

House, the portion of Pennsylvania Avenue extending from the Capitol to the White House, Rock Creek Park, the Zoological Park, the Rock Creek and Potomac Parkway, Potomac Park, The Mall Park System and public buildings adjacent thereto, or abutting upon any street bordering any of said grounds or parks, the plans therefor, so far as they relate to height and appearance, color, and texture of the materials of exterior construction, shall be submitted by the Commissioners of the District of Columbia to the Commission of Fine Arts; and the said commission shall report promptly to said commissioners its recommendations, including such changes, if any, as in its judgment are necessary to prevent reasonably avoidable impairment of the public values belonging to such public building or park; and said commissioners shall take such action as shall, in their judgment, effect reasonable compliance with such recommendation: *Provided*, That if the said Commission of Fine Arts fails to report its approval or disapproval of such plans within thirty days, its approval thereof shall be assumed and a permit may be issued. (May 16, 1930, c. 291 § 1, 46 Stat. 303.)

The Act cited to the text was entitled "An Act to regulate, the height, exterior design, and construction of private and semipublic buildings in certain areas of the National Capital."

Section 2 of said Act (46 Stat. 307) provided as follows: "Sec. 2. Said Commissioners of the District of Columbia, in consultation with the National Capital Park and Planning Commission, as early as practicable after approval of this Act [this section], shall prepare plans defining the areas within which application for building permits shall be submitted to the Commission of Fine Arts for its recommendations."

122. Jurisdiction over public lands; transfer by Federal and District authorities.—Federal and District authorities administering properties within the District of Columbia owned by the United States or by the said District are hereby authorized to transfer jurisdiction over parts or all of such properties among or between themselves for purposes of administration and maintenance under such conditions as may be mutually agreed upon: *Provided*, That prior to the consummation of any transfer hereunder such proposed transfer shall be recommended by the National Capital Park and Planning Commission: *Provided further*, That all such transfers and agreements shall be reported to Congress by the authorities concerned. (May 20, 1932, c. 197, § 1, 47 Stat. 161.)

122a. Same; effect of section 122 on existing laws.—Nothing in section 122 of this title shall be construed to repeal the provisions of any existing law or laws authorizing the transfer of jurisdiction of certain lands between and among Federal and District authorities, but all such laws shall remain in full force and effect. (May 20, 1932, c. 197, § 2, 47 Stat. 162.)

123. Roosevelt Island; establishment of memorial; administration; development.—The Director of Public Buildings and Public Parks of the National Capital is hereby authorized to accept and receive as a gift from the Roosevelt Memorial Association (Incorporated), for and in behalf of the United States, the island in the Potomac River heretofore variously known as Barbadoes, Analoatan, and Masons Island, together with accretions thereto; and that, upon acceptance of this gift of land, the said island shall hereafter be known as Roosevelt Island and shall be maintained and administered by the Director of Public Buildings and Public Parks of the National Capital as a natural park for the recreation and enjoyment of the public: *Provided*, That no general plan for the development of the island be adopted without the approval of the Roosevelt Memorial Association; and that, so long as this association remains in existence, no development, inconsistent with this plan, be executed without the association's consent. (May 21, 1932, c. 200, § 1, 47 Stat. 163.)

123a. Same; means of access; care, maintenance, and improvements; appropriation.—The director is hereby authorized to provide suitable means of access to and upon the said Roosevelt Island as appropriations are made available from

time to time and subject to the approval of the National Capital Park and Planning Commission; and that the appropriations needed for such construction and annually for the care, maintenance, and improvement of the said lands and improvements, are hereby authorized to be made from any funds not otherwise appropriated from the Treasury of the United States. (May 21, 1932, c. 200, § 2, 47 Stat. 164.)

123b. Same; erection of monument or memorial and related structures.—The Director of Public Buildings and Public Parks is hereby further authorized and directed to permit the Roosevelt Memorial Association (Incorporated) to erect on said Roosevelt Island such monument or memorial and related structures as may be recommended by it and approved by the National Commission of Fine Arts and the National Capital Park and Planning Commission. (May 21, 1932, c. 200, § 3, 47 Stat. 164.)

Chapter 2.—CAPITOL BUILDING AND GROUNDS.

★ Section 161a. Office of Architect of Capitol; positions and rates of compensation.—[Repealed.]

This section was repealed by § 6 of Act June 20, 1929, c. 33, 46 Stat. 39, which provided in part as follows: "The Act entitled 'An Act to fix the compensation of officers and employees of the legislative branch of the Government,' approved May 24, 1924, is hereby repealed after June 30, 1929."

