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109TH CONGRESS } HOUSE OF REPRESENTATIVES { REPORT
1st Session } { 109–48

TECHNICAL CORRECTIONS TO THE UNITED STATES CODE

APRIL 19, 2005.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. SENSENBRENNER, from the Committee on the Judiciary, submitted the following

R E P O R T

[To accompany H.R. 866]

[Including cost estimate of the Congressional Budget Office]

The Committee on the Judiciary, to whom was referred the bill (H.R. 866) to make technical corrections to the United States Code, having considered the same, reports favorably thereon and recommends that the bill do pass.

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GENERAL EXPLANATION

Purpose.—The purpose of the bill is to make technical corrections to the United States Code relating to cross references, typographical errors, and stylistic matters.

Background.—The Office of the Law Revision Counsel of the House of Representatives has prepared the bill and submitted it to the Committee as part of the responsibilities of the Office under

section 285(b) of title 2, United States Code, to provide revisions in titles of the Code that have been enacted into positive law so that those titles may be kept current.

HEARINGS

Because H.R. 866 makes only technical corrections, the Committee did not hold any hearings on the bill.

COMMITTEE CONSIDERATION

At a meeting of the Committee on April 13, 2005, a quorum being present, H.R. 866 was approved by a voice vote and ordered reported.

VOTE OF THE COMMITTEE

During full committee consideration of H.R. 866 the Committee took no roll call votes.

COMMITTEE OVERSIGHT FINDINGS

In compliance with clause 3(c)(1) of Rule XIII of the Rules of the House of Representatives, the Committee reports that the findings and recommendations of the Committee, based on oversight activities under clause 2(b)(1) of Rule X of the Rules of the House of Representatives, are incorporated in the descriptive portions of this report.

NEW BUDGET AUTHORITY AND TAX EXPENDITURES

Clause 3(c)(2) of Rule XIII of the Rules of the House of Representatives is inapplicable because H.R. 866 does not provide new budget authority or an increase in tax expenditures.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

In compliance with clause 3(c)(3) of Rule XIII of the Rules of the House of Representatives, the Committee sets forth, with respect to the bill, H.R. 866, the following estimate and comparison prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, April 15, 2005.

Hon. F. JAMES SENSENBRENNER, Jr.,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 866, a bill to make technical corrections to the United States Code.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Matthew Pickford, who can be reached at 226–2860.

Sincerely,

DOUGLAS HOLTZ-EAKIN.

Enclosure

cc: Honorable John Conyers, Jr.
Ranking Member

H.R. 866—A bill to make technical corrections to the United States Code.

CBO estimates that enacting H.R. 866 would have no impact on the Federal budget. Enacting the bill would not affect direct spending or revenues. H.R. 866 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would have no significant impact on the budgets of State, local, or tribal governments.

H.R. 866 would correct cross-references, typographical errors, and make changes to various parts of the United States Code. Because these changes are technical, CBO estimates that enacting H.R. 866 would have no budgetary impact.

The CBO staff contact for this estimate is Matthew Pickford, who may be reached at 226–2860. This estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

PERFORMANCE GOALS AND OBJECTIVES

Clause 3(c)(4) of Rule XIII of the Rules of the House of Representatives is inapplicable because H.R. 866 does not authorize funding. H.R. 866 makes technical corrections to the United States Code relating to cross references, typographical errors, and stylistic matters.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 3(d)(1) of Rule XIII of the Rules of the House of Representatives, the Committee finds the authority for this legislation in article I, section 8 of the Constitution.

SECTION-BY-SECTION SUMMARY

SECTION 1—PURPOSE

Section 1 contains a statement of the purpose of the bill.

SECTION 2—TITLE 10, UNITED STATES CODE

Section 2 updates a cross reference in title 10, United States Code.

SECTION 3—TITLE 23, UNITED STATES CODE

Section 3 updates cross references in title 23, United States Code.

SECTION 4—TITLE 28, UNITED STATES CODE

Section 4 updates cross references in title 28, United States Code.

SECTION 5—TITLE 36, UNITED STATES CODE

Section 5 makes technical corrections to title 36, United States Code, relating to cross references, typographical errors, and stylistic matters.

SECTION 6—TITLE 40, UNITED STATES CODE

Section 6 makes technical corrections to title 40, United States Code, relating to cross references, typographical errors, and stylistic matters.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

As required by clause 3(e) of Rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill are shown below. Existing law proposed to be omitted is enclosed in bold brackets, new matter is printed in italic, and existing law in which no change is proposed is shown in roman.

