

ing recommendations for changes in such laws and restrictions to enable the Library of Congress and other nonprofit institutions in the field of sound recording preservation to make their collections available to researchers in a digital format.

(5) Copyright and other laws applicable to the preservation of sound recordings.

(Pub. L. 106-474, title I, §124, Nov. 9, 2000, 114 Stat. 2089.)

§ 1725. General powers of Board

(a) In general

The Board may, for the purpose of carrying out its duties, hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Librarian and the Board consider appropriate.

(b) Service on Foundation

Two sitting members of the Board shall be appointed by the Librarian and shall serve as members of the board of directors of the National Recording Preservation Foundation, in accordance with section 152403 of title 36.

(Pub. L. 106-474, title I, §125, Nov. 9, 2000, 114 Stat. 2090.)

SUBCHAPTER IV—GENERAL PROVISIONS

§ 1741. Definitions

As used in this chapter:

(1) The term “Librarian” means the Librarian of Congress.

(2) The term “Board” means the National Recording Preservation Board.

(3) The term “sound recording” has the meaning given such term in section 101 of title 17.

(4) The term “publication” has the meaning given such term in section 101 of title 17.

(5) The term “Registry version” means, with respect to a sound recording, the version of a recording first published or offered for mass distribution whether as a publication or a broadcast, or as complete a version as bona fide preservation and restoration activities by the Librarian, an archivist other than the Librarian, or the copyright legal owner can compile in those cases where the original material has been irretrievably lost or the recording is unpublished.

(Pub. L. 106-474, title I, §131, Nov. 9, 2000, 114 Stat. 2090.)

§ 1742. Staff; experts and consultants

(a) Staff

The Librarian may appoint and fix the pay of such personnel as the Librarian considers appropriate to carry out this chapter.

(b) Experts and consultants

The Librarian may, in carrying out this chapter, procure temporary and intermittent services under section 3109(b) of title 5, but at rates for individuals not to exceed the daily equivalent of the maximum rate of basic pay payable for level 15 of the General Schedule. In no case may a member of the Board (including an alter-

nate member) be paid as an expert or consultant under this section.

(Pub. L. 106-474, title I, §132, Nov. 9, 2000, 114 Stat. 2091.)

REFERENCES IN TEXT

The General Schedule, referred to in subsec. (b), is set out under section 5332 of Title 5, Government Organization and Employees.

§ 1743. Authorization of appropriations

There are authorized to be appropriated to the Librarian for the first fiscal year beginning on or after November 9, 2000, and each succeeding fiscal year through fiscal year 2016 such sums as may be necessary to carry out this chapter, except that the amount authorized for any fiscal year may not exceed \$250,000.

(Pub. L. 106-474, title I, §133, Nov. 9, 2000, 114 Stat. 2091; Pub. L. 110-336, §2(a)(1)(A), Oct. 2, 2008, 122 Stat. 3726.)

AMENDMENTS

2008—Pub. L. 110-336 substituted “for the first fiscal year beginning on or after November 9, 2000, and each succeeding fiscal year through fiscal year 2016” for “for each of the first 7 fiscal years beginning on or after November 9, 2000.”

EFFECTIVE DATE OF 2008 AMENDMENT

Pub. L. 110-336, §2(a)(1)(B), Oct. 2, 2008, 122 Stat. 3726, provided that: “The amendment made by subparagraph (A) [amending this section] shall take effect as if included in the enactment of the National Recording Preservation Act of 2000 [Pub. L. 106-474].”

CHAPTER 28—ARCHITECT OF THE CAPITOL

SUBCHAPTER I—GENERAL

Sec.	
1801.	Appointment.
1802.	Compensation.
1803.	Delegation of authority.
1804.	Deputy Architect of the Capitol to act in case of absence, disability, or vacancy.
1805.	Deputy Architect of the Capitol/Chief Operating Officer.
1806, 1807.	Repealed.
1808.	Inspector General of the Architect of the Capitol.

SUBCHAPTER II—GENERAL POWERS AND DUTIES

1811.	Powers and duties.
1812.	Care and superintendence of Capitol.
1813.	Exterior of Capitol.
1814.	Repairs of Capitol.
1815.	Repealed.
1816.	Construction contracts.
1816a.	Design-build contracts.
1817.	Transfer of discontinued apparatus to other branches.
1817a.	Disposition of surplus or obsolete personal property.
1818.	Rental or lease of storage space.
1819.	Computer backup facilities for legislative offices.
1820.	Acquisition of real property for Capitol Police.
1821.	Small purchase contracting authority.
1822.	Leasing of space.
1823.	Acquisition of real property for Sergeant at Arms and Doorkeeper of the Senate.
1823a.	Acquisition of real property for Library of Congress.
1824.	Energy and environmental measures in Capitol Complex Master Plan.

- Sec.
1825. Repealed.
1826. Easements for rights-of-way.
1827. Support and maintenance during emergencies.

SUBCHAPTER III—PERSONNEL

PART A—GENERAL

1831. Human resources program.
1832. Assignment and reassignment of personnel.
1833. Lighting, heating, and ventilating House of Representatives.
1834. Heating and ventilating Senate wing.

PART B—COMPENSATION

1841. Single per annum gross rates of pay.
1842. Conversion of existing pay rates.
1843. Obsolete references.
1844. Savings provisions.
1845. Effect on existing law.
1846. Exemptions.
1847. Authorization to fix basic rate of compensation for certain positions.
1848. Compensation of certain positions in Office of Architect of the Capitol.
1849. Compensation of certain positions under jurisdiction of Architect of the Capitol.
1850. Compensation of registered nurses.
1851. Gratuities for survivors of deceased employees.
1852. Withholding and remittance of State income tax.

SUBCHAPTER IV—APPROPRIATIONS AND EXPENDITURES

1861. Appropriations under control of Architect of the Capitol.
1862. Transfer of funds.
1862a. Use of construction project funds to reimburse Capitol Police for related overtime costs.
1863. Funds out of Contingent Expenses, Architect of the Capitol Appropriation.
1864. Funds out of Capitol Buildings, Architect of the Capitol Appropriation.
1865. Capitol Police Buildings and Grounds Account.
1866. Certification of vouchers.
1867. Advancement and reimbursement of expenses for flying American flags and providing certification services therefor.
1868. Semiannual compilation and report of expenditures.
1869. Advance payments.
1870. House Historic Buildings Revitalization Trust Fund.

SUBCHAPTER I—GENERAL

§ 1801. Appointment

(a)(1) The Architect of the Capitol shall be appointed by the President by and with the advice and consent of the Senate for a term of 10 years.

(2) There is established a commission to recommend individuals to the President for appointment to the office of Architect of the Capitol. The commission shall be composed of—

- (A) the Speaker of the House of Representatives,
(B) the President pro tempore of the Senate,
(C) the majority and minority leaders of the House of Representatives and the Senate, and
(D) the chairmen and the ranking minority members of the Committee on House Oversight of the House of Representatives, the Committee on Rules and Administration of

the Senate, the Committee on Appropriations of the House of Representatives, and the Committee on Appropriations of the Senate.

The commission shall recommend at least three individuals for appointment to such office.

(3) An individual appointed Architect of the Capitol under paragraph (1) shall be eligible for reappointment to such office.

(b) Subsection (a) of this section shall be effective in the case of appointments made to fill vacancies in the office of Architect of the Capitol which occur on or after November 21, 1989. If no such vacancy occurs within the six-year period which begins on November 21, 1989, no individual may, after the expiration of such period, hold such office unless the individual is appointed in accordance with subsection (a) of this section.

(Pub. L. 101-163, title III, § 319, Nov. 21, 1989, 103 Stat. 1068; Pub. L. 104-19, title I, § 701, July 27, 1995, 109 Stat. 220.)

CODIFICATION

Section was classified to section 162-1 of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107-217, § 1, Aug. 21, 2002, 116 Stat. 1062.

PRIOR PROVISIONS

Act Aug. 15, 1876, ch. 287, 19 Stat. 147, transferred duties relative to the Capitol theretofore performed by Commissioner of Public Buildings and Grounds to Architect of the Capitol.

Act Mar. 2, 1867, ch. 167, § 2, 14 Stat. 466, abolished office of Commissioner of Public Buildings and Grounds referred to in section 1811 of this title, and transferred the duties of that office to the Chief of Engineers of the Army.

Act Sept. 30, 1850, ch. 90, § 1, 9 Stat. 538, made appropriation for “the extension of the Capitol” according to the plan as might be approved by the President, to be expended under his direction, “by such architect as he may appoint to execute the same.” Subsequent acts frequently referred to the Architect of the Capitol or to the Architect of the Capitol Extension.

Act Mar. 3, 1829, ch. 51, § 2, 4 Stat. 363, authorized President to continue office of Architect of the Capitol long enough to complete work in progress.

Act May 2, 1828, ch. 45, § 3, 4 Stat. 266, abolished office of Architect of the Capitol. The duties of that office were transferred to Commissioner of Public Buildings and Grounds, appointed by President under act April 29, 1816, ch. 150, § 2, 3 Stat. 324, to succeed a previously existing board of three commissioners of Public Buildings and Grounds.

AMENDMENTS

1995—Subsec. (a)(2). Pub. L. 104-19, § 701(1), (2), substituted “office” for “Office” in first sentence and “commission” for “Commission” in introductory provisions in second sentence.

