

107TH CONGRESS
2D SESSION

H. R. 2068

AN ACT

To revise, codify, and enact without substantive change certain general and permanent laws, related to public buildings, property, and works, as title 40, United States Code, “Public Buildings, Property, and Works”.

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To revise, codify, and enact without substantive change certain general and permanent laws, related to public buildings, property, and works, as title 40, United States Code, “Public Buildings, Property, and Works”.

1 *Be it enacted by the Senate and House of Representatives of the United*
2 *States of America in Congress assembled,*

1 **SECTION 1. TITLE 40, UNITED STATES CODE.**

2 Certain general and permanent laws of the United States, related to pub-
 3 lie buildings, property, and works, are revised, codified, and enacted as title
 4 40, United States Code, “Public Buildings, Property, and Works”, as fol-
 5 lows:

6 **TITLE 40—PUBLIC BUILDINGS,
 7 PROPERTY, AND WORKS**

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10 **CHAPTER 1—GENERAL**

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11 **SUBCHAPTER I—PURPOSE AND DEFINITIONS**

12 **§ 101. Purpose**

13 The purpose of this subtitle is to provide the Federal Government with
 14 an economical and efficient system for the following activities:

- 15 (1) Procuring and supplying property and nonpersonal services, and
 16 performing related functions including contracting, inspection, storage,
 17 issue, setting specifications, identification and classification, transpor-
 18 tation and traffic management, establishment of pools or systems for
 19 transportation of Government personnel and property by motor vehicle
 20 within specific areas, management of public utility services, repairing
 21 and converting, establishment of inventory levels, establishment of

1 forms and procedures, and representation before federal and state reg-
 2 ulatory bodies.

3 (2) Using available property.

4 (3) Disposing of surplus property.

5 (4) Records management.

6 **§ 102. Definitions**

7 The following definitions apply in chapters 1 through 7 of this title and
 8 in title III of the Federal Property and Administrative Services Act of 1949
 9 (41 U.S.C. 251 et seq.):

10 (1) CARE AND HANDLING.—The term “care and handling”
 11 includes—

12 (A) completing, repairing, converting, rehabilitating, operating,
 13 preserving, protecting, insuring, packing, storing, handling, con-
 14 serving, and transporting excess and surplus property; and

15 (B) rendering innocuous, or destroying, property that is dan-
 16 gerous to public health or safety.

17 (2) CONTRACTOR INVENTORY.—The term “contractor inventory”
 18 means—

19 (A) property, in excess of amounts needed to complete full per-
 20 formance, that is acquired by and in possession of a contractor or
 21 subcontractor under a contract pursuant to which title is vested
 22 in the Federal Government; and

23 (B) property that the Government is obligated or has the option
 24 to take over, under any type of contract, as a result of changes
 25 in specifications or plans under the contract, or as a result of ter-
 26 mination of the contract (or a subcontract), prior to completion of
 27 the work, for the convenience or at the option of the Government.

28 (3) EXCESS PROPERTY.—The term “excess property” means prop-
 29 erty under the control of a federal agency that the head of the agency
 30 determines is not required to meet the agency’s needs or responsibil-
 31 ities.

32 (4) EXECUTIVE AGENCY.—The term “executive agency” means—

33 (A) an executive department or independent establishment in
 34 the executive branch of the Government; and

35 (B) a wholly owned Government corporation.

36 (5) FEDERAL AGENCY.—The term “federal agency” means an execu-
 37 tive agency or an establishment in the legislative or judicial branch of
 38 the Government (except the Senate, the House of Representatives, and
 39 the Architect of the Capitol, and any activities under the direction of
 40 the Architect of the Capitol).

1 (6) FOREIGN EXCESS PROPERTY.—The term “foreign excess prop-
2 erty” means excess property that is not located in the States of the
3 United States, the District of Columbia, Puerto Rico, American Samoa,
4 Guam, the Northern Mariana Islands, the Federated States of Micro-
5 nesia, the Marshall Islands, Palau, and the Virgin Islands.

6 (7) MOTOR VEHICLE.—The term “motor vehicle” means any vehicle,
7 self-propelled or drawn by mechanical power, designed and operated
8 principally for highway transportation of property or passengers,
9 excluding—

10 (A) a vehicle designed or used for military field training, com-
11 bat, or tactical purposes, or used principally within the confines
12 of a regularly established military post, camp, or depot; and

13 (B) a vehicle regularly used by an agency to perform investiga-
14 tive, law enforcement, or intelligence duties, if the head of the
15 agency determines that exclusive control of the vehicle is essential
16 for effective performance of duties.

17 (8) NONPERSONAL SERVICES.—The term “nonpersonal services”
18 means contractual services designated by the Administrator of General
19 Services, other than personal and professional services.

20 (9) PROPERTY.—The term “property” means any interest in prop-
21 erty except—

22 (A)(i) the public domain;

23 (ii) land reserved or dedicated for national forest or national
24 park purposes;

25 (iii) minerals in land or portions of land withdrawn or reserved
26 from the public domain which the Secretary of the Interior deter-
27 mines are suitable for disposition under the public land mining
28 and mineral leasing laws; and

29 (iv) land withdrawn or reserved from the public domain except
30 land or portions of land so withdrawn or reserved which the Sec-
31 retary, with the concurrence of the Administrator, determines are
32 not suitable for return to the public domain for disposition under
33 the general public land laws because the lands are substantially
34 changed in character by improvements or otherwise;

35 (B) naval vessels that are battleships, cruisers, aircraft carriers,
36 destroyers, or submarines; and

37 (C) records of the Government.

38 (10) SURPLUS PROPERTY.—The term “surplus property” means ex-
39 cess property that the Administrator determines is not required to meet
40 the needs or responsibilities of all federal agencies.

SUBCHAPTER II—SCOPE

1
2 **§ 111. Application to Federal Property and Administrative**
3 **Services Act of 1949**

4 In the following provisions, the words “this subtitle” are deemed to refer
5 also to title III of the Federal Property and Administrative Services Act of
6 1949 (41 U.S.C. 251 et seq.):

- 7 (1) Section 101 of this title.
8 (2) Section 112(a) of this title.
9 (3) Section 113 of this title.
10 (4) Section 121(a) of this title.
11 (5) Section 121(c)(1) of this title.
12 (6) Section 121(c)(2) of this title.
13 (7) Section 121(d)(1) and (2) of this title.
14 (8) Section 121(e)(1) of this title.
15 (9) Section 121(f) of this title.
16 (10) Section 121(g) of this title.
17 (11) Section 122(a) of this title.
18 (12) Section 123(a) of this title.
19 (13) Section 123(e) of this title.
20 (14) Section 124 of this title.
21 (15) Section 126 of this title.
22 (16) Section 311(e) of this title.
23 (17) Section 313(a) of this title.
24 (18) Section 528 of this title.
25 (19) Section 541 of this title.
26 (20) Section 549(e)(3)(H)(i)(II) of this title.
27 (21) Section 557 of this title.
28 (22) Section 558(a) of this title.
29 (23) Section 559(f) of this title.
30 (24) Section 571(b) of this title.
31 (25) Section 572(a)(2)(A) of this title.
32 (26) Section 572(b)(4) of this title.

33 **§ 112. Applicability of certain policies, procedures, and di-**
34 **rectives in effect on July 1, 1949**

35 (a) IN GENERAL.—A policy, procedure, or directive described in sub-
36 section (b) remains in effect until superseded or amended under this subtitle
37 or other appropriate authority.

38 (b) DESCRIPTION.—A policy, procedure, or directive referred to in sub-
39 section (a) is one that was in effect on July 1, 1949, and that was pre-
40 scribed by—

1 (1) the Director of the Bureau of Federal Supply or the Secretary
2 of the Treasury and that related to a function transferred to or vested
3 in the Administrator of General Services on June 30, 1949, by the
4 Federal Property and Administrative Services Act of 1949;

5 (2) an officer of the Federal Government under authority of the Sur-
6 plus Property Act of 1944 (ch. 479, 58 Stat. 765) or other authority
7 related to surplus property or foreign excess property;

8 (3) the Federal Works Administrator or the head of a constituent
9 agency of the Federal Works Agency; or

10 (4) the Archivist of the United States or another officer or body
11 whose functions were transferred on June 30, 1949, by title I of the
12 Federal Property and Administrative Services Act of 1949.

13 § 113. Limitations

14 (a) IN GENERAL.—Except as otherwise provided in this section, the au-
15 thority conferred by this subtitle is in addition to any other authority con-
16 ferred by law and is not subject to any inconsistent provision of law.

17 (b) LIMITATION REGARDING THE OFFICE OF FEDERAL PROCUREMENT
18 POLICY ACT.—The authority conferred by this subtitle is subject to the Of-
19 fice of Federal Procurement Policy Act (41 U.S.C. 401 et seq.).

20 (c) LIMITATION REGARDING CERTAIN GOVERNMENT CORPORATIONS AND
21 AGENCIES.—Sections 121(b) and 506(c) of this title do not apply to a Gov-
22 ernment corporation or agency that is subject to chapter 91 of title 31.

23 (d) LIMITATION REGARDING CONGRESS.—This subtitle does not apply to
24 the Senate or the House of Representatives (including the Architect of the
25 Capitol and any building, activity, or function under the direction of the Ar-
26 chitect). However, services and facilities authorized by this subtitle shall, as
27 far as practicable, be made available to the Senate, the House of Represent-
28 atives, and the Architect of the Capitol on their request. If payment would
29 be required for providing a similar service or facility to an executive agency,
30 payment shall be made by the recipient, on presentation of proper vouchers,
31 in advance or by reimbursement (as may be agreed upon by the Adminis-
32 trator of General Services and the officer or body making the request). The
33 payment may be credited to the applicable appropriation of the executive
34 agency receiving the payment.

35 (e) OTHER LIMITATIONS.—Nothing in this subtitle impairs or affects the
36 authority of—

37 (1) the President under the Philippine Property Act of 1946 (22
38 U.S.C. 1381 et seq.);

39 (2) an executive agency, with respect to any program conducted for
40 purposes of resale, price support, grants to farmers, stabilization,
41 transfer to foreign governments, or foreign aid, relief, or rehabilitation,

1 but the agency carrying out the program shall, to the maximum extent
2 practicable, consistent with the purposes of the program and the effec-
3 tive, efficient conduct of agency business, coordinate its operations with
4 the requirements of this subtitle and with policies and regulations pre-
5 scribed under this subtitle;

6 (3) an executive agency named in chapter 137 of title 10, and the
7 head of the agency, with respect to the administration of that chapter;

8 (4) the Secretary of Defense with respect to property required for
9 or located in occupied territories;

10 (5) the Secretary of Defense with respect to the administration of
11 section 2535 of title 10;

12 (6) the Secretary of Defense and the Secretaries of the Army, Navy,
13 and Air Force with respect to the administration of the Strategic and
14 Critical Materials Stock Piling Act (50 U.S.C. 98 et seq.);

15 (7) the Secretary of State under the Foreign Service Buildings Act,
16 1926 (22 U.S.C. 292 et seq.);

17 (8) the Secretary of Agriculture under—

18 (A) the Richard B. Russell National School Lunch Act (42
19 U.S.C. 1751 et seq.);

20 (B) the Farmers Home Administration Act of 1946 (ch. 964,
21 60 Stat. 1062);

22 (C) section 32 of the Act of August 24, 1935 (7 U.S.C. 612e),
23 with respect to the exportation and domestic consumption of agri-
24 cultural products;

25 (D) section 201 of the Agricultural Adjustment Act of 1938 (7
26 U.S.C. 1291); or

27 (E) section 203(j) of the Agricultural Marketing Act of 1946 (7
28 U.S.C. 1622(j));

29 (9) an official or entity under the Farm Credit Act of 1971 (12
30 U.S.C. 2001 et seq.), with respect to the acquisition or disposal of
31 property;

32 (10) the Secretary of Housing and Urban Development or the Fed-
33 eral Deposit Insurance Corporation (or an officer of the Corporation)
34 with respect to the disposal of—

35 (A) residential property; or

36 (B) other property—

37 (i) acquired or held as part of, or in connection with, resi-
38 dential property; or

39 (ii) held in connection with the insurance of mortgages,
40 loans, or savings association accounts under the National

1 Housing Act (12 U.S.C. 1701 et seq.), the Federal Deposit
2 Insurance Act (12 U.S.C. 1811 et seq.), or any other law;

3 (11) the Tennessee Valley Authority with respect to nonpersonal
4 services, with respect to section 501(e) of this title, and with respect
5 to property acquired in connection with a program of processing, man-
6 ufacture, production, or force account construction, but the Authority
7 shall, to the maximum extent it considers practicable, consistent with
8 the purposes of its program and the effective, efficient conduct of its
9 business, coordinate its operations with the requirements of this sub-
10 title and with policies and regulations prescribed under this subtitle;

11 (12) the Secretary of Energy with respect to atomic energy;

12 (13) the Secretary of Transportation or the Secretary of Commerce
13 with respect to the disposal of airport property and airway property (as
14 those terms are defined in section 47301 of title 49) for use as such
15 property;

16 (14) the United States Postal Service;

17 (15) the Maritime Administration with respect to the acquisition,
18 procurement, operation, maintenance, preservation, sale, lease, charter,
19 construction, reconstruction, or reconditioning (including outfitting and
20 equipping incidental to construction, reconstruction, or reconditioning)
21 of a merchant vessel or shipyard, ship site, terminal, pier, dock, ware-
22 house, or other installation necessary or appropriate for carrying out
23 a program of the Administration authorized by law or nonadministra-
24 tive activities incidental to a program of the Administration authorized
25 by law, but the Administration shall, to the maximum extent it con-
26 sidered practicable, consistent with the purposes of its programs and the
27 effective, efficient conduct of its activities, coordinate its operations
28 with the requirements of this subtitle and with policies and regulations
29 prescribed under this subtitle;

30 (16) the Central Intelligence Agency;

31 (17) the Joint Committee on Printing, under title 44 or any other
32 law;

33 (18) the Secretary of the Interior with respect to procurement for
34 program operations under the Bonneville Project Act of 1937 (16
35 U.S.C. 832 et seq.); or

36 (19) the Secretary of State with respect to the furnishing of facilities
37 in foreign countries and reception centers within the United States.

SUBCHAPTER III—ADMINISTRATIVE AND GENERAL

§ 121. Administrative

(a) POLICIES PRESCRIBED BY THE PRESIDENT.—The President may prescribe policies and directives that the President considers necessary to carry out this subtitle. The policies must be consistent with this subtitle.

(b) ACCOUNTING PRINCIPLES AND STANDARDS.—

(1) PRESCRIPTION.—The Comptroller General, after considering the needs and requirements of executive agencies, shall prescribe principles and standards of accounting for property.

(2) PROPERTY ACCOUNTING SYSTEMS.—The Comptroller General shall cooperate with the Administrator of General Services and with executive agencies in the development of property accounting systems and approve the systems when they are adequate and in conformity with prescribed principles and standards.

(3) COMPLIANCE REVIEW.—From time to time the Comptroller General shall examine the property accounting systems established by executive agencies to determine the extent of compliance with prescribed principles and standards and approved systems. The Comptroller General shall report to Congress any failure to comply with the principles and standards or to adequately account for property.

(c) REGULATIONS BY ADMINISTRATOR.—

(1) GENERAL AUTHORITY.—The Administrator may prescribe regulations to carry out this subtitle.

(2) REQUIRED REGULATIONS AND ORDERS.—The Administrator shall prescribe regulations that the Administrator considers necessary to carry out the Administrator's functions under this subtitle and the head of each executive agency shall issue orders and directives that the agency head considers necessary to carry out the regulations.

(d) DELEGATION OF AUTHORITY BY ADMINISTRATOR.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Administrator may delegate authority conferred on the Administrator by this subtitle to an official in the General Services Administration or to the head of another federal agency. The Administrator may authorize successive redelegation of authority conferred by this subtitle.

(2) EXCEPTIONS.—The Administrator may not delegate—

(A) the authority to prescribe regulations on matters of policy applying to executive agencies;

(B) the authority to transfer functions and related allocated amounts from one component of the Administration to another under paragraphs (1)(C) and (2)(A) of subsection (e); or

1 (C) other authority for which delegation is prohibited by this
2 subtitle.

3 (3) RETENTION AND USE OF RENTAL PAYMENTS.—A department or
4 agency to which the Administrator has delegated authority to operate,
5 maintain or repair a building or facility under this subsection shall re-
6 tain the portion of the rental payment that the Administrator deter-
7 mines is available to operate, maintain or repair the building or facility.
8 The department or agency shall directly expend the retained amounts
9 to operate, maintain, or repair the building or facility. Any amounts
10 retained under this paragraph shall remain available until expended for
11 these purposes.

12 (e) ASSIGNMENT OF FUNCTIONS BY ADMINISTRATOR.—

13 (1) IN GENERAL.—The Administrator may provide for the perform-
14 ance of a function assigned under this subtitle by any of the following
15 methods:

16 (A) The Administrator may direct the Administration to per-
17 form the function.

18 (B) The Administrator may designate or establish a component
19 of the Administration and direct the component to perform the
20 function.

21 (C) The Administrator may transfer the function from one com-
22 ponent of the Administration to another.

23 (D) The Administrator may direct an executive agency to per-
24 form the function for itself, with the consent of the agency or by
25 direction of the President.

26 (E) The Administrator may direct one executive agency to per-
27 form the function for another executive agency, with the consent
28 of the agencies concerned or by direction of the President.

29 (F) The Administrator may provide for performance of a func-
30 tion by a combination of the methods described in this paragraph.

31 (2) TRANSFER OF RESOURCES.—

32 (A) WITHIN ADMINISTRATION.—If the Administrator transfers
33 a function from one component of the Administration to another,
34 the Administrator may also provide for the transfer of appropriate
35 allocated amounts from the component that previously carried out
36 the function to the component being directed to carry out the
37 function. A transfer under this subparagraph must be reported to
38 the Director of the Office of Management and Budget.

39 (B) BETWEEN AGENCIES.—If the Administrator transfers a
40 function from one executive agency to another (including a trans-
41 fer to or from the Administration), the Administrator may also

1 provide for the transfer of appropriate personnel, records, prop-
2 erty, and allocated amounts from the executive agency that pre-
3 viously carried out the function to the executive agency being di-
4 irected to carry out the function. A transfer under this subpara-
5 graph is subject to approval by the Director.

6 (f) **ADVISORY COMMITTEES.**—The Administrator may establish advisory
7 committees to provide advice on any function of the Administrator under
8 this subtitle. Members of the advisory committees shall serve without com-
9 pensation but are entitled to transportation and not more than \$25 a day
10 instead of expenses under section 5703 of title 5.

11 (g) **CONSULTATION WITH FEDERAL AGENCIES.**—The Administrator shall
12 advise and consult with interested federal agencies and seek their advice and
13 assistance to accomplish the purposes of this subtitle.

14 (h) **ADMINISTERING OATHS.**—In carrying out investigative duties, an offi-
15 cer or employee of the Administration, if authorized by the Administrator,
16 may administer an oath to an individual.

17 **§ 122. Prohibition on sex discrimination**

18 (a) **PROHIBITION.**—With respect to a program or activity carried on or
19 receiving federal assistance under this subtitle, an individual may not be ex-
20 cluded from participation, denied benefits, or otherwise discriminated
21 against based on sex.

22 (b) **ENFORCEMENT.**—Subsection (a) shall be enforced through agency
23 provisions and rules similar to those already established with respect to ra-
24 cial and other discrimination under title VI of the Civil Rights Act of 1964
25 (42 U.S.C. 2000d et seq.). However, this remedy is not exclusive and does
26 not prejudice or remove any other legal remedies available to an individual
27 alleging discrimination.

28 **§ 123. Civil remedies for fraud**

29 (a) **IN GENERAL.**—In connection with the procurement, transfer or dis-
30 position of property under this subtitle, a person that uses or causes to be
31 used, or enters into an agreement, combination, or conspiracy to use or
32 cause to be used, a fraudulent trick, scheme, or device for the purpose of
33 obtaining or aiding to obtain, for any person, money, property, or other ben-
34 efit from the Federal Government—

35 (1) shall pay to the Government an amount equal to the sum of—

36 (A) \$2,000 for each act;

37 (B) two times the amount of damages sustained by the Govern-
38 ment because of each act; and

39 (C) the cost of suit;

40 (2) if the Government elects, shall pay to the Government, as liq-
41 uidated damages, an amount equal to two times the consideration that

1 the Government agreed to give to the person, or that the person agreed
2 to give to the Government; or

3 (3) if the Government elects, shall restore to the Government the
4 money or property fraudulently obtained, with the Government retain-
5 ing as liquidated damages, the money, property, or other consideration
6 given to the Government.

7 (b) ADDITIONAL REMEDIES AND CRIMINAL PENALTIES.—The civil reme-
8 dies provided in this section are in addition to all other civil remedies and
9 criminal penalties provided by law.

10 (c) IMMUNITY OF GOVERNMENT OFFICIALS.—An officer or employee of
11 the Government is not liable (except for an individual’s own fraud) or ac-
12 countable for collection of a purchase price that is determined to be
13 uncollectible by the federal agency responsible for property if the property
14 is transferred or disposed of in accordance with this subtitle and with regu-
15 lations prescribed under this subtitle.

16 (d) JURISDICTION AND VENUE.—

17 (1) DEFINITION.—In this subsection, the term “district court”
18 means a district court of the United States or a district court of a ter-
19 ritory or possession of the United States.

20 (2) IN GENERAL.—A district court has original jurisdiction of an ac-
21 tion arising under this section, and venue is proper, if at least one de-
22 fendant resides or may be found in the court’s judicial district. Juris-
23 diction and venue are determined without regard to the place where
24 acts were committed.

25 (3) ADDITIONAL DEFENDANT OUTSIDE JUDICIAL DISTRICT.—A de-
26 fendant that does not reside and may not be found in the court’s judi-
27 cial district may be brought in by order of the court, to be served per-
28 sonally, by publication, or in another reasonable manner directed by the
29 court.

30 **§ 124. Agency use of amounts for property management**

31 Amounts appropriated, allocated, or available to a federal agency for pur-
32 poses similar to the purposes in section 121 of this title or subchapter I
33 (except section 506), II, or III of chapter 5 of this title may be used by
34 the agency for the disposition of property under this subtitle, and for the
35 care and handling of property pending the disposition, if the Director of the
36 Office of Management and Budget authorizes the use.

37 **§ 125. Library memberships**

38 Amounts appropriated may be used, when authorized by the Adminis-
39 trator of General Services, for payment in advance for library memberships
40 in societies whose publications are available to members only, or to members
41 at a lower price than that charged to the general public.

1 **§ 126. Reports to Congress**

2 The Administrator of General Services, at times the Administrator con-
3 siders desirable, shall submit a report to Congress on the administration of
4 this subtitle. The report shall include any recommendation for amendment
5 of this subtitle that the Administrator considers appropriate and shall iden-
6 tify any law that is obsolete because of the enactment or operation of this
7 subtitle.

8 **CHAPTER 3—ORGANIZATION OF GENERAL SERVICES**
9 **ADMINISTRATION**

 SUBCHAPTER I—GENERAL

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312. Transfer and use of amounts for major equipment acquisitions.
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 SUBCHAPTER III—FUNDS

321. General Supply Fund.
322. Information Technology Fund.
323. Consumer Information Center Fund.

 SUBCHAPTER I—GENERAL

10 **§ 301. Establishment**

11 The General Services Administration is an agency in the executive branch
12 of the Federal Government.

13 **§ 302. Administrator and Deputy Administrator**

14 (a) ADMINISTRATOR.—The Administrator of General Services is the head
15 of the General Services Administration. The Administrator is appointed by
16 the President with the advice and consent of the Senate. The Administrator
17 shall perform functions subject to the direction and control of the President.

18 (b) DEPUTY ADMINISTRATOR.—The Administrator shall appoint a Dep-
19 uty Administrator of General Services. The Deputy Administrator shall per-
20 form functions designated by the Administrator. The Deputy Administrator
21 is Acting Administrator of General Services during the absence or disability
22 of the Administrator and, unless the President designates another officer of
23 the Federal Government, when the office of Administrator is vacant.

24 **§ 303. Functions**

25 (a) BUREAU OF FEDERAL SUPPLY.—

26 (1) TRANSFER OF FUNCTIONS.—Subject to paragraph (2), the func-
27 tions of the Administrator of General Services include functions related
28 to the Bureau of Federal Supply in the Department of the Treasury
29 that, immediately before July 1, 1949, were functions of—
30 that, immediately before July 1, 1949, were functions of—

31 (A) the Bureau;

- 1 (B) the Director of the Bureau;
 2 (C) the personnel of the Bureau; or
 3 (D) the Secretary of the Treasury.

4 (2) FUNCTIONS NOT TRANSFERRED.—The functions of the Adminis-
 5 trator of General Services do not include functions retained in the De-
 6 partment of the Treasury under section 102(c) of the Federal Property
 7 and Administrative Services Act of 1949 (ch. 288, 63 Stat. 380).

8 (b) FEDERAL WORKS AGENCY AND COMMISSIONER OF PUBLIC BUILD-
 9 INGS.—The functions of the Administrator of General Services include func-
 10 tions related to the Federal Works Agency and functions related to the
 11 Commissioner of Public Buildings that, immediately before July 1, 1949,
 12 were functions of—

- 13 (1) the Federal Works Agency;
 14 (2) the Federal Works Administrator; or
 15 (3) the Commissioner of Public Buildings.

16 **§ 304. Federal information centers**

17 The Administrator of General Services may establish within the General
 18 Services Administration a nationwide network of federal information centers
 19 for the purpose of providing the public with information about the programs
 20 and procedures of the Federal Government and for other appropriate and
 21 related purposes.

22 SUBCHAPTER II—ADMINISTRATIVE

23 **§ 311. Personnel**

24 (a) APPOINTMENT AND COMPENSATION.—The Administrator of General
 25 Services, subject to chapters 33 and 51 and subchapter III of chapter 53
 26 of title 5, may appoint and fix the compensation of personnel necessary to
 27 carry out chapters 1, 3, and 5 of this title and title III of the Federal Prop-
 28 erty and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.).

29 (b) TEMPORARY EMPLOYMENT.—The Administrator may procure the
 30 temporary or intermittent services of experts or consultants under section
 31 3109 of title 5 to the extent the Administrator finds necessary to carry out
 32 chapters 1, 3, and 5 of this title and title III of the Federal Property and
 33 Administrative Services Act of 1949 (41 U.S.C. 251 et seq.).

34 (c) PERSONNEL FROM OTHER AGENCIES.—Notwithstanding section 973
 35 of title 10 or any other law, in carrying out functions under this subtitle
 36 the Administrator may use the services of personnel (including armed serv-
 37 ices personnel) from an executive agency other than the General Services
 38 Administration with the consent of the head of the agency.

39 (d) DETAIL OF FIELD PERSONNEL TO DISTRICT OF COLUMBIA.—The
 40 Administrator, in the Administrator's discretion, may detail field personnel
 41 of the Administration to the District of Columbia for temporary duty for

1 a period of not more than 30 days in any one case. Subsistence or similar
 2 expenses may not be allowed for an employee on temporary duty in the Dis-
 3 trict of Columbia under this paragraph.

4 **§ 312. Transfer and use of amounts for major equipment ac-**
 5 **quisitions**

6 (a) IN GENERAL.—Subject to subsection (b), unobligated balances of
 7 amounts appropriated or otherwise made available to the General Services
 8 Administration for operating expenses and salaries and expenses may be
 9 transferred and merged into the “Major equipment acquisitions and develop-
 10 ment activity” of the Salaries and Expenses, General Management and Ad-
 11 ministration appropriation account for—

12 (1) agency-wide acquisition of capital equipment, automated data
 13 processing systems; and

14 (2) financial management and management information systems
 15 needed to implement the Chief Financial Officers Act of 1990 (Public
 16 Law 101–576, 104 Stat. 2838) and other laws or regulations.

17 (b) REQUIREMENTS AND AVAILABILITY.—

18 (1) TIME FOR TRANSFER.—Transfer of an amount under this section
 19 must be done no later than the end of the fifth fiscal year after the
 20 fiscal year for which the amount is appropriated or otherwise made
 21 available.

22 (2) APPROVAL FOR USE.—An amount transferred under this section
 23 may be used only with the advance approval of the Committees on Ap-
 24 propriations of the House of Representatives and the Senate.

25 (3) AVAILABILITY.—An amount transferred under this section re-
 26 mains available until expended.

27 **§ 313. Tests of materials**

28 (a) SCOPE.—This section applies to any article or commodity tendered by
 29 a producer or vendor for sale or lease to the General Services Administra-
 30 tion or to any procurement authority acting under the direction and control
 31 of the Administrator of General Services pursuant to this subtitle.

32 (b) AUTHORITY TO CONDUCT TESTS.—The Administrator, in the Admin-
 33 istrator’s discretion and with the consent of the producer or vendor, may
 34 have tests conducted, in a manner the Administrator specifies, to—

35 (1) determine whether an article or commodity conforms to pre-
 36 scribed specifications and standards; or

37 (2) aid in the development of specifications and standards.

38 (c) FEES.—

39 (1) IN GENERAL.—The Administrator shall charge the producer or
 40 vendor a fee for the tests.

1 (i) personal property (including the purchase from or
2 through the Public Printer, for warehouse issue, of standard
3 forms, blankbook work, standard specifications, and other
4 printed material in common use by federal agencies and not
5 available through the Superintendent of Documents); and

6 (ii) nonpersonal services;

7 (B) paying the purchase price, cost of transportation of personal
8 property and services, and cost of personal services employed di-
9 rectly in the repair, rehabilitation, and conversion of personal
10 property; and

11 (C) paying other direct costs of, and indirect costs that are rea-
12 sonably related to, contracting, procurement, inspection, storage,
13 management, distribution, and accountability of property and non-
14 personal services provided by the General Services Administration
15 or by special order through the Administration.

16 (2) OTHER USES.—The Fund may be used for the procurement of
17 personal property and nonpersonal services authorized to be acquired
18 by—

19 (A) mixed-ownership Government corporations;

20 (B) the municipal government of the District of Columbia; or

21 (C) a requisitioning non-federal agency when the function of a
22 federal agency authorized to procure for it is transferred to the
23 Administration.

24 (d) PAYMENT FOR PROPERTY AND SERVICES.—

25 (1) IN GENERAL.—For property or services procured through the
26 Fund for requisitioning agencies, the agencies shall pay prices the Ad-
27 ministrator fixes under this subsection.

28 (2) PRICES FIXED BY ADMINISTRATOR.—The Administrator shall fix
29 prices at levels sufficient to recover—

30 (A) so far as practicable—

31 (i) the purchase price;

32 (ii) the transportation cost;

33 (iii) inventory losses;

34 (iv) the cost of personal services employed directly in the
35 repair, rehabilitation, and conversion of personal property;
36 and

37 (v) the cost of amortization and repair of equipment used
38 for lease or rent to executive agencies; and

39 (B) properly allocable costs payable by the Fund under sub-
40 section (c)(1)(C).

41 (3) TIMING OF PAYMENTS.—

1 (A) PAYMENT IN ADVANCE.—A requisitioning agency shall pay
2 in advance when the Administrator determines that there is insuf-
3 ficient capital otherwise available in the Fund. Payment in ad-
4 vance may also be made under an agreement between a requis-
5 itioning agency and the Administrator.

6 (B) PROMPT REIMBURSEMENT.—If payment is not made in ad-
7 vance, the Administration shall be reimbursed promptly out of
8 amounts of the requisitioning agency in accordance with account-
9 ing procedures approved by the Comptroller General.

10 (C) FAILURE TO MAKE PROMPT REIMBURSEMENT.—The Ad-
11 ministrator may obtain reimbursement by the issuance of transfer
12 and counterwarrants, or other lawful transfer documents, sup-
13 ported by itemized invoices, if payment is not made by a requis-
14 itioning agency within 45 days after the later of—

15 (i) the date of billing by the Administrator; or

16 (ii) the date on which actual liability for personal property
17 or services is incurred by the Administrator.

18 (e) REIMBURSEMENT FOR EQUIPMENT PURCHASED FOR CONGRESS.—
19 The Administrator may accept periodic reimbursement from the Senate and
20 from the House of Representatives for the cost of any equipment purchased
21 for the Senate or the House of Representatives with money from the Fund.
22 The amount of each periodic reimbursement shall be computed by amor-
23 tizing the total cost of each item of equipment over the useful life of the
24 equipment, as determined by the Administrator, in consultation with the
25 Sergeant at Arms and Doorkeeper of the Senate or the Chief Administrative
26 Officer of the House of Representatives, as appropriate.

27 (f) TREATMENT OF SURPLUS.—

28 (1) SURPLUS DEPOSITED IN TREASURY.—As of September 30 of
29 each year, any surplus in the Fund above the amounts transferred or
30 appropriated to establish and maintain the Fund (all assets, liabilities,
31 and prior losses considered) shall be deposited in the Treasury as mis-
32 cellaneous receipts.

33 (2) SURPLUS RETAINED.—From any surplus generated by operation
34 of the Fund, the Administrator may retain amounts necessary to main-
35 tain a sufficient level of inventory of personal property to meet the
36 needs of the federal agencies.

37 (g) AUDITS.—The Comptroller General shall audit the Fund in accord-
38 ance with the provisions of chapter 35 of title 31 and report the results of
39 the audits.

1 **§ 322. Information Technology Fund**

2 (a) EXISTENCE.—There is an Information Technology Fund in the
3 Treasury.

4 (b) COST AND CAPITAL REQUIREMENTS.—

5 (1) IN GENERAL.—The Administrator of General Services shall de-
6 termine the cost and capital requirements of the Fund for each fiscal
7 year. The cost and capital requirements may include amounts—

8 (A) needed to purchase (if the Administrator has determined
9 that purchase is the least costly alternative) information proc-
10 essing and transmission equipment, software, systems, and oper-
11 ating facilities necessary to provide services;

12 (B) resulting from operations of the Fund, including the net
13 proceeds from the disposal of excess or surplus personal property
14 and receipts from carriers and others for loss or damage to prop-
15 erty; and

16 (C) that are appropriated, authorized to be transferred, or oth-
17 erwise made available to the Fund.

18 (2) SUBMITTING PLANS TO OFFICE OF MANAGEMENT AND BUDG-
19 ET.—The Administrator shall submit plans concerning the cost and
20 capital requirements determined under this section, and other informa-
21 tion as may be requested, for review and approval by the Director of
22 the Office of Management and Budget. Plans submitted under this sec-
23 tion fulfill the requirements of sections 1512 and 1513 of title 31.

24 (3) ADJUSTMENTS.—Any change to the cost and capital require-
25 ments of the Fund for a fiscal year shall be made in the same manner
26 as the initial fiscal year determination.

27 (c) USE.—

28 (1) IN GENERAL.—The Fund is available for expenses, including per-
29 sonal services and other costs, and for procurement (by lease, purchase,
30 transfer, or otherwise) to efficiently provide information technology re-
31 sources to federal agencies and to efficiently manage, coordinate, oper-
32 ate, and use those resources.

33 (2) SPECIFICALLY INCLUDED ITEMS.—Information technology re-
34 sources provided under this section include information processing and
35 transmission equipment, software, systems, operating facilities, sup-
36 plies, and related services including maintenance and repair.

37 (3) CANCELLATION COSTS.—Any cancellation costs incurred for a
38 contract entered into under subsection (c) shall be paid from money
39 currently available in the Fund.

40 (4) NO FISCAL YEAR LIMITATION.—The Fund is available without
41 fiscal year limitation.

1 (d) CHARGES TO AGENCIES.—If the Director approves plans submitted
 2 by the Administrator under subsection (b), the Administrator shall establish
 3 rates, consistent with the approval, to be charged to agencies for informa-
 4 tion technology resources provided through the Fund.

5 (e) CONTRACT AUTHORITY.—

6 (1) IN GENERAL.—In operating the Fund, the Administrator may
 7 enter into multiyear contracts, not longer than 5 years, to provide in-
 8 formation technology hardware, software, or services if—

9 (A) amounts are available and adequate to pay the costs of the
 10 contract for the first fiscal year and any costs of cancellation or
 11 termination;

12 (B) the contract is awarded on a fully competitive basis; and

13 (C) the Administrator determines that—

14 (i) the need for the information technology hardware, soft-
 15 ware, or services being provided will continue over the period
 16 of the contract;

17 (ii) the use of the multiyear contract will yield substantial
 18 cost savings when compared with other methods of providing
 19 the necessary resources; and

20 (iii) the method of contracting will not exclude small busi-
 21 ness participation.

22 (2) EFFECT ON OTHER LAW.—This subsection does not limit the au-
 23 thority of the Administrator to procure equipment and services under
 24 sections 501–505 of this title.

25 (f) TRANSFER OF UNCOMMITTED BALANCE.—After the close of each fis-
 26 cal year, any uncommitted balance remaining in the Fund, after making
 27 provision for anticipated operating needs as determined by the Office of
 28 Management and Budget, shall be transferred to the Treasury as miscella-
 29 neous receipts.

30 (g) ANNUAL REPORT.—The Administrator shall report annually to the
 31 Director on the operation of the Fund. The report must address the inven-
 32 tory, use, and acquisition of information processing equipment and identify
 33 any proposed increases to the capital of the Fund.

34 **§ 323. Consumer Information Center Fund**

35 (a) EXISTENCE.—There is in the Treasury a Consumer Information Cen-
 36 ter Fund, General Services Administration, for the purpose of disseminating
 37 Federal Government consumer information to the public and for other re-
 38 lated purposes.

39 (b) DEPOSITS.—Money shall be deposited into the Fund from—

40 (1) appropriations from the Treasury for Consumer Information
 41 Center activities;

- 1 (2) user fees from the public;
- 2 (3) reimbursements from other federal agencies for costs of distrib-
- 3 uting publications; and
- 4 (4) any other income incident to Center activities.
- 5 (c) EXPENDITURES.—Money deposited into the Fund is available for ex-
- 6 penditure for Center activities in amounts specified in appropriation laws.
- 7 The Fund shall assume all liabilities, obligations, and commitments of the
- 8 Center account.
- 9 (d) UNOBLIGATED BALANCES.—Any unobligated balances at the end of
- 10 a fiscal year remain in the Fund and are available for authorization in ap-
- 11 propriation laws for subsequent fiscal years.
- 12 (e) GIFT ACCOUNT.—The Center may accept and deposit to this account
- 13 gifts for purposes of defraying the costs of printing, publishing, and distrib-
- 14 uting consumer information and educational materials and undertaking
- 15 other consumer information activities. In addition to amounts appropriated
- 16 or otherwise made available, the Center may expend the gifts for these pur-
- 17 poses and any balance remains available for expenditure.

18 **CHAPTER 5—PROPERTY MANAGEMENT**

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SUBCHAPTER I—PROCUREMENT AND WAREHOUSING

§ 501. Services for executive agencies

(a) AUTHORITY OF ADMINISTRATOR OF GENERAL SERVICES.—

(1) IN GENERAL.—The Administrator of General Services shall take action under this subchapter for an executive agency—

(A) to the extent that the Administrator of General Services determines that the action is advantageous to the Federal Government in terms of economy, efficiency, or service; and

(B) with due regard to the program activities of the agency.

(2) EXEMPTION FOR DEFENSE.—The Secretary of Defense may exempt the Department of Defense from an action taken by the Administrator of General Services under this subchapter, unless the President directs otherwise, whenever the Secretary determines that an exemption is in the best interests of national security.

(b) PROCUREMENT AND SUPPLY.—

(1) FUNCTIONS.—

(A) IN GENERAL.—The Administrator of General Services shall procure and supply personal property and nonpersonal services for

1 executive agencies to use in the proper discharge of their respon-
 2 sibilities, and perform functions related to procurement and supply
 3 including contracting, inspection, storage, issue, property identi-
 4 fication and classification, transportation and traffic management,
 5 management of public utility services, and repairing and con-
 6 verting.

7 (B) PUBLIC UTILITY CONTRACTS.—A contract for public utility
 8 services may be made for a period of not more than 10 years.

9 (2) POLICIES AND METHODS.—

10 (A) IN GENERAL.—The Administrator of General Services shall
 11 prescribe policies and methods for executive agencies regarding the
 12 procurement and supply of personal property and nonpersonal
 13 services and related functions.

14 (B) CONTROLLING REGULATION.—Policies and methods pre-
 15 scribed by the Administrator of General Services under this para-
 16 graph are subject to regulations prescribed by the Administrator
 17 for Federal Procurement Policy under the Office of Federal Pro-
 18 curement Policy Act (41 U.S.C. 401 et seq.).

19 (c) REPRESENTATION.—For transportation and other public utility serv-
 20 ices used by executive agencies, the Administrator of General Services shall
 21 represent the agencies—

22 (1) in negotiations with carriers and other public utilities; and

23 (2) in proceedings involving carriers or other public utilities before
 24 federal and state regulatory bodies.

25 (d) FACILITIES.—The Administrator of General Services shall operate,
 26 for executive agencies, warehouses, supply centers, repair shops, fuel yards,
 27 and other similar facilities. After consultation with the executive agencies
 28 affected, the Administrator of General Services shall consolidate, take over,
 29 or arrange for executive agencies to operate the facilities.

30 **§ 502. Services for other entities**

31 (a) FEDERAL AGENCIES, MIXED-OWNERSHIP GOVERNMENT CORPORA-
 32 TIONS, AND THE DISTRICT OF COLUMBIA.—On request, the Administrator
 33 of General Services shall provide, to the extent practicable, any of the serv-
 34 ices specified in section 501 of this title to—

35 (1) a federal agency;

36 (2) a mixed-ownership Government corporation (as defined in section
 37 9101 of title 31); or

38 (3) the District of Columbia.

39 (b) QUALIFIED NONPROFIT AGENCIES.—

1 (1) IN GENERAL.—On request, the Administrator may provide, to
 2 the extent practicable, any of the services specified in section 501 of
 3 this title to an agency that is—

4 (A)(i) a qualified nonprofit agency for the blind (as defined in
 5 section 5(3) of the Javits-Wagner-O’Day Act (41 U.S.C. 48b(3)));

6 or

7 (ii) a qualified nonprofit agency for other severely handicapped
 8 (as defined in section 5(4) of the Javits-Wagner-O’Day Act (41
 9 U.S.C. 48b(4))); and

10 (B) providing a commodity or service to the Federal Govern-
 11 ment under the Javits-Wagner-O’Day Act (41 U.S.C. 46 et seq.).

12 (2) USE OF SERVICES.—A nonprofit agency receiving services under
 13 this subsection shall use the services directly in making or providing
 14 to the Government a commodity or service that has been determined
 15 by the Committee for Purchase From People Who Are Blind or Se-
 16 verely Disabled under section 2 of the Javits-Wagner-O’Day Act (41
 17 U.S.C. 47) to be suitable for procurement by the Government.

18 **§ 503. Exchange or sale of similar items**

19 (a) AUTHORITY OF EXECUTIVE AGENCIES.—In acquiring personal prop-
 20 erty, an executive agency may exchange or sell similar items and may apply
 21 the exchange allowance or proceeds of sale in whole or in part payment for
 22 the property acquired.

23 (b) APPLICABLE REGULATION AND LAW.—

24 (1) REGULATIONS PRESCRIBED BY ADMINISTRATOR OF GENERAL
 25 SERVICES.—A transaction under subsection (a) must be carried out in
 26 accordance with regulations the Administrator of General Services pre-
 27 scribes, subject to regulations prescribed by the Administrator for Fed-
 28 eral Procurement Policy under the Office of Federal Procurement Pol-
 29 icy Act (41 U.S.C. 401 et seq.).

30 (2) IN WRITING.—A transaction under subsection (a) must be evi-
 31 denced in writing.

32 (3) SECTION 3709 OF REVISED STATUTES.—Section 3709 of the Re-
 33 vised Statutes (41 U.S.C. 5) applies to a sale of property under sub-
 34 section (a), except that fixed price sales may be conducted in the same
 35 manner and subject to the same conditions as are applicable to the sale
 36 of property under section 545(d) of this title.

37 **§ 504. Agency cooperation for inspection**

38 (a) RECEIVING ASSISTANCE.—An executive agency may use the services,
 39 work, materials, and equipment of another executive agency, with the con-
 40 sent of the other executive agency, to inspect personal property incident to
 41 procuring the property.

1 (b) PROVIDING ASSISTANCE.—Notwithstanding section 1301(a) of title
 2 31 or any other law, an executive agency may provide services, work, mate-
 3 rials, and equipment for purposes of this section without reimbursement or
 4 transfer of amounts.

5 (c) POLICIES AND METHODS.—The use or provision of services, work,
 6 materials, and equipment under this section must be in conformity with
 7 policies and methods the Administrator of General Services prescribes under
 8 section 501 of this title.

9 **§ 505. Exchange or transfer of medical supplies**

10 (a) EXCESS PROPERTY DETERMINATION.—

11 (1) IN GENERAL.—Medical materials or supplies an executive agency
 12 holds for national emergency purposes are considered excess property
 13 for purposes of subchapter II when the head of the agency determines
 14 that—

15 (A) the remaining storage or shelf life is too short to justify
 16 continued retention for national emergency purposes; and

17 (B) transfer or other disposal is in the national interest.

18 (2) TIMING.—To the greatest extent practicable, the head of the
 19 agency shall make the determination in sufficient time to allow for the
 20 transfer or other disposal and use of medical materials or supplies be-
 21 fore their shelf life expires and they are rendered unfit for human use.

22 (b) TRANSFER OR EXCHANGE.—

23 (1) IN GENERAL.—In accordance with regulations the Administrator
 24 of General Services prescribes, medical materials or supplies considered
 25 excess property may be transferred to another federal agency or ex-
 26 changed with another federal agency for other medical materials or
 27 supplies.

28 (2) USE OF PROCEEDS.—Any proceeds derived from a transfer under
 29 this section may be credited to the current applicable appropriation or
 30 fund of the transferor agency and shall be available only to purchase
 31 medical materials or supplies to be held for national emergency pur-
 32 poses.

33 (3) DISPOSAL AS SURPLUS PROPERTY.—If the materials or supplies
 34 are not transferred to or exchanged with another federal agency, they
 35 shall be disposed of as surplus property.

36 **§ 506. Inventory controls and systems**

37 (a) ACTIVITIES OF THE ADMINISTRATOR OF GENERAL SERVICES.—

38 (1) IN GENERAL.—Subject to paragraph (2), and after adequate ad-
 39 vance notice to affected executive agencies, the Administrator of Gen-
 40 eral Services may undertake the following activities as necessary to
 41 carry out functions under this chapter:

1 (A) SURVEYS AND REPORTS.—Survey and obtain executive
2 agency reports on Federal Government property and property
3 management practices.

4 (B) INVENTORY LEVELS.—Cooperate with executive agencies to
5 establish reasonable inventory levels for property stocked by them,
6 and report any excessive inventory levels to Congress and to the
7 Director of the Office of Management and Budget.

8 (C) FEDERAL SUPPLY CATALOG SYSTEM.—Establish and main-
9 tain a uniform federal supply catalog system that is appropriate
10 to identify and classify personal property under the control of fed-
11 eral agencies.

12 (D) STANDARD PURCHASE SPECIFICATIONS AND STANDARD
13 FORMS AND PROCEDURES.—Prescribe standard purchase specifica-
14 tions and standard forms and procedures (except forms and proce-
15 dures that the Comptroller General prescribes by law) subject to
16 regulations the Administrator for Federal Procurement Policy pre-
17 scribes under the Office of Federal Procurement Policy Act (41
18 U.S.C. 401 et seq.).

19 (2) SPECIAL CONSIDERATIONS REGARDING DEPARTMENT OF DE-
20 FENSE.—

21 (A) IN GENERAL.—The Administrator of General Services shall
22 carry out activities under paragraph (1) with due regard to the
23 requirements of the Department of Defense, as determined by the
24 Secretary of Defense.

25 (B) FEDERAL SUPPLY CATALOG SYSTEM.—In establishing and
26 maintaining a uniform federal supply catalog system under para-
27 graph (1)(C), the Administrator of General Services and the Sec-
28 retary shall coordinate to avoid unnecessary duplication.

29 (b) ACTIVITIES OF FEDERAL AGENCIES.—Each federal agency shall use
30 the uniformed federal supply catalog system, the standard purchase speci-
31 fications, and the standard forms and procedures established under sub-
32 section (a), except as the Administrator of General Services, considering ef-
33 ficiency, economy, or other interests of the Government, may otherwise pro-
34 vide.

35 (c) AUDIT OF PROPERTY ACCOUNTS.—The Comptroller General shall
36 audit all types of property accounts and transactions. Audits shall be con-
37 ducted at the time and in the manner the Comptroller General decides and
38 as far as practicable at the place where the property or records of the execu-
39 tive agencies are kept. Audits shall include an evaluation of the effectiveness
40 of internal controls and audits, and a general audit of the discharge of ac-

1 countability for Government-owned or controlled property, based on gen-
 2 erally accepted principles of auditing.

3 SUBCHAPTER II—USE OF PROPERTY

4 **§ 521. Policies and methods**

5 Subject to section 523 of this title, in order to minimize expenditures for
 6 property, the Administrator of General Services shall—

7 (1) prescribe policies and methods to promote the maximum use of
 8 excess property by executive agencies; and

9 (2) provide for the transfer of excess property—

10 (A) among federal agencies; and

11 (B) to the organizations specified in section 321(c)(2) of this
 12 title.

13 **§ 522. Reimbursement for transfer of excess property**

14 (a) IN GENERAL.—Subject to subsections (b) and (c) of this section, the
 15 Administrator of General Services, with the approval of the Director of the
 16 Office of Management and Budget, shall prescribe the amount of reimburse-
 17 ment required for a transfer of excess property.

18 (b) REIMBURSEMENT AT FAIR VALUE.—The amount of reimbursement
 19 required for a transfer of excess property is the fair value of the property,
 20 as determined by the Administrator, if—

21 (1) net proceeds are requested under section 574(a) of this title; or

22 (2) either the transferor or the transferee agency (or the organiza-
 23 tional unit affected) is—

24 (A) subject to chapter 91 of title 31; or

25 (B) an organization specified in section 321(c)(2) of this title.

26 (c) DISTRIBUTION THROUGH GENERAL SERVICES ADMINISTRATION SUP-
 27 PLY CENTERS.—Excess property determined by the Administrator to be
 28 suitable for distribution through the supply centers of the General Services
 29 Administration shall be retransferred at prices set by the Administrator
 30 with due regard to prices established under section 321(d) of this title.

31 **§ 523. Excess real property located on Indian reservations**

32 (a) PROCEDURES FOR TRANSFER.—The Administrator of General Serv-
 33 ices shall prescribe procedures necessary to transfer to the Secretary of the
 34 Interior, without compensation, excess real property located within the res-
 35 ervation of any group, band, or tribe of Indians that is recognized as eligible
 36 for services by the Bureau of Indian Affairs.

37 (b) PROPERTY HELD IN TRUST.—

38 (1) IN GENERAL.—Except as provided in paragraph (2), the Sec-
 39 retary shall hold excess real property transferred under this section in
 40 trust for the benefit and use of the group, band, or tribe of Indians,
 41 within whose reservation the excess real property is located.

1 (2) SPECIAL REQUIREMENT FOR OKLAHOMA.—The Secretary shall
2 hold excess real property that is located in Oklahoma and transferred
3 under this section in trust for Oklahoma Indian tribes recognized by
4 the Secretary if the real property—

5 (A) is located within boundaries of former reservations in Okla-
6 homa, as defined by the Secretary, and was held in trust by the
7 Federal Government for an Indian tribe when the Government ac-
8 quired it; or

9 (B) is contiguous to real property presently held in trust by the
10 Government for an Oklahoma Indian tribe and was held in trust
11 by the Government for an Indian tribe at any time.

12 **§ 524. Duties of executive agencies**

13 (a) REQUIRED.—Each executive agency shall—

14 (1) maintain adequate inventory controls and accountability systems
15 for property under its control;

16 (2) continuously survey property under its control to identify excess
17 property;

18 (3) promptly report excess property to the Administrator of General
19 Services;

20 (4) perform the care and handling of excess property; and

21 (5) transfer or dispose of excess property as promptly as possible in
22 accordance with authority delegated and regulations prescribed by the
23 Administrator.

24 (b) REQUIRED AS FAR AS PRACTICABLE.—Each executive agency, as far
25 as practicable, shall—

26 (1) reassign property to another activity within the agency when the
27 property is no longer required for the purposes of the appropriation
28 used to make the purchase;

29 (2) transfer excess property under its control to other federal agen-
30 cies and to organizations specified in section 321(e)(2) of this title; and

31 (3) obtain excess property from other federal agencies.

32 **§ 525. Excess personal property for federal agency grantees**

33 (a) GENERAL PROHIBITION.—A federal agency is prohibited from obtain-
34 ing excess personal property for the purpose of furnishing the property to
35 a grantee of the agency, except as provided in this section.

36 (b) EXCEPTION FOR PUBLIC AGENCIES AND TAX-EXEMPT NONPROFIT
37 ORGANIZATIONS.—

38 (1) IN GENERAL.—Under regulations the Administrator of General
39 Services may prescribe, a federal agency may obtain excess personal
40 property for the purpose of furnishing it to a public agency or an orga-

1 nization that is nonprofit and exempt from taxation under section 501
2 of the Internal Revenue Code of 1986 (26 U.S.C. 501), if—

3 (A) the agency or organization is conducting a federally spon-
4 sored project pursuant to a grant made for a specific purpose with
5 a specific termination provision;

6 (B) the property is to be furnished for use in connection with
7 the grant; and

8 (C)(i) the sponsoring federal agency pays an amount equal to
9 25 percent of the original acquisition cost (except for costs of care
10 and handling) of the excess property; and

11 (ii) the amount is deposited in the Treasury as miscellaneous re-
12 cepts.

13 (2) TITLE.—Title to excess property obtained under this subsection
14 vests in the grantee. The grantee shall account for and dispose of the
15 property in accordance with procedures governing accountability for
16 personal property acquired under grant agreements.

17 (c) EXCEPTION FOR CERTAIN PROPERTY FURNISHED BY SECRETARY OF
18 AGRICULTURE.—

19 (1) DEFINITION.—In this subsection, the term “State” means a
20 State of the United States, Puerto Rico, Guam, American Samoa, the
21 Northern Mariana Islands, the Federated States of Micronesia, the
22 Marshall Islands, Palau, the Virgin Islands, and the District of Colum-
23 bia.

24 (2) IN GENERAL.—Under regulations and restrictions the Adminis-
25 trator may prescribe, subsection (a) does not apply to property fur-
26 nished by the Secretary of Agriculture to—

27 (A) a state or county extension service engaged in cooperative
28 agricultural extension work under the Smith-Lever Act (7 U.S.C.
29 341 et seq.);

30 (B) a state experiment station engaged in cooperative agricul-
31 tural research work under the Hatch Act of 1887 (7 U.S.C. 361a
32 et seq.); or

33 (C) an institution engaged in cooperative agricultural research
34 or extension work under section 1433, 1434, 1444, or 1445 of the
35 National Agricultural Research, Extension, and Teaching Policy
36 Act of 1977 (7 U.S.C. 3195, 3196, 3221, or 3222), or the Act
37 of October 10, 1962 (16 U.S.C. 582a et seq.), if the Federal Gov-
38 ernment retains title.

39 (d) OTHER EXCEPTIONS.—Under regulations and restrictions the Admin-
40 istrator may prescribe, subsection (a) does not apply to—

1 (1) property furnished under section 608 of the Foreign Assistance
2 Act of 1961 (22 U.S.C. 2358), to the extent that the Administrator
3 determines that the property is not needed for donation under section
4 549 of this title;

5 (2) scientific equipment furnished under section 11(e) of the Na-
6 tional Science Foundation Act of 1950 (42 U.S.C. 1870(e));

7 (3) property furnished under section 203 of the Department of Agri-
8 culture Organic Act of 1944 (16 U.S.C. 580a), in connection with the
9 Cooperative Forest Fire Control Program, if the Government retains
10 title; or

11 (4) property furnished in connection with a grant to a tribe, as de-
12 fined in section 3(c) of the Indian Financing Act of 1974 (25 U.S.C.
13 1452(c)).

14 **§ 526. Temporary assignment of excess real property**

15 (a) ASSIGNMENT OF SPACE.—The Administrator of General Services may
16 temporarily assign or reassign space in excess real property to a federal
17 agency, for use as office or storage space or for a related purpose, if the
18 Administrator determines that assignment or reassignment is more advan-
19 tageous than permanent transfer. The Administrator shall determine the
20 duration of the assignment or reassignment.

21 (b) REIMBURSEMENT FOR MAINTENANCE.—If there is no appropriation
22 available to the Administrator for the expense of maintaining the space, the
23 Administrator may obtain appropriate reimbursement from the federal
24 agency.

25 **§ 527. Abandonment, destruction, or donation of property**

26 The Administrator of General Services may authorize the abandonment
27 or destruction of property, or the donation of property to a public body, if—

28 (1) the property has no commercial value; or

29 (2) the estimated cost of continued care and handling exceeds the
30 estimated proceeds from sale.

31 **§ 528. Utilization of excess furniture**

32 A department or agency of the Federal Government may not use amounts
33 provided by law to purchase furniture if the Administrator of General Serv-
34 ices determines that requirements can reasonably be met by transferring ex-
35 cess furniture, including rehabilitated furniture, from other departments or
36 agencies pursuant to this subtitle.

37 **§ 529. Annual executive agency reports on excess personal
38 property**

39 (a) IN GENERAL.—During the calendar quarter following the close of
40 each fiscal year, each executive agency shall submit to the Administrator of
41 General Services a report on personal property—

- 1 (1) obtained as—
 2 (A) excess property; or
 3 (B) personal property determined to be no longer required for
 4 the purpose of the appropriation used to make the purchase; and
 5 (2) furnished within the United States to a recipient other than a
 6 federal agency.
- 7 (b) REQUIRED INFORMATION.—The report must set out the categories of
 8 equipment and show—
 9 (1) the acquisition cost of the property;
 10 (2) the recipient of the property; and
 11 (3) other information the Administrator may require.

12 SUBCHAPTER III—DISPOSING OF PROPERTY

13 **§ 541. Supervision and direction**

14 Except as otherwise provided in this subchapter, the Administrator of
 15 General Services shall supervise and direct the disposition of surplus prop-
 16 erty in accordance with this subtitle.

17 **§ 542. Care and handling**

18 The disposal of surplus property, and the care and handling of the prop-
 19 erty pending disposition, may be performed by the General Services Admin-
 20 istration or, when the Administrator of General Services decides, by the ex-
 21 ecutive agency in possession of the property or by any other executive agen-
 22 cy that agrees.

23 **§ 543. Method of disposition**

24 An executive agency designated or authorized by the Administrator of
 25 General Services to dispose of surplus property may do so by sale, exchange,
 26 lease, permit, or transfer, for cash, credit, or other property, with or without
 27 warranty, on terms and conditions that the Administrator considers proper.
 28 The agency may execute documents to transfer title or other interest in the
 29 property and may take other action it considers necessary or proper to dis-
 30 pose of the property under this chapter.

31 **§ 544. Validity of transfer instruments**

32 A deed, bill of sale, lease, or other instrument executed by or on behalf
 33 of an executive agency purporting to transfer title or other interest in sur-
 34 plus property under this chapter is conclusive evidence of compliance with
 35 the provisions of this chapter concerning title or other interest of a bona
 36 fide grantee or transferee for value and without notice of lack of compliance.

37 **§ 545. Procedure for disposal**

38 (a) PUBLIC ADVERTISING FOR BIDS.—

39 (1) REQUIREMENT.—

- 40 (A) IN GENERAL.—Except as provided in subparagraph (B), the
 41 Administrator of General Services may make or authorize a dis-

1 posal or a contract for disposal of surplus property only after pub-
2 lic advertising for bids, under regulations the Administrator pre-
3 scribes.

4 (B) EXCEPTIONS.—This subsection does not apply to disposal
5 or a contract for disposal of surplus property—

6 (i) under subsection (b) or (d); or

7 (ii) by abandonment, destruction, or donation or through a
8 contract broker.

9 (2) TIME, METHOD, AND TERMS.—The time, method, and terms and
10 conditions of advertisement must permit full and free competition con-
11 sistent with the value and nature of the property involved.

12 (3) PUBLIC DISCLOSURE.—Bids must be publicly disclosed at the
13 time and place stated in the advertisement.

14 (4) AWARDS.—An award shall be made with reasonable promptness
15 by notice to the responsible bidder whose bid, conforming to the invita-
16 tion for bids, is most advantageous to the Federal Government, price
17 and other factors considered. However, all bids may be rejected if it
18 is in the public interest to do so.

19 (b) NEGOTIATED DISPOSAL.—Under regulations the Administrator pre-
20 scribes, disposals and contracts for disposal may be negotiated without re-
21 gard to subsection (a), but subject to obtaining competition that is feasible
22 under the circumstances, if—

23 (1) necessary in the public interest—

24 (A) during the period of a national emergency declared by the
25 President or Congress, with respect to a particular lot of personal
26 property; or

27 (B) for a period not exceeding three months, with respect to a
28 specifically described category of personal property as determined
29 by the Administrator;

30 (2) the public health, safety, or national security will be promoted
31 by a particular disposal of personal property;

32 (3) public exigency will not allow delay incident to advertising certain
33 personal property;

34 (4) the nature and quantity of personal property involved are such
35 that disposal under subsection (a) would impact an industry to an ex-
36 tent that would adversely affect the national economy, and the esti-
37 mated fair market value of the property and other satisfactory terms
38 of disposal can be obtained by negotiation;

39 (5) the estimated fair market value of the property involved does not
40 exceed \$15,000;

1 (6) after advertising under subsection (a), the bid prices for the
 2 property, or part of the property, are not reasonable or have not been
 3 independently arrived at in open competition;

4 (7) with respect to real property, the character or condition of the
 5 property or unusual circumstances make it impractical to advertise
 6 publicly for competitive bids and the fair market value of the property
 7 and other satisfactory terms of disposal can be obtained by negotiation;

8 (8) the disposal will be to a State, territory, or possession of the
 9 United States, or to a political subdivision of, or a tax-supported agency
 10 in, a State, territory, or possession, and the estimated fair market
 11 value of the property and other satisfactory terms of disposal are ob-
 12 tained by negotiation; or

13 (9) otherwise authorized by law.

14 (c) DISPOSAL THROUGH CONTRACT BROKERS.—Disposals and contracts
 15 for disposal of surplus real and related personal property through contract
 16 realty brokers employed by the Administrator shall be made in the manner
 17 followed in similar commercial transactions under regulations the Adminis-
 18 trator prescribes. The regulations must require that brokers give wide public
 19 notice of the availability of the property for disposal.

20 (d) NEGOTIATED SALE AT FIXED PRICE.—

21 (1) AUTHORIZATION.—The Administrator may make a negotiated
 22 sale of personal property at a fixed price, either directly or through the
 23 use of a disposal contractor, without regard to subsection (a). However,
 24 the sale must be publicized to an extent consistent with the value and
 25 nature of the property involved and the price established must reflect
 26 the estimated fair market value of the property. Sales under this sub-
 27 section are limited to categories of personal property for which the Ad-
 28 ministrator determines that disposal under this subsection best serves
 29 the interests of the Government.

30 (2) FIRST OFFER.—Under regulations and restrictions the Adminis-
 31 trator prescribes, an opportunity to purchase property at a fixed price
 32 under this subsection may be offered first to an entity specified in sub-
 33 section (b)(8) that has expressed an interest in the property.

34 (e) EXPLANATORY STATEMENTS FOR NEGOTIATED DISPOSALS.—

35 (1) REQUIREMENT.—

36 (A) IN GENERAL.—Except as provided in subparagraph (B), an
 37 explanatory statement of the circumstances shall be prepared for
 38 each disposal by negotiation of—

39 (i) personal property that has an estimated fair market
 40 value in excess of \$15,000;

1 (ii) real property that has an estimated fair market value
 2 in excess of \$100,000, except that real property disposed of
 3 by lease or exchange is subject only to clauses (iii)–(v) of this
 4 subparagraph;

5 (iii) real property disposed of by lease for a term of not
 6 more than 5 years, if the estimated fair annual rent is more
 7 than \$100,000 for any year;

8 (iv) real property disposed of by lease for a term of more
 9 than 5 years, if the total estimated rent over the term of the
 10 lease is more than \$100,000; or

11 (v) real property or real and related personal property dis-
 12 posed of by exchange, regardless of value, or any property for
 13 which any part of the consideration is real property.

14 (B) EXCEPTION.—An explanatory statement is not required for
 15 a disposal of personal property under subsection (d), or for a dis-
 16 posal of real or personal property authorized by any other law to
 17 be made without advertising.

18 (2) TRANSMITTAL TO CONGRESS.—The explanatory statement shall
 19 be transmitted to the appropriate committees of Congress in advance
 20 of the disposal, and a copy of the statement shall be preserved in the
 21 files of the executive agency making the disposal.

22 (3) LISTING IN REPORT.—A report of the Administrator under sec-
 23 tion 126 of this title must include a listing and description of any nego-
 24 tiated disposals of surplus property having an estimated fair market
 25 value of more than \$15,000, in the case of real property, or \$5,000,
 26 in the case of any other property, other than disposals for which an
 27 explanatory statement has been transmitted under this subsection.

28 (f) APPLICABILITY OF OTHER LAW.—Section 3709 of the Revised Stat-
 29 utes (41 U.S.C. 5) does not apply to a disposal or contract for disposal
 30 made under this section.

31 **§ 546. Contractor inventories**

32 Subject to regulations of the Administrator of General Services, an execu-
 33 tive agency may authorize a contractor or subcontractor with the agency to
 34 retain or dispose of contractor inventory.

35 **§ 547. Agricultural commodities, foods, and cotton or woolen 36 goods**

37 (a) POLICIES.—The Administrator of General Services shall consult with
 38 the Secretary of Agriculture to formulate policies for the disposal of surplus
 39 agricultural commodities, surplus foods processed from agricultural com-
 40 modities, and surplus cotton or woolen goods. The policies shall be formu-
 41 lated to prevent surplus agricultural commodities, or surplus foods proc-

1 essed from agricultural commodities, from being dumped on the market in
 2 a disorderly manner and disrupting the market prices for agricultural com-
 3 modities.

4 (b) TRANSFERS TO DEPARTMENT OF AGRICULTURE.—

5 (1) IN GENERAL.—The Administrator shall transfer without charge
 6 to the Department of Agriculture any surplus agricultural commodities,
 7 foods, and cotton or woolen goods for disposal, when the Secretary de-
 8 termines that a transfer is necessary for the Secretary to carry out re-
 9 sponsibilities for price support or stabilization.

10 (2) DEPOSIT OF RECEIPTS.—Receipts resulting from disposal by the
 11 Department under this subsection shall be deposited pursuant to any
 12 authority available to the Secretary. When applicable, however, net pro-
 13 ceeds from the sale of surplus property transferred under this sub-
 14 section shall be credited pursuant to section 572(a) of this title.

15 (3) LIMITATION OF SALES.—Surplus farm commodities transferred
 16 under this subsection may not be sold, other than for export, in quan-
 17 tities exceeding, or at prices less than, the applicable quantities and
 18 prices for sales of those commodities by the Commodity Credit Cor-
 19 poration.

20 **§ 548. Surplus vessels**

21 The Maritime Administration shall dispose of surplus vessels of 1,500
 22 gross tons or more which the Administration determines to be merchant ves-
 23 sels or capable of conversion to merchant use. The vessels shall be disposed
 24 of in accordance with the Merchant Marine Act, 1936 (46 App. U.S.C. 1101
 25 et seq.), and other laws authorizing the sale of such vessels.

26 **§ 549. Donation of personal property through state agencies**

27 (a) DEFINITIONS.—In this section, the following definitions apply:

28 (1) PUBLIC AGENCY.—The term “public agency” means—

29 (A) a State;

30 (B) a political subdivision of a State (including a unit of local
 31 government or economic development district);

32 (C) a department, agency, or instrumentality of a State (includ-
 33 ing instrumentalities created by compact or other agreement be-
 34 tween States or political subdivisions); or

35 (D) an Indian tribe, band, group, pueblo, or community located
 36 on a state reservation.

37 (2) STATE.—The term “State” means a State of the United States,
 38 the District of Columbia, Puerto Rico, the Virgin Islands, Guam, the
 39 Northern Mariana Islands, and American Samoa.

40 (3) STATE AGENCY.—The term “state agency” means an agency des-
 41 gnated under state law as the agency responsible for fair and equitable

1 distribution, through donation, of property transferred under this sec-
2 tion.

3 (b) AUTHORIZATION.—

4 (1) IN GENERAL.—The Administrator of General Services, in the Ad-
5 ministrator’s discretion and under regulations the Administrator may
6 prescribe, may transfer property described in paragraph (2) to a state
7 agency.

8 (2) PROPERTY.—

9 (A) IN GENERAL.—Property referred to in paragraph (1) is any
10 personal property that—

11 (i) is under the control of an executive agency; and

12 (ii) has been determined to be surplus property.

13 (B) SPECIAL RULE.—In determining whether the property is to
14 be transferred for donation under this section, no distinction may
15 be made between property capitalized in a working-capital fund es-
16 tablished under section 2208 of title 10 (or similar fund) and any
17 other property.

18 (3) NO COST.—Transfer of property under this section is without
19 cost, except for any costs of care and handling.

20 (c) ALLOCATION AND TRANSFER OF PROPERTY.—

21 (1) IN GENERAL.—The Administrator shall allocate and transfer
22 property under this section in accordance with criteria that are based
23 on need and use and that are established after consultation with state
24 agencies to the extent feasible. The Administrator shall give fair con-
25 sideration, consistent with the established criteria, to an expression of
26 need and interest from a public agency or other eligible institution
27 within a State. The Administrator shall give special consideration to an
28 eligible recipient’s request, transmitted through the state agency, for a
29 specific item of property.

30 (2) ALLOCATION AMONG STATES.—The Administrator shall allocate
31 property among the States on a fair and equitable basis, taking into
32 account the condition of the property as well as the original acquisition
33 cost of the property.

34 (3) RECIPIENTS AND PURPOSES.—The Administrator shall transfer
35 to a state agency property the state agency selects for distribution
36 through donation within the State—

37 (A) to a public agency for use in carrying out or promoting, for
38 residents of a given political area, a public purpose, including con-
39 servation, economic development, education, parks and recreation,
40 public health, and public safety; or

1 (B) for purposes of education or public health (including re-
 2 search), to a nonprofit educational or public health institution or
 3 organization that is exempt from taxation under section 501 of the
 4 Internal Revenue Code of 1986 (26 U.S.C. 501), including—

5 (i) a medical institution, hospital, clinic, health center, or
 6 drug abuse treatment center;

7 (ii) a provider of assistance to homeless individuals or to
 8 families or individuals whose annual incomes are below the
 9 poverty line (as that term is defined in section 673 of the
 10 Community Services Block Grant Act (42 U.S.C. 9902));

11 (iii) a school, college, or university;

12 (iv) a school for the mentally retarded or physically handi-
 13 capped;

14 (v) a child care center;

15 (vi) a radio or television station licensed by the Federal
 16 Communications Commission as an educational radio or edu-
 17 cational television station;

18 (vii) a museum attended by the public; or

19 (viii) a library serving free all residents of a community,
 20 district, State, or region.

21 (4) EXCEPTION.—This subsection does not apply to property trans-
 22 ferred under subsection (d).

23 (d) DEPARTMENT OF DEFENSE PROPERTY.—

24 (1) DETERMINATION.—The Secretary of Defense shall determine
 25 whether surplus personal property under the control of the Department
 26 of Defense is usable and necessary for educational activities which are
 27 of special interest to the armed services, including maritime academies,
 28 or military, naval, Air Force, or Coast Guard preparatory schools.

29 (2) PROPERTY USABLE FOR SPECIAL INTEREST ACTIVITIES.—If the
 30 Secretary of Defense determines that the property is usable and nec-
 31 essary for educational activities which are of special interest to the
 32 armed services, the Secretary shall allocate the property for transfer by
 33 the Administrator to the appropriate state agency for distribution
 34 through donation to the educational activities.

35 (3) PROPERTY NOT USABLE FOR SPECIAL INTEREST ACTIVITIES.—
 36 If the Secretary of Defense determines that the property is not usable
 37 and necessary for educational activities which are of special interest to
 38 the armed services, the property may be disposed of in accordance with
 39 subsection (c).

40 (e) STATE PLAN OF OPERATION.—

1 (1) IN GENERAL.—Before property may be transferred to a state
2 agency, the State shall develop a detailed state plan of operation, in
3 accordance with this subsection and with state law.

4 (2) PROCEDURE.—

5 (A) CONSIDERATION OF NEEDS AND RESOURCES.—In devel-
6 oping and implementing the state plan of operation, the relative
7 needs and resources of all public agencies and other eligible insti-
8 tutions in the State shall be taken into consideration. The Admin-
9 istrator may consult with interested federal agencies to obtain
10 their views concerning the administration and operation of this
11 section.

12 (B) PUBLICATION AND PERIOD FOR COMMENT.—The state plan
13 of operation, and any major amendment to the plan, may not be
14 filed with the Administrator until 60 days after general notice of
15 the proposed plan or amendment has been published and inter-
16 ested persons have been given at least 30 days to submit com-
17 ments.

18 (C) CERTIFICATION.—The chief executive officer of the State
19 shall certify and submit the state plan of operation to the Admin-
20 istrator.

21 (3) REQUIREMENTS.—

22 (A) STATE AGENCY.—The state plan of operation shall include
23 adequate assurance that the state agency has—

24 (i) the necessary organizational and operational authority
25 and capability including staff, facilities, and means and meth-
26 ods of financing; and

27 (ii) established procedures for accountability, internal and
28 external audits, cooperative agreements, compliance and use
29 reviews, equitable distribution and property disposal, deter-
30 mination of eligibility, and assistance through consultation
31 with advisory bodies and public and private groups.

32 (B) EQUITABLE DISTRIBUTION.—The state plan of operation
33 shall provide for fair and equitable distribution of property in the
34 State based on the relative needs and resources of interested pub-
35 lic agencies and other eligible institutions in the State and their
36 abilities to use the property.

37 (C) MANAGEMENT CONTROL AND ACCOUNTING SYSTEMS.—The
38 state plan of operation shall require, for donable property trans-
39 ferred under this section, that the state agency use management
40 control and accounting systems of the same type as systems re-
41 quired by state law for state-owned property. However, with ap-

1 proval from the chief executive officer of the State, the state agen-
 2 cy may elect to use other management control and accounting sys-
 3 tems that are effective to govern the use, inventory control, ac-
 4 countability, and disposal of property under this section.

5 (D) RETURN AND REDISTRIBUTION FOR NON-USE.—The state
 6 plan of operation shall require the state agency to provide for the
 7 return and redistribution of donable property if the property, while
 8 still usable, has not been placed in use for the purpose for which
 9 it was donated within one year of donation or ceases to be used
 10 by the donee for that purpose within one year of being placed in
 11 use.

12 (E) REQUEST BY RECIPIENT.—The state plan of operation shall
 13 require the state agency, to the extent practicable, to select prop-
 14 erty requested by a public agency or other eligible institution in
 15 the State and, if requested by the recipient, to arrange shipment
 16 of the property directly to the recipient.

17 (F) SERVICE CHARGES.—If the state agency is authorized to as-
 18 sess and collect service charges from participating recipients to
 19 cover direct and reasonable indirect costs of its activities, the
 20 method of establishing the charges shall be set out in the state
 21 plan of operation. The charges shall be fair and equitable and
 22 shall be based on services the state agency performs, including
 23 screening, packing, crating, removal, and transportation.

24 (G) TERMS, CONDITIONS, RESERVATIONS, AND RESTRIC-
 25 TIONS.—

26 (i) IN GENERAL.—The state plan of operation shall provide
 27 that the state agency—

28 (I) may impose reasonable terms, conditions, reserva-
 29 tions, and restrictions on the use of property to be do-
 30 nated under subsection (c); and

31 (II) shall impose reasonable terms, conditions, reserva-
 32 tions, and restrictions on the use of a passenger motor
 33 vehicle and any item of property having a unit acquisi-
 34 tion cost of \$5,000 or more.

35 (ii) SPECIAL LIMITATIONS.—If the Administrator finds
 36 that an item has characteristics that require special handling
 37 or use limitations, the Administrator may impose appropriate
 38 conditions on the donation of the property.

39 (H) UNUSABLE PROPERTY.—

40 (i) DISPOSAL.—The state plan of operation shall provide
 41 that surplus personal property which the state agency deter-

1 mines cannot be used by eligible recipients shall be disposed
2 of—

3 (I) subject to the disapproval of the Administrator
4 within 30 days after notice to the Administrator,
5 through transfer by the state agency to another state
6 agency or through abandonment or destruction if the
7 property has no commercial value or if the estimated
8 cost of continued care and handling exceeds estimated
9 proceeds from sale; or

10 (II) under this subtitle, on terms and conditions and
11 in a manner the Administrator prescribes.

12 (ii) PROCEEDS FROM SALE.—Notwithstanding subchapter
13 IV of this chapter and section 702 of this title, the Adminis-
14 trator, from the proceeds of sale of property described in sub-
15 section (b), may reimburse the state agency for expenses that
16 the Administrator considers appropriate for care and han-
17 dling of the property.

18 (f) COOPERATIVE AGREEMENTS WITH STATE AGENCIES.—

19 (1) PARTIES TO THE AGREEMENT.—For purposes of carrying out
20 this section, a cooperative agreement may be made between a state sur-
21 plus property distribution agency designated under this section and—

22 (A) the Administrator;

23 (B) the Secretary of Education, for property transferred under
24 section 550(e) of this title;

25 (C) the Secretary of Health and Human Services, for property
26 transferred under section 550(d) of this title; or

27 (D) the head of a federal agency designated by the Adminis-
28 trator, the Secretary of Education, or the Secretary of Health and
29 Human Services.

30 (2) SHARED RESOURCES.—The cooperative agreement may provide
31 that the property, facilities, personnel, or services of—

32 (A) a state agency may be used by a federal agency; and

33 (B) a federal agency may be made available to a state agency.

34 (3) REIMBURSEMENT.—The cooperative agreement may require pay-
35 ment or reimbursement for the use or provision of property, facilities,
36 personnel, or services. Payment or reimbursement received from a state
37 agency shall be credited to the fund or appropriation against which
38 charges would otherwise be made.

39 (4) SURPLUS PROPERTY TRANSFERRED TO STATE AGENCY.—

40 (A) IN GENERAL.—Under the cooperative agreement, surplus
41 property transferred to a state agency for distribution pursuant to

1 subsection (e) may be retained by the state agency for use in per-
 2 forming its functions. Unless otherwise directed by the Adminis-
 3 trator, title to the retained property vests in the state agency.

4 (B) CONDITIONS.—Retention of surplus property under this
 5 paragraph is subject to conditions that may be imposed by—

6 (i) the Administrator;

7 (ii) the Secretary of Education, for property transferred
 8 under section 550(e) of this title; or

9 (iii) the Secretary of Health and Human Services, for prop-
 10 erty transferred under section 550(d) of this title.

11 **§ 550. Disposal of real property for certain purposes**

12 (a) DEFINITION.—In this section, the term “State” includes the District
 13 of Columbia, Puerto Rico, and the territories and possessions of the United
 14 States.

15 (b) ENFORCEMENT AND REVISION OF INSTRUMENTS TRANSFERRING
 16 PROPERTY UNDER THIS SECTION.—

17 (1) IN GENERAL.—Subject to disapproval by the Administrator of
 18 General Services within 30 days after notice of a proposed action to
 19 be taken under this section, except for personal property transferred
 20 pursuant to section 549 of this title, the official specified in paragraph
 21 (2) shall determine and enforce compliance with the terms, conditions,
 22 reservations, and restrictions contained in an instrument by which a
 23 transfer under this section is made. The official shall reform, correct,
 24 or amend the instrument if necessary to correct the instrument or to
 25 conform the transfer to the requirements of law. The official shall
 26 grant a release from any term, condition, reservation or restriction con-
 27 tained in the instrument, and shall convey, quitclaim, or release to the
 28 transferee (or other eligible user) any right or interest reserved to the
 29 Federal Government by the instrument, if the official determines that
 30 the property no longer serves the purpose for which it was transferred
 31 or that a release, conveyance, or quitclaim deed will not prevent accom-
 32 plishment of that purpose. The release, conveyance, or quitclaim deed
 33 may be made subject to terms and conditions that the official considers
 34 necessary to protect or advance the interests of the Government.

35 (2) SPECIFIED OFFICIAL.—The official referred to in paragraph (1)
 36 is—

37 (A) the Secretary of Education, for property transferred under
 38 subsection (e) for school, classroom, or other educational use;

39 (B) the Secretary of Health and Human Services, for property
 40 transferred under subsection (d) for use in the protection of public
 41 health, including research;

1 (C) the Secretary of the Interior, for property transferred under
2 subsection (e) for public park or recreation area use;

3 (D) the Secretary of Housing and Urban Development, for
4 property transferred under subsection (f) to provide housing or
5 housing assistance for low-income individuals or families; and

6 (E) the Secretary of the Interior, for property transferred under
7 subsection (h) for use as a historic monument for the benefit of
8 the public.

9 (c) PROPERTY FOR SCHOOL, CLASSROOM, OR OTHER EDUCATIONAL
10 USE.—

11 (1) ASSIGNMENT.—The Administrator, in the Administrator's discre-
12 tion and under regulations that the Administrator may prescribe, may
13 assign to the Secretary of Education for disposal surplus real property,
14 including buildings, fixtures, and equipment situated on the property,
15 that the Secretary recommends as needed for school, classroom, or
16 other educational use.

17 (2) SALE OR LEASE.—Subject to disapproval by the Administrator
18 within 30 days after notice to the Administrator by the Secretary of
19 Education of a proposed transfer, the Secretary, for school, classroom,
20 or other educational use, may sell or lease property assigned to the Sec-
21 retary under paragraph (1) to a State, a political subdivision or instru-
22 mentality of a State, a tax-supported educational institution, or a non-
23 profit educational institution that has been held exempt from taxation
24 under section 501(c)(3) of the Internal Revenue Code of 1986 (26
25 U.S.C. 501(c)(3)).

26 (3) FIXING VALUE.—In fixing the sale or lease value of property dis-
27 posed of under paragraph (2), the Secretary of Education shall take
28 into consideration any benefit which has accrued or may accrue to the
29 Government from the use of the property by the State, political subdivi-
30 sion or instrumentality, or institution.

31 (d) PROPERTY FOR USE IN THE PROTECTION OF PUBLIC HEALTH, IN-
32 CLUDING RESEARCH.—

33 (1) ASSIGNMENT.—The Administrator, in the Administrator's discre-
34 tion and under regulations that the Administrator may prescribe, may
35 assign to the Secretary of Health and Human Services for disposal sur-
36 plus real property, including buildings, fixtures, and equipment situated
37 on the property, that the Secretary recommends as needed for use in
38 the protection of public health, including research.

39 (2) SALE OR LEASE.—Subject to disapproval by the Administrator
40 within 30 days after notice to the Administrator by the Secretary of
41 Health and Human Services of a proposed transfer, the Secretary, for

1 use in the protection of public health, including research, may sell or
 2 lease property assigned to the Secretary under paragraph (1) to a
 3 State, a political subdivision or instrumentality of a State, a tax-sup-
 4 ported medical institution, or a hospital or similar institution not oper-
 5 ated for profit that has been held exempt from taxation under section
 6 501(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 501(c)(3)).

