

(4) TEXAS.—The counties of Atascosa, Bandera, Bee, Bexar, Brewster, Brooks, Cameron, Coke, Concho, Crane, Crockett, Culberson, Dimmit, Duval, Ector, Edwards, El Paso, Frio, Gillespie, Glasscock, Hidalgo, Hudspeth, Irion, Jeff Davis, Jim Hogg, Jim Wells, Karnes, Kendall, Kenedy, Kerr, Kimble, Kinney, Kleberg, La Salle, Live Oak, Loving, Mason, Maverick, McMullen, Medina, Menard, Midland, Nueces, Pecos, Presidio, Reagan, Real, Reeves, San Patricio, Shleicher, Sutton, Starr, Sterling, Terrell, Tom Green¹ Upton, Uvalde, Val Verde, Ward, Webb, Willacy, Wilson, Winkler, Zapata, and Zavala in the State of Texas.

(Added Pub. L. 110-234, title XIV, §14217(a)(2), May 22, 2008, 122 Stat. 1481, and Pub. L. 110-246, §4(a), title XIV, §14217(a)(2), June 18, 2008, 122 Stat. 1664, 2243.)

CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 enacted identical sections. Pub. L. 110-234 was repealed by section 4(a) of Pub. L. 110-246.

§ 15733. Northern Border Regional Commission

The region of the Northern Border Regional Commission shall include the following counties:

(1) MAINE.—The counties of Androscoggin, Aroostook, Franklin, Hancock, Kennebec, Knox, Oxford, Penobscot, Piscataquis, Somerset, Waldo, and Washington in the State of Maine.

(2) NEW HAMPSHIRE.—The counties of Carroll, Coos, Grafton, and Sullivan in the State of New Hampshire.

(3) NEW YORK.—The counties of Cayuga, Clinton, Essex, Franklin, Fulton, Hamilton, Herkimer, Jefferson, Lewis, Madison, Oneida, Oswego, Seneca, and St. Lawrence in the State of New York.

(4) VERMONT.—The counties of Caledonia, Essex, Franklin, Grand Isle, Lamoille, and Orleans in the State of Vermont.

(Added Pub. L. 110-234, title XIV, §14217(a)(2), May 22, 2008, 122 Stat. 1481, and Pub. L. 110-246, §4(a), title XIV, §14217(a)(2), June 18, 2008, 122 Stat. 1664, 2243.)

CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 enacted identical sections. Pub. L. 110-234 was repealed by section 4(a) of Pub. L. 110-246.

SUBCHAPTER III—AUTHORIZATION OF APPROPRIATIONS

§ 15751. Authorization of appropriations

(a) IN GENERAL.—There is authorized to be appropriated to each Commission to carry out this subtitle \$30,000,000 for each of fiscal years 2008 through 2012.

(b) ADMINISTRATIVE EXPENSES.—Not more than 10 percent of the funds made available to a Commission in a fiscal year under this section may be used for administrative expenses.

(Added Pub. L. 110-234, title XIV, §14217(a)(2), May 22, 2008, 122 Stat. 1482, and Pub. L. 110-246,

§4(a), title XIV, §14217(a)(2), June 18, 2008, 122 Stat. 1664, 2244.)

CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 enacted identical sections. Pub. L. 110-234 was repealed by section 4(a) of Pub. L. 110-246.

SUBTITLE VI—MISCELLANEOUS

Chapter Sec.
171. SAFETY STANDARDS FOR MOTOR VEHICLES 17101
173. GOVERNMENT LOSSES IN SHIPMENT 17301
175. FEDERAL MOTOR VEHICLE EXPENDITURE CONTROL 17501
177. ALASKA COMMUNICATIONS DISPOSAL 17701
179. ALASKA FEDERAL-CIVILIAN ENERGY EFFICIENCY SWAP 17901
181. TELECOMMUNICATIONS ACCESSIBILITY FOR HEARING-IMPAIRED AND SPEECH-IMPAIRED INDIVIDUALS 18101
183. NATIONAL CAPITAL AREA INTEREST ARBITRATION STANDARDS 18301

AMENDMENTS

2008—Pub. L. 110-234, title XIV, §14217(a)(1), May 22, 2008, 122 Stat. 1467, and Pub. L. 110-246, title XIV, §14217(a)(1), June 18, 2008, 122 Stat. 2229, made identical amendments, redesignating subtitle V of this title as subtitle VI. The amendment by Pub. L. 110-234 was repealed by Pub. L. 110-246, §4(a), June 18, 2008, 122 Stat. 1664.

CHAPTER 171—SAFETY STANDARDS FOR MOTOR VEHICLES

Sec.
17101. Definitions.
17102. Prohibition on acquisition or purchase of motor vehicles by Federal Government.
17103. Commercial standards for passenger safety devices.

§ 17101. Definitions

In this chapter, the following definitions apply:

(1) FEDERAL GOVERNMENT.—The term “Federal Government” includes the government of the District of Columbia.

(2) MOTOR VEHICLE.—The term “motor vehicle” means a vehicle, self-propelled or drawn by mechanical power, designed for use on the highways principally for the transportation of passengers, except a vehicle designed or used for military field training, combat, or tactical purposes.

(Pub. L. 107-217, Aug. 21, 2002, 116 Stat. 1279.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 1: 17101, 40:703, Pub. L. 88-515, §3, Aug. 30, 1964, 78 Stat. 696.

In clause (1), the words “the legislative, executive, and judicial branches of the Government of the United States” are omitted as unnecessary.

¹ So in original. Probably should be followed by a comma.

§ 17102. Prohibition on acquisition or purchase of motor vehicles by Federal Government

The Federal Government shall not purchase a motor vehicle for use by the Government unless that motor vehicle is equipped with reasonable passenger safety devices that the Administrator of General Services requires. Those devices shall conform with standards the Administrator prescribes under section 17103 of this title.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1279.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
17102	40:701.	Pub. L. 88–515, §1, Aug. 30, 1964, 78 Stat. 696.

The words “manufactured on or after the effective date of this section” are omitted as executed.

§ 17103. Commercial standards for passenger safety devices

The Administrator of General Services shall prescribe and publish in the Federal Register commercial standards for passenger safety devices the Administrator requires under section 17102 of this title. Changes in the standards take effect one year and 90 days after the publication of the standards in the Federal Register.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1279.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
17103	40:701 note. 40:702.	Pub. L. 88–515, §§2, 4, Aug. 30, 1964, 78 Stat. 696.