Subsec. (a)(2)(D). Pub. L. 104-19, § 701(3), substituted “Oversight of the House of Representatives, the Committee on Rules and Administration of the Senate, the Committee on Appropriations of the House of Representatives, and the Committee on Appropriations of the Senate” for “Administration of the House of Representatives and the Committee on Rules and Administration of the Senate”.

Subsec. (b). Pub. L. 104-19, § 701(1), substituted “office” for “Office” in first sentence.

CHANGE OF NAME

Committee on House Oversight of House of Representatives changed to Committee on House Administration of House of Representatives by House Resolution No. 5, One Hundred Sixth Congress, Jan. 6, 1999.

The name of Superintendent of the Capitol Building and Grounds was changed to Architect of the Capitol by Act Mar. 3, 1921, ch. 124, 41 Stat. 1291, the Legislative, Executive, and Judicial Appropriation Act Mar. 3, 1921, fiscal year 1922.

The name of Architect of the Capitol was changed to Superintendent of the Capitol Building and Grounds, by act Feb. 14, 1902, ch. 17, 32 Stat. 20, popularly known as the “Urgent Deficiency Appropriation Act for 1902”.

COMPREHENSIVE MANAGEMENT STUDY AND RESPONSE

Pub. L. 107-68, title I, §129(d), Nov. 12, 2001, 115 Stat. 580, provided that:

“(1) **STUDY BY COMPTROLLER GENERAL.**—Not later than November 1, 2002, the Comptroller General shall conduct a comprehensive management study of the operations of the Architect of the Capitol, and submit the study to the Architect of the Capitol and the Committees on Appropriations of the House of Representatives and Senate.

“(2) **PLAN BY ARCHITECT IN RESPONSE.**—After the Comptroller General submits the study conducted under paragraph (1) to the Committees referred to in such paragraph, the Architect of the Capitol shall develop and submit to such Committees a management improvement plan which addresses the study and which indicates how the personnel for whom the Architect fixes the rate of basic pay under the amendment made by subsection (c)(1) [amending section 1849 of this title] will support such plan.”

ACCOUNTING AND FINANCIAL MANAGEMENT SYSTEM

Pub. L. 107-68, title I, §132, Nov. 12, 2001, 115 Stat. 581, which directed the Architect of the Capitol to develop and maintain an accounting and financial management system, including financial reporting and internal controls, was from the Legislative Branch Appropriations Act, 2002.

§ 1802. Compensation

The compensation of the Architect of the Capitol shall be at an annual rate which is equal to the lesser of the annual salary for the Sergeant at Arms of the House of Representatives or the annual salary for the Sergeant at Arms and Doorkeeper of the Senate.

(Pub. L. 96-146, §1(1), Dec. 14, 1979, 93 Stat. 1086; Pub. L. 107-68, title I, §129(a), Nov. 12, 2001, 115 Stat. 579.)

CODIFICATION

Section was classified to section 162a of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107-217, §1, Aug. 21, 2002, 116 Stat. 1062.

PRIOR PROVISIONS

Prior provisions prescribing the annual rate of compensation of the Architect of the Capitol were contained in the following prior sections 162a of former Title 40, Public Buildings, Property, and Works:

Pub. L. 88-426, title II, §203(c), Aug. 14, 1964, 78 Stat. 415; Pub. L. 90-206, title II, §219(2), Dec. 16, 1967, 81 Stat. 639; Pub. L. 94-82, title II, §204(b), Aug. 9, 1975, 89 Stat. 421, which was omitted as superseded by Pub. L. 96-146, §1(1).

Acts Oct. 15, 1949, ch. 695, §5(a), 63 Stat. 880; Aug. 5, 1955, ch. 568, §101, 69 Stat. 515, which was repealed by Pub. L. 89-554, §8(a), Sept. 6, 1966, 80 Stat. 655.

AMENDMENTS

2001—Pub. L. 107-68, which directed amendment of “Section 203(c) of the Federal Legislative Salary Act of 1964 (40 U.S.C. 162a)” by striking “the annual rate of basic pay” and all that follows and inserting “the lesser of the annual salary for the Sergeant at Arms of the

House of Representatives or the annual salary for the Sergeant at Arms and Doorkeeper of the Senate.”, was executed by substituting the new language for “the annual rate of basic pay payable for positions at level III of the Executive Schedule under section 5314 of title 5” in this section, which is section 1(1) of Pub. L. 96-146, to reflect the probable intent of Congress.

EFFECTIVE DATE OF 2001 AMENDMENT

Pub. L. 107-68, title I, §129(e), Nov. 12, 2001, 115 Stat. 580, provided that: “Except as provided in subsections (c)(2) and (d) [enacting provisions set out as notes under sections 1801 and 1849 of this title], this section [amending this section and section 1849 of this title and enacting provisions set out as notes under sections 1801, 1848, and 1849 of this title] and the amendments made by this section shall apply with respect to pay periods beginning on or after October 1, 2001.”

EFFECTIVE DATE

Section 2 of Pub. L. 96-146 provided that: “The provisions of this Act [enacting this section and section 166b of former Title 40, Public Buildings, Property, and Works] shall take effect on the first day of the first applicable pay period commencing on or after the date of the enactment of this Act [Dec. 14, 1979].”

SALARY INCREASES

1987—Salary of Architect increased to \$82,500 per annum, on recommendation of the President of the United States, see note set out under section 358 of this title.

1977—Salary of Architect increased to \$50,000 per annum, on recommendation of the President of the United States, see note set out under section 358 of this title.

1969—Salary of Architect increased to \$38,000 per annum, on recommendation of the President of the United States, see note set out under section 358 of this title.

§ 1803. Delegation of authority

The Architect of the Capitol may delegate to the assistants of the Architect such authority of the Architect as the Architect may determine proper, except those authorities, duties, and responsibilities specifically assigned to the Deputy Architect of the Capitol by the Legislative Branch Appropriations Act, 2003.

(Aug. 5, 1955, ch. 568, 69 Stat. 515; Pub. L. 108-7, div. H, title I, §1205, Feb. 20, 2003, 117 Stat. 375.)

REFERENCES IN TEXT

The Legislative Branch Appropriations Act, 2003, referred to in text, is div. H of Pub. L. 108-7, Feb. 20, 2003, 117 Stat. 345. For complete classification of this Act to the Code, see Tables.

CODIFICATION

Section was classified to section 163b of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107-217, §1, Aug. 21, 2002, 116 Stat. 1062.

Section is from the Legislative Branch Appropriation Act, 1956.

AMENDMENTS

2003—Pub. L. 108-7 substituted “Architect of the Capitol may delegate to the assistants of the Architect such authority of the Architect as the Architect may determine proper, except those authorities, duties, and responsibilities specifically assigned to the Deputy Architect of the Capitol by the Legislative Branch Appropriations Act, 2003” for “Architect of the Capitol is authorized on and after August 5, 1955, to delegate to the Assistant Architect and other assistants such authority of the Architect as he may deem proper”.

§ 1804. Deputy Architect of the Capitol to act in case of absence, disability, or vacancy

On and after August 18, 1970, the Deputy Architect of the Capitol shall act as Architect of the Capitol during the absence or disability of that official or whenever there is no Architect.

(Pub. L. 91-382, Aug. 18, 1970, 84 Stat. 817; Pub. L. 101-163, title I, §106(d), Nov. 21, 1989, 103 Stat. 1057; Pub. L. 108-7, div. H, title I, §1204, Feb. 20, 2003, 117 Stat. 374.)

CODIFICATION

Section was classified to section 164a of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107-217, §1, Aug. 21, 2002, 116 Stat. 1062.

Section is from Pub. L. 91-382, popularly known as the "Legislative Branch Appropriation Act, 1971".

PRIOR PROVISIONS

Provisions similar to those in this section were contained in the following prior appropriation acts:

Pub. L. 87-730, Oct. 2, 1962, 76 Stat. 688.
 Pub. L. 87-130, Aug. 10, 1961, 75 Stat. 329.
 Pub. L. 86-628, July 12, 1960, 74 Stat. 455.
 Pub. L. 86-176, Aug. 21, 1959, 73 Stat. 407.
 Pub. L. 85-570, July 31, 1958, 72 Stat. 448.
 Pub. L. 85-75, July 1, 1957, 71 Stat. 251.
 June 27, 1956, ch. 453, 70 Stat. 365.
 Aug. 5, 1955, ch. 568, 69 Stat. 515.
 July 2, 1954, ch. 455, title I, 68 Stat. 405.
 Aug. 1, 1953, ch. 304, title I, 67 Stat. 327.
 July 9, 1952, ch. 598, 66 Stat. 472.
 Oct. 11, 1951, ch. 485, 65 Stat. 396.
 Sept. 6, 1950, ch. 896, Ch. II, 64 Stat. 602.
 June 22, 1949, ch. 235, 63 Stat. 224.
 June 14, 1948, ch. 467, 62 Stat. 430.
 July 17, 1947, ch. 262, 61 Stat. 369.
 July 1, 1946, ch. 530, 60 Stat. 400.
 May 18, 1946, ch. 263, title I, 60 Stat. 185.
 June 13, 1945, ch. 189, 59 Stat. 251.
 June 26, 1944, ch. 277, title I, 58 Stat. 346.
 June 28, 1943, ch. 173, title I, 57 Stat. 232.
 June 8, 1942, ch. 396, 56 Stat. 341.
 July 1, 1941, ch. 268, 55 Stat. 457.
 June 18, 1940, ch. 396, 54 Stat. 472.
 June 16, 1939, ch. 208, 53 Stat. 831.
 May 17, 1938, ch. 236, 52 Stat. 390.
 May 18, 1937, ch. 223, 50 Stat. 179.
 Apr. 17, 1936, ch. 233, 49 Stat. 1224.
 July 8, 1935, ch. 374, 49 Stat. 469.
 May 30, 1934, ch. 372, 48 Stat. 826.
 Feb. 28, 1933, ch. 134, 47 Stat. 1360.
 June 30, 1932, ch. 314, 47 Stat. 391.
 Feb. 20, 1931, ch. 234, 46 Stat. 1183.
 June 6, 1930, ch. 407, 46 Stat. 513.