CHANGES IN EXISTING LAW MADE BY SECTION 2 OF THE BILL
(TECHNICAL CORRECTIONS TO TITLE 10, UNITED STATES CODE)

TITLE 10—ARMED FORCES

* * *

§ 2701. Environmental restoration program

* * *

(i) SURETY BONDS.—

(1) APPLICABILITY OF **[**MILLER ACT**]** *SECTIONS 3131 AND 3133 OF TITLE 40*.—If under sections 3131 and 3133 of title 40 surety bonds are required for any direct Federal procurement of any response action contract under the Defense Environmental Restoration Program and are not waived pursuant to section 3134 of title 40, the surety bonds shall be issued in accordance with sections 3131 and 3133.

* * *

CHANGES IN EXISTING LAW MADE BY SECTION 3 OF THE BILL
(TECHNICAL CORRECTIONS TO TITLE 23, UNITED STATES CODE)

TITLE 23—HIGHWAYS

* * *

§ 107. Acquisition of rights-of-way—Interstate System

(a) In any case in which the Secretary is requested by a State to acquire lands or interests in lands (including within the term "interests in lands", the control of access thereto from adjoining lands) required by such State for right-of-way or other purposes in connection with the prosecution of any project for the construction, reconstruction, or improvement of any section of the Interstate System, the Secretary is authorized, in the name of the United States and prior to the approval of title by the Attorney General, to acquire, enter upon, and take possession of such lands or interests in lands by purchase, donation, condemnation, or otherwise in accordance with the laws of the United States (including **[**the Act of Feb-

ruary 26, 1931, 46 Stat. 1421] *sections 3114 to 3116 and 3118 of title 40*), if—

* * *

§ 210. Defense access roads

* * *

(e) If the Secretary shall determine that the State transportation department of any State is unable to obtain possession and the right to enter upon and use the required rights-of-way, lands, or interest in lands, improved or unimproved, required for any project authorized by this section with sufficient promptness, the Secretary is authorized to acquire, enter upon, take possession thereof, and expend funds for projects thereon, prior to approval of title by the Attorney General, in the name of the United States, such rights-of-way, lands, or interest in lands as may be required in such State for such projects by purchase, donation, condemnation, or otherwise in accordance with the laws of the United States (including [the Act of February 26, 1931; 46 Stat. 1421] *sections 3114 to 3116 and 3118 of title 40*). The cost incurred by the Secretary in acquiring any such rights-of-way, lands, or interest in lands may include the cost of examination and abstract of title, certificate of title, advertising, and any fees incidental to such acquisition; and shall be payable out of the funds available for paying the cost or the Federal share of the cost of the project for which such rights-of-way, lands, or interests in lands are acquired. The Secretary is further authorized and directed by proper deed executed in the name of the United States to convey any lands or interests in lands acquired in any State under the provisions of prior Acts or of this section to the State transportation department of such State or to such political subdivision thereof as its laws may provide, upon such terms and conditions as may be agreed upon by the Secretary and the State transportation department, or political subdivisions to which the conveyance is to be made.

* * *

CHANGES IN EXISTING LAW MADE BY SECTION 4 OF THE BILL
(TECHNICAL CORRECTIONS TO TITLE 28, UNITED STATES CODE)

TITLE 28—JUDICIARY AND JUDICIAL PROCEDURE

* * *

CHAPTER 91—UNITED STATES COURT OF FEDERAL CLAIMS

Sec.

* * *

1499. Liquidated damages withheld from contractors under [Contract Work Hours and Safety Standards Act] *chapter 37 of title 40*.

* * *

§ 1499. Liquidated damages withheld from contractors under [Contract Work Hours and Safety Standards Act] *chapter 37 of title 40*

* * *

CHANGES IN EXISTING LAW MADE BY SECTION 5 OF THE BILL (TECHNICAL CORRECTIONS TO TITLE 36, UNITED STATES CODE)

TITLE 36—PATRIOTIC AND NATIONAL OBSERVANCES, CEREMONIES, AND ORGANIZATIONS

* * *

CHAPTER 5—PRESIDENTIAL INAUGURAL CEREMONIES

Sec.

* * *

510. Disclosure of and prohibition on certain donations.
[510**]** *511.* Authorization of appropriations.

* * *

CHAPTER 23—UNITED STATES HOLOCAUST MEMORIAL MUSEUM

Sec.

* * *

2306. Insurance for **[**museum**]** *Museum*.

* * *

§ 2301. Establishment of the United States Holocaust Memorial Museum; functions

The United States Holocaust Memorial Museum (hereafter in this chapter referred to as the "Museum") is an independent establishment of the **[**United State Government**]** *United States Government*. The Museum shall—

* * *

§ 20908. Restrictions

* * *

(c) DISTRIBUTION OF INCOME OR ASSETS.—The income or assets of the corporation may not inure to the benefit of, or be distributed to, a director, officer, or member during the life of the charter granted by this chapter. This subsection does not prevent the payment of reasonable compensation to an officer or reimbursement for

actual necessary expenses in amounts approved by the [board or directors] *board of directors*.

