

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

### **Subtitle II—Public Buildings and Works**

#### **Part B—United States Capitol**

#### **Chapter 51.—UNITED STATES CAPITOL BUILDINGS AND GROUNDS**

##### **1106 § 5101. Definition.**

In this chapter, the term “Capitol Buildings” means the United States Capitol, the Senate and House Office Buildings and garages, the Capitol Power Plant, all subways and enclosed passages connecting two or more of those structures, and the real property underlying and enclosed by any of those structures.

##### **1107 § 5102. Legal description and jurisdiction of United States Capitol Grounds**

###### **(a) Legal Description**

The United States Capitol Grounds comprises all squares, reservations, streets, roadways, walks, and other areas as defined on a map entitled “Map showing areas comprising United States Capitol Grounds”, dated June 25, 1946, approved by the Architect of the Capitol, and recorded in the Office of the Surveyor of the District of Columbia in book 127, page 8, including all additions added by law after June 25, 1946.

###### **(b) Jurisdiction**

###### **(1) Architect of the Capitol.**

The jurisdiction and control over the Grounds, vested prior to July 31, 1946, by law in the Architect, is extended to the entire area of the Grounds. Except as provided in paragraph (2), the Architect is responsible for the maintenance and improvement of the Grounds, including those streets and roadways in the Grounds as shown on the map referred to in subsection (a) as being under the jurisdiction and control of the Commissioners of the District of Columbia.

###### **(2) Mayor of the District of Columbia.**

###### **(A) In general**

The Mayor of the District of Columbia is responsible for the maintenance and improvement of those portions of the following streets which are situated between the curblines of those streets: Constitution Avenue from Second Street Northeast to Third Street Northwest, First Street from D Street Northeast to D Street Southeast, D Street from First Street Southeast to Washington Avenue Southwest, and First Street from the north side of Louisiana Avenue to the intersection of C Street and Washington Avenue Southwest, Pennsylvania Avenue Northwest from First Street Northwest to

Third Street Northwest, Maryland Avenue Southwest from First Street Southwest to Third Street Southwest, Second Street Northeast from F Street Northeast to C Street Southeast; C Street Southeast from Second Street Southeast to First Street Southeast; that portion of Maryland Avenue Northeast from Second Street Northeast to First Street Northeast; that portion of New Jersey Avenue Northwest from D Street Northwest to Louisiana Avenue; that portion of Second Street Southwest from the north curb of D Street to the south curb of Virginia Avenue Southwest; that portion of Virginia Avenue Southwest from the east curb of Second Street Southwest to the west curb of Third Street Southwest; that portion of Third Street Southwest from the south curb of Virginia Avenue Southwest to the north curb of D Street Southwest; that portion of D Street Southwest from the west curb of Third Street Southwest to the east curb of Second Street Southwest; that portion of Washington Avenue Southwest, including sidewalks and traffic islands, from the south curb of Independence Avenue Southwest to the west curb of South Capitol Street.

**(B) Repair and maintenance of utility services**

The Mayor may enter any part of the Grounds to repair or maintain or, subject to the approval of the Architect, construct or alter, any utility service of the District of Columbia Government.

**§ 5103. Restrictions on public use of United States Capitol 1108  
Grounds**

Public travel in, and occupancy of, the United States Capitol Grounds is restricted to the roads, walks, and places prepared for that purpose.

**§ 5104. Unlawful activities**

1109

**(a) Definitions**

In this section—

(1) Act of physical violence.—The term “act of physical violence” means any act involving—

(A) an assault or other infliction or threat of infliction of death or bodily harm on an individual; or

(B) damage to, or destruction of, real or personal property.

(2) Dangerous weapon.—The term “dangerous weapon” includes—

(A) all articles enumerated in section 14(a) of the Act of July 8, 1932 (ch. 465, 47 Stat. 654); and

(B) a device designed to expel or hurl a projectile capable of causing injury to individuals or property, a dagger, a dirk, a stiletto, and a knife having a blade over three inches in length.

(3) Explosives.—The term “explosives” has the meaning given that term in section 841(d) of title 18.

(4) Firearm.—The term “firearm” has the meaning given that term in section 921(3) of title 18.

