

## **US Code**

*(Unofficial compilation from the Legal Information Institute)*

### **TITLE 40 - PUBLIC BUILDINGS, PROPERTY, AND WORKS SUBTITLE II - PUBLIC BUILDINGS AND WORKS**

#### **PART D—PUBLIC BUILDINGS, GROUNDS, AND PARKS IN THE DISTRICT OF COLUMBIA**

*Please Note: This compilation of the US Code, current as of Jan. 4, 2012 , has been prepared by the Legal Information Institute using data from the U.S. House of Representatives, Office of the Law Revision Counsel. It is not an official U.S. government publication. For more details please see: <http://www.law.cornell.edu/uscode/uscpri.html>.*

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## TITLE 40 PUBLIC BUILDINGS, PROPERTY, AND WORKS

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### TITLE 40—PUBLIC BUILDINGS, PROPERTY, AND WORKS

This title was enacted by Pub. L. 107–217, § 1, Aug. 21, 2002, 116 Stat. 1062

Subtitle ...Sec.

I. FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ...101

II. PUBLIC BUILDINGS AND WORKS ...3101

III. INFORMATION TECHNOLOGY MANAGEMENT ...11101

IV. APPALACHIAN REGIONAL DEVELOPMENT ...14101

V. REGIONAL ECONOMIC AND INFRASTRUCTURE DEVELOPMENT ...15101

VI. MISCELLANEOUS ...17101

#### Amendments

2008—Pub. L. 110–234, title XIV, § 14217(b), May 22, 2008, 122 Stat. 1482, and Pub. L. 110–246, title XIV, § 14217(b), June 18, 2008, 122 Stat. 2244, which directed identical amendments to the table of subtitles for “chapter 40, United States Code” by adding items for subtitles V and VI and striking out item for subtitle V, was executed by amending the table of subtitles for this title, to reflect the probable intent of Congress. Prior to amendment, the item for subtitle V read “Miscellaneous”. The amendment by Pub. L. 110–234 was repealed by Pub. L. 110–246, § 4(a), June 18, 2008, 122 Stat. 1664.

#### Table Showing Disposition of All Sections of Former Title 40

Title 40 Former Sections	Title 40 New Sections
1, 1a	Rep.
2	Rep.
3	Rep.
4	Rep.
5	Rep.
5a	Rep.
6	Rep.
7	Rep.
7a	Rep.
8–13	Rep.
13a, 13a note	6111
13b	6112
13c	6113
13d	Rep.
13e	6114
13f	6122
13g	6131
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13n(c)	6121
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14–18a	Rep.
19	8101

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20, 21	Rep.
22	Rep.
22a–22c	8143
23, 24	Rep.
25	Rep.
26	Rep.
27	Rep.
27a	Rep.
28	Rep.
29	Rep.
30	Rep.
30a	Rep.
31	8108
32, 33	Rep.
33a	Rep.
34	8141
35	8142
36–37a	Rep.
38	Rep.
39	Rep.
40	Rep.
40a	Rep. (Transferred to former 278 prior to repeal)
41	Rep.
42	8165
43	8107
44	Rep.
45–48	9501
49	9503
50	9504
51, 52	9502
53	Rep.
53a	Elim.
54	9507
55	9505
56	9506
57	Rep.
58	Elim.
59	Rep.
60	Elim.
60a	8161
61	Elim.
62	Elim.
63	Elim.
64	8122
65	Elim.
66	8121
67	Elim.
68	8106

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Title 40 Former Sections	Title 40 New Sections
69	Elim.
70	Elim.
71(a)	8701
71(b)	8702
71a(a)(1)	8711
71a(a)(2)	8712
71a(a)(3), (4)	8721
71a(b), (c)	8711
71a(d)	8721
71a(e), 71a note	8711
71b	Rep.
71c(a)	8721
71c(b), (c)	Rep.
71c(d), (e) (1st par.)	8721
71c(e) (last par.)	8722
71d	8722
71e	Rep.
71f	8723
71g(a)–(c)	8724
71g(d)	8725
71h	8711
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72	8731
72a	8732
72b	8733
72c, 72d	8734
72e	8736
73 (1st, 2d sentences)	8737
73 (3d–last sentences)	8731
74	8711
74a–74c	8735
75	Elim.
76	Elim.
77	Elim.
77a	Rep.
78	Elim.
79	8123
80	Elim.
81	Elim.
82	8125
83	Elim.
84	Elim.
85	Elim.
86	Elim.
87	Elim.
88	Elim.
89	8126
90	Elim.

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91	Rep.
92	Elim.
92a	Elim.
93	Elim.
94	Elim.
95	Elim.
96	Elim.
97	Elim.
98	Elim.
99	Elim.
100	8127
101	8103
102	8162
103	8163
104 (1st, 2d sentences)	9101
104 (3d–6th sentences)	9102
104 (last sentence words before comma)	9103
104 (last sentence words after comma)	9101
105	9103
106	9104
107	Elim.
108	Elim.
109–112	Rep.
112a	Rep.
113	8144
114	Rep.
115	Rep.
115a	Rep.
116–119	Rep.
120	Rep.
121	8104
122, 123	8124
124 (words before proviso)	9301
124 (proviso)	9302
125 (words before semicolon)	9303
125 (words after semicolon)	9304
126	Rep.
127	9301 note
128	8105
129	585 note
129a–130a	8164
131	8302
132	8303
133	8304
134	Rep.
135	8301
136(a)	8501
136(b), (c)	8502

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<b>Title 40 Former Sections</b>	<b>Title 40 New Sections</b>
136(d)	(See § 49–103 of the D.C. Official Code)
136(e)	Rep.
136(f)	8501
136(g)(1), (2)	Rep.
136(h)–(j)	8501
137	8102
138	Rep.
161	T. 2 § 1801 note
161a	Rep.
162	T. 2 § 1811
162–1	T. 2 § 1801
162a	T. 2 § 1802
162b	T. 2 § 1868
163	T. 2 § 1812
163a	T. 2 § 1813
163b	T. 2 § 1803
164	Rep.
164a	T. 2 § 1804
165	Rep.
166	T. 2 § 1814
166a	Rep.
166a–1	T. 2 § 1861
166b	Rep.
166b–1	Rep.
166b–1a	T. 2 § 1841
166b–1b	T. 2 § 1842
166b–1c	T. 2 § 1843
166b–1d	T. 2 § 1844
166b–1e	T. 2 § 1845
166b–1f	T. 2 § 1846
166b–2	T. 2 § 1850
166b–3	T. 2 § 1847
166b–3a	T. 2 § 1848
166b–3b	T. 2 § 1849
166b–4	T. 2 § 1851
166b–5	T. 2 § 1852
166b–6	T. 2 § 1832
166b–7	T. 2 § 1831
166c	Elim.
166d	T. 2 § 1818
166e	T. 2 § 1863
166f	T. 2 § 1864
166g	T. 2 § 1867
166h	T. 2 § 1862
166i	T. 2 § 1815
166j	T. 2 § 1816
166k	T. 2 § 1819
166l	T. 2 § 1865

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Title 40 Former Sections	Title 40 New Sections
166m	T. 2 § 1820
167	T. 2 § 1833
167a	Rep.
168	T. 2 § 1834
168a	Rep.
169	T. 2 § 2012
170	T. 2 § 2184
170a	(Previously transferred to T. 2 § 117b-1)
171	T. 2 § 1817
172	Rep.
173	T. 2 § 2185
174	Rep.
174a	Rep.
174b	Elim.
174b-1	T. 2 § 2021
174b-2	T. 2 § 2022
174c	T. 2 § 2023
174d	T. 2 § 2024
174d-1	T. 2 § 2181
174e	T. 2 § 1866
174f-174j	Rep.
174j-1	T. 2 § 2042
174j-2	Rep.
174j-3	T. 2 § 2043
174j-4	T. 2 § 2044
174j-5	T. 2 § 2045
174j-6	T. 2 § 2046
174j-7	T. 2 § 2047
174j-8	T. 2 § 2048
174j-9	T. 2 § 2049
174j-10	T. 2 § 2050
174k	T. 2 § 2041
175	T. 2 § 2001
175a	T. 2 § 2002
176	T. 2 § 2003
177	T. 2 § 2004
178	T. 2 § 2005
179	T. 2 § 2006
180	T. 2 § 2007
181	T. 2 § 2008
182	T. 2 § 2009
183	T. 2 § 2010
184	T. 2 § 2011
184a	T. 2 § 2161
184b-184f	Rep.
184g	T. 2 § 2062
185	T. 2 § 2162
185a	T. 2 § 2025

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<b>Title 40 Former Sections</b>	<b>Title 40 New Sections</b>
186	T. 10 § 4689
187	T. 2 § 2131
187a	T. 2 § 2132
188	T. 2 § 2133
188a	T. 2 § 2081
188a-1	T. 2 § 2082
188a-2	T. 2 § 2083
188a-3	T. 2 § 2084
188a-4	T. 2 § 2085
188a-5	T. 2 § 2086
188b	T. 2 § 2101
188b-1	T. 2 § 2102
188b-2	T. 2 § 2103
188b-3	T. 2 § 2104
188b-4	T. 2 § 2105
188b-5	T. 2 § 2106
188b-6	T. 2 § 2107
188c	T. 2 § 2121
188c-1	T. 2 § 2122
189	T. 2 § 2134
190	T. 2 § 2135
190a	Rep.
190b	T. 2 § 2182
191	Rep.
192	Rep.
193	T. 2 § 2183
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193m(2)-(5)	5104
193m-1	5108
193n	6306
193o	6302
193p, 193q	6303
193r	6304
193s	6307
193t	6306
193u	6305
193v	6301
193w	Rep.
193x	6306
194-205	Rep.
206	T. 2 § 1901

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Title 40 Former Sections	Title 40 New Sections
206-1	T. 2 § 1902
206a-206a-8	Elim. (Previously transferred to former 206 notes)
206a-9	T. 2 § 1903
206b	T. 2 § 1924
206c	T. 2 § 1925
206d	T. 2 § 1971
206d-1	T. 2 § 1972
206e	T. 2 § 1973
207	T. 2 § 1921
207a	T. 2 § 1922
207b	T. 2 § 1923
207b-1	T. 2 § 1926
206b-2	T. 2 § 1927
207c	T. 2 § 1951
207c-1	T. 2 § 1952
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207c-3	T. 2 § 1954
207d	T. 2 § 1904
207e	T. 2 § 1905
208	T. 2 § 1928
209	T. 2 § 1929
210	T. 2 § 1941
210a	T. 2 § 1942
211	T. 2 § 1943
212	T. 2 § 1944, 1944 notes
212a	T. 2 § 1961
212a-1	T. 2 § 1962, 1962 notes
212a-2	T. 2 § 1966
212a-3	T. 2 § 1967
212a-4	T. 2 § 1964
212a-4a	T. 2 § 1965
212a-5	T. 2 § 1968
212b	T. 2 § 1969
212c	T. 2 § 1970
213	Rep.
213a	Elim.
214	T. 2 § 1963
214a	Rep.
214b	T. 2 § 2061
214c	T. 2 § 2063
214d	T. 2 § 2064
214e	T. 2 § 2065
215	T. 2 § 2141
216	T. 2 § 2142
216a	T. 2 § 2145
216b	T. 2 § 2143
216c	T. 2 § 2146
216d	T. 2 § 2144

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217	Rep.
217a	T. 2 § 2147
217b	Rep.
217c	T. 2 § 2167
218–220	Rep.
221	Rep.
222	Rep.
223	T. 2 § 2163
224	T. 2 § 2164
231	(Previously transferred to former T. 44 § 300 prior to repeal)
232, 232a	(Previously transferred to former T. 44 § 300a prior to repeal)
232b	Rep.
233–241	(Previously transferred to former T. 44:300c–300k prior to repeal)
251	Rep.
252	Rep.
253	311
254	Rep.
255 (1st–5th pars.)	3111
255 (last par.)	3112
256	Rep.
257	3113
258	Rep.
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271	Rep.
272	Rep.
273–276	Rep.
276a(a)	3142

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<b>Title 40 Former Sections</b>	<b>Title 40 New Sections</b>
276a(b) (1st par. words before proviso)	3141
276a(b) (1st par. proviso, last par.)	3142
276a-1	3143
276a-2	3144
276a-3	3146
276a-4	Rep.
276a-5	3147
276a-6	Rep.
276a-7	3148
276b	Rep.
276c	3145
276d	3161
276d-1—276d-3	3162
277	Rep.
277a	Rep.
278, 278a	Rep.
278b	Rep.
278c	Rep.
279-281	Rep.
282	Rep.
283	3104
284	Rep.
285	3101
285a	Elim.
286	3105
287	Rep.
288	Elim.
289	Elim.
289a	(See former 289)
290	3172
291	3103
292	Rep.
293	3173
294	Rep.
295	3174
296	Rep.
297-298	Rep.
298a	3175
298b	3176
298c	Rep.
298d	3102
301	1301
302-303a	Rep.
303b	1302
303c	T. 16 § 3b
304	1305
304a-304e	1303
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<b>Title 40 Former Sections</b>	<b>Title 40 New Sections</b>
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306	1312
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308, 309	1313
310	1309
311, 311a	Rep.
311b	1308
312	Rep.
313	Rep.
313-1	Rep.
313-2	Rep.
313a	Rep.
314	1310
314a	Rep.
315	Rep.
316	1307
317	Rep.
318-318d	1315
319	1314
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319a	1314
319a note	1314
319b	1314
319b note	1314
319c	1314
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321, 322	Rep.
323	Rep.
324-326	Rep.
327	Rep.
328	3702
329	3701
330	3703
331	3706
332	3708
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334	3707
341-342a	Rep.
343	Rep.
344, 345	Rep.
345a	Rep.
345b, 345c, 345c note	1304
346-350a	Rep.
351	(See former 33a)
352-355	Rep.
356	Rep.
356a	Rep.

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357	Rep.
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411a	Rep.
412	Rep.
413	Rep.
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431–434	Rep.
435	Rep.
436	Rep.
437	Rep.
438	Rep.
439	Rep.
440	Rep.
441	Rep.
442	Rep.
443	Rep.
444	Rep.
451–455	Rep.
456	Rep.
457	Rep.
458	Rep.
459	Rep.
460	3501
461	Rep.
462(a), (b)	3502
462(c)	Rep.
462(d)	3502
462(e)	3503
462(f)	3504
462(g)	3505
462(h)	Rep.
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475(a)	125
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**TITLE 40 PUBLIC BUILDINGS, PROPERTY, AND WORKS**

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Title 40 Former Sections	Title 40 New Sections
482	Rep.
483(a)(1) (1st sentence)	521
483(a)(1) (last sentence)	522
483(a)(2)	523
483(b), (c)	524
483(d)	525
483(e)	529
483(f)	Rep.
483(g)	526
483(h)	527
483a	Rep.
483b	528
483c	Rep.
483d	556
484(a)	541
484(b)	542
484(c)	543
484(d)	544
484(e)	545
484(f)	546
484(g), (h)	547
484(i)	548
484(j)	549
484(k)	550
484(l)	551
484(m)	552
484(n)	549
484(o)	Rep.
484(p)	553
484(q)	554
484(r)	555
484-1	557
484a	Rep.
484b	Rep.
484c	Rep.
484d	558
485(a)	571
485(b)	572
485(c)-(g)	574
485(h)	572
485(i)	573
485a	571
486, 486a	121
487	506
488	559
489	123
490(a)	581
490(b)	582

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*NB: This unofficial compilation of the U.S. Code is current as of Jan. 4, 2012 (see <http://www.law.cornell.edu/uscode/uscpri.html>).*

Title 40 Former Sections	Title 40 New Sections
490(c)	583
490(d)	582
490(e)	584
490(f)	592
490(g)	588
490(h)	585
490(i)	589
490(j), (k)	586
490(l)	587
490 notes	587, 591
490a, 490a-1	592
490b, 490b note, 490b-1	590
490c	593
490d, 490e	585
490f	586
490g	592
490h	587
490i	592
491(a)	601
491(b) (related to establishment)	602
491(b) (related to determination), (c)	603
491(d)	605
491(e)	603
491(f) (1st sentence)	607
491(f) (last sentence)	610
491(g), (h)	604
491(i)	608
491(j)	606
491(k)	609
491(l)	611
492	126
493	Rep.
511	701
512(a)	704
512(b)	703
512(c)	702
513	705
514	701
521-524	Rep.
531	901
532	904
533	903
534	905
535(a), (b)	902
535(c)	904
541	1102
542	1101
543	1103

**TITLE 40 PUBLIC BUILDINGS, PROPERTY, AND WORKS**

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Title 40 Former Sections	Title 40 New Sections
544	1104
551–554	Rep.
601	3302
601a	3306
602	3304
602a	Rep.
603	3305
604	3304
605	3305
606(a)–(e), (f) (related to this section)	3307
606(f) (related to 40:603(b))	3305
607	3309
608	3305
609	3308
610	3314
611	3303
612, 612a(1), (2)	3301
612a(3)–(8)	3306
613	3301
614	3313
615	3315
616	Elim.
617	3311
618	3310
619	3312
651, 652, 661–665, 671	Rep.
672	Elim.
681	Elim.
682, 683	Rep.
684	Rep.
685	Rep.
701	17102
701 note, 702	17103
703	17101
721	17302
722, 722a	17303
723 (1st sentence, 2d sentence words before 2d proviso)	17304
723 (2d sentence 2d, last provisos, last sentence)	17303
724	17305
725	17306
726	17307
727	17308
728	17309
729(a) (1st, 2d sentences)	17301
729(a) (last sentence)	17301, 17306
729(b)–(d)	17301
751(a)	301

**TITLE 40 PUBLIC BUILDINGS, PROPERTY, AND WORKS**

*NB: This unofficial compilation of the U.S. Code is current as of Jan. 4, 2012 (see <http://www.law.cornell.edu/uscode/uscpri.html>).*

Title 40 Former Sections	Title 40 New Sections
751(b), (c)	302
751(d)	Rep.
751(e)	Rep.
751(f)	121
752(a)	303
752(b)	Rep.
752(c), 753	303
754	121
755	Rep.
755a	312
756(a)–(c)	321
756(d)	Rep.
756(e), (f)	321
756(g) (1st–3d sentences)	313
756(g) (last sentence), 756a, 756b	321
757	322
758	311
759	Rep.
760	304
761, 761a	323
762	18101
762a	18102
762b	18103
762c	Rep.
762d	18104
771	17701
781	17702
782	17703
783	17704
784	17705
785	17706
786	17707
791	17708
792	Rep.
795	17901
795a	17902
795b	17903
795c	17904
795d	Rep.
801–809	Rep.
811(a) (1st, 2d sentences)	6902
811(a) (last sentence)	6901
811(b)	Rep.
811(c)	Rep.
811(d)	Rep.
812	Rep.
813(a)	6910
813(b)	Rep.

**TITLE 40 PUBLIC BUILDINGS, PROPERTY, AND WORKS**

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<b>Title 40 Former Sections</b>	<b>Title 40 New Sections</b>
814	Rep.
815(a)–(c)	Rep.
815(d)	6903
816(a)(1)	6904
816(a)(2)	Rep.
816(b)	6904
817	6906
818	6908
819(a)	Rep.
819(b)	Rep.
819(c)	6907
819(d)	6909
819a	6905
821 (related to creation)	6921
821 (related to duties)	6922
822(a)	6921
822(b)	6923
822(c)	6922
823	6924
831	T. 2 § 2165
851	T. 2 § 2166
871	6711
872	Rep.
872 notes	6701, 6702
873	Rep.
874	Rep.
875	Rep.
876(a)	6712
876(b)	6713
877(a)	Rep.
877(b)–(d)	6714
878	6715
879(a)	Rep.
879(b)	6701
880	6716
881	Rep.
882	Rep.
883	Rep.
884	Rep.
885	Rep.
901	17502
902	17503
903	17504
904	17505
905	Rep.
906	Rep.
907	17506
908	17507

**TITLE 40 PUBLIC BUILDINGS, PROPERTY, AND WORKS**

*NB: This unofficial compilation of the U.S. Code is current as of Jan. 4, 2012 (see <http://www.law.cornell.edu/uscode/uscprint.html>).*

Title 40 Former Sections	Title 40 New Sections
909	17508
910	17509
911	17510
912	Rep.
913	17501
1001	8901
1002	8902
1003	8903
1004	8904
1005, 1006	8908
1007	8905
1008	8906
1009	8907
1010(a)	8909
1010(b)	8903
1010(c), (d)	8909
1010(e)	8902
1101	Rep.
1101 note	6734
1102(a)(1)	Rep.
1102(a)(2) (1st sentence)	6733
1102(a)(2) (last sentence)	6734
1102(a)(3)	Rep.
1102(b)	Rep.
1103(a)	Rep.
1103(b)	6734
1103(c)–(g)	Rep.
1104(a), (b)(1), (2)(A)	Rep.
1104(b)(2)(B)	6734
1104(b)(2)(C), (D), (words after (D)), (c)	Rep.
1104(d)	6734
1104(e)	Rep.
1104(f)	6733
1104(g)	6732
1104(h), (i)	Rep.
1105	6734
1106	Elim.
1107	Elim.
1108	6731 note
1109	6731
1201	Rep.
1201 note	6502
1202(a)(1)–(5)	Rep.
1202(a)(6)	6502
1202(a)(7)	Rep.
1202(a)(8)	6502
1202(b)(1)	Rep.
1202(b)(2)(A)	Rep.

