

# House Calendar No. 161

107<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 2068

[Report No. 107-479]

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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## IN THE HOUSE OF REPRESENTATIVES

JUNE 6, 2001

Mr. SENSENBRENNER introduced the following bill; which was referred to the Committee on the Judiciary

MAY 20, 2002

Additional sponsor: Mr. CONYERS

MAY 20, 2002

Reported with an amendment, referred to the House Calendar, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italics]

[For text of introduced bill, see copy of bill as introduced on June 6, 2001]

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## A BILL

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 public*  
 3 *buildings, property, and works, are revised, codified, and enacted as title 40,*  
 4 *United States Code, “Public Buildings, Property, and Works”, as follows:*

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

<i>SUBTITLE</i>	<i>Sec.</i>
I. FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES .....	101
II. PUBLIC BUILDINGS AND WORKS .....	3101
III. INFORMATION TECHNOLOGY MANAGEMENT .....	11101
IV. APPALACHIAN REGIONAL DEVELOPMENT .....	14101
V. MISCELLANEOUS .....	17101

7 **SUBTITLE I—FEDERAL PROPERTY AND**  
 8 **ADMINISTRATIVE SERVICES**

<i>CHAPTER</i>	<i>Sec.</i>
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9 **CHAPTER 1—GENERAL**

*SUBCHAPTER I—PURPOSE AND DEFINITIONS*

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 102. *Definitions.*

*SUBCHAPTER II—SCOPE*

111. *Application to Federal Property and Administrative Services Act of 1949.*  
 112. *Applicability of certain policies, procedures, and directives in effect on July 1, 1949.*  
 113. *Limitations.*

*SUBCHAPTER III—ADMINISTRATIVE AND GENERAL*

121. *Administrative.*  
 122. *Prohibition on sex discrimination.*  
 123. *Civil remedies for fraud.*  
 124. *Agency use of amounts for property management.*  
 125. *Library memberships.*  
 126. *Reports to Congress.*

10 *SUBCHAPTER I—PURPOSE AND DEFINITIONS*

11 **§ 101. Purpose**

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

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

1           *and procedures, and representation before federal and state regulatory*  
 2           *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” includes—*

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

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

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

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

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

27          (3) *EXCESS PROPERTY.*—*The term “excess property” means property*  
 28          *under the control of a federal agency that the head of the agency deter-*  
 29          *mines is not required to meet the agency’s needs or responsibilities.*

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

31                (A) *an executive department or independent establishment in the*  
 32                *executive branch of the Government; and*

33                (B) *a wholly owned Government corporation.*

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

39          (6) *FOREIGN EXCESS PROPERTY.*—*The term “foreign excess property”*  
 40          *means excess property that is not located in the States of the United*  
 41          *States, the District of Columbia, Puerto Rico, American Samoa, Guam,*

1 *the Northern Mariana Islands, the Federated States of Micronesia, the*  
2 *Marshall Islands, Palau, and the Virgin Islands.*

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

7 (A) *a vehicle designed or used for military field training, combat,*  
8 *or tactical purposes, or used principally within the confines of a*  
9 *regularly established military post, camp, or depot; and*

10 (B) *a vehicle regularly used by an agency to perform investiga-*  
11 *tive, law enforcement, or intelligence duties, if the head of the agen-*  
12 *cy determines that exclusive control of the vehicle is essential for ef-*  
13 *fective performance of duties.*

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

17 (9) *PROPERTY.*—*The term “property” means any interest in property*  
18 *except—*

19 (A)(i) *the public domain;*

20 (ii) *land reserved or dedicated for national forest or national*  
21 *park purposes;*

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

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

32 (B) *naval vessels that are battleships, cruisers, aircraft carriers,*  
33 *destroyers, or submarines; and*

34 (C) *records of the Government.*

35 (10) *SURPLUS PROPERTY.*—*The term “surplus property” means excess*  
36 *property that the Administrator determines is not required to meet the*  
37 *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(c) of this title.*  
20 (14) *Section 124 of this title.*  
21 (15) *Section 126 of this title.*  
22 (16) *Section 311(c) 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 direc-**  
34 **tives in effect on July 1, 1949**

35 (a) *IN GENERAL.*—A policy, procedure, or directive described in subsection  
36 (b) remains in effect until superseded or amended under this subtitle or other  
37 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 prescribed  
40 by—

1           (1) *the Director of the Bureau of Federal Supply or the Secretary of*  
 2 *the Treasury and that related to a function transferred to or vested in*  
 3 *the Administrator of General Services on June 30, 1949, by the Federal*  
 4 *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 re-*  
 7 *lated to surplus property or foreign excess property;*

8           (3) *the Federal Works Administrator or the head of a constituent agen-*  
 9 *cy of the Federal Works Agency; or*

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

### 13 **§113. Limitations**

14          (a) *IN GENERAL.—Except as otherwise provided in this section, the author-*  
 15 *ity conferred by this subtitle is in addition to any other authority conferred*  
 16 *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 Office*  
 19 *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 Representa-*  
 28 *tives, and the Architect of the Capitol on their request. If payment would be*  
 29 *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, trans-*  
 41 *fer to foreign governments, or foreign aid, relief, or rehabilitation, but*

1        *the agency carrying out the program shall, to the maximum extent prac-*  
2        *ticable, consistent with the purposes of the program and the effective, effi-*  
3        *cient conduct of agency business, coordinate its operations with the re-*  
4        *quirements of this subtitle and with policies and regulations prescribed*  
5        *under this subtitle;*

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

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

10          (5) *the Secretary of Defense with respect to the administration of sec-*  
11        *tion 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 U.S.C.*  
19        *1751 et seq.);*

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

22            (C) *section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), with*  
23        *respect to the exportation and domestic consumption of agricultural*  
24        *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 U.S.C.*  
30        *2001 et seq.), with respect to the acquisition or disposal of property;*

31          (10) *the Secretary of Housing and Urban Development or the Federal*  
32        *Deposit Insurance Corporation (or an officer of the Corporation) with*  
33        *respect to the disposal of—*

34            (A) *residential property; or*

35            (B) *other property—*

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

38                  (ii) *held in connection with the insurance of mortgages,*  
39                  *loans, or savings association accounts under the National*  
40                  *Housing Act (12 U.S.C. 1701 et seq.), the Federal Deposit In-*  
41                  *surance Act (12 U.S.C. 1811 et seq.), or any other law;*

1           (11) *the Tennessee Valley Authority with respect to nonpersonal serv-*  
 2 *ices, with respect to section 501(c) of this title, and with respect to prop-*  
 3 *erty acquired in connection with a program of processing, manufacture,*  
 4 *production, or force account construction, but the Authority shall, to the*  
 5 *maximum extent it considers practicable, consistent with the purposes of*  
 6 *its program and the effective, efficient conduct of its business, coordinate*  
 7 *its operations with the requirements of this subtitle and with policies*  
 8 *and regulations prescribed under this subtitle;*

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

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

14          (14) *the United States Postal Service;*

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

28          (16) *the Central Intelligence Agency;*

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

30          (18) *the Secretary of the Interior with respect to procurement for pro-*  
 31 *gram operations under the Bonneville Project Act of 1937 (16 U.S.C. 832*  
 32 *et seq.); or*

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

### 35           SUBCHAPTER III—ADMINISTRATIVE AND GENERAL

#### 36   **§ 121. Administrative**

37          (a) *POLICIES PRESCRIBED BY THE PRESIDENT.—The President may pre-*  
 38 *scribe policies and directives that the President considers necessary to carry*  
 39 *out this subtitle. The policies must be consistent with this subtitle.*

40          (b) *ACCOUNTING PRINCIPLES AND STANDARDS.—*

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

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

9           (3) *COMPLIANCE REVIEW.*—*From time to time the Comptroller Gen-*  
 10 *eral shall examine the property accounting systems established by execu-*  
 11 *tive agencies to determine the extent of compliance with prescribed prin-*  
 12 *ciples and standards and approved systems. The Comptroller General*  
 13 *shall report to Congress any failure to comply with the principles and*  
 14 *standards or to adequately account for property.*

15 (c) *REGULATIONS BY ADMINISTRATOR.*—

16           (1) *GENERAL AUTHORITY.*—*The Administrator may prescribe regula-*  
 17 *tions to carry out this subtitle.*

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

23 (d) *DELEGATION OF AUTHORITY BY ADMINISTRATOR.*—

24           (1) *IN GENERAL.*—*Except as provided in paragraph (2), the Adminis-*  
 25 *trator may delegate authority conferred on the Administrator by this*  
 26 *subtitle to an official in the General Services Administration or to the*  
 27 *head of another federal agency. The Administrator may authorize succes-*  
 28 *sive redelegation of authority conferred by this subtitle.*

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

30                   (A) *the authority to prescribe regulations on matters of policy ap-*  
 31 *plying to executive agencies;*

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

35                   (C) *other authority for which delegation is prohibited by this sub-*  
 36 *title.*

37           (3) *RETENTION AND USE OF RENTAL PAYMENTS.*—*A department or*  
 38 *agency to which the Administrator has delegated authority to operate,*  
 39 *maintain or repair a building or facility under this subsection shall re-*  
 40 *tain the portion of the rental payment that the Administrator determines*  
 41 *is available to operate, maintain or repair the building or facility. The*

1        *department or agency shall directly expend the retained amounts to oper-*  
 2        *ate, maintain, or repair the building or facility. Any amounts retained*  
 3        *under this paragraph shall remain available until expended for these*  
 4        *purposes.*

5        (e) *ASSIGNMENT OF FUNCTIONS BY ADMINISTRATOR.—*

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

9                    (A) *The Administrator may direct the Administration to perform*  
 10                    *the function.*

11                    (B) *The Administrator may designate or establish a component*  
 12                    *of the Administration and direct the component to perform the func-*  
 13                    *tion.*

14                    (C) *The Administrator may transfer the function from one com-*  
 15                    *ponent of the Administration to another.*

16                    (D) *The Administrator may direct an executive agency to per-*  
 17                    *form the function for itself, with the consent of the agency or by di-*  
 18                    *rection of the President.*

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

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

24        (2) *TRANSFER OF RESOURCES.—*

25                    (A) *WITHIN ADMINISTRATION.—If the Administrator transfers a*  
 26                    *function from one component of the Administration to another, the*  
 27                    *Administrator may also provide for the transfer of appropriate allo-*  
 28                    *cated amounts from the component that previously carried out the*  
 29                    *function to the component being directed to carry out the function.*  
 30                    *A transfer under this subparagraph must be reported to the Director*  
 31                    *of the Office of Management and Budget.*

32                    (B) *BETWEEN AGENCIES.—If the Administrator transfers a func-*  
 33                    *tion from one executive agency to another (including a transfer to*  
 34                    *or from the Administration), the Administrator may also provide*  
 35                    *for the transfer of appropriate personnel, records, property, and al-*  
 36                    *located amounts from the executive agency that previously carried*  
 37                    *out the function to the executive agency being directed to carry out*  
 38                    *the function. A transfer under this subparagraph is subject to ap-*  
 39                    *proval by the Director.*

40        (f) *ADVISORY COMMITTEES.—The Administrator may establish advisory*  
 41        *committees to provide advice on any function of the Administrator under this*

1 subtitle. Members of the advisory committees shall serve without compensation  
 2 but are entitled to transportation and not more than \$25 a day instead of  
 3 expenses under section 5703 of title 5.

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

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

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

11 (a) *PROHIBITION.*—With respect to a program or activity carried on or re-  
 12 ceiving federal assistance under this subtitle, an individual may not be ex-  
 13 cluded from participation, denied benefits, or otherwise discriminated against  
 14 based on sex.

15 (b) *ENFORCEMENT.*—Subsection (a) shall be enforced through agency provi-  
 16 sions and rules similar to those already established with respect to racial and  
 17 other discrimination under title VI of the Civil Rights Act of 1964 (42 U.S.C.  
 18 2000d et seq.). However, this remedy is not exclusive and does not prejudice  
 19 or remove any other legal remedies available to an individual alleging dis-  
 20 crimination.

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

22 (a) *IN GENERAL.*—In connection with the procurement, transfer or disposi-  
 23 tion of property under this subtitle, a person that uses or causes to be used,  
 24 or enters into an agreement, combination, or conspiracy to use or cause to  
 25 be used, a fraudulent trick, scheme, or device for the purpose of obtaining or  
 26 aiding to obtain, for any person, money, property, or other benefit from the  
 27 Federal Government—

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

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

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

32 (C) the cost of suit;

33 (2) if the Government elects, shall pay to the Government, as liq-  
 34 uidated damages, an amount equal to two times the consideration that  
 35 the Government agreed to give to the person, or that the person agreed  
 36 to give to the Government; or

37 (3) if the Government elects, shall restore to the Government the money  
 38 or property fraudulently obtained, with the Government retaining as liq-  
 39 uidated damages, the money, property, or other consideration given to  
 40 the Government.

1 (b) *ADDITIONAL REMEDIES AND CRIMINAL PENALTIES.*—*The civil remedies*  
 2 *provided in this section are in addition to all other civil remedies and crimi-*  
 3 *nal penalties provided by law.*

4 (c) *IMMUNITY OF GOVERNMENT OFFICIALS.*—*An officer or employee of the*  
 5 *Government is not liable (except for an individual’s own fraud) or account-*  
 6 *able for collection of a purchase price that is determined to be uncollectible*  
 7 *by the federal agency responsible for property if the property is transferred*  
 8 *or disposed of in accordance with this subtitle and with regulations prescribed*  
 9 *under this subtitle.*

10 (d) *JURISDICTION AND VENUE.*—

11 (1) *DEFINITION.*—*In this subsection, the term “district court” means*  
 12 *a district court of the United States or a district court of a territory*  
 13 *or possession of the United States.*

14 (2) *IN GENERAL.*—*A district court has original jurisdiction of an ac-*  
 15 *tion arising under this section, and venue is proper, if at least one de-*  
 16 *fendant resides or may be found in the court’s judicial district. Jurisdic-*  
 17 *tion and venue are determined without regard to the place where acts*  
 18 *were committed.*

19 (3) *ADDITIONAL DEFENDANT OUTSIDE JUDICIAL DISTRICT.*—*A defend-*  
 20 *ant that does not reside and may not be found in the court’s judicial*  
 21 *district may be brought in by order of the court, to be served personally,*  
 22 *by publication, or in another reasonable manner directed by the court.*

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

24 *Amounts appropriated, allocated, or available to a federal agency for pur-*  
 25 *poses similar to the purposes in section 121 of this title or subchapter I (ex-*  
 26 *cept section 506), II, or III of chapter 5 of this title may be used by the agen-*  
 27 *cy for the disposition of property under this subtitle, and for the care and*  
 28 *handling of property pending the disposition, if the Director of the Office of*  
 29 *Management and Budget authorizes the use.*

30 **§ 125. Library memberships**

31 *Amounts appropriated may be used, when authorized by the Administrator*  
 32 *of General Services, for payment in advance for library memberships in soci-*  
 33 *eties whose publications are available to members only, or to members at a*  
 34 *lower price than that charged to the general public.*

35 **§ 126. Reports to Congress**

36 *The Administrator of General Services, at times the Administrator con-*  
 37 *siders desirable, shall submit a report to Congress on the administration of*  
 38 *this subtitle. The report shall include any recommendation for amendment of*  
 39 *this subtitle that the Administrator considers appropriate and shall identify*  
 40 *any law that is obsolete because of the enactment or operation of this subtitle.*

1       **CHAPTER 3—ORGANIZATION OF GENERAL SERVICES**  
 2                                   **ADMINISTRATION**

                                  SUBCHAPTER I—GENERAL

Sec.

301. *Establishment.*  
 302. *Administrator and Deputy Administrator.*  
 303. *Functions.*  
 304. *Federal information centers.*

                                  SUBCHAPTER II—ADMINISTRATIVE

311. *Personnel.*  
 312. *Transfer and use of amounts for major equipment acquisitions.*  
 313. *Tests of materials.*

                                  SUBCHAPTER III—FUNDS

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

3                                   SUBCHAPTER I—GENERAL

4       **§301. Establishment**

5       *The General Services Administration is an agency in the executive branch*  
 6       *of the Federal Government.*

7       **§302. Administrator and Deputy Administrator**

8       (a) *ADMINISTRATOR.*—*The Administrator of General Services is the head*  
 9       *of the General Services Administration. The Administrator is appointed by*  
 10       *the President with the advice and consent of the Senate. The Administrator*  
 11       *shall perform functions subject to the direction and control of the President.*

12       (b) *DEPUTY ADMINISTRATOR.*—*The Administrator shall appoint a Deputy*  
 13       *Administrator of General Services. The Deputy Administrator shall perform*  
 14       *functions designated by the Administrator. The Deputy Administrator is Act-*  
 15       *ing Administrator of General Services during the absence or disability of the*  
 16       *Administrator and, unless the President designates another officer of the Fed-*  
 17       *eral Government, when the office of Administrator is vacant.*

18       **§303. Functions**

19       (a) *BUREAU OF FEDERAL SUPPLY.*—

20               (1) *TRANSFER OF FUNCTIONS.*—*Subject to paragraph (2), the func-*  
 21               *tions of the Administrator of General Services include functions related*  
 22               *to the Bureau of Federal Supply in the Department of the Treasury that,*  
 23               *immediately before July 1, 1949, were functions of—*

24                               (A) *the Bureau;*

25                               (B) *the Director of the Bureau;*

26                               (C) *the personnel of the Bureau; or*

27                               (D) *the Secretary of the Treasury.*

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



1 *Administration for operating expenses and salaries and expenses may be*  
 2 *transferred and merged into the “Major equipment acquisitions and develop-*  
 3 *ment activity” of the Salaries and Expenses, General Management and Ad-*  
 4 *ministration appropriation account for—*

5 (1) *agency-wide acquisition of capital equipment, automated data*  
 6 *processing systems; and*

7 (2) *financial management and management information systems need-*  
 8 *ed to implement the Chief Financial Officers Act of 1990 (Public Law*  
 9 *101–576, 104 Stat. 2838) and other laws or regulations.*

10 (b) *REQUIREMENTS AND AVAILABILITY.—*

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

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

17 (3) *AVAILABILITY.—An amount transferred under this section remains*  
 18 *available until expended.*

19 **§313. Tests of materials**

20 (a) *SCOPE.—This section applies to any article or commodity tendered by*  
 21 *a producer or vendor for sale or lease to the General Services Administration*  
 22 *or to any procurement authority acting under the direction and control of*  
 23 *the Administrator of General Services pursuant to this subtitle.*

24 (b) *AUTHORITY TO CONDUCT TESTS.—The Administrator, in the Adminis-*  
 25 *trator’s discretion and with the consent of the producer or vendor, may have*  
 26 *tests conducted, in a manner the Administrator specifies, to—*

27 (1) *determine whether an article or commodity conforms to prescribed*  
 28 *specifications and standards; or*

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

30 (c) *FEEES.—*

31 (1) *IN GENERAL.—The Administrator shall charge the producer or*  
 32 *vendor a fee for the tests.*

33 (2) *AMOUNT OF FEE IF TESTS PREDOMINANTLY SERVE INTEREST OF*  
 34 *PRODUCER OR VENDOR.—If the Administrator determines that con-*  
 35 *ducting the tests predominantly serves the interest of the producer or ven-*  
 36 *dor, the Administrator shall fix the fee in an amount that will recover*  
 37 *the costs of conducting the tests, including all components of the costs,*  
 38 *determined in accordance with accepted accounting principles.*

39 (3) *AMOUNT OF FEE IF TESTS DO NOT PREDOMINANTLY SERVE INTER-*  
 40 *EST OF PRODUCER OR VENDOR.—If the Administrator determines that*  
 41 *conducting the tests does not predominantly serve the interest of the pro-*



1           (C) *paying other direct costs of, and indirect costs that are rea-*  
 2           *sonably related to, contracting, procurement, inspection, storage,*  
 3           *management, distribution, and accountability of property and non-*  
 4           *personal services provided by the General Services Administration*  
 5           *or by special order through the Administration.*

6           (2) *OTHER USES.—The Fund may be used for the procurement of per-*  
 7           *sonal property and nonpersonal services authorized to be acquired by—*

8                   (A) *mixed-ownership Government corporations;*

9                   (B) *the municipal government of the District of Columbia; or*

10                  (C) *a requisitioning non-federal agency when the function of a*  
 11                  *federal agency authorized to procure for it is transferred to the Ad-*  
 12                  *ministration.*

13       (d) *PAYMENT FOR PROPERTY AND SERVICES.—*

14           (1) *IN GENERAL.—For property or services procured through the Fund*  
 15           *for requisitioning agencies, the agencies shall pay prices the Adminis-*  
 16           *trator fixes under this subsection.*

17           (2) *PRICES FIXED BY ADMINISTRATOR.—The Administrator shall fix*  
 18           *prices at levels sufficient to recover—*

19                   (A) *so far as practicable—*

20                           (i) *the purchase price;*

21                           (ii) *the transportation cost;*

22                           (iii) *inventory losses;*

23                           (iv) *the cost of personal services employed directly in the re-*  
 24                           *pair, rehabilitation, and conversion of personal property; and*

25                           (v) *the cost of amortization and repair of equipment used for*  
 26                           *lease or rent to executive agencies; and*

27                   (B) *properly allocable costs payable by the Fund under subsection*  
 28                   *(c)(1)(C).*

29           (3) *TIMING OF PAYMENTS.—*

30                   (A) *PAYMENT IN ADVANCE.—A requisitioning agency shall pay in*  
 31                   *advance when the Administrator determines that there is insuffi-*  
 32                   *cient capital otherwise available in the Fund. Payment in advance*  
 33                   *may also be made under an agreement between a requisitioning*  
 34                   *agency and the Administrator.*

35                   (B) *PROMPT REIMBURSEMENT.—If payment is not made in ad-*  
 36                   *vance, the Administration shall be reimbursed promptly out of*  
 37                   *amounts of the requisitioning agency in accordance with accounting*  
 38                   *procedures approved by the Comptroller General.*

39                   (C) *FAILURE TO MAKE PROMPT REIMBURSEMENT.—The Adminis-*  
 40                   *trator may obtain reimbursement by the issuance of transfer and*  
 41                   *counterwarrants, or other lawful transfer documents, supported by*

1            *itemized invoices, if payment is not made by a requisitioning agen-*  
 2            *cy within 45 days after the later of—*

3                    *(i) the date of billing by the Administrator; or*

4                    *(ii) the date on which actual liability for personal property*  
 5                    *or services is incurred by the Administrator.*

6            *(e) REIMBURSEMENT FOR EQUIPMENT PURCHASED FOR CONGRESS.—The*  
 7            *Administrator may accept periodic reimbursement from the Senate and from*  
 8            *the House of Representatives for the cost of any equipment purchased for the*  
 9            *Senate or the House of Representatives with money from the Fund. The*  
 10           *amount of each periodic reimbursement shall be computed by amortizing the*  
 11           *total cost of each item of equipment over the useful life of the equipment, as*  
 12           *determined by the Administrator, in consultation with the Sergeant at Arms*  
 13           *and Doorkeeper of the Senate or the Chief Administrative Officer of the House*  
 14           *of Representatives, as appropriate.*

15           *(f) TREATMENT OF SURPLUS.—*

16                    *(1) SURPLUS DEPOSITED IN TREASURY.—As of September 30 of each*  
 17                    *year, any surplus in the Fund above the amounts transferred or appro-*  
 18                    *priated to establish and maintain the Fund (all assets, liabilities, and*  
 19                    *prior losses considered) shall be deposited in the Treasury as miscella-*  
 20                    *neous receipts.*

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

25           *(g) AUDITS.—The Comptroller General shall audit the Fund in accordance*  
 26           *with the provisions of chapter 35 of title 31 and report the results of the au-*  
 27           *dits.*

## 28           **§322. Information Technology Fund**

29           *(a) EXISTENCE.—There is an Information Technology Fund in the Treas-*  
 30           *ury.*

31           *(b) COST AND CAPITAL REQUIREMENTS.—*

32                    *(1) IN GENERAL.—The Administrator of General Services shall deter-*  
 33                    *mine the cost and capital requirements of the Fund for each fiscal year.*  
 34                    *The cost and capital requirements may include amounts—*

35                            *(A) needed to purchase (if the Administrator has determined that*  
 36                            *purchase is the least costly alternative) information processing and*  
 37                            *transmission equipment, software, systems, and operating facilities*  
 38                            *necessary to provide services;*

39                            *(B) resulting from operations of the Fund, including the net pro-*  
 40                            *ceeds from the disposal of excess or surplus personal property and*

1            *receipts from carriers and others for loss or damage to property;*  
 2            *and*

3            *(C) that are appropriated, authorized to be transferred, or other-*  
 4            *wise made available to the Fund.*

5            *(2) SUBMITTING PLANS TO OFFICE OF MANAGEMENT AND BUDGET.—*  
 6            *The Administrator shall submit plans concerning the cost and capital re-*  
 7            *quirements determined under this section, and other information as may*  
 8            *be requested, for review and approval by the Director of the Office of*  
 9            *Management and Budget. Plans submitted under this section fulfill the*  
 10           *requirements of sections 1512 and 1513 of title 31.*

11           *(3) ADJUSTMENTS.—Any change to the cost and capital requirements*  
 12           *of the Fund for a fiscal year shall be made in the same manner as the*  
 13           *initial fiscal year determination.*

14           *(c) USE.—*

15           *(1) IN GENERAL.—The Fund is available for expenses, including per-*  
 16           *sonal services and other costs, and for procurement (by lease, purchase,*  
 17           *transfer, or otherwise) to efficiently provide information technology re-*  
 18           *sources to federal agencies and to efficiently manage, coordinate, operate,*  
 19           *and use those resources.*

20           *(2) SPECIFICALLY INCLUDED ITEMS.—Information technology re-*  
 21           *sources provided under this section include information processing and*  
 22           *transmission equipment, software, systems, operating facilities, supplies,*  
 23           *and related services including maintenance and repair.*

24           *(3) CANCELLATION COSTS.—Any cancellation costs incurred for a con-*  
 25           *tract entered into under subsection (e) shall be paid from money cur-*  
 26           *rently available in the Fund.*

27           *(4) NO FISCAL YEAR LIMITATION.—The Fund is available without fis-*  
 28           *cal year limitation.*

29           *(d) CHARGES TO AGENCIES.—If the Director approves plans submitted by*  
 30           *the Administrator under subsection (b), the Administrator shall establish*  
 31           *rates, consistent with the approval, to be charged to agencies for information*  
 32           *technology resources provided through the Fund.*

33           *(e) CONTRACT AUTHORITY.—*

34           *(1) IN GENERAL.—In operating the Fund, the Administrator may*  
 35           *enter into multiyear contracts, not longer than 5 years, to provide infor-*  
 36           *mation technology hardware, software, or services if—*

37           *(A) amounts are available and adequate to pay the costs of the*  
 38           *contract for the first fiscal year and any costs of cancellation or ter-*  
 39           *mination;*

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

41           *(C) the Administrator determines that—*

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

4           (ii) the use of the multiyear contract will yield substantial  
5           cost savings when compared with other methods of providing  
6           the necessary resources; and

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

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

12          (f) *TRANSFER OF UNCOMMITTED BALANCE.*—After the close of each fiscal  
13          year, any uncommitted balance remaining in the Fund, after making provi-  
14          sion for anticipated operating needs as determined by the Office of Manage-  
15          ment and Budget, shall be transferred to the Treasury as miscellaneous re-  
16          ceipts.

17          (g) *ANNUAL REPORT.*—The Administrator shall report annually to the Di-  
18          rector on the operation of the Fund. The report must address the inventory,  
19          use, and acquisition of information processing equipment and identify any  
20          proposed increases to the capital of the Fund.

### 21          **§ 323. Consumer Information Center Fund**

22          (a) *EXISTENCE.*—There is in the Treasury a Consumer Information Center  
23          Fund, General Services Administration, for the purpose of disseminating Fed-  
24          eral Government consumer information to the public and for other related  
25          purposes.

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

27               (1) appropriations from the Treasury for Consumer Information Cen-  
28               ter activities;

29               (2) user fees from the public;

30               (3) reimbursements from other federal agencies for costs of distributing  
31               publications; and

32               (4) any other income incident to Center activities.

33          (c) *EXPENDITURES.*—Money deposited into the Fund is available for ex-  
34          penditure for Center activities in amounts specified in appropriation laws.  
35          The Fund shall assume all liabilities, obligations, and commitments of the  
36          Center account.

37          (d) *UNOBLIGATED BALANCES.*—Any unobligated balances at the end of a  
38          fiscal year remain in the Fund and are available for authorization in appro-  
39          priation laws for subsequent fiscal years.

40          (e) *GIFT ACCOUNT.*—The Center may accept and deposit to this account  
41          gifts for purposes of defraying the costs of printing, publishing, and distrib-

1     uting consumer information and educational materials and undertaking other  
 2     consumer information activities. In addition to amounts appropriated or oth-  
 3     erwise made available, the Center may expend the gifts for these purposes and  
 4     any balance remains available for expenditure.

5                   **CHAPTER 5—PROPERTY MANAGEMENT**

**SUBCHAPTER I—PROCUREMENT AND WAREHOUSING**

Sec.

- 501. *Services for executive agencies.*
- 502. *Services for other entities.*
- 503. *Exchange or sale of similar items.*
- 504. *Agency cooperation for inspection.*
- 505. *Exchange or transfer of medical supplies.*
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1 SUBCHAPTER I—PROCUREMENT AND WAREHOUSING

2 **§501. Services for executive agencies**

3 (a) *AUTHORITY OF ADMINISTRATOR OF GENERAL SERVICES.—*

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

6 (A) *to the extent that the Administrator of General Services deter-*  
 7 *mines that the action is advantageous to the Federal Government*  
 8 *in terms of economy, efficiency, or service; and*

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

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

15 (b) *PROCUREMENT AND SUPPLY.—*

16 (1) *FUNCTIONS.—*

17 (A) *IN GENERAL.—The Administrator of General Services shall*  
 18 *procure and supply personal property and nonpersonal services for*  
 19 *executive agencies to use in the proper discharge of their responsibil-*  
 20 *ities, and perform functions related to procurement and supply in-*  
 21 *cluding contracting, inspection, storage, issue, property identifica-*  
 22 *tion and classification, transportation and traffic management,*  
 23 *management of public utility services, and repairing and con-*  
 24 *verting.*

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

27 (2) *POLICIES AND METHODS.—*

28 (A) *IN GENERAL.—The Administrator of General Services shall*  
 29 *prescribe policies and methods for executive agencies regarding the*  
 30 *procurement and supply of personal property and nonpersonal ser-*  
 31 *VICES and related functions.*

1           (B) *CONTROLLING REGULATION.*—Policies and methods pre-  
 2           scribed by the Administrator of General Services under this para-  
 3           graph are subject to regulations prescribed by the Administrator for  
 4           Federal Procurement Policy under the Office of Federal Procure-  
 5           ment Policy Act (41 U.S.C. 401 et seq.).

6           (c) *REPRESENTATION.*—For transportation and other public utility services  
 7           used by executive agencies, the Administrator of General Services shall rep-  
 8           resent the agencies—

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

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

12          (d) *FACILITIES.*—The Administrator of General Services shall operate, for  
 13          executive agencies, warehouses, supply centers, repair shops, fuel yards, and  
 14          other similar facilities. After consultation with the executive agencies affected,  
 15          the Administrator of General Services shall consolidate, take over, or arrange  
 16          for executive agencies to operate the facilities.

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

18          (a) *FEDERAL AGENCIES, MIXED-OWNERSHIP GOVERNMENT CORPORATIONS,*  
 19          *AND THE DISTRICT OF COLUMBIA.*—On request, the Administrator of General  
 20          Services shall provide, to the extent practicable, any of the services specified  
 21          in section 501 of this title to—

22          (1) a federal agency;

23          (2) a mixed-ownership Government corporation (as defined in section  
 24          9101 of title 31); or

25          (3) the District of Columbia.

26          (b) *QUALIFIED NONPROFIT AGENCIES.*—

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

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

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

35          (B) providing a commodity or service to the Federal Government  
 36          under the Javits-Wagner-O'Day Act (41 U.S.C. 46 et seq.).

37          (2) *USE OF SERVICES.*—A nonprofit agency receiving services under  
 38          this subsection shall use the services directly in making or providing to  
 39          the Government a commodity or service that has been determined by the  
 40          Committee for Purchase From People Who Are Blind or Severely Dis-

1           abled under section 2 of the Javits-Wagner-O'Day Act (41 U.S.C. 47) to  
2           be suitable for procurement by the Government.

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

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

8           (b) *APPLICABLE REGULATION AND LAW.*—

9           (1) *REGULATIONS PRESCRIBED BY ADMINISTRATOR OF GENERAL SERV-*  
10           *ICES.*—A transaction under subsection (a) must be carried out in accord-  
11           ance with regulations the Administrator of General Services prescribes,  
12           subject to regulations prescribed by the Administrator for Federal Pro-  
13           curement Policy under the Office of Federal Procurement Policy Act (41  
14           U.S.C. 401 *et seq.*).

15           (2) *IN WRITING.*—A transaction under subsection (a) must be evi-  
16           denced in writing.

17           (3) *SECTION 3709 OF REVISED STATUTES.*—Section 3709 of the Revised  
18           Statutes (41 U.S.C. 5) applies to a sale of property under subsection (a),  
19           except that fixed price sales may be conducted in the same manner and  
20           subject to the same conditions as are applicable to the sale of property  
21           under section 545(d) of this title.

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

23           (a) *RECEIVING ASSISTANCE.*—An executive agency may use the services,  
24           work, materials, and equipment of another executive agency, with the consent  
25           of the other executive agency, to inspect personal property incident to pro-  
26           curing the property.

27           (b) *PROVIDING ASSISTANCE.*—Notwithstanding section 1301(a) of title 31  
28           or any other law, an executive agency may provide services, work, materials,  
29           and equipment for purposes of this section without reimbursement or transfer  
30           of amounts.

31           (c) *POLICIES AND METHODS.*—The use or provision of services, work, mate-  
32           rials, and equipment under this section must be in conformity with policies  
33           and methods the Administrator of General Services prescribes under section  
34           501 of this title.

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

36           (a) *EXCESS PROPERTY DETERMINATION.*—

37           (1) *IN GENERAL.*—Medical materials or supplies an executive agency  
38           holds for national emergency purposes are considered excess property for  
39           purposes of subchapter II when the head of the agency determines that—

40           (A) the remaining storage or shelf life is too short to justify con-  
41           tinued retention for national emergency purposes; and

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

2           (2) *TIMING.—To the greatest extent practicable, the head of the agency*  
 3           *shall make the determination in sufficient time to allow for the transfer*  
 4           *or other disposal and use of medical materials or supplies before their*  
 5           *shelf life expires and they are rendered unfit for human use.*

6           (b) *TRANSFER OR EXCHANGE.—*

7           (1) *IN GENERAL.—In accordance with regulations the Administrator*  
 8           *of General Services prescribes, medical materials or supplies considered*  
 9           *excess property may be transferred to another federal agency or ex-*  
 10           *changed with another federal agency for other medical materials or sup-*  
 11           *plies.*

12           (2) *USE OF PROCEEDS.—Any proceeds derived from a transfer under*  
 13           *this section may be credited to the current applicable appropriation or*  
 14           *fund of the transferor agency and shall be available only to purchase*  
 15           *medical materials or supplies to be held for national emergency purposes.*

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

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

20           (a) *ACTIVITIES OF THE ADMINISTRATOR OF GENERAL SERVICES.—*

21           (1) *IN GENERAL.—Subject to paragraph (2), and after adequate ad-*  
 22           *vance notice to affected executive agencies, the Administrator of General*  
 23           *Services may undertake the following activities as necessary to carry out*  
 24           *functions under this chapter:*

25           (A) *SURVEYS AND REPORTS.—Survey and obtain executive agen-*  
 26           *cy reports on Federal Government property and property manage-*  
 27           *ment practices.*

28           (B) *INVENTORY LEVELS.—Cooperate with executive agencies to es-*  
 29           *tablish reasonable inventory levels for property stocked by them, and*  
 30           *report any excessive inventory levels to Congress and to the Director*  
 31           *of the Office of Management and Budget.*

32           (C) *FEDERAL SUPPLY CATALOG SYSTEM.—Establish and main-*  
 33           *tain a uniform federal supply catalog system that is appropriate to*  
 34           *identify and classify personal property under the control of federal*  
 35           *agencies.*

36           (D) *STANDARD PURCHASE SPECIFICATIONS AND STANDARD*  
 37           *FORMS AND PROCEDURES.—Prescribe standard purchase specifica-*  
 38           *tions and standard forms and procedures (except forms and proce-*  
 39           *dures that the Comptroller General prescribes by law) subject to reg-*  
 40           *ulations the Administrator for Federal Procurement Policy pre-*

scribes under the Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.).

(2) *SPECIAL CONSIDERATIONS REGARDING DEPARTMENT OF DEFENSE.*—

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

(B) *FEDERAL SUPPLY CATALOG SYSTEM.*—In establishing and maintaining a uniform federal supply catalog system under paragraph (1)(C), the Administrator of General Services and the Secretary shall coordinate to avoid unnecessary duplication.

(b) *ACTIVITIES OF FEDERAL AGENCIES.*—Each federal agency shall use the uniformed federal supply catalog system, the standard purchase specifications, and the standard forms and procedures established under subsection (a), except as the Administrator of General Services, considering efficiency, economy, or other interests of the Government, may otherwise provide.

(c) *AUDIT OF PROPERTY ACCOUNTS.*—The Comptroller General shall audit all types of property accounts and transactions. Audits shall be conducted at the time and in the manner the Comptroller General decides and as far as practicable at the place where the property or records of the executive agencies are kept. Audits shall include an evaluation of the effectiveness of internal controls and audits, and a general audit of the discharge of accountability for Government-owned or controlled property, based on generally accepted principles of auditing.

## SUBCHAPTER II—USE OF PROPERTY

### **§521. Policies and methods**

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

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

(2) provide for the transfer of excess property—

(A) among federal agencies; and

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

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

(a) *IN GENERAL.*—Subject to subsections (b) and (c) of this section, the Administrator of General Services, with the approval of the Director of the Office of Management and Budget, shall prescribe the amount of reimbursement required for a transfer of excess property.

1 (b) *REIMBURSEMENT AT FAIR VALUE.*—*The amount of reimbursement re-*  
 2 *quired for a transfer of excess property is the fair value of the property, as*  
 3 *determined by the Administrator, if—*

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

5 (2) *either the transferor or the transferee agency (or the organizational*  
 6 *unit affected) is—*

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

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

9 (c) *DISTRIBUTION THROUGH GENERAL SERVICES ADMINISTRATION SUP-*  
 10 *PLY CENTERS.*—*Excess property determined by the Administrator to be suit-*  
 11 *able for distribution through the supply centers of the General Services Ad-*  
 12 *ministration shall be retransferred at prices set by the Administrator with*  
 13 *due regard to prices established under section 321(d) of this title.*

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

15 (a) *PROCEDURES FOR TRANSFER.*—*The Administrator of General Services*  
 16 *shall prescribe procedures necessary to transfer to the Secretary of the Inte-*  
 17 *rior, without compensation, excess real property located within the reservation*  
 18 *of any group, band, or tribe of Indians that is recognized as eligible for serv-*  
 19 *ices by the Bureau of Indian Affairs.*

20 (b) *PROPERTY HELD IN TRUST.*—

21 (1) *IN GENERAL.*—*Except as provided in paragraph (2), the Secretary*  
 22 *shall hold excess real property transferred under this section in trust for*  
 23 *the benefit and use of the group, band, or tribe of Indians, within whose*  
 24 *reservation the excess real property is located.*

25 (2) *SPECIAL REQUIREMENT FOR OKLAHOMA.*—*The Secretary shall hold*  
 26 *excess real property that is located in Oklahoma and transferred under*  
 27 *this section in trust for Oklahoma Indian tribes recognized by the Sec-*  
 28 *retary if the real property—*

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

33 (B) *is contiguous to real property presently held in trust by the*  
 34 *Government for an Oklahoma Indian tribe and was held in trust*  
 35 *by the Government for an Indian tribe at any time.*

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

37 (a) *REQUIRED.*—*Each executive agency shall—*

38 (1) *maintain adequate inventory controls and accountability systems*  
 39 *for property under its control;*

40 (2) *continuously survey property under its control to identify excess*  
 41 *property;*

1           (3) promptly report excess property to the Administrator of General  
2 Services;

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

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

7       (b) *REQUIRED AS FAR AS PRACTICABLE.*—Each executive agency, as far  
8 as practicable, shall—

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

12           (2) transfer excess property under its control to other federal agencies  
13 and to organizations specified in section 321(c)(2) of this title; and

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

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

16       (a) *GENERAL PROHIBITION.*—A federal agency is prohibited from obtaining  
17 excess personal property for the purpose of furnishing the property to a grant-  
18 ee of the agency, except as provided in this section.

19       (b) *EXCEPTION FOR PUBLIC AGENCIES AND TAX-EXEMPT NONPROFIT OR-*  
20 *GANIZATIONS.*—

21           (1) *IN GENERAL.*—Under regulations the Administrator of General  
22 Services may prescribe, a federal agency may obtain excess personal  
23 property for the purpose of furnishing it to a public agency or an orga-  
24 nization that is nonprofit and exempt from taxation under section 501  
25 of the Internal Revenue Code of 1986 (26 U.S.C. 501), if—

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

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

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

34                   (ii) the amount is deposited in the Treasury as miscellaneous re-  
35 cepts.

36           (2) *TITLE.*—Title to excess property obtained under this subsection  
37 vests in the grantee. The grantee shall account for and dispose of the  
38 property in accordance with procedures governing accountability for per-  
39 sonal property acquired under grant agreements.

40       (c) *EXCEPTION FOR CERTAIN PROPERTY FURNISHED BY SECRETARY OF*  
41 *AGRICULTURE.*—

1           (1) *DEFINITION.*—*In this subsection, the term “State” means a State*  
 2 *of the United States, Puerto Rico, Guam, American Samoa, the Northern*  
 3 *Mariana Islands, the Federated States of Micronesia, the Marshall Is-*  
 4 *lands, Palau, the Virgin Islands, and the District of Columbia.*

5           (2) *IN GENERAL.*—*Under regulations and restrictions the Adminis-*  
 6 *trator may prescribe, subsection (a) does not apply to property furnished*  
 7 *by the Secretary of Agriculture to—*

8               (A) *a state or county extension service engaged in cooperative ag-*  
 9 *ricultural extension work under the Smith-Lever Act (7 U.S.C. 341*  
 10 *et seq.);*

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

14              (C) *an institution engaged in cooperative agricultural research or*  
 15 *extension work under section 1433, 1434, 1444, or 1445 of the Na-*  
 16 *tional Agricultural Research, Extension, and Teaching Policy Act*  
 17 *of 1977 (7 U.S.C. 3195, 3196, 3221, or 3222), or the Act of October*  
 18 *10, 1962 (16 U.S.C. 582a et seq.), if the Federal Government retains*  
 19 *title.*

20           (d) *OTHER EXCEPTIONS.*—*Under regulations and restrictions the Adminis-*  
 21 *trator may prescribe, subsection (a) does not apply to—*

22               (1) *property furnished under section 608 of the Foreign Assistance Act*  
 23 *of 1961 (22 U.S.C. 2358), to the extent that the Administrator deter-*  
 24 *mines that the property is not needed for donation under section 549 of*  
 25 *this title;*

26               (2) *scientific equipment furnished under section 11(e) of the National*  
 27 *Science Foundation Act of 1950 (42 U.S.C. 1870(e));*

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

32               (4) *property furnished in connection with a grant to a tribe, as de-*  
 33 *finied in section 3(c) of the Indian Financing Act of 1974 (25 U.S.C.*  
 34 *1452(c)).*

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

36           (a) *ASSIGNMENT OF SPACE.*—*The Administrator of General Services may*  
 37 *temporarily assign or reassign space in excess real property to a federal agen-*  
 38 *cy, for use as office or storage space or for a related purpose, if the Adminis-*  
 39 *trator determines that assignment or reassignment is more advantageous than*  
 40 *permanent transfer. The Administrator shall determine the duration of the as-*  
 41 *signment or reassignment.*

1 (b) *REIMBURSEMENT FOR MAINTENANCE.*—If there is no appropriation  
2 available to the Administrator for the expense of maintaining the space, the  
3 Administrator may obtain appropriate reimbursement from the federal agen-  
4 cy.

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

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

- 8 (1) the property has no commercial value; or  
9 (2) the estimated cost of continued care and handling exceeds the esti-  
10 mated proceeds from sale.

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

12 A department or agency of the Federal Government may not use amounts  
13 provided by law to purchase furniture if the Administrator of General Serv-  
14 ices determines that requirements can reasonably be met by transferring excess  
15 furniture, including rehabilitated furniture, from other departments or agen-  
16 cies pursuant to this subtitle.

17 **§529. Annual executive agency reports on excess personal  
18 property**

19 (a) *IN GENERAL.*—During the calendar quarter following the close of each  
20 fiscal year, each executive agency shall submit to the Administrator of Gen-  
21 eral Services a report on personal property—

- 22 (1) obtained as—  
23 (A) excess property; or  
24 (B) personal property determined to be no longer required for the  
25 purpose of the appropriation used to make the purchase; and  
26 (2) furnished within the United States to a recipient other than a fed-  
27 eral agency.

28 (b) *REQUIRED INFORMATION.*—The report must set out the categories of  
29 equipment and show—

- 30 (1) the acquisition cost of the property;  
31 (2) the recipient of the property; and  
32 (3) other information the Administrator may require.

33 **SUBCHAPTER III—DISPOSING OF PROPERTY**

34 **§541. Supervision and direction**

35 Except as otherwise provided in this subchapter, the Administrator of Gen-  
36 eral Services shall supervise and direct the disposition of surplus property in  
37 accordance with this subtitle.

38 **§542. Care and handling**

39 The disposal of surplus property, and the care and handling of the property  
40 pending disposition, may be performed by the General Services Administra-  
41 tion or, when the Administrator of General Services decides, by the executive

1 *agency in possession of the property or by any other executive agency that*  
 2 *agrees.*

3 **§543. Method of disposition**

4 *An executive agency designated or authorized by the Administrator of Gen-*  
 5 *eral Services to dispose of surplus property may do so by sale, exchange, lease,*  
 6 *permit, or transfer, for cash, credit, or other property, with or without war-*  
 7 *ranty, on terms and conditions that the Administrator considers proper. The*  
 8 *agency may execute documents to transfer title or other interest in the prop-*  
 9 *erty and may take other action it considers necessary or proper to dispose*  
 10 *of the property under this chapter.*

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

12 *A deed, bill of sale, lease, or other instrument executed by or on behalf of*  
 13 *an executive agency purporting to transfer title or other interest in surplus*  
 14 *property under this chapter is conclusive evidence of compliance with the pro-*  
 15 *visions of this chapter concerning title or other interest of a bona fide grantee*  
 16 *or transferee for value and without notice of lack of compliance.*

17 **§545. Procedure for disposal**

18 *(a) PUBLIC ADVERTISING FOR BIDS.—*

19 *(1) REQUIREMENT.—*

20 *(A) IN GENERAL.—Except as provided in subparagraph (B), the*  
 21 *Administrator of General Services may make or authorize a dis-*  
 22 *posal or a contract for disposal of surplus property only after public*  
 23 *advertising for bids, under regulations the Administrator prescribes.*

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

26 *(i) under subsection (b) or (d); or*

27 *(ii) by abandonment, destruction, or donation or through a*  
 28 *contract broker.*

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

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

34 *(4) AWARDS.—An award shall be made with reasonable promptness by*  
 35 *notice to the responsible bidder whose bid, conforming to the invitation*  
 36 *for bids, is most advantageous to the Federal Government, price and*  
 37 *other factors considered. However, all bids may be rejected if it is in the*  
 38 *public interest to do so.*

39 *(b) NEGOTIATED DISPOSAL.—Under regulations the Administrator pre-*  
 40 *scribes, disposals and contracts for disposal may be negotiated without regard*

1 to subsection (a), but subject to obtaining competition that is feasible under  
2 the circumstances, if—

3 (1) necessary in the public interest—

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

7 (B) for a period not exceeding three months, with respect to a spe-  
8 cifically described category of personal property as determined by  
9 the Administrator;

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

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

14 (4) the nature and quantity of personal property involved are such  
15 that disposal under subsection (a) would impact an industry to an ex-  
16 tent that would adversely affect the national economy, and the estimated  
17 fair market value of the property and other satisfactory terms of disposal  
18 can be obtained by negotiation;

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

21 (6) after advertising under subsection (a), the bid prices for the prop-  
22 erty, or part of the property, are not reasonable or have not been inde-  
23 pendently arrived at in open competition;

24 (7) with respect to real property, the character or condition of the  
25 property or unusual circumstances make it impractical to advertise pub-  
26 licly for competitive bids and the fair market value of the property and  
27 other satisfactory terms of disposal can be obtained by negotiation;

28 (8) the disposal will be to a State, territory, or possession of the  
29 United States, or to a political subdivision of, or a tax-supported agency  
30 in, a State, territory, or possession, and the estimated fair market value  
31 of the property and other satisfactory terms of disposal are obtained by  
32 negotiation; or

33 (9) otherwise authorized by law.

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

40 (d) *NEGOTIATED SALE AT FIXED PRICE.*—

1           (1) *AUTHORIZATION.*—*The Administrator may make a negotiated sale*  
 2 *of personal property at a fixed price, either directly or through the use*  
 3 *of a disposal contractor, without regard to subsection (a). However, the*  
 4 *sale must be publicized to an extent consistent with the value and nature*  
 5 *of the property involved and the price established must reflect the esti-*  
 6 *mated fair market value of the property. Sales under this subsection are*  
 7 *limited to categories of personal property for which the Administrator*  
 8 *determines that disposal under this subsection best serves the interests of*  
 9 *the Government.*

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

14 (e) *EXPLANATORY STATEMENTS FOR NEGOTIATED DISPOSALS.*—

15           (1) *REQUIREMENT.*—

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

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

21           (ii) *real property that has an estimated fair market value*  
 22 *in excess of \$100,000, except that real property disposed of by*  
 23 *lease or exchange is subject only to clauses (iii)–(v) of this sub-*  
 24 *paragraph;*

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

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

31           (v) *real property or real and related personal property dis-*  
 32 *posed of by exchange, regardless of value, or any property for*  
 33 *which any part of the consideration is real property.*

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

38           (2) *TRANSMITTAL TO CONGRESS.*—*The explanatory statement shall be*  
 39 *transmitted to the appropriate committees of Congress in advance of the*  
 40 *disposal, and a copy of the statement shall be preserved in the files of*  
 41 *the executive agency making the disposal.*

1           (3) *LISTING IN REPORT.*—A report of the Administrator under section  
2           126 of this title must include a listing and description of any negotiated  
3           disposals of surplus property having an estimated fair market value of  
4           more than \$15,000, in the case of real property, or \$5,000, in the case  
5           of any other property, other than disposals for which an explanatory  
6           statement has been transmitted under this subsection.

7           (f) *APPLICABILITY OF OTHER LAW.*—Section 3709 of the Revised Statutes  
8           (41 U.S.C. 5) does not apply to a disposal or contract for disposal made  
9           under this section.

#### 10   **§546. Contractor inventories**

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

#### 14   **§547. Agricultural commodities, foods, and cotton or woolen 15           goods**

16           (a) *POLICIES.*—The Administrator of General Services shall consult with  
17           the Secretary of Agriculture to formulate policies for the disposal of surplus  
18           agricultural commodities, surplus foods processed from agricultural commod-  
19           ities, and surplus cotton or woolen goods. The policies shall be formulated to  
20           prevent surplus agricultural commodities, or surplus foods processed from ag-  
21           ricultural commodities, from being dumped on the market in a disorderly  
22           manner and disrupting the market prices for agricultural commodities.

23           (b) *TRANSFERS TO DEPARTMENT OF AGRICULTURE.*—

24           (1) *IN GENERAL.*—The Administrator shall transfer without charge to  
25           the Department of Agriculture any surplus agricultural commodities,  
26           foods, and cotton or woolen goods for disposal, when the Secretary deter-  
27           mines that a transfer is necessary for the Secretary to carry out respon-  
28           sibilities for price support or stabilization.

29           (2) *DEPOSIT OF RECEIPTS.*—Receipts resulting from disposal by the  
30           Department under this subsection shall be deposited pursuant to any au-  
31           thority available to the Secretary. When applicable, however, net proceeds  
32           from the sale of surplus property transferred under this subsection shall  
33           be credited pursuant to section 572(a) of this title.

34           (3) *LIMITATION OF SALES.*—Surplus farm commodities transferred  
35           under this subsection may not be sold, other than for export, in quan-  
36           tities exceeding, or at prices less than, the applicable quantities and  
37           prices for sales of those commodities by the Commodity Credit Corpora-  
38           tion.

#### 39   **§548. Surplus vessels**

40           The Maritime Administration shall dispose of surplus vessels of 1,500 gross  
41           tons or more which the Administration determines to be merchant vessels or

1 *capable of conversion to merchant use. The vessels shall be disposed of in ac-*  
 2 *cordance with the Merchant Marine Act, 1936 (46 App. U.S.C. 1101 et seq.),*  
 3 *and other laws authorizing the sale of such vessels.*

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

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

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

7 (A) *a State;*

8 (B) *a political subdivision of a State (including a unit of local*  
 9 *government or economic development district);*

10 (C) *a department, agency, or instrumentality of a State (includ-*  
 11 *ing instrumentalities created by compact or other agreement be-*  
 12 *tween States or political subdivisions); or*

13 (D) *an Indian tribe, band, group, pueblo, or community located*  
 14 *on a state reservation.*

15 (2) *STATE.—The term “State” means a State of the United States, the*  
 16 *District of Columbia, Puerto Rico, the Virgin Islands, Guam, the North-*  
 17 *ern Mariana Islands, and American Samoa.*

18 (3) *STATE AGENCY.—The term “state agency” means an agency des-*  
 19 *ignated under state law as the agency responsible for fair and equitable*  
 20 *distribution, through donation, of property transferred under this sec-*  
 21 *tion.*

22 (b) *AUTHORIZATION.—*

23 (1) *IN GENERAL.—The Administrator of General Services, in the Ad-*  
 24 *ministrator’s discretion and under regulations the Administrator may*  
 25 *prescribe, may transfer property described in paragraph (2) to a state*  
 26 *agency.*

27 (2) *PROPERTY.—*

28 (A) *IN GENERAL.—Property referred to in paragraph (1) is any*  
 29 *personal property that—*

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

31 (ii) *has been determined to be surplus property.*

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

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

39 (c) *ALLOCATION AND TRANSFER OF PROPERTY.—*

40 (1) *IN GENERAL.—The Administrator shall allocate and transfer prop-*  
 41 *erty under this section in accordance with criteria that are based on*

1 *need and use and that are established after consultation with state agen-*  
 2 *cies to the extent feasible. The Administrator shall give fair consider-*  
 3 *ation, consistent with the established criteria, to an expression of need*  
 4 *and interest from a public agency or other eligible institution within a*  
 5 *State. The Administrator shall give special consideration to an eligible*  
 6 *recipient's request, transmitted through the state agency, for a specific*  
 7 *item of property.*

8 (2) *ALLOCATION AMONG STATES.—The Administrator shall allocate*  
 9 *property among the States on a fair and equitable basis, taking into ac-*  
 10 *count the condition of the property as well as the original acquisition*  
 11 *cost of the property.*

12 (3) *RECIPIENTS AND PURPOSES.—The Administrator shall transfer to*  
 13 *a state agency property the state agency selects for distribution through*  
 14 *donation within the State—*

15 (A) *to a public agency for use in carrying out or promoting, for*  
 16 *residents of a given political area, a public purpose, including con-*  
 17 *servation, economic development, education, parks and recreation,*  
 18 *public health, and public safety; or*

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

23 (i) *a medical institution, hospital, clinic, health center, or*  
 24 *drug abuse treatment center;*

25 (ii) *a provider of assistance to homeless individuals or to*  
 26 *families or individuals whose annual incomes are below the*  
 27 *poverty line (as that term is defined in section 673 of the Com-*  
 28 *munity Services Block Grant Act (42 U.S.C. 9902));*

29 (iii) *a school, college, or university;*

30 (iv) *a school for the mentally retarded or physically handi-*  
 31 *capped;*

32 (v) *a child care center;*

33 (vi) *a radio or television station licensed by the Federal*  
 34 *Communications Commission as an educational radio or edu-*  
 35 *cational television station;*

36 (vii) *a museum attended by the public; or*

37 (viii) *a library serving free all residents of a community,*  
 38 *district, State, or region.*

39 (4) *EXCEPTION.—This subsection does not apply to property trans-*  
 40 *ferred under subsection (d).*

41 (d) *DEPARTMENT OF DEFENSE PROPERTY.—*

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

6           (2) *PROPERTY USABLE FOR SPECIAL INTEREST ACTIVITIES.*—*If the*  
 7 *Secretary of Defense determines that the property is usable and necessary*  
 8 *for educational activities which are of special interest to the armed serv-*  
 9 *ices, the Secretary shall allocate the property for transfer by the Admin-*  
 10 *istrator to the appropriate state agency for distribution through donation*  
 11 *to the educational activities.*

12           (3) *PROPERTY NOT USABLE FOR SPECIAL INTEREST ACTIVITIES.*—*If*  
 13 *the Secretary of Defense determines that the property is not usable and*  
 14 *necessary for educational activities which are of special interest to the*  
 15 *armed services, the property may be disposed of in accordance with sub-*  
 16 *section (c).*

17 (e) *STATE PLAN OF OPERATION.*—

18           (1) *IN GENERAL.*—*Before property may be transferred to a state agen-*  
 19 *cy, the State shall develop a detailed state plan of operation, in accord-*  
 20 *ance with this subsection and with state law.*

21           (2) *PROCEDURE.*—

22           (A) *CONSIDERATION OF NEEDS AND RESOURCES.*—*In developing*  
 23 *and implementing the state plan of operation, the relative needs and*  
 24 *resources of all public agencies and other eligible institutions in the*  
 25 *State shall be taken into consideration. The Administrator may con-*  
 26 *sult with interested federal agencies to obtain their views concerning*  
 27 *the administration and operation of this section.*

28           (B) *PUBLICATION AND PERIOD FOR COMMENT.*—*The state plan of*  
 29 *operation, and any major amendment to the plan, may not be filed*  
 30 *with the Administrator until 60 days after general notice of the pro-*  
 31 *posed plan or amendment has been published and interested persons*  
 32 *have been given at least 30 days to submit comments.*

33           (C) *CERTIFICATION.*—*The chief executive officer of the State shall*  
 34 *certify and submit the state plan of operation to the Administrator.*

35 (3) *REQUIREMENTS.*—

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

38           (i) *the necessary organizational and operational authority*  
 39 *and capability including staff, facilities, and means and meth-*  
 40 *ods of financing; and*

1           (ii) established procedures for accountability, internal and  
2           external audits, cooperative agreements, compliance and use re-  
3           views, equitable distribution and property disposal, determina-  
4           tion of eligibility, and assistance through consultation with ad-  
5           visory bodies and public and private groups.

6           (B) *EQUITABLE DISTRIBUTION.*—The state plan of operation  
7           shall provide for fair and equitable distribution of property in the  
8           State based on the relative needs and resources of interested public  
9           agencies and other eligible institutions in the State and their abili-  
10          ties to use the property.

11          (C) *MANAGEMENT CONTROL AND ACCOUNTING SYSTEMS.*—The  
12          state plan of operation shall require, for donable property trans-  
13          ferred under this section, that the state agency use management con-  
14          trol and accounting systems of the same type as systems required  
15          by state law for state-owned property. However, with approval from  
16          the chief executive officer of the State, the state agency may elect  
17          to use other management control and accounting systems that are  
18          effective to govern the use, inventory control, accountability, and  
19          disposal of property under this section.

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

26          (E) *REQUEST BY RECIPIENT.*—The state plan of operation shall  
27          require the state agency, to the extent practicable, to select property  
28          requested by a public agency or other eligible institution in the  
29          State and, if requested by the recipient, to arrange shipment of the  
30          property directly to the recipient.

31          (F) *SERVICE CHARGES.*—If the state agency is authorized to as-  
32          sess and collect service charges from participating recipients to cover  
33          direct and reasonable indirect costs of its activities, the method of  
34          establishing the charges shall be set out in the state plan of oper-  
35          ation. The charges shall be fair and equitable and shall be based on  
36          services the state agency performs, including screening, packing,  
37          crating, removal, and transportation.

38          (G) *TERMS, CONDITIONS, RESERVATIONS, AND RESTRICTIONS.*—

39                (i) *IN GENERAL.*—The state plan of operation shall provide  
40                that the state agency—

1                   (I) may impose reasonable terms, conditions, reserva-  
2                   tions, and restrictions on the use of property to be donated  
3                   under subsection (c); and

4                   (II) shall impose reasonable terms, conditions, reserva-  
5                   tions, and restrictions on the use of a passenger motor ve-  
6                   hicle and any item of property having a unit acquisition  
7                   cost of \$5,000 or more.

8                   (ii) *SPECIAL LIMITATIONS.*—If the Administrator finds that  
9                   an item has characteristics that require special handling or use  
10                  limitations, the Administrator may impose appropriate condi-  
11                  tions on the donation of the property.

12               (H) *UNUSABLE PROPERTY.*—

13                  (i) *DISPOSAL.*—The state plan of operation shall provide  
14                  that surplus personal property which the state agency deter-  
15                  mines cannot be used by eligible recipients shall be disposed  
16                  of—

17                   (I) subject to the disapproval of the Administrator with-  
18                   in 30 days after notice to the Administrator, through  
19                   transfer by the state agency to another state agency or  
20                   through abandonment or destruction if the property has  
21                   no commercial value or if the estimated cost of continued  
22                   care and handling exceeds estimated proceeds from sale; or

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

25                  (ii) *PROCEEDS FROM SALE.*—Notwithstanding subchapter IV  
26                  of this chapter and section 702 of this title, the Administrator,  
27                  from the proceeds of sale of property described in subsection  
28                  (b), may reimburse the state agency for expenses that the Ad-  
29                  ministrator considers appropriate for care and handling of the  
30                  property.

31               (f) *COOPERATIVE AGREEMENTS WITH STATE AGENCIES.*—

32                  (1) *PARTIES TO THE AGREEMENT.*—For purposes of carrying out this  
33                  section, a cooperative agreement may be made between a state surplus  
34                  property distribution agency designated under this section and—

35                   (A) the Administrator;

36                   (B) the Secretary of Education, for property transferred under  
37                   section 550(c) of this title;

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

1                   (D) the head of a federal agency designated by the Administrator,  
2                   the Secretary of Education, or the Secretary of Health and Human  
3                   Services.

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

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

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

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

13                  (4) *SURPLUS PROPERTY TRANSFERRED TO STATE AGENCY.*—

14                  (A) *IN GENERAL.*—Under the cooperative agreement, surplus  
15                  property transferred to a state agency for distribution pursuant to  
16                  subsection (c) may be retained by the state agency for use in per-  
17                  forming its functions. Unless otherwise directed by the Adminis-  
18                  trator, title to the retained property vests in the state agency.

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

21                         (i) the Administrator;

22                         (ii) the Secretary of Education, for property transferred  
23                         under section 550(c) of this title; or

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

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

27                  (a) *DEFINITION.*—In this section, the term “State” includes the District of  
28                  Columbia, Puerto Rico, and the territories and possessions of the United  
29                  States.

30                  (b) *ENFORCEMENT AND REVISION OF INSTRUMENTS TRANSFERRING PROP-*  
31                  *ERTY UNDER THIS SECTION.*—

32                         (1) *IN GENERAL.*—Subject to disapproval by the Administrator of  
33                         General Services within 30 days after notice of a proposed action to be  
34                         taken under this section, except for personal property transferred pursu-  
35                         ant to section 549 of this title, the official specified in paragraph (2)  
36                         shall determine and enforce compliance with the terms, conditions, res-  
37                         ervations, and restrictions contained in an instrument by which a trans-  
38                         fer under this section is made. The official shall reform, correct, or  
39                         amend the instrument if necessary to correct the instrument or to con-  
40                         form the transfer to the requirements of law. The official shall grant a  
41                         release from any term, condition, reservation or restriction contained in

1        *the instrument, and shall convey, quitclaim, or release to the transferee*  
 2        *(or other eligible user) any right or interest reserved to the Federal Gov-*  
 3        *ernment by the instrument, if the official determines that the property*  
 4        *no longer serves the purpose for which it was transferred or that a re-*  
 5        *lease, conveyance, or quitclaim deed will not prevent accomplishment of*  
 6        *that purpose. The release, conveyance, or quitclaim deed may be made*  
 7        *subject to terms and conditions that the official considers necessary to*  
 8        *protect or advance the interests of the Government.*

9        (2) *SPECIFIED OFFICIAL.—The official referred to in paragraph (1)*  
 10       *is—*

11            (A) *the Secretary of Education, for property transferred under*  
 12            *subsection (c) for school, classroom, or other educational use;*

13            (B) *the Secretary of Health and Human Services, for property*  
 14            *transferred under subsection (d) for use in the protection of public*  
 15            *health, including research;*

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

18            (D) *the Secretary of Housing and Urban Development, for prop-*  
 19            *erty transferred under subsection (f) to provide housing or housing*  
 20            *assistance for low-income individuals or families; and*

21            (E) *the Secretary of the Interior, for property transferred under*  
 22            *subsection (h) for use as a historic monument for the benefit of the*  
 23            *public.*

24        (c) *PROPERTY FOR SCHOOL, CLASSROOM, OR OTHER EDUCATIONAL USE.—*

25            (1) *ASSIGNMENT.—The Administrator, in the Administrator’s discre-*  
 26            *tion and under regulations that the Administrator may prescribe, may*  
 27            *assign to the Secretary of Education for disposal surplus real property,*  
 28            *including buildings, fixtures, and equipment situated on the property,*  
 29            *that the Secretary recommends as needed for school, classroom, or other*  
 30            *educational use.*

31            (2) *SALE OR LEASE.—Subject to disapproval by the Administrator*  
 32            *within 30 days after notice to the Administrator by the Secretary of*  
 33            *Education of a proposed transfer, the Secretary, for school, classroom, or*  
 34            *other educational use, may sell or lease property assigned to the Sec-*  
 35            *retary under paragraph (1) to a State, a political subdivision or instru-*  
 36            *mentality of a State, a tax-supported educational institution, or a non-*  
 37            *profit educational institution that has been held exempt from taxation*  
 38            *under section 501(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C.*  
 39            *501(c)(3)).*

40            (3) *FIXING VALUE.—In fixing the sale or lease value of property dis-*  
 41            *posed of under paragraph (2), the Secretary of Education shall take into*

1           *consideration any benefit which has accrued or may accrue to the Gov-*  
2           *ernment from the use of the property by the State, political subdivision*  
3           *or instrumentality, or institution.*

4           (d) *PROPERTY FOR USE IN THE PROTECTION OF PUBLIC HEALTH, IN-*  
5           *CLUDING RESEARCH.—*

6           (1) *ASSIGNMENT.—The Administrator, in the Administrator’s discre-*  
7           *tion and under regulations that the Administrator may prescribe, may*  
8           *assign to the Secretary of Health and Human Services for disposal sur-*  
9           *plus real property, including buildings, fixtures, and equipment situated*  
10           *on the property, that the Secretary recommends as needed for use in the*  
11           *protection of public health, including research.*

12           (2) *SALE OR LEASE.—Subject to disapproval by the Administrator*  
13           *within 30 days after notice to the Administrator by the Secretary of*  
14           *Health and Human Services of a proposed transfer, the Secretary, for*  
15           *use in the protection of public health, including research, may sell or*  
16           *lease property assigned to the Secretary under paragraph (1) to a State,*  
17           *a political subdivision or instrumentality of a State, a tax-supported*  
18           *medical institution, or a hospital or similar institution not operated for*  
19           *profit that has been held exempt from taxation under section 501(c)(3)*  
20           *of the Internal Revenue Code of 1986 (26 U.S.C. 501(c)(3)).*

21           (3) *FIXING VALUE.—In fixing the sale or lease value of property dis-*  
22           *posed of under paragraph (2), the Secretary of Health and Human Serv-*  
23           *ices shall take into consideration any benefit which has accrued or may*  
24           *accrue to the Government from the use of the property by the State, polit-*  
25           *ical subdivision or instrumentality, or institution.*

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

27           (1) *ASSIGNMENT.—The Administrator, in the Administrator’s discre-*  
28           *tion and under regulations that the Administrator may prescribe, may*  
29           *assign to the Secretary of the Interior for disposal surplus real property,*  
30           *including buildings, fixtures, and equipment situated on the property,*  
31           *that the Secretary recommends as needed for use as a public park or*  
32           *recreation area.*

33           (2) *SALE OR LEASE.—Subject to disapproval by the Administrator*  
34           *within 30 days after notice to the Administrator by the Secretary of the*  
35           *Interior of a proposed transfer, the Secretary, for public park or recre-*  
36           *ation area use, may sell or lease property assigned to the Secretary*  
37           *under paragraph (1) to a State, a political subdivision or instrumen-*  
38           *tality of a State, or a municipality.*

39           (3) *FIXING VALUE.—In fixing the sale or lease value of property dis-*  
40           *posed of under paragraph (2), the Secretary of the Interior shall take*  
41           *into consideration any benefit which has accrued or may accrue to the*

1 *Government from the use of the property by the State, political subdivi-*  
 2 *sion or instrumentality, or municipality.*

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

5 (A) *shall provide that all of the property be used and maintained*  
 6 *for the purpose for which it was conveyed in perpetuity, and that*  
 7 *if the property ceases to be used or maintained for that purpose, all*  
 8 *or any portion of the property shall, in its then existing condition,*  
 9 *at the option of the Government, revert to the Government; and*

10 (B) *may contain additional terms, reservations, restrictions, and*  
 11 *conditions the Secretary of the Interior determines are necessary to*  
 12 *safeguard the interests of the Government.*

13 (f) *PROPERTY FOR LOW INCOME HOUSING ASSISTANCE.—*

14 (1) *ASSIGNMENT.—The Administrator, in the Administrator’s discre-*  
 15 *tion and under regulations that the Administrator may prescribe, may*  
 16 *assign to the Secretary of Housing and Urban Development for disposal*  
 17 *surplus real property, including buildings, fixtures, and equipment situ-*  
 18 *ated on the property, that the Secretary recommends as needed to provide*  
 19 *housing or housing assistance for low-income individuals or families.*

20 (2) *SALE OR LEASE.—Subject to disapproval by the Administrator*  
 21 *within 30 days after notice to the Administrator by the Secretary of*  
 22 *Housing and Urban Development of a proposed transfer, the Secretary,*  
 23 *to provide housing or housing assistance for low-income individuals or*  
 24 *families, may sell or lease property assigned to the Secretary under*  
 25 *paragraph (1) to a State, a political subdivision or instrumentality of*  
 26 *a State, or a nonprofit organization that exists for the primary purpose*  
 27 *of providing housing or housing assistance for low-income individuals or*  
 28 *families.*

29 (3) *SELF-HELP HOUSING.—*

30 (A) *IN GENERAL.—The Administrator shall disapprove a pro-*  
 31 *posed transfer of property under this subsection unless the Adminis-*  
 32 *trator determines that the property will be used for low-income*  
 33 *housing opportunities through the construction, rehabilitation, or re-*  
 34 *furbishment of self-help housing, under terms requiring that—*

35 (i) *subject to subparagraph (B), an individual or family re-*  
 36 *ceiving housing or housing assistance through use of the prop-*  
 37 *erty shall contribute a significant amount of labor toward the*  
 38 *construction, rehabilitation, or refurbishment; and*

39 (ii) *dwellings constructed, rehabilitated, or refurbished*  
 40 *through use of the property shall be quality dwellings that com-*

1            *ply with local building and safety codes and standards and*  
 2            *shall be available at prices below prevailing market prices.*

3            (B) *GUIDELINES FOR CONSIDERING DISABILITIES.—For purposes*  
 4            *of fulfilling self-help requirements under paragraph (3)(A)(i), the*  
 5            *Administrator shall ensure that nonprofit organizations receiving*  
 6            *property under paragraph (2) develop and use guidelines to con-*  
 7            *sider any disability (as defined in section 3(2) of the Americans*  
 8            *with Disabilities Act of 1990 (42 U.S.C. 12102(2)).*

9            (4) *FIXING VALUE.—*

10            (A) *IN GENERAL.—In fixing the sale or lease value of property*  
 11            *disposed of under paragraph (2), the Secretary of Housing and*  
 12            *Urban Development shall take into consideration and discount the*  
 13            *value for any benefit which has accrued or may accrue to the Gov-*  
 14            *ernment from the use of the property by the State, political subdivi-*  
 15            *sion or instrumentality, or nonprofit organization.*

16            (B) *AMOUNT OF DISCOUNT.—The amount of the discount under*  
 17            *subparagraph (A) is 75 percent of the market value of the property,*  
 18            *except that the Secretary of Housing and Urban Development may*  
 19            *discount by a greater percentage if the Secretary, in consultation*  
 20            *with the Administrator, determines that a higher percentage is jus-*  
 21            *tified.*

22            (g) *PROPERTY FOR NATIONAL SERVICE ACTIVITIES.—*

23            (1) *ASSIGNMENT.—The Administrator, in the Administrator’s discre-*  
 24            *tion and under regulations that the Administrator may prescribe, may*  
 25            *assign to the Chief Executive Officer of the Corporation for National and*  
 26            *Community Service for disposal surplus property that the Chief Execu-*  
 27            *tive Officer recommends as needed for national service activities.*

28            (2) *SALE, LEASE, OR DONATION.—Subject to disapproval by the Ad-*  
 29            *ministrator within 30 days after notice to the Administrator by the Chief*  
 30            *Executive Officer of a proposed transfer, the Chief Executive Officer, for*  
 31            *national service activities, may sell, lease, or donate property assigned*  
 32            *to the Chief Executive Officer under paragraph (1) to an entity that re-*  
 33            *ceives financial assistance under the National and Community Service*  
 34            *Act of 1990 (42 U.S.C. 12501 et seq.).*

35            (3) *FIXING VALUE.—In fixing the sale or lease value of property dis-*  
 36            *posed of under paragraph (2), the Chief Executive Officer shall take into*  
 37            *consideration any benefit which has accrued or may accrue to the Gov-*  
 38            *ernment from the use of the property by the entity receiving the property.*

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

40            (1) *CONVEYANCE.—*

1           (A) *IN GENERAL.*—Without monetary consideration to the Gov-  
 2           ernment, the Administrator may convey to a State, a political sub-  
 3           division or instrumentality of a State, or a municipality, the right,  
 4           title, and interest of the Government in and to any surplus real and  
 5           related personal property that the Secretary of the Interior deter-  
 6           mines is suitable and desirable for use as a historic monument for  
 7           the benefit of the public.

8           (B) *RECOMMENDATION BY NATIONAL PARK SYSTEM ADVISORY*  
 9           *BOARD.*—Property may be determined to be suitable and desirable  
 10          for use as a historic monument only in conformity with a rec-  
 11          ommendation by the National Park System Advisory Board estab-  
 12          lished under section 3 of the Act of August 21, 1935 (16 U.S.C. 463)  
 13          (known as the *Historic Sites, Buildings, and Antiquities Act*). Only  
 14          the portion of the property that is necessary for the preservation  
 15          and proper observation of the property’s historic features may be de-  
 16          termined to be suitable and desirable for use as a historic monu-  
 17          ment.

18       (2) *REVENUE-PRODUCING ACTIVITY.*—

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

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

24               (ii) approves the grantee’s plan for repair, rehabilitation,  
 25               restoration, and maintenance of the property;

26               (iii) approves the grantee’s plan for financing the repair, re-  
 27               habilitation, restoration, and maintenance of the property; and

28               (iv) examines and approves the accounting and financial  
 29               procedures used by the grantee.

