

Public Law 92-578

AN ACT

October 27, 1972
[H. R. 10751]

To establish the Pennsylvania Avenue Development Corporation, to provide for the preparation and carrying out of a development plan for certain areas between the White House and the Capitol, to further the purposes for which the Pennsylvania Avenue National Historic Site was designated, and for other purposes.

Pennsylvania
Avenue Develop-
ment Corporation
Act of 1972.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Pennsylvania Avenue Development Corporation Act of 1972".

SEC. 2. The Congress finds and declares—

(a) that it is in the national interest that the area adjacent to Pennsylvania Avenue between the Capitol and the White House, most of which was designated on September 30, 1965, as a national historic site under the Historic Sites Act of August 21, 1935 (16 U.S.C. 461 et seq.), be developed, maintained, and used in a manner suitable to its ceremonial, physical, and historic relationship to the legislative and executive branches of the Federal Government and to the governmental buildings, monuments, memorials, and parks in or adjacent to the area;

(b) that the area adjacent to Pennsylvania Avenue between the Capitol and the White House, because of its blighted character, imposes severe public, economic, and social liabilities upon the District of Columbia as the seat of the government of the United States, thereby impeding its sound growth and development and constituting a serious and growing threat to the public health, safety, morals, and welfare of its inhabitants;

(c) that to insure suitable development, maintenance, and use of the area and the elimination of blight, it is essential that there be developed and carried out as an entirety plans for this area which will specify the uses, both public and private, to which property is to be put, the programing and financing of necessary acquisitions, construction, reconstruction, and other activities;

(d) that such duties and responsibilities can best be developed and carried out by vesting the requisite powers in a Federal corporation which can take maximum advantage of the private as well as the public resources which will be necessary;

(e) that the powers conferred by this Act are for public uses and purposes for which public powers may be employed, public funds may be expended, and the power of eminent domain and the police power may be exercised, and the granting of such powers is necessary in the public interest; and

(f) that the area thus to be developed, maintained, and used in accordance with the provisions of this Act (hereinafter referred to as the development area) shall be the area bounded as follows:

Beginning at a point on the southwest corner of the intersection of Fifteenth Street and E Street Northwest;

thence proceeding easterly along the southerly side of E Street to the southwest corner of the intersection of Thirteenth Street and Pennsylvania Avenue Northwest;

thence southeasterly along the southerly side of Pennsylvania Avenue to a point being the southeast corner of the intersection of Pennsylvania Avenue and Third Street Northwest;

thence northerly along the east side of Third Street to the northeast corner of the intersection of C Street and Third Street Northwest;

49 Stat. 666.

Development
area.

thence westerly along the north side of C Street to the northeast corner of the intersection of C Street and Sixth Street Northwest;

thence northerly along the east side of Sixth Street to the northeast corner of the intersection of E Street and Sixth Street Northwest;

thence westerly along the north side of E Street to the northeast corner of the intersection of E Street and Seventh Street Northwest;

thence northerly along the east side of Seventh Street to the northeast corner of the intersection of Seventh Street and F Street Northwest;

thence westerly along the north side of F Street to the northwest corner of the intersection of F Street and Ninth Street Northwest;

thence southerly along the west side of Ninth Street to the northwest corner of the intersection of Ninth Street and E Street Northwest;

thence westerly along the north side of E Street to the northeast corner of the intersection of E Street and Thirteenth Street Northwest;

thence northerly along the east side of Thirteenth Street to the northeast corner of the intersection of F Street and Thirteenth Street Northwest;

thence westerly along the north side of F Street to the northwest corner of the intersection of F Street and Fifteenth Street Northwest;

thence northerly along the west side of Fifteenth Street to the northwest corner of the intersection of Pennsylvania Avenue and Fifteenth Street Northwest;

thence westerly along the southern side of Pennsylvania Avenue to the southeast corner of the intersection of Pennsylvania Avenue and East Executive Avenue Northwest;

thence southerly along the east side of East Executive Avenue to the intersection of South Executive Place and E Street Northwest;

thence easterly along the south side of E Street to the point of beginning being the southwest corner of the intersection of Fifteenth Street and E Street Northwest.

SEC. 3. (a) There is hereby created a body corporate to be known as the Pennsylvania Avenue Development Corporation (hereinafter referred to as the "Corporation").

Pennsylvania
Avenue Development
Corporation,
establishment.