7 (3) FIXING VALUE.—In fixing the sale or lease value of property dis-
 8 posed of under paragraph (2), the Secretary of Health and Human
 9 Services shall take into consideration any benefit which has accrued or
 10 may accrue to the Government from the use of the property by the
 11 State, political subdivision or instrumentality, or institution.

12 (e) PROPERTY FOR USE AS A PUBLIC PARK OR RECREATION AREA.—

13 (1) ASSIGNMENT.—The Administrator, in the Administrator’s discre-
 14 tion and under regulations that the Administrator may prescribe, may
 15 assign to the Secretary of the Interior for disposal surplus real prop-
 16 erty, including buildings, fixtures, and equipment situated on the prop-
 17 erty, that the Secretary recommends as needed for use as a public park
 18 or recreation area.

19 (2) SALE OR LEASE.—Subject to disapproval by the Administrator
 20 within 30 days after notice to the Administrator by the Secretary of
 21 the Interior of a proposed transfer, the Secretary, for public park or
 22 recreation area use, may sell or lease property assigned to the Sec-
 23 retary under paragraph (1) to a State, a political subdivision or instru-
 24 mentality of a State, or a municipality.

25 (3) FIXING VALUE.—In fixing the sale or lease value of property dis-
 26 posed of under paragraph (2), the Secretary of the Interior shall take
 27 into consideration any benefit which has accrued or may accrue to the
 28 Government from the use of the property by the State, political subdivi-
 29 sion or instrumentality, or municipality.

30 (4) DEED OF CONVEYANCE.—The deed of conveyance of any surplus
 31 real property disposed of under this subsection—

32 (A) shall provide that all of the property be used and main-
 33 tained for the purpose for which it was conveyed in perpetuity,
 34 and that if the property ceases to be used or maintained for that
 35 purpose, all or any portion of the property shall, in its then exist-
 36 ing condition, at the option of the Government, revert to the Gov-
 37 ernment; and

38 (B) may contain additional terms, reservations, restrictions, and
 39 conditions the Secretary of the Interior determines are necessary
 40 to safeguard the interests of the Government.

41 (f) PROPERTY FOR LOW INCOME HOUSING ASSISTANCE.—

1 (1) ASSIGNMENT.—The Administrator, in the Administrator’s discre-
2 tion and under regulations that the Administrator may prescribe, may
3 assign to the Secretary of Housing and Urban Development for dis-
4 posal surplus real property, including buildings, fixtures, and equip-
5 ment situated on the property, that the Secretary recommends as need-
6 ed to provide housing or housing assistance for low-income individuals
7 or families.

8 (2) SALE OR LEASE.—Subject to disapproval by the Administrator
9 within 30 days after notice to the Administrator by the Secretary of
10 Housing and Urban Development of a proposed transfer, the Secretary,
11 to provide housing or housing assistance for low-income individuals or
12 families, may sell or lease property assigned to the Secretary under
13 paragraph (1) to a State, a political subdivision or instrumentality of
14 a State, or a nonprofit organization that exists for the primary purpose
15 of providing housing or housing assistance for low-income individuals
16 or families.

17 (3) SELF-HELP HOUSING.—

18 (A) IN GENERAL.—The Administrator shall disapprove a pro-
19 posed transfer of property under this subsection unless the Admin-
20 istrator determines that the property will be used for low-income
21 housing opportunities through the construction, rehabilitation, or
22 refurbishment of self-help housing, under terms requiring that—

23 (i) subject to subparagraph (B), an individual or family re-
24 ceiving housing or housing assistance through use of the
25 property shall contribute a significant amount of labor toward
26 the construction, rehabilitation, or refurbishment; and

27 (ii) dwellings constructed, rehabilitated, or refurbished
28 through use of the property shall be quality dwellings that
29 comply with local building and safety codes and standards
30 and shall be available at prices below prevailing market
31 prices.

32 (B) GUIDELINES FOR CONSIDERING DISABILITIES.—For pur-
33 poses of fulfilling self-help requirements under paragraph
34 (3)(A)(i), the Administrator shall ensure that nonprofit organiza-
35 tions receiving property under paragraph (2) develop and use
36 guidelines to consider any disability (as defined in section 3(2) of
37 the Americans with Disabilities Act of 1990 (42 U.S.C. 12102(2)).

38 (4) FIXING VALUE.—

39 (A) IN GENERAL.—In fixing the sale or lease value of property
40 disposed of under paragraph (2), the Secretary of Housing and
41 Urban Development shall take into consideration and discount the

1 value for any benefit which has accrued or may accrue to the Gov-
 2 ernment from the use of the property by the State, political sub-
 3 division or instrumentality, or nonprofit organization.

4 (B) AMOUNT OF DISCOUNT.—The amount of the discount under
 5 subparagraph (A) is 75 percent of the market value of the prop-
 6 erty, except that the Secretary of Housing and Urban Develop-
 7 ment may discount by a greater percentage if the Secretary, in
 8 consultation with the Administrator, determines that a higher per-
 9 centage is justified.

10 (g) PROPERTY FOR NATIONAL SERVICE ACTIVITIES.—

11 (1) ASSIGNMENT.—The Administrator, in the Administrator’s discre-
 12 tion and under regulations that the Administrator may prescribe, may
 13 assign to the Chief Executive Officer of the Corporation for National
 14 and Community Service for disposal surplus property that the Chief
 15 Executive Officer recommends as needed for national service activities.

16 (2) SALE, LEASE, OR DONATION.—Subject to disapproval by the Ad-
 17 ministrator within 30 days after notice to the Administrator by the
 18 Chief Executive Officer of a proposed transfer, the Chief Executive Of-
 19 ficer, for national service activities, may sell, lease, or donate property
 20 assigned to the Chief Executive Officer under paragraph (1) to an enti-
 21 ty that receives financial assistance under the National and Community
 22 Service Act of 1990 (42 U.S.C. 12501 et seq.).

23 (3) FIXING VALUE.—In fixing the sale or lease value of property dis-
 24 posed of under paragraph (2), the Chief Executive Officer shall take
 25 into consideration any benefit which has accrued or may accrue to the
 26 Government from the use of the property by the entity receiving the
 27 property.

28 (h) PROPERTY FOR USE AS A HISTORIC MONUMENT.—

29 (1) CONVEYANCE.—

30 (A) IN GENERAL.—Without monetary consideration to the Gov-
 31 ernment, the Administrator may convey to a State, a political sub-
 32 division or instrumentality of a State, or a municipality, the right,
 33 title, and interest of the Government in and to any surplus real
 34 and related personal property that the Secretary of the Interior
 35 determines is suitable and desirable for use as a historic monu-
 36 ment for the benefit of the public.

37 (B) RECOMMENDATION BY NATIONAL PARK SYSTEM ADVISORY
 38 BOARD.—Property may be determined to be suitable and desirable
 39 for use as a historic monument only in conformity with a rec-
 40 ommendation by the National Park System Advisory Board estab-
 41 lished under section 3 of the Act of August 21, 1935 (16 U.S.C.

1 463) (known as the Historic Sites, Buildings, and Antiquities
2 Act). Only the portion of the property that is necessary for the
3 preservation and proper observation of the property's historic fea-
4 tures may be determined to be suitable and desirable for use as
5 a historic monument.

6 (2) REVENUE-PRODUCING ACTIVITY.—

7 (A) IN GENERAL.—The Administrator may authorize use of any
8 property conveyed under this subsection for revenue-producing ac-
9 tivities if the Secretary of the Interior—

10 (i) determines that the activities are compatible with use of
11 the property for historic monument purposes;

12 (ii) approves the grantee's plan for repair, rehabilitation,
13 restoration, and maintenance of the property;

14 (iii) approves the grantee's plan for financing the repair,
15 rehabilitation, restoration, and maintenance of the property;
16 and

17 (iv) examines and approves the accounting and financial
18 procedures used by the grantee.

19 (B) USE OF EXCESS INCOME.—The Secretary of the Interior
20 may approve a grantee's financial plan only if the plan provides
21 that the grantee shall use income exceeding the cost of repair, re-
22 habilitation, restoration, and maintenance only for public historic
23 preservation, park, or recreational purposes.

24 (C) AUDITS.—The Secretary of the Interior may periodically
25 audit the records of the grantee that are directly related to the
26 property conveyed.

27 (3) DEED OF CONVEYANCE.—The deed of conveyance of any surplus
28 real property disposed of under this subsection—

29 (A) shall provide that all of the property be used and main-
30 tained for historical monument purposes in perpetuity, and that if
31 the property ceases to be used or maintained for historical monu-
32 ment purposes, all or any portion of the property shall, in its then
33 existing condition, at the option of the Government, revert to the
34 Government; and

35 (B) may contain additional terms, reservations, restrictions, and
36 conditions the Administrator determines are necessary to safe-
37 guard the interests of the Government.

38 **§ 551. Donations to American Red Cross**

39 The Administrator of General Services, in the Administrator's discretion
40 and under regulations that the Administrator may prescribe, may donate to
41 the American National Red Cross for charitable purposes property that the

1 American National Red Cross processed, produced, or donated and that has
2 been determined to be surplus property.

3 **§ 552. Abandoned or unclaimed property on Government**
4 **premises**

5 (a) **AUTHORITY TO TAKE PROPERTY** Administrator of General Services
6 may take possession of abandoned or unclaimed property on premises owned
7 or leased by the Federal Government and determine when title to the prop-
8 erty vests in the Government. The Administrator may use, transfer, or oth-
9 erwise dispose of the property.

10 (b) **CLAIM FILED BY FORMER OWNER.**—If a former owner files a proper
11 claim within three years from the date that title to the property vests in
12 the Government, the former owner shall be paid an amount—

13 (1) equal to the proceeds realized from the disposition of the prop-
14 erty less costs incident to care and handling as determined by the Ad-
15 ministrator; or

16 (2) if the property has been used or transferred, equal to the fair
17 value of the property as of the time title vested in the Government less
18 costs incident to care and handling as determined by the Adminis-
19 trator.

20 **§ 553. Property for correctional facility, law enforcement,**
21 **and emergency management response purposes**

22 (a) **DEFINITION.**—In this section, the term “State” includes the District
23 of Columbia, Puerto Rico, Guam, American Samoa, the Virgin Islands, the
24 Federated States of Micronesia, the Marshall Islands, Palau, and, the
25 Northern Mariana Islands.

26 (b) **AUTHORITY TO TRANSFER PROPERTY.**—The Administrator of Gen-
27 eral Services, in the Administrator’s discretion and under regulations that
28 the Administrator may prescribe, may transfer or convey to a State, or po-
29 litical subdivision or instrumentality of a State, surplus real and related per-
30 sonal property that—

31 (1) the Attorney General determines is required by the transferee or
32 grantee for correctional facility use under a program approved by the
33 Attorney General for the care or rehabilitation of criminal offenders;

34 (2) the Attorney General determines is required by the transferee or
35 grantee for law enforcement purposes; or

36 (3) the Director of the Federal Emergency Management Agency de-
37 termines is required by the transferee or grantee for emergency man-
38 agement response purposes including fire and rescue services.

39 (c) **NO MONETARY CONSIDERATION.**—A transfer or conveyance under
40 this section shall be made without monetary consideration to the Federal
41 Government.

1 (d) DEED OF CONVEYANCE.—The deed of conveyance of any surplus real
2 and related personal property disposed of under this section—

3 (1) shall provide that all of the property be used and maintained for
4 the purpose for which it was conveyed in perpetuity, and that if the
5 property ceases to be used or maintained for that purpose, all or any
6 portion of the property shall, in its then existing condition, at the op-
7 tion of the Government, revert to the Government; and

8 (2) may contain additional terms, reservations, restrictions, and con-
9 ditions that the Administrator determines are necessary to safeguard
10 the interests of the Government.

11 (e) ENFORCEMENT AND REVISION OF INSTRUMENTS TRANSFERRING
12 PROPERTY UNDER THIS SECTION.—The Administrator shall determine and
13 enforce compliance with the terms, conditions, reservations, and restrictions
14 contained in an instrument by which a transfer or conveyance under this
15 section is made. The Administrator shall reform, correct, or amend the in-
16 strument if necessary to correct the instrument or to conform the transfer
17 to the requirements of law. The Administrator shall grant a release from
18 any term, condition, reservation or restriction contained in the instrument,
19 and shall convey, quitclaim, or release to the transferee (or other eligible
20 user) any right or interest reserved to the Government by the instrument,
21 if the Administrator determines that the property no longer serves the pur-
22 pose for which it was transferred or that a release, conveyance, or quitclaim
23 deed will not prevent accomplishment of that purpose. The release, convey-
24 ance, or quitclaim deed may be made subject to terms and conditions that
25 the Administrator considers necessary to protect or advance the interests of
26 the Government.

27 **§ 554. Property for development or operation of a port facil-**
28 **ity**

29 (a) DEFINITIONS.—In this section, the following definitions apply:

30 (1) BASE CLOSURE LAW.—The term “base closure law” means the
31 following:

32 (A) Title II of the Defense Authorization Amendments and
33 Base Closure and Realignment Act (Public Law 100–526; 10
34 U.S.C. 2687 note).

35 (B) The Defense Base Closure and Realignment Act of 1990
36 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687
37 note).

38 (C) Section 2687 of title 10.

39 (2) STATE.—The term “State” includes the District of Columbia,
40 Puerto Rico, Guam, American Samoa, the Virgin Islands, the Fed-

1 erated States of Micronesia, the Marshall Islands, Palau, and the
2 Northern Mariana Islands.

3 (b) AUTHORITY FOR ASSIGNMENT TO THE SECRETARY OF TRANSPOR-
4 TATION.—Under regulations that the Administrator of General Services,
5 after consultation with the Secretary of Defense, may prescribe, the Admin-
6 istrator, or the Secretary of Defense in the case of property located at a
7 military installation closed or realigned pursuant to a base closure law, may
8 assign to the Secretary of Transportation for disposal surplus real property,
9 including buildings, fixtures, and equipment situated on the property, that
10 the Secretary of Transportation recommends as needed for the development
11 or operation of a port facility.

12 (c) AUTHORITY FOR CONVEYANCE BY THE SECRETARY OF TRANSPOR-
13 TATION.

14 (1) IN GENERAL.—Subject to disapproval by the Administrator or
15 the Secretary of Defense within 30 days after notice of a proposed con-
16 veyance by the Secretary of Transportation, the Secretary of Transpor-
17 tation, for the development or operation of a port facility, may convey
18 property assigned to the Secretary of Transportation under subsection
19 (b) to a State or political subdivision, municipality, or instrumentality
20 of a State.

21 (2) CONVEYANCE REQUIREMENTS.—A transfer of property may be
22 made under this section only after the Secretary of Transportation
23 has—

24 (A) determined, after consultation with the Secretary of Labor,
25 that the property to be conveyed is located in an area of serious
26 economic disruption;

27 (B) received and, after consultation with the Secretary of Com-
28 merce, approved an economic development plan submitted by an
29 eligible grantee and based on assured use of the property to be
30 conveyed as part of a necessary economic development program;
31 and

32 (C) transmitted to Congress an explanatory statement that con-
33 tains information substantially similar to the information con-
34 tained in statements prepared under section 545(e) of this title.

35 (d) NO MONETARY CONSIDERATION.—A conveyance under this section
36 shall be made without monetary consideration to the Federal Government.

37 (e) DEED OF CONVEYANCE.—The deed of conveyance of any surplus real
38 and related personal property disposed of under this section shall—

39 (1) provide that all of the property be used and maintained for the
40 purpose for which it was conveyed in perpetuity, and that if the prop-
41 erty ceases to be used or maintained for that purpose, all or any por-

tion of the property shall, in its then existing condition, at the option of the Government, revert to the Government; and

(2) contain additional terms, reservations, restrictions, and conditions that the Secretary of Transportation shall by regulation require to ensure use of the property for the purposes for which it was conveyed and to safeguard the interests of the Government.

(f) ENFORCEMENT AND REVISION OF INSTRUMENTS TRANSFERRING PROPERTY UNDER THIS SECTION.—The Secretary of Transportation shall determine and enforce compliance with the terms, conditions, reservations, and restrictions contained in an instrument by which a transfer or conveyance under this section is made. The Secretary shall reform, correct, or amend the instrument if necessary to correct the instrument or to conform the transfer to the requirements of law. The Secretary shall grant a release from any term, condition, reservation or restriction contained in the instrument, and shall convey, quitclaim, or release to the grantee any right or interest reserved to the Government by the instrument, if the Secretary determines that the property no longer serves the purpose for which it was transferred or that a release, conveyance, or quitclaim deed will not prevent accomplishment of that purpose. The release, conveyance, or quitclaim deed may be made subject to terms and conditions that the Secretary considers necessary to protect or advance the interests of the Government.

§ 555. Donation of law enforcement canines to handlers

The head of a federal agency having control of a canine that has been used by a federal agency in the performance of law enforcement duties and that has been determined by the agency to be no longer needed for official purposes may donate the canine to an individual who has experience handling canines in the performance of those duties.

§ 556. Disposal of dredge vessels

(a) IN GENERAL.—The Administrator of General Services, pursuant to sections 521 through 527, 529, and 549 of this title, may dispose of a United States Army Corps of Engineers vessel used for dredging, together with related equipment owned by the Federal Government and under the control of the Chief of Engineers, if the Secretary of the Army declares the vessel to be in excess of federal needs.

(b) RECIPIENTS AND PURPOSES.—Disposal under this section is accomplished—

(1) through sale or lease to—

(A) a foreign government as part of a Corps of Engineers technical assistance program;

(B) a federal or state maritime academy for training purposes;

or

1 (C) a non-federal public body for scientific, educational, or cul-
2 tural purposes; or

3 (2) through sale solely for scrap to foreign or domestic interests.

4 (e) NO DREDGING ACTIVITIES.—A vessel described in subsection (a) shall
5 not be disposed of under any law for the purpose of engaging in dredging
6 activities within the United States.

7 (d) DEPOSIT OF AMOUNTS COLLECTED.—Amounts collected from the
8 sale or lease of a vessel or equipment under this section shall be deposited
9 into the revolving fund authorized by section 101 (9th par.) of the Civil
10 Functions Appropriation Act, 1954 (33 U.S.C. 576), to be available, as pro-
11 vided in appropriation laws, for the operation and maintenance of vessels
12 under the control of the Corps of Engineers.

13 **§ 557. Donation of books to Free Public Library**

14 Subject to regulations under this subtitle, a book that is no longer needed
15 by an executive department, bureau, or commission of the Federal Govern-
16 ment, and that is not an advisable addition to the Library of Congress, shall
17 be turned over to the Free Public Library of the District of Columbia for
18 general use if the book is appropriate for the Free Public Library.

19 **§ 558. Donation of forfeited vessels**

20 (a) IN GENERAL.—A vessel that is forfeited to the Federal Government
21 may be donated, in accordance with procedures under this subtitle, to an
22 eligible institution described in subsection (b).

23 (b) ELIGIBLE INSTITUTION.—An eligible institution referred to in sub-
24 section (a) is an educational institution with a commercial fishing vessel
25 safety program or other vessel safety, education and training program. The
26 institution must certify to the federal officer making the donation that the
27 program includes, at a minimum, all of the following courses in vessel safe-
28 ty:

29 (1) Vessel stability.

30 (2) Firefighting.

31 (3) Shipboard first aid.

32 (4) Marine safety and survival.

33 (5) Seamanship rules of the road.

34 (c) TERMS AND CONDITIONS.—The donation of a vessel under this sec-
35 tion shall be made on terms and conditions considered appropriate by the
36 federal officer making the donation. All of the following terms and condi-
37 tions are required:

38 (1) NO WARRANTY.—The institution must accept the vessel as is,
39 where it is, and without warranty of any kind and without any rep-
40 resentation as to its condition or suitability for use.

1 (2) MAINTENANCE.—The institution is responsible for maintaining
2 the vessel.

3 (3) INSTRUCTION ONLY.—The vessel may be used only for instruct-
4 ing students in a vessel safety education and training program.

5 (4) DOCUMENTATION.—If the vessel is eligible to be documented, it
6 must be documented by the institution as a vessel of the United States
7 under chapter 121 of title 46. The requirements of paragraph (5) must
8 be noted on the permanent record of the vessel.

9 (5) DISPOSAL.—The institution must obtain prior approval from the
10 Administrator of General Services before disposing of the vessel and
11 any proceeds from disposal shall be payable to the Government.

12 (6) INSPECTION OR REGULATION.—The vessel shall be inspected or
13 regulated in the same manner as a nautical school vessel under chapter
14 33 of title 46.

15 (d) GOVERNMENT LIABILITY.—The Government is not liable in an action
16 arising out of the transfer or use of a vessel transferred under this section.

17 **§ 559. Advice of Attorney General with respect to antitrust**
18 **law**

19 (a) DEFINITION.—In this section, the term “antitrust law” includes—

- 20 (1) the Sherman Act (15 U.S.C. 1 et seq.);
21 (2) the Clayton Act (15 U.S.C. 12 et seq., 29 U.S.C. 52, 53);
22 (3) the Federal Trade Commission Act (15 U.S.C. 41 et seq.); and
23 (4) sections 73 and 74 of the Wilson Tariff Act (15 U.S.C. 8, 9).

24 (b) ADVICE REQUIRED.—

25 (1) IN GENERAL.—An executive agency shall not dispose of property
26 to a private interest until the agency has received the advice of the At-
27 torney General on whether the disposal to a private interest would tend
28 to create or maintain a situation inconsistent with antitrust law.

29 (2) EXCEPTION.—This section does not apply to disposal of—

- 30 (A) real property, if the estimated fair market value is less than
31 \$3,000,000; or
32 (B) personal property (other than a patent, process, technique,
33 or invention), if the estimated fair market value is less than
34 \$3,000,000.

35 (c) NOTICE TO ATTORNEY GENERAL.—

36 (1) IN GENERAL.—An executive agency that contemplates disposing
37 of property to a private interest shall promptly transmit notice of the
38 proposed disposal, including probable terms and conditions, to the At-
39 torney General.

40 (2) COPY.—Except for the General Services Administration, an exec-
41 utive agency that transmits notice under paragraph (1) shall simulta-

1 neously transmit a copy of the notice to the Administrator of General
2 Services.

3 (d) **ADVICE FROM ATTORNEY GENERAL.**—Within a reasonable time, not
4 later than 60 days, after receipt of notice under subsection (c), the Attorney
5 General shall advise the Administrator and any interested executive agency
6 whether, so far as the Attorney General can determine, the proposed dis-
7 position would tend to create or maintain a situation inconsistent with anti-
8 trust law.

9 (e) **REQUEST FOR INFORMATION.**—On request from the Attorney Gen-
10 eral, the head of an executive agency shall furnish information the agency
11 possesses that the Attorney General determines is appropriate or necessary
12 to—

13 (1) give advice required by this section; or

14 (2) determine whether any other disposition or proposed disposition
15 of surplus property violates antitrust law.

16 (f) **NO EFFECT ON ANTITRUST LAW.**—This subtitle does not impair,
17 amend, or modify antitrust law or limit or prevent application of antitrust
18 law to a person acquiring property under this subtitle.

19 **SUBCHAPTER IV—PROCEEDS FROM SALE OR TRANSFER**

20 **§ 571. General rules for deposit and use of proceeds**

21 (a) **DEPOSIT IN TREASURY AS MISCELLANEOUS RECEIPTS.**—

22 (1) **IN GENERAL.**—Except as otherwise provided in this subchapter,
23 proceeds described in paragraph (2) shall be deposited in the Treasury
24 as miscellaneous receipts.

25 (2) **PROCEEDS.**—The proceeds referred to in paragraph (1) are pro-
26 ceeds under this chapter from a—

27 (A) transfer of excess property to a federal agency for agency
28 use; or

29 (B) sale, lease, or other disposition of surplus property.

30 (b) **PAYMENT OF EXPENSES OF SALE BEFORE DEPOSIT.**—Subject to
31 regulations under this subtitle, the expenses of the sale of old material, con-
32 demned stores, supplies, or other public property may be paid from the pro-
33 ceeds of sale so that only the net proceeds are deposited in the Treasury.
34 This subsection applies whether proceeds are deposited as miscellaneous re-
35 cepts or to the credit of an appropriation as authorized by law.

36 **§ 572. Real property**

37 (a) **IN GENERAL.**—

38 (1) **SEPARATE FUND.**—Except as provided in subsection (b), pro-
39 ceeds of the disposition of surplus real and related personal property
40 by the Administrator of General Services shall be set aside in a sepa-
41 rate fund in the Treasury.

1 (2) PAYMENT OF EXPENSES FROM THE FUND.—

2 (A) AUTHORITY.—From the fund described in paragraph (1),
3 the Administrator may obligate an amount to pay the following di-
4 rect expenses incurred for the use of excess property and the dis-
5 posal of surplus property under this subtitle:

6 (i) Fees of appraisers, auctioneers, and realty brokers, in
7 accordance with the scale customarily paid in similar commer-
8 cial transactions.

9 (ii) Costs of environmental and historic preservation serv-
10 ices.

11 (iii) Advertising and surveying.

12 (B) LIMITATIONS.—

13 (i) PERCENTAGE LIMITATION.—In each fiscal year, no
14 more than 12 percent of the proceeds of all dispositions of
15 surplus real and related personal property may be paid to
16 meet direct expenses incurred in connection with the disposi-
17 tions.

18 (ii) DETERMINATION OF MAXIMUM AMOUNT.—The Director
19 of the Office of Management and Budget each quarter shall
20 determine the maximum amount that may be obligated under
21 this paragraph.

22 (C) DIRECT PAYMENT OR REIMBURSEMENT.—An amount obli-
23 gated under this paragraph may be used to pay an expense di-
24 rectly or to reimburse a fund or appropriation that initially paid
25 the expense.

26 (3) TRANSFER TO MISCELLANEOUS RECEIPTS.—At least once each
27 year, excess amounts beyond current operating needs shall be trans-
28 ferred from the fund described in paragraph (1) to miscellaneous re-
29 ceipts.

30 (4) REPORT.—A report of receipts, disbursements, and transfers to
31 miscellaneous receipts under this subsection shall be made annually, in
32 connection with the budget estimate, to the Director and to Congress.

33 (b) REAL PROPERTY UNDER CONTROL OF A MILITARY DEPARTMENT.—

34 (1) DEFINITIONS.—In this subsection, the following definitions
35 apply:

36 (A) MILITARY INSTALLATION.—The term “military installation”
37 has the meaning given that term in section 2687(e)(1) of title 10.

38 (B) BASE CLOSURE LAW.—The term “base closure law” has the
39 meaning given that term in section 2667(h)(2) of title 10.

40 (2) APPLICATION.—

1 (A) IN GENERAL.—This subsection applies to real property, in-
2 cluding any improvement on the property, that is under the con-
3 trol of a military department and that the Secretary of the depart-
4 ment determines is excess to the department’s needs.

5 (B) EXCEPTIONS.—This subsection does not apply to—

6 (i) damaged or deteriorated military family housing facili-
7 ties conveyed under section 2854a of title 10; or

8 (ii) property at a military installation designated for clo-
9 sure or realignment pursuant to a base closure law.

10 (3) TRANSFER BETWEEN MILITARY DEPARTMENTS.—The Secretary
11 of Defense shall provide that property described in paragraph (2) is
12 available for transfer, without reimbursement, to other military depart-
13 ments within the Department of Defense.

14 (4) ALTERNATIVE DISPOSITION BY ADMINISTRATOR OF GENERAL
15 SERVICES.—If property is not transferred pursuant to paragraph (3),
16 the Secretary of the military department with the property under its
17 control shall request the Administrator to transfer or dispose of the
18 property in accordance with this subtitle or other applicable law.

19 (5) PROCEEDS.—

20 (A) DEPOSIT IN SPECIAL ACCOUNT.—For a transfer or disposi-
21 tion of property pursuant to paragraph (4), the Administrator
22 shall deposit any proceeds (less expenses of the transfer or disposi-
23 tion as provided in subsection (a)) in a special account in the
24 Treasury.

25 (B) AVAILABILITY OF AMOUNT DEPOSITED.—To the extent pro-
26 vided in an appropriation law, an amount deposited in a special
27 account under subparagraph (A) is available for facility mainte-
28 nance and repair or environmental restoration as follows:

29 (i) In the case of property located at a military installation
30 that is closed, the amount is available for facility maintenance
31 and repair or environmental restoration by the military de-
32 partment that had jurisdiction over the property before the
33 closure of the military installation.

34 (ii) In the case of property located at any other military
35 installation—

36 (I) 50 percent of the amount is available for facility
37 maintenance and repair or environmental restoration at
38 the military installation where the property was located
39 before it was disposed of or transferred; and

40 (II) 50 percent of the amount is available for facility
41 maintenance and repair and for environmental restora-

tion by the military department that had jurisdiction
over the property before it was disposed of or transferred.

(6) REPORT.—As part of the annual request for authorizations of appropriations to the Committees on Armed Services of the Senate and the House of Representatives, the Secretary of Defense shall include an accounting of each transfer and disposal made in accordance with this subsection during the fiscal year preceding the fiscal year in which the request is made. The accounting shall include a detailed explanation of each transfer and disposal and of the use of the proceeds received from it by the Department of Defense.

§ 573. Personal property

The Administrator of General Services may retain from the proceeds of sales of personal property the Administrator conducts amounts necessary to recover, to the extent practicable, costs the Administrator (or the Administrator's agent) incurs in conducting the sales. The Administrator shall deposit amounts retained into the General Supply Fund established under section 321(a) of this title. From the amounts deposited, the Administrator may pay direct costs and reasonably related indirect costs incurred in conducting sales of personal property. At least once each year, amounts retained that are not needed to pay the direct and indirect costs shall be transferred from the General Supply Fund to the general fund or another appropriate account in the Treasury.

§ 574. Other rules regarding proceeds

(a) CREDIT TO REIMBURSABLE FUND OR APPROPRIATION.—

(1) APPLICATION.—This subsection applies to property acquired with amounts—

(A) not appropriated from the general fund of the Treasury; or

(B) appropriated from the general fund of the Treasury but by law reimbursable from assessment, tax, or other revenue or receipts.

(2) IN GENERAL.—The net proceeds of a disposition or transfer of property described in paragraph (1) shall be—

(A) credited to the applicable reimbursable fund or appropriation; or

(B) paid to the federal agency that determined the property to be excess.

(3) CALCULATION OF NET PROCEEDS.—For purposes of this subsection, the net proceeds of a disposition or transfer of property are the proceeds less all expenses incurred for the disposition or transfer, including care and handling.

1 (4) ALTERNATIVE CREDIT TO MISCELLANEOUS RECEIPTS.—If the
2 agency that determined the property to be excess decides that it is un-
3 economical or impractical to ascertain the amount of net proceeds, the
4 proceeds shall be credited to miscellaneous receipts.

5 (b) SPECIAL ACCOUNT FOR REFUNDS OR PAYMENTS FOR BREACH.—

6 (1) DEPOSITS.—A federal agency that disposes of surplus property
7 under this chapter may deposit, in a special account in the Treasury,
8 amounts of the proceeds of the dispositions that the agency decides are
9 necessary to permit—

10 (A) appropriate refunds to purchasers for dispositions that are
11 rescinded or that do not become final; and

12 (B) payments for breach of warranty.

13 (2) WITHDRAWALS.—A federal agency that deposits proceeds in a
14 special account under paragraph (1) may withdraw amounts to be re-
15 funded or paid from the account without regard to the origin of the
16 amounts withdrawn.

17 (c) CREDIT TO COST OF CONTRACTOR'S WORK.—If a contract made by
18 an executive agency, or a subcontract under that contract, authorizes the
19 proceeds of a sale of property in the custody of a contractor or subcon-
20 tractor to be credited to the price or cost of work covered by the contract
21 or subcontract, then the proceeds of the sale shall be credited in accordance
22 with the contract or subcontract.

23 (d) ACCEPTANCE OF PROPERTY INSTEAD OF CASH.—An executive agency
24 entitled to receive cash under a contract for the lease, sale, or other disposi-
25 tion of surplus property may accept property instead of cash if the Presi-
26 dent determines that the property is strategic or critical material. The prop-
27 erty is valued at the prevailing market price when the cash payment be-
28 comes due.

29 (e) MANAGEMENT OF CREDIT, LEASES, AND PERMITS.—For a disposi-
30 tion of surplus property under this chapter, if credit has been extended, or
31 if the disposition has been by lease or permit, the Administrator of General
32 Services, in a manner and on terms the Administrator determines are in
33 the best interest of the Federal Government—

34 (1) shall administer and manage the credit, lease, or permit, and any
35 security for the credit, lease, or permit; and

36 (2) may enforce, adjust, and settle any right of the Government with
37 respect to the credit, lease, or permit.

1 SUBCHAPTER V—OPERATION OF BUILDINGS AND RELATED
2 ACTIVITIES

3 **§ 581. General authority of Administrator of General Serv-**
4 **ices**

5 (a) APPLICABILITY.—To the extent that the Administrator of General
6 Services by law, other than this section, may maintain, operate, and protect
7 buildings or property, including the construction, repair, preservation, demo-
8 lition, furnishing, or equipping of buildings or property, the Administrator,
9 in the discharge of these duties, may exercise authority granted under this
10 section.

11 (b) PERSONNEL AND EQUIPMENT.—The Administrator may—

12 (1) employ and pay personnel at per diem rates approved by the Ad-
13 ministrator, not exceeding rates currently paid by private industry for
14 similar services in the place where the services are performed;

15 (2) purchase, repair, and clean uniforms for civilian employees of the
16 General Services Administration who are required by law or regulation
17 to wear uniform clothing; and

18 (3) furnish arms and ammunition for the protection force the Ad-
19 ministration maintains.

20 (c) ACQUISITION AND MANAGEMENT OF PROPERTY.—

21 (1) REAL ESTATE.—The Administrator may acquire, by purchase,
22 condemnation, or otherwise, real estate and interests in real estate.

23 (2) GROUND RENT.—The Administrator may pay ground rent for
24 buildings owned by the Federal Government or occupied by federal
25 agencies, and pay the rent in advance if required by law or if the Ad-
26 ministrator determines that advance payment is in the public interest.

27 (3) RENT AND REPAIRS UNDER A LEASE.—The Administrator may
28 pay rent and make repairs, alterations, and improvements under the
29 terms of a lease entered into by, or transferred to, the Administration
30 for the housing of a federal agency.

31 (4) REPAIRS THAT ARE ECONOMICALLY ADVANTAGEOUS.—The Ad-
32 ministrator may repair, alter, or improve rented premises if the Admin-
33 istrator determines that doing so is advantageous to the Government
34 in terms of economy, efficiency, or national security. The Administra-
35 tor's determination must—

36 (A) set forth the circumstances that make the repair, alteration,
37 or improvement advantageous; and

38 (B) show that the total cost (rental, repair, alteration, and im-
39 provement) for the expected life of the lease is less than the cost
40 of alternative space not needing repair, alteration, or improvement.

1 (5) INSURANCE PROCEEDS FOR DEFENSE INDUSTRIAL RESERVE.—
 2 At the direction of the Secretary of Defense, the Administrator may
 3 use insurance proceeds received for damage to property that is part of
 4 the Defense Industrial Reserve to repair or restore the property.

5 (6) MAINTENANCE CONTRACTS.—The Administrator may enter into
 6 a contract, for a period not exceeding five years, for the inspection,
 7 maintenance, and repair of fixed equipment in a federally owned build-
 8 ing.

9 (d) LEASE OF FEDERAL BUILDING SITES.—

10 (1) IN GENERAL.—The Administrator may lease a federal building
 11 site or addition, including any improvements, until the site is needed
 12 for construction purposes. The lease must be for fair rental value and
 13 on other terms and conditions the Administrator considers to be in the
 14 public interest pursuant to section 545 of this title.

15 (2) NEGOTIATION WITHOUT ADVERTISING.—A lease under this sub-
 16 section may be negotiated without public advertising for bids if—

17 (A) the lessee is—

18 (i) the former owner from whom the Government acquired
 19 the property; or

20 (ii) the former owner's tenant in possession; and

21 (B) the lease is negotiated incident to or in connection with the
 22 acquisition of the property.

23 (3) DEPOSIT OF RENT.—Rent received under this subsection may be
 24 deposited into the Federal Buildings Fund.

25 (e) ASSISTANCE TO THE INAUGURAL COMMITTEE.—The Administrator
 26 may provide direct assistance and special services for the Inaugural Com-
 27 mittee (as defined in section 501 of title 36) during an inaugural period
 28 in connection with Presidential inaugural operations and functions. Assist-
 29 ance and services under this subsection may include—

30 (1) employment of personal services without regard to chapters 33
 31 and 51 and subchapter III of chapter 53 of title 5;

32 (2) providing Government-owned and leased space for personnel and
 33 parking;

34 (3) paying overtime to guard and custodial forces;

35 (4) erecting and removing stands and platforms;

36 (5) providing and operating first-aid stations;

37 (6) providing furniture and equipment; and

38 (7) providing other incidental services in the discretion of the Admin-
 39 istrator.

40 (f) UTILITIES FOR DEFENSE INDUSTRIAL RESERVE AND SURPLUS PROP-
 41 ERTY.—The Administrator may—

1 (1) provide utilities and services, if the utilities and services are not
2 provided by other sources, to a person, firm, or corporation occupying
3 or using a plant or portion of a plant that constitutes—

4 (A) any part of the Defense Industrial Reserve pursuant to sec-
5 tion 2535 of title 10; or

6 (B) surplus real property; and

7 (2) credit an amount received for providing utilities and services
8 under this subsection to an applicable appropriation of the Administra-
9 tion.

10 (g) OBTAINING PAYMENTS.—The Administrator may—

11 (1) obtain payments, through advances or otherwise, for services,
12 space, quarters, maintenance, repair, or other facilities furnished, on a
13 reimbursable basis, to a federal agency, a mixed-ownership Government
14 corporation (as defined in chapter 91 of title 31), or the District of
15 Columbia; and

16 (2) credit the payments to the applicable appropriation of the Ad-
17 ministration.

18 (h) COOPERATIVE USE OF PUBLIC BUILDINGS.—

19 (1) LEASING SPACE FOR COMMERCIAL AND OTHER PURPOSES.—The
20 Administrator may lease space on a major pedestrian access level,
21 courtyard, or rooftop of a public building to a person, firm, or organi-
22 zation engaged in commercial, cultural, educational, or recreational ac-
23 tivity (as defined in section 3306(a) of this title). The Administrator
24 shall establish a rental rate for leased space equivalent to the prevailing
25 commercial rate for comparable space devoted to a similar purpose in
26 the vicinity of the public building. The lease may be negotiated without
27 competitive bids, but shall contain terms and conditions and be nego-
28 tiated pursuant to procedures that the Administrator considers nec-
29 essary to promote competition and to protect the public interest.

30 (2) OCCASIONAL USE OF SPACE FOR NON-COMMERCIAL PURPOSES.—
31 The Administrator may make available, on occasion, or lease at a rate
32 and on terms and conditions that the Administrator considers to be in
33 the public interest, an auditorium, meeting room, courtyard, rooftop,
34 or lobby of a public building to a person, firm, or organization engaged
35 in cultural, educational, or recreational activity (as defined in section
36 3306(a) of this title) that will not disrupt the operation of the building.

37 (3) DEPOSIT AND CREDIT OF AMOUNTS RECEIVED.—The Adminis-
38 trator may deposit into the Federal Buildings Fund an amount re-
39 ceived under a lease or rental executed pursuant to paragraph (1) or
40 (2). The amount shall be credited to the appropriation from the Fund
41 applicable to the operation of the building.

1 (4) FURNISHING UTILITIES AND MAINTENANCE.—The Administrator
2 may furnish utilities, maintenance, repair, and other services to a per-
3 son, firm, or organization leasing space pursuant to paragraph (1) or
4 (2). The services may be provided during and outside of regular work-
5 ing hours of federal agencies.

6 **§ 582. Management of buildings by Administrator of General**
7 **Services**

8 (a) REQUEST BY FEDERAL AGENCY OR INSTRUMENTALITY.—At the re-
9 quest of a federal agency, a mixed-ownership Government corporation (as
10 defined in chapter 91 of title 31), or the District of Columbia, the Adminis-
11 trator of General Services may operate, maintain, and protect a building
12 that is owned by the Federal Government (or, in the case of a wholly owned
13 or mixed-ownership Government corporation, by the corporation) and occu-
14 pied by the agency or instrumentality making the request.

15 (b) TRANSFER OF FUNCTIONS BY DIRECTOR OF THE OFFICE OF MAN-
16 AGEMENT AND BUDGET.—

17 (1) IN GENERAL.—When the Director of the Office of Management
18 and Budget determines that it is in the interest of economy or effi-
19 ciency, the Director shall transfer to the Administrator all functions
20 vested in a federal agency with respect to the operation, maintenance,
21 and custody of an office building owned by the Government or a wholly
22 owned Government corporation, or an office building, or part of an of-
23 fice building, that is occupied by a federal agency under a lease.

24 (2) EXCEPTION FOR POST-OFFICE BUILDINGS.—A transfer of func-
25 tions shall not be made under this subsection for a post-office building,
26 unless the Director determines that the building is not used predomi-
27 nantly for post-office purposes. The Administrator may delegate func-
28 tions with respect to a post-office building that are transferred to the
29 Administrator under this subsection only to another officer or employee
30 of the General Services Administration or to the Postmaster General.

31 (3) EXCEPTION FOR BUILDINGS IN A FOREIGN COUNTRY.—A trans-
32 fer of functions shall not be made under this subsection for a building
33 located in a foreign country.

34 (4) EXCEPTION FOR DEPARTMENT OF DEFENSE BUILDINGS.—A
35 transfer of functions shall not be made under this subsection for a
36 building located on the grounds of a facility of the Department of De-
37 fense (including a fort, camp, post, arsenal, navy yard, naval training
38 station, airfield, proving ground, military supply depot, or school) un-
39 less and only to the extent that the Secretary of Defense has issued
40 a permit for use by another agency.

1 (5) EXCEPTION FOR GROUPS OF SPECIAL PURPOSE BUILDINGS.—A
 2 transfer of functions shall not be made under this subsection for a
 3 building that the Director finds to be a part of a group of buildings
 4 that are—

5 (A) located in the same vicinity;

6 (B) used wholly or predominantly for the special purposes of the
 7 agency with custody of the buildings; and

8 (C) not generally suitable for use by another agency.

9 (6) EXCEPTION FOR CERTAIN GOVERNMENT BUILDINGS.—A transfer
 10 of functions shall not be made under this subsection for the Treasury
 11 Building, the Bureau of Engraving and Printing Building, the build-
 12 ings occupied by the National Institute of Standards and Technology,
 13 and the buildings under the jurisdiction of the regents of the Smithso-
 14 nian Institution.

15 **§ 583. Construction of buildings**

16 (a) AUTHORITY.—At the request of a federal agency, a mixed-ownership
 17 Government corporation (as defined in chapter 91 of title 31), or the Dis-
 18 trict of Columbia, the Administrator of General Services may—

19 (1) acquire land for a building or project authorized by Congress;

20 (2) make or cause to be made (under contract or otherwise) surveys
 21 and test borings and prepare plans and specifications for a building or
 22 project prior to the Attorney General's approval of the title to the site;
 23 and

24 (3) contract for, and supervise, the construction, development, and
 25 equipping of a building or project.

26 (b) TRANSFER OF AMOUNTS.—An amount available to a federal agency
 27 or instrumentality for a building or project may be transferred, in advance,
 28 to the General Services Administration for purposes the Administrator de-
 29 termines are necessary, including payment of salaries and expenses for pre-
 30 paring plans and specifications and for field supervision.

31 **§ 584. Assignment and reassignment of space**

32 (a) AUTHORITY.—

33 (1) IN GENERAL.—Subject to paragraph (2), the Administrator of
 34 General Services may assign or reassign space for an executive agency
 35 in any Federal Government-owned or leased building.

36 (2) REQUIREMENTS.—The Administrator's authority under para-
 37 graph (1) may be exercised only—

38 (A) in accordance with policies and directives the President pre-
 39 scribes under section 121(a) of this title;

40 (B) after consultation with the head of the executive agency af-
 41 fected; and

1 (C) on a determination by the Administrator that the assign-
2 ment or reassignment is advantageous to the Government in terms
3 of economy, efficiency, or national security.

4 (b) PRIORITY FOR PUBLIC ACCESS.—In assigning space on a major pe-
5 destrian access level (other than space leased under section 581(h)(1) or (2)
6 of this title), the Administrator shall, where practicable, give priority to fed-
7 eral activities requiring regular contact with the public. If the space is not
8 available, the Administrator shall provide space with maximum ease of ac-
9 cess to building entrances.

10 **§ 585. Lease agreements**

11 (a) IN GENERAL.—

12 (1) AUTHORITY.—The Administrator of General Services may enter
13 into a lease agreement with a person, copartnership, corporation, or
14 other public or private entity for the accommodation of a federal agen-
15 cy in a building (or improvement) which is in existence or being erected
16 by the lessor to accommodate the federal agency. The Administrator
17 may assign and reassign the leased space to a federal agency.

18 (2) TERMS.—A lease agreement under this subsection shall be on
19 terms the Administrator considers to be in the interest of the Federal
20 Government and necessary for the accommodation of the federal agen-
21 cy. However, the lease agreement may not bind the Government for
22 more than 20 years and the obligation of amounts for a lease under
23 this subsection is limited to the current fiscal year for which payments
24 are due without regard to section 1341(a)(1)(B) of title 31.

25 (b) SUBLEASE.—

26 (1) APPLICATION.—This subsection applies to rent received if the
27 Administrator—

28 (A) determines that an unexpired portion of a lease of space to
29 the Government is surplus property; and

30 (B) disposes of the property by sublease.

31 (2) USE OF RENT.—Notwithstanding section 571(a) of this title, the
32 Administrator may deposit rent received into the Federal Buildings
33 Fund. The Administrator may defray from the fund any costs nec-
34 essary to provide services to the Government's lessee and to pay the
35 rent (not otherwise provided for) on the lease of the space to the Gov-
36 ernment.

37 (c) AMOUNTS FOR RENT AVAILABLE FOR LEASE OF BUILDINGS ON GOV-
38 ERNMENT LAND.—Amounts made available to the General Services Admin-
39 istration for the payment of rent may be used to lease space, for a period
40 of not more than 30 years, in buildings erected on land owned by the Gov-
41 ernment.

1 **§ 586. Charges for space and services**

2 (a) DEFINITION.—In this section, “space and services” means space,
3 services, quarters, maintenance, repair, and other facilities.

4 (b) CHARGES BY ADMINISTRATOR OF GENERAL SERVICES.—

5 (1) IN GENERAL.—The Administrator of General Services shall im-
6 pose a charge for furnishing space and services.

7 (2) RATES.—The Administrator shall, from time to time, determine
8 the rates to be charged for furnishing space and services and shall pre-
9 scribe regulations providing for the rates. The rates shall approximate
10 commercial charges for comparable space and services. However, for a
11 building for which the Administrator is responsible for alterations only
12 (as the term “alter” is defined in section 3301(a) of this title), the
13 rates shall be fixed to recover only the approximate cost incurred in
14 providing alterations.

15 (3) EXEMPTIONS.—The Administrator may exempt anyone from the
16 charges required by this subsection when the Administrator determines
17 that charges would be infeasible or impractical. To the extent an ex-
18 emption is granted, appropriations to the General Services Administra-
19 tion are authorized to reimburse the Federal Buildings Fund for any
20 loss of revenue.

21 (c) CHARGES BY EXECUTIVE AGENCIES.—

22 (1) IN GENERAL.—An executive agency, other than the Administra-
23 tion, may impose a charge for furnishing space and services at rates
24 approved by the Administrator.

25 (2) CREDITING AMOUNTS RECEIVED.—An amount an executive agen-
26 cy receives under this subsection shall be credited to the appropriation
27 or fund initially charged for providing the space or service. However,
28 amounts in excess of actual operating and maintenance costs shall be
29 credited to miscellaneous receipts unless otherwise provided by law.

30 (d) RENT PAYMENTS FOR LEASE SPACE.—An agency may make rent
31 payments to the Administration for lease space relating to expansion needs
32 of the agency. Payment rates shall approximate commercial charges for
33 comparable space as provided in subsection (b). Payments shall be deposited
34 into the Federal Buildings Fund. The Administration may use amounts re-
35 ceived under this subsection, in addition to amounts received as New
36 Obligational Authority, in the Rental of Space activity of the Fund.

37 **§ 587. Telecommuting and other alternative workplace ar-**
38 **rangements**

39 (a) DEFINITION.—In this section, the term “telecommuting centers”
40 means flexiplace work telecommuting centers.

1 (b) TELECOMMUTING CENTERS ESTABLISHED BY ADMINISTRATOR OF
2 GENERAL SERVICES.—

3 (1) ESTABLISHMENT.—The Administrator of General Services may
4 acquire space for, establish, and equip telecommuting centers for use
5 in accordance with this subsection.

6 (2) USE.—A telecommuting center may be used by employees of fed-
7 eral agencies, state and local governments, and the private sector. The
8 Administrator shall give federal employees priority in using a telecom-
9 muting center. The Administrator may make a telecommuting center
10 available for use by others to the extent it is not fully utilized by fed-
11 eral employees.

12 (3) USER FEES.—The Administrator shall charge a user fee for the
13 use of a telecommuting center. The amount of the user fee shall ap-
14 proximate commercial charges for comparable space and services. How-
15 ever, the user fee may not be less than necessary to pay the cost of
16 establishing and operating the telecommuting center, including the rea-
17 sonable cost of renovation and replacement of furniture, fixtures, and
18 equipment.

19 (4) DEPOSIT AND USE OF FEES.—The Administrator may—

20 (A) deposit user fees into the Federal Buildings Fund and use
21 the fees to pay costs incurred in establishing and operating the
22 telecommuting center; and

23 (B) accept and retain income received by the General Services
24 Administration, from federal agencies and non-federal sources, to
25 defray costs directly associated with the functions of telecom-
26 muting centers.

27 (c) DEVELOPMENT OF ALTERNATIVE WORKPLACE ARRANGEMENTS BY
28 EXECUTIVE AGENCIES AND OTHERS.—

29 (1) DEFINITION.—In this subsection, the term “alternative work-
30 place arrangements” includes telecommuting, hoteling, virtual offices,
31 and other distributive work arrangements.

32 (2) CONSIDERATION BY EXECUTIVE AGENCIES.—In considering
33 whether to acquire space, quarters, buildings, or other facilities for use
34 by employees, the head of an executive agency shall consider whether
35 needs can be met using alternative workplace arrangements.

36 (3) GUIDANCE FROM ADMINISTRATOR.—The Administrator may pro-
37 vide guidance, assistance, and oversight to any person regarding the es-
38 tablishment and operation of alternative workplace arrangements.

39 (d) AMOUNTS AVAILABLE FOR FLEXIPLACE WORK TELECOMMUTING
40 PROGRAMS.—

1 (1) DEFINITION.—In this subsection, the term “flexiplace work tele-
 2 commuting program” means a program under which employees of a de-
 3 partment or agency set out in paragraph (2) are permitted to perform
 4 all or a portion of their duties at a telecommuting center established
 5 under this section or other federal law.

6 (2) MINIMUM FUNDING.—For each of the following departments and
 7 agencies, in each fiscal year at least \$50,000 of amounts made avail-
 8 able for salaries and expenses is available only for carrying out a
 9 flexiplace work telecommuting program:

10 (A) Department of Agriculture.

11 (B) Department of Commerce.

12 (C) Department of Defense.

13 (D) Department of Education.

14 (E) Department of Energy.

15 (F) Department of Health and Human Services.

16 (G) Department of Housing and Urban Development.

17 (H) Department of the Interior.

18 (I) Department of Justice.

19 (J) Department of Labor.

20 (K) Department of State.

21 (L) Department of Transportation.

22 (M) Department of the Treasury.

23 (N) Department of Veterans Affairs.

24 (O) Environmental Protection Agency.

25 (P) General Services Administration.

26 (Q) Office of Personnel Management.

27 (R) Small Business Administration.

28 (S) Social Security Administration.

29 (T) United States Postal Service.

30 **§ 588. Movement and supply of office furniture**

31 (a) DEFINITION.—In this section, the term “controlled space” means a
 32 substantial and identifiable segment of space (such as a building, floor, or
 33 wing) in a location that the Administrator of General Services controls for
 34 purposes of assignment of space.

35 (b) APPLICATION.—This section applies if an agency (or unit of the agen-
 36 cy), moves from one controlled space to another, whether in the same or
 37 a different location.

38 (c) MOVING EXISTING FURNITURE.—The furniture and furnishings used
 39 by an agency (or organizational unit of the agency) shall be moved only if
 40 the Administrator determines, after consultation with the head of the agen-
 41 cy and with due regard for the program activities of the agency, that it

1 would not be more economical and efficient to make suitable replacements
2 available in the new controlled space.

3 (d) PROVIDING REPLACEMENT FURNITURE.—In the absence of a deter-
4 mination under subsection (c), suitable furniture and furnishings for the
5 new controlled space shall be provided from stocks under the control of the
6 moving agency or from stocks available to the Administrator, whichever the
7 Administrator determines to be more economical and efficient. However, the
8 same or similar items may not be provided from both sources.

9 (e) CONTROL OF REPLACEMENT FURNITURE.—If furniture and fur-
10 nishings for a new controlled space are provided from stocks available to
11 the Administrator, the items being provided remain in the control of the Ad-
12 ministrator.

13 (f) CONTROL OF FURNITURE NOT MOVED.—

14 (1) IN GENERAL.—If furniture and furnishings for a new controlled
15 space are provided from stocks available to the Administrator, the fur-
16 niture and furnishings that were previously used by the moving agency
17 (or unit of the agency) pass to the control of the Administrator.

18 (2) REIMBURSEMENT.—

19 (A) IN GENERAL.—Furniture and furnishings passing to the
20 control of the Administrator under this section pass without reim-
21 bursement.

22 (B) EXCEPTION FOR TRUST FUND.—If furniture and fur-
23 nishings that were purchased from a trust fund pass to the control
24 of the Administrator under this section, the Administrator shall
25 reimburse the trust fund for the fair market value of the furniture
26 and furnishings.

27 (3) REVOLVING OR WORKING CAPITAL FUND.—If furniture and fur-
28 nishings are carried as assets of a revolving or working capital fund
29 at the time they pass to the control of the Administrator under this
30 section, the net book value of the furniture and furnishings shall be
31 written off and the capital of the fund is diminished by the amount
32 of the write-off.

33 **§ 589. Installation, repair, and replacement of sidewalks**

34 (a) IN GENERAL.—An executive agency may install, repair, and replace
35 sidewalks around buildings, installations, property, or grounds that are—

36 (1) under the agency's control;

37 (2) owned by the Federal Government; and

38 (3) located in a State, the District of Columbia, Puerto Rico, or a
39 territory or possession of the United States.

40 (b) REIMBURSEMENT.—Subsection (a) may be carried out by—

1 (1) reimbursement to a State or political subdivision of a State, the
 2 District of Columbia, Puerto Rico, or a territory or possession of the
 3 United States; or

4 (2) a means other than reimbursement.

5 (e) REGULATIONS.—Subsection (a) shall be carried out in accordance
 6 with regulations the Administrator of General Services prescribes with the
 7 approval of the Director of the Office of Management and Budget.

8 (d) USE OF AMOUNTS.—Amounts appropriated to an executive agency for
 9 installation, repair, and maintenance, generally, are available to carry out
 10 this section.

11 (e) LIABILITY.—This section does not increase or enlarge the tort liability
 12 of the Government for injuries to individuals or damages to property.

13 **§ 590. Child care**

14 (a) GUIDANCE, ASSISTANCE, AND OVERSIGHT.—Through the General
 15 Services Administration’s licensing agreements, the Administrator of General
 16 Services shall provide guidance, assistance, and oversight to federal
 17 agencies for the development of child care centers to provide economical and
 18 effective child care for federal workers.

19 (b) ALLOTMENT OF SPACE IN FEDERAL BUILDINGS.—

20 (1) DEFINITIONS.—In this subsection, the following definitions
 21 apply:

22 (A) CHILD CARE PROVIDER.—The term “child care provider”
 23 means an individual or entity that provides or proposes to provide
 24 child care services for federal employees.

25 (B) ALLOTMENT OFFICER.—The term “allotment officer”
 26 means an officer or agency of the Federal Government charged
 27 with the allotment of space in federal buildings.

28 (2) ALLOTMENT.—A child care provider may be allotted space in a
 29 federal building by an allotment officer if—

30 (A) the child care provider applies to the allotment officer in the
 31 community or district in which child care services are to be pro-
 32 vided;

33 (B) the space is available; and

34 (C) the allotment officer determines that—

35 (i) the space will be used to provide child care services to
 36 children of whom at least 50 percent have one parent or
 37 guardian employed by the Government; and

38 (ii) the child care provider will give priority to federal em-
 39 ployees for available child care services in the space.

40 (c) PAYMENT FOR SPACE AND SERVICES.—

1 (1) DEFINITION.—For purposes of this subsection, the term “serv-
2 ices” includes the providing of lighting, heating, cooling, electricity, of-
3 fice furniture, office machines and equipment, classroom furnishings
4 and equipment, kitchen appliances, playground equipment, telephone
5 service (including installation of lines and equipment and other ex-
6 penses associated with telephone services), and security systems (in-
7 cluding installation and other expenses associated with security sys-
8 tems), including replacement equipment, as needed.

9 (2) NO CHARGE.—Space allotted under subsection (b) may be pro-
10 vided without charge for rent or services.

11 (3) REIMBURSEMENT FOR COSTS.—For space allotted under sub-
12 section (b), if there is an agreement for the payment of costs associated
13 with providing space or services, neither title 31, nor any other law,
14 prohibits or restricts payment by reimbursement to the miscellaneous
15 receipts or other appropriate account of the Treasury.

16 (d) PAYMENT OF OTHER COSTS.—If an agency has a child care facility
17 in its space, or is a sponsoring agency for a child care facility in other fed-
18 eral or leased space, the agency or the Administration may—

19 (1) pay accreditation fees, including renewal fees, for the child care
20 facility to be accredited by a nationally recognized early-childhood pro-
21 fessional organization;

22 (2) pay travel and per diem expenses for representatives of the child
23 care facility to attend the annual Administration child care conference;
24 and

25 (3) enter into a consortium with one or more private entities under
26 which the private entities assist in defraying costs associated with the
27 salaries and benefits for personnel providing services at the facility.

28 (e) REIMBURSEMENT FOR EMPLOYEE TRAINING.—Notwithstanding sec-
29 tion 1345 of title 31, an agency, department, or instrumentality of the Gov-
30 ernment that provides or proposes to provide child care services for federal
31 employees may reimburse a federal employee or any individual employed to
32 provide child care services for travel, transportation, and subsistence ex-
33 penses incurred for training classes, conferences, or other meetings in con-
34 nection with providing the services. A per diem allowance made under this
35 subsection may not exceed the rate specified in regulations prescribed under
36 section 5707 of title 5.

37 (f) CRIMINAL HISTORY BACKGROUND CHECKS.—

38 (1) DEFINITION.—In this subsection, the term “executive facility”
39 means a facility owned or leased by an office or entity within the execu-
40 tive branch of the Government. The term includes a facility owned or

1 leased by the General Services Administration on behalf of an office or
2 entity within the judicial branch of the Government.

3 (2) IN GENERAL.—All workers in a child care center located in an
4 executive facility shall undergo a criminal history background check as
5 defined in section 231 of the Crime Control Act of 1990 (42 U.S.C.
6 13041).

7 (3) NONAPPLICATION TO LEGISLATIVE BRANCH FACILITIES.—This
8 subsection does not apply to a facility owned by or leased on behalf
9 of an office or entity within the legislative branch of the Government.

10 (g) APPROPRIATED AMOUNTS FOR AFFORDABLE CHILD CARE.—

11 (1) DEFINITION.—For purposes of this subsection, the term “Execu-
12 tive agency” has the meaning given that term in section 105 of title
13 5, but does not include the General Accounting Office.

14 (2) IN GENERAL.—In accordance with regulations the Office of Per-
15 sonnel Management prescribes, an Executive agency that provides or
16 proposes to provide child care services for federal employees may use
17 appropriated amounts that are otherwise available for salaries and ex-
18 penses to provide child care in a federal or leased facility, or through
19 contract, for civilian employees of the agency.

20 (3) AFFORDABILITY.—Amounts used pursuant to paragraph (2)
21 shall be applied to improve the affordability of child care for lower in-
22 come federal employees using or seeking to use the child care services.

23 (4) ADVANCES.—Notwithstanding section 3324 of title 31, amounts
24 may be paid in advance to licensed or regulated child care providers
25 for services to be rendered during an agreed period.

26 (5) NOTIFICATION.—No amounts made available by law may be used
27 to implement this subsection without advance notice to the Committees
28 on Appropriations of the House of Representatives and the Senate.

29 **§ 591. Purchase of electricity**

30 (a) GENERAL LIMITATION ON USE OF AMOUNTS.—A department, agen-
31 cy, or instrumentality of the Federal Government may not use amounts ap-
32 propriated or made available by any law to purchase electricity in a manner
33 inconsistent with state law governing the provision of electric utility service,
34 including—

35 (1) state utility commission rulings; and

36 (2) electric utility franchises or service territories established under
37 state statute, state regulation, or state-approved territorial agreements.

38 (b) EXCEPTIONS.—

39 (1) ENERGY SAVINGS.—This section does not preclude the head of
40 a federal agency from entering into a contract under section 801 of the
41 National Energy Conservation Policy Act (42 U.S.C. 8287).

1 (2) ENERGY SAVINGS FOR MILITARY INSTALLATIONS.—This section
2 does not preclude the Secretary of a military department from—

3 (A) entering into a contract under section 2394 of title 10; or

4 (B) purchasing electricity from any provider if the Secretary
5 finds that the utility having the applicable state-approved fran-
6 chise (or other service authorization) is unwilling or unable to
7 meet unusual standards of service reliability that are necessary for
8 purposes of national defense.

9 **§ 592. Federal Buildings Fund**

10 (a) EXISTENCE.—There is in the Treasury a fund known as the Federal
11 Buildings Fund.

12 (b) DEPOSITS.—

13 (1) IN GENERAL.—The following revenues and collections shall be
14 deposited into the Fund:

15 (A) User charges under section 586(b) of this title, payable in
16 advance or otherwise.

17 (B) Proceeds from the lease of federal building sites or addi-
18 tions under section 581(d) of this title.

19 (C) Receipts from carriers and others for loss of, or damage to,
20 property belonging to the Fund.

21 (2) REIMBURSEMENTS FOR SPECIAL SERVICES.—This subchapter
22 does not preclude the Administrator of General Services from providing
23 special services, not included in the standard level user charge, on a
24 reimbursable basis. The reimbursements may be credited to the Fund.

25 (3) TRANSFER OF SURPLUS AMOUNTS.—To prevent the accumula-
26 tion of excessive surpluses in the Fund, in any fiscal year an amount
27 specified in an appropriation law may be transferred out of the Fund
28 and deposited as miscellaneous receipts in the Treasury.

29 (c) USES.—

30 (1) IN GENERAL.—Deposits in the Fund are available for real prop-
31 erty management and related activities in the amounts specified in an-
32 nual appropriation laws without regard to fiscal year limitations.

33 (2) SALARIES AND EXPENSES RELATED TO CONSTRUCTION
34 PROJECTS OR PLANNING PROGRAMS.—Deposits in the Fund that are
35 available pursuant to annual appropriation laws may be transferred
36 and consolidated on the books of the Treasury into a special account
37 in accordance with, and for the purposes specified in, section 3176 of
38 this title.

39 (3) REPAYMENT OF GENERAL SERVICES ADMINISTRATION BOR-
40 ROWING FROM FEDERAL FINANCING BANK.—The Administrator, in ac-
41 cordance with rules and procedures that the Office of Management and

1 Budget and the Secretary of the Treasury establish, may transfer from
2 the Fund an amount necessary to repay the principal amount of a Gen-
3 eral Services Administration borrowing from the Federal Financing
4 Bank, if the borrowing is a legal obligation of the Fund.

5 (4) BUILDINGS DEEMED FEDERALLY OWNED.—For purposes of
6 amounts authorized to be expended from the Fund, the following are
7 deemed to be federally owned buildings:

8 (A) A building constructed pursuant to the purchase contract
9 authority of section 5 of the Public Buildings Amendments of
10 1972 (Public Law 92–313, 86 Stat. 219).

11 (B) A building occupied pursuant to an installment purchase
12 contract.

13 (C) A building under the control of a department or agency, if
14 alterations of the building are required in connection with moving
15 the department or agency from a former building that is, or will
16 be, under the control of the Administration.

17 (d) ENERGY MANAGEMENT PROGRAMS.—

18 (1) RECEIVING CASH INCENTIVES.—The Administrator may receive
19 amounts from rebates or other cash incentives related to energy savings
20 and shall deposit the amounts in the Fund for use as provided in para-
21 graph (4).

22 (2) RECEIVING GOODS OR SERVICES.—The Administrator may ac-
23 cept, from a utility, goods or services that enhance the energy efficiency
24 of federal facilities.

25 (3) ASSIGNMENT OF ENERGY REBATES.—In the administration of
26 real property that the Administrator leases and for which the Adminis-
27 trator pays utility costs, the Administrator may assign all or a portion
28 of energy rebates to the lessor to underwrite the costs incurred in un-
29 dertaking energy efficiency improvements in the real property if the
30 payback period for the improvement is at least 2 years less than the
31 remainder of the term of the lease.

32 (4) OBLIGATING AMOUNTS FOR ENERGY MANAGEMENT IMPROVE-
33 MENT PROGRAMS.—In addition to amounts appropriated for energy
34 management improvement programs and without regard to subsection
35 (c)(1), the Administrator may obligate for those programs—

36 (A) amounts received and deposited in the Fund under para-
37 graph (1);

38 (B) goods and services received under paragraph (2); and

39 (C) amounts the Administrator determines are not needed for
40 other authorized projects and that are otherwise available to im-
41 plement energy efficiency programs.

1 (e) RECYCLING PROGRAMS.—

2 (1) RECEIVING AMOUNTS.—The Administrator may receive amounts
3 from the sale of recycled materials and shall deposit the amounts in
4 the Fund for use as provided in paragraph (2).

5 (2) OBLIGATING AMOUNTS FOR RECYCLING PROGRAMS.—In addition
6 to amounts appropriated for such purposes and without regard to sub-
7 section (c)(1), the Administrator may obligate amounts received and
8 deposited in the Fund under paragraph (1) for programs which—

9 (A) promote further source reduction and recycling programs;

10 and

11 (B) encourage employees to participate in recycling programs by
12 providing financing for child care.

13 (f) ADDITIONAL AUTHORITY RELATED TO ENERGY MANAGEMENT AND
14 RECYCLING PROGRAMS.—The Fund may receive, in the form of rebates,
15 cash incentives or otherwise, any revenues, collections, or other income re-
16 lated to energy savings or recycling efforts. Amounts received under this
17 subsection remain in the Fund until expended and remain available for fed-
18 eral energy management improvement programs, recycling programs, or em-
19 ployee programs that are authorized by law or that the Administrator con-
20 siders appropriate. The Administration may use amounts received under
21 this subsection, in addition to amounts received as New Obligational Au-
22 thority, in activities of the Fund as necessary.

23 **§ 593. Protection for veterans preference employees**

24 (a) DEFINITIONS.—In this section, the following definitions apply:

25 (1) COVERED SERVICES.—The term “covered services” means any
26 guard, elevator operator, messenger, or custodial services.

27 (2) SHELTERED WORKSHOP.—The term “sheltered workshop”
28 means a sheltered workshop employing the severely handicapped under
29 the Javits-Wagner-O’Day Act (41 U.S.C. 46 et seq.).

30 (b) IN GENERAL.—Except as provided in subsection (c), amounts made
31 available to the Administration pursuant to section 592 of this title may not
32 be obligated or expended to procure covered services by contract if an em-
33 ployee who was a permanent veterans preference employee of the Adminis-
34 tration on November 19, 1995, would be terminated as a result.

35 (c) EXCEPTION.—Amounts made available to the Administration pursu-
36 ant to section 592 of this title may be obligated and expended to procure
37 covered services by contract with a sheltered workshop or, if sheltered work-
38 shops decline to contract for the provision of covered services, by competitive
39 contract for a period of no longer than 5 years. When a competitive contract
40 expires, or is terminated for any reason, the Administration shall again offer

1 to procure the covered services by contract with a sheltered workshop before
2 procuring the covered services by competitive contract.

3 SUBCHAPTER VI—MOTOR VEHICLE POOLS AND
4 TRANSPORTATION SYSTEMS

5 **§ 601. Purposes**

6 In order to provide an economical and efficient system for transportation
7 of Federal Government personnel and property consistent with section 101
8 of this title, the purposes of this subchapter are—

9 (1) to establish procedures to ensure safe operation of motor vehicles
10 on Government business;

11 (2) to provide for proper identification of Government motor vehicles;

12 (3) to establish an effective means to limit the use of Government
13 motor vehicles to official purposes;

14 (4) to reduce the number of Government-owned vehicles to the min-
15 imum necessary to transact public business; and

16 (5) to provide wherever practicable for centrally operated interagency
17 pools or systems for local transportation of Government personnel and
18 property.

19 **§ 602. Authority to establish motor vehicle pools and trans-
20 portation systems**

21 (a) IN GENERAL.—Subject to section 603 of this title, and regulations
22 issued under section 603, the Administrator of General Services shall—

23 (1) take over from executive agencies and consolidate, or otherwise
24 acquire, motor vehicles and related equipment and supplies;

25 (2) provide for the establishment, maintenance, and operation (in-
26 cluding servicing and storage) of motor vehicle pools or systems; and

27 (3) furnish motor vehicles and related services to executive agencies
28 for the transportation of property and passengers.

29 (b) METHODS OF PROVIDING VEHICLES AND SERVICES.—As determined
30 by the Administrator, motor vehicles and related services may be furnished
31 by providing an agency with—

32 (1) Federal Government-owned motor vehicles;

33 (2) the use of motor vehicles, under rental or other arrangements,
34 through private fleet operators, taxicab companies, or local or interstate
35 common carriers; or

36 (3) both.

37 (c) RECIPIENTS OF VEHICLES AND SERVICES.—The Administrator shall,
38 so far as practicable, furnish motor vehicles and related services under this
39 section to any federal agency, mixed-ownership Government corporation (as
40 defined in chapter 91 of title 31), or the District of Columbia, on its re-
41 quest.

1 **§ 603. Process for establishing motor vehicle pools and**
 2 **transportation systems**

3 (a) DETERMINATION REQUIREMENT.—

4 (1) IN GENERAL.—The Administrator of General Services may carry
 5 out section 602 only if the Administrator determines, after consultation
 6 with the agencies concerned and with due regard to their program ac-
 7 tivities, that doing so is advantageous to the Federal Government in
 8 terms of economy, efficiency, or service.

9 (2) ELEMENTS OF THE DETERMINATION.—A determination under
 10 this section must be in writing. For each motor vehicle pool or system,
 11 the determination must set forth an analytical justification that
 12 includes—

13 (A) a detailed comparison of estimated costs for present and
 14 proposed modes of operation; and

15 (B) a showing that savings can be realized by the establishment,
 16 maintenance, and operation of a motor vehicle pool or system.

17 (b) REGULATIONS RELATED TO ESTABLISHMENT.—

18 (1) IN GENERAL.—The President shall prescribe regulations estab-
 19 lishing procedures to carry out section 602 of this title.

20 (2) ELEMENTS OF THE REGULATIONS.—The regulations shall pro-
 21 vide for—

22 (A) adequate notice to an executive agency of any determination
 23 that affects the agency or its functions;

24 (B) independent review and decision as directed by the Presi-
 25 dent of any determination disputed by an agency, with the possi-
 26 bility that the decision may include a partial or complete exemp-
 27 tion of the agency from the determination; and

28 (C) enforcement of determinations that become effective under
 29 the regulations.

30 (3) EFFECT OF THE REGULATIONS.—A determination under sub-
 31 section (a) is binding on an agency only as provided in regulations
 32 issued under this subsection.

33 **§ 604. Treatment of assets taken over to establish motor ve-**
 34 **hicle pools and transportation systems**

35 (a) REIMBURSEMENT.—

36 (1) REQUIREMENT.—When the Administrator of General Services
 37 takes over motor vehicles or related equipment or supplies under sec-
 38 tion 602 of this title, reimbursement is required if the property is taken
 39 over from—

40 (A) a Government corporation; or

1 (B) an agency, if the agency acquired the property through un-
2 reimbursed expenditures made from a revolving or trust fund au-
3 thorized by law.

4 (2) AMOUNT.—The Administrator shall reimburse a Government cor-
5 poration, or a fund through which an agency acquired property, by an
6 amount equal to the fair market value of the property. If the Adminis-
7 trator subsequently returns property of a similar kind under section
8 610 of this title, the Government corporation or the fund shall reim-
9 burse the Administrator by an amount equal to the fair market value
10 of the property returned.

11 (b) ADDITION TO GENERAL SUPPLY FUND.—If the Administrator takes
12 over motor vehicles or related equipment or supplies under section 602 of
13 this title but reimbursement is not required under subsection (a), the value
14 of the property taken over, as determined by the Administrator, may be
15 added to the capital of the General Supply Fund. If the Administrator sub-
16 sequently returns property of a similar kind under section 610 of this title,
17 the value of the property may be deducted from the Fund.

18 **§ 605. Payment of costs**

19 (a) USE OF GENERAL SUPPLY FUND TO COVER COSTS.—The General
20 Supply Fund provided for in section 321 of this title is available for use
21 by or under the direction and control of the Administrator of General Ser-
22 vices to pay the costs of carrying out section 602 of this title, including the
23 cost of purchasing or renting motor vehicles and related equipment and sup-
24 plies.

25 (b) SETTING PRICES TO RECOVER COSTS.—

26 (1) IN GENERAL.—The Administrator shall set prices for furnishing
27 motor vehicles and related services under section 602 of this title.
28 Prices shall be set to recover, so far as practicable, all costs of carrying
29 out section 602 of this title.

30 (2) INCREMENT FOR REPLACEMENT COST.—In the Administrator's
31 discretion, prices may include an increment for the estimated replace-
32 ment cost of motor vehicles and related equipment and supplies. Not-
33 withstanding section 321(f)(1) of this title, the increment may be re-
34 tained as a part of the capital of the General Supply Fund but is avail-
35 able only to replace motor vehicles and related equipment and supplies.

36 (c) ACCOUNTING METHOD.—The purchase price of motor vehicles and re-
37 lated equipment, and any increment for estimated replacement cost, shall
38 be recovered only through charges for the cost of amortization. Costs shall
39 be determined, and financial reports prepared, in accordance with the ac-
40 crual accounting method.

1 **§ 606. Regulations related to operation**

2 (a) IN GENERAL.—The Director of the Office of Personnel Management
3 shall prescribe regulations to govern executive agencies in authorizing civil-
4 ian personnel to operate Federal Government-owned motor vehicles for offi-
5 cial purposes within the States of the United States, the District of Colum-
6 bia, Puerto Rico, and the territories and possessions of the United States.

7 (b) ELEMENTS OF THE REGULATIONS.—The regulations shall prescribe
8 standards of physical fitness for authorized operators. The regulations may
9 require operators and prospective operators to obtain state and local licenses
10 or permits that are required to operate similar vehicles for other than offi-
11 cial purposes.

12 (c) AGENCY ORDERS.—The head of each executive agency shall issue or-
13 ders and directives necessary for compliance with the regulations. The or-
14 ders and directives shall provide for—

15 (1) periodically testing the physical fitness of operators and prospec-
16 tive operators; and

17 (2) suspension and revocation of authority to operate.

18 **§ 607. Records**

19 The Administrator of General Services shall maintain an accurate record
20 of the cost of establishing, maintaining, and operating each motor vehicle
21 pool or system established under section 602 of this title.

22 **§ 608. Scrip, tokens, tickets**

23 The Administrator of General Services, in the operation of motor vehicle
24 pools or systems under this subchapter, may provide for the sale and use
25 of scrip, tokens, tickets, and similar devices to collect payment.

26 **§ 609. Identification of vehicles**

27 (a) IN GENERAL.—Under regulations prescribed by the Administrator of
28 General Services, every motor vehicle acquired and used for official purposes
29 within the United States, or the territories or possessions of the United
30 States, by any federal agency or by the District of Columbia shall be con-
31 spicuously identified by showing, on the vehicle—

32 (1)(A) the full name of the department, establishment, corporation,
33 or agency that uses the vehicle and the service for which the vehicle
34 is used; or

35 (B) a title that readily identifies the department, establishment, cor-
36 poration, or agency that uses the vehicle and that is descriptive of the
37 service for which the vehicle is used; and

38 (2) the legend “For official use only”.

39 (b) EXCEPTIONS.—The regulations prescribed pursuant to this section
40 may provide for exemptions when conspicuous identification would interfere
41 with the purpose for which a vehicle is acquired and used.

1 **§ 610. Discontinuance of motor vehicle pool or system**

2 (a) IN GENERAL.—The Administrator of General Services shall dis-
3 continue a motor vehicle pool or system if there are no actual savings real-
4 ized (based on accounting as provided in section 605 of this title) during
5 a reasonable period of not longer than two successive fiscal years.

6 (b) RETURN OF COMPARABLE PROPERTY.—If a motor vehicle pool or
7 system is discontinued, the Administrator shall return to each agency in-
8 volved motor vehicles and related equipment and supplies similar in kind
9 and reasonably comparable in value to any motor vehicles and related equip-
10 ment and supplies which were previously taken over by the Administrator.

11 **§ 611. Duty to report violations**

12 During the regular course of the duties of the Administrator of General
13 Services, if the Administrator becomes aware of a violation of section 1343,
14 1344, or 1349(b) of title 31 or of section 641 of title 18 involving the con-
15 version by a Federal Government official or employee of a Government-
16 owned or leased motor vehicle to the official or employee's own use or to
17 the use of others, the Administrator shall report the violation to the head
18 of the agency in which the official or employee is employed, for further in-
19 vestigation and either appropriate disciplinary action under section 1343,
20 1344, or 1349(b) or, if appropriate, referral to the Attorney General for
21 prosecution under section 641.

22 **CHAPTER 7—FOREIGN EXCESS PROPERTY**

Sec.

- 701. Administrative.
- 702. Return of foreign excess property to United States.
- 703. Donation of medical supplies for use in foreign country.
- 704. Other methods of disposal.
- 705. Handling of proceeds from disposal.

23 **§ 701. Administrative**

24 (a) POLICIES PRESCRIBED BY THE PRESIDENT.—The President may pre-
25 scribe policies that the President considers necessary to carry out this chap-
26 ter. The policies must be consistent with this chapter.

27 (b) EXECUTIVE AGENCY RESPONSIBILITY.—

28 (1) IN GENERAL.—The head of an executive agency that has foreign
29 excess property is responsible for the disposal of the property.

30 (2) CONFORMANCE TO POLICIES.—In carrying out functions under
31 this chapter, the head of an executive agency shall—

32 (A) use the policies prescribed by the President under sub-
33 section (a) for guidance; and

34 (B) dispose of foreign excess property in a manner that con-
35 forms to the foreign policy of the United States.

36 (3) DELEGATION OF AUTHORITY.—The head of an executive agency
37 may—

1 (A) delegate authority conferred by this chapter to an official
2 in the agency or to the head of another executive agency; and

3 (B) authorize successive redelegation of authority conferred by
4 this chapter.

5 (4) EMPLOYMENT OF PERSONNEL.—As necessary to carry out this
6 chapter, the head of an executive agency may—

7 (A) appoint and fix the pay of personnel in the United States,
8 subject to chapters 33 and 51 and subchapter III of chapter 53
9 of title 5; and

10 (B) appoint personnel outside the States of the United States
11 and the District of Columbia, without regard to chapter 33 of title
12 5.

13 (e) SPECIAL RESPONSIBILITIES OF SECRETARY OF STATE.—

14 (1) USE OF FOREIGN CURRENCIES AND CREDITS.—The Secretary of
15 State may use foreign currencies and credits acquired by the United
16 States under section 704(b)(2) of this title—

17 (A) to carry out the Mutual Educational and Cultural Exchange
18 Act of 1961 (22 U.S.C. 2451 et seq.);

19 (B) to carry out the Foreign Service Buildings Act, 1926 (22
20 U.S.C. 292 et seq.); and

21 (C) to pay other governmental expenses payable in local cur-
22 rencies.

23 (2) RENEWAL OF CERTAIN AGREEMENTS.—Except as otherwise di-
24 rected by the President, the Secretary of State shall continue to per-
25 form functions under agreements in effect on July 1, 1949, related to
26 the disposal of foreign excess property. The Secretary of State may
27 amend, modify, and renew the agreements. Foreign currencies or cred-
28 its the Secretary of State acquires under the agreements shall be ad-
29 ministered in accordance with procedures that the Secretary of the
30 Treasury may establish. Foreign currencies or credits reduced to
31 United States currency must be deposited in the Treasury as miscella-
32 neous receipts.

33 **§ 702. Return of foreign excess property to United States**

34 (a) IN GENERAL.—Under regulations prescribed pursuant to subsection
35 (b), foreign excess property may be returned to the United States for han-
36 dling as excess or surplus property under subchapter II of chapter 5 of this
37 title or section 549 or 551 of this title when the head of the executive agen-
38 cy concerned, or the Administrator of General Services after consultation
39 with the agency head, determines that return of the property to the United
40 States for such handling is in the interest of the United States.

1 (b) REGULATIONS.—The Administrator shall prescribe regulations to
 2 carry out this section. The regulations must require that transportation
 3 costs for returning foreign excess property to the United States are paid
 4 by the federal agency, state agency, or donee receiving the property.

5 **§ 703. Donation of medical supplies for use in foreign coun-**
 6 **try**

7 (a) APPLICATION.—This section applies to medical materials or supplies
 8 that are in a foreign country but that would, if situated within the United
 9 States, be available for donation under subchapter III of chapter 5 of this
 10 title.

11 (b) IN GENERAL.—An executive agency may donate medical materials or
 12 supplies that are not disposed of under section 702 of this title.

13 (c) CONDITIONS.—A donation under this section is subject to the fol-
 14 lowing conditions:

15 (1) The medical materials and supplies must be donated for use in
 16 a foreign country.

17 (2) The donation must be made to a nonprofit medical or health or-
 18 ganization, which may be an organization qualified to receive assistance
 19 under section 214(b) or 607 of the Foreign Assistance Act of 1961 (22
 20 U.S.C. 2174(b), 2357).

21 (3) The donation must be made without cost to the donee (except
 22 for costs of care and handling).

23 **§ 704. Other methods of disposal**

24 (a) IN GENERAL.—Foreign excess property not disposed of under section
 25 702 or 703 of this title may be disposed of as provided in this section.

26 (b) METHODS OF DISPOSAL.—

27 (1) SALE, EXCHANGE, LEASE, OR TRANSFER.—The head of an execu-
 28 tive agency may dispose of foreign excess property by sale, exchange,
 29 lease, or transfer, for cash, credit or other property, with or without
 30 warranty, under terms and conditions the head of the executive agency
 31 considers proper.

32 (2) EXCHANGE FOR FOREIGN CURRENCY OR CREDIT.—If the head
 33 of an executive agency determines that it is in the interest of the
 34 United States, foreign excess property may be exchanged for—

35 (A) foreign currencies or credits; or

36 (B) substantial benefits or the discharge of claims resulting
 37 from the compromise or settlement of claims in accordance with
 38 law.