See § 662a of Title 5 for compensation of officers and employees in office of Architect of Capitol.

162. Architect of Capitol; powers and duties.—

Appropriations under control of the Architect of the Capitol, see § 689 of Title 31.

164. Architect of Capitol; chief clerk to act in case of absence, disability, or vacancy.—

"Mar. 3, 1901, c. 830, § 1, 31 Stat. 1000" should be added to this section as an additional citation.

171. Transfer of discontinued apparatus to other branches.—[Repealed in part.]

This section was repealed in part by Act May 20, 1928, c. 901, § 1, 45 Stat. 986, 995, entitled "An Act to discontinue certain reports now required by law to be made to Congress," which provides, "That the following reports and statements now required by law to be made to Congress are hereby discontinued, and all Acts or parts of Acts herein cited as requiring the submission of such statements and reports are hereby repealed to the extent of such requirement: * * * 120. Statement relative to the transfer of apparatus, appliances, equipments, and supplies of any kind, to other branches of the service of the United States or District of Columbia, and so forth. (Statutes at Large, volume 37, part 1, page 184; title 40, section 171, United States Code.)"

174. Care and control of buildings and land acquired for enlargement of grounds.—[Repealed in part.]

This section was repealed in part by Act May 20, 1928, c. 901, § 1, 45 Stat. 986, 992, which provides, "That the following reports and statements now required by law to be made to Congress are hereby discontinued, and all Acts or parts of Acts herein cited as requiring the submission of such statements and reports are hereby repealed to the extent of such requirement: * * * 85. Report to Congress at the beginning of each regular session a detailed statement of the rentals received from the buildings and vacant lands condemned for the enlargement of the Capitol Grounds. (Statutes at Large, volume 37, part 1, page 605; Statutes at Large, volume 41, part 1, page 1291; title 40, section 174, United States Code.)"

For title of Act see note to § 171.

206. Capitol police; appointment.—

This section was repealed in part in the Legislative, etc., Appropriation Acts of May 13, 1926, c. 294, § 1, 44 Stat. 545, and Feb. 23, 1927, c. 168, § 1, 44 Stat. 1154.

217a. Purchases for Botanic Garden; limitation on single purchases.—The sum of \$300 may be expended at any one time by the Botanic Garden for the purchase of plants, trees, shrubs, and other nursery stock, without reference to section 5 of Title 41. (May 13, 1926, c. 294, § 1, 44 Stat. 545; Feb. 23, 1927, c. 168, § 1, 44 Stat. 1157; Feb. 20, 1931, c. 234, § 1, 46 Stat. 1186.)

The Acts cited to the text are the Legislative Appropriation Acts.

222. Purchases and services for Architect of Capitol.—The purchase of supplies and equipment and the procurement of services for all branches under the Architect of the Capitol may be made in the open market without compliance with sections 5 and 16 of Title 41 in the manner common among business men, when the aggregate amount of the purchase or the service does not exceed \$200 in any instance. (May 13, 1926, c. 294, § 1, 44 Stat. 517.)

The Act cited to the text is the Legislative Appropriation Act.

Chapter 3.—PUBLIC BUILDINGS AND WORKS GENERALLY.

Section 255. Title to land to be purchased by United States.—No public money shall be expended upon any site or land purchased by the United States for the purposes of erecting thereon any armory, arsenal, fort, fortification, navy yard, customhouse, lighthouse, or other public building of any kind whatever, until the written opinion of the Attorney General shall be had in favor of the validity of the title, nor until the consent of the legislature of the State in which the land or site may be, to such purchase, has been given. The district attorneys of the United States, upon the application of the Attorney General, shall furnish any assistance or information in their power in relation to the titles of the public property lying within their respective districts. And the secretaries of the departments, upon the application of the Attorney General, shall procure any additional evidence of title which he may deem necessary, which may not be in the possession of the officers of the Government, and the expense of procuring it shall be paid out of the appropriations made for the contingencies of the departments, respectively; *Provided, however*, That in all cases of the acquisition of land or any interest therein by the United States for the purposes herein specified or for other purposes, wherein the written opinion of the Attorney General in favor of the validity of the title of such land is or may be required or authorized by law, the Attorney General may, in his discretion, base such opinion upon a certificate of title of a title company. (As amended June 28, 1930, c. 710, 46 Stat. 828.)