* * *

§ 40103. Purposes

* * *

(13) function as a veterans' and patriotic organization as authorized by the [laws of the each State] *laws of each State* in which it is incorporated.

* * *

§ 70912. Service of process

* * *

(b) STATES, TERRITORIES, AND POSSESSIONS.—As a condition to the exercise of any power or privilege granted by this chapter, the [Corporation] *corporation* shall file, with the Secretary of State or other designated official of each State, territory, or possession of the United States in which a subordinate association or chapter is organized, the name and address of an agent in that State, territory, or possession on whom legal process or demands against the corporation may be served.

* * *

§ 150511. Service of process

* * *

(b) STATES.—As a condition to the exercise in any State of any power or privilege granted by this chapter, the corporation shall file, [with secretary] *with the secretary* of state or other designated official of that State, the name and address of an agent in that State on whom legal process or demands against the corporation may be served.

* * *

§ 151303. Board of directors

* * *

(c) CHAIRMAN.—[The Chairman] *The chairman* shall be elected by the board from its voting members for a 2-year term.

* * *

§ 153513. Distribution of assets on dissolution or final liquidation

(a) ALLOWABLE RECIPIENTS.—On dissolution or final liquidation of the corporation, any assets remaining after the discharge of all liabilities shall be distributed, as decided by the board of trustees, to—

(1) the United States Government, to be administered by the Secretary of the Interior under the Act of August 25, 1916 [(16

U.S.C. 1 et seq.), known as the National Park Service Organic Act))] *(16 U.S.C. 1 et seq.) (known as the National Park Service Organic Act)*; or

* * *

§ 220104. Governing body

(a) BOARD OF GOVERNORS.—

* * *

(2) The board shall be elected by the members of the corporation for the term and in the classes provided in the bylaws of the corporation. The board includes—

* * *

(B) the Secretary of [State] *Defense* or the Secretary's designee; and

* * *

CHAPTER 2205—UNITED STATES OLYMPIC COMMITTEE

SUBCHAPTER I—CORPORATION

Sec.

* * *

220501. [Definitions.] *Short title and definitions.*

* * *

§ 220501. [Title and Definitions] *Short title and definitions*

(a) [TITLE] *SHORT TITLE*.—This chapter may be cited as the "Ted Stevens Olympic and Amateur Sports Act".

* * *

§ 220505. Powers

* * *

(b) GENERAL CORPORATE POWERS.—The corporation may—

* * *

(9) sue and be sued, except that any civil action brought in a State court against the corporation and solely relating to the corporation's responsibilities under [this Act] *this chapter* shall be removed, at the request of the corporation, to the district court of the United States in the district in which the action was brought, and such district court shall have original jurisdiction over the action without regard to the amount in controversy or citizenship of the parties involved, and except that neither this paragraph nor any other provision of this chapter shall create a private right of action under this chapter; and

* * *

§ 220506. Exclusive right to name, seals, emblems, and badges

* * *

(d) PRE-EXISTING AND GEOGRAPHIC REFERENCE RIGHTS.—

* * *

(3) Use of the word "Olympic" to identify a business or goods or services is permitted by this section where—

(A) such use is not combined with any of the intellectual properties referenced in **[**subsections**]** *subsection* (a) or (c) of this section;

* * *

§ 220509. Resolution of disputes

* * *

(b) OMBUDSMAN.—

(1) The corporation shall hire and provide salary, benefits, and administrative expenses for an ombudsman for athletes, who shall—

(A) provide independent advice to athletes at no cost about the applicable provisions of this chapter and the constitution and bylaws of the corporation, national governing bodies, **[**a**]** paralympic sports organizations, international sports federations, the International Olympic Committee, the International Paralympic Committee, and the Pan-American Sports Organization, and with respect to the resolution of any dispute involving the opportunity of an amateur athlete to participate in the Olympic Games, the Paralympic Games, the Pan-American Games, world championship competition or other protected competition as defined in the constitution and bylaws of the corporation;

* * *

§ 220511. [Annual report] *Report*

* * *

§ 220512. Complete teams

In obtaining representation for the United States in each competition and event of the Olympic Games, Paralympic Games, and Pan-American Games, the corporation, either directly or by delegation to the appropriate national governing body or paralympic sports organization, may select, but is not obligated to select (even if not selecting will result in an incomplete team for an event), athletes who have not met the eligibility standard of the national governing body and the **[**Corporation**]** *corporation*, when the number of athletes who have met the eligibility standards of such entities is insufficient to fill the roster for an event.

