

## SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 276d, 276d-3 of this title.

**§ 276d-2. Waiver for individuals who perform volunteer services for nonprofit entities**

The requirement that certain laborers and mechanics be paid in accordance with the wage-setting provisions of the Act of March 3, 1931 (commonly known as the “Davis-Bacon Act”) (40 U.S.C. 276a et seq.) as set forth in any of the Acts or provisions described in section 276d-3 of this title shall not apply to any individual—

(1) who volunteers—

(A) to perform a service directly to a public or private nonprofit recipient of Federal assistance for civic, charitable, or humanitarian reasons, without promise, expectation, or receipt of compensation for services rendered, but solely for the personal purpose or pleasure of the individual; and

(B) to provide such services freely and without pressure or coercion, direct or implied, from any employer;

(2) whose contribution of service is not for the direct or indirect benefit of any contractor otherwise performing or seeking to perform work on the same project for which the individual is volunteering;

(3) who is not employed by and does not provide services to a contractor or subcontractor at any time on the federally assisted or insured project for which the individual is volunteering; and

(4) who is not otherwise employed by the recipient of Federal assistance to perform the same type of services as those for which the individual proposes to volunteer.

(Pub. L. 103-355, title VII, § 7304, Oct. 13, 1994, 108 Stat. 3383.)

## REFERENCES IN TEXT

Act of March 3, 1931, referred to in text, is act Mar. 3, 1931, ch. 411, 46 Stat. 1494, as amended, known as the Davis-Bacon Act, which is classified generally to sections 276a to 276a-5 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 276a of this title and Tables.

## EFFECTIVE DATE

For effective date and applicability of section, see section 10001 of Pub. L. 103-355, set out as an Effective Date of 1994 Amendment note under section 251 of Title 41, Public Contracts.

## SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 276d, 276d-3 of this title.

**§ 276d-3. Contracts affected**

For purposes of sections 276d-1 and 276d-2 of this title, the Acts or provisions described in this section are—

(1) the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.);

(2) section 254b<sup>1</sup> of title 42;

(3) section 254c<sup>1</sup> of title 42;

(4) the Indian Health Care Improvement Act (25 U.S.C. 1601 et seq.); and

<sup>1</sup> See References in Text note below.

(5) the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.).

(Pub. L. 103-355, title VII, § 7305, Oct. 13, 1994, 108 Stat. 3384; Pub. L. 104-208, div. A, title I, § 101(e) [title VII, § 709(a)(4)], Sept. 30, 1996, 110 Stat. 3009-233, 3009-312.)

## REFERENCES IN TEXT

The Indian Self-Determination and Education Assistance Act, referred to in par. (1), is Pub. L. 93-638, Jan. 4, 1975, 88 Stat. 2203, as amended, which is classified principally to subchapter II (§ 450 et seq.) of chapter 14 of Title 25, Indians. For complete classification of this Act to the Code, see Short Title note set out under section 450 of Title 25 and Tables.

Sections 254b and 254c of title 42, referred to in pars. (2) and (3), were in the original references to sections 329 and 330 of the Public Health Service Act, act July 1, 1944, which were omitted in the general amendment of subpart I (§ 254b et seq.) of part D of subchapter II of chapter 6A of Title 42, The Public Health and Welfare, by Pub. L. 104-299, § 2, Oct. 11, 1996, 110 Stat. 3626. Sections 2 and 3(a) of Pub. L. 104-299 enacted new sections 330 and 330A of act July 1, 1944, which are classified, respectively, to sections 254b and 254c of Title 42.

The Indian Health Care Improvement Act, referred to in par. (4), is Pub. L. 94-437, Sept. 30, 1976, 90 Stat. 1400, as amended, which is classified principally to chapter 18 (§ 1601 et seq.) of Title 25, Indians. For complete classification of this Act to the Code, see Short Title note set out under section 1601 of Title 25 and Tables.