39 (3) ABANDONMENT, DESTRUCTION, OR DONATION.—The head of an
 40 executive agency may authorize the abandonment, destruction, or dona-
 41 tion of foreign excess property if the property has no commercial value

1 or if estimated costs of care and handling exceed the estimated pro-
2 ceeds from sale.

3 (c) ADVERTISING.—The head of an executive agency may dispose of for-
4 eign excess property without advertising if the head of the executive agency
5 finds that disposal without advertising is the most practicable and advan-
6 tageous means for the Federal Government to dispose of the property.

7 (d) TRANSFER OF TITLE.—The head of an executive agency may execute
8 documents to transfer title or other interests in, and take other action nec-
9 essary or proper to dispose of, foreign excess property.

10 **§ 705. Handling of proceeds from disposal**

11 (a) IN GENERAL.—This section applies to proceeds from the sale, lease,
12 or other disposition of foreign excess property under this chapter.

13 (b) FOREIGN CURRENCIES OR CREDITS.—Proceeds in the form of foreign
14 currencies or credits, must be administered in accordance with procedures
15 that the Secretary of the Treasury may establish.

16 (c) UNITED STATES CURRENCY.—

17 (1) SEPARATE FUND IN TREASURY.—Section 572(a) of this title ap-
18 plies to proceeds of foreign excess property disposed of for United
19 States currency under this chapter.

20 (2) DEPOSITED IN TREASURY AS MISCELLANEOUS RECEIPTS.—Ex-
21 cept as provided in paragraph (1), proceeds in the form of United
22 States currency, including foreign currencies or credits that are re-
23 duced to United States currency, must be deposited in the Treasury
24 as miscellaneous receipts.

25 (d) SPECIAL ACCOUNT FOR REFUNDS OR PAYMENTS FOR BREACH.—

26 (1) DEPOSITS.—A federal agency that disposes of foreign excess
27 property under this chapter may deposit, in a special account in the
28 Treasury, amounts of the proceeds of the dispositions that the agency
29 decides are necessary to permit—

30 (A) appropriate refunds to purchasers for dispositions that are
31 rescinded or that do not become final; and

32 (B) payments for breach of warranty.

33 (2) WITHDRAWALS.—A federal agency that deposits proceeds in a
34 special account under paragraph (1) may withdraw amounts to be re-
35 funded or paid from the account without regard to the origin of the
36 amounts withdrawn.

37 **CHAPTER 9—URBAN LAND USE**

- Sec.
901. Purpose and policy.
902. Definitions.
903. Acquisition and use.
904. Disposal.
905. Waiver.

1 **§ 901. Purpose and policy**

2 The purpose of this chapter is to promote harmonious intergovernmental
3 relations and encourage sound planning, zoning, and land use practices by
4 prescribing uniform policies and procedures for the Administrator of Gen-
5 eral Services to acquire, use, and dispose of land in urban areas. To the
6 greatest extent practicable, urban land transactions entered into for the
7 General Services Administration and other federal agencies shall be con-
8 sistent with zoning and land use practices and with the planning and devel-
9 opment objectives of local governments and planning agencies.

10 **§ 902. Definitions**

11 In this chapter, the following definitions apply:

12 (1) UNIT OF GENERAL LOCAL GOVERNMENT.—The term “unit of
13 general local government” means a city, county, town, parish, village,
14 or other general-purpose political subdivision of a State.

15 (2) URBAN AREA.—The term “urban area” means—

16 (A) a geographical area within the jurisdiction of an incor-
17 porated city, town, borough, village, or other unit of general local
18 government, except a county or parish, having a population of at
19 least 10,000 inhabitants;

20 (B) that portion of the geographical area within the jurisdiction
21 of a county, town, township, or similar governmental entity which
22 contains no incorporated unit of general local government but has
23 a population density of at least 1,500 inhabitants per square mile;
24 and

25 (C) that portion of a geographical area having a population den-
26 sity of at least 1,500 inhabitants per square mile and situated ad-
27 jacent to the boundary of an incorporated unit of general local
28 government which has a population of at least 10,000.

29 **§ 903. Acquisition and use**

30 (a) NOTICE TO LOCAL GOVERNMENT.—To the extent practicable, before
31 making a commitment to acquire real property situated in an urban area,
32 the Administrator of General Services shall give notice of the intended ac-
33 quisition and the proposed use of the property to the unit of general local
34 government exercising zoning and land use jurisdiction. If the Administrator
35 determines that providing advance notice would adversely impact the acqui-
36 sition, the Administrator shall give notice of the acquisition and the pro-
37 posed use of the property immediately after the property is acquired.

38 (b) OBJECTIONS TO ACQUISITION OR CHANGE OF USE.—In the acquisi-
39 tion or change of use of real property situated in an urban area as a site
40 for public building, if the unit of general local government exercising zoning
41 and land use jurisdiction objects on grounds that the proposed acquisition

1 or change of use conflicts with zoning regulations or planning objectives, the
 2 Administrator shall, to the extent the Administrator determines is prac-
 3 ticable, consider all the objections and comply with the zoning regulations
 4 and planning objectives.

5 **§ 904. Disposal**

6 (a) NOTICE TO LOCAL GOVERNMENT.—Before offering real property situ-
 7 ated in an urban area for sale, the Administrator of General Services shall
 8 give reasonable notice to the unit of general local government exercising
 9 zoning and land use jurisdiction in order to provide an opportunity for zon-
 10 ing so that the property is used in accordance with local comprehensive
 11 planning described in subsection (c).

12 (b) NOTICE TO PROSPECTIVE PURCHASERS.—To the greatest extent
 13 practicable, the Administrator shall furnish to all prospective purchasers of
 14 real property situated in an urban area complete information concerning—

15 (1) current zoning regulations, prospective zoning requirements, and
 16 objectives for property if it is unzoned; and

17 (2)(A) the current availability of streets, sidewalks, sewers, water,
 18 street lights, and other service facilities; and

19 (B) the prospective availability of those service facilities if the prop-
 20 erty is included in local comprehensive planning described in subsection
 21 (c).

22 (c) LOCAL COMPREHENSIVE PLANNING.—Local comprehensive planning
 23 referred to in subsections (a) and (b) includes any of the following activities,
 24 to the extent the activity is directly related to the needs of a unit of general
 25 local government:

26 (1) As a guide for government policy and action, preparing general
 27 plans related to—

28 (A) the pattern and intensity of land use;

29 (B) the provision of public facilities (including transportation
 30 facilities) and other government services; and

31 (C) the effective development and use of human and natural re-
 32 sources.

33 (2) Preparing long-range physical and fiscal plans for government
 34 action.

35 (3) Programming capital improvements and other major expendi-
 36 tures, based on a determination of relative urgency, together with de-
 37 finitive financial planning for expenditures in the earlier years of a pro-
 38 gram.

39 (4) Coordinating related plans and activities of state and local gov-
 40 ernments and agencies.

1 (5) Preparing regulatory and administrative measures to support ac-
2 tivities described in this subsection.

3 **§ 905. Waiver**

4 The procedures prescribed in sections 903 and 904 of this title may be
5 waived during a period of national emergency proclaimed by the President.

6 **CHAPTER 11—SELECTION OF ARCHITECTS AND**
7 **ENGINEERS**

Sec.

1101. Policy.

1102. Definitions.

1103. Selection procedure.

1104. Negotiation of contract.

8 **§ 1101. Policy**

9 The policy of the Federal Government is to publicly announce all require-
10 ments for architectural and engineering services and to negotiate contracts
11 for architectural and engineering services on the basis of demonstrated com-
12 petence and qualification for the type of professional services required and
13 at fair and reasonable prices.

14 **§ 1102. Definitions**

15 In this chapter, the following definitions apply:

16 (1) AGENCY HEAD.—The term “agency head” means the head of a
17 department, agency, or bureau of the Federal Government.

18 (2) ARCHITECTURAL AND ENGINEERING SERVICES.—The term “ar-
19 chitectural and engineering services” means—

20 (A) professional services of an architectural or engineering na-
21 ture, as defined by state law, if applicable, that are required to
22 be performed or approved by a person licensed, registered, or cer-
23 tified to provide the services described in this paragraph;

24 (B) professional services of an architectural or engineering na-
25 ture performed by contract that are associated with research, plan-
26 ning, development, design, construction, alteration, or repair of
27 real property; and

28 (C) other professional services of an architectural or engineering
29 nature, or incidental services, which members of the architectural
30 and engineering professions (and individuals in their employ) may
31 logically or justifiably perform, including studies, investigations,
32 surveying and mapping, tests, evaluations, consultations, com-
33 prehensive planning, program management, conceptual designs,
34 plans and specifications, value engineering, construction phase
35 services, soils engineering, drawing reviews, preparation of oper-
36 ating and maintenance manuals, and other related services.

- 1307. Disposition of securities.
- 1308. Disposition of unfit horses and mules.
- 1309. Preservation, sale, or collection of wrecked, abandoned, or derelict property.
- 1310. Sale of war supplies, land, and buildings.
- 1311. Authority of President to obtain release.
- 1312. Release of real estate in certain cases.
- 1313. Releasing property from attachment.
- 1314. Easements.
- 1315. Special police.

1 **§ 1301. Charge of property transferred to the Federal Gov-**
 2 **ernment**

3 (a) IN GENERAL.—Except as provided in subsection (b), the Adminis-
 4 trator of General Services shall have charge of—

5 (1) all land and other property which has been or may be assigned,
 6 set off, or conveyed to the Federal Government in payment of debts;

7 (2) all trusts created for the use of the Government in payment of
 8 debts due the Government; and

9 (3) the sale and disposal of land—

10 (A) assigned or set off to the Government in payment of debt;

11 or

12 (B) vested in the Government by mortgage or other security for
 13 the payment of debts.

14 (b) NONAPPLICATION.—This section does not apply to—

15 (1) real estate which has been or shall be assigned, set off, or con-
 16 veyed to the Government in payment of debts arising under the Inter-
 17 nal Revenue Code of 1986 (26 U.S.C. 1 et seq.); or

18 (2) trusts created for the use of the Government in payment of debts
 19 arising under the Code and due the Government.

20 **§ 1302. Lease of buildings**

21 Except as otherwise specifically provided by law, the leasing of buildings
 22 and property of the Federal Government shall be for a money consideration
 23 only. The lease may not include any provision for the alteration, repair, or
 24 improvement of the buildings or property as a part of the consideration for
 25 the rent to be paid for the use and occupation of the buildings or property.
 26 Money derived from the rent shall be deposited in the Treasury as miscella-
 27 neous receipts.

28 **§ 1303. Disposition of surplus real property**

29 (a) DEFINITION.—In this section, the term “federal agency” means an
 30 executive department, independent establishment, commission, board, bu-
 31 reau, division, or office in the executive branch, or other agency of the Fed-
 32 eral Government, including wholly owned Government corporations.

33 (b) ASSIGNMENT OF SPACE OR LEASE OR SALE OF PROPERTY.—

34 (1) ACTIONS OF ADMINISTRATOR.—When the President, on the rec-
 35 ommendation of the Administrator of General Services, or the federal

1 agency having control of any real property the agency acquires that is
2 located outside of the District of Columbia, other than military or naval
3 reservations, declares the property to be surplus to the needs of the
4 agency, the Administrator—

5 (A) may assign space in the property to any federal agency;

6 (B) pending a sale, may lease the property for not more than
7 5 years and on terms the Administrator considers to be in the
8 public interest; or

9 (C) may sell the property at public sale to the highest respon-
10 sible bidder on terms and after public advertisement that the Ad-
11 ministrator considers to be in the public interest.

12 (2) REVIEW OF DECISION TO ASSIGN SPACE.—If the federal agency
13 to which space is assigned does not desire to occupy the space, the deci-
14 sion of the Administrator under paragraph (1)(A) is subject to review
15 by the President.

16 (3) NEGOTIATED SALE.—If no bids which are satisfactory as to price
17 and responsibility of the bidder are received as a result of public adver-
18 tisement, the Administrator may sell the property by negotiation, on
19 terms as may be considered to be to the best interest of the Govern-
20 ment, but at a price not less than that bid by the highest responsible
21 bidder.

22 (c) DEMOLITION.—The Administrator may demolish any building de-
23 clared to be surplus to the needs of the Government under this section on
24 deciding that demolition will be in the best interest of the Government. Be-
25 fore proceeding with the demolition, the Administrator shall inform the Sec-
26 retary of the Interior in writing of the Administrator's intention to demolish
27 the building, and shall not proceed with the demolition until receiving writ-
28 ten notice from the Secretary that the building is not an historic building
29 of national significance within the meaning of the Act of August 21, 1935
30 (16 U.S.C. 461 et seq.) (known as the Historic Sites, Buildings, and Antiq-
31 uities Act). If the Secretary does not notify the Administrator of the Sec-
32 retary's decision as to whether the building is an historic building of na-
33 tional significance within 90 days of the receipt of the notice of intention
34 to demolish the building, the Administrator may proceed to demolish the
35 building.

36 (d) REPAIRS AND ALTERATIONS TO ASSIGNED REAL PROPERTY.—When
37 the Administrator, after investigation, decides that real property referred to
38 in subsection (b) should be used for the accommodation of a federal agency,
39 the Administrator may make any repairs or alterations that the Adminis-
40 trator considers necessary or advisable and may maintain and operate the
41 property.

1 (e) PAYMENT BY FEDERAL AGENCIES.—

2 (1) ASSIGNED REAL PROPERTY.—To the extent that the appropria-
 3 tions of the General Services Administration not otherwise allocated are
 4 inadequate for repairs, alterations, maintenance, or operation, the Ad-
 5 ministrator may require each federal agency to which space has been
 6 assigned to pay promptly by check to the Administrator out of its ap-
 7 propriation for rent any part of the estimated or actual cost of the re-
 8 pairs, alterations, maintenance, and operation. Payment may be either
 9 in advance of, or on or during, occupancy of the space. The Adminis-
 10 trator shall determine and equitably apportion the total amount to be
 11 paid among the agencies to whom space has been assigned.

12 (2) LEASED SPACES.—To the extent that the appropriations of the
 13 Administration not otherwise required are inadequate, the Adminis-
 14 trator may require each federal agency to which leased space has been
 15 assigned to pay promptly by check to the Administrator out of its avail-
 16 able appropriations any part of the estimated cost of rent, repairs, al-
 17 terations, maintenance, operation, and moving. Payment may be either
 18 in advance or during occupancy of the space. When space in a building
 19 is occupied by two or more agencies, the Administrator shall determine
 20 and equitably apportion rental, operation, and other charges on the
 21 basis of the total amount of space leased.

22 (f) AUTHORIZATION OF APPROPRIATIONS.—Necessary amounts may be
 23 appropriated to cover the costs incident to the sale or lease of real property,
 24 or authorized demolition of buildings on the property, declared to be surplus
 25 to the needs of any federal agency under this section, and the care, mainte-
 26 nance, and protection of the property, including pay of employees, travel of
 27 Government employees, brokers' fees not in excess of rates paid for similar
 28 services in the community where the property is situated, appraisals, photo-
 29 graphs, surveys, evidence of title and perfecting of defective titles, adver-
 30 tising, and telephone and telegraph charges. However, the agency remains
 31 responsible for the proper care, maintenance, and protection of the property
 32 until the Administrator assumes custody or other disposition of the property
 33 is made.

34 (g) REGULATIONS.—The Administrator may prescribe regulations as nec-
 35 essary to carry out this section.

36 **§ 1304. Transfer of federal property to States**

37 (a) OBSOLETE BUILDINGS AND SITES.—

38 (1) IN GENERAL.—The Administrator of General Services, in the Ad-
 39 ministrator's discretion, on terms the Administrator considers proper,
 40 and under regulations the Administrator may prescribe, may sell prop-
 41 erty described in paragraph (2) to a State or a political subdivision of

1 a State for public use if the Administrator considers the sale to be in
2 the best interest of the Federal Government.

3 (2) APPLICABLE PROPERTY.—The property referred to in paragraph
4 (1) is any federal building, building site, or part of a building site
5 under the Administrator’s control that has been replaced by a new
6 structure and that the Administrator determines is no longer needed
7 by the Government.

8 (3) PRICE.—The purchase price for a sale under this section must
9 be at least 50 percent of the value of the land as appraised by the Ad-
10 ministrator.

11 (4) PROCEEDS OF SALE.—The proceeds of a sale under this section
12 shall be deposited in the Treasury as miscellaneous receipts.

13 (5) PAYMENT TERMS.—The Administrator may enter into a long
14 term contract for the payment of the purchase price in installments
15 that the Administrator considers fair and reasonable. The Adminis-
16 trator may waive any requirement for interest charges on deferred pay-
17 ment.

18 (6) CONVEYANCE.—The Administrator may convey property sold
19 under this section by the usual quitclaim deed.

20 (b) WIDENING OF PUBLIC ROADS.—

21 (1) DEFINITION.—In this subsection, the term “executive agency”
22 means an executive department or independent establishment in the ex-
23 ecutive branch of the Government, including any wholly owned Govern-
24 ment corporation.

25 (2) IN GENERAL.—When a State or a political subdivision of a State
26 applies for a conveyance or transfer of real property of the Government
27 in connection with an authorized widening of a public highway, street,
28 or alley, the head of the executive agency that controls the affected real
29 property may convey or transfer to the State or political subdivision,
30 with or without consideration, an interest in the real property that the
31 agency head determines is not adverse to the interests of the Govern-
32 ment. A conveyance or transfer under this subsection is subject to
33 terms and conditions the agency head considers necessary to protect
34 the interests of the Government.

35 (3) LIMITATION ON TRANSFERS FOR HIGHWAY PURPOSES.—An in-
36 terest in real property which can be transferred to a State or a political
37 subdivision of a State for highway purposes under title 23 may not be
38 conveyed or transferred under this subsection.

39 (4) LIMITATION ON ISSUANCE OF RIGHTS OF WAY.—Rights of way
40 over, under, and through public lands and lands in the National Forest
41 System may not be granted under this subsection.

1 **§ 1305. Disposition of land acquired by devise**

2 The General Services Administration may take custody, for disposal as
3 excess property under this subtitle and title III of the Federal Property and
4 Administrative Services Act of 1949 (41 U.S.C. 251 et seq.), of land ac-
5 quired by the Federal Government by devise.

6 **§ 1306. Disposition of abandoned or forfeited personal prop-**
7 **erty**

8 (a) DEFINITIONS.—In this section—

9 (1) AGENCY.—The term “agency” includes any executive depart-
10 ment, independent establishment, board, commission, bureau, service,
11 or division of the Federal Government, and any corporation in which
12 the Government owns at least a majority of the stock.

13 (2) PROPERTY.—The term “property” means all personal property,
14 including vessels, vehicles, and aircraft.

15 (b) VOLUNTARILY ABANDONED PROPERTY.—Property voluntarily aban-
16 doned to any agency in a way that vests title to the property in the Govern-
17 ment may be retained by the agency and devoted to official use only. If the
18 agency does not desire to retain the property, the head of the agency imme-
19 diately shall notify the Administrator of General Services to that effect, and
20 the Administrator, within a reasonable time, shall—

21 (1) order the agency to deliver the property to another agency that
22 requests the property and that the Administrator believes should be
23 given the property; or

24 (2) order disposal of the property as otherwise provided by law.

25 (c) FORFEITED PROPERTY.—

26 (1) AGENCY RETAINS PROPERTY.—An agency that seizes property
27 that has been forfeited to the Government other than by court decree
28 may retain the property and devote it only to official use instead of
29 disposing of the property as otherwise provided by law if competent au-
30 thority does not order the property returned to any claimant.

31 (2) AGENCY DOES NOT DESIRE TO RETAIN PROPERTY.—If the agen-
32 cy does not desire to retain the property, the head of the agency imme-
33 diately shall notify the Administrator to that effect, and the property—

34 (A) if not ordered by competent authority to be returned to any
35 claimant, or disposed of as otherwise provided by law, shall be de-
36 livered by the agency, on order of the Administrator given within
37 a reasonable time, to another agency that requests the property
38 and that the Administrator believes should be given the property;
39 or

40 (B) on order of the Administrator given within a reasonable
41 time, shall be disposed of as otherwise provided by law.

1 (d) PROPERTY SUBJECT TO COURT PROCEEDING FOR FORFEITURE.—

2 (1) NOTIFICATION OF ADMINISTRATOR.—If a proceeding has begun
3 for the forfeiture of any property by court decree, the agency that
4 seized the property immediately shall notify the Administrator and at
5 the same time may file with the Administrator a request for the prop-
6 erty for its official use.

7 (2) APPLICATION FOR COURT ORDER TO DELIVER PROPERTY.—

8 (A) IN GENERAL.—Before entry of a decree, the Administrator
9 shall apply to the court to order delivery of the property in accord-
10 ance with this paragraph.

11 (B) DELIVERY TO SEIZING AGENCY.—If the agency that seized
12 the property files a request for the property under paragraph (1),
13 the Administrator shall apply to the court to order delivery of the
14 property to the agency that seized the property.

15 (C) DELIVERY TO OTHER REQUESTING AGENCY.—If the agency
16 that seized the property does not file a request for the property
17 under paragraph (1) but another agency requests the property, the
18 Administrator shall apply to the court to order delivery of the
19 property to the requesting agency if the Administrator believes
20 that the requesting agency should be given the property.

21 (D) DELIVERY TO SEIZING AGENCY FOR TEMPORARY HOLD-
22 ING.—If application to the court cannot be made under subpara-
23 graph (B) or (C) and the Administrator believes the property may
24 later become necessary to any agency for official use, the Adminis-
25 trator shall apply to the court to order delivery of the property to
26 the agency that seized the property, to be retained in its custody.
27 Within a reasonable time, the Administrator shall order the agen-
28 cy to—

29 (i) deliver the property to another agency that requests the
30 property and that the Administrator believes should be given
31 the property; or

32 (ii) dispose of the property as otherwise provided by law.

33 (3) FORFEITURE DECREED.—If forfeiture is decreed and the prop-
34 erty is not ordered by competent authority to be returned to any claim-
35 ant, the court shall order delivery as provided in paragraph (2).

36 (4) WHEN NO APPLICATION MADE.—The court shall dispose of prop-
37 erty for which no application is made in accordance with law.

38 (e) RETENTION OR DELIVERY OF PROPERTY DEEMED SALE.—Retention
39 or delivery of forfeited or abandoned property under this section is deemed
40 to be a sale of the property for the purpose of laws providing for informer's
41 fees or remission or mitigation of a forfeiture. Property acquired under this

1 section when no longer needed for official use shall be disposed of in the
2 same manner as other surplus property.

3 (f) PAYMENT OF COSTS RELATED TO PROPERTY.—

4 (1) AVAILABILITY OF APPROPRIATIONS.—The appropriation available
5 to an agency for the purchase, hire, operation, maintenance, and repair
6 of any property is available for—

7 (A) the payment of expenses of operation, maintenance, and re-
8 pair of property of the same kind the agency receives under this
9 section for official use;

10 (B) the payment of a lien recognized and allowed under law;

11 (C) the payment of amounts found to be due a person on the
12 authorized remission or mitigation of a forfeiture; and

13 (D) reimbursement of other agencies as provided in paragraph
14 (2).

15 (2) PAYMENT AND REIMBURSEMENT OF CERTAIN COSTS.—The agen-
16 cy that receives property under this section shall pay the cost of haul-
17 ing, transporting, towing, and storing the property. If the property is
18 later delivered to another agency for official use under this section, the
19 agency to which the property is delivered shall make reimbursement for
20 all of those costs incurred prior to the date the property is delivered.

21 (g) REPORT.—With the approval of the Secretary of the Treasury, the
22 Administrator may require an agency to make a report of all property aban-
23 doned to it or seized and the disposal of the property.

24 (h) ADMINISTRATIVE.—

25 (1) REGULATIONS.—With the approval of the Secretary, the Admin-
26 istrator may prescribe regulations necessary to carry out this section.

27 (2) OTHER LAWS NOT REPEALED.—This section does not repeal any
28 other laws relating to the disposition of forfeited or abandoned prop-
29 erty, except provisions of those laws directly in conflict with this section
30 which were enacted prior to August 27, 1935.

31 (3) PROPERTY NOT SUBJECT TO ALLOCATION UNDER THIS SEC-
32 TION.—The following classes of property are not subject to allocation
33 under this section, but shall be disposed of in the manner otherwise
34 provided by law:

35 (A) narcotic drugs, as defined in the Controlled Substances Act
36 (21 U.S.C. 801 et seq.).

37 (B) firearms, as defined in section 5845 of the Internal Revenue
38 Code of 1986 (26 U.S.C. 5845).

39 (C) other classes or kinds of property the disposal of which the
40 Administrator, with the approval of the Secretary, may consider
41 in the public interest, and may by regulation provide.

§ 1307. Disposition of securities

The President, or an officer, agent, or agency the President may designate, may dispose of any securities acquired on behalf of the Federal Government under the provisions of the Transportation Act of 1920 (ch. 91, 41 Stat. 456), including any securities acquired as an incident to a case under title 11, under a receivership or reorganization proceeding, by assignment, transfer, substitution, or issuance, or by acquisition of collateral given for the payment of obligations to the Government, or may make arrangements for the extension of the maturity of the securities, in the manner, in amounts, at prices, for cash, securities, or other property or any combination of cash, securities, or other property, and on terms and conditions the President or designee considers advisable and in the public interest.

§ 1308. Disposition of unfit horses and mules

Subject to applicable regulations under this subtitle and title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.), horses and mules belonging to the Federal Government that have become unfit for service may be destroyed or put out to pasture, either on pastures belonging to the Government or those belonging to financially sound and reputable humane organizations whose facilities permit them to care for the horses and mules during the remainder of their natural lives, at no cost to the Government.

§ 1309. Preservation, sale, or collection of wrecked, abandoned, or derelict property

The Administrator of General Services may make contracts and provisions for the preservation, sale, or collection of property, or the proceeds of property, which may have been wrecked, been abandoned, or become derelict, if the Administrator considers the contracts and provisions to be in the interest of the Federal Government and the property is within the jurisdiction of the United States and should come to the Government. A contract may provide compensation the Administrator considers just and reasonable to any person who gives information about the property or actually preserves, collects, surrenders, or pays over the property. Under each specific agreement for obtaining, preserving, collecting, or receiving property or making property available, the costs or claim chargeable to the Government may not exceed amounts realized and received by the Government.

§ 1310. Sale of war supplies, land, and buildings

(a) IN GENERAL.—The President, through the head of any executive department and on terms the head of the department considers expedient, may sell to a person, another department of the Federal Government, or the government of a foreign country engaged in war against a country with which the United States is at war—

- 1 (1) war supplies, material, and equipment;
 2 (2) by-products of the war supplies, material, and equipment; and
 3 (3) any building, plant, or factory, including the land on which the
 4 plant or factory may be situated, acquired since April 6, 1917, for the
 5 production of war supplies, materials, and equipment that, during the
 6 emergency existing on July 9, 1918, may have been purchased, ac-
 7 quired, or manufactured by the Government.

8 (b) LIMITATION ON SALE OF GUNS AND AMMUNITION.—Sales of guns
 9 and ammunition authorized under any law shall be limited to—

- 10 (1) other departments of the Government;
 11 (2) governments of foreign countries engaged in war against a coun-
 12 try with which the United States is at war; and
 13 (3) members of the National Rifle Association and of other recog-
 14 nized associations organized in the United States for the encourage-
 15 ment of small-arms target practice.

16 **§ 1311. Authority of President to obtain release**

17 For the use or benefit of the Federal Government, the President may ob-
 18 tain from an individual or officer to whom land has been or will be conveyed
 19 a release of the individual's or officer's interest to the Government.

20 **§ 1312. Release of real estate in certain cases**

21 (a) IN GENERAL.—Real estate that has become the property of the Fed-
 22 eral Government in payment of a debt which afterward is fully paid in
 23 money and received by the Government may be conveyed by the Adminis-
 24 trator of General Services to the debtor from whom it was taken or to the
 25 heirs or devisees of the debtor or the person that they may appoint.

26 (b) NONAPPLICATION.—This section does not apply to real estate the
 27 Government acquires in payment of any debt arising under the Internal
 28 Revenue Code of 1986 (26 U.S.C. 1 et seq.).

29 **§ 1313. Releasing property from attachment**

30 (a) STIPULATION OF DISCHARGE.—

31 (1) PERSON ASSERTING CLAIM ENTITLED TO BENEFITS.—In a judi-
 32 cial proceeding under the laws of a State, district, territory, or posses-
 33 sion of the United States, when property owned or held by the Federal
 34 Government, or in which the Government has or claims an interest, is
 35 seized, arrested, attached, or held for the security or satisfaction of a
 36 claim made against the property, the Attorney General may direct the
 37 United States Attorney for the district in which the property is located
 38 to enter a stipulation that on discharge of the property from the sei-
 39 zure, arrest, attachment, or proceeding, the person asserting the claim
 40 against the property becomes entitled to all the benefits of this section.

41 (2) NONAPPLICATION.—This subsection does not—

1 (A) recognize or concede any right to enforce by seizure, arrest,
2 attachment, or any judicial process a claim against property—

3 (i) of the Government; or

4 (ii) held, owned, or employed by the Government, or by a
5 department of the Government, for a public use; or

6 (B) waive an objection to a proceeding brought to enforce the
7 claim.

8 (b) PAYMENT.—After a discharge, a final judgment which affirms the
9 claim for the security or satisfaction and the right of the person asserting
10 the claim to enforce it against the property, notwithstanding the claims of
11 the Government, is deemed to be a full and final determination of the rights
12 of the person and entitles the person, as against the Government, to the
13 rights the person would have had if possession of the property had not been
14 changed. When the claim is for the payment of money found to be due,
15 presentation of an authenticated copy of the record of the judgment and
16 proceedings is sufficient evidence to the proper accounting officers for the
17 allowance of the claim, which shall be allowed and paid out of amounts in
18 the Treasury not otherwise appropriated. The amount allowed and paid
19 shall not exceed the value of the interest of the Government in the property.

20 **§ 1314. Easements**

21 (a) DEFINITIONS.—In this section—

22 (1) EXECUTIVE AGENCY.—The term “executive agency” means an
23 executive department or independent establishment in the executive
24 branch of the Federal Government, including a wholly owned Govern-
25 ment corporation.

26 (2) REAL PROPERTY OF THE GOVERNMENT.—The term “real prop-
27 erty of the Government” excludes—

28 (A) public land (including minerals, vegetative, and other re-
29 sources) in the United States, including—

30 (i) land reserved or dedicated for national forest purposes;

31 (ii) land the Secretary of the Interior administers or super-
32 vises in accordance with the Act of August 25, 1916 (16
33 U.S.C. 1, 2, 3, 4) (known as the National Park Service Or-
34 ganic Act);

35 (iii) Indian-owned trust and restricted land; and

36 (iv) land the Government acquires primarily for fish and
37 wildlife conservation purposes and the Secretary administers;

38 (B) land withdrawn from the public domain primarily under the
39 jurisdiction of the Secretary; and

40 (C) land acquired for national forest purposes.

1 (3) STATE.—The term “State” means a State of the United States,
2 the District of Columbia, Puerto Rico, and the territories and posses-
3 sions of the United States.

4 (b) GRANT OF EASEMENT.—When a State, a political subdivision or
5 agency of a State, or a person applies for the grant of an easement in, over,
6 or on real property of the Government, the executive agency having control
7 of the real property may grant to the applicant, on behalf of the Govern-
8 ment, an easement that the head of the agency decides will not be adverse
9 to the interests of the Government, subject to reservations, exceptions, limi-
10 tations, benefits, burdens, terms, or conditions that the head of the agency
11 considers necessary to protect the interests of the Government. The grant
12 may be made without consideration, or with monetary or other consider-
13 ation, including an interest in real property.

14 (c) RELINQUISHMENT OF LEGISLATIVE JURISDICTION.—In connection
15 with the grant of an easement, the executive agency concerned may relin-
16 quish to the State in which the real property is located legislative jurisdic-
17 tion that the executive agency considers necessary or desirable. Relinquish-
18 ment of legislative jurisdiction may be accomplished by filing with the chief
19 executive officer of the State a notice of relinquishment to take effect upon
20 acceptance or by proceeding in the manner that the laws applicable to the
21 State may provide.

22 (d) TERMINATION OF EASEMENT.—

23 (1) WHEN TERMINATION OCCURS.—The instrument granting the
24 easement may provide for termination of any part of the easement if
25 there has been—

26 (A) a failure to comply with a term or condition of the grant;

27 (B) a nonuse of the easement for a consecutive 2-year period
28 for the purpose for which granted; or

29 (C) an abandonment of the easement.

30 (2) NOTICE REQUIRED.—If a termination provision is included, it
31 shall require that written notice of the termination be given to the
32 grantee, or its successors or assigns.

33 (3) EFFECTIVE DATE.—The termination is effective as of the date
34 of the notice.

35 (e) ADDITIONAL EASEMENT AUTHORITY.—The authority conferred by
36 this section is in addition to, and shall not affect or be subject to, any other
37 law under which an executive agency may grant easements.

38 (f) LIMITATION ON ISSUANCE OF RIGHTS OF WAY.—Rights of way over,
39 under, and through public lands and lands in the National Forest System
40 may not be granted under this section.

1 **§ 1315. Special police**

2 (a) APPOINTMENT.—The Administrator of General Services, or an official
3 of the General Services Administration authorized by the Administrator,
4 may appoint uniformed guards of the Administration as special police with-
5 out additional compensation for duty in connection with the policing of all
6 buildings and areas owned or occupied by the Federal Government and
7 under the charge and control of the Administrator.

8 (b) POWERS.—Special police appointed under this section have the same
9 powers as sheriffs and constables on property referred to in subsection (a)
10 to enforce laws enacted for the protection of individuals and property, pre-
11 vent breaches of the peace, suppress affrays or unlawful assemblies, and en-
12 force regulations prescribed by the Administrator or an official of the Ad-
13 ministration authorized by the Administrator for property under their juris-
14 diction. However, the jurisdiction and policing powers of special police do
15 not extend to the service of civil process.

16 (c) DETAIL.—On the application of the head of a department or agency
17 of the Government having property of the Government under its administra-
18 tion and control, the Administrator or an official of the Administration au-
19 thorized by the Administrator may detail special police for the protection
20 of the property and, if the Administrator considers it desirable, may extend
21 to the property the applicability of regulations and enforce them as provided
22 in this section.

23 (d) USE OF OTHER LAW ENFORCEMENT AGENCIES.—When it is consid-
24 ered economical and in the public interest, the Administrator or an official
25 of the Administration authorized by the Administrator may utilize the facili-
26 ties and services of existing federal law enforcement agencies, and, with the
27 consent of a state or local agency, the facilities and services of state or local
28 law enforcement agencies.

29 (e) NONUNIFORMED SPECIAL POLICE.—The Administrator, or an official
30 of the Administration authorized by the Administrator, may empower offi-
31 cials or employees of the Administration authorized to perform investigative
32 functions to act as nonuniformed special police to protect property under
33 the charge and control of the Administration and to carry firearms, whether
34 on federal property or in travel status. When on real property under the
35 charge and control of the Administration, officials or employees empowered
36 to act as nonuniformed special police have the power to enforce federal laws
37 for the protection of individuals and property and to enforce regulations for
38 that purpose that the Administrator or an official of the Administration au-
39 thorized by the Administrator prescribes and publishes. The special police
40 may make arrests without warrant for any offense committed on the prop-
41 erty if the police have reasonable grounds to believe the offense constitutes

1 a felony under the laws of the United States and that the individual to be
 2 arrested is guilty of that offense.

3 (f) ADMINISTRATIVE.—The Administrator or an official of the Adminis-
 4 tration authorized by the Administrator may prescribe regulations necessary
 5 for the government of the property under their charge and control, and may
 6 annex to the regulations reasonable penalties, within the limits prescribed
 7 in subsection (g), that will ensure their enforcement. The regulations shall
 8 be posted and kept posted in a conspicuous place on the property.

9 (g) PENALTIES.—

10 (1) IN GENERAL.—Except as provided in paragraph (2), a person
 11 violating a regulation prescribed under subsection (f) shall be fined
 12 under title 18, imprisoned for not more than 30 days, or both.

13 (2) EXCEPTION FOR MILITARY TRAFFIC REGULATION.—

14 (A) DEFINITION.—For purposes of this paragraph, the term
 15 “military traffic regulation” means a regulation for the control of
 16 vehicular or pedestrian traffic on military installations that the
 17 Secretary of Defense prescribes under subsection (f).

18 (B) IN GENERAL.—A person violating a military traffic regula-
 19 tion shall be fined an amount not exceeding the amount of the
 20 maximum fine for a similar offense under the criminal or civil law
 21 of the State, district, territory, or possession of the United States
 22 where the military installation in which the violation occurred is
 23 located, imprisoned for not more than 30 days, or both.

24 **SUBTITLE II—PUBLIC BUILDINGS AND WORKS**

25 **PART A—GENERAL**

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PART A—GENERAL
CHAPTER 31—GENERAL

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SUBCHAPTER I—OVERSIGHT AND REGULATION OF PUBLIC BUILDINGS

§ 3101. Public buildings under control of Administrator of General Services

All public buildings outside of the District of Columbia and outside of military reservations purchased or erected out of any appropriation under the control of the Administrator of General Services, and the sites of the

1 public buildings, are under the exclusive jurisdiction and control, and in the
 2 custody of, the Administrator. The Administrator may take possession of
 3 the buildings and assign and reassign rooms in the buildings to federal offi-
 4 cials, clerks, and employees that the Administrator believes should be fur-
 5 nished with offices or rooms in the buildings.

6 **§ 3102. Naming or designating buildings**

7 The Administrator of General Services may name or otherwise designate
 8 any building under the custody and control of the General Services Adminis-
 9 tration, regardless of whether it was previously named by statute.

10 **§ 3103. Admission of guide dogs or other service animals ac-**
 11 **companying individuals with disabilities**

12 (a) IN GENERAL.—Guide dogs or other service animals accompanying in-
 13 dividuals with disabilities and especially trained and educated for that pur-
 14 pose shall be admitted to any building or other property owned or controlled
 15 by the Federal Government on the same terms and conditions, and subject
 16 to the same regulations, as generally govern the admission of the public to
 17 the property. The animals are not permitted to run free or roam in a build-
 18 ing or on the property and must be in guiding harness or on leash and
 19 under the control of the individual at all times while in a building or on
 20 the property.

21 (b) REGULATIONS.—The head of each department or other agency of the
 22 Government may prescribe regulations the individual considers necessary in
 23 the public interest to carry out this section as it applies to any building or
 24 other property subject to the individual's jurisdiction.

25 **§ 3104. Furniture for new buildings**

26 Furniture for all new public buildings shall be acquired in accordance
 27 with plans and specifications approved by the Administrator of General
 28 Services.

29 **§ 3105. Buildings not to be draped in mourning**

30 No building owned, or used for public purposes, by the Federal Govern-
 31 ment shall be draped in mourning nor may public money be used for that
 32 purpose.

33 SUBCHAPTER II—ACQUIRING LAND

34 **§ 3111. Approval of sufficiency of title prior to acquisition**

35 (a) APPROVAL OF ATTORNEY GENERAL REQUIRED.—Public money may
 36 not be expended to purchase land or any interest in land unless the Attor-
 37 ney General gives prior written approval of the sufficiency of the title to
 38 the land for the purpose for which the Federal Government is acquiring the
 39 property.

40 (b) DELEGATION.—

1 (1) IN GENERAL.—The Attorney General may delegate the responsi-
 2 bility under this section to other departments and agencies of the Gov-
 3 ernment, subject to general supervision by the Attorney General and
 4 in accordance with regulations the Attorney General prescribes.

5 (2) REQUEST FOR OPINION OF ATTORNEY GENERAL.—A department
 6 or agency of the Government that has been delegated the responsibility
 7 to approve land titles under this section may request the Attorney Gen-
 8 eral to render an opinion as to the validity of the title to any real prop-
 9 erty or interest in the property, or may request the advice or assistance
 10 of the Attorney General in connection with determinations as to the
 11 sufficiency of titles.

12 (c) PAYMENT OF EXPENSES FOR PROCURING CERTIFICATES OF TITLE.—
 13 Except where otherwise authorized by law or provided by contract, the ex-
 14 penses of procuring certificates of titles or other evidences of title as the
 15 Attorney General may require may be paid out of the appropriations for the
 16 acquisition of land or out of the appropriations made for the contingencies
 17 of the acquiring department or agency of the Government.

18 (d) NONAPPLICATION.—This section does not affect any provision of law
 19 in effect on September 1, 1970, that is applicable to the acquisition of land
 20 or interests in land by the Tennessee Valley Authority.

21 **§ 3112. Federal jurisdiction**

22 (a) EXCLUSIVE JURISDICTION NOT REQUIRED.—It is not required that
 23 the Federal Government obtain exclusive jurisdiction in the United States
 24 over land or an interest in land it acquires.

25 (b) ACQUISITION AND ACCEPTANCE OF JURISDICTION.—When the head
 26 of a department, agency, or independent establishment of the Government,
 27 or other authorized officer of the department, agency, or independent estab-
 28 lishment, considers it desirable, that individual may accept or secure, from
 29 the State in which land or an interest in land that is under the immediate
 30 jurisdiction, custody, or control of the individual is situated, consent to, or
 31 cession of, any jurisdiction over the land or interest not previously obtained.
 32 The individual shall indicate acceptance of jurisdiction on behalf of the Gov-
 33 ernment by filing a notice of acceptance with the Governor of the State or
 34 in another manner prescribed by the laws of the State where the land is
 35 situated.

36 (c) PRESUMPTION.—It is conclusively presumed that jurisdiction has not
 37 been accepted until the Government accepts jurisdiction over land as pro-
 38 vided in this section.

39 **§ 3113. Acquisition by condemnation**

40 An officer of the Federal Government authorized to acquire real estate
 41 for the erection of a public building or for other public uses may acquire

1 the real estate for the Government by condemnation, under judicial process,
2 when the officer believes that it is necessary or advantageous to the Govern-
3 ment to do so. The Attorney General, on application of the officer, shall
4 have condemnation proceedings begun within 30 days from receipt of the
5 application at the Department of Justice.

6 **§ 3114. Declaration of taking**

7 (a) FILING AND CONTENT.—In any proceeding in any court of the United
8 States outside of the District of Columbia brought by and in the name of
9 the United States and under the authority of the Federal Government to
10 acquire land, or an easement or right of way in land, for the public use,
11 the petitioner may file, with the petition or at any time before judgment,
12 a declaration of taking signed by the authority empowered by law to acquire
13 the land described in the petition, declaring that the land is taken for the
14 use of the Government. The declaration of taking shall contain or have an-
15 nexed to it—

16 (1) a statement of the authority under which, and the public use for
17 which, the land is taken;

18 (2) a description of the land taken that is sufficient to identify the
19 land;

20 (3) a statement of the estate or interest in the land taken for public
21 use;

22 (4) a plan showing the land taken; and

23 (5) a statement of the amount of money estimated by the acquiring
24 authority to be just compensation for the land taken.

25 (b) VESTING OF TITLE.—On filing the declaration of taking and depos-
26 iting in the court, to the use of the persons entitled to the compensation,
27 the amount of the estimated compensation stated in the declaration—

28 (1) title to the estate or interest specified in the declaration vests
29 in the Government;

30 (2) the land is condemned and taken for the use of the Government;
31 and

32 (3) the right to just compensation for the land vests in the persons
33 entitled to the compensation.

34 (c) COMPENSATION.—

35 (1) DETERMINATION AND AWARD.—Compensation shall be deter-
36 mined and awarded in the proceeding and established by judgment.
37 The judgment shall include interest, in accordance with section 3116
38 of this title, on the amount finally awarded as the value of the property
39 as of the date of taking and shall be awarded from that date to the
40 date of payment. Interest shall not be allowed on as much of the com-

1 pensation as has been paid into the court. Amounts paid into the court
2 shall not be charged with commissions or poundage.

3 (2) ORDER TO PAY.—On application of the parties in interest, the
4 court may order that any part of the money deposited in the court be
5 paid immediately for or on account of the compensation to be awarded
6 in the proceeding.

7 (3) DEFICIENCY JUDGMENT.—If the compensation finally awarded is
8 more than the amount of money received by any person entitled to
9 compensation, the court shall enter judgment against the Government
10 for the amount of the deficiency.

11 (d) AUTHORITY OF COURT.—On the filing of a declaration of taking, the
12 court—

13 (1) may fix the time within which, and the terms on which, the par-
14 ties in possession shall be required to surrender possession to the peti-
15 tioner; and

16 (2) may make just and equitable orders in respect of encumbrances,
17 liens, rents, taxes, assessments, insurance, and other charges.

18 (e) VESTING NOT PREVENTED OR DELAYED.—An appeal or a bond or
19 undertaking given in a proceeding does not prevent or delay the vesting of
20 title to land in the Government.

21 **§ 3115. Irrevocable commitment of Federal Government to**
22 **pay ultimate award when fixed**

23 (a) REQUIREMENT FOR IRREVOCABLE COMMITMENT.—Action under sec-
24 tion 3114 of this title irrevocably committing the Federal Government to
25 the payment of the ultimate award shall not be taken unless the head of
26 the executive department or agency or bureau of the Government empow-
27 ered to acquire the land believes that the ultimate award probably will be
28 within any limits Congress prescribes on the price to be paid.

29 (b) AUTHORIZED PURPOSES OF EXPENDITURES AFTER IRREVOCABLE
30 COMMITMENT MADE.—When the Government has taken or may take title
31 to real property during a condemnation proceeding and in advance of final
32 judgment in the proceeding and has become irrevocably committed to pay
33 the amount ultimately to be awarded as compensation, and the Attorney
34 General believes that title to the property has been vested in the Govern-
35 ment or that all persons having an interest in the property have been made
36 parties to the proceeding and will be bound by the final judgment, the Gov-
37 ernment may expend amounts appropriated for that purpose to demolish ex-
38 isting structures on the property and to erect public buildings or public
39 works on the property.

1 **§ 3116. Interest as part of just compensation**

2 (a) CALCULATION.—The district court shall calculate interest required to
3 be paid under this subchapter as follows:

4 (1) PERIOD OF NOT MORE THAN ONE YEAR.—Where the period for
5 which interest is owed is not more than one year, interest shall be cal-
6 culated from the date of taking at an annual rate equal to the weekly
7 average one-year constant maturity Treasury yield, as published by the
8 Board of Governors of the Federal Reserve System, for the calendar
9 week preceding the date of taking.

10 (2) PERIOD OF MORE THAN ONE YEAR.—Where the period for which
11 interest is owed is more than one year, interest for the first year shall
12 be calculated in accordance with paragraph (1) and interest for each
13 additional year shall be calculated on the amount by which the award
14 of compensation is more than the deposit referred to in section 3114
15 of this title, plus accrued interest, at an annual rate equal to the week-
16 ly average one-year constant maturity Treasury yield, as published by
17 the Board of Governors of the Federal Reserve System, for the cal-
18 endar week preceding the beginning of each additional year.

19 (b) DISTRIBUTION OF NOTICE OF RATES.—The Director of the Adminis-
20 trative Office of the United States Courts shall distribute to all federal
21 courts notice of the rates described in paragraphs (1) and (2) of subsection
22 (a).

23 **§ 3117. Exclusion of certain property by stipulation of Attor-**
24 **ney General**

25 In any condemnation proceeding brought by or on behalf of the Federal
26 Government, the Attorney General may stipulate or agree on behalf of the
27 Government to exclude any part of the property, or any interest in the prop-
28 erty, taken by or on behalf of the Government by a declaration of taking
29 or otherwise.

30 **§ 3118. Right of taking as addition to existing rights**

31 The right to take possession and title in advance of final judgment in
32 condemnation proceedings as provided by section 3114 of this title is in ad-
33 dition to any right, power, or authority conferred by the laws of the United
34 States or of a State, territory, or possession of the United States under
35 which the proceeding may be conducted, and does not abrogate, limit, or
36 modify that right, power, or authority.

37 SUBCHAPTER III—BONDS

38 **§ 3131. Bonds of contractors of public buildings or works**

39 (a) DEFINITION.—In this subchapter, the term “contractor” means a
40 person awarded a contract described in subsection (b).

1 (b) TYPE OF BONDS REQUIRED.—Before any contract of more than
 2 \$100,000 is awarded for the construction, alteration, or repair of any public
 3 building or public work of the Federal Government, a person must furnish
 4 to the Government the following bonds, which become binding when the con-
 5 tract is awarded:

6 (1) PERFORMANCE BOND.—A performance bond with a surety satis-
 7 factory to the officer awarding the contract, and in an amount the offi-
 8 cer considers adequate, for the protection of the Government.

9 (2) PAYMENT BOND.—A payment bond with a surety satisfactory to
 10 the officer for the protection of all persons supplying labor and mate-
 11 rial in carrying out the work provided for in the contract for the use
 12 of each person. The amount of the payment bond shall equal the total
 13 amount payable by the terms of the contract unless the officer award-
 14 ing the contract determines, in a writing supported by specific findings,
 15 that a payment bond in that amount is impractical, in which case the
 16 contracting officer shall set the amount of the payment bond. The
 17 amount of the payment bond shall not be less than the amount of the
 18 performance bond.

19 (c) COVERAGE FOR TAXES IN PERFORMANCE BOND.—

20 (1) IN GENERAL.—Every performance bond required under this sec-
 21 tion specifically shall provide coverage for taxes the Government im-
 22 poses which are collected, deducted, or withheld from wages the con-
 23 tractor pays in carrying out the contract with respect to which the
 24 bond is furnished.

25 (2) NOTICE.—The Government shall give the surety on the bond
 26 written notice, with respect to any unpaid taxes attributable to any pe-
 27 riod, within 90 days after the date when the contractor files a return
 28 for the period, except that notice must be given no later than 180 days
 29 from the date when a return for the period was required to be filed
 30 under the Internal Revenue Code of 1986 (26 U.S.C. 1 et seq.).

31 (3) CIVIL ACTION.—The Government may not bring a civil action on
 32 the bond for the taxes—

33 (A) unless notice is given as provided in this subsection; and

34 (B) more than one year after the day on which notice is given.

35 (d) WAIVER OF BONDS FOR CONTRACTS PERFORMED IN FOREIGN COUN-
 36 TRIES.—A contracting officer may waive the requirement of a performance
 37 bond and payment bond for work under a contract that is to be performed
 38 in a foreign country if the officer finds that it is impracticable for the con-
 39 tractor to furnish the bonds.

40 (e) AUTHORITY TO REQUIRE ADDITIONAL BONDS.—This section does not
 41 limit the authority of a contracting officer to require a performance bond

1 or other security in addition to those, or in cases other than the cases, spec-
 2 ified in subsection (b).

3 **§ 3132. Alternatives to payment bonds provided by Federal**
 4 **Acquisition Regulation**

5 (a) IN GENERAL.—The Federal Acquisition Regulation shall provide al-
 6 ternatives to payment bonds as payment protections for suppliers of labor
 7 and materials under contracts referred to in section 3131(a) of this title
 8 that are more than \$25,000 and not more than \$100,000.

9 (b) RESPONSIBILITIES OF CONTRACTING OFFICER.—The contracting offi-
 10 cer for a contract shall—

11 (1) select, from among the payment protections provided for in the
 12 Federal Acquisition Regulation pursuant to subsection (a), one or more
 13 payment protections which the offeror awarded the contract is to sub-
 14 mit to the Federal Government for the protection of suppliers of labor
 15 and materials for the contract; and

16 (2) specify in the solicitation of offers for the contract the payment
 17 protections selected.

18 **§ 3133. Rights of persons furnishing labor or material**

19 (a) RIGHT OF PERSON FURNISHING LABOR OR MATERIAL TO COPY OF
 20 BOND.—The department secretary or agency head of the contracting agency
 21 shall furnish a certified copy of a payment bond and the contract for which
 22 it was given to any person applying for a copy who submits an affidavit
 23 that the person has supplied labor or material for work described in the con-
 24 tract and payment for the work has not been made or that the person is
 25 being sued on the bond. The copy is prima facie evidence of the contents,
 26 execution, and delivery of the original. Applicants shall pay any fees the de-
 27 partment secretary or agency head of the contracting agency fixes to cover
 28 the cost of preparing the certified copy.

29 (b) RIGHT TO BRING A CIVIL ACTION.—

30 (1) IN GENERAL.—Every person that has furnished labor or material
 31 in carrying out work provided for in a contract for which a payment
 32 bond is furnished under section 3131 of this title and that has not been
 33 paid in full within 90 days after the day on which the person did or
 34 performed the last of the labor or furnished or supplied the material
 35 for which the claim is made may bring a civil action on the payment
 36 bond for the amount unpaid at the time the civil action is brought and
 37 may prosecute the action to final execution and judgment for the
 38 amount due.

39 (2) PERSON HAVING DIRECT CONTRACTUAL RELATIONSHIP WITH A
 40 SUBCONTRACTOR.—A person having a direct contractual relationship
 41 with a subcontractor but no contractual relationship, express or im-

1 plied, with the contractor furnishing the payment bond may bring a
 2 civil action on the payment bond on giving written notice to the con-
 3 tractor within 90 days from the date on which the person did or per-
 4 formed the last of the labor or furnished or supplied the last of the
 5 material for which the claim is made. The action must state with sub-
 6 stantial accuracy the amount claimed and the name of the party to
 7 whom the material was furnished or supplied or for whom the labor
 8 was done or performed. The notice shall be served—

9 (A) by any means that provides written, third-party verification
 10 of delivery to the contractor at any place the contractor maintains
 11 an office or conducts business or at the contractor's residence; or

12 (B) in any manner in which the United States marshal of the
 13 district in which the public improvement is situated by law may
 14 serve summons.

15 (3) VENUE.—A civil action brought under this subsection must be
 16 brought—

17 (A) in the name of the United States for the use of the person
 18 bringing the action; and

19 (B) in the United States District Court for any district in which
 20 the contract was to be performed and executed, regardless of the
 21 amount in controversy.

22 (4) PERIOD IN WHICH ACTION MUST BE BROUGHT.—An action
 23 brought under this subsection must be brought no later than one year
 24 after the day on which the last of the labor was performed or material
 25 was supplied by the person bringing the action.

26 (5) LIABILITY OF FEDERAL GOVERNMENT.—The Government is not
 27 liable for the payment of any costs or expenses of any civil action
 28 brought under this subsection.

29 (e) A waiver of the right to bring a civil action on a payment bond re-
 30 quired under this subchapter is void unless the waiver is—

31 (1) in writing;

32 (2) signed by the person whose right is waived; and

33 (3) executed after the person whose right is waived has furnished
 34 labor or material for use in the performance of the contract.

35 **§ 3134. Waivers for certain contracts**

36 (a) MILITARY.—The Secretary of the Army, the Secretary of the Navy,
 37 the Secretary of the Air Force, or the Secretary of Transportation may
 38 waive this subchapter with respect to cost-plus-a-fixed fee and other cost-
 39 type contracts for the construction, alteration, or repair of any public build-
 40 ing or public work of the Federal Government and with respect to contracts
 41 for manufacturing, producing, furnishing, constructing, altering, repairing,

1 processing, or assembling vessels, aircraft, munitions, materiel, or supplies
 2 for the Army, Navy, Air Force, or Coast Guard, respectively, regardless of
 3 the terms of the contracts as to payment or title.

4 (b) TRANSPORTATION.—The Secretary of Transportation may waive this
 5 subchapter with respect to contracts for the construction, alteration, or re-
 6 pair of vessels when the contract is made under sections 1535 and 1536
 7 of title 31, the Merchant Marine Act, 1936 (46 App. U.S.C. 1101 et seq.),
 8 or the Merchant Ship Sales Act of 1946 (50 App. U.S.C. 1735 et seq.),
 9 regardless of the terms of the contracts as to payment or title.

10 SUBCHAPTER IV—WAGE RATE REQUIREMENTS

11 § 3141. Definitions

12 In this subchapter, the following definitions apply:

13 (1) FEDERAL GOVERNMENT.—The term “Federal Government” has
 14 the same meaning that the term “United States” had in the Act of
 15 March 3, 1931 (ch. 411, 46 Stat. 1494 (known as the Davis-Bacon
 16 Act).

17 (2) WAGES, SCALE OF WAGES, WAGE RATES, MINIMUM WAGES, AND
 18 PREVAILING WAGES.—The terms “wages”, “scale of wages”, “wage
 19 rates”, “minimum wages”, and “prevailing wages” include—

20 (A) the basic hourly rate of pay; and

21 (B) for medical or hospital care, pensions on retirement or
 22 death, compensation for injuries or illness resulting from occupa-
 23 tional activity, or insurance to provide any of the forgoing, for un-
 24 employment benefits, life insurance, disability and sickness insur-
 25 ance, or accident insurance, for vacation and holiday pay, for de-
 26 fraying the costs of apprenticeship or other similar programs, or
 27 for other bona fide fringe benefits, but only where the contractor
 28 or subcontractor is not required by other federal, state, or local
 29 law to provide any of those benefits, the amount of—

30 (i) the rate of contribution irrevocably made by a con-
 31 tractor or subcontractor to a trustee or to a third person
 32 under a fund, plan, or program; and

33 (ii) the rate of costs to the contractor or subcontractor that
 34 may be reasonably anticipated in providing benefits to labor-
 35 ers and mechanics pursuant to an enforceable commitment to
 36 carry out a financially responsible plan or program which was
 37 communicated in writing to the laborers and mechanics af-
 38 fected.

39 § 3142. Rate of wages for laborers and mechanics

40 (a) APPLICATION.—The advertised specifications for every contract in ex-
 41 cess of \$2,000, to which the Federal Government or the District of Colum-

1 bia is a party, for construction, alteration, or repair, including painting and
2 decorating, of public buildings and public works of the Government or the
3 District of Columbia that are located in a State or the District of Columbia
4 and which requires or involves the employment of mechanics or laborers
5 shall contain a provision stating the minimum wages to be paid various
6 classes of laborers and mechanics.

7 (b) **BASED ON PREVAILING WAGE.**—The minimum wages shall be based
8 on the wages the Secretary of Labor determines to be prevailing for the cor-
9 responding classes of laborers and mechanics employed on projects of a
10 character similar to the contract work in the civil subdivision of the State
11 in which the work is to be performed, or in the District of Columbia if the
12 work is to be performed there.

13 (c) **STIPULATIONS REQUIRED IN CONTRACT.**—Every contract based upon
14 the specifications referred to in subsection (a) must contain stipulations
15 that—

16 (1) the contractor or subcontractor shall pay all mechanics and la-
17 borers employed directly on the site of the work, unconditionally and
18 at least once a week, and without subsequent deduction or rebate on
19 any account, the full amounts accrued at time of payment, computed
20 at wage rates not less than those stated in the advertised specifications,
21 regardless of any contractual relationship which may be alleged to exist
22 between the contractor or subcontractor and the laborers and mechan-
23 ics;

24 (2) the contractor will post the scale of wages to be paid in a promi-
25 nent and easily accessible place at the site of the work; and

26 (3) there may be withheld from the contractor so much of accrued
27 payments as the contracting officer considers necessary to pay to labor-
28 ers and mechanics employed by the contractor or any subcontractor on
29 the work the difference between the rates of wages required by the con-
30 tract to be paid laborers and mechanics on the work and the rates of
31 wages received by the laborers and mechanics and not refunded to the
32 contractor or subcontractors or their agents.

33 (d) **DISCHARGE OF OBLIGATION.**—The obligation of a contractor or sub-
34 contractor to make payment in accordance with the prevailing wage deter-
35 minations of the Secretary of Labor, under this subchapter and other laws
36 incorporating this subchapter by reference, may be discharged by making
37 payments in cash, by making contributions described in section
38 3141(2)(B)(i) of this title, by assuming an enforceable commitment to bear
39 the costs of a plan or program referred to in section 3141(2)(B)(ii) of this
40 title, or by any combination of payment, contribution, and assumption,
41 where the aggregate of the payments, contributions, and costs is not less

1 than the basic hourly rate of pay plus the amount referred to in section
2 3141(2)(B).

3 (e) OVERTIME PAY.—In determining the overtime pay to which a laborer
4 or mechanic is entitled under any federal law, the regular or basic hourly
5 rate of pay (or other alternative rate on which premium rate of overtime
6 compensation is computed) of the laborer or mechanic is deemed to be the
7 rate computed under section 3141(2)(A) of this title, except that where the
8 amount of payments, contributions, or costs incurred with respect to the la-
9 borer or mechanic exceeds the applicable prevailing wage, the regular or
10 basic hourly rate of pay (or other alternative rate) is the amount of pay-
11 ments, contributions, or costs actually incurred with respect to the laborer
12 or mechanic minus the greater of the amount of contributions or costs of
13 the types described in section 3141(2)(B) of this title actually incurred with
14 respect to the laborer or mechanic or the amount determined under section
15 3141(2)(B) but not actually paid.

16 **§ 3143. Termination of work on failure to pay agreed wages**

17 Every contract within the scope of this subchapter shall contain a provi-
18 sion that if the contracting officer finds that any laborer or mechanic em-
19 ployed by the contractor or any subcontractor directly on the site of the
20 work covered by the contract has been or is being paid a rate of wages less
21 than the rate of wages required by the contract to be paid, the Federal Gov-
22 ernment by written notice to the contractor may terminate the contractor's
23 right to proceed with the work or the part of the work as to which there
24 has been a failure to pay the required wages. The Government may have
25 the work completed, by contract or otherwise, and the contractor and the
26 contractor's sureties shall be liable to the Government for any excess costs
27 the Government incurs.

28 **§ 3144. Authority of Comptroller General to pay wages and**
29 **list contractors violating contracts**

30 (a) PAYMENT OF WAGES.—

31 (1) IN GENERAL.—The Comptroller General shall pay directly to la-
32 borers and mechanics from any accrued payments withheld under the
33 terms of a contract any wages found to be due laborers and mechanics
34 under this subchapter.

35 (2) RIGHT OF ACTION.—If the accrued payments withheld under the
36 terms of the contract are insufficient to reimburse all the laborers and
37 mechanics who have not been paid the wages required under this sub-
38 chapter, the laborers and mechanics have the same right to bring a civil
39 action and intervene against the contractor and the contractor's sure-
40 ties as is conferred by law on persons furnishing labor or materials.

41 In those proceedings it is not a defense that the laborers and mechan-

1 ics accepted or agreed to accept less than the required rate of wages
2 or voluntarily made refunds.

3 (b) LIST OF CONTRACTORS VIOLATING CONTRACTS.—

4 (1) IN GENERAL.—The Comptroller General shall distribute to all
5 departments of the Federal Government a list of the names of persons
6 whom the Comptroller General has found to have disregarded their ob-
7 ligations to employees and subcontractors.

8 (2) RESTRICTION ON AWARDING CONTRACTS.—No contract shall be
9 awarded to persons appearing on the list or to any firm, corporation,
10 partnership, or association in which the persons have an interest until
11 three years have elapsed from the date of publication of the list.

12 **§ 3145. Regulations governing contractors and subcontrac-**
13 **tors**

14 (a) IN GENERAL.—The Secretary of Labor shall prescribe reasonable reg-
15 ulations for contractors and subcontractors engaged in constructing, car-
16 rying out, completing, or repairing public buildings, public works, or build-
17 ings or works that at least partly are financed by a loan or grant from the
18 Federal Government. The regulations shall include a provision that each
19 contractor and subcontractor each week must furnish a statement on the
20 wages paid each employee during the prior week.

21 (b) APPLICATION.—Section 1001 of title 18 applies to the statements.

22 **§ 3146. Effect on other federal laws**

23 This subchapter does not supersede or impair any authority otherwise
24 granted by federal law to provide for the establishment of specific wage
25 rates.

26 **§ 3147. Suspension of this subchapter during a national**
27 **emergency**

28 The President may suspend the provisions of this subchapter during a na-
29 tional emergency.

30 **§ 3148. Application of this subchapter to certain contracts**

31 This subchapter applies to a contract authorized by law that is made
32 without regard to section 3709 of the Revised Statutes (41 U.S.C. 5), or
33 on a cost-plus-a-fixed-fee basis or otherwise without advertising for pro-
34 posals, if this subchapter otherwise would apply to the contract.

35 SUBCHAPTER V—VOLUNTEER SERVICES

36 **§ 3161. Purpose**

37 It is the purpose of this subchapter to promote and provide opportunities
38 for individuals who wish to volunteer their services to state or local govern-
39 ments, public agencies, or nonprofit charitable organizations in the construc-
40 tion, repair, or alteration (including painting and decorating) of public
41 buildings and public works that at least partly are financed with federal fi-

1 nancial assistance authorized under certain federal programs and that oth-
 2 erwise might not be possible without the use of volunteers.

3 **§ 3162. Waiver for individuals who perform volunteer serv-**
 4 **ices**

5 (a) CRITERIA FOR RECEIVING WAIVER.—The requirement that certain la-
 6 borers and mechanics be paid in accordance with the wage-setting provisions
 7 of subchapter IV of this chapter as set forth in the Indian Self-Determina-
 8 tion and Education Assistance Act (25 U.S.C. 450 et seq.), the Indian
 9 Health Care Improvement Act (25 U.S.C. 1601 et seq.), and the Housing
 10 and Community Development Act of 1974 (42 U.S.C. 5301 et seq.) does
 11 not apply to an individual—

12 (1) who volunteers to perform a service directly to a state or local
 13 government, a public agency, or a public or private nonprofit recipient
 14 of federal assistance—

15 (A) for civic, charitable, or humanitarian reasons;

16 (B) only for the personal purpose or pleasure of the individual;

17 (C) without promise, expectation, or receipt of compensation for
 18 services rendered, except as provided in subsection (b); and

19 (D) freely and without pressure or coercion, direct or implied,
 20 from any employer;

21 (2) whose contribution of service is not for the direct or indirect ben-
 22 efit of any contractor otherwise performing or seeking to perform work
 23 on the same project for which the individual is volunteering;

24 (3) who is not employed by and does not provide services to a con-
 25 tractor or subcontractor at any time on the federally assisted or in-
 26 sured project for which the individual is volunteering; and

27 (4) who otherwise is not employed by the same public agency or re-
 28 cipient of federal assistance to perform the same type of services as
 29 those for which the individual proposes to volunteer.

30 (b) PAYMENTS.—

31 (1) IN ACCORDANCE WITH REGULATIONS.—Volunteers described in
 32 subsection (a) who are performing services directly to a state or local
 33 government or public agency may receive payments of expenses, reason-
 34 able benefits, or a nominal fee only in accordance with regulations the
 35 Secretary of Labor prescribes. Volunteers who are performing services
 36 directly to a public or private nonprofit entity may not receive those
 37 payments.

38 (2) CRITERIA AND CONTENT OF REGULATIONS.—In prescribing the
 39 regulations, the Secretary shall consider criteria such as the total
 40 amount of payments made (relating to expenses, benefits, or fees) in

1 the context of the economic realities. The regulations shall include pro-
2 visions that provide that—

3 (A) a payment for an expense may be received by a volunteer
4 for items such as uniform allowances, protective gear and clothing,
5 reimbursement for approximate out-of-pocket expenses, or the cost
6 or expense of meals and transportation;

7 (B) a reasonable benefit may include the inclusion of a volun-
8 teer in a group insurance plan (such as a liability, health, life, dis-
9 ability, or worker’s compensation plan) or pension plan, or the
10 awarding of a length of service award; and

11 (C) a nominal fee may not be used as a substitute for com-
12 pensation and may not be connected to productivity.

13 (3) **NOMINAL FEE.**—The Secretary shall decide what constitutes a
14 nominal fee for purposes of paragraph (2)(C). The decision shall be
15 based on the context of the economic realities of the situation involved.

16 (e) **ECONOMIC REALITY.**—In determining whether an expense, benefit, or
17 fee described in subsection (b) may be paid to volunteers in the context of
18 the economic realities of the particular situation, the Secretary may not per-
19 mit any expense, benefit, or fee that has the effect of undermining labor
20 standards by creating downward pressure on prevailing wages in the local
21 construction industry.

22 SUBCHAPTER VI—MISCELLANEOUS

23 **§ 3171. Contract authority when appropriation is for less** 24 **than full amount**

25 Unless specifically directed otherwise, the Administrator of General Serv-
26 ices may make a contract within the full limit of the cost fixed by Congress
27 for the acquisition of land for sites, or for the enlargement of sites, for pub-
28 lic buildings, or for the erection, remodeling, extension, alteration, and re-
29 pairs of public buildings, even though an appropriation is made for only
30 part of the amount necessary to carry out legislation authorizing that pur-
31 pose.

32 **§ 3172. Extension of state workers’ compensation laws to** 33 **buildings, works, and property of the Federal Gov-** 34 **ernment**

35 (a) **AUTHORIZATION OF EXTENSION.**—The state authority charged with
36 enforcing and requiring compliance with the state workers’ compensation
37 laws and with the orders, decisions, and awards of the authority may apply
38 the laws to all land and premises in the State which the Federal Govern-
39 ment owns or holds by deed or act of cession, and to all projects, buildings,
40 constructions, improvements, and property in the State and belonging to the
41 Government, in the same way and to the same extent as if the premises

1 were under the exclusive jurisdiction of the State in which the land, prem-
 2 ises, projects, buildings, constructions, improvements, or property are lo-
 3 cated.

4 (b) LIMITATION ON RELINQUISHING JURISDICTION.—The Government
 5 under this section does not relinquish its jurisdiction for any other purpose.

6 (c) NONAPPLICATION.—This section does not modify or amend sub-
 7 chapter I of chapter 81 of title 5.

8 **§ 3173. Working capital fund for blueprinting, photostating,
 9 and duplicating services in General Services Ad-
 10 ministration**

11 (a) ESTABLISHMENT AND PURPOSE.—There is a working capital fund for
 12 the payment of salaries and other expenses necessary to the operation of
 13 a central blue-printing, photostating, and duplicating service.

14 (b) COMPONENTS.—The fund consists of—

15 (1) \$50,000 without fiscal year limitation; and

16 (2) reimbursements from available amounts of constituents of the
 17 Administrator of General Services, or of any other federal agency for
 18 which services are performed, at rates to be determined by the Admin-
 19 istrator on the basis of estimated or actual charges for personal serv-
 20 ices, material, equipment (including maintenance, repair, and deprecia-
 21 tion on existing and new equipment) and other expenses, to ensure con-
 22 tinuous operation.

23 (c) DEPOSIT OF EXCESS AMOUNTS IN THE TREASURY.—At the close of
 24 each fiscal year any excess amount resulting from operation of the service,
 25 after adequately providing for the replacement of mechanical and other
 26 equipment and for accrued annual leave of employees engaged in this work
 27 by the establishment of reserves for those purposes, shall be deposited in
 28 the Treasury as miscellaneous receipts.

29 **§ 3174. Operation of public utility communications services
 30 serving governmental activities**

31 The Administrator of General Services may provide and operate public
 32 utility communications services serving any governmental activity when the
 33 services are economical and in the interest of the Federal Government. This
 34 section does not apply to communications systems for handling messages of
 35 a confidential or secret nature, the operation of cryptographic equipment or
 36 transmission of secret, security, or coded messages, or buildings operated
 37 or occupied by the United States Postal Service, except on request of the
 38 department or agency concerned.

39 **§ 3175. Acceptance of gifts of property**

40 The Administrator of General Services, and the United States Postal
 41 Service where that office is concerned, may accept on behalf of the Federal

1 Government unconditional gifts of property in aid of any project or function
2 within their respective jurisdictions.

3 **§3176. Administrator of General Services to furnish serv-**
4 **ices in continental United States to international**
5 **bodies**

6 Sections 1535 and 1536 of title 31 are extended so that the Adminis-
7 trator of General Services, at the request of the Secretary of State, may
8 furnish services in the continental United States, on a reimbursable basis,
9 to any international body with which the Federal Government is affiliated.

10 **CHAPTER 33—ACQUISITION, CONSTRUCTION, AND**
11 **ALTERATION**

Sec.

- 3301. Definitions and nonapplication.
- 3302. Prohibition on construction of buildings except by Administrator of General Services.
- 3303. Continuing investigation and survey of public buildings.
- 3304. Acquisition of buildings and sites.
- 3305. Construction and alteration of buildings.
- 3306. Accommodating federal agencies.
- 3307. Congressional approval of proposed projects.
- 3308. Architectural or engineering services.
- 3309. Buildings and sites in the District of Columbia.
- 3310. Special rules for leased buildings.
- 3311. State administration of criminal and health and safety laws.
- 3312. Compliance with nationally recognized codes.
- 3313. Delegation.
- 3314. Report to Congress.
- 3315. Certain authority not affected.

12 **§ 3301. Definitions and nonapplication**

13 (a) DEFINITIONS.—In this chapter—

14 (1) ALTER.—The term “alter” includes—

15 (A) preliminary planning, engineering, architectural, legal, fis-
16 cal, and economic investigations and studies, surveys, designs,
17 plans, working drawings, specifications, procedures, and other
18 similar actions necessary for the alteration of a public building;
19 and

20 (B) repairing, remodeling, improving, or extending, or other
21 changes in, a public building.

22 (2) CONSTRUCT.—The term “construct” includes preliminary plan-
23 ning, engineering, architectural, legal, fiscal, and economic investiga-
24 tions and studies, surveys, designs, plans, working drawings, specifica-
25 tions, procedures, and other similar actions necessary for the construc-
26 tion of a public building.

27 (3) EXECUTIVE AGENCY.—The term “executive agency” means an ex-
28 ecutive department or independent establishment in the executive
29 branch of the Federal Government, including—

30 (A) any wholly owned Government corporation;

1 (B) the Central-Bank for Cooperatives and the regional banks
2 for cooperatives;

3 (C) federal land banks;

4 (D) federal intermediate credit banks;

5 (E) the Federal Deposit Insurance Corporation; and

6 (F) the Government National Mortgage Association.

7 (4) FEDERAL AGENCY.—The term “federal agency” means an execu-
8 tive agency or an establishment in the legislative or judicial branch of
9 the Government (except the Senate, the House of Representatives, and
10 the Architect of the Capitol and any activities under the direction of
11 the Architect).

12 (5) PUBLIC BUILDING.—The term “public building”—

13 (A) means a building, whether for single or multitenant occu-
14 pancy, and its grounds, approaches, and appurtenances, which is
15 generally suitable for use as office or storage space or both by one
16 or more federal agencies or mixed-ownership Government corpora-
17 tions;

18 (B) includes—

19 (i) federal office buildings;

20 (ii) post offices;

21 (iii) customhouses;

22 (iv) courthouses;

23 (v) appraisers stores;

24 (vi) border inspection facilities;

25 (vii) warehouses;

26 (viii) record centers;

27 (ix) relocation facilities;

28 (x) telecommuting centers;

29 (xi) similar federal facilities; and

30 (xii) any other buildings or construction projects the inclu-
31 sion of which the President considers to be justified in the
32 public interest; but

33 (C) does not include a building or construction project described
34 in subparagraphs (A) and (B)—

35 (i) that is on the public domain (including that reserved for
36 national forests and other purposes);

37 (ii) that is on property of the Government in foreign coun-
38 tries;

39 (iii) that is on Indian and native Eskimo property held in
40 trust by the Government;

1 (iv) that is on land used in connection with federal pro-
 2 grams for agricultural, recreational, and conservation pur-
 3 poses, including research in connection with the programs;

4 (v) that is on or used in connection with river, harbor,
 5 flood control, reclamation or power projects, for chemical
 6 manufacturing or development projects, or for nuclear pro-
 7 duction, research, or development projects;

8 (vi) that is on or used in connection with housing and resi-
 9 dential projects;

10 (vii) that is on military installations (including any fort,
 11 camp, post, naval training station, airfield, proving ground,
 12 military supply depot, military school, or any similar facility
 13 of the Department of Defense);

14 (viii) that is on installations of the Department of Veterans
 15 Affairs used for hospital or domiciliary purposes; or

16 (ix) the exclusion of which the President considers to be
 17 justified in the public interest.

18 (6) UNITED STATES.—The term “United States” includes the States
 19 of the United States, the District of Columbia, Puerto Rico, and the
 20 territories and possessions of the United States.

21 (b) NONAPPLICATION.—This chapter does not apply to the construction
 22 of any public building to which section 241(g) of the Immigration and Na-
 23 tionality Act (8 U.S.C. 1231(g)) or section 1 of the Act of June 26, 1930
 24 (19 U.S.C. 68) applies.

25 **§ 3302. Prohibition on construction of buildings except by**
 26 **Administrator of General Services**

27 Only the Administrator of General Services may construct a public build-
 28 ing. The Administrator shall construct a public building in accordance with
 29 this chapter.

30 **§ 3303. Continuing investigation and survey of public build-**
 31 **ings**

32 (a) CONDUCTED BY ADMINISTRATOR.—The Administrator of General
 33 Services shall—

34 (1) make a continuing investigation and survey of the public build-
 35 ings needs of the Federal Government so that the Administrator may
 36 carry out the duties of the Administrator under this chapter; and

37 (2) submit to Congress prospectuses of proposed projects in accord-
 38 ance with section 3307(a) and (b) of this title.

39 (b) COOPERATION WITH FEDERAL AGENCIES.—

40 (1) DUTIES OF ADMINISTRATOR.—In carrying out the duties of the
 41 Administrator under this chapter, the Administrator—

1 (A) shall cooperate with all federal agencies in order to keep in-
2 formed of their needs;

3 (B) shall advise each federal agency of the program with respect
4 to the agency; and

5 (C) may request the cooperation and assistance of each federal
6 agency in carrying out duties under this chapter.

7 (2) DUTY OF FEDERAL AGENCIES.—Each federal agency shall co-
8 operate with, advise, and assist the Administrator in carrying out the
9 duties of the Administrator under this chapter as determined necessary
10 by the Administrator to carry out the purposes of this chapter.

11 (c) REQUEST FOR IDENTIFICATION OF EXISTING BUILDINGS OF HISTOR-
12 ICAL, ARCHITECTURAL, OR CULTURAL SIGNIFICANCE.—When the Adminis-
13 trator undertakes a survey of the public buildings needs of the Government
14 within a geographical area, the Administrator shall request that, within 60
15 days, the Advisory Council on Historic Preservation established by title II
16 of the National Historic Preservation Act (16 U.S.C. 470i et seq.) identify
17 any existing buildings in the geographical area that—

18 (1) are of historical, architectural, or cultural significance (as defined
19 in section 3306(a) of this title); and

20 (2) whether or not in need of repair, alteration, or addition, would
21 be suitable for acquisition to meet the public buildings needs of the
22 Government.

23 (d) STANDARD FOR CONSTRUCTION AND ACQUISITION OF PUBLIC
24 BUILDINGS.—In carrying out the duties of the Administrator under this
25 chapter, the Administrator shall provide for the construction and acquisition
26 of public buildings equitably throughout the United States with due regard
27 to the comparative urgency of the need for each particular building. In de-
28 veloping plans for new buildings, the Administrator shall give due consider-
29 ation to excellence of architecture and design.

30 **§ 3304. Acquisition of buildings and sites**

31 (a) IN GENERAL.—The Administrator of General Services may acquire,
32 by purchase, condemnation, donation, exchange, or otherwise, any building
33 and its site which the Administrator decides is necessary to carry out the
34 duties of the Administrator under this chapter.

35 (b) ACQUISITION OF LAND OR INTEREST IN LAND FOR USE AS SITES.—
36 The Administrator may acquire land or an interest in land the Adminis-
37 trator considers necessary for use as sites, or additions to sites, for public
38 buildings authorized to be constructed or altered under this chapter.

39 (c) PUBLIC BUILDINGS USED FOR POST OFFICE PURPOSES.—When any
40 part of a public building is to be used for post office purposes, the Adminis-
41 trator shall act jointly with the United States Postal Service in selecting the

1 town or city where the building is to be constructed, and in selecting the
2 site in the town or city for the building.

3 (d) SOLICITATION OF PROPOSALS FOR SALE, DONATION, OR EXCHANGE
4 OF REAL PROPERTY.—When the Administrator is to acquire a site under
5 subsection (b), the Administrator, if the Administrator considers it nec-
6 essary, by public advertisement may solicit proposals for the sale, donation,
7 or exchange of real property to the Federal Government to be used as the
8 site. In selecting a site under subsection (b) the Administrator (with the
9 concurrence of the United States Postal Service if any part of the public
10 building to be constructed on the site is to be used for post office purposes)
11 may—

12 (1) select the site that the Administrator believes is the most advan-
13 tageous to the Government, all factors considered; and

14 (2) acquire the site without regard to title III of the Federal Prop-
15 erty and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.).

16 **§ 3305. Construction and alteration of buildings**

17 (a) CONSTRUCTION.—

18 (1) REPLACEMENT OF EXISTING BUILDINGS.—When the Adminis-
19 trator of General Services considers it to be in the best interest of the
20 Federal Government to construct a new public building to take the
21 place of an existing public building, the Administrator may demolish
22 the existing building and use the site on which it is located for the site
23 of the proposed public building. If the Administrator believes that it
24 is more advantageous to construct the public building on a different
25 site in the same city, the Administrator may exchange the building and
26 site, or the site, for another site, or may sell the building and site in
27 accordance with subtitle I of this title and title III of the Federal Prop-
28 erty and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.).

29 (2) SALE OR EXCHANGE OF SITES.—When the Administrator decides
30 that a site acquired for the construction of a public building is not suit-
31 able for that purpose, the Administrator may exchange the site for an-
32 other site, or may sell it in accordance with subtitle I of this title and
33 title III of the Federal Property and Administrative Services Act of
34 1949 (41 U.S.C. 251 et seq.).

35 (3) COMMITTEE APPROVAL REQUIRED.—This subsection does not
36 permit the Administrator to use any land as a site for a public building
37 if the project has not been approved in accordance with section 3307
38 of this title.

39 (b) ALTERATION OF BUILDINGS.—

40 (1) AUTHORITY TO ALTER BUILDINGS AND ACQUIRE LAND.—The
41 Administrator may—

- 1 (A) alter any public building; and
2 (B) acquire in accordance with section 3304(b)–(d) of this title
3 land necessary to carry out the alteration.

4 (2) COMMITTEE APPROVAL NOT REQUIRED.—

5 (A) THRESHOLD AMOUNT.—Approval under section 3307 of
6 this title is not required for any alteration and acquisition author-
7 ized by this subsection for which the estimated maximum cost does
8 not exceed \$1,500,000.

9 (B) DOLLAR AMOUNT ADJUSTMENT.—The Administrator annu-
10 ally may adjust the dollar amount referred to in subparagraph (A)
11 to reflect a percentage increase or decrease in construction costs
12 during the prior calendar year, as determined by the composite
13 index of construction costs of the Department of Commerce. Any
14 adjustment shall be expeditiously reported to the Committee on
15 Environment and Public Works of the Senate and the Committee
16 on Transportation and Infrastructure of the House of Representa-
17 tives.

18 (c) CONSTRUCTION OR ALTERATION BY CONTRACT.—The Administrator
19 may carry out any construction or alteration authorized by this chapter by
20 contract if the Administrator considers it to be most advantageous to the
21 Government.

22 **§ 3306. Accommodating federal agencies**

23 (a) DEFINITIONS.—In this section—

24 (1) COMMERCIAL ACTIVITIES.—The term “commercial activities” in-
25 cludes the operations of restaurants, food stores, craft stores, dry goods
26 stores, financial institutions, and display facilities.

27 (2) CULTURAL ACTIVITIES.—The term “cultural activities” includes
28 film, dramatic, dance, and musical presentations, and fine art exhibits,
29 whether or not those activities are intended to make a profit.