**TITLE 40 PUBLIC BUILDINGS, PROPERTY, AND WORKS**

*NB: This unofficial compilation of the U.S. Code is current as of Jan. 4, 2012 (see <http://www.law.cornell.edu/uscode/uscpri.html>).*

<b>Title 40 Former Sections</b>	<b>Title 40 New Sections</b>
1202(b)(2)(B), (C)	6502
1202(b)(2)(D) (words before "and the lease")	Rep.
1202(b)(2)(D) (words after "provisions of this chapter")	6504
1202(b)(2) (words after (D))	Rep.
1202(c)–(e)	6502
1203(a), (b)	6504
1203(c)	6502
1203(d)	6504
1204	6505
1205	6506
1206	6503
1207	6507
1208	6501
1301	18301
1302(1), (2)	18302
1302(3)	18303
1302(4), (5)	18302
1302(6), 1303	18303
1304	18304
1401	11101
1411	11301
1412	11302
1413	11303
1421	11311
1422	11312
1423	11313
1424	11314
1425(a)	(See T. 44 § 3506)
1425(b)–(d)	11315
1426	11316
1427	11317
1428	11318
1441	11331
1441 notes	11332
1442	11102
1451, 1452	11103
1461	11704
1471	11501
1472	11502
1473	11503
1474	11504
1475	11505
1491	11521
1492	11522
1501	11701
1502	11702
1503	11703

**TITLE 40 PUBLIC BUILDINGS, PROPERTY, AND WORKS**

*NB: This unofficial compilation of the U.S. Code is current as of Jan. 4, 2012 (see <http://www.law.cornell.edu/uscode/uscprint.html>).*

Title 40 Former Sections	Title 40 New Sections
T. 40 App. § 1	Rep.
T. 40 App. § 2	14101
T. 40 App. § 101(a)(1)	14301
T. 40 App. § 101(a)(2)	14307
T. 40 App. § 101(b)	14302
T. 40 App. § 101(c), (d)	14301
T. 40 App. § 102	14303
T. 40 App. § 103	14304
T. 40 App. § 104	14305
T. 40 App. § 105, 106(1), (2) (1st sentence)	14306
T. 40 App. § 106(2) (2d, last sentences)	14301
T. 40 App. § 106(3)–(9)	14306
T. 40 App. § 107	14308
T. 40 App. § 108	14309
T. 40 App. § 109	(See T. 5 § 5334)
T. 40 App. § 201	14501
T. 40 App. § 202	14502
T. 40 App. § 203	14504
T. 40 App. § 204	14505
T. 40 App. § 205	14506
T. 40 App. § 206	Rep.
T. 40 App. § 207	14503
T. 40 App. § 208, 211–213	Rep.
T. 40 App. § 214	14507
T. 40 App. § 221	14521
T. 40 App. § 222	14522
T. 40 App. § 223	14523
T. 40 App. § 223 note	14702
T. 40 App. § 224	14524
T. 40 App. § 225	14525
T. 40 App. § 226	14526
T. 40 App. § 301	14102
T. 40 App. § 302	14321
T. 40 App. § 303	14322
T. 40 App. § 304	14310
T. 40 App. § 401	14703
T. 40 App. § 402	14701
T. 40 App. § 403	14102
T. 40 App. § 404	Rep.
T. 40 App. § 405	14704

**Effective Date of 2003 Amendment by Pub. L. 108–178**

Pub. L. 108–178, enacting and amending notes set out below, effective Aug. 21, 2002, see section 5 of Pub. L. 108–178, set out as an Effective Date of 2003 Amendment note under section 5334 of Title 5, Government Organization and Employees.

## TITLE 40 PUBLIC BUILDINGS, PROPERTY, AND WORKS

NB: This unofficial compilation of the U.S. Code is current as of Jan. 4, 2012 (see <http://www.law.cornell.edu/uscode/uscprint.html>).

### Enacting Clause

Pub. L. 107–217, § 1, Aug. 21, 2002, 116 Stat. 1062, provided in part that: “Certain general and permanent laws of the United States, related to public buildings, property, and works, are revised, codified, and enacted as title 40, United States Code, ‘Public Buildings, Property, and Works’ ”.

### Legislative Purpose and Construction

Pub. L. 108–178, § 1, Dec. 15, 2003, 117 Stat. 2637, provided that:

“(a) Purpose.—The purpose of this Act [see Tables for classification] is to improve the United States Code by making necessary technical changes.

“(b) No Substantive Change.—This Act makes no substantive change in existing law and may not be construed as making a substantive change in existing law.

“(c) Severability.—If a provision enacted by this Act is held invalid, all valid provisions that are severable from the invalid provision remain in effect. If a provision enacted by this Act is held invalid in any of its applications, the provision remains valid for all valid applications that are severable from any of the invalid applications.”

Pub. L. 107–217, § 5, Aug. 21, 2002, 116 Stat. 1303, provided that:

“(a) Purpose.—The purpose of this Act is to revise, codify, and enact without substantive change the general and permanent laws of the United States related to public buildings, property, and works, in order to remove ambiguities, contradictions, and other imperfections and to repeal obsolete, superfluous, and superseded provisions.

“(b) No Substantive Change.—

“(1) In general.—This Act makes no substantive change in existing law and may not be construed as making a substantive change in existing law.

“(2) Deemed date of enactment for certain purposes.—For purposes of determining whether one provision of law supersedes another based on enactment later in time, and otherwise to ensure that this Act makes no substantive change in existing law, the date of enactment of a provision restated in section 1 or 2 of this Act is deemed to remain unchanged, continuing to be the date of enactment of the underlying provision of public law that is being restated.

“(3) Inconsistent laws enacted after March 31, 2002.—This Act restates certain laws enacted before April 1, 2002. Any law enacted after March 31, 2002, that is inconsistent with this Act, including any law purporting to amend or repeal a provision that is repealed by this Act, supersedes this Act to the extent of the inconsistency.

“(c) References.—A reference to a law replaced by section 1 or 2 of this Act, including a reference in a regulation, order, or other law, is deemed to refer to the corresponding provision enacted by this Act.

“(d) Continuing Effect.—An order, rule, or regulation in effect under a law replaced by section 1 or 2 of this Act continues in effect under the corresponding provision enacted by this Act until repealed, amended, or superseded.

“(e) Actions and Offenses Under Prior Law.—An action taken or an offense committed under a law replaced by section 1 or 2 of this Act is deemed to have been taken or committed under the corresponding provision enacted by this Act.

“(f) Inferences.—An inference of a legislative construction is not to be drawn by reason of the location in the United States Code of a provision enacted by this Act or by reason of a caption or catch line of the provision.

“(g) Severability.—If a provision enacted by this Act is held invalid, all valid provisions that are severable from the invalid provision remain in effect. If a provision enacted by this Act is held invalid in any of its applications, the provision remains valid for all valid applications that are severable from any of the invalid applications.”

### Repeals

Pub. L. 108–178, § 2(b), Dec. 15, 2003, 117 Stat. 2640, provided that: “Section 6(b) of Public Law 107–217 (116 Stat. 1304) [see below] is repealed insofar as it relates to the provisions listed below, and the provisions listed below are revived to read as if section 6 (b) had not been enacted:

“(1) Section 1(a) of the Act of June 30, 1949 (ch. 288, 63 Stat. 377) [41 U.S.C. 101 note ].

“(2) Section 509(b) of the Department of Education Organization Act (Public Law 96–88, 93 Stat. 695) [20 U.S.C. 3508 (b)].

“(3) Public Law 101–427 (104 Stat. 927) [23 U.S.C. 101 note ].

“(4) Section 7306 of the Federal Acquisition Streamlining Act of 1994 (Public Law 103–355, 108 Stat. 3384).”

Pub. L. 107–217, § 6(a), Aug. 21, 2002, 116 Stat. 1304, provided that: “The repeal of a law by this Act may not be construed as a legislative inference that the provision was or was not in effect before its repeal.”

**TITLE 40 - SUBTITLE II PUBLIC BUILDINGS AND WORKS**

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Pub. L. 107–217, § 6(b), Aug. 21, 2002, 116 Stat. 1304, as amended by Pub. L. 108–178, § 2, Dec. 15, 2003, 117 Stat. 2637, repealed specified laws, except for rights and duties that matured, penalties that were incurred, and proceedings that were begun before Aug. 21, 2002.

**TITLE 40 - SUBTITLE II - PART D PUBLIC BUILDINGS,  
GROUNDS, AND PARKS IN THE DISTRICT OF...**

*NB: This unofficial compilation of the U.S. Code is current as of Jan. 4, 2012 (see <http://www.law.cornell.edu/uscode/uscodeprint.html>).*

**SUBTITLE II—PUBLIC BUILDINGS AND WORKS**

PART A—GENERAL

Chapter ...Sec.

- 31. GENERAL ...3101
- 33. ACQUISITION, CONSTRUCTION, AND ALTERATION ...3301
- 35. NON-FEDERAL PUBLIC WORKS ...3501
- 37. CONTRACT WORK HOURS AND SAFETY STANDARDS ...3701

PART B—UNITED STATES CAPITOL

- 51. UNITED STATES CAPITOL BUILDINGS AND GROUNDS ...5101

PART C—FEDERAL BUILDING COMPLEXES

- 61. UNITED STATES SUPREME COURT BUILDING AND GROUNDS ...6101
- 63. SMITHSONIAN INSTITUTION, NATIONAL GALLERY OF ART, AND JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS ...6301
- 65. THURGOOD MARSHALL FEDERAL JUDICIARY BUILDING ...6501
- 67. PENNSYLVANIA AVENUE DEVELOPMENT ...6701
- 69. UNION STATION REDEVELOPMENT ...6901

PART D—PUBLIC BUILDINGS, GROUNDS, AND PARKS IN THE DISTRICT OF COLUMBIA

- 81. ADMINISTRATIVE ...8101
- 83. WASHINGTON METROPOLITAN REGION DEVELOPMENT ...8301
- 85. NATIONAL CAPITAL SERVICE AREA AND DIRECTOR ...8501
- 87. PHYSICAL DEVELOPMENT OF NATIONAL CAPITAL REGION ...8701
- 89. NATIONAL CAPITAL MEMORIALS AND COMMEMORATIVE WORKS ...8901
- 91. COMMISSION OF FINE ARTS ...9101
- 93. THEODORE ROOSEVELT ISLAND ...9301
- 95. WASHINGTON AQUEDUCT AND OTHER PUBLIC WORKS IN THE DISTRICT OF COLUMBIA ...9501

**PART D—PUBLIC BUILDINGS, GROUNDS, AND PARKS IN THE DISTRICT OF COLUMBIA**

## **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.

**SUBCHAPTER I—GENERAL**

.....

**§ 8101. Supervision of public buildings and grounds in District of Columbia not otherwise provided for by law**

(a) **In General.**— Under regulations the President prescribes, the Administrator of General Services shall have charge of the public buildings and grounds in the District of Columbia, except those buildings and grounds which otherwise are provided for by law.

(b) **Notice of Unlawful Occupancy.**— If the Administrator, or the officer under the direction of the Administrator who is in immediate charge of those public buildings and grounds, decides that an individual is unlawfully occupying any part of that public land, the Administrator or officer in charge shall notify the United States marshal for the District of Columbia in writing of the unlawful occupation.

(c) **Ejection of Trespasser.**— The marshal shall have the trespasser ejected from the public land and shall restore possession of the land to the officer charged by law with the custody of the land.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1204.)

**Historical and Revision Notes**

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
8101	40:19.	R.S. § 1797; Apr. 28, 1902, ch. 594, [§] 1 (6th par. on p. 152), 32 Stat. 152.

In this chapter, the words “Administrator of General Services” are substituted for “Chief of Engineers” [subsequently changed to “Director of Public Buildings and Public Parks of the National Capital” because of section 3 of the Act of February 26, 1925 (ch. 339, 43 Stat. 983), “Director of the National Park Service” because of section 2 of Executive Order No. 6166 (eff. June 10, 1933) and the Act of March 2, 1934 (ch. 38, 48 Stat. 389), and “Public Buildings Administrator” because of sections 301 and 303 of Reorganization Plan No. I of 1939 (eff. July 1, 1939, 53 Stat. 1426, 1427)] because of section 103(a) of the Federal Property and Administrative Services Act of 1949 (ch. 288, 63 Stat. 380), which is restated as section 303 (c) [303(b)] of the revised title.

In subsection (a), the words “through the War Department” in section 1797 of the Revised Statutes are omitted because of section 3 of the Act of February 26, 1925 (ch. 339, 43 Stat. 983).

In subsection (b), the words “If the Administrator . . . decides” are substituted for “when it shall be made to appear to the said Administrator” for clarity. The words “in the District of Columbia” are omitted as unnecessary. The words “the Administrator and the officer in charge” are substituted for “the officer in charge” for clarity.

.....

**§ 8102. Protection of Federal Government buildings in District of Columbia**

The Attorney General and the Secretary of the Treasury may prohibit—

- (1) a vehicle from parking or standing on a street or roadway adjacent to a building in the District of Columbia—
  - (A) at least partly owned or possessed by, or leased to, the Federal Government; and
  - (B) used by law enforcement authorities subject to their jurisdiction; and
- (2) a person or entity from conducting business on property immediately adjacent to a building described in paragraph (1).

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1205.)

Historical and Revision Notes

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
8102	40:137.	Pub. L. 104-132, title VIII, § 803, Apr. 24, 1996, 110 Stat. 1305.

.....

§ 8103. Application of District of Columbia laws to public buildings and grounds

(a) **Application of Laws.**— Laws and regulations of the District of Columbia for the protection of public or private property and the preservation of peace and order are extended to all public buildings and public grounds belonging to the Federal Government in the District of Columbia.

(b) **Penalties.**— A person shall be fined under title 18, imprisoned for not more than six months, or both if the person—

- (1) is guilty of disorderly and unlawful conduct in or about those public buildings or public grounds;
- (2) willfully injures the buildings or shrubs;
- (3) pull downs, impairs, or otherwise injures any fence, wall, or other enclosure;
- (4) injures any sink, culvert, pipe, hydrant, cistern, lamp, or bridge; or
- (5) removes any stone, gravel, sand, or other property of the Government, or any other part of the public grounds or lots belonging to the Government in the District of Columbia.

(Pub. L. 107-217, Aug. 21, 2002, 116 Stat. 1205.)

Historical and Revision Notes

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
8103	40:101.	July 29, 1892, ch. 320, § 15, 27 Stat. 325; Pub. L. 90-108, § 2, Oct. 20, 1967, 81 Stat. 277.

In subsection (b), the word “enclosure” is substituted for “inclosure” to use the more understood term.

.....

§ 8104. Regulation of private and semipublic buildings adjacent to public buildings and grounds

(a) **Factors for Development.**— In view of the provisions of the Constitution respecting the establishment of the seat of the National Government, the duties it imposed on Congress in connection with establishing the seat of the National Government, and the solicitude shown and the efforts exerted by President Washington in the planning and development of the Capital City, the development should proceed along the lines of good order, good taste, and with due regard to the public interests involved, and a reasonable degree of control should be exercised over the architecture of private or semipublic buildings adjacent to public buildings and grounds of major importance.

(b) **Submission of Application to Commission of Fine Arts.**— The Mayor of the District of Columbia shall submit to the Commission of Fine Arts an application for a permit to erect or alter any building, a part of which fronts or abuts on the grounds of the Capitol, the grounds of the White House, the part of Pennsylvania Avenue extending from the Capitol to the White House, Lafayette Park, Rock Creek Park, the Zoological Park, the Rock Creek and Potomac Parkway, Potomac Park, or The Mall Park System and public buildings adjacent to the System, or abuts on any street bordering any of those grounds or parks, so far as the plans relate to height and appearance, color, and texture of the materials of exterior construction.

**TITLE 40 - Section 8105 - Approval by Administrator of General Services**

*NB: This unofficial compilation of the U.S. Code is current as of Jan. 4, 2012 (see <http://www.law.cornell.edu/uscode/uscp.html>).*

**(c) Report to Mayor.**— The Commission shall report promptly its recommendations to the Mayor, including any changes the Commission decides are necessary to prevent reasonably avoidable impairment of the public values belonging to the public building or park. If the Commission fails to report its approval or disapproval of a plan within 30 days, the report is deemed approved and a permit may be issued.

**(d) Action by the Mayor.**— The Mayor shall take action the Mayor decides is necessary to effect reasonable compliance with the recommendation under subsection (c).

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1205; Pub. L. 109–284, § 6(22), Sept. 27, 2006, 120 Stat. 1213.)

**Historical and Revision Notes**

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
8104	40:121.	May 16, 1930, ch. 291, § 1, 46 Stat. 366; July 31, 1939, ch. 400, 53 Stat. 1144.

In this chapter, the word “Mayor” is substituted for “Commissioners” [meaning the Board of Commissioners of the District of Columbia] [subsequently changed to “Commissioner” (meaning the Commissioner of the District of Columbia) because of section 401 of Reorganization Plan No. 3 of 1967 (eff. Nov. 3, 1967, 81 Stat. 951)] because of section 421 of the District of Columbia Home Rule Act (Public Law 93–198, 87 Stat. 789).

In subsection (a), the words “it is hereby declared that” are omitted as unnecessary.

In subsection (b), the words “To this end, hereafter” are omitted as unnecessary.

**Amendments**

2006—Subsec. (b). Pub. L. 109–284 substituted “Commission of Fine Arts” for “Commission on Fine Arts”.

.....

**§ 8105. Approval by Administrator of General Services**

Subject to applicable provisions of existing law relating to the functions in the District of Columbia of the National Capital Planning Commission and the Commission of Fine Arts, only the Administrator of General Services is required to approve sketches, plans, and estimates for buildings to be constructed by the Administrator, except that the Administrator and the United States Postal Service must approve buildings designed for post office purposes.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1206; Pub. L. 109–284, § 6(23), Sept. 27, 2006, 120 Stat. 1213.)

**Historical and Revision Notes**

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
8105	40:128.	June 14, 1946, ch. 404, § 8, 60 Stat. 258.

The words “On and after June 14, 1946” are omitted as obsolete. The words “National Capital Planning Commission” are substituted for “National Capital Park and Planning Commission” because of section 9 of the Act of June 6, 1924 (ch. 270), as added by section 1 of the Act of July 19, 1952 (ch. 949, 66 Stat. 790). See section 8711(f) of the revised title. The words “Administrator of General Services” are substituted for “Commissioner of Public Buildings” because of section 103(a) of the Federal Property and Administrative

NB: This unofficial compilation of the U.S. Code is current as of Jan. 4, 2012 (see <http://www.law.cornell.edu/uscode/uscp.html>).

Services Act of 1949 (ch. 288, 63 Stat. 380), which is restated as section 303 (c) [303(b)] of the revised title. The words “constructed by the Administrator” are substituted for “constructed by the Public Buildings Administration” [subsequently changed to “constructed by the General Services Administration” because of section 103 (a)] because of section 101(b) of the Federal Property and Administrative Services Act of 1949 (ch. 288, 63 Stat. 379), which is restated as section 302(a) of the revised title. The words “United States Postal Service” are substituted for “Postmaster General” because of section 4(a) of the Postal Reorganization Act (Public Law 91–375, 84 Stat. 773).

**Amendments**

2006—Pub. L. 109–284 substituted “post office” for “post-office”.

**§ 8106. Buildings on reservations, parks, or public grounds**

A building or structure shall not be erected on any reservation, park, or public grounds of the Federal Government in the District of Columbia without express authority of Congress.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1206.)

**Historical and Revision Notes**

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
8106	40:68.	Aug. 24, 1912, ch. 355, § 1 (10th par. on p. 444), 37 Stat. 444.

The words “On and after August 24, 1912” are omitted as obsolete.

**§ 8107. Advertisements and sales in or around Washington Monument**

Except on the written authority of the Director of the National Park Service, advertisements of any kind shall not be displayed, and articles of any kind shall not be sold, in or around the Washington Monument.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1206.)

**Historical and Revision Notes**

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
8107	40:43.	Mar. 4, 1909, ch. 299, § 1 (proviso in 2d par. on p. 997), 35 Stat. 997.

The words “Director of the National Park Service” are substituted for “Secretary of War” [subsequently changed to “Director of Public Buildings and Public Parks of the National Capital[”] because of section 3 of the Act of February 26, 1925 (ch. 339, 43 Stat. 983)] because of section 2 of Executive Order No. 6166 (eff. June 10, 1933) and the Act of March 2, 1934 (ch. 38, 48 Stat. 389).

**§ 8108. Use of public buildings for public ceremonies**

Except as expressly authorized by law, public buildings in the District of Columbia (other than the Capitol Building and the White House), and the approaches to those public buildings, shall not be used or occupied in connection with ceremonies for the inauguration of the President or other public functions.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1206.)

**Historical and Revision Notes**

<b>Revised Section</b>	<b>Source (U.S. Code)</b>	<b>Source (Statutes at Large)</b>
8108	40:31.	Apr. 28, 1902, ch. 594, [§] 1 (last par. on p. 152), 32 Stat. 152.

The words “in any manner whatever” are omitted as unnecessary.

**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.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1206.)

**Historical and Revision Notes**

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
8121	40:66.	R.S. § 1818.

In subsection (a)(1), the words “the District of Columbia” are substituted for “the city of Washington” for consistency in the revised title and with other titles of the United States Code.

In subsection (a)(3), the word “particularly” is omitted as unnecessary.

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**§ 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.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1207.)

**Historical and Revision Notes**

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
8122	40:64.	May 27, 1908, ch. 200, § 1 (1st complete par. on p. 356), 35 Stat. 356.

For transfer of functions from the Chief of Engineers to the Director of the National Park Service, see the revision note under section 8102 of this title. The words “Constitution Avenue” are substituted for “B Street” to reflect the current name.

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**§ 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.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1207.)

**Historical and Revision Notes**

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
8123	40:79.	July 1, 1898, ch. 543, § 5, 30 Stat. 570.

For transfer of functions from the Chief of Engineers to the Director of the National Park Service, see the revision note under section 8102 of this title. The word “Mayor” is substituted for “Commissioners” [meaning the Board of Commissioners of the District of Columbia] [which subsequently should have been changed to “Commissioner” (meaning the Commissioner of the District of Columbia) rather than “District of Columbia Council” because of section 401 of Reorganization Plan No. 3 of 1967 (eff. Nov. 3, 1967, 81 Stat. 951)] because of section 421 of the District of Columbia Home Rule Act (Public Law 93–198, 87 Stat. 789).

**References in Text**

The Act of July 1, 1898, referred to in text, is act July 1, 1898, ch. 543, 30 Stat. 570, as amended, which enacted sections 60, 75, 78, 79, and 80 of former Title 40, Public Buildings, Property, and Works, and amended section 67 of former Title 40. Sections 60, 67, 75, 78, and 80 of former Title 40 have been omitted from the Code. Section 79 of former Title 40 was repealed and reenacted as this section by Pub. L. 107–217, §§ 1, 6 (b), Aug. 21, 2002, 116 Stat. 1062, 1304. For complete classification of this Act to the Code, see Tables.

.....

**§ 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.

**(c) Certain Laws Not Repealed.**— Subsection (a) does not repeal any law in effect on May 20, 1932, which authorized the transfer of jurisdiction of certain land among and between federal and District authorities.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1207.)