AMENDMENTS

2003—Pub. L. 108-7 substituted "Deputy Architect" for "Assistant Architect".

1989—Pub. L. 101-163 struck out " , and, in case of the absence or disability of the Assistant Architect, the Executive Assistant shall so act" before period at end.

§ 1805. Deputy Architect of the Capitol/Chief Operating Officer

(a) Establishment of Deputy Architect of the Capitol

There shall be a Deputy Architect of the Capitol who shall serve as the Chief Operating Officer of the Office of the Architect of the Capitol. The Deputy Architect of the Capitol shall be appointed by the Architect of the Capitol and shall report directly to the Architect of the Capitol and shall be subject to the authority of the Ar-

chitect of the Capitol. The Architect of the Capitol shall appoint the Deputy Architect of the Capitol not later than 180 days after February 20, 2003. The Architect of the Capitol shall consult with the Comptroller General or his designee before making the appointment.

(b) Qualifications

The Deputy Architect of the Capitol shall have strong leadership skills and demonstrated ability in management, including in such areas as strategic planning, performance management, worker safety, customer satisfaction, and service quality.

(c) Responsibilities

(1) In general

The Deputy Architect of the Capitol shall be responsible to the Architect of the Capitol for the overall direction, operation, and management of the Office of the Architect of the Capitol, including implementing the Office's goals and mission; providing overall organization management to improve the Office's performance; and assisting the Architect of the Capitol in promoting reform, and measuring results.

(2) Responsibilities

The Deputy Architect's responsibilities include—

(A) developing, implementing, annually updating, and maintaining a long-term strategic plan covering a period of not less than 5 years for the Office of the Architect of the Capitol;

(B) developing and implementing an annual performance plan that includes annual performance goals covering each of the general goals and objectives in the strategic plan and including to the extent practicable quantifiable performance measures for the annual goals;

(C) proposing organizational changes and staffing needed to carry out the Office of the Architect of the Capitol's mission and strategic and annual performance goals; and

(D) reviewing and directing the operational functions of the Office of the Architect of the Capitol.

(d) Additional responsibilities

The Architect of the Capitol may delegate to the Deputy Architect such additional duties as the Architect determines are necessary or appropriate.

(e) Action plan

(1) In general

No later than 90 days after the appointment, the Deputy Architect shall prepare and submit to the Committees on Appropriations of the House of Representatives and Senate and the Committee on Rules and Administration of the Senate, an action plan describing the policies, procedures, and actions the Deputy Architect will implement and timeframes for carrying out the responsibilities under this section.

(2) Action plan

The action plan shall be—

(A) approved and signed by both the Architect of the Capitol and the Deputy Architect; and

(B) developed concurrently and consistent with the development of a strategic plan.

(f) Evaluation

The Government Accountability Office shall evaluate annually the implementation of the action plan and provide the results of the evaluation to the Architect of the Capitol, the Committees on Appropriations of the House of Representatives and Senate and the Committee on Rules and Administration of the Senate.

(g) Removal

The Deputy Architect of the Capitol may be removed by the Architect of the Capitol for misconduct or failure to meet performance goals set forth in the performance agreement in subsection (i) of this section. Upon the removal of the Deputy Architect of the Capitol, the Architect of the Capitol shall immediately notify in writing the Committees on Appropriations of the House of Representatives and Senate, and the Committee on Rules and Administration of the Senate, stating the specific reasons for the removal.

(h) Compensation

The Deputy Architect of the Capitol shall be paid at an annual rate of pay to be determined by the Architect but not to exceed \$1,500 less than the annual rate of pay for the Architect of the Capitol.

(i) Annual performance report

The Deputy Architect of the Capitol shall prepare and transmit to the Architect of the Capitol an annual performance report. This report shall contain an evaluation of the extent to which the Office of the Architect of the Capitol met its goals and objectives.

(j) Termination of role

As of October 1, 2006, the role of the Comptroller General and the Government Accountability Office, as established by this section, will cease.

(Pub. L. 108-7, div. H, title I, §1203, Feb. 20, 2003, 117 Stat. 373; Pub. L. 108-11, title II, §2601(a), Apr. 16, 2003, 117 Stat. 599; Pub. L. 108-271, §8(b), July 7, 2004, 118 Stat. 814; Pub. L. 111-316, §1(b), Dec. 18, 2010, 124 Stat. 3452.)

CODIFICATION

Section is from the Legislative Branch Appropriations Act, 2003, which is div. H of Pub. L. 108-7.

AMENDMENTS

2010—Subsec. (e)(3). Pub. L. 111-316 struck out par. (3). Text read as follows: “Notwithstanding section 1849(a) of this title, as amended by section 129(c) of the Legislative Branch Appropriations Act, 2002, the Architect of the Capitol may fix the rate of basic pay for not more than 3 additional positions at a rate not to exceed the highest total rate of pay for the Senior Executive Service under subchapter VIII of chapter 53 of title 5 for the locality involved.”

2004—Subsecs. (f), (j). Pub. L. 108-271 substituted “Government Accountability Office” for “General Accounting Office”.

2003—Subsec. (a). Pub. L. 108-11, substituted “not later than 180 days” for “not later than 90 days”.

EFFECTIVE DATE OF 2010 AMENDMENT

Pub. L. 111-316, §1(c), Dec. 18, 2010, 124 Stat. 3452, provided that: “The amendments made by this section

[amending this section and section 1849 of this title] shall apply with respect to pay periods beginning on or after the date of the enactment of this Act [Dec. 18, 2010].”

EFFECTIVE DATE OF 2003 AMENDMENT

Pub. L. 108-11, title II, §2601(b), Apr. 16, 2003, 117 Stat. 599, provided that: “The amendment made by subsection (a) [amending this section] shall take effect as if included in the enactment of the Legislative Branch Appropriations Act, 2003 [Pub. L. 108-7, div. H].”

§ 1806. Repealed. Pub. L. 110-437, title II, § 202(e)(2), Oct. 20, 2008, 122 Stat. 4987

Section, Pub. L. 110-28, title VI, §6701, May 25, 2007, 121 Stat. 182, related to Chief Executive Officer for Visitor Services.

§ 1807. Repealed. Pub. L. 110-437, title II, § 204(b)(2), Oct. 20, 2008, 122 Stat. 4988

Section, Pub. L. 110-161, div. H, title I, §1309, Dec. 26, 2007, 121 Stat. 2244, related to Assistant to the Chief Executive Officer for Visitor Services.

§ 1808. Inspector General of the Architect of the Capitol

(a) Short title

This section may be cited as the “Architect of the Capitol Inspector General Act of 2007”.

(b) Office of Inspector General

There is an Office of Inspector General within the Office of the Architect of the Capitol which is an independent objective office to—

(1) conduct and supervise audits and investigations relating to the Architect of the Capitol;

(2) provide leadership and coordination and recommend policies to promote economy, efficiency, and effectiveness; and

(3) provide a means of keeping the Architect of the Capitol and the Congress fully and currently informed about problems and deficiencies relating to the administration of programs and operations of the Architect of the Capitol.

(c) Appointment of Inspector General; supervision; removal

(1) Appointment and supervision

(A) In general

There shall be at the head of the Office of Inspector General, an Inspector General who shall be appointed by the Architect of the Capitol, in consultation with the Inspectors General of the Library of Congress, Government Printing Office, Government Accountability Office, and United States Capitol Police. The appointment shall be made without regard to political affiliation and solely on the basis of integrity and demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigations. The Inspector General shall report to, and be under the general supervision of, the Architect of the Capitol.

(B) Audits, investigations, reports, and other duties and responsibilities

The Architect of the Capitol shall have no authority to prevent or prohibit the Inspector General from—

- (i) initiating, carrying out, or completing any audit or investigation;
- (ii) issuing any subpoena during the course of any audit or investigation;
- (iii) issuing any report; or
- (iv) carrying out any other duty or responsibility of the Inspector General under this section.

(2) Removal

The Inspector General may be removed from office by the Architect of the Capitol. The Architect of the Capitol shall, promptly upon such removal, communicate in writing the reasons for any such removal to each House of Congress.

(3) Compensation

The Inspector General shall be paid at an annual rate of pay equal to \$1,500 less than the annual rate of pay of the Architect of the Capitol.

(d) Duties, responsibilities, authority, and reports

(1) In general

Sections 4, 5 (other than subsections (a)(13) and (e)(1)(B) thereof), 6 (other than subsection (a)(7) and (8) thereof), and 7 of the Inspector General Act of 1978 (5 U.S.C. App.) shall apply to the Inspector General of the Architect of the Capitol and the Office of such Inspector General and such sections shall be applied to the Office of the Architect of the Capitol and the Architect of the Capitol by substituting—

- (A) “Office of the Architect of the Capitol” for “establishment”; and
- (B) “Architect of the Capitol” for “head of the establishment”.