30 (3) EDUCATIONAL ACTIVITIES.—The terms “educational activities”
31 includes the operations of libraries, schools, day care centers, labora-
32 tories, and lecture and demonstration facilities.

33 (4) HISTORICAL, ARCHITECTURAL, OR CULTURAL SIGNIFICANCE.—
34 The term “historical, architectural, or cultural significance” includes
35 buildings listed or eligible to be listed on the National Register estab-
36 lished under section 101 of the National Historic Preservation Act (16
37 U.S.C. 470a).

38 (5) RECREATIONAL ACTIVITIES.—The term “recreational activities”
39 includes the operations of gymnasiums and related facilities.

1 (6) UNIT OF GENERAL LOCAL GOVERNMENT.—The term “unit of
2 general local government” means a city, county, town, parish, village,
3 or other general-purpose political subdivision of a State.

4 (b) DUTIES OF ADMINISTRATOR.—To carry out the duties of the Admin-
5 istrator of General Services under sections 581(h), 584(b), 3303(e), and
6 3307(b)(3) and (5) of this title and under any other authority with respect
7 to constructing, operating, maintaining, altering, and otherwise managing or
8 acquiring space necessary to accommodate federal agencies and to accom-
9 plish the purposes of sections 581(h), 584(b), 3303(e), and 3307(b)(3) and
10 (5), the Administrator shall—

11 (1) acquire and utilize space in suitable buildings of historical, archi-
12 tectural, or cultural significance, unless use of the space would not
13 prove feasible and prudent compared with available alternatives;

14 (2) encourage the location of commercial, cultural, educational, and
15 recreational facilities and activities in public buildings;

16 (3) provide and maintain space, facilities, and activities, to the extent
17 practicable, that encourage public access to, and stimulate public pe-
18 destrian traffic around, into, and through, public buildings, permitting
19 cooperative improvements to and uses of the area between the building
20 and the street, so that the activities complement and supplement com-
21 mercial, cultural, educational, and recreational resources in the neigh-
22 borhood of public buildings; and

23 (4) encourage the public use of public buildings for cultural, edu-
24 cational, and recreational activities.

25 (c) CONSULTATION AND SOLICITATION OF COMMENTS.—In carrying out
26 the duties under subsection (b), the Administrator shall—

27 (1) consult with chief executive officers of the States, areawide agen-
28 cies established pursuant to title II of the Demonstration Cities and
29 Metropolitan Development Act of 1966 (42 U.S.C. 3331 et seq.) and
30 section 6506 of title 31, and chief executive officers of those units of
31 general local government in each area served by an existing or proposed
32 public building; and

33 (2) solicit the comments of other community leaders and members
34 of the general public as the Administrator considers appropriate.

35 **§ 3307. Congressional approval of proposed projects**

36 (a) RESOLUTIONS REQUIRED BEFORE APPROPRIATIONS MAY BE
37 MADE.—The following appropriations may be made only if the Committee
38 on Environment and Public Works of the Senate and the Committee on
39 Transportation and Infrastructure of the House of Representatives adopt
40 resolutions approving the purpose for which the appropriation is made:

1 (1) An appropriation to construct, alter, or acquire any building to
 2 be used as a public building which involves a total expenditure in excess
 3 of \$1,500,000, so that the equitable distribution of public buildings
 4 throughout the United States with due regard for the comparative ur-
 5 gency of need for the buildings, except as provided in section 3305(b)
 6 of this title, is ensured.

7 (2) An appropriation to lease any space at an average annual rental
 8 in excess of \$1,500,000 for use for public purposes.

9 (3) An appropriation to alter any building, or part of the building,
 10 which is under lease by the Federal Government for use for a public
 11 purpose if the cost of the alteration will exceed \$750,000.

12 (b) TRANSMISSION TO CONGRESS OF PROSPECTUS OF PROPOSED
 13 PROJECT.—To secure consideration for the approval referred to in sub-
 14 section (a), the Administrator of General Services shall transmit to Con-
 15 gress a prospectus of the proposed facility, including—

16 (1) a brief description of the building to be constructed, altered, or
 17 acquired, or the space to be leased, under this chapter;

18 (2) the location of the building or space to be leased and an estimate
 19 of the maximum cost to the Government of the facility to be con-
 20 structed, altered, or acquired, or the space to be leased;

21 (3) a comprehensive plan for providing space for all Government offi-
 22 cers and employees in the locality of the proposed facility or the space
 23 to be leased, having due regard for suitable space which may continue
 24 to be available in existing Government-owned or occupied buildings, es-
 25 pecially those buildings that enhance the architectural, historical, so-
 26 cial, cultural, and economic environment of the locality;

27 (4) with respect to any project for the construction, alteration, or ac-
 28 quisition of any building, a statement by the Administrator that suit-
 29 able space owned by the Government is not available and that suitable
 30 rental space is not available at a price commensurate with that to be
 31 afforded through the proposed action;

32 (5) a statement by the Administrator of the economic and other jus-
 33 tifications for not acquiring a building identified to the Administrator
 34 under section 3303(c) of this title as suitable for the public building
 35 needs of the Government; and

36 (6) a statement of rents and other housing costs currently being paid
 37 by the Government for federal agencies to be housed in the building
 38 to be constructed, altered, or acquired, or the space to be leased.

39 (c) INCREASE OF ESTIMATED MAXIMUM COST.—The estimated maximum
 40 cost of any project approved under this section as set forth in any pro-
 41 spectus may be increased by an amount equal to any percentage increase,

1 as determined by the Administrator, in construction or alteration costs from
2 the date the prospectus is transmitted to Congress. The increase authorized
3 by this subsection may not exceed 10 percent of the estimated maximum
4 cost.

5 (d) RESCISSION OF APPROVAL.— If an appropriation is not made within
6 one year after the date a project for construction, alteration, or acquisition
7 is approved under subsection (a), the Committee on Environment and Pub-
8 lic Works of the Senate or the Committee on Transportation and Infrastruc-
9 ture of the House of Representatives by resolution may rescind its approval
10 before an appropriation is made.

11 (e) EMERGENCY LEASES BY THE ADMINISTRATOR.—This section does
12 not prevent the Administrator from entering into emergency leases during
13 any period declared by the President to require emergency leasing authority.
14 An emergency lease may not be for more than 180 days without approval
15 of a prospectus for the lease in accordance with subsection (a).

16 (f) LIMITATION ON LEASING CERTAIN SPACE.—

17 (1) IN GENERAL.—The Administrator may not lease space to accom-
18 modate any of the following if the average rental cost of leasing the
19 space will exceed \$1,500,000:

20 (A) Computer and telecommunications operations.

21 (B) Secure or sensitive activities related to the national defense
22 or security, except when it would be inappropriate to locate those
23 activities in a public building or other facility identified with the
24 Government.

25 (C) A permanent courtroom, judicial chamber, or administrative
26 office for any United States court.

27 (2) EXCEPTION.—The Administrator may lease space with respect to
28 which paragraph (1) applies if the Administrator—

29 (A) decides, for reasons set forth in writing, that leasing the
30 space is necessary to meet requirements which cannot be met in
31 public buildings; and

32 (B) submits the reasons to the Committee on Environment and
33 Public Works of the Senate and the Committee on Transportation
34 and Infrastructure of the House of Representatives.

35 (g) DOLLAR AMOUNT ADJUSTMENT.—The Administrator annually may
36 adjust any dollar amount referred to in this section to reflect a percentage
37 increase or decrease in construction costs during the prior calendar year,
38 as determined by the composite index of construction costs of the Depart-
39 ment of Commerce. Any adjustment shall be expeditiously reported to the
40 Committee on Environment and Public Works of the Senate and the Com-

1 mittee on Transportation and Infrastructure of the House of Representa-
2 tives.

3 **§ 3308. Architectural or engineering services**

4 (a) EMPLOYMENT BY ADMINISTRATOR.—When the Administrator of Gen-
5 eral Services decides it to be necessary, the Administrator may employ, by
6 contract or otherwise, without regard to chapters 33 and 51 and subchapter
7 III of chapter 53 of title 5, civil service rules and regulations, or section
8 3709 of the Revised Statutes (41 U.S.C. 5), the services of established ar-
9 chitectural or engineering corporations, firms, or individuals, to the extent
10 the Administrator may require those services for any public building author-
11 ized to be constructed or altered under this chapter.

12 (b) EMPLOYMENT ON PERMANENT BASIS NOT PERMITTED.—A corpora-
13 tion, firm, or individual shall not be employed under authority of subsection
14 (a) on a permanent basis.

15 (c) RESPONSIBILITY OF ADMINISTRATOR.—Notwithstanding any other
16 provision of this section, the Administrator is responsible for all construc-
17 tion authorized by this chapter, including the interpretation of construction
18 contracts, approval of material and workmanship supplied under a construc-
19 tion contract, approval of changes in the construction contract, certification
20 of vouchers for payments due the contractor, and final settlement of the
21 contract.

22 **§ 3309. Buildings and sites in the District of Columbia**

23 (a) IN GENERAL.—The purposes of this chapter shall be carried out in
24 the District of Columbia as nearly as may be practicable in harmony with
25 the plan of Peter Charles L'Enfant. Public buildings shall be constructed
26 or altered to combine architectural beauty with practical utility.

27 (b) CLOSING OF STREETS AND ALLEYS.—When the Administrator of
28 General Services decides that constructing or altering a public building
29 under this chapter in the District of Columbia requires using contiguous
30 squares as a site for the building, parts of streets that lie between the
31 squares, and alleys that intersect the squares, may be closed and vacated
32 if agreed to by the Administrator, the Council of the District of Columbia,
33 and the National Capital Planning Commission. Those streets and alleys be-
34 come part of the site.

35 (c) CONSULTATIONS PRIOR TO ACQUISITIONS.—

36 (1) WITH HOUSE OFFICE BUILDING COMMISSION.—The Adminis-
37 trator must consult with the House Office Building Commission cre-
38 ated by the Act of March 4, 1907 (ch. 2918, 34 Stat. 1365), before
39 the Administrator may acquire land located south of Independence Ave-
40 nue, between Third Street SW and Eleventh Street SE, in the District
41 of Columbia, for use as a site or an addition to a site.

1 (2) WITH ARCHITECT OF CAPITOL.—The Administrator must consult
2 with the Architect of the Capitol before the Administrator may acquire
3 land located in the area extending from the United States Capitol
4 Grounds to Eleventh Street NE and SE and bounded by Independence
5 Avenue on the south and G Street NE on the north, in the District
6 of Columbia, for use as a site or an addition to a site.

7 (d) CONTRACTS FOR EVENTS IN STADIUM.—Notwithstanding the District
8 of Columbia Stadium Act of 1957 (Public Law 85–300, 71 Stat. 619) or
9 any other provision of law, the Armory Board may make contracts to con-
10 duct events in Robert F. Kennedy Stadium.

11 **§ 3310. Special rules for leased buildings**

12 For any building to be constructed for lease to, and for predominant use
13 by, the Federal Government, the Administrator of General Services—

14 (1) notwithstanding section 585(a)(1) of this title, shall not make
15 any agreement or undertake any commitment which will result in the
16 construction of the building until the Administrator has established de-
17 tailed specification requirements for the building;

18 (2) may acquire a leasehold interest in the building only by the use
19 of competitive procedures required by section 303 of the Federal Prop-
20 erty and Administrative Services Act of 1949 (41 U.S.C. 253);

21 (3) shall inspect every building during construction to establish that
22 the specifications established for the building are complied with;

23 (4) on completion of the building, shall evaluate the building to de-
24 termine the extent of failure to comply with the specifications referred
25 to in clause (1); and

26 (5) shall ensure that any contract entered into for the building shall
27 contain provisions permitting a reduction of rent during any period
28 when the building is not in compliance with the specifications.

29 **§ 3311. State administration of criminal and health and safe-**
30 **ty laws**

31 When the Administrator of General Services considers it desirable, the
32 Administrator may assign to a State or a territory or possession of the
33 United States any part of the authority of the Federal Government to ad-
34 minister criminal laws and health and safety laws with respect to land or
35 an interest in land under the control of the Administrator and located in
36 the State, territory, or possession. Assignment of authority under this sec-
37 tion may be accomplished by filing with the chief executive officer of the
38 State, territory, or possession a notice of assignment to take effect on ac-
39 ceptance, or in another manner as may be prescribed by the laws of the
40 State, territory, or possession in which the land or interest is located.

1 **§ 3312. Compliance with nationally recognized codes**

2 (a) APPLICATION.—

3 (1) IN GENERAL.—This section applies to any project for construc-
4 tion or alteration of a building for which amounts are first appro-
5 priated for a fiscal year beginning after September 30, 1989.

6 (2) NATIONAL SECURITY WAIVER.—This section does not apply to a
7 building for which the Administrator of General Services or the head
8 of the federal agency authorized to construct or alter the building de-
9 cides that the application of this section to the building would adversely
10 affect national security. A decision under this subsection is not subject
11 to administrative or judicial review.

12 (b) BUILDING CODES.—Each building constructed or altered by the Gen-
13 eral Services Administration or any other federal agency shall be con-
14 structed or altered, to the maximum extent feasible as determined by the
15 Administrator or the head of the federal agency, in compliance with one of
16 the nationally recognized model building codes and with other applicable na-
17 tionally recognized codes, including electrical codes, fire and life safety
18 codes, and plumbing codes, as the Administrator decides is appropriate. In
19 carrying out this subsection, the Administrator or the head of the federal
20 agency shall use the latest edition of the nationally recognized codes.

21 (c) ZONING LAWS.—Each building constructed or altered by the Adminis-
22 tration or any other federal agency shall be constructed or altered only after
23 consideration of all requirements (except procedural requirements) of the
24 following laws of a State or a political subdivision of a State, which would
25 apply to the building if it were not a building constructed or altered by a
26 federal agency:

27 (1) Zoning laws.

28 (2) Laws relating to landscaping, open space, minimum distance of
29 a building from the property line, maximum height of a building, his-
30 toric preservation, esthetic qualities of a building, and other similar
31 laws.

32 (d) COOPERATION WITH STATE AND LOCAL OFFICIALS.—

33 (1) STATE AND LOCAL GOVERNMENT CONSULTATION, REVIEW, AND
34 INSPECTIONS.—To meet the requirements of subsections (b) and (c),
35 the Administrator or the head of the federal agency authorized to con-
36 struct or alter the building—

37 (A) in preparing plans for the building, shall consult with ap-
38 propriate officials of the State or political subdivision of a State,
39 or both, in which the building will be located;

1 (B) on request shall submit the plans in a timely manner to the
2 officials for review by the officials for a reasonable period of time
3 not exceeding 30 days; and

4 (C) shall permit inspection by the officials during construction
5 or alteration of the building, in accordance with the customary
6 schedule of inspections for construction or alteration of buildings
7 in the locality, if the officials provide to the Administrator or the
8 head of the federal agency—

9 (i) a copy of the schedule before construction of the build-
10 ing is begun; and

11 (ii) reasonable notice of their intention to conduct any in-
12 spection before conducting the inspection.

13 (2) LIMITATION ON RESPONSIBILITIES.—This section does not im-
14 pose an obligation on any State or political subdivision to take any ac-
15 tion under paragraph (1).

16 (e) STATE AND LOCAL GOVERNMENT RECOMMENDATIONS.—Appropriate
17 officials of a State or political subdivision of a State may make rec-
18 ommendations to the Administrator or the head of the federal agency au-
19 thorized to construct or alter a building concerning measures necessary to
20 meet the requirements of subsections (b) and (c). The officials also may
21 make recommendations to the Administrator or the head of the federal
22 agency concerning measures which should be taken in the construction or
23 alteration of the building to take into account local conditions. The Adminis-
24 trator or the head of the agency shall give due consideration to the rec-
25 ommendations.

26 (f) EFFECT OF NONCOMPLIANCE.—An action may not be brought against
27 the Federal Government and a fine or penalty may not be imposed against
28 the Government for failure to meet the requirements of subsection (b), (c),
29 or (d) or for failure to carry out any recommendation under subsection (e).

30 (g) LIMITATION ON LIABILITY.—The Government and its contractors
31 shall not be required to pay any amount for any action a State or a political
32 subdivision of a State takes to carry out this section, including reviewing
33 plans, carrying out on-site inspections, issuing building permits, and making
34 recommendations.

35 **§ 3313. Delegation**

36 (a) WHEN ALLOWED.—Except for the authority contained in section
37 3305(b) of this title, the carrying out of the duties and powers of the Ad-
38 ministrator of General Services under this chapter, in accordance with
39 standards the Administrator prescribes—

40 (1) shall be delegated on request to the appropriate executive agency
41 when the estimated cost of the project does not exceed \$100,000; and

1 (2) may be delegated to the appropriate executive agency when the
2 Administrator determines that delegation will promote efficiency and
3 economy.

4 (b) NO EXEMPTION FROM OTHER PROVISIONS OF CHAPTER.—Delega-
5 tion under subsection (a) does not exempt the person to whom the delega-
6 tion is made, or the carrying out of the delegated duty or power, from any
7 other provision of this chapter.

8 **§ 3314. Report to Congress**

9 (a) REQUEST BY EITHER HOUSE OF CONGRESS OR ANY COMMITTEE.—
10 Within a reasonable time after a request of either House of Congress or
11 any committee of Congress, the Administrator of General Services shall sub-
12 mit a report showing the location, space, cost, and status of each public
13 building the construction, alteration, or acquisition of which—

14 (1) is to be under authority of this chapter; and

15 (2) was uncompleted as of the date of the request, or as of another
16 date the request may designate.

17 (b) REQUEST OF COMMITTEE ON PUBLIC WORKS AND ENVIRONMENT OR
18 COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE.—The Adminis-
19 trator and the United States Postal Service shall make building project sur-
20 veys requested by resolution by the Committee on Environment and Public
21 Works of the Senate or the Committee on Transportation and Infrastruc-
22 ture of the House of Representatives, and within a reasonable time shall
23 make a report on the survey to Congress. The report shall contain all other
24 information required to be included in a prospectus of the proposed public
25 building project under section 3307(b) of this title.

26 **§ 3315. Certain authority not affected**

27 This chapter does not limit or repeal the authority conferred by law on
28 the United States Postal Service.

29 **CHAPTER 35—NON-FEDERAL PUBLIC WORKS**

Sec.

3501. Definitions.

3502. Planned public works.

3503. Revolving fund.

3504. Surveys of public works planning.

3505. Forgiveness of outstanding advances.

30 **§ 3501. Definitions**

31 In this chapter, the following definitions apply:

32 (1) PUBLIC AGENCY.—The term “public agency” means a State or
33 a public agency or political subdivision of a State.

34 (2) PUBLIC WORKS.—The term “public works” includes any public
35 works other than housing.

36 (3) STATE.—The term “State” means a State of the United States,
37 the District of Columbia, Puerto Rico, Guam, the Virgin Islands, the

1 Northern Mariana Islands, the Federated States of Micronesia, the
 2 Marshall Islands, Palau, and any territory or possession of the United
 3 States.

4 **§ 3502. Planned public works**

5 (a) ADVANCES TO ENSURE PLANNING.—Notwithstanding section
 6 3324(a) and (b) of title 31, the Secretary of Housing and Urban Develop-
 7 ment may make advances to public agencies and Indian tribes—

8 (1) to encourage public agencies and Indian tribes to maintain at all
 9 times a current and adequate reserve of planned public works the con-
 10 struction of which can rapidly be commenced, particularly when the na-
 11 tional or local economic situation makes that action desirable; and

12 (2) to help attain maximum economy and efficiency in the planning
 13 and construction of public works.

14 (b) USES OF ADVANCES.—A public agency or Indian tribe shall use an
 15 advance under subsection (a) to aid in financing the cost of feasibility stud-
 16 ies, engineering and architectural surveys, designs, plans, working drawings,
 17 specifications, or other action preliminary to and in preparation for the con-
 18 struction of public works, and for construction in connection with the devel-
 19 opment of a medical center, a general plan for the development of the cen-
 20 ter.

21 (c) NO FUTURE COMMITMENT.—An advance under subsection (a) does
 22 not commit the Congress to appropriate amounts to assist in financing the
 23 construction of any public works planned with the aid of that advance. Out-
 24 standing advances to public agencies and Indian tribes in a State shall not
 25 exceed 12.5 percent of the aggregate then authorized to be appropriated to
 26 the revolving fund established under section 3503 of this title.

27 (d) REQUIREMENTS FOR ADVANCES.—An advance shall not be made
 28 under subsection (a) for an individual project (including a regional, metro-
 29 politan, or other areawide project) unless—

30 (1) the project is planned to be constructed within or over a reason-
 31 able period of time considering the nature of the project;

32 (2) the project conforms to an overall state, local, or regional plan
 33 approved by a competent state, local, or regional authority; and

34 (3) the public agency or Indian tribe formally contracts with the
 35 Federal Government to complete the plan preparation promptly and to
 36 repay part or all of the advance when due.

37 (e) REGULATIONS.—The Secretary may prescribe regulations to carry out
 38 this chapter.

39 **§ 3503. Revolving fund**

40 (a) ESTABLISHMENT.—There is a revolving fund established by the Sec-
 41 retary of Housing and Urban Development to provide amounts for advances

1 under this chapter. The fund comprises amounts appropriated under this
 2 chapter and all repayments and other receipts received in connection with
 3 advances made under this chapter.

4 (b) AUTHORIZATIONS.—Not more than \$70,000,000 may be appropriated
 5 to the revolving fund as necessary to carry out the purposes of this chapter.

6 **§ 3504. Surveys of public works planning**

7 The Secretary of Housing and Urban Development may use during a fis-
 8 cal year not more than \$100,000 of the amount in the revolving fund estab-
 9 lished under section 3503 of this title to conduct surveys of the status and
 10 current volume of state and local public works planning and surveys of esti-
 11 mated requirements for state and local public works. In conducting a sur-
 12 vey, the Secretary, may use or act through any department or agency of
 13 the Federal Government, with the consent of the department or agency.

14 **§ 3505. Forgiveness of outstanding advances**

15 In accordance with accounting and other procedures the Secretary of
 16 Housing and Urban Development prescribes, each advance made by the Sec-
 17 retary under this chapter that had any principal amount outstanding on
 18 February 5, 1988, was forgiven. The terms and conditions of any contract,
 19 or any amendment to a contract, for that advance with respect to any prom-
 20 ise to repay the advance were canceled.

21 **CHAPTER 37—CONTRACT WORK HOURS AND SAFETY**
 22 **STANDARDS**

Sec.

3701. Definition and application.

3702. Work hours.

3703. Report of violations and withholding of amounts for unpaid wages and liquidated dam-
 ages.

3704. Health and safety standards in building trades and construction industry.

3705. Safety programs.

3706. Limitations, variations, tolerances, and exemptions.

3707. Contractor certification or contract clause in acquisition of commercial items not re-
 quired.

3708. Criminal penalties.

23 **§ 3701. Definition and application**

24 (a) DEFINITION.—In this chapter, the term “Federal Government” has
 25 the same meaning that the term “United States” had in the Contract Work
 26 Hours and Safety Standards Act (Public Law 87–581, 76 Stat. 357).

27 (b) APPLICATION.—

28 (1) CONTRACTS.—This chapter applies to—

29 (A) any contract that may require or involve the employment of
 30 laborers or mechanics on a public work of the Federal Govern-
 31 ment, a territory of the United States, or the District of Columbia;
 32 and

33 (B) any other contract that may require or involve the employ-
 34 ment of laborers or mechanics if the contract is one—

1 (i) to which the Government, an agency or instrumentality
2 of the Government, a territory, or the District of Columbia
3 is a party;

4 (ii) which is made for or on behalf of the Government, an
5 agency or instrumentality, a territory, or the District of Co-
6 lumbia; or

7 (iii) which is a contract for work financed at least in part
8 by loans or grants from, or loans insured or guaranteed by,
9 the Government or an agency or instrumentality under any
10 federal law providing wage standards for the work.

11 (2) LABORERS AND MECHANICS.—This chapter applies to all labor-
12 ers and mechanics employed by a contractor or subcontractor in the
13 performance of any part of the work under the contract—

14 (A) including watchmen, guards, and workers performing serv-
15 ices in connection with dredging or rock excavation in any river
16 or harbor of the United States, a territory, or the District of Co-
17 lumbia; but

18 (B) not including an employee employed as a seaman.

19 (3) EXCEPTIONS.—

20 (A) THIS CHAPTER.—This chapter does not apply to—

21 (i) a contract for—

22 (I) transportation by land, air, or water;

23 (II) the transmission of intelligence; or

24 (III) the purchase of supplies or materials or articles
25 ordinarily available in the open market;

26 (ii) any work required to be done in accordance with the
27 provisions of the Walsh-Healey Act (41 U.S.C. 35 et seq.);
28 and

29 (iii) a contract in an amount that is not greater than
30 \$100,000.

31 (B) SECTION 3902.—Section 3902 of this title does not apply to
32 work where the assistance described in subsection (a)(2)(C) from
33 the Government or an agency or instrumentality is only a loan
34 guarantee or insurance.

35 **§ 3702. Work hours**

36 (a) STANDARD WORKWEEK.—The wages of every laborer and mechanic
37 employed by any contractor or subcontractor in the performance of work on
38 a contract described in section 3701 of this title shall be computed on the
39 basis of a standard workweek of 40 hours. Work in excess of the standard
40 workweek is permitted subject to this section. For each workweek in which
41 the laborer or mechanic is so employed, wages include compensation, at a

1 rate not less than one and one-half times the basic rate of pay, for all hours
2 worked in excess of 40 hours in the workweek.

3 (b) CONTRACT REQUIREMENTS.—A contract described in section 3701 of
4 this title, and any obligation of the Federal Government, a territory of the
5 United States, or the District of Columbia in connection with that contract,
6 must provide that—

7 (1) a contractor or subcontractor contracting for any part of the con-
8 tract work which may require or involve the employment of laborers or
9 mechanics shall not require or permit any laborer or mechanic, in any
10 workweek in which the laborer or mechanic is employed on that work,
11 to work more than 40 hours in that workweek, except as provided in
12 this chapter; and

13 (2) when a violation of clause (1) occurs, the contractor and any sub-
14 contractor responsible for the violation are liable—

15 (A) to the affected employee for the employee's unpaid wages;

16 and

17 (B) to the Government, the District of Columbia, or a territory
18 for liquidated damages as provided in the contract.

19 (c) LIQUIDATED DAMAGES.—Liquidated damages under subsection
20 (b)(2)(B) shall be computed for each individual employed as a laborer or
21 mechanic in violation of this chapter and shall be equal to \$10 for each cal-
22 endar day on which the individual was required or permitted to work in ex-
23 cess of the standard workweek without payment of the overtime wages re-
24 quired by this chapter.

25 (d) AMOUNTS WITHHELD TO SATISFY LIABILITIES.—Subject to section
26 3703 of this title, the governmental agency for which the contract work is
27 done or which is providing financial assistance for the work may withhold,
28 or have withheld, from money payable because of work performed by a con-
29 tractor or subcontractor, amounts administratively determined to be nec-
30 essary to satisfy the liabilities of the contractor or subcontractor for unpaid
31 wages and liquidated damages as provided in this section.

32 **§ 3703. Report of violations and withholding of amounts for**
33 **unpaid wages and liquidated damages**

34 (a) REPORTS OF INSPECTORS.—An officer or individual designated as an
35 inspector of the work to be performed under a contract described in section
36 3701 of this title, or to aid in the enforcement or fulfillment of the contract,
37 on observation or after investigation immediately shall report to the proper
38 officer of the Federal Government, a territory of the United States, or the
39 District of Columbia all violations of this chapter occurring in the perform-
40 ance of the work, together with the name of each laborer or mechanic who

1 was required or permitted to work in violation of this chapter and the day
2 the violation occurred.

3 (b) WITHHOLDING AMOUNTS.—

4 (1) DETERMINING AMOUNT.—The amount of unpaid wages and liq-
5 uidated damages owing under this chapter shall be determined adminis-
6 tratively.

7 (2) AMOUNT DIRECTED TO BE WITHHELD.—The officer or individual
8 whose duty it is to approve the payment of money by the Government,
9 territory, or District of Columbia in connection with the performance
10 of the contract work shall direct the amount of—

11 (A) liquidated damages to be withheld for the use and benefit
12 of the Government, territory, or District; and

13 (B) unpaid wages to be withheld for the use and benefit of the
14 laborers and mechanics who were not compensated as required
15 under this chapter.

16 (3) PAYMENT.—The Comptroller General shall pay the amount ad-
17 ministratively determined to be due directly to the laborers and me-
18 chanics from amounts withheld on account of underpayments of wages
19 if the amount withheld is adequate. If the amount withheld is not ade-
20 quate, the Comptroller General shall pay an equitable proportion of the
21 amount due.

22 (c) RIGHT OF ACTION AND INTERVENTION AGAINST CONTRACTORS AND
23 SURETIES.—If the accrued payments withheld under the terms of the con-
24 tract are insufficient to reimburse all the laborers and mechanics who have
25 not been paid the wages required under this chapter, the laborers and me-
26 chanics, in the case of a department or agency of the Government, have the
27 same right of action and intervention against the contractor and the con-
28 tractor's sureties as is conferred by law on persons furnishing labor or ma-
29 terials. In those proceedings it is not a defense that the laborers and me-
30 chanics accepted or agreed to accept less than the required rate of wages
31 or voluntarily made refunds.

32 (d) REVIEW PROCESS.—

33 (1) TIME LIMIT FOR APPEAL.—Within 60 days after an amount is
34 withheld as liquidated damages, any contractor or subcontractor ag-
35 grieved by the withholding may appeal to the head of the agency of
36 the Government or territory for which the contract work is done or
37 which is providing financial assistance for the work, or to the Mayor
38 of the District of Columbia in the case of liquidated damages withheld
39 for the use and benefit of the District.

40 (2) REVIEW BY AGENCY HEAD OR MAYOR.—The agency head or
41 Mayor may review the administrative determination of liquidated dam-

1 ages. The agency head or Mayor may issue a final order affirming the
 2 determination or may recommend to the Secretary of Labor that an ap-
 3 propriate adjustment in liquidated damages be made, or that the con-
 4 tractor or subcontractor be relieved of liability for the liquidated dam-
 5 ages, if it is found that the amount is incorrect or that the contractor
 6 or subcontractor violated this chapter inadvertently, notwithstanding
 7 the exercise of due care by the contractor or subcontractor and the
 8 agents of the contractor or subcontractor.

9 (3) REVIEW BY SECRETARY.—The Secretary shall review all perti-
 10 nent facts in the matter and may conduct any investigation the Sec-
 11 retary considers necessary in order to affirm or reject the recommenda-
 12 tion. The decision of the Secretary is final.

13 (4) JUDICIAL ACTION.—A contractor or subcontractor aggrieved by
 14 a final order for the withholding of liquidated damages may file a claim
 15 in the United States Court of Federal Claims within 60 days after the
 16 final order. A final order of the agency head, Mayor, or Secretary is
 17 conclusive with respect to findings of fact if supported by substantial
 18 evidence.

19 (e) APPLICABILITY OF OTHER LAWS.—

20 (1) REORGANIZATION PLAN.—Reorganization Plan Numbered 14 of
 21 1950 (eff. May 24, 1950, 64 Stat. 1267) applies to this chapter.

22 (2) SECTION 3145.—Section 3145 of this title applies to contractors
 23 and subcontractors referred to in section 3145 who are engaged in the
 24 performance of contracts subject to this chapter.

25 **§ 3704. Health and safety standards in building trades and**
 26 **construction industry**

27 (a) CONDITION OF CONTRACTS.—

28 (1) IN GENERAL.—Each contract in an amount greater than
 29 \$100,000 that is entered into under legislation subject to Reorganiza-
 30 tion Plan Numbered 14 of 1950 (eff. May 24, 1950, 64 Stat. 1267)
 31 and is for construction, alteration, and repair, including painting and
 32 decorating, must provide that no contractor or subcontractor con-
 33 tracting for any part of the contract work shall require any laborer or
 34 mechanic employed in the performance of the contract to work in sur-
 35 roundings or under working conditions that are unsanitary, hazardous,
 36 or dangerous to health or safety, as established under construction
 37 safety and health standards the Secretary of Labor prescribes by regu-
 38 lation based on proceedings pursuant to section 553 of title 5, provided
 39 that the proceedings include a hearing similar in nature to that author-
 40 ized by section 553.

1 (2) CONSULTATION.—In formulating standards under this section,
2 the Secretary shall consult with the Advisory Committee created by
3 subsection (d) of this section.

4 (b) COMPLIANCE.—

5 (1) ACTIONS TO GAIN COMPLIANCE.—The Secretary may make in-
6 spections, hold hearings, issue orders, and make decisions based on
7 findings of fact as the Secretary considers necessary to gain compliance
8 with this section and any health and safety standard the Secretary pre-
9 scribes under subsection (a). For those purposes the Secretary and the
10 United States district courts have the authority and jurisdiction pro-
11 vided by sections 4 and 5 of the Walsh-Healey Act (41 U.S.C. 38, 39).

12 (2) REMEDY WHEN NONCOMPLIANCE FOUND.—When the Secretary,
13 after an opportunity for an adjudicatory hearing by the Secretary, es-
14 tablishes noncompliance under this section of any condition of a con-
15 tract described in—

16 (A) section 3701(b)(1)(B)(i) or (ii) of this title, the govern-
17 mental agency for which the contract work is done may cancel the
18 contract and make other contracts for the completion of the con-
19 tract work, charging any additional cost to the original contractor;
20 or

21 (B) section 3701(b)(1)(B)(iii) of this title, the governmental
22 agency which is providing the financial guarantee, assistance, or
23 insurance for the contract work may withhold the guarantee, as-
24 sistance, or insurance attributable to the performance of the con-
25 tract.

26 (3) NONAPPLICABILITY.—Section 3703 of this title does not apply
27 to the enforcement of this section.

28 (c) REPEATED VIOLATIONS.—

29 (1) TRANSMITTAL OF NAMES OF REPEAT VIOLATORS TO COMP-
30 TROLLER GENERAL.—When the Secretary, after an opportunity for an
31 agency hearing, decides on the record that, by repeated willful or gross-
32 ly negligent violations of this chapter, a contractor or subcontractor has
33 demonstrated that subsection (b) is not effective to protect the safety
34 and health of the employees of the contractor or subcontractor, the
35 Secretary shall make a finding to that effect and, not sooner than 30
36 days after giving notice of the finding to all interested persons, shall
37 transmit the name of the contractor or subcontractor to the Comp-
38 troller General.

39 (2) BAN ON AWARDED CONTRACTS.—The Comptroller General shall
40 distribute each name transmitted under paragraph (1) to all agencies
41 of the Federal Government. Unless the Secretary otherwise rec-

1 ommends, the contractor, subcontractor, or any person in which the
2 contractor or subcontractor has a substantial interest may not be
3 awarded a contract subject to this section until three years have
4 elapsed from the date the name is transmitted to the Comptroller Gen-
5 eral. The Secretary shall terminate the ban if, before the end of the
6 three-year period, the Secretary, after affording interested persons due
7 notice and an opportunity for a hearing, is satisfied that a contractor
8 or subcontractor whose name was transmitted to the Comptroller Gen-
9 eral will comply responsibly with the requirements of this section. The
10 Comptroller General shall inform all Government agencies after being
11 informed of the Secretary's action.

12 (3) JUDICIAL REVIEW.—A person aggrieved by the Secretary's action
13 under this subsection or subsection (b) may file with the appropriate
14 United States court of appeals a petition for review of the Secretary's
15 action within 60 days after receiving notice of the Secretary's action.
16 The clerk of the court immediately shall send a copy of the petition
17 to the Secretary. The Secretary then shall file with the court the record
18 on which the action is based. The findings of fact by the Secretary,
19 if supported by substantial evidence, are final. The court may enter a
20 decree enforcing, modifying, modifying and enforcing, or setting aside
21 any part of, the order of the Secretary or the appropriate Government
22 agency. The judgment of the court may be reviewed by the Supreme
23 Court as provided in section 1254 of title 28.

24 (d) ADVISORY COMMITTEE ON CONSTRUCTION SAFETY AND HEALTH.—

25 (1) ESTABLISHMENT.—There is an Advisory Committee on Con-
26 struction Safety and Health in the Department of Labor.

27 (2) COMPOSITION.—The Committee is composed of nine members
28 appointed by the Secretary, without regard to chapter 33 of title 5, as
29 follows:

30 (A) Three members shall be individuals representative of con-
31 tractors to whom this section applies.

32 (B) Three members shall be individuals representative of em-
33 ployees primarily in the building trades and construction industry
34 engaged in carrying out contracts to which this section applies.

35 (C) Three members shall be public representatives who shall be
36 selected on the basis of their professional and technical com-
37 petence and experience in the construction health and safety field.

38 (3) CHAIRMAN.—The Secretary shall appoint one member as Chair-
39 man.

40 (4) DUTIES.—The Committee shall advise the Secretary—

1 (A) in formulating construction safety and health standards and
2 other regulations; and

3 (B) on policy matters arising in carrying out this section.

4 (5) EXPERTS AND CONSULTANTS.—The Secretary may appoint spe-
5 cial advisory and technical experts or consultants as may be necessary
6 to carry out the functions of the Committee.

7 (6) COMPENSATION AND EXPENSES.—Committee members are enti-
8 tled to receive compensation at rates the Secretary fixes, but not more
9 than \$100 a day, including traveltime, when performing Committee
10 business, and expenses under section 5703 of title 5.

11 **§ 3705. Safety programs**

12 The Secretary of Labor shall—

13 (1) provide for the establishment and supervision of programs for the
14 education and training of employers and employees in the recognition,
15 avoidance, and prevention of unsafe working conditions in employment
16 covered by this chapter; and

17 (2) collect reports and data and consult with and advise employers
18 as to the best means of preventing injuries.

19 **§ 3706. Limitations, variations, tolerances, and exemptions**

20 The Secretary of Labor may provide reasonable limitations to, and may
21 prescribe regulations allowing reasonable variations to, tolerances from, and
22 exemptions from, this chapter that the Secretary may find necessary and
23 proper in the public interest to prevent injustice or undue hardship or to
24 avoid serious impairment of the conduct of Federal Government business.

25 **§ 3707. Contractor certification or contract clause in acqui-
26 sition of commercial items not required**

27 In a contract to acquire a commercial item (as defined in section 4 of
28 the Office of Federal Procurement Policy Act (41 U.S.C. 403)), a certifi-
29 cation by a contractor or a contract clause may not be required to imple-
30 ment a prohibition or requirement in this chapter.

31 **§ 3708. Criminal penalties**

32 A contractor or subcontractor having a duty to employ, direct, or control
33 a laborer or mechanic employed in the performance of work contemplated
34 by a contract to which this chapter applies that intentionally violates this
35 chapter shall be fined under title 18, imprisoned for not more than six
36 months, or both.

37 **PART B—UNITED STATES CAPITOL**
38 **CHAPTER 51—UNITED STATES CAPITOL BUILDINGS**
39 **AND GROUNDS**

Sec.

5101. Definition.

5102. Legal description and jurisdiction of United States Capitol Grounds.

- 5103. Restrictions on public use of United States Capitol Grounds.
- 5104. Unlawful activities.
- 5105. Assistance to authorities by Capitol employees.
- 5106. Suspension of prohibitions.
- 5107. Concerts on grounds.
- 5108. Audit of private organizations.
- 5109. Penalties.

1 **§ 5101. Definition**

2 In this chapter, the term “Capitol Buildings” means the United States
3 Capitol, the Senate and House Office Buildings and garages, the Capitol
4 Power Plant, all subways and enclosed passages connecting two or more of
5 those structures, and the real property underlying and enclosed by any of
6 those structures.

7 **§ 5102. Legal description and jurisdiction of United States**
8 **Capitol Grounds**

9 (a) LEGAL DESCRIPTION.—The United States Capitol Grounds comprises
10 all squares, reservations, streets, roadways, walks, and other areas as de-
11 fined on a map entitled “Map showing areas comprising United States Cap-
12 itol Grounds”, dated June 25, 1946, approved by the Architect of the Cap-
13 itol, and recorded in the Office of the Surveyor of the District of Columbia
14 in book 127, page 8, including all additions added by law after June 25,
15 1946.

16 (b) JURISDICTION.—

17 (1) ARCHITECT OF THE CAPITOL.—The jurisdiction and control over
18 the Grounds, vested prior to July 31, 1946, by law in the Architect,
19 is extended to the entire area of the Grounds. Except as provided in
20 paragraph (2), the Architect is responsible for the maintenance and im-
21 provement of the Grounds, including those streets and roadways in the
22 Grounds as shown on the map referred to in subsection (a) as being
23 under the jurisdiction and control of the Commissioners of the District
24 of Columbia.

25 (2) MAYOR OF THE DISTRICT OF COLUMBIA.—

26 (A) IN GENERAL.—The Mayor of the District of Columbia is re-
27 sponsible for the maintenance and improvement of those portions
28 of the following streets which are situated between the curblines
29 of those streets: Constitution Avenue from Second Street North-
30 east to Third Street Northwest, First Street from D Street North-
31 east to D Street Southeast, D Street from First Street Southeast
32 to Washington Avenue Southwest, and First Street from the north
33 side of Louisiana Avenue to the intersection of C Street and
34 Washington Avenue Southwest, Pennsylvania Avenue Northwest
35 from First Street Northwest to Third Street Northwest, Maryland
36 Avenue Southwest from First Street Southwest to Third Street
37 Southwest, Second Street Northeast from F Street Northeast to

1 C Street Southeast; C Street Southeast from Second Street South-
 2 east to First Street Southeast; that portion of Maryland Avenue
 3 Northeast from Second Street Northeast to First Street North-
 4 east; that portion of New Jersey Avenue Northwest from D Street
 5 Northwest to Louisiana Avenue; that portion of Second Street
 6 Southwest from the north curb of D Street to the south curb of
 7 Virginia Avenue Southwest; that portion of Virginia Avenue
 8 Southwest from the east curb of Second Street Southwest to the
 9 west curb of Third Street Southwest; that portion of Third Street
 10 Southwest from the south curb of Virginia Avenue Southwest to
 11 the north curb of D Street Southwest; that portion of D Street
 12 Southwest from the west curb of Third Street Southwest to the
 13 east curb of Second Street Southwest; that portion of Washington
 14 Avenue Southwest, including sidewalks and traffic islands, from
 15 the south curb of Independence Avenue Southwest to the west
 16 curb of South Capitol Street.

17 (B) REPAIR AND MAINTENANCE OF UTILITY SERVICES.—The
 18 Mayor may enter any part of the Grounds to repair or maintain
 19 or, subject to the approval of the Architect, construct or alter, any
 20 utility service of the District of Columbia Government.

21 **§ 5103. Restrictions on public use of United States Capitol**
 22 **Grounds**

23 Public travel in, and occupancy of, the United States Capitol Grounds is
 24 restricted to the roads, walks, and places prepared for that purpose.

25 **§ 5104. Unlawful activities**

26 (a) DEFINITIONS.—In this section—

27 (1) ACT OF PHYSICAL VIOLENCE.—The term “act of physical vio-
 28 lence” means any act involving—

29 (A) an assault or other infliction or threat of infliction of death
 30 or bodily harm on an individual; or

31 (B) damage to, or destruction of, real or personal property.

32 (2) DANGEROUS WEAPON.—The term “dangerous weapon”
 33 includes—

34 (A) all articles enumerated in section 14(a) of the Act of July
 35 8, 1932 (ch. 465, 47 Stat. 654); and

36 (B) a device designed to expel or hurl a projectile capable of
 37 causing injury to individuals or property, a dagger, a dirk, a sti-
 38 letto, and a knife having a blade over three inches in length.

39 (3) EXPLOSIVES.—The term “explosives” has the meaning given
 40 that term in section 841(d) of title 18.

1 (4) FIREARM.—The term “firearm” has the meaning given that term
2 in section 921(3) of title 18.

3 (b) OBSTRUCTION OF ROADS.—A person may not occupy the roads in the
4 United States Capitol Grounds in a manner that obstructs or hinders their
5 proper use, or use the roads in the area of the Grounds, south of Constitu-
6 tion Avenue and B Street and north of Independence Avenue and B Street,
7 to convey goods or merchandise, except to or from the United States Capitol
8 on Federal Government service.

9 (c) SALE OF ARTICLES, DISPLAY OF SIGNS, AND SOLICITATIONS.—A per-
10 son may not carry out any of the following activities in the Grounds:

11 (1) offer or expose any article for sale.

12 (2) display a sign, placard, or other form of advertisement.

13 (3) solicit fares, alms, subscriptions, or contributions.

14 (d) INJURIES TO PROPERTY.—A person may not step or climb on, re-
15 move, or in any way injure any statue, seat, wall, fountain, or other erection
16 or architectural feature, or any tree, shrub, plant, or turf, in the Grounds.

17 (e) CAPITOL GROUNDS AND BUILDINGS SECURITY.—

18 (1) FIREARMS, DANGEROUS WEAPONS, EXPLOSIVES, OR INCENDIARY
19 DEVICES.—An individual or group of individuals—

20 (A) except as authorized by regulations prescribed by the Cap-
21 itol Police Board—

22 (i) may not carry on or have readily accessible to any indi-
23 vidual on the Grounds or in any of the Capitol Buildings a
24 firearm, a dangerous weapon, explosives, or an incendiary de-
25 vice;

26 (ii) may not discharge a firearm or explosives, use a dan-
27 gerous weapon, or ignite an incendiary device, on the Grounds
28 or in any of the Capitol Buildings; or

29 (iii) may not transport on the Grounds or in any of the
30 Capitol Buildings explosives or an incendiary device; or

31 (B) may not knowingly, with force and violence, enter or remain
32 on the floor of either House of Congress.

33 (2) VIOLENT ENTRY AND DISORDERLY CONDUCT.—An individual or
34 group of individuals may not willfully and knowingly—

35 (A) enter or remain on the floor of either House of Congress
36 or in any cloakroom or lobby adjacent to that floor, in the Ray-
37 burn Room of the House of Representatives, or in the Marble
38 Room of the Senate, unless authorized to do so pursuant to rules
39 adopted, or an authorization given, by that House;

1 (B) enter or remain in the gallery of either House of Congress
 2 in violation of rules governing admission to the gallery adopted by
 3 that House or pursuant to an authorization given by that House;

4 (C) with the intent to disrupt the orderly conduct of official
 5 business, enter or remain in a room in any of the Capitol Build-
 6 ings set aside or designated for the use of either House of Con-
 7 gress or a Member, committee, officer, or employee of Congress
 8 or either House of Congress;

9 (D) utter loud, threatening, or abusive language, or engage in
 10 disorderly or disruptive conduct, at any place in the Grounds or
 11 in any of the Capitol Buildings with the intent to impede, disrupt,
 12 or disturb the orderly conduct of a session of Congress or either
 13 House of Congress, or the orderly conduct in that building of a
 14 hearing before, or any deliberations of, a committee of Congress
 15 or either House of Congress;

16 (E) obstruct, or impede passage through or within, the Grounds
 17 or any of the Capitol Buildings;

18 (F) engage in an act of physical violence in the Grounds or any
 19 of the Capitol Buildings; or

20 (G) parade, demonstrate, or picket in any of the Capitol Build-
 21 ings.

22 (3) EXEMPTION OF GOVERNMENT OFFICIALS.—This subsection does
 23 not prohibit any act performed in the lawful discharge of official duties
 24 by—

25 (A) a Member of Congress;

26 (B) an employee of a Member of Congress;

27 (C) an officer or employee of Congress or a committee of Con-
 28 gress; or

29 (D) an officer or employee of either House of Congress or a
 30 committee of that House.

31 (f) PARADES, ASSEMBLAGES, AND DISPLAY OF FLAGS.—Except as pro-
 32 vided in section 5106 of this title, a person may not—

33 (1) parade, stand, or move in processions or assemblages in the
 34 Grounds; or

35 (2) display in the Grounds a flag, banner, or device designed or
 36 adapted to bring into public notice a party, organization, or movement.

37 **§ 5105. Assistance to authorities by Capitol employees**

38 Each individual employed in the service of the Federal Government in the
 39 United States Capitol or within the United States Capitol Grounds shall
 40 prevent, as far as may be in the individual's power, a violation of a provision
 41 of this chapter or section 9, 9A, 9B, 9C, or 14 of the Act of July 31, 1946

1 (ch. 707, 60 Stat. 719, 720), and shall aid the police in securing the arrest
2 and conviction of the individual violating the provision.

3 **§ 5106. Suspension of prohibitions**

4 (a) AUTHORITY TO SUSPEND.—To allow the observance in the United
5 States Capitol Grounds of occasions of national interest becoming the cog-
6 nizance and entertainment of Congress, the President of the Senate and the
7 Speaker of the House of Representatives concurrently may suspend any of
8 the prohibitions contained in sections 5103 and 5104 of this title that would
9 prevent the use of the roads and walks within the Grounds by processions
10 or assemblages, and the use in the Grounds of suitable decorations, music,
11 addresses, and ceremonies, if responsible officers have been appointed and
12 the President and the Speaker determine that adequate arrangements have
13 been made to maintain suitable order and decorum in the proceedings and
14 to guard the United States Capitol and its grounds from injury.

15 (b) POWER TO SUSPEND PROHIBITIONS IN ABSENCE OF PRESIDENT OR
16 SPEAKER.—If either the President or Speaker is absent from the District
17 of Columbia, the authority to suspend devolves on the other officer. If both
18 officers are absent, the authority devolves on the Capitol Police Board.

19 (c) AUTHORITY OF MAYOR TO PERMIT USE OF LOUISIANA AVENUE.—
20 Notwithstanding subsection (a) and section 5104(f) of this title, the Capitol
21 Police Board may grant the Mayor of the District of Columbia authority
22 to permit the use of Louisiana Avenue for any of the purposes prohibited
23 by section 5104(f).

24 **§ 5107. Concerts on grounds**

25 Sections 5102, 5103, 5104(b)–(f), 5105, 5105, and 5109 of this title and
26 sections 9, 9A, 9B, and 9C of the Act of July 31, 1946 (ch. 707, 60 Stat.
27 719, 720), do not prohibit a band in the service of the Federal Government
28 from giving concerts in the United States Capitol Grounds at times which
29 will not interfere with Congress and as authorized by the Architect of the
30 Capitol.

31 **§ 5108. Audit of private organizations**

32 A private organization (except a political party or committee constituted
33 for the election of federal officials), whether or not organized for profit and
34 whether or not any of its income inures to the benefit of any person, that
35 performs services or conducts activities in the United States Capitol Build-
36 ings or Grounds is subject to a special audit of its accounts for each year
37 in which it performs those services or conducts those activities. The Comp-
38 troller General shall conduct the audit and report the results of the audit
39 to the Senate and the House of Representatives.

1 **§ 5109. Penalties**

2 (a) FIREARMS, DANGEROUS WEAPONS, EXPLOSIVES, OR INCENDIARY
3 DEVICE OFFENSES.—An individual or group violating section 5104(e)(1) of
4 this title, or attempting to commit a violation, shall be fined under title 18,
5 imprisoned for not more than five years, or both.

6 (b) OTHER OFFENSES.—A person violating section 5103 or 5104(b), (c),
7 (d), (e)(2), or (f) of this title, or attempting to commit a violation, shall
8 be fined under title 18, imprisoned for not more than six months, or both.

9 (c) PROCEDURE.—

10 (1) IN GENERAL.—An action for a violation of this chapter or section
11 9, 9A, 9B, 9C or 14 of the Act of July 31, 1946 (ch. 707, 60 Stat.
12 719, 720), including an attempt or a conspiracy to commit a violation,
13 shall be brought by the Attorney General in the name of the United
14 States. This chapter and sections 9, 9A, 9B, 9C and 14 do not super-
15 sede any provision of federal law or the laws of the District of Colum-
16 bia. Where the conduct violating this chapter or section 9, 9A, 9B, 9C
17 or 14 also violates federal law or the laws of the District of Columbia,
18 both violations may be joined in a single action.

19 (2) VENUE.—An action under this section for a violation of—

20 (A) section 5104(e)(1) of this title or for conduct that con-
21 stitutes a felony under federal law or the laws of the District of
22 Columbia shall be brought in the United States District Court for
23 the District of Columbia; and

24 (B) any other section referred to in subsection (a) may be
25 brought in the Superior Court of the District of Columbia.

26 (3) AMOUNT OF PENALTY.— The penalty which may be imposed on
27 a person convicted in an action under this subsection is the highest
28 penalty authorized by any of the laws the defendant is convicted of vio-
29 lating.

30 **PART C—FEDERAL BUILDING COMPLEXES**
31 **CHAPTER 61—UNITED STATES SUPREME COURT**
32 **BUILDING AND GROUNDS**

SUBCHAPTER I—GENERAL

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- 6137. Penalties.

SUBCHAPTER I—GENERAL

§ 6101. Definitions and application

(a) DEFINITIONS.—In this chapter, the following definitions apply:

(1) OFFICIAL GUEST OF THE SUPREME COURT.—The term “official guest of the Supreme Court” means an individual who is a guest of the Supreme Court, as determined by the Chief Justice of the United States or any Associate Justice of the Supreme Court;

(2) STATE.—The term “State” means a State of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, the Northern Mariana Islands, the Federated States of Micronesia, the Marshall Islands, Palau, and any territory or possession of the United States; and

(b) APPLICATION.—For purposes of section 6102 of this title and subchapters III and IV, the Supreme Court grounds—

(1) extend to the line of the face of—

(A) the east curb of First Street Northeast, between Maryland Avenue Northeast and East Capitol Street;

(B) the south curb of Maryland Avenue Northeast, between First Street Northeast and Second Street Northeast;

(C) the west curb of Second Street Northeast, between Maryland Avenue Northeast and East Capitol Street; and

(D) the north curb of East Capitol Street between First Street Northeast and Second Street Northeast; and

(2) comprise any property under the custody and control of the Supreme Court as part of the Supreme Court grounds, including property acquired as provided by law on behalf of the Federal Government in lots 2, 3, 800, 801, and 802 in square 758 in the District of Columbia as an addition to the grounds of the Supreme Court Building.

§ 6102. Regulations

(a) AUTHORITY OF THE MARSHAL.—In addition to the restrictions and requirements specified in subchapter IV, the Marshal of the Supreme Court may prescribe regulations, approved by the Chief Justice of the United States, that are necessary for—

1 (1) the adequate protection of the Supreme Court Building and
2 grounds and of individuals and property in the Building and grounds;
3 and

4 (2) the maintenance of suitable order and decorum within the Build-
5 ing and grounds.

6 (b) POSTING REQUIREMENT.—All regulations prescribed under this sec-
7 tion shall be posted in a public place at the Building and shall be made
8 reasonably available to the public in writing.

9 SUBCHAPTER II—BUILDINGS AND GROUNDS

10 **§ 6111. Supreme Court Building**

11 (a) IN GENERAL.—

12 (1) STRUCTURAL AND MECHANICAL CARE.—The Architect of the
13 Capitol shall have charge of the structural and mechanical care of the
14 Supreme Court Building, including—

15 (A) the care and maintenance of the grounds; and

16 (B) the supplying of all mechanical furnishings and mechanical
17 equipment for the Building.

18 (2) OPERATION AND MAINTENANCE.—The Architect shall direct the
19 operation and maintenance of the mechanical equipment and repair of
20 the building.

21 (3) CONTRACT AUTHORITY.—The Architect may enter into all nec-
22 essary contracts to carry out this subsection.

23 (b) AVAILABILITY OF APPROPRIATIONS.—Amounts appropriated under—

24 (1) subsection (a) and sections 6112 and 6113 of this title are avail-
25 able for—

26 (A) expenses of heating and air-conditioning refrigeration sup-
27 plied by the Capitol Power Plant, advancements for which shall be
28 made and deposited in the Treasury to the credit of appropriations
29 provided for the Capitol Power Plant; and

30 (B) the purchase of electrical energy; and

31 (2) the heading “SUPREME COURT OF THE UNITED STATES” and
32 “CARE OF THE BUILDING AND GROUNDS” are available for—

33 (A) improvements, maintenance, repairs, equipment, supplies,
34 materials, and appurtenances;

35 (B) special clothing for workers;

36 (C) personal and other services (including temporary labor with-
37 out regard to chapter 51, subchapter III of chapter 53, and sub-
38 chapter III of chapter 83, of title 5); and

39 (D) without compliance with section 3709 of the Revised Stat-
40 utes (41 U.S.C. 5)—

1 (i) for snow removal (by hire of personnel and equipment
2 or under contract); and

3 (ii) for the replacement of electrical transformers con-
4 taining polychlorinated biphenyls.

5 **§ 6112. Supreme Court Building and grounds employees**

6 Employees required to carry out section 6111(a) of this title shall be—

7 (1) appointed by the Architect of the Capitol with the approval of
8 the Chief Justice of the United States;

9 (2) compensated in accordance with chapter 51 and subchapter III
10 of chapter 53 of title 5; and

11 (3) subject to subchapter III of chapter 83 of title 5.

12 **§ 6113. Duties of the Superintendent of the Supreme Court
13 Building**

14 Except as provided in section 6111(a) of this title, all duties and work
15 required for the operation, domestic care, and custody of the Supreme Court
16 Building shall be performed under the direction of the Marshal of the Su-
17 preme Court. The Marshal serves as the superintendent of the Building.

18 **§ 6114. Oliver Wendell Holmes Garden**

19 The Architect of the Capitol shall maintain and care for the Oliver Wen-
20 dell Holmes Garden in accordance with the provisions of law on the mainte-
21 nance and care of the grounds of the Supreme Court Building.

22 **SUBCHAPTER III—POLICING AUTHORITY**

23 **§ 6121. General**

24 (a) **AUTHORITY OF MARSHAL OF THE SUPREME COURT AND SUPREME
25 COURT POLICE.**—In accordance with regulations prescribed by the Marshal
26 of the Supreme Court and approved by the Chief Justice of the United
27 States, the Marshal and the Supreme Court Police shall have authority—

28 (1) to police the Supreme Court Building and grounds and adjacent
29 streets to protect individuals and property;

30 (2) in any State, to protect—

31 (A) the Chief Justice, any Associate Justice of the Supreme
32 Court, and any official guest of the Supreme Court; and

33 (B) any officer or employee of the Supreme Court while that of-
34 ficer or employee is performing official duties;

35 (3) while performing duties necessary to carry out paragraph (1) or
36 (2), to make arrests for any violation of federal or state law and any
37 regulation under federal or state law; and

38 (4) to carry firearms as may be required while performing duties
39 under section 6102 of this title, this subchapter, and subchapter IV.

40 (b) **ADDITIONAL REQUIREMENTS RELATED TO SUBSECTION (a)(2).**—

1 (1) AUTHORIZATION TO CARRY FIREARMS.—Duties under subsection
 2 (a)(2)(A) with respect to an official guest of the Supreme Court in any
 3 State (other than the District of Columbia, Maryland, and Virginia)
 4 shall be authorized in writing by the Chief Justice or an Associate Jus-
 5 tice, if those duties require the carrying of firearms under subsection
 6 (a)(4).

7 (2) TERMINATION OF AUTHORITY.—The authority provided under
 8 subsection (a)(2) expires on December 29, 2004.

9 **§ 6122. Designation of members of the Supreme Court Police**

10 Under the general supervision and direction of the Chief Justice of the
 11 United States, the Marshal of the Supreme Court may designate employees
 12 of the Supreme Court as members of the Supreme Court Police, without
 13 additional compensation.

14 **§ 6123. Authority of Metropolitan Police of the District of**
 15 **Columbia**

16 The Metropolitan Police of the District of Columbia may make arrests
 17 within the Supreme Court Building and grounds for a violation of federal
 18 or state law or any regulation under federal or state law. This section does
 19 not authorize the Metropolitan Police to enter the Supreme Court Building
 20 to make an arrest in response to a complaint, serve a warrant, or patrol
 21 the Supreme Court Building or grounds, unless the Metropolitan Police
 22 have been requested to do so by, or have received the consent of, the Mar-
 23 shal of the Supreme Court or an assistant to the Marshal.

24 SUBCHAPTER IV—PROHIBITIONS AND PENALTIES

25 **§ 6131. Public travel in Supreme Court grounds**

26 Public travel in, and occupancy of, the Supreme Court grounds is re-
 27 stricted to the sidewalks and other paved surfaces.

28 **§ 6132. Sale of articles, signs, and solicitation in Supreme**
 29 **Court Building and grounds**

30 It is unlawful—

31 (1) to offer or expose any article for sale in the Supreme Court
 32 Building or grounds;

33 (2) to display a sign, placard, or other form of advertisement in the
 34 Building or grounds; or

35 (3) to solicit fares, alms, subscriptions, or contributions in the Build-
 36 ing or grounds.

37 **§ 6133. Property in the Supreme Court Building and**
 38 **grounds**

39 It is unlawful to step or climb on, remove, or in any way injure any stat-
 40 ue, seat, wall, fountain, or other erection or architectural feature, or any
 41 tree, shrub, plant, or turf, in the Supreme Court Building or grounds.

1 **§ 6134. Firearms, fireworks, speeches, and objectionable lan-**
 2 **guage in the Supreme Court Building and grounds**

3 It is unlawful to discharge a firearm, firework or explosive, set fire to a
 4 combustible, make a harangue or oration, or utter loud, threatening, or abu-
 5 sive language in the Supreme Court Building or grounds.

6 **§ 6135. Parades, assemblages, and display of flags in the Su-**
 7 **preme Court Building and grounds**

8 It is unlawful to parade, stand, or move in processions or assemblages
 9 in the Supreme Court Building or grounds, or to display in the Building
 10 and grounds a flag, banner, or device designed or adapted to bring into pub-
 11 lic notice a party, organization, or movement.

12 **§ 6136. Suspension of prohibitions against use of Supreme**
 13 **Court grounds**

14 To allow the observance of authorized ceremonies in the Supreme Court
 15 Building and grounds, the Marshal of the Supreme Court may suspend for
 16 those occasions any of the prohibitions contained in this subchapter as may
 17 be necessary for the occasion if—

18 (1) responsible officers have been appointed; and

19 (2) the Marshal determines that adequate arrangements have been
 20 made—

21 (A) to maintain suitable order and decorum in the proceedings;

22 and

23 (B) to protect the Supreme Court Building and grounds and in-
 24 dividuals and property in the Building and grounds.

25 **§ 6137. Penalties**

26 (a) IN GENERAL.—An individual who violates this subchapter, or a regu-
 27 lation prescribed under section 6102 of this title, shall be fined under title
 28 18, imprisoned not more than 60 days, or both.

29 (b) VENUE AND PROCEDURE.—Prosecution for a violation described in
 30 subsection (a) shall be in the Superior Court of the District of Columbia,
 31 on information by the United States Attorney or an Assistant United States
 32 Attorney.

33 (c) OFFENSES INVOLVING PROPERTY DAMAGE OVER \$100.—If during
 34 the commission of a violation described in subsection (a), public property
 35 is damaged in an amount exceeding \$100, the period of imprisonment for
 36 the offense may be not more than five years.

37 **CHAPTER 63—SMITHSONIAN INSTITUTION, NATIONAL**
 38 **GALLERY OF ART, AND JOHN F. KENNEDY CENTER**
 39 **FOR THE PERFORMING ARTS**

Sec.

6301. Definition.

6302. Public use of grounds.

- 6303. Unlawful activities.
- 6304. Additional regulations.
- 6305. Suspension of regulations.
- 6306. Policing of buildings and grounds.
- 6307. Penalties.

1 **§ 6301. Definition**

2 In this chapter, the term “specified buildings and grounds” means—

3 (1) SMITHSONIAN INSTITUTION.—The Smithsonian Institution and
4 its grounds, which include the following:

5 (A) SMITHSONIAN BUILDINGS AND GROUNDS ON THE NATIONAL
6 MALL.—The Smithsonian Building, the Arts and Industries Build-
7 ing, the Freer Gallery of Art, the National Air and Space Mu-
8 seum, the National Museum of Natural History, the National Mu-
9 seum of American History, the National Museum of the American
10 Indian, the Hirshhorn Museum and Sculpture Garden, the Arthur
11 M. Sackler Gallery, the National Museum of African Art, the S.
12 Dillon Ripley Center, and all other buildings of the Smithsonian
13 Institution within the Mall, including the entrance walks, unload-
14 ing areas, and other pertinent service roads and parking areas.

15 (B) NATIONAL ZOOLOGICAL PARK.—The National Zoological
16 Park comprising all the buildings, streets, service roads, walks,
17 and other areas within the boundary fence of the National Zoolog-
18 ical Park in the District of Columbia and including the public
19 space between that fence and the face of the curb lines of the ad-
20 jacent city streets.

21 (C) OTHER SMITHSONIAN BUILDINGS AND GROUNDS.—All other
22 buildings, service roads, walks, and other areas within the exterior
23 boundaries of any real estate or land or interest in land (including
24 temporary use) that the Smithsonian Institution acquires and that
25 the Secretary of the Smithsonian Institution determines to be nec-
26 essary for the adequate protection of individuals or property in the
27 Smithsonian Institution and suitable for administration as a part
28 of the Smithsonian Institution.

29 (2) NATIONAL GALLERY OF ART.—The National Gallery of Art and
30 its grounds, which extend—

31 (A) to the line of the face of the south curb of Constitution Ave-
32 nue Northwest, between Seventh Street Northwest, and Fourth
33 Street Northwest, to the line of the face of the west curb of
34 Fourth Street Northwest, between Constitution Avenue Northwest,
35 and Madison Drive Northwest; to the line of the face of the north
36 curb of Madison Drive Northwest, between Fourth Street North-
37 west, and Seventh Street Northwest; and to the line of the face

1 of the east curb of Seventh Street Northwest, between Madison
2 Drive Northwest, and Constitution Avenue Northwest;

3 (B) to the line of the face of the south curb of Pennsylvania
4 Avenue Northwest, between Fourth Street and Third Street
5 Northwest, to the line of the face of the west curb of Third Street
6 Northwest, between Pennsylvania Avenue and Madison Drive
7 Northwest, to the line of the face of the north curb of Madison
8 Drive Northwest, between Third Street and Fourth Street North-
9 west, and to the line of the face of the east curb of Fourth Street
10 Northwest, between Pennsylvania Avenue and Madison Drive
11 Northwest; and

12 (C) to the line of the face of the south curb of Constitution Ave-
13 nue Northwest, between Ninth Street Northwest and Seventh
14 Street Northwest; to the line of the face of the west curb of Sev-
15 enth Street Northwest, between Constitution Avenue Northwest
16 and Madison Drive Northwest; to the line of the face of the north
17 curb of Madison Drive Northwest, between Seventh Street North-
18 west and the line of the face of the east side of the east retaining
19 wall of the Ninth Street Expressway Northwest; and to the line
20 of the face of the east side of the east retaining wall of the Ninth
21 Street Expressway Northwest, between Madison Drive Northwest
22 and Constitution Avenue Northwest.

23 (3) JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS.—The
24 John F. Kennedy Center for the Performing Arts, which extends to the
25 line of the west face of the west retaining walls and curbs of the Inner
26 Loop Freeway on the east, the north face of the north retaining walls
27 and curbs of the Theodore Roosevelt Bridge approaches on the south,
28 the east face of the east retaining walls and curbs of Rock Creek Park-
29 way on the west, and the south curbs of New Hampshire Avenue and
30 F Street on the north, as generally depicted on the map entitled
31 “Transfer of John F. Kennedy Center for the Performing Arts”, num-
32 bered 844/82563 and dated April 20, 1994 (as amended by the map
33 entitled “Transfer of John F. Kennedy Center for the Performing
34 Arts”, numbered 844/82563A and dated May 22, 1997), which shall
35 be on file and available for public inspection in the office of the Na-
36 tional Capital Region, National Park Service.

37 **§ 6302. Public use of grounds**

38 Public travel in, and occupancy of, the grounds specified under section
39 6301 of this title are restricted to the sidewalks and other paved surfaces,
40 except in the National Zoological Park.

§ 6303. Unlawful activities

(a) DISPLAYS AND SOLICITATIONS.—It is unlawful for anyone other than an authorized employee or concessionaire to carry out any of the following activities within the specified buildings and grounds:

- (1) Offer or expose any article for sale.
- (2) Display any sign, placard, or other form of advertisement.
- (3) Solicit alms, subscriptions, or contributions.

(b) TOUCHING OF, OR INJURIES TO, PROPERTY.—It is unlawful for anyone—

- (1) other than an authorized employee, to touch or handle objects of art or scientific or historical objects on exhibition within the specified buildings or grounds; or
- (2) to step or climb on, remove, or in any way injure any object of art, exhibit (including an exhibit animal), equipment, seat, wall, fountain, or other erection or architectural feature, or any tree, shrub, plant, or turf, within the specified buildings or grounds.

§ 6304. Additional regulations

(a) AUTHORITY TO PRESCRIBE ADDITIONAL REGULATIONS.—In addition to the restrictions and requirements specified in sections 6302 and 6303 of this title, the Secretary of the Smithsonian Institution, the Trustees of the National Gallery of Art, and the Trustees of the John F. Kennedy Center for the Performing Arts may prescribe for their respective agencies regulations necessary for—

- (1) the adequate protection of the specified buildings and grounds and individuals and property in those buildings and grounds; and
- (2) the maintenance of suitable order and decorum within the specified buildings and grounds, including the control of traffic and parking of vehicles in the National Zoological Park and all other areas in the District of Columbia under their control.

(b) PUBLICATION IN FEDERAL REGISTER.—A regulation prescribed under this section shall be published in the Federal Register and is not effective until the expiration of 10 days after the date of publication.

§ 6305. Suspension of regulations

To allow authorized services, training programs, and ceremonies in the specified buildings and grounds, the Secretary of the Smithsonian Institution, the Trustees of the National Gallery of Art, and the Trustees of the John F. Kennedy Center for the Performing Arts (or their designees) may suspend for their respective agencies any of the prohibitions contained in sections 6302 and 6303 of this title as may be necessary for the occasion or circumstance if—

- (1) responsible officers have been appointed; and

1 (2) the Secretary of the Smithsonian Institution, the Trustees of the
 2 National Gallery of Art, and the Trustees of the John F. Kennedy Cen-
 3 ter for the Performing Arts (or their designees) determine that ade-
 4 quate arrangements have been made—

5 (A) to maintain suitable order and decorum in the proceedings;

6 and

7 (B) to protect the specified buildings and grounds and persons
 8 and property in those buildings and on those grounds.

9 **§ 6306. Policing of buildings and grounds**

10 (a) DESIGNATION OF EMPLOYEES AS SPECIAL POLICE.—Subject to sec-
 11 tion 5375 of title 5, the Secretary of the Smithsonian Institution, the Trust-
 12 ees of the National Gallery of Art, and the Trustees of the John F. Ken-
 13 nedy Center for the Performing Arts (or their designees) may designate em-
 14 ployees of their respective agencies as special police, without additional com-
 15 pensation, for duty in connection with the policing of their respective speci-
 16 fied buildings and grounds.

17 (b) POWERS.—The employees designated as special police under sub-
 18 section (a)—

19 (1) may, within the specified buildings and grounds, enforce, and
 20 make arrests for violations of, sections 6302 and 6303 of this title, any
 21 regulation prescribed under section 6304 of this title, federal or state
 22 law, or any regulation prescribed under federal or state law; and

23 (2) may enforce concurrently with the United States Park Police the
 24 laws and regulations applicable to the National Capital Parks, and may
 25 make arrests for violations of sections 6302 and 6303 of this title,
 26 within the several areas located within the exterior boundaries of the
 27 face of the curb lines of the squares within which the specified build-
 28 ings and grounds are located.

29 (c) UNIFORMS AND OTHER EQUIPMENT.—The employees designated as
 30 special police under subsection (a) may be provided, without charge, with
 31 uniforms and other equipment as may be necessary for the proper perform-
 32 ance of their duties, including badges, revolvers, and ammunition.

33 **§ 6307. Penalties**

34 (a) IN GENERAL.—

35 (1) PENALTY.—A person violating section 6302 or 6303 of this title,
 36 or a regulation prescribed under section 6304 of this title, shall be
 37 fined under title 18, imprisoned for not more than 60 days, or both.

38 (2) PROCEDURE.—Prosecution for an offense under this subsection
 39 shall be in the Superior Court of the District of Columbia, by informa-
 40 tion by the United States Attorney or an Assistant United States At-
 41 torney.

1 (b) OFFENSES INVOLVING PROPERTY DAMAGE OVER \$100.—

2 (1) PENALTY.—If in the commission of a violation described in sub-
3 section (a), property is damaged in an amount exceeding \$100, the pe-
4 riod of imprisonment for the offense may be not more than five years.

5 (2) VENUE AND PROCEDURE.—Prosecution of an offense under this
6 subsection shall be in the United States District Court for the District
7 of Columbia by indictment. Prosecution may be on information by the
8 United States Attorney or an Assistant United States Attorney if the
9 defendant, after being advised of the nature of the charge and of rights
10 of the defendant, waives in open court prosecution by indictment.

11 **CHAPTER 65—THURGOOD MARSHALL FEDERAL**
12 **JUDICIARY BUILDING**

Sec.

- 6501. Definition.
- 6502. Thurgood Marshall Federal Judiciary Building.
- 6503. Commission for the Judiciary Office Building.
- 6504. Lease of building.
- 6505. Structural and mechanical care and security.
- 6506. Allocation of space.
- 6507. Account in Treasury.

13 **§ 6501. Definition**

14 In this chapter, the term “Chief Justice” means the Chief Justice of the
15 United States or the designee of the Chief Justice, except that when there
16 is a vacancy in the office of the Chief Justice, the most senior associate jus-
17 tice of the Supreme Court shall be deemed to be the Chief Justice for pur-
18 poses of this chapter until the vacancy is filled.

19 **§ 6502. Thurgood Marshall Federal Judiciary Building**

20 (a) ESTABLISHMENT AND DESIGNATION.—There is a Federal Judiciary
21 Building in Washington, D.C., known and designated as the “Thurgood
22 Marshall Federal Judiciary Building”.

23 (b) TITLE.—

24 (1) SQUARES 721 AND 722.—Title to squares 721 and 722 remains
25 in the Federal Government.

26 (2) BUILDING.—Title to the Building and other improvements con-
27 structed or otherwise made immediately reverts to the Government at
28 the expiration of not more than 30 years from the effective date of the
29 lease agreement referred to in section 6504 of this title without pay-
30 ment of any compensation by the Government.

31 (c) LIMITATIONS.—

32 (1) SIZE OF BUILDING.—The Building (excluding parking facilities)
33 may not exceed 520,000 gross square feet in size above the level of Co-
34 lumbia Plaza in the District of Columbia.

35 (2) HEIGHT OF BUILDING.—The height of the Building and other
36 improvements shall be compatible with the height of surrounding Gov-

1 ernment and historic buildings and conform to the provisions of the Act
2 of June 1, 1910 (ch. 263, 36 Stat. 452) (known as the Building Height
3 Act of 1910).

4 (3) DESIGN.—The Building and other improvements shall—

5 (A) be designed in harmony with historical and Government
6 buildings in the vicinity;

7 (B) reflect the symbolic importance and historic character of the
8 United States Capitol and other buildings on the United States
9 Capitol Grounds; and

10 (C) represent the dignity and stability of the Government.

11 (d) APPROVAL OF CHIEF JUSTICE.—All final decisions regarding archi-
12 tectural design of the Building are subject to the approval of the Chief Jus-
13 tice.

14 (e) CHILLED WATER AND STEAM FROM CAPITOL POWER PLANT.—If the
15 Building is connected with the Capitol Power Plant, the Architect of the
16 Capitol shall furnish chilled water and steam from the Plant to the Building
17 on a reimbursable basis.

18 (f) CONSTRUCTION STANDARDS.—The Building and other improvements
19 constructed under this chapter shall meet all standards applicable to con-
20 struction of a federal building.

21 (g) ACCOUNTING SYSTEM.—The Architect shall maintain an accounting
22 system for operation and maintenance of the Building and other improve-
23 ments which will allow accurate projections of the dates and cost of major
24 repairs, improvements, reconstructions, and replacements of the Building
25 and improvements and other capital expenditures on the Building and im-
26 provements.

27 (h) NONAPPLICABILITY OF CERTAIN LAWS.—

28 (1) BUILDING CODES, PERMITS, OR INSPECTION.—The Building is
29 not subject to any law of the District of Columbia relating to building
30 codes, permits, or inspection, including any such law enacted by Con-
31 gress.

32 (2) TAXES.—The Building and other improvements constructed
33 under this chapter are not subject to any law of the District of Colum-
34 bia relating to real estate and personal property taxes, special assess-
35 ments, or other taxes, including any such law enacted by Congress.

36 § 6503. Commission for the Judiciary Office Building

37 (a) ESTABLISHMENT AND MEMBERSHIP.—There is a Commission for the
38 Judiciary Office Building, composed of the following 13 members or their
39 designees:

40 (1) Two individuals appointed by the Chief Justice from among jus-
41 tices of the Supreme Court and other judges of the United States.

- 1 (2) The members of the House Office Building Commission.
- 2 (3) The majority leader and minority leader of the Senate.
- 3 (4) The Chairman and the ranking minority member of the Senate
- 4 Committee on Rules and Administration.
- 5 (5) The Chairman and the ranking minority member of the Senate
- 6 Committee on Environment and Public Works.
- 7 (6) The Chairman and ranking minority member of the Committee
- 8 on Transportation and Infrastructure of the House of Representatives.
- 9 (b) QUORUM.—Seven members of the Commission is a quorum.
- 10 (c) DUTIES.—The Commission is responsible for the supervision of the
- 11 design, construction, operation, maintenance, structural, mechanical, and
- 12 domestic care, and security of the Thurgood Marshall Federal Judiciary
- 13 Building. The Commission shall prescribe regulations to govern the actions
- 14 of the Architect of the Capitol under this chapter and to govern the use
- 15 and occupancy of all space in the Building.

16 **§ 6504. Lease of building**

- 17 (a) LEASE AGREEMENT.—Under an agreement with the person selected
- 18 to construct the Thurgood Marshall Federal Judiciary Building, the Archi-
- 19 tect of the Capitol shall lease the Building to carry out the objectives of
- 20 this chapter.
- 21 (b) MINIMUM REQUIREMENTS OF LEASE AGREEMENT.—The agreement
- 22 includes at a minimum the following:
- 23 (1) LIMIT ON LENGTH OF LEASE.—The Architect will lease the
- 24 Building and other improvements for not more than 30 years from the
- 25 effective date of the agreement.
- 26 (2) RENTAL RATE.—The rental rate per square foot of occupiable
- 27 space for all space in the Building and other improvements will be in
- 28 the best interest of the Federal Government and will carry out the ob-
- 29 jectives of this chapter. The aggregate rental rate for all space in the
- 30 Building and other improvements shall produce an amount at least
- 31 equal to the amount necessary to amortize the cost of development of
- 32 squares 721 and 722 in the District of Columbia over the life of the
- 33 lease.
- 34 (3) AUTHORITY TO MAKE SPACE AVAILABLE AND SUBLEASE
- 35 SPACE.—The Architect may make space available and sublease space
- 36 in the Building and other improvements in accordance with section
- 37 6506 of this title.
- 38 (4) OTHER TERMS AND CONDITIONS.—The agreement contains
- 39 terms and conditions the Architect prescribes to carry out the objec-
- 40 tives of this chapter.

1 (c) OBLIGATION OF AMOUNTS.—Obligation of amounts for lease pay-
2 ments under this section may only be made—

3 (1) on an annual basis; and

4 (2) from the account described in section 6507 of this title.

5 **§ 6505. Structural and mechanical care and security**

6 (a) STRUCTURAL AND MECHANICAL CARE.—The Architect of the Capitol,
7 under the direction of the Commission for the Judiciary Office Building—

8 (1) is responsible for the structural and mechanical care and mainte-
9 nance of the Thurgood Marshall Federal Judiciary Building and im-
10 provements, including the care and maintenance of the grounds of the
11 Building, in the same manner and to the same extent as for the struc-
12 tural and mechanical care and maintenance of the Supreme Court
13 Building under section 6111 of this title; and

14 (2) shall perform all other duties and work required for the operation
15 and domestic care of the Building and improvements.

16 (b) SECURITY.—

17 (1) CAPITOL POLICE.—The United States Capitol Police—

18 (A) are responsible for all exterior security of the Building and
19 other improvements constructed under this chapter; and

20 (B) may police the Building and other improvements, including
21 the interior and exterior, and may make arrests within the interior
22 and exterior of the Building and other improvements for any viola-
23 tion of federal or state law or the laws of the District of Columbia,
24 or any regulation prescribed under any of those laws.

25 (2) MARSHAL OF THE SUPREME COURT.—This chapter does not
26 interfere with the obligation of the Marshal of the Supreme Court to
27 protect justices, officers, employees, or other personnel of the Supreme
28 Court who may occupy the Building and other improvements.

29 (3) REIMBURSEMENT.—The Architect shall transfer from the ac-
30 count described in section 6507 of this title amounts necessary to reim-
31 burse the United States Capitol Police for expenses incurred in pro-
32 viding exterior security under this subsection. The Capitol Police may
33 accept amounts the Architect transfers under this paragraph. Those
34 amounts shall be credited to the appropriation account charged by the
35 Capitol Police in carrying out security duties.

36 **§ 6506. Allocation of space**

37 (a) PRIORITY.—

38 (1) JUDICIAL BRANCH.—Subject to this section, the Architect of the
39 Capitol shall make available to the judicial branch of the Federal Gov-
40 ernment all space in the Thurgood Marshall Federal Judiciary Building
41 and other improvements constructed under this chapter. The space

1 shall be made available on a reimbursable basis and substantially in ac-
2 cordance with the report referred to in section 3(b)(1) of the Judiciary
3 Office Building Development Act (Public Law 100-480, 102 Stat.
4 2330).

5 (2) OTHER FEDERAL GOVERNMENTAL ENTITIES.—The Architect
6 may make available to federal governmental entities which are not part
7 of the judicial branch and which are not staff of Members of Congress
8 or congressional committees any space in the Building and other im-
9 provements that the Chief Justice decides is not needed by the judicial
10 branch. The space shall be made available on a reimbursable basis.

11 (3) OTHER PERSONS.—If any space remains, the Architect may sub-
12 lease it pursuant to subsection (e), under the direction of the Commis-
13 sion for the Judiciary Office Building, to any person.

14 (b) SPACE FOR JUDICIAL BRANCH AND OTHER FEDERAL GOVERN-
15 MENTAL ENTITIES.—Space made available under subsection (a)(1) or (2)
16 is subject to—

17 (1) terms and conditions necessary to carry out the objectives of this
18 chapter; and

19 (2) reimbursement at the rate established under section 6504(b)(2)
20 of this title plus an amount necessary to pay each year for the cost
21 of administering the Building and other improvements (including the
22 cost of operation, maintenance, rehabilitation, security, and structural,
23 mechanical, and domestic care) that is attributable to the space, with
24 the amount to be determined by the Architect and—

25 (A) in the case of the judicial branch, the Director of the Ad-
26 ministrative Office of the United States Courts; or

27 (B) in the case of any federal governmental entity not a part
28 of the judicial branch, the entity.

29 (c) SPACE FOR JUDICIAL BRANCH.—

30 (1) ASSIGNMENT OF SPACE WITHIN JUDICIAL BRANCH.—The Direc-
31 tor may assign space made available to the judicial branch under sub-
32 section (a)(1) among offices of the judicial branch as the Director con-
33 siders appropriate.

34 (2) VACATING OCCUPIED SPACE.—When the Chief Justice notifies
35 the Architect that the judicial branch requires additional space in the
36 Building and other improvements, the Architect shall accommodate
37 those requirements within 90 days after the date of the notification,
38 except that if the space was made available to the Administrator of
39 General Services, it shall be vacated expeditiously by not later than a
40 date the Chief Justice and the Administrator agree on.

