

§ 71a. Federal and District planning agencies in National Capital

(a)(1) National Capital Planning Commission; creation; central Federal agency; functions; excepted functions

The National Capital Planning Commission (hereinafter referred to as the “Commission”) is created as the central Federal planning agency for the Federal Government in the National Capital, and to preserve the important historical and natural features thereof, except with respect to the United States Capitol buildings and grounds as defined in sections 193a and 193m of this title, and to any extension thereof or additions thereto, or to buildings and grounds under the care of the Architect of the Capitol.

(2) Mayor of District of Columbia; central local agency; functions; excepted functions; comprehensive plan for District; procedures for citizen participation and consultations with non-Federal agencies

The Mayor of the District of Columbia (hereinafter referred to as the “Mayor”) shall be the central planning agency for the government of the District of Columbia (hereinafter referred to as the “District”) in the National Capital. The Mayor shall be 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 Federal or international projects and developments in the District, as determined by the Commission, or to the United States Capitol buildings and grounds as defined in sections 193a and 193m of this title, or to any extension thereof or additions thereto, or to buildings and grounds under the care of the Architect of the Capitol. In carrying out his responsibility under this section, 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 thereto) affecting or relating to the District.

(3) Comprehensive plan for District; functions of Mayor and Council respecting impact on Federal Establishment

The Mayor shall submit each District element of the comprehensive plan and any amendment thereto, 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 such element or amendment to the Commission for review and comment with regard to the impact of such element or amendment on the interests or functions of the Federal Establishment in the National Capital.

(4) Certifications; incorporation and implementation; Council’s action; joint publication of Federal activities elements and District elements; time limitation extension, authority of Council; joint establishment of procedures for consultations throughout planning process

(A) The Commission shall, within sixty days after receipt of such a District element of the comprehensive plan, or amendment thereto, from the Council, certify to the Council whether such element or amendment has a negative impact on the interests or functions of the Federal Establishment in the National Capital. If within such sixty days the Commission takes no action with respect to such element or amendment, such element or amendment shall be deemed to have no such negative impact, and such element or amendment shall be incorporated into the comprehensive plan for the National Capital and shall be implemented.

(B) If the Commission finds, within such sixty days, such negative impact, it shall certify its findings and recommendations with respect to such negative impact to the Council. Upon receipt of the Commission’s findings and recommendations, the Council may—

(i) reject such findings and recommendations and resubmit such element or amendment, in a modified form, to the Commission for reconsideration; or

(ii) accept such findings and recommendations and modify such element or amendment accordingly.

If the Council accepts such findings and recommendations and modifies such element or amendment under clause (ii), the Council shall submit such element or amendment to the Commission for it to determine whether such modification has been made in accordance with the Commission’s findings and recommendations. If, within thirty days after receipt of the modified element or amendment, the Commission takes no action with respect to such element or amendment, it shall be deemed to have been modified in accordance with such findings or recommendations, and shall be incorporated into the comprehensive plan for the National Capital and shall be implemented. If within such thirty days, the Commission again determines such element or amendment to have a negative impact on the functions or interests of the Federal Establishment in the National Capital such element or amendment shall not be implemented.

(C) If the Council rejects the findings and recommendations of the Commission and resubmits a modified element or amendment to it under clause (i), the Commission shall, within sixty days after receipt of such modified element or amendment from the Council, determine whether such modified element or amendment has a negative impact on the interests or functions of the Federal Establishment within the National Capital. If the Commission finds such 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 such element or amendment shall not be implemented. If the

Commission takes no action with respect to such modified element or amendment within such sixty days, such modified element or amendment shall be deemed to have no such negative impact and shall be incorporated into the comprehensive plan and it shall be implemented. Any element or amendment which the Commission has determined to have a negative impact on the Federal Establishment in the National Capital, and which is submitted again in a modified form not less than one year from the day it was last rejected by the Commission shall be deemed to be a new element or amendment for purposes of the review procedure specified in this section.

(D) The Commission and the Mayor shall jointly publish, from time to time as appropriate, 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 the provisions of this section.

(E) The Council may grant, upon request made to it by the Commission, an extension of any time limitation contained in this section.