**Historical and Revision Notes**

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
8124(a), (b)	40:122.	May 20, 1932, ch. 197, § 1, 47 Stat. 161; Aug. 30, 1954, ch. 1076, § (20), 68 Stat. 967.
8124(c)	40:123.	May 20, 1932, ch. 197, § 2, 47 Stat. 162.

In subsection (a), the words “National Capital Planning Commission” are substituted for “National Capital Park and Planning Commission” because of section 9 of the Act of June 6, 1924 (ch. 270), as added by section 1 of the Act of July 19, 1952 (ch. 949, 66 Stat. 790). See section 8711(f) of the revised title.

*NB: This unofficial compilation of the U.S. Code is current as of Jan. 4, 2012 (see <http://www.law.cornell.edu/uscode/uscript.html>).*

In subsection (c), the words “but all such laws shall remain in full force and effect” are omitted as unnecessary.

.....

**§ 8125. Public spaces resulting from filling of canals**

The Director of the National Park Service has jurisdiction over all public spaces resulting from the filling of canals in the original city of Washington that were not under the jurisdiction of the Chief of Engineers of the United States Army as of August 1, 1914, except spaces included in the navy yard or in actual use as roadways and sidewalks and spaces assigned by law to the District of Columbia for use as a property yard and the location of a sewage pumping station. The spaces shall be laid out as reservations as a part of the park system of the District of Columbia.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1207.)

**Historical and Revision Notes**

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
8125	40:82.	Aug. 1, 1914, ch. 223, § 1 (last par. on p. 633), 38 Stat. 633.

For transfer of functions from the Chief of Engineers to the Director of the National Park Service, see the revision note under section 8102 of this title. However, the words “Chief of Engineers of the United States Army” in the source provision are retained for historical purposes.

.....

**§ 8126. Temporary occupancy of Potomac Park by Secretary of Agriculture**

**(a) Not More Than 75 Acres.**— The Director of the National Park Service may allow the Secretary of Agriculture to temporarily occupy as a testing ground not more than 75 acres of Potomac Park not needed in any one season for reclamation or park improvement. The Secretary shall vacate the area at the close of any season on the request of the Director.

**(b) Continue as Public Park Under Director.**— This section does not change the essential character of the land used, which shall continue to be a public park under the charge of the Director.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1207.)

**Historical and Revision Notes**

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
8126(a)	40:89 (words before provisos, 2d proviso).	Mar. 3, 1899, ch. 458, § 2 (2d par.), 30 Stat. 1378.
8126(b)	40:89 (1st, last provisos).	

For transfer of functions from the Secretary of War to the Director of the National Park Service, see the revision note under section 8108 of this title.

In subsection (a), the words “of such area or areas” and “in extent” are omitted as unnecessary.

In subsection (b), the words “as provided in section 86 of this title” are omitted as obsolete.

.....

**§ 8127. Part of Washington Aqueduct for playground purposes**

**(a) Jurisdiction of Mayor.**— The Mayor of the District of Columbia has possession, control, and jurisdiction of the land of the Washington Aqueduct adjacent to the Champlain Avenue pumping station and lying outside of the fence around the pumping station as it—

**TITLE 40 - SUBTITLE II - PART D - CHAPTER 81  
- SUBCHAPTER III SERVICES FOR FACILITIES**

*NB: This unofficial compilation of the U.S. Code is current as of Jan. 4, 2012 (see <http://www.law.cornell.edu/uscode/uscodeprint.html>).*

- (1) existed on August 31, 1918; and
  - (2) was transferred by the Chief of Engineers for playground purposes.
- (b) Jurisdiction of Secretary of the Army Not Affected.**— This section does not affect the superintendence and control of the Secretary of the Army over the Washington Aqueduct and the rights, appurtenances, and fixtures connected with the Aqueduct.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1208.)

**Historical and Revision Notes**

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
8127	40:100.	Aug. 31, 1918, ch. 164, § 1 (6th par., words before “and over” in last par. under heading “Washington Aqueduct.”), 40 Stat. 951.

In this section, the word “Mayor” is substituted for “Commissioners” [meaning the Board of Commissioners of the District of Columbia] [subsequently changed to “Commissioner” [meaning the Commissioner of the District of Columbia] because of section 401 of Reorganization Plan No. 3 of 1967 (eff. Nov. 3, 1967, 81 Stat. 951)] because of section 421 of the District of Columbia Home Rule Act (Public Law 93–198, 87 Stat. 789).

In subsection (a), before clause (1), the word “use” is omitted as included in “possession, control, and jurisdiction”.

In subsection (b), the words “Secretary of the Army” are substituted for “Secretary of War” because of section 205(a) of the Act of July 26, 1947 (ch. 343, 61 Stat. 501). Section 205 (a) was repealed by section 53 of the Act of August 10, 1956 (ch. 1041, 70A Stat. 676), the first section of which enacted Title 10, United States Code. Sections 3010–3013 of title 10 continued the Department of the Army under the administrative supervision of the Secretary of the Army.

## SUBCHAPTER III—SERVICES FOR FACILITIES

.....

### § 8141. Contract to rent buildings in the District of Columbia not to be made until appropriation enacted

A contract shall not be made for the rent of a building, or part of a building, to be used for the purposes of the Federal Government in the District of Columbia until Congress enacts an appropriation for the rent. This section is deemed to be notice to all contractors or lessors of the building or a part of the building.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1208.)

#### Historical and Revision Notes

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
8141	40:34.	Mar. 3, 1877, ch. 106 (words after 2d semicolon in 3d par. under heading "Miscellaneous"), 19 Stat. 370.

.....

### § 8142. Rent of other buildings

An executive department of the Federal Government renting a building for public use in the District of Columbia may rent a different building instead if it is in the public interest to do so. This section does not authorize an increase in the number of buildings in use or in the amount paid for rent.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1208.)

#### Historical and Revision Notes

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
8142	40:35.	Aug. 5, 1882, ch. 389 1 [sic] (2d sentence in 8th par. on p. 241), 22 Stat. 241.

The word “now” in the Act of August 5, 1882 is omitted as obsolete.

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### § 8143. Heat

(a) **Corcoran Gallery of Art.**— The Administrator of General Services may furnish heat from the central heating plant to the Corcoran Gallery of Art, if the Corcoran Gallery of Art agrees to—

- (1) pay for heat furnished at rates the Administrator determines; and
- (2) connect the building with the Federal Government mains in a manner satisfactory to the Administrator.

(b) **Board of Governors of the Federal Reserve System.**— The Administrator may furnish steam from the central heating plant for the use of the Board of Governors of the Federal Reserve System on the property which the Board acquired in squares east of 87 and east of 88 in the District of Columbia if the Board agrees to—

- (1) pay for the steam furnished at reasonable rates the Administrator determines but that are at least equal to cost; and
- (2) provide the necessary connections with the Government mains at its own expense and in a manner satisfactory to the Administrator.

**TITLE 40 - Section 8144 - Delivery of fuel for use during ensuing fiscal year**

NB: This unofficial compilation of the U.S. Code is current as of Jan. 4, 2012 (see <http://www.law.cornell.edu/uscode/uscprint.html>).

**(c) Non-Federal Public Buildings.**— The Administrator shall determine the rates to be paid for steam furnished to the Corcoran Gallery of Art, the Pan American Union Buildings, the American Red Cross Buildings, and other non-federal public buildings authorized to receive steam from the central heating plant.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1208.)

**Historical and Revision Notes**

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
8143(a)	40:22a.	June 19, 1934, ch. 648 (last par. on p. 1044), 48 Stat. 1044.
8143(b)	40:22b.	June 27, 1935, ch. 320, §§ 1, 2, 49 Stat. 425.
8143(c)	40:22c.	

In subsection (a), the words “Administrator of General Services” are substituted for “Treasury Department”, “Secretary of the Treasury”, and [“]Public Works Branch, Procurement Division, Treasury Department” [subsequently changed to “Federal Works Agency”, [“]Federal Works Administrator”, and “Public Buildings Administration, Federal Works Agency”, respectively, because of sections 301 and 303 of Reorganization Plan No. I of 1939 (eff. July 1, 1939, 53 Stat. 1426, 1427)] because of section 103(a) of the Federal Property and Administrative Services Act of 1949 (ch. 288, 63 Stat. 380), which is restated as section 303 (c) [303(b)] of the revised title. In clause (1), the words “not less than cost” are omitted because of 40:22c, restated as subsection (c).

In subsections (b) and (c), the word “Administrator” is substituted for “Secretary of the Interior, through the National Park Service” and “Secretary of the Interior” [both subsequently changed to “Federal Works Administrator” because of sections 301 and 303 of Reorganization Plan No. I of 1939 (eff. July 1, 1939, 53 Stat. 1426, 1427)] because of section 103(a) of the Federal Property and Administrative Services Act of 1949 (ch. 288, 63 Stat. 380), which is restated as section 303 (c) [303(b)] of the revised title.

In subsection (b), before clause (1), the words “Board of Governors of the Federal Reserve System” are substituted for “Federal Reserve Board” because of section 203(a) of the Banking Act of 1935 (ch. 614, 49 Stat. 704).

In subsection (c), the words “On and after June 27” are omitted as obsolete. The words “the Pan American Union buildings” are substituted for “the buildings, old and new, of the Pan American Union” for clarity. The words “as are or hereafter may be” are omitted as unnecessary.

.....

**§ 8144. Delivery of fuel for use during ensuing fiscal year**

During April, May, and June of each year, the Administrator of General Services may deliver to all branches of the Federal Government and the government of the District of Columbia as much fuel for their use during the following fiscal year as may be practicable to store at the points of consumption. The branches of the Federal Government and the government of the District of Columbia shall pay for the fuel from their applicable appropriations for that fiscal year.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1209.)

**Historical and Revision Notes**

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
8144	40:113.	June 5, 1920, ch. 235 (2d complete par. on p. 913), 41 Stat. 913.

**TITLE 40 - SUBTITLE II - PART D - CHAPTER 81 - SUBCHAPTER IV MISCELLANEOUS**

*NB: This unofficial compilation of the U.S. Code is current as of Jan. 4, 2012 (see <http://www.law.cornell.edu/uscode/uscpri.html>).*

The words “the months of” are omitted as unnecessary. The words “Administrator of General Services” are substituted for “Secretary of the Interior” [subsequently changed to [“]Secretary of the Treasury” because of Executive Order No. 4239 (eff. July 1, 1925) and section 1 of Executive Order No. 6166 (eff. June 10, 1933)] because of sections 109(a) and 201(a)(2) of the Federal Property and Administrative Services Act of 1949 (ch. 288, 63 Stat. 382, 384), restated as sections 321(b)(1) and 501(d) of the revised title. The word “Government” is substituted for “service” for clarity and for consistency in the revised title and with other titles of the United States Code. The word “municipal” is omitted as unnecessary.

**SUBCHAPTER IV—MISCELLANEOUS**

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**§ 8161. Reservation of parking spaces for Members of Congress**

The Council of the District of Columbia shall designate, reserve, and properly mark appropriate and sufficient parking spaces on the streets adjacent to all public buildings in the District for the use of Members of Congress engaged in public business.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1209.)

**Historical and Revision Notes**

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
8161	40:60a.	June 29, 1956, ch. 479 (3d par. under heading "Department of Vehicles and Traffic"), 70 Stat. 447.

The words "On and after June 29, 1956" are omitted as obsolete. The words "Council of the District of Columbia" are substituted for ["Commissioners" [meaning the Board of Commissioners of the District of Columbia] [subsequently changed to "District of Columbia Council" because of section 402(300) of Reorganization Plan No. 3 of 1967 (eff. Nov. 3, 1967, 81 Stat. 969)] because of sections 401 and 404(a) of the District of Columbia Home Rule Act (Public Law 93–198, 87 Stat. 785, 787).

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**§ 8162. Ailanthus trees prohibited**

Ailanthus trees shall not be purchased for, or planted in, the public grounds.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1209.)

**Historical and Revision Notes**

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
8162	40:102.	R.S. § 1830.

The word "ailanthus" is substituted for "ailantus" to correct an error in the source provision.

.....

**§ 8163. Use of greenhouses and nursery for trees, shrubs, and plants**

The greenhouses and nursery shall be used only for the propagation of trees, shrubs, and plants suitable for planting in the public reservations. Only those trees, shrubs, and plants shall be planted in the public reservations.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1209.)

**Historical and Revision Notes**

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
8163	40:103.	June 20, 1878, ch. 359 (proviso in 2d par. under heading "Building and Grounds in and Around Washington and the Executive Mansion"), 20 Stat. 220.

The words “On and after June 20, 1878” are omitted as obsolete. The words “Only those trees, shrubs, and plants shall be planted in the public reservations” are substituted for “to which purpose only the said productions of the greenhouses and nursery shall be applied” for clarity.

.....

**§ 8164. E. Barrett Prettyman United States Courthouse**

**(a) Operation, Maintenance, and Repair.**— The operation, maintenance, and repair of the E. Barrett Prettyman United States Courthouse, used by the United States Court of Appeals for the District of Columbia and the United States District Court for the District of Columbia, is under the control of the Administrator of General Services.

**(b) Allocation of Space.**— The allocation of space in the Courthouse is vested in the chief judge of the United States Court of Appeals for the District of Columbia and the chief judge of the United States District Court for the District of Columbia.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1209.)

**Historical and Revision Notes**

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
8164(a)	40:129a. 40:130 (words before last comma). 40:130a.	May 14, 1948, ch. 290, 62 Stat. 235.
8164(b)	40:130 (words after last comma).	

In this section, the words “United States District Court for the District of Columbia” are substituted for “District Court of the United States for the District of Columbia” because of section 32(b) of the Act of June 25, 1948 (ch. 646, 62 Stat. 991), as amended by section 127 of the Act of May 24, 1949 (ch. 139, 63 Stat. 107).

In subsection (a), the words “the E. Barrett Prettyman United States Courthouse” are substituted for “the completed building” because of section 2 of the Act of July 1, 1996 (Public Law 104–151, 110 Stat. 1383). The words “Administrator of General Services” are substituted for “Public Buildings Administration, in the Federal Works Agency” because of 103(a) of the Federal Property and Administrative Services Act of 1949 (ch. 288, 63 Stat. 380), which is restated as section 303 (c) [303(b)] of the revised title. The text of 40:129a (words before last proviso) is omitted as obsolete. The text of 40:129a (last proviso) is omitted because of section 173(a)(1) of the District of Columbia Court Reform and Criminal Procedure Act of 1970 (Public Law 91–358, 84 Stat. 591). The text of 40:130a is omitted as unnecessary.

In subsection (b), the words “chief judge” are substituted for “chief justice” in both places because of section 32(a) of the Act of June 25, 1948 (ch. 646, 62 Stat. 991), as amended by section 127 of the Act of May 24, 1949 (ch. 139, 63 Stat. 107).

**William B. Bryant Annex Designation**

Pub. L. 109–101, §§ 3, 4, Nov. 11, 2005, 119 Stat. 2171, provided that:

“SEC. 3. DESIGNATION OF WILLIAM B. BRYANT ANNEX.

“The annex, located on the 200 block of 3rd Street Northwest in the District of Columbia, to the E. Barrett Prettyman Federal Building and United States Courthouse located at Constitution Avenue Northwest in the District of Columbia shall be known and designated as the ‘William B. Bryant Annex’.

“SEC. 4. REFERENCES.

“Any reference in a law, map, regulation, document, paper, or other record of the United States to the annex referred to in section 3 shall be deemed to be a reference to the ‘William B. Bryant Annex’.”

*NB: This unofficial compilation of the U.S. Code is current as of Jan. 4, 2012 (see <http://www.law.cornell.edu/uscode/uscpri.html>).*

**E. Barrett Prettyman United States Courthouse Designation**

Pub. L. 104–151, July 1, 1996, 110 Stat. 1383, provided that:

“SECTION 1. DESIGNATION OF COURTHOUSE.

“The United States courthouse located at 3rd Street and Constitution Avenue, Northwest, in Washington, District of Columbia, shall be designated and known as the ‘E. Barrett Prettyman United States Courthouse’.

“SEC. 2. REFERENCES.

“Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States courthouse referred to in section 1 shall be deemed to be a reference to the ‘E. Barrett Prettyman United States Courthouse’.”

.....

**§ 8165. Services for Office of Personnel Management**

For carrying out the work of the Director of the Office of Personnel Management and the examinations provided for in sections 3304 and 3305 of title 5, the Administrator of General Services shall—

- (1) assign or provide suitable and convenient rooms and accommodations, which are furnished, heated, and lighted, in Washington, D.C.;
- (2) supply necessary stationery and other articles; and
- (3) arrange for or provide necessary printing.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1210.)

**Historical and Revision Notes**

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
8165	40:42.	Jan. 16, 1883, ch. 27, § 4, 22 Stat. 405.

In this section, the words “the Director of the Office of Personnel Management and the examinations provided for in sections 3304 and 3305 of title 5” are substituted for “said commission and said examinations” in section 4 of the Act of January 16, 1883, because of section 102 of Reorganization Plan No. 2 of 1978 (eff. Jan. 1, 1979, 92 Stat. 3783) and section 7(b) of the Act of September 6, 1966 (Public Law 89–554, 80 Stat. 631), the first section of which enacted Title 5, United States Code. The words “Administrator of General Services” are substituted for “Secretary of the Interior” [subsequently changed to “Civil Service Commission” because of section 1 (1st complete par. on p. 642) of the Act of May 29, 1920 (ch. 214, 41 Stat. 642)] because of sections 1 and 2 of Reorganization Plan No. 18 of 1950 (eff. July 1, 1950, 64 Stat. 1270).

**CHAPTER 83—WASHINGTON METROPOLITAN REGION 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.

.....

**§ 8301. Definition**

In this chapter, the term “Washington metropolitan region” includes the District of Columbia, the counties of Montgomery and Prince Georges in Maryland, and the counties of Arlington and Fairfax and the cities of Alexandria and Falls Church in Virginia.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1210.)

**Historical and Revision Notes**

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
8301	40:135.	Pub. L. 86–527, § 6, June 27, 1960, 74 Stat. 224.

.....

**§ 8302. Necessity for coordination in the development of the Washington metropolitan region**

Because the District of Columbia is the seat of the Federal Government and has become the urban center of a rapidly expanding Washington metropolitan region, the necessity for the continued and effective performance of the functions of the Government in the District of Columbia, the general welfare of the District of Columbia, the health and living standards of the people residing or working in the District of Columbia, and the conduct of industry, trade, and commerce in the District of Columbia require that to the fullest extent possible the development of the District of Columbia and the management of its public affairs, and the activities of the departments, agencies, and instrumentalities of the Government which may be carried out in, or in relation to, the other areas of the Washington metropolitan region, shall be coordinated with the development of those other areas and with the management of their public affairs so that, with the cooperation and assistance of those other areas, all of the areas in the Washington metropolitan area shall be developed and their public affairs shall be managed so as to contribute effectively toward the solution of the community development problems of the Washington metropolitan region on a unified metropolitan basis.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1210.)

**Historical and Revision Notes**

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
8302	40:131.	Pub. L. 86–527, § 2, June 27, 1960, 74 Stat. 223.

The words “The Congress hereby declares that” are omitted as obsolete. The words “at the seat of said Government” are omitted as unnecessary.

.....

**§ 8303. Declaration of policy of coordinated development and management**

The policy to be followed for the attainment of the objective established by section 8302 of this title, and for the more effective exercise by Congress, the executive branch of the Federal Government, the Mayor of the District of Columbia, and all other officers, agencies, and instrumentalities of the District of Columbia of their respective functions, powers, and duties in respect of the Washington metropolitan region, shall be that the functions, powers, and duties shall be exercised and carried out in a manner that (with proper recognition of the sovereignty of Maryland and Virginia in respect of those areas of the Washington metropolitan region that are located within their respective jurisdictions) will best facilitate the attainment of the coordinated development of the areas of the Washington metropolitan area and the coordinated management of their public affairs so as to contribute effectively to the solution of the community development problems of the Washington metropolitan region on a unified metropolitan basis.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1210.)

**Historical and Revision Notes**

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
8303	40:132.	Pub. L. 86–527, § 3, June 27, 1960, 74 Stat. 223.

The words “The Congress further declares that” are omitted as obsolete. The word “Mayor” is substituted for “Board of Commissioners” [subsequently changed to “Commissioner” because of section 401 of Reorganization Plan No. 3 of 1967 (eff. Nov. 3, 1967, 81 Stat. 951)] because of section 421 of the District of Columbia Self–Government and Governmental Reorganization Act (Public Law 93–198, 87 Stat. 789.)

.....

**§ 8304. Priority projects**

In carrying out the policy pursuant to section 8303 of this title for the attainment of the objective established by section 8302 of this title, priority should be given to the solution, on a unified metropolitan basis, of the problems of water supply, sewage disposal, and water pollution and transportation.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1211.)

**Historical and Revision Notes**

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
8304	40:133.	Pub. L. 86–527, § 4, June 27, 1960, 74 Stat. 223.

The words “The Congress further declares that” are omitted as obsolete.

**CHAPTER 85—NATIONAL CAPITAL SERVICE AREA AND DIRECTOR**

Sec.

8501. National Capital Service Area.

8502. National Capital Service Director.

.....

