsection (e) were restated in subsection (c)(1) of section 252 of Title 41, Public Contracts.

Section 37a of this title, referred to in subsec. (j)(2), was repealed by Pub. L. 85–493, §2, July 2, 1958, 72 Stat. 294.

Sections 259 and 267 of this title, referred to in subsec. (j)(2), were repealed by Pub. L. 86–249, §17(12), Sept. 9, 1959, 73 Stat. 485.

CODIFICATION

Provisions of subsec. (e) of this section required Congressional approval by the Committees on Public Works of the Senate and the House of Representatives of proposed purchase contract projects within three years after July 22, 1954 in order for such contract projects to be eligible for appropriations.

PRIOR PROVISIONS

A prior section 411 of act June 16, 1949, was renumbered section 413 and is set out as a note under section 298a of this title.

AMENDMENTS

1970—Subsec. (f). Pub. L. 91–375 substituted ''section 2003 of title 39'' for ''section 205 of the Post Office Department Property Act of 1954''.

1956—Subsec. (e). Act July 9, 1956, struck out requirement for approval of purchase-contract agreements by Director of the Bureau of the Budget and inserted at end of subpar. 8, requirement that project statement by Director be based on budgetary and related considerations, and not deemed to constitute approval of specific terms of any proposed agreement or of selection of any particular contractor or lessor.

EFFECTIVE DATE OF 1970 AMENDMENT

Amendment by Pub. L. 91–375 effective within 1 year after Aug. 12, 1970, on date established therefor by the

[1] See References in Text note below.

Board of Governors of the United States Postal Service and published by it in the Federal Register, see section 15(a) of Pub. L. 91–375, set out as an Effective Date note preceding section 101 of Title 39, Postal Service.

SHORT TITLE

Section 103 of title I of act July 22, 1954, provided that: ''This title [enacting this section and section 357 of this title] may be cited as the 'Public Buildings Purchase Contract Act of 1954'.''

TRANSFER OF FUNCTIONS

In subsec. (a), ''United States Postal Service'' substituted for ''Post Office Department'', and in subsec. (g), ''United States Postal Service'' substituted for ''Postmaster General'' pursuant to Pub. L. 91–375 which abolished Post Office Department and office of Postmaster General of Post Office Department, transferred their 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.

LIMITATION ON USE OF FUNDS FOR PAYMENT FOR SITES, PLANNING OR CONSTRUCTION OF BUILDINGS BY LEASE-PURCHASE CONTRACTS

Pub. L. 85–844, title I, § 101, Aug. 28, 1958, 72 Stat. 1067, provided: ''That hereafter, except for projects located at Atlanta, Georgia; Rock Island, Illinois; Council Bluffs, Iowa; Kansas City, Kansas; Burlington, Iowa; Albuquerque, New Mexico; Sacramento, California; Brunswick, Georgia; Sedan, Kansas; Jonesboro, Louisiana; Lake Charles, Louisiana; Redwood Falls, Minnesota; Biloxi, Mississippi; Greenville, Mississippi; Laurel, Mississippi; Omaha, Nebraska; Durham, New Hampshire; Manning, South Carolina; Sisseton, South Dakota; Kingsport, Tennessee; Gainesville, Texas; McKinney, Texas; Huntington, West Virginia; Green Bay, Wisconsin; Marshfield, Missouri; Terrell, Texas; Mount Hope, West Virginia; Benton, Illinois; Burlington, Vermont; St. Marys, Ohio; West Memphis, Arkansas; Newkirk, Oklahoma; Point Pleasant, New Jersey; and Denver, Colorado; no part of any funds in this or any other Act shall be used for payment for sites, planning or construction of any buildings by lease-purchase contracts.''

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 356a, 357 of this title.

§ 356a. Exercise of lease purchase contract authority

(a) Southwestern portion of District of Columbia; conformance to Redevelopment Act; terms of contracts

In exercising the authority contained in section 356 of this title within the southwestern portion of the District of Columbia, the Administrator of General Services shall conform to the plan for redevelopment of that area pursuant to the District of Columbia Redevelopment Act of 1945 [D.C. Code, § 5–801 et seq.]. Purchase contract agreements for this area shall be for terms of not less than ten years nor more than thirty years.

(b) Authority to exchange lands

The Administrator of General Services is authorized to transfer lands of the United States under his control needed by the District of Columbia Redevelopment Land Agency to said Agency within the southwestern portion of the District of Columbia, and in consideration therefor, to accept from said Agency other lands and interests of equivalent value within the same area.

(c) Demolition of temporary buildings

Whenever the Administrator of General Services initially occupies a building in the southwestern portion of the District of Columbia pursuant to a purchase contract agreement, he shall thereupon cause to be demolished temporary Government building space in the District of Columbia of equivalent occupancy.

(d) Authority to negotiate purchase contracts

In exercising the authority contained in section 356 of this title within the southwestern portion of the District of Columbia, the Administrator of General Services is authorized, pursuant to section 302(c)(14)[1] of the Federal Property and Administrative Services Act of 1949, as amended [41 U.S.C. 252(c)(14)], to negotiate purchase contracts, in accordance with title III of such Act [41 U.S.C. 251 et seq.]. In negotiating such contracts, the Administrator shall take all practicable steps to insure competition among prospective contractors.

(June 16, 1949, ch. 218, title IV, § 412, as added July 12, 1955, ch. 331, 69 Stat. 297.)

REFERENCES IN TEXT

The District of Columbia Redevelopment Act of 1945, referred to in subsec. (a), is act Aug. 2, 1946, ch. 736, 60 Stat. 790, as amended, which appears in chapter 8 (§ 5–801 et seq.) of Title 5, Building Restrictions and Regulations, of the District of Columbia Code.

Subsection (c) of section 302 of the Federal Property and Administrative Services Act of 1949, referred to in subsec. (d), was struck out by section 2714(a)(1)(B) of Pub. L. 98–369 and provisions formerly contained in subsection (e) were restated in subsection (c)(1) of section 302 of the 1949 Act.

The Federal Property and Administrative Services Act of 1949, as amended, referred to in subsec. (d), is act June 30, 1949, ch. 288, 63 Stat. 377, as amended. Title III of the Federal Property and Administrative Services Act of 1949 is classified generally to subchapter IV (§ 251 et seq.) of chapter 4 of Title 41, Public Contracts. For complete classification of this Act to the Code, see Short Title note set out under section 471 of this title and Tables.

CODIFICATION

Provisions of subsecs. (e) and (f) of this section, relating to the five year time limitation from July 22, 1954 for Congressional approval of purchase contract projects within the southwestern portion of the District of Columbia and the required publication in the Federal Register of the prospectus for such a project at the time of submission for Congressional approval, respectively have been omitted.

PRIOR PROVISIONS

A prior section 412 of act June 16, 1949, was renumbered section 413 and is set out as a note under section 298a of this title.

TRANSFER OF FUNCTIONS

For transfer of powers, duties, and functions of District of Columbia Land Redevelopment Agency, as set forth in section 5–801 et seq. of the District of Columbia Code, to Director of Department of Housing and Community Development, with certain exceptions, see part 4 of Reorg. Plan No. 3 of 1975, eff. July 3, 1975, 21 DCR 2793, set out in the first volume of the District of Columbia Code.

[1] See References in Text note below.

§ 357. Effect on Federal construction programs

It is not the intention of the Congress that the program authorized by section 356 of this title shall constitute a substitute for or a replacement of any program for the construction by the United States of such structures as may be required from time to time by the Federal Government.

(July 22, 1954, ch. 560, title I, § 102, 68 Stat. 521.)

CHAPTER 7—ACQUISITION OF LAND IN DISTRICT OF COLUMBIA FOR USE OF UNITED STATES BY CONDEMNATION PROCEEDINGS

§§ 361 to 386. Repealed. Pub. L. 88–241, § 21(b), Dec. 23, 1963, 77 Stat. 627

Section 361, acts Mar. 1, 1929, ch. 416, § 1, 45 Stat. 1415; June 25, 1936, ch. 804, 49 Stat. 1921, related to authorization, purpose, and jurisdiction of condemnation proceedings.

Section 362, act Mar. 1, 1929, ch. 416, § 2, 45 Stat. 1415, related to institution of condemnation proceedings, the petition therein and its contents.

Section 363, act Mar. 1, 1929, ch. 416, § 3, 45 Stat. 1416, related to citation and notice in condemnation proceedings.

Section 364, act Mar. 1, 1929, ch. 416, § 4, 45 Stat. 1416, related to contents of citation in condemnation proceedings.

Section 365, act Mar. 1, 1929, ch. 416, § 5, 45 Stat. 1416, related to publication of citation in condemnation proceedings.

Section 366, act Mar. 1, 1929, ch. 416, § 6, 45 Stat. 1416, related to service of citation in condemnation proceedings.

Section 367, act Mar. 1, 1929, ch. 416, § 7, 45 Stat. 1416, related to default in appearance in condemnation proceedings.

Section 368, act Mar. 1, 1929, ch. 416, § 8, 45 Stat. 1416, related to appearance of interested persons at any stage of condemnation proceedings.

Section 369, act Mar. 1, 1929, ch. 416, § 9, 45 Stat. 1417, related to guardians ad litem in condemnation proceedings.

Section 370, act Mar. 1, 1929, ch. 416, § 10, 45 Stat. 1417, related to vesting of title and right to compensation in condemnation proceedings.

Section 371, acts Mar. 1, 1929, ch. 416, § 11, 45 Stat. 1418; June 25, 1936, ch. 804, 49 Stat. 1921, related to setting date for trial and selection of jury in condemnation proceedings.

Section 372, act Mar. 1, 1929, ch. 416, § 12, 45 Stat. 1418, related to oath of juror in condemnation proceedings.

Section 373, act Mar. 1, 1929, ch. 416, § 13, 45 Stat. 1418, related to view in condemnation proceedings.

Section 374, act Mar. 1, 1929, ch. 416, § 14, 45 Stat. 1418, related to trial of condemnation proceedings.

Section 375, act Mar. 1, 1929, ch. 416, § 15, 45 Stat. 1419, related to verdict in condemnation proceedings.

Section 376, act Mar. 1, 1929, ch. 416, § 16, 45 Stat. 1419, related to setting aside condemnation verdict.

Section 377, act Mar. 1, 1929, ch. 416, § 17, 45 Stat. 1419, related to proceedings after condemnation verdict.

Section 378, act Mar. 1, 1929, ch. 416, § 18, 45 Stat. 1420, related to judgment in condemnation proceedings.

Section 379, act Mar. 1, 1929, ch. 416, § 19, 45 Stat. 1420, related to payment of judgment in condemnation proceedings.

Section 380, acts Mar. 1, 1929, ch. 416, § 20, 45 Stat. 1420; June 7, 1934, ch. 426, 48 Stat. 926, related to appeal in condemnation proceedings.

Section 381, act Mar. 1, 1929, ch. 416, § 21, 45 Stat. 1420, related to payment of compensation into court in condemnation proceedings.

Section 382, act Mar. 1, 1929, ch. 416, § 22, 45 Stat. 1421, related to delivery of possession in condemnation proceedings.

Section 383, act Mar. 1, 1929, ch. 416, § 23, 45 Stat. 1421, related to amendments in condemnation proceedings.

Section 384, act Mar. 1, 1929, ch. 416, § 24, 45 Stat. 1421, related to general provisions in condemnation proceedings.

Section 385, acts Jan. 31, 1928, ch. 14, § 1, 45 Stat. 54; Mar. 1, 1929, ch. 416, § 25, 45 Stat. 1421; June 7, 1934, ch. 426, 48 Stat. 926; June 25, 1936, ch. 804, 49 Stat. 1921, related to provisions for saving pending condemnation proceedings.

Section 386, act Mar. 1, 1929, ch. 416, § 26, 45 Stat. 1422, related to condemnation proceedings on behalf of the District of Columbia as not affected by this chapter.

For subject matter of these sections, see chapter 13 (§ 16–1301 et seq.) of Title 16, Particular Actions, Proceedings and Matters, of the District of Columbia Code.

CHAPTER 8—EMERGENCY PUBLIC WORKS AND CONSTRUCTION PROJECTS

SUBCHAPTER I—FEDERAL EMERGENCY ADMINISTRATION

Sec.
401 to 414. Repealed or Omitted.

SUBCHAPTER II—SLUM CLEARANCE AND LOW COST HOUSING PROJECTS

421. Jurisdiction of State or political subdivision; civil rights under local law preserved.
422. Payments to State or political subdivision in lieu of taxes; amount.
423. Payments in lieu of taxes from receipts from projects.
424. Rentals; families acceptable as tenants.
425. Dedications and grants in connection with projects.

SUBCHAPTER III—RESETTLEMENT OR RURAL REHABILITATION PROJECTS

431 to 444. Repealed or Omitted.

SUBCHAPTER I—FEDERAL EMERGENCY ADMINISTRATION

§ 401. Repealed. Pub. L. 89–554, § 8(a), Sept. 6, 1966, 80 Stat. 648

Section, act June 16, 1933, ch. 90, title II, § 201, 48 Stat. 200, related to establishment of Federal Emergency Administration of Public Works.

§§ 402 to 411a. Omitted

CODIFICATION

Section 402, act June 16, 1933, ch. 90, title II, § 202, 48 Stat. 201, relating to preparation and contents of public works program, terminated by terms of act June 21, 1938, ch. 554, title II, § 201, 52 Stat. 816, as amended by acts June 27, 1940, ch. 437, 54 Stat. 633; Apr. 5, 1941, ch. 40, 55 Stat. 110; June 27, 1942, ch. 450, 56 Stat. 410, on June 30, 1943.

Section 403, act June 16, 1933, ch. 90, title II, § 203, 48 Stat. 202, relating to financing of public works, terminated by terms of act June 21, 1938, ch. 554, title II, § 201, 52 Stat. 816, as amended by acts June 27, 1940, ch. 437, 54 Stat. 633; Apr. 5, 1941, ch. 40, 55 Stat. 110; June 27, 1942, ch. 450, 56 Stat. 410, on June 30, 1943.

Section 404, act June 16, 1933, ch. 90, title II, § 204, 48 Stat. 203, relating to emergency construction of public highways, terminated by terms of act June 21, 1938, ch. 554, title II, § 201, 52 Stat. 816, as amended by acts June 27, 1940, ch. 437, 54 Stat. 633; Apr. 5, 1941, ch. 40, 55 Stat. 110; June 27, 1942, ch. 450, 56 Stat. 410, on June 30, 1943.

Section 405, act June 16, 1933, ch. 90, title II, § 205, 48 Stat. 204, related to allotment of funds for particular highways.

Section 406, act June 16, 1933, ch. 90, title II, § 206, 48 Stat. 204, relating to use of convict labor in public works projects, terminated by terms of act June 21,

1938, ch. 554, title II, § 201, 52 Stat. 816, as amended by acts June 27, 1940, ch. 437, 54 Stat. 633; Apr. 5, 1941, ch. 40, 55 Stat. 110; June 27, 1942, ch. 450, 56 Stat. 410, on June 30, 1943.

Section 407, act June 16, 1933, ch. 90, title II, § 207, 48 Stat. 205, relating to assignments by contractors, terminated by terms of act June 21, 1938, ch. 554, title II, § 201, 52 Stat. 816, as amended by acts June 27, 1940, ch. 437, 54 Stat. 633; Apr. 5, 1941, ch. 40, 55 Stat. 110; June 27, 1942, ch. 450, 56 Stat. 410, on June 30, 1943.

Section 408, act June 16, 1933, ch. 90, title II, § 208, 48 Stat. 205, relating to subsistence homesteads, terminated by terms of act June 21, 1938, ch. 554, title II, § 201, 52 Stat. 816, as amended by acts June 27, 1940, ch. 437, 54 Stat. 633; Apr. 5, 1941, ch. 40, 55 Stat. 110; June 27, 1942, ch. 450, 56 Stat. 410, on June 30, 1943.

Section 409, act June 16, 1933, ch. 90, title II, § 209, 48 Stat. 206, relating to prescription of rules and regulations for public works projects, terminated by terms of act June 21, 1938, ch. 554, title II, § 201, 52 Stat. 816, as amended by acts June 27, 1940, ch. 437, 54 Stat. 633; Apr. 5, 1941, ch. 40, 55 Stat. 110; June 27, 1942, ch. 450, 56 Stat. 410, on June 30, 1943.

Section 410, act June 16, 1933, ch. 90, title II, § 210, 48 Stat. 206, relating to issuance of securities by Secretary of the Treasury, terminated by terms of act June 21, 1938, ch. 554, title II, § 201, 52 Stat. 816, as amended by acts June 27, 1940, ch. 437, 54 Stat. 633; Apr. 5, 1941, ch. 40, 55 Stat. 110; June 27, 1942, ch. 450, 56 Stat. 410, on June 30, 1943.

Section 411, act June 16, 1933, ch. 90, title II, § 220, 48 Stat. 210, related to appropriations for public works programs.

Section 411a, act Feb. 15, 1934, ch. 13, 48 Stat. 351, provided for an additional appropriation for expenditure for purposes of section 721 et seq. of Title 15, Commerce and Trade, and this chapter.

REPEALS

Act June 16, 1933, ch. 90, title II, § 201, 48 Stat. 200, formerly classified to sections 401 and 411 of this title, was repealed by Pub. L. 89–554, § 8(a), Sept. 6, 1966, 80 Stat. 648.

§ 412. Repealed. June 30, 1947, ch. 166, title II, § 206(g), 61 Stat. 208

Section, acts June 16, 1933, ch. 90, title III, § 301, 48 Stat. 210; June 19, 1934, ch. 653, § 9, 48 Stat. 1110, provided a limitation on approval of applications for loans by the former Reconstruction Finance Corporation under section 605b of Title 15, Commerce and Trade, and also provided no disbursements should be made under any such loan after January 23, 1939.

§§ 413, 414. Omitted

CODIFICATION

Section 413, act June 16, 1933, ch. 90, title III, § 303, 48 Stat. 41, related to separability.

Section 414, act June 16, 1933, ch. 90, title III, § 304, 48 Stat. 41, provided the short title of this chapter.

SUBCHAPTER II—SLUM CLEARANCE AND LOW COST HOUSING PROJECTS

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in title 42 section 1427.

§ 421. Jurisdiction of State or political subdivision; civil rights under local law preserved

The acquisition by the United States of any real property in connection with any low-cost housing, or slum-clearance project constructed with funds allotted to the Administrator of General Services pursuant to any law, shall not be held to deprive any State or political subdivision thereof of its civil and criminal jurisdiction in and over such property, or to impair the civil rights under the local law of the tenants or inhabitants on such property; and insofar as any such jurisdiction has been taken away from any such State or subdivision, or any such rights have been impaired, jurisdiction over any such property is ceded back to such State or subdivision.

(June 29, 1936, ch. 860, § 1, 49 Stat. 2025; 1939 Reorg. Plan No. I, §§ 301, 305, eff. July 1, 1939, 4 F.R. 2729, 53 Stat. 1426, 1427; Ex. Ord. No. 9357, eff. June 30, 1943, 8 F.R. 9041; 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 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 Emergency Administration of Public Works consolidated into Federal Works Agency to be administered by Public Works Administration by Reorg. Plan No. I of 1939. Functions of Public Works Administration and Commissioner of Public Works in Federal Works Agency transferred to Federal Works Administrator by Ex. Ord. No. 9357.

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 423, 424, 425 of this title.

§ 422. Payments to State or political subdivision in lieu of taxes; amount

Upon the request of any State or political subdivision in which any such project has been or will be constructed, the Administrator of General Services is authorized to enter into an agreement, and to consent to the renewal or alteration thereof, with such State or subdivisions for the payment by the United States of sums in lieu of taxes. Such sums shall be fixed in such agreement and shall be based upon the cost of the public or municipal services to be supplied for the benefit of such project or the persons residing on or occupying such premises, but taking into consideration the benefits to be derived by such State or subdivision from such project.

(June 29, 1936, ch. 860, § 2, 49 Stat. 2026; 1939 Reorg. Plan No. I, §§ 301, 305, eff. July 1, 1939, 4 F.R. 2729, 53 Stat. 1426, 1427; Ex. Ord. No. 9357, eff. June 30, 1943, 8 F.R. 9041; 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 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 Emergency Administration of Public Works consolidated into Federal Works Agency to be administered by Public Works Administration by Reorg. Plan No. 1 of 1939. Functions of Public Works Administra-

tion and Commissioner of Public Works in Federal Works Agency transferred to Federal Works Administrator by Ex. Ord. No. 9357.

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.

§ 423. Payments in lieu of taxes from receipts from projects

Such payments in lieu of taxes, and any other expenditures for operation and maintenance (including insurance) of any low-cost housing or slum-clearance project described in section 421 of this title, shall be made out of the receipts derived from the operation of such projects. To provide for such payments and expenditures the Administrator of General Services is authorized from time to time to retain out of such receipts such sums as he may estimate to be necessary for such purposes.

(June 29, 1936, ch. 860, § 3, 49 Stat. 2026; 1939 Reorg. Plan No. I, §§ 301, 305, eff. July 1, 1939, 4 F.R. 2729, 53 Stat. 1426, 1427; Ex. Ord. No. 9357, eff. June 30, 1943, 8 F.R. 9041; 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 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 Emergency Administration of Public Works consolidated into Federal Works Agency to be administered by Public Works Administration by Reorg. Plan No. 1 of 1939. Functions of Public Works Administration and Commissioner of Public Works in Federal Works Agency transferred to Federal Works Administrator by Ex. Ord. No. 9357.

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.

§ 424. Rentals; families acceptable as tenants

(a) In the administration of any low-cost housing or slum-clearance project described in section 421 of this title, the Administrator of General Services shall fix the rentals at an amount at least sufficient to pay (1) all necessary and proper administrative expenses of the project; (2) such sums as will suffice to repay, within a period not exceeding sixty years, at least 55 per centum of the initial cost of the project, together with interest at such rate as he deems advisable.

(b) Dwelling accommodations in such low-cost housing or slum-clearance projects shall be available only to families who lack sufficient income, without the benefit of financial assistance, to enable them to live in decent, safe, and sanitary dwellings and under other than overcrowded housing conditions: *Provided*, That no family shall be accepted as a tenant in any such project whose aggregate income exceeds five times the rental of the quarters to be furnished such family. The term ''rental'' as used in this subsection includes the average cost (as determined by the Administrator of General Services) of heat, light, water, and cooking, where such services are not supplied by the lessor and included in the rent.

(June 29, 1936, ch. 860, § 4, 49 Stat. 2026; 1939 Reorg. Plan No. I, §§ 301, 305, eff. July 1, 1939, 4 F.R. 2729, 53 Stat. 1426, 1427; Ex. Ord. No. 9357, eff. June 30, 1943, 8 F.R. 9041; 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 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 Emergency Administration of Public Works consolidated into Federal Works Agency to be administered by Public Works Administration by Reorg. Plan No. I of 1939. Functions of Public Works Administration and Commissioner of Public Works Agency transferred to Federal Works Administrator by Ex. Ord. No. 9357.

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.

§ 425. Dedications and grants in connection with projects

In connection with any low-cost housing or slum-clearance project described in section 421 of this title, the Administrator of General Services, with the approval of the Housing and Home Finance Administrator, is authorized to dedicate streets, alleys, and parks for public use, and to grant easements.

(June 29, 1936, ch. 860, § 5, 49 Stat. 2026; 1939 Reorg. Plan No. I, §§ 301, 305, eff. July 1, 1939, 4 F.R. 2729, 53 Stat. 1426, 1427; Ex. Ord. No. 9357, eff. June 30, 1943, 8 F.R. 9041; June 30, 1949, ch. 288, title I, § 103(a), 63 Stat. 380; Ex. Ord. No. 11196, § 1(5), eff. Feb. 2, 1965, 30 F.R. 1171.)

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 Emergency Administration of Public Works consolidated into Federal Works Agency to be administered by Public Works Administration by Reorg. Plan No. 1 of 1939. Functions of Public Works Administration and Commissioner of Public Works Agency transferred to Federal Works Administrator by Ex. Ord. No. 9357.

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.

SUBCHAPTER III—RESETTLEMENT OR RURAL REHABILITATION PROJECTS

§§ 431 to 434. Repealed. Aug. 14, 1946, ch. 964, § 2(a)(1), 60 Stat. 1062

Section 431, act June 29, 1936, ch. 868, § 1, 49 Stat. 2035, related to jurisdiction of State or political subdivisions

subsequent to acquisition by United States of any real property for resettlement or rural rehabilitation projects.

Section 432, act June 29, 1936, ch. 868, §2, 49 Stat. 2036, related to certain payments to State or political subdivisions in lieu of taxes.

Section 433, act June 29, 1936, ch. 868, §3, 49 Stat. 2036, related to payment in lieu of taxes from appropriations for and receipts from projects.

Section 434, act June 29, 1936, ch. 868, §4, 49 Stat. 2036, related to dedications and grants in connection with projects.

REVOLVING FUND

Establishment of revolving fund under which to account for assets and liabilities in connection with subsistence homesteads under these sections, see section 1701g–5 of Title 12, Banks and Banking.

§§ 435 to 444. Omitted

CODIFICATION

Section 435, act June 22, 1946, ch. 445, 60 Stat. 292, which required Secretary of Agriculture to transmit to Congress semiannually a progress report on liquidation of rural rehabilitation projects, was from the Department of Agriculture Appropriation Act, 1947, and was not repeated in subsequent appropriation acts.

Similar provisions were contained in the following prior appropriation acts:

May 5, 1945, ch. 109, 59 Stat. 160.

June 28, 1944, ch. 296, 58 Stat. 456.

July 12, 1943, ch. 215, 57 Stat. 425.

Section 436, act July 30, 1946, ch. 698, §1, 60 Stat. 711, authorized Secretary of Agriculture, for a period not to exceed three years from July 30, 1946, to dispose of lands comprising or incident to resettlement and rural rehabilitation projects.

Section 437, act July 30, 1946, ch. 698, §2, 60 Stat. 711, authorized Secretary to sell units not to exceed 640 acres in any one sale at the earning capacity value as determined by him.

Section 438, act July 30, 1946, ch. 698, §3, 60 Stat. 711, authorized appropriations to carry out purposes of sections 436 to 438 of this title.

Section 439, act July 30, 1946, ch. 698, §4, 60 Stat. 712, provided for conveyance of all of the right, title, and interest of the Government in the project land.

Section 440, act May 3, 1950, ch. 152, §2, 64 Stat. 98, authorized Secretary of Agriculture, within three years from May 3, 1950, to liquidate trusts organized pursuant to transfer agreements with State rural rehabilitation corporations.

Section 441, act May 3, 1950, ch. 152, §3, 64 Stat. 99, authorized liquidation of all properties and assets of State rural rehabilitation corporations held by Federal agencies other than Department of Agriculture.

Section 442, act May 3, 1950, ch. 152, §4, 64 Stat. 100; Pub. L. 89–554, §8(a), Sept. 6, 1966, 80 Stat. 656, authorized Secretary of Agriculture to employ personnel to aid in liquidation and transfer of properties and assets of rural rehabilitation corporation trusts. Section 8(a) of Pub. L. 89–554 repealed subsecs. (a) and (b) of this section.

Section 443, act May 3, 1950, ch. 152, §5, 64 Stat. 100, restricted use of trust properties and assets held on May 3, 1950, by Secretary.

Section 444, act May 3, 1950, ch. 152, §6, 64 Stat. 100, provided that determination of Secretary of Agriculture with respect to assets to be returned to each State rural rehabilitation corporation shall be final and conclusive upon each corporation.

CHAPTER 9—NON-FEDERAL PUBLIC WORKS

SUBCHAPTER I—GENERAL PROVISIONS

Sec.
451 to 459. Omitted or Repealed.

SUBCHAPTER II—URBAN AND RURAL PLANNING

460. Urban planning and reserve of planned public works; definitions.
461. Repealed.
462. Reserve of planned public works.
(a) Advances for feasibility studies, surveys, designs, plans, etc.
(b) Requisites for advances.
(c) Repealed.
(d) Rules and regulations.
(e) Revolving fund.
(f) Surveys of public works planning.
(g) Forgiveness of outstanding advances; cancellation of contracts respecting repayment of advances.

SUBCHAPTER I—GENERAL PROVISIONS

§§ 451 to 455. Omitted

CODIFICATION

Section 451, act Oct. 13, 1949, ch. 685, §1, 63 Stat. 841, authorized the Housing and Home Finance Administrator, during the period of two years immediately following Oct. 13, 1951, to make loans and advances to the States and non-Federal public agencies for advance planning on non-Federal public works.

Section 452, act Oct. 13, 1949, ch. 685, §2, 63 Stat. 841, authorized Housing and Home Finance Administrator to allocate funds appropriated for advance planning among the several States.

Section 453, act Oct. 13, 1949, ch. 685, §3, 63 Stat. 842, provided that no loan or advance shall be made to any individual project unless such project conforms to an over-all State, local, or regional plan approved by a competent State, local, or regional authority.

Section 454, act Oct. 13, 1949, ch. 685, §4, 63 Stat. 842, provided that any loans or advances shall be repaid without any interest if and when construction of the public works is undertaken or started, and that repayment shall be on demand of Administrator if construction is not undertaken or started within three years after full amount of loan or advance has been made.

Section 455, act Oct. 13, 1949, ch. 685, §5, 63 Stat. 842, authorized the Housing and Home Finance Administrator to prescribe rules and regulations to carry out the purposes of sections 451 to 458 of this title.

REVOLVING FUND

Establishment of revolving fund under which to account for assets and liabilities in connection with loans or advances made pursuant to sections 451 to 458 of this title, see section 1701g–5 of Title 12, Banks and Banking.

§ 456. Repealed. Aug. 2, 1954, ch. 649, title VIII, § 802(b), 68 Stat. 642

Section, act Oct. 13, 1949, ch. 685, §6, 63 Stat. 842, related to reports to Congress. See section 1701*o* of Title 12, Banks and Banking.

§§ 457 to 459. Omitted

CODIFICATION

Section 457, act Oct. 13, 1949, ch. 685, §7, 63 Stat. 842, authorized appropriations not to exceed $100,000,000 to carry out the purposes of sections 451 to 458 of this title.

Section 458, act Oct. 13, 1949, ch. 685, §8, 63 Stat. 842, defined ''State''.

Section 459, acts July 30, 1953, ch. 282, title I, §108, 67 Stat. 231; Aug. 2, 1954, ch. 649, title VIII, §804, 68 Stat. 643, related to aid in financing projects, under Federal, State or municipal law by Housing and Home Finance Administrator, and terminated at the close of June 30, 1956, except for purposes of liquidation, which should have been completed not more than six months after June 30, 1956.

CANCELLATION OF AUTHORIZATION OF APPROPRIATIONS; TRANSFER OF UNOBLIGATED BALANCE; REPAYMENT OF ADVANCES

Act June 27, 1956, ch. 452, title II, 70 Stat. 353, canceled authorization for appropriations contained in sec-

tion 459 of this title, rescinded unobligated balance of revolving fund authorized by said section and provided that it was to be covered into Treasury, and canceled obligation of Administrator of Housing and Home Finance Agency to repay Treasury for advances from said fund, together with interest thereon.

SUBCHAPTER II—URBAN AND RURAL PLANNING

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in title 12 section 1749d.

§460. Urban planning and reserve of planned public works; definitions

As used in this subchapter, (1) the term ''State'' shall mean any State, the District of Columbia, the Commonwealth of Puerto Rico, any territory or possession of the United States, and the Trust Territory of the Pacific Islands; (2) the term ''Secretary'' shall mean the Secretary of Housing and Urban Development; (3) the term ''public works'' shall include any public works other than housing; and (4) the term ''public agency'' or ''public agencies'' shall mean any State, as herein defined, or any public agency or political subdivision therein.

(Aug. 2, 1954, ch. 649, title VII, §703, 68 Stat. 641; Pub. L. 90–19, §10(d), May 25, 1967, 81 Stat. 22; Pub. L. 93–383, title IV, §401(c), Aug. 22, 1974, 88 Stat. 691.)

AMENDMENTS

1974—Pub. L. 93–383 inserted reference to Trust Territory of the Pacific Islands in cl. (1).

1967—Pub. L. 90–19 amended cl. (2) generally. Prior to amendment, cl. (2) defined ''Administrator'' as meaning the Housing and Home Finance Administrator.

TERMINATION OF TRUST TERRITORY OF THE PACIFIC ISLANDS

For termination of Trust Territory of the Pacific Islands, see note set out preceding section 1681 of Title 48, Territories and Insular Possessions.

§461. Repealed. Pub. L. 97–35, title III, §313(b), Aug. 13, 1981, 95 Stat. 398

Section, acts Aug. 2, 1954, ch. 649, title VII, §701, 68 Stat. 640; Aug. 7, 1956, ch. 1029, title III, §§307(d), 308, 70 Stat. 1102; July 12, 1957, Pub. L. 85–104, title VI §606, 71 Stat. 305; Sept. 23, 1959, Pub. L. 86–372, title IV, §419, 73 Stat. 678; May 1, 1961, Pub. L. 87–27, §15, 75 Stat. 58; June 30, 1961, Pub. L. 87–70, title III, §310, 75 Stat. 170; Sept. 2, 1964, Pub. L. 88–560, title III, §§314–317, 78 Stat. 792, 793; Mar. 9, 1965, Pub. L. 89–4, title II, §213, 79 Stat. 17; Aug. 10, 1965, Pub. L. 89–117, title XI, §1102, 79 Stat. 502; Nov. 3, 1966, Pub. L. 89–754, title IV, §406, title VI, §604, title X, §1008, 80 Stat. 1273, 1279, 1286; May 25, 1967, Pub. L. 90–19, §10(a), 81 Stat. 22; Oct. 11, 1967, Pub. L. 90–103, title I, §115, 81 Stat. 262; Aug. 1, 1968, Pub. L. 90–448, title VI, §601, 82 Stat. 526; Dec. 24, 1969, Pub. L. 91–152, title III, §302, 83 Stat. 391; Dec. 31, 1970, Pub. L. 91–606, title III, §301(a), 84 Stat. 1758; Dec. 31, 1970, Pub. L. 91–609, title III, §302, title VII, §§727(e), 735, 84 Stat. 1780, 1803, 1804; Dec. 22, 1971, Pub. L. 92–213, §8(a), 85 Stat. 776; July 1, 1972, Pub. L. 92–335, §4, 86 Stat. 405; Oct. 2, 1973, Pub. L. 93–117, §11, 87 Stat. 423; May 22, 1974, Pub. L. 93–288, title VI, §602(a), 88 Stat. 163; Aug. 22, 1974, Pub. L. 93–383, title IV, §401(a), (b), 88 Stat. 686, 687; Ex. Ord No. 11867, §3(e), eff. June 19, 1975, 40 F.R. 26253; Ex. Ord. No. 11893, §1, eff. Dec. 31, 1975, 41 F.R. 1040; Aug. 3, 1976, Pub. L. 94–375, §16(a), 90 Stat. 1076; Oct 12, 1977, Pub. L. 95–128, title I, §112, 91 Stat. 1127; Oct. 31, 1978, Pub. L. 95–557, title III, §304, 92 Stat. 2096; Dec. 21, 1979, Pub. L. 96–153, title I, §102, 93 Stat. 1101; Oct. 8, 1980, Pub. L. 96–399, title IV, §401, 94 Stat. 1662, set forth Congressional findings, purposes, definitions, etc., with respect to comprehensive planning contracts and grants.

EFFECTIVE DATE OF REPEAL

Repeal effective Oct. 1, 1981, see section 371 of Pub. L. 97–35, set out as an Effective Date note under section 3701 of Title 12, Banks and Banking.

§462. Reserve of planned public works

(a) Advances for feasibility studies, surveys, designs, plans, etc.

In order (1) to encourage municipalities and other public agencies and Indian tribes to maintain at all times a current and adequate reserve of planned public works the construction of which can rapidly be commenced, particularly when the national or local economic situation makes such action desirable, and (2) to help attain maximum economy and efficiency in the planning and construction of public works, the Secretary is authorized to make advances to public agencies and Indian tribes (notwithstanding the provisions of section 3324(a) and (b) of title 31) to aid in financing the cost of feasibility studies, engineering and architectural surveys, designs, plans, working drawings, specifications, or other action preliminary to and in preparation for the construction of public works, including, in the case of public works to be constructed in connection with the development of a medical center, a general plan for the development of such center: *Provided*, That the making of advances hereunder shall not in any way commit the Congress to appropriate funds to assist in financing the construction of any public works so planned: *And provided further*, That advances outstanding to public agencies and Indian tribes in any one State shall at no time exceed 12½ per centum of the aggregate then authorized to be appropriated to the revolving fund established pursuant to subsection (e) of this section.

(b) Requisites for advances

No advance shall be made hereunder with respect to any individual project, including a regional or metropolitan or other area-wide project, unless (1) it is planned to be constructed within or over a reasonable period of time considering the nature of the project, (2) it conforms to an overall State, local, or regional plan approved by a competent State, local, or regional authority, and (3) the public agency or Indian tribe formally contracts with the Federal Government to complete the plan preparation promptly and to repay such advance or part thereof when due.

(c) Repealed. Pub. L. 100–242, title V, §524(1), Feb. 5, 1988, 101 Stat. 1939

(d) Rules and regulations

The Secretary is authorized to prescribe rules and regulations to carry out the purpose of this section.

(e) Revolving fund

In order to provide moneys for advances in accordance with this section, the Secretary is hereby authorized to establish a revolving fund

which shall comprise (1) all moneys heretofore or hereafter appropriated pursuant to this section, together with all repayments and other receipts heretofore or hereafter received in connection with advances made under this section, and (2) all repayments and other receipts received after June 30, 1964, and all advances (and claims in connection with advances) outstanding as of such date, under title V of the War Mobilization and Reconversion Act of 1944 (58 Stat. 791) [50 App. U.S.C. 1671] and the Act of October 13, 1949 (63 Stat. 841–2) [40 U.S.C. 451 et seq.]. There are authorized to be appropriated to such revolving fund, in addition to amounts authorized to be appropriated for the purposes of this section prior to September 2, 1964, such sums not to exceed $70,000,000, as may be necessary to carry out the purposes of this section.

(f) Surveys of public works planning

The Secretary is authorized to use during any fiscal year not to exceed $100,000 of the moneys in the revolving fund (established under subsection (e) of this section) to conduct surveys of the status and current volume of State and local public works planning and surveys of estimated requirements for State and local public works: *Provided*, That the Secretary, in conducting any such survey, may utilize or act through any Federal department or agency with its consent.

(g) Forgiveness of outstanding advances; cancellation of contracts respecting repayment of advances

Effective upon February 5, 1988, and in accordance with such accounting and other procedures as the Secretary may prescribe, each advance made by the Secretary under this section that has any principal amount outstanding shall be forgiven. The terms and conditions of any contract, or any amendment to a contract, for such advance with respect to any promise to repay the advance shall be canceled.

(Aug. 2, 1954, ch. 649, title VII, § 702, 68 Stat. 641; Aug. 11, 1955, ch. 783, title I, § 112, 69 Stat. 641; Pub. L. 86–372, title VIII, § 801, Sept. 23, 1959, 73 Stat. 686; Pub. L. 87–70, title V, § 502, June 30, 1961, 75 Stat. 175; Pub. L. 87–658, § 6, Sept. 14, 1962, 76 Stat. 544; Pub. L. 88–560, title VI, § 602, Sept. 2, 1964, 78 Stat. 799; Pub. L. 89–117, title XI, § 1104, Aug. 10, 1965, 79 Stat. 503; Pub. L. 90–19, § 10(a), May 25, 1967, 81 Stat. 22; Pub. L. 90–448, title VI, § 607, Aug. 1, 1968, 82 Stat. 534; Pub. L. 100–242, title V, § 524, Feb. 5, 1988, 101 Stat. 1939.)

REFERENCES IN TEXT

The War Mobilization and Reconversion Act of 1944, referred to in subsec. (e), is act Oct. 3, 1944, ch. 480, 58 Stat. 785, which was classified to section 1651 et seq. of Title 50, Appendix, War and National Defense, and which has been omitted from the Code. Title V of the War Mobilization and Reconversion Act of 1944 was classified to section 1671 of Title 50, Appendix. For complete classification of this Act to the Code, see Tables.

Act of October 13, 1949, referred to in subsec. (e), is act Oct. 13, 1949, ch. 685, 63 Stat. 841, as amended, which was classified generally to subchapter I (§ 451 et seq.) of chapter 9 of this title, and which has been omitted from the Code. For complete classification of this Act to the Code, see Tables.

CODIFICATION

In subsec. (a), ''section 3324(a) and (b) of title 31'' substituted for ''section 3648 of the Revised Statutes, as amended [31 U.S.C. 529]'' 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

1988—Subsec. (c). Pub. L. 100–242, § 524(1), struck out subsec. (c) which read as follows: ''Advances under this section to any public agency or Indian tribe shall be repaid without interest by such agency or tribe when the construction of the public works is undertaken or started: *Provided*, That in the event repayment is not made promptly such unpaid sum shall bear interest at the rate of 4 per centum per annum from the date of the Government's demand for repayment to the date of payment thereof by the public agency or Indian tribe.''

Subsec. (g). Pub. L. 100–242, § 524(2), amended subsec. (g) generally. Prior to amendment, subsec. (g) read as follows: ''Notwithstanding any other provision of this section, no advance made under this section for the planning of any public works project shall be required to be repaid if construction of such project is initiated as a result of a grant-in-aid made from an allocation made by the President under the Public Works Acceleration Act.''

Subsec. (h). Pub. L. 100–242, § 524(1), struck out subsec. (h) which read as follows:

''(1) Notwithstanding any other provision of law, if a public agency or Indian tribe undertakes to construct only a portion of a public work planned with an advance under this section, under title V of the War Mobilization and Reconversion Act of 1944, or under the Act of October 13, 1949, it shall repay only such proportionate amount of the advance relating to the public work as the Secretary determines to be equitable.

''(2) The Secretary is authorized to terminate, upon such terms and conditions as he shall deem equitable, all or a portion of the liability for repayment of any advance made under this section, title V of the War Mobilization and Reconversion Act of 1944, or the Act of October 13, 1949. Whenever the Secretary determines that there is no reasonable likelihood that the public work, or a portion of the public work, planned with such advance will be constructed, he may terminate the agreement for the advance. Such determination shall be conclusive and shall be based on standards prescribed by regulations to be issued by the Secretary.''

1968—Subsec. (a). Pub. L. 90–448 authorized advances for feasibility studies.

1967—Pub. L. 90–19 substituted ''Secretary'' for ''Administrator'' wherever appearing in subsecs. (a), (d) to (f), and (h)(1), (2) of this section.

1965—Subsec. (e). Pub. L. 89–117 substituted ''$70,000,000'' for ''$20,000,000''.

1964—Subsec. (a). Pub. L. 88–560, § 602(c)(1), (e), inserted ''and Indian tribes'' wherever appearing, and authorized, in the case of public works to be constructed in connection with the development of a medical center, aid in financing a general plan for the development of such center.

Subsec. (b)(3). Pub. L. 88–560, § 602(c)(2), (f), inserted ''or Indian tribe'', and struck out requirement that subsequent to approval and prior to disbursement of any Federal funds for advance planning, the applicant had to establish a separate planning account into which all Federal and applicant funds estimated to be required for plan preparation had to be placed.

Subsec. (c). Pub. L. 88–560, § 602(c)(3), (4), inserted references to Indian tribes wherever appearing and struck out proviso ''That if the public agency undertakes to construct only a portion of a planned public work it shall repay such proportionate amount of the advances relating to the public work as the Administrator determines to be equitable.'' See subsec. (h) of this section.

Subsec. (e). Pub. L. 88–560, § 602(a), provided that repayments and other receipts received after June 30, 1964, and all advances outstanding as of such date, under title V of the War Mobilization and Reconversion Act of 1944, and the Act of October 13, 1949, shall go into the revolving fund, and substituted an authorization of appropriations not to exceed $20,000,000 in addition to

amounts authorized prior to Sept. 2, 1964, as may be necessary for the purposes of this section, for an authorization not exceeding $58,000,000 in undisbursed balances in the revolving fund and in advances outstanding for plans with respect to projects which in the determination of the Administrator, could have been undertaken within a reasonable time.

Subsec. (f). Pub. L. 88–560, §602(d), substituted ''$100,000'' for ''$50,000''.

Subsec. (h). Pub. L. 88–560, §602(b), added subsec. (h).

1962—Subsec. (g). Pub. L. 87–658 added subsec. (g).

1961—Subsec. (a). Pub. L. 87–70, §502(1), substituted ''12½ per centum'' for ''10 per centum''.

Subsec. (b). Pub. L. 87–70, §502(2), included regional or metropolitan or other area-wide projects, and substituted ''constructed within or over a reasonable period'' for ''constructed within a reasonable period''.

Subsec. (e). Pub. L. 87–70, §502(3), (4), authorized an appropriation of $10,000,000, which may be made available on or after July 1, 1961, and increased the maximum amount of undisbursed balances from $48,000,000 to $58,000,000.

1959—Subsec. (f). Pub. L. 86–372 added subsec. (f).

1955—Act Aug. 11, 1955, amended section generally, striking out provisions which authorized the Administrator to make advances only during the three years commencing on July 1, 1954, and inserting provisions requiring construction within a reasonable period of time, authorizing repayment of proportionate amounts of advances, and establishing a revolving fund.

REPAYMENT OF CERTAIN PLANNING GRANTS

Section 1112 of Pub. L. 89–117 provided that: ''Notwithstanding any other provision of law, no advance made under section 501 of Public Law 458, Seventy-eighth Congress [section 1671 of Title 50, Appendix, War and National Defense]; Public Law 352, Eighty-first Congress [sections 451 to 458 of this title]; or section 702, Housing Act of 1954, Public Law 560, Eighty-third Congress [this section], for the planning of any public works project shall be required to be repaid if construction of such project has been heretofore or is hereafter initiated as a result of a grant-in-aid made from an allocation made by the President under the Public Works Acceleration Act [see References in Text note set out above].''

ADDITIONAL AMOUNTS APPROPRIATED FOR PAYMENT TO REVOLVING FUND

Pub. L. 89–128, title I, Aug. 16, 1965, 79 Stat. 532—$10,000,000.

Pub. L. 88–507, title I, Aug. 30, 1964, 78 Stat. 656—$1,000,000.

Pub. L. 88–215, title I, Dec. 19, 1963, 77 Stat. 438—$2,000,000.

Pub. L. 87–741, title I, Oct. 3, 1962, 76 Stat. 729—$12,000,000.

Pub. L. 87–545, title I, July 25, 1962, 76 Stat. 212—$1,000,000.

Pub. L. 87–141, title I, Aug. 17, 1961, 75 Stat. 354—$7,000,000.

Pub. L. 86–626, title I, July 12, 1960, 74 Stat. 435—$6,000,000.

Pub. L. 86–255, title I, Sept. 14, 1959, 73 Stat. 508—$6,000,000.

Pub. L. 85–844, title I, Aug. 28, 1958, 72 Stat. 1070—$7,000,000.

Pub. L. 85–69, title I, June 29, 1957, 71 Stat. 233—$5,000,000.

Act June 27, 1956, ch. 452, title I, 70 Stat. 346—$7,500,000.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 42 section 5153.

CHAPTER 10—MANAGEMENT AND DISPOSAL OF GOVERNMENT PROPERTY

SUBCHAPTER I—GENERAL PROVISIONS

Sec.
471. Congressional declaration of policy.
472. Definitions.
473. Applicability of existing procedures.
474. Congress, departments, agencies, corporations, and persons exempted from provisions.
475. Authorization of appropriations; fund transfer authority
476. Sex discrimination prohibited.

SUBCHAPTER II—PROPERTY MANAGEMENT

481. Procurement, warehousing, and related activities.
(a) Policies and methods of procurement and supply; operation of warehouses.
(b) Extension of services.
(c) Exchange or sale of similar items.
(d) Utilization of services by executive agencies without reimbursement or transfer of funds.
(e) Exchange or transfer of excess property.
482. Clarification of status of Architect of Capitol under this chapter.
483. Property utilization.
(a) Policies and methods; transfer of excess property among Federal agencies and other organizations; transfer of real property located in Indian reservations to the Secretary of the Interior.
(b) Duties of executive agencies.
(c) Additional duties of executive agencies.
(d) Acquisition of excess personal property by Federal agencies for grantees prohibited; exceptions.
(e) Annual report by executive agencies to Administrator on excess personal property furnished to recipient other than a Federal agency; acquisition, identification, and disposition; report by Administrator to Congress.
(f) Repealed.
(g) Temporary assignment of excess real property space.
(h) Abandonment, destruction, or donation of property.
483a. Repealed.
483b. Utilization of excess furniture.
483c. Excess personal property held by grantee of Federal agency; certification of authorized use; title to grantee; re-transfer of property used for unauthorized purpose.
483d. Dredge vessel disposal.
484. Disposal of surplus property.
(a) Supervision and direction.
(b) Care and handling.
(c) Method of disposition.
(d) Validity of deed, bill of sale, lease, etc.
(e) Bids for disposal; advertising; procedure; disposal by negotiation; explanatory statement.
(f) Contractor inventories.
(g) Agricultural commodities, foods, and cotton or woolen goods.
(h) Transfer to Department of Agriculture for price support or stabilization reasons; deposit of receipts; limitation on sale of surplus farm commodities.
(i) Vessels; laws governing sales.
(j) Transfers for donation of property to State agencies; State plan of operation; ''public agency'' and ''State'' defined.
(k) Disposals by Secretary of Education, Secretary of Health and Human Services, Secretary of the Interior, and Secretary of Defense.

Sec.
(*l*) Donations to American Red Cross.
(m) Possession of abandoned or unclaimed property on Government premises; disposal; claims by former owners.
(n) Cooperative agreements with State agencies.
(*o*) Biennial reports to Congress by Administrator; copies to Comptroller General.
(p) Transfer or conveyance of property for correctional facility use; consideration-free transfers; reimbursement for interim transfers; law enforcement or emergency management response purposes; reversion option; terms and conditions.
(q) Military installation closures or realignments.
(r) Donation of surplus law enforcement canines to their handlers.
484–1. Transfer of miscellaneous books to District Public Library.
484a, 484b. Omitted or Repealed.
484c. Transfer of personnel and other resources from Department of Health, Education, and Welfare to General Services Administration by Director of Office of Management and Budget.
484d. Donation of forfeited vessels.
(a) Eligible institutions; certification.
(b) Terms and conditions.
(c) United States liability.
485. Proceeds from transfer, sale, etc., of property.
(a) Disposition of receipts.
(b) Deposit of proceeds from sales; use; report.
(c) Credit to reimbursable fund or appropriation on certain transactions.
(d) Special account deposits.
(e) Sale proceeds offset against price or cost of contractor's work.
(f) Acceptance of property in lieu of cash.
(g) Management of credit, leases, and permits on property.
(h) Property under control of a military department.
(i) Recovery of costs incurred in sales of personal property.
485a. Payment of expenses of sales from proceeds.
486. Policies, regulations, and delegations.
(a) Promulgation by President.
(b) Accounting principles and standards.
(c) Regulations by Administrator.
(d) Delegation and redelegation of authority by Administrator; exceptions.
(e) Delegation of functions by Administrator.
(f) Transfer of personnel, property, funds, etc., to agency receiving delegated functions.
(g) Establishment of advisory committees; compensation; expenses.
(h) Consultations between Administrator and Federal agencies.
(i) Administration of oaths by certain officers and employees.
486a. Retention and expenditure of portion of GSA rental payments by departments or agencies.
487. Surveys of Government property and management practices.
(a) Authorization for surveys, inventory levels, supply catalog system and standardized forms and procedures.
(b) Utilization by Federal agencies of supply catalog system and standardized forms and procedures.
(c) Audit of property accounts by General Accounting Office.
488. Disposal of property.
(a) Advice of Attorney General with respect to antitrust laws.
(b) Request by Attorney General for information.
(c) Applicability of provisions.
(d) Provisions held not to impair, amend, etc., antitrust laws.
489. Civil remedies and penalties.
(a) Immunity of officers or employees of Government.
(b) Fraudulent tricks, schemes, or devices.
(c) Jurisdiction and venue.
(d) Additional remedies.
490. Operation of buildings and related activities by Administrator.
(a) General duties.
(b) Buildings owned by United States.
(c) Acquisition of land; surveys; construction services.
(d) Transfer of functions.
(e) Assignment and reassignment of space.
(f) Fund for real property management and related activities; establishment; deposit of revenues and collections; merger of unexpended balances; assumption of liabilities, obligations, and commitments; appropriation of advances; special services.
(g) Office furniture; movement and supply.
(h) Lease agreements for periods not exceeding twenty years.
(i) Installation, repair, and replacement of sidewalks.
(j) Charges for space and services furnished by Administrator; determination of rates; exemption from charges.
(k) Charges for space and services furnished by executive agencies; approval of rates by Administrator; credit to appropriation or fund.
(*l*) Flexiplace work telecommuting centers.
490a. Transfer of moneys in section 490(f) fund into special account.
490a–1. Use of resources of Federal Buildings Fund to repay GSA borrowings from Federal Financing Bank.
490b. Child care services for Federal employees in Federal buildings.
(a) Allotment of space; conditions.
(b) Charges for rent or services; payment of costs, accreditation fees, and travel and per diem expenses; ''services'' defined.
(c) Guidance, assistance, and oversight.
(d) Consortium with private entities.
490c. Guards, elevator operators, messengers, and custodians; restriction on contract for services; exception.
490d. Funds for payment of rent available for lease of buildings on land owned by United States.
490e. Fiscal year limitation on obligations of funds for lease.
490f. Lease space rent rates and payments; appropriations.
490g. Receipt of revenues related to energy savings or materials recycling efforts.
490h. Flexiplace work telecommuting centers; revenues to defray costs.
490i. Buildings considered to be federally owned.

Sec.
491. Motor vehicle pools and transportation systems.
(a) Establishment.
(b) Determinations by Administrator.
(c) Regulations.
(d) Payment of costs; fixing of prices.
(e) Justification for each vehicle pool and system.
(f) Maintenance records; discontinuance of vehicle pool or system.
(g) Reimbursement for equipment.
(h) Additions to General Supply Fund capital.
(i) Scrip, tokens, tickets.
(j) Operating regulations.
(k) Identification of vehicles.
(*l*) Violations.
492. Reports to Congress.
493. Repealed.

SUBCHAPTER III—FOREIGN EXCESS PROPERTY

511. Disposal of foreign excess property; agency responsibility; foreign policy controlling; use of foreign currencies and credits; duties of State Department.
512. Methods and terms of disposal.
(a) Authority of executive agency.
(b) Donation of medical supplies.
(c) Return of foreign excess property; determination of interest of the United States; costs.
513. Proceeds from disposals; foreign currencies; United States currency; disposition.
514. General provisions.
(a) Promulgation of policies.
(b) Delegation of authority.
(c) Employment of personnel.
(d) Transfer of functions.

SUBCHAPTER IV—RECONSTRUCTION FINANCE CORPORATION PROPERTY

521 to 524. Repealed.

SUBCHAPTER V—URBAN LAND UTILIZATION

531. Declaration of purpose and policy.
532. Disposal of urban lands.
533. Acquisition or change of use of real property.
534. Waiver of procedures for disposal of urban lands, acquisition or change of use of real property.
535. Definitions.

SUBCHAPTER VI—SELECTION OF ARCHITECTS AND ENGINEERS

541. Definitions.
542. Congressional declaration of policy.
543. Requests for data on architectural and engineering services.
544. Negotiation of contracts for architectural and engineering services.
(a) Negotiation with highest qualified firm.
(b) Negotiation with second and third, etc., most qualified firms.
(c) Selection of additional firms in event of failure of negotiation with selected firms.

SUBCHAPTER I—GENERAL PROVISIONS

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in section 758 of this title.

§471. Congressional declaration of policy

It is the intent of the Congress in enacting this legislation to provide for the Government an economical and efficient system for (a) the procurement and supply of personal property and nonpersonal services, including related functions such as contracting, inspection, storage, issue, specifications, property identification and classification, transportation and traffic management, establishment of pools or systems for transportation of Government personnel and property by motor vehicle within specific areas, management of public utility services, repairing and converting, establishment of inventory levels, establishment of forms and procedures, and representation before Federal and State regulatory bodies; (b) the utilization of available property; (c) the disposal of surplus property; and (d) records management.

(June 30, 1949, ch. 288, §2, 63 Stat. 378; Sept. 1, 1954, ch. 1211, §1, 68 Stat. 1126.)

REFERENCES IN TEXT

This legislation, referred to in text, means the Federal Property and Administrative Services Act of 1949, as amended. For complete classification of this Act to the Code, see Short Title note below.

CODIFICATION

Section was formerly classified to section 201 of Title 41, Public Contracts.

AMENDMENTS

1954—Act Sept. 1, 1954, extended section to cover establishment of motor vehicle pools and transportation systems for Government personnel and property.

EFFECTIVE DATE

Section 605, formerly §505, of act June 30, 1949, renumbered by act Sept. 5, 1950, ch. 849, §6(a), (b), 64 Stat. 583, provided that: ''This Act [see Short Title note below] shall become effective on July 1, 1949, except that the provisions of section 602(a)(2) (repealing prior law relating to the disposition of the affairs of the War Assets Administration) [repealing note set out under section 1614a of the Appendix to Title 50, War and National Defense] shall become effective on June 30, 1949.''

SHORT TITLE OF 1988 AMENDMENT

Pub. L. 100–612, §1, Nov. 5, 1988, 102 Stat. 3180, provided that: ''This Act [amending sections 481, 484, 485, and 488 of this title and repealing section 493 of this title] may be cited as the 'Federal Property Management Improvement Act of 1988'.''

SHORT TITLE

Section 1(a) of act June 30, 1949, as amended by Pub. L. 103–355, title X, §10005(a)(2), Oct. 13, 1994, 108 Stat. 3406, provided that: ''This Act may be cited as the 'Federal Property and Administrative Services Act of 1949'.'' The Act is classified to the Code generally as follows:

Sections 2 and 3 classified to sections 471 and 472 of this title.

Title I classified principally to chapter 16 (§751 et seq.) of this title.

Title II classified principally to subchapter II (§481 et seq.) of this chapter.

Title III classified generally to subchapter IV (§251 et seq.) of chapter 4 of Title 41, Public Contracts.

Title IV classified generally to subchapter III (§511 et seq.) of this chapter.

Title V was classified generally to chapter 11 (§392 et seq.) of former Title 44, Public Printing and Documents, prior to the general revision and enactment of Title 44 by Pub. L. 90–620, §1, Oct. 22, 1968, 82 Stat. 1238. The subject matter of title V is covered by chapter 21 (§2101 et seq.), chapter 25 (§2501 et seq.), chapter 27 (§2701 et seq.), chapter 29 (§2901 et seq.), and chapter 31 (§3101 et seq.) of Title 44.

Title VI classified principally to subchapter I (§ 471 et seq.) of this chapter.
Title VII classified generally to subchapter IV (§ 521 et seq.) of this chapter.
Title VIII classified generally to subchapter V (§ 531 et seq.) of this chapter.
Title IX classified generally to subchapter VI (§ 541 et seq.) of this chapter.

For complete classification of this Act to the Code, see Tables.

Title VIII of act June 30, 1949, which is classified to subchapter V (§ 531 et seq.) of this chapter, is known as the ''Federal Urban Land-Use Act'', see Short Title note set out under section 531 of this title.

Title IX of act June 30, 1949, which is classified to subchapter VI (§ 541 et seq.) of this chapter, is known as the ''Brooks Architect-Engineers Act''.

SEPARABILITY

Section 604, formerly § 504, of act June 30, 1949, renumbered by act Sept. 5, 1950, ch. 849, § 6(a), (b), 64 Stat. 583, provided that: ''If any provision of this Act [see Short Title note above], or the application thereof to any person or circumstances, is held invalid, the remainder of this Act, and the application of such provision to other persons or circumstances, shall not be affected thereby.''

STYLISTIC CONSISTENCY

Pub. L. 103–355, title X, § 10005(b)(2), Oct. 13, 1994, 108 Stat. 3408, provided that: ''The Federal Property and Administrative Services Act of 1949 (41 U.S.C. 471 et seq.) [see Short Title note above] is amended so that the section designation and section heading of each section of such Act is in the same form and typeface as the section designation and heading of this section [108 Stat. 3406].''

ACT REFERRED TO IN OTHER SECTIONS

The Federal Property and Administrative Services Act of 1949 is referred to in sections 304, 311b, 472 to 476, 482, 483b to 484–1, 484d, 485, 485a, 486, 488, 489, 492, 605, 751, 752, 754 to 756, 758 of this title; title 5 section 7342; title 7 sections 15b, 55, 79, 473a, 1736a, 1985, 2279b, 5922; title 10 sections 2552, 2676, 2691, 2696, 2854a, 2878, 7305, 9441, 9781; title 12 sections 90, 1701z, 1701z–2, 1788; title 14 sections 92, 93, 641, 685; title 15 sections 205f, 714b; title 16 sections 1a–2, 79c, 160b, 396f, 410r–6, 430a–2, 430h–7, 441*l*–5, 450ss–6, 460m–9, 460x–7, 460bb–2, 460ee, 460ff–1, 460hh–1, 505a, 590q–1, 793, 2106; title 20 sections 196, 3475; title 22 sections 277d–36, 277e, 2358, 2581, 2713, 5422; title 25 sections 190, 293, 450j; title 30 section 4; title 33 section 578; title 41 sections 254, 405; title 42 sections 1592a, 1592d, 2201, 2297b–11, 2473, 4638, 5196, 5919, 12651g; title 43 sections 1702, 1736; title 44 section 311; title 45 section 1212; title 48 section 1685; title 49 section 103; title 50 sections 167b, 415, 1651; title 50 App. section 2393.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 491 of this title.

§ 472. Definitions

As used in titles I through VI of this Act—

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

(b) The term ''Federal agency'' means any executive agency or any establishment in the legislative or judicial branch of the Government (except the Senate, the House of Representatives, and the Architect of the Capitol and any activities under his direction).

(c) The term ''Administrator'' means the Administrator of General Services provided for in chapter 16 of this title.

(d) The term ''property'' means any interest in property except (1) the public domain; lands reserved or dedicated for national forest or national park purposes; minerals in lands or portions of lands withdrawn or reserved from the public domain which the Secretary of the Interior determines are suitable for disposition under the public land mining and mineral leasing laws; and lands withdrawn or reserved from the public domain except lands or portions of lands so withdrawn or reserved which the Secretary of the Interior, with the concurrence of the Administrator, determines are not suitable for return to the public domain for disposition under the general public-land laws because such lands are substantially changed in character by improvements or otherwise; (2) naval vessels of the following categories: Battleships, cruisers, aircraft carriers, destroyers, and submarines; and (3) records of the Federal Government.

(e) The term ''excess property'' means any property under the control of any Federal agency which is not required for its needs and the discharge of its responsibilities, as determined by the head thereof.

(f) The term ''foreign excess property'' means any excess property located outside the States of the Union, the District of Columbia, Puerto Rico, American Samoa, Guam, the Trust Territory of the Pacific Islands, and the Virgin Islands.

(g) The term ''surplus property'' means any excess property not required for the needs and the discharge of the responsibilities of all Federal agencies, as determined by the Administrator.

(h) The term ''care and handling'' includes completing, repairing, converting, rehabilitating, operating, preserving, protecting, insuring, packing, storing, handling, conserving, and transporting excess and surplus property, and, in the case of property which is dangerous to public health or safety, destroying or rendering innocuous such property.

(i) The term ''person'' includes any corporation, partnership, firm, association, trust, estate, or other entity.

(j) The term ''nonpersonal services'' means such contractual services, other than personal and professional services, as the Administrator shall designate.

(k) The term ''contractor inventory'' means (1) any property acquired by and in the possession of a contractor or subcontractor under a contract pursuant to the terms of which title is vested in the Government, and in excess of the amounts needed to complete full performance under the entire contract; and (2) any property which the Government is obligated or has the option to take over under any type of contract as a result either of any changes in the specifications or plans thereunder or of the termination of such contract (or subcontract thereunder), prior to completion of the work, for the convenience or at the option of the Government.

(*l*) The term ''motor vehicle'' means any vehicle, self-propelled or drawn by mechanical power, designed and operated principally for highway transportation of property or passengers, exclusive of any vehicle designed or used for military field training, combat, or tac-

tical purposes, or used principally within the confines of a regularly established military post, camp, or depot, and any vehicle regularly used by an agency in the performance of investigative, law enforcement, or intelligence duties if the head of such agency determines that exclusive control of such vehicle is essential to the effective performance of such duties.

(June 30, 1949, ch. 288, §3, 63 Stat. 378; Sept. 5, 1950, ch. 849, §§7(a), 8(a), 64 Stat. 590, 591; July 12, 1952, ch. 703, §1(a), (b), 66 Stat. 593; Sept. 1, 1954, ch. 1211, §4(c), 68 Stat. 1129; Aug. 12, 1955, ch. 874, §2, 69 Stat. 722; Pub. L. 85–337, §5, Feb. 28, 1958, 72 Stat. 29; Pub. L. 86–70, §30(a), June 25, 1959, 73 Stat. 148; Pub. L. 86–624, §27(a), July 12, 1960, 74 Stat. 418; Pub. L. 93–594, Jan. 2, 1975, 88 Stat. 1926.)

REFERENCES IN TEXT

This Act, referred to in the opening par., is act June 30, 1949, ch. 288, 63 Stat. 377, as amended, known as the Federal Property and Administrative Services Act of 1949. For classification of titles I through VI of this Act to the Code, see Short Title note set out under section 471 of this title and Tables.

Chapter 16 [§751 et seq.] of this title, referred to in par. (c), was in the original a reference to ''title I hereof''.

The mining laws, referred to in subsec. (d), are classified generally to Title 30, Mineral Lands and Mining.

The mineral leasing laws, referred to in subsec. (d), have been defined for certain purposes in sections 351, 505, 530, and 541e of Title 30.

The public-land laws, referred to in subsec. (d), are classified generally to Title 43, Public Lands.

CODIFICATION

Section was formerly classified to section 202 of Title 41, Public Contracts.

AMENDMENTS

1975—Subsec. (f). Pub. L. 93–594 inserted ''American Samoa, Guam, the Trust Territory of the Pacific Islands'' after ''Puerto Rico''.

1960—Subsec. (f). Pub. L. 86–624 substituted ''States of the Union, the District of Columbia'' for ''continental United States (including Alaska), Hawaii''.

1959—Subsec. (f). Pub. L. 86–70 substituted ''(including Alaska), Hawaii,'' for '', Hawaii, Alaska,''.

1958—Subsec. (d). Pub. L. 85–337 included within definition of property minerals in lands or portions of lands withdrawn or reserved from the public domain which it is determined are suitable for disposition under the public land mining and mineral leasing laws, and excepted lands or portions of lands withdrawn or reserved which it is determined are not suitable for return to the public domain because such lands are substantially changed in character by improvements or otherwise.

1955—Act Aug. 12, 1955, inserted ''titles I through VI of'' after ''As used in''.

1954—Subsec. (*l*). Act Sept. 1, 1954, added subsec. (*l*).

1952—Subsec. (d). Act July 12, 1952, §1(a), enlarged definition of ''public domain'' by inserting provisions contained in parenthesis.

Subsec. (k). Act July 12, 1952, §1(b), inserted ''or has the option'' after ''obligated''.

1950—Subsec. (b). Act Sept. 5, 1950, §8(a), redefined ''Federal agency''.

Subsec. (d). Act Sept. 5, 1950, §7(a), struck out ''and'' before ''clause (2)'' and substituted a semicolon for the period at end thereof, and added cl. (3).

REPEAL OF INCONSISTENT LAWS

Section 11 of act Sept. 5, 1950, provided that: ''All laws or parts of laws in conflict with the provisions of this Act [act Sept. 5, 1950] or with any amendment made thereby are, to the extent of such conflict, hereby repealed.''

TERMINATION OF TRUST TERRITORY OF THE PACIFIC ISLANDS

For termination of Trust Territory of the Pacific Islands, see note set out preceding section 1681 of Title 48, Territories and Insular Possessions.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 762 of this title; title 10 sections 2667, 2667a; title 15 section 278g–3; title 20 section 3479; title 31 section 3551; title 41 section 423; title 42 sections 7259, 11411; title 43 section 1702; title 44 section 2901.

§473. Applicability of existing procedures

All policies, procedures, and directives prescribed—

(a) by either the Director, Bureau of Federal Supply, or the Secretary of the Treasury and relating to any function transferred to or vested in the Administrator, by the provisions of this Act;

(b) by any officer of the Government under the authority of the Surplus Property Act of 1944, as amended, or under other authority with respect to surplus property or foreign excess property;

(c) by or under authority of the Federal Works Administrator or the head of any constituent agency of the Federal Works Agency; and

(d) by the Archivist of the United States or any other officer or body whose functions are transferred by chapter 16 of this title,

in effect upon July 1, 1949, and not inconsistent herewith, shall remain in full force and effect unless and until superseded, or except as they may be amended, under the authority of this Act or under other appropriate authority.

(June 30, 1949, ch. 288, title VI, §601, formerly title V, §501, 63 Stat. 399; renumbered Sept. 5, 1950, ch. 849, §6(a), (b), 64 Stat. 583.)

REFERENCES IN TEXT

This Act, referred to in text, is act June 30, 1949, ch. 288, 63 Stat. 377, as amended, known as the Federal Property and Administrative Services Act of 1949. For complete classification of this Act to the Code, see Short Title note set out under section 471 of this title and Tables.

The Surplus Property Act of 1944, as amended, referred to in par. (b), is act Oct. 3, 1944, ch. 479, 58 Stat. 765, as amended, which was classified principally to sections 1611 to 1646 of Title 50, Appendix, War and National Defense, and was repealed effective July 1, 1949, with the exception of sections 1622, 1631, 1637, and 1641 of Title 50, Appendix, by act June 30, 1949, ch. 288, title VI, §602(a)(1), 63 Stat. 399, renumbered Sept. 5, 1950, ch. 849, §6(a), (b), 64 Stat. 583. Sections 1622 and 1641 were partially repealed by the 1949 act, and section 1622 is still set out in part in Title 50, Appendix. Section 1622(g) was repealed and reenacted as sections 47151 to 47153 of Title 49, Transportation, by Pub. L. 103–272, §§1(d), 7(b), July 5, 1994, 108 Stat. 1278–1280, 1379. Section 1631 was repealed by act June 7, 1939, ch. 190, §6(e), as added by act July 23, 1946, ch. 590, 60 Stat. 599, and is covered by sections 98 et seq. of Title 50. Section 1637 was repealed by act June 25, 1948, ch. 645, §21, 62 Stat. 862, eff. Sept. 1, 1948, and is covered by section 3287 of Title 18, Crimes and Criminal Procedure. Provisions of section 1641 not repealed by the 1949 act were repealed

by Pub. L. 87–256, § 111(a)(1), Sept. 21, 1961, 75 Stat. 538, and are covered by chapter 33 (§ 2451 et seq.) of Title 22, Foreign Relations and Intercourse. The provisions of the Surplus Property Act of 1944 originally repealed by the 1949 act are covered by this chapter.

Chapter 16 [§ 751 et seq.] of this title, referred to in par. (d), was in the original a reference to ''title I of this Act''.

CODIFICATION

Section was formerly classified to section 203 of Title 41, Public Contracts.

TRANSFER OF FUNCTIONS

Abolition of Bureau of Federal Supply, referred to in par. (a), and transfer of functions, see section 752 of this title.

Abolition of Federal Works Agency and of office of Works Administrator, referred to in par. (c), and transfer of functions, see section 753 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 752 of this title.

§ 474. Congress, departments, agencies, corporations, and persons exempted from provisions

(a), (b) Omitted

(c) The authority conferred by this Act shall be in addition and paramount to any authority conferred by any other law and shall not be subject to the provisions of any law inconsistent herewith, except as otherwise provided by the Office of Federal Procurement Policy Act [41 U.S.C. 401 et seq.], and except that sections 486(b) and 487(c) of this title shall not be applicable to any Government corporation or agency which is subject to chapter 91 of title 31.

(d) Nothing in this Act shall impair or affect any authority of—

(1) the President under the Philippine Property Act of 1946 (60 Stat. 418; 22 U.S.C. 1381);

(2) any executive agency with respect to any phase (including, but not limited to, procurement, storage, transportation, processing, and disposal) of any program conducted for purposes of resale, price support, grants to farmers, stabilization, transfer to foreign governments, or foreign aid, relief, or rehabilitation: *Provided*, That the agency carrying out such program shall, to the maximum extent practicable, consistent with the fulfillment of the purposes of the program and the effective and efficient conduct of its business, coordinate its operations with the requirements of this Act and the policies and regulations prescribed pursuant thereto;

(3) any executive agency named in chapter 137 of title 10, and the head thereof, with respect to the administration of said chapter;

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

(5) the Secretary of Defense with respect to the administration of the National Industrial Reserve Act of 1948 [50 U.S.C. 451 et seq.];

(6) the Secretary of Defense, the Munitions Board, and the Secretaries of the Army, Navy, and Air Force with respect to the administration of the Strategic and Critical Materials Stock Piling Act (60 Stat. 596) [50 U.S.C. 98 et seq.];

(7) the Secretary of State under the Foreign Service Buildings Act of May 7, 1926, as amended [22 U.S.C. 292 et seq.];

(8) the Secretary of the Army, the Secretary of the Navy, and the Secretary of the Air Force with respect to the administration of section 1171(b) of Appendix to title 50;

(9) the Secretary of Agriculture or the Department of Agriculture under (A) the National School Lunch Act (60 Stat. 230) [42 U.S.C. 1751 et seq.]; (B) the Farmers Home Administration Act of 1946 (60 Stat. 1062); (C) the Act of August[1] 31, 1947, Public Law 298, Eightieth Congress, with respect to the disposal of labor supply centers, and labor homes, labor camps, or facilities; (D) section 612c of title 7, with respect to the exportation and domestic consumption of agricultural products; or (E) section 1291 or section 1622(j) of title 7;

(10) the Secretary of Agriculture, Farm Credit Administration, or any farm credit board under section 640*l*(b) of title 12, with respect to the acquisition or disposal of property;

(11) the Department of Housing and Urban Development or the Resolution Trust Corporation or any officer thereof with respect to the disposal of residential property, or of other property (real or personal) held as part of or acquired for or in connection with residential property, or in connection with the insurance of mortgages, loans, or savings association accounts under the National Housing Act [12 U.S.C. 1701 et seq.] under[2] the Federal Deposit Insurance Act [12 U.S.C. 1811 et seq.] or any other law.;[3]

(12) the Tennessee Valley Authority with respect to nonpersonal services, with respect to the matters referred to in section 481(a)(4) of this title, and with respect to any property acquired or to be acquired for or in connection with any program of processing, manufacture, production, or force account construction: *Provided*, That the Tennessee Valley Authority shall to the maximum extent that it may deem practicable, consistent with the fulfillment of the purpose of its program and the effective and efficient conduct of its business, coordinate its operations with the requirements of this Act and the policies and regulations prescribed pursuant thereto;

(13) the Atomic Energy Commission;

(14) the Administrator of the Federal Aviation Administration or the Secretary of Commerce with respect to the disposal of airport property and airway property for use as such property. For the purpose of this paragraph the terms ''airport property'' and ''airway property'' shall have the respective meanings ascribed to them in section 47301 of title 49;

(15) the United States Postal Service;

(16) the Maritime Administration with respect to the construction, reconstruction, and reconditioning (including outfitting and equipping incident to the foregoing), the acquisition, procurement, operation, maintenance, preservation, sale, lease, or charter of any merchant vessel or of any shipyard, ship site, terminal, pier, dock, warehouse, or other installation necessary or appropriate for the

[1] So in original. Should be ''July''.

[2] So in original. Probably should be ''or under''.

[3] So in original.

carrying out of any program of such Administration authorized by law, or nonadministrative activities incidental thereto: *Provided*, That the Maritime Administration shall to the maximum extent that it may deem practicable, consistent with the fulfillment of the purposes of such programs and the effective and efficient conduct of such activities, coordinate its operations with the requirements of this Act, and the policies and regulations prescribed pursuant thereto;

(17) the Central Intelligence Agency;

(18) the Joint Committee on Printing, under title 44 or any other Act;

(19) for such period of time as the President may specify, any other authority of any executive agency which the President determines within one year after the effective date of this Act should, in the public interest, stand unimpaired by this Act;

(20) the Secretary of the Interior with respect to procurement for program operations under the Bonneville Project Act of 1937 (50 Stat. 731), as amended [16 U.S.C. 832 et seq.]; or

(21) the Director of the United States Information Agency with respect to the furnishing of facilities in foreign countries and reception centers within the United States.

(e) No provision of this Act, as amended, shall apply to the Senate or the House of Representatives (including the Architect of the Capitol and any building, activity, or function under his direction), but any of the services and facilities authorized by this Act to be rendered or furnished shall, as far as practicable, be made available to the Senate, the House of Representatives, or the Architect of the Capitol, upon their request, and, if payment would be required for the rendition or furnishing of a similar service or facility to an executive agency, payment therefor shall be made by the recipient thereof, upon presentation of proper vouchers, in advance or by reimbursement (as may be agreed upon by the Administrator and the officer or body making such request). Such payment may be credited to the applicable appropriation of the executive agency receiving such payment.

(June 30, 1949, ch. 288, title VI, §602, formerly title V, §502, 63 Stat. 399; Aug. 10, 1949, ch. 412, §12(a), (g), 63 Stat. 591; renumbered and amended Sept. 5, 1950, ch. 849, §§6(a), (b), 7(e), (f), 8(c), 64 Stat. 583, 590; Pub. L. 85–726, title XIV, §1406, Aug. 23, 1958, 72 Stat. 808; Pub. L. 87–456, title III, §303(b), May 24, 1962, 76 Stat. 78; Pub. L. 89–343, §6, Nov. 8, 1965, 79 Stat. 1303; Pub. L. 89–670, §§3(e), 6(c)(1), Oct. 15, 1966, 80 Stat. 932, 938; Pub. L. 90–19, §7, May 25, 1967, 81 Stat. 22; Pub. L. 91–375, §6(m)(2), Aug. 12, 1970, 84 Stat. 782; Pub. L. 93–400, §15(4), Aug. 30, 1974, 88 Stat. 800; Pub. L. 96–60, title II, §203(c), Aug. 15, 1979, 93 Stat. 399; Pub. L. 96–83, §10(b), Oct. 10, 1979, 93 Stat. 652; Pub. L. 97–31, §12(13), Aug. 6, 1981, 95 Stat. 154; Pub. L. 97–241, title III, §303(b), Aug. 24, 1982, 96 Stat. 291; Pub. L. 98–191, §§8(d)(2), 9(a)(3), Dec. 1, 1983, 97 Stat. 1331; Pub. L. 101–73, title VII, §744(f), Aug. 9, 1989, 103 Stat. 438.)

REFERENCES IN TEXT

This Act, referred to in text, is act June 30, 1949, ch. 288, 63 Stat. 377, as amended, known as the Federal Property and Administrative Services Act of 1949. For complete classification of this Act to the Code, see Short Title note set out under section 471 of this title and Tables.

The Office of Federal Procurement Policy Act, referred to in subsec. (c), is Pub. L. 93–400, Aug. 30, 1974, 88 Stat. 796, as amended, which is classified principally to chapter 7 (§401 et seq.) of Title 41, Public Contracts. For complete classification of this Act to the Code, see Short Title note set out under section 401 of Title 41 and Tables.

The Philippine Property Act of 1946, referred to in subsec. (d)(1), is act July 3, 1946, ch. 536, 60 Stat. 418, as amended, which is classified generally to subchapter V (§1381 et seq.) of chapter 15 of Title 22, Foreign Relations and Intercourse. For complete classification of this Act to the Code, see Short Title note set out under section 1381 of Title 22 and Tables.

The National Industrial Reserve Act of 1948, referred to in subsec. (d)(5), is act July 2, 1948, ch. 811, 62 Stat. 1225, as amended, known as the Defense Industrial Reserve Act, which is classified generally to chapter 16 (§451 et seq.) of Title 50, War and National Defense. The text of sections 451 to 453 of Title 50 was transferred to section 2535 of Title 10, Armed Forces, by Pub. L. 102–484, div. D, title XLII, §4235, Oct. 23, 1992, 106 Stat. 2690. For complete classification of this Act to the Code, see Short Title note set out under section 451 of Title 50 and Tables.

The Strategic and Critical Materials Stock Piling Act, referred to in subsec. (d)(6), is act June 7, 1939, ch. 190, as revised generally by Pub. L. 96–41, §2, July 30, 1979, 93 Stat. 319, which is classified generally to subchapter III (§98 et seq.) of chapter 5 of Title 50. For complete classification of this Act to the Code, see section 98 of Title 50 and Tables.

The Foreign Service Buildings Act, 1926, as amended, referred to in subsec. (d)(7), is act May 7, 1926, ch. 250, 44 Stat. 403, as amended, which is classified generally to chapter 8 (§292 et seq.) of Title 22, Foreign Relations and Intercourse. For complete classification of this Act to the Code, see section 299 of Title 22 and Tables.

Section 1171(b) of Appendix to title 50, referred to in subsec. (d)(8), was repealed by act Aug. 10, 1956, ch. 1041, §53, 70A Stat. 641.

The National School Lunch Act, referred to in subsec. (d)(9)(A), is act June 4, 1946, ch. 281, 60 Stat. 230, as amended, which is classified generally to chapter 13 (§1751 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 1751 of Title 42 and Tables.

The Farmers Home Administration Act of 1946, referred to in subsec. (d)(9)(B), is act Aug. 14, 1946, ch. 964, 60 Stat. 1062. Such act was substantially repealed by act June 25, 1948, ch. 645, §21, 62 Stat. 862, and act Aug. 8, 1961, Pub. L. 87–128, title III, §341(a), 75 Stat. 318. For complete classification of this Act to the Code, see Tables.

Act of August 31, 1947, Public Law 298, Eightieth Congress, referred to in subsec. (d)(9)(C), probably means act July 31, 1947, Public Law 298, ch. 413, 61 Stat. 694, which was classified to a note under section 1017 of Title 7, Agriculture, and was repealed by act Apr. 20, 1950, ch. 94, title II, §205(a), 64 Stat. 73.

Section 640*l*(b) of title 12, referred to in subsec. (d)(10), was repealed by Pub. L. 92–181, title V, §5.26(a), Dec. 10, 1971, 85 Stat. 624.

The National Housing Act, referred to in subsec. (d)(11), is act June 27, 1934, ch. 847, 48 Stat. 1246, as amended, which is classified principally to chapter 13 (§1701 et seq.) of Title 12, Banks and Banking. For complete classification of this Act to the Code, see section 1701 of Title 12 and Tables.

The Federal Deposit Insurance Act, referred to in subsec. (d)(11), is act Sept. 21, 1950, ch. 967, §2, 64 Stat. 873, as amended, which is classified generally to chapter 16 (§1811 et seq.) of Title 12. For complete classification of this Act to the Code, see Short Title note set out under section 1811 of Title 12 and Tables.

The Bonneville Project Act of 1937 (50 Stat. 731), as amended, referred to in subsec. (d)(20), is act Aug. 20, 1937, ch. 720, 50 Stat. 731, as amended, which is classified generally to chapter 12B (§ 832 et seq.) of Title 16, Conservation. For complete classification of this Act to the Code, see Short Title note set out under section 832 of Title 16 and Tables.

CODIFICATION

Section is comprised of section 602 of act June 30, 1949. Subsec. (a) of section 602 of act June 30, 1949, repealed various laws. Subsec. (b) of section 602 of such act is set out as a note under section 901 of Title 5, Government Organization and Employees. Subsec. (f) of section 602 of such act amended section 5 of Title 41, Public Contracts.

In subsec. (c), ''chapter 91 of title 31'' substituted for ''the Government Corporation Control Act (59 Stat. 597; 31 U.S.C. 841)'' 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.

In subsec. (d)(3), ''chapter 137 of title 10'' and ''said chapter'' substituted for ''Armed Services Procurement Act of 1947'' and ''said Act'', respectively, on authority of act Aug. 10, 1956, ch. 1041, § 49(b), 70A Stat. 640, the first section of which enacted Title 10, Armed Forces. Prior to the enactment of Title 10, the Armed Services Procurement Act of 1947 (act Feb. 19, 1948, ch. 65, 62 Stat. 21, as amended) was classified principally to chapter 3 (§ 151 et seq.) of Title 41, Public Contracts.

In subsec. (d)(4), ''Department of Defense'' substituted for ''National Military Establishment'' on authority of act Aug. 10, 1949, ch. 412, § 12(a), (g), 63 Stat. 591.

In subsec. (d)(14), ''section 47301 of title 49'' substituted for ''the International Aviation Facilities Act (62 Stat. 450) [49 App. U.S.C. 1151 et seq.]'' on authority of Pub. L. 103–272, § 6(b), July 5, 1994, 108 Stat. 1378, the first section of which enacted subtitles II, III, and V to X of Title 49, Transportation.

In subsec. (d)(18), ''title 44 or any other Act'' substituted for ''the Act entitled 'An Act providing for the public printing and binding and the distribution of public documents' approved January 12, 1895 (28 Stat. 601), as amended or any other Act'' on authority of Pub. L. 90–620, § 2(b), Oct. 22, 1968, 82 Stat. 1305, the first section of which revised and enacted Title 44, Public Printing and Documents.

Section was formerly classified to section 204 of Title 41, Public Contracts.

AMENDMENTS

1989—Subsec. (d)(11). Pub. L. 101–73 inserted ''or the Resolution Trust Corporation'' after ''Department of Housing and Urban Development'', substituted ''savings association accounts'' for ''savings and loan accounts'', and inserted ''under the Federal Deposit Insurance Act or any other law.'' after ''National Housing Act''.

1983—Subsec. (c). Pub. L. 98–191 inserted ''except as otherwise provided by the Office of Procurement Policy Act, and'' after ''any law inconsistent herewith,''.

1981—Subsec. (d)(16). Pub. L. 97–31 substituted references to the Maritime Administration for references to the United States Maritime Commission wherever appearing.

1979—Subsec. (c). Pub. L. 96–83 struck out ''except as provided by the Office of Federal Procurement Policy Act, and'' after ''law inconsistent herewith,''.

Subsec. (d)(21). Pub. L. 96–60 added par. (21).

1974—Subsec. (c). Pub. L. 93–400 substituted ''inconsistent herewith, except as provided by the Office of Federal Procurement Policy Act, and except'' for ''inconsistent herewith, except''.

1970—Subsec. (d)(15). Pub. L. 91–375 substituted ''the United States Postal Service'' for ''the Postmaster General or the Postal Establishment with respect to the means and methods of distribution and transportation of the mails, and contracts, negotiations, and proceedings before Federal and State regulatory and rate-making bodies, relating to the transportation of the mails, and the leasing and acquisition of real property, as authorized by law''.

1967—Subsec. (d)(11). Pub. L. 90–19 substituted ''the Department of Housing and Urban Development or any officer thereof'' for ''the Housing and Home Finance Agency, or any officer or constituent agency therein,''.

1965—Subsec. (d)(15), (20). Pub. L. 89–343 inserted '', and the leasing and acquisition of real property, as authorized by law'' in par. (15), and added par. (20).

1962—Subsec. (d)(6). Pub. L. 87–456 struck out provisions which permitted imported materials which the authorized procuring agency certifies to the Commissioner of Customs to be strategic and critical materials procured under the Strategic and Critical Materials Stock Piling Act to be entered, or withdrawn from warehouse, free of duty.

1958—Subsec. (d)(14). Pub. L. 85–726 substituted ''Administrator of the Federal Aviation Agency'' for ''Administrator of Civil Aeronautics''.

1950—Act Sept. 5, 1950, §§ 7(e), (f), 8(c), inserted ''and paramount'' after ''any authority'' in subsec. (c), inserted ''the'' in subsec. (d)(17), inserted reference to ''Joint Committee on Printing'' in subsec. (d)(18), reenacted subsec. (d)(19), and added subsec. (e).

CHANGE OF NAME

''Director of the United States Information Agency'' substituted for ''Director of the International Communication Agency'' in subsec. (d)(21) pursuant to section 303(b) of Pub. L. 97–241, title III, Aug. 24, 1982, 96 Stat. 291, set out as a note under section 1461 of Title 22, Foreign Relations and Intercourse.

EFFECTIVE DATE OF 1979 AMENDMENTS

Amendment by Pub. L. 96–83 effective Oct. 1, 1979, see section 12 of Pub. L. 96–83, set out as a note under section 401 of Title 41, Public Contracts.

Amendment by Pub. L. 96–60 effective Oct. 1, 1979, see section 209 of Pub. L. 96–60, set out as an Effective Date note under section 1469 of Title 22, Foreign Relations and Intercourse.

EFFECTIVE DATE OF 1970 AMENDMENT

Amendment by Pub. L. 91–375 effective within 1 year after Aug. 12, 1970, on date established therefor by Board of Governors of United States Postal Service and published by it in Federal Register, see section 15(a) of Pub. L. 91–375, set out as an Effective Date note preceding section 101 of Title 39, Postal Service.

EFFECTIVE DATE OF 1962 AMENDMENT

Amendment by Pub. L. 87–456 effective with respect to articles entered, or withdrawn from warehouse, for consumption on or after Aug. 31, 1963, see section 501(a) of Pub. L. 87–456.

EFFECTIVE DATE OF 1958 AMENDMENT

Amendment by Pub. L. 85–726 effective on 60th day following date on which Administrator of Federal Aviation Agency first appointed under Pub. L. 85–726 qualifies and takes office, see section 1505(2) of Pub. L. 85–726. The Administrator was appointed, qualified, and took office on Oct. 31, 1958.

TRANSFER OF FUNCTIONS

Atomic Energy Commission abolished and functions transferred by sections 5814 and 5841 of Title 42, The Public Health and Welfare. See, also, Transfer of Functions notes set out under those sections.

In subsec. (d)(14), ''Federal Aviation Administration'' substituted for ''Federal Aviation Agency'' pursuant to Pub. L. 89–670, which transferred all functions, powers, and duties of Federal Aviation Agency and of Administrator and other offices and officers thereof to Secretary of Transportation and established a Federal Aviation Administration in Department of Transportation. See section 106 of Title 49, Transportation.

Office of Chief of Weather Bureau abolished, and Weather Bureau consolidated with Coast and Geodetic Survey to form a new agency in Department of Commerce to be known as Environmental Science Services Administration by Reorg. Plan No. 2 of 1965, eff. July 13, 1965, 30 F.R. 8819, 79 Stat. 1318, set out in the Appendix to Title 5, Government Organization and Employees. Functions of Chief of Bureau and of Bureau transferred to Secretary of Commerce by the Plan.

Environmental Science Services Administration abolished by Reorg. Plan No. 4 of 1970, eff. Oct. 3, 1970, 35 F.R. 15627, 84 Stat. 2090, set out in the Appendix to Title 5, Government Organization and Employees, which created National Oceanic and Atmospheric Administration in Department of Commerce. By Department Organization Order 25–5A, republished 39 F.R. 27486, Secretary of Commerce delegated to NOAA his functions relating to Weather Bureau. By order of Acting Associate Administrator of NOAA, organization name of Weather Bureau changed to National Weather Service. For further details, see the Codification note under section 311 of Title 15, Commerce and Trade.

Munitions Board, together with Office of Chairman, abolished and Board's functions transferred to Secretary of Defense by Reorg. Plan No. 6 of 1953, eff. June 30, 1953, 18 F.R. 3743, set out in the Appendix to Title 5, Government Organization and Employees.

ARCHITECT OF THE CAPITOL

The Legislative Branch Appropriation Acts, acts June 13, 1945, ch. 189, §1, 59 Stat. 252; July 1, 1946, ch. 530, §101, 60 Stat. 401; July 17, 1947, ch. 262, §101, 61 Stat. 370; June 14, 1948, ch. 467, §101, 62 Stat. 431; June 22, 1949, ch. 235, §101, 63 Stat. 225, provided in part that appropriations under the control of the Architect could be expended without reference to section 7 of Title 41, Public Contracts. Similar provisions appeared in prior Legislative Branch Appropriation Acts.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 752 of this title; title 10 section 7306; title 41 section 252.

§475. Authorization of appropriations; fund transfer authority

(a) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act, including payment in advance, when authorized by the Administrator, for library memberships in societies whose publications are available to members only, or to members at a price lower than that charged to the general public.

(b) When authorized by the Director of the Office of Management and Budget, any Federal agency may use, for the disposition of property under this Act, and for its care and handling pending such disposition, any funds heretofore or hereafter appropriated, allocated, or available to it for purposes similar to those provided for in sections 481, 483, 484, and 486 of this title.

(June 30, 1949, ch. 288, title VI, §603, formerly title V, §503, 63 Stat. 403; renumbered and amended Sept. 5, 1950, ch. 849, §§6(a), (b), 7(g), 64 Stat. 583, 590; 1970 Reorg. Plan No. 2, §102, eff. July 1, 1970, 35 F.R. 7959, 84 Stat. 2085.)

REFERENCES IN TEXT

This Act, referred to in text, is act June 30, 1949, ch. 288, 63 Stat. 377, as amended, known as the Federal Property and Administrative Services Act of 1949. For complete classification of this Act to the Code, see Short Title note set out under section 471 of this title and Tables.

CODIFICATION

Section was formerly classified to section 205 of Title 41, Public Contracts.