(2) Employees

The Inspector General, in carrying out this section, is authorized to select, appoint, and employ such officers and employees (including consultants) as may be necessary for carrying out the functions, powers, and duties of the Office of Inspector General subject to the provisions of law governing selections, appointments, and employment in the Office of the Architect of the Capitol.

(e) Transfers

All functions, personnel, and budget resources of the Office of the Inspector General of the Architect of the Capitol as in effect before the effective date of this section are transferred to the Office of Inspector General described under subsection (b).

(f) References

References in any other Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or relating to the Inspector General of the Architect of the Capitol shall be deemed to refer to the Inspector General as set forth under this section.

(g) First appointment

By the date occurring 180 days after December 26, 2007, the Architect of the Capitol shall appoint an individual to the position of Inspector General of the Architect of the Capitol described under subparagraph (A) of subsection (c)(1) in accordance with that subparagraph.

(h) Effective date

(1) In general

Except as provided under paragraph (2), this section shall take effect 180 days after December 26, 2007, and apply with respect to fiscal year 2008 and each fiscal year thereafter.

(2) First appointment

Subsection (g) shall take effect on December 26, 2007, and the Architect of the Capitol shall take such actions as necessary after December 26, 2007, to carry out that subsection.

(Pub. L. 110–161, div. H, title I, §1301, Dec. 26, 2007, 121 Stat. 2240.)

REFERENCES IN TEXT

The Inspector General Act of 1978, referred to in subsec. (d)(1), is Pub. L. 95–452, Oct. 12, 1978, 92 Stat. 1101, which is set out in the Appendix to Title 5, Government Organization and Employees.

CODIFICATION

Section is from the Legislative Branch Appropriations Act, 2008, which is div. H of the Consolidated Appropriations Act, 2008.

SUBCHAPTER II—GENERAL POWERS AND DUTIES

§ 1811. Powers and duties

The Architect of the Capitol shall perform all the duties relative to the Capitol Building performed prior to August 15, 1876, by the Commissioner of Public Buildings and Grounds, and shall be appointed by the President: *Provided*, That no change in the architectural features of the Capitol Building or in the landscape features of the Capitol Grounds shall be made except on plans to be approved by Congress.

(Aug. 15, 1876, ch. 287, 19 Stat. 147; Feb. 14, 1902, ch. 17, 32 Stat. 20; Mar. 3, 1921, ch. 124, 41 Stat. 1291.)

CODIFICATION

Section was classified to section 162 of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107–217, §1, Aug. 21, 2002, 116 Stat. 1062.

Section is a composite of the acts of Aug. 15, 1876, and Feb. 14, 1902, cited in the credits.

CHANGE OF NAME

Change of name of Architect of the Capitol, functions abolished, transferred, etc., by prior acts, see Prior Provisions and Change of Name notes set out under section 1801 of this title.

TRANSFER TO ARCHITECT OF THE CAPITOL

Pub. L. 112–74, div. G, title I, §1202, Dec. 23, 2011, 125 Stat. 1129, provided that:

“(a) TRANSFER.—To the extent that the Director of the National Park Service has jurisdiction and control over any portion of the area described in subsection (b) and any monument or other facility which is located within such area, such jurisdiction and control is hereby transferred to the Architect of the Capitol as of the date of the enactment of this Act [Dec. 23, 2011].

“(b) AREA DESCRIBED.—The area described in this subsection is the property which is bounded on the north by Pennsylvania Avenue Northwest, on the east by First Street Northwest and First Street Southwest, on the south by Maryland Avenue Southwest, and on the west by Third Street Southwest and Third Street Northwest.”

RECYCLABLE MATERIALS

Pub. L. 111-8, div. G, title I, §1101, Mar. 11, 2009, 123 Stat. 822, provided that:

“(a) COLLECTION AND SALE OF RECYCLABLE MATERIALS.—

“(1) ESTABLISHMENT OF PROGRAM.—The Architect of the Capitol shall establish a program for the collection and sale of recyclable materials collected from or on the Capitol buildings and grounds, in accordance with the procedures applicable under subchapter III of chapter 5 of subtitle I of title 40, United States Code[,] to the sale of surplus property by an executive agency.

“(2) EXCLUSION OF MATERIALS SUBJECT TO OTHER PROGRAMS.—The program established under this section shall not apply with respect to any materials which are subject to collection and sale under—

“(A) the third undesignated paragraph under the center heading ‘MISCELLANEOUS’ in the first section of the Act entitled ‘An Act making appropriations for sundry civil expenses of the government for the fiscal year ending June thirtieth, eighteen hundred and eighty-three, and for other purposes’, approved August 7, 1882 (2 U.S.C. 117);

“(B) section 104(a) of the Legislative Branch Appropriations Act, 1987 (as enacted by reference in identical form by section 101(j) of Public Law 99-500 and Public Law 99-591) (2 U.S.C. 117e);

“(C) the Senate waste recycling program referred to in section 4 of the Legislative Branch Appropriations Act, 2001 (2 U.S.C. 121f); or

“(D) any other authorized program for the collection and sale of recyclable materials.

“(b) REVOLVING FUND.—

“(1) IN GENERAL.—There is established in the Treasury a revolving fund for the Office of the Architect of the Capitol, which shall consist of—

“(A) proceeds from the sale of recyclable materials under the program established under this section; and

“(B) such amounts as may be appropriated under law.

“(2) USE OF FUND.—Amounts in the revolving fund established under paragraph (1) shall be available without fiscal year limitation to the Architect of the Capitol, subject to the Architect providing prior notice to the Committees on Appropriations of the House of Representatives and Senate—

“(A) to carry out the program established under this section;

“(B) to carry out authorized programs and activities of the Architect to improve the environment; and

“(C) to carry out authorized programs and activities of the Architect to promote energy savings.

“(c) EFFECTIVE DATE.—This section shall apply with respect to each of the fiscal years 2009 through 2013.”

ACQUISITION OF PROPERTY BY ARCHITECT OF THE CAPITOL

Pub. L. 107-68, title I, §128, Nov. 12, 2001, 115 Stat. 579, provided that: “Notwithstanding any other provision of law and subject to the availability of appropriations, the Architect of the Capitol is authorized to secure, through multi-year rental, lease, or other appropriate agreement, the property located at 67 K Street, S.W., Washington, D.C., for use of Legislative Branch agencies, and to incur any necessary incidental expenses including maintenance, alterations, and repairs in connection therewith: *Provided*, That in connection with the property referred to under the preceding proviso, the Architect of the Capitol is authorized to expend funds appropriated to the Architect of the Capitol for the purpose of the operations and support of Legislative Branch agencies, including the United States Capitol Police, as may be required for that purpose.”

§ 1812. Care and superintendence of Capitol

The Architect of the Capitol shall on and after March 3, 1977, have the care and superintendence

of the Capitol, including lighting. His office shall be in the Capitol Building.

(Aug. 15, 1876, ch. 287, 19 Stat. 147; Mar. 3, 1877, ch. 102, 19 Stat. 298; Oct. 31, 1951, ch. 654, §3(14), 65 Stat. 708.)

CODIFICATION

Section was classified to section 163 of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107-217, §1, Aug. 21, 2002, 116 Stat. 1062.

The first sentence of this section is from act Mar. 3, 1877. The second sentence of this section is from act Aug. 15, 1876, popularly known as the “Sundry Civil Appropriation Act”.

PRIOR PROVISIONS

Provisions similar to those comprising the first sentence of this section were contained in act Aug. 15, 1876, ch. 287, 19 Stat. 147.

AMENDMENTS

1951—Act Oct. 31, 1951, struck out “, and shall submit through the Secretary of the Interior estimates thereof” at end of first sentence.

CHANGE OF NAME

Change of name of Architect of the Capitol, functions abolished, transferred, etc., by prior acts, see Prior Provisions and Change of Name notes set out under section 1801 of this title.

§ 1813. Exterior of Capitol

On and after July 7, 1884, it shall be the duty of the Architect to clean and keep in proper order the exterior of the Capitol.

(July 7, 1884, ch. 332, 23 Stat. 209.)

REFERENCES IN TEXT

The Architect, referred to in text, means the Architect of the Capitol.

CODIFICATION

Section was classified to section 163a of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107-217, §1, Aug. 21, 2002, 116 Stat. 1062.

Section is from the Sundry Civil Appropriation Act July 7, 1884, fiscal year 1885.

§ 1814. Repairs of Capitol

All improvements, alterations, additions, and repairs of the Capitol Building shall be made by the direction and under the supervision of the Architect of the Capitol.

(R.S. §1816; Feb. 14, 1902, ch. 17, 32 Stat. 20; Mar. 3, 1921, ch. 124, 41 Stat. 1291; Oct. 31, 1951, ch. 654, §3(15), 65 Stat. 708.)

CODIFICATION

Section was classified to section 166 of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107-217, §1, Aug. 21, 2002, 116 Stat. 1062.

R.S. §1816 derived from Res. Apr. 16, 1862, No. 28, 12 Stat. 617; acts Mar. 30, 1867, ch. 24, §2, 15 Stat. 13; July 20, 1868, ch. 177, §1, 15 Stat. 115; Mar. 3, 1869, ch. 121, §1, 15 Stat. 283, 284; Mar. 3, 1871, ch. 114, §1, 16 Stat. 500; Aug. 15, 1876, ch. 287, 19 Stat. 147.

Provision of R.S. §1816 relating to purchase of furniture or carpets for House or Senate is classified to section 2184 of this title.