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

(b) National Capital Planning Commission; official members; citizen members; qualifications, terms of office, vacancies, compensation

The National Capital Planning Commission shall be composed of—

(1) *ex officio*, the Secretary of the Interior, the Secretary of Defense, the Administrator of the General Services Administration, the Mayor, the Chairman of the Council of the District of Columbia, and the chairmen of the Committees on the District of Columbia of the Senate and the House of Representatives, or such alternates as each such person may from time to time designate to serve in his stead, and in addition,

(2) 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. The citizen members appointed by the Mayor shall be bona fide residents of the District of Columbia and of the three appointed by the President at least one shall be a bona fide resident of Virginia and at least one shall be a bona fide resident of Maryland. The terms of office of the members appointed by the President shall be for six years, except that of the members first appointed, the President shall designate one to serve two years and one to serve four years. Members appointed by the Mayor shall serve for four years. The members first appointed under this section shall assume their office on January 2, 1975. Any person appointed to fill a vacancy shall be appointed only for the unexpired term of the member whom he shall succeed. The citizen members shall each receive compensation at the rate of \$100 for each day such member is engaged in the actual per-

formance of duties vested in the Commission in addition to reimbursement for necessary expenses incurred by them in the performance of such duties.

(c) Chairman; officers; Director and other personnel; employment of city planners, architects, etc.; compensation

The President shall designate the Chairman of the Commission and the Commission may elect from among its members such other officers as it deems desirable. The Commission is authorized to employ a Director, an executive officer, and such other technical and administrative personnel as it may deem necessary. Further, without regard to section 5 of title 41, the civil service and classification laws, or section 3109 of title 5, the Commission may employ, by contract or otherwise, the temporary or intermittent (not in excess of one year) services of city planners, architects, engineers, appraisers, and other experts or organizations thereof, as may be necessary to carry out its functions, and in any such case the rate of compensation shall be fixed by the Commission so as not to exceed the rate usual for similar services.

(d) Advisory and coordinating committees; participation by representatives of planning and developmental agencies

The Commission may establish, with the consent of each agency concerned as to its representation, such advisory and coordinating committees composed of representatives of such 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 of such Governments, in order that the National Capital may be developed in accordance with the comprehensive plan. As it may deem appropriate, the Commission may invite representatives of the planning and developmental agencies of the environs to participate in the work of such committees.

(e) General scope of functions

As hereinafter more specifically described in sections 71c to 71g of this title, it shall be among the principal duties of the Commission to (1) prepare, adopt, and amend a comprehensive plan for the Federal activities in the National Capital and make related recommendations to the appropriate developmental agencies; (2) serve as the central planning agency for the Federal Government within the National Capital region, and in such capacity to review their development programs in order to advise as to consistency with the comprehensive plan; and (3) be the representative of the Federal and District Governments for collaboration with the Regional Planning Council, as hereinafter provided.

(June 6, 1924, ch. 270, § 2, as added July 19, 1952, ch. 949, § 1, 66 Stat. 782; amended Pub. L. 87-683, Sept. 25, 1962, 76 Stat. 575; Pub. L. 93-198, title II, § 203(a), (b), title IV, §§ 401, 421, Dec. 24, 1973, 87 Stat. 779, 782, 785, 789.)

REFERENCES IN TEXT

The civil service laws, referred to in subsec. (c), are set forth in Title 5, Government Organization and Employees. See, particularly, section 3301 et seq. of Title 5.

The classification laws, referred to in subsec. (c), are classified generally to chapter 51 (§5101 et seq.) and to subchapter III (§531 et seq.) of chapter 53 of Title 5.

Section 71e of this title, included within the reference in subsec. (e) to sections 71c to 71g of this title, was repealed by Pub. L. 93-198, title II, §203(e), Dec. 24, 1973, 87 Stat. 782.

CODIFICATION

In subsec. (c), “section 3109 of title 5” substituted for “section 15 of Act of August 2, 1946 (5 U.S.C. 55a)” on authority of Pub. L. 89-554, §7(b), Sept. 6, 1966, 80 Stat. 631, the first section of which enacted Title 5, Government Organization and Employees.

PRIOR PROVISIONS

Provisions relating to the general powers and duties of the National Capital Park and Planning Commission, to which the National Capital Planning Commission succeeded under the provisions of section 71h of this title, were contained in section 71 of this title prior to amendment by act July 19, 1952.

AMENDMENTS

1973—Subsec. (a). Pub. L. 93-198, §203(a), incorporated existing subsec. (a) text in provisions designated as par. (1), made the Commission the central Federal planning agency only for the Federal Government in the National Capital, except certain areas from the Commission’s jurisdiction, and added pars. (2) to (4).

Subsec. (b)(1). Pub. L. 93-198, §203(a), substituted as members ex officio: Secretary of the Interior, Secretary of Defense, Administrator of General Services Administration, Commissioner, Chairman of District of Columbia Council for former such members: Chief of Engineers of Army, Engineer Commissioner of District of Columbia, Director of National Park Service, Commissioner of Public Buildings, Federal Highway Administrator, and Administrator of National Capital Transportation Agency, and substituted provision for designation of alternates for service in stead of any official for former such provision applicable only to committees on the District of Columbia of the Senate and the House of Representatives.