AMENDMENTS

1950—Subsec. (a). Act Sept. 5, 1950, §7(g), inserted ''including payment in advance, when authorized by the Administrator, for library memberships in societies whose publications are available to members only, or to members at a price lower then that charged to the general public''.

TRANSFER OF FUNCTIONS

Functions vested by law (including reorganization plan) in Bureau of the Budget or Director of Bureau of the Budget transferred to President of the United States by section 101 of Reorg. Plan No. 2 of 1970, eff. July 1, 1970, 35 F.R. 7959, 84 Stat. 2085, set out in the Appendix to Title 5, Government Organization and Employees. Section 102 of Reorg. Plan No. 2 of 1970, redesignated Bureau of the Budget as Office of Management and Budget.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 752 of this title.

§476. Sex discrimination prohibited

No individual shall on the ground of sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity carried on or receiving Federal assistance under this Act. This provision shall be enforced through agency provisions and rules similar to those already established with respect to racial and other discrimination under title VI of the Civil Rights Act of 1964 [42 U.S.C. 2000d et seq.]. However, this remedy is not exclusive and will not prejudice or remove any other legal remedies available to any individual alleging discrimination.

(June 30, 1949, ch. 288, title VI, §606, as added Pub. L. 94–519, §8, Oct. 17, 1976, 90 Stat. 2456.)

REFERENCES IN TEXT

This Act, referred to in text, is act June 30, 1949, ch. 288, 63 Stat. 377, as amended, known as the Federal Property and Administrative Services Act of 1949. For complete classification of this Act to the Code, see Short Title note set out under section 471 of this title and Tables.

The Civil Rights Act of 1964, referred to in text, is Pub. L. 88–352, July 2, 1964, 78 Stat. 241, as amended. Title VI of the Civil Rights Act of 1964 is classified generally to subchapter V (§2000d et seq.) of chapter 21 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 2000a of Title 42 and Tables.

EFFECTIVE DATE

Section effective Oct. 17, 1977, see section 9 of Pub. L. 94–519, set out as an Effective Date of 1976 Amendment note under section 484 of this title.

SUBCHAPTER II—PROPERTY MANAGEMENT

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in sections 513, 752, 758, 1502 of this title; title 10 sections 2535, 2696, 9781; title 29 sections 1511, 1551; title 42 section 12651g; title 49 section 40110.

§481. Procurement, warehousing, and related activities

(a) Policies and methods of procurement and supply; operation of warehouses

The Administrator shall, in respect of executive agencies, and to the extent that he deter-

mines that so doing is advantageous to the Government in terms of economy, efficiency, or service, and with due regard to the program activities of the agencies concerned—

(1) subject to regulations[1] prescribed by the Administrator for Federal Procurement Policy pursuant to the Office of Federal Procurement Policy Act [41 U.S.C. 401 et seq.], prescribe policies and methods of procurement and supply of personal property and nonpersonal services, including related functions such as contracting, inspection, storage, issue, property identification and classification, transportation and traffic management, management of public utility services, and repairing and converting; and

(2) operate, and, after consultation with the executive agencies affected, consolidate, take over, or arrange for the operation by any executive agency of warehouses, supply centers, repair shops, fuel yards, and other similar facilities; and

(3) procure and supply personal property and nonpersonal services for the use of executive agencies in the proper discharge of their responsibilities, and perform functions related to procurement and supply such as those mentioned above in subparagraph (1) of this subsection: *Provided*, That contracts for public utility services may be made for periods not exceeding ten years; and

(4) with respect to transportation and other public utility services for the use of executive agencies, represent such agencies in negotiations with carriers and other public utilities and in proceedings involving carriers or other public utilities before Federal and State regulatory bodies;

Provided, That the Secretary of Defense may from time to time, and unless the President shall otherwise direct, exempt the Department of Defense from action taken or which may be taken by the Administrator under clauses (1) to (4) of this subsection whenever he determines such exemption to be in the best interests of national security.

(b) Extension of services

(1) The Administrator shall as far as practicable provide any of the services specified in subsection (a) of this section to any other Federal agency, mixed ownership corporation (as defined in section 9101 of title 31), or the District of Columbia, upon its request.

(2)(A) Upon the request of a qualified nonprofit agency for the blind or other severely handicapped that is to provide a commodity or service to the Federal Government under the Javits-Wagner-O'Day Act (41 U.S.C. 46 et seq.), the Administrator may provide any of the services specified in subsection (a) of this section to such agency to the extent practicable.

(B) A nonprofit agency receiving services under the authority of subparagraph (A) shall use the services directly in making or providing an approved commodity or approved service to the Federal Government.

(C) In this paragraph—

(i) The term ''qualified nonprofit agency for the blind or other severely handicapped'' means—

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

(II) a qualified nonprofit agency for other severely handicapped, as defined in section 5(4) of such Act (41 U.S.C. 48b(4)).

(ii) The term ''approved commodity'' and ''approved service'' means a commodity and a service, respectively, that has been determined by the Committee for Purchase from the Blind and Other Severely Handicapped[2] under section 2 of the Javits-Wagner-O'Day Act (41 U.S.C. 47) to be suitable for procurement by the Federal Government.

(c) Exchange or sale of similar items

In acquiring personal property, any executive agency, under regulations to be prescribed by the Administrator, subject to regulations[3] prescribed by the Administrator for Federal Procurement Policy pursuant to the Office of Federal Procurement Policy Act [41 U.S.C. 401 et seq.], may exchange or sell similar items and may apply the exchange allowance or proceeds of sale in such cases in whole or in part payment for the property acquired: *Provided*, That any transaction carried out under the authority of this subsection shall be evidenced in writing. Sales of property pursuant to this subsection shall be governed by section 5 of title 41, except that fixed price sales may be conducted in the same manner and subject to the same conditions as are applicable to the sale of property pursuant to section 484(e)(5) of this title.

(d) Utilization of services by executive agencies without reimbursement or transfer of funds

In conformity with policies prescribed by the Administrator under subsection (a) of this section, any executive agency may utilize the services, work, materials, and equipment of any other executive agency, with the consent of such other executive agency, for the inspection of personal property incident to the procurement thereof, and notwithstanding section 1301(a) of title 31 or any other provision of law such other executive agency may furnish such services, work, materials, and equipment for that purpose without reimbursement or transfer of funds.

(e) Exchange or transfer of excess property

Whenever the head of any executive agency determines that the remaining storage or shelf life of any medical materials or medical supplies held by such agency for national emergency purposes is of too short duration to justify their continued retention for such purposes and that their transfer or disposal would be in the interest of the United States, such materials or supplies shall be considered for the purposes of section 483 of this title to be excess property. In accordance with the regulations of the Administrator, such excess materials or supplies may thereupon be transferred to or exchanged with any other Federal agency for other medical materials or supplies. Any proceeds derived from

[1] See 1983 Amendment note below.

[2] See References in Text note below.

[3] See 1983 Amendment note below.

such transfers may be credited to the current applicable appropriation or fund of the transferor agency and shall be available only for the purchase of medical materials or supplies to be held for national emergency purposes. If such materials or supplies are not transferred to or exchanged with any other Federal agency, they shall be disposed of as surplus property. To the greatest extent practicable, the head of the executive agency holding such medical materials or supplies shall make the determination provided for in the first sentence of this subsection at such times as to insure that such medical materials or medical supplies can be transferred or otherwise disposed of in sufficient time to permit their use before their shelf life expires and they are rendered unfit for human use.

(June 30, 1949, ch. 288, title II, §201, 63 Stat. 383; Aug. 10, 1949, ch. 412, §12(a), (g), 63 Stat. 591; Sept. 5, 1950, ch. 849, §8(b), 64 Stat. 591; Pub. L. 85–781, Aug. 27, 1958, 72 Stat. 936; Pub. L. 91–426, §1, Sept. 26, 1970, 84 Stat. 883; Pub. L. 93–400, §15(1), (2), Aug. 30, 1974, 88 Stat. 800; Pub. L. 96–83, §10(a), Oct. 10, 1979, 93 Stat. 652; Pub. L. 98–191, §§8(d)(1), 9(a)(2), Dec. 1, 1983, 97 Stat. 1331; Pub. L. 100–612, §2, Nov. 5, 1988, 102 Stat. 3180; Pub. L. 103–355, title I, §1555, Oct. 13, 1994, 108 Stat. 3300; Pub. L. 105–61, title IV, §413, Oct. 10, 1997, 111 Stat. 1300.)

REFERENCES IN TEXT

The Office of Federal Procurement Policy Act, referred to in subsecs. (a)(1) and (c), is Pub. L. 93–400, Aug. 30, 1974, 88 Stat. 796, as amended, which is classified principally to chapter 7 (§401 et seq.) of Title 41, Public Contracts. For complete classification of this Act to the Code, see Short Title note set out under section 401 of Title 41 and Tables.

The Javits-Wagner-O'Day Act, referred to in subsec. (b)(2)(A), is act June 25, 1938, ch. 697, 52 Stat. 1196, as amended, which is classified to sections 46 to 48c of Title 41, Public Contracts. For complete classification of this Act to the Code, see Tables.

Committee for Purchase from the Blind and Other Severely Handicapped, referred to in subsec. (b)(2)(C)(ii), probably means Committee for Purchase From People Who Are Blind or Severely Disabled established by section 46 of Title 41, Public Contracts.

CODIFICATION

In subsec. (a), ''Department of Defense'' substituted for ''National Military Establishment'' on authority of act Aug. 10, 1949, ch. 412, §12(a), (g), 63 Stat. 591.

In subsec. (d), ''section 1301(a) of title 31'' substituted for ''section 3678 of the Revised Statutes (31 U.S.C. 628)'' 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.

Section was formerly classified to section 231 of Title 41, Public Contracts.

AMENDMENTS

1997—Subsec. (b). Pub. L. 105–61 amended subsec. (b) generally, substituting present provisions for provisions which related to extension of services to Federal agencies, mixed ownership corporations, and District of Columbia, and cooperative purchasing.

1994—Subsec. (b). Pub. L. 103–355 amended subsec. (b) generally. Prior to amendment, subsec. (b) read as follows: ''The Administrator shall as far as practicable provide any of the services specified in subsection (a) of this section to any other Federal agency, mixed ownership corporation (as defined in the Government Corporation Control Act), or the District of Columbia, upon its request.''

1988—Subsec. (c). Pub. L. 100–612 inserted provisions that sales of property under this subsection be governed by section 5 of title 41, with an exception for fixed price sales.

1983—Subsecs. (a)(1), (c). Pub. L. 98–191 inserted ''and regulations'' after ''subject to policy directives'' and then substituted ''subject to regulations'' for ''subject to policy directives''. A literal execution of both amendments would have resulted in phrase reading ''subject to regulations and regulations''.

1979—Subsecs. (a)(1), (c). Pub. L. 96–83 substituted ''policy directives'' for ''regulations''.

1974—Subsec. (a)(1). Pub. L. 93–400, §15(1), made authority of Administrator to prescribe policies and methods subject to regulations prescribed by Administrator for Federal Procurement Policy pursuant to Office of Federal Procurement Policy Act.

Subsec. (c). Pub. L. 93–400, §15(2), substituted ''the Administrator, subject to regulations prescribed by the Administrator for Federal Procurement Policy pursuant to the Office of Federal Procurement Policy Act, may exchange'' for ''the Administrator, may exchange''.

1970—Subsec. (e). Pub. L. 91–426 added subsec. (e).

1958—Subsec. (d). Pub. L. 85–781 added subsec. (d).

1950—Subsec. (b). Act Sept. 5, 1950, struck out ''or the Senate, or the House of Representatives,'' after ''District of Columbia,''.

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 1979 AMENDMENT

Amendment by Pub. L. 96–83 effective Oct. 1, 1979, see section 12 of Pub. L. 96–83, set out as a note under section 401 of Title 41, Public Contracts.

COOPERATIVE PURCHASING

Pub. L. 104–106, div. D, title XLIII, §4309, Feb. 10, 1996, 110 Stat. 670, provided that:

''(a) DELAY IN OPENING CERTAIN FEDERAL SUPPLY SCHEDULES TO USE BY STATE, LOCAL, AND INDIAN TRIBAL GOVERNMENTS.—The Administrator of General Services may not use the authority of section 201(b)(2) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 481(b)(2)) to provide for the use of Federal supply schedules of the General Services Administration until after the later of—

''(1) the date on which the 18-month period beginning on the date of the enactment of this Act [Feb. 10, 1996] expires; or

''(2) the date on which all of the following conditions are met:

''(A) The Administrator has considered the report of the Comptroller General required by subsection (b).

''(B) The Administrator has submitted comments on such report to Congress as required by subsection (c).

''(C) A period of 30 days after the date of submission of such comments to Congress has expired.

''(b) REPORT.—Not later than one year after the date of the enactment of this Act [Feb. 10, 1996], the Comptroller General shall submit to the Administrator of General Services and to Congress a report on the implementation of section 201(b) of the Federal Property and Administrative Services Act of 1949 [40 U.S.C. 481(b)]. The report shall include the following:

''(1) An assessment of the effect on industry, including small businesses and local dealers, of providing for the use of Federal supply schedules by the entities described in section 201(b)(2)(A) of the Federal Property and Administrative Services Act of 1949.

''(2) An assessment of the effect on such entities of providing for the use of Federal supply schedules by them.

''(c) COMMENTS ON REPORT BY ADMINISTRATOR.—Not later than 30 days after receiving the report of the Comptroller General required by subsection (b), the Administrator of General Services shall submit to Congress comments on the report, including the Administrator's comments on whether the Administrator plans to provide any Federal supply schedule for the use of any entity described in section 201(b)(2)(A) of the Federal Property and Administrative Services Act of 1949.

''(d) CALCULATION OF 30-DAY PERIOD.—For purposes of subsection (a)(2)(C), the calculation of the 30-day period shall exclude Saturdays, Sundays, and holidays, and any day on which neither House of Congress is in session because of an adjournment sine die, a recess of more than 3 days, or an adjournment of more than 3 days.''

CROSS REFERENCES

Laws not applicable to contracts, see section 260 of Title 41, Public Contracts.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 474, 475, 755, 756, 757 of this title; title 10 section 2381; title 22 section 2674; title 25 section 450j; title 28 section 612; title 50 section 491.

§ 482. Clarification of status of Architect of Capitol under this chapter

The term ''the Senate and the House of Representatives'', as used in the Federal Property and Administrative Services Act of 1949 [40 U.S.C. 471 et seq.], shall be construed to include the Architect of the Capitol and any activities under his direction, and any of the services authorized by said Act shall (as far as practicable) be made available to the Architect of the Capitol, upon his request.

(Oct. 26, 1949, ch. 737, 63 Stat. 920.)

REFERENCES IN TEXT

The Federal Property and Administrative Services Act of 1949, referred to in text, is act June 30, 1949, ch. 288, 63 Stat. 377, as amended. For complete classification of this Act to the Code, see Short Title note set out under section 471 of this title and Tables.

CODIFICATION

Section was not enacted as a part of the Federal Property and Administrative Services Act of 1949, part of which comprises this chapter.

Section was formerly classified to section 231a of Title 41, Public Contracts.

§ 483. Property utilization

(a) Policies and methods; transfer of excess property among Federal agencies and other organizations; transfer of real property located in Indian reservations to the Secretary of the Interior

(1) Subject to the provisions of paragraph (2) of this subsection, in order to minimize expenditures for property, the Administrator shall prescribe policies and methods to promote the maximum utilization of excess property by executive agencies, and he shall provide for the transfer of excess property among Federal agencies and to the organizations specified in section 756(f) of this title. The Administrator, with the approval of the Director of the Office of Management and Budget, shall prescribe the extent of reimbursement for such transfers of excess property: *Provided*, That reimbursement shall be required of the fair value, as determined by the Administrator, of any excess property transferred whenever net proceeds are requested pursuant to section 485(c) of this title or whenever either the transferor or the transferee agency (or the organizational unit affected) is subject to chapter 91 of title 31 or is an organization specified in section 756(f) of this title; and that excess property determined by the Administrator to be suitable for distribution through the supply centers of the General Services Administration shall be retransferred as[1] prices fixed by the Administrator with due regard to prices established in accordance with section 756(b) of this title.

(2) The Administrator shall prescribe such procedures as may be necessary in order to transfer without compensation to the Secretary of the Interior excess real property located within the reservation of any group, band, or tribe of Indians which is recognized as eligible for services by the Bureau of Indian Affairs. Such excess real property shall be held in trust by the Secretary for the benefit and use of the group, band, or tribe of Indians, within whose reservation such excess real property is located: *Provided*, That such transfers of real property within the State of Oklahoma shall be made to the Secretary of the Interior to be held in trust for Oklahoma Indian tribes recognized by the Secretary of the Interior when such real property (1) is located within boundaries of former reservations in Oklahoma as defined by the Secretary of Interior and when such real property was held in trust by the United States for an Indian tribe at the time of acquisition by the United States, or (2) is contiguous to real property presently held in trust by the United States for an Oklahoma Indian tribe and was at any time held in trust by the United States for an Indian tribe.

(b) Duties of executive agencies

Each executive agency shall (1) maintain adequate inventory controls and accountability systems for the property under its control, (2) continuously survey property under its control to determine which is excess property, and promptly report such property to the Administrator, (3) perform the care and handling of such excess property, and (4) transfer or dispose of such property as promptly as possible in accordance with authority delegated and regulations prescribed by the Administrator.

(c) Additional duties of executive agencies

Each executive agency shall, as far as practicable, (1) make reassignments of property among activities within the agency when such property is determined to be no longer required for the purposes of the appropriation from which it was purchased, (2) transfer excess property under its control to other Federal agencies and to organizations specified in section 756(f) of this title, and (3) obtain excess property from other Federal agencies.

(d) Acquisition of excess personal property by Federal agencies for grantees prohibited; exceptions

Notwithstanding any other provisions of law, Federal agencies are prohibited from obtaining

[1] So in original. Probably should be ''at''.

excess personal property for purposes of furnishing such property to grantees of such agencies, except as follows:

(1) Under such regulations as the Administrator may prescribe, any Federal agency may obtain excess personal property for purposes of furnishing it to any institution or organization which is a public agency or is nonprofit and exempt from taxation under section 501 of title 26, and which is conducting a federally sponsored project pursuant to a grant made for a specific purpose with a specific termination made: *Provided*, That—

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

(B) the sponsoring Federal agency pays an amount equal to 25 per centum of the original acquisition cost (except for costs of care and handling) of the excess property furnished, such funds to be covered into the Treasury as miscellaneous receipts.

Title to excess property obtained under this paragraph shall vest in the grantees and shall be accounted for and disposed of in accordance with procedures governing the accountability of personal property acquired under grant agreements.

(2) Under such regulations and restrictions as the Administrator may prescribe, the provisions of this subsection shall not apply to the following:

(A) property furnished under section 2358 of title 22, where and to the extent that the Administrator of General Services determines that the property to be furnished under such Act [22 U.S.C. 2151 et seq.] is not needed for donation pursuant to section 484(j) of this title;

(B) scientific equipment furnished under section 1870(e) of title 42;

(C) property furnished under section 580a of title 16, in connection with the Cooperative Forest Fire Control Program, where title is retained in the United States;

(D) property furnished in connection with grants to Indian tribes as defined in section 1452(c) of title 25; or

(E) property furnished by the Secretary of Agriculture to any State or county extension service engaged in cooperative agricultural extension work pursuant to the Act of May 8, 1914 (7 U.S.C. 341 et seq.); any State experiment station engaged in cooperative agricultural research work pursuant to the Act of March 2, 1887 (7 U.S.C. 361a et seq.); and any institution engaged in cooperative agricultural research or extension work pursuant to sections 1433, 1434, 1444, or 1445 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3195, 3196, 3221, and 3222) or the Act of October 10, 1962 (16 U.S.C. 582a et seq.), where title is retained in the United States. For the purpose of this provision, the term ''State'' means any one of the fifty States, the Commonwealth of Puerto Rico, Guam, American Samoa, the Commonwealth of the Northern Marianas, the Trust Territory of the Pacific Islands, the Virgin Islands of the United States, and the District of Columbia.

This paragraph shall not preclude any Federal agency obtaining property and furnishing it to a grantee of that agency under paragraph (1) of this subsection.

(e) Annual report by executive agencies to Administrator on excess personal property furnished to recipient other than a Federal agency; acquisition, identification, and disposition; report by Administrator to Congress

Each executive agency shall submit during the calendar quarter following the close of each fiscal year a report to the Administrator showing, with respect to personal property—

(1) obtained as excess property or as personal property determined to be no longer required for the purposes of the appropriation from which it was purchased, and

(2) furnished in any manner whatsoever within the United States to any recipient other than a Federal agency,

the acquisition cost, categories of equipment, recipient of all such property, and such other information as the Administrator may require. The Administrator shall submit a report to the Senate (or to the Secretary of the Senate if the Senate is not in session) and to the House of Representatives (or to the Clerk of the House if the House is not in session) summarizing and analyzing the reports of the executive agencies.

(f) Repealed. July 12, 1952, ch. 703, §1(h), 66 Stat. 593

(g) Temporary assignment of excess real property space

Whenever the Administrator determines that the temporary assignment or reassignment of any space in excess real property to any Federal agency for office, storage, or related facilities would be more advantageous than the permanent transfer of such property, he may make such assignment or reassignment for such period of time as he shall determine and obtain, in the absence of appropriation available to him therefor, appropriate reimbursement from the using agency for the expense of maintaining such space.

(h) Abandonment, destruction, or donation of property

The Administrator may authorize the abandonment, destruction, or donation to public bodies of property which has no commercial value or of which the estimated cost of continued care and handling would exceed the estimated proceeds from its sale.

(June 30, 1949, ch. 288, title II, §202, 63 Stat. 384; July 12, 1952, ch. 703, §1(f)–(h), 66 Stat. 593; 1970 Reorg. Plan No. 2, §102, eff. July 1, 1970, 35 F.R. 7959, 84 Stat. 2085; Pub. L. 93–599, Jan. 2, 1975, 88 Stat. 1954; Pub. L. 94–519, §3, Oct. 17, 1976, 90 Stat. 2454; Pub. L. 97–98, title XIV, §1443, Dec. 22, 1981, 95 Stat. 1321.)

REFERENCES IN TEXT

Such Act, referred to in subsec. (d)(2)(A), is the Foreign Assistance Act of 1961, Pub. L. 87–195, Sept. 4, 1961, 75 Stat. 424, as amended, which is classified principally to chapter 32 (§2151 et seq.) of Title 22, Foreign Relations and Intercourse. For complete classification of

this Act to the Code, see Short Title note set out under section 2151 of Title 22 and Tables.

Act of May 8, 1914 (7 U.S.C. 341 et seq.), referred to in subsec. (d)(2)(E), is act May 18, 1914, ch. 79, 38 Stat. 372, as amended, popularly known as the Smith-Lever Act, which is classified generally to subchapter IV (§ 341 et seq.) of chapter 13 of Title 7, Agriculture. For complete classification of this Act to the Code, see Short Title note set out under section 341 of Title 7 and Tables.

Act of March 2, 1887 (7 U.S.C. 361a et seq.), referred to in subsec. (d)(2)(E), is act Mar. 2, 1887, ch. 314, 24 Stat. 440, as amended, popularly known as the Hatch Act of 1887, which is classified generally to sections 361a to 361i of Title 7. For complete classification of this Act to the Code, see Short Title note set out under section 361a of Title 7 and Tables.

Act of October 10, 1962 (16 U.S.C. 582a et seq.), referred to in subsec. (d)(2)(E), is Pub. L. 87–788, Oct. 10, 1962, 76 Stat. 806, as amended, popularly known as the McIntire-Stennis Act of 1962, which is classified generally to subchapter III (§ 582a et seq.) of chapter 3 of Title 16, Conservation. For complete classification of this Act to the Code, see Short Title note set out under section 582a of Title 16 and Tables.

CODIFICATION

In subsec. (a)(1), ''chapter 91 of title 31'' substituted for ''the Government Corporation Control Act (59 Stat. 597, 31 U.S.C. 841)'' 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.

Section was formerly classified to section 232 of Title 41, Public Contracts.

AMENDMENTS

1981—Subsec. (d)(2)(E). Pub. L. 97–98 added subpar. (E).

1976—Subsecs. (d), (e). Pub. L. 94–519 added subsecs. (d) and (e). Former subsecs. (d) and (e) had been repealed by act July 12, 1952, ch. 703, § 1(h), 66 Stat. 593. See 1952 Amendment note below.

1975—Subsec. (a)(1). Pub. L. 93–599 redesignated existing subsec. (a) as par. (1) and substituted ''Subject to the provisions of paragraph (2) of this subsection, in order to minimize'' for ''In order to minimize''.

Subsec. (a)(2). Pub. L. 93–599 added par. (2).

1952—Subsec. (a). Act July 12, 1952, § 1(f), permitted better utilization of excess property by other Federal agencies which have need for such property, and provided more flexible methods of transfer.

Subsec. (c)(2). Act July 12, 1952, § 1(g), inserted ''and to organizations specified in section 756(f) of this title''.

Subsecs. (d) to (f). Act July 12, 1952, § 1(h), repealed subsecs. (d) to (f).

EFFECTIVE DATE OF 1981 AMENDMENT

Amendment by Pub. L. 97–98 effective Dec. 22, 1981, see section 1801 of Pub. L. 97–98, set out as an Effective Date note under section 4301 of Title 7, Agriculture.

EFFECTIVE DATE OF 1976 AMENDMENT

Amendment by Pub. L. 94–519 effective Oct. 17, 1977, see section 9 of Pub. L. 94–519, set out as a note under section 484 of this title.

TRANSFER OF FUNCTIONS

Functions vested by law (including reorganization plan) in Bureau of the Budget or Director of Bureau of the Budget transferred to President of the United States by section 101 of Reorg. Plan No. 2 of 1970, eff. July 1, 1970, 35 F.R. 7959, 84 Stat. 2085, set out in the Appendix to Title 5, Government Organization and Employees. Section 102 of Reorg. Plan No. 2 of 1970, redesignated Bureau of the Budget as Office of Management and Budget.

TERMINATION OF TRUST TERRITORY OF THE PACIFIC ISLANDS

For termination of Trust Territory of the Pacific Islands, see note set out preceding section 1681 of Title 48, Territories and Insular Possessions.

LEASE AND ASSIGNMENT OF BUILDING SPACE; MANAGEMENT; EXCEPTIONS

All functions with respect to acquiring space in buildings by lease, all functions with respect to assigning and reassigning space in buildings for use by agencies (including both space acquired by lease and space in Government-owned buildings), and all functions with respect to the operation, maintenance, and custody of office buildings owned by the Government and of office buildings or parts thereof acquired by lease, including those post-office buildings which, as determined by the Director of the Bureau of the Budget, are not used predominantly for post-office purposes, were, with certain exceptions, transferred from the respective agencies in which theretofore vested to the Administrator of General Services by sections 1 and 2 of Reorg. Plan No. 18 of 1950, eff. July 1, 1950, 15 F.R. 3177, 64 Stat. 1270, set out under section 490 of this title. For delegation of those transferred functions to other personnel of the General Services Administration, or to the heads and personnel of other agencies, and for transfer of personnel, property, records, and funds, see sections 3 and 4 of that Plan.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 475, 481, 483c, 483d, 512 of this title; title 25 section 1812; title 36 section 493; title 38 section 8162; title 42 section 11411.

§ 483a. Repealed. Pub. L. 100–370, § 1(k)(3), July 19, 1988, 102 Stat. 849

Section, Pub. L. 99–190, § 101(b) [title VIII, § 8012], Dec. 19, 1985, 99 Stat. 1185, 1204, related to transfer of vessels between Departments of Transportation, Army, Air Force, or Navy, and was reenacted in section 2578 of Title 10, Armed Forces, by section 1(k)(1) of Pub. L. 100–370. Similar provisions were contained in the following prior appropriation acts:

Oct. 12, 1984, Pub. L. 98–473, title I, § 101(h) [title VIII, § 8013], 98 Stat. 1904, 1925.

Dec. 8, 1983, Pub. L. 98–212, title VII, § 716, 97 Stat. 1441.

Dec. 21, 1982, Pub. L. 97–377, title VII, § 717, 96 Stat. 1583.

Dec. 29, 1981, Pub. L. 97–114, title VII, § 717, 95 Stat. 1581.

Dec. 15, 1980, Pub. L. 96–527, title VII, § 718, 94 Stat. 3084.

Dec. 21, 1979, Pub. L. 96–154, title VII, § 718, 93 Stat. 1155.

Oct. 13, 1978, Pub. L. 95–457, title VIII, § 818, 92 Stat. 1247.

Sept. 21, 1977, Pub. L. 95–111, title VIII, § 817, 91 Stat. 902.

Sept. 22, 1976, Pub. L. 94–419, title VII, § 717, 90 Stat. 1294.

Feb. 9, 1976, Pub. L. 94–212, title VII, § 717, 90 Stat. 171.

Oct. 8, 1974, Pub. L. 93–437, title VIII, § 817, 88 Stat. 1228.

Jan. 2, 1974, Pub. L. 93–238, title VII, § 717, 87 Stat. 1041.

Oct. 26, 1972, Pub. L. 92–570, title VII, § 717, 86 Stat. 1199.

Dec. 18, 1971, Pub. L. 92–204, title VII, § 717, 85 Stat. 730.

Jan. 11, 1971, Pub. L. 91–668, title VIII, § 817, 84 Stat. 2033.

Dec. 29, 1969, Pub. L. 91–171, title VI, § 617, 83 Stat. 483.

Oct. 17, 1968, Pub. L. 90–580, title V, § 516, 82 Stat. 1132, as amended Aug. 6, 1981, Pub. L. 97–31, § 12(14), 95 Stat. 154.

Sept. 29, 1967, Pub. L. 90–96, title VI, § 616, 81 Stat. 245.

Oct. 15, 1966, Pub. L. 89–687, title VI, § 616, 80 Stat. 994.

Sept. 29, 1965, Pub. L. 89–213, title VI, § 616, 79 Stat. 876.

Aug. 19, 1964, Pub. L. 88–446, title V, § 516, 78 Stat. 477.

Oct. 17, 1963, Pub. L. 88–149, title V, § 516, 77 Stat. 267.

Aug. 9, 1962, Pub. L. 87–577, title V, § 516, 76 Stat. 331.

Aug. 17, 1961, Pub. L. 87–144, title VI, § 616, 75 Stat. 378.
July 7, 1960, Pub. L. 86–601, title V, § 516, 74 Stat. 352.
Aug. 18, 1959, Pub. L. 86–166, title VI, § 616, 73 Stat. 381.
Aug. 22, 1958, Pub. L. 85–724, title VI, § 617, 72 Stat. 727.
Aug. 2, 1957, Pub. L. 85–117, title VI, § 618, 71 Stat. 326.
July 2, 1956, ch. 488, title VI, § 618, 70 Stat. 471.
July 13, 1955, ch. 358, title VI, § 622, 69 Stat. 319.
June 30, 1954, ch. 432, title VII, § 723, 68 Stat. 355.
Aug. 1, 1953, ch. 305, title VI, § 630, 67 Stat. 355.
July 10, 1952, ch. 630, title VI, § 633, 66 Stat. 537.

§ 483b. Utilization of excess furniture

Notwithstanding the provisions of any other law, no funds shall be available in this or any other Act for the purchase of furniture by any department or agency in any branch of the Government if such requirements can reasonably be met, as determined by the Administrator of General Services, by transfer of excess furniture including rehabilitated furniture from other departments and agencies pursuant to the Federal Property and Administrative Services Act of 1949, as amended [40 U.S.C. 471 et seq.].

(Aug. 7, 1953, ch. 340, Ch. XIII, title I, § 1316, 67 Stat. 439.)

REFERENCES IN TEXT

This Act, referred to in text, is the Supplemental Appropriation Act, 1954, approved Aug. 7, 1953, ch. 340, 67 Stat. 418, which in general is not classified to the Code. For specific classifications to the Code, see Tables.

The Federal Property and Administrative Services Act of 1949, as amended, referred to in text, is act June 30, 1949, ch. 288, 63 Stat. 377, as amended. Provisions relating to transfer of excess furniture are contained in section 483 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 471 of this title and Tables.

CODIFICATION

Section enacted as part of the Supplemental Appropriation Act, 1954, and not as a part of the Federal Property and Administrative Services Act of 1949, part of which comprises this chapter.

§ 483c. Excess personal property held by grantee of Federal agency; certification of authorized use; title to grantee; re-transfer of property used for unauthorized purpose

Notwithstanding any other provision of law, and except as the Administrator of General Services may otherwise provide on recommendation of the head of an affected Federal agency, excess personal property acquired by a Federal agency pursuant to the authority of section 202 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 483) and furnished to and held by a grantee of such agency prior to October 17, 1977, under grants made pursuant to programs established by law shall be regarded as surplus property. The Administrator of General Services upon receipt of a certification by the head of an agency that the property is being used by the grantee for the purposes for which it was furnished shall transfer title to the property to the grantee. The grantor agency shall survey Federal property acquired from excess sources in the possession of its grantees and shall notify the Administrator of General Services, not later than two hundred and forty days from October 17, 1976, of those items of property which are being used by each grantee for the purpose for which it was furnished, and those items which are not being used by each grantee. If the property is not being so used, the Administrator shall transfer such property to an appropriate State agency, upon its request, for distribution in accordance with subsection 203(j) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484(j)). Property not so transferred shall be otherwise disposed of pursuant to the provisions of that Act [40 U.S.C. 471 et seq.].

(Pub. L. 94–519, § 5, Oct. 17, 1976, 90 Stat. 2456.)

REFERENCES IN TEXT

That Act, referred to in text, is act June 30, 1949, ch. 288, 63 Stat. 377, as amended, known as the Federal Property and Administrative Services Act of 1949. For complete classification of this Act to the Code, see Short Title note set out under section 471 of this title and Tables.

CODIFICATION

Section was not enacted as part of the Federal Property and Administrative Services Act of 1949, part of which comprises this chapter.

EFFECTIVE DATE

Section effective Oct. 17, 1977, see section 9 of Pub. L. 94–519 set out as an Effective Date of 1976 Amendment note under section 484 of this title.

§ 483d. Dredge vessel disposal

Notwithstanding any other provision of law, the Administrator of the General Services Administration, pursuant to the provisions of sections 483 and 484(j) of this title, may dispose of any Corps of Engineers vessel used for dredging that is declared to be in excess of Federal needs by the Secretary, together with related equipment owned by the United States and under the control of the Chief of Engineers, through sale or lease to a foreign government as part of a Corps of Engineers technical assistance program, or to a Federal or State maritime academy for training purposes, or to a non-Federal public body for scientific, educational, or cultural purposes, or through sale solely for scrap to foreign or domestic interests. Any such vessel shall not be disposed of under this section or any other provision of law for use within the United States for the purpose of engaging in dredging activities. Amounts collected from the sale or lease of any such vessel or equipment shall be deposited into the revolving fund authorized by section 576 of title 33, to be available, as provided in appropriations Acts, for the operation and maintenance of vessels under the control of the Corps of Engineers.

(Pub. L. 99–662, title IX, § 945, Nov. 17, 1986, 100 Stat. 4200.)

CODIFICATION

Section was enacted as part of the Water Resources Development Act of 1986, and not as part of the Federal Property and Administrative Services Act of 1949, part of which comprises this chapter.

DEFINITIONS

Secretary means the Secretary of the Army, see section 2201 of Title 33, Navigation and Navigable Waters.

§ 484. Disposal of surplus property

(a) Supervision and direction

Except as otherwise provided in this section, the Administrator shall have supervision and di-

rection over the disposition of surplus property. Such property shall be disposed of to such extent, at such time, in such areas, by such agencies, at such terms and conditions, and in such manner, as may be prescribed in or pursuant to this Act.

(b) Care and handling

The care and handling of surplus property, pending its disposition, and the disposal of surplus property, may be performed by the General Services Administration or, when so determined by the Administrator, by the executive agency in possession thereof or by any other executive agency consenting thereto.

(c) Method of disposition

Any executive agency designated or authorized by the Administrator to dispose of surplus property may do so by sale, exchange, lease, permit, or transfer, for cash, credit, or other property, with or without warranty, and upon such other terms and conditions as the Administrator deems proper, and it may execute such documents for the transfer of title or other interest in property and take such other action as it deems necessary or proper to dispose of such property under the provisions of this subchapter.

(d) Validity of deed, bill of sale, lease, etc.

A deed, bill of sale, lease, or other instrument executed by or on behalf of any executive agency purporting to transfer title or any other interest in surplus property under this subchapter shall be conclusive evidence of compliance with the provisions of this subchapter insofar as concerns title or other interest of any bona fide grantee or transferee for value and without notice of lack of such compliance.

(e) Bids for disposal; advertising; procedure; disposal by negotiation; explanatory statement

(1) All disposals or contracts for disposal of surplus property (other than by abandonment, destruction, donation, or through contract brokers) made or authorized by the Administrator shall be made after publicly advertising for bids, under regulations prescribed by the Administrator, except as provided in paragraphs (3) and (5) of this subsection.

(2) Whenever public advertising for bids is required under paragraph (1) of this subsection—

(A) the advertisement for bids shall be made at such time previous to the disposal or contract, through such methods, and on such terms and conditions as shall permit that full and free competition which is consistent with the value and nature of the property involved;

(B) all bids shall be publicly disclosed at the time and place stated in the advertisement;

(C) award shall be made with reasonable promptness by notice to the responsible bidder whose bid, conforming to the invitation for bids, will be most advantageous to the Government, price and other factors considered: *Provided*, That all bids may be rejected when it is in the public interest to do so.

(3) Disposals and contracts for disposal may be negotiated, under regulations prescribed by the Administrator, without regard to paragraphs (1) and (2) of this subsection but subject to obtaining such competition as is feasible under the circumstances, if—

(A) necessary in the public interest during the period of a national emergency declared by the President or the Congress, with respect to a particular lot or lots of personal property or, for a period not exceeding three months, with respect to a specifically described category or categories of personal property as determined by the Administrator;

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

(C) public exigency will not admit of the delay incident to advertising certain personal property;

(D) the personal property involved is of a nature and quantity which, if disposed of under paragraphs (1) and (2) of this subsection, would cause such an impact on an industry or industries as adversely to affect the national economy, and the estimated fair market value of such property and other satisfactory terms of disposal can be obtained by negotiation;

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

(F) bid prices after advertising therefor are not reasonable (either as to all or some part of the property) or have not been independently arrived at in open competition;

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

(H) the disposal will be to States, Territories, possessions, political subdivisions thereof, or tax-supported agencies therein, and the estimated fair market value of the property and other satisfactory terms of disposal are obtained by negotiation; or

(I) otherwise authorized by this Act or other law.

(4) Disposals and contracts for disposal of surplus real and related personal property through contract realty brokers employed by the Administrator shall be made in the manner followed in similar commercial transactions under such regulations as may be prescribed by the Administrator: *Provided*, That such regulations shall require that wide public notice of availability of the property for disposal be given by the brokers.

(5)(A) Negotiated sales of personal property at fixed prices may be made by the Administrator either directly or through the use of disposal contractors without regard to the limitations set forth in paragraphs (1) and (2) of this subsection: *Provided*, That such sales shall be publicized to the extent consistent with the value and nature of the property involved, that the prices established shall reflect the estimated fair market value thereof, and that such sales shall be limited to those categories of personal property as to which the Administrator determines that such method of disposal will best serve the interests of the Government.

(B) Under regulations and restrictions to be prescribed by the Administrator, property to be

sold pursuant to this paragraph may be offered to organizations specified in paragraph (3)(H) of this subsection that have expressed an interest in the property to permit such an organization a prior opportunity to purchase at the prices fixed for such property.

(6)(A) Except as otherwise provided by subparagraph (C) of this paragraph, an explanatory statement shall be prepared of the circumstances of each disposal by negotiation of—

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

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

(iii) any real property disposed of by lease for a term of 5 years or less, if the estimated fair annual rent is in excess of $100,000 for any of such years;

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

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

(B) Each such statement shall be transmitted to the appropriate committees of the Congress in advance of such disposal, and a copy thereof shall be preserved in the files of the executive agency making such disposal.

(C) No such statement need be transmitted to any such committee with respect to any disposal of personal property made under paragraph (5) at a fixed price, or to property disposals authorized by any other provision of law to be made without advertising.

(D) The annual report of the Administrator under section 492 of this title shall contain or be accompanied by a listing and description of any negotiated disposals of surplus property having an estimated fair market value of more than $15,000, in the case of real property, or $5,000, in the case of any other property, other than disposals for which an explanatory statement has been transmitted under this paragraph.

(7) Section 5 of title 41 shall not apply to disposals or contracts for disposal made under this subsection.

(f) Contractor inventories

Subject to regulations of the Administrator, any executive agency may authorize any contractor with such agency or subcontractor thereunder to retain or dispose of any contractor inventory.

(g) Agricultural commodities, foods, and cotton or woolen goods

The Administrator, in formulating policies with respect to the disposal of surplus agricultural commodities, surplus foods processed from agricultural commodities and surplus cotton or woolen goods, shall consult with the Secretary of Agriculture. Such policies shall be so formulated as to prevent surplus agricultural commodities, or surplus food processed from agricultural commodities, from being dumped on the market in a disorderly manner and disrupting the market prices for agricultural commodities.

(h) Transfer to Department of Agriculture for price support or stabilization reasons; deposit of receipts; limitation on sale of surplus farm commodities

Whenever the Secretary of Agriculture determines such action to be required to assist him in carrying out his responsibilities with respect to price support or stabilization, the Administrator shall transfer without charge to the Department of Agriculture any surplus agricultural commodities, foods, or cotton or woolen goods to be disposed of. Receipts resulting from disposal by the Department of Agriculture under this subsection shall be deposited pursuant to any authority available to the Secretary of Agriculture, except that net proceeds of any sale of surplus property so transferred shall be credited pursuant to section 485(b) of this title, when applicable. Surplus farm commodities so transferred shall not be sold, other than for export, in quantities in excess of, or at prices less than, those applicable with respect to sales of such commodities by the Commodity Credit Corporation.

(i) Vessels; laws governing sales

The Maritime Administration shall dispose of surplus vessels of one thousand five hundred gross tons or more which the Administration determines to be merchant vessels or capable of conversion to merchant use, and such vessels shall be disposed of only in accordance with the provisions of the Merchant Marine Act, 1936, as amended [46 App. U.S.C. 1101 et seq.], and other laws authorizing the sale of such vessels.

(j) Transfers for donation of property to State agencies; State plan of operation; "public agency" and "State" defined

(1) Under such regulations as he may prescribe, the Administrator is authorized in his discretion to transfer, without cost (except for costs of care and handling), any personal property under the control of any executive agency which has been determined to be surplus property to the State agency in each State designated under State law as the agency responsible for the fair and equitable distribution, through donation, of all property transferred in accordance with the provisions of paragraphs (2) and (3) of this subsection. In determining whether the property is to be transferred for donation under this subsection, no distinction shall be made between property capitalized in a working-capital fund established under section 2208 of title 10, or any similar fund, and any other property.

(2) In the case of surplus personal property under the control of the Department of Defense, the Secretary of Defense shall determine whether such property is usable and necessary for educational activities which are of special interest to the armed services, such as maritime academies, or military, naval, Air Force, or Coast Guard preparatory schools. If the Secretary determines that such property is usable and necessary for said purposes, the Secretary shall allocate it for transfer by the Administrator to the appropriate State agency for distribution,

through donation, to such educational activities. If the Secretary determines that such property is not usable and necessary for such purposes, it may be disposed of in accordance with paragraph (3) of this subsection.

(3) Except for surplus personal property transferred pursuant to paragraph (2) of this subsection, the Administrator shall, pursuant to criteria which are based on need and utilization and established after such consultation with State agencies as is feasible, allocate such property among the States in[1] a fair and equitable basis (taking into account the condition of the property as well as the original acquisition cost thereof), and transfer to the State agency property selected by it for distribution through donation within the State—

(A) to any public agency for use in carrying out or promoting for the residents of a given political area one or more public purposes, such as conservation, economic development, education, parks and recreation, public health, and public safety; or

(B) to nonprofit educational or public health institutions or organizations, such as medical institutions, hospitals, clinics, health centers, drug abuse treatment centers, providers of assistance to homeless individuals, providers of assistance to families or individuals whose annual incomes are below the poverty line (as that term is defined in section 9902 of title 42), schools, colleges, universities, schools for the mentally retarded, schools for the physically handicapped, child care centers, radio and television stations licensed by the Federal Communications Commission as educational radio or educational television stations, museums attended by the public, and libraries serving free all residents of a community, district, State, or region, which are exempt from taxation under section 501 of title 26, for purposes of education or public health (including research for any such purpose).

The Administrator, in allocating and transferring property under this paragraph, shall give fair consideration, consistently with the established criteria, to expressions of need and interest on the part of public agencies and other eligible institutions within that State, and shall give special consideration to requests by eligible recipients, transmitted through the State agency, for specific items of property.

(4)(A) Before property may be transferred to any State agency, such State shall develop, according to State law, a detailed plan of operation, developed in conformity with the provisions of this subsection, which shall include adequate assurance that the State agency has the necessary organizational and operational authority and capability, including staff, facilities, means and methods of financing, and procedures with respect to: accountability, internal and external audits, cooperative agreements, compliance and utilization reviews, equitable distribution and property disposal, determination of eligibility, and assistance through consultation with advisory bodies and public and private groups. The chief executive officer shall certify and submit the plan to the Administrator. In the event that a State legislature has not developed, according to State law, a State plan within two hundred and seventy calendar days after October 17, 1976, the chief executive officer of the State shall approve, and submit to the Administrator, a temporary State plan. No such plan, and no major amendment thereof, shall be filed with the Administrator until sixty days after general notice of the proposed plan or amendment has been published and interested persons have been given at least thirty days during which to submit comments. In developing and implementing the State plan, the relative needs and resources of all public agencies and other eligible institutions within the State shall be taken into consideration. The Administrator may consult with interested Federal agencies for purposes of obtaining their views concerning the administration and operation of this subsection.

(B) The State plan shall provide for the fair and equitable distribution of property within such State based on the relative needs and resources of interested public agencies and other eligible institutions within the State and their abilities to utilize the property.

(C)(i) The State plan of operation shall require the State agency to utilize a management control system and accounting system for donable property transferred under this section of the same types as are required by State law for State-owned property, except that the State agency, with the approval of the chief executive officer of the State, may elect, in lieu of such systems, to utilize such other management control and accounting systems as are effective to govern the utilization, inventory control, accountability, and disposal of property under this subsection.

(ii) The State plan of operation shall require the State agency to provide for the return of donable property for further distribution if such property, while still usable, has not been placed in use for the purpose for which it was donated within one year of donation or ceases to be used by the donee for such purposes within one year of being placed in use.

(iii) The State plan shall require the State agency, insofar as practicable, to select property requested by a public agency or other eligible institution within the State and, if so requested by the recipient, to arrange shipment of that property, when acquired, directly to the recipient.

(D) Where the State agency is authorized to assess and collect service charges from participating recipients to cover direct and reasonable indirect costs of its activities, the method of establishing such charges shall be set out in the State plan of operation. Such charges shall be fair and equitable and shall be based on services performed by the State agency, including, but not limited to, screening, packing, crating, removal, and transportation.

(E) The State plan of operation shall provide that the State agency may impose reasonable terms, conditions, reservations, and restrictions on the use of property to be donated under paragraph (3) of this subsection and shall impose such terms, conditions, reservations, and re-

[1] So in original. Probably should be ''on''.

strictions in the case of any passenger motor vehicle and any item of other property having a unit acquisition cost of $5,000 or more. If the Administrator finds that an item or items have characteristics that require special handling or use limitations, he may impose appropriate conditions on the donation of such property.

(F) The State plan of operation shall provide that surplus property which the State agency determines cannot be utilized by eligible recipients shall be disposed of—

(i) subject to the disapproval of the Administrator within thirty days after notice to him, through transfer by the State agency to another State agency or through abandonment or destruction where the property has no commercial value or the estimated cost of its continued care and handling would exceed the estimated proceeds from its sale; or

(ii) otherwise pursuant to the provisions of this Act under such terms and conditions and in such manner as may be prescribed by the Administrator.

Notwithstanding sections 485 and 512(c) of this title, the Administrator, from the proceeds of sale of any such property, may reimburse the State agency for such expenses relating to the care and handling of such property as he shall deem appropriate.

(5) As used in this subsection, (A) the term ''public agency'' means any State, political subdivision thereof (including any unit of local government or economic development district), or any department, agency, instrumentality thereof (including instrumentalities created by compact or other agreement between States or political subdivisions), or any Indian tribe, band, group, pueblo, or community located on a State reservation and (B) the term ''State'' means the several States, the District of Columbia, the Commonwealth of Puerto Rico, Virgin Islands, Guam, and American Samoa.

(k) Disposals by Secretary of Education, Secretary of Health and Human Services, Secretary of the Interior, and Secretary of Defense

(1) Under such regulations as he may prescribe, the Administrator is authorized, in his discretion, to assign to the Secretary of Education or the Secretary of Health and Human Services for disposal such surplus real property, including buildings, fixtures, and equipment situated thereon, as is recommended by the Secretary of Education or the Secretary of Health and Human Services as being needed for school, classroom, or other educational use, or for use in the protection of public health, including research.

(A) Subject to the disapproval of the Administrator within thirty days after notice to him by the Secretary of Education of a proposed transfer of property for school, classroom, or other educational use, the Secretary of Education through such officers or employees of the Department of Education as he may designate, may sell or lease such real property, including buildings, fixtures, and equipment situated thereon, for educational purposes to the States and their political subdivisions and instrumentalities, and tax-supported educational institutions, and to other nonprofit educational institutions which have been held exempt from taxation under section 501(c)(3) of title 26.

(B) Subject to the disapproval of the Administrator within thirty days after notice to him by the Secretary of Health and Human Services of a proposed transfer of property for public-health use, the Secretary of Health and Human Services, through such officers or employees of the Department of Health and Human Services as he may designate, may sell or lease such real property for public-health purposes, including research, to the States and their political subdivisions and instrumentalities, and to tax-supported medical institutions, and to hospitals or other similar institutions not operated for profit which have been held exempt from taxation under section 501(c)(3) of title 26.

(C) In fixing the sale or lease value of property to be disposed of under subparagraph (A) and subparagraph (B) of this paragraph, the Secretary of Education and the Secretary of Health and Human Services shall take into consideration any benefit which has accrued or may accrue to the United States from the use of such property by any such State, political subdivision, instrumentality, or institution.

(D) ''States'' as used in this subsection includes the District of Columbia, the Commonwealth of Puerto Rico, and the Territories and possessions of the United States.

(2) Under such regulations as he may prescribe, the Administrator is authorized, in his discretion, to assign to the Secretary of the Interior for disposal, such surplus real property, including buildings, fixtures, and equipment situated thereon, as is recommended by the Secretary of the Interior as needed for use as a public park or recreation area.

(A) Subject to the disapproval of the Administrator within thirty days after notice to him by the Secretary of the Interior of a proposed transfer of property for public park or public recreational use, the Secretary of the Interior, through such officers or employees of the Department of the Interior as he may designate, may sell or lease such real property, including buildings, fixtures, and equipment situated thereon, for public park or public recreational purposes to any State, political subdivision, instrumentalities thereof, or municipality.

(B) In fixing the sale or lease value of property to be disposed of under subparagraph (A) of this paragraph, the Secretary of the Interior shall take into consideration any benefit which has accrued or may accrue to the United States from the use of such property by any such State, political subdivision, instrumentality, or municipality.

(C) The deed of conveyance of any surplus real property disposed of under the provisions of this subsection—

(i) shall provide that all such property shall be used and maintained for the purpose for which it was conveyed in perpetuity, and that in the event that such property ceases to be used or maintained for such purpose during such period, all or any portion of

such property shall in its then existing condition, at the option of the United States, revert to the United States; and

(ii) may contain such additional terms, reservations, restrictions, and conditions as may be determined by the Secretary of the Interior to be necessary to safeguard the interests of the United States.

(D) ''States'' as used in this subsection includes the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States.

(3) Without monetary consideration to the United States, the Administrator may convey to any State, political subdivision, instrumentalities thereof, or municipality, all of the right, title, and interest of the United States in and to any surplus real and related personal property which the Secretary of the Interior has determined is suitable and desirable for use as a historic monument, for the benefit of the public. No property shall be determined to be suitable or desirable for use as a historic monument except in conformity with the recommendation of the Advisory Board on National Parks, Historic Sites, Buildings and Monuments established by section 463 of title 16, and only so much of any such property shall be so determined to be suitable or desirable for which such use as is necessary for the preservation and proper observation of its historic features.

(A) The Administrator may authorize use of any property conveyed under this subsection or the Surplus Property Act of 1944, as amended, for revenue-producing activities if the Secretary of the Interior (i) determines that such activities are compatible with use of the property for historic monument purposes, (ii) approves the grantee's plan for repair, rehabilitation, restoration, and maintenance of the property, and (iii) approves the grantee's plan for financing repair, rehabilitation, restoration, and maintenance of the property. The Secretary shall not approve a financial plan unless it provides that incomes in excess of costs of repair, rehabilitation, restoration, and maintenance shall be used by the grantee only for public historic preservation, park, or recreational purposes. The Administrator may not authorize any uses under this subsection until the Secretary has examined and approved the accounting and financial procedures used by the grantee. The Secretary may periodically audit the records of the grantee, directly related to the property conveyed.

(B) The deed of conveyance of any surplus real property disposed of under the provisions of this subsection—

(i) shall provide that all such property shall be used and maintained for historical monument purposes in perpetuity, and that in the event that the property ceases to be used or maintained for that purpose, all or any portion of the property shall, in its then existing condition, at the option of the United States, revert to the United States; and

(ii) may contain such additional terms, reservations, restrictions, and conditions as may be determined by the Administrator to be necessary to safeguard the interests of the United States.

(C) ''States'' as used in this subsection, includes the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States.

(4) Subject to the disapproval of the Administrator within thirty days after notice to him of any action to be taken under this subsection, except with respect to personal property transferred pursuant to subsection (j) of this section—

(A) The[2] Secretary of Education, through such officers or employees of the Department of Education as he may designate, in the case of property transferred pursuant to the Surplus Property Act of 1944, as amended, and pursuant to this Act, to States, political subdivisions, and instrumentalities thereof, and tax-supported and other nonprofit educational institutions for school, classroom, or other educational use;

(B) the Secretary of Health and Human Services, through such officers or employees of the Department of Health and Human Services as he may designate, in the case of property transferred pursuant to the Surplus Property Act of 1944, as amended, and pursuant to this Act, to States, political subdivisions and instrumentalities thereof, tax-supported medical institutions, and to hospitals and other similar institutions not operated for profit, for use in the protection of public health (including research);

(C) the Secretary of the Interior, in the case of property transferred pursuant to the Surplus Property Act of 1944, as amended, and pursuant to this Act, to States, political subdivisions, and instrumentalities thereof, and municipalities for use as a public park, public recreational area, or historic monument for the benefit of the public;

(D) the Secretary of Defense, in the case of property transferred pursuant to the Surplus Property Act of 1944, as amended, to States, political subdivisions, and tax-supported instrumentalities thereof for use in the training and maintenance of civilian components of the armed forces; or

(E) the Secretary of Housing and Urban Development, through such officers or employees of the Department of Housing and Urban Development as the Secretary may designate, in the case of property transferred under paragraph (6).[3]

is authorized and directed—

(i) to determine and enforce compliance with the terms, conditions, reservations, and restrictions contained in any instrument by which such transfer was made;

(ii) to reform, correct, or amend any such instrument by the execution of a corrective, reformative or amendatory instrument where necessary to correct such instrument or to conform such transfer to the requirements of applicable law; and

(iii) to (I) grant releases from any of the terms, conditions, reservations and restrictions contained in, and (II) convey, quitclaim, or release to the transferee or other eligible

[2] So in original. Probably should not be capitalized.

[3] So in original. The period probably should be a comma.

user any right or interest reserved to the United States by, any instrument by which such transfer was made, if he determines that the property so transferred no longer serves the purpose for which it was transferred, or that such release, conveyance, or quitclaim deed will not prevent accomplishment of the purpose for which such property was so transferred: *Provided*, That any such release, conveyance, or quitclaim deed may be granted on, or made subject to, such terms and conditions as he shall deem necessary to protect or advance the interests of the United States.

(5)(A) Under such regulations as the Administrator may prescribe, the Administrator is authorized, in the discretion of the Administrator, to assign to the Chief Executive Officer of the Corporation for National and Community Service for disposal such surplus property as is recommended by the Chief Executive Officer as being needed for national service activities.

(B) Subject to the disapproval of the Administrator, within 30 days after notice to the Administrator by the Chief Executive Officer of the Corporation for National and Community Service of a proposed transfer of property for such activities, the Chief Executive Officer, through such officers or employees of the Corporation as the Chief Executive Officer may designate, may sell, lease, or donate such property to any entity that receives financial assistance under the National and Community Service Act of 1990 [42 U.S.C. 12501 et seq.] for such activities.

(C) In fixing the sale or lease value of such property, the Chief Executive Officer of the Corporation for National and Community Service shall comply with the requirements of paragraph (1)(C).

(6)(A) Under such regulations as the Administrator may prescribe, the Administrator may, in the discretion of the Administrator, assign to the Secretary of Housing and Urban Development for disposal such surplus real property, including buildings, fixtures, and equipment situated thereon, as is recommended by the Secretary as being needed for providing housing or housing assistance for low-income individuals or families.

(B) Subject to the disapproval of the Administrator within 30 days after notice to the Administrator by the Secretary of Housing and Urban Development of a proposed transfer of property for the purpose of providing such housing or housing assistance, the Secretary, through such officers or employees of the Department of Housing and Urban Development as the Secretary may designate, may sell or lease such property for that purpose to any State, any political subdivision or instrumentality of a State, or any nonprofit organization that exists for the primary purpose of providing housing or housing assistance for low-income individuals or families.

(C) The Administrator shall disapprove a proposed transfer of property under this paragraph unless the Administrator determines that the property will be used for low-income housing opportunities through the construction, rehabilitation, or refurbishment of self-help housing, under terms that require that—

(i) any individual or family receiving housing or housing assistance constructed, rehabilitated, or refurbished through use of the property shall contribute a significant amount of labor toward the construction, rehabilitation, or refurbishment; and

(ii) dwellings constructed, rehabilitated, or refurbished through use of the property shall be quality dwellings that comply with local building and safety codes and standards and shall be available at prices below prevailing market prices.

(D)(i) The Administrator shall ensure that nonprofit organizations that are sold or leased property under subparagraph (B) shall develop and use guidelines to take into consideration any disability of an individual for the purposes of fulfilling any self-help requirement under subparagraph (C)(i).

(ii) For purposes of this subparagraph, the term ''disability'' has the meaning given such term under section 12102(2) of title 42.

(E)(i) In fixing the sale or lease value of property to be disposed of under this paragraph, the Secretary of Housing and Urban Development shall take into consideration and discount the value with respect to any benefit which has accrued or may accrue to the United States from the use of such property by any such State, political subdivision, instrumentality, or nonprofit organization.

(ii) The amount of the discount under clause (i) shall be 75 percent of the market value of the property, except that the Secretary may discount by a greater percentage if the Secretary, in consultation with the Administrator, determines that a higher percentage is justified.

(*l*) Donations to American Red Cross

Under such regulations as he may prescribe, the Administrator is authorized in his discretion to donate to the American National Red Cross, for charitable purposes, such property, which was processed, produced, or donated by the American National Red Cross, as shall have been determined to be surplus property.

(m) Possession of abandoned or unclaimed property on Government premises; disposal; claims by former owners

The Administrator is authorized to take possession of abandoned and other unclaimed property on premises owned or leased by the Government, to determine when title thereto vested in the United States, and to utilize, transfer or otherwise dispose of such property. Former owners of such property upon proper claim filed within three years from the date of vesting of title in the United States shall be paid the proceeds realized from the disposition of such property or, if the property is used or transferred, the fair value therefor as of the time title was vested in the United States as determined by the Administrator, less in either case the costs incident to the care and handling of such property as determined by the Administrator.

(n) Cooperative agreements with State agencies

For the purpose of carrying into effect the provisions of subsection (j) of this section, the Administrator or the head of any Federal agency designated by the Administrator, and, with respect to subsection (k)(1) of this section, the Secretary of Education, the Secretary of Health

and Human Services, or the head of any Federal agency designated by the Secretary, are authorized to enter into cooperative agreements with State surplus property distribution agencies designated in conformity with subsection (j) of this section. Such cooperative agreements may provide for utilization by such Federal agency, with or without payment or reimbursement, of the property, facilities, personnel, and services of the State agency in carrying out any such program, and for making available to such State agency, with or without payment or reimbursement, property, facilities, personnel, or services of such Federal agency in connection with such utilization. Payment or reimbursement, if any, from the State agency shall be credited to the fund or appropriation against which charges would be made if no payment or reimbursement were received. In addition, under such cooperative agreements and subject to such other conditions as may be imposed by the Administrator, or with respect to subsection (k)(1) of this section by the Secretary of Education or the Secretary of Health and Human Services, any surplus property transferred to the State agency for distribution pursuant to subsection (j)(3) of this section may be retained by the State agency for use in performing its functions. Unless otherwise directed by the Administrator, title to property so retained shall vest in the State agency.

(*o*) Biennial reports to Congress by Administrator; copies to Comptroller General

(1) Six months after the end of the first full fiscal year after November 5, 1988, and biennially thereafter, the Administrator shall transmit a report to the Congress that covers the initial period from November 5, 1988, and each succeeding biennial period and contains—

(A) a full and independent evaluation of the operation of programs for the donation of Federal surplus personal property,

(B) statistical information on the amount of excess personal property transferred to Federal agencies and provided to grantees and non-Federal organizations and surplus personal property approved for donation to the State Agencies for Surplus Property and donated to eligible non-Federal organizations during each succeeding biennial period, and

(C) such recommendations as the Administrator determines to be necessary or desirable.

(2) A copy of each report made under paragraph (3)[4] shall also be simultaneously furnished to the Comptroller General of the United States. The Comptroller General shall review and evaluate the report and make any comments and recommendations to the Congress thereon, as he deems necessary or desirable.

(p) Transfer or conveyance of property for correctional facility use; consideration-free transfers; reimbursement for interim transfers; law enforcement or emergency management response purposes; reversion option; terms and conditions

(1)(A) Under such regulations as he may prescribe, the Administrator is authorized in his discretion to transfer or convey to the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, the Commonwealth of the Northern Mariana Islands, or any political subdivision or instrumentality thereof, surplus real and related personal property determined by the Attorney General to be required for correctional facility use by the authorized transferee or grantee under an appropriate program or project for the care or rehabilitation of criminal offenders as approved by the Attorney General. Transfers or conveyance under this authority shall be made by the Administrator without monetary consideration to the United States. If the Attorney General determines that any surplus property transferred or conveyed pursuant to an agreement entered into between March 1, 1982, and the enactment of this subsection was suitable for transfer or conveyance under this subsection, the Administrator shall reimburse the transferee for any monetary consideration paid to the United States for such transfer or conveyance.

(B)(i) The Administrator may exercise the authority under subparagraph (A) with respect to such surplus real and related property needed by the transferee or grantee for—

(I) law enforcement purposes, as determined by the Attorney General; or

(II) emergency management response purposes, including fire and rescue services, as determined by the Director of the Federal Emergency Management Agency.

(ii) The authority provided under this subparagraph shall terminate on December 31, 1999.

(2) The deed of conveyance of any surplus real and related personal property disposed of under the provisions of this subsection—

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

(B) may contain such additional terms, reservations, restrictions, and conditions as may be determined by the Administrator to be necessary to safeguard the interests of the United States.

(3) With respect to surplus real and related personal property conveyed pursuant to this subsection, the Administrator is authorized and directed—

(A) to determine and enforce compliance with the terms, conditions, reservations, and restrictions contained in any instrument by which such transfer was made;

(B) to reform, correct, or amend any such instrument by the execution of a corrective reformative or amendatory instrument where necessary to correct such instrument or to conform such transfer to the requirements of applicable law; and

(C) to (i) grant releases from any of the terms, conditions, reservations, and restrictions contained in, and (ii) convey, quitclaim,

[4] So in original. Probably should be paragraph ''(1)''.

or release to the transferee or other eligible user any right or interest reserved to the United States by any instrument by which such transfer was made, if he determines that the property so transferred no longer serves the purpose for which it was transferred, or that such release, conveyance, or quitclaim deed will not prevent accomplishment of the purpose for which such property was so transferred: *Provided*, That any such release, conveyance, or quitclaim deed may be granted on, or made subject to, such terms and conditions as he or she shall deem necessary to protect or advance the interests of the United States.

(q) Military installation closures or realignments

(1) Under such regulations as the Administrator, after consultation with the Secretary of Defense, may prescribe, the Administrator, or the Secretary of Defense, in the case of property located at a military installation closed or realigned pursuant to a base closure law, may, in his or her discretion, assign to the Secretary of Transportation for disposal such surplus real property, including buildings, fixtures, and equipment situated thereon, as is recommended by the Secretary of Transportation as being needed for the development or operation of a port facility.

(2) Subject to the disapproval of the Administrator or the Secretary of Defense within 30 days after notice by the Secretary of Transportation of a proposed conveyance of property for any of the purposes described in paragraph (1), the Secretary of Transportation, through such officers or employees of the Department of Transportation as he or she may designate, may convey, at no consideration to the United States, such surplus real property, including buildings, fixtures, and equipment situated thereon, for use in the development or operation of a port facility to any State, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, the Commonwealth of the Northern Mariana Islands, or any political subdivision, municipality, or instrumentality thereof.

(3) No transfer of property may be made under this subsection until the Secretary of Transportation has—

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

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

(C) transmitted to Congress an explanatory statement that contains information substantially similar to the information contained in statements prepared under subsection (e)(6) of this section.

(4) The instrument of conveyance of any surplus real property and related personal property disposed of under this subsection shall—

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

(B) contain such additional terms, reservations, restrictions, and conditions as the Secretary of Transportation shall by regulation require to assure use of the property for the purposes for which it was conveyed and to safeguard the interests of the United States.

(5) With respect to surplus real property and related personal property conveyed pursuant to this subsection, the Secretary of Transportation shall—

(A) determine and enforce compliance with the terms, conditions, reservations, and restrictions contained in any instrument by which such conveyance was made;

(B) reform, correct, or amend any such instrument by the execution of a corrective, reformative, or amendatory instrument if necessary to correct such instrument or to conform such conveyance to the requirements of applicable law; and

(C)(i) grant releases from any of the terms, conditions, reservations, and restrictions contained in, and (ii) convey, quitclaim, or release to the grantee any right or interest reserved to the United States by, any instrument by which such conveyance was made, if the Secretary of Transportation determines that the property so conveyed no longer serves the purpose for which it was conveyed, or that such release, conveyance, or quitclaim deed will not prevent accomplishment of the purpose for which such property was so conveyed, except that any such release, conveyance, or quitclaim deed may be granted on, or made subject to, such terms and conditions as the Secretary of Transportation considers necessary to protect or advance the interests of the United States.

(6) In this section, the term ''base closure law'' means the following:

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

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

(C) Section 2687 of title 10, United States Code.

(r) Donation of surplus law enforcement canines to their handlers

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

(June 30, 1949, ch. 288, title II, §203, 63 Stat. 385; Aug. 10, 1949, ch. 412, §12(a), (g), 63 Stat. 591; Sept. 5, 1950, ch. 849, §4, 64 Stat. 579; July 12, 1952, ch. 703, §1(i), (j), 66 Stat. 593; Aug. 8, 1953,

ch. 399, 67 Stat. 521; July 14, 1954, ch. 481, 68 Stat. 474; June 3, 1955, ch. 130, §§1, 2(a), 3, 5, 6, 69 Stat. 83, 84; Aug. 1, 1955, ch. 442, 69 Stat. 430; July 3, 1956, ch. 513, §§1–3, 70 Stat. 493, 494; Aug. 3, 1956, ch. 942, 70 Stat. 1020; Pub. L. 85–486, July 2, 1958, 72 Stat. 288; Pub. L. 87–94, July 20, 1961, 75 Stat. 213; Pub. L. 87–786, Oct. 10, 1962, 76 Stat. 805; Pub. L. 89–348, §2(4), Nov. 8, 1965, 79 Stat. 1312; Pub. L. 91–485, §§2–4, Oct. 22, 1970, 84 Stat. 1084, 1085; Pub. L. 92–362, §1, Aug. 4, 1972, 86 Stat. 503; Pub. L. 90–351, title I, §525, as added Pub. L. 93–83, §2, Aug. 6, 1973, 87 Stat. 216; Pub. L. 94–519, §1, Oct. 17, 1976, 90 Stat. 2451; Pub. L. 96–88, title III, §301(a)(2)(P), (b), title V, §§507, 509(b), Oct. 17, 1979, 93 Stat. 678, 692, 695; Pub. L. 97–31, §12(15), Aug. 6, 1981, 95 Stat. 154; Pub. L. 98–473, title II, §§701, 702, Oct. 12, 1984, 98 Stat. 2129, 2130; Pub. L. 99–386, title II, §§201, 207, Aug. 22, 1986, 100 Stat. 822, 823; Pub. L. 99–514, §2, Oct. 22, 1986, 100 Stat. 2095; Pub. L. 100–77, title V, §502(a), July 22, 1987, 101 Stat. 510; Pub. L. 100–612, §§3–5, Nov. 5, 1988, 102 Stat. 3180, 3181; Pub. L. 100–690, title II, §2081(b), Nov. 18, 1988, 102 Stat. 4216; Pub. L. 103–82, title II, §202(f), Sept. 21, 1993, 107 Stat. 888; Pub. L. 103–160, div. B, title XXIX, §2927, Nov. 30, 1993, 107 Stat. 1932; Pub. L. 104–66, title II, §2091(a), Dec. 21, 1995, 109 Stat. 730; Pub. L. 105–27, §1, July 18, 1997, 111 Stat. 244; Pub. L. 105–50, Oct. 6, 1997, 111 Stat. 1167; Pub. L. 105–119, title I, §118, Nov. 26, 1997, 111 Stat. 2468.)

REFERENCES IN TEXT

This Act, referred to in subsecs. (a), (e)(3)(I), (j)(4)(F)(ii), and (k)(4)(A) to (C), is act June 30, 1949, ch. 288, 63 Stat. 377, as amended, known as the Federal Property and Administrative Services Act of 1949. For complete classification of this Act to the Code, see Short Title note set out under section 471 of this title and Tables.

The Merchant Marine Act, 1936, as amended, referred to in subsec. (i), 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, Appendix, and Tables.

For classification and history of the Surplus Property Act of 1944, as amended, referred to in subsec. (k)(3)(A), (4), see note set out under section 473 of this title.

The National and Community Service Act of 1990, referred to in subsec. (k)(5)(B), is Pub. L. 101–610, Nov. 16, 1990, 104 Stat. 3127, as amended, which is classified principally to chapter 129 (§12501 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 12501 of Title 42 and Tables.

CODIFICATION

In subsec. (k)(1)(A), (B), ''section 501(c)(3) of title 26'' substituted for ''section 101(6) of title 26'' on authority of section 7852(b) of Title 26, Internal Revenue Code, which provides that a reference in other laws to the Internal Revenue Code of 1939 is deemed a reference to the corresponding provision of the Internal Revenue Code of 1986.

November 5, 1988, referred to in subsec. (*o*)(1), was in the original ''the date of enactment of this paragraph and such effective date'', which was translated as meaning the date of enactment of Pub. L. 100–612, which amended subsec. (*o*) generally, to reflect the probable intent of Congress.

Section was formerly classified to section 233 of Title 41, Public Contracts.

AMENDMENTS

1997—Subsec. (j)(3)(B). Pub. L. 105–50, §1, inserted '', providers of assistance to families or individuals whose annual incomes are below the poverty line (as that term is defined in section 9902 of title 42),'' after ''homeless individuals''.

Subsec. (k)(4)(E). Pub. L. 105–50, §2(b), added subpar. (E).

Subsec. (k)(6). Pub. L. 105–50, §2(a), added par. (6).

Subsec. (p)(1). Pub. L. 105–119, §118, designated existing provisions as subpar. (A) and added subpar. (B).

Subsec. (r). Pub. L. 105–27 added subsec. (r).

1995—Subsec. (*o*). Pub. L. 104–66 redesignated par. (3) as (2) and substituted ''(3)'' for ''(2)'' after ''made under paragraph'', redesignated par. (2) as (1), and struck out former par. (1) which read as follows: ''With respect to real and related personal property transferred or conveyed under subsection (p) or (q) of this section and real property disposed of under subsection (k) of this section and section 13(g) of the Surplus Property Act of 1944 (50 U.S.C. App. 1622(g)), the head of each executive agency disposing of such property shall submit during the calendar quarter following the close of each fiscal year a report to the Congress and to the Administrator showing the acquisition cost and the sale or lease value of all real and related personal property so disposed of during the preceding fiscal year. Such reports shall also show transfers or conveyances of property according to State, and may include such other information and recommendations as the Administrator or other executive agency head concerned deems appropriate.''

1993—Subsec. (k)(5). Pub. L. 103–82 added par. (5).

Subsec. (*o*). Pub. L. 103–160, §2927(1), substituted ''subsection (p) or (q)'' for ''subsection (p)''.

Subsec. (q). Pub. L. 103–160, §2927(2), added subsec. (q).

1988—Subsec. (e)(3)(E). Pub. L. 100–612, §4(b), substituted ''$15,000'' for ''$1,000''.

Subsec. (e)(5). Pub. L. 100–612, §3, designated existing provisions as subpar. (A) and added subpar. (B).

Subsec. (e)(6). Pub. L. 100–612, §4(a), amended par. (6) generally. Prior to amendment, par. (6) read as follows: ''Except as otherwise provided by this paragraph, an explanatory statement of the circumstances of each disposal by negotiation of any real or personal property having a fair market value in excess of $1,000 shall be prepared. Each such statement shall be transmitted to the appropriate committees of the Congress in advance of such disposal, and a copy thereof shall be preserved in the files of the executive agency making such disposal. No such statement need be transmitted to any such committee with respect to any disposal of personal property made under paragraph (5) at a fixed price, or to property disposals authorized by any other provision of law to be made without advertising.''

Subsec. (j)(3)(B). Pub. L. 100–690 inserted '', drug abuse treatment centers'' after ''health centers''.

Subsec. (*o*). Pub. L. 100–612, §5, amended subsec. (*o*) generally. Prior to amendment, subsec. (*o*) read as follows: ''The Administrator with respect to property disposed of under subsection (j) or (p) of this section, and the head of each executive agency disposing of property under subsection (k) of this section, or under section 13(d) or 13(g) of the Surplus Property Act of 1944 (50 U.S.C. App. 1622(d) or (g)), shall submit during the calendar quarter following the close of each fiscal year a report to the Senate (or to the Secretary of the Senate if the Senate is not in session) and to the House of Representatives (or to the Clerk of the House if the House is not in session) showing the acquisition cost of all property so disposed of during the preceding fiscal year. Such reports shall also show disposals of property according to State, and may include such other information and recommendations as the Administrator or other executive agency head concerned deems appropriate.''

1987—Subsec. (j)(3)(B). Pub. L. 100–77 inserted ''providers of assistance to homeless individuals'' after ''health centers,''.

1986—Subsec. (j)(3)(B). 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.

Subsec. (j)(4)(E). Pub. L. 99–386, §207, substituted ''$5,000'' for ''$3,000''.

Subsec. (*o*). Pub. L. 99–386, §201, substituted ''with respect to property disposed of under subsection (j) or (p) of this section'' for ''with respect to personal property donated under subsection (j) of this section and with respect to real and related personal property transferred or conveyanced under subsection (p) of this section'', ''disposing of property under subsection (k) of this section, or under section 13(d) or 13(g) of the Surplus Property Act of 1944 (50 U.S.C. App. 1622(d) or (g)), shall submit'' for ''disposing of real property under subsection (k) of this section, shall submit'', ''cost of all property'' for ''cost of all personal property so donated and of all real property'', and ''show disposals of'' for ''show donations and transfers of''.

1984—Subsec. (*o*). Pub. L. 98–473, §702, amended first sentence generally, inserting provisions requiring Administrator to make an annual report to Congress on total acquisition value of all personal and real property transferred pursuant to subsection (p) of this section.

Subsec. (p). Pub. L. 98–473, §701, added subsec. (p).

1981—Subsec. (i). Pub. L. 97–31 substituted references to the Maritime Administration for reference to the United State Maritime Commission.

1976—Subsec. (j). Pub. L. 94–519, §1(1), enlarged activities and types of recipients to be benefited through property donations, permitted transfers to any public agency for use in carrying out or promoting for the residents of a given political area one or more public purposes, such as conservation, economic development, education, parks and recreation, public health, and public safety, provided that in allocating and transferring surplus property the Administrator give fair consideration to expressions of need and interest on the part of public agencies or other eligible institutions within States as transmitted through State agencies, and inserted requirement that there be developed a State plan of operation.

Subsec. (k)(4). Pub. L. 94–519, §1(2), inserted '', except with respect to personal property transferred pursuant to subsection (j) of this section'' in provisions preceding subpar. (A) and struck out subpar. (E) which provided for action by the Federal Civil Defense Administrator in the case of property transferred to civil defense organizations of the States or political subdivisions or instrumentalities thereof established by or pursuant to State law.

Subsec. (n). Pub. L. 94–519, §1(3), transferred to the Administrator the authority to enter into cooperative agreements with State agencies to carry out subsecs. (j) of this section or to designate other Federal agency heads to enter into such agreements.

Subsec. (*o*). Pub. L. 94–519, §1(4), required that the Administrator submit the annual reports concerning donations of personal property formerly submitted by the Secretary of Health, Education, and Welfare, and provided that the reports show donations according to States and include other information and recommendations deemed appropriate by the Administrator.

1973—Subsec. (n). Pub. L. 93–83 provided for the authority of the Administrator, Law Enforcement Assistance Administration, in connection with cooperative agreements respecting surplus property and for donation of surplus property in any State for purposes of law enforcement programs.

1972—Subsec. (k)(3), (4). Pub. L. 92–362 added par. (3) and redesignated former par. (3) as (4).

1970—Subsec. (k)(2), (3). Pub. L. 91–485, §2, added par. (2) and redesignated former par. (2) as (3).

Subsec. (n). Pub. L. 91–485, §3, substituted ''(k)(1)'' for (k) in first sentence.

Subsec. (*o*). Pub. L. 91–485, §4, substituted reference to fiscal year for reference to calendar quarter and struck out reference to distribution to educational or public health institutions in each State, Territory and possession and the requirement that the first report be submitted during the first calendar quarter beginning after the enactment of the subsection.

1965—Subsec. (*o*). Pub. L. 89–348 required the Secretary of Health, Education, and Welfare to report semiannually instead of quarterly to the Senate and the House of Representatives with respect to personal property donations to State surplus property agencies and real property disposals to public health and educational institutions.

1962—Subsec. (j)(3), (7). Pub. L. 87–786 inserted provisions in par. (3) authorizing distribution to schools for the mentally retarded, schools for the physically handicapped, radio and television stations licensed by the Federal Communications Commission as educational radio or educational television stations, and to public libraries, and added par. (7).

1961—Subsec. (n). Pub. L. 87–94 authorized use by State surplus property distribution agencies of surplus personal property determined to be useful and needed in administering the surplus property donation program.

1958—Subsec. (e). Pub. L. 85–486 amended subsec. (e) generally to require surplus property to be disposed of by public advertising, except in certain instances where disposal may be made by negotiation, to establish the advertising procedure, to make the authority of the Administrator to dispose of property by negotiation permanent, to provide for disposal of property through contract brokers employed by the Administrator, and to exempt from the requirement of the explanatory statement, negotiated disposals of property with a market value of less than $1,000.

1956—Subsec. (e). Act Aug. 3, 1956, extended provisions of subsec. (e) from June 30, 1955, to July 31, 1958.

Subsec. (j)(1). Act July 3, 1956, §1, permitted donation of surplus property for civil defense purposes, or for research for educational, public health or civil defense purposes, and restricted donation only to the State agency designated for the purpose of distributing allocated property.

Subsec. (j)(2). Act July 3, 1956, §1, redesignated par. (3) as (2), and permitted disposal for civil defense purposes. Former par. (2) redesignated (3).

Subsec. (j)(3). Act July 3, 1956, §1, redesignated par. (2) as (3), and struck out provisions authorizing distribution to State departments of health or education, required transfer by Administrator to the State agency designated for the purpose of distributing allocated property, and substituted ''section 501(c)(3) of Title 26, Internal Revenue Code of 1954'' for ''section 101(6) of Title 26, Internal Revenue Code''. Former par. (3) redesignated (2).

Subsec. (j)(4). Act July 3, 1956, §1, added par. (4), and redesignated former par. (4) as (5).

Subsec. (j)(5), (6). Act July 3, 1956, §1, redesignated par. (4) as (5), and included the Federal Civil Defense Administrator and property donated under par. (4). Former par. (5) redesignated (6).

Subsec. (k)(2)(E). Act July 3, 1956, §2, added subpar. (E).

Subsec. (n). Act July 3, 1956, §3, permitted the Federal Civil Defense Administrator to enter into cooperative agreements with State surplus property distribution agencies.

1955—Subsec. (j)(1). Act June 3, 1955, §§1(a), 6(b), permitted donation of property acquired from working-capital or similar funds, and substituted ''any State'' for ''the States, Territories, and possessions''.

Subsec. (j)(2). Act June 3, 1955, §§1(b), 6(a), restricted transfer of property until the Secretary of Health, Education, and Welfare has received a certification that such property is usable and needed for educational or public health purposes, and substituted ''Secretary of Health, Education, and Welfare'' for ''Federal Security Administrator''.

Subsec. (j)(4), (5). Act June 3, 1955, §§2(a), 6(b), added pars. (4) and (5).

Subsec. (k). Act June 3, 1955, §6(a)(c), substituted ''Secretary of Health, Education, and Welfare'' for ''Federal Security Administrator'', and ''Department of Health, Education, and Welfare'' for ''Federal Security Agency'', wherever appearing, and included the Commonwealth of Puerto Rico in definition of ''States''.

Subsec. (*l*). Act Aug. 1, 1955, added subsec. (*l*), redesignated former subsec. (*l*) as (m).

Subsec. (m). Act Aug. 1, 1955, redesignated subsec. (*l*) as (m). Former subsec. (m) redesignated (n).

Act June 3, 1955, § 3, added subsec. (m).

Subsec. (n). Act Aug. 1, 1955, redesignated subsec. (m) as (n). Former subsec. (n) redesignated (*o*).

Act June 3, 1955, § 5, added subsec. (n).

Subsec. (*o*). Act Aug. 1, 1955, redesignated subsec. (n) as (*o*).

1954—Subsec. (e). Act July 14, 1954, substituted ''June 30, 1955'' for ''June 30, 1954''.

1953—Subsec. (e). Act Aug. 8, 1953, substituted ''June 30, 1954'' for ''June 30, 1953''.

1952—Subsec. (e). Act July 12, 1952, § 1(i), extended time for disposal of surplus property without advertising from Dec. 31, 1950, to June 30, 1953, and required a report to Congress.

Subsec. (k)(2)(iii). Act July 12, 1952, § 1(j), substituted ''transferred, or that'' for ''transferred, and that''.

1950—Subsec. (j)(1), (2). Act Sept. 5, 1950, authorized the Administrator in his discretion to donate surplus personal property, such as equipment, materials, books, or other supplies for public health purposes.

EFFECTIVE DATE OF 1993 AMENDMENT

Amendment by Pub. L. 103–82 effective Oct. 1, 1993, see section 202(i) of Pub. L. 103–82, set out as an Effective Date note under section 12651 of Title 42, The Public Health and Welfare.

EFFECTIVE DATE OF 1976 AMENDMENT

Section 9 of Pub. L. 94–519 provided that: ''The provisions of this Act [enacting sections 476, 483c, 484c and 493 of this title, amending this section and sections 483 and 512 of this title, repealing section 3193 of Title 42, The Public Health and Welfare, and enacting provisions set out as notes under this section] shall become effective one year after the date of enactment of this Act [Oct. 17, 1976].''

EFFECTIVE DATE OF 1973 AMENDMENT

Amendment by Pub. L. 93–83 effective on and after July 1, 1973, see section 3 of Pub. L. 93–83, set out as a note under section 3701 of Title 42, The Public Health and Welfare.

EFFECTIVE DATE OF 1956 AMENDMENT

Section 5 of act July 3, 1956, provided that:

''(a) Except as provided by subsection (b), the amendments made by this Act [amending this section] shall become effective on the first day of the first month beginning after the date of enactment of this Act [July 3, 1956].

''(b) In the case of any State which on the date of enactment of this Act [July 3, 1956] has not designated a single State agency for the purpose of distributing surplus property pursuant to subsection 203(j) of the Federal Property and Administrative Services Act of 1949, as amended [subsec. (j) of this section], transfers of such property may be made by the Administrator of General Services under such subsection, as amended by this Act, to the State agency heretofore designated in such State to distribute property in conformity with such subsection for purposes of education and public health to the extent that such agency is authorized under State law to receive and distribute any class of property transferred pursuant to such subsection, or in the absence of any such agency or in the absence of authority of such agency to receive and distribute any such class of property, to any State agency or official authorized under State law to receive and distribute such property, until ninety calendar days have passed after the close of the first regular session of the legislature of such State beginning after the date of enactment of this Act.''

EFFECTIVE DATE OF 1955 AMENDMENT

Section 2(b) of Act June 3, 1955, provided that: ''The amendment made by subsection (a) [amending this section] shall apply only with respect to property donated after the date of enactment of this Act [June 3, 1955].''

SAVINGS PROVISIONS; PRIOR RESTRICTIONS, TERMS, AND CONDITIONS

Section 2 of Pub. L. 94–519 provided that: ''Except to the extent that the Administrator of General Services, in the case of specific items or categories of property, has determined otherwise, no term, condition, reservation, or restriction imposed pursuant to subsection (j)(5) of section 203 of the Federal Property and Administrative Services Act of 1949 [subsec. (j)(5) of this section] (as in effect prior to the date of enactment of this Act [Oct. 17, 1976], on the use of any item of personal property donated pursuant to subsection (j)(3) or (j)(4) of section 203 [subsec. (j)(3) or (j)(4) of this section] prior to the effective date of this Act [Oct. 17, 1977] as provided in section 9(a) [set out as an Effective Date of 1976 Amendment note above] shall remain in effect beyond the thirtieth day after such effective date. This section shall not be deemed to terminate any civil or criminal liability arising out of a violation of such a term, condition, reservation, or restriction which occurred prior to such effective date if a judicial proceeding to enforce such liability is pending on such effective date, or is commenced within one year after such date.''

TRANSFER OF FUNCTIONS

References to the Secretary of Education, Department of Education, Secretary of Health and Human Services, and Department of Health and Human Services were substituted, as appropriate, for ''Secretary of Health, Education, and Welfare'' and ''Department of Health, Education, and Welfare'' in subsecs. (k)(1), (4)(A), (B), and (n) pursuant to sections 301(a)(2)(P), (b), 507, and 509(b) of Pub. L. 96–88, which are classified to sections 3441(a)(2)(P), (b), 3507, and 3508(b) of Title 20, Education, and which transferred functions (with respect to donations of surplus property for educational purposes under subsec. (k) of this section) and offices (relating to education) of the Secretary and Department of Health, Education, and Welfare to the Secretary and Department of Education, and redesignated the Secretary and Department of Health, Education, and Welfare as the Secretary and Department of Health and Human Services.

TERMINATION OF TRUST TERRITORY OF THE PACIFIC ISLANDS

For termination of Trust Territory of the Pacific Islands, see note set out preceding section 1681 of Title 48, Territories and Insular Possessions.

TERMINATION OF ADVISORY COMMITTEES

Advisory committees 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 committee established by the President or an officer of the Federal Government, such committee is renewed by appropriate action prior to the expiration of such 2-year period, or in the case of a committee established by the Congress, its duration is otherwise provided by law. See section 14 of Pub. L. 92–463, Oct. 6, 1972, 86 Stat. 776, set out in the Appendix to Title 5, Government Organization and Employees.

DONATION OF SURPLUS PROPERTY TO STATE AGRICULTURAL EXTENSION AGENCIES

Pub. L. 86–570, July 5, 1960, 74 Stat. 307, provided: ''That, notwithstanding any provision of the Federal Property and Administrative Services Act of 1949, as amended [see Short Title note set out under section 471 of this title], or any other law, the Postmaster General and the Administrator of General Services are hereby authorized and directed to transfer, as soon as practicable after date of enactment hereof [July 5, 1960], without cost, to any State or county agency engaged in cooperative agricultural extension work pursuant to the Act of May 8, 1914, as amended (7 U.S.C. 341–348), for the use of such agency, all right, title, and interest in

and to any office equipment, materials, books, or other supplies (whether or not capitalized in a working capital fund established under section 405 of the National Security Act of 1947, as amended [section 172d of former title 5, Executive Departments and Government Officers and Employees, and now covered by section 2208 of Title 10, Armed Forces], or any similar fund) which have heretofore been assigned for use to any such State or county agency by the Post Office Department [now the United States Postal Service] or the General Services Administration, respectively.''

TERMINATION OF PRIOR RESTRICTIONS

Section 4 of act June 3, 1955, provided that:

''(a) In the case of personal property donated or sold at a discount for educational, public health or memorial purposes, including research, under any provision of law enacted prior to the enactment of the Federal Property and Administrative Services Act of 1949 [see Short Title note set out under section 471 of this title], no term, condition, reservation, or restriction imposed on the use of such property shall remain in effect after the date of the enactment of this Act [June 3, 1955]. This subsection shall not be deemed to terminate any civil or criminal liability arising out of a violation of such a term, condition, reservation, or restriction which occurred prior to the enactment of this Act, if a judicial proceeding to enforce such liability is pending at the time of, or commenced within one year after the enactment of this Act.

''(b) No term, condition, reservation, or restriction imposed upon the use of any single item of property donated under section 203(j) of the Federal Property and Administrative Services Act of 1949 [subsec. (j) of this section] prior to the enactment of this Act [June 3, 1955] which has an acquisition cost of less than $2,500 shall remain in effect after the expiration of the one-year period which begins on the date of the enactment of this Act [June 3, 1955]. This subsection shall not be deemed to terminate any civil or criminal liability arising out of a violation of such a term, condition, reservation, or restriction if (1) such violation occurred prior to the expiration of such one-year period and (2) a judicial proceeding to enforce such liability is pending at the time of enactment of this Act or is commenced not later than one year after the expiration of such one-year period.''

EX. ORD. NO. 12999. EDUCATIONAL TECHNOLOGY: ENSURING OPPORTUNITY FOR ALL CHILDREN IN THE NEXT CENTURY

Ex. Ord. No. 12999, Apr. 17, 1996, 61 F.R. 17227, provided:

In order to ensure that American children have the skills they need to succeed in the information-intensive 21st century, the Federal Government is committed to working with the private sector to promote four major developments in American education: making modern computer technology an integral part of every classroom; providing teachers with the professional development they need to use new technologies effectively; connecting classrooms to the National Information Infrastructure; and encouraging the creation of excellent educational software. This Executive order streamlines the transfer of excess and surplus Federal computer equipment to our Nation's classrooms and encourages Federal employees to volunteer their time and expertise to assist teachers and to connect classrooms.

Accordingly, by the authority vested in me as President by the Constitution and the laws of the United States of America, including the provisions of the Stevenson-Wydler Technology Innovation Act of 1980, as amended (15 U.S.C. 3701 *et seq.*), the Federal Property and Administrative Services Act of 1949, ch. 288, 63 Stat. 377 [see Short Title note set out under section 471 of this title], and the National Defense Authorization Act for Fiscal Year 1996, Public Law 104–106 [see Tables for classification], it is hereby ordered as follows:

SECTION 1. *Protection of Educationally Useful Federal Equipment.* (a) Educationally useful Federal equipment is a vital national resource. To the extent such equipment can be used as is, separated into parts for other computers, or upgraded—either by professional technicians, students, or other recycling efforts—educationally useful Federal equipment is a valuable tool for computer education. Therefore, to the extent possible, all executive departments and agencies (hereinafter referred to as ''agencies'') shall protect and safeguard such equipment, particularly when declared excess or surplus, so that it may be recycled and transferred, if appropriate, pursuant to this order.

SEC. 2. *Efficient Transfer of Educationally Useful Federal Equipment to Schools and Nonprofit Organizations.* (a) To the extent permitted by law, all agencies shall give highest preference to schools and nonprofit organizations, including community-based educational organizations, (''schools and nonprofit organizations'') in the transfer, through gift or donation, of educationally useful Federal equipment.

(b) Agencies shall attempt to give particular preference to schools and nonprofit organizations located in the Federal enterprise communities and empowerment zones established in the Omnibus Reconciliation Act of 1993, Public Law 103–66 [see 26 U.S.C. 1391 et seq.].

(c) Each agency shall, to the extent permitted by law and where appropriate, identify educationally useful Federal equipment that it no longer needs and transfer it to a school or nonprofit organization by:

(1) conveying research equipment directly to the school or organization pursuant to 15 U.S.C. 3710(i); or

(2) reporting excess equipment to the General Services Administration (GSA) for donation when declared surplus in accordance with section 203(j) of the Federal Property and Administrative Services Act of 1949, as amended, 40 U.S.C. 484(j). Agencies shall report such equipment as far as possible in advance of the date the equipment becomes excess, so that GSA may attempt to arrange direct transfers from the donating agency to recipients eligible under this order.