30          (B) *USE OF EXCESS INCOME.*—The Secretary of the Interior may  
 31          approve a grantee’s financial plan only if the plan provides that  
 32          the grantee shall use income exceeding the cost of repair, rehabilita-  
 33          tion, restoration, and maintenance only for public historic preserva-  
 34          tion, park, or recreational purposes.

35          (C) *AUDITS.*—The Secretary of the Interior may periodically  
 36          audit the records of the grantee that are directly related to the prop-  
 37          erty conveyed.

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

40               (A) shall provide that all of the property be used and maintained  
 41               for historical monument purposes in perpetuity, and that if the

1           *property ceases to be used or maintained for historical monument*  
 2           *purposes, all or any portion of the property shall, in its then exist-*  
 3           *ing condition, at the option of the Government, revert to the Govern-*  
 4           *ment; and*

5           *(B) may contain additional terms, reservations, restrictions, and*  
 6           *conditions the Administrator determines are necessary to safeguard*  
 7           *the interests of the Government.*

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

9           *The Administrator of General Services, in the Administrator's discretion*  
 10          *and under regulations that the Administrator may prescribe, may donate to*  
 11          *the American National Red Cross for charitable purposes property that the*  
 12          *American National Red Cross processed, produced, or donated and that has*  
 13          *been determined to be surplus property.*

14          **§552. Abandoned or unclaimed property on Government**  
 15          **premises**

16          *(a) AUTHORITY TO TAKE PROPERTY.—The Administrator of General Serv-*  
 17          *ices may take possession of abandoned or unclaimed property on premises*  
 18          *owned or leased by the Federal Government and determine when title to the*  
 19          *property vests in the Government. The Administrator may use, transfer, or*  
 20          *otherwise dispose of the property.*

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

24                  *(1) equal to the proceeds realized from the disposition of the property*  
 25                  *less costs incident to care and handling as determined by the Adminis-*  
 26                  *trator; or*

27                  *(2) if the property has been used or transferred, equal to the fair value*  
 28                  *of the property as of the time title vested in the Government less costs*  
 29                  *incident to care and handling as determined by the Administrator.*

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

32          *(a) DEFINITION.—In this section, the term “State” includes the District of*  
 33          *Columbia, Puerto Rico, Guam, American Samoa, the Virgin Islands, the Fed-*  
 34          *erated States of Micronesia, the Marshall Islands, Palau, and, the Northern*  
 35          *Mariana Islands.*

36          *(b) AUTHORITY TO TRANSFER PROPERTY.—The Administrator of General*  
 37          *Services, in the Administrator's discretion and under regulations that the Ad-*  
 38          *ministrator may prescribe, may transfer or convey to a State, or political*  
 39          *subdivision or instrumentality of a State, surplus real and related personal*  
 40          *property that—*

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

4           (2) *the Attorney General determines is required by the transferee or*  
 5           *grantee for law enforcement purposes; or*

6           (3) *the Director of the Federal Emergency Management Agency deter-*  
 7           *mines is required by the transferee or grantee for emergency management*  
 8           *response purposes including fire and rescue services.*

9           (c) *NO MONETARY CONSIDERATION.—A transfer or conveyance under this*  
 10          *section shall be made without monetary consideration to the Federal Govern-*  
 11          *ment.*

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

14               (1) *shall provide that all of the property be used and maintained for*  
 15               *the purpose for which it was conveyed in perpetuity, and that if the*  
 16               *property ceases to be used or maintained for that purpose, all or any*  
 17               *portion of the property shall, in its then existing condition, at the option*  
 18               *of the Government, revert to the Government; and*

19               (2) *may contain additional terms, reservations, restrictions, and con-*  
 20               *ditions that the Administrator determines are necessary to safeguard the*  
 21               *interests of the Government.*

22          (e) *ENFORCEMENT AND REVISION OF INSTRUMENTS TRANSFERRING PROP-*  
 23          *ERTY UNDER THIS SECTION.—The Administrator shall determine and enforce*  
 24          *compliance with the terms, conditions, reservations, and restrictions contained*  
 25          *in an instrument by which a transfer or conveyance under this section is*  
 26          *made. The Administrator shall reform, correct, or amend the instrument if*  
 27          *necessary to correct the instrument or to conform the transfer to the require-*  
 28          *ments of law. The Administrator shall grant a release from any term, condi-*  
 29          *tion, reservation or restriction contained in the instrument, and shall convey,*  
 30          *quitclaim, or release to the transferee (or other eligible user) any right or in-*  
 31          *terest reserved to the Government by the instrument, if the Administrator de-*  
 32          *termines that the property no longer serves the purpose for which it was*  
 33          *transferred or that a release, conveyance, or quitclaim deed will not prevent*  
 34          *accomplishment of that purpose. The release, conveyance, or quitclaim deed*  
 35          *may be made subject to terms and conditions that the Administrator considers*  
 36          *necessary to protect or advance the interests of the Government.*

37          **§554. Property for development or operation of a port facility**

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

39               (1) *BASE CLOSURE LAW.—The term “base closure law” means the fol-*  
 40               *lowing:*

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

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

6           (C) *Section 2687 of title 10.*

7           (2) *STATE.—The term “State” includes the District of Columbia,*  
8           *Puerto Rico, Guam, American Samoa, the Virgin Islands, the Federated*  
9           *States of Micronesia, the Marshall Islands, Palau, and the Northern*  
10           *Mariana Islands.*

11          (b) *AUTHORITY FOR ASSIGNMENT TO THE SECRETARY OF TRANSPOR-*  
12          *TATION.—Under regulations that the Administrator of General Services, after*  
13          *consultation with the Secretary of Defense, may prescribe, the Administrator,*  
14          *or the Secretary of Defense in the case of property located at a military in-*  
15          *stallation closed or realigned pursuant to a base closure law, may assign to*  
16          *the Secretary of Transportation for disposal surplus real property, including*  
17          *buildings, fixtures, and equipment situated on the property, that the Sec-*  
18          *retary of Transportation recommends as needed for the development or oper-*  
19          *ation of a port facility.*

20          (c) *AUTHORITY FOR CONVEYANCE BY THE SECRETARY OF TRANSPOR-*  
21          *TATION.*

22           (1) *IN GENERAL.—Subject to disapproval by the Administrator or the*  
23           *Secretary of Defense within 30 days after notice of a proposed convey-*  
24           *ance by the Secretary of Transportation, the Secretary of Transporta-*  
25           *tion, for the development or operation of a port facility, may convey*  
26           *property assigned to the Secretary of Transportation under subsection*  
27           *(b) to a State or political subdivision, municipality, or instrumentality*  
28           *of a State.*

29           (2) *CONVEYANCE REQUIREMENTS.—A transfer of property may be*  
30           *made under this section only after the Secretary of Transportation has—*

31           (A) *determined, after consultation with the Secretary of Labor,*  
32           *that the property to be conveyed is located in an area of serious eco-*  
33           *nomical disruption;*

34           (B) *received and, after consultation with the Secretary of Com-*  
35           *merce, approved an economic development plan submitted by an eli-*  
36           *gible grantee and based on assured use of the property to be con-*  
37           *veyed as part of a necessary economic development program; and*

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

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

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

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

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

14       (f) *ENFORCEMENT AND REVISION OF INSTRUMENTS TRANSFERRING PROP-*  
15 *ERTY UNDER THIS SECTION.*—The Secretary of Transportation shall deter-  
16 mine and enforce compliance with the terms, conditions, reservations, and re-  
17 strictions contained in an instrument by which a transfer or conveyance  
18 under this section is made. The Secretary shall reform, correct, or amend the  
19 instrument if necessary to correct the instrument or to conform the transfer  
20 to the requirements of law. The Secretary shall grant a release from any term,  
21 condition, reservation or restriction contained in the instrument, and shall  
22 convey, quitclaim, or release to the grantee any right or interest reserved to  
23 the Government by the instrument, if the Secretary determines that the prop-  
24 erty no longer serves the purpose for which it was transferred or that a re-  
25 lease, conveyance, or quitclaim deed will not prevent accomplishment of that  
26 purpose. The release, conveyance, or quitclaim deed may be made subject to  
27 terms and conditions that the Secretary considers necessary to protect or ad-  
28 vance the interests of the Government.

29       **§ 555. Donation of law enforcement canines to handlers**

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

35       **§ 556. Disposal of dredge vessels**

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

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

3 (1) through sale or lease to—

4 (A) a foreign government as part of a Corps of Engineers tech-  
5 nical assistance program;

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

7 or

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

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

11 (c) *NO DREDGING ACTIVITIES.*—A vessel described in subsection (a) shall  
12 not be disposed of under any law for the purpose of engaging in dredging  
13 activities within the United States.

14 (d) *DEPOSIT OF AMOUNTS COLLECTED.*—Amounts collected from the sale  
15 or lease of a vessel or equipment under this section shall be deposited into  
16 the revolving fund authorized by section 101 (9th par.) of the Civil Functions  
17 Appropriation Act, 1954 (33 U.S.C. 576), to be available, as provided in ap-  
18 propriation laws, for the operation and maintenance of vessels under the con-  
19 trol of the Corps of Engineers.

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

21 Subject to regulations under this subtitle, a book that is no longer needed  
22 by an executive department, bureau, or commission of the Federal Govern-  
23 ment, and that is not an advisable addition to the Library of Congress, shall  
24 be turned over to the Free Public Library of the District of Columbia for gen-  
25 eral use if the book is appropriate for the Free Public Library.

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

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

30 (b) *ELIGIBLE INSTITUTION.*—An eligible institution referred to in sub-  
31 section (a) is an educational institution with a commercial fishing vessel safe-  
32 ty program or other vessel safety, education and training program. The insti-  
33 tution must certify to the federal officer making the donation that the pro-  
34 gram includes, at a minimum, all of the following courses in vessel safety:

35 (1) Vessel stability.

36 (2) Firefighting.

37 (3) Shipboard first aid.

38 (4) Marine safety and survival.

39 (5) Seamanship rules of the road.

40 (c) *TERMS AND CONDITIONS.*—The donation of a vessel under this section  
41 shall be made on terms and conditions considered appropriate by the federal

1 officer making the donation. All of the following terms and conditions are re-  
2 quired:

3 (1) *NO WARRANTY.*—The institution must accept the vessel as is, where  
4 it is, and without warranty of any kind and without any representation  
5 as to its condition or suitability for use.

6 (2) *MAINTENANCE.*—The institution is responsible for maintaining the  
7 vessel.

8 (3) *INSTRUCTION ONLY.*—The vessel may be used only for instructing  
9 students in a vessel safety education and training program.

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

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

17 (6) *INSPECTION OR REGULATION.*—The vessel shall be inspected or reg-  
18 ulated in the same manner as a nautical school vessel under chapter 33  
19 of title 46.

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

22 **§559. Advice of Attorney General with respect to antitrust**  
23 **law**

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

25 (1) the Sherman Act (15 U.S.C. 1 et seq.);

26 (2) the Clayton Act (15 U.S.C. 12 et seq., 29 U.S.C. 52, 53);

27 (3) the Federal Trade Commission Act (15 U.S.C. 41 et seq.); and

28 (4) sections 73 and 74 of the Wilson Tariff Act (15 U.S.C. 8, 9).

29 (b) *ADVICE REQUIRED.*—

30 (1) *IN GENERAL.*—An executive agency shall not dispose of property  
31 to a private interest until the agency has received the advice of the Attor-  
32 ney General on whether the disposal to a private interest would tend to  
33 create or maintain a situation inconsistent with antitrust law.

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

35 (A) real property, if the estimated fair market value is less than  
36 \$3,000,000; or

37 (B) personal property (other than a patent, process, technique, or  
38 invention), if the estimated fair market value is less than  
39 \$3,000,000.

40 (c) *NOTICE TO ATTORNEY GENERAL.*—

1           (1) *IN GENERAL.*—An executive agency that contemplates disposing of  
2           property to a private interest shall promptly transmit notice of the pro-  
3           posed disposal, including probable terms and conditions, to the Attorney  
4           General.

5           (2) *COPY.*—Except for the General Services Administration, an execu-  
6           tive agency that transmits notice under paragraph (1) shall simulta-  
7           neously transmit a copy of the notice to the Administrator of General  
8           Services.

9           (d) *ADVICE FROM ATTORNEY GENERAL.*—Within a reasonable time, not  
10          later than 60 days, after receipt of notice under subsection (c), the Attorney  
11          General shall advise the Administrator and any interested executive agency  
12          whether, so far as the Attorney General can determine, the proposed disposi-  
13          tion would tend to create or maintain a situation inconsistent with antitrust  
14          law.

15          (e) *REQUEST FOR INFORMATION.*—On request from the Attorney General,  
16          the head of an executive agency shall furnish information the agency possesses  
17          that the Attorney General determines is appropriate or necessary to—

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

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

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

#### 24               SUBCHAPTER IV—PROCEEDS FROM SALE OR TRANSFER

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

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

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

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

32                       (A) transfer of excess property to a federal agency for agency use;

33                       or

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

35          (b) *PAYMENT OF EXPENSES OF SALE BEFORE DEPOSIT.*—Subject to regu-  
36          lations under this subtitle, the expenses of the sale of old material, condemned  
37          stores, supplies, or other public property may be paid from the proceeds of  
38          sale so that only the net proceeds are deposited in the Treasury. This sub-  
39          section applies whether proceeds are deposited as miscellaneous receipts or to  
40          the credit of an appropriation as authorized by law.

1 **§572. Real property**

2 (a) *IN GENERAL.*—

3 (1) *SEPARATE FUND.*—*Except as provided in subsection (b), proceeds*  
 4 *of the disposition of surplus real and related personal property by the*  
 5 *Administrator of General Services shall be set aside in a separate fund*  
 6 *in the Treasury.*

7 (2) *PAYMENT OF EXPENSES FROM THE FUND.*—

8 (A) *AUTHORITY.*—*From the fund described in paragraph (1), the*  
 9 *Administrator may obligate an amount to pay the following direct*  
 10 *expenses incurred for the use of excess property and the disposal of*  
 11 *surplus property under this subtitle:*

12 (i) *Fees of appraisers, auctioneers, and realty brokers, in ac-*  
 13 *cordance with the scale customarily paid in similar commer-*  
 14 *cial transactions.*

15 (ii) *Costs of environmental and historic preservation serv-*  
 16 *ices.*

17 (iii) *Advertising and surveying.*

18 (B) *LIMITATIONS.*—

19 (i) *PERCENTAGE LIMITATION.*—*In each fiscal year, no more*  
 20 *than 12 percent of the proceeds of all dispositions of surplus*  
 21 *real and related personal property may be paid to meet direct*  
 22 *expenses incurred in connection with the dispositions.*

23 (ii) *DETERMINATION OF MAXIMUM AMOUNT.*—*The Director*  
 24 *of the Office of Management and Budget each quarter shall de-*  
 25 *termine the maximum amount that may be obligated under*  
 26 *this paragraph.*

27 (C) *DIRECT PAYMENT OR REIMBURSEMENT.*—*An amount obli-*  
 28 *gated under this paragraph may be used to pay an expense directly*  
 29 *or to reimburse a fund or appropriation that initially paid the ex-*  
 30 *penditure.*

31 (3) *TRANSFER TO MISCELLANEOUS RECEIPTS.*—*At least once each*  
 32 *year, excess amounts beyond current operating needs shall be transferred*  
 33 *from the fund described in paragraph (1) to miscellaneous receipts.*

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

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

38 (1) *DEFINITIONS.*—*In this subsection, the following definitions apply:*

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

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

3           (2) *APPLICATION.*—

4           (A) *IN GENERAL.*—This subsection applies to real property, in-  
5           cluding any improvement on the property, that is under the control  
6           of a military department and that the Secretary of the department  
7           determines is excess to the department’s needs.

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

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

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

13           (3) *TRANSFER BETWEEN MILITARY DEPARTMENTS.*—The Secretary of  
14           Defense shall provide that property described in paragraph (2) is avail-  
15           able for transfer, without reimbursement, to other military departments  
16           within the Department of Defense.

17           (4) *ALTERNATIVE DISPOSITION BY ADMINISTRATOR OF GENERAL SERV-  
18           ICES.*—If property is not transferred pursuant to paragraph (3), the Sec-  
19           retary of the military department with the property under its control  
20           shall request the Administrator to transfer or dispose of the property in  
21           accordance with this subtitle or other applicable law.

22           (5) *PROCEEDS.*—

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

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

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

36           (ii) In the case of property located at any other military  
37           installation—

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

1                   (ii) 50 percent of the amount is available for facility  
2                   maintenance and repair and for environmental restora-  
3                   tion by the military department that had jurisdiction over  
4                   the property before it was disposed of or transferred.

5           (6) *REPORT.*—As part of the annual request for authorizations of ap-  
6           propriations to the Committees on Armed Services of the Senate and the  
7           House of Representatives, the Secretary of Defense shall include an ac-  
8           counting of each transfer and disposal made in accordance with this sub-  
9           section during the fiscal year preceding the fiscal year in which the re-  
10          quest is made. The accounting shall include a detailed explanation of  
11          each transfer and disposal and of the use of the proceeds received from  
12          it by the Department of Defense.

13   **§573. Personal property**

14          The Administrator of General Services may retain from the proceeds of  
15          sales of personal property the Administrator conducts amounts necessary to  
16          recover, to the extent practicable, costs the Administrator (or the Administra-  
17          tor's agent) incurs in conducting the sales. The Administrator shall deposit  
18          amounts retained into the General Supply Fund established under section  
19          321(a) of this title. From the amounts deposited, the Administrator may pay  
20          direct costs and reasonably related indirect costs incurred in conducting sales  
21          of personal property. At least once each year, amounts retained that are not  
22          needed to pay the direct and indirect costs shall be transferred from the Gen-  
23          eral Supply Fund to the general fund or another appropriate account in the  
24          Treasury.

25   **§574. Other rules regarding proceeds**

26          (a) *CREDIT TO REIMBURSABLE FUND OR APPROPRIATION.*—

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

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

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

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

34                   (A) credited to the applicable reimbursable fund or appropria-  
35                   tion; or

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

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

1           (4) *ALTERNATIVE CREDIT TO MISCELLANEOUS RECEIPTS.*—If the agen-  
2           cy that determined the property to be excess decides that it is uneco-  
3           nomical or impractical to ascertain the amount of net proceeds, the pro-  
4           ceeds 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 spe-  
14           cial account under paragraph (1) may withdraw amounts to be refunded  
15           or paid from the account without regard to the origin of the amounts  
16           withdrawn.

17           (c) *CREDIT TO COST OF CONTRACTOR'S WORK.*—If a contract made by an  
18           executive agency, or a subcontract under that contract, authorizes the proceeds  
19           of a sale of property in the custody of a contractor or subcontractor to be cred-  
20           ited to the price or cost of work covered by the contract or subcontract, then  
21           the proceeds of the sale shall be credited in accordance with the contract or  
22           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 disposition  
25           of surplus property may accept property instead of cash if the President de-  
26           termines that the property is strategic or critical material. The property is  
27           valued at the prevailing market price when the cash payment becomes due.

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

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

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

SUBCHAPTER V—OPERATION OF BUILDINGS AND RELATED  
ACTIVITIES

**§581. General authority of Administrator of General Services**

(a) *APPLICABILITY.*—To the extent that the Administrator of General Services by law, other than this section, may maintain, operate, and protect buildings or property, including the construction, repair, preservation, demolition, furnishing, or equipping of buildings or property, the Administrator, in the discharge of these duties, may exercise authority granted under this section.

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

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

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

(3) furnish arms and ammunition for the protection force the Administration maintains.

(c) *ACQUISITION AND MANAGEMENT OF PROPERTY.*—

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

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

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

(4) *REPAIRS THAT ARE ECONOMICALLY ADVANTAGEOUS.*—The Administrator may repair, alter, or improve rented premises if the Administrator determines that doing so is advantageous to the Government in terms of economy, efficiency, or national security. The Administrator's determination must—

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

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

(5) *INSURANCE PROCEEDS FOR DEFENSE INDUSTRIAL RESERVE.*—At the direction of the Secretary of Defense, the Administrator may use in-

1        *insurance proceeds received for damage to property that is part of the De-*  
 2        *defense Industrial Reserve to repair or restore the property.*

3        (6) *MAINTENANCE CONTRACTS.—The Administrator may enter into a*  
 4        *contract, for a period not exceeding five years, for the inspection, mainte-*  
 5        *nance, and repair of fixed equipment in a federally owned building.*

6        (d) *LEASE OF FEDERAL BUILDING SITES.—*

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

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

14            (A) *the lessee is—*

15                    (i) *the former owner from whom the Government acquired*  
 16                    *the property; or*

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

18            (B) *the lease is negotiated incident to or in connection with the*  
 19            *acquisition of the property.*

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

22        (e) *ASSISTANCE TO THE INAUGURAL COMMITTEE.—The Administrator may*  
 23        *provide direct assistance and special services for the Inaugural Committee (as*  
 24        *defined in section 501 of title 36) during an inaugural period in connection*  
 25        *with Presidential inaugural operations and functions. Assistance and services*  
 26        *under this subsection may include—*

27            (1) *employment of personal services without regard to chapters 33 and*  
 28            *51 and subchapter III of chapter 53 of title 5;*

29            (2) *providing Government-owned and leased space for personnel and*  
 30            *parking;*

31            (3) *paying overtime to guard and custodial forces;*

32            (4) *erecting and removing stands and platforms;*

33            (5) *providing and operating first-aid stations;*

34            (6) *providing furniture and equipment; and*

35            (7) *providing other incidental services in the discretion of the Admin-*  
 36            *istrator.*

37        (f) *UTILITIES FOR DEFENSE INDUSTRIAL RESERVE AND SURPLUS PROP-*  
 38        *ERTY.—The Administrator may—*

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

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

3           (B) surplus real property; and

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

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

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

13          (2) credit the payments to the applicable appropriation of the Admin-  
14          istration.

15          (h) COOPERATIVE USE OF PUBLIC BUILDINGS.—

16          (1) LEASING SPACE FOR COMMERCIAL AND OTHER PURPOSES.—The  
17          Administrator may lease space on a major pedestrian access level, court-  
18          yard, or rooftop of a public building to a person, firm, or organization  
19          engaged in commercial, cultural, educational, or recreational activity (as  
20          defined in section 3306(a) of this title). The Administrator shall establish  
21          a rental rate for leased space equivalent to the prevailing commercial  
22          rate for comparable space devoted to a similar purpose in the vicinity  
23          of the public building. The lease may be negotiated without competitive  
24          bids, but shall contain terms and conditions and be negotiated pursuant  
25          to procedures that the Administrator considers necessary to promote com-  
26          petition and to protect the public interest.

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

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

39          (4) FURNISHING UTILITIES AND MAINTENANCE.—The Administrator  
40          may furnish utilities, maintenance, repair, and other services to a per-  
41          son, firm, or organization leasing space pursuant to paragraph (1) or

1           (2). *The services may be provided during and outside of regular working*  
2           *hours of federal agencies.*

3       **§582. Management of buildings by Administrator of General**  
4           **Services**

5           (a) *REQUEST BY FEDERAL AGENCY OR INSTRUMENTALITY.—At the request*  
6           *of a federal agency, a mixed-ownership Government corporation (as defined*  
7           *in chapter 91 of title 31), or the District of Columbia, the Administrator of*  
8           *General Services may operate, maintain, and protect a building that is owned*  
9           *by the Federal Government (or, in the case of a wholly owned or mixed-own-*  
10           *ership Government corporation, by the corporation) and occupied by the agen-*  
11           *cy or instrumentality making the request.*

12           (b) *TRANSFER OF FUNCTIONS BY DIRECTOR OF THE OFFICE OF MANAGE-*  
13           *MENT AND BUDGET.—*

14           (1) *IN GENERAL.—When the Director of the Office of Management and*  
15           *Budget determines that it is in the interest of economy or efficiency, the*  
16           *Director shall transfer to the Administrator all functions vested in a fed-*  
17           *eral agency with respect to the operation, maintenance, and custody of*  
18           *an office building owned by the Government or a wholly owned Govern-*  
19           *ment corporation, or an office building, or part of an office building,*  
20           *that is occupied by a federal agency under a lease.*

21           (2) *EXCEPTION FOR POST-OFFICE BUILDINGS.—A transfer of functions*  
22           *shall not be made under this subsection for a post-office building, unless*  
23           *the Director determines that the building is not used predominantly for*  
24           *post-office purposes. The Administrator may delegate functions with re-*  
25           *spect to a post-office building that are transferred to the Administrator*  
26           *under this subsection only to another officer or employee of the General*  
27           *Services Administration or to the Postmaster General.*

28           (3) *EXCEPTION FOR BUILDINGS IN A FOREIGN COUNTRY.—A transfer*  
29           *of functions shall not be made under this subsection for a building lo-*  
30           *cated in a foreign country.*

31           (4) *EXCEPTION FOR DEPARTMENT OF DEFENSE BUILDINGS.—A trans-*  
32           *fer of functions shall not be made under this subsection for a building*  
33           *located on the grounds of a facility of the Department of Defense (includ-*  
34           *ing a fort, camp, post, arsenal, navy yard, naval training station, air-*  
35           *field, proving ground, military supply depot, or school) unless and only*  
36           *to the extent that the Secretary of Defense has issued a permit for use*  
37           *by another agency.*

38           (5) *EXCEPTION FOR GROUPS OF SPECIAL PURPOSE BUILDINGS.—A*  
39           *transfer of functions shall not be made under this subsection for a build-*  
40           *ing that the Director finds to be a part of a group of buildings that*  
41           *are—*

1 (A) located in the same vicinity;

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

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

5 (6) *EXCEPTION FOR CERTAIN GOVERNMENT BUILDINGS.*—A transfer of  
6 functions shall not be made under this subsection for the Treasury Build-  
7 ing, the Bureau of Engraving and Printing Building, the buildings occu-  
8 pied by the National Institute of Standards and Technology, and the  
9 buildings under the jurisdiction of the regents of the Smithsonian Insti-  
10 tution.

11 **§ 583. Construction of buildings**

12 (a) *AUTHORITY.*—At the request of a federal agency, a mixed-ownership  
13 Government corporation (as defined in chapter 91 of title 31), or the District  
14 of Columbia, the Administrator of General Services may—

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

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

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

22 (b) *TRANSFER OF AMOUNTS.*—An amount available to a federal agency or  
23 instrumentality for a building or project may be transferred, in advance, to  
24 the General Services Administration for purposes the Administrator deter-  
25 mines are necessary, including payment of salaries and expenses for pre-  
26 paring plans and specifications and for field supervision.

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

28 (a) *AUTHORITY.*—

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

32 (2) *REQUIREMENTS.*—The Administrator's authority under paragraph  
33 (1) may be exercised only—

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

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

38 (C) on a determination by the Administrator that the assignment  
39 or reassignment is advantageous to the Government in terms of  
40 economy, efficiency, or national security.

1       (b) *PRIORITY FOR PUBLIC ACCESS.*—*In assigning space on a major pedestrian access level (other than space leased under section 581(h)(1) or (2) of this title), the Administrator shall, where practicable, give priority to federal activities requiring regular contact with the public. If the space is not available, the Administrator shall provide space with maximum ease of access to building entrances.*

7       **§585. Lease agreements**

8       (a) *IN GENERAL.*—

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

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

22       (b) *SUBLEASE.*—

23           (1) *APPLICATION.*—*This subsection applies to rent received if the Administrator—*

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

27                   (B) *disposes of the property by sublease.*

28           (2) *USE OF RENT.*—*Notwithstanding section 571(a) of this title, the Administrator may deposit rent received into the Federal Buildings Fund. The Administrator may defray from the fund any costs necessary to provide services to the Government's lessee and to pay the rent (not otherwise provided for) on the lease of the space to the Government.*

33       (c) *AMOUNTS FOR RENT AVAILABLE FOR LEASE OF BUILDINGS ON GOVERNMENT LAND.*—*Amounts made available to the General Services Administration for the payment of rent may be used to lease space, for a period of not more than 30 years, in buildings erected on land owned by the Government.*

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

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

41       (b) *CHARGES BY ADMINISTRATOR OF GENERAL SERVICES.*—

1           (1) *IN GENERAL.*—*The Administrator of General Services shall impose*  
2 *a charge for furnishing space and services.*

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

11           (3) *EXEMPTIONS.*—*The Administrator may exempt anyone from the*  
12 *charges required by this subsection when the Administrator determines*  
13 *that charges would be infeasible or impractical. To the extent an exemp-*  
14 *tion is granted, appropriations to the General Services Administration*  
15 *are authorized to reimburse the Federal Buildings Fund for any loss of*  
16 *revenue.*

17 (c) *CHARGES BY EXECUTIVE AGENCIES.*—

18           (1) *IN GENERAL.*—*An executive agency, other than the Administra-*  
19 *tion, may impose a charge for furnishing space and services at rates ap-*  
20 *proved by the Administrator.*

21           (2) *CREDITING AMOUNTS RECEIVED.*—*An amount an executive agency*  
22 *receives under this subsection shall be credited to the appropriation or*  
23 *fund initially charged for providing the space or service. However,*  
24 *amounts in excess of actual operating and maintenance costs shall be*  
25 *credited to miscellaneous receipts unless otherwise provided by law.*

26 (d) *RENT PAYMENTS FOR LEASE SPACE.*—*An agency may make rent pay-*  
27 *ments to the Administration for lease space relating to expansion needs of the*  
28 *agency. Payment rates shall approximate commercial charges for comparable*  
29 *space as provided in subsection (b). Payments shall be deposited into the Fed-*  
30 *eral Buildings Fund. The Administration may use amounts received under*  
31 *this subsection, in addition to amounts received as New Obligational Author-*  
32 *ity, in the Rental of Space activity of the Fund.*

33 **§587. Telecommuting and other alternative workplace ar-**  
34 **rangements**

35 (a) *DEFINITION.*—*In this section, the term “telecommuting centers” means*  
36 *flexiplace work telecommuting centers.*

37 (b) *TELECOMMUTING CENTERS ESTABLISHED BY ADMINISTRATOR OF GEN-*  
38 *ERAL SERVICES.*—

39           (1) *ESTABLISHMENT.*—*The Administrator of General Services may ac-*  
40 *quire space for, establish, and equip telecommuting centers for use in ac-*  
41 *cordance with this subsection.*

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

7           (3) *USER FEES.*—*The Administrator shall charge a user fee for the use*  
8 *of a telecommuting center. The amount of the user fee shall approximate*  
9 *commercial charges for comparable space and services. However, the user*  
10 *fee may not be less than necessary to pay the cost of establishing and*  
11 *operating the telecommuting center, including the reasonable cost of ren-*  
12 *ovation and replacement of furniture, fixtures, and equipment.*

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

14                   (A) *deposit user fees into the Federal Buildings Fund and use the*  
15 *fees to pay costs incurred in establishing and operating the telecom-*  
16 *muting center; and*

17                   (B) *accept and retain income received by the General Services*  
18 *Administration, from federal agencies and non-federal sources, to*  
19 *defray costs directly associated with the functions of telecommuting*  
20 *centers.*

21           (c) *DEVELOPMENT OF ALTERNATIVE WORKPLACE ARRANGEMENTS BY EX-*  
22 *ECUTIVE AGENCIES AND OTHERS.*—

23                   (1) *DEFINITION.*—*In this subsection, the term “alternative workplace*  
24 *arrangements” includes telecommuting, hoteling, virtual offices, and*  
25 *other distributive work arrangements.*

26                   (2) *CONSIDERATION BY EXECUTIVE AGENCIES.*—*In considering wheth-*  
27 *er to acquire space, quarters, buildings, or other facilities for use by em-*  
28 *ployees, the head of an executive agency shall consider whether needs can*  
29 *be met using alternative workplace arrangements.*

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

33           (d) *AMOUNTS AVAILABLE FOR FLEXIPLACE WORK TELECOMMUTING PRO-*  
34 *GRAMS.*—

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

40                   (2) *MINIMUM FUNDING.*—*For each of the following departments and*  
41 *agencies, in each fiscal year at least \$50,000 of amounts made available*

1           *for salaries and expenses is available only for carrying out a flexiplace*  
 2           *work telecommuting program:*

3           (A) *Department of Agriculture.*

4           (B) *Department of Commerce.*

5           (C) *Department of Defense.*

6           (D) *Department of Education.*

7           (E) *Department of Energy.*

8           (F) *Department of Health and Human Services.*

9           (G) *Department of Housing and Urban Development.*

10          (H) *Department of the Interior.*

11          (I) *Department of Justice.*

12          (J) *Department of Labor.*

13          (K) *Department of State.*

14          (L) *Department of Transportation.*

15          (M) *Department of the Treasury.*

16          (N) *Department of Veterans Affairs.*

17          (O) *Environmental Protection Agency.*

18          (P) *General Services Administration.*

19          (Q) *Office of Personnel Management.*

20          (R) *Small Business Administration.*

21          (S) *Social Security Administration.*

22          (T) *United States Postal Service.*

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

24           (a) *DEFINITION.*—*In this section, the term “controlled space” means a sub-*  
 25           *stantial and identifiable segment of space (such as a building, floor, or wing)*  
 26           *in a location that the Administrator of General Services controls for purposes*  
 27           *of assignment of space.*

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

31           (c) *MOVING EXISTING FURNITURE.*—*The furniture and furnishings used by*  
 32           *an agency (or organizational unit of the agency) shall be moved only if the*  
 33           *Administrator determines, after consultation with the head of the agency and*  
 34           *with due regard for the program activities of the agency, that it would not*  
 35           *be more economical and efficient to make suitable replacements available in*  
 36           *the new controlled space.*

37           (d) *PROVIDING REPLACEMENT FURNITURE.*—*In the absence of a deter-*  
 38           *mination under subsection (c), suitable furniture and furnishings for the new*  
 39           *controlled space shall be provided from stocks under the control of the moving*  
 40           *agency or from stocks available to the Administrator, whichever the Adminis-*

1 *trator determines to be more economical and efficient. However, the same or*  
 2 *similar items may not be provided from both sources.*

3 (e) *CONTROL OF REPLACEMENT FURNITURE.—If furniture and furnishings*  
 4 *for a new controlled space are provided from stocks available to the Adminis-*  
 5 *trator, the items being provided remain in the control of the Administrator.*

6 (f) *CONTROL OF FURNITURE NOT MOVED.—*

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

11 (2) *REIMBURSEMENT.—*

12 (A) *IN GENERAL.—Furniture and furnishings passing to the con-*  
 13 *trol of the Administrator under this section pass without reimburse-*  
 14 *ment.*

15 (B) *EXCEPTION FOR TRUST FUND.—If furniture and furnishings*  
 16 *that were purchased from a trust fund pass to the control of the Ad-*  
 17 *ministrator under this section, the Administrator shall reimburse*  
 18 *the trust fund for the fair market value of the furniture and fur-*  
 19 *nishings.*

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

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

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

29 (1) *under the agency's control;*

30 (2) *owned by the Federal Government; and*

31 (3) *located in a State, the District of Columbia, Puerto Rico, or a ter-*  
 32 *ritory or possession of the United States.*

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

34 (1) *reimbursement to a State or political subdivision of a State, the*  
 35 *District of Columbia, Puerto Rico, or a territory or possession of the*  
 36 *United States; or*

37 (2) *a means other than reimbursement.*

38 (c) *REGULATIONS.—Subsection (a) shall be carried out in accordance with*  
 39 *regulations the Administrator of General Services prescribes with the ap-*  
 40 *proval of the Director of the Office of Management and Budget.*

1       (d) *USE OF AMOUNTS.*—Amounts appropriated to an executive agency for  
2       installation, repair, and maintenance, generally, are available to carry out  
3       this section.

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

6       **§ 590. Child care**

7       (a) *GUIDANCE, ASSISTANCE, AND OVERSIGHT.*—Through the General Serv-  
8       ices Administration’s licensing agreements, the Administrator of General  
9       Services shall provide guidance, assistance, and oversight to federal agencies  
10      for the development of child care centers to provide economical and effective  
11      child care for federal workers.

12      (b) *ALLOTMENT OF SPACE IN FEDERAL BUILDINGS.*—

13          (1) *DEFINITIONS.*—In this subsection, the following definitions apply:

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

17              (B) *ALLOTMENT OFFICER.*—The term “allotment officer” means  
18              an officer or agency of the Federal Government charged with the al-  
19              lotment of space in federal buildings.

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

22              (A) the child care provider applies to the allotment officer in the  
23              community or district in which child care services are to be pro-  
24              vided;

25              (B) the space is available; and

26              (C) the allotment officer determines that—

27                  (i) the space will be used to provide child care services to  
28                  children of whom at least 50 percent have one parent or guard-  
29                  ian employed by the Government; and

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

32      (c) *PAYMENT FOR SPACE AND SERVICES.*—

33          (1) *DEFINITION.*—For purposes of this subsection, the term “services”  
34          includes the providing of lighting, heating, cooling, electricity, office fur-  
35          niture, office machines and equipment, classroom furnishings and equip-  
36          ment, kitchen appliances, playground equipment, telephone service (in-  
37          cluding installation of lines and equipment and other expenses associated  
38          with telephone services), and security systems (including installation and  
39          other expenses associated with security systems), including replacement  
40          equipment, as needed.

1           (2) *NO CHARGE.*—*Space allotted under subsection (b) may be provided*  
2 *without charge for rent or services.*

3           (3) *REIMBURSEMENT FOR COSTS.*—*For space allotted under subsection*  
4 *(b), if there is an agreement for the payment of costs associated with pro-*  
5 *viding space or services, neither title 31, nor any other law, prohibits*  
6 *or restricts payment by reimbursement to the miscellaneous receipts or*  
7 *other appropriate account of the Treasury.*

8           (d) *PAYMENT OF OTHER COSTS.*—*If an agency has a child care facility*  
9 *in its space, or is a sponsoring agency for a child care facility in other federal*  
10 *or leased space, the agency or the Administration may—*

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

14           (2) *pay travel and per diem expenses for representatives of the child*  
15 *care facility to attend the annual Administration child care conference;*  
16 *and*

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

20           (e) *REIMBURSEMENT FOR EMPLOYEE TRAINING.*—*Notwithstanding section*  
21 *1345 of title 31, an agency, department, or instrumentality of the Government*  
22 *that provides or proposes to provide child care services for federal employees*  
23 *may reimburse a federal employee or any individual employed to provide*  
24 *child care services for travel, transportation, and subsistence expenses in-*  
25 *curring for training classes, conferences, or other meetings in connection with*  
26 *providing the services. A per diem allowance made under this subsection may*  
27 *not exceed the rate specified in regulations prescribed under section 5707 of*  
28 *title 5.*

29           (f) *CRIMINAL HISTORY BACKGROUND CHECKS.*—

30           (1) *DEFINITION.*—*In this subsection, the term “executive facility”*  
31 *means a facility owned or leased by an office or entity within the execu-*  
32 *tive branch of the Government. The term includes a facility owned or*  
33 *leased by the General Services Administration on behalf of an office or*  
34 *entity within the judicial branch of the Government.*

35           (2) *IN GENERAL.*—*All workers in a child care center located in an ex-*  
36 *ecutive facility shall undergo a criminal history background check as de-*  
37 *fined in section 231 of the Crime Control Act of 1990 (42 U.S.C. 13041).*

38           (3) *NONAPPLICATION TO LEGISLATIVE BRANCH FACILITIES.*—*This sub-*  
39 *section does not apply to a facility owned by or leased on behalf of an*  
40 *office or entity within the legislative branch of the Government.*

41           (g) *APPROPRIATED AMOUNTS FOR AFFORDABLE CHILD CARE.*—

1           (1) *DEFINITION.*—For purposes of this subsection, the term “Executive  
2           agency” has the meaning given that term in section 105 of title 5, but  
3           does not include the General Accounting Office.

4           (2) *IN GENERAL.*—In accordance with regulations the Office of Per-  
5           sonnel Management prescribes, an Executive agency that provides or pro-  
6           poses to provide child care services for federal employees may use appro-  
7           priated amounts that are otherwise available for salaries and expenses  
8           to provide child care in a federal or leased facility, or through contract,  
9           for civilian employees of the agency.

10          (3) *AFFORDABILITY.*—Amounts used pursuant to paragraph (2) shall  
11          be applied to improve the affordability of child care for lower income fed-  
12          eral employees using or seeking to use the child care services.

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

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

19       **§591. Purchase of electricity**

20          (a) *GENERAL LIMITATION ON USE OF AMOUNTS.*—A department, agency,  
21          or instrumentality of the Federal Government may not use amounts appro-  
22          priated or made available by any law to purchase electricity in a manner  
23          inconsistent with state law governing the provision of electric utility service,  
24          including—

25               (1) *state utility commission rulings; and*

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

28          (b) *EXCEPTIONS.*—

29               (1) *ENERGY SAVINGS.*—This section does not preclude the head of a  
30               federal agency from entering into a contract under section 801 of the Na-  
31               tional Energy Conservation Policy Act (42 U.S.C. 8287).

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

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

35                       (B) *purchasing electricity from any provider if the Secretary*  
36                       *finds that the utility having the applicable state-approved franchise*  
37                       *(or other service authorization) is unwilling or unable to meet un-*  
38                       *usual standards of service reliability that are necessary for purposes*  
39                       *of national defense.*

1 **§592. Federal Buildings Fund**

2 (a) *EXISTENCE.*—*There is in the Treasury a fund known as the Federal*  
3 *Buildings Fund.*

4 (b) *DEPOSITS.*—

5 (1) *IN GENERAL.*—*The following revenues and collections shall be de-*  
6 *posited into the Fund:*

7 (A) *User charges under section 586(b) of this title, payable in ad-*  
8 *vance or otherwise.*

9 (B) *Proceeds from the lease of federal building sites or additions*  
10 *under section 581(d) of this title.*

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

13 (2) *REIMBURSEMENTS FOR SPECIAL SERVICES.*—*This subchapter does*  
14 *not preclude the Administrator of General Services from providing spe-*  
15 *cial services, not included in the standard level user charge, on a reim-*  
16 *bursable basis. The reimbursements may be credited to the Fund.*

17 (3) *TRANSFER OF SURPLUS AMOUNTS.*—*To prevent the accumulation*  
18 *of excessive surpluses in the Fund, in any fiscal year an amount speci-*  
19 *fied in an appropriation law may be transferred out of the Fund and*  
20 *deposited as miscellaneous receipts in the Treasury.*

21 (c) *USES.*—

22 (1) *IN GENERAL.*—*Deposits in the Fund are available for real prop-*  
23 *erty management and related activities in the amounts specified in an-*  
24 *ual appropriation laws without regard to fiscal year limitations.*

25 (2) *SALARIES AND EXPENSES RELATED TO CONSTRUCTION PROJECTS*  
26 *OR PLANNING PROGRAMS.*—*Deposits in the Fund that are available pur-*  
27 *suant to annual appropriation laws may be transferred and consolidated*  
28 *on the books of the Treasury into a special account in accordance with,*  
29 *and for the purposes specified in, section 3176 of this title.*

30 (3) *REPAYMENT OF GENERAL SERVICES ADMINISTRATION BORROWING*  
31 *FROM FEDERAL FINANCING BANK.*—*The Administrator, in accordance*  
32 *with rules and procedures that the Office of Management and Budget*  
33 *and the Secretary of the Treasury establish, may transfer from the Fund*  
34 *an amount necessary to repay the principal amount of a General Serv-*  
35 *ices Administration borrowing from the Federal Financing Bank, if the*  
36 *borrowing is a legal obligation of the Fund.*

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

1           (A) A building constructed pursuant to the purchase contract au-  
2           thority of section 5 of the Public Buildings Amendments of 1972  
3           (Public Law 92-313, 86 Stat. 219).

4           (B) A building occupied pursuant to an installment purchase  
5           contract.

6           (C) A building under the control of a department or agency, if  
7           alterations of the building are required in connection with moving  
8           the department or agency from a former building that is, or will  
9           be, under the control of the Administration.

10       (d) *ENERGY MANAGEMENT PROGRAMS.*—

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

15           (2) *RECEIVING GOODS OR SERVICES.*—The Administrator may accept,  
16           from a utility, goods or services that enhance the energy efficiency of fed-  
17           eral facilities.

18           (3) *ASSIGNMENT OF ENERGY REBATES.*—In the administration of real  
19           property that the Administrator leases and for which the Administrator  
20           pays utility costs, the Administrator may assign all or a portion of en-  
21           ergy rebates to the lessor to underwrite the costs incurred in undertaking  
22           energy efficiency improvements in the real property if the payback pe-  
23           riod for the improvement is at least 2 years less than the remainder of  
24           the term of the lease.

25           (4) *OBLIGATING AMOUNTS FOR ENERGY MANAGEMENT IMPROVEMENT*  
26           *PROGRAMS.*—In addition to amounts appropriated for energy manage-  
27           ment improvement programs and without regard to subsection (c)(1), the  
28           Administrator may obligate for those programs—

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

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

32                   (C) amounts the Administrator determines are not needed for  
33                   other authorized projects and that are otherwise available to imple-  
34                   ment energy efficiency programs.

35       (e) *RECYCLING PROGRAMS.*—

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

39           (2) *OBLIGATING AMOUNTS FOR RECYCLING PROGRAMS.*—In addition to  
40           amounts appropriated for such purposes and without regard to sub-

1           section (c)(1), the Administrator may obligate amounts received and de-  
2           posited in the Fund under paragraph (1) for programs which—

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

4                   and

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

7           (f) *ADDITIONAL AUTHORITY RELATED TO ENERGY MANAGEMENT AND RE-*  
8           *CYCLING PROGRAMS.*—The Fund may receive, in the form of rebates, cash in-  
9           centives or otherwise, any revenues, collections, or other income related to en-  
10          ergy savings or recycling efforts. Amounts received under this subsection re-  
11          main in the Fund until expended and remain available for federal energy  
12          management improvement programs, recycling programs, or employee pro-  
13          grams that are authorized by law or that the Administrator considers appro-  
14          priate. The Administration may use amounts received under this subsection,  
15          in addition to amounts received as New Obligational Authority, in activities  
16          of the Fund as necessary.

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

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

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

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

24           (b) *IN GENERAL.*—Except as provided in subsection (c), amounts made  
25          available to the Administration pursuant to section 592 of this title may not  
26          be obligated or expended to procure covered services by contract if an em-  
27          ployee who was a permanent veterans preference employee of the Administra-  
28          tion on November 19, 1995, would be terminated as a result.

29           (c) *EXCEPTION.*—Amounts made available to the Administration pursuant  
30          to section 592 of this title may be obligated and expended to procure covered  
31          services by contract with a sheltered workshop or, if sheltered workshops de-  
32          cline to contract for the provision of covered services, by competitive contract  
33          for a period of no longer than 5 years. When a competitive contract expires,  
34          or is terminated for any reason, the Administration shall again offer to pro-  
35          cure the covered services by contract with a sheltered workshop before pro-  
36          curing the covered services by competitive contract.

SUBCHAPTER VI—MOTOR VEHICLE POOLS AND  
TRANSPORTATION SYSTEMS

**§ 601. Purposes**

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

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

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

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

*(4) to reduce the number of Government-owned vehicles to the minimum necessary to transact public business; and*

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

**§ 602. Authority to establish motor vehicle pools and transportation systems**

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

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

*(2) provide for the establishment, maintenance, and operation (including servicing and storage) of motor vehicle pools or systems; and*

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

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

*(1) Federal Government-owned motor vehicles;*

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

*(3) both.*

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

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

*(a) DETERMINATION REQUIREMENT.—*

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

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

9                   (A) *a detailed comparison of estimated costs for present and pro-*  
 10 *posed modes of operation; and*

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

13 (b) *REGULATIONS RELATED TO ESTABLISHMENT.*—

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

16           (2) *ELEMENTS OF THE REGULATIONS.*—*The regulations shall provide*  
 17 *for—*

18                   (A) *adequate notice to an executive agency of any determination*  
 19 *that affects the agency or its functions;*

20                   (B) *independent review and decision as directed by the President*  
 21 *of any determination disputed by an agency, with the possibility*  
 22 *that the decision may include a partial or complete exemption of*  
 23 *the agency from the determination; and*

24                   (C) *enforcement of determinations that become effective under the*  
 25 *regulations.*

26           (3) *EFFECT OF THE REGULATIONS.*—*A determination under sub-*  
 27 *section (a) is binding on an agency only as provided in regulations*  
 28 *issued under this subsection.*

29 **§ 604. Treatment of assets taken over to establish motor vehi-**  
 30 **cle pools and transportation systems**

31 (a) *REIMBURSEMENT.*—

32           (1) *REQUIREMENT.*—*When the Administrator of General Services*  
 33 *takes over motor vehicles or related equipment or supplies under section*  
 34 *602 of this title, reimbursement is required if the property is taken over*  
 35 *from—*

36                   (A) *a Government corporation; or*

37                   (B) *an agency, if the agency acquired the property through unre-*  
 38 *imbursed expenditures made from a revolving or trust fund author-*  
 39 *ized by law.*

40           (2) *AMOUNT.*—*The Administrator shall reimburse a Government cor-*  
 41 *poration, or a fund through which an agency acquired property, by an*

1           *amount equal to the fair market value of the property. If the Adminis-*  
2           *trator subsequently returns property of a similar kind under section 610*  
3           *of this title, the Government corporation or the fund shall reimburse the*  
4           *Administrator by an amount equal to the fair market value of the prop-*  
5           *erty returned.*

6           **(b) ADDITION TO GENERAL SUPPLY FUND.**—*If the Administrator takes*  
7           *over motor vehicles or related equipment or supplies under section 602 of this*  
8           *title but reimbursement is not required under subsection (a), the value of the*  
9           *property taken over, as determined by the Administrator, may be added to*  
10           *the capital of the General Supply Fund. If the Administrator subsequently*  
11           *returns property of a similar kind under section 610 of this title, the value*  
12           *of the property may be deducted from the Fund.*

13           **§ 605. Payment of costs**

14           **(a) USE OF GENERAL SUPPLY FUND TO COVER COSTS.**—*The General Sup-*  
15           *ply Fund provided for in section 321 of this title is available for use by or*  
16           *under the direction and control of the Administrator of General Services to*  
17           *pay the costs of carrying out section 602 of this title, including the cost of*  
18           *purchasing or renting motor vehicles and related equipment and supplies.*

19           **(b) SETTING PRICES TO RECOVER COSTS.**—

20           **(1) IN GENERAL.**—*The Administrator shall set prices for furnishing*  
21           *motor vehicles and related services under section 602 of this title. Prices*  
22           *shall be set to recover, so far as practicable, all costs of carrying out sec-*  
23           *tion 602 of this title.*

24           **(2) INCREMENT FOR REPLACEMENT COST.**—*In the Administrator's dis-*  
25           *cretion, prices may include an increment for the estimated replacement*  
26           *cost of motor vehicles and related equipment and supplies. Notwith-*  
27           *standing section 321(f)(1) of this title, the increment may be retained as*  
28           *a part of the capital of the General Supply Fund but is available only*  
29           *to replace motor vehicles and related equipment and supplies.*

30           **(c) ACCOUNTING METHOD.**—*The purchase price of motor vehicles and re-*  
31           *lated equipment, and any increment for estimated replacement cost, shall be*  
32           *recovered only through charges for the cost of amortization. Costs shall be de-*  
33           *termined, and financial reports prepared, in accordance with the accrual ac-*  
34           *counting method.*

35           **§ 606. Regulations related to operation**

36           **(a) IN GENERAL.**—*The Director of the Office of Personnel Management*  
37           *shall prescribe regulations to govern executive agencies in authorizing civilian*  
38           *personnel to operate Federal Government-owned motor vehicles for official*  
39           *purposes within the States of the United States, the District of Columbia,*  
40           *Puerto Rico, and the territories and possessions of the United States.*

1       (b) *ELEMENTS OF THE REGULATIONS.*—*The regulations shall prescribe*  
 2 *standards of physical fitness for authorized operators. The regulations may*  
 3 *require operators and prospective operators to obtain state and local licenses*  
 4 *or permits that are required to operate similar vehicles for other than official*  
 5 *purposes.*

6       (c) *AGENCY ORDERS.*—*The head of each executive agency shall issue orders*  
 7 *and directives necessary for compliance with the regulations. The orders and*  
 8 *directives shall provide for—*

9           (1) *periodically testing the physical fitness of operators and prospec-*  
 10 *tive operators; and*

11           (2) *suspension and revocation of authority to operate.*

12 **§ 607. Records**

13       *The Administrator of General Services shall maintain an accurate record*  
 14 *of the cost of establishing, maintaining, and operating each motor vehicle pool*  
 15 *or system established under section 602 of this title.*

16 **§ 608. Scrip, tokens, tickets**

17       *The Administrator of General Services, in the operation of motor vehicle*  
 18 *pools or systems under this subchapter, may provide for the sale and use of*  
 19 *scrip, tokens, tickets, and similar devices to collect payment.*

20 **§ 609. Identification of vehicles**

21       (a) *IN GENERAL.*—*Under regulations prescribed by the Administrator of*  
 22 *General Services, every motor vehicle acquired and used for official purposes*  
 23 *within the United States, or the territories or possessions of the United States,*  
 24 *by any federal agency or by the District of Columbia shall be conspicuously*  
 25 *identified by showing, on the vehicle—*

26           (1)(A) *the full name of the department, establishment, corporation, or*  
 27 *agency that uses the vehicle and the service for which the vehicle is used;*  
 28 *or*

29           (B) *a title that readily identifies the department, establishment, cor-*  
 30 *poration, or agency that uses the vehicle and that is descriptive of the*  
 31 *service for which the vehicle is used; and*

32           (2) *the legend “For official use only”.*

33       (b) *EXCEPTIONS.*—*The regulations prescribed pursuant to this section may*  
 34 *provide for exemptions when conspicuous identification would interfere with*  
 35 *the purpose for which a vehicle is acquired and used.*

36 **§ 610. Discontinuance of motor vehicle pool or system**

37       (a) *IN GENERAL.*—*The Administrator of General Services shall discontinue*  
 38 *a motor vehicle pool or system if there are no actual savings realized (based*  
 39 *on accounting as provided in section 605 of this title) during a reasonable*  
 40 *period of not longer than two successive fiscal years.*

1       (b) *RETURN OF COMPARABLE PROPERTY.*—If a motor vehicle pool or sys-  
 2       tem is discontinued, the Administrator shall return to each agency involved  
 3       motor vehicles and related equipment and supplies similar in kind and rea-  
 4       sonably comparable in value to any motor vehicles and related equipment and  
 5       supplies which were previously taken over by the Administrator.

6       **§611. Duty to report violations**

7       During the regular course of the duties of the Administrator of General  
 8       Services, if the Administrator becomes aware of a violation of section 1343,  
 9       1344, or 1349(b) of title 31 or of section 641 of title 18 involving the conver-  
 10      sion by a Federal Government official or employee of a Government-owned  
 11      or leased motor vehicle to the official or employee's own use or to the use of  
 12      others, the Administrator shall report the violation to the head of the agency  
 13      in which the official or employee is employed, for further investigation and  
 14      either appropriate disciplinary action under section 1343, 1344, or 1349(b)  
 15      or, if appropriate, referral to the Attorney General for prosecution under sec-  
 16      tion 641.

17                                   **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.

18       **§701. Administrative**

19      (a) *POLICIES PRESCRIBED BY THE PRESIDENT.*—The President may pre-  
 20      scribe policies that the President considers necessary to carry out this chapter.  
 21      The policies must be consistent with this chapter.

22      (b) *EXECUTIVE AGENCY RESPONSIBILITY.*—

23          (1) *IN GENERAL.*—The head of an executive agency that has foreign  
 24          excess property is responsible for the disposal of the property.

25          (2) *CONFORMANCE TO POLICIES.*—In carrying out functions under  
 26          this chapter, the head of an executive agency shall—

27                  (A) use the policies prescribed by the President under subsection  
 28                  (a) for guidance; and

29                  (B) dispose of foreign excess property in a manner that conforms  
 30                  to the foreign policy of the United States.

31          (3) *DELEGATION OF AUTHORITY.*—The head of an executive agency  
 32          may—

33                  (A) delegate authority conferred by this chapter to an official in  
 34                  the agency or to the head of another executive agency; and

35                  (B) authorize successive redelegation of authority conferred by  
 36                  this chapter.

1           (4) *EMPLOYMENT OF PERSONNEL.*—As necessary to carry out this  
2 chapter, the head of an executive agency may—

3           (A) appoint and fix the pay of personnel in the United States,  
4 subject to chapters 33 and 51 and subchapter III of chapter 53 of  
5 title 5; and

6           (B) appoint personnel outside the States of the United States and  
7 the District of Columbia, without regard to chapter 33 of title 5.

8 (c) *SPECIAL RESPONSIBILITIES OF SECRETARY OF STATE.*—

9           (1) *USE OF FOREIGN CURRENCIES AND CREDITS.*—The Secretary of  
10 State may use foreign currencies and credits acquired by the United  
11 States under section 704(b)(2) of this title—

12           (A) to carry out the Mutual Educational and Cultural Exchange  
13 Act of 1961 (22 U.S.C. 2451 et seq.);

14           (B) to carry out the Foreign Service Buildings Act, 1926 (22  
15 U.S.C. 292 et seq.); and

16           (C) to pay other governmental expenses payable in local cur-  
17 rencies.

18           (2) *RENEWAL OF CERTAIN AGREEMENTS.*—Except as otherwise di-  
19 rected by the President, the Secretary of State shall continue to perform  
20 functions under agreements in effect on July 1, 1949, related to the dis-  
21 posal of foreign excess property. The Secretary of State may amend,  
22 modify, and renew the agreements. Foreign currencies or credits the Sec-  
23 retary of State acquires under the agreements shall be administered in  
24 accordance with procedures that the Secretary of the Treasury may es-  
25 tablish. Foreign currencies or credits reduced to United States currency  
26 must be deposited in the Treasury as miscellaneous receipts.

27 **§ 702. Return of foreign excess property to United States**

28           (a) *IN GENERAL.*—Under regulations prescribed pursuant to subsection (b),  
29 foreign excess property may be returned to the United States for handling as  
30 excess or surplus property under subchapter II of chapter 5 of this title or  
31 section 549 or 551 of this title when the head of the executive agency con-  
32 cerned, or the Administrator of General Services after consultation with the  
33 agency head, determines that return of the property to the United States for  
34 such handling is in the interest of the United States.

35           (b) *REGULATIONS.*—The Administrator shall prescribe regulations to carry  
36 out this section. The regulations must require that transportation costs for re-  
37 turning foreign excess property to the United States are paid by the federal  
38 agency, state agency, or donee receiving the property.

1 **§ 703. Donation of medical supplies for use in foreign coun-**  
 2 **try**

3 (a) *APPLICATION.*—This section applies to medical materials or supplies  
 4 that are in a foreign country but that would, if situated within the United  
 5 States, be available for donation under subchapter III of chapter 5 of this  
 6 title.

7 (b) *IN GENERAL.*—An executive agency may donate medical materials or  
 8 supplies that are not disposed of under section 702 of this title.

9 (c) *CONDITIONS.*—A donation under this section is subject to the following  
 10 conditions:

11 (1) *The medical materials and supplies must be donated for use in*  
 12 *a foreign country.*

13 (2) *The donation must be made to a nonprofit medical or health orga-*  
 14 *nization, which may be an organization qualified to receive assistance*  
 15 *under section 214(b) or 607 of the Foreign Assistance Act of 1961 (22*  
 16 *U.S.C. 2174(b), 2357).*

17 (3) *The donation must be made without cost to the donee (except for*  
 18 *costs of care and handling).*

19 **§ 704. Other methods of disposal**

20 (a) *IN GENERAL.*—Foreign excess property not disposed of under section  
 21 702 or 703 of this title may be disposed of as provided in this section.

22 (b) *METHODS OF DISPOSAL.*—

23 (1) *SALE, EXCHANGE, LEASE, OR TRANSFER.*—The head of an execu-  
 24 tive agency may dispose of foreign excess property by sale, exchange,  
 25 lease, or transfer, for cash, credit or other property, with or without war-  
 26 ranty, under terms and conditions the head of the executive agency con-  
 27 siders proper.

28 (2) *EXCHANGE FOR FOREIGN CURRENCY OR CREDIT.*—If the head of  
 29 an executive agency determines that it is in the interest of the United  
 30 States, foreign excess property may be exchanged for—

31 (A) *foreign currencies or credits; or*

32 (B) *substantial benefits or the discharge of claims resulting from*  
 33 *the compromise or settlement of claims in accordance with law.*

34 (3) *ABANDONMENT, DESTRUCTION, OR DONATION.*—The head of an ex-  
 35 ecutive agency may authorize the abandonment, destruction, or donation  
 36 of foreign excess property if the property has no commercial value or if  
 37 estimated costs of care and handling exceed the estimated proceeds from  
 38 sale.

39 (c) *ADVERTISING.*—The head of an executive agency may dispose of foreign  
 40 excess property without advertising if the head of the executive agency finds

1 *that disposal without advertising is the most practicable and advantageous*  
 2 *means for the Federal Government to dispose of the property.*

3 (d) *TRANSFER OF TITLE.—The head of an executive agency may execute*  
 4 *documents to transfer title or other interests in, and take other action nec-*  
 5 *essary or proper to dispose of, foreign excess property.*

6 **§ 705. Handling of proceeds from disposal**

7 (a) *IN GENERAL.—This section applies to proceeds from the sale, lease, or*  
 8 *other disposition of foreign excess property under this chapter.*

9 (b) *FOREIGN CURRENCIES OR CREDITS.—Proceeds in the form of foreign*  
 10 *currencies or credits, must be administered in accordance with procedures*  
 11 *that the Secretary of the Treasury may establish.*

12 (c) *UNITED STATES CURRENCY.—*

13 (1) *SEPARATE FUND IN TREASURY.—Section 572(a) of this title ap-*  
 14 *plies to proceeds of foreign excess property disposed of for United States*  
 15 *currency under this chapter.*

16 (2) *DEPOSITED IN TREASURY AS MISCELLANEOUS RECEIPTS.—Except*  
 17 *as provided in paragraph (1), proceeds in the form of United States cur-*  
 18 *rency, including foreign currencies or credits that are reduced to United*  
 19 *States currency, must be deposited in the Treasury as miscellaneous re-*  
 20 *ceipts.*

21 (d) *SPECIAL ACCOUNT FOR REFUNDS OR PAYMENTS FOR BREACH.—*

22 (1) *DEPOSITS.—A federal agency that disposes of foreign excess prop-*  
 23 *erty under this chapter may deposit, in a special account in the Treas-*  
 24 *ury, amounts of the proceeds of the dispositions that the agency decides*  
 25 *are necessary to permit—*

26 (A) *appropriate refunds to purchasers for dispositions that are*  
 27 *rescinded or that do not become final; and*

28 (B) *payments for breach of warranty.*

29 (2) *WITHDRAWALS.—A federal agency that deposits proceeds in a spe-*  
 30 *cial account under paragraph (1) may withdraw amounts to be refunded*  
 31 *or paid from the account without regard to the origin of the amounts*  
 32 *withdrawn.*

33 **CHAPTER 9—URBAN LAND USE**

Sec.

901. *Purpose and policy.*

902. *Definitions.*

903. *Acquisition and use.*

904. *Disposal.*

905. *Waiver.*

34 **§ 901. Purpose and policy**

35 *The purpose of this chapter is to promote harmonious intergovernmental*  
 36 *relations and encourage sound planning, zoning, and land use practices by*  
 37 *prescribing uniform policies and procedures for the Administrator of General*

1 *Services to acquire, use, and dispose of land in urban areas. To the greatest*  
 2 *extent practicable, urban land transactions entered into for the General Serv-*  
 3 *ices Administration and other federal agencies shall be consistent with zoning*  
 4 *and land use practices and with the planning and development objectives of*  
 5 *local governments and planning agencies.*

6 **§902. Definitions**

7 *In this chapter, the following definitions apply:*

8 (1) *UNIT OF GENERAL LOCAL GOVERNMENT.*—*The term “unit of gen-*  
 9 *eral local government” means a city, county, town, parish, village, or*  
 10 *other general-purpose political subdivision of a State.*

11 (2) *URBAN AREA.*—*The term “urban area” means—*

12 (A) *a geographical area within the jurisdiction of an incor-*  
 13 *porated city, town, borough, village, or other unit of general local*  
 14 *government, except a county or parish, having a population of at*  
 15 *least 10,000 inhabitants;*

16 (B) *that portion of the geographical area within the jurisdiction*  
 17 *of a county, town, township, or similar governmental entity which*  
 18 *contains no incorporated unit of general local government but has*  
 19 *a population density of at least 1,500 inhabitants per square mile;*  
 20 *and*

21 (C) *that portion of a geographical area having a population den-*  
 22 *sity of at least 1,500 inhabitants per square mile and situated adja-*  
 23 *cent to the boundary of an incorporated unit of general local gov-*  
 24 *ernment which has a population of at least 10,000.*

25 **§903. Acquisition and use**

26 (a) *NOTICE TO LOCAL GOVERNMENT.*—*To the extent practicable, before*  
 27 *making a commitment to acquire real property situated in an urban area,*  
 28 *the Administrator of General Services shall give notice of the intended acqui-*  
 29 *sition and the proposed use of the property to the unit of general local govern-*  
 30 *ment exercising zoning and land use jurisdiction. If the Administrator deter-*  
 31 *mines that providing advance notice would adversely impact the acquisition,*  
 32 *the Administrator shall give notice of the acquisition and the proposed use*  
 33 *of the property immediately after the property is acquired.*

34 (b) *OBJECTIONS TO ACQUISITION OR CHANGE OF USE.*—*In the acquisition*  
 35 *or change of use of real property situated in an urban area as a site for pub-*  
 36 *lic building, if the unit of general local government exercising zoning and*  
 37 *land use jurisdiction objects on grounds that the proposed acquisition or*  
 38 *change of use conflicts with zoning regulations or planning objectives, the Ad-*  
 39 *ministrator shall, to the extent the Administrator determines is practicable,*  
 40 *consider all the objections and comply with the zoning regulations and plan-*  
 41 *ning objectives.*

1 **§904. Disposal**

2 (a) *NOTICE TO LOCAL GOVERNMENT.*—*Before offering real property situ-*  
 3 *ated in an urban area for sale, the Administrator of General Services shall*  
 4 *give reasonable notice to the unit of general local government exercising zon-*  
 5 *ing and land use jurisdiction in order to provide an opportunity for zoning*  
 6 *so that the property is used in accordance with local comprehensive planning*  
 7 *described in subsection (c).*

8 (b) *NOTICE TO PROSPECTIVE PURCHASERS.*—*To the greatest extent prac-*  
 9 *ticable, the Administrator shall furnish to all prospective purchasers of real*  
 10 *property situated in an urban area complete information concerning—*

11 (1) *current zoning regulations, prospective zoning requirements, and*  
 12 *objectives for property if it is unzoned; and*

13 (2)(A) *the current availability of streets, sidewalks, sewers, water,*  
 14 *street lights, and other service facilities; and*

15 (B) *the prospective availability of those service facilities if the prop-*  
 16 *erty is included in local comprehensive planning described in subsection*  
 17 *(c).*

18 (c) *LOCAL COMPREHENSIVE PLANNING.*—*Local comprehensive planning re-*  
 19 *ferred to in subsections (a) and (b) includes any of the following activities,*  
 20 *to the extent the activity is directly related to the needs of a unit of general*  
 21 *local government:*

22 (1) *As a guide for government policy and action, preparing general*  
 23 *plans related to—*

24 (A) *the pattern and intensity of land use;*

25 (B) *the provision of public facilities (including transportation fa-*  
 26 *ilities) and other government services; and*

27 (C) *the effective development and use of human and natural re-*  
 28 *sources.*

29 (2) *Preparing long-range physical and fiscal plans for government ac-*  
 30 *tion.*

31 (3) *Programming capital improvements and other major expenditures,*  
 32 *based on a determination of relative urgency, together with definitive fi-*  
 33 *nancial planning for expenditures in the earlier years of a program.*

34 (4) *Coordinating related plans and activities of state and local govern-*  
 35 *ments and agencies.*

36 (5) *Preparing regulatory and administrative measures to support ac-*  
 37 *tivities described in this subsection.*

38 **§905. Waiver**

39 *The procedures prescribed in sections 903 and 904 of this title may be*  
 40 *waived during a period of national emergency proclaimed by the President.*

**CHAPTER 11—SELECTION OF ARCHITECTS AND  
ENGINEERS**

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Sec.

1101. Policy.

1102. Definitions.

1103. Selection procedure.

1104. Negotiation of contract.

**§ 1101. Policy**

*The policy of the Federal Government is to publicly announce all requirements for architectural and engineering services and to negotiate contracts for architectural and engineering services on the basis of demonstrated competence and qualification for the type of professional services required and at fair and reasonable prices.*

**§ 1102. Definitions**

*In this chapter, the following definitions apply:*

(1) *AGENCY HEAD.*—*The term “agency head” means the head of a department, agency, or bureau of the Federal Government.*

(2) *ARCHITECTURAL AND ENGINEERING SERVICES.*—*The term “architectural and engineering services” means—*

*(A) professional services of an architectural or engineering nature, as defined by state law, if applicable, that are required to be performed or approved by a person licensed, registered, or certified to provide the services described in this paragraph;*

*(B) professional services of an architectural or engineering nature performed by contract that are associated with research, planning, development, design, construction, alteration, or repair of real property; and*

*(C) other professional services of an architectural or engineering nature, or incidental services, which members of the architectural and engineering professions (and individuals in their employ) may logically or justifiably perform, including studies, investigations, surveying and mapping, tests, evaluations, consultations, comprehensive planning, program management, conceptual designs, plans and specifications, value engineering, construction phase services, soils engineering, drawing reviews, preparation of operating and maintenance manuals, and other related services.*

(3) *FIRM.*—*The term “firm” means an individual, firm, partnership, corporation, association, or other legal entity permitted by law to practice the profession of architecture or engineering.*

**§ 1103. Selection procedure**

*(a) IN GENERAL.*—*These procedures apply to the procurement of architectural and engineering services by an agency head.*

1 (b) *ANNUAL STATEMENTS.*—*The agency head shall encourage firms to sub-*  
 2 *mit annually a statement of qualifications and performance data.*

3 (c) *EVALUATION.*—*For each proposed project, the agency head shall evalu-*  
 4 *ate current statements of qualifications and performance data on file with the*  
 5 *agency, together with statements submitted by other firms regarding the pro-*  
 6 *posed project. The agency head shall conduct discussions with at least 3 firms*  
 7 *to consider anticipated concepts and compare alternative methods for fur-*  
 8 *nishing services.*

9 (d) *SELECTION.*—*From the firms with which discussions have been con-*  
 10 *ducted, the agency head shall select, in order of preference, at least 3 firms*  
 11 *that the agency head considers most highly qualified to provide the services*  
 12 *required. Selection shall be based on criteria established and published by the*  
 13 *agency head.*

14 **§ 1104. Negotiation of contract**

15 (a) *IN GENERAL.*—*The agency head shall negotiate a contract for architec-*  
 16 *tural and engineering services at compensation which the agency head deter-*  
 17 *mines is fair and reasonable to the Federal Government. In determining fair*  
 18 *and reasonable compensation, the agency head shall consider the scope, com-*  
 19 *plexity, professional nature, and estimated value of the services to be rendered.*

20 (b) *ORDER OF NEGOTIATION.*—*The agency head shall attempt to negotiate*  
 21 *a contract, as provided in subsection (a), with the most highly qualified firm*  
 22 *selected under section 1103 of this title. If the agency head is unable to nego-*  
 23 *tiate a satisfactory contract with the firm, the agency head shall formally ter-*  
 24 *minate negotiations and then undertake negotiations with the next most*  
 25 *qualified of the selected firms, continuing the process until an agreement is*  
 26 *reached. If the agency head is unable to negotiate a satisfactory contract with*  
 27 *any of the selected firms, the agency head shall select additional firms in*  
 28 *order of their competence and qualification and continue negotiations in ac-*  
 29 *cordance with this section until an agreement is reached.*

30 **CHAPTER 13—PUBLIC PROPERTY**

*Sec.*

- 1301. *Charge of property transferred to the Federal Government.*
- 1302. *Lease of buildings.*
- 1303. *Disposition of surplus real property.*
- 1304. *Transfer of federal property to States.*
- 1305. *Disposition of land acquired by devise.*
- 1306. *Disposition of abandoned or forfeited personal property.*
- 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 Govern-**  
 2 **ment**

3 (a) *IN GENERAL.*—*Except as provided in subsection (b), the Administrator*  
 4 *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; or*

11 (B) *vested in the Government by mortgage or other security for*  
 12 *the payment of debts.*

13 (b) *NONAPPLICATION.*—*This section does not apply to—*

14 (1) *real estate which has been or shall be assigned, set off, or conveyed*  
 15 *to the Government in payment of debts arising under the Internal Rev-*  
 16 *enue Code of 1986 (26 U.S.C. 1 et seq.); or*

17 (2) *trusts created for the use of the Government in payment of debts*  
 18 *arising under the Code and due the Government.*

19 **§ 1302. Lease of buildings**

20 *Except as otherwise specifically provided by law, the leasing of buildings*  
 21 *and property of the Federal Government shall be for a money consideration*  
 22 *only. The lease may not include any provision for the alteration, repair, or*  
 23 *improvement of the buildings or property as a part of the consideration for*  
 24 *the rent to be paid for the use and occupation of the buildings or property.*  
 25 *Money derived from the rent shall be deposited in the Treasury as miscella-*  
 26 *neous receipts.*

27 **§ 1303. Disposition of surplus real property**

28 (a) *DEFINITION.*—*In this section, the term “federal agency” means an exec-*  
 29 *utive department, independent establishment, commission, board, bureau, di-*  
 30 *vision, or office in the executive branch, or other agency of the Federal Gov-*  
 31 *ernment, including wholly owned Government corporations.*

32 (b) *ASSIGNMENT OF SPACE OR LEASE OR SALE OF PROPERTY.*—

33 (1) *ACTIONS OF ADMINISTRATOR.*—*When the President, on the rec-*  
 34 *ommendation of the Administrator of General Services, or the federal*  
 35 *agency having control of any real property the agency acquires that is*  
 36 *located outside of the District of Columbia, other than military or naval*  
 37 *reservations, declares the property to be surplus to the needs of the agen-*  
 38 *cy, the Administrator—*

39 (A) *may assign space in the property to any federal agency;*

1           (B) pending a sale, may lease the property for not more than 5  
2           years and on terms the Administrator considers to be in the public  
3           interest; or

4           (C) may sell the property at public sale to the highest responsible  
5           bidder on terms and after public advertisement that the Adminis-  
6           trator considers to be in the public interest.

7           (2) REVIEW OF DECISION TO ASSIGN SPACE.—If the federal agency to  
8           which space is assigned does not desire to occupy the space, the decision  
9           of the Administrator under paragraph (1)(A) is subject to review by the  
10          President.

11          (3) NEGOTIATED SALE.—If no bids which are satisfactory as to price  
12          and responsibility of the bidder are received as a result of public adver-  
13          tisement, the Administrator may sell the property by negotiation, on  
14          terms as may be considered to be to the best interest of the Government,  
15          but at a price not less than that bid by the highest responsible bidder.

16          (c) DEMOLITION.—The Administrator may demolish any building declared  
17          to be surplus to the needs of the Government under this section on deciding  
18          that demolition will be in the best interest of the Government. Before pro-  
19          ceeding with the demolition, the Administrator shall inform the Secretary of  
20          the Interior in writing of the Administrator's intention to demolish the build-  
21          ing, and shall not proceed with the demolition until receiving written notice  
22          from the Secretary that the building is not an historic building of national  
23          significance within the meaning of the Act of August 21, 1935 (16 U.S.C. 461  
24          et seq.) (known as the Historic Sites, Buildings, and Antiquities Act). If the  
25          Secretary does not notify the Administrator of the Secretary's decision as to  
26          whether the building is an historic building of national significance within  
27          90 days of the receipt of the notice of intention to demolish the building, the  
28          Administrator may proceed to demolish the building.