**§ 8501. National Capital Service Area**

**(a) Establishment.—**

**(1) Boundaries.—** The National Capital Service Area is in the District of Columbia and includes the principal federal monuments, the White House, the Capitol Building, the United States Supreme Court Building, and the federal executive, legislative, and judicial office buildings located adjacent to the Mall and the Capitol Building, and is more particularly described as the area bounded as follows:

Beginning at that point on the present Virginia-District of Columbia boundary due west of the northernmost point of Theodore Roosevelt Island and running due east to the eastern shore of the Potomac River;

thence generally south along the shore at the mean high water mark to the northwest corner of the Kennedy Center;

thence east along the northern side of the Kennedy Center to a point where it reaches the E Street Expressway;

thence east on the expressway to E Street Northwest and thence east on E Street Northwest to Eighteenth Street Northwest;

thence south on Eighteenth Street Northwest to Constitution Avenue Northwest;

thence east on Constitution Avenue to Seventeenth Street Northwest;

thence north on Seventeenth Street Northwest to Pennsylvania Avenue Northwest;

thence east on Pennsylvania Avenue to Jackson Place Northwest;

thence north on Jackson Place to H Street Northwest;

thence east on H Street Northwest to Madison Place Northwest;

thence south on Madison Place Northwest to Pennsylvania Avenue Northwest;

thence east on Pennsylvania Avenue Northwest to Fifteenth Street Northwest;

thence south on Fifteenth Street Northwest to Pennsylvania Avenue Northwest;

thence southeast on Pennsylvania Avenue Northwest to John Marshall Place Northwest;

thence north on John Marshall Place Northwest to C Street Northwest;

thence east on C Street Northwest to Third Street Northwest;

thence north on Third Street Northwest to D Street Northwest;

thence east on D Street Northwest to Second Street Northwest;

thence south on Second Street Northwest to the intersection of Constitution Avenue Northwest and Louisiana Avenue Northwest;

thence northeast on Louisiana Avenue Northwest to North Capitol Street;

thence north on North Capitol Street to Massachusetts Avenue Northwest;

thence southeast on Massachusetts Avenue Northwest so as to encompass Union Square;

*TITLE 40 - Section 8501 - National Capital Service Area*

*NB: This unofficial compilation of the U.S. Code is current as of Jan. 4, 2012 (see <http://www.law.cornell.edu/uscode/uscprint.html>).*

thence following Union Square to F Street Northeast;  
thence east on F Street Northeast to Second Street Northeast;  
thence south on Second Street Northeast to D Street Northeast;  
thence west on D Street Northeast to First Street Northeast;  
thence south on First Street Northeast to Maryland Avenue Northeast;  
thence generally north and east on Maryland Avenue to Second Street Northeast;  
thence south on Second Street Northeast to C Street Southeast;  
thence west on C Street Southeast to New Jersey Avenue Southeast;  
thence south on New Jersey Avenue Southeast to D Street Southeast;  
thence west on D Street Southeast to Canal Street Parkway;  
thence southeast on Canal Street Parkway to E Street Southeast;  
thence west on E Street Southeast to the intersection of Washington Avenue Southwest and South Capitol Street;  
thence northwest on Washington Avenue Southwest to Second Street Southwest;  
thence south on Second Street Southwest to Virginia Avenue Southwest;  
thence generally west on Virginia Avenue to Third Street Southwest;  
thence north on Third Street Southwest to C Street Southwest;  
thence west on C Street Southwest to Sixth Street Southwest;  
thence north on Sixth Street Southwest to Independence Avenue;  
thence west on Independence Avenue to Twelfth Street Southwest;  
thence south on Twelfth Street Southwest to D Street Southwest;  
thence west on D Street Southwest to Fourteenth Street Southwest;  
thence south on Fourteenth Street Southwest to the middle of the Washington Channel;  
thence generally south and east along the mid-channel of the Washington Channel to a point due west of the northern boundary line of Fort Lesley McNair;  
thence due east to the side of the Washington Channel;  
thence following generally south and east along the side of the Washington Channel at the mean high water mark, to the point of confluence with the Anacostia River, and along the northern shore at the mean high water mark to the northern most point of the Eleventh Street Bridge;  
thence generally south and east along the northern side of the Eleventh Street Bridge to the eastern shore of the Anacostia River;  
thence generally south and west along such shore at the mean high water mark to the point of confluence of the Anacostia and Potomac Rivers;  
thence generally south along the eastern shore at the mean high water mark of the Potomac River to the point where it meets the present southeastern boundary line of the District of Columbia;  
thence south and west along such southeastern boundary line to the point where it meets the present Virginia-District of Columbia boundary;  
thence generally north and west up the Potomac River along the Virginia-District of Columbia boundary to the point of beginning.

**(2) Streets and sidewalks included.**— Where the area in paragraph (1) is bounded by a street, the street, and any sidewalk of the street, are included in the area.

**(3) Federal property that affronted or abutted the area deemed to be in the area.**— Federal real property that on December 24, 1973, affronted or abutted the area described in paragraph (1) is deemed to be in the area. For the purposes of this paragraph, federal real property affronting or abutting the area described in paragraph (1)—

**(A)** is deemed to include Fort Lesley McNair, the Washington Navy Yard, the Anacostia Naval Annex, the United States Naval Station, Bolling Air Force Base, and the Naval Research Laboratory; and

**(B)** does not include any area situated outside of the District of Columbia boundary as it existed immediately prior to December 24, 1973, any part of the Anacostia Park situated east of the northern side of the Eleventh Street Bridge, or any part of the Rock Creek Park.

**(b) Applicability of Other Provisions.**—

**(1) Provisions covering buildings and grounds in area not affected.**— Except to the extent specifically provided by this section, this section does not—

**(A)** apply to the United States Capitol Buildings and Grounds as defined and described in sections 5101 and 5102 of this title, any other buildings and grounds under the care of the Architect of the Capitol, the Supreme Court Building and grounds as described in section 6101 of this title, and the Library of Congress buildings and grounds as defined in section 11 of the Act of August 4, 1950 (2 U.S.C. 167j); and

**(B)** repeal, amend, alter, modify, or supersede—

**(i)** chapter 51 of this title, section 9, 9A, 9B, 9C or 14 of the Act of July 31, 1946 (ch. 707, 60 Stat. 719, 720), any other general law of the United States, any law enacted by Congress and applicable exclusively to the District of Columbia, or any rule or regulation prescribed pursuant to any of those provisions, that was in effect on January 1, 1975, and that pertained to those buildings and grounds; or

**(ii)** any authority which existed on December 24, 1973, with respect to those buildings and grounds and was vested on January 1, 1975, in the Senate, the House of Representatives, Congress, any committee, commission, or board of the Senate, the House of Representatives, or Congress, the Architect of the Capitol or any other officer of the legislative branch, the Chief Justice of the United States, the Marshal of the Supreme Court, or the Librarian of Congress.

**(2) Continued application of laws, regulations, and rules.**— Except to the extent otherwise specifically provided in this section, all general laws of the United States and all laws enacted by the Congress and applicable exclusively to the District of Columbia, including regulations and rules prescribed pursuant to any of those laws, that were in effect on January 1, 1975, and which applied to and in the areas included in the National Capital Service Area pursuant to this section continue to be applicable to and in the National Capital Service Area in the same manner and to the same extent as if this section had not been enacted and remain applicable until repealed, amended, altered, modified, or superseded.

**(c) Availability of Services and Facilities.**— As far as practicable, any service or facility authorized by the District of Columbia Home Rule Act (Public Law 93–198, 87 Stat. 774) to be rendered or furnished (including maintenance of streets and highways, and services under section 1537 of title 31) shall be made available to the Senate, the House of Representatives, Congress, any committee, commission, or board of the Senate, the House of Representatives, or Congress, the Architect of the Capitol, any other officer of the legislative branch who on January 1, 1975, was vested with authority over those buildings and grounds, the Chief Justice of the United States, the Marshal of the Supreme Court, and the Librarian of Congress on their request. If payment would be required for the rendition or furnishing of a similar service or facility to any other federal agency, the recipient, on presentation

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of proper vouchers and as agreed on by the parties, shall pay for the service or facility in advance or by reimbursement.

**(d) Right To Participate in Election Not Affected by Residency.**— An individual may not be denied the right to vote or otherwise participate in any manner in any election in the District of Columbia solely because the individual resides in the National Capital Service Area.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1211; Pub. L. 109–284, § 6(24), Sept. 27, 2006, 120 Stat. 1213.)

### Historical and Revision Notes

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
8501(a)	40:136(a), (f).	Pub. L. 93–198, title VII, § 739(a), (f), (h)–(j), Dec. 24, 1973, 87 Stat. 825, 826, 829.
8501(b)(1)	40:136(h)(1).	
8501(b)(2)	40:136(i).	
8501(c)	40:136(h)(2).	
8501(d)	40:136(j).	

In subsection (a)(1), the words “Washington Avenue Southwest” are substituted for “Canal Street Southwest” because of section 2 of D.C. Law 8–39. See section 7–451 note of the District of Columbia Code.

In subsection (b)(1)(A), reference to the Supreme Court Building is omitted because 40:13p only describes the Supreme Court grounds.

In subsection (b)(1)(B)(ii), the words “by law, or otherwise” are omitted as unnecessary.

In subsection (b)(2), the words “and such laws, regulations, and rules shall thereafter be applicable to and within such area in the manner and to the extent so provided by any such amendment, alteration, or modification” are omitted as unnecessary.

In subsection (c), the words “Notwithstanding the foregoing provisions of this section” are omitted as unnecessary. The words “section 1537 of title 31” are substituted for “section 731 of this Act” because of section 4(b) of the Act of September 13, 1982 (Public Law 97–258, 96 Stat. 1067), the first section of which enacted Title 31, United States Code. The words “by law or otherwise” and “rendering and receiving such services” are omitted as unnecessary.

#### References in Text

Sections 9, 9A, 9B, 9C, and 14 of the Act of July 31, 1946, referred to in subsec. (b)(1)(B)(i), are classified to sections 1961, 1966, 1967, 1922, and 1969, respectively, of Title 2, The Congress.

The District of Columbia Home Rule Act, referred to in subsec. (c), is Pub. L. 93–198, Dec. 24, 1973, 87 Stat. 774, as amended. For complete classification of this Act to the Code, see Tables.

#### Amendments

2006—Subsec. (b)(1)(A). Pub. L. 109–284 inserted “of this title” after “sections 5101 and 5102”.

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## § 8502. National Capital Service Director

**(a) Establishment and Compensation.**— There is in the Executive Office of the President the National Capital Service Director who shall be appointed by the President. The Director shall receive compensation at the maximum rate established for level IV of the Executive Schedule under section 5315 of title 5.

**TITLE 40 - SUBTITLE II - PART D - CHAPTER 87**  
**PHYSICAL DEVELOPMENT OF NATIONAL CAPITAL R...**

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**(b) Personnel.**— The Director may appoint and fix the rate of compensation of necessary personnel, subject to chapters 33 and 51 and subchapter III of chapter 53 of title 5.

**(c) Duties.**—

**(1) President.**— The President, through the Director and using District of Columbia governmental services to the extent practicable, shall ensure that there is provided in the area described in section 8501 (a) of this title adequate fire protection and sanitation services.

**(2) Director.**— Except with respect to that part of the National Capital Service Area comprising the United States Capitol Buildings and Grounds as defined and described in sections 5101 and 5102 of this title, the Supreme Court Building and grounds as described in section 6101 of this title, and the Library of Congress buildings and grounds as defined in section 11 of the Act of August 4, 1950 (2 U.S.C. 167j), the Director shall ensure that there is provided in the remainder of the area described in section 8501 (a) of this title adequate police protection and maintenance of streets and highways.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1215; Pub. L. 109–284, § 6(25), (26), Sept. 27, 2006, 120 Stat. 1213.)

### Historical and Revision Notes

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
8502(a)	40:136(b) (1st sentence), (c) (1st sentence).	Pub. L. 93–198, title VII, § 739(b), (c), Dec. 24, 1973, 87 Stat. 825.
8502(b)	40:136(c) (last sentence).	
8502(c)	40:136(b) (2d, last sentences).	

In subsection (a), the words “from time to time” and “of section 5314 [sic] of title 5” are omitted as unnecessary. [The words “of section 5314 of title 5” were not omitted.]

In subsection (b), the reference to chapter 33 of title 5 is substituted for “the provisions of title 5 governing appointments in the competitive service” for clarity and for consistency in the revised title and with other titles of the United States Code. The words “subchapter III” are substituted for “subchapter 3” to correct an error in the source provision.

#### Amendments

2006—Subsec. (a). Pub. L. 109–284, § 6(25), substituted “5315” for “5314”.

Subsec. (c)(2). Pub. L. 109–284, § 6(26), inserted “of this title” after “sections 5101 and 5102”.

## **CHAPTER 87—PHYSICAL DEVELOPMENT OF NATIONAL CAPITAL REGION**

### **SUBCHAPTER I—GENERAL**

Sec.

8701. Findings and purposes.

8702. Definitions.

### **SUBCHAPTER II—PLANNING AGENCIES**

8711. National Capital Planning Commission.

8712. Mayor of the District of Columbia.

### **SUBCHAPTER III—PLANNING PROCESS**

8721. Comprehensive plan for the National Capital.

8722. Proposed federal and district developments and projects.

8723. Capital improvements.

8724. Zoning regulations and maps.

8725. Recommendations on platting and subdividing land.

8726. Authorization of appropriations.

### **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.

8733. Lease of land acquired for park, parkway, or playground purposes.

8734. Sale of land by Mayor.

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) **In general.**— The purposes of this chapter (except sections 8733–8736) are—

- (A) to secure comprehensive planning for the physical development of the National Capital and its environs;
- (B) to provide for the participation of the appropriate planning agencies of the environs in the planning; and
- (C) to establish the agency and procedures requisite to the administration of the functions of the Federal and District Governments related to the planning.

(2) **Objective.**— The general objective of this chapter (except sections 8733–8736) is to enable appropriate agencies to plan for the development of the federal establishment at the seat of government in a manner—

- (A) consistent with the nature and function of the National Capital and with due regard for the rights and prerogatives of the adjoining States and local governments to exercise control appropriate to their functions; and
- (B) which will, in accordance with present and future needs, best promote public health, safety, morals, order, convenience, prosperity, and the general welfare, as well as efficiency and economy in the process of development.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1216.)

**Historical and Revision Notes**

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
8701(a)	40:71(a) (2d sentence).	June 6, 1924, ch. 270, § 1(a), 43 Stat. 463; Apr. 30, 1926, ch. 198, 44 Stat. 374; May 24, 1928, ch. 726, 45 Stat. 726; July 19, 1952, ch. 949, § 1, 66 Stat. 781.

TITLE 40 - Section 8702 - Definitions

NB: This unofficial compilation of the U.S. Code is current as of Jan. 4, 2012 (see http://www.law.cornell.edu/uscode/uscprint.html).

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
8701(b)(1)	40:71(a) (1st sentence).	
8701(b)(2)	40:71(a) (last sentence).	

In subsection (a)(7), the words “from time to time” are omitted as unnecessary.

In subsection (b), the text of 40:72a, restated as section 8732 of the revised title, is included in the purposes and objectives of this chapter because by its terms, the authority of the National Capital Planning Commission is enlarged as provided in that section.

.....

§ 8702. Definitions

In this chapter—

- (1) **Environs.**— The term “environs” means the territory surrounding the District of Columbia included in the National Capital region.
- (2) **National capital.**— The term “National Capital” means the District of Columbia and territory the Federal Government owns in the environs.
- (3) **National capital region.**— The term “National Capital region” means—
  - (A) the District of Columbia;
  - (B) Montgomery and Prince Georges Counties in Maryland;
  - (C) Arlington, Fairfax, Loudoun, and Prince William Counties in Virginia; and
  - (D) all cities in Maryland or Virginia in the geographic area bounded by the outer boundaries of the combined area of the counties listed in subparagraphs (B) and (C).
- (4) **Planning agency.**— The term “planning agency” means any city, county, bi-county, part-county, or regional planning agency authorized under state and local laws to make and adopt comprehensive plans.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1216.)

Historical and Revision Notes

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
8702	40:71(b).	June 6, 1924, ch. 270, § 1(b), 43 Stat. 463; Apr. 30, 1926, ch. 198, 44 Stat. 374; May 24, 1928, ch. 726, 45 Stat. 726; July 19, 1952, ch. 949, § 1, 66 Stat. 782.

In clause (3)(D), the words “now or hereafter existing” are omitted as unnecessary.

In clause (4), the words “whether or not its jurisdiction is exclusive or concurrent” are omitted as unnecessary.

## 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 of this title), 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 6101 (b) to (d) of title 41 and section 3109, chapters 33 and 51, and subchapter III of chapter 53, of title 5, the Commission may employ, by contract or otherwise, the temporary or intermittent (not more than one year) services of city planners, architects, engineers, appraisers, and other experts or organizations of experts, as may be necessary to carry out its functions. The Commission shall fix the rate of compensation so as not to exceed the rate usual for similar services.

(e) **Principal Duties.**— The principal duties of the National Capital Planning Commission include—

(1) preparing, adopting, and amending a comprehensive plan for the federal activities in the National Capital and making related recommendations to the appropriate developmental agencies; and

(2) serving as the central planning agency for the Government within the National Capital region and reviewing the development programs of the developmental agencies to advise as to consistency with the comprehensive plan.

(f) **Transfer of Other Functions, Powers, and Duties.**— The National Capital Planning Commission shall carry out all other functions, powers, and duties of the National Capital Park and Planning Commission, including those formerly vested in the Highway Commission established by the

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Act of March 2, 1893 (ch. 197, 27 Stat. 532), and those formerly vested in the National Capital Park Commission by the Act of June 6, 1924 (ch. 270, 43 Stat. 463).

**(g) Estimate.**— The National Capital Planning Commission shall submit to the Office of Management and Budget before December 16 of each year its estimate of the total amount to be appropriated for expenditure under this chapter (except sections 8732–8736) during the next fiscal year.

**(h) Fees.**— The National Capital Planning Commission may charge fees to cover the full cost of Geographic Information System products and services the Commission supplies. The fees shall be credited to the applicable appropriation account as an offsetting collection and remain available until expended.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1217; Pub. L. 109–284, § 6(27), Sept. 27, 2006, 120 Stat. 1213; Pub. L. 111–350, § 5(l)(23), Jan. 4, 2011, 124 Stat. 3852.)

**Historical and Revision Notes**

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
8711(a)	40:71a(a)(1).	June 6, 1924, ch. 270, § 2(a)(1), (b), (c), (e), as added July 19, 1952, ch. 949, § 1, 66 Stat. 782; Sept. 25, 1962, Pub. L. 87–683, 76 Stat. 575; Dec. 24, 1973, Pub. L. 93–198, title II, § 203(a), (b), 87 Stat. 779, 782.
8711(b)	40:71a(b).	
8711(c), (d)	40:71a(c).	
8711(e)	40:71a(e).	
8711(f)	40:71h.	June 6, 1924, ch. 270, § 9, as added July 19, 1952, ch. 949, § 1, 66 Stat. 790.
8711(g)	40:74.	June 6, 1924, ch. 270, § 13, formerly § 4, 43 Stat. 464; renumbered § 13, July 19, 1952, ch. 949, § 2 (1st sentence), 66 Stat. 791; Pub. L. 94–273, § 21, Apr. 21, 1976, 90 Stat. 379.
8711(h)	40:71a note.	Pub. L. 105–83, (last proviso in par. under heading “National Capital Planning Commission”), Nov. 14, 1997, 111 Stat. 1589.

In this chapter, the word “Mayor” is substituted for “Commissioners” [meaning the Board of Commissioners of the District of Columbia] [subsequently changed to “Commissioner” [meaning the Commissioner of the District of Columbia] because of section 401 of Reorganization Plan No. 3 of 1967 (eff. Nov. 3, 1967, 81 Stat. 951)] because of section 421 of the District of Columbia Home Rule Act (Public Law 93–198, 87 Stat. 789). The words “Council of the District of Columbia” are substituted for “Board of Commissioners of the District of Columbia” [subsequently changed to “District of Columbia Council” because of section 402(21), (28), (32), and (199) of Reorganization Plan No. 3 of 1967 (eff. Nov. 3, 1967, 81 Stat. 952, 953, 963)] because of sections 401 and 404(a) of the Act (87 Stat. 785, 787).

In subsection (b)(1)(A), the words “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” are substituted for “and the chairman of the Committees of the District of Columbia of the Senate and the House of Representatives” in section 2(b)(1) of the Act of June 24, 1924 (ch. 270), because of Rule XXV of the Standing Rules of the Senate, as amended by Senate Resolution 4 (popularly cited as the “Committee System Reorganization Amendments of 1977”), approved February 4, 1977, section 1(b)(1) of the Act of June 3, 1995 (Public Law 104–14, 2:21 note prec.), and Rule X(1)(h) of House Resolution No. 5 (105th Congress, January 6, 1999).

In subsection (b)(2), the words “bona fide” are omitted as unnecessary.

In subsection (b)(3), the words “except that of the members first appointed, the President shall designate one to serve two years and one to serve four years” and “The members first appointed under this section shall assume their office on January 2, 1975” are omitted as obsolete.

In subsection (b)(4), the words “are entitled to \$100 a day when performing duties” are substituted for “shall each receive compensation at the rate of \$100 for each day such member is engaged in the actual performance of duties” to eliminate unnecessary words.

In subsection (d), the words “chapters 33 and 51, and subchapter III of chapter 53” are substituted for “the civil service and classification laws” because of section 7(b) of the Act of September 6, 1966 (Public Law 89–554, 80 Stat. 631), the first section of which enacted Title 5, United States Code.

In subsection (e), before clause (1), the words “As hereinafter more specifically described in sections 71c to 71g of this title” are omitted as unnecessary. The text of 40:71a(e)(3) is omitted as obsolete because the National Capital Regional Planning Council was abolished by section 1 of Reorganization Plan No. 5 of 1966 (eff. Sept. 8, 1966, 40:71b note). In clause (2), the words “in such capacity” are omitted as unnecessary.

Subsection (f) is substituted for 40:71h to eliminate obsolete language.

In subsection (g), the words “Said Commission shall report to Congress annually on the first Monday of March the lands acquired during the preceding fiscal year, the method of acquisition, and the cost of each tract” are omitted pursuant to section 3003 of the Federal Reports Elimination and Sunset Act of 1995 (31 U.S.C. 1113 note ). See, also, page 180 of House Document No. 103–7. The words “Office of Management and Budget” are substituted for “Bureau of the Budget” in section 13 of the Act of June 6, 1924, because the Bureau of the Budget was redesignated the Office of Management and Budget by section 102 of Reorganization Plan No. 2 of 1970 (eff. July 1, 1970, 84 Stat. 2085). Section 102 of Reorganization Plan No. 2 of 1970 was repealed by section 5(b) of the Act of September 13, 1982 (Public Law 97–258, 96 Stat. 1085), the first section of which enacted Title 31, United States Code, but the successor provision, 31:501, continued the designation as Office of Management and Budget.

In subsection (h), the words “beginning in fiscal year 1998 and thereafter” are omitted as obsolete.

## **References in Text**

Act of March 2, 1893, referred to in subsec. (f), is act Mar. 2, 1893, ch. 197, 27 Stat. 532, as amended, which is not classified to the Code.

Act of June 6, 1924, referred to in subsec. (f), is act June 6, 1924, ch. 270, 43 Stat. 463, as amended, which enacted sections 71 to 71i, 72, 73, and 74 of former Title 40, Public Buildings, Property, and Works. Sections 71, 71a, 71c, 71d, 71f to 71i, 72, 73, and 74 of former Title 40 were repealed and reenacted as sections 8701, 8702, 8711, 8721 to 8724, 8731, and 8737 of this title by Pub. L. 107–217, §§ 1, 6 (b), Aug. 21, 2002, 116 Stat. 1062, 1304. Section 71b of former Title 40 was repealed by Pub. L. 107–217. Section 71e of former Title 40 was repealed by Pub. L. 93–198, title II, § 203(e), Dec. 24, 1973, 87 Stat. 782. For complete classification of this Act to the Code, see Tables.