(d) In transfers made pursuant to paragraph (c)(1) of this section, title shall transfer directly from the agency to the schools or nonprofit organizations as required by 15 U.S.C. 3710(i). All such transfers shall be reported to the GSA. At the direction of the recipient institution or organization, and if appropriate, transferred equipment may be conveyed initially to a nonprofit reuse or recycling program that will upgrade it before transfer to the school or nonprofit organization holding title.

(e) All transfers to schools or nonprofit organizations, whether made directly or through GSA, shall be made at the lowest cost to the school or nonprofit organization permitted by law.

(f) The availability of educationally useful Federal equipment shall be made known to eligible recipients under this order by all practicable means, including newspaper, community announcements, and the Internet.

(g) The regional Federal Executive Boards shall help facilitate the transfer of educationally useful Federal equipment from the agencies they represent to recipients eligible under this order.

SEC. 3. *Assisting Teachers' Professional Development: Connecting Classrooms.* (a) Each agency that has employees who have computer expertise shall, to the extent permitted by law and in accordance with the guidelines of the Office of Personnel Management, encourage those employees to:

(1) help connect America's classrooms to the National Information Infrastructure;

(2) assist teachers in learning to use computers to teach; and

(3) provide ongoing maintenance of and technical support for the educationally useful Federal equipment transferred pursuant to this order.

(b) Each agency described in subsection (a) shall submit to the Office of Science and Technology Policy,

within 6 months of the date of this order, an implementation plan to advance the developments described in this order, particularly those required in this section. The plan shall be consistent with approved agency budget totals and shall be coordinated through the Office of Science and Technology Policy.

(c) Nothing in this order shall be interpreted to bar a recipient of educationally useful Federal equipment from lending that equipment, whether on a permanent or temporary basis, to a teacher, administrator, student, employee, or other designated person in furtherance of educational goals.

SEC. 4. *Definitions*. For the purposes of this order: (a) ''Schools'' means individual public or private education institutions encompassing prekindergarten through twelfth grade, as well as public school districts.

(b) ''Community-based educational organizations'' means nonprofit entities that are engaged in collaborative projects with schools or that have education as their primary focus. Such organizations shall qualify as nonprofit educational institutions or organizations for purposes of section 203(j) of the Federal Property and Administrative Services Act of 1949, as amended.

(c) ''Educationally useful Federal equipment'' means computers and related peripheral tools (e.g., printers, modems, routers, and servers), including telecommunications and research equipment, that are appropriate for use in prekindergarten, elementary, middle, or secondary school education. It shall also include computer software, where the transfer of licenses is permitted.

(d) ''Nonprofit reuse or recycling program'' means a 501(c) organization able to upgrade computer equipment at no or low cost to the school or nonprofit organization taking title to it.

(e) ''Federal Executive Boards,'' as defined in 5 C.F.R. Part 960, are regional organizations of each Federal agency's highest local officials.

SEC. 5. This order shall supersede Executive Order No. 12821 of November 16, 1992.

SEC. 6. *Judicial Review*. This order is not intended, and should not be construed, to create any right or benefit, substantive or procedural, enforceable at law by a party against the United States, its agencies, its officers, or its employees.

WILLIAM J. CLINTON.

CROSS REFERENCES

Eligibility of State and local agencies and nonprofit organizations and institutions receiving funds appropriated for programs for older individuals to receive surplus property, see section 3020d of Title 42, The Public Health and Welfare.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 475, 481, 483, 483c, 484c, 483d, 490, 512 of this title; title 8 section 1324; title 10 section 2577; title 14 section 641; title 20 section 3441; title 22 section 2358; title 28 section 604; title 36 section 493; title 38 section 8162; title 42 sections 11411, 11412; title 45 section 1212.

§ 484–1. Transfer of miscellaneous books to District Public Library

Any books of a miscellaneous character no longer required for the use of any executive department, or bureau, or commission of the Government, and not deemed an advisable addition to the Library of Congress, shall, if appropriate to the uses of the Free Public Library of the District of Columbia, subject to applicable regulations under the Federal Property and Administrative Services Act of 1949, as amended [40 U.S.C. 471 et seq.], be turned over to that library for general use as a part thereof.

(Feb. 25, 1903, ch. 755, § 1, 32 Stat. 865; Oct. 31, 1951, ch. 654, § 2(1), 65 Stat. 706.)

REFERENCES IN TEXT

The Federal Property and Administrative Services Act of 1949, as amended, referred to in text, is act June 30, 1949, ch. 288, 63 Stat. 377, as amended. Regulations provisions of the Act are contained in section 486 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 471 of this title and Tables.

CODIFICATION

Section was not enacted as part of the Federal Property and Administrative Services Act of 1949, part of which comprises this chapter.

Section was formerly classified to section 110 of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89–554, § 1, Sept. 6, 1966, 80 Stat. 378.

Section is also classified to section 37–109 of the District of Columbia Code.

CROSS REFERENCES

Transfer by Librarian of Congress of books to other libraries, see section 149 of Title 2, The Congress.

§ 484a. Omitted

CODIFICATION

Section, Pub. L. 86–626, title I, § 101, July 12, 1960, 74 Stat. 434, which provided for disposal of surplus real estate and buildings by local governmental units under a comprehensive and coordinated plan of use and procurement, was from the Independent Offices Appropriation Act, 1961, and was not repeated in subsequent appropriation acts.

§ 484b. Repealed. Pub. L. 98–181, title I, § 126(a)(1), Nov. 30, 1983, 97 Stat. 1175

Section, Pub. L. 91–152, title IV, § 414, Dec. 24, 1969, 83 Stat. 400; Pub. L. 91–609, title IX, § 919, Dec. 31, 1970, 84 Stat. 1816; Pub. L. 95–557, title III, § 317, Oct. 31, 1978, 92 Stat. 2100; Pub. L. 96–399, title V, § 504, Oct. 8, 1980, 94 Stat. 1669, related to transfer of surplus real property to Secretary of Housing and Urban Development or the Secretary of Agriculture for sale or lease.

TRANSFERRED PROPERTIES; REQUESTS PRIOR TO NOVEMBER 30, 1983; CONTINUING APPLICATION OF SUBSEC. (b)

Section 126(a)(2) and (3) of Pub. L. 98–181 provided that:

''(2) Notwithstanding paragraph (1) [repealing this section], the Secretary of Housing and Urban Development and the Secretary of Agriculture may dispose of Federal surplus real property pursuant to the terms of section 414 of such Act [this section] if, prior to the date of the enactment of this Act [Nov. 30, 1983], either Secretary had requested the Administrator of General Services to transfer such property for such disposition.

''(3) Notwithstanding paragraph (1), section 414(b) of such Act shall continue to apply, where applicable, to all property transferred by either Secretary pursuant to section 414 of such Act, including properties transferred pursuant to paragraph (2).''

§ 484c. Transfer of personnel and other resources from Department of Health, Education, and Welfare to General Services Administration by Director of Office of Management and Budget

(a) So much of the personnel, property, records, and unexpended balance of appropriations, allocations, and other funds as are, in the judgment of the Director of the Office of Management and Budget, employed, used, held, available, or to be made available in relation to those personal property functions which the

Secretary of Health, Education, and Welfare was authorized to perform under section 484 of this title immediately prior to October 17, 1976, and which under this Act become vested in the Administrator of General Services shall be transferred to the General Services Administration at such time or times as the Director shall direct.

(b) Such further measures and dispositions as the Director of the Office of Management and Budget deems necessary to effectuate transfers referred to in subsection (a) of this section shall be carried out in such manner as the Director shall direct.

(Pub. L. 94–519, § 7, Oct. 17, 1976, 90 Stat. 2456.)

REFERENCES IN TEXT

This Act, referred to in subsec. (a), is Pub. L. 94–519, Oct. 17, 1976, 90 Stat. 2451, which enacted sections 476, 483c, 484c, and 493 of this title; amended sections 483, 484, and 512 of this title; repealed section 3193 of Title 42, The Public Health and Welfare; and enacted provisions set out as notes under section 484 of this title. For complete classification of this Act to the Code, see Tables.

CODIFICATION

Section was not enacted as part of the Federal Property and Administrative Services Act of 1949, part of which comprises this chapter.

EFFECTIVE DATE

Section effective Oct. 17, 1977, see section 9 of Pub. L. 94–519, set out as an Effective Date of 1976 Amendment note under section 484 of this title.

TRANSFER OF FUNCTIONS

Functions of Secretary of Health, Education, and Welfare under section 484(k) of this title, with respect to donations of surplus property for educational purposes, transferred to Secretary of Education pursuant to Pub. L. 96–88, title III, § 301(a)(2)(P), Oct. 17, 1979, 93 Stat. 677, which is classified to section 3441(a)(2)(P) of Title 20, Education.

§ 484d. Donation of forfeited vessels

(a) Eligible institutions; certification

Whenever a vessel is forfeited to the United States, the vessel may be donated, in accordance with procedures under the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.), to an educational institution with a commercial fishing vessel safety program or other vessel safety, education and training program, if the institution has certified to the Federal officer referred to in subsection (b) of this section that the program includes at a minimum the following courses in vessel safety:

(1) vessel stability;
(2) firefighting;
(3) shipboard first aid;
(4) marine safety and survival; and
(5) seamanship rules of the road.

(b) Terms and conditions

The donation of a vessel under this section shall be made on terms and conditions considered appropriate by the Federal officer making such donation, including requirements that—

(1) the educational institution must accept the vessel as is, where it is, and without warranty of any kind and without any representation as to its condition or suitability for use.[1]

(2) the educational institution shall be responsible for maintaining the vessel;

(3) the vessel shall be used only for instructing students in vessel safety education and training programs;

(4) if the vessel is eligible to be documented, it must be documented by the educational institution as a vessel of the United States under chapter 121 of title 46, and the requirements of paragraph (5) of this subsection shall be noted on the permanent record of the vessel;

(5) the educational institution must obtain the prior approval of the Administrator of General Services before disposing of the vessel, and any proceeds from the disposal of the vessel shall be payable to the United States Government; and

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

(c) United States liability

The United States shall not be liable in an action arising out of the transfer or use of a vessel that has been transferred under this section.

(Pub. L. 99–640, § 13(a)–(c), Nov. 10, 1986, 100 Stat. 3551.)

REFERENCES IN TEXT

The Federal Property and Administrative Services Act of 1949, referred to in subsec. (a), is act June 30, 1949, ch. 288, 63 Stat. 377, as amended. For complete classification of this Act to the Code, see Short Title note set out under section 471 of this title and Tables.

CODIFICATION

Section was enacted as part of the Coast Guard Authorization Act of 1986, and not as a part of the Federal Property and Administrative Services Act of 1949, part of which comprises this chapter.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 46 sections 2101, 3305.

§ 485. Proceeds from transfer, sale, etc., of property

(a) Disposition of receipts

All proceeds under this subchapter from any transfer of excess property to a Federal agency for its use, or from any sale, lease, or other disposition of surplus property, shall be covered into the Treasury as miscellaneous receipts, except as provided in subsections (b), (c), (d), (e), and (h) of this section.

(b) Deposit of proceeds from sales; use; report

Except as provided in subsection (h) of this section, all the proceeds of such dispositions of surplus real and related personal property made by the Administrator of General Services shall be set aside in a separate fund in the Treasury. Not more than an amount to be determined quarterly by the Director of the Office of Management and Budget may be obligated from such fund by the Administrator to pay the direct expenses incurred for the utilization of excess property and the disposal of surplus property under this Act for fees of appraisers, auctioneers, and realty brokers, for costs of environmental and historic preservation services,

[1] So in original. The period probably should be a semicolon.

and for advertising and surveying. Such payments from this fund may be used either to pay such expenses directly or to reimburse the fund or appropriation initially bearing such expenses. Fees paid to appraisers, auctioneers, and brokers shall be in accordance with the scale of fees customarily paid for such services in similar commercial transactions, and in no event shall more than 12 per centum of the proceeds of all dispositions within each fiscal year of surplus real and related personal property be paid out of such proceeds under this authorization to meet direct expenses incurred in connection with such dispositions. Periodically, but not less often than once each year, any excess funds beyond current operating needs shall be transferred from the fund to miscellaneous receipts: *Provided*, That a report of receipts, disbursements, and transfers to miscellaneous receipts under this authorization shall be made annually in connection with the budget estimates to the Director of Office of Management and Budget and to the Congress.

(c) Credit to reimbursable fund or appropriation on certain transactions

Where the property transferred or disposed of was acquired by the use of funds either not appropriated from the general fund of the Treasury or appropriated therefrom but by law reimbursable from assessment, tax, or other revenue or receipts, then the net proceeds of the disposition or transfer shall be credited to the reimbursable fund or appropriation or paid to the Federal agency which determined such property to be excess: *Provided*, That the proceeds shall be credited to miscellaneous receipts in any case when the agency which determined the property to be excess shall deem it uneconomical or impractical to ascertain the amount of net proceeds. As used in this subsection, the term ''net proceeds of the disposition or transfer'' means the proceeds of the disposition or transfer minus all expenses incurred for care and handling and disposition or transfer.

(d) Special account deposits

Any Federal agency disposing of surplus property under this subchapter (1) may deposit, in a special account with the Treasurer of the United States, such amount of the proceeds of such dispositions as it deems necessary to permit appropriate refunds to purchasers when any disposition is rescinded or does not become final, or payments for breach of any warranty, and (2) may withdraw therefrom amounts so to be refunded or paid, without regard to the origin of the funds withdrawn.

(e) Sale proceeds offset against price or cost of contractor's work

Where any contract entered into by an executive agency or any subcontract under such contract authorizes the proceeds of any sale of property in the custody of the contractor or subcontractor to be credited to the price or cost of the work covered by such contract or subcontract, the proceeds of any such sale shall be credited in accordance with the contract or subcontract.

(f) Acceptance of property in lieu of cash

Any executive agency entitled to receive cash under any contract covering the lease, sale or other disposition of surplus property may in its discretion accept, in lieu of cash, any property determined by the President to be strategic or critical material at the prevailing market price thereof at the time the cash payment or payments became or become due.

(g) Management of credit, leases, and permits on property

Where credit has been extended in connection with any disposition of surplus property under this subchapter or by War Assets Administration (or its predecessor agencies) under the Surplus Property Act of 1944, or where such disposition has been by lease or permit, the Administrator shall administer and manage such credit, lease, or permit, and any security therefor, and may enforce, adjust, and settle any right of the Government with respect thereto in such manner and upon such terms as he deems in the best interest of the Government.

(h) Property under control of a military department

(1) If the Secretary of a military department determines that real property, and improvements thereon, under the control of that department (other than property at a military installation designated for closure or realignment) is excess to the needs of that department, the Secretary of Defense shall provide that the property be made available for transfer without reimbursement to the other military departments within the Department of Defense. If the property is not transferred to another military department, the Secretary of the military department concerned shall request the Administrator to transfer or dispose of such property in accordance with the provisions of this Act, section 13(g) of the Surplus Property Act of 1944 (50 U.S.C. App. 1622(g)), or other applicable law.

(2) The Administrator shall deposit any proceeds (less expenses of transferring or disposing of the property as provided in subsection (b) of this section) in a special account in the Treasury of the United States. The amount deposited in such account with respect to the transfer or disposal of any such property shall be available, to the extent provided in appropriation Acts, as follows:

(A) 50 percent of such amount shall be available for facility maintenance and repair or environmental restoration at the military installation where the property is located.

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

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

(4) This subsection does not apply to damaged or deteriorated military family housing facilities conveyed under section 2854a of title 10.

(5) For purposes of this subsection, the term ''military installation'' shall have the meaning given that term in section 2687(e)(1) of title 10.

(i) Recovery of costs incurred in sales of personal property

The Administrator may retain from the proceeds of sales of personal property conducted by the General Services Administration amounts necessary to recover, to the extent practicable, costs incurred by the General Services Administration (or its agent) in conducting such sales. The Administrator shall deposit amounts retained into the General Supply Fund established under section 756(a) of this title and may use such portion of amounts so deposited as is necessary to pay (1) direct costs incurred by the General Services Administration in conducting sales of personal property, and (2) indirect costs incurred by the General Services Administration that are reasonably related to those sales. Amounts retained that are not needed to pay the direct and indirect costs incurred shall periodically, but not less than annually, be transferred from the General Supply Fund to the general fund or another appropriate account in the Treasury.

(June 30, 1949, ch. 288, title II, § 204, 63 Stat. 388; Aug. 31, 1954, ch. 1178, 68 Stat. 1051; Pub. L. 86–215, Sept. 1, 1959, 73 Stat. 446; Pub. L. 96–41, § 3(d), July 30, 1979, 93 Stat. 325; Pub. L. 100–612, § 6, Nov. 5, 1988, 102 Stat. 3181; Pub. L. 101–510, div. B, title XXVIII, § 2805, Nov. 5, 1990, 104 Stat. 1786; Pub. L. 103–123, title IV, § 7, Oct. 28, 1993, 107 Stat. 1247; Pub. L. 104–106, div. A, title XV, § 1502(f)(7), div. B, title XXVIII, § 2818(b), Feb. 10, 1996, 110 Stat. 510, 555.)

REFERENCES IN TEXT

This Act, referred to in subsecs. (b) and (h)(1), is act June 30, 1949, ch. 288, 63 Stat. 377, as amended, known as the Federal Property and Administrative Services Act of 1949. For complete classification of this Act to the Code, see Short Title note set out under section 471 of this title and Tables.

For classification and history of the Surplus Property Act of 1944, referred to in subsec. (g), see note set out under section 473 of this title.

CODIFICATION

Section was formerly classified to section 234 of Title 41, Public Contracts.

PRIOR PROVISIONS

Provisions similar to those comprising subsec. (a) of this section were contained in act June 30, 1949, ch. 286, title I, § 101, 63 Stat. 363; June 30, 1949, ch. 288, title I, § 102(a), 63 Stat. 380, which was classified to section 314a of this title.

AMENDMENTS

1996—Subsec. (h)(3). Pub. L. 104–106, § 1502(f)(7), substituted ''Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives'' for ''Committees on Armed Services of the Senate and of the House of Representatives''.

Subsec. (h)(4), (5). Pub. L. 104–106, § 2818(b), added par. (4) and redesignated former par. (4) as (5).

1993—Subsec. (i). Pub. L. 103–123 added subsec. (i).

1990—Subsec. (a). Pub. L. 101–510, § 2805(1), substituted ''subsections (b), (c), (d), (e), and (h)'' for ''subsections (b), (c), (d), and (e)''.

Subsec. (b). Pub. L. 101–510, § 2805(2), substituted ''Except as provided in subsection (h) of this section, all the proceeds'' for ''All the proceeds''.

Subsec. (h). Pub. L. 101–510, § 2805(3), added subsec. (h).

1988—Subsec. (b). Pub. L. 100–612 substituted ''Office of Management and Budget'' for ''Bureau of the Budget'' in two places and inserted ''for costs of environmental and historic preservation services,'' after ''realty brokers,''.

1979—Subsec. (f). Pub. L. 96–41 substituted ''the President'' for ''the Munitions Board''.

1959—Subsec. (b). Pub. L. 86–215 substituted ''utilization of excess property and the disposal'' for ''dispositions'' in second sentence.

1954—Subsecs. (b) to (g). Act Aug. 31, 1954, added subsec. (b) and redesignated former subsecs. (b) to (f) as (c) to (g), respectively.

TRANSFER OF FUNCTIONS

War Assets Administration abolished June 30, 1949, and its functions transferred for liquidation to General Services Administration by act June 30, 1949, ch. 288, § 105, 63 Stat. 381.

DELEGATION OF FUNCTIONS

Functions of President under subsec. (f) of this section delegated to Secretary of Defense, see section 3 of Ex. Ord. No. 12626, Feb. 25, 1988, 53 F.R. 6114, set out as a note under section 98 of Title 50, War and National Defense.

CROSS REFERENCES

Crediting of proceeds from sales of surplus property to miscellaneous receipts of the Treasury, see section 460*l*–5 of Title 16, Conservation.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 483, 484, 490, 513 of this title; title 10 section 2831; title 16 section 460*l*–5; title 38 section 8165.

§ 485a. Payment of expenses of sales from proceeds

Subject to applicable regulations under the Federal Property and Administrative Services Act of 1949, as amended [40 U.S.C. 471 et seq.], from the proceeds of sales of old material, condemned stores, supplies, or other public property of any kind, before being deposited into the Treasury, either as miscellaneous receipts on account of ''proceeds of Government property'' or to the credit of the appropriations to which such proceeds are by law authorized to be made, there may be paid the expenses of such sales so as to require only the net proceeds of such sales to be deposited into the Treasury, either as miscellaneous receipts or to the credit of such appropriations, as the case may be.

(June 8, 1896, ch. 373, 29 Stat. 268; Oct. 31, 1951, ch. 654, § 2(20), 65 Stat. 707; Pub. L. 104–316, title I, § 120(a), Oct. 19, 1996, 110 Stat. 3836.)

REFERENCES IN TEXT

The Federal Property and Administrative Services Act of 1949, referred to in text, is act June 30, 1949, ch. 288, 63 Stat. 377, as amended. Provisions of the Act relating to management and disposal of government property are classified to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 471 of this title and Tables.

CODIFICATION

Section was a provision of the Deficiency Appropriation Act for the fiscal year 1896.

Section was formerly classified to section 489 of Title 31 prior to the general revision and enactment of Title

31, Money and Finance, by Pub. L. 97–258, §1, Sept. 13, 1982, 96 Stat. 877.

AMENDMENTS

1996—Pub. L. 104–316 struck out ‘‘, as approved by the accounting officers of the Treasury,’’ before ‘‘so as to require’’.

1951—Act Oct. 31, 1951, inserted reference to applicable regulations of Federal Property and Administrative Services Act of 1949, as amended.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 38 section 8165.

§ 486. Policies, regulations, and delegations

(a) Promulgation by President

The President may prescribe such policies and directives, not inconsistent with the provisions of this Act, as he shall deem necessary to effectuate the provisions of said Act, which policies and directives shall govern the Administrator and executive agencies in carrying out their respective functions hereunder.

(b) Accounting principles and standards

The Comptroller General after considering the needs and requirements of the executive agencies shall prescribe principles and standards of accounting for property, cooperate with the Administrator and with the executive agencies in the development of property accounting systems, and approve such systems when deemed to be adequate and in conformity with prescribed principles and standards. From time to time the General Accounting Office shall examine such property accounting systems as are established by the executive agencies to determine the extent of compliance with prescribed principles and standards and approved systems, and the Comptroller General shall report to the Congress any failure to comply with such principles and standards or to adequately account for property.

(c) Regulations by Administrator

The Administrator shall prescribe such regulations as he deems necessary to effectuate his functions under this Act, and the head of each executive agency shall cause to be issued such orders and directives as such head deems necessary to carry out such regulations.

(d) Delegation and redelegation of authority by Administrator; exceptions

The Administrator is authorized to delegate and to authorize successive redelegation of any authority transferred to or vested in him by this Act (except for the authority to issue regulations on matters of policy having application to executive agencies, the authority contained in section 754 of this title, and except as otherwise provided in this Act) to any official in the General Services Administration or to the head of any other Federal agency.

(e) Delegation of functions by Administrator

With respect to any function transferred to or vested in the General Services Administration or the Administrator by this Act, the Administrator may (1) direct the undertaking of its performance by the General Services Administration or by any constituent organization therein which he may designate or establish; or (2) designate and authorize any executive agency to perform such function for itself; or (3) designate and authorize any other executive agency to perform such function; or (4) provide for such performance by any combination of the foregoing methods. Any designation or assignment of functions or delegation of authority to another executive agency under this section shall be made only with the consent of the executive agency concerned or upon direction of the President.

(f) Transfer of personnel, property, funds, etc., to agency receiving delegated functions

When any executive agency (including the General Services Administration and constituent organizations thereof) is authorized and directed by the Administrator to carry out any function under this Act, the Administrator may, with the approval of the Director of the Office of Management and Budget, provide for the transfer of appropriate personnel, records, property, and allocated funds of the General Services Administration, or of such other executive agency as has theretofore carried out such function, to the executive agency so authorized and directed.

(g) Establishment of advisory committees; compensation; expenses

The Administrator may establish advisory committees to advise with him with respect to any function transferred to or vested in the Administrator by this Act. The members thereof shall serve without compensation but shall be entitled to transportation and not to exceed $25 per diem in lieu of subsistence, as authorized by section 5703 of title 5, for persons so serving.

(h) Consultations between Administrator and Federal agencies

The Administrator shall advise and consult with interested Federal agencies with a view to obtaining their advice and assistance in carrying out the purposes of this Act.

(i) Administration of oaths by certain officers and employees

If authorized by the Administrator, officers and employees of the General Services Administration having investigatory functions are empowered, while engaged in the performance of their duties in conducting investigations, to administer oaths to any person.

(June 30, 1949, ch. 288, title II, §205, 63 Stat. 389; Sept. 5, 1950, ch. 849, §9, 64 Stat. 591; Pub. L. 87–619, Aug. 31, 1962, 76 Stat. 414; 1970 Reorg. Plan No. 2, §102, eff. July 1, 1970, 35 F.R. 7959, 84 Stat. 2085.)

REFERENCES IN TEXT

This Act, referred to in subsecs. (a) and (c) to (h), is act June 30, 1949, ch. 288, 63 Stat. 377, as amended, known as the Federal Property and Administrative Services Act of 1949. For complete classification of this Act to the Code, see Short Title note set out under section 471 of this title and Tables.

CODIFICATION

In subsec. (g), ‘‘section 5703 of title 5’’ substituted for ‘‘section 5 of the Act of August 2, 1946 (5 U.S.C. 73b–2)’’ 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.

Section was formerly classified to section 235 of Title 41, Public Contracts.

AMENDMENTS

1962—Subsec. (i). Pub. L. 87–619 added subsec. (i).

1950—Subsec. (h). Act Sept. 5, 1950, substituted ''this Act'' for ''this subchapter''.

TRANSFER OF FUNCTIONS

Functions vested by law (including reorganization plan) in Bureau of the Budget or Director of Bureau of the Budget transferred to President of the United States by section 101 of Reorg. Plan No. 2 of 1970, eff. July 1, 1970, 35 F.R. 7959, 84 Stat. 2085, set out in the Appendix to Title 5, Government Organization and Employees. Section 102 of Reorg. Plan No. 2 of 1970, redesignated Bureau of the Budget as Office of Management and Budget.

TERMINATION OF ADVISORY COMMITTEES

Advisory committees 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 committee established by the President or an officer of the Federal Government, such committee is renewed by appropriate action prior to the expiration of such 2-year period, or in the case of a committee established by the Congress, its duration is otherwise provided by law. Advisory committees established after Jan. 5, 1973, to terminate not later than the expiration of the 2-year period beginning on the date of their establishment, unless, in the case of a committee established by the President or an officer of the Federal Government, such committee is renewed by appropriate action prior to the expiration of such 2-year period, or in the case of a committee established by the Congress, its duration is otherwise provided by law. See section 14 of Pub. L. 92–463, Oct. 6, 1972, 86 Stat. 776, set out in the Appendix to Title 5, Government Organization and Employees.

PROHIBITION OF CIGARETTE SALES TO MINORS IN FEDERAL BUILDINGS AND LANDS

Pub. L. 104–52, title VI, §636, Nov. 19, 1995, 109 Stat. 507, provided that: ''This section may be cited as the 'Prohibition of Cigarette Sales to Minors in Federal Buildings and Lands Act'.

''(a) As used in this section—

''(1) the term 'Federal agency' means—

''(A) an Executive agency as defined in section 105 of title 5, United States Code; and

''(B) each entity specified in subparagraphs (B) through (H) of section 5721(1) of title 5, United States Code;

''(2) the term 'Federal building' means—

''(A) any building or other structure owned in whole or in part by the United States or any Federal agency, including any such structure occupied by a Federal agency under a lease agreement; and

''(B) includes the real property on which such building is located;

''(3) the term 'minor' means an individual under the age of 18 years; and

''(4) the term 'tobacco product' means cigarettes, cigars, little cigars, pipe tobacco, smokeless tobacco, snuff, and chewing tobacco.

''(b)(1) No later than 45 days after the date of the enactment of this Act [Nov. 19, 1995], the Administrator of General Services and the head of each Federal agency shall promulgate regulations that prohibit—

''(A) the sale of tobacco products in vending machines located in or around any Federal building under the jurisdiction of the Administrator or such agency head; and

''(B) the distribution of free samples of tobacco products in or around any Federal building under the jurisdiction of the Administrator or such agency head.

''(2) The Administrator of General Services or the head of an agency, as appropriate, may designate areas not subject to the provisions of paragraph (1), if such area also prohibits the presence of minors.

''(3) The provisions of this subsection shall be carried out—

''(A) by the Administrator of General Services for any Federal building which is maintained, leased, or has title of ownership vested in the General Services Administration; or

''(B) by the head of a Federal agency for any Federal building which is maintained, leased, or has title of ownership vested in such agency.

''(c) No later than 90 days after the date of enactment of this Act [Nov. 19, 1995], the Administrator of General Services and each head of an agency shall prepare and submit, to the appropriate committees of Congress, a report that shall contain—

''(1) verification that the Administrator or such head of an agency is in compliance with this section; and

''(2) a detailed list of the location of all tobacco product vending machines located in Federal buildings under the administration of the Administrator or such head of an agency.

''(d)(1) No later than 45 days after the date of the enactment of this Act [Nov. 19, 1995], the Senate Committee on Rules and Administration and the House of Representatives Committee on House Oversight, after consultation with the Architect of the Capitol, shall promulgate regulations under the Senate and House of Representatives rulemaking authority that prohibit the sale of tobacco products in vending machines in the Capitol Buildings.

''(2) Such committees may designate areas where such prohibition shall not apply, if such area also prohibits the presence of minors.

''(3) For the purpose of this section the term 'Capitol Buildings' shall have the same meaning as such term is defined under section 16(a)(1) of the Act entitled 'An Act to define the area of the United States Capitol Grounds, to regulate the use thereof, and for other purposes', approved July 31, 1946 (40 U.S.C. 193m(1)).

''(e) Nothing in this section shall be construed as restricting the authority of the Administrator of General Services or the head of an agency to limit tobacco product use in or around any Federal building, except as provided under subsection (b)(1).''

MODIFICATION OF POLICIES, PROCEDURES, AND DIRECTIVES

To all executive agencies: By virtue of the authority vested in me by section 205(a) of the Act entitled ''An Act to simplify the procurement, utilization and disposal of Government property to reorganize certain agencies of the Government, and for other purposes,'' approved June 30, 1949 (the Federal Property and Administrative Services Act of 1949) [subsec. (a) of this section] it is hereby directed that:

1. In cooperation with other interested agencies, the Administrator of General Services shall institute studies and surveys to determine the extent to which existing policies, procedures and directives heretofore promulgated and remaining in force under section 501 of the Act [section 473 of this title] should be modified or revoked in the interest of promoting greater economy and efficiency in accomplishing the purposes of this Act. Careful attention shall be given to determining the degree of centralization in the General Services Administration to be attained in the performance of the functions involved. When these studies and surveys have been completed and after consulting with the interested agencies, the Administrator shall prescribe such regulations as may be necessary to implement the determinations resulting from such studies and surveys.

2. After consultation with the Bureau of the Budget [now the Office of Management and Budget] and other Executive agencies, and also with the General Accounting Office in respect of such matters as may be appropriate, including matters affecting its functions under sections 205(b) and 206(c) of the Act [subsec. (b) of this

section and section 487(c) of this title], and at the earliest possible date, the Administrator of General Services shall establish such standards, prescribe such regulations, and prepare and issue such manuals and procedures as may be necessary to guide all Executive agencies in ascertaining whether their operations in the field of property and records management are efficient and economical as well as consistent with established Government policies.

3. In accordance with directives to be issued by the Administrator of General Services, each Executive agency shall promptly institute surveys to determine excess personal property and that portion of excess real property, including unimproved property, under their control which might be suitable for office, storage, and related facilities, and shall promptly report to the Administrator as soon as each survey is completed.

4. Each Executive agency shall carefully plan and schedule its requirements for supplies, equipment, materials and all other personal property in order that necessary stocks may be maintained at minimum levels and high-cost small-lot purchasing avoided.

5. Under section 201(c) of the Act [section 481(c) of this title] Executive agencies are permitted to apply exchange allowances and proceeds of sale in payment of property acquired. The Administrator shall promptly prescribe regulations specifying the extent to which Executive agencies may exercise this authority, and pending the issuance of such regulations, no Executive agency shall exercise this authority except to the extent permitted by, and in accordance with the provisions of, statutes in force prior to the taking effect of this Act.

6. Section 502(d) of the Act [section 474 of this title] provides that certain programs and functions now being carried on by various Executive agencies shall not be impaired or affected by the provisions of the Act. However, the attention of these agencies is called specifically to the purposes of this legislation and they shall, insofar as practicable, procure, utilize and dispose of property in accordance with the provisions of the Act, and the regulations issued thereunder in order that the greatest overall efficiency and economy may be effected. These same agencies shall also cooperate with the Administrator of General Services in the making of surveys of property and property management practices and in the establishment of inventory levels as provided in section 206(a)(1) and (2) of the Act [section 487(a)(1), and (2) of this title].

HARRY S TRUMAN.

TERMINATION OF WAGE AND PRICE REGULATORY PROGRAM

For provisions relating to the termination of the wage and price regulatory program, see Ex. Ord. No. 12288, Jan. 29, 1981, 46 F.R. 10135, set out as a note under former section 1904 of Title 12, Banks and Banking.

EX. ORD. NO. 10579. INTERAGENCY MOTOR-VEHICLE POOLS AND SYSTEMS

Ex. Ord. No. 10579, Dec. 1, 1954, 19 F.R. 7925, provided:

SECTION 1. *Purpose and general policy*. (a) The purpose of these regulations is to establish policies and procedures under which interagency motor-vehicle pools or systems may be established, operated, curtailed, or discontinued.

(b) The Administrator of General Services (hereinafter referred to as the Administrator) shall establish and provide for the operation of interagency motor-vehicle pools and systems for the purpose of providing more efficient or economical transportation of Government personnel and property within specific areas by motor vehicles or local transit systems. Pools or systems based in whole or in part upon use of privately-owned vehicles and facilities shall be preferred to Government ownership of vehicles and facilities to the extent that it is feasible to provide required motor-vehicle services of satisfactory quality and cost from commercial or other private sources.

SEC. 2. *Conduct of studies to determine advisability of establishing motor-vehicle pools or systems*. (a) The Administrator shall select areas in which studies are to be conducted to determine the advisability of establishing motor-vehicle pools or systems. Before initiating any such study, he shall give at least thirty days notice to the head of each executive agency (as defined in section 3(a) of the Act) [section 472(a) of this title]. The notice shall include a statement of the approximate geographic area to be studied and the date on which the study will begin.

(b) The head of each executive agency receiving notice that such a study is to be made shall provide information which is required or pertinent. He shall also designate one or more officials in the field with whom members of a staff assigned by the General Services Administration may consult. Such designated officials shall provide such assigned staff with needed information and assistance, including reasonable opportunities to observe motor-vehicle operations and facilities and to examine pertinent cost and other records.

SEC. 3. *Determination to establish an interagency motor-vehicle pool or system*. (a) If the Administrator determines, with due regard to the program activities of the agencies concerned, and on the basis of a study made in accordance with section 2 hereof, that an interagency motor-vehicle pool or system should be established, he shall be responsible for preparing a formal determination to that effect. Such determination shall include:

(1) A description of the proposed operation, including a statement of the types of service and of the geographic area, and the agencies or parts of agencies to be served.

(2) The name of the executive agency designated to be responsible for operating the pool or system, and the reasons for such designation.

(3) A statement indicating the motor vehicles and related equipment and supplies to be transferred and the amount of reimbursement, if any, to be made therefor.

(b) Each determination shall be accompanied by an analytical justification which shall include a comparison of estimated costs of the present and proposed methods of operation and a showing of the estimated savings to be realized through the establishment of the proposed pool or system. The justification shall also describe the alternatives considered in making the determination, and shall include a statement concerning the availability of privately-owned facilities and equipment, and the feasibility and estimated cost (immediate and long-term) of using such facilities and equipment.

(c) The Administrator shall send a copy of each determination to each executive agency affected and to the Director of the Bureau of the Budget [now the Director of the Office of Management and Budget] (hereinafter referred to as the Director).

SEC. 4. *Transfers of records, facilities, personnel, and appropriations*. Whenever the Administrator prepares a determination as set forth in section 3 of these regulations, he shall also prepare and present to the Director a schedule of the proposed transfer of such records, facilities, personnel, and appropriations as relate primarily to the functions which are to be transferred to the interagency motor-vehicle pool or system. A copy of such schedule shall be sent by the Administrator to each executive agency affected. The Director shall determine the records, facilities, personnel, and appropriations to be transferred.

SEC. 5. *Taking effect of determinations*. Unless a greater time is allowed therein, any determination made by the Administrator shall become binding on all affected executive agencies forty-five days after the issuance thereof except with respect to any agency which appeals, or requests an exemption, from any such determination in accordance with section 6 of these regulations.

SEC. 6. *Review of determinations not agreed to by agencies affected*. (a) Any executive agency may appeal or request exemption from any or all proposals affecting it which are contained in a determination. Appeals shall

be submitted in writing to the Director with a copy to the Administrator within forty-five days from the date of the determination. Such appeals shall be accompanied by factual and objective supporting data and justification.

(b) The Director shall review any determination from which an executive agency has appealed and shall make a final decision on such appeal. The Director shall make such decisions, within seventy-five days after he receives the appeal or as soon thereafter as practicable, on the basis of information contained in the Administrator's determination, the executive agencies' appeals therefrom, and any supplementary data submitted by the Administrator and the contesting agencies. The Director shall send copies of decisions to the Administrator and to the heads of other executive agencies concerned.

(c) The Director's decision upon each such appeal, if it holds that the determination shall apply in whole or in part to the appealing agency, shall state the extent to which the determination applies and the effective date of its application. To the extent that the Director's decision on an appeal does not uphold the Administrator's determination, such determination shall be of no force and effect.

SEC. 7. *Compliance with determinations and decisions on appeals*. (a) When a determination or a decision on an appeal made in accordance with these regulations has become effective, each executive agency affected shall comply therewith.

(b) The Director shall take such actions as he deems appropriate to assist in securing compliance with determinations which have become effective. In the exercise of this authority to establish reserves in apportioning appropriations and funds, the Director shall take account of such savings as accrue from the establishment of inter-agency motor-vehicle pools and systems.

(c) The executive agency which operates any pool or system established hereunder shall maintain accurate records of the cost of establishment, maintenance, and operation of any interagency motor-vehicle pool or system established pursuant to these regulations.

(d) The Administrator shall be responsible for maintaining adequate reviews and controls of the economy and efficiency of all pools or systems established in accordance with these regulations, including those not directly operated by the General Services Administration.

SEC. 8. *Discontinuance or curtailment of service*. (a) If, during any reasonable period, not exceeding two successive fiscal years, no actual savings are realized from the operation of any pool or system established hereunder, the Administrator shall discontinue the pool or system concerned.

(b) The Administrator may discontinue or curtail a motor-vehicle pool or system when he determines that it is not the most economical method of rendering required motor-vehicle service; but he shall give at least sixty days notice of such intention to executive agencies affected and to the Director before taking such action.

(c) Executive agencies affected by a pool or system for which the Administrator is responsible (including inter-agency pools or systems operated by another executive agency designated by the Administrator) may bring problems of service and cost to the attention of the Administrator, who shall assure that such problems receive proper attention.

(d) Executive agencies receiving motor-vehicle services from an interagency motor-vehicle pool or system under these regulations may request discontinuance or curtailment of their participation in such pool or system after at least one year of participation or in the event that the need for the services from the pool or system ceases. Such requests shall be submitted to the Administrator with pertinent factual justification.

(e) If the Administrator does not agree with such request and is unable to make arrangements which are mutually acceptable to him and to the head of the executive agency concerned, the agency's request for discontinuance or modification and the Administrator's reasons for not agreeing with the request shall be forwarded to the Director who shall be responsible for making a final and binding decision.

(f) When a pool or system is discontinued or curtailed, such transfers of vehicles and related equipment and supplies, personnel, records, facilities, and funds as may be appropriate will be made, subject to the approval of the Director.

SEC. 9. *Motor vehicles exempted from inclusion in interagency motor-vehicle pools*. The following-described classes of motor vehicles shall be exempt from inclusion in interagency motor-vehicle pools or systems:

(1) Motor vehicles designed or used for military field training, combat, or tactical purposes, or used principally within the confines of a regularly established military post, camp, or depot.

(2) Any motor vehicle regularly used by an agency in the performance of investigative, law enforcement, or intelligence duties if the head of such agency determines that exclusive control of such vehicle is essential to the effective performance of such duties: *Provided*, that vehicles regularly used for common administrative purposes not directly connected with the performance of law enforcement, investigative, or intelligence duties shall not because of such use be exempted from such inclusion.

(3) Any motor vehicle the conspicuous identification of which as a Government vehicle would interfere with the purpose for which it is acquired and used.

(4) Unless inclusion is mutually agreed upon by the Administrator and the head of the agency concerned:

(i) Motor vehicles for the use of the heads of the executive agencies, ambassadors, ministers, charge d'affaires, and other principal diplomatic and consular officials.

(ii) Motor vehicles regularly and principally used for the transportation of diplomats and representatives of foreign countries or by officers of the Department of State for the conduct of official business with representatives of foreign countries.

(iii) Motor vehicles regularly used for the distribution and transportation of mails.

(5) Motor vehicles which, because of their design or the special purposes for which they are used, or for other reasons, cannot advantageously be incorporated in an interagency motor-vehicle pool or system if the exemption thereof has been mutually agreed upon by the Administrator and the head of the executive agency concerned.

(6) Motor vehicles exempted by an agency which has authority to make such an exemption under the provisions of the Act [this chapter].

SEC. 10. *Optional use arrangements*. Nothing in these regulations shall be construed as precluding the establishment or operation of interagency motor-vehicle pools or systems on the basis of optional use by executive or other Federal agencies.

SEC. 11. *Supplementary regulations*. The Administrator shall, after consultation with the executive agencies concerned and with due regard to their program activities, issue such supplementary regulations of general applicability to the executive agencies concerned as are necessary for the effective and economical operation of pools or systems under the Act [this chapter].

DWIGHT D. EISENHOWER.

EXECUTIVE ORDER NO. 11508

Ex. Ord. No. 11508, Feb. 10, 1970, 35 F.R. 2855, as amended by Ex. Ord. No. 11560, Sept. 23, 1970, 35 F.R. 14899, which related to the identification of unneeded federal real property, was superseded by Ex. Ord. No. 11724, June 25, 1973, 38 F.R. 16837, formerly set out below.

EXECUTIVE ORDER NO. 11724

Ex. Ord. No. 11724, June 25, 1973, 38 F.R. 16837, which related to the Federal Property Council, was super-

seded by Ex. Ord. No. 11954, Jan. 7, 1977, 42 F.R. 2297, formerly set out below.

EXECUTIVE ORDER NO. 11954

Ex. Ord. No. 11954, Jan. 7, 1977, 42 F.R. 2297, as amended by Ex. Ord. No. 12030, Dec. 15, 1977, 42 F.R. 63633, formerly set out under this section, which provided for review of Federal real property, was revoked by Ex. Ord. No. 12348, Feb. 25, 1982, 47 F.R. 8547, formerly set out below.

EXECUTIVE ORDER NO. 12030

Ex. Ord. No. 12030, Dec. 15, 1977, 42 F.R. 63633, formerly set out as a note under this section, which amended Ex. Ord. No. 11954, Jan. 7, 1977, 42 F.R. 2297, by, among other changes, providing for the termination of the Federal Property Council, was omitted from the Code in view of the revocation of Ex. Ord. No. 11954 by Ex. Ord. No. 12348, Feb. 25, 1982, 47 F.R. 8547, formerly set out below.

EXECUTIVE ORDER NO. 12348

Ex. Ord. No. 12348, Feb. 25, 1982, 47 F.R. 8547, which related to Federal real property review, was revoked by Ex. Ord. No. 12512, Apr. 29, 1985, 50 F.R. 18453, set out below.

EX. ORD. NO. 112411. GOVERNMENT WORK SPACE MANAGEMENT REFORMS

Ex. Ord. No. 12411, Mar. 29, 1983, 48 F.R. 13391, provided:

By the authority vested in me as President by the Constitution and laws of the United States of America, including Section 486 of Title 40 of the United States Code, in order to institute fundamental changes in the manner in which Federal work space is managed to ensure its efficient utilization, it is hereby ordered as follows:

SECTION 1. In order to make the Federal use of work space (including office space, warehouses and special purpose space, whether federally owned, leased or controlled) and related furnishings more effective in support of agency missions, minimize the acquisition of government resources, and reduce the administrative costs of the Federal government, the heads of all Federal Executive agencies shall:

(a) Establish programs to reduce the amount of work space, used or held, to that amount which is essential for known agency missions;

(b) Produce and maintain a total inventory of work space and related furnishings and declare excess to the Administrator of General Services all such holdings that are not necessary to satisfy existing or known and verified planned programs;

(c) Ensure that the amount of office space used by each employee of the agency, or others using agency-controlled space, is held to the minimum necessary to accomplish the task that must be performed;

(d) Manage the furniture, equipment, decoration, drapes, carpeting, plants and other accoutrements so that the use of all furnishings by the agency reflects a judicious employment of public moneys;

(e) Consider, in making decisions concerning the use, acquisition, or disposal of work space and related furnishings, the effects of its actions on costs incurred by other Federal agencies;

(f) Report all vacant work space retained for future Federal uses to the Administrator of General Services so that it may be made available for the temporary use of other Federal agencies, to the extent consistent with national defense requirements;

(g) Establish a work space management plan to meet the provisions of this Order, including specification of the goals to be achieved and actions to be taken by the agency in order to improve its utilization of all work space and related furnishings; and

(h) Establish information systems, implement inventory controls and conduct surveys, in accordance with procedures established by the Administrator of General Services, so that a government-wide reporting system may be developed.

SEC. 2. The Administrator of General Services is delegated authority, to the extent not prohibited by other laws, to conduct surveys, establish agency-wide objectives for work space use for each Executive agency, and establish procedures, guidelines and regulations to be followed by the agencies in developing the work space planning, information and reporting systems required by this Order.

RONALD REAGAN.

EX. ORD. NO. 12512. FEDERAL REAL PROPERTY MANAGEMENT

Ex. Ord. No. 12512, Apr. 29, 1985, 50 F.R. 18453, provided:

By the authority vested in me as President by the Constitution and laws of the United States of America, including section 486(a) of title 40 of the United States Code, and in order to ensure that Federal real property resources are treated in accordance with their value as national assets and in the best interests of the Nation's taxpayers, it is hereby ordered as follows:

SECTION 1. *General Requirements*. To ensure the effective and economical use of America's real property and public land assets, establish a focal point for the enunciation of clear and consistent Federal policies regarding the acquisition, management, and disposal of properties, and assure management accountability for implementing Federal real property management reforms, all Executive departments and agencies shall take immediate action to recognize the importance of such resources through increased management attention, establishment of clear goals and objectives, improved policies and levels of accountability, and other appropriate actions. Specifically:

(a) The Domestic Policy Council shall serve as the forum for approving government-wide real property management policies;

(b) All Executive departments and agencies shall establish internal policies and systems of accountability that ensure effective use of real property in support of mission-related activities, consistent with Federal policies regarding the acquisition, management, and disposal of such assets. All such agencies shall periodically review their real property holdings and conduct surveys of such property in accordance with standards and procedures determined by the Administrator of General Services. All such agencies shall also develop annual real property management improvement plans that include clear and concise goals and objectives related to all aspects of real property management, and identify sales, work space management, productivity, and excess property targets;

(c) The Director of the Office of Management and Budget shall review, through the management and budget review processes, the efforts of departments and agencies toward achieving the government-wide property management policies established pursuant to this Order. Savings achieved as a result of improved management shall be applied to reduce Federal spending and to support program delivery;

(d) The Office of Management and Budget and the General Services Administration shall, in consultation with the land managing agencies, develop legislative initiatives that seek to improve Federal real property management through the adoption of appropriate private sector management techniques; the elimination of duplication of effort among agencies; and the establishment of managerial accountability for implementing effective and efficient real property management practices; and

(e) The President's Council on Management Improvement, subject to the policy direction of the Domestic Policy Council, shall conduct such additional studies as are necessary to improve Federal real property management by appropriate agencies and groups.

SEC. 2. *Real Property*. The Administrator of General Services shall, to the extent permitted by law, provide government-wide policy oversight and guidance for Federal real property management; manage selected

properties for agencies; conduct surveys; delegate operational responsibility to agencies where feasible and economical; and provide leadership in the development and maintenance of needed property management information systems.

SEC. 3. *Public Lands*. In order to ensure that Federally owned lands, other than the real property covered by Section 2 of this Order, are managed in the most effective and economic manner, the Departments of Agriculture and the Interior shall take such steps as are appropriate to improve their management of public lands and National Forest System lands and shall develop appropriate legislative proposals necessary to facilitate that result.

SEC. 4. Executive Order No. 12348 of February 25, 1982, is hereby revoked.

RONALD REAGAN.

EX. ORD. NO. 12933. NONDISPLACEMENT OF QUALIFIED WORKERS UNDER CERTAIN CONTRACTS

Ex. Ord. No. 12933, Oct. 20, 1994, 59 F.R. 53559, provided:

When a service contract for the maintenance of a public building expires and a follow-on contract is awarded for the same service, the successor contractor typically hires the majority of the predecessor's employees. On occasion, however, a follow-on contractor will hire a new work force, and the predecessor's employees are displaced.

As a buyer and participant in the marketplace, the Government is concerned about hardships to individuals that may result from the operation of our procurement system.

Furthermore, the Government's procurement interests in economy and efficiency benefit from the fact that a carryover work force will minimize disruption to the delivery of services during any period of transition and provide the Government the benefits of an experienced and trained work force rather than one that may not be familiar with the Government facility.

Therefore, by the authority vested in me as President by the Constitution and the laws of the United States of America, including 40 U.S.C. 486(a), and in order to promote economy and efficiency, it is hereby ordered as follows:

SECTION 1. *Statement of Policy*. It is the policy of the Federal Government that solicitations and building service contracts for public buildings shall include a clause that requires the contractor under a contract that succeeds a contract for performance of similar services at the same public building to offer those employees (other than managerial or supervisory employees) under the predecessor contract whose employment will be terminated as a result of the award of the successor contract, a right of first refusal to employment under the contract in positions for which they are qualified. There shall be no employment openings under the contract until such right of first refusal has been provided. Nothing in this order shall be construed to permit a contractor to fail to comply with any provision of any other Executive order or laws of the United States.

SEC. 2. *Definitions*. (a) ''Public building'' means any Government-owned building, whether single or multitenant occupancy, its grounds, approaches, and appurtenances, which is generally suitable for office or storage space or both for the use of one or more Federal agencies or mixed ownership corporations, and shall include the following: (1) Federal office buildings; (2) customhouses; (3) courthouses; (4) border inspection facilities; (5) warehouses; (6) records centers; (7) appraiser stores; and (8) relocation facilities and similar Federal facilities; but shall not include any such buildings: (A) on the public domain (including that reserved for national forests and other purposes); (B) on properties of the United States in foreign countries; (C) on Native American and Native Eskimo properties held in trust by the United States; (D) on lands used in connection with Federal programs for agricultural, recreational, and conservation purposes, including research in connection therewith; (E) on or used in connection with river, harbor, flood control, reclamation, or power projects; or for chemical manufacturing or development projects; or for nuclear production, research, or development projects; (F) on or used in connection with housing and residential projects; (G) on properties of the United States Postal Service; (H) on military installations (including any fort, camp, post, naval training station, airfield, proving ground, military supply depot, military school, or any similar facility of the Department of Defense); (I) on installations of the National Aeronautic and Space Administration, except regular office buildings; and (J) on Department of Veterans Affairs installations used for hospital or domiciliary purposes.

(b) ''Building services contract'' means a contract for recurring services related to the maintenance of a public building, e.g., janitorial, window washing, food service, laundry, protective services, lawn and grounds care, and inspection, maintenance, and repair of fixed equipment such as elevators, air-conditioning, and heating systems.

SEC. 3. *Exclusions*. This order shall not apply to (a) contracts under the simplified acquisition threshold;

(b) contracts awarded pursuant to the Javits-Wagner-O'Day Act, 41 U.S.C. 46–48a; and any future enacted law creating an employment preference for some group of workers under building services contracts;

(c) guard, elevator operator, messenger, or custodial services provided to the Government under contracts with sheltered workshops employing the severely handicapped as outlined in the Edgar Amendment, section 505 of the Treasury, Postal Services and General Government Appropriations Act, 1995, Public Law 103–329 [40 U.S.C. 490c];

(d) agreements for vending facilities entered into under the preference provisions of the Randolph-Sheppard Act, 20 U.S.C. 107; or

(e) services where the contractor's employees perform work at the public building and at other locations under contracts not subject to this order (e.g., pest control or trash removal where the contractor's employees visit the site periodically and where the employees under the contract respond to service calls), provided that employees shall not be deployed in a manner that is designed to avoid the purposes of this order.

SEC. 4. *Contract Clause*. The following contract clause shall be included in solicitations and contracts for maintenance of public buildings that succeed contracts for performance of similar work at the same public building:

''NONDISPLACEMENT OF QUALIFIED WORKERS

[''](a) Consistent with the efficient performance of this contract, the contractor shall, except as otherwise provided herein, in good faith offer those employees (other than managerial and supervisory employees) under the predecessor contract whose employment will be terminated as a result of award of this contract or the expiration of the contract under which the employees were hired, a right of first refusal to employment under the contract in positions for which employees are qualified. The contractor shall determine the number of employees necessary for efficient performance of this contract and may elect to employ fewer employees than the predecessor contractor employed in connection with performance of the work. Except as provided in paragraph (b), there shall be no employment opening under the contract, and the contractor shall not offer employment under the contract, to any person prior to having complied fully with this obligation. The contractor shall make an express offer of employment to each employee as provided herein and shall state the time within which the employee must accept such offer, but in no case shall the period within which the employee must accept the offer of employment be less than 10 days.

[''](b) Notwithstanding the contractor's obligation under paragraph (a) above, the contractor (1) may em-

ploy on the contract any employee who has worked for the contractor for at least 3 months immediately preceding the commencement of this contract and who would otherwise face lay-off or discharge, and (2) is not required to offer a right of first refusal to any employee(s) of the predecessor contractor who are not service employees within the meaning of the McNamara-O'Hara Service Contract Act, 41 U.S.C. 357(b), and (3) is not required to offer a right of first refusal to any employee(s) of the predecessor contractor whom the contractor reasonably believes, based on the particular employee's past performance, has failed to perform suitably on the job.

[''](c) In accordance with Federal Acquisition Regulation 52.222–41(n), the contractor shall, not less than 60 days before completion of this contract, furnish the Contracting Officer a certified list of the names of all service employees working at the Federal facility during the last month of contract performance. The list shall also contain anniversary dates of employment on the contract either with the current or predecessor contractors of each service employee. The Contracting Officer will provide the list to the successor contractor, and the list shall be provided on request to employees or their representatives.

[''](d) If it is determined, pursuant to regulations issued by the Secretary of Labor, that the contractor is not in compliance with the requirements of this clause or any regulation or order of the Secretary, appropriate sanctions may be imposed and remedies invoked against the contractor, as provided in Executive Order No. 12933, the regulations, and relevant orders of the Secretary of Labor, or as otherwise provided by law.''

SEC. 5. *Enforcement*. The Secretary of Labor is responsible for investigating and obtaining compliance with this Executive order. In such proceedings the Secretary shall have the authority to issue final orders prescribing appropriate sanctions and remedies, including, but not limited to, orders requiring employment and payment of wages lost. The Secretary also may provide that where a contractor has failed to comply with any order of the Secretary or has committed willful violations of this order or the regulations issued pursuant thereto, the contractor and its responsible officers, and any firm in which the contractor has a substantial interest, shall be ineligible to be awarded any contract or subcontract of the United States for a period of up to 3 years. This Executive order creates no rights under the Contract Disputes Act [41 U.S.C. 601 et seq.], and disputes regarding the requirement of the contract clause shall be disposed of only as provided by the Secretary of Labor in regulations issued under this Executive order. To the extent practicable, such regulations shall favor the resolution of disputes by efficient and informal alternative dispute resolution methods. The Secretary of Labor shall, in consultation with the Federal Acquisition Regulatory Council, issue regulations, within 180 days of the date of this order, to implement the requirements of this Executive order. The Federal Acquisition Regulatory Council shall issue, within 180 days of the date of this order, regulations in the Federal Acquisition Regulation to provide for inclusion of the contract clause in Federal solicitations and contracts subject to this Executive order.

SEC. 6. *Judicial Review*. Nothing in this order is intended to provide a constitutional or statutory interpretation of any kind and it is not intended, and should not be construed, to create any right or benefit, substantive or procedural, enforceable at law by a party against the United States, its agencies, its officers, or its employees. This order is not intended, however, to preclude judicial review of final decisions by the Secretary of Labor in accordance with the Administrative Procedure Act, 5 U.S.C. 701 *et seq*.

WILLIAM J. CLINTON.

EX. ORD. NO. 12954. ENSURING THE ECONOMICAL AND EFFICIENT ADMINISTRATION AND COMPLETION OF FEDERAL GOVERNMENT CONTRACTS

Ex. Ord. No. 12954, Mar. 8, 1995, 60 F.R. 13023, provided:

Efficient economic performance and productivity are directly related to the existence of cooperative working relationships between employers and employees. When Federal contractors become involved in prolonged labor disputes with their employees, the Federal Government's economy, efficiency, and cost of operations are adversely affected. In order to operate as effectively as possible, by receiving timely goods and quality services, the Federal Government must assist the entities with which it has contractual relations to develop stable relationships with their employees.

An important aspect of a stable collective bargaining relationship is the balance between allowing businesses to operate during a strike and preserving worker rights. This balance is disrupted when permanent replacement employees are hired. It has been found that strikes involving permanent replacement workers are longer in duration than other strikes. In addition, the use of permanent replacements can change a limited dispute into a broader, more contentious struggle, thereby exacerbating the problems that initially led to the strike. By permanently replacing its workers, an employer loses the accumulated knowledge, experience, skill, and expertise of its incumbent employees. These circumstances then adversely affect the businesses and entities, such as the Federal Government, which rely on that employer to provide high quality and reliable goods or services.

NOW, THEREFORE, to ensure the economical and efficient administration and completion of Federal Government contracts, and by the authority vested in me as President by the Constitution and the laws of the United States of America, including 40 U.S.C. 486(a) and 3 U.S.C. 301, it is hereby ordered as follows:

SECTION 1. It is the policy of the executive branch in procuring goods and services that, to ensure the economical and efficient administration and completion of Federal Government contracts, contracting agencies shall not contract with employers that permanently replace lawfully striking employees. All discretion under this Executive order shall be exercised consistent with this policy.

SEC. 2. (a) The Secretary of Labor (''Secretary'') may investigate an organizational unit of a Federal contractor to determine whether the unit has permanently replaced lawfully striking workers. Such investigation shall be conducted in accordance with procedures established by the Secretary.

(b) The Secretary shall receive and may investigate complaints by employees of any entity covered under section 2(a) of this order where such complaints allege lawfully striking employees have been permanently replaced.

(c) The Secretary may hold such hearings, public or private, as he or she deems advisable, to determine whether an entity covered under section 2(a) has permanently replaced lawfully striking employees.

SEC. 3. (a) When the Secretary determines that a contractor has permanently replaced lawfully striking employees, the Secretary may make a finding that it is appropriate to terminate the contract for convenience. The Secretary shall transmit that finding to the head of any department or agency that contracts with the contractor.

(b) The head of the contracting department or agency may object to the termination for convenience of a contract or contracts of a contractor determined to have permanently replaced legally striking employees. If the head of the agency so objects, he or she shall set forth the reasons for not terminating the contract or contracts in a response in writing to the Secretary. In such case, the termination for convenience shall not be issued. The head of the contracting agency or department shall report to the Secretary those contracts that have been terminated for convenience under this section.

SEC. 4. (a) When the Secretary determines that a contractor has permanently replaced lawfully striking employees, the Secretary may debar the contractor, thereby making the contractor ineligible to receive govern-

ment contracts. The Secretary shall notify the Administrator of the General Services Administration of the debarment, and the Administrator shall include the contractor on the consolidated list of debarred contractors. Departments and agencies shall not solicit offers from, award contracts to, or consent to subcontracts with these contractors unless the head of the agency or his or her designee determines, in writing, that there is a compelling reason for such action, in accordance with the Federal Acquisition Regulation.

(b) The scope of the debarment normally will be limited to those organizational units of a Federal contractor that the Secretary finds to have permanently replaced lawfully striking workers.

(c) The period of the debarment may not extend beyond the date when the labor dispute precipitating the permanent replacement of lawfully striking workers has been resolved, as determined by the Secretary.

SEC. 5. The Secretary shall publish or cause to be published, in the Federal Register, the names of contractors that have, in the judgement of the Secretary, permanently replaced lawfully striking employees and have been the subject of debarment.

SEC. 6. The Secretary shall be responsible for the administration and enforcement of this order. The Secretary, after consultation with the Secretary of Defense, the Administrator of the General Services, the Administrator of the National Aeronautics and Space Administration, and the Administrator of the Office of Federal Procurement Policy, may adopt such rules and regulations and issue such orders as may be deemed necessary and appropriate to achieve the purposes of this order.

SEC. 7. Each contracting department and agency shall cooperate with the Secretary and provide such information and assistance as the Secretary may require in the performance of the Secretary's functions under this order.

SEC. 8. The Secretary may delegate any function or duty of the Secretary under this order to any officer in the Department of Labor or to any other officer in the executive branch of the Government, with the consent of the head of the department or agency in which that officer serves.

SEC. 9. The Secretary of Defense, the Administrator of the General Services, and the Administrator of the National Aeronautics and Space Administration, after consultation with the Administrator of the Office of Federal Procurement Policy, shall take whatever action is appropriate to implement the provisions of this order and of any related rules, regulations, or orders of the Secretary issued pursuant to this order.

SEC. 10. This order is not intended, and should not be construed, to create any right or benefit, substantive or procedural, enforceable at law by a party against the United States, its agencies, its officers, or its employees. This order is not intended, however, to preclude judicial review of final agency decisions in accordance with the Administrative Procedure Act, 5 U.S.C. 701 *et seq.*

SEC. 11. The meaning of the term ''organizational unit of a Federal contractor'' as used in this order shall be defined in regulations that shall be issued by the Secretary of Labor, in consultation with affected agencies. This order shall apply only to contracts in excess of the Simplified Acquisition Threshold.

SEC. 12. (a) The provisions of section 3 of this order shall only apply to situations in which contractors have permanently replaced lawfully striking employees after the effective date of this order.

(b) This order is effective immediately.

WILLIAM J. CLINTON.

EX. ORD. NO. 12977. INTERAGENCY SECURITY COMMITTEE

Ex. Ord. No. 12977, Oct. 19, 1995, 60 F.R. 54411, provided:

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to enhance the quality and effectiveness of security in and protection of buildings and facilities in the United States occupied by Federal employees for nonmilitary activities (''Federal facilities''), and to provide a permanent body to address continuing government-wide security for Federal facilities, it is hereby ordered as follows:

SECTION 1. *Establishment*. There is hereby established within the executive branch the Interagency Security Committee (''Committee''). The Committee shall consist of: (a) the Administrator of General Services (''Administrator'');

(b) representatives from the following agencies, appointed by the agency heads:

(1) Department of State;
(2) Department of the Treasury;
(3) Department of Defense;
(4) Department of Justice;
(5) Department of the Interior;
(6) Department of Agriculture;
(7) Department of Commerce;
(8) Department of Labor;
(9) Department of Health and Human Services;
(10) Department of Housing and Urban Development;
(11) Department of Transportation;
(12) Department of Energy;
(13) Department of Education;
(14) Department of Veterans Affairs;
(15) Environmental Protection Agency;
(16) Central Intelligence Agency; and
(17) Office of Management and Budget;

(c) the following individuals or their designees:

(1) the Director, United States Marshals Service;
(2) the Assistant Commissioner of the Federal Protective Service of the Public Buildings Service, General Services Administration (''Assistant Commissioner'');
(3) the Assistant to the President for National Security Affairs; and
(4) the Director, Security Policy Board; and

(d) such other Federal employees as the President shall appoint.

SEC. 2. *Chair*. The Committee shall be chaired by the Administrator, or the designee of the Administrator.

SEC. 3. *Working Groups*. The Committee is authorized to establish interagency working groups to perform such tasks as may be directed by the Committee.

SEC. 4. *Consultation*. The Committee may consult with other parties, including the Administrative Office of the United States Courts, to perform its responsibilities under this order, and, at the discretion of the Committee, such other parties may participate in the working groups.

SEC. 5. *Duties and Responsibilities*. (a) The Committee shall: (1) establish policies for security in and protection of Federal facilities;

(2) develop and evaluate security standards for Federal facilities, develop a strategy for ensuring compliance with such standards, and oversee the implementation of appropriate security measures in Federal facilities; and

(3) take such actions as may be necessary to enhance the quality and effectiveness of security and protection of Federal facilities, including but not limited to:

(A) encouraging agencies with security responsibilities to share security-related intelligence in a timely and cooperative manner;

(B) assessing technology and information systems as a means of providing cost-effective improvements to security in Federal facilities;

(C) developing long-term construction standards for those locations with threat levels or missions that require blast resistant structures or other specialized security requirements;

(D) evaluating standards for the location of, and special security related to, day care centers in Federal facilities; and

(E) assisting the Administrator in developing and maintaining a centralized security data base of all Federal facilities.

SEC. 6. *Agency Support and Cooperation*. (a) *Administrative Support*. To the extent permitted by law and sub-

ject to the availability of appropriations, the Administrator, acting by and through the Assistant Commissioner, shall provide the Committee such administrative services, funds, facilities, staff and other support services as may be necessary for the performance of its functions under this order.

(b) *Cooperation*. Each executive agency and department shall cooperate and comply with the policies and recommendations of the Committee issued pursuant to this order, except where the Director of Central Intelligence determines that compliance would jeopardize intelligence sources and methods. To the extent permitted by law and subject to the availability of appropriations, executive agencies and departments shall provide such support as may be necessary to enable the Committee to perform its duties and responsibilities under this order.

(c) *Compliance*. The Administrator, acting by and through the Assistant Commissioner, shall be responsible for monitoring Federal agency compliance with the policies and recommendations of the Committee.

SEC. 7. *Judicial Review*. This order is intended only to improve the internal management of the Federal Government, and is not intended, and should not be construed, to create any right or benefit, substantive or procedural, enforceable at law by a party against the United States, its agencies, its officers, or its employees.

WILLIAM J. CLINTON.

CROSS REFERENCES

Accounting systems in executive agencies, duties of Comptroller General, and continuation of authority vested in him by subsection (b) of this section, see section 3512 of Title 31, Money and Finance.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 474, 475, 486a, 490, 757 of this title; title 10 sections 2381, 2572, 4681, 4682, 4684, 4686, 7541, 7541a, 7542, 7545, 9681, 9682, 9684, 9686; title 31 section 3511; title 41 sections 257, 421.

§ 486a. Retention and expenditure of portion of GSA rental payments by departments or agencies

For the fiscal year ending September 30, 1997, and thereafter, any department or agency to which the Administrator of General Services has delegated the authority to operate, maintain or repair any building or facility pursuant to section 486(d) of this title, shall retain that portion of the GSA rental payment available for operation, maintenance or repair of the building or facility, as determined by the Administrator, and expend such funds directly for the operation, maintenance or repair of the building or facility. Any funds retained under this section shall remain available until expended for such purposes.

(Pub. L. 104–208, div. A, title I, § 101(f) [title VI, § 611], Sept. 30, 1996, 110 Stat. 3009–314, 3009–355.)

CODIFICATION

Section was enacted as part of the Treasury, Postal Service, and General Government Appropriations Act, 1997, and also as part of the Omnibus Consolidated Appropriations Act, 1997, and not as part of the Federal Property and Administrative Services Act of 1949, part of which comprises this chapter.

SIMILAR PROVISIONS

Similar provisions were contained in the following prior appropriation acts:

Pub. L. 104–52, title VI, § 611, Nov. 19, 1995, 109 Stat. 499.

Pub. L. 103–329, title VI, § 611, Sept. 30, 1994, 108 Stat. 2418.

§ 487. Surveys of Government property and management practices

(a) Authorization for surveys, inventory levels, supply catalog system and standardized forms and procedures

As he may deem necessary for the effectuation of his functions under this subchapter, and after adequate advance notice to the executive agencies affected, and with due regard to the requirements of the Department of Defense as determined by the Secretary of Defense, the Administrator is authorized (1) to make surveys of Government property and property management practices and obtain reports thereon from executive agencies; (2) to cooperate with executive agencies in the establishment of reasonable inventory levels for property stocked by them and from time to time report any excessive stocking to the Congress and to the Director of the Office of Management and Budget; (3) to establish and maintain such uniform Federal supply catalog system as may be appropriate to identify and classify personal property under the control of Federal agencies: *Provided*, That the Administrator and the Secretary of Defense shall coordinate the cataloging activities of the General Services Administration and the Department of Defense so as to avoid unnecessary duplication; and (4) subject to regulations[1] promulgated by the Administrator for Federal Procurement Policy pursuant to the Office of Federal Procurement Policy Act [41 U.S.C. 401 et seq.], to prescribe standardized forms and procedures, except such as the Comptroller General is authorized by law to prescribe, and standard purchase specifications.

(b) Utilization by Federal agencies of supply catalog system and standardized forms and procedures

Each Federal agency shall utilize such uniformed Federal supply catalog system and standardized forms and procedures, and standard purchase specifications, except as the Administrator, taking into consideration efficiency, economy, and other interests of the Government, shall otherwise provide.

(c) Audit of property accounts by General Accounting Office

The General Accounting Office shall audit all types of property accounts and transactions at such times and in such manner as determined by the Comptroller General. Such audit shall be conducted as far as practicable at the place or places where the property or records of the executive agencies are kept and shall include but not necessarily be limited to an evaluation of the effectiveness of internal controls and audits and a general audit of the discharge of accountability for Government-owned or controlled property based upon generally accepted principles of auditing.

(June 30, 1949, ch. 288, title II, § 206, 63 Stat. 390; Aug. 10, 1949, ch. 412, § 12(a), (g), 63 Stat. 591; July 12, 1952, ch. 703, § 1(k), 66 Stat. 593; 1970 Reorg.

[1] See 1983 Amendment note below.

Plan No. 2, §102, eff. July 1, 1970, 35 F.R. 7959, 84 Stat. 2085; Pub. L. 93–400, §15(3), Aug. 30, 1974, 88 Stat. 800; Pub. L. 96–83, §10(a), Oct. 10, 1979, 93 Stat. 652; Pub. L. 98–191, §§8(d)(1), 9(a)(2), Dec. 1, 1983, 97 Stat. 1331.)

REFERENCES IN TEXT

The Office of Federal Procurement Policy Act, referred to in subsec. (a)(4), is Pub. L. 93–400, Aug. 30, 1974, 88 Stat. 796, as amended, which is classified principally to chapter 7 (§401 et seq.) of Title 41, Public Contracts. For complete classification of this Act to the Code, see Short Title note set out under section 401 of Title 41 and Tables.

CODIFICATION

In subsec. (a), ''Department of Defense'' substituted for ''National Military Establishment'' on authority of act Aug. 10, 1949, ch. 412, §12(a), (g), 63 Stat. 591.

Section was formerly classified to section 236 of Title 41, Public Contracts.

AMENDMENTS

1983—Subsec. (a)(4). Pub. L. 98–191 inserted ''and regulations'' after ''subject to policy directives'' and then substituted ''subject to regulations'' for ''subject to policy directives''. A literal execution of both amendments would have resulted in the phrase reading ''subject to regulations and regulations''.

1979—Subsec. (a)(4). Pub. L. 96–83 substituted ''policy directives'' for ''regulations''.

1974—Subsec. (a)(4). Pub. L. 93–400 substituted ''subject to regulations promulgated by the Administrator for Federal Procurement Policy pursuant to the Office of Federal Procurement Policy Act, to prescribe standardized'' for ''to prescribe standardized''.

1952—Subsec. (b). Act July 12, 1952, inserted ''and standardized forms and procedures'' after ''system''.

EFFECTIVE DATE OF 1979 AMENDMENT

Amendment by Pub. L. 96–83 effective Oct. 1, 1979, see section 12 of Pub. L. 96–83, set out as a note under section 401 of Title 41, Public Contracts.

TRANSFER OF FUNCTIONS

Functions vested by law (including reorganization plan) in Bureau of the Budget or Director of Bureau of the Budget transferred to President of the United States by section 101 of Reorg. Plan No. 2 of 1970, eff. July 1, 1970, 35 F.R. 7959, 84 Stat. 2085, set out in the Appendix to Title 5, Government Organization and Employees. Section 102 of Reorg. Plan No. 2 of 1970, redesignated Bureau of the Budget as Office of Management and Budget.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 474 of this title.

§488. Disposal of property

(a) Advice of Attorney General with respect to antitrust laws

Except as provided by subsection (c) of this section, no executive agency shall dispose of any plant, plants, or other property to any private interest until such agency has received the advice of the Attorney General on the question whether such disposal would tend to create or maintain a situation inconsistent with the antitrust laws. Whenever any such disposal is contemplated by any executive agency, such agency shall transmit promptly to the Attorney General notice of such proposed disposal and the probable terms or conditions thereof. If such notice is given by any executive agency other than the General Services Administration, a copy of such notice shall be transmitted simultaneously to the Administrator. Within a reasonable time, in no event to exceed sixty days, after receipt of such notification, the Attorney General shall advise the Administrator and any other interested executive agency whether, so far as he can determine, the proposed disposition would tend to create or maintain a situation inconsistent with the antitrust laws.

(b) Request by Attorney General for information

Upon request made by the Attorney General, the Administrator or any other executive agency shall furnish or cause to be furnished to the Attorney General such information as the Administrator or such other executive agency may possess which the Attorney General determines to be appropriate or necessary to enable him to give the advice required by this section, or to determine whether any other disposition or proposed disposition of surplus property violates or would violate any of the antitrust laws.

(c) Applicability of provisions

This section shall not apply to the disposal of—

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

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

(d) Provisions held not to impair, amend, etc., antitrust laws

Nothing contained in this Act shall impair, amend, or modify any of the antitrust laws or limit or prevent the application of any such law to any person who acquires in any manner any property under the provisions of this Act.

As used in this section, the term ''antitrust laws'' includes the Act of July 2, 1890 (ch. 647, 26 Stat. 209), as amended; the Act of October 15, 1914 (ch. 323, 38 Stat. 730), as amended; the Federal Trade Commission Act (38 Stat. 717), as amended [15 U.S.C. 41 et seq.]; and sections 73 and 74 of the Act of August 27, 1894 (28 Stat. 570), as amended.

(June 30, 1949, ch. 288, title II, §207, 63 Stat. 391; Pub. L. 85–680, Aug. 19, 1958, 72 Stat. 631; Pub. L. 100–612, §7, Nov. 5, 1988, 102 Stat. 3182.)

REFERENCES IN TEXT

This Act, referred to in subsec. (d), is act June 30, 1949, ch. 288, 63 Stat. 377, as amended, known as the Federal Property and Administrative Services Act of 1949. For complete classification of this Act to the Code, see Short Title note set out under section 471 of this title and Tables.

Act of July 2, 1890, as amended, referred to in subsec. (d), is act July 2, 1890, ch. 647, 26 Stat. 209, as amended, known as the Sherman Act, which is classified to sections 1 to 7 of Title 15, Commerce and Trade. For complete classification of this Act to the Code, see Short Title note set out under section 1 of Title 15 and Tables.

Act of October 15, 1914, as amended, referred to in subsec. (d), is act Oct. 15, 1914, ch. 323, 38 Stat. 730, as amended, known as the Clayton Act, which is classified generally to sections 12, 13, 14 to 19, 20, 21, 22 to 27 of Title 15 and sections 52 and 53 of Title 29, Labor. For further details and complete classification of this Act to the Code, see note set out under section 12 of Title 15 and Tables.

The Federal Trade Commission Act, referred to in subsec. (d), is act Sept. 26, 1914, ch. 311, 38 Stat. 717, as

amended, which is classified generally to subchapter I (§ 41 et seq.) of chapter 2 of Title 15. For complete classification of this Act to the Code, see section 58 of Title 15 and Tables.

Sections 73 and 74 of the Act of August 27, 1894, referred to in subsec. (d), are classified to sections 8 and 9 of Title 15.

CODIFICATION

Section was formerly classified to section 237 of Title 41, Public Contracts.

AMENDMENTS

1988—Subsec. (c). Pub. L. 100–612 amended subsec. (c) generally. Prior to amendment, subsec. (c) read as follows: ''This section shall not apply to the disposal of—

''(1) real property if the aggregate amount of the original acquisition cost of such property to the Government and all capital expenditures made by the Government with respect thereto is less than $1,000,000; or

''(2) personal property (other than a patent, process, technique, or invention) with an acquisition cost of less than $3,000,000.''

1958—Pub. L. 85–680 subdivided section into subsections (a) to (d), retaining former last sentence defining ''antitrust laws'' as a separate paragraph at end, and amended provisions to increase exemptions of proposed disposals of surplus property from referral to the Attorney General for his advice as to whether or not such disposals would be inconsistent with the antitrust laws, to modify and improve procedure for such referrals to the Attorney General by the disposal agencies and to provide for notification of the General Services Administration by other agencies making disposals.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 781 of this title; title 42 sections 2201, 5919.

§ 489. Civil remedies and penalties

(a) Immunity of officers or employees of Government

Where any property is transferred or disposed of in accordance with this Act and any regulations prescribed hereunder, no officer or employee of the Government shall (1) be liable with respect to such transfer or disposition except for his own fraud, or (2) be accountable for the collection of any purchase price for such property which is determined to be uncollectible by the Federal agency responsible therefor.

(b) Fraudulent tricks, schemes, or devices

Every person who shall use or engage in, or cause to be used or engaged in, or enter into an agreement, combination, or conspiracy to use or engage in or to cause to be used or engaged in, any fraudulent trick, scheme, or device, for the purpose of securing or obtaining, or aiding to secure or obtain, for any person any payment, property, or other benefits from the United States or any Federal agency in connection with the procurement, transfer or disposition of property hereunder—

(1) shall pay to the United States the sum of $2,000 for each such act, and double the amount of any damage which the United States may have sustained by reason thereof, together with the cost of suit; or

(2) shall, if the United States shall so elect, pay to the United States, as liquidated damages, a sum equal to twice the consideration agreed to be given by the United States or any Federal agency to such person or by such person to the United States or any Federal agency, as the case may be; or

(3) shall, if the United States shall so elect, restore to the United States the money or property thus secured and obtained and the United States shall retain as liquidated damages any property, money, or other consideration given to the United States or any Federal agency for such money or property, as the case may be.

(c) Jurisdiction and venue

The several district courts of the United States and the several district courts of the Territories and possessions of the United States, within whose jurisdictional limits the person, or persons, doing or committing such act, or any one of them, resides or shall be found, shall wheresoever such act may have been done or committed, have full power and jurisdiction to hear, try, and determine such suit, and such person or persons as are not inhabitants of or found within the district in which suit is brought may be brought in by order of the court to be served personally or by publication or in such other reasonable manner as the court may direct.

(d) Additional remedies

The civil remedies provided in this section shall be in addition to all other criminal penalties and civil remedies provided by law.

(June 30, 1949, ch. 288, title II, § 209, 63 Stat. 392.)

REFERENCES IN TEXT

This Act, referred to in subsec. (a), is act June 30, 1949, ch. 288, 63 Stat. 378, as amended, known as the Federal Property and Administrative Services Act of 1949. Provisions of that Act relating to management and disposal of government property are classified to this chapter. For complete classification of that Act to the Code, see Short Title note set out under section 471 of this title and Tables.

CODIFICATION

As originally enacted, subsec. (c) contained a reference to ''the District Court of the United States for the District of Columbia'' following ''the several district courts of the United States''. The words ''the District Court of the United States for the District of Columbia'' have been deleted entirely as superfluous in view of section 132(a) of Title 28, Judiciary and Judicial Procedure, which states that ''There shall be in each judicial district a district court which shall be a court of record known as the United States District Court for the district'' and section 88 of the Title 28 which states that ''the District of Columbia constitutes one judicial district''.

Section was formerly classified to section 239 of Title 41, Public Contracts.

§ 490. Operation of buildings and related activities by Administrator

(a) General duties

Whenever and to the extent that the Administrator has been or hereafter may be authorized by any provision of law other than this subsection to maintain, operate, and protect any building, property, or grounds situated in or outside the District of Columbia, including the construction, repair, preservation, demolition, furnishing, and equipment thereof, he is authorized in the discharge of the duties so conferred upon him—

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

(2) to furnish arms and ammunition for the protection force maintained by the General Services Administration;

(3) to pay ground rent for buildings owned by the United States or occupied by Federal agencies, and to pay such rent in advance when required by law or when the Administrator shall determine such action to be in the public interest;

(4) to employ and pay personnel employed in connection with the functions of operation, maintenance, and protection of property at such per diem rates as may be approved by the Administrator, not exceeding rates currently paid by private industry for similar services in the place where such services are performed;

(5) without regard to the provisions of section 278a[1] of this title, to pay rental, and to make repairs, alterations, and improvements under the terms of any lease entered into by, or transferred to, the General Services Administration for the housing of any Federal agency which on June 30, 1950, was specifically exempted by law from the requirements of said section;

(6) to obtain payments, through advances or otherwise, for services, space, quarters, maintenance, repair, or other facilities furnished, on a reimbursable basis, to any other Federal agency, or any mixed-ownership corporation (as defined in chapter 91 of title 31), or the District of Columbia, and to credit such payments to the applicable appropriation of the General Services Administration;

(7) to make changes in, maintain, and repair the pneumatic tube system connecting buildings owned by the United States or occupied by Federal agencies in New York City installed under franchise of the city of New York, approved June 29, 1909, and June 11, 1928, and to make payments of any obligations arising thereunder in accordance with the provisions of the Acts approved August 5, 1909 (36 Stat. 120), and May 15, 1928 (45 Stat. 533);

(8) to repair, alter, and improve rented premises, without regard to the 25 per centum limitation of section 278a[1] of this title, upon a determination by the Administrator that by reason of circumstances set forth in such determination the execution of such work, without reference to such limitation, is advantageous to the Government in terms of economy, efficiency, or national security: *Provided*, That such determination shall show that the total cost (rentals, repairs, alterations, and improvements) to the Government for the expected life of the lease shall be less than the cost of alternative space which needs no such repairs, alterations, or improvements;

(9) to pay sums in lieu of taxes on real property declared surplus by Government corporations, pursuant to the Surplus Property Act of 1944, where legal title to such property remains in any such Government corporation;

(10) to furnish utilities and other services where such utilities and other services are not provided from other sources to persons, firms, or corporations occupying or utilizing plants or portions of plants which constitute (A) a part of the National Industrial Reserve pursuant to the National Industrial Reserve Act of 1948 [50 U.S.C. 451 et seq.], or (B) surplus real property, and to credit the amounts received therefrom to the applicable appropriation of the General Services Administration;

(11) at the direction of the Secretary of Defense, to use proceeds received from insurance against damage to properties of the National Industrial Reserve for repair or restoration of the damaged properties;

(12) to acquire, by purchase, condemnation, or otherwise, real estate and interests therein;

(13) to enter into leases of Federal buildings sites and additions to sites, including improvements thereon, until they are needed for construction purposes, at their fair rental value and upon such other terms and conditions as the Administrator deems in the public interest pursuant to the provisions of section 484(e) of this title. Such leases may be negotiated without public advertising for bids if the lessee is the former owner from whom the property was acquired by the United States or his tenant in possession, and the lease is negotiated incident to or in connection with the acquisition of the property. Rentals received under leases executed pursuant to this paragraph may be deposited into the Buildings Management Fund established by subsection (f) of this section;

(14) to enter into contracts for periods not exceeding five years for the inspection, maintenance, and repair of fixed equipment in such buildings which are federally owned;

(15) to render direct assistance to and perform special services for the Inaugural Committee (as defined in section 721 of title 36) during an inaugural period in connection with Presidential inaugural operations and functions, including employment of personal services without regard to the civil service and classification laws; provide Government-owned and leased space for personnel and parking; pay overtime to guard and custodial forces; erect and remove stands and platforms; provide and operate first-aid stations; provide furniture and equipment; and provide other incidental services in the discretion of the Administrator;

(16) to enter into leases of space on major pedestrian access levels and courtyards and rooftops of any public building with persons, firms, or organizations engaged in commercial, cultural, educational, or recreational activities (as defined in section 612a of this title). The Administrator shall establish a rental rate for such leased space equivalent to the prevailing commercial rate for comparable space devoted to a similar purpose in the vicinity of the public building. Such leases may be negotiated without competitive bids, but shall contain such terms and conditions and be negotiated pursuant to such procedures as the Administrator deems necessary to promote competition and to protect the public interest;

(17) to make available, on occasion, or to lease at such rates and on such other terms

[1] See References in Text note below.

and conditions as the Administrator deems to be in the public interest, auditoriums, meeting rooms, courtyards, rooftops, and lobbies of public buildings to persons, firms, or organizations engaged in cultural, educational, or recreational activities (as defined in section 612a of this title) that will not disrupt the operation of the building;

(18) to deposit into the fund established by subsection (f) of this section all sums received under leases or rentals executed pursuant to paragraphs (16) and (17) of this subsection, and each sum shall be credited to the appropriation made for such fund applicable to the operation of such building; and

(19) to furnish utilities, maintenance, repair, and other services to persons, firms, or organizations leasing space pursuant to paragraphs (16) and (17) of this subsection. Such services may be provided during and outside of regular working hours of Federal agencies.

(b) Buildings owned by United States

At the request of any Federal agency or any mixed-ownership corporation (as defined in chapter 91 of title 31), or the District of Columbia, the Administrator is authorized to operate, maintain, and protect any building owned by the United States (or, in the case of any wholly owned or mixed-ownership Government corporation, by such corporation) and occupied by the agency or instrumentality making such request.

(c) Acquisition of land; surveys; construction services

At the request of any Federal agency or any mixed-ownership corporation (as defined in chapter 91 of title 31), or the District of Columbia, the Administrator is authorized (1) to acquire land for buildings and projects authorized by the Congress; (2) to make or cause to be made, under contract or otherwise, surveys and test borings and to prepare plans and specifications for such buildings and projects prior to the approval by the Attorney General of the title to the sites thereof; and (3) to contract for, and to supervise, the construction and development and the equipping of such buildings or projects. Any sum available to any such Federal agency or instrumentality for any such building or project may be transferred by such agency to the General Services Administration in advance for such purposes as the Administrator shall determine to be necessary, including the payment of salaries and expenses of personnel engaged in the preparation of plans and specifications or in field supervision, and for general office expenses to be incurred in the rendition of any such service.

(d) Transfer of functions

Whenever the Director of the Office of Management and Budget shall determine such action to be in the interest of economy or efficiency, he shall transfer to the Administrator all functions then vested in any other Federal agency with respect to the operation, maintenance, and custody of any office building owned by the United States or any wholly owned Government corporation, or any office building or part thereof occupied by any Federal agency under any lease, except that no transfer shall be made under this subsection—

(1) of any post-office building unless the Director shall first determine that such building is not used predominantly for post-office purposes, and functions which are transferred hereunder to the Administrator with respect to any post-office building may be delegated by him only to another officer or employee of the General Services Administration or to the Postmaster General;

(2) of any building located in any foreign country;

(3) of any building located on the grounds of any fort, camp, post, arsenal, navy yard, naval training station, airfield, proving ground, military supply depot, or school, or of any similar facility of the Department of Defense, unless and to such extent as a permit for its use by another agency or agencies shall have been issued by the Secretary of Defense or his duly authorized representative;

(4) of any building which the Director of the Office of Management and Budget finds to be a part of a group of buildings which are (A) located in the same vicinity, (B) utilized wholly or predominantly for the special purposes of the agency having custody thereof, and (C) not generally suitable for the use of other agencies; or

(5) of the Treasury Building, the Bureau of Engraving and Printing Building, the buildings occupied by the National Institute of Standards and Technology, and the buildings under the jurisdiction of the regents of the Smithsonian Institution.

(e) Assignment and reassignment of space

Notwithstanding any other provision of law, the Administrator is authorized, in accordance with policies and directives prescribed by the President under section 486(a) of this title and after consultation with the heads of the executive agencies affected, to assign and reassign space of all executive agencies in Government-owned and leased buildings in and outside the District of Columbia upon a determination by the Administrator that such assignment or reassignment is advantageous to the Government in terms of economy, efficiency, or national security. The Administrator shall, where practicable, give priority in the assignment of space on any major pedestrian access level not leased under the terms of subsection (a)(16) or (a)(17) of this section in such buildings to Federal activities requiring regular contact with members of the public. To the extent such space is unavailable, the Administrator shall provide space with maximum ease of access to building entrances.

(f) Fund for real property management and related activities; establishment; deposit of revenues and collections; merger of unexpended balances; assumption of liabilities, obligations, and commitments; appropriation of advances; special services

(1) There is hereby established in the Treasury of the United States on such date as may be determined by the Administrator, a fund (to be known as the Federal Buildings Fund) into which there shall be deposited the following revenues and collections:

(A) User charges made pursuant to subsection (j) of this section payable in advance or otherwise.

(B) Proceeds with respect to building sites authorized to be leased pursuant to subsection (a) of this section.

(C) Receipts from carriers and others for loss of, or damage to, property belonging to the fund.

(2) Moneys deposited into the fund shall be available for expenditure for real property management and related activities in such amounts as are specified in annual appropriations Acts without regard to fiscal year limitations.

(3) There are hereby merged with the fund established under this subsection, unexpended balances of (A) the Buildings Management Fund (including any surplus therein), established pursuant to this subsection prior to its amendment by the Public Buildings Amendments of 1972; (B) the Construction Services Fund, created by section 296 of this title; and (C) any funds appropriated to General Services Administration under the headings ''Repair and Improvement of Public Buildings'', ''Construction, Public Buildings Projects'', ''Sites and Expenses, Public Buildings Projects'', ''Construction, Federal Office Building Numbered 7, Washington, District of Columbia'', and ''Additional Court Facilities'', in any appropriation Act, for the years prior to the fiscal year in which the fund becomes operational. The fund shall assume all the liabilities, obligations, and commitments of the said (1) Buildings Management Fund, (2) Construction Services Fund, and (3) the appropriations specified in (C) hereof.

(4) There is authorized to be appropriated to the fund for the fiscal year in which the fund becomes operational, and for the succeeding fiscal year, such advances to the fund as may be necessary to carry out its purposes. Such advances shall be repaid within 30 years, with interest at a rate not less than a rate determined by the Secretary of the Treasury taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining period to maturity comparable to the average maturities of such advances adjusted to the nearest one-eighth of 1 per centum.

(5) In any fiscal year there may be deposited to miscellaneous receipts in the Treasury of the United States such amount as may be specified in appropriation Acts.

(6) Nothing in this section shall preclude the Administrator from providing special services not included in the standard level user charge on a reimbursable basis and such reimbursements may be credited to the fund established under this subsection.

(7)(A) The Administrator is authorized to receive amounts from rebates or other cash incentives related to energy savings and shall deposit such amounts in the Federal Buildings Fund for use as provided in subparagraph (D).

(B) The Administrator may accept, from a utility, goods or services which enhance the energy efficiency of Federal facilities.

(C) In the administration of any real property for which the Administrator leases and pays utility costs, the Administrator may assign all or a portion of energy rebates to the lessor to underwrite the costs incurred in undertaking energy efficiency improvements in such real property if the payback period for such improvement is at least 2 years less than the remainder of the term of the lease.

(D) The Administrator may, in addition to amounts appropriated for such purposes and without regard to paragraph (2), obligate for energy management improvement programs—

(i) amounts received and deposited in the Federal Buildings Fund under subparagraph (A);

(ii) goods and services received under subparagraph (B); and

(iii) amounts the Administrator determines are not needed for other authorized projects and are otherwise available to implement energy efficiency programs.

(8)(A) The Administrator is authorized to receive amounts from the sale of recycled materials and shall deposit such amounts in the Federal Buildings Fund for use as provided in subparagraph (B).

(B) The Administrator may, in addition to amounts appropriated for such purposes and without regard to paragraph (2), obligate amounts received and deposited in the Federal Buildings Fund under subparagraph (A) for programs which—

(i) promote further source reduction and recycling programs; and

(ii) encourage employees to participate in recycling programs by providing funding for child care.

