

(Pub. L. 100-113, §10, Aug. 21, 1987, 101 Stat. 747.)

CHAPTER 23—JUDICIARY OFFICE BUILDING DEVELOPMENT

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§ 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 pro-

posal 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, development, 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 do-

mestic 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, maintenance, 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

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§ 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 ¾ 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,