The first sentence of section 4 of the Act of August 30, 1964, and 40:702 (last sentence) are omitted as executed.

CHAPTER 173—GOVERNMENT LOSSES IN SHIPMENT

Sec.	
17301.	Definitions.
17302.	Compliance.
17303.	Fund for the payment of Government losses in shipment.
17304.	Claim for replacement.
17305.	Replacing lost, destroyed, or damaged stamps, securities, obligations, or money.
17306.	Agreements of indemnity.
17307.	Purchase of insurance.
17308.	Presumption of lawful conduct.
17309.	Rules and regulations.

§ 17301. Definitions

In this chapter, the following definitions apply:

- (1) REPLACEMENT.—The term “replacement” means payment, reimbursement, replacement, or duplication or the expenses incident to payment, reimbursement, replacement, or duplication.
- (2) SHIPMENT.—The term “shipment”—

- (A) means the transportation, or the effecting of transportation, of valuables, 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
- (B) includes shipments made to any executive department, independent establishment,

agency, wholly owned or mixed-ownership Government corporation, officer, or employee of the Federal Government, or any person acting on behalf of, or at the direction of, the executive department, independent establishment, agency, wholly or partly owned Government corporation, officer, or employee.

(3) VALUABLES.—

(A) DEFINITION.—The term “valuables” means any articles or things or representatives of value—

- (i) in which the Government, its executive departments, independent establishments, and agencies, including wholly owned Government corporations, and officers and employees of the Government or its executive departments, independent establishments, and agencies while acting in their official capacity, have any interest, or in connection with which they have any obligation or responsibility; and
- (ii) which the Secretary of the Treasury declares to be valuables within the meaning of this chapter.

(B) REQUIREMENT FOR DECLARING ARTICLES OR THINGS VALUABLE.—The Secretary shall not declare articles or things that are lost, destroyed, or damaged in the course of shipment to be valuables unless the Secretary determines that replacement of the articles or things in accordance with the procedure established in this chapter would be in the public interest.

(4) WHOLLY OWNED GOVERNMENT CORPORATION.—The term “wholly owned Government corporation”—

- (A) means any corporation, regardless of the law under which it is incorporated, the capital of which is entirely owned by the Government; and
- (B) includes the authorized officers, employees, and agents of the corporation.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1280.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
17301(1)	40:729(d).	July 8, 1937, ch. 444, §7, 50 Stat. 480; Aug. 10, 1939, ch. 665, §3, 53 Stat. 1359.
17301(2)	40:729(b).	
17301(3)	40:729(a).	
17301(4)	40:729(c).	

In this chapter, the words “wholly owned Government corporation” are substituted for “wholly owned corporation” for consistency in the revised title and with other titles of the United States Code.

In clause (3)(A)(i), the words “direct or indirect” are omitted as unnecessary.

In clause (4)(A), the words “or laws” are omitted because of 1:1. The words “directly or indirectly” are omitted as unnecessary.

In clause (4)(B), the word “duly” is omitted as unnecessary.

§ 17302. Compliance

(a) PRESCRIBING REGULATIONS.—With the approval of the President, the Secretary of the Treasury and the United States Postal Service jointly shall prescribe regulations governing the

shipment of valuables by an executive department, independent establishment, agency, wholly owned Government corporation, officer, or employee of the Federal Government, with a view to minimizing the risk of loss and destruction of, and damage to, valuables in shipment.

(b) COMPLIANCE.—Each executive department, independent establishment, agency, wholly owned Government corporation, officer, and employee of the Government, and each person acting for, or at the direction of, the executive department, independent establishment, agency, wholly owned Government corporation, officer, or employee, must comply with the regulations when making any shipment of valuables.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1280.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
17302	40:721.	July 8, 1937, ch. 444, §1, 50 Stat. 479.

In subsection (a), the words “As soon as practicable after July 8, 1937” are omitted as obsolete. The words “United States Postal Service” are substituted for “Postmaster General” in section 1 of the Government Losses in Shipment Act (ch. 444, 50 Stat. 479) because of section 4(a) of the Postal Reorganization Act (Public Law 91–375, 84 Stat. 773).

In subsection (b), the words “After the effective date of such regulations, which shall be not more than thirty days after their issuance” are omitted as obsolete.

DELEGATION OF FUNCTIONS

For power of Secretary of the Treasury and United States Postal Service to prescribe, without approval of President, regulations under section 721 of former Title 40, Public Buildings, Property, and Works (which was repealed and reenacted as this section by Pub. L. 107–217, §§1, 6(b), Aug. 21, 2002, 116 Stat. 1062, 1304), 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.

§ 17303. Fund for the payment of Government losses in shipment

(a) ESTABLISHMENT.—There is a revolving fund in the Treasury known as “the fund for the payment of Government losses in shipment”.

(b) USE.—The fund shall be used for the replacement of valuables, or the value of valuables, lost, destroyed, or damaged while being shipped in accordance with regulations prescribed under section 17302 of this title.

(c) UNAVAILABILITY.—The fund is not available with respect to any loss, destruction, or damage affecting valuables—

(1) that relates to property of the United States Postal Service that is chargeable to its officers or employees; or

(2) of which shipment shall have been made at the risk of persons other than the Federal Government and the executive departments, independent establishments, agencies, wholly owned Government corporations, officers and employees of the Government.

(d) CREDITING OF RECOVERIES AND REPAYMENTS.—All recoveries and repayments on account of loss, destruction, or damage to valuables for which replacement is made out of the fund shall be credited to it and are available for the purposes of the fund.

(e) APPROPRIATIONS.—Necessary amounts are appropriated for the fund.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1281.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
17303(a)	40:722 (3d sentence words before 2d comma).	July 8, 1937, ch. 444, §2, 50 Stat. 479.
17303(b)	40:722 (1st sentence words after 5th comma). 40:723 (2d sentence 2d proviso).	July 8, 1937, ch. 444, §3 (2d sentence 2d, last provisos, last sentence), 50 Stat. 480; Aug. 10, 1939, ch. 665, §1, 53 Stat. 1358; Pub. L. 91–375, §6(m)(4), Aug. 12, 1970, 84 Stat. 782.
17303(c)	40:723 (2d sentence last proviso).	
17303(d)	40:723 (last sentence).	
17303(e)	40:722 (1st sentence words before 5th comma, 2d sentence, 3d sentence words after 2d comma, last sentence). 40:722a.	Pub. L. 103–329, title I (par. under heading “Payment of Government Losses in Shipment”), Sept. 30, 1994, 108 Stat. 2387.

