

16 USC 757a-757f.

Lakes Fisheries Conservation Act of October 30, 1965 (79 Stat. 1125), the needs and opportunities for protecting and restoring estuaries in accordance with the purposes of this Act. In approving grants made pursuant to said laws for the acquisition of all or part of an estuarine area by a State, the Secretary shall establish such terms and conditions as he deems desirable to insure the permanent protection of such areas, including a provision that the lands or interests therein shall not be disposed of by sale, lease, donation, or exchange without the prior approval of the Secretary.

SEC. 6. Nothing in this Act shall be construed to affect the authority of any Federal agency to carry out any Federal project heretofore or hereafter authorized within an estuary.

Approved August 3, 1968.

Public Law 90-455

August 3, 1968
[S. 1532]

AN ACT

To require that contracts for construction, alteration, or repair of any public building or public work of the District of Columbia be accompanied by a performance bond protecting the District of Columbia and by an additional bond for the protection of persons furnishing material and labor, and for other purposes.

D.C. public
works.
Bonds.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) before any contract, exceeding \$2,000 in amount, for the construction, alteration, or repair of any public building or public work of the District of Columbia is awarded to any person, such person shall furnish to the District of Columbia the following bonds, which shall become binding upon the award of the contract to such person, who is hereinafter designated as "contractor":

Performance
bond.

(1) A performance bond with a surety or sureties satisfactory to the Commissioners of the District of Columbia, and in such amount as they shall deem adequate, for the protection of the District of Columbia.

Payment bond.

(2) A payment bond with a surety or sureties satisfactory to the Commissioners for the protection of all persons supplying labor and material in the prosecution of the work provided for in said contract for the use of each such person. Whenever the total amount payable by the terms of the contract shall be not more than \$1,000,000 the payment bond shall be in a sum equal to one-half the total amount payable by the terms of the contract. Whenever the total amount payable by the terms of the contract shall be more than \$1,000,000 and not more than \$5,000,000, the said payment bond shall be in a sum equal to 40 per centum of the total amount payable by the terms of the contract. Whenever the total amount payable by the terms of the contract shall be more than \$5,000,000 the payment bond shall be in the sum of \$2,500,000.

(b) Nothing in this section shall be construed to limit the authority of the Commissioners to require a performance bond or other security in addition to those, or in cases other than the cases specified in subsection (a) of this section.

SEC. 2. (a) Every person who has furnished labor or material in the prosecution of the work provided for in such contract, in respect of which a payment bond is furnished under this Act and who has not been paid in full therefor before the expiration of a period of ninety days after the day on which the last of the labor was done or performed by him or material was furnished or supplied by him for which such claim is made, shall have the right to sue on such payment

bond for the amount, or the balance thereof, unpaid at the time of institution of such suit and to prosecute said action to final judgment and execution for the sum or sums justly due him: *Provided*, That any person having direct contractual relationship with a subcontractor but no contractual relationship, express or implied, with the contractor furnishing the payment bond, shall have a right of action upon the payment bond upon giving written notice to the contractor within ninety days from the date on which such person did or performed the last of the labor, or furnished or supplied the last of the material for which such claim is made, stating with substantial accuracy the amount claimed and the name of the party to whom the material was furnished or supplied or for whom the labor was done or performed. Such notice shall be served by mailing the same by registered mail, postage prepaid, in an envelope addressed to the contractor at any place he maintains an office or conducts his business, or his residence, or in any manner in which the United States marshal for the District of Columbia is authorized by law to serve summons.

(b) Every suit instituted under this section shall be brought in the name of the District of Columbia for the use of the person suing, in the United States District Court for the District of Columbia, irrespective of the amount in controversy in such suit, but no such suit shall be commenced after the expiration of one year after the day on which the last of the labor was performed or material was supplied by him. The District of Columbia shall not be liable for the payment of any costs or expenses of any such suit.