29          (d) REPAIRS AND ALTERATIONS TO ASSIGNED REAL PROPERTY.—When the  
30          Administrator, after investigation, decides that real property referred to in  
31          subsection (b) should be used for the accommodation of a federal agency, the  
32          Administrator may make any repairs or alterations that the Administrator  
33          considers necessary or advisable and may maintain and operate the property.

34          (e) PAYMENT BY FEDERAL AGENCIES.—

35          (1) ASSIGNED REAL PROPERTY.—To the extent that the appropriations  
36          of the General Services Administration not otherwise allocated are inad-  
37          equate for repairs, alterations, maintenance, or operation, the Adminis-  
38          trator may require each federal agency to which space has been assigned  
39          to pay promptly by check to the Administrator out of its appropriation  
40          for rent any part of the estimated or actual cost of the repairs, alter-  
41          ations, maintenance, and operation. Payment may be either in advance

1 of, or on or during, occupancy of the space. The Administrator shall de-  
2 termine and equitably apportion the total amount to be paid among the  
3 agencies to whom space has been assigned.

4 (2) *LEASED SPACES.*—To the extent that the appropriations of the Ad-  
5 ministration not otherwise required are inadequate, the Administrator  
6 may require each federal agency to which leased space has been assigned  
7 to pay promptly by check to the Administrator out of its available ap-  
8 propriations any part of the estimated cost of rent, repairs, alterations,  
9 maintenance, operation, and moving. Payment may be either in advance  
10 or during occupancy of the space. When space in a building is occupied  
11 by two or more agencies, the Administrator shall determine and equi-  
12 tably apportion rental, operation, and other charges on the basis of the  
13 total amount of space leased.

14 (f) *AUTHORIZATION OF APPROPRIATIONS.*—Necessary amounts may be ap-  
15 propriated to cover the costs incident to the sale or lease of real property, or  
16 authorized demolition of buildings on the property, declared to be surplus to  
17 the needs of any federal agency under this section, and the care, maintenance,  
18 and protection of the property, including pay of employees, travel of Govern-  
19 ment employees, brokers' fees not in excess of rates paid for similar services  
20 in the community where the property is situated, appraisals, photographs,  
21 surveys, evidence of title and perfecting of defective titles, advertising, and  
22 telephone and telegraph charges. However, the agency remains responsible for  
23 the proper care, maintenance, and protection of the property until the Admin-  
24 istrator assumes custody or other disposition of the property is made.

25 (g) *REGULATIONS.*—The Administrator may prescribe regulations as nec-  
26 essary to carry out this section.

27 **§ 1304. Transfer of federal property to States**

28 (a) *OBSOLETE BUILDINGS AND SITES.*—

29 (1) *IN GENERAL.*—The Administrator of General Services, in the Ad-  
30 ministrator's discretion, on terms the Administrator considers proper,  
31 and under regulations the Administrator may prescribe, may sell prop-  
32 erty described in paragraph (2) to a State or a political subdivision of  
33 a State for public use if the Administrator considers the sale to be in  
34 the best interest of the Federal Government.

35 (2) *APPLICABLE PROPERTY.*—The property referred to in paragraph  
36 (1) is any federal building, building site, or part of a building site under  
37 the Administrator's control that has been replaced by a new structure  
38 and that the Administrator determines is no longer needed by the Gov-  
39 ernment.

1           (3) *PRICE.*—*The purchase price for a sale under this section must be*  
 2 *at least 50 percent of the value of the land as appraised by the Adminis-*  
 3 *trator.*

4           (4) *PROCEEDS OF SALE.*—*The proceeds of a sale under this section*  
 5 *shall be deposited in the Treasury as miscellaneous receipts.*

6           (5) *PAYMENT TERMS.*—*The Administrator may enter into a long term*  
 7 *contract for the payment of the purchase price in installments that the*  
 8 *Administrator considers fair and reasonable. The Administrator may*  
 9 *waive any requirement for interest charges on deferred payment.*

10          (6) *CONVEYANCE.*—*The Administrator may convey property sold*  
 11 *under this section by the usual quitclaim deed.*

12 (b) *WIDENING OF PUBLIC ROADS.*—

13          (1) *DEFINITION.*—*In this subsection, the term “executive agency”*  
 14 *means an executive department or independent establishment in the exec-*  
 15 *utive branch of the Government, including any wholly owned Govern-*  
 16 *ment corporation.*

17          (2) *IN GENERAL.*—*When a State or a political subdivision of a State*  
 18 *applies for a conveyance or transfer of real property of the Government*  
 19 *in connection with an authorized widening of a public highway, street,*  
 20 *or alley, the head of the executive agency that controls the affected real*  
 21 *property may convey or transfer to the State or political subdivision,*  
 22 *with or without consideration, an interest in the real property that the*  
 23 *agency head determines is not adverse to the interests of the Government.*  
 24 *A conveyance or transfer under this subsection is subject to terms and*  
 25 *conditions the agency head considers necessary to protect the interests of*  
 26 *the Government.*

27          (3) *LIMITATION ON TRANSFERS FOR HIGHWAY PURPOSES.*—*An interest*  
 28 *in real property which can be transferred to a State or a political sub-*  
 29 *division of a State for highway purposes under title 23 may not be con-*  
 30 *veyed or transferred under this subsection.*

31          (4) *LIMITATION ON ISSUANCE OF RIGHTS OF WAY.*—*Rights of way*  
 32 *over, under, and through public lands and lands in the National Forest*  
 33 *System may not be granted under this subsection.*

34 **§ 1305. Disposition of land acquired by devise**

35          *The General Services Administration may take custody, for disposal as ex-*  
 36 *cess property under this subtitle and title III of the Federal Property and*  
 37 *Administrative Services Act of 1949 (41 U.S.C. 251 et seq.), of land acquired*  
 38 *by the Federal Government by devise.*

39 **§ 1306. Disposition of abandoned or forfeited personal prop-**  
 40 **erty**

41 (a) *DEFINITIONS.*—*In this section—*

1           (1) AGENCY.—The term “agency” includes any executive department,  
2           independent establishment, board, commission, bureau, service, or divi-  
3           sion of the Federal Government, and any corporation in which the Gov-  
4           ernment owns at least a majority of the stock.

5           (2) PROPERTY.—The term “property” means all personal property,  
6           including vessels, vehicles, and aircraft.

7           (b) VOLUNTARILY ABANDONED PROPERTY.—Property voluntarily aban-  
8           doned to any agency in a way that vests title to the property in the Govern-  
9           ment may be retained by the agency and devoted to official use only. If the  
10          agency does not desire to retain the property, the head of the agency imme-  
11          diately shall notify the Administrator of General Services to that effect, and  
12          the Administrator, within a reasonable time, shall—

13           (1) order the agency to deliver the property to another agency that re-  
14           quests the property and that the Administrator believes should be given  
15           the property; or

16           (2) order disposal of the property as otherwise provided by law.

17          (c) FORFEITED PROPERTY.—

18           (1) AGENCY RETAINS PROPERTY.—An agency that seizes property that  
19           has been forfeited to the Government other than by court decree may re-  
20           tain the property and devote it only to official use instead of disposing  
21           of the property as otherwise provided by law if competent authority does  
22           not order the property returned to any claimant.

23           (2) AGENCY DOES NOT DESIRE TO RETAIN PROPERTY.—If the agency  
24           does not desire to retain the property, the head of the agency imme-  
25           diately shall notify the Administrator to that effect, and the property—

26           (A) if not ordered by competent authority to be returned to any  
27           claimant, or disposed of as otherwise provided by law, shall be de-  
28           livered by the agency, on order of the Administrator given within  
29           a reasonable time, to another agency that requests the property and  
30           that the Administrator believes should be given the property; or

31           (B) on order of the Administrator given within a reasonable time,  
32           shall be disposed of as otherwise provided by law.

33          (d) PROPERTY SUBJECT TO COURT PROCEEDING FOR FORFEITURE.—

34           (1) NOTIFICATION OF ADMINISTRATOR.—If a proceeding has begun for  
35           the forfeiture of any property by court decree, the agency that seized the  
36           property immediately shall notify the Administrator and at the same  
37           time may file with the Administrator a request for the property for its  
38           official use.

39           (2) APPLICATION FOR COURT ORDER TO DELIVER PROPERTY.—

1           (A) *IN GENERAL.*—*Before entry of a decree, the Administrator*  
2 *shall apply to the court to order delivery of the property in accord-*  
3 *ance with this paragraph.*

4           (B) *DELIVERY TO SEIZING AGENCY.*—*If the agency that seized the*  
5 *property files a request for the property under paragraph (1), the*  
6 *Administrator shall apply to the court to order delivery of the prop-*  
7 *erty to the agency that seized the property.*

8           (C) *DELIVERY TO OTHER REQUESTING AGENCY.*—*If the agency*  
9 *that seized the property does not file a request for the property*  
10 *under paragraph (1) but another agency requests the property, the*  
11 *Administrator shall apply to the court to order delivery of the prop-*  
12 *erty to the requesting agency if the Administrator believes that the*  
13 *requesting agency should be given the property.*

14           (D) *DELIVERY TO SEIZING AGENCY FOR TEMPORARY HOLDING.*—  
15 *If application to the court cannot be made under subparagraph (B)*  
16 *or (C) and the Administrator believes the property may later be-*  
17 *come necessary to any agency for official use, the Administrator*  
18 *shall apply to the court to order delivery of the property to the agen-*  
19 *cy that seized the property, to be retained in its custody. Within*  
20 *a reasonable time, the Administrator shall order the agency to—*

21                   (i) *deliver the property to another agency that requests the*  
22 *property and that the Administrator believes should be given*  
23 *the property; or*

24                   (ii) *dispose of the property as otherwise provided by law.*

25           (3) *FORFEITURE DECREED.*—*If forfeiture is decreed and the property*  
26 *is not ordered by competent authority to be returned to any claimant,*  
27 *the court shall order delivery as provided in paragraph (2).*

28           (4) *WHEN NO APPLICATION MADE.*—*The court shall dispose of prop-*  
29 *erty for which no application is made in accordance with law.*

30           (e) *RETENTION OR DELIVERY OF PROPERTY DEEMED SALE.*—*Retention or*  
31 *delivery of forfeited or abandoned property under this section is deemed to*  
32 *be a sale of the property for the purpose of laws providing for informer's fees*  
33 *or remission or mitigation of a forfeiture. Property acquired under this sec-*  
34 *tion when no longer needed for official use shall be disposed of in the same*  
35 *manner as other surplus property.*

36           (f) *PAYMENT OF COSTS RELATED TO PROPERTY.*—

37                   (1) *AVAILABILITY OF APPROPRIATIONS.*—*The appropriation available*  
38 *to an agency for the purchase, hire, operation, maintenance, and repair*  
39 *of any property is available for—*

1           (A) the payment of expenses of operation, maintenance, and re-  
2 pair of property of the same kind the agency receives under this sec-  
3 tion for official use;

4           (B) the payment of a lien recognized and allowed under law;

5           (C) the payment of amounts found to be due a person on the au-  
6 thorized remission or mitigation of a forfeiture; and

7           (D) reimbursement of other agencies as provided in paragraph  
8 (2).

9           (2) *PAYMENT AND REIMBURSEMENT OF CERTAIN COSTS.*—The agency  
10 that receives property under this section shall pay the cost of hauling,  
11 transporting, towing, and storing the property. If the property is later  
12 delivered to another agency for official use under this section, the agency  
13 to which the property is delivered shall make reimbursement for all of  
14 those costs incurred prior to the date the property is delivered.

15           (g) *REPORT.*—With the approval of the Secretary of the Treasury, the Ad-  
16 ministrator may require an agency to make a report of all property aban-  
17 doned to it or seized and the disposal of the property.

18           (h) *ADMINISTRATIVE.*—

19           (1) *REGULATIONS.*—With the approval of the Secretary, the Adminis-  
20 trator may prescribe regulations necessary to carry out this section.

21           (2) *OTHER LAWS NOT REPEALED.*—This section does not repeal any  
22 other laws relating to the disposition of forfeited or abandoned property,  
23 except provisions of those laws directly in conflict with this section which  
24 were enacted prior to August 27, 1935.

25           (3) *PROPERTY NOT SUBJECT TO ALLOCATION UNDER THIS SECTION.*—  
26 The following classes of property are not subject to allocation under this  
27 section, but shall be disposed of in the manner otherwise provided by law:

28           (A) narcotic drugs, as defined in the Controlled Substances Act  
29 (21 U.S.C. 801 et seq.).

30           (B) firearms, as defined in section 5845 of the Internal Revenue  
31 Code of 1986 (26 U.S.C. 5845).

32           (C) other classes or kinds of property the disposal of which the  
33 Administrator, with the approval of the Secretary, may consider in  
34 the public interest, and may by regulation provide.

### 35 **§ 1307. Disposition of securities**

36           The President, or an officer, agent, or agency the President may designate,  
37 may dispose of any securities acquired on behalf of the Federal Government  
38 under the provisions of the Transportation Act of 1920 (ch. 91, 41 Stat. 456),  
39 including any securities acquired as an incident to a case under title 11,  
40 under a receivership or reorganization proceeding, by assignment, transfer,  
41 substitution, or issuance, or by acquisition of collateral given for the payment

1 of obligations to the Government, or may make arrangements for the extension  
 2 of the maturity of the securities, in the manner, in amounts, at prices, for  
 3 cash, securities, or other property or any combination of cash, securities, or  
 4 other property, and on terms and conditions the President or designee con-  
 5 sidered advisable and in the public interest.

6 **§ 1308. Disposition of unfit horses and mules**

7 Subject to applicable regulations under this subtitle and title III of the  
 8 Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et  
 9 seq.), horses and mules belonging to the Federal Government that have become  
 10 unfit for service may be destroyed or put out to pasture, either on pastures  
 11 belonging to the Government or those belonging to financially sound and rep-  
 12 utable humane organizations whose facilities permit them to care for the  
 13 horses and mules during the remainder of their natural lives, at no cost to  
 14 the Government.

15 **§ 1309. Preservation, sale, or collection of wrecked, aban-**  
 16 **doned, or derelict property**

17 The Administrator of General Services may make contracts and provisions  
 18 for the preservation, sale, or collection of property, or the proceeds of property,  
 19 which may have been wrecked, been abandoned, or become derelict, if the Ad-  
 20 ministrator considers the contracts and provisions to be in the interest of the  
 21 Federal Government and the property is within the jurisdiction of the United  
 22 States and should come to the Government. A contract may provide com-  
 23 pensation the Administrator considers just and reasonable to any person who  
 24 gives information about the property or actually preserves, collects, surren-  
 25 ders, or pays over the property. Under each specific agreement for obtaining,  
 26 preserving, collecting, or receiving property or making property available, the  
 27 costs or claim chargeable to the Government may not exceed amounts realized  
 28 and received by the Government.

29 **§ 1310. Sale of war supplies, land, and buildings**

30 (a) IN GENERAL.—The President, through the head of any executive depart-  
 31 ment and on terms the head of the department considers expedient, may sell  
 32 to a person, another department of the Federal Government, or the govern-  
 33 ment of a foreign country engaged in war against a country with which the  
 34 United States is at war—

35 (1) war supplies, material, and equipment;

36 (2) by-products of the war supplies, material, and equipment; and

37 (3) any building, plant, or factory, including the land on which the  
 38 plant or factory may be situated, acquired since April 6, 1917, for the  
 39 production of war supplies, materials, and equipment that, during the  
 40 emergency existing on July 9, 1918, may have been purchased, acquired,  
 41 or manufactured by the Government.

1 (b) *LIMITATION ON SALE OF GUNS AND AMMUNITION.*—*Sales of guns and*  
 2 *ammunition authorized under any law shall be limited to—*

3 (1) *other departments of the Government;*

4 (2) *governments of foreign countries engaged in war against a country*  
 5 *with which the United States is at war; and*

6 (3) *members of the National Rifle Association and of other recognized*  
 7 *associations organized in the United States for the encouragement of*  
 8 *small-arms target practice.*

9 **§ 1311. Authority of President to obtain release**

10 *For the use or benefit of the Federal Government, the President may obtain*  
 11 *from an individual or officer to whom land has been or will be conveyed a*  
 12 *release of the individual's or officer's interest to the Government.*

13 **§ 1312. Release of real estate in certain cases**

14 (a) *IN GENERAL.*—*Real estate that has become the property of the Federal*  
 15 *Government in payment of a debt which afterward is fully paid in money*  
 16 *and received by the Government may be conveyed by the Administrator of*  
 17 *General Services to the debtor from whom it was taken or to the heirs or devi-*  
 18 *sees of the debtor or the person that they may appoint.*

19 (b) *NONAPPLICATION.*—*This section does not apply to real estate the Gov-*  
 20 *ernment acquires in payment of any debt arising under the Internal Revenue*  
 21 *Code of 1986 (26 U.S.C. 1 et seq.).*

22 **§ 1313. Releasing property from attachment**

23 (a) *STIPULATION OF DISCHARGE.*—

24 (1) *PERSON ASSERTING CLAIM ENTITLED TO BENEFITS.*—*In a judicial*  
 25 *proceeding under the laws of a State, district, territory, or possession of*  
 26 *the United States, when property owned or held by the Federal Govern-*  
 27 *ment, or in which the Government has or claims an interest, is seized,*  
 28 *arrested, attached, or held for the security or satisfaction of a claim*  
 29 *made against the property, the Attorney General may direct the United*  
 30 *States Attorney for the district in which the property is located to enter*  
 31 *a stipulation that on discharge of the property from the seizure, arrest,*  
 32 *attachment, or proceeding, the person asserting the claim against the*  
 33 *property becomes entitled to all the benefits of this section.*

34 (2) *NONAPPLICATION.*—*This subsection does not—*

35 (A) *recognize or concede any right to enforce by seizure, arrest,*  
 36 *attachment, or any judicial process a claim against property—*

37 (i) *of the Government; or*

38 (ii) *held, owned, or employed by the Government, or by a*  
 39 *department of the Government, for a public use; or*

40 (B) *wave an objection to a proceeding brought to enforce the*  
 41 *claim.*

1       (b) *PAYMENT.*—After a discharge, a final judgment which affirms the claim  
 2 for the security or satisfaction and the right of the person asserting the claim  
 3 to enforce it against the property, notwithstanding the claims of the Govern-  
 4 ment, is deemed to be a full and final determination of the rights of the per-  
 5 son and entitles the person, as against the Government, to the rights the per-  
 6 son would have had if possession of the property had not been changed. When  
 7 the claim is for the payment of money found to be due, presentation of an  
 8 authenticated copy of the record of the judgment and proceedings is sufficient  
 9 evidence to the proper accounting officers for the allowance of the claim,  
 10 which shall be allowed and paid out of amounts in the Treasury not otherwise  
 11 appropriated. The amount allowed and paid shall not exceed the value of the  
 12 interest of the Government in the property.

13 **§ 1314. Easements**

14       (a) *DEFINITIONS.*—In this section—

15           (1) *EXECUTIVE AGENCY.*—The term “executive agency” means an exec-  
 16           utive department or independent establishment in the executive branch  
 17           of the Federal Government, including a wholly owned Government cor-  
 18           poration.

19           (2) *REAL PROPERTY OF THE GOVERNMENT.*—The term “real property  
 20           of the Government” excludes—

21                   (A) public land (including minerals, vegetative, and other re-  
 22                   sources) in the United States, including—

23                           (i) land reserved or dedicated for national forest purposes;

24                           (ii) land the Secretary of the Interior administers or super-  
 25                           vises in accordance with the Act of August 25, 1916 (16 U.S.C.  
 26                           1, 2, 3, 4) (known as the National Park Service Organic Act);

27                           (iii) Indian-owned trust and restricted land; and

28                           (iv) land the Government acquires primarily for fish and  
 29                           wildlife conservation purposes and the Secretary administers;

30                   (B) land withdrawn from the public domain primarily under the  
 31                   jurisdiction of the Secretary; and

32                   (C) land acquired for national forest purposes.

33           (3) *STATE.*—The term “State” means a State of the United States, the  
 34           District of Columbia, Puerto Rico, and the territories and possessions of  
 35           the United States.

36       (b) *GRANT OF EASEMENT.*—When a State, a political subdivision or agen-  
 37       cy of a State, or a person applies for the grant of an easement in, over, or  
 38       on real property of the Government, the executive agency having control of  
 39       the real property may grant to the applicant, on behalf of the Government,  
 40       an easement that the head of the agency decides will not be adverse to the  
 41       interests of the Government, subject to reservations, exceptions, limitations,

1 *benefits, burdens, terms, or conditions that the head of the agency considers*  
 2 *necessary to protect the interests of the Government. The grant may be made*  
 3 *without consideration, or with monetary or other consideration, including an*  
 4 *interest in real property.*

5 (c) *RELINQUISHMENT OF LEGISLATIVE JURISDICTION.—In connection with*  
 6 *the grant of an easement, the executive agency concerned may relinquish to*  
 7 *the State in which the real property is located legislative jurisdiction that the*  
 8 *executive agency considers necessary or desirable. Relinquishment of legisla-*  
 9 *tive jurisdiction may be accomplished by filing with the chief executive officer*  
 10 *of the State a notice of relinquishment to take effect upon acceptance or by*  
 11 *proceeding in the manner that the laws applicable to the State may provide.*

12 (d) *TERMINATION OF EASEMENT.—*

13 (1) *WHEN TERMINATION OCCURS.—The instrument granting the ease-*  
 14 *ment may provide for termination of any part of the easement if there*  
 15 *has been—*

16 (A) *a failure to comply with a term or condition of the grant;*

17 (B) *a nonuse of the easement for a consecutive 2-year period for*  
 18 *the purpose for which granted; or*

19 (C) *an abandonment of the easement.*

20 (2) *NOTICE REQUIRED.—If a termination provision is included, it*  
 21 *shall require that written notice of the termination be given to the grant-*  
 22 *ee, or its successors or assigns.*

23 (3) *EFFECTIVE DATE.—The termination is effective as of the date of*  
 24 *the notice.*

25 (e) *ADDITIONAL EASEMENT AUTHORITY.—The authority conferred by this*  
 26 *section is in addition to, and shall not affect or be subject to, any other law*  
 27 *under which an executive agency may grant easements.*

28 (f) *LIMITATION ON ISSUANCE OF RIGHTS OF WAY.—Rights of way over,*  
 29 *under, and through public lands and lands in the National Forest System*  
 30 *may not be granted under this section.*

### 31 **§ 1315. Special police**

32 (a) *APPOINTMENT.—The Administrator of General Services, or an official*  
 33 *of the General Services Administration authorized by the Administrator, may*  
 34 *appoint uniformed guards of the Administration as special police without ad-*  
 35 *ditional compensation for duty in connection with the policing of all build-*  
 36 *ings and areas owned or occupied by the Federal Government and under the*  
 37 *charge and control of the Administrator.*

38 (b) *POWERS.—Special police appointed under this section have the same*  
 39 *powers as sheriffs and constables on property referred to in subsection (a) to*  
 40 *enforce laws enacted for the protection of individuals and property, prevent*  
 41 *breaches of the peace, suppress affrays or unlawful assemblies, and enforce*

1 regulations prescribed by the Administrator or an official of the Administra-  
2 tion authorized by the Administrator for property under their jurisdiction.  
3 However, the jurisdiction and policing powers of special police do not extend  
4 to the service of civil process.

5 (c) *DETAIL.*—On the application of the head of a department or agency  
6 of the Government having property of the Government under its administra-  
7 tion and control, the Administrator or an official of the Administration au-  
8 thorized by the Administrator may detail special police for the protection of  
9 the property and, if the Administrator considers it desirable, may extend to  
10 the property the applicability of regulations and enforce them as provided in  
11 this section.

12 (d) *USE OF OTHER LAW ENFORCEMENT AGENCIES.*—When it is considered  
13 economical and in the public interest, the Administrator or an official of the  
14 Administration authorized by the Administrator may utilize the facilities and  
15 services of existing federal law enforcement agencies, and, with the consent of  
16 a state or local agency, the facilities and services of state or local law enforce-  
17 ment agencies.

18 (e) *NONUNIFORMED SPECIAL POLICE.*—The Administrator, or an official of  
19 the Administration authorized by the Administrator, may empower officials  
20 or employees of the Administration authorized to perform investigative func-  
21 tions to act as nonuniformed special police to protect property under the  
22 charge and control of the Administration and to carry firearms, whether on  
23 federal property or in travel status. When on real property under the charge  
24 and control of the Administration, officials or employees empowered to act as  
25 nonuniformed special police have the power to enforce federal laws for the pro-  
26 tection of individuals and property and to enforce regulations for that pur-  
27 pose that the Administrator or an official of the Administration authorized  
28 by the Administrator prescribes and publishes. The special police may make  
29 arrests without warrant for any offense committed on the property if the po-  
30 lice have reasonable grounds to believe the offense constitutes a felony under  
31 the laws of the United States and that the individual to be arrested is guilty  
32 of that offense.

33 (f) *ADMINISTRATIVE.*—The Administrator or an official of the Administra-  
34 tion authorized by the Administrator may prescribe regulations necessary for  
35 the government of the property under their charge and control, and may  
36 annex to the regulations reasonable penalties, within the limits prescribed in  
37 subsection (g), that will ensure their enforcement. The regulations shall be  
38 posted and kept posted in a conspicuous place on the property.

39 (g) *PENALTIES.*—

(1) *IN GENERAL.*—*Except as provided in paragraph (2), a person violating a regulation prescribed under subsection (f) shall be fined under title 18, imprisoned for not more than 30 days, or both.*

(2) *EXCEPTION FOR MILITARY TRAFFIC REGULATION.*—

(A) *DEFINITION.*—*For purposes of this paragraph, the term “military traffic regulation” means a regulation for the control of vehicular or pedestrian traffic on military installations that the Secretary of Defense prescribes under subsection (f).*

(B) *IN GENERAL.*—*A person violating a military traffic regulation shall be fined an amount not exceeding the amount of the maximum fine for a similar offense under the criminal or civil law of the State, district, territory, or possession of the United States where the military installation in which the violation occurred is located, imprisoned for not more than 30 days, or both.*

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3173. *Working capital fund for blueprinting, photostating, and duplicating services in General Services Administration.*

3174. *Operation of public utility communications services serving governmental activities.*

3175. *Acceptance of gifts of property.*

3176. *Administrator of General Services to furnish services in continental United States to international bodies.*

1 SUBCHAPTER I—OVERSIGHT AND REGULATION OF PUBLIC

2 BUILDINGS

3 **§3101. Public buildings under control of Administrator of**  
4 **General Services**

5 *All public buildings outside of the District of Columbia and outside of mili-*  
6 *tary reservations purchased or erected out of any appropriation under the*  
7 *control of the Administrator of General Services, and the sites of the public*  
8 *buildings, are under the exclusive jurisdiction and control, and in the custody*  
9 *of, the Administrator. The Administrator may take possession of the buildings*  
10 *and assign and reassign rooms in the buildings to federal officials, clerks, and*  
11 *employees that the Administrator believes should be furnished with offices or*  
12 *rooms in the buildings.*

13 **§3102. Naming or designating buildings**

14 *The Administrator of General Services may name or otherwise designate*  
15 *any building under the custody and control of the General Services Adminis-*  
16 *tration, regardless of whether it was previously named by statute.*

1 **§3103. Admission of guide dogs or other service animals ac-**  
 2 **companied individuals with disabilities**

3 (a) *IN GENERAL.*—Guide dogs or other service animals accompanying indi-  
 4 viduals with disabilities and especially trained and educated for that purpose  
 5 shall be admitted to any building or other property owned or controlled by  
 6 the Federal Government on the same terms and conditions, and subject to the  
 7 same regulations, as generally govern the admission of the public to the prop-  
 8 erty. The animals are not permitted to run free or roam in a building or  
 9 on the property and must be in guiding harness or on leash and under the  
 10 control of the individual at all times while in a building or on the property.

11 (b) *REGULATIONS.*—The head of each department or other agency of the  
 12 Government may prescribe regulations the individual considers necessary in  
 13 the public interest to carry out this section as it applies to any building or  
 14 other property subject to the individual's jurisdiction.

15 **§3104. Furniture for new buildings**

16 Furniture for all new public buildings shall be acquired in accordance with  
 17 plans and specifications approved by the Administrator of General Services.

18 **§3105. Buildings not to be draped in mourning**

19 No building owned, or used for public purposes, by the Federal Government  
 20 shall be draped in mourning nor may public money be used for that purpose.

21 **SUBCHAPTER II—ACQUIRING LAND**

22 **§3111. Approval of sufficiency of title prior to acquisition**

23 (a) *APPROVAL OF ATTORNEY GENERAL REQUIRED.*—Public money may  
 24 not be expended to purchase land or any interest in land unless the Attorney  
 25 General gives prior written approval of the sufficiency of the title to the land  
 26 for the purpose for which the Federal Government is acquiring the property.

27 (b) *DELEGATION.*—

28 (1) *IN GENERAL.*—The Attorney General may delegate the responsi-  
 29 bility under this section to other departments and agencies of the Govern-  
 30 ment, subject to general supervision by the Attorney General and in ac-  
 31 cordance with regulations the Attorney General prescribes.

32 (2) *REQUEST FOR OPINION OF ATTORNEY GENERAL.*—A department or  
 33 agency of the Government that has been delegated the responsibility to  
 34 approve land titles under this section may request the Attorney General  
 35 to render an opinion as to the validity of the title to any real property  
 36 or interest in the property, or may request the advice or assistance of  
 37 the Attorney General in connection with determinations as to the suffi-  
 38 ciency of titles.

39 (c) *PAYMENT OF EXPENSES FOR PROCURING CERTIFICATES OF TITLE.*—  
 40 Except where otherwise authorized by law or provided by contract, the ex-  
 41 penses of procuring certificates of titles or other evidences of title as the Attor-

1 *ney General may require may be paid out of the appropriations for the acqui-*  
 2 *sition of land or out of the appropriations made for the contingencies of the*  
 3 *acquiring department or agency of the Government.*

4 (d) *NONAPPLICATION.—This section does not affect any provision of law in*  
 5 *effect on September 1, 1970, that is applicable to the acquisition of land or*  
 6 *interests in land by the Tennessee Valley Authority.*

7 **§3112. Federal jurisdiction**

8 (a) *EXCLUSIVE JURISDICTION NOT REQUIRED.—It is not required that the*  
 9 *Federal Government obtain exclusive jurisdiction in the United States over*  
 10 *land or an interest in land it acquires.*

11 (b) *ACQUISITION AND ACCEPTANCE OF JURISDICTION.—When the head of*  
 12 *a department, agency, or independent establishment of the Government, or*  
 13 *other authorized officer of the department, agency, or independent establish-*  
 14 *ment, considers it desirable, that individual may accept or secure, from the*  
 15 *State in which land or an interest in land that is under the immediate juris-*  
 16 *isdiction, custody, or control of the individual is situated, consent to, or cession*  
 17 *of, any jurisdiction over the land or interest not previously obtained. The in-*  
 18 *dividual shall indicate acceptance of jurisdiction on behalf of the Government*  
 19 *by filing a notice of acceptance with the Governor of the State or in another*  
 20 *manner prescribed by the laws of the State where the land is situated.*

21 (c) *PRESUMPTION.—It is conclusively presumed that jurisdiction has not*  
 22 *been accepted until the Government accepts jurisdiction over land as provided*  
 23 *in this section.*

24 **§3113. Acquisition by condemnation**

25 *An officer of the Federal Government authorized to acquire real estate for*  
 26 *the erection of a public building or for other public uses may acquire the real*  
 27 *estate for the Government by condemnation, under judicial process, when the*  
 28 *officer believes that it is necessary or advantageous to the Government to do*  
 29 *so. The Attorney General, on application of the officer, shall have condemna-*  
 30 *tion proceedings begun within 30 days from receipt of the application at the*  
 31 *Department of Justice.*

32 **§3114. Declaration of taking**

33 (a) *FILING AND CONTENT.—In any proceeding in any court of the United*  
 34 *States outside of the District of Columbia brought by and in the name of the*  
 35 *United States and under the authority of the Federal Government to acquire*  
 36 *land, or an easement or right of way in land, for the public use, the petitioner*  
 37 *may file, with the petition or at any time before judgment, a declaration of*  
 38 *taking signed by the authority empowered by law to acquire the land de-*  
 39 *scribed in the petition, declaring that the land is taken for the use of the Gov-*  
 40 *ernment. The declaration of taking shall contain or have annexed to it—*

1           (1) a statement of the authority under which, and the public use for  
2 which, the land is taken;

3           (2) a description of the land taken that is sufficient to identify the  
4 land;

5           (3) a statement of the estate or interest in the land taken for public  
6 use;

7           (4) a plan showing the land taken; and

8           (5) a statement of the amount of money estimated by the acquiring  
9 authority to be just compensation for the land taken.

10       (b) *VESTING OF TITLE.*—On filing the declaration of taking and depositing  
11 in the court, to the use of the persons entitled to the compensation, the amount  
12 of the estimated compensation stated in the declaration—

13           (1) title to the estate or interest specified in the declaration vests in  
14 the Government;

15           (2) the land is condemned and taken for the use of the Government;  
16 and

17           (3) the right to just compensation for the land vests in the persons en-  
18 titled to the compensation.

19       (c) *COMPENSATION.*—

20           (1) *DETERMINATION AND AWARD.*—Compensation shall be determined  
21 and awarded in the proceeding and established by judgment. The judg-  
22 ment shall include interest, in accordance with section 3116 of this title,  
23 on the amount finally awarded as the value of the property as of the  
24 date of taking and shall be awarded from that date to the date of pay-  
25 ment. Interest shall not be allowed on as much of the compensation as  
26 has been paid into the court. Amounts paid into the court shall not be  
27 charged with commissions or poundage.

28           (2) *ORDER TO PAY.*—On application of the parties in interest, the  
29 court may order that any part of the money deposited in the court be  
30 paid immediately for or on account of the compensation to be awarded  
31 in the proceeding.

32           (3) *DEFICIENCY JUDGMENT.*—If the compensation finally awarded is  
33 more than the amount of money received by any person entitled to com-  
34 pensation, the court shall enter judgment against the Government for the  
35 amount of the deficiency.

36       (d) *AUTHORITY OF COURT.*—On the filing of a declaration of taking, the  
37 court—

38           (1) may fix the time within which, and the terms on which, the par-  
39 ties in possession shall be required to surrender possession to the peti-  
40 tioner; and

1           (2) *may make just and equitable orders in respect of encumbrances,*  
2           *liens, rents, taxes, assessments, insurance, and other charges.*

3           (e) *VESTING NOT PREVENTED OR DELAYED.—An appeal or a bond or un-*  
4           *dertaking given in a proceeding does not prevent or delay the vesting of title*  
5           *to land in the Government.*

6           **§3115. Irrevocable commitment of Federal Government to**  
7           ***pay ultimate award when fixed***

8           (a) *REQUIREMENT FOR IRREVOCABLE COMMITMENT.—Action under section*  
9           *3114 of this title irrevocably committing the Federal Government to the pay-*  
10           *ment of the ultimate award shall not be taken unless the head of the executive*  
11           *department or agency or bureau of the Government empowered to acquire the*  
12           *land believes that the ultimate award probably will be within any limits Con-*  
13           *gress prescribes on the price to be paid.*

14           (b) *AUTHORIZED PURPOSES OF EXPENDITURES AFTER IRREVOCABLE*  
15           *COMMITMENT MADE.—When the Government has taken or may take title to*  
16           *real property during a condemnation proceeding and in advance of final*  
17           *judgment in the proceeding and has become irrevocably committed to pay the*  
18           *amount ultimately to be awarded as compensation, and the Attorney General*  
19           *believes that title to the property has been vested in the Government or that*  
20           *all persons having an interest in the property have been made parties to the*  
21           *proceeding and will be bound by the final judgment, the Government may ex-*  
22           *pend amounts appropriated for that purpose to demolish existing structures*  
23           *on the property and to erect public buildings or public works on the property.*

24           **§3116. Interest as part of just compensation**

25           (a) *CALCULATION.—The district court shall calculate interest required to be*  
26           *paid under this subchapter as follows:*

27           (1) *PERIOD OF NOT MORE THAN ONE YEAR.—Where the period for*  
28           *which interest is owed is not more than one year, interest shall be cal-*  
29           *culated from the date of taking at an annual rate equal to the weekly*  
30           *average one-year constant maturity Treasury yield, as published by the*  
31           *Board of Governors of the Federal Reserve System, for the calendar week*  
32           *preceding the date of taking.*

33           (2) *PERIOD OF MORE THAN ONE YEAR.—Where the period for which*  
34           *interest is owed is more than one year, interest for the first year shall*  
35           *be calculated in accordance with paragraph (1) and interest for each ad-*  
36           *ditional year shall be calculated on the amount by which the award of*  
37           *compensation is more than the deposit referred to in section 3114 of this*  
38           *title, plus accrued interest, at an annual rate equal to the weekly average*  
39           *one-year constant maturity Treasury yield, as published by the Board*  
40           *of Governors of the Federal Reserve System, for the calendar week pre-*  
41           *ceding the beginning of each additional year.*

1       (b) *DISTRIBUTION OF NOTICE OF RATES.*—*The Director of the Administra-*  
 2 *tive Office of the United States Courts shall distribute to all federal courts*  
 3 *notice of the rates described in paragraphs (1) and (2) of subsection (a).*

4       **§3117. Exclusion of certain property by stipulation of Attor-**  
 5                                   **ney General**

6       *In any condemnation proceeding brought by or on behalf of the Federal*  
 7 *Government, the Attorney General may stipulate or agree on behalf of the*  
 8 *Government to exclude any part of the property, or any interest in the prop-*  
 9 *erty, taken by or on behalf of the Government by a declaration of taking or*  
 10 *otherwise.*

11       **§3118. Right of taking as addition to existing rights**

12       *The right to take possession and title in advance of final judgment in con-*  
 13 *demnation proceedings as provided by section 3114 of this title is in addition*  
 14 *to any right, power, or authority conferred by the laws of the United States*  
 15 *or of a State, territory, or possession of the United States under which the*  
 16 *proceeding may be conducted, and does not abrogate, limit, or modify that*  
 17 *right, power, or authority.*

18                                   SUBCHAPTER III—BONDS

19       **§3131. Bonds of contractors of public buildings or works**

20       (a) *DEFINITION.*—*In this subchapter, the term “contractor” means a person*  
 21 *awarded a contract described in subsection (b).*

22       (b) *TYPE OF BONDS REQUIRED.*—*Before any contract of more than*  
 23 *\$100,000 is awarded for the construction, alteration, or repair of any public*  
 24 *building or public work of the Federal Government, a person must furnish*  
 25 *to the Government the following bonds, which become binding when the con-*  
 26 *tract is awarded:*

27               (1) *PERFORMANCE BOND.*—*A performance bond with a surety satisfac-*  
 28 *tory to the officer awarding the contract, and in an amount the officer*  
 29 *considers adequate, for the protection of the Government.*

30               (2) *PAYMENT BOND.*—*A payment bond with a surety satisfactory to*  
 31 *the officer for the protection of all persons supplying labor and material*  
 32 *in carrying out the work provided for in the contract for the use of each*  
 33 *person. The amount of the payment bond shall equal the total amount*  
 34 *payable by the terms of the contract unless the officer awarding the con-*  
 35 *tract determines, in a writing supported by specific findings, that a pay-*  
 36 *ment bond in that amount is impractical, in which case the contracting*  
 37 *officer shall set the amount of the payment bond. The amount of the pay-*  
 38 *ment bond shall not be less than the amount of the performance bond.*

39       (c) *COVERAGE FOR TAXES IN PERFORMANCE BOND.*—

40               (1) *IN GENERAL.*—*Every performance bond required under this section*  
 41 *specifically shall provide coverage for taxes the Government imposes*

1        *which are collected, deducted, or withheld from wages the contractor pays*  
 2        *in carrying out the contract with respect to which the bond is furnished.*

3        (2) *NOTICE.—The Government shall give the surety on the bond writ-*  
 4        *ten notice, with respect to any unpaid taxes attributable to any period,*  
 5        *within 90 days after the date when the contractor files a return for the*  
 6        *period, except that notice must be given no later than 180 days from the*  
 7        *date when a return for the period was required to be filed under the In-*  
 8        *ternal Revenue Code of 1986 (26 U.S.C. 1 et seq.).*

9        (3) *CIVIL ACTION.—The Government may not bring a civil action on*  
 10        *the bond for the taxes—*

11            (A) *unless notice is given as provided in this subsection; and*

12            (B) *more than one year after the day on which notice is given.*

13        (d) *WAIVER OF BONDS FOR CONTRACTS PERFORMED IN FOREIGN COUN-*  
 14        *TRIES.—A contracting officer may waive the requirement of a performance*  
 15        *bond and payment bond for work under a contract that is to be performed*  
 16        *in a foreign country if the officer finds that it is impracticable for the con-*  
 17        *tractor to furnish the bonds.*

18        (e) *AUTHORITY TO REQUIRE ADDITIONAL BONDS.—This section does not*  
 19        *limit the authority of a contracting officer to require a performance bond or*  
 20        *other security in addition to those, or in cases other than the cases, specified*  
 21        *in subsection (b).*

22        **§ 3132. Alternatives to payment bonds provided by Federal**  
 23            **Acquisition Regulation**

24        (a) *IN GENERAL.—The Federal Acquisition Regulation shall provide alter-*  
 25        *natives to payment bonds as payment protections for suppliers of labor and*  
 26        *materials under contracts referred to in section 3131(a) of this title that are*  
 27        *more than \$25,000 and not more than \$100,000.*

28        (b) *RESPONSIBILITIES OF CONTRACTING OFFICER.—The contracting officer*  
 29        *for a contract shall—*

30            (1) *select, from among the payment protections provided for in the*  
 31            *Federal Acquisition Regulation pursuant to subsection (a), one or more*  
 32            *payment protections which the offeror awarded the contract is to submit*  
 33            *to the Federal Government for the protection of suppliers of labor and*  
 34            *materials for the contract; and*

35            (2) *specify in the solicitation of offers for the contract the payment*  
 36            *protections selected.*

37        **§ 3133. Rights of persons furnishing labor or material**

38        (a) *RIGHT OF PERSON FURNISHING LABOR OR MATERIAL TO COPY OF*  
 39        *BOND.—The department secretary or agency head of the contracting agency*  
 40        *shall furnish a certified copy of a payment bond and the contract for which*  
 41        *it was given to any person applying for a copy who submits an affidavit that*

1 *the person has supplied labor or material for work described in the contract*  
 2 *and payment for the work has not been made or that the person is being sued*  
 3 *on the bond. The copy is prima facie evidence of the contents, execution, and*  
 4 *delivery of the original. Applicants shall pay any fees the department sec-*  
 5 *retary or agency head of the contracting agency fixes to cover the cost of pre-*  
 6 *paring the certified copy.*

7 (b) *RIGHT TO BRING A CIVIL ACTION.—*

8 (1) *IN GENERAL.—Every person that has furnished labor or material*  
 9 *in carrying out work provided for in a contract for which a payment*  
 10 *bond is furnished under section 3131 of this title and that has not been*  
 11 *paid in full within 90 days after the day on which the person did or*  
 12 *performed the last of the labor or furnished or supplied the material for*  
 13 *which the claim is made may bring a civil action on the payment bond*  
 14 *for the amount unpaid at the time the civil action is brought and may*  
 15 *prosecute the action to final execution and judgment for the amount due.*

16 (2) *PERSON HAVING DIRECT CONTRACTUAL RELATIONSHIP WITH A*  
 17 *SUBCONTRACTOR.—A person having a direct contractual relationship*  
 18 *with a subcontractor but no contractual relationship, express or implied,*  
 19 *with the contractor furnishing the payment bond may bring a civil ac-*  
 20 *tion on the payment bond on giving written notice to the contractor*  
 21 *within 90 days from the date on which the person did or performed the*  
 22 *last of the labor or furnished or supplied the last of the material for*  
 23 *which the claim is made. The action must state with substantial accu-*  
 24 *racy the amount claimed and the name of the party to whom the mate-*  
 25 *rial was furnished or supplied or for whom the labor was done or per-*  
 26 *formed. The notice shall be served—*

27 (A) *by any means that provides written, third-party verification*  
 28 *of delivery to the contractor at any place the contractor maintains*  
 29 *an office or conducts business or at the contractor's residence; or*

30 (B) *in any manner in which the United States marshal of the*  
 31 *district in which the public improvement is situated by law may*  
 32 *serve summons.*

33 (3) *VENUE.—A civil action brought under this subsection must be*  
 34 *brought—*

35 (A) *in the name of the United States for the use of the person*  
 36 *bringing the action; and*

37 (B) *in the United States District Court for any district in which*  
 38 *the contract was to be performed and executed, regardless of the*  
 39 *amount in controversy.*

40 (4) *PERIOD IN WHICH ACTION MUST BE BROUGHT.—An action brought*  
 41 *under this subsection must be brought no later than one year after the*



1           *accident insurance, for vacation and holiday pay, for defraying the*  
 2           *costs of apprenticeship or other similar programs, or for other bona*  
 3           *fide fringe benefits, but only where the contractor or subcontractor*  
 4           *is not required by other federal, state, or local law to provide any*  
 5           *of those benefits, the amount of—*

6                     *(i) the rate of contribution irrevocably made by a contractor*  
 7                     *or subcontractor to a trustee or to a third person under a fund,*  
 8                     *plan, or program; and*

9                     *(ii) the rate of costs to the contractor or subcontractor that*  
 10                    *may be reasonably anticipated in providing benefits to laborers*  
 11                    *and mechanics pursuant to an enforceable commitment to*  
 12                    *carry out a financially responsible plan or program which was*  
 13                    *communicated in writing to the laborers and mechanics af-*  
 14                    *ected.*

15       **§3142. Rate of wages for laborers and mechanics**

16           *(a) APPLICATION.—The advertised specifications for every contract in ex-*  
 17           *cess of \$2,000, to which the Federal Government or the District of Columbia*  
 18           *is a party, for construction, alteration, or repair, including painting and*  
 19           *decorating, of public buildings and public works of the Government or the*  
 20           *District of Columbia that are located in a State or the District of Columbia*  
 21           *and which requires or involves the employment of mechanics or laborers shall*  
 22           *contain a provision stating the minimum wages to be paid various classes*  
 23           *of laborers and mechanics.*

24           *(b) BASED ON PREVAILING WAGE.—The minimum wages shall be based on*  
 25           *the wages the Secretary of Labor determines to be prevailing for the cor-*  
 26           *responding classes of laborers and mechanics employed on projects of a char-*  
 27           *acter similar to the contract work in the civil subdivision of the State in*  
 28           *which the work is to be performed, or in the District of Columbia if the work*  
 29           *is to be performed there.*

30           *(c) STIPULATIONS REQUIRED IN CONTRACT.—Every contract based upon*  
 31           *the specifications referred to in subsection (a) must contain stipulations*  
 32           *that—*

33                     *(1) the contractor or subcontractor shall pay all mechanics and labor-*  
 34                     *ers employed directly on the site of the work, unconditionally and at*  
 35                     *least once a week, and without subsequent deduction or rebate on any*  
 36                     *account, the full amounts accrued at time of payment, computed at wage*  
 37                     *rates not less than those stated in the advertised specifications, regardless*  
 38                     *of any contractual relationship which may be alleged to exist between the*  
 39                     *contractor or subcontractor and the laborers and mechanics;*

40                     *(2) the contractor will post the scale of wages to be paid in a promi-*  
 41                     *nent and easily accessible place at the site of the work; and*

1           (3) *there may be withheld from the contractor so much of accrued pay-*  
 2           *ments as the contracting officer considers necessary to pay to laborers*  
 3           *and mechanics employed by the contractor or any subcontractor on the*  
 4           *work the difference between the rates of wages required by the contract*  
 5           *to be paid laborers and mechanics on the work and the rates of wages*  
 6           *received by the laborers and mechanics and not refunded to the con-*  
 7           *tractor or subcontractors or their agents.*

8           (d) *DISCHARGE OF OBLIGATION.*—*The obligation of a contractor or subcon-*  
 9           *tractor to make payment in accordance with the prevailing wage determina-*  
 10           *tions of the Secretary of Labor, under this subchapter and other laws incor-*  
 11           *porating this subchapter by reference, may be discharged by making payments*  
 12           *in cash, by making contributions described in section 3141(2)(B)(i) of this*  
 13           *title, by assuming an enforceable commitment to bear the costs of a plan or*  
 14           *program referred to in section 3141(2)(B)(ii) of this title, or by any combina-*  
 15           *tion of payment, contribution, and assumption, where the aggregate of the*  
 16           *payments, contributions, and costs is not less than the basic hourly rate of*  
 17           *pay plus the amount referred to in section 3141(2)(B).*

18           (e) *OVERTIME PAY.*—*In determining the overtime pay to which a laborer*  
 19           *or mechanic is entitled under any federal law, the regular or basic hourly*  
 20           *rate of pay (or other alternative rate on which premium rate of overtime com-*  
 21           *penensation is computed) of the laborer or mechanic is deemed to be the rate*  
 22           *computed under section 3141(2)(A) of this title, except that where the amount*  
 23           *of payments, contributions, or costs incurred with respect to the laborer or*  
 24           *mechanic exceeds the applicable prevailing wage, the regular or basic hourly*  
 25           *rate of pay (or other alternative rate) is the amount of payments, contribu-*  
 26           *tions, or costs actually incurred with respect to the laborer or mechanic minus*  
 27           *the greater of the amount of contributions or costs of the types described in*  
 28           *section 3141(2)(B) of this title actually incurred with respect to the laborer*  
 29           *or mechanic or the amount determined under section 3141(2)(B) but not actu-*  
 30           *ally paid.*

31           **§3143. Termination of work on failure to pay agreed wages**

32           *Every contract within the scope of this subchapter shall contain a provision*  
 33           *that if the contracting officer finds that any laborer or mechanic employed*  
 34           *by the contractor or any subcontractor directly on the site of the work covered*  
 35           *by the contract has been or is being paid a rate of wages less than the rate*  
 36           *of wages required by the contract to be paid, the Federal Government by writ-*  
 37           *ten notice to the contractor may terminate the contractor's right to proceed*  
 38           *with the work or the part of the work as to which there has been a failure*  
 39           *to pay the required wages. The Government may have the work completed,*  
 40           *by contract or otherwise, and the contractor and the contractor's sureties shall*  
 41           *be liable to the Government for any excess costs the Government incurs.*

1 **§3144. Authority of Comptroller General to pay wages and**  
 2 **list contractors violating contracts**

3 (a) *PAYMENT OF WAGES.*—

4 (1) *IN GENERAL.*—*The Comptroller General shall pay directly to la-*  
 5 *borers and mechanics from any accrued payments withheld under the*  
 6 *terms of a contract any wages found to be due laborers and mechanics*  
 7 *under this subchapter.*

8 (2) *RIGHT OF ACTION.*—*If the accrued payments withheld under the*  
 9 *terms of the contract are insufficient to reimburse all the laborers and*  
 10 *mechanics who have not been paid the wages required under this sub-*  
 11 *chapter, the laborers and mechanics have the same right to bring a civil*  
 12 *action and intervene against the contractor and the contractor's sureties*  
 13 *as is conferred by law on persons furnishing labor or materials. In those*  
 14 *proceedings it is not a defense that the laborers and mechanics accepted*  
 15 *or agreed to accept less than the required rate of wages or voluntarily*  
 16 *made refunds.*

17 (b) *LIST OF CONTRACTORS VIOLATING CONTRACTS.*—

18 (1) *IN GENERAL.*—*The Comptroller General shall distribute to all de-*  
 19 *partments of the Federal Government a list of the names of persons*  
 20 *whom the Comptroller General has found to have disregarded their obli-*  
 21 *gations to employees and subcontractors.*

22 (2) *RESTRICTION ON AWARDING CONTRACTS.*—*No contract shall be*  
 23 *awarded to persons appearing on the list or to any firm, corporation,*  
 24 *partnership, or association in which the persons have an interest until*  
 25 *three years have elapsed from the date of publication of the list.*

26 **§3145. Regulations governing contractors and subcontrac-**  
 27 **tors**

28 (a) *IN GENERAL.*—*The Secretary of Labor shall prescribe reasonable regu-*  
 29 *lations for contractors and subcontractors engaged in constructing, carrying*  
 30 *out, completing, or repairing public buildings, public works, or buildings or*  
 31 *works that at least partly are financed by a loan or grant from the Federal*  
 32 *Government. The regulations shall include a provision that each contractor*  
 33 *and subcontractor each week must furnish a statement on the wages paid each*  
 34 *employee during the prior week.*

35 (b) *APPLICATION.*—*Section 1001 of title 18 applies to the statements.*

36 **§3146. Effect on other federal laws**

37 *This subchapter does not supersede or impair any authority otherwise*  
 38 *granted by federal law to provide for the establishment of specific wage rates.*

1    **§3147. Suspension of this subchapter during a national**  
 2                    **emergency**

3            *The President may suspend the provisions of this subchapter during a na-*  
 4            *tional emergency.*

5    **§3148. Application of this subchapter to certain contracts**

6            *This subchapter applies to a contract authorized by law that is made with-*  
 7            *out regard to section 3709 of the Revised Statutes (41 U.S.C. 5), or on a cost-*  
 8            *plus-a-fixed-fee basis or otherwise without advertising for proposals, if this*  
 9            *subchapter otherwise would apply to the contract.*

10                    SUBCHAPTER V—VOLUNTEER SERVICES

11    **§3161. Purpose**

12            *It is the purpose of this subchapter to promote and provide opportunities*  
 13            *for individuals who wish to volunteer their services to state or local govern-*  
 14            *ments, public agencies, or nonprofit charitable organizations in the construc-*  
 15            *tion, repair, or alteration (including painting and decorating) of public*  
 16            *buildings and public works that at least partly are financed with federal fi-*  
 17            *nanacial assistance authorized under certain federal programs and that other-*  
 18            *wise might not be possible without the use of volunteers.*

19    **§3162. Waiver for individuals who perform volunteer serv-**  
 20                    **ices**

21            (a) *CRITERIA FOR RECEIVING WAIVER.*—*The requirement that certain la-*  
 22            *borers and mechanics be paid in accordance with the wage-setting provisions*  
 23            *of subchapter IV of this chapter as set forth in the Indian Self-Determination*  
 24            *and Education Assistance Act (25 U.S.C. 450 et seq.), the Indian Health Care*  
 25            *Improvement Act (25 U.S.C. 1601 et seq.), and the Housing and Community*  
 26            *Development Act of 1974 (42 U.S.C. 5301 et seq.) does not apply to an*  
 27            *individual—*

28                    (1) *who volunteers to perform a service directly to a state or local gov-*  
 29                    *ernment, a public agency, or a public or private nonprofit recipient of*  
 30                    *federal assistance—*

31                            (A) *for civic, charitable, or humanitarian reasons;*

32                            (B) *only for the personal purpose or pleasure of the individual;*

33                            (C) *without promise, expectation, or receipt of compensation for*  
 34                            *services rendered, except as provided in subsection (b); and*

35                            (D) *freely and without pressure or coercion, direct or implied,*  
 36                            *from any employer;*

37                    (2) *whose contribution of service is not for the direct or indirect ben-*  
 38                    *efit of any contractor otherwise performing or seeking to perform work*  
 39                    *on the same project for which the individual is volunteering;*

1           (3) *who is not employed by and does not provide services to a con-*  
 2 *tractor or subcontractor at any time on the federally assisted or insured*  
 3 *project for which the individual is volunteering; and*

4           (4) *who otherwise is not employed by the same public agency or re-*  
 5 *cipient of federal assistance to perform the same type of services as those*  
 6 *for which the individual proposes to volunteer.*

7 (b) *PAYMENTS.—*

8           (1) *IN ACCORDANCE WITH REGULATIONS.—Volunteers described in sub-*  
 9 *section (a) who are performing services directly to a state or local gov-*  
 10 *ernment or public agency may receive payments of expenses, reasonable*  
 11 *benefits, or a nominal fee only in accordance with regulations the Sec-*  
 12 *retary of Labor prescribes. Volunteers who are performing services di-*  
 13 *rectly to a public or private nonprofit entity may not receive those pay-*  
 14 *ments.*

15           (2) *CRITERIA AND CONTENT OF REGULATIONS.—In prescribing the*  
 16 *regulations, the Secretary shall consider criteria such as the total amount*  
 17 *of payments made (relating to expenses, benefits, or fees) in the context*  
 18 *of the economic realities. The regulations shall include provisions that*  
 19 *provide that—*

20                   (A) *a payment for an expense may be received by a volunteer for*  
 21 *items such as uniform allowances, protective gear and clothing, re-*  
 22 *imbursement for approximate out-of-pocket expenses, or the cost or*  
 23 *expense of meals and transportation;*

24                   (B) *a reasonable benefit may include the inclusion of a volunteer*  
 25 *in a group insurance plan (such as a liability, health, life, dis-*  
 26 *ability, or worker’s compensation plan) or pension plan, or the*  
 27 *awarding of a length of service award; and*

28                   (C) *a nominal fee may not be used as a substitute for compensa-*  
 29 *tion and may not be connected to productivity.*

30           (3) *NOMINAL FEE.—The Secretary shall decide what constitutes a*  
 31 *nominal fee for purposes of paragraph (2)(C). The decision shall be based*  
 32 *on the context of the economic realities of the situation involved.*

33           (c) *ECONOMIC REALITY.—In determining whether an expense, benefit, or*  
 34 *fee described in subsection (b) may be paid to volunteers in the context of the*  
 35 *economic realities of the particular situation, the Secretary may not permit*  
 36 *any expense, benefit, or fee that has the effect of undermining labor standards*  
 37 *by creating downward pressure on prevailing wages in the local construction*  
 38 *industry.*

## SUBCHAPTER VI—MISCELLANEOUS

1  
2 **§3171. Contract authority when appropriation is for less**  
3 **than full amount**

4 *Unless specifically directed otherwise, the Administrator of General Services*  
5 *may make a contract within the full limit of the cost fixed by Congress for*  
6 *the acquisition of land for sites, or for the enlargement of sites, for public*  
7 *buildings, or for the erection, remodeling, extension, alteration, and repairs*  
8 *of public buildings, even though an appropriation is made for only part of*  
9 *the amount necessary to carry out legislation authorizing that purpose.*

10 **§3172. Extension of state workers' compensation laws to**  
11 **buildings, works, and property of the Federal Gov-**  
12 **ernment**

13 *(a) AUTHORIZATION OF EXTENSION.—The state authority charged with en-*  
14 *forcing and requiring compliance with the state workers' compensation laws*  
15 *and with the orders, decisions, and awards of the authority may apply the*  
16 *laws to all land and premises in the State which the Federal Government*  
17 *owns or holds by deed or act of cession, and to all projects, buildings, con-*  
18 *structions, improvements, and property in the State and belonging to the Gov-*  
19 *ernment, in the same way and to the same extent as if the premises were*  
20 *under the exclusive jurisdiction of the State in which the land, premises,*  
21 *projects, buildings, constructions, improvements, or property are located.*

22 *(b) LIMITATION ON RELINQUISHING JURISDICTION.—The Government*  
23 *under this section does not relinquish its jurisdiction for any other purpose.*

24 *(c) NONAPPLICATION.—This section does not modify or amend subchapter*  
25 *I of chapter 81 of title 5.*

26 **§3173. Working capital fund for blueprinting, photostating,**  
27 **and duplicating services in General Services Ad-**  
28 **ministration**

29 *(a) ESTABLISHMENT AND PURPOSE.—There is a working capital fund for*  
30 *the payment of salaries and other expenses necessary to the operation of a*  
31 *central blue-printing, photostating, and duplicating service.*

32 *(b) COMPONENTS.—The fund consists of—*

33 *(1) \$50,000 without fiscal year limitation; and*

34 *(2) reimbursements from available amounts of constituents of the Ad-*  
35 *ministrator of General Services, or of any other federal agency for which*  
36 *services are performed, at rates to be determined by the Administrator*  
37 *on the basis of estimated or actual charges for personal services, mate-*  
38 *rial, equipment (including maintenance, repair, and depreciation on ex-*  
39 *isting and new equipment) and other expenses, to ensure continuous op-*  
40 *eration.*

1 (c) *DEPOSIT OF EXCESS AMOUNTS IN THE TREASURY.*—At the close of each  
 2 fiscal year any excess amount resulting from operation of the service, after  
 3 adequately providing for the replacement of mechanical and other equipment  
 4 and for accrued annual leave of employees engaged in this work by the estab-  
 5 lishment of reserves for those purposes, shall be deposited in the Treasury as  
 6 miscellaneous receipts.

7 **§3174. Operation of public utility communications services**  
 8 ***serving governmental activities***

9 The Administrator of General Services may provide and operate public  
 10 utility communications services serving any governmental activity when the  
 11 services are economical and in the interest of the Federal Government. This  
 12 section does not apply to communications systems for handling messages of  
 13 a confidential or secret nature, the operation of cryptographic equipment or  
 14 transmission of secret, security, or coded messages, or buildings operated or  
 15 occupied by the United States Postal Service, except on request of the depart-  
 16 ment or agency concerned.

17 **§3175. Acceptance of gifts of property**

18 The Administrator of General Services, and the United States Postal Serv-  
 19 ice where that office is concerned, may accept on behalf of the Federal Govern-  
 20 ment unconditional gifts of property in aid of any project or function within  
 21 their respective jurisdictions.

22 **§3176. Administrator of General Services to furnish services**  
 23 ***in continental United States to international bod-***  
 24 ***ies***

25 Sections 1535 and 1536 of title 31 are extended so that the Administrator  
 26 of General Services, at the request of the Secretary of State, may furnish serv-  
 27 ices in the continental United States, on a reimbursable basis, to any inter-  
 28 national body with which the Federal Government is affiliated.

29 **CHAPTER 33—ACQUISITION, CONSTRUCTION, AND**  
 30 **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.

1 **§3301. Definitions and nonapplication**

2 (a) *DEFINITIONS.—In this chapter—*

3 (1) *ALTER.—The term “alter” includes—*

4 (A) *preliminary planning, engineering, architectural, legal, fis-*  
 5 *cal, and economic investigations and studies, surveys, designs,*  
 6 *plans, working drawings, specifications, procedures, and other simi-*  
 7 *lar actions necessary for the alteration of a public building; and*

8 (B) *repairing, remodeling, improving, or extending, or other*  
 9 *changes in, a public building.*

10 (2) *CONSTRUCT.—The term “construct” includes preliminary plan-*  
 11 *ning, engineering, architectural, legal, fiscal, and economic investigations*  
 12 *and studies, surveys, designs, plans, working drawings, specifications,*  
 13 *procedures, and other similar actions necessary for the construction of*  
 14 *a public building.*

15 (3) *EXECUTIVE AGENCY.—The term “executive agency” means an execu-*  
 16 *tive department or independent establishment in the executive branch of*  
 17 *the Federal Government, including—*

18 (A) *any wholly owned Government corporation;*

19 (B) *the Central-Bank for Cooperatives and the regional banks for*  
 20 *cooperatives;*

21 (C) *federal land banks;*

22 (D) *federal intermediate credit banks;*

23 (E) *the Federal Deposit Insurance Corporation; and*

24 (F) *the Government National Mortgage Association.*

25 (4) *FEDERAL AGENCY.—The term “federal agency” means an executive*  
 26 *agency or an establishment in the legislative or judicial branch of the*  
 27 *Government (except the Senate, the House of Representatives, and the*  
 28 *Architect of the Capitol and any activities under the direction of the Ar-*  
 29 *chitect).*

30 (5) *PUBLIC BUILDING.—The term “public building”—*

31 (A) *means a building, whether for single or multitenant occu-*  
 32 *pancy, and its grounds, approaches, and appurtenances, which is*  
 33 *generally suitable for use as office or storage space or both by one*  
 34 *or more federal agencies or mixed-ownership Government corpora-*  
 35 *tions;*

36 (B) *includes—*

37 (i) *federal office buildings;*

38 (ii) *post offices;*

39 (iii) *customhouses;*

40 (iv) *courthouses;*

41 (v) *appraisers stores;*

- 1                   (vi) border inspection facilities;  
 2                   (vii) warehouses;  
 3                   (viii) record centers;  
 4                   (ix) relocation facilities;  
 5                   (x) telecommuting centers;  
 6                   (xi) similar federal facilities; and  
 7                   (xii) any other buildings or construction projects the inclu-  
 8                   sion of which the President considers to be justified in the pub-  
 9                   lic interest; but

10                   (C) does not include a building or construction project described  
 11                   in subparagraphs (A) and (B)—

12                   (i) that is on the public domain (including that reserved for  
 13                   national forests and other purposes);

14                   (ii) that is on property of the Government in foreign coun-  
 15                   tries;

16                   (iii) that is on Indian and native Eskimo property held in  
 17                   trust by the Government;

18                   (iv) that is on land used in connection with federal pro-  
 19                   grams for agricultural, recreational, and conservation pur-  
 20                   poses, including research in connection with the programs;

21                   (v) that is on or used in connection with river, harbor, flood  
 22                   control, reclamation or power projects, for chemical manufactur-  
 23                   ing or development projects, or for nuclear production, re-  
 24                   search, or development projects;

25                   (vi) that is on or used in connection with housing and resi-  
 26                   dential projects;

27                   (vii) that is on military installations (including any fort,  
 28                   camp, post, naval training station, airfield, proving ground,  
 29                   military supply depot, military school, or any similar facility  
 30                   of the Department of Defense);

31                   (viii) that is on installations of the Department of Veterans  
 32                   Affairs used for hospital or domiciliary purposes; or

33                   (ix) the exclusion of which the President considers to be jus-  
 34                   tified in the public interest.

35                   (6) UNITED STATES.—The term “United States” includes the States  
 36                   of the United States, the District of Columbia, Puerto Rico, and the ter-  
 37                   ritories and possessions of the United States.

38                   (b) NONAPPLICATION.—This chapter does not apply to the construction of  
 39                   any public building to which section 241(g) of the Immigration and Nation-  
 40                   ality Act (8 U.S.C. 1231(g)) or section 1 of the Act of June 26, 1930 (19  
 41                   U.S.C. 68) applies.

1 **§3302. Prohibition on construction of buildings except by Ad-**  
 2 **ministrator of General Services**

3 *Only the Administrator of General Services may construct a public build-*  
 4 *ing. The Administrator shall construct a public building in accordance with*  
 5 *this chapter.*

6 **§3303. Continuing investigation and survey of public build-**  
 7 **ings**

8 (a) CONDUCTED BY ADMINISTRATOR.—*The Administrator of General Serv-*  
 9 *ices shall—*

10 (1) *make a continuing investigation and survey of the public buildings*  
 11 *needs of the Federal Government so that the Administrator may carry*  
 12 *out the duties of the Administrator under this chapter; and*

13 (2) *submit to Congress prospectuses of proposed projects in accordance*  
 14 *with section 3307(a) and (b) of this title.*

15 (b) COOPERATION WITH FEDERAL AGENCIES.—

16 (1) DUTIES OF ADMINISTRATOR.—*In carrying out the duties of the*  
 17 *Administrator under this chapter, the Administrator—*

18 (A) *shall cooperate with all federal agencies in order to keep in-*  
 19 *formed of their needs;*

20 (B) *shall advise each federal agency of the program with respect*  
 21 *to the agency; and*

22 (C) *may request the cooperation and assistance of each federal*  
 23 *agency in carrying out duties under this chapter.*

24 (2) DUTY OF FEDERAL AGENCIES.—*Each federal agency shall cooper-*  
 25 *ate with, advise, and assist the Administrator in carrying out the duties*  
 26 *of the Administrator under this chapter as determined necessary by the*  
 27 *Administrator to carry out the purposes of this chapter.*

28 (c) REQUEST FOR IDENTIFICATION OF EXISTING BUILDINGS OF HISTOR-

29 *ICAL, ARCHITECTURAL, OR CULTURAL SIGNIFICANCE.—When the Adminis-*  
 30 *trator undertakes a survey of the public buildings needs of the Government*  
 31 *within a geographical area, the Administrator shall request that, within 60*  
 32 *days, the Advisory Council on Historic Preservation established by title II of*  
 33 *the National Historic Preservation Act (16 U.S.C. 470i et seq.) identify any*  
 34 *existing buildings in the geographical area that—*

35 (1) *are of historical, architectural, or cultural significance (as defined*  
 36 *in section 3306(a) of this title); and*

37 (2) *whether or not in need of repair, alteration, or addition, would*  
 38 *be suitable for acquisition to meet the public buildings needs of the Gov-*  
 39 *ernment.*

40 (d) STANDARD FOR CONSTRUCTION AND ACQUISITION OF PUBLIC BUILD-

41 *INGS.—In carrying out the duties of the Administrator under this chapter,*

1 *the Administrator shall provide for the construction and acquisition of public*  
 2 *buildings equitably throughout the United States with due regard to the com-*  
 3 *parative urgency of the need for each particular building. In developing plans*  
 4 *for new buildings, the Administrator shall give due consideration to excellence*  
 5 *of architecture and design.*

6 **§ 3304. Acquisition of buildings and sites**

7 (a) *IN GENERAL.—The Administrator of General Services may acquire, by*  
 8 *purchase, condemnation, donation, exchange, or otherwise, any building and*  
 9 *its site which the Administrator decides is necessary to carry out the duties*  
 10 *of the Administrator under this chapter.*

11 (b) *ACQUISITION OF LAND OR INTEREST IN LAND FOR USE AS SITES.—*  
 12 *The Administrator may acquire land or an interest in land the Adminis-*  
 13 *trator considers necessary for use as sites, or additions to sites, for public*  
 14 *buildings authorized to be constructed or altered under this chapter.*

15 (c) *PUBLIC BUILDINGS USED FOR POST OFFICE PURPOSES.—When any*  
 16 *part of a public building is to be used for post office purposes, the Adminis-*  
 17 *trator shall act jointly with the United States Postal Service in selecting the*  
 18 *town or city where the building is to be constructed, and in selecting the site*  
 19 *in the town or city for the building.*

20 (d) *SOLICITATION OF PROPOSALS FOR SALE, DONATION, OR EXCHANGE OF*  
 21 *REAL PROPERTY.—When the Administrator is to acquire a site under sub-*  
 22 *section (b), the Administrator, if the Administrator considers it necessary, by*  
 23 *public advertisement may solicit proposals for the sale, donation, or exchange*  
 24 *of real property to the Federal Government to be used as the site. In selecting*  
 25 *a site under subsection (b) the Administrator (with the concurrence of the*  
 26 *United States Postal Service if any part of the public building to be con-*  
 27 *structed on the site is to be used for post office purposes) may—*

28 (1) *select the site that the Administrator believes is the most advan-*  
 29 *tageous to the Government, all factors considered; and*

30 (2) *acquire the site without regard to title III of the Federal Property*  
 31 *and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.).*

32 **§ 3305. Construction and alteration of buildings**

33 (a) *CONSTRUCTION.—*

34 (1) *REPLACEMENT OF EXISTING BUILDINGS.—When the Administrator*  
 35 *of General Services considers it to be in the best interest of the Federal*  
 36 *Government to construct a new public building to take the place of an*  
 37 *existing public building, the Administrator may demolish the existing*  
 38 *building and use the site on which it is located for the site of the pro-*  
 39 *posed public building. If the Administrator believes that it is more ad-*  
 40 *vantageous to construct the public building on a different site in the*  
 41 *same city, the Administrator may exchange the building and site, or the*

1 *site, for another site, or may sell the building and site in accordance*  
 2 *with subtitle I of this title and title III of the Federal Property and Ad-*  
 3 *ministrative Services Act of 1949 (41 U.S.C. 251 et seq.).*

4 (2) *SALE OR EXCHANGE OF SITES.—When the Administrator decides*  
 5 *that a site acquired for the construction of a public building is not suit-*  
 6 *able for that purpose, the Administrator may exchange the site for an-*  
 7 *other site, or may sell it in accordance with subtitle I of this title and*  
 8 *title III of the Federal Property and Administrative Services Act of 1949*  
 9 *(41 U.S.C. 251 et seq.).*

10 (3) *COMMITTEE APPROVAL REQUIRED.—This subsection does not per-*  
 11 *mit the Administrator to use any land as a site for a public building*  
 12 *if the project has not been approved in accordance with section 3307 of*  
 13 *this title.*

14 (b) *ALTERATION OF BUILDINGS.—*

15 (1) *AUTHORITY TO ALTER BUILDINGS AND ACQUIRE LAND.—The Ad-*  
 16 *ministrator may—*

17 (A) *alter any public building; and*

18 (B) *acquire in accordance with section 3304(b)–(d) of this title*  
 19 *land necessary to carry out the alteration.*

20 (2) *COMMITTEE APPROVAL NOT REQUIRED.—*

21 (A) *THRESHOLD AMOUNT.—Approval under section 3307 of this*  
 22 *title is not required for any alteration and acquisition authorized*  
 23 *by this subsection for which the estimated maximum cost does not*  
 24 *exceed \$1,500,000.*

25 (B) *DOLLAR AMOUNT ADJUSTMENT.—The Administrator annu-*  
 26 *ally may adjust the dollar amount referred to in subparagraph (A)*  
 27 *to reflect a percentage increase or decrease in construction costs dur-*  
 28 *ing the prior calendar year, as determined by the composite index*  
 29 *of construction costs of the Department of Commerce. Any adjust-*  
 30 *ment shall be expeditiously reported to the Committee on Environ-*  
 31 *ment and Public Works of the Senate and the Committee on Trans-*  
 32 *portation and Infrastructure of the House of Representatives.*

33 (c) *CONSTRUCTION OR ALTERATION BY CONTRACT.—The Administrator*  
 34 *may carry out any construction or alteration authorized by this chapter by*  
 35 *contract if the Administrator considers it to be most advantageous to the Gov-*  
 36 *ernment.*

37 **§ 3306. Accommodating federal agencies**

38 (a) *DEFINITIONS.—In this section—*

39 (1) *COMMERCIAL ACTIVITIES.—The term “commercial activities” in-*  
 40 *cludes the operations of restaurants, food stores, craft stores, dry goods*  
 41 *stores, financial institutions, and display facilities.*

1           (2) *CULTURAL ACTIVITIES.*—*The term “cultural activities” includes*  
 2 *film, dramatic, dance, and musical presentations, and fine art exhibits,*  
 3 *whether or not those activities are intended to make a profit.*

4           (3) *EDUCATIONAL ACTIVITIES.*—*The terms “educational activities” in-*  
 5 *cludes the operations of libraries, schools, day care centers, laboratories,*  
 6 *and lecture and demonstration facilities.*

7           (4) *HISTORICAL, ARCHITECTURAL, OR CULTURAL SIGNIFICANCE.*—*The*  
 8 *term “historical, architectural, or cultural significance” includes build-*  
 9 *ings listed or eligible to be listed on the National Register established*  
 10 *under section 101 of the National Historic Preservation Act (16 U.S.C.*  
 11 *470a).*

12           (5) *RECREATIONAL ACTIVITIES.*—*The term “recreational activities”*  
 13 *includes the operations of gymnasiums and related facilities.*

14           (6) *UNIT OF GENERAL LOCAL GOVERNMENT.*—*The term “unit of gen-*  
 15 *eral local government” means a city, county, town, parish, village, or*  
 16 *other general-purpose political subdivision of a State.*

17           (b) *DUTIES OF ADMINISTRATOR.*—*To carry out the duties of the Adminis-*  
 18 *trator of General Services under sections 581(h), 584(b), 3303(c), and*  
 19 *3307(b)(3) and (5) of this title and under any other authority with respect*  
 20 *to constructing, operating, maintaining, altering, and otherwise managing or*  
 21 *acquiring space necessary to accommodate federal agencies and to accomplish*  
 22 *the purposes of sections 581(h), 584(b), 3303(c), and 3307(b)(3) and (5), the*  
 23 *Administrator shall—*

24           (1) *acquire and utilize space in suitable buildings of historical, archi-*  
 25 *tectural, or cultural significance, unless use of the space would not prove*  
 26 *feasible and prudent compared with available alternatives;*

27           (2) *encourage the location of commercial, cultural, educational, and*  
 28 *recreational facilities and activities in public buildings;*

29           (3) *provide and maintain space, facilities, and activities, to the extent*  
 30 *practicable, that encourage public access to, and stimulate public pedes-*  
 31 *trian traffic around, into, and through, public buildings, permitting co-*  
 32 *operative improvements to and uses of the area between the building and*  
 33 *the street, so that the activities complement and supplement commercial,*  
 34 *cultural, educational, and recreational resources in the neighborhood of*  
 35 *public buildings; and*

36           (4) *encourage the public use of public buildings for cultural, edu-*  
 37 *cational, and recreational activities.*

38           (c) *CONSULTATION AND SOLICITATION OF COMMENTS.*—*In carrying out the*  
 39 *duties under subsection (b), the Administrator shall—*

40           (1) *consult with chief executive officers of the States, areawide agencies*  
 41 *established pursuant to title II of the Demonstration Cities and Metro-*

1            *politan Development Act of 1966 (42 U.S.C. 3331 et seq.) and section*  
 2            *6506 of title 31, and chief executive officers of those units of general local*  
 3            *government in each area served by an existing or proposed public build-*  
 4            *ing; and*

5            *(2) solicit the comments of other community leaders and members of*  
 6            *the general public as the Administrator considers appropriate.*

7            **§3307. Congressional approval of proposed projects**

8            *(a) RESOLUTIONS REQUIRED BEFORE APPROPRIATIONS MAY BE MADE.—*  
 9            *The following appropriations may be made only if the Committee on Envi-*  
 10            *ronment and Public Works of the Senate and the Committee on Transpor-*  
 11            *tation and Infrastructure of the House of Representatives adopt resolutions*  
 12            *approving the purpose for which the appropriation is made:*

13            *(1) An appropriation to construct, alter, or acquire any building to*  
 14            *be used as a public building which involves a total expenditure in excess*  
 15            *of \$1,500,000, so that the equitable distribution of public buildings*  
 16            *throughout the United States with due regard for the comparative ur-*  
 17            *gency of need for the buildings, except as provided in section 3305(b) of*  
 18            *this title, is ensured.*

19            *(2) An appropriation to lease any space at an average annual rental*  
 20            *in excess of \$1,500,000 for use for public purposes.*

21            *(3) An appropriation to alter any building, or part of the building,*  
 22            *which is under lease by the Federal Government for use for a public pur-*  
 23            *pose if the cost of the alteration will exceed \$750,000.*

24            *(b) TRANSMISSION TO CONGRESS OF PROSPECTUS OF PROPOSED*  
 25            *PROJECT.—To secure consideration for the approval referred to in subsection*  
 26            *(a), the Administrator of General Services shall transmit to Congress a pro-*  
 27            *spectus of the proposed facility, including—*

28            *(1) a brief description of the building to be constructed, altered, or ac-*  
 29            *quired, or the space to be leased, under this chapter;*

30            *(2) the location of the building or space to be leased and an estimate*  
 31            *of the maximum cost to the Government of the facility to be constructed,*  
 32            *altered, or acquired, or the space to be leased;*

33            *(3) a comprehensive plan for providing space for all Government offi-*  
 34            *cers and employees in the locality of the proposed facility or the space*  
 35            *to be leased, having due regard for suitable space which may continue*  
 36            *to be available in existing Government-owned or occupied buildings, es-*  
 37            *pecially those buildings that enhance the architectural, historical, social,*  
 38            *cultural, and economic environment of the locality;*

39            *(4) with respect to any project for the construction, alteration, or ac-*  
 40            *quisition of any building, a statement by the Administrator that suitable*  
 41            *space owned by the Government is not available and that suitable rental*

1 space is not available at a price commensurate with that to be afforded  
2 through the proposed action;

3 (5) a statement by the Administrator of the economic and other jus-  
4 tifications for not acquiring a building identified to the Administrator  
5 under section 3303(c) of this title as suitable for the public building  
6 needs of the Government; and

7 (6) a statement of rents and other housing costs currently being paid  
8 by the Government for federal agencies to be housed in the building to  
9 be constructed, altered, or acquired, or the space to be leased.