* * *

§ 220521. Recognition of amateur sports organizations as national governing bodies

(a) GENERAL AUTHORITY.—For any sport which is included on the program of the Olympic Games, the Paralympic Games, or the Pan-American Games, the corporation is authorized to recognize as a national governing body (in the case of a sport on the program of the Olympic Games or Pan-American Games) or as a paralympic sports organization (in the case of a sport on the program of the Paralympic Games for which a national governing body has not been designated under section 220522(b)) an amateur sports organization which files an application and is eligible for such recognition in accordance with the provisions of **[**subsections**]** *subsection* (a) or (b) of section 220522. The corporation may recognize only one national governing body for each sport for which an application is made and approved, except as provided in section 220522(b) with respect to a paralympic sports organization.

* * *

CHANGES IN EXISTING LAW MADE BY SECTION 6 OF THE BILL
(TECHNICAL CORRECTIONS TO TITLE 40, UNITED STATES CODE)

TITLE 40—PUBLIC BUILDINGS, PROPERTY, AND WORKS

* * *

§ 522. Reimbursement for transfer of excess property

(a) IN GENERAL.—Subject to subsections (b) and (c) **[**of this section**]**, the Administrator of General Services, with the approval of the Director of the Office of Management and Budget, shall prescribe the amount of reimbursement required for a transfer of excess property.

(b) REIMBURSEMENT **[**AT**]** *AT* FAIR VALUE.—The amount of reimbursement required for a transfer of excess property is the fair value of the property, as determined by the Administrator, if—

* * *

§ 552. Abandoned or unclaimed property on Government premises

[(a) AUTHORITY TO TAKE PROPERTYAdministrator**]** *(a) AUTHORITY TO TAKE PROPERTY.—The Administrator* of General Services may take possession of abandoned or unclaimed property on premises owned or leased by the Federal Government and determine when title to the property vests in the Government. The Administrator may use, transfer, or otherwise dispose of the property.

* * *

§ 554. Property for development or operation of a port facility

* * *

(c) AUTHORITY FOR CONVEYANCE BY THE SECRETARY OF **[**TRANSPORTATION.**]** *TRANSPORTATION.*—

* * *

§ 581. General authority of Administrator of General Services

* * *

(b) PERSONNEL AND EQUIPMENT.—**[**The Administrator may**]** *The Administrator of General Services may*—

* * *

§ 593. Protection for veterans preference employees

* * *

(b) IN GENERAL.—Except as provided in subsection (c), amounts made **[**available to the Administration**]** *available to the General Services Administration* pursuant to section 592 of this title may not be obligated or expended to procure covered services by contract if an employee who was a permanent veterans preference employee of the Administration on November 19, 1995, would be terminated as a result.

* * *

§ 611. Duty to report violations

During the regular course of the duties of the Administrator of General Services, if the Administrator becomes aware of a violation of section 1343, 1344, or 1349(b) of title 31 or of section 641 of title 18 involving the conversion by a Federal Government official or employee of a Government-owned or leased motor vehicle to the official or employee's own use or to the use of others, the Administrator shall report the violation to the head of the agency in which the official or employee is employed, for further investigation and either appropriate disciplinary action under section 1343, 1344, or 1349(b) *of title 31* or, if appropriate, referral to the Attorney General for prosecution under section 641 *of title 18*.

* * *

§ 3131. Bonds of contractors of public buildings or works

* * *

(e) AUTHORITY **[**TO**]** *TO* REQUIRE ADDITIONAL BONDS.—This section does not limit the authority of a contracting officer to require a performance bond or other security in addition to those, or in cases other than the cases, specified in subsection (b).

* * *

§ 3133. Rights of persons furnishing labor or material

* * *

(b) RIGHT [TO] *TO* BRING A CIVIL ACTION.—

* * *

[(c) A waiver] *(c) WAIVER OF RIGHT TO CIVIL ACTION.—A waiver* of the right to bring a civil action on a payment bond required under this subchapter is void unless the waiver is—

* * *

§ 3141. Definitions

In this subchapter, the following definitions apply:

(1) FEDERAL GOVERNMENT.—The term "Federal Government" has the same meaning that the term "United States" had in the Act of March 3, 1931 (ch. 411, 46 Stat. [1494] *1494)* (known as the Davis-Bacon Act).

* * *

§ 3142. Rate of wages for laborers and mechanics

* * *

(d) DISCHARGE OF OBLIGATION.—The obligation of a contractor or subcontractor to make payment in accordance with the prevailing wage determinations of the Secretary of Labor, under this subchapter and other laws incorporating this subchapter by reference, may be discharged by making payments in cash, by making contributions described in section 3141(2)(B)(i) of this title, by assuming an enforceable commitment to bear the costs of a plan or program referred to in section 3141(2)(B)(ii) of this title, or by any combination of payment, contribution, and assumption, where the aggregate of the payments, contributions, and costs is not less than the basic hourly rate of pay plus the amount referred to in section 3141(2)(B) *of this title*.