The Housing and Community Development Act of 1974, referred to in par. (5), is Pub. L. 93-383, Aug. 22, 1974, 88 Stat. 633, as amended. For complete classification of this Act to the Code, see Short Title note set out under section 5301 of Title 42, The Public Health and Welfare, and Tables.

## AMENDMENTS

1996—Pub. L. 104-208 redesignated pars. (2) to (6) as (1) to (5), respectively, and struck out former par. (1) which read as follows: “the Library Services and Construction Act (20 U.S.C. 351 et seq.);”.

## EFFECTIVE DATE

For effective date and applicability of section, see section 10001 of Pub. L. 103-355, set out as an Effective Date of 1994 Amendment note under section 251 of Title 41, Public Contracts.

## SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 276d, 276d-1, 276d-2 of this title.

**§ 277. Repealed. Pub. L. 86-249, § 17(16), Sept. 9, 1959, 73 Stat. 485**

Section, act Aug. 5, 1892, ch. 380, 27 Stat. 351, placed a limitation on the amount of compensation payable to persons employed outside of the District of Columbia whose compensation is paid from appropriations for public buildings in course of construction.

## SAVINGS PROVISION

Section repealed except as to its application to any project referred to in section 613 of this title, see section 17 of Pub. L. 86-249, set out as a note under section 341 of this title.

**§ 277a. Omitted**

## CODIFICATION

Section, acts June 27, 1942, ch. 450, title I, 56 Stat. 407; June 26, 1943, ch. 145, title I, 57 Stat. 178; June 27, 1944, ch. 286, title I, 58 Stat. 368; May 3, 1945, ch. 106, title I, 59 Stat. 114; Mar. 28, 1946, ch. 113, title I, 60 Stat. 67; July 30, 1947, ch. 359, title I, 61 Stat. 594; Apr. 20, 1948,

ch. 219, title I, 62 Stat. 183; June 30, 1949, ch. 288, title I, § 103, 63 Stat. 380; Aug. 24, 1949, ch. 506, title I, 63 Stat. 640, related to compensation of per diem employees, at rates approved by the Administrator of General Services, out of appropriations for salaries and expenses, public buildings and grounds in and outside the District of Columbia, and for national industrial reserve; and to emergency employment such persons subject to the Administrator's confirmation. While similar provisions, with respect to such compensation, were contained in the Independent Offices Appropriation Act, 1951, act Sept. 6, 1950, ch. 896, Ch. VIII, title I, 64 Stat. 697, they are broader in scope, and the language of this section was not repeated therein in toto. It would seem that the provisions expire from year to year with the particular appropriation acts of which they are a part.

**§ 278. Repealed. Pub. L. 86-249, § 17(17), Sept. 9, 1959, 73 Stat. 485**

Section, act Mar. 3, 1887, ch. 362, 24 Stat. 512, related to the employment of persons for supervision and care of buildings where buildings are completed with the exception of heating apparatus and approaches.

SAVINGS PROVISION

Section repealed except as to its application to any project referred to in section 613 of this title, see section 17 of Pub. L. 86-249, set out as a note under section 341 of this title.

**§ 278a. Repealed. Pub. L. 100-678, § 7, Nov. 17, 1988, 102 Stat. 4052**

Section, acts June 30, 1932, ch. 314, § 322, 47 Stat. 412; Mar. 3, 1933, ch. 212, title II, § 15, 47 Stat. 1517, related to limitations on amount to be expended for rental of buildings for Government purposes.

Section was formerly classified to section 40a of this title.

EXEMPTION ON 15 PERCENT LIMITATION FOR LEASES

Pub. L. 98-151, § 101(f) [H.R. 4139, title IV, § 6], Nov. 14, 1983, 97 Stat. 973; Pub. L. 100-202, § 106, Oct. 22, 1987, 101 Stat. 1329-433, provided that: "Funds made available by this or any other Act for the payment of rent shall be hereafter available for the purpose of leasing space without regard to section 322 of the Act of June 30, 1932, as amended (40 U.S.C. 278a)." Similar provisions were contained in the following prior appropriation acts: Pub. L. 98-107, § 101(d) [H.R. 4139, title IV, § 6], Oct. 1, 1987, 97 Stat. 736, as amended by Pub. L. 98-151, § 140, Nov. 14, 1983, 97 Stat. 981; Pub. L. 97-377, § 101(a) [incorporating H.R. 4121, title IX, § 7, for FY 1982], Dec. 21, 1982, 96 Stat. 1830; Pub. L. 97-92, § 101(a) [H.R. 4121, title IV, § 7], Dec. 15, 1981, 95 Stat. 1183.