**(b) Obstruction of Roads**

A person may not occupy the roads in the United States Capitol Grounds in a manner that obstructs or hinders their proper use, or use the roads in the area of the Grounds, south of Constitution Avenue and B Street and north of Independence Avenue and B Street, to convey

goods or merchandise, except to or from the United States Capitol on Federal Government service.

**(c) Sale of Articles, Display of Signs, and Solicitations**

A person may not carry out any of the following activities in the Grounds:

- (1) offer or expose any article for sale.
- (2) display a sign, placard, or other form of advertisement.
- (3) solicit fares, alms, subscriptions, or contributions.

**(d) Injuries to Property**

A person may not step or climb on, remove, or in any way injure any statue, seat, wall, fountain, or other erection or architectural feature, or any tree, shrub, plant, or turf, in the Grounds.

**(e) Capitol Grounds and Buildings Security**

(1) Firearms, dangerous weapons, explosives, or incendiary devices.—An individual or group of individuals—

(A) except as authorized by regulations prescribed by the Capitol Police Board—

(i) may not carry on or have readily accessible to any individual on the Grounds or in any of the Capitol Buildings a firearm, a dangerous weapon, explosives, or an incendiary device;

(ii) may not discharge a firearm or explosives, use a dangerous weapon, or ignite an incendiary device, on the Grounds or in any of the Capitol Buildings; or

(iii) may not transport on the Grounds or in any of the Capitol Buildings explosives or an incendiary device; or

(B) may not knowingly, with force and violence, enter or remain on the floor of either House of Congress.

(2) Violent entry and disorderly conduct.—An individual or group of individuals may not willfully and knowingly—

(A) enter or remain on the floor of either House of Congress or in any cloakroom or lobby adjacent to that floor, in the Rayburn Room of the House of Representatives, or in the Marble Room of the Senate, unless authorized to do so pursuant to rules adopted, or an authorization given, by that House;

(B) enter or remain in the gallery of either House of Congress in violation of rules governing admission to the gallery adopted by that House or pursuant to an authorization given by that House;

(C) with the intent to disrupt the orderly conduct of official business, enter or remain in a room in any of the Capitol Buildings set aside or designated for the use of either House of Congress or a Member, committee, officer, or employee of Congress or either House of Congress;

(D) utter loud, threatening, or abusive language, or engage in disorderly or disruptive conduct, at any place in the Grounds or in any of the Capitol Buildings with the intent to impede, disrupt, or disturb the orderly conduct of a session of Congress or either House of Congress, or the orderly conduct in that building of a hearing before, or any deliberations of, a committee of Congress or either House of Congress;

(E) obstruct, or impede passage through or within, the Grounds or any of the Capitol Buildings;

(F) engage in an act of physical violence in the Grounds or any of the Capitol Buildings; or

(G) parade, demonstrate, or picket in any of the Capitol Buildings.

(3) Exemption of Government officials.—This subsection does not prohibit any act performed in the lawful discharge of official duties by—

(A) a Member of Congress;

(B) an employee of a Member of Congress;

(C) an officer or employee of Congress or a committee of Congress;

or

(D) an officer or employee of either House of Congress or a committee of that House.

**(f) Parades, Assemblages, and Display of Flags**

Except as provided in section 5106 of this title, a person may not—

(1) parade, stand, or move in processions or assemblages in the Grounds; or

(2) display in the Grounds a flag, banner, or device designed or adapted to bring into public notice a party, organization, or movement.

**§ 5105. Assistance to authorities by Capitol employees** 1110

Each individual employed in the service of the Federal Government in the United States Capitol or within the United States Capitol Grounds shall prevent, as far as may be in the individual's power, a violation of a provision of this chapter or section 9, 9A, 9B, 9C, or 14 of the Act of July 31, 1946. (Ch. 707, 60 Stat. 719, 720), and shall aid the police in securing the arrest and conviction of the individual violating the provision.

**§ 5106. Suspension of prohibitions** 1111

**(a) Authority to Suspend**

To allow the observance in the United States Capitol Grounds of occasions of national interest becoming the cognizance and entertainment of Congress, the President of the Senate and the Speaker of the House of Representatives concurrently may suspend any of the prohibitions contained in sections 5103 and 5104 of this title that would prevent the use of the roads and walks within the Grounds by processions or assemblages, and the use in the Grounds of suitable decorations, music, addresses, and ceremonies, if responsible officers have been appointed and the President and the Speaker determine that adequate arrangements have been made to maintain suitable order and decorum in the proceedings and to guard the United States Capitol and its grounds from injury.

