

## HISTORICAL AND REVISION NOTES—CONTINUED

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
3112(b) .....	40:255 (last par. 1st sentence words after semicolon).	
3112(c) .....	40:255 (last par. last sentence).	

Subsection (a) is substituted for 40:255 (last par. 1st sentence words before semicolon) to eliminate unnecessary words.

In subsection (b), the words “exclusive or partial” are omitted as unnecessary.

**§ 3113. Acquisition by condemnation**

An officer of the Federal Government authorized to acquire real estate for the erection of a public building or for other public uses may acquire the real estate for the Government by condemnation, under judicial process, when the officer believes that it is necessary or advantageous to the Government to do so. The Attorney General, on application of the officer, shall have condemnation proceedings begun within 30 days from receipt of the application at the Department of Justice.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1144.)

## HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
3113 .....	40:257.	Aug. 1, 1888, ch. 728, §1, 25 Stat. 357; June 25, 1948, ch. 646, §6, 62 Stat. 986.

The words “the Secretary of the Treasury or any other” are omitted as unnecessary. The reference to section 258 is omitted because 40:258 is superseded by rule 71A of the Federal Rules of Civil Procedure (28 App.: U.S.C.).

**§ 3114. Declaration of taking**

(a) FILING AND CONTENT.—In any proceeding in any court of the United States outside of the District of Columbia brought by and in the name of the United States and under the authority of the Federal Government to acquire land, or an easement or right of way in land, for the public use, the petitioner may file, with the petition or at any time before judgment, a declaration of taking signed by the authority empowered by law to acquire the land described in the petition, declaring that the land is taken for the use of the Government. The declaration of taking shall contain or have annexed to it—

(1) a statement of the authority under which, and the public use for which, the land is taken;

(2) a description of the land taken that is sufficient to identify the land;

(3) a statement of the estate or interest in the land taken for public use;

(4) a plan showing the land taken; and

(5) a statement of the amount of money estimated by the acquiring authority to be just compensation for the land taken.

(b) VESTING OF TITLE.—On filing the declaration of taking and depositing in the court, to the use of the persons entitled to the compensation, the amount of the estimated compensation stated in the declaration—

(1) title to the estate or interest specified in the declaration vests in the Government;

(2) the land is condemned and taken for the use of the Government; and

(3) the right to just compensation for the land vests in the persons entitled to the compensation.

(c) COMPENSATION.—

(1) DETERMINATION AND AWARD.—Compensation shall be determined and awarded in the proceeding and established by judgment. The judgment shall include interest, in accordance with section 3116 of this title, on the amount finally awarded as the value of the property as of the date of taking and shall be awarded from that date to the date of payment. Interest shall not be allowed on as much of the compensation as has been paid into the court. Amounts paid into the court shall not be charged with commissions or poundage.

(2) ORDER TO PAY.—On application of the parties in interest, the court may order that any part of the money deposited in the court be paid immediately for or on account of the compensation to be awarded in the proceeding.

(3) DEFICIENCY JUDGMENT.—If the compensation finally awarded is more than the amount of money received by any person entitled to compensation, the court shall enter judgment against the Government for the amount of the deficiency.

(d) AUTHORITY OF COURT.—On the filing of a declaration of taking, the court—

(1) may fix the time within which, and the terms on which, the parties in possession shall be required to surrender possession to the petitioner; and

(2) may make just and equitable orders in respect of encumbrances, liens, rents, taxes, assessments, insurance, and other charges.

(e) VESTING NOT PREVENTED OR DELAYED.—An appeal or a bond or undertaking given in a proceeding does not prevent or delay the vesting of title to land in the Government.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1145.)

## HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
3114(a) .....	40:258a (1st par.).	Feb. 26, 1931, ch. 307, §1, 46 Stat. 1421; Pub. L. 99–656, §1(1), Nov. 14, 1986, 100 Stat. 3668.
3114(b) .....	40:258a (2d par. 1st sentence words before 1st semicolon).	
3114(c)(1) ....	40:258a (2d par. 1st sentence words after 1st semicolon, last sentence).	
3114(c)(2), (3).	40:258a (3d par.).	
3114(d) .....	40:258a (last par.).	
3114(e) .....	40:258b.	Feb. 26, 1931, ch. 307, §2, 46 Stat. 1422.

In subsection (a), before clause (1), the words “which has been or may be” are omitted as unnecessary.

In subsection (b)(1), the words “said lands in fee simple absolute, or such less” are omitted as unnecessary.

In subsection (b)(2), the words “deemed to be” are omitted as unnecessary.