(g) Office furniture; movement and supply

Whenever an agency, or an organizational unit thereof, occupying a substantial and identifiable segment of space (building, floor, wing, and so forth) in a location controlled for purposes of assignment of space by the Administrator, is moved to such a substantial and identifiable segment of space in the same or another location so controlled by the Administrator, furniture and furnishings used by the moving agency or unit shall be moved only if the Administrator, after consultation with the head of the agency concerned, and with due regard for the program activities of such agency, shall determine that suitable replacements cannot more economically and efficiently be made available in the new space. In the absence of such determination, suitable furniture and furnishings for the new space shall be provided, as the Administrator shall determine to be more economical and efficient, (1) from stocks under the control of the moving agency or (2) from stocks available to the Administrator, but the same or similar items shall not be provided from both sources. When furniture and furnishings are provided for the new space from stocks available to the Administrator, the items so provided shall remain in the control of the Administrator, and the furniture and furnishings previously used by the moving agency or unit and not moved to the new space shall pass to the control of the Administrator without reimbursement. When furniture and furnishings not so moved are carried as assets of a revolving or working capital fund at the time they pass to the control of the Administrator, the net book value thereof shall be written off and the capital of the fund diminished by the amount of such write-off. When fur-

niture or furnishings which have been purchased from trust funds pass to the control of the Administrator pursuant to this subsection, reimbursement shall be made by the Administrator for the fair market value of such furniture and furnishings.

(h) Lease agreements for periods not exceeding twenty years

(1) The Administrator is authorized to enter into lease agreements with any person, copartnership, corporation, or other public or private entity, which do not bind the Government for periods in excess of twenty years for each such lease agreement, on such terms as he deems to be in the interest of the United States and necessary for the accommodation of Federal agencies in buildings and improvements which are in existence or to be erected by the lessor for such purposes and to assign and reassign space therein to Federal agencies.

(2) If the unexpired portion of any lease of space to the Government is determined by the Administrator to be surplus property and the property is thereafter disposed of by sublease by the Administrator, the Administrator is authorized, notwithstanding section 485(a) of this title, to deposit rental received in the buildings management fund (subsection (f) of this section) and defray from the fund any costs necessary to provide services to the Government's lessee and to pay the rent not otherwise provided for on the lease of the space to the Government.

(i) Installation, repair, and replacement of sidewalks

(1) Any executive agency is authorized to install, repair, and replace sidewalks around buildings, installations, properties, or grounds under the control of such agency and owned by the United States within the several States, the District of Columbia, the Commonwealth of Puerto Rico, and the possessions of the United States, by reimbursement to a State or political subdivision thereof, the District of Columbia, the Commonwealth of Puerto Rico, and a possession of the United States, or otherwise.

(2) Installation, repair, and replacement under this subsection shall be performed in accordance with regulations to be prescribed by the Administrator of General Services with the approval of the Director of the Office of Management and Budget.

(3) Funds appropriated to the agency for installation, repair, and maintenance, generally, shall be available for expenditure to accomplish the purposes of this subsection.

(4) Nothing contained herein shall increase or enlarge the tort liability of the United States for injuries to persons or damages to property beyond such liability presently existing by virtue of any other law.

(j) Charges for space and services furnished by Administrator; determination of rates; exemption from charges

The Administrator is authorized and directed to charge anyone furnished services, space, quarters, maintenance, repair, or other facilities (hereinafter referred to as space and services), at rates to be determined by the Administrator from time to time and provided for in regulations issued by him. Such rates and charges shall approximate commercial charges for comparable space and services, except that with respect to those buildings for which the Administrator of General Services is responsible for alterations only (as the term ''alter'' is defined in section 612(5) of this title), the rates charged the occupant for such services shall be fixed by the Administrator so as to recover only the approximate applicable cost incurred by him in providing such alterations. The Administrator may exempt anyone from the charges required by this subsection if he determines that such charges would be infeasible or impractical. To the extent any such exemption is granted, appropriations to the General Services Administration are authorized to reimburse the fund for any loss of revenue.

(k) Charges for space and services furnished by executive agencies; approval of rates by Administrator; credit to appropriation or fund

Any executive agency, other than the General Services Administration, which provides to anyone space and services set forth in subsection (j) of this section, is authorized to charge the occupant for such space and services at rates approved by the Administrator. Moneys derived by such executive agency from such rates or fees shall be credited to the appropriation or fund initially charged for providing the service, except that amounts which are in excess of actual operating and maintenance costs of providing the service shall be credited to miscellaneous receipts unless otherwise authorized by law.

***(l)* Flexiplace work telecommuting centers**

(1) The Administrator may establish, acquire space for, and equip flexiplace work telecommuting centers (in this subsection referred to as ''telecommuting centers'') for use by employees of Federal agencies, State and local governments, and the private sector in accordance with this subsection.

(2) The Administrator may make any telecommuting center available for use by individuals who are not Federal employees to the extent the center is not being fully utilized by Federal employees. The Administrator shall give Federal employees priority in using the telecommuting centers.

(3)(A) The Administrator shall charge user fees for the use of any telecommuting center. The amount of the user fee shall approximate commercial charges for comparable space and services except that in no instance shall such fee be less than that necessary to pay the cost of establishing and operating the center, including the reasonable cost of renovation and replacement of furniture, fixtures, and equipment.

(B) Amounts received by the Administrator after September 30, 1993, as user fees for use of any telecommuting center may be deposited into the Fund established under subsection (f) of this section and may be used by the Administrator to pay costs incurred in the establishment and operation of the center.

(4) The Administrator may provide guidance, assistance, and oversight to any person regarding establishment and operation of alternative workplace arrangements, such as telecommuting, hoteling, virtual offices, and other distributive work arrangements.

(5) In considering whether to acquire any space, quarters, buildings, or other facilities for use by employees of any executive agency, the head of that agency shall consider whether the need for the facilities can be met using alternative workplace arrangements referred to in paragraph (4).

(June 30, 1949, ch. 288, title II, §210, as added Sept. 5, 1950, ch. 849, §5(c), 64 Stat. 580; amended July 12, 1952, ch. 703, §1(*l*), 66 Stat. 594; Sept. 1, 1954, ch. 1211, §3, 68 Stat. 1129; Pub. L. 85–493, §1, July 2, 1958, 72 Stat. 294; Pub. L. 85–886, §§1, 3, Sept. 2, 1958, 72 Stat. 1709; Pub. L. 86–249, §12(e), formerly §12(d), Sept. 9, 1959, 73 Stat. 482, renumbered §12(e), Pub. L. 94–541, title I, §103(3), Oct. 18, 1976, 90 Stat. 2506; Pub. L. 89–276, Oct. 20, 1965, 79 Stat. 1010; Pub. L. 89–344, Nov. 8, 1965, 79 Stat. 1304; Pub. L. 90–626, Oct. 22, 1968, 82 Stat. 1319; 1970 Reorg. Plan No. 2, §102, eff. July 1, 1970, 35 F.R. 7959, 84 Stat. 2085; Pub. L. 92–313, §§3, 4, June 16, 1972, 86 Stat. 218, 219; Pub. L. 94–541, title I, §§103(3), 104, Oct. 18, 1976, 90 Stat. 2506; Pub. L. 100–418, title V, §5115(c), Aug. 23, 1988, 102 Stat. 1433; Pub. L. 102–486, title I, §153, Oct. 24, 1992, 106 Stat. 2851; Pub. L. 104–201, div. A, title VIII, §823, Sept. 23, 1996, 110 Stat. 2609; Pub. L. 104–208, div. A, title I, §101(f) [title IV, §407(a)], Sept. 30, 1996, 110 Stat. 3009–314, 3009–337; Pub. L. 104–316, title I, §120(b), Oct. 19, 1996, 110 Stat. 3836.)

REFERENCES IN TEXT

Section 278a of this title, referred to in subsec. (a)(5), (8), was repealed by Pub. L. 100–678, §7, Nov. 17, 1988, 102 Stat. 4052.

The Act approved August 5, 1909, referred to in subsec. (a)(7), is act Aug. 5, 1909, ch. 7, 36 Stat. 118, which is not classified to the Code.

The Act approved May 15, 1928, referred to in subsec. (a)(7), is act May 15, 1928, ch. 567, 45 Stat. 533, which is not classified to the Code.

For classification and history of the Surplus Property Act of 1944, referred to in subsec. (a)(9), see References in Text note set out under section 473 of this title.

The National Industrial Reserve Act of 1948, referred to in subsec. (a)(10), is act July 2, 1948, ch. 811, 62 Stat. 1225, as amended, known as the Defense Industrial Reserve Act, which is classified generally to chapter 16 (§451 et seq.) of Title 50, War and National Defense. The text of sections 451 to 453 of Title 50 was transferred to section 2535 of Title 10, Armed Forces, by Pub. L. 102–484, div. D, title XLII, §4235, Oct. 23, 1992, 106 Stat. 2690. For complete classification of this Act to the Code, see Short Title note set out under section 451 of Title 50 and Tables.

The civil service laws, referred to in subsec. (a)(15), are set forth in Title 5, Government Organization and Employees. See, particularly, section 3301 et seq. of Title 5.

The classification laws, referred to in subsec. (a)(15), are classified generally to chapter 51 (§5101 et seq.) and to subchapter III (§5331 et seq.) of chapter 53 of Title 5.

Prior to its amendment by the Public Buildings Amendments of 1972, referred to in subsec. (f)(3), means prior to the amendment of this subsection by Pub. L. 92–313, which was approved June 16, 1972. For complete classification of such Act in this Code, see Short Title note set out under section 601 of this title and Tables.

CODIFICATION

In subsecs. (a)(6), (b), and (c), ''chapter 91 of title 31'' substituted for ''the Government Corporation Control Act [31 U.S.C. 841 et seq.]'' 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.

Section was formerly classified to section 239a of Title 41, Public Contracts.

AMENDMENTS

1996—Subsec. (a)(8). Pub. L. 104–316 struck out ''. A copy of every such determination so made shall be furnished to the General Accounting Office'' before semicolon at end.

Subsec. (a)(14). Pub. L. 104–201 substituted ''five years'' for ''three years''.

Subsec. (*l*). Pub. L. 104–208 added subsec. (*l*).

1992—Subsec. (f)(1). Pub. L. 102–486, §153(1), inserted ''(to be known as the Federal Buildings Fund)'' after ''a fund''.

Subsec. (f)(7), (8). Pub. L. 102–486, §153(2), added pars. (7) and (8).

1988—Subsec. (d)(5). Pub. L. 100–418 substituted ''National Institute of Standards and Technology'' for ''National Bureau of Standards''.

1976—Subsec. (a)(16) to (19). Pub. L. 94–541, §104(a), added pars. (16) to (19).

Subsec. (e). Pub. L. 94–541, §104(b), inserted provision requiring Administrator, where practicable, to give priority in assignment of space on any major pedestrian access level not leased under terms of subsec. (a)(16) or (17) of this section in Government-owned and leased buildings to Federal activities requiring regular contact with members of the public, and where such space is unavailable, to provide space with maximum ease of access to building entrances.

1972—Subsec. (f). Pub. L. 92–313, §3, substituted provisions relating to establishment of a real property management financing fund in Treasury of the United States and to capitalization and management of such fund, for provisions relating to establishment of a Building Management Fund by Secretary of the Treasury and uses of such Fund, accounting procedures applicable to such Fund, amounts appropriated to such Fund, and credits available to such Fund.

Subsecs. (j), (k). Pub. L. 92–313, §4, added subsecs. (j) and (k).

1968—Subsec. (a)(15). Pub. L. 90–626 added par. (15).

1965—Subsec. (a)(14). Pub. L. 89–276 added par. (14).

Subsec. (i). Pub. L. 89–344 added subsec. (i).

1959—Subsec. (h)(1). Pub. L. 86–249 substituted ''twenty years'' for ''ten years''.

1958—Subsec. (a)(13). Pub. L. 85–886, §1, added par. (13).

Subsec. (f). Pub. L. 85–886, §3, inserted, in first sentence, '', including demolition and improvement with respect to Federal building sites authorized to be leased pursuant to subsection (a) of this section,'' and substituted, in third proviso, ''shall not be credited'' for ''shall not be available for expenses of carrying out the provisions of the act of June 24, 1948 (62 Stat. 644), or section 345 of this title, and shall not be credited with receipts from operations under said provisions of law, or''.

Subsec. (h). Pub. L. 85–493 added subsec. (h).

1954—Subsec. (g). Act Sept. 1, 1954, added subsec. (g).

1952—Subsec. (f). Act July 12, 1952, added subsec. (f).

EFFECTIVE DATE OF 1972 AMENDMENT

Amendment by Pub. L. 92–313 effective June 16, 1972, and effective date of applying rates to be charged pursuant to regulations issued under subsecs. (j) and (k) of this section as determined by Administrator but not later than the beginning of the third full fiscal year subsequent to June 16, 1972, see section 11 of Pub. L. 92–313, set out as a note under section 603 of this title.

TRANSFER OF FUNCTIONS

Functions vested by law (including reorganization plan) in Bureau of the Budget or Director of Bureau of the Budget transferred to President of the United States by section 101 of Reorg. Plan No. 2 of 1970, eff. July 1, 1970, 35 F.R. 7959, 84 Stat. 2085, set out in the Appendix to Title 5, Government Organization and Employees. Section 102 of Reorg. Plan No. 2 of 1970, redes-

ignated Bureau of the Budget as Office of Management and Budget.

DELEGATION OF FUNCTIONS

Authority of Administrator of General Services under subsec. (i) of this section to prescribe regulations relating to the installation, repair, and replacement of sidewalks delegated to Administrator of General Services, see section 1(20) of Ex. Ord. No. 11609, July 22, 1971, 36 F.R. 13747, set out as a note under section 301 of Title 3, The President.

PROHIBITION ON USE OF APPROPRIATED FUNDS FOR PURCHASE OF ELECTRICITY IN MANNER INCONSISTENT WITH STATE LAW

Pub. L. 100–202, § 101(b) [title VIII, § 8093], Dec. 22, 1987, 101 Stat. 1329–43, 1329–79, provided that: ''None of the funds appropriated or made available by this or any other Act with respect to any fiscal year may be used by any Department, agency, or instrumentality of the United States to purchase electricity in a manner inconsistent with State law governing the provision of electric utility service, including State utility commission rulings and electric utility franchises or service territories established pursuant to State statute, State regulation, or State-approved territorial agreements: *Provided*, That nothing in this section shall preclude the head of a Federal agency from entering into a contract pursuant to 42 U.S.C. 8287; nor shall it preclude the Secretary of a military department from entering into a contract pursuant to 10 U.S.C. 2394 or from purchasing electricity from any provider when the utility or utilities having applicable State-approved franchise or other service authorizations are found by the Secretary to be unwilling or unable to meet unusual standards for service reliability that are necessary for purposes of national defense.''

LEASE AND ASSIGNMENT OF SPACE; MANAGEMENT

All functions with respect to acquiring space in buildings by lease, all functions with respect to assigning and reassigning space in buildings for use by agencies (including both space acquired by lease and space in Government-owned buildings), and all functions with respect to the operation, maintenance, and custody of office buildings owned by the Government and of office buildings or parts thereof acquired by lease, including those post-office buildings which, as determined by the Director of the Bureau of the Budget, are not used predominantly for post-office purposes, were, with certain exceptions, transferred from the respective agencies in which theretofore vested to the Administrator of General Services by sections 1 and 2 of Reorg. Plan No. 18 of 1950, eff. July 1, 1950, 15 F.R. 3177, 64 Stat. 1270, set out below. For delegation of those transferred functions to other personnel of the General Services Administration, or to the heads and personnel of other agencies, and for transfer of personnel, property, records, and funds, see sections 3 and 4 of that Plan.

ISSUANCE OF REGULATIONS PURSUANT TO PUBLIC BUILDINGS AMENDMENTS OF 1972; APPROVAL OF RATES FOR SPACE AND SERVICES FURNISHED

Administrator to issue and coordinate regulations with Office of Management and Budget and Director of such Office to approve rates for space and services furnished, see section 7 of Pub. L. 92–313, set out as a note under section 603 of this title.

REORGANIZATION PLAN NO. 18 OF 1950

Eff. July 1, 1950, 15 F.R. 3177, 64 Stat. 1270

Prepared by the President and transmitted to the Senate and the House of Representatives in Congress assembled, March 13, 1950, pursuant to the provisions of the Reorganization Act of 1949, approved June 20, 1949 [see 5 U.S.C. 901 et seq.].

BUILDING AND SPACE MANAGEMENT FUNCTIONS

SECTION 1. TRANSFER OF SPACE ASSIGNMENT AND LEASING FUNCTIONS

All functions with respect to acquiring space in buildings by lease, and all functions with respect to assigning and reassigning space in buildings for use by agencies (including both space acquired by lease and space in Government-owned buildings), are hereby transferred from the respective agencies in which such functions are now vested to the Administrator of General Services, exclusive, however, of all such functions with respect to—

(a) space in buildings located in any foreign country;

(b) space in buildings which are located on the grounds of any fort, camp, post, arsenal, Navy yard, naval training station, air-field, proving ground, military supply depot, or school, or of any similar facility, of the Department of Defense, unless and to such extent as a permit for its use shall have been issued by the Secretary of Defense or his duly authorized representative;

(c) space occupied by the Post Office Department in post-office buildings and space acquired by lease for post-office purposes; and

(d) space in other Government-owned buildings which the Administrator of General Services finds are wholly or predominantly utilized for the special purposes of the agency having the custody thereof and are not generally suitable for the use of other agencies (including but not limited to hospitals, housing, laboratories, mints, manufacturing plants, and penal institutions), and space acquired by lease for any such purpose:

Provided, That the space needs of the Post Office Department shall be given priority in the assignment and reassignment of space in post office buildings.

SEC. 2. TRANSFER OF OFFICE BUILDING MANAGEMENT FUNCTIONS

All functions with respect to the operation, maintenance, and custody of office buildings owned by the Government and of office buildings or parts thereof acquired by lease, including those post-office buildings which, as determined by the Director of the Bureau of the Budget, are not used predominantly for post-office purposes, are hereby transferred from the respective agencies in which now vested to the Administrator of General Services, exclusive, however, of all such functions with respect to—

(a) any building located in any foreign country;

(b) any building located on the grounds of any fort, camp, post, arsenal, navy yard, naval training station, air field, proving ground, military supply depot, or school, or of any similar facility, of the Department of Defense, unless and to such extent as a permit for its use by another agency or agencies shall have been issued by the Secretary of Defense or his duly authorized representative;

(c) any building which the Administrator of General Services finds to be a part of a group of buildings which are (1) located in the same vicinity, (2) are utilized wholly or predominantly for the special purposes of the agency having custody thereof, and (3) are not generally suitable for the use of other agencies; and

(d) the Treasury Building, the Bureau of Engraving and Printing Building, the buildings occupied by the National Bureau of Standards, and the buildings under the jurisdiction of the regents of the Smithsonian Institution.

[References to National Bureau of Standards deemed to refer to National Institute of Standards and Technology pursuant to section 5115(c) of Pub. L. 100–418, set out as a Change of Name note under 15 U.S.C. 271.]

SEC. 3. PERFORMANCE OF TRANSFERRED FUNCTIONS

(a) The Administrator of General Services may from time to time make such provisions as he shall deem appropriate authorizing the performance by any other officer, or by any agency or employee, of the General

Services Administration of any function transferred to such Administrator by the provisions of this reorganization plan.

(b) When authorized by the Administrator of General Services, any function transferred to him by the provisions of this reorganization plan may be performed by the head of any agency of the executive branch of the Government or, subject to the direction and control of any such agency head, by such officers, employees, and organizational units under the jurisdiction of such agency head as such agency head may designate: *Provided*, That functions with respect to post-office buildings shall not be delegated under the authority of this subsection to the head of any agency other than the Postmaster General.

(c) The Administrator of General Services shall prescribe such regulations as he deems desirable for the economical and effective performance of the functions transferred by the provisions of this reorganization plan.

SEC. 4. TRANSFER OF PERSONNEL, PROPERTY, RECORDS, AND FUNDS

There shall be transferred from time to time, between the agencies concerned and for use in connection with the functions transferred by the provisions of this reorganization plan, so much of the personnel, property, records, and unexpended balances (available or to be made available) of appropriations, allocations, and other funds, relating to such functions, as may be necessary for the performance of said functions. Such further measures and dispositions as the Director of the Bureau of the Budget shall determine to be necessary in order to effectuate the transfers provided for in this section shall be carried out in such manner as the Director shall direct and by such agencies as he shall designate.

SEC. 5. EFFECTIVE DATE

The provisions of this reorganization plan shall take effect on the 1st day of July 1950.

[The Post Office Department has been redesignated the United States Postal Service pursuant to Pub. L. 91–375, §6(*o*), Aug. 12, 1970, 84 Stat. 783, set out as a note preceding section 101 of Title 39, Postal Service.]

MESSAGE OF THE PRESIDENT

To the Congress of the United States:

I transmit herewith Reorganization Plan No. 18 of 1950, prepared in accordance with the provisions of the Reorganization Act of 1949. The plan transfers to the Administrator of General Services the functions of the various Federal agencies with respect to leasing and assigning general-purpose space in buildings and the operation, maintenance, and custody of office buildings. Since such authority is already largely concentrated in the General Services Administration with respect to the District of Columbia, the plan principally relates to the administration of these functions in the field.

The transfers made by this plan will promote more economical leasing, better utilization of building space, and more efficient operation of Government-controlled office buildings. They will effectuate the recommendations of the Commission on Organization of the Executive Branch of the Government with respect to concentrating in the General Services Administration the responsibility for space allotment and the operation of Government buildings outside of the District of Columbia. Likewise, they will extend the principles laid down by the Congress in enacting the Federal Property and Administrative Services Act of 1949 to another important area of Government-wide administrative services—the administration of Government office buildings and general-purpose building space in the field.

Within the District of Columbia, one agency, the Public Buildings Service of the General Services Administration, has long had the operation and custody of most Government buildings and the leasing and assignment of space for executive agencies. Thus, nearly all requests for building space are handled by a single organization which is responsible for seeing that agencies are properly and efficiently housed. This arrangement has proved its worth and has repeatedly been approved by the Congress.

Outside of the National Capital, however, responsibility for the acquisition and control of building space and the operation of Government buildings is widely diffused. A variety of agencies operate and control general-purpose buildings. If quarters are not available in Federal buildings, each agency ordinarily does its own leasing. As a result, in some cases Federal agencies have contracted for space at high rentals at the very time that other agencies have been giving up surplus low-cost space.

The assignment of space in Government-owned buildings outside of Washington is also divided among a number of agencies. While the Public Buildings Service constructs a large part of the Government buildings, it operates and controls the assignment of space in only a small proportion of them. The Post Office Department operates and allocates the space in post-office buildings, several hundred of which contain substantial amounts of office space available for other agencies. During and immediately after the war several other Federal agencies acquired office buildings in the field. As their activities have contracted, surplus space in many of these structures has become available for other uses.

This plan concentrates in the General Services Administration the responsibility for the leasing and assignment of what is termed general-purpose building space; that is, space which is suitable for the uses of a number of Federal agencies. It specifically excludes space in buildings at military posts, arsenals, navy yards, and similar defense installations and space in hospitals, laboratories, factories, and other special-purpose buildings.

Also, the plan excludes the Post Office Department from the transfer of leasing authority since the Department has a highly developed organization for this purpose, and it limits the transfer of space assignment authority in post-office buildings to the space not occupied by the Department. Further, it gives the needs of the Post Office Department priority in the assignment of space in post-office buildings. Thus, the plan amply safeguards the interests of the Post Office Department while making it possible to include the general office space in post-office buildings in any given city with other similar space under Federal control in planning and executing an efficient program for housing Government agencies in that area.

In addition, the plan transfers to the General Services Administration the operation, maintenance, and custody of office buildings owned or leased by the Government, including those post-office buildings which are not used predominantly for post-office purposes. This will make it possible to establish a single organization for the operation and maintenance of Government office buildings in principal cities in the field as has proved desirable in the National Capital. Since many post offices are in fact primarily large office buildings, the plan includes in this transfer the post-office buildings which are not used predominantly for post-office purposes. This will relieve the Post Office Department of a considerable expenditure for building operation and maintenance which properly should not be charged against postal revenues.

While the plan effects a broad transfer of functions with respect to leasing and assignment of space and the operation and maintenance of office buildings, it specifically authorizes the Administrator of General Services to delegate the performance of any part of these functions to other agencies subject to such regulations as he deems desirable for economical and effective administration. In this the plan follows the pattern adopted by the Federal Property and Administrative Services Act of 1949 for other branches of property management. In large urban centers where numerous Federal units are located unified administration of

space activities by the General Services Administration will normally be advantageous. On the other hand, in the smaller communities it will no doubt be desirable to delegate the work back to the agencies directly affected, to be carried on under standards laid down by the Administrator of General Services. The plan provides ample flexibility for working out the most effective administrative arrangement for each type of situation.

The fundamental soundness and economy of centralized administration of building space have been amply demonstrated in the National Capital. By virtue of unified control it has been possible since the war to accomplish far-reaching changes which have consolidated agencies in much fewer locations, released many of the rented buildings, and greatly reduced the cost of housing the Government establishment. Similar procedures applied in the larger centers of field activity should produce substantial savings.

After investigation, I have found, and hereby declare, that each reorganization contained in this plan is necessary to accomplish one or more of the purposes set forth in section 2(a) of the Reorganization Act of 1949.

While it is not possible at this time to calculate the reduction in expenditures which will result from this plan, it can safely be predicted that it will produce substantial savings. I am confident that this reorganization plan will constitute a significant improvement in Federal business practice and will bring about an important increase in efficiency in housing Government agencies.

HARRY S TRUMAN.

THE WHITE HOUSE, March 13, 1950.

EXECUTIVE ORDER NO. 11035

Ex. Ord. No. 11035, July 9, 1962, 27 F.R. 6519, which related to the management of federal office space, was superseded by Ex. Ord. No. 11512, Feb. 27, 1970, 35 F.R. 3979, formerly set out below.

EXECUTIVE ORDER NO. 11512

Ex. Ord. No. 11512, Feb. 27, 1970, 35 F.R. 3979, which related to the planning, acquisition, and management of federal space, was revoked by Ex. Ord. No. 12072, Aug. 16, 1978, 43 F.R. 36869, set out below.

EX. ORD. NO. 12072. FEDERAL SPACE MANAGEMENT

Ex. Ord. No. 12072, Aug. 16, 1978, 43 F.R. 36869, provided:

By the authority vested in me as President of the United States of America by Section 205(a) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 486(a)), and in order to prescribe appropriate policies and directives, not inconsistent with that Act [see Short Title note set out under section 471 of this title] and other applicable provisions of law, for the planning, acquisition, utilization, and management of Federal space facilities, it is hereby ordered as follows:

1–1. SPACE ACQUISITION

1–101. Federal facilities and Federal use of space in urban areas shall serve to strengthen the Nation's cities and to make them attractive places to live and work. Such Federal space shall conserve existing urban resources and encourage the development and redevelopment of cities.

1–102. Procedures for meeting space needs in urban areas shall give serious consideration to the impact a site selection will have on improving the social, economic, environmental, and cultural conditions of the communities in the urban area.

1–103. Except where such selection is otherwise prohibited, the process for meeting Federal space needs in urban areas shall give first consideration to a centralized community business area and adjacent areas of similar character, including other specific areas which may be recommended by local officials.

1–104. The process of meeting Federal space needs in urban areas shall be consistent with the policies of this Order and shall include consideration of the following criteria:

(a) Compatability [sic] of the site with State, regional, or local development, redevelopment, or conservation objectives.

(b) Conformity with the activities and programs of other Federal agencies.

(c) Impact on economic development and employment opportunities in the urban area, including the utilization of human, natural, cultural, and community resources.

(d) Availability of adequate low and moderate income housing for Federal employees and their families on a nondiscriminatory basis.

(e) Availability of adequate public transportation and parking and accessibility to the public.

1–105. Procedures for meeting space needs in urban areas shall be consistent with the policies of this Order and shall include consideration of the following alternatives:

(a) Availability of existing Federally controlled facilities.

(b) Utilization of buildings of historic, architectural, or cultural significance within the meaning of section 105 of the Public Buildings Cooperative Use Act of 1976 (90 Stat. 2507, 40 U.S.C. 612a).

(c) Acquisition or utilization of existing privately owned facilities.

(d) Construction of new facilities.

(e) Opportunities for locating cultural, educational, recreational, or commercial activities within the proposed facility.

1–106. Site selection and space assignments shall take into account the management needs for consolidation of agencies or activities in common or adjacent space in order to improve administration and management and effect economies.

1–2. ADMINISTRATOR OF GENERAL SERVICES

1–201. The Administrator of General Services shall develop programs to implement the policies of this Order through the efficient acquisition and utilization of Federally owned and leased space. In particular, the Administrator shall:

(a) Select, acquire, and manage Federal space in a manner which will foster the policies and programs of the Federal government and improve the management and administration of government activities.

(b) Issue regulations, standards, and criteria for the selection, acquisition, and management of Federally owned and leased space.

(c) Periodically undertake surveys of space requirements and space utilization in the executive agencies.

(d) Ensure, in cooperation with the heads of Executive agencies, that their essential space requirements are met in a manner that is economically feasible and prudent.

(e) Make maximum use of existing Federally controlled facilities which, in his judgment, are adequate or economically adaptable to meeting the space needs of executive agencies.

(f) Annually submit long–range plans and programs for the acquisition, modernization, and use of space for approval by the President.

1–202. The Administrator is authorized to request from any Executive agency such information and assistance deemed necessary to carry out his functions under this Order. Each agency shall, to the extent not prohibited by law, furnish such information and assistance to the Administrator.

1–203. In the process of meeting Federal space needs in urban areas and implementing the policies of this Order, the Administrator shall:

(a) Consider the efficient performance of the missions and programs of the agencies, the nature and function of the facilities involved, the convenience of the public served, and the maintenance and improvement of safe and healthful working conditions for employees.

(b) Coordinate proposed programs and plans for facilities and space with the Director of the Office of Management and Budget.

(c) Consult with appropriate Federal, State, regional, and local government officials and consider their recommendations for and objections to a proposed selection site or space acquisition.

(d) Coordinate proposed programs and plans for facilities and space in a manner designed to implement the purposes of this Order.

(e) Prior to making a final determination concerning the location of Federal facilities, notify the concerned Executive agency of an intended course of action and take into account any additional information provided.

1–204. In ascertaining the social, economic, environmental and other impacts which site selection would have on a community, the Administrator shall, when appropriate, obtain the advice of interested agencies.

1–3. GENERAL PROVISIONS

1–301. The heads of Executive agencies shall cooperate with the Administrator in implementing the policies of this Order and shall economize on their use of space. They shall ensure that the Administrator is given early notice of new or changing missions or organizational realignments which affect space requirements.

1–302. Executive agencies which acquire or utilize Federally owned or leased space under authority other than the Federal Property and Administrative Services Act of 1949, as amended [see Short Title note set out under section 471 of this title], shall conform to the provisions of this Order to the extent they have the authority to do so.

1–303. Executive Order No. 11512 of February 27, 1970, is revoked.

JIMMY CARTER.

FACILITATING ACCESS TO FEDERAL PROPERTY FOR SITING OF MOBILE SERVICES ANTENNAS

Memorandum of President of the United States, Aug. 10, 1995, 60 F.R. 42023, provided:

Memorandum for the Heads of Departments and Agencies

Recent advancements in mobile telecommunications technology present an opportunity for the rapid construction of the Nation's wireless communications infrastructure. As a matter of policy, the Federal Government shall encourage the efficient and timely implementation of such new technologies and the concomitant infrastructure buildout as a means of stimulating economic growth and creating new jobs. The recent auctioning and impending licensing of radio frequencies for mobile personal communications services presents the Federal Government with the opportunity to foster new technologies and to encourage the development of communications infrastructure by making Federal property available for the siting of mobile services antennas.

Therefore, to the extent permitted by law, I hereby direct the Administrator of General Services, within 90 days, in consultation with the Secretaries of Agriculture, Interior, Defense, and the heads of such other agencies as the Administrator may determine, to develop procedures necessary to facilitate appropriate access to Federal property for the siting of mobile services antennas.

The procedures should be developed in accordance with the following:

1. (a) Upon request, and to the extent permitted by law and where practicable, executive departments and agencies shall make available Federal Government buildings and lands for the siting of mobile service antennas. This should be done in accordance with Federal, State, and local laws and regulations, and consistent with national security concerns (including minimizing mutual electromagnetic interactions), public health and safety concerns, environmental and aesthetic concerns, preservation of historic buildings and monuments, protection of natural and cultural resources, protection of national park and wilderness values, protection of National Wildlife Refuge systems, and subject to any Federal requirements promulgated by the agency managing the facility and the Federal Communications Commission, the Federal Aviation Administration, National Telecommunications and Information Administration, and other relevant departments and agencies.

(b) Antennas on Federal buildings or land may not contain any advertising.

(c) Federal property does not include lands held by the United States in trust for individual or Native American tribal governments.

(d) Agencies shall retain discretion to reject inappropriate siting requests, and assure adequate protection of public property and timely removal of equipment and structures at the end of service.

2. All procedures and mechanisms adopted regarding access to Federal property shall be clear and simple so as to facilitate the efficient and rapid buildout of the national wireless communications infrastructure.

3. Unless otherwise prohibited by or inconsistent with Federal law, agencies shall charge fees based on market value for siting antennas on Federal property, and may use competitive procedures if not all applicants can be accommodated.

This memorandum does not give the siting of mobile services antennas priority over other authorized uses of Federal buildings or land.

All independent regulatory commissions and agencies are requested to comply with the provisions of this memorandum.

This memorandum is not intended to create any right, benefit or trust responsibility, substantive or procedural, enforceable at law or equity by a party against the United States, its agencies or instrumentalities, its officers, or any other person.

This memorandum shall be published in the Federal Register.

WILLIAM J. CLINTON.

CROSS REFERENCES

Control and allotment of space in public buildings, see section 19 et seq. of this title. See, also, section 304c of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 490a, 490c, 490e, 490f, 490g, 618, 1104, 1105, 1107 of this title; title 7 section 87e–1; title 20 sections 80q–5, 80q–6; title 22 section 3712a.

§ 490a. Transfer of moneys in section 490(f) fund into special account

Moneys now or hereafter deposited into the fund established by section 490(f) of this title, and available pursuant to annual appropriation Acts, may be transferred and consolidated on the books of the Treasury Department into a special account pursuant to section 296 of this title, in accordance with and for the purposes specified in such section.

(Pub. L. 94–91, title IV, § 401, Aug. 9, 1975, 89 Stat. 452.)

CODIFICATION

Section was enacted as a part of the Treasury, Postal Service, and General Government Appropriation Act, 1976, and not as part of the Federal Property and Administrative Services Act of 1949, part of which comprises this chapter.

§ 490a–1. Use of resources of Federal Buildings Fund to repay GSA borrowings from Federal Financing Bank

Notwithstanding any other provision of law, the Administrator of General Services is on and

after November 3, 1989, authorized to transfer from the resources of the Federal Buildings Fund, in accordance with such rules and procedures as may be established by the Office of Management and Budget and the Department of the Treasury, such amounts as are necessary to repay the principal amount of General Services Administration borrowings from the Federal Financing Bank when such borrowings are legal obligations of the Fund.

(Pub. L. 101–136, title IV, § 7, Nov. 3, 1989, 103 Stat. 803.)

CODIFICATION

Section was enacted as part of the appropriation act cited as the credit to this section, and not as part of the Federal Property and Administrative Services Act of 1949, part of which comprises this chapter.

Similar provisions were contained in the following prior appropriation act:

Pub. L. 100–440, title IV, § 11, Sept. 22, 1988, 102 Stat. 1742.

§ 490b. Child care services for Federal employees in Federal buildings

(a) Allotment of space; conditions

If any individual or entity which provides or proposes to provide child care services for Federal employees during fiscal year 1988 or any fiscal year thereafter, applies to the officer or agency of the United States charged with the allotment of space in the Federal buildings in the community or district in which such individual or entity provides or proposes to provide such service, such officer or agency may allot space in such a building to such individual or entity if—

(1) such space is available;

(2) such officer or agency determines that such space will be used to provide child care services to children of whom at least 50 percent have one parent or guardian who is employed by the Federal Government; and

(3) such officer or agency determines that such individual or entity will give priority for available child care services in such space to Federal employees.

(b) Charges for rent or services; payment of costs, accreditation fees, and travel and per diem expenses; "services" defined

(1) If an officer or agency allots space during fiscal year 1988 or any fiscal year thereafter, to an individual or entity under subsection (a) of this section, such space may be provided to such individual or entity without charge for rent or services.

(2) If there is an agreement for the payment of costs associated with the provision of space allotted under subsection (a) of this section or services provided in connection with such space, nothing in title 31, or any other provision of law, shall be construed to prohibit or restrict payment by reimbursement to the miscellaneous receipts or other appropriate account of the Treasury.

(3) If an agency has a child care facility in its space, or is a sponsoring agency for a child care facility in other Federal or leased space, the agency or the General Services Administration may pay accreditation fees, including renewal fees, for that center to be accredited by a nationally recognized early-childhood professional organization, and travel and per diem expenses for attendance by representatives of the center at the annual General Services Administration child care conference.

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

(c) Guidance, assistance, and oversight

Through the General Services Administration's licensing agreements, the Administrator of General Services shall provide guidance, assistance, and oversight to Federal agencies for the development of child care centers to promote the provision of economical and effective child care for Federal workers.

(d) Consortium with private entities

If a Federal agency has a child care facility in its space, or is a sponsoring agency for a child care facility in other Federal or leased space, the agency or the General Services Administration may enter into a consortium with one or more private entities under which such private entities would assist in defraying the costs associated with the salaries and benefits provided for any personnel providing services at such facility.

(Pub. L. 100–202, § 101(m) [title VI, § 616], Dec. 22, 1987, 101 Stat. 1329–390, 1329–423; Pub. L. 102–393, title V, § 528, Oct. 6, 1992, 106 Stat. 1760.)

CODIFICATION

Section was not enacted as part of the Federal Property and Administrative Services Act of 1949, part of which comprises this chapter.

AMENDMENTS

1992—Subsec. (a)(2). Pub. L. 102–393, § 528(1), amended par. (2) generally. Prior to amendment, par. (2) read as follows: "such officer or agency determines that such space will be used to provide child care services to a group of individuals of whom at least 50 percent are Federal employees; and".

Subsec. (b)(3). Pub. L. 102–393, § 528(3), added par. (3). Former par. (3) redesignated (4).

Pub. L. 102–393, § 528(2), amended par. (3) generally. Prior to amendment, par. (3) read as follows: "For the purpose of this section, the term 'services' includes the providing of lighting, heating, cooling, electricity, office furniture, office machines and equipment, telephone service (including installation of lines and equipment and other expenses associated with telephone service), and security systems (including installation and other expenses associated with security systems)."

Subsec. (b)(4). Pub. L. 102–393, § 528(3), redesignated par. (3) as (4).

Subsecs. (c), (d). Pub. L. 102–393, § 528(4), added subsecs. (c) and (d).

PRIOR PROVISIONS

Provisions similar to those in this section were contained in the following appropriation acts:

Pub. L. 99–500, § 101(m) [title VI, § 616], Oct. 18, 1986, 100 Stat. 1783–308, 1783–331, and Pub. L. 99–591, § 101(m) [title VI, § 616], Oct. 30, 1986, 100 Stat. 3341–308, 3341–331.
Pub. L. 99–190, § 139, Dec. 19, 1985, 99 Stat. 1323.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 14 section 515.

§ 490c. Guards, elevator operators, messengers, and custodians; restriction on contract for services; exception

None of the funds made available to the General Services Administration pursuant to section 490(f) of this title shall be obligated or expended after the date of enactment of this Act [November 19, 1995] for the procurement by contract of any guard, elevator operator, messenger or custodial services if any permanent veterans preference employee of the General Services Administration at said date, would be terminated as a result of the procurement of such services, except that such funds may be obligated or expended for the procurement by contract of the covered services with sheltered workshops employing the severely handicapped under sections 46 to 48c of title 41. Only if such workshops decline to contract for the provision of the covered services may the General Services Administration procure the services by competitive contract, for a period not to exceed 5 years. At such time as such competitive contract expires or is terminated for any reason, the General Services Administration shall again offer to contract for the services from a sheltered workshop prior to offering such services for competitive procurement.

(Pub. L. 104–52, title V, § 503, Nov. 19, 1995, 109 Stat. 491.)

REFERENCES IN TEXT

Sections 46 to 48c of title 41, referred to in text, was in the original ''Public Law 92–28'' which generally amended act June 25, 1938 (41 U.S.C. 46 et seq.), known as the Javits-Wagner-O'Day Act.

CODIFICATION

Section was enacted as part of the appropriation act cited as the credit to this section, and not as part of the Federal Property and Administrative Services Act of 1949, part of which comprises this chapter.

PRIOR PROVISIONS

Provisions similar to those in this section were contained in the following prior appropriation acts:
Pub. L. 103–329, title V, § 505, Sept. 30, 1994, 108 Stat. 2409.
Pub. L. 103–123, title V, § 505, Oct. 28, 1993, 107 Stat. 1252.
Pub. L. 102–393, title V, § 505, Oct. 6, 1992, 106 Stat. 1757.
Pub. L. 102–141, title V, § 505, Oct. 28, 1991, 105 Stat. 862.
Pub. L. 101–509, title V, § 507, Nov. 5, 1990, 104 Stat. 1423.
Pub. L. 101–136, title V, § 506, Nov. 3, 1989, 103 Stat. 812.
Pub. L. 100–440, title V, § 507, Sept. 22, 1988, 102 Stat. 1747.
Pub. L. 100–202, § 101(m) [title V, § 507], Dec. 22, 1987, 101 Stat. 1329–390, 1329–415.
Pub. L. 99–500, § 101(m) [title V, § 507], Oct. 18, 1986, 100 Stat. 1783–308, 1783–324, and Pub. L. 99–591, § 101(m) [title V, § 507], Oct. 30, 1986, 100 Stat. 3341–308, 3341–324.
Pub. L. 99–190, § 101(h) [H.R. 3036, title V, § 507], Dec. 19, 1985, 99 Stat. 1291.
Pub. L. 98–473, § 101(j) [H.R. 5798, title V, § 507], Oct. 12, 1984, 98 Stat. 1963.
Pub. L. 98–151, § 112, Nov. 14, 1983, 97 Stat. 976.
Pub. L. 97–377, § 120, Dec. 21, 1982, 96 Stat. 1913.

CROSS REFERENCES

Preference eligibles, examinations for positions of guards, elevator operators, messengers, and custodians, see section 3310 of Title 5, Government Organization and Employees.

§ 490d. Funds for payment of rent available for lease of buildings on land owned by United States

Funds on and after November 3, 1989, made available to the General Services Administration for the payment of rent shall be available for the purpose of leasing, for periods not to exceed thirty years, space in buildings erected on land owned by the United States.

(Pub. L. 101–136, title IV, § 5, Nov. 3, 1989, 103 Stat. 802.)

CODIFICATION

Section enacted as part of the appropriation act cited as the credit to this section, and not as part of the Federal Property and Administrative Services Act of 1949, part of which comprises this chapter.

PRIOR PROVISIONS

Provisions similar to those in this section were contained in the following prior appropriation acts:
Pub. L. 100–440, title IV, § 5, Sept. 22, 1988, 102 Stat. 1741.
Pub. L. 100–202, § 101(m) [title IV, § 5], Dec. 22, 1987, 101 Stat. 1329–390, 1329–410.
Pub. L. 99–500, § 101(m) [title IV, § 6], Oct. 18, 1986, 100 Stat. 1783–308, 1783–321, and Pub. L. 99–591, § 101(m) [title IV, § 6], Oct. 30, 1986, 100 Stat. 3341–308, 3341–321.
Pub. L. 99–190, § 101(h) [H.R. 3036, title IV, § 6], Dec. 19, 1985, 99 Stat. 1291.
Pub. L. 98–473, § 101(j) [H.R. 5798, title IV, § 6], Oct. 12, 1984, 98 Stat. 1963.

§ 490e. Fiscal year limitation on obligations of funds for lease

Notwithstanding any provisions of this Act or any other Act in any fiscal year, obligations of funds for lease, entered into in accordance with section 490(h)(1) of this title shall be limited to the current fiscal year for which payments are due without regard to section 1341(a)(1)(b)[1] of title 31.

(Pub. L. 101–136, title IV, § 22, Nov. 3, 1989, 103 Stat. 807.)

CODIFICATION

Section was enacted as part of the Treasury, Postal Service and General Government Appropriations Act, 1990, and not as part of the Federal Property and Administrative Services Act of 1949, part of which comprises this chapter.

§ 490f. Lease space rent rates and payments; appropriations

(a) Notwithstanding any other provision of law, agencies are on and after October 6, 1992, authorized to make rent payments to the General Services Administration for lease space relating to expansion needs of the agency and the

[1] So in original. Probably should be section ''1341(a)(1)(B)''.

General Services Administration is authorized to use such funds, in addition to the amount received as New Obligational Authority in the Rental of Space activity of the Federal Buildings Fund. Such payments are to be at the commercial equivalent rates specified by section 490(j)[1] of this title and are to be deposited into the Fund established pursuant to section 490(f) of this title.

(b) There are hereby appropriated, out of the Federal Buildings Fund, such sums as may be necessary to carry out the purpose of subsection (a) of this section.

(Pub. L. 102–393, title IV, § 5, Oct. 6, 1992, 106 Stat. 1750.)

REFERENCES IN TEXT

Section 490(j) of this title, referred to in subsec. (a), was in the original ''section 201(j) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(j))'' and was translated as reading ''section 210(j)'' of that Act to reflect the probable intent of Congress. Section 201 of that Act, which is classified to section 481 of this title, does not contain a subsec. (j).

CODIFICATION

Section was enacted as part of the appropriation act cited as the credit to this section, and not as part of the Federal Property and Administrative Services Act of 1949, part of which comprises this chapter.

PRIOR PROVISIONS

Provisions similar to those in this section were contained in the following prior appropriation acts:

Pub. L. 102–141, title IV, § 7, Oct. 28, 1991, 105 Stat. 856.

Pub. L. 101–509, title IV, § 8, Nov. 5, 1990, 104 Stat. 1414.

§ 490g. Receipt of revenues related to energy savings or materials recycling efforts

Notwithstanding any other provision of law, the Fund established pursuant to section 490(f) of this title is on and after October 6, 1992, authorized to receive any revenues, collections, or other income received during a fiscal year in the form of rebates, cash incentives or otherwise, related to energy savings or materials recycling efforts, all of which shall remain in the Fund until expended, and remain available for Federal energy management improvement programs, recycling programs, or employee programs as may be authorized by law or as may be deemed appropriate by the Administrator of General Services. The General Services Administration is authorized to use such funds, in addition to amounts received as New Obligational Authority, in such activity or activities of the Fund as may be necessary.

(Pub. L. 102–393, title IV, § 13, Oct. 6, 1992, 106 Stat. 1751.)

CODIFICATION

Section was enacted as part of the appropriation act cited as the credit to this section, and not as part of the Federal Property and Administrative Services Act of 1949, part of which comprises this chapter.

PRIOR PROVISIONS

Provisions similar to those in this section were contained in the following prior appropriation acts:

Pub. L. 102–141, title IV, § 11, Oct. 28, 1991, 105 Stat. 856.

Pub. L. 101–509, title IV, § 15, Nov. 5, 1990, 104 Stat. 1415.

§ 490h. Flexiplace work telecommuting centers; revenues to defray costs

The Administrator of General Services is authorized to accept and retain income received by the General Services Administration on or after October 1, 1993, from Federal agencies and non-Federal sources, to defray costs directly associated with the functions of flexiplace work telecommuting centers.

(Pub. L. 104–52, title IV, § 5, Nov. 19, 1995, 109 Stat. 486.)

CODIFICATION

Section was enacted as part of the Treasury, Postal Service, and General Government Appropriations Act, 1996, and not as part of the Federal Property and Administrative Services Act of 1949, part of which comprises this chapter.

§ 490i. Buildings considered to be federally owned

For the purposes of this authorization, and on and after October 10, 1997, buildings constructed pursuant to the purchase contract authority of the Public Buildings Amendments of 1972 (40 U.S.C. 602a), buildings occupied pursuant to installment purchase contracts, and buildings under the control of another department or agency where alterations of such buildings are required in connection with the moving of such other department or agency from buildings then, or thereafter to be, under the control of the General Services Administration shall be considered to be federally owned buildings.

(Pub. L. 105–61, title IV, Oct. 10, 1997, 111 Stat. 1297.)

REFERENCES IN TEXT

The Public Buildings Amendments of 1972, referred to in text, is Pub. L. 92–313, June 16, 1972, 86 Stat. 216, as amended. For complete classification of this Act to the Code, see Short Title of 1972 Amendments note set out under section 601 of this title and Tables.

CODIFICATION

Section was enacted as part of the Treasury and General Government Appropriations Act, 1998, and not as part of the Federal Property and Administrative Services Act of 1949, part of which comprises this chapter.

§ 491. Motor vehicle pools and transportation systems

(a) Establishment

In order to carry out the policy, expressed in section 471 of this title, to provide for an economical and efficient system for transportation of Government personnel and property, it is further intended by the Congress in enacting this section to (1) provide for the proper identification of Government motor vehicles; (2) establish effective means of limiting their use to official governmental purposes; (3) reduce the number of Government-owned vehicles to the minimum necessary for transaction of the public business; (4) provide wherever practicable for centrally operated interagency pools or systems for local

[1] See References in Text note below.

transportation of Government personnel and property; and (5) establish procedures to insure safe operation of motor vehicles on Government business.

(b) Determinations by Administrator

Subject to regulations issued by the President pursuant to subsection (c) of this section, the Administrator shall in respect of executive agencies, and to the extent that he determines that so doing is advantageous to the Government in terms of economy, efficiency, or service, after consultation with and with due regard to the program activities of the agencies concerned, (1) consolidate, take over, acquire, or arrange for the operation by any executive agency of, motor vehicles and other related equipment and supplies for the purpose of establishing motor vehicle pools and systems to serve the needs of executive agencies; and (2) provide for the establishment, maintenance, and operation (including servicing and storage) of motor vehicle pools or systems for transportation of property or passengers, and for furnishing such motor vehicle and related services to executive agencies. Such motor vehicle services may be furnished, as determined by the Administrator, through the use, under rental or other arrangements, of motor vehicles of private fleet operators, taxicab companies, local or interstate common carriers, or Government-owned motor vehicles, or combinations thereof. The Administrator shall, so far as practicable, provide any of the services specified in this subsection to any Federal agency, mixed ownership corporation (as defined in chapter 91 of title 31), or the District of Columbia, upon its request.

(c) Regulations

The President shall, within ninety days after the effective date of this section, issue regulations under this section to establish procedures for the taking effect of determinations made by the Administrator pursuant to subsection (b) of this section. Such regulations shall provide for adequate notice to executive agencies of any determinations affecting them or their functions; for independent review and decision as directed by the President of any determination not mutually agreed upon between the Administrator and the agency concerned, including exemption of any agency, in whole or in part, from any determination; and for enforcement of determinations becoming effective under such regulations. No determination made pursuant to subsection (b) of this section shall be binding upon any agency except as provided in such regulations.

(d) Payment of costs; fixing of prices

(1) The General Supply Fund provided for in section 756 of this title shall be available for use by or under the direction and control of the Administrator for paying all elements of cost (including the purchase or rental price of motor vehicles and other related equipment and supplies) incident to the establishment, maintenance, and operation (including servicing and storage) of motor vehicle pools or systems for the transportation of property or passengers, and to the furnishing of such motor vehicles and equipment and related services pursuant to subsection (b) of this section.

(2) Payments by requisitioning agencies so served shall be at prices fixed by the Administrator at levels which will recover, so far as practicable, all such elements of cost, and may, in the Administrator's discretion, include increments for the estimated replacement cost of such motor vehicles, equipment, and supplies. Such increments may, notwithstanding section 756(e) of this title, be retained as part of the capital of the General Supply Fund, but shall be available only for replacement of such motor vehicles, equipment, and supplies. The purchase price, plus such increments for the estimated replacement cost, of such motor vehicles and equipment shall be recovered only through charges for the cost of amortization. Such costs shall be determined in accordance with the accrual accounting method; and financial reports shall be prepared on the basis of such accounting.

(e) Justification for each vehicle pool and system

Any determination made by the Administrator pursuant to subsection (b) of this section shall set forth in writing an analytical justification for the establishment, maintenance, and operation of each such motor vehicle pool and system. Such justification shall include a detailed comparison of estimated costs of present and proposed modes of operation, and a showing that savings can be realized by the establishment, maintenance, and operation of such pool or system.

(f) Maintenance records; discontinuance of vehicle pool or system

Whenever any such motor vehicle pool or system has been established pursuant to subsection (b) of this section, the Administrator shall maintain accurate records of the cost of its establishment, maintenance, and operation. If, during any reasonable period, not exceeding two successive fiscal years, no actual savings are realized on the basis of the accounting for costs provided in subsection (d) of this section the Administrator shall discontinue such motor vehicle pool or system, and shall return to the agency or agencies involved motor vehicles and related equipment and supplies similar in kind and of a value reasonably comparable to the value of the motor vehicles and related equipment and supplies theretofore received by the Administrator from such agency or agencies.

(g) Reimbursement for equipment

Whenever the Administrator takes over pursuant to subsection (b) of this section any motor vehicle or other related equipment or supplies from any Government corporation, or from any other agency if such vehicle, equipment or supplies have been acquired by such agency through expenditures made from, and not theretofore reimbursed to, any revolving or trust fund authorized by law, the Administrator shall reimburse such corporation or fund by an amount equal to the fair market value of the vehicle, equipment or supplies so taken over. If thereafter, pursuant to subsection (f) of this section, the Administrator returns to such corporation or agency any motor vehicle, equipment or supplies, the Administrator shall be reimbursed by the payment to him, by such corporation or from such

fund, of an amount equal to the fair market value of the vehicle, equipment or supplies so returned.

(h) Additions to General Supply Fund capital

When reimbursement is not required under subsection (g) of this section, the value, as determined by the Administrator, of any motor vehicle or other related equipment or supplies taken over under authority of subsection (b) of this section may be added to the capital of the General Supply Fund, and in the event that property similar in kind is subsequently returned pursuant to subsection (f) of this section, the value thereof may be deducted from the General Supply Fund.

(i) Scrip, tokens, tickets

The Administrator, in the operation of motor vehicle pools or systems, may make provision for the furnishing, sale, and use of scrip, tokens, tickets, and similar devices for the making of payment by using agencies for services rendered by the Administrator in the transportation of property or passengers.

(j) Operating regulations

The Director of the Office of Personnel Management shall issue regulations to govern executive agencies in authorizing civilian personnel to operate Government-owned motor vehicles for official purposes within the States of the Union, the District of Columbia, Puerto Rico, and the possessions of the United States. Such regulations shall prescribe standards of physical fitness for authorized operators and may require operators and prospective operators to obtain such State and local licenses or permits as would be required for the operation by them of similar vehicles for other than official purposes. The head of each executive agency shall issue such orders and directives as may be necessary to comply with such regulations and shall make appropriate provision therein for periodically testing the physical fitness of operators and prospective operators and for the suspension and revocation of authorizations to operate.

(k) Identification of vehicles

Under regulations prescribed by the Administrator, every motor vehicle acquired and used for official purposes within the United States, its Territories, or possessions, by any Federal agency or the District of Columbia shall be conspicuously identified by showing thereon either (1) the full name of the department, establishment, corporation, or agency by which it is used and the service in which it is used, or (2) a title descriptive of the service in which it is used if such title readily identifies the department, establishment, corporation, or agency concerned, and the legend ''For official use only'': *Provided*, That the regulations issued pursuant to this section may provide for exemptions from the requirement of this section when conspicuous identification would interfere with the purpose for which a vehicle is acquired and used.

(*l*) Violations

Whenever, during the regular course of his duties, there shall come to the knowledge of the Administrator any violation of the provisions of sections 1343, 1344, and 1349(b) of title 31 or of section 641 of title 18 involving the conversion by a Government official or employee of a Government-owned or leased motor vehicle to his own use or the use of others, the Administrator shall report such violation to the head of the agency in which the official or employee concerned is employed, for further investigation and either appropriate disciplinary action under sections 1343, 1344, and 1349(b) of title 31 or, where appropriate, referral to the Attorney General for prosecution under section 641 of title 18.

(June 30, 1949, ch. 288, title II, § 211, as added Sept. 5, 1950, ch. 849, § 5(c), 64 Stat. 580; amended Sept. 1, 1954, ch. 1211, § 2, 68 Stat. 1126; Pub. L. 86–624, § 27(b), July 12, 1960, 74 Stat. 418; Pub. L. 87–649, § 14b, Sept. 7, 1962, 76 Stat. 500; Pub. L. 95–506, Oct. 24, 1978, 92 Stat. 1756; 1978 Reorg. Plan No. 2, § 102, eff. Jan. 1, 1979, 43 F.R. 3607, 92 Stat. 3783.)

REFERENCES IN TEXT

The effective date of this section, referred to in subsec. (c), means the effective date of this section as amended by act Sept. 1, 1954, ch. 1211, § 2, 68 Stat. 1126, which was approved Sept. 1, 1954.

CODIFICATION

In subsecs. (b) and (*l*), ''chapter 91 of title 31'' substituted for ''the Government Corporation Control Act [31 U.S.C. 841 et seq.]'', and ''sections 1343, 1344, and 1349(b) of title 31'' substituted for ''section 5 of the Act of July 16, 1914, as amended [31 U.S.C. 638a]'' and ''such section 5'', respectively, 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.

Section was formerly classified to section 239b of Title 41, Public Contracts.

AMENDMENTS

1978—Subsec. (d). Pub. L. 95–506 inserted provision permitting Administrator to include in price increments for estimated replacement costs of motor vehicles, equipment, and supplies.

1962—Subsec. (m). Pub. L. 87–649 repealed subsec. (m) which related to travel of members of the uniformed services between duty stations. See section 408 of Title 37, Pay and Allowances of the Uniformed Services.

1960—Subsec. (j). Pub. L. 86–624 substituted ''States of the Union, the District of Columbia, Puerto Rico, and the possessions of the United States'' for ''continental United States, its Territories, and possessions''.

1954—Act Sept. 1, 1954, amended section generally to establish and operate motor pools and transportation systems.

TRANSFER OF FUNCTIONS

''Director of the Office of Personnel Management'' substituted for ''United States Civil Service Commission'' in subsec. (j) 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.

OBLIGATIONS FOR MULTIYEAR AGREEMENTS FOR LEASE OR OTHER ACQUISITION OF MOTOR VEHICLES ENTERED INTO BY ADMINISTRATOR OF GENERAL SERVICES

Pub. L. 101–136, title IV, § 9, Nov. 3, 1989, 103 Stat. 803, provided that:

''(a) IN GENERAL.—Subject to subsection (b), obligations of funds for multiyear agreements for the lease or other acquisition of motor vehicles entered into by the

Administrator of General Services for the purposes of section 211 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 491) shall be limited to the current fiscal year for which payments are due, without regard to any termination or cancellation costs, and without regard to section 1341(a)(1)(B) of title 31, United States Code.

''(b) AFFECTED AGREEMENTS.—This section shall apply to multiyear agreements which—

''(1) are entered into by the Administrator during the 4-year period beginning on the date of the enactment of this Act [Nov. 3, 1989]; and

''(2) provide for the lease of motor vehicles for a period of not more than four years.''

EXECUTIVE ORDER NO. 10579

Section 9 of Ex. Ord. No. 10579, Dec. 1, 1954, 19 F.R. 7925, set out as a note under section 486 of this title, provides that any motor vehicle, the conspicuous identification of which as a Government vehicle would interfere with the purpose for which it was acquired, is exempt from inclusion in interagency pools.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 906 of this title; title 42 section 7588.

§ 492. Reports to Congress

The Administrator shall submit a report to the Congress, in January of each year and at such other times as he may deem it desirable, regarding the administration of his functions under this Act, together with such recommendations for amendments to this Act as he may deem appropriate as the result of the administration of such functions, at which time he shall also cite the laws becoming obsolete by reason of passage or operation of the provisions of this Act.

(June 30, 1949, ch. 288, title II, § 212, formerly § 210, 63 Stat. 393; renumbered Sept. 5, 1950, ch. 849, § 5(a), 64 Stat. 580.)

REFERENCES IN TEXT

This Act, referred to in text, is act June 30, 1949, ch. 288, 63 Stat. 377, as amended, known as the Federal Property and Administrative Services Act of 1949. For complete classification of this Act to the Code, see Short Title note set out under section 471 of this title and Tables.

CODIFICATION

Section was formerly classified to section 240 of Title 41, Public Contracts.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 484 of this title.

§ 493. Repealed. Pub. L. 100–612, § 8, Nov. 5, 1988, 102 Stat. 3182

Section, Pub. L. 94–519, § 10, Oct. 17, 1976, 90 Stat. 2457, provided for reports to Congress by Administrator and Comptroller General evaluating effectiveness of Pub. L. 94–519 and making recommendations.

SUBCHAPTER III—FOREIGN EXCESS PROPERTY

§ 511. Disposal of foreign excess property; agency responsibility; foreign policy controlling; use of foreign currencies and credits; duties of State Department

Each executive agency having foreign excess property shall be responsible for the disposal thereof: *Provided*, That (a) the head of each such executive agency shall, with respect to the disposition of such property, conform to the foreign policy of the United States; (b) the Secretary of State shall have the authority to use foreign currencies and credits acquired by the United States under section 512(b) of this title in order to effectuate the purposes of section 32(b)(2) of the Surplus Property Act of 1944, as amended, and the Foreign Service Buildings Act of May 7, 1926, as amended [22 U.S.C. 291 et seq.] (including section 295b of title 22), and for the purpose of paying any other governmental expenses payable in local currencies, and the authority to amend, modify, and renew agreements in effect on July 1, 1949; (c) any foreign currencies or credits acquired by the Department of State pursuant to such agreements shall be administered in accordance with procedures that may from time to time be established by the Secretary of the Treasury and, if and when reduced to United States currency, shall be covered into the Treasury as miscellaneous receipts; and (d) the Department of State shall, except to such extent as the President shall otherwise determine, continue to perform other functions with respect to agreements for the disposal of foreign excess property in effect on July 1, 1949.

(June 30, 1949, ch. 288, title IV, § 401, 63 Stat. 397.)

REFERENCES IN TEXT

Section 32(b)(2) of the Surplus Property Act of 1944, as amended, referred to in text, is section 32(b)(2) of act Oct. 3, 1944, ch. 479, 58 Stat. 782, as amended, which related to the use of foreign currencies, foreign scholarships, and the establishment of the Board of Foreign Scholarships, and which was classified to section 1641(b)(2) of Title 50, Appendix, War and National Defense, was repealed by Pub. L. 87–256, § 111(a)(1), Sept. 21, 1961, 75 Stat. 538, and is covered by section 2451 et seq. of Title 22, Foreign Relations and Intercourse.

The Foreign Service Buildings Act of May 7, 1926, referred to in text, is act May 7, 1926, ch. 250, 44 Stat. 403, as amended, which is classified generally to chapter 8 (§ 292 et seq.) of Title 22. For complete classification of this Act to the Code, see section 299 of Title 22 and Tables.

§ 512. Methods and terms of disposal

(a) Authority of executive agency

Foreign excess property not disposed of under subsections (b) and (c) of this section may be disposed of (1) by sale, exchange, lease, or transfer, for cash, credit or other property, with or without warranty, and upon such other terms and conditions as the head of the executive agency concerned deems proper, or (2) for foreign currencies or credits, or substantial benefits or the discharge of claims resulting from the compromise or settlement of such claims by any executive agency in accordance with the law, whenever the head of the executive agency concerned determines that it is in the interest of the United States to do so. Such property may be disposed of without advertising when the head of the executive agency concerned finds so doing to be most practicable and to be advantageous to the Government. The head of each executive agency responsible for the disposal of foreign excess property may execute such documents for the transfer of title or other interest

in property and take such other action as he deems necessary or proper to dispose of such property; and may authorize the abandonment, destruction, or donation of foreign excess property under his control which has no commercial value or the estimated cost of care and handling of which would exceed the estimated proceeds from its sale.

(b) Donation of medical supplies

Any executive agency having in any foreign country any medical materials or supplies not disposed of under subsection (c) of this section, which, if situated within the United States, would be available for donation pursuant to section 484 of this title, may donate such materials or supplies without cost (except for costs of care and handling), for use in any foreign country, to nonprofit medical or health organizations, including those qualified to receive assistance under sections 2174(b) and 2357 of title 22.

(c) Return of foreign excess property; determination of interest of the United States; costs

Under such regulations as the Administrator shall prescribe pursuant to this subsection, any foreign excess property may be returned to the United States for handling as excess or surplus property under the provisions of sections 483, 484(j), and 484(*l*) of this title, whenever the head of the executive agency concerned, or the Administrator after consultation with such agency head, determines that return of the property to the United States for such handling is in the interest of the United States: *Provided*, That regulations prescribed pursuant to this subsection shall require that the transportation costs incident to such return shall be borne by the Federal agency, State agency, or donee receiving the property.

(June 30, 1949, ch. 288, title IV, § 402, 63 Stat. 398; Pub. L. 91–426, § 2, Sept. 26, 1970, 84 Stat. 883; Pub. L. 94–519, § 4, Oct. 17, 1976, 90 Stat. 2455; Pub. L. 99–627, § 3(a), Nov. 7, 1986, 100 Stat. 3509.)

AMENDMENTS

1986—Subsec. (a)(1). Pub. L. 99–627 struck out ''; but in no event shall any property be sold without a condition forbidding its importation into the United States, unless the Secretary of Agriculture (in the case of any agricultural commodity, food, or cotton or woolen goods) or the Secretary of Commerce (in the case of any other property) determines that the importation of such property would relieve domestic shortages or otherwise be beneficial to the economy of this country'' after ''deems proper''.

1976—Subsec. (c). Pub. L. 94–519 substituted '', whenever the head of the executive agency concerned, or the Administrator after consultation with such agency head, determines that return of the property to the United States for such handling is in the interest of the United States'' for ''whenever the head of the executive agency concerned determines that it is in the interest of the United States to do so''.

1970—Pub. L. 91–426 designated existing provisions as subsec. (a), substituted (1) and (2) for clause designations (a) and (b) and inserted ''not disposed of under subsections (b) and (c) of this section'' after ''Foreign excess property'', and added subsecs. (b) and (c).

EFFECTIVE DATE OF 1986 AMENDMENT

Section 3(c) of Pub. L. 99–627 provided that: ''The amendment made by subsection (a) [amending this section] shall not affect any civil or criminal proceeding instituted by the United States prior to the date of enactment of this Act [Nov. 7, 1986].''

RETURN OF PENDING APPLICATIONS

Section 3(b) of Pub. L. 99–627 provided that: ''Applications pending before the Secretary of Commerce or the Secretary of Agriculture on, or received after, the date of enactment of this Act [Nov. 7, 1986] for authorization to import property under section 402(a)(1) of the Federal Property and Administrative Services Act of 1949 [40 U.S.C. 512(a)(1)] shall be returned without action, and applicants shall be informed in writing that authorization is no longer required after such date.''

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 484, 511 of this title.

§ 513. Proceeds from disposals; foreign currencies; United States currency; disposition

Proceeds from the sale, lease, or other disposition of foreign excess property, (a) shall, if in the form of foreign currencies or credits, be administered in accordance with procedures that may from time to time be established by the Secretary of the Treasury, and (b) shall, if in United States currency, or when any proceeds in foreign currencies or credits shall be reduced to United States currency, be covered into the Treasury as miscellaneous receipts: *Provided*, That the provisions of section 485(b) of this title (which by their terms apply to property disposed of under subchapter II of this chapter) shall be applicable to proceeds of foreign excess property disposed of for United States currency under this subchapter: *And provided further*, That any executive agency disposing of foreign excess property under this subchapter (1) may deposit, in a special account with the Treasurer of the United States, such amount of the proceeds of such dispositions as it deems necessary to permit appropriate refunds to purchasers when any disposition is rescinded or does not become final, or payments for breach of any warranty, and (2) may withdraw therefrom amounts so to be refunded or paid, without regard to the origin of the funds withdrawn.

(June 30, 1949, ch. 288, title IV, § 403, 63 Stat. 398.)

TRANSFER OF FUNCTIONS

Functions of all officers of Department of the Treasury, and all functions of all agencies and employees of that Department, transferred, with certain exceptions, to Secretary of the Treasury, with power vested in him to authorize their performance or performance of any of his functions, by any of those officers, agencies, and employees, by Reorg. Plan No. 26 of 1950, §§ 1, 2, eff. July 31, 1950, 15 F.R. 4935, 64 Stat. 1280, 1281, set out in the Appendix to Title 5, Government Organization and Employees. The Treasurer of the United States, referred to in this section, is an officer of Department of the Treasury.

§ 514. General provisions

(a) Promulgation of policies

The President may prescribe such policies, not inconsistent with the provisions of this subchapter, as he shall deem necessary to effectuate the provisions of this subchapter, which provisions shall guide each executive agency in carrying out its functions hereunder.

(b) Delegation of authority

Any authority conferred upon any executive agency or the head thereof by the provisions of

this subchapter may be delegated, and successive redelegation thereof may be authorized, by such head to any official in such agency or to the head of any other executive agency.

(c) Employment of personnel

The head of each executive agency responsible for the disposal of foreign excess property hereunder may, as may be necessary to carry out his functions under this subchapter, (1) subject to the civil-service and classification laws, appoint and fix the compensation of personnel, and (2) without regard to the civil-service laws, appoint personnel outside the States of the Union and the District of Columbia.

(d) Transfer of functions

There shall be transferred from the Department of State to each other executive agency affected by this subchapter such records, property, personnel, obligations, commitments, and unexpended balances of appropriations, allocations, and other funds, available or to be made available, as the Director of the Office of Management and Budget shall determine to relate to functions of such agency under this subchapter which have heretofore been administered by the Department of State.

(June 30, 1949, ch. 288, title IV, §404, 63 Stat. 398; Pub. L. 86–624, §27(c), July 12, 1960, 74 Stat. 418; 1970 Reorg. Plan No. 2, §102, eff. July 1, 1970, 35 F.R. 7959, 84 Stat. 2085; Pub. L. 96–470, title I, §101(a), Oct. 19, 1980, 94 Stat. 2237.)

REFERENCES IN TEXT

The civil-service laws, referred to in subsec. (c), are set forth in Title 5, Government Organization and Employees. See, particularly, section 3301 et seq. of Title 5.

The classification laws, referred to in subsec. (c), are classified generally to chapter 51 (§5101 et seq.) and to subchapter III (§5331 et seq.) of chapter 53 of Title 5.

CODIFICATION

Provisions of subsec. (c)(2) of this section, which authorized heads of executive agencies to fix the compensation of personnel outside the continental limits of the United States without regard to the classification laws, were omitted as obsolete and superseded. Sections 1202 and 1204 of the Classification Act of 1949, 63 Stat. 972, 973, repealed the Classification Act of 1923 and all other laws or parts of laws inconsistent with the 1949 Act. The Classification Act of 1949 was repealed by Pub. L. 89–554, Sept. 6, 1966, §8(a), 80 Stat. 632, and reenacted as chapter 51 and subchapter III of chapter 53 of Title 5, Government Organization and Employees. Section 5102 of Title 5 contains the applicability provisions of the 1949 Act, and section 5103 of Title 5 authorizes the Office of Personnel Management to determine the applicability to specific positions and employees.

AMENDMENTS

1980—Subsecs. (d), (e). Pub. L. 96–470 struck out subsec. (d) which provided that head of each executive agency responsible for disposal of foreign excess property under this subchapter submit a report to Congress in January of each year, or at such other desirable times, relative to its activities under this subchapter, accompanied by appropriate recommendations, and redesignated subsec. (e) as (d).

1960—Subsec. (c). Pub. L. 86–624 substituted ''States of the Union and the District of Columbia'' for ''continental limits of the United States''.

TRANSFER OF FUNCTIONS

Functions by law (including reorganization plan) in Bureau of the Budget or Director of Bureau of the Budget transferred to President of the United States by section 101 of Reorg. Plan No. 2 of 1970, eff. July 1, 1970, 35 F.R. 7959, 84 Stat. 2085, set out in the Appendix to Title 5, Government Organization and Employees. Section 102 of Reorg. Plan No. 2 of 1970, redesignated Bureau of the Budget as Office of Management and Budget.

SUBCHAPTER IV—RECONSTRUCTION FINANCE CORPORATION PROPERTY

§§521 to 524. Repealed. Pub. L. 91–466, §2, Oct. 17, 1970, 84 Stat. 990

Section 521, act June 30, 1949, ch. 288, title VII, §701, as added Aug. 12, 1955, ch. 874, §3, 69 Stat. 722, stated congressional declaration of policy regarding Reconstruction Finance Corporation property.

Section 522, act June 30, 1949, ch. 288, title VII, §702, as added Aug. 12, 1955, ch. 874, §3, 69 Stat. 722; amended June 25, 1959, Pub. L. 86–70, §30(b), 73 Stat. 148; July 12, 1960, Pub. L. 86–624, §27(d), 74 Stat. 418, defined State, real property, local taxing authority, real property tax, Government department, transfer, and Reconstruction Finance Corporation as used in the subchapter.

Section 523, act June 30, 1949, ch. 288, title VII, §703, as added Aug. 12, 1955, ch. 874, §3, 69 Stat. 722; amended Aug. 1, 1958, Pub. L. 85–579, §1(a), 72 Stat. 456; June 8, 1960, Pub. L. 86–498, §1(a), 74 Stat. 165; Oct. 10, 1962, Pub. L. 87–787, §1(a), 76 Stat. 805; June 29, 1964, Pub. L. 88–330, §1(a), 78 Stat. 226; July 7, 1967, Pub. L. 90–50, §1(a), 81 Stat. 119; Oct. 17, 1970, Pub. L. 91–466, §1(a), 84 Stat. 990, provided for payments by Government department which has custody of real property transferred to it on or after Jan. 1, 1946 from the Reconstruction Finance Corporation, in lieu of taxes, to State and local taxing authorities.

Section 524, act June 30, 1949, ch. 288, title VII, §704, as added Aug. 12, 1955, ch. 874, §3, 69 Stat. 723; amended Aug. 1, 1958, Pub. L. 85–579, §1(b), 72 Stat. 456; June 8, 1960, Pub. L. 86–498, §1(b), 74 Stat. 165; Oct. 10, 1962, Pub. L. 87–787, §1(b), 76 Stat. 805; June 29, 1964, Pub. L. 88–330, §1(b), 78 Stat. 226; July 7, 1967, Pub. L. 90–50, §1(b), 81 Stat. 119; Oct. 17, 1970, Pub. L. 91–466, §1(b), 84 Stat. 990, provided that failure of Government department to make payment authorized by former section 523 of this title would not give rise to any penalty or subject the property to any lien or foreclosure, exempted certain categories of real property from payments, and limited liability for any payment in lieu of taxes for any period before Jan. 1, 1955 or after Dec. 31, 1970.

EFFECTIVE DATE OF REPEAL

Section 2 of Pub. L. 91–466 provided that title VII of the Federal Property and Administrative Services Act of 1949 [sections 521 to 524 of this title] is repealed as of Jan. 1, 1971.

SUBCHAPTER V—URBAN LAND UTILIZATION

§531. Declaration of purpose and policy

It is the purpose of this subchapter to promote more harmonious intergovernmental relations and to encourage sound planning, zoning, and land use practices by prescribing uniform policies and procedures whereby the Administrator shall acquire, use, and dispose of land in urban areas in order that urban land transactions entered into for the General Services Administration or on behalf of other Federal agencies shall, to the greatest extent practicable, be consistent with zoning and land-use practices and shall be made to the greatest extent practicable in accordance with planning and development objectives of the local governments and local planning agencies concerned.

(June 30, 1949, ch. 288, title VIII, § 802, as added Pub. L. 90–577, title V, § 501, Oct. 16, 1968, 82 Stat. 1104.)

SHORT TITLE

Section 801 of act June 30, 1949, as added Oct. 16, 1968, Pub. L. 90–577, title V, § 501, 82 Stat. 1104, provided that: ''This title [enacting this subchapter] may be cited as the 'Federal Urban Land-Use Act'.''

§ 532. Disposal of urban lands

(a) Whenever the Administrator contemplates the disposal for or on behalf of any Federal agency of any real property situated within an urban area, he shall, prior to offering such land for sale, give reasonable notice to the head of the governing body of the unit of general local government having jurisdiction over zoning and land-use regulation in the geographical area within which the land or lands are located in order to afford the government the opportunity of zoning for the use of such land in accordance with local comprehensive planning.

(b) The Administrator, to the greatest practicable extent, shall furnish to all prospective purchasers of such real property, full and complete information concerning—

(1) current zoning regulations and prospective zoning requirements and objectives for such property when it is unzoned; and

(2) current availability to such property of streets, sidewalks, sewers, water, street lights, and other service facilities and prospective availability of such services if such property is included in comprehensive planning.

(June 30, 1949, ch. 288, title VIII, § 803, as added Pub. L. 90–577, title V, § 501, Oct. 16, 1968, 82 Stat. 1105.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 534 of this title.

§ 533. Acquisition or change of use of real property

(a) To the extent practicable, prior to a commitment to acquire any real property situated in an urban area, the Administrator shall notify the unit of general local government exercising zoning and land-use jurisdiction over the land proposed to be purchased of his intent to acquire such land and the proposed use of the property. In the event that the Administrator determines that such advance notice would have an adverse impact on the proposed purchase, he shall, upon conclusion of the acquisition, immediately notify such local government of the acquisition and the proposed use of the property.

(b) In the acquisition or change of use of any real property situated in an urban area as a site for public building, the Administrator shall, to the extent he determines practicable—

(1) consider all objections made to any such acquisition or change of use by such unit of government upon the ground that the proposed acquisition or change of use conflicts or would conflict with the zoning regulations or planning objectives of such unit; and

(2) comply with and conform to such regulations of the unit of general local government having jurisdiction with respect to the area within which such property is situated and the planning and development objectives of such local government.

(June 30, 1949, ch. 288, title VIII, § 804, as added Pub. L. 90–577, title V, § 501, Oct. 16, 1968, 82 Stat. 1105.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 534 of this title.

§ 534. Waiver of procedures for disposal of urban lands, acquisition or change of use of real property

The procedures prescribed in sections 532 and 533 of this title may be waived during any period of national emergency proclaimed by the President.

(June 30, 1949, ch. 288, title VIII, § 805, as added Pub. L. 90–577, title V, § 501, Oct. 16, 1968, 82 Stat. 1105.)

§ 535. Definitions

As used in this subchapter—

(a) ''Unit of general local government'' means any city, county, town, parish, village, or other general-purpose political subdivision of a State.

(b) ''Urban area'' means—

(1) any geographical area within the jurisdiction of any incorporated city, town, borough, village, or other unit of general local government, except county or parish, having a population of ten thousand or more inhabitants;

(2) that portion of the geographical area within the jurisdiction of any county, town, township, or similar governmental entity which contains no incorporated unit of general local government but has a population density equal to or exceeding one thousand five hundred inhabitants per square mile; and

(3) that portion of any geographical area having a population density equal to or exceeding one thousand five hundred inhabitants per square mile and situated adjacent to the boundary of any incorporated unit of general local government which has a population of ten thousand or more inhabitants.

(c) ''Comprehensive planning'' includes the following, to the extent directly related to the needs of a unit of general local government:

(1) Preparation, as a guide for governmental policies and action, of general plans with respect to (A) the pattern and intensity of land use, (B) the provision of public facilities (including transportation facilities) and other governmental services, and (C) the effective development and utilization of human and natural resources;

(2) Long-range physical and fiscal plans for such action;

(3) Programing of capital improvements and other major expenditures, based on a determination of relative urgency, together with definitive financing plans for such expenditures in the earlier years of the program;

(4) Coordination of all related plans and activities of the State and local governments and agencies concerned; and

(5) Preparation of regulatory and administrative measures in support of the foregoing.

(June 30, 1949, ch. 288, title VIII, § 806, as added Pub. L. 90–577, title V, § 501, Oct. 16, 1968, 82 Stat. 1105.)

SUBCHAPTER VI—SELECTION OF ARCHITECTS AND ENGINEERS

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in title 10 sections 2302, 2305a, 2855; title 23 section 112; title 33 sections 569b, 2292; title 41 sections 253m, 259; title 42 section 9619; title 43 section 377b; title 49 sections 5325, 47107.

§ 541. Definitions

As used in this subchapter—

(1) The term ''firm'' means any individual, firm, partnership, corporation, association, or other legal entity permitted by law to practice the professions of architecture or engineering.

(2) The term ''agency head'' means the Secretary, Administrator, or head of a department, agency, or bureau of the Federal Government.

(3) The term ''architectural and engineering services'' means—

(A) professional services of an architectural or engineering nature, as defined by State law, if applicable, which are required to be performed or approved by a person licensed, registered, or certified to provide such services as described in this paragraph;

(B) professional services of an architectural or engineering nature performed by contract that are associated with research, planning, development, design, construction, alteration, or repair of real property; and

(C) such other professional services of an architectural or engineering nature, or incidental services, which members of the architectural and engineering professions (and individuals in their employ) may logically or justifiably perform, including studies, investigations, surveying and mapping, tests, evaluations, consultations, comprehensive planning, program management, conceptual designs, plans and specifications, value engineering, construction phase services, soils engineering, drawing reviews, preparation of operating and maintenance manuals, and other related services.

(June 30, 1949, ch. 288, title IX, § 901, as added Pub. L. 92–582, Oct. 27, 1972, 86 Stat. 1278; amended Pub. L. 100–656, title VII, § 742, Nov. 15, 1988, 102 Stat. 3897; Pub. L. 100–679, § 8, Nov. 17, 1988, 102 Stat. 4068.)

AMENDMENTS

1988—Par. (3). Pub. L. 100–656 and Pub. L. 100–679 made substantially identical amendments, substituting par. (3) consisting of subpars. (A) to (C) for former par. (3) which read as follows: ''The term 'architectural and engineering services' includes those professional services of an architectural or engineering nature as well as incidental services that members of these professions and those in their employ may logically or justifiably perform.''

SHORT TITLE

Section 905 of title IX of act June 30, 1949, as added by Pub. L. 103–355, title X, § 10005(f)(2), Oct. 13, 1994, 108 Stat. 3409, provided that: ''This title [enacting this subchapter] may be cited as the 'Brooks Architect-Engineers Act'.''

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 31 section 1105; title 41 section 259.

§ 542. Congressional declaration of policy

The Congress hereby declares it to be the policy of the Federal Government to publicly announce all requirements for architectural and engineering services, and to negotiate contracts for architectural and engineering services on the basis of demonstrated competence and qualification for the type of professional services required and at fair and reasonable prices.

(June 30, 1949, ch. 288, title IX, § 902, as added Pub. L. 92–582, Oct. 27, 1972, 86 Stat. 1279.)

§ 543. Requests for data on architectural and engineering services

In the procurement of architectural and engineering services, the agency head shall encourage firms engaged in the lawful practice of their profession to submit annually a statement of qualifications and performance data. The agency head, for each proposed project, shall evaluate current statements of qualifications and performance data on file with the agency, together with those that may be submitted by other firms regarding the proposed project, and shall conduct discussions with no less than three firms regarding anticipated concepts and the relative utility of alternative methods of approach for furnishing the required services and then shall select therefrom, in order of preference, based upon criteria established and published by him, no less than three of the firms deemed to be the most highly qualified to provide the services required.

(June 30, 1949, ch. 288, title IX, § 903, as added Pub. L. 92–582, Oct. 27, 1972, 86 Stat. 1279.)

§ 544. Negotiation of contracts for architectural and engineering services

(a) Negotiation with highest qualified firm

The agency head shall negotiate a contract with the highest qualified firm for architectural and engineering services at compensation which the agency head determines is fair and reasonable to the Government. In making such determination, the agency head shall take into account the estimated value of the services to be rendered, the scope, complexity, and professional nature thereof.

(b) Negotiation with second and third, etc., most qualified firms

Should the agency head be unable to negotiate a satisfactory contract with the firm considered to be the most qualified, at a price he determines to be fair and reasonable to the Government, negotiations with that firm should be formally terminated. The agency head should then undertake negotiations with the second most qualified firm. Failing accord with the second most qualified firm, the agency head should terminate negotiations. The agency head should then undertake negotiations with the third most qualified firm.

(c) Selection of additional firms in event of failure of negotiation with selected firms

Should the agency head be unable to negotiate a satisfactory contract with any of the selected firms, he shall select additional firms in order of their competence and qualification and continue negotiations in accordance with this section until an agreement is reached.

(June 30, 1949, ch. 288, title IX, § 904, as added Pub. L. 92–582, Oct. 27, 1972, 86 Stat. 1279.)

CHAPTER 11—REAL PROPERTY TRANSACTIONS BY MILITARY DEPARTMENTS

§§ 551 to 554. Repealed. Aug. 10, 1956, ch. 1041, § 53, 70A Stat. 641

Section 551, act Sept. 28, 1951, ch. 434, title VI, § 601, 65 Stat. 366, related to agreements between the Secretaries of military departments or the Federal Civil Defense Administration and Armed Services Committees of Congress on real estate transactions.

Section 552, act Sept. 28, 1951, ch. 434, title VI, § 602, 65 Stat. 366, related to furnishing of quarterly reports to Armed Services Committees of all real-estate actions.

Section 553, act Sept. 28, 1951, ch. 434, title VI, § 603, 65 Stat. 366, limited the application of this chapter (§§ 551 to 554) to real property within the continental United States, Alaska, Hawaii and Puerto Rico.

Section 554, act Sept. 28, 1951, ch. 434, title VI, § 604, 65 Stat. 366, mandated a recital of compliance with the provisions of this chapter (§§ 551 to 554) in any instrument of conveyance.

CHAPTER 12—CONSTRUCTION, ALTERATION, AND ACQUISITION OF PUBLIC BUILDINGS

Sec.
601. Prohibition on construction of buildings except by Administrator of General Services.
601a. Duties of Administrator; Federal agency accommodations; historical and architectural preservation of public buildings; consultation with Governors, agencies, and chief executive officers.
602. Acquisition of buildings and their sites.
602a. Purchase contracts.
(a) Authority of Administrator; terms; vesting of title; application of installment payments to purchase price; procedures; report of negotiations to Congressional committees; solicitation of proposals.
(b) Contract provisions; limitations on amount of payments.
(c) Utilization of funds for payments.
(d) State and local taxes.
(e) Agreements to effectuate purposes; development and improvement of land; construction of projects previously approved; increase of estimated maximum cost.
(f) Submission and approval of prospectus as prerequisite; exceptions; procedure.
(g) Expiration of contracting authority.
(h) Prohibition on providing space until expiration of 30 days from notification of Congressional committees by Administrator.
603. Alteration of buildings; acquisition of land; exemption from committee approval.
604. Sites.
(a) Acquisition of lands or interests therein.
(b) Public buildings used in whole or in part for post office purposes; cooperation between Administrator and Postal Service.
(c) Solicitation of proposals for sale, donation, or exchange of real property; selection of site most advantageous to United States.
605. Construction of new buildings.
(a) Replacement of existing buildings; demolition, exchange or sale.
(b) Sale or exchange of sites.
(c) Committee approval as condition precedent to use of land as site for building.
606. Approval of proposed projects by Congress.
(a) Limitation of funds; transmission to Congress of prospectus of proposed project.
(b) Increase of estimated maximum cost.
(c) Rescission of approval for failure to make appropriations for project.
(d) Emergency leases by the Administrator.
(e) Limitation on leasing certain space.
(f) Dollar amount adjustment.
607. Buildings and sites within District of Columbia.
(a) Construction in harmony with plan of Peter Charles L'Enfant.
(b) Contiguous squares; closing of streets and alleys.
(c) Consultations prior to acquisitions.
(d) Stadium; contracts for athletic and other events; additional seating capacity: financing, terms and conditions; restriction of right to revenues.
608. Authorization for construction or alteration by contract.
609. Architectural or engineering services.
(a) Employment by Administrator.
(b) Employment on permanent basis.
(c) Responsibility of Administrator for construction.
610. Report to Congress; uncompleted projects; building project surveys.
611. Continuing investigation and survey of public buildings.
(a) Authorization of Administrator.
(b) Cooperation with Federal agencies.
(c) Request for identification of existing buildings of historical, architectural, and cultural significance.
(d) Construction and acquisition of public buildings with due regard to comparative urgency of need.
612. Definitions.
612a. Additional definitions.
613. Exemption of certain public buildings projects.
614. Delegation of authority.
615. Leasing of buildings by and for General Services Administration; authority of Postal Service.
616. Dwight D. Eisenhower Memorial Bicentennial Civic Center.
(a) Development, construction, operation, and maintenance of facilities for conventions, exhibitions, meetings, and other social, cultural, and business activities; location.
(b) Plan, design, and costs of civic center; administrative approval and review; filing plats showing opening, extension, widening, or closing of streets, roads, highways, and alleys.
(c) Land acquisition.

Sec.
(d) Contract authority; leases: term, nominal rental; purchase contracts: payment term, vesting of title in the District of Columbia, application of installment payments to purchase price, provisions securing performance of obligations, amortization, interest rate, reimbursement of contractors for certain costs, and Congressional committee approval of design, plans, and specifications.
(e) Full faith and credit of the District of Columbia.
(f) Gifts, services, securities, and other property: acceptance and administration; operation of civic center: District of Columbia or other entity; contractual operation: terms and conditions, employment of Federal, District of Columbia, and voluntary personnel.
617. State administration of criminal and health and safety laws.
618. Special rules for leased buildings.
(a) Specifications.
(b) Competitive procedures.
(c) Inspections.
(d) Enforcement.
619. Compliance with nationally recognized codes.
(a) Building codes.
(b) Zoning laws.
(c) Special rules.
(d) State and local government recommendations.
(e) Effect of noncompliance.
(f) Limitation on liability.
(g) Applicability to certain buildings.
(h) National security waiver.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in title 16 section 450ss–6; title 42 section 5817.

§ 601. Prohibition on construction of buildings except by Administrator of General Services

No public building shall be constructed except by the Administrator, who shall construct such public building in accordance with this chapter.

(Pub. L. 86–249, § 2, Sept. 9, 1959, 73 Stat. 479.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original ''this Act'', meaning Pub. L. 86–249. For complete classification of this Act to the Code, see Short Title note below and Tables.

SHORT TITLE OF 1988 AMENDMENT

Pub. L. 100–678, § 1, Nov. 17, 1988, 102 Stat. 4049, provided that: ''This Act [enacting sections 617 to 619 of this title, amending sections 318 to 318b, 603, and 606 of this title, repealing section 278a of this title, and enacting provisions set out as notes under this section and section 619 of this title] may be cited as the 'Public Buildings Amendments of 1988'.''

SHORT TITLE OF 1976 AMENDMENT

Pub. L. 94–541, title I, § 101, Oct. 18, 1976, 90 Stat. 2505, provided that: ''This title [enacting sections 601a and 612a of this title and amending sections 490, 606, and 611 of this title] may be cited as the 'Public Buildings Cooperative Use Act of 1976'.''

SHORT TITLE OF 1972 AMENDMENTS

Pub. L. 92–520, § 1, Oct. 21, 1972, 86 Stat. 1019, provided: ''That this Act [enacting section 616 of this title and provisions set out as notes under section 616 of this title] may be cited as the 'Dwight D. Eisenhower Memorial Bicentennial Civic Center Act'.''

Pub. L. 92–313, § 1, June 16, 1972, 86 Stat. 216, provided: ''That this Act [enacting section 602a of this title, amending sections 490, 603, 606, and 611 of this title, and enacting provisions set out as notes under sections 175 and 603 of this title] may be cited as the 'Public Buildings Amendments of 1972'.''

SHORT TITLE

Section 1 of Pub. L. 86–249 provided: ''That this Act [enacting this chapter, amending section 490 of this title, and repealing sections 23, 24, 32, 33, 59, 254, 259, 260, 262 to 265, 267, 268, 274 to 276, 277, 278, 282, 297 to 298, 298c, 341 to 342a, 344, 345, 346 to 350a, and 352 to 354 of this title] may be cited as the 'Public Buildings Act of 1959'.''

CENTRAL INTELLIGENCE AGENCY AUTHORITIES

Pub. L. 100–678, § 9, Nov. 17, 1988, 102 Stat. 4053, provided that: ''Nothing in this Act (including any amendment made by this Act [see Short Title of 1988 Amendment note above]) shall be construed to affect the authorities granted in sections 5, 6, and 8 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403f, 403g, and 403j).''

CROSS REFERENCES

Design and construction of public buildings to accommodate the physically handicapped, see section 4151 et seq. of Title 42, The Public Health and Welfare.

§ 601a. Duties of Administrator; Federal agency accommodations; historical and architectural preservation of public buildings; consultation with Governors, agencies, and chief executive officers

(a) In order to carry out his duties under this title and under any other authority with respect to constructing, operating, maintaining, altering, and otherwise managing or acquiring space necessary for the accommodation of Federal agencies and to accomplish the purposes of this title, the Administrator shall—

(1) acquire and utilize space in suitable buildings of historic, architectural, or cultural significance, unless use of such space would not prove feasible and prudent compared with available alternatives;

(2) encourage the location of commercial, cultural, educational, and recreational facilities and activities within public buildings;

(3) provide and maintain space, facilities, and activities, to the extent practicable, which encourage public access to and stimulate public pedestrian traffic around, into, and through public buildings, permitting cooperative improvements to and uses of the area between the building and the street, so that such activities complement and supplement commercial, cultural, educational, and recreational resources in the neighborhood of public buildings; and

(4) encourage the public use of public buildings for cultural, educational, and recreational activities.