AMENDMENTS

1951—Act Oct. 31, 1951, struck out requirement that such improvements, etc., should be paid for by Sec-

retary of the Interior out of appropriations for Capitol extension, and from no other appropriation.

CHANGE OF NAME

Change of name of Architect of the Capitol, functions abolished, transferred, etc., by prior acts, see Prior Provisions and Change of Name notes set out under section 1801 of this title.

CONDITIONS FOR USE OF CERTAIN TELECOMMUNICATIONS SYSTEMS AND SERVICES BY AGENCY OF LEGISLATIVE BRANCH

Pub. L. 101-520, title III, §306, Nov. 5, 1990, 104 Stat. 2277, as amended by Pub. L. 108-271, §8(b), July 7, 2004, 118 Stat. 814, provided that:

“(a) Hereafter, notwithstanding any other provision of law, any agency of the legislative branch is authorized to use telecommunications systems and services provided by the Architect of the Capitol or the House of Representatives or the Senate under the approved plan required by section 305 of Public Law 100-202 (101 Stat. 1329-308) [see source credits following note below] if such systems and services—

“(1) have been acquired competitively; and

“(2) in the case of long distance service, have been determined by the Architect of the Capitol to be at least equal in quality to, and not greater in cost than, the systems and services available under the procurement conducted by the Administrator of General Services known as ‘FTS2000’.

“(b) As used in this section, the term ‘agency of the legislative branch’ means the office of the Architect of the Capitol, the Botanic Garden, the Government Accountability Office, the Government Printing Office, the Library of Congress, the Office of Technology Assessment, and the Congressional Budget Office.”

Similar provisions were contained in the following prior appropriations acts:

Pub. L. 101-163, title III, §306, Nov. 21, 1989, 103 Stat. 1064.

Pub. L. 100-458, title III, §307B, Oct. 1, 1988, 102 Stat. 2183.

DEVELOPMENT OF OVERALL PLAN FOR SATISFYING TELECOMMUNICATIONS REQUIREMENTS OF AGENCIES OF LEGISLATIVE BRANCH

Pub. L. 102-392, title III, §305, Oct. 6, 1992, 106 Stat. 1721, as amended by Pub. L. 108-271, §8(b), July 7, 2004, 118 Stat. 814, provided that:

“(a) The Architect of the Capitol, in consultation with the heads of the agencies of the legislative branch, shall develop an overall plan for satisfying the telecommunications requirements of such agencies, using a common system architecture for maximum interconnection capability and engineering compatibility. The plan shall be subject to joint approval by the Committee on House Administration of the House of Representatives and the Committee on Rules and Administration of the Senate, and, upon approval, shall be communicated to the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate. No part of any appropriation in this Act or any other Act shall be used for acquisition of any new or expanded telecommunications system for an agency of the legislative branch, unless, as determined by the Architect of the Capitol, the acquisition is in conformance with the plan, as approved.

“(b) As used in this section—

“(1) the term ‘agency of the legislative branch’ means the Office of the Architect of the Capitol, the Botanic Garden, the Government Accountability Office, the Government Printing Office, the Library of Congress, the Office of Technology Assessment, and the Congressional Budget Office; and

“(2) the term ‘telecommunications system’ means an electronic system for voice, data, or image communication, including any associated cable and switching equipment.

“(c) This section shall apply with respect to fiscal years beginning after September 30, 1992.”

Similar provisions were contained in the following prior appropriations acts:

Pub. L. 102-90, title III, §305, Aug. 14, 1991, 105 Stat. 466.

Pub. L. 101-520, title III, §305, Nov. 5, 1990, 104 Stat. 2276.

Pub. L. 101-163, title III, §305, Nov. 21, 1989, 103 Stat. 1063.

Pub. L. 100-458, title III, §305, Oct. 1, 1988, 102 Stat. 2182.

Pub. L. 100-202, §101(i) [title III, §305], Dec. 22, 1987, 101 Stat. 1329-290, 1329-308.

Pub. L. 99-500, §101(j) [H.R. 5203, title III, §305], Oct. 18, 1986, 100 Stat. 1783-287, and Pub. L. 99-591, §101(j) [H.R. 5203, title III, §305], Oct. 30, 1986, 100 Stat. 3341-287.

§ 1815. Repealed. Pub. L. 109-58, title I, § 101(c), Aug. 8, 2005, 119 Stat. 606

Section, Pub. L. 105-275, title III, §310, Oct. 21, 1998, 112 Stat. 2456, related to energy conservation and management.

CODIFICATION

Section was classified to section 166i of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107-217, §1, Aug. 21, 2002, 116 Stat. 1062.

§ 1816. Construction contracts

(a) Liquidated damages

The Architect of the Capitol may not enter into or administer any construction contract with a value greater than \$50,000 unless the contract includes a provision requiring the payment of liquidated damages in the amount determined under subsection (b) of this section in the event that completion of the project is delayed because of the contractor.

(b) Amount of payment

The amount of payment required under a liquidated damages provision described in subsection (a) of this section shall be equal to the product of—

(1) the daily liquidated damage payment rate; and

(2) the number of days by which the completion of the project is delayed.

(c) Daily liquidated damage payment rate

(1) In general

In subsection (b) of this section, the “daily liquidated damage payment rate” means—

(A) \$140, in the case of a contract with a value greater than \$50,000 and less than \$100,000;

(B) \$200, in the case of a contract with a value equal to or greater than \$100,000 and equal to or less than \$500,000; and

(C) the sum of \$200 plus \$50 for each \$100,000 increment by which the value of the contract exceeds \$500,000, in the case of a contract with a value greater than \$500,000.

(2) Adjustment in rate permitted

Notwithstanding paragraph (1), the daily liquidated damage payment rate may be adjusted by the contracting officer involved to a rate greater or lesser than the rate described in such paragraph if the contracting officer makes a written determination that the rate described does not accurately reflect the anticipated damages which will be suffered by

the United States as a result of the delay in the completion of the contract.

(d) Effective date

This section shall apply with respect to contracts entered into during fiscal year 2002 or any succeeding fiscal year.

(Pub. L. 107-68, title I, §130, Nov. 12, 2001, 115 Stat. 580.)

CODIFICATION

Section was classified to section 166j of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107-217, §1, Aug. 21, 2002, 116 Stat. 1062.

§ 1816a. Design-build contracts

(a) Notwithstanding any other provision of law, the Architect of the Capitol may use the two-phase selection procedures authorized in section 3309 of title 41 for entering into a contract for the design and construction of a public building, facility, or work in the same manner and under the same terms and conditions as the head of an executive agency under such section.

(b) This section shall apply with respect to fiscal year 2008 and each succeeding fiscal year.

(Pub. L. 110-161, div. H, title I, §1308, Dec. 26, 2007, 121 Stat. 2244.)

CODIFICATION

In subsec. (a), “section 3309 of title 41” substituted for “section 303M of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253m)” on authority of Pub. L. 111-350, §6(c), Jan. 4, 2011, 124 Stat. 3854, which Act enacted Title 41, Public Contracts.

Section is from the Legislative Branch Appropriations Act, 2008, which is div. H of the Consolidated Appropriations Act, 2008.

§ 1816b. Architect of the Capitol, authority for personal services contracts with legal entities

Notwithstanding any other provision of law, the Architect of the Capitol is authorized to contract for personal services with any firm, partnership, corporation, association, or other legal entity in the same manner as he is authorized to contract for personal services with individuals under the provisions of section 6101 of title 41.

(Pub. L. 96-558, Dec. 19, 1980, 94 Stat. 3263.)

CODIFICATION

In text, “section 6101 of title 41” substituted for “section 3709 of the Revised Statutes of the United States (41 U.S.C. 5)” on authority of Pub. L. 111-350, §6(c), Jan. 4, 2011, 124 Stat. 3854, which Act enacted Title 41, Public Contracts.

Section was classified to section 6a-2 of former Title 41, prior to the enactment of Title 41, Public Contracts, by Pub. L. 111-350, §3, Jan. 4, 2011, 124 Stat. 3677.

§ 1817. Transfer of discontinued apparatus to other branches

The Architect of the Capitol may transfer apparatus, appliances, equipments, and supplies of any kind, discontinued or permanently out of service, to other branches of the service of the United States, or District of Columbia, whenever, in his judgment the interests of the Government service may require it.

(June 26, 1912, ch. 182, §11, 37 Stat. 184; Mar. 3, 1921, ch. 124, 41 Stat. 1291; May 29, 1928, ch. 901, §1(120), 45 Stat. 995; Oct. 31, 1951, ch. 654, §3(17), 65 Stat. 708.)

CODIFICATION

Section was classified to section 171 of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107-217, §1, Aug. 21, 2002, 116 Stat. 1062.

Section is based on section 11 of act June 26, 1912, popularly known as the “District of Columbia Appropriation Act June 26, 1912, fiscal year 1913”.

PRIOR PROVISIONS

Act Mar. 2, 1911, ch. 192, §9, 36 Stat. 1011.

AMENDMENTS

1951—Act Oct. 31, 1951, struck out “with the approval of the Secretary of the Interior,” after “whenever.”

1928—Act May 29, 1928, struck out provision that required a transfer statement to be submitted in the annual report to Congress by the Superintendent of the Capitol Building and Grounds.

CHANGE OF NAME

Change of name of Architect of the Capitol, functions abolished, transferred, etc., by prior acts, see Prior Provisions and Change of Name notes set out under section 1801 of this title.

