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H. RES. 989, DISMISSING THE ELECTION CONTEST RELATING TO THE OFFICE OF REPRESENTATIVE FROM THE THIRTEENTH CONGRESSIONAL DISTRICT OF FLORIDA; AND MARKUP OF H.R. 5159, THE CAPITOL VISITOR CENTER ACT OF 2008

MEETING

BEFORE THE

COMMITTEE ON HOUSE ADMINISTRATION
HOUSE OF REPRESENTATIVES

ONE HUNDRED TENTH CONGRESS

SECOND SESSION

HELD IN WASHINGTON, DC, FEBRUARY 12, 2008

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MEETING

TUESDAY, FEBRUARY 12, 2008

HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOUSE ADMINISTRATION,
Washington, DC.

The committee met, pursuant to call, at 5:17 p.m., in room 1310, Longworth House Office Building, Hon. Robert A. Brady (chairman of the committee) presiding.

Present: Representatives Brady, Lofgren, Capuano, Gonzalez, Ehlers, Lungren, and McCarthy.

Staff Present: Liz Birnbaum, Staff Director; Thomas Hicks, Senior Election Counsel; Janelle Hu, Election Counsel; Matt Pinkus, Professional Staff/Parliamentarian; Ellen McCarthy, Professional Staff; Kyle Anderson, Press Director; Kristin McCowan, Chief Legislative Clerk; Daniel Favarulo, Legislative Assistant, Elections; William Plaster, Minority Staff Director; Fred Hay, Minority General Counsel; and Bryan T. Dorsey, Minority Professional Staff.

The CHAIRMAN. I would like to call this meeting of the House Administration Committee to order. As we gather here today, I want to take a moment to point out the latest editions to our committee hearing room, several portraits, acknowledge several previous chairs of the committee.

If we start on my righthand side in chronological order, at the further end of the room, you will see a portrait of Samuel Nathaniel Friedel of Maryland. He served in the House from 1953 to 1971. Congressman Friedel served as Chairman of the committee in the 90th and 91st Congress.

Here, closer to the dais, is the portrait of Congressman Charlie Rose of North Carolina. Congressman Rose served in the House from 1973 to 1997 and served as chairman of the committee in the 102nd and 103rd Congress.

On my left, is the portrait of Congressman Bill Thomas of California. He served in the House from 1979 to 2007. Chairman Thomas served as chairman of this committee 104th, 105th and 106th Congress.

In front of me, directly in front of me and behind the audience, we find a picture of Chairwoman Juanita Millender-McDonald of California. She served in the House between 1996 and 2007. She also served briefly at the opening of the 110th Congress as the first African-American chairwoman of the committee before her untimely passing. Her family has loaned the committee this official portrait of her for the remainder of the Congress.

Today we will have two items of business today. The first item of business, will be to receive a report by the chairman of the task

force on the election contest in the 13th District of Florida, Representative Gonzalez.

I would also like to thank personally Representatives Gonzalez and Lofgren for their hard work on overseeing matters related to the Florida 13 contest and investigation of the 18,000 overvote of Sarasota County, Florida. I would also like to thank Representative McCarthy and both the majority and minority staffs for their efforts with this investigation. Lastly, I would like to thank the Government Accountability Office, the GAO, for providing technical assistance to the task force and the House recording studio for assisting with the video recording of the GAO testing conducted in Florida.

Chairman Gonzalez, I would like to reserve my time to have you make some opening remarks regarding the work of the task force.

Mr. GONZALEZ. Thank you very much, Mr. Chairman. And I appreciate you allowing me this opportunity to go forward. And I am going to be very, very brief because, obviously, since the task force met and voted to make this particular recommendation that is before the full committee today, some days have passed, and obviously there are many people that are making comments regarding the work of the General Accountability Office. And that is to be expected.

First and foremost, I would hope that people will keep in mind that the task force was really charged with a very specific obligation, and that was: to investigate and keep a very narrow focus on the central allegation of the contestant's notice of contest that the electronic voting machines malfunctioned. That is all we did. GAO was not charged with the responsibility of establishing as to what may have caused the 18,000 vote undervote in Sarasota, which was an anomaly given the fact that there wasn't anything of that nature or that degree in any of the other counties comprising the Congressional District Florida 13.

Further, there was no—again, to the degree or to the extent of the undervote was not reflected in the absentee ballots filed in Sarasota, which obviously did not utilize the ES&S electronic voting devices. So there was a legitimate controversy. But we knew from the beginning that it truly was a question of the alleged malfunctioning of electronic voting devices. And that is what GAO was charged with. And that is the assistance that they gave us.

It would have been a wonderful, wonderful achievement if we could have accounted and given some basis or some reason through the scientific process as to why there was that undervote. I cannot give you that answer. We can speculate that, again, maybe the voters were totally turned off. But I don't think—and common sense mitigates against any kind of reasoning—that 18,000 individuals decided not to vote when in fact that wasn't reflected in the adjoining counties nor in the absentee ballots.

So we would look then at ballot design, but that is an open question. And the jury is still out on that, and there will be work done on that. So I am hoping that we will be able to proceed unencumbered by any further observations as to that we weren't able to give the specific answers to the undervote. That truly was not our charge. It was not our obligation. And it wasn't the goal of the General Accountability Office.

And with that, Mr. Chairman, again, thank you, and of course, I am here if you have any questions or other members of the full committee.

And I yield back.

The CHAIRMAN. Thank you Mr. Gonzalez.

Are there any other members who wish to be recognized for statements?

Mr. Ehlers.

Mr. EHLERS. Thank you, Mr. Chairman. And thank you for calling this meeting. One of the items on the agenda today is consideration of the final report from the election task force in the contest in Florida's 13th District. I did not formally sit on the task force, but I attended several of the meetings. And frankly, I was extremely impressed with the manner in which the process was handled both inside this room for public meetings and in private briefings between the GAO and the task force.

And much of the credit for that belongs to the two gentlemen sitting here. First, Mr. Gonzalez as chair handled it very, very professionally. And I was very pleased to see that. And also, Mr. McCarthy on our side of the aisle was extremely responsible in his approach and his comments. And it is a good example of how the process should work in situations like this.

During my years in Congress, I have seen several of these cases become extremely contentious, and it was not good. The level of professionalism, integrity and bipartisanship set by Congressman Gonzalez and as countered by on the Republican side Representative McCarthy serves as a model for all similar proceedings in the future. And since all of these are cataloged and maintained by CRS, it is very important that we keep the history of this accurate so that later others can follow the same model.

Each of the committee members have participated in a civil measured tone from the beginning of the process to the final report we have with us today. And I thank the task force for their good work.

Also on today's agenda is the markup of legislation H.R. 5159, the Capitol Visitor Center Act of 2008. This is the largest extension of the Capitol in its 212-year history and approximately ¾ of the size of the Capitol itself. With a project of this size, it is essential that we maintain a vigorous and effective oversight of its operations. This bill will ensure effective management and administration of the Capitol Visitor Center through the creation of an office within the Office of the Architect of the Capitol with the oversight by this committee and Senate Committee on Rules and Administration.

I look forward to continuing our oversight activities with you, Mr. Chairman, over the CVC as we near November 2008, opening date and beyond. I might add that whenever the Architect of the Capitol has given me a date for opening the CVC, I have always added a year. I think we are at the point now where it may be that you can only add 3 to 6 months and we will be on target.

With that, I yield back the balance of my time.

The CHAIRMAN. Thank you. Anybody else have any—Mr. McCarthy.