10 (c) *INCREASE OF ESTIMATED MAXIMUM COST.*—The estimated maximum  
11 cost of any project approved under this section as set forth in any prospectus  
12 may be increased by an amount equal to any percentage increase, as deter-  
13 mined by the Administrator, in construction or alteration costs from the date  
14 the prospectus is transmitted to Congress. The increase authorized by this sub-  
15 section may not exceed 10 percent of the estimated maximum cost.

16 (d) *RESCISSION OF APPROVAL.*— If an appropriation is not made within  
17 one year after the date a project for construction, alteration, or acquisition  
18 is approved under subsection (a), the Committee on Environment and Public  
19 Works of the Senate or the Committee on Transportation and Infrastructure  
20 of the House of Representatives by resolution may rescind its approval before  
21 an appropriation is made.

22 (e) *EMERGENCY LEASES BY THE ADMINISTRATOR.*—This section does not  
23 prevent the Administrator from entering into emergency leases during any pe-  
24 riod declared by the President to require emergency leasing authority. An  
25 emergency lease may not be for more than 180 days without approval of a  
26 prospectus for the lease in accordance with subsection (a).

27 (f) *LIMITATION ON LEASING CERTAIN SPACE.*—

28 (1) *IN GENERAL.*—The Administrator may not lease space to accom-  
29 modate any of the following if the average rental cost of leasing the space  
30 will exceed \$1,500,000:

31 (A) Computer and telecommunications operations.

32 (B) Secure or sensitive activities related to the national defense  
33 or security, except when it would be inappropriate to locate those  
34 activities in a public building or other facility identified with the  
35 Government.

36 (C) A permanent courtroom, judicial chamber, or administrative  
37 office for any United States court.

38 (2) *EXCEPTION.*—The Administrator may lease space with respect to  
39 which paragraph (1) applies if the Administrator—

1           (A) decides, for reasons set forth in writing, that leasing the space  
2           is necessary to meet requirements which cannot be met in public  
3           buildings; and

4           (B) submits the reasons to the Committee on Environment and  
5           Public Works of the Senate and the Committee on Transportation  
6           and Infrastructure of the House of Representatives.

7           (g) *DOLLAR AMOUNT ADJUSTMENT.*—The Administrator annually may ad-  
8           just any dollar amount referred to in this section to reflect a percentage in-  
9           crease or decrease in construction costs during the prior calendar year, as de-  
10          termined by the composite index of construction costs of the Department of  
11          Commerce. Any adjustment shall be expeditiously reported to the Committee  
12          on Environment and Public Works of the Senate and the Committee on  
13          Transportation and Infrastructure of the House of Representatives.

14          **§ 3308. Architectural or engineering services**

15          (a) *EMPLOYMENT BY ADMINISTRATOR.*—When the Administrator of Gen-  
16          eral Services decides it to be necessary, the Administrator may employ, by  
17          contract or otherwise, without regard to chapters 33 and 51 and subchapter  
18          III of chapter 53 of title 5, civil service rules and regulations, or section 3709  
19          of the Revised Statutes (41 U.S.C. 5), the services of established architectural  
20          or engineering corporations, firms, or individuals, to the extent the Adminis-  
21          trator may require those services for any public building authorized to be con-  
22          structed or altered under this chapter.

23          (b) *EMPLOYMENT ON PERMANENT BASIS NOT PERMITTED.*—A corporation,  
24          firm, or individual shall not be employed under authority of subsection (a)  
25          on a permanent basis.

26          (c) *RESPONSIBILITY OF ADMINISTRATOR.*—Notwithstanding any other pro-  
27          vision of this section, the Administrator is responsible for all construction au-  
28          thorized by this chapter, including the interpretation of construction con-  
29          tracts, approval of material and workmanship supplied under a construction  
30          contract, approval of changes in the construction contract, certification of  
31          vouchers for payments due the contractor, and final settlement of the contract.

32          **§ 3309. Buildings and sites in the District of Columbia**

33          (a) *IN GENERAL.*—The purposes of this chapter shall be carried out in the  
34          District of Columbia as nearly as may be practicable in harmony with the  
35          plan of Peter Charles L'Enfant. Public buildings shall be constructed or al-  
36          tered to combine architectural beauty with practical utility.

37          (b) *CLOSING OF STREETS AND ALLEYS.*—When the Administrator of Gen-  
38          eral Services decides that constructing or altering a public building under this  
39          chapter in the District of Columbia requires using contiguous squares as a  
40          site for the building, parts of streets that lie between the squares, and alleys  
41          that intersect the squares, may be closed and vacated if agreed to by the Ad-

1 *ministrator, the Council of the District of Columbia, and the National Cap-*  
 2 *ital Planning Commission. Those streets and alleys become part of the site.*

3 (c) *CONSULTATIONS PRIOR TO ACQUISITIONS.—*

4 (1) *WITH HOUSE OFFICE BUILDING COMMISSION.—The Administrator*  
 5 *must consult with the House Office Building Commission created by the*  
 6 *Act of March 4, 1907 (ch. 2918, 34 Stat. 1365), before the Administrator*  
 7 *may acquire land located south of Independence Avenue, between Third*  
 8 *Street SW and Eleventh Street SE, in the District of Columbia, for use*  
 9 *as a site or an addition to a site.*

10 (2) *WITH ARCHITECT OF CAPITOL.—The Administrator must consult*  
 11 *with the Architect of the Capitol before the Administrator may acquire*  
 12 *land located in the area extending from the United States Capitol*  
 13 *Grounds to Eleventh Street NE and SE and bounded by Independence*  
 14 *Avenue on the south and G Street NE on the north, in the District of*  
 15 *Columbia, for use as a site or an addition to a site.*

16 (d) *CONTRACTS FOR EVENTS IN STADIUM.—Notwithstanding the District*  
 17 *of Columbia Stadium Act of 1957 (Public Law 85–300, 71 Stat. 619) or any*  
 18 *other provision of law, the Armory Board may make contracts to conduct*  
 19 *events in Robert F. Kennedy Stadium.*

20 **§3310. Special rules for leased buildings**

21 *For any building to be constructed for lease to, and for predominant use*  
 22 *by, the Federal Government, the Administrator of General Services—*

23 (1) *notwithstanding section 585(a)(1) of this title, shall not make any*  
 24 *agreement or undertake any commitment which will result in the con-*  
 25 *struction of the building until the Administrator has established detailed*  
 26 *specification requirements for the building;*

27 (2) *may acquire a leasehold interest in the building only by the use*  
 28 *of competitive procedures required by section 303 of the Federal Property*  
 29 *and Administrative Services Act of 1949 (41 U.S.C. 253);*

30 (3) *shall inspect every building during construction to establish that*  
 31 *the specifications established for the building are complied with;*

32 (4) *on completion of the building, shall evaluate the building to deter-*  
 33 *mine the extent of failure to comply with the specifications referred to*  
 34 *in clause (1); and*

35 (5) *shall ensure that any contract entered into for the building shall*  
 36 *contain provisions permitting a reduction of rent during any period*  
 37 *when the building is not in compliance with the specifications.*

38 **§3311. State administration of criminal and health and**  
 39 **safety laws**

40 *When the Administrator of General Services considers it desirable, the Ad-*  
 41 *ministrator may assign to a State or a territory or possession of the United*

1 States any part of the authority of the Federal Government to administer  
 2 criminal laws and health and safety laws with respect to land or an interest  
 3 in land under the control of the Administrator and located in the State, terri-  
 4 tory, or possession. Assignment of authority under this section may be accom-  
 5 plished by filing with the chief executive officer of the State, territory, or pos-  
 6 session a notice of assignment to take effect on acceptance, or in another man-  
 7 ner as may be prescribed by the laws of the State, territory, or possession in  
 8 which the land or interest is located.

9 **§3312. Compliance with nationally recognized codes**

10 (a) APPLICATION.—

11 (1) IN GENERAL.—This section applies to any project for construction  
 12 or alteration of a building for which amounts are first appropriated for  
 13 a fiscal year beginning after September 30, 1989.

14 (2) NATIONAL SECURITY WAIVER.—This section does not apply to a  
 15 building for which the Administrator of General Services or the head of  
 16 the federal agency authorized to construct or alter the building decides  
 17 that the application of this section to the building would adversely affect  
 18 national security. A decision under this subsection is not subject to ad-  
 19 ministrative or judicial review.

20 (b) BUILDING CODES.—Each building constructed or altered by the General  
 21 Services Administration or any other federal agency shall be constructed or  
 22 altered, to the maximum extent feasible as determined by the Administrator  
 23 or the head of the federal agency, in compliance with one of the nationally  
 24 recognized model building codes and with other applicable nationally recog-  
 25 nized codes, including electrical codes, fire and life safety codes, and plumbing  
 26 codes, as the Administrator decides is appropriate. In carrying out this sub-  
 27 section, the Administrator or the head of the federal agency shall use the latest  
 28 edition of the nationally recognized codes.

29 (c) ZONING LAWS.—Each building constructed or altered by the Adminis-  
 30 tration or any other federal agency shall be constructed or altered only after  
 31 consideration of all requirements (except procedural requirements) of the fol-  
 32 lowing laws of a State or a political subdivision of a State, which would  
 33 apply to the building if it were not a building constructed or altered by a  
 34 federal agency:

35 (1) Zoning laws.

36 (2) Laws relating to landscaping, open space, minimum distance of  
 37 a building from the property line, maximum height of a building, his-  
 38 toric preservation, esthetic qualities of a building, and other similar  
 39 laws.

40 (d) COOPERATION WITH STATE AND LOCAL OFFICIALS.—

1           (1) *STATE AND LOCAL GOVERNMENT CONSULTATION, REVIEW, AND IN-*  
2 *SPECTIONS.—To meet the requirements of subsections (b) and (c), the Ad-*  
3 *ministrator or the head of the federal agency authorized to construct or*  
4 *alter the building—*

5           (A) *in preparing plans for the building, shall consult with appro-*  
6 *priate officials of the State or political subdivision of a State, or*  
7 *both, in which the building will be located;*

8           (B) *on request shall submit the plans in a timely manner to the*  
9 *officials for review by the officials for a reasonable period of time*  
10 *not exceeding 30 days; and*

11           (C) *shall permit inspection by the officials during construction or*  
12 *alteration of the building, in accordance with the customary sched-*  
13 *ule of inspections for construction or alteration of buildings in the*  
14 *locality, if the officials provide to the Administrator or the head of*  
15 *the federal agency—*

16           (i) *a copy of the schedule before construction of the building*  
17 *is begun; and*

18           (ii) *reasonable notice of their intention to conduct any in-*  
19 *spection before conducting the inspection.*

20           (2) *LIMITATION ON RESPONSIBILITIES.—This section does not impose*  
21 *an obligation on any State or political subdivision to take any action*  
22 *under paragraph (1).*

23           (e) *STATE AND LOCAL GOVERNMENT RECOMMENDATIONS.—Appropriate of-*  
24 *icials of a State or political subdivision of a State may make recommenda-*  
25 *tions to the Administrator or the head of the federal agency authorized to con-*  
26 *struct or alter a building concerning measures necessary to meet the require-*  
27 *ments of subsections (b) and (c). The officials also may make recommenda-*  
28 *tions to the Administrator or the head of the federal agency concerning meas-*  
29 *ures which should be taken in the construction or alteration of the building*  
30 *to take into account local conditions. The Administrator or the head of the*  
31 *agency shall give due consideration to the recommendations.*

32           (f) *EFFECT OF NONCOMPLIANCE.—An action may not be brought against*  
33 *the Federal Government and a fine or penalty may not be imposed against*  
34 *the Government for failure to meet the requirements of subsection (b), (c), or*  
35 *(d) or for failure to carry out any recommendation under subsection (e).*

36           (g) *LIMITATION ON LIABILITY.—The Government and its contractors shall*  
37 *not be required to pay any amount for any action a State or a political sub-*  
38 *division of a State takes to carry out this section, including reviewing plans,*  
39 *carrying out on-site inspections, issuing building permits, and making rec-*  
40 *ommendations.*

1 **§3313. Delegation**

2 (a) *WHEN ALLOWED.*—*Except for the authority contained in section*  
 3 *3305(b) of this title, the carrying out of the duties and powers of the Adminis-*  
 4 *trator of General Services under this chapter, in accordance with standards*  
 5 *the Administrator prescribes—*

6 (1) *shall be delegated on request to the appropriate executive agency*  
 7 *when the estimated cost of the project does not exceed \$100,000; and*

8 (2) *may be delegated to the appropriate executive agency when the Ad-*  
 9 *ministrator determines that delegation will promote efficiency and econ-*  
 10 *omy.*

11 (b) *NO EXEMPTION FROM OTHER PROVISIONS OF CHAPTER.*—*Delegation*  
 12 *under subsection (a) does not exempt the person to whom the delegation is*  
 13 *made, or the carrying out of the delegated duty or power, from any other pro-*  
 14 *vision of this chapter.*

15 **§3314. Report to Congress**

16 (a) *REQUEST BY EITHER HOUSE OF CONGRESS OR ANY COMMITTEE.*—  
 17 *Within a reasonable time after a request of either House of Congress or any*  
 18 *committee of Congress, the Administrator of General Services shall submit a*  
 19 *report showing the location, space, cost, and status of each public building*  
 20 *the construction, alteration, or acquisition of which—*

21 (1) *is to be under authority of this chapter; and*

22 (2) *was uncompleted as of the date of the request, or as of another date*  
 23 *the request may designate.*

24 (b) *REQUEST OF COMMITTEE ON PUBLIC WORKS AND ENVIRONMENT OR*  
 25 *COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE.*—*The Adminis-*  
 26 *trator and the United States Postal Service shall make building project sur-*  
 27 *veys requested by resolution by the Committee on Environment and Public*  
 28 *Works of the Senate or the Committee on Transportation and Infrastructure*  
 29 *of the House of Representatives, and within a reasonable time shall make a*  
 30 *report on the survey to Congress. The report shall contain all other informa-*  
 31 *tion required to be included in a prospectus of the proposed public building*  
 32 *project under section 3307(b) of this title.*

33 **§3315. Certain authority not affected**

34 *This chapter does not limit or repeal the authority conferred by law on the*  
 35 *United States Postal Service.*

36 **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.*

1 **§3501. Definitions**

2 *In this chapter, the following definitions apply:*

3 (1) *PUBLIC AGENCY.*—*The term “public agency” means a State or a*  
 4 *public agency or political subdivision of a State.*

5 (2) *PUBLIC WORKS.*—*The term “public works” includes any public*  
 6 *works other than housing.*

7 (3) *STATE.*—*The term “State” means a State of the United States, the*  
 8 *District of Columbia, Puerto Rico, Guam, the Virgin Islands, the North-*  
 9 *ern Mariana Islands, the Federated States of Micronesia, the Marshall*  
 10 *Islands, Palau, and any territory or possession of the United States.*

11 **§3502. Planned public works**

12 (a) *ADVANCES TO ENSURE PLANNING.*—*Notwithstanding section 3324(a)*  
 13 *and (b) of title 31, the Secretary of Housing and Urban Development may*  
 14 *make advances to public agencies and Indian tribes—*

15 (1) *to encourage public agencies and Indian tribes to maintain at all*  
 16 *times a current and adequate reserve of planned public works the con-*  
 17 *struction of which can rapidly be commenced, particularly when the na-*  
 18 *tional or local economic situation makes that action desirable; and*

19 (2) *to help attain maximum economy and efficiency in the planning*  
 20 *and construction of public works.*

21 (b) *USES OF ADVANCES.*—*A public agency or Indian tribe shall use an ad-*  
 22 *vance under subsection (a) to aid in financing the cost of feasibility studies,*  
 23 *engineering and architectural surveys, designs, plans, working drawings, spec-*  
 24 *ifications, or other action preliminary to and in preparation for the construc-*  
 25 *tion of public works, and for construction in connection with the development*  
 26 *of a medical center, a general plan for the development of the center.*

27 (c) *NO FUTURE COMMITMENT.*—*An advance under subsection (a) does not*  
 28 *commit the Congress to appropriate amounts to assist in financing the con-*  
 29 *struction of any public works planned with the aid of that advance. Out-*  
 30 *standing advances to public agencies and Indian tribes in a State shall not*  
 31 *exceed 12.5 percent of the aggregate then authorized to be appropriated to the*  
 32 *revolving fund established under section 3503 of this title.*

33 (d) *REQUIREMENTS FOR ADVANCES.*—*An advance shall not be made under*  
 34 *subsection (a) for an individual project (including a regional, metropolitan,*  
 35 *or other areawide project) unless—*

36 (1) *the project is planned to be constructed within or over a reasonable*  
 37 *period of time considering the nature of the project;*

38 (2) *the project conforms to an overall state, local, or regional plan ap-*  
 39 *proved by a competent state, local, or regional authority; and*

1           (3) *the public agency or Indian tribe formally contracts with the Fed-*  
 2           *eral Government to complete the plan preparation promptly and to*  
 3           *repay part or all of the advance when due.*

4           (e) *REGULATIONS.—The Secretary may prescribe regulations to carry out*  
 5           *this chapter.*

6           **§ 3503. Revolving fund**

7           (a) *ESTABLISHMENT.—There is a revolving fund established by the Sec-*  
 8           *retary of Housing and Urban Development to provide amounts for advances*  
 9           *under this chapter. The fund comprises amounts appropriated under this*  
 10           *chapter and all repayments and other receipts received in connection with ad-*  
 11           *vances made under this chapter.*

12           (b) *AUTHORIZATIONS.—Not more than \$70,000,000 may be appropriated*  
 13           *to the revolving fund as necessary to carry out the purposes of this chapter.*

14           **§ 3504. Surveys of public works planning**

15           *The Secretary of Housing and Urban Development may use during a fiscal*  
 16           *year not more than \$100,000 of the amount in the revolving fund established*  
 17           *under section 3503 of this title to conduct surveys of the status and current*  
 18           *volume of state and local public works planning and surveys of estimated re-*  
 19           *quirements for state and local public works. In conducting a survey, the Sec-*  
 20           *retary, may use or act through any department or agency of the Federal Gov-*  
 21           *ernment, with the consent of the department or agency.*

22           **§ 3505. Forgiveness of outstanding advances**

23           *In accordance with accounting and other procedures the Secretary of Hous-*  
 24           *ing and Urban Development prescribes, each advance made by the Secretary*  
 25           *under this chapter that had any principal amount outstanding on February*  
 26           *5, 1988, was forgiven. The terms and conditions of any contract, or any*  
 27           *amendment to a contract, for that advance with respect to any promise to*  
 28           *repay the advance were canceled.*

29           **CHAPTER 37—CONTRACT WORK HOURS AND SAFETY**  
 30           **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.*

31           **§ 3701. Definition and application**

32           (a) *DEFINITION.—In this chapter, the term “Federal Government” has the*  
 33           *same meaning that the term “United States” had in the Contract Work Hours*  
 34           *and Safety Standards Act (Public Law 87–581, 76 Stat. 357).*

1 (b) *APPLICATION.*—

2 (1) *CONTRACTS.*—*This chapter applies to—*

3 (A) *any contract that may require or involve the employment of*  
4 *laborers or mechanics on a public work of the Federal Government,*  
5 *a territory of the United States, or the District of Columbia; and*

6 (B) *any other contract that may require or involve the employ-*  
7 *ment of laborers or mechanics if the contract is one—*

8 (i) *to which the Government, an agency or instrumentality*  
9 *of the Government, a territory, or the District of Columbia is*  
10 *a party;*

11 (ii) *which is made for or on behalf of the Government, an*  
12 *agency or instrumentality, a territory, or the District of Co-*  
13 *lumbia; or*

14 (iii) *which is a contract for work financed at least in part*  
15 *by loans or grants from, or loans insured or guaranteed by, the*  
16 *Government or an agency or instrumentality under any federal*  
17 *law providing wage standards for the work.*

18 (2) *LABORERS AND MECHANICS.*—*This chapter applies to all laborers*  
19 *and mechanics employed by a contractor or subcontractor in the per-*  
20 *formance of any part of the work under the contract—*

21 (A) *including watchmen, guards, and workers performing services*  
22 *in connection with dredging or rock excavation in any river or har-*  
23 *bor of the United States, a territory, or the District of Columbia;*  
24 *but*

25 (B) *not including an employee employed as a seaman.*

26 (3) *EXCEPTIONS.*—

27 (A) *THIS CHAPTER.*—*This chapter does not apply to—*

28 (i) *a contract for—*

29 (I) *transportation by land, air, or water;*

30 (II) *the transmission of intelligence; or*

31 (III) *the purchase of supplies or materials or articles*  
32 *ordinarily available in the open market;*

33 (ii) *any work required to be done in accordance with the*  
34 *provisions of the Walsh-Healey Act (41 U.S.C. 35 et seq.); and*

35 (iii) *a contract in an amount that is not greater than*  
36 *\$100,000.*

37 (B) *SECTION 3902.*—*Section 3902 of this title does not apply to*  
38 *work where the assistance described in subsection (a)(2)(C) from the*  
39 *Government or an agency or instrumentality is only a loan guar-*  
40 *antee or insurance.*

1 **§3702. Work hours**

2 (a) *STANDARD WORKWEEK.*—*The wages of every laborer and mechanic em-*  
 3 *ployed by any contractor or subcontractor in the performance of work on a*  
 4 *contract described in section 3701 of this title shall be computed on the basis*  
 5 *of a standard workweek of 40 hours. Work in excess of the standard workweek*  
 6 *is permitted subject to this section. For each workweek in which the laborer*  
 7 *or mechanic is so employed, wages include compensation, at a rate not less*  
 8 *than one and one-half times the basic rate of pay, for all hours worked in*  
 9 *excess of 40 hours in the workweek.*

10 (b) *CONTRACT REQUIREMENTS.*—*A contract described in section 3701 of*  
 11 *this title, and any obligation of the Federal Government, a territory of the*  
 12 *United States, or the District of Columbia in connection with that contract,*  
 13 *must provide that—*

14 (1) *a contractor or subcontractor contracting for any part of the con-*  
 15 *tract work which may require or involve the employment of laborers or*  
 16 *mechanics shall not require or permit any laborer or mechanic, in any*  
 17 *workweek in which the laborer or mechanic is employed on that work,*  
 18 *to work more than 40 hours in that workweek, except as provided in this*  
 19 *chapter; and*

20 (2) *when a violation of clause (1) occurs, the contractor and any sub-*  
 21 *contractor responsible for the violation are liable—*

22 (A) *to the affected employee for the employee's unpaid wages; and*

23 (B) *to the Government, the District of Columbia, or a territory*  
 24 *for liquidated damages as provided in the contract.*

25 (c) *LIQUIDATED DAMAGES.*—*Liquidated damages under subsection*  
 26 *(b)(2)(B) shall be computed for each individual employed as a laborer or me-*  
 27 *chanic in violation of this chapter and shall be equal to \$10 for each calendar*  
 28 *day on which the individual was required or permitted to work in excess of*  
 29 *the standard workweek without payment of the overtime wages required by*  
 30 *this chapter.*

31 (d) *AMOUNTS WITHHELD TO SATISFY LIABILITIES.*—*Subject to section*  
 32 *3703 of this title, the governmental agency for which the contract work is done*  
 33 *or which is providing financial assistance for the work may withhold, or have*  
 34 *withheld, from money payable because of work performed by a contractor or*  
 35 *subcontractor, amounts administratively determined to be necessary to satisfy*  
 36 *the liabilities of the contractor or subcontractor for unpaid wages and liq-*  
 37 *uidated damages as provided in this section.*

38 **§3703. Report of violations and withholding of amounts for**  
 39 **unpaid wages and liquidated damages**

40 (a) *REPORTS OF INSPECTORS.*—*An officer or individual designated as an*  
 41 *inspector of the work to be performed under a contract described in section*

1 3701 of this title, or to aid in the enforcement or fulfillment of the contract,  
 2 on observation or after investigation immediately shall report to the proper  
 3 officer of the Federal Government, a territory of the United States, or the Dis-  
 4 trict of Columbia all violations of this chapter occurring in the performance  
 5 of the work, together with the name of each laborer or mechanic who was re-  
 6 quired or permitted to work in violation of this chapter and the day the viola-  
 7 tion occurred.

8 (b) WITHHOLDING AMOUNTS.—

9 (1) DETERMINING AMOUNT.—The amount of unpaid wages and liq-  
 10 uidated damages owing under this chapter shall be determined adminis-  
 11 tratively.

12 (2) AMOUNT DIRECTED TO BE WITHHELD.—The officer or individual  
 13 whose duty it is to approve the payment of money by the Government,  
 14 territory, or District of Columbia in connection with the performance of  
 15 the contract work shall direct the amount of—

16 (A) liquidated damages to be withheld for the use and benefit of  
 17 the Government, territory, or District; and

18 (B) unpaid wages to be withheld for the use and benefit of the  
 19 laborers and mechanics who were not compensated as required  
 20 under this chapter.

21 (3) PAYMENT.—The Comptroller General shall pay the amount admin-  
 22 istratively determined to be due directly to the laborers and mechanics  
 23 from amounts withheld on account of underpayments of wages if the  
 24 amount withheld is adequate. If the amount withheld is not adequate,  
 25 the Comptroller General shall pay an equitable proportion of the amount  
 26 due.

27 (c) RIGHT OF ACTION AND INTERVENTION AGAINST CONTRACTORS AND  
 28 SURETIES.—If the accrued payments withheld under the terms of the contract  
 29 are insufficient to reimburse all the laborers and mechanics who have not been  
 30 paid the wages required under this chapter, the laborers and mechanics, in  
 31 the case of a department or agency of the Government, have the same right  
 32 of action and intervention against the contractor and the contractor's sureties  
 33 as is conferred by law on persons furnishing labor or materials. In those pro-  
 34 ceedings it is not a defense that the laborers and mechanics accepted or agreed  
 35 to accept less than the required rate of wages or voluntarily made refunds.

36 (d) REVIEW PROCESS.—

37 (1) TIME LIMIT FOR APPEAL.—Within 60 days after an amount is  
 38 withheld as liquidated damages, any contractor or subcontractor ag-  
 39 grieved by the withholding may appeal to the head of the agency of the  
 40 Government or territory for which the contract work is done or which  
 41 is providing financial assistance for the work, or to the Mayor of the

1 *District of Columbia in the case of liquidated damages withheld for the*  
 2 *use and benefit of the District.*

3 (2) *REVIEW BY AGENCY HEAD OR MAYOR.*—*The agency head or Mayor*  
 4 *may review the administrative determination of liquidated damages. The*  
 5 *agency head or Mayor may issue a final order affirming the determina-*  
 6 *tion or may recommend to the Secretary of Labor that an appropriate*  
 7 *adjustment in liquidated damages be made, or that the contractor or sub-*  
 8 *contractor be relieved of liability for the liquidated damages, if it is*  
 9 *found that the amount is incorrect or that the contractor or subcon-*  
 10 *tractor violated this chapter inadvertently, notwithstanding the exercise*  
 11 *of due care by the contractor or subcontractor and the agents of the con-*  
 12 *tractor or subcontractor.*

13 (3) *REVIEW BY SECRETARY.*—*The Secretary shall review all pertinent*  
 14 *facts in the matter and may conduct any investigation the Secretary*  
 15 *considers necessary in order to affirm or reject the recommendation. The*  
 16 *decision of the Secretary is final.*

17 (4) *JUDICIAL ACTION.*—*A contractor or subcontractor aggrieved by a*  
 18 *final order for the withholding of liquidated damages may file a claim*  
 19 *in the United States Court of Federal Claims within 60 days after the*  
 20 *final order. A final order of the agency head, Mayor, or Secretary is con-*  
 21 *clusive with respect to findings of fact if supported by substantial evi-*  
 22 *dence.*

23 (e) *APPLICABILITY OF OTHER LAWS.*—

24 (1) *REORGANIZATION PLAN.*—*Reorganization Plan Numbered 14 of*  
 25 *1950 (eff. May 24, 1950, 64 Stat. 1267) applies to this chapter.*

26 (2) *SECTION 3145.*—*Section 3145 of this title applies to contractors*  
 27 *and subcontractors referred to in section 3145 who are engaged in the*  
 28 *performance of contracts subject to this chapter.*

29 **§3704. Health and safety standards in building trades and**  
 30 **construction industry**

31 (a) *CONDITION OF CONTRACTS.*—

32 (1) *IN GENERAL.*—*Each contract in an amount greater than \$100,000*  
 33 *that is entered into under legislation subject to Reorganization Plan*  
 34 *Numbered 14 of 1950 (eff. May 24, 1950, 64 Stat. 1267) and is for con-*  
 35 *struction, alteration, and repair, including painting and decorating,*  
 36 *must provide that no contractor or subcontractor contracting for any*  
 37 *part of the contract work shall require any laborer or mechanic employed*  
 38 *in the performance of the contract to work in surroundings or under*  
 39 *working conditions that are unsanitary, hazardous, or dangerous to*  
 40 *health or safety, as established under construction safety and health*  
 41 *standards the Secretary of Labor prescribes by regulation based on pro-*

1 *ceedings pursuant to section 553 of title 5, provided that the proceedings*  
2 *include a hearing similar in nature to that authorized by section 553.*

3 (2) *CONSULTATION.—In formulating standards under this section, the*  
4 *Secretary shall consult with the Advisory Committee created by sub-*  
5 *section (d) of this section.*

6 (b) *COMPLIANCE.—*

7 (1) *ACTIONS TO GAIN COMPLIANCE.—The Secretary may make inspec-*  
8 *tions, hold hearings, issue orders, and make decisions based on findings*  
9 *of fact as the Secretary considers necessary to gain compliance with this*  
10 *section and any health and safety standard the Secretary prescribes*  
11 *under subsection (a). For those purposes the Secretary and the United*  
12 *States district courts have the authority and jurisdiction provided by sec-*  
13 *tions 4 and 5 of the Walsh-Healey Act (41 U.S.C. 38, 39).*

14 (2) *REMEDY WHEN NONCOMPLIANCE FOUND.—When the Secretary,*  
15 *after an opportunity for an adjudicatory hearing by the Secretary, estab-*  
16 *lishes noncompliance under this section of any condition of a contract*  
17 *described in—*

18 (A) *section 3701(b)(1)(B)(i) or (ii) of this title, the governmental*  
19 *agency for which the contract work is done may cancel the contract*  
20 *and make other contracts for the completion of the contract work,*  
21 *charging any additional cost to the original contractor; or*

22 (B) *section 3701(b)(1)(B)(iii) of this title, the governmental agen-*  
23 *cy which is providing the financial guarantee, assistance, or insur-*  
24 *ance for the contract work may withhold the guarantee, assistance,*  
25 *or insurance attributable to the performance of the contract.*

26 (3) *NONAPPLICABILITY.—Section 3703 of this title does not apply to*  
27 *the enforcement of this section.*

28 (c) *REPEATED VIOLATIONS.—*

29 (1) *TRANSMITTAL OF NAMES OF REPEAT VIOLATORS TO COMPTROLLER*  
30 *GENERAL.—When the Secretary, after an opportunity for an agency*  
31 *hearing, decides on the record that, by repeated willful or grossly neg-*  
32 *ligent violations of this chapter, a contractor or subcontractor has dem-*  
33 *onstrated that subsection (b) is not effective to protect the safety and*  
34 *health of the employees of the contractor or subcontractor, the Secretary*  
35 *shall make a finding to that effect and, not sooner than 30 days after*  
36 *giving notice of the finding to all interested persons, shall transmit the*  
37 *name of the contractor or subcontractor to the Comptroller General.*

38 (2) *BAN ON AWARDING CONTRACTS.—The Comptroller General shall*  
39 *distribute each name transmitted under paragraph (1) to all agencies of*  
40 *the Federal Government. Unless the Secretary otherwise recommends, the*  
41 *contractor, subcontractor, or any person in which the contractor or sub-*

1 contractor has a substantial interest may not be awarded a contract sub-  
 2 ject to this section until three years have elapsed from the date the name  
 3 is transmitted to the Comptroller General. The Secretary shall terminate  
 4 the ban if, before the end of the three-year period, the Secretary, after  
 5 affording interested persons due notice and an opportunity for a hearing,  
 6 is satisfied that a contractor or subcontractor whose name was trans-  
 7 mitted to the Comptroller General will comply responsibly with the re-  
 8 quirements of this section. The Comptroller General shall inform all Gov-  
 9 ernment agencies after being informed of the Secretary's action.

10 (3) *JUDICIAL REVIEW.*—A person aggrieved by the Secretary's action  
 11 under this subsection or subsection (b) may file with the appropriate  
 12 United States court of appeals a petition for review of the Secretary's  
 13 action within 60 days after receiving notice of the Secretary's action.  
 14 The clerk of the court immediately shall send a copy of the petition to  
 15 the Secretary. The Secretary then shall file with the court the record on  
 16 which the action is based. The findings of fact by the Secretary, if sup-  
 17 ported by substantial evidence, are final. The court may enter a decree  
 18 enforcing, modifying, modifying and enforcing, or setting aside any part  
 19 of, the order of the Secretary or the appropriate Government agency. The  
 20 judgment of the court may be reviewed by the Supreme Court as pro-  
 21 vided in section 1254 of title 28.

22 (d) *ADVISORY COMMITTEE ON CONSTRUCTION SAFETY AND HEALTH.*—

23 (1) *ESTABLISHMENT.*—There is an Advisory Committee on Construc-  
 24 tion Safety and Health in the Department of Labor.

25 (2) *COMPOSITION.*—The Committee is composed of nine members ap-  
 26 pointed by the Secretary, without regard to chapter 33 of title 5, as fol-  
 27 lows:

28 (A) Three members shall be individuals representative of contrac-  
 29 tors to whom this section applies.

30 (B) Three members shall be individuals representative of employ-  
 31 ees primarily in the building trades and construction industry en-  
 32 gaged in carrying out contracts to which this section applies.

33 (C) Three members shall be public representatives who shall be se-  
 34 lected on the basis of their professional and technical competence  
 35 and experience in the construction health and safety field.

36 (3) *CHAIRMAN.*—The Secretary shall appoint one member as Chair-  
 37 man.

38 (4) *DUTIES.*—The Committee shall advise the Secretary—

39 (A) in formulating construction safety and health standards and  
 40 other regulations; and

41 (B) on policy matters arising in carrying out this section.



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         (i) *LEGAL DESCRIPTION.—The United States Capitol Grounds comprises*  
 10     *all squares, reservations, streets, roadways, walks, and other areas as defined*  
 11     *on a map entitled “Map showing areas comprising United States Capitol*  
 12     *Grounds”, dated June 25, 1946, approved by the Architect of the Capitol, and*  
 13     *recorded in the Office of the Surveyor of the District of Columbia in book 127,*  
 14     *page 8, including all additions added by law after June 25, 1946.*

15         (ii) *JURISDICTION.—*

16             (1) *ARCHITECT OF THE CAPITOL.—The jurisdiction and control over*  
 17     *the Grounds, vested prior to July 31, 1946, by law in the Architect, is*  
 18     *extended to the entire area of the Grounds. Except as provided in para-*  
 19     *graph (2), the Architect is responsible for the maintenance and improve-*  
 20     *ment of the Grounds, including those streets and roadways in the*  
 21     *Grounds as shown on the map referred to in subsection (a) as being*  
 22     *under the jurisdiction and control of the Commissioners of the District*  
 23     *of Columbia.*

24             (2) *MAYOR OF THE DISTRICT OF COLUMBIA.—*

25                 (A) *IN GENERAL.—The Mayor of the District of Columbia is re-*  
 26     *sponsible for the maintenance and improvement of those portions of*  
 27     *the following streets which are situated between the curblines of*  
 28     *those streets: Constitution Avenue from Second Street Northeast to*  
 29     *Third Street Northwest, First Street from D Street Northeast to D*  
 30     *Street Southeast, D Street from First Street Southeast to Wash-*  
 31     *ington Avenue Southwest, and First Street from the north side of*  
 32     *Louisiana Avenue to the intersection of C Street and Washington*  
 33     *Avenue Southwest, Pennsylvania Avenue Northwest from First*  
 34     *Street Northwest to Third Street Northwest, Maryland Avenue*  
 35     *Southwest from First Street Southwest to Third Street Southwest,*  
 36     *Second Street Northeast from F Street Northeast to C Street South-*  
 37     *east; C Street Southeast from Second Street Southeast to First*  
 38     *Street Southeast; that portion of Maryland Avenue Northeast from*  
 39     *Second Street Northeast to First Street Northeast; that portion of*  
 40     *New Jersey Avenue Northwest from D Street Northwest to Lou-*

1            *isiana Avenue; that portion of Second Street Southwest from the*  
 2            *north curb of D Street to the south curb of Virginia Avenue South-*  
 3            *west; that portion of Virginia Avenue Southwest from the east curb*  
 4            *of Second Street Southwest to the west curb of Third Street South-*  
 5            *west; that portion of Third Street Southwest from the south curb of*  
 6            *Virginia Avenue Southwest to the north curb of D Street Southwest;*  
 7            *that portion of D Street Southwest from the west curb of Third*  
 8            *Street Southwest to the east curb of Second Street Southwest; that*  
 9            *portion of Washington Avenue Southwest, including sidewalks and*  
 10           *traffic islands, from the south curb of Independence Avenue South-*  
 11           *west to the west curb of South Capitol Street.*

12            (B) *REPAIR AND MAINTENANCE OF UTILITY SERVICES.—The*  
 13            *Mayor may enter any part of the Grounds to repair or maintain*  
 14            *or, subject to the approval of the Architect, construct or alter, any*  
 15            *utility service of the District of Columbia Government.*

16            **§5103. Restrictions on public use of United States Capitol**  
 17            **Grounds**

18            *Public travel in, and occupancy of, the United States Capitol Grounds is*  
 19            *restricted to the roads, walks, and places prepared for that purpose.*

20            **§5104. Unlawful activities**

21            (a) *DEFINITIONS.—In this section—*

22            (1) *ACT OF PHYSICAL VIOLENCE.—The term “act of physical violence”*  
 23            *means any act involving—*

24            (A) *an assault or other infliction or threat of infliction of death*  
 25            *or bodily harm on an individual; or*

26            (B) *damage to, or destruction of, real or personal property.*

27            (2) *DANGEROUS WEAPON.—The term “dangerous weapon” includes—*

28            (A) *all articles enumerated in section 14(a) of the Act of July 8,*  
 29            *1932 (ch. 465, 47 Stat. 654); and*

30            (B) *a device designed to expel or hurl a projectile capable of caus-*  
 31            *ing injury to individuals or property, a dagger, a dirk, a stiletto,*  
 32            *and a knife having a blade over three inches in length.*

33            (3) *EXPLOSIVES.—The term “explosives” has the meaning given that*  
 34            *term in section 841(d) of title 18.*

35            (4) *FIREARM.—The term “firearm” has the meaning given that term*  
 36            *in section 921(3) of title 18.*

37            (b) *OBSTRUCTION OF ROADS.—A person may not occupy the roads in the*  
 38            *United States Capitol Grounds in a manner that obstructs or hinders their*  
 39            *proper use, or use the roads in the area of the Grounds, south of Constitution*  
 40            *Avenue and B Street and north of Independence Avenue and B Street, to con-*

1 *vey goods or merchandise, except to or from the United States Capitol on Fed-*  
 2 *eral Government service.*

3 (c) *SALE OF ARTICLES, DISPLAY OF SIGNS, AND SOLICITATIONS.—A person*  
 4 *may not carry out any of the following activities in the Grounds:*

5 (1) *offer or expose any article for sale.*

6 (2) *display a sign, placard, or other form of advertisement.*

7 (3) *solicit fares, alms, subscriptions, or contributions.*

8 (d) *INJURIES TO PROPERTY.—A person may not step or climb on, remove,*  
 9 *or in any way injure any statue, seat, wall, fountain, or other erection or*  
 10 *architectural feature, or any tree, shrub, plant, or turf, in the Grounds.*

11 (e) *CAPITOL GROUNDS AND BUILDINGS SECURITY.—*

12 (1) *FIREARMS, DANGEROUS WEAPONS, EXPLOSIVES, OR INCENDIARY*  
 13 *DEVICES.—An individual or group of individuals—*

14 (A) *except as authorized by regulations prescribed by the Capitol*  
 15 *Police Board—*

16 (i) *may not carry on or have readily accessible to any indi-*  
 17 *vidual on the Grounds or in any of the Capitol Buildings a*  
 18 *firearm, a dangerous weapon, explosives, or an incendiary de-*  
 19 *vice;*

20 (ii) *may not discharge a firearm or explosives, use a dan-*  
 21 *gerous weapon, or ignite an incendiary device, on the Grounds*  
 22 *or in any of the Capitol Buildings; or*

23 (iii) *may not transport on the Grounds or in any of the*  
 24 *Capitol Buildings explosives or an incendiary device; or*

25 (B) *may not knowingly, with force and violence, enter or remain*  
 26 *on the floor of either House of Congress.*

27 (2) *VIOLENT ENTRY AND DISORDERLY CONDUCT.—An individual or*  
 28 *group of individuals may not willfully and knowingly—*

29 (A) *enter or remain on the floor of either House of Congress or*  
 30 *in any cloakroom or lobby adjacent to that floor, in the Rayburn*  
 31 *Room of the House of Representatives, or in the Marble Room of*  
 32 *the Senate, unless authorized to do so pursuant to rules adopted, or*  
 33 *an authorization given, by that House;*

34 (B) *enter or remain in the gallery of either House of Congress*  
 35 *in violation of rules governing admission to the gallery adopted by*  
 36 *that House or pursuant to an authorization given by that House;*

37 (C) *with the intent to disrupt the orderly conduct of official busi-*  
 38 *ness, enter or remain in a room in any of the Capitol Buildings*  
 39 *set aside or designated for the use of either House of Congress or*  
 40 *a Member, committee, officer, or employee of Congress or either*  
 41 *House of Congress;*

1           (D) utter loud, threatening, or abusive language, or engage in dis-  
 2           orderly or disruptive conduct, at any place in the Grounds or in  
 3           any of the Capitol Buildings with the intent to impede, disrupt, or  
 4           disturb the orderly conduct of a session of Congress or either House  
 5           of Congress, or the orderly conduct in that building of a hearing  
 6           before, or any deliberations of, a committee of Congress or either  
 7           House of Congress;

8           (E) obstruct, or impede passage through or within, the Grounds  
 9           or any of the Capitol Buildings;

10          (F) engage in an act of physical violence in the Grounds or any  
 11          of the Capitol Buildings; or

12          (G) parade, demonstrate, or picket in any of the Capitol Build-  
 13          ings.

14          (3) *EXEMPTION OF GOVERNMENT OFFICIALS.*—This subsection does not  
 15          prohibit any act performed in the lawful discharge of official duties by—

16               (A) a Member of Congress;

17               (B) an employee of a Member of Congress;

18               (C) an officer or employee of Congress or a committee of Congress;

19          or

20               (D) an officer or employee of either House of Congress or a com-  
 21               mittee of that House.

22          (f) *PARADES, ASSEMBLAGES, AND DISPLAY OF FLAGS.*—Except as provided  
 23          in section 5106 of this title, a person may not—

24               (1) parade, stand, or move in processions or assemblages in the  
 25               Grounds; or

26               (2) display in the Grounds a flag, banner, or device designed or adapt-  
 27               ed to bring into public notice a party, organization, or movement.

28          **§5105. Assistance to authorities by Capitol employees**

29          Each individual employed in the service of the Federal Government in the  
 30          United States Capitol or within the United States Capitol Grounds shall pre-  
 31          vent, as far as may be in the individual's power, a violation of a provision  
 32          of this chapter or section 9, 9A, 9B, 9C, or 14 of the Act of July 31, 1946  
 33          (ch. 707, 60 Stat. 719, 720), and shall aid the police in securing the arrest  
 34          and conviction of the individual violating the provision.

35          **§5106. Suspension of prohibitions**

36          (a) *AUTHORITY TO SUSPEND.*—To allow the observance in the United  
 37          States Capitol Grounds of occasions of national interest becoming the cog-  
 38          nizance and entertainment of Congress, the President of the Senate and the  
 39          Speaker of the House of Representatives concurrently may suspend any of the  
 40          prohibitions contained in sections 5103 and 5104 of this title that would pre-  
 41          vent the use of the roads and walks within the Grounds by processions or as-

1 *semblages, and the use in the Grounds of suitable decorations, music, address-*  
 2 *es, and ceremonies, if responsible officers have been appointed and the Presi-*  
 3 *dent and the Speaker determine that adequate arrangements have been made*  
 4 *to maintain suitable order and decorum in the proceedings and to guard the*  
 5 *United States Capitol and its grounds from injury.*

6 (b) *POWER TO SUSPEND PROHIBITIONS IN ABSENCE OF PRESIDENT OR*  
 7 *SPEAKER.—If either the President or Speaker is absent from the District of*  
 8 *Columbia, the authority to suspend devolves on the other officer. If both offi-*  
 9 *cers are absent, the authority devolves on the Capitol Police Board.*

10 (c) *AUTHORITY OF MAYOR TO PERMIT USE OF LOUISIANA AVENUE.—Not-*  
 11 *withstanding subsection (a) and section 5104(f) of this title, the Capitol Police*  
 12 *Board may grant the Mayor of the District of Columbia authority to permit*  
 13 *the use of Louisiana Avenue for any of the purposes prohibited by section*  
 14 *5104(f).*

### 15 **§5107. Concerts on grounds**

16 *Sections 5102, 5103, 5104(b)–(f), 5105, 5105, and 5109 of this title and*  
 17 *sections 9, 9A, 9B, and 9C of the Act of July 31, 1946 (ch. 707, 60 Stat.*  
 18 *719, 720), do not prohibit a band in the service of the Federal Government*  
 19 *from giving concerts in the United States Capitol Grounds at times which*  
 20 *will not interfere with Congress and as authorized by the Architect of the*  
 21 *Capitol.*

### 22 **§5108. Audit of private organizations**

23 *A private organization (except a political party or committee constituted*  
 24 *for the election of federal officials), whether or not organized for profit and*  
 25 *whether or not any of its income inures to the benefit of any person, that*  
 26 *performs services or conducts activities in the United States Capitol Buildings*  
 27 *or Grounds is subject to a special audit of its accounts for each year in which*  
 28 *it performs those services or conducts those activities. The Comptroller General*  
 29 *shall conduct the audit and report the results of the audit to the Senate and*  
 30 *the House of Representatives.*

### 31 **§5109. Penalties**

32 (a) *FIREARMS, DANGEROUS WEAPONS, EXPLOSIVES, OR INCENDIARY DE-*  
 33 *VICE OFFENSES.—An individual or group violating section 5104(e)(1) of this*  
 34 *title, or attempting to commit a violation, shall be fined under title 18, im-*  
 35 *prisoned for not more than five years, or both.*

36 (b) *OTHER OFFENSES.—A person violating section 5103 or 5104(b), (c),*  
 37 *(d), (e)(2), or (f) of this title, or attempting to commit a violation, shall be*  
 38 *fined under title 18, imprisoned for not more than six months, or both.*

39 (c) *PROCEDURE.—*

40 (1) *IN GENERAL.—An action for a violation of this chapter or section*  
 41 *9, 9A, 9B, 9C or 14 of the Act of July 31, 1946 (ch. 707, 60 Stat. 719,*

1 720), including an attempt or a conspiracy to commit a violation, shall  
 2 be brought by the Attorney General in the name of the United States.  
 3 This chapter and sections 9, 9A, 9B, 9C and 14 do not supersede any  
 4 provision of federal law or the laws of the District of Columbia. Where  
 5 the conduct violating this chapter or section 9, 9A, 9B, 9C or 14 also  
 6 violates federal law or the laws of the District of Columbia, both viola-  
 7 tions may be joined in a single action.

8 (2) *VENUE.*—An action under this section for a violation of—

9 (A) section 5104(e)(1) of this title or for conduct that constitutes  
 10 a felony under federal law or the laws of the District of Columbia  
 11 shall be brought in the United States District Court for the District  
 12 of Columbia; and

13 (B) any other section referred to in subsection (a) may be brought  
 14 in the Superior Court of the District of Columbia.

15 (3) *AMOUNT OF PENALTY.*— The penalty which may be imposed on  
 16 a person convicted in an action under this subsection is the highest pen-  
 17 alty authorized by any of the laws the defendant is convicted of violating.

## 18 **PART C—FEDERAL BUILDING COMPLEXES**

### 19 **CHAPTER 61—UNITED STATES SUPREME COURT**

#### 20 **BUILDING AND GROUNDS**

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*Sec.*

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##### *SUBCHAPTER IV—PROHIBITIONS AND PENALTIES*

6131. *Public travel in Supreme Court grounds.*

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6134. *Firearms, fireworks, speeches, and objectionable language in the Supreme Court Building and grounds.*

6135. *Parades, assemblages, and display of flags in the Supreme Court Building and grounds.*

6136. *Suspension of prohibitions against use of Supreme Court grounds.*

6137. *Penalties.*

##### *SUBCHAPTER I—GENERAL*

### 22 **§6101. Definitions and application**

23 (a) *DEFINITIONS.*—In this chapter, the following definitions apply:

24 (1) *OFFICIAL GUEST OF THE SUPREME COURT.*—The term “official  
 25 guest of the Supreme Court” means an individual who is a guest of the

1 *Supreme Court, as determined by the Chief Justice of the United States*  
 2 *or any Associate Justice of the Supreme Court;*

3 (2) *STATE.—The term “State” means a State of the United States, the*  
 4 *District of Columbia, Puerto Rico, the Virgin Islands, Guam, the North-*  
 5 *ern Mariana Islands, the Federated States of Micronesia, the Marshall*  
 6 *Islands, Palau, and any territory or possession of the United States; and*

7 (b) *APPLICATION.—For purposes of section 6102 of this title and sub-*  
 8 *chapters III and IV, the Supreme Court grounds—*

9 (1) *extend to the line of the face of—*

10 (A) *the east curb of First Street Northeast, between Maryland Av-*  
 11 *enue Northeast and East Capitol Street;*

12 (B) *the south curb of Maryland Avenue Northeast, between First*  
 13 *Street Northeast and Second Street Northeast;*

14 (C) *the west curb of Second Street Northeast, between Maryland*  
 15 *Avenue Northeast and East Capitol Street; and*

16 (D) *the north curb of East Capitol Street between First Street*  
 17 *Northeast and Second Street Northeast; and*

18 (2) *comprise any property under the custody and control of the Su-*  
 19 *preme Court as part of the Supreme Court grounds, including property*  
 20 *acquired as provided by law on behalf of the Federal Government in lots*  
 21 *2, 3, 800, 801, and 802 in square 758 in the District of Columbia as*  
 22 *an addition to the grounds of the Supreme Court Building.*

### 23 **§6102. Regulations**

24 (a) *AUTHORITY OF THE MARSHAL.—In addition to the restrictions and re-*  
 25 *quirements specified in subchapter IV, the Marshal of the Supreme Court may*  
 26 *prescribe regulations, approved by the Chief Justice of the United States, that*  
 27 *are necessary for—*

28 (1) *the adequate protection of the Supreme Court Building and*  
 29 *grounds and of individuals and property in the Building and grounds;*  
 30 *and*

31 (2) *the maintenance of suitable order and decorum within the Build-*  
 32 *ing and grounds.*

33 (b) *POSTING REQUIREMENT.—All regulations prescribed under this section*  
 34 *shall be posted in a public place at the Building and shall be made reasonably*  
 35 *available to the public in writing.*

## 36 **SUBCHAPTER II—BUILDINGS AND GROUNDS**

### 37 **§6111. Supreme Court Building**

38 (a) *IN GENERAL.—*

39 (1) *STRUCTURAL AND MECHANICAL CARE.—The Architect of the Cap-*  
 40 *itol shall have charge of the structural and mechanical care of the Su-*  
 41 *preme Court Building, including—*

- 1                   (A) the care and maintenance of the grounds; and
- 2                   (B) the supplying of all mechanical furnishings and mechanical
- 3                   equipment for the Building.
- 4           (2) OPERATION AND MAINTENANCE.—The Architect shall direct the op-
- 5           eration and maintenance of the mechanical equipment and repair of the
- 6           building.
- 7           (3) CONTRACT AUTHORITY.—The Architect may enter into all nec-
- 8           essary contracts to carry out this subsection.
- 9   (b) AVAILABILITY OF APPROPRIATIONS.—Amounts appropriated under—
- 10           (1) subsection (a) and sections 6112 and 6113 of this title are avail-
- 11           able for—
- 12                   (A) expenses of heating and air-conditioning refrigeration sup-
- 13                   plied by the Capitol Power Plant, advancements for which shall be
- 14                   made and deposited in the Treasury to the credit of appropriations
- 15                   provided for the Capitol Power Plant; and
- 16                   (B) the purchase of electrical energy; and
- 17           (2) the heading “SUPREME COURT OF THE UNITED STATES” and
- 18           “CARE OF THE BUILDING AND GROUNDS” are available for—
- 19                   (A) improvements, maintenance, repairs, equipment, supplies,
- 20                   materials, and appurtenances;
- 21                   (B) special clothing for workers;
- 22                   (C) personal and other services (including temporary labor with-
- 23                   out regard to chapter 51, subchapter III of chapter 53, and sub-
- 24                   chapter III of chapter 83, of title 5); and
- 25                   (D) without compliance with section 3709 of the Revised Statutes
- 26                   (41 U.S.C. 5)—
- 27                           (i) for snow removal (by hire of personnel and equipment or
- 28                           under contract); and
- 29                           (ii) for the replacement of electrical transformers containing
- 30                           polychlorinated biphenyls.

31   **§6112. Supreme Court Building and grounds employees**

32   *Employees required to carry out section 6111(a) of this title shall be—*

- 33           (1) appointed by the Architect of the Capitol with the approval of the
- 34           Chief Justice of the United States;
- 35           (2) compensated in accordance with chapter 51 and subchapter III of
- 36           chapter 53 of title 5; and
- 37           (3) subject to subchapter III of chapter 83 of title 5.

38   **§6113. Duties of the Superintendent of the Supreme Court**

39           **Building**

40   *Except as provided in section 6111(a) of this title, all duties and work re-*

41   *quired for the operation, domestic care, and custody of the Supreme Court*

1 *Building shall be performed under the direction of the Marshal of the Su-*  
 2 *preme Court. The Marshal serves as the superintendent of the Building.*

3 **§6114. Oliver Wendell Holmes Garden**

4 *The Architect of the Capitol shall maintain and care for the Oliver Wendell*  
 5 *Holmes Garden in accordance with the provisions of law on the maintenance*  
 6 *and care of the grounds of the Supreme Court Building.*

7 **SUBCHAPTER III—POLICING AUTHORITY**

8 **§6121. General**

9 *(a) AUTHORITY OF MARSHAL OF THE SUPREME COURT AND SUPREME*  
 10 *COURT POLICE.—In accordance with regulations prescribed by the Marshal*  
 11 *of the Supreme Court and approved by the Chief Justice of the United States,*  
 12 *the Marshal and the Supreme Court Police shall have authority—*

13 *(1) to police the Supreme Court Building and grounds and adjacent*  
 14 *streets to protect individuals and property;*

15 *(2) in any State, to protect—*

16 *(A) the Chief Justice, any Associate Justice of the Supreme Court,*  
 17 *and any official guest of the Supreme Court; and*

18 *(B) any officer or employee of the Supreme Court while that offi-*  
 19 *cer or employee is performing official duties;*

20 *(3) while performing duties necessary to carry out paragraph (1) or*  
 21 *(2), to make arrests for any violation of federal or state law and any*  
 22 *regulation under federal or state law; and*

23 *(4) to carry firearms as may be required while performing duties*  
 24 *under section 6102 of this title, this subchapter, and subchapter IV.*

25 *(b) ADDITIONAL REQUIREMENTS RELATED TO SUBSECTION (a)(2).—*

26 *(1) AUTHORIZATION TO CARRY FIREARMS.—Duties under subsection*  
 27 *(a)(2)(A) with respect to an official guest of the Supreme Court in any*  
 28 *State (other than the District of Columbia, Maryland, and Virginia)*  
 29 *shall be authorized in writing by the Chief Justice or an Associate Jus-*  
 30 *tice, if those duties require the carrying of firearms under subsection*  
 31 *(a)(4).*

32 *(2) TERMINATION OF AUTHORITY.—The authority provided under sub-*  
 33 *section (a)(2) expires on December 29, 2004.*

34 **§6122. Designation of members of the Supreme Court Police**

35 *Under the general supervision and direction of the Chief Justice of the*  
 36 *United States, the Marshal of the Supreme Court may designate employees*  
 37 *of the Supreme Court as members of the Supreme Court Police, without addi-*  
 38 *tional compensation.*

1 **§6123. Authority of Metropolitan Police of the District of Co-**  
 2 **lumbia**

3 *The Metropolitan Police of the District of Columbia may make arrests*  
 4 *within the Supreme Court Building and grounds for a violation of federal*  
 5 *or state law or any regulation under federal or state law. This section does*  
 6 *not authorize the Metropolitan Police to enter the Supreme Court Building*  
 7 *to make an arrest in response to a complaint, serve a warrant, or patrol the*  
 8 *Supreme Court Building or grounds, unless the Metropolitan Police have been*  
 9 *requested to do so by, or have received the consent of, the Marshal of the Su-*  
 10 *preme Court or an assistant to the Marshal.*

11 *SUBCHAPTER IV—PROHIBITIONS AND PENALTIES*

12 **§6131. Public travel in Supreme Court grounds**

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

15 **§6132. Sale of articles, signs, and solicitation in Supreme**  
 16 **Court Building and grounds**

17 *It is unlawful—*

18 *(1) to offer or expose any article for sale in the Supreme Court Build-*  
 19 *ing or grounds;*

20 *(2) to display a sign, placard, or other form of advertisement in the*  
 21 *Building or grounds; or*

22 *(3) to solicit fares, alms, subscriptions, or contributions in the Build-*  
 23 *ing or grounds.*

24 **§6133. Property in the Supreme Court Building and grounds**

25 *It is unlawful to step or climb on, remove, or in any way injure any stat-*  
 26 *ue, seat, wall, fountain, or other erection or architectural feature, or any tree,*  
 27 *shrub, plant, or turf, in the Supreme Court Building or grounds.*

28 **§6134. Firearms, fireworks, speeches, and objectionable lan-**  
 29 **guage in the Supreme Court Building and grounds**

30 *It is unlawful to discharge a firearm, firework or explosive, set fire to a*  
 31 *combustible, make a harangue or oration, or utter loud, threatening, or abu-*  
 32 *sive language in the Supreme Court Building or grounds.*

33 **§6135. Parades, assemblages, and display of flags in the Su-**  
 34 **preme Court Building and grounds**

35 *It is unlawful to parade, stand, or move in processions or assemblages in*  
 36 *the Supreme Court Building or grounds, or to display in the Building and*  
 37 *grounds a flag, banner, or device designed or adapted to bring into public*  
 38 *notice a party, organization, or movement.*

1 **§6136. Suspension of prohibitions against use of Supreme**  
 2 **Court grounds**

3 *To allow the observance of authorized ceremonies in the Supreme Court*  
 4 *Building and grounds, the Marshal of the Supreme Court may suspend for*  
 5 *those occasions any of the prohibitions contained in this subchapter as may*  
 6 *be necessary for the occasion if—*

7 *(1) responsible officers have been appointed; and*

8 *(2) the Marshal determines that adequate arrangements have been*  
 9 *made—*

10 *(A) to maintain suitable order and decorum in the proceedings;*

11 *and*

12 *(B) to protect the Supreme Court Building and grounds and in-*  
 13 *dividuals and property in the Building and grounds.*

14 **§6137. Penalties**

15 *(a) IN GENERAL.—An individual who violates this subchapter, or a regula-*  
 16 *tion prescribed under section 6102 of this title, shall be fined under title 18,*  
 17 *imprisoned not more than 60 days, or both.*

18 *(b) VENUE AND PROCEDURE.—Prosecution for a violation described in sub-*  
 19 *section (a) shall be in the Superior Court of the District of Columbia, on in-*  
 20 *formation by the United States Attorney or an Assistant United States Attor-*  
 21 *ney.*

22 *(c) OFFENSES INVOLVING PROPERTY DAMAGE OVER \$100.—If during the*  
 23 *commission of a violation described in subsection (a), public property is dam-*  
 24 *aged in an amount exceeding \$100, the period of imprisonment for the offense*  
 25 *may be not more than five years.*

26 **CHAPTER 63—SMITHSONIAN INSTITUTION, NATIONAL**  
 27 **GALLERY OF ART, AND JOHN F. KENNEDY CENTER**  
 28 **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.*

29 **§6301. Definition**

30 *In this chapter, the term “specified buildings and grounds” means—*

31 *(1) SMITHSONIAN INSTITUTION.—The Smithsonian Institution and its*  
 32 *grounds, which include the following:*

33 *(A) SMITHSONIAN BUILDINGS AND GROUNDS ON THE NATIONAL*  
 34 *MALL.—The Smithsonian Building, the Arts and Industries Build-*  
 35 *ing, the Freer Gallery of Art, the National Air and Space Museum,*  
 36 *the National Museum of Natural History, the National Museum of*

1           *American History, the National Museum of the American Indian,*  
 2           *the Hirshhorn Museum and Sculpture Garden, the Arthur M.*  
 3           *Sackler Gallery, the National Museum of African Art, the S. Dillon*  
 4           *Ripley Center, and all other buildings of the Smithsonian Institu-*  
 5           *tion within the Mall, including the entrance walks, unloading areas,*  
 6           *and other pertinent service roads and parking areas.*

7           (B) NATIONAL ZOOLOGICAL PARK.—*The National Zoological Park*  
 8           *comprising all the buildings, streets, service roads, walks, and other*  
 9           *areas within the boundary fence of the National Zoological Park in*  
 10           *the District of Columbia and including the public space between*  
 11           *that fence and the face of the curb lines of the adjacent city streets.*

12           (C) OTHER SMITHSONIAN BUILDINGS AND GROUNDS.—*All other*  
 13           *buildings, service roads, walks, and other areas within the exterior*  
 14           *boundaries of any real estate or land or interest in land (including*  
 15           *temporary use) that the Smithsonian Institution acquires and that*  
 16           *the Secretary of the Smithsonian Institution determines to be nec-*  
 17           *essary for the adequate protection of individuals or property in the*  
 18           *Smithsonian Institution and suitable for administration as a part*  
 19           *of the Smithsonian Institution.*

20           (2) NATIONAL GALLERY OF ART.—*The National Gallery of Art and its*  
 21           *grounds, which extend—*

22           (A) *to the line of the face of the south curb of Constitution Avenue*  
 23           *Northwest, between Seventh Street Northwest, and Fourth Street*  
 24           *Northwest, to the line of the face of the west curb of Fourth Street*  
 25           *Northwest, between Constitution Avenue Northwest, and Madison*  
 26           *Drive Northwest; to the line of the face of the north curb of Madison*  
 27           *Drive Northwest, between Fourth Street Northwest, and Seventh*  
 28           *Street Northwest; and to the line of the face of the east curb of Sev-*  
 29           *enth Street Northwest, between Madison Drive Northwest, and Con-*  
 30           *stitution Avenue Northwest;*

31           (B) *to the line of the face of the south curb of Pennsylvania Ave-*  
 32           *nuce Northwest, between Fourth Street and Third Street Northwest,*  
 33           *to the line of the face of the west curb of Third Street Northwest,*  
 34           *between Pennsylvania Avenue and Madison Drive Northwest, to the*  
 35           *line of the face of the north curb of Madison Drive Northwest, be-*  
 36           *tween Third Street and Fourth Street Northwest, and to the line of*  
 37           *the face of the east curb of Fourth Street Northwest, between Penn-*  
 38           *sylvania Avenue and Madison Drive Northwest; and*

39           (C) *to the line of the face of the south curb of Constitution Avenue*  
 40           *Northwest, between Ninth Street Northwest and Seventh Street*  
 41           *Northwest; to the line of the face of the west curb of Seventh Street*

1 Northwest, between Constitution Avenue Northwest and Madison  
 2 Drive Northwest; to the line of the face of the north curb of Madison  
 3 Drive Northwest, between Seventh Street Northwest and the line of  
 4 the face of the east side of the east retaining wall of the Ninth Street  
 5 Expressway Northwest; and to the line of the face of the east side  
 6 of the east retaining wall of the Ninth Street Expressway Northwest,  
 7 between Madison Drive Northwest and Constitution Avenue North-  
 8 west.

9 (3) *JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS.*—The  
 10 John F. Kennedy Center for the Performing Arts, which extends to the  
 11 line of the west face of the west retaining walls and curbs of the Inner  
 12 Loop Freeway on the east, the north face of the north retaining walls  
 13 and curbs of the Theodore Roosevelt Bridge approaches on the south, the  
 14 east face of the east retaining walls and curbs of Rock Creek Parkway  
 15 on the west, and the south curbs of New Hampshire Avenue and F Street  
 16 on the north, as generally depicted on the map entitled “Transfer of John  
 17 F. Kennedy Center for the Performing Arts”, numbered 844/82563 and  
 18 dated April 20, 1994 (as amended by the map entitled “Transfer of John  
 19 F. Kennedy Center for the Performing Arts”, numbered 844/82563A and  
 20 dated May 22, 1997), which shall be on file and available for public in-  
 21 spection in the office of the National Capital Region, National Park  
 22 Service.

23 **§ 6302. Public use of grounds**

24 Public travel in, and occupancy of, the grounds specified under section  
 25 6301 of this title are restricted to the sidewalks and other paved surfaces, ex-  
 26 cept in the National Zoological Park.

27 **§ 6303. Unlawful activities**

28 (a) *DISPLAYS AND SOLICITATIONS.*—It is unlawful for anyone other than  
 29 an authorized employee or concessionaire to carry out any of the following  
 30 activities within the specified buildings and grounds:

- 31 (1) Offer or expose any article for sale.  
 32 (2) Display any sign, placard, or other form of advertisement.  
 33 (3) Solicit alms, subscriptions, or contributions.

34 (b) *TOUCHING OF, OR INJURIES TO, PROPERTY.*—It is unlawful for  
 35 anyone—

- 36 (1) other than an authorized employee, to touch or handle objects of  
 37 art or scientific or historical objects on exhibition within the specified  
 38 buildings or grounds; or  
 39 (2) to step or climb on, remove, or in any way injure any object of  
 40 art, exhibit (including an exhibit animal), equipment, seat, wall, foun-

1            *tain, or other erection or architectural feature, or any tree, shrub, plant,*  
 2            *or turf, within the specified buildings or grounds.*

3    **§ 6304. Additional regulations**

4            (a) *AUTHORITY TO PRESCRIBE ADDITIONAL REGULATIONS.—In addition*  
 5            *to the restrictions and requirements specified in sections 6302 and 6303 of*  
 6            *this title, the Secretary of the Smithsonian Institution, the Trustees of the Na-*  
 7            *tional Gallery of Art, and the Trustees of the John F. Kennedy Center for*  
 8            *the Performing Arts may prescribe for their respective agencies regulations*  
 9            *necessary for—*

10            (1) *the adequate protection of the specified buildings and grounds and*  
 11            *individuals and property in those buildings and grounds; and*

12            (2) *the maintenance of suitable order and decorum within the specified*  
 13            *buildings and grounds, including the control of traffic and parking of*  
 14            *vehicles in the National Zoological Park and all other areas in the Dis-*  
 15            *trict of Columbia under their control.*

16            (b) *PUBLICATION IN FEDERAL REGISTER.—A regulation prescribed under*  
 17            *this section shall be published in the Federal Register and is not effective until*  
 18            *the expiration of 10 days after the date of publication.*

19    **§ 6305. Suspension of regulations**

20            *To allow authorized services, training programs, and ceremonies in the*  
 21            *specified buildings and grounds, the Secretary of the Smithsonian Institution,*  
 22            *the Trustees of the National Gallery of Art, and the Trustees of the John F.*  
 23            *Kennedy Center for the Performing Arts (or their designees) may suspend for*  
 24            *their respective agencies any of the prohibitions contained in sections 6302*  
 25            *and 6303 of this title as may be necessary for the occasion or circumstance*  
 26            *if—*

27            (1) *responsible officers have been appointed; and*

28            (2) *the Secretary of the Smithsonian Institution, the Trustees of the*  
 29            *National Gallery of Art, and the Trustees of the John F. Kennedy Center*  
 30            *for the Performing Arts (or their designees) determine that adequate ar-*  
 31            *rangements have been made—*

32            (A) *to maintain suitable order and decorum in the proceedings;*

33            *and*

34            (B) *to protect the specified buildings and grounds and persons*  
 35            *and property in those buildings and on those grounds.*

36    **§ 6306. Policing of buildings and grounds**

37            (a) *DESIGNATION OF EMPLOYEES AS SPECIAL POLICE.—Subject to section*  
 38            *5375 of title 5, the Secretary of the Smithsonian Institution, the Trustees of*  
 39            *the National Gallery of Art, and the Trustees of the John F. Kennedy Center*  
 40            *for the Performing Arts (or their designees) may designate employees of their*  
 41            *respective agencies as special police, without additional compensation, for*

1 *duty in connection with the policing of their respective specified buildings*  
 2 *and grounds.*

3 (b) *POWERS.—The employees designated as special police under subsection*  
 4 *(a)—*

5 (1) *may, within the specified buildings and grounds, enforce, and*  
 6 *make arrests for violations of, sections 6302 and 6303 of this title, any*  
 7 *regulation prescribed under section 6304 of this title, federal or state law,*  
 8 *or any regulation prescribed under federal or state law; and*

9 (2) *may enforce concurrently with the United States Park Police the*  
 10 *laws and regulations applicable to the National Capital Parks, and may*  
 11 *make arrests for violations of sections 6302 and 6303 of this title, within*  
 12 *the several areas located within the exterior boundaries of the face of the*  
 13 *curb lines of the squares within which the specified buildings and*  
 14 *grounds are located.*

15 (c) *UNIFORMS AND OTHER EQUIPMENT.—The employees designated as spe-*  
 16 *cial police under subsection (a) may be provided, without charge, with uni-*  
 17 *forms and other equipment as may be necessary for the proper performance*  
 18 *of their duties, including badges, revolvers, and ammunition.*

19 **§6307. Penalties**

20 (a) *IN GENERAL.—*

21 (1) *PENALTY.—A person violating section 6302 or 6303 of this title,*  
 22 *or a regulation prescribed under section 6304 of this title, shall be fined*  
 23 *under title 18, imprisoned for not more than 60 days, or both.*

24 (2) *PROCEDURE.—Prosecution for an offense under this subsection*  
 25 *shall be in the Superior Court of the District of Columbia, by informa-*  
 26 *tion by the United States Attorney or an Assistant United States Attor-*  
 27 *ney.*

28 (b) *OFFENSES INVOLVING PROPERTY DAMAGE OVER \$100.—*

29 (1) *PENALTY.—If in the commission of a violation described in sub-*  
 30 *section (a), property is damaged in an amount exceeding \$100, the pe-*  
 31 *riod of imprisonment for the offense may be not more than five years.*

32 (2) *VENUE AND PROCEDURE.—Prosecution of an offense under this*  
 33 *subsection shall be in the United States District Court for the District*  
 34 *of Columbia by indictment. Prosecution may be on information by the*  
 35 *United States Attorney or an Assistant United States Attorney if the de-*  
 36 *fendant, after being advised of the nature of the charge and of rights of*  
 37 *the defendant, waives in open court prosecution by indictment.*

38 **CHAPTER 65—THURGOOD MARSHALL FEDERAL**  
 39 **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.*

1 **§6501. Definition**

2 *In this chapter, the term “Chief Justice” means the Chief Justice of the*  
 3 *United States or the designee of the Chief Justice, except that when there is*  
 4 *a vacancy in the office of the Chief Justice, the most senior associate justice*  
 5 *of the Supreme Court shall be deemed to be the Chief Justice for purposes of*  
 6 *this chapter until the vacancy is filled.*

7 **§6502. Thurgood Marshall Federal Judiciary Building**

8 (a) *ESTABLISHMENT AND DESIGNATION.—There is a Federal Judiciary*  
 9 *Building in Washington, D.C., known and designated as the “Thurgood Mar-*  
 10 *shall Federal Judiciary Building”.*

11 (b) *TITLE.—*

12 (1) *SQUARES 721 AND 722.—Title to squares 721 and 722 remains in*  
 13 *the Federal Government.*

14 (2) *BUILDING.—Title to the Building and other improvements con-*  
 15 *structed or otherwise made immediately reverts to the Government at the*  
 16 *expiration of not more than 30 years from the effective date of the lease*  
 17 *agreement referred to in section 6504 of this title without payment of*  
 18 *any compensation by the Government.*

19 (c) *LIMITATIONS.—*

20 (1) *SIZE OF BUILDING.—The Building (excluding parking facilities)*  
 21 *may not exceed 520,000 gross square feet in size above the level of Colum-*  
 22 *bia Plaza in the District of Columbia.*

23 (2) *HEIGHT OF BUILDING.—The height of the Building and other im-*  
 24 *provements shall be compatible with the height of surrounding Govern-*  
 25 *ment and historic buildings and conform to the provisions of the Act of*  
 26 *June 1, 1910 (ch. 263, 36 Stat. 452) (known as the Building Height Act*  
 27 *of 1910).*

28 (3) *DESIGN.—The Building and other improvements shall—*

29 (A) *be designed in harmony with historical and Government*  
 30 *buildings in the vicinity;*

31 (B) *reflect the symbolic importance and historic character of the*  
 32 *United States Capitol and other buildings on the United States*  
 33 *Capitol Grounds; and*

34 (C) *represent the dignity and stability of the Government.*

35 (d) *APPROVAL OF CHIEF JUSTICE.—All final decisions regarding architec-*  
 36 *tural design of the Building are subject to the approval of the Chief Justice.*

37 (e) *CHILLED WATER AND STEAM FROM CAPITOL POWER PLANT.—If the*  
 38 *Building is connected with the Capitol Power Plant, the Architect of the Cap-*

1 *itol shall furnish chilled water and steam from the Plant to the Building on*  
 2 *a reimbursable basis.*

3 (f) *CONSTRUCTION STANDARDS.—The Building and other improvements*  
 4 *constructed under this chapter shall meet all standards applicable to construc-*  
 5 *tion of a federal building.*

6 (g) *ACCOUNTING SYSTEM.—The Architect shall maintain an accounting*  
 7 *system for operation and maintenance of the Building and other improve-*  
 8 *ments which will allow accurate projections of the dates and cost of major*  
 9 *repairs, improvements, reconstructions, and replacements of the Building and*  
 10 *improvements and other capital expenditures on the Building and improve-*  
 11 *ments.*

12 (h) *NONAPPLICABILITY OF CERTAIN LAWS.—*

13 (1) *BUILDING CODES, PERMITS, OR INSPECTION.—The Building is not*  
 14 *subject to any law of the District of Columbia relating to building codes,*  
 15 *permits, or inspection, including any such law enacted by Congress.*

16 (2) *TAXES.—The Building and other improvements constructed under*  
 17 *this chapter are not subject to any law of the District of Columbia relat-*  
 18 *ing to real estate and personal property taxes, special assessments, or*  
 19 *other taxes, including any such law enacted by Congress.*

20 **§ 6503. Commission for the Judiciary Office Building**

21 (a) *ESTABLISHMENT AND MEMBERSHIP.—There is a Commission for the*  
 22 *Judiciary Office Building, composed of the following 13 members or their des-*  
 23 *ignees:*

24 (1) *Two individuals appointed by the Chief Justice from among jus-*  
 25 *tices of the Supreme Court and other judges of the United States.*

26 (2) *The members of the House Office Building Commission.*

27 (3) *The majority leader and minority leader of the Senate.*

28 (4) *The Chairman and the ranking minority member of the Senate*  
 29 *Committee on Rules and Administration.*

30 (5) *The Chairman and the ranking minority member of the Senate*  
 31 *Committee on Environment and Public Works.*

32 (6) *The Chairman and ranking minority member of the Committee on*  
 33 *Transportation and Infrastructure of the House of Representatives.*

34 (b) *QUORUM.—Seven members of the Commission is a quorum.*

35 (c) *DUTIES.—The Commission is responsible for the supervision of the de-*  
 36 *sign, construction, operation, maintenance, structural, mechanical, and do-*  
 37 *mestic care, and security of the Thurgood Marshall Federal Judiciary Build-*  
 38 *ing. The Commission shall prescribe regulations to govern the actions of the*  
 39 *Architect of the Capitol under this chapter and to govern the use and occu-*  
 40 *pancy of all space in the Building.*

1 **§6504. Lease of building**

2 (a) *LEASE AGREEMENT.*—Under an agreement with the person selected to  
3 construct the Thurgood Marshall Federal Judiciary Building, the Architect of  
4 the Capitol shall lease the Building to carry out the objectives of this chapter.