In subsection (a), the words “(hereinafter referred to as ‘the fund’)” are omitted as unnecessary.

In subsection (b), the text of 40:723 (2d sentence 2d proviso) is omitted as obsolete.

In subsection (e), the text of 40:722 (1st sentence words after 2d comma, 2d sentence, 3d sentence words after 2d comma, and last sentence) and the words “Beginning in fiscal year 1995 and thereafter” in 40:722a are omitted as obsolete. The words “for the fund” are substituted for “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” for clarity and to eliminate unnecessary words.

§ 17304. Claim for replacement

(a) PRESENTATION OF CLAIM.—When valuables that have been shipped in accordance with regulations prescribed under section 17302 of this title are lost, destroyed, or damaged, a claim in writing for replacement shall be made on the Secretary of the Treasury.

(b) DECISION OF THE SECRETARY OF THE TREASURY.—

(1) REPLACEMENT MADE FROM FUND.—If the Secretary is satisfied that the loss, destruction, or damage has occurred and that shipment was made substantially in accordance with the regulations, the Secretary shall have replacement be made out of the fund described in section 17303 of this title through an officer the Secretary designates.

(2) REPLACEMENT MADE BY CREDIT.—When the Secretary decides that any part of the replacement can be made, without actual or ultimate injury to the Federal Government, by a credit in the accounts of the executive department, independent establishment, agency, officer, employee, or other accountable person making the claim, the Secretary shall—

(A) certify the decision to the Comptroller General who, on receiving the certification, shall make the credit in the settlement of accounts in the Government Accountability Office; and

(B) use the fund only to the extent that the replacement cannot be made by the credit.

(c) DECISION OF SECRETARY NOT REVIEWABLE.—The decision of the Secretary that a loss, destruction, or damage has occurred or that a shipment was made substantially in accordance with regulations is final and conclusive and is not subject to review by any other officer of the Government.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1281; Pub. L. 108–271, § 8(b), July 7, 2004, 118 Stat. 814.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
17304(a), (b)(1).	40:723 (1st sentence).	July 8, 1937, ch. 444, § 3 (1st sentence, 2d sentence words before 2d proviso), 50 Stat. 479.
17304(b)(2) ..	40:723 (2d sentence 1st proviso).	
17304(c)	40:723 (2d sentence words before 1st proviso).	

In subsection (c), the words “Notwithstanding any provision of law to the contrary” are omitted as unnecessary.

AMENDMENTS

2004—Subsec. (b)(2)(A). Pub. L. 108–271 substituted “Government Accountability Office” for “General Accounting Office”.

§ 17305. Replacing lost, destroyed, or damaged stamps, securities, obligations, or money

Stamps, securities, or other obligations of the Federal Government, or money lost, destroyed, or damaged while in the custody or possession of, or charged to, the United States Postal Service while it is acting as agent for, or on behalf of, the Secretary of the Treasury for the sale of the stamps, securities, or obligations and for the collection of the money, shall be replaced out of the fund described in section 17303 of this title under regulations the Secretary may prescribe, regardless of how the loss, destruction, or damage occurs.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1282.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
17305	40:724.	July 8, 1937, ch. 444, § 3a, as added Aug. 10, 1939, ch. 665, § 2, 53 Stat. 1358; Pub. L. 91–375, § 6(m)(5), Aug. 12, 1970, 84 Stat. 783.

The words “occurring heretofore or hereafter, but not prior to February 4, 1935” are omitted as obsolete. The words “United States Postal Service” are substituted for “Post Office Department or Postal Service” in section 3a of the Government Losses in Shipment Act (ch. 444), as added by section 2 of the Act of August 10, 1939 (ch. 665, 53 Stat. 1358), because of sections 4(a) and 6(o) of the Postal Reorganization Act (Public Law 91–375, 84 Stat. 773, 783). The words “Secretary of the Treasury” are substituted for “Treasury Department” because of 31:301(b).

§ 17306. Agreements of indemnity

(a) DEFINITION.—In this section, the term “Federal Government” includes wholly owned

Government corporations, and officers and employees of the Government or its executive departments, independent establishments, and agencies while acting in their official capacity.

(b) AUTHORITY TO MAKE AGREEMENT.—The Secretary of the Treasury may make and deliver, on behalf of the Federal Government, a binding agreement of indemnity the Secretary considers necessary and proper to enable the Government to obtain the replacement of any instrument or document—

(1) received by the Government or an agent of the Government in the agent’s official capacity; and

(2) which, after having been received, is lost, destroyed, or so mutilated as to impair its value.

(c) WHEN FEDERAL GOVERNMENT NOT OBLIGATED.—The Government is not obligated under an agreement of indemnity if the obligee named in the agreement makes a payment or delivery not required by law on the original of the instrument or document covered by the agreement.

(d) USE OF FUND FOR THE PAYMENT OF GOVERNMENT LOSSES IN SHIPMENT.—The fund described in section 17303 of this title is available to pay any obligation arising out of an agreement the Secretary makes under this section.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1282.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
17306(a)	40:729(a) (last sentence).	July 8, 1937, ch. 444, § 7(a) (last sentence), 50 Stat. 480; Aug. 10, 1939, ch. 665, § 3, 53 Stat. 1359.
17306(b)	40:725 (1st sentence words before proviso).	July 8, 1937, ch. 444, § 3b, as added Aug. 10, 1939, ch. 665, § 2, 53 Stat. 1359.
17306(c)	40:725 (1st sentence proviso).	
17306(d)	40:725 (last sentence).	

§ 17307. Purchase of insurance

An executive department, independent establishment, agency, wholly owned Government corporation, officer, or employee may expend money, or incur an obligation, for insurance, or for the payment of premiums on insurance, against loss, destruction, or damage in the shipment of valuables only as specifically authorized by the Secretary of the Treasury. The Secretary may give the authorization if the Secretary finds that the risk of loss, destruction, or damage in the shipment cannot be guarded against adequately by the facilities of the Federal Government or that adequate replacement cannot be provided under this chapter.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1282.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
17307	40:726.	July 8, 1937, ch. 444, § 4, 50 Stat. 480.