1 (3) UNOCCUPIED SPACE.—The Chief Justice has the right of first
2 refusal to use unoccupied space in the Building to meet the needs of
3 the judicial branch.

4 (d) LEASE BY ARCHITECT.—

5 (1) AUTHORITY TO LEASE.—Subject to approval by the Committees
6 on Appropriations of the House of Representatives and the Senate, the
7 House Office Building Commission, and the Committee on Rules and
8 Administration of the Senate, the Architect may lease and occupy not
9 more than 75,000 square feet of space in the Building.

10 (2) PAYMENTS.—Payments under the lease shall be made on vouch-
11 ers the Architect approves. Necessary amounts may be appropriated—

12 (A) to the Architect to carry out this subsection, including
13 amounts for acquiring and installing furniture and furnishings;
14 and

15 (B) to the Sergeant at Arms of the Senate to plan for, acquire,
16 and install telecommunications equipment and services for the Ar-
17 chitect with respect to space leased under this subsection.

18 (e) SUBLEASED SPACE.—

19 (1) RENTAL RATE.—Space subleased by the Architect under sub-
20 section (a)(3) is subject to reimbursement at a rate which is com-
21 parable to prevailing rental rates for similar facilities in the area but
22 not less than the rate established under section 6504(b)(2) of this title
23 plus an amount the Architect and the person subleasing the space
24 agree is necessary to pay each year for the cost of administering the
25 Building (including the cost of operation, maintenance, rehabilitation,
26 security, and structural, mechanical, and domestic care) that is attrib-
27 utable to the space.

28 (2) LIMITATION.—A sublease under subsection (a)(3) must be com-
29 patible with the dignity and functions of the judicial branch offices
30 housed in the Building and must not unduly interfere with the activi-
31 ties and operations of the judicial branch agencies housed in the Build-
32 ing. Sections 5104(c) and 5108 of this title do not apply to any space
33 in the Building and other improvements subleased to a non-Govern-
34 ment tenant under subsection (a)(3).

35 (3) COLLECTION OF RENT.—The Architect shall collect rent for
36 space subleased under subsection (a)(3).

37 (f) DEPOSIT OF RENT AND REIMBURSEMENTS.—Amounts received under
38 subsection (a)(3) (including lease payments and reimbursements) shall be
39 deposited in the account described in section 6507 of this title.

1 **§ 6507. Account in Treasury**

2 (a) ESTABLISHMENT AND CONTENTS OF SEPARATE ACCOUNT.—There is
3 a separate account in the Treasury. The account includes all amounts de-
4 posited in the account under section 6506(f) of this title and amounts ap-
5 propriated to the account. However, the appropriated amounts may not be
6 more than \$2,000,000.

7 (b) USE OF AMOUNTS.—Amounts in the account are available to the Ar-
8 chitect of the Capitol—

9 (1) for paying expenses for structural, mechanical, and domestic
10 care, maintenance, operation, and utilities of the Thurgood Marshall
11 Federal Judiciary Building and other improvements constructed under
12 this chapter;

13 (2) for reimbursing the United States Capitol Police for expenses in-
14 curred in providing exterior security for the Building and other im-
15 provements;

16 (3) for making lease payments under section 6504 of this title; and

17 (4) for necessary personnel (including consultants).

18 **CHAPTER 67—PENNSYLVANIA AVENUE DEVELOPMENT**

SUBCHAPTER I—TRANSFER AND ASSIGNMENT OF RIGHTS, AUTHORITIES,
TITLE, AND INTERESTS

Sec.

6701. Transfer of rights and authorities of Pennsylvania Avenue Development Corporation.

6702. Transfer and assignment of rights, title, and interests in property.

SUBCHAPTER II—PENNSYLVANIA AVENUE DEVELOPMENT

6711. Definition.

6712. Powers of other agencies and instrumentalities in the development area.

6713. Certification of new construction.

6714. Relocation services.

6715. Coordination with District of Columbia.

6716. Reports.

SUBCHAPTER III—FEDERAL TRIANGLE DEVELOPMENT

6731. Definitions.

6732. Federal Triangle development area.

6733. Federal Triangle property.

6734. Ronald Reagan Building and International Trade Center.

19 SUBCHAPTER I—TRANSFER AND ASSIGNMENT OF RIGHTS,
20 AUTHORITIES, TITLE, AND INTERESTS

21 **§ 6701. Transfer of rights and authorities of Pennsylvania**
22 **Avenue Development Corporation**

23 (a) IN GENERAL.—The Administrator of General Services—

24 (1) may make and perform transactions with an agency or instru-
25 mentality of the Federal Government, a State, the District of Colum-
26 bia, or any person as necessary to carry out the trade center plan at
27 the Federal Triangle Project; and

28 (2) has all the rights and authorities of the former Pennsylvania Av-
29 enue Development Corporation with regard to property transferred

1 from the Corporation to the General Services Administration in fiscal
2 year 1996.

3 (b) USE OF AMOUNTS AND INCOME.—

4 (1) ACTIVITIES ASSOCIATED WITH TRANSFERRED RESPONSIBIL-
5 ITIES.—The Administrator may use amounts transferred from the Cor-
6 poration or income earned on Corporation property for activities associ-
7 ated with carrying out the responsibilities of the Corporation trans-
8 ferred to the Administrator. Any income earned after October 1, 1998,
9 shall be deposited to the Federal Buildings Fund to be available for
10 the purposes authorized under this subchapter, notwithstanding section
11 592(c)(1) of this title.

12 (2) EXCESS AMOUNTS OR INCOME.—Any amounts or income the Ad-
13 ministrator considers excess to the amount needed to fulfill the respon-
14 sibilities of the Corporation transferred to the Administrator shall be
15 applied to any outstanding debt the Corporation incurred when acquir-
16 ing real estate, except debt associated with the Ronald Reagan Build-
17 ing and International Trade Center.

18 (c) PAYMENT TO DISTRICT OF COLUMBIA.—With respect to real property
19 transferred from the Corporation to the Administrator under section 6702
20 of this title, the Administrator shall pay to the District of Columbia govern-
21 ment, in the same way as previously paid by the Corporation, an amount
22 equal to the amount of real property tax which would have been payable
23 to the government beginning on the date the Corporation acquired the real
24 property if legal title to the property had been held by a private citizen on
25 that date and during all periods to which that date relates.

26 **§ 6702. Transfer and assignment of rights, title, and inter-**
27 **ests in property**

28 (a) IN GENERAL.—

29 (1) LEASES, COVENANTS, AGREEMENTS, AND EASEMENTS.—As pro-
30 vided in this section, the General Services Administration, the National
31 Capital Planning Commission, and the National Park Service have the
32 rights, title, and interest of the Pennsylvania Avenue Development Cor-
33 poration in and to all leases, covenants, agreements, and easements the
34 Corporation executed before April 1, 1996, in carrying out its powers
35 and duties under the Pennsylvania Avenue Development Corporation
36 Act of 1972 (Public Law 92–578, 86 Stat. 1266) and the Federal Tri-
37 angle Development Act (Public Law 100–113, 101 Stat. 735).

38 (2) PROPERTY.—The Administration has the rights, title, and inter-
39 est of the Corporation in and to all property held in the name of the
40 Corporation, except as provided in subsection (c).

41 (b) GENERAL SERVICES ADMINISTRATION.—

1 (1) RESPONSIBILITIES.—The responsibilities of the Corporation
2 transferred to the Administration under subsection (a) include—

3 (A) the collection of revenue owed the Federal Government as
4 a result of real estate sales or lease agreements made by the Cor-
5 poration and private parties, including—

6 (i) the Willard Hotel property on Square 225;

7 (ii) the Gallery Row project on Square 457;

8 (iii) the Lansburgh's project on Square 431; and

9 (iv) the Market Square North project on Square 407;

10 (B) the collection of sale or lease revenue owed the Government
11 from the sale or lease before April 1, 1996, of two undeveloped
12 sites owned by the Corporation on Squares 457 and 406;

13 (C) the application of collected revenue to repay Treasury debt
14 the Corporation incurred when acquiring real estate;

15 (D) performing financial audits for projects in which the Cor-
16 poration has actual or potential revenue expectation, as identified
17 in subparagraphs (A) and (B), in accordance with procedures de-
18 scribed in applicable sale or lease agreements;

19 (E) the disposition of real estate properties which are or become
20 available for sale and lease or other uses;

21 (F) payment of benefits in accordance with the Uniform Reloca-
22 tion Assistance and Real Property Acquisition Policies Act of 1970
23 (42 U.S.C. 4601 et seq.) to which persons in the project area
24 squares are entitled as a result of the Corporation's acquisition of
25 real estate; and

26 (G) carrying out the responsibilities of the Corporation under
27 subchapter III and the Federal Triangle Development Act (Public
28 Law 100-113, 101 Stat. 735), including responsibilities for man-
29 aging assets and liabilities of the Corporation under subchapter
30 III and the Act.

31 (2) POWERS.—In carrying out the responsibilities of the Corporation
32 transferred under this section, the Administrator of General Services
33 may—

34 (A) acquire land, improvements, and property by purchase, lease
35 or exchange, and sell, lease, or otherwise dispose of any property,
36 as necessary to complete the development plan developed under
37 section 5 of the Pennsylvania Avenue Development Corporation
38 Act of 1972 (Public Law 92-578, 86 Stat. 1269) if a notice of
39 intention to carry out the acquisition or disposal is first trans-
40 mitted to the Committee on Transportation and Infrastructure
41 and the Committee on Appropriations of the House of Representa-

1 tives and the Committee on Environment and Public Works and
2 the Committee on Appropriations of the Senate and at least 60
3 days elapse after the date of the transmission;

4 (B) modify the plan referred to in subparagraph (A) if the
5 modification is first transmitted to the Committee on Transpor-
6 tation and Infrastructure and the Committee on Appropriations of
7 the House of Representatives and the Committee on Environment
8 and Public Works and the Committee on Appropriations of the
9 Senate and at least 60 days elapse after the date of the trans-
10 mission;

11 (C) maintain any existing Corporation insurance programs;

12 (D) make and perform transactions with an agency or instru-
13 mentality of the Federal Government, a State, the District of Co-
14 lumbia, or any person as necessary to carry out the responsibilities
15 of the Corporation under subchapter III and the Federal Triangle
16 Development Act (Public Law 100–113, 101 Stat. 735);

17 (E) request the Council of the District of Columbia to close any
18 alleys necessary for the completion of development in Square 457;
19 and

20 (F) use all of the amount transferred from the Corporation or
21 income earned on Corporation property to complete any pending
22 development projects.

23 (c) NATIONAL PARK SERVICE.—

24 (1) PROPERTY.—The National Park Service has the right, title, and
25 interest in and to the property located in the Pennsylvania Avenue Na-
26 tional Historic Site, including the parks, plazas, sidewalks, special
27 lighting, trees, sculpture, and memorials, depicted on a map entitled
28 “Pennsylvania Avenue National Historic Park”, dated June 1, 1995,
29 and numbered 840–82441. The map shall be on file and available for
30 public inspection in the offices of the Service.

31 (2) RESPONSIBILITIES.—The Service is responsible for management,
32 administration, maintenance, law enforcement, visitor services, resource
33 protection, interpretation, and historic preservation at the Site.

34 (3) SPECIAL EVENTS, FESTIVALS, CONCERTS, OR PROGRAMS.—The
35 Service may—

36 (A) make transactions with an agency or instrumentality of the
37 Government, a State, the District of Columbia, or any person as
38 considered necessary or appropriate for the conduct of special
39 events, festivals, concerts, or other art and cultural programs at
40 the Site; or

1 (B) establish a nonprofit foundation to solicit amounts for those
2 activities.

3 (4) JURISDICTION OF DISTRICT OF COLUMBIA.—Jurisdiction of
4 Pennsylvania Avenue and all other roadways from curb to curb remains
5 with the District of Columbia but vendors are not permitted to occupy
6 street space except during temporary special events.

7 (d) NATIONAL CAPITAL PLANNING COMMISSION.—The National Capital
8 Planning Commission is responsible for ensuring that development in the
9 Pennsylvania Avenue area is carried out in accordance with the Pennsylv-
10 ania Avenue Development Corporation Plan—1974.

11 SUBCHAPTER II—PENNSYLVANIA AVENUE DEVELOPMENT

12 § 6711. Definition

13 In this subchapter, the term “development area” means the area to be
14 developed, maintained, and used in accordance with this subchapter and the
15 Pennsylvania Avenue Development Corporation Act of 1972 (Public Law
16 92–578, 86 Stat. 1266) and is the area bounded as follows:

17 Beginning at a point on the southwest corner of the intersection of
18 Fifteenth Street and E Street Northwest;

19 thence proceeding east along the southern side of E Street to the
20 southwest corner of the intersection of Thirteenth Street and Pennsylv-
21 ania Avenue Northwest;

22 thence southeast along the southern side of Pennsylvania Avenue to
23 a point being the southeast corner of the intersection of Pennsylvania
24 Avenue and Third Street Northwest;

25 thence north along the eastern side of Third Street to the northeast
26 corner of the intersection of C Street and Third Street Northwest;

27 thence west along the northern side of C Street to the northeast cor-
28 ner of the intersection of C Street and Sixth Street Northwest;

29 thence north along the eastern side of Sixth Street to the northeast
30 corner of the intersection of E Street and Sixth Street Northwest;

31 thence west along the northern side of E Street to the northeast cor-
32 ner of the intersection of E Street and Seventh Street Northwest;

33 thence north along the eastern side of Seventh Street to the north-
34 east corner of the intersection of Seventh Street and F Street North-
35 west;

36 thence west along the northern side of F Street to the northwest cor-
37 ner of the intersection of F Street and Ninth Street Northwest;

38 thence south along the western side of Ninth Street to the northwest
39 corner of the intersection of Ninth Street and E Street Northwest;

40 thence west along the northern side of E Street to the northeast cor-
41 ner of the intersection of E Street and Thirteenth Street Northwest;

1 thence north along the eastern side of Thirteenth Street to the
2 northeast corner of the intersection of F Street and Thirteenth Street
3 Northwest;

4 thence west along the northern side of F Street to the northwest cor-
5 ner of the intersection of F Street and Fifteenth Street Northwest;

6 thence north along the western side of Fifteenth Street to the north-
7 west corner of the intersection of Pennsylvania Avenue and Fifteenth
8 Street Northwest;

9 thence west along the southern side of Pennsylvania Avenue to the
10 southeast corner of the intersection of Pennsylvania Avenue and East
11 Executive Avenue Northwest;

12 thence south along the eastern side of East Executive Avenue to the
13 intersection of South Executive Place and E Street Northwest;

14 thence east along the southern side of E Street to the point of begin-
15 ning.

16 **§ 6712. Powers of other agencies and instrumentalities in**
17 **the development area**

18 This subchapter and the Pennsylvania Avenue Development Corporation
19 Act of 1972 (Public Law 92–578, 86 Stat. 1266) do not preclude other
20 agencies or instrumentalities of the Federal Government or of the District
21 of Columbia from exercising any lawful powers in the development area con-
22 sistent with the development plan described in section 5(a) of the Act (86
23 Stat. 1269) or the provisions and purposes of this subchapter and the Act.
24 However, the agency or instrumentality shall not release, modify, or depart
25 from any feature or detail of the development plan without the prior ap-
26 proval of the Administrator of General Services.

27 **§ 6713. Certification of new construction**

28 New construction (including substantial remodeling, conversion, rebuild-
29 ing, enlargement, extension, or major structural improvement of existing
30 building, but not including ordinary maintenance or remodeling or changes
31 necessary to continue occupancy) shall not be authorized or conducted with-
32 in the development area except on prior certification by the Administrator
33 of General Services that the construction is, or may reasonably be expected
34 to be, consistent with the carrying out of the development plan described
35 in section 5(a) of the Pennsylvania Avenue Development Corporation Act
36 of 1972 (Public Law 92–578, 86 Stat. 1269).

37 **§ 6714. Relocation services**

38 (a) USE OF DISTRICT OF COLUMBIA GOVERNMENT.—The Administrator
39 of General Services may use the services of the District of Columbia govern-
40 ment in the administration of a relocation program pursuant to the Uniform
41 Relocation Assistance and Real Property Acquisition Policies Act of 1970

1 (42 U.S.C. 4601 et seq.). The Administrator shall reimburse the govern-
2 ment for the cost of the services.

3 (b) COORDINATION OF RELOCATION PROGRAMS.—All relocation services
4 performed by or on behalf of the Administrator shall be coordinated with
5 the District of Columbia’s central relocation programs.

6 (c) PREFERENTIAL RIGHTS OF DISPLACED OWNERS AND TENANTS.—An
7 owner or tenant of real property whose residence or business is terminated
8 as a result of acquisitions made pursuant to this subchapter or the Pennsyl-
9 vania Avenue Development Corporation Act of 1972 (Public Law 92–578,
10 86 Stat. 1266) shall be granted a preferential right to lease or purchase
11 from the Administrator similar real property as may become available for
12 a similar use. The preferential right is limited to the parties in interest and
13 is not transferable or assignable.

14 **§ 6715. Coordination with District of Columbia**

15 (a) LOCAL NEEDS, INITIATIVE, AND PARTICIPATION.—In carrying out
16 the purposes of this subchapter and the Pennsylvania Avenue Development
17 Corporation Act of 1972 (Public Law 92–578, 86 Stat. 1266), the Adminis-
18 trator of General Services shall—

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

21 (2) give primary consideration to local needs and desires and to local
22 and regional goals and policies as expressed in urban renewal, commu-
23 nity renewal, and comprehensive land use plans and regional plans; and

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

26 (b) COMPLIANCE WITH LOCAL REQUIREMENTS.—To the extent the Ad-
27 ministrator constructs, rehabilitates, alters, or improves any project under
28 this subchapter, the Administrator shall comply with all District of Colum-
29 bia laws, ordinances, codes, and regulations. Section 8722(d) of this title
30 applies to all construction, rehabilitation, alteration, and improvement of all
31 buildings by the Administrator under this subchapter. Construction, reha-
32 bilitation, alteration, and improvement of any project by non-Federal Gov-
33 ernment sources is subject to the District of Columbia Official Code and
34 zoning regulations.

35 **§ 6716. Reports**

36 (a) REPORTS TO PRESIDENT AND CONGRESS.—The Administrator of
37 General Services shall transmit comprehensive and detailed reports of the
38 Administrator’s operations, activities, and accomplishments under this sub-
39 chapter to the President and Congress. The Administrator shall transmit a
40 report to the President each January and to the President and Congress
41 at other times that the Administrator considers desirable.

1 (b) PROTECTION AND ENHANCEMENT OF SIGNIFICANT HISTORIC AND
 2 ARCHITECTURAL VALUES.—A report under subsection (a) shall include a
 3 detailed discussion of the actions the Administrator has taken in the report-
 4 ing period to protect and enhance the significant historic and architectural
 5 values of structures within the boundaries of the Administrator’s jurisdic-
 6 tion under this subchapter and shall indicate similar actions the Adminis-
 7 trator plans to take and issues the Administrator anticipates dealing with
 8 during the upcoming fiscal year related to historic and architectural preser-
 9 vation. The report shall indicate the degree to which public concern has
 10 been considered and incorporated into decisions the Administrator made re-
 11 lative to historic and architectural preservation.

12 SUBCHAPTER III—FEDERAL TRIANGLE DEVELOPMENT

13 **§ 6731. Definitions**

14 In this subchapter—

15 (1) FEDERAL TRIANGLE DEVELOPMENT AREA.—The term “Federal
 16 Triangle development area” means the area bounded as follows:

17 Beginning at a point on the southwest corner of the intersection
 18 of Fourteenth Street and Pennsylvania Avenue (formerly E
 19 Street), Northwest;

20 thence south along the western side of Fourteenth Street to the
 21 northwest corner of the intersection of Fourteenth Street and Con-
 22 stitution Avenue, Northwest;

23 thence east along the northern side of Constitution Avenue to
 24 the northeast corner of the intersection of Twelfth Street and Con-
 25 stitution Avenue, Northwest;

26 thence north along the eastern side of Twelfth Street and Con-
 27 stitution Avenue, Northwest;

28 thence north along the eastern side of Twelfth Street to the
 29 southeast corner of the intersection of Twelfth Street and Pennsyl-
 30 vania Avenue, Northwest;

31 thence west along the southern side of Pennsylvania Avenue to
 32 the point of beginning.

33 (2) FEDERAL TRIANGLE PROPERTY.—The term “Federal Triangle
 34 property” means—

35 (A) the property owned by the Federal Government in the Dis-
 36 trict of Columbia, known as the “Great Plaza” site, which consists
 37 of squares 256, 257, 258, parts of squares 259 and 260, and adja-
 38 cent closed rights-of-way as shown on plate IV of the King Plats
 39 of 1803 located in the Office of the Surveyor of the District of
 40 Columbia; and

1 (B) except for purposes of section 6733(a) of this title, any
 2 property the Pennsylvania Avenue Development Corporation ac-
 3 quired under section 3(b) of the Federal Triangle Development
 4 Act (Public Law 100–113, 101 Stat. 736).

5 **§ 6732. Federal Triangle development area**

6 The Federal Triangle development area is deemed to be part of the devel-
 7 opment area described in section 6711 of this title. The Administrator of
 8 General Services has the same authority over the Federal Triangle develop-
 9 ment area as over the development area described in section 6711.

10 **§ 6733. Federal Triangle property**

11 (a) TITLE.—Title to the Federal Triangle property reverts to the Admin-
 12 istrator of General Services not later than the date on which ownership of
 13 the Ronald Reagan Building and International Trade Center vests in the
 14 Federal Government.

15 (b) NONAPPLICABILITY OF CERTAIN LAWS.—

16 (1) BUILDING PERMITS AND INSPECTION.—For purposes of develop-
 17 ment of the Federal Triangle property, the person selected to develop
 18 the property is not subject to any state or local law relating to building
 19 permits and inspection.

20 (2) TAXES AND ASSESSMENTS.—The property and improvements to
 21 the property are not subject to real and personal property taxation or
 22 to special assessments.

23 **§ 6734. Ronald Reagan Building and International Trade**
 24 **Center**

25 (a) ESTABLISHMENT AND DESIGNATION.—The building constructed on
 26 the Federal Triangle property shall be known and designated as the Ronald
 27 Reagan Building and International Trade Center.

28 (b) TITLE.—The person selected to develop the Federal Triangle property
 29 may own the Building for not more than 35 years from the date construc-
 30 tion of the Building began. The title to the Building shall be in the Admin-
 31 istrator of General Services from the date title to the Federal Triangle prop-
 32 erty reverts to the Administrator.

33 (c) LIMITATIONS.—

34 (1) SIZE OF BUILDING.—The Building (including parking facilities)
 35 may not exceed 3,100,000 gross square feet in size.

36 (2) HEIGHT OF BUILDING.—The height of the Building shall be
 37 compatible with the height of surrounding Federal Government build-
 38 ings.

39 (3) DESIGN.—The Building shall—

40 (A) be designed in harmony with historical and Government
 41 buildings in the vicinity;

1 (B) reflect the symbolic importance and historic character of
2 Pennsylvania Avenue and the Nation's Capital; and

3 (C) represent the dignity and stability of the Government.

4 (d) CONSTRUCTION STANDARDS.—The Building shall meet all standards
5 applicable to construction of a federal building.

6 (e) ACCOUNTING SYSTEM.—The Administrator shall maintain an ac-
7 counting system for operation and maintenance of the Building which will
8 allow accurate projections of the dates and cost of major repairs, improve-
9 ments, reconstructions, and replacements of the Building and other capital
10 expenditures on the Building. The Administrator shall act as necessary to
11 ensure that amounts are available to cover the projected cost and expendi-
12 tures.

13 (f) LEASE OF BUILDING.—

14 (1) LEASE AGREEMENT.—Under an agreement with the person se-
15 lected to construct the Ronald Reagan Building and International
16 Trade Center, the Administrator shall lease the Building for federal of-
17 fice space and the international cultural and trade center space.

18 (2) MINIMUM REQUIREMENTS OF LEASE AGREEMENT.—The agree-
19 ment includes at a minimum the following:

20 (A) LIMIT ON LENGTH OF LEASE.—The Administrator will lease
21 the Building for the period of time that the person selected to con-
22 struct the Building owns the Building.

23 (B) RENTAL RATE.—The rental rate per square foot of occupi-
24 able space for all space in the Building will be in the best interest
25 of the Government and will carry out the objectives of this sub-
26 chapter and the Federal Triangle Development Act (Public Law
27 100–113, 101 Stat. 735). The aggregate rental rate for all space
28 in the Building shall produce an amount at least equal to the
29 amount necessary to amortize the cost of development of the Fed-
30 eral Triangle property over the life of the lease.

31 (C) OBLIGATION OF AMOUNTS.—Obligation of amounts from
32 the Federal Building Fund shall only be made on an annual basis
33 to meet lease payments.

34 (3) AUTHORIZATION TO OBLIGATE AMOUNTS.—Amounts may be ob-
35 ligated as described in paragraph (2)(C).

36 **CHAPTER 69—UNION STATION REDEVELOPMENT**

SUBCHAPTER I—UNION STATION COMPLEX

Sec.

6901. Definition.

6902. Assignment of right, title, and interest in the Union Station complex to the Secretary of Transportation.

6903. Agreements and contracts.

6904. Acquisition, maintenance, and use of property.

6905. Service on board of directors of Union Station Redevelopment Corporation.

1 **§ 6905. Service on board of directors of Union Station Rede-**
 2 **velopment Corporation**

3 To further the rehabilitation, redevelopment, and operation of the Union
 4 Station complex, the Secretary of Transportation and the Administrator of
 5 the Federal Railroad Administration may serve as ex officio members of the
 6 board of directors of the Union Station Redevelopment Corporation.

7 **§ 6906. Union Station Fund**

8 (a) ESTABLISHMENT.—There is a special deposit account in the Treasury
 9 known as the “Union Station Fund”, which shall be administered as a re-
 10 volving fund.

11 (b) CONTENT.—The account shall be credited with receipts of the Sec-
 12 retary of Transportation from activities authorized by this subchapter.

13 (c) USE OF AMOUNTS.—The Secretary may use income and proceeds re-
 14 ceived from activities authorized by this subchapter, including operating and
 15 leasing income and payments made to the Federal Government under devel-
 16 opment agreements, to pay expenses the Secretary incurs in carrying out
 17 the purposes of this subchapter, including construction, acquisition, leasing,
 18 operation, and maintenance expenses and payments made to developers
 19 under development agreements.

20 (d) AVAILABILITY OF AMOUNTS.—The balance in the account is available
 21 in amounts specified in annual appropriation laws for making expenditures
 22 authorized by this subchapter.

23 **§ 6907. Use of other appropriated amounts**

24 (a) WAIVER OF COST SHARING REQUIREMENT.—The Secretary of Trans-
 25 portation may use amounts appropriated under section 24909(a)(2)(A) of
 26 title 49 to carry out the purposes of this subchapter.

27 (b) BAN ON USING AMOUNTS FOR HELIPORT.—Amounts appropriated
 28 under section 24909 of title 49 may not be used for design, construction,
 29 or operation of a heliport at or near Union Station.

30 **§ 6908. Parking facility**

31 (a) TITLE.—The Federal Government has the right, title, and interest in
 32 and to the parking facility at Union Station.

33 (b) FEES.—The rate of fees charged for use of the facility may exceed
 34 the rate required for maintenance and operation of the facility. The rate
 35 shall be established in a manner that encourages use of the facility by rail
 36 passengers and participants in activities in the Union Station complex and
 37 area.

38 **§ 6909. Supplying steam or chilled water to Union Station**
 39 **complex**

40 The Architect of the Capitol may make agreements with the Secretary of
 41 Transportation to furnish steam, chilled water, or both from the Capitol

1 Power Plant to the Union Station complex, at no expense to the legislative
2 branch.

3 **§ 6910. Authorization of appropriations**

4 Amounts necessary to meet lease and other obligations, including mainte-
5 nance requirements, incurred by the Secretary of the Interior and assigned
6 to the Secretary of Transportation under this subchapter may be appro-
7 priated to the Secretary of Transportation.

8 SUBCHAPTER II—NATIONAL VISITOR FACILITIES ADVISORY
9 COMMISSION

10 **§ 6921. Establishment, composition, and meetings**

11 (a) ESTABLISHMENT.—There is a National Visitor Facilities Advisory
12 Commission.

13 (b) COMPOSITION.—

14 (1) MEMBERSHIP.—The Commission is composed of—

15 (A) the Secretary of the Interior;

16 (B) the Administrator of General Services;

17 (C) the Secretary of the Smithsonian Institution;

18 (D) the Chairman of the National Capital Planning Commis-
19 sion;

20 (E) the Chairman of the Commission of Fine Arts;

21 (F) six Members of the Senate, three from each party, to be ap-
22 pointed by the President of the Senate;

23 (G) six Members of the House of Representatives, three from
24 each party, to be appointed by the Speaker of the House of Rep-
25 resentatives; and

26 (H) three individuals appointed by the President, at least two
27 of whom shall not be officers of the Federal Government, and one
28 member of whom shall be a representative of the District of Co-
29 lumbia government.

30 (2) CHAIRMAN.—The Secretary of the Interior serves as the Chair-
31 man of the Commission.

32 (3) SERVICE OF NON-FEDERAL MEMBERS.—Non-federal members
33 serve at the pleasure of the President.

34 (c) MEETINGS.—The Commission shall meet at the call of the Chairman.

35 **§ 6922. Duties**

36 (a) IN GENERAL.—The National Visitor Facilities Advisory Commission
37 shall—

38 (1) conduct continuing investigations and studies of sites and plans
39 to provide additional facilities and services for visitors and students
40 coming to the Nation's Capital; and

SUBCHAPTER IV—MISCELLANEOUS

8161. Reservation of parking spaces for Members of Congress.
 8162. Ailanthus trees prohibited.
 8163. Use of greenhouses and nursery for trees, shrubs, and plants.
 8164. E. Barrett Prettyman United States Courthouse.
 8165. Services for Office of Personnel Management.

SUBCHAPTER I—GENERAL

1
 2 **§ 8101. Supervision of public buildings and grounds in Dis-**
 3 **trict of Columbia not otherwise provided for by**
 4 **law**

5 (a) IN GENERAL.—Under regulations the President prescribes, the Ad-
 6 ministrator of General Services shall have charge of the public buildings and
 7 grounds in the District of Columbia, except those buildings and grounds
 8 which otherwise are provided for by law.

9 (b) NOTICE OF UNLAWFUL OCCUPANCY.—If the Administrator, or the of-
 10 ficer under the direction of the Administrator who is in immediate charge
 11 of those public buildings and grounds, decides that an individual is unlaw-
 12 fully occupying any part of that public land, the Administrator or officer
 13 in charge shall notify the United States marshal for the District of Colum-
 14 bia in writing of the unlawful occupation.

15 (c) EJECTION OF TRESPASSER.—The marshal shall have the trespasser
 16 ejected from the public land and shall restore possession of the land to the
 17 officer charged by law with the custody of the land.

18 **§ 8102. Protection of Federal Government buildings in Dis-**
 19 **trict of Columbia**

20 The Attorney General and the Secretary of the Treasury may prohibit—

21 (1) a vehicle from parking or standing on a street or roadway adja-
 22 cent to a building in the District of Columbia—

23 (A) at least partly owned or possessed by, or leased to, the Fed-
 24 eral Government; and

25 (B) used by law enforcement authorities subject to their juris-
 26 diction; and

27 (2) a person or entity from conducting business on property imme-
 28 diately adjacent to a building described in paragraph (1).

29 **§ 8103. Application of District of Columbia laws to public**
 30 **buildings and grounds**

31 (a) APPLICATION OF LAWS.—Laws and regulations of the District of Co-
 32 lumbia for the protection of public or private property and the preservation
 33 of peace and order are extended to all public buildings and public grounds
 34 belonging to the Federal Government in the District of Columbia.

35 (b) PENALTIES.—A person shall be fined under title 18, imprisoned for
 36 not more than six months, or both if the person—

- 1 (1) is guilty of disorderly and unlawful conduct in or about those
2 public buildings or public grounds;
- 3 (2) willfully injures the buildings or shrubs;
- 4 (3) pull downs, impairs, or otherwise injures any fence, wall, or other
5 enclosure;
- 6 (4) injures any sink, culvert, pipe, hydrant, cistern, lamp, or bridge;
7 or
- 8 (5) removes any stone, gravel, sand, or other property of the Govern-
9 ment, or any other part of the public grounds or lots belonging to the
10 Government in the District of Columbia.

11 **§ 8104. Regulation of private and semipublic buildings adja-**
12 **cent to public buildings and grounds**

13 (a) FACTORS FOR DEVELOPMENT.—In view of the provisions of the Con-
14 stitution respecting the establishment of the seat of the National Govern-
15 ment, the duties it imposed on Congress in connection with establishing the
16 seat of the National Government, and the solicitude shown and the efforts
17 exerted by President Washington in the planning and development of the
18 Capital City, the development should proceed along the lines of good order,
19 good taste, and with due regard to the public interests involved, and a rea-
20 sonable degree of control should be exercised over the architecture of private
21 or semipublic buildings adjacent to public buildings and grounds of major
22 importance.

23 (b) SUBMISSION OF APPLICATION TO COMMISSION OF FINE ARTS.—The
24 Mayor of the District of Columbia shall submit to the Commission on Fine
25 Arts an application for a permit to erect or alter any building, a part of
26 which fronts or abuts on the grounds of the Capitol, the grounds of the
27 White House, the part of Pennsylvania Avenue extending from the Capitol
28 to the White House, Lafayette Park, Rock Creek Park, the Zoological Park,
29 the Rock Creek and Potomac Parkway, Potomac Park, or The Mall Park
30 System and public buildings adjacent to the System, or abuts on any street
31 bordering any of those grounds or parks, so far as the plans relate to height
32 and appearance, color, and texture of the materials of exterior construction.

33 (c) REPORT TO MAYOR.—The Commission shall report promptly its rec-
34 ommendations to the Mayor, including any changes the Commission decides
35 are necessary to prevent reasonably avoidable impairment of the public val-
36 ues belonging to the public building or park. If the Commission fails to re-
37 port its approval or disapproval of a plan within 30 days, the report is
38 deemed approved and a permit may be issued.

39 (d) ACTION BY THE MAYOR.—The Mayor shall take action the Mayor de-
40 cides is necessary to effect reasonable compliance with the recommendation
41 under subsection (c).

1 **§ 8105. Approval by Administrator of General Services**

2 Subject to applicable provisions of existing law relating to the functions
3 in the District of Columbia of the National Capital Planning Commission
4 and the Commission of Fine Arts, only the Administrator of General Serv-
5 ices is required to approve sketches, plans, and estimates for buildings to
6 be constructed by the Administrator, except that the Administrator and the
7 United States Postal Service must approve buildings designed for post-office
8 purposes.

9 **§ 8106. Buildings on reservations, parks, or public grounds**

10 A building or structure shall not be erected on any reservation, park, or
11 public grounds of the Federal Government in the District of Columbia with-
12 out express authority of Congress.

13 **§ 8107. Advertisements and sales in or around Washington**
14 **Monument**

15 Except on the written authority of the Director of the National Park
16 Service, advertisements of any kind shall not be displayed, and articles of
17 any kind shall not be sold, in or around the Washington Monument.

18 **§ 8108. Use of public buildings for public ceremonies**

19 Except as expressly authorized by law, public buildings in the District of
20 Columbia (other than the Capitol Building and the White House), and the
21 approaches to those public buildings, shall not be used or occupied in con-
22 nection with ceremonies for the inauguration of the President or other pub-
23 lic functions.

24 SUBCHAPTER II—JURISDICTION

25 **§ 8121. Improper appropriation of streets**

26 (a) AUTHORITY.—The Secretary of the Interior shall—

27 (1) prevent the improper appropriation or occupation of any public
28 street, avenue, square, or reservation in the District of Columbia that
29 belongs to the Federal Government;

30 (2) reclaim the street, avenue, square, or reservation if unlawfully
31 appropriated;

32 (3) prevent the erection of any permanent building on property re-
33 served to or for the use of the Government, unless plainly authorized
34 by law; and

35 (4) report to Congress at the beginning of each session on the Sec-
36 retary's proceedings in the premises, together with a full statement of
37 all property described in this subsection, and how, and by what author-
38 ity, the property is occupied or claimed.

39 (b) APPLICATION.—This section does not interfere with the temporary
40 and proper occupation of any part of the property described in subsection
41 (a), by lawful authority, for the legitimate purposes of the Government.

1 **§ 8122. Jurisdiction over portion of Constitution Avenue**

2 The Director of the National Park Service has jurisdiction over that part
3 of Constitution Avenue west of Virginia Avenue that was under the control
4 of the Commissioners of the District of Columbia prior to May 27, 1908.

5 **§ 8123. Record of transfer of jurisdiction between Director**
6 **of National Park Service and Mayor of District of**
7 **Columbia**

8 When in accordance with law or mutual legal agreement, spaces or por-
9 tions of public land are transferred between the jurisdiction of the Director
10 of the National Park Service, as established by the Act of July 1, 1898 (ch.
11 543, 30 Stat. 570), and the Mayor of the District of Columbia, the letters
12 of transfer and acceptance exchanged between them are sufficient authority
13 for the necessary change in the official maps and for record when necessary.

14 **§ 8124. Transfer of jurisdiction between Federal and District**
15 **of Columbia authorities**

16 (a) TRANSFER OF JURISDICTION.—Federal and District of Columbia au-
17 thorities administering properties in the District that are owned by the Fed-
18 eral Government or by the District may transfer jurisdiction over any part
19 of the property among or between themselves for purposes of administration
20 and maintenance under conditions the parties agree on. The National Cap-
21 ital Planning Commission shall recommend the transfer before it is com-
22 pleted.

23 (b) REPORT TO CONGRESS.—The District authorities shall report all
24 transfers and agreements to Congress.

25 (c) CERTAIN LAWS NOT REPEALED.—Subsection (a) does not repeal any
26 law in effect on May 20, 1932, which authorized the transfer of jurisdiction
27 of certain land among and between federal and District authorities.

28 **§ 8125. Public spaces resulting from filling of canals**

29 The Director of the National Park Service has jurisdiction over all public
30 spaces resulting from the filling of canals in the original city of Washington
31 that were not under the jurisdiction of the Chief of Engineers of the United
32 States Army as of August 1, 1914, except spaces included in the navy yard
33 or in actual use as roadways and sidewalks and spaces assigned by law to
34 the District of Columbia for use as a property yard and the location of a
35 sewage pumping station. The spaces shall be laid out as reservations as a
36 part of the park system of the District of Columbia.

37 **§ 8126. Temporary occupancy of Potomac Park by Secretary**
38 **of Agriculture**

39 (a) NOT MORE THAN 75 ACRES.—The Director of the National Park
40 Service may allow the Secretary of Agriculture to temporarily occupy as a
41 testing ground not more than 75 acres of Potomac Park not needed in any

1 one season for reclamation or park improvement. The Secretary shall vacate
2 the area at the close of any season on the request of the Director.

3 (b) CONTINUE AS PUBLIC PARK UNDER DIRECTOR.—This section does
4 not change the essential character of the land used, which shall continue
5 to be a public park under the charge of the Director.

6 **§ 8127. Part of Washington Aqueduct for playground pur-**
7 **poses**

8 (a) JURISDICTION OF MAYOR.—The Mayor of the District of Columbia
9 has possession, control, and jurisdiction of the land of the Washington Aq-
10 ueduct adjacent to the Champlain Avenue pumping station and lying outside
11 of the fence around the pumping station as it—

12 (1) existed on August 31, 1918; and

13 (2) was transferred by the Chief of Engineers for playground pur-
14 poses.

15 (b) JURISDICTION OF SECRETARY OF THE ARMY NOT AFFECTED.—This
16 section does not affect the superintendence and control of the Secretary of
17 the Army over the Washington Aqueduct and the rights, appurtenances, and
18 fixtures connected with the Aqueduct.

19 SUBCHAPTER III—SERVICES FOR FACILITIES

20 **§ 8141. Contract to rent buildings in the District of Colum-**
21 **bia not to be made until appropriation enacted**

22 A contract shall not be made for the rent of a building, or part of a build-
23 ing, to be used for the purposes of the Federal Government in the District
24 of Columbia until Congress enacts an appropriation for the rent. This sec-
25 tion is deemed to be notice to all contractors or lessors of the building or
26 a part of the building.

27 **§ 8142. Rent of other buildings**

28 An executive department of the Federal Government renting a building
29 for public use in the District of Columbia may rent a different building in-
30 stead if it is in the public interest to do so. This section does not authorize
31 an increase in the number of buildings in use or in the amount paid for
32 rent.

33 **§ 8143. Heat**

34 (a) CORCORAN GALLERY OF ART.—The Administrator of General Serv-
35 ices may furnish heat from the central heating plant to the Corcoran Gal-
36 lery of Art, if the Corcoran Gallery of Art agrees to—

37 (1) pay for heat furnished at rates the Administrator determines;
38 and

39 (2) connect the building with the Federal Government mains in a
40 manner satisfactory to the Administrator.

1 (b) BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM.—The
 2 Administrator may furnish steam from the central heating plant for the use
 3 of the Board of Governors of the Federal Reserve System on the property
 4 which the Board acquired in squares east of 87 and east of 88 in the Dis-
 5 trict of Columbia if the Board agrees to—

6 (1) pay for the steam furnished at reasonable rates the Adminis-
 7 trator determines but that are at least equal to cost; and

8 (2) provide the necessary connections with the Government mains at
 9 its own expense and in a manner satisfactory to the Administrator.

10 (c) NON-FEDERAL PUBLIC BUILDINGS.—The Administrator shall deter-
 11 mine the rates to be paid for steam furnished to the Corcoran Gallery of
 12 Art, the Pan American Union Buildings, the American Red Cross Buildings,
 13 and other non-federal public buildings authorized to receive steam from the
 14 central heating plant.

15 **§ 8144. Delivery of fuel for use during ensuing fiscal year**

16 During April, May, and June of each year, the Administrator of General
 17 Services may deliver to all branches of the Federal Government and the gov-
 18 ernment of the District of Columbia as much fuel for their use during the
 19 following fiscal year as may be practicable to store at the points of con-
 20 sumption. The branches of the Federal Government and the government of
 21 the District of Columbia shall pay for the fuel from their applicable appro-
 22 priations for that fiscal year.

23 SUBCHAPTER IV—MISCELLANEOUS

24 **§ 8161. Reservation of parking spaces for Members of Con-
 25 gress**

26 The Council of the District of Columbia shall designate, reserve, and
 27 properly mark appropriate and sufficient parking spaces on the streets adja-
 28 cent to all public buildings in the District for the use of Members of Con-
 29 gress engaged in public business.

30 **§ 8162. Ailanthus trees prohibited**

31 Ailanthus trees shall not be purchased for, or planted in, the public
 32 grounds.

33 **§ 8163. Use of greenhouses and nursery for trees, shrubs,
 34 and plants**

35 The greenhouses and nursery shall be used only for the propagation of
 36 trees, shrubs, and plants suitable for planting in the public reservations.
 37 Only those trees, shrubs, and plants shall be planted in the public reserva-
 38 tions.

39 **§ 8164. E. Barrett Prettyman United States Courthouse**

40 (a) OPERATION, MAINTENANCE, AND REPAIR.—The operation, mainte-
 41 nance, and repair of the E. Barrett Prettyman United States Courthouse,

1 used by the United States Court of Appeals for the District of Columbia
2 and the United States District Court for the District of Columbia, is under
3 the control of the Administrator of General Services.

4 (b) ALLOCATION OF SPACE.—The allocation of space in the Courthouse
5 is vested in the chief judge of the United States Court of Appeals for the
6 District of Columbia and the chief judge of the United States District Court
7 for the District of Columbia.

8 **§ 8165. Services for Office of Personnel Management**

9 For carrying out the work of the Director of the Office of Personnel Man-
10 agement and the examinations provided for in sections 3304 and 3305 of
11 title 5, the Administrator of General Services shall—

12 (1) assign or provide suitable and convenient rooms and accommoda-

13 tions, which are furnished, heated, and lighted, in Washington, D.C.;

14 (2) supply necessary stationery and other articles; and

15 (3) arrange for or provide necessary printing.

16 **CHAPTER 83—WASHINGTON METROPOLITAN REGION**
17 **DEVELOPMENT**

Sec.

8301. Definition.

8302. Necessity for coordination in the development of the Washington metropolitan region.

8303. Declaration of policy of coordinated development and management.

8304. Priority projects.

18 **§ 8301. Definition**

19 In this chapter, the term “Washington metropolitan region” includes the
20 District of Columbia, the counties of Montgomery and Prince Georges in
21 Maryland, and the counties of Arlington and Fairfax and the cities of Alex-
22 andria and Falls Church in Virginia.

23 **§ 8302. Necessity for coordination in the development of the**
24 **Washington metropolitan region**

25 Because the District of Columbia is the seat of the Federal Government
26 and has become the urban center of a rapidly expanding Washington metro-
27 politan region, the necessity for the continued and effective performance of
28 the functions of the Government in the District of Columbia, the general
29 welfare of the District of Columbia, the health and living standards of the
30 people residing or working in the District of Columbia, and the conduct of
31 industry, trade, and commerce in the District of Columbia require that to
32 the fullest extent possible the development of the District of Columbia and
33 the management of its public affairs, and the activities of the departments,
34 agencies, and instrumentalities of the Government which may be carried out
35 in, or in relation to, the other areas of the Washington metropolitan region,
36 shall be coordinated with the development of those other areas and with the
37 management of their public affairs so that, with the cooperation and assist-
38 ance of those other areas, all of the areas in the Washington metropolitan

1 area shall be developed and their public affairs shall be managed so as to
 2 contribute effectively toward the solution of the community development
 3 problems of the Washington metropolitan region on a unified metropolitan
 4 basis.

5 **§ 8303. Declaration of policy of coordinated development**
 6 **and management**

7 The policy to be followed for the attainment of the objective established
 8 by section 8302 of this title, and for the more effective exercise by Congress,
 9 the executive branch of the Federal Government, the Mayor of the District
 10 of Columbia, and all other officers, agencies, and instrumentalities of the
 11 District of Columbia of their respective functions, powers, and duties in re-
 12 spect of the Washington metropolitan region, shall be that the functions,
 13 powers, and duties shall be exercised and carried out in a manner that (with
 14 proper recognition of the sovereignty of Maryland and Virginia in respect
 15 of those areas of the Washington metropolitan region that are located within
 16 their respective jurisdictions) will best facilitate the attainment of the co-
 17 ordinated development of the areas of the Washington metropolitan area
 18 and the coordinated management of their public affairs so as to contribute
 19 effectively to the solution of the community development problems of the
 20 Washington metropolitan region on a unified metropolitan basis.

21 **§ 8304. Priority projects**

22 In carrying out the policy pursuant to section 8303 of this title for the
 23 attainment of the objective established by section 8302 of this title, priority
 24 should be given to the solution, on a unified metropolitan basis, of the prob-
 25 lems of water supply, sewage disposal, and water pollution and transpor-
 26 tation.

27 **CHAPTER 85—NATIONAL CAPITAL SERVICE AREA AND**
 28 **DIRECTOR**

Sec.

8501. National Capital Service Area.

8502. National Capital Service Director.

29 **§ 8501. National Capital Service Area**

30 (a) ESTABLISHMENT.—

31 (1) BOUNDARIES.—The National Capital Service Area is in the Dis-
 32 trict of Columbia and includes the principal federal monuments, the
 33 White House, the Capitol Building, the United States Supreme Court
 34 Building, and the federal executive, legislative, and judicial office build-
 35 ings located adjacent to the Mall and the Capitol Building, and is more
 36 particularly described as the area bounded as follows:

37 Beginning at that point on the present Virginia-District of Co-
 38 lumbia boundary due west of the northernmost point of Theodore

1 Roosevelt Island and running due east to the eastern shore of the
2 Potomac River;
3 thence generally south along the shore at the mean high water
4 mark to the northwest corner of the Kennedy Center;
5 thence east along the northern side of the Kennedy Center to
6 a point where it reaches the E Street Expressway;
7 thence east on the expressway to E Street Northwest and
8 thence east on E Street Northwest to Eighteenth Street North-
9 west;
10 thence south on Eighteenth Street Northwest to Constitution
11 Avenue Northwest;
12 thence east on Constitution Avenue to Seventeenth Street
13 Northwest;
14 thence north on Seventeenth Street Northwest to Pennsylvania
15 Avenue Northwest;
16 thence east on Pennsylvania Avenue to Jackson Place North-
17 west;
18 thence north on Jackson Place to H Street Northwest;
19 thence east on H Street Northwest to Madison Place Northwest;
20 thence south on Madison Place Northwest to Pennsylvania Ave-
21 nue Northwest;
22 thence east on Pennsylvania Avenue Northwest to Fifteenth
23 Street Northwest;
24 thence south on Fifteenth Street Northwest to Pennsylvania Av-
25 enue Northwest;
26 thence southeast on Pennsylvania Avenue Northwest to John
27 Marshall Place Northwest;
28 thence north on John Marshall Place Northwest to C Street
29 Northwest;
30 thence east on C Street Northwest to Third Street Northwest;
31 thence north on Third Street Northwest to D Street Northwest;
32 thence east on D Street Northwest to Second Street Northwest;
33 thence south on Second Street Northwest to the intersection of
34 Constitution Avenue Northwest and Louisiana Avenue Northwest;
35 thence northeast on Louisiana Avenue Northwest to North Cap-
36 itol Street;
37 thence north on North Capitol Street to Massachusetts Avenue
38 Northwest;
39 thence southeast on Massachusetts Avenue Northwest so as to
40 encompass Union Square;
41 thence following Union Square to F Street Northeast;

1 thence east on F Street Northeast to Second Street Northeast;
2 thence south on Second Street Northeast to D Street Northeast;
3 thence west on D Street Northeast to First Street Northeast;
4 thence south on First Street Northeast to Maryland Avenue
5 Northeast;
6 thence generally north and east on Maryland Avenue to Second
7 Street Northeast;
8 thence south on Second Street Northeast to C Street Southeast;
9 thence west on C Street Southeast to New Jersey Avenue
10 Southeast;
11 thence south on New Jersey Avenue Southeast to D Street
12 Southeast;
13 thence west on D Street Southeast to Canal Street Parkway;
14 thence southeast on Canal Street Parkway to E Street South-
15 east;
16 thence west on E Street Southeast to the intersection of Wash-
17 ington Avenue Southwest and South Capitol Street;
18 thence northwest on Washington Avenue Southwest to Second
19 Street Southwest;
20 thence south on Second Street Southwest to Virginia Avenue
21 Southwest;
22 thence generally west on Virginia Avenue to Third Street South-
23 west;
24 thence north on Third Street Southwest to C Street Southwest;
25 thence west on C Street Southwest to Sixth Street Southwest;
26 thence north on Sixth Street Southwest to Independence Ave-
27 nue;
28 thence west on Independence Avenue to Twelfth Street South-
29 west;
30 thence south on Twelfth Street Southwest to D Street South-
31 west;
32 thence west on D Street Southwest to Fourteenth Street South-
33 west;
34 thence south on Fourteenth Street Southwest to the middle of
35 the Washington Channel;
36 thence generally south and east along the mid-channel of the
37 Washington Channel to a point due west of the northern boundary
38 line of Fort Lesley McNair;
39 thence due east to the side of the Washington Channel;
40 thence following generally south and east along the side of the
41 Washington Channel at the mean high water mark, to the point

1 of confluence with the Anacostia River, and along the northern
 2 shore at the mean high water mark to the northern most point
 3 of the Eleventh Street Bridge;

4 thence generally south and east along the northern side of the
 5 Eleventh Street Bridge to the eastern shore of the Anacostia
 6 River;

7 thence generally south and west along such shore at the mean
 8 high water mark to the point of confluence of the Anacostia and
 9 Potomac Rivers;

10 thence generally south along the eastern shore at the mean high
 11 water mark of the Potomac River to the point where it meets the
 12 present southeastern boundary line of the District of Columbia;

13 thence south and west along such southeastern boundary line to
 14 the point where it meets the present Virginia-District of Columbia
 15 boundary;

16 thence generally north and west up the Potomac River along the
 17 Virginia-District of Columbia boundary to the point of beginning.

18 (2) STREETS AND SIDEWALKS INCLUDED.—Where the area in para-
 19 graph (1) is bounded by a street, the street, and any sidewalk of the
 20 street, are included in the area.

21 (3) FEDERAL PROPERTY THAT AFFRONTED OR ABUTTED THE AREA
 22 DEEMED TO BE IN THE AREA.—Federal real property that on Decem-
 23 ber 24, 1973, affronted or abutted the area described in paragraph (1)
 24 is deemed to be in the area. For the purposes of this paragraph, federal
 25 real property affronting or abutting the area described in paragraph
 26 (1)—

27 (A) is deemed to include Fort Lesley McNair, the Washington
 28 Navy Yard, the Anacostia Naval Annex, the United States Naval
 29 Station, Bolling Air Force Base, and the Naval Research Labora-
 30 tory; and

31 (B) does not include any area situated outside of the District
 32 of Columbia boundary as it existed immediately prior to December
 33 24, 1973, any part of the Anacostia Park situated east of the
 34 northern side of the Eleventh Street Bridge, or any part of the
 35 Rock Creek Park.

36 (b) APPLICABILITY OF OTHER PROVISIONS.—

37 (1) PROVISIONS COVERING BUILDINGS AND GROUNDS IN AREA NOT
 38 AFFECTED.— Except to the extent specifically provided by this section,
 39 this section does not—

40 (A) apply to the United States Capitol Buildings and Grounds
 41 as defined and described in sections 5101 and 5102, any other

1 buildings and grounds under the care of the Architect of the Cap-
2 itol, the Supreme Court Building and grounds as described in sec-
3 tion 6101 of this title, and the Library of Congress buildings and
4 grounds as defined in section 11 of the Act of August 4, 1950 (2
5 U.S.C. 167j); and

6 (B) repeal, amend, alter, modify, or supersede—

7 (i) chapter 51 of this title, section 9, 9A, 9B, 9C or 14 of
8 the Act of July 31, 1946 (ch. 707, 60 Stat. 719, 720), any
9 other general law of the United States, any law enacted by
10 Congress and applicable exclusively to the District of Colum-
11 bia, or any rule or regulation prescribed pursuant to any of
12 those provisions, that was in effect on January 1, 1975, and
13 that pertained to those buildings and grounds; or

14 (ii) any authority which existed on December 24, 1973,
15 with respect to those buildings and grounds and was vested
16 on January 1, 1975, in the Senate, the House of Representa-
17 tives, Congress, any committee, commission, or board of the
18 Senate, the House of Representatives, or Congress, the Archi-
19 tect of the Capitol or any other officer of the legislative
20 branch, the Chief Justice of the United States, the Marshal
21 of the Supreme Court, or the Librarian of Congress.

22 (2) CONTINUED APPLICATION OF LAWS, REGULATIONS, AND
23 RULES.—Except to the extent otherwise specifically provided in this
24 section, all general laws of the United States and all laws enacted by
25 the Congress and applicable exclusively to the District of Columbia, in-
26 cluding regulations and rules prescribed pursuant to any of those laws,
27 that were in effect on January 1, 1975, and which applied to and in
28 the areas included in the National Capital Service Area pursuant to
29 this section continue to be applicable to and in the National Capital
30 Service Area in the same manner and to the same extent as if this sec-
31 tion had not been enacted and remain applicable until repealed, amend-
32 ed, altered, modified, or superseded.

33 (c) AVAILABILITY OF SERVICES AND FACILITIES.—As far as practicable,
34 any service or facility authorized by the District of Columbia Home Rule
35 Act (Public Law 93–198, 87 Stat. 774) to be rendered or furnished (includ-
36 ing maintenance of streets and highways, and services under section 1537
37 of title 31) shall be made available to the Senate, the House of Representa-
38 tives, Congress, any committee, commission, or board of the Senate, the
39 House of Representatives, or Congress, the Architect of the Capitol, any
40 other officer of the legislative branch who on January 1, 1975, was vested
41 with authority over those buildings and grounds, the Chief Justice of the

1 United States, the Marshal of the Supreme Court, and the Librarian of
 2 Congress on their request. If payment would be required for the rendition
 3 or furnishing of a similar service or facility to any other federal agency, the
 4 recipient, on presentation of proper vouchers and as agreed on by the par-
 5 ties, shall pay for the service or facility in advance or by reimbursement.

6 (d) RIGHT TO PARTICIPATE IN ELECTION NOT AFFECTED BY RESI-
 7 DENCY.—An individual may not be denied the right to vote or otherwise
 8 participate in any manner in any election in the District of Columbia solely
 9 because the individual resides in the National Capital Service Area.

10 § 8502. National Capital Service Director

11 (a) ESTABLISHMENT AND COMPENSATION.—There is in the Executive
 12 Office of the President the National Capital Service Director who shall be
 13 appointed by the President. The Director shall receive compensation at the
 14 maximum rate established for level IV of the Executive Schedule under sec-
 15 tion 5314 of title 5.

16 (b) PERSONNEL.—The Director may appoint and fix the rate of com-
 17 pensation of necessary personnel, subject to chapters 33 and 51 and sub-
 18 chapter III of chapter 53 of title 5.

19 (c) DUTIES.—

20 (1) PRESIDENT.—The President, through the Director and using
 21 District of Columbia governmental services to the extent practicable,
 22 shall ensure that there is provided in the area described in section
 23 8501(a) of this title adequate fire protection and sanitation services.

24 (2) DIRECTOR.—Except with respect to that part of the National
 25 Capital Service Area comprising the United States Capitol Buildings
 26 and Grounds as defined and described in sections 5101 and 5102, the
 27 Supreme Court Building and grounds as described in section 6101 of
 28 this title, and the Library of Congress buildings and grounds as defined
 29 in section 11 of the Act of August 4, 1950 (2 U.S.C. 167j), the Direc-
 30 tor shall ensure that there is provided in the remainder of the area de-
 31 scribed in section 8501(a) of this title adequate police protection and
 32 maintenance of streets and highways.

33 CHAPTER 87—PHYSICAL DEVELOPMENT OF NATIONAL 34 CAPITAL REGION

SUBCHAPTER I—GENERAL

- Sec.
 8701. Findings and purposes.
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SUBCHAPTER II—PLANNING AGENCIES

8711. National Capital Planning Commission.
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SUBCHAPTER III—PLANNING PROCESS

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SUBCHAPTER I—GENERAL

§ 8701. Findings and purposes

(a) FINDINGS.—Congress finds that—

(1) the location of the seat of government in the District of Columbia has brought about the development of a metropolitan region extending well into adjoining territory in Maryland and Virginia;

(2) effective comprehensive planning is necessary on a regional basis and of continuing importance to the federal establishment;

(3) the distribution of federal installations throughout the region has been and will continue to be a major influence in determining the extent and character of development;

(4) there is needed a central planning agency for the National Capital region to coordinate certain developmental activities of the many different agencies of the Federal and District of Columbia Governments so that those activities may conform with general objectives;

(5) there is an increasing mutuality of interest and responsibility between the various levels of government that calls for coordinate and unified policies in planning both federal and local development in the interest of order and economy;

(6) there are developmental problems of an interstate character, the planning of which requires collaboration between federal, state, and local governments in the interest of equity and constructive action; and

(7) the instrumentalities and procedures provided in this chapter will aid in providing Congress with information and advice requisite to legislation.

(b) PURPOSES.—

(1) IN GENERAL.—The purposes of this chapter (except sections 8733–8736) are—

(A) to secure comprehensive planning for the physical development of the National Capital and its environs;

(B) to provide for the participation of the appropriate planning agencies of the environs in the planning; and

1 (C) to establish the agency and procedures requisite to the ad-
 2 ministration of the functions of the Federal and District Govern-
 3 ments related to the planning.

4 (2) OBJECTIVE.—The general objective of this chapter (except sec-
 5 tions 8733–8736) is to enable appropriate agencies to plan for the de-
 6 velopment of the federal establishment at the seat of government in a
 7 manner—

8 (A) consistent with the nature and function of the National
 9 Capital and with due regard for the rights and prerogatives of the
 10 adjoining States and local governments to exercise control appro-
 11 priate to their functions; and

12 (B) which will, in accordance with present and future needs,
 13 best promote public health, safety, morals, order, convenience,
 14 prosperity, and the general welfare, as well as efficiency and econ-
 15 omy in the process of development.

16 § 8702. Definitions

17 In this chapter—

18 (1) ENVIRONS.—The term “environs” means the territory sur-
 19 rounding the District of Columbia included in the National Capital re-
 20 gion.

21 (2) NATIONAL CAPITAL.—The term “National Capital” means the
 22 District of Columbia and territory the Federal Government owns in the
 23 environs.

24 (3) NATIONAL CAPITAL REGION.—The term “National Capital re-
 25 gion” means—

26 (A) the District of Columbia;

27 (B) Montgomery and Prince Georges Counties in Maryland;

28 (C) Arlington, Fairfax, Loudoun, and Prince William Counties
 29 in Virginia; and

30 (D) all cities in Maryland or Virginia in the geographic area
 31 bounded by the outer boundaries of the combined area of the
 32 counties listed in subparagraphs (B) and (C).

33 (4) PLANNING AGENCY.—The term “planning agency” means any
 34 city, county, bi-county, part-county, or regional planning agency au-
 35 thorized under state and local laws to make and adopt comprehensive
 36 plans.

37 SUBCHAPTER II—PLANNING AGENCIES

38 § 8711. National Capital Planning Commission

39 (a) ESTABLISHMENT AND PURPOSE.—The National Capital Planning
 40 Commission is the central federal planning agency for the Federal Govern-
 41 ment in the National Capital, created to preserve the important historical

1 and natural features of the National Capital, except for the United States
2 Capitol Buildings and Grounds (as defined and described in sections 5101
3 and 5102), any extension of, or additions to, those Buildings and Grounds,
4 and buildings and grounds under the care of the Architect of the Capitol.

5 (b) COMPOSITION.—

6 (1) MEMBERSHIP.—The National Capital Planning Commission is
7 composed of—

8 (A) ex officio, the Secretary of the Interior, the Secretary of De-
9 fense, the Administrator of General Services, the Mayor of the
10 District of Columbia, the Chairman of the Council of the District
11 of Columbia, the chairman of the Committee on Governmental Af-
12 fairs of the Senate, and the chairman of the Committee on Gov-
13 ernment Reform of the House of Representatives, or an alternate
14 any of those individuals designates; and

15 (B) five citizens with experience in city or regional planning,
16 three of whom shall be appointed by the President and two of
17 whom shall be appointed by the Mayor.

18 (2) RESIDENCY REQUIREMENT.—The citizen members appointed by
19 the Mayor shall be residents of the District of Columbia. Of the three
20 appointed by the President, at least one shall be a resident of Virginia
21 and at least one shall be a resident of Maryland.

22 (3) TERMS.—An individual appointed by the President serves for six
23 years. An individual appointed by the Mayor serves for four years. An
24 individual appointed to fill a vacancy shall be appointed only for the
25 unexpired term of the individual being replaced.

26 (4) PAY AND EXPENSES.—Citizen members are entitled to \$100 a
27 day when performing duties vested in the Commission and to reim-
28 bursement for necessary expenses incurred in performing those duties.

29 (c) CHAIRMAN AND OFFICERS.—The President shall designate the Chair-
30 man of the National Capital Planning Commission. The Commission may
31 elect from among its members other officers as it considers desirable.

32 (d) PERSONNEL.—The National Capital Planning Commission may em-
33 ploy a Director, an executive officer, and other technical and administrative
34 personnel as it considers necessary. Without regard to section 3709 of the
35 Revised Statutes (41 U.S.C. 5) and section 3109, chapters 33 and 51, and
36 subchapter III of chapter 53, of title 5, the Commission may employ, by
37 contract or otherwise, the temporary or intermittent (not more than one
38 year) services of city planners, architects, engineers, appraisers, and other
39 experts or organizations of experts, as may be necessary to carry out its
40 functions. The Commission shall fix the rate of compensation so as not to
41 exceed the rate usual for similar services.

1 (e) PRINCIPAL DUTIES.—The principal duties of the National Capital
2 Planning Commission include—

3 (1) preparing, adopting, and amending a comprehensive plan for the
4 federal activities in the National Capital and making related rec-
5 ommendations to the appropriate developmental agencies; and

6 (2) serving as the central planning agency for the Government within
7 the National Capital region and reviewing the development programs
8 of the developmental agencies to advise as to consistency with the com-
9 prehensive plan.

10 (f) TRANSFER OF OTHER FUNCTIONS, POWERS, AND DUTIES.—The Na-
11 tional Capital Planning Commission shall carry out all other functions, pow-
12 ers, and duties of the National Capital Park and Planning Commission, in-
13 cluding those formerly vested in the Highway Commission established by the
14 Act of March 2, 1893 (ch. 197, 27 Stat. 532), and those formerly vested
15 in the National Capital Park Commission by the Act of June 6, 1924 (ch.
16 270, 43 Stat. 463).

17 (g) ESTIMATE.—The National Capital Planning Commission shall submit
18 to the Office of Management and Budget before December 16 of each year
19 its estimate of the total amount to be appropriated for expenditure under
20 this chapter (except sections 8732–8736) during the next fiscal year.

21 (h) FEES.—The National Capital Planning Commission may charge fees
22 to cover the full cost of Geographic Information System products and serv-
23 ices the Commission supplies. The fees shall be credited to the applicable
24 appropriation account as an offsetting collection and remain available until
25 expended.

26 **§ 8712. Mayor of the District of Columbia**

27 (a) PLANNING RESPONSIBILITIES.—The Mayor of the District of Colum-
28 bia is the central planning agency for the government of the District of Co-
29 lumbia in the National Capital and is responsible for coordinating the plan-
30 ning activities of the District government and for preparing and imple-
31 menting the District elements of the comprehensive plan for the National
32 Capital, which may include land use elements, urban renewal and redevelop-
33 ment elements, a multiyear program of public works for the District, and
34 physical, social, economic, transportation, and population elements. The
35 Mayor's planning responsibility shall not extend to—

36 (1) federal or international projects and developments in the District,
37 as determined by the National Capital Planning Commission; or

38 (2) the United States Capitol Buildings and Grounds as defined and
39 described in sections 5101 and 5102, any extension of, or additions to,
40 those Buildings and Grounds, and buildings and grounds under the
41 care of the Architect of the Capitol.

1 (b) PARTICIPATION AND CONSULTATION.—In carrying out the respon-
 2 sibilities under this section and section 8721 of this title, the Mayor shall
 3 establish procedures for citizen participation in the planning process and for
 4 appropriate meaningful consultation with any state or local government or
 5 planning agency in the National Capital region affected by any aspect of
 6 a comprehensive plan, including amendments, affecting or relating to the
 7 District.

8 SUBCHAPTER III—PLANNING PROCESS

9 § 8721. Comprehensive plan for the National Capital

10 (a) PREPARATION AND ADOPTION BY COMMISSION.—The National Cap-
 11 ital Planning Commission shall prepare and adopt a comprehensive, con-
 12 sistent, and coordinated plan for the National Capital. The plan shall in-
 13 clude the Commission’s recommendations or proposals for federal develop-
 14 ments or projects in the environs and District elements of the comprehen-
 15 sive plan, or amendments to the elements, adopted by the Council of the
 16 District of Columbia and with respect to which the Commission has not de-
 17 termined a negative impact exists. Those elements or amendments shall be
 18 incorporated into the comprehensive plan without change. The Commission
 19 may include in its plan any part of a plan adopted by any planning agency
 20 in the environs and may make recommendations of collateral interest to the
 21 agencies. The Commission may adopt any part of an element. The Commis-
 22 sion shall review and may amend or extend the plan so that its recom-
 23 mendations may be kept up to date.

24 (b) REVIEW BY DISTRICT OF COLUMBIA.—The Mayor of the District of
 25 Columbia shall submit each District element of the comprehensive plan, and
 26 any amendment, to the Council for revision or modification, and adoption,
 27 by act, following public hearings. Following adoption and prior to implemen-
 28 tation, the Council shall submit each element or amendment to the Commis-
 29 sion for review and comment with regard to the impact of the element or
 30 amendment on the interests or functions of the federal establishment in the
 31 National Capital.

32 (c) COMMISSION RESPONSE TO COUNCIL ACTION.—

33 (1) PERIOD OF REVIEW.—Within 60 days after receiving an element
 34 or amendment from the Council, the Commission shall certify to the
 35 Council whether the element or amendment has a negative impact on
 36 the interests or functions of the federal establishment in the National
 37 Capital.

38 (2) NO NEGATIVE IMPACT.—If the Commission takes no action in
 39 the 60-day period, the element or amendment is deemed to have no
 40 negative impact and shall be incorporated into the comprehensive plan
 41 for the National Capital and implemented.

1 (3) NEGATIVE IMPACT.—

2 (A) CERTIFICATION TO COUNCIL.—If the Commission finds a
3 negative impact, it shall certify its findings and recommendations
4 to the Council.

5 (B) RESPONSE OF COUNCIL.—On receipt of the Commission's
6 findings and recommendations, the Council may—

7 (i) accept the findings and recommendations and modify
8 the element or amendment accordingly; or

9 (ii) reject the findings and recommendations and resubmit
10 a modified form of the element or amendment to the Commis-
11 sion for reconsideration.

12 (C) FINDINGS AND RECOMMENDATIONS ACCEPTED.—If the
13 Council accepts the findings and recommendations and modifies
14 the element or amendment, the Council shall submit the element
15 or amendment to the Commission for the Commission to deter-
16 mine whether the modification has been made in accordance with
17 the Commission's findings and recommendations. If the Commis-
18 sion does not act on the modified element or amendment within
19 30 days after receiving it, the element or amendment is deemed
20 to have been modified in accordance with the findings and rec-
21 ommendations and shall be incorporated into the comprehensive
22 plan for the National Capital and implemented. If within the 30-
23 day period the Commission again determines the element or
24 amendment has a negative impact on the functions or interests of
25 the federal establishment in the National Capital, the element or
26 amendment shall not be implemented.

27 (D) FINDINGS AND RECOMMENDATIONS REJECTED.—If the
28 Council rejects the findings and recommendations and resubmits
29 a modified element or amendment, the Commission, within 60
30 days after receiving it, shall decide whether the modified element
31 or amendment has a negative impact on the interests or functions
32 of the federal establishment within the National Capital. If the
33 Commission does not act within the 60-day period, the modified
34 element or amendment is deemed to have no negative impact and
35 shall be incorporated into the comprehensive plan and imple-
36 mented. If the Commission finds a negative impact, it shall certify
37 its findings (in sufficient detail that the Council can understand
38 the basis of the objection of the Commission) and recommenda-
39 tions to the Council and the element or amendment shall not be
40 implemented.

1 (d) RESUBMISSION DEEMED NEW ELEMENT OR AMENDMENT.—Any ele-
 2 ment or amendment which the Commission has determined has a negative
 3 impact on the federal establishment in the National Capital which is sub-
 4 mitted again in a modified form not less than one year from the day it was
 5 last rejected by the Commission is deemed to be a new element or amend-
 6 ment for purposes of the review procedure specified in this section.

7 (e) REVIEW, HEARINGS, AND CITIZEN ADVISORY COUNCILS.—

8 (1) REVIEW.—Before the comprehensive plan, any element of the
 9 plan, or any revision is adopted, the Commission shall present the plan,
 10 element, or revision to the appropriate federal or District of Columbia
 11 authorities for comment and recommendations. The Commission may
 12 present the proposed revisions annually in a consolidated form. Rec-
 13 ommendations by federal and District of Columbia authorities are not
 14 binding on the Commission, but the Commission shall give careful con-
 15 sideration to any views and recommendations submitted prior to final
 16 adoption.

17 (2) HEARINGS AND CITIZEN ADVISORY COUNCILS.—The
 18 Commission—

19 (A) may provide periodic opportunity for review and comments
 20 by nongovernmental agencies or groups through public hearings,
 21 meetings, or conferences, exhibitions, and publication of its plans;
 22 and

23 (B) in consultation with the Council, may encourage the forma-
 24 tion of citizen advisory councils.

25 (f) EXTENSION OF TIME LIMITATIONS.—On request of the Commission,
 26 the Council may grant an extension of any time limitation contained in this
 27 section.

28 (g) PUBLISHING COMPREHENSIVE PLAN.—As appropriate, the Commis-
 29 sion and the Mayor jointly shall publish a comprehensive plan for the Na-
 30 tional Capital, consisting of the elements of the comprehensive plan for the
 31 federal activities in the National Capital developed by the Commission and
 32 the District elements developed by the Mayor and the Council in accordance
 33 with this section.

34 (h) PROCEDURES FOR CONSULTATION.—

35 (1) COMMISSION AND MAYOR.—The Commission and the Mayor
 36 jointly shall establish procedures for appropriate meaningful continuing
 37 consultation throughout the planning process for the National Capital.

38 (2) GOVERNMENT AGENCIES.—In order that the National Capital
 39 may be developed in accordance with the comprehensive plan, the Com-
 40 mission, with the consent of each agency concerned as to its represen-
 41 tation, may establish advisory and coordinating committees composed

1 of representatives of agencies of the Federal and District of Columbia
 2 Governments as may be necessary or helpful to obtain the maximum
 3 amount of cooperation and correlation of effort among the various
 4 agencies. As it considers appropriate, the Commission may invite rep-
 5 resentatives of the planning and developmental agencies of the environs
 6 to participate in the work of the committees.

7 **§ 8722. Proposed federal and district developments and**
 8 **projects**

9 (a) AGENCIES TO USE COMMISSION AS CENTRAL PLANNING AGENCY.—
 10 Agencies of the Federal Government responsible for public developments
 11 and projects shall cooperate and correlate their efforts by using the National
 12 Capital Planning Commission as the central planning agency for federal ac-
 13 tivities in the National Capital region. To aid the Commission in carrying
 14 out this function, federal and District of Columbia governmental agencies
 15 on request of the Commission shall furnish plans, data, and records the
 16 Commission requires. The Commission on request shall furnish related
 17 plans, data, and records to federal and District of Columbia governmental
 18 agencies.

19 (b) CONSULTATION BETWEEN AGENCIES AND COMMISSION.—

20 (1) BEFORE CONSTRUCTION PLANS PREPARED.—To ensure the com-
 21 prehensive planning and orderly development of the National Capital,
 22 a federal or District of Columbia agency, before preparing construction
 23 plans the agency originates for proposed developments and projects or
 24 before making a commitment to acquire land, to be paid for at least
 25 in part from federal or District amounts, shall advise and consult with
 26 the Commission as the agency prepares plans and programs in prelimi-
 27 nary and successive stages that affect the plan and development of the
 28 National Capital. After receiving the plans, maps, and data, the Com-
 29 mission promptly shall make a preliminary report and recommenda-
 30 tions to the agency. If the agency, after considering the report and rec-
 31 ommendations of the Commission, does not agree, it shall advise the
 32 Commission and provide the reasons why it does not agree. The Com-
 33 mission then shall submit a final report. After consultation and suitable
 34 consideration of the views of the Commission, the agency may proceed
 35 to take action in accordance with its legal responsibilities and author-
 36 ity.

37 (2) EXCEPTIONS.—

38 (A) IN GENERAL.—Paragraph (1) does not apply to projects
 39 within the Capitol grounds or to structures erected by the Depart-
 40 ment of Defense during wartime or national emergency within ex-
 41 isting military, naval, or Air Force reservations, except that the

1 appropriate defense agency shall consult with the Commission as
2 to any developments which materially affect traffic or require co-
3 ordinated planning of the surrounding area.

4 (B) ADVANCE DECISIONS OF COMMISSION.—The Commission
5 shall determine in advance the type or kinds of plans, develop-
6 ments, projects, improvements, or acquisitions which do not need
7 to be submitted for review by the Commission as to conformity
8 with its plans.

9 (c) ADDITIONAL PROCEDURE FOR DEVELOPMENTS AND PROJECTS
10 WITHIN ENVIRONS.—

11 (1) SUBMISSION TO COMMISSION.—Within the environs, general
12 plans showing the location, character, and extent of, and intensity of
13 use for, proposed federal and District developments and projects involv-
14 ing the acquisition of land shall be submitted to the Commission for
15 report and recommendations before a final commitment to the acquisi-
16 tion is made, unless the matter specifically has been approved by law.

17 (2) COMMISSION ACTION.—Before acting on any general plan, the
18 Commission shall advise and consult with the appropriate planning
19 agency having jurisdiction over the affected part of the environs. When
20 the Commission decides that proposed developments or projects sub-
21 mitted to the Commission under subsection (b) involve a major change
22 in the character or intensity of an existing use in the environs, the
23 Commission shall advise and consult with the planning agency. The re-
24 port and recommendations shall be submitted within 60 days and shall
25 be accompanied by any reports or recommendations of the planning
26 agency.

27 (3) WORKING WITH STATE OR LOCAL AUTHORITY OR AGENCY.—In
28 carrying out its planning functions with respect to federal developments
29 or projects in the environs, the Commission may work with, and make
30 agreements with, any state or local authority or planning agency as the
31 Commission considers necessary to have a plan or proposal adopted
32 and carried out.

33 (d) APPROVAL OF FEDERAL PUBLIC BUILDINGS.—The provisions of the
34 Act of June 20, 1938 (ch. 534, 52 Stat. 802) shall not apply to federal
35 public buildings. In order to ensure the orderly development of the National
36 Capital, the location, height, bulk, number of stories, and size of federal
37 public buildings in the District of Columbia and the provision for open space
38 in and around federal public buildings in the District of Columbia is subject
39 to the approval of the Commission.

40 (e) APPROVAL OF DISTRICT GOVERNMENT BUILDINGS IN CENTRAL
41 AREA.—Subsection (d) is extended to include public buildings erected by

1 any agency of the Government of the District of Columbia in the central
 2 area of the District (as defined by concurrent action of the Commission and
 3 the Council of the District of Columbia), except that the Commission shall
 4 transmit its approval or disapproval within 30 days after the day the pro-
 5 posal was submitted to the Commission.

6 **§ 8723. Capital improvements**

7 (a) SIX-YEAR PROGRAM OF PUBLIC WORKS PROJECTS.—The National
 8 Capital Planning Commission shall recommend a six-year program of public
 9 works projects for the Federal Government which the Commission shall re-
 10 view annually with the agencies concerned. Each federal agency shall submit
 11 to the Commission in the first quarter of each fiscal year a copy of its ad-
 12 vance program of capital improvements within the National Capital and its
 13 environs.

14 (b) SUBMISSION OF MULTIYEAR CAPITAL IMPROVEMENT PLAN.—By
 15 February 1 of each year, the Mayor of the District of Columbia shall submit
 16 to the Commission a copy of the multiyear capital improvements plan for
 17 the District of Columbia that the Mayor develops under section 444 of the
 18 District of Columbia Home Rule Act (Public Law 93–198, 87 Stat. 800).
 19 The Commission has 30 days in which to comment on the plan but may
 20 not change or disapprove of the plan.

21 **§ 8724. Zoning regulations and maps**

22 (a) AMENDMENTS OF ZONING REGULATIONS AND MAPS.—The National
 23 Capital Planning Commission may make a report and recommendation to
 24 the Zoning Commission of the District of Columbia, as provided in section
 25 5 of the Act of June 20, 1938 (ch. 534, 52 Stat. 798), on the relation,
 26 conformity, or consistency of proposed amendments of the zoning regula-
 27 tions and maps with the comprehensive plan for the National Capital. The
 28 Planning Commission may also submit to the Zoning Commission proposed
 29 amendments or general revisions to the zoning regulations or the zoning
 30 map for the District of Columbia.

31 (b) ADDITIONAL REPORT BY PLANNING COMMISSION.—When requested
 32 by an authorized representative of the Planning Commission, the Zoning
 33 Commission may recess for a reasonable period of time any public hearing
 34 it is holding to consider a proposed amendment to the zoning regulations
 35 or map so that the Planning Commission may have an opportunity to
 36 present to the Zoning Commission an additional report on the proposed
 37 amendment.

38 (c) ZONING COMMITTEE OF NATIONAL CAPITAL PLANNING COMMISS-
 39 SION.—

40 (1) ESTABLISHMENT AND COMPOSITION.—There is a Zoning Com-
 41 mittee of the National Capital Planning Commission. The Committee

1 consists of at least three members of the Planning Commission the
 2 Planning Commission designates for that purpose. The number of
 3 members serving on the Committee may vary.

4 (2) DUTIES.—The Committee shall carry out the functions vested in
 5 the Planning Commission under this section and section 8725 of this
 6 title—

7 (A) to the extent the Planning Commission decides; and

8 (B) when requested by the Zoning Commission and approved by
 9 the Planning Commission.

10 **§ 8725. Recommendations on platting and subdividing land**

11 (a) BY COUNCIL OF THE DISTRICT OF COLUMBIA.—The Council of the
 12 District of Columbia shall submit any proposed change in, or addition to,
 13 the regulations or general orders regulating the platting and subdividing of
 14 lands and grounds in the District of Columbia to the National Capital Plan-
 15 ning Commission for report and recommendation before the Council adopts
 16 the change or addition. The Council shall advise the Commission when it
 17 does not agree with the recommendations of the Commission and shall give
 18 the reasons why it disagrees. The Commission then shall submit a final re-
 19 port within 30 days. After considering the final report, the Council may act
 20 in accordance with its legal responsibilities and authority.

21 (b) BY PLANNING COMMISSION.—The Commission shall submit to the
 22 Council any proposed change in, or amendment to, the general orders that
 23 the Commission considers appropriate. The Council shall treat the amend-
 24 ments proposed in the same manner as other proposed amendments.

25 **§ 8726. Authorization of appropriations**

26 Amounts necessary to carry out this subchapter may be appropriated
 27 from money in the Treasury not otherwise appropriated and from any ap-
 28 propriate appropriation law, except the annual District of Columbia Appro-
 29 priation Act.

30 SUBCHAPTER IV—ACQUIRING AND DISPOSING OF LAND

31 **§ 8731. Acquiring land for park, parkway, or playground**
 32 **purposes**

33 (a) AUTHORITY TO ACQUIRE LAND.—The National Capitol Planning
 34 Commission shall acquire land the Planning Commission believes is nec-
 35 essary and desirable in the District of Columbia and adjacent areas in
 36 Maryland and Virginia for suitable development of the National Capital
 37 park, parkway, and playground system. The acquisition must be within the
 38 limits of the appropriations made for those purposes. The Planning Com-
 39 mission shall request the advice of the Commission of Fine Arts in selecting
 40 land to be acquired.

41 (b) HOW LAND MAY BE ACQUIRED.—

1 (1) PURCHASE OR CONDEMNATION PROCEEDING.—The National
2 Capital Planning Commission may buy land when the land can be ac-
3 quired at a price the Planning Commission considers reasonable or by
4 a condemnation proceeding when the land cannot be bought at a rea-
5 sonable price.

6 (2) LAND IN THE DISTRICT OF COLUMBIA.—A condemnation pro-
7 ceeding to acquire land in the District of Columbia shall be conducted
8 in accordance with section 1 of the Act of December 23, 1963 (Public
9 Law 88–241, 77 Stat. 571).

10 (3) LAND IN MARYLAND OR VIRGINIA.—The Planning Commission
11 may acquire land in Maryland or Virginia under arrangements agreed
12 to by the Commission and the proper officials of Maryland or Virginia.