(b) The Corporation shall be dissolved upon completion, as determined by the Board of Directors, of its implementation of the development plan provided for in section 5 of this Act. Upon dissolution, assets remaining after all the obligations and indebtedness of the Corporation has been fulfilled and paid or satisfied shall be the assets of the United States.

(c) The powers and management of the Corporation shall be vested in a Board of Directors consisting of fifteen members, as follows:

Board of Directors.

- (1) The Secretary of the Interior;
- (2) The Secretary of the Treasury;
- (3) The Secretary of Housing and Urban Development;
- (4) The Secretary of Transportation;
- (5) The Administrator of General Services;
- (6) The Commissioner of the District of Columbia;
- (7) The Chairman, District of Columbia Council; and

- (8) Eight, at least four of whom shall be residents and who are registered voters of the District of Columbia, appointed by the President from private life, who shall have knowledge and experience in one or more fields of history, architecture, city planning, retailing, real estate, construction, or government.
- Term.** (d) Each member of the Board of Directors specified in paragraphs (1) through (7) of subsection (c) may designate another official to serve on the Board in his stead if unable to serve in person.
- (e) Each member of the Board of Directors appointed under paragraph (8) of subsection (c) shall serve for a term of six years from the expiration of his predecessor's term; except that (1) any Director appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term, and (2) the terms of office of the Directors first taking office shall begin on the date of the enactment of this Act, and shall expire as designated at the time of appointment, two at the end of two years, two at the end of four years, and four at the end of six years. A Director may continue to serve until his successor has qualified.
- Chairman.** (f) The President shall designate a Chairman and a Vice Chairman from among the members of the Board of Directors, chosen from private life.
- (g) The Chairman, upon his appointment, shall invite to serve on the Board of Directors as nonvoting members the following:
- (1) The Chairman of the Commission of Fine Arts;
 - (2) The Chairman of the National Capital Planning Commission;
 - (3) The Secretary of the Smithsonian Institution;
 - (4) The Director of the National Gallery of Art;
 - (5) The Architect of the Capitol;
 - (6) The Archivist of the United States;
 - (7) The Chairman of the District of Columbia, Commission on the Arts; and
 - (8) The Chairman of the District of Columbia Redevelopment Land Agency.
- Compensation.** (h) Members of the Board of Directors who are officers or employees of the Federal or District of Columbia government shall receive no additional compensation by virtue of their membership on the Board. Other members of the Board, when engaged in the activities of the Corporation, shall be entitled to receive compensation at the daily equivalent of the rate for GS-18 of the General Schedule, and travel expenses, including per diem in lieu of subsistence, as authorized by law (5 U.S.C. 5703(b)-(d) and 5707) for persons in the Government service employed intermittently.
- Meetings, quorum.** (i) The Board of Directors shall meet at the call of the Chairman, who shall require it to meet not less often than once each three months. A majority of the voting members of the Board of Directors (or their designated alternates) shall constitute a quorum.
- Advisory Board.** (j) There shall be established a nonvoting Advisory Board of seven members appointed by the Chairman from among tenants and owners of real property within the development area. The Advisory Board shall meet at least twice annually with the Board of Directors, and shall otherwise offer such advice and assistance as may be of benefit to the Board of Directors during preparation of the development plan.
- Executive Director.** Sec. 4. (a) The Board of Directors shall have the power to appoint and fix the compensation and duties of the Executive Director and such

5 USC 5332
note.

80 Stat. 499;
83 Stat. 190.

other officers and employees of the Corporation as may be necessary for the efficient administration of the Corporation; the Executive Director and two other officers of the Corporation may be appointed and compensated without regard to the provisions of title 5 of the United States Code governing appointments in the competitive service and chapter 51 and subchapter 53 of title 5 of the United States Code.

80 Stat. 378.
5 USC 101 et
seq.
5 USC 5101,
5331.

(b) Administrative services shall be provided by the General Services Administration on a reimbursable basis.

GSA, adminis-
trative services.
Development
Plan.

SEC. 5. (a) The development plan for the development area shall include, but not be limited to: (1) the types of uses, both public and private, to be permitted; (2) criteria for the design and appearance of buildings, facilities, open spaces, and other improvements; (3) an estimate of the current values of all properties to be acquired; (4) an estimate of the relocation costs which would be incurred in carrying out the provisions of section 8 of this Act; (5) an estimate of the cost of land preparation for all properties to be acquired; (6) an estimate of the reuse values of the properties to be acquired; (7) a program for the staging of a proposed development, including a detailed description of the portion of the program to be scheduled for completion by 1976; (8) a determination of the marketability of such development; (9) an estimate of the development costs, both public and private; (10) a thorough study of the economic impact of such development, including the impact on the local tax base, the metropolitan area as whole, and the existing business activities within the development area; and (11) the procedures (including both interim and long-term arrangements) to be used in carrying out and insuring continuing conformance to the development plan.