258a. Same; lands, easements, or rights of way for public use; taking of possession and title in advance of final judgment; authority; procedure.—In any proceeding in any court of the United States outside of the District of Columbia which has been or may be instituted by and in the name of and under the authority of the United States for the acquisition of any land or easement or right of way in land for the public use, the petitioner may file in the cause, with the petition or at any time before judgment, a declaration of taking signed by the authority empowered by law to acquire the lands described in the petition, declaring that said lands are thereby taken for the use of the United States. Said declaration of taking shall contain or have annexed thereto—

- (1) A statement of the authority under which and the public use for which said lands are taken.
- (2) A description of the lands taken sufficient for the identification thereof.
- (3) A statement of the estate or interest in said lands taken for said public use.
- (4) A plan showing the lands taken.
- (5) A statement of the sum of money estimated by said acquiring authority to be just compensation for the land taken.

Upon the filing said declaration of taking and of the deposit in the court, to the use of the persons entitled thereto, of the amount of the estimated compensation stated in said declaration, title to the said lands in fee simple absolute, or such less estate or interest therein as is specified in said declaration, shall vest in the United States of America, and said lands shall be deemed to be condemned and taken for the use of the United States, and the right to just compensation for the same shall

vest in the persons entitled thereto; and said compensation shall be ascertained and awarded in said proceeding and established by judgment therein, and the said judgment shall include, as part of the just compensation awarded, interest at the rate of 6 per centum per annum on the amount finally awarded as the value of the property as of the date of taking, from said date to the date of payment; but interest shall not be allowed on so much thereof as shall have been paid into the court. No sum so paid into the court shall be charged with commissions or poundage.

Upon the application of the parties in interest, the court may order that the money deposited in the court, or any part thereof, be paid forthwith for or on account of the just compensation to be awarded in said proceeding. If the compensation finally awarded in respect of said lands, or any parcel thereof, shall exceed the amount of the money so received by any person entitled, the court shall enter judgment against the United States for the amount of the deficiency.

Upon the filing of a declaration of taking, the court shall have power to fix the time within which and the terms upon which the parties in possession shall be required to surrender possession to the petitioner. The court shall have power to make such orders in respect of encumbrances, liens, rents, taxes, assessments, insurance, and other charges, if any, as shall be just and equitable. (Feb. 26, 1931, c. 307, § 1, 46 Stat. 1421.)

The Act cited to the text was entitled "An Act to expedite the construction of public buildings and works outside of the District of Columbia by enabling possession and title of sites to be taken in advance of final judgment in proceedings for the acquisition thereof under the power of eminent domain."

Section 305 of Act July 21, 1932, c. 520, 47 Stat. 722 (The Emergency Relief and Construction Act of 1932), provided that after July 21, 1932, in the acquisition of any land or site for the purposes of section 301 (a) (10) of Act July 21, 1932, c. 520, set out in the following paragraph:

- (1) The period of solicitation of proposals by public advertisement shall be ten days in lieu of twenty days;
- (2) In any case in which such site or land is to be acquired by condemnation, the provisions of section 255 of this title, as amended, shall not apply; and
- (3) Notwithstanding the provisions of section 258a of this title in any case in which any land or any interest therein is to be acquired by condemnation, the Secretary of the Treasury, through the Attorney General, may, prior to the institution of condemnation proceedings, file with the clerk of the district court of the district in which such land is located a declaration of taking, containing the matters required by such section to be included in a declaration of taking. The declaration of taking shall be accompanied by the deposit with such clerk, to the use of the parties who may be found to be entitled thereto, of the amount of the estimated compensation stated in the declaration. As soon as practicable after the filing of such declaration of taking, the Secretary of the Treasury shall cause to be posted in a prominent place upon the land a notice reciting (A) that the land or the interest therein is taken by the United States for public use, (B) that a declaration of taking in respect of such land or interest therein has been filed with the clerk of the court of the district, and (C) that there has been deposited with such clerk, to the use of the parties who may be found to be entitled thereto, the estimated just compensation for the land or interest therein taken. The Secretary of the Treasury shall give written notice similar to the posted notice, by personal service in the case of actual occupants of the premises or, if with reasonable diligence such personal service can not be made, he shall send such notice by registered mail directed to the premises, and he shall send notice by registered mail directed to their last known address in the case of all parties who the Secretary ascertains have or may have an interest in such land, and he may give such additional notice by newspaper publication or otherwise as he deems necessary. Upon posting notice on the land, title to the land or interest therein shall vest in the United States, and the right to just compensation therefor shall vest in the parties entitled thereto. The Secretary of the Treasury shall cause notice to be personally served upon, or if with reasonable diligence such service can not be made, to be sent by registered mail to actual occupants of the premises, setting a time (not earlier than twenty days after the service or sending of such notice) at which such parties shall surrender possession, and at the end of such time the right to possession shall vest in the United States. The Secretary of the Treasury