## **Amendments**

2011—Subsec. (d). Pub. L. 111–350, which directed substitution of “section 6101 (b) to (d) of title 41” for “section 3709 of the Revised Statutes (41 U.S.C. 5)”, was executed by making the substitution for “section 3709 of the Revised Statutes (41 U.S.C. 5)” to reflect the probable intent of Congress.

2006—Subsec. (a). Pub. L. 109–284 inserted “of this title” after “sections 5101 and 5102”.

## **Change of Name**

Committee on Governmental Affairs of Senate changed to Committee on Homeland Security and Governmental Affairs of Senate, effective Jan. 4, 2005, by Senate Resolution No. 445, One Hundred Eighth Congress, Oct. 9, 2004.

Committee on Government Reform of House of Representatives changed to Committee on Oversight and Government Reform of House of Representatives by House Resolution No. 6, One Hundred Tenth Congress, Jan. 5, 2007.

*NB: This unofficial compilation of the U.S. Code is current as of Jan. 4, 2012 (see <http://www.law.cornell.edu/uscode/uscp.html>).*

**Compensation of Appointed Commission Members**

Pub. L. 108–108, title II, Nov. 10, 2003, 117 Stat. 1301, provided in part: “That for fiscal year 2004 and thereafter, all appointed members of the Commission will be compensated at a rate not to exceed the daily equivalent of the annual rate of pay for positions at level IV of the Executive Schedule for each day such member is engaged in the actual performance of duties.”

Similar provisions were contained in the following prior appropriation acts:

Pub. L. 108–7, div. F, title II, Feb. 20, 2003, 117 Stat. 269.

Pub. L. 107–63, title II, Nov. 5, 2001, 115 Stat. 464.

Pub. L. 106–291, title II, Oct. 11, 2000, 114 Stat. 986.

Pub. L. 106–113, div. B, § 1000(a)(3), [title II], Nov. 29, 1999, 113 Stat. 1535, 1501A–189.

Pub. L. 105–277, div. A, § 101(e) [title II], Oct. 21, 1998, 112 Stat. 2681–231, 2681–285.

Pub. L. 105–83, title II, Nov. 14, 1997, 111 Stat. 1589.

Pub. L. 104–208, div. A, title I, § 101(d) [title III], Sept. 30, 1996, 110 Stat. 3009–181, 3009–219.

Pub. L. 104–134, title I, § 101(c) [title II], Apr. 26, 1996, 110 Stat. 1321–195; renumbered title I, Pub. L. 104–140, § 1(a), May 2, 1996, 110 Stat. 1327.

Pub. L. 103–332, title II, Sept. 30, 1994, 108 Stat. 2535.

Pub. L. 103–138, title II, Nov. 11, 1993, 107 Stat. 1414.

Pub. L. 102–381, title II, Oct. 5, 1992, 106 Stat. 1414.

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**§ 8712. Mayor of the District of Columbia**

**(a) Planning Responsibilities.**— The Mayor of the District of Columbia is the central planning agency for the government of the District of Columbia in the National Capital and is responsible for coordinating the planning activities of the District government and for preparing and implementing the District elements of the comprehensive plan for the National Capital, which may include land use elements, urban renewal and redevelopment elements, a multiyear program of public works for the District, and physical, social, economic, transportation, and population elements. The Mayor’s planning responsibility shall not extend to—

- (1) federal or international projects and developments in the District, as determined by the National Capital Planning Commission; or
- (2) the United States Capitol Buildings and Grounds as defined and described in sections 5101 and 5102 of this title, any extension of, or additions to, those Buildings and Grounds, and buildings and grounds under the care of the Architect of the Capitol.

**(b) Participation and Consultation.**— In carrying out the responsibilities under this section and section 8721 of this title, the Mayor shall establish procedures for citizen participation in the planning process and for appropriate meaningful consultation with any state or local government or planning agency in the National Capital region affected by any aspect of a comprehensive plan, including amendments, affecting or relating to the District.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1218; Pub. L. 109–284, § 6(28), Sept. 27, 2006, 120 Stat. 1213.)

**Historical and Revision Notes**

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
8712	40:71a(a)(2).	June 6, 1924, ch. 270, § 2(a)(2), as added July 19, 1952, ch. 949, § 1, 66 Stat. 782; Pub. L. 93–198, title II, § 203(a), Dec. 24, 1973, 87 Stat. 779.

**TITLE 40 - SUBTITLE II - PART D - CHAPTER  
87 - SUBCHAPTER III PLANNING PROCESS**

*NB: This unofficial compilation of the U.S. Code is current as of Jan. 4, 2012 (see <http://www.law.cornell.edu/uscode/uscpri.html>).*

**Amendments**

2006—Subsec. (a)(2). Pub. L. 109–284 inserted “of this title” after “sections 5101 and 5102”.

## SUBCHAPTER III—PLANNING PROCESS

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### § 8721. Comprehensive plan for the National Capital

(a) **Preparation and Adoption by Commission.**— The National Capital Planning Commission shall prepare and adopt a comprehensive, consistent, and coordinated plan for the National Capital. The plan shall include the Commission’s recommendations or proposals for federal developments or projects in the environs and District elements of the comprehensive plan, or amendments to the elements, adopted by the Council of the District of Columbia and with respect to which the Commission has not determined a negative impact exists. Those elements or amendments shall be incorporated into the comprehensive plan without change. The Commission may include in its plan any part of a plan adopted by any planning agency in the environs and may make recommendations of collateral interest to the agencies. The Commission may adopt any part of an element. The Commission shall review and may amend or extend the plan so that its recommendations may be kept up to date.

(b) **Review by District of Columbia.**— The Mayor of the District of Columbia shall submit each District element of the comprehensive plan, and any amendment, to the Council for revision or modification, and adoption, by act, following public hearings. Following adoption and prior to implementation, the Council shall submit each element or amendment to the Commission for review and comment with regard to the impact of the element or amendment on the interests or functions of the federal establishment in the National Capital.

(c) **Commission Response to Council Action.**—

(1) **Period of review.**— Within 60 days after receiving an element or amendment from the Council, the Commission shall certify to the Council whether the element or amendment has a negative impact on the interests or functions of the federal establishment in the National Capital.

(2) **No negative impact.**— If the Commission takes no action in the 60-day period, the element or amendment is deemed to have no negative impact and shall be incorporated into the comprehensive plan for the National Capital and implemented.

(3) **Negative impact.**—

(A) **Certification to council.**— If the Commission finds a negative impact, it shall certify its findings and recommendations to the Council.

(B) **Response of council.**— On receipt of the Commission’s findings and recommendations, the Council may—

(i) accept the findings and recommendations and modify the element or amendment accordingly; or

(ii) reject the findings and recommendations and resubmit a modified form of the element or amendment to the Commission for reconsideration.

(C) **Findings and recommendations accepted.**— If the Council accepts the findings and recommendations and modifies the element or amendment, the Council shall submit the element or amendment to the Commission for the Commission to determine whether the modification has been made in accordance with the Commission’s findings and recommendations. If the Commission does not act on the modified element or amendment within 30 days after receiving it, the element or amendment is deemed to have been modified in accordance with the findings and recommendations and shall be incorporated into the comprehensive plan for the National Capital and implemented. If within the 30-day period the Commission again determines the element or amendment has a negative impact on the functions or interests of the federal establishment in the National Capital, the element or amendment shall not be implemented.

(D) **Findings and recommendations rejected.**— If the Council rejects the findings and recommendations and resubmits a modified element or amendment, the Commission, within

60 days after receiving it, shall decide whether the modified element or amendment has a negative impact on the interests or functions of the federal establishment within the National Capital. If the Commission does not act within the 60-day period, the modified element or amendment is deemed to have no negative impact and shall be incorporated into the comprehensive plan and implemented. If the Commission finds a negative impact, it shall certify its findings (in sufficient detail that the Council can understand the basis of the objection of the Commission) and recommendations to the Council and the element or amendment shall not be implemented.

**(d) Resubmission Deemed New Element or Amendment.**— Any element or amendment which the Commission has determined has a negative impact on the federal establishment in the National Capital which is submitted again in a modified form not less than one year from the day it was last rejected by the Commission is deemed to be a new element or amendment for purposes of the review procedure specified in this section.

**(e) Review, Hearings, and Citizen Advisory Councils.**—

**(1) Review.**— Before the comprehensive plan, any element of the plan, or any revision is adopted, the Commission shall present the plan, element, or revision to the appropriate federal or District of Columbia authorities for comment and recommendations. The Commission may present the proposed revisions annually in a consolidated form. Recommendations by federal and District of Columbia authorities are not binding on the Commission, but the Commission shall give careful consideration to any views and recommendations submitted prior to final adoption.

**(2) Hearings and citizen advisory councils.**— The Commission—

**(A)** may provide periodic opportunity for review and comments by nongovernmental agencies or groups through public hearings, meetings, or conferences, exhibitions, and publication of its plans; and

**(B)** in consultation with the Council, may encourage the formation of citizen advisory councils.

**(f) Extension of Time Limitations.**— On request of the Commission, the Council may grant an extension of any time limitation contained in this section.

**(g) Publishing Comprehensive Plan.**— As appropriate, the Commission and the Mayor jointly shall publish a comprehensive plan for the National Capital, consisting of the elements of the comprehensive plan for the federal activities in the National Capital developed by the Commission and the District elements developed by the Mayor and the Council in accordance with this section.

**(h) Procedures for Consultation.**—

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

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

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1219.)

**Historical and Revision Notes**

<b>Revised Section</b>	<b>Source (U.S. Code)</b>	<b>Source (Statutes at Large)</b>
8721(a)	40:71c(a), (d).	June 6, 1924, ch. 270, § 4(a), (d), (e) (1st par.), as added July 19, 1952, ch. 949, § 1, 66 Stat. 785, 787; Pub. L. 93–198, title II § 203(c)(1), (2), Dec. 24, 1973, 87 Stat. 782.
8721(b)	40:71a(a)(3).	June 6, 1924, ch. 270, § 2(a)(3), (4), as added July 19, 1952, ch. 949, § 1, 66 Stat. 782; Pub. L. 93–198, title II, § 203(a), Dec. 24, 1973, 87 Stat. 779.
8721(c), (d)	40:71a(a)(4)(A)–(C).	
8721(e)	40:71c(e) (1st par.).	
8721(f)	40:71a(a)(4)(E).	
8721(g)	40:71a(a)(4)(D).	
8721(h)(1)	40:71a(a)(4)(F).	
8721(h)(2)	40:71a(d).	June 6, 1924, ch. 270, § 2(d), as added July 19, 1952, ch. 949, § 1, 66 Stat. 783.

In subsection (a), the text of 40:71c(a) (2d, 3d sentences) and reference to the National Capital Regional Planning Council are omitted as obsolete because the Council was abolished by section 1 of Reorganization Plan No. 5 of 1966 (eff. Sept. 8, 1966, 40:71b note). The words “from time to time” are omitted as unnecessary.

In subsection (e)(2), before clause (A), the words “in addition and at its discretion” are omitted as unnecessary.

In subsection (g), the words “from time to time” are omitted as unnecessary.

**Termination of Advisory Committees**

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

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**§ 8722. Proposed federal and district developments and projects**

**(a) Agencies To Use Commission as Central Planning Agency.**— Agencies of the Federal Government responsible for public developments and projects shall cooperate and correlate their efforts by using the National Capital Planning Commission as the central planning agency for federal activities in the National Capital region. To aid the Commission in carrying out this function, federal and District of Columbia governmental agencies on request of the Commission shall furnish plans, data, and records the Commission requires. The Commission on request shall furnish related plans, data, and records to federal and District of Columbia governmental agencies.

**(b) Consultation Between Agencies and Commission.**—

**(1) Before construction plans prepared.**— To ensure the comprehensive planning and orderly development of the National Capital, a federal or District of Columbia agency, before preparing construction plans the agency originates for proposed developments and projects or before making a commitment to acquire land, to be paid for at least in part from federal or District amounts, shall advise and consult with the Commission as the agency prepares plans and programs in preliminary and successive stages that affect the plan and development of the National Capital.

After receiving the plans, maps, and data, the Commission promptly shall make a preliminary report and recommendations to the agency. If the agency, after considering the report and recommendations of the Commission, does not agree, it shall advise the Commission and provide the reasons why it does not agree. The Commission then shall submit a final report. After consultation and suitable consideration of the views of the Commission, the agency may proceed to take action in accordance with its legal responsibilities and authority.

**(2) Exceptions.—**

**(A) In general.—** Paragraph (1) does not apply to projects within the Capitol grounds or to structures erected by the Department of Defense during wartime or national emergency within existing military, naval, or Air Force reservations, except that the appropriate defense agency shall consult with the Commission as to any developments which materially affect traffic or require coordinated planning of the surrounding area.

**(B) Advance decisions of commission.—** The Commission shall determine in advance the type or kinds of plans, developments, projects, improvements, or acquisitions which do not need to be submitted for review by the Commission as to conformity with its plans.

**(c) Additional Procedure for Developments and Projects Within Environs.—**

**(1) Submission to commission.—** Within the environs, general plans showing the location, character, and extent of, and intensity of use for, proposed federal and District developments and projects involving the acquisition of land shall be submitted to the Commission for report and recommendations before a final commitment to the acquisition is made, unless the matter specifically has been approved by law.

**(2) Commission action.—** Before acting on any general plan, the Commission shall advise and consult with the appropriate planning agency having jurisdiction over the affected part of the environs. When the Commission decides that proposed developments or projects submitted to the Commission under subsection (b) involve a major change in the character or intensity of an existing use in the environs, the Commission shall advise and consult with the planning agency. The report and recommendations shall be submitted within 60 days and shall be accompanied by any reports or recommendations of the planning agency.

**(3) Working with state or local authority or agency.—** In carrying out its planning functions with respect to federal developments or projects in the environs, the Commission may work with, and make agreements with, any state or local authority or planning agency as the Commission considers necessary to have a plan or proposal adopted and carried out.

**(d) Approval of Federal Public Buildings.—** The provisions of the Act of June 20, 1938 (ch. 534, 52 Stat. 797) shall not apply to federal public buildings. In order to ensure the orderly development of the National Capital, the location, height, bulk, number of stories, and size of federal public buildings in the District of Columbia and the provision for open space in and around federal public buildings in the District of Columbia are subject to the approval of the Commission.

**(e) Approval of District Government Buildings in Central Area.—** Subsection (d) is extended to include public buildings erected by any agency of the Government of the District of Columbia in the central area of the District (as defined by concurrent action of the Commission and the Council of the District of Columbia), except that the Commission shall transmit its approval or disapproval within 30 days after the day the proposal was submitted to the Commission.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1221; Pub. L. 109–284, § 6(29), Sept. 27, 2006, 120 Stat. 1213.)

**Historical and Revision Notes**

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
8722(a)	40:71d(e).	June 6, 1924, ch. 270, § 5, as added July 19, 1952, ch. 949, § 1, 66 Stat. 787; Pub. L. 93-198, title II, § 203(d), Dec. 24, 1973, 87 Stat. 782.
8722(b)(1)	40:71d(a) (1st sentence words before proviso, 2d-last sentences).	
8722(b)(2)(A)	40:71d(b).	
8722(b)(2)(B)	40:71d(a) (1st sentence proviso).	
8722(c)(1), (2)	40:71d(d).	
8722(c)(3)	40:71c(e) (last par.).	June 6, 1924, ch. 270, § 4(e) (last par.), as added July 19, 1952, ch. 949, § 1, 66 Stat. 787.
8722(d)	(uncodified).	June 20, 1938, ch. 534, § 16, 52 Stat. 802.
8722(e)	40:71d(c).	

In subsection (a), the words “including the acquisition of land” are omitted as unnecessary.

In subsection (b)(1), the words “received and” are omitted as unnecessary.

In subsection (c)(2), reference to the National Capital Regional Planning Council is omitted as obsolete because the Council was abolished by section 1 of Reorganization Plan No. 5 of 1966 (eff. Sept. 8, 1966, 40:71b note).

In subsection (c)(3), the word “work” is substituted for “act in conjunction and cooperation” to eliminate unnecessary words.

In subsection (d), the word “Commission” [meaning the National Capital Planning Commission] is substituted for “National Capital Park and Planning Commission” because of section 9 of the Act of June 6, 1924 (ch. 270), as added by section 1 of the Act of July 19, 1952 (ch. 949, 66 Stat. 790). See section 8711(f) of the revised title.

In subsection (e), the words “the boundaries of” and “and from time to time redefined” are omitted as unnecessary.

**References in Text**

The Act of June 20, 1938, referred to in subsec. (d), is act June 20, 1938, ch. 534, 52 Stat. 797, as amended. While the Act was not classified to the Code, section 16 of the Act was repealed and reenacted as subsec. (d) of this section by Pub. L. 107-217, §§ 1, 6, Aug. 21, 2002, 116 Stat. 1062, 1304. See Historical and Revision Notes above.

**Amendments**

2006—Subsec. (d). Pub. L. 109-284 substituted “52 Stat. 797” for “52 Stat. 802” and “are subject” for “is subject”.

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**§ 8723. Capital improvements**

**(a) Six-Year Program of Public Works Projects.**— The National Capital Planning Commission shall recommend a six-year program of public works projects for the Federal Government which the Commission shall review annually with the agencies concerned. Each federal agency shall submit to the Commission in the first quarter of each fiscal year a copy of its advance program of capital improvements within the National Capital and its environs.

**(b) Submission of Multiyear Capital Improvement Plan.**— By February 1 of each year, the Mayor of the District of Columbia shall submit to the Commission a copy of the multiyear capital improvements plan for the District of Columbia that the Mayor develops under section 444 of the

**TITLE 40 - Section 8724 - Zoning regulations and maps**

*NB: This unofficial compilation of the U.S. Code is current as of Jan. 4, 2012 (see <http://www.law.cornell.edu/uscode/uscpint.html>).*

District of Columbia Home Rule Act (Public Law 93–198, 87 Stat. 800). The Commission has 30 days in which to comment on the plan but may not change or disapprove of the plan.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1223.)

**Historical and Revision Notes**

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
8723	40:71f.	June 6, 1924, ch. 270, § 7, as added July 19, 1952, ch. 949, § 1, 66 Stat. 789; Pub. L. 93–198, title II, § 203(f), Dec. 24, 1973, 87 Stat. 782.

In subsection (b), the words “District of Columbia Home Rule Act” are substituted for “District of Columbia of Columbia Self-Government and Governmental Reorganization Act” because of section 11717(b) of the Balanced Budget Act of 1997 (Public Law 105–33, 111 Stat. 786).

**References in Text**

Section 444 of the District of Columbia Home Rule Act, referred to in subsec. (b), is section 444 of Pub. L. 93–198, title IV, Dec. 24, 1973, 87 Stat. 800, as amended, which is not classified to the Code.

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**§ 8724. Zoning regulations and maps**

**(a) Amendments of Zoning Regulations and Maps.**— The National Capital Planning Commission may make a report and recommendation to the Zoning Commission of the District of Columbia, as provided in section 5 of the Act of June 20, 1938 (ch. 534, 52 Stat. 798), on the relation, conformity, or consistency of proposed amendments of the zoning regulations and maps with the comprehensive plan for the National Capital. The Planning Commission may also submit to the Zoning Commission proposed amendments or general revisions to the zoning regulations or the zoning map for the District of Columbia.

**(b) Additional Report by Planning Commission.**— When requested by an authorized representative of the Planning Commission, the Zoning Commission may recess for a reasonable period of time any public hearing it is holding to consider a proposed amendment to the zoning regulations or map so that the Planning Commission may have an opportunity to present to the Zoning Commission an additional report on the proposed amendment.

**(c) Zoning Committee of National Capital Planning Commission.**—

**(1) Establishment and composition.**— There is a Zoning Committee of the National Capital Planning Commission. The Committee consists of at least three members of the Planning Commission the Planning Commission designates for that purpose. The number of members serving on the Committee may vary.

**(2) Duties.**— The Committee shall carry out the functions vested in the Planning Commission under this section and section 8725 of this title—

**(A)** to the extent the Planning Commission decides; and

**(B)** when requested by the Zoning Commission and approved by the Planning Commission.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1223.)

**Historical and Revision Notes**

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
8724(a)	40:71g(a).	June 6, 1924, ch. 270, § 8(a)–(c), as added July 19, 1952, ch. 949, § 1, 66

**TITLE 40 - Section 8725 - Recommendations on platting and subdividing land**

*NB: This unofficial compilation of the U.S. Code is current as of Jan. 4, 2012 (see <http://www.law.cornell.edu/uscode/uscodeprint.html>).*

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
		Stat. 790; Pub. L. 93-198, title II, § 203(g), Dec. 24, 1973, 87 Stat. 783.
8724(b)	40:71g(b).	
8724(c)	40:71g(c).	

In subsection (a), the words “Act of June 20, 1938” are substituted for “Act of March 1, 1920” to correct an error in the law.

In subsection (b), the words “properly”, “at its discretion”, and “or its representative” are omitted as unnecessary.

In subsection (c)(1), the words “from time to time” are omitted as unnecessary.

**References in Text**

Section 5 of the Act of June 20, 1938, referred to in subsec. (a), is section 5 of act June 20, 1938, ch. 534, 52 Stat. 798, which is not classified to the Code.

.....

**§ 8725. Recommendations on platting and subdividing land**

**(a) By Council of the District of Columbia.**— The Council of the District of Columbia shall submit any proposed change in, or addition to, the regulations or general orders regulating the platting and subdividing of lands and grounds in the District of Columbia to the National Capital Planning Commission for report and recommendation before the Council adopts the change or addition. The Council shall advise the Commission when it does not agree with the recommendations of the Commission and shall give the reasons why it disagrees. The Commission then shall submit a final report within 30 days. After considering the final report, the Council may act in accordance with its legal responsibilities and authority.

**(b) By Planning Commission.**— The Commission shall submit to the Council any proposed change in, or amendment to, the general orders that the Commission considers appropriate. The Council shall treat the amendments proposed in the same manner as other proposed amendments.