13 (c) CONTROL OF LAND.—

14 (1) LAND IN THE DISTRICT OF COLUMBIA.—Land acquired in the
15 District of Columbia shall be a part of the park system of the District
16 of Columbia and be under the control of the Director of the National
17 Park Service. The National Capital Planning Commission may assign
18 areas suitable for playground purposes to the control of the Mayor of
19 the District of Columbia for playground purposes.

20 (2) LAND IN MARYLAND OR VIRGINIA.—Land acquired in Maryland
21 or Virginia shall be controlled as determined by agreement between the
22 Planning Commission and the proper officials of Maryland or Virginia.

23 (d) PRESIDENTIAL APPROVAL REQUIRED.—The designation of all land to
24 be acquired by condemnation, all contracts to purchase land, and all agree-
25 ments between the National Capital Planning Commission and the officials
26 of Maryland and Virginia are subject to the approval of the President.

27 **§ 8732. Acquiring land subject to limited rights reserved to**
28 **grantor and limited permanent rights in land ad-**
29 **joining park property**

30 (a) IN GENERAL.—The National Capital Planning Commission in accord-
31 ance with this chapter may acquire, for and on behalf of the Federal Gov-
32 ernment, by gift, devise, purchase, or condemnation—

33 (1) fee title to land subject to limited rights, but not for business
34 purposes, reserved to the grantor; and

35 (2) permanent rights in land adjoining park property sufficient to
36 prevent the use of the land in certain specified ways which would essen-
37 tially impair the value of the park property for its purposes.

38 (b) PREREQUISITES TO ACQUISITION.—

39 (1) FEE TITLE TO LAND SUBJECT TO LIMITED RIGHTS.—The res-
40 ervation of rights to the grantor shall not continue beyond the life of
41 the grantor of the fee. The Commission must decide that the perma-

1 poses. The land may be sold for cash or on a deferred-payment plan the
 2 Secretary approves, at a price not less than the Government paid for it and
 3 not less than its present appraised value as determined by the Secretary.

4 (b) SALE TO HIGHEST BIDDER.—In selling any parcel of land under this
 5 section, the Secretary shall have public or private solicitation for bids or of-
 6 fers be made as the Secretary considers appropriate. The Secretary shall sell
 7 the parcel to the party agreeing to pay the highest price if the price is oth-
 8 erwise satisfactory. If the price offered or bid by the owner of land abutting
 9 the land to be sold equals the highest price offered or bid by any other
 10 party, the parcel may be sold to the owner of the abutting land.

11 (c) PAYING EXPENSES AND DEPOSITING PROCEEDS.—The Secretary—

12 (1) may pay the reasonable and necessary expenses of the sale of
 13 each parcel of land sold; and

14 (2) shall deposit the net proceeds of each sale in the Treasury to the
 15 credit of the Government and the District of Columbia in the propor-
 16 tion that each—

17 (A) paid the appropriations used to acquire the parcels; or

18 (B) was obligated to pay the appropriations, at the time of ac-
 19 quisition, by reimbursement.

20 **§ 8736. Execution of deeds**

21 The Mayor of the District of Columbia may execute deeds of conveyance
 22 for real estate sold under this subchapter. The deeds shall contain a full
 23 description of the land sold as required by law.

24 **§ 8737. Authorization of appropriations**

25 An amount equal to not more than one cent for each inhabitant of the
 26 continental United States as determined by the last preceding decennial cen-
 27 sus may be appropriated each year in the District of Columbia Appropria-
 28 tion Act for the National Capital Planning Commission to use for the pay-
 29 ment of its expenses and for the acquisition of land the Commission may
 30 acquire under section 8731 of this title for the purposes named, including
 31 compensation for the land, surveys, ascertainment of title, condemnation
 32 proceedings, and necessary conveyancing. The appropriated amounts shall
 33 be paid from the revenues of the District of Columbia and the general
 34 amounts of the Treasury in the same proportion as other expenses of the
 35 District of Columbia.

36 **CHAPTER 89—NATIONAL CAPITAL MEMORIALS AND** 37 **COMMEMORATIVE WORKS**

Sec.

8901. Purposes.

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1 **§ 8901. Purposes**

2 The purposes of this chapter are—

3 (1) to preserve the integrity of the comprehensive design of the
4 L’Enfant and McMillan plans for the Nation’s Capital;

5 (2) to ensure the continued public use and enjoyment of open space
6 in the District of Columbia;

7 (3) to preserve, protect and maintain the limited amount of open
8 space available to residents of, and visitors to, the Nation’s Capital;
9 and

10 (4) to ensure that future commemorative works in areas adminis-
11 tered by the National Park Service and the Administrator of General
12 Services in the District of Columbia and its environs—

13 (A) are appropriately designed, constructed, and located; and

14 (B) reflect a consensus of the lasting national significance of the
15 subjects involved.

16 **§ 8902. Definitions and nonapplication**

17 (a) DEFINITIONS.—In this chapter, the following definitions apply:

18 (1) COMMEMORATIVE WORK.—The term “commemorative work”—

19 (A) means any statue, monument, sculpture, memorial, plaque,
20 inscription, or other structure or landscape feature, including a
21 garden or memorial grove, designed to perpetuate in a permanent
22 manner the memory of an individual, group, event or other signifi-
23 cant element of American history; but

24 (B) does not include an item described in subclause (A) that is
25 located within the interior of a structure or a structure which is
26 primarily used for other purposes.

27 (2) PERSON.—The term “person” means—

28 (A) a public agency; and

29 (B) an individual, group or organization—

30 (i) described in section 501(e)(3) of the Internal Revenue
31 Code of 1986 (26 U.S.C. 501(e)(3)) and exempt from tax
32 under section 501(a) of the Code (26 U.S.C. 501(a)); and

33 (ii) authorized by Congress to establish a commemorative
34 work in the District of Columbia and its environs.

35 (3) THE DISTRICT OF COLUMBIA AND ITS ENVIRONS.—The term
36 “the District of Columbia and its environs” means land and property
37 located in Areas I and II as depicted on the map numbered 869/86501,
38 and dated May 1, 1986, that the National Park Service and the Ad-
39 ministrator of General Services administer.

1 (b) NONAPPLICATION.—This chapter does not apply to commemorative
2 works authorized by a law enacted before January 3, 1985.

3 **§ 8903. Congressional authorization of commemorative**
4 **works**

5 (a) IN GENERAL.—Commemorative works—

6 (1) may be established on federal lands referred to in section
7 8901(4) of this title only as specifically authorized by law; and

8 (2) are subject to applicable provisions of this chapter.

9 (b) MILITARY COMMEMORATIVE WORKS.—A military commemorative
10 work may be authorized only to commemorate a war or similar major mili-
11 tary conflict or a branch of the armed forces. A commemorative work com-
12 memorating a lesser conflict or a unit of an armed force may not be author-
13 ized. Commemorative works to a war or similar major military conflict may
14 not be authorized until at least 10 years after the officially designated end
15 of the event.

16 (c) WORKS COMMEMORATING EVENTS, INDIVIDUALS, OR GROUPS.—A
17 commemorative work commemorating an event, individual, or group of indi-
18 viduals, except a military commemorative work as described in subsection
19 (b), may not be authorized until after the 25th anniversary of the event,
20 death of the individual, or death of the last surviving member of the group.

21 (d) CONSULTATION WITH NATIONAL CAPITAL MEMORIAL COMMISS-
22 SION.—In considering legislation authorizing commemorative works in the
23 District of Columbia and its environs, the Committee on House Administra-
24 tion of the House of Representatives and the Committee on Energy and
25 Natural Resources of the Senate shall solicit the views of the National Cap-
26 ital Memorial Commission.

27 (e) EXPIRATION OF LEGISLATIVE AUTHORITY.—Legislative authority for
28 a commemorative work expires at the end of the seven-year period beginning
29 on the date the authority is enacted unless the Secretary of the Interior or
30 Administrator of General Services, as appropriate, has issued a construction
31 permit for the commemorative work during that period.

32 **§ 8904. National Capital Memorial Commission**

33 (a) ESTABLISHMENT AND COMPOSITION.—There is a National Capital
34 Memorial Commission. The membership of the Commission consists of—

35 (1) the Director of the National Park Service;

36 (2) the Architect of the Capitol;

37 (3) the Chairman of the American Battle Monuments Commission;

38 (4) the Chairman of the Commission of Fine Arts;

39 (5) the Chairman of the National Capital Planning Commission;

40 (6) the Mayor of the District of Columbia;

1 (7) the Commissioner of the Public Buildings Service of the General
2 Services Administration; and

3 (8) the Secretary of Defense.

4 (b) CHAIRMAN.—The Director is the Chairman of the National Capital
5 Memorial Commission.

6 (c) ADVISORY ROLE.—The National Capital Memorial Commission shall
7 advise the Secretary of the Interior and the Administrator of General Serv-
8 ices on policy and procedures for establishment of, and proposals to estab-
9 lish, commemorative works in the District of Columbia and its environs and
10 on other matters concerning commemorative works in the Nation's Capital
11 as the Commission considers appropriate.

12 (d) MEETINGS.—The National Capital Memorial Commission shall meet
13 at least twice annually.

14 **§ 8905. Site and design approval**

15 (a) CONSULTATION ON, AND SUBMISSION OF, PROPOSALS.—A person au-
16 thorized by law to establish a commemorative work in the District of Colum-
17 bia and its environs may request a permit for construction of the commemo-
18 rative work only after the following requirements are met:

19 (1) CONSULTATION.—The person must consult with the National
20 Capital Memorial Commission regarding the selection of alternative
21 sites and designs for the commemorative work.

22 (2) SUBMITTAL.—Following consultation in accordance with clause
23 (1), the Secretary of the Interior or the Administrator of General Serv-
24 ices, as appropriate, must submit, on behalf of the person, site and de-
25 sign proposals to the Commission of Fine Arts and the National Cap-
26 ital Planning Commission for their approval.

27 (b) DECISION CRITERIA.—In considering site and design proposals, the
28 Commission of Fine Arts, National Capital Planning Commission, Sec-
29 retary, and Administrator shall be guided by, but not limited by, the fol-
30 lowing criteria:

31 (1) SURROUNDINGS.—To the maximum extent possible, a commemo-
32 rative work shall be located in surroundings that are relevant to the
33 subject of the work.

34 (2) LOCATION.—A commemorative work shall be located so that—

35 (A) it does not interfere with, or encroach on, an existing com-
36 memorative work; and

37 (B) to the maximum extent practicable, it protects open space
38 and existing public use.

39 (3) MATERIAL.—A commemorative work shall be constructed of du-
40 rable material suitable to the outdoor environment.

1 (4) LANDSCAPE FEATURES.—Landscape features of commemorative
2 works shall be compatible with the climate.

3 **§ 8906. Criteria for issuance of construction permit**

4 (a) CRITERIA FOR ISSUING PERMIT.—Before issuing a permit for the
5 construction of a commemorative work in the District of Columbia and its
6 environs, the Secretary of the Interior or Administrator of General Services,
7 as appropriate, shall determine that—

8 (1) the site and design have been approved by the Secretary or Ad-
9 ministrator, the National Capital Planning Commission and the Com-
10 mission of Fine Arts;

11 (2) knowledgeable individuals qualified in the field of preservation
12 and maintenance have been consulted to determine structural sound-
13 ness and durability of the commemorative work and to ensure that the
14 commemorative work meets high professional standards;

15 (3) the person authorized to construct the commemorative work has
16 submitted contract documents for construction of the commemorative
17 work to the Secretary or Administrator; and

18 (4) the person authorized to construct the commemorative work has
19 available sufficient amounts to complete construction of the project.

20 (b) DONATION FOR PERPETUAL MAINTENANCE AND PRESERVATION.—

21 (1) AMOUNT.—In addition to the criteria described in subsection (a),
22 a construction permit may not be issued unless the person authorized
23 to construct the commemorative work has donated an amount equal to
24 10 percent of the total estimated cost of construction to offset the costs
25 of perpetual maintenance and preservation of the commemorative work.
26 The amounts shall be credited to a separate account in the Treasury.

27 (2) AVAILABILITY.—The Secretary of the Treasury shall make any
28 part of the donated amount available to the Secretary of the Interior
29 or Administrator for maintenance at the request of the Secretary of the
30 Interior or Administrator. The Secretary of the Interior or Adminis-
31 trator shall not request more from the separate account than the total
32 amount deposited by persons establishing commemorative works in
33 areas the Secretary of the Interior or Administrator administers.

34 (3) INVENTORY OF AVAILABLE AMOUNTS.—The Secretary of the In-
35 terior and Administrator shall maintain an inventory of amounts avail-
36 able under this subsection. The amounts are not subject to annual ap-
37 propriations.

38 (4) NONAPPLICABILITY.—This subsection does not apply when a de-
39 partment or agency of the Federal Government constructs the work
40 and less than 50 percent of the funding for the work is provided by
41 private sources.

1 (c) SUSPENSION FOR MISREPRESENTATION IN FUNDRAISING.—The Sec-
2 retary of the Interior or Administrator may suspend any activity under this
3 chapter that relates to the establishment of a commemorative work if the
4 Secretary or Administrator determines that fundraising efforts relating to
5 the work have misrepresented an affiliation with the work or the Federal
6 Government.

7 (d) ANNUAL REPORT.—The person authorized to construct a commemo-
8 rative work under this chapter must submit to the Secretary of the Interior
9 or Administrator an annual report of operations, including financial state-
10 ments audited by an independent certified public accountant. The person
11 shall pay for the report.

12 **§ 8907. Temporary site designation**

13 (a) CRITERION FOR DESIGNATION.—If the Secretary of the Interior, in
14 consultation with the National Capital Memorial Commission, determines
15 that a site where commemorative works may be displayed on a temporary
16 basis is necessary to aid in the preservation of the limited amount of open
17 space available to residents of, and visitors to, the Nation's Capital, a site
18 may be designated on land the Secretary administers in the District of Co-
19 lumbia.

20 (b) PLAN.—A designation may be made under subsection (a) only if, at
21 least 120 days before the designation, the Secretary, in consultation with
22 the Commission, prepares and submits to Congress a plan for the site. The
23 plan shall include specifications for the location, construction, and adminis-
24 tration of the site and criteria for displaying commemorative works at the
25 site.

26 (c) RISK AND AGREEMENT TO INDEMNIFY.—A commemorative work dis-
27 played at the site shall be installed, maintained, and removed at the sole
28 expense and risk of the person authorized to display the work. The person
29 shall agree to indemnify the United States for any liability arising from the
30 display of the commemorative work under this section.

31 **§ 8908. Areas I and II**

32 (a) AVAILABILITY OF MAP.—The Secretary of the Interior and Adminis-
33 trator of General Services shall make available, for public inspection at ap-
34 propriate offices of the National Park Service and the General Services Ad-
35 ministration, the map numbered 869/86501, and dated May 1, 1986.

36 (b) SPECIFIC CONDITIONS APPLICABLE TO AREA I AND AREA II.—

37 (1) AREA I.—After seeking the advice of the National Capital Memo-
38 rial Commission, the Secretary or Administrator, as appropriate, may
39 recommend the location of a commemorative work in Area I only if the
40 Secretary or Administrator decides that the subject of the commemora-
41 tive work is of preeminent historical and lasting significance to the

1 United States. The Secretary or Administrator shall notify the Com-
 2 mission, the Committee on House Administration of the House of Rep-
 3 resentatives, and the Committee on Energy and Natural Resources of
 4 the Senate of the recommendation that a commemorative work should
 5 be located in Area I. The location of a commemorative work in Area
 6 I is deemed to be authorized only if the recommendation is approved
 7 by law not later than 150 calendar days after the notification.

8 (2) AREA II.—Commemorative works of subjects of lasting historical
 9 significance to the American people may be located in Area II.

10 **§ 8909. Administrative**

11 (a) MAINTENANCE OF DOCUMENTATION OF DESIGN AND CONSTRU-
 12 CTION.—Complete documentation of design and construction of each com-
 13 memorative work located in the District of Columbia and its environs shall
 14 be provided to the Secretary of the Interior or Administrator of General
 15 Services, as appropriate, and shall be permanently maintained in the man-
 16 ner provided by law.

17 (b) RESPONSIBILITY FOR MAINTENANCE OF COMPLETED WORK.—On
 18 completion of any commemorative work in the District of Columbia and its
 19 environs, the Secretary or Administrator, as appropriate, shall assume re-
 20 sponsibility for maintaining the work.

21 (c) REGULATIONS OR STANDARDS.—The Secretary and Administrator
 22 shall prescribe appropriate regulations or standards to carry out this chap-
 23 ter.

24 **CHAPTER 91—COMMISSION OF FINE ARTS**

Sec.

9101. Establishment, composition, and vacancies.

9102. Duties.

9103. Personnel.

9104. Authorization of appropriations.

25 **§ 9101. Establishment, composition, and vacancies**

26 (a) ESTABLISHMENT.—There is a Commission of Fine Arts.

27 (b) COMPOSITION.—The Commission is composed of seven well-qualified
 28 judges of the fine arts, appointed by the President, who serve for four years
 29 each or until their successors are appointed and qualified.

30 (c) VACANCIES.—The President shall fill vacancies on the Commission.

31 (d) EXPENSES.—Members of the Commission shall be paid actual ex-
 32 penses in traveling to and from the District of Columbia to attend Commis-
 33 sion meetings and while attending those meetings.

34 **§ 9102. Duties**

35 (a) IN GENERAL.—The Commission of Fine Arts shall advise on—

36 (1) the location of statues, fountains, and monuments in the public
 37 squares, streets, and parks in the District of Columbia;

1 (2) the selection of models for statues, fountains, and monuments
2 erected under the authority of the Federal Government;

3 (3) the selection of artists to carry out clause (2); and

4 (4) questions of art generally when required to do so by the Presi-
5 dent or a committee of Congress.

6 (b) DUTY TO REQUEST ADVICE.—The officers required to decide the
7 questions described in subsection (a)(1)–(3) shall request the Commission
8 to provide the advice.

9 (c) NONAPPLICATION.—This section does not apply to the Capitol Build-
10 ing and the Library of Congress buildings.

11 **§ 9103. Personnel**

12 The Commission of Fine Arts has a secretary and other assistance the
13 Commission authorizes. The secretary is the executive officer of the Com-
14 mission.

15 **§ 9104. Authorization of appropriations**

16 Necessary amounts may be appropriated to carry out this chapter.

17 **CHAPTER 93—THEODORE ROOSEVELT ISLAND**

Sec.

9301. Maintenance and administration.

9302. Consent of Theodore Roosevelt Association required for development.

9303. Access to Theodore Roosevelt Island.

9304. Source of appropriations.

18 **§ 9301. Maintenance and administration**

19 The Director of the National Park Service shall maintain and administer
20 Theodore Roosevelt Island as a natural park for the recreation and enjoy-
21 ment of the public.

22 **§ 9302. Consent of Theodore Roosevelt Association required 23 for development**

24 (a) GENERAL PLAN FOR DEVELOPMENT.—The Theodore Roosevelt Asso-
25 ciation must approve every general plan for the development of Theodore
26 Roosevelt Island.

27 (b) DEVELOPMENT INCONSISTENT WITH PLAN.—As long as the Associa-
28 tion remains in existence, development inconsistent with the general plan
29 may not be carried out without the Association's consent.

30 **§ 9303. Access to Theodore Roosevelt Island**

31 Subject to the approval of the National Capital Planning Commission and
32 the availability of appropriations, the Director of the National Park Service
33 may provide suitable means of access to and on Theodore Roosevelt Island.

34 **§ 9304. Source of appropriations**

35 The appropriations needed for construction of suitable means of access
36 to and on Theodore Roosevelt Island and annually for the care, mainte-
37 nance, and improvement of the land and improvements may be made from
38 amounts not otherwise appropriated from the Treasury.

1 **CHAPTER 95—WASHINGTON AQUEDUCT AND OTHER**
 2 **PUBLIC WORKS IN THE DISTRICT OF COLUMBIA**

Sec.

9501. Chief of Engineers.
 9502. Authority of Chief of Engineers.
 9503. Record of property.
 9504. Reports.
 9505. Paying for main pipes.
 9506. Civil penalty.
 9507. Control of expenditures.

3 **§ 9501. Chief of Engineers**

4 (a) SUPERINTENDENCE DUTIES.—

5 (1) WASHINGTON AQUEDUCT AND OTHER PUBLIC WORKS AND IM-
 6 PROVEMENTS IN THE DISTRICT OF COLUMBIA.—The Chief of Engi-
 7 neers has the immediate superintendence of—

8 (A) the Washington Aqueduct, together with all rights, appur-
 9 tenances, and fixtures connected with the Aqueduct and belonging
 10 to the Federal Government; and

11 (B) all other public works and improvements in the District of
 12 Columbia in which the Government has an interest and which are
 13 not otherwise specially provided for by law.

14 (2) OBEYING REGULATIONS.—In carrying out paragraph (1), the
 15 Chief of Engineers shall obey regulations the President prescribes,
 16 through the Secretary of the Army.

17 (b) NO INCREASE IN COMPENSATION.—The Chief of Engineers shall not
 18 receive additional compensation for the services required under this chapter.

19 (c) OFFICE.—The Chief of Engineers shall be furnished an office in one
 20 of the public buildings in the District of Columbia, as the Administrator of
 21 General Services directs, and shall be supplied by the Federal Government
 22 with stationery, instruments, books, and furniture which may be required
 23 for the performance of the duties of the Chief of Engineers.

24 **§ 9502. Authority of Chief of Engineers**

25 (a) IN GENERAL.—The Chief of Engineers and necessary assistants may
 26 use all lawful means to carry out their duties.

27 (b) SUPPLY OF WATER IN DISTRICT OF COLUMBIA.—

28 (1) PROVIDING WATER.—The Chief of Engineers has complete con-
 29 trol over the Washington Aqueduct to regulate the manner in which the
 30 authorities of the District of Columbia may tap the supply of water to
 31 the inhabitants of the District of Columbia.

32 (2) STOPPAGE OF WATER FLOW.—The Chief of Engineers shall stop
 33 the authorities of the District of Columbia from tapping the supply of
 34 water when the supply is no more than adequate to the wants of the
 35 public buildings and grounds.

1 (3) APPEAL OF DECISION.—The decision of the Chief of Engineers
 2 on all questions concerning the supply of water under this subsection
 3 may be appealed only to the Secretary of the Army.

4 **§ 9503. Record of property**

5 The Chief of Engineers shall keep in the office a complete record of all
 6 land and other property connected with or belonging to the Washington Aq-
 7 ueduct and other public works under the charge of the Chief of Engineers,
 8 together with accurate plans and surveys of the public grounds and reserva-
 9 tions in the District of Columbia.

10 **§ 9504. Reports**

11 As superintendent of the Washington Aqueduct, the Chief of Engineers
 12 annually shall submit to the Secretary of the Army, within nine months
 13 after the end of the fiscal year, a report of the Chief of Engineers' oper-
 14 ations for that year and a report of the condition, progress, repairs, casual-
 15 ties, and expenditures of the Washington Aqueduct and other public works
 16 under the charge of the Chief of Engineers.

17 **§ 9505. Paying for main pipes**

18 (a) FEDERAL GOVERNMENT.—The Federal Government shall only pay
 19 for the number of main pipes of the Washington Aqueduct needed to fur-
 20 nish public buildings, offices, and grounds with the necessary supply of
 21 water.

22 (b) DISTRICT OF COLUMBIA.—The District of Columbia shall pay the
 23 cost of any main pipe of the Washington Aqueduct which supplies water to
 24 the inhabitants of the District of Columbia, in the manner provided by law.

25 **§ 9506. Civil penalty**

26 A person that, without the consent of the Chief of Engineers, taps or
 27 opens the mains or pipes laid by the Federal Government is liable to the
 28 Government for a civil penalty of at least \$50 and not more than \$500.

29 **§ 9507. Control of expenditures**

30 Unless expressly provided for by law, the Secretary of the Army shall di-
 31 rect the expenditure of amounts appropriated for the Washington Aqueduct
 32 and for other public works in the District of Columbia.

33 **SUBTITLE III—INFORMATION TECHNOLOGY**
 34 **MANAGEMENT**

CHAPTER	Sec.
111. GENERAL	11101
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35 **CHAPTER 111—GENERAL**

Sec.
 11101. Definitions.

11102. Sense of Congress.

11103. Applicability to national security systems.

1 **§ 11101. Definitions**

2 In this subtitle, the following definitions apply:

3 (1) **COMMERCIAL ITEM.**—The term “commercial item” has the
4 meaning given that term in section 4 of the Office of Federal Procure-
5 ment Policy Act (41 U.S.C. 403).

6 (2) **EXECUTIVE AGENCY.**—The term “executive agency” has the
7 meaning given that term in section 4 of the Act (41 U.S.C. 403).

8 (3) **INFORMATION RESOURCES.**—The term “information resources”
9 has the meaning given that term in section 3502 of title 44.

10 (4) **INFORMATION RESOURCES MANAGEMENT.**—The term “informa-
11 tion resources management” has the meaning given that term in sec-
12 tion 3502 of title 44.

13 (5) **INFORMATION SYSTEM.**—The term “information system” has the
14 meaning given that term in section 3502 of title 44.

15 (6) **INFORMATION TECHNOLOGY.**—The term “information
16 technology”—

17 (A) with respect to an executive agency means any equipment
18 or interconnected system or subsystem of equipment, used in the
19 automatic acquisition, storage, manipulation, management, move-
20 ment, control, display, switching, interchange, transmission, or re-
21 ception of data or information by the executive agency, if the
22 equipment is used by the executive agency directly or is used by
23 a contractor under a contract with the executive agency that re-
24 quires the use—

25 (i) of that equipment; or

26 (ii) of that equipment to a significant extent in the per-
27 formance of a service or the furnishing of a product;

28 (B) includes computers, ancillary equipment, software, firmware
29 and similar procedures, services (including support services), and
30 related resources; but

31 (C) does not include any equipment acquired by a federal con-
32 tractor incidental to a federal contract.

33 **§ 11102. Sense of Congress**

34 It is the sense of Congress that, during the five-year period beginning
35 with 1996, executive agencies should achieve each year through improve-
36 ments in information resources management by the agency—

37 (1) at least a five percent decrease in the cost (in constant fiscal
38 year 1996 dollars) incurred by the agency in operating and maintaining
39 information technology; and

40 (2) a five percent increase in the efficiency of the agency operations.

1 **§ 11103. Applicability to national security systems**

2 (a) DEFINITION.—

3 (1) NATIONAL SECURITY SYSTEM.—In this section, the term “na-
4 tional security system” means a telecommunications or information sys-
5 tem operated by the Federal Government, the function, operation, or
6 use of which—

7 (A) involves intelligence activities;

8 (B) involves cryptologic activities related to national security;

9 (C) involves command and control of military forces;

10 (D) involves equipment that is an integral part of a weapon or
11 weapons system; or

12 (E) subject to paragraph (2), is critical to the direct fulfillment
13 of military or intelligence missions.

14 (2) LIMITATION.—Paragraph (1)(E) does not include a system to be
15 used for routine administrative and business applications (including
16 payroll, finance, logistics, and personnel management applications).

17 (b) IN GENERAL.—Except as provided in subsection (c), chapter 113 of
18 this title does not apply to national security systems.

19 (c) EXCEPTIONS.—

20 (1) IN GENERAL.—Sections 11313, 11315, and 11316 of this title
21 apply to national security systems.

22 (2) CAPITAL PLANNING AND INVESTMENT CONTROL.—The heads of
23 executive agencies shall apply sections 11302 and 11312 of this title
24 to national security systems to the extent practicable.

25 (3) APPLICABILITY OF PERFORMANCE-BASED AND RESULTS-BASED
26 MANAGEMENT TO NATIONAL SECURITY SYSTEMS.—

27 (A) IN GENERAL.—Subject to subparagraph (B), the heads of
28 executive agencies shall apply section 11303 of this title to na-
29 tional security systems to the extent practicable.

30 (B) EXCEPTION.—National security systems are subject to sec-
31 tion 11303(b)(5) of this title, except for subparagraph (B)(iv).

32 **CHAPTER 113—RESPONSIBILITY FOR ACQUISITIONS OF**
33 **INFORMATION TECHNOLOGY**

SUBCHAPTER I—DIRECTOR OF OFFICE OF MANAGEMENT AND BUDGET

Sec.

11301. Responsibility of Director.

11302. Capital planning and investment control.

11303. Performance-based and results-based management.

SUBCHAPTER II—EXECUTIVE AGENCIES

11311. Responsibilities.

11312. Capital planning and investment control.

11313. Performance and results-based management.

11314. Authority to acquire and manage information technology.

11315. Agency Chief Information Officer.

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SUBCHAPTER III—OTHER RESPONSIBILITIES

11331. Responsibilities regarding efficiency, security, and privacy of federal computer systems.

11332. Federal computer system security training and plan.

1 SUBCHAPTER I—DIRECTOR OF OFFICE OF MANAGEMENT AND
2 BUDGET

3 **§ 11301. Responsibility of Director**

4 In fulfilling the responsibility to administer the functions assigned under
5 chapter 35 of title 44, the Director of the Office of Management and Budg-
6 et shall comply with this chapter with respect to the specific matters covered
7 by this chapter.

8 **§ 11302. Capital planning and investment control**

9 (a) FEDERAL INFORMATION TECHNOLOGY.—The Director of the Office
10 of Management and Budget shall perform the responsibilities set forth in
11 this section in fulfilling the responsibilities under section 3504(h) of title 44.

12 (b) USE OF INFORMATION TECHNOLOGY IN FEDERAL PROGRAMS.—The
13 Director shall promote and improve the acquisition, use, and disposal of in-
14 formation technology by the Federal Government to improve the produc-
15 tivity, efficiency, and effectiveness of federal programs, including through
16 dissemination of public information and the reduction of information collec-
17 tion burdens on the public.

18 (c) USE OF BUDGET PROCESS.—

19 (1) ANALYZING, TRACKING, AND EVALUATING CAPITAL INVEST-
20 MENTS.—As part of the budget process, the Director shall develop a
21 process for analyzing, tracking, and evaluating the risks and results of
22 all major capital investments made by an executive agency for informa-
23 tion systems. The process shall cover the life of each system and shall
24 include explicit criteria for analyzing the projected and actual costs,
25 benefits, and risks associated with the investments.

26 (2) REPORT TO CONGRESS.—At the same time that the President
27 submits the budget for a fiscal year to Congress under section 1105(a)
28 of title 31, the Director shall submit to Congress a report on the net
29 program performance benefits achieved as a result of major capital in-
30 vestments made by executive agencies for information systems and how
31 the benefits relate to the accomplishment of the goals of the executive
32 agencies.

33 (d) INFORMATION TECHNOLOGY STANDARDS.—The Director shall oversee
34 the development and implementation of standards and guidelines pertaining
35 to federal computer systems by the Secretary of Commerce through the Na-
36 tional Institute of Standards and Technology under section 11331 of this

1 title and section 20 of the National Institute of Standards and Technology
2 Act (15 U.S.C. 278g–3).

3 (e) DESIGNATION OF EXECUTIVE AGENTS FOR ACQUISITIONS.— The Di-
4 rector shall designate the head of one or more executive agencies, as the
5 Director considers appropriate, as executive agent for Government-wide ac-
6 quisitions of information technology.

7 (f) USE OF BEST PRACTICES IN ACQUISITIONS.—The Director shall en-
8 courage the heads of the executive agencies to develop and use the best
9 practices in the acquisition of information technology.

10 (g) ASSESSMENT OF OTHER MODELS FOR MANAGING INFORMATION
11 TECHNOLOGY.—On a continuing basis, the Director shall assess the experi-
12 ences of executive agencies, state and local governments, international orga-
13 nizations, and the private sector in managing information technology.

14 (h) COMPARISON OF AGENCY USES OF INFORMATION TECHNOLOGY.—
15 The Director shall compare the performances of the executive agencies in
16 using information technology and shall disseminate the comparisons to the
17 heads of the executive agencies.

18 (i) MONITORING TRAINING.—The Director shall monitor the development
19 and implementation of training in information resources management for
20 executive agency personnel.

21 (j) INFORMING CONGRESS.—The Director shall keep Congress fully in-
22 formed on the extent to which the executive agencies are improving the per-
23 formance of agency programs and the accomplishment of the agency mis-
24 sions through the use of the best practices in information resources manage-
25 ment.

26 (k) COORDINATION OF POLICY DEVELOPMENT AND REVIEW.—The Di-
27 rector shall coordinate with the Office of Federal Procurement Policy the
28 development and review by the Administrator of the Office of Information
29 and Regulatory Affairs of policy associated with federal acquisition of infor-
30 mation technology.

31 **§ 11303. Performance-based and results-based management**

32 (a) IN GENERAL.—The Director of the Office of Management and Budg-
33 et shall encourage the use of performance-based and results-based manage-
34 ment in fulfilling the responsibilities assigned under section 3504(h) of title
35 44.

36 (b) EVALUATION OF AGENCY PROGRAMS AND INVESTMENTS.—

37 (1) REQUIREMENT.—The Director shall evaluate the information re-
38 sources management practices of the executive agencies with respect to
39 the performance and results of the investments made by the executive
40 agencies in information technology.

1 (2) DIRECTION FOR EXECUTIVE AGENCY ACTION.—The Director
2 shall issue to the head of each executive agency clear and concise direc-
3 tion that the head of each agency shall—

4 (A) establish effective and efficient capital planning processes
5 for selecting, managing, and evaluating the results of all of its
6 major investments in information systems;

7 (B) determine, before making an investment in a new informa-
8 tion system—

9 (i) whether the function to be supported by the system
10 should be performed by the private sector and, if so, whether
11 any component of the executive agency performing that func-
12 tion should be converted from a governmental organization to
13 a private sector organization; or

14 (ii) whether the function should be performed by the execu-
15 tive agency and, if so, whether the function should be per-
16 formed by a private sector source under contract or by execu-
17 tive agency personnel;

18 (C) analyze the missions of the executive agency and, based on
19 the analysis, revise the executive agency’s mission-related pro-
20 cesses and administrative processes, as appropriate, before making
21 significant investments in information technology to be used in
22 support of those missions; and

23 (D) ensure that the information security policies, procedures,
24 and practices are adequate.

25 (3) GUIDANCE FOR MULTIAGENCY INVESTMENTS.—The direction
26 issued under paragraph (2) shall include guidance for undertaking effi-
27 ciently and effectively interagency and Federal Government-wide invest-
28 ments in information technology to improve the accomplishment of mis-
29 sions that are common to the executive agencies.

30 (4) PERIODIC REVIEWS.—The Director shall implement through the
31 budget process periodic reviews of selected information resources man-
32 agement activities of the executive agencies to ascertain the efficiency
33 and effectiveness of information technology in improving the perform-
34 ance of the executive agency and the accomplishment of the missions
35 of the executive agency.

36 (5) ENFORCEMENT OF ACCOUNTABILITY.—

37 (A) IN GENERAL.—The Director may take any action that the
38 Director considers appropriate, including an action involving the
39 budgetary process or appropriations management process, to en-
40 force accountability of the head of an executive agency for infor-

1 mation resources management and for the investments made by
2 the executive agency in information technology.

3 (B) SPECIFIC ACTIONS.—Actions taken by the Director may
4 include—

5 (i) recommending a reduction or an increase in the amount
6 for information resources that the head of the executive agen-
7 cy proposes for the budget submitted to Congress under sec-
8 tion 1105(a) of title 31;

9 (ii) reducing or otherwise adjusting apportionments and re-
10 apportionments of appropriations for information resources;

11 (iii) using other administrative controls over appropriations
12 to restrict the availability of amounts for information re-
13 sources; and

14 (iv) designating for the executive agency an executive agent
15 to contract with private sector sources for the performance of
16 information resources management or the acquisition of infor-
17 mation technology.

18 SUBCHAPTER II—EXECUTIVE AGENCIES

19 § 11311. Responsibilities

20 In fulfilling the responsibilities assigned under chapter 35 of title 44, the
21 head of each executive agency shall comply with this subchapter with respect
22 to the specific matters covered by this subchapter.

23 § 11312. Capital planning and investment control

24 (a) DESIGN OF PROCESS.—In fulfilling the responsibilities assigned under
25 section 3506(h) of title 44, the head of each executive agency shall design
26 and implement in the executive agency a process for maximizing the value,
27 and assessing and managing the risks, of the information technology acqui-
28 sitions of the executive agency.

29 (b) CONTENT OF PROCESS.—The process of an executive agency shall—

30 (1) provide for the selection of information technology investments
31 to be made by the executive agency, the management of those invest-
32 ments, and the evaluation of the results of those investments;

33 (2) be integrated with the processes for making budget, financial,
34 and program management decisions in the executive agency;

35 (3) include minimum criteria to be applied in considering whether to
36 undertake a particular investment in information systems, including
37 criteria related to the quantitatively expressed projected net, risk-ad-
38 justed return on investment and specific quantitative and qualitative
39 criteria for comparing and prioritizing alternative information systems
40 investment projects;

1 (4) identify information systems investments that would result in
2 shared benefits or costs for other federal agencies or state or local gov-
3 ernments;

4 (5) identify quantifiable measurements for determining the net bene-
5 fits and risks of a proposed investment; and

6 (6) provide the means for senior management personnel of the execu-
7 tive agency to obtain timely information regarding the progress of an
8 investment in an information system, including a system of milestones
9 for measuring progress, on an independently verifiable basis, in terms
10 of cost, capability of the system to meet specified requirements, timeli-
11 ness, and quality.

12 **§ 11313. Performance and results-based management**

13 In fulfilling the responsibilities under section 3506(h) of title 44, the head
14 of an executive agency shall—

15 (1) establish goals for improving the efficiency and effectiveness of
16 agency operations and, as appropriate, the delivery of services to the
17 public through the effective use of information technology;

18 (2) prepare an annual report, to be included in the executive agen-
19 cy's budget submission to Congress, on the progress in achieving the
20 goals;

21 (3) ensure that performance measurements—

22 (A) are prescribed for information technology used by, or to be
23 acquired for, the executive agency; and

24 (B) measure how well the information technology supports pro-
25 grams of the executive agency;

26 (4) where comparable processes and organizations in the public or
27 private sectors exist, quantitatively benchmark agency process perform-
28 ance against those processes in terms of cost, speed, productivity, and
29 quality of outputs and outcomes;

30 (5) analyze the missions of the executive agency and, based on the
31 analysis, revise the executive agency's mission-related processes and ad-
32 ministrative processes as appropriate before making significant invest-
33 ments in information technology to be used in support of the perform-
34 ance of those missions; and

35 (6) ensure that the information security policies, procedures, and
36 practices of the executive agency are adequate.

37 **§ 11314. Authority to acquire and manage information tech-**
38 **nology**

39 (a) IN GENERAL.—The authority of the head of an executive agency to
40 acquire information technology includes—

41 (1) acquiring information technology as authorized by law;

1 (2) making a contract that provides for multiagency acquisitions of
2 information technology in accordance with guidance issued by the Di-
3 rector of the Office of Management and Budget; and

4 (3) if the Director finds that it would be advantageous for the Fed-
5 eral Government to do so, making a multiagency contract for procure-
6 ment of commercial items of information technology that requires each
7 executive agency covered by the contract, when procuring those items,
8 to procure the items under that contract or to justify an alternative
9 procurement of the items.

10 (b) FTS 2000 PROGRAM.—The Administrator of General Services shall
11 continue to manage the FTS 2000 program, and to coordinate the follow-
12 on to that program, for and with the advice of the heads of executive agen-
13 cies.

14 **§ 11315. Agency Chief Information Officer**

15 (a) DEFINITION.—In this section, the term “information technology ar-
16 chitecture”, with respect to an executive agency, means an integrated frame-
17 work for evolving or maintaining existing information technology and ac-
18 quiring new information technology to achieve the agency’s strategic goals
19 and information resources management goals.

20 (b) GENERAL RESPONSIBILITIES.—The Chief Information Officer of an
21 executive agency is responsible for—

22 (1) providing advice and other assistance to the head of the executive
23 agency and other senior management personnel of the executive agency
24 to ensure that information technology is acquired and information re-
25 sources are managed for the executive agency in a manner that imple-
26 ments the policies and procedures of this subtitle, consistent with chap-
27 ter 35 of title 44 and the priorities established by the head of the exec-
28 utive agency;

29 (2) developing, maintaining, and facilitating the implementation of a
30 sound and integrated information technology architecture for the execu-
31 tive agency; and

32 (3) promoting the effective and efficient design and operation of all
33 major information resources management processes for the executive
34 agency, including improvements to work processes of the executive
35 agency.

36 (c) DUTIES AND QUALIFICATIONS.—The Chief Information Officer of an
37 agency listed in section 901(b) of title 31—

38 (1) has information resources management duties as that official’s
39 primary duty;

40 (2) monitors the performance of information technology programs of
41 the agency, evaluates the performance of those programs on the basis

1 of the applicable performance measurements, and advises the head of
2 the agency regarding whether to continue, modify, or terminate a pro-
3 gram or project; and

4 (3) annually, as part of the strategic planning and performance eval-
5 uation process required (subject to section 1117 of title 31) under sec-
6 tion 306 of title 5 and sections 1105(a)(28), 1115–1117, and 9703 (as
7 added by section 5(a) of the Government Performance and Results Act
8 of 1993 (Public Law 103–62, 107 Stat. 289)) of title 31—

9 (A) assesses the requirements established for agency personnel
10 regarding knowledge and skill in information resources manage-
11 ment and the adequacy of those requirements for facilitating the
12 achievement of the performance goals established for information
13 resources management;

14 (B) assesses the extent to which the positions and personnel at
15 the executive level of the agency and the positions and personnel
16 at management level of the agency below the executive level meet
17 those requirements;

18 (C) develops strategies and specific plans for hiring, training,
19 and professional development to rectify any deficiency in meeting
20 those requirements; and

21 (D) reports to the head of the agency on the progress made in
22 improving information resources management capability.

23 **§ 11316. Accountability**

24 The head of each executive agency, in consultation with the Chief Infor-
25 mation Officer and the Chief Financial Officer of that executive agency (or,
26 in the case of an executive agency without a chief financial officer, any com-
27 parable official), shall establish policies and procedures to ensure that—

28 (1) the accounting, financial, asset management, and other informa-
29 tion systems of the executive agency are designed, developed, main-
30 tained, and used effectively to provide financial or program perform-
31 ance data for financial statements of the executive agency;

32 (2) financial and related program performance data are provided on
33 a reliable, consistent, and timely basis to executive agency financial
34 management systems; and

35 (3) financial statements support—

36 (A) assessments and revisions of mission-related processes and
37 administrative processes of the executive agency; and

38 (B) measurement of the performance of investments made by
39 the agency in information systems.

1 **§ 11317. Significant deviations**

2 The head of each executive agency shall identify in the strategic informa-
3 tion resources management plan required under section 3506(b)(2) of title
4 44 any major information technology acquisition program, or any phase or
5 increment of that program, that has significantly deviated from the cost,
6 performance, or schedule goals established for the program.

7 **§ 11318. Interagency support**

8 The head of an executive agency may use amounts available to the agency
9 for oversight, acquisition, and procurement of information technology to
10 support jointly with other executive agencies the activities of interagency
11 groups that are established to advise the Director of the Office of Manage-
12 ment and Budget in carrying out the Director's responsibilities under this
13 chapter. The use of those amounts for that purpose is subject to require-
14 ments and limitations on uses and amounts that the Director may prescribe.
15 The Director shall prescribe the requirements and limitations during the Di-
16 rector's review of the executive agency's proposed budget submitted to the
17 Director by the head of the executive agency for purposes of section 1105
18 of title 31.

19 SUBCHAPTER III—OTHER RESPONSIBILITIES

20 **§ 11331. Responsibilities regarding efficiency, security, and**
21 **privacy of federal computer systems**

22 (a) DEFINITIONS.—In this section, the terms “federal computer system”
23 and “operator of a federal computer system” have the meanings given those
24 terms in section 20(d) of the National Institute of Standards and Tech-
25 nology Act (15 U.S.C. 278g–3(d)).

26 (b) STANDARDS AND GUIDELINES.—

27 (1) AUTHORITY TO PRESCRIBE AND DISAPPROVE OR MODIFY.—

28 (A) AUTHORITY TO PRESCRIBE.—On the basis of standards and
29 guidelines developed by the National Institute of Standards and
30 Technology pursuant to paragraphs (2) and (3) of section 20(a)
31 of the Act (15 U.S.C. 278g–3(a)(2), (3)), the Secretary of Com-
32 merce shall prescribe standards and guidelines pertaining to fed-
33 eral computer systems. The Secretary shall make those standards
34 compulsory and binding to the extent the Secretary determines
35 necessary to improve the efficiency of operation or security and
36 privacy of federal computer systems.

37 (B) AUTHORITY TO DISAPPROVE OR MODIFY.—The President
38 may disapprove or modify those standards and guidelines if the
39 President determines that action to be in the public interest. The
40 President's authority to disapprove or modify those standards and
41 guidelines may not be delegated. Notice of disapproval or modifica-

1 tion shall be published promptly in the Federal Register. On re-
2 ceiving notice of disapproval or modification, the Secretary shall
3 immediately rescind or modify those standards or guidelines as di-
4 rected by the President.

5 (2) EXERCISE OF AUTHORITY.—To ensure fiscal and policy consist-
6 ency, the Secretary shall exercise the authority conferred by this sec-
7 tion subject to direction by the President and in coordination with the
8 Director of the Office of Management and Budget.

9 (c) APPLICATION OF MORE STRINGENT STANDARDS.—The head of a fed-
10 eral agency may employ standards for the cost-effective security and privacy
11 of sensitive information in a federal computer system in or under the super-
12 vision of that agency that are more stringent than the standards the Sec-
13 retary prescribes under this section if the more stringent standards contain
14 at least the applicable standards the Secretary makes compulsory and bind-
15 ing .

16 (d) WAIVER OF STANDARDS.—

17 (1) AUTHORITY OF THE SECRETARY.—The Secretary may waive in
18 writing compulsory and binding standards under subsection (b) if the
19 Secretary determines that compliance would—

20 (A) adversely affect the accomplishment of the mission of an op-
21 erator of a federal computer system; or

22 (B) cause a major adverse financial impact on the operator that
23 is not offset by Federal Government-wide savings.

24 (2) DELEGATION OF WAIVER AUTHORITY.—The Secretary may dele-
25 gate to the head of one or more federal agencies authority to waive
26 those standards to the extent the Secretary determines that action to
27 be necessary and desirable to allow for timely and effective implementa-
28 tion of federal computer system standards. The head of the agency may
29 redelegate that authority only to a chief information officer designated
30 pursuant to section 3506 of title 44.

31 (3) NOTICE.—Notice of each waiver and delegation shall be trans-
32 mitted promptly to Congress and published promptly in the Federal
33 Register.

34 **§ 11332. Federal computer system security training and plan**

35 (a) DEFINITIONS.—In this section, the terms “computer system”, “fed-
36 eral agency”, “federal computer system”, “operator of a federal computer
37 system”, and “sensitive information” have the meanings given those terms
38 in section 20(d) of the National Institute of Standards and Technology Act
39 (15 U.S.C. 278g–3(d)).

40 (b) TRAINING—

1 (1) IN GENERAL.—Each federal agency shall provide for mandatory
2 periodic training in computer security awareness and accepted com-
3 puter security practice of all employees who are involved with the man-
4 agement, use, or operation of each federal computer system within or
5 under the supervision of the agency. The training shall be—

6 (A) provided in accordance with the guidelines developed pursu-
7 ant to section 20(a)(5) of the Act (15 U.S.C. 278g-3(a)(5)) and
8 the regulations prescribed under paragraph (3) for federal civilian
9 employees; or

10 (B) provided by an alternative training program that the head
11 of the agency approves after determining that the alternative
12 training program is at least as effective in accomplishing the ob-
13 jectives of the guidelines and regulations.

14 (2) TRAINING OBJECTIVES.—Training under this subsection shall be
15 designed—

16 (A) to enhance employees' awareness of the threats to, and vul-
17 nerability of, computer systems; and

18 (B) to encourage the use of improved computer security prac-
19 tices.

20 (3) REGULATIONS.—The Director of the Office of Personnel Man-
21 agement shall maintain regulations that establish the procedures and
22 scope of the training to be provided federal civilian employees under
23 this subsection and the manner in which the training is to be carried
24 out.

25 (e) PLAN.—

26 (1) IN GENERAL.—Consistent with standards, guidelines, policies,
27 and regulations prescribed pursuant to section 11331 of this title, each
28 federal agency shall maintain a plan for the security and privacy of
29 each federal computer system the agency identifies as being within or
30 under its supervision and as containing sensitive information. The plan
31 must be commensurate with the risk and magnitude of the harm result-
32 ing from the loss, misuse, or unauthorized access to, or modification
33 of, the information contained in the system.

34 (2) REVISION AND REVIEW.—The plan shall be revised annually as
35 necessary and is subject to disapproval by the Director of the Office
36 of Management and Budget.

37 (d) HANDLING OF INFORMATION NOT AFFECTED.—This section does
38 not—

39 (1) constitute authority to withhold information sought pursuant to
40 section 552 of title 5; or

(2) authorize a federal agency to limit, restrict, regulate, or control the collection, maintenance, disclosure, use, transfer, or sale of any information (regardless of the medium in which the information may be maintained) that is—

(A) privately owned information;

(B) disclosable under section 552 of title 5 or another law requiring or authorizing the public disclosure of information; or

(C) public domain information.

CHAPTER 115—INFORMATION TECHNOLOGY ACQUISITION PILOT PROGRAMS

SUBCHAPTER I—CONDUCT OF PILOT PROGRAMS

Sec.

11501. Authority to conduct pilot programs.

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SUBCHAPTER II—SPECIFIC PILOT PROGRAMS

11521. Share-in-savings pilot program.

11522. Solutions-based contracting pilot program.

SUBCHAPTER I—CONDUCT OF PILOT PROGRAMS

§ 11501. Authority to conduct pilot programs

(a) IN GENERAL.—

(1) PURPOSE.—In consultation with the Administrator for the Office of Information and Regulatory Affairs, the Administrator for Federal Procurement Policy may conduct pilot programs to test alternative approaches for the acquisition of information technology by executive agencies.

(2) MULTIAGENCY, MULTI-ACTIVITY CONDUCT OF EACH PROGRAM.—Except as otherwise provided in this chapter, each pilot program conducted under this chapter shall be carried out in not more than two procuring activities in each of the executive agencies that are designated by the Administrator for Federal Procurement Policy in accordance with this chapter to carry out the pilot program. With the approval of the Administrator for Federal Procurement Policy, the head of each designated executive agency shall select the procuring activities of the executive agency that are to participate in the test and shall designate a procurement testing official who shall be responsible for the conduct and evaluation of the pilot program within the executive agency.

(b) LIMITATIONS.—

(1) NUMBER.—Not more than two pilot programs may be conducted under this chapter, including one pilot program each pursuant to the requirements of sections 11521 and 11522 of this title.

1 (2) AMOUNT.—The total amount obligated for contracts entered into
2 under the pilot programs conducted under this chapter may not exceed
3 \$750,000,000. The Administrator for Federal Procurement Policy shall
4 monitor those contracts and ensure that contracts are not entered into
5 in violation of this paragraph.

6 (c) PERIOD OF PROGRAMS.—

7 (1) IN GENERAL.—Subject to paragraph (2), a pilot program may
8 be carried out under this chapter for the period, not in excess of five
9 years, the Administrator for Federal Procurement Policy determines is
10 sufficient to establish reliable results.

11 (2) CONTINUING VALIDITY OF CONTRACTS.—A contract entered into
12 under the pilot program before the expiration of that program remains
13 in effect according to the terms of the contract after the expiration of
14 the program.

15 **§ 11502. Evaluation criteria and plans**

16 (a) MEASURABLE TEST CRITERIA.—To the maximum extent practicable,
17 the head of each executive agency conducting a pilot program under section
18 11501 of this title shall establish measurable criteria for evaluating the ef-
19 fects of the procedures or techniques to be tested under the program.

20 (b) TEST PLAN.—Before a pilot program may be conducted under section
21 11501 of this title, the Administrator for Federal Procurement Policy shall
22 submit to Congress a detailed test plan for the program, including a de-
23 tailed description of the procedures to be used and a list of regulations that
24 are to be waived.

25 **§ 11503. Report**

26 (a) REQUIREMENT.—Not later than 180 days after the completion of a
27 pilot program under this chapter, the Administrator for Federal Procure-
28 ment Policy shall—

29 (1) submit to the Director of the Office of Management and Budget
30 a report on the results and findings under the program; and

31 (2) provide a copy of the report to Congress.

32 (b) CONTENT.—The report shall include—

33 (1) a detailed description of the results of the program, as measured
34 by the criteria established for the program; and

35 (2) a discussion of legislation that the Administrator recommends,
36 or changes in regulations that the Administrator considers necessary,
37 to improve overall information resources management in the Federal
38 Government.

39 **§ 11504. Recommended legislation**

40 If the Director of the Office of Management and Budget determines that
41 the results and findings under a pilot program under this chapter indicate

1 that legislation is necessary or desirable to improve the process for acquisi-
2 tion of information technology, the Director shall transmit the Director's
3 recommendations for that legislation to Congress.

4 **§ 11505. Rule of construction**

5 This chapter does not authorize the appropriation or obligation of
6 amounts for the pilot programs authorized under this chapter.

7 SUBCHAPTER II—SPECIFIC PILOT PROGRAMS

8 **§ 11521. Share-in-savings pilot program**

9 (a) REQUIREMENT.—The Administrator for Federal Procurement Policy
10 may authorize the heads of two executive agencies to carry out a pilot pro-
11 gram to test the feasibility of—

12 (1) contracting on a competitive basis with a private sector source
13 to provide the Federal Government with an information technology so-
14 lution for improving mission-related or administrative processes of the
15 Federal Government; and

16 (2) paying the private sector source an amount equal to a portion
17 of the savings derived by the Federal Government from any improve-
18 ments in mission-related processes and administrative processes that
19 result from implementation of the solution.

20 (b) LIMITATIONS.—The head of an executive agency authorized to carry
21 out the pilot program may carry out one project and enter into not more
22 than five contracts for the project under the pilot program.

23 (c) SELECTION OF PROJECTS.—In consultation with the Administrator
24 for the Office of Information and Regulatory Affairs, the Administrator for
25 Federal Procurement Policy shall select the projects.

26 **§ 11522. Solutions-based contracting pilot program**

27 (a) DEFINITION.—For purposes of this section, “solutions-based con-
28 tracting” is an acquisition method under which the acquisition objectives are
29 defined by the Federal Government user of the technology to be acquired,
30 a streamlined contractor selection process is used, and industry sources are
31 allowed to provide solutions that attain the objectives effectively.

32 (b) IN GENERAL.—The Administrator for Federal Procurement Policy
33 may authorize the head of an executive agency, in accordance with sub-
34 section (d), to carry out a pilot program to test the feasibility of using solu-
35 tions-based contracting for the acquisition of information technology.

36 (c) PROCESS REQUIREMENTS.—The Administrator shall require use of a
37 process with the following aspects for acquisitions under the pilot program:

38 (1) ACQUISITION PLAN EMPHASIZING DESIRED RESULT.—Prepara-
39 tion of an acquisition plan that defines the functional requirements of
40 the intended users of the information technology to be acquired, identi-
41 fies the operational improvements to be achieved, and defines the per-

1 performance measurements to be applied in determining whether the infor-
2 mation technology acquired satisfies the defined requirements and at-
3 tains the identified results.

4 (2) RESULTS-ORIENTED STATEMENT OF WORK.—Use of a statement
5 of work that is limited to an expression of the end results or perform-
6 ance capabilities desired under the acquisition plan.

7 (3) SMALL ACQUISITION ORGANIZATION.—Assembly of a small acqui-
8 sition organization consisting of the following:

9 (A) An acquisition management team, the members of which are
10 to be evaluated and rewarded under the pilot program for con-
11 tributions toward attainment of the desired results identified in
12 the acquisition plan.

13 (B) A small source selection team composed of representatives
14 of the specific mission or administrative area to be supported by
15 the information technology to be acquired, a contracting officer,
16 and individuals with relevant expertise.

17 (4) USE OF SOURCE SELECTION FACTORS EMPHASIZING SOURCE
18 QUALIFICATIONS AND COSTS.—Use of source selection factors that
19 emphasize—

20 (A) the qualifications of the offeror, including personnel skills,
21 previous experience in providing other private or public sector or-
22 ganizations with solutions for attaining objectives similar to the
23 objectives of the acquisition, past contract performance, qualifica-
24 tions of the proposed program manager, and the proposed man-
25 agement plan; and

26 (B) the costs likely to be associated with the conceptual ap-
27 proach proposed by the offeror.

28 (5) OPEN COMMUNICATIONS WITH CONTRACTOR COMMUNITY.—Open
29 availability of the following information to potential offerors:

30 (A) The agency mission to be served by the acquisition.

31 (B) The functional process to be performed by use of informa-
32 tion technology.

33 (C) The process improvements to be attained.

34 (6) SIMPLE SOLICITATION.—Use of a simple solicitation that sets
35 forth only the functional work description, the source selection factors
36 to be used in accordance with paragraph (4), the required terms and
37 conditions, instructions regarding submission of offers, and the esti-
38 mate of the Government's budget for the desired work.

39 (7) SIMPLE PROPOSALS.—Submission of oral presentations and writ-
40 ten proposals that are limited in size and scope and contain informa-
41 tion on—

- 1 (A) the offeror's qualifications to perform the desired work;
- 2 (B) past contract performance;
- 3 (C) the proposed conceptual approach; and
- 4 (D) the costs likely to be associated with the proposed concep-
- 5 tual approach.

6 (8) SIMPLE EVALUATION.—Use of a simplified evaluation process, to
7 be completed within 45 days after receipt of proposals, that consists
8 of the following:

9 (A) Identification of the most qualified offerors that are within
10 the competitive range.

11 (B) Issuance of invitations for at least three and not more than
12 five of the identified offerors to make oral presentations to, and
13 engage in discussions with, the evaluating personnel regarding, for
14 each offeror—

15 (i) the qualifications of the offeror, including how the quali-
16 fications of the offeror relate to the approach proposed to be
17 taken by the offeror in the acquisition; and

18 (ii) the costs likely to be associated with the approach.

19 (C) Evaluation of the qualifications of the identified offerors
20 and the costs likely to be associated with the offerors' proposals
21 on the basis of submissions required under the process and any
22 oral presentations made by, and any discussions with, the offerors.

23 (9) SELECTION OF MOST QUALIFIED OFFEROR.—A selection process
24 consisting of the following:

25 (A) Identification of the most qualified sources, primarily on the
26 basis of the oral proposals, presentations, and discussions, and
27 written proposals, submitted in accordance with paragraph (7).

28 (B) A program definition phase of 30–60 days (or a longer pe-
29 riod the Administrator approves)—

30 (i) during which the sources identified under subparagraph
31 (A), in consultation with one or more intended users, develop
32 a conceptual system design and technical approach, define
33 logical phases for the project, and estimate the total cost and
34 the cost for each phase; and

35 (ii) after which a contract for performance of the work may
36 be awarded to the source whose offer is determined to be
37 most advantageous to the Government on the basis of cost,
38 the responsiveness, reasonableness, and quality of the pro-
39 posed performance, and a sharing of risk and benefits be-
40 tween the source and the Government.

1 (C) As many successive program definition phases as necessary
2 to award a contract in accordance with subparagraph (B).

3 (10) SYSTEM IMPLEMENTATION PHASING.—System implementation
4 to be executed in phases that are tailored to the solution, with appro-
5 priate contract arrangements being used for various phases and activi-
6 ties.

7 (11) MUTUAL AUTHORITY TO TERMINATE.—Authority for the Gov-
8 ernment or the contractor to terminate the contract without penalty at
9 the end of any phase defined for the project.

10 (12) TIME MANAGEMENT DISCIPLINE.—Application of a standard for
11 awarding a contract within 105 to 120 days after issuance of the solici-
12 tation, except that the Administrator may approve the application of
13 a longer standard period.

14 (d) PILOT PROGRAM PROJECTS.—The Administrator shall authorize to be
15 carried out under the pilot program—

16 (1) not more than 10 projects, each of which has an estimated cost
17 of at least \$25,000,000 and not more than \$100,000,000; and

18 (2) not more than 10 projects for small business concerns, each of
19 which has an estimated cost of at least \$1,000,000 and not more than
20 \$5,000,000.

21 (e) MONITORING BY COMPTROLLER GENERAL.—The Comptroller General
22 shall—

23 (1) monitor the conduct, and review the results, of acquisitions under
24 the pilot program; and

25 (2) submit to Congress periodic reports containing the views of the
26 Comptroller General on the activities, results, and findings under the
27 pilot program.

28 **CHAPTER 117—ADDITIONAL INFORMATION RESOURCES**
29 **MANAGEMENT MATTERS**

Sec.

11701. On-line multiple award schedule contracting.

11702. Identification of excess and surplus computer equipment.

11703. Index of certain information in information systems included in directory established
under section 4101 of title 44.

11704. Procurement procedures.

30 **§ 11701. On-line multiple award schedule contracting**

31 (a) AUTOMATION OF MULTIPLE AWARD SCHEDULE CONTRACTING.—To
32 provide for the economic and efficient procurement of information tech-
33 nology and other commercial items, the Administrator of General Services
34 shall provide Federal Government-wide on-line computer access to informa-
35 tion on products and services that are available for ordering through the
36 multiple award schedules.

1 (b) REQUIREMENTS.—The system for providing on-line computer access
2 shall—

3 (1) have the capability to—

4 (A) provide basic information on prices, features, and perform-
5 ance of all products and services available for ordering through the
6 multiple award schedules;

7 (B) provide for updating that information to reflect changes in
8 prices, features, and performance as soon as information on the
9 changes becomes available; and

10 (C) enable users to make on-line computer comparisons of the
11 prices, features, and performance of similar products and services
12 offered by various vendors; and

13 (2) be used to place orders under the multiple award schedules in
14 a fiscal year for an amount equal to at least 60 percent of the total
15 amount spent for all orders under the multiple award schedules in that
16 fiscal year.

17 (c) STREAMLINED PROCEDURES.—

18 (1) PILOT PROGRAM.—On certification by the Administrator of Gen-
19 eral Services that the system for providing on-line computer access
20 meets the requirements of subsection (b)(1) and was used as required
21 by subsection (b)(2) in the fiscal year preceding the fiscal year in which
22 the certification is made, the Administrator for Federal Procurement
23 Policy may establish a pilot program to test streamlined procedures for
24 the procurement of information technology products and services avail-
25 able for ordering through the multiple award schedules.

26 (2) APPLICABILITY TO MULTIPLE AWARD SCHEDULE CONTRACTS.—
27 Except as provided in paragraph (4), the pilot program shall be appli-
28 cable to all multiple award schedule contracts for the purchase of infor-
29 mation technology and shall test the following procedures:

30 (A) A procedure under which negotiation of the terms and con-
31 ditions for a covered multiple award schedule contract is limited
32 to terms and conditions other than price.

33 (B) A procedure under which the vendor establishes the prices
34 under a covered multiple award schedule contract and may adjust
35 those prices at any time in the discretion of the vendor.

36 (C) A procedure under which a covered multiple award schedule
37 contract is awarded to any responsible offeror that—

38 (i) has a suitable record of past performance, which may
39 include past performance on multiple award schedule con-
40 tracts;

1 (ii) agrees to terms and conditions that the Administrator
2 for Federal Procurement Policy determines are required by
3 law or are appropriate for the purchase of commercial items;
4 and

5 (iii) agrees to establish and update prices, features, and
6 performance and to accept orders electronically through the
7 automated system established pursuant to subsection (a).

8 (3) COMPTROLLER GENERAL REVIEW AND REPORT.—

9 (A) AUTHORITY TO CONDUCT REVIEW AND MAKE REPORT.—

10 Not later than three years after the date on which the pilot pro-
11 gram is established, the Comptroller General shall review the pilot
12 program and report to Congress on the results of the pilot pro-
13 gram.

14 (B) CONTENT OF REPORT.—The report shall include the fol-
15 lowing:

16 (i) An evaluation of the extent to which there is competi-
17 tion for the orders placed under the pilot program.

18 (ii) The effect that the streamlined procedures under the
19 pilot program have on prices charged under multiple award
20 schedule contracts.

21 (iii) The effect that those procedures have on paperwork
22 requirements for multiple award schedule contracts and or-
23 ders.

24 (iv) The impact of the pilot program on small businesses
25 and socially and economically disadvantaged small businesses.

26 (4) WITHDRAWAL OF SCHEDULE OR PORTION OF SCHEDULE FROM
27 PILOT PROGRAM.—

28 (A) WHEN ALLOWED.—The Administrator for Federal Procure-
29 ment Policy may withdraw a multiple award schedule or portion
30 of a schedule from the pilot program if the Administrator deter-
31 mines that—

32 (i) price competition is not available under that schedule or
33 portion of that schedule; or

34 (ii) the cost to the Government for that schedule or portion
35 for the previous year was higher than it would have been if
36 the contract for that schedule or portion had been awarded
37 using procedures that would apply if the pilot program were
38 not in effect.

39 (B) NOTICE.—The Administrator for Federal Procurement Pol-
40 icy shall notify Congress at least 30 days before the date on which

1 the Administrator withdraws a schedule or portion under this
 2 paragraph.

3 (C) AUTHORITY NOT DELEGABLE.—The authority under this
 4 paragraph may not be delegated.

5 (5) TERMINATION OF PILOT PROGRAM.—Unless reauthorized by law,
 6 the authority of the Administrator for Federal Procurement Policy to
 7 award contracts under the pilot program shall expire four years after
 8 the date on which the pilot program is established. A contract entered
 9 into before the authority expires remains in effect according to the
 10 terms of the contract after the expiration of the authority to award new
 11 contracts under the pilot program.

12 **§ 11702. Identification of excess and surplus computer**
 13 **equipment**

14 In accordance with chapter 5 of this title, the head of an executive agency
 15 shall maintain an inventory of all computer equipment under the control of
 16 that official that is excess or surplus property.

17 **§ 11703. Index of certain information in information systems**
 18 **included in directory established under section**
 19 **4101 of title 44**

20 If in designing an information technology system pursuant to this sub-
 21 title, the head of an executive agency determines that a purpose of the sys-
 22 tem is to disseminate information to the public, then the head of that execu-
 23 tive agency shall reasonably ensure that an index of information dissemi-
 24 nated by the system is included in the directory created pursuant to section
 25 4101 of title 44. This section does not authorize the dissemination of infor-
 26 mation to the public unless otherwise authorized.

27 **§ 11704. Procurement procedures**

28 To the maximum extent practicable, the Federal Acquisition Regulatory
 29 Council shall ensure that the process for acquisition of information tech-
 30 nology is a simplified, clear, and understandable process that specifically ad-
 31 dresses the management of risk, incremental acquisitions, and the need to
 32 incorporate commercial information technology in a timely manner.

33 **SUBTITLE IV—APPALACHIAN REGIONAL**
 34 **DEVELOPMENT**

CHAPTER	Sec.
141. GENERAL PROVISIONS	14101
143. APPALACHIAN REGIONAL COMMISSION	14301
145. SPECIAL APPALACHIAN PROGRAMS	14501
147. MISCELLANEOUS	14701

35 **CHAPTER 141—GENERAL PROVISIONS**

Sec.
14101. Findings and purposes.
14102. Definitions.

1 **§ 14101. Findings and purposes**

2 (a) 1965 FINDINGS AND PURPOSE.—

3 (1) FINDINGS.—Congress finds and declares that the Appalachian
4 region of the United States, while abundant in natural resources and
5 rich in potential, lags behind the rest of the Nation in its economic
6 growth and that its people have not shared properly in the Nation's
7 prosperity. The region's uneven past development, with its historical re-
8 liance on a few basic industries and a marginal agriculture, has failed
9 to provide the economic base that is a vital prerequisite for vigorous,
10 self-sustaining growth. State and local governments and the people of
11 the region understand their problems and have been working, and will
12 continue to work, purposefully toward their solution. Congress recog-
13 nizes the comprehensive report of the President's Appalachian Regional
14 Commission documenting these findings and concludes that regionwide
15 development is feasible, desirable, and urgently needed.

16 (2) PURPOSE.—It is the purpose of this subtitle to assist the region
17 in meeting its special problems, to promote its economic development,
18 and to establish a framework for joint federal and state efforts toward
19 providing the basic facilities essential to its growth and attacking its
20 common problems and meeting its common needs on a coordinated and
21 concerted regional basis. The public investments made in the region
22 under this subtitle shall be concentrated in areas where there is a sig-
23 nificant potential for future growth and where the expected return on
24 public dollars invested will be the greatest. States will be responsible
25 for recommending local and state projects within their borders that will
26 receive assistance under this subtitle. As the region obtains the needed
27 physical and transportation facilities and develops its human resources,
28 Congress expects that the region will generate a diversified industry
29 and that the region will then be able to support itself through the
30 workings of a strengthened free enterprise economy.

31 (b) 1975 FINDINGS AND PURPOSE.—

32 (1) FINDINGS.—Congress further finds and declares that while sub-
33 stantial progress has been made toward achieving the purposes set out
34 in subsection (a), especially with respect to the provision of essential
35 public facilities, much remains to be accomplished, especially with re-
36 spect to the provision of essential health, education, and other public
37 services. Congress recognizes that changes and evolving national pur-
38 poses in the decade since 1965 affect not only the Appalachian region
39 but also its relationship to a nation that on December 31, 1975, is as-
40 signing higher priority to conservation and the quality of life, values
41 long cherished within the region. Appalachia as of December 31, 1975,

1 has the opportunity, in accommodating future growth and development,
2 to demonstrate local leadership and coordinated planning so that hous-
3 ing, public services, transportation and other community facilities will
4 be provided in a way congenial to the traditions and beauty of the re-
5 gion and compatible with conservation values and an enhanced quality
6 of life for the people of the region, and consistent with that goal, the
7 Appalachian region should be able to take advantage of eco-industrial
8 development, which promotes both employment and economic growth
9 and the preservation of natural resources. Congress recognizes also
10 that fundamental changes are occurring in national energy require-
11 ments and production, which not only risk short-term dislocations but
12 will undoubtedly result in major long-term effects in the region. It is
13 essential that the opportunities for expanded energy production be used
14 so as to maximize the social and economic benefits and minimize the
15 social and environmental costs to the region and its people.

16 (2) PURPOSE.—It is also the purpose of this subtitle to provide a
17 framework for coordinating federal, state and local efforts toward—

18 (A) anticipating the effects of alternative energy policies and
19 practices;

20 (B) planning for accompanying growth and change so as to
21 maximize the social and economic benefits and minimize the social
22 and environmental costs; and

23 (C) implementing programs and projects carried out in the re-
24 gion by federal, state, and local governmental agencies so as to
25 better meet the special problems generated in the region by the
26 Nation's energy needs and policies, including problems of trans-
27 portation, housing, community facilities, and human services.

28 (e) 1998 FINDINGS AND PURPOSE.—

29 (1) FINDINGS.—Congress further finds and declares that while sub-
30 stantial progress has been made in fulfilling many of the objectives of
31 this subtitle, rapidly changing national and global economies over the
32 decade ending November 13, 1998, have created new problems and
33 challenges for rural areas throughout the United States and especially
34 for the Appalachian region.

35 (2) PURPOSE.—In addition to the purposes stated in subsections (a)
36 and (b), it is the purpose of this subtitle—

37 (A) to assist the Appalachian region in—

38 (i) providing the infrastructure necessary for economic and
39 human resource development;

40 (ii) developing the region's industry;

41 (iii) building entrepreneurial communities;

- 1 (iv) generating a diversified regional economy; and
 2 (v) making the region’s industrial and commercial re-
 3 sources more competitive in national and world markets;
 4 (B) to provide a framework for coordinating federal, state, and
 5 local initiatives to respond to the economic competitiveness chal-
 6 lenges in the Appalachian region through—
 7 (i) improving the skills of the region’s workforce;
 8 (ii) adapting and applying new technologies for the region’s
 9 businesses, including eco-industrial development technologies;
 10 and
 11 (iii) improving the access of the region’s businesses to the
 12 technical and financial resources necessary to development of
 13 the businesses; and
 14 (C) to address the needs of severely and persistently distressed
 15 areas of the Appalachian region and focus special attention on the
 16 areas of greatest need so as to provide a fairer opportunity for the
 17 people of the region to share the quality of life generally enjoyed
 18 by citizens across the United States.

19 **§ 14102. Definitions**

- 20 (a) DEFINITIONS.—In this subtitle—
 21 (1) APPALACHIAN REGION.—The term “Appalachian region” means
 22 that area of the eastern United States consisting of the following coun-
 23 ties (including any political subdivision located within the area):
 24 (A) In Alabama, the counties of Bibb, Blount, Calhoun, Cham-
 25 bers, Cherokee, Chilton, Clay, Cleburne, Colbert, Coosa, Cullman,
 26 De Kalb, Elmore, Etowah, Fayette, Franklin, Hale, Jackson, Jef-
 27 ferson, Lamar, Lauderdale, Lawrence, Limestone, Macon, Madi-
 28 son, Marion, Marshall, Morgan, Pickens, Randolph, St. Clair,
 29 Shelby, Talladega, Tallapoosa, Tuscaloosa, Walker, and Winston.
 30 (B) In Georgia, the counties of Banks, Barrow, Bartow, Carroll,
 31 Catoosa, Chattooga, Cherokee, Dade, Dawson, Douglas, Elbert,
 32 Fannin, Floyd, Forsyth, Franklin, Gilmer, Gordon, Gwinnett,
 33 Habersham, Hall, Haralson, Hart, Heard, Jackson, Lumpkin,
 34 Madison, Murray, Paulding, Pickens, Polk, Rabun, Stephens,
 35 Towns, Union, Walker, White, and Whitfield.
 36 (C) In Kentucky, the counties of Adair, Bath, Bell, Boyd,
 37 Breathitt, Carter, Casey, Clark, Clay, Clinton, Cumberland,
 38 Edmonson, Elliott, Estill, Fleming, Floyd, Garrard, Green,
 39 Greenup, Harlan, Hart, Jackson, Johnson, Knott, Knox, Laurel,
 40 Lawrence, Lee, Leslie, Letcher, Lewis, Lincoln, McCreary, Madi-
 41 son, Magoffin, Martin, Meniffee, Monroe, Montgomery, Morgan,

1 Owsley, Perry, Pike, Powell, Pulaski, Rockcastle, Rowan, Russell,
2 Wayne, Whitley, and Wolfe.

3 (D) In Maryland, the counties of Allegany, Garrett, and Wash-
4 ington.

5 (E) In Mississippi, the counties of Alcorn, Benton, Calhoun,
6 Chickasaw, Choctaw, Clay, Itawamba, Kemper, Lee, Lowndes,
7 Marshall, Monroe, Montgomery, Noxubee, Oktibbeha, Panola,
8 Pontotoc, Prentiss, Tippah, Tishomingo, Union, Webster, Winston,
9 and Yalobusha.

10 (F) In New York, the counties of Allegany, Broome,
11 Cattaraugus, Chautauqua, Chemung, Chenango, Cortland, Dela-
12 ware, Otsego, Schoharie, Schuyler, Steuben, Tioga, and Tompkins.

13 (G) In North Carolina, the counties of Alexander, Alleghany,
14 Ashe, Avery, Buncombe, Burke, Caldwell, Cherokee, Clay, Davie,
15 Forsyth, Graham, Haywood, Henderson, Jackson, McDowell,
16 Macon, Madison, Mitchell, Polk, Rutherford, Stokes, Surry, Swain,
17 Transylvania, Watauga, Wilkes, Yadkin, and Yancey.

18 (H) In Ohio, the counties of Adams, Athens, Belmont, Brown,
19 Carroll, Clermont, Columbiana, Coshocton, Gallia, Guernsey, Har-
20 rison, Highland, Hocking, Holmes, Jackson, Jefferson, Lawrence,
21 Meigs, Monroe, Morgan, Muskingum, Noble, Perry, Pike, Ross,
22 Scioto, Tuscarawas, Vinton, and Washington.

23 (I) In Pennsylvania, the counties of Allegheny, Armstrong, Bea-
24 ver, Bedford, Blair, Bradford, Butler, Cambria, Cameron, Carbon,
25 Centre, Clarion, Clearfield, Clinton, Columbia, Crawford, Elk,
26 Erie, Fayette, Forest, Fulton, Greene, Huntingdon, Indiana, Jef-
27 ferson, Juniata, Lackawanna, Lawrence, Luzerne, Lycoming,
28 McKean, Mercer, Mifflin, Monroe, Montour, Northumberland,
29 Perry, Pike, Potter, Schuylkill, Snyder, Somerset, Sullivan, Sus-
30 quehanna, Tioga, Union, Venango, Warren, Washington, Wayne,
31 Westmoreland, and Wyoming.

32 (J) In South Carolina, the counties of Anderson, Cherokee,
33 Greenville, Oconee, Pickens, and Spartanburg.

34 (K) In Tennessee, the counties of Anderson, Bledsoe, Blount,
35 Bradley, Campbell, Cannon, Carter, Claiborne, Clay, Cocke, Cof-
36 fee, Cumberland, De Kalb, Fentress, Franklin, Grainger, Greene,
37 Grundy, Hamblen, Hamilton, Hancock, Hawkins, Jackson, Jeffer-
38 son, Johnson, Knox, Loudon, McMinn, Macon, Marion, Meigs,
39 Monroe, Morgan, Overton, Pickett, Polk, Putnam, Rhea, Roane,
40 Scott, Sequatchie, Sevier, Smith, Sullivan, Unicoi, Union, Van
41 Buren, Warren, Washington, and White.

1 (L) In Virginia, the counties of Alleghany, Bath, Bland,
 2 Botetourt, Buchanan, Carroll, Craig, Dickenson, Floyd, Giles,
 3 Grayson, Highland, Lee, Montgomery, Pulaski, Rockbridge, Rus-
 4 sell, Scott, Smyth, Tazewell, Washington, Wise, and Wythe.

5 (M) All the counties of West Virginia.

6 (2) LOCAL DEVELOPMENT DISTRICT.—The term “local development
 7 district” means any of the following entities for which the Governor of
 8 the State in which the entity is located, or the appropriate state officer,
 9 certifies to the Appalachian Regional Commission that the entity has
 10 a charter or authority that includes the economic development of coun-
 11 ties or parts of counties or other political subdivisions within the re-
 12 gion:

13 (A) a nonprofit incorporated body organized or chartered under
 14 the law of the State in which it is located.

15 (B) a nonprofit agency or instrumentality of a state or local
 16 government.

17 (C) a nonprofit agency or instrumentality created through an
 18 interstate compact.

19 (D) a nonprofit association or combination of bodies, agencies,
 20 and instrumentalities described in this paragraph.

21 (b) CHANGE IN DEFINITION.—The Commission may not propose or con-
 22 sider a recommendation for any change in the definition of the Appalachian
 23 region as set forth in this section without a prior resolution by the Com-
 24 mittee on Environment and Public Works of the Senate or the Committee
 25 on Transportation and Infrastructure of the House of Representatives that
 26 directs a study of the change.

27 **CHAPTER 143—APPALACHIAN REGIONAL COMMISSION**

SUBCHAPTER I—ORGANIZATION AND ADMINISTRATION

Sec.

- 14301. Establishment, membership, and employees.
- 14302. Decisions.
- 14303. Functions.
- 14304. Recommendations.
- 14305. Liaison between Federal Government and Commission.
- 14306. Administrative powers and expenses.
- 14307. Meetings.
- 14308. Information.
- 14309. Personal financial interests.
- 14310. Annual report.

SUBCHAPTER II—FINANCIAL ASSISTANCE

- 14321. Grants and other assistance.
- 14322. Approval of development plans, strategy statements, and projects.

28 SUBCHAPTER I—ORGANIZATION AND ADMINISTRATION

29 **§ 14301. Establishment, membership, and employees**

30 (a) ESTABLISHMENT.—There is an Appalachian Regional Commission.

31 (b) MEMBERSHIP.—

1 (1) FEDERAL AND STATE MEMBERS.—The Commission is composed
2 of the Federal Cochairman, appointed by the President by and with the
3 advice and consent of the Senate, and the Governor of each partici-
4 pating State in the Appalachian region.

5 (2) ALTERNATE MEMBERS.—Each state member may have a single
6 alternate, appointed by the Governor from among the members of the
7 Governor’s cabinet or the Governor’s personal staff. The President, by
8 and with the advice and consent of the Senate, shall appoint an alter-
9 nate for the Federal Cochairman. An alternate shall vote in the event
10 of the absence, death, disability, removal, or resignation of the member
11 for whom the individual is an alternate. A state alternate shall not be
12 counted toward the establishment of a quorum of the Commission when
13 a quorum of the state members is required.

14 (3) COCHAIRMEN.—The Federal Cochairman is one of the two Co-
15 chairmen of the Commission. The state members shall elect a Cochair-
16 man of the Commission from among themselves for a term of not less
17 than one year.

18 (c) COMPENSATION.—The Federal Cochairman shall be compensated by
19 the Federal Government at level III of the Executive Schedule as set out
20 in section 5314 of title 5. The Federal Cochairman’s alternate shall be com-
21 pensated by the Government at level V of the Executive Schedule as set out
22 in section 5316 of title 5. Each state member and alternate shall be com-
23 pensated by the State which they represent at the rate established by law
24 of that State.

25 (d) DELEGATION.—

26 (1) POWERS AND RESPONSIBILITIES.—Commission powers and re-
27 sponsibilities specified in section 14302(c) and (d) of this title, and the
28 vote of any Commission member, may not be delegated to an individual
29 who is not a Commission member or who is not entitled to vote in
30 Commission meetings.

31 (2) ALTERNATE FEDERAL COCHAIRMAN.—The alternate to the Fed-
32 eral Cochairman shall perform the functions and duties the Federal Co-
33 chairman delegates when not actively serving as the alternate.

34 (e) EXECUTIVE DIRECTOR.—The Commission has an executive director.
35 The executive director is responsible for carrying out the administrative
36 functions of the Commission, for directing the Commission staff, and for
37 other duties the Commission may assign.

38 (f) STATUS OF PERSONNEL.—Members, alternates, officers, and employ-
39 ees of the Commission are not federal employees for any purpose, except
40 the Federal Cochairman, the alternate to the Federal Cochairman, the staff

1 of the Federal Cochairman, and federal employees detailed to the Commis-
2 sion under section 14306(a)(3) of this title.

3 **§ 14302. Decisions**

4 (a) REQUIREMENTS FOR APPROVAL.—Except as provided in section
5 14306(d) of this title, decisions by the Appalachian Regional Commission
6 require the affirmative vote of the Federal Cochairman and of a majority
7 of the state members, exclusive of members representing States delinquent
8 under section 14306(d).

9 (b) CONSULTATION.—In matters coming before the Commission, the Fed-
10 eral Cochairman, to the extent practicable, shall consult with the federal de-
11 partments and agencies having an interest in the subject matter.

12 (c) DECISIONS REQUIRING QUORUM OF STATE MEMBERS.—A decision
13 involving Commission policy, approval of state, regional or subregional de-
14 velopment plans or strategy statements, modification or revision of the Ap-
15 palachian Regional Commission Code, allocation of amounts among the
16 States, or designation of a distressed county or an economically strong
17 county shall not be made without a quorum of state members.

18 (d) PROJECT AND GRANT PROPOSALS.—The approval of project and
19 grant proposals is a responsibility of the Commission and shall be carried
20 out in accordance with section 14322 of this title.