Mr. MCCARTHY. Mr. Chairman, I just want to, one, publicly thank Mr. Gonzalez because the way he chaired the task force and the way he handled himself throughout. Every issue that came before it, we took the politics out of it. It was unanimous decisions from the start to the finish as we went through. And I think one of the jobs we were asked to do was to work for the trust of the American people to find out if their votes were honest and accurate. In the end we found through more study than this committee in the history has ever done, that yes, every vote that was taken that day of the election, during that election, was counted and the outcome was correct. And the way that we went about finding that answer I think was a pattern that history will show is the way to go about it. And I did want to thank Mr. Gonzalez for the work he has done. And I yield back.

Mr. LUNGREN. Mr. Chairman.

The CHAIRMAN. Mr. Lungren.

Mr. LUNGREN. Mr. Chairman, although I was not a member of the task force, I was privileged to sit in on most of the meetings and observe the actions, but also the chairman of the task force was kind enough to allow me to ask questions and actually participate. And I appreciate that. I would also like to underscore the professional way in which the task force went about their business. I have been here at other times when we had a certain amount of bitterness that resulted from the way a contest was taking place. This goes back some 20 years. This was exactly the opposite of that. There was cooperation. There was bipartisanship. There was an effort by the chairman to ensure there was a unanimous vote, I believe, on every single question that came forward. That is the way to do this in an otherwise very contentious situation. And I want to make sure that the record is clear that not only was this done right this time, but it provides an example of how we should do this in the future if this comes up.

I would also like to refer to page 3 of the report, paragraph 3, where it says: No further action was taken by the courts or the parties over the following 5 months, and the contestant withdrew a challenge in the Florida courts on November 26, 2007.

I just want to make sure there is no indication by that statement that somehow the courts acted inappropriately; they didn't go forward or anything. It appeared to me that parties, both parties didn't move forward at that point in time or take action. So I didn't find anything that suggested that the courts acted inappropriately or slowed things down. I just wanted to make sure that at least my interpretation of that statement is part of the record. And once again, I thank the gentleman from Texas. He proved himself to be a judge in the best sense of the word.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you.

Mr. Capuano.

Mr. CAPUANO. Mr. Chairman, I, too, want to echo my thanks to the chairman and the members of the commission. I know it is a difficult task, one that I wanted nothing to do with. And I am glad that they did it and came up with something that we can all embrace. At the same time, I want to underscore something in my mind very clear, nothing in this investigation provided any real re-

liability on behalf of the American people that the next election won't be screwed up because we don't have any paper ballots to follow.

I don't think anything in this review indicates anything other than we still need to change our laws to require paper ballots so that the next time there is a recount, which there will be at every level of government, that the recount can be relied upon as being accurate and that there will be no questions left at the end. In this particular case, there were no questions about the machine. But there are no answers about the 18,000 votes. So be it, that is the way it is in this particular case. But we are not doing our job for America if we let this situation continue over the long run. I understand fully well it would be inappropriate and impossible to do it for this election cycle. Nonetheless, I hope this committee and members of this House continue working towards trying to find a way to get us to paper ballots so that all of America and each American can rely on the fact that their votes will be counted as we intend.

The CHAIRMAN. Thank you.

Any other members? I now call up an original resolution relating to the election contest in the 13th District of Florida, the text of which is before the members.

[The information follows:]

110TH CONGRESS
2D SESSION

H. RES. _____

Dismissing the election contest relating to the office of Representative from the Thirteenth Congressional District of Florida.

IN THE HOUSE OF REPRESENTATIVES

Mr. BRADY of Pennsylvania, from the Committee on House Administration, reported the following resolution; which was referred to _____

RESOLUTION

Dismissing the election contest relating to the office of Representative from the Thirteenth Congressional District of Florida.

1 *Resolved,* That the election contest relating to the of-
2 fice of Representative from the Thirteenth Congressional
3 District of Florida is dismissed.

The CHAIRMAN. And without objection, the first reading of the resolution will be dispensed with, and the resolution shall be considered as read and open for amendment at any time.

Do any members wish to speak further before we proceed to consideration of the motion of the report?

The Chair now recognizes the gentleman from Texas for the purpose of making a motion.

Mr. GONZALEZ. Thank you, Mr. Chairman. And I would move that the committee order reported favorably to the House an original resolution, the text of which is before us, to dismiss the election contest in the 13th District of Florida.

The CHAIRMAN. Thank you.

The question is on the motion by the gentleman from Texas.

Yes, Mr. Ehlers.

Mr. EHLERS. Thank you, Mr. Chairman. The Republican staff, as I mentioned to you privately, has just been made aware of the majority's intention to include a very long list of articles and other appendices in the report to be filed with the House. Our staffs have worked very cooperatively through this whole election contest, and we generally agree with the draft report language. However, we have not had an opportunity to read the content of these articles and other appendices to be included. And we reserve the right to include minority views in the final report to the House. As I mentioned to you privately earlier, we would be happy to work together with the majority and try to develop the unified document, which I think would be ideal, but in case we cannot agree to that, we reserve the right to include minority views.

The CHAIRMAN. Thank you.

The question is on the motion by the gentleman from Texas. All in favor say aye. Any opposed?

The ayes have it, unanimous. And without objection, the motion to reconsider is laid upon the table. The resolution is reported to the House. The members will have 2 additional days provided by the House Rules to file minority views.

Now we will take up H.R. 5159, the Capitol Visitor Center Act of 2008. The next order of business will be consideration of H.R. 5159, the Capitol Visitor Center Act of 2008.

I recognize myself for an opening statement. When the Capitol Visitor Center opens at the end of this year, it will provide even more opportunity for visitors to the Capitol to learn about the Capitol, the Constitution and the work of Congress. With the opening of the CVC, we expect more than 3 million guests each year.

H.R. 5159 is an administrative bill providing necessary authorization for the CEO of Visitor Services to operate the CVC. While the CEO will have a separate budget and operating authority, she must coordinate with the Police Board on matters affecting Capitol security. The bill provides for gift shops, restaurants and catering, and establishes revolving funds to support this operation.

The bill will also move the Capitol Guide Service into the CVC once we have a certificate of occupancy for the building. While the Guide Service will run from the CVC, the Office of Special Services, which provides assistance to disabled Members, staff and visitors, will become a separate entity.

The bill provides the new Office of Congressional Accessibility Service with its own budget and operating authority to be overseen by the Police Board. In both the Guide Service and the Office of Special Services, we are ensuring that everyone retains their existing job, seniority, rate of pay and benefits. No existing employees of the Guide Service will be let go or subject to a probationary period as a result of these changes. With the enactment of this bill, we will be able to look forward to the opening of the CVC as a fully functioning operation. I would now like to recognize the ranking member, Mr. Ehlers, cosponsor of this bill, for an opening statement.

Mr. EHLERS. Thank you, Mr. Chairman. I have little to add. I have no difficulty relating to the amendments. In fact, I support them, and I support the bill as well. My only regret, Mr. Chairman, is that we didn't pass something like that a couple years ago. It wasn't for a lack of trying. But there were certain obstacles, not on our side of the rotunda. But I am glad we have managed to overcome those and we have a good—I think we are setting up here a very good system for governing the CVC.

With that, I will yield back.

The CHAIRMAN. Thank you.

Any other statements? Anybody else have any comments?

The Chair now calls up before the committee H.R. 5159. Without objection, the first reading of the bill will be dispensed with. And without objection, the bill will be considered as read and open to amendments at any point.