(Pub. L. 107-217, Aug. 21, 2002, 116 Stat. 1224.)

**Historical and Revision Notes**

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
8725	40:71g(d).	June 6, 1924, ch. 270, § 8(d), as added July 19, 1952, ch. 949, § 1, 66 Stat. 790.

In subsection (b), the words “to the Council” are added for clarity.

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**§ 8726. Authorization of appropriations**

Amounts necessary to carry out this subchapter may be appropriated from money in the Treasury not otherwise appropriated and from any appropriate appropriation law, except the annual District of Columbia Appropriation Act.

(Pub. L. 107-217, Aug. 21, 2002, 116 Stat. 1224.)

**TITLE 40 - SUBTITLE II - PART D - CHAPTER 87 -  
SUBCHAPTER IV ACQUIRING AND DISPOSING OF...**

*NB: This unofficial compilation of the U.S. Code is current as of Jan. 4, 2012 (see <http://www.law.cornell.edu/uscode/uscpint.html>).*

**Historical and Revision Notes**

<b>Revised Section</b>	<b>Source (U.S. Code)</b>	<b>Source (Statutes at Large)</b>
8726	40:71i.	June 6, 1924, ch. 270, § 10, as added July 19, 1952, ch. 949, § 1, 66 Stat. 791.

The words “any existing provisions of law to the contrary notwithstanding” are omitted as unnecessary.

**SUBCHAPTER IV—ACQUIRING AND DISPOSING OF LAND**

.....

**§ 8731. Acquiring land for park, parkway, or playground purposes**

(a) **Authority To Acquire Land.**— The National Capitol Planning Commission shall acquire land the Planning Commission believes is necessary and desirable in the District of Columbia and adjacent areas in Maryland and Virginia for suitable development of the National Capital park, parkway, and playground system. The acquisition must be within the limits of the appropriations made for those purposes. The Planning Commission shall request the advice of the Commission of Fine Arts in selecting land to be acquired.

(b) **How Land May Be Acquired.**—

(1) **Purchase or condemnation proceeding.**— The National Capital Planning Commission may buy land when the land can be acquired at a price the Planning Commission considers reasonable or by a condemnation proceeding when the land cannot be bought at a reasonable price.

(2) **Land in the district of columbia.**— A condemnation proceeding to acquire land in the District of Columbia shall be conducted in accordance with section 1 of the Act of December 23, 1963 (Public Law 88–241, 77 Stat. 571).

(3) **Land in maryland or virginia.**— The Planning Commission may acquire land in Maryland or Virginia under arrangements agreed to by the Commission and the proper officials of Maryland or Virginia.

(c) **Control of Land.**—

(1) **Land in the district of columbia.**— Land acquired in the District of Columbia shall be a part of the park system of the District of Columbia and be under the control of the Director of the National Park Service. The National Capital Planning Commission may assign areas suitable for playground purposes to the control of the Mayor of the District of Columbia for playground purposes.

(2) **Land in maryland or virginia.**— Land acquired in Maryland or Virginia shall be controlled as determined by agreement between the Planning Commission and the proper officials of Maryland or Virginia.

(d) **Presidential Approval Required.**— The designation of all land to be acquired by condemnation, all contracts to purchase land, and all agreements between the National Capital Planning Commission and the officials of Maryland and Virginia are subject to the approval of the President.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1224.)

**Historical and Revision Notes**

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
8731(a)	40:72 (1st, 4th sentences).	June 6, 1924, ch. 270, § 11, formerly § 2, 43 Stat. 463; renumbered § 11, July 19, 1952, ch. 949, § 2 (1st sentence), 66 Stat. 791.
8731(b)	40:72 (2d, 3d sentence).	
8731(c)	40:73 (3d–last sentences).	June 6, 1924, ch. 270, § 12 (3d–last sentences), formerly § 3 (3d–last sentences), 43 Stat. 463; renumbered § 12, July 19, 1952, ch. 949, § 2 (1st sentence), 66 Stat. 791.
8731(d)	40:72 (last sentence).	

In subsection (a), the words “or a majority thereof” are omitted as unnecessary.

*NB: This unofficial compilation of the U.S. Code is current as of Jan. 4, 2012 (see <http://www.law.cornell.edu/uscode/uscp.html>).*

In subsection (b)(2), the words “section 1 of the Act of December 23, 1963 (Public Law 88–241, 77 Stat. 572)” are substituted for 40:72 (2d sentence words after “in accordance with”) because provisions in section 3 of the Act of August 30, 1890 (ch. 837, 26 Stat. 412), established the act as permanent and general. The act therefore was classified to 40:120, which was superseded by the Act of March 1, 1929 (ch. 416, 45 Stat. 1415), which was classified to 40:361 et seq. That law was repealed by section 21(b) of the Act of December 23, 1963 (Public Law 88–241, 77 Stat. 627), with the subject matter of those sections being restated in section 1 of that Act.

In subsection (b)(3), the words “either by purchase or condemnation proceedings” and “as to acquisition and payment for the lands as it shall determine upon” are omitted as unnecessary.

In subsection (c)(1), the words “Director of the National Park Service” are substituted for “Chief of Engineers of the United States Army” [subsequently changed to “Director of Public Buildings and Public Parks” by section 3 of the Act of February 26, 1925 (ch. 339, 43 Stat. 983)] because of section 1(words before 3d comma in 2d complete par. on p. 389) of the Act of March 2, 1934 (ch. 38, 48 Stat. 389).

In subsection (c)(2), the words “in Maryland or Virginia” are substituted for “outside the District of Columbia” for clarity and for consistency in this section. The words “such agreements to be subject to the approval of the President” are omitted because of 40:72 (last sentence), restated as subsection (d).

**References in Text**

Section 1 of the Act of December 23, 1963, referred to in subsec. (b)(2), is section 1 of Pub. L. 88–241, Dec. 23, 1963, 77 Stat. 478, which enacted general and permanent laws relating to judiciary and judicial procedure in the District of Columbia, and which is not classified to the Code.

.....

**§ 8732. Acquiring land subject to limited rights reserved to grantor and limited permanent rights in land adjoining park property**

**(a) In General.**— The National Capital Planning Commission in accordance with this chapter may acquire, for and on behalf of the Federal Government, by gift, devise, purchase, or condemnation—

- (1) fee title to land subject to limited rights, but not for business purposes, reserved to the grantor; and
- (2) permanent rights in land adjoining park property sufficient to prevent the use of the land in certain specified ways which would essentially impair the value of the park property for its purposes.

**(b) Prerequisites to Acquisition.**—

- (1) **Fee title to land subject to limited rights.**— The reservation of rights to the grantor shall not continue beyond the life of the grantor of the fee. The Commission must decide that the permanent public park purposes for which control over the land is needed are not essentially impaired by the reserved rights and that there is a substantial saving in cost by acquiring the land subject to the limited rights as compared with the cost of acquiring unencumbered title to the land.
- (2) **Permanent rights in land adjoining park property.**— The Commission must decide that the protection and maintenance of the essential public values of the park can be secured more economically by acquiring the permanent rights than by acquiring the land.

**(c) Presidential Approval Required.**— All contracts to acquire land or rights under this section are subject to the approval of the President.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1225.)

**Historical and Revision Notes**

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
8732(a)	40:72a (1st par., last par. less provisos).	Dec. 22, 1928, ch. 48, § 1, 45 Stat. 1070.

**TITLE 40 - Section 8733 - Lease of land acquired for park, parkway, or playground purpo...**

NB: This unofficial compilation of the U.S. Code is current as of Jan. 4, 2012 (see <http://www.law.cornell.edu/uscode/uscpri.html>).

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
8732(b)	40:72a (last par. 1st–3d provisos).	
8732(c)	40:72a (last par. last proviso).	

In subsection (a), the text of 40:72a (1st par.) is omitted as unnecessary.

.....

**§ 8733. Lease of land acquired for park, parkway, or playground purposes**

The Secretary of the Interior may lease, for not more than five years, land or an existing building or structure on land acquired for park, parkway, or playground purposes, and may renew the lease for an additional five years. A lease or renewal under this section is—

- (1) subject to the approval of the National Capital Planning Commission;
- (2) subject to the need for the immediate use of the land, building, or structure in other ways by the public; and
- (3) on terms the Administrator decides.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1225.)

**Historical and Revision Notes**

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
8733	40:72b.	Dec. 22, 1928, ch. 48, § 2, 45 Stat. 1070.

The words “Administrator of General Services” are substituted for “Director of Public Buildings and Public Parks of the National Capital” [subsequently changed to “Director of the National Park Service” because of section 2 of Executive Order No. 6166 (eff. June 10, 1933) and the Act of March 2, 1934 (ch. 38, 48 Stat. 389), and “Public Buildings Administrator” because of sections 301 and 303 of Reorganization Plan No. I of 1939 (eff. July 1, 1939, 53 Stat. 1426, 1427)] because of section 103(a) of the Federal Property and Administrative Services Act of 1949 (ch. 288, 63 Stat. 380), which is restated as section 303 (c) [303(b)] of the revised title. The words “National Capital Planning Commission” are substituted for “National Capital Park and Planning Commission” because of section 9 of the Act of June 6, 1924 (ch. 270), as added by section 1 of the Act of July 19, 1952 (ch. 949, 66 Stat. 790). See section 8711(f) of the revised title.

.....

**§ 8734. Sale of land by Mayor**

(a) **Authority To Sell.**— With the approval of the National Capital Planning Commission, the Mayor of the District of Columbia, for the best interests of the District of Columbia, may sell to the highest bidder at public or private sale real estate in the District of Columbia owned in fee simple by the District of Columbia for municipal use that the Council of the District of Columbia and the Commission find to be no longer required for public purposes.

(b) **Paying Expenses and Depositing Proceeds.**— The Mayor—

- (1) may pay the reasonable and necessary expenses of the sale of each parcel of land sold; and
- (2) shall deposit the net proceeds of each sale in the Treasury to the credit of the District of Columbia.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1226.)

**Historical and Revision Notes**

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
8734(a)	40:72c.	Aug. 5, 1939, ch. 449, §§ 1, 2, 53 Stat. 1211.
8734(b)	40:72d.	

In subsection (a), the words “in his discretion”, “and convey, in whole or in part”, and “now or hereafter” are omitted as unnecessary.

.....

**§ 8735. Sale of land by Secretary of the Interior**

**(a) Authority To Sell.**— With the approval of the National Capital Planning Commission, the Secretary of the Interior, for the best interests of the Federal Government, may sell, by deed or instrument, real estate held by the Government in the District of Columbia and under the jurisdiction of the National Park Service which may be no longer needed for public purposes. The land may be sold for cash or on a deferred-payment plan the Secretary approves, at a price not less than the Government paid for it and not less than its present appraised value as determined by the Secretary.

**(b) Sale to Highest Bidder.**— In selling any parcel of land under this section, the Secretary shall have public or private solicitation for bids or offers be made as the Secretary considers appropriate. The Secretary shall sell the parcel to the party agreeing to pay the highest price if the price is otherwise satisfactory. If the price offered or bid by the owner of land abutting the land to be sold equals the highest price offered or bid by any other party, the parcel may be sold to the owner of the abutting land.

**(c) Paying Expenses and Depositing Proceeds.**— The Secretary—

- (1)** may pay the reasonable and necessary expenses of the sale of each parcel of land sold; and
- (2)** shall deposit the net proceeds of each sale in the Treasury to the credit of the Government and the District of Columbia in the proportion that each—
  - (A)** paid the appropriations used to acquire the parcels; or
  - (B)** was obligated to pay the appropriations, at the time of acquisition, by reimbursement.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1226.)

**Historical and Revision Notes**

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
8735(a)	40:74a.	Aug. 5, 1939, ch. 449, §§ 4–6, 53 Stat. 1211.
8735(b)	40:74b.	
8735(c)	40:74c.	

In subsection (a), the words “in his discretion”, “and convey, in whole or in part”, and “proper” are omitted as unnecessary.

In subsection (b), reference to sections 72c to 72e is omitted as unnecessary because the Secretary of the Interior does not have authority to sell land under those sections.

.....

**§ 8736. Execution of deeds**

The Mayor of the District of Columbia may execute deeds of conveyance for real estate sold under this subchapter. The deeds shall contain a full description of the land sold as required by law.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1227.)

**Historical and Revision Notes**

<b>Revised Section</b>	<b>Source (U.S. Code)</b>	<b>Source (Statutes at Large)</b>
8736	40:72e.	Aug. 5, 1939, ch. 449, § 3, 53 Stat. 1211.

The word “proper” is omitted as unnecessary. The words “as required by” are substituted for “either by metes and bounds, or otherwise according to” to eliminate unnecessary words.

.....

**§ 8737. Authorization of appropriations**

An amount equal to not more than one cent for each inhabitant of the continental United States as determined by the last preceding decennial census may be appropriated each year in the District of Columbia Appropriation Act for the National Capital Planning Commission to use for the payment of its expenses and for the acquisition of land the Commission may acquire under section 8731 of this title for the purposes named, including compensation for the land, surveys, ascertainment of title, condemnation proceedings, and necessary conveyancing. The appropriated amounts shall be paid from the revenues of the District of Columbia and the general amounts of the Treasury in the same proportion as other expenses of the District of Columbia.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1227.)

**Historical and Revision Notes**

<b>Revised Section</b>	<b>Source (U.S. Code)</b>	<b>Source (Statutes at Large)</b>
8737	40:73 (1st, 2d sentences).	June 6, 1924, ch. 270, § 12 (1st, 2d sentences), formerly § 3 (1st, 2d sentences), 43 Stat. 463; renumbered § 12, July 19, 1952, ch. 949, § 2 (1st sentence), 66 Stat. 791.

## CHAPTER 89—NATIONAL CAPITAL MEMORIALS AND COMMEMORATIVE WORKS

Sec.

8901. Purposes.

8902. Definitions and nonapplication.

8903. Congressional authorization of commemorative works.

8904. National Capital Memorial Commission.<sup>1</sup>

8905. Site and design approval.

8906. Criteria for issuance of construction permit.

8907. Temporary site designation.

8908. Areas I and II.

8909. Administrative.

### *Footnotes*

<sup>1</sup> Section catchline amended by Pub. L. 108–126 without corresponding amendment of analysis.

.....

### § 8901. Purposes

The purposes of this chapter are—

- (1) to preserve the integrity of the comprehensive design of the L’Enfant and McMillan plans for the Nation’s Capital;
- (2) to ensure the continued public use and enjoyment of open space in the District of Columbia and its environs, and to encourage the location of commemorative works within the urban fabric of the District of Columbia;
- (3) to preserve, protect and maintain the limited amount of open space available to residents of, and visitors to, the Nation’s Capital; and
- (4) to ensure that future commemorative works in areas administered by the National Park Service and the Administrator of General Services in the District of Columbia and its environs—
  - (A) are appropriately designed, constructed, and located; and
  - (B) reflect a consensus of the lasting national significance of the subjects involved.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1227; Pub. L. 108–126, title II, § 203(a), Nov. 17, 2003, 117 Stat. 1349.)

### Historical and Revision Notes

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
8901	40:1001.	Pub. L. 99–652, § 1, Nov. 14, 1986, 100 Stat. 3650.

#### Amendments

2003—Par. (2). Pub. L. 108–126 substituted “Columbia and its environs, and to encourage the location of commemorative works within the urban fabric of the District of Columbia;” for “Columbia;”.

#### Effective Date of 2003 Amendment

Pub. L. 108–126, title II, § 205, Nov. 17, 2003, 117 Stat. 1353, provided that: “Except for the provision in the amendment made by section 202 (b) [amending section 8908 of this title] prohibiting a visitor center from being located in the Reserve (as defined in section 8902 of title 40, United States Code), nothing in this title [see Short Title of 2003 Amendment note set out under section 101 of this title] shall apply to a commemorative work for which a

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site was approved in accordance with chapter 89 of title 40, United States Code, prior to the date of enactment of this title [Nov. 17, 2003].”

**Findings**

Pub. L. 108–126, title II, § 202(a), Nov. 17, 2003, 117 Stat. 1349, provided that: “Congress finds that—

“(1) the great cross-axis of the Mall in the District of Columbia, which generally extends from the United States Capitol to the Lincoln Memorial, and from the White House to the Jefferson Memorial, is a substantially completed work of civic art; and

“(2) to preserve the integrity of the Mall, a reserve area should be designated within the core of the great cross-axis of the Mall where the siting of new commemorative works is prohibited.”

.....

**§ 8902. Definitions and nonapplication**

**(a) Definitions.**— In this chapter:

**(1) Commemorative work.**— The term “commemorative work” means any statue, monument, sculpture, memorial, plaque, inscription, or other structure or landscape feature, including a garden or memorial grove, designed to perpetuate in a permanent manner the memory of an individual, group, event or other significant element of American history, except that the term does not include any such item which is located within the interior of a structure or a structure which is primarily used for other purposes.

**(2) The district of columbia and its environs.**— The term “the District of Columbia and its environs” means those lands and properties administered by the National Park Service and the General Services Administration located in the Reserve, Area I, and Area II as depicted on the map entitled “Commemorative Areas Washington, DC and Environs”, numbered 869/86501 B, and dated June 24, 2003.

**(3) Reserve.**— The term “Reserve” means the great cross-axis of the Mall, which generally extends from the United States Capitol to the Lincoln Memorial, and from the White House to the Jefferson Memorial, as depicted on the map referenced in paragraph (2).

**(4) Sponsor.**— The term “sponsor” means a public agency, or an individual, group or organization that is described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code, and which is authorized by Congress to establish a commemorative work in the District of Columbia and its environs.

**(b) Nonapplication.**— This chapter does not apply to commemorative works authorized by a law enacted before January 3, 1985.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1227; Pub. L. 108–126, title II, § 203(b), Nov. 17, 2003, 117 Stat. 1350.)

**Historical and Revision Notes**

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
8902(a)	40:1002.	Pub. L. 99–652, § 2, Nov. 14, 1986, 100 Stat. 3650; Pub. L. 103–321, § 2(a), Aug. 26, 1994, 108 Stat. 1793.
8902(b)	40:1010(e).	Pub. L. 99–652, § 10(e), Nov. 14, 1986, 100 Stat. 3654.

In subsection (a), the text of 40:1002(a) and (b) is omitted as unnecessary because the complete names of the Secretary of the Interior and the Administrator of General Services are used the first time the terms appear in a section.

In subsection (a)(3), the words “notwithstanding any other provision of law” are omitted as unnecessary. The words “Administrator of General Services” are substituted for “General Services Administration” because of section 101(b) of the Federal Property and Administrative Services Act of 1949 (ch. 288, 63 Stat. 379), which is restated as section 302(a) of the revised title.

In subsection (b), the words “January 3, 1985” are substituted for “the commencement of the Ninety-ninth Congress” for clarity.

### References in Text

Section 501 of the Internal Revenue Code of 1986, referred to in subsec. (a)(4), is classified to section 501 of Title 26, Internal Revenue Code.

### Amendments

2003—Subsec. (a). Pub. L. 108–126 added subsec. (a) and struck out heading and text of former subsec. (a). Text read as follows: “In this chapter, the following definitions apply:

“(1) Commemorative work.—The term ‘commemorative work’—

“(A) means any statue, monument, sculpture, memorial, plaque, inscription, or other structure or landscape feature, including a garden or memorial grove, designed to perpetuate in a permanent manner the memory of an individual, group, event or other significant element of American history; but

“(B) does not include an item described in subclause (A) that is located within the interior of a structure or a structure which is primarily used for other purposes.

“(2) Person.—The term ‘person’ means—

“(A) a public agency; and

“(B) an individual, group or organization—

“(i) described in section 501(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 501 (c)(3)) and exempt from tax under section 501(a) of the Code (26 U.S.C. 501 (a)); and

“(ii) authorized by Congress to establish a commemorative work in the District of Columbia and its environs.

“(3) The district of columbia and its environs.—The term ‘the District of Columbia and its environs’ means land and property located in Areas I and II as depicted on the map numbered 869/86581, and dated May 1, 1986, that the National Park Service and the Administrator of General Services administer.”

### Effective Date of 2003 Amendment

Amendments by Pub. L. 108–126 not applicable to a commemorative work for which a site was approved in accordance with this chapter prior to Nov. 17, 2003, see section 205 of Pub. L. 108–126, set out as a note under section 8901 of this title.

.....

## § 8903. Congressional authorization of commemorative works

(a) **In General.**— Commemorative works—

(1) may be established on federal lands referred to in section 8901 (4) of this title only as specifically authorized by law; and

(2) are subject to applicable provisions of this chapter.

(b) **Military Commemorative Works.**— A military commemorative work may be authorized only to commemorate a war or similar major military conflict or a branch of the armed forces. A commemorative work solely commemorating a limited military engagement or a unit of an armed force may not be authorized. Commemorative works to a war or similar major military conflict may not be authorized until at least 10 years after the officially designated end of such war or conflict.

(c) **Works Commemorating Events, Individuals, or Groups.**— A commemorative work commemorating an event, individual, or group of individuals, except a military commemorative work as described in subsection (b), may not be authorized until after the 25th anniversary of the event, death of the individual, or death of the last surviving member of the group.

*NB: This unofficial compilation of the U.S. Code is current as of Jan. 4, 2012 (see <http://www.law.cornell.edu/uscode/uscpri.html>).*

**(d) Consultation with National Capital Memorial Advisory Commission.**— In considering legislation authorizing commemorative works in the District of Columbia and its environs, the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate shall solicit the views of the National Capital Memorial Advisory Commission.

**(e) Expiration of Legislative Authority.**— Any legislative authority for a commemorative work shall expire at the end of the seven-year period beginning on the date of the enactment of such authority, or at the end of the seven-year period beginning on the date of the enactment of legislative authority to locate the commemorative work within Area I, if such additional authority has been granted, unless—

- (1) the Secretary of the Interior or the Administrator of General Services (as appropriate) has issued a construction permit for the commemorative work during that period; or
- (2) the Secretary or the Administrator (as appropriate), in consultation with the National Capital Memorial Advisory Commission, has made a determination that—
  - (A) final design approvals have been obtained from the National Capital Planning Commission and the Commission of Fine Arts; and
  - (B) 75 percent of the amount estimated to be required to complete the commemorative work has been raised.

If these two conditions have been met, the Secretary or the Administrator (as appropriate) may extend the seven-year legislative authority for a period not to exceed three additional years. Upon expiration of the legislative authority, any previous site and design approvals shall also expire.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1228; Pub. L. 108–126, title II, § 203(c), Nov. 17, 2003, 117 Stat. 1350; Pub. L. 111–11, title VII, § 7116(e)(1), Mar. 30, 2009, 123 Stat. 1203.)