21 **§ 14303. Functions**

22 (a) IN GENERAL.—In carrying out the purposes of this subtitle, the Ap-
23 palachian Regional Commission shall—

24 (1) develop, on a continuing basis, comprehensive and coordinated
25 plans and programs and establish priorities under those plans and pro-
26 grams, giving due consideration to other federal, state, and local plan-
27 ning in the Appalachian region;

28 (2) conduct and sponsor investigations, research, and studies, includ-
29 ing an inventory and analysis of the resources of the region, and, in
30 cooperation with federal, state, and local agencies, sponsor demonstra-
31 tion projects designed to foster regional productivity and growth;

32 (3) review and study, in cooperation with the agency involved, fed-
33 eral, state, and local public and private programs and, where appro-
34 priate, recommend modifications or additions which will increase their
35 effectiveness in the region;

36 (4) formulate and recommend, where appropriate, interstate com-
37 pacts and other forms of interstate cooperation and work with state
38 and local agencies in developing appropriate model legislation;

39 (5) encourage the formation of, and support, local development dis-
40 tricts;

1 (6) encourage private investment in industrial, commercial, and rec-
2 reational projects;

3 (7) serve as a focal point and coordinating unit for Appalachian pro-
4 grams;

5 (8) provide a forum for consideration of problems of the region and
6 proposed solutions and establish and utilize, as appropriate, citizens
7 and special advisory councils and public conferences;

8 (9) encourage the use of eco-industrial development technologies and
9 approaches; and

10 (10) seek to coordinate the economic development activities of, and
11 the use of economic development resources by, federal agencies in the
12 region.

13 (b) IDENTIFY NEEDS AND GOALS OF SUBREGIONAL AREAS.—In carrying
14 out its functions under this section, the Commission shall identify the char-
15 acteristics of, and may distinguish between the needs and goals of, appro-
16 priate subregional areas, including central, northern, and southern Appa-
17 lachia.

18 **§ 14304. Recommendations**

19 The Appalachian Regional Commission may make recommendations to
20 the President and to the Governors and appropriate local officials with re-
21 spect to—

22 (1) the expenditure of amounts by federal, state, and local depart-
23 ments and agencies in the Appalachian region in the fields of natural
24 resources, agriculture, education, training, and health and welfare and
25 in other fields related to the purposes of this subtitle; and

26 (2) additional federal, state, and local legislation or administrative
27 actions as the Commission considers necessary to further the purposes
28 of this subtitle.

29 **§ 14305. Liaison between Federal Government and Commis-
30 sion**

31 (a) PRESIDENT.—The President shall provide effective and continuing li-
32 aison between the Federal Government and the Appalachian Regional Com-
33 mission and a coordinated review within the Government of the plans and
34 recommendations submitted by the Commission pursuant to sections 14303
35 and 14304 of this title.

36 (b) INTERAGENCY COORDINATING COUNCIL ON APPALACHIA.—In car-
37 rying out subsection (a), the President shall establish the Interagency Co-
38 ordinating Council on Appalachia, to be composed of the Federal Cochair-
39 man and representatives of federal agencies that carry out economic devel-
40 opment programs in the Appalachian region. The Federal Cochairman is the
41 Chairperson of the Council.

1 **§ 14306. Administrative powers and expenses**

2 (a) POWERS.—To carry out its duties under this subtitle, the Appa-
3 lachian Regional Commission may—

4 (1) adopt, amend, and repeal bylaws and regulations governing the
5 conduct of its business and the performance of its functions;

6 (2) appoint and fix the compensation of an executive director and
7 other personnel as necessary to enable the Commission to carry out its
8 functions, except that the compensation shall not exceed the maximum
9 rate of basic pay for the Senior Executive Service under section 5382
10 of title 5, including any applicable locality-based comparability payment
11 that may be authorized under section 5304(h)(2)(C) of title 5;

12 (3) request the head of any federal department or agency to detail
13 to temporary duty with the Commission personnel within the adminis-
14 trative jurisdiction of the head of the department or agency that the
15 Commission may need for carrying out its functions, each detail to be
16 without loss of seniority, pay, or other employee status;

17 (4) arrange for the services of personnel from any state or local gov-
18 ernment, subdivision or agency of a state or local government, or inter-
19 governmental agency;

20 (5)(A) make arrangements, including contracts, with any partici-
21 pating state government for inclusion in a suitable retirement and em-
22 ployee benefit system of Commission personnel who may not be eligible
23 for, or continue in, another governmental retirement or employee ben-
24 efit system; or

25 (B) otherwise provide for coverage of its personnel;

26 (6) accept, use, and dispose of gifts or donations of services or any
27 property;

28 (7) enter into and perform contracts, leases (including the lease of
29 office space for any term), cooperative agreements, or other trans-
30 actions, necessary in carrying out its functions, on terms as it may con-
31 sider appropriate, with any—

32 (A) department, agency, or instrumentality of the Federal Gov-
33 ernment;

34 (B) State or political subdivision, agency, or instrumentality of
35 a State; or

36 (C) person;

37 (8) maintain a temporary office in the District of Columbia and es-
38 tablish a permanent office at a central and appropriate location it may
39 select and field offices at other places it may consider appropriate; and

40 (9) take other actions and incur other expenses as may be necessary
41 or appropriate.

1 (b) AUTHORIZATIONS.—

2 (1) DETAIL EMPLOYEES.—The head of a federal department or
3 agency may detail personnel under subsection (a)(3).

4 (2) ENTER INTO AND PERFORM TRANSACTIONS.—A department,
5 agency, or instrumentality of the Government, to the extent not other-
6 wise prohibited by law, may enter into and perform a contract, lease,
7 cooperative agreement, or other transaction under subsection (a)(7).

8 (c) RETIREMENT AND OTHER EMPLOYEE BENEFIT PROGRAMS.—The Di-
9 rector of the Office of Personnel Management may contract with the Com-
10 mission for continued coverage of Commission employees, if the employees
11 are federal employees when they begin Commission employment, in the re-
12 tirement program and other employee benefit programs of the Government.

13 (d) EXPENSES.—Administrative expenses of the Commission shall be paid
14 equally by the Government and the States in the Appalachian region, except
15 that the expenses of the Federal Cochairman, the alternate to the Federal
16 Cochairman, and the staff of the Federal Cochairman shall be paid only by
17 the Government. The Commission shall determine the amount to be paid
18 by each State. The Federal Cochairman shall not participate or vote in that
19 determination. Assistance authorized by this subtitle shall not be furnished
20 to any State or to any political subdivision or any resident of any State,
21 and a state member of the Commission shall not participate or vote in any
22 decision by the Commission, while the State is delinquent in payment of its
23 share of administrative expenses.

24 **§ 14307. Meetings**

25 (a) IN GENERAL.—The Appalachian Regional Commission shall conduct
26 at least one meeting each year with the Federal Cochairman and at least
27 a majority of the state members present.

28 (b) ADDITIONAL MEETINGS BY ELECTRONIC MEANS.—The Commission
29 may conduct additional meetings by electronic means as the Commission
30 considers advisable, including meetings to decide matters requiring an af-
31 firmative vote.

32 **§ 14308. Information**

33 (a) ACTIONS OF COMMISSION.—To obtain information needed to carry
34 out its duties, the Appalachian Regional Commission shall—

35 (1) hold hearings, sit and act at times and places, take testimony,
36 receive evidence, and print or otherwise reproduce and distribute so
37 much of its proceedings and reports on the proceedings as the Commis-
38 sion may deem advisable;

39 (2) arrange for the head of any federal, state, or local department
40 or agency to furnish to the Commission information as may be avail-
41 able to or procurable by the department or agency; and

1 (3) keep accurate and complete records of its doings and trans-
2 actions which shall be made available for—

3 (A) public inspection; and

4 (B) audit and examination by the Comptroller General or an au-
5 thORIZED representative of the Comptroller General.

6 (b) AUTHORIZATIONS.—

7 (1) ADMINISTER OATHS.—A Cochairman of the Commission, or any
8 member of the Commission designated by the Commission, may admin-
9 ister oaths when the Commission decides that testimony shall be taken
10 or evidence received under oath.

11 (2) FURNISH INFORMATION.—The head of any federal, state, or local
12 department or agency, to the extent not otherwise prohibited by law,
13 may carry out section (a)(2).

14 (c) PUBLIC PARTICIPATION.—Public participation in the development, re-
15 vision, and implementation of all plans and programs under this subtitle by
16 the Commission, any State, or any local development district shall be pro-
17 vided for, encouraged, and assisted. The Commission shall develop and pub-
18 lish regulations specifying minimum guidelines for public participation, in-
19 cluding public hearings.

20 **§ 14309. Personal financial interests**

21 (a) CONFLICT OF INTEREST.—

22 (1) NO ROLE ALLOWED.—Except as permitted by paragraph (2), an
23 individual who is a state member or alternate, or an officer or employee
24 of the Appalachian Regional Commission, shall not participate person-
25 ally and substantially as a member, alternate, officer, or employee in
26 any way in any particular matter in which, to the individual's knowl-
27 edge, any of the following has a financial interest:

28 (A) the individual.

29 (B) the individual's spouse, minor child, or partner.

30 (C) an organization (except a State or political subdivision of
31 a State) in which the individual is serving as an officer, director,
32 trustee, partner, or employee.

33 (D) any person or organization with whom the individual—

34 (i) is serving as an officer, director, trustee, partner, or em-
35 ployee; or

36 (ii) is negotiating or has any arrangement concerning pro-
37 spective employment.

38 (2) EXCEPTION.—Paragraph (1) does not apply if the individual
39 first advises the Commission of the nature and circumstances of the
40 particular matter and makes full disclosure of the financial interest and
41 receives in advance a written decision of the Commission that the inter-

1 est is not so substantial as to be considered likely to affect the integrity
2 of the services which the Commission may expect from the individual.

3 (3) CRIMINAL PENALTY.—An individual violating this subsection
4 shall be fined under title 18, imprisoned for not more than two years,
5 or both.

6 (b) ADDITIONAL SOURCES OF SALARY DISALLOWED.—

7 (1) STATE MEMBER OR ALTERNATE.—A state member or alternate
8 may not receive any salary, or any contribution to, or supplementation
9 of, salary, for services on the Commission from a source other than the
10 State of the member or alternate.

11 (2) INDIVIDUALS DETAILED TO COMMISSION.—An individual detailed
12 to serve the Commission under section 14306(a)(4) of this title may
13 not receive any salary, or any contribution to, or supplementation of,
14 salary, for services on the Commission from a source other than the
15 state, local, or intergovernmental department or agency from which the
16 individual was detailed or from the Commission.

17 (3) CRIMINAL PENALTY.—An individual violating this subsection
18 shall be fined under title 18, imprisoned for not more than one year,
19 or both.

20 (c) FEDERAL COCHAIRMAN, ALTERNATE TO FEDERAL COCHAIRMAN, AND
21 FEDERAL OFFICERS AND EMPLOYEES.—The Federal Cochairman, the al-
22 ternate to the Federal Cochairman, and any federal officer or employee de-
23 tailed to duty with the Commission under section 14306(a)(3) of this title
24 are not subject to this section but remain subject to sections 202–209 of
25 title 18.

26 (d) RESCISSION.—The Commission may declare void and rescind any con-
27 tract, loan, or grant of or by the Commission in relation to which it finds
28 that there has been a violation of subsection (a)(1) or (b) of this section
29 or any of the provisions of sections 202–209 of title 18.

30 **§ 14310. Annual report**

31 Not later than six months after the close of each fiscal year, the Appa-
32 lachian Regional Commission shall prepare and submit to the Governor of
33 each State in the Appalachian region and to the President, for transmittal
34 to Congress, a report on the activities carried out under this subtitle during
35 the fiscal year.

36 SUBCHAPTER II—FINANCIAL ASSISTANCE

37 **§ 14321. Grants and other assistance**

38 (a) AUTHORIZATION TO MAKE GRANTS.—

39 (1) IN GENERAL.—The Appalachian Regional Commission may make
40 grants—

1 (A) for administrative expenses, including the development of
 2 areawide plans or action programs and technical assistance activi-
 3 ties, of local development districts, but—

4 (i) the amount of a grant shall not exceed 50 percent of
 5 administrative expenses or, at the discretion of the Commis-
 6 sion, 75 percent of administrative expenses if the grant is to
 7 a local development district that has a charter or authority
 8 that includes the economic development of a county or part
 9 of a county for which a distressed county designation is in ef-
 10 fect under section 14526 of this title;

11 (ii) grants for administrative expenses shall not be made
 12 for a state agency certified as a local development district for
 13 a period of more than three years beginning on the date the
 14 initial grant is made for the development district; and

15 (iii) the local development district contributions for admin-
 16 istrative expenses may be in cash or in kind, fairly evaluated,
 17 including space, equipment, and services;

18 (B) for assistance to States for a period of not more than two
 19 years to strengthen the state development planning process for the
 20 Appalachian region and the coordination of state planning under
 21 this subtitle, the Public Works and Economic Development Act of
 22 1965 (42 U.S.C. 3121 et seq.), and other federal and state pro-
 23 grams; and

24 (C) for investigation, research, studies, evaluations, and assess-
 25 ments of needs, potentials, or attainments of the people of the re-
 26 gion, technical assistance, training programs, demonstrations, and
 27 the construction of necessary facilities incident to those activities,
 28 which will further the purposes of this subtitle.

29 (2) LIMITATION ON AVAILABLE AMOUNTS.—

30 (A) IN GENERAL.—Except as provided in subparagraph (B), not
 31 more than 50 percent (or 80 percent in the case of a project to
 32 be carried out in a county for which a distressed county designa-
 33 tion is in effect under section 14526 of this title) of the cost of
 34 any activity eligible for financial assistance under this section may
 35 be provided from amounts appropriated to carry out this subtitle.

36 (B) DISCRETIONARY GRANTS.—

37 (i) GRANTS TO WHICH PERCENTAGE LIMITATION DOESN'T
 38 APPLY.—Discretionary grants made by the Commission to
 39 implement significant regional initiatives, to take advantage
 40 of special development opportunities, or to respond to emer-
 41 gency economic distress in the region may be made without

1 regard to the percentage limitations specified in subparagraph
2 (A).

3 (ii) LIMITATION ON AGGREGATE AMOUNT.—For each fiscal
4 year, the aggregate amount of discretionary grants referred
5 to in clause (i) shall not be more than 10 percent of the
6 amount appropriated under section 14703 of this title for the
7 fiscal year.

8 (3) SOURCES OF GRANTS.—Grant amounts may be provided entirely
9 from appropriations to carry out this section, in combination with
10 amounts available under other federal or federal grant programs, or
11 from any other source.

12 (4) FEDERAL SHARE.—Notwithstanding any law limiting the federal
13 share in any other federal or federal grant program, amounts appro-
14 priated to carry out this section may be used to increase that federal
15 share, as the Commission decides is appropriate.

16 (b) ASSISTANCE FOR DEMONSTRATIONS OF ENTERPRISE DEVELOP-
17 MENT.—

18 (1) IN GENERAL.—The Commission may provide assistance under
19 this section for demonstrations of enterprise development, including site
20 acquisition or development where necessary for the feasibility of the
21 project, in connection with the development of the region's energy re-
22 sources and the development and stimulation of indigenous arts and
23 crafts of the region.

24 (2) COOPERATION BY FEDERAL AGENCIES.—In carrying out the pur-
25 poses of this subtitle and in implementing this section, the Secretary
26 of Energy, the Environmental Protection Agency, and other federal
27 agencies shall cooperate with the Commission and shall provide assist-
28 ance that the Federal Cochairman may request.

29 (3) AVAILABLE AMOUNTS.—In any fiscal year, not more than—

30 (A) \$3,000,000 shall be obligated for energy resource related
31 demonstrations; and

32 (B) \$2,500,000 shall be obligated for indigenous arts and crafts
33 demonstrations.

34 (c) RECORDS.—

35 (1) COMMISSION.—The Commission, as required by the President,
36 shall maintain accurate and complete records of transactions and ac-
37 tivities financed with federal amounts and report to the President on
38 the transactions and activities. The records of the Commission with re-
39 spect to grants are available for audit by the President and the Com-
40 troller General.

1 (2) RECIPIENTS OF FEDERAL ASSISTANCE.—Recipients of federal as-
 2 sistance under this section, as required by the Commission, shall main-
 3 tain accurate and complete records of transactions and activities fi-
 4 nanced with federal amounts and report to the Commission on the
 5 transactions and activities. The records are be available for audit by
 6 the President, the Comptroller General, and the Commission.

7 **§ 14322. Approval of development plans, strategy state-**
 8 **ments, and projects**

9 (a) ANNUAL REVIEW AND APPROVAL REQUIRED.—The Appalachian Re-
 10 gional Commission annually shall review and approve, in accordance with
 11 section 14302 of this title, state and regional development plans and strat-
 12 egy statements, and any multistate subregional plans which may be devel-
 13 oped.

14 (b) APPLICATION PROCESS.—An application for a grant or for other as-
 15 sistance for a specific project under this subtitle shall be made through the
 16 state member of the Commission representing the applicant. The state
 17 member shall evaluate the application for approval. To be approved, the
 18 state member must certify, and the Federal Cochairman must determine,
 19 that the application—

- 20 (1) implements the Commission-approved state development plan;
 21 (2) is included in the Commission-approved strategy statement;
 22 (3) adequately ensures that the project will be properly administered,
 23 operated, and maintained; and
 24 (4) otherwise meets the requirements for assistance under this sub-
 25 title.

26 (c) AFFIRMATIVE VOTE REQUIREMENT DEEMED MET.—After the appro-
 27 priate state development plan and strategy statement are approved, certifi-
 28 cation by a state member, when joined by an affirmative vote of the Federal
 29 Cochairman, is deemed to satisfy the requirements for affirmative votes for
 30 decisions under section 14302(a) of this title.

31 **CHAPTER 145—SPECIAL APPALACHIAN PROGRAMS**

SUBCHAPTER I—PROGRAMS

Sec.

14501. Appalachian development highway system.
 14502. Demonstration health projects.
 14503. Assistance for proposed low- and middle-income housing projects.
 14504. Telecommunications and technology initiative.
 14505. Entrepreneurship initiative.
 14506. Regional skills partnerships.
 14507. Supplements to federal grant programs.

SUBCHAPTER II—ADMINISTRATIVE

14521. Required level of expenditure.
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 14523. Program implementation.
 14524. Program development criteria.

14525. State development planning process.

14526. Distressed and economically strong counties.

1

SUBCHAPTER I—PROGRAMS

2

§ 14501. Appalachian development highway system

3

(a) PURPOSE.—To provide a highway system which, in conjunction with the Interstate System and other Federal-aid highways in the Appalachian region, will open up an area with a developmental potential where commerce and communication have been inhibited by lack of adequate access, the Secretary of Transportation may assist in the construction of an Appalachian development highway system and local access roads serving the Appalachian region. Construction on the development highway system shall not be more than 3,025 miles. There shall not be more than 1,400 miles of local access roads that serve specific recreational, residential, educational, commercial, industrial, or similar facilities or facilitate a school consolidation program.

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(b) COMMISSION DESIGNATIONS.—

(1) WHAT IS TO BE DESIGNATED.—The Appalachian Regional Commission shall transmit to the Secretary its designations of—

(A) the general corridor location and termini of the development highways;

(B) local access roads to be constructed;

(C) priorities for the construction of segments of the development highways; and

(D) other criteria for the program authorized by this section.

(2) STATE TRANSPORTATION DEPARTMENT RECOMMENDATION REQUIRED.—Before a state member participates in or votes on designations, the member must obtain the recommendations of the state transportation department of the State which the member represents.

(c) ADDITION TO FEDERAL-AID PRIMARY SYSTEM.—When completed, each development highway not already on the Federal-aid primary system shall be added to the system.

(d) USE OF SPECIFIC MATERIALS AND PRODUCTS.—

(1) INDIGENOUS MATERIALS AND PRODUCTS.—In the construction of highways and roads authorized under this section, a State may give special preference to the use of materials and products indigenous to the Appalachian region.

(2) COAL DERIVATIVES.—For research and development in the use of coal and coal products in highway construction and maintenance, the Secretary may require each participating State, to the maximum extent possible, to use coal derivatives in the construction of not more than 10 percent of the roads authorized under this subtitle.

1 (e) FEDERAL SHARE.—Federal assistance to any construction project
2 under this section shall not be more than 80 percent of the cost of the
3 project.

4 (f) CONSTRUCTION WITHOUT FEDERAL AMOUNTS.—

5 (1) PAYMENT OF FEDERAL SHARE.—When a participating State
6 constructs a segment of a development highway without the aid of fed-
7 eral amounts and the construction is in accordance with all procedures
8 and requirements applicable to the construction of segments of Appa-
9 lachian development highways with those amounts, except for proce-
10 dures and requirements that limit a State to the construction of
11 projects for which federal amounts have previously been appropriated,
12 the Secretary, on application by the State and with the approval of the
13 Commission, may pay to the State the federal share, which shall not
14 be more than 80 percent of the cost of the construction of the segment,
15 from any amounts appropriated and allocated to the State to carry out
16 this section.

17 (2) NO COMMITMENT OR OBLIGATION.—This subsection does not
18 commit or obligate the Federal Government to provide amounts for
19 segments of development highways constructed under this subsection.

20 (g) APPLICATION OF TITLE 23.—

21 (1) SECTIONS 106(a) AND 118.—Sections 106(a) and 118 of title 23
22 apply to the development highway system and the local access roads.

23 (2) CONSTRUCTION AND MAINTENANCE.—States are required to
24 maintain each development highway and local access road as provided
25 for Federal-aid highways in title 23. All other provisions of title 23 that
26 are applicable to the construction and maintenance of Federal-aid pri-
27 mary and secondary highways and which the Secretary decides are not
28 inconsistent with this subtitle shall apply to the system and roads, re-
29 spectively.

30 § 14502. Demonstration health projects

31 (a) PURPOSE.—To demonstrate the value of adequate health facilities and
32 services to the economic development of the Appalachian region, the Sec-
33 retary of Health and Human Services may make grants for the planning,
34 construction, equipment, and operation of multi-county demonstration
35 health, nutrition, and child care projects, including hospitals, regional health
36 diagnostic and treatment centers, and other facilities and services necessary
37 for the purposes of this section.

38 (b) PLANNING GRANTS.—

39 (1) AUTHORITY TO PROVIDE AMOUNTS AND MAKE GRANTS.—The
40 Secretary may provide amounts to the Appalachian Regional Commis-
41 sion for the support of its Health Advisory Committee and may make

1 grants for expenses of planning necessary for the development and op-
2 eration of demonstration health projects for the region.

3 (2) LIMITATION ON AVAILABLE AMOUNTS.—The amount of a grant
4 under this section for planning shall not be more than 75 percent of
5 expenses.

6 (3) SOURCES OF ASSISTANCE.—The federal contribution may be pro-
7 vided entirely from amounts authorized under this section or in com-
8 bination with amounts provided under other federal or federal grant
9 programs.

10 (4) FEDERAL SHARE.—Notwithstanding any provision of law lim-
11 iting the federal share in those other programs, amounts appropriated
12 to carry out this section may be used to increase the federal share to
13 the maximum percentage cost of a grant authorized by this subsection.

14 (c) CONSTRUCTION AND EQUIPMENT GRANTS.—

15 (1) ADDITIONAL USES FOR CONSTRUCTION GRANTS.—Grants under
16 this section for construction may also be used for—

17 (A) the acquisition of privately owned facilities—

18 (i) not operated for profit; or

19 (ii) previously operated for profit if the Commission finds
20 that health services would not otherwise be provided in the
21 area served by the facility if the acquisition is not made; and

22 (B) initial equipment.

23 (2) STANDARDS FOR MAKING GRANTS.—Grants under this section
24 for construction shall be made in accordance with section 14523 of this
25 title and shall not be incompatible with the applicable provisions of title
26 VI of the Public Health Service Act (42 U.S.C. 291 et seq.), the Devel-
27 opmental Disabilities Assistance and Bill of Rights Act of 2000 (42
28 U.S.C. 15001 et seq.), and other laws authorizing grants for the con-
29 struction of health-related facilities, without regard to any provisions
30 in those laws relating to appropriation authorization ceilings or to allot-
31 ments among the States.

32 (3) LIMITATION ON AVAILABLE AMOUNTS.—A grant for the con-
33 struction or equipment of any component of a demonstration health
34 project shall not be more than 80 percent of the cost.

35 (4) SOURCES OF ASSISTANCE.—The federal contribution may be pro-
36 vided entirely from amounts authorized under this section or in com-
37 bination with amounts provided under other federal grant programs for
38 the construction or equipment of health-related facilities.

39 (5) FEDERAL SHARE.—Notwithstanding any provision of law lim-
40 iting the federal share in those other programs, amounts authorized
41 under this section may be used to increase federal grants for compo-

1 nent facilities of a demonstration health project to a maximum of 80
2 percent of the cost of the facilities.

3 (d) OPERATION GRANTS.—

4 (1) STANDARDS FOR MAKING GRANTS.—A grant for the operation of
5 a demonstration health project shall not be made—

6 (A) unless the facility is publicly owned, or owned by a public
7 or private nonprofit organization, and is not operated for profit;

8 (B) after five years following the commencement of the initial
9 grant for operation of the project, except that child development
10 demonstrations assisted under this section during fiscal year 1979
11 may be approved under section 14322 of this title for continued
12 support beyond that period, on request of the State, if the Com-
13 mission finds that no federal, state, or local amounts are available
14 to continue the project; and

15 (C) unless the Secretary of Health and Human Services is satis-
16 fied that the operation of the project will be conducted under effi-
17 cient management practices designed to obviate operating deficits.

18 (2) LIMITATION ON AVAILABLE AMOUNTS.—Grants under this sec-
19 tion for the operation (including initial operating amounts and oper-
20 ating deficits, which include the cost of attracting, training, and retain-
21 ing qualified personnel) of a demonstration health project, whether or
22 not constructed with amounts authorized by this section, may be made
23 for up to 50 percent of the cost of that operation (or 80 percent of
24 the cost of that operation for a project to be carried out in a county
25 for which a distressed county designation is in effect under section
26 14526 of this title).

27 (3) SOURCES OF ASSISTANCE.—The federal contribution may be pro-
28 vided entirely from amounts appropriated to carry out this section or
29 in combination with amounts provided under other federal grant pro-
30 grams for the operation of health related facilities and the provision of
31 health and child development services, including parts A and B of title
32 IV and title XX of the Social Security Act (42 U.S.C. 601 et seq., 620
33 et seq., 1397 et seq.).

34 (4) FEDERAL SHARE.—Notwithstanding any provision of law lim-
35 iting the federal share in those other programs, amounts appropriated
36 to carry out this section may be used to increase federal grants for op-
37 erating components of a demonstration health project to the maximum
38 percentage cost of a grant authorized by this subsection.

39 (5) STATE DEEMED TO MEET REQUIREMENT OF PROVIDING ASSIST-
40 ANCE OR SERVICES ON STATEWIDE BASIS.—Notwithstanding any provi-
41 sion of the Social Security Act (42 U.S.C. 301 et seq.) requiring assist-

1 ance or services on a statewide basis, a State providing assistance or
2 services under a federal grant program described in paragraph (2) in
3 any area of the region approved by the Commission is deemed to be
4 meeting that requirement.

5 (e) GRANT SOURCES AND USE OF GRANTS IN COMPUTING ALLOT-
6 MENTS.—Grants under this section—

7 (1) shall be made only out of amounts specifically appropriated for
8 the purpose of carrying out this subtitle; and

9 (2) shall not be taken into account in computing allotments among
10 the States under any other law.

11 (f) MAXIMUM COMMISSION CONTRIBUTION.—

12 (1) IN GENERAL.—Subject to paragraph (2), the Commission may
13 contribute not more than 50 percent of any project cost eligible for fi-
14 nancial assistance under this section from amounts appropriated to
15 carry out this subtitle.

16 (2) DISTRESSED COUNTIES.—The maximum Commission contribu-
17 tion for a project to be carried out in a county for which a distressed
18 county designation is in effect under section 14526 of this title may
19 be increased to the lesser of—

20 (A) 80 percent; or

21 (B) the maximum federal contribution percentage authorized by
22 this section.

23 (g) EMPHASIS ON OCCUPATIONAL DISEASES FROM COAL MINING.—To
24 provide for the further development of the Appalachian region's human re-
25 sources, grants under this section shall give special emphasis to programs
26 and research for the early detection, diagnosis, and treatment of occupa-
27 tional diseases arising from coal mining, such as black lung.

28 **§ 14503. Assistance for proposed low- and middle-income**
29 **housing projects**

30 (a) APPALACHIAN HOUSING FUND.—

31 (1) ESTABLISHMENT.—There is an Appalachian Housing Fund.

32 (2) SOURCE AND USE OF AMOUNTS IN FUND.—Amounts allocated to
33 the Secretary of Housing and Urban Development for the purposes of
34 this section shall be deposited in the Fund. The Secretary shall use the
35 Fund as a revolving fund to carry out those purposes. Amounts in the
36 Fund not needed for current operation may be invested in bonds or
37 other obligations the Federal Government guarantees as to principal
38 and interest. General expenses of administration of this section may be
39 charged to the Fund.

40 (b) PURPOSE.—To encourage and facilitate the construction or rehabilita-
41 tion of housing to meet the needs of low- and moderate-income families and

1 individuals, the Secretary may make grants and loans from the Fund, under
2 terms and conditions the Secretary may prescribe. The grants and loans
3 may be made to nonprofit, limited dividend, or cooperative organizations
4 and public bodies and are for planning and obtaining federally insured mort-
5 gage financing or other financial assistance for housing construction or re-
6 habilitation projects for low- and moderate-income families and individuals,
7 in any area of the Appalachian region the Appalachian Regional Commis-
8 sion establishes, under—

9 (1) section 221 of the National Housing Act (12 U.S.C. 1715*l*);

10 (2) section 8 of the United States Housing Act of 1937 (42 U.S.C.
11 1437*f*);

12 (3) section 515 of the Housing Act of 1949 (42 U.S.C. 1485); or

13 (4) any other law of similar purpose administered by the Secretary
14 or any other department, agency, or instrumentality of the Federal
15 Government or a state government.

16 (e) PROVIDING AMOUNTS TO STATES FOR GRANTS AND LOANS.—The
17 Secretary or the Commission may provide amounts to the States for making
18 grants and loans to nonprofit, limited dividend, or cooperative organizations
19 and public bodies for the purposes for which the Secretary may provide
20 amounts under this section.

21 (d) LOANS.—

22 (1) LIMITATION ON AVAILABLE AMOUNTS.—A loan under subsection
23 (b) shall not be more than 50 percent (or 80 percent for a project to
24 be carried out in a county for which a distressed county designation
25 is in effect under section 14526 of this title) of the cost of planning
26 and obtaining financing for a project, including preliminary surveys
27 and analyses of market needs, preliminary site engineering and archi-
28 tectural fees, site options, application and mortgage commitment fees,
29 legal fees, and construction loan fees and discounts.

30 (2) INTEREST.—A loan shall be made without interest, except that
31 a loan made to an organization established for profit shall bear interest
32 at the prevailing market rate authorized for an insured or guaranteed
33 loan for that type of project.

34 (3) PAYMENT.—The Secretary shall require payment of a loan made
35 under this section, under terms and conditions the Secretary may re-
36 quire, no later than on completion of the project. Except for a loan to
37 an organization established for profit, the Secretary may cancel any
38 part of a loan made under this section on determining that a perma-
39 nent loan to finance the project cannot be obtained in an amount ade-
40 quate for repayment of a loan made under this section.

41 (e) GRANTS.—

1 (1) IN GENERAL.—A grant under this section shall not be made to
 2 an organization established for profit and, except as provided in para-
 3 graph (2), shall not exceed 50 percent (or 80 percent for a project to
 4 be carried out in a county for which a distressed county designation
 5 is in effect under section 14526 of this title) of expenses, incident to
 6 planning and obtaining financing for a project, which the Secretary
 7 considers not to be recoverable from the proceeds of a permanent loan
 8 made to finance the project.

9 (2) SITE DEVELOPMENT COSTS AND OFFSITE IMPROVEMENTS.—The
 10 Secretary may make grants and commitments for grants, and may ad-
 11 vance amounts under terms and conditions the Secretary may require,
 12 to nonprofit, limited dividend, or cooperative organizations and public
 13 bodies for reasonable site development costs and necessary offsite im-
 14 provements, such as sewer and water line extensions, when the grant,
 15 commitment, or advance is essential to the economic feasibility of a
 16 housing construction or rehabilitation project for low- and moderate-in-
 17 come families and individuals which otherwise meets the requirements
 18 for assistance under this section. A grant under this paragraph for—

19 (A) the construction of housing shall not be more than 10 per-
 20 cent of the cost of the project; and

21 (B) the rehabilitation of housing shall not be more than 10 per-
 22 cent of the reasonable value of the rehabilitation housing, as deter-
 23 mined by the Secretary.

24 (f) INFORMATION, ADVICE, AND TECHNICAL ASSISTANCE.—The Sec-
 25 retary or the Commission may provide, or contract with public or private
 26 organizations to provide, information, advice, and technical assistance with
 27 respect to the construction, rehabilitation, and operation by nonprofit orga-
 28 nizations of housing for low- or moderate- income families in areas of the
 29 region the Commission establishes.

30 (g) APPLICATION OF CERTAIN PROVISIONS.—Programs and projects as-
 31 sisted under this section are subject to the provisions cited in section 14701
 32 of this title to the extent provided in the laws authorizing assistance for low-
 33 and moderate-income housing.

34 **§ 14504. Telecommunications and technology initiative**

35 (a) PROJECTS TO BE ASSISTED.—The Appalachian Regional Commission
 36 may provide technical assistance, make grants, enter into contracts, or oth-
 37 erwise provide amounts to persons or entities in the region for projects—

38 (1) to increase affordable access to advanced telecommunications, en-
 39 trepreneurship, and management technologies or applications in the re-
 40 gion;

1 (2) to provide education and training in the use of telecommuni-
2 cations and technology;

3 (3) to develop programs to increase the readiness of industry groups
4 and businesses in the region to engage in electronic commerce; or

5 (4) to support entrepreneurial opportunities for businesses in the in-
6 formation technology sector.

7 (b) LIMITATION ON AVAILABLE AMOUNTS.—Not more than 50 percent
8 (or 80 percent in the case of a project to be carried out in a county for
9 which a distressed county designation is in effect under section 14526 of
10 this title) of the cost of any activity eligible for a grant under this section
11 may be provided from amounts appropriated to carry out this section.

12 (c) SOURCES OF ASSISTANCE.—Assistance under this section may be pro-
13 vided entirely from amounts made available to carry out this section, in
14 combination with amounts made available under other federal programs, or
15 from any other source.

16 (d) FEDERAL SHARE.—Notwithstanding any provision of law limiting the
17 federal share under any other federal program, amounts made available to
18 carry out this section may be used to increase that federal share, as the
19 Commission decides is appropriate.

20 **§ 14505. Entrepreneurship initiative**

21 (a) BUSINESS INCUBATOR SERVICE.—In this section, the term “business
22 incubator service” means a professional or technical service necessary for
23 the initiation and initial sustainment of the operations of a newly estab-
24 lished business, including a service such as—

25 (1) a legal service, including aid in preparing a corporate charter,
26 partnership agreement, or basic contract;

27 (2) a service in support of the protection of intellectual property
28 through a patent, a trademark, or any other means;

29 (3) a service in support of the acquisition and use of advanced tech-
30 nology, including the use of Internet services and Web-based services;
31 and

32 (4) consultation on strategic planning, marketing, or advertising.

33 (b) PROJECTS TO BE ASSISTED.—The Appalachian Regional Commission
34 may provide technical assistance, make grants, enter into contracts, or oth-
35 erwise provide amounts to persons or entities in the region for projects—

36 (1) to support the advancement of, and provide, entrepreneurial
37 training and education for youths, students, and businesspersons;

38 (2) to improve access to debt and equity capital by such means as
39 facilitating the establishment of development venture capital funds;

40 (3) to aid communities in identifying, developing, and implementing
41 development strategies for various sectors of the economy;

1 (4) to develop a working network of business incubators; and

2 (5) to support entities that provide business incubator services.

3 (c) LIMITATION ON AVAILABLE AMOUNTS.—Not more than 50 percent
4 (or 80 percent in the case of a project to be carried out in a county for
5 which a distressed county designation is in effect under section 14526 of
6 this title) of the cost of any activity eligible for a grant under this section
7 may be provided from amounts appropriated to carry out this section.

8 (d) SOURCES OF ASSISTANCE.—Assistance under this section may be pro-
9 vided entirely from amounts made available to carry out this section, in
10 combination with amounts made available under other federal programs, or
11 from any other source.

12 (e) FEDERAL SHARE.—Notwithstanding any provision of law limiting the
13 federal share under any other federal program, amounts made available to
14 carry out this section may be used to increase that federal share, as the
15 Commission decides is appropriate.

16 **§ 14506. Regional skills partnerships**

17 (a) ELIGIBLE ENTITY.—In this section, the term “eligible entity” means
18 a consortium that—

19 (1) is established to serve one or more industries in a specified geo-
20 graphic area; and

21 (2) consists of representatives of—

22 (A) businesses (or a nonprofit organization that represents busi-
23 nesses);

24 (B) labor organizations;

25 (C) State and local governments; or

26 (D) educational institutions.

27 (b) PROJECTS TO BE ASSISTED.—The Appalachian Regional Commission
28 may provide technical assistance, make grants, enter into contracts, or oth-
29 erwise provide amounts to eligible entities in the region for projects to im-
30 prove the job skills of workers for a specified industry, including projects
31 for—

32 (1) the assessment of training and job skill needs for the industry;

33 (2) the development of curricula and training methods, including, in
34 appropriate cases, electronic learning or technology-based training;

35 (3) the identification of training providers;

36 (4) the development of partnerships between the industry and edu-
37 cational institutions, including community colleges;

38 (5) the development of apprenticeship programs;

39 (6) the development of training programs for workers, including dis-
40 located workers; and

41 (7) the development of training plans for businesses.

1 (c) ADMINISTRATIVE COSTS.— An eligible entity may use not more than
 2 10 percent of amounts made available to the eligible entity under subsection
 3 (b) to pay administrative costs associated with the projects described in sub-
 4 section (b).

5 (d) LIMITATION ON AVAILABLE AMOUNTS.—Not more than 50 percent
 6 (or 80 percent in the case of a project to be carried out in a county for
 7 which a distressed county designation is in effect under section 14526 of
 8 this title) of the cost of any activity eligible for a grant under this section
 9 may be provided from amounts appropriated to carry out this section.

10 (e) SOURCES OF ASSISTANCE.—Assistance under this section may be pro-
 11 vided entirely from amounts made available to carry out this section, in
 12 combination with amounts made available under other federal programs, or
 13 from any other source.

14 (f) FEDERAL SHARE.—Notwithstanding any provision of law limiting the
 15 federal share under any other federal program, amounts made available to
 16 carry out this section may be used to increase that Federal share, as the
 17 Commission decides is appropriate.

18 **§ 14507. Supplements to federal grant programs**

19 (a) DEFINITION.—

20 (1) FEDERAL GRANT PROGRAMS.—In this section, the term “federal
 21 grant programs”—

22 (A) means any federal grant program that provides assistance
 23 for the acquisition or development of land, the construction or
 24 equipment of facilities, or other community or economic develop-
 25 ment or economic adjustment activities, including a federal grant
 26 program authorized by—

27 (i) the Consolidated Farm and Rural Development Act (7
 28 U.S.C. 1921 et seq.);

29 (ii) the Land and Water Conservation Fund Act of 1965
 30 (16 U.S.C. 460l–4 et seq.);

31 (iii) the Watershed Protection and Flood Prevention Act
 32 (16 U.S.C. 1001 et seq.);

33 (iv) the Carl D. Perkins Vocational and Technical Edu-
 34 cation Act of 1998 (20 U.S.C. 2301 et seq.);

35 (v) the Federal Water Pollution Control Act (33 U.S.C.
 36 1251 et seq.) (known as the Clean Water Act);

37 (vi) title VI of the Public Health Services Act (42 U.S.C.
 38 291 et seq.);

39 (vii) sections 201 and 209 of the Public Works and Eco-
 40 nomic Development Act of 1965 (42 U.S.C. 3141, 3149);

1 (viii) title I of the Housing and Community Development
2 Act of 1974 (42 U.S.C. 5301 et seq.); and

3 (ix) part IV of title III of the Communications Act of 1934
4 (47 U.S.C. 390 et seq.); but

5 (B) does not include—

6 (i) the program for the construction of the development
7 highway system authorized by section 14501 of this title or
8 any other program relating to highway or road construction
9 authorized by title 23; or

10 (ii) any other program to the extent that financial assist-
11 ance other than a grant is authorized.

12 (2) CERTAIN SEWAGE TREATMENT WORKS DEEMED CONSTRUCTED
13 WITH FEDERAL GRANT ASSISTANCE.—For the purpose of this section,
14 any sewage treatment works constructed pursuant to title II of the
15 Federal Water Pollution Control Act (33 U.S.C. 1281 et seq.) (known
16 as the Clean Water Act) without federal grant assistance under that
17 title is deemed to be constructed with that assistance.

18 (b) PURPOSE.—To enable the people, States, and local communities of
19 the Appalachian region, including local development districts, to take max-
20 imum advantage of federal grant programs for which they are eligible but
21 for which, because of their economic situation, they cannot supply the re-
22 quired matching share, or for which there are insufficient amounts available
23 under the federal law authorizing the programs to meet pressing needs of
24 the region, the Federal Cochairman may use amounts made available to
25 carry out this section—

26 (1) for any part of the basic federal contribution to projects or ac-
27 tivities under the federal grant programs authorized by federal laws;
28 and

29 (2) to increase the federal contribution to projects and activities
30 under the programs above the fixed maximum part of the cost of the
31 projects or activities otherwise authorized by the applicable law.

32 (c) CERTIFICATION REQUIRED.—For a program, project, or activity for
33 which any part of the basic federal contribution to the project or activity
34 under a federal grant program is proposed to be made under subsection (b),
35 the contribution shall not be made until the responsible federal official ad-
36 ministering the federal law authorizing the contribution certifies that the
37 program, project, or activity meets the applicable requirements of the fed-
38 eral law and could be approved for federal contribution under that law if
39 amounts were available under the law for the program, project, or activity.

40 (d) LIMITATIONS IN OTHER LAWS INAPPLICABLE.—Amounts provided
41 pursuant to this subtitle are available without regard to any limitations on

1 areas eligible for assistance or authorizations for appropriation in any other
2 law.

3 (e) ACCEPTANCE OF CERTAIN MATERIAL.—For a supplemental grant for
4 a project or activity under a federal grant program, the Federal Cochairman
5 shall accept any finding, report, certification, or documentation required to
6 be submitted to the head of the department, agency, or instrumentality of
7 the Federal Government responsible for the administration of the program.

8 (f) FEDERAL SHARE.—The federal portion of the cost of a project or ac-
9 tivity shall not—

10 (1) be increased to more than the percentages the Commission estab-
11 lishes; nor

12 (2) be more than 80 percent of the cost.

13 (g) MAXIMUM COMMISSION CONTRIBUTION.—

14 (1) IN GENERAL.—Subject to paragraph (2), the Commission may
15 contribute not more than 50 percent of a project or activity cost eligible
16 for financial assistance under this section from amounts appropriated
17 to carry out this subtitle.

18 (2) DISTRESSED COUNTIES.— The maximum Commission contribu-
19 tion for a project or activity to be carried out in a county for which
20 a distressed county designation is in effect under section 14526 of this
21 title may be increased to 80 percent.

22 SUBCHAPTER II—ADMINISTRATIVE

23 § 14521. Required level of expenditure

24 A State or political subdivision of a State is not eligible to receive benefits
25 under this subtitle unless the aggregate expenditure of state amounts, ex-
26 cept expenditures for participation in the Dwight D. Eisenhower System of
27 Interstate and Defense Highways and local and federal amounts, for the
28 benefit of the area within the State located in the Appalachian region is
29 maintained at a level which does not fall below the average level of those
30 expenditures for the State's last two full fiscal years prior to March 9,
31 1965. In computing the level, a State's past expenditure for participation
32 in the Dwight D. Eisenhower System of Interstate and Defense Highways
33 and expenditures of local and federal amounts shall not be included. The
34 Commission shall recommend to the President a lesser requirement when it
35 finds that a substantial population decrease in that part of a State which
36 lies within the region would not justify a state expenditure equal to the av-
37 erage level of the last two years or when it finds that a State's average level
38 of expenditure in an individual program has been disproportionate to the
39 present need for that part of the State.

1 **§ 14522. Consent of States**

2 This subtitle does not require a State to engage in or accept a program
3 under this subtitle without its consent.

4 **§ 14523. Program implementation**

5 (a) REQUIREMENTS.—A program or project authorized under this chapter
6 shall not be implemented until—

7 (1) the responsible federal official has decided that applications and
8 plans relating to the program or project are not incompatible with the
9 provisions and objectives of federal laws that the official administers
10 that are not inconsistent with this subtitle; and

11 (2) the Appalachian Regional Commission has approved the program
12 or project and has determined that it—

13 (A) meets the applicable criteria under section 14524 of this
14 title and the requirements of the development planning process
15 under section 14525 of this title; and

16 (B) will contribute to the development of the Appalachian re-
17 gion.

18 (b) DECISION IS CONTROLLING.—A decision under subsection (a)(2) is
19 controlling and shall be accepted by the federal agencies.

20 **§ 14524. Program development criteria**

21 (a) FACTORS TO BE CONSIDERED.—In considering programs and
22 projects to be given assistance under this subtitle, and in establishing a pri-
23 ority ranking of the requests for assistance presented to the Appalachian
24 Regional Commission, the Commission shall follow procedures that will en-
25 sure consideration of—

26 (1) the relationship of the project or class of projects to overall re-
27 gional development, including its location in a severely and persistently
28 distressed county or area;

29 (2) the population and area to be served by the project or class of
30 projects, including the per capita market income and the unemploy-
31 ment rates in the area;

32 (3) the relative financial resources available to the State or political
33 subdivisions or instrumentalities of the State that seek to undertake
34 the project;

35 (4) the importance of the project or class of projects in relation to
36 other projects or classes of projects that may be in competition for the
37 same amounts;

38 (5) the prospects that the project for which assistance is sought will
39 improve, on a continuing rather than a temporary basis, the opportuni-
40 ties for employment, the average level of income, or the economic and
41 social development of the area served by the project; and

1 (6) the extent to which the project design provides for detailed out-
2 come measurements by which grant expenditures may be evaluated.

3 (b) LIMITATION ON USE.—Financial assistance made available under this
4 subtitle shall not be used to assist establishments relocating from one area
5 to another.

6 (c) DETERMINATION REQUIRED BEFORE AMOUNTS MAY BE PRO-
7 VIDED.—Amounts may be provided for programs and projects in a State
8 under this subtitle only if the Commission determines that the level of fed-
9 eral and state financial assistance under other laws for the same type of
10 programs or projects in that part of the State within the Appalachian region
11 will not be diminished in order to substitute amounts authorized by this
12 subtitle.

13 (d) MINIMUM AMOUNT OF ASSISTANCE TO DISTRESSED COUNTIES AND
14 AREAS.—For each fiscal year, not less than 50 percent of the amount of
15 grant expenditures the Commission approves shall support activities or
16 projects that benefit severely and persistently distressed counties and areas.

17 **§ 14525. State development planning process**

18 (a) STATE DEVELOPMENT PLAN.—Pursuant to policies the Appalachian
19 Regional Commission establishes, each state member shall submit a develop-
20 ment plan for the area of the State within the Appalachian region. The plan
21 shall—

22 (1) be submitted according to a schedule the Commission prescribes;

23 (2) reflect the goals, objectives, and priorities identified in the re-
24 gional development plan and in any subregional development plan that
25 may be approved for the subregion of which the State is a part;

26 (3) describe the state organization and continuous process for Appa-
27 lachian development planning, including—

28 (A) the procedures established by the State for the participation
29 of local development districts in the process;

30 (B) how the process is related to overall statewide planning and
31 budgeting processes; and

32 (C) the method of coordinating planning and projects in the re-
33 gion under this subtitle, the Public Works and Economic Develop-
34 ment Act of 1965 (42 U.S.C. 3121 et seq.), and other federal,
35 state, and local programs;

36 (4) set forth the goals, objectives, and priorities of the State for the
37 region, as established by the Governor, and identify the needs on which
38 the goals, objectives, and priorities are based; and

39 (5) describe the development strategies for achieving the goals, objec-
40 tives, and priorities, including funding sources, and recommendations
41 for specific projects to receive assistance under this subtitle.

1 (b) AREAWIDE ACTION PROGRAMS.—The Commission shall encourage the
 2 preparation and execution of areawide action programs that specify inter-
 3 related projects and schedules of actions, the necessary agency funding, and
 4 other commitments to implement the programs. The programs shall make
 5 appropriate use of existing plans affecting the area.

6 (c) LOCAL DEVELOPMENT DISTRICTS.—Local development districts cer-
 7 tified by the State as described in section 14102(a)(2) of this title provide
 8 the linkage between state and substate planning and development. The dis-
 9 tricts shall assist the States in the coordination of areawide programs and
 10 projects and may prepare and adopt areawide plans or action programs. In
 11 carrying out the development planning process, including the selection of
 12 programs and projects for assistance, States shall consult with local develop-
 13 ment districts, local units of government, and citizen groups and shall con-
 14 sider the goals, objectives, priorities, and recommendations of those bodies.

15 (d) FEDERAL RESPONSIBILITIES.—To the maximum extent practicable,
 16 federal departments, agencies, and instrumentalities undertaking or pro-
 17 viding financial assistance for programs or projects in the region shall—

18 (1) take into account the policies, goals, and objectives the Commis-
 19 sion and its member States establish pursuant to this subtitle;

20 (2) recognize Appalachian state development strategies approved by
 21 the Commission as satisfying requirements for overall economic devel-
 22 opment planning under the programs or projects; and

23 (3) accept the boundaries and organization of any local development
 24 district certified under this subtitle that the Governor may designate
 25 as the areawide agency required under any of those programs under-
 26 taken or assisted by those federal departments, agencies, and instru-
 27 mentalities.

28 § 14526. Distressed and economically strong counties

29 (a) DESIGNATIONS.—

30 (1) IN GENERAL.—The Appalachian Regional Commission, in ac-
 31 cordance with criteria the Commission may establish, each year shall—

32 (A) designate as “distressed counties” those counties in the Ap-
 33 palachian region that are the most severely and persistently dis-
 34 tressed; and

35 (B) designate two categories of economically strong counties,
 36 consisting of—

37 (i) “competitive counties”, which shall be those counties in
 38 the region that are approaching economic parity with the rest
 39 of the United States; and

1 (ii) “attainment counties”, which shall be those counties in
2 the region that have attained or exceeded economic parity
3 with the rest of the United States.

4 (2) ANNUAL REVIEW OF DESIGNATIONS.—The Commission shall—

5 (A) conduct an annual review of each designation of a county
6 under paragraph (1) to determine if the county still meets the cri-
7 teria for the designation; and

8 (B) renew the designation for another one-year period only if
9 the county still meets the criteria.

10 (b) DISTRESSED COUNTIES.—In program and project development and
11 implementation and in the allocation of appropriations made available to
12 carry out this subtitle, the Commission shall give special consideration to
13 the needs of counties for which a distressed county designation is in effect
14 under this section.

15 (c) ECONOMICALLY STRONG COUNTIES.—

16 (1) COMPETITIVE COUNTIES.—Except as provided in paragraphs (3)
17 and (4), assistance under this subtitle for a project that is carried out
18 in a county for which a competitive county designation is in effect
19 under this section shall not be more than 30 percent of the project
20 cost.

21 (2) ATTAINMENT COUNTIES.—Except as provided in paragraphs (3)
22 and (4), amounts may not be provided under this subtitle for a project
23 that is carried out in a county for which an attainment county designa-
24 tion is in effect under this section.

25 (3) EXCEPTIONS.—Paragraphs (1) and (2) do not apply to—

26 (A) a project on the Appalachian development highway system
27 authorized by section 14501 of this title;

28 (B) a local development district administrative project assisted
29 under section 14321(a)(1)(A) of this title; or

30 (C) a multicounty project that is carried out in at least two
31 counties designated under this section if—

32 (i) at least one of the participating counties is designated
33 as a distressed county under this section; and

34 (ii) the project will be of substantial direct benefit to at
35 least one distressed county.

36 (4) WAIVER.—

37 (A) IN GENERAL.—The Commission may waive the require-
38 ments of paragraphs (1) and (2) for a project when the recipient
39 of assistance for the project shows the existence of any of the fol-
40 lowing:

1 (i) a significant pocket of distress in the part of the county
2 in which the project is carried out.

3 (ii) a significant potential benefit from the project in at
4 least one area of the region outside the designated county.

5 (B) REPORTS TO CONGRESS.—The Commission shall submit to
6 the Committee on Environment and Public Works of the Senate
7 and the Committee on Transportation and Infrastructure of the
8 House of Representatives an annual report describing each waiver
9 granted under subparagraph (A) during the period covered by the
10 report.

11 CHAPTER 147—MISCELLANEOUS

Sec.

14701. Applicable labor standards.

14702. Nondiscrimination.

14703. Authorization of appropriations.

14704. Termination.

12 § 14701. Applicable labor standards

13 All laborers and mechanics employed by contractors or subcontractors in
14 the construction, alteration, or repair, including painting and decorating, of
15 projects, buildings, and works which are financially assisted through federal
16 amounts authorized under this subtitle shall be paid wages at rates not less
17 than those prevailing on similar construction in the locality as the Secretary
18 of Labor determines in accordance with sections 3141–3144, 3146, and
19 3147 of this title. With respect to those labor standards, the Secretary has
20 the authority and functions set forth in Reorganization Plan Numbered 14
21 of 1950 (eff. May 24, 1950, 64 Stat. 1267) and section 3145 of this title.

22 § 14702. Nondiscrimination

23 An individual in the United States shall not, because of sex, be excluded
24 from participation in, be denied the benefits of, or be subjected to discrimi-
25 nation under, a program or activity receiving federal financial assistance
26 under this subtitle.

27 § 14703. Authorization of appropriations

28 (a) IN GENERAL.—In addition to amounts authorized by section 14501
29 of this title and other amounts made available for the Appalachian develop-
30 ment highway system program, the following amounts may be appropriated
31 to the Appalachian Regional Commission to carry out this subtitle:

32 (1) \$88,000,000 for each of the fiscal years 2002–2004.

33 (2) \$90,000,000 for fiscal year 2005.

34 (3) \$92,000,000 for fiscal year 2006.

35 (b) TELECOMMUNICATIONS AND TECHNOLOGY INITIATIVE.—Of the
36 amounts made available under subsection (a), the following amounts are
37 available to carry out section 14504 of this title:

38 (1) \$10,000,000 for fiscal year 2002.

- 1 (2) \$8,000,000 for fiscal year 2003.
 2 (3) \$5,000,000 for each of the fiscal years 2004–2006.
 3 (c) AVAILABILITY.—Amounts made available under subsection (a) remain
 4 available until expended.

5 **§ 14704. Termination**

6 This subtitle, except sections 14102(a)(1) and (b) and 14501, ceases to
 7 be in effect on October 1, 2006.

8 **SUBTITLE V—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-IM- PAIRED AND SPEECH-IMPAIRED INDIVIDUALS.	18101
183. NATIONAL CAPITAL AREA INTEREST ARBITRATION STANDARDS	18301

9 **CHAPTER 171—SAFETY STANDARDS FOR MOTOR**
 10 **VEHICLES**

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

11 **§ 17101. Definitions**

12 In this chapter, the following definitions apply:

13 (1) FEDERAL GOVERNMENT.—The term “Federal Government” in-
 14 cludes the government of the District of Columbia.

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

20 **§ 17102. Prohibition on acquisition or purchase of motor ve-**
 21 **hicles by Federal Government**

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

27 **§ 17103. Commercial standards for passenger safety devices**

28 The Administrator of General Services shall prescribe and publish in the
 29 Federal Register commercial standards for passenger safety devices the Ad-
 30 ministrator requires under section 17102 of this title. Changes in the stand-
 31 ards take effect one year and 90 days after the publication of the standards
 32 in the Federal Register.

1 **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.

2 **§ 17301. Definitions**

3 In this chapter, the following definitions apply:

4 (1) **REPLACEMENT.**—The term “replacement” means payment, reim-
5 bursement, replacement, or duplication or the expenses incident to pay-
6 ment, reimbursement, replacement, or duplication.

7 (2) **SHIPMENT.**—The term “shipment”—

8 (A) means the transportation, or the effecting of transportation,
9 of valuables, without limitation as to the means or facilities used
10 or by which the transportation is effected or the person to whom
11 it is made; and

12 (B) includes shipments made to any executive department, inde-
13 pendent establishment, agency, wholly owned or mixed-ownership
14 Government corporation, officer, or employee of the Federal Gov-
15 ernment, or any person acting on behalf of, or at the direction of,
16 the executive department, independent establishment, agency,
17 wholly or partly owned Government corporation, officer, or em-
18 ployee.

19 (3) **VALUABLES.**—

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

22 (i) in which the Government, its executive departments,
23 independent establishments, and agencies, including wholly
24 owned Government corporations, and officers and employees
25 of the Government or its executive departments, independent
26 establishments, and agencies while acting in their official ca-
27 pacity, have any interest, or in connection with which they
28 have any obligation or responsibility; and

29 (ii) which the Secretary of the Treasury declares to be
30 valuables within the meaning of this chapter.

31 (B) **REQUIREMENT FOR DECLARING ARTICLES OR THINGS VAL-**
32 **UABLE.**—The Secretary shall not declare articles or things that
33 are lost, destroyed, or damaged in the course of shipment to be
34 valuables unless the Secretary determines that replacement of the

1 articles or things in accordance with the procedure established in
2 this chapter would be in the public interest.

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

5 (A) means any corporation, regardless of the law under which
6 it is incorporated, the capital of which is entirely owned by the
7 Government; and

8 (B) includes the authorized officers, employees, and agents of
9 the corporation.

10 **§ 17302. Compliance**

11 (a) PRESCRIBING REGULATIONS.—With the approval of the President,
12 the Secretary of the Treasury and the United States Postal Service jointly
13 shall prescribe regulations governing the shipment of valuables by an execu-
14 tive department, independent establishment, agency, wholly owned Govern-
15 ment corporation, officer, or employee of the Federal Government, with a
16 view to minimizing the risk of loss and destruction of, and damage to,
17 valuables in shipment.

18 (b) COMPLIANCE.—Each executive department, independent establish-
19 ment, agency, wholly owned Government corporation, officer, and employee
20 of the Government, and each person acting for, or at the direction of, the
21 executive department, independent establishment, agency, wholly owned
22 Government corporation, officer, or employee, must comply with the regula-
23 tions when making any shipment of valuables.

24 **§ 17303. Fund for the payment of Government losses in ship-** 25 **ment**

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

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

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

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

35 (2) of which shipment shall have been made at the risk of persons
36 other than the Federal Government and the executive departments,
37 independent establishments, agencies, wholly owned Government cor-
38 porations, officers and employees of the Government.

39 (d) CREDITING OF RECOVERIES AND REPAYMENTS.—All recoveries and
40 repayments on account of loss, destruction, or damage to valuables for

1 which replacement is made out of the fund shall be credited to it and are
2 available for the purposes of the fund.

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

4 **§ 17304. Claim for replacement**

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

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

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

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

21 (A) certify the decision to the Comptroller General who, on re-
22 ceiving the certification, shall make the credit in the settlement of
23 accounts in the General Accounting Office; and

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

26 (c) DECISION OF SECRETARY NOT REVIEWABLE.—The decision of the
27 Secretary that a loss, destruction, or damage has occurred or that a ship-
28 ment was made substantially in accordance with regulations is final and
29 conclusive and is not subject to review by any other officer of the Govern-
30 ment.

31 **§ 17305. Replacing lost, destroyed, or damaged stamps, secu-**
32 **rities, obligations, or money**

33 Stamps, securities, or other obligations of the Federal Government, or
34 money lost, destroyed, or damaged while in the custody or possession of, or
35 charged to, the United States Postal Service while it is acting as agent for,
36 or on behalf of, the Secretary of the Treasury for the sale of the stamps,
37 securities, or obligations and for the collection of the money, shall be re-
38 placed out of the fund described in section 17303 of this title under regula-
39 tions the Secretary may prescribe, regardless of how the loss, destruction,
40 or damage occurs.

§ 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.

§ 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.

§ 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

1 of any conditions of the officer's, employee's, or individual's bond and oath
2 of office.

3 **§ 17309. Rules and regulations**

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

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

11 **CHAPTER 175—FEDERAL MOTOR VEHICLE**
12 **EXPENDITURE CONTROL**

Sec.

- 17501. Definitions.
- 17502. Monitoring system.
- 17503. Data collection.
- 17504. Agency statements with respect to motor vehicle use.
- 17505. Presidential report.
- 17506. Reduction of storage and disposal costs.
- 17507. Savings.
- 17508. Compliance.
- 17509. Applicability.
- 17510. Cooperation.

13 **§ 17501. Definitions**

14 In this chapter, the following definitions apply:

- 15 (1) EXECUTIVE AGENCY.—The term “executive agency”—
- 16 (A) means an executive agency (as that term is defined in sec-
17 tion 105 of title 5) that operates at least 300 motor vehicles; but
18 (B) does not include the Tennessee Valley Authority.
- 19 (2) MOTOR VEHICLE.—The term “motor vehicle” means—
- 20 (A) a vehicle self-propelled or drawn by mechanical power; but
21 not
22 (B) a vehicle designed or used for military field training, com-
23 bat, or tactical purposes, or any other special purpose vehicle ex-
24 empted from the requirements of this chapter by the Adminis-
25 trator of General Services.

26 **§ 17502. Monitoring system**

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

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

1 **§ 17503. Data collection**

2 (a) COST IDENTIFICATION AND ANALYSIS.—The head of each executive
3 agency shall develop a system to identify, collect, and analyze data with re-
4 spect to all costs (including obligations and outlays) the agency incurs in
5 the operation, maintenance, acquisition, and disposition of motor vehicles,
6 including vehicles owned or leased by the Federal Government and privately
7 owned vehicles used for official purposes.

8 (b) REQUIREMENTS FOR DATA SYSTEMS.—

9 (1) SCOPE OF REQUIREMENTS.—In cooperation with the Comptroller
10 General of the United States and the Director of the Office of Manage-
11 ment and Budget, the Administrator of General Services shall prescribe
12 requirements governing the establishment and operation by executive
13 agencies of the systems required by subsection (a), including require-
14 ments with respect to data on the costs and uses of motor vehicles and
15 with respect to the uniform collection and submission of the data.

16 (2) CONFORMITY WITH PRINCIPLES AND STANDARDS.—Require-
17 ments prescribed under this section shall conform to accounting prin-
18 ciples and standards issued by the Comptroller General. Each executive
19 agency shall comply with those requirements.

20 **§ 17504. Agency statements with respect to motor vehicle**
21 **use**

22 (a) CONTENTS OF STATEMENT.—The head of each executive agency shall
23 include with the appropriation request the agency submits under section
24 1108 of title 31 for each fiscal year, a statement—

25 (1) specifying—

26 (A) the total motor vehicle acquisition, maintenance, leasing, op-
27 eration, and disposal costs (including obligations and outlays) the
28 agency incurred in the most recently completed fiscal year; and

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

31 (2) justifying why the existing and any new motor vehicle acquisi-
32 tion, maintenance, leasing, operation, and disposal requirements of the
33 agency cannot be met through the Interagency Fleet Management Sys-
34 tem the Administrator of General Services operates, a qualified private
35 fleet management firm, or any other method which is less costly to the
36 Federal Government.

37 (b) COMPLIANCE WITH REQUIREMENTS.—The head of each executive
38 agency shall comply with the requirements prescribed under section
39 17503(b) of this title in preparing each statement required under subsection
40 (a).

§ 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.

§ 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.

§ 17507. Savings

(a) ACTIONS BY PRESIDENT REQUIRED.—The President shall establish, for each executive agency, goals to reduce outlays for the operation, maintenance, leasing, acquisition, and disposal of motor vehicles in order to reduce, by fiscal year 1988, the total amount of outlays by all executive agencies for 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.

1 **§ 17508. Compliance**

2 (a) ADMINISTRATOR OF GENERAL SERVICES.—The Administrator of
3 General Services shall comply with and be subject to this chapter with re-
4 gard to all motor vehicles that are used within the General Services Admin-
5 istration for official purposes.

6 (b) MANAGERS OF OTHER MOTOR POOLS.—This chapter with respect to
7 motor vehicles from the Interagency Fleet Management System shall be
8 complied with by the executive agencies to which such motor vehicles are
9 assigned.

10 **§ 17509. Applicability**

11 (a) PRIORITY IN REDUCING HEADQUARTERS USE.—The heads of execu-
12 tive agencies shall give first priority to meeting the goals established by the
13 President under section 17507(a) of this title by reducing the costs of ad-
14 ministrative motor vehicles used at the headquarters and regional head-
15 quarters of executive agencies, rather than by reducing the costs of motor
16 vehicles used by line agency personnel working in agency field operations
17 or activities.

18 (b) REGULATIONS, STANDARDS, AND DEFINITIONS.—The President shall
19 require the Administrator of General Services, in cooperation with the Di-
20 rector of the Office of Management and Budget, to prescribe appropriate
21 regulations, standards, and definitions to ensure that executive agencies
22 meet the goals established under section 17507(a) of this title in the man-
23 ner prescribed by subsection (a).

24 **§ 17510. Cooperation**

25 The Director of the Office of Management and Budget and the Adminis-
26 trator of General Services shall cooperate closely in the implementation of
27 this chapter.

28 **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.

29 **§ 17701. Definitions**

30 In this chapter, the following definitions apply:

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

34 (2) LONG-LINES COMMUNICATION FACILITIES.—The term “long-lines
35 communication facilities” means the transmission systems connecting

1 points inside the State with each other and with points outside the
2 State by radio or wire, and includes all kinds of property and rights
3 of way necessary to accomplish this interconnection.

4 (3) TRANSFER.—The term “transfer” means the conveyance by the
5 Government of any element of ownership, including any estate or inter-
6 est in property, and franchise rights, by sale, exchange, lease, ease-
7 ment, or permit, for cash, credit, or other property with or without
8 warranty.

9 **§ 17702. Transfer of Government-owned long-lines commu-**
10 **nication facilities in and to Alaska**

11 (a) IN GENERAL.—

12 (1) AUTHORITY OF THE SECRETARY OF DEFENSE.—

13 (A) REQUIREMENTS PRIOR TO TRANSFER.—Subject to section
14 17703 of this title and with the advice, assistance, and, in the case
15 of an agency not under the jurisdiction of the Secretary of De-
16 fense, the consent of the agency concerned, and after approval of
17 the President, the Secretary of Defense shall transfer for adequate
18 consideration any or all long-lines communication facilities in or
19 to Alaska under the jurisdiction of the Federal Government to any
20 person qualifying under section 17703.

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

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

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

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

1 (e) SOLICITATION OF OFFERS TO PURCHASE CERTAIN FACILITIES.—In
 2 connection with soliciting offers to purchase long-lines facilities of the Alas-
 3 ka Communication System, the Secretary of Defense shall—

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

5 (A) the facilities available for purchase;

6 (B) the amounts considered to be the current fair and reason-
 7 able value of those facilities; and

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

11 (2) provide in the request for offers to purchase that offerors must
 12 specify the rates the offerors propose to charge for service and the im-
 13 provements in service the offerors propose to initiate;

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

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

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

24 **§ 17703. National defense considerations and qualification**
 25 **of transferee**

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

28 (1) the Federal Government does not need to retain the property in-
 29 volved in the transfer for national defense purposes;

30 (2) the transfer is in the public interest;

31 (3) the person to whom the transfer is made is prepared and quali-
 32 fied to provide the communication service involved in the transfer with-
 33 out interruption; and

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

38 **§ 17704. Contents of agreements for transfer**

39 An agreement by which a transfer is made under this chapter shall pro-
 40 vide that—

1 (1) subject to regulations of the Federal Communications Commis-
 2 sion and of any body or commission established by Alaska to govern
 3 and regulate communications services to the public and all applicable
 4 statutes, treaties, and conventions, the person to whom the transfer is
 5 made shall provide the communication services involved in the transfer
 6 without interruption, except those services reserved by the Federal Gov-
 7 ernment in the transfer;

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

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

16 **§ 17705. Approval of Federal Communications Commission**

17 A transfer under this chapter does not require the approval of the Fed-
 18 eral Communications Commission except to the extent that the approval of
 19 the Commission is necessary under section 17704(3) of this title.

20 **§ 17706. Gross proceeds as miscellaneous receipts in the**
 21 **Treasury**

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

24 **§ 17707. Reports**

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

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

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

31 **§ 17708. Nonapplication**

32 This chapter does not modify in any manner the Communications Act of
 33 1934 (47 U.S.C. 151 et seq.).

34 **CHAPTER 179—ALASKA FEDERAL-CIVILIAN ENERGY**
 35 **EFFICIENCY SWAP**

Sec.

17901. Definitions.

17902. Sale of electric energy.

17903. Purchase of electric power.

17904. Implementation powers and limitations.

36 **§ 17901. Definitions**

37 In this chapter, the following definitions apply:

1 (1) FEDERAL AGENCY.—The term “federal agency” means a depart-
2 ment, agency, or instrumentality of the Federal Government.

3 (2) FEDERALLY GENERATED ELECTRIC ENERGY.—The term “feder-
4 ally generated electric energy” means any electric power generated by
5 an electric generating facility owned and operated by a federal agency.

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

10 **§ 17902. Sale of electric energy**

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

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

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

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

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

30 (b) PRICING POLICIES.—Federally generated electric energy sold by the
31 head of a federal agency under subsection (a) shall be priced to recover the
32 fuel and variable operation and maintenance costs of the facility generating
33 the energy that are attributable to that sale, plus an amount equal to one-
34 half the difference between—

35 (1) the costs of producing the electric energy by coal generation; and

36 (2) the costs of producing electric energy by the oil or gas generation
37 being displaced.

38 **§ 17903. Purchase of electric power**

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

1 electric energy from a non-federal person for consumption in Alaska by a
 2 facility of that agency when (taking into account the remaining useful life
 3 of any facility available to that agency to generate electric energy for that
 4 agency and the cost of maintaining the facility on a standby basis) the pur-
 5 chase will result in—

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

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

11 **§ 17904. Implementation powers and limitations**

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

17 (b) AVAILABILITY OF REVENUE FROM SALES.—Revenue received by a
 18 federal agency pursuant to section 17902 of this title from the sale of elec-
 19 tric energy generated from a facility of that agency is available to the agen-
 20 cy without fiscal year limitation to purchase fuel and for operation, mainte-
 21 nance, and other costs associated with that facility.

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

26 (1) this chapter; and

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

28 (d) NEGOTIATION AND EXECUTION OF CONTRACTS AND OTHER AGREE-
 29 MENTS.—A contract or other agreement executed under this chapter shall
 30 be negotiated and executed by the head of the federal agency selling or pur-
 31 chasing electric energy under this chapter.

32 **CHAPTER 181—TELECOMMUNICATIONS ACCESSIBILITY** 33 **FOR HEARING-IMPAIRED AND SPEECH-IMPAIRED IN-** 34 **DIVIDUALS**

Sec.

18101. Definitions.

18102. Federal telecommunications system.

18103. Research and development.

18104. TTY installation by Congress.

35 **§ 18101. Definitions**

36 In this chapter—

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

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

4 **§ 18102. Federal telecommunications system**

5 (a) REGULATIONS TO ENSURE ACCESSIBILITY.—The Administrator of
6 General Services, after consultation with the Architectural and Transpor-
7 tation Barriers Compliance Board, the Interagency Committee on Computer
8 Support of Handicapped Employees, the Federal Communications Commis-
9 sion, and affected federal agencies, shall prescribe regulations to ensure that
10 the federal telecommunications system is fully accessible to hearing-impaired
11 and speech-impaired individuals, including federal employees, for commu-
12 nications with and within federal agencies.

13 (b) FEDERAL RELAY SYSTEM.—The Administrator shall provide for the
14 continuation of the existing federal relay system for users of TTY’s.

15 (c) DIRECTORY.—The Administrator shall assemble, publish, and main-
16 tain a directory of TTY’s and other devices used by federal agencies to com-
17 ply with regulations prescribed under subsection (a).

18 (d) PUBLICATION OF ACCESS NUMBERS.—The Administrator shall pub-
19 lish access numbers of TTY’s and such other devices in federal agency di-
20 rectories.

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

25 **§ 18103. Research and development**

26 (a) SUPPORT FOR RESEARCH.—The Administrator of General Services,
27 in consultation with the Federal Communications Commission, shall seek to
28 promote research by federal agencies, state agencies, and private entities to
29 reduce the cost and improve the capabilities of telecommunications devices
30 and systems that provide accessibility to hearing-impaired and speech-im-
31 paired individuals.

32 (b) PLANNING TO ASSIMILATE TECHNOLOGICAL DEVELOPMENTS.—In
33 planning future alterations to and modifications of the federal telecommuni-
34 cations system, the Administrator shall take into account—

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

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

1 **§ 18104. TTY installation by Congress**

2 Each House of Congress shall establish a policy under which Members
3 of the House of Representatives and the Senate may obtain TTY's for use
4 in communicating with hearing-impaired and speech-impaired individuals,
5 and for the use of hearing-impaired and speech-impaired employees.

6 **CHAPTER 183—NATIONAL CAPITAL AREA INTEREST**
7 **ARBITRATION STANDARDS**

Sec.

18301. Findings and purposes.

18302. Definitions.

18303. Standards for arbitrators.

18304. Procedures for enforcement of awards.

8 **§ 18301. Findings and purposes**

9 (a) FINDINGS.—Congress finds that—

10 (1) affordable public transportation is essential to the economic vital-
11 ity of the national capital area and is an essential component of re-
12 gional efforts to improve air quality to meet environmental require-
13 ments and to improve the health of both residents of and visitors to
14 the national capital area as well as to preserve the beauty and dignity
15 of the Nation's capital;

16 (2) use of mass transit by both residents of and visitors to the na-
17 tional capital area is substantially affected by the prices charged for
18 mass transit services, prices that are substantially affected by labor
19 costs, since more than two-thirds of operating costs are attributable to
20 labor costs;

21 (3) labor costs incurred in providing mass transit in the national
22 capital area have increased at an alarming rate and wages and benefits
23 of operators and mechanics currently are among the highest in the Na-
24 tion;

25 (4) higher operating costs incurred for public transit in the national
26 capital area cannot be offset by increasing costs to patrons, since this
27 often discourages ridership and thus undermines the public interest in
28 promoting the use of public transit;

29 (5) spiraling labor costs cannot be offset by the governmental enti-
30 ties that are responsible for subsidy payments for public transit serv-
31 ices since local governments generally, and the District of Columbia
32 government in particular, are operating under severe fiscal constraints;

33 (6) imposition of mandatory standards applicable to arbitrators re-
34 solving arbitration disputes involving interstate compact agencies oper-
35 ating in the national capital area will ensure that wage increases are
36 justified and do not exceed the ability of transit patrons and taxpayers
37 to fund the increase; and

1 (7) federal legislation is necessary under section 8 of Article I of the
 2 United States Constitution to balance the need to moderate and lower
 3 labor costs while maintaining industrial peace.

4 (b) PURPOSE.—The purpose of this chapter is to adopt standards gov-
 5 erning arbitration that must be applied by arbitrators resolving disputes in-
 6 volving interstate compact agencies operating in the national capital area in
 7 order to lower operating costs for public transportation in the Washington
 8 metropolitan area.

9 **§ 18302. Definitions**

10 In this chapter, the following definitions apply:

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

12 (A) means the arbitration of disputes, regarding the terms and
 13 conditions of employment, that is required under an interstate
 14 compact governing an interstate compact agency operating in the
 15 national capital area; but

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

18 (2) ARBITRATOR.—The term “arbitrator” refers to either a single
 19 arbitrator, or a board of arbitrators, chosen under applicable proce-
 20 dures.

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

26 **§ 18303. Standards for arbitrators**

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

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

32 (2) the average per capita tax burden, during the term of the collec-
 33 tive bargaining agreement to which the arbitration relates, of the resi-
 34 dents of the Washington metropolitan area, and the effect of an arbi-
 35 tration award rendered under that arbitration on the respective income
 36 or property tax rates of the jurisdictions that provide subsidy payments
 37 to the interstate compact agency established under the compact.

38 (b) FACTORS IN MAKING ARBITRATION AWARD.—An arbitrator rendering
 39 an arbitration award involving the employees of an interstate compact agen-
 40 cy operating in the national capital area may not make a finding or a deci-

1 sion for inclusion in a collective bargaining agreement governing conditions
2 of employment without considering the following factors:

3 (1) The existing terms and conditions of employment of the employ-
4 ees in the bargaining unit.

5 (2) All available financial resources of the interstate compact agency.

6 (3) The annual increase or decrease in consumer prices for goods
7 and services as reflected in the most recent consumer price index for
8 the Washington metropolitan area, published by the Bureau of Labor
9 Statistics.

10 (4) The wages, benefits, and terms and conditions of the employment
11 of other employees who perform, in other jurisdictions in the Wash-
12 ington standard metropolitan statistical area, services similar to those
13 in the bargaining unit.

14 (5) The special nature of the work performed by the employees in
15 the bargaining unit, including any hazards or the relative ease of em-
16 ployment, physical requirements, educational qualifications, job training
17 and skills, shift assignments, and the demands placed upon the employ-
18 ees as compared to other employees of the interstate compact agency.

19 (6) The interests and welfare of the employees in the bargaining
20 unit, including—

21 (A) the overall compensation presently received by the employ-
22 ees, having regard not only for wage rates but also for wages for
23 time not worked, including vacations, holidays, and other excused
24 absences;

25 (B) all benefits received by the employees, including previous
26 bonuses, insurance, and pensions; and

27 (C) the continuity and stability of employment.

28 (7) The public welfare.

29 (e) ABILITY TO FINANCE SALARIES AND BENEFITS PROVIDED IN
30 AWARD.—An arbitrator rendering an arbitration award involving the em-
31 ployees of an interstate compact agency operating in the national capital
32 area may not, with respect to a collective bargaining agreement governing
33 conditions of employment, provide for salaries and other benefits that exceed
34 the ability of the interstate compact agency, or of any governmental juris-
35 diction that provides subsidy payments or budgetary assistance to the inter-
36 state compact agency, to obtain the necessary financial resources to pay for
37 wage and benefit increases for employees of the interstate compact agency.

38 (d) REQUIREMENTS FOR FINAL AWARD.—

39 (1) WRITTEN AWARD.—In resolving a dispute submitted to arbitra-
40 tion involving the employees of an interstate compact agency operating
41 in the national capital area, the arbitrator shall issue a written award

1 that demonstrates that all the factors set forth in subsections (b) and
2 (c) have been considered and applied.

3 (2) PREREQUISITES.—An award may grant an increase in pay rates
4 or benefits (including insurance and pension benefits), or reduce hours
5 of work, only if the arbitrator concludes that any costs to the agency
6 do not adversely affect the public welfare.

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

9 **§ 18304. Procedures for enforcement of awards**

10 (a) MODIFICATIONS AND FINALITY OF AWARD.—Within 10 days after
11 the parties receive an arbitration award to which section 18303 of this title
12 applies, the interstate compact agency and the employees, through their rep-
13 resentative, may agree in writing on any modifications to the award. After
14 the end of that 10-day period, the award, and any modifications, become
15 binding on the interstate compact agency, the employees in the bargaining
16 unit, and the employees’ representative.

17 (b) IMPLEMENTATION.—Each party to an award that becomes binding
18 under subsection (a) shall take all actions necessary to implement the
19 award.

20 (c) JUDICIAL REVIEW.—Within 60 days after an award becomes binding
21 under subsection (a), the interstate compact agency or the exclusive rep-
22 resentative of the employees concerned may bring a civil action in a court
23 that has jurisdiction over the interstate compact agency for review of the
24 award. The court shall review the award on the record, and shall vacate the
25 award or any part of the award, after notice and a hearing, if—

26 (1) the award is in violation of applicable law;

27 (2) the arbitrator exceeded the arbitrator’s powers;

28 (3) the decision by the arbitrator is arbitrary or capricious;

29 (4) the arbitrator conducted the hearing contrary to the provisions
30 of this chapter or other laws or rules that apply to the arbitration so
31 as to substantially prejudice the rights of a party;

32 (5) there was partiality or misconduct by the arbitrator prejudicing
33 the rights of a party;

34 (6) the award was procured by corruption, fraud, or bias on the part
35 of the arbitrator; or

36 (7) the arbitrator did not comply with the provisions of section
37 18303 of this title.

38 **SEC. 2. TRANSFER OF MATERIAL AND EQUIPMENT TO THE ARCHI-**
39 **TECT OF THE CAPITOL.**

40 Chapter 443 of title 10, United States Code, is amended as follows:

41 (1) Insert immediately after section 4688 the following new section:

1 **“§ 4689. Transfer of material and equipment to the Architect**
 2 **of the Capitol**

3 “The Secretary of the Army is authorized to transfer, without payment,
 4 to the Architect of the Capitol, such material and equipment, not required
 5 by the Department of the Army, as the Architect may request for use at
 6 the Capitol power plant, the Capitol Building, and the Senate and House
 7 Office Buildings.”.

8 (2) Insert immediately below item 4688 in the analysis of the chap-
 9 ter the following new item:

“4689. Transfer of material and equipment to the Architect of the Capitol.”.

10 **SEC. 3. CONFORMING CROSS-REFERENCES.**

11 (a) TITLE 5.—Title 5, United States Code, is amended as follows:

12 (1) In section 7342(e)(1)—

13 (A) insert “subtitle I of title 40 and title III of” before “the
 14 Federal”; and

15 (B) insert “(41 U.S.C. 251 et seq.)” after “of 1949”.

16 (2) In section 9505(b), strike “division E of the Clinger-Cohen Act
 17 of 1996 (Public Law 104–106; 110 Stat. 679)” and substitute “sub-
 18 title III of title 40”.

19 (3) In section 9508(a)(2)(A), strike “division E of the Clinger-Cohen
 20 Act of 1996 (Public Law 104–106; 110 Stat. 679)” and substitute
 21 “subtitle III of title 40”.

22 (b) TITLE 10.—Title 10, United States Code, is amended as follows:

23 (1) In section 2223—

24 (A) in subsection (a), strike “section 5125 of the Clinger-Cohen
 25 Act of 1996 (40 U.S.C. 1425)” and substitute “section 11315 of
 26 title 40”;

27 (B) in subsection (b), strike “section 5125 of the Clinger-Cohen
 28 Act of 1996 (40 U.S.C. 1425)” and substitute “section 11315 of
 29 title 40”;

30 (C) in subsection (c)(2), strike “section 5002 of the Clinger-
 31 Cohen Act of 1996 (40 U.S.C. 1401)” and substitute “section
 32 11101 of title 40”; and

33 (D) in subsection (c)(3), strike “section 5142 of the Clinger-
 34 Cohen Act of 1996 (40 U.S.C. 1452)” and substitute “section
 35 11103 of title 40”.

36 (2) In section 2302(2)(A), strike “title IX of the Federal Property
 37 and Administrative Services Act of 1949 (40 U.S.C. 541 et seq.)” and
 38 substitute “chapter 11 of title 40”.