(b) In carrying out his duties under subsection (a) of this section, the Administrator shall consult with Governors, areawide agencies established pursuant to title II of the Demonstration Cities and Metropolitan Development Act of 1966 [42 U.S.C. 3331 et seq.] and section 6506 of title 31,

and chief executive officers of those units of general local government in each area served by an existing or proposed public building, and shall solicit the comments of such other community leaders and members of the general public as he deems appropriate.

(Pub. L. 94–541, title I, § 102, Oct. 18, 1976, 90 Stat. 2505.)

REFERENCES IN TEXT

This title, referred to in subsec. (a), means title I of Pub. L. 94–541, Oct. 18, 1976, 90 Stat. 2505, the Public Buildings Cooperative Use Act of 1976, which enacted sections 601a and 612a of this title and amended sections 490, 606, and 611 of this title. For complete classification of this act to the Code, see Short Title of 1976 Amendment note set out under section 601 of this title and Tables.

The Demonstration Cities and Metropolitan Development Act of 1966, referred to in subsec. (b), is Pub. L. 89–754, Nov. 3, 1966, 80 Stat. 1255, as amended. Title II of the Demonstration Cities and Metropolitan Development Act of 1966 is classified generally to subchapter II (§ 3331 et seq.) of chapter 41 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 3301 of Title 42 and Tables.

CODIFICATION

In subsec. (b), ''section 6506 of title 31'' substituted for ''title IV of the Intergovernmental Cooperation Act of 1968 [42 U.S.C. 4231 et seq.]'' 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.

Section was enacted as part of the Public Buildings Cooperative Use Act of 1976, and not as part of the Public Buildings Act of 1959 which comprises this chapter.

EX. ORD. NO. 13006. LOCATING FEDERAL FACILITIES ON HISTORIC PROPERTIES IN OUR NATION'S CENTRAL CITIES

Ex. Ord. No. 13006, May 21, 1996, 61 F.R. 26071, provided:

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the National Historic Preservation Act (16 U.S.C. 470 *et seq.*) and the Public Buildings Cooperative Use Act of 1976 (90 Stat. 2505) [see Short Title of 1976 Amendment note set out under section 601 of this title], and in furtherance of and consistent with Executive Order No. 12072 of August 16, 1978 [40 U.S.C. 490 note], and Executive Order No. 11593 of May 13, 1971 [16 U.S.C. 470 note], it is hereby ordered as follows:

SECTION 1. *Statement of Policy*. Through the Administration's community empowerment initiatives, the Federal Government has undertaken various efforts to revitalize our central cities, which have historically served as the centers for growth and commerce in our metropolitan areas. Accordingly, the Administration hereby reaffirms the commitment set forth in Executive Order No. 12072 to strengthen our Nation's cities by encouraging the location of Federal facilities in our central cities. The Administration also reaffirms the commitments set forth in the National Historic Preservation Act to provide leadership in the preservation of historic resources, and in the Public Buildings Cooperative Use Act of 1976 to acquire and utilize space in suitable buildings of historic, architectural, or cultural significance.

To this end, the Federal Government shall utilize and maintain, wherever operationally appropriate and economically prudent, historic properties and districts, especially those located in our central business areas. When implementing these policies, the Federal Government shall institute practices and procedures that are sensible, understandable, and compatible with current authority and that impose the least burden on, and provide the maximum benefit to, society.

SEC. 2. *Encouraging the Location of Federal Facilities on Historic Properties in Our Central Cities*. When operationally appropriate and economically prudent, and subject to the requirements of section 601 of title VI of the Rural Development Act of 1972, as amended (42 U.S.C. 3122), and Executive Order No. 12072, when locating Federal facilities, Federal agencies shall give first consideration to historic properties within historic districts. If no such property is suitable, then Federal agencies shall consider other developed or undeveloped sites within historic districts. Federal agencies shall then consider historic properties outside of historic districts, if no suitable site within a district exists. Any rehabilitation or construction that is undertaken pursuant to this order must be architecturally compatible with the character of the surrounding historic district or properties.

SEC. 3. *Identifying and Removing Regulatory Barriers*. Federal agencies with responsibilities for leasing, acquiring, locating, maintaining, or managing Federal facilities or with responsibilities for the planning for, or managing of, historic resources shall take steps to reform, streamline, and otherwise minimize regulations, policies, and procedures that impede the Federal Government's ability to establish or maintain a presence in historic districts or to acquire historic properties to satisfy Federal space needs, unless such regulations, policies, and procedures are designed to protect human health and safety or the environment. Federal agencies are encouraged to seek the assistance of the Advisory Council on Historic Preservation when taking these steps.

SEC. 4. *Improving Preservation Partnerships*. In carrying out the authorities of the National Historic Preservation Act, the Secretary of the Interior, the Advisory Council on Historic Preservation, and each Federal agency shall seek appropriate partnerships with States, local governments, Indian tribes, and appropriate private organizations with the goal of enhancing participation of these parties in the National Historic Preservation Program. Such partnerships should embody the principles of administrative flexibility, reduced paperwork, and increased service to the public.

SEC. 5. *Judicial Review*. This order is not intended to create, nor does it create, any right or benefit, substantive or procedural, enforceable at law by a party against the United States, its agencies or instrumentalities, its officers or employees, or any other person.

WILLIAM J. CLINTON.

§ 602. Acquisition of buildings and their sites

The Administrator is authorized to acquire, by purchase, condemnation, donation, exchange, or otherwise, any building and its site which he determines to be necessary to carry out his duties under this chapter.

(Pub. L. 86–249, § 3, Sept. 9, 1959, 73 Stat. 479.)

§ 602a. Purchase contracts

(a) Authority of Administrator; terms; vesting of title; application of installment payments to purchase price; procedures; report of negotiations to Congressional committees; solicitation of proposals

Whenever the Administrator of General Services determines that the best interests of the United States will be served by taking action hereunder, he is authorized to provide space by entering into purchase contracts, the terms of which shall not be more than thirty years and which shall provide in each case that title to the property shall vest in the United States at or before the expiration of the contract term and upon fulfillment of the terms and conditions stipulated in each of such purchase contracts. Such terms and conditions shall include provision for the application to the purchase price

agreed upon therein of installment payments made thereunder. Each purchase contract authorized by this section shall be entered into pursuant to the provisions of title III of the Federal Property and Administrative Services Act of 1949, as amended [41 U.S.C. 251 et seq.]. If any such contract is negotiated, the determination and findings supporting such negotiation shall be promptly reported in writing to the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives. Proposals for purchase contracts shall be solicited from the maximum number of qualified sources consistent with the nature and requirements of the facility to be procured.

(b) Contract provisions; limitations on amount of payments

Each such purchase contract shall include such provisions as the Administrator of General Services, in his discretion, shall deem to be in the best interests of the United States and appropriate to secure the performance of the obligations imposed upon the party or parties that shall enter into such agreement with the United States. No such purchase contract shall provide for any payments to be made by the United States in excess of the amount necessary, as determined by the Administrator, to—

(1) amortize the cost of construction of improvements to be constructed plus the fair market value, on the date of the agreement, of the site, if not owned by the United States; and

(2) provide a reasonable rate of interest on the outstanding principal as determined under paragraph (1) above; and

(3) reimburse the contractor for the cost of any other obligations required of him under the contract, including (but not limited to) payment of taxes, costs of carrying appropriate insurance, and costs of repair and maintenance if so required of the contractor.

(c) Utilization of funds for payments

Funds available on June 16, 1972, for the payment of rent and related charges for premises, whether appropriated directly to the General Services Administration or to any other agency of the Government and received by said Administration for such purpose, may be utilized by the Administrator of General Services to make payments becoming due from time to time from the United States as current charges in connection with agreements entered into under authority of this section.

(d) State and local taxes

With respect to any interest in real property acquired under the provisions of this section, the same shall be subject to State and local taxes until title to the same shall pass to the Government of the United States.

(e) Agreements to effectuate purposes; development and improvement of land; construction of projects previously approved; increase of estimated maximum cost

For the purpose of purchase contracts provided for in this section for the erection by the contractor of buildings and improvements for the use of the United States, the Administrator is authorized to enter into agreements with any person, copartnership, corporation, or other public or private entity, to effectuate any of the purposes of this section; and is further authorized to bring about the development and improvement of any land owned by the United States and under the control of the General Services Administration including the demolition of obsolete and outmoded structures situated thereon, by providing for the construction thereon by others of such structures and facilities as shall be the subject of the applicable purchase contracts, and by making available such plans and specifications for the construction of a public building thereon as the Government may possess. Projects heretofore approved pursuant to the provisions of this chapter may be constructed under authority of this section without further approval, and the prospectuses submitted to obtain such approval shall for all purposes, be considered as prospectuses for the purchase of space, except that any such project shall be subject to the requirements of section 606(b) of this title, based upon an estimated maximum cost increased by not more than an average of 10 per centum per year, exclusive of financing or other costs attributable to the use of the method of construction authorized by this section.

(f) Submission and approval of prospectus as prerequisite; exceptions; procedure

Except for previously approved prospectuses referred to in subsection (e) of this section, no purchase contract shall be entered into pursuant to the authority of this section until a prospectus therefor has been submitted and approved in accordance with section 606 of this title.

(g) Expiration of contracting authority

No purchase contract shall be entered into under the authority granted under this section after the end of the third fiscal year which begins after June 16, 1972.

(h) Prohibition on providing space until expiration of 30 days from notification of Congressional committees by Administrator

No space shall be provided pursuant to this section until after the expiration of 30 days from the date upon which the Administrator of General Services notifies the Committees on Appropriations of the Senate and House of Representatives of his determination that the best interests of the Federal Government will be served by providing such space by entering into a purchase contract therefor.

(Pub. L. 92–313, § 5, June 16, 1972, 86 Stat. 219; Pub. L. 103–437, § 14(a), Nov. 2, 1994, 108 Stat. 4590.)

REFERENCES IN TEXT

The Federal Property and Administrative Services Act of 1949, as amended, referred to in subsec. (a), is act June 30, 1949, ch. 288, 63 Stat. 393, as amended. Title III of the Federal Property and Administrative Services Act of 1949 is classified generally to subchapter IV (§ 251 et seq.) of chapter 4 of Title 41, Public Contracts. For complete classification of this Act to the Code, see Short Title note set out under section 471 of this title and Tables.

This chapter, referred to in subsec. (e), was in the original "the Public Buildings Act of 1959, as amended

(40 U.S.C. 601 et seq.)'', meaning Pub. L. 86–249. For complete classification of this Act to the Code, see Short Title note set out under section 601 of this title and Tables.

CODIFICATION

Section was enacted as part of the Public Buildings Amendments of 1972, and not as part of the Public Buildings Act of 1959 which comprises this chapter.

AMENDMENTS

1994—Subsec. (a). Pub. L. 103–437 substituted ''Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives'' for ''Committees on Public Works of the Senate and House of Representatives''.

CHANGE OF NAME

Committee on Public Works and Transportation of House of Representatives treated as referring to Committee on Transportation and Infrastructure 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.

EFFECTIVE DATE

Section effective June 16, 1972, see section 11 of Pub. L. 92–313, set out as an Effective Date of 1972 Amendment note under section 603 of this title.

ISSUANCE OF REGULATIONS PURSUANT TO PUBLIC BUILDINGS AMENDMENTS OF 1972; APPROVAL OF RATES FOR SPACE AND SERVICES FURNISHED

Administrator to issue and coordinate regulations with Office of Management and Budget and Director of such Office to approve rates for space and services furnished, see section 7 of Pub. L. 92–313, set out as a note under section 603 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 490i of this title.

§ 603. Alteration of buildings; acquisition of land; exemption from committee approval

(a) The Administrator is authorized to alter any public building, and to acquire in accordance with section 604 of this title such land as may be necessary to carry out such alteration.

(b) No approval under section 606 of this title shall be required for any alteration and acquisition authorized by this section the estimated maximum cost of which does not exceed $1,500,000.

(Pub. L. 86–249, § 4, Sept. 9, 1959, 73 Stat. 479; Pub. L. 92–313, § 2(1), June 16, 1972, 86 Stat. 216; Pub. L. 100–678, § 2, Nov. 17, 1988, 102 Stat. 4049.)

AMENDMENTS

1988—Subsec. (b). Pub. L. 100–678 substituted ''$1,500,000'' for ''$500,000''.

1972—Subsec. (b). Pub. L. 92–313 substituted ''$500,000'' for ''$200,000''.

EFFECTIVE DATE OF 1972 AMENDMENT

Section 11 of Pub. L. 92–313 provided that: ''This Act [see Short Title of 1972 Amendment note set out under section 601 of this title] shall become effective upon enactment [June 16, 1972]. The effective date of applying the rates to be charged pursuant to the regulations to be issued under subsections (j) and (k) of section 210 of the Federal Property and Administrative Services Act of 1949, as amended [section 490(j) and (k) of this title], shall be as determined by the Administrator of General Services but in any event shall not be later than the beginning of the third full fiscal year subsequent to the enactment thereof.''

ISSUANCE OF REGULATIONS PURSUANT TO PUBLIC BUILDINGS AMENDMENTS OF 1972; APPROVAL OF RATES FOR SPACE AND SERVICES FURNISHED

Section 7 of Pub. L. 92–313 provided that: ''To carry out the provisions of the Public Buildings Amendments of 1972 [see Short Title of 1972 Amendment note set out under section 601 of this title], the Administrator of General Services shall issue such regulations as he deems necessary. Such regulations shall be coordinated with the Office of Management and Budget, and the rates established by the Administrator of General Services pursuant to sections 210(j) and 210(k) of the Federal Property and Administrative Services Act of 1949, as amended [section 490(j) and (k) of this title], shall be approved by the Director of the Office of Management and Budget.''

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 606, 614 of this title.

§ 604. Sites

(a) Acquisition of lands or interests therein

The Administrator is authorized to acquire, by purchase, condemnation, donation, exchange, or otherwise, such lands or interests in lands as he deems necessary for use as sites, or additions to sites, for public buildings authorized to be constructed or altered under this chapter.

(b) Public buildings used in whole or in part for post office purposes; cooperation between Administrator and Postal Service

Whenever a public building is to be used in whole or in part for post office purposes, the Administrator shall act jointly with the United States Postal Service in selecting the town or city wherein such building is to be constructed, and in selecting the site in such town or city for such building.

(c) Solicitation of proposals for sale, donation, or exchange of real property; selection of site most advantageous to United States

Whenever the Administrator is to acquire a site under this section, he may, if he deems it necessary, solicit by public advertisement, proposals for the sale, donation, or exchange of real property to the United States to be used as such site. In selecting a site under this section the Administrator (with the concurrence of the United States Postal Service if the public building to be constructed thereon is to be used in whole or in part for post office purposes) is authorized to select such site as in his estimation is the most advantageous to the United States, all factors considered, and to acquire such site without regard to title III of the Federal Property and Administrative Services Act of 1949, as amended [41 U.S.C. 251 et seq.].

(Pub. L. 86–249, § 5, Sept. 9, 1959, 73 Stat. 479; Pub. L. 91–375, § 4(a), Aug. 12, 1970, 84 Stat. 773.)

REFERENCES IN TEXT

The Federal Property and Administrative Services Act of 1949, as amended, referred to in subsec. (c), is act June 30, 1949, ch. 288, 63 Stat. 393, as amended. Title III of the Federal Property and Administrative Services Act of 1949 is classified generally to subchapter IV (§ 251 et seq.) of chapter 4 of Title 41, Public Contracts. For

completed classification of this Act to the Code, see Short Title note set out under section 471 of this title and Tables.

TRANSFER OF FUNCTIONS

In subsecs. (b) and (c), ''United States Postal Service'' substituted for ''Postmaster General'' pursuant to Pub. L. 91–375, § 4(a), Aug. 12, 1970, 84 Stat. 773, set out as a note under section 201 of Title 39, Postal Service, which abolished office of Postmaster General of Post Office Department and transferred its functions to United States Postal Service.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 603 of this title.

§ 605. Construction of new buildings

(a) Replacement of existing buildings; demolition, exchange or sale

Whenever the Administrator deems it to be in the best interest of the United States to construct a new public building to take the place of an existing public building, he is authorized to demolish the existing building and to use the site on which it is located for the site of the proposed public building, or, if in his judgment it is more advantageous to construct such public building on a different site in the same city, he is authorized to exchange such building and site, or such site, for another site, or to sell such building and site in accordance with the provisions of the Federal Property and Administrative Services Act of 1949, as amended [40 U.S.C. 471 et seq.].

(b) Sale or exchange of sites

Whenever the Administrator determines that a site acquired for the construction of a public building is not suitable for that purpose, he is authorized to exchange such site for another, or to sell it in accordance with the provisions of the Federal Property and Administrative Services Act of 1949, as amended [40 U.S.C. 471 et seq.].

(c) Committee approval as condition precedent to use of land as site for building

Nothing in this section shall be deemed to permit the Administrator to use any land as a site for a public building if such project has not been approved in accordance with section 606 of this title.

(Pub. L. 86–249, § 6, Sept. 9, 1959, 73 Stat. 479.)

REFERENCES IN TEXT

The Federal Property and Administrative Services Act of 1949, as amended, referred to in subsecs. (a) and (b), is act June 30, 1949, ch. 288, 63 Stat. 377, as amended. Provisions of that act relating to disposal of government property are classified to chapter 10 (§ 471 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 471 of this title and Tables.

CROSS REFERENCES

Design and construction of public buildings to accommodate the physically handicapped, see section 4151 et seq. of Title 42, The Public Health and Welfare.

§ 606. Approval of proposed projects by Congress

(a) Limitation of funds; transmission to Congress of prospectus of proposed project

In order to insure the equitable distribution of public buildings throughout the United States with due regard for the comparative urgency of need for such buildings, except as provided in section 603 of this title, no appropriation shall be made to construct, alter, purchase, or to acquire any building to be used as a public building which involves a total expenditure in excess of $1,500,000 if such construction, alteration, purchase, or acquisition has not been approved by resolutions adopted by the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives. No appropriations shall be made to lease any space at an average annual rental in excess of $1,500,000 for use for public purposes if such lease has not been approved by resolutions adopted by the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives. No appropriation shall be made to alter any building, or part thereof, which is under lease by the United States for use for a public purpose if the cost of such alteration would exceed $750,000 unless such alteration has been approved by resolutions adopted by the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives. For the purpose of securing consideration for such approval, the Administrator shall transmit to the Congress a prospectus of the proposed facility, including (but not limited to)—

(1) a brief description of the building to be constructed, altered, purchased, acquired, or the space to be leased under this chapter;

(2) the location of the building or space to be leased and an estimate of the maximum cost to the United States of the facility to be constructed, altered, purchased, acquired, or the space to be leased;

(3) a comprehensive plan for providing space for all Government officers and employees in the locality of the proposed facility or the space to be leased, having due regard for suitable space which may continue to be available in existing Government-owned or occupied buildings, especially such of those buildings as enhance the architectural, historical, social, cultural, and economic environment of the locality;

(4) with respect to any project for the construction, alteration, purchase, or acquisition of any building, a statement by the Administrator that suitable space owned by the Government is not available and that suitable rental space is not available at a price commensurate with that to be afforded through the proposed action;

(5) a statement by the Administrator of the economic and other justifications for not acquiring or purchasing a building or buildings identified to the Administrator pursuant to section 611(c) of this title as suitable for the public building needs of the Federal Government; and

(6) a statement of rents and other housing costs currently being paid by the Government for Federal agencies to be housed in the building to be constructed, altered, purchased, acquired, or the space to be leased.

(b) Increase of estimated maximum cost

The estimated maximum cost of any project approved under this section as set forth in any prospectus may be increased by an amount equal to the percentage increase, if any, as determined by the Administrator, in construction, or alteration costs, as the case may be, from the date of transmittal of such prospectus to Congress, but in no event shall the increase authorized by this subsection exceed 10 per centum of such estimated maximum cost.

(c) Rescission of approval for failure to make appropriations for project

In the case of any project approved for construction, alteration, or acquisition by the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives, in accordance with subsection (a) of this section, for which an appropriation has not been made within one year after the date of such approval, either of those Committees may rescind, by resolution, its approval of such project at any time thereafter before such an appropriation has been made.

(d) Emergency leases by the Administrator

Nothing in this section shall be construed to prevent the Administrator from entering into emergency leases during any period declared by the President to require such emergency leasing authority, except that no such emergency lease shall be for a period of more than 180 days without approval of a prospectus for such lease in accordance with subsection (a) of this section.

(e) Limitation on leasing certain space

(1) General rule

The Administrator may not lease any space to accommodate—

(A) computer and telecommunications operations;

(B) secure or sensitive activities related to the national defense or security, except in any case in which it would be inappropriate to locate such activities in a public building or other facility identified with the United States Government; or

(C) a permanent courtroom, judicial chamber, or administrative office for any United States court;

if the average rental cost of leasing such space would exceed $1,500,000.

(2) Exception

The Administrator may lease any space with respect to which paragraph (1) applies if the Administrator first determines, for reasons set forth in writing, that leasing such space is necessary to meet requirements which cannot be met in public buildings and submits such reasons to the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives.

(f) Dollar amount adjustment

Any dollar amount referred to in this section and section 603(b) of this title may be adjusted by the Administrator annually to reflect a percentage increase or decrease in construction costs during the preceding calendar year, as determined by the composite index of construction costs of the Department of Commerce. Any such adjustment shall be expeditiously reported to the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives.

(Pub. L. 86–249, § 7, Sept. 9, 1959, 73 Stat. 480; Pub. L. 92–313, § 2(4), June 16, 1972, 86 Stat. 217; Pub. L. 94–541, title I, § 103(1), (2), Oct. 18, 1976, 90 Stat. 2505; Pub. L. 100–678, §§ 2–4, Nov. 17, 1988, 102 Stat. 4049, 4050; Pub. L. 103–437, § 14(b)(1), Nov. 2, 1994, 108 Stat. 4590.)

AMENDMENTS

1994—Subsec. (a). Pub. L. 103–437, § 14(b)(1)(A), in introductory provisions, substituted ''Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives'' for ''Committee on Public Works of the Senate and House of Representatives, respectively'' in two places.

Subsec. (c). Pub. L. 103–437, § 14(b)(1)(B), substituted ''Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives'' for '' Committees on Public Works of the Senate and of the House of Representatives, respectively,'' and ''of those Committees'' for ''the Committee on Public Works of the Senate or the Committee on Public Works of the House of Representatives,''.

1988—Subsec. (a). Pub. L. 100–678, §§ 2, 3(a), substituted ''$1,500,000'' for ''$500,000'' in two places and inserted after second sentence ''No appropriation shall be made to alter any building, or part thereof, which is under lease by the United States for use for a public purpose if the cost of such alteration would exceed $750,000 unless such alteration has been approved by resolutions adopted by the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives.''

Subsec. (e). Pub. L. 100–678, § 3(b), added subsec. (e).

Subsec. (f). Pub. L. 100–678, § 4, added subsec. (f).

1976—Subsec. (a)(3). Pub. L. 94–541, § 103(1), required the comprehensive plan to have due regard for suitable space available in existing Government-owned or occupied buildings ''especially such of those buildings as enhance the architectural, historical, social, cultural, and economic environment of the locality''.

Subsec. (a)(5), (6). Pub. L. 94–541, § 103(2), added cl. (5) and redesignated former cl. (5) as (6).

1972—Subsec. (a). Pub. L. 92–313 inserted provisions relating to purchase of any building to be used as a public building and lease of any space for use for public purposes, increased from $100,000 for construction and acquisition and from $200,000 for alteration to $500,000 as the maximum appropriation authorized to be made for the construction, alteration, purchase, and acquisition of any building without specified approval pursuant to resolutions adopted by the Committees on Public Works of the Senate and House of Representatives, and expanded required contents of prospectus transmitted by the Administrator to the Congress.

Subsecs. (b), (c). Pub. L. 92–313 reenacted provisions without change.

Subsec. (d). Pub. L. 92–313 substituted provisions authorizing the Administrator to enter into emergency leases in accordance with the specified conditions for provisions setting forth restrictions on the approval of new projects.

CHANGE OF NAME

Committee on Public Works and Transportation of House of Representatives treated as referring to Committee on Transportation and Infrastructure 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.

EFFECTIVE DATE OF 1972 AMENDMENT

Amendment by Pub. L. 92–313 effective June 16, 1972, see section 11 of Pub. L. 92–313, set out as a note under section 603 of this title.

ISSUANCE OF REGULATIONS PURSUANT TO PUBLIC BUILDINGS AMENDMENTS OF 1972; APPROVAL OF RATES FOR SPACE AND SERVICES FURNISHED

Administrator to issue and coordinate regulations with office of Management and Budget and Director of such Office to approve rates for space and services furnished, see section 7 of Pub. L. 92–313, set out as a note under section 603 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 602a, 603, 605, 610, 611 of this title; title 31 section 781; title 42 section 8287c.

§607. Buildings and sites within District of Columbia

(a) Construction in harmony with plan of Peter Charles L'Enfant

The purposes of this chapter shall be carried out in the District of Columbia as nearly as may be practicable in harmony with the plan of Peter Charles L'Enfant and such public buildings shall be so constructed or altered as to combine architectural beauty with practical utility.

(b) Contiguous squares; closing of streets and alleys

Whenever in constructing or altering a public building under this chapter in the District of Columbia the Administrator determines that such construction or alteration requires the utilization of contiguous squares as a site for such building, such portions of streets as lie between such squares and such alleys as intersect such squares are authorized to be closed and vacated if such closing and vacating is mutually agreed to by the Administrator, the Council of the District of Columbia, and the National Capital Planning Commission. The portions of such streets and alleys so closed and vacated shall thereupon become part of such site.

(c) Consultations prior to acquisitions

With respect to any lands located south of Independence Avenue, between Third Street SW. and Eleventh Street SE., in the District of Columbia, no such lands shall be acquired by the Administrator for use as sites, or additions to sites, without prior consultation with the House Office Building Commission created by the Act of March 4, 1907.

With respect to any lands located in the area extending from the United States Capitol Grounds to Eleventh Street NE. and SE. and bounded by Independence Avenue on the south and G Street NE. on the north, in the District of Columbia, no such lands shall be acquired by the Administrator for use as sites, or additions to sites, without prior consultation with the Architect of the Capitol.

(d) Stadium; contracts for athletic and other events; additional seating capacity: financing, terms and conditions; restriction of right to revenues

(1) Notwithstanding the District of Columbia Stadium Act of 1957 [D.C. Code, §2–321 et seq.] or any other provision of law, the Armory Board (hereafter in this subsection referred to as the ''Board''), created by the Act of June 4, 1948 (D.C. Code, sec. 2–1702 [sec. 2–302]), is hereby authorized to enter into contracts for the conduct in the Robert F. Kennedy Stadium authorized by such Act of 1957 of major league football, baseball, and softball, and motorcycle races, rodeos, musical concerts, and other events, and to increase the seating capacity of such stadium by an additional number of seats, not to exceed eight thousand, and at a cost not to exceed $1,500,000. Notwithstanding such Act of 1957, or any other provision of law, the Board is further authorized to borrow such sums as may be necessary to provide for the additional seating authorized by this subsection in accordance with the following terms and conditions, which terms and conditions shall be effective during the period that any of such sums so borrowed remain unpaid:

(A) 50 per centum of all revenues from professional football derived from such additional seats shall be used solely for the purpose of repaying the sums borrowed for such seats;

(B) 44 per centum of such revenues shall be paid to the team operating under the trade name of the Washington Redskins, or its successors; and

(C) 6 per centum of such revenues shall be subject to the provisions of section 6 of such Act of 1957 [D.C. Code, §2–325].

(2) In no case shall the National Football League or any team within such league (other than the aforementioned Redskins team or its successors), during the period within which any part of such sums so borrowed pursuant to paragraph (1) of this subsection remains unpaid, be considered as being entitled to, or as acquiring any right in connection with, any part of the revenues attributable to the additional seats authorized by this subsection.

(Pub. L. 86–249, §8, Sept. 9, 1959, 73 Stat. 481; Pub. L. 87–476, §§1–3, June 8, 1962, 76 Stat. 92; 1967 Reorg. Plan No. 3, §402(431), eff. Nov. 3, 1967, 32 F.R. 11669, 81 Stat. 951; Pub. L. 93–72, July 10, 1973, 87 Stat. 169; Pub. L. 93–198, title IV, §401, Dec. 24, 1973, 87 Stat. 785.)

REFERENCES IN TEXT

Provisions of the Act of March 4, 1907, referred to in subsec. (c), that created the House Office Building Commission are classified to section 175 of this title.

The District of Columbia Stadium Act of 1957, referred to in subsec. (d), is Pub. L. 85–300, Sept. 7, 1957, 71 Stat. 619, as amended, which appears in subchapter II (§2–321 et seq.) of chapter 3 of Title 2, District Boards and Commissions, of the District of Columbia Code.

Act of June 4, 1948, referred to in subsec. (d), is act June 4, 1948, ch. 418, 62 Stat. 339, which appears in subchapter I (§2–301 et seq.) of chapter 3 of Title 2 of the District of Columbia Code.

AMENDMENTS

1973—Subsec. (d). Pub. L. 93–72 added subsec. (d).

1962—Subsecs. (a) to (c). Pub. L. 87–476 repealed subsec. (a), redesignated subsecs. (b) and (c) as (a) and (b), respectively, and added subsec. (c).

TRANSFER OF FUNCTIONS

''Council of the District of Columbia'' substituted for ''District of Columbia Council'' in subsec. (b), pursuant to section 401 of Pub. L. 93–198. District of Columbia Council, 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, classified to section 1–211 of the District of Columbia Code, and replaced by Council of District of Columbia, as provided by section 401 of Pub. L. 93–198, classified to section 1–221 of the District of Columbia Code.

Previously, reference to the Board of Commissioners of the District of Columbia had been changed to the District of Columbia Council pursuant to section 402(431) of Reorganization Plan No. 3 of 1967, 32 F.R. 11669, set out in the Appendix to Title 5, Government Organizations and Employees, which transferred the regulatory and other functions of the Board of Commissioners relating to agreements as to the closing and vacating of alleys and portions of streets to the District of Columbia Council, subject to the right of the Commissioner as provided by section 406 of the Plan. For provisions establishing the District of Columbia Council, see section 201 of the Reorg. Plan No. 3 of 1967.

§ 608. Authorization for construction or alteration by contract

The Administrator is authorized to carry out any construction or alteration authorized by this chapter by contract, if he deems it to be most advantageous to the United States.

(Pub. L. 86–249, § 9, Sept. 9, 1959, 73 Stat. 481.)

§ 609. Architectural or engineering services

(a) Employment by Administrator

The Administrator, whenever he determines it to be necessary, is authorized to employ, by contract or otherwise, and without regard to chapter 51 and subchapter III of chapter 53 of title 5, or to the civil service laws, rules, and regulations, or to section 5 of title 41, the services of established architectural or engineering corporations, firms, or individuals, to the extent he may require such services for any public building authorized to be constructed or altered under this chapter.

(b) Employment on permanent basis

No corporation, firm, or individual shall be employed under authority of subsection (a) of this section on a permanent basis.

(c) Responsibility of Administrator for construction

Notwithstanding any other provision of this section the Administrator shall be responsible for all construction authorized by this chapter, including the interpretation of construction contracts, the approval of materials and workmanship supplied pursuant to a construction contract, approval of changes in the construction contract, certification of vouchers for payments due the contractor, and final settlement of the contract.

(Pub. L. 86–249, § 10, Sept. 9, 1959, 73 Stat. 481.)

REFERENCES IN TEXT

The civil service laws, referred to in subsec. (a), are set forth in Title 5, Government Organization and Employees. See, particularly, section 3301 et seq. of Title 5.

CODIFICATION

In subsec. (a), ''chapter 51 and subchapter III of chapter 53 of title 5'' substituted for ''the Classification Act of 1949, as amended'' 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.

CROSS REFERENCES

Design and construction of public buildings to accommodate the physically handicapped, see section 4151 et seq. of Title 42, The Public Health and Welfare.

§ 610. Report to Congress; uncompleted projects; building project surveys

(a) Upon the request of either House of Congress, or any committee thereof, and within a reasonable time, the Administrator shall submit a report showing the location, space, cost, and status, of each public building the construction, alteration, or acquisition of which is to be under authority of this chapter and which was uncompleted as of the date of the request, or as of such other date as the request may designate.

(b) The Administrator and the United States Postal Service are authorized and directed to make such building project surveys as may be requested by resolution by either the Committee on Environment and Public Works of the Senate or the Committee on Public Works and Transportation of the House of Representatives, and within a reasonable time shall make a report thereon to the Congress. Such report shall contain all other information required to be included in a prospectus of the proposed public building project under section 606(a) of this title.

(Pub. L. 86–249, § 11, Sept. 9, 1959, 73 Stat. 481; Pub. L. 91–375, § 4(a), Aug. 12, 1970, 84 Stat. 773; Pub. L. 96–470, title II, § 211, Oct. 19, 1980, 94 Stat. 2246; Pub. L. 103–437, § 14(b)(2), Nov. 2, 1994, 108 Stat. 4591.)

AMENDMENTS

1994—Subsec. (b). Pub. L. 103–437 substituted ''Committee on Environment and Public Works of the Senate or the Committee on Public Works and Transportation of the House of Representatives'' for ''Committee on Public Works of the Senate or the Committee on Public Works of the House of Representatives''.

1980—Subsec. (a). Pub. L. 96–470 substituted ''Upon the request of either House of Congress, or any committee thereof, and within a reasonable time, the Administrator shall submit'' for ''The Administrator shall submit to Congress each January, promptly after the convening of Congress,'' and ''request, or as of such other date as the request may designate'' for ''last preceding report made under this chapter''.

CHANGE OF NAME

Committee on Public Works and Transportation of House of Representatives treated as referring to Committee on Transportation and Infrastructure 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.

TRANSFER OF FUNCTIONS

In subsec. (b), ''United States Postal Service'' substituted for ''Postmaster General'' pursuant to Pub. L. 91–375, § 4(a), Aug. 12, 1970, 84 Stat. 773, set out as a note

under section 201 of Title 39, Postal Service, which abolished office of Postmaster General of Post Office Department and transferred its functions to United States Postal Service.

CROSS REFERENCES

Design and construction of public buildings to accommodate the physically handicapped, see section 4151 et seq. of Title 42, The Public Health and Welfare.

§611. Continuing investigation and survey of public buildings

(a) Authorization of Administrator

The Administrator is authorized and directed to make a continuing investigation and survey of the public buildings needs of the Federal Government in order that he may carry out his duties under this chapter, and to submit to Congress prospectuses of proposed projects in accordance with section 606(a) of this title.

(b) Cooperation with Federal agencies

In carrying out his duties under this chapter the Administrator shall cooperate with all Federal agencies in order to keep informed of their needs, shall advise each such agency of his program with respect to such agency, and may request the cooperation and assistance of each Federal agency in carrying out his duties under this chapter. Each Federal agency shall cooperate with, advise, and assist the Administrator in carrying out his duties under this chapter as determined necessary by the Administrator to carry out the purposes of this chapter.

(c) Request for identification of existing buildings of historical, architectural, and cultural significance

Whenever the Administrator undertakes a survey of the public buildings needs of the Federal Government within a geographical area, he shall request that, within sixty days, the Advisory Council on Historic Preservation established by title II of the Act of October 15, 1966 (16 U.S.C. 470i), identify any existing buildings within such geographical area that (1) are of historic, architectural, or cultural significance (as defined in section 612a of this title) and (2) would be suitable, whether or not in need of repair, alteration, or addition, for acquisition or purchase to meet the public buildings needs of the Federal Government.

(d) Construction and acquisition of public buildings with due regard to comparative urgency of need

The Administrator in carrying out his duties under this chapter shall provide for the construction and acquisition of public buildings equitably throughout the United States with due regard to the comparative urgency of the need for each particular building. In developing plans for such new buildings, the Administrator shall give due consideration to excellence of architecture and design.

(Pub. L. 86–249, §12, Sept. 9, 1959, 73 Stat. 482; Pub. L. 92–313, §2(2), (3), June 16, 1972, 86 Stat. 216, 217; Pub. L. 94–541, title I, §103(3), Oct. 18, 1976, 90 Stat. 2506.)

REFERENCES IN TEXT

Act of October 15, 1966, referred to in subsec. (c), is Pub. L. 89–665, Oct. 15, 1966, 80 Stat. 915, as amended, known as the National Historic Preservation Act. Title II of the Act is classified generally to sections 470i to 470v of Title 16, Conservation. For complete classification of this Act to the Code, see section 470 of Title 16 and Tables.

CODIFICATION

Section consists of subsecs. (a) to (d) of section 12 of Pub. L. 86–249. Subsec. (e) of Pub. L. 86–249 (formerly subsec. (d) and redesignated (e) by section 103(3) of Pub. L. 94–541) amended section 490(h)(1) of this title.

AMENDMENTS

1976—Subsecs. (c), (d). Pub. L. 94–541 added subsec. (c) and redesignated former subsec. (c) as (d).

1972—Subsec. (a). Pub. L. 92–313, §2(2), struck out ''as he determines necessary,'' after ''this chapter, and,''.

Subsec. (c). Pub. L. 92–313, §2(3), inserted provisions relating to development of plans for new buildings by the Administrator.

EFFECTIVE DATE OF 1972 AMENDMENT

Amendment by Pub. L. 92–313 effective June 16, 1972, see section 11 of Pub. L. 92–313, set out as a note under section 603 of this title.

TERMINATION OF ADVISORY COUNCILS

Advisory councils 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 council established by the President or an officer of the Federal Government, such council is renewed by appropriate action prior to the expiration of such 2-year period, or in the case of a council 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.

ISSUANCE OF REGULATIONS PURSUANT TO PUBLIC BUILDINGS AMENDMENTS OF 1972; APPROVAL OF RATES FOR SPACE AND SERVICES FURNISHED

Administrator to issue and coordinate regulations with Office of Management and Budget and Director of such Office to approve rates for space and services furnished, see section 7 of Pub. L. 92–313, set out as a note under section 603 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 606 of this title.

§612. Definitions

As used in this chapter—

(1) The term ''public building'' means any building, whether for single or multitenant occupancy, its grounds, approaches, and appurtenances, which is generally suitable for office or storage space or both for the use of one or more Federal agencies or mixed ownership corporations, and shall include: (i) Federal office buildings, (ii) post office, (iii) customhouses, (iv) courthouses, (v) appraisers stores, (vi) border inspection facilities, (vii) warehouses, (viii) record centers, (ix) relocation facilities, (x) telecommuting centers and[1] (xi) similar Federal facilities, and (xii) any other buildings or construction projects the inclusion of which the President may deem, from time to time hereafter, to be justified in the public interest; but shall not include any such buildings and construction projects: (A) on the public domain (including that reserved for national forests and other purposes), (B) on properties of the United States in

[1] So in original. The word ''and'' probably should be a comma.

foreign countries, (C) on Indian and native Eskimo properties held in trust by the United States, (D) on lands used in connection with Federal programs for agricultural, recreational, and conservation purposes, including research in connection therewith, (E) on or used in connection with river, harbor, flood control, reclamation or power projects, or for chemical manufacturing or development projects, or for nuclear production, research, or development projects, (F) on or used in connection with housing and residential projects, (G) on military installations (including any fort, camp, post, naval training station, airfield, proving ground, military supply depot, military school, or any similar facility of the Department of Defense), (H) on installations of the Department of Veterans Affairs used for hospital or domiciliary purposes, and (I) the exclusion of which the President may deem, from time to time hereafter, to be justified in the public interest.

(2) The term ''Administrator'' means the Administrator of General Services.

(3) The term ''Federal agency'' means any executive agency or any establishment in the legislative or judicial branch of the Government (except the Senate, the House of Representatives, and the Architect of the Capitol and any activities under his direction).

(4) The term ''executive agency'' means any executive department or independent establishment in the executive branch of the Government including any wholly owned Government corporation and including (A) the Central-Bank for Cooperatives and the regional banks for cooperatives, (B) Federal land banks, (C) Federal intermediate credit banks, [(D) Repealed. Pub. L. 101–73, title VII, § 744(g), Aug. 9, 1989, 103 Stat. 438], (E) Federal Deposit Insurance Corporation, and (F) the Government National Mortgage Association.

(5) The term ''alter'' includes repairing, remodeling, improving, or extending or other changes in a public building.

(6) The terms ''construct'' and ''alter'' include preliminary planning, engineering, architectural, legal, fiscal, and economic investigations and studies, surveys, designs, plans, working drawings, specifications, procedures, and other similar actions necessary for the construction or alteration, as the case may be, of a public building.

(7) The term ''United States'' includes the several States, the District of Columbia, the Commonwealth of Puerto Rico, and the possessions of the United States.

(Pub. L. 86–249, § 13, Sept. 9, 1959, 73 Stat. 482; Pub. L. 90–448, title VIII, § 807(f), Aug. 1, 1968, 82 Stat. 544; Pub. L. 101–73, title VII, § 744(g), Aug. 9, 1989, 103 Stat. 438; Pub. L. 102–54, § 13(*o*), June 13, 1991, 105 Stat. 278; Pub. L. 104–208, div. A, title I, § 101(f) [title IV, § 407(b)], Sept. 30, 1996, 110 Stat. 3009–314, 3009–338.)

AMENDMENTS

1996—Par. (1)(x) to (xii). Pub. L. 104–208 added cl. (x) and redesignated former cls. (x) and (xi) as (xi) and (xii), respectively.

1991—Par. (1)(H). Pub. L. 102–54 substituted ''installations of the Department of Veterans Affairs'' for ''Veterans' Administration installations''.

1989—Par. (4)(D). Pub. L. 101–73 struck out subpar. (D) which read as follows: ''Federal home loan banks,''.

1968—Par. (4). Pub. L. 90–448 substituted ''Government National Mortgage Association'' for ''Federal National Mortgage Association''.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 490 of this title; title 15 section 205c; title 42 section 8287c; title 49 section 40110.

§ 612a. Additional definitions

As used in this title and in the amendments made by this title—

(1) The term ''Administrator'' means the Administrator of General Services.

(2) The terms ''public building'' and ''Federal agency'' have the same meaning as is given them in this chapter.

(3) The term ''unit of general local government'' means any city, county, town, parish, village, or other general purpose political subdivision of a State.

(4) The term ''historical, architectural, or cultural significance'' includes, but is not limited to, buildings listed or eligible to be listed on the National Register established under section 470a of title 16.

(5) The term ''commercial activities'' includes, but is not limited to, the operations of restaurants, food stores, craft stores, dry goods stores, financial institutions, and display facilities.

(6) The term ''cultural activities'' includes, but is not limited to, film, dramatic, dance, and musical presentations, and fine art exhibits, whether or not such activities are intended to make a profit.

(7) The term ''educational activities'' includes, but is not limited to, the operations of libraries, schools, day care centers, laboratories, and lecture and demonstration facilities.

(8) The term ''recreational activities'' includes, but is not limited to, the operations of gymnasiums and related facilities.

(Pub. L. 94–541, title I, § 105, Oct. 18, 1976, 90 Stat. 2507.)

REFERENCES IN TEXT

This title, referred to in introductory text, means title I of Pub. L. 94–541, Oct, 18, 1976, 90 Stat. 2505, the Public Buildings Cooperative Use Act of 1976, which enacted sections 601a and 612a and amended sections 490, 606, and 611 of this title.

This chapter, referred to in par. (2), was in the original ''the Public Buildings Act of 1959'', meaning Pub. L. 86–249. For complete classification of this Act to the Code, see Short Title note set out under section 601 of this title and Tables.

CODIFICATION

Section was enacted as part of the Public Buildings Cooperative Use Act of 1976, and not as part of the Public Buildings Act of 1959 which comprises this chapter.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 490, 611 of this title; title 31 section 782.

§ 613. Exemption of certain public buildings projects

This chapter shall not apply to the construction of any public building—

(1) for which an appropriation for construction is made out of the $500,000 made available for construction of small public building projects outside the District of Columbia pursuant to the Public Buildings Act of May 25, 1926, as amended, in the third paragraph, or for which an appropriation is made in the fourth, sixth, seventh, and eighth paragraphs, under the heading ''GENERAL SERVICES ADMINISTRATION'' in title I of the Independent Offices Appropriation Act, 1959,

(2) which is a project referred to in the first proviso of the fifth paragraph under the heading ''GENERAL SERVICES ADMINISTRATION'' in title I of the Independent Offices Appropriation Act, 1959,

(3) for which an appropriation for direct construction by an executive agency other than the General Services Administration of a specified public building has been made before September 9, 1959,

(4) within the purview of section 1252(c)[1] of title 8 or section 68 of title 19.

(Pub. L. 86–249, §14, Sept. 9, 1959, 73 Stat. 483.)

REFERENCES IN TEXT

The Public Buildings Act of May 25, 1926, referred to in par. (1), is act May 25, 1926, ch. 380, 44 Stat. 630, as amended, which enacted sections 341, 342, 343 to 345a, 346, and 347 of this title, which were repealed or eliminated by Pub. L. 86–249 which enacted this chapter.

Title I of the Independent Offices Appropriation Act, 1959, referred to in pars. (1) and (2), is title I of Pub. L. 85–844, Aug. 28, 1958, 72 Stat. 1063. The fourth through eighth paragraphs under the heading ''General Services Administration'', which appear at 72 Stat. 1067, are not classified to the Code, except for the first proviso of the fifth paragraph which is set out as a note under section 356 of this title.

Section 1252 of title 8, referred to in par. (4), was amended generally by Pub. L. 104–208, div. C, title III, §306(a)(2), Sept. 30, 1996, 110 Stat. 3009–607, and, as so amended, subsec. (c) relates to requirements for petitions for review or for habeas corpus and not to public buildings. Provisions similar to those contained in former section 1252(c) are now contained in section 1231(g) of Title 8, Aliens and Nationality.

§614. Delegation of authority

The performance, in accordance with standards established by the Administrator of General Services, of the responsibilities and authorities vested in him under this chapter shall, except for the authority contained in section 603 of this title, upon request, be delegated to the appropriate executive agency where the estimated cost of the project does not exceed $100,000, and may be delegated to the appropriate executive agency where the Administrator determines that such delegation will promote efficiency and economy. No delegation of responsibility or authority made under this section shall exempt the person to whom such delegation is made, or the exercise of such responsibility or authority, from any other provision of this chapter.

(Pub. L. 86–249, §15, Sept. 9, 1959, 73 Stat. 483.)

§615. Leasing of buildings by and for General Services Administration; authority of Postal Service

Nothing in this chapter shall be construed to limit or repeal—

(1) existing authorizations for the leasing of buildings by and for the General Services Administration; or

(2) the authority conferred by law on the United States Postal Service.

(Pub. L. 86–249, §16, Sept. 9, 1959, 73 Stat. 483; Pub. L. 91–375, §6(m)(3), Aug. 12, 1970, 84 Stat. 782.)

AMENDMENTS

1970—Pub. L. 91–375 struck out ''contained'' after ''Nothing'' and ''use of the'' and ''or the Post Office Department'' before and after ''General Services Administration'' in cl. (1), and substituted in cl. (1) ''; or'' for '', or'' and as cl. (2) ''the authority conferred by law on the United States Postal Service'' for ''the authorization for the improvement of public buildings contained in title III of the Act entitled 'An Act to establish a postal policy, to adjust postal rates, to adjust the compensation of postal employees, and for other purposes', approved May 27, 1958 (72 Stat. 134).''

EFFECTIVE DATE OF 1970 AMENDMENT

Amendment by Pub. L. 91–375 effective within 1 year after Aug. 12, 1970, on date established therefor by the Board of Governors of the United States Postal Service and published by it in the Federal Register, see section 15(a) of Pub. L. 91–375, set out as an Effective Date note preceding section 101 of Title 39, Postal Service.

§616. Dwight D. Eisenhower Memorial Bicentennial Civic Center

(a) Development, construction, operation, and maintenance of facilities for conventions, exhibitions, meetings, and other social, cultural, and business activities; location

In order to provide for the District of Columbia facilities for the holding of conventions, exhibitions, meetings, and other social, cultural, and business activities, the Mayor of the District of Columbia (hereinafter, ''Mayor'') is authorized to provide for the development, construction, operation, and maintenance of the civic center to be designated as the Dwight D. Eisenhower Memorial Bicentennial Civic Center on a site in the Northwest section of the District of Columbia within an area bounded by Eighth Street, H Street, Tenth Street, New York Avenue, and K Street.

(b) Plan, design, and costs of civic center; administrative approval and review; filing plats showing opening, extension, widening, or closing of streets, roads, highways, and alleys

(1) Such civic center shall be in accordance with a plan, indicating the design and estimated costs, approved by the Mayor and the Council of the District of Columbia, and approved by the National Capital Planning Commission pursuant to section 71d of this title and section 16 of the Act approved June 20, 1938 [D.C. Code, §5–432], and reviewed by the Commissioner of Fine Arts to the extent required by section 1 of the Act approved May 16, 1930 [D.C. Code, §5–410].

(2) Notwithstanding the provisions of section 12 of the District of Columbia Redevelopment Act of 1945, as amended [D.C. Code, §5–811], the urban renewal plan, approved pursuant to section 6(b)(2) of such Act [D.C. Code, §5–805(b)(2)], for an urban renewal area in which the civic center is located shall be deemed to be modified by the plan approved pursuant to this subsection

[1] See References in Text note below.

and the National Capital Planning Commission shall certify such urban renewal plan, as modified, to the District of Columbia Redevelopment Land Agency.

(3) In the development of the civic center in accordance with the plan approved pursuant to this subsection, the Mayor, notwithstanding any other provision of law, may open, extend, widen, or close any street, road, highway, or alley, or part thereof, by the filing of a plat or plats in the Office of the Surveyor of the District of Columbia showing such opening, extension, widening, or closing.

(c) Land acquisition

The Mayor shall acquire by purchase, gift, condemnation, or otherwise, all real property necessary to provide for the civic center.

(d) Contract authority; leases: term, nominal rental; purchase contracts: payment term, vesting of title in the District of Columbia, application of installment payments to purchase price, provisions securing performance of obligations, amortization, interest rate, reimbursement of contractors for certain costs, and Congressional committee approval of design, plans, and specifications

(1) The Mayor is authorized to enter into purchase contracts, including negotiated contracts, for the financing, design, construction, and maintenance of the civic center. The Mayor is further authorized to lease the site described in subsection (a) of this section at a nominal rental for a period of not more than thirty-five years. The payment term of said purchase contracts shall not be more than thirty years from the date of acceptance of the civic center and such purchase contracts shall provide that title to the civic center shall vest in the District of Columbia at or before the expiration of the contract term and upon fulfillment of the terms and conditions stipulated in the purchase contracts. Such terms and conditions shall include provision for the application to the purchase price agreed upon therein of installment payments made thereunder.

(2) Such purchase contracts shall include such provisions as the Mayor, in his discretion, shall deem to be in the best interest of the District of Columbia and appropriate to secure the performance of the obligations imposed upon the party or parties that shall enter into such agreement with the Mayor. The purchase contracts shall provide for payments to be made to—

(A) amortize the cost of site acquisition, including relocation payments required by the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 [42 U.S.C. 4601 et seq.], and such other moneys as may be advanced by the contractors to the District of Columbia;

(B) amortize the cost of construction of improvements to be constructed;

(C) provide a reasonable rate of interest on the outstanding principal as determined under subparagraphs (A) and (B) above; and

(D) reimburse the contractors for the cost of any other obligations required of them under the contract, including (but not limited to) payment of taxes, costs of carrying appropriate insurance, and costs of repair and maintenance if so required of the contractors.

(3) For the purpose of the purchase contracts provided by this subsection for the erection of the civic center, the Mayor is authorized to enter into agreements with any person, copartnership, corporation, or other public or private entity to effectuate any of the purposes of this subsection.

(4) No purchase contract for the construction of such civic center shall be entered into, pursuant to the authority of this section, until thirty legislative days following submittal to and approval by the Senate and House Committees for the District of Columbia, and the Senate and House Committees on Appropriations, of the design, plans, and specifications, including detailed cost estimates, of such civic center.

(e) Full faith and credit of the District of Columbia

The full faith and credit of the Government of the District of Columbia is hereby committed to guarantee, upon such terms and conditions as may be prescribed by the Mayor, the fulfillment of all obligations imposed by the provision of this section.

(f) Gifts, services, securities, and other property: acceptance and administration; operation of civic center: District of Columbia or other entity; contractual operation: terms and conditions, employment of Federal, District of Columbia, and voluntary personnel

(1) The Mayor is authorized to accept and administer gifts, personal services, securities, or other property of whatever character to aid in carrying out the purposes of this section.

(2) The Mayor is further authorized to provide for the operation of any or all aspects of the civic center by any department or agency of the Government of the District of Columbia, or may provide for the performance of such operations, including the use or rental of the civic center or its equipment, motor vehicle parking facilities, concessions, and other activities, by contract entered into with any person, copartnership, corporation, or other public or private entity, upon such terms and conditions as may be stipulated in the agreements, and for such purposes may utilize or employ the services of personnel of any agency or instrumentality of the United States or the District of Columbia, with the consent of such agency or instrumentality, upon a reimbursable or nonreimbursable basis, and may utilize voluntary or uncompensated personnel.

(Pub. L. 86–249, § 18, as added Pub. L. 92–520, § 3, Oct. 21, 1972, 86 Stat. 1019; amended Pub. L. 93–198, title IV, §§ 401, 421, Dec. 24, 1973, 87 Stat. 785, 789.)

REFERENCES IN TEXT

The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, referred to in subsec. (d)(2)(A), 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.

EFFECTIVE DATE

Section 41(a) of Pub. L. 92–520 provided that this section and provisions set out as notes under this section are effective Oct. 21, 1972.

TRANSFER OF FUNCTIONS

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 District of Columbia Code. Accordingly, ''Mayor'' substituted in text for ''commissioner''.

''Council of the District of Columbia'' substituted in text for ''District of Columbia Council'' pursuant to section 401 of Pub. L. 93–198. District of Columbia Council, 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, classified to section 1–211 of the District of Columbia Code, and replaced by Council of District of Columbia, as provided by section 401 of Pub. L. 93–198, classified to section 1–221 of the District of Columbia Code.

For transfer of powers, duties, and functions of District of Columbia Land Redevelopment Agency, as set forth in sections 5–801 to 5–840 of the District of Columbia Code, to Director of Department of Housing and Community Development, with certain exceptions, see part 4 of Reorg. Plan No. 3 of 1975, eff. July 3, 1975, 21 DCR 2793, set out in the Appendix to Title I of the District of Columbia Code, Administration.

ABOLITION OF COMMITTEES ON THE DISTRICT OF COLUMBIA

Committee on the District of Columbia of Senate abolished and its jurisdiction given to Committee on Governmental Affairs of Senate, effective Feb. 11, 1977. See Rules XXV of Standing Rules of Senate, as amended by Senate Resolution 4 (popularly cited as the ''Committee System Reorganization Amendments of 1977''), approved Feb. 4, 1977.

Committee on the District of Columbia of House of Representatives abolished by House Resolution No. 6, One Hundred Fourth Congress, Jan. 4, 1995. References to Committee on the District of Columbia treated as referring to Committee on Government Reform and Oversight of House of Representatives, see section 1(b) of Pub. L. 104–14, set out as a note preceding section 21 of Title 2, The Congress.

CONGRESSIONAL FINDINGS AND DECLARATION

Section 2 of Pub. L. 92–520 provided that: ''The Congress hereby finds and declares that—

''(1) it is essential to the social and economic development of the District of Columbia to establish major centers of commercial and economic activity within the city;

''(2) such a center of activity would result from the development of a civic center located in the downtown area of the District of Columbia;

''(3) a civic center would (A) attract large numbers of visitors to the downtown area and result in increased business activity in the area surrounding the center; (B) enable national organizations to hold their conventions and other meetings in the District of Columbia and thereby encourage citizens from the entire Nation to visit their Capital City; (C) provide a new source of revenue for the District of Columbia as a consequence of its operations and the expanded commercial activities resulting therefrom; and (D) provide expanded employment opportunities for residents of the District of Columbia;

''(4) it is fitting that said civic center be established as a memorial to the late President, Dwight D. Eisenhower;

''(5) the prompt provision of major convention facilities in the District of Columbia will significantly contribute to the commemoration of the Nation's bicentennial year; and

''(6) the powers conferred by this Act [Pub. L. 92–520] 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.''

§617. State administration of criminal and health and safety laws

Notwithstanding any other provision of law, the Administrator may, whenever the Administrator considers it desirable, assign to a State, or to a commonwealth, territory, or possession of the United States, all or part of the authority of the United States to administer criminal laws and health and safety laws with respect to lands or interests in lands under the control of the Administrator located in such State, commonwealth, territory, or possession. Assignment of authority under this section may be accomplished by filing with the chief executive officer of such State, commonwealth, territory, or possession a notice of assignment to take effect upon acceptance thereof, or in such other manner as may be prescribed by the laws of the State, commonwealth, territory, or possession in which such lands or interests in lands are located.

(Pub. L. 86–249, §19, as added Pub. L. 100–678, §5, Nov. 17, 1988, 102 Stat. 4050.)

§618. Special rules for leased buildings

(a) Specifications

Notwithstanding the provisions of section 490(h)(1) of this title, the Administrator shall not make any agreement or undertake any commitment which will result in the construction of any building which is to be constructed for lease to, and for predominant use by, the United States until the Administrator has established detailed specification requirements for such building.

(b) Competitive procedures

The Administrator may acquire a leasehold interest in any building which is constructed for lease to, and for predominant use by, the United States only by the use of competitive procedures required by section 253 of title 41.

(c) Inspections

The Administrator shall inspect every building to be constructed for lease to, and for predominant use by, the United States during the construction of such building in order to determine that the specifications established for such building are complied with.

(d) Enforcement

(1) Post-construction evaluation

Upon completion of a building constructed for lease to, and for predominant use by, the United States, the Administrator shall evaluate such building for the purpose of determining the extent, if any, of failure to comply with the specifications referred to in subsection (a) of this section.

(2) Contract clause

The Administrator shall ensure that any contract entered into for a building described in paragraph (1) shall contain provisions permitting a reduction of rent during any period when such building is not in compliance with such specifications.

(Pub. L. 86–249, §20, as added Pub. L. 100–678, §5, Nov. 17, 1988, 102 Stat. 4050.)

§ 619. Compliance with nationally recognized codes

(a) Building codes

Each building constructed or altered by the General Services Administration or any other Federal agency shall be constructed or altered, to the maximum extent feasible as determined by the Administrator or the head of such Federal agency, in compliance with one of the nationally recognized model building codes and with other applicable nationally recognized codes. Such other codes shall include, but not be limited to, electrical codes, fire and life safety codes, and plumbing codes, as determined appropriate by the Administrator. In carrying out this subsection, the Administrator or the head of the Federal agency authorized to construct or alter the building shall use the latest edition of the nationally recognized codes referred to in this subsection.

(b) Zoning laws

Each building constructed or altered by the General Services Administration or any other Federal agency shall be constructed or altered only after consideration of all requirements (other than procedural requirements) of—

(1) zoning laws, and

(2) laws relating to landscaping, open space, minimum distance of a building from the property line, maximum height of a building, historic preservation, and esthetic qualities of a building, and other similar laws,

of a State or a political subdivision of a State which would apply to the building if it were not a building constructed or altered by a Federal agency.

(c) Special rules

(1) State and local government consultation, review, and inspections

For purposes of meeting the requirements of subsections (a) and (b) of this section with respect to a building, the Administrator or the head of the Federal agency authorized to construct or alter the building shall—

(A) in preparing plans for the building, consult with appropriate officials of the State or political subdivision, or both, in which the building will be located;

(B) upon request, submit such plans in a timely manner to such officials for review by such officials for a reasonable period of time not exceeding 30 days; and

(C) permit inspection by such officials during construction or alteration of the building, in accordance with the customary schedule of inspections for construction or alteration of buildings in the locality, if such officials provide to the Administrator or the head of the Federal agency, as the case may be—

(i) a copy of such schedule before construction of the building is begun; and

(ii) reasonable notice of their intention to conduct any inspection before conducting such inspection.

(2) Limitation on State responsibilities

Nothing in this section shall impose an obligation on any State or political subdivision to take any action under paragraph (1).

(d) State and local government recommendations

Appropriate officials of a State or a political subdivision of a State may make recommendations to the Administrator or the head of the Federal agency authorized to construct or alter a building concerning measures necessary to meet the requirements of subsections (a) and (b) of this section. Such officials may also make recommendations to the Administrator or the head of the Federal agency concerning measures which should be taken in the construction or alteration of the building to take into account local conditions. The Administrator or the head of the Federal agency shall give due consideration to any such recommendations.

(e) Effect of noncompliance

No action may be brought against the United States and no fine or penalty may be imposed against the United States for failure to meet the requirements of subsection (a), (b), or (c) of this section or for failure to carry out any recommendation under subsection (d) of this section.

(f) Limitation on liability

The United States and its contractors shall not be required to pay any amount for any action taken by a State or a political subdivision of a State to carry out this section (including reviewing plans, carrying out on-site inspections, issuing building permits, and making recommendations).

(g) Applicability to certain buildings

This section applies to any project for construction or alteration of a building for which funds are first appropriated for a fiscal year beginning after September 30, 1989.

(h) National security waiver

This section shall not apply with respect to any building if the Administrator or the head of the Federal agency authorized to construct or alter the building determines that the application of this section to the building would adversely affect national security. A determination under this subsection shall not be subject to administrative or judicial review.

(Pub. L. 86–249, § 21, as added Pub. L. 100–678, § 6(a), Nov. 17, 1988, 102 Stat. 4051.)

NOTIFICATION OF FEDERAL AGENCIES

Section 6(b) of Pub. L. 100–678 provided that: ''Not later than 180 days after the date of the enactment of this section [Nov. 17, 1988], the Administrator of General Services shall notify the heads of all Federal agencies of the requirements of section 21 of the Public Buildings Act of 1959 [40 U.S.C. 619].''

CHAPTER 13—NATIONAL CAPITAL TRANSPORTATION PROGRAM

§§ 651, 652. Repealed. Pub. L. 91–143, § 8(a)(1), Dec. 9, 1969, 83 Stat. 322

Section 651, Pub. L. 86–669, title I, § 102, July 14, 1960, 74 Stat. 537, stated Congressional findings and policy respecting National Capital transportation.

Section 652, Pub. L. 86–669, title I, § 103, July 14, 1960, 74 Stat. 537, defined ''National Capital region'' and ''government agency'' and ''government agencies''. Article I of Title I (General Compact Provisions) of the Washington Metropolitan Area Transit Regulation Compact, set out in District of Columbia Code under

§ 1–2411, and Article III of Title III (the Washington Metropolitan Area Transit Authority Compact) of the Washington Metropolitan Area Transit Regulation Compact, set out in District of Columbia Code under § 1–2431, define the Washington Metropolitan Area Transit District and Washington Metropolitan Area Transit Zone, respectively.

§ 661. Repealed. Pub. L. 91–143, § 8(a)(1), Dec. 9, 1969, 83 Stat. 322

Section, Pub. L. 86–669, title II, § 201, July 14, 1960, 74 Stat. 538; Pub. L. 88–426, title III, § 305(32), Aug. 14, 1964, 78 Stat. 426, established National Capital Transportation Agency, provided for appointment and described duties of an Administrator and Deputy Administrator, prohibited such officials from engaging in any other business, and such officials and any member of Advisory Board from having any financial interest in any public transportation corporation or corporation manufacturing or selling passenger transportation equipment or facilities. The Washington Metropolitan Area Transportation Authority Compact, set out in District of Columbia Code under § 1–2431, provides in Article III of such Compact for the Washington Metropolitan Area Transit Authority as the successor agency and membership, compensation, conflict of interest, etc., provisions.

§ 662. Repealed. Pub. L. 89–774, § 5(b), Nov. 6, 1966, 80 Stat. 1353

Section, Pub. L. 86–669, title II, § 202, July 14, 1960, 74 Stat. 538; Pub. L. 89–173, § 7, Sept. 8, 1965, 79 Stat. 666, established an Advisory Board of National Capital Transportation Agency, composed of seven members, provided for their appointment and compensation, and prescribed their duties. The Board and the Agency were superseded by Board of Directors of Washington Metropolitan Area Transit Authority and such Authority, respectively.

§§ 663 to 665. Repealed. Pub. L. 91–143, § 8(a)(1), Dec. 9, 1969, 83 Stat. 322

Section 663, Pub. L. 86–669, title II, § 203, July 14, 1960, 74 Stat. 539, authorized establishment of advisory and coordinating committees, required them to make recommendations concerning the problems and activities of the National Capital Transportation Agency, and provided for travel expenses of members of the committees.

Section 664, Pub. L. 86–669, title II, § 204, July 14, 1960, 74 Stat. 539, related to transit development program for the National Capital, and required its preparation and conformance with general plan for development of National Capital region; specified special considerations; required preparation of proposals for implementing parts of program, transmittal of report to Congress, and authorization for execution of work; submission of a program; acquisition, construction, or operation of property, rights-of-way, or facilities, and submission of plan; research and surveys, and cooperation with Governmental agencies and private organizations; submission of recommendations for organization and financial arrangements for transportation, and consultations.

Section 665, Pub. L. 86–669, title II, § 205, July 14, 1960, 74 Stat. 541; Pub. L. 87–367, title I, § 103(4), Oct. 4, 1961, 75 Stat. 787, provided for functions, duties, and powers of the National Capital Transportation Agency under the National Capital Transportation Act of 1960, formerly classified to this chapter, and provided for exemption from taxation, agreements with Governmental agencies, condemnation proceedings, and appropriations.

§ 671. Repealed. Pub. L. 91–143, § 8(a)(1), Dec. 9, 1969, 83 Stat. 322

Section, Pub. L. 86–669, title III, § 301, July 14, 1960, 74 Stat. 544, authorized State of Maryland, Commonwealth of Virginia, and Commissioner of the District of Columbia to negotiate an interstate compact for solution of problems of regional character in the National Capital, including regional transportation facilities, required approval by Congress of the compact, required submission of recommendations by President for transfer of real and personal property, records, personnel, and other assets and liabilities to organization established under compact between Maryland and Virginia to assume functions and duties of National Capital Transportation Agency, provided for appointment, compensation, office space, and administrative services for Federal representative to compact negotiations, made available appropriations for payment of compensation and travel expenses, and authorized the State and Federal representatives to request information from the Agency and such Agency to cooperate with the compact representatives.

§ 672. Omitted

CODIFICATION

Section, Pub. L. 89–774, § 3, Nov. 6, 1966, 80 Stat. 1352, which provided for transfer of functions and duties of National Capital Transportation Agency to Washington Metropolitan Area Transit Authority and effective date thereof; authorization for transfer of real and personal property, studies, reports, records, and other assets and liabilities, transfer of funds, authorization of appropriations; functions and duties of Agency pending transfer; advisory assistance and planning, engineering, and other services; and expenditures by Agency in performance of services for Authority, was omitted as not having general applicability and is set out in section 1–2438 of the District of Columbia Code.

§ 681. Omitted

CODIFICATION

Section, Pub. L. 89–173, § 2, Sept. 8, 1965, 79 Stat. 663, which set out the congressional findings and purposes as to the National Capital Transit System, was omitted as not having general applicability and is set out in section 1–2421 of the District of Columbia Code.

§§ 682, 683. Repealed. Pub. L. 91–143, § 8(a)(2), Dec. 9, 1969, 83 Stat. 323

Section 682, Pub. L. 89–173, § 3, Sept. 8, 1965, 79 Stat. 664; Pub. L. 90–220, Dec. 20, 1967, 81 Stat. 670, authorized the National Capital Transportation Agency to design, engineer, construct, equip, and take other necessary action for establishment of rail rapid transit lines and related facilities for the Nation's Capital, at cost limitation of $431,000,000, excluding interest costs; required execution of work in accordance with plans and schedules, approval of construction within Capitol Grounds, coordination of construction work, private operation of facilities, advertisement and negotiation of contracts, protection of employees' interests, and labor standards; effect on damages of common carriers engaged in private transportation of persons; and impairment of protection accorded private bus companies.

The provisions of subsecs. (a), (b), (b)(1), and (b)(2) are covered in sections 3 and 3(a), 3(b)(1), 5(a), and 5(b) of the National Capital Transportation Act of 1969, Pub. L. 91–143, Dec. 9, 1969, 83 Stat. 320, 322, set out in sections 1–2452 and 1–2456 of the District of Columbia Code. The provisions of subsecs. (b)(3), (b)(4), and (c), (d), are covered by sections 51 and 54 (operation by contract or lease and selection of contractor) of Article XI (Operation of Facilities) and section 66 (operations) of Article XIV (Labor Policy); section 64 (construction) of Article XIV (Labor Policy); and section 57 (rights of private carriers unaffected) of Article XII (Coordination of Private and Public Facilities), respectively, of Washington Metropolitan Area Transit Authority Compact, set out under section 1–2431 of the District of Columbia Code.

Section 683, Pub. L. 89–173, § 4, Sept. 8, 1965, 79 Stat. 665, made applicable the relocation assistance provisions of Pub. L. 88–629, Oct. 6, 1964, 78 Stat. 1004, classified to District of Columbia Code §§ 5–830 to 5–833. Article XV of the Washington Metropolitan Area Transportation Authority Compact, set out in District of Columbia Code under § 1–2431, provides for relocation assistance.

§§ 684, 685. Omitted

CODIFICATION

Section 684, Pub. L. 89–173, § 5(a), Sept. 8, 1965, 79 Stat. 665; Pub. L. 91–143, § 8(b), Dec. 9, 1969, 83 Stat. 323, which authorized appropriations for the United States portion and the District of Columbia portion for establishment of the transit system under the National Capital Transportation Act of 1965, was omitted as not having general applicability and is set out in section 1–2422 of the District of Columbia Code.

Section 685, Pub. L. 89–173, § 6, Sept. 8, 1965, 79 Stat. 666, which required an annual report to Congress of operations of the National Capital Transportation Agency under the National Capital Transportation Act of 1960. Section 24 of Article XII of Title II (Compact Regulatory Provisions) of the Washington Metropolitan Area Transit Regulation Compact, set out in District of Columbia Code under § 1–2411, and sections 70 and 71 of Article XVI of Title III (the Washington Metropolitan Area Transit Authority Compact) of the Washington Metropolitan Area Transit Regulation Compact, set out in District of Columbia Code under § 1–2431, require an annual report by the Washington Metropolitan Area Transit Commission and annual reports of audits, programs, operations, and finances by the Board of Directors of the Washington Metropolitan Area Transit Authority, respectively.

CHAPTER 14—SAFETY STANDARDS FOR MOTOR VEHICLES

Sec.
701. Prohibition on acquisition or purchase of motor vehicles by Federal Government unless equipped with passenger safety devices.
702. Commercial standards for passenger safety devices; publication in Federal Register.
703. Definitions.

§ 701. Prohibition on acquisition or purchase of motor vehicles by Federal Government unless equipped with passenger safety devices

No motor vehicle manufactured on or after the effective date of this section shall be acquired by purchase by the Federal Government for use by the Federal Government unless such motor vehicle is equipped with such reasonable passenger safety devices as the Administrator of General Services shall require which conform with standards prescribed by him in accordance with section 702 of this title.

(Pub. L. 88–515, § 1, Aug. 30, 1964, 78 Stat. 696.)

REFERENCES IN TEXT

For the effective date of this section, referred to in text, see section 4 of Pub. L. 88–515, set out as an Effective Date note below.

EFFECTIVE DATE

Section 4 of Pub. L. 88–515 provided that: ''This Act [enacting this chapter] shall take effect on the date of its enactment [Aug. 30, 1964] except that the first section of this Act [enacting this section] shall take effect one year and ninety days after the date of publication of commercial standards first established under section 2 of this Act [enacting section 702 of this title]. If such standards as so first established are thereafter changed, such standards, as so changed, shall take effect one year and ninety days after the date of publication of such changed standards.''

SHORT TITLE

Pub. L. 88–515, Aug. 30, 1964, 78 Stat. 696, which is classified generally to this chapter, is popularly known as the ''Roberts Act''.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 702 of this title.

§ 702. Commercial standards for passenger safety devices; publication in Federal Register

The Administrator of General Services shall prescribe and publish in the Federal Register commercial standards for such passenger safety devices as he may require under authority of section 701 of this title. The standards first established under this section shall be prescribed and published not later than one year from August 30, 1964.

(Pub. L. 88–515, § 2, Aug. 30, 1964, 78 Stat. 696.)

CHANGE OF COMMERCIAL STANDARDS

Change of standards first established under this section effective one year and ninety days after the date of publication of such changed standards, see section 4 of Pub. L. 88–515, set out as an Effective Date note under section 701 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 701 of this title.

§ 703. Definitions

As used in this chapter—

(1) The term ''motor vehicle'' means any vehicle, self-propelled or drawn by mechanical power, designed for use on the highways principally for the transportation of passengers except any vehicle designed or used for military field training, combat, or tactical purposes.

(2) The term ''Federal Government'' includes the legislative, executive, and judicial branches of the Government of the United States, and the government of the District of Columbia.

(Pub. L. 88–515, § 3, Aug. 30, 1964, 78 Stat. 696.)

CHAPTER 15—GOVERNMENT LOSSES IN SHIPMENT

Sec.
721. Rules and regulations for shipment of valuables.
722. Fund for losses; appropriations.
722a. Payment of Government losses in shipment.
723. Claim for replacement.
724. Government evidences of indebtedness held by United States Postal Service while agent for Treasury Department.
725. Agreements of indemnity.
726. Purchase of insurance.
727. Presumption of lawful conduct.
728. Rules and regulations.
729. Definitions.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in title 39 section 310.

§ 721. Rules and regulations for shipment of valuables

As soon as practicable after July 8, 1937 the Secretary of the Treasury and the United States

Postal Service shall, jointly, with the approval of the President, prescribe regulations governing the shipment of valuables by the executive departments, independent establishments, agencies, wholly owned corporations, officers, and employees of the United States, with a view to minimizing risks of loss and destruction of, and damage to, such valuables in shipment. After the effective date of such regulations, which shall be not more than thirty days after their issuance, it shall be the duty of every such executive department, independent establishment, agency, wholly owned corporation, officer, and employee, and of every person acting for him or it, or at his or its direction, to comply with such regulations in making any shipment of valuables.

(July 8, 1937, ch. 444, § 1, 50 Stat. 479; Pub. L. 91–375, § 4(a), Aug. 12, 1970, 84 Stat. 773.)

CODIFICATION

Section was formerly classified to section 134 of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89–554, § 1, Sept. 6, 1966, 80 Stat. 378.

EFFECTIVE DATE

Section 11 of act of July 8, 1937, previously set out as section 134h of former Title 5, Executive Departments and Government Officers and Employees, provided that: ''This Act [see Short Title note below] shall become effective on July 1, 1937.''

SHORT TITLE

Section 10 of act of July 8, 1937, previously set out as section 134g of former Title 5, Executive Departments and Government Officers and Employees, provided that: ''This Act [enacting this chapter and section 738a of former Title 31, Money and Finance, amending section 528 of former Title 31, and repealing sections 735–738 of former Title 31, and enacting provisions set out as a note under this section] may be cited as the 'Government Losses in Shipment Act'.''

TRANSFER OF FUNCTIONS

''United States Postal Service'' substituted in text for ''Postmaster General'' pursuant to Pub. L. 91–375, § 4(a), Aug. 12, 1970, 84 Stat. 773, set out as a note under section 201 of Title 39, Postal Service, which abolished office of Postmaster General of Post Office Department and transferred its functions to United States Postal Service.

DELEGATION OF FUNCTIONS

Power of Secretary of the Treasury and Postmaster General [now United States Postal Service] to prescribe, without approval of President, regulations under this section, see section 3(a) of Ex. Ord. No. 10289, Sept. 17, 1951, 16 F.R. 9499, set out as a note under section 301 of Title 3, The President.

CROSS REFERENCES

Insurance of war risks except as provided in this section, see section 1285 of Title 46, Appendix, Shipping.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 722, 722a, 723, 726, 727 of this title; title 46 App. section 1285; title 49 section 44305.

§ 722. Fund for losses; appropriations

There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $500,000 to be used, under the direction of the Secretary of the Treasury, for the replacement of valuables, or the value thereof, lost, destroyed, or damaged in the course of shipment effected pursuant to the regulations prescribed under section 721 of this title. There is hereby further authorized to be appropriated annually, beginning with the fiscal year 1939 and ending with the fiscal year 1948, inclusive, the sum of $200,000 for the said purposes, and from time to time such additional sums as may be necessary for the said purposes. There shall be in the Treasury of the United States a revolving fund, to be known as ''the fund for the payment of Government losses in shipment'' (hereinafter referred to as ''the fund''), to be constituted of the said sum of $500,000 and the sums appropriated on and after July 8, 1937 for the said purposes, together with all recoveries and repayments credited to the fund as provided in section 723 of this title. There is hereby further authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $10,000, for expenditures under the direction of the Secretary of the Treasury, to be used for the payment of administrative expenses, including personal services, necessary to carry out the provisions of this chapter for the fiscal year 1938.

(July 8, 1937, ch. 444, § 2, 50 Stat. 479.)

CODIFICATION

''Appropriated on and after July 8, 1937'' substituted in text for ''hereafter appropriated''.

Section was formerly classified to section 134a of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89–554, § 1, Sept. 6, 1966, 80 Stat. 378.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 31 section 3126; title 46 App. section 1285; title 49 section 44305.

§ 722a. Payment of Government losses in shipment

Beginning in fiscal year 1995 and thereafter, there are appropriated such sums as may be necessary to make payments for the replacement of valuables, or the value thereof, lost, destroyed, or damaged in the course of shipments effected pursuant to section 721 of this title.

(Pub. L. 103–329, title I, Sept. 30, 1994, 108 Stat. 2387.)

CODIFICATION

Section enacted as part of the Treasury, Postal Service and General Government Appropriations Act, 1995, and not as part of the Government Losses in Shipment Act which comprises this chapter.

§ 723. Claim for replacement

In the event of loss or destruction of, or damage to, valuables of which shipment shall have been made pursuant to the regulations prescribed under section 721 of this title a claim in writing for replacement shall be made upon the Secretary of the Treasury who, if he shall be satisfied that such loss, destruction, or damage has occurred and that shipment was made substantially in accordance with such regulations, shall cause replacement to be made out of the fund through such officers as he may designate.

Notwithstanding any provision of law to the contrary, the decision of the Secretary of the Treasury that such loss, destruction, or damage has occurred or that such shipment was made substantially in accordance with such regulations shall be final and conclusive and shall not be subject to review by any other officer of the United States: *Provided, however*, That where the Secretary of the Treasury determines that such replacement can be effected, in whole or in part, without actual or ultimate injury to the United States, by a credit in the accounts of the executive department, independent establishment, agency, officer, employee, or other accountable person making the claim, he shall not resort to the fund, except to the extent that such replacement cannot be so effected by such credit, but shall certify such determination to the Comptroller General and, upon receipt of such certification, the Comptroller General is authorized and directed to make such credit in the settlement of accounts in the General Accounting Office: *Provided further*, That the fund shall be available for the replacement of any loss or destruction of, or damage to, valuables shipped by or on behalf of the Bureau of the Public Debt of the Treasury Department prior to the effective date of this amendment, the replacement of which was chargeable against the securities trust fund established under authority of section 3129 of title 31; and the Secretary of the Treasury is hereby authorized and directed to transfer on the books of the Treasury Department the amount standing to the credit of the securities trust fund and credit the same to the fund. *And provided further*, That the fund shall not be available with respect to any loss, destruction, or damage affecting valuables, insofar as such loss, destruction, or damage relates to property of the United States Postal Service chargeable to its officers or employees; nor shall it be available with respect to any loss, destruction, or damage affecting valuables of which shipment shall have been made at the risk of persons other than the United States, its executive departments, independent establishments, agencies, wholly owned corporations, officers, and employees. All recoveries and repayments on account of loss, destruction, or damage to valuables of which replacement shall have been made out of the fund shall be credited to it and shall be available for the purposes thereof.

(July 8, 1937, ch. 444, § 3, 50 Stat. 479; Aug. 10, 1939, ch. 665, § 1, 53 Stat. 1358; 1940 Reorg. Plan No. III, § 1, eff. June 30, 1940, 5 F.R. 2107, 54 Stat. 1231; Pub. L. 91–375, § 6(m)(4), Aug. 12, 1970, 84 Stat. 782.)

REFERENCES IN TEXT

The effective date of this amendment, referred to in text, probably means the date of enactment of act Aug. 10, 1939, which was approved Aug. 10, 1939.

CODIFICATION

"Section 3129 of title 31" substituted in text for "the indefinite appropriation 'Expenses of loans, Act of September 24, 1917, as amended and extended' (U.S.C., 1934 edition, title 31, secs. 760, 761)" 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.

Section was formerly classified to section 134b of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89–554, § 1, Sept. 6, 1966, 80 Stat. 378.

AMENDMENTS

1970—Pub. L. 91–375 substituted "insofar as such loss, destruction, or damage relates to property of the United States Postal Service chargeable to its officers or employees" for "insofar as such loss destruction, or damage may be adjusted by the Postmaster General under the provisions of the Act of March 17, 1882, as amended" in third proviso.

1939—Act Aug. 10, 1939, amended generally proviso dealing with securities trust fund established under authority of sections 760 and 761 of title 31.

EFFECTIVE DATE OF 1970 AMENDMENT

Amendment by Pub. L. 91–375 effective within 1 year after Aug. 12, 1970, on date established therefor by the Board of Governors of the United States Postal Service and published by it in the Federal Register, see section 15(a) of Pub. L. 91–375, set out as an Effective Date note preceding section 101 of Title 39, Postal Service.

TRANSFER OF FUNCTIONS

Section 1(a) of Reorg. Plan No. III of 1940 established Bureau of Public Debt in Fiscal Service of Treasury Department, and consolidated into such agency the Public Debt Service. See section 306 of Title 31, Money and Finance.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 722 of this title; title 31 section 3126.

§ 724. Government evidences of indebtedness held by United States Postal Service while agent for Treasury Department

All losses or destruction of, or damage to, internal revenue or other stamps, United States securities, or other obligations of the United States, and funds, occurring heretofore or hereafter, but not prior to February 4, 1935, while such stamps, securities, obligations, or funds were in the custody or possession of, or charged to, the United States Postal Service while it was acting as agent for, or on behalf of, the Treasury Department for the sale of such stamps, securities, or obligations and for the collection of such funds, irrespective of the manner in which such loss, destruction, or damage occurred, shall be replaced out of the fund under such regulations as the Secretary of the Treasury may prescribe.

(July 8, 1937, ch. 444, § 3a, as added Aug. 10, 1939, ch. 665, § 2, 53 Stat. 1358; amended Pub. L. 91–375, §§ 4(a), 6(m)(5), (*o*), Aug. 12, 1970, 84 Stat. 773, 783.)

CODIFICATION

Section was formerly classified to section 134b–1 of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89–554, § 1, Sept. 6, 1966, 80 Stat. 378.

AMENDMENTS

1970—Pub. L. 91–375 struck out proviso requiring joint determination by Postmaster General and Secretary of the Treasury that loss or destruction of or damages to government evidences of indebtedness in custody or possession of any postmaster, Navy mail clerk, or assistant Navy mail clerk resulted from no fault or negligence on part of such employee to relieve him of liability to the United States or to authorize receipt of credit in his accounts.

CHANGE OF NAME

"United States Postal Service" substituted in text for "Post Office Department or Postal Service" pursu-

ant 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 or Postal Service shall be considered a reference to United States Postal Service.

EFFECTIVE DATE OF 1970 AMENDMENT

Amendment by Pub. L. 91–375 effective within 1 year after Aug. 12, 1970, on date established therefor by the Board of Governors of the United States Postal Service and published by it in the Federal Register, see section 15(a) of Pub. L. 91–375, set out as an Effective Date note preceding section 101 of Title 39, Postal Service.

§ 725. Agreements of indemnity

The Secretary of the Treasury is hereby authorized to execute and deliver, on behalf of the United States, such binding agreements of indemnity as he may deem necessary and proper to enable the United States to obtain the replacement of any instrument or document received by the United States or any agent of the United States in his official capacity which, after having been so received, became lost, destroyed, or so mutilated as to impair its value: *Provided, however*, That no such agreement of indemnity shall operate to obligate the United States in any case in which the obligee named therein makes any payment or delivery not required by law on the original of the instrument or document covered thereby. The fund shall be available for the payment of any obligation arising out of any agreement executed by the Secretary of the Treasury under this section.

(July 8, 1937, ch. 444, § 3b, as added Aug. 10, 1939, ch. 665, § 2, 53 Stat. 1359.)

CODIFICATION

Section was formerly classified to section 134b–2 of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89–554, § 1, Sept. 6, 1966, 80 Stat. 378.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 729 of this title.

§ 726. Purchase of insurance

On and after the effective date of the regulations prescribed under section 721 of this title, no executive department, independent establishment, agency, wholly owned corporation, officer, or employee shall expend any money, or incur any obligation, for insurance, or for the payment of premiums on insurance, against loss, destruction, or damage in the shipment of valuables except as specifically authorized by the Secretary of the Treasury. The Secretary of the Treasury may give such authorization if he shall find that the risk of loss, destruction, or damage in such shipment cannot be adequately guarded against by the facilities of the United States or that the circumstances are such that adequate replacement cannot be provided under this chapter.

(July 8, 1937, ch. 444, § 4, 50 Stat. 480.)

CODIFICATION

Section was formerly classified to section 134c of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89–554, § 1, Sept. 6, 1966, 80 Stat. 378.

§ 727. Presumption of lawful conduct

Every officer and employee of the United States and every person acting on behalf of a wholly owned corporation who makes a shipment of valuables in good faith pursuant to and substantially in accordance with the regulations prescribed under section 721 of this title shall be deemed, insofar as there may be concerned the propriety with respect to such shipment of any act or omission governed by such regulations, to be acting in faithful execution of his duties of office and in full performance of the conditions of his bond and oath of office, if any.

(July 8, 1937, ch. 444, § 5, 50 Stat. 480.)

CODIFICATION

Section was formerly classified to section 134d of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89–554, § 1, Sept. 6, 1966, 80 Stat. 378.

§ 728. Rules and regulations

The Secretary of the Treasury shall have power, with the approval of the President, to make such rules and regulations as may be necessary for the execution of the functions vested in him by this chapter, and may for such purpose require persons making shipment of valuables or making claims for replacement to make such declarations or to furnish him with such other information as he may deem necessary.

(July 8, 1937, ch. 444, § 6, 50 Stat. 480.)

CODIFICATION

Section was formerly classified to section 134e of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89–554, § 1, Sept. 6, 1966, 80 Stat. 378.

DELEGATION OF FUNCTIONS

For delegation to Secretary of the Treasury of authority vested in President by this section, see section 2(a) of Ex. Ord. No. 10289, eff. Sept. 17, 1951, 16 F.R. 9409, set out as a note under section 301 of Title 3, The President.

§ 729. Definitions

For the purposes of this chapter—

(a) The term ''valuables'' means any articles or things or representatives of value in which the United States has any interest, or in connection with which it has any obligation or responsibility, direct or indirect, and which are declared to be valuables within the meaning of this chapter by the Secretary of the Treasury. No articles or things shall be declared to be valuables by the Secretary of the Treasury unless he determines that replacement thereof in accordance with the procedure established herein, in the event of loss, destruction, or damage in the course of shipment, would be in the public interest. The term ''United States'' as used in this subsection and in section 725 of this title means the United States, its executive departments, independent establishments, and agencies, including wholly owned corporations, and officers and employees of any of the foregoing while acting in their official capacity.

(b) The term ''shipment'' means the transportation, or the effecting of transportation, of val-

uables, without limitation as to the means or facilities used or by which the transportation, is effected or the person to whom it is made, and includes, but is not limited to, shipments made to any executive department, independent establishment, agency, wholly or partly owned corporation, officer, or employee of the United States, or any person acting on his or its behalf or at his or its direction;

(c) The term ''wholly owned corporation'' means any corporation, regardless of the law or laws under which it is incorporated, the capital of which is entirely owned, directly or indirectly, by the United States, and includes the duly authorized officers, employees, and agents thereof;

(d) The term ''replacement'' means payment, reimbursement, replacement, or duplication or the expenses incident thereto.

(July 8, 1937, ch. 444, § 7, 50 Stat. 480; Aug. 10, 1939, ch. 665, § 3, 53 Stat. 1359.)

CODIFICATION

Section was formerly classified to section 134f of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89–554, § 1, Sept. 6, 1966, 80 Stat. 378.

AMENDMENTS

1939—Subsec. (a). Act Aug. 10, 1939, amended definition of ''valuables''.

CHAPTER 16—GENERAL SERVICES ADMINISTRATION

Sec.
751. General Services Administration.
(a) Establishment.
(b) Administrator of General Services; appointment.
(c) Deputy Administrator of General Services; appointment; duties.
(d), (e) Omitted.
(f) Authority to prescribe regulations.
752. Transfer of functions.
(a) Bureau of Federal Supply.
(b) Office of Contract Settlement.
(c) Retention by Treasury Department of certain functions of Bureau of Federal Supply.
753. Transfer of affairs of Federal Works Agency; abolition of agencies.
754. Redistribution of Administrator's functions.
755. Transfer of funds.
755a. Transfer of unobligated GSA funds; major equipment acquisitions.
756. General Supply Fund.
(a) Creation and composition of Fund; availability; overhead costs.
(b) Payments by requisitioning agencies; fixing of prices; advance of funds.
(c) Credits to Fund.
(d) Repealed.
(e) Audit; surplus; report to Congress.
(f) Additional uses of Fund.
(g) Material tests; fees; disposition of fees.
756a. Retention of surplus generated from operation of General Supply Fund.
756b. Periodic reimbursement for cost of equipment purchased for Congressional use; computation.
757. Information Technology Fund.
(a) Establishment; content; costs and capital requirements.
(b) Function and availability of Fund.
(c) Contract authority.
(d) Transfer of uncommitted balances.
(e) Annual report.
(f) Information technology resources.
758. Personnel.
(a) Appointment and compensation.
(b) Temporary employment of experts or consultants; stenographic reporting services.
(c) Utilization of personnel of other Federal agencies.
759. Repealed.
760. Federal information centers.
(a) Establishment.
(b) Rules and regulations.
(c) Authorization of appropriations.
761. Consumer Information Center Fund, General Services Administration.
761a. Consumer Information Center Fund; acceptance and expenditure of gifts.
762. Definitions.
762a. Federal telecommunications system requirements.
(a) Accessibility of telecommunications systems.
(b) Specific requirement.
(c) Congressional oversight.
762b. Additional requirements.
(a) Support for research.
(b) Planning to assimilate technological developments.
762c. Inquiry regarding interstate TDD relay system.
762d. TDD installation by Congress.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 472, 473 of this title.

§ 751. General Services Administration

(a) Establishment

There is established an agency in the executive branch of the Government which shall be known as the General Services Administration.

(b) Administrator of General Services; appointment

There shall be at the head of the General Services Administration an Administrator of General Services who shall be appointed by the President by and with the advice and consent of the Senate, and perform his functions subject to the direction and control of the President.

(c) Deputy Administrator of General Services; appointment; duties

There shall be in the General Services Administration a Deputy Administrator of General Services who shall be appointed by the Administrator of General Services. The Deputy Administrator shall perform such functions as the Administrator shall designate and shall be Acting Administrator of General Services during the absence or disability of the Administrator and, unless the President shall designate another officer of the Government, in the event of a vacancy in the office of Administrator.

(d), (e) Omitted

(f) Authority to prescribe regulations

The Administrator shall have authority to prescribe regulations to carry out this Act.

(June 30, 1949, ch. 288, title I, § 101, 63 Stat. 379; Pub. L. 99–500, § 101(m) [title VIII, § 832], Oct. 18,

1986, 100 Stat. 1783–308, 1783–345, and Pub. L. 99–591, § 101(m) [title VIII, § 832], Oct. 30, 1986, 100 Stat. 3341–308, 3341–345.)

REFERENCES IN TEXT

This Act, referred to in subsec. (f), is act June 30, 1949, ch. 288, 63 Stat. 377, as amended, known as the Federal Property and Administrative Services Act of 1949. For complete classification of this Act to the Code, see Short Title note set out under section 471 of this title and Tables.

CODIFICATION

Pub. L. 99–591 is a corrected version of Pub. L. 99–500.

Subsec. (d) of this section, which related to performance of functions until appointment of the Administrator, is omitted.

Subsec. (e) of this section, which authorized the President to fix rates of compensation for the Administrator, the Deputy Administrator, and the heads and assistant heads of the principal organizations of the General Services Administration pending the effective date of other provisions of law fixing the rates of compensation of such officers, is omitted.

Section was formerly classified to section 630 of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89–554, § 1, Sept. 6, 1966, 80 Stat. 378. Prior thereto, section was classified to section 211 of Title 41, Public Contracts.

AMENDMENTS

1986—Subsec. (f). Pub. L. 99–500 and Pub. L. 99–591 added subsec. (f).

EFFECTIVE DATE

Chapter effective July 1, 1949, see section 605 of act June 30, 1949, set out as a note under section 471 of this title.

COMPENSATION OF ADMINISTRATOR AND DEPUTY ADMINISTRATOR

Annual rate of basic compensation of Administrator and Deputy Administrator, see sections 5314 and 5315 of Title 5, Government Organization and Employees.

DEFINITIONS

The definitions in section 472 of this title apply to this chapter.