### Historical and Revision Notes

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
8903(a)	40:1003(a).	Pub. L. 99–652, § 3, Nov. 14, 1986, 100 Stat. 3651; Pub. L. 100–202, § 101(f) [title II, § 3], Dec. 22, 1987, 101 Stat. 1329–196; Pub. L. 100–230, § 3, Jan. 5, 1988, 101 Stat. 1564; Pub. L. 103–321, § 2(b), Aug. 26, 1994, 108 Stat. 1793; Pub. L. 104–186, title II, § 221(18), Aug. 20, 1996, 110 Stat. 1750.
8903(b)	40:1003(b).	
8903(c)	40:1003(c).	
8903(d)	40:1003(d).	
8903(e)	40:1010(b).	Pub. L. 99–652, § 10(b), Nov. 14, 1986, 100 Stat. 3654; Pub. L. 102–216, § 1, Dec. 11, 1991, 105 Stat. 1666.

In subsection (a)(1), the words “in the District of Columbia and its environs” are omitted as unnecessary.

In subsection (d), the words “House Administration” are substituted for “House Oversight” because the name of the Committee was changed in the 106th Congress. See Rule X(1)(i) of the Rules of the House of Representatives.

#### Amendments

2009—Subsec. (d). Pub. L. 111–11, which directed insertion of “Natural” before “Resources”, was executed by making the insertion before “Resources of the House”, to reflect the probable intent of Congress.

## TITLE 40 - Section 8903 - Congressional authorization of commemorative works

NB: This unofficial compilation of the U.S. Code is current as of Jan. 4, 2012 (see <http://www.law.cornell.edu/uscode/uscript.html>).

2003—Subsec. (b). Pub. L. 108–126, § 203(c)(1), substituted “work solely commemorating a limited military engagement” for “work commemorating a lesser conflict” and “such war or conflict” for “the event”.

Subsec. (d). Pub. L. 108–126, § 203(c)(2), substituted “Memorial Advisory Commission” for “Memorial Commission” in heading, and in text substituted “Resources” for “House Administration” and inserted “Advisory” before “Commission”.

Subsec. (e). Pub. L. 108–126, § 203(c)(3), added subsec. (e) and struck out heading and text of former subsec. (e). Text read as follows: “Legislative authority for a commemorative work expires at the end of the seven–year period beginning on the date the authority is enacted unless the Secretary of the Interior or Administrator of General Services, as appropriate, has issued a construction permit for the commemorative work during that period.”

### Effective Date of 2003 Amendment

Amendments by Pub. L. 108–126 not applicable to a commemorative work for which a site was approved in accordance with this chapter prior to Nov. 17, 2003, see section 205 of Pub. L. 108–126, set out as a note under section 8901 of this title.

### Commemorative Works

Adams Memorial.—Pub. L. 107–62, Nov. 5, 2001, 115 Stat. 411; Pub. L. 107–315, Dec. 2, 2002, 116 Stat. 2763; Pub. L. 108–7, div. F, title I, § 142, Feb. 20, 2003, 117 Stat. 244; Pub. L. 111–169, § 1, May 24, 2010, 124 Stat. 1192.

African-Americans Civil War Union Memorial.—Pub. L. 102–412, Oct. 14, 1992, 106 Stat. 2104.

Air Force Memorial.—Pub. L. 103–163, Dec. 2, 1993, 107 Stat. 1973; Pub. L. 106–302, Oct. 13, 2000, 114 Stat. 1062; Pub. L. 107–107, div. B, title XXVIII, § 2863(a)–(e), Dec. 28, 2001, 115 Stat. 1330–1332.

American Armored Force Memorial.—Pub. L. 99–620, Nov. 6, 1986, 100 Stat. 3493.

Benjamin Banneker Memorial.—Pub. L. 105–355, title V, § 512, Nov. 6, 1998, 112 Stat. 3266.

Black Revolutionary War Patriots Memorial.—Pub. L. 99–500, § 101(h) [title I, § 118], Oct. 18, 1986, 100 Stat. 1783–242, 1783–266, and Pub. L. 99–591, § 101(h) [title I, § 118], Oct. 30, 1986, 100 Stat. 3341–242, 3341–266; Pub. L. 99–558, Oct. 27, 1986, 100 Stat. 3144; Pub. L. 99–590, title VIII, §§ 801, 802, Oct. 30, 1986, 100 Stat. 3339; Pub. L. 100–265, Mar. 25, 1988, 102 Stat. 39; Pub. L. 103–321, § 1(a)(1), Aug. 26, 1994, 108 Stat. 1793; Pub. L. 104–333, div. I, title V, § 506, Nov. 12, 1996, 110 Stat. 4155; Pub. L. 105–345, § 1, Nov. 2, 1998, 112 Stat. 3205; Pub. L. 106–442, Nov. 6, 2000, 114 Stat. 1926.

Brigadier General Francis Marion Commemorative Work.—Pub. L. 110–229, title III, § 331, May 8, 2008, 122 Stat. 781.

Disabled Veterans' LIFE Memorial.—Pub. L. 106–348, Oct. 24, 2000, 114 Stat. 1358; Pub. L. 109–396, title II, § 201, Dec. 15, 2006, 120 Stat. 2713; Pub. L. 110–106, § 1, Oct. 25, 2007, 121 Stat. 1022.

Dwight D. Eisenhower Memorial.—Pub. L. 106–79, title VIII, § 8162, Oct. 25, 1999, 113 Stat. 1274; Pub. L. 107–117, div. A, title VIII, § 8120(a), (b), Jan. 10, 2002, 115 Stat. 2273, 2274; Pub. L. 109–220, May 5, 2006, 120 Stat. 335; Pub. L. 110–229, title III, § 332, May 8, 2008, 122 Stat. 782; Pub. L. 112–74, div. E, title III, Dec. 23, 2011, 125 Stat. 1036.

Francis Scott Key Memorial.—Pub. L. 99–531, Oct. 27, 1986, 100 Stat. 3022.

Frederick Douglass Memorial and Gardens.—Pub. L. 106–479, Nov. 9, 2000, 114 Stat. 2184.

George Mason Memorial.—Pub. L. 101–358, Aug. 10, 1990, 104 Stat. 419; Pub. L. 102–277, Apr. 28, 1992, 106 Stat. 127; Pub. L. 105–182, § 1, June 19, 1998, 112 Stat. 516.

Japanese American Patriotism in World War II Memorial.—Pub. L. 102–502, Oct. 24, 1992, 106 Stat. 3273; Pub. L. 104–333, div. I, title V, § 514, Nov. 12, 1996, 110 Stat. 4165.

Korean War Veterans Memorial.—Pub. L. 99–572, Oct. 28, 1986, 100 Stat. 3226; Pub. L. 100–202, § 101(f) [title II, §§ 1, 2], Dec. 22, 1987, 101 Stat. 1329–195, 1329–196; Pub. L. 100–230, §§ 1, 2, Jan. 5, 1988, 101 Stat. 1563; Pub. L. 100–267, Mar. 28, 1988, 102 Stat. 41; Pub. L. 105–262, title VIII, § 8122, Oct. 17, 1998, 112 Stat. 2332.

Lincoln Memorial, “I Have a Dream Speech” Commemorative Plaque.—Pub. L. 106–365, Oct. 27, 2000, 114 Stat. 1409; Pub. L. 108–352, § 4, Oct. 21, 2004, 118 Stat. 1395.

Mahatma Gandhi Memorial.—Pub. L. 105–284, § 1, Oct. 26, 1998, 112 Stat. 2701.

Martin Luther King, Jr., Memorial.—Pub. L. 104–333, div. I, title V, § 508, Nov. 12, 1996, 110 Stat. 4157; Pub. L. 105–201, § 1, July 16, 1998, 112 Stat. 675; Pub. L. 106–176, title I, § 108, Mar. 10, 2000, 114 Stat. 26; Pub. L. 108–125, § 1, Nov. 11, 2003, 117 Stat. 1347; Pub. L. 109–54, title I, § 134(c), Aug. 2,

2005, 119 Stat. 527; Pub. L. 110–453, title III, § 301, Dec. 2, 2008, 122 Stat. 5034; Pub. L. 111–88, div. A, title I, § 129, Oct. 30, 2009, 123 Stat. 2933.

National Peace Garden.—Pub. L. 100–63, June 30, 1987, 101 Stat. 379; Pub. L. 103–321, § 1(a)(3), (b), Aug. 26, 1994, 108 Stat. 1793; Pub. L. 105–202, July 16, 1998, 112 Stat. 676.

Thomas Paine Memorial.—Pub. L. 102–407, Oct. 13, 1992, 106 Stat. 1991; Pub. L. 102–459, Oct. 23, 1992, 106 Stat. 2268; Pub. L. 103–422, Oct. 25, 1994, 108 Stat. 4356; Pub. L. 106–113, div. B, § 1000(a)(3) [title I, § 142], Nov. 29, 1999, 113 Stat. 1535, 1501A–171.

Tomas G. Masaryk Memorial.—Pub. L. 107–61, Nov. 5, 2001, 115 Stat. 410.

Ukrainian Famine-Genocide Victims Memorial.—Pub. L. 109–340, Oct. 13, 2006, 120 Stat. 1864.

Victims of Communism Memorial.—Pub. L. 103–199, title IX, § 905, Dec. 17, 1993, 107 Stat. 2331; Pub. L. 105–277, div. A, § 101(e) [title III, § 326], Oct. 21, 1998, 112 Stat. 2681–231, 2681–291.

Vietnam Women’s Memorial.—Pub. L. 100–660, Nov. 15, 1988, 102 Stat. 3922; Pub. L. 101–187, Nov. 28, 1989, 103 Stat. 1350.

Women in Military Service for America Memorial.—Pub. L. 99–500, § 101(h) [title I, § 117], Oct. 18, 1986, 100 Stat. 1783–242, 1783–266, and Pub. L. 99–591, § 101(h) [title I, § 117], Oct. 30, 1986, 100 Stat. 3341–242, 3341–266; Pub. L. 99–590, title IX, §§ 901, 902, Oct. 30, 1986, 100 Stat. 3339; Pub. L. 99–610, Nov. 6, 1986, 100 Stat. 3477; Pub. L. 103–321, § 1(a)(2), Aug. 26, 1994, 108 Stat. 1793; Pub. L. 103–337, div. B, title XXVIII, § 2855, Oct. 5, 1994, 108 Stat. 3073.

World War II Memorial.—Pub. L. 103–32, May 25, 1993, 107 Stat. 90; Pub. L. 103–422, Oct. 25, 1994, 108 Stat. 4356; Pub. L. 106–58, title VI, § 652, Sept. 29, 1999, 113 Stat. 480; Pub. L. 106–117, title VI, § 601(b), Nov. 30, 1999, 113 Stat. 1578; Pub. L. 107–11, May 28, 2001, 115 Stat. 19.

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#### § 8904. National Capital Memorial Advisory Commission

(a) **Establishment and Composition.**— There is established the National Capital Memorial Advisory Commission, which shall be composed of—

- (1) the Director of the National Park Service;
- (2) the Architect of the Capitol;
- (3) the Chairman of the American Battle Monuments Commission;
- (4) the Chairman of the Commission of Fine Arts;
- (5) the Chairman of the National Capital Planning Commission;
- (6) the Mayor of the District of Columbia;
- (7) the Commissioner of the Public Buildings Service of the General Services Administration; and
- (8) the Secretary of Defense.

(b) **Chairman.**— The Director is the Chairman of the National Capital Memorial Advisory Commission.

(c) **Advisory Role.**— The National Capital Memorial Advisory Commission shall advise the Secretary of the Interior and the Administrator of General Services (as appropriate) on policy and procedures for establishment of, and proposals to establish, commemorative works in the District of Columbia and its environs and on other matters concerning commemorative works in the Nation’s Capital as the Commission considers appropriate.

(d) **Meetings.**— The National Capital Memorial Advisory Commission shall meet at least twice annually.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1229; Pub. L. 108–126, title II, § 203(d), Nov. 17, 2003, 117 Stat. 1351; Pub. L. 111–11, title VII, § 7116(e)(2), Mar. 30, 2009, 123 Stat. 1203.)

*NB: This unofficial compilation of the U.S. Code is current as of Jan. 4, 2012 (see <http://www.law.cornell.edu/uscode/uscprint.html>).*

### Historical and Revision Notes

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
8904(a), (b)	40:1004(a).	Pub. L. 99-652, § 4, Nov. 14, 1986, 100 Stat. 3651.
8904(c)	40:1004(b) (1st sentence).	
8904(d)	40:1004(b) (last sentence).	

#### Amendments

2009—Subsec. (b). Pub. L. 111-11 inserted “Advisory” before “Commission”.

2003—Pub. L. 108-126, § 203(d)(1), inserted “Advisory” before “Commission” in section catchline.

Subsec. (a). Pub. L. 108-126, § 203(d)(2), substituted “There is established the National Capital Memorial Advisory Commission, which shall be composed of” for “There is a National Capital Memorial Commission. The membership of the Commission consists of” in introductory provisions.

Subsec. (c). Pub. L. 108-126, § 203(d)(3), inserted “Advisory” before “Commission shall” and substituted “Services (as appropriate)” for “Services”.

Subsec. (d). Pub. L. 108-126, § 203(d)(4), inserted “Advisory” before “Commission”.

#### Effective Date of 2003 Amendment

Amendments by Pub. L. 108-126 not applicable to a commemorative work for which a site was approved in accordance with this chapter prior to Nov. 17, 2003, see section 205 of Pub. L. 108-126, set out as a note under section 8901 of this title.

#### Termination of Advisory Commissions

Advisory commissions established after Jan. 5, 1973, to terminate not later than the expiration of the 2-year period beginning on the date of their establishment, unless, in the case of a commission established by the President or an officer of the Federal Government, such commission is renewed by appropriate action prior to the expiration of such 2-year period, or in the case of a commission established by the Congress, its duration is otherwise provided for by law. See sections 3(2) and 14 of Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, 776, set out in the Appendix to Title 5, Government Organization and Employees.

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### § 8905. Site and design approval

**(a) Consultation on, and Submission of, Proposals.**— A sponsor authorized by law to establish a commemorative work in the District of Columbia and its environs may request a permit for construction of the commemorative work only after the following requirements are met:

**(1) Consultation.**— The sponsor must consult with the National Capital Memorial Advisory Commission regarding the selection of alternative sites and design concepts for the commemorative work.

**(2) Submittal.**— Following consultation in accordance with clause (1), the Secretary of the Interior or the Administrator of General Services, as appropriate, must submit, on behalf of the sponsor, site and design proposals to the Commission of Fine Arts and the National Capital Planning Commission for their approval.

**(b) Decision Criteria.**— In considering site and design proposals, the Commission of Fine Arts, National Capital Planning Commission, and the Secretary or Administrator (as appropriate) shall be guided by, but not limited by, the following criteria:

**(1) Surroundings.**— To the maximum extent possible, a commemorative work shall be located in surroundings that are relevant to the subject of the work.

**(2) Location.**— A commemorative work shall be located so that—

**(A)** it does not interfere with, or encroach on, an existing commemorative work; and

**(B)** to the maximum extent practicable, it protects open space, existing public use, and cultural and natural resources.

*NB: This unofficial compilation of the U.S. Code is current as of Jan. 4, 2012 (see <http://www.law.cornell.edu/uscode/uscprint.html>).*

- (3) Material.**— A commemorative work shall be constructed of durable material suitable to the outdoor environment.
- (4) Landscape features.**— Landscape features of commemorative works shall be compatible with the climate.
- (5) Museums.**— No commemorative work primarily designed as a museum may be located on lands under the jurisdiction of the Secretary in Area I or in East Potomac Park as depicted on the map referenced in section 8902 (2).<sup>1</sup>
- (6) Site-specific guidelines.**— The National Capital Planning Commission and the Commission of Fine Arts may develop such criteria or guidelines specific to each site that are mutually agreed upon to ensure that the design of the commemorative work carries out the purposes of this chapter.
- (7) Donor contributions.**— Donor contributions to commemorative works shall not be acknowledged in any manner as part of the commemorative work or its site.

**Footnotes**

<sup>1</sup> So in original. Probably should be section “8902(a)(2).”

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1229; Pub. L. 108–126, title II, §§ 203(e), 204, Nov. 17, 2003, 117 Stat. 1351, 1352.)

**Historical and Revision Notes**

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
8905(a)	40:1007(a).	Pub. L. 99–652, § 7, Nov. 14, 1986, 100 Stat. 3652; Pub. L. 103–321, § 2(d), Aug. 26, 1994, 108 Stat. 1794.
8905(b)	40:1007(b).	

**Amendments**

- 2003—Subsec. (a). Pub. L. 108–126, § 203(e)(1)(A), substituted “sponsor” for “person” wherever appearing.
- Subsec. (a)(1). Pub. L. 108–126, § 203(e)(1)(B), inserted “Advisory” before “Commission” and substituted “design concepts” for “designs”.
- Subsec. (b). Pub. L. 108–126, § 203(e)(2)(A), substituted “and the Secretary or Administrator (as appropriate)” for “Secretary, and Administrator” in introductory provisions.
- Subsec. (b)(2)(B). Pub. L. 108–126, § 203(e)(2)(B), substituted “open space, existing public use, and cultural and natural resources.” for “open space and existing public use.”
- Subsec. (b)(5) to (7). Pub. L. 108–126, § 204, added pars. (5) to (7).

**Effective Date of 2003 Amendment**

Amendments by Pub. L. 108–126 not applicable to a commemorative work for which a site was approved in accordance with this chapter prior to Nov. 17, 2003, see section 205 of Pub. L. 108–126, set out as a note under section 8901 of this title.

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**§ 8906. Criteria for issuance of construction permit**

- (a) Criteria for Issuing Permit.**— Before issuing a permit for the construction of a commemorative work in the District of Columbia and its environs, the Secretary of the Interior or Administrator of General Services, as appropriate, shall determine that—
  - (1)** the site and design have been approved by the Secretary or Administrator, the National Capital Planning Commission and the Commission of Fine Arts;

*NB: This unofficial compilation of the U.S. Code is current as of Jan. 4, 2012 (see <http://www.law.cornell.edu/uscode/uscript.html>).*

- (2) knowledgeable individuals qualified in the field of preservation and maintenance have been consulted to determine structural soundness and durability of the commemorative work and to ensure that the commemorative work meets high professional standards;
  - (3) the sponsor authorized to construct the commemorative work has submitted contract documents for construction of the commemorative work to the Secretary or Administrator; and
  - (4) the sponsor authorized to construct the commemorative work has available sufficient amounts to complete construction of the project.
- (b) Donation for Perpetual Maintenance and Preservation.—**
- (1) In addition to the criteria described above in subsection (a), no construction permit shall be issued unless the sponsor authorized to construct the commemorative work has donated an amount equal to 10 percent of the total estimated cost of construction to offset the costs of perpetual maintenance and preservation of the commemorative work. All such amounts shall be available for those purposes pursuant to the provisions of this subsection. The provisions of this subsection shall not apply in instances when the commemorative work is constructed by a Department or agency of the Federal Government and less than 50 percent of the funding for such work is provided by private sources.
  - (2) Notwithstanding any other provision of law, money on deposit in the Treasury on the date of enactment of the Commemorative Works Clarification and Revision Act of 2003 provided by a sponsor for maintenance pursuant to this subsection shall be credited to a separate account in the Treasury.
  - (3) Money provided by a sponsor pursuant to the provisions of this subsection after the date of enactment of the Commemorative Works Clarification and Revision Act of 2003 shall be credited to a separate account with the National Park Foundation.
  - (4) Upon request of the Secretary or Administrator (as appropriate), the Secretary of the Treasury or the National Park Foundation shall make all or a portion of such moneys available to the Secretary or the Administrator (as appropriate) for the maintenance of a commemorative work. Under no circumstances may the Secretary or Administrator request funds from a separate account exceeding the total money in the account established under paragraph (2) or (3). The Secretary and the Administrator shall maintain an inventory of funds available for such purposes. Funds provided under this paragraph shall be available without further appropriation and shall remain available until expended.
- (c) Suspension for Misrepresentation in Fundraising.—** The Secretary of the Interior or Administrator may suspend any activity under this chapter that relates to the establishment of a commemorative work if the Secretary or Administrator determines that fundraising efforts relating to the work have misrepresented an affiliation with the work or the Federal Government.
- (d) Annual Report.—** The person authorized to construct a commemorative work under this chapter must submit to the Secretary of the Interior or Administrator an annual report of operations, including financial statements audited by an independent certified public accountant. The person shall pay for the report.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1230; Pub. L. 108–126, title II, § 203(f), Nov. 17, 2003, 117 Stat. 1351.)

### Historical and Revision Notes

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
8906(a)	40:1008(a).	Pub. L. 99–652, § 8, Nov. 14, 1986, 100 Stat. 3652; Pub. L. 103–321, § 2(e), Aug. 26, 1994, 108 Stat. 1794.
8906(b)(1)	40:1008(b) (words before proviso), cl. (1).	

*TITLE 40 - Section 8907 - Temporary site designation*

*NB: This unofficial compilation of the U.S. Code is current as of Jan. 4, 2012 (see <http://www.law.cornell.edu/uscode/uscprint.html>).*

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
8906(b)(2), (3)	40:1008(b)(2).	
8906(b)(4)	40:1008(b) (proviso).	
8906(c)	40:1008(c)(1).	
8906(d)	40:1008(c)(2).	

In subsection (b)(1), the words “Notwithstanding any other provision of law” are omitted as unnecessary.

In subsection (b)(2), the words “Congress authorizes and directs that” are omitted as unnecessary.

### References in Text

The date of enactment of the Commemorative Works Clarification and Revision Act of 2003, referred to in subsec. (b)(2), (3), is the date of enactment of Pub. L. 108–126, which was approved on Nov. 17, 2003.

### Amendments

2003—Subsec. (a)(3), (4). Pub. L. 108–126, § 203(f)(1), substituted “sponsor” for “person”.

Subsec. (b). Pub. L. 108–126, § 203(f)(2), added subsec. (b) and struck out heading and text of former subsec. (b). Text read as follows:

“(1) Amount.—In addition to the criteria described in subsection (a), a construction permit may not be issued unless the person authorized to construct the commemorative work has donated an amount equal to 10 percent of the total estimated cost of construction to offset the costs of perpetual maintenance and preservation of the commemorative work. The amounts shall be credited to a separate account in the Treasury.