39 (3) In section 2304(h)—

40 (A) before clause (1), strike “laws”; and

1 (B) strike clause (2) and substitute “(2) Sections 3141–3144,
2 3146, and 3147 of title 40.”.

3 (4) In section 2305a(a), strike “the Brooks Architect-Engineers Act
4 (40 U.S.C. 541 et seq.)” and substitute “chapter 11 of title 40”.

5 (5) In section 2315(a), strike “division E of the Clinger-Cohen Act
6 of 1996 (40 U.S.C. 1401 et seq.)” and substitute “subtitle III of title
7 40”.

8 (6) In section 2381(e)—

9 (A) strike “section 205 of the Federal Property and Administra-
10 tive Services Act of 1949 (40 U.S.C. 486)” and substitute “sec-
11 tion 121 of title 40”; and

12 (B) strike “section 201(a) of that Act (40 U.S.C. 481(a))” and
13 substitute “section 501(a)(2) of title 40”.

14 (7) In section 2535(b)(1)(G), strike “title II of the Federal Property
15 and Administrative Services Act of 1949 (40 U.S.C. 481 et seq.)” and
16 substitute “chapter 5 of title 40”.

17 (8) In subsection 2562(a)(1)—

18 (A) insert “subtitle I of title 40 and title III of” before “the
19 Federal”; and

20 (B) strike “(40 U.S.C. 472 et seq.)” and substitute “(41 U.S.C.
21 251 et seq.)”.

22 (9) In section 2572(d)(1), strike “section 205 of the Federal Prop-
23 erty and Administrative Services Act of 1949 (40 U.S.C. 486)” and
24 substitute “section 121 of title 40”.

25 (10) In section 2576(a)—

26 (A) insert “subtitle I of title 40 and title III of” before “the
27 Federal”; and

28 (B) strike “(40 U.S.C. 471 et seq.)” and substitute “(41 U.S.C.
29 251 et seq.)”.

30 (11) In section 2577(a)(2), strike “section 203 of the Federal Prop-
31 erty and Administrative Services Act of 1949 (40 U.S.C. 484)” and
32 substitute “sections 541–555 of title 40”.

33 (12) In section 2667—

34 (A) in subsection (a)(2), strike “section 3 of the Federal Prop-
35 erty and Administrative Services Act of 1949 (40 U.S.C. 472)”
36 and substitute “section 102 of title 40”;

37 (B) in subsection (b)(5), strike “section 321 of the Act of June
38 30, 1932 (40 U.S.C. 303b)” and substitute “section 1302 of title
39 40”; and

40 (C) in subsection (f)(1)—

- 1 (i) insert “subtitle I of title 40 and title III of” before “the
2 Federal”; and
- 3 (ii) strike “such Act is” and substitute “subtitle I and title
4 III are”.
- 5 (13) In section 2667a(a)(3), strike “section 3 of the Federal Prop-
6 erty and Administrative Services Act of 1949 (40 U.S.C. 472)” and
7 substitute “section 102 of title 40”.
- 8 (14) In section 2676(a)—
- 9 (A) insert “subtitle I of title 40 and title III of” before “the
10 Federal”; and
- 11 (B) strike “(40 U.S.C. 471 et seq.)” and substitute “41 U.S.C.
12 251 et seq.”.
- 13 (15) In section 2691(b)—
- 14 (A) insert “subtitle I of title 40 and title III of” before “the
15 Federal”; and
- 16 (B) strike “(40 U.S.C. 471 et seq.)” and substitute “(41 U.S.C.
17 251 et seq.)”.
- 18 (16) In section 2696—
- 19 (A) in subsection (a)—
- 20 (i) insert “subtitle I of title 40 and title III of” before “the
21 Federal”; and
- 22 (ii) strike “(40 U.S.C. 471 et seq.)” and substitute “(41
23 U.S.C. 251 et seq.)”; and
- 24 (B) strike subsection (e)(5) and substitute—
25 “(5) Chapter 5 of title 40.”.
- 26 (17) In section 2701(i)(1)—
- 27 (A) strike “the Miller Act (40 U.S.C. 270a et seq.)” and sub-
28 stitute “sections 3131 and 3133 of title 40”;
- 29 (B) strike “the Act of April 29, 1941 (40 U.S.C. 270e–270f)”
30 and substitute “section 3134 of title 40”; and
- 31 (C) strike “the Miller Act” and substitute “sections 3131 and
32 3133”.
- 33 (18) In section 2814(j)(3), strike “Sections 202 and 203 of the Fed-
34 eral Property and Administrative Services Act of 1949 (40 U.S.C. 483,
35 484)” and substitute “Subchapter II of chapter 5 and sections 541–
36 555 of title 40”.
- 37 (19) In section 2831(b)(3), strike “section 204(b) of the Federal
38 Property and Administrative Services Act of 1949 (40 U.S.C. 485(b))”
39 and substitute “section 572(a) of title 40”.
- 40 (20) In section 2852(b)(1), strike “section 355 of the Revised Stat-
41 utes (40 U.S.C. 255)” and substitute “section 3111 of title 40”.

- 1 (21) In section 2854a(d)(1)—
2 (A) strike “The” and substitute “Subtitle I of title 40 and title
3 III of the”; and
4 (B) strike “(40 U.S.C. 471 et seq.)” and substitute “(41 U.S.C.
5 251 et seq.)”.
- 6 (22) In subsection 2855(a), strike “title IX of the Federal Property
7 and Administrative Services Act of 1949 (40 U.S.C. 541 et seq.)” and
8 substitute “chapter 11 of title 40”.
- 9 (23) In section 2878(d)—
10 (A) in clause (2)—
11 (i) strike “The” and substitute “Subtitle I of title 40 and
12 title III of the”; and
13 (ii) strike “(40 U.S.C. 471 et seq.)” and substitute “(41
14 U.S.C. 251 et seq.)”; and
15 (B) strike clause (3) and substitute—
16 “(3) Section 1302 of title 40.”
- 17 (24) In section 4681, strike “section 205 of the Federal Property
18 and Administrative Services Act of 1949 (40 U.S.C. 486)” and sub-
19 stitute “section 121 of title 40”.
- 20 (25) In section 4682, strike “section 205 of the Federal Property
21 and Administrative Services Act of 1949 (40 U.S.C. 486)” and sub-
22 stitute “section 121 of title 40”.
- 23 (26) In section 4684, strike “section 205 of the Federal Property
24 and Administrative Services Act of 1949 (40 U.S.C. 486)” and sub-
25 stitute “section 121 of title 40”.
- 26 (27) In section 4686, strike “section 205 of the Federal Property
27 and Administrative Services Act of 1949 (40 U.S.C. 486)” and sub-
28 stitute “section 121 of title 40”.
- 29 (28) In section 7305(d)—
30 (A) insert “subtitle I of title 40 and title III of” before “the
31 Federal”;
32 (B) strike “(40 U.S.C. 471 et seq.)” and substitute “(41 U.S.C.
33 251 et seq.)”; and
34 (C) strike “that Act” and substitute “subtitle I of title 40 and
35 title III”.
- 36 (29) In section 7306(a), strike “subsections (c) and (d) of section
37 602 of the Federal Property and Administrative Services Act of 1949
38 (40 U.S.C. 474)” and substitute “section 113 of title 40”.
- 39 (30) In section 7422(e)(1), strike “the Act of February 26, 1931 (40
40 U.S.C. 258a–258e)” and substitute “sections 3114–3116 and 3118 of
41 title 40”.

1 (31) In section 7541, strike “section 205 of the Federal Property
2 and Administrative Services Act of 1949 (40 U.S.C. 486)” and sub-
3 stitute “section 121 of title 40”.

4 (32) In section 7541a, strike “section 205 of the Federal Property
5 and Administrative Services Act of 1949 (40 U.S.C. 486)” and sub-
6 stitute “section 121 of title 40”.

7 (33) In section 7542(a), strike “section 205 of the Federal Property
8 and Administrative Services Act of 1949 (40 U.S.C. 486)” and sub-
9 stitute “section 121 of title 40”.

10 (34) In section 7545(a), strike “section 205 of the Federal Property
11 and Administrative Services Act of 1949 (40 U.S.C. 486)” and sub-
12 stitute “section 121 of title 40”.

13 (35) In section 9444(b)(1)—

14 (A) insert “subtitle I of title 40 and title III of” before “the
15 Federal”; and

16 (B) strike “(40 U.S.C. 471 et seq.)” and substitute “(41 U.S.C.
17 251 et seq.)”.

18 (36) In section 9681, strike “section 205 of the Federal Property
19 and Administrative Services Act of 1949 (40 U.S.C. 486)” and sub-
20 stitute “section 121 of title 40”.

21 (37) In section 9682, strike “section 205 of the Federal Property
22 and Administrative Services Act of 1949 (40 U.S.C. 486)” and sub-
23 stitute “section 121 of title 40”.

24 (38) In section 9684, strike “section 205 of the Federal Property
25 and Administrative Services Act of 1949 (40 U.S.C. 486)” and sub-
26 stitute “section 121 of title 40”.

27 (39) In section 9686, strike “section 205 of the Federal Property
28 and Administrative Services Act of 1949 (40 U.S.C. 486)” and sub-
29 stitute “section 121 of title 40”.

30 (40) In section 9781—

31 (A) in subsection (b)(2)(D), strike “title II of the Federal Prop-
32 erty and Administrative Services Act of 1949 (40 U.S.C. 481 et
33 seq.)” and substitute “chapter 5 of title 40”;

34 (B) in subsection (d), strike “title II of the Federal Property
35 and Administrative Services Act of 1949 (40 U.S.C. 481 et seq.)”
36 and substitute “chapter 5 of title 40”; and

37 (C) in subsection (g)—

38 (i) insert “subtitle I of title 40 and subtitle III of” before
39 “the Federal”; and

40 (ii) add at the end of the subsection “(41 U.S.C. 251 et
41 seq.)”.

1 (41) In section 12603(d), strike “section 201(a) of the Federal Prop-
2 erty and Administrative Services Act of 1949 (40 U.S.C. 481(a))” and
3 substitute “section 501 of title 40”.

4 (42) In section 18239(b)(1), strike “section 355 of the Revised Stat-
5 utes (40 U.S.C. 255)” and substitute “section 3111 of title 40”.

6 (c) TITLE 14.—Title 14, United States Code, is amended as follows:

7 (1) In section 92—

8 (A) insert “subtitle I of title 40 and title III of” before “the
9 Federal”; and

10 (B) strike “(40 U.S.C. 471 et seq.)” and substitute “(41 U.S.C.
11 251 et seq.)”.

12 (2) In section 93(h)—

13 (A) insert “subtitle I of title 40 and title III of” before “the
14 Federal”; and

15 (B) strike “(40 U.S.C. 471 et seq.)” and substitute “(41 U.S.C.
16 251 et seq.)”.

17 (3) In section 641—

18 (A) in subsection (a)—

19 (i) insert “subtitle I of title 40 and title III of” before “the
20 Federal”; and

21 (ii) strike “(40 U.S.C. 471 et seq.)” and substitute “(41
22 U.S.C. 251 et seq.)”; and

23 (B) in subsection (c)(2), strike “section 203 of the Federal
24 Property and Administrative Services Act of 1949 (40 U.S.C.
25 484)” and substitute “sections 541–555 of title 40”.

26 (4) In section 685(c)—

27 (A) in clause (1), strike—

28 (i) “The” and substitute “Subtitle I of title 40 and title
29 III of the”; and

30 (ii) “(40 U.S.C. 471 et seq.)” and substitute “(41 U.S.C.
31 251 et seq.)”; and

32 (B) strike clause (2) and substitute—

33 “(2) Section 1302 of title 40.”.

34 (d) TITLE 18.—Section 3668(e) of title 18, United States Code, is
35 amended by striking “sections 304f–304m of Title 40” and substituting
36 “section 1306 of title 40”.

37 (e) TITLE 23.—Title 23, United States Code, is amended as follows:

38 (1) In section 112(b)(2)(A), strike “title IX of the Federal Property
39 and Administrative Services Act of 1949” and substitute “chapter 11
40 of title 40”.

1 (2) In section 113(a), strike “the Act of March 3, 1931, known as
2 the Davis-Bacon Act (40 U.S.C. 276a)” and substitute “sections 3141–
3 3144, 3146, and 3147 of title 40”.

4 (f) THE INTERNAL REVENUE CODE OF 1986.—Section
5 7608(c)(1)(A)(i)(IV) of the Internal Revenue Code of 1986 (26 U.S.C.
6 7608(c)(1)(A)(i)(IV)) is amended by striking “section 34 of title 40, United
7 States Code” and substituting “section 8141 of title 40”.

8 (g) TITLE 28.—Title 28, United States Code, is amended as follows:

9 (1) In section 604(g)(3)(B), strike “section 203 of the Federal Prop-
10 erty and Administrative Services Act of 1949 (40 U.S.C. 484)” and
11 substitute “sections 541–555 of title 40”.

12 (2) In section 612(f), strike “section 201 of the Federal Property
13 and Administrative Services Act of 1949 (40 U.S.C. 481)” and sub-
14 stitute “sections 501–505 of title 40”.

15 (3) In section 1499, strike “section 104 of the Contract Work Hours
16 and Safety Standards Act” and substitute “section 3703 of title 40”.

17 (h) TITLE 31.—Title 31, United States Code, is amended as follows:

18 (1) In section 781(a), strike “section 7 of the Public Buildings Act
19 of 1959, as amended (40 U.S.C. 606)” and substitute “section 3307
20 of title 40”.

21 (2) In section 782, strike “(as defined in section 105 of the Public
22 Buildings Cooperative Use Act of 1976 (40 U.S.C. 612a))” and sub-
23 stitute “(as defined in section 3306(a) of title 40)”.

24 (3) In section 1105(g)(2)(B)(ii), strike “section 901 of the Brooks
25 Architect-Engineers Act (40 U.S.C. 541)” and substitute section “1102
26 of title 40”.

27 (4) In section 3126—

28 (A) in subsection (a), strike “section 2 of the Government
29 Losses in Shipment Act (40 U.S.C. 722)” and substitute “section
30 17303(a) of title 40”; and

31 (B) in subsection (b), strike “Section 3 of the Government
32 Losses in Shipment Act (40 U.S.C. 723) (related to finality of de-
33 cisions of the Secretary)” and substitute “Section 17304(c) of title
34 40”.

35 (5) In section 3511(c)(1), strike “section 205(b) of the Federal
36 Property and Administrative Services Act of 1949 (40 U.S.C. 486(b))”
37 and substitute “section 121(b) of title 40”.

38 (6) In section 3551(3), strike “section 3 of the Federal Property and
39 Administrative Services Act of 1949 (40 U.S.C. 472)” and substitute
40 “section 102 of title 40”.

- 1 (7) In section 3905(f)(1), strike “section 2 of the Act of August 24,
2 1935 (40 U.S.C. 270b)” and substitute “section 3133(b) of title 40”.
- 3 (8) In section 6703(d)(5)—
- 4 (A) strike “the Act of March 3, 1931 (commonly known as the
5 Davis-Bacon Act); as amended (40 U.S.C. 276a–276a–5)” and
6 substitute “sections 3141–3144, 3146, and 3147 of title 40”; and
- 7 (B) strike “section 2 of the Act of June 1, 1934 (commonly
8 known as the Copeland Anti-Kickback Act), as amended (40
9 U.S.C. 276c, 48 Stat. 948)” and substitute “section 3145 of title
10 40”.
- 11 (9) In section 9303—
- 12 (A) in subsection (d), before clause (1)—
- 13 (i) strike “the Act of August 24, 1935 (known as the Mil-
14 ler Act) (40 U.S.C. 270a–270d)” and substitute “sections
15 3131 and 3133 of title 40”; and
- 16 (ii) strike “section 3 of the Act (40 U.S.C. 270e)” and sub-
17 stitute “section 3133(a) of title 40”;
- 18 (B) in subsection (d)(1)—
- 19 (i) strike “the Act of August 24, 1935 (known as the Mil-
20 ler Act) (40 U.S.C. 270a–270d)” and substitute “sections
21 3131 and 3133 of title 40”; and
- 22 (ii) strike “section 2 of the Act (40 U.S.C. 270b)” and
23 substitute “section 3133(b) of title 40”; and
- 24 (C) in subsection (e)(2)(A), strike “the Act of August 24, 1935
25 (known as the Miller Act) (40 U.S.C. 270a–270d)” and substitute
26 “sections 3131 and 3133 of title 40”.
- 27 (i) TITLE 36.—Title 36, United States Code, is amended as follows:
- 28 (1) In section 2103(a)(1), strike “section 355 of the Revised Stat-
29 utes (40 U.S.C. 255)” and substitute “section 3111 of title 40”.
- 30 (2) In section 220314(b), strike “section 451 of the Legislative Re-
31 organization Act of 1970 (40 U.S.C. 193m–1)” and substitute “section
32 5108 of title 40”.
- 33 (j) TITLE 38.—Title 38, United States Code, is amended as follows:
- 34 (1) In section 115(1), strike “section 355 of the Revised Statutes
35 (40 U.S.C. 255)” and substitute “section 3111 of title 40”.
- 36 (2) In section 310(b), strike “division E of the Clinger-Cohen Act
37 of 1996 (40 U.S.C. 1401 et seq.)” and substitute “subtitle III of title
38 40”.
- 39 (3) In section 8122(a)(1), strike “section 321 of the Act of June 30,
40 1932 (40 U.S.C. 303b)” and substitute “section 1302 of title 40”.

1 (4) In section 8135(a)(8), strike “the Act of March 3, 1931 (40
2 U.S.C. 276a—276a-5) (known as the Davis-Bacon Act)” and sub-
3 stitute “sections 3141–3144, 3146, and 3147 of title 40”.

4 (5) In section 8162(a)—

5 (A) in paragraph (1), strike “section 321 of the Act of June
6 30, 1932 (40 U.S.C. 303b), sections 202 and 203 of the Federal
7 Property and Administrative Services Act of 1949 (40 U.S.C. 483,
8 484)” and substitute “subchapter II of chapter 5 of title 40, sec-
9 tions 541–555 and 1302 of title 40”; and

10 (B) in paragraph (3), strike “the Act of March 3, 1931 (40
11 U.S.C. 276a et seq.)” and substitute “sections 3141–3144, 3146,
12 and 3147 of title 40”.

13 (6) In section 8165(c), strike “section 204 of the Federal Property
14 and Administrative Services Act of 1949 (40 U.S.C. 485) or the Act
15 of June 8, 1896 (40 U.S.C. 485a)” and substitute “subchapter IV of
16 chapter 5 of title 40”.

17 (7) In section 8201(e), strike “section 321 of the Act of June 30,
18 1932 (40 U.S.C. 303b)” and substitute “section 1302 of title 40”.

19 (k) TITLE 39.—Section 410(b)(4) of title 39, United States Code, is
20 amended to read as follows:

21 “(4) the following provisions of title 40:

22 “(A) sections 3114–3116, 3118, 3131, 3133, and 3141–3147;
23 and

24 “(B) chapters 37 and 173;”.

25 (l) TITLE 44.—Title 44, United States Code, is amended as follows:

26 (1) In section 311(a), strike “the Federal Property and Administra-
27 tive Services Act, approved June 30, 1949, as amended,” and sub-
28 stitute “subtitle I of title 40 and title III of the Federal Property and
29 Administrative Services Act of 1949 (41 U.S.C. 251 et seq.)”.

30 (2) In section 2901(13), strike “section 3(a) of the Federal Property
31 and Administrative Services Act of 1949 (40 U.S.C. 472(a))” and sub-
32 stitute “section 102 of title 40”.

33 (3) In section 3501(8)(B), strike “the Computer Security Act of
34 1987 (Public Law 100–235)” and substitute “section 11332 of title
35 40”.

36 (4) In section 3502(9)—

37 (A) strike “section 5002 of the Clinger-Cohen Act of 1996 (40
38 U.S.C. 1401)” and substitute “section 11101 of title 40”; and

39 (B) strike “section 5142 of that Act (40 U.S.C. 1452)” and
40 substitute “section 11103 of title 40”.

41 (5) In section 3504—

1 (A) in subsection (g)(2), strike “section 5131 of the Clinger-
2 Cohen Act of 1996 (40 U.S.C. 1441), and sections 5 and 6 of the
3 Computer Security Act of 1987 (40 U.S.C. 759 note)” and sub-
4 stitute “sections 11331 and 11332(b) and (e) of title 40”;

5 (B) in subsection (g)(3), strike “section 5131 of the Clinger-
6 Cohen Act of 1996 (40 U.S.C. 1441) and sections 5 and 6 of the
7 Computer Security Act of 1987 (40 U.S.C. 759 note)” and sub-
8 stitute “sections 11331 and 11332(b) and (e) of title 40”;

9 (C) in subsection (h)(1)(B), strike “section 5131 of the Clinger-
10 Cohen Act of 1996 (40 U.S.C. 1441)” and substitute “section
11 11331 of title 40”; and

12 (D) in subsection (h)(2)—

13 (i) strike “division E of the Clinger-Cohen Act of 1996 (40
14 U.S.C. 1401 et seq.)” and substitute “subtitle III of title
15 40”; and

16 (ii) strike “section 110 of the Federal Property and Admin-
17 istrative Services Act of 1949 (40 U.S.C. 757)” and sub-
18 stitute “section 322 of title 40”.

19 (6) In section 3506—

20 (A) in subsection (g)(2), strike “the Computer Security Act of
21 1987 (40 U.S.C. 759 note)” and substitute “section 11332 of title
22 40”; and

23 (B) in subsection (g)(3), strike “the Computer Security Act of
24 1987 (40 U.S.C. 759 note)” and substitute “section 11332 of title
25 40”.

26 (7) In section 3518(d), strike “section 5131 of the Clinger-Cohen
27 Act of 1996 (40 U.S.C. 1441) and the Computer Security Act of 1987
28 (40 U.S.C. 759 note)” and substitute “sections 11331 and 11332 of
29 title 40”.

30 (m) TITLE 46.—Title 46, United States Code, is amended as follows:

31 (1) In section 2101(17), strike “section 13 of the Coast Guard Au-
32 thorization Act of 1986” and substitute “section 558 of title 40”.

33 (2) In section 3305(c), strike “section 13 of the Coast Guard Au-
34 thorization Act of 1986” and substitute “section 558 of title 40”.

35 (n) TITLE 49.—Title 49, United States Code, is amended as follows:

36 (1) In section 103(e)—

37 (A) insert “subtitle I of title 40 and title III of” before “the
38 Federal Property”; and

39 (B) strike “(40 U.S.C. 471 et seq.)” and substitute “(41 U.S.C.
40 251 et seq.)”.

1 (2) In section 5325(b), strike “title IX of the Federal Property and
2 Administrative Services Act of 1949 (40 U.S.C. 541 et seq.)” and sub-
3 stitute “chapter 11 of title 40”.

4 (3) In section 5333(a)—

5 (A) strike “the Act of March 3, 1931 (known as the Davis-
6 Bacon Act) (40 U.S.C. 276a—276a-5)” and substitute “sections
7 3141–3144, 3146, and 3147 of title 40”; and

8 (B) strike “section 2 of the Act of June 13, 1934 (40 U.S.C.
9 276e)” and substitute “section 3145 of title 40”.

10 (4) In section 24312—

11 (A) in subsection (a)—

12 (i) strike “the Act of March 3, 1931 (known as the Davis-
13 Bacon Act) (40 U.S.C. 276a—276a-5)” and substitute “sec-
14 tions 3141–3144, 3146, and 3147 of title 40”; and

15 (ii) strike “section 107 of the Contract Work Hours and
16 Safety Standards Act (40 U.S.C. 333)” and substitute “sec-
17 tion 3704 of title 40”; and

18 (B) in subsection (b), strike “the Act of March 3, 1931 (known
19 as the Davis-Bacon Act) (40 U.S.C. 276a—276a-5)” and sub-
20 stitute “sections 3141–3144, 3146, and 3147 of title 40”

21 (5) In section 40110(e)(2)—

22 (A) in subelause (C), strike “(as defined in section 13 of the
23 Public Buildings Act of 1959 (40 U.S.C. 612))” and substitute
24 “(as defined in section 3301(a) of title 40)”; and

25 (B) in subelause (F), strike “title II of the Federal Property
26 and Administrative Services Act of 1949 (40 U.S.C. 481 et seq.)”
27 and substitute “sections 121, 123, and 126 and chapter 5 of title
28 40”.

29 (6) In section 44305(a)(1), strike “sections 1 and 2 of the Govern-
30 ment Losses in Shipment Act (40 U.S.C. 721, 722)” and substitute
31 “sections 17302 and 17303 of title 40”.

32 (7) In section 47107(a)(17), strike “title IX of the Federal Property
33 and Administrative Services Act of 1949 (40 U.S.C. 541 et seq.)” and
34 substitute “chapter 11 of title 40”.

35 (8) In section 47112(b), strike “the Act of March 3, 1931 (known
36 as the Davis-Bacon Act) (40 U.S.C. 276a—276a-5)” and substitute
37 “sections 3141–3144, 3146, and 3147 of title 40”.

38 (9) In section 49111(d)(1), strike “section 5 of the Act of June 6,
39 1924 (40 U.S.C. 71d),” and substitute “section 8722 of title 40”.

40 (o) VETERANS’ BENEFITS PROGRAMS IMPROVEMENT ACT OF 1991.—
41 Section 403(e) of the Veterans’ Benefits Programs Improvement Act of

1 1991 (Pub. L. 102–86, 105 Stat. 424) is amended by striking “section
2 303b of title 40, sections 483 and 484 of title 40” and substituting “sub-
3 chapter II of chapter 5 of title 40, sections 541–555 and 1302 of title 40”.

4 **SEC. 4. REPEAL OF TITLE V OF THE FEDERAL PROPERTY AND ADMIN-
5 ISTRATIVE SERVICES ACT OF 1949.**

6 Title V of the Federal Property and Administrative Services Act of 1949
7 (ch. 288), as added by section 6(d) of the Act of September 5, 1950 (ch.
8 849, 64 Stat. 583), is repealed.

9 **SEC. 5. LEGISLATIVE PURPOSE AND CONSTRUCTION.**

10 (a) PURPOSE.—The purpose of this Act is to revise, codify, and enact
11 without substantive change the general and permanent laws of the United
12 States related to public buildings, property, and works, in order to remove
13 ambiguities, contradictions, and other imperfections and to repeal obsolete,
14 superfluous, and superseded provisions.

15 (b) NO SUBSTANTIVE CHANGE.—

16 (1) IN GENERAL.—This Act makes no substantive change in existing
17 law and may not be construed as making a substantive change in exist-
18 ing law.

19 (2) DEEMED DATE OF ENACTMENT FOR CERTAIN PURPOSES.—For
20 purposes of determining whether one provision of law supersedes an-
21 other based on enactment later in time, and otherwise to ensure that
22 this Act makes no substantive change in existing law, the date of enact-
23 ment of a provision restated in section 1 or 2 of this Act is deemed
24 to remain unchanged, continuing to be the date of enactment of the
25 underlying provision of public law that is being restated.

26 (3) INCONSISTENT LAWS ENACTED AFTER MARCH 31, 2002.—This
27 Act restates certain laws enacted before April 1, 2002. Any law enacted
28 after March 31, 2002, that is inconsistent with this Act, including any
29 law purporting to amend or repeal a provision that is repealed by this
30 Act, supersedes this Act to the extent of the inconsistency.

31 (c) REFERENCES.—A reference to a law replaced by section 1 or 2 of this
32 Act, including a reference in a regulation, order, or other law, is deemed
33 to refer to the corresponding provision enacted by this Act.

34 (d) CONTINUING EFFECT.—An order, rule, or regulation in effect under
35 a law replaced by section 1 or 2 of this Act continues in effect under the
36 corresponding provision enacted by this Act until repealed, amended, or su-
37 perseded.

38 (e) ACTIONS AND OFFENSES UNDER PRIOR LAW.—An action taken or
39 an offense committed under a law replaced by section 1 or 2 of this Act
40 is deemed to have been taken or committed under the corresponding provi-
41 sion enacted by this Act.

1 (f) INFERENCES.—An inference of a legislative construction is not to be
2 drawn by reason of the location in the United States Code of a provision
3 enacted by this Act or by reason of a caption or catch line of the provision.

4 (g) SEVERABILITY.—If a provision enacted by this Act is held invalid, all
5 valid provisions that are severable from the invalid provision remain in ef-
6 fect. If a provision enacted by this Act is held invalid in any of its applica-
7 tions, the provision remains valid for all valid applications that are severable
8 from any of the invalid applications.

9 **SEC. 6. REPEALS.**

10 (a) INFERENCES OF REPEAL.—The repeal of a law by this Act may not
11 be construed as a legislative inference that the provision was or was not in
12 effect before its repeal.

13 (b) REPEALER SCHEDULE.—The laws specified in the following schedule
14 are repealed, except for rights and duties that matured, penalties that were
15 incurred, and proceedings that were begun before the date of enactment of
16 this Act:

Schedule of Laws Repealed
Statutes at Large

Date	Chapter or Public Law	Section	Statutes at Large		U.S. Code (title 40 unless otherwise specified)
			Volume	Page	
1822 May 7	96	3	3	692	307
1874 Feb. 4	22 .....	.....	18	14	28
Mar. 7	50	(proviso)	18	20	29
1876 July 31	246	(proviso (related to report) in 1st par. on p. 115).	19	115	27
1877 Mar. 3	105	(proviso (related to report) in 16th par. on p. 359).	19	359	27
	106	(words after 2d semicolon in 3d par. under heading "Miscellaneous").	19	370	34
1878 June 20	359	(proviso in 2d par. under heading "Building and Grounds in and Around Washington and the Executive Mansion").	20	220	103
1879 Mar. 3	182	1 (words after semicolon in 5th par. on p. 388).	20	388	30
July 1	62 .....	.....	21	47	307
1882 Aug. 5	389	1 (2d sentence in 8th par. on p. 241) ...	22	241	35
1883 Jan. 16	27	4	22	405	42
1888 Aug. 1	728 .....	.....	25	357	257, 258
1890 Aug. 30	837	3	26	412	120
1892 July 29	320	15	27	325	101
Aug. 1	352	3	27	340	323
1893 Mar. 3	211	3	27	715	286

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Statutes at Large

Date	Chapter or Public Law	Section	Statutes at Large		U.S. Code (title 40 unless otherwise specified)
			Volume	Page	
1895 Mar. 2	189	(words after last comma in 1st par. on p. 959).	28	959	190a
1896 June 8	373 .....	.....	29	268	485a
1898 July 1	543	5	30	570	79
	546	1 (6th complete par. on p. 614)	30	614	285
1898 July 7	571	(last par. under catchline "Capitol and Grounds").	30	672	164
1899 Mar. 3	458	2 (2d par.)	30	1378	89
1900 Apr. 17	192	(words between 1st and 2d semicolons (related to absence, disability, or vacancy) under catchline "Office of the Architect of the Capitol").	31	125	164
1901 Mar. 3	830	1 (words between 1st and 2d semicolons (related to absence, disability, or vacancy) under catchline "Office of the Architect of the Capitol").	31	1000	164
1902 Apr. 28	594	1 (6th, last pars. on p. 152)	32	152	19, 31
1903 Feb. 25	755	1 (7th par. on p. 865)	32	865	484-1
1903 Mar. 3	1007	1 (4th complete par. on p. 1112)	32	1112	304
1905 Mar. 3	1483	1 (words before "namely" in last sentence of 9th par. on p. 1161).	33	1161	279
1908 May 27	200	1 (7th complete par. on p. 327, 1st complete par. on p. 356, proviso on p. 358).	35	327, 356, 358	43 note, 64, 283
1908 May 30	228	34	35	545	261
1909 Feb. 9	101	(3d par. under heading "War Department").	35	615	43 note
1909 Mar. 4	299	1 (proviso in 2d par. on p. 997)	35	997	43
1910 May 17	243 .....	.....	36	371	104, 106
1910 June 25	384	1 (8th complete par. on p. 728 (less appropriations)).	36	728	105
1912 Aug. 23	350	1 (2d complete par. on p. 375)	37	375	251
1912 Aug. 24	355	1 (last proviso in last par. on p. 432, 10th par. on p. 444).	37	432, 444	68, 280
1912 Aug. 26	408	1 (last par. on p. 605)	37	605	174
1913 Mar. 3	106	1 "Sec. 3", 4	37	727	323
1913 Mar. 4	142	1 (words after 4th comma in last par. on p. 771).	37	771	38.
1913 June 23	3	1 (proviso on p. 17, last proviso in 2d complete par. on p. 22, 1st, 3d pars. under heading "Central Heating and Power Plant").	38	17, 22, 25	22, 253, 281
1914 Aug. 1	223	1 (last par. on p. 633)	38	633	82
1916 May 10	117	1 (last par. under catchline "Contingent Expenses", last par. less proviso under catchline "Rent").	39	109, 118	39, 40
1917 June 12	27	1 (words before 10th comma in 4th par. on p. 112, last par. on p. 133).	40	112, 133	22, 91
1918 July 9	143	(last par. on p. 850)	40	850	314

Schedule of Laws Repealed—Continued
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Date	Chapter or Public Law	Section	Statutes at Large		U.S. Code (title 40 unless otherwise specified)
			Volume	Page	
Aug. 31	164	1 (6th par., words before “and over” in last par. under heading “Washington Aqueduct.”).	40	951	100
1919					
Feb. 25	39	3	40	1173	314
Aug. 25	52 .....	.....	41	281	271
1920					
Feb. 28	91	213 .....	.....	.....	316
Mar. 6	94	(proviso in last par. under heading “Public Buildings”).	41	507	272
May 29	214	1 (1st complete par. on p. 642, words in par. under heading “Independent Treasury”).	41	642, 654	42, 285
June 5	235	(2d complete par. on p. 913)	41	913	113
	253	1 (1st par. under heading “Legislative”).	41	1035	186
1921					
Mar. 3	123 .....	.....	41	1251	307
1922					
Feb. 17	55	(last proviso in 2d par. and 3d par. under heading “General Supply Committee”, last proviso in 1st complete par. on p. 387, 1st proviso on p. 388).	42	369, 387, 388	25, 284, 312, 313
Mar. 20	103	(last par. (related to inspection) on p. 430).	42	430	26
1923					
Jan. 3	22	(last proviso in 2d par. and 3d par. under heading “General Supply Committee”, last proviso in 2d par. on p. 1108, 1st proviso on p. 1109).	42	1090, 1108, 1109.	25, 284, 312, 313
Jan. 24	42	(proviso in 1st complete par. on p. 1211).	42	1211	115
Feb. 20	98	(par. (related to inspection) under catchline “Capitol Power Plant”).	42	1273	26
1924					
Apr. 4	84	(proviso in 1st par. and 1st complete par. on p. 67, last proviso in 2d par. under heading “Public Buildings, Operating Expenses”, 1st proviso on p. 83).	43	67, 82, 83	25, 284, 312, 313
June 5	264	(proviso in 2d complete par. on p. 422)	43	422	115
June 6	270	1-4(a), (d), (e), 5, 7-13	43	463	71-71d, 71f-72, 73, 74
June 7	303	1(words between 1st and 2d semicolons (related to inspection) in 9th par. under heading “Capitol Buildings and Grounds”).	43	587	26
1925					
Jan. 22	87	(last proviso in 2d par. and 3d par. under heading “General Supply Committee”, last proviso in complete par. and 1st proviso in last par. on p. 781).	43	766, 781	25, 284, 312, 313
Feb. 26	339 .....	.....	43	983	2-6
Mar. 3	462	(proviso in 1st par. on p. 1176)	43	1176	115
Mar. 4	549	1 (words between 1st and 2d semicolons (related to inspection) in 1st par. on p. 1296).	43	1296	26
	556	1 (1st par. under heading “Public Buildings and Grounds”).	43	1323	91
1926					
Mar. 2	43	1 (proviso in 1st par. and 1st complete par. on p. 139, last proviso in 2d par. under heading “Public Buildings, Operating Expenses”, 1st proviso on p. 154).	44	139, 153, 154	25, 284, 312, 313
Mar. 3	44	1 (last par. under heading “Department of the Interior, Contingent Expenses”).	44	173	117
Apr. 29	195	(proviso in 3d complete par. on p. 368)	44	368	115
Apr. 30	198 .....	.....	44	374	71
May 13	294	1 (words between 1st and 2d semicolons (related to inspection) in 1st par. and 4th complete par. on p. 547).	44	547	26, 222
May 25	380	3, 5 (related to “amendment” by Act of Feb. 16, 1931 (ch. 203, 46 Stat. 1164)), 8.	44	632, 633, 635	343, 345a

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1927 Jan. 26	58	1 (last proviso in 1st par. and 1st complete par. on p. 1030, last proviso in 2d par. under heading "Public Buildings, Operating Expenses", 1st proviso on p. 1045).	44	1030, 1044, 1045.	25, 284, 312, 313
Feb. 23	168	1 (words between 1st and 2d semicolons (related to inspection) in 5th par. on p. 1156).	44	1156	26
Feb. 24	189	(provisos in 3d par. on p. 1219)	44	1219	115, 115a
1928 Feb. 15	57	(provisos in 3d complete par. on p. 103)	45	103	115, 115a
Mar. 5	126	1 (last proviso in 1st par. and 1st complete par. on p. 165, last proviso in 2d par. under heading "Public Buildings, Operating Expenses", provisos and last sentence in 1st par. on p. 186).	45	165, 185, 186	25, 112a, 284, 312, 313
May 14	551	1 (words between 1st and 2d semicolons (related to inspection) in last par. on p. 526).	45	526	26
May 24	726 .....	.....	45	726	71
May 29	901	1(8), (85)	45	986, 992	174, 314
Dec. 20	39	1 (1st par. on p. 1031, 2d proviso and provisos in 1st complete par. on p. 1048).	45	1031, 1048	25, 30a, 284, 313
Dec. 22	48 .....	.....	45	1070	72a, 72b
1929 Jan. 25	102	(provisos in 4th par. on p. 1133)	45	1133	115, 155a
Feb. 28	367	1 (words between 1st and 2d semicolons (related to inspection) in 8th par. on p. 1396).	45	1396	26
Mar. 1	423 .....	.....	45	1425	271
June 20	33	6 (words after 1st comma)	46	39	161a
1930 Apr. 18	184	(provisos in 2d complete par. on p. 212)	46	212	115, 115a
May 15	289	1 (5th par. under heading "Division of Supply", 1st proviso and provisos in 1st complete par. on p. 358).	46	337, 358	25, 30a, 284, 313
May 16	291 .....	.....	46	366	121, 121 note
June 6	407	1 (words between 5th and 6th semicolons (related to inspection) in 1st par. under heading "Capitol Buildings and Grounds", 1st complete par. on p. 514 (related to care and operation of Senate Office Building)).	46	513, 514	26, 174a
June 28	710 .....	.....	46	828	255
1931 Feb. 16	203	1	46	1164	345a
Feb. 20	234	1 (words between 5th and 6th semicolons (related to inspection) in 1st par. under heading "Capitol Buildings and Grounds", 1st complete par. on p. 1184 (related to care and operation of Senate Office Building)).	46	1183, 1184	26, 174a
Feb. 23	277	1 (3d par. on p. 1219, last proviso in complete par. and proviso in last par. on p. 1234, proviso in 1st par. on p. 1235).	46	1219, 1234, 1235.	25, 30a, 284, 313
Feb. 26	280	1 (provisos in 3d par. on p. 1349)	46	1349	115, 115a
Mar. 3	307 .....	.....	46	1421	258a—258e—1
1932 May 20	411 .....	.....	46	1494	276a—276a—6
May 21	197 .....	.....	47	161	122, 123
June 30	200 .....	.....	47	163	124—126
July 1	314	1 (words between 5th and 6th semicolons (related to inspection) in 1st par. under heading "Capitol Buildings and Grounds", 1st par. on p. 392 (related to care and operation of Senate Office Building)), 320, 321.	47	391, 392, 412	26, 174a, 267a, 303b
July 5	361	1 (2d, last provisos in 1st par. on p. 517).	47	517	115, 115a
July 5	430	1 (1st complete par. on p. 582, last proviso in 1st complete par. and provisos in last par. on p. 596).	47	582, 596	25, 30a, 284, 313

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1933					
Feb. 11	48	1	47	799	124, 125
Feb. 28	134	1 (words between 5th and 6th semicolons (related to inspection) in 1st par. under heading "Capitol Buildings and Grounds", last par. on p. 1360 (related to care and operation of Senate Office Building)).	47	1360	26, 174a
Mar. 1	144	1 (provisos in 4th par. on p. 1406)	47	1406	115, 115a
Mar. 3	212	(2d par. under heading "General Supply Committee", last proviso in complete par. and last proviso on p. 1505, proviso in 1st par. on p. 1506).	47	1491, 1505, 1506.	25, 30a, 284, 313
June 16	90	202–210, 220, 303, 304	48	201, 210, 211	402–411, 413, 414
	101	7	48	305	315
1934					
Jan. 24	4	34	48	336	191
Feb. 15	13	1 (words before 1st proviso (related to continuation of Civil-Works program)).	48	351	411a
Mar. 15	70	1 (1st complete par. on p. 438, last proviso in 2d par. under heading "Public Buildings, Operating Expenses", provisos in 1st par. on p. 442, last proviso in 4th par. under heading "Public Buildings, Maintenance and Operation").	48	438, 441, 442, 449.	25, 30a, 284, 313
May 7	222	1–3	48	668	13a–13c
May 30	372	1 (words between 5th and 6th semicolons (related to inspection) in 1st par. and 5th complete par. on p. 827 (related to care and operation of Senate Office Building)).	48	827	26, 174a
June 13	482	2	48	948	276c
June 19	648	(last par. on p. 1044)	48	1044	22a
1935					
May 14	110	1 (last proviso in 3d par. on p. 233, last proviso and last par. on p. 234).	49	233, 234	284, 313, 313a
June 27	320 .....	.....	49	425	22b, 22b note, 22c
July 8	374	(3d complete par. on p. 470 (related to care and operation of Senate Office Building)).	49	470	174a
Aug. 24	642 .....	.....	49	793	270, 270a, 270a notes, 270b—270d–1
Aug. 26	684 .....	.....	49	800	345b, 345c
Aug. 27	740	301–308	49	879	304f–304m
	744 .....	.....	49	885	304a–304e
Aug. 30	825 .....	.....	49	1011	276a–276a–6
1936					
June 23	725	1 (last proviso in 2d complete par. on p. 1843, last proviso and last par. on p. 1844).	49	1843, 1844	284, 313, 313a
June 25	822 .....	.....	49	1938	290
June 29	860 .....	.....	49	2025	421–425
1937					
May 14	180	1 (last proviso in 2d complete par. on p. 153, last proviso and last par. on p. 154, last proviso in 1st par. on p. 163).	50	153, 154, 163	284, 313, 313a
May 18	223	(last par. on p. 179 (related to care and operation of Senate Office Building)).	50	179	174a
July 8	444	1–7, 10, 11	50	479, 484	721, 721 notes, 722–729
1938					
Mar. 28	55	1 (last proviso on p. 137, last proviso and 1st complete par. on p. 139, last proviso in 1st complete par. on p. 147).	52	137, 139, 147	284, 313, 313a
May 17	236	(1st par. under catchline "Senate Office Building" (related to care and operation of Senate Office Building)).	52	391	174a
June 15	400	52	693	311b
June 20	534	16	52	802	None

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1939 May 6	115	1 (last proviso in 2d complete par. on p. 672, 4th and last provisos and 1st complete par. on p. 674, last proviso in 1st complete par. on p. 682).	53	672, 674, 682	109a, 284, 313, 313a
June 3	176 .....	.....	53	808	311b
July 15	281	(3d par. under heading "Department of Vehicles and Traffic").	53	1033	60a
July 31	400 .....	.....	53	1144	121
Aug. 5	449 .....	.....	53	1211	72c, 72e note, 72d, 72d note, 72e, 72e note, 74a, 74a note, 74b, 74c
Aug. 10	665	1-3	53	1358	723-725, 729
1940 Feb. 1	18 .....	.....	54	19	255
Mar. 25	71	(6th and last provisos on p. 69, 1st par. on p. 70, last proviso in 2d complete par. on p. 77).	54	69, 70, 77	109a, 284, 313, 313a
June 12	333	(3d par. under heading "Department of Vehicles and Traffic").	54	334	60a
June 15	373 .....	.....	54	399	276a, 276a note
June 18	396	(last par. under heading "Office of the Architect of the Capitol").	54	472	166a
July 18	634 .....	.....	54	764	109, 109a
Aug. 13	635 .....	.....	54	764	304a-304d
Aug. 13	666 .....	.....	54	788	316
Sept. 9	717	(3d proviso under heading "Military Posts").	54	873	269a
Oct. 8	756	(1st proviso on p. 968)	54	968	269a
Oct. 9	793 .....	.....	54	1083	255
Oct. 22	908	6	54	1208	13c
1941 Mar. 23	26	(last proviso in 5th complete par. on p. 53).	55	53	276a-7
Apr. 29	81 .....	.....	55	147	270e, 270f
May 31	156	1 (6th and last provisos on p. 226, 2d par. under heading "Procurement Division", last proviso in 1st complete par. on p. 234).	55	226, 234	109a, 284, 313, 313a
June 30	262	(2d proviso under heading "Military Posts").	55	375	269a
July 1	268	(last par. under heading "Office of the Architect of the Capitol").	55	457	166a
Aug. 21	271	(1st par. on p. 529)	55	529	60a
Dec. 10	395	(last proviso in 14th par. on p. 664)	55	664	276a-7
	563 .....	.....	55	796	291
1942 Feb. 21	108	(words after last comma in 1st par. on p. 109).	56	109	313
Mar. 10	178	(5th and 6th provisos and 1st complete par. on p. 161, 2d proviso on p. 169).	56	161, 169	109a, 284, 313, 313a
Apr. 28	249 .....	.....	56	247	278b
June 8	396	(last par. under heading "Office of the Architect of the Capitol").	56	341	166a
June 27	450	(1st proviso in 2d complete par. and last par. on p. 407).	56	407	277a, 284
Oct. 21	452	(1st complete par. on p. 451)	56	451	60a
	618 .....	.....	56	797	258f
1943 June 26	145	101 (proviso in par. under heading "Office of the Administrator", last proviso on p. 177, 1st and 2d complete pars. on p. 178).	57	176, 177, 178	7a, 265a, 277a, 284
June 28	173	(1st complete par. on p. 232)	57	232	166a
June 30	179	(5th and 6th provisos and 1st complete par. on p. 262), 201 (last proviso).	57	262, 269	109a, 284, 313, 313a
July 1	184	(3d par. under heading "Department of Vehicles and Traffic").	57	338	60a
1944 Apr. 1	152	(words before proviso in last par. under heading "Treasury Department").	58	162	756 note
Apr. 22	175	(7th proviso and 1st complete par. on p. 206, last proviso in 1st complete par. on p. 214).	58	206, 214	284, 313, 313a

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June 26	277	101 (last par. under heading "Office of the Architect of the Capitol").	58	346	166a
June 27	286	101 (1st proviso on p. 367, 1st proviso in 2d complete par. and last par. on p. 368, 1st complete par. on p. 369). (last proviso on p. 526)	58	367, 368, 369	7a, 265a, 277a, 284
June 28	300	(last proviso on p. 526)	58	526	60a
1945 Apr. 24	92	(2d proviso and 1st complete par. on p. 67, last proviso in 3d par. under heading "Public Buildings, Maintenance and Operation").	59	67, 74	284, 313, 313a
May 3	106	101 (proviso in 1st par. under heading "Office of the Administrator", proviso in 1st and 2d complete pars., last complete par., and last par. on p. 114, 1st and 2d complete pars. on p. 115).	59	112, 114	7a, 265a, 277a, 284, 292, 293
June 13	189	101 (2d par. under heading "Office of the Architect of the Capitol").	59	251	166a
June 30	209	(4th proviso in 1st complete par. on p. 289).	59	289	60a
1946 Mar. 28	113	101 (proviso in 1st par. under heading "Office of the Administrator", proviso in 1st and 2d pars. and 3d-last pars. on p. 67).	60	65, 67	7a, 265a, 277a, 284, 292
June 14	404	1-4, 7-9	60	257, 258	128, 295, 296, 304b, 304c, 341 note
July 1	530	101 (2d par. under heading "Office of the Architect of the Capitol").	60	400	166a
July 9	544	(4th proviso in 1st complete par. on p. 518).	60	518	60a
July 20	588	101 (5th proviso and 1st complete par. on p. 579, last proviso in 3d par. under heading "Public Buildings, Maintenance and Operation").	60	579, 585	284, 313, 313a
July 31	589	302	60	595	33a
	707	1-8, 10-13, 15, 16(a)	60	718, 719, 720	193a-193h, 193h note, 193i-193m, 194-205, 213
Aug. 7	770	(55)	60	870	314
1947 July 1	186	(last proviso and 1st complete par. on p. 224, last proviso in 1st complete par. on p. 233).	61	224, 233	284, 313, 313a
July 17	262	101 (2d par. under heading "Office of the Architect of the Capitol").	61	369	166a
July 25	324	(4th proviso in 1st par. on p. 443)	61	443	60a
July 30	327	2(a) (5th par.)	61	451	101 note
	358	302	61	583	33a
	359	101 (proviso in last complete par. and last par. on p. 593, 1st and 2d complete pars. on p. 594).	61	593, 594	277a, 284, 292
Aug. 5	493	2 (1st sentence)	61	774	303
1948 Apr. 20	219	101 (proviso in 1st and 2d complete pars., last complete par., and last par. on p. 183).	62	183	277a, 284, 292
May 14	290 .....	.....	62	235	129a-130a
June 1	359 .....	.....	62	281	318-318d
June 14	466	(5th proviso and 1st complete par. on p. 415, 3d complete par. on p. 416, last proviso on p. 421).	62	415, 416, 421	284, 313, 313a, 756 note
	467	101 (last par. under heading "Office of the Architect of the Capitol").	62	430	166a
June 19	555	(4th proviso in 1st complete par. on p. 553).	62	553	60a
June 25	646	6, 27	62	986, 990	13c, 257
June 30	773	302	62	1194	33a
1949 May 24	139	134	63	108	276c
June 16	218	404, 405, 410-413	63	199, 200	298a, 298a note, 298b, 298d, 356, 356a
June 22	235	101 (1st complete par. on p. 224)	63	224	166a

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June 29	279	(1st proviso on p. 319)	63	319	60a
June 30	286	(last proviso in 1st par. under heading "Bureau of Federal Supply", 2d-last sentences in 1st complete par. on p. 364, par. under heading "General Supply Fund").	63	363, 364	313-1, 314a, 756 note
	288	1-3, 101-103, 106, 107, 109(a)-(c), (e)-(g), 110, 112, 201, 202(a)-(e), (g), (h), 203-212, 401-404, 601, 602(a), (c)-(e), 603, 605, 606, 801-806, 901-905.	63	377, 381, 382, 383, 385, 397, 399, 401, 403.	471, 471 notes, 472-476, 481, 483, 484, 485, 486-490, 491, 492, 511-514, 531, 531 note, 532-535, 541, 541 note, 542-544, 751-755, 756, 757, 758, 760
Aug. 18	479 .....	.....	63	616	13f-13p
Aug. 24	506	101 (provisos and 3d and 4th complete pars. on p. 640), 307.	63	640, 662	33a, 277a, 284, 292
Oct. 13	685	1-5, 7, 8	63	841, 842	451-455, 457, 458
Oct. 26	737 .....	.....	63	920	482
1950					
July 18	467	(3d proviso on p. 364)	64	364	60a
Sept. 5	849	1-5, 6(a) (related to §§ 601, 602(a) and (c)-(e), 603, and 605), (b) (related to §§ 601, 602(a) and (c)-(e), 603, and 605), (c), 7(a)-(d), (e) ("Sec. 602(e)"), (f), (g), 8(a), (b), (c) (related to § 602(e)), 9, 10(b), 11.	64	578, 583, 590, 591.	471 note, 472, 472 note, 473, 474, 475, 481, 484, 486, 490, 491, 492, 752, 756, 756 note, 758
Sept. 6	896	(last par. under heading "Office of the Architect of the Capitol", 1st complete par. on p. 706, 1st par. and 2d-last sentences in last par. on p. 708, "Sec. 1207").	64	602, 706, 708, 764.	33a, 166a, 278c, 313-1, 756 note
Sept. 27	1052	(par. under heading "General Supply Fund").	64	1056	756 note
1951					
Aug. 3	292	(3d proviso in 1st par. on p. 167)	65	167	60a
Aug. 31	376	(1st proviso on p. 275)	65	275	313-2
Oct. 11	485	(last par. under heading "Office of the Architect of the Capitol").	65	396	166a
Oct. 24	559	1-9, 11	65	634	193n-193v, 193x
Oct. 31	654	1(73)-(97), 2(1), (20), (24), 4(8)	65	704, 706, 707, 709.	5a, 7, 8-13, 14, 15-18, 20, 21, 27a, 44, 110-112, 114, 116, 117, 119, 266, 269, 273, 287, 294, 302, 303a, 304, 311b, 312, 484-1, 485a
Nov. 1	664	1307	65	756	33a
1952					
July 5	576	(3d proviso in 1st complete par. on p. 385, proviso on p. 400).	66	385, 400	60a, 313-2
July 9	598	(last par. under heading "Office of the Architect of the Capitol").	66	472	166a
July 10	630	633	66	537	483a
July 12	703	1(a)-(l)	66	593	472, 483, 484, 487, 490, 756, 41:259
July 15	758	1407	66	660	33a

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1953					
July 31	299	(4th proviso in 1st complete par. on p. 290, last proviso on p. 304).	67	290, 304	60a, 313-2
Aug. 1	304	(last par. under heading "Office of the Architect of the Capitol").	67	327	166a
	305	630	67	355	483a
Aug. 7	340	1307, 1316	67	436, 439	33a, 483b
Aug. 8	399 .....	.....	67	521	484
1954					
June 24	359	(last proviso on p. 282)	68	282	313-2
June 30	432	723	68	355	483a
July 1	449	(last proviso on p. 386)	68	386	60a
July 2	455	(last par. under heading "Office of the Architect of the Capitol").	68	405	166a
July 14	481 .....	.....	68	474	484
Aug. 2	649	702(a), (b), (d)-(g), 703	68	641	460, 462
Aug. 26	935	1307	68	829	33a
Aug. 30	1076	(20)	68	967	122
Aug. 31	1178 .....	.....	68	1051	485
Sept. 1	1211	1-4	68	1126	471, 472, 490, 491, 491 note
1955					
May 25	76 .....	.....	69	66	106
June 3	129 .....	.....	69	83	270e
	130 .....	.....	69	83	484, 484 notes
June 29	226	207	69	196	33a
June 30	244	(last proviso on p. 205)	69	205	313-2
July 5	272	(3d par. under heading "Department of Vehicles and Traffic").	69	254	60a
July 13	358	622	69	319	483a
Aug. 1	442 .....	.....	69	430	484
Aug. 5	568	(2d par. under heading "Office of the Architect of the Capitol").	69	515	166a
Aug. 11	783	112	69	641	462
Aug. 12	874	1, 2	69	721	472
1956					
June 13	385	207	70	281	33a
June 27	452	(2d par. on p. 344, 3d par. on p. 345)	70	344, 345	313-2, 756 note
	453	(2d par. under heading "Office of the Architect of the Capitol").	70	365	166a
June 29	479	(3d par. under heading "Department of Vehicles and Traffic").	70	447	60a
July 2	488	618	70	471	483a
July 3	513	1-3, 5	70	493, 495	484, 484 note
July 27	748	(par. under heading "General Supply Fund").	70	686	756 note
Aug. 3	942 .....	.....	70	1020	484
1957					
June 5	85-48	207	71	54	33a
June 29	85-69	(3d complete par. on p. 231, 5th complete par. on p. 232).	71	231, 232	313-2, 756 note
July 1	85-75	(2d par. under heading "Office of the Architect of the Capitol").	71	251	166a
Aug. 2	85-117	618	71	326	483a
1958					
Feb. 28	85-337	5	72	29	472
June 25	85-468	207	72	225	33a
July 2	85-486 .....	.....	72	288	484
	85-493 .....	.....	72	294	304e, 490
July 18	85-542 .....	.....	72	399	298d
July 31	85-570	(last par. under heading "Salaries")	72	448	166a
Aug. 19	85-680 .....	.....	72	631	488
Aug. 22	85-724	617	72	727	483a
Aug. 23	85-726	1406	72	808	474
Aug. 27	85-781 .....	.....	72	936	481
Aug. 28	85-800	12	72	967	276c
Aug. 28	85-844	(par. under heading "General Supply Fund", last par. on p. 1069).	72	1068, 1069	313-2, 756 note
Sept. 2	85-886	1, 3	72	1709	490

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1959					
May 20	86-30	(par. under heading "General Supply Fund").	73	43	756 note
June 25	86-70	30(a)	73	148	472
July 8	86-79	207	73	166	33a
Aug. 4	86-135 .....	.....	73	279	270b, 270c note, 270c
Aug. 18	86-166	616	73	381	483a
Aug. 21	86-176	(2d par. under heading "Salaries")	73	407	166a
Sept. 1	86-215 .....	.....	73	446	485
Sept. 9	86-249	1-17(5), (7)-(23), 19-21	73	479, 484	23, 24, 32, 33, 59, 260, 262- 265, 267, 268, 274- 276, 277, 278, 282, 297-298, 298c, 341- 342a, 344, 345, 346- 350a, 352- 354, 490, 601, 601 note, 602, 603-612, 613-615, 617-619
Sept. 14	86-255	(4th par. under heading "General Provisions").	73	507	313-2
Sept. 23	86-372	801	73	686	462
1960					
May 13	86-461 .....	.....	74	128	106
June 27	86-527 .....	.....	74	223	131, 131 note, 132- 135
July 5	86-591 .....	.....	74	330	756
July 7	86-601	516	74	352	483a
	86-608 .....	.....	74	363	345c
July 12	86-624	26, 27(a)-(c)	74	418	276a, 472, 491, 514
	86-626	101 (3d and 6th complete pars. on p. 434).	74	434	313-2, 484a
	86-628	(last par. under heading "Salaries")	74	455	166a
	86-642	207	74	478	33a
Sept. 13	86-764 .....	.....	74	904	126
1961					
Mar. 31	87-14	(par. under heading "General Supply Fund").	75	25	756 note
June 30	87-70	502	75	175	462
July 6	87-82	2	75	199	174j-2
July 20	87-94 .....	.....	75	213	484
Aug. 3	87-125	507	75	283	33a
Aug. 10	87-130	(last par. under heading "Salaries")	75	329	166a
Aug. 17	87-141	(par. under heading "General Supply Fund", 2d par. on p. 353).	75	351, 353	313-2, 756 note
	87-144	616	75	378	483a
Sept. 22	87-275 .....	.....	75	574	318d
Oct. 4	87-372 .....	.....	75	802	756
1962					
May 24	87-456	303(b)	76	78	474
June 8	87-476 .....	.....	76	92	607
July 25	87-545	(par. under heading "General Supply Fund").	76	212	756 note
Aug. 6	87-571 .....	.....	76	307	193f, 193h
Aug. 9	87-577	516	76	331	483a
Aug. 13	87-581	1, 2, 101-108, 203, 204	76	357, 360	321, 321 note, 322, 324-327, 327 notes, 328-334
Aug. 24	87-600 .....	.....	76	401	756
Aug. 31	87-619 .....	.....	76	414	486
Sept. 14	87-658	6	76	544	462
Sept. 25	87-683 .....	.....	76	575	71a
Oct. 2	87-730	(last par. under heading "Salaries")	76	688	166a
Oct. 3	87-741	(par. under heading "General Supply Fund", last par. on p. 727).	76	725, 727	313-2, 756 note
Oct. 10	87-786	76	805	484
Oct. 23	87-847	76	1117	757
	87-852	76	1129	319c

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May 17	88-25	(par. under heading "General Supply Fund").	77	26	756 note
Oct. 17	88-149	516	77	267	483a
Dec. 19	88-215	(par. under heading "General Supply Fund", 4th par. on p. 436).	77	434, 436	313-2, 756 note
Dec. 30	88-248	(last par. under heading "Salaries")	77	812	166a
1964					
July 2	88-349	1	78	238	276a
Aug. 1	88-391 .....	.....	78	365	193r, 193t, 193v, 193x
Aug. 14	88-426	203(d) (related to Assistant Architect of the Capitol), (e).	78	415	166b, 166b-1
Aug. 19	88-446	516	78	477	483a
Aug. 20	88-454	(last par. under heading "Salaries")	78	544	166a
Aug. 30	88-507	(2d complete par. on p. 655)	78	655	313-2
	88-515 .....	.....	78	696	701, 701 note, 702, 703
Sept. 2	88-560	602	78	799	462
1965					
Mar. 9	89-4	1, 2, 101-108, 201, 202, 207, 214, 221-226, 301-304, 401-405.	79	5, 17	40 App.:1, 2, 101-108, 201, 202, 207, 214, 221-226, 301-304, 401-405
June 2	89-30	1-4	79	118	301, 306, 308-310
July 27	89-90	(1st par. on p. 276)	79	276	166a
Aug. 10	89-117	1104	79	503	462
Aug. 16	89-128	(2d complete par. on p. 531)	79	531	313-2
Sept. 8	89-173	1, 5(a), 6	79	663, 665, 666	684, 685
Sept. 29	89-213	616	79	876	483a
Oct. 20	89-276 .....	.....	79	1010	490
Nov. 8	89-343	6	79	1303	474
	89-344 .....	.....	79	1304	490
	89-348	2(4)	79	1312	484
1966					
Aug. 27	89-545	(last par. under heading "Salaries")	80	364	166a
Sept. 6	89-555	(4th par. on p. 674)	80	674	313-2
Oct. 15	89-670	8(b)	80	942	40 App.:201
	89-687	616	80	994	483a
Oct. 29	89-698	401	80	1072	214a
Nov. 2	89-719	105(b)	80	1139	270a
Nov. 7	89-790 .....	.....	80	1424	71 note
1967					
May 25	90-19	7, 10(a) (related to § 702), (d)	81	22	460, 462, 474
May 29	90-21	(par. under heading "General Supply Fund").	81	33	756 note
July 28	90-57	(last par. under heading "Salaries")	81	136	166a
Sept. 29	90-96	616	81	245	483a
Oct. 11	90-103	101-104, 106, 107, 112, 116-123	81	257, 258, 261, 263.	40 App.:1 note, 102, 105, 106, 201, 202, 207, 214, 221, 223, 224, 302, 303, 401, 403
Oct. 20	90-108 .....	.....	81	275	101, 193a, 193a note, 193f, 193h, 193m
Nov. 3	90-121	(2d complete par. on p. 349)	81	349	313-2
Nov. 14	90-135 .....	.....	81	441	771, 771 note, 781-786, 791, 792
Dec. 16	90-206	219(3), (4)	81	639	166b, 166b-1
1968					
Mar. 12	90-264	1, 101-107, 109-116(a)(1), (b), 117-120, 201-203.	82	43, 45	801, 801 note, 802-804, 804 note, 805-808, 811-819a, 821-823

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July 5	90-376	3	82	407	193v
July 23	90-417	(2d par. under heading "Salaries")	82	407	166a
July 23	90-417	(last par. under heading "Salaries")	82	407	167a note
Aug. 1	90-448	201(f), 607, 807(f)	82	502, 534, 544	462, 612, 40 App.:207
Oct. 4	90-550	(2d complete par. on p. 944)	82	944	313-2
Oct. 16	90-577	501	82	1104	531, 531 note, 532- 535
Oct. 17	90-580	516	82	1132	483a
Oct. 22	90-626 .....	.....	82	1319	490
1969					
June 30	91-34	2(c)	83	41	193m
Aug. 9	91-54 .....	.....	83	96	327 notes, 333
Nov. 25	91-123	101-104, 106-111	83	214, 215	40 App.:1 note, 105, 201, 202, 207, 214, 302, 401, 403, 405
Nov. 26	91-126	(4th par. under heading "General Provisions").	83	228	313-2
Dec. 9	91-143	8	83	322	651, 652, 661, 663- 665, 671, 682-684
Dec. 12	91-145	(last par. under heading "Salaries")	83	350	166a
Dec. 29	91-171	617	83	483	483a
1970					
May 21	91-258	52(b)(5)	84	235	40 App.:214
June 30	91-297	201(e)	84	357	210a note
July 29	91-358	173(a)(1)	84	591	129a note
Aug. 12	91-375	6(m)	84	782	356, 474, 615, 723, 724
Aug. 18	91-382	(words before proviso (related to salary of Executive Assistant Architect of the Capitol) in 1st par. under heading "Salaries"), 1st complete par. on p. 818).	84	817, 818	166a, 166b-1
Sept. 1	91-393	1, 2, 4	84	835	255, 256, 258e
Sept. 26	91-426 .....	.....	84	883	481, 512
Oct. 17	91-466	2	84	990	521-524
Oct. 21	91-469	39	84	1036	270f
Oct. 22	91-485	2-4	84	1084	484
Oct. 26	91-510	451(a)	84	1193	193n-1
Oct. 27	91-513	1102(o)	84	1293	304m
Dec. 17	91-556	(4th par. under heading "General Provisions").	84	1448	313-2
1971					
Jan. 11	91-668	817	84	2033	483a
July 9	92-49	611	85	124	313-2
	92-51	(last par. under heading "Salaries")	85	137	166a
Aug. 5	92-65	201-204, 206, 208, 210-214	85	168, 169, 171	40 App.:1 note, 105, 106, 201, 201 note, 202, 207, 214, 223 note, 302, 401, 405
Dec. 18	92-204	717	85	730	483a
1972					
June 16	92-313	1-4, 7, 11	86	216, 221, 222	490, 601 note, 603, 603 notes, 606, 611
June 22	92-317	3(f)	86	235	14a
July 10	92-342	(last par. under heading "Salaries")	86	442	166a
Aug. 4	92-362	1	86	503	484
Oct. 21	92-520	1, 41	86	1019, 1026	601 note, 616 note
Oct. 26	92-570	717	86	1199	483a
Oct. 27	92-578	1-14, 16, 17	86	1266, 1274	871, 871 note, 872- 885
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July 10	93-72	87	169	607
Aug. 6	93-83	2	87	216	484
Nov. 1	93-145	(last par. under heading "Salaries")	87	540	166a
Dec. 24	93-198	203, 739(a)-(e), (e)-(g)(2), (7), (8), (h)-(j).	87	779, 825, 826, 829.	13n, 71a, 71c-71g, 136, 193a
Dec. 29	93-226 .....	.....	87	943	193a note
1974					
Jan. 2	93-238	717	87	1041	483a
Aug. 13	93-371	(last par. under heading "Salaries")	88	437	166a
Aug. 22	93-383	401(c)	88	691	460
Aug. 30	93-400	15	88	800	474, 487, 581
Oct. 1	93-427 .....	.....	88	1170	873, 876, 885
Oct. 8	93-437	817	88	1228	483a
Oct. 26	93-478 .....	.....	88	1449	802
Dec. 21	93-529	(par. under heading "Appalachian Regional Development Programs").	88	1711	40 App.:208 note
1975					
Jan. 2	93-594 .....	.....	88	1926	472
	93-599 .....	.....	88	1954	483
	93-604	701	88	1963	756
July 25	94-59	(3d par. under heading "Salaries")	89	287	166a
Aug. 9	94-82	204(b) "Sec. 203(d) (related to Assistant Architect of the Capitol)".	89	421	166b
	94-91	401	89	452	490a
Dec. 31	94-188	101-111, 113, 115-122, 124	89	1079, 1082, 1083, 1086.	40 App.:1 note, 2, 2 note, 101, 102, 105-107, 201, 201 note, 202, 207, 214, 223-225, 302, 303, 401, 405
1976					
Feb. 9	94-212	717	90	171	483a
Apr. 21	94-273	2(19), 21	90	375, 379	74, 756
Aug. 3	94-375	16(b)	90	1076	461 note
Aug. 14	94-388 .....	.....	90	1188	885
Sept. 22	94-419	717	90	1294	483a
Oct. 1	94-440	(last par. under heading "Salaries")	90	1452	166a
Oct. 17	94-519	1-5, 7-9	90	2451, 2456 ..	476, 483, 483c, 484, 484 note, 484e, 512
Oct. 18	94-541	105	90	2505	490, 601 note, 606, 611, 612a
1977					
Aug. 5	95-94	(2d par. under heading "Salaries")	91	672	166a
Sept. 21	95-111	817	91	902	483a
Nov. 18	95-193 .....	.....	91	1412	40 App.:202, 202 note
1978					
Sept. 30	95-391	(last par. under heading "Salaries")	92	781	166a
Oct. 10	95-431	(proviso in par. under heading "Care of the Building and Grounds").	92	1036	13a, 13b
Oct. 13	95-457	818	92	1247	483a
Oct. 20	95-491 .....	.....	92	1641	760, 760 note
Oct. 24	95-506 .....	.....	92	1756	491
Nov. 2	95-585 .....	.....	92	2484	270a
Nov. 6	95-598	325	92	2679	316
	95-599	138(a), (b)	92	2710	40 App.:201
Nov. 10	95-629	101	92	3635	872-875, 877, 885
1979					
July 25	96-38	(par. under heading "General Supply Fund").	93	124	756 note
July 30	96-41	3(d)	93	325	485
Aug. 15	96-60	203(e)	93	399	474
Oct. 10	96-83	10	93	652	474, 481, 487
Oct. 17	96-88	509(b)	93	695	40 App.:202
Dec. 14	96-146	1(2)	93	1086	166b
Dec. 20	96-152	1(b)	93	1099	
Dec. 21	96-154	718	93	1155	483a

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Oct. 8	96-399	402	94	1667	461 note
Oct. 10	96-432	2, 4, 6(e)	94	1852, 1853 ..	193a, 193a note, 193d note
Oct. 19	96-470	101(a), 202(a), 211	94	2237, 2242, 2246.	50, 514, 610
Dec. 8	96-506	3	94	2746	40 App.:105, 106, 201, 214, 401, 405
Dec. 12	96-514	108	94	2972	131 note
	96-515	505	94	3005	874 note
Dec. 15	96-527	718	94	3084	483a
Dec. 16	96-536	101(c) [H.R. 7593 (related to expenses of travel by the Office of the Architect of the Capitol)].	94	3167	166a
Dec. 18	96-545	2	94	3215	40 App.:202
Dec. 22	96-571	1-5	94	3341	795, 795 note, 795a- 795c
Dec. 28	96-610 .....	.....	94	3564	801 note, 802 note, 809
1981					
June 5	97-12	(par. under heading "General Supply Fund").	95	75	756 note, 756a
Aug. 6	97-31	12(12)-(15)	95	154	270f, 474, 483a, 484
Aug. 13	97-35	313(b), 1404, 1822(a)	95	398, 749, 767	461, 40 App.:105, 201, 401
Oct. 1	97-51	101(c) [H.R. 4120 (related to expenses of travel by the Office of the Architect of the Capitol)].	95	959	166a
Dec. 4	97-88	(par. under heading "Appalachian Regional Development Programs").	95	1146	40 App.:401 note
Dec. 22	97-98	1443	95	1321	483
Dec. 29	97-114	717	95	1581	483a
	97-125	1-3(2), (3) "Sees. 111-116(a)(1), (b), 117-119", 4.	95	1667, 1671 ..	801 note, 802, 811, 811 note, 812-819
1982					
Apr. 2	97-164	160(a)(13)	96	48	330
Oct. 2	97-276	101(e) [S. 2939 (related to expenses of travel by the Office of the Architect of the Capitol)].	96	1189	166a
Dec. 21	97-377	101(c) [title VII, § 717], (f) (related to programs authorized by the Appalachian Regional Development Act of 1965), 120.	96	1853, 1906, 1913.	483a, 490c note, 40 App.:401 note
Dec. 29	97-390	1	96	1957	13f, 13l, 13n, 13p
1983					
July 14	98-50	(par. under heading "Appalachian Regional Development Programs").	97	259	40 App.:401 note
	98-51	(par. under heading "Travel")	97	273	166a
July 30	98-63	101 (1st-9th sentences in par. under heading "Consumer Information Center Fund").	97	321	761
Oct. 31	98-141	8	97	910	872, 874, 875, 880, 885
Nov. 14	98-151	112	97	976	490c note
Nov. 30	98-181	126(a)(1)	97	1175	484b
Dec. 1	98-191	8(d), 9(a)(2.), (3)	97	1331	474, 481, 487
Dec. 8	98-212	716	97	1441	483a
1984					
Apr. 18	98-269 .....	.....	98	156	270c
July 16	98-360	(par. under heading "Appalachian Regional Development Programs").	98	418	40 App.:401 note
July 17	98-367	(par. under heading "Travel")	98	482	166a
July 18	98-369	2713(b)	98	1184	759 note
Oct. 12	98-473	101(h) [title VIII, § 8013], (j) [H.R. 5798, title IV, § 6, title V, § 507], 701, 702.	98	1925, 1963, 2129.	483a, 484, 490c note, 490d note
Oct. 19	98-524	4(c)(2)	98	2489	40 App.:214
1985					
Nov. 1	99-141	(par. under heading "Appalachian Regional Development Programs").	99	577	40 App.:401 note

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Nov. 13	99-151	(par. under heading "Travel")	99	800	166a
Dec. 19	99-190	101(h) [H.R. 3036, title IV, § 6, title V, § 507], 139.	99	1291, 1323	490b, 490c note, 490d note
Dec. 26	99-218 .....	.....	99	1729	13n
1986					
Apr. 7	99-272	15301-15313	100	335	901-913
Aug. 22	99-386	201, 207	100	822, 823	484
Oct. 16	99-492	1	100	1240	13n
Oct. 18	99-500	101(e) [title IV, par. under heading "Appalachian Regional Commission"], (j) [H.R. 5203 (related to use of appropriations for travel expenses)], (m) [title IV, § 6, title V, § 507, title VI, § 616, title VIII, §§ 821(a)(1), 832], 151.	100	1783-210, 1783-287, 1783-321, 1783-324, 1783-331, 1783-340, 1783-345, 1783-352.	166a, 490b, 490c note, 490d note, 751, 756b, 757, 40 App.:401 note
Oct. 30	99-591	101(e) [title IV, par. under heading "Appalachian Regional Commission"], (j) [H.R. 5203 (related to use of appropriations for travel expenses)], (m) [title IV, § 6, title V, § 507, title VI, § 616, title VIII, §§ 821(a)(1), 832], 151.	100	3341-210, 3341-287, 3341-321, 3341-324, 3341-331, 3341-340, 3341-345, 3341-355.	166a, 490b, 490c note, 490d note, 751, 756b, 757, 40 App.:401 note
Nov. 7	99-627	3	100	3509	512, 512 notes
Nov. 10	99-640	13(a)-(c)	100	3551	484d
Nov. 14	99-652 .....	.....	100	3650	1001, 1001 note, 1002-1010
	99-656	1	100	3668	258a, 258c-1
Nov. 17	99-662	945	100	4200	483d
1987					
July 22	100-77	502(a)	101	510	484
Aug. 21	100-113	1-6, 10	101	735, 747	1101, 1101 note, 1102-1105, 1109
Dec. 22	100-202	101(b) [title VIII, § 8093], (d) [title IV, par. under heading "Appalachian Regional Commission"], (f) [title II, § 3], (i) [title I, § 4 and par. under heading "Travel"], (m) [title IV, § 5, title V, § 507, title VI, §§ 616, 619].	101	1329-79, 1329-127, 1329-196, 1329-294, 1329-301, 1329-410, 1329-415, 1329-423, 1329-427.	166a, 490 note, 490b, 490c note, 490d note, 756 notes, 756b, 1003, 40 App.:401 note
1988					
Jan. 5	100-230	3	101	1564	1003
Jan. 8	100-235	1, 2, 5-8	101	1724, 1729	1441 note
Feb. 5	100-242	524	101	1939	462
July 19	100-370	1(k)(3)	102	849	483a
	100-371	(par. under heading "Appalachian Regional Commission").	102	871	40 App.:401 note
Aug. 22	100-415 .....	.....	102	1104	885
Aug. 23	100-418	5115(c)	102	1433	490
Sept. 22	100-440	5, 11, 507	102	1741, 1742, 1747.	490a-1 note, 490c note, 490d note
Oct. 1	100-458	(par. under heading "Travel")	102	2169	166a
Oct. 7	100-480 .....	.....	102	2328	816, 1201, 1201 note, 1202-1208
Oct. 28	100-542 .....	.....	102	2721	762, 762 note, 762a-762d
Nov. 5	100-612 .....	.....	102	3180	471 note, 481, 484, 485, 488, 493
Nov. 15	100-656	742	102	3897	541
Nov. 17	100-678	1-8	102	4049	278a, 318-318b, 601 note, 603, 606, 617-619, 619 note
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Nov. 3	101-136	5, 7, 9, 22, 25, 506	103	802, 803, 807, 808, 812.	490a-1, 490c note, 490d, 490e, 491 note, 757
Nov. 21	101-162	(proviso in par. under heading "Care of the Building and Grounds").	103	1010	13a note
	101-163	(par. under heading "Travel"), 106(a), (b).	103	1055, 1056 ..	166a, 166b-1
1990					
Oct. 15	101-427 .....	.....	104	927	40 App.:221
Oct. 17	101-434 .....	.....	104	985	40 App.:403
Oct. 25	101-462 .....	.....	104	1079	13n
Nov. 5	101-509	8, 15, 507	104	1414, 1415, 1423.	490c note, 490f, 490g note
	101-510	2805	104	1786	485
	101-514	(par. under heading "Appalachian Regional Commission").	104	2095	40 App.:401 note
	101-520	(par. under heading "Travel")	104	2266	166a
1991					
June 13	102-54	13(o)	105	278	612
Aug. 14	102-90	(par. under heading "Travel"), 312(f) ..	105	458, 469	166a, 184b-184f
Aug. 17	102-104	(par. under heading "Appalachian Regional Commission").	105	533	40 App.:401 note
Oct. 28	102-141	7, 11, 505	105	856, 862	490c note, 490f, 490g note
Dec. 11	102-216 .....	.....	105	1666	1010, 1010 note
	102-219	1	105	1673	885
Dec. 18	102-240	1087	105	2022	40 App.:403
1992					
Aug. 7	102-336 .....	.....	106	864	193v
Oct. 2	102-377	(par. under heading "Appalachian Regional Commission").	106	1339	40 App.:401 note
Oct. 6	102-392	(par. under heading "Travel"), 311, 318, 324.	106	1714, 1723, 1724, 1726.	166a, 193a note, 1204, 1205, 1207
	102-393	5, 13, 505, 528	106	1750, 1751, 1757, 1760.	490b, 490c note, 490f, 490g
Oct. 23	102-439	1	106	2223	885
Oct. 24	102-486	153	106	2851	490
1993					
Feb. 8	103-4	1	107	30	1201 note
Aug. 11	103-69	(par. under heading "Travel")	107	702	166a
Sept. 21	103-82	202(f)	107	888	484
Oct. 28	103-123	5, 7, 505	107	1246, 1247, 1252.	485, 490c note, 755a
	103-126	(par. under heading "Appalachian Regional Commission").	107	1331	40 App.:401 note
Nov. 30	103-160	2927	107	1932	484
Dec. 14	103-193 .....	.....	107	2293	13n
1994					
July 21	103-279	9	108	1416	193r, 193u, 193v
July 22	103-283	(par. under heading "Travel")	108	1434	166a
Aug. 26	103-316	(par. under heading "Appalachian Regional Commission").	108	1720	40 App.:401 note
	103-321	2	108	1793	1001 note, 1002, 1003, 1006-1010
Sept. 30	103-329	(par. under heading "Payment of Government Losses in Shipment"), 505, 611.	108	2387, 2409, 2418.	486a, 490c note, 722a

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1995					
Nov. 13	104-46	(par. under heading “Appalachian Regional Commission”).	109	416	40 App.:401 note
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Nov. 19	104-52	5, 503, 611	109	486, 491, 499	486a, 490c, 490h
	104-53	(par. under heading “Travel”)	109	527	166a
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Dec. 22	104-68	1	109	766	1101 note
1996					
Feb. 10	104-106	1502(f)(7), 2818(b), 4321(i)(8), 5001, 5002, 5101, 5111-5113, 5121-5124, 5125(b)-(d), 5126-5128, 5131(a)-(d), 5132, 5141, 5142, 5201, 5301-5305, 5311, 5312, 5401-5403, 5607(b), 5608(a), 5701.	110	510, 555, 676, 679, 685, 686, 689, 691, 701, 702.	270a note, 485, 759, 1401, 1401 notes, 1411-1413, 1421-1428, 1441, 1441 note, 1442, 1451, 1452, 1461, 1471-1475, 1491, 1492, 1501-1503
Apr. 24	104-132	803	110	1305	137
Apr. 26	104-134	101(e) [title I, proviso in 1st par. under heading “John F. Kennedy Center for the Performing Arts”, title III, § 313].	110	1321-193, 1321-198.	193n, 872, 872 note
Aug. 6	104-182	306	110	1685	45 note
Aug. 20	104-186	221(15), (18)	110	1750	756b, 1003
Sept. 16	104-197	(par. under heading “Travel”)	110	2404	166a
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Sept. 26	104-204	(2d proviso under heading “Consumer Information Center Fund”).	110	2916	761a
Sept. 30	104-206	(par. under heading “Appalachian Regional Commission”).	110	3000	40 App.:401 note
Sept. 30	104-208	101(f) [title VI, § 640]	110	3009-365	1411 note
	104-208	101(e) [title VII, § 709(a)(4), (5), (f) [title IV, 3d-6th provisos on p. 3009-335, § 407, title VI, § 611, title VIII, § 808(b)].	110	3009-312, 3009-335, 3009-337, 3009-355, 3009-394.	276d-3, 486a, 490, 612, 872 note, 1401 note, 40 App.:214
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1997					
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Oct. 27	105-65	(last proviso in par. under heading “Consumer Information Center Fund”).	111	1377	761a
Nov. 14	105-83	(last proviso in par. under heading “National Capital Planning Commission”).	111	1589	71a note
Nov. 18	105-85	850(f)(2), 852, 1073(h)(4)	111	1849, 1851, 1907.	1441 note, 1492, 1501
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Aug. 7	105-220	199(a)(4)	112	1059	40 App.:211
Oct. 7	105-245	(par. under heading "Appalachian Regional Commission").	112	1854	40 App.:401 note
Oct. 21	105-277	101(h) [title IV, 6th and 9th provisos on p. 2681-502, title VI, §§ 603, 630], 1335(h).	112	2681-502, 2681-513, 2681-522, 2681-788.	490 note, 490b note, 490i, 1106
Oct. 31	105-332	3(g)	112	3126	40 App.:214
Nov. 10	105-362	401(g)	112	3282	795d
Nov. 13	105-393	201-220(e)(1), 221, 222	112	3618, 3625	40 App.:1 note, 2, 101, 105, 106, 202-208, 211-214, 224, 226, 302, 401, 405
1999 Aug. 17	106-49	113	231	270a, 270a notes, 270b
Sept. 29	106-60	(par. under heading "Appalachian Regional Commission").	113	498	40 App.:401 note
Oct. 5	106-65	1067(18)	113	775	485
Oct. 22	106-78	752(b)(14)	113	1170	474
Nov. 29	106-113	1000(a)(5) [§ 233(a)]	113	1501A-301	484
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Nov. 13	106-518	313	114	2421	13n
Dec. 21	106-554	1(a)(3) [§ 643], (7) [§ 307(a)]	114	2763A-169, 2763A-635.	258e-1, 490b
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Passed the House of Representatives June 11, 2002.

Attest:

Clerk.