(b) The development plan provided for in subsection (a) shall be prepared with the Cooperation of the Department of the Interior, the General Services Administration, and the District of Columbia government with the maximum feasible use of their staffs and other resources on a reimbursable basis by the Corporation.

Introspect

Intersect

Intersect

(c) After the development plan has been completed and approved by the Board of Directors of the Corporation, it shall be submitted to the Secretary of the Interior and the Commissioner of the District of Columbia. The Secretary of the Interior, within ninety days, shall notify the Corporation of his approval or recommended modifications from the standpoint of the compatibility of the plan with his responsibilities for the administration, protection, and development of the areas within the Pennsylvania Avenue National Historic Site. The Commissioner of the District of Columbia, within ninety days, shall consult with the National Capital Planning Commission, shall hold public hearings on the plan, and shall notify the Corporation of his approval or recommended modifications: *Provided*, That in the event that the Secretary of the Interior or the Commissioner of the District of Columbia has not notified the Corporation of his approval or recommended modifications of the plan within ninety days after the date of submission, he shall be deemed to have approved the plan.

Submittal to
Secretary of In-
terior and D.C.
Commissioner.

Public hear-
ings.

(d) In the event the Secretary of the Interior or the Commissioner of the District of Columbia has recommended modifications of the plan, the Corporation within one hundred and twenty days of the original submission of the plan shall consult with them regarding such modifications and shall prepare a development plan which shall be transmitted to the President of the Senate and the Speaker of the House of Representatives.

Transmittal to
Congress.

If the Secretary of the Interior or the Commissioner of the District of Columbia has not approved the development plan, the transmittal

Transmittal to
Congress.

Transmittal to
Congress.

shall include a specification of the areas of difference, the modifications suggested by the Secretary of the Interior or the Commissioner of the District of Columbia and the views of the Corporation thereon. Following the expiration of sixty legislative days after the date of such transmittal, the Corporation may proceed with the execution and implementation of the plan unless between the date of transmittal and the end of the sixty legislative day period, either the Senate or the House of Representatives passes a resolution in opposition to the development plan.

(e) Activities under the development plan shall be carried out in accordance with the approved development plan. The Corporation may alter, revise, or amend the plan, but any such alteration, revision, or amendment which is a substantial change from the approved development plan shall take effect only upon compliance with the procedures set forth in subsections (c) and (d) of this section. For the purposes of this subsection, the term "substantial change" shall mean one involving a major alteration in the character or intensity of an existing or proposed use in the development area which in the opinion of the Corporation causes an increase or decrease of 10 per centum or more of the dollar amount of the estimate prepared in accordance with subsection (a) (9) of this section, or one which, in the opinion of the Secretary of the Interior, affects his responsibilities for the administration, protection, and development of the areas within the Pennsylvania Avenue National Historic Site.

(f) To avoid duplication and unnecessary expense the Corporation shall, to the maximum feasible extent in conducting its operations, utilize the services and facilities of other agencies, including the Department of the Interior, General Services Administration, the National Capital Planning Commission, the District of Columbia government, and the District of Columbia Redevelopment Land Agency.

SEC. 6. In carrying out its powers and duties, the Corporation—

(1) shall have all necessary and proper powers for the exercise of the authorities vested in it;

(2) shall have succession in its corporate name;

(3) may adopt and use a corporate seal which shall be judicially noticed;

(4) may sue and be sued in its corporate name. All litigation arising out of the activities of the Corporation shall be conducted by the Attorney General;

(5) may adopt, amend, and repeal bylaws, rules, and regulations governing the manner in which its business may be conducted and the powers vested in it may be exercised;

(6) may acquire lands, improvements, and properties within the development area by purchase, lease, donation, or exchange; may hold, maintain, use, or operate such properties; may sell, lease, or otherwise dispose of such real and personal property and any interest therein as the Corporation deems necessary to carry out the development plan; or may lease, repurchase, or otherwise acquire and hold any property which the Corporation has theretofore sold, leased, conveyed, transferred, or otherwise disposed of: *Provided*, That condemnation proceedings for the acquisition of real property (including interests therein), which may be necessary or appropriate in order to carry out the development plan, shall be conducted in accordance with the procedural provisions of chapter 13, subchapter IV, of title 16 of the District of Columbia Code: *Provided further*, That prior to acquiring any residential property there shall be a finding of assurance of adequate

"Substantial change."