**(b) Power to Suspend Prohibitions in Absence of President or Speaker**

If either the President or Speaker is absent from the District of Columbia, the authority to suspend devolves on the other officer. If both officers are absent, the authority devolves on the Capitol Police Board.

**(c) Authority of Mayor To Permit Use of Louisiana Avenue**

Notwithstanding subsection (a) and section 5104(f) of this title, the Capitol Police Board may grant the Mayor of the District of Columbia authority to permit the use of Louisiana Avenue for any of the purposes prohibited by section 5104(f).

**1112 § 5107. Concerts on grounds**

Sections 5102, 5103, 5104(b)–(f), 5105, 5105, and 5109 of this title and sections 9, 9A, 9B, and 9C of the Act of July 31, 1946 (ch. 707, 60 Stat. 719, 720), do not prohibit a band in the service of the Federal Government from giving concerts in the United States Capitol Grounds at times which will not interfere with Congress and as authorized by the Architect of the Capitol.

**1113 § 5108. Audit of private organizations**

A private organization (except a political party or committee constituted for the election of federal officials), whether or not organized for profit and whether or not any of its income inures to the benefit of any person, that performs services or conducts activities in the United States Capitol Buildings or Grounds is subject to a special audit of its accounts for each year in which it performs those services or conducts those activities. The Comptroller General shall conduct the audit and report the results of the audit to the Senate and the House of Representatives.

**1114 § 5109. Penalties****(a) Firearms, Dangerous Weapons, Explosives, or Incendiary Device Offenses**

An individual or group violating section 5104(e)(1) of this title, or attempting to commit a violation, shall be fined under title 18, imprisoned for not more than five years, or both.

**(b) Other Offenses**

A person violating section 5103 or 5104(b), (c), (d), (e)(2), or (f) of this title, or attempting to commit a violation, shall be fined under title 18, imprisoned for not more than six months, or both.

**(c) Procedure****(1) In general**

An action for a violation of this chapter or section 9, 9A, 9B, 9C or 14 of the Act of July 31, 1946 (ch. 707, 60 Stat. 719, 720), including an attempt or a conspiracy to commit a violation, shall be brought by the Attorney General in the name of the United States. This chapter and sections 9, 9A, 9B, 9C and 14 do not supersede any provision of federal law or the laws of the District of Columbia. Where the conduct violating this chapter or section 9, 9A, 9B, 9C or 14 also violates federal law or the laws of the District of Columbia, both violations may be joined in a single action.

**(2) Venue**

An action under this section for a violation of—

- (A) section 5104(e)(1) of this title or for conduct that constitutes a felony under federal law or the laws of the District of Columbia

shall be brought in the United States District Court for the District of Columbia; and

(B) any other section referred to in subsection (a) may be brought in the Superior Court of the District of Columbia.

**(3) Amount of penalty**

The penalty which may be imposed on a person convicted in an action under this subsection is the highest penalty authorized by any of the laws the defendant is convicted of violating.

**Part C—Federal Building Complexes**

**Chapter 65.—THURGOOD MARSHALL FEDERAL JUDICIARY BUILDING**

**§ 6501. Definition 1115**

In this chapter, the term “Chief Justice” means the Chief Justice of the United States or the designee of the Chief Justice, except that when there is a vacancy in the office of the Chief Justice, the most senior associate justice of the Supreme Court shall be deemed to be the Chief Justice for purposes of this chapter until the vacancy is filled.

**§ 6502. Thurgood Marshall Federal Judiciary Building 1116**

**(a) Establishment and Designation**

There is a Federal Judiciary Building in Washington, D.C., known and designated as the “Thurgood Marshall Federal Judiciary Building”.

**(b) Title**

(1) Squares 721 and 722.—Title to squares 721 and 722 remains in the Federal Government.

(2) Building.—Title to the Building and other improvements constructed or otherwise made immediately reverts to the Government at the expiration of not more than 30 years from the effective date of the lease agreement referred to in section 6504 of this title without payment of any compensation by the Government.