EMERGENCY PREPAREDNESS FUNCTIONS

For assignment of certain emergency preparedness functions to the Administrator of General Services, see Parts 1, 2, and 18 of Ex. Ord. No. 12656, Nov. 18, 1988, 53 F.R. 47491, set out as a note under section 5195 of Title 42, The Public Health and Welfare.

§ 752. Transfer of functions

(a) Bureau of Federal Supply

The functions of (1) the Bureau of Federal Supply in the Department of the Treasury, (2) the Director of the Bureau of Federal Supply, (3) the personnel of such Bureau, and (4) the Secretary of the Treasury, relating to the Bureau of Federal Supply, are transferred to the Administrator. The records property, personnel, obligations, and commitments of the Bureau of Federal Supply, together with such additional records, property, and personnel of the Department of the Treasury as the Director of the Office of Management and Budget shall determine to relate primarily to functions transferred by this section or vested in the Administrator by titles II, III, and VI, of this Act, are hereby transferred to the General Service Administration. The Bureau of Federal Supply and the office of Director of the Bureau of Federal Supply are abolished.

(b) Office of Contract Settlement

The functions of the Director of Contract Settlement and of the Office of Contract Settlement, transferred to the Secretary of the Treasury by Reorganization Plan Numbered 1 of 1947, are transferred to the Administrator and shall be performed by him or, subject to his direction and control, by such officers and agencies of the General Services Administration as he may designate. The Contract Settlement Act Advisory Board created by section 105 of title 41 and the Appeal Board established under section 113(d) of title 41 are transferred from the Department of the Treasury to the General Services Administration, but the functions of these Boards shall be performed by them, respectively, under conditions and limitations prescribed by law. There shall also be transferred to the General Services Administration such records, property, personnel, obligations, commitments, and unexpended balances (available or to be made available) of appropriations, allocations, and other funds of the Treasury Department as the Director of the Office of Management and Budget shall determine to relate primarily to the functions transferred by the provisions of this subsection.

(c) Retention by Treasury Department of certain functions of Bureau of Federal Supply

Any other provision of this section notwithstanding, there may be retained in the Department of the Treasury any function referred to in subsection (a) of this section which the Director of the Office of Management and Budget shall, within ten days after July 1, 1949, determine to be essential to the orderly administration of the affairs of the agencies of such Department, other than the Bureau of Federal Supply, together with such records, property, personnel, obligations, commitments, and unexpended balances of appropriations, allocations, and other funds, available or to be made available, of said Department, as said Director shall determine.

(June 30, 1949, ch. 288, title I, § 102, 63 Stat. 380; Sept. 5, 1950, ch. 849, § 6(a), 64 Stat. 583; 1970 Reorg. Plan No. 2, § 102, eff. July 1, 1970, 35 F.R. 7959, 84 Stat. 2085.)

REFERENCES IN TEXT

This Act, referred to in subsec. (a), is act June 30, 1949, ch. 288, 63 Stat. 377, as amended, known as the Federal Property and Administrative Services Act of 1949. For complete classification of this Act, including titles II, III, and VI thereof, to the Code, see Short Title note set out under section 471 of this title and Tables.

Reorganization Plan Numbered 1 of 1947, referred to in subsec. (b), is Reorg. Plan No. 1 of 1947, 12 F.R. 4534, 61 Stat. 952, which is set out in the Appendix to Title 5, Government Organization and Employees.

CODIFICATION

Section was formerly classified to section 630a of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89–554, § 1, Sept. 6, 1966, 80 Stat. 378. Prior thereto, section was classified to section 212 of Title 41, Public Contracts.

AMENDMENTS

1950—Subsec. (a). Act Sept. 5, 1950, substituted reference to title VI for reference to title V.

TRANSFER OF FUNCTIONS

Functions vested by law (including reorganization plan) in Bureau of the Budget or Director of Bureau of the Budget transferred to President of the United States by section 101 of Reorg. Plan No. 2 of 1970, eff. July 1, 1970, 35 F.R. 7959, 84 Stat. 2085, set out in the Appendix to Title 5, Government Organization and Employees. Section 102 of Reorg. Plan No. 2 of 1970, redesignated Bureau of the Budget as Office of Management and Budget.

DEFINITIONS

The definitions in section 472 of this title apply to this chapter.

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.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 756 of this title.

§ 753. Transfer of affairs of Federal Works Agency; abolition of agencies

(a) All functions of the Federal Works Agency and of all agencies thereof, together with all functions of the Federal Works Administrator, of the Commissioner of Public Buildings, and of the Commissioner of Public Roads, are transferred to the Administrator of General Services. There are transferred to the General Services Administration the Public Roads Administration, which shall hereafter be known as the Bureau of Public Roads, and all records, property, personnel, obligations, and commitments of the Federal Works Agency, including those of all agencies of the Federal Works Agency.

(b) There are hereby abolished the Federal Works Agency, the Public Buildings Administration, the office of Federal Works Administrator, the office of Commissioner of Public Buildings, and the office of Assistant Federal Works Administrator.

(June 30, 1949, ch. 288, title I, § 103, 63 Stat. 380.)

CODIFICATION

Section was formerly classified to section 630b of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89–554, § 1, Sept. 6, 1966, 80 Stat. 378. Prior thereto, section was classified to section 213 of Title 41, Public Contracts.

TRANSFER OF FUNCTIONS

Bureau of Public Roads transferred to Department of Commerce to be administered by Commissioner of Public Roads subject to direction and control of Secretary of Commerce under provisions of Reorg. Plan No. 7 of 1949, § 1, eff. Aug. 19, 1949, 14 F.R. 5228, 63 Stat. 1070, set out in the Appendix to Title 5, Government Organization and Employees, and thereafter transferred to Department of Transportation by Pub. L. 89–670, Oct. 15, 1966, 80 Stat. 931, and its functions assigned to Federal Highway Administration. See section 104 of Title 49, Transportation.

DEFINITIONS

The definitions in section 472 of this title apply to this chapter.

LEASE AND ASSIGNMENT OF BUILDING SPACE; MANAGEMENT; EXCEPTIONS

All functions with respect to acquiring space in buildings by lease, all functions with respect to assigning and reassigning space in buildings for use by agencies (including both space acquired by lease and space in Government-owned buildings), and all functions with respect to the operation, maintenance, and custody of office buildings owned by the Government and of office buildings or parts thereof acquired by lease, including those post-office buildings which, as determined by the Director of the Office of Management and Budget, are not used predominantly for post-office purposes, were with certain exceptions, transferred from the respective agencies to the Administrator of General Services by sections 1 and 2 of Reorg. Plan No. 18 of 1950, eff. July 1, 1950, 15 F.R. 3177, 64 Stat. 1270, set out in note under section 490 of this title. For delegation of such transferred functions to other personnel of the General Services Administration, or to the heads and personnel of other agencies, and for transfer of personnel, property, records, and funds, see sections 3 and 4 of such Plan.

PUBLIC WORKS DEFENSE, FUNCTIONS RELATING TO

All functions, except as herein described, of the Administrator of General Services under sections 1531 to 1535 of Title 42, The Public Health and Welfare, relating to defense of public works, which, by this section, were transferred to such Administrator from the Federal Works Agency and the Federal Works Administrator, were transferred to the Housing and Home Finance Administrator by section 1 of Reorg. Plan No. 17 of 1950, eff. May 24, 1950, 15 F.R. 3177, 64 Stat. 1269, set out in Appendix to Title 5, Government Organization and Employees, together with any other function of the Administrator of General Services or of the General Services Administration as is incidental to or necessary for the carrying out of the provisions of such sections. Section 2 of such Plan excepted from the transfer, functions with respect to the holding, management, and disposition of securities received prior to the effective date of such Plan (May 24, 1950) by the General Services Administration or its predecessor agency (Federal Works Agency) by reason of the disposal of property constructed or otherwise acquired under such sections 1531 to 1535 of title 42, and functions with respect to litigation, and the liquidation of claims, arising out of the acquisition of land or the construction of the facilities under such sections. Section 4 of such Plan provided for transfer of records, property, personnel, and funds. All the functions, powers and duties of the Housing and Home Finance Agency were subsequently transferred to the Secretary of Housing and Urban Development by Pub. L. 89–174, § 5, Sept. 9, 1965, 79 Stat. 669. See section 3534 of Title 42.

WAR MOBILIZATION AND RECONVERSION ACT, FUNCTIONS UNDER

All functions of the Administrator of General Services under title V of the War Mobilization and Reconversion Act of 1944, section 1671 of Appendix to Title 50, War and National Defense, which, by this section, were transferred to such Administrator from the Federal Works Agency and the Federal Works Administrator, were transferred to the Housing and Home Finance Administrator by § 1 of Reorg. Plan No. 17 of 1950, eff. May 24, 1950, 15 F.R. 3177, 64 Stat. 1269, set out in Appendix to Title 5, Government Organization and Employees, together with so much of any other function of the Ad-

ministrator of General Services or of the General Services Administration as is incidental to or necessary for the carrying out of the provisions of said title V of such act. Section 4 of such Plan provided for transfer of records, property, personnel and funds. All the functions, powers and duties of the Housing and Home Finance Agency were subsequently transferred to the Secretary of Housing and Urban Development by Pub. L. 89–174, § 5, Sept. 9, 1965, 79 Stat. 669. See section 3534 of Title 42, The Public Health and Welfare.

WATER POLLUTION CONTROL ACT, FUNCTIONS UNDER

Functions of Administrator of General Services under Water Pollution Control Act [see section 1251 et seq. of Title 33, Navigation and Navigable Waters], which, by this section, were transferred to such Administrator from Federal Works Agency and Federal Works Administrator, were transferred to Federal Security Administrator by section 1 of Reorg. Plan No. 16 of 1950, eff. May 24, 1950, 15 F.R. 3176, 64 Stat. 1268, set out in Appendix to Title 5, Government Organization and Employees, together with so much of any other function of Administrator of General Services or of the General Services Administration as is incidental to or necessary for carrying out of provisions of such Act. Section 3 of such Plan provided for transfer of records, property, personnel, and funds. Federal Security Agency abolished by section 8 of Reorg. Plan No. 1 of 1953, eff. Apr. 11, 1953, 18 F.R. 2053, 67 Stat. 631, set out as a note in the Appendix to Title 5, and all duties and functions of Federal Security Agency and Administrator of Federal Security Agency transferred to Secretary of Department of Health, Education, and Welfare by section 5 of Reorg. Plan No. 1 of 1953, set out in Appendix to Title 5. Secretary and Department of Health, Education, and Welfare redesignated Secretary and Department of Health and Human Services, respectively, by 20 U.S.C. 3508.

§ 754. Redistribution of Administrator's functions

The Administrator is authorized, in his discretion, in order to provide for the effective accomplishment of the functions transferred to or vested in him by this Act, and from time to time, to regroup, transfer, and distribute any such functions within the General Services Administration. The Administrator is authorized to transfer the funds necessary to accomplish said functions and report such transfers of funds to the Director of the Office of Management and Budget.

(June 30, 1949, ch. 288, title I, § 106, 63 Stat. 381; 1970 Reorg. Plan No. 2, § 102, eff. July 1, 1970, 35 F.R. 7959, 84 Stat. 2085.)

REFERENCES IN TEXT

This Act, referred to in text, is act June 30, 1949, ch. 288, 63 Stat. 377, as amended, known as the Federal Property and Administrative Services Act of 1949. For complete classification of this Act to the Code, see Short Title note set out under section 471 of this title and Tables.

CODIFICATION

Section was formerly classified to section 630d of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89–554, § 1, Sept. 6, 1966, 80 Stat. 378. Prior thereto, section was classified to section 216 of Title 41, Public Contracts.

TRANSFER OF FUNCTIONS

Functions vested by law (including reorganization plan) in Bureau of the Budget or Director of Bureau of the Budget transferred to President of the United States by section 101 of Reorg. Plan No. 2 of 1970, eff. July 1, 1970, 35 F.R. 7959, 84 Stat. 2085, set out in the Appendix to Title 5, Government Organization and Employees. Section 102 of Reorg. Plan No. 2 of 1970, redesignated Bureau of the Budget as Office of Management and Budget.

DEFINITIONS

The definitions in section 472 of this title apply to this chapter.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 486 of this title.

§ 755. Transfer of funds

(a) All unexpended balances of appropriations, allocations, or other funds available or to be made available, for the use of the Bureau of Federal Supply, the War Assets Administration, the Federal Works Agency, and the National Archives Establishment, and so much of the other unexpended balances of appropriations, allocations, or other funds of the Department of the Treasury, available or to be made available, as the Director of the Office of Management and Budget shall determine to relate primarily to functions transferred to or vested in the Administrator by the provisions of this Act, shall be transferred to the General Services Administration for use in connection with the functions to which such balances relate respectively.

(b) When other functions are transferred to the General Services Administration from any Federal agency, under section 481(a)(2) or (3) of this title, or otherwise under this Act, there shall be transferred such records, property, personnel, appropriations, allocations, and other funds of such agency to the General Services Administration as the Director of the Office of Management and Budget shall determine to relate primarily to the functions so transferred.

(June 30, 1949, ch. 288, title I, § 107, 63 Stat. 382; 1970 Reorg. Plan No. 2, § 102, eff. July 1, 1970, 35 F.R. 7959, 84 Stat. 2085.)

REFERENCES IN TEXT

This Act, referred to in text, is act June 30, 1949, ch. 288, 63 Stat. 377, as amended, known as the Federal Property and Administrative Services Act of 1949. For complete classification of this Act to the Code, see Short Title note set out under section 471 of this title and Tables.

CODIFICATION

Section was formerly classified to section 630e of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89–554, § 1, Sept. 6, 1966, 80 Stat. 378. Prior thereto, section was classified to section 217 of Title 41, Public Contracts.

TRANSFER OF FUNCTIONS

For transfer of functions and abolition of Bureau of Federal Supply, see section 752 of this title.

For transfer of functions of War Assets Administration to General Services Administration, see section 105 of act June 30, 1949, ch. 288, 63 Stat. 381.

For transfer of functions and abolition of Federal Works Agency, see section 753 of this title.

Functions vested by law (including reorganization plan) in Bureau of the Budget or Director of Bureau of the Budget transferred to President of the United States by section 101 of Reorg. Plan No. 2 of 1970, eff. July 1, 1970, 35 F.R. 7959, 84 Stat. 2085, set out in the Appendix to Title 5, Government Organization and Em-

ployees. Section 102 of Reorg. Plan No. 2 of 1970, redesignated Bureau of the Budget as Office of Management and Budget.

DEFINITIONS

The definitions in section 472 of this title apply to this chapter.

TRANSFER OF RECORDS, FACILITIES, ETC.

Section 4 of Ex. Ord. No. 10579, Dec. 1, 1954, 19 F.R. 7925, set out as a note under section 486 of this title, provided for transfer of records, facilities personnel, and appropriations by Director of Bureau of the Budget [now Director of Office of Management and Budget] to Administrator of General Services for purpose of interagency motor-vehicle pools and systems.

§ 755a. Transfer of unobligated GSA funds; major equipment acquisitions

For fiscal year 1993 and thereafter, at no later than the end of the fifth fiscal year after the fiscal year for which funds are appropriated or otherwise made available, unobligated balances of operating expenses and salaries and expenses appropriations available to GSA during such fiscal year may be transferred and merged into the ''Major equipment acquisitions and development activity'' of the Salaries and Expenses, General Management and Administration appropriation account for agency-wide acquisition of capital equipment, automated data processing systems, and for financial management and management information systems needed to implement the Chief Financial Officers Act, Public Law 101–576, and any other laws or regulations. The unobligated balances transferred shall remain available until expended: *Provided*, That any proposed use of these transferred funds in fiscal year 1993 and thereafter shall only be made after advance approval by the Committees on Appropriations of the House and Senate.

(Pub. L. 103–123, title IV, § 5, Oct. 28, 1993, 107 Stat. 1246.)

REFERENCES IN TEXT

The Chief Financial Officers Act, referred to in text, probably means the Chief Financial Officers Act of 1990, Pub. L. 101–576, Nov. 15, 1990, 104 Stat. 2838. For complete classification of this Act to the Code, see Short Title of 1990 Amendment note set out under section 501 of Title 31, Money and Finance, and Tables.

CODIFICATION

Section was enacted as part of the Independent Agencies Appropriations Act, 1994, and as part of the Treasury, Postal Service, and General Government Appropriations Act, 1994, and not as part of the Federal Property and Administrative Services Act of 1949, part of which comprises this chapter.

§ 756. General Supply Fund

(a) Creation and composition of Fund; availability; overhead costs

There is authorized to be set aside in the Treasury a special fund which shall be known as the General Supply Fund. Such fund shall be composed of the assets of the general supply fund (including any surplus therein) created by section 3 of the Act of February 27, 1929 (45 Stat. 1342; 41 U.S.C. 7c), and transferred to the Administrator by section 752 of this title, and sums as may be appropriated thereto and the value, as determined by the Administrator, of inventories of personal property from time to time transferred to the Administrator by other executive agencies under authority of section 481(a)(2) of this title to the extent that payment is not made or credit allowed therefor, and the fund shall assume all of the liabilities, obligations, and commitments of the general supply fund created by such Act of February 27, 1929. The General Supply Fund shall be available for use by or under the direction and control of the Administrator (1) for procuring personal property (including the purchase from or through the Public Printer, for warehouse issue, of standard forms, blankbook work, standard specifications, and other printed material in common use by Federal agencies not available through the Superintendent of Documents) and nonpersonal services for the use of Federal agencies in the proper discharge of their responsibilities, (2) for paying the purchase price, transportation of personal property and services, and the cost of personal services employed directly in the repair, rehabilitation, and conversion of personal property, and (3) for paying other direct costs of, and indirect costs that are reasonably related to, contracting, procurement, inspection, storage, management, distribution, and accountability of property and nonpersonal services provided by the General Services Administration or by special order through such Administration.

(b) Payments by requisitioning agencies; fixing of prices; advance of funds

Payment by requisitioning agencies shall be at prices fixed by the Administrator. Such prices shall be fixed at levels so as to recover so far as practicable the applicable purchase price, the transportation cost, inventory losses, the cost of personal services employed directly in the repair, rehabilitation, and conversion of personal property, and the cost of amortization and repair of equipment utilized for lease or rent to executive agencies. Such prices shall also include an additional charge to recover properly allocable costs payable by the General Supply Fund under subsection (a)(3) of this section with respect to the supplies or services concerned. Requisitioning agencies shall pay by advance of funds in all cases where it is determined by the Administrator that there is insufficient capital otherwise available in the General Supply Fund. Advances of funds also may be made by agreement between the requisitioning agencies and the Administrator. Where an advance of funds is not made, the General Services Administration shall be reimbursed promptly out of funds of the requisitioning agency in accordance with accounting procedures approved by the Comptroller General: *Provided*, That in any case where payment shall not have been made by the requisitioning agency within forty-five days after the date of billing by the Administrator or the date on which an actual liability for personal property or services is incurred by the Administrator, whichever is the later, reimbursement may be obtained by the Administrator by the issuance of transfer and counterwarrants, or other lawful transfer documents, supported by itemized invoices.

(c) Credits to Fund

The General Supply Fund shall be credited with all reimbursements, advances of funds, and refunds or recoveries relating to personal property or services procured through the fund, including the net proceeds of disposal of surplus personal property procured through the fund and receipts from carriers and others for loss of, or damage to, personal property procured through the fund; and the same are reappropriated for the purposes of the fund.

(d) Repealed. Pub. L. 87–600, §1(c), Aug. 24, 1962, 76 Stat. 401

(e) Audit; surplus; report to Congress

(1) As of September 30 of each year, there shall be covered into the United States Treasury as miscellaneous receipts any surplus in the General Supply Fund, all assets, liabilities, and prior losses considered, above the amounts transferred or appropriated to establish and maintain said fund.

(2) The Comptroller General shall make audits of the General Supply Fund in accordance with the provisions of chapter 35 of title 31 and make reports on the results thereof.

(f) Additional uses of Fund

Subject to the requirements of subsections (a) to (e) of this section, the General Supply Fund also may be used for the procurement of personal property and nonpersonal services authorized to be acquired by mixed-ownership Government corporations, or by the municipal government of the District of Columbia, or by a requisitioning non-Federal agency when the function of a Federal agency authorized to procure for it is transferred to the General Services Administration.

(g) Material tests; fees; disposition of fees

Whenever any producer or vendor shall tender any article or commodity for sale or lease to the General Services Administration or to any procurement authority acting under the direction and control of the Administrator pursuant to this Act, the Administrator is authorized in his discretion, with the consent of such producer or vendor, to cause to be conducted, in such manner as the Administrator shall specify, such tests as he shall prescribe either to determine whether such article or commodity conforms to prescribed specifications and standards, or to aid in the development of contemplated specifications and standards. When the Administrator determines that the making of such tests will serve predominantly the interest of such producer or vendor, he shall charge such producer or vendor a fee which shall be fixed by the Administrator in such amount as will recover the cost of conducting such tests, including all components of such costs, determined in accordance with accepted accounting principles. When the Administrator determines that the making of such tests will not serve predominantly the interest of such producer or vendor, he shall charge such producer or vendor such fee as he shall determine to be reasonable for the furnishing of such testing service. All such fees collected by the Administrator may be deposited in the general supply fund to be used for any purpose authorized by subsection (a) of this section.

(June 30, 1949, ch. 288, title I, §109, 63 Stat. 382; Sept. 5, 1950, ch. 849, §§1, 2(a), (b), 3, 64 Stat. 578, 579; July 12, 1952, ch. 703, §1(c)–(e), 66 Stat. 593; Pub. L. 86–591, July 5, 1960, 74 Stat. 330; Pub. L. 87–372, Oct. 4, 1961, 75 Stat. 802; Pub. L. 87–600, Aug. 24, 1962, 76 Stat. 401; Pub. L. 93–604, title VII, §701, Jan. 2, 1975, 88 Stat. 1963; Pub. L. 94–273, §2(19), Apr. 21, 1976, 90 Stat. 375; Pub. L. 100–202, §101(m) [title VI, §619(a), (b)], Dec. 22, 1987, 101 Stat. 1329–390, 1329–427.)

REFERENCES IN TEXT

Act of February 27, 1929, referred to in subsec. (a), is act Feb. 27, 1929, ch. 354, 45 Stat. 1341, as amended, which enacted section 289 of this title and sections 7a to 7c, and 7d of Title 41, Public Contracts. Sections 7a to 7c, and 7d of Title 41 were repealed by act June 30, 1949, ch. 288, title VI, §602(a)(29)–(31), 63 Stat. 401, renumbered Sept. 5, 1950, ch. 849, §6(a), (b), 64 Stat. 583. For complete classification of this Act to the Code, see Tables.

This Act, referred to in subsec. (g), is act June 30, 1949, ch. 288, 63 Stat. 377, as amended, known as the Federal Property and Administrative Services Act of 1949. For complete classification of this Act to the Code, see Short Title note set out under section 471 of this title and Tables.

CODIFICATION

In subsec. (e)(2), ''chapter 35 of title 31'' substituted for ''the Accounting and Auditing Act of 1950 [31 U.S.C. 65 et seq.]'' 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.

Section was formerly classified to section 630g of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89–554, §1, Sept. 6, 1966, 80 Stat. 378. Prior thereto, section was classified to section 219 of Title 41, Public Contracts.

AMENDMENTS

1987—Subsec. (a). Pub. L. 100–202, §101(m) [title VI, §619(a)], added cl. (3).

Subsec. (b). Pub. L. 100–202, §101(m) [title VI, §619(b)], inserted provision requiring that prices also include an additional charge to recover properly allocable costs payable by the General Supply Fund.

1976—Subsec. (e)(1). Pub. L. 94–273 substituted ''September'' for ''June''.

1975—Subsec. (e). Pub. L. 93–604 substantially reenacted existing provisions and substituted requirement that the audit of the General Supply Fund shall be made in accordance with the Accounting and Auditing Act of 1950 for requirement that the audit shall be made as of June 30, and struck out requirement that the Comptroller General shall report to the Congress annually the results of the audit, together with such recommendations as he may have regarding the status and operations of the fund.

1962—Subsec. (a). Pub. L. 87–600, §1(a), (d), substituted ''transportation of personal property and services'' for ''transportation to first storage point of supplies and services''.

Subsec. (b). Pub. L. 87–600, §1(b), (d), struck out ''to first storage point'' after ''the transportation cost'', and requirement that until July 1, 1950, prices were to be fixed in accordance with law and regulations applicable on July 1, 1949, to prices fixed by the Director of the Bureau of Federal Supply, and substituted ''actual liability for personal property'' for ''actual liability for supplies''.

Subsec. (c). Pub. L. 87–600, §1(d), substituted ''personal property'' for ''supplies'' wherever appearing.

Subsec. (d). Pub. L. 87–600, §1(c), struck out subsec. (d) which authorized the establishment of a special deposit account for use by the chief, or any regional, disbursing officer, chargeable with payments properly chargeable to the fund.

Subsec. (f). Pub. L. 87–600, §1(d), substituted ''personal property'' for ''supplies''.

1961—Subsec. (a). Pub. L. 87–372 struck out $150,000,000 capital limitation of General Supply Fund.

1960—Subsec. (g). Pub. L. 86–591 authorized Administrator to cause tests to be conducted to aid in development of contemplated specifications and standards.

1952—Subsec. (a). Act July 12, 1952, §1(c), (d), inserted ''and the value, as determined by the Administrator, of inventories of personal property from time to time transferred to the Administrator by other executive agencies under authority of section 201(a)(2) to the extent that payment is not made or credit allowed therefor'' in second sentence after ''thereto'', and increased General Supply Fund capital from $75,000,000 to $150,000,000.

Subsec. (f). Act July 12, 1952, §1(e), struck out proviso relating to prices charged by the Administrator to cover overhead.

1950—Subsec. (a). Act Sept. 5, 1950, §§1, 2(a), provided for purchases from or through the Public Printer, for warehouse issue, of standard forms, etc. in common use by Federal agencies which are not available through the Superintendent of Documents, and to eliminate the surcharge on the general supply fund transactions and to charge requisitioning agencies with the purchase price, etc. and cost of personal services employed directly in the repair, rehabilitation, and conversion of personal property.

Subsec. (b). Act Sept. 5, 1950, §§2(b), 3(a), fixed the applicable standard for pricing general supply fund commodities, and to reimburse the General Services Administration, where an advance of funds is not made out of funds of the requisitioning agency in accordance with accounting procedures approved by the Comptroller General.

Subsec. (g). Act Sept. 5, 1950, §3(b), added subsec. (g).

EFFECTIVE DATE OF 1987 AMENDMENT

Section 101(m) [title VI, §619(d)] of Pub. L. 100–202 provided that: ''The amendments made by this Act [probably means amendments made by section 101(m) [title VI, §619] of Pub. L. 100–202, amending this section] shall take effect not later than April 1, 1988.''

EFFECTIVE DATE OF 1950 AMENDMENT

Section 2(c) of act Sept. 5, 1950, provided that: ''The amendments made by this section [amending this section] shall be effective on the date, not earlier than July 1, 1950, on which the Administrator of General Services shall determine that appropriated funds adequate to effectuate the purposes of such amendments have been made available.''

DEFINITIONS

The definitions in section 472 of this title apply to this chapter.

PLAN FOR IMPLEMENTATION OF AMENDMENTS

Section 101(m) [title VI, §619(c)] of Pub. L. 100–202 provided that: ''Not later than February 15, 1988, the Administrator of General Services shall submit to the appropriate committees of the Congress a plan for the implementation of the amendments made by this Act [probably means amendments made by section 101(m) [title VI, §619] of Pub. L. 100–202, amending this section]. Such plan shall (1) fully describe and explain the accounting system (including the pricing and cost allocation methodology for supplies and services) to be used for such implementation, and (2) contain a schedule for completing actions necessary for such implementation.''

ADDITIONAL INCREASES IN GENERAL SUPPLY FUND

Provisions increasing the capital of the General Supply Fund were contained in the following appropriation acts:

June 5, 1981, Pub. L. 97–12, title I, 95 Stat. 75—$222,300,000.

July 25, 1979, Pub. L. 96–38, title I, 93 Stat. 124—$10,000,000.

May 29, 1967, Pub. L. 90–21, title I, 81 Stat. 33—$45,000,000.

Dec. 19, 1963, Pub. L. 88–215, title I, 77 Stat. 434—$30,000,000.

May 17, 1963, Pub. L. 88–25, title I, 77 Stat. 26—$25,000,000.

Oct. 3, 1962, Pub. L. 87–741, title I, 76 Stat. 725—$13,500,000.

July 25, 1962, Pub. L. 87–545, title I, 76 Stat. 212—$7,500,000.

Aug. 17, 1961, Pub. L. 87–141, title I, 75 Stat. 351—$6,000,000.

Mar. 31, 1961, Pub. L. 87–14, title I, 75 Stat. 25—$20,000,000.

May 20, 1959, Pub. L. 86–30, title I, 73 Stat. 43—$15,000,000.

Aug. 28, 1958, Pub. L. 85–844, title I, 72 Stat. 1068—$6,250,000.

June 29, 1957, Pub. L. 85–69, title I, 71 Stat. 231—$12,500,000.

July 27, 1956, ch. 748, Ch. VI, 70 Stat. 686—$8,000,000.

June 27, 1956, ch. 452, title I, 70 Stat. 344—$10,000,000.

Sept. 27, 1950, ch. 1052, Ch. VIII, 64 Stat. 1056—$30,000,000.

Sept. 6, 1950, ch. 896, Ch. VIII, title I, 64 Stat. 706—$4,000,000.

June 30, 1949, ch. 286, title I, 63 Stat. 364—$479,803.93.

June 14, 1948, ch. 466, title I, 62 Stat. 416—$1,500,000.

Apr. 1, 1944, ch. 152, title I, 58 Stat. 162—$1,000,000.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 483, 485, 491, 756b of this title; title 42 section 7588.

§ 756a. Retention of surplus generated from operation of General Supply Fund

The Administrator of the General Services Administration is authorized on and after June 5, 1981, to retain from any surplus generated from the operation of the General Supply Fund such sums as may be necessary to maintain a sufficient level of inventory of personal property to meet the needs of the Federal agencies.

(Pub. L. 97–12, title I, ch. XII, June 5, 1981, 95 Stat. 75.)

CODIFICATION

Section was enacted as part of the Supplemental Appropriations and Rescission Act, 1981, and not as part of the Federal Property and Administrative Services Act of 1949, part of which comprises this chapter.

§ 756b. Periodic reimbursement for cost of equipment purchased for Congressional use; computation

(a) Notwithstanding any other provision of law, the Administrator of General Services is authorized to accept periodic reimbursement from the Senate and from the House of Representatives for the cost of any equipment purchased for the Senate or the House of Representatives, respectively, with funds from the General Supply Fund established under section 756 of this title. The amount of each such periodic reimbursement shall be computed by amortizing the total cost of each item of equipment over the useful life of the equipment, as determined by the Administrator, in consultation with the Sergeant at Arms and Doorkeeper of the Senate or the Chief Administrative Officer of the House of Representatives, as appropriate.

(b) Subsection (a) of this section applies to reimbursements to the General Supply Fund for

any equipment purchased for the Senate or the House of Representatives before, on, or after October 18, 1986.

(Pub. L. 99–500, § 151, Oct. 18, 1986, 100 Stat. 1783–352, and Pub. L. 99–591, § 151, Oct. 30, 1986, 100 Stat. 3341–355; Pub. L. 100–202, § 101(i) [title I, § 4], Dec. 22, 1987, 101 Stat. 1329–290, 1329–294; Pub. L. 104–186, title II, § 221(15), Aug. 20, 1996, 110 Stat. 1750.)

CODIFICATION

Pub. L. 99–591 is a corrected version of Pub. L. 99–500. Section was enacted as part of the Legislative Branch Appropriations Act, 1988, and not as part of the Federal Property and Administrative Services Act of 1949, part of which comprises this chapter.

AMENDMENTS

1996—Subsec. (a). Pub. L. 104–186 substituted ''Chief Administrative Officer'' for ''Clerk''.

1987—Subsec. (a). Pub. L. 100–202 struck out ''during fiscal year 1987'' after ''is authorized'' in first sentence.

§ 757. Information Technology Fund

(a) Establishment; content; costs and capital requirements

(1) There is established on the books of the Treasury and[1] Information Technology Fund (hereinafter referred to as the ''Fund''), which shall be available without fiscal year limitation. There are authorized to be appropriated to the Fund such sums as may be required. For purposes of subsection (b) of this section, the Fund shall consist of—

(A) the capital and assets of the Federal telecommunications fund established under this section (as in effect on December 31, 1986), which are in such fund on January 1, 1987;

(B) the capital and assets which are in the automatic data processing fund established under section 759[2] of this title (as in effect on December 31, 1986) which are in such fund on January 1, 1987; and

(C) the supplies and equipment transferred to the Administrator under sections 759[2] and 486(f) of this title, subject to any liabilities assumed with respect to such supplies and equipment.

(2) The Administrator shall determine the cost and capital requirements of the Fund for each fiscal year and shall submit plans concerning such requirements and such other information as may be requested for the review and approval of the Director of the Office of Management and Budget. Any change to the cost and capital requirements of the Fund for a fiscal year shall be made in the same manner as provided by this section for the initial fiscal year determination. If approved by the Director, the Administrator shall establish rates to be charged agencies provided, or to be provided, information technology resources through the Fund consistent with such approvals. Such cost and capital requirements may include funds—

(A) needed for the purchase (if the Administrator has determined that purchase is the least costly alternative[3] of information processing and transmission equipment, software, systems, and operating facilities necessary for the provision of such services;

(B) resulting from operations of the Fund, including the net proceeds of disposal of excess or surplus personal property and receipts from carriers and others for loss or damage to property; and

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

These plans fulfill the requirements of sections 1512 and 1513 of title 31.

(b) Function and availability of Fund

The Fund shall—

(1) assume all of the liabilities, obligations, and commitments of the funds described in subparagraphs (A) and (B) of subsection (a)(1) of this section; and

(2) be available for expenses, including personal services and other costs, and for procurement (by lease, purchase, transfer, or otherwise) for efficiently providing information technology resources to Federal agencies and for the efficient management, coordination, operation, and utilization of such resources.

(c) Contract authority

(1) In the operation of the Fund, the Administrator is authorized to enter into multiyear contracts for the provision of information technology hardware, software, or services for periods not in excess of five years, if—

(A) funds are available and adequate for payment of the costs of such contract for the first fiscal year and any costs of cancellation or termination;

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

(C) the Administrator determines that—

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

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

(iii) such a method of contracting will not exclude small business participation.

(2) Any cancellation costs incurred with respect to a contract entered into under this subsection shall be paid from currently available funds in the Fund.

(3) This subsection shall not be construed to limit the authority of the Administrator to procure equipment and services under section 481 of this title.

(d) Transfer of uncommitted balances

Following the close of each fiscal year, the uncommitted balance of any funds remaining in the Fund, after making provision for anticipated operating needs as determined by the Office of Management and Budget, shall be transferred to the general fund of the Treasury as miscellaneous receipts.

(e) Annual report

A report on the operation of the Fund shall be made annually by the Administrator to the Di-

[1] So in original. Probably should be ''an''.

[2] See References in Text note below.

[3] So in original. Probably should be followed by a closing parenthesis.

rector of the Office of Management and Budget. Such report shall identify any proposed increases to the capital of the Fund and shall include a report on information processing equipment inventory, utilization, and acquisition.

(f) Information technology resources

For purposes of this section, the term ''information technology resources'' includes any service or equipment which had been acquired or provided under this section or section 759[4] of this title, including other information processing and transmission equipment, software, systems, operating facilities, supplies, and services related thereto, and maintenance and repair thereof.

(June 30, 1949, ch. 288, title I, § 110, as added Pub. L. 87–847, Oct. 23, 1962, 76 Stat. 1117; amended Pub. L. 99–500, § 101(m) [title VIII, § 821(a)(1)], Oct. 18, 1986, 100 Stat. 1783–308, 1783–340, and Pub. L. 99–591, § 101(m) [title VIII, § 821(a)(1)], Oct. 30, 1986, 100 Stat. 3341–308, 3341–340; Pub. L. 101–136, title IV, § 25, Nov. 3, 1989, 103 Stat. 808.)

REFERENCES IN TEXT

Section 759 of this title, referred to in subsecs. (a)(1)(B), (C) and (f), was repealed by Pub. L. 104–106, div. E, title LI, § 5101, Feb. 10, 1996, 110 Stat. 680.

CODIFICATION

Pub. L. 99–591 is a corrected version of Pub. L. 99–500.

Section was formerly classified to section 630g–1 of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89–554, § 1, Sept. 6, 1966, 80 Stat. 378.

AMENDMENTS

1989—Subsec. (a)(2). Pub. L. 101–136 inserted at end ''These plans fulfill the requirements of sections 1512 and 1513 of title 31.''

1986—Pub. L. 99–500 and Pub. L. 99–591 amended section generally, substituting provisions relating to the Information Technology Fund for former provisions relating to the Federal telecommunications fund.

EFFECTIVE DATE OF 1986 AMENDMENT

Section 101(m) [title VIII, § 833] of Pub. L. 99–500 and Pub. L. 99–591 provided that: ''This title and the amendments made by this title [amending this section, sections 751 and 759 of this title, and sections 3501 to 3507, 3511, 3514, and 3520 of Title 44, Public Printing and Documents, enacting provisions set out as notes under sections 101 and 3503 of Title 44, amending provisions set out as a note under section 3503 of Title 44, and repealing provisions set out as a note under section 759 of this title] shall take effect on the date of enactment of this Act [Oct. 18, 1986], except as provided in section 813(b) [set out as a note under section 3503 of Title 44] and except that the provisions of section 821 and the amendments made by such section [amending this section and section 759 of this title, section 3504 of Title 44, and provisions set out as a note under section 3503 of Title 44] shall take effect on January 1, 1987.''

DEFINITIONS

The definitions in section 472 of this title apply to this chapter.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 44 section 3504.

§ 758. Personnel

(a) Appointment and compensation

The Administrator is authorized, subject to the civil-service and classification laws, to appoint and fix the compensation of such personnel as may be necessary to carry out the provisions of titles I, II, III, V, and VI of this Act.

(b) Temporary employment of experts or consultants; stenographic reporting services

To such extent as he finds necessary to carry out the provisions of titles I, II, III, V, and VI of this Act, the Administrator is authorized to procure the temporary (not in excess of one year) or intermittent services of experts or consultants or organizations thereof, including stenographic reporting services, by contract or appointment, and in such cases such service shall be without regard to the civil-service and classification laws, and except in the case of stenographic reporting services by organizations, without regard to section 5 of title 41.

(c) Utilization of personnel of other Federal agencies

Notwithstanding the provisions of section 973 of title 10 or of any other provision of law, the Administrator in carrying out the functions imposed upon him by this Act is authorized to utilize in his agency the services of officials, officers, and other personnel in other executive agencies, including personnel of the armed services, with the consent of the head of the agency concerned.

(June 30, 1949, ch. 288, title II, § 208, 63 Stat. 391; Sept. 5, 1950, ch. 849, § 7(b), (c), 64 Stat. 590.)

REFERENCES IN TEXT

The civil-service laws, referred to in subsecs. (a) and (b), are set forth in Title 5, Government Organization and Employees. See, particularly, section 3301 et seq. of Title 5.

The classification laws, referred to in subsecs. (a) and (b), are classified generally to chapter 51 (§ 5101 et seq.) and to subchapter III (§ 5331 et seq.) of chapter 53 of Title 5.

This Act, referred to in text, is act June 30, 1949, ch. 288, 63 Stat. 377, as amended, known as the Federal Property and Administrative Services Act of 1949. For complete classification of this Act, including titles I, II, III, V and VI thereof, see Short Title note set out under section 471 of this title and Tables.

CODIFICATION

In subsec. (c), ''section 973 of title 10'' substituted for ''sections 3544 and 8544 of title 10'' on authority of Pub. L. 90–235, § 4(a)(5), (6), Jan. 2, 1968, 81 Stat. 759. Previously, ''sections 3544 and 8544 of title 10'' had been substituted for ''section 1222 of the Revised Statutes (10 U.S.C. 576)'' on authority of act Aug. 10, 1956, ch. 1041, § 49(b), 70A Stat. 640, the first section of which enacted Title 10, Armed Forces.

Section was formerly classified to section 630h of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89–554, § 1, Sept. 6, 1966, 80 Stat. 378.

Section was also formerly classified to section 238 of Title 41, Public Contracts.

AMENDMENTS

1950—Subsecs. (a), (b). Act Sept. 5, 1950, substituted ''V, and VI of this Act'' for ''and V of this Act''.

TRANSFER OF FUNCTIONS

Functions, powers, and duties of Office of Audits and Office of Investigations in General Services Administration transferred to Office of Inspector General in General Services Administration by section 9(a)(1)(K) of the Inspector General Act of 1978, Pub. L. 95–452, set

[4] See References in Text note below.

out in the Appendix to Title 5, Government Organization and Employees, section 2 of which established such Office of Inspector General.

DEFINITIONS

The definitions in section 472 of this title apply to this chapter.

CROSS REFERENCES

Employment of experts and consultants generally, see section 3109 of Title 5, Government Organization and Employees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 752 of this title.

§ 759. Repealed. Pub. L. 104–106, div. E, title LI, § 5101, Feb. 10, 1996, 110 Stat. 680

Section, act June 30, 1949, ch. 288, title I, § 111, as added Oct. 30, 1965, Pub. L. 89–306, 79 Stat. 1127; amended 1970 Reorg. Plan No. 2, § 102, eff. July 1, 1970, 35 F.R. 7959, 84 Stat. 2085; July 18, 1984, Pub. L. 98–369, div. B, title VII, § 2713(a), 98 Stat. 1182; Nov. 8, 1985, Pub. L. 99–145, title IX, § 961(c), title XIII, § 1304(c)(1), 99 Stat. 703, 742; Oct. 18, 1986, Pub. L. 99–500, § 101(m) [title VIII, §§ 821(b)(1), 822–825], 100 Stat. 1783–308, 1783–342 to 1783–344, and Oct. 30, 1986, Pub. L. 99–591, § 101(m) [title VIII, §§ 821(b)(1), 822–825], 100 Stat. 3341–308, 3341–342 to 3341–344; Jan. 8, 1988, Pub. L. 100–235, § 4, 101 Stat. 1728; Oct. 29, 1992, Pub. L. 102–572, title IX, § 902(b)(1), 106 Stat. 4516; Oct. 13, 1994, Pub. L. 103–355, title I, §§ 1431–1439, title X, § 10005(f)(3), 108 Stat. 3291–3295, 3409, related to procurement, maintenance, operation, and utilization of automatic data processing equipment and provided that section be cited as the ''Brooks Automatic Data Processing Act''.

EFFECTIVE DATE OF REPEAL

Repeal effective 180 days after Feb. 10, 1996, see section 5701 of Pub. L. 104–106, set out as an Effective Date note under section 1401 of this title.

§ 760. Federal information centers

(a) Establishment

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

(b) Rules and regulations

The Administrator is authorized to prescribe such rules and regulations as may be necessary to the functioning of the Federal information centers.

(c) Authorization of appropriations

There is hereby authorized to be appropriated $7,000,000 for the fiscal year ending September 30, 1980, and such sums as may be necessary for each succeeding fiscal year for carrying out the purposes of this section.

(June 30, 1949, ch. 288, title I, § 112, as added Pub. L. 95–491, § 2(a), Oct. 20, 1978, 92 Stat. 1641.)

SHORT TITLE OF 1978 AMENDMENT

Pub. L. 95–491, § 1, Oct. 20, 1978, 92 Stat. 1641, provided: ''That this Act [enacting this section] may be cited as the 'Federal Information Centers Act'.''

§ 761. Consumer Information Center Fund, General Services Administration

Notwithstanding any other provision of law, there is hereby established in the Treasury of the United States a Consumer Information Center Fund, General Services Administration, for the purpose of disseminating Federal Government consumer information to the public and for other related purposes. There shall be deposited into the fund for fiscal year 1983 and subsequent fiscal years: (A) Appropriations from the general funds of the Treasury for Consumer Information Center activities; (B) User fees from the public; (C) Reimbursements from other Federal agencies for costs of distributing publications; and (D) Any other income incident to Consumer Information Center activities. Moneys deposited into the fund shall be available for expenditure for Consumer Information Center activities in such amounts as are specified in appropriation Acts. Any unobligated balances at the end of the fiscal year shall remain in the fund and shall be available for authorization in appropriation Acts for subsequent fiscal years. This fund shall assume all the liabilities, obligations, and commitments of the said Consumer Information Center account. The revenues and collections deposited into the fund shall be available for necessary expenses of Consumer Information Center activities in the amount of $5,415,000 during fiscal year 1983. Administrative expenses of the Consumer Information Center in fiscal year 1983 shall not exceed $1,382,000. For the purposes of the fund, administrative expenses shall be defined as those expenses previously paid from appropriations to the Consumer Information Center. Revenues and collections accruing to this fund during fiscal year 1983 in excess of $6,797,000 shall remain in the fund and shall not be available for expenditure except as authorized in appropriation Acts.

(Pub. L. 98–63, title I, § 101, July 30, 1983, 97 Stat. 321.)

CODIFICATION

Section was enacted as part of the Supplemental Appropriations Act, 1983, and not as part of the Federal Property and Administrative Services Act of 1949, a part of which comprises this chapter.

§ 761a. Consumer Information Center Fund; acceptance and expenditure of gifts

Notwithstanding any other provision of law, the Consumer Information Center may accept and deposit to this account, during fiscal year 1998 and hereafter, gifts for the purpose of defraying its costs of printing, publishing, and distributing consumer information and educational materials and undertaking other consumer information activities; may expend those gifts for those purposes, in addition to amounts appropriated or otherwise made available; and the balance shall remain available for expenditure for such purpose.

(Pub. L. 105–65, title III, Oct. 27, 1997, 111 Stat. 1377.)

CODIFICATION

Section was enacted as part of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1998, and not as part of the Federal Property and Administrative Services Act of 1949, part of which comprises this chapter.

PRIOR PROVISIONS

Provisions similar to those in this section were contained in the following prior appropriation act:

Pub. L. 104–204, title III, Sept. 26, 1996, 110 Stat. 2916.

§ 762. Definitions

As used in sections 762 to 762d of this title—

(1) The term ''TDD'' means a Telecommunications Device for the Deaf, a machine which employs graphic communications in the transmission of coded signals through the nationwide telecommunications system.

(2) The term ''Federal agency'' has the meaning given such term by section 472(b) of this title.

(Pub. L. 100–542, § 2, Oct. 28, 1988, 102 Stat. 2721.)

SHORT TITLE

Section 1 of Pub. L. 100–542 provided that: ''This Act [enacting this section and sections 762a to 762d of this title] may be cited as the 'Telecommunications Accessibility Enhancement Act of 1988'.''

§ 762a. Federal telecommunications system requirements

(a) Accessibility of telecommunications systems

The Administrator of General Services, after consultation with the Architectural and Transportation Barriers Compliance Board, the Interagency Committee on Computer Support of Handicapped Employees, the Federal Communications Commission, and affected Federal agencies, shall, by regulation, take such actions in accordance with this section as may be necessary to assure that the Federal telecommunications system is fully accessible to hearing-impaired and speech-impaired individuals, including Federal employees, for communications with and within Federal agencies.

(b) Specific requirement

In carrying out subsection (a) of this section, the Administrator shall—

(1) provide for the continuation of the existing Federal relay system for users of TDD's;

(2) within 90 days after October 28, 1988, expand such relay system by employing at least one additional operator;

(3) within 180 days after October 28, 1988—

(A) conduct, as part of the rulemaking proceeding required by subsection (a) of this section, an analysis of modifications to the Federal telecommunications system that the Administrator, in his discretion, determines to be necessary to achieve the objectives of subsection (a) of this section; and

(B) submit a report on the results of such analysis to each House of the Congress;

(4) within 180 days after completion of such analysis, prescribe the regulations required by subsection (a) of this section;

(5) assemble, publish, and maintain a directory of TDD and other devices used by Federal agencies to comply with such regulations, and publish, in Federal agency directories, access numbers of TDD's and such other devices; and

(6) after consultation with the Architectural and Transportation Barriers Compliance Board, adopt the design of a standard logo to signify the presence of a TDD or other device used by a Federal agency to comply with such regulations.

(c) Congressional oversight

The Administrator shall not prescribe the regulation required by subsection (a) of this section before the end of the 90-day period beginning on the date the Administrator submits the report required by subsection (b)(3)(B) of this section.

(Pub. L. 100–542, § 3, Oct. 28, 1988, 102 Stat. 2721.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 762, 762b of this title.

§ 762b. Additional requirements

(a) Support for research

The Administrator shall, in consultation with the Federal Communications Commission, seek to promote research by Federal agencies, State agencies, and private entities to reduce the cost and improve the capabilities of telecommunications devices and systems that provide accessibility to hearing-impaired and speech-impaired individuals.

(b) Planning to assimilate technological developments

The Administrator, in planning future alterations to and modifications of the Federal telecommunications system, shall take into account results of the analysis required by section 762a(b)(3) of this title and any technological improvements in telecommunications devices and systems that provide accessibility to hearing-impaired and speech-impaired individuals.

(Pub. L. 100–542, § 4, Oct. 28, 1988, 102 Stat. 2722.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 762 of this title.

§ 762c. Inquiry regarding interstate TDD relay system

The Federal Communications Commission shall, within 9 months after October 28, 1988, complete its existing inquiry regarding an interstate relay system for users of TDD's.

(Pub. L. 100–542, § 5, Oct. 28, 1988, 102 Stat. 2722.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 762 of this title.

§ 762d. TDD installation by Congress

As soon as practicable, each House of the Congress shall establish a policy under which Members of the House of Representatives and the Senate, as the case may be, may obtain TDD's for use in communicating with hearing-impaired and speech-impaired individuals, and for the use of hearing-impaired and speech-impaired employees.

(Pub. L. 100–542, § 6, Oct. 28, 1988, 102 Stat. 2722.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 762 of this title.

CHAPTER 17—ALASKA COMMUNICATIONS DISPOSAL

SUBCHAPTER I—GENERAL PROVISIONS

Sec.
771. Definitions.

SUBCHAPTER II—TRANSFER OF GOVERNMENT-OWNED LONG-LINES COMMUNICATION FACILITIES IN AND TO ALASKA

781. Matters relative to transfer.
(1) Authorization, Executive approval, adequate consideration, scope of transfer, qualification of transferee, necessary or appropriate actions and powers.
(2) Procedures and methods.
(3) Applicability of antitrust provisions.
(4) Documents of title or other property interests; mineral rights exception; other necessary or proper action; copy of instrument to Secretary of the Interior.
(5) Consent of Secretary concerned.
(6) Solicitation of offers to purchase.
782. National defense considerations; public interest; qualification of transferee; disqualification of aliens.
783. Agreements for transfer; services without interruption, change of rates and charges, and finality of transfer.
784. Approval of Federal Communications Commission.
785. Gross proceeds as miscellaneous receipts in the Treasury.
786. Reports to President and Congress.

SUBCHAPTER III—MISCELLANEOUS PROVISIONS

791. Communications Act of 1934; nonmodification.
792. Authorization of appropriations.

SUBCHAPTER I—GENERAL PROVISIONS

§ 771. Definitions

In this chapter—

(1) ''Transfer'' means the conveyance by the United States of any element of ownership, including but not restricted to any estate or interest in property, and franchise rights, by sale, exchange, lease, easement, or permit, for cash, credit, or other property with or without warranty.

(2) ''Long-lines communication facilities'' means the transmission systems connecting points inside the State with each other and with points outside the State by radio or wire, and includes all kinds of property and rights-of-way necessary to accomplish this interconnection.

(3) ''Agency concerned'' means any department, agency, wholly owned corporation, or instrumentality of the United States.

(Pub. L. 90–135, title I, § 101, Nov. 14, 1967, 81 Stat. 441.)

SHORT TITLE

Section 1 of Pub. L. 90–135 provided: ''That this Act [enacting this chapter] may be cited as the 'Alaska Communications Disposal Act'.''

SUBCHAPTER II—TRANSFER OF GOVERNMENT-OWNED LONG-LINES COMMUNICATION FACILITIES IN AND TO ALASKA

§ 781. Matters relative to transfer

(1) Authorization, Executive approval, adequate consideration, scope of transfer, qualification of transferee, necessary or appropriate actions and powers

Subject to the provisions of section 782 of this title, and notwithstanding provisions of any other law, the Secretary of Defense or his designee, with the advice, assistance, and, in the case of any agency not under the jurisdiction of the Secretary of Defense, the consent of the agency concerned, and after approval of the President, is authorized to and shall transfer for adequate consideration any or all long-lines communication facilities in or to Alaska under the jurisdiction of the Federal Government to any person qualifying under the provisions of section 782 of this title, and may take such action and exercise such powers as may be necessary or appropriate to effectuate the purposes of this chapter.

(2) Procedures and methods

Transfers under this subchapter shall be made in accordance with the procedures and methods required by section 484(e), (1), (2), and (3) of this title, except that ''the Secretary of Defense or his designee'' shall be substituted for all references therein to ''the Administrator''.

(3) Applicability of antitrust provisions

The requirements of section 488 of this title shall apply to transfers under this subchapter.

(4) Documents of title or other property interests; mineral rights exception; other necessary or proper action; copy of instrument to Secretary of the Interior

The head of the agency concerned or his designee shall execute such documents for the transfer of title or other interest in property, except any mineral rights therein, and take such other action as the Secretary of Defense deems necessary or proper to transfer such property under the provisions of this subchapter. A copy of any deed, lease, or other instrument executed by or on behalf of the head of the agency concerned purporting to transfer title or any other interest in public land shall be furnished to the Secretary of the Interior.

(5) Consent of Secretary concerned

No interest in public lands, withdrawn or otherwise appropriated, may be transferred under this subchapter, without the prior consent of the Secretary of the Interior, or, with respect to lands within a national forest, of the Secretary of Agriculture.

(6) Solicitation of offers to purchase

In connection with soliciting offers to purchase such long-lines facilities of the Alaska Communication System the Secretary of Defense or his designee shall:

(a) Provide any prospective purchaser who requests it data on (i) the facilities available for purchase, (ii) the amounts deemed to be the current fair and reasonable value of those

facilities, and (iii) the initial rates which will be charged to the purchaser for capacity in facilities retained by the Government and available for commercial use;

(b) Provide, in the request for offers to purchase, that offerors must specify the rates they propose to charge for service and the improvements in service which they propose to initiate;

(c) Provide an opportunity for prospective purchasers to meet as a group with Department of Defense representatives to assure that the data and the public interest requirements described in (a) and (b), above, are fully understood; and

(d) Seek the advice and assistance of the Federal Communications Commission, the Federal Field Committee for Development Planning in Alaska, and the Governor of Alaska or his designees, to assure consideration of all public interest factors associated with the transfer.

(Pub. L. 90–135, title II, § 201, Nov. 14, 1967, 81 Stat. 442.)

ABOLITION OF FEDERAL FIELD COMMITTEE FOR DEVELOPMENT PLANNING IN ALASKA

For termination of Federal Field Committee for Development Planning in Alaska, see Ex. Ord. No. 11608, set out as a note under section 3121 of Title 42, The Public Health and Welfare.

§ 782. National defense considerations; public interest; qualification of transferee; disqualification of aliens

No transfer under this subchapter may be made unless the Secretary of Defense or his designees determines that—

(1) the United States does not need to retain the property involved in the transfer for national defense purposes;

(2) the transfer is in the public interest;

(3) the person to whom the transfer is made is prepared and qualified to provide, without interruption, the communication service involved in the transfer; and

(4) the long-lines communication facilities will not directly or indirectly be owned, operated, or controlled by a person who would legally be disqualified by section 310(a) of title 47, from holding a radio station license.

(Pub. L. 90–135, title II, § 202, Nov. 14, 1967, 81 Stat. 443.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 781 of this title.

§ 783. Agreements for transfer; services without interruption, change of rates and charges, and finality of transfer

The agreements by which a transfer is made under this subchapter shall include a provision that—

(1) the person to whom the transfer is made shall, subject to the rules and regulations of any body or commission established by the State of Alaska to govern and regulate communications services to the public and of the Federal Communications Commission and all applicable statutes, treaties, and conventions, provide without interruption, the communication services involved in the transfer, except those services reserved by the United States in the transfer;

(2) the rates and charges for such services applicable at the time of transfer shall not be changed for a period of one year from the date of such transfer unless approved by a governmental body or commission having jurisdiction; and

(3) the transfer will not be final unless and until the transferee shall receive any requisite licenses and certificates of convenience and necessity to operate interstate and intrastate commercial communications in Alaska from the appropriate governmental regulatory bodies.

(Pub. L. 90–135, title II, § 203, Nov. 14, 1967, 81 Stat. 443.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 784 of this title.

§ 784. Approval of Federal Communications Commission

Transfers under this subchapter do not require the approval of the Federal Communications Commission except to the extent that the approval of the Federal Communications Commission is necessary under section 783(3) of this title.

(Pub. L. 90–135, title II, § 204, Nov. 14, 1967, 81 Stat. 443.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 781 of this title.

§ 785. Gross proceeds as miscellaneous receipts in the Treasury

Notwithstanding the provisions of any other law, the gross proceeds of each transfer shall be covered into the Treasury of the United States as miscellaneous receipts.

(Pub. L. 90–135, title II, § 205, Nov. 14, 1967, 81 Stat. 443.)

§ 786. Reports to President and Congress

The Secretary of Defense or his designee shall report to the Congress and the President—

(1) in January of each year, the actions taken under this subchapter during the preceding twelve months; and

(2) not later than ninety days after completion of each transfer under this subchapter a full account of that transfer.

(Pub. L. 90–135, title II, § 206, Nov. 14, 1967, 81 Stat. 443.)

SUBCHAPTER III—MISCELLANEOUS PROVISIONS

§ 791. Communications Act of 1934; nonmodification

This chapter does not modify in any manner the provisions of the Communications Act of 1934, as amended [47 U.S.C. 151 et seq.].

(Pub. L. 90–135, title III, § 301, Nov. 14, 1967, 81 Stat. 444.)

REFERENCES IN TEXT

The Communications Act of 1934, as amended, referred to in text, is act June 19, 1934, ch. 652, 48 Stat. 1064, as amended, which is classified principally to chapter 5 (§ 151 et seq.) of Title 47, Telegraphs, Telephones, and Radiotelegraphs. For complete classification of this Act to the Code, see section 609 of Title 47 and Tables.

§ 792. Authorization of appropriations

There are authorized to be appropriated to the Secretary of Defense such sums as may be necessary to carry out the provisions of this chapter.

(Pub. L. 90–135, title III, § 302, Nov. 14, 1967, 81 Stat. 444.)

CHAPTER 17A—ALASKA FEDERAL-CIVILIAN ENERGY EFFICIENCY SWAP

Sec.
795. Definitions.
795a. Sale of electric energy; contracting authority; required determinations; pricing policies.
795b. Purchase of electric power; authority; applicable criteria.
795c. Implementation powers and limitations.
(a) Accommodation of needs of non-Federal person for electric energy.
(b) Availability of revenues from sales.
(c) Exercise of authorities.
(d) Negotiation and execution of contracts and other agreements.
795d. Reports.

§ 795. Definitions

As used in this chapter—

(1) The term ''non-Federal electric energy'' means electric energy generated by any facility other than a federally owned electric generating facility.

(2) The term ''agency'' means the head of any department, agency, or instrumentality of the United States.

(3) The term ''federally generated electric energy'' means any electric power generated by an electric generating facility owned and operated by an agency.

(4) The term ''non-Federal person'' means any corporation, cooperative, municipality, or other non-Federal entity which generates non-Federal electric energy.

(Pub. L. 96–571, § 2, Dec. 22, 1980, 94 Stat. 3341.)

SHORT TITLE

Section 1 of Pub. L. 96–571 provided that: ''This Act [enacting this chapter] shall be referred to as the 'Alaska Federal-Civilian Energy Efficiency Swap Act of 1980'.''

§ 795a. Sale of electric energy; contracting authority; required determinations; pricing policies

(a) For the purposes of conserving oil and natural gas and better utilizing coal, any agency is authorized to sell to any non-Federal person, and to enter into contracts for the sale to any non-Federal person of, electric energy generated by coal-fired electric generating facilities of such agency in Alaska without regard to any provision of law which precludes such sale where such energy is available from other local sources, if the agency determines that—

(1) such energy is generated by an existing coal-fired generating facility;

(2) such energy is surplus to such agency's needs and is in excess of the electric energy specifically generated for consumption by, or necessary to serve the requirements of, any department, agency, or instrumentality of the United States;

(3) the costs to the ultimate consumers of such energy is less than the costs which, in the absence of such sale, would be incurred by such consumers for the purchase of an equivalent amount of energy; and

(4) such sale will result in a reduction in the total consumption of oil or natural gas by the non-Federal person purchasing such electric energy below that consumption which would occur in the absence of such sale.

(b) Federally generated electric energy sold by an agency as provided in subsection (a) of this section shall be priced to recover the fuel costs and variable operation and maintenance costs of the Federal generating facility concerned which costs are attributable to such sale, plus an amount equal to one-half the difference between—

(1) the costs of producing the electric energy by coal generation, and

(2) the costs of producing electric energy by the oil or gas generation being displaced.

(Pub. L. 96–571, § 3, Dec. 22, 1980, 94 Stat. 3341.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 795c of this title.

§ 795b. Purchase of electric power; authority; applicable criteria

For purposes of economy and efficiency and conserving oil and natural gas, whenever practicable and consistent with other laws applicable to any agency and whenever consistent with the requirements applicable to any agency, such agency shall endeavor to purchase electric power from any non-Federal person for consumption in Alaska by any facility of such agency where such purchase—

(1) will result in a savings to other consumers of electric energy sold by such non-Federal person without increasing the cost incurred by any agency for electric energy, or

(2) will result in a cost savings to such agency of electric energy without increasing costs to other consumers of electric energy,

taking into account the remaining useful life of any facility available to such agency to generate electric energy for such agency and the cost of maintaining such facility on a standby basis.

(Pub. L. 96–571, § 4, Dec. 22, 1980, 94 Stat. 3342.)

§ 795c. Implementation powers and limitations

(a) Accommodation of needs of non-Federal person for electric energy

Nothing in this chapter shall be construed as requiring or authorizing any department, agency, or instrumentality of the United States to

construct any new electric generating facility or related facility, to modify any existing facility, or to employ reserve or standby equipment in order to accommodate the needs of any non-Federal person for electric energy.

(b) Availability of revenues from sales

Revenues received by any agency pursuant to section 795a of this title from the sale of electric energy generated from any facility of such agency shall be available to the agency without fiscal year limitation for the purchase of fuel and for operation, maintenance, and other costs associated with such facility.

(c) Exercise of authorities

The authorities of this chapter shall be exercised for such periods and pursuant to such terms and conditions as the agency concerned deems necessary consistent with the provisions of this chapter and consistent with its responsibilities under other provisions of law.

(d) Negotiation and execution of contracts and other agreements

All contracts or other agreements executed under this chapter, notwithstanding any other provision of law, shall be negotiated and executed by the agency selling or purchasing electric energy under this chapter.

(Pub. L. 96–571, § 5, Dec. 22, 1980, 94 Stat. 3342.)

§ 795d. Reports

The Secretary of Energy shall biennially report to the Committee on Energy and Natural Resources of the Senate and the Committees on Energy and Commerce and on Natural Resources of the House of Representatives on the actions taken pursuant to this chapter by any agency. The report shall include an analysis of the costs of electric energy purchased or sold as provided in this chapter, the revenues and profits generated from such sales, and the oil and natural gas conserved as a result of any such purchases and sales. Such agencies shall cooperate with the Secretary of Energy in providing information for the purpose of such report.

(Pub. L. 96–571, § 6, Dec. 22, 1980, 94 Stat. 3342; Pub. L. 103–437, § 14(c), Nov. 2, 1994, 108 Stat. 4591.)

AMENDMENTS

1994—Pub. L. 103–437 struck out subsec. (a) designation before ''The Secretary of Energy shall biennially'', substituted ''Committee on Energy and Natural Resources of the Senate and the Committees on Energy and Commerce and on Natural Resources'' for ''Senate Committee on Energy and Natural Resources and the Committee on Interstate and Foreign Commerce and the Committee on Interior and Insular Affairs'', and struck out subsec. (b) which provided that Secretary of Energy was to conduct study to determine whether provisions of section 795a of this title should be extended to apply to electric power generated by coal-fired Federal electric generating facilities located in the United States outside of Alaska.

CHANGE OF NAME

Committee on Energy and Commerce of House of Representatives treated as referring to Committee on Commerce of House of Representatives and 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.

CHAPTER 18—NATIONAL VISITOR CENTER FACILITIES; UNION STATION REDEVELOPMENT; CAPITOL GUIDE SERVICE

SUBCHAPTER I—UNION STATION

PART A—NATIONAL VISITOR CENTER

Sec.
801. National Visitor Center; designation; parking facility; authorization of agreements and leases for use of Union Station.
802. Terms and conditions of agreements and leases.
(a) General provisions.
(b) Other terms and conditions.
(c) Supplemental alterations and construction; competitive bidding or negotiated contract; Federal title; purchase option; limitation of fund.
803. Administration.
804. Interpretive transportation services; Federal areas.
805. Continuing study of needs of visitors to Washington metropolitan area; facility recommendations; annual report.
806. Repeals.
807. Authorization of appropriations.
808. Labor standards.
809. Steam for Union Station-National Visitor Center complex; contract; costs.

PART B—UNION STATION REDEVELOPMENT

811. Assignment of right, title, and interest in the Union Station complex to the Secretary of Transportation.
(a) Reservation of certain rights by the Secretary; definition.
(b) Installation of new roofs and drainage systems.
(c) Permission to the Secretary of Transportation to carry out certain activities.
(d) Secretary to be relieved of certain obligations upon assignment and roof installation.
812. Rehabilitation and redevelopment of the Union Station complex; goals.
813. Authorization of appropriations.
814. Studies to determine feasibility of rehabilitation and improvements; implementation of recommendations.
(a) Engineering survey.
(b) Planning and market feasibility studies to assess commercial development potential.
(c) Time for completion of studies.
(d) Availability of appropriated funds.
(e) Reports to Congress; commitment of Federal funds.
815. Development agreements.
(a) Agreements with developers.
(b) Selection of developers.
(c) Modification or waiver of application of regulations.
(d) Other agreements and contracts; assignment.
816. Acquisition and maintenance of property.
817. Union Station Fund; establishment; administration; authority of the Secretary to use income received toward expenses.
818. Parking facility; completion with interstate highway funds; limitation on apportionment of funds excepted; agreement with District of Columbia for the administration of the project.

Sec.
819. Waiver or release of obligations under other provisions.
(a) Release of Washington Terminal Company from its obligation to construct a new railroad passenger station.
(b) Waiver of statutory and contractual restrictions on the use of the parking facility.
(c) Use of funds appropriated under other provisions without matching funds requirement.
(d) Architect of Capitol authorized to supply steam or chilled water to the Union Station complex.

SUBCHAPTER II—ADVISORY COMMISSION

821. National Visitor Facilities Advisory Commission; establishment; functions.
822. Composition of Commission.
(a) Tenure; Chairman.
(b) Compensation and travel expenses.
(c) Staff and facilities.
823. Reports and recommendations.

SUBCHAPTER III—CAPITOL VISITOR CENTER

831. Capitol educational and informational center and information and distribution stations; operation agreements.

SUBCHAPTER IV—CAPITOL GUIDE SERVICE

851. Capitol Guide Service.
(a) Establishment; designation; supervision of Capitol Guide Board; membership of Board.
(b) Guided tours; regulations.
(c) Duties of Capitol Guide Board; positions of Guide in Capitol Guide Service; establishment and revision; Chief, Deputy Chief, and Assistant Chief Guide and Guides: appointment, duties, pay, and termination of employment.
(d) Uniforms.
(e) Acceptance of fees; prohibition.
(f) Personnel detail.
(g) Historical and educational information.
(h) Regulations for operation of Service.
(i) Disciplinary action.
(j) Volunteers.

SUBCHAPTER I—UNION STATION

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in section 821 of this title.

PART A—NATIONAL VISITOR CENTER

PART REFERRED TO IN OTHER SECTIONS

This part is referred to in sections 811, 813, 819 of this title.

§801. National Visitor Center; designation; parking facility; authorization of agreements and leases for use of Union Station

The Secretary of the Interior (hereafter in this chapter referred to as the ''Secretary''), in consultation with the Administrator of General Services (hereafter in this chapter referred to as the ''Administrator''), is authorized to negotiate and enter into agreements and leases with The Washington Terminal Company, its successors or assigns (hereafter in this chapter referred to as the ''Company''), the owner of the property in the District of Columbia known as Union Station, for use of all or a part of such property for a national visitor center to be known as the National Visitor Center and a parking facility in connection therewith.

(Pub. L. 90–264, title I, §101, Mar. 12, 1968, 82 Stat. 43.)

SHORT TITLE OF 1981 AMENDMENT

Pub. L. 97–125, §1, Dec. 29, 1981, 95 Stat. 1667, provided: ''That this Act [enacting part B (§811 et seq.) of this subchapter, amending section 802 of this title, and enacting provisions set out as notes under section 811 of this title and section 582 of Title 45, Railroads] may be cited as the 'Union Station Redevelopment Act of 1981'.''

SHORT TITLE OF 1980 AMENDMENT

Pub. L. 96–610, §1, Dec. 28, 1980, 94 Stat. 3564, provided: ''That this Act [enacting section 809 of this title and provisions set out as a note under section 802 of this title] may be cited as the 'National Visitor Center Emergency Repair Act of 1980'.''

SHORT TITLE

Section 1 of Pub. L. 90–264 provided: ''That this Act [enacting this chapter and provisions set out as a note under section 804 of this title] may be cited as the 'National Visitor Center Facilities Act of 1968'.''

CAPITOL GROUNDS; ERECTION OF FLAGPOLES AND IMPROVEMENT OF TRAFFIC

Pub. L. 94–320, June 25, 1976, 90 Stat. 711, provided: ''That, subject to the approval of the Architect of the Capitol and to such conditions as he may prescribe, the Secretary of the Interior is authorized to make such use of that portion of the United States Capitol Grounds adjacent or in close proximity to the sidewalks abutting the circular perimeter of the Union Station Plaza in front of Columbus Plaza and the National Visitor Center as may be necessary to enable the Secretary of the Interior to erect and maintain flagpoles to fly the flags of each of the States of the United States and its territories and possessions, generally as shown on NCPC Map File Numbered 1.11 (38.00)–27861.

''SEC. 2. (a) Notwithstanding any other provision of law, the Architect of the Capitol is authorized, subject to the provisions of this Act and to such conditions as the Architect of the Capitol may prescribe, to enter into an agreement with the appropriate officials of the government of the District of Columbia pursuant to which the Architect of the Capitol is authorized to permit the government of the District of Columbia to utilize certain areas of the United States Capitol Grounds for the purpose of making certain street changes in order to coordinate and improve the flow of traffic to and from the United States Capitol Grounds and the National Visitor Center (formerly Union Station), and the flow of traffic within Union Station Plaza.

''(b) Pursuant to such agreement, the Architect of the Capitol is authorized to make available to the government of the District of Columbia, for the purposes referred to in subsection (a), certain portions of the United States Capitol Grounds as follows:

''(1) approximately two thousand one hundred square feet of land in Square 680, at the east end thereof, located within the United States Capitol Grounds adjacent to the Union Station Plaza, Massachusetts Avenue, and E Street Northeast, in order to enable the government of the District of Columbia to carry out the purposes referred to in subsection (a) of this section, and to change the curbline, and relocate existing sidewalks and curbs, to conform to such street change;

''(2) approximately three thousand five hundred square feet of land in Square 723, at the northwest end thereof, located within the United States Capitol

Grounds adjacent to the Union Station Plaza, First Street, and Massachusetts Avenue Northeast, in order to enable the government of the District of Columbia to carry out the purposes referred to in subsection (a) of this section, and to change the curbline, and relocate existing sidewalks and curbs, to conform to such street change; and

''(3) approximately four hundred square feet of land in Square 721, at the southwest end thereof, located within the United States Capitol Grounds adjacent to the Union Station Plaza and Massachusetts Avenue Northeast, in order to enable the government of the District of Columbia to carry out the purposes referred to in subsection (a) of this section, and to change the curbline, and relocate existing sidewalks and curbs, to conform to such street change.

''SEC. 3. Nothing in this Act shall be construed to grant to the Secretary of the Interior or to the government of the District of Columbia any right, title, or interest in or to any part of the United States Capitol Grounds and such area affected by this Act or any agreement pursuant thereto shall continue to be a part of the United States Capitol Grounds. All areas of the United States Capitol Grounds, including sidewalks, lawns and other growth, streets, and curblines, disturbed by reason of operations pursuant to this Act shall be promptly relocated or restored by the Secretary of the Interior or the government of the District of Columbia, as the case may be, in a manner approved by, and satisfactory to the Architect of the Capitol.

''SEC. 4. The Congress shall not incur any expense, liability, obligation, or other responsibility (operational or otherwise), under or by reason of this Act, or any agreement pursuant to this Act, or be liable under any claim of any nature or kind that may arise from either the construction, operation, or maintenance of the flagpoles authorized by this Act, or from carrying out any agreement pursuant to this Act.''

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 802 of this title.

§ 802. Terms and conditions of agreements and leases

(a) General provisions

The agreements and leases authorized by section 801 of this title shall be subject to the following terms and conditions:

(1) Alterations

the Company shall agree to make such alterations of the Union Station Building as the Secretary determines necessary to provide adequate facilities for visitors, which facilities, including the parking facility under paragraph (3), shall be representative of the highest standards of excellence of design and function;

(2) Commencement; term

the lease of the Union Station Building shall commence on a date to be mutually agreed upon and shall not be for a term of more than twenty-five years;

(3) Parking facilities; term

the Company, in consultation with the Secretary, shall construct all or part of a parking facility, including necessary approaches and ramps for adequate circulation, to accommodate automobiles, charter buses, and other transportation, as appropriate, in the airspace northerly of and adjacent to the existing Union Station Building, and such structure shall be leased to the United States for a term not to exceed twenty-five years commencing upon a date to be mutually agreed upon;

(4) New railroad passenger station

the Company shall, and it is hereby authorized to construct a new railroad passenger station in the area beneath or adjacent to the parking facility referred to in paragraph (3);

(5) Purchase option; amount; fair market value; notice, terms and conditions, and credit of rentals paid

the United States shall have the option to purchase all of the property leased under this subchapter for an amount not in excess of the fair market value of such property any time after the first year of the lease on one year's written notice and on such terms and conditions including credit toward such purchase price of any portions of rentals paid by the United States as may be mutually agreed upon;

(6) Rentals; fair rental value

rentals paid by the United States shall not exceed the fair rental value of the property as mutually determined by the Secretary, the Administrator, and the Lessor;

(7) Limitation on annual cost of leases

the aggregate annual cost to the United States of all leases entered into under this subchapter shall not exceed $3,500,000;

(8) Limitation on alteration and parking facility construction costs

the total cost of all alterations referred to in paragraph (1) and all construction referred to in paragraph (3) shall not exceed $16,000,000, except that total cost of such alterations shall not exceed $5,000,000.

(b) Other terms and conditions

In addition to the terms and conditions set forth in subsection (a) of this section, agreements and leases entered into under authority of this part shall include such other terms and conditions as the Secretary and the Administrator jointly shall prescribe.

(c) Supplemental alterations and construction; competitive bidding or negotiated contract; Federal title; purchase option; limitation of fund

In addition to the alterations and construction by the company pursuant to subsection (a) of this section, the Secretary is authorized to undertake, directly by competitive bidding or, if he deems it to be in the best interest of the United States, by negotiated contract with the company, its successors, agents, and assigns, such alterations and construction, with regard to the Union Station Building and the adjacent parking facility, as he deems necessary to supplement the activities of the company in providing adequate facilities for visitors under the agreements and leases referred to in subsection (a) of this section. The Secretary may exercise the authority under this subsection without regard to whether or not title to the Union Station Building or the airspace adjacent thereto is in the United States: *Provided*, That he shall have entered into an agreement for a lease (but such lease need not have commenced) with the company incorporating the provisions of paragraph (5) of subsection (a) of this section prior

to the exercise of the authority under this subsection: *And provided further*, That not to exceed $21,580,000 of the funds authorized to be appropriated in section 807 of this title shall be available for the Secretary to carry out the provisions of this subsection.

(Pub. L. 90–264, title I, §102, Mar. 12, 1968, 82 Stat. 43; Pub. L. 93–62, §1, July 6, 1973, 87 Stat. 146; Pub. L. 93–478, §§1–3, Oct. 26, 1974, 88 Stat. 1449; Pub. L. 97–125, §4(b), Dec. 29, 1981, 95 Stat. 1673.)

AMENDMENTS

1981—Subsec. (b). Pub. L. 97–125 substituted ''this part'' for ''this subchapter''.

1974—Subsec. (a)(2). Pub. L. 93–478, §1, substituted ''mutually agreed upon'' for ''mutually agreed upon contingent upon when such facilities are available for public use,''.

Subsec. (a)(3). Pub. L. 93–478, §2, substituted ''shall construct all or part of a parking facility, including necessary approaches and ramps for adequate circulation, to accommodate automobiles, charter buses, and other transportation, as appropriate, in the airspace northerly of and adjacent to the existing Union Station Building, and such structure shall be leased to the United States for a term not to exceed twenty-five years commencing upon a date to be mutually agreed upon'' for ''shall construct a parking facility, including necessary approaches and ramps, to accommodate as nearly as possible four thousand motor vehicles in the air space northerly of and adjacent to the existing Union Station Building, and such facility shall, upon completion, be leased to the United States for a term not to exceed twenty-five years''.

Subsec. (c). Pub. L. 93–478, §3, substituted ''$21,580,000'' for ''$8,680,000''.

1973—Subsec. (c). Pub. L. 93–62 added subsec. (c).

NATIONAL VISITOR CENTER EMERGENCY REPAIRS; AUTHORIZATION OF APPROPRIATIONS; CONSULTATION; LEGAL LIABILITY FOR REPAIRS; CIVIL ACTION; EXISTING LEASE UNAFFECTED

Pub. L. 96–610, §§2, 3, Dec. 28, 1980, 94 Stat. 3564, provided that:

''SEC. 2. (a) There is hereby authorized to be appropriated to the Secretary of the Interior for the fiscal year ending September 30, 1981, the sum of $11,000,000 for the purpose of making emergency repairs to the primary structure and roofs of the National Visitor Center in the District of Columbia and for the purpose of providing protection of the structural elements of the unfinished parking facility and southeast ramp at such Center. Such sum shall remain available until expended.

''(b) Prior to entering into any contract for the repairs or protection authorized by subsection (a) of this section, the Secretary of the Interior shall consult with the Secretary of Transportation regarding the planning for such repairs or protection.

''SEC. 3. (a) The Office of Legal Counsel of the Department of Justice shall prepare an opinion on the question of whether the United States or the Terminal Realty Baltimore Co. and the Terminal Realty Penn Co. are legally liable for the repairs anticipated by the provisions of this Act [enacting section 809 of this title and this note]. If the Office of Legal Counsel determines that there is a reasonable cause to believe a party other than the United States is legally obligated to bear all or a portion of the costs of that repair authorized by this Act, the Attorney General shall institute an action to recover expenditures that were incurred by the Secretary pursuant to this Act.

''(b) None of the actions taken pursuant to the provisions of this Act shall be deemed to limit or affect in any way the rights of the United States under the lease for real property between Terminal Realty Baltimore Co. and Terminal Realty Penn Co. and the United States of America, dated March 1, 1972, or any additions or modifications thereto.''

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 808, 813, 819 of this title.

§803. Administration

The Secretary shall administer any property leased under this subchapter in accordance with those provisions of sections 1, 2, 3, and 4 of title 16, as amended and supplemented, applicable to the administration of the national park system.

(Pub. L. 90–264, title I, §103, Mar. 12, 1968, 82 Stat. 44.)

§804. Interpretive transportation services; Federal areas

The Secretary is directed to utilize the authority under sections 1, 2, 3, and 4 of title 16, as amended and supplemented, to provide interpretive transportation services between or in Federal areas within the District of Columbia and environs, including, but not limited to, transportation of visitors on, among, and between the Mall, the Ellipse, the National Visitor Center, John F. Kennedy Center for the Performing Arts, and East and West Potomac Park, and such other visitor facilities as may be established pursuant to this chapter, and, with the concurrence of the Architect of the Capitol, to provide such services on, among, and between such areas and the United States Capitol Grounds. The Secretary shall determine that such services are desirable to facilitate visitation and to insure proper management and protection of such areas. Such interpretive transportation services shall, notwithstanding any other provision of law to the contrary, be deemed transportation by the United States and shall be under the sole and exclusive charge and control of the Secretary.

(Pub. L. 90–264, title I, §105, Mar. 12, 1968, 82 Stat. 44; Pub. L. 93–62, §2, July 6, 1973, 87 Stat. 146.)

AMENDMENTS

1973—Pub. L. 93–62 substituted provisions for interpretive transportation services between or in Federal areas, for former provisions respecting parking facility, transfer of property for vehicular access to public roads and highways, and alteration of traffic pattern in Union Station Plaza after consultation with Architect of Capitol.

REPORT TO CONGRESS

Section 104 of Pub. L. 90–264 provided that the Secretary report to Congress, on or before Apr. 15, 1968, the results of the study concerning the problems of transporting visitors along the Mall, on the United States Capitol Grounds, and to and from the National Visitor Center, which report was to include types of transportation to be utilized, the operation of any transportation system, the feasibility of providing free transportation, and any proposed legislation to carry out his recommendations.

§805. Continuing study of needs of visitors to Washington metropolitan area; facility recommendations; annual report

(a) Notwithstanding the execution of any agreement or lease pursuant to this subchapter,

the Secretary, in consultation with the National Visitor Facilities Advisory Commission established under subchapter II of this chapter, is directed (1) to make a continuing study of the needs of visitors to the Washington metropolitan area, including the necessity and desirability of different or additional visitor facilities, and of altering existing visitor facilities, and (2) to recommend that the Administrator acquire, alter, or construct such facilities.

(b) Repealed. Pub. L. 104–333, div. I, title VIII, § 814(d)(1)(G), Nov. 12, 1996, 110 Stat. 4196.

(Pub. L. 90–264, title I, § 106, Mar. 12, 1968, 82 Stat. 44; Pub. L. 104–333, div. I, title VIII, § 814(d)(1)(G), Nov. 12, 1996, 110 Stat. 4196.)

AMENDMENTS

1996—Subsec. (b). Pub. L. 104–333 struck out subsec. (b) which read as follows: ''The Secretary shall submit annually a report to Congress on the National Visitor Center authorized by this subchapter and on all other visitor facilities authorized in accordance with this chapter, including the amendments made by this chapter.''

§ 806. Repeals

All existing laws or parts of laws inconsistent with the provisions of this chapter are hereby repealed to the extent to which they are so inconsistent, but to no further or other extent.

(Pub. L. 90–264, title I, § 107, Mar. 12, 1968, 82 Stat. 44.)

§ 807. Authorization of appropriations

There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this chapter.

(Pub. L. 90–264, title I, § 109, Mar. 12, 1968, 82 Stat. 45.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 802 of this title.

§ 808. Labor standards

The Secretary shall take such action as may be necessary to insure that all laborers and mechanics employed by contractors or subcontractors on the alterations referred to in section 802(a)(1), and the parking facility referred to in section 802(a)(3), of this title shall be paid wages at rates not less than those prevailing for the same type of work on similar construction in the locality as determined by the Secretary of Labor, in accordance with the Act of March 3, 1931, as amended, known as the Davis-Bacon Act (46 Stat. 1494; 40 U.S.C. 276a—276a–5). The Secretary of Labor shall have, with respect to the labor standards specified in this section, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 64 Stat. 1267) and section 276c of this title.

(Pub. L. 90–264, title I, § 110, Mar. 12, 1968, 82 Stat. 45.)

REFERENCES IN TEXT

Act of March 3, 1931, as amended, known as the Davis-Bacon Act, referred to in text, is act Mar. 3, 1931, ch. 411, 46 Stat. 1494, as amended, which is classified generally to sections 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.

Reorganization Plan Numbered 14 of 1950, referred to in text, is Reorg. Plan No. 14 of 1950, eff. May 24, 1950, 15 F.R. 3176, 64 Stat. 1267, which is set out in the Appendix to Title 5, Government Organization and Employees.

§ 809. Steam for Union Station-National Visitor Center complex; contract; costs

The Architect of the Capitol may enter into a contract or other agreement with the Secretary of the Interior providing for the Architect of the Capitol to furnish steam from the Capitol Power Plant to the Union Station-National Visitor Center complex. Under such contract, the Secretary of the Interior shall pay for such steam at rates, not less than cost, and shall connect the Union Station-National Visitor Center complex with the Capitol Power Plant steam lines without expenses to the Congress.

(Pub. L. 96–610, § 4, Dec. 28, 1980, 94 Stat. 3564.)

CODIFICATION

Section was enacted as part of the National Visitor Center Emergency Repair Act of 1980, and not as part of the National Visitor Center Facilities Act of 1968 which comprises this chapter.

PART B—UNION STATION REDEVELOPMENT

PART REFERRED TO IN OTHER SECTIONS

This part is referred to in section 1201 of this title.

§ 811. Assignment of right, title, and interest in the Union Station complex to the Secretary of Transportation

(a) Reservation of certain rights by the Secretary; definition

Upon the request of the Secretary of Transportation, the Secretary shall assign to the Secretary of Transportation all of the Secretary's right, title, and interest in the Union Station complex, including all agreements and leases entered into under part A of this subchapter. Such assignment may reserve to the Secretary the right to lease space for visitor services, to the extent the Secretary and the Secretary of Transportation may agree. For purposes of this subchapter, the ''Union Station complex'' shall include all the real property, air rights, and improvements leased by the Secretary under part A of this subchapter, together with any property acquired and all improvements made in accordance with this part.

(b) Installation of new roofs and drainage systems

Notwithstanding the provisions of subsection (a) of this section, the Secretary shall, not later than twelve months after December 29, 1981, complete the installation of new roofs and associated drainage systems on all existing roof surfaces of the historic Union Station building. Of funds appropriated to the Secretary under the construction appropriation for the National Park System for the fiscal year ending September 30, 1982, not less than $8,100,000 shall be available to and allocated by the Secretary for such roof work. In the event the assignment provided for in subsection (a) of this section occurs

prior to completion of such roof work, the Secretary shall continue to be responsible for such roof work until its completion, except as the Secretary and the Secretary of Transportation may otherwise agree.

(c) Permission to the Secretary of Transportation to carry out certain activities

Prior to the assignment provided for in subsection (a) of this section, the Secretary shall permit the Secretary of Transportation to carry out or cause to be carried out the activities authorized by this part or by title VII of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 851 et seq.).

(d) Secretary to be relieved of certain obligations upon assignment and roof installation

After both the assignment provided for in subsection (a) of this section and the completion of the roof installation required by subsection (b) of this section, the Secretary shall be relieved of the authority and obligation under part A of this subchapter to construct and operate a National Visitor Center at Union Station. The provisions of part A of this subchapter shall thereafter be deemed superseded by any contrary or inconsistent provisions of this part.

(Pub. L. 90–264, title I, §111, as added Pub. L. 97–125, §3(3), Dec. 29, 1981, 95 Stat. 1667.)

REFERENCES IN TEXT

The Railroad Revitalization and Regulatory Reform Act of 1976, referred to in subsec. (c), is Pub. L. 94–210, Feb. 5, 1976, 90 Stat. 31, as amended. Title VII of the Act, which enacted subchapter III (§851 et seq.) of chapter 17 of Title 45, Railroads, and amended sections 543, 545, 546, 562, 563, 564, and 791 of Title 45 and section 1653 of former Title 49, Transportation, was repealed and the provisions thereof reenacted principally in chapter 249 of Title 49, Transportation, by Pub. L. 103–272, July 5, 1994, 108 Stat. 745, the first section of which enacted subtitles II, III, and V to X of Title 49, and by Pub. L. 103–429, §7(a)(1), Oct. 31, 1994, 108 Stat. 4388.

SALE OF AIR RIGHTS

Pub. L. 105–33, title IX, §9102, Aug. 5, 1997, 111 Stat. 670, provided that:

''(a) IN GENERAL.—Notwithstanding any other provision of law, the Administrator of General Services shall sell, at fair market value and in a manner to be determined by the Administrator, the air rights adjacent to Washington Union Station described in subsection (b), including air rights conveyed to the Administrator under subsection (d). The Administrator shall complete the sale by such date as is necessary to ensure that the proceeds from the sale will be deposited in accordance with subsection (c).

''(b) DESCRIPTION.—The air rights referred to in subsection (a) total approximately 16.5 acres and are depicted on the plat map of the District of Columbia as follows:

''(1) Part of lot 172, square 720.

''(2) Part of lots 172 and 823, square 720.

''(3) Part of lot 811, square 717.

''(c) PROCEEDS.—Before September 30, 2002, proceeds from the sale of air rights under subsection (a) shall be deposited in the general fund of the Treasury and credited as miscellaneous receipts.

''(d) CONVEYANCE OF AMTRAK AIR RIGHTS.—

''(1) GENERAL RULE.—As a condition of future Federal financial assistance, Amtrak shall convey to the Administrator of General Services on or before December 31, 1997, at no charge, all of the air rights of Amtrak described in subsection (b).

''(2) FAILURE TO COMPLY.—If Amtrak does not meet the condition established by paragraph (1), Amtrak shall be prohibited from obligating Federal funds after March 1, 1998.''

CONGRESSIONAL FINDINGS AND DECLARATION OF POLICY

Section 2 of Pub. L. 97–125 provided that: ''The Congress finds and declares that—

''(1) Union Station in Washington, District of Columbia, commissioned by Congress in 1903, designed by Daniel H. Burnham in monumental Beaux Arts style, and completed by the Washington Terminal Company in 1907, is an important historic and architectural landmark of the Nation's Capital;

''(2) Union Station was built and used exclusively as a rail passenger station until Congress decided to make the historic Union Station building a National Visitor Center in 1968, allocating rail passenger operations to a replacement facility behind the historic building;

''(3) the use of rail passenger service to and from Washington, District of Columbia, declining when the National Visitor Center Facilities Act of 1968 [this chapter] was enacted, has dramatically increased since that time with the advent of and substantial Federal investment in the National Railroad Passenger Corporation and the northeast corridor improvement project, justifying a reversal of the policy adopted 13 years ago;

''(4) the historic Union Station building is now unsafe and unusable, and the replacement railroad station is inconvenient and inadequate for present and projected rail ridership demand;

''(5) it is in the national interest to preserve the architectural features of Union Station and to provide in the Union Station complex a sound and fully operational transportation terminal;

''(6) the Union Station complex and its vicinity present an opportunity for successful commercial development integrated with the transportation functions of the facility; and

''(7) the purposes of this Act [see Short Title of 1981 Amendment note set out under section 801 of this title] are to achieve the goals of historic preservation and improved rail use of Union Station with maximum reliance on the private sector and minimum requirement for Federal assistance.''

§812. Rehabilitation and redevelopment of the Union Station complex; goals

The Secretary of Transportation shall provide for the rehabilitation and redevelopment of the Union Station complex primarily as a multiple-use transportation terminal serving the Nation's Capital, and secondarily as a commercial complex, in accordance with the following goals:

(a) Preservation of the exterior facade and other historically and architecturally significant features of the Union Station building;

(b) Restoration and operation of a portion of the historic Union Station building as a rail passenger station, together with holding facilities for charter, transit, and intercity buses in the Union Station complex;

(c) Commercial development of the Union Station complex that will, to the extent possible, financially support the continued operation and maintenance of such complex; and

(d) Withdrawal by the Federal Government from any active role in the operation and management of the Union Station complex as soon as practical and at the least possible Federal expense consistent with the goals set forth in subsections (a) through (c) of this section.

(Pub. L. 90–264, title I, §112, as added Pub. L. 97–125, §3(3), Dec. 29, 1981, 95 Stat. 1668.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 815 of this title.

§ 813. Authorization of appropriations

(a) There are authorized to be appropriated to the Secretary of Transportation such sums as may be necessary to meet lease and other obligations, including maintenance requirements, incurred by the Secretary and assigned to the Secretary of Transportation under this part. The Secretary shall transfer to the Secretary of Transportation at the time of such assignment such sums as may have been appropriated to the Secretary to meet such obligations and not yet expended as of the date of such assignment.

(b) Notwithstanding the provisions of section 802(a)(5) of this title, the Secretary of Transportation is authorized to purchase for the United States any property that was leased by the Secretary under part A of this subchapter and assigned to the Secretary of Transportation under this part. The purchase agreement for such property may provide for payment by the Secretary of Transportation over a term not to exceed six years. There are authorized to be appropriated to the Secretary of Transportation, in addition to the sums authorized by subsection (a) of this section, not to exceed $275,000 per year for not to exceed six years to carry out such purchase. Such purchase shall not be subject to the provisions of title III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4651 et seq.).

(Pub. L. 90–264, title I, § 113, as added Pub. L. 97–125, § 3(3), Dec. 29, 1981, 95 Stat. 1669.)

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. Title III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 is classified generally to subchapter III (§ 4651 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.