**§ 278b. Omitted**

CODIFICATION

Section, act Apr. 28, 1942, ch. 249, 56 Stat. 247, provided for nonapplicability of section 278a of this title during war or national emergency.

**§ 278c. Omitted**

CODIFICATION

Section, act Sept. 6, 1950, ch. 896, Ch. VIII, title I, 64 Stat. 708, excepted the provisions of section 278a of this title from any lease entered into by or transferred to the General Services Administration for the housing of agencies specifically exempted from said section 278a, and was not repeated in subsequent appropriation acts.

**§ 279. Appropriations for buildings available for use in temporary rented quarters**

Unless otherwise specifically provided by law, whenever the Administrator of General Services

is authorized to secure temporary quarters for the use of Government officials pending the alteration, improvement, or repairs to, or the remodeling, reconstruction, or enlargement of, any public building belonging to the United States under the control of the Administrator of General Services the appropriation for vaults, safes, and locks for public buildings shall be available, if necessary, in connection with such portions of the premises as may be rented for or occupied by such officials in the same manner, for the same purpose, and to the same extent as if the title to such premises were vested in the United States.

(Mar. 3, 1905, ch. 1483, 33 Stat. 1161; 1939 Reorg. Plan No. I, §§ 301, 303, eff. July 1, 1939, 4 F.R. 2729, 53 Stat. 1426, 1427; June 30, 1949, ch. 288, title I, § 103(a), 63 Stat. 380.)

CODIFICATION

Section is based on Sundry Civil Appropriation Act Mar. 3, 1905, fiscal year 1906.

TRANSFER OF FUNCTIONS

Functions of Federal Works Agency and of all agencies thereof, together with functions of Federal Works Administrator transferred to Administrator of General Services by section 103(a) of act June 30, 1949, which is classified to section 753(a) of this title. Federal Works Agency and office of Federal Works Administrator abolished by section 103(b) of act June 30, 1949.

"Federal Works Agency," as formerly used in this section, originally read "Treasury Department," and "Federal Works Administrator" originally read "Secretary of the Treasury." By Reorg. Plan No. I of 1939, Public Buildings Branch of Procurement Division of Treasury Department transferred to Public Buildings Administration, Federal Works Agency, and functions of Secretary of the Treasury relating to Public Buildings Branch of Procurement Division and to selection of location and sites for public buildings transferred to Federal Works Administrator.

EFFECTIVE DATE OF TRANSFER OF FUNCTIONS

Transfer of functions by act June 30, 1949, effective July 1, 1949, see section 605 of act June 30, 1949, set out as an Effective Date note under section 471 of this title.

**§ 280. Operating supplies, operating force, and repairs**

Unless otherwise specifically provided by law, whenever the Administrator of General Services is authorized to secure temporary quarters for the use of the Government officials pending the alteration, improvement, or repairs to, or the remodeling, reconstruction, or enlargement of any public building under the control of the Administrator of General Services, including the customhouse at Washington, District of Columbia, but excluding any other public building under the control of the Administrator of General Services within the District of Columbia, and excluding also marine hospitals and quarantine stations, mints and branch mints, appropriations for operating force and operating supplies for public buildings shall be available, if necessary, in connection with such portions of the premises as may be rented for or occupied by such officials in the same manner, for the same purpose, and to the same extent as if the title to such premises were vested in the United States.

(Aug. 24, 1912, ch. 355, 37 Stat. 432; June 23, 1913, ch. 3, 38 Stat. 22; 1939 Reorg. Plan No. 1, §§ 301,