Other government agencies, services.

Corporation powers.

Condemnation proceedings.

replacement housing consonant with the requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (84 Stat. 1894) ;

42 USC 4601
note.

(7) may enter into and perform such contracts, leases, cooperative agreements, or other transactions with any agency or instrumentality of the United States, the several States, or the District of Columbia or with any person, firm, association, or corporation (including agreements with private utility companies with respect to the relocation of utility lines and other facilities in the development area) as may be deemed necessary or appropriate to the conduct of activities authorized under this Act;

(8) may establish (through covenants, regulations, agreements, or otherwise) such restrictions, standards, and requirements as are necessary to assure development, maintenance, and protection of the development area in accordance with the development plan;

Financing;
proposals, trans-
mittal to Congress.

(9) shall seek authority from the Congress to borrow money by issuing marketable obligations, after obtaining proposals from at least three private financial analysts on the feasibility of private versus public financing of the Corporation, which proposals shall be transmitted to the Congress with the development plan as provided in section 5 of this Act.

Limitation.

(10) may borrow money from the Treasury of the United States in such amounts as may be authorized in appropriation Acts, but not to exceed \$50,000,000. Such borrowings from the Treasury shall have such maturities, terms, and conditions as may be agreed upon by the Corporation and the Secretary of the Treasury, but the maturities may not be in excess of forty years, and such borrowings may be redeemable at the option of the Corporation before maturity. Such borrowings shall bear interest at a rate determined by the Secretary of the Treasury taking into consideration the average market yield on outstanding marketable obligations of the United States of comparable maturities during the month preceding the issuance of the obligations of the Corporation. The interest payments on such obligations may be deferred with the approval of the Secretary of the Treasury but any interest payment so deferred shall bear interest. Said obligations shall be issued in amounts and at prices approved by the Secretary of the Treasury. The authority of the Corporation to issue obligations hereunder shall expire June 3, 1980, except that obligations may be issued at any time after the expiration of said period to provide funds necessary for the performance of any contract entered into by the Corporation, prior to the expiration of said period. The Secretary of the Treasury is authorized and directed to purchase any obligations of the Corporation to be issued under this paragraph and for such purpose the Secretary of the Treasury is authorized to use as a public debt transaction of the United States the proceeds from the sale of any securities issued under the Second Liberty Loan Bond Act, as amended, and the purposes for which securities may be issued under the Second Liberty Loan Bond Act, as amended, are extended to include any purchase of the Corporation's obligations under this paragraph;

Obligations,
issuance, au-
thority expiration.

40 Stat. 288.
31 USC 774.

(11) may invest any funds held in reserve or sinking funds, or any moneys not required for immediate use or disbursement, with the approval of the Secretary of the Treasury, in obligations of the United States Government, or obligations the principal and

Restriction.

interest of which are guaranteed by the United States Government: *Provided*, That this authority shall not extend to moneys obtained by borrowing from the Government or through appropriations to the Corporation;

(12) may procure insurance against any loss in connection with its property and other assets and operations;

(13) may contract for and accept any gifts or grants or property or financial or other aid in any form from the Federal Government or any agency or instrumentality thereof, or from any State or any agency or instrumentality thereof, or from any source, and comply subject to the provisions of this Act, with the terms and conditions thereof;

(14) may determine the character of and necessity for its obligations and expenditures, and the manner in which they shall be incurred, allowed, and paid, subject to provisions and laws specifically applicable to wholly owned Government corporations;

(15) may prepare or cause to be prepared plans, specifications, designs, and estimates of cost for the construction, reconstruction, rehabilitation, improvement, alteration, or repair of any project, and from time to time may modify such plans, specifications, designs, or estimates;

(16) may acquire, construct, reconstruct, rehabilitate, improve, alter, or repair or provide for the construction, reconstruction, improvement, alteration, or repair of any project;

(17) may grant options to purchase any project or may renew any leases entered into by it in connection with any of its projects, on such terms and conditions as it may deem advisable;

(18) may manage any project, owned or leased by the Corporation, and may enter into agreements with the District of Columbia government or any agency or instrumentality thereof, or with any person, firm, partnership, or corporation, either public or private, for the purpose of causing any such project to be managed;

Personnel.