(e) OVERTIME PAY.—In determining the overtime pay to which a laborer or mechanic is entitled under any federal law, the regular or basic hourly rate of pay (or other alternative rate on which premium rate of overtime compensation is computed) of the laborer or mechanic is deemed to be the rate computed under section 3141(2)(A) of this title, except that where the amount of payments, contributions, or costs incurred with respect to the laborer or mechanic exceeds the applicable prevailing wage, the regular or basic hourly rate of pay (or other alternative rate) is the amount of payments, contributions, or costs actually incurred with respect to the laborer or mechanic minus the greater of the amount of contributions or costs of the types described in section 3141(2)(B) of this title actually incurred with respect to the laborer or mechanic or the amount determined under section 3141(2)(B) *of this title* but not actually paid.

* * *

§ 3701. Definition and application

* * *

(b) APPLICATION.—

* * *

(3) EXCEPTIONS.—

* * *

(B) SECTION **[**3902**]** *3702*.—Section **[**3902**]** *3702* of this title does not apply to work where the assistance described in **[**subsection (a)(2)(C)**]** *paragraph (1)(B)(iii)* from the Government or an agency or instrumentality is only a loan guarantee or insurance.

§ 3702. Work hours

* * *

(d) AMOUNTS WITHHELD **[**TO**]** *TO* SATISFY LIABILITIES.—Subject to section 3703 of this title, the governmental agency for which the contract work is done or which is providing financial assistance for the work may withhold, or have withheld, from money payable because of work performed by a contractor or subcontractor, amounts administratively determined to be necessary to satisfy the liabilities of the contractor or subcontractor for unpaid wages and liquidated damages as provided in this section.

* * *

§ 3704. Health and safety standards in building trades and construction industry

(a) CONDITION OF CONTRACTS.—

(1) IN GENERAL.—Each contract in an amount greater than $100,000 that is entered into under legislation subject to Reorganization Plan Numbered 14 of 1950 (eff. May 24, 1950, 64 Stat. 1267) and is for construction, alteration, and repair, including painting and decorating, must provide that no contractor or subcontractor contracting for any part of the contract work shall require any laborer or mechanic employed in the performance of the contract to work in surroundings or under working conditions that are unsanitary, hazardous, or dangerous to health or safety, as established under construction safety and health standards the Secretary of Labor prescribes by regulation based on proceedings pursuant to section 553 of title 5, provided that the proceedings include a hearing similar in nature to that authorized by section 553 *of title 5*.

(2) CONSULTATION.—In formulating standards under this section, the Secretary shall consult with the Advisory Committee created by subsection (d) **[**of this section**]**.

* * *

§ 6111. Supreme Court Building

* * *

(b) AVAILABILITY OF APPROPRIATIONS.**[.]**—Amounts appropriated under—

* * *

CHAPTER 65—THURGOOD MARSHALL FEDERAL JUDICIARY BUILDING

Sec.
[6581**]** *6501.* Definition.

* * *

CHAPTER 67—PENNSYLVANIA AVENUE DEVELOPMENT

SUBCHAPTER I—TRANSFER AND **[**ASSIGMENT**]** *ASSIGNMENT* OF RIGHTS, AUTHORITIES, TITLE, AND INTERESTS

Sec.
6701. Transfer of rights and authorities of Pennsylvania Avenue Development Corporation.

* * *

SUBCHAPTER I—TRANSFER AND **[**ASSIGMENT**]** *ASSIGNMENT* OF RIGHTS, AUTHORITIES, TITLE, AND INTERESTS

* * *

§ 8104. Regulation of private and semipublic buildings adjacent to public buildings and grounds

* * *

(b) SUBMISSION OF APPLICATION TO COMMISSION OF FINE ARTS.—The Mayor of the District of Columbia shall submit to the **[**Commission on Fine Arts**]** *Commission of Fine Arts* an application for a permit to erect or alter any building, a part of which fronts or abuts on the grounds of the Capitol, the grounds of the White House, the part of Pennsylvania Avenue extending from the Capitol to the White House, Lafayette Park, Rock Creek Park, the Zoological Park, the Rock Creek and Potomac Parkway, Potomac Park, or The Mall Park System and public buildings adjacent to the System, or abuts on any street bordering any of those grounds or parks, so far as the plans relate to height and appearance, color, and texture of the materials of exterior construction.