Subsec. (b)(2). Pub. L. 93-198, §203(a), substituted provisions for: citizen members with experience in planning for former provision for such membership from eminent citizens well qualified and experienced in planning; appointment by President of three members, including one each for Virginia and Maryland, for six year terms, including initial appointments for two and four year terms, and by Commissioner of two members from the District for four year terms for former provision for such appointment by President, including two members from the District or the environs, including one appointee from three nominees of Commissioner of the District, for six year terms; compensation of \$100 per each day of actual service and necessary expenses for former provision for a per diem allowance and travel costs; provided for assumption of office by first appointees on Jan. 2, 1975; and deleted provisions respecting: waiver of professional requirements of District appointees of demonstrated capacity for leadership in planning and development of the District, service of unexpired terms of appointive members of National Capital Park and Planning Commission as members of National Capital Planning Commission, and expiration of initial appointments on Apr. 30, 1953, 1954, 1955, 1956, and 1957, and every six years after such appointments.

Subsec. (e)(1). Pub. L. 93-198, §203(b)(1), substituted “Federal activities in the National Capital” for “National Capital”.

Subsec. (e)(2). Pub. L. 93-198, §203(b)(2), substituted “Government” for “and District Governments.”.

1962—Subsec. (b)(1). Pub. L. 87-683 inserted “the Administrator of the National Capital Transportation Agency,” before “the chairmen of the committees”.

TRANSFER OF FUNCTIONS

Office of Commissioner of District of Columbia, as established by Reorg. Plan No. 3 of 1967, abolished as of

noon Jan. 2, 1975, by Pub. L. 93-198, title VII, §711, Dec. 24, 1973, 87 Stat. 818, and replaced by office of Mayor of District of Columbia by section 421 of Pub. L. 93-198. Accordingly, “Mayor” substituted in text for “commissioner”.

“Council of the District of Columbia” substituted in text for “District of Columbia Council” pursuant to section 401 of Pub. L. 93-198. District of Columbia Council, as established by Reorg. Plan No. 3 of 1967, abolished as of noon Jan. 2, 1975, by Pub. L. 93-198, title VII, §711, Dec. 24, 1973, 87 Stat. 818, and replaced by Council of District of Columbia, as provided by section 401 of Pub. L. 93-198.

ABOLITION OF COMMITTEES ON THE DISTRICT OF COLUMBIA

Committee on the District of Columbia of Senate abolished and its jurisdiction given to Committee on Governmental Affairs of Senate, effective Feb. 11, 1977. See Rules XXV of Standing Rules of Senate, as amended by Senate Resolution 4 (popularly cited as the “Committee System Reorganization Amendments of 1977”), approved Feb. 4, 1977.

Committee on the District of Columbia of House of Representatives abolished by House Resolution No. 6, One Hundred Fourth Congress, Jan. 4, 1995. References to Committee on the District of Columbia treated as referring to Committee on Government Reform and Oversight of House of Representatives, see section 1(b) of Pub. L. 104-14, set out as a note preceding section 21 of Title 2, The Congress. Committee on Government Reform and Oversight of House of Representatives changed to Committee on Government Reform of House of Representatives by House Resolution No. 5, One Hundred Sixth Congress, Jan. 6, 1999.

ABOLITION OF COUNCIL

National Capital Regional Planning Council abolished by Reorg. Plan No. 5 of 1966, eff. Sept. 8, 1966, 31 F.R. 11857, 80 Stat. 1611, set out as a note under section 71b of this title.

TERMINATION OF ADVISORY COMMITTEES

Advisory committees in existence on Jan. 5, 1973, to terminate not later than the expiration of the 2-year period following Jan. 5, 1973, 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. 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.

GEOGRAPHIC INFORMATION SYSTEM FEES

Pub. L. 105-83, title II, Nov. 14, 1997, 111 Stat. 1589, provided in part: “That beginning in fiscal year 1998 and thereafter, the Commission is authorized to charge fees to cover the full costs of Geographic Information System products and services supplied by the Commission, and such fees shall be credited to this account as an offsetting collection, to remain available until expended.”

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 71, 71i, 72, 72a, 136 of this title.

§ 71b. Omitted

CODIFICATION

Section, act June 6, 1924, ch. 270, §3, as added July 19, 1952, ch. 949, §1, 66 Stat. 783, which established the Na-