(19) may utilize or employ the services of personnel of any agency or instrumentality of the Federal Government or of the District of Columbia, with the consent of the agency or instrumentality concerned, upon a reimbursable basis, or utilize voluntary or uncompensated personnel;

Information,
availability.

(20) shall publish and disseminate information and make known to potential users, by advertisement, solicitation, or other means, the availability for development of lands in the development area;

(21) may execute all instruments necessary or appropriate in the exercise of any of its functions under this Act, and may delegate to members of the Board or the Executive Director such of its powers and responsibilities as it deems appropriate and useful for the administration of the Corporation; and

(22) shall be entitled to the use of the United States mails in the same manner as the executive departments of the Government, and shall have all the rights, privileges, and immunities of the United States with respect to debts due from insolvent, deceased, or bankrupt debtors.

SEC. 7. (a) Nothing in this Act shall preclude other agencies or instrumentalities of the Federal Government or of the District of Columbia from exercising any lawful powers in the development area consistent with the development plan or the provisions and purposes of this Act; but no such agency or instrumentality shall release, mod-

ify, or depart from any feature or detail of the development plan without the prior approval of the Corporation.

(b) After the date of the enactment of this Act, no new construction (including substantial remodeling, conversion, rebuilding, enlargement, extension, or major structural improvement of existing building, but not including ordinary maintenance or remodeling or changes necessary to continue occupancy) shall be authorized or conducted within the development area except upon prior certification by the Corporation that the construction is, or may reasonably be expected to be, consistent with the carrying out of the development plan for the area: *Provided*, That if the development plan for the area does not become effective under the provisions of section 5 within twelve months of the date of enactment of this Act, this subsection shall be of no further force and effect until such time as the development plan does become effective under that section.

SEC. 8. (a) The title to any real property (or interest therein) acquired under the authority of this Act shall be taken by and in the name of the Corporation and proceedings for condemnation or other acquisition of property shall be brought by and in the name of the Corporation.

(b) In the administration of a relocation program or programs pursuant to the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, the Corporation may utilize the services of the District of Columbia Redevelopment Land Agency. Costs of such services shall be reimbursed by the Corporation to the District of Columbia Redevelopment Land Agency.

(c) All relocation services performed by or on behalf of the Corporation shall be coordinated with the District of Columbia's central relocation programs.

(d) Owners and tenants of real property whose residence, or retail, wholesale, service or other business is terminated as a result of acquisitions made pursuant to this Act shall be granted a preferential right to lease or purchase from the Corporation or its agent such like real property as may become available for a similar use upon implementation of the development plan. Any such preferential right shall be limited to the parties in interest and shall not be transferable or assignable.

SEC. 9. (a) In effectuating the purposes of this Act, the Corporation:

(1) shall consult and cooperate with District of Columbia officials and community leaders at the earliest practicable time;

(2) shall give primary consideration to local needs and desires and to local and regional goals and policies as expressed in urban renewal, community renewal, and comprehensive land use plans and regional plans; and

(3) shall foster local initiative and participation in connection with the planning and development of its projects.

(b) The Corporation shall comply with all District of Columbia laws, ordinances, codes, and regulations in constructing, reconstructing, rehabilitating, altering, and improving any project: *Provided*, That the provisions of section 428 of title 5 of the District of Columbia Code shall apply to all the constructing, reconstructing, rehabilitating, altering, and improving of all buildings by the Corporation. The construction, reconstruction, rehabilitation, alteration, and improvement of any project by non-Government sources shall be subject to the provisions of the District of Columbia Code and zoning regulations.

SEC. 10. (a) Since the exercise of the powers granted by this Act

84 Stat. 1894.
42 USC 4601
note.

Displaced
owners and ten-
ants, preferential
right.

Local needs,
primary considera-
tion.

52 Stat. 802.

Tax exemption.

will be in all respects for the benefit of the people, the Corporation is hereby declared to be devoted to an essential public and governmental function and purpose and shall be exempt from all taxes and special assessments of every kind of the United States and of the District of Columbia.

Payments to
D.C. govern-
ment.

(b) To the end that the District of Columbia may not suffer undue loss of tax revenue by reason of the provisions of subsection (a), the Corporation, in connection with any real property acquired and owned by the Corporation in carrying out the provisions of this Act shall pay to the District of Columbia government an amount equal to the amount of the real property tax which would have been payable to the District of Columbia government beginning on the date of acquisition of such real property by the Corporation if legal title to such property had been held by a private citizen on such date and during all periods to which such date relates.