The words “On and after the effective date of the regulations prescribed under section 721 of this title” are omitted as obsolete. The words “the circumstances are such that” are omitted as unnecessary.

§ 17308. Presumption of lawful conduct

For purposes of the propriety of an act or omission related to a shipment to which the regulations prescribed under section 17302 of this title apply, every officer and employee of the Federal Government and every individual acting on behalf of a wholly owned Government corporation who makes a shipment of valuables in good faith under, and substantially in accordance with, the regulations is deemed to be acting in the faithful execution of the officer's, employee's, or individual's duties of office and in full performance of any conditions of the officer's, employee's, or individual's bond and oath of office.

(Pub. L. 107-217, Aug. 21, 2002, 116 Stat. 1283.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 1: 17308, 40:727, July 8, 1937, ch. 444, § 5, 50 Stat. 480.

§ 17309. Rules and regulations

(a) GENERAL AUTHORITY.—With the approval of the President, the Secretary of the Treasury may prescribe regulations necessary to carry out the duties and powers vested in the Secretary under this chapter.

(b) PROVIDING INFORMATION.—To carry out subsection (a), the Secretary may require a person making a shipment of valuables or a claim for replacement to make a declaration or to provide other information the Secretary considers necessary.

(Pub. L. 107-217, Aug. 21, 2002, 116 Stat. 1283.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Rows 1: 17309(a), 40:728 (words before 3d comma), July 8, 1937, ch. 444, § 6, 50 Stat. 480. Row 2: 17309(b), 40:728 (words after 3d comma).

DELEGATION OF FUNCTIONS

For delegation to Secretary of the Treasury of authority vested in President by section 728 of former Title 40, Public Buildings, Property, and Works (which was repealed and reenacted as this section by Pub. L. 107-217, §§ 1, 6(b), Aug. 21, 2002, 116 Stat. 1062, 1304), 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.

CHAPTER 175—FEDERAL MOTOR VEHICLE EXPENDITURE CONTROL

Table with 2 columns: Sec., Definition. Rows 17501-17510: Definitions, Monitoring system, Data collection, Agency statements with respect to motor vehicle use, Presidential report, Reduction of storage and disposal costs, Savings, Compliance, Applicability, Cooperation.

§ 17501. Definitions

In this chapter, the following definitions apply:

(1) EXECUTIVE AGENCY.—The term “executive agency”—

(A) means an executive agency (as that term is defined in section 105 of title 5) that operates at least 300 motor vehicles; but

(B) does not include the Tennessee Valley Authority.

(2) MOTOR VEHICLE.—The term “motor vehicle” means—

(A) a vehicle self-propelled or drawn by mechanical power; but not

(B) a 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 of General Services.

(Pub. L. 107-217, Aug. 21, 2002, 116 Stat. 1283.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 1: 17501, 40:913, Pub. L. 99-272, title XV, § 15313, Apr. 7, 1986, 100 Stat. 338.

In this section, the text of 40:913(2)–(4) is omitted as unnecessary because the complete names of the Director of the Office of Management and Budget, the Administrator of General Services, and the Comptroller General of the United States are used the first time the terms appear in a section.

Before clause (1), the words “this chapter” were in the original “this title”, meaning title XV (§§ 15101 to 15313) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (Public Law 99-272, 100 Stat. 330). In clause (2)(B), the words “this chapter” are substituted for “this part” as the probable intent of Congress because title XV of the Act does not contain part designations and the intention was probably to refer to title XV, which is restated as this chapter.

§ 17502. Monitoring system

The head of each executive agency shall designate one office, officer, or employee of the agency—

- (1) to establish and operate a central monitoring system for the motor vehicle operations of the agency, related activities, and related reporting requirements; and
- (2) provide oversight of those operations, activities, and requirements.

(Pub. L. 107-217, Aug. 21, 2002, 116 Stat. 1283.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 1: 17502, 40:901, Pub. L. 99-272, title XV, § 15301, Apr. 7, 1986, 100 Stat. 335.

In this chapter, the words “executive agency” are substituted for “executive agency, including the Department of Defense” to eliminate unnecessary words.

§ 17503. Data collection

(a) COST IDENTIFICATION AND ANALYSIS.—The head of each executive agency shall develop a system to identify, collect, and analyze data with respect to all costs (including obligations and outlays) the agency incurs in the operation, maintenance, acquisition, and disposition of motor vehicles, including vehicles owned or

leased by the Federal Government and privately owned vehicles used for official purposes.

(b) REQUIREMENTS FOR DATA SYSTEMS.—

(1) SCOPE OF REQUIREMENTS.—In cooperation with the Comptroller General of the United States and the Director of the Office of Management and Budget, the Administrator of General Services shall prescribe requirements governing the establishment and operation by executive agencies of the systems required by subsection (a), including requirements with respect to data on the costs and uses of motor vehicles and with respect to the uniform collection and submission of the data.

(2) CONFORMITY WITH PRINCIPLES AND STANDARDS.—Requirements prescribed under this section shall conform to accounting principles and standards issued by the Comptroller General. Each executive agency shall comply with those requirements.

(Pub. L. 107-217, Aug. 21, 2002, 116 Stat. 1284.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
17503	40:902.	Pub. L. 99-272, title XV, §15302, Apr. 7, 1986, 100 Stat. 335.

In subsection (a), the words “including vehicles owned or leased by the Federal Government and privately owned vehicles” are substituted for “Government-owned vehicles, leased vehicles, and privately owned vehicles” for clarity.

§ 17504. Agency statements with respect to motor vehicle use

(a) CONTENTS OF STATEMENT.—The head of each executive agency shall include with the appropriation request the agency submits under section 1108 of title 31 for each fiscal year, a statement—

(1) specifying—

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

(B) an estimate of those costs for the fiscal year in which the 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 the Administrator of General Services operates, a qualified private fleet management firm, or any other method which is less costly to the Federal Government.

(b) COMPLIANCE WITH REQUIREMENTS.—The head of each executive agency shall comply with the requirements prescribed under section 17503(b) of this title in preparing each statement required under subsection (a).