* * *

§ 8105. Approval by Administrator of General Services

Subject to applicable provisions of existing law relating to the functions in the District of Columbia of the National Capital Planning Commission and the Commission of Fine Arts, only the Administrator of General Services is required to approve sketches,

plans, and estimates for buildings to be constructed by the Administrator, except that the Administrator and the United States Postal Service must approve buildings designed for [post-office] *post office* purposes.

* * *

§ 8501. National Capital Service Area

* * *

(b) APPLICABILITY OF OTHER PROVISIONS.—

(1) PROVISIONS COVERING BUILDINGS AND GROUNDS IN AREA NOT AFFECTED.—Except to the extent specifically provided by this section, this section does not—

(A) apply to the United States Capitol Buildings and Grounds as defined and described in sections 5101 and 5102 *of this title*, any other buildings and grounds under the care of the Architect of the Capitol, the Supreme Court Building and grounds as described in section 6101 of this title, and the Library of Congress buildings and grounds as defined in section 11 of the Act of August 4, 1950 (2 U.S.C. 167j); and

* * *

§ 8502. National Capital Service Director

(a) ESTABLISHMENT AND COMPENSATION.—There is in the Executive Office of the President the National Capital Service Director who shall be appointed by the President. The Director shall receive compensation at the maximum rate established for level IV of the Executive Schedule under section [5314] *5315* of title 5.

* * *

(c) DUTIES.—

* * *

(2) DIRECTOR.—Except with respect to that part of the National Capital Service Area comprising the United States Capitol Buildings and Grounds as defined and described in sections 5101 and 5102 *of this title*, the Supreme Court Building and grounds as described in section 6101 of this title, and the Library of Congress buildings and grounds as defined in section 11 of the Act of August 4, 1950 (2 U.S.C. 167j), the Director shall ensure that there is provided in the remainder of the area described in section 8501(a) of this title adequate police protection and maintenance of streets and highways.

* * *

§ 8711. National Capital Planning Commission

(a) ESTABLISHMENT AND PURPOSE.—The National Capital Planning Commission is the central federal planning agency for the Federal Government in the National Capital, created to preserve the important historical and natural features of the National Capital, except for the United States Capitol Buildings and Grounds

(as defined and described in sections 5101 and 5102 *of this title*), any extension of, or additions to, those Buildings and Grounds, and buildings and grounds under the care of the Architect of the Capitol.

* * *

§ 8712. Mayor of the District of Columbia

(a) PLANNING RESPONSIBILITIES.—The Mayor of the District of Columbia is the central planning agency for the government of the District of Columbia in the National Capital and is 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—

* * *

(2) the United States Capitol Buildings and Grounds as defined and described in sections 5101 and 5102 *of this title*, any extension of, or additions to, those Buildings and Grounds, and buildings and grounds under the care of the Architect of the Capitol.

* * *

§ 8722. Proposed federal and district developments and projects

* * *

(d) APPROVAL OF FEDERAL PUBLIC BUILDINGS.—The provisions of the Act of June 20, 1938 (ch. 534, **[**52 Stat. 802**]** *52 Stat. 797*) shall not apply to federal public buildings. In order to ensure the orderly development of the National Capital, the location, height, bulk, number of stories, and size of federal public buildings in the District of Columbia and the provision for open space in and around federal public buildings in the District of Columbia **[**is subject**]** *are subject* to the approval of the Commission.

* * *

§ 9302. Consent of Theodore Roosevelt Association required for development

* * *

(b) DEVELOPMENT INCONSISTENT **[**WITH**]** *WITH* PLAN.—As long as the Association remains in existence, development inconsistent with the general plan may not be carried out without the Association's consent.

* * *

§ 14308. Information

* * *

(b) AUTHORIZATIONS.—

* * *

(2) FURNISH INFORMATION.—The head of any federal, state, or local department or agency, to the extent not otherwise prohibited by law, may carry out **[**section (a)(2)**]** *subsection (a)(2)*.

* * *

§ 17504. Agency statements with respect to motor vehicle use

* * *

(b) COMPLIANCE **[**WITH**]** *WITH* REQUIREMENTS.—The head of each executive agency shall comply with the requirements prescribed under section 17503(b) of this title in preparing each statement required under subsection (a).

MARKUP TRANSCRIPT

BUSINESS MEETING

WEDNESDAY, APRIL 13, 2005

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC.

The Committee met, pursuant to notice, at 10:03 a.m., in Room 2141, Rayburn House Office Building, Hon. F. James Sensenbrenner, Jr. [Chairman of the Committee] presiding.

Chairman SENSENBRENNER. The Committee will be in order. A working quorum is present. Pursuant to notice, I now call up the bill H.R. 866, "to make technical corrections to the United States Code," for purposes of markup and move its favorable recommendation to the House. Without objection, the bill will be considered as read and open for amendment at any point.