**(c) Limitations**

(1) Size of building.—The Building (excluding parking facilities) may not exceed 520,000 gross square feet in size above the level of Columbia Plaza in the District of Columbia.

(2) Height of building.—The height of the Building and other improvements shall be compatible with the height of surrounding Government and historic buildings and conform to the provisions of the Act of June 1, 1910 (ch. 263, 36 Stat. 452) (known as the Building Height Act of 1910).

(3) Design.—The Building and other improvements shall—

(A) be designed in harmony with historical and Government buildings in the vicinity;

(B) reflect the symbolic importance and historic character of the United States Capitol and other buildings on the United States Capitol Grounds; and

(C) represent the dignity and stability of the Government.

**(d) Approval of Chief Justice**

All final decisions regarding architectural design of the Building are subject to the approval of the Chief Justice.

**(e) Chilled Water and Steam From Capitol Power Plant**

If the Building is connected with the Capitol Power Plant, the Architect of the Capitol shall furnish chilled water and steam from the Plant to the Building on a reimbursable basis.

**(f) Construction Standards**

The Building and other improvements constructed under this chapter shall meet all standards applicable to construction of a federal building.

**(g) Accounting System**

The Architect shall maintain an accounting system for operation and maintenance of the Building and other improvements which will allow accurate projections of the dates and cost of major repairs, improvements, reconstructions, and replacements of the Building and improvements and other capital expenditures on the Building and improvements.

**(h) Nonapplicability of Certain Laws**

(1) Building codes, permits, or inspection.—The Building is not subject to any law of the District of Columbia relating to building codes, permits, or inspection, including any such law enacted by Congress.

(2) Taxes.—The Building and other improvements constructed under this chapter are not subject to any law of the District of Columbia relating to real estate and personal property taxes, special assessments, or other taxes, including any such law enacted by Congress.

**1117 § 6503. Commission for the Judiciary Office Building****(a) Establishment and Membership**

There is a Commission for the Judiciary Office Building, composed of the following 13 members or their designees:

(1) Two individuals appointed by the Chief Justice from among justices of the Supreme Court and other judges of the United States.

(2) The members of the House Office Building Commission.

(3) The majority leader and minority leader of the Senate.

(4) The Chairman and the ranking minority member of the Senate Committee on Rules and Administration.

(5) The Chairman and the ranking minority member of the Senate Committee on Environment and Public Works.

(6) The Chairman and ranking minority member of the Committee on Transportation and Infrastructure of the House of Representatives.

**(b) Quorum**

Seven members of the Commission is a quorum.

**(c) Duties**

The Commission is responsible for the supervision of the design, construction, operation, maintenance, structural, mechanical, and domestic care, and security of the Thurgood Marshall Federal Judiciary Building. The Commission shall prescribe regulations to govern the actions of the Architect of the Capitol under this chapter and to govern the use and occupancy of all space in the Building.

**§ 6504. Lease of building**

1118

**(a) Lease Agreement**

Under an agreement with the person selected to construct the Thurgood Marshall Federal Judiciary Building, the Architect of the Capitol shall lease the Building to carry out the objectives of this chapter.

**(b) Minimum Requirements of Lease Agreement**

The agreement includes at a minimum the following:

(1) Limit on length of lease.—The Architect will lease the Building and other improvements for not more than 30 years from the effective date of the agreement.

(2) Rental rate.—The rental rate per square foot of occupiable space for all space in the Building and other improvements will be in the best interest of the Federal Government and will carry out the objectives of this chapter. The aggregate rental rate for all space in the Building and other improvements shall produce an amount at least equal to the amount necessary to amortize the cost of development of squares 721 and 722 in the District of Columbia over the life of the lease.

(3) Authority to make space available and sublease space.—The Architect may make space available and sublease space in the Building and other improvements in accordance with section 6506 of this title.

(4) Other terms and conditions.—The agreement contains terms and conditions the Architect prescribes to carry out the objectives of this chapter.

**(c) Obligation of Amounts**

Obligation of amounts for lease payments under this section may only be made—

(1) on an annual basis; and

(2) from the account described in section 6507 of this title.