§ 814. Studies to determine feasibility of rehabilitation and improvements; implementation of recommendations

(a) Engineering survey

The Secretary of Transportation shall, on an emergency basis, carry out an engineering survey of all existing structures at the Union Station complex for the following purposes:

(1) to determine those actions necessary or desirable to preserve the long-term structural integrity of, and provide functional utility systems for, the historic Union Station building;

(2) in cooperation with Amtrak, to determine those actions necessary or desirable to restore rail passenger handling functions to the historic Union Station building and otherwise improve rail passenger service facilities at Union Station, including improved passenger access to the trains; and

(3) to prepare detailed estimates of the costs of such rehabilitation and improvement.

(b) Planning and market feasibility studies to assess commercial development potential

Concurrently with the engineering survey required by subsection (a) of this section, the Secretary of Transportation, in cooperation with the National Railroad Passenger Corporation, shall carry out a planning and market feasibility study to assess the commercial development potential of the Union Station complex. Such study shall also include, but not be limited to, an assessment of the feasibility and desirability of:

(1) providing passenger transportation services from Union Station to the commercial airports in the area;

(2) constructing a heliport at or near the Union Station complex; and

(3) relocating to office space in Union Station the offices of Federal or other public transportation agencies.

(c) Time for completion of studies

The Secretary of Transportation shall complete the engineering survey required by this section not later than six months after December 29, 1981, and shall complete the planning and market feasibility study required by this section not later than twelve months after December 29, 1981.

(d) Availability of appropriated funds

Of amounts appropriated under section 704(a)(1) and (2) of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 854(a)(1) and (2)), $1,000,000 shall be available to and be utilized by the Secretary of Transportation to carry out the purposes of subsections (a) and (b) of this section.

(e) Reports to Congress; commitment of Federal funds

Within twelve months following December 29, 1981, the Secretary of Transportation shall submit a report to the Congress on the results of the engineering survey and planning and market feasibility studies carried out under this section. Such report shall be referred to the Committees on Commerce, Science, and Transportation and Environment and Public Works of the Senate and the Committees on Energy and Commerce and Public Works and Transportation of the House, respectively. Such report shall include a specific commitment of Federal funds for completion of the rehabilitation of the historic Union Station building, together with any necessary request for appropriations, in the amount determined by the Secretary of Transportation to be necessary in light of the survey and studies carried out under this section, from either or both of the following sources:

(1) funds authorized to be appropriated and not yet appropriated under section 704(a) of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 854(a)) that are in excess of the amounts set out in the last sentence of such section 704(a); and

(2) funds programed or reprogramed from any other appropriation available to the Secretary of Transportation.

Notwithstanding any other provision of this subsection, no funds from the Northeast Corridor

Improvement Project and other rail or rail-related programs in excess of $29,000,000 shall be available for the completion of the rehabilitation of the historic Union Station building or other purposes determined by the Secretary of Transportation to be necessary in light of the survey and studies carried out under this section if within ninety calendar days of continuous session of the Congress after any request for such excess funds either the Committee on Energy and Commerce of the House of Representatives or the Committee on Commerce, Science, and Transportation of the Senate disapproves of the availability of such excess funds for such purposes by majority vote. For purposes of this subsection, continuity of session of the Congress is broken only by an adjournment sine die, and the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of the period described in this subsection.

(Pub. L. 90–264, title I, §114, as added Pub. L. 97–125, §3(3), Dec. 29, 1981, 95 Stat. 1669.)

REFERENCES IN TEXT

Section 704(a) of the Railroad Revitalization and Regulatory Reform Act of 1976, referred to in subsecs. (d) and (e)(1), is section 704(a) of Pub. L. 97–125, which enacted section 854(a) of Title 45, Railroads, and was repealed and the provisions thereof reenacted in section 24909 of Title 49, Transportation, by Pub. L. 103–272, July 5, 1994, 108 Stat. 745, the first section of which enacted subtitles II, III, and V to X of Title 49.

CHANGE OF NAME

Committee on Energy and Commerce of House of Representatives treated as referring to Committee on Commerce of House of Representatives and Committee on Public Works and Transportation of House of Representatives treated as referring to Committee on Transportation and Infrastructure 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.

§815. Development agreements

(a) Agreements with developers

In order to achieve the goals set out in section 812 of this title, the Secretary of Transportation is authorized to select and subsequently enter into one or more agreements (hereafter in this chapter referred to as ''development agreements'') with one or more responsible individuals, corporations, or other private entities with demonstrated experience in the financing, undertaking, and managing of commercial real estate development (hereafter in this chapter referred to as ''developers'').

(b) Selection of developers

The Secretary of Transportation shall prescribe the procedures and criteria for selection of a developer for the Union Station complex: *Provided*, That no final developer selection shall be made unless and until at least two developers meeting minimum criteria prescribed by the Secretary of Transportation have submitted to the Secretary of Transportation specific design and financing proposals for the rehabilitation and redevelopment of the Union Station complex, and specific proposals for the acquisition, conveyance, or lease of real property. The Secretary of Transportation is directed to initiate discussions with potential developers as soon as possible following enactment of this section to assure the earliest possible selection of a developer or developers.

(c) Modification or waiver of application of regulations

Development agreements entered into under this section shall be considered cooperative agreements for purposes of chapter 63 of title 31. With respect to such development agreements, the Secretary of Transportation is authorized to modify or waive the application of regulations otherwise applicable to Federal or Department of Transportation financial assistance agreements, to the extent the Secretary of Transportation determines in his discretion to be necessary to accomplish the purposes of this part at the lowest cost to the Federal Government.

(d) Other agreements and contracts; assignment

The Secretary of Transportation is further authorized to enter into such other agreements and contracts, except any agreement or contract to sell property rights at the Union Station complex, with such persons, corporations, financial institutions, Federal, regional, or local agencies, or the Architect of the Capitol as the Secretary of Transportation deems necessary or desirable to carry out the purposes of this part. Any such agreement may be made assignable to a selected developer or developers of the Union Station complex.

(Pub. L. 90–264, title I, §115, as added Pub. L. 97–125, §3(3), Dec. 29, 1981, 95 Stat. 1670.)

CODIFICATION

In subsec. (c), ''chapter 63 of title 31'' substituted for ''the Federal Grant and Cooperative Agreement Act of 1977 (41 U.S.C. 501 et seq.)'' 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.

§816. Acquisition and maintenance of property

(a)(1) The Secretary of Transportation is authorized to acquire for the United States, by lease, purchase, or otherwise, any interest in real property (including, without limitation, interests in the nature of easements or reservations) and any other property interest (including, without limitation, contract rights) in or relating or adjacent to the Union Station complex that the Secretary of Transportation deems necessary to carry out the purposes of this part.

(2) Repealed. Pub. L. 100–480, §8, Oct. 7, 1988, 102 Stat. 2334.

(b) Notwithstanding any other provision of law, the Secretary of Transportation is authorized to maintain, use, operate, manage, and lease, either directly, by contract, or through development agreements, any property interest held or acquired by the Secretary of Transportation for the United States under this part, in such manner and subject to such terms, conditions, covenants, and easements as the Secretary of Transportation deems necessary or desirable to carry out the purposes of this part.

(Pub. L. 90–264, title I, §116, as added Pub. L. 97–125, §3(3), Dec. 29, 1981, 95 Stat. 1671; amended Pub. L. 100–480, §8, Oct. 7, 1988, 102 Stat. 2334.)

AMENDMENTS

1988—Subsec. (a)(2). Pub. L. 100–480 struck out par. (2) which read as follows: "If the Secretary of Transportation determines that property under the jurisdiction of the Architect of the Capitol in squares 721 and 722 eastward of the historic Union Station building is necessary to carry out the purposes of this part, the Secretary of Transportation may request assignment of such property to the use of the Secretary of Transportation, as a part of the Union Station complex, and subject to the provisions of this part, and the Architect of the Capitol shall so assign such property."

§ 817. Union Station Fund; establishment; administration; authority of the Secretary to use income received toward expenses

(a) The Secretary of Transportation is authorized to use income and proceeds received from activities authorized by this part, including, without limitation, operating and leasing income and payments made to the Federal Government under development agreements, to pay expenses incurred by the Secretary of Transportation in carrying out the purposes of this part, including, without limitation, construction, acquisition, leasing, operation, and maintenance expenses, and payments made to developers under development agreements.

(b) A special deposit account is hereby established in the Treasury of the United States, to be known as the Union Station Fund, which shall be administered as a revolving fund. Such special deposit account shall be credited with receipts of the Secretary of Transportation from activities authorized by this part and the balance in such special deposit account shall be available in such amounts as are specified in annual appropriation Acts for making expenditures authorized by this part.

(Pub. L. 90–264, title I, § 117, as added Pub. L. 97–125, § 3(3), Dec. 29, 1981, 95 Stat. 1671.)

PAYMENTS BY UNION STATION REDEVELOPMENT CORPORATION OR SUCCESSOR ON FIRST DEED OF TRUST

Pub. L. 105–66, title I, Oct. 27, 1997, 111 Stat. 1433, provided in part: "That, as part of the Washington Union Station transaction in which the Secretary assumed the first deed of trust on the property and, where the Union Station Redevelopment Corporation or any successor is obligated to make payments on such deed of trust on the Secretary's behalf, including payments on and after September 30, 1988, the Secretary is authorized to receive such payments directly from the Union Station Redevelopment Corporation, credit them to the appropriation charged for the first deed of trust, and make payments on the first deed of trust with those funds".

Similar provisions were contained in the following prior appropriation acts:

Pub. L. 104–205, title I, Sept. 30, 1996, 110 Stat. 2961.
Pub. L. 104–50, title I, Nov. 15, 1995, 109 Stat. 445.
Pub. L. 103–331, title I, Sept. 30, 1994, 108 Stat. 2479.
Pub. L. 103–122, title I, Oct. 27, 1993, 107 Stat. 1209.
Pub. L. 102–388, title I, Oct. 6, 1992, 106 Stat. 1533.
Pub. L. 102–143, title I, Oct. 28, 1991, 105 Stat. 931.
Pub. L. 101–516, title I, Nov. 5, 1990, 104 Stat. 2170.
Pub. L. 101–164, title I, Nov. 21, 1989, 103 Stat. 1084.
Pub. L. 100–457, title I, Sept. 30, 1988, 102 Stat. 2139.

§ 818. Parking facility; completion with interstate highway funds; limitation on apportionment of funds excepted; agreement with District of Columbia for the administration of the project

(a) Notwithstanding any other provision of title 23, and other Acts pertaining to Federal-Aid Highways, the Secretary of Transportation shall immediately approve the completion of the parking facility, and associated ramps (including any necessary pedestrian access and walkways, escalators, elevators, moving sidewalk access, and connections) at Union Station, to be financed with interstate highway funds apportioned to the District of Columbia. To the extent necessary to complete such project, such apportionment shall not be subject to any obligation limitation enacted for the fiscal year ending September 30, 1982, or the fiscal year ending September 30, 1983. The amount of such apportionment necessary to complete such project, not to exceed $40,000,000, shall remain available to the District of Columbia until expended, without regard to the provisions of section 118(b) of title 23. The Federal share shall be 100 per centum of the total cost of such project.

(b) Within sixty days of December 29, 1981, the Secretary of Transportation shall enter into an agreement with the District of Columbia's Department of Transportation for the Secretary of Transportation's administration of the project described in subsection (a) of this section. Such project agreement shall provide that all right, title, and interest in such parking facility shall remain in the United States. The rate of fees charged for use of the parking facility may exceed the rate required for maintenance and operation of the facility, and shall be established in a manner that encourages its use by rail passengers and participants in activities in the Union Station complex and area.

(Pub. L. 90–264, title I, § 118, as added Pub. L. 97–125, § 3(3), Dec. 29, 1981, 95 Stat. 1672.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 819 of this title.

§ 819. Waiver or release of obligations under other provisions

(a) Release of Washington Terminal Company from its obligation to construct a new railroad passenger station

The Secretary of Transportation is authorized, on such terms and conditions as he may prescribe, to release the Washington Terminal Company from any or all of its obligations under agreements and leases entered into under part A of this subchapter, including, without limitation, the obligation to construct a new railroad passenger station as provided in section 802(a)(4) of this title.

(b) Waiver of statutory and contractual restrictions on the use of the parking facility

The Secretary of Transportation shall waive such statutory or contractual restrictions on the use of the parking structure and associated ramps described in section 818 of this title as would otherwise be required or imposed because funds for such construction were or are provided under chapter 53 of title 49.

(c) Use of funds appropriated under other provisions without matching funds requirement

The Secretary of Transportation is authorized to use funds appropriated under section 24909(a)(2)(A) of title 49 to carry out the purposes of this part without regard to the matching

funds requirement of section 24902(c)(1) of title 49. Funds appropriated under section 24909 of title 49 may not be used for design, construction, or operation of a heliport at or near Union Station.

(d) Architect of Capitol authorized to supply steam or chilled water to the Union Station complex

The Architect of the Capitol is authorized to enter into agreements with the Secretary of Transportation or his designee or assign to furnish steam or chilled water or both from the Capitol Power Plant to the Union Station complex, at no expense to the legislative branch.

(Pub. L. 90–264, title I, § 119, as added Pub. L. 97–125, § 3(3), Dec. 29, 1981, 95 Stat. 1672; amended Pub. L. 102–240, title III, § 3003(b), Dec. 18, 1991, 105 Stat. 2088.)

CODIFICATION

In subsecs. (b) and (c), ''chapter 53 of title 49'' substituted for ''the Federal Transit Act, as amended (49 U.S.C. 1601 et seq.)'', ''section 24909(a)(2)(A) of title 49'' substituted for ''section 704(a)(2) of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 854(a)(2))'', ''section 24902(c)(1) of title 49'' substituted for ''section 703(1)(B) of such Act (45 U.S.C. 853(1)(B))'', and ''section 24909 of title 49'' substituted for ''section 704(a) of such Act'' on authority of Pub. L. 103–272, § 6(b), July 5, 1994, 108 Stat. 1378, the first section of which enacted subtitles II, III, and V to X of Title 49, Transportation.

AMENDMENTS

1991—Subsec. (b). Pub. L. 102–240 substituted ''Federal Transit Act'' for ''Urban Mass Transportation Act of 1964''.

SUBCHAPTER II—ADVISORY COMMISSION

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in section 805 of this title.

§ 821. National Visitor Facilities Advisory Commission; establishment; functions

There is hereby created a National Visitor Facilities Advisory Commission (hereafter in this chapter referred to as the ''Commission'') which shall (1) conduct a continuing review of the National Visitor Center established pursuant to subchapter I of this chapter, (2) conduct continuing investigations and studies of sites and plans to provide additional facilities and services for visitors and students coming to the Nation's Capital, and (3) advise the Secretary and the Administrator with respect to the planning, construction, acquisition, and operation of all such visitor facilities.

(Pub. L. 90–264, title II, § 201, Mar. 12, 1968, 82 Stat. 45.)

TERMINATION OF ADVISORY COMMISSIONS

Advisory commissions 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 commission established by the President or an officer of the Federal Government, such commission is renewed by appropriate action prior to the expiration of such 2-year period, or in the case of a commission 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.

§ 822. Composition of Commission

(a) Tenure; Chairman

The Commission shall be composed of the Secretary, the Administrator, the Secretary of the Smithsonian Institution, the Chairman of the National Capital Planning Commission, the Chairman of the Commission of Fine Arts, six Members of the Senate, three from each party, to be appointed by the President of the Senate, and six Members of the House of Representatives, three from each party, to be appointed by the Speaker of the House of Representatives, and three members appointed by the President, at least two of whom shall not be officers of the Federal Government, and one member of whom shall be a representative of the District of Columbia government. Non-Federal members shall serve at the pleasure of the President. The Secretary shall be the Chairman of the Commission. The Commission shall meet at the call of the Chairman.

(b) Compensation and travel expenses

Members of the Commission who are not officers or employees of the Federal Government or the government of the District of Columbia shall be entitled to receive compensation in accordance with section 3109 of title 5 and travel expenses including per diem in lieu of subsistence as authorized by section 5703 of title 5 for persons in the government service employed intermittently.

(c) Staff and facilities

The Director of the National Park Service, in consultation with the Administrator, shall provide the necessary staff and facilities to assist the Commission in carrying out its duties under this subchapter.

(Pub. L. 90–264, title II, § 202, Mar. 12, 1968, 82 Stat. 45.)

§ 823. Reports and recommendations

The Commission shall, from time to time, report to the Secretary and the Administrator the results of its reviews, studies, and investigations. In the case of any report recommending additional facilities for visitors, such report shall include the Commission's recommendations as to a site or sites for the facilities to be provided, together with preliminary plans, specifications, and architectural drawings for such facilities as well as the estimated cost of the recommended sites and facilities.

(Pub. L. 90–264, title II, § 203, Mar. 12, 1968, 82 Stat. 46.)

SUBCHAPTER III—CAPITOL VISITOR CENTER

§ 831. Capitol educational and informational center and information and distribution stations; operation agreements

Notwithstanding any other provision of law, the Architect of the Capitol, in consultation with the House Office Building Commission and

the Senate Office Building Commission, is hereby authorized and directed to provide adequate space and facilities in the Capitol Building for an educational and informational center and information and distribution stations to afford visitors to the Capitol Building an opportunity to acquire (1) information relative to Congressional offices, (2) assistance relative to their visit to the Capitol, (3) pamphlets, books, drawings, slides and photographs, and related materials, and (4) information about the Capitol and the history of the Capitol Building and past and present Congresses. All materials distributed by such educational and informational center and such stations shall first be approved by the Architect of the Capitol, after consultation with the Committee on House Oversight of the House of Representatives, the Senate Committee on Rules and Administration, the United States Capitol Historical Society, and such other educational and historical groups as the Architect of the Capitol deems appropriate. The Architect of the Capitol is hereby authorized to enter into such agreements as may be reasonably necessary to operate such educational and informational center and stations.

(Pub. L. 90–264, title III, § 301, Mar. 12, 1968, 82 Stat. 46; Pub. L. 104–186, title II, § 221(16), Aug. 20, 1996, 110 Stat. 1750.)

AMENDMENTS

1996—Pub. L. 104–186 substituted ''Committee on House Oversight of the House of Representatives'' for ''House Committee on House Administration''.

IMPROVING EDUCATIONAL EXPERIENCE OF SENATE VISITORS; STUDY AND REPORT

Pub. L. 103–283, title I, § 2, July 22, 1994, 108 Stat. 1426, provided that:

''(a) Not later than September 30, 1995, the Secretary of the Senate shall submit to the Committee on Rules and Administration a report evaluating the quality and scope of the educational experience available to visitors to the Senate concerning the constitutional and historical role of the Senate in American Government and society.

''(b) The Secretary of the Senate shall include in the report a plan for the improvement of the educational experience available to Senate visitors. Senate officers and officials and legislative branch support agencies shall work with the Secretary of the Senate in the development of the plan. Appropriate executive branch agencies, such as the National Archives and Records Administration and the Smithsonian Institution, are encouraged to offer assistance to the Secretary of the Senate in developing the plan.

''(c) There are authorized to be paid out of the contingent fund of the Senate, upon vouchers approved by the Secretary of the Senate, such sums as are necessary to reimburse the routine expenses associated with developing the report required by this section.''

SUBCHAPTER IV—CAPITOL GUIDE SERVICE

§ 851. Capitol Guide Service

(a) Establishment; designation; supervision of Capitol Guide Board; membership of Board

There is hereby established an organization under the Congress of the United States, to be designated the ''Capitol Guide Service'', which shall be subject to the direction, supervision, and control of a Capitol Guide Board consisting of the Architect of the Capitol, the Sergeant at Arms of the Senate, and the Sergeant at Arms of the House of Representatives.

(b) Guided tours; regulations

The Capitol Guide Service is authorized and directed to provide guided tours of the interior of the United States Capitol Building for the education and enlightenment of the general public, without charge for such tours. All such tours shall be conducted in compliance with regulations prescribed by the Capitol Guide Board.

(c) Duties of Capitol Guide Board; positions of Guide in Capitol Guide Service; establishment and revision; Chief, Deputy Chief, and Assistant Chief Guide and Guides: appointment, duties, pay, and termination of employment

The Capitol Guide Board is authorized—

(1) with the prior approval of the Committee on Rules and Administration of the Senate and the Committee on House Oversight of the House of Representatives, to establish and revise such number of positions of Guide in the Capitol Guide Service as the Board considers necessary to carry out effectively the activities of the Capitol Guide Service;

(2) to appoint, on a permanent basis, without regard to political affiliation, and solely on the basis of fitness to perform their duties, a Chief Guide, a Deputy Chief Guide, and an Assistant Chief Guide, and, in addition, such number of Guides as may be authorized under subparagraph (1) of this subsection;

(3) to prescribe their duties and responsibilities;

(4) with the prior approval of the Committee on Rules and Administration of the Senate and the Committee on House Oversight of the House of Representatives, to fix, and adjust from time to time, their respective rates of pay at single per annum (gross) rates; and

(5) to terminate their employment as the Board considers appropriate.

(d) Uniforms

The Capitol Guide Board shall—

(1) prescribe a uniform dress, including appropriate insignia, which shall be worn by personnel of the Capitol Guide Service when on duty; and

(2) from time to time, as may be necessary, procure and furnish such uniforms to such personnel without charge to such personnel.

(e) Acceptance of fees; prohibition

An employee of the Capitol Guide Service shall not charge or accept any fee, or accept any gratuity, for or on account of his official services.

(f) Personnel detail

The Capitol Guide Board may detail personnel of the Capitol Guide Service to assist the United States Capitol Police by providing ushering and informational services, and other services not directly involving law enforcement, in connection with the inauguration of the President and Vice President of the United States, the official reception of representatives of foreign nations and other persons by the Senate or House of Representatives, and other special or ceremonial occasions in the United States Capitol Building

or on the United States Capitol Grounds which require the presence of additional Government personnel and which cause the temporary suspension of the performance of the regular duties of the Capitol Guide Service.

(g) Historical and educational information

The Capitol Guide Board may receive and consider advice and information from any private historical or educational organization, association, or society with respect to those operations of the Capitol Guide Service which involve the furnishing of historical and educational information to the general public.

(h) Regulations for operation of Service

With the prior approval of the Committee on Rules and Administration of the Senate and the Committee on House Administration of the House of Representatives, the Capitol Guide Board shall prescribe such regulations as the Board considers necessary and appropriate for the operation of the Capitol Guide Service.

(i) Disciplinary action

The Capitol Guide Board may take appropriate disciplinary action, including, when circumstances warrant, suspension from duty without pay, reduction in pay, demotion, or removal from employment with the Capitol Guide Service, against any employee who violates any provision of this section or any regulations prescribed by the Board pursuant to this section.

(j) Volunteers

(1) Notwithstanding section 1342 of title 31, the Capitol Guide Service is authorized to accept voluntary personal services.

(2) No person shall be permitted to donate personal services under this subsection unless the person has first agreed, in writing, to waive any claim against the United States arising out of or in connection with such services, other than a claim under chapter 81 of title 5.

(3) No person donating personal services under this section shall be considered an employee of the United States for any purpose other than for purposes of chapter 81 of title 5.

(4) In no case shall the acceptance of personal services under this section result in the reduction of pay or displacement of any employee of the Capitol Guide Service.

(Pub. L. 91–510, title IV, §441, Oct. 26, 1970, 84 Stat. 1190; Pub. L. 95–94, title I, Aug. 5, 1977, 91 Stat. 671; Pub. L. 104–186, title II, §221(17), Aug. 20, 1996, 110 Stat. 1750; Pub. L. 104–279, Oct. 9, 1996, 110 Stat. 3358.)

CODIFICATION

Section was not enacted as part of the National Visitor Center Facilities Act of 1968 which comprises this chapter.

AMENDMENTS

1996—Subsec. (c)(1), (4). Pub. L. 104–186, §221(17)(A), substituted ''House Oversight'' for ''House Administration''.

Subsec. (j). Pub. L. 104–279 added subsec. (j).

Pub. L. 104–186, §221(17)(B), struck out subsec. (j) which read as follows: ''The expenses of the Capitol Guide Service shall be paid from the contingent fund of the House of Representatives, until appropriations are available for the payment of such expenses.''

1977—Subsec. (c)(2). Pub. L. 95–94 inserted reference to Deputy Chief Guide.

CHANGE OF NAME

Committee on House Administration of House of Representatives treated as referring to Committee on House Oversight 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.

EFFECTIVE DATE OF 1977 AMENDMENT

Pub. L. 95–94 provided that the amendment is effective Oct. 1, 1977.

EFFECTIVE DATE

Section 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.

TRANSFER OF FUNCTIONS

Certain functions of Sergeant at Arms of House of Representatives transferred to Director of Non-legislative and Financial Services by section 7 of House Resolution No. 423, One Hundred Second Congress, Apr. 9, 1992. Director of Non-legislative and Financial Services replaced by Chief Administrative Officer of House of Representatives by House Resolution No. 6, One Hundred Fourth Congress, Jan. 4, 1995.

INCREASES IN COMPENSATION

Increases in compensation for the Capitol Guide Board, the Chief Guide, the Deputy Chief Guide, the Assistant Chief Guide, and the Guides of the Capitol Guide Service under authority of the Federal Pay Comparability Act of 1970 (Pub. L. 91–656), see Salary Directives of the President pro tempore of the Senate, set out as notes under section 60a–1 of Title 2, The Congress.

TRANSITIONAL PROVISIONS

Section 443 of Pub. L. 91–510 provided that:

''(a) The initial appointments, under section 441(c)(2) of this Act [subsec. (c)(2) of this section], of personnel of the Capitol Guide Service shall be effective on the effective date of this section. The Capitol Guide Board shall afford, to each person who is a member of the United States Capitol Guides immediately prior to such effective date, the opportunity to be appointed to a comparable position in the Capitol Guide Service without reduction in level of rank and seniority. For the purposes of the initial appointments of such persons, the number of such persons shall be considered to have been authorized for the Capitol Guide Service under section 441(c)(1) of this Act [subsec. (c)(1) of this section]. The per annum (gross) rate of pay of each such person so initially appointed shall be a rate equal to the per annum rate of pay received by the United States Capitol Guides, who worked full tours of duty, averaged over the last five calendar years (excluding 1968) ending prior to the date of enactment of this Act [Oct. 26, 1970]. Subject to section 441(i) of this Act [subsec. (i) of this section], the rate of each such person so initially appointed shall not, at any time after such initial appointment, be less than the rate at which he was initially appointed so long as he remains in the same position; but, when such position becomes vacant, the rate of pay of any subsequent appointee thereto shall be fixed in accordance with section 441 of this Act [this section].

''(b) The United States Capitol Police Board shall transfer, on the effective date of this section, to the Capitol Guide Board, all personnel records, financial records, assets, and other property of the United States Capitol Guides, which exist immediately prior to such effective date.

''(c) As soon as practicable after the effective date of this section but not later than the close of the sixtieth

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.
(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 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

[1] See References in Text note below.

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 disposal is first transmitted to the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives and the Committee on Environment and Public Works and the Committee on Appropriations of the Senate and at least 60 days elapse after the date of 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. 460*l*–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 (§ 460*l*–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 460*l*–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 460*l*–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

Sec.
901. Monitoring system.
902. Data collection.
(a) Cost identification and analysis.
(b) Requirements for data systems.
903. Agency statements with respect to motor vehicle use.
(a) Contents of statement.
(b) Compliance with requirements.
904. Presidential report.
(a) Summary and analysis of agency statements.
(b) Applicability to fiscal year 1986.
905. Study required.
(a) Study of costs, benefits, and feasibility.
(b) Submission to Director and Comptroller General.
906. Interagency consolidation.
(a) Identification of opportunities for consolidation.
(b) Report and action on findings.
907. Reduction of storage and disposal costs.
908. Savings.
(a) Actions by President required.
(b) Monitoring of compliance and compliance report.
909. Compliance.
(a) Administrator of General Services.
(b) Managers of other motor pools.
910. Applicability.
(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 system 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

for fiscal year 1988 and each succeeding fiscal year, or in a separate written report to the Congress for each such fiscal year, a summary and analysis of the statements most recently submitted by the heads of executive agencies pursuant to section 903(a) of this title. Each such summary and analysis shall include a review, for the fiscal year preceding the fiscal year in which the budget is submitted, the current fiscal year, and the fiscal year for which the budget is submitted, of the cost savings that have been achieved, that are estimated will be achieved, and that could be achieved, in the acquisition, maintenance, leasing, operation, and disposal of motor vehicles by executive agencies through—

(1) the use of a qualified private fleet management firm or another private contractor;

(2) increased reliance by executive agencies on the Interagency Fleet Management System operated by the Administrator; or

(3) other existing motor vehicle management systems.

(b) Applicability to fiscal year 1986

The summary and analysis submitted under subsection (a) of this section during fiscal year 1987 is not required to include a review, under the second sentence of such subsection, of the cost savings achieved for fiscal year 1986.

(Pub. L. 99–272, title XV, § 15304, Apr. 7, 1986, 100 Stat. 336.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 908 of this title.

§ 905. Study required

(a) Study of costs, benefits, and feasibility

(1) The head of each executive agency, including the Department of Defense, shall conduct a comprehensive and detailed study of the costs, benefits, and feasibility of—

(A) relying on the Interagency Management Fleet System operated by the Administrator;

(B) entering into a contract with a qualified fleet management firm or another private contractor; or

(C) using any other means less costly to the Government,

to meet its motor vehicle operation, maintenance, leasing, acquisition, and disposal requirements.

(2) Each study conducted under paragraph (1) shall compare the costs, benefits, and feasibility of the alternatives described in subparagraphs (A), (B), and (C) of such paragraph to the costs and benefits of the agency's current motor vehicle operations and, in the case of the alternatives described in subparagraphs (B) and (C) of such paragraph, to the costs, benefits, and feasibility of the use of the Interagency Fleet Management System operated by the Administrator.

(b) Submission to Director and Comptroller General

Within 6 months after April 7, 1986, the head of each executive agency shall submit a report concerning the study required under subsection (a) of this section to the Administrator.

(Pub. L. 99–272, title XV, § 15305, Apr. 7, 1986, 100 Stat. 336.)

§ 906. Interagency consolidation

(a) Identification of opportunities for consolidation

The Administrator shall review and identify interagency opportunities for the consolidation of motor vehicles, related equipment, and facilities, and of functions relating to the administration and management of such vehicles, equipment, and facilities, in order to reduce the size and cost of the Federal Government's motor vehicle fleet.

(b) Report and action on findings

Within one year after April 7, 1986, the Administrator shall—

(1) submit a report to the Congress specifying the findings and recommendations of the Administrator from the review conducted under subsection (a) of this section; and

(2) take such action as the Administrator considers appropriate based on such findings and recommendations and in accordance with section 491 of this title.

(Pub. L. 99–272, title XV, § 15306, Apr. 7, 1986, 100 Stat. 337.)

§ 907. Reduction of storage and disposal costs

The Administrator shall take such actions as may be necessary to reduce motor vehicle storage and disposal costs and to improve the rate of return on motor vehicle sales through a program of vehicle reconditioning prior to sale.

(Pub. L. 99–272, title XV, § 15307, Apr. 7, 1986, 100 Stat. 337.)

§ 908. Savings

(a) Actions by President required

The President shall establish, for each executive agency, including the Department of Defense, goals to reduce outlays for the operation, maintenance, leasing, acquisition, and disposal of motor vehicles in order to reduce, by fiscal year 1988, the total amount of outlays by all executive agencies for such operation, maintenance, leasing, acquisition, and disposal to an amount which is $150,000,000 less than the amount for such operation, maintenance, leasing, acquisition, and disposal requested by the President in the budget submitted under section 1105 of title 31 for fiscal year 1986.

(b) Monitoring of compliance and compliance report

The Director shall monitor compliance by executive agencies with the goals established by the President under subsection (a) of this section and shall include, in each summary and analysis required under section 904 of this title, a statement specifying the reductions in expenditures by executive agencies, including the Department of Defense, achieved under such goals.

(Pub. L. 99–272, title XV, § 15308, Apr. 7, 1986, 100 Stat. 337.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 910 of this title.

§ 909. Compliance

(a) Administrator of General Services

The Administrator shall comply with and be subject to the provisions of this chapter with re-

gard to all motor vehicles that are used within the General Services Administration for official purposes.

(b) Managers of other motor pools

The provisions of this chapter with respect to motor vehicles from the Interagency Fleet Management System shall be complied with by the executive agencies to which such motor vehicles are assigned.

(Pub. L. 99–272, title XV, §15309, Apr. 7, 1986, 100 Stat. 338.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original ''this part'' and was translated as reading ''this subtitle'' as the probable intent of Congress because title XV of Pub. L. 99–272 does not contain part designations.

§910. Applicability

(a) Priority in reducing headquarters use

The heads of executive agencies shall give first priority to meeting the goals established by the President under section 908(a) of this title by reducing the costs of administrative motor vehicles used at the headquarters and regional headquarters of executive agencies, rather than by reducing the costs of motor vehicles used by line agency personnel working in agency field operations or activities.

(b) Regulations, standards, and definitions

The President shall require the Administrator, in cooperation with the Director, to promulgate appropriate regulations, standards, and definitions to assure that executive agencies meet the goals established under section 908(a) of this title in the manner prescribed by subsection (a) of this section.

(Pub. L. 99–272, title XV, §15310, Apr. 7, 1986, 100 Stat. 338.)

§911. Cooperation

The Director and the Administrator shall closely cooperate in the implementation of the provisions of this chapter.

(Pub. L. 99–272, title XV, §15311, Apr. 7, 1986, 100 Stat. 338.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original ''this part'' and was translated as reading ''this subtitle'' as the probable intent of Congress because title XV of Pub. L. 99–272 does not contain part designations.

§912. Reports

The Comptroller General shall evaluate the extent to which the Director, the Administrator, and executive agencies have complied with this chapter. By January 31, 1988, the Comptroller General shall submit a report to the Congress describing the results of such evaluation.

(Pub. L. 99–272, title XV, §15312, Apr. 7, 1986, 100 Stat. 338.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original ''this part'' and was translated as reading ''this subtitle'' as the probable intent of Congress because title XV of Pub. L. 99–272 does not contain part designations.

§913. Definitions

For purposes of this chapter—

(1) the term ''executive agency'' means an Executive agency (as such term is defined in section 105 of title 5), which operates at least three hundred motor vehicles, except that such term does not include the Tennessee Valley Authority;

(2) the term ''Director'' means the Director of the Office of Management and Budget;

(3) the term ''Administrator'' means the Administrator of General Services;

(4) the term ''Comptroller General'' means the Comptroller General of the United States; and

(5) the term ''motor vehicle'' means any vehicle self-propelled or drawn by mechanical power, except that such term does not include any vehicle designed or used for military field training, combat, or tactical purposes, or any other special purpose vehicle exempted from the requirements of this chapter by the Administrator.

(Pub. L. 99–272, title XV, §15313, Apr. 7, 1986, 100 Stat. 338.)

REFERENCES IN TEXT

This chapter, referred to in introductory provision, was in the original ''this title'' meaning title XV (§§15101 to 15313) of Pub. L. 99–272, Apr. 7, 1986, 100 Stat. 332, which enacted this chapter, amended sections 5504, 8339, 8341, and 8906 of Title 5, Government Organization and Employees, former section 4109 of Title 38, Veterans Benefits, and section 3626 of Title 39, Postal Service, and enacted provisions set out as notes under sections 5303, 5343, 5504, 8339, and 8909 of Title 5 and sections 2401 and 3626 of Title 39. For complete classification of title XV to the Code, see Tables.

This chapter, referred to in par. (5), was in the original ''this part'' and was translated as reading ''this subtitle'' as the probable intent of Congress because title XV of Pub. L. 99–272 does not contain part designations.

CHAPTER 21—NATIONAL CAPITAL MEMORIALS AND COMMEMORATIVE WORKS

Sec.
1001. Purposes.
1002. Definitions.
1003. Congressional authorization of commemorative works.
(a) Works on Federal lands.
(b) Military commemorative works.
(c) Works commemorating events, individuals, or groups.
(d) Consultation with National Capital Memorial Commission.
1004. National Capital Memorial Commission.
1005. Availability of map depicting Areas I and II.
1006. Specific conditions applicable to Area I and Area II.
(a) Area I.
(b) Area II.
1007. Site and design approval.
1008. Criteria for issuance of construction permit.
(a) Issuance of construction permit.
(b) Donation for perpetual maintenance and preservation.
(c) Suspension for misrepresentation in fundraising; annual report.
1009. Temporary site designation.
1010. Miscellaneous provisions.
(a) Documentation of design and construction to Secretary or Administrator.

Sec.
(b) Expiration of legislative authority for commemorative work.
(c) Responsibility for maintenance of completed work.
(d) Development of regulations or standards.
(e) Commemorative works to which applicable.

§ 1001. Purposes

The purposes of this chapter are as follows:

(a) to preserve the integrity of the comprehensive design of the L'Enfant and McMillan plans for the Nation's Capital;

(b) to ensure the continued public use and enjoyment of open space in the District of Columbia;

(c) to preserve, protect and maintain the limited amount of open space available to residents of, and visitors to, the Nation's Capital; and

(d) to ensure that future commemorative works in areas administered by the National Park Service and the General Services Administration in the District of Columbia and its environs (1) are appropriately designed, constructed, and located and (2) reflect a consensus of the lasting national significance of the subjects involved.

(Pub. L. 99–652, § 1, Nov. 14, 1986, 100 Stat. 3650.)

SHORT TITLE

Section 11 of Pub. L. 99–652, as added by Pub. L. 103–321, § 2(h), Aug. 26, 1994, 108 Stat. 1795, provided that: ''This Act [enacting this chapter] may be cited as the 'Commemorative Works Act'.''

CROSS REFERENCES

National and international monuments and memorials, see section 431 et seq. of Title 16, Conservation.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1003 of this title.

§ 1002. Definitions

As used in this chapter—

(a) the term ''Secretary'' means the Secretary of the Interior;

(b) the term ''Administrator'' means the Administrator of the General Services Administration;

(c) the term ''commemorative work'' means any statue, monument, sculpture, memorial, plaque, inscription, or other structure or landscape feature, including a garden or memorial grove, designed to perpetuate in a permanent manner the memory of an individual, group, event or other significant element of American history. The term does not include any such item which is located within the interior of a structure or a structure which is primarily used for other purposes;

(d) the term ''person'' means a public agency, and an individual, group or organization that is described in section 501(c)(3) of title 26 and exempt from tax under section 501(a) of title 26, and which is authorized by Congress to establish a commemorative work in the District of Columbia and its environs;

(e) notwithstanding any other provision of law, the term ''the District of Columbia and its environs'' means those lands and properties administered by the National Park Service and the General Services Administration located in Areas I and II as depicted on the map numbered 869/86501, and dated May 1, 1986.

(Pub. L. 99–652, § 2, Nov. 14, 1986, 100 Stat. 3650; Pub. L. 103–321, § 2(a), Aug. 26, 1994, 108 Stat. 1793.)

AMENDMENTS

1994—Subsec. (c). Pub. L. 103–321, § 2(a)(1), inserted ''plaque, inscription,'' after ''memorial,'', substituted ''an individual'' for ''a person'', and inserted ''American'' before ''history''.

Subsec. (d). Pub. L. 103–321, § 2(a)(2), substituted ''a public agency, and an individual, group or organization that is described in section 501(c)(3) of title 26 and exempt from tax under section 501(a) of title 26, and which is'' for ''an individual, group or organization''.

§ 1003. Congressional authorization of commemorative works

(a) Works on Federal lands

No commemorative work may be established on Federal lands referred to in section 1001(d) of this title in the District of Columbia and its environs unless specifically authorized by law. All such authorized commemorative works shall be subject to applicable provisions of this chapter.

(b) Military commemorative works

A military commemorative work may be authorized only to commemorate a war or similar major military conflict or to commemorate any branch of the Armed Forces. No commemorative work commemorating a lesser conflict or a unit of an Armed Force shall be authorized. Commemorative works to a war or similar major military conflict shall not be authorized until at least 10 years after the officially designated end of the event.

(c) Works commemorating events, individuals, or groups

A commemorative work commemorating an event, individual, or group of individuals, other than a military commemorative work as described in subsection (b) of this section, shall not be authorized until after the 25th anniversary of the event, death of the individual, or death of the last surviving member of the group.

(d) Consultation with National Capital Memorial Commission

In considering legislation authorizing commemorative works within the District of Columbia and its environs, the Committee on House Oversight of the House of Representatives and the Energy and Natural Resources Committee of the Senate shall solicit the views of the National Capital Memorial Commission.

(Pub. L. 99–652, § 3, Nov. 14, 1986, 100 Stat. 3651; Pub. L. 100–202, § 101(f) [title II, § 3], Dec. 22, 1987, 101 Stat. 1329–196; Pub. L. 100–230, § 3, Jan. 5, 1988, 101 Stat. 1564; Pub. L. 103–321, § 2(b), Aug. 26, 1994, 108 Stat. 1793; Pub. L. 104–186, title II, § 221(18), Aug. 20, 1996, 110 Stat. 1750.)

AMENDMENTS

1996—Subsec. (d). Pub. L. 104–186 substituted ''House Oversight'' for ''House Administration''.

1994—Subsec. (a). Pub. L. 103–321, § 2(b)(1), inserted ''on Federal lands referred to in section 1001(d) of this title'' after ''established''.

Subsecs. (b) to (d). Pub. L. 103–321, § 2(b)(2), added subsecs. (b) and (c) and redesignated former subsec. (b) as (d).

1988—Subsec. (a). Pub. L. 100–230 made amendment identical to that made by Pub. L. 100–202, see 1987 Amendment note below.

1987—Subsec. (a). Pub. L. 100–202 substituted ''authorized by law'' for ''authorized by Act of Congress'' in first sentence.

COMMEMORATIVE WORKS

African-Americans Civil War Union Memorial.—Pub. L. 102–412, Oct. 14, 1992, 106 Stat. 2104.

Air Force Memorial.—Pub. L. 103–163, Dec. 2, 1993, 107 Stat. 1973.

American Armored Force Memorial.—Pub. L. 99–620, Nov. 6, 1986, 100 Stat. 3493.

Black Revolutionary War Patriots Memorial.—Pub. L. 99–500, § 101(h) [title I, § 118], Oct. 18, 1986, 100 Stat. 1783–242, 1783–266, and Pub. L. 99–591, § 101(h) [title I, § 118], Oct. 30, 1986, 100 Stat. 3341–242, 3341–266; Pub. L. 99–558, Oct. 27, 1986, 100 Stat. 3144; Pub. L. 99–590, title VIII, §§ 801, 802, Oct. 30, 1986, 100 Stat. 3339; Pub. L. 100–265, Mar. 25, 1988, 102 Stat. 39; Pub. L. 103–321, § 1(a)(1), Aug. 26, 1994, 108 Stat. 1793; Pub. L. 104–333, div. I, title V, § 506, Nov. 12, 1996, 110 Stat. 4155.

Francis Scott Key Memorial.—Pub. L. 99–531, Oct. 27, 1986, 100 Stat. 3022.

George Mason Memorial.—Pub. L. 101–358, Aug. 10, 1990, 104 Stat. 419; Pub. L. 102–277, Apr. 28, 1992, 106 Stat. 127.

Japanese American Patriotism in World War II Memorial.—Pub. L. 102–502, Oct. 24, 1992, 106 Stat. 3273; Pub. L. 104–333, div. I, title V, § 514, Nov. 12, 1996, 110 Stat. 4165.

Korean War Veterans Memorial.—Pub. L. 99–572, Oct. 28, 1986, 100 Stat. 3226; Pub. L. 100–202, § 101(f) [title II, §§ 1, 2], Dec. 22, 1987, 101 Stat. 1329–195, 1329–196; Pub. L. 100–230, §§ 1, 2, Jan. 5, 1988, 101 Stat. 1563; Pub. L. 100–267, Mar. 28, 1988, 102 Stat. 41.

Martin Luther King, Jr. Memorial.—Pub. L. 104–333, div. I, title V, § 508, Nov. 12, 1996, 110 Stat. 4157.

National Peace Garden.—Pub. L. 100–63, June 30, 1987, 101 Stat. 379; Pub. L. 103–321, § 1(a)(3), (b), Aug. 26, 1994, 108 Stat. 1793.

Thomas Paine Memorial.—Pub. L. 102–407, Oct. 13, 1992, 106 Stat. 1991; Pub. L. 102–459, Oct. 23, 1992, 106 Stat. 2268; Pub. L. 103–422, Oct. 25, 1994, 108 Stat. 4356.

Victims of Communism Memorial.—Pub. L. 103–199, title IX, § 905, Dec. 17, 1993, 107 Stat. 2331.

Vietnam Women's Memorial.—Pub. L. 100–660, Nov. 15, 1988, 102 Stat. 3922; Pub. L. 101–187, Nov. 28, 1989, 103 Stat. 1350.

Women in Military Service for America Memorial.—Pub. L. 99–500, § 101(h) [title I, § 117], Oct. 18, 1986, 100 Stat. 1783–242, 1783–266, and Pub. L. 99–591, § 101(h) [title I, § 117], Oct. 30, 1986, 100 Stat. 3341–242, 3341–266; Pub. L. 99–590, title IX, §§ 901, 902, Oct. 30, 1986, 100 Stat. 3339; Pub. L. 99–610, Nov. 6, 1986, 100 Stat. 3477; Pub. L. 103–321, § 1(a)(2), Aug. 26, 1994, 108 Stat. 1793; Pub. L. 103–337, div. B, title XXVIII, § 2855, Oct. 5, 1994, 108 Stat. 3073.

World War II Memorial.—Pub. L. 103–32, May 25, 1993, 107 Stat. 90; Pub. L. 103–422, Oct. 25, 1994, 108 Stat. 4356.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1006 of this title.

§ 1004. National Capital Memorial Commission

(a) The National Capital Memorial Advisory Committee as established by the Secretary is redesignated as the National Capital Memorial Commission. The membership of the Commission shall be expanded to include:

Director, National Park Service (Chairman)
Architect of the Capitol
Chairman, American Battle Monuments Commission
Chairman, Commission of Fine Arts
Chairman, National Capital Planning Commission
Mayor, District of Columbia
Commissioner, Public Building Service, General Services Administration
Secretary, Department of Defense

(b) The National Capital Memorial Commission shall advise the Secretary and the Administrator on policy and procedures for establishment of (and proposals to establish) commemorative works in the District of Columbia and its environs, as well as such other matters concerning commemorative works in the Nation's Capital as it may deem appropriate. The Commission shall meet at least twice annually.

(Pub. L. 99–652, § 4, Nov. 14, 1986, 100 Stat. 3651.)

§ 1005. Availability of map depicting Areas I and II

The Secretary and the Administrator shall make available, for public inspection at appropriate offices of the National Park Service and the General Services Administration, the map numbered 869/86501, and dated May 1, 1986.

(Pub. L. 99–652, § 5, Nov. 14, 1986, 100 Stat. 3651.)

§ 1006. Specific conditions applicable to Area I and Area II

(a) Area I

The Secretary or Administrator (as appropriate) may, after seeking the advice of the National Capital Memorial Commission, recommend the location of a commemorative work in Area I only if the Secretary or Administrator (as appropriate) determines that the subject of the commemorative work is of preeminent historical and lasting significance to the Nation. The Secretary or Administrator (as appropriate) shall notify the National Capital Memorial Commission and the committees of Congress specified in section 1003(b)[1] of this title of the recommendation by the Secretary or Administrator (as appropriate) that a commemorative work should be located in Area I. The location of a commemorative work in Area I shall be deemed not authorized, unless, not later than 150 calendar days after such notification, the recommendation is approved by law.

(b) Area II

Commemorative works of subjects of lasting historical significance to the American people may be located in Area II.

(Pub. L. 99–652, § 6, Nov. 14, 1986, 100 Stat. 3651; Pub. L. 103–321, § 2(c), Aug. 26, 1994, 108 Stat. 1794.)

AMENDMENTS

1994—Pub. L. 103–321 amended section generally, substituting requirement that Secretary or Administrator, as appropriate, notify National Capital Memorial Commission of recommendation of locating a commemorative work in Area I for requirement that Secretary or Administrator consult with National Capital Memorial

[1] So in original. Probably should be section ''1003(d)''.

Commission regarding determination that commemorative work be located in Area I and deleted conditions for locating military commemorative works or commemorative works commemorating individuals or groups of individuals in either Area I or Area II. See section 1003(b) and (c) of this title.

§ 1007. Site and design approval

(a) Any person authorized by law to establish a commemorative work in the District of Columbia and its environs shall comply with each of the following requirements before requesting the permit for the construction of the commemorative work:

(1) Such person shall consult with the National Capital Memorial Commission regarding the selection of alternative sites and designs for the commemorative work.

(2) Following consultation in accordance with paragraph (1), the Secretary or Administrator (as appropriate) shall submit, on behalf of such person, site and design proposals to the Commission of Fine Arts and the National Capital Planning Commission for their approval.

(b) In considering site and design proposals, the Commission of Fine Arts, the National Capital Planning Commission and the Secretary and Administrator shall be guided by (but not limited by) the following criteria:

(1) to the maximum extent possible, a commemorative work shall be located in surroundings that are relevant to the subject of the commemorative work;

(2) a commemorative work shall be so located as to prevent interference with, or encroachment upon, any existing commemorative work and to protect, to the maximum extent practicable, open space and existing public use; and

(3) a commemorative work shall be constructed of durable material suitable to the outdoor environment. Landscape features of commemorative works shall be compatible with the climate.

(Pub. L. 99–652, § 7, Nov. 14, 1986, 100 Stat. 3652; Pub. L. 103–321, § 2(d), Aug. 26, 1994, 108 Stat. 1794.)

AMENDMENTS

1994—Subsec. (a). Pub. L. 103–321, § 2(d)(1), substituted ''requesting the permit for the construction of the commemorative work'' for ''commencing construction of the commemorative work'' in introductory provisions.

Subsec. (a)(1). Pub. L. 103–321, § 2(d)(2), inserted ''the selection of alternative sites and designs for'' after ''regarding'' and struck out at end ''Such consultation shall include consideration of potential sites in the District of Columbia and its environs.''

Subsec. (a)(2). Pub. L. 103–321, § 2(d)(3), struck out ''and the Secretary or Administrator (as appropriate)'' before ''for their approval''.

Subsec. (b). Pub. L. 103–321, § 2(d)(4), inserted ''(but not limited by)'' after ''guided by'' in introductory provisions.

§ 1008. Criteria for issuance of construction permit

(a) Issuance of construction permit

Prior to issuing a permit for the construction of a commemorative work in the District of Columbia and its environs, the Secretary or Administrator (as appropriate) shall determine that:

(1) the site and design have been approved by the Secretary or Administrator (as appropriate), the National Capital Planning Commission and the Commission of Fine Arts;

(2) knowledgeable persons qualified in the field of preservation and maintenance have been consulted to determine structural soundness and durability of the commemorative work, and to assure that the commemorative work meets high professional standards;

(3) the person authorized to construct the commemorative work has submitted contract documents for construction of the commemorative work to the Secretary or Administrator (as appropriate); and

(4) the person authorized to construct the commemorative work has available sufficient funds to complete construction of the project.

(b) Donation for perpetual maintenance and preservation

In addition to the foregoing criteria, no construction permit shall be issued unless the person authorized to construct the commemorative work has donated an amount equal to 10 per centum of the total estimated cost of construction to offset the costs of perpetual maintenance and preservation of the commemorative work: *Provided*, That the provisions of this subsection shall not apply in instances when the commemorative work is constructed by a Department or agency of the Federal Government and less than 50 per centum of the funding for such work is provided by private sources.

(1) Notwithstanding any other provision of law, all moneys provided by persons for maintenance pursuant to this subsection shall be credited to a separate account in the Treasury.

(2) Congress authorizes and directs that the Secretary of the Treasury shall make all or a portion of such moneys available to the Secretary or the Administrator at his request for maintenance of commemorative works. Under no circumstances may the Secretary or Administrator request funds from the separate account exceeding the total moneys deposited by persons establishing commemorative works in areas he administers. The Secretary and the Administrator shall maintain an inventory of funds available for such purposes: *Provided*, That such moneys shall not be subject to annual appropriations.

(c) Suspension for misrepresentation in fundraising; annual report

(1) The Secretary or the Administrator (as appropriate) may suspend any activity under the authority of this chapter with respect to the establishment of a commemorative work if the Secretary or Administrator determines the fundraising efforts with respect to the commemorative work have misrepresented an affiliation with the commemorative work or the United States.

(2) The person shall be required to submit to the Secretary or Administrator an annual report of operations, including financial statements audited by an independent certified public ac-

countant, paid for by the person authorized to construct the commemorative work.

(Pub. L. 99–652, § 8, Nov. 14, 1986, 100 Stat. 3652; Pub. L. 103–321, § 2(e), Aug. 26, 1994, 108 Stat. 1794.)

AMENDMENTS

1994—Subsec. (a)(3). Pub. L. 103–321, § 2(e)(1), substituted ''contract documents for construction'' for ''contracts for construction and drawings''.

Subsec. (c). Pub. L. 103–321, § 2(e)(2), added subsec. (c).

§ 1009. Temporary site designation

(a) If the Secretary, in consultation with the National Capital Memorial Commission, determines that a site where commemorative works may be displayed on a temporary basis is necessary in order to aid in the preservation of the limited amount of open space available to residents of, and visitors to, the Nation's Capital, a site may be designated on lands administered by the Secretary in the District of Columbia. A designation may not be made under the preceding sentence unless, at least one hundred and twenty days before the designation, the Secretary, in consultation with the National Capital Memorial Commission, prepares and submits to the Congress a plan for the site. The plan shall include specifications for the location, construction, and administration of the site, and criteria for displaying commemorative works at the site.

(b) Any commemorative work displayed at the site shall be installed, maintained, and removed at the sole expense and risk of the person authorized to display the commemorative works. Such person shall agree to indemnify the United States for any liability arising from the display of the commemorative work under this section.

(Pub. L. 99–652, § 9, Nov. 14, 1986, 100 Stat. 3653; Pub. L. 103–321, § 2(f), Aug. 26, 1994, 108 Stat. 1795.)

AMENDMENTS

1994—Subsec. (a). Pub. L. 103–321 substituted ''a site may be designated on lands administered by the Secretary'' for ''he may designate such a site on lands administered by him''.

§ 1010. Miscellaneous provisions

(a) Documentation of design and construction to Secretary or Administrator

Complete documentation of design and construction of each commemorative work located in the District of Columbia and its environs shall be provided to the Secretary or the Administrator (as appropriate) and shall be permanently maintained in the manner provided by law.

(b) Expiration of legislative authority for commemorative work

Any legislative authority for a commemorative work shall expire at the end of the seven-year period beginning on the date of the enactment of such authority, unless the Secretary or Administrator (as appropriate) has issued a construction permit for the commemorative work during that period.

(c) Responsibility for maintenance of completed work

Upon completion of any commemorative work within the District of Columbia and its environs, the Secretary or Administrator (as appropriate) shall assume responsibility for the maintenance of such work.

(d) Development of regulations or standards

The Secretary and the Administrator shall develop appropriate regulations or standards to carry out this chapter.

(e) Commemorative works to which applicable

This chapter shall not apply to commemorative works authorized by a law enacted before the commencement of the Ninety-ninth Congress.

(Pub. L. 99–652, § 10, Nov. 14, 1986, 100 Stat. 3654; Pub. L. 102–216, § 1, Dec. 11, 1991, 105 Stat. 1666; Pub. L. 103–321, § 2(g), Aug. 26, 1994, 108 Stat. 1795.)

REFERENCES IN TEXT

The commencement of the Ninety-ninth Congress, referred to in subsec. (e), was Jan. 3, 1985.

AMENDMENTS

1994—Subsec. (d). Pub. L. 103–321 amended subsec. (d) generally. Prior to amendment, subsec. (d) read as follows: ''The Secretary and the Administrator shall promulgate appropriate regulations to carry out this chapter. The regulations shall be published in the Federal Register within one hundred and twenty days after November 14, 1986.''

1991—Subsec. (b). Pub. L. 102–216 substituted ''seven-year period'' for ''five-year period''.

EFFECTIVE DATE OF 1991 AMENDMENT

Section 2 of Pub. L. 102–216 provided that: ''The amendment made by this Act [amending this section] shall take effect on October 1, 1991.''

CHAPTER 22—FEDERAL TRIANGLE DEVELOPMENT

Sec.
1101. Findings and purposes.
(a) Findings.
(b) Purposes.
1102. Federal Triangle property.
(a) Transfer to PADC.
(b) Adjoining property and rights-of-way.
1103. Development proposal.
(a) Preparation and contents.
(b) Limitations.
(c) Consultation requirement.
(d) Duties of Administrator and Commission.
(e) Review and approval of development proposal by GSA and others.
(f) Submission for Congressional review.
(g) Funding.
1104. Construction of building.
(a) Selection process.
(b) Development agreement.
(c) Connection with rail system.
(d) Construction standards and inspection.
(e) Treatment of PADC.
(f) Applicability of certain laws.
(g) Treatment of Federal Triangle development area.
(h) Powers of Corporation.
(i) Authorization of appropriation.
1105. Lease of building by GSA.
(a) Entry into agreement.
(b) Terms of agreement.
(c) Accounting system.
(d) Obligation of funds.
1106. International Cultural and Trade Center Commission.

Sec.
(a) Establishment.
(b) Duties of Commission.
(c) Membership.
(d) Staff of Commission.
(e) Office space and supplies.
(f) Powers of Commission.
(g) Limitation on expenses.
(h) Funding.
1107. Operation and management of international cultural and trade center.
(a) Lease of space.
(b) Establishment of center.
(c) Rents and fees.
(d) Separate account.
[1](h) Annual report and budget.
1108. Designation of Departmental Auditorium.
1109. Definitions.

§ 1101. Findings and purposes

(a) Findings

The Congress finds and declares that—

(1) it is in the national interest to build a Federal building complex and establish an international cultural and trade center on the Federal Triangle property in the District of Columbia;

(2) development of such a Federal building complex will permit consolidation of a number of Federal agencies which are currently housed in numerous, scattered locations and will enable more economical and efficient use of building space and environs;

(3) inclusion of an international cultural and trade center within the Federal building complex will create and enhance opportunities for American trade, commerce, communications, and cultural exchanges with other nations and complement the work of Federal, State, and local agencies in the areas of international trade and cultural exchange; and

(4) the appropriate development, maintenance, and use of the Federal Triangle property should be a joint development effort of the General Services Administration, the Pennsylvania Avenue Development Corporation, and the International Cultural and Trade Center Commission.

(b) Purposes

The purposes of this chapter are as follows:

(1) To transfer the Federal Triangle property from the Administrator of General Services to the Pennsylvania Avenue Development Corporation.

(2) To grant to the Corporation the power of eminent domain to acquire certain properties and rights-of-way adjacent to the Federal Triangle site and to authorize the Corporation to exercise such power as may be necessary to further the public interest.

(3) To authorize the Corporation, after consultation with the Secretary of State, the Administrator, and the Commission, to prepare plans for development of such property.

(4) To establish a process for review and selection of such plans and, after completion of such review process, to authorize the Corporation to enter into an agreement with a private developer selected for the development of such property.

(5) To ensure that the design and construction of the Federal building complex on such property will insofar as practicable be in accordance with the guiding principles for Federal architecture recommended by the Committee on Federal Office Space in 1962 which require among other things that facilities to be used by Federal agencies be efficient and economical and that public buildings provide visual testimony to the dignity, enterprise, vigor, and stability of the Federal Government.

(6) To provide for establishment, operation, and maintenance of a self-sustaining international cultural and trade center in such complex.

(Pub. L. 100–113, § 2, Aug. 21, 1987, 101 Stat. 735.)

SHORT TITLE

Section 1 of Pub. L. 100–113 provided that: ''This Act [enacting this chapter] may be cited as the 'Federal Triangle Development Act'.''

DISSOLUTION OF PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION

Pennsylvania Avenue Development Corporation dissolved on or before Apr. 1, 1996, and assets, obligations, indebtedness, and unobligated and unexpended balances of Corporation transferred, see section 872 of this title.

DESIGNATION OF RONALD REAGAN BUILDING AND INTERNATIONAL TRADE CENTER

Pub. L. 104–68, Dec. 22, 1995, 109 Stat. 766, provided that:

''SECTION 1. DESIGNATION.

''The Federal Triangle Project under construction at 14th Street and Pennsylvania Avenue, Northwest, in the District of Columbia, shall be known and designated as the 'Ronald Reagan Building and International Trade Center'.

''SEC. 2. REFERENCES.

''Any reference in a law, map, regulation, document, paper, or other record of the United States to the building referred to in section 1 shall be deemed to be a reference to the 'Ronald Reagan Building and International Trade Center'.''

DESIGNATION OF WOODROW WILSON PLAZA

Pub. L. 103–284, Aug. 1, 1994, 108 Stat. 1448, provided: ''That the plaza to be constructed on the Federal Triangle property in Washington, DC as part of the development of such site pursuant to the Federal Triangle Development Act (Public Law 100–113) [this chapter] shall be known and designated as the 'Woodrow Wilson Plaza'.''

§ 1102. Federal Triangle property

(a) Transfer to PADC

(1) General rule

Subject to such terms and conditions as the Administrator and the Corporation may establish, the Administrator shall transfer, without compensation, to the Corporation title to the Federal Triangle property for development under this chapter.

(2) Duration of transfer

Title to the Federal Triangle property shall revert to the Administrator at such time as the Administrator and the Corporation agree but not later than the date on which ownership of the building to be constructed on such

[1] So in original. There are no subsecs. (e), (f), and (g).

property under section 1104 of this title vests in the United States. On and after such date, title to such building shall be in the Administrator.

(3) Legal description

The exact acreage and legal description of the Federal Triangle property shall be based upon surveys which are satisfactory to the Administrator and the Corporation.

(b) Adjoining property and rights-of-way

(1) Acquisition

The Corporation may acquire by purchase, exchange, condemnation, or otherwise such additional property or improvements or interest therein (including any portion of any street, roadway, highway, alley, or right-of-way and any easements to and air rights on or above any public lands or rights-of-way) as are necessary for development of the Federal Triangle property.

(2) Transfer to GSA

At the time title to the Federal Triangle property reverts to the Administrator under subsection (a) of this section, the Corporation shall transfer to the Administrator, without compensation, title to any property or interest therein acquired under this subsection and improvements thereon.

(Pub. L. 100–113, §3, Aug. 21, 1987, 101 Stat. 736.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1109 of this title.

§1103. Development proposal

(a) Preparation and contents

The Corporation shall prepare a written proposal for development of the Federal Triangle property which shall include, but not be limited to, the following:

(1) A narrative description of the building to be constructed on the Federal Triangle property, including a description of the types of uses both public and private to be permitted in the building.

(2) A comprehensive plan prepared by the Administrator for providing space for Federal officers and employees in the building.

(3) A plan for inclusion of an international cultural and trade center comprising not to exceed 500,000 occupiable square feet, including a leasing plan prepared by the Commission for occupancy of such center and a plan for permitting conversion of space not used for such center to office space.

(4) A comprehensive plan for providing security for the building and its occupants and contents.

(5) A comprehensive plan for providing parking for motor vehicles of occupants of and visitors to the building and for providing access to the building by delivery and service vehicles.

(6) A statement prepared by the Administrator of rents and other housing costs currently being paid by the United States for Federal agencies to be housed in the building.

(7) Design criteria for the building.

(8) An estimate of the cost of construction of the building and of the annual cost to the United States of leasing the building under section 1105 of this title.

(9) Environmental impact documentation for development of the Federal Triangle property under Federal laws and regulations.

(10) An analysis of the economic impact in the metropolitan area which includes the District of Columbia of development of the Federal Triangle property.

(11) Terms and conditions approved by the Administrator for inclusion in the lease agreement under section 1105 of this title.

(b) Limitations

(1) Size of building

The building (including parking facilities) to be constructed on the Federal Triangle property may not exceed 3,100,000 gross square feet in size.

(2) Height of building

The height of the building shall be compatible with the height of surrounding Government buildings.

(3) Design

The building shall be designed in harmony with historical and Government buildings in the vicinity, shall reflect the symbolic importance and historic character of Pennsylvania Avenue and the Nation's Capital, and shall represent the dignity and stability of the Federal Government.

(c) Consultation requirement

In preparing the development proposal under subsection (a) of this section, the Corporation shall consult the Secretary of State, the Administrator, and the Commission.

(d) Duties of Administrator and Commission

(1) Administrator

The Administrator shall prepare and submit to the Corporation for inclusion in the development proposal under subsection (a) of this section—

(A) a comprehensive plan for providing space for Federal officers and employees in the building to be constructed on the Federal Triangle property;

(B) a statement of rents and other housing costs currently being paid by the United States for Federal agencies to be housed in the building; and

(C) a list of terms and conditions which the Administrator has approved for inclusion in the lease agreement to be entered into under section 1105 of this title.

(2) Commission

The Commission shall prepare and submit to the Corporation for inclusion in the development proposal under subsection (a) of this section a leasing plan for occupancy of the international cultural and trade center under section 1107 of this title.

(e) Review and approval of development proposal by GSA and others

(1) Submission for review

As soon as practicable but not later than 365 days after August 21, 1987, the Corporation

shall submit the development proposal prepared under subsection (a) of this section to the General Services Administration, the Commission, the National Capital Planning Commission, and the Commission of Fine Arts.

(2) Approval or recommended modifications

Not later than 60 days after the date of submission of the development proposal under paragraph (1), each governmental entity referred to in paragraph (1) shall notify the Corporation of approval or recommended modifications of the development proposal. If such governmental entity does not notify the Corporation of its approval or recommended modifications of the proposal within such 60-day period, such governmental entity shall be deemed to have approved the proposal.

(3) Consultation

In the event a governmental entity referred to in paragraph (1) submits recommended modifications of the development proposal within the 60-day period described in paragraph (2), the Corporation shall consult such entity regarding such modifications and may modify such proposal to take into account one or more of such recommended modifications.

(f) Submission for Congressional review

Not later than 150 days after the date of submission of the development proposal to governmental entities under subsection (e)(1) of this section, the Corporation shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives for review and approval the development proposal with any modifications made under subsection (e)(3) of this section, a statement of the areas of difference between such proposal and the recommended modifications of each such governmental entity, and the views of the Corporation with respect to such differences.

(g) Funding

Not later than 60 days after August 21, 1987, the Administrator shall transfer from amounts appropriated to the Administrator $800,000 to the Corporation for carrying out this section.

(Pub. L. 100–113, § 4, Aug. 21, 1987, 101 Stat. 736.)

CHANGE OF NAME

Committee on Public Works and Transportation of House of Representatives treated as referring to Committee on Transportation and Infrastructure 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.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1104, 1106 of this title.

§ 1104. Construction of building

(a) Selection process

(1) General rule

Upon approval of the development proposal submitted under section 1103(f) of this title by resolutions adopted by the Committee on Environment and Public Works of the Senate and the Committee on Public Works of the House of Representatives, the Corporation in accordance with its policies and procedures for a development competition, shall select a person to develop the Federal Triangle property.

(2) Consultation requirement

In selecting a person to develop the Federal Triangle property, the Corporation shall consult the Administrator and the Commission.

(3) Competition

The Corporation shall conduct a competition for selection of a person to develop the Federal Triangle property. Such competition shall be conducted in accordance with the existing policies and procedures of the Corporation for a development competition.

(4) Prohibition on payments for bids and designs

The Corporation may not make any payment to any person for any bid or design proposal under the competition conducted under this subsection.

(b) Development agreement

(1) Authority to enter

The Corporation may enter into an agreement for the development of the Federal Triangle property in accordance with the development proposal approved under subsection (a) of this section with the person selected to develop the Federal Triangle property.

(2) Contents

The development agreement under paragraph (1) shall at a minimum provide for the following:

(A) The construction of a building on the Federal Triangle property in accordance with the architectural plans and specifications selected under the development competition.

(B) Ownership of such property and building will be by the United States; except that the person selected under subsection (a) of this section may own such building for a term not to exceed 35 years beginning on the date on which construction of such building commences.

(C) The Administrator to lease such building from such person for the term determined under subparagraph (B).

(D) Inspection of such building during construction by the Administrator and the Corporation.

The agreement shall include a copy of the lease agreement and technical directives and specifications prepared by the Administrator entered into by the Administrator and such person under section 1105 of this title.

(c) Connection with rail system

The building to be constructed under this section may be connected with the rapid rail system operated by the Washington Metropolitan Area Transit Authority via a station located on the Federal Triangle property. The construction cost of making such connection shall be the responsibility of the person selected to develop the Federal Triangle property. The Washington Met-

ropolitan Transit Authority may not charge any fee or other amount for the connection of such building to such rail system.

(d) Construction standards and inspection

The building constructed under this section shall meet all standards applicable to construction of a Federal building. During construction, the Administrator and the Corporation shall conduct periodic inspections of such building for the purpose of assuring that such standards are being met.

(e) Treatment of PADC

For purposes of any State or local law (including laws relating to taxation and building permits and inspections), the Corporation with respect to development of the Federal Triangle property shall be treated as the General Services Administration is treated with respect to acquisition and construction of a Federal building.

(f) Applicability of certain laws

Any person who enters into an agreement with the Corporation under subsection (b) of this section for development of the Federal Triangle property shall not, with respect to such development, be subject to any State or local law relating to building permits and building inspection. Such property and any improvements to such property shall not be subject to real and personal property taxation, or special assessments.

(g) Treatment of Federal Triangle development area

For purposes of the Pennsylvania Avenue Development Corporation Act of 1972 [40 U.S.C. 871 et seq.] (other than section 5) [40 U.S.C. 874], the Federal Triangle development area shall be treated as being a part of the development area described in section 2(f) of such Act (40 U.S.C. 871(f)). The Corporation shall have the same authority with respect to the Federal Triangle development area as it has with respect to the development area described in such section 2(f).

(h) Powers of Corporation

The Corporation shall have with respect to its duties under this chapter any powers which the Corporation has under section 6 (other than paragraphs (9) and (10)) of the Pennsylvania Avenue Development Corporation Act of 1972 (40 U.S.C. 875) with respect to its duties under such Act. The Corporation may enter into agreements with any Federal agency or the Commission with respect to this chapter, or as permitted or authorized by section 1535 of title 31.

(i) Authorization of appropriation

There is authorized to be appropriated, from the fund established by section 210(f) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 490(f)), to the Administrator for transfer to the Corporation for carrying out this section and section 1103 of this title $3,700,000 for fiscal year 1988. Such sums shall remain available until expended.

(Pub. L. 100–113, § 5, Aug. 21, 1987, 101 Stat. 738.)

REFERENCES IN TEXT

The Pennsylvania Avenue Development Corporation Act of 1972, referred to in subsecs. (g) and (h), is Pub. L. 92–578, Oct. 27, 1972, 86 Stat. 1266, as amended, which is classified to chapter 19 (§ 871 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 871 of this title and Tables.

CHANGE OF NAME

Committee on Public Works of House of Representatives changed to Committee on Public Works and Transportation of House of Representatives by House Resolution No. 988, Ninety Third Congress, Oct. 8, 1974, effective Jan. 3, 1975. Committee on Public Works and Transportation of House of Representatives treated as referring to Committee on Transportation and Infrastructure 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.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1102, 1105, 1106, 1107 of this title.

§ 1105. Lease of building by GSA

(a) Entry into agreement

Before the development agreement is entered into under section 1104 of this title, the Administrator shall enter into with the person selected to construct the building under section 1104 of this title an agreement for the lease of such building for Federal office space and the international cultural and trade center space.

(b) Terms of agreement

The agreement entered into under this section shall include at a minimum the following terms:

(1) The Administrator will lease the building for the term that the person selected to construct the building owns the building.

(2) The rental rate per square foot of occupiable space for all space in the building will be in the best interest of the United States and carry out the objectives of this chapter, but in no case may the aggregate rental rate for all space in the building produce an amount less than the amount necessary to amortize the cost of development of the Federal Triangle property over the term of the lease.

(3) Obligations of funds from the Federal Building Fund shall only be made on an annual basis to meet lease payments.

(4) The Administrator will be permitted to sublease to the Commission for establishment, operation, and management of the international cultural and trade center under section 1107 of this title.

(c) Accounting system

The Administrator shall maintain an accounting system for operation and maintenance of the building to be constructed under section 1104 of this title which will permit accurate projections of the dates and the costs of major repairs, improvements, reconstructions, and replacements of such building and other capital expenditures on such building. The Administrator shall take such action as may be necessary to assure that funds are available to cover such projected costs and expenditures.

(d) Obligation of funds

Obligation of funds to make lease payments under this section may only be made on an annual basis and from amounts in the fund estab-

lished by section 210(f) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 490(f)).

(Pub. L. 100–113, § 6, Aug. 21, 1987, 101 Stat. 740.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1103, 1104, 1107 of this title.

§ 1106. International Cultural and Trade Center Commission

(a) Establishment

There is established a commission to be known as the International Cultural and Trade Center Commission.

(b) Duties of Commission

The duties of the Commission are as follows:

(1) To participate in accordance with section 1103 of this title in the planning of the building to be constructed under section 1104 of this title.

(2) To enter into an agreement with the Administrator under section 1107 of this title for the lease of space in the building constructed under section 1104 of this title for establishment, operation, and maintenance of an international cultural and trade center.

(3) To operate and manage any space leased under section 1107 of this title in accordance with the objectives of this chapter.

(4) To prepare under section 1107 of this title an annual report on the operation and management of such space.

(c) Membership

(1) Number and appointment

The Commission shall be composed of 15 members as follows:

(A) The Secretary of State or his delegate.

(B) The Secretary of Commerce or his delegate.

(C) The Secretary of Agriculture or his delegate.

(D) The United States Trade Representative or his delegate.

(E) The Administrator or his delegate.

(F) The Director of the United States Information Agency or his delegate.

(G) The Chairman of the Corporation or his delegate.

(H) The Mayor of the District of Columbia or his delegate.

(I) The Chairman of the National Endowment for the Arts or his delegate.

(J) 6 individuals appointed by the President one of whom shall be a resident and registered voter of the District of Columbia and all of whom shall be specially qualified to serve on the Commission by virtue of their education, training, or experience in international trade, commerce, cultural exchange, finance, business, or management of facilities similar to the international cultural and trade center described in section 1107 of this title.

A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

(2) Terms

(A) General rule

Except as provided in subparagraph (B), the terms of office of the private sector Members[1] first taking office shall begin on August 21, 1987, 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 two at the end of six years.

(B) Filling a vacancy

Any member of the Commission appointed to fill a vacancy occurring before the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term. A member may serve after the expiration of his term until his successor has taken office.

(3) Pay

Members of the Commission shall serve without pay; except that any member of the Commission appointed under paragraph (1)(J) shall while attending meetings of and attending hearings held by the Commission be entitled to travel or transportation expenses in accordance with section 5703 of title 5.

(4) Quorum

8 members of the Commission shall constitute a quorum but a lesser number may hold hearings.

(5) Designation of Chairman

The Chairman and Vice Chairman of the Commission shall be designated by the President; except that the Chairman may only be designated from individuals appointed under paragraph (1)(J).

(6) Meetings

The Commission shall meet at the call of the Chairman but no less often than every 4 months.

(d) Staff of Commission

(1) General rule

The Commission shall have a staff, including an executive director. Such staff shall be composed of individuals who may either be appointed under paragraph (2) or detailed under paragraph (3); except that the staff of the Commission may not at any time be composed of more than 15 individuals.

(2) Authority to appoint

The Commission may appoint and fix the pay of not to exceed 10 individuals, including an individual to serve as the executive director of the Commission. Staff appointed under this paragraph shall be appointed subject to the provisions of title 5 governing appointments in the competitive service, and shall be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates; except that—

(A) the individual appointed to serve as the executive director and one other individual appointed to the staff of the Commission

[1] So in original. Probably should not be capitalized.

may be appointed and compensated without regard to such provisions; and

(B) the pay of any individual (other than the 2 individuals referred to in subparagraph (A)) appointed under this paragraph shall be at a rate not to exceed the maximum rate of basic pay payable for GS–17 of the General Schedule.

(3) Detail

Subject to paragraph (1), upon request of the Commission, the Secretary of State, the Secretary of Commerce, the Secretary of Agriculture, the Special Trade Representative, the Administrator, and the Director of the United States Information Agency may detail, on a reimbursable basis, such of the personnel of the department or agency such person heads as may be necessary to assist the Commission in carrying out its duties under this chapter.

(e) Office space and supplies

Upon request of the Commission, the Secretary of State, the Secretary of Commerce, the Secretary of Agriculture, the Special Trade Representative, the Administrator, and the Director of the United States Information Agency may provide, on a reimbursable basis, such office space, supplies, equipment, and other support services as may be necessary for the Commission to carry out its duties under this chapter.

(f) Powers of Commission

(1) Hearings and sessions

The Commission may, for the purpose of carrying out its duties under this chapter, hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Commission considers appropriate.

(2) Powers of members and agents

Any member or agent of the Commission may, if so authorized by the Commission, take any action which the Commission is authorized to take by this subsection.

(3) Obtaining official data

The Commission may obtain from any department or agency of the United States information necessary to enable it to carry out its duties under this chapter. Upon request of the Chairman of the Commission, the head of such department or agency shall furnish such information to the Commission.

(4) Gifts

The Commission may accept, use, and dispose of gifts or donations of services or property.

(5) Mails

The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(6) Authority to contract out

Subject to applicable provisions of law, the Commission may enter into such contracts or agreements as the Commission considers appropriate to carry out any of its duties under this chapter.

(7) Experts and consultants

The Commission may procure temporary and intermittent services under section 3109(b) of title 5.

(g) Limitation on expenses

(1) Maximum amount

The maximum amount of expenses (including salaries, travel expenses, expenses for temporary and intermittent services, expenses under contracts or agreements entered into under subsection (f)(7) of this section, and supply expenses) which the Commission may incur in any fiscal year may not exceed $1,000,000 in any fiscal year.

(2) Adjustment for inflation

Any dollar amount referred to in this subsection, subsection (h)(3) of this section, and section 1107(d) of this title may be adjusted by the Commission annually to reflect a percentage increase or decrease in the Consumer Price Index for All Urban Consumers for the preceding calendar year, as determined by the United States Department of Labor, Bureau of Labor Statistics.

(h) Funding

(1) Requests for transfers

If the Commission incurs any expenses in carrying out its duties under this chapter, the Commission may request the Secretary of State, the Administrator, or any other Federal official referred to in subsection (c)(1) of this section to transfer to the Commission an amount equal to such expenses from funds appropriated to such official.

(2) Authority for transfers

Subject to paragraphs (3) and (5), any official referred to in paragraph (1) may transfer such amounts from funds appropriated to such official as may be necessary to enable the Commission to carry out its duties under this chapter.

(3) Maximum amount of requests and transfers

The aggregate amount of requests for transfers, and the aggregate amount of transfers, under this subsection may not exceed $1,000,000 in any fiscal year.

(4) Deposit of receipts

The Commission shall deposit all amounts it receives under this subsection into the account established by section 1107(d) of this title.

(5) Limitation on effect

This subsection shall not be effective with respect to any fiscal year beginning after the last day of the 2-year period beginning on the first day the Commission deposits under section 1107(c) of this title funds into the account established by section 1107(d) of this title.

(Pub. L. 100–113, §7, Aug. 21, 1987, 101 Stat. 741.)

REFERENCES IN TEXT

The provisions of title 5 governing appointments in the competitive service, referred to in subsec. (d)(2), are classified generally to section 3301 et seq. of 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.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1107, 1109 of this title.

§ 1107. Operation and management of international cultural and trade center

(a) Lease of space

(1) Agreement

The Administrator and the Commission shall enter into an agreement for the Commission to lease from the Administrator not to exceed 500,000 square feet of occupiable space in the building to be constructed under section 1104 of this title to serve as an international cultural and trade center.

(2) Size

The Commission shall determine the amount of space necessary for operation of the international cultural and trade center based upon demand, except that such space may not exceed 500,000 square feet of occupiable space. Upon certification of such demand by the Commission, the Administrator shall lease such amount of space to the Commission.

(3) Terms

The agreement entered into under this subsection shall include at a minimum the following terms:

(A) The Commission will be permitted to sublease its space in such building to foreign missions, commercial establishments sponsored by foreign governments, and international cultural and trade organizations, including domestic organizations and State and local governments.

(B) All space leased by the Commission from the Administrator will be at such rate as the Administrator and the Commission may agree but not less than the rate established under section 1105(b)(2) of this title plus such amount as the Administrator determines is necessary to pay on an annual basis for the costs of administering such building (including operation, maintenance, and rehabilitation costs) which are attributable to such space.

(C) Such terms relating to default and nonperformance as the Administrator considers appropriate to protect the interests of the United States.

(b) Establishment of center

(1) By Commission

The Commission shall establish, operate, and maintain an international cultural and trade center in the space leased from the Administrator under subsection (a) of this section.

(2) Contents

The international cultural and trade center may include the following:

(A) Office space for foreign missions and domestic and international organizations involved in international trade or cultural activities.

(B) A world exhibition center providing space for exhibits from foreign nations.

(C) An international bazaar providing space for commercial establishments sponsored by foreign governments.

(D) An international center providing a centralized foreign trade reference facility, conference and meeting facilities, and audio-visual facilities for translating foreign languages.

(E) Such other facilities as are consistent with the objectives of this section.

(3) Subleasing of space

(A) Agreements

The Commission may enter into agreements with foreign missions and international cultural and trade organizations (including domestic organizations and State and local governments) to sublease any or all of the space it leased from the Administrator under subsection (a) of this section. Space subleased to such missions and organizations may only be used for establishment of trade centers and exhibitions, offices, and commercial establishments described in paragraph (2) and such other facilities as the Commission determines are consistent with an international cultural and trade center.

(B) Terms and conditions

An agreement entered into under this subsection shall be subject to such terms and conditions as the Commission determines are appropriate to carry out the objectives of this chapter. The rental rate per square foot of occupiable space for space subleased under this subsection shall be determined in accordance with subsection (c) of this section; except that the Commission may adjust such rate with respect to any space subleased to a foreign mission in accordance with the recommendations of the Secretary of State acting in accordance with section 204(b) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 4304(b)). The Secretary of State may reimburse the Commission for any expenses which are incurred by the Commission as a result of making adjustments in the rental rate for space under this subparagraph.

(4) Reference facility and cultural events

The Commission may establish in a portion of the space leased from the Administrator under this section a centralized foreign trade reference facility and conference and meeting facilities and audio-visual facilities for translating foreign languages. The Commission may permit cultural events and other activities to be held in a portion of such space. The Commission shall establish in accordance with subsection (c) of this section fees and charges for—

(A) the use of such facilities and auditorium, and

(B) the holding of such events and activities.

(c) Rents and fees

(1) Establishment of amount

The Commission shall establish the amounts of fees under subsection (b)(4) of this section, and establish a rental rate for space subleased under subsection (b)(3) of this section, taking into account the objectives of this section and the best interests of the United States. In any fiscal year beginning after the last day of the 2-year period beginning on the first day the Commission deposits under this subsection funds into the account established under subsection (d) of this section, the aggregate amount of such fees and rent shall not be less than the cost to the Commission of subleasing space from the Administrator under subsection (a) of this section in such fiscal year plus the expenses (including salaries, travel expenses, expenses for temporary and intermittent services, expenses under contracts or agreements entered into under subsection[1] 1106(f)(7) of this title, supply expenses and any reimbursable expenses) incurred by the Commission in carrying out its duties under this chapter in such fiscal year.

(2) Collection

The Commission shall collect—

(A) rent for space subleased under subsection (b) of this section; and

(B) fees and charges under subsection (b) of this section.

(3) Deposit

The Commission shall deposit all amounts collected under this subsection and all amounts transferred by the Secretary of State to the Commission under subsection (b)(3)(B) of this section into the account established under subsection (d) of this section.

(d) Separate account

(1) Establishment

There is established in the Treasury of the United States a separate account.

(2) Contents

The account shall include all amounts deposited by the Commission under subsection (c) of this section and section 1106(h) of this title.

(3) Availability

Amounts in the account established under this subsection shall be available to the Commission to pay—

(A) all rents owed to the Administrator for lease of space under subsection (a) of this section; and

(B) all expenses (including salaries, travel expenses, expenses for temporary and intermittent services, expenses under contracts or agreements entered into under section 1106(f)(7) of this title, and supply expenses) incurred by the Commission in carrying out its duties under this chapter but not exceeding $1,000,000 in any fiscal year.

(4) Payments

The Commission shall pay, from amounts in the account established by this subsection—

(A) for lease of space under subsection (a) of this section on an annual basis amounts owed to the Administrator for deposit into the fund established by section 210(f) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 490(f)); and

(B) all expenses incurred by it in carrying out its duties under this chapter but not exceeding $1,000,000 in any fiscal year.

(5) Transfer of excess funds

Periodically, but not less often than once per fiscal year, funds which the Commission determines are in excess of those needed to make the payments described in paragraph (4) shall be transferred by the Commission from the account established under this subsection to the fund established under section 210(f) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 490(f)).

(h)[2] Annual report and budget

The Commission shall prepare and transmit to the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives (1) an annual report in January of each calendar year on the operation and management of the space leased by the Commission under subsection (a) of this section and the international cultural and trade center, and (2) a budget for such fiscal year for operation, maintenance, and alteration of such center, including amounts received and projected to be received by the Commission in such fiscal year and expenses incurred and projected to be incurred by the Commission in such fiscal year.

(Pub. L. 100–113, § 8, Aug. 21, 1987, 101 Stat. 744.)

CHANGE OF NAME

Committee on Public Works and Transportation of House of Representatives treated as referring to Committee on Transportation and Infrastructure 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.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1103, 1105, 1106 of this title.

§ 1108. Designation of Departmental Auditorium

(a) The Departmental Auditorium, located on the Federal Triangle between the Custom Service building and Interstate Commerce Commission building on Constitution Avenue, shall on and after August 21, 1987, be known and designated as the ''Andrew W. Mellon Auditorium''.

(b) Any reference in any law, regulation, document, record, map or other paper of the United States to the auditorium referred to in subsection (a) of this section is deemed to be a reference to the ''Andrew W. Mellon Auditorium''.

(Pub. L. 100–113, § 9, Aug. 21, 1987, 101 Stat. 746.)

§ 1109. Definitions

As used in this chapter—

(1) Administrator

The term ''Administrator'' means the Administrator of General Services.

[1] So in original. Probably should be ''section''.

[2] So in original. There are no subsecs. (e), (f), and (g).

(2) Commission

The term ''Commission'' means the International Cultural and Trade Center Commission established by section 1106 of this title.

(3) Corporation

The term ''Corporation'' means the Pennsylvania Avenue Development Corporation.

(4) Federal Triangle development area

The term ''Federal Triangle development area'' means the area which begins at a point on the southwest corner of the intersection of Fourteenth Street and Pennsylvania Avenue (formerly E Street), Northwest; thence southerly along the west side of Fourteenth Street to the northwest corner of the intersection of Fourteenth Street and Constitution Avenue, Northwest; thence easterly along the north side of Constitution Avenue to the northeast corner of the intersection of Twelfth Street and Constitution Avenue, Northwest; thence northerly along the east side of Twelfth Street and Constitution Avenue, Northwest; thence northerly along the east side of Twelfth Street to the southeast corner of the intersection of Twelfth Street and Pennsylvania Avenue, Northwest; thence westerly along the south side of Pennsylvania Avenue to the point of beginning being the southwest corner of the intersection of Fourteenth Street and Pennsylvania Avenue (formerly E Street), Northwest.

(5) Federal Triangle property

The term ''Federal Triangle property'' means—

(A) the property owned by the United States in the District of Columbia, known as the ''Great Plaza'' site, which consists of squares 256, 257, 258, parts of squares 259 and 260, and adjacent closed rights-of-way as shown on plate IV of the King Plats of 1803 located in the Office of the Surveyor of the District of Columbia; and

(B) any property acquired by the Corporation under section 1102(b) of this title;

except that for purposes of section 1102 of this title such term does not include any property referred to in subparagraph (B).

(Pub. L. 100–113, § 10, Aug. 21, 1987, 101 Stat. 747.)

CHAPTER 23—JUDICIARY OFFICE BUILDING DEVELOPMENT

Sec.
1201. Findings and purposes.
(a) Findings.
(b) Purposes.
1202. Construction of building.
(a) Selection process.
(b) Development agreement.
(c) Chilled water and steam from Capitol Power Plant.
(d) Construction standards and inspections.
(e) Applicability of certain laws.
1203. Lease of building by Architect of the Capitol.
(a) Entry into lease agreement.
(b) Terms of lease agreement.
(c) Accounting system.
(d) Obligation of funds.
1204. Structural and mechanical care and security.
(a) Structural and mechanical care.
(b) Security.
(c) Authority of Capitol Police.
1205. Allocation of space.
(a) Governmental entities.
(b) Nongovernmental tenants.
(c) Deposit of rent and reimbursements.
1206. Commission for Judiciary Office Building.
(a) Establishment.
(b) Membership.
(c) Duties.
(d) Quorum.
1207. Funding.
(a) Separate account.
(b) Unexpended balances of funds.
1208. Definitions.

§ 1201. Findings and purposes

(a) Findings

The Congress makes the following findings and declarations:

(1) Space for consolidation of activities of the Administrative Office of the United States Courts and other offices of the judicial branch of Government and for providing office space for retired justices of the Supreme Court is necessary and should be located in the vicinity of the Supreme Court building.

(2) Orderly development of the Capitol Grounds should be consistent with the Master Plan for the United States Capitol, dated 1981.

(3) The cost of leasing space by the judicial branch of the Government is high.

(4) Development of squares 721 and 722 in the District of Columbia is necessary to achieve the objectives of the Union Station Redevelopment Act [40 U.S.C. 811 et seq.] and the revitalization of the Union Station area.

(5) The Judicial Conference of the United States endorsed by resolution the construction of an office building on the Capitol Grounds to house the Administrative Office of the United States Courts and related judicial branch offices.

(b) Purposes

The purposes of this chapter are as follows:

(1) To implement the report submitted to Congress by the Architect and the Secretary of Transportation under the Act of December 28, 1985 (99 Stat. 1749–1750), relating to the needs of the Federal judiciary for additional Federal office space.

(2) To authorize the Architect to acquire by lease space primarily for use by the judicial branch of the Government by entering into contracts for the design and construction of a building adjacent to Union Station.

(3) To ensure that the design and construction of such building will insofar as practicable result in a building which is efficient and economical and which provides visual testimony to the dignity, enterprise, vigor, and stability of the Federal Government.

(Pub. L. 100–480, § 2, Oct. 7, 1988, 102 Stat. 2328.)

REFERENCES IN TEXT

The Union Station Redevelopment Act, referred to in subsec. (a)(4), probably means the Union Station Redevelopment Act of 1981, Pub. L. 97–125, Dec. 29, 1981, 95 Stat. 1667, as amended, which is classified principally to part B (§ 811 et seq.) of subchapter I of chapter 18 of

this title. For complete classification of this Act to the Code, see Short Title of 1981 Amendment note set out under section 801 of this title and Tables.

Act of December 28, 1985, referred to in subsec. (b)(1), is Pub. L. 99–229, Dec. 28, 1985, 99 Stat. 1749, which is not classified to the Code.

SHORT TITLE

Section 1 of Pub. L. 100–480 provided that: ''This Act [enacting this chapter and amending section 816 of this title] may be cited as the ''Judiciary Office Building Development Act'.''

DESIGNATION OF BUILDING

Pub. L. 103–4, Feb. 8, 1993, 107 Stat. 30, provided that:

''SECTION 1. DESIGNATION.

''The Federal Judiciary Building in Washington, D.C., shall be known and designated as the 'Thurgood Marshall Federal Judiciary Building'.

''SEC. 2. LEGAL REFERENCES.

''Any reference in any law, map, regulation, document, paper, or other record of the United States to the Federal Judiciary Building referred to in section 1 shall be deemed to be a reference to the 'Thurgood Marshall Federal Judiciary Building'.''

§ 1202. Construction of building

(a) Selection process

(1) General rule

The Architect, under the direction of the Commission and in accordance with such policies and procedures as the Architect shall establish, shall select in accordance with provision of this subsection a person to develop squares 721 and 722 (bounded by F Street, 2nd Street, Massachusetts Avenue, and Columbia Plaza, Northeast) in the District of Columbia.

(2) Revision of proposals

Not later than 90 days after October 7, 1988, each of the 5 persons who submitted a proposal for development of squares 721 and 722 under the study conducted under the Act of December 28, 1985 (99 Stat. 1749–1750), which is one of the 5 proposals under consideration by the Architect may revise such proposal to take into account the objectives of this chapter and resubmit such proposal to the Architect.

(3) Selection of revised proposal

Subject to paragraph (4), not later than 120 days after October 7, 1988, the Architect shall select one of the persons resubmitting a proposal under paragraph (2) to develop squares 721 and 722 in the District of Columbia.

(4) Nonsubmission of revised proposals; protection of United States interest

If no proposal is resubmitted to the Architect under paragraph (2) in the 90-day period or if the Architect determines that none of the proposals resubmitted under paragraph (2) is in the best interests of the United States, the Architect shall conduct a competition for selection of a person to develop squares 721 and 722 in the District of Columbia. Such competition shall be conducted in accordance with such policies and procedures as the Architect may establish for a development competition.