(Pub. L. 107-217, Aug. 21, 2002, 116 Stat. 1284; Pub. L. 109-284, §6(32), Sept. 27, 2006, 120 Stat. 1214.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
17504	40:903.	Pub. L. 99-272, title XV, §15303, Apr. 7, 1986, 100 Stat. 336.

AMENDMENTS

2006—Subsec. (b). Pub. L. 109-284 substituted “With” for “with” in heading.

§ 17505. Presidential report

(a) SUMMARY AND ANALYSIS OF AGENCY STATEMENTS.—The President shall include with the budget transmitted under section 1105 of title 31 for each fiscal year, or in a separate written report to Congress for that fiscal year, a summary and analysis of the statements most recently submitted by the heads of executive agencies pursuant to section 17504(a) of this title.

(b) CONTENTS OF SUMMARY AND ANALYSIS.—Each 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 the Administrator of General Services operates; or

(3) other existing motor vehicle management systems.

(Pub. L. 107-217, Aug. 21, 2002, 116 Stat. 1284.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
17505	40:904.	Pub. L. 99-272, title XV, §15304, Apr. 7, 1986, 100 Stat. 336.

The text of 40:904(b) is omitted as executed.

§ 17506. Reduction of storage and disposal costs

The Administrator of General Services 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. 107-217, Aug. 21, 2002, 116 Stat. 1285.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
17506	40:907.	Pub. L. 99-272, title XV, §15307, Apr. 7, 1986, 100 Stat. 337.

§ 17507. Savings

(a) ACTIONS BY PRESIDENT REQUIRED.—The President shall establish, for each executive agency, goals to reduce outlays for the oper-

ation, 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 the operation, maintenance, leasing, acquisition, and disposal of motor vehicles to an amount which is \$150,000,000 less than the amount for the operation, maintenance, leasing, acquisition, and disposal of motor vehicles requested by the President in the budget submitted under section 1105 of title 31 for fiscal year 1986.

(b) MONITORING OF COMPLIANCE.—The Director of the Office of Management and Budget shall monitor compliance by executive agencies with the goals established by the President under subsection (a) and shall include, in each summary and analysis required under section 17505 of this title, a statement specifying the reductions in expenditures by executive agencies, including the Department of Defense, achieved under those goals.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1285.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 17507: 40:908, Pub. L. 99-272, title XV, §15308, Apr. 7, 1986, 100 Stat. 337.

§ 17508. Compliance

(a) ADMINISTRATOR OF GENERAL SERVICES.—The Administrator of General Services shall comply with and be subject to this chapter with regard to all motor vehicles that are used within the General Services Administration for official purposes.

(b) MANAGERS OF OTHER MOTOR POOLS.—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. 107–217, Aug. 21, 2002, 116 Stat. 1285.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 17508: 40:909, Pub. L. 99-272, title XV, §15309, Apr. 7, 1986, 100 Stat. 338.

§ 17509. 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 17507(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 of General Services, in cooperation with the Director of the Office of Management and Budget, to prescribe appropriate regulations, standards, and definitions to ensure that executive agencies meet the goals established under section 17507(a) of this title in the manner prescribed by subsection (a).

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1285.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 17509: 40:910, Pub. L. 99-272, title XV, §15310, Apr. 7, 1986, 100 Stat. 338.

§ 17510. Cooperation

The Director of the Office of Management and Budget and the Administrator of General Services shall cooperate closely in the implementation of this chapter.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1286.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 17510: 40:911, Pub. L. 99-272, title XV, §15311, Apr. 7, 1986, 100 Stat. 338.

CHAPTER 177—ALASKA COMMUNICATIONS DISPOSAL

- Sec. 17701. Definitions.
17702. Transfer of Government-owned long-lines communication facilities in and to Alaska.
17703. National defense considerations and qualification of transferee.
17704. Contents of agreements for transfer.
17705. Approval of Federal Communications Commission.
17706. Gross proceeds as miscellaneous receipts in the Treasury.
17707. Reports.
17708. Nonapplication.

§ 17701. Definitions

In this chapter, the following definitions apply:

(1) AGENCY CONCERNED.—The term “agency concerned” means a department, agency, wholly owned corporation, or instrumentality of the Federal Government.

(2) LONG-LINES COMMUNICATION FACILITIES.—The term “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) TRANSFER.—The term “transfer” means the conveyance by the Government of any element of ownership, including 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.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1286.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 17701: 40:771, Pub. L. 90-135, title I, §101, Nov. 14, 1967, 81 Stat. 441.

In clause (1), the word “including” is substituted for “including but not restricted to” to eliminate unnece-

sary words. The word “estate” is omitted as being included in “interest”.

§ 17702. Transfer of Government-owned long-lines communication facilities in and to Alaska

(a) IN GENERAL.—

(1) AUTHORITY OF THE SECRETARY OF DEFENSE.—

(A) REQUIREMENTS PRIOR TO TRANSFER.— Subject to section 17703 of this title and with the advice, assistance, and, in the case of an agency not under the jurisdiction of the Secretary of Defense, the consent of the agency concerned, and after approval of the President, the Secretary of Defense 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 section 17703.

(B) AUTHORITY TO CARRY OUT CHAPTER.— The Secretary of Defense may take action and exercise powers as may be necessary or appropriate to carry out the purposes of this chapter.

(2) CONSENT OF SECRETARY CONCERNED.—An interest in public lands, withdrawn or otherwise appropriated, shall not be transferred under this chapter without the prior consent of the Secretary of the Interior, or, with respect to lands in a national forest, of the Secretary of Agriculture.

(3) PROCEDURES AND METHODS.—The Secretary of Defense shall carry out a transfer under this chapter in accordance with the procedures and methods required of the Administrator of General Services by section 545(a) and (b) of this title.

(b) DOCUMENTS OF TITLE OR OTHER PROPERTY INTERESTS.—The head of the agency concerned (or a designee of the head) shall execute documents for the transfer of title or other interest in property, except any mineral rights in the property, and take other action that the Secretary of Defense decides is necessary or proper to transfer the property under this chapter. A copy of a deed, lease, or other instrument executed by or on behalf of the head of the agency concerned purporting to transfer title or another interest in public land shall be provided to the Secretary of the Interior.