§ 1817a. Disposition of surplus or obsolete personal property

(a) In general

The Architect of the Capitol shall have the authority, within the limits of available appropriations, to dispose of surplus or obsolete personal property by inter-agency transfer, donation, sale, trade-in, or discarding. Amounts received for the sale or trade-in of personal property shall be credited to funds available for the operations of the Architect of the Capitol and be available for the costs of acquiring the same or similar property. Such funds shall be available for such purposes during the fiscal year received and the following fiscal year.

(b) Effective date

This section shall apply with respect to fiscal year 2010, and each fiscal year thereafter.

(Pub. L. 111-68, div. A, title I, §1301, Oct. 1, 2009, 123 Stat. 2034.)

CODIFICATION

Section is from the Legislative Branch Appropriations Act, 2010, which is div. A of Pub. L. 111-68.

§ 1818. Rental or lease of storage space

Notwithstanding any other provision of law, the Architect of the Capitol, with the approval of the House Office Building Commission and Senate Committee on Rules and Administration, is authorized to secure, through rental, lease, or other appropriate agreement, storage space in areas within the District of Columbia and its environs beyond the boundaries of the United States Capitol Grounds for use of the United States Senate, the United States House of Representatives, and the Office of the Architect of the Capitol, under such terms and conditions as such Commission and committee may authorize, and to incur any necessary incidental expenses in connection therewith.

(Pub. L. 93–180, §1, Dec. 13, 1973, 87 Stat. 704.)

CODIFICATION

Section was classified to section 166d of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107–217, §1, Aug. 21, 2002, 116 Stat. 1062.

§ 1819. Computer backup facilities for legislative offices

(a) Acquisition of buildings and facilities

The Architect of the Capitol is authorized, subject to the availability of appropriations, to acquire (through purchase, lease, or otherwise) buildings and facilities for use as computer backup facilities (and related uses) for offices in the legislative branch.

(b) Acquisition subject to approval

The acquisition of a building or facility under subsection (a) of this section shall be subject to the approval of—

(1) the House Office Building Commission, in the case of a building or facility acquired for the use of an office of the House of Representatives;

(2) the Committee on Rules and Administration of the Senate, in the case of a building or facility acquired for the use of an office of the Senate; or

(3) the House Office Building Commission in the case of a building or facility acquired for the use of any other office in the legislative branch as part of a joint facility with (1) above, or the Committee on Rules and Administration of the Senate, in the case of a building or facility acquired for the use of any other office in the legislative branch as part of a joint facility with (2) above.

(c) United States Capitol grounds provisions applicable

Any building or facility acquired by the Architect of the Capitol pursuant to subsection (a) of this section shall be a part of the United States Capitol Grounds and shall be subject to the provisions of sections 1922, 1961, 1966, 1967, and 1969 of this title and sections 5101 to 5107 and 5109 of title 40.

(d) Lease of buildings and facilities

In the case of a building or facility acquired through purchase pursuant to subsection (a) of this section, the Architect of the Capitol may enter into or assume a lease with another person for the use of any portion of the building or facility that the Architect of the Capitol determines is not required to be used to carry out the purposes of this section, subject to the approval of the entity which approved the acquisition of such building or facility under subsection (b) of this section.

(e) Effective date

This section shall apply with respect to fiscal year 2002 and each succeeding fiscal year.

(Pub. L. 107–206, title I, §905, Aug. 2, 2002, 116 Stat. 877; Pub. L. 109–55, title I, §1202(a), Aug. 2, 2005, 119 Stat. 579.)

REFERENCES IN TEXT

Sections 1922, 1961, 1966, 1967, and 1969 of this title and sections 5101 to 5107 and 5109 of title 40, referred to in

subsec. (c), was in the original a reference to the Act entitled “An Act to define the area of the United States Capitol Grounds, to regulate the use thereof, and for other purposes”, approved July 31, 1946, which is act July 31, 1946, ch. 707, 60 Stat. 718, as amended. Sections 9, 9A, 9B, 9C, and 14 of the Act are classified, respectively, to sections 1961, 1966, 1967, 1922, and 1969 of this title, and section 16(b) of the Act is set out as a note under section 1961 of this title. Sections 1 to 8, 10 to 13, and 16(a) of the Act, which were classified to sections 193a to 193m of former Title 40, Public Buildings, Property, and Works, were repealed and reenacted as sections 5101 to 5107 and 5109 of Title 40, Public Buildings, Property, and Works, by Pub. L. 107–217, §§1, 6(b), Aug. 21, 2002, 116 Stat. 1062, 1312, the first section of which enacted Title 40. Section 5(c) of Pub. L. 107–217, set out as a note preceding section 101 of Title 40, provides that a reference to a law replaced by section 1 of Pub. L. 107–217 is deemed to refer to the corresponding provision enacted by Pub. L. 107–217. For complete classification of the act of July 31, 1946, to the Code, see Tables. For disposition of sections of former Title 40, see table at the beginning of Title 40.

CODIFICATION

Section was classified to section 166k of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107–217, §1, Aug. 21, 2002, 116 Stat. 1062.

AMENDMENTS

2005—Subsecs. (d), (e). Pub. L. 109–55 added subsec. (d) and redesignated former subsec. (d) as (e).

EFFECTIVE DATE OF 2005 AMENDMENT

Pub. L. 109–55, title I, §1202(b), Aug. 2, 2005, 119 Stat. 579, provided that: “The amendments made by subsection (a) [amending this section] shall apply with respect to leases entered into on or after the date of the enactment of this Act [Aug. 2, 2005].”

§ 1820. Acquisition of real property for Capitol Police

(a) Authority for acquisition

Subject to the approval of the House Office Building Commission and the Senate Committee on Rules and Administration, the Architect of the Capitol is authorized to acquire (through purchase, lease, transfer from another Federal entity, or otherwise) real property, subject to the availability of appropriations and upon approval of an obligation plan by the Committees on Appropriations of the House and Senate, for the use of the United States Capitol Police.

(b) United States Capitol grounds provisions applicable

Any real property acquired by the Architect of the Capitol pursuant to subsection (a) of this section shall be a part of the United States Capitol Grounds and shall be subject to the provisions of sections 1922, 1961, 1966, 1967, and 1969 of this title and sections 5101 to 5107 and 5109 of title 40.

(c) Effective date

This section shall apply with respect to fiscal year 2002 and each succeeding fiscal year.

(Pub. L. 107–206, title I, §907, Aug. 2, 2002, 116 Stat. 877.)

REFERENCES IN TEXT

Sections 1922, 1961, 1966, 1967, and 1969 of this title and sections 5101 to 5107 and 5109 of title 40, referred to in subsec. (b), was in the original a reference to the Act

entitled “An Act to define the area of the United States Capitol Grounds, to regulate the use thereof, and for other purposes”, approved July 31, 1946, which is act July 31, 1946, ch. 707, 60 Stat. 718, as amended. Sections 9, 9A, 9B, 9C, and 14 of the Act are classified, respectively, to sections 1961, 1966, 1967, 1922, and 1969 of this title, and section 16(b) of the Act is set out as a note under section 1961 of this title. Sections 1 to 8, 10 to 13, and 16(a) of the Act, which were classified to sections 193a to 193m of former Title 40, Public Buildings, Property, and Works, were repealed and reenacted as sections 5101 to 5107 and 5109 of Title 40, Public Buildings, Property, and Works, by Pub. L. 107-217, §§1, 6(b), Aug. 21, 2002, 116 Stat. 1062, 1312, the first section of which enacted Title 40. Section 5(c) of Pub. L. 107-217, set out as a note preceding section 101 of Title 40, provides that a reference to a law replaced by section 1 of Pub. L. 107-217 is deemed to refer to the corresponding provision enacted by Pub. L. 107-217. For complete classification of the act of July 31, 1946, to the Code, see Tables. For disposition of sections of former Title 40, see table at the beginning of Title 40.

CODIFICATION

Section was classified to section 166m of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107-217, §1, Aug. 21, 2002, 116 Stat. 1062.

ACQUISITION OF PROPERTY BY ARCHITECT OF THE CAPITOL

Pub. L. 108-199, div. H, §152, Jan. 23, 2004, 118 Stat. 448, provided that:

“(a) Notwithstanding section 907(a) of Public Law 107-206 (116 Stat. 977) [2 U.S.C. 1820(a)] or section 1102 of the Legislative Branch Appropriations Act, 2004 (2 U.S.C. 1822(b)), the Architect of the Capitol, at any time after the date of the enactment of this Act [Jan. 23, 2004] and subject to the availability of appropriations, may enter into an agreement to acquire by lease any portion of the real property located at 499 South Capitol Street Southwest in the District of Columbia for the use of the United States Capitol Police.

“(b) Any real property acquired by the Architect of the Capitol pursuant to subsection (a) shall be subject to the provisions of the Act entitled ‘An Act to define the area of the United States Capitol Grounds, to regulate the use thereof, and for other purposes’, approved July 31, 1946 [2 U.S.C. 1922, 1961, 1966, 1967, 1969, see References in Text note above].”

§ 1821. Small purchase contracting authority

(a) In general

Notwithstanding any other provision of law—

(1) section 6101 of title 41 shall apply with respect to purchases and contracts for the Architect of the Capitol as if the reference to “\$25,000” in paragraph (1) of such section were a reference to “\$100,000”; and

(2) the Architect may procure services, equipment, and construction for security related projects in the most efficient manner he determines appropriate.

(b) Effective date

This section shall apply to fiscal year 2003 and each fiscal year thereafter.

(Pub. L. 108-7, div. H, title I, §1201, Feb. 20, 2003, 117 Stat. 372.)