(5) Purpose of development

The purpose of development of squares 721 and 722 is to provide office space for the Administrative Office of the United States Courts, the Federal Judicial Center, the Judicial Panel of Multidistrict Litigation, and the United States Sentencing Commission, chambers for retired justices of the Supreme Court, and other related offices of the judicial branch of the United States and other persons (including governmental entities).

(6) Approval of Chief Justice

All final decisions regarding architectural design of the building to be constructed under this Act shall be subject to the approval of the Chief Justice of the United States.

(7) Prohibition on payments for bids and designs

The Architect may not make any payment to any person for any bid or design proposal under any competition conducted under this subsection.

(8) Limitations

(A) Size of building

The building (excluding parking facilities) to be constructed under this chapter may not exceed 520,000 gross square feet in size above the level of Columbia Plaza in the District of Columbia.

(B) Height of building

The height of the building and other improvements shall be compatible with the height of surrounding Government and historic buildings and conform to the provisions of the Act of June 1, 1910, commonly known as the Building Height Act of 1910 (36 Stat. 452).

(C) Design

The building and other improvements shall be designed in harmony with historical and Government buildings in the vicinity, shall reflect the symbolic importance and historic character of the United States Capitol and other buildings on the United States Capitol grounds, and shall represent the dignity and stability of the Federal Government.

(b) Development agreement

(1) Authority to enter

The Architect may enter into with the person selected to develop squares 721 and 722 under subsection (a) of this section an agreement for the development of such squares. Except as otherwise provided in this chapter, such agreement shall provide for development of such squares substantially in accordance with (A) alternative D of the report to Congress entitled ''The Study of Alternatives for the Construction of an Office Building(s) for the Administrative Office of the United States Courts'', submitted to Congress on August 10, 1987, by the Architect and the Secretary of Transportation, and (B) the Master Plan for the United States Capitol, dated 1981.

(2) Contents

The development agreement under paragraph (1) shall at a minimum provide for the following:

(A) Except to the extent otherwise provided by this chapter, all design, develop-

ment, and construction costs incurred with respect to the building to be constructed under the agreement will be at no cost to the United States.

(B) Title to squares 721 and 722 will remain in the United States.

(C) Title to the building and other improvements constructed or otherwise made on or to squares 721 and 722 will immediately revert to the United States at the expiration of not more than 30 years from the effective date of the lease agreement entered into under section 1203 of this title without payment of any compensation by the United States.

(D) The building and other improvements constructed on or to squares 721 and 722 to be leased to the United States will be in accordance with the provisions of this chapter and the lease agreement will contain such terms and conditions as may be prescribed by the Architect to carry out the objectives of this chapter.

The agreement shall include a copy of the lease agreement entered into under section 1203 of this title by the Architect and the person selected to develop squares 721 and 722.

(c) Chilled water and steam from Capitol Power Plant

(1) Authority for hookup to Capitol Power Plant

The building to be constructed under this chapter may be connected to the Capitol Power Plant through construction of extensions to the chilled water and steam lines which serve Union Station. If such building is to be connected to the Capitol Power Plant, the agreement under subsection (b) of this section between the Architect and the person selected to construct such building shall provide that such person will bear all costs associated with the installation of chilled water and steam lines to the building and shall reimburse the Union Station Redevelopment Corporation for an equitable share of the costs incurred by the Union Station Redevelopment Corporation in the construction of extensions of the chilled water and steam lines from such Plant to Union Station.

(2) Furnishing of chilled water and steam from Capitol Power Plant

If the building to be constructed under this chapter is connected with the Capitol Power Plant pursuant to paragraph (1), the Architect shall furnish, on a reimbursable basis, chilled water and steam from such Plant to such building.

(d) Construction standards and inspections

The building and other improvements constructed under this chapter shall meet all standards applicable to construction of a Federal building. During construction, the Architect shall conduct periodic inspections of such building for the purpose of assuring that such standards are being met. Such building shall not be subject to any law of the District of Columbia relating to building codes, permits, or inspection (including any such law enacted by Congress).

(e) Applicability of certain laws

The building and other improvements constructed under this chapter shall not be subject to any law of the District of Columbia relating to real estate and personal property taxes, special assessments, or other taxes (including any such law enacted by Congress).

(Pub. L. 100–480, § 3, Oct. 7, 1988, 102 Stat. 2329.)

REFERENCES IN TEXT

Act of December 28, 1985, referred to in subsec. (a)(2), is Pub. L. 99–229, Dec. 28, 1985, 99 Stat. 1749, which is not classified to the Code.

Act of June 1, 1910, commonly known as the Building Height Act of 1910, referred to in subsec. (a)(8)(B), is act June 1, 1910, ch. 263, 36 Stat. 452, which is set out in sections 5–401 to 5–409 of Title 5, Building Restrictions and Regulations, of the District of Columbia Code.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1203, 1205 of this title.

§ 1203. Lease of building by Architect of the Capitol

(a) Entry into lease agreement

Before the development agreement is entered into under section 1202 of this title, the Architect shall enter into with the person selected to construct the building under this chapter an agreement for the lease of such building by the Architect to carry out the objectives of this chapter.

(b) Terms of lease agreement

The agreement entered into under this section shall include at a minimum the following terms:

(1) The Architect will lease the building and other improvements for a term not to exceed 30 years from the effective date of such lease agreement.

(2) The rental rate per square foot of occupiable space for all space in the building and other improvements will be in the best interest of the United States and carry out the objectives of this chapter, but in no case may the aggregate rental rate for all space in the building and other improvements produce an amount less than the amount necessary to amortize the cost of development of squares 721 and 722 over the term of the lease.

(3) Authority for the Architect to make space available and to sublease space in the building and other improvements in accordance with section 1205 of this title.

(c) Accounting system

The Architect shall maintain an accounting system for operation and maintenance of the building and other improvements to be constructed under this chapter which will permit accurate projections of the dates and the costs of major repairs, improvements, reconstructions, and replacements of such building and improvements and other capital expenditures on such building and improvements.

(d) Obligation of funds

Obligation of funds for lease payments under this section may only be made on an annual basis and may only be made from the account established by section 1207 of this title.

(Pub. L. 100–480, § 4, Oct. 7, 1988, 102 Stat. 2331.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1202, 1205, 1207 of this title.

§ 1204. Structural and mechanical care and security

(a) Structural and mechanical care

Upon occupancy by the United States of the building and other improvements constructed under this chapter, the structural and mechanical care and maintenance of such building and improvements (including the care and maintenance of the grounds of such building) shall be the responsibility of the Architect, under the direction of the Commission, in the same manner and to the same extent as the structural and mechanical care and maintenance of the United States Supreme Court Building under section 13a of this title, and all other duties and work required for the operation and domestic care of such building and improvements shall be performed by the Architect, under the direction of the Commission.

(b) Security

(1) General rule

The United States Capitol Police shall be responsible for all exterior security of the building and other improvements constructed under this chapter.

(2) Authority of Supreme Court Marshal

Nothing in this chapter shall be construed to interfere with the obligation of the Marshal of the Supreme Court of the United States to protect justices, officers, employees, or other personnel of the Supreme Court who may occupy the building and other improvements.

(3) Reimbursement

The Architect shall transfer from the account established by section 1207 of this title such amounts as may be necessary to reimburse the United States Capitol Police for expenses incurred in providing exterior security under this subsection. The United States Capitol Police may accept amounts transferred by the Architect under this paragraph, and such amounts shall be credited to the appropriation account charged by the United States Capitol Police in executing the performance of security duties.

(c) Authority of Capitol Police

The United States Capitol Police are authorized to police the building and other improvements constructed pursuant to this chapter, including the interior and exterior thereof, and to make arrests within the interior and exterior of such building and other improvements for any violation of any law of the United States, of the District of Columbia, or of any State, or any regulation promulgated pursuant thereto.

(Pub. L. 100–480, § 5, Oct. 7, 1988, 102 Stat. 2331; Pub. L. 102–392, title III, § 311(a), Oct. 6, 1992, 106 Stat. 1723.)

AMENDMENTS

1992—Subsec. (b)(1), (3). Pub. L. 102–392 substituted ''exterior security'' for ''exterior and interior security''.

Subsec. (c). Pub. L. 102–392 added subsec. (c).

§ 1205. Allocation of space

(a) Governmental entities

(1) Judicial branch

Subject to the provisions of this section, the Architect shall make available, on a reimbursable basis, all space in the building and other improvements constructed under this chapter to the judicial branch of the United States substantially in accordance with the report referred to in section 1202(b)(1) of this title.

(2) Other

Any space in the building and other improvements constructed under this chapter which the Chief Justice determines is not needed by the judicial branch of the United States may be made available by the Architect, on a reimbursable basis, to Federal governmental entities which are not part of the judicial branch and which are not staff of Members of Congress or Congressional Committees.

(3) Terms and conditions

Space made available under this subsection shall be subject to such terms and conditions as are necessary to carry out the objectives of this chapter.

(4) Reimbursement rate

All space made available by the Architect under this subsection shall be subject to reimbursement at the rate established under section 1203(b)(2) of this title plus such amount as the Architect and—

(A) in the case of the judicial branch, the Director of the Administrative Office of the United States Courts, or

(B) in the case of any governmental entity not a part of the judicial branch, such entity,

determine is necessary to pay on an annual basis for the cost of administering the building and other improvements (including costs of operation, maintenance, rehabilitation, security, and structural, mechanical, and domestic care) which are attributable to such space.

(5) Meeting judicial branch needs

(A) In general

Whenever the Chief Justice notifies the Architect that the judicial branch of the United States requires additional space in the building and other improvements constructed under this chapter, the Architect shall accommodate those requirements (i) in the case of space made available to the Administrator of General Services, by a date agreed upon under subparagraph (B), or (ii) in the case of space made available to any person or governmental entity (other than the General Services Administration), within 90 days after the date of such notification.

(B) Space available to GSA

In any case in which such additional space is provided from space in the building made available to the Administrator of General

Services, the space shall be vacated expeditiously by not later than a date mutually agreed upon by the Chief Justice and the Administrator of General Services.

(C) Unoccupied space

Whenever any space in the building is unoccupied, the Chief Justice shall have a right of first refusal to use such space to meet the needs of the judicial branch in accordance with this subsection.

(6) Assignment of space within judicial branch

The Director of the Administrative Office of the United States Courts may assign and reassign space made available to the judicial branch of the United States under this subsection among offices of the judicial branch as the Director deems appropriate.

(7) Lease authority

The Architect of the Capitol is authorized to lease and occupy not more than 75,000 square feet of space in the Thurgood Marshall Federal Judiciary Building. Payments under any such lease shall be made upon vouchers approved by the Architect of the Capitol. There are authorized to be appropriated—

(A) to the Architect of the Capitol such sums as may be necessary to carry out this paragraph, including sums for the acquisition and installation of furniture and furnishings for space leased under this paragraph; and

(B) to the Sergeant at Arms of the Senate such sums as may be necessary for the planning, acquisition, and installation of telecommunications equipment and services for the Architect of the Capitol with respect to space leased under this paragraph.

(8) Lease approval

Any lease under paragraph (7) shall be subject to approval by the Committee on Appropriations of the House of Representatives, the Committee on Appropriations of the Senate, the House Office Building Commission, and the Committee on Rules and Administration of the Senate.

(b) Nongovernmental tenants

(1) General rule

Any space in the building and other improvements constructed under this chapter which the Chief Justice determines is not needed by the judicial branch of the United States shall first be offered to other Federal governmental entities which are not staff of Members of Congress or Congressional Committees; and then, if any space remains, it may be subleased by the Architect, under the direction of the Commission, to any person.

(2) Rental rate

All space subleased by the Architect under this subsection shall be subject to reimbursement at a rate which is comparable to prevailing rental rates for similar facilities in the area but not less than the rate established under section 1203(b)(2) of this title plus such amount as the Architect and the person subleasing such space agree is necessary to pay on an annual basis for the cost of administering the building (including costs of operation, maintenance, rehabilitation, security, and structural, mechanical, and domestic care) which are attributable to such space.

(3) Limitation

Subleases under this subsection must be compatible with the dignity and functions of the judicial branch offices housed in the building and must not unduly interfere with the activities and operations of the judicial branch agencies housed in the building. The provisions of section 193d of this title and section 193m–1 of this title shall not apply to any space in the building and other improvements subleased to a non-Government tenant under this subsection.

(4) Collection of rent

The Architect shall collect rent for space subleased under this subsection.

(c) Deposit of rent and reimbursements

All funds received under this subsection (including lease payments and reimbursements) shall be deposited into the account established by section 1207 of this title.

(Pub. L. 100–480, § 6, Oct. 7, 1988, 102 Stat. 2332; Pub. L. 102–392, title III, § 318, Oct. 6, 1992, 106 Stat. 1724; Pub. L. 103–4, § 2, Feb. 8, 1993, 107 Stat. 30.)

AMENDMENTS

1993—Subsec. (a)(7). Pub. L. 103–4 substituted ''Thurgood Marshall Federal Judiciary Building'' for ''Federal Judiciary Building'' in introductory provisions.

1992—Subsec. (a)(7), (8). Pub. L. 102–392 added pars. (7) and (8).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1203, 1207 of this title.

§ 1206. Commission for Judiciary Office Building

(a) Establishment

There is established a Commission to be known as the Commission for the Judiciary Office Building.

(b) Membership

The Commission shall be composed of the following 13 members:

(1) Two individuals appointed by the Chief Justice from among justices of the Supreme Court and other judges of the United States (or their designees).

(2) The members of the House Office Building Commission (or their designees).

(3) The majority leader and minority leader of the Senate (or their designees).

(4) The Chairman and the ranking minority member of the Senate Committee on Rules and Administration (or their designees).

(5) The Chairman and the ranking minority member of the Senate Committee on Environment and Public Works (or their designees).

(6) The Chairman and ranking minority member of the Committee on Public Works and Transportation of the House of Representatives (or their designees).

(c) Duties

The Commission shall be responsible for supervision of design, construction, operation, main-

tenance, structural, mechanical, and domestic care and security of the building to be constructed under this chapter. The Commission shall from time to time prescribe rules and regulations to govern the actions of the Architect under this chapter and to govern the use and occupancy of all space in such building.

(d) Quorum

Seven members of the Commission shall constitute a quorum.

(Pub. L. 100–480, § 7, Oct. 7, 1988, 102 Stat. 2334.)

CHANGE OF NAME

Committee on Public Works and Transportation of House of Representatives treated as referring to Committee on Transportation and Infrastructure 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.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1208 of this title.

§ 1207. Funding

(a) Separate account

There is established in the Treasury of the United States a separate account. Such account shall include all amounts deposited therein under section 1205(c) of this title and such amounts as may be appropriated thereto but not to exceed $2,000,000. Amounts in the account shall be available to the Architect for paying expenses for structural, mechanical, and domestic care, maintenance, operation, and utilities of the building and other improvements constructed under this chapter, for reimbursing the United States Capitol Police for expenses incurred in providing exterior security for the building and other improvements, for making lease payments under section 1203 of this title, and for necessary personnel (including consultants).

(b) Unexpended balances of funds

The unexpended balance of funds appropriated by the Urgent Supplemental Appropriations Act, 1986 under the heading ''Study of Construction of Office Building'' (100 Stat. 717) are transferred to the Architect on October 7, 1988. Such unexpended balance shall be available for design review, construction inspection, contract administration, and such other project related costs under this chapter as the Architect may deem appropriate.

(Pub. L. 100–480, § 9, Oct. 7, 1988, 102 Stat. 2334; Pub. L. 102–392, title III, § 311(b), Oct. 6, 1992, 106 Stat. 1723.)

REFERENCES IN TEXT

The Urgent Supplemental Appropriations Act, 1986, referred to in subsec. (b), is Pub. L. 99–349, July 2, 1986, 100 Stat. 710. The provision under the heading ''Study of Construction of Office Building'' is not classified to the Code.

AMENDMENTS

1992—Subsec. (a). Pub. L. 102–392 substituted ''exterior security'' for ''exterior and interior security''.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1203, 1204, 1205 of this title.

§ 1208. Definitions

As used in this chapter—

(1) Architect

The term ''Architect'' means the Architect of the Capitol.

(2) Chief Justice

The term ''Chief Justice'' means the Chief Justice of the United States or his designee; except that in any case in which there is a vacancy of the office of the Chief Justice of the United States, the most senior associate justice of the Supreme Court shall be treated as the Chief Justice of the United States for purposes of this chapter until such time as such vacancy is filled.

(3) Commission

The term ''Commission'' means the Commission for the Judiciary Office Building established by section 1206 of this title.

(Pub. L. 100–480, § 10, Oct. 7, 1988, 102 Stat. 2335.)

CHAPTER 24—NATIONAL CAPITAL AREA INTEREST ARBITRATION STANDARDS

Sec.
1301. Findings and purposes.
(a) Findings.
(b) Purpose.
1302. Definitions.
1303. Standards for arbitrators.
(a) Factors in making arbitration award.
(b) Compact agency's funding ability.
(c) Requirements for final award.
1304. Procedures for enforcement of awards.
(a) Modifications and finality of award.
(b) Implementation.
(c) Judicial review.

§ 1301. Findings and purposes

(a) Findings

The Congress finds that—

(1) affordable public transportation is essential to the economic vitality of the national capital area and is an essential component of regional efforts to improve air quality to meet environmental requirements and to improve the health of both residents of and visitors to the national capital area as well as to preserve the beauty and dignity of the Nation's capital;

(2) use of mass transit by both residents of and visitors to the national capital area is substantially affected by the prices charged for such mass transit services, prices that are substantially affected by labor costs, since more than ⅔ of operating costs are attributable to labor costs;

(3) labor costs incurred in providing mass transit in the national capital area have increased at an alarming rate and wages and benefits of operators and mechanics currently are among the highest in the Nation;

(4) higher operating costs incurred for public transit in the national capital area cannot be offset by increasing costs to patrons, since this often discourages ridership and thus undermines the public interest in promoting the use of public transit;

(5) spiraling labor costs cannot be offset by the governmental entities that are responsible

for subsidy payments for public transit services since local governments generally, and the District of Columbia government in particular, are operating under severe fiscal constraints;

(6) imposition of mandatory standards applicable to arbitrators resolving arbitration disputes involving interstate compact agencies operating in the national capital area will ensure that wage increases are justified and do not exceed the ability of transit patrons and taxpayers to fund the increase; and

(7) Federal legislation is necessary under Article I of section 8 of the United States Constitution to balance the need to moderate and lower labor costs while maintaining industrial peace.

(b) Purpose

It is therefore the purpose of this chapter to adopt standards governing arbitration which must be applied by arbitrators resolving disputes involving interstate compact agencies operating in the national capital area in order to lower operating costs for public transportation in the Washington metropolitan area.

(Pub. L. 104–50, title IV, § 402, Nov. 15, 1995, 109 Stat. 463.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (b), was in the original ''this Act'' and was translated as reading ''this title'' meaning title IV of Pub. L. 104–50 which enacted this chapter, to reflect the probable intent of Congress.

SHORT TITLE

Section 401 of title IV of Pub. L. 104–50 provided that: ''This title [enacting this chapter] may be cited as the 'National Capital Area Interest Arbitration Standards Act of 1995'.''

§ 1302. Definitions

As used in this chapter—

(1) the term ''arbitration'' means—

(A) the arbitration of disputes, regarding the terms and conditions of employment, that is required under an interstate compact governing an interstate compact agency operating in the national capital area; and

(B) does not include the interpretation and application of rights arising from an existing collective bargaining agreement;

(2) the term ''arbitrator'' refers to either a single arbitrator, or a board of arbitrators, chosen under applicable procedures;

(3) an interstate compact agency's ''funding ability'' is the ability of the interstate compact agency, or of any governmental jurisdiction which provides subsidy payments or budgetary assistance to the interstate compact agency, to obtain the necessary financial resources to pay for wage and benefit increases for employees of the interstate compact agency;

(4) the term ''interstate compact agency operating in the national capital area'' means any interstate compact agency which provides public transit services;

(5) the term ''interstate compact agency'' means any agency established by an interstate compact to which the District of Columbia is a signatory; and

(6) the term ''public welfare'' includes, with respect to arbitration under an interstate compact—

(A) the financial ability of the individual jurisdictions participating in the compact to pay for the costs of providing public transit services; and

(B) the average per capita tax burden, during the term of the collective bargaining agreement to which the arbitration relates, of the residents of the Washington, D.C. metropolitan area, and the effect of an arbitration award rendered pursuant to such arbitration on the respective income or property tax rates of the jurisdictions which provide subsidy payments to the interstate compact agency established under the compact.

(Pub. L. 104–50, title IV, § 403, Nov. 15, 1995, 109 Stat. 464.)

§ 1303. Standards for arbitrators

(a) Factors in making arbitration award

An arbitrator rendering an arbitration award involving the employees of an interstate compact agency operating in the national capital area may not make a finding or a decision for inclusion in a collective bargaining agreement governing conditions of employment without considering the following factors:

(1) The existing terms and conditions of employment of the employees in the bargaining unit.

(2) All available financial resources of the interstate compact agency.

(3) The annual increase or decrease in consumer prices for goods and services as reflected in the most recent consumer price index for the Washington, D.C. metropolitan area, published by the Bureau of Labor Statistics of the United States Department of Labor.

(4) The wages, benefits, and terms and conditions of the employment of other employees who perform, in other jurisdictions in the Washington, D.C. standard metropolitan statistical area, services similar to those in the bargaining unit.

(5) The special nature of the work performed by the employees in the bargaining unit, including any hazards or the relative ease of employment, physical requirements, educational qualifications, job training and skills, shift assignments, and the demands placed upon the employees as compared to other employees of the interstate compact agency.

(6) The interests and welfare of the employees in the bargaining unit, including—

(A) the overall compensation presently received by the employees, having regard not only for wage rates but also for wages for time not worked, including vacations, holidays, and other excused absences;

(B) all benefits received by the employees, including previous bonuses, insurance, and pensions; and

(C) the continuity and stability of employment.

(7) The public welfare.

(b) Compact agency's funding ability

An arbitrator rendering an arbitration award involving the employees of an interstate com-

pact agency operating in the national capital area may not, with respect to a collective bargaining agreement governing conditions of employment, provide for salaries and other benefits that exceed the interstate compact agency's funding ability.

(c) Requirements for final award

In resolving a dispute submitted to arbitration involving the employees of an interstate compact agency operating in the national capital area, the arbitrator shall issue a written award that demonstrates that all the factors set forth in subsections (a) and (b) of this section have been considered and applied. An award may grant an increase in pay rates or benefits (including insurance and pension benefits), or reduce hours of work, only if the arbitrator concludes that any costs to the agency do not adversely affect the public welfare. The arbitrator's conclusion regarding the public welfare must be supported by substantial evidence.

(Pub. L. 104–50, title IV, § 404, Nov. 15, 1995, 109 Stat. 464.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1304 of this title.

§ 1304. Procedures for enforcement of awards

(a) Modifications and finality of award

In the case of an arbitration award to which section 1303 of this title applies, the interstate compact agency and the employees in the bargaining unit, through their representative, may agree in writing upon any modifications to the award within 10 days after the award is received by the parties. After the end of that 10-day period, the award, with any such modifications, shall become binding upon the interstate compact agency, the employees in the bargaining unit, and the employees' representative.

(b) Implementation

Each party to an award that becomes binding under subsection (a) of this section shall take all actions necessary to implement the award.

(c) Judicial review

Within 60 days after an award becomes binding under subsection (a) of this section, the interstate compact agency or the exclusive representative of the employees concerned may file a civil action in a court which has jurisdiction over the interstate compact agency for review of the award. The court shall review the award on the record, and shall vacate the award or any part of the award, after notice and a hearing, if—

(1) the award is in violation of applicable law;

(2) the arbitrator exceeded the arbitrator's powers;

(3) the decision by the arbitrator is arbitrary or capricious;

(4) the arbitrator conducted the hearing contrary to the provisions of this chapter or other statutes or rules that apply to the arbitration so as to substantially prejudice the rights of a party;

(5) there was partiality or misconduct by the arbitrator prejudicing the rights of a party;

(6) the award was procured by corruption, fraud, or bias on the part of the arbitrator; or

(7) the arbitrator did not comply with the provisions of section 1303 of this title.

(Pub. L. 104–50, title IV, § 405, Nov. 15, 1995, 109 Stat. 465.)

CHAPTER 25—INFORMATION TECHNOLOGY MANAGEMENT

Sec.
1401. Definitions.

SUBCHAPTER I—RESPONSIBILITY FOR ACQUISITIONS OF INFORMATION TECHNOLOGY

PART A—DIRECTOR OF OFFICE OF MANAGEMENT AND BUDGET

1411. Responsibility of Director.
1412. Capital planning and investment control.
(a) Federal information technology.
(b) Use of information technology in Federal programs.
(c) Use of budget process.
(d) Information technology standards.
(e) Designation of executive agents for acquisitions.
(f) Use of best practices in acquisitions.
(g) Assessment of other models for managing information technology.
(h) Comparison of agency uses of information technology.
(i) Training.
(j) Informing Congress.
(k) Procurement policy and acquisitions of information technology.
1413. Performance-based and results-based management.
(a) In general.
(b) Evaluation of agency programs and investments.

PART B—EXECUTIVE AGENCIES

1421. Responsibilities.
1422. Capital planning and investment control.
(a) Design of process.
(b) Content of process.
1423. Performance and results-based management.
1424. Acquisitions of information technology.
(a) In general.
(b) FTS 2000 program.
1425. Agency Chief Information Officer.
(a) Omitted.
(b) General responsibilities.
(c) Duties and qualifications.
(d) ''Information technology architecture'' defined.
1426. Accountability.
1427. Significant deviations.
1428. Interagency support.

PART C—OTHER RESPONSIBILITIES

1441. Responsibilities regarding efficiency, security, and privacy of Federal computer systems.
(a) Standards and guidelines.
(b) Application of more stringent standards.
(c) Waiver of standards.
(d) Definitions.
1442. Sense of Congress.

PART D—NATIONAL SECURITY SYSTEMS

1451. Applicability to national security systems.
(a) In general.
(b) Exceptions.
1452. ''National security system'' defined.
(a) Definition.

Sec.
(b) Limitation.

SUBCHAPTER II—PROCESS FOR ACQUISITIONS OF INFORMATION TECHNOLOGY

1461. Procurement procedures.

SUBCHAPTER III—INFORMATION TECHNOLOGY ACQUISITION PILOT PROGRAMS

PART A—CONDUCT OF PILOT PROGRAMS

1471. Authority to conduct pilot programs.
(a) In general.
(b) Limitations.
(c) Period of programs.
1472. Evaluation criteria and plans.
(a) Measurable test criteria.
(b) Test plan.
1473. Report.
(a) Requirement.
(b) Content.
1474. Recommended legislation.
1475. Rule of construction.

PART B—SPECIFIC PILOT PROGRAMS

1491. Share-in-savings pilot program.
(a) Requirement.
(b) Limitations.
(c) Selection of projects.
1492. Solutions-based contracting pilot program.
(a) In general.
(b) Solutions-based contracting described.
(c) Process requirements.
(d) Pilot program design.
(e) Monitoring by GAO.

SUBCHAPTER IV—ADDITIONAL INFORMATION RESOURCES MANAGEMENT MATTERS

1501. On-line multiple award schedule contracting.
(a) Automation of multiple award schedule contracting.
(b) Functions.
(c) Streamlined procedures.
1502. Identification of excess and surplus computer equipment.
1503. Access of certain information in information systems to directory established under section 4101 of title 44.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in title 10 section 2315; title 28 section 612; title 38 section 310; title 44 section 3504.

§ 1401. Definitions

In this chapter:

(1) Director

The term ''Director'' means the Director of the Office of Management and Budget.

(2) Executive agency

The term ''executive agency'' has the meaning given that term in section 403(1) of title 41.

(3) Information technology

(A) The term ''information technology'', with respect to an executive agency means any equipment or interconnected system or subsystem of equipment, that is used in the automatic acquisition, storage, manipulation, management, movement, control, display, switching, interchange, transmission, or reception of data or information by the executive agency. For purposes of the preceding sentence, equipment is used by an executive agency if the equipment is used by the executive agency directly or is used by a contractor under a contract with the executive agency which (i) requires the use of such equipment, or (ii) requires the use, to a significant extent, of such equipment in the performance of a service or the furnishing of a product.

(B) The term ''information technology'' includes computers, ancillary equipment, software, firmware and similar procedures, services (including support services), and related resources.

(C) Notwithstanding subparagraphs (A) and (B), the term ''information technology'' does not include any equipment that is acquired by a Federal contractor incidental to a Federal contract.

(4) Information resources

The term ''information resources'' has the meaning given such term in section 3502(6) of title 44.

(5) Information resources management

The term ''information resources management'' has the meaning given such term in section 3502(7) of title 44.

(6) Information system

The term ''information system'' has the meaning given such term in section 3502(8) of title 44.

(7) Commercial item

The term ''commercial item'' has the meaning given that term in section 403(12) of title 41.

(Pub. L. 104–106, div. E, § 5002, Feb. 10, 1996, 110 Stat. 679.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original ''this division'' meaning division E (§§ 5001–5703) of Pub. L. 104–106, Feb. 10, 1996, 110 Stat. 679, which is classified principally to this chapter. For complete classification of division E to the Code, see Short Title note set out below and Tables.

EFFECTIVE DATE

Section 5701 of title LVII of div. E of Pub. L. 104–106 provided that: ''This division [div. E (§§ 5001–5703) of Pub. L. 104–106, see Short Title note below] and the amendments made by this division shall take effect 180 days after the date of the enactment of this Act [Feb. 10, 1996].''

SHORT TITLE

Section 5001 of div. E of Pub. L. 104–106, as amended by Pub. L. 104–208, div. A, title I, § 101(f) [title VIII, § 808(b)], Sept. 30, 1996, 110 Stat. 3009–314, 3009–394, provided that: ''This division [div. E (§§ 5001–5703) of Pub. L. 104–106, see Tables for classification] and division D [§§ 4001–4402 of Pub. L. 104–106, see Tables for classification] may be cited as the 'Clinger-Cohen Act of 1996'.''

SAVINGS PROVISION

Section 5702 of title LVII of div. E of Pub. L. 104–106 provided that:

''(a) REGULATIONS, INSTRUMENTS, RIGHTS, AND PRIVILEGES.—All rules, regulations, contracts, orders, determinations, permits, certificates, licenses, grants, and privileges—

''(1) which have been issued, made, granted, or allowed to become effective by the Administrator of General Services or the General Services Board of Contract Appeals, or by a court of competent juris-

diction, in connection with an acquisition activity carried out under section 111 of the Federal Property and Administrative Services Act of 1949 ([former] 40 U.S.C. 759), and

''(2) which are in effect on the effective date of this division [see Effective Date note above],

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the Director or any other authorized official, by a court of competent jurisdiction, or by operation of law.

''(b) PROCEEDINGS.—

''(1) PROCEEDINGS GENERALLY.—This division [see Short Title note above] and the amendments made by this division shall not affect any proceeding, including any proceeding involving a claim, application, or protest in connection with an acquisition activity carried out under section 111 of the Federal Property and Administrative Services Act of 1949 ([former] 40 U.S.C. 759) that is pending before the Administrator of General Services or the General Services Board of Contract Appeals on the effective date of this division.

''(2) ORDERS.—Orders may be issued in any such proceeding, appeals may be taken therefrom, and payments may be made pursuant to such orders, as if this division had not been enacted. An order issued in any such proceeding shall continue in effect until modified, terminated, superseded, or revoked in accordance with law by the Director or any other authorized official, by a court of competent jurisdiction, or by operation of law.

''(3) DISCONTINUANCE OR MODIFICATION OF PROCEEDINGS NOT PROHIBITED.—Nothing in this subsection prohibits the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this Act [see Tables for classification] had not been enacted.

''(4) OTHER AUTHORITY AND PROHIBITION.—Section 1558(a) of title 31, United States Code, and the second sentence of section 3552 of such title shall continue to apply with respect to a protest process in accordance with this subsection.

''(5) REGULATIONS FOR TRANSFER OF PROCEEDINGS.—The Director may prescribe regulations providing for the orderly transfer of proceedings continued under paragraph (1).

''(c) STANDARDS AND GUIDELINES FOR FEDERAL COMPUTER SYSTEMS.—Standards and guidelines that are in effect for Federal computer systems under section 111(d) of the Federal Property and Administrative Services Act of 1949 ([former] 40 U.S.C. 759(d)) on the day before the effective date of this division shall remain in effect until modified, terminated, superseded, revoked, or disapproved under the authority of section 5131 of this Act [40 U.S.C. 1441].''

RULES OF CONSTRUCTION

Section 5703 of title LVII of div. E of Pub. L. 104–106 provided that:

''(a) RELATIONSHIP TO TITLE 44, UNITED STATES CODE.—Nothing in this division [see Short Title note above] shall be construed to amend, modify, or supersede any provision of title 44, United States Code, other than chapter 35 of such title.

''(b) RELATIONSHIP TO COMPUTER SECURITY ACT OF 1987.—Nothing in this division shall affect the limitations on authority that is provided for in the administration of the Computer Security Act of 1987 (Public Law 100–235) [enacting sections 278g–3 and 278g–4 of Title 15, Commerce and Trade, amending section 759 of this title and section 272 of Title 15, and enacting provisions set out as notes under section 1441 of this title and section 271 of Title 15] and the amendments made by such Act.''

EX. ORD. NO. 13011. FEDERAL INFORMATION TECHNOLOGY

Ex. Ord. No. 13011, July 16, 1996, 61 F.R. 37657, provided:

A Government that works better and costs less requires efficient and effective information systems. The Paperwork Reduction Act of 1995 [44 U.S.C. 3501 et seq.] and the Information Technology Management Reform Act of 1996 [now Clinger-Cohen Act of 1996, see Short Title note above] provide the opportunity to improve significantly the way the Federal Government acquires and manages information technology. Agencies now have the clear authority and responsibility to make measurable improvements in mission performance and service delivery to the public through the strategic application of information technology. A coordinated approach that builds on existing structures and successful practices is needed to provide maximum benefit across the Federal Government from this technology.

Accordingly, by the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

SECTION 1. *Policy*. It shall be the policy of the United States Government that executive agencies shall: (a) significantly improve the management of their information systems, including the acquisition of information technology, by implementing the relevant provisions of the Paperwork Reduction Act of 1995 (Public Law 104–13) [44 U.S.C. 3501 et seq.], the Information Technology Management Reform Act of 1996 (Division E of Public Law 104–106) (''Information Technology Act'') [now Clinger-Cohen Act of 1996, see Short Title note above], and the Government Performance and Results Act of 1993 (Public Law 103–62) [see Short Title of 1993 Amendment note set out under section 1101 of Title 31, Money and Finance];

(b) refocus information technology management to support directly their strategic missions, implement an investment review process that drives budget formulation and execution for information systems, and rethink and restructure the way they perform their functions before investing in information technology to support that work;

(c) establish clear accountability for information resources management activities by creating agency Chief Information Officers (CIOs) with the visibility and management responsibilities necessary to advise the agency head on the design, development, and implementation of those information systems. These responsibilities include: (1) participating in the investment review process for information systems; (2) monitoring and evaluating the performance of those information systems on the basis of applicable performance measures; and, (3) as necessary, advising the agency head to modify or terminate those systems;

(d) cooperate in the use of information technology to improve the productivity of Federal programs and to promote a coordinated, interoperable, secure, and shared Governmentwide infrastructure that is provided and supported by a diversity of private sector suppliers and a well-trained corps of information technology professionals; and

(e) establish an interagency support structure that builds on existing successful interagency efforts and shall provide expertise and advice to agencies; expand the skill and career development opportunities of information technology professionals; improve the management and use of information technology within and among agencies by developing information technology procedures and standards and by identifying and sharing experiences, ideas, and promising practices; and provide innovative, multi-disciplinary, project-specific support to agencies to enhance interoperability, minimize unnecessary duplication of effort, and capitalize on agency successes.

SEC. 2. *Responsibilities of Agency Heads*. The head of each executive agency shall: (a) effectively use information technology to improve mission performance and service to the public;

(b) strengthen the quality of decisions about the employment of information resources to meet mission needs through integrated analysis, planning, budgeting, and evaluation processes, including:

(1) determining, before making investments in new information systems, whether the Government should

be performing the function, if the private sector or another agency should support the function, and if the function needs to be or has been appropriately redesigned to improve its efficiency;

(2) establishing mission-based performance measures for information systems investments, aligned with agency performance plans prepared pursuant to the Government Performance and Results Act of 1993 (Public Law 103–62);

(3) establishing agency-wide and project-level management structures and processes responsible and accountable for managing, selecting, controlling, and evaluating investments in information systems, with authority for terminating information systems when appropriate;

(4) supporting appropriate training of personnel; and

(5) seeking the advice of, participating in, and supporting the interagency support structure set forth in this order;

(c) select CIOs with the experience and skills necessary to accomplish the duties set out in law and policy, including this order, and involve the CIO at the highest level of the agency in the processes and decisions set out in this section;

(d) ensure that the information security policies, procedures, and practices of the executive agency are adequate;

(e) where appropriate, and in accordance with the Federal Acquisition Regulation and guidance to be issued by the Office of Management and Budget (OMB), structure major information systems investments into manageable projects as narrow in scope and brief in duration as practicable, consistent with the Information Technology Act, to reduce risk, promote flexibility and interoperability, increase accountability, and better correlate mission need with current technology and market conditions; and

(f) to the extent permitted by law, enter into a contract that provides for multiagency acquisitions of information technology as an executive agent for the Government, if and in the manner that the Director of OMB considers it advantageous to do so.

SEC. 3. *Chief Information Officers Council.* (a) *Purpose and Functions.* A Chief Information Officers Council (''CIO Council'') is established as the principal interagency forum to improve agency practices on such matters as the design, modernization, use, sharing, and performance of agency information resources. The Council shall:

(1) develop recommendations for overall Federal information technology management policy, procedures, and standards;

(2) share experiences, ideas, and promising practices, including work process redesign and the development of performance measures, to improve the management of information resources;

(3) identify opportunities, make recommendations for, and sponsor cooperation in using information resources;

(4) assess and address the hiring, training, classification, and professional development needs of the Federal Government with respect to information resources management;

(5) make recommendations and provide advice to appropriate executive agencies and organizations, including advice to OMB on the Governmentwide strategic plan required by the Paperwork Reduction Act of 1995; and

(6) seek the views of the Chief Financial Officers Council, Government Information Technology Services Board, Information Technology Resources Board, Federal Procurement Council, industry, academia, and State and local governments on matters of concern to the Council as appropriate.

(b) *Membership.* The CIO Council shall be composed of the CIOs and Deputy CIOs of the following executive agencies plus two representatives from other agencies:

1. Department of State;
2. Department of the Treasury;
3. Department of Defense;
4. Department of Justice;
5. Department of the Interior;
6. Department of Agriculture;
7. Department of Commerce;
8. Department of Labor;
9. Department of Health and Human Services;
10. Department of Housing and Urban Development;
11. Department of Transportation;
12. Department of Energy;
13. Department of Education;
14. Department of Veterans Affairs;
15. Environmental Protection Agency;
16. Federal Emergency Management Agency;
17. Central Intelligence Agency;
18. Small Business Administration;
19. Social Security Administration;
20. Department of the Army;
21. Department of the Navy;
22. Department of the Air Force;
23. National Aeronautics and Space Administration;
24. Agency for International Development;
25. General Services Administration;
26. National Science Foundation;
27. Nuclear Regulatory Commission; and
28. Office of Personnel Management.

The Administrator of the Office of Information and Regulatory Affairs of OMB, the Controller of the Office of Federal Financial Management of OMB, the Administrator of the Office of Federal Procurement Policy of OMB, a Senior Representative of the Office of Science and Technology Policy, the Chair of the Government Information Technology Services Board, and the Chair of the Information Technology Resources Board shall also be members. The CIO Council shall be chaired by the Deputy Director for Management of OMB. The Vice Chair, elected by the CIO Council on a rotating basis, shall be an agency CIO.

SEC. 4. *Government Information Technology Services Board.*

(a) *Purpose and Functions.* A Government Information Technology Services Board (''Services Board'') is established to ensure continued implementation of the information technology recommendations of the National Performance Review and to identify and promote the development of innovative technologies, standards, and practices among agencies and State and local governments and the private sector. It shall seek the views of experts from industry, academia, and State and local governments on matters of concern to the Services Board as appropriate. The Services Board shall also make recommendations to the agencies, the CIO Council, OMB, and others as appropriate, and assist in the following:

(1) creating opportunities for cross-agency cooperation and intergovernmental approaches in using information resources to support common operational areas and to develop and provide shared governmentwide infrastructure services;

(2) developing shared governmentwide information infrastructure services to be used for innovative, multiagency information technology projects;

(3) creating and utilizing affinity groups for particular business or technology areas; and

(4) developing with the National Institute of Standards and Technology and with established standards bodies, standards and guidelines pertaining to Federal information systems, consistent with the limitations contained in the Computer Security Act of 1987 (40 U.S.C. 759 note), as amended by the Information Technology Act.

(b) *Membership.* The Services Board shall be composed of individuals from agencies based on their proven expertise or accomplishments in fields necessary to achieve its goals. Major government mission areas such as electronic benefits, electronic commerce, law enforcement, environmental protection, national defense, and health care may be represented on the Services Board to provide a program operations perspective. Initial selection of members will be made by OMB in consultation with other agencies as appropriate. The CIO

Council may nominate two members. The Services Board shall recommend new members to OMB for consideration. The Chair will be elected by the Services Board.

SEC. 5. *Information Technology Resources Board.*

(a) *Purpose and Functions.* An Information Technology Resources Board (''Resources Board'') is established to provide independent assessments to assist in the development, acquisition, and management of selected major information systems and to provide recommendations to agency heads and OMB as appropriate. The Resources Board shall:

(1) review, at the request of an agency and OMB, specific information systems proposed or under development and make recommendations to the agency and OMB regarding the status of systems or next steps;

(2) publicize lessons learned and promising practices based on information systems reviewed by the Board; and

(3) seek the views of experts from industry, academia, and State and local governments on matters of concern to the Resources Board, as appropriate.

(b) *Membership.* The Resources Board shall be composed of individuals from executive branch agencies based on their knowledge of information technology, program, or acquisition management within Federal agencies. Selection of members shall be made by OMB in consultation with other agencies as appropriate. The Chair will be elected by the Resources Board. The Resources Board may call upon the department or agency whose project is being reviewed, or any other department or agency to provide knowledgeable representative(s) to the Board whose guidance and expertise will assist in focusing on the primary issue(s) presented by a specific system.

SEC. 6. *Office of Management and Budget.* The Director of OMB shall:

(1) evaluate agency information resources management practices and, as part of the budget process, analyze, track and evaluate the risks and results of all major capital investments for information systems;

(2) notify an agency if it believes that a major information system requires outside assistance;

(3) provide guidance on the implementation of this order and on the management of information resources to the executive agencies and to the Boards established by this order; and

(4) evaluate the effectiveness of the management structure set out in this order after 3 years and make recommendations for any appropriate changes.

SEC. 7. *General Services Administration.* Under the direction of OMB, the Administrator of General Services shall:

(1) continue to manage the FTS2000 program and coordinate the follow-on to that program, on behalf of and with the advice of customer agencies;

(2) develop, maintain, and disseminate for the use of the Federal community, as requested by OMB or the agencies, recommended methods and strategies for the development and acquisition of information technology;

(3) conduct and manage outreach programs in cooperation with agency managers;

(4) be a focal point for liaison on information resources management, including Federal information technology, with State and local governments, and with nongovernmental international organizations subject to prior consultation with the Secretary of State to ensure such liaison would be consistent with and support overall United States foreign policy objectives;

(5) support the activities of the Secretary of State for liaison, consultation, and negotiation with intergovernmental organizations in information resources management matters;

(6) assist OMB, as requested, in evaluating agencies' performance-based management tracking systems and agencies' achievement of cost, schedule, and performance goals; and

(7) provide support and assistance to the interagency groups established in this order.

SEC. 8. *Department of Commerce.* The Secretary of Commerce shall carry out the standards responsibilities under the Computer Security Act of 1987 [40 U.S.C. 1441 note], as amended by the Information Technology Act, taking into consideration the recommendations of the agencies, the CIO Council, and the Services Board.

SEC. 9. *Department of State.* (a) The Secretary of State shall be responsible for liaison, consultation, and negotiation with foreign governments and intergovernmental organizations on all matters related to information resources management, including Federal information technology. The Secretary shall further ensure, in consultation with the Secretary of Commerce, that the United States is represented in the development of international standards and recommendations affecting information technology. In the exercise of these responsibilities, the Secretary shall consult, as appropriate, with affected domestic agencies, organizations, and other members of the public.

(b) The Secretary of State shall advise the Director on the development of United States positions and policies on international information policy and technology issues affecting Federal Government activities and the development of international information technology standards.

SEC. 10. *Definitions.* (a) ''Executive agency'' has the meaning given to that term in section 4(1) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(1)).

(b) ''Information Technology'' has the meaning given that term in section 5002 of the Information Technology Act [40 U.S.C. 1401].

(c) ''Information resources'' has the meaning given that term in section 3502(6) of title 44, United States Code.

(d) ''Information resources management'' has the meaning given that term in section 3502(7) of title 44, United States Code.

(e) ''Information system'' has the meaning given that term in section 3502(8) of title 44, United States Code.

(f) ''Affinity group'' means any interagency group focussed on a business or technology area with common information technology or customer requirements. The functions of an affinity group can include identifying common program goals and requirements; identifying opportunities for sharing information to improve quality and effectiveness; reducing costs and burden on the public; and recommending protocols and other standards, including security standards, to the National Institute of Standards and Technology for Government-wide applicability, for action in accordance with the Computer Security Act of 1987 [40 U.S.C. 1441 note], as amended by the Information Technology Act.

(g) ''National security system'' means any telecommunications or information system operated by the United States Government, the function, operation, or use of which (1) involves intelligence activities; (2) involves cryptologic activities related to national security; (3) involves command and control of military forces; (4) involves equipment that is an integral part of a weapon or weapons system; or (5) is critical to the direct fulfillment of military or intelligence missions, but excluding any system that is to be used for routine administrative and business applications (including payroll, finance, logistics, and personnel management applications).

SEC. 11. *Applicability to National Security Systems.*

The heads of executive agencies shall apply the policies and procedures established in this order to national security systems in a manner consistent with the applicability and related limitations regarding such systems set out in the Information Technology Act.

SEC. 12. *Judicial Review.* Nothing in this Executive order shall affect any otherwise available judicial review of agency action. This Executive order is intended only to improve the internal management of the executive branch and does not create any right or benefit, substantive or procedural, enforceable at law or equity by a party against the United States, its agencies or instrumentalities, its officers or employees, or any other person.

WILLIAM J. CLINTON.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 44 section 3502.

SUBCHAPTER I—RESPONSIBILITY FOR ACQUISITIONS OF INFORMATION TECHNOLOGY

PART A—DIRECTOR OF OFFICE OF MANAGEMENT AND BUDGET

§ 1411. Responsibility of Director

In fulfilling the responsibility to administer the functions assigned under chapter 35 of title 44, the Director shall comply with this subchapter with respect to the specific matters covered by this subchapter.

(Pub. L. 104–106, div. E, title LI, § 5111, Feb. 10, 1996, 110 Stat. 680.)

REFERENCES IN TEXT

This subchapter, referred to in text, was in the original ''this title'' meaning title LI (§§ 5101–5142) of div. E of Pub. L. 104–106, Feb. 10, 1996, 110 Stat. 680, which enacted this subchapter, amended section 5315 of Title 5, Government Organization and Employees, and sections 3504, 3506, and 3518 of Title 44, Public Printing and Documents, and repealed section 759 of this title. For complete classification of title LI to the Code, see Tables.

EFFECTIVE DATE

Subchapter effective 180 days after Feb. 10, 1996, see section 5701 of Pub. L. 104–106, set out as a note under section 1401 of this title.

REVIEW AND ANALYSIS OF OUTSOURCING AND PRIVATIZATION

Pub. L. 104–208, div. A, title I, § 101(f) [title VI, § 640], Sept. 30, 1996, 110 Stat. 3009–314, 3009–365, as amended by Pub. L. 104–208, div. A, title I, § 101(f) [title VIII, § 808(c)], Sept. 30, 1996, 110 Stat. 3009–314, 3009–394, provided that: ''In reviewing and analyzing the contracting out, outsourcing or privatization of business and administrative functions, and in implementing 40 U.S.C. sections 1413 and 1423, and other provisions, in title LI of the National Defense Authorization Act for fiscal year 1996 (the Clinger-Cohen Act of 1996) [40 U.S.C. 1411 et seq.]—

''(1) the Director of the Office of Management and Budget and the heads of the executive agencies may have studies, analyses, reviews and other management assistance performed by the private sector;

''(2) the reviews, analyses, and studies called for by 40 U.S.C. section 1413(b)(2)(B) and (C) shall be completed and reported to the Agency Head within 180 days, or less measured from when a study analysis or review is initiated unless the Agency Head determines additional time is needed;

''(3) in accordance with principles and rules governing organizational conflicts of interest, persons involved in a particular study may not compete for any work that is to be or is outsourced as a result of that study; and

''(4) this section will apply with respect to studies occurring on or after the date of enactment of this subsection [Sept. 30, 1996] and completed before September 1, 1999 and the Comptroller General of the United States shall review and provide an assessment of this program by January 1, 1999.''

§ 1412. Capital planning and investment control

(a) Federal information technology

The Director shall perform the responsibilities set forth in this section in fulfilling the responsibilities under section 3504(h) of title 44.

(b) Use of information technology in Federal programs

The Director shall promote and be responsible for improving the acquisition, use, and disposal of information technology by the Federal Government to improve the productivity, efficiency, and effectiveness of Federal programs, including through dissemination of public information and the reduction of information collection burdens on the public.

(c) Use of budget process

The Director shall develop, as part of the budget process, a process for analyzing, tracking, and evaluating the risks and results of all major capital investments made by an executive agency for information systems. The process shall cover the life of each system and shall include explicit criteria for analyzing the projected and actual costs, benefits, and risks associated with the investments. At the same time that the President submits the budget for a fiscal year to Congress under section 1105(a) of title 31, the Director shall submit to Congress a report on the net program performance benefits achieved as a result of major capital investments made by executive agencies in information systems and how the benefits relate to the accomplishment of the goals of the executive agencies.

(d) Information technology standards

The Director shall oversee the development and implementation of standards and guidelines pertaining to Federal computer systems by the Secretary of Commerce through the National Institute of Standards and Technology under section 1441 of this title and section 278g–3 of title 15.

(e) Designation of executive agents for acquisitions

The Director shall designate (as the Director considers appropriate) one or more heads of executive agencies as executive agent for Government-wide acquisitions of information technology.

(f) Use of best practices in acquisitions

The Director shall encourage the heads of the executive agencies to develop and use the best practices in the acquisition of information technology.

(g) Assessment of other models for managing information technology

The Director shall assess, on a continuing basis, the experiences of executive agencies, State and local governments, international organizations, and the private sector in managing information technology.

(h) Comparison of agency uses of information technology

The Director shall compare the performances of the executive agencies in using information technology and shall disseminate the comparisons to the heads of the executive agencies.

(i) Training

The Director shall monitor the development and implementation of training in information resources management for executive agency personnel.

(j) Informing Congress

The Director shall keep Congress fully informed on the extent to which the executive agencies are improving the performance of agency programs and the accomplishment of agency missions through the use of the best practices in information resources management.

(k) Procurement policy and acquisitions of information technology

The Director shall coordinate the development and review by the Administrator of the Office of Information and Regulatory Affairs of policy associated with Federal acquisition of information technology with the Office of Federal Procurement Policy.

(Pub. L. 104–106, div. E, title LI, § 5112, Feb. 10, 1996, 110 Stat. 680.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1451 of this title.

§ 1413. Performance-based and results-based management

(a) In general

The Director shall encourage the use of performance-based and results-based management in fulfilling the responsibilities assigned under section 3504(h),[1] of title 44.

(b) Evaluation of agency programs and investments

(1) Requirement

The Director shall evaluate the information resources management practices of the executive agencies with respect to the performance and results of the investments made by the executive agencies in information technology.

(2) Direction for executive agency action

The Director shall issue to the head of each executive agency clear and concise direction that the head of such agency shall—

(A) establish effective and efficient capital planning processes for selecting, managing, and evaluating the results of all of its major investments in information systems;

(B) determine, before making an investment in a new information system—

(i) whether the function to be supported by the system should be performed by the private sector and, if so, whether any component of the executive agency performing that function should be converted from a governmental organization to a private sector organization; or

(ii) whether the function should be performed by the executive agency and, if so, whether the function should be performed by a private sector source under contract or by executive agency personnel;

(C) analyze the missions of the executive agency and, based on the analysis, revise the executive agency's mission-related processes and administrative processes, as appropriate, before making significant investments in information technology to be used in support of those missions; and

(D) ensure that the information security policies, procedures, and practices are adequate.

(3) Guidance for multiagency investments

The direction issued under paragraph (2) shall include guidance for undertaking efficiently and effectively interagency and Government-wide investments in information technology to improve the accomplishment of missions that are common to the executive agencies.

(4) Periodic reviews

The Director shall implement through the budget process periodic reviews of selected information resources management activities of the executive agencies in order to ascertain the efficiency and effectiveness of information technology in improving the performance of the executive agency and the accomplishment of the missions of the executive agency.

(5) Enforcement of accountability

(A) In general

The Director may take any authorized action that the Director considers appropriate, including an action involving the budgetary process or appropriations management process, to enforce accountability of the head of an executive agency for information resources management and for the investments made by the executive agency in information technology.

(B) Specific actions

Actions taken by the Director in the case of an executive agency may include—

(i) recommending a reduction or an increase in any amount for information resources that the head of the executive agency proposes for the budget submitted to Congress under section 1105(a) of title 31;

(ii) reducing or otherwise adjusting apportionments and reapportionments of appropriations for information resources;

(iii) using other authorized administrative controls over appropriations to restrict the availability of funds for information resources; and

(iv) designating for the executive agency an executive agent to contract with private sector sources for the performance of information resources management or the acquisition of information technology.

(Pub. L. 104–106, div. E, title LI, § 5113, Feb. 10, 1996, 110 Stat. 681.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1451 of this title.

PART B—EXECUTIVE AGENCIES

§ 1421. Responsibilities

In fulfilling the responsibilities assigned under chapter 35 of title 44, the head of each executive agency shall comply with this part with respect to the specific matters covered by this part.

(Pub. L. 104–106, div. E, title LI, § 5121, Feb. 10, 1996, 110 Stat. 683.)

[1] So in original. The comma probably should not appear.

REFERENCES IN TEXT

This part, referred to in text, was in the original ''this subtitle'' meaning subtitle C (§§ 5121–5128) of title LI of div. E of Pub. L. 104–106, Feb. 10, 1996, 110 Stat. 683, which enacted this part and amended section 5315 of Title 5, Government Organization and Employees, and section 3506 of Title 44, Public Printing and Documents. For complete classification of subtitle C to the Code, see Tables.

PROCUREMENT OF AUTOMATIC DATA PROCESSING EQUIPMENT FOR TAX SYSTEMS MODERNIZATION PROGRAM; DELEGATION OF AUTHORITY

Pub. L. 104–52, title V, § 526, Nov. 19, 1995, 109 Stat. 495, provided that: ''Notwithstanding any other provision of law, the Administrator of General Services shall delegate the authority to procure automatic data processing equipment for the Tax Systems Modernization Program to the Secretary of the Treasury: *Provided*, That the Director of the Office of Management and Budget shall have the authority to revoke such delegation upon the written recommendation of the Administrator that the Secretary's actions under such delegation are inconsistent with the goals of economic and efficient procurement and utilization of automatic data processing equipment: *Provided further*, That for all other purposes, a procurement conducted under such delegation shall be treated as if made under a delegation by the Administrator pursuant to [former] 40 U.S.C. 759.''

§ 1422. Capital planning and investment control

(a) Design of process

In fulfilling the responsibilities assigned under section 3506(h) of title 44, the head of each executive agency shall design and implement in the executive agency a process for maximizing the value and assessing and managing the risks of the information technology acquisitions of the executive agency.

(b) Content of process

The process of an executive agency shall—

(1) provide for the selection of information technology investments to be made by the executive agency, the management of such investments, and the evaluation of the results of such investments;

(2) be integrated with the processes for making budget, financial, and program management decisions within the executive agency;

(3) include minimum criteria to be applied in considering whether to undertake a particular investment in information systems, including criteria related to the quantitatively expressed projected net, risk-adjusted return on investment and specific quantitative and qualitative criteria for comparing and prioritizing alternative information systems investment projects;

(4) provide for identifying information systems investments that would result in shared benefits or costs for other Federal agencies or State or local governments;

(5) provide for identifying for a proposed investment quantifiable measurements for determining the net benefits and risks of the investment; and

(6) provide the means for senior management personnel of the executive agency to obtain timely information regarding the progress of an investment in an information system, including a system of milestones for measuring progress, on an independently verifiable basis, in terms of cost, capability of the system to meet specified requirements, timeliness, and quality.

(Pub. L. 104–106, div. E, title LI, § 5122, Feb. 10, 1996, 110 Stat. 683.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1451 of this title.

§ 1423. Performance and results-based management

In fulfilling the responsibilities under section 3506(h) of title 44, the head of an executive agency shall—

(1) establish goals for improving the efficiency and effectiveness of agency operations and, as appropriate, the delivery of services to the public through the effective use of information technology;

(2) prepare an annual report, to be included in the executive agency's budget submission to Congress, on the progress in achieving the goals;

(3) ensure that performance measurements are prescribed for information technology used by or to be acquired for, the executive agency and that the performance measurements measure how well the information technology supports programs of the executive agency;

(4) where comparable processes and organizations in the public or private sectors exist, quantitatively benchmark agency process performance against such processes in terms of cost, speed, productivity, and quality of outputs and outcomes;

(5) analyze the missions of the executive agency and, based on the analysis, revise the executive agency's mission-related processes and administrative processes as appropriate before making significant investments in information technology that is to be used in support of the performance of those missions; and

(6) ensure that the information security policies, procedures, and practices of the executive agency are adequate.

(Pub. L. 104–106, div. E, title LI, § 5123, Feb. 10, 1996, 110 Stat. 683.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1451 of this title.

§ 1424. Acquisitions of information technology

(a) In general

The authority of the head of an executive agency to conduct an acquisition of information technology includes the following authorities:

(1) To acquire information technology as authorized by law.

(2) To enter into a contract that provides for multiagency acquisitions of information technology in accordance with guidance issued by the Director.

(3) If the Director finds that it would be advantageous for the Federal Government to do so, to enter into a multiagency contract for procurement of commercial items of information technology that requires each executive agency covered by the contract, when procuring such items, either to procure the items

under that contract or to justify an alternative procurement of the items.

(b) FTS 2000 program

Notwithstanding any other provision of this or any other law, the Administrator of General Services shall continue to manage the FTS 2000 program, and to coordinate the follow-on to that program, on behalf of and with the advice of the heads of executive agencies.

(Pub. L. 104–106, div. E, title LI, § 5124, Feb. 10, 1996, 110 Stat. 684.)

§ 1425. Agency Chief Information Officer

(a) Omitted

(b) General responsibilities

The Chief Information Officer of an executive agency shall be responsible for—

(1) providing advice and other assistance to the head of the executive agency and other senior management personnel of the executive agency to ensure that information technology is acquired and information resources are managed for the executive agency in a manner that implements the policies and procedures of this chapter, consistent with chapter 35 of title 44 and the priorities established by the head of the executive agency;

(2) developing, maintaining, and facilitating the implementation of a sound and integrated information technology architecture for the executive agency; and

(3) promoting the effective and efficient design and operation of all major information resources management processes for the executive agency, including improvements to work processes of the executive agency.

(c) Duties and qualifications

The Chief Information Officer of an agency that is listed in section 901(b) of title 31 shall—

(1) have information resources management duties as that official's primary duty;

(2) monitor the performance of information technology programs of the agency, evaluate the performance of those programs on the basis of the applicable performance measurements, and advise the head of the agency regarding whether to continue, modify, or terminate a program or project; and

(3) annually, as part of the strategic planning and performance evaluation process required (subject to section 1117 of title 31) under section 306 of title 5 and sections 1105(a)(29), 1115, 1116, 1117, and 9703[1] of title 31—

(A) assess the requirements established for agency personnel regarding knowledge and skill in information resources management and the adequacy of such requirements for facilitating the achievement of the performance goals established for information resources management;

(B) assess the extent to which the positions and personnel at the executive level of the agency and the positions and personnel at management level of the agency below the executive level meet those requirements;

(C) in order to rectify any deficiency in meeting those requirements, develop strategies and specific plans for hiring, training, and professional development; and

(D) report to the head of the agency on the progress made in improving information resources management capability.

(d) "Information technology architecture" defined

In this section, the term ''information technology architecture'', with respect to an executive agency, means an integrated framework for evolving or maintaining existing information technology and acquiring new information technology to achieve the agency's strategic goals and information resources management goals.

(Pub. L. 104–106, div. E, title LI, § 5125, Feb. 10, 1996, 110 Stat. 684.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (b)(1), was in the original ''this division'' meaning division E (§§ 5001–5703) of Pub. L. 104–106, Feb. 10, 1996, 110 Stat. 679, which is classified principally to this chapter. For complete classification of division E to the Code, see Short Title note set out under section 1401 of this title and Tables.

Section 9703 of title 31, referred to in subsec. (c)(3), probably means the section 9703 added by section 5(a) of Pub. L. 103–62, Aug. 3, 1993, 107 Stat. 289.

CODIFICATION

Section is comprised of section 5125 of Pub. L. 104–106. Subsec. (a) of section 5125 of Pub. L. 104–106 amended section 3506 of Title 44, Public Printing and Documents. Subsec. (e) of section 5125 of Pub. L. 104–106 amended section 5315 of Title 5, Government Organization and Employees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1451 of this title.

§ 1426. Accountability

The head of each executive agency, in consultation with the Chief Information Officer and the Chief Financial Officer of that executive agency (or, in the case of an executive agency without a Chief Financial Officer, any comparable official), shall establish policies and procedures that—

(1) ensure that the accounting, financial, and asset management systems and other information systems of the executive agency are designed, developed, maintained, and used effectively to provide financial or program performance data for financial statements of the executive agency;

(2) ensure that financial and related program performance data are provided on a reliable, consistent, and timely basis to executive agency financial management systems; and

(3) ensure that financial statements support—

(A) assessments and revisions of mission-related processes and administrative processes of the executive agency; and

(B) performance measurement of the performance in the case of investments made by the agency in information systems.

(Pub. L. 104–106, div. E, title LI, § 5126, Feb. 10, 1996, 110 Stat. 686.)

[1] See References in Text note below.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1451 of this title.

§ 1427. Significant deviations

The head of an executive agency shall identify in the strategic information resources management plan required under section 3506(b)(2) of title 44 any major information technology acquisition program, or any phase or increment of such a program, that has significantly deviated from the cost, performance, or schedule goals established for the program.

(Pub. L. 104–106, div. E, title LI, § 5127, Feb. 10, 1996, 110 Stat. 687.)

§ 1428. Interagency support

Funds available for an executive agency for oversight, acquisition, and procurement of information technology may be used by the head of the executive agency to support jointly with other executive agencies the activities of interagency groups that are established to advise the Director in carrying out the Director's responsibilities under this subchapter. The use of such funds for that purpose shall be subject to such requirements and limitations on uses and amounts as the Director may prescribe. The Director shall prescribe any such requirements and limitations during the Director's review of the executive agency's proposed budget submitted to the Director by the head of the executive agency for purposes of section 1105 of title 31.

(Pub. L. 104–106, div. E, title LI, § 5128, Feb. 10, 1996, 110 Stat. 687.)

REFERENCES IN TEXT

This subchapter, referred to in text, was in the original ''this title'' meaning title LI (§§ 5101–5142) of div. E of Pub. L. 104–106, Feb. 10, 1996, 110 Stat. 680, which enacted this subchapter, amended section 5315 of Title 5, Government Organization and Employees, and sections 3504, 3506, and 3518 of Title 44, Public Printing and Documents, and repealed section 759 of this title. For complete classification of title LI to the Code, see Tables.

PART C—OTHER RESPONSIBILITIES

§ 1441. Responsibilities regarding efficiency, security, and privacy of Federal computer systems

(a) Standards and guidelines

(1) Authority

The Secretary of Commerce shall, on the basis of standards and guidelines developed by the National Institute of Standards and Technology pursuant to paragraphs (2) and (3) of section 278g–3(a) of title 15, promulgate standards and guidelines pertaining to Federal computer systems. The Secretary shall make such standards compulsory and binding to the extent to which the Secretary determines necessary to improve the efficiency of operation or security and privacy of Federal computer systems. The President may disapprove or modify such standards and guidelines if the President determines such action to be in the public interest. The President's authority to disapprove or modify such standards and guidelines may not be delegated. Notice of such disapproval or modification shall be published promptly in the Federal Register. Upon receiving notice of such disapproval or modification, the Secretary of Commerce shall immediately rescind or modify such standards or guidelines as directed by the President.

(2) Exercise of authority

The authority conferred upon the Secretary of Commerce by this section shall be exercised subject to direction by the President and in coordination with the Director to ensure fiscal and policy consistency.

(b) Application of more stringent standards

The head of a Federal agency may employ standards for the cost-effective security and privacy of sensitive information in a Federal computer system within or under the supervision of that agency that are more stringent than the standards promulgated by the Secretary of Commerce under this section, if such standards contain, at a minimum, the provisions of those applicable standards made compulsory and binding by the Secretary of Commerce.

(c) Waiver of standards

The standards determined under subsection (a) of this section to be compulsory and binding may be waived by the Secretary of Commerce in writing upon a determination that compliance would adversely affect the accomplishment of the mission of an operator of a Federal computer system, or cause a major adverse financial impact on the operator which is not offset by Government-wide savings. The Secretary may delegate to the head of one or more Federal agencies authority to waive such standards to the extent to which the Secretary determines such action to be necessary and desirable to allow for timely and effective implementation of Federal computer system standards. The head of such agency may redelegate such authority only to a Chief Information Officer designated pursuant to section 3506 of title 44. Notice of each such waiver and delegation shall be transmitted promptly to Congress and shall be published promptly in the Federal Register.

(d) Definitions

In this section, the terms ''Federal computer system'' and ''operator of a Federal computer system'' have the meanings given such terms in section 278g–3(d) of title 15.

(Pub. L. 104–106, div. E, title LI, § 5131, Feb. 10, 1996, 110 Stat. 687.)

CODIFICATION

Section is comprised of section 5131 of Pub. L. 104–106. Subsec. (e) of section 5131 of Pub. L. 104–106 amended sections 3504 and 3518 of Title 44, Public Printing and Documents.

COMPUTER SECURITY

Pub. L. 100–235, §§ 1, 2, 5–8, Jan. 8, 1988, 101 Stat. 1724, 1729, as amended by Pub. L. 104–106, div. E, title LVI, § 5607(b), Feb. 10, 1996, 110 Stat. 701; Pub. L. 105–85, div. A, title X, § 1073(h)(4), Nov. 18, 1997, 111 Stat. 1907, provided that:

''SECTION 1. SHORT TITLE.

''This Act [enacting sections 278g–3 and 278g–4 of Title 15, Commerce and Trade, amending section 759 of this title and section 272 of Title 15, and enacting provi-

sions set out as a note under section 271 of Title 15] may be cited as the 'Computer Security Act of 1987'.

''SEC. 2. PURPOSE.

''(a) IN GENERAL.—The Congress declares that improving the security and privacy of sensitive information in Federal computer systems is in the public interest, and hereby creates a means for establishing minimum acceptable security practices for such systems, without limiting the scope of security measures already planned or in use.

''(b) SPECIFIC PURPOSES.—The purposes of this Act are—

''(1) by amending the Act of March 3, 1901 [15 U.S.C. 271 et seq.], to assign to the National Bureau of Standards responsibility for developing standards and guidelines for Federal computer systems, including responsibility for developing standards and guidelines needed to assure the cost-effective security and privacy of sensitive information in Federal computer systems, drawing on the technical advice and assistance (including work products) of the National Security Agency, where appropriate;

''(2) to provide for promulgation of such standards and guidelines;

''(3) to require establishment of security plans by all operators of Federal computer systems that contain sensitive information; and

''(4) to require mandatory periodic training for all persons involved in management, use, or operation of Federal computer systems that contain sensitive information.

''SEC. 5. FEDERAL COMPUTER SYSTEM SECURITY TRAINING.

''(a) IN GENERAL.—Each Federal agency shall provide for the mandatory periodic training in computer security awareness and accepted computer security practice of all employees who are involved with the management, use, or operation of each Federal computer system within or under the supervision of that agency. Such training shall be—

''(1) provided in accordance with the guidelines developed pursuant to section 20(a)(5) of the National Bureau of Standards Act (as added by section 3 of this Act) [15 U.S.C. 278g–3(a)(5)], and in accordance with the regulations issued under subsection (c) of this section for Federal civilian employees; or

''(2) provided by an alternative training program approved by the head of that agency on the basis of a determination that the alternative training program is at least as effective in accomplishing the objectives of such guidelines and regulations.

''(b) TRAINING OBJECTIVES.—Training under this section shall be started within 60 days after the issuance of the regulations described in subsection (c). Such training shall be designed—

''(1) to enhance employees' awareness of the threats to and vulnerability of computer systems; and

''(2) to encourage the use of improved computer security practices.

''(c) REGULATIONS.—Within six months after the date of the enactment of this Act [Jan. 8, 1988], the Director of the Office of Personnel Management shall issue regulations prescribing the procedures and scope of the training to be provided Federal civilian employees under subsection (a) and the manner in which such training is to be carried out.

''SEC. 6. ADDITIONAL RESPONSIBILITIES FOR COMPUTER SYSTEMS SECURITY AND PRIVACY.

''(a) IDENTIFICATION OF SYSTEMS THAT CONTAIN SENSITIVE INFORMATION.—Within 6 months after the date of enactment of this Act [Jan. 8, 1988], each Federal agency shall identify each Federal computer system, and system under development, which is within or under the supervision of that agency and which contains sensitive information.

''(b) SECURITY PLAN.—Each such agency shall, consistent with the standards, guidelines, policies, and regulations prescribed pursuant to section 5131 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1441), establish a plan for the security and privacy of each Federal computer system identified by that agency pursuant to subsection (a) that is commensurate with the risk and magnitude of the harm resulting from the loss, misuse, or unauthorized access to or modification of the information contained in such system. Such plan shall be subject to disapproval by the Director of the Office of Management and Budget. Such plan shall be revised annually as necessary.

''SEC. 7. DEFINITIONS.

''As used in this Act, the terms 'computer system', 'Federal computer system', 'operator of a Federal computer system', 'sensitive information', and 'Federal agency' have the meanings given in section 20(d) of the National Bureau of Standards Act (as added by section 3 of this Act) [15 U.S.C. 278g–3(d)].

''SEC. 8. RULES OF CONSTRUCTION OF ACT.

''Nothing in this Act, or in any amendment made by this Act, shall be construed—

''(1) to constitute authority to withhold information sought pursuant to section 552 of title 5, United States Code; or

''(2) to authorize any Federal agency to limit, restrict, regulate, or control the collection, maintenance, disclosure, use, transfer, or sale of any information (regardless of the medium in which the information may be maintained) that is—

''(A) privately-owned information;

''(B) disclosable under section 552 of title 5, United States Code, or other law requiring or authorizing the public disclosure of information; or

''(C) public domain information.''

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1412 of this title; title 15 section 278g–3; title 44 sections 3504, 3518.

§ 1442. Sense of Congress

It is the sense of Congress that, during the next five-year period beginning with 1996, executive agencies should achieve each year at least a 5 percent decrease in the cost (in constant fiscal year 1996 dollars) that is incurred by the agency for operating and maintaining information technology, and each year a 5 percent increase in the efficiency of the agency operations, by reason of improvements in information resources management by the agency.

(Pub. L. 104–106, div. E, title LI, § 5132, Feb. 10, 1996, 110 Stat. 689.)

PART D—NATIONAL SECURITY SYSTEMS

§ 1451. Applicability to national security systems

(a) In general

Except as provided in subsection (b) of this section, this subchapter does not apply to national security systems.

(b) Exceptions

(1) In general

Sections 1423, 1425, and 1426 of this title apply to national security systems.

(2) Capital planning and investment control

The heads of executive agencies shall apply sections 1412 and 1422 of this title to national security systems to the extent practicable.

(3) Performance and results of information technology investments

(A) Subject to subparagraph (B), the heads of executive agencies shall apply section 1413 of

this title to national security systems to the extent practicable.

(B) National security systems shall be subject to section 1413(b)(5) of this title except for subparagraph (B)(iv) of that section.

(Pub. L. 104–106, div. E, title LI, § 5141, Feb. 10, 1996, 110 Stat. 689.)

REFERENCES IN TEXT

This subchapter, referred to in subsec. (a), was in the original ''this title'' meaning title LI (§§ 5101–5142) of div. E of Pub. L. 104–106, Feb. 10, 1996, 110 Stat. 680, which enacted this subchapter, amended section 5315 of Title 5, Government Organization and Employees, and sections 3504, 3506, and 3518 of Title 44, Public Printing and Documents, and repealed section 759 of this title. For complete classification of title LI to the Code, see Tables.

§ 1452. "National security system" defined

(a) Definition

In this part, the term ''national security system'' means any telecommunications or information system operated by the United States Government, the function, operation, or use of which—

(1) involves intelligence activities;

(2) involves cryptologic activities related to national security;

(3) involves command and control of military forces;

(4) involves equipment that is an integral part of a weapon or weapons system; or

(5) subject to subsection (b) of this section, is critical to the direct fulfillment of military or intelligence missions.

(b) Limitation

Subsection (a)(5) of this section does not include a system that is to be used for routine administrative and business applications (including payroll, finance, logistics, and personnel management applications).

(Pub. L. 104–106, div. E, title LI, § 5142, Feb. 10, 1996, 110 Stat. 689.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 44 section 3502.

SUBCHAPTER II—PROCESS FOR ACQUISITIONS OF INFORMATION TECHNOLOGY

§ 1461. Procurement procedures

The Federal Acquisition Regulatory Council shall ensure that, to the maximum extent practicable, the process for acquisition of information technology is a simplified, clear, and understandable process that specifically addresses the management of risk, incremental acquisitions, and the need to incorporate commercial information technology in a timely manner.

(Pub. L. 104–106, div. E, title LII, § 5201, Feb. 10, 1996, 110 Stat. 689.)

EFFECTIVE DATE

Subchapter effective 180 days after Feb. 10, 1996, see section 5701 of Pub. L. 104–106, set out as a note under section 1401 of this title.

SUBCHAPTER III—INFORMATION TECHNOLOGY ACQUISITION PILOT PROGRAMS

PART A—CONDUCT OF PILOT PROGRAMS

§ 1471. Authority to conduct pilot programs

(a) In general

(1) Purpose

The Administrator for Federal Procurement Policy (hereinafter referred to as the ''Administrator''), in consultation with the Administrator for the Office of Information and Regulatory Affairs, may conduct pilot programs in order to test alternative approaches for acquisition of information technology by executive agencies.

(2) Multiagency, multi-activity conduct of each program

Except as otherwise provided in this subchapter, each pilot program conducted under this subchapter shall be carried out in not more than two procuring activities in each of the executive agencies that are designated by the Administrator in accordance with this subchapter to carry out the pilot program. The head of each designated executive agency shall, with the approval of the Administrator, select the procuring activities of the executive agency that are to participate in the test and shall designate a procurement testing official who shall be responsible for the conduct and evaluation of the pilot program within the executive agency.

(b) Limitations

(1) Number

Not more than two pilot programs may be conducted under the authority of this subchapter, including one pilot program each pursuant to the requirements of sections 1491 and 1492 of this title.

(2) Amount

The total amount obligated for contracts entered into under the pilot programs conducted under the authority of this subchapter may not exceed $750,000,000. The Administrator shall monitor such contracts and ensure that contracts are not entered into in violation of the limitation in the preceding sentence.

(c) Period of programs

(1) In general

Subject to paragraph (2), any pilot program may be carried out under this subchapter for the period, not in excess of five years, that is determined by the Administrator as being sufficient to establish reliable results.

(2) Continuing validity of contracts

A contract entered into under the pilot program before the expiration of that program shall remain in effect according to the terms of the contract after the expiration of the program.

(Pub. L. 104–106, div. E, title LIII, § 5301, Feb. 10, 1996, 110 Stat. 691.)

EFFECTIVE DATE

Subchapter effective 180 days after Feb. 10, 1996, see section 5701 of Pub. L. 104–106, set out as a note under section 1401 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1472 of this title.

§ 1472. Evaluation criteria and plans

(a) Measurable test criteria

The head of each executive agency conducting a pilot program under section 1471 of this title shall establish, to the maximum extent practicable, measurable criteria for evaluating the effects of the procedures or techniques to be tested under the program.

(b) Test plan

Before a pilot program may be conducted under section 1471 of this title, the Administrator shall submit to Congress a detailed test plan for the program, including a detailed description of the procedures to be used and a list of any regulations that are to be waived.

(Pub. L. 104–106, div. E, title LIII, § 5302, Feb. 10, 1996, 110 Stat. 691.)

§ 1473. Report

(a) Requirement

Not later than 180 days after the completion of a pilot program under this subchapter, the Administrator shall—

(1) submit to the Director a report on the results and findings under the program; and

(2) provide a copy of the report to Congress.

(b) Content

The report shall include the following:

(1) A detailed description of the results of the program, as measured by the criteria established for the program.

(2) A discussion of any legislation that the Administrator recommends, or changes in regulations that the Administrator considers necessary, in order to improve overall information resources management within the Federal Government.

(Pub. L. 104–106, div. E, title LIII, § 5303, Feb. 10, 1996, 110 Stat. 692.)

§ 1474. Recommended legislation

If the Director determines that the results and findings under a pilot program under this subchapter indicate that legislation is necessary or desirable in order to improve the process for acquisition of information technology, the Director shall transmit the Director's recommendations for such legislation to Congress.

(Pub. L. 104–106, div. E, title LIII, § 5304, Feb. 10, 1996, 110 Stat. 692.)

§ 1475. Rule of construction

Nothing in this subchapter shall be construed as authorizing the appropriation or obligation of funds for the pilot programs authorized under this subchapter.

(Pub. L. 104–106, div. E, title LIII, § 5305, Feb. 10, 1996, 110 Stat. 692.)

PART B—SPECIFIC PILOT PROGRAMS

§ 1491. Share-in-savings pilot program

(a) Requirement

The Administrator may authorize the heads of two executive agencies to carry out a pilot program to test the feasibility of—

(1) contracting on a competitive basis with a private sector source to provide the Federal Government with an information technology solution for improving mission-related or administrative processes of the Federal Government; and

(2) paying the private sector source an amount equal to a portion of the savings derived by the Federal Government from any improvements in mission-related processes and administrative processes that result from implementation of the solution.

(b) Limitations

The head of an executive agency authorized to carry out the pilot program may, under the pilot program, carry out one project and enter into not more than five contracts for the project.

(c) Selection of projects

The projects shall be selected by the Administrator, in consultation with the Administrator for the Office of Information and Regulatory Affairs.

(Pub. L. 104–106, div. E, title LIII, § 5311, Feb. 10, 1996, 110 Stat. 692.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1471 of this title.

§ 1492. Solutions-based contracting pilot program

(a) In general

The Administrator may authorize the heads of any of the executive agencies, in accordance with subsection (d)(2) of this section, to carry out a pilot program to test the feasibility of using solutions-based contracting for acquisition of information technology.

(b) Solutions-based contracting described

For purposes of this section, solutions-based contracting is an acquisition method under which the acquisition objectives are defined by the Federal Government user of the technology to be acquired, a streamlined contractor selection process is used, and industry sources are allowed to provide solutions that attain the objectives effectively.

(c) Process requirements

The Administrator shall require use of a process with the following aspects for acquisitions under the pilot program:

(1) Acquisition plan emphasizing desired result

Preparation of an acquisition plan that defines the functional requirements of the intended users of the information technology to be acquired, identifies the operational improvements to be achieved, and defines the performance measurements to be applied in determining whether the information technology acquired satisfies the defined requirements and attains the identified results.

(2) Results-oriented statement of work

Use of a statement of work that is limited to an expression of the end results or performance capabilities desired under the acquisition plan.

(3) Small acquisition organization

Assembly of a small acquisition organization consisting of the following:

(A) An acquisition management team, the members of which are to be evaluated and rewarded under the pilot program for contributions toward attainment of the desired results identified in the acquisition plan.

(B) A small source selection team composed of representatives of the specific mission or administrative area to be supported by the information technology to be acquired, together with a contracting officer and persons with relevant expertise.

(4) Use of source selection factors emphasizing source qualifications and costs

Use of source selection factors that emphasize—

(A) the qualifications of the offeror, including such factors as personnel skills, previous experience in providing other private or public sector organizations with solutions for attaining objectives similar to the objectives of the acquisition, past contract performance, qualifications of the proposed program manager, and the proposed management plan; and

(B) the costs likely to be associated with the conceptual approach proposed by the offeror.

(5) Open communications with contractor community

Open availability of the following information to potential offerors:

(A) The agency mission to be served by the acquisition.

(B) The functional process to be performed by use of information technology.

(C) The process improvements to be attained.

(6) Simple solicitation

Use of a simple solicitation that sets forth only the functional work description, the source selection factors to be used in accordance with paragraph (4), the required terms and conditions, instructions regarding submission of offers, and the estimate of the Federal Government's budget for the desired work.

(7) Simple proposals

Submission of oral presentations and written proposals that are limited in size and scope and contain information on—

(A) the offeror's qualifications to perform the desired work;

(B) past contract performance;

(C) the proposed conceptual approach; and

(D) the costs likely to be associated with the proposed conceptual approach.

(8) Simple evaluation

Use of a simplified evaluation process, to be completed within 45 days after receipt of proposals, which consists of the following:

(A) Identification of the most qualified offerors that are within the competitive range.

(B) Issuance of invitations for at least three and not more than five of the identified offerors to make oral presentations to, and engage in discussions with, the evaluating personnel regarding, for each offeror—

(i) the qualifications of the offeror, including how the qualifications of the offeror relate to the approach proposed to be taken by the offeror in the acquisition; and

(ii) the costs likely to be associated with the approach.

(C) Evaluation of the qualifications of the identified offerors and the costs likely to be associated with the offerors' proposals on the basis of submissions required under the process and any oral presentations made by, and any discussions with, the offerors.

(9) Selection of most qualified offeror

A selection process consisting of the following:

(A) Identification of the most qualified source or sources, primarily on the basis of the oral proposals, presentations, and discussions, and written proposals submitted in accordance with paragraph (7).

(B) Conduct for 30 to 60 days (or a longer period, if approved by the Administrator) of a program definition phase (funded, in the case of the source ultimately awarded the contract, by the Federal Government)—

(i) during which the selected source or sources, in consultation with one or more intended users, develops a conceptual system design and technical approach, defines logical phases for the project, and estimates the total cost and the cost for each phase; and

(ii) after which a contract for performance of the work may be awarded to the source whose offer is determined to be most advantageous to the Government on the basis of cost, the responsiveness, reasonableness, and quality of the proposed performance, and a sharing of risk and benefits between the source and the Government.

(C) Conduct of as many successive program definition phases as is necessary in order to award a contract in accordance with subparagraph (B).

(10) System implementation phasing

System implementation to be executed in phases that are tailored to the solution, with various contract arrangements being used, as appropriate, for various phases and activities.

(11) Mutual authority to terminate

Authority for the Federal Government or the contractor to terminate the contract without penalty at the end of any phase defined for the project.

(12) Time management discipline

Application of a standard for awarding a contract within 105 to 120 days after issuance of the solicitation, except that the Adminis-

trator may approve the application of a longer standard period.

(d) Pilot program design

(1) Joint public-private working group

The Administrator, in consultation with the Administrator for the Office of Information and Regulatory Affairs, shall establish a joint working group of Federal Government personnel and representatives of the information technology industry to design a plan for conduct of any pilot program carried out under this section.

(2) Content of plan

The plan shall provide for use of solutions-based contracting in the Department of Defense and not more than two other executive agencies for a total of—

(A) not more than 10 projects, each of which has an estimated cost of between $25,000,000 and $100,000,000; and

(B) not more than 10 projects, each of which has an estimated cost of between $1,000,000 and $5,000,000, to be set aside for small business concerns.

(3) Complexity of projects

(A) Subject to subparagraph (C), each acquisition project under the pilot program shall be sufficiently complex to provide for meaningful evaluation of the use of solutions-based contracting for acquisition of information technology for executive agencies.

(B) In order for an acquisition project to satisfy the requirement in subparagraph (A), the solution for attainment of the executive agency's objectives under the project should not be obvious, but rather shall involve a need for some innovative development and systems integration.

(C) An acquisition project should not be so extensive or lengthy as to result in undue delay in the evaluation of the use of solutions-based contracting.

(e) Monitoring by GAO

The Comptroller General of the United States shall—

(1) monitor the conduct, and review the results, of acquisitions under the pilot program; and

(2) submit to Congress periodic reports containing the views of the Comptroller General on the activities, results, and findings under the pilot program.

(Pub. L. 104–106, div. E, title LIII, § 5312, Feb. 10, 1996, 110 Stat. 692; Pub. L. 105–85, div. A, title VIII, § 852, Nov. 18, 1997, 111 Stat. 1851.)

AMENDMENTS

1997—Subsec. (c)(9)(A). Pub. L. 105–85, § 852(a)(1), substituted ''or sources,'' for '', and ranking of alternative sources,''.

Subsec. (c)(9)(B). Pub. L. 105–85, § 852(a)(2)(A), inserted ''(or a longer period, if approved by the Administrator)'' after ''30 to 60 days'' in introductory provisions.

Subsec. (c)(9)(B)(i). Pub. L. 105–85, § 852(a)(2)(B), inserted ''or sources'' after ''source''.

Subsec. (c)(9)(B)(ii). Pub. L. 105–85, § 852(a)(2)(C), substituted ''the source whose offer is determined to be most advantageous to the Government'' for ''that source''.

Subsec. (c)(9)(C). Pub. L. 105–85, § 852(a)(3), struck out ''with alternative sources (in the order ranked)'' after ''definition phases''.

Subsec. (c)(12). Pub. L. 105–85, § 852(b), inserted before period at end '', except that the Administrator may approve the application of a longer standard period''.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1471 of this title.

SUBCHAPTER IV—ADDITIONAL INFORMATION RESOURCES MANAGEMENT MATTERS

§ 1501. On-line multiple award schedule contracting

(a) Automation of multiple award schedule contracting

In order to provide for the economic and efficient procurement of information technology and other commercial items, the Administrator of General Services shall provide, not later than January 1, 1998, Government-wide on-line computer access to information on products and services that are available for ordering under the multiple award schedules.

(b) Functions

(1) The system for providing on-line computer access shall have the capability to perform the following functions:

(A) Provide basic information on prices, features, and performance of all products and services available for ordering through the multiple award schedules.

(B) Provide for updating that information to reflect changes in prices, features, and performance as soon as information on the changes becomes available.

(C) Enable users to make on-line computer comparisons of the prices, features, and performance of similar products and services offered by various vendors.

(2) The system for providing on-line computer access shall be used to place orders under the multiple award schedules in a fiscal year for an amount equal to at least 60 percent of the total amount spent for all orders under the multiple award schedules in that fiscal year.

(c) Streamlined procedures

(1) Pilot program

Upon certification by the Administrator of General Services that the system for providing on-line computer access meets the requirements of subsection (b)(1) of this section and was used as required by subsection (b)(2) of this section in the fiscal year preceding the fiscal year in which the certification is made, the Administrator for Federal Procurement Policy may establish a pilot program to test streamlined procedures for the procurement of information technology products and services available for ordering through the multiple award schedules.

(2) Applicability to multiple award schedule contracts

Except as provided in paragraph (4), the pilot program shall be applicable to all multiple award schedule contracts for the purchase of information technology and shall test the following procedures:

(A) A procedure under which negotiation of the terms and conditions for a covered multiple award schedule contract is limited to terms and conditions other than price.

(B) A procedure under which the vendor establishes the prices under a covered multiple award schedule contract and may adjust those prices at any time in the discretion of the vendor.

(C) A procedure under which a covered multiple award schedule contract is awarded to any responsible offeror that—

(i) has a suitable record of past performance, which may include past performance on multiple award schedule contracts;

(ii) agrees to terms and conditions that the Administrator determines as being required by law or as being appropriate for the purchase of commercial items; and

(iii) agrees to establish and update prices, features, and performance and to accept orders electronically through the automated system established pursuant to subsection (a) of this section.

(3) Comptroller General review and report

(A) Not later than three years after the date on which the pilot program is established, the Comptroller General of the United States shall review the pilot program and report to the Congress on the results of the pilot program.

(B) The report shall include the following:

(i) An evaluation of the extent to which there is competition for the orders placed under the pilot program.

(ii) The effect that the streamlined procedures under the pilot program have on prices charged under multiple award schedule contracts.

(iii) The effect that such procedures have on paperwork requirements for multiple award schedule contracts and orders.

(iv) The impact of the pilot program on small businesses and socially and economically disadvantaged small businesses.

(4) Withdrawal of schedule or portion of schedule from pilot program

The Administrator may withdraw a multiple award schedule or portion of a schedule from the pilot program if the Administrator determines that (A) price competition is not available under such schedule or portion thereof, or (B) the cost to the Government for that schedule or portion thereof for the previous year was higher than it would have been if the contracts for such schedule or portion thereof had been awarded using procedures that would apply if the pilot program were not in effect. The Administrator shall notify Congress at least 30 days before the date on which the Administrator withdraws a schedule or portion thereof under this paragraph. The authority under this paragraph may not be delegated.

(5) Termination of pilot program

Unless reauthorized by law, the authority of the Administrator to award contracts under the pilot program shall expire four years after the date on which the pilot program is established. Contracts entered into before the authority expires shall remain in effect in accordance with their terms notwithstanding the expiration of the authority to award new contracts under the pilot program.

(Pub. L. 104–106, div. E, title LIV, § 5401, Feb. 10, 1996, 110 Stat. 695; Pub. L. 105–85, div. A, title VIII, § 850(f)(2), Nov. 18, 1997, 111 Stat. 1849.)

AMENDMENTS

1997—Subsec. (a). Pub. L. 105–85, § 850(f)(2)(A), struck out ''through the Federal Acquisition Computer Network (in this section referred to as 'FACNET')'' after ''Services shall provide'' and struck out at end ''If the Administrator determines it is not practicable to provide such access through FACNET, the Administrator shall provide such access through another automated system that has the capability to perform the functions listed in subsection (b)(1) of this section and meets the requirement of subsection (b)(2) of this section.''

Subsec. (b). Pub. L. 105–85, § 850(f)(2)(B), substituted ''Functions'' for ''Additional FACNET functions'' in heading, ''The system for providing on-line computer access'' for ''In addition to the functions specified in section 426(b) of title 41, the FACNET architecture'' in par. (1), and ''The system for providing on-line computer access'' for ''The FACNET architecture'' in par. (2).

Subsec. (c)(1). Pub. L. 105–85, § 850(f)(2)(C), substituted ''the system for providing on-line computer access'' for ''the FACNET architecture''.

Subsec. (d). Pub. L. 105–85, § 850(f)(2)(D), struck out heading and text of subsec. (d). Text read as follows: ''In this section, the term 'FACNET' means the Federal Acquisition Computer Network established under section 426 of title 41.''

EFFECTIVE DATE OF 1997 AMENDMENT

Amendment by Pub. L. 105–85 effective 180 days after Nov. 18, 1997, see section 850(g) of Pub. L. 105–85, set out as a note under section 2302c of Title 10, Armed Forces.

EFFECTIVE DATE

Subchapter effective 180 days after Feb. 10, 1996, see section 5701 of Pub. L. 104–106, set out as a note under section 1401 of this title.

§ 1502. Identification of excess and surplus computer equipment

Not later than six months after February 10, 1996, the head of an executive agency shall inventory all computer equipment under the control of that official. After completion of the inventory, the head of the executive agency shall maintain, in accordance with title II of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 481 et seq.), an inventory of any such equipment that is excess or surplus property.

(Pub. L. 104–106, div. E, title LIV, § 5402, Feb. 10, 1996, 110 Stat. 697.)

REFERENCES IN TEXT

The Federal Property and Administrative Services Act of 1949, referred to in text, is act June 30, 1949, ch. 288, 63 Stat. 377, as amended. Title II of the Act is classified principally to subchapter II (§ 481 et seq.) of chapter 10 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 471 of this title and Tables.

§ 1503. Access of certain information in information systems to directory established under section 4101 of title 44

Notwithstanding any other provision of this chapter, if in designing an information tech-

nology system pursuant to this chapter, the head of an executive agency determines that a purpose of the system is to disseminate information to the public, then the head of such executive agency shall reasonably ensure that an index of information disseminated by such system is included in the directory created pursuant to section 4101 of title 44. Nothing in this section authorizes the dissemination of information to the public unless otherwise authorized.

(Pub. L. 104–106, div. E, title LIV, § 5403, Feb. 10, 1996, 110 Stat. 698.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original ''this division'' meaning division E (§§ 5001–5703) of Pub. L. 104–106, Feb. 10, 1996, 110 Stat. 679, which is classified principally to this chapter. For complete classification of division E to the Code, see Short Title note set out under section 1401 of this title and Tables.