5 (b) *MINIMUM REQUIREMENTS OF LEASE AGREEMENT.*—The agreement in-  
6 cludes at a minimum the following:

7 (1) *LIMIT ON LENGTH OF LEASE.*—The Architect will lease the Build-  
8 ing and other improvements for not more than 30 years from the effective  
9 date of the agreement.

10 (2) *RENTAL RATE.*—The rental rate per square foot of occupiable space  
11 for all space in the Building and other improvements will be in the best  
12 interest of the Federal Government and will carry out the objectives of  
13 this chapter. The aggregate rental rate for all space in the Building and  
14 other improvements shall produce an amount at least equal to the  
15 amount necessary to amortize the cost of development of squares 721 and  
16 722 in the District of Columbia over the life of the lease.

17 (3) *AUTHORITY TO MAKE SPACE AVAILABLE AND SUBLEASE SPACE.*—  
18 The Architect may make space available and sublease space in the Build-  
19 ing and other improvements in accordance with section 6506 of this title.

20 (4) *OTHER TERMS AND CONDITIONS.*—The agreement contains terms  
21 and conditions the Architect prescribes to carry out the objectives of this  
22 chapter.

23 (c) *OBLIGATION OF AMOUNTS.*—Obligation of amounts for lease payments  
24 under this section may only be made—

25 (1) on an annual basis; and

26 (2) from the account described in section 6507 of this title.

27 **§6505. Structural and mechanical care and security**

28 (a) *STRUCTURAL AND MECHANICAL CARE.*—The Architect of the Capitol,  
29 under the direction of the Commission for the Judiciary Office Building—

30 (1) is responsible for the structural and mechanical care and mainte-  
31 nance of the Thurgood Marshall Federal Judiciary Building and im-  
32 provements, including the care and maintenance of the grounds of the  
33 Building, in the same manner and to the same extent as for the struc-  
34 tural and mechanical care and maintenance of the Supreme Court  
35 Building under section 6111 of this title; and

36 (2) shall perform all other duties and work required for the operation  
37 and domestic care of the Building and improvements.

38 (b) *SECURITY.*—

39 (1) *CAPITOL POLICE.*—The United States Capitol Police—

40 (A) are responsible for all exterior security of the Building and  
41 other improvements constructed under this chapter; and

1           (B) may police the Building and other improvements, including  
 2           the interior and exterior, and may make arrests within the interior  
 3           and exterior of the Building and other improvements for any viola-  
 4           tion of federal or state law or the laws of the District of Columbia,  
 5           or any regulation prescribed under any of those laws.

6           (2) *MARSHAL OF THE SUPREME COURT.*—This chapter does not inter-  
 7           fere with the obligation of the Marshal of the Supreme Court to protect  
 8           justices, officers, employees, or other personnel of the Supreme Court who  
 9           may occupy the Building and other improvements.

10          (3) *REIMBURSEMENT.*—The Architect shall transfer from the account  
 11          described in section 6507 of this title amounts necessary to reimburse the  
 12          United States Capitol Police for expenses incurred in providing exterior  
 13          security under this subsection. The Capitol Police may accept amounts  
 14          the Architect transfers under this paragraph. Those amounts shall be  
 15          credited to the appropriation account charged by the Capitol Police in  
 16          carrying out security duties.

17       **§ 6506. Allocation of space**

18       (a) *PRIORITY.*—

19           (1) *JUDICIAL BRANCH.*—Subject to this section, the Architect of the  
 20           Capitol shall make available to the judicial branch of the Federal Gov-  
 21           ernment all space in the Thurgood Marshall Federal Judiciary Building  
 22           and other improvements constructed under this chapter. The space shall  
 23           be made available on a reimbursable basis and substantially in accord-  
 24           ance with the report referred to in section 3(b)(1) of the Judiciary Office  
 25           Building Development Act (Public Law 100–480, 102 Stat. 2330).

26           (2) *OTHER FEDERAL GOVERNMENTAL ENTITIES.*—The Architect may  
 27           make available to federal governmental entities which are not part of the  
 28           judicial branch and which are not staff of Members of Congress or con-  
 29           gressional committees any space in the Building and other improvements  
 30           that the Chief Justice decides is not needed by the judicial branch. The  
 31           space shall be made available on a reimbursable basis.

32           (3) *OTHER PERSONS.*—If any space remains, the Architect may sub-  
 33           lease it pursuant to subsection (e), under the direction of the Commission  
 34           for the Judiciary Office Building, to any person.

35       (b) *SPACE FOR JUDICIAL BRANCH AND OTHER FEDERAL GOVERNMENTAL*  
 36       *ENTITIES.*—Space made available under subsection (a)(1) or (2) is subject  
 37       to—

38           (1) terms and conditions necessary to carry out the objectives of this  
 39           chapter; and

40           (2) reimbursement at the rate established under section 6504(b)(2) of  
 41           this title plus an amount necessary to pay each year for the cost of ad-

1        *ministering the Building and other improvements (including the cost of*  
 2        *operation, maintenance, rehabilitation, security, and structural, mechan-*  
 3        *ical, and domestic care) that is attributable to the space, with the*  
 4        *amount to be determined by the Architect and—*

5                *(A) in the case of the judicial branch, the Director of the Admin-*  
 6                *istrative Office of the United States Courts; or*

7                *(B) in the case of any federal governmental entity not a part of*  
 8                *the judicial branch, the entity.*

9        *(c) SPACE FOR JUDICIAL BRANCH.—*

10                *(1) ASSIGNMENT OF SPACE WITHIN JUDICIAL BRANCH.—The Director*  
 11                *may assign space made available to the judicial branch under subsection*  
 12                *(a)(1) among offices of the judicial branch as the Director considers ap-*  
 13                *propriate.*

14                *(2) VACATING OCCUPIED SPACE.—When the Chief Justice notifies the*  
 15                *Architect that the judicial branch requires additional space in the Build-*  
 16                *ing and other improvements, the Architect shall accommodate those re-*  
 17                *quirements within 90 days after the date of the notification, except that*  
 18                *if the space was made available to the Administrator of General Services,*  
 19                *it shall be vacated expeditiously by not later than a date the Chief Jus-*  
 20                *tice and the Administrator agree on.*

21                *(3) UNOCCUPIED SPACE.—The Chief Justice has the right of first re-*  
 22                *usal to use unoccupied space in the Building to meet the needs of the*  
 23                *judicial branch.*

24        *(d) LEASE BY ARCHITECT.—*

25                *(1) AUTHORITY TO LEASE.—Subject to approval by the Committees on*  
 26                *Appropriations of the House of Representatives and the Senate, the*  
 27                *House Office Building Commission, and the Committee on Rules and*  
 28                *Administration of the Senate, the Architect may lease and occupy not*  
 29                *more than 75,000 square feet of space in the Building.*

30                *(2) PAYMENTS.—Payments under the lease shall be made on vouchers*  
 31                *the Architect approves. Necessary amounts may be appropriated—*

32                        *(A) to the Architect to carry out this subsection, including*  
 33                        *amounts for acquiring and installing furniture and furnishings;*  
 34                        *and*

35                        *(B) to the Sergeant at Arms of the Senate to plan for, acquire,*  
 36                        *and install telecommunications equipment and services for the Ar-*  
 37                        *chitect with respect to space leased under this subsection.*

38        *(e) SUBLEASED SPACE.—*

39                *(1) RENTAL RATE.—Space subleased by the Architect under subsection*  
 40                *(a)(3) is subject to reimbursement at a rate which is comparable to pre-*  
 41                *ailing rental rates for similar facilities in the area but not less than*

1        *the rate established under section 6504(b)(2) of this title plus an amount*  
 2        *the Architect and the person subleasing the space agree is necessary to*  
 3        *pay each year for the cost of administering the Building (including the*  
 4        *cost of operation, maintenance, rehabilitation, security, and structural,*  
 5        *mechanical, and domestic care) that is attributable to the space.*

6        (2) *LIMITATION.—A sublease under subsection (a)(3) must be compat-*  
 7        *ible with the dignity and functions of the judicial branch offices housed*  
 8        *in the Building and must not unduly interfere with the activities and*  
 9        *operations of the judicial branch agencies housed in the Building. Sec-*  
 10       *tions 5104(c) and 5108 of this title do not apply to any space in the*  
 11       *Building and other improvements subleased to a non-Government tenant*  
 12       *under subsection (a)(3).*

13       (3) *COLLECTION OF RENT.—The Architect shall collect rent for space*  
 14       *subleased under subsection (a)(3).*

15       (f) *DEPOSIT OF RENT AND REIMBURSEMENTS.—Amounts received under*  
 16       *subsection (a)(3) (including lease payments and reimbursements) shall be de-*  
 17       *posited in the account described in section 6507 of this title.*

### 18       **§ 6507. Account in Treasury**

19       (a) *ESTABLISHMENT AND CONTENTS OF SEPARATE ACCOUNT.—There is a*  
 20       *separate account in the Treasury. The account includes all amounts deposited*  
 21       *in the account under section 6506(f) of this title and amounts appropriated*  
 22       *to the account. However, the appropriated amounts may not be more than*  
 23       *\$2,000,000.*

24       (b) *USE OF AMOUNTS.—Amounts in the account are available to the Archi-*  
 25       *tect of the Capitol—*

26       (1) *for paying expenses for structural, mechanical, and domestic care,*  
 27       *maintenance, operation, and utilities of the Thurgood Marshall Federal*  
 28       *Judiciary Building and other improvements constructed under this chap-*  
 29       *ter;*

30       (2) *for reimbursing the United States Capitol Police for expenses in-*  
 31       *curring in providing exterior security for the Building and other improve-*  
 32       *ments;*

33       (3) *for making lease payments under section 6504 of this title; and*

34       (4) *for necessary personnel (including consultants).*

## 35       **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.*

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 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.*

1 SUBCHAPTER I—TRANSFER AND ASSIGNMENT OF RIGHTS,  
 2 AUTHORITIES, TITLE, AND INTERESTS

3 **§6701. Transfer of rights and authorities of Pennsylvania**  
 4 **Avenue Development Corporation**

5 (a) *IN GENERAL.—The Administrator of General Services—*

6 (1) *may make and perform transactions with an agency or instrumen-*  
 7 *tality of the Federal Government, a State, the District of Columbia, or*  
 8 *any person as necessary to carry out the trade center plan at the Federal*  
 9 *Triangle Project; and*

10 (2) *has all the rights and authorities of the former Pennsylvania Ave-*  
 11  *nue Development Corporation with regard to property transferred from*  
 12 *the Corporation to the General Services Administration in fiscal year*  
 13 *1996.*

14 (b) *USE OF AMOUNTS AND INCOME.—*

15 (1) *ACTIVITIES ASSOCIATED WITH TRANSFERRED RESPONSIBILITIES.—*  
 16 *The Administrator may use amounts transferred from the Corporation*  
 17 *or income earned on Corporation property for activities associated with*  
 18 *carrying out the responsibilities of the Corporation transferred to the Ad-*  
 19 *ministrator. Any income earned after October 1, 1998, shall be deposited*  
 20 *to the Federal Buildings Fund to be available for the purposes authorized*  
 21 *under this subchapter, notwithstanding section 592(c)(1) of this title.*

22 (2) *EXCESS AMOUNTS OR INCOME.—Any amounts or income the Ad-*  
 23 *ministrator considers excess to the amount needed to fulfill the respon-*  
 24 *sibilities of the Corporation transferred to the Administrator shall be ap-*  
 25 *plied to any outstanding debt the Corporation incurred when acquiring*  
 26 *real estate, except debt associated with the Ronald Reagan Building and*  
 27 *International Trade Center.*

28 (c) *PAYMENT TO DISTRICT OF COLUMBIA.—With respect to real property*  
 29 *transferred from the Corporation to the Administrator under section 6702 of*  
 30 *this title, the Administrator shall pay to the District of Columbia government,*  
 31 *in the same way as previously paid by the Corporation, an amount equal*  
 32 *to the amount of real property tax which would have been payable to the gov-*  
 33 *ernment beginning on the date the Corporation acquired the real property if*  
 34 *legal title to the property had been held by a private citizen on that date and*  
 35 *during all periods to which that date relates.*

1 **§6702. Transfer and assignment of rights, title, and interests**  
 2 **in property**

3 (a) *IN GENERAL.*—

4 (1) *LEASES, COVENANTS, AGREEMENTS, AND EASEMENTS.*—As pro-  
 5 vided in this section, the General Services Administration, the National  
 6 Capital Planning Commission, and the National Park Service have the  
 7 rights, title, and interest of the Pennsylvania Avenue Development Cor-  
 8 poration in and to all leases, covenants, agreements, and easements the  
 9 Corporation executed before April 1, 1996, in carrying out its powers  
 10 and duties under the Pennsylvania Avenue Development Corporation Act  
 11 of 1972 (Public Law 92–578, 86 Stat. 1266) and the Federal Triangle  
 12 Development Act (Public Law 100–113, 101 Stat. 735).

13 (2) *PROPERTY.*—The Administration has the rights, title, and interest  
 14 of the Corporation in and to all property held in the name of the Cor-  
 15 poration, except as provided in subsection (c).

16 (b) *GENERAL SERVICES ADMINISTRATION.*—

17 (1) *RESPONSIBILITIES.*—The responsibilities of the Corporation trans-  
 18 ferred to the Administration under subsection (a) include—

19 (A) the collection of revenue owed the Federal Government as a  
 20 result of real estate sales or lease agreements made by the Corpora-  
 21 tion and private parties, including—

22 (i) the Willard Hotel property on Square 225;

23 (ii) the Gallery Row project on Square 457;

24 (iii) the Lansburgh’s project on Square 431; and

25 (iv) the Market Square North project on Square 407;

26 (B) the collection of sale or lease revenue owed the Government  
 27 from the sale or lease before April 1, 1996, of two undeveloped sites  
 28 owned by the Corporation on Squares 457 and 406;

29 (C) the application of collected revenue to repay Treasury debt  
 30 the Corporation incurred when acquiring real estate;

31 (D) performing financial audits for projects in which the Cor-  
 32 poration has actual or potential revenue expectation, as identified  
 33 in subparagraphs (A) and (B), in accordance with procedures de-  
 34 scribed in applicable sale or lease agreements;

35 (E) the disposition of real estate properties which are or become  
 36 available for sale and lease or other uses;

37 (F) payment of benefits in accordance with the Uniform Reloca-  
 38 tion Assistance and Real Property Acquisition Policies Act of 1970  
 39 (42 U.S.C. 4601 et seq.) to which persons in the project area squares  
 40 are entitled as a result of the Corporation’s acquisition of real es-  
 41 tate; and

1           (G) carrying out the responsibilities of the Corporation under  
 2 subchapter III and the Federal Triangle Development Act (Public  
 3 Law 100–113, 101 Stat. 735), including responsibilities for man-  
 4 aging assets and liabilities of the Corporation under subchapter III  
 5 and the Act.

6           (2) POWERS.—In carrying out the responsibilities of the Corporation  
 7 transferred under this section, the Administrator of General Services  
 8 may—

9           (A) acquire land, improvements, and property by purchase, lease  
 10 or exchange, and sell, lease, or otherwise dispose of any property,  
 11 as necessary to complete the development plan developed under sec-  
 12 tion 5 of the Pennsylvania Avenue Development Corporation Act of  
 13 1972 (Public Law 92–578, 86 Stat. 1269) if a notice of intention  
 14 to carry out the acquisition or disposal is first transmitted to the  
 15 Committee on Transportation and Infrastructure and the Com-  
 16 mittee on Appropriations of the House of Representatives and the  
 17 Committee on Environment and Public Works and the Committee  
 18 on Appropriations of the Senate and at least 60 days elapse after  
 19 the date of the transmission;

20           (B) modify the plan referred to in subparagraph (A) if the modi-  
 21 fication is first transmitted to the Committee on Transportation  
 22 and Infrastructure and the Committee on Appropriations of the  
 23 House of Representatives and the Committee on Environment and  
 24 Public Works and the Committee on Appropriations of the Senate  
 25 and at least 60 days elapse after the date of the transmission;

26           (C) maintain any existing Corporation insurance programs;

27           (D) make and perform transactions with an agency or instru-  
 28 mentality of the Federal Government, a State, the District of Co-  
 29 lumbia, or any person as necessary to carry out the responsibilities  
 30 of the Corporation under subchapter III and the Federal Triangle  
 31 Development Act (Public Law 100–113, 101 Stat. 735);

32           (E) request the Council of the District of Columbia to close any  
 33 alleys necessary for the completion of development in Square 457;  
 34 and

35           (F) use all of the amount transferred from the Corporation or in-  
 36 come earned on Corporation property to complete any pending de-  
 37 velopment projects.

38           (c) NATIONAL PARK SERVICE.—

39           (1) PROPERTY.—The National Park Service has the right, title, and  
 40 interest in and to the property located in the Pennsylvania Avenue Na-  
 41 tional Historic Site, including the parks, plazas, sidewalks, special light-

1        *ing, trees, sculpture, and memorials, depicted on a map entitled “Penn-*  
 2        *sylvania Avenue National Historic Park”, dated June 1, 1995, and*  
 3        *numbered 840–82441. The map shall be on file and available for public*  
 4        *inspection in the offices of the Service.*

5        (2) *RESPONSIBILITIES.—The Service is responsible for management,*  
 6        *administration, maintenance, law enforcement, visitor services, resource*  
 7        *protection, interpretation, and historic preservation at the Site.*

8        (3) *SPECIAL EVENTS, FESTIVALS, CONCERTS, OR PROGRAMS.—The*  
 9        *Service may—*

10        (A) *make transactions with an agency or instrumentality of the*  
 11        *Government, a State, the District of Columbia, or any person as*  
 12        *considered necessary or appropriate for the conduct of special*  
 13        *events, festivals, concerts, or other art and cultural programs at the*  
 14        *Site; or*

15        (B) *establish a nonprofit foundation to solicit amounts for those*  
 16        *activities.*

17        (4) *JURISDICTION OF DISTRICT OF COLUMBIA.—Jurisdiction of Penn-*  
 18        *sylvania Avenue and all other roadways from curb to curb remains with*  
 19        *the District of Columbia but vendors are not permitted to occupy street*  
 20        *space except during temporary special events.*

21        (d) *NATIONAL CAPITAL PLANNING COMMISSION.—The National Capital*  
 22        *Planning Commission is responsible for ensuring that development in the*  
 23        *Pennsylvania Avenue area is carried out in accordance with the Pennsylv-*  
 24        *ania Avenue Development Corporation Plan—1974.*

## 25        **SUBCHAPTER II—PENNSYLVANIA AVENUE DEVELOPMENT**

### 26        **§6711. Definition**

27        *In this subchapter, the term “development area” means the area to be devel-*  
 28        *oped, maintained, and used in accordance with this subchapter and the Penn-*  
 29        *sylvania Avenue Development Corporation Act of 1972 (Public Law 92–578,*  
 30        *86 Stat. 1266) and is the area bounded as follows:*

31        *Beginning at a point on the southwest corner of the intersection of Fif-*  
 32        *teenth Street and E Street Northwest;*

33        *thence proceeding east along the southern side of E Street to the south-*  
 34        *west corner of the intersection of Thirteenth Street and Pennsylvania Av-*  
 35        *enue Northwest;*

36        *thence southeast along the southern side of Pennsylvania Avenue to a*  
 37        *point being the southeast corner of the intersection of Pennsylvania Ave-*  
 38         *nue and Third Street Northwest;*

39        *thence north along the eastern side of Third Street to the northeast cor-*  
 40        *ner of the intersection of C Street and Third Street Northwest;*



1 **§6713. Certification of new construction**

2 *New construction (including substantial remodeling, conversion, rebuilding,*  
 3 *enlargement, extension, or major structural improvement of existing building,*  
 4 *but not including ordinary maintenance or remodeling or changes necessary*  
 5 *to continue occupancy) shall not be authorized or conducted within the devel-*  
 6 *opment area except on prior certification by the Administrator of General*  
 7 *Services that the construction is, or may reasonably be expected to be, con-*  
 8 *sistent with the carrying out of the development plan described in section 5(a)*  
 9 *of the Pennsylvania Avenue Development Corporation Act of 1972 (Public*  
 10 *Law 92-578, 86 Stat. 1269).*

11 **§6714. Relocation services**

12 (a) *USE OF DISTRICT OF COLUMBIA GOVERNMENT.—The Administrator of*  
 13 *General Services may use the services of the District of Columbia government*  
 14 *in the administration of a relocation program pursuant to the Uniform Relo-*  
 15 *cation Assistance and Real Property Acquisition Policies Act of 1970 (42*  
 16 *U.S.C. 4601 et seq.). The Administrator shall reimburse the government for*  
 17 *the cost of the services.*

18 (b) *COORDINATION OF RELOCATION PROGRAMS.—All relocation services*  
 19 *performed by or on behalf of the Administrator shall be coordinated with the*  
 20 *District of Columbia's central relocation programs.*

21 (c) *PREFERENTIAL RIGHTS OF DISPLACED OWNERS AND TENANTS.—An*  
 22 *owner or tenant of real property whose residence or business is terminated*  
 23 *as a result of acquisitions made pursuant to this subchapter or the Pennsyl-*  
 24 *vania Avenue Development Corporation Act of 1972 (Public Law 92-578, 86*  
 25 *Stat. 1266) shall be granted a preferential right to lease or purchase from the*  
 26 *Administrator similar real property as may become available for a similar*  
 27 *use. The preferential right is limited to the parties in interest and is not*  
 28 *transferable or assignable.*

29 **§6715. Coordination with District of Columbia**

30 (a) *LOCAL NEEDS, INITIATIVE, AND PARTICIPATION.—In carrying out the*  
 31 *purposes of this subchapter and the Pennsylvania Avenue Development Cor-*  
 32 *poration Act of 1972 (Public Law 92-578, 86 Stat. 1266), the Administrator*  
 33 *of General Services shall—*

34 (1) *consult and cooperate with District of Columbia officials and com-*  
 35 *munity leaders at the earliest practicable time;*

36 (2) *give primary consideration to local needs and desires and to local*  
 37 *and regional goals and policies as expressed in urban renewal, commu-*  
 38 *nity renewal, and comprehensive land use plans and regional plans; and*

39 (3) *foster local initiative and participation in connection with the*  
 40 *planning and development of projects.*

1 (b) *COMPLIANCE WITH LOCAL REQUIREMENTS.*—*To the extent the Admin-*  
 2 *istrator constructs, rehabilitates, alters, or improves any project under this*  
 3 *subchapter, the Administrator shall comply with all District of Columbia*  
 4 *laws, ordinances, codes, and regulations. Section 8722(d) of this title applies*  
 5 *to all construction, rehabilitation, alteration, and improvement of all build-*  
 6 *ings by the Administrator under this subchapter. Construction, rehabilitation,*  
 7 *alteration, and improvement of any project by non-Federal Government*  
 8 *sources is subject to the District of Columbia Official Code and zoning regula-*  
 9 *tions.*

10 **§6716. Reports**

11 (a) *REPORTS TO PRESIDENT AND CONGRESS.*—*The Administrator of Gen-*  
 12 *eral Services shall transmit comprehensive and detailed reports of the Admin-*  
 13 *istrator’s operations, activities, and accomplishments under this subchapter to*  
 14 *the President and Congress. The Administrator shall transmit a report to the*  
 15 *President each January and to the President and Congress at other times that*  
 16 *the Administrator considers desirable.*

17 (b) *PROTECTION AND ENHANCEMENT OF SIGNIFICANT HISTORIC AND AR-*  
 18 *CHITECTURAL VALUES.*—*A report under subsection (a) shall include a de-*  
 19 *tailed discussion of the actions the Administrator has taken in the reporting*  
 20 *period to protect and enhance the significant historic and architectural values*  
 21 *of structures within the boundaries of the Administrator’s jurisdiction under*  
 22 *this subchapter and shall indicate similar actions the Administrator plans to*  
 23 *take and issues the Administrator anticipates dealing with during the upcom-*  
 24 *ing fiscal year related to historic and architectural preservation. The report*  
 25 *shall indicate the degree to which public concern has been considered and in-*  
 26 *corporated into decisions the Administrator made relative to historic and ar-*  
 27 *chitectural preservation.*

28 **SUBCHAPTER III—FEDERAL TRIANGLE DEVELOPMENT**

29 **§6731. Definitions**

30 *In this subchapter—*

31 (1) *FEDERAL TRIANGLE DEVELOPMENT AREA.*—*The term “Federal*  
 32 *Triangle development area” means the area bounded as follows:*

33 *Beginning at a point on the southwest corner of the intersection*  
 34 *of Fourteenth Street and Pennsylvania Avenue (formerly E Street),*  
 35 *Northwest;*

36 *thence south along the western side of Fourteenth Street to the*  
 37 *northwest corner of the intersection of Fourteenth Street and Con-*  
 38 *stitution Avenue, Northwest;*

39 *thence east along the northern side of Constitution Avenue to the*  
 40 *northeast corner of the intersection of Twelfth Street and Constitu-*  
 41 *tion Avenue, Northwest;*

1            *thence north along the eastern side of Twelfth Street and Con-*  
 2            *stitution Avenue, Northwest;*

3            *thence north along the eastern side of Twelfth Street to the south-*  
 4            *east corner of the intersection of Twelfth Street and Pennsylvania*  
 5            *Avenue, Northwest;*

6            *thence west along the southern side of Pennsylvania Avenue to the*  
 7            *point of beginning.*

8            (2) *FEDERAL TRIANGLE PROPERTY.*—*The term “Federal Triangle*  
 9            *property” means—*

10            (A) *the property owned by the Federal Government in the Dis-*  
 11            *trict of Columbia, known as the “Great Plaza” site, which consists*  
 12            *of squares 256, 257, 258, parts of squares 259 and 260, and adja-*  
 13            *cent closed rights-of-way as shown on plate IV of the King Plats of*  
 14            *1803 located in the Office of the Surveyor of the District of Colum-*  
 15            *bia; and*

16            (B) *except for purposes of section 6733(a) of this title, any prop-*  
 17            *erty the Pennsylvania Avenue Development Corporation acquired*  
 18            *under section 3(b) of the Federal Triangle Development Act (Public*  
 19            *Law 100–113, 101 Stat. 736).*

20            **§ 6732. Federal Triangle development area**

21            *The Federal Triangle development area is deemed to be part of the develop-*  
 22            *ment area described in section 6711 of this title. The Administrator of Gen-*  
 23            *eral Services has the same authority over the Federal Triangle development*  
 24            *area as over the development area described in section 6711.*

25            **§ 6733. Federal Triangle property**

26            (a) *TITLE.*—*Title to the Federal Triangle property reverts to the Adminis-*  
 27            *trator of General Services not later than the date on which ownership of the*  
 28            *Ronald Reagan Building and International Trade Center vests in the Federal*  
 29            *Government.*

30            (b) *NONAPPLICABILITY OF CERTAIN LAWS.*—

31            (1) *BUILDING PERMITS AND INSPECTION.*—*For purposes of develop-*  
 32            *ment of the Federal Triangle property, the person selected to develop the*  
 33            *property is not subject to any state or local law relating to building per-*  
 34            *mits and inspection.*

35            (2) *TAXES AND ASSESSMENTS.*—*The property and improvements to*  
 36            *the property are not subject to real and personal property taxation or*  
 37            *to special assessments.*

1    **§6734. Ronald Reagan Building and International Trade**  
 2                    **Center**

3           (a) *ESTABLISHMENT AND DESIGNATION.*—*The building constructed on the*  
 4    *Federal Triangle property shall be known and designated as the Ronald*  
 5    *Reagan Building and International Trade Center.*

6           (b) *TITLE.*—*The person selected to develop the Federal Triangle property*  
 7    *may own the Building for not more than 35 years from the date construction*  
 8    *of the Building began. The title to the Building shall be in the Administrator*  
 9    *of General Services from the date title to the Federal Triangle property reverts*  
 10   *to the Administrator.*

11          (c) *LIMITATIONS.*—

12           (1) *SIZE OF BUILDING.*—*The Building (including parking facilities)*  
 13    *may not exceed 3,100,000 gross square feet in size.*

14           (2) *HEIGHT OF BUILDING.*—*The height of the Building shall be com-*  
 15    *patible with the height of surrounding Federal Government buildings.*

16           (3) *DESIGN.*—*The Building shall—*

17            (A) *be designed in harmony with historical and Government*  
 18    *buildings in the vicinity;*

19            (B) *reflect the symbolic importance and historic character of*  
 20    *Pennsylvania Avenue and the Nation's Capital; and*

21            (C) *represent the dignity and stability of the Government.*

22          (d) *CONSTRUCTION STANDARDS.*—*The Building shall meet all standards*  
 23    *applicable to construction of a federal building.*

24          (e) *ACCOUNTING SYSTEM.*—*The Administrator shall maintain an account-*  
 25    *ing system for operation and maintenance of the Building which will allow*  
 26    *accurate projections of the dates and cost of major repairs, improvements, re-*  
 27    *constructions, and replacements of the Building and other capital expendi-*  
 28    *tures on the Building. The Administrator shall act as necessary to ensure that*  
 29    *amounts are available to cover the projected cost and expenditures.*

30          (f) *LEASE OF BUILDING.*—

31           (1) *LEASE AGREEMENT.*—*Under an agreement with the person selected*  
 32    *to construct the Ronald Reagan Building and International Trade Cen-*  
 33    *ter, the Administrator shall lease the Building for federal office space*  
 34    *and the international cultural and trade center space.*

35           (2) *MINIMUM REQUIREMENTS OF LEASE AGREEMENT.*—*The agreement*  
 36    *includes at a minimum the following:*

37            (A) *LIMIT ON LENGTH OF LEASE.*—*The Administrator will lease*  
 38    *the Building for the period of time that the person selected to con-*  
 39    *struct the Building owns the Building.*

40            (B) *RENTAL RATE.*—*The rental rate per square foot of occupiable*  
 41    *space for all space in the Building will be in the best interest of*

1           the Government and will carry out the objectives of this subchapter  
2           and the Federal Triangle Development Act (Public Law 100–113,  
3           101 Stat. 735). The aggregate rental rate for all space in the Build-  
4           ing shall produce an amount at least equal to the amount necessary  
5           to amortize the cost of development of the Federal Triangle property  
6           over the life of the lease.

7           (C) OBLIGATION OF AMOUNTS.—Obligation of amounts from the  
8           Federal Building Fund shall only be made on an annual basis to  
9           meet lease payments.

10          (3) AUTHORIZATION TO OBLIGATE AMOUNTS.—Amounts may be obli-  
11          gated as described in paragraph (2)(C).

## 12           **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.

6906. Union Station Fund.

6907. Use of other appropriated amounts.

6908. Parking facility.

6909. Supplying steam or chilled water to Union Station complex.

6910. Authorization of appropriations.

### SUBCHAPTER II—NATIONAL VISITOR FACILITIES ADVISORY COMMISSION

6921. Establishment, composition, and meetings.

6922. Duties.

6923. Compensation and expenses.

6924. Reports and recommendations.

### 13           SUBCHAPTER I—UNION STATION COMPLEX

#### 14           **§6901. Definition**

15           In this subchapter, the term “Union Station complex” means real property,  
16           air rights, and improvements the Secretary of the Interior leased under sec-  
17           tions 101–110 of the National Visitors Center Facilities Act of 1968 (Public  
18           Law 90–264, 82 Stat. 43) and property acquired and improvements made in  
19           accordance with this subchapter.

#### 20           **§6902. Assignment of right, title, and interest in the Union 21           Station complex to the Secretary of Transportation**

22           The Secretary of Transportation has the right, title, and interest in and  
23           to the Union Station complex, including all agreements and leases made  
24           under sections 101–110 of the National Visitors Center Facilities Act of 1968  
25           (Public Law 90–264, 82 Stat. 43). To the extent the Secretary of Transpor-  
26           tation and the Secretary of the Interior agree, the Secretary of the Interior  
27           may lease space for visitor services.

1 **§ 6903. Agreements and contracts**

2 *The Secretary of Transportation may make agreements and contracts, ex-*  
 3 *cept an agreement or contract to sell property rights at the Union Station*  
 4 *complex, with a person, a federal, regional, or local agency, or the Architect*  
 5 *of the Capitol that the Secretary considers necessary or desirable to carry out*  
 6 *the purposes of this subchapter.*

7 **§ 6904. Acquisition, maintenance, and use of property**

8 (a) ACQUISITION.—*The Secretary of Transportation may acquire for the*  
 9 *Federal Government an interest in real property (including easements or res-*  
 10 *ervations) and any other property interest (including contract rights) in or*  
 11 *relating or adjacent to the Union Station complex that the Secretary con-*  
 12 *siders necessary to carry out the purposes of this subchapter.*

13 (b) MAINTENANCE AND USE.—*The Secretary may maintain, use, operate,*  
 14 *manage, and lease, either directly, by contract, or through development agree-*  
 15 *ments, any property interest the Secretary holds or acquires for the Govern-*  
 16 *ment under this subchapter in the manner and subject to the terms, condi-*  
 17 *tions, covenants, and easements that the Secretary considers necessary or de-*  
 18 *sirable to carry out the purposes of this subchapter.*

19 **§ 6905. Service on board of directors of Union Station Rede-**  
 20 **velopment Corporation**

21 *To further the rehabilitation, redevelopment, and operation of the Union*  
 22 *Station complex, the Secretary of Transportation and the Administrator of*  
 23 *the Federal Railroad Administration may serve as ex officio members of the*  
 24 *board of directors of the Union Station Redevelopment Corporation.*

25 **§ 6906. Union Station Fund**

26 (a) ESTABLISHMENT.—*There is a special deposit account in the Treasury*  
 27 *known as the “Union Station Fund”, which shall be administered as a revolv-*  
 28 *ing fund.*

29 (b) CONTENT.—*The account shall be credited with receipts of the Secretary*  
 30 *of Transportation from activities authorized by this subchapter.*

31 (c) USE OF AMOUNTS.—*The Secretary may use income and proceeds re-*  
 32 *ceived from activities authorized by this subchapter, including operating and*  
 33 *leasing income and payments made to the Federal Government under develop-*  
 34 *ment agreements, to pay expenses the Secretary incurs in carrying out the*  
 35 *purposes of this subchapter, including construction, acquisition, leasing, oper-*  
 36 *ation, and maintenance expenses and payments made to developers under de-*  
 37 *velopment agreements.*

38 (d) AVAILABILITY OF AMOUNTS.—*The balance in the account is available*  
 39 *in amounts specified in annual appropriation laws for making expenditures*  
 40 *authorized by this subchapter.*

1 **§ 6907. Use of other appropriated amounts**

2 (a) *WAIVER OF COST SHARING REQUIREMENT.*—The Secretary of Trans-  
3 portation may use amounts appropriated under section 24909(a)(2)(A) of  
4 title 49 to carry out the purposes of this subchapter.

5 (b) *BAN ON USING AMOUNTS FOR HELIPORT.*—Amounts appropriated  
6 under section 24909 of title 49 may not be used for design, construction, or  
7 operation of a heliport at or near Union Station.

8 **§ 6908. Parking facility**

9 (a) *TITLE.*—The Federal Government has the right, title, and interest in  
10 and to the parking facility at Union Station.

11 (b) *FEEES.*—The rate of fees charged for use of the facility may exceed the  
12 rate required for maintenance and operation of the facility. The rate shall  
13 be established in a manner that encourages use of the facility by rail pas-  
14 sengers and participants in activities in the Union Station complex and area.

15 **§ 6909. Supplying steam or chilled water to Union Station  
16 complex**

17 *The Architect of the Capitol may make agreements with the Secretary of*  
18 *Transportation to furnish steam, chilled water, or both from the Capitol*  
19 *Power Plant to the Union Station complex, at no expense to the legislative*  
20 *branch.*

21 **§ 6910. Authorization of appropriations**

22 *Amounts necessary to meet lease and other obligations, including mainte-*  
23 *nance requirements, incurred by the Secretary of the Interior and assigned*  
24 *to the Secretary of Transportation under this subchapter may be appro-*  
25 *priated to the Secretary of Transportation.*

26 *SUBCHAPTER II—NATIONAL VISITOR FACILITIES ADVISORY*  
27 *COMMISSION*

28 **§ 6921. Establishment, composition, and meetings**

29 (a) *ESTABLISHMENT.*—There is a National Visitor Facilities Advisory  
30 Commission.

31 (b) *COMPOSITION.*—

32 (1) *MEMBERSHIP.*—The Commission is composed of—

33 (A) the Secretary of the Interior;

34 (B) the Administrator of General Services;

35 (C) the Secretary of the Smithsonian Institution;

36 (D) the Chairman of the National Capital Planning Commission;

37 (E) the Chairman of the Commission of Fine Arts;

38 (F) six Members of the Senate, three from each party, to be ap-  
39 pointed by the President of the Senate;

1           (G) *six Members of the House of Representatives, three from each*  
 2           *party, to be appointed by the Speaker of the House of Representa-*  
 3           *tives; and*

4           (H) *three individuals appointed by the President, at least two of*  
 5           *whom shall not be officers of the Federal Government, and one mem-*  
 6           *ber of whom shall be a representative of the District of Columbia*  
 7           *government.*

8           (2) *CHAIRMAN.—The Secretary of the Interior serves as the Chairman*  
 9           *of the Commission.*

10          (3) *SERVICE OF NON-FEDERAL MEMBERS.—Non-federal members serve*  
 11          *at the pleasure of the President.*

12          (c) *MEETINGS.—The Commission shall meet at the call of the Chairman.*

### 13   **§ 6922. Duties**

14          (a) *IN GENERAL.—The National Visitor Facilities Advisory Commission*  
 15          *shall—*

16               (1) *conduct continuing investigations and studies of sites and plans*  
 17               *to provide additional facilities and services for visitors and students*  
 18               *coming to the Nation’s Capital; and*

19               (2) *advise the Secretary of the Interior and the Administrator of Gen-*  
 20               *eral Services on the planning, construction, acquisition, and operation*  
 21               *of those visitor facilities.*

22          (b) *STAFF AND FACILITIES.—The Director of the National Park Service,*  
 23          *in consultation with the Administrator, shall provide the necessary staff and*  
 24          *facilities to assist the Commission in carrying out its duties under this sub-*  
 25          *chapter.*

### 26   **§ 6923. Compensation and expenses**

27          *Members of the National Visitor Facilities Advisory Commission who are*  
 28          *not officers or employees of the Federal Government or the government of the*  
 29          *District of Columbia are entitled to receive compensation under section 3109*  
 30          *of title 5 and expenses under section 5703 of title 5.*

### 31   **§ 6924. Reports and recommendations**

32          *The National Visitor Facilities Advisory Commission shall report to the*  
 33          *Secretary of the Interior and the Administrator of General Services the results*  
 34          *of its studies and investigations. A report recommending additional facilities*  
 35          *for visitors shall include the Commission’s recommendations as to sites for the*  
 36          *facilities to be provided, preliminary plans, specifications, and architectural*  
 37          *drawings for the facilities, and the estimated cost of the recommended sites*  
 38          *and facilities.*

1     *PART D—PUBLIC BUILDINGS, GROUNDS, AND PARKS*  
 2                     *IN THE DISTRICT OF COLUMBIA*  
 3                     **CHAPTER 81—ADMINISTRATIVE**

*SUBCHAPTER I—GENERAL*

Sec.

8101. *Supervision of public buildings and grounds in District of Columbia not otherwise provided for by law.*  
 8102. *Protection of Federal Government buildings in District of Columbia.*  
 8103. *Application of District of Columbia laws to public buildings and grounds.*  
 8104. *Regulation of private and semipublic buildings adjacent to public buildings and grounds.*  
 8105. *Approval by Administrator of General Services.*  
 8106. *Buildings on reservations, parks, or public grounds.*  
 8107. *Advertisements and sales in or around Washington Monument.*  
 8108. *Use of public buildings for public ceremonies.*

*SUBCHAPTER II—JURISDICTION*

8121. *Improper appropriation of streets.*  
 8122. *Jurisdiction over portion of Constitution Avenue.*  
 8123. *Record of transfer of jurisdiction between Director of National Park Service and Mayor of District of Columbia.*  
 8124. *Transfer of jurisdiction between Federal and District of Columbia authorities.*  
 8125. *Public spaces resulting from filling of canals.*  
 8126. *Temporary occupancy of Potomac Park by Secretary of Agriculture.*  
 8127. *Part of Washington Aqueduct for playground purposes.*

*SUBCHAPTER III—SERVICES FOR FACILITIES*

8141. *Contract to rent buildings in the District of Columbia not to be made until appropriation enacted.*  
 8142. *Rent of other buildings.*  
 8143. *Heat.*  
 8144. *Delivery of fuel for use during ensuing fiscal year.*

*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.*

4                     *SUBCHAPTER I—GENERAL*

5     **§8101. Supervision of public buildings and grounds in Dis-**  
 6                     **trict of Columbia not otherwise provided for by law**

7         (a) *IN GENERAL.*—Under regulations the President prescribes, the Admin-  
 8         istrator of General Services shall have charge of the public buildings and  
 9         grounds in the District of Columbia, except those buildings and grounds  
 10        which otherwise are provided for by law.

11       (b) *NOTICE OF UNLAWFUL OCCUPANCY.*—If the Administrator, or the offi-  
 12       cer under the direction of the Administrator who is in immediate charge of  
 13       those public buildings and grounds, decides that an individual is unlawfully  
 14       occupying any part of that public land, the Administrator or officer in charge  
 15       shall notify the United States marshal for the District of Columbia in writing  
 16       of the unlawful occupation.

17       (c) *EJECTION OF TRESPASSER.*—The marshal shall have the trespasser  
 18       ejected from the public land and shall restore possession of the land to the  
 19       officer charged by law with the custody of the land.

1    **§8102. Protection of Federal Government buildings in Dis-**  
 2                    **trict of Columbia**

3            *The Attorney General and the Secretary of the Treasury may prohibit—*

4                    (1) *a vehicle from parking or standing on a street or roadway adja-*  
 5                    *cent to a building in the District of Columbia—*

6                            (A) *at least partly owned or possessed by, or leased to, the Fed-*  
 7                            *eral Government; and*

8                            (B) *used by law enforcement authorities subject to their jurisdic-*  
 9                            *tion; and*

10                   (2) *a person or entity from conducting business on property imme-*  
 11                    *diately adjacent to a building described in paragraph (1).*

12    **§8103. Application of District of Columbia laws to public**  
 13                    **buildings and grounds**

14            (a) *APPLICATION OF LAWS.—Laws and regulations of the District of Co-*  
 15            *lumbia for the protection of public or private property and the preservation*  
 16            *of peace and order are extended to all public buildings and public grounds*  
 17            *belonging to the Federal Government in the District of Columbia.*

18            (b) *PENALTIES.—A person shall be fined under title 18, imprisoned for not*  
 19            *more than six months, or both if the person—*

20                            (1) *is guilty of disorderly and unlawful conduct in or about those pub-*  
 21                            *lic buildings or public grounds;*

22                            (2) *willfully injures the buildings or shrubs;*

23                            (3) *pull downs, impairs, or otherwise injures any fence, wall, or other*  
 24                            *enclosure;*

25                            (4) *injures any sink, culvert, pipe, hydrant, cistern, lamp, or bridge;*  
 26                            *or*

27                            (5) *removes any stone, gravel, sand, or other property of the Govern-*  
 28                            *ment, or any other part of the public grounds or lots belonging to the*  
 29                            *Government in the District of Columbia.*

30    **§8104. Regulation of private and semipublic buildings adja-**  
 31                    **cent to public buildings and grounds**

32            (a) *FACTORS FOR DEVELOPMENT.—In view of the provisions of the Con-*  
 33            *stitution respecting the establishment of the seat of the National Government,*  
 34            *the duties it imposed on Congress in connection with establishing the seat of*  
 35            *the National Government, and the solicitude shown and the efforts exerted by*  
 36            *President Washington in the planning and development of the Capital City,*  
 37            *the development should proceed along the lines of good order, good taste, and*  
 38            *with due regard to the public interests involved, and a reasonable degree of*  
 39            *control should be exercised over the architecture of private or semipublic*  
 40            *buildings adjacent to public buildings and grounds of major importance.*



## SUBCHAPTER II—JURISDICTION

**§ 8121. Improper appropriation of streets**

(a) *AUTHORITY.*—The Secretary of the Interior shall—

(1) *prevent the improper appropriation or occupation of any public street, avenue, square, or reservation in the District of Columbia that belongs to the Federal Government;*

(2) *reclaim the street, avenue, square, or reservation if unlawfully appropriated;*

(3) *prevent the erection of any permanent building on property reserved to or for the use of the Government, unless plainly authorized by law; and*

(4) *report to Congress at the beginning of each session on the Secretary's proceedings in the premises, together with a full statement of all property described in this subsection, and how, and by what authority, the property is occupied or claimed.*

(b) *APPLICATION.*—This section does not interfere with the temporary and proper occupation of any part of the property described in subsection (a), by lawful authority, for the legitimate purposes of the Government.

**§ 8122. Jurisdiction over portion of Constitution Avenue**

*The Director of the National Park Service has jurisdiction over that part of Constitution Avenue west of Virginia Avenue that was under the control of the Commissioners of the District of Columbia prior to May 27, 1908.*

**§ 8123. Record of transfer of jurisdiction between Director of National Park Service and Mayor of District of Columbia**

*When in accordance with law or mutual legal agreement, spaces or portions of public land are transferred between the jurisdiction of the Director of the National Park Service, as established by the Act of July 1, 1898 (ch. 543, 30 Stat. 570), and the Mayor of the District of Columbia, the letters of transfer and acceptance exchanged between them are sufficient authority for the necessary change in the official maps and for record when necessary.*

**§ 8124. Transfer of jurisdiction between Federal and District of Columbia authorities**

(a) *TRANSFER OF JURISDICTION.*—Federal and District of Columbia authorities administering properties in the District that are owned by the Federal Government or by the District may transfer jurisdiction over any part of the property among or between themselves for purposes of administration and maintenance under conditions the parties agree on. The National Capital Planning Commission shall recommend the transfer before it is completed.

(b) *REPORT TO CONGRESS.*—The District authorities shall report all transfers and agreements to Congress.



1 *is deemed to be notice to all contractors or lessors of the building or a part*  
 2 *of the building.*

3 **§ 8142. Rent of other buildings**

4 *An executive department of the Federal Government renting a building for*  
 5 *public use in the District of Columbia may rent a different building instead*  
 6 *if it is in the public interest to do so. This section does not authorize an in-*  
 7 *crease in the number of buildings in use or in the amount paid for rent.*

8 **§ 8143. Heat**

9 *(a) CORCORAN GALLERY OF ART.—The Administrator of General Services*  
 10 *may furnish heat from the central heating plant to the Corcoran Gallery of*  
 11 *Art, if the Corcoran Gallery of Art agrees to—*

12 *(1) pay for heat furnished at rates the Administrator determines; and*

13 *(2) connect the building with the Federal Government mains in a*  
 14 *manner satisfactory to the Administrator.*

15 *(b) BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM.—The Ad-*  
 16 *ministrator may furnish steam from the central heating plant for the use of*  
 17 *the Board of Governors of the Federal Reserve System on the property which*  
 18 *the Board acquired in squares east of 87 and east of 88 in the District of*  
 19 *Columbia if the Board agrees to—*

20 *(1) pay for the steam furnished at reasonable rates the Administrator*  
 21 *determines but that are at least equal to cost; and*

22 *(2) provide the necessary connections with the Government mains at*  
 23 *its own expense and in a manner satisfactory to the Administrator.*

24 *(c) NON-FEDERAL PUBLIC BUILDINGS.—The Administrator shall determine*  
 25 *the rates to be paid for steam furnished to the Corcoran Gallery of Art, the*  
 26 *Pan American Union Buildings, the American Red Cross Buildings, and*  
 27 *other non-federal public buildings authorized to receive steam from the central*  
 28 *heating plant.*

29 **§ 8144. Delivery of fuel for use during ensuing fiscal year**

30 *During April, May, and June of each year, the Administrator of General*  
 31 *Services may deliver to all branches of the Federal Government and the gov-*  
 32 *ernment of the District of Columbia as much fuel for their use during the*  
 33 *following fiscal year as may be practicable to store at the points of consump-*  
 34 *tion. The branches of the Federal Government and the government of the Dis-*  
 35 *trict of Columbia shall pay for the fuel from their applicable appropriations*  
 36 *for that fiscal year.*

37 **SUBCHAPTER IV—MISCELLANEOUS**

38 **§ 8161. Reservation of parking spaces for Members of Con-**  
 39 **gress**

40 *The Council of the District of Columbia shall designate, reserve, and prop-*  
 41 *erly mark appropriate and sufficient parking spaces on the streets adjacent*

1 to all public buildings in the District for the use of Members of Congress en-  
2 gaged in public business.

3 **§ 8162. *Ailanthus trees prohibited***

4 *Ailanthus trees shall not be purchased for, or planted in, the public*  
5 *grounds.*

6 **§ 8163. *Use of greenhouses and nursery for trees, shrubs, and***  
7 ***plants***

8 *The greenhouses and nursery shall be used only for the propagation of trees,*  
9 *shrubs, and plants suitable for planting in the public reservations. Only those*  
10 *trees, shrubs, and plants shall be planted in the public reservations.*

11 **§ 8164. *E. Barrett Prettyman United States Courthouse***

12 (a) *OPERATION, MAINTENANCE, AND REPAIR.—The operation, mainte-*  
13 *nance, and repair of the E. Barrett Prettyman United States Courthouse,*  
14 *used by the United States Court of Appeals for the District of Columbia and*  
15 *the United States District Court for the District of Columbia, is under the*  
16 *control of the Administrator of General Services.*

17 (b) *ALLOCATION OF SPACE.—The allocation of space in the Courthouse is*  
18 *vested in the chief judge of the United States Court of Appeals for the District*  
19 *of Columbia and the chief judge of the United States District Court for the*  
20 *District of Columbia.*

21 **§ 8165. *Services for Office of Personnel Management***

22 *For carrying out the work of the Director of the Office of Personnel Man-*  
23 *agement and the examinations provided for in sections 3304 and 3305 of title*  
24 *5, the Administrator of General Services shall—*

- 25 (1) *assign or provide suitable and convenient rooms and accommoda-*  
26 *tions, which are furnished, heated, and lighted, in Washington, D.C.;*  
27 (2) *supply necessary stationery and other articles; and*  
28 (3) *arrange for or provide necessary printing.*

29 **CHAPTER 83—WASHINGTON METROPOLITAN REGION**  
30 **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.*

31 **§ 8301. *Definition***

32 *In this chapter, the term “Washington metropolitan region” includes the*  
33 *District of Columbia, the counties of Montgomery and Prince Georges in*  
34 *Maryland, and the counties of Arlington and Fairfax and the cities of Alexan-*  
35 *dria and Falls Church in Virginia.*

1     **§ 8302. Necessity for coordination in the development of the**  
2                     **Washington metropolitan region**

3             *Because the District of Columbia is the seat of the Federal Government and*  
4     *has become the urban center of a rapidly expanding Washington metropolitan*  
5     *region, the necessity for the continued and effective performance of the func-*  
6     *tions of the Government in the District of Columbia, the general welfare of*  
7     *the District of Columbia, the health and living standards of the people resid-*  
8     *ing or working in the District of Columbia, and the conduct of industry,*  
9     *trade, and commerce in the District of Columbia require that to the fullest*  
10    *extent possible the development of the District of Columbia and the manage-*  
11    *ment of its public affairs, and the activities of the departments, agencies, and*  
12    *instrumentalities of the Government which may be carried out in, or in rela-*  
13    *tion to, the other areas of the Washington metropolitan region, shall be coordi-*  
14    *nated with the development of those other areas and with the management*  
15    *of their public affairs so that, with the cooperation and assistance of those*  
16    *other areas, all of the areas in the Washington metropolitan area shall be de-*  
17    *veloped and their public affairs shall be managed so as to contribute effec-*  
18    *tively toward the solution of the community development problems of the*  
19    *Washington metropolitan region on a unified metropolitan basis.*

20    **§ 8303. Declaration of policy of coordinated development and**  
21                     **management**

22             *The policy to be followed for the attainment of the objective established by*  
23    *section 8302 of this title, and for the more effective exercise by Congress, the*  
24    *executive branch of the Federal Government, the Mayor of the District of Co-*  
25    *lumbia, and all other officers, agencies, and instrumentalities of the District*  
26    *of Columbia of their respective functions, powers, and duties in respect of the*  
27    *Washington metropolitan region, shall be that the functions, powers, and du-*  
28    *ties shall be exercised and carried out in a manner that (with proper recogni-*  
29    *tion of the sovereignty of Maryland and Virginia in respect of those areas*  
30    *of the Washington metropolitan region that are located within their respective*  
31    *jurisdictions) will best facilitate the attainment of the coordinated develop-*  
32    *ment of the areas of the Washington metropolitan area and the coordinated*  
33    *management of their public affairs so as to contribute effectively to the solu-*  
34    *tion of the community development problems of the Washington metropolitan*  
35    *region on a unified metropolitan basis.*

36    **§ 8304. Priority projects**

37             *In carrying out the policy pursuant to section 8303 of this title for the at-*  
38    *tainment of the objective established by section 8302 of this title, priority*  
39    *should be given to the solution, on a unified metropolitan basis, of the prob-*  
40    *lems of water supply, sewage disposal, and water pollution and transpor-*  
41    *tation.*



1            *thence east on C Street Northwest to Third Street Northwest;*  
2            *thence north on Third Street Northwest to D Street Northwest;*  
3            *thence east on D Street Northwest to Second Street Northwest;*  
4            *thence south on Second Street Northwest to the intersection of*  
5            *Constitution Avenue Northwest and Louisiana Avenue Northwest;*  
6            *thence northeast on Louisiana Avenue Northwest to North Capitol*  
7            *Street;*  
8            *thence north on North Capitol Street to Massachusetts Avenue*  
9            *Northwest;*  
10           *thence southeast on Massachusetts Avenue Northwest so as to en-*  
11           *compass Union Square;*  
12           *thence following Union Square to F Street Northeast;*  
13           *thence east on F Street Northeast to Second Street Northeast;*  
14           *thence south on Second Street Northeast to D Street Northeast;*  
15           *thence west on D Street Northeast to First Street Northeast;*  
16           *thence south on First Street Northeast to Maryland Avenue*  
17           *Northeast;*  
18           *thence generally north and east on Maryland Avenue to Second*  
19           *Street Northeast;*  
20           *thence south on Second Street Northeast to C Street Southeast;*  
21           *thence west on C Street Southeast to New Jersey Avenue South-*  
22           *east;*  
23           *thence south on New Jersey Avenue Southeast to D Street South-*  
24           *east;*  
25           *thence west on D Street Southeast to Canal Street Parkway;*  
26           *thence southeast on Canal Street Parkway to E Street Southeast;*  
27           *thence west on E Street Southeast to the intersection of Wash-*  
28           *ington Avenue Southwest and South Capitol Street;*  
29           *thence northwest on Washington Avenue Southwest to Second*  
30           *Street Southwest;*  
31           *thence south on Second Street Southwest to Virginia Avenue*  
32           *Southwest;*  
33           *thence generally west on Virginia Avenue to Third Street South-*  
34           *west;*  
35           *thence north on Third Street Southwest to C Street Southwest;*  
36           *thence west on C Street Southwest to Sixth Street Southwest;*  
37           *thence north on Sixth Street Southwest to Independence Avenue;*  
38           *thence west on Independence Avenue to Twelfth Street Southwest;*  
39           *thence south on Twelfth Street Southwest to D Street Southwest;*  
40           *thence west on D Street Southwest to Fourteenth Street South-*  
41           *west;*

1            *thence south on Fourteenth Street Southwest to the middle of the*  
 2 *Washington Channel;*

3            *thence generally south and east along the mid-channel of the*  
 4 *Washington Channel to a point due west of the northern boundary*  
 5 *line of Fort Lesley McNair;*

6            *thence due east to the side of the Washington Channel;*

7            *thence following generally south and east along the side of the*  
 8 *Washington Channel at the mean high water mark, to the point of*  
 9 *confluence with the Anacostia River, and along the northern shore*  
 10 *at the mean high water mark to the northern most point of the*  
 11 *Eleventh Street Bridge;*

12           *thence generally south and east along the northern side of the*  
 13 *Eleventh Street Bridge to the eastern shore of the Anacostia River;*

14           *thence generally south and west along such shore at the mean*  
 15 *high water mark to the point of confluence of the Anacostia and Po-*  
 16 *tomac Rivers;*

17           *thence generally south along the eastern shore at the mean high*  
 18 *water mark of the Potomac River to the point where it meets the*  
 19 *present southeastern boundary line of the District of Columbia;*

20           *thence south and west along such southeastern boundary line to*  
 21 *the point where it meets the present Virginia-District of Columbia*  
 22 *boundary;*

23           *thence generally north and west up the Potomac River along the*  
 24 *Virginia-District of Columbia boundary to the point of beginning.*

25           (2) *STREETS AND SIDEWALKS INCLUDED.—Where the area in para-*  
 26 *graph (1) is bounded by a street, the street, and any sidewalk of the*  
 27 *street, are included in the area.*

28           (3) *FEDERAL PROPERTY THAT AFFRONTED OR ABUTTED THE AREA*  
 29 *DEEMED TO BE IN THE AREA.—Federal real property that on December*  
 30 *24, 1973, affronted or abutted the area described in paragraph (1) is*  
 31 *deemed to be in the area. For the purposes of this paragraph, federal real*  
 32 *property affronting or abutting the area described in paragraph (1)—*

33           (A) *is deemed to include Fort Lesley McNair, the Washington*  
 34 *Navy Yard, the Anacostia Naval Annex, the United States Naval*  
 35 *Station, Bolling Air Force Base, and the Naval Research Labora-*  
 36 *tory; and*

37           (B) *does not include any area situated outside of the District of*  
 38 *Columbia boundary as it existed immediately prior to December 24,*  
 39 *1973, any part of the Anacostia Park situated east of the northern*  
 40 *side of the Eleventh Street Bridge, or any part of the Rock Creek*  
 41 *Park.*

1 (b) *APPLICABILITY OF OTHER PROVISIONS.*—

2 (1) *PROVISIONS COVERING BUILDINGS AND GROUNDS IN AREA NOT AF-*  
 3 *FECTED.*— *Except to the extent specifically provided by this section, this*  
 4 *section does not—*

5 (A) *apply to the United States Capitol Buildings and Grounds*  
 6 *as defined and described in sections 5101 and 5102, any other*  
 7 *buildings and grounds under the care of the Architect of the Capitol,*  
 8 *the Supreme Court Building and grounds as described in section*  
 9 *6101 of this title, and the Library of Congress buildings and*  
 10 *grounds as defined in section 11 of the Act of August 4, 1950 (2*  
 11 *U.S.C. 167j); and*

12 (B) *repeal, amend, alter, modify, or supersede—*

13 (i) *chapter 51 of this title, section 9, 9A, 9B, 9C or 14 of*  
 14 *the Act of July 31, 1946 (ch. 707, 60 Stat. 719, 720), any other*  
 15 *general law of the United States, any law enacted by Congress*  
 16 *and applicable exclusively to the District of Columbia, or any*  
 17 *rule or regulation prescribed pursuant to any of those provi-*  
 18 *sions, that was in effect on January 1, 1975, and that per-*  
 19 *tained to those buildings and grounds; or*

20 (ii) *any authority which existed on December 24, 1973, with*  
 21 *respect to those buildings and grounds and was vested on Janu-*  
 22 *ary 1, 1975, in the Senate, the House of Representatives, Con-*  
 23 *gress, any committee, commission, or board of the Senate, the*  
 24 *House of Representatives, or Congress, the Architect of the Cap-*  
 25 *itol or any other officer of the legislative branch, the Chief Jus-*  
 26 *tice of the United States, the Marshal of the Supreme Court,*  
 27 *or the Librarian of Congress.*

28 (2) *CONTINUED APPLICATION OF LAWS, REGULATIONS, AND RULES.*—

29 *Except to the extent otherwise specifically provided in this section, all*  
 30 *general laws of the United States and all laws enacted by the Congress*  
 31 *and applicable exclusively to the District of Columbia, including regula-*  
 32 *tions and rules prescribed pursuant to any of those laws, that were in*  
 33 *effect on January 1, 1975, and which applied to and in the areas in-*  
 34 *cluded in the National Capital Service Area pursuant to this section con-*  
 35 *tinue to be applicable to and in the National Capital Service Area in*  
 36 *the same manner and to the same extent as if this section had not been*  
 37 *enacted and remain applicable until repealed, amended, altered, modi-*  
 38 *fied, or superseded.*

39 (c) *AVAILABILITY OF SERVICES AND FACILITIES.*—*As far as practicable,*  
 40 *any service or facility authorized by the District of Columbia Home Rule Act*  
 41 *(Public Law 93–198, 87 Stat. 774) to be rendered or furnished (including*

1 maintenance of streets and highways, and services under section 1537 of title  
 2 31) shall be made available to the Senate, the House of Representatives, Con-  
 3 gress, any committee, commission, or board of the Senate, the House of Rep-  
 4 resentatives, or Congress, the Architect of the Capitol, any other officer of the  
 5 legislative branch who on January 1, 1975, was vested with authority over  
 6 those buildings and grounds, the Chief Justice of the United States, the Mar-  
 7 shal of the Supreme Court, and the Librarian of Congress on their request.  
 8 If payment would be required for the rendition or furnishing of a similar  
 9 service or facility to any other federal agency, the recipient, on presentation  
 10 of proper vouchers and as agreed on by the parties, shall pay for the service  
 11 or facility in advance or by reimbursement.

12 (d) *RIGHT TO PARTICIPATE IN ELECTION NOT AFFECTED BY RESI-*  
 13 *DENCY.*—An individual may not be denied the right to vote or otherwise par-  
 14 ticipate in any manner in any election in the District of Columbia solely be-  
 15 cause the individual resides in the National Capital Service Area.

16 **§ 8502. National Capital Service Director**

17 (a) *ESTABLISHMENT AND COMPENSATION.*—There is in the Executive Office  
 18 of the President the National Capital Service Director who shall be appointed  
 19 by the President. The Director shall receive compensation at the maximum  
 20 rate established for level IV of the Executive Schedule under section 5314 of  
 21 title 5.

22 (b) *PERSONNEL.*—The Director may appoint and fix the rate of compensa-  
 23 tion of necessary personnel, subject to chapters 33 and 51 and subchapter III  
 24 of chapter 53 of title 5.

25 (c) *DUTIES.*—

26 (1) *PRESIDENT.*—The President, through the Director and using Dis-  
 27 trict of Columbia governmental services to the extent practicable, shall  
 28 ensure that there is provided in the area described in section 8501(a) of  
 29 this title adequate fire protection and sanitation services.

30 (2) *DIRECTOR.*—Except with respect to that part of the National Cap-  
 31 ital Service Area comprising the United States Capitol Buildings and  
 32 Grounds as defined and described in sections 5101 and 5102, the Su-  
 33 preme Court Building and grounds as described in section 6101 of this  
 34 title, and the Library of Congress buildings and grounds as defined in  
 35 section 11 of the Act of August 4, 1950 (2 U.S.C. 167j), the Director shall  
 36 ensure that there is provided in the remainder of the area described in  
 37 section 8501(a) of this title adequate police protection and maintenance  
 38 of streets and highways.

39 **CHAPTER 87—PHYSICAL DEVELOPMENT OF NATIONAL**  
 40 **CAPITAL REGION**

SUBCHAPTER I—GENERAL

Sec.

8701. *Findings and purposes.*  
 8702. *Definitions.*

SUBCHAPTER II—PLANNING AGENCIES

8711. *National Capital Planning Commission.*  
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SUBCHAPTER III—PLANNING PROCESS

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 8722. *Proposed federal and district developments and projects.*  
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SUBCHAPTER IV—ACQUIRING AND DISPOSING OF LAND

8731. *Acquiring land for park, parkway, or playground purposes.*  
 8732. *Acquiring land subject to limited rights reserved to grantor and limited permanent rights in land adjoining park property.*  
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 8735. *Sale of land by Secretary of the Interior.*  
 8736. *Execution of deeds.*  
 8737. *Authorization of appropriations.*

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           (1) *IN GENERAL.*—*The purposes of this chapter (except sections 8733–*  
2 *8736) are—*

3                 (A) *to secure comprehensive planning for the physical develop-*  
4 *ment of the National Capital and its environs;*

5                 (B) *to provide for the participation of the appropriate planning*  
6 *agencies of the environs in the planning; and*

7                 (C) *to establish the agency and procedures requisite to the admin-*  
8 *istration of the functions of the Federal and District Governments*  
9 *related to the planning.*

10           (2) *OBJECTIVE.*—*The general objective of this chapter (except sections*  
11 *8733–8736) is to enable appropriate agencies to plan for the development*  
12 *of the federal establishment at the seat of government in a manner—*

13                 (A) *consistent with the nature and function of the National Cap-*  
14 *ital and with due regard for the rights and prerogatives of the ad-*  
15 *joining States and local governments to exercise control appropriate*  
16 *to their functions; and*

17                 (B) *which will, in accordance with present and future needs, best*  
18 *promote public health, safety, morals, order, convenience, prosperity,*  
19 *and the general welfare, as well as efficiency and economy in the*  
20 *process of development.*

21 **§ 8702. Definitions**

22 *In this chapter—*

23           (1) *ENVIRONS.*—*The term “environs” means the territory surrounding*  
24 *the District of Columbia included in the National Capital region.*

25           (2) *NATIONAL CAPITAL.*—*The term “National Capital” means the Dis-*  
26 *trict of Columbia and territory the Federal Government owns in the en-*  
27 *virons.*

28           (3) *NATIONAL CAPITAL REGION.*—*The term “National Capital region”*  
29 *means—*

30                 (A) *the District of Columbia;*

31                 (B) *Montgomery and Prince Georges Counties in Maryland;*

32                 (C) *Arlington, Fairfax, Loudoun, and Prince William Counties*  
33 *in Virginia; and*

34                 (D) *all cities in Maryland or Virginia in the geographic area*  
35 *bounded by the outer boundaries of the combined area of the coun-*  
36 *ties listed in subparagraphs (B) and (C).*

37           (4) *PLANNING AGENCY.*—*The term “planning agency” means any city,*  
38 *county, bi-county, part-county, or regional planning agency authorized*  
39 *under state and local laws to make and adopt comprehensive plans.*

## SUBCHAPTER II—PLANNING AGENCIES

**§8711. National Capital Planning Commission**

(a) *ESTABLISHMENT AND PURPOSE.*—The National Capital Planning Commission is the central federal planning agency for the Federal Government in the National Capital, created to preserve the important historical and natural features of the National Capital, except for the United States Capitol Buildings and Grounds (as defined and described in sections 5101 and 5102), any extension of, or additions to, those Buildings and Grounds, and buildings and grounds under the care of the Architect of the Capitol.

(b) *COMPOSITION.*—

(1) *MEMBERSHIP.*—The National Capital Planning Commission is composed of—

(A) *ex officio*, the Secretary of the Interior, the Secretary of Defense, the Administrator of General Services, the Mayor of the District of Columbia, the Chairman of the Council of the District of Columbia, the chairman of the Committee on Governmental Affairs of the Senate, and the chairman of the Committee on Government Reform of the House of Representatives, or an alternate any of those individuals designates; and

(B) five citizens with experience in city or regional planning, three of whom shall be appointed by the President and two of whom shall be appointed by the Mayor.

(2) *RESIDENCY REQUIREMENT.*—The citizen members appointed by the Mayor shall be residents of the District of Columbia. Of the three appointed by the President, at least one shall be a resident of Virginia and at least one shall be a resident of Maryland.

(3) *TERMS.*—An individual appointed by the President serves for six years. An individual appointed by the Mayor serves for four years. An individual appointed to fill a vacancy shall be appointed only for the unexpired term of the individual being replaced.

(4) *PAY AND EXPENSES.*—Citizen members are entitled to \$100 a day when performing duties vested in the Commission and to reimbursement for necessary expenses incurred in performing those duties.

(c) *CHAIRMAN AND OFFICERS.*—The President shall designate the Chairman of the National Capital Planning Commission. The Commission may elect from among its members other officers as it considers desirable.

(d) *PERSONNEL.*—The National Capital Planning Commission may employ a Director, an executive officer, and other technical and administrative personnel as it considers necessary. Without regard to section 3709 of the Revised Statutes (41 U.S.C. 5) and section 3109, chapters 33 and 51, and subchapter III of chapter 53, of title 5, the Commission may employ, by contract

1 or otherwise, the temporary or intermittent (not more than one year) services  
 2 of city planners, architects, engineers, appraisers, and other experts or organi-  
 3 zations of experts, as may be necessary to carry out its functions. The Com-  
 4 mission shall fix the rate of compensation so as not to exceed the rate usual  
 5 for similar services.

6 (e) *PRINCIPAL DUTIES.*—The principal duties of the National Capital  
 7 Planning Commission include—

8 (1) preparing, adopting, and amending a comprehensive plan for the  
 9 federal activities in the National Capital and making related rec-  
 10 ommendations to the appropriate developmental agencies; and

11 (2) serving as the central planning agency for the Government within  
 12 the National Capital region and reviewing the development programs of  
 13 the developmental agencies to advise as to consistency with the com-  
 14 prehensive plan.

15 (f) *TRANSFER OF OTHER FUNCTIONS, POWERS, AND DUTIES.*—The Na-  
 16 tional Capital Planning Commission shall carry out all other functions, pow-  
 17 ers, and duties of the National Capital Park and Planning Commission, in-  
 18 cluding those formerly vested in the Highway Commission established by the  
 19 Act of March 2, 1893 (ch. 197, 27 Stat. 532), and those formerly vested in  
 20 the National Capital Park Commission by the Act of June 6, 1924 (ch. 270,  
 21 43 Stat. 463).

22 (g) *ESTIMATE.*—The National Capital Planning Commission shall submit  
 23 to the Office of Management and Budget before December 16 of each year its  
 24 estimate of the total amount to be appropriated for expenditure under this  
 25 chapter (except sections 8732–8736) during the next fiscal year.

26 (h) *FEES.*—The National Capital Planning Commission may charge fees  
 27 to cover the full cost of Geographic Information System products and services  
 28 the Commission supplies. The fees shall be credited to the applicable appro-  
 29 priation account as an offsetting collection and remain available until ex-  
 30 pended.