CODIFICATION

In subsec. (a)(1), “section 6101 of title 41” substituted for “section 3709 of the Revised Statutes of the United States (41 U.S.C. 5)” on authority of Pub. L. 111-350, §6(c), Jan. 4, 2011, 124 Stat. 3854, which Act enacted Title 41, Public Contracts.

Section is from the Legislative Branch Appropriations Act, 2003, which is div. H of Pub. L. 108-7.

PRIOR PROVISIONS

Prior similar provisions were contained in Pub. L. 107-68, title I, §131, Nov. 12, 2001, 115 Stat. 581.

§ 1822. Leasing of space

(a) In general

Funds appropriated to the Architect of the Capitol shall be available—

(1) for the leasing of space in areas within the District of Columbia and its environs beyond the boundaries of the United States Capitol Grounds to meet space requirements of the United States Senate, United States House of Representatives, United States Capitol Police, and the Architect of the Capitol under such terms and conditions as the Committee or Commission referred to under subsection (b) of this section may authorize; and

(2) to incur any necessary expense in connection with any leasing of space under paragraph (1).

(b) Conditions to lease space

The Architect of the Capitol may lease space under subsection (a) of this section upon submission of written notice of intent to lease such space to, and approved by—

(1) the Committees on Appropriations and Rules and Administration of the Senate for space to be leased for the Senate;

(2) the Committee on Appropriations of the House of Representatives and the House Office Building Commission for space to be leased for the House of Representatives; and

(3) the Committees on Appropriations of the Senate and House of Representatives, for space to be leased for any other entity under subsection (a).

(c) Effective date

This section shall apply with respect to fiscal year 2004, and each fiscal year thereafter.

(Pub. L. 108-83, title I, §1102, Sept. 30, 2003, 117 Stat. 1027; Pub. L. 110-161, div. H, title I, §1306(a), Dec. 26, 2007, 121 Stat. 2243.)

CODIFICATION

Section is from the Legislative Branch Appropriations Act, 2004.

AMENDMENTS

2007—Subsec. (b)(1). Pub. L. 110-161, §1306(a)(1), substituted “Committees on Appropriations and Rules and Administration” for “Committee on Rules and Administration”.

Subsec. (b)(2). Pub. L. 110-161, §1306(a)(2), substituted “the Committee on Appropriations of the House of Representatives and the House Office Building Commission” for “the House Office Building Commission”.

Subsec. (b)(3). Pub. L. 110-161, §1306(a)(3), substituted “, for space to be leased for any other entity under subsection (a).” for period at end.

EFFECTIVE DATE OF 2007 AMENDMENT

Pub. L. 110-161, div. H, title I, §1306(b), Dec. 26, 2007, 121 Stat. 2243, provided that: “The amendments made by subsection (a) [amending this section] shall take effect as if included in the enactment of the Legislative Branch Appropriations Act, 2004 [Pub. L. 108-83].”

§ 1823. Acquisition of real property for Sergeant at Arms and Doorkeeper of the Senate

(1) The Architect of the Capitol may acquire (through purchase, lease, transfer from another Federal entity, or otherwise) real property, for the use of the Sergeant at Arms and Doorkeeper of the Senate to support the operations of the Senate—

(A) subject to the approval of the Committee on Rules and Administration of the Senate; and

(B) subject to the availability of appropriations and upon approval of an obligation plan by the Committee on Appropriations of the Senate.

(2) Subject to the approval of the Committee on Appropriations of the Senate, the Secretary of the Senate may transfer funds for the acquisition or maintenance of any property under paragraph (1) from the account under the heading “Senate, Contingent Expenses of the Senate, Sergeant at Arms and Doorkeeper of the Senate” to the account under the heading “Architect of the Capitol, Senate Office Buildings”.

(3) This section shall apply with respect to fiscal year 2007 and each fiscal year thereafter.

(Pub. L. 109–289, div. B, title II, §20701(b), as added Pub. L. 110–5, §2, Feb. 15, 2007, 121 Stat. 37.)

CODIFICATION

Section is from the Continuing Appropriations Resolution, 2007.

§ 1823a. Acquisition of real property for Library of Congress

(a) Permitting leasing of space

Subject to the availability of funds, the Architect of the Capitol may acquire real property by lease for the use of the Library of Congress in any State or the District of Columbia if—

(1) the Architect of the Capitol and the Librarian of Congress submit a joint request for the Architect to lease the property to the Joint Committee on the Library and to the Committees on Appropriations of the House of Representatives and Senate; and

(2) the Joint Committee on the Library and the Committees on Appropriations of the House of Representatives and Senate each approve the request.

(b) Transfer of funds

Subject to the approval of the Joint Committee on the Library and the Committees on Appropriations of the House of Representatives and the Senate, the Architect of the Capitol and the Librarian of Congress may transfer between themselves appropriations or other available funds to pay the costs incurred in acquiring real property pursuant to the authority of this section and the costs of necessary expenses incurred in connection with the acquisition of the property.

(c) Limit on obligations

No obligation entered into pursuant to the authority of this section shall be in advance of, or in excess of, available appropriations.

(d) Effective date

This section shall apply with respect to fiscal year 2009 and each succeeding fiscal year.

(Pub. L. 111–8, div. G, title I, §1102, Mar. 11, 2009, 123 Stat. 823.)

CODIFICATION

Section is from the Legislative Branch Appropriations Act, 2009, which is div. G of the Omnibus Appropriations Act, 2009.

§ 1824. Energy and environmental measures in Capitol Complex Master Plan

(a) In general

To the maximum extent practicable, the Architect of the Capitol shall include energy efficiency and conservation measures, greenhouse gas emission reduction measures, and other appropriate environmental measures in the Capitol Complex Master Plan.

(b) Report

Not later than 6 months after December 19, 2007, the Architect of the Capitol shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Rules and Administration of the Senate, a report on the energy efficiency and conservation measures, greenhouse gas emission reduction measures, and other appropriate environmental measures included in the Capitol Complex Master Plan pursuant to subsection (a).

(Pub. L. 110–140, title V, §503, Dec. 19, 2007, 121 Stat. 1655.)

EFFECTIVE DATE

Pub. L. 110–140, title XVI, §1601, Dec. 19, 2007, 121 Stat. 1801, provided that: “This Act [see Tables for classification] and the amendments made by this Act take effect on the date that is 1 day after the date of enactment of this Act [Dec. 19, 2007].”

§ 1825. Repealed. Pub. L. 110–437, title V, § 501(b)(2), Oct. 20, 2008, 122 Stat. 4997

Section, Pub. L. 110–161, div. H, title I, §1305, Dec. 26, 2007, 121 Stat. 2242, related to CVC maintenance.

§ 1826. Easements for rights-of-way

(a) In general

The Architect of the Capitol may grant, upon such terms as the Architect of the Capitol considers advisable, including monetary consideration, easements for rights-of-way over, in, and upon the Capitol Grounds and any other public lands under the jurisdiction and control of the Architect of the Capitol.

(b) Limitation

No easement granted under this section may include more land than is necessary for the easement.

(c) Easement account

There is established in the Treasury an easement account for the Architect of the Capitol. The Architect of the Capitol shall deposit in the account all proceeds received relating to the granting of easements under this section. The proceeds deposited in that account shall be

available to the Architect, in such amounts and for such purposes provided in appropriations acts.

(d) In-kind consideration

Subject to subsection (f), the Architect may accept in-kind consideration instead of, or in addition to, any monetary consideration, for any easement granted under this section.

(e) Termination of easement

The Architect of the Capitol may terminate all or part of any easement granted under this section for—

- (1) failure to comply with the terms of the grant;
- (2) nonuse for a 2-year period; or
- (3) abandonment.

(f) Approval

The Architect of the Capitol may grant an easement for rights-of-way under subsection (a) upon submission of written notice of intent to grant that easement and the amount or type of consideration to be received, and approval by—

- (1) the Committee on Rules and Administration of the Senate for easements granted on property under Senate jurisdiction;
- (2) the House Office Building Commission for property under House of Representatives jurisdiction; and
- (3) the Committee on Rules and Administration of the Senate and the House Office Building Commission for easements granted on any other property.

(g) Effective date

This section shall apply to fiscal year 2008 and each fiscal year thereafter.

(Pub. L. 110-161, div. H, title I, §1307, Dec. 26, 2007, 121 Stat. 2243.)

CODIFICATION

Section is from the Legislative Branch Appropriations Act, 2008, which is div. H of the Consolidated Appropriations Act, 2008.

§ 1827. Support and maintenance during emergencies

(a) During an emergency involving the safety of human life or the protection of property, as determined or declared by the Capitol Police Board, the Architect of the Capitol—

- (1) may accept contributions of comfort and other incidental items and services to support employees of the Office of the Architect of the Capitol while such employees are on duty in response to the emergency; and
- (2) may incur obligations and make expenditures out of available appropriations for meals, refreshments, and other support and maintenance for the Office of the Architect of the Capitol if, in the judgment of the Architect, such obligations and expenditures are necessary to respond to the emergency.

(b) This section shall apply with respect to fiscal year 2010 and each succeeding fiscal year.

(Pub. L. 111-68, div. A, title I, §1305, Oct. 1, 2009, 123 Stat. 2035.)

CODIFICATION

Section is from the Legislative Branch Appropriations Act, 2010, which is div. A of Pub. L. 111-68.