Report to Presi-
dent and Con-
gress.

SEC. 11. The Corporation shall transmit to the President and the Congress, annually each January and at such other times as it deems desirable, a comprehensive and detailed report of its operations, activities, and accomplishments under this Act.

SEC. 12. (a) The Corporation shall contribute to the civil service retirement and disability fund, on the basis of annual billings as determined by the Civil Service Commission for the excess, if any, of the Government's share of the normal cost of the civil service retirement system applicable to the Corporation's employees and their beneficiaries over the agency contributions required by section 8334(a)(1) of title 5, United States Code.

83 Stat. 136.

(b) The Corporation shall include in the annual billings provided for under subsection (a) above, a statement of the fair portion of the cost of the administration of the fund, which shall be paid by the Corporation into the Treasury as miscellaneous receipts.

SEC. 13. The Corporation is authorized to use in the conduct of its business all its funds and other assets and all funds and other assets which have been or may hereafter be transferred to, allocated to, borrowed by, or otherwise acquired by it.

SEC. 14. (a) All general penal statutes relating to the larceny, embezzlement, or conversion of public moneys or property of the United States shall apply to moneys and property of the Corporation.

(b) Any person who, with intent to defraud the Corporation, or to deceive any director, officer, or employee of the Corporation or any officer or employee of the United States, (1) makes any false entry in any book of the Corporation, or (2) makes any false report or statement for the Corporation, shall, upon conviction thereof, be fined not more than \$10,000 or imprisoned not more than five years, or both.

(c) Any person who with intent to defraud the Corporation (1) receives any compensation, rebate, or reward, or (2) enters into any conspiracy, collusion, or agreement, express or implied, shall, on conviction thereof, be fined not more than \$5,000 or imprisoned not more than five years, or both.

59 Stat. 597.

SEC. 15. Section 101 of the Government Corporation Control Act (31 U.S.C. 846) is amended by inserting "Pennsylvania Avenue Development Corporation;" after "Farmers Home Corporation;"

Separability.

SEC. 16. If any provisions of this Act or the application thereof to any body, agency, situation, or circumstances is held invalid the remainder of the Act and the application of such provision to other bodies, agencies, situations, or circumstances shall not be affected thereby.

SEC. 17. There are hereby authorized to be appropriated not to exceed \$1,000,000 for the development of the plan to be prepared pursuant to section 5 of this Act. No appropriations shall be made from the Land and Water Conservation Fund established by the Act of September 3, 1964 (78 Stat. 897, as amended, 16 U.S.C. 4601), to effectuate the purposes of this Act.

Approved October 27, 1972.

Appropriation.

Prohibition.

Public Law 92-579

AN ACT

October 27, 1972
[S. 1524]

To amend title 12, District of Columbia Code, to provide a limitation of actions for actions arising out of death or injury caused by a defective or unsafe improvement to real property.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. (a) Chapter 3 of title 12 of the District of Columbia Code (relating to limitation of actions) is amended by adding at the end the following new section:

D.C.
Improvement to
real property.
Death or injury
actions, limitation.
77 Stat. 510.
D.C. Code 12-
301.

"§ 12-310. Actions arising out of death or injury caused by defective or unsafe improvements to real property

"(a) (1) Except as provided in subsection (b), any action—

"(A) to recover damages for—

"(i) personal injury,

"(ii) injury to real or personal property, or

"(iii) wrongful death,

resulting from the defective or unsafe condition of an improvement to real property, and

"(B) for contribution or indemnity which is brought as a result of such injury or death,

shall be barred unless in the case where injury is the basis of such action, such injury occurs within the ten-year period beginning on the date the improvement was substantially completed, or in the case where death is the basis of such action, either such death or the injury resulting in such death occurs within such ten-year period.

"(2) For purposes of this subsection, an improvement to real property shall be considered substantially completed when—

"(A) it is first used, or

"(B) it is first available for use after having been completed in accordance with the contract or agreement covering the improvement, including any agreed changes to the contract or agreement, whichever occurs first.

"(b) The limitation of actions prescribed in subsection (a) shall not apply to—

"(1) any action based on a contract, express or implied, or

"(2) any action brought against the person who, at the time the defective or unsafe condition of the improvement to real property caused injury or death, was the owner of or in actual possession or control of such real property."

(b) The table of sections for such chapter 3 is amended by adding at the end the following new item:

"12-310. Actions arising out of death or injury caused by defective or unsafe improvements to real property."