(c) SOLICITATION OF OFFERS TO PURCHASE CERTAIN FACILITIES.—In connection with soliciting offers to purchase long-lines facilities of the Alaska Communication System, the Secretary of Defense shall—

(1) provide any prospective purchaser who requests it data on—

(A) the facilities available for purchase;

(B) the amounts considered to be the current fair and reasonable value of those facilities; and

(C) the initial rates that will be charged to the purchaser for capacity in facilities retained by the Government and available for commercial use;

(2) provide in the request for offers to purchase that offerors must specify the rates the offerors propose to charge for service and the

improvements in service the offerors propose to initiate;

(3) provide an opportunity for prospective purchasers to meet as a group with Department of Defense representatives to ensure that the data and public interest requirements described in clauses (1) and (2) are fully understood; and

(4) seek the advice and assistance of the Federal Communications Commission and the Governor of Alaska (or a designee of the Governor) to ensure consideration of all public interest factors associated with the transfer.

(d) APPLICABILITY OF ANTITRUST PROVISIONS.— The requirements of section 559 of this title apply to transfers under this chapter.

(Pub. L. 107-217, Aug. 21, 2002, 116 Stat. 1286.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
17702(a)(1) ..	40:781(1).	Pub. L. 90-135, title I, §201, Nov. 14, 1967, 81 Stat. 442.
17702(a)(2) ..	40:781(5).	
17702(a)(3) ..	40:781(2).	
17702(b)	40:781(4).	
17702(c)	40:781(6).	
17702(d)	40:781(3).	

In this chapter, the words “or his designee” are omitted because of 10:113.

In subsection (a)(1)(A), the words “and notwithstanding provisions of any other law” are omitted as unnecessary. The words “shall transfer” are substituted for “is authorized to and shall transfer” for clarity.

In subsection (c)(4), the words “the Federal Field Committee for Development Planning in Alaska” are omitted because the Committee has been terminated. See Executive Order No. 11608 (eff. July 19, 1971).

§ 17703. National defense considerations and qualification of transferee

A transfer under this chapter shall not be made unless the Secretary of Defense determines that—

(1) the Federal Government 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 the communication service involved in the transfer without interruption; and

(4) the long-lines communication facilities will not directly or indirectly be owned, operated, or controlled by a person that would legally be disqualified from holding a radio station license by section 310(a) of the Communications Act of 1934 (47 U.S.C. 310(a)).

(Pub. L. 107-217, Aug. 21, 2002, 116 Stat. 1287.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
17703	40:782.	Pub. L. 90-135, title I, §202, Nov. 14, 1967, 81 Stat. 443.

§ 17704. Contents of agreements for transfer

An agreement by which a transfer is made under this chapter shall provide that—

(1) subject to regulations of the Federal Communications Commission and of any body

or commission established by Alaska to govern and regulate communications services to the public and all applicable statutes, treaties, and conventions, the person to whom the transfer is made shall provide the communication services involved in the transfer without interruption, except those services reserved by the Federal Government in the transfer;

(2) the rates and charges for those services applicable at the time of transfer shall not be changed for a period of one year from the date of the transfer unless approved by a governmental body or commission having jurisdiction; and

(3) the transfer will not be final until the transferee receives the requisite license and certificate of convenience and necessity to operate interstate and intrastate commercial communications in Alaska from the appropriate governmental regulatory bodies.

(Pub. L. 107-217, Aug. 21, 2002, 116 Stat. 1288.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 17704: 40:783, Pub. L. 90-135, title I, §203, Nov. 14, 1967, 81 Stat. 443.

In clause (1), the word "rules" is omitted as being included in "regulations".

In clause (3), the words "unless and" are omitted as unnecessary.

§ 17705. Approval of Federal Communications Commission

A transfer under this chapter does not require the approval of the Federal Communications Commission except to the extent that the approval of the Commission is necessary under section 17704(3) of this title.

(Pub. L. 107-217, Aug. 21, 2002, 116 Stat. 1288.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 17705: 40:784, Pub. L. 90-135, title I, §204, Nov. 14, 1967, 81 Stat. 443.

§ 17706. Gross proceeds as miscellaneous receipts in the Treasury

The gross proceeds of each transfer shall be deposited in the Treasury as miscellaneous receipts.

(Pub. L. 107-217, Aug. 21, 2002, 116 Stat. 1288.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 17706: 40:785, Pub. L. 90-135, title I, §205, Nov. 14, 1967, 81 Stat. 443.

The words "Notwithstanding the provisions of any other law" are omitted as unnecessary.

§ 17707. Reports

The Secretary of Defense shall report to the Congress and the President—

(1) in January of each year, the actions taken under this chapter during the preceding 12 months; and

(2) not later than 90 days after completion of each transfer under this chapter, a full account of that transfer.

(Pub. L. 107-217, Aug. 21, 2002, 116 Stat. 1288.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 17707: 40:786, Pub. L. 90-135, title I, §206, Nov. 14, 1967, 81 Stat. 443.

§ 17708. Nonapplication

This chapter does not modify in any manner the Communications Act of 1934 (47 U.S.C. 151 et seq.).

(Pub. L. 107-217, Aug. 21, 2002, 116 Stat. 1288.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 17708: 40:791, Pub. L. 90-135, title I, §301, Nov. 14, 1967, 81 Stat. 444.

REFERENCES IN TEXT

The Communications Act of 1934, 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 Radio-telegraphs. For complete classification of this Act to the Code, see section 609 of Title 47 and Tables.

CHAPTER 179—ALASKA FEDERAL-CIVILIAN ENERGY EFFICIENCY SWAP

- Sec. 17901. Definitions.
17902. Sale of electric energy.
17903. Purchase of electric power.
17904. Implementation powers and limitations.

§ 17901. Definitions

In this chapter, the following definitions apply:

(1) FEDERAL AGENCY.—The term "federal agency" means a department, agency, or instrumentality of the Federal Government.

(2) FEDERALLY GENERATED ELECTRIC ENERGY.—The term "federally generated electric energy" means any electric power generated by an electric generating facility owned and operated by a federal agency.

(3) NON-FEDERAL PERSON.—The term "non-federal person" means a corporation, cooperative, municipality, or other non-federal entity that generates electric energy through a facility other than a federally owned electric generating facility.