[The information follows:]

I

110TH CONGRESS
2D SESSION

H. R. 5159

To establish the Office of the Capitol Visitor Center within the Office of the Architect of the Capitol, headed by the Chief Executive Officer for Visitor Services, to provide for the effective management and administration of the Capitol Visitor Center, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 29, 2008

Mr. BRADY of Pennsylvania (for himself and Mr. EHLERS) introduced the following bill; which was referred to the Committee on House Administration

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A BILL

To establish the Office of the Capitol Visitor Center within the Office of the Architect of the Capitol, headed by the Chief Executive Officer for Visitor Services, to provide for the effective management and administration of the Capitol Visitor Center, and for other purposes.

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Capitol Visitor Center Act of 2008".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—ADMINISTRATION AND MANAGEMENT OF CAPITOL VISITOR CENTER

Subtitle A—Description of Facility

Sec. 101. Description and purposes of Capitol Visitor Center.
Sec. 102. Oversight of committees.
Sec. 103. Special rule for certain spaces in the Capitol Visitor Center.

Subtitle B—Office of the Capitol Visitor Center; Chief Executive Officer for Visitor Services

Sec. 111. Establishment.
Sec. 112. Appointment and supervision of Chief Executive Officer for Visitor Services.
Sec. 113. General duties of Chief Executive Officer.
Sec. 114. Acceptance of gifts and volunteer services.
Sec. 115. Special rules regarding certain administrative matters.

TITLE II—RELATED SERVICES PROVIDED AT CAPITOL VISITOR CENTER

Subtitle A—Related Services Described

Sec. 201. Gift shop.
Sec. 202. Food service operations.
Sec. 203. Licenses and other agreements for operations or other functions.

Subtitle B—Capitol Visitor Center Revolving Fund

Sec. 211. Establishment; accounts.
Sec. 212. Deposits in the Fund.
Sec. 213. Use of monies.
Sec. 214. Administration of Fund.

TITLE III—TREATMENT OF CAPITOL GUIDE SERVICE

Subtitle A—Transfer to Office of the Capitol Visitor Center

Sec. 301. Transfer of Capitol Guide Service.
Sec. 302. Duties of employees of Capitol Guide Service.

Subtitle B—Office of Congressional Accessibility Services

Sec. 311. Establishment of Office of Congressional Accessibility Services.
Sec. 312. Director of Accessibility Services.
Sec. 313. Transfer from Capitol Guide Service.

Subtitle C—Technical and Conforming Amendments

Sec. 321. Technical and conforming amendments.

Subtitle D—Transfer Date

Sec. 331. Transfer date.

TITLE IV—GENERAL PROVISIONS

Sec. 401. Authorization of appropriations.

TITLE I—ADMINISTRATION AND MANAGEMENT OF CAPITOL VISITOR CENTER

Subtitle A—Description of Facility

SEC. 101. DESCRIPTION AND PURPOSES OF CAPITOL VISITOR CENTER.

(a) TREATMENT AS PART OF CAPITOL.—In this Act, the "Capitol Visitor Center" is the facility authorized for construction under the heading "Capitol Visitor Center" under chapter 5 of title II of division B of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277; 112 Stat. 2681–569), and such facility shall be considered to be part of the United States Capitol for all provisions of law in accordance with this Act.

(b) PURPOSES OF THE FACILITY.—In accordance with the provisions of this Act, the Capitol Visitor Center shall be used to—

(1) provide enhanced security for persons working in or visiting the United States Capitol; and

(2) improve the visitor experience by providing a structure that will afford improved visitor orientation and enhance the educational experience of those

who have come to learn about Congress and the Capitol.

(c) CONFORMING AMENDMENT RELATING TO VISITOR CENTER SPACE IN THE CAPITOL.—Section 301 of the National Visitor Center Facilities Act of 1968 (2 U.S.C. 2165) is repealed.

SEC. 102. OVERSIGHT OF COMMITTEES.

The Committee on Rules and Administration of the Senate and the Committee on House Administration of the House of Representatives (hereafter in this Act referred to as the "supervising Committees") shall exercise policy review and oversight over the Capitol Visitor Center.

SEC. 103. SPECIAL RULE FOR CERTAIN SPACES IN THE CAPITOL VISITOR CENTER.

(a) SENATE AND HOUSE OF REPRESENTATIVES EXPANSION SPACE.—Notwithstanding any other provision of this Act, the Senate and House of Representatives expansion space described as "unassigned space" under the heading "Architect of the Capitol, Capitol Visitor Center" in the Legislative Branch Appropriations Act, 2002 (Public Law 107–68; 115 Stat. 588)—

(1) shall not be treated as part of the Capitol Visitor Center for purposes of this Act; and

(2) shall be treated for purposes of law (including rules of the House of Representatives and Senate)—

(A) in the case of space assigned for the use of the Senate, as part of the Senate wing of the Capitol and subject to the authority and control of the Committee on Rules and Administration of the Senate, or

(B) in the case of space assigned for the use of the House, as part of the House of Representatives wing of the Capitol and subject to the authority and control of the Speaker.

(b) TREATMENT OF CONGRESSIONAL AUDITORIUM AND RELATED ADJACENT AREAS.—

(1) IN GENERAL.—Notwithstanding any other provision of this Act, the space in the Capitol Visitor Center known as the Congressional Auditorium, together with each of the areas referred to in paragraph (2), shall be assigned for Congressional use by the Chief Executive Officer for Visitor Services under guidelines established by the supervising Committees.

(2) AREAS DESCRIBED.—The areas referred to in this paragraph are as follows, as identified and

1 designated by the Architect of the Capitol on Octo-
2 ber 1, 2007:
3 (A) The North Congressional Meeting
4 Room (CVC268) and the South Congressional
5 Meeting Room (CVC217).
6 (B) The North Pre-function Area
7 (CVC268CR) and the South Pre-function Area
8 (CVC217CR).
9 (C) Lobbies CVC215 and CVC 212.
10 (D) The North Cloak Room (CVC210) and
11 the South Cloak Room (CVC208).
12 (E) The Projection Room (CVC209).
13 (F) The Green Room (CVC207).
14 (G) The TV Control Room (CVC105).
15 (H) Offices CVC101, CVC102, CVC103,
16 CVC104, CVC106, CVC204, and CVC205.

17 Subtitle B—Office of the Capitol
18 Visitor Center; Chief Executive
19 Officer for Visitor Services

20 **SEC. 111. ESTABLISHMENT.**

21 There is established within the Office of the Architect
22 of the Capitol the Office of the Capitol Visitor Center (in
23 this Act referred to as the "Office"), to be headed by the
24 Chief Executive Officer for Visitor Services (in this Act
25 referred to as the "Chief Executive Officer").

1 **SEC. 112. APPOINTMENT AND SUPERVISION OF CHIEF EX-**
2 **ECUTIVE OFFICER FOR VISITOR SERVICES.**

3 (a) APPOINTMENT.—The Chief Executive Officer
4 shall be appointed by the Architect of the Capitol.

5 (b) SUPERVISION AND OVERSIGHT.—The Chief Exec-
6 utive Officer shall report directly to the Architect of the
7 Capitol and shall be subject to policy review and oversight
8 by the supervising Committees.

9 (c) REMOVAL.—Upon removal of the Chief Executive
10 Officer, the Architect of the Capitol shall immediately no-
11 tify the supervising Committees and the Committees on
12 Appropriations of the House of Representatives and Sen-
13 ate, stating the reasons for the removal.

14 (d) COMPENSATION.—The Chief Executive Officer
15 shall be paid at an annual rate of pay equal to the annual
16 rate of pay of the Deputy Architect of the Capitol and
17 Chief Operating Officer of the Office of the Architect of
18 the Capitol.