**§ 6505. Structural and mechanical care and security**

1119

**(a) Structural and Mechanical Care**

The Architect of the Capitol, under the direction of the Commission for the Judiciary Office Building—

(1) is responsible for the structural and mechanical care and maintenance of the Thurgood Marshall Federal Judiciary Building and improvements, including the care and maintenance of the grounds of the Building, in the same manner and to the same extent as for the structural and mechanical care and maintenance of the Supreme Court Building under section 6111 of this title; and

(2) shall perform all other duties and work required for the operation and domestic care of the Building and improvements.

**(b) Security**

(1) Capitol Police.—The United States Capitol Police—

(A) are responsible for all exterior security of the Building and other improvements constructed under this chapter; and

(B) may police the Building and other improvements, including the interior and exterior, and may make arrests within the interior and exterior of the Building and other improvements for any violation of federal or state law or the laws of the District of Columbia, or any regulation prescribed under any of those laws.

(2) Marshal of the Supreme Court.—This chapter does not interfere with the obligation of the Marshal of the Supreme Court to protect justices, officers, employees, or other personnel of the Supreme Court who may occupy the Building and other improvements.

(3) Reimbursement.—The Architect shall transfer from the account described in section 6507 of this title amounts necessary to reimburse the United States Capitol Police for expenses incurred in providing exterior security under this subsection. The Capitol Police may accept amounts the Architect transfers under this paragraph. Those amounts shall be credited to the appropriation account charged by the Capitol Police in carrying out security duties.

#### **1120 § 6506. Allocation of space**

##### **(a) Priority**

(1) Judicial branch.—Subject to this section, the Architect of the Capitol shall make available to the judicial branch of the Federal Government all space in the Thurgood Marshall Federal Judiciary Building and other improvements constructed under this chapter. The space shall be made available on a reimbursable basis and substantially in accordance with the report referred to in section 3(b)(1) of the Judiciary Office Building Development Act (Public Law 100–480, 102 Stat. 2330).

(2) Other Federal Governmental entities.—The Architect may make available to Federal Governmental entities which are not part of the judicial branch and which are not staff of Members of Congress or congressional committees any space in the Building and other improvements that the Chief Justice decides is not needed by the judicial branch. The space shall be made available on a reimbursable basis.

(3) Other persons.—If any space remains, the Architect may sublease it pursuant to subsection (e), under the direction of the Commission for the Judiciary Office Building, to any person.

##### **(b) Space for Judicial Branch and Other Federal Governmental Entities**

Space made available under subsection (a)(1) or (2) is subject to—

(1) terms and conditions necessary to carry out the objectives of this chapter; and

(2) reimbursement at the rate established under section 6504(b)(2) of this title plus an amount necessary to pay each year for the cost of administering the Building and other improvements (including the cost of operation, maintenance, rehabilitation, security, and structural, mechanical, and domestic care) that is attributable to the space, with the amount to be determined by the Architect and—

(A) in the case of the judicial branch, the Director of the Administrative Office of the United States Courts; or

(B) in the case of any federal governmental entity not a part of the judicial branch, the entity.

##### **(c) Space for Judicial Branch**

(1) Assignment of space within judicial branch.—The Director may assign space made available to the judicial branch under subsection (a)(1) among offices of the judicial branch as the Director considers appropriate.

(2) Vacating occupied space.—When the Chief Justice notifies the Architect that the judicial branch requires additional space in the Building

and other improvements, the Architect shall accommodate those requirements within 90 days after the date of the notification, except that if the space was made available to the Administrator of General Services, it shall be vacated expeditiously by not later than a date the Chief Justice and the Administrator agree on.

(3) Unoccupied space.—The Chief Justice has the right of first refusal to use unoccupied space in the Building to meet the needs of the judicial branch.

**(d) Lease by Architect**

(1) Authority to lease.—Subject to approval by the Committees on Appropriations of the House of Representatives and the Senate, the House Office Building Commission, and the Committee on Rules and Administration of the Senate, the Architect may lease and occupy not more than 75,000 square feet of space in the Building.