(Pub. L. 107-217, Aug. 21, 2002, 116 Stat. 1288.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 17901: 40:795, Pub. L. 96-571, §2, Dec. 22, 1980, 94 Stat. 3341.

In clause (1), the definition of "agency" as referring to the head of any department, agency, or instrumentality of the United States Government is rewritten as a definition of "federal agency" to avoid confusion between the role of the "agency" and the "head of the agency". Throughout the chapter, the words "head of

the federal agency” are used when the source provision is referring to action taken by an official as opposed to the concept of the agency as an institution.

In clause (3), the text of 40:795(1) and (4) is combined to eliminate a definition (40:795(1)) that is used only once.

§ 17902. Sale of electric energy

(a) IN GENERAL.—To conserve oil and natural gas and better utilize coal, the head of a federal agency may sell, or enter into a contract to sell, to any non-federal person electric energy generated by coal-fired electric generating facilities of that agency in Alaska without regard to any provision of law that precludes the sale when the electric energy to be sold is available from other local sources, if the head of the federal agency determines that—

(1) the electric energy to be sold is generated by an existing coal-fired generating facility;

(2) the electric energy to be sold is surplus to the federal agency’s needs and is in excess of the electric energy specifically generated for consumption by, or necessary to serve the requirements of, another federal agency;

(3) the cost to the ultimate consumers of the electric energy to be sold is less than the cost that, in the absence of the sale, would be incurred by those consumers for the purchase of an equivalent amount of energy; and

(4) the sale will reduce the total consumption of oil or natural gas by the non-federal person purchasing the electric energy below the level of consumption that would occur in the absence of the sale.

(b) PRICING POLICIES.—Federally generated electric energy sold by the head of a federal agency under subsection (a) shall be priced to recover the fuel and variable operation and maintenance costs of the facility generating the energy that are attributable to that 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. 107–217, Aug. 21, 2002, 116 Stat. 1289.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 1: 17902, 40:795a., Pub. L. 96-571, §3, Dec. 22, 1980, 94 Stat. 3341.

In subsection (a), the words “to be sold” are added for clarity. In clause (4), the words “below the level of consumption that” are substituted for “below that consumption which” for clarity.

In subsection (b), before clause (1), the words “fuel and variable operation and maintenance costs of the facility generating the energy that are attributable to that sale” are substituted for “fuel costs and variable operation and maintenance costs of the Federal generating facility concerned which costs are attributable to such sale” for clarity.

§ 17903. Purchase of electric power

For purposes of economy, efficiency, and conserving oil and natural gas, the head of a federal agency, when practicable and consistent with other laws and requirements applicable to that

agency, shall endeavor to purchase electric energy from a non-federal person for consumption in Alaska by a facility of that agency when (taking into account the remaining useful life of any facility available to that agency to generate electric energy for that agency and the cost of maintaining the facility on a standby basis) the purchase will result in—

(1) a savings to other consumers of electric energy sold by that non-federal person without increasing the cost incurred by any federal agency for electric energy; or

(2) a cost savings to the federal agency purchasing the electric energy without increasing costs to other consumers of electric energy.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1289.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 1: 17903, 40:795b., Pub. L. 96-571, §4, Dec. 22, 1980, 94 Stat. 3342.

In this section, before clause (1), the words “electric energy” are substituted for “electric power” for consistency in the revised section.

§ 17904. Implementation powers and limitations

(a) ACCOMMODATION OF NEEDS FOR ELECTRIC ENERGY.—This chapter does not require or authorize a federal agency to construct a new electric generating facility or related facility, to modify an existing facility, or to employ reserve or standby equipment to accommodate the needs of a non-federal person for electric energy.

(b) AVAILABILITY OF REVENUE FROM SALES.—Revenue received by a federal agency pursuant to section 17902 of this title from the sale of electric energy generated from a facility of that agency is available to the agency without fiscal year limitation to purchase fuel and for operation, maintenance, and other costs associated with that facility.

(c) EXERCISE OF AUTHORITIES.—The authority under this chapter shall be exercised for those periods and pursuant to terms and conditions that the head of the federal agency concerned decides are necessary consistent with—

(1) this chapter; and

(2) responsibilities of the head of the federal agency under other law.

(d) NEGOTIATION AND EXECUTION OF CONTRACTS AND OTHER AGREEMENTS.—A contract or other agreement executed under this chapter shall be negotiated and executed by the head of the federal agency selling or purchasing electric energy under this chapter.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1290.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 1: 17904, 40:795c., Pub. L. 96-571, §5, Dec. 22, 1980, 94 Stat. 3342.

In subsection (a), the words “federal agency” are substituted for “department, agency, or instrumentality of the United States Government” because of the definition of “federal agency” in section 17901 of this title.

In subsection (d), the words “notwithstanding any other provision of law” are omitted as unnecessary.

CHAPTER 181—TELECOMMUNICATIONS ACCESSIBILITY FOR HEARING-IMPAIRED AND SPEECH-IMPAIRED INDIVIDUALS

- Sec. 18101. Definitions. 18102. Federal telecommunications system. 18103. Research and development. 18104. TTY installation by Congress.

§ 18101. Definitions

In this chapter—

(1) FEDERAL AGENCY.—The term “federal agency” has the same meaning given that term in section 102 of this title.

(2) TTY.—The term “TTY” means a text-telephone used in the transmission of coded signals through the nationwide telecommunications system.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1290.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 18101 points to 40:762 and Pub. L. 100-542, §2, Oct. 28, 1988, 102 Stat. 2721.

§ 18102. Federal telecommunications system

(a) REGULATIONS TO ENSURE ACCESSIBILITY.—The Administrator of General Services, after consultation with the Architectural and Transportation Barriers Compliance Board, the Inter-agency Committee on Computer Support of Handicapped Employees, the Federal Communications Commission, and affected federal agencies, shall prescribe regulations to ensure 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) FEDERAL RELAY SYSTEM.—The Administrator shall provide for the continuation of the existing federal relay system for users of TTY’s.

(c) DIRECTORY.—The Administrator shall assemble, publish, and maintain a directory of TTY’s and other devices used by federal agencies to comply with regulations prescribed under subsection (a).

(d) PUBLICATION OF ACCESS NUMBERS.—The Administrator shall publish access numbers of TTY’s and such other devices in federal agency directories.