19 (e) TRANSITION FOR CURRENT CHIEF EXECUTIVE
20 OFFICER FOR VISITOR SERVICES.—

21 (1) APPOINTMENT.—The individual who serves
22 as the Chief Executive Officer for Visitor Services
23 under section 6701 of the U.S. Troop Readiness,
24 Veterans' Care, Katrina Recovery, and Iraq Ac-
25 countability Appropriation Act of 2007 (2 U.S.C.
26 1806) as of the date of the enactment of this Act

shall be the first Chief Executive Officer for Visitor Services appointed by the Architect under this section.

(2) CONFORMING AMENDMENT.—Section 6701 of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriation Act of 2007 (2 U.S.C. 1806) is repealed.

SEC. 113. GENERAL DUTIES OF CHIEF EXECUTIVE OFFICER.

(a) ADMINISTRATION OF FACILITIES, SERVICES, AND ACTIVITIES.—

(1) IN GENERAL.—Except to the extent otherwise provided in this Act, the Chief Executive Officer shall be responsible for—

(A) the operation, management, and budget preparation and execution of the Capitol Visitor Center, including all long term planning and day-today operational services and activities provided within the Capitol Visitor Center; and

(B) in accordance with subtitle A of title III, the management of guided tours of the interior of the United States Capitol.

(2) INDEPENDENT BUDGET SUBMISSION.—

(A) IN GENERAL.—The proposed budget for the Office for a fiscal year shall be prepared by the Chief Executive Officer, and shall be in-

1 cluded without revision in the proposed budget
2 for the year for the Office of the Architect of
3 the Capitol (as submitted by the Architect of
4 the Capitol to the President).
5 (B) EXCLUSION OF COSTS OF GENERAL
6 MAINTENANCE AND REPAIR OF VISITOR CEN-
7 TER.—In preparing the proposed budget for the
8 Office under subparagraph (A), the Chief Exec-
9 utive Officer shall exclude costs attributable to
10 the activities and services described in section
11 115(b) (relating to continuing jurisdiction of
12 the Architect of the Capitol for the care and su-
13 perintendence of the Capitol Visitor Center).
14 (b) PERSONNEL AND OTHER ADMINISTRATIVE PRO-
15 VISIONS.—
16 (1) PERSONNEL, DISBURSEMENTS, AND CON-
17 TRACTS.—In carrying out this Act, the Chief Execu-
18 tive Officer shall have the authority—
19 (A) to appoint, hire, and fix the compensa-
20 tion of such personnel as may be necessary for
21 operations of the Office, except that no em-
22 ployee may be paid at an annual rate in excess
23 of the maximum rate payable for level 15 of the
24 General Schedule unless otherwise authorized
25 by law;

1 (B) to disburse funds as may be necessary
2 and available for the needs of the Office (con-
3 sistent with the requirements of section 213 in
4 the case of amounts in the Capitol Visitor Cen-
5 ter Revolving Fund); and
6 (C) to designate an employee of the Office
7 to serve as contracting officer for the Office,
8 subject to subsection (c).
9 (2) TEMPORARY ASSIGNMENT OF PER-
10 SONNEL.—The Chief Executive Officer shall tempo-
11 rarily assign personnel of the Office based on a re-
12 quest from the Capitol Police Board to assist the
13 United States Capitol Police by providing ushering
14 and informational services, and other services not di-
15 rectly involving law enforcement, in connection
16 with—
17 (A) the inauguration of the President and
18 Vice President of the United States;
19 (B) the official reception of representatives
20 of foreign nations and other persons by the
21 Senate or House of Representatives; or
22 (C) other special or ceremonial occasions
23 in the United States Capitol or on the United
24 States Capitol Grounds that require the pres-
25 ence of additional Government personnel.

1 (3) AGREEMENTS WITH THE OFFICE OF THE
2 ARCHITECT OF THE CAPITOL, WITH OTHER LEGISLA-
3 TIVE BRANCH AGENCIES, AND WITH OFFICES OF
4 THE SENATE AND HOUSE OF REPRESENTATIVES.—
5 Subject to the approval of the supervising Commit-
6 tees, the Chief Executive Officer may place orders
7 and enter into agreements with the Office of the Ar-
8 chitect of the Capitol, with other legislative branch
9 agencies, and with any office or other entity of the
10 Senate or House of Representatives for procuring
11 goods and providing financial and administrative
12 services on behalf of the Office, or to otherwise as-
13 sist the Chief Executive Officer in the administra-
14 tion and management of the Capitol Visitor Center.
15 (c) REQUIRING APPROVAL OF CERTAIN CON-
16 TRACTS.—The Chief Executive Officer may not enter into
17 a contract for which the amount involved exceeds
18 $250,000 without the prior approval of the supervising
19 Committees.
20 (d) SEMIANNUAL REPORTS.—The Chief Executive
21 Officer shall submit a report to the supervising Commit-
22 tees not later than 45 days following the close of each
23 semiannual period ending on June 30 or December 31 of
24 each year on the financial and operational status during
25 the period of each function under the jurisdiction of the

1 Chief Executive Officer. Each such report shall include fi-
2 nancial statements and a description or explanation of
3 current operations, the implementation of new policies and
4 procedures, and future plans for each function.

5 **SEC. 114. ACCEPTANCE OF GIFTS AND VOLUNTEER SERV-**
6 **ICES.**

7 (a) ACCEPTANCE OF GIFTS.—

8 (1) AUTHORITY TO ACCEPT AND USE GIFTS.—
9 The Chief Executive Officer, with the approval of
10 the supervising Committees, is authorized to receive,
11 accept, and hold unrestricted gifts of money on be-
12 half of the Capitol Visitor Center, and to use the
13 gifts for the benefit of the Capitol Visitor Center

14 (2) ACCEPTANCE OF GIFTS OF WORKS OF ART
15 AND OTHER RELATED OBJECTS BY OTHER LEGISLA-
16 TIVE BRANCH ENTITIES.—

17 (A) IN GENERAL.—In the case of a gift
18 consisting of a work of art, historical object, or
19 exhibit for which the authority to accept the
20 gift for display in the Capitol is provided to an
21 entity referred to in subparagraph (B), the enti-
22 ty shall have the authority to accept the gift for
23 display in the Capitol Visitor Center in accord-
24 ance with the authority provided under applica-
25 ble law.

1 (B) ENTITIES DESCRIBED.—The entities
2 referred to in this subparagraph are as follows:
3 (i) The Joint Committee on the Li-
4 brary under section 1831 of the Revised
5 Statutes of the United States (2 U.S.C.
6 2133).
7 (ii) The United States Capitol Preser-
8 vation Commission under section 801 of
9 the Arizona-Idaho Conservation Act of
10 1988 (2 U.S.C. 2081).
11 (iii) The House of Representatives
12 Fine Arts Board under section 1000 of the
13 Arizona-Idaho Conservation Act of 1988 (2
14 U.S.C. 2121).
15 (iv) The Senate Commission on Art
16 under section 1 of Senate Resolution 382,
17 Ninetieth Congress, agreed to October 1,
18 1968 and enacted into law by section
19 901(a) of Public Law 100–690 (2 U.S.C.
20 2101).
21 (3) ANNUAL REPORT ON GIFTS ACCEPTED.—
22 Each semiannual report submitted under section
23 113(d) shall include a description of each accepted
24 by the Chief Executive Officer under this subsection
25 during the period covered by the report.

1 (b) ACCEPTANCE OF VOLUNTEER SERVICES.—Not-
2 withstanding section 1342 of title 31, United States Code,
3 the Chief Executive Officer may accept and use voluntary
4 and uncompensated services for the Capitol Visitor Center
5 as the Chief Executive Officer determines necessary. No
6 person shall be permitted to donate his or her personal
7 services under this section unless such person has first
8 agreed, in writing, to waive any and all claims against the
9 United States arising out of or connection with such serv-
10 ices, other than a claim under the provisions of chapter
11 81 of title 5, United States Code. No person donating per-
12 sonal services under this section shall be considered an
13 employee of the United States for any purpose other than
14 for purposes of chapter 81 of such title. In no case shall
15 the acceptance of personal services under this subsection
16 result in the reduction of pay or displacement of any em-
17 ployee of the Office.