SEC. 3. The Commissioners are authorized and directed to furnish, to any person making application therefor who submits an affidavit that he has supplied labor or materials for such work and payment therefor has not been made or that he is being sued on any such bond, a certified copy of such bond and the contract for which it was given, which copy shall be prima facie evidence of the contents, execution, and delivery of the original. Applicants shall pay for such certified copies such fees as the Commissioners fix to cover the cost of preparation thereof.

SEC. 4. The Act entitled "An Act in relation to contracts with the District of Columbia", approved June 28, 1906 (34 Stat. 546), as amended by the Act approved June 26, 1912 (37 Stat. 168; D.C. Code, secs. 1-805 and 1-806) is amended by striking "\$1,000" therefrom, and inserting in lieu thereof "\$2,000".

SEC. 5. Section 1 of the Act entitled "An Act regulating the retent on contracts with the District of Columbia" approved March 31, 1906 (34 Stat. 94), as amended (D.C. Code, sec. 1-807), is amended by inserting immediately before the semicolon the following: "and whenever the work is substantially complete, the Commissioners, if they consider the amount retained to be in excess of the amount adequate for the protection of the District of Columbia, at their discretion may release to the contractor all or a portion of such excess amount".

SEC. 6. As used in this Act, the term "person" and the masculine pronoun shall include all persons whether individuals, associations, copartnerships, or corporations, and the terms "Commissioners of the District of Columbia" and "Commissioners" mean the Board of Commissioners of the District of Columbia or their designated agents.

SEC. 7. The Act entitled "An Act to require a contractor to whom is awarded any contract for public buildings or other public works or for repairs or improvements thereon for the District of Columbia to give bond for the faithful performance of the contract, for the protection of persons furnishing labor and materials, and for other purposes", approved July 7, 1932 (47 Stat. 608), as amended (D.C. Code, sec. 1-804), is repealed, except that such Act shall remain in

Definitions.

Repeal.

Exceptions.

force with respect to contracts for which invitations for bids have been issued on or before the effective date of this Act, and to persons or bonds in respect of such contracts.

Effective date.

SEC. 8. This Act shall take effect upon the expiration of sixty days after the date of its enactment, but shall not apply to any contract awarded pursuant to any invitation for bids issued on or before the date it takes effect, or to any person or bond in respect of any such contract.

81 Stat. 951.
D.C. Code title
1 app.

SEC. 9. Effective on the effective date of this Act or on the effective date of part IV of Reorganization Plan No. 3 of 1967, whichever is later, the functions vested in the Board of Commissioners by this Act shall be deemed to be vested in the Commissioner appointed pursuant to part III of such plan.

81 Stat. 949.

Approved August 3, 1968.

Public Law 90-456

JOINT RESOLUTION

August 3, 1968
[S. J. Res. 193]

To designate the National Center for Biomedical Communications the Lister Hill National Center for Biomedical Communications.

Whereas, during his long and distinguished career in the Congress, Senator Lister Hill has achieved more forward-looking legislation relating to improved health and educational opportunities for the American people than any other individual in the history of this body; and

Whereas, Senator Hill's legislative interests in health, in education, and in libraries are epitomized in the National Library of Medicine, to whose establishment and development Senator Hill has paid particular attention during the course of his career; and

Whereas, a National Center for Biomedical Communications to be constructed and located as a part of this Library has been proposed by two legislators of the House, the late John E. Fogarty of Rhode Island, and Paul G. Rogers of Florida; and further that this Center has been strongly endorsed by representatives of the scientific community as an urgently required facility for the improvement of communications necessary for health education, research, and practice; and further that this Center would function to contribute enduringly to the life-long objectives of Senator Hill's legislative career: Be it therefore

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That this Center be named and designated as the Lister Hill National Center for Biomedical Communications, thus perpetuating the name of the distinguished Senator from Alabama, and the legislative interests of his long and fruitful career in the United States Senate.

Approved August 3, 1968.

Lister Hill
National Center
for Biomedical
Communications.
Designation.