**§ 3115. Irrevocable commitment of Federal Government to pay ultimate award when fixed**

(a) REQUIREMENT FOR IRREVOCABLE COMMITMENT.—Action under section 3114 of this title irrevocably committing the Federal Government to the payment of the ultimate award shall not be taken unless the head of the executive department or agency or bureau of the Government empowered to acquire the land believes that the ultimate award probably will be within any limits Congress prescribes on the price to be paid.

(b) AUTHORIZED PURPOSES OF EXPENDITURES AFTER IRREVOCABLE COMMITMENT MADE.—When the Government has taken or may take title to real property during a condemnation proceeding and in advance of final judgment in the proceeding and has become irrevocably committed to pay the amount ultimately to be awarded as compensation, and the Attorney General believes that title to the property has been vested in the Government or that all persons having an interest in the property have been made parties to the proceeding and will be bound by the final judgment, the Government may expend amounts appropriated for that purpose to demolish existing structures on the property and to erect public buildings or public works on the property.

(Pub. L. 107-217, Aug. 21, 2002, 116 Stat. 1146.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
3115(a) .....	40:258c.	Feb. 26, 1931, ch. 307, § 3, 46 Stat. 1422.
3115(b) .....	40:258e.	Feb. 26, 1931, ch. 307, § 5, 46 Stat. 1422; Pub. L. 91-393, § 4, Sept. 1, 1970, 84 Stat. 835.

In subsection (b), the words “possession of” are omitted as unnecessary.

**§ 3116. Interest as part of just compensation**

(a) CALCULATION.—The district court shall calculate interest required to be paid under this subchapter as follows:

(1) PERIOD OF NOT MORE THAN ONE YEAR.—Where the period for which interest is owed is not more than one year, interest shall be calculated from the date of taking at an annual rate equal to the weekly average one-year constant maturity Treasury yield, as published by the Board of Governors of the Federal Reserve System, for the calendar week preceding the date of taking.

(2) PERIOD OF MORE THAN ONE YEAR.—Where the period for which interest is owed is more than one year, interest for the first year shall be calculated in accordance with paragraph (1) and interest for each additional year shall be calculated on the amount by which the award of compensation is more than the deposit referred to in section 3114 of this title, plus accrued interest, at an annual rate equal to the weekly average one-year constant maturity Treasury yield, as published by the Board of Governors of the Federal Reserve System, for the calendar week preceding the beginning of each additional year.

(b) DISTRIBUTION OF NOTICE OF RATES.—The Director of the Administrative Office of the United

States Courts shall distribute to all federal courts notice of the rates described in paragraphs (1) and (2) of subsection (a).

(Pub. L. 107-217, Aug. 21, 2002, 116 Stat. 1146.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
3116(a) .....	40:258e-1 (less last sentence).	Feb. 26, 1931, ch. 307, § 6, as added Pub. L. 99-656, § 1(2), Nov. 14, 1986, 100 Stat. 3668; Pub. L. 106-554, § 1(a)(7) [§ 307(a)], Dec. 21, 2000, 114 Stat. 2763A-635.
3116(b) .....	40:258e-1 (last sentence).	

**§ 3117. Exclusion of certain property by stipulation of Attorney General**

In any condemnation proceeding brought by or on behalf of the Federal Government, the Attorney General may stipulate or agree on behalf of the Government to exclude any part of the property, or any interest in the property, taken by or on behalf of the Government by a declaration of taking or otherwise.

(Pub. L. 107-217, Aug. 21, 2002, 116 Stat. 1147.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
3117 .....	40:258f.	Oct. 21, 1942, ch. 618, 56 Stat. 797.

The words “that may have been, or may be” are omitted as unnecessary.

**§ 3118. Right of taking as addition to existing rights**

The right to take possession and title in advance of final judgment in condemnation proceedings as provided by section 3114 of this title is in addition to any right, power, or authority conferred by the laws of the United States or of a State, territory, or possession of the United States under which the proceeding may be conducted, and does not abrogate, limit, or modify that right, power, or authority.

(Pub. L. 107-217, Aug. 21, 2002, 116 Stat. 1147.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
3118 .....	40:258d.	Feb. 26, 1931, ch. 307, § 4, 46 Stat. 1422.

The words “State, territory, or possession of the United States” are substituted for “State or Territory” for consistency in the revised title and with other titles of the United States Code.

SUBCHAPTER III—BONDS

**§ 3131. Bonds of contractors of public buildings or works**

(a) DEFINITION.—In this subchapter, the term “contractor” means a person awarded a contract described in subsection (b).

(b) TYPE OF BONDS REQUIRED.—Before any contract of more than \$100,000 is awarded for the construction, alteration, or repair of any public building or public work of the Federal Govern-