[The bill, H.R. 866, follows:]

I

109TH CONGRESS
1ST SESSION

H. R. 866

To make technical corrections to the United States Code.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 16, 2005

Mr. SENSENBRENNER (for himself and Mr. CONYERS) introduced the following bill; which was referred to the Committee on the Judiciary

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A BILL

To make technical corrections to the United States Code.

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

SECTION 1. PURPOSE.

The purpose of this Act is to make technical corrections to the United States Code relating to cross references, typographical errors, and stylistic matters.

SEC. 2. TITLE 10, UNITED STATES CODE.

In section 2701(i)(1) of title 10, United States Code, in the paragraph catchline, strike ''MILLER ACT'' and substitute ''SECTIONS 3131 AND 3133 OF TITLE 40''.

SEC. 3. TITLE 23, UNITED STATES CODE.

Title 23, United States Code, is amended as follows:

(1) In section 107(a), strike ''the Act of February 26, 1931, 46 Stat. 1421'' and substitute ''sections 3114 to 3116 and 3118 of title 40''.

(2) In section 210(e), strike ''the Act of February 26, 1931; 46 Stat. 1421'' and substitute ''sections 3114 to 3116 and 3118 of title 40''.

SEC. 4. TITLE 28, UNITED STATES CODE.

Title 28, United States Code, is amended as follows:

(1) In the analysis for chapter 91, in the item related to section 1499, strike ''Contract Work Hours and Safety Standards Act'' and substitute ''chapter 37 of title 40''.

(2) In section 1499, in the section heading, strike ''**Contract Work Hours and Safety Standards Act**'' and substitute ''**chapter 37 of title 40**''.

SEC. 5. TITLE 36, UNITED STATES CODE.

Title 36, United States Code, is amended as follows:

(1) In the analysis for chapter 5, after the item related to section 509, insert the following:

''510. Disclosure of and prohibition on certain donations.''.

(2) In the analysis for chapter 5, in the last item, which is related to ''Authorization of appropriations'', strike ''510'' and substitute ''511''.

(3) In the analysis for chapter 23, in the item related to section 2306, strike ''museum'' and substitute ''Museum''.

(4) In section 2301, in the first sentence, strike ''United State Government'' and substitute ''United States Government''.

(5) In section 20908(c), strike ''board or directors'' and substitute ''board of directors''.

(6) In section 40103(13), strike ''laws of the each State'' and substitute ''laws of each State''.

(7) In section 70912(b), strike ''Corporation'' and substitute ''corporation''.

(8) In section 150511(b), strike ''with secretary'' and substitute ''with the secretary''.

(9) In section 151303(c), strike ''The Chairman'' and substitute ''The chairman''.

(10) In section 153513(a)(1), strike ''(16 U.S.C. 1 et seq.), known as the National Park Service Organic Act))'' and substitute ''(16 U.S.C. 1 et seq.) (known as the National Park Service Organic Act)''.

(11) In section 220104(a)(2)(B), strike ''State'' and substitute ''Defense''.

(12) In the analysis for chapter 2205, in the item related to section 220501, strike ''Definitions.'' and substitute ''Short title and definitions.''.

(13) In section 220501, in the section heading, strike ''**Title and Definitions**'' and substitute ''**Short title and definitions**''.

(14) In section 220501(a), in the subsection catchline, strike ''TITLE'' and substitute ''SHORT TITLE''.

(15) In section 220505(b)(9), strike ''this Act'' and substitute ''this chapter''.

(16) In section 220506(d)(3)(A), strike ''subsections'' and substitute ''subsection''.

(17) In section 220509(b)(1)(A), strike ''a'' before ''paralympic sports organizations''.

(18) In section 220511, in the section heading, strike ''**Annual report**'' and substitute ''**Report**''.

(19) In section 220512, strike ''Corporation'' and substitute ''corporation''.

(20) In section 220521(a), strike ''subsections'' and substitute ''subsection''.

SEC. 6. TITLE 40, UNITED STATES CODE.

Title 40, United States Code, is amended as follows:

(1) In section 522(a), strike ''of this section''.

(2) In section 522(b), in the subsection catchline, strike ''AT'' and substitute ''at''.

(3) In section 552(a), strike ''(a) AUTHORITY TO TAKE PROPERTYAdministrator'' and substitute ''(a) AUTHORITY TO TAKE PROPERTY.—The Administrator''.

(4) In section 554(c), in the subsection catchline, strike ''TRANSPORTATION.'' and substitute ''TRANSPORTATION.—''.

(5) In section 581(b), strike ''The Administrator may—'' and substitute ''The Administrator of General Services may—''.