### 31 **§8712. Mayor of the District of Columbia**

32 (a) *PLANNING RESPONSIBILITIES.*—The Mayor of the District of Columbia  
 33 is the central planning agency for the government of the District of Columbia  
 34 in the National Capital and is responsible for coordinating the planning ac-  
 35 tivities of the District government and for preparing and implementing the  
 36 District elements of the comprehensive plan for the National Capital, which  
 37 may include land use elements, urban renewal and redevelopment elements,  
 38 a multiyear program of public works for the District, and physical, social,  
 39 economic, transportation, and population elements. The Mayor's planning re-  
 40 sponsibility shall not extend to—



1 *interests or functions of the federal establishment in the National Cap-*  
2 *ital.*

3 (2) *NO NEGATIVE IMPACT.—If the Commission takes no action in the*  
4 *60-day period, the element or amendment is deemed to have no negative*  
5 *impact and shall be incorporated into the comprehensive plan for the*  
6 *National Capital and implemented.*

7 (3) *NEGATIVE IMPACT.—*

8 (A) *CERTIFICATION TO COUNCIL.—If the Commission finds a neg-*  
9 *ative impact, it shall certify its findings and recommendations to*  
10 *the Council.*

11 (B) *RESPONSE OF COUNCIL.—On receipt of the Commission’s*  
12 *findings and recommendations, the Council may—*

13 (i) *accept the findings and recommendations and modify the*  
14 *element or amendment accordingly; or*

15 (ii) *reject the findings and recommendations and resubmit*  
16 *a modified form of the element or amendment to the Commis-*  
17 *sion for reconsideration.*

18 (C) *FINDINGS AND RECOMMENDATIONS ACCEPTED.—If the Coun-*  
19 *cil accepts the findings and recommendations and modifies the ele-*  
20 *ment or amendment, the Council shall submit the element or*  
21 *amendment to the Commission for the Commission to determine*  
22 *whether the modification has been made in accordance with the*  
23 *Commission’s findings and recommendations. If the Commission*  
24 *does not act on the modified element or amendment within 30 days*  
25 *after receiving it, the element or amendment is deemed to have been*  
26 *modified in accordance with the findings and recommendations and*  
27 *shall be incorporated into the comprehensive plan for the National*  
28 *Capital and implemented. If within the 30-day period the Commis-*  
29 *sion again determines the element or amendment has a negative im-*  
30 *impact on the functions or interests of the federal establishment in the*  
31 *National Capital, the element or amendment shall not be imple-*  
32 *mented.*

33 (D) *FINDINGS AND RECOMMENDATIONS REJECTED.—If the Coun-*  
34 *cil rejects the findings and recommendations and resubmits a modi-*  
35 *fied element or amendment, the Commission, within 60 days after*  
36 *receiving it, shall decide whether the modified element or amend-*  
37 *ment has a negative impact on the interests or functions of the fed-*  
38 *eral establishment within the National Capital. If the Commission*  
39 *does not act within the 60-day period, the modified element or*  
40 *amendment is deemed to have no negative impact and shall be in-*  
41 *corporated into the comprehensive plan and implemented. If the*

1           *Commission finds a negative impact, it shall certify its findings (in*  
2           *sufficient detail that the Council can understand the basis of the ob-*  
3           *jection of the Commission) and recommendations to the Council and*  
4           *the element or amendment shall not be implemented.*

5           *(d) RESUBMISSION DEEMED NEW ELEMENT OR AMENDMENT.—Any ele-*  
6           *ment or amendment which the Commission has determined has a negative im-*  
7           *port on the federal establishment in the National Capital which is submitted*  
8           *again in a modified form not less than one year from the day it was last*  
9           *rejected by the Commission is deemed to be a new element or amendment for*  
10           *purposes of the review procedure specified in this section.*

11           *(e) REVIEW, HEARINGS, AND CITIZEN ADVISORY COUNCILS.—*

12           *(1) REVIEW.—Before the comprehensive plan, any element of the plan,*  
13           *or any revision is adopted, the Commission shall present the plan, ele-*  
14           *ment, or revision to the appropriate federal or District of Columbia au-*  
15           *thorities for comment and recommendations. The Commission may*  
16           *present the proposed revisions annually in a consolidated form. Rec-*  
17           *ommendations by federal and District of Columbia authorities are not*  
18           *binding on the Commission, but the Commission shall give careful con-*  
19           *sideration to any views and recommendations submitted prior to final*  
20           *adoption.*

21           *(2) HEARINGS AND CITIZEN ADVISORY COUNCILS.—The Commission—*

22           *(A) may provide periodic opportunity for review and comments*  
23           *by nongovernmental agencies or groups through public hearings,*  
24           *meetings, or conferences, exhibitions, and publication of its plans;*  
25           *and*

26           *(B) in consultation with the Council, may encourage the forma-*  
27           *tion of citizen advisory councils.*

28           *(f) EXTENSION OF TIME LIMITATIONS.—On request of the Commission, the*  
29           *Council may grant an extension of any time limitation contained in this sec-*  
30           *tion.*

31           *(g) PUBLISHING COMPREHENSIVE PLAN.—As appropriate, the Commission*  
32           *and the Mayor jointly shall publish a comprehensive plan for the National*  
33           *Capital, consisting of the elements of the comprehensive plan for the federal*  
34           *activities in the National Capital developed by the Commission and the Dis-*  
35           *trict elements developed by the Mayor and the Council in accordance with this*  
36           *section.*

37           *(h) PROCEDURES FOR CONSULTATION.—*

38           *(1) COMMISSION AND MAYOR.—The Commission and the Mayor jointly*  
39           *shall establish procedures for appropriate meaningful continuing con-*  
40           *sultation throughout the planning process for the National Capital.*

1           (2) *GOVERNMENT AGENCIES.*—*In order that the National Capital may*  
 2 *be developed in accordance with the comprehensive plan, the Commis-*  
 3 *sion, with the consent of each agency concerned as to its representation,*  
 4 *may establish advisory and coordinating committees composed of rep-*  
 5 *resentatives of agencies of the Federal and District of Columbia Govern-*  
 6 *ments as may be necessary or helpful to obtain the maximum amount*  
 7 *of cooperation and correlation of effort among the various agencies. As*  
 8 *it considers appropriate, the Commission may invite representatives of*  
 9 *the planning and developmental agencies of the environs to participate*  
 10 *in the work of the committees.*

11 **§8722. Proposed federal and district developments and**  
 12 **projects**

13           (a) *AGENCIES TO USE COMMISSION AS CENTRAL PLANNING AGENCY.*—  
 14 *Agencies of the Federal Government responsible for public developments and*  
 15 *projects shall cooperate and correlate their efforts by using the National Cap-*  
 16 *ital Planning Commission as the central planning agency for federal activi-*  
 17 *ties in the National Capital region. To aid the Commission in carrying out*  
 18 *this function, federal and District of Columbia governmental agencies on re-*  
 19 *quest of the Commission shall furnish plans, data, and records the Commis-*  
 20 *sion requires. The Commission on request shall furnish related plans, data,*  
 21 *and records to federal and District of Columbia governmental agencies.*

22           (b) *CONSULTATION BETWEEN AGENCIES AND COMMISSION.*—

23           (1) *BEFORE CONSTRUCTION PLANS PREPARED.*—*To ensure the com-*  
 24 *prehensive planning and orderly development of the National Capital, a*  
 25 *federal or District of Columbia agency, before preparing construction*  
 26 *plans the agency originates for proposed developments and projects or be-*  
 27 *fore making a commitment to acquire land, to be paid for at least in*  
 28 *part from federal or District amounts, shall advise and consult with the*  
 29 *Commission as the agency prepares plans and programs in preliminary*  
 30 *and successive stages that affect the plan and development of the Na-*  
 31 *tional Capital. After receiving the plans, maps, and data, the Commis-*  
 32 *sion promptly shall make a preliminary report and recommendations to*  
 33 *the agency. If the agency, after considering the report and recommenda-*  
 34 *tions of the Commission, does not agree, it shall advise the Commission*  
 35 *and provide the reasons why it does not agree. The Commission then*  
 36 *shall submit a final report. After consultation and suitable consideration*  
 37 *of the views of the Commission, the agency may proceed to take action*  
 38 *in accordance with its legal responsibilities and authority.*

39           (2) *EXCEPTIONS.*—

40           (A) *IN GENERAL.*—*Paragraph (1) does not apply to projects*  
 41 *within the Capitol grounds or to structures erected by the Depart-*

1           *ment of Defense during wartime or national emergency within ex-*  
2           *isting military, naval, or Air Force reservations, except that the ap-*  
3           *propriate defense agency shall consult with the Commission as to*  
4           *any developments which materially affect traffic or require coordi-*  
5           *nated planning of the surrounding area.*

6           (B) *ADVANCE DECISIONS OF COMMISSION.*—*The Commission shall*  
7           *determine in advance the type or kinds of plans, developments,*  
8           *projects, improvements, or acquisitions which do not need to be sub-*  
9           *mitted for review by the Commission as to conformity with its*  
10           *plans.*

11           (c) *ADDITIONAL PROCEDURE FOR DEVELOPMENTS AND PROJECTS WITHIN*  
12           *ENVIRONS.*—

13           (1) *SUBMISSION TO COMMISSION.*—*Within the environs, general plans*  
14           *showing the location, character, and extent of, and intensity of use for,*  
15           *proposed federal and District developments and projects involving the ac-*  
16           *quisition of land shall be submitted to the Commission for report and*  
17           *recommendations before a final commitment to the acquisition is made,*  
18           *unless the matter specifically has been approved by law.*

19           (2) *COMMISSION ACTION.*—*Before acting on any general plan, the*  
20           *Commission shall advise and consult with the appropriate planning*  
21           *agency having jurisdiction over the affected part of the environs. When*  
22           *the Commission decides that proposed developments or projects submitted*  
23           *to the Commission under subsection (b) involve a major change in the*  
24           *character or intensity of an existing use in the environs, the Commission*  
25           *shall advise and consult with the planning agency. The report and rec-*  
26           *ommendations shall be submitted within 60 days and shall be accom-*  
27           *panied by any reports or recommendations of the planning agency.*

28           (3) *WORKING WITH STATE OR LOCAL AUTHORITY OR AGENCY.*—*In car-*  
29           *rying out its planning functions with respect to federal developments or*  
30           *projects in the environs, the Commission may work with, and make*  
31           *agreements with, any state or local authority or planning agency as the*  
32           *Commission considers necessary to have a plan or proposal adopted and*  
33           *carried out.*

34           (d) *APPROVAL OF FEDERAL PUBLIC BUILDINGS.*—*The provisions of the Act*  
35           *of June 20, 1938 (ch. 534, 52 Stat. 802) shall not apply to federal public*  
36           *buildings. In order to ensure the orderly development of the National Capital,*  
37           *the location, height, bulk, number of stories, and size of federal public build-*  
38           *ings in the District of Columbia and the provision for open space in and*  
39           *around federal public buildings in the District of Columbia is subject to the*  
40           *approval of the Commission.*

1       (e) *APPROVAL OF DISTRICT GOVERNMENT BUILDINGS IN CENTRAL AREA.*—  
 2       Subsection (d) is extended to include public buildings erected by any agency  
 3       of the Government of the District of Columbia in the central area of the Dis-  
 4       trict (as defined by concurrent action of the Commission and the Council of  
 5       the District of Columbia), except that the Commission shall transmit its ap-  
 6       proval or disapproval within 30 days after the day the proposal was sub-  
 7       mitted to the Commission.

8       **§8723. Capital improvements**

9       (a) *SIX-YEAR PROGRAM OF PUBLIC WORKS PROJECTS.*—The National  
 10       Capital Planning Commission shall recommend a six-year program of public  
 11       works projects for the Federal Government which the Commission shall review  
 12       annually with the agencies concerned. Each federal agency shall submit to the  
 13       Commission in the first quarter of each fiscal year a copy of its advance pro-  
 14       gram of capital improvements within the National Capital and its environs.

15       (b) *SUBMISSION OF MULTIYEAR CAPITAL IMPROVEMENT PLAN.*—By Feb-  
 16       ruary 1 of each year, the Mayor of the District of Columbia shall submit to  
 17       the Commission a copy of the multiyear capital improvements plan for the  
 18       District of Columbia that the Mayor develops under section 444 of the District  
 19       of Columbia Home Rule Act (Public Law 93-198, 87 Stat. 800). The Com-  
 20       mission has 30 days in which to comment on the plan but may not change  
 21       or disapprove of the plan.

22       **§8724. Zoning regulations and maps**

23       (a) *AMENDMENTS OF ZONING REGULATIONS AND MAPS.*—The National  
 24       Capital Planning Commission may make a report and recommendation to the  
 25       Zoning Commission of the District of Columbia, as provided in section 5 of  
 26       the Act of June 20, 1938 (ch. 534, 52 Stat. 798), on the relation, conformity,  
 27       or consistency of proposed amendments of the zoning regulations and maps  
 28       with the comprehensive plan for the National Capital. The Planning Commis-  
 29       sion may also submit to the Zoning Commission proposed amendments or  
 30       general revisions to the zoning regulations or the zoning map for the District  
 31       of Columbia.

32       (b) *ADDITIONAL REPORT BY PLANNING COMMISSION.*—When requested by  
 33       an authorized representative of the Planning Commission, the Zoning Com-  
 34       mission may recess for a reasonable period of time any public hearing it is  
 35       holding to consider a proposed amendment to the zoning regulations or map  
 36       so that the Planning Commission may have an opportunity to present to the  
 37       Zoning Commission an additional report on the proposed amendment.

38       (c) *ZONING COMMITTEE OF NATIONAL CAPITAL PLANNING COMMISSION.*—

39               (1) *ESTABLISHMENT AND COMPOSITION.*—There is a Zoning Com-  
 40       mittee of the National Capital Planning Commission. The Committee  
 41       consists of at least three members of the Planning Commission the Plan-

1            *ning Commission designates for that purpose. The number of members*  
 2            *serving on the Committee may vary.*

3            (2) *DUTIES.—The Committee shall carry out the functions vested in*  
 4            *the Planning Commission under this section and section 8725 of this*  
 5            *title—*

6                    (A) *to the extent the Planning Commission decides; and*

7                    (B) *when requested by the Zoning Commission and approved by*  
 8                    *the Planning Commission.*

9            **§8725. Recommendations on platting and subdividing land**

10            (a) *BY COUNCIL OF THE DISTRICT OF COLUMBIA.—The Council of the Dis-*  
 11            *trict of Columbia shall submit any proposed change in, or addition to, the*  
 12            *regulations or general orders regulating the platting and subdividing of lands*  
 13            *and grounds in the District of Columbia to the National Capital Planning*  
 14            *Commission for report and recommendation before the Council adopts the*  
 15            *change or addition. The Council shall advise the Commission when it does*  
 16            *not agree with the recommendations of the Commission and shall give the rea-*  
 17            *sons why it disagrees. The Commission then shall submit a final report with-*  
 18            *in 30 days. After considering the final report, the Council may act in accord-*  
 19            *ance with its legal responsibilities and authority.*

20            (b) *BY PLANNING COMMISSION.—The Commission shall submit to the*  
 21            *Council any proposed change in, or amendment to, the general orders that*  
 22            *the Commission considers appropriate. The Council shall treat the amend-*  
 23            *ments proposed in the same manner as other proposed amendments.*

24            **§8726. Authorization of appropriations**

25            *Amounts necessary to carry out this subchapter may be appropriated from*  
 26            *money in the Treasury not otherwise appropriated and from any appropriate*  
 27            *appropriation law, except the annual District of Columbia Appropriation*  
 28            *Act.*

29            *SUBCHAPTER IV—ACQUIRING AND DISPOSING OF LAND*

30            **§8731. Acquiring land for park, parkway, or playground**  
 31            **purposes**

32            (a) *AUTHORITY TO ACQUIRE LAND.—The National Capitol Planning Com-*  
 33            *mission shall acquire land the Planning Commission believes is necessary and*  
 34            *desirable in the District of Columbia and adjacent areas in Maryland and*  
 35            *Virginia for suitable development of the National Capital park, parkway, and*  
 36            *playground system. The acquisition must be within the limits of the appro-*  
 37            *priations made for those purposes. The Planning Commission shall request the*  
 38            *advice of the Commission of Fine Arts in selecting land to be acquired.*

39            (b) *HOW LAND MAY BE ACQUIRED.—*

40                    (1) *PURCHASE OR CONDEMNATION PROCEEDING.—The National Cap-*  
 41                    *ital Planning Commission may buy land when the land can be acquired*

1           at a price the Planning Commission considers reasonable or by a con-  
2           demnation proceeding when the land cannot be bought at a reasonable  
3           price.

4           (2) *LAND IN THE DISTRICT OF COLUMBIA.*—A condemnation pro-  
5           ceeding to acquire land in the District of Columbia shall be conducted  
6           in accordance with section 1 of the Act of December 23, 1963 (Public  
7           Law 88-241, 77 Stat. 571).

8           (3) *LAND IN MARYLAND OR VIRGINIA.*—The Planning Commission  
9           may acquire land in Maryland or Virginia under arrangements agreed  
10          to by the Commission and the proper officials of Maryland or Virginia.

11       (c) *CONTROL OF LAND.*—

12           (1) *LAND IN THE DISTRICT OF COLUMBIA.*—Land acquired in the Dis-  
13          trict of Columbia shall be a part of the park system of the District of  
14          Columbia and be under the control of the Director of the National Park  
15          Service. The National Capital Planning Commission may assign areas  
16          suitable for playground purposes to the control of the Mayor of the Dis-  
17          trict of Columbia for playground purposes.

18           (2) *LAND IN MARYLAND OR VIRGINIA.*—Land acquired in Maryland or  
19          Virginia shall be controlled as determined by agreement between the  
20          Planning Commission and the proper officials of Maryland or Virginia.

21       (d) *PRESIDENTIAL APPROVAL REQUIRED.*—The designation of all land to  
22          be acquired by condemnation, all contracts to purchase land, and all agree-  
23          ments between the National Capital Planning Commission and the officials  
24          of Maryland and Virginia are subject to the approval of the President.

25       **§8732. Acquiring land subject to limited rights reserved to**  
26                               **grantor and limited permanent rights in land ad-**  
27                               **joining park property**

28       (a) *IN GENERAL.*—The National Capital Planning Commission in accord-  
29          ance with this chapter may acquire, for and on behalf of the Federal Govern-  
30          ment, by gift, devise, purchase, or condemnation—

31           (1) *fee title to land subject to limited rights, but not for business pur-*  
32           *poses, reserved to the grantor; and*

33           (2) *permanent rights in land adjoining park property sufficient to*  
34           *prevent the use of the land in certain specified ways which would essen-*  
35           *tially impair the value of the park property for its purposes.*

36       (b) *PREREQUISITES TO ACQUISITION.*—

37           (1) *FEE TITLE TO LAND SUBJECT TO LIMITED RIGHTS.*—The reserva-  
38          tion of rights to the grantor shall not continue beyond the life of the  
39          grantor of the fee. The Commission must decide that the permanent pub-  
40          lic park purposes for which control over the land is needed are not essen-  
41          tially impaired by the reserved rights and that there is a substantial sav-

1        *ing in cost by acquiring the land subject to the limited rights as com-*  
 2        *pared with the cost of acquiring unencumbered title to the land.*

3        (2) *PERMANENT RIGHTS IN LAND ADJOINING PARK PROPERTY.—The*  
 4        *Commission must decide that the protection and maintenance of the es-*  
 5        *sential public values of the park can be secured more economically by*  
 6        *acquiring the permanent rights than by acquiring the land.*

7        (c) *PRESIDENTIAL APPROVAL REQUIRED.—All contracts to acquire land or*  
 8        *rights under this section are subject to the approval of the President.*

9        **§8733. Lease of land acquired for park, parkway, or play-**  
 10        **ground purposes**

11        *The Secretary of the Interior may lease, for not more than five years, land*  
 12        *or an existing building or structure on land acquired for park, parkway, or*  
 13        *playground purposes, and may renew the lease for an additional five years.*  
 14        *A lease or renewal under this section is—*

15        (1) *subject to the approval of the National Capital Planning Commis-*  
 16        *sion;*

17        (2) *subject to the need for the immediate use of the land, building, or*  
 18        *structure in other ways by the public; and*

19        (3) *on terms the Administrator decides.*

20        **§8734. Sale of land by Mayor**

21        (a) *AUTHORITY TO SELL.—With the approval of the National Capital*  
 22        *Planning Commission, the Mayor of the District of Columbia, for the best in-*  
 23        *terests of the District of Columbia, may sell to the highest bidder at public*  
 24        *or private sale real estate in the District of Columbia owned in fee simple*  
 25        *by the District of Columbia for municipal use that the Council of the District*  
 26        *of Columbia and the Commission find to be no longer required for public pur-*  
 27        *poses.*

28        (b) *PAYING EXPENSES AND DEPOSITING PROCEEDS.—The Mayor—*

29        (1) *may pay the reasonable and necessary expenses of the sale of each*  
 30        *parcel of land sold; and*

31        (2) *shall deposit the net proceeds of each sale in the Treasury to the*  
 32        *credit of the District of Columbia.*

33        **§8735. Sale of land by Secretary of the Interior**

34        (a) *AUTHORITY TO SELL.—With the approval of the National Capital*  
 35        *Planning Commission, the Secretary of the Interior, for the best interests of*  
 36        *the Federal Government, may sell, by deed or instrument, real estate held by*  
 37        *the Government in the District of Columbia and under the jurisdiction of the*  
 38        *National Park Service which may be no longer needed for public purposes.*  
 39        *The land may be sold for cash or on a deferred-payment plan the Secretary*  
 40        *approves, at a price not less than the Government paid for it and not less*  
 41        *than its present appraised value as determined by the Secretary.*

1       (b) *SALE TO HIGHEST BIDDER.*—*In selling any parcel of land under this*  
 2 *section, the Secretary shall have public or private solicitation for bids or of-*  
 3 *fers be made as the Secretary considers appropriate. The Secretary shall sell*  
 4 *the parcel to the party agreeing to pay the highest price if the price is other-*  
 5 *wise satisfactory. If the price offered or bid by the owner of land abutting*  
 6 *the land to be sold equals the highest price offered or bid by any other party,*  
 7 *the parcel may be sold to the owner of the abutting land.*

8       (c) *PAYING EXPENSES AND DEPOSITING PROCEEDS.*—*The Secretary—*

9           (1) *may pay the reasonable and necessary expenses of the sale of each*  
 10 *parcel of land sold; and*

11           (2) *shall deposit the net proceeds of each sale in the Treasury to the*  
 12 *credit of the Government and the District of Columbia in the proportion*  
 13 *that each—*

14                   (A) *paid the appropriations used to acquire the parcels; or*

15                   (B) *was obligated to pay the appropriations, at the time of acqui-*  
 16 *sition, by reimbursement.*

17       **§ 8736. Execution of deeds**

18       *The Mayor of the District of Columbia may execute deeds of conveyance*  
 19 *for real estate sold under this subchapter. The deeds shall contain a full de-*  
 20 *scription of the land sold as required by law.*

21       **§ 8737. Authorization of appropriations**

22       *An amount equal to not more than one cent for each inhabitant of the con-*  
 23 *tinental United States as determined by the last preceding decennial census*  
 24 *may be appropriated each year in the District of Columbia Appropriation*  
 25 *Act for the National Capital Planning Commission to use for the payment*  
 26 *of its expenses and for the acquisition of land the Commission may acquire*  
 27 *under section 8731 of this title for the purposes named, including compensa-*  
 28 *tion for the land, surveys, ascertainment of title, condemnation proceedings,*  
 29 *and necessary conveyancing. The appropriated amounts shall be paid from*  
 30 *the revenues of the District of Columbia and the general amounts of the Treas-*  
 31 *ury in the same proportion as other expenses of the District of Columbia.*

32       **CHAPTER 89—NATIONAL CAPITAL MEMORIALS AND**  
 33       **COMMEMORATIVE WORKS**

Sec.

8901. *Purposes.*

8902. *Definitions and nonapplication.*

8903. *Congressional authorization of commemorative works.*

8904. *National Capital Memorial Commission.*

8905. *Site and design approval.*

8906. *Criteria for issuance of construction permit.*

8907. *Temporary site designation.*

8908. *Areas I and II.*

8909. *Administrative.*

34       **§ 8901. Purposes**

35       *The purposes of this chapter are—*

1           (1) to preserve the integrity of the comprehensive design of the  
2 *L'Enfant and McMillan plans for the Nation's Capital;*

3           (2) to ensure the continued public use and enjoyment of open space  
4 *in the District of Columbia;*

5           (3) to preserve, protect and maintain the limited amount of open  
6 *space available to residents of, and visitors to, the Nation's Capital; and*

7           (4) to ensure that future commemorative works in areas administered  
8 *by the National Park Service and the Administrator of General Services*  
9 *in the District of Columbia and its environs—*

10                   (A) *are appropriately designed, constructed, and located; and*

11                   (B) *reflect a consensus of the lasting national significance of the*  
12 *subjects involved.*

13 **§ 8902. Definitions and nonapplication**

14 (a) *DEFINITIONS.—In this chapter, the following definitions apply:*

15           (1) *COMMEMORATIVE WORK.—The term “commemorative work”—*

16                   (A) *means any statue, monument, sculpture, memorial, plaque,*  
17 *inscription, or other structure or landscape feature, including a gar-*  
18 *den or memorial grove, designed to perpetuate in a permanent man-*  
19 *ner the memory of an individual, group, event or other significant*  
20 *element of American history; but*

21                   (B) *does not include an item described in subclause (A) that is*  
22 *located within the interior of a structure or a structure which is*  
23 *primarily used for other purposes.*

24           (2) *PERSON.—The term “person” means—*

25                   (A) *a public agency; and*

26                   (B) *an individual, group or organization—*

27                           (i) *described in section 501(c)(3) of the Internal Revenue*  
28 *Code of 1986 (26 U.S.C. 501(c)(3)) and exempt from tax under*  
29 *section 501(a) of the Code (26 U.S.C. 501(a)); and*

30                           (ii) *authorized by Congress to establish a commemorative*  
31 *work in the District of Columbia and its environs.*

32           (3) *THE DISTRICT OF COLUMBIA AND ITS ENVIRONS.—The term “the*  
33 *District of Columbia and its environs” means land and property located*  
34 *in Areas I and II as depicted on the map numbered 869/86501, and*  
35 *dated May 1, 1986, that the National Park Service and the Adminis-*  
36 *trator of General Services administer.*

37 (b) *NONAPPLICATION.—This chapter does not apply to commemorative*  
38 *works authorized by a law enacted before January 3, 1985.*

39 **§ 8903. Congressional authorization of commemorative works**

40 (a) *IN GENERAL.—Commemorative works—*

1           (1) *may be established on federal lands referred to in section 8901(4)*  
2           *of this title only as specifically authorized by law; and*

3           (2) *are subject to applicable provisions of this chapter.*

4           (b) *MILITARY COMMEMORATIVE WORKS.—A military commemorative work*  
5           *may be authorized only to commemorate a war or similar major military*  
6           *conflict or a branch of the armed forces. A commemorative work commemo-*  
7           *rating a lesser conflict or a unit of an armed force may not be authorized.*  
8           *Commemorative works to a war or similar major military conflict may not*  
9           *be authorized until at least 10 years after the officially designated end of the*  
10           *event.*

11           (c) *WORKS COMMEMORATING EVENTS, INDIVIDUALS, OR GROUPS.—A com-*  
12           *memorative work commemorating an event, individual, or group of individ-*  
13           *uals, except a military commemorative work as described in subsection (b),*  
14           *may not be authorized until after the 25th anniversary of the event, death*  
15           *of the individual, or death of the last surviving member of the group.*

16           (d) *CONSULTATION WITH NATIONAL CAPITAL MEMORIAL COMMISSION.—In*  
17           *considering legislation authorizing commemorative works in the District of*  
18           *Columbia and its environs, the Committee on House Administration of the*  
19           *House of Representatives and the Committee on Energy and Natural Re-*  
20           *sources of the Senate shall solicit the views of the National Capital Memorial*  
21           *Commission.*

22           (e) *EXPIRATION OF LEGISLATIVE AUTHORITY.—Legislative authority for a*  
23           *commemorative work expires at the end of the seven-year period beginning on*  
24           *the date the authority is enacted unless the Secretary of the Interior or Ad-*  
25           *ministrator of General Services, as appropriate, has issued a construction*  
26           *permit for the commemorative work during that period.*

27           **§ 8904. National Capital Memorial Commission**

28           (a) *ESTABLISHMENT AND COMPOSITION.—There is a National Capital Me-*  
29           *morial Commission. The membership of the Commission consists of—*

30                   (1) *the Director of the National Park Service;*

31                   (2) *the Architect of the Capitol;*

32                   (3) *the Chairman of the American Battle Monuments Commission;*

33                   (4) *the Chairman of the Commission of Fine Arts;*

34                   (5) *the Chairman of the National Capital Planning Commission;*

35                   (6) *the Mayor of the District of Columbia;*

36                   (7) *the Commissioner of the Public Buildings Service of the General*  
37           *Services Administration; and*

38                   (8) *the Secretary of Defense.*

39           (b) *CHAIRMAN.—The Director is the Chairman of the National Capital Me-*  
40           *morial Commission.*

1       (c) *ADVISORY ROLE.*—*The National Capital Memorial Commission shall*  
 2 *advise the Secretary of the Interior and the Administrator of General Services*  
 3 *on policy and procedures for establishment of, and proposals to establish, com-*  
 4 *memorative works in the District of Columbia and its environs and on other*  
 5 *matters concerning commemorative works in the Nation’s Capital as the Com-*  
 6 *mission considers appropriate.*

7       (d) *MEETINGS.*—*The National Capital Memorial Commission shall meet at*  
 8 *least twice annually.*

9       **§ 8905. Site and design approval**

10       (a) *CONSULTATION ON, AND SUBMISSION OF, PROPOSALS.*—*A person au-*  
 11 *thorized by law to establish a commemorative work in the District of Colum-*  
 12 *bia and its environs may request a permit for construction of the commemo-*  
 13 *rative work only after the following requirements are met:*

14           (1) *CONSULTATION.*—*The person must consult with the National Cap-*  
 15 *ital Memorial Commission regarding the selection of alternative sites and*  
 16 *designs for the commemorative work.*

17           (2) *SUBMITTAL.*—*Following consultation in accordance with clause*  
 18 *(1), the Secretary of the Interior or the Administrator of General Serv-*  
 19 *ices, as appropriate, must submit, on behalf of the person, site and de-*  
 20 *sign proposals to the Commission of Fine Arts and the National Capital*  
 21 *Planning Commission for their approval.*

22       (b) *DECISION CRITERIA.*—*In considering site and design proposals, the*  
 23 *Commission of Fine Arts, National Capital Planning Commission, Secretary,*  
 24 *and Administrator shall be guided by, but not limited by, the following cri-*  
 25 *teria:*

26           (1) *SURROUNDINGS.*—*To the maximum extent possible, a commemora-*  
 27 *tive work shall be located in surroundings that are relevant to the subject*  
 28 *of the work.*

29           (2) *LOCATION.*—*A commemorative work shall be located so that—*

30                   (A) *it does not interfere with, or encroach on, an existing com-*  
 31 *memorative work; and*

32                   (B) *to the maximum extent practicable, it protects open space*  
 33 *and existing public use.*

34           (3) *MATERIAL.*—*A commemorative work shall be constructed of dura-*  
 35 *ble material suitable to the outdoor environment.*

36           (4) *LANDSCAPE FEATURES.*—*Landscape features of commemorative*  
 37 *works shall be compatible with the climate.*

38       **§ 8906. Criteria for issuance of construction permit**

39       (a) *CRITERIA FOR ISSUING PERMIT.*—*Before issuing a permit for the con-*  
 40 *struction of a commemorative work in the District of Columbia and its envi-*

1 rons, the Secretary of the Interior or Administrator of General Services, as  
2 appropriate, shall determine that—

3 (1) the site and design have been approved by the Secretary or Admin-  
4 istrator, the National Capital Planning Commission and the Commis-  
5 sion of Fine Arts;

6 (2) knowledgeable individuals qualified in the field of preservation and  
7 maintenance have been consulted to determine structural soundness and  
8 durability of the commemorative work and to ensure that the commemo-  
9 rative work meets high professional standards;

10 (3) the person authorized to construct the commemorative work has  
11 submitted contract documents for construction of the commemorative  
12 work to the Secretary or Administrator; and

13 (4) the person authorized to construct the commemorative work has  
14 available sufficient amounts to complete construction of the project.

15 (b) *DONATION FOR PERPETUAL MAINTENANCE AND PRESERVATION.*—

16 (1) *AMOUNT.*—In addition to the criteria described in subsection (a),  
17 a construction permit may not be issued unless the person authorized to  
18 construct the commemorative work has donated an amount equal to 10  
19 percent of the total estimated cost of construction to offset the costs of  
20 perpetual maintenance and preservation of the commemorative work. The  
21 amounts shall be credited to a separate account in the Treasury.

22 (2) *AVAILABILITY.*—The Secretary of the Treasury shall make any  
23 part of the donated amount available to the Secretary of the Interior or  
24 Administrator for maintenance at the request of the Secretary of the In-  
25 terior or Administrator. The Secretary of the Interior or Administrator  
26 shall not request more from the separate account than the total amount  
27 deposited by persons establishing commemorative works in areas the Sec-  
28 retary of the Interior or Administrator administers.

29 (3) *INVENTORY OF AVAILABLE AMOUNTS.*—The Secretary of the Inte-  
30 rior and Administrator shall maintain an inventory of amounts avail-  
31 able under this subsection. The amounts are not subject to annual appro-  
32 priations.

33 (4) *NONAPPLICABILITY.*—This subsection does not apply when a de-  
34 partment or agency of the Federal Government constructs the work and  
35 less than 50 percent of the funding for the work is provided by private  
36 sources.

37 (c) *SUSPENSION FOR MISREPRESENTATION IN FUNDRAISING.*—The Sec-  
38 retary of the Interior or Administrator may suspend any activity under this  
39 chapter that relates to the establishment of a commemorative work if the Sec-  
40 retary or Administrator determines that fundraising efforts relating to the

1 *work have misrepresented an affiliation with the work or the Federal Govern-*  
 2 *ment.*

3 (d) *ANNUAL REPORT.*—*The person authorized to construct a commemora-*  
 4 *tive work under this chapter must submit to the Secretary of the Interior or*  
 5 *Administrator an annual report of operations, including financial statements*  
 6 *audited by an independent certified public accountant. The person shall pay*  
 7 *for the report.*

8 **§ 8907. Temporary site designation**

9 (a) *CRITERION FOR DESIGNATION.*—*If the Secretary of the Interior, in con-*  
 10 *sultation with the National Capital Memorial Commission, determines that*  
 11 *a site where commemorative works may be displayed on a temporary basis*  
 12 *is necessary to aid in the preservation of the limited amount of open space*  
 13 *available to residents of, and visitors to, the Nation's Capital, a site may be*  
 14 *designated on land the Secretary administers in the District of Columbia.*

15 (b) *PLAN.*—*A designation may be made under subsection (a) only if, at*  
 16 *least 120 days before the designation, the Secretary, in consultation with the*  
 17 *Commission, prepares and submits to Congress a plan for the site. The plan*  
 18 *shall include specifications for the location, construction, and administration*  
 19 *of the site and criteria for displaying commemorative works at the site.*

20 (c) *RISK AND AGREEMENT TO INDEMNIFY.*—*A commemorative work dis-*  
 21 *played at the site shall be installed, maintained, and removed at the sole ex-*  
 22 *penditure and risk of the person authorized to display the work. The person shall*  
 23 *agree to indemnify the United States for any liability arising from the dis-*  
 24 *play of the commemorative work under this section.*

25 **§ 8908. Areas I and II**

26 (a) *AVAILABILITY OF MAP.*—*The Secretary of the Interior and Adminis-*  
 27 *trator of General Services shall make available, for public inspection at ap-*  
 28 *propriate offices of the National Park Service and the General Services Ad-*  
 29 *ministration, the map numbered 869/86501, and dated May 1, 1986.*

30 (b) *SPECIFIC CONDITIONS APPLICABLE TO AREA I AND AREA II.*—

31 (1) *AREA I.*—*After seeking the advice of the National Capital Memo-*  
 32 *rial Commission, the Secretary or Administrator, as appropriate, may*  
 33 *recommend the location of a commemorative work in Area I only if the*  
 34 *Secretary or Administrator decides that the subject of the commemorative*  
 35 *work is of preeminent historical and lasting significance to the United*  
 36 *States. The Secretary or Administrator shall notify the Commission, the*  
 37 *Committee on House Administration of the House of Representatives,*  
 38 *and the Committee on Energy and Natural Resources of the Senate of*  
 39 *the recommendation that a commemorative work should be located in*  
 40 *Area I. The location of a commemorative work in Area I is deemed to*

1           *be authorized only if the recommendation is approved by law not later*  
 2           *than 150 calendar days after the notification.*

3           (2) *AREA II.—Commemorative works of subjects of lasting historical*  
 4           *significance to the American people may be located in Area II.*

5           **§ 8909. Administrative**

6           (a) *MAINTENANCE OF DOCUMENTATION OF DESIGN AND CONSTRUCTION.—*  
 7           *Complete documentation of design and construction of each commemorative*  
 8           *work located in the District of Columbia and its environs shall be provided*  
 9           *to the Secretary of the Interior or Administrator of General Services, as ap-*  
 10           *propriate, and shall be permanently maintained in the manner provided by*  
 11           *law.*

12           (b) *RESPONSIBILITY FOR MAINTENANCE OF COMPLETED WORK.—On com-*  
 13           *pletion of any commemorative work in the District of Columbia and its envi-*  
 14           *rons, the Secretary or Administrator, as appropriate, shall assume responsi-*  
 15           *bility for maintaining the work.*

16           (c) *REGULATIONS OR STANDARDS.—The Secretary and Administrator shall*  
 17           *prescribe appropriate regulations or standards to carry out this chapter.*

18           **CHAPTER 91—COMMISSION OF FINE ARTS**

19           *Sec.*

20           9101. *Establishment, composition, and vacancies.*

21           9102. *Duties.*

22           9103. *Personnel.*

23           9104. *Authorization of appropriations.*

24           **§ 9101. Establishment, composition, and vacancies**

25           (a) *ESTABLISHMENT.—There is a Commission of Fine Arts.*

26           (b) *COMPOSITION.—The Commission is composed of seven well-qualified*  
 27           *judges of the fine arts, appointed by the President, who serve for four years*  
 28           *each or until their successors are appointed and qualified.*

29           (c) *VACANCIES.—The President shall fill vacancies on the Commission.*

30           (d) *EXPENSES.—Members of the Commission shall be paid actual expenses*  
 31           *in traveling to and from the District of Columbia to attend Commission meet-*  
 32           *ings and while attending those meetings.*

33           **§ 9102. Duties**

34           (a) *IN GENERAL.—The Commission of Fine Arts shall advise on—*

35           (1) *the location of statues, fountains, and monuments in the public*  
 36           *squares, streets, and parks in the District of Columbia;*

          (2) *the selection of models for statues, fountains, and monuments erect-*  
           *ed under the authority of the Federal Government;*

          (3) *the selection of artists to carry out clause (2); and*

          (4) *questions of art generally when required to do so by the President*  
           *or a committee of Congress.*

1 (b) *DUTY TO REQUEST ADVICE.*—*The officers required to decide the ques-*  
 2 *tions described in subsection (a)(1)–(3) shall request the Commission to pro-*  
 3 *vide the advice.*

4 (c) *NONAPPLICATION.*—*This section does not apply to the Capitol Building*  
 5 *and the Library of Congress buildings.*

6 **§ 9103. Personnel**

7 *The Commission of Fine Arts has a secretary and other assistance the Com-*  
 8 *mission authorizes. The secretary is the executive officer of the Commission.*

9 **§ 9104. Authorization of appropriations**

10 *Necessary amounts may be appropriated to carry out this chapter.*

11 **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.*

12 **§ 9301. Maintenance and administration**

13 *The Director of the National Park Service shall maintain and administer*  
 14 *Theodore Roosevelt Island as a natural park for the recreation and enjoyment*  
 15 *of the public.*

16 **§ 9302. Consent of Theodore Roosevelt Association required**  
 17 **for development**

18 (a) *GENERAL PLAN FOR DEVELOPMENT.*—*The Theodore Roosevelt Associa-*  
 19 *tion must approve every general plan for the development of Theodore Roo-*  
 20 *sevelt Island.*

21 (b) *DEVELOPMENT INCONSISTENT WITH PLAN.*—*As long as the Association*  
 22 *remains in existence, development inconsistent with the general plan may not*  
 23 *be carried out without the Association's consent.*

24 **§ 9303. Access to Theodore Roosevelt Island**

25 *Subject to the approval of the National Capital Planning Commission and*  
 26 *the availability of appropriations, the Director of the National Park Service*  
 27 *may provide suitable means of access to and on Theodore Roosevelt Island.*

28 **§ 9304. Source of appropriations**

29 *The appropriations needed for construction of suitable means of access to*  
 30 *and on Theodore Roosevelt Island and annually for the care, maintenance,*  
 31 *and improvement of the land and improvements may be made from amounts*  
 32 *not otherwise appropriated from the Treasury.*

33 **CHAPTER 95—WASHINGTON AQUEDUCT AND OTHER**  
 34 **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.*

1    **§ 9501. Chief of Engineers**

2       (a) *SUPERINTENDENCE DUTIES.*—

3           (1) *WASHINGTON AQUEDUCT AND OTHER PUBLIC WORKS AND IM-*  
4           *PROVEMENTS IN THE DISTRICT OF COLUMBIA.*—*The Chief of Engineers*  
5           *has the immediate superintendence of—*

6                   (A) *the Washington Aqueduct, together with all rights, appur-*  
7                   *tenances, and fixtures connected with the Aqueduct and belonging*  
8                   *to the Federal Government; and*

9                   (B) *all other public works and improvements in the District of*  
10                  *Columbia in which the Government has an interest and which are*  
11                  *not otherwise specially provided for by law.*

12          (2) *OBEYING REGULATIONS.*—*In carrying out paragraph (1), the Chief*  
13          *of Engineers shall obey regulations the President prescribes, through the*  
14          *Secretary of the Army.*

15          (b) *NO INCREASE IN COMPENSATION.*—*The Chief of Engineers shall not re-*  
16          *ceive additional compensation for the services required under this chapter.*

17          (c) *OFFICE.*—*The Chief of Engineers shall be furnished an office in one of*  
18          *the public buildings in the District of Columbia, as the Administrator of Gen-*  
19          *eral Services directs, and shall be supplied by the Federal Government with*  
20          *stationery, instruments, books, and furniture which may be required for the*  
21          *performance of the duties of the Chief of Engineers.*

22    **§ 9502. Authority of Chief of Engineers**

23          (a) *IN GENERAL.*—*The Chief of Engineers and necessary assistants may*  
24          *use all lawful means to carry out their duties.*

25          (b) *SUPPLY OF WATER IN DISTRICT OF COLUMBIA.*—

26           (1) *PROVIDING WATER.*—*The Chief of Engineers has complete control*  
27           *over the Washington Aqueduct to regulate the manner in which the au-*  
28           *thorities of the District of Columbia may tap the supply of water to the*  
29           *inhabitants of the District of Columbia.*

30           (2) *STOPPAGE OF WATER FLOW.*—*The Chief of Engineers shall stop the*  
31           *authorities of the District of Columbia from tapping the supply of water*  
32           *when the supply is no more than adequate to the wants of the public*  
33           *buildings and grounds.*

34           (3) *APPEAL OF DECISION.*—*The decision of the Chief of Engineers on*  
35           *all questions concerning the supply of water under this subsection may*  
36           *be appealed only to the Secretary of the Army.*

37    **§ 9503. Record of property**

38          *The Chief of Engineers shall keep in the office a complete record of all land*  
39          *and other property connected with or belonging to the Washington Aqueduct*  
40          *and other public works under the charge of the Chief of Engineers, together*

1 *with accurate plans and surveys of the public grounds and reservations in*  
 2 *the District of Columbia.*

3 **§9504. Reports**

4 *As superintendent of the Washington Aqueduct, the Chief of Engineers an-*  
 5 *nually shall submit to the Secretary of the Army, within nine months after*  
 6 *the end of the fiscal year, a report of the Chief of Engineers' operations for*  
 7 *that year and a report of the condition, progress, repairs, casualties, and ex-*  
 8 *penditures of the Washington Aqueduct and other public works under the*  
 9 *charge of the Chief of Engineers.*

10 **§9505. Paying for main pipes**

11 *(a) FEDERAL GOVERNMENT.—The Federal Government shall only pay for*  
 12 *the number of main pipes of the Washington Aqueduct needed to furnish pub-*  
 13 *lic buildings, offices, and grounds with the necessary supply of water.*

14 *(b) DISTRICT OF COLUMBIA.—The District of Columbia shall pay the cost*  
 15 *of any main pipe of the Washington Aqueduct which supplies water to the*  
 16 *inhabitants of the District of Columbia, in the manner provided by law.*

17 **§9506. Civil penalty**

18 *A person that, without the consent of the Chief of Engineers, taps or opens*  
 19 *the mains or pipes laid by the Federal Government is liable to the Govern-*  
 20 *ment for a civil penalty of at least \$50 and not more than \$500.*

21 **§9507. Control of expenditures**

22 *Unless expressly provided for by law, the Secretary of the Army shall direct*  
 23 *the expenditure of amounts appropriated for the Washington Aqueduct and*  
 24 *for other public works in the District of Columbia.*

25 **SUBTITLE III—INFORMATION TECHNOLOGY**  
 26 **MANAGEMENT**

<i>CHAPTER</i>	<i>Sec.</i>
111. GENERAL .....	11101
113. RESPONSIBILITY FOR ACQUISITIONS OF INFORMATION TECHNOLOGY.	11301
115. INFORMATION TECHNOLOGY ACQUISITION PILOT PROGRAMS .....	11501
117. ADDITIONAL INFORMATION RESOURCES MANAGEMENT MATTERS	11701

27 **CHAPTER 111—GENERAL**

<i>Sec.</i>
11101. Definitions.
11102. Sense of Congress.
11103. Applicability to national security systems.

28 **§11101. Definitions**

29 *In this subtitle, the following definitions apply:*

30 *(1) COMMERCIAL ITEM.—The term “commercial item” has the mean-*  
 31 *ing given that term in section 4 of the Office of Federal Procurement*  
 32 *Policy Act (41 U.S.C. 403).*

33 *(2) EXECUTIVE AGENCY.—The term “executive agency” has the mean-*  
 34 *ing given that term in section 4 of the Act (41 U.S.C. 403).*

1           (3) *INFORMATION RESOURCES.*—*The term “information resources” has*  
2 *the meaning given that term in section 3502 of title 44.*

3           (4) *INFORMATION RESOURCES MANAGEMENT.*—*The term “information*  
4 *resources management” has the meaning given that term in section 3502*  
5 *of title 44.*

6           (5) *INFORMATION SYSTEM.*—*The term “information system” has the*  
7 *meaning given that term in section 3502 of title 44.*

8           (6) *INFORMATION TECHNOLOGY.*—*The term “information*  
9 *technology”*—

10           (A) *with respect to an executive agency means any equipment or*  
11 *interconnected system or subsystem of equipment, used in the auto-*  
12 *matic acquisition, storage, manipulation, management, movement,*  
13 *control, display, switching, interchange, transmission, or reception*  
14 *of data or information by the executive agency, if the equipment is*  
15 *used by the executive agency directly or is used by a contractor*  
16 *under a contract with the executive agency that requires the use—*

17                   (i) *of that equipment; or*

18                   (ii) *of that equipment to a significant extent in the perform-*  
19 *ance of a service or the furnishing of a product;*

20           (B) *includes computers, ancillary equipment, software, firmware*  
21 *and similar procedures, services (including support services), and*  
22 *related resources; but*

23           (C) *does not include any equipment acquired by a federal con-*  
24 *tractor incidental to a federal contract.*

25 **§ 11102. Sense of Congress**

26           *It is the sense of Congress that, during the five-year period beginning with*  
27 *1996, executive agencies should achieve each year through improvements in*  
28 *information resources management by the agency—*

29           (1) *at least a five percent decrease in the cost (in constant fiscal year*  
30 *1996 dollars) incurred by the agency in operating and maintaining in-*  
31 *formation technology; and*

32           (2) *a five percent increase in the efficiency of the agency operations.*

33 **§ 11103. Applicability to national security systems**

34           (a) *DEFINITION.*—

35           (1) *NATIONAL SECURITY SYSTEM.*—*In this section, the term “national*  
36 *security system” means a telecommunications or information system op-*  
37 *erated by the Federal Government, the function, operation, or use of*  
38 *which—*

39                   (A) *involves intelligence activities;*

40                   (B) *involves cryptologic activities related to national security;*

41                   (C) *involves command and control of military forces;*

1                   (D) involves equipment that is an integral part of a weapon or  
2                   weapons system; or

3                   (E) subject to paragraph (2), is critical to the direct fulfillment  
4                   of military or intelligence missions.

5                   (2) *LIMITATION.*—Paragraph (1)(E) does not include a system to be  
6                   used for routine administrative and business applications (including  
7                   payroll, finance, logistics, and personnel management applications).

8                   (b) *IN GENERAL.*—Except as provided in subsection (c), chapter 113 of this  
9                   title does not apply to national security systems.

10                  (c) *EXCEPTIONS.*—

11                   (1) *IN GENERAL.*—Sections 11313, 11315, and 11316 of this title  
12                   apply to national security systems.

13                   (2) *CAPITAL PLANNING AND INVESTMENT CONTROL.*—The heads of ex-  
14                   ecutive agencies shall apply sections 11302 and 11312 of this title to na-  
15                   tional security systems to the extent practicable.

16                   (3) *APPLICABILITY OF PERFORMANCE-BASED AND RESULTS-BASED*  
17                   *MANAGEMENT TO NATIONAL SECURITY SYSTEMS.*—

18                   (A) *IN GENERAL.*—Subject to subparagraph (B), the heads of ex-  
19                   ecutive agencies shall apply section 11303 of this title to national  
20                   security systems to the extent practicable.

21                   (B) *EXCEPTION.*—National security systems are subject to section  
22                   11303(b)(5) of this title, except for subparagraph (B)(iv).

23                   **CHAPTER 113—RESPONSIBILITY FOR ACQUISITIONS OF**  
24                   **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.*

11316. *Accountability.*

11317. *Significant deviations.*

11318. *Interagency support.*

                  SUBCHAPTER III—OTHER RESPONSIBILITIES

11331. *Responsibilities regarding efficiency, security, and privacy of federal computer systems.*

11332. *Federal computer system security training and plan.*

25                   SUBCHAPTER I—DIRECTOR OF OFFICE OF MANAGEMENT AND  
26                   BUDGET

27                   **§ 11301. Responsibility of Director**

28                   In fulfilling the responsibility to administer the functions assigned under  
29                   chapter 35 of title 44, the Director of the Office of Management and Budget

1 shall comply with this chapter with respect to the specific matters covered by  
2 this chapter.

3 **§ 11302. Capital planning and investment control**

4 (a) *FEDERAL INFORMATION TECHNOLOGY.*—The Director of the Office of  
5 Management and Budget shall perform the responsibilities set forth in this  
6 section in fulfilling the responsibilities under section 3504(h) of title 44.

7 (b) *USE OF INFORMATION TECHNOLOGY IN FEDERAL PROGRAMS.*—The Di-  
8 rector shall promote and improve the acquisition, use, and disposal of infor-  
9 mation technology by the Federal Government to improve the productivity, ef-  
10 ficiency, and effectiveness of federal programs, including through dissemina-  
11 tion of public information and the reduction of information collection burdens  
12 on the public.

13 (c) *USE OF BUDGET PROCESS.*—

14 (1) *ANALYZING, TRACKING, AND EVALUATING CAPITAL INVESTMENTS.*—  
15 As part of the budget process, the Director shall develop a process for  
16 analyzing, tracking, and evaluating the risks and results of all major  
17 capital investments made by an executive agency for information sys-  
18 tems. The process shall cover the life of each system and shall include  
19 explicit criteria for analyzing the projected and actual costs, benefits,  
20 and risks associated with the investments.

21 (2) *REPORT TO CONGRESS.*—At the same time that the President sub-  
22 mits the budget for a fiscal year to Congress under section 1105(a) of  
23 title 31, the Director shall submit to Congress a report on the net pro-  
24 gram performance benefits achieved as a result of major capital invest-  
25 ments made by executive agencies for information systems and how the  
26 benefits relate to the accomplishment of the goals of the executive agen-  
27 cies.

28 (d) *INFORMATION TECHNOLOGY STANDARDS.*—The Director shall oversee  
29 the development and implementation of standards and guidelines pertaining  
30 to federal computer systems by the Secretary of Commerce through the Na-  
31 tional Institute of Standards and Technology under section 11331 of this title  
32 and section 20 of the National Institute of Standards and Technology Act (15  
33 U.S.C. 278g–3).

34 (e) *DESIGNATION OF EXECUTIVE AGENTS FOR ACQUISITIONS.*— The Direc-  
35 tor shall designate the head of one or more executive agencies, as the Director  
36 considers appropriate, as executive agent for Government-wide acquisitions of  
37 information technology.

38 (f) *USE OF BEST PRACTICES IN ACQUISITIONS.*—The Director shall encour-  
39 age the heads of the executive agencies to develop and use the best practices  
40 in the acquisition of information technology.

1       (g) *ASSESSMENT OF OTHER MODELS FOR MANAGING INFORMATION TECH-*  
 2 *NOLOGY.—On a continuing basis, the Director shall assess the experiences of*  
 3 *executive agencies, state and local governments, international organizations,*  
 4 *and the private sector in managing information technology.*

5       (h) *COMPARISON OF AGENCY USES OF INFORMATION TECHNOLOGY.—The*  
 6 *Director shall compare the performances of the executive agencies in using in-*  
 7 *formation technology and shall disseminate the comparisons to the heads of*  
 8 *the executive agencies.*

9       (i) *MONITORING TRAINING.—The Director shall monitor the development*  
 10 *and implementation of training in information resources management for ex-*  
 11 *ecutive agency personnel.*

12       (j) *INFORMING CONGRESS.—The Director shall keep Congress fully in-*  
 13 *formed on the extent to which the executive agencies are improving the per-*  
 14 *formance of agency programs and the accomplishment of the agency missions*  
 15 *through the use of the best practices in information resources management.*

16       (k) *COORDINATION OF POLICY DEVELOPMENT AND REVIEW.—The Director*  
 17 *shall coordinate with the Office of Federal Procurement Policy the develop-*  
 18 *ment and review by the Administrator of the Office of Information and Regu-*  
 19 *latory Affairs of policy associated with federal acquisition of information*  
 20 *technology.*

21       **§ 11303. Performance-based and results-based management**

22       (a) *IN GENERAL.—The Director of the Office of Management and Budget*  
 23 *shall encourage the use of performance-based and results-based management*  
 24 *in fulfilling the responsibilities assigned under section 3504(h) of title 44.*

25       (b) *EVALUATION OF AGENCY PROGRAMS AND INVESTMENTS.—*

26           (1) *REQUIREMENT.—The Director shall evaluate the information re-*  
 27 *sources management practices of the executive agencies with respect to*  
 28 *the performance and results of the investments made by the executive*  
 29 *agencies in information technology.*

30           (2) *DIRECTION FOR EXECUTIVE AGENCY ACTION.—The Director shall*  
 31 *issue to the head of each executive agency clear and concise direction that*  
 32 *the head of each agency shall—*

33                   (A) *establish effective and efficient capital planning processes for*  
 34 *selecting, managing, and evaluating the results of all of its major*  
 35 *investments in information systems;*

36                   (B) *determine, before making an investment in a new informa-*  
 37 *tion system—*

38                           (i) *whether the function to be supported by the system should*  
 39 *be performed by the private sector and, if so, whether any com-*  
 40 *ponent of the executive agency performing that function should*

1           *be converted from a governmental organization to a private*  
2           *sector organization; or*

3           (ii) *whether the function should be performed by the execu-*  
4           *tive agency and, if so, whether the function should be performed*  
5           *by a private sector source under contract or by executive agen-*  
6           *cy personnel;*

7           (C) *analyze the missions of the executive agency and, based on*  
8           *the analysis, revise the executive agency's mission-related processes*  
9           *and administrative processes, as appropriate, before making signifi-*  
10           *cant investments in information technology to be used in support*  
11           *of those missions; and*

12           (D) *ensure that the information security policies, procedures, and*  
13           *practices are adequate.*

14           (3) *GUIDANCE FOR MULTIAGENCY INVESTMENTS.—The direction issued*  
15           *under paragraph (2) shall include guidance for undertaking efficiently*  
16           *and effectively interagency and Federal Government-wide investments in*  
17           *information technology to improve the accomplishment of missions that*  
18           *are common to the executive agencies.*

19           (4) *PERIODIC REVIEWS.—The Director shall implement through the*  
20           *budget process periodic reviews of selected information resources manage-*  
21           *ment activities of the executive agencies to ascertain the efficiency and*  
22           *effectiveness of information technology in improving the performance of*  
23           *the executive agency and the accomplishment of the missions of the execu-*  
24           *tive agency.*

25           (5) *ENFORCEMENT OF ACCOUNTABILITY.—*

26           (A) *IN GENERAL.—The Director may take any action that the*  
27           *Director considers appropriate, including an action involving the*  
28           *budgetary process or appropriations management process, to enforce*  
29           *accountability of the head of an executive agency for information*  
30           *resources management and for the investments made by the execu-*  
31           *tive agency in information technology.*

32           (B) *SPECIFIC ACTIONS.—Actions taken by the Director may*  
33           *include—*

34           (i) *recommending a reduction or an increase in the amount*  
35           *for information resources that the head of the executive agency*  
36           *proposes for the budget submitted to Congress under section*  
37           *1105(a) of title 31;*

38           (ii) *reducing or otherwise adjusting apportionments and re-*  
39           *apportionments of appropriations for information resources;*

1           (iii) using other administrative controls over appropriations  
2           to restrict the availability of amounts for information re-  
3           sources; and

4           (iv) designating for the executive agency an executive agent  
5           to contract with private sector sources for the performance of  
6           information resources management or the acquisition of infor-  
7           mation technology.

8           SUBCHAPTER II—EXECUTIVE AGENCIES

9           **§ 11311. Responsibilities**

10          In fulfilling the responsibilities assigned under chapter 35 of title 44, the  
11          head of each executive agency shall comply with this subchapter with respect  
12          to the specific matters covered by this subchapter.

13          **§ 11312. Capital planning and investment control**

14          (a) DESIGN OF PROCESS.—In fulfilling the responsibilities assigned under  
15          section 3506(h) of title 44, the head of each executive agency shall design and  
16          implement in the executive agency a process for maximizing the value, and  
17          assessing and managing the risks, of the information technology acquisitions  
18          of the executive agency.

19          (b) CONTENT OF PROCESS.—The process of an executive agency shall—

20               (1) provide for the selection of information technology investments to  
21               be made by the executive agency, the management of those investments,  
22               and the evaluation of the results of those investments;

23               (2) be integrated with the processes for making budget, financial, and  
24               program management decisions in the executive agency;

25               (3) include minimum criteria to be applied in considering whether to  
26               undertake a particular investment in information systems, including cri-  
27               teria related to the quantitatively expressed projected net, risk-adjusted  
28               return on investment and specific quantitative and qualitative criteria  
29               for comparing and prioritizing alternative information systems invest-  
30               ment projects;

31               (4) identify information systems investments that would result in  
32               shared benefits or costs for other federal agencies or state or local govern-  
33               ments;

34               (5) identify quantifiable measurements for determining the net benefits  
35               and risks of a proposed investment; and

36               (6) provide the means for senior management personnel of the execu-  
37               tive agency to obtain timely information regarding the progress of an  
38               investment in an information system, including a system of milestones  
39               for measuring progress, on an independently verifiable basis, in terms  
40               of cost, capability of the system to meet specified requirements, timeli-  
41               ness, and quality.

1 **§ 11313. Performance and results-based management**

2 *In fulfilling the responsibilities under section 3506(h) of title 44, the head*  
3 *of an executive agency shall—*

4 *(1) establish goals for improving the efficiency and effectiveness of*  
5 *agency operations and, as appropriate, the delivery of services to the*  
6 *public through the effective use of information technology;*

7 *(2) prepare an annual report, to be included in the executive agency's*  
8 *budget submission to Congress, on the progress in achieving the goals;*

9 *(3) ensure that performance measurements—*

10 *(A) are prescribed for information technology used by, or to be*  
11 *acquired for, the executive agency; and*

12 *(B) measure how well the information technology supports pro-*  
13 *grams of the executive agency;*

14 *(4) where comparable processes and organizations in the public or pri-*  
15 *vate sectors exist, quantitatively benchmark agency process performance*  
16 *against those processes in terms of cost, speed, productivity, and quality*  
17 *of outputs and outcomes;*

18 *(5) analyze the missions of the executive agency and, based on the*  
19 *analysis, revise the executive agency's mission-related processes and ad-*  
20 *ministrative processes as appropriate before making significant invest-*  
21 *ments in information technology to be used in support of the perform-*  
22 *ance of those missions; and*

23 *(6) ensure that the information security policies, procedures, and prac-*  
24 *tices of the executive agency are adequate.*

25 **§ 11314. Authority to acquire and manage information tech-**  
26 **nology**

27 *(a) IN GENERAL.—The authority of the head of an executive agency to ac-*  
28 *quire information technology includes—*

29 *(1) acquiring information technology as authorized by law;*

30 *(2) making a contract that provides for multiagency acquisitions of*  
31 *information technology in accordance with guidance issued by the Direc-*  
32 *tor of the Office of Management and Budget; and*

33 *(3) if the Director finds that it would be advantageous for the Federal*  
34 *Government to do so, making a multiagency contract for procurement of*  
35 *commercial items of information technology that requires each executive*  
36 *agency covered by the contract, when procuring those items, to procure*  
37 *the items under that contract or to justify an alternative procurement*  
38 *of the items.*

39 *(b) FTS 2000 PROGRAM.—The Administrator of General Services shall*  
40 *continue to manage the FTS 2000 program, and to coordinate the follow-on*  
41 *to that program, for and with the advice of the heads of executive agencies.*

1 **§ 11315. Agency Chief Information Officer**

2 (a) *DEFINITION.*—*In this section, the term “information technology archi-*  
3 *ture”, with respect to an executive agency, means an integrated framework*  
4 *for evolving or maintaining existing information technology and acquiring*  
5 *new information technology to achieve the agency’s strategic goals and infor-*  
6 *mation resources management goals.*

7 (b) *GENERAL RESPONSIBILITIES.*—*The Chief Information Officer of an ex-*  
8 *ecutive agency is responsible for—*

9 (1) *providing advice and other assistance to the head of the executive*  
10 *agency and other senior management personnel of the executive agency*  
11 *to ensure that information technology is acquired and information re-*  
12 *sources are managed for the executive agency in a manner that imple-*  
13 *ments the policies and procedures of this subtitle, consistent with chapter*  
14 *35 of title 44 and the priorities established by the head of the executive*  
15 *agency;*

16 (2) *developing, maintaining, and facilitating the implementation of a*  
17 *sound and integrated information technology architecture for the execu-*  
18 *tive agency; and*

19 (3) *promoting the effective and efficient design and operation of all*  
20 *major information resources management processes for the executive*  
21 *agency, including improvements to work processes of the executive agen-*  
22 *cy.*

23 (c) *DUTIES AND QUALIFICATIONS.*—*The Chief Information Officer of an*  
24 *agency listed in section 901(b) of title 31—*

25 (1) *has information resources management duties as that official’s pri-*  
26 *mary duty;*

27 (2) *monitors the performance of information technology programs of*  
28 *the agency, evaluates the performance of those programs on the basis of*  
29 *the applicable performance measurements, and advises the head of the*  
30 *agency regarding whether to continue, modify, or terminate a program*  
31 *or project; and*

32 (3) *annually, as part of the strategic planning and performance eval-*  
33 *uation process required (subject to section 1117 of title 31) under section*  
34 *306 of title 5 and sections 1105(a)(28), 1115–1117, and 9703 (as added*  
35 *by section 5(a) of the Government Performance and Results Act of 1993*  
36 *(Public Law 103–62, 107 Stat. 289)) of title 31—*

37 (A) *assesses the requirements established for agency personnel re-*  
38 *garding knowledge and skill in information resources management*  
39 *and the adequacy of those requirements for facilitating the achieve-*  
40 *ment of the performance goals established for information resources*  
41 *management;*

1           (B) assesses the extent to which the positions and personnel at the  
2           executive level of the agency and the positions and personnel at  
3           management level of the agency below the executive level meet those  
4           requirements;

5           (C) develops strategies and specific plans for hiring, training,  
6           and professional development to rectify any deficiency in meeting  
7           those requirements; and

8           (D) reports to the head of the agency on the progress made in  
9           improving information resources management capability.

#### 10 **§ 11316. Accountability**

11           The head of each executive agency, in consultation with the Chief Informa-  
12           tion Officer and the Chief Financial Officer of that executive agency (or, in  
13           the case of an executive agency without a chief financial officer, any com-  
14           parable official), shall establish policies and procedures to ensure that—

15           (1) the accounting, financial, asset management, and other informa-  
16           tion systems of the executive agency are designed, developed, maintained,  
17           and used effectively to provide financial or program performance data  
18           for financial statements of the executive agency;

19           (2) financial and related program performance data are provided on  
20           a reliable, consistent, and timely basis to executive agency financial  
21           management systems; and

22           (3) financial statements support—

23           (A) assessments and revisions of mission-related processes and ad-  
24           ministrative processes of the executive agency; and

25           (B) measurement of the performance of investments made by the  
26           agency in information systems.

#### 27 **§ 11317. Significant deviations**

28           The head of each executive agency shall identify in the strategic informa-  
29           tion resources management plan required under section 3506(b)(2) of title 44  
30           any major information technology acquisition program, or any phase or in-  
31           crement of that program, that has significantly deviated from the cost, per-  
32           formance, or schedule goals established for the program.

#### 33 **§ 11318. Interagency support**

34           The head of an executive agency may use amounts available to the agency  
35           for oversight, acquisition, and procurement of information technology to sup-  
36           port jointly with other executive agencies the activities of interagency groups  
37           that are established to advise the Director of the Office of Management and  
38           Budget in carrying out the Director's responsibilities under this chapter. The  
39           use of those amounts for that purpose is subject to requirements and limita-  
40           tions on uses and amounts that the Director may prescribe. The Director shall  
41           prescribe the requirements and limitations during the Director's review of the

1 *executive agency's proposed budget submitted to the Director by the head of*  
 2 *the executive agency for purposes of section 1105 of title 31.*

3 **SUBCHAPTER III—OTHER RESPONSIBILITIES**

4 **§11331. Responsibilities regarding efficiency, security, and**  
 5 **privacy of federal computer systems**

6 (a) *DEFINITIONS.—In this section, the terms “federal computer system”*  
 7 *and “operator of a federal computer system” have the meanings given those*  
 8 *terms in section 20(d) of the National Institute of Standards and Technology*  
 9 *Act (15 U.S.C. 278g-3(d)).*

10 (b) *STANDARDS AND GUIDELINES.—*

11 (1) *AUTHORITY TO PRESCRIBE AND DISAPPROVE OR MODIFY.—*

12 (A) *AUTHORITY TO PRESCRIBE.—On the basis of standards and*  
 13 *guidelines developed by the National Institute of Standards and*  
 14 *Technology pursuant to paragraphs (2) and (3) of section 20(a) of*  
 15 *the Act (15 U.S.C. 278g-3(a)(2), (3)), the Secretary of Commerce*  
 16 *shall prescribe standards and guidelines pertaining to federal com-*  
 17 *puter systems. The Secretary shall make those standards compulsory*  
 18 *and binding to the extent the Secretary determines necessary to im-*  
 19 *prove the efficiency of operation or security and privacy of federal*  
 20 *computer systems.*

21 (B) *AUTHORITY TO DISAPPROVE OR MODIFY.—The President may*  
 22 *disapprove or modify those standards and guidelines if the Presi-*  
 23 *dent determines that action to be in the public interest. The Presi-*  
 24 *dent's authority to disapprove or modify those standards and guide-*  
 25 *lines may not be delegated. Notice of disapproval or modification*  
 26 *shall be published promptly in the Federal Register. On receiving*  
 27 *notice of disapproval or modification, the Secretary shall imme-*  
 28 *diately rescind or modify those standards or guidelines as directed*  
 29 *by the President.*

30 (2) *EXERCISE OF AUTHORITY.—To ensure fiscal and policy consist-*  
 31 *ency, the Secretary shall exercise the authority conferred by this section*  
 32 *subject to direction by the President and in coordination with the Direc-*  
 33 *tor of the Office of Management and Budget.*

34 (c) *APPLICATION OF MORE STRINGENT STANDARDS.—The head of a federal*  
 35 *agency may employ standards for the cost-effective security and privacy of*  
 36 *sensitive information in a federal computer system in or under the super-*  
 37 *vision of that agency that are more stringent than the standards the Secretary*  
 38 *prescribes under this section if the more stringent standards contain at least*  
 39 *the applicable standards the Secretary makes compulsory and binding .*

40 (d) *WAIVER OF STANDARDS.—*

1           (1) *AUTHORITY OF THE SECRETARY.*—*The Secretary may waive in*  
 2 *writing compulsory and binding standards under subsection (b) if the*  
 3 *Secretary determines that compliance would—*

4                 (A) *adversely affect the accomplishment of the mission of an oper-*  
 5 *ator of a federal computer system; or*

6                 (B) *cause a major adverse financial impact on the operator that*  
 7 *is not offset by Federal Government-wide savings.*

8           (2) *DELEGATION OF WAIVER AUTHORITY.*—*The Secretary may delegate*  
 9 *to the head of one or more federal agencies authority to waive those*  
 10 *standards to the extent the Secretary determines that action to be nec-*  
 11 *essary and desirable to allow for timely and effective implementation of*  
 12 *federal computer system standards. The head of the agency may redele-*  
 13 *gate that authority only to a chief information officer designated pursu-*  
 14 *ant to section 3506 of title 44.*

15           (3) *NOTICE.*—*Notice of each waiver and delegation shall be trans-*  
 16 *mitted promptly to Congress and published promptly in the Federal Reg-*  
 17 *ister.*

18 **§ 11332. Federal computer system security training and plan**

19           (a) *DEFINITIONS.*—*In this section, the terms “computer system”, “federal*  
 20 *agency”, “federal computer system”, “operator of a federal computer system”,*  
 21 *and “sensitive information” have the meanings given those terms in section*  
 22 *20(d) of the National Institute of Standards and Technology Act (15 U.S.C.*  
 23 *278g-3(d)).*

24           (b) *TRAINING*—

25                 (1) *IN GENERAL.*—*Each federal agency shall provide for mandatory*  
 26 *periodic training in computer security awareness and accepted computer*  
 27 *security practice of all employees who are involved with the management,*  
 28 *use, or operation of each federal computer system within or under the*  
 29 *supervision of the agency. The training shall be—*

30                         (A) *provided in accordance with the guidelines developed pursu-*  
 31 *ant to section 20(a)(5) of the Act (15 U.S.C. 278g-3(a)(5)) and the*  
 32 *regulations prescribed under paragraph (3) for federal civilian em-*  
 33 *ployees; or*

34                         (B) *provided by an alternative training program that the head*  
 35 *of the agency approves after determining that the alternative train-*  
 36 *ing program is at least as effective in accomplishing the objectives*  
 37 *of the guidelines and regulations.*

38                 (2) *TRAINING OBJECTIVES.*—*Training under this subsection shall be*  
 39 *designed—*

40                         (A) *to enhance employees’ awareness of the threats to, and vulner-*  
 41 *ability of, computer systems; and*



1           (1) *PURPOSE.*—*In consultation with the Administrator for the Office*  
2 *of Information and Regulatory Affairs, the Administrator for Federal*  
3 *Procurement Policy may conduct pilot programs to test alternative ap-*  
4 *proaches for the acquisition of information technology by executive agen-*  
5 *cies.*

6           (2) *MULTIAGENCY, MULTI-ACTIVITY CONDUCT OF EACH PROGRAM.*—  
7 *Except as otherwise provided in this chapter, each pilot program con-*  
8 *ducted under this chapter shall be carried out in not more than two pro-*  
9 *curring activities in each of the executive agencies that are designated by*  
10 *the Administrator for Federal Procurement Policy in accordance with*  
11 *this chapter to carry out the pilot program. With the approval of the*  
12 *Administrator for Federal Procurement Policy, the head of each des-*  
13 *ignated executive agency shall select the procuring activities of the execu-*  
14 *tive agency that are to participate in the test and shall designate a pro-*  
15 *curement testing official who shall be responsible for the conduct and*  
16 *evaluation of the pilot program within the executive agency.*

17 (b) *LIMITATIONS.*—

18           (1) *NUMBER.*—*Not more than two pilot programs may be conducted*  
19 *under this chapter, including one pilot program each pursuant to the re-*  
20 *quirements of sections 11521 and 11522 of this title.*

21           (2) *AMOUNT.*—*The total amount obligated for contracts entered into*  
22 *under the pilot programs conducted under this chapter may not exceed*  
23 *\$750,000,000. The Administrator for Federal Procurement Policy shall*  
24 *monitor those contracts and ensure that contracts are not entered into*  
25 *in violation of this paragraph.*

26 (c) *PERIOD OF PROGRAMS.*—

27           (1) *IN GENERAL.*—*Subject to paragraph (2), a pilot program may be*  
28 *carried out under this chapter for the period, not in excess of five years,*  
29 *the Administrator for Federal Procurement Policy determines is suffi-*  
30 *cient to establish reliable results.*

31           (2) *CONTINUING VALIDITY OF CONTRACTS.*—*A contract entered into*  
32 *under the pilot program before the expiration of that program remains*  
33 *in effect according to the terms of the contract after the expiration of the*  
34 *program.*

### 35 **§ 11502. Evaluation criteria and plans**

36           (a) *MEASURABLE TEST CRITERIA.*—*To the maximum extent practicable,*  
37 *the head of each executive agency conducting a pilot program under section*  
38 *11501 of this title shall establish measurable criteria for evaluating the effects*  
39 *of the procedures or techniques to be tested under the program.*

40           (b) *TEST PLAN.*—*Before a pilot program may be conducted under section*  
41 *11501 of this title, the Administrator for Federal Procurement Policy shall*

1 *submit to Congress a detailed test plan for the program, including a detailed*  
2 *description of the procedures to be used and a list of regulations that are to*  
3 *be waived.*

4 **§ 11503. Report**

5 (a) *REQUIREMENT.—Not later than 180 days after the completion of a*  
6 *pilot program under this chapter, the Administrator for Federal Procurement*  
7 *Policy shall—*

8 (1) *submit to the Director of the Office of Management and Budget*  
9 *a report on the results and findings under the program; and*

10 (2) *provide a copy of the report to Congress.*

11 (b) *CONTENT.—The report shall include—*

12 (1) *a detailed description of the results of the program, as measured*  
13 *by the criteria established for the program; and*

14 (2) *a discussion of legislation that the Administrator recommends, or*  
15 *changes in regulations that the Administrator considers necessary, to im-*  
16 *prove overall information resources management in the Federal Govern-*  
17 *ment.*

18 **§ 11504. Recommended legislation**

19 *If the Director of the Office of Management and Budget determines that*  
20 *the results and findings under a pilot program under this chapter indicate*  
21 *that legislation is necessary or desirable to improve the process for acquisition*  
22 *of information technology, the Director shall transmit the Director's rec-*  
23 *ommendations for that legislation to Congress.*

24 **§ 11505. Rule of construction**

25 *This chapter does not authorize the appropriation or obligation of amounts*  
26 *for the pilot programs authorized under this chapter.*

27 **SUBCHAPTER II—SPECIFIC PILOT PROGRAMS**

28 **§ 11521. Share-in-savings pilot program**

29 (a) *REQUIREMENT.—The Administrator for Federal Procurement Policy*  
30 *may authorize the heads of two executive agencies to carry out a pilot pro-*  
31 *gram to test the feasibility of—*

32 (1) *contracting on a competitive basis with a private sector source to*  
33 *provide the Federal Government with an information technology solution*  
34 *for improving mission-related or administrative processes of the Federal*  
35 *Government; and*

36 (2) *paying the private sector source an amount equal to a portion of*  
37 *the savings derived by the Federal Government from any improvements*  
38 *in mission-related processes and administrative processes that result*  
39 *from implementation of the solution.*

1       (b) *LIMITATIONS.*—*The head of an executive agency authorized to carry out*  
 2 *the pilot program may carry out one project and enter into not more than*  
 3 *five contracts for the project under the pilot program.*

4       (c) *SELECTION OF PROJECTS.*—*In consultation with the Administrator for*  
 5 *the Office of Information and Regulatory Affairs, the Administrator for Fed-*  
 6 *eral Procurement Policy shall select the projects.*

7       **§ 11522. Solutions-based contracting pilot program**

8       (a) *DEFINITION.*—*For purposes of this section, “solutions-based con-*  
 9 *tracting” is an acquisition method under which the acquisition objectives are*  
 10 *defined by the Federal Government user of the technology to be acquired, a*  
 11 *streamlined contractor selection process is used, and industry sources are al-*  
 12 *lowed to provide solutions that attain the objectives effectively.*

13       (b) *IN GENERAL.*—*The Administrator for Federal Procurement Policy may*  
 14 *authorize the head of an executive agency, in accordance with subsection (d),*  
 15 *to carry out a pilot program to test the feasibility of using solutions-based*  
 16 *contracting for the acquisition of information technology.*

17       (c) *PROCESS REQUIREMENTS.*—*The Administrator shall require use of a*  
 18 *process with the following aspects for acquisitions under the pilot program:*

19           (1) *ACQUISITION PLAN EMPHASIZING DESIRED RESULT.*—*Preparation*  
 20 *of an acquisition plan that defines the functional requirements of the in-*  
 21 *tended users of the information technology to be acquired, identifies the*  
 22 *operational improvements to be achieved, and defines the performance*  
 23 *measurements to be applied in determining whether the information*  
 24 *technology acquired satisfies the defined requirements and attains the*  
 25 *identified results.*

26           (2) *RESULTS-ORIENTED STATEMENT OF WORK.*—*Use of a statement of*  
 27 *work that is limited to an expression of the end results or performance*  
 28 *capabilities desired under the acquisition plan.*

29           (3) *SMALL ACQUISITION ORGANIZATION.*—*Assembly of a small acqui-*  
 30 *sition organization consisting of the following:*

31                   (A) *An acquisition management team, the members of which are*  
 32 *to be evaluated and rewarded under the pilot program for contribu-*  
 33 *tions toward attainment of the desired results identified in the ac-*  
 34 *quisition plan.*

35                   (B) *A small source selection team composed of representatives of*  
 36 *the specific mission or administrative area to be supported by the*  
 37 *information technology to be acquired, a contracting officer, and in-*  
 38 *dividuals with relevant expertise.*

39           (4) *USE OF SOURCE SELECTION FACTORS EMPHASIZING SOURCE*  
 40 *QUALIFICATIONS AND COSTS.*—*Use of source selection factors that*  
 41 *emphasize—*

1           (A) the qualifications of the offeror, including personnel skills,  
2 previous experience in providing other private or public sector orga-  
3 nizations with solutions for attaining objectives similar to the objec-  
4 tives of the acquisition, past contract performance, qualifications of  
5 the proposed program manager, and the proposed management  
6 plan; and

7           (B) the costs likely to be associated with the conceptual approach  
8 proposed by the offeror.

