

[COMMITTEE PRINT]

FEBRUARY 16, 2005

**EXPLANATION OF H.R. 866, TO MAKE TECHNICAL
CORRECTIONS TO THE UNITED STATES CODE**

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 285b 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.

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

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**

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§ 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.

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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 February 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.

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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

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CHAPTER 91—UNITED STATES COURT OF FEDERAL CLAIMS

Sec.

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

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

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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**

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CHAPTER 5—PRESIDENTIAL INAUGURAL CEREMONIES

Sec.

* * *

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

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**CHAPTER 23—UNITED STATES HOLOCAUST MEMORIAL
MUSEUM**

Sec.

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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—

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§ 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*.

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§ 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

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(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”.

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§ 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.

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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**

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§ 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).

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§ 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.

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§ 3701. Definition and application

* * *

(b) APPLICATION.—

* * *

(3) EXCEPTIONS.—

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(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].

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§ 6111. Supreme Court Building

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

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CHAPTER 65—THURGOOD MARSHALL FEDERAL JUDICIARY BUILDING

Sec.
[6581] 6501. Definition.

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CHAPTER 67—PENNSYLVANIA AVENUE DEVELOPMENT

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

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

* * *

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

* * *

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

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(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.

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§ 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 Ad-

ministrator 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.

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§ 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 Capitol, 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.

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§ 9302. Consent of Theodore Roosevelt Association required for development

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(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.

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§ 14308. Information

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(b) AUTHORIZATIONS.—

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(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)*.

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§ 17504. Agency statements with respect to motor vehicle use

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(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).