(6) In section 593(b), strike ''available to the Administration'' and substitute ''available to the General Services Administration''.

(7) In section 611—

(A) after ''under section 1343, 1344, or 1349(b)'', insert ''of title 31''; and

(B) after ''under section 641'', insert ''of title 18''.

(8) In section 3131(e), in the subsection catchline, strike ''TO'' and substitute ''To''.

(9) In section 3133(b), in the subsection catchline, strike ''TO'' and substitute ''To''.

(10) In section 3133(c), strike ''(c) A waiver'' and substitute ''(c) WAIVER OF RIGHT TO CIVIL ACTION.—A waiver''.

(11) In section 3141(1), strike ''1494'' and substitute ''1494)''.

(12) In section 3142(d), after ''amount referred to in section 3141(2)(B)'', insert ''of this title''.

(13) In section 3142(e), after ''determined under section 3141(2)(B)'', insert ''of this title''.

(14) In section 3701(b)(3)(B)—

(A) in the subparagraph catchline, strike ''3902'' and substitute ''3702'';

(B) strike ''3902'' and substitute ''3702''; and

(C) strike ''subsection (a)(2)(C)'' and substitute ''paragraph (1)(B)(iii)''.

(15) In section 3702(d), in the subsection catchline, strike ''TO'' and substitute ''To''.

(16) In section 3704(a)(1), after ''authorized by section 553'', insert ''of title 5''.

(17) In section 3704(a)(2), strike ''of this section''.

(18) In section 6111(b), in the subsection catchline, strike the second period.

(19) In the analysis for chapter 65, in the first item, which is related to ''Definition'', strike ''6581'' and substitute ''6501''.

(20) In the analysis for chapter 67, in the item related to subchapter I, strike ''ASSIGMENT'' and substitute ''ASSIGNMENT''.

(21) In chapter 67, in the heading for subchapter I, strike ''ASSIGMENT'' and substitute ''ASSIGNMENT''.

(22) In section 8104(b), strike ''Commission on Fine Arts'' and substitute ''Commission of Fine Arts''.

(23) In section 8105, strike ''post-office'' and substitute ''post office''.

(24) In section 8501(b)(1)(A), after ''sections 5101 and 5102'', insert ''of this title''.

(25) In section 8502(a), strike ''5314'' and substitute ''5315''.

(26) In section 8502(c)(2), after ''sections 5101 and 5102'', insert ''of this title''.

(27) In section 8711(a), after ''sections 5101 and 5102'', insert ''of this title''.

(28) In section 8712(a)(2), after ''sections 5101 and 5102'', insert ''of this title''.

(29) In section 8722(d)—

(A) strike ''52 Stat. 802'' and substitute ''52 Stat. 797''; and

(B) strike ''is subject'' and substitute ''are subject''.

(30) In section 9302(b), in the subsection catchline, strike ''WITH'' and substitute ''With''.

(31) In section 14308(b)(2), strike ''section (a)(2)'' and substitute ''subsection (a)(2)''.

(32) In section 17504(b), in the subsection catchline, strike ''WITH'' and substitute ''With''.

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Chairman SENSENBRENNER. The Chair recognizes himself briefly to explain the bill.

This bill makes technical corrections to the U.S. Code. Mr. Conyers and I introduced the bill that updates cross-references, corrects typographical errors, makes stylistic changes, such as conforming the capitalization of certain words. It's important to note the bill makes no substantive changes to existing law. It simply removes ambiguities and imperfections from the Code.

Under Section 285(b) of Title 2 of U.S. Code, the House's Office of Law Revision Counsel is required to prepare and submit revisions to titles of the Code that have been enacted into positive law so that the titles may be kept current.

Pursuant to House Rule X, the Committee on the Judiciary maintains jurisdiction over revised codifications of statutes of the United States. I would like to express the Committee's appreciation for the work of the Office of Law Revision Counsel on this bill and encourage all Members to support it.

I yield back the balance of my time. Without objection, all Members' opening statements will appear in the record at this point.

[Intervening business.]

Chairman SENSENBRENNER. Before I recognize the gentleman from New York, Mr. Nadler, a reporting quorum is now present, and the question occurs on the motion to report the bill H.R. 866 favorably, upon which the previous question was ordered. All in favor will say aye? Opposed, no?

The ayes appear to have it. The ayes have it. The motion to report favorably is agreed to. Without objection, the staff is directed to make any technical and conforming changes, and all Members will be given 2 days as provided by the House rules in which to submit additional, dissenting, supplemental, or minority views.

[Intervening business.]

Chairman SENSENBRENNER. The Committee stands adjourned.

[Whereupon, at 4:02 p.m., the Committee was adjourned.]

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