9           (5) *OPEN COMMUNICATIONS WITH CONTRACTOR COMMUNITY.*—Open  
10 availability of the following information to potential offerors:

11           (A) The agency mission to be served by the acquisition.

12           (B) The functional process to be performed by use of information  
13 technology.

14           (C) The process improvements to be attained.

15           (6) *SIMPLE SOLICITATION.*—Use of a simple solicitation that sets forth  
16 only the functional work description, the source selection factors to be  
17 used in accordance with paragraph (4), the required terms and condi-  
18 tions, instructions regarding submission of offers, and the estimate of the  
19 Government’s budget for the desired work.

20           (7) *SIMPLE PROPOSALS.*—Submission of oral presentations and writ-  
21 ten proposals that are limited in size and scope and contain information  
22 on—

23           (A) the offeror’s qualifications to perform the desired work;

24           (B) past contract performance;

25           (C) the proposed conceptual approach; and

26           (D) the costs likely to be associated with the proposed conceptual  
27 approach.

28           (8) *SIMPLE EVALUATION.*—Use of a simplified evaluation process, to  
29 be completed within 45 days after receipt of proposals, that consists of  
30 the following:

31           (A) Identification of the most qualified offerors that are within  
32 the competitive range.

33           (B) Issuance of invitations for at least three and not more than  
34 five of the identified offerors to make oral presentations to, and en-  
35 gage in discussions with, the evaluating personnel regarding, for  
36 each offeror—

37           (i) the qualifications of the offeror, including how the quali-  
38 fications of the offeror relate to the approach proposed to be  
39 taken by the offeror in the acquisition; and

40           (ii) the costs likely to be associated with the approach.

1           (C) *Evaluation of the qualifications of the identified offerors and*  
2           *the costs likely to be associated with the offerors' proposals on the*  
3           *basis of submissions required under the process and any oral pres-*  
4           *entations made by, and any discussions with, the offerors.*

5           (9) *SELECTION OF MOST QUALIFIED OFFEROR.—A selection process*  
6           *consisting of the following:*

7           (A) *Identification of the most qualified sources, primarily on the*  
8           *basis of the oral proposals, presentations, and discussions, and writ-*  
9           *ten proposals, submitted in accordance with paragraph (7).*

10          (B) *A program definition phase of 30–60 days (or a longer pe-*  
11          *riod the Administrator approves)—*

12           (i) *during which the sources identified under subparagraph*  
13           *(A), in consultation with one or more intended users, develop*  
14           *a conceptual system design and technical approach, define log-*  
15           *ical phases for the project, and estimate the total cost and the*  
16           *cost for each phase; and*

17           (ii) *after which a contract for performance of the work may*  
18           *be awarded to the source whose offer is determined to be most*  
19           *advantageous to the Government on the basis of cost, the re-*  
20           *sponsiveness, reasonableness, and quality of the proposed per-*  
21           *formance, and a sharing of risk and benefits between the source*  
22           *and the Government.*

23          (C) *As many successive program definition phases as necessary*  
24          *to award a contract in accordance with subparagraph (B).*

25          (10) *SYSTEM IMPLEMENTATION PHASING.—System implementation to*  
26          *be executed in phases that are tailored to the solution, with appropriate*  
27          *contract arrangements being used for various phases and activities.*

28          (11) *MUTUAL AUTHORITY TO TERMINATE.—Authority for the Govern-*  
29          *ment or the contractor to terminate the contract without penalty at the*  
30          *end of any phase defined for the project.*

31          (12) *TIME MANAGEMENT DISCIPLINE.—Application of a standard for*  
32          *awarding a contract within 105 to 120 days after issuance of the solici-*  
33          *tation, except that the Administrator may approve the application of a*  
34          *longer standard period.*

35          (d) *PILOT PROGRAM PROJECTS.—The Administrator shall authorize to be*  
36          *carried out under the pilot program—*

37           (1) *not more than 10 projects, each of which has an estimated cost*  
38           *of at least \$25,000,000 and not more than \$100,000,000; and*

39           (2) *not more than 10 projects for small business concerns, each of*  
40           *which has an estimated cost of at least \$1,000,000 and not more than*  
41           *\$5,000,000.*

1 (e) *MONITORING BY COMPTROLLER GENERAL.*—*The Comptroller General*  
2 *shall—*

3 (1) *monitor the conduct, and review the results, of acquisitions under*  
4 *the pilot program; and*

5 (2) *submit to Congress periodic reports containing the views of the*  
6 *Comptroller General on the activities, results, and findings under the*  
7 *pilot program.*

8 **CHAPTER 117—ADDITIONAL INFORMATION RESOURCES**  
9 **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.*

10 **§ 11701. On-line multiple award schedule contracting**

11 (a) *AUTOMATION OF MULTIPLE AWARD SCHEDULE CONTRACTING.*—*To*  
12 *provide for the economic and efficient procurement of information technology*  
13 *and other commercial items, the Administrator of General Services shall pro-*  
14 *vide Federal Government-wide on-line computer access to information on*  
15 *products and services that are available for ordering through the multiple*  
16 *award schedules.*

17 (b) *REQUIREMENTS.*—*The system for providing on-line computer access*  
18 *shall—*

19 (1) *have the capability to—*

20 (A) *provide basic information on prices, features, and perform-*  
21 *ance of all products and services available for ordering through the*  
22 *multiple award schedules;*

23 (B) *provide for updating that information to reflect changes in*  
24 *prices, features, and performance as soon as information on the*  
25 *changes becomes available; and*

26 (C) *enable users to make on-line computer comparisons of the*  
27 *prices, features, and performance of similar products and services*  
28 *offered by various vendors; and*

29 (2) *be used to place orders under the multiple award schedules in a*  
30 *fiscal year for an amount equal to at least 60 percent of the total amount*  
31 *spent for all orders under the multiple award schedules in that fiscal*  
32 *year.*

33 (c) *STREAMLINED PROCEDURES.*—

34 (1) *PILOT PROGRAM.*—*On certification by the Administrator of Gen-*  
35 *eral Services that the system for providing on-line computer access meets*  
36 *the requirements of subsection (b)(1) and was used as required by sub-*  
37 *section (b)(2) in the fiscal year preceding the fiscal year in which the*

1        *certification is made, the Administrator for Federal Procurement Policy*  
 2        *may establish a pilot program to test streamlined procedures for the pro-*  
 3        *curement of information technology products and services available for*  
 4        *ordering through the multiple award schedules.*

5        (2) *APPLICABILITY TO MULTIPLE AWARD SCHEDULE CONTRACTS.—Ex-*  
 6        *cept as provided in paragraph (4), the pilot program shall be applicable*  
 7        *to all multiple award schedule contracts for the purchase of information*  
 8        *technology and shall test the following procedures:*

9            (A) *A procedure under which negotiation of the terms and condi-*  
 10          *tions for a covered multiple award schedule contract is limited to*  
 11          *terms and conditions other than price.*

12          (B) *A procedure under which the vendor establishes the prices*  
 13          *under a covered multiple award schedule contract and may adjust*  
 14          *those prices at any time in the discretion of the vendor.*

15          (C) *A procedure under which a covered multiple award schedule*  
 16          *contract is awarded to any responsible offeror that—*

17            (i) *has a suitable record of past performance, which may in-*  
 18            *clude past performance on multiple award schedule contracts;*

19            (ii) *agrees to terms and conditions that the Administrator*  
 20            *for Federal Procurement Policy determines are required by law*  
 21            *or are appropriate for the purchase of commercial items; and*

22            (iii) *agrees to establish and update prices, features, and per-*  
 23            *formance and to accept orders electronically through the auto-*  
 24            *mated system established pursuant to subsection (a).*

25        (3) *COMPTROLLER GENERAL REVIEW AND REPORT.—*

26            (A) *AUTHORITY TO CONDUCT REVIEW AND MAKE REPORT.—Not*  
 27            *later than three years after the date on which the pilot program is*  
 28            *established, the Comptroller General shall review the pilot program*  
 29            *and report to Congress on the results of the pilot program.*

30            (B) *CONTENT OF REPORT.—The report shall include the fol-*  
 31            *lowing:*

32            (i) *An evaluation of the extent to which there is competition*  
 33            *for the orders placed under the pilot program.*

34            (ii) *The effect that the streamlined procedures under the*  
 35            *pilot program have on prices charged under multiple award*  
 36            *schedule contracts.*

37            (iii) *The effect that those procedures have on paperwork re-*  
 38            *quirements for multiple award schedule contracts and orders.*

39            (iv) *The impact of the pilot program on small businesses*  
 40            *and socially and economically disadvantaged small businesses.*

1 (4) *WITHDRAWAL OF SCHEDULE OR PORTION OF SCHEDULE FROM*  
 2 *PILOT PROGRAM.—*

3 (A) *WHEN ALLOWED.—The Administrator for Federal Procure-*  
 4 *ment Policy may withdraw a multiple award schedule or portion*  
 5 *of a schedule from the pilot program if the Administrator deter-*  
 6 *mines that—*

7 (i) *price competition is not available under that schedule or*  
 8 *portion of that schedule; or*

9 (ii) *the cost to the Government for that schedule or portion*  
 10 *for the previous year was higher than it would have been if the*  
 11 *contract for that schedule or portion had been awarded using*  
 12 *procedures that would apply if the pilot program were not in*  
 13 *effect.*

14 (B) *NOTICE.—The Administrator for Federal Procurement Policy*  
 15 *shall notify Congress at least 30 days before the date on which the*  
 16 *Administrator withdraws a schedule or portion under this para-*  
 17 *graph.*

18 (C) *AUTHORITY NOT DELEGABLE.—The authority under this*  
 19 *paragraph may not be delegated.*

20 (5) *TERMINATION OF PILOT PROGRAM.—Unless reauthorized by law,*  
 21 *the authority of the Administrator for Federal Procurement Policy to*  
 22 *award contracts under the pilot program shall expire four years after the*  
 23 *date on which the pilot program is established. A contract entered into*  
 24 *before the authority expires remains in effect according to the terms of*  
 25 *the contract after the expiration of the authority to award new contracts*  
 26 *under the pilot program.*

27 **§ 11702. Identification of excess and surplus computer equip-**  
 28 **ment**

29 *In accordance with chapter 5 of this title, the head of an executive agency*  
 30 *shall maintain an inventory of all computer equipment under the control of*  
 31 *that official that is excess or surplus property.*

32 **§ 11703. Index of certain information in information systems**  
 33 **included in directory established under section**  
 34 **4101 of title 44**

35 *If in designing an information technology system pursuant to this subtitle,*  
 36 *the head of an executive agency determines that a purpose of the system is*  
 37 *to disseminate information to the public, then the head of that executive agen-*  
 38 *cy shall reasonably ensure that an index of information disseminated by the*  
 39 *system is included in the directory created pursuant to section 4101 of title*  
 40 *44. This section does not authorize the dissemination of information to the*  
 41 *public unless otherwise authorized.*

1 **§ 11704. Procurement procedures**

2 *To the maximum extent practicable, the Federal Acquisition Regulatory*  
 3 *Council shall ensure that the process for acquisition of information technology*  
 4 *is a simplified, clear, and understandable process that specifically addresses*  
 5 *the management of risk, incremental acquisitions, and the need to incorporate*  
 6 *commercial information technology in a timely manner.*

7 **SUBTITLE IV—APPALACHIAN REGIONAL**  
 8 **DEVELOPMENT**

CHAPTER	Sec.
141. GENERAL PROVISIONS .....	14101
143. APPALACHIAN REGIONAL COMMISSION .....	14301
145. SPECIAL APPALACHIAN PROGRAMS .....	14501
147. MISCELLANEOUS .....	14701

9 **CHAPTER 141—GENERAL PROVISIONS**

Sec.
14101. Findings and purposes.
14102. Definitions.

10 **§ 14101. Findings and purposes**

11 (a) 1965 FINDINGS AND PURPOSE.—

12 (1) FINDINGS.—*Congress finds and declares that the Appalachian re-*  
 13 *gion of the United States, while abundant in natural resources and rich*  
 14 *in potential, lags behind the rest of the Nation in its economic growth*  
 15 *and that its people have not shared properly in the Nation's prosperity.*  
 16 *The region's uneven past development, with its historical reliance on a*  
 17 *few basic industries and a marginal agriculture, has failed to provide*  
 18 *the economic base that is a vital prerequisite for vigorous, self-sustaining*  
 19 *growth. State and local governments and the people of the region under-*  
 20 *stand their problems and have been working, and will continue to work,*  
 21 *purposefully toward their solution. Congress recognizes the comprehensive*  
 22 *report of the President's Appalachian Regional Commission documenting*  
 23 *these findings and concludes that regionwide development is feasible, de-*  
 24 *sirable, and urgently needed.*

25 (2) PURPOSE.—*It is the purpose of this subtitle to assist the region*  
 26 *in meeting its special problems, to promote its economic development,*  
 27 *and to establish a framework for joint federal and state efforts toward*  
 28 *providing the basic facilities essential to its growth and attacking its*  
 29 *common problems and meeting its common needs on a coordinated and*  
 30 *concerted regional basis. The public investments made in the region*  
 31 *under this subtitle shall be concentrated in areas where there is a signifi-*  
 32 *cant potential for future growth and where the expected return on public*  
 33 *dollars invested will be the greatest. States will be responsible for recom-*  
 34 *mending local and state projects within their borders that will receive*  
 35 *assistance under this subtitle. As the region obtains the needed physical*  
 36 *and transportation facilities and develops its human resources, Congress*

1        *expects that the region will generate a diversified industry and that the*  
2        *region will then be able to support itself through the workings of a*  
3        *strengthened free enterprise economy.*

4        (b) 1975 FINDINGS AND PURPOSE.—

5            (1) FINDINGS.—*Congress further finds and declares that while sub-*  
6            *stantial progress has been made toward achieving the purposes set out*  
7            *in subsection (a), especially with respect to the provision of essential*  
8            *public facilities, much remains to be accomplished, especially with re-*  
9            *spect to the provision of essential health, education, and other public*  
10           *services. Congress recognizes that changes and evolving national purposes*  
11           *in the decade since 1965 affect not only the Appalachian region but also*  
12           *its relationship to a nation that on December 31, 1975, is assigning*  
13           *higher priority to conservation and the quality of life, values long cher-*  
14           *ished within the region. Appalachia as of December 31, 1975, has the*  
15           *opportunity, in accommodating future growth and development, to dem-*  
16           *onstrate local leadership and coordinated planning so that housing, pub-*  
17           *lic services, transportation and other community facilities will be pro-*  
18           *vided in a way congenial to the traditions and beauty of the region and*  
19           *compatible with conservation values and an enhanced quality of life for*  
20           *the people of the region, and consistent with that goal, the Appalachian*  
21           *region should be able to take advantage of eco-industrial development,*  
22           *which promotes both employment and economic growth and the preserva-*  
23           *tion of natural resources. Congress recognizes also that fundamental*  
24           *changes are occurring in national energy requirements and production,*  
25           *which not only risk short-term dislocations but will undoubtedly result*  
26           *in major long-term effects in the region. It is essential that the opportu-*  
27           *nities for expanded energy production be used so as to maximize the so-*  
28           *cial and economic benefits and minimize the social and environmental*  
29           *costs to the region and its people.*

30           (2) PURPOSE.—*It is also the purpose of this subtitle to provide a*  
31           *framework for coordinating federal, state and local efforts toward—*

32            (A) *anticipating the effects of alternative energy policies and*  
33            *practices;*

34            (B) *planning for accompanying growth and change so as to*  
35            *maximize the social and economic benefits and minimize the social*  
36            *and environmental costs; and*

37            (C) *implementing programs and projects carried out in the re-*  
38            *gion by federal, state, and local governmental agencies so as to bet-*  
39            *ter meet the special problems generated in the region by the Nation's*  
40            *energy needs and policies, including problems of transportation,*  
41            *housing, community facilities, and human services.*

1 (c) 1998 FINDINGS AND PURPOSE.—

2 (1) FINDINGS.—Congress further finds and declares that while sub-  
3 stantial progress has been made in fulfilling many of the objectives of  
4 this subtitle, rapidly changing national and global economies over the  
5 decade ending November 13, 1998, have created new problems and chal-  
6 lenges for rural areas throughout the United States and especially for the  
7 Appalachian region.

8 (2) PURPOSE.—In addition to the purposes stated in subsections (a)  
9 and (b), it is the purpose of this subtitle—

10 (A) to assist the Appalachian region in—

11 (i) providing the infrastructure necessary for economic and  
12 human resource development;

13 (ii) developing the region's industry;

14 (iii) building entrepreneurial communities;

15 (iv) generating a diversified regional economy; and

16 (v) making the region's industrial and commercial resources  
17 more competitive in national and world markets;

18 (B) to provide a framework for coordinating federal, state, and  
19 local initiatives to respond to the economic competitiveness chal-  
20 lenges in the Appalachian region through—

21 (i) improving the skills of the region's workforce;

22 (ii) adapting and applying new technologies for the region's  
23 businesses, including eco-industrial development technologies;  
24 and

25 (iii) improving the access of the region's businesses to the  
26 technical and financial resources necessary to development of  
27 the businesses; and

28 (C) to address the needs of severely and persistently distressed  
29 areas of the Appalachian region and focus special attention on the  
30 areas of greatest need so as to provide a fairer opportunity for the  
31 people of the region to share the quality of life generally enjoyed by  
32 citizens across the United States.

### 33 § 14102. Definitions

34 (a) DEFINITIONS.—In this subtitle—

35 (1) APPALACHIAN REGION.—The term “Appalachian region” means  
36 that area of the eastern United States consisting of the following counties  
37 (including any political subdivision located within the area):

38 (A) In Alabama, the counties of Bibb, Blount, Calhoun, Cham-  
39 bers, Cherokee, Chilton, Clay, Cleburne, Colbert, Coosa, Cullman, De  
40 Kalb, Elmore, Etowah, Fayette, Franklin, Hale, Jackson, Jefferson,  
41 Lamar, Lauderdale, Lawrence, Limestone, Macon, Madison, Mar-

1            *ion, Marshall, Morgan, Pickens, Randolph, St. Clair, Shelby,*  
 2            *Talladega, Tallapoosa, Tuscaloosa, Walker, and Winston.*

3            *(B) In Georgia, the counties of Banks, Barrow, Bartow, Carroll,*  
 4            *Catoosa, Chattooga, Cherokee, Dade, Dawson, Douglas, Elbert,*  
 5            *Fannin, Floyd, Forsyth, Franklin, Gilmer, Gordon, Gwinnett,*  
 6            *Habersham, Hall, Haralson, Hart, Heard, Jackson, Lumpkin,*  
 7            *Madison, Murray, Paulding, Pickens, Polk, Rabun, Stephens,*  
 8            *Towns, Union, Walker, White, and Whitfield.*

9            *(C) In Kentucky, the counties of Adair, Bath, Bell, Boyd,*  
 10           *Breathitt, Carter, Casey, Clark, Clay, Clinton, Cumberland,*  
 11           *Edmonson, Elliott, Estill, Fleming, Floyd, Garrard, Green,*  
 12           *Greenup, Harlan, Hart, Jackson, Johnson, Knott, Knox, Laurel,*  
 13           *Lawrence, Lee, Leslie, Letcher, Lewis, Lincoln, McCreary, Madison,*  
 14           *Magoffin, Martin, Menifee, Monroe, Montgomery, Morgan, Owsley,*  
 15           *Perry, Pike, Powell, Pulaski, Rockcastle, Rowan, Russell, Wayne,*  
 16           *Whitley, and Wolfe.*

17           *(D) In Maryland, the counties of Allegany, Garrett, and Wash-*  
 18           *ington.*

19           *(E) In Mississippi, the counties of Alcorn, Benton, Calhoun,*  
 20           *Chickasaw, Choctaw, Clay, Itawamba, Kemper, Lee, Lowndes, Mar-*  
 21           *shall, Monroe, Montgomery, Noxubee, Oktibbeha, Panola, Pontotoc,*  
 22           *Prentiss, Tippah, Tishomingo, Union, Webster, Winston, and*  
 23           *Yalobusha.*

24           *(F) In New York, the counties of Allegany, Broome, Cattaraugus,*  
 25           *Chautauqua, Chemung, Chenango, Cortland, Delaware, Otsego,*  
 26           *Schoharie, Schuyler, Steuben, Tioga, and Tompkins.*

27           *(G) In North Carolina, the counties of Alexander, Alleghany,*  
 28           *Ashe, Avery, Buncombe, Burke, Caldwell, Cherokee, Clay, Davie,*  
 29           *Forsyth, Graham, Haywood, Henderson, Jackson, McDowell,*  
 30           *Macon, Madison, Mitchell, Polk, Rutherford, Stokes, Surry, Swain,*  
 31           *Transylvania, Watauga, Wilkes, Yadkin, and Yancey.*

32           *(H) In Ohio, the counties of Adams, Athens, Belmont, Brown,*  
 33           *Carroll, Clermont, Columbiana, Coshocton, Gallia, Guernsey, Har-*  
 34           *rison, Highland, Hocking, Holmes, Jackson, Jefferson, Lawrence,*  
 35           *Meigs, Monroe, Morgan, Muskingum, Noble, Perry, Pike, Ross,*  
 36           *Scioto, Tuscarawas, Vinton, and Washington.*

37           *(I) In Pennsylvania, the counties of Allegheny, Armstrong, Bea-*  
 38           *ver, Bedford, Blair, Bradford, Butler, Cambria, Cameron, Carbon,*  
 39           *Centre, Clarion, Clearfield, Clinton, Columbia, Crawford, Elk, Erie,*  
 40           *Fayette, Forest, Fulton, Greene, Huntingdon, Indiana, Jefferson,*  
 41           *Juniata, Lackawanna, Lawrence, Luzerne, Lycoming, McKean,*

1 Mercer, Mifflin, Monroe, Montour, Northumberland, Perry, Pike,  
2 Potter, Schuylkill, Snyder, Somerset, Sullivan, Susquehanna, Tioga,  
3 Union, Venango, Warren, Washington, Wayne, Westmoreland, and  
4 Wyoming.

5 (J) In South Carolina, the counties of Anderson, Cherokee, Green-  
6 ville, Oconee, Pickens, and Spartanburg.

7 (K) In Tennessee, the counties of Anderson, Bledsoe, Blount,  
8 Bradley, Campbell, Cannon, Carter, Claiborne, Clay, Cocke, Coffee,  
9 Cumberland, De Kalb, Fentress, Franklin, Grainger, Greene,  
10 Grundy, Hamblen, Hamilton, Hancock, Hawkins, Jackson, Jeffer-  
11 son, Johnson, Knox, Loudon, McMinn, Macon, Marion, Meigs, Mon-  
12 roe, Morgan, Overton, Pickett, Polk, Putnam, Rhea, Roane, Scott,  
13 Sequatchie, Sevier, Smith, Sullivan, Unicoi, Union, Van Buren,  
14 Warren, Washington, and White.

15 (L) In Virginia, the counties of Alleghany, Bath, Bland,  
16 Botetourt, Buchanan, Carroll, Craig, Dickenson, Floyd, Giles, Gray-  
17 son, Highland, Lee, Montgomery, Pulaski, Rockbridge, Russell,  
18 Scott, Smyth, Tazewell, Washington, Wise, and Wythe.

19 (M) All the counties of West Virginia.

20 (2) LOCAL DEVELOPMENT DISTRICT.—The term “local development  
21 district” means any of the following entities for which the Governor of  
22 the State in which the entity is located, or the appropriate state officer,  
23 certifies to the Appalachian Regional Commission that the entity has a  
24 charter or authority that includes the economic development of counties  
25 or parts of counties or other political subdivisions within the region:

26 (A) a nonprofit incorporated body organized or chartered under  
27 the law of the State in which it is located.

28 (B) a nonprofit agency or instrumentality of a state or local gov-  
29 ernment.

30 (C) a nonprofit agency or instrumentality created through an  
31 interstate compact.

32 (D) a nonprofit association or combination of bodies, agencies,  
33 and instrumentalities described in this paragraph.

34 (b) CHANGE IN DEFINITION.—The Commission may not propose or con-  
35 sider a recommendation for any change in the definition of the Appalachian  
36 region as set forth in this section without a prior resolution by the Committee  
37 on Environment and Public Works of the Senate or the Committee on Trans-  
38 portation and Infrastructure of the House of Representatives that directs a  
39 study of the change.

40 **CHAPTER 143—APPALACHIAN REGIONAL COMMISSION**

SUBCHAPTER 1—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.*

SUBCHAPTER I—ORGANIZATION AND ADMINISTRATION

**§ 14301. *Establishment, membership, and employees***

(a) *ESTABLISHMENT.—There is an Appalachian Regional Commission.*

(b) *MEMBERSHIP.—*

(1) *FEDERAL AND STATE MEMBERS.—The Commission is composed of the Federal Cochairman, appointed by the President by and with the advice and consent of the Senate, and the Governor of each participating State in the Appalachian region.*

(2) *ALTERNATE MEMBERS.—Each state member may have a single alternate, appointed by the Governor from among the members of the Governor's cabinet or the Governor's personal staff. The President, by and with the advice and consent of the Senate, shall appoint an alternate for the Federal Cochairman. An alternate shall vote in the event of the absence, death, disability, removal, or resignation of the member for whom the individual is an alternate. A state alternate shall not be counted toward the establishment of a quorum of the Commission when a quorum of the state members is required.*

(3) *COCHAIRMEN.—The Federal Cochairman is one of the two Cochairmen of the Commission. The state members shall elect a Cochairman of the Commission from among themselves for a term of not less than one year.*

(c) *COMPENSATION.—The Federal Cochairman shall be compensated by the Federal Government at level III of the Executive Schedule as set out in section 5314 of title 5. The Federal Cochairman's alternate shall be compensated by the Government at level V of the Executive Schedule as set out in section 5316 of title 5. Each state member and alternate shall be compensated by the State which they represent at the rate established by law of that State.*

(d) *DELEGATION.—*

(1) *POWERS AND RESPONSIBILITIES.—Commission powers and responsibilities specified in section 14302(c) and (d) of this title, and the vote of any Commission member, may not be delegated to an individual who is not a Commission member or who is not entitled to vote in Commission meetings.*

1           (2) *ALTERNATE FEDERAL COCHAIRMAN.*—*The alternate to the Federal*  
 2           *Cochairman shall perform the functions and duties the Federal Cochair-*  
 3           *man delegates when not actively serving as the alternate.*

4           (e) *EXECUTIVE DIRECTOR.*—*The Commission has an executive director.*  
 5           *The executive director is responsible for carrying out the administrative func-*  
 6           *tions of the Commission, for directing the Commission staff, and for other du-*  
 7           *ties the Commission may assign.*

8           (f) *STATUS OF PERSONNEL.*—*Members, alternates, officers, and employees*  
 9           *of the Commission are not federal employees for any purpose, except the Fed-*  
 10           *eral Cochairman, the alternate to the Federal Cochairman, the staff of the*  
 11           *Federal Cochairman, and federal employees detailed to the Commission under*  
 12           *section 14306(a)(3) of this title.*

### 13   **§ 14302. Decisions**

14           (a) *REQUIREMENTS FOR APPROVAL.*—*Except as provided in section*  
 15           *14306(d) of this title, decisions by the Appalachian Regional Commission re-*  
 16           *quire the affirmative vote of the Federal Cochairman and of a majority of*  
 17           *the state members, exclusive of members representing States delinquent under*  
 18           *section 14306(d).*

19           (b) *CONSULTATION.*—*In matters coming before the Commission, the Federal*  
 20           *Cochairman, to the extent practicable, shall consult with the federal depart-*  
 21           *ments and agencies having an interest in the subject matter.*

22           (c) *DECISIONS REQUIRING QUORUM OF STATE MEMBERS.*—*A decision in-*  
 23           *volving Commission policy, approval of state, regional or subregional develop-*  
 24           *ment plans or strategy statements, modification or revision of the Appa-*  
 25           *lachian Regional Commission Code, allocation of amounts among the States,*  
 26           *or designation of a distressed county or an economically strong county shall*  
 27           *not be made without a quorum of state members.*

28           (d) *PROJECT AND GRANT PROPOSALS.*—*The approval of project and grant*  
 29           *proposals is a responsibility of the Commission and shall be carried out in*  
 30           *accordance with section 14322 of this title.*

### 31   **§ 14303. Functions**

32           (a) *IN GENERAL.*—*In carrying out the purposes of this subtitle, the Appa-*  
 33           *lachian Regional Commission shall—*

34           (1) *develop, on a continuing basis, comprehensive and coordinated*  
 35           *plans and programs and establish priorities under those plans and pro-*  
 36           *grams, giving due consideration to other federal, state, and local plan-*  
 37           *ning in the Appalachian region;*

38           (2) *conduct and sponsor investigations, research, and studies, includ-*  
 39           *ing an inventory and analysis of the resources of the region, and, in co-*  
 40           *operation with federal, state, and local agencies, sponsor demonstration*  
 41           *projects designed to foster regional productivity and growth;*



1 *ommendations submitted by the Commission pursuant to sections 14303 and*  
 2 *14304 of this title.*

3 *(b) INTERAGENCY COORDINATING COUNCIL ON APPALACHIA.—In carrying*  
 4 *out subsection (a), the President shall establish the Interagency Coordinating*  
 5 *Council on Appalachia, to be composed of the Federal Cochairman and rep-*  
 6 *resentatives of federal agencies that carry out economic development programs*  
 7 *in the Appalachian region. The Federal Cochairman is the Chairperson of the*  
 8 *Council.*

9 **§ 14306. Administrative powers and expenses**

10 *(a) POWERS.—To carry out its duties under this subtitle, the Appalachian*  
 11 *Regional Commission may—*

12 *(1) adopt, amend, and repeal bylaws and regulations governing the*  
 13 *conduct of its business and the performance of its functions;*

14 *(2) appoint and fix the compensation of an executive director and*  
 15 *other personnel as necessary to enable the Commission to carry out its*  
 16 *functions, except that the compensation shall not exceed the maximum*  
 17 *rate of basic pay for the Senior Executive Service under section 5382*  
 18 *of title 5, including any applicable locality-based comparability payment*  
 19 *that may be authorized under section 5304(h)(2)(C) of title 5;*

20 *(3) request the head of any federal department or agency to detail to*  
 21 *temporary duty with the Commission personnel within the administra-*  
 22 *tive jurisdiction of the head of the department or agency that the Com-*  
 23 *mission may need for carrying out its functions, each detail to be with-*  
 24 *out loss of seniority, pay, or other employee status;*

25 *(4) arrange for the services of personnel from any state or local gov-*  
 26 *ernment, subdivision or agency of a state or local government, or inter-*  
 27 *governmental agency;*

28 *(5)(A) make arrangements, including contracts, with any partici-*  
 29 *peating state government for inclusion in a suitable retirement and em-*  
 30 *ployee benefit system of Commission personnel who may not be eligible*  
 31 *for, or continue in, another governmental retirement or employee benefit*  
 32 *system; or*

33 *(B) otherwise provide for coverage of its personnel;*

34 *(6) accept, use, and dispose of gifts or donations of services or any*  
 35 *property;*

36 *(7) enter into and perform contracts, leases (including the lease of of-*  
 37 *fice space for any term), cooperative agreements, or other transactions,*  
 38 *necessary in carrying out its functions, on terms as it may consider ap-*  
 39 *propriate, with any—*

40 *(A) department, agency, or instrumentality of the Federal Gov-*  
 41 *ernment;*

1                   (B) State or political subdivision, agency, or instrumentality of  
2                   a State; or

3                   (C) person;

4                   (8) maintain a temporary office in the District of Columbia and es-  
5                   tablish a permanent office at a central and appropriate location it may  
6                   select and field offices at other places it may consider appropriate; and

7                   (9) take other actions and incur other expenses as may be necessary  
8                   or appropriate.

9                   (b) AUTHORIZATIONS.—

10                   (1) *DETAIL EMPLOYEES.*—The head of a federal department or agency  
11                   may detail personnel under subsection (a)(3).

12                   (2) *ENTER INTO AND PERFORM TRANSACTIONS.*—A department, agen-  
13                   cy, or instrumentality of the Government, to the extent not otherwise pro-  
14                   hibited by law, may enter into and perform a contract, lease, cooperative  
15                   agreement, or other transaction under subsection (a)(7).

16                   (c) *RETIREMENT AND OTHER EMPLOYEE BENEFIT PROGRAMS.*—The Di-  
17                   rector of the Office of Personnel Management may contract with the Commis-  
18                   sion for continued coverage of Commission employees, if the employees are fed-  
19                   eral employees when they begin Commission employment, in the retirement  
20                   program and other employee benefit programs of the Government.

21                   (d) *EXPENSES.*—Administrative expenses of the Commission shall be paid  
22                   equally by the Government and the States in the Appalachian region, except  
23                   that the expenses of the Federal Cochairman, the alternate to the Federal Co-  
24                   chairman, and the staff of the Federal Cochairman shall be paid only by the  
25                   Government. The Commission shall determine the amount to be paid by each  
26                   State. The Federal Cochairman shall not participate or vote in that deter-  
27                   mination. Assistance authorized by this subtitle shall not be furnished to any  
28                   State or to any political subdivision or any resident of any State, and a state  
29                   member of the Commission shall not participate or vote in any decision by  
30                   the Commission, while the State is delinquent in payment of its share of ad-  
31                   ministrative expenses.

32                   **§ 14307. Meetings**

33                   (a) *IN GENERAL.*—The Appalachian Regional Commission shall conduct at  
34                   least one meeting each year with the Federal Cochairman and at least a ma-  
35                   jority of the state members present.

36                   (b) *ADDITIONAL MEETINGS BY ELECTRONIC MEANS.*—The Commission  
37                   may conduct additional meetings by electronic means as the Commission con-  
38                   siders advisable, including meetings to decide matters requiring an affirma-  
39                   tive vote.

1 **§ 14308. Information**

2 (a) *ACTIONS OF COMMISSION.*—*To obtain information needed to carry out*  
3 *its duties, the Appalachian Regional Commission shall—*

4 (1) *hold hearings, sit and act at times and places, take testimony, re-*  
5 *ceive evidence, and print or otherwise reproduce and distribute so much*  
6 *of its proceedings and reports on the proceedings as the Commission may*  
7 *deem advisable;*

8 (2) *arrange for the head of any federal, state, or local department or*  
9 *agency to furnish to the Commission information as may be available*  
10 *to or procurable by the department or agency; and*

11 (3) *keep accurate and complete records of its doings and transactions*  
12 *which shall be made available for—*

13 (A) *public inspection; and*

14 (B) *audit and examination by the Comptroller General or an au-*  
15 *thorized representative of the Comptroller General.*

16 (b) *AUTHORIZATIONS.*—

17 (1) *ADMINISTER OATHS.*—*A Cochairman of the Commission, or any*  
18 *member of the Commission designated by the Commission, may admin-*  
19 *ister oaths when the Commission decides that testimony shall be taken*  
20 *or evidence received under oath.*

21 (2) *FURNISH INFORMATION.*—*The head of any federal, state, or local*  
22 *department or agency, to the extent not otherwise prohibited by law, may*  
23 *carry out section (a)(2).*

24 (c) *PUBLIC PARTICIPATION.*—*Public participation in the development, revi-*  
25 *sion, and implementation of all plans and programs under this subtitle by*  
26 *the Commission, any State, or any local development district shall be pro-*  
27 *vided for, encouraged, and assisted. The Commission shall develop and pub-*  
28 *lish regulations specifying minimum guidelines for public participation, in-*  
29 *cluding public hearings.*

30 **§ 14309. Personal financial interests**

31 (a) *CONFLICT OF INTEREST.*—

32 (1) *NO ROLE ALLOWED.*—*Except as permitted by paragraph (2), an*  
33 *individual who is a state member or alternate, or an officer or employee*  
34 *of the Appalachian Regional Commission, shall not participate person-*  
35 *ally and substantially as a member, alternate, officer, or employee in*  
36 *any way in any particular matter in which, to the individual's knowl-*  
37 *edge, any of the following has a financial interest:*

38 (A) *the individual.*

39 (B) *the individual's spouse, minor child, or partner.*

1           (C) an organization (except a State or political subdivision of a  
2 State) in which the individual is serving as an officer, director,  
3 trustee, partner, or employee.

4           (D) any person or organization with whom the individual—

5               (i) is serving as an officer, director, trustee, partner, or em-  
6 ployee; or

7               (ii) is negotiating or has any arrangement concerning pro-  
8 spective employment.

9           (2) *EXCEPTION.*—Paragraph (1) does not apply if the individual first  
10 advises the Commission of the nature and circumstances of the particular  
11 matter and makes full disclosure of the financial interest and receives  
12 in advance a written decision of the Commission that the interest is not  
13 so substantial as to be considered likely to affect the integrity of the serv-  
14 ices which the Commission may expect from the individual.

15           (3) *CRIMINAL PENALTY.*—An individual violating this subsection shall  
16 be fined under title 18, imprisoned for not more than two years, or both.

17 (b) *ADDITIONAL SOURCES OF SALARY DISALLOWED.*—

18           (1) *STATE MEMBER OR ALTERNATE.*—A state member or alternate  
19 may not receive any salary, or any contribution to, or supplementation  
20 of, salary, for services on the Commission from a source other than the  
21 State of the member or alternate.

22           (2) *INDIVIDUALS DETAILED TO COMMISSION.*—An individual detailed  
23 to serve the Commission under section 14306(a)(4) of this title may not  
24 receive any salary, or any contribution to, or supplementation of, salary,  
25 for services on the Commission from a source other than the state, local,  
26 or intergovernmental department or agency from which the individual  
27 was detailed or from the Commission.

28           (3) *CRIMINAL PENALTY.*—An individual violating this subsection shall  
29 be fined under title 18, imprisoned for not more than one year, or both.

30 (c) *FEDERAL COCHAIRMAN, ALTERNATE TO FEDERAL COCHAIRMAN, AND*  
31 *FEDERAL OFFICERS AND EMPLOYEES.*—The Federal Cochairman, the alter-  
32 nate to the Federal Cochairman, and any federal officer or employee detailed  
33 to duty with the Commission under section 14306(a)(3) of this title are not  
34 subject to this section but remain subject to sections 202–209 of title 18.

35 (d) *RESCISSION.*—The Commission may declare void and rescind any con-  
36 tract, loan, or grant of or by the Commission in relation to which it finds  
37 that there has been a violation of subsection (a)(1) or (b) of this section or  
38 any of the provisions of sections 202–209 of title 18.

39 **§ 14310. Annual report**

40           Not later than six months after the close of each fiscal year, the Appa-  
41 lachian Regional Commission shall prepare and submit to the Governor of

1 *each State in the Appalachian region and to the President, for transmittal*  
 2 *to Congress, a report on the activities carried out under this subtitle during*  
 3 *the fiscal year.*

4 *SUBCHAPTER II—FINANCIAL ASSISTANCE*

5 **§ 14321. Grants and other assistance**

6 *(a) AUTHORIZATION TO MAKE GRANTS.—*

7 *(1) IN GENERAL.—The Appalachian Regional Commission may make*  
 8 *grants—*

9 *(A) for administrative expenses, including the development of*  
 10 *areawide plans or action programs and technical assistance activi-*  
 11 *ties, of local development districts, but—*

12 *(i) the amount of a grant shall not exceed 50 percent of ad-*  
 13 *ministrative expenses or, at the discretion of the Commission,*  
 14 *75 percent of administrative expenses if the grant is to a local*  
 15 *development district that has a charter or authority that in-*  
 16 *cludes the economic development of a county or part of a coun-*  
 17 *ty for which a distressed county designation is in effect under*  
 18 *section 14526 of this title;*

19 *(ii) grants for administrative expenses shall not be made for*  
 20 *a state agency certified as a local development district for a*  
 21 *period of more than three years beginning on the date the ini-*  
 22 *tial grant is made for the development district; and*

23 *(iii) the local development district contributions for adminis-*  
 24 *trative expenses may be in cash or in kind, fairly evaluated,*  
 25 *including space, equipment, and services;*

26 *(B) for assistance to States for a period of not more than two*  
 27 *years to strengthen the state development planning process for the*  
 28 *Appalachian region and the coordination of state planning under*  
 29 *this subtitle, the Public Works and Economic Development Act of*  
 30 *1965 (42 U.S.C. 3121 et seq.), and other federal and state programs;*  
 31 *and*

32 *(C) for investigation, research, studies, evaluations, and assess-*  
 33 *ments of needs, potentials, or attainments of the people of the region,*  
 34 *technical assistance, training programs, demonstrations, and the*  
 35 *construction of necessary facilities incident to those activities, which*  
 36 *will further the purposes of this subtitle.*

37 *(2) LIMITATION ON AVAILABLE AMOUNTS.—*

38 *(A) IN GENERAL.—Except as provided in subparagraph (B), not*  
 39 *more than 50 percent (or 80 percent in the case of a project to be*  
 40 *carried out in a county for which a distressed county designation*  
 41 *is in effect under section 14526 of this title) of the cost of any activ-*

1            *ity eligible for financial assistance under this section may be pro-*  
 2            *vided from amounts appropriated to carry out this subtitle.*

3            (B) *DISCRETIONARY GRANTS.*—

4            (i) *GRANTS TO WHICH PERCENTAGE LIMITATION DOESN'T*  
 5            *APPLY.*—*Discretionary grants made by the Commission to im-*  
 6            *plement significant regional initiatives, to take advantage of*  
 7            *special development opportunities, or to respond to emergency*  
 8            *economic distress in the region may be made without regard*  
 9            *to the percentage limitations specified in subparagraph (A).*

10            (ii) *LIMITATION ON AGGREGATE AMOUNT.*—*For each fiscal*  
 11            *year, the aggregate amount of discretionary grants referred to*  
 12            *in clause (i) shall not be more than 10 percent of the amount*  
 13            *appropriated under section 14703 of this title for the fiscal*  
 14            *year.*

15            (3) *SOURCES OF GRANTS.*—*Grant amounts may be provided entirely*  
 16            *from appropriations to carry out this section, in combination with*  
 17            *amounts available under other federal or federal grant programs, or from*  
 18            *any other source.*

19            (4) *FEDERAL SHARE.*—*Notwithstanding any law limiting the federal*  
 20            *share in any other federal or federal grant program, amounts appro-*  
 21            *priated to carry out this section may be used to increase that federal*  
 22            *share, as the Commission decides is appropriate.*

23            (b) *ASSISTANCE FOR DEMONSTRATIONS OF ENTERPRISE DEVELOPMENT.*—

24            (1) *IN GENERAL.*—*The Commission may provide assistance under this*  
 25            *section for demonstrations of enterprise development, including site ac-*  
 26            *quisition or development where necessary for the feasibility of the project,*  
 27            *in connection with the development of the region's energy resources and*  
 28            *the development and stimulation of indigenous arts and crafts of the re-*  
 29            *gion.*

30            (2) *COOPERATION BY FEDERAL AGENCIES.*—*In carrying out the pur-*  
 31            *poses of this subtitle and in implementing this section, the Secretary of*  
 32            *Energy, the Environmental Protection Agency, and other federal agencies*  
 33            *shall cooperate with the Commission and shall provide assistance that*  
 34            *the Federal Cochairman may request.*

35            (3) *AVAILABLE AMOUNTS.*—*In any fiscal year, not more than—*

36            (A) *\$3,000,000 shall be obligated for energy resource related dem-*  
 37            *onstrations; and*

38            (B) *\$2,500,000 shall be obligated for indigenous arts and crafts*  
 39            *demonstrations.*

40            (c) *RECORDS.*—

1           (1) *COMMISSION.*—*The Commission, as required by the President,*  
 2           *shall maintain accurate and complete records of transactions and activi-*  
 3           *ties financed with federal amounts and report to the President on the*  
 4           *transactions and activities. The records of the Commission with respect*  
 5           *to grants are available for audit by the President and the Comptroller*  
 6           *General.*

7           (2) *RECIPIENTS OF FEDERAL ASSISTANCE.*—*Recipients of federal as-*  
 8           *istance under this section, as required by the Commission, shall main-*  
 9           *tain accurate and complete records of transactions and activities fi-*  
 10           *nanced with federal amounts and report to the Commission on the trans-*  
 11           *actions and activities. The records are be available for audit by the*  
 12           *President, the Comptroller General, and the Commission.*

13           **§ 14322. Approval of development plans, strategy statements,**  
 14           **and projects**

15           (a) *ANNUAL REVIEW AND APPROVAL REQUIRED.*—*The Appalachian Re-*  
 16           *gional Commission annually shall review and approve, in accordance with*  
 17           *section 14302 of this title, state and regional development plans and strategy*  
 18           *statements, and any multistate subregional plans which may be developed.*

19           (b) *APPLICATION PROCESS.*—*An application for a grant or for other assist-*  
 20           *ance for a specific project under this subtitle shall be made through the state*  
 21           *member of the Commission representing the applicant. The state member shall*  
 22           *evaluate the application for approval. To be approved, the state member must*  
 23           *certify, and the Federal Cochairman must determine, that the application—*

24                   (1) *implements the Commission-approved state development plan;*

25                   (2) *is included in the Commission-approved strategy statement;*

26                   (3) *adequately ensures that the project will be properly administered,*  
 27                   *operated, and maintained; and*

28                   (4) *otherwise meets the requirements for assistance under this subtitle.*

29           (c) *AFFIRMATIVE VOTE REQUIREMENT DEEMED MET.*—*After the appro-*  
 30           *priate state development plan and strategy statement are approved, certifi-*  
 31           *cation by a state member, when joined by an affirmative vote of the Federal*  
 32           *Cochairman, is deemed to satisfy the requirements for affirmative votes for*  
 33           *decisions under section 14302(a) of this title.*

34           **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.*



1 (e) *FEDERAL SHARE.*—Federal assistance to any construction project under  
2 this section shall not be more than 80 percent of the cost of the project.

3 (f) *CONSTRUCTION WITHOUT FEDERAL AMOUNTS.*—

4 (1) *PAYMENT OF FEDERAL SHARE.*—When a participating State con-  
5 structs a segment of a development highway without the aid of federal  
6 amounts and the construction is in accordance with all procedures and  
7 requirements applicable to the construction of segments of Appalachian  
8 development highways with those amounts, except for procedures and re-  
9 quirements that limit a State to the construction of projects for which  
10 federal amounts have previously been appropriated, the Secretary, on ap-  
11 plication by the State and with the approval of the Commission, may  
12 pay to the State the federal share, which shall not be more than 80 per-  
13 cent of the cost of the construction of the segment, from any amounts ap-  
14 propriated and allocated to the State to carry out this section.

15 (2) *NO COMMITMENT OR OBLIGATION.*—This subsection does not com-  
16 mit or obligate the Federal Government to provide amounts for segments  
17 of development highways constructed under this subsection.

18 (g) *APPLICATION OF TITLE 23.*—

19 (1) *SECTIONS 106(a) AND 118.*—Sections 106(a) and 118 of title 23  
20 apply to the development highway system and the local access roads.

21 (2) *CONSTRUCTION AND MAINTENANCE.*—States are required to main-  
22 tain each development highway and local access road as provided for  
23 Federal-aid highways in title 23. All other provisions of title 23 that are  
24 applicable to the construction and maintenance of Federal-aid primary  
25 and secondary highways and which the Secretary decides are not incon-  
26 sistent with this subtitle shall apply to the system and roads, respec-  
27 tively.

### 28 **§ 14502. Demonstration health projects**

29 (a) *PURPOSE.*—To demonstrate the value of adequate health facilities and  
30 services to the economic development of the Appalachian region, the Secretary  
31 of Health and Human Services may make grants for the planning, construc-  
32 tion, equipment, and operation of multi-county demonstration health, nutri-  
33 tion, and child care projects, including hospitals, regional health diagnostic  
34 and treatment centers, and other facilities and services necessary for the pur-  
35 poses of this section.

36 (b) *PLANNING GRANTS.*—

37 (1) *AUTHORITY TO PROVIDE AMOUNTS AND MAKE GRANTS.*—The Sec-  
38 retary may provide amounts to the Appalachian Regional Commission  
39 for the support of its Health Advisory Committee and may make grants  
40 for expenses of planning necessary for the development and operation of  
41 demonstration health projects for the region.

1           (2) *LIMITATION ON AVAILABLE AMOUNTS.*—*The amount of a grant*  
 2 *under this section for planning shall not be more than 75 percent of ex-*  
 3 *penses.*

4           (3) *SOURCES OF ASSISTANCE.*—*The federal contribution may be pro-*  
 5 *vided entirely from amounts authorized under this section or in com-*  
 6 *bination with amounts provided under other federal or federal grant pro-*  
 7 *grams.*

8           (4) *FEDERAL SHARE.*—*Notwithstanding any provision of law limiting*  
 9 *the federal share in those other programs, amounts appropriated to carry*  
 10 *out this section may be used to increase the federal share to the max-*  
 11 *imum percentage cost of a grant authorized by this subsection.*

12 (c) *CONSTRUCTION AND EQUIPMENT GRANTS.*—

13           (1) *ADDITIONAL USES FOR CONSTRUCTION GRANTS.*—*Grants under*  
 14 *this section for construction may also be used for—*

15                   (A) *the acquisition of privately owned facilities—*

16                           (i) *not operated for profit; or*

17                           (ii) *previously operated for profit if the Commission finds*  
 18 *that health services would not otherwise be provided in the area*  
 19 *served by the facility if the acquisition is not made; and*

20                   (B) *initial equipment.*

21           (2) *STANDARDS FOR MAKING GRANTS.*—*Grants under this section for*  
 22 *construction shall be made in accordance with section 14523 of this title*  
 23 *and shall not be incompatible with the applicable provisions of title VI*  
 24 *of the Public Health Service Act (42 U.S.C. 291 et seq.), the Develop-*  
 25 *mental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C.*  
 26 *15001 et seq.), and other laws authorizing grants for the construction of*  
 27 *health-related facilities, without regard to any provisions in those laws*  
 28 *relating to appropriation authorization ceilings or to allotments among*  
 29 *the States.*

30           (3) *LIMITATION ON AVAILABLE AMOUNTS.*—*A grant for the construc-*  
 31 *tion or equipment of any component of a demonstration health project*  
 32 *shall not be more than 80 percent of the cost.*

33           (4) *SOURCES OF ASSISTANCE.*—*The federal contribution may be pro-*  
 34 *vided entirely from amounts authorized under this section or in com-*  
 35 *bination with amounts provided under other federal grant programs for*  
 36 *the construction or equipment of health-related facilities.*

37           (5) *FEDERAL SHARE.*—*Notwithstanding any provision of law limiting*  
 38 *the federal share in those other programs, amounts authorized under this*  
 39 *section may be used to increase federal grants for component facilities*  
 40 *of a demonstration health project to a maximum of 80 percent of the cost*  
 41 *of the facilities.*

1 (d) OPERATION GRANTS.—

2 (1) STANDARDS FOR MAKING GRANTS.—A grant for the operation of  
3 a demonstration health project shall not be made—

4 (A) unless the facility is publicly owned, or owned by a public  
5 or private nonprofit organization, and is not operated for profit;

6 (B) after five years following the commencement of the initial  
7 grant for operation of the project, except that child development  
8 demonstrations assisted under this section during fiscal year 1979  
9 may be approved under section 14322 of this title for continued sup-  
10 port beyond that period, on request of the State, if the Commission  
11 finds that no federal, state, or local amounts are available to con-  
12 tinue the project; and

13 (C) unless the Secretary of Health and Human Services is satis-  
14 fied that the operation of the project will be conducted under effi-  
15 cient management practices designed to obviate operating deficits.

16 (2) LIMITATION ON AVAILABLE AMOUNTS.—Grants under this section  
17 for the operation (including initial operating amounts and operating  
18 deficits, which include the cost of attracting, training, and retaining  
19 qualified personnel) of a demonstration health project, whether or not  
20 constructed with amounts authorized by this section, may be made for  
21 up to 50 percent of the cost of that operation (or 80 percent of the cost  
22 of that operation for a project to be carried out in a county for which  
23 a distressed county designation is in effect under section 14526 of this  
24 title).

25 (3) SOURCES OF ASSISTANCE.—The federal contribution may be pro-  
26 vided entirely from amounts appropriated to carry out this section or  
27 in combination with amounts provided under other federal grant pro-  
28 grams for the operation of health related facilities and the provision of  
29 health and child development services, including parts A and B of title  
30 IV and title XX of the Social Security Act (42 U.S.C. 601 et seq., 620  
31 et seq., 1397 et seq.).

32 (4) FEDERAL SHARE.—Notwithstanding any provision of law limiting  
33 the federal share in those other programs, amounts appropriated to carry  
34 out this section may be used to increase federal grants for operating com-  
35 ponents of a demonstration health project to the maximum percentage  
36 cost of a grant authorized by this subsection.

37 (5) STATE DEEMED TO MEET REQUIREMENT OF PROVIDING ASSIST-  
38 ANCE OR SERVICES ON STATEWIDE BASIS.—Notwithstanding any provi-  
39 sion of the Social Security Act (42 U.S.C. 301 et seq.) requiring assist-  
40 ance or services on a statewide basis, a State providing assistance or  
41 services under a federal grant program described in paragraph (2) in

1           any area of the region approved by the Commission is deemed to be  
2           meeting that requirement.

3           (e) *GRANT SOURCES AND USE OF GRANTS IN COMPUTING ALLOTMENTS.*—  
4           Grants under this section—

5                 (1) shall be made only out of amounts specifically appropriated for  
6                 the purpose of carrying out this subtitle; and

7                 (2) shall not be taken into account in computing allotments among the  
8                 States under any other law.

9           (f) *MAXIMUM COMMISSION CONTRIBUTION.*—

10                 (1) *IN GENERAL.*—Subject to paragraph (2), the Commission may con-  
11                 tribute not more than 50 percent of any project cost eligible for financial  
12                 assistance under this section from amounts appropriated to carry out  
13                 this subtitle.

14                 (2) *DISTRESSED COUNTIES.*—The maximum Commission contribution  
15                 for a project to be carried out in a county for which a distressed county  
16                 designation is in effect under section 14526 of this title may be increased  
17                 to the lesser of—

18                         (A) 80 percent; or

19                         (B) the maximum federal contribution percentage authorized by  
20                         this section.

21           (g) *EMPHASIS ON OCCUPATIONAL DISEASES FROM COAL MINING.*—To pro-  
22           vide for the further development of the Appalachian region's human resources,  
23           grants under this section shall give special emphasis to programs and research  
24           for the early detection, diagnosis, and treatment of occupational diseases aris-  
25           ing from coal mining, such as black lung.

26           **§ 14503. Assistance for proposed low- and middle-income**  
27           **housing projects**

28           (a) *APPALACHIAN HOUSING FUND.*—

29                 (1) *ESTABLISHMENT.*—There is an Appalachian Housing Fund.

30                 (2) *SOURCE AND USE OF AMOUNTS IN FUND.*—Amounts allocated to  
31                 the Secretary of Housing and Urban Development for the purposes of  
32                 this section shall be deposited in the Fund. The Secretary shall use the  
33                 Fund as a revolving fund to carry out those purposes. Amounts in the  
34                 Fund not needed for current operation may be invested in bonds or other  
35                 obligations the Federal Government guarantees as to principal and inter-  
36                 est. General expenses of administration of this section may be charged  
37                 to the Fund.

38           (b) *PURPOSE.*—To encourage and facilitate the construction or rehabilita-  
39           tion of housing to meet the needs of low- and moderate-income families and  
40           individuals, the Secretary may make grants and loans from the Fund, under  
41           terms and conditions the Secretary may prescribe. The grants and loans may

1 *be made to nonprofit, limited dividend, or cooperative organizations and pub-*  
2 *lic bodies and are for planning and obtaining federally insured mortgage fi-*  
3 *ancing or other financial assistance for housing construction or rehabilita-*  
4 *tion projects for low- and moderate-income families and individuals, in any*  
5 *area of the Appalachian region the Appalachian Regional Commission estab-*  
6 *lishes, under—*

7 (1) *section 221 of the National Housing Act (12 U.S.C. 1715l);*

8 (2) *section 8 of the United States Housing Act of 1937 (42 U.S.C.*  
9 *1437f);*

10 (3) *section 515 of the Housing Act of 1949 (42 U.S.C. 1485); or*

11 (4) *any other law of similar purpose administered by the Secretary*  
12 *or any other department, agency, or instrumentality of the Federal Gov-*  
13 *ernment or a state government.*

14 (c) *PROVIDING AMOUNTS TO STATES FOR GRANTS AND LOANS.—The Sec-*  
15 *retary or the Commission may provide amounts to the States for making*  
16 *grants and loans to nonprofit, limited dividend, or cooperative organizations*  
17 *and public bodies for the purposes for which the Secretary may provide*  
18 *amounts under this section.*

19 (d) *LOANS.—*

20 (1) *LIMITATION ON AVAILABLE AMOUNTS.—A loan under subsection*  
21 *(b) shall not be more than 50 percent (or 80 percent for a project to be*  
22 *carried out in a county for which a distressed county designation is in*  
23 *effect under section 14526 of this title) of the cost of planning and ob-*  
24 *taining financing for a project, including preliminary surveys and anal-*  
25 *yses of market needs, preliminary site engineering and architectural fees,*  
26 *site options, application and mortgage commitment fees, legal fees, and*  
27 *construction loan fees and discounts.*

28 (2) *INTEREST.—A loan shall be made without interest, except that a*  
29 *loan made to an organization established for profit shall bear interest*  
30 *at the prevailing market rate authorized for an insured or guaranteed*  
31 *loan for that type of project.*

32 (3) *PAYMENT.—The Secretary shall require payment of a loan made*  
33 *under this section, under terms and conditions the Secretary may re-*  
34 *quire, no later than on completion of the project. Except for a loan to*  
35 *an organization established for profit, the Secretary may cancel any part*  
36 *of a loan made under this section on determining that a permanent loan*  
37 *to finance the project cannot be obtained in an amount adequate for re-*  
38 *payment of a loan made under this section.*

39 (e) *GRANTS.—*

40 (1) *IN GENERAL.—A grant under this section shall not be made to an*  
41 *organization established for profit and, except as provided in paragraph*

1           (2), shall not exceed 50 percent (or 80 percent for a project to be carried  
2           out in a county for which a distressed county designation is in effect  
3           under section 14526 of this title) of expenses, incident to planning and  
4           obtaining financing for a project, which the Secretary considers not to  
5           be recoverable from the proceeds of a permanent loan made to finance  
6           the project.

7           (2) *SITE DEVELOPMENT COSTS AND OFFSITE IMPROVEMENTS.*—The  
8           Secretary may make grants and commitments for grants, and may ad-  
9           vance amounts under terms and conditions the Secretary may require,  
10          to nonprofit, limited dividend, or cooperative organizations and public  
11          bodies for reasonable site development costs and necessary offsite im-  
12          provements, such as sewer and water line extensions, when the grant,  
13          commitment, or advance is essential to the economic feasibility of a hous-  
14          ing construction or rehabilitation project for low- and moderate-income  
15          families and individuals which otherwise meets the requirements for as-  
16          sistance under this section. A grant under this paragraph for—

17                (A) the construction of housing shall not be more than 10 percent  
18                of the cost of the project; and

19                (B) the rehabilitation of housing shall not be more than 10 per-  
20                cent of the reasonable value of the rehabilitation housing, as deter-  
21                mined by the Secretary.

22          (f) *INFORMATION, ADVICE, AND TECHNICAL ASSISTANCE.*—The Secretary or  
23          the Commission may provide, or contract with public or private organizations  
24          to provide, information, advice, and technical assistance with respect to the  
25          construction, rehabilitation, and operation by nonprofit organizations of  
26          housing for low- or moderate- income families in areas of the region the Com-  
27          mission establishes.

28          (g) *APPLICATION OF CERTAIN PROVISIONS.*—Programs and projects as-  
29          sisted under this section are subject to the provisions cited in section 14701  
30          of this title to the extent provided in the laws authorizing assistance for low-  
31          and moderate-income housing.

32          **§ 14504. Telecommunications and technology initiative**

33          (a) *PROJECTS TO BE ASSISTED.*—The Appalachian Regional Commission  
34          may provide technical assistance, make grants, enter into contracts, or other-  
35          wise provide amounts to persons or entities in the region for projects—

36                (1) to increase affordable access to advanced telecommunications, en-  
37                trepreneurship, and management technologies or applications in the re-  
38                gion;

39                (2) to provide education and training in the use of telecommuni-  
40                cations and technology;

1           (3) to develop programs to increase the readiness of industry groups  
2           and businesses in the region to engage in electronic commerce; or

3           (4) to support entrepreneurial opportunities for businesses in the in-  
4           formation technology sector.

5           (b) *LIMITATION ON AVAILABLE AMOUNTS.*—Not more than 50 percent (or  
6           80 percent in the case of a project to be carried out in a county for which  
7           a distressed county designation is in effect under section 14526 of this title)  
8           of the cost of any activity eligible for a grant under this section may be pro-  
9           vided from amounts appropriated to carry out this section.

10          (c) *SOURCES OF ASSISTANCE.*—Assistance under this section may be pro-  
11          vided entirely from amounts made available to carry out this section, in com-  
12          bination with amounts made available under other federal programs, or from  
13          any other source.

14          (d) *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 Com-  
17          mission decides is appropriate.

18        **§ 14505. Entrepreneurship initiative**

19          (a) *BUSINESS INCUBATOR SERVICE.*—In this section, the term “business  
20          incubator service” means a professional or technical service necessary for the  
21          initiation and initial sustainment of the operations of a newly established  
22          business, including a service such as—

23               (1) a legal service, including aid in preparing a corporate charter,  
24               partnership agreement, or basic contract;

25               (2) a service in support of the protection of intellectual property  
26               through a patent, a trademark, or any other means;

27               (3) a service in support of the acquisition and use of advanced tech-  
28               nology, including the use of Internet services and Web-based services; and

29               (4) consultation on strategic planning, marketing, or advertising.

30          (b) *PROJECTS TO BE ASSISTED.*—The Appalachian Regional Commission  
31          may provide technical assistance, make grants, enter into contracts, or other-  
32          wise provide amounts to persons or entities in the region for projects—

33               (1) to support the advancement of, and provide, entrepreneurial train-  
34               ing and education for youths, students, and businesspersons;

35               (2) to improve access to debt and equity capital by such means as fa-  
36               cilitating the establishment of development venture capital funds;

37               (3) to aid communities in identifying, developing, and implementing  
38               development strategies for various sectors of the economy;

39               (4) to develop a working network of business incubators; and

40               (5) to support entities that provide business incubator services.

1       (c) *LIMITATION ON AVAILABLE AMOUNTS.*—Not more than 50 percent (or  
2 80 percent in the case of a project to be carried out in a county for which  
3 a distressed county designation is in effect under section 14526 of this title)  
4 of the cost of any activity eligible for a grant under this section may be pro-  
5 vided from amounts appropriated to carry out this section.

6       (d) *SOURCES OF ASSISTANCE.*—Assistance under this section may be pro-  
7 vided entirely from amounts made available to carry out this section, in com-  
8 bination with amounts made available under other federal programs, or from  
9 any other source.

10       (e) *FEDERAL SHARE.*—Notwithstanding any provision of law limiting the  
11 federal share under any other federal program, amounts made available to  
12 carry out this section may be used to increase that federal share, as the Com-  
13 mission decides is appropriate.

14 **§ 14506. Regional skills partnerships**

15       (a) *ELIGIBLE ENTITY.*—In this section, the term “eligible entity” means  
16 a consortium that—

17           (1) is established to serve one or more industries in a specified geo-  
18 graphic area; and

19           (2) consists of representatives of—

20                   (A) businesses (or a nonprofit organization that represents busi-  
21 nesses);

22                   (B) labor organizations;

23                   (C) State and local governments; or

24                   (D) educational institutions.

25       (b) *PROJECTS TO BE ASSISTED.*—The Appalachian Regional Commission  
26 may provide technical assistance, make grants, enter into contracts, or other-  
27 wise provide amounts to eligible entities in the region for projects to improve  
28 the job skills of workers for a specified industry, including projects for—

29           (1) the assessment of training and job skill needs for the industry;

30           (2) the development of curricula and training methods, including, in  
31 appropriate cases, electronic learning or technology-based training;

32           (3) the identification of training providers;

33           (4) the development of partnerships between the industry and edu-  
34 cational institutions, including community colleges;

35           (5) the development of apprenticeship programs;

36           (6) the development of training programs for workers, including dis-  
37 located workers; and

38           (7) the development of training plans for businesses.

39       (c) *ADMINISTRATIVE COSTS.*—An eligible entity may use not more than  
40 10 percent of amounts made available to the eligible entity under subsection

1 (b) to pay administrative costs associated with the projects described in sub-  
2 section (b).

3 (d) *LIMITATION ON AVAILABLE AMOUNTS.*—Not more than 50 percent (or  
4 80 percent in the case of a project to be carried out in a county for which  
5 a distressed county designation is in effect under section 14526 of this title)  
6 of the cost of any activity eligible for a grant under this section may be pro-  
7 vided from amounts appropriated to carry out this section.

8 (e) *SOURCES OF ASSISTANCE.*—Assistance under this section may be pro-  
9 vided entirely from amounts made available to carry out this section, in com-  
10 bination with amounts made available under other federal programs, or from  
11 any other source.

12 (f) *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 Com-  
15 mission decides is appropriate.

#### 16 **§ 14507. Supplements to federal grant programs**

17 (a) *DEFINITION.*—

18 (1) *FEDERAL GRANT PROGRAMS.*—In this section, the term “federal  
19 grant programs”—

20 (A) means any federal grant program that provides assistance for  
21 the acquisition or development of land, the construction or equip-  
22 ment of facilities, or other community or economic development or  
23 economic adjustment activities, including a federal grant program  
24 authorized by—

25 (i) the Consolidated Farm and Rural Development Act (7  
26 U.S.C. 1921 et seq.);

27 (ii) the Land and Water Conservation Fund Act of 1965 (16  
28 U.S.C. 460l–4 et seq.);

29 (iii) the Watershed Protection and Flood Prevention Act (16  
30 U.S.C. 1001 et seq.);

31 (iv) the Carl D. Perkins Vocational and Technical Edu-  
32 cation Act of 1998 (20 U.S.C. 2301 et seq.);

33 (v) the Federal Water Pollution Control Act (33 U.S.C. 1251  
34 et seq.) (known as the Clean Water Act);

35 (vi) title VI of the Public Health Services Act (42 U.S.C. 291  
36 et seq.);

37 (vii) sections 201 and 209 of the Public Works and Eco-  
38 nomic Development Act of 1965 (42 U.S.C. 3141, 3149);

39 (viii) title I of the Housing and Community Development  
40 Act of 1974 (42 U.S.C. 5301 et seq.); and

1           *(ix) part IV of title III of the Communications Act of 1934*  
2           *(47 U.S.C. 390 et seq.); but*

3           *(B) does not include—*

4           *(i) the program for the construction of the development high-*  
5           *way system authorized by section 14501 of this title or any*  
6           *other program relating to highway or road construction au-*  
7           *thorized by title 23; or*

8           *(ii) any other program to the extent that financial assistance*  
9           *other than a grant is authorized.*

10           (2) *CERTAIN SEWAGE TREATMENT WORKS DEEMED CONSTRUCTED*  
11           *WITH FEDERAL GRANT ASSISTANCE.—For the purpose of this section,*  
12           *any sewage treatment works constructed pursuant to title II of the Fed-*  
13           *eral Water Pollution Control Act (33 U.S.C. 1281 et seq.) (known as the*  
14           *Clean Water Act) without federal grant assistance under that title is*  
15           *deemed to be constructed with that assistance.*

16           (b) *PURPOSE.—To enable the people, States, and local communities of the*  
17           *Appalachian region, including local development districts, to take maximum*  
18           *advantage of federal grant programs for which they are eligible but for which,*  
19           *because of their economic situation, they cannot supply the required matching*  
20           *share, or for which there are insufficient amounts available under the federal*  
21           *law authorizing the programs to meet pressing needs of the region, the Federal*  
22           *Cochairman may use amounts made available to carry out this section—*

23           (1) *for any part of the basic federal contribution to projects or activi-*  
24           *ties under the federal grant programs authorized by federal laws; and*

25           (2) *to increase the federal contribution to projects and activities under*  
26           *the programs above the fixed maximum part of the cost of the projects*  
27           *or activities otherwise authorized by the applicable law.*

28           (c) *CERTIFICATION REQUIRED.—For a program, project, or activity for*  
29           *which any part of the basic federal contribution to the project or activity*  
30           *under a federal grant program is proposed to be made under subsection (b),*  
31           *the contribution shall not be made until the responsible federal official admin-*  
32           *istering the federal law authorizing the contribution certifies that the pro-*  
33           *gram, project, or activity meets the applicable requirements of the federal law*  
34           *and could be approved for federal contribution under that law if amounts*  
35           *were available under the law for the program, project, or activity.*

36           (d) *LIMITATIONS IN OTHER LAWS INAPPLICABLE.—Amounts provided pur-*  
37           *suant to this subtitle are available without regard to any limitations on areas*  
38           *eligible for assistance or authorizations for appropriation in any other law.*

39           (e) *ACCEPTANCE OF CERTAIN MATERIAL.—For a supplemental grant for a*  
40           *project or activity under a federal grant program, the Federal Cochairman*  
41           *shall accept any finding, report, certification, or documentation required to*

1 *be submitted to the head of the department, agency, or instrumentality of the*  
 2 *Federal Government responsible for the administration of the program.*

3 (f) *FEDERAL SHARE.*—*The federal portion of the cost of a project or activ-*  
 4 *ity shall not—*

5 (1) *be increased to more than the percentages the Commission estab-*  
 6 *lishes; nor*

7 (2) *be more than 80 percent of the cost.*

8 (g) *MAXIMUM COMMISSION CONTRIBUTION.*—

9 (1) *IN GENERAL.*—*Subject to paragraph (2), the Commission may con-*  
 10 *tribute not more than 50 percent of a project or activity cost eligible for*  
 11 *financial assistance under this section from amounts appropriated to*  
 12 *carry out this subtitle.*

13 (2) *DISTRESSED COUNTIES.*—*The maximum Commission contribu-*  
 14 *tion for a project or activity to be carried out in a county for which*  
 15 *a distressed county designation is in effect under section 14526 of this*  
 16 *title may be increased to 80 percent.*

17 *SUBCHAPTER II—ADMINISTRATIVE*

18 **§ 14521. Required level of expenditure**

19 *A State or political subdivision of a State is not eligible to receive benefits*  
 20 *under this subtitle unless the aggregate expenditure of state amounts, except*  
 21 *expenditures for participation in the Dwight D. Eisenhower System of Inter-*  
 22 *state and Defense Highways and local and federal amounts, for the benefit*  
 23 *of the area within the State located in the Appalachian region is maintained*  
 24 *at a level which does not fall below the average level of those expenditures for*  
 25 *the State's last two full fiscal years prior to March 9, 1965. In computing*  
 26 *the level, a State's past expenditure for participation in the Dwight D. Eisen-*  
 27 *hower System of Interstate and Defense Highways and expenditures of local*  
 28 *and federal amounts shall not be included. The Commission shall recommend*  
 29 *to the President a lesser requirement when it finds that a substantial popu-*  
 30 *lation decrease in that part of a State which lies within the region would*  
 31 *not justify a state expenditure equal to the average level of the last two years*  
 32 *or when it finds that a State's average level of expenditure in an individual*  
 33 *program has been disproportionate to the present need for that part of the*  
 34 *State.*

35 **§ 14522. Consent of States**

36 *This subtitle does not require a State to engage in or accept a program*  
 37 *under this subtitle without its consent.*

38 **§ 14523. Program implementation**

39 (a) *REQUIREMENTS.*—*A program or project authorized under this chapter*  
 40 *shall not be implemented until—*

1           (1) *the responsible federal official has decided that applications and*  
 2 *plans relating to the program or project are not incompatible with the*  
 3 *provisions and objectives of federal laws that the official administers that*  
 4 *are not inconsistent with this subtitle; and*

5           (2) *the Appalachian Regional Commission has approved the program*  
 6 *or project and has determined that it—*

7                 (A) *meets the applicable criteria under section 14524 of this title*  
 8 *and the requirements of the development planning process under sec-*  
 9 *tion 14525 of this title; and*

10                (B) *will contribute to the development of the Appalachian region.*

11           (b) *DECISION IS CONTROLLING.—A decision under subsection (a)(2) is con-*  
 12 *trolling and shall be accepted by the federal agencies.*

13 **§ 14524. Program development criteria**

14           (a) *FACTORS TO BE CONSIDERED.—In considering programs and projects*  
 15 *to be given assistance under this subtitle, and in establishing a priority rank-*  
 16 *ing of the requests for assistance presented to the Appalachian Regional Com-*  
 17 *mission, the Commission shall follow procedures that will ensure consider-*  
 18 *ation of—*

19                 (1) *the relationship of the project or class of projects to overall regional*  
 20 *development, including its location in a severely and persistently dis-*  
 21 *tressed county or area;*

22                 (2) *the population and area to be served by the project or class of*  
 23 *projects, including the per capita market income and the unemployment*  
 24 *rates in the area;*

25                 (3) *the relative financial resources available to the State or political*  
 26 *subdivisions or instrumentalities of the State that seek to undertake the*  
 27 *project;*

28                 (4) *the importance of the project or class of projects in relation to*  
 29 *other projects or classes of projects that may be in competition for the*  
 30 *same amounts;*

31                 (5) *the prospects that the project for which assistance is sought will*  
 32 *improve, on a continuing rather than a temporary basis, the opportuni-*  
 33 *ties for employment, the average level of income, or the economic and so-*  
 34 *cial development of the area served by the project; and*

35                 (6) *the extent to which the project design provides for detailed outcome*  
 36 *measurements by which grant expenditures may be evaluated.*

37           (b) *LIMITATION ON USE.—Financial assistance made available under this*  
 38 *subtitle shall not be used to assist establishments relocating from one area to*  
 39 *another.*

40           (c) *DETERMINATION REQUIRED BEFORE AMOUNTS MAY BE PROVIDED.—*  
 41 *Amounts may be provided for programs and projects in a State under this*

1 subtitle only if the Commission determines that the level of federal and state  
 2 financial assistance under other laws for the same type of programs or  
 3 projects in that part of the State within the Appalachian region will not be  
 4 diminished in order to substitute amounts authorized by this subtitle.