(2) Payments.—Payments under the lease shall be made on vouchers the Architect approves. Necessary amounts may be appropriated—

(A) to the Architect to carry out this subsection, including amounts for acquiring and installing furniture and furnishings; and

(B) to the Sergeant at Arms of the Senate to plan for, acquire, and install telecommunications equipment and services for the Architect with respect to space leased under this subsection.

**(e) Subleased Space**

(1) Rental rate.—Space subleased by the Architect under subsection (a)(3) is subject to reimbursement at a rate which is comparable to prevailing rental rates for similar facilities in the area but not less than the rate established under section 6504(b)(2) of this title plus an amount the Architect and the person subleasing the space agree is necessary to pay each year for the cost of administering the Building (including the cost of operation, maintenance, rehabilitation, security, and structural, mechanical, and domestic care) that is attributable to the space.

(2) Limitation.—A sublease under subsection (a)(3) must be compatible with the dignity and functions of the judicial branch offices housed in the Building and must not unduly interfere with the activities and operations of the judicial branch agencies housed in the Building. Sections 5104(c) and 5108 of this title do not apply to any space in the Building and other improvements subleased to a non-Government tenant under subsection (a)(3).

(3) Collection of rent.—The Architect shall collect rent for space subleased under subsection (a)(3).

**(f) Deposit of Rent and Reimbursements**

Amounts received under subsection (a)(3) (including lease payments and reimbursements) shall be deposited in the account described in section 6507 of this title.

**§ 6507. Account in Treasury**

1121

**(a) Establishment and Contents of Separate Account**

There is a separate account in the Treasury. The account includes all amounts deposited in the account under section 6506(f) of this title and amounts appropriated to the account. However, the appropriated amounts may not be more than \$2,000,000.

**(b) Use of Amounts**

Amounts in the account are available to the Architect of the Capitol—

(1) for paying expenses for structural, mechanical, and domestic care, maintenance, operation, and utilities of the Thurgood Marshall Federal Judiciary Building and other improvements constructed under this chapter;

(2) for reimbursing the United States Capitol Police for expenses incurred in providing exterior security for the Building and other improvements;

(3) for making lease payments under section 6504 of this title; and

(4) for necessary personnel (including consultants).

**Chapter 89—NATIONAL CAPITAL MEMORIALS AND  
COMMEMORATIVE WORKS**

**1122 § 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;

(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.

**1123 § 8902. Definitions and nonapplication****(a) Definitions**

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 869/86501, and dated May 1, 1986, that the National Park Service and the Administrator of General Services administer.

**(b) Nonapplication**

This chapter does not apply to commemorative works authorized by a law enacted before January 3, 1985.

**§ 8903. Congressional authorization of commemorative works 1124**

**(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 commemorating a lesser conflict 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 the event.

**(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.

**(d) Consultation With National Capital Memorial Commission**

In considering legislation authorizing commemorative works in the District of Columbia and its environs, the Committee on House Administration 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 Commission.

**(e) Expiration of Legislative Authority**

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.

**§ 8904. National Capital Memorial Commission 1125**

**(a) Establishment and Composition**

There is a National Capital Memorial Commission. The membership of the Commission consists 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 Commission.

**(c) Advisory Role**

The National Capital Memorial Commission shall advise the Secretary of the Interior and the Administrator of General Services 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 Commission shall meet at least twice annually.

**1126 § 8905. Site and design approval**

**(a) Consultation on, and Submission of, Proposals**

A person 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 person must consult with the National Capital Memorial Commission regarding the selection of alternative sites and designs 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 person, 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, Secretary, and Administrator 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 and existing public use.

(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.

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

1127

**(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;
- (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 person authorized to construct the commemorative work has submitted contract documents for construction of the commemorative work to the Secretary or Administrator; and
- (4) the person authorized to construct the commemorative work has available sufficient amounts to complete construction of the project.

**(b) Donation for Perpetual Maintenance and Preservation**

(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.

**(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.

**1128 § 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.

**1129 § 8908. Areas I and II****(a) Availability of Map**

The Secretary of the Interior and Administrator of General Services shall make available, for public inspection at appropriate offices of the National Park Service and the General Services Administration, the map numbered 869/86501, and dated May 1, 1986.

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

(1) Area I.—After seeking the advice of the National Capital Memorial 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 House Administration 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.

**§ 8909. Administrative**

**1130**

**(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.