(e) LOGO.—After consultation with the Board, the Administrator shall adopt the design of a standard logo to signify the presence of a TTY or other device used by a federal agency to comply with regulations prescribed under subsection (a).

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1290.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Rows 18102(a) through 18102(e) point to various sections of 40:762a.

In subsection (a), the words “prescribe regulations to ensure” are substituted for “by regulation, take such

actions in accordance with this section as may be necessary to assure” to eliminate unnecessary words.

In subsection (c), the text of 40:762a(b)(2)–(4) and (c) is omitted as executed and obsolete. The words “In carrying out subsection (a) of this section” are omitted as unnecessary.

§ 18103. Research and development

(a) SUPPORT FOR RESEARCH.—The Administrator of General Services, in consultation with the Federal Communications Commission, shall 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.—In planning future alterations to and modifications of the federal telecommunications system, the Administrator shall take into account—

(1) modifications that the Administrator determines are necessary to achieve the objectives of section 18102(a) of this title; and

(2) technological improvements in telecommunications devices and systems that provide accessibility to hearing-impaired and speech-impaired individuals.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1291.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 18103 points to 40:762b and Pub. L. 100-542, §4, Oct. 28, 1988, 102 Stat. 2722.

Subsection (b)(1) is substituted for “results of the analysis required by section 762a(b)(3) of this title” because 40:762a(b)(3), which is omitted as executed and obsolete (see the revision note for section 18102(b) of the revised title), provided for an analysis and report regarding modifications that the Administrator determined were necessary to achieve the objectives of 40:762a(a), which is restated in section 18102(a) of the revised title.

§ 18104. TTY installation by Congress

Each House of Congress shall establish a policy under which Members of the House of Representatives and the Senate may obtain TTY’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. 107–217, Aug. 21, 2002, 116 Stat. 1291.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 18104 points to 40:762d and Pub. L. 100-542, §6, Oct. 28, 1988, 102 Stat. 2722.

The words “As soon as practicable” and “as the case may be” are omitted as unnecessary.

CHAPTER 183—NATIONAL CAPITAL AREA INTEREST ARBITRATION STANDARDS

- Sec. 18301. Findings and purposes. 18302. Definitions. 18303. Standards for arbitrators. 18304. Procedures for enforcement of awards.

§ 18301. Findings and purposes

(a) FINDINGS.—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 mass transit services, prices that are substantially affected by labor costs, since more than two-thirds 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 section 8 of Article I of the United States Constitution to balance the need to moderate and lower labor costs while maintaining industrial peace.

(b) PURPOSE.—The purpose of this chapter is to adopt standards governing arbitration that 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. 107–217, Aug. 21, 2002, 116 Stat. 1291.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
18301	40:1301.	Pub. L. 104–50, title IV, §402, Nov. 15, 1995, 109 Stat. 463.

In subsection (a)(7), the reference is to section 8 of article I of the United States Constitution to correct an error in the source provision.

§ 18302. Definitions

In this chapter, the following definitions apply:

(1) ARBITRATION.—The term “arbitration”—

(A) means 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; but

(B) does not include the interpretation and application of rights arising from an existing collective bargaining agreement.

(2) ARBITRATOR.—The term “arbitrator” refers to either a single arbitrator, or a board of arbitrators, chosen under applicable procedures.

(3) INTERSTATE COMPACT AGENCY OPERATING IN THE NATIONAL CAPITAL AREA.—The term “interstate compact agency operating in the national capital area” means any interstate compact agency that provides public transit services and that was established by an interstate compact to which the District of Columbia is a signatory.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1292.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
18302	40:1302(1), (2), (4), (5).	Pub. L. 104–50, title IV, §403(1), (2), (4), (5), Nov. 15, 1995, 109 Stat. 464.

The text of 40:1302(4) and (5) is combined to eliminate unnecessary words.

§ 18303. Standards for arbitrators

(a) DEFINITION.—In this section, the term “public welfare” includes, with respect to arbitration under an interstate compact—

(1) the financial ability of the individual jurisdictions participating in the compact to pay for the costs of providing public transit services; and

(2) 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 metropolitan area, and the effect of an arbitration award rendered under that arbitration on the respective income or property tax rates of the jurisdictions that provide subsidy payments to the interstate compact agency established under the compact.

(b) 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 metropolitan area, published by the Bureau of Labor Statistics.

(4) The wages, benefits, and terms and conditions of the employment of other employees

who perform, in other jurisdictions in the Washington 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.

(c) ABILITY TO FINANCE SALARIES AND BENEFITS PROVIDED IN AWARD.—An arbitrator rendering an arbitration award involving the employees of an interstate compact 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 ability of the interstate compact agency, or of any governmental jurisdiction that 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.

(d) REQUIREMENTS FOR FINAL AWARD.—

(1) WRITTEN 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 (b) and (c) have been considered and applied.

(2) PREREQUISITES.—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.

(3) SUBSTANTIAL EVIDENCE.—The arbitrator's conclusion regarding the public welfare must be supported by substantial evidence.

(Pub. L. 107-217, Aug. 21, 2002, 116 Stat. 1292.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
18303(a)	40:1302(6).	Pub. L. 104-50, title IV, §§ 403(3), (6), 404, Nov. 15, 1995, 109 Stat. 464.
18303(b)-(d)	40:1302(3). 40:1303.	

The text of 40:1302(3) and 1303(b) is combined because 40:1303(b) is the only place the definition of "funding ability" is used in the revised chapter.

§ 18304. Procedures for enforcement of awards

(a) MODIFICATIONS AND FINALITY OF AWARD.—Within 10 days after the parties receive an arbitration award to which section 18303 of this title applies, the interstate compact agency and the employees, through their representative, may agree in writing on any modifications to the award. After the end of that 10-day period, the award, and any modifications, become binding on 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) shall take all actions necessary to implement the award.

(c) JUDICIAL REVIEW.—Within 60 days after an award becomes binding under subsection (a), the interstate compact agency or the exclusive representative of the employees concerned may bring a civil action in a court that 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 laws 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 18303 of this title.

(Pub. L. 107-217, Aug. 21, 2002, 116 Stat. 1294.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
18304	40:1304.	Pub. L. 104-50, title IV, § 405, Nov. 15, 1995, 109 Stat. 465.