5 (d) *MINIMUM AMOUNT OF ASSISTANCE TO DISTRESSED COUNTIES AND*  
 6 *AREAS.*—For each fiscal year, not less than 50 percent of the amount of grant  
 7 expenditures the Commission approves shall support activities or projects that  
 8 benefit severely and persistently distressed counties and areas.

9 **§ 14525. State development planning process**

10 (a) *STATE DEVELOPMENT PLAN.*—Pursuant to policies the Appalachian  
 11 Regional Commission establishes, each state member shall submit a develop-  
 12 ment plan for the area of the State within the Appalachian region. The plan  
 13 shall—

14 (1) be submitted according to a schedule the Commission prescribes;

15 (2) reflect the goals, objectives, and priorities identified in the regional  
 16 development plan and in any subregional development plan that may be  
 17 approved for the subregion of which the State is a part;

18 (3) describe the state organization and continuous process for Appa-  
 19 lachian development planning, including—

20 (A) the procedures established by the State for the participation  
 21 of local development districts in the process;

22 (B) how the process is related to overall statewide planning and  
 23 budgeting processes; and

24 (C) the method of coordinating planning and projects in the re-  
 25 gion under this subtitle, the Public Works and Economic Develop-  
 26 ment Act of 1965 (42 U.S.C. 3121 et seq.), and other federal, state,  
 27 and local programs;

28 (4) set forth the goals, objectives, and priorities of the State for the  
 29 region, as established by the Governor, and identify the needs on which  
 30 the goals, objectives, and priorities are based; and

31 (5) describe the development strategies for achieving the goals, objec-  
 32 tives, and priorities, including funding sources, and recommendations for  
 33 specific projects to receive assistance under this subtitle.

34 (b) *AREAWIDE ACTION PROGRAMS.*—The Commission shall encourage the  
 35 preparation and execution of areawide action programs that specify inter-  
 36 related projects and schedules of actions, the necessary agency funding, and  
 37 other commitments to implement the programs. The programs shall make ap-  
 38 propriate use of existing plans affecting the area.

39 (c) *LOCAL DEVELOPMENT DISTRICTS.*—Local development districts cer-  
 40 tified by the State as described in section 14102(a)(2) of this title provide the  
 41 linkage between state and substate planning and development. The districts

1 shall assist the States in the coordination of areawide programs and projects  
 2 and may prepare and adopt areawide plans or action programs. In carrying  
 3 out the development planning process, including the selection of programs and  
 4 projects for assistance, States shall consult with local development districts,  
 5 local units of government, and citizen groups and shall consider the goals, ob-  
 6 jectives, priorities, and recommendations of those bodies.

7 (d) *FEDERAL RESPONSIBILITIES.*—To the maximum extent practicable,  
 8 federal departments, agencies, and instrumentalities undertaking or providing  
 9 financial assistance for programs or projects in the region shall—

10 (1) take into account the policies, goals, and objectives the Commission  
 11 and its member States establish pursuant to this subtitle;

12 (2) recognize Appalachian state development strategies approved by  
 13 the Commission as satisfying requirements for overall economic develop-  
 14 ment planning under the programs or projects; and

15 (3) accept the boundaries and organization of any local development  
 16 district certified under this subtitle that the Governor may designate as  
 17 the areawide agency required under any of those programs undertaken  
 18 or assisted by those federal departments, agencies, and instrumentalities.

19 **§ 14526. Distressed and economically strong counties**

20 (a) *DESIGNATIONS.*—

21 (1) *IN GENERAL.*—The Appalachian Regional Commission, in accord-  
 22 ance with criteria the Commission may establish, each year shall—

23 (A) designate as “distressed counties” those counties in the Appa-  
 24 lachian region that are the most severely and persistently distressed;  
 25 and

26 (B) designate two categories of economically strong counties, con-  
 27 sisting of—

28 (i) “competitive counties”, which shall be those counties in  
 29 the region that are approaching economic parity with the rest  
 30 of the United States; and

31 (ii) “attainment counties”, which shall be those counties in  
 32 the region that have attained or exceeded economic parity with  
 33 the rest of the United States.

34 (2) *ANNUAL REVIEW OF DESIGNATIONS.*—The Commission shall—

35 (A) conduct an annual review of each designation of a county  
 36 under paragraph (1) to determine if the county still meets the cri-  
 37 teria for the designation; and

38 (B) renew the designation for another one-year period only if the  
 39 county still meets the criteria.

40 (b) *DISTRESSED COUNTIES.*—In program and project development and im-  
 41 plementation and in the allocation of appropriations made available to carry

1 out this subtitle, the Commission shall give special consideration to the needs  
2 of counties for which a distressed county designation is in effect under this  
3 section.

4 (c) *ECONOMICALLY STRONG COUNTIES.*—

5 (1) *COMPETITIVE COUNTIES.*—Except as provided in paragraphs (3)  
6 and (4), assistance under this subtitle for a project that is carried out  
7 in a county for which a competitive county designation is in effect under  
8 this section shall not be more than 30 percent of the project cost.

9 (2) *ATTAINMENT COUNTIES.*—Except as provided in paragraphs (3)  
10 and (4), amounts may not be provided under this subtitle for a project  
11 that is carried out in a county for which an attainment county designa-  
12 tion is in effect under this section.

13 (3) *EXCEPTIONS.*—Paragraphs (1) and (2) do not apply to—

14 (A) a project on the Appalachian development highway system  
15 authorized by section 14501 of this title;

16 (B) a local development district administrative project assisted  
17 under section 14321(a)(1)(A) of this title; or

18 (C) a multicounty project that is carried out in at least two  
19 counties designated under this section if—

20 (i) at least one of the participating counties is designated as  
21 a distressed county under this section; and

22 (ii) the project will be of substantial direct benefit to at least  
23 one distressed county.

24 (4) *WAIVER.*—

25 (A) *IN GENERAL.*—The Commission may waive the requirements  
26 of paragraphs (1) and (2) for a project when the recipient of assist-  
27 ance for the project shows the existence of any of the following:

28 (i) a significant pocket of distress in the part of the county  
29 in which the project is carried out.

30 (ii) a significant potential benefit from the project in at  
31 least one area of the region outside the designated county.

32 (B) *REPORTS TO CONGRESS.*—The Commission shall submit to  
33 the Committee on Environment and Public Works of the Senate and  
34 the Committee on Transportation and Infrastructure of the House  
35 of Representatives an annual report describing each waiver granted  
36 under subparagraph (A) during the period covered by the report.

37 **CHAPTER 147—MISCELLANEOUS**

Sec.

14701. Applicable labor standards.

14702. Nondiscrimination.

14703. Authorization of appropriations.

14704. Termination.

1 **§ 14701. Applicable labor standards**

2 *All laborers and mechanics employed by contractors or subcontractors in*  
 3 *the construction, alteration, or repair, including painting and decorating, of*  
 4 *projects, buildings, and works which are financially assisted through federal*  
 5 *amounts authorized under this subtitle shall be paid wages at rates not less*  
 6 *than those prevailing on similar construction in the locality as the Secretary*  
 7 *of Labor determines in accordance with sections 3141–3144, 3146, and 3147*  
 8 *of this title. With respect to those labor standards, the Secretary has the au-*  
 9 *thority and functions set forth in Reorganization Plan Numbered 14 of 1950*  
 10 *(eff. May 24, 1950, 64 Stat. 1267) and section 3145 of this title.*

11 **§ 14702. Nondiscrimination**

12 *An individual in the United States shall not, because of sex, be excluded*  
 13 *from participation in, be denied the benefits of, or be subjected to discrimina-*  
 14 *tion under, a program or activity receiving federal financial assistance under*  
 15 *this subtitle.*

16 **§ 14703. Authorization of appropriations**

17 *(a) IN GENERAL.—In addition to amounts authorized by section 14501 of*  
 18 *this title and other amounts made available for the Appalachian development*  
 19 *highway system program, the following amounts may be appropriated to the*  
 20 *Appalachian Regional Commission to carry out this subtitle:*

- 21 (1) \$88,000,000 for each of the fiscal years 2002–2004.
- 22 (2) \$90,000,000 for fiscal year 2005.
- 23 (3) \$92,000,000 for fiscal year 2006.

24 *(b) TELECOMMUNICATIONS AND TECHNOLOGY INITIATIVE.—Of the amounts*  
 25 *made available under subsection (a), the following amounts are available to*  
 26 *carry out section 14504 of this title:*

- 27 (1) \$10,000,000 for fiscal year 2002.
- 28 (2) \$8,000,000 for fiscal year 2003.
- 29 (3) \$5,000,000 for each of the fiscal years 2004–2006.

30 *(c) AVAILABILITY.—Amounts made available under subsection (a) remain*  
 31 *available until expended.*

32 **§ 14704. Termination**

33 *This subtitle, except sections 14102(a)(1) and (b) and 14501, ceases to be*  
 34 *in effect on October 1, 2006.*

35 **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-IMPAIRED AND SPEECH-IMPAIRED INDIVIDUALS.	18101
183. NATIONAL CAPITAL AREA INTEREST ARBITRATION STANDARDS ...	18301



1           or by which the transportation is effected or the person to whom it  
2           is made; and

3           (B) includes shipments made to any executive department, inde-  
4           pendent establishment, agency, wholly owned or mixed-ownership  
5           Government corporation, officer, or employee of the Federal Govern-  
6           ment, or any person acting on behalf of, or at the direction of, the  
7           executive department, independent establishment, agency, wholly or  
8           partly owned Government corporation, officer, or employee.

9           (3) VALUABLES.—

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

12                   (i) in which the Government, its executive departments,  
13                   independent establishments, and agencies, including wholly  
14                   owned Government corporations, and officers and employees of  
15                   the Government or its executive departments, independent es-  
16                   tablishments, and agencies while acting in their official capac-  
17                   ity, have any interest, or in connection with which they have  
18                   any obligation or responsibility; and

19                   (ii) which the Secretary of the Treasury declares to be  
20                   valuables within the meaning of this chapter.

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

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

29                   (A) means any corporation, regardless of the law under which it  
30                   is incorporated, the capital of which is entirely owned by the Gov-  
31                   ernment; and

32                   (B) includes the authorized officers, employees, and agents of the  
33                   corporation.

34           **§ 17302. Compliance**

35           (a) PRESCRIBING REGULATIONS.—With the approval of the President, the  
36           Secretary of the Treasury and the United States Postal Service jointly shall  
37           prescribe regulations governing the shipment of valuables by an executive de-  
38           partment, independent establishment, agency, wholly owned Government cor-  
39           poration, officer, or employee of the Federal Government, with a view to mini-  
40           mizing the risk of loss and destruction of, and damage to, valuables in ship-  
41           ment.

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

7 **§ 17303. Fund for the payment of Government losses in ship-**  
8 **ment**

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

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

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

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

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

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

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

27 **§ 17304. Claim for replacement**

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

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

33 (1) *REPLACEMENT MADE FROM FUND.*—If the Secretary is satisfied  
34 that the loss, destruction, or damage has occurred and that shipment was  
35 made substantially in accordance with the regulations, the Secretary  
36 shall have replacement be made out of the fund described in section  
37 17303 of this title through an officer the Secretary designates.

38 (2) *REPLACEMENT MADE BY CREDIT.*—When the Secretary decides  
39 that any part of the replacement can be made, without actual or ulti-  
40 mate injury to the Federal Government, by a credit in the accounts of  
41 the executive department, independent establishment, agency, officer, em-

1            *ployee, or other accountable person making the claim, the Secretary*  
 2            *shall—*

3                    (A) *certify the decision to the Comptroller General who, on receiv-*  
 4                    *ing the certification, shall make the credit in the settlement of ac-*  
 5                    *counts in the General Accounting Office; and*

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

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

12           **§ 17305. Replacing lost, destroyed, or damaged stamps, secu-**  
 13           **rities, obligations, or money**

14           *Stamps, securities, or other obligations of the Federal Government, or*  
 15           *money lost, destroyed, or damaged while in the custody or possession of, or*  
 16           *charged to, the United States Postal Service while it is acting as agent for,*  
 17           *or on behalf of, the Secretary of the Treasury for the sale of the stamps, secu-*  
 18           *rities, or obligations and for the collection of the money, shall be replaced out*  
 19           *of the fund described in section 17303 of this title under regulations the Sec-*  
 20           *retary may prescribe, regardless of how the loss, destruction, or damage oc-*  
 21            *curs.*

22           **§ 17306. Agreements of indemnity**

23           (a) *DEFINITION.—In this section, the term “Federal Government” includes*  
 24           *wholly owned Government corporations, and officers and employees of the*  
 25           *Government or its executive departments, independent establishments, and*  
 26           *agencies while acting in their official capacity.*

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

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

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

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

39           (d) *USE OF FUND FOR THE PAYMENT OF GOVERNMENT LOSSES IN SHIP-*  
 40           *MENT.—The fund described in section 17303 of this title is available to pay*

1 any obligation arising out of an agreement the Secretary makes under this  
2 section.

3 **§ 17307. Purchase of insurance**

4 An executive department, independent establishment, agency, wholly owned  
5 Government corporation, officer, or employee may expend money, or incur an  
6 obligation, for insurance, or for the payment of premiums on insurance,  
7 against loss, destruction, or damage in the shipment of valuables only as spe-  
8 cifically authorized by the Secretary of the Treasury. The Secretary may give  
9 the authorization if the Secretary finds that the risk of loss, destruction, or  
10 damage in the shipment cannot be guarded against adequately by the facili-  
11 ties of the Federal Government or that adequate replacement cannot be pro-  
12 vided under this chapter.

13 **§ 17308. Presumption of lawful conduct**

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

23 **§ 17309. Rules and regulations**

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

27 (b) PROVIDING INFORMATION.—To carry out subsection (a), the Secretary  
28 may require a person making a shipment of valuables or a claim for replace-  
29 ment to make a declaration or to provide other information the Secretary con-  
30 siders necessary.

31 **CHAPTER 175—FEDERAL MOTOR VEHICLE**  
32 **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.

33 **§ 17501. Definitions**

34 In this chapter, the following definitions apply:

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

2 (A) *means an executive agency (as that term is defined in section*  
3 *105 of title 5) that operates at least 300 motor vehicles; but*

4 (B) *does not include the Tennessee Valley Authority.*

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

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

8 (B) *a vehicle designed or used for military field training, combat,*  
9 *or tactical purposes, or any other special purpose vehicle exempted*  
10 *from the requirements of this chapter by the Administrator of Gen-*  
11 *eral Services.*

12 **§ 17502. Monitoring system**

13 *The head of each executive agency shall designate one office, officer, or em-*  
14 *ployee of the agency—*

15 (1) *to establish and operate a central monitoring system for the motor*  
16 *vehicle operations of the agency, related activities, and related reporting*  
17 *requirements; and*

18 (2) *provide oversight of those operations, activities, and requirements.*

19 **§ 17503. Data collection**

20 (a) *COST IDENTIFICATION AND ANALYSIS.*—*The head of each executive*  
21 *agency shall develop a system to identify, collect, and analyze data with re-*  
22 *spect to all costs (including obligations and outlays) the agency incurs in the*  
23 *operation, maintenance, acquisition, and disposition of motor vehicles, includ-*  
24 *ing vehicles owned or leased by the Federal Government and privately owned*  
25 *vehicles used for official purposes.*

26 (b) *REQUIREMENTS FOR DATA SYSTEMS.*—

27 (1) *SCOPE OF REQUIREMENTS.*—*In cooperation with the Comptroller*  
28 *General of the United States and the Director of the Office of Manage-*  
29 *ment and Budget, the Administrator of General Services shall prescribe*  
30 *requirements governing the establishment and operation by executive*  
31 *agencies of the systems required by subsection (a), including require-*  
32 *ments with respect to data on the costs and uses of motor vehicles and*  
33 *with respect to the uniform collection and submission of the data.*

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

38 **§ 17504. Agency statements with respect to motor vehicle use**

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

1 (1) specifying—

2 (A) the total motor vehicle acquisition, maintenance, leasing, op-  
3 eration, and disposal costs (including obligations and outlays) the  
4 agency incurred in the most recently completed fiscal year; and

5 (B) an estimate of those costs for the fiscal year in which the re-  
6 quest is submitted and for the succeeding fiscal year; and

7 (2) justifying why the existing and any new motor vehicle acquisition,  
8 maintenance, leasing, operation, and disposal requirements of the agency  
9 cannot be met through the Interagency Fleet Management System the Ad-  
10 ministrator of General Services operates, a qualified private fleet man-  
11 agement firm, or any other method which is less costly to the Federal  
12 Government.

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

16 **§ 17505. Presidential report**

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

22 (b) CONTENTS OF SUMMARY AND ANALYSIS.—Each summary and analysis  
23 shall include a review, for the fiscal year preceding the fiscal year in which  
24 the budget is submitted, the current fiscal year, and the fiscal year for which  
25 the budget is submitted, of the cost savings that have been achieved, that are  
26 estimated will be achieved, and that could be achieved, in the acquisition,  
27 maintenance, leasing, operation, and disposal of motor vehicles by executive  
28 agencies through—

29 (1) the use of a qualified private fleet management firm or another  
30 private contractor;

31 (2) increased reliance by executive agencies on the Interagency Fleet  
32 Management System the Administrator of General Services operates; or

33 (3) other existing motor vehicle management systems.

34 **§ 17506. Reduction of storage and disposal costs**

35 The Administrator of General Services shall take such actions as may be  
36 necessary to reduce motor vehicle storage and disposal costs and to improve  
37 the rate of return on motor vehicle sales through a program of vehicle recondi-  
38 tioning prior to sale.

39 **§ 17507. Savings**

40 (a) ACTIONS BY PRESIDENT REQUIRED.—The President shall establish, for  
41 each executive agency, goals to reduce outlays for the operation, maintenance,

1 *leasing, acquisition, and disposal of motor vehicles in order to reduce, by fis-*  
 2 *cal year 1988, the total amount of outlays by all executive agencies for the*  
 3 *operation, maintenance, leasing, acquisition, and disposal of motor vehicles*  
 4 *to an amount which is \$150,000,000 less than the amount for the operation,*  
 5 *maintenance, leasing, acquisition, and disposal of motor vehicles requested by*  
 6 *the President in the budget submitted under section 1105 of title 31 for fiscal*  
 7 *year 1986.*

8 (b) *MONITORING OF COMPLIANCE.—The Director of the Office of Manage-*  
 9 *ment and Budget shall monitor compliance by executive agencies with the*  
 10 *goals established by the President under subsection (a) and shall include, in*  
 11 *each summary and analysis required under section 17505 of this title, a state-*  
 12 *ment specifying the reductions in expenditures by executive agencies, includ-*  
 13 *ing the Department of Defense, achieved under those goals.*

#### 14 **§ 17508. Compliance**

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

19 (b) *MANAGERS OF OTHER MOTOR POOLS.—This chapter with respect to*  
 20 *motor vehicles from the Interagency Fleet Management System shall be com-*  
 21 *plied with by the executive agencies to which such motor vehicles are assigned.*

#### 22 **§ 17509. Applicability**

23 (a) *PRIORITY IN REDUCING HEADQUARTERS USE.—The heads of executive*  
 24 *agencies shall give first priority to meeting the goals established by the Presi-*  
 25 *dent under section 17507(a) of this title by reducing the costs of administra-*  
 26 *tive motor vehicles used at the headquarters and regional headquarters of exe-*  
 27 *cutive agencies, rather than by reducing the costs of motor vehicles used by line*  
 28 *agency personnel working in agency field operations or activities.*

29 (b) *REGULATIONS, STANDARDS, AND DEFINITIONS.—The President shall re-*  
 30 *quire the Administrator of General Services, in cooperation with the Director*  
 31 *of the Office of Management and Budget, to prescribe appropriate regulations,*  
 32 *standards, and definitions to ensure that executive agencies meet the goals es-*  
 33 *tablished under section 17507(a) of this title in the manner prescribed by sub-*  
 34 *section (a).*

#### 35 **§ 17510. Cooperation**

36 *The Director of the Office of Management and Budget and the Adminis-*  
 37 *trator of General Services shall cooperate closely in the implementation of this*  
 38 *chapter.*

### 39 **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.*

1 **§17701. Definitions**

2 *In this chapter, the following definitions apply:*

3 (1) *AGENCY CONCERNED.*—*The term “agency concerned” means a de-*  
 4 *partment, agency, wholly owned corporation, or instrumentality of the*  
 5 *Federal Government.*

6 (2) *LONG-LINES COMMUNICATION FACILITIES.*—*The term “long-lines*  
 7 *communication facilities” means the transmission systems connecting*  
 8 *points inside the State with each other and with points outside the State*  
 9 *by radio or wire, and includes all kinds of property and rights of way*  
 10 *necessary to accomplish this interconnection.*

11 (3) *TRANSFER.*—*The term “transfer” means the conveyance by the*  
 12 *Government of any element of ownership, including any estate or interest*  
 13 *in property, and franchise rights, by sale, exchange, lease, easement, or*  
 14 *permit, for cash, credit, or other property with or without warranty.*

15 **§17702. Transfer of Government-owned long-lines commu-**  
 16 **nication facilities in and to Alaska**

17 (a) *IN GENERAL.*—

18 (1) *AUTHORITY OF THE SECRETARY OF DEFENSE.*—

19 (A) *REQUIREMENTS PRIOR TO TRANSFER.*—*Subject to section*  
 20 *17703 of this title and with the advice, assistance, and, in the case*  
 21 *of an agency not under the jurisdiction of the Secretary of Defense,*  
 22 *the consent of the agency concerned, and after approval of the Presi-*  
 23 *dent, the Secretary of Defense shall transfer for adequate consider-*  
 24 *ation any or all long-lines communication facilities in or to Alaska*  
 25 *under the jurisdiction of the Federal Government to any person*  
 26 *qualifying under section 17703.*

27 (B) *AUTHORITY TO CARRY OUT CHAPTER.*—*The Secretary of De-*  
 28 *fense may take action and exercise powers as may be necessary or*  
 29 *appropriate to carry out the purposes of this chapter.*

30 (2) *CONSENT OF SECRETARY CONCERNED.*—*An interest in public*  
 31 *lands, withdrawn or otherwise appropriated, shall not be transferred*  
 32 *under this chapter without the prior consent of the Secretary of the Inte-*  
 33 *rior, or, with respect to lands in a national forest, of the Secretary of*  
 34 *Agriculture.*

35 (3) *PROCEDURES AND METHODS.*—*The Secretary of Defense shall*  
 36 *carry out a transfer under this chapter in accordance with the proce-*

1        *dures and methods required of the Administrator of General Services by*  
 2        *section 545(a) and (b) of this title.*

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

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

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

15                    (A) *the facilities available for purchase;*

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

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

21            (2) *provide in the request for offers to purchase that offerors must*  
 22            *specify the rates the offerors propose to charge for service and the im-*  
 23            *provements in service the offerors propose to initiate;*

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

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

32        (d) *APPLICABILITY OF ANTITRUST PROVISIONS.—The requirements of sec-*  
 33        *tion 559 of this title apply to transfers under this chapter.*

34        **§17703. National defense considerations and qualification**  
 35        **of transferee**

36        *A transfer under this chapter shall not be made unless the Secretary of De-*  
 37        *fense determines that—*

38            (1) *the Federal Government does not need to retain the property in-*  
 39            *volved in the transfer for national defense purposes;*

40            (2) *the transfer is in the public interest;*

1           (3) *the person to whom the transfer is made is prepared and qualified*  
2 *to provide the communication service involved in the transfer without*  
3 *interruption; and*

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

8 **§ 17704. Contents of agreements for transfer**

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

11           (1) *subject to regulations of the Federal Communications Commission*  
12 *and of any body or commission established by Alaska to govern and reg-*  
13 *ulate communications services to the public and all applicable statutes,*  
14 *treaties, and conventions, the person to whom the transfer is made shall*  
15 *provide the communication services involved in the transfer without*  
16 *interruption, except those services reserved by the Federal Government in*  
17 *the transfer;*

18           (2) *the rates and charges for those services applicable at the time of*  
19 *transfer shall not be changed for a period of one year from the date of*  
20 *the transfer unless approved by a governmental body or commission hav-*  
21 *ing jurisdiction; and*

22           (3) *the transfer will not be final until the transferee receives the req-*  
23 *uisite license and certificate of convenience and necessity to operate*  
24 *interstate and intrastate commercial communications in Alaska from the*  
25 *appropriate governmental regulatory bodies.*

26 **§ 17705. Approval of Federal Communications Commission**

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

30 **§ 17706. Gross proceeds as miscellaneous receipts in the**  
31 **Treasury**

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

34 **§ 17707. Reports**

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

36           (1) *in January of each year, the actions taken under this chapter dur-*  
37 *ing the preceding 12 months; and*

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

1 **§17708. Nonapplication**

2 *This chapter does not modify in any manner the Communications Act of*  
 3 *1934 (47 U.S.C. 151 et seq.).*

4 **CHAPTER 179—ALASKA FEDERAL-CIVILIAN ENERGY**  
 5 **EFFICIENCY SWAP**

Sec.

17901. Definitions.

17902. Sale of electric energy.

17903. Purchase of electric power.

17904. Implementation powers and limitations.

6 **§17901. Definitions**

7 *In this chapter, the following definitions apply:*

8 (1) *FEDERAL AGENCY.*—*The term “federal agency” means a depart-*  
 9 *ment, agency, or instrumentality of the Federal Government.*

10 (2) *FEDERALLY GENERATED ELECTRIC ENERGY.*—*The term “federally*  
 11 *generated electric energy” means any electric power generated by an elec-*  
 12 *tric generating facility owned and operated by a federal agency.*

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

17 **§17902. Sale of electric energy**

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

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

26 (2) *the electric energy to be sold is surplus to the federal agency’s needs*  
 27 *and is in excess of the electric energy specifically generated for consump-*  
 28 *tion by, or necessary to serve the requirements of, another federal agency;*

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

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

36 (b) *PRICING POLICIES.*—*Federally generated electric energy sold by the*  
 37 *head of a federal agency under subsection (a) shall be priced to recover the*  
 38 *fuel and variable operation and maintenance costs of the facility generating*

1 *the energy that are attributable to that sale, plus an amount equal to one-*  
 2 *half the difference between—*

- 3       (1) *the costs of producing the electric energy by coal generation; and*  
 4       (2) *the costs of producing electric energy by the oil or gas generation*  
 5       *being displaced.*

6 **§ 17903. Purchase of electric power**

7 *For purposes of economy, efficiency, and conserving oil and natural gas,*  
 8 *the head of a federal agency, when practicable and consistent with other laws*  
 9 *and requirements applicable to that agency, shall endeavor to purchase elec-*  
 10 *tric energy from a non-federal person for consumption in Alaska by a facility*  
 11 *of that agency when (taking into account the remaining useful life of any fa-*  
 12 *ility available to that agency to generate electric energy for that agency and*  
 13 *the cost of maintaining the facility on a standby basis) the purchase will re-*  
 14 *sult in—*

- 15       (1) *a savings to other consumers of electric energy sold by that non-*  
 16 *federal person without increasing the cost incurred by any federal agency*  
 17 *for electric energy; or*  
 18       (2) *a cost savings to the federal agency purchasing the electric energy*  
 19 *without increasing costs to other consumers of electric energy.*

20 **§ 17904. Implementation powers and limitations**

21 (a) *ACCOMMODATION OF NEEDS FOR ELECTRIC ENERGY.—This chapter*  
 22 *does not require or authorize a federal agency to construct a new electric gen-*  
 23 *erating facility or related facility, to modify an existing facility, or to employ*  
 24 *reserve or standby equipment to accommodate the needs of a non-federal per-*  
 25 *son for electric energy.*

26 (b) *AVAILABILITY OF REVENUE FROM SALES.—Revenue received by a fed-*  
 27 *eral agency pursuant to section 17902 of this title from the sale of electric*  
 28 *energy generated from a facility of that agency is available to the agency*  
 29 *without fiscal year limitation to purchase fuel and for operation, mainte-*  
 30 *nance, and other costs associated with that facility.*

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

- 34       (1) *this chapter; and*  
 35       (2) *responsibilities of the head of the federal agency under other law.*

36 (d) *NEGOTIATION AND EXECUTION OF CONTRACTS AND OTHER AGREE-*  
 37 *MENTS.—A contract or other agreement executed under this chapter shall be*  
 38 *negotiated and executed by the head of the federal agency selling or pur-*  
 39 *chasing electric energy under this chapter.*

1 **CHAPTER 181—TELECOMMUNICATIONS ACCESSIBILITY**  
 2 **FOR HEARING-IMPAIRED AND SPEECH-IMPAIRED IN-**  
 3 **DIVIDUALS**

Sec.

18101. Definitions.

18102. Federal telecommunications system.

18103. Research and development.

18104. TTY installation by Congress.

4 **§ 18101. Definitions**

5 *In this chapter—*

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

8 (2) *TTY.*—The term “TTY” means a text-telephone used in the trans-  
 9 mission of coded signals through the nationwide telecommunications sys-  
 10 tem.

11 **§ 18102. Federal telecommunications system**

12 (a) *REGULATIONS TO ENSURE ACCESSIBILITY.*—The Administrator of  
 13 General Services, after consultation with the Architectural and Transporta-  
 14 tion Barriers Compliance Board, the Interagency Committee on Computer  
 15 Support of Handicapped Employees, the Federal Communications Commis-  
 16 sion, and affected federal agencies, shall prescribe regulations to ensure that  
 17 the federal telecommunications system is fully accessible to hearing-impaired  
 18 and speech-impaired individuals, including federal employees, for commu-  
 19 nications with and within federal agencies.

20 (b) *FEDERAL RELAY SYSTEM.*—The Administrator shall provide for the  
 21 continuation of the existing federal relay system for users of TTY’s.

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

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

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

31 **§ 18103. Research and development**

32 (a) *SUPPORT FOR RESEARCH.*—The Administrator of General Services, in  
 33 consultation with the Federal Communications Commission, shall seek to pro-  
 34 mote research by federal agencies, state agencies, and private entities to reduce  
 35 the cost and improve the capabilities of telecommunications devices and sys-  
 36 tems that provide accessibility to hearing-impaired and speech-impaired indi-  
 37 viduals.

1       (b) *PLANNING TO ASSIMILATE TECHNOLOGICAL DEVELOPMENTS.*—*In plan-*  
 2 *ning future alterations to and modifications of the federal telecommunications*  
 3 *system, the Administrator shall take into account—*

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

6           (2) *technological improvements in telecommunications devices and sys-*  
 7 *tems that provide accessibility to hearing-impaired and speech-impaired*  
 8 *individuals.*

9       **§ 18104. TTY installation by Congress**

10       *Each House of Congress shall establish a policy under which Members of*  
 11 *the House of Representatives and the Senate may obtain TTY's for use in*  
 12 *communicating with hearing-impaired and speech-impaired individuals, and*  
 13 *for the use of hearing-impaired and speech-impaired employees.*

14       **CHAPTER 183—NATIONAL CAPITAL AREA INTEREST**  
 15       **ARBITRATION STANDARDS**

*Sec.*

18301. *Findings and purposes.*

18302. *Definitions.*

18303. *Standards for arbitrators.*

18304. *Procedures for enforcement of awards.*

16       **§ 18301. Findings and purposes**

17       (a) *FINDINGS.*—*Congress finds that—*

18           (1) *affordable public transportation is essential to the economic vital-*  
 19 *ity of the national capital area and is an essential component of regional*  
 20 *efforts to improve air quality to meet environmental requirements and*  
 21 *to improve the health of both residents of and visitors to the national*  
 22 *capital area as well as to preserve the beauty and dignity of the Nation's*  
 23 *capital;*

24           (2) *use of mass transit by both residents of and visitors to the national*  
 25 *capital area is substantially affected by the prices charged for mass tran-*  
 26 *sit services, prices that are substantially affected by labor costs, since*  
 27 *more than two-thirds of operating costs are attributable to labor costs;*

28           (3) *labor costs incurred in providing mass transit in the national cap-*  
 29 *ital area have increased at an alarming rate and wages and benefits of*  
 30 *operators and mechanics currently are among the highest in the Nation;*

31           (4) *higher operating costs incurred for public transit in the national*  
 32 *capital area cannot be offset by increasing costs to patrons, since this*  
 33 *often discourages ridership and thus undermines the public interest in*  
 34 *promoting the use of public transit;*

35           (5) *spiraling labor costs cannot be offset by the governmental entities*  
 36 *that are responsible for subsidy payments for public transit services since*  
 37 *local governments generally, and the District of Columbia government in*  
 38 *particular, are operating under severe fiscal constraints;*

1           (6) *imposition of mandatory standards applicable to arbitrators re-*  
 2 *solving arbitration disputes involving interstate compact agencies oper-*  
 3 *ating in the national capital area will ensure that wage increases are*  
 4 *justified and do not exceed the ability of transit patrons and taxpayers*  
 5 *to fund the increase; and*

6           (7) *federal legislation is necessary under section 8 of Article I of the*  
 7 *United States Constitution to balance the need to moderate and lower*  
 8 *labor costs while maintaining industrial peace.*

9           (b) *PURPOSE.—The purpose of this chapter is to adopt standards governing*  
 10 *arbitration that must be applied by arbitrators resolving disputes involving*  
 11 *interstate compact agencies operating in the national capital area in order*  
 12 *to lower operating costs for public transportation in the Washington metro-*  
 13 *politan area.*

#### 14 **§ 18302. Definitions**

15           *In this chapter, the following definitions apply:*

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

17                   (A) *means the arbitration of disputes, regarding the terms and*  
 18 *conditions of employment, that is required under an interstate com-*  
 19 *compact governing an interstate compact agency operating in the na-*  
 20 *tional capital area; but*

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

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

25           (3) *INTERSTATE COMPACT AGENCY OPERATING IN THE NATIONAL CAP-*  
 26 *ITAL AREA.—The term “interstate compact agency operating in the na-*  
 27 *tional capital area” means any interstate compact agency that provides*  
 28 *public transit services and that was established by an interstate compact*  
 29 *to which the District of Columbia is a signatory.*

#### 30 **§ 18303. Standards for arbitrators**

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

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

36                   (2) *the average per capita tax burden, during the term of the collective*  
 37 *bargaining agreement to which the arbitration relates, of the residents*  
 38 *of the Washington metropolitan area, and the effect of an arbitration*  
 39 *award rendered under that arbitration on the respective income or prop-*  
 40 *erty tax rates of the jurisdictions that provide subsidy payments to the*  
 41 *interstate compact agency established under the compact.*

1       (b) *FACTORS IN MAKING ARBITRATION AWARD.*—An arbitrator rendering  
2 an arbitration award involving the employees of an interstate compact agency  
3 operating in the national capital area may not make a finding or a decision  
4 for inclusion in a collective bargaining agreement governing conditions of em-  
5 ployment without considering the following factors:

6           (1) *The existing terms and conditions of employment of the employees*  
7 *in the bargaining unit.*

8           (2) *All available financial resources of the interstate compact agency.*

9           (3) *The annual increase or decrease in consumer prices for goods and*  
10 *services as reflected in the most recent consumer price index for the*  
11 *Washington metropolitan area, published by the Bureau of Labor Statis-*  
12 *tics.*

13           (4) *The wages, benefits, and terms and conditions of the employment*  
14 *of other employees who perform, in other jurisdictions in the Washington*  
15 *standard metropolitan statistical area, services similar to those in the*  
16 *bargaining unit.*

17           (5) *The special nature of the work performed by the employees in the*  
18 *bargaining unit, including any hazards or the relative ease of employ-*  
19 *ment, physical requirements, educational qualifications, job training and*  
20 *skills, shift assignments, and the demands placed upon the employees as*  
21 *compared to other employees of the interstate compact agency.*

22           (6) *The interests and welfare of the employees in the bargaining unit,*  
23 *including—*

24               (A) *the overall compensation presently received by the employees,*  
25 *having regard not only for wage rates but also for wages for time*  
26 *not worked, including vacations, holidays, and other excused ab-*  
27 *sences;*

28               (B) *all benefits received by the employees, including previous bo-*  
29 *nus, insurance, and pensions; and*

30               (C) *the continuity and stability of employment.*

31           (7) *The public welfare.*

32       (c) *ABILITY TO FINANCE SALARIES AND BENEFITS PROVIDED IN AWARD.*—  
33 *An arbitrator rendering an arbitration award involving the employees of an*  
34 *interstate compact agency operating in the national capital area may not,*  
35 *with respect to a collective bargaining agreement governing conditions of em-*  
36 *ployment, provide for salaries and other benefits that exceed the ability of the*  
37 *interstate compact agency, or of any governmental jurisdiction that provides*  
38 *subsidy payments or budgetary assistance to the interstate compact agency,*  
39 *to obtain the necessary financial resources to pay for wage and benefit in-*  
40 *creases for employees of the interstate compact agency.*

41       (d) *REQUIREMENTS FOR FINAL AWARD.*—

1           (1) *WRITTEN AWARD.*—*In resolving a dispute submitted to arbitration*  
 2 *involving the employees of an interstate compact agency operating in the*  
 3 *national capital area, the arbitrator shall issue a written award that*  
 4 *demonstrates that all the factors set forth in subsections (b) and (c) have*  
 5 *been considered and applied.*

6           (2) *PREREQUISITES.*—*An award may grant an increase in pay rates*  
 7 *or benefits (including insurance and pension benefits), or reduce hours*  
 8 *of work, only if the arbitrator concludes that any costs to the agency do*  
 9 *not adversely affect the public welfare.*

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

12 **§ 18304. Procedures for enforcement of awards**

13          (a) *MODIFICATIONS AND FINALITY OF AWARD.*—*Within 10 days after the*  
 14 *parties receive an arbitration award to which section 18303 of this title ap-*  
 15 *plies, the interstate compact agency and the employees, through their rep-*  
 16 *resentative, may agree in writing on any modifications to the award. After*  
 17 *the end of that 10-day period, the award, and any modifications, become*  
 18 *binding on the interstate compact agency, the employees in the bargaining*  
 19 *unit, and the employees’ representative.*

20          (b) *IMPLEMENTATION.*—*Each party to an award that becomes binding*  
 21 *under subsection (a) shall take all actions necessary to implement the award.*

22          (c) *JUDICIAL REVIEW.*—*Within 60 days after an award becomes binding*  
 23 *under subsection (a), the interstate compact agency or the exclusive represent-*  
 24 *ative of the employees concerned may bring a civil action in a court that has*  
 25 *jurisdiction over the interstate compact agency for review of the award. The*  
 26 *court shall review the award on the record, and shall vacate the award or*  
 27 *any part of the award, after notice and a hearing, if—*

28               (1) *the award is in violation of applicable law;*

29               (2) *the arbitrator exceeded the arbitrator’s powers;*

30               (3) *the decision by the arbitrator is arbitrary or capricious;*

31               (4) *the arbitrator conducted the hearing contrary to the provisions of*  
 32 *this chapter or other laws or rules that apply to the arbitration so as*  
 33 *to substantially prejudice the rights of a party;*

34               (5) *there was partiality or misconduct by the arbitrator prejudicing*  
 35 *the rights of a party;*

36               (6) *the award was procured by corruption, fraud, or bias on the part*  
 37 *of the arbitrator; or*

38               (7) *the arbitrator did not comply with the provisions of section 18303*  
 39 *of this title.*

1     **SEC. 2. TRANSFER OF MATERIAL AND EQUIPMENT TO THE ARCHITECT**  
 2                     **OF THE CAPITOL.**

3             Chapter 443 of title 10, United States Code, is amended as follows:

4                     (1) Insert immediately after section 4688 the following new section:

5     **“§ 4689. Transfer of material and equipment to the Architect**  
 6                     **of the Capitol**

7                     “The Secretary of the Army is authorized to transfer, without payment, to  
 8     the Architect of the Capitol, such material and equipment, not required by  
 9     the Department of the Army, as the Architect may request for use at the Cap-  
 10    itol power plant, the Capitol Building, and the Senate and House Office  
 11    Buildings.”.

12                    (2) Insert immediately below item 4688 in the analysis of the chapter  
 13                    the following new item:

“4689. Transfer of material and equipment to the Architect of the Capitol.”.

14     **SEC. 3. CONFORMING CROSS-REFERENCES.**

15             (a) TITLE 5.—Title 5, United States Code, is amended as follows:

16                     (1) In section 7342(e)(1)—

17                             (A) insert “subtitle I of title 40 and title III of” before “the Fed-  
 18                             eral”; and

19                             (B) insert “(41 U.S.C. 251 et seq.)” after “of 1949”.

20                     (2) In section 9505(b), strike “division E of the Clinger-Cohen Act of  
 21     1996 (Public Law 104–106; 110 Stat. 679)” and substitute “subtitle III  
 22     of title 40”.

23                     (3) In section 9508(a)(2)(A), strike “division E of the Clinger-Cohen  
 24     Act of 1996 (Public Law 104–106; 110 Stat. 679)” and substitute “sub-  
 25     title III of title 40”.

26             (b) TITLE 10.—Title 10, United States Code, is amended as follows:

27                     (1) In section 2223—

28                             (A) in subsection (a), strike “section 5125 of the Clinger-Cohen  
 29                             Act of 1996 (40 U.S.C. 1425)” and substitute “section 11315 of title  
 30                             40”;

31                             (B) in subsection (b), strike “section 5125 of the Clinger-Cohen  
 32                             Act of 1996 (40 U.S.C. 1425)” and substitute “section 11315 of title  
 33                             40”;

34                             (C) in subsection (c)(2), strike “section 5002 of the Clinger-Cohen  
 35                             Act of 1996 (40 U.S.C. 1401)” and substitute “section 11101 of title  
 36                             40”; and

37                             (D) in subsection (c)(3), strike “section 5142 of the Clinger-Cohen  
 38                             Act of 1996 (40 U.S.C. 1452)” and substitute “section 11103 of title  
 39                             40”.

1           (2) In section 2302(2)(A), 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 2304(h)—

5                 (A) before clause (1), strike “laws”; and

6                 (B) strike clause (2) and substitute “(2) Sections 3141–3144,  
7                 3146, and 3147 of title 40.”.

8           (4) In section 2305a(a), strike “the Brooks Architect-Engineers Act (40  
9           U.S.C. 541 et seq.)” and substitute “chapter 11 of title 40”.

10          (5) In section 2315(a), strike “division E of the Clinger-Cohen Act of  
11          1996 (40 U.S.C. 1401 et seq.)” and substitute “subtitle III of title 40”.

12          (6) In section 2381(c)—

13                 (A) strike “section 205 of the Federal Property and Administra-  
14                 tive Services Act of 1949 (40 U.S.C. 486)” and substitute “section  
15                 121 of title 40”; and

16                 (B) strike “section 201(a) of that Act (40 U.S.C. 481(a))” and  
17                 substitute “section 501(a)(2) of title 40”.

18          (7) In section 2535(b)(1)(G), strike “title II of the Federal Property  
19          and Administrative Services Act of 1949 (40 U.S.C. 481 et seq.)” and  
20          substitute “chapter 5 of title 40”.

21          (8) In subsection 2562(a)(1)—

22                 (A) insert “subtitle I of title 40 and title III of” before “the Fed-  
23                 eral”; and

24                 (B) strike “(40 U.S.C. 472 et seq.)” and substitute “(41 U.S.C.  
25                 251 et seq.)”.

26          (9) In section 2572(d)(1), strike “section 205 of the Federal Property  
27          and Administrative Services Act of 1949 (40 U.S.C. 486)” and substitute  
28          “section 121 of title 40”.

29          (10) In section 2576(a)—

30                 (A) insert “subtitle I of title 40 and title III of” before “the Fed-  
31                 eral”; and

32                 (B) strike “(40 U.S.C. 471 et seq.)” and substitute “(41 U.S.C.  
33                 251 et seq.)”.

34          (11) In section 2577(a)(2), strike “section 203 of the Federal Property  
35          and Administrative Services Act of 1949 (40 U.S.C. 484)” and substitute  
36          “sections 541–555 of title 40”.

37          (12) In section 2667—

38                 (A) in subsection (a)(2), strike “section 3 of the Federal Property  
39                 and Administrative Services Act of 1949 (40 U.S.C. 472)” and sub-  
40                 stitute “section 102 of title 40”;

1           (B) in subsection (b)(5), strike “section 321 of the Act of June  
2           30, 1932 (40 U.S.C. 303b)” and substitute “section 1302 of title  
3           40”; and

4           (C) in subsection (f)(1)—

5                 (i) insert “subtitle I of title 40 and title III of” before “the  
6                 Federal”; and

7                 (ii) strike “such Act is” and substitute “subtitle I and title  
8                 III are”.

9           (13) In section 2667a(a)(3), strike “section 3 of the Federal Property  
10           and Administrative Services Act of 1949 (40 U.S.C. 472)” and substitute  
11           “section 102 of title 40”.

12           (14) In section 2676(a)—

13                 (A) insert “subtitle I of title 40 and title III of” before “the Fed-  
14                 eral”; and

15                 (B) strike “(40 U.S.C. 471 et seq.)” and substitute “41 U.S.C.  
16                 251 et seq.”.

17           (15) In section 2691(b)—

18                 (A) insert “subtitle I of title 40 and title III of” before “the Fed-  
19                 eral”; and

20                 (B) strike “(40 U.S.C. 471 et seq.)” and substitute “(41 U.S.C.  
21                 251 et seq.)”.

22           (16) In section 2696—

23                 (A) in subsection (a)—

24                         (i) insert “subtitle I of title 40 and title III of” before “the  
25                         Federal”; and

26                         (ii) strike “(40 U.S.C. 471 et seq.)” and substitute “(41  
27                         U.S.C. 251 et seq.)”; and

28                 (B) strike subsection (e)(5) and substitute—

29                 “(5) Chapter 5 of title 40.”.

30           (17) In section 2701(i)(1)—

31                 (A) strike “the Miller Act (40 U.S.C. 270a et seq.)” and substitute  
32                 “sections 3131 and 3133 of title 40”;

33                 (B) strike “the Act of April 29, 1941 (40 U.S.C. 270e–270f)” and  
34                 substitute “section 3134 of title 40”; and

35                 (C) strike “the Miller Act” and substitute “sections 3131 and  
36                 3133”.

37           (18) In section 2814(j)(3), strike “Sections 202 and 203 of the Federal  
38           Property and Administrative Services Act of 1949 (40 U.S.C. 483, 484)”  
39           and substitute “Subchapter II of chapter 5 and sections 541–555 of title  
40           40”.

1           (19) *In section 2831(b)(3), strike “section 204(b) of the Federal Prop-*  
2 *erty and Administrative Services Act of 1949 (40 U.S.C. 485(b))” and*  
3 *substitute “section 572(a) of title 40”.*

4           (20) *In section 2852(b)(1), strike “section 355 of the Revised Statutes*  
5 *(40 U.S.C. 255)” and substitute “section 3111 of title 40”.*

6           (21) *In section 2854a(d)(1)—*

7                 (A) *strike “The” and substitute “Subtitle I of title 40 and title*  
8 *III of the”; and*

9                 (B) *strike “(40 U.S.C. 471 et seq.)” and substitute “(41 U.S.C.*  
10 *251 et seq.)”.*

11           (22) *In subsection 2855(a), strike “title IX of the Federal Property*  
12 *and Administrative Services Act of 1949 (40 U.S.C. 541 et seq.)” and*  
13 *substitute “chapter 11 of title 40”.*

14           (23) *In section 2878(d)—*

15                 (A) *in clause (2)—*

16                         (i) *strike “The” and substitute “Subtitle I of title 40 and*  
17 *title III of the”; and*

18                         (ii) *strike “(40 U.S.C. 471 et seq.)” and substitute “(41*  
19 *U.S.C. 251 et seq.)”; and*

20                 (B) *strike clause (3) and substitute—*

21                         “(3) *Section 1302 of title 40.”.*

22           (24) *In section 4681, strike “section 205 of the Federal Property and*  
23 *Administrative Services Act of 1949 (40 U.S.C. 486)” and substitute*  
24 *“section 121 of title 40”.*

25           (25) *In section 4682, strike “section 205 of the Federal Property and*  
26 *Administrative Services Act of 1949 (40 U.S.C. 486)” and substitute*  
27 *“section 121 of title 40”.*

28           (26) *In section 4684, strike “section 205 of the Federal Property and*  
29 *Administrative Services Act of 1949 (40 U.S.C. 486)” and substitute*  
30 *“section 121 of title 40”.*

31           (27) *In section 4686, strike “section 205 of the Federal Property and*  
32 *Administrative Services Act of 1949 (40 U.S.C. 486)” and substitute*  
33 *“section 121 of title 40”.*

34           (28) *In section 7305(d)—*

35                 (A) *insert “subtitle I of title 40 and title III of” before “the Fed-*  
36 *eral”;*

37                 (B) *strike “(40 U.S.C. 471 et seq.)” and substitute “(41 U.S.C.*  
38 *251 et seq.)”; and*

39                 (C) *strike “that Act” and substitute “subtitle I of title 40 and*  
40 *title III”.*

1           (29) *In section 7306(a), strike “subsections (c) and (d) of section 602*  
2 *of the Federal Property and Administrative Services Act of 1949 (40*  
3 *U.S.C. 474)” and substitute “section 113 of title 40”.*

4           (30) *In section 7422(c)(1), strike “the Act of February 26, 1931 (40*  
5 *U.S.C. 258a–258e)” and substitute “sections 3114–3116 and 3118 of title*  
6 *40”.*

7           (31) *In section 7541, strike “section 205 of the Federal Property and*  
8 *Administrative Services Act of 1949 (40 U.S.C. 486)” and substitute*  
9 *“section 121 of title 40”.*

10          (32) *In section 7541a, strike “section 205 of the Federal Property and*  
11 *Administrative Services Act of 1949 (40 U.S.C. 486)” and substitute*  
12 *“section 121 of title 40”.*

13          (33) *In section 7542(a), strike “section 205 of the Federal Property*  
14 *and Administrative Services Act of 1949 (40 U.S.C. 486)” and substitute*  
15 *“section 121 of title 40”.*

16          (34) *In section 7545(a), strike “section 205 of the Federal Property*  
17 *and Administrative Services Act of 1949 (40 U.S.C. 486)” and substitute*  
18 *“section 121 of title 40”.*

19          (35) *In section 9444(b)(1)—*

20                (A) *insert “subtitle I of title 40 and title III of” before “the Fed-*  
21 *eral”;* and

22                (B) *strike “(40 U.S.C. 471 et seq.)” and substitute “(41 U.S.C.*  
23 *251 et seq.)”.*

24          (36) *In section 9681, strike “section 205 of the Federal Property and*  
25 *Administrative Services Act of 1949 (40 U.S.C. 486)” and substitute*  
26 *“section 121 of title 40”.*

27          (37) *In section 9682, strike “section 205 of the Federal Property and*  
28 *Administrative Services Act of 1949 (40 U.S.C. 486)” and substitute*  
29 *“section 121 of title 40”.*

30          (38) *In section 9684, strike “section 205 of the Federal Property and*  
31 *Administrative Services Act of 1949 (40 U.S.C. 486)” and substitute*  
32 *“section 121 of title 40”.*

33          (39) *In section 9686, strike “section 205 of the Federal Property and*  
34 *Administrative Services Act of 1949 (40 U.S.C. 486)” and substitute*  
35 *“section 121 of title 40”.*

36          (40) *In section 9781—*

37                (A) *in subsection (b)(2)(D), strike “title II of the Federal Prop-*  
38 *erty and Administrative Services Act of 1949 (40 U.S.C. 481 et*  
39 *seq.)” and substitute “chapter 5 of title 40”;*

1           (B) in subsection (d), strike “title II of the Federal Property and  
2           Administrative Services Act of 1949 (40 U.S.C. 481 et seq.)” and  
3           substitute “chapter 5 of title 40”; and

4           (C) in subsection (g)—

5                 (i) insert “subtitle I of title 40 and subtitle III of” before  
6                 “the Federal”; and

7                 (ii) add at the end of the subsection “(41 U.S.C. 251 et  
8                 seq.)”.

9           (41) In section 12603(d), strike “section 201(a) of the Federal Prop-  
10           erty and Administrative Services Act of 1949 (40 U.S.C. 481(a))” and  
11           substitute “section 501 of title 40”.

12           (42) In section 18239(b)(1), strike “section 355 of the Revised Statutes  
13           (40 U.S.C. 255)” and substitute “section 3111 of title 40”.

14           (c) TITLE 14.—Title 14, United States Code, is amended as follows:

15                 (1) In section 92—

16                         (A) insert “subtitle I of title 40 and title III of” before “the Fed-  
17                         eral”; and

18                         (B) strike “(40 U.S.C. 471 et seq.)” and substitute “(41 U.S.C.  
19                         251 et seq.)”.

20                 (2) In section 93(h)—

21                         (A) insert “subtitle I of title 40 and title III of” before “the Fed-  
22                         eral”; and

23                         (B) strike “(40 U.S.C. 471 et seq.)” and substitute “(41 U.S.C.  
24                         251 et seq.)”.

25                 (3) In section 641—

26                         (A) in subsection (a)—

27                                 (i) insert “subtitle I of title 40 and title III of” before “the  
28                                 Federal”; and

29                                 (ii) strike “(40 U.S.C. 471 et seq.)” and substitute “(41  
30                                 U.S.C. 251 et seq.)”; and

31                         (B) in subsection (c)(2), strike “section 203 of the Federal Prop-  
32                         erty and Administrative Services Act of 1949 (40 U.S.C. 484)” and  
33                         substitute “sections 541–555 of title 40”.

34                 (4) In section 685(c)—

35                         (A) in clause (1), strike—

36                                 (i) “The” and substitute “Subtitle I of title 40 and title III  
37                                 of the”; and

38                                 (ii) “(40 U.S.C. 471 et seq.)” and substitute “(41 U.S.C. 251  
39                                 et seq.)”; and

40                         (B) strike clause (2) and substitute—

41                                 “(2) Section 1302 of title 40.”.

1       (d) *TITLE 18.*—Section 3668(c) of title 18, United States Code, is amended  
2 by striking “sections 304f–304m of Title 40” and substituting “section 1306  
3 of title 40”.

4       (e) *TITLE 23.*—Title 23, United States Code, is amended as follows:

5           (1) In section 112(b)(2)(A), strike “title IX of the Federal Property  
6 and Administrative Services Act of 1949” and substitute “chapter 11 of  
7 title 40”.

8           (2) In section 113(a), strike “the Act of March 3, 1931, known as the  
9 Davis-Bacon Act (40 U.S.C. 276a)” and substitute “sections 3141–3144,  
10 3146, and 3147 of title 40”.

11       (f) *THE INTERNAL REVENUE CODE OF 1986.*—Section 7608(c)(1)(A)(i)(IV)  
12 of the Internal Revenue Code of 1986 (26 U.S.C. 7608(c)(1)(A)(i)(IV)) is  
13 amended by striking “section 34 of title 40, United States Code” and sub-  
14 stituting “section 8141 of title 40”.

15       (g) *TITLE 28.*—Title 28, United States Code, is amended as follows:

16           (1) In section 604(g)(3)(B), strike “section 203 of the Federal Property  
17 and Administrative Services Act of 1949 (40 U.S.C. 484)” and substitute  
18 “sections 541–555 of title 40”.

19           (2) In section 612(f), strike “section 201 of the Federal Property and  
20 Administrative Services Act of 1949 (40 U.S.C. 481)” and substitute  
21 “sections 501–505 of title 40”.

22           (3) In section 1499, strike “section 104 of the Contract Work Hours  
23 and Safety Standards Act” and substitute “section 3703 of title 40”.

24       (h) *TITLE 31.*—Title 31, United States Code, is amended as follows:

25           (1) In section 781(a), strike “section 7 of the Public Buildings Act of  
26 1959, as amended (40 U.S.C. 606)” and substitute “section 3307 of title  
27 40”.

28           (2) In section 782, strike “(as defined in section 105 of the Public  
29 Buildings Cooperative Use Act of 1976 (40 U.S.C. 612a))” and substitute  
30 “(as defined in section 3306(a) of title 40)”.

31           (3) In section 1105(g)(2)(B)(ii), strike “section 901 of the Brooks Ar-  
32 chitect-Engineers Act (40 U.S.C. 541)” and substitute section “1102 of  
33 title 40”.

34           (4) In section 3126—

35               (A) in subsection (a), strike “section 2 of the Government Losses  
36 in Shipment Act (40 U.S.C. 722)” and substitute “section 17303(a)  
37 of title 40”; and

38               (B) in subsection (b), strike “Section 3 of the Government Losses  
39 in Shipment Act (40 U.S.C. 723) (related to finality of decisions  
40 of the Secretary)” and substitute “Section 17304(c) of title 40”.

1           (5) *In section 3511(c)(1), strike “section 205(b) of the Federal Prop-*  
 2 *erty and Administrative Services Act of 1949 (40 U.S.C. 486(b))” and*  
 3 *substitute “section 121(b) of title 40”.*

4           (6) *In section 3551(3), strike “section 3 of the Federal Property and*  
 5 *Administrative Services Act of 1949 (40 U.S.C. 472)” and substitute*  
 6 *“section 102 of title 40”.*

7           (7) *In section 3905(f)(1), strike “section 2 of the Act of August 24,*  
 8 *1935 (40 U.S.C. 270b)” and substitute “section 3133(b) of title 40”.*

9           (8) *In section 6703(d)(5)—*

10           (A) *strike “the Act of March 3, 1931 (commonly known as the*  
 11 *Davis-Bacon Act); as amended (40 U.S.C. 276a–276a–5)” and sub-*  
 12 *stitute “sections 3141–3144, 3146, and 3147 of title 40”; and*

13           (B) *strike “section 2 of the Act of June 1, 1934 (commonly known*  
 14 *as the Copeland Anti-Kickback Act), as amended (40 U.S.C. 276c,*  
 15 *48 Stat. 948)” and substitute “section 3145 of title 40”.*

16           (9) *In section 9303—*

17           (A) *in subsection (d), before clause (1)—*

18           (i) *strike “the Act of August 24, 1935 (known as the Miller*  
 19 *Act) (40 U.S.C. 270a–270d)” and substitute “sections 3131*  
 20 *and 3133 of title 40”; and*

21           (ii) *strike “section 3 of the Act (40 U.S.C. 270c)” and sub-*  
 22 *stitute “section 3133(a) of title 40”;*

23           (B) *in subsection (d)(1)—*

24           (i) *strike “the Act of August 24, 1935 (known as the Miller*  
 25 *Act) (40 U.S.C. 270a–270d)” and substitute “sections 3131*  
 26 *and 3133 of title 40”; and*

27           (ii) *strike “section 2 of the Act (40 U.S.C. 270b)” and sub-*  
 28 *stitute “section 3133(b) of title 40”; and*

29           (C) *in subsection (e)(2)(A), strike “the Act of August 24, 1935*  
 30 *(known as the Miller Act) (40 U.S.C. 270a–270d)” and substitute*  
 31 *“sections 3131 and 3133 of title 40”.*

32           (i) *TITLE 36.—Title 36, United States Code, is amended as follows:*

33           (1) *In section 2103(a)(1), strike “section 355 of the Revised Statutes*  
 34 *(40 U.S.C. 255)” and substitute “section 3111 of title 40”.*

35           (2) *In section 220314(b), strike “section 451 of the Legislative Reorga-*  
 36 *nization Act of 1970 (40 U.S.C. 193m–1)” and substitute “section 5108*  
 37 *of title 40”.*

38           (j) *TITLE 38.—Title 38, United States Code, is amended as follows:*

39           (1) *In section 115(1), strike “section 355 of the Revised Statutes (40*  
 40 *U.S.C. 255)” and substitute “section 3111 of title 40”.*

1           (2) In section 310(b), strike “division E of the Clinger-Cohen Act of  
2 1996 (40 U.S.C. 1401 et seq.)” and substitute “subtitle III of title 40”.

3           (3) In section 8122(a)(1), strike “section 321 of the Act of June 30,  
4 1932 (40 U.S.C. 303b)” and substitute “section 1302 of title 40”.

5           (4) In section 8135(a)(8), strike “the Act of March 3, 1931 (40 U.S.C.  
6 276a—276a–5) (known as the Davis-Bacon Act)” and substitute “sec-  
7 tions 3141–3144, 3146, and 3147 of title 40”.

8           (5) In section 8162(a)—

9               (A) in paragraph (1), strike “section 321 of the Act of June 30,  
10 1932 (40 U.S.C. 303b), sections 202 and 203 of the Federal Prop-  
11 erty and Administrative Services Act of 1949 (40 U.S.C. 483, 484)”  
12 and substitute “subchapter II of chapter 5 of title 40, sections 541–  
13 555 and 1302 of title 40”; and

14               (B) in paragraph (3), strike “the Act of March 3, 1931 (40  
15 U.S.C. 276a et seq.)” and substitute “sections 3141–3144, 3146, and  
16 3147 of title 40”.

17           (6) In section 8165(c), strike “section 204 of the Federal Property and  
18 Administrative Services Act of 1949 (40 U.S.C. 485) or the Act of June  
19 8, 1896 (40 U.S.C. 485a)” and substitute “subchapter IV of chapter 5  
20 of title 40”.

21           (7) In section 8201(e), strike “section 321 of the Act of June 30, 1932  
22 (40 U.S.C. 303b)” and substitute “section 1302 of title 40”.

23           (k) TITLE 39.—Section 410(b)(4) of title 39, United States Code, is amend-  
24 ed to read as follows:

25               “(4) the following provisions of title 40:

26                   “(A) sections 3114–3116, 3118, 3131, 3133, and 3141–3147; and

27                   “(B) chapters 37 and 173;”.

28           (l) TITLE 44.—Title 44, United States Code, is amended as follows:

29               (1) In section 311(a), strike “the Federal Property and Administrative  
30 Services Act, approved June 30, 1949, as amended,” and substitute “sub-  
31 title I of title 40 and title III of the Federal Property and Administra-  
32 tive Services Act of 1949 (41 U.S.C. 251 et seq.)”.

33               (2) In section 2901(13), strike “section 3(a) of the Federal Property  
34 and Administrative Services Act of 1949 (40 U.S.C. 472(a))” and sub-  
35 stitute “section 102 of title 40”.

36               (3) In section 3501(8)(B), strike “the Computer Security Act of 1987  
37 (Public Law 100–235)” and substitute “section 11332 of title 40”.

38               (4) In section 3502(9)—

39                   (A) strike “section 5002 of the Clinger-Cohen Act of 1996 (40  
40 U.S.C. 1401)” and substitute “section 11101 of title 40”; and

1           (B) strike “section 5142 of that Act (40 U.S.C. 1452)” and sub-  
2           stitute “section 11103 of title 40”.

3           (5) In section 3504—

4           (A) in subsection (g)(2), strike “section 5131 of the Clinger-Cohen  
5           Act of 1996 (40 U.S.C. 1441), and sections 5 and 6 of the Computer  
6           Security Act of 1987 (40 U.S.C. 759 note)” and substitute “sections  
7           11331 and 11332(b) and (c) of title 40”;

8           (B) in subsection (g)(3), strike “section 5131 of the Clinger-Cohen  
9           Act of 1996 (40 U.S.C. 1441) and sections 5 and 6 of the Computer  
10          Security Act of 1987 (40 U.S.C. 759 note)” and substitute “sections  
11          11331 and 11332(b) and (c) of title 40”;

12          (C) in subsection (h)(1)(B), strike “section 5131 of the Clinger-  
13          Cohen Act of 1996 (40 U.S.C. 1441)” and substitute “section 11331  
14          of title 40”; and

15          (D) in subsection (h)(2)—

16           (i) strike “division E of the Clinger-Cohen Act of 1996 (40  
17           U.S.C. 1401 et seq.)” and substitute “subtitle III of title 40”;  
18           and

19           (ii) strike “section 110 of the Federal Property and Admin-  
20           istrative Services Act of 1949 (40 U.S.C. 757)” and substitute  
21           “section 322 of title 40”.

22          (6) In section 3506—

23          (A) in subsection (g)(2), strike “the Computer Security Act of  
24          1987 (40 U.S.C. 759 note)” and substitute “section 11332 of title  
25          40”; and

26          (B) in subsection (g)(3), strike “the Computer Security Act of  
27          1987 (40 U.S.C. 759 note)” and substitute “section 11332 of title  
28          40”.

29          (7) In section 3518(d), strike “section 5131 of the Clinger-Cohen Act  
30          of 1996 (40 U.S.C. 1441) and the Computer Security Act of 1987 (40  
31          U.S.C. 759 note)” and substitute “sections 11331 and 11332 of title 40”.

32          (m) TITLE 46.—Title 46, United States Code, is amended as follows:

33           (1) In section 2101(17), strike “section 13 of the Coast Guard Author-  
34           ization Act of 1986” and substitute “section 558 of title 40”.

35           (2) In section 3305(c), strike “section 13 of the Coast Guard Author-  
36           ization Act of 1986” and substitute “section 558 of title 40”.

37          (n) TITLE 49.—Title 49, United States Code, is amended as follows:

38           (1) In section 103(e)—

39           (A) insert “subtitle I of title 40 and title III of” before “the Fed-  
40           eral Property”; and

- 1                   (B) strike “(40 U.S.C. 471 et seq.)” and substitute “(41 U.S.C.  
2                   251 et seq.)”.
- 3                   (2) In section 5325(b), strike “title IX of the Federal Property and  
4                   Administrative Services Act of 1949 (40 U.S.C. 541 et seq.)” and sub-  
5                   stitute “chapter 11 of title 40”.
- 6                   (3) In section 5333(a)—
- 7                   (A) strike “the Act of March 3, 1931 (known as the Davis-Bacon  
8                   Act) (40 U.S.C. 276a—276a-5)” and substitute “sections 3141–  
9                   3144, 3146, and 3147 of title 40”; and
- 10                  (B) strike “section 2 of the Act of June 13, 1934 (40 U.S.C.  
11                  276c)” and substitute “section 3145 of title 40”.
- 12                  (4) In section 24312—
- 13                  (A) in subsection (a)—
- 14                   (i) strike “the Act of March 3, 1931 (known as the Davis-  
15                   Bacon Act) (40 U.S.C. 276a—276a-5)” and substitute “sec-  
16                   tions 3141–3144, 3146, and 3147 of title 40”; and
- 17                   (ii) strike “section 107 of the Contract Work Hours and  
18                   Safety Standards Act (40 U.S.C. 333)” and substitute “section  
19                   3704 of title 40”; and
- 20                  (B) in subsection (b), strike “the Act of March 3, 1931 (known  
21                  as the Davis-Bacon Act) (40 U.S.C. 276a—276a-5)” and substitute  
22                  “sections 3141–3144, 3146, and 3147 of title 40”
- 23                  (5) In section 40110(c)(2)—
- 24                   (A) in subclause (C), strike “(as defined in section 13 of the Pub-  
25                   lic Buildings Act of 1959 (40 U.S.C. 612))” and substitute “(as de-  
26                   fined in section 3301(a) of title 40)”; and
- 27                   (B) in subclause (F), strike “title II of the Federal Property and  
28                   Administrative Services Act of 1949 (40 U.S.C. 481 et seq.)” and  
29                   substitute “sections 121, 123, and 126 and chapter 5 of title 40”.
- 30                  (6) In section 44305(a)(1), strike “sections 1 and 2 of the Government  
31                  Losses in Shipment Act (40 U.S.C. 721, 722)” and substitute “sections  
32                  17302 and 17303 of title 40”.
- 33                  (7) In section 47107(a)(17), strike “title IX of the Federal Property  
34                  and Administrative Services Act of 1949 (40 U.S.C. 541 et seq.)” and  
35                  substitute “chapter 11 of title 40”.
- 36                  (8) In section 47112(b), strike “the Act of March 3, 1931 (known as  
37                  the Davis-Bacon Act) (40 U.S.C. 276a—276a-5)” and substitute “sec-  
38                  tions 3141–3144, 3146, and 3147 of title 40”.
- 39                  (9) In section 49111(d)(1), strike “section 5 of the Act of June 6, 1924  
40                  (40 U.S.C. 71d),” and substitute “section 8722 of title 40”.

1       (o) *VETERANS' BENEFITS PROGRAMS IMPROVEMENT ACT OF 1991.*—Section  
2       403(e) of the Veterans' Benefits Programs Improvement Act of 1991 (Pub.  
3       L. 102–86, 105 Stat. 424) is amended by striking “section 303b of title 40,  
4       sections 483 and 484 of title 40” and substituting “subchapter II of chapter  
5       5 of title 40, sections 541–555 and 1302 of title 40”.

6       **SEC. 4. REPEAL OF TITLE V OF THE FEDERAL PROPERTY AND ADMIN-**  
7       **ISTRATIVE SERVICES ACT OF 1949.**

8       Title V of the Federal Property and Administrative Services Act of 1949  
9       (ch. 288), as added by section 6(d) of the Act of September 5, 1950 (ch. 849,  
10       64 Stat. 583), is repealed.

11       **SEC. 5. LEGISLATIVE PURPOSE AND CONSTRUCTION.**

12       (a) *PURPOSE.*—The purpose of this Act is to revise, codify, and enact with-  
13       out substantive change the general and permanent laws of the United States  
14       related to public buildings, property, and works, in order to remove ambigu-  
15       ities, contradictions, and other imperfections and to repeal obsolete, super-  
16       fluous, and superseded provisions.

17       (b) *NO SUBSTANTIVE CHANGE.*—

18               (1) *IN GENERAL.*—This Act makes no substantive change in existing  
19       law and may not be construed as making a substantive change in exist-  
20       ing law.

21               (2) *DEEMED DATE OF ENACTMENT FOR CERTAIN PURPOSES.*—For  
22       purposes of determining whether one provision of law supersedes another  
23       based on enactment later in time, and otherwise to ensure that this Act  
24       makes no substantive change in existing law, the date of enactment of  
25       a provision restated in section 1 or 2 of this Act is deemed to remain  
26       unchanged, continuing to be the date of enactment of the underlying pro-  
27       vision of public law that is being restated.

28               (3) *INCONSISTENT LAWS ENACTED AFTER MARCH 31, 2002.*—This Act  
29       restates certain laws enacted before April 1, 2002. Any law enacted after  
30       March 31, 2002, that is inconsistent with this Act, including any law  
31       purporting to amend or repeal a provision that is repealed by this Act,  
32       supersedes this Act to the extent of the inconsistency.

33       (c) *REFERENCES.*—A reference to a law replaced by section 1 or 2 of this  
34       Act, including a reference in a regulation, order, or other law, is deemed to  
35       refer to the corresponding provision enacted by this Act.

36       (d) *CONTINUING EFFECT.*—An order, rule, or regulation in effect under a  
37       law replaced by section 1 or 2 of this Act continues in effect under the cor-  
38       responding provision enacted by this Act until repealed, amended, or super-  
39       seded.

40       (e) *ACTIONS AND OFFENSES UNDER PRIOR LAW.*—An action taken or an  
41       offense committed under a law replaced by section 1 or 2 of this Act is deemed

1 to have been taken or committed under the corresponding provision enacted  
2 by this Act.

3 (f) *INFERENCES*.—An inference of a legislative construction is not to be  
4 drawn by reason of the location in the United States Code of a provision en-  
5 acted by this Act or by reason of a caption or catch line of the provision.

6 (g) *SEVERABILITY*.—If a provision enacted by this Act is held invalid, all  
7 valid provisions that are severable from the invalid provision remain in effect.  
8 If a provision enacted by this Act is held invalid in any of its applications,  
9 the provision remains valid for all valid applications that are severable from  
10 any of the invalid applications.

11 **SEC. 6. REPEALS.**

12 (a) *INFERENCES OF REPEAL*.—The repeal of a law by this Act may not  
13 be construed as a legislative inference that the provision was or was not in  
14 effect before its repeal.

15 (b) *REPEALER SCHEDULE*.—The laws specified in the following schedule  
16 are repealed, except for rights and duties that matured, penalties that were  
17 incurred, and proceedings that were begun before the date of enactment of this  
18 Act:

*Schedule of Laws Repealed*  
*Statutes at Large*

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			Vol- ume	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

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1893 Mar. 3	211 .....	3 .....	27	715 .....	286
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
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
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
May 30	228 .....	34 .....	35	545 .....	261
1909 Feb. 9	101 .....	(3d par. under heading "War Department").	35	615 .....	43 note
Mar. 4	299 .....	1 (proviso in 2d par. on p. 997) .....	35	997 .....	43
1910 May 17	243 .....	.....	36	371 .....	104, 106
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
Aug. 24	355 .....	1 (last proviso in last par. on p. 432, 10th par. on p. 444).	37	432, 444 .....	68, 280
Aug. 26	408 .....	1 (last par. on p. 605) .....	37	605 .....	174
1913 Mar. 3	106 .....	1 "Sec. 3", 4 .....	37	727 .....	323
Mar. 4	142 .....	1 (words after 4th comma in last par. on p. 771).	37	771 .....	38.
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

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1918					
July 9	143 .....	(last par. on p. 850) .....	40	850 .....	314
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	197 .....	.....	46	1494 .....	276a—276a-6
May 21	200 .....	.....	47	161 .....	122, 123
June 30	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	163 .....	124-126
July 1	361 .....	1 (2d, last provisos in 1st par. on p. 517).	47	391, 392, 412	26, 174a, 267a, 303b
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	517 .....	115, 115a
1933 Feb. 11	48 .....	1 .....	47	582, 596 .....	25, 30a, 284, 313
			47	799 .....	124, 125

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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, 72c 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
	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
	271 .....	(1st par. on p. 529) .....	55	529 .....	60a
Aug. 21	395 .....	(last proviso in 14th par. on p. 664) .....	55	664 .....	276a-7
Dec. 10	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
	452 .....	(1st complete par. on p. 451) .....	56	451 .....	60a
Oct. 21	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
June 29	279 .....	(1st proviso on p. 319) .....	63	319 .....	60a

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	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, 532-533, 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(c)"), (f), (g), 8(a), (b), (c) (related to § 602(e)), 9, 10(b), 11.	64	578, 583, 590, 591.	471 note, 472, 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
July 19	949 .....	1 "Sec. 1-4(a), (d), (e), 5, 7-10", 2 .....	66	781, 787, 789	71, 71 note, 71a-71d, 71f-72, 73, 74

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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	304c, 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
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

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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
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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
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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
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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
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1963					
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
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Aug. 14	88-426	203(d) (related to Assistant Architect of the Capitol), (c).	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
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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(i)	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
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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	286	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
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Oct. 17	90-580	516	82	1132	483a
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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(c)	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, 258c
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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
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July 6	93-62		87	146	802, 804
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**House Calendar No. 161**

107<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**H. R. 2068**

**[Report No. 107-479]**

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**A BILL**

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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MAY 20, 2002

Reported with an amendment, referred to the House  
Calendar, and ordered to be printed