

## CODIFICATION

Section was classified to section 166i of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107-217, §1, Aug. 21, 2002, 116 Stat. 1062.

**§ 1816. Construction contracts****(a) Liquidated damages**

The Architect of the Capitol may not enter into or administer any construction contract with a value greater than \$50,000 unless the contract includes a provision requiring the payment of liquidated damages in the amount determined under subsection (b) in the event that completion of the project is delayed because of the contractor.

**(b) Amount of payment**

The amount of payment required under a liquidated damages provision described in subsection (a) shall be equal to the product of—

- (1) the daily liquidated damage payment rate; and
- (2) the number of days by which the completion of the project is delayed.

**(c) Daily liquidated damage payment rate****(1) In general**

In subsection (b), the “daily liquidated damage payment rate” means—

- (A) \$140, in the case of a contract with a value greater than \$50,000 and less than \$100,000;
- (B) \$200, in the case of a contract with a value equal to or greater than \$100,000 and equal to or less than \$500,000; and
- (C) the sum of \$200 plus \$50 for each \$100,000 increment by which the value of the contract exceeds \$500,000, in the case of a contract with a value greater than \$500,000.

**(2) Adjustment in rate permitted**

Notwithstanding paragraph (1), the daily liquidated damage payment rate may be adjusted by the contracting officer involved to a rate greater or lesser than the rate described in such paragraph if the contracting officer makes a written determination that the rate described does not accurately reflect the anticipated damages which will be suffered by the United States as a result of the delay in the completion of the contract.

**(d) Effective date**

This section shall apply with respect to contracts entered into during fiscal year 2002 or any succeeding fiscal year.

(Pub. L. 107-68, title I, §130, Nov. 12, 2001, 115 Stat. 580.)

## CODIFICATION

Section was classified to section 166j of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107-217, §1, Aug. 21, 2002, 116 Stat. 1062.

**§ 1816a. Design-build contracts**

(a) Notwithstanding any other provision of law, the Architect of the Capitol may use the two-phase selection procedures authorized in section 3309 of title 41 for entering into a con-

tract for the design and construction of a public building, facility, or work in the same manner and under the same terms and conditions as the head of an executive agency under such section.

(b) This section shall apply with respect to fiscal year 2008 and each succeeding fiscal year.

(Pub. L. 110-161, div. H, title I, §1308, Dec. 26, 2007, 121 Stat. 2244.)

## CODIFICATION

In subsec. (a), “section 3309 of title 41” substituted for “section 303M of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253m)” on authority of Pub. L. 111-350, §6(c), Jan. 4, 2011, 124 Stat. 3854, which Act enacted Title 41, Public Contracts.

Section is from the Legislative Branch Appropriations Act, 2008, which is div. H of the Consolidated Appropriations Act, 2008.

**§ 1816b. Architect of the Capitol, authority for personal services contracts with legal entities**

Notwithstanding any other provision of law, the Architect of the Capitol is authorized to contract for personal services with any firm, partnership, corporation, association, or other legal entity in the same manner as he is authorized to contract for personal services with individuals under the provisions of section 6101 of title 41.

(Pub. L. 96-558, Dec. 19, 1980, 94 Stat. 3263.)

## CODIFICATION

In text, “section 6101 of title 41” substituted for “section 3709 of the Revised Statutes of the United States (41 U.S.C. 5)” on authority of Pub. L. 111-350, §6(c), Jan. 4, 2011, 124 Stat. 3854, which Act enacted Title 41, Public Contracts.

Section was classified to section 6a-2 of former Title 41, prior to the enactment of Title 41, Public Contracts, by Pub. L. 111-350, §3, Jan. 4, 2011, 124 Stat. 3677.

**§ 1817. Transfer of discontinued apparatus to other branches**

The Architect of the Capitol may transfer apparatus, appliances, equipments, and supplies of any kind, discontinued or permanently out of service, to other branches of the service of the United States, or District of Columbia, whenever, in his judgment the interests of the Government service may require it.

(June 26, 1912, ch. 182, §11, 37 Stat. 184; Mar. 3, 1921, ch. 124, 41 Stat. 1291; May 29, 1928, ch. 901, §1(120), 45 Stat. 995; Oct. 31, 1951, ch. 654, §3(17), 65 Stat. 708.)

## CODIFICATION

Section was classified to section 171 of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107-217, §1, Aug. 21, 2002, 116 Stat. 1062.

Section is based on section 11 of act June 26, 1912, popularly known as the “District of Columbia Appropriation Act June 26, 1912, fiscal year 1913”.

## PRIOR PROVISIONS

Act Mar. 2, 1911, ch. 192, §9, 36 Stat. 1011.

## AMENDMENTS

1951—Act Oct. 31, 1951, struck out “with the approval of the Secretary of the Interior,” after “whenever.”

1928—Act May 29, 1928, struck out provision that required a transfer statement to be submitted in the an-