18 **SEC. 115. SPECIAL RULES REGARDING CERTAIN ADMINIS-**
19 **TRATIVE MATTERS.**

20 (a) SPECIAL RULES REGARDING SECURITY.—

21 (1) SECURITY JURISDICTION OF LAW ENFORCE-
22 MENT AGENCIES UNAFFECTED.—Nothing in this Act
23 granting any authority to the Chief Executive Offi-
24 cer shall be construed to affect the exclusive jurisdic-
25 tion of the United States Capitol Police, the Capitol

1 Police Board, the Sergeant at Arms and Doorkeeper
2 of the Senate, and the Sergeant at Arms of the
3 House of Representatives to provide security for the
4 Capitol Visitor Center.

5 (2) ATTENDANCE OF CHIEF EXECUTIVE OFFI-
6 CER AT CERTAIN MEETINGS OF CAPITOL POLICE
7 BOARD.—At the request of the Capitol Police Board,
8 the Chief Executive Officer shall attend any portion
9 of any meeting of the Capitol Police Board during
10 which the Board considers issues relating to the se-
11 curity of the Capitol Visitor Center, including activi-
12 ties described in paragraph (3), or other issues relat-
13 ing to services provided by employees of the Office.

14 (3) CONSULTATION WITH CAPITOL POLICE
15 BOARD ON SECURITY MATTERS.—The Office shall
16 consult with the Capitol Police Board in carrying
17 out any activity which affects the security of the
18 Capitol Visitor Center or any other part of the Cap-
19 itol, including activities relating to the hours of oper-
20 ation, tour routes and the number of visitors per
21 tour guide, and other activities relating to the entry
22 of members of the general public into the Capitol
23 and the movement of members of the general public
24 within the Capitol.

1 (4) PLAN FOR BACKGROUND CHECKS FOR EM-
2 PLOYEES.—The Chief Executive Officer, in coordi-
3 nation with the Chief of the Capitol Police, shall de-
4 velop plans and procedures for conducting criminal
5 history background checks on employees of the Of-
6 fice and individuals seeking employment with the Of-
7 fice (including employees of the Capitol Guide Serv-
8 ice who are transferred to the Office under title III).
9 (b) SPECIAL RULES REGARDING CARE AND MAINTE-
10 NANCE OF FACILITIES.—
11 (1) ARCHITECT OF THE CAPITOL JURISDICTION
12 UNAFFECTED.—Nothing in this Act granting any
13 authority to the Chief Executive Officer shall be con-
14 strued to affect the exclusive jurisdiction of the Ar-
15 chitect of the Capitol for the care and superintend-
16 ence of the Capitol Visitor Center or any other part
17 of the Capitol, and all maintenance services,
18 groundskeeping services, improvements, alterations,
19 additions, and repairs for the Capitol Visitor Center
20 shall be carried out pursuant to the direction and
21 supervision of the Architect subject to the oversight
22 of Congress under applicable law.
23 (2) BUDGET SUBMISSION.—The Architect of
24 the Capitol shall submit with the annual budget for
25 the Office of the Architect of the Capitol for a fiscal

1 year a separate, detailed statement of the costs an-
2 ticipated to be incurred during the year for the ac-
3 tivities and services described in paragraph (1)
4 which are excluded from the annual budget for the
5 Office which is submitted by the Chief Executive Of-
6 ficer under section 113(a)(2).

7 (c) SPECIAL RULE REGARDING EXHIBITS AND
8 TOURS.—The Chief Executive Officer shall consider com-
9 ments and recommendations from the Clerk of the House
10 of Representatives and the Secretary of the Senate regard-
11 ing the content of exhibits contained in and tours operated
12 out of the Capitol Visitor Center.

13 TITLE II—RELATED SERVICES 14 PROVIDED AT CAPITOL VIS- 15 ITOR CENTER

16 Subtitle A—Related Services 17 Described

18 **SEC. 201. GIFT SHOP.**

19 (a) ESTABLISHMENT.—In consultation with the su-
20 pervising Committees, the Chief Executive Officer shall es-
21 tablish a gift shop within the Capitol Visitor Center for
22 the purpose of providing for the sale of gift items.

23 (b) EXCEPTION TO PROHIBITION OF SALE OR SOLIC-
24 ITATION ON CAPITOL GROUNDS.—Section 5104(c) of title

1 40, United States Code, shall not apply to any activity
2 carried out under this subsection.

3 **SEC. 202. FOOD SERVICE OPERATIONS.**

4 (a) RESTAURANT, CATERING, AND VENDING.—The
5 Chief Executive Officer is authorized to establish within
6 the Capitol Visitor Center a restaurant and other food
7 service facilities, including catering services and vending
8 machines.

9 (b) USE OF CONTRACT TO CARRY OUT FOOD SERV-
10 ICE OPERATIONS.—The Chief Executive Officer shall
11 carry out all food service operations within the Capitol
12 Visitor Center pursuant to a contract entered into with
13 a private vendor.

14 (c) EXCEPTION TO PROHIBITION OF SALE OR SOLIC-
15 ITATION ON CAPITOL GROUNDS.—Section 5104(c) of title
16 40, United States Code, shall not apply to any activity
17 carried out under this subsection.

18 **SEC. 203. LICENSES AND OTHER AGREEMENTS FOR OPER-**
19 **ATIONS OR OTHER FUNCTIONS.**

20 (a) AUTHORITY.—The Chief Executive Officer is au-
21 thorized—

22 (1) subject to the approval of the supervising
23 Committees, to enter into licenses and other agree-
24 ments to allow operations or other functions to occur
25 within the Capitol Visitor Center; and

(2) to assess and collect charges or other fees as may be appropriate under such licenses and agreements, including the recoupment of costs associated with the operation or function being held.

(b) EXCEPTION TO PROHIBITION OF SALE OR SOLICITATION ON CAPITOL GROUNDS.—To the extent that a license or agreement entered into by the Chief Executive Officer under this section permits any person to sell or solicit the sale of goods or services within the Capitol Visitor Center, section 5104(c) of title 40, United States Code, shall not apply to the sale or solicitation of sales of such goods or services.

(c) APPROVAL OF CONGRESS REQUIRED FOR CERTAIN EVENTS.—No event intended for purposes other than those described in section 101(b) shall be held in the central hall of the Capitol Visitor Center unless authorized by a resolution agreed to by both houses of the Congress.

Subtitle B—Capitol Visitor Center Revolving Fund

SEC. 211. ESTABLISHMENT; ACCOUNTS.

There is established in the Treasury of the United States a revolving fund to be known as the Capitol Visitor Center Revolving Fund (in this section referred to as the "Fund"), consisting of the following individual accounts:

(1) The Gift Shop Account.

(2) The Miscellaneous Receipts Account.

SEC. 212. DEPOSITS IN THE FUND.

(a) GIFT SHOP ACCOUNT.—There shall be deposited in the Gift Shop Account all monies received from sales and other services by the gift shop established under section 201, together with any interest accrued on balances in the Account.

(b) MISCELLANEOUS RECEIPTS ACCOUNT.—There shall be deposited in the Miscellaneous Receipts Account each of the following (together with any interest accrued on balances in the Account):

(1) Any gifts of money accepted under section 114(a).

(2) Any net profits or commissions paid to the Capitol Visitor Center under any contract for food service operations entered into under section 202(b).