“(2) Availability.—The Secretary of the Treasury shall make any part of the donated amount available to the Secretary of the Interior or Administrator for maintenance at the request of the Secretary of the Interior or Administrator. The Secretary of the Interior or Administrator shall not request more from the separate account than the total amount deposited by persons establishing commemorative works in areas the Secretary of the Interior or Administrator administers.

“(3) Inventory of available amounts.—The Secretary of the Interior and Administrator shall maintain an inventory of amounts available under this subsection. The amounts are not subject to annual appropriations.

“(4) Nonapplicability.—This subsection does not apply when a department or agency of the Federal Government constructs the work and less than 50 percent of the funding for the work is provided by private sources.”

### Effective Date of 2003 Amendment

Amendments by Pub. L. 108–126 not applicable to a commemorative work for which a site was approved in accordance with this chapter prior to Nov. 17, 2003, see section 205 of Pub. L. 108–126, set out as a note under section 8901 of this title.

## § 8907. Temporary site designation

**(a) Criterion for Designation.**— If the Secretary of the Interior, in consultation with the National Capital Memorial Commission, determines that a site where commemorative works may be displayed on a temporary basis is necessary to aid in the preservation of the limited amount of open space available to residents of, and visitors to, the Nation’s Capital, a site may be designated on land the Secretary administers in the District of Columbia.

**(b) Plan.**— A designation may be made under subsection (a) only if, at least 120 days before the designation, the Secretary, in consultation with the Commission, prepares and submits to Congress a plan for the site. The plan shall include specifications for the location, construction, and administration of the site and criteria for displaying commemorative works at the site.

**(c) Risk and Agreement To Indemnify.**— A commemorative work displayed at the site shall be installed, maintained, and removed at the sole expense and risk of the person authorized to display the work. The person shall agree to indemnify the United States for any liability arising from the display of the commemorative work under this section.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1231.)

**Historical and Revision Notes**

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
8907(a)	40:1009(a) (1st sentence).	Pub. L. 99–652, § 9, Nov. 14, 1986, 100 Stat. 3653; Pub. L. 103–321, § 2(f), Aug. 26, 1994, 108 Stat. 1795.
8907(b)	40:1009(a) (2d, last sentences).	
8907(c)	40:1009(b).	

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**§ 8908. Areas I and II**

(a) **Availability of Map.**— The Secretary of the Interior or the Administrator of General Services (as appropriate) shall make available, for public inspection at appropriate offices of the National Park Service and the General Services Administration, the map entitled “Commemorative Areas Washington, DC and Environs”, numbered 869/86501 B, and dated June 24, 2003.

(b) **Specific Conditions Applicable to Area I and Area II.**—

(1) **Area i.**— After seeking the advice of the National Capital Memorial Advisory Commission, the Secretary or Administrator, as appropriate, may recommend the location of a commemorative work in Area I only if the Secretary or Administrator decides that the subject of the commemorative work is of preeminent historical and lasting significance to the United States. The Secretary or Administrator shall notify the Commission, the Committee on Natural Resources of the House of Representatives, and the Committee on Energy and Natural Resources of the Senate of the recommendation that a commemorative work should be located in Area I. The location of a commemorative work in Area I is deemed to be authorized only if the recommendation is approved by law not later than 150 calendar days after the notification.

(2) **Area ii.**— Commemorative works of subjects of lasting historical significance to the American people may be located in Area II.

(c) **Reserve.**— After the date of enactment of the Commemorative Works Clarification and Revision Act of 2003, no commemorative work or visitor center shall be located within the Reserve.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1231; Pub. L. 108–126, title II, §§ 202(b), 203 (g), Nov. 17, 2003, 117 Stat. 1349, 1352; Pub. L. 111–11, title VII, § 7116(e)(3), Mar. 30, 2009, 123 Stat. 1203.)

**Historical and Revision Notes**

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
8908(a)	40:1005.	Pub. L. 99–652, § 5, Nov. 14, 1986, 100 Stat. 3651.
8908(b)	40:1006.	Pub. L. 99–652, § 6, Nov. 14, 1986, 100 Stat. 3651; Pub. L. 103–321, § 2(c), Aug. 26, 1994, 108 Stat. 1794.

In subsection (b)(1), the words “the Committee on House Administration of the House of Representatives, and the Committee on Energy and Natural Resources of the Senate” are substituted for “the committees of Congress specified in section 1003 (b) [sic] of this title” for clarity. The reference to section 1003 (b) should be to section 1003 (d).

**References in Text**

The date of enactment of the Commemorative Works Clarification and Revision Act of 2003, referred to in subsec. (c), is the date of enactment of Pub. L. 108–126, which was approved Nov. 17, 2003.

*NB: This unofficial compilation of the U.S. Code is current as of Jan. 4, 2012 (see <http://www.law.cornell.edu/uscode/uscpri.html>).*

**Amendments**

2009—Subsec. (b)(1). Pub. L. 111–11 inserted “Advisory” before “Commission” in first sentence and substituted “Natural Resources of the House” for “House Administration of the House” in second sentence.

2003—Subsec. (a). Pub. L. 108–126, § 203(g)(2), which directed substitution of “entitled ‘Commemorative Areas Washington, DC and Environs’, numbered 869/86501 B, and dated June 24, 2003” for “numbered 869/86581, and dated May 1, 1986”, was executed by making the substitution for “numbered 869/86501, and dated May 1, 1986” to reflect the probable intent of Congress.

Pub. L. 108–126, § 203(g)(1), substituted “Secretary of the Interior or the Administrator of General Services (as appropriate)” for “Secretary of the Interior and Administrator of General Services”.

Subsec. (c). Pub. L. 108–126, § 202(b), added subsec. (c).

**Effective Date of 2003 Amendment**

Amendments by Pub. L. 108–126, except for the provision in the amendment made by section 202 (b) prohibiting a visitor center from being located in the Reserve (as defined in section 8902 of this title), are not applicable to a commemorative work for which a site was approved in accordance with this chapter prior to Nov. 17, 2003, see section 205 of Pub. L. 108–126, set out as a note under section 8901 of this title.

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**§ 8909. Administrative**

**(a) Maintenance of Documentation of Design and Construction.**— Complete documentation of design and construction of each commemorative work located in the District of Columbia and its environs shall be provided to the Secretary of the Interior or Administrator of General Services, as appropriate, and shall be permanently maintained in the manner provided by law.

**(b) Responsibility for Maintenance of Completed Work.**— On completion of any commemorative work in the District of Columbia and its environs, the Secretary or Administrator, as appropriate, shall assume responsibility for maintaining the work.

**(c) Regulations or Standards.**— The Secretary and Administrator shall prescribe appropriate regulations or standards to carry out this chapter.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1231.)

**Historical and Revision Notes**

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
8909(a)	40:1010(a).	Pub. L. 99–652, § 10(a), (c), Nov. 14, 1986, 100 Stat. 3654.
8909(b)	40:1010(c).	
8909(c)	40:1010(d).	Pub. L. 99–652, § 10(d), Nov. 14, 1986, 100 Stat. 3654; Pub. L. 103–321, § 2(g), Aug. 26, 1994, 108 Stat. 1795.

**CHAPTER 91—COMMISSION OF FINE ARTS**

Sec.

- 9101. Establishment, composition, and vacancies.
- 9102. Duties.
- 9103. Personnel.
- 9104. Authorization of appropriations.

.....

**§ 9101. Establishment, composition, and vacancies**

- (a) **Establishment.**— There is a Commission of Fine Arts.
- (b) **Composition.**— The Commission is composed of seven well-qualified judges of the fine arts, appointed by the President, who serve for four years each or until their successors are appointed and qualified.
- (c) **Vacancies.**— The President shall fill vacancies on the Commission.
- (d) **Expenses.**— Members of the Commission shall be paid actual expenses in traveling to and from the District of Columbia to attend Commission meetings and while attending those meetings.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1232.)

**Historical and Revision Notes**

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
9101(a), (b)	40:104 (1st sentence).	May 17, 1910, ch. 243, § 1 (1st, 2d sentences, last sentence words after comma), 36 Stat. 371.
9101(c)	40:104 (2d sentence).	
9101(d)	40:104 (last sentence words after comma).	

In subsection (a), the word “permanent” is omitted as obsolete.

In subsection (d), the words “the District of Columbia” are substituted for “Washington” for consistency in the revised title and with other titles of the United States Code.

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**§ 9102. Duties**

- (a) **In General.**— The Commission of Fine Arts shall advise on—
  - (1) the location of statues, fountains, and monuments in the public squares, streets, and parks in the District of Columbia;
  - (2) the selection of models for statues, fountains, and monuments erected 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.
- (b) **Duty To Request Advice.**— The officers required to decide the questions described in subsection (a)(1)–(3) shall request the Commission to provide the advice.
- (c) **Nonapplication.**— This section does not apply to the Capitol Building and the Library of Congress buildings.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1232.)

*NB: This unofficial compilation of the U.S. Code is current as of Jan. 4, 2012 (see <http://www.law.cornell.edu/uscode/uscpri.html>).*

**Historical and Revision Notes**

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
9102(a)	40:104 (3d, 6th sentences).	May 17, 1910, ch. 243, § 1 (3d–6th sentences), 36 Stat. 371.
9102(b)	40:104 (4th sentence).	
9102(c)	40:104 (5th sentence).	

In subsection (b), the words “in each case” are omitted as unnecessary. The words “request the Commission to provide” are substituted for “call for” for clarity.

In subsection (c), the words “buildings of the Library of Congress” are substituted for “building of the Library of Congress” for clarity because the Library of Congress comprises more than one building.

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**§ 9103. Personnel**

The Commission of Fine Arts has a secretary and other assistance the Commission authorizes. The secretary is the executive officer of the Commission.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1232.)

**Historical and Revision Notes**

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
9103	40:104 (last sentence words before comma).	May 17, 1910, ch. 243, § 1 (last sentence words before comma), 36 Stat. 371.
	40:105.	June 25, 1910, ch. 384 1 [sic] (8th complete par. on p. 728 (less appropriations)), 36 Stat. 728.

The text of 40:105 (related to officer in charge of public buildings and grounds) is omitted as obsolete.

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**§ 9104. Authorization of appropriations**

Necessary amounts may be appropriated to carry out this chapter.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1232.)

**Historical and Revision Notes**

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
9104	40:106.	May 17, 1910, ch. 243, § 2, 36 Stat. 371; May 25, 1955, ch. 76, 69 Stat. 66; May 13, 1960, Pub. L. 86–461, 74 Stat. 128.

*NB: This unofficial compilation of the U.S. Code is current as of Jan. 4, 2012 (see <http://www.law.cornell.edu/uscode/uscodeprint.html>).*

**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.

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**§ 9301. Maintenance and administration**

The Director of the National Park Service shall maintain and administer Theodore Roosevelt Island as a natural park for the recreation and enjoyment of the public.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1233.)

**Historical and Revision Notes**

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
9301	40:124 (words before proviso).	May 21, 1932, ch. 200, § 1 (words before proviso), 47 Stat. 163; Feb. 11, 1933, ch. 48, § 1, 47 Stat. 799.

In this chapter, the words “Director of the National Park Service” are substituted for “Director of Public Buildings and Public Parks of the National Capital” and “director” because of section 2 of Executive Order No. 6166 (eff. June 10, 1933) and the Act of June 10, 1934 (ch. 38, 48 Stat. 389).

In this section, the text of section 1 (words before 1st semicolon) of the Act of May 21, 1932 (ch. 200, 47 Stat. 163) is omitted as executed.

**Designation of Theodore Roosevelt Island**

Act Feb. 11, 1933, ch. 48, § 2, 47 Stat. 799, provided that: “In all public documents, records, and maps of the United States in which Roosevelt Island is designated or referred to it shall be designated as ‘Theodore Roosevelt Island’.”

.....

**§ 9302. Consent of Theodore Roosevelt Association required for development**

(a) **General Plan for Development.**— The Theodore Roosevelt Association must approve every general plan for the development of Theodore Roosevelt Island.

(b) **Development Inconsistent With Plan.**— As long as the Association remains in existence, development inconsistent with the general plan may not be carried out without the Association’s consent.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1233; Pub. L. 109–284, § 6(30), Sept. 27, 2006, 120 Stat. 1213.)

**Historical and Revision Notes**

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
9302	40:124 (proviso).	May 21, 1932, ch. 200, § 1 (proviso), 47 Stat. 163.

The words “Theodore Roosevelt Association” are substituted for “Roosevelt Memorial Association” because of section 2 of the Act of May 21, 1953 (ch. 63, 36:210101 note).

**Amendments**

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

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**§ 9303. Access to Theodore Roosevelt Island**

Subject to the approval of the National Capital Planning Commission and the availability of appropriations, the Director of the National Park Service may provide suitable means of access to and on Theodore Roosevelt Island.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1233.)

**Historical and Revision Notes**

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
9303	40:125 (words before semicolon).	May 21, 1932, ch. 200, § 2 (words before semicolon), 47 Stat. 164; Feb. 11, 1933, ch. 48, § 1, 47 Stat. 799.

The words “National Capital Planning Commission” are substituted for “National Capital Park and Planning Commission” because of section 9 of the Act of June 6, 1924 (ch. 270), as added by section 1 of the Act of July 19, 1952 (ch. 949, 66 Stat. 790). See section 8711(f) of the revised title. The words “from time to time” are omitted as unnecessary.

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**§ 9304. Source of appropriations**

The appropriations needed for construction of suitable means of access to and on Theodore Roosevelt Island and annually for the care, maintenance, and improvement of the land and improvements may be made from amounts not otherwise appropriated from the Treasury.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1233.)

**Historical and Revision Notes**

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
9304	40:125 (words after semicolon).	May 21, 1932, ch. 200, § 2 (words after semicolon), 47 Stat. 164.

**CHAPTER 95—WASHINGTON AQUEDUCT AND OTHER 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.

.....

**§ 9501. Chief of Engineers**

**(a) Superintendence Duties.—**

**(1) Washington aqueduct and other public works and improvements in the district of columbia.—** The Chief of Engineers has the immediate superintendence of—

**(A)** the Washington Aqueduct, together with all rights, appurtenances, and fixtures connected with the Aqueduct and belonging to the Federal Government; and

**(B)** all other public works and improvements in the District of Columbia in which the Government has an interest and which are not otherwise specially provided for by law.

**(2) Obeying regulations.—** In carrying out paragraph (1), the Chief of Engineers shall obey regulations the President prescribes, through the Secretary of the Army.

**(b) No Increase in Compensation.—** The Chief of Engineers shall not receive additional compensation for the services required under this chapter.

**(c) Office.—** The Chief of Engineers shall be furnished an office in one of the public buildings in the District of Columbia, as the Administrator of General Services directs, and shall be supplied by the Federal Government with stationery, instruments, books, and furniture which may be required for the performance of the duties of the Chief of Engineers.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1233.)

**Historical and Revision Notes**

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
9501(a)(1)	40:45.	R.S. § 1800.
9501(a)(2)	40:48.	R.S. § 1801.
9501(b)	40:46.	R.S. § 1807.
9501(c)	40:47.	R.S. § 1808.

In subsection (a)(2), the words “pursuant to law” are omitted as unnecessary. The words “Secretary of the Army” are substituted for “Department of War” [subsequently changed to “Department of the Army” because of section 205(a) of the National Security Act of 1947 (ch. 343, 61 Stat. 501)] because of 10:3013(a)(1).

In subsection (b), the word “additional” is substituted for “other than his regular pay as an officer of the Corps of Engineers” to eliminate unnecessary words. The words “of him” are omitted as unnecessary. The words “this chapter” are substituted for “title 21 of the Revised Statutes” because the only provisions of title 21 related to the Chief of Engineers that have not been repealed are contained in the revised chapter.

In subsection (c), the words “an office” are substituted for “official apartments” for clarity. The words “District of Columbia” are substituted for “city of Washington” for consistency in the revised title and with other titles of the United States Code. The words “Administrator of General Services” are substituted for

*NB: This unofficial compilation of the U.S. Code is current as of Jan. 4, 2012 (see <http://www.law.cornell.edu/uscode/uscprint.html>).*

“President” [subsequently changed to “Public Buildings Commission” because of section 10 of the Act of March 1, 1919 (ch. 86, 40 Stat. 1269), “National Park Service” because of section 2 of Executive Order No. 6166 (eff. June 10, 1933) and the Act of March 2, 1934 (ch. 38, 48 Stat. 389), and “Public Buildings Administrator in the Federal Works Agency” because of sections 301 and 303 of Reorganization Plan No. I of 1939 (eff. July 1, 1939, 53 Stat. 1426, 1427)] because of section 103(a) of the Federal Property and Administrative Services Act of 1949 (ch. 288, 63 Stat. 380), which is restated as section 303 (c) [303(b)] of the revised title.

.....

**§ 9502. Authority of Chief of Engineers**

(a) **In General.**— The Chief of Engineers and necessary assistants may use all lawful means to carry out their duties.

(b) **Supply of Water in District of Columbia.**—

(1) **Providing water.**— The Chief of Engineers has complete control over the Washington Aqueduct to regulate the manner in which the authorities of the District of Columbia may tap the supply of water to the inhabitants of the District of Columbia.

(2) **Stoppage of water flow.**— The Chief of Engineers shall stop the authorities of the District of Columbia from tapping the supply of water when the supply is no more than adequate to the wants of the public buildings and grounds.

(3) **Appeal of decision.**— The decision of the Chief of Engineers on all questions concerning the supply of water under this subsection may be appealed only to the Secretary of the Army.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1234.)

**Historical and Revision Notes**

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
9502(a), (b)(1), (2)	40:51.	R.S. § 1810.
9502(b)(3)	40:52.	R.S. § 1811.

In subsection (b)(3), the words “Secretary of the Army” are substituted for “Department of War” [subsequently changed to “Department of the Army” because of section 205(a) of the National Security Act of 1947 (ch. 343, 61 Stat. 501)] because of 10:3013(a)(1).

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**§ 9503. Record of property**

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

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1234.)

**Historical and Revision Notes**

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
9503	40:49.	R.S. § 1809.

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**§ 9504. Reports**

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

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1234.)

**Historical and Revision Notes**

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
9504	40:50.	R.S. § 1812; Pub. L. 96–470, title II, § 202(a), Oct. 19, 1980, 94 Stat. 2242.

The provisions of section 1812 of the Revised Statutes [sic] which authorized the Chief of Engineers, as Superintendent of Public Buildings and Grounds, to report to the Secretary of War concerning the Chief of Engineers’ operations for the preceding year, including an account of the manner in which all appropriations for public buildings and grounds had been applied, are omitted because the Office of Public Buildings and Grounds under the Chief of Engineers was abolished and the functions of the Chief of Engineers and the Secretary of War with respect to the Superintendent of Public Buildings and Grounds were transferred to the Director of Public Buildings and Public Parks of the National Capital by section 3 of the Act of February 26, 1925 (ch. 339, 43 Stat. 983). Those functions subsequently were transferred to the National Park Service by section 2 of Executive Order No. 6166 (eff. June 10, 1933) and the Act of March 2, 1934 (ch. 38, 48 Stat. 389), the Public Buildings Administrator in the Federal Works Agency by sections 301 and 303 of Reorganization Plan No. I of 1939 (eff. July 1, 1939, 53 Stat. 1426, 1427), and the Administrator of General Services by section 103(a) of the Federal Property and Administrative Services Act of 1949 (ch. 288, 63 Stat. 380), which is restated as section 303 (c) [303(b)] of the revised title. The words “Secretary of the Army” are substituted for “Department of War” [subsequently changed to “Department of the Army” because of section 205(a) of the National Security Act of 1947 (ch. 343, 61 Stat. 501)] because of 10:3013(a)(1).

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**§ 9505. Paying for main pipes**

(a) **Federal Government.**— The Federal Government shall only pay for the number of main pipes of the Washington Aqueduct needed to furnish public buildings, offices, and grounds with the necessary supply of water.

(b) **District of Columbia.**— The District of Columbia shall pay the cost of any main pipe of the Washington Aqueduct which supplies water to the inhabitants of the District of Columbia, in the manner provided by law.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1234.)

**Historical and Revision Notes**

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
9505	40:55.	R.S. § 1805.

In subsection (b), the words “its inhabitants” are substituted for “inhabitants of Washington and Georgetown” in section 1805 of the Revised Statutes because of the Act of February 11, 1895 (ch. 79, 28 Stat. 650).

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**§ 9506. Civil penalty**

A person that, without the consent of the Chief of Engineers, taps or opens the mains or pipes laid by the Federal Government is liable to the Government for a civil penalty of at least \$50 and not more than \$500.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1234.)

**Historical and Revision Notes**

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
9506	40:56.	R.S. § 1803.

The words “in charge of public buildings and works” in section 1803 of the Revised Statutes are omitted because the Office of Public Buildings and Grounds under the Chief of Engineers was abolished and the functions of the Chief of Engineers with respect to public buildings and works were transferred to the Director of Public Buildings and Public Parks of the National Capital by section 3 of the Act of February 26, 1925 (ch. 339, 43 Stat. 983). Those functions subsequently were transferred to the National Park Service by section 2 of Executive Order No. 6166 (eff. June 10, 1933) and the Act of March 2, 1934 (ch. 38, 48 Stat. 389), the Public Buildings Administrator in the Federal Works Agency by sections 301 and 303 of Reorganization Plan No. I of 1939 (eff. July 1, 1939, 53 Stat. 1426, 1427), and the Administrator of General Services by section 103(a) of the Federal Property and Administrative Services Act of 1949 (ch. 288, 63 Stat. 380), which is restated as section 303 (c) [303(b)] of the revised title. The words “or hereafter to be laid” are omitted as unnecessary. The words “is liable to the government for a civil penalty” are substituted for “under a penalty” for consistency in the revised title and with other titles of the United States Code.

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**§ 9507. Control of expenditures**

Unless expressly provided for by law, the Secretary of the Army shall direct the expenditure of amounts appropriated for the Washington Aqueduct and for other public works in the District of Columbia.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1235.)

**Historical and Revision Notes**

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
9507	40:54.	R.S. § 1802.

The words “Secretary of the Army” are substituted for “Department of War” [subsequently changed to “Department of the Army” because of section 205(a) of the National Security Act of 1947 (ch. 343, 61 Stat. 501)] because of 10:3013(a)(1).