(3) Any charges or fees collected from the operations or other functions within the Capitol Visitor Center under licenses or other arrangements entered into under section 203(a).

(4) Any other receipts received from the operation of the Capitol Visitor Center

SEC. 213. USE OF MONIES.

(a) GIFT SHOP ACCOUNT.—

1 (1) IN GENERAL.—All monies in the Gift Shop
2 Account shall be available without fiscal year limita-
3 tion for obligation by the Chief Executive Officer in
4 connection with the operation of the gift shops under
5 section 201(a), including supplies, inventories, equip-
6 ment, and other expenses. In addition, such monies
7 may be used by the Chief Executive Officer to reim-
8 burse any applicable appropriations account for
9 amounts used from such appropriations account to
10 pay the salaries of employees of the gift shops.
11 (2) OBLIGATION OF FUNDS REMAINING AFTER
12 USE OF FUNDS FOR GIFT SHOP.—To the extent
13 monies in the Gift Shop Account are available after
14 disbursements and reimbursements are made under
15 subparagraph (A), the Chief Executive Officer may
16 obligate such monies for the operation of the Capitol
17 Visitor Center, after consultation with—
18 (A) the supervising Committees; and
19 (B) the Committees on Appropriations of
20 the House of Representatives and Senate.
21 (b) MISCELLANEOUS RECEIPTS ACCOUNT.—All mon-
22 ies in the Miscellaneous Receipts Account shall be avail-
23 able without fiscal year limitation for obligation by the
24 Chief Executive Officer for the operations of the Capitol
25 Visitor Center, after consultation with—

1 (1) the supervising Committees; and

2 (2) the Committees on Appropriations of the

3 House of Representatives and Senate.

4 **SEC. 214. ADMINISTRATION OF FUND.**

5 (a) OBLIGATIONS.—Obligations from the Fund may

6 be made by the Chief Executive Officer.

7 (b) INVESTMENT AUTHORITY.—The Secretary of the

8 Treasury shall invest any portion of the Fund that, as de-

9 termined by the Chief Executive Officer, is not required

10 to meet current expenses. Each investment shall be made

11 in an interest-bearing obligation of the United States or

12 an obligation guaranteed both as to principal and interest

13 by the United States that, as determined by the Chief Ex-

14 ecutive Officer, has a maturity date suitable for the pur-

15 poses of the Fund. The Secretary of the Treasury shall

16 credit interest earned on the obligations to the Fund.

17 (c) AUDIT.—The Fund shall be subject to audit by

18 the Comptroller General at the discretion of the Comp-

19 troller General.

TITLE III—TREATMENT OF CAPITOL GUIDE SERVICE

Subtitle A—Transfer to Office of the Capitol Visitor Center

SEC. 301. TRANSFER OF CAPITOL GUIDE SERVICE.

(a) TRANSFER OF AUTHORITIES AND PERSONNEL TO OFFICE OF THE CAPITOL VISITOR CENTER.—Except as provided in subsection (c), effective on the transfer date—

(1) the contracts, liabilities, records, property, and other assets and interests of the Capitol Guide Service, established pursuant to section 441 of the Legislative Reorganization Act of 1970 (2 U.S.C. 2166), and the employees of the Capitol Guide Service, are transferred to the Office, except that the transfer of any amounts appropriated to the Capitol Guide Service that remain available as of the transfer date shall occur only upon the approval of the Committees on Appropriations of the House of Representatives and Senate; and

(2) the Capitol Guide Service shall be subject to the direction, supervision, and control of the Chief Executive Officer in accordance with this subtitle.

(b) TREATMENT OF EMPLOYEES OF CAPITOL GUIDE SERVICE AT TIME OF TRANSFER.—

1 (1) IN GENERAL.—Any individual who is an
2 employee of the Capitol Guide Service on a perma-
3 nent basis on the transfer date who is transferred to
4 the Office under subsection (a) shall be subject to
5 authority of the Chief Executive Officer under sec-
6 tion 302(b), except that the individual shall not be
7 reduced in grade, compensation, rate of leave, or
8 other benefits that apply with respect to the indi-
9 vidual at the time of transfer while such individual
10 remains continuously so employed as a Capitol
11 Guide within the Office, other than for cause.
12 (2) ELIGIBILITY FOR IMMEDIATE RETIREMENT
13 ON BASIS OF INVOLUNTARY SEPARATION.—For pur-
14 poses of section 8336(d) and section 8414(b) of title
15 5, United States Code, an individual described in
16 paragraph (1) who is separated from service with
17 the Office shall be considered to have separated from
18 the service involuntarily if, at the time the individual
19 is separated from service—
20 (A) the individual has completed 25 years
21 of service under such title; or
22 (B) the individual has completed 20 years
23 of service under such title and is 50 years of
24 age or older.

1 (3) CONTINUATION OF PARTICIPATION IN STU-
2 DENT LOAN REPAYMENT PROGRAM.—Notwith-
3 standing any other provision of law, if an individual
4 described in paragraph (1) has a written service
5 agreement in effect under section 102 of the Legis-
6 lative Branch Appropriations Act, 2002 (2 U.S.C.
7 60c–5) at the time the individual is transferred to
8 the Office, the agreement shall remain in effect in
9 accordance with the terms and conditions applicable
10 to the agreement at the time the individual is trans-
11 ferred (including the provisions of such section per-
12 mitting the individual to enter into additional service
13 agreements for successive 1-year periods of employ-
14 ment), except that in applying such section to the in-
15 dividual, the following shall apply:
16 (A) The Office shall serve as the employing
17 office, and the Chief Executive Officer shall
18 serve as the head of the employing office.
19 (B) The Architect of the Capitol shall
20 carry out the responsibilities of the Secretary of
21 the Senate.
22 (C) Any reference to the Committee on
23 Rules and Administration of the Senate and the
24 Committee on Appropriations of the Senate

1 shall be treated as a reference to the super-
2 vising Committees.
3 (D) If the individual is required to make
4 any reimbursement under such section with re-
5 spect to payments made after the individual is
6 transferred, the individual shall reimburse the
7 Office of the Architect of the Capitol.
8 (4) PROHIBITING IMPOSITION OF PROBA-
9 TIONARY PERIOD.—The Chief Executive Officer may
10 not impose a period of probation with respect to the
11 transfer of any individual who is transferred to the
12 Office under subsection (a).
13 (c) EXCEPTION FOR CONGRESSIONAL SPECIAL SERV-
14 ICES OFFICE.—This section does not apply with respect
15 to any employees, contracts, liabilities, records, property,
16 and other assets and interests of the Congressional Special
17 Services Office of the Capitol Guide Service that are trans-
18 ferred to the Office of Congressional Accessibility Services
19 under subtitle B.
20 **SEC. 302. DUTIES OF EMPLOYEES OF CAPITOL GUIDE SERV-**
21 **ICE.**
22 (a) PROVISION OF GUIDED TOURS.—
23 (1) TOURS.—In accordance with this section,
24 the Capitol Guide Service shall provide guided tours
25 of the interior of the United States Capitol without

1 charge, including the Capitol Visitor Center, for the
2 education and enlightenment of the general public.
3 (2) ACCEPTANCE OF FEES PROHIBITED.—An
4 employee of the Capitol Guide Service shall not
5 charge or accept any fee, or accept any gratuity, for
6 or on account of his official services.
7 (3) REGULATIONS OF CHIEF EXECUTIVE OFFI-
8 CER.—All such tours shall be conducted in compli-
9 ance with regulations approved by the Chief Execu-
10 tive Officer.
11 (b) AUTHORITY OF CHIEF EXECUTIVE OFFICER.—
12 In providing for the direction, supervision, and control of
13 the Capitol Guide Service, the Chief Executive Officer is
14 authorized—
15 (1) subject to the availability of appropriations,
16 to establish and revise such number of positions of
17 Guide in the Capitol Guide Service as the Chief Ex-
18 ecutive Officer considers necessary to carry out ef-
19 fectively the activities of the Capitol Guide Service;
20 (2) to appoint, on a permanent basis without
21 regard to political affiliation and solely on the basis
22 of fitness to perform their duties, a Chief Guide and
23 such deputies as the Chief Executive Officer con-
24 siders appropriate for the effective administration of

1 the Capitol Guide Service and, in addition, such
2 number of Guides as may be authorized;
3 (3) with the approval of the supervising Com-
4 mittees, with respect to the individuals appointed
5 pursuant to paragraph (2)—
6 (A) to prescribe the individual's duties and
7 responsibilities,
8 (B) to fix, and adjust from time to time,
9 respective rates of pay at single per annum
10 (gross) rates, and
11 (C) to take appropriate disciplinary action,
12 including, when circumstances warrant, suspen-
13 sion from duty without pay, reduction in pay,
14 demotion, or termination of employment with
15 the Capitol Guide Service, against any employee
16 who violates any provision of this section or any
17 regulation prescribed by the Chief Executive
18 Officer pursuant to paragraph (7);
19 (4) to prescribe a uniform dress, including ap-
20 propriate insignia, which shall be worn by personnel
21 of the Capitol Guide Service;
22 (5) from time to time and as may be necessary,
23 to procure and furnish such uniforms to such per-
24 sonnel without charge to such personnel;

1 (6) to receive and consider advice and informa-
2 tion from any private historical or educational orga-
3 nization, association, or society with respect to those
4 operations of the Capitol Guide Service which involve
5 the furnishing of historical and educational informa-
6 tion to the general public; and
7 (7) with the approval of the supervising Com-
8 mittees, to prescribe such regulations as the Chief
9 Executive Officer considers necessary and appro-
10 priate for the operation of the Capitol Guide Service,
11 including regulations with respect to tour routes and
12 hours of operation, number of visitors per guide,
13 staff-led tours, and non-law enforcement security
14 and special event related support.
15 (c) PROVISION OF ACCESSIBLE TOURS IN COORDINA-
16 TION WITH OFFICE OF CONGRESSIONAL ACCESSIBILITY
17 SERVICES.—The Chief Executive Officer shall coordinate
18 the provision of accessible tours for individuals with dis-
19 abilities with the Office of Congressional Accessibility
20 Services established under subtitle B.

1 **Subtitle B—Office of Congressional**
2 **Accessibility Services**

3 **SEC. 311. ESTABLISHMENT OF OFFICE OF CONGRESSIONAL**
4 **ACCESSIBILITY SERVICES.**

5 (a) ESTABLISHMENT.—There is established in the
6 legislative branch the Office of Congressional Accessibility
7 Services, to be headed by the Director of Accessibility
8 Services.

9 (b) SUPERVISION AND CONTROL.—The Office of
10 Congressional Accessibility Services shall be subject to the
11 direction, supervision, and control of the Capitol Police
12 Board.

13 (c) MISSION AND FUNCTIONS.—

14 (1) IN GENERAL.—The Office of Congressional
15 Accessibility Services shall—

16 (A) in consultation with the Office of
17 House Employment Counsel and the Senate
18 Chief Counsel for Employment, provide and co-
19 ordinate accessibility services for individuals
20 with disabilities, including Members of Con-
21 gress, employees of the House of Representa-
22 tives and the Senate, and visitors, in the United
23 States Capitol Complex; and

24 (B) provide information regarding accessi-
25 bility for individuals with disabilities, as well as

1 related training and staff development, to Mem-
2 bers of Congress and employees of the House of
3 Representatives and Senate.
4 (2) SPECIFIC FUNCTIONS.—The Director of Ac-
5 cessibility Services shall submit to the supervising
6 Committees a list of the specific functions that the
7 Office of Congressional Accessibility Services will
8 perform in carrying out this subtitle with the ap-
9 proval of the supervising committees. The Director
10 of Accessibility Services shall submit the list not
11 later than 30 days after the transfer date.
12 (3) NO EFFECT ON AUTHORITY OF EMPLOY-
13 MENT COUNSELS.—Nothing in this subtitle shall be
14 construed to limit any authority or function of the
15 Office of House Employment Counsel or the Senate
16 Chief Counsel for Employment that such Office or
17 Counsel carries out prior to the transfer date.
18 (4) UNITED STATES CAPITOL COMPLEX DE-
19 FINED.—In this subsection, the term "United States
20 Capitol Complex" means the Capitol buildings (as
21 defined in section 5101 of title 40, United States
22 Code) and the United States Capitol Grounds (as
23 described in section 5102 of such title).

1 (d) CONFORMING AMENDMENT.—Section 310 of the
2 Legislative Branch Appropriations Act, 1990 (2 U.S.C.
3 130e) is repealed.

4 **SEC. 312. DIRECTOR OF ACCESSIBILITY SERVICES.**

5 (a) APPOINTMENT AND REMOVAL; COMPENSA-
6 TION.—

7 (1) APPOINTMENT.—The Director of Accessi-
8 bility Services shall be appointed by the Capitol Po-
9 lice Board.

10 (2) REMOVAL.—The Director of Accessibility
11 Services may be removed by the Capitol Police
12 Board, upon notification to the supervising Commit-
13 tees.

14 (3) COMPENSATION.—The Director of Accessi-
15 bility Services shall be paid at an annual rate of pay
16 determined by the Capitol Police Board, except that
17 such rate may not exceed the maximum rate payable
18 for level 15 of the General Schedule.

19 (4) TRANSITION FOR CURRENT HEAD OF CON-
20 GRESSIONAL SPECIAL SERVICES OFFICE OF CAPITOL
21 GUIDE SERVICE.—The individual serving as the head
22 of the Congressional Special Services Office of the
23 Capitol Guide Service as of the transfer date shall
24 be appointed by the Capitol Police Board as the first
25 Director of Accessibility Services under this subtitle.

1 (b) PERSONNEL AND OTHER ADMINISTRATIVE
2 FUNCTIONS.—
3 (1) PERSONNEL, DISBURSEMENTS, AND CON-
4 TRACTS.—In carrying out the functions of the Office
5 of Congressional Accessibility Services under section
6 311, the Director of Accessibility Services shall have
7 the authority—
8 (A) to appoint, hire, and fix the compensa-
9 tion of such personnel as may be necessary for
10 operations of the Office of Congressional Acces-
11 sibility Services, except that no employee may
12 be paid at an annual rate in excess of the an-
13 nual rate of pay for the Director of Accessibility
14 Services;
15 (B) to disburse funds as may be necessary
16 and available for the needs of the Office of Con-
17 gressional Accessibility Services; and
18 (C) to serve as contracting officer for the
19 Office of Congressional Accessibility Services.
20 (2) AGREEMENTS WITH THE OFFICE OF THE
21 ARCHITECT OF THE CAPITOL, WITH OTHER LEGISLA-
22 TIVE BRANCH AGENCIES, AND WITH OFFICES OF
23 THE SENATE AND HOUSE OF REPRESENTATIVES.—
24 Subject to the approval of the supervising Commit-
25 tees, the Director of Accessibility Services may place

1 orders and enter into agreements with the Office of
2 the Architect of the Capitol, with other legislative
3 branch agencies, and with any office or other entity
4 of the Senate or House of Representatives for pro-
5 curing goods and providing financial and administra-
6 tive services on behalf of the Office of Accessibility
7 Services, or to otherwise assist the Director in the
8 administration and management of the Office of Ac-
9 cessibility Services.

10 (c) SEMIANNUAL REPORTS.—The Director of Acces-
11 sibility Services shall submit a report to the supervising
12 Committees not later than 45 days following the close of
13 each semiannual period ending on June 30 or December
14 31 of each year on the financial and operational status
15 during the period of each function under the jurisdiction
16 of the Director. Each such report shall include financial
17 statements and a description or explanation of current op-
18 erations, the implementation of new policies and proce-
19 dures, and future plans for each function.

20 **SEC. 313. TRANSFER FROM CAPITOL GUIDE SERVICE.**

21 (a) TRANSFER OF AUTHORITIES AND PERSONNEL OF
22 CONGRESSIONAL SPECIAL SERVICES OFFICE OF CAPITOL
23 GUIDE SERVICE.—In accordance with the provisions of
24 this subtitle, effective on the transfer date—

1 (1) the contracts, liabilities, records, property,
2 and other assets and interests of the Congressional
3 Special Services Office of the Capitol Guide Service,
4 and the employees of such Office, are transferred to
5 the Office of Congressional Accessibility Services es-
6 tablished under section 311(a), except that the
7 transfer of any amounts appropriated to the Con-
8 gressional Special Services Office that remain avail-
9 able as of the transfer date shall occur only upon the
10 approval of the Committees on Appropriations of the
11 House of Representatives and Senate; and
12 (2) the employees of such Office shall be sub-
13 ject to the direction, supervision, and control of the
14 Director of Accessibility Services.
15 (b) TREATMENT OF EMPLOYEES AT TIME OF TRANS-
16 FER.—
17 (1) IN GENERAL.—Any individual who is an
18 employee of the Congressional Special Services Of-
19 fice of the Capitol Guide Service on a permanent
20 basis on the transfer date who is transferred under
21 subsection (a) shall be subject to authority of the
22 Director of Accessibility Services under section 312,
23 except that the individual shall not be reduced in
24 grade, compensation, rate of leave, or other benefits
25 that apply with respect to the individual at the time

of transfer while such individual remains continuously so employed within the Office of Congressional Accessibility Services established under section 311(a), other than for cause.

(2) ELIGIBILITY FOR IMMEDIATE RETIREMENT ON BASIS OF INVOLUNTARY SEPARATION.—For purposes of section 8336(d) and section 8414(b) of title 5, United States Code, an individual described in paragraph (1) who is separated from service with the Office of Congressional Accessibility Services shall be considered to have separated from the service involuntarily if, at the time the individual is separated from service—

(A) the individual has completed 25 years of service under such title; or

(B) the individual has completed 20 years of service under such title and is 50 years of age or older.

(3) PROHIBITING IMPOSITION OF PROBATIONARY PERIOD.—The Director of Accessibility Services may not impose a period of probation with respect to the transfer of any individual who is transferred to the Office of Congressional Accessibility Services under subsection (a).

Subtitle C—Technical and Conforming Amendments

SEC. 321. TECHNICAL AND CONFORMING AMENDMENTS.

(a) EXISTING AUTHORITY OF CAPITOL GUIDE SERVICE.—Section 441 of the Legislative Reorganization Act of 1970 (2 U.S.C. 2166) is repealed.

(b) COVERAGE UNDER CONGRESSIONAL ACCOUNTABILITY ACT OF 1995.—

(1) TREATMENT OF EMPLOYEES AS COVERED EMPLOYEES.—Section 101(3)(C) of the Congressional Accountability of 1995 (2 U.S.C. 1301(3)(C)) is amended to read as follows:

"(C) the Office of Congressional Accessibility Services;".

(2) TREATMENT OF OFFICE AS EMPLOYING OFFICE.—Section 101(9)(D) of such Act (2 U.S.C. 1301(9)(D)) is amended by striking "the Capitol Guide Board," and inserting "the Office of Congressional Accessibility Services,".

(3) RIGHTS AND PROTECTIONS RELATING TO PUBLIC SERVICES AND ACCOMMODATIONS.—Section 210(a)(4) of such Act (2 U.S.C. 1331(a)(4)) is amended to read as follows:

"(4) the Office of Congressional Accessibility Services;".

1 (4) PERIODIC INSPECTIONS FOR OCCUPATIONAL
2 SAFETY AND HEALTH COMPLIANCE.—Section
3 215(e)(1) of such Act (2 U.S.C. 1341(e)(1)) is
4 amended by striking "the Capitol Guide Service,"
5 and inserting "the Office of Congressional Accessi-
6 bility Services,".
7 (c) TREATMENT AS CONGRESSIONAL EMPLOYEES
8 FOR RETIREMENT PURPOSES.—Section 2107(9) of title 5,
9 United States Code, is amended to read as follows:
10 "(9) an employee of the Office of Congressional
11 Accessibility Services.".
12 (d) EFFECTIVE DATE.—The amendments made by
13 this section shall take effect on the transfer date.

14 **Subtitle D—Transfer Date**

15 **SEC. 331. TRANSFER DATE.**

16 In this title, the "transfer date" means the date on
17 which the Chief Executive Officer, in consultation with the
18 Architect of the Capitol, certifies that a certificate of occu-
19 pancy for the Capitol Visitor Center has been issued by
20 the appropriate authorities.

TITLE IV—GENERAL PROVISIONS

SEC. 401. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

○

The CHAIRMAN. I would now like to offer technical amendments en bloc which are before the members.

Without objection, the amendments en bloc are considered as having been read.

The first two of these amendments provide reassurance that the bill does not affect other provisions of the existing law. The final three items correct drafting errors in the bill. Is there any debate on the amendments? Without question, the amendments are agreed to. Are there further amendments?

[Information follows:]

AMENDMENT TO H.R. 5159

OFFERED BY MR. BRADY OF PENNSYLVANIA

Page 16, line 13, insert after "Chief Executive Officer" the following: "(including section 114)".

Page 16, line 22, insert after "applicable law" the following: "(including rules of the House of Representatives and Senate)".

Page 30, line 16, strike "in consultation with" and all that follows through "Employment,".

Page 30, line 24, strike "provide" and insert "in consultation with the Office of House Employment Counsel and the Senate Chief Counsel for Employment, provide".

Page 37, line 11, strike "Accountability" and insert "Accountability Act".

The CHAIRMAN. If not, the chair recognizes the vice chair for the purpose of offering a motion. I also would like to recognize Mr. Capuano to be next in line for offering a motion which is being given to you. And we are in dangerous territory here.

Mr. CAPUANO. Mr. Chairman, I move the committee report the bill, H.R. 5159, as amended, favorably to the House.

The CHAIRMAN. All those in favor say aye. Any opposed?

The ayes have it unanimously. The motion is agreed to without objection. The motion to reconsider is laid upon the table. And the bill as amended will be reported to the House.

Are there any other views? Any other comments?

Yes, Mr. Ehlers.

Mr. EHLERS. I just wanted to commend our substitute vice chair for the direct manner in which he handled that motion.

The CHAIRMAN. He is not done yet I don't think.

Mr. EHLERS. I yield back.

The CHAIRMAN. Mr. Capuano.

Mr. CAPUANO. Mr. Chairman, for the record, I know the answer. But just for the record, I want to make it clear that there is nothing in this bill and even as amended that would in any way prohibit or prevent staff tours from taking place in and around the CVC, and I presume that's accurate.

The CHAIRMAN. It is. Without objection, staff is authorized to make technical changes to H.R. 5159. There being no further business, the committee stands adjourned. Thank you all.

[Whereupon, at 5:30 p.m., the committee was adjourned.]