SUBCHAPTER III—PERSONNEL

PART A—GENERAL

§ 1831. Human resources program

(a) Short title

This section may be cited as the “Architect of the Capitol Human Resources Act”.

(b) Finding and purpose

(1) Finding

The Congress finds that the Office of the Architect of the Capitol should develop human resources management programs that are consistent with the practices common among other Federal and private sector organizations.

(2) Purpose

It is the purpose of this section to require the Architect of the Capitol to establish and maintain a personnel management system that incorporates fundamental principles that exist in other modern personnel systems.

(c) Personnel management system

(1) Establishment

The Architect of the Capitol shall establish and maintain a personnel management system.

(2) Requirements

The personnel management system shall at a minimum include the following:

(A) A system which ensures that applicants for employment and employees of the Architect of the Capitol are appointed, promoted, and assigned on the basis of merit and fitness after fair and equitable consideration of all applicants and employees through open competition.

(B) An equal employment opportunity program which includes an affirmative employment program for employees and applicants for employment, and procedures for monitoring progress by the Architect of the Capitol in ensuring a workforce reflective of the diverse labor force.

(C) A system for the classification of positions which takes into account the difficulty, responsibility, and qualification requirements of the work performed, and which conforms to the principle of equal pay for substantially equal work.

(D) A program for the training of Architect of the Capitol employees which has among its goals improved employee performance and opportunities for employee advancement.

(E) A formal performance appraisal system which will permit the accurate evaluation of job performance on the basis of objective criteria for all Architect of the Capitol employees.

(F) A fair and equitable system to address unacceptable conduct and performance by Architect of the Capitol employees, including a general statement of violations, sanctions, and procedures which shall be made known to all employees, and a formal grievance procedure.

(G) A program to provide services to deal with mental health, alcohol abuse, drug abuse, and other employee problems, and which ensures employee confidentiality.

(H) A formal policy statement regarding the use and accrual of sick and annual leave which shall be made known to all employees, and which is consistent with the other requirements of this section.

(d) Implementation of personnel management system

(1) Development of plan

The Architect of the Capitol shall—

(A) develop a plan for the establishment and maintenance of a personnel management system designed to achieve the requirements of subsection (c) of this section;

(B) submit the plan to the Speaker of the House of Representatives, the House Office Building Commission, the Committee on Rules and Administration of the Senate, the Joint Committee on the Library, and the Committees on Appropriations of the Senate and the House of Representatives not later than 12 months after July 22, 1994; and

(C) implement the plan not later than 90 days after the plan is submitted to the Speaker of the House of Representatives, the House Office Building Commission, the Committee on Rules and Administration of the Senate, the Joint Committee on the Library, and the Committees on Appropriations of the Senate and the House of Representatives, as specified in subparagraph (B).

(2) Evaluation and reporting

The Architect of the Capitol shall develop a system of oversight and evaluation to ensure that the personnel management system of the Architect of the Capitol achieves the requirements of subsection (c) of this section and complies with all other relevant laws, rules and regulations. The Architect of the Capitol shall report to the Speaker of the House of Representatives, the House Office Building Commission, the Committee on Rules and Administration of the Senate, and the Joint Committee on the Library on an annual basis the results of its evaluation under this subsection.

(3) Application of laws

Nothing in this section shall be construed to alter or supersede any other provision of law otherwise applicable to the Architect of the Capitol or its employees, unless expressly provided in this section.

(Pub. L. 103-283, title III, §312, July 22, 1994, 108 Stat. 1443; Pub. L. 104-1, title V, §504(c)(1), Jan. 23, 1995, 109 Stat. 41.)

CODIFICATION

Section was classified to section 166b-7 of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107-217, §1, Aug. 21, 2002, 116 Stat. 1062.

Section is comprised of section 312 of Pub. L. 103-283. Subsec. (f) of section 312 of Pub. L. 103-283 amended sections 60m, 1201, 1205, and 1212 of this title.

AMENDMENTS

1995—Subsec. (e). Pub. L. 104-1 struck out subsec. (e) which related to processing of discrimination complaints.

SAVINGS PROVISION

Section 504(c)(1) of Pub. L. 104-1 provided in part that subsec. (e) of this section is repealed, except as provided in section 1435 of this title.

FLEXIBLE WORK SCHEDULES

Pub. L. 110-161, div. H, title I, §1302, Dec. 26, 2007, 121 Stat. 2242, as amended by Pub. L. 110-437, §505(a), Oct. 20, 2008, 122 Stat. 4998, provided that: “Notwithstanding section 6101 of title 5, United States Code, the Architect of the Capitol may establish and conduct a pilot program to test flexible work schedules within the Architect of the Capitol and Botanic Garden. Such pilot program shall be in accordance with chapter 61 of title 5, United States Code. This authority shall terminate effective September 30, 2010.”

[Pub. L. 110-437, title V, §505(b), Oct. 20, 2008, 122 Stat. 4998, provided that: “The amendment made under subsection (a) [amending section 1302 of Pub. L. 110-161, set out above] shall take effect as though enacted as part of the Legislative Branch Appropriations Act, 2008 (Public Law 110-161; 121 Stat. 2218 et seq.)”]

TEMPORARY EMPLOYEES; BENEFITS

Pub. L. 108-83, title I, §1101(b)-(d), Sept. 30, 2003, 117 Stat. 1027, provided that:

“(b) Any individual who exercised an option offered by the Architect of the Capitol under section 133(a)(2) of the Legislative Branch Appropriations Act, 2002 [Pub. L. 107-68, set out below], prior to the date of the enactment of this Act [Sept. 30, 2003] may revoke the option during the 90-day period which begins on the date of the enactment of this Act.

“(c) The amendments made by subsection (a) [amending Pub. L. 107-68, §133(a), set out below] shall take effect as if included in the enactment of section 133(a) of the Legislative Branch Appropriations Act, 2002.

“(d) Notwithstanding any other provision of law, upon enactment of this Act the Architect of the Capitol shall take all steps which may be required to carry out section 133(a) of the Legislative Branch Appropriations Act, 2002 [Pub. L. 107-68, set out as a note below].”

Pub. L. 107-68, title I, §133(a), Nov. 12, 2001, 115 Stat. 581, as amended by Pub. L. 108-83, title I, §1101(a), Sept. 30, 2003, 117 Stat. 1027, provided that:

“(1) Except as provided in paragraph (2), none of the funds provided by this Act or any other Act may be used by the Architect of the Capitol after the expiration of the 90-day period which begins on the date of the enactment of this Act [Nov. 12, 2001] to employ any individual as a temporary employee within a category of temporary employment which does not provide employees with the same eligibility for life insurance, health insurance, retirement, and other benefits which is provided to temporary employees who are hired for a period exceeding 1 year in length.

“(2) Paragraph (1) shall not apply with respect to any of the following individuals:

“(A) An individual who is employed under the Architect of the Capitol Summer Employment Program.

“(B) An individual who is hired for a total of 120 days or less during any 5-year period (excluding any days in which the individual is employed under the Architect of the Capitol Summer Employment Program).

“(C) An individual employed by the Architect of the Capitol as a temporary employee as of the date of the enactment of this Act [Nov. 12, 2001] who exercises in writing, not later than 90 days after such date, an option offered by the Architect to remain under the pay system (including benefits) provided for the individual as of such date.

“(D) An individual who becomes employed by the Architect of the Capitol after the date of the enactment of this Act [Nov. 12, 2001] who exercises in writing, prior to the individual’s employment, an option offered by the Architect to receive pay and benefits under an alternative system which does not provide

the benefits described in paragraph (1), except that under such an option the Architect shall be required to provide the individual with the benefits described in paragraph (1) as soon as the individual's period of service as a temporary employee exceeds 1 year in length.

“(E) An individual who is covered by a collective bargaining agreement entered into by the Architect of the Capitol establishing terms and conditions of employment which include eligibility for life insurance, health insurance, retirement, and other benefits.

“(3) Nothing in this subsection may be construed to require the Architect of the Capitol to provide duplicate benefits for any employee.

“(4) The Architect of the Capitol shall make employer contributions for benefits for employees of the Architect (including temporary employees) directly to any third party designated to receive such contributions on behalf of the employees under a collective bargaining agreement, participation agreement, or any other arrangement entered into by the Architect which provides for such contributions.”

TREATMENT OF SEPARATED EMPLOYEES OF ARCHITECT OF CAPITOL

Pub. L. 105-55, title III, §310, Oct. 7, 1997, 111 Stat. 1199, as amended by Pub. L. 105-275, title III, §308(b)-(d), Oct. 21, 1998, 112 Stat. 2452, 2453; Pub. L. 106-57, title III, §308, Sept. 29, 1999, 113 Stat. 427, provided early retirement benefits, voluntary separation incentive payments, competitive service treatment, and retraining, job placement, and counseling services to certain employees of the Office of the Architect of the Capitol.

§ 1832. Assignment and reassignment of personnel

Notwithstanding any other provisions of law, in order to improve the economic use of the personal services of his employees, the Architect of the Capitol is authorized on and after October 12, 1979, to assign and reassign, without increase or decrease in basic salary or wages, any person on the employment rolls of his Office, for personal services in any buildings, facilities or grounds under his jurisdiction or for personal services in connection with any project under his jurisdiction for which appropriations have been made and are available, whenever such action, in his opinion, will be most advantageous to the interest of or result in either specific or overall savings to the Government. Exceptions may be made where there are differences in equipment. No assignment or reassignment of personnel by the Architect of the Capitol pursuant to this provision shall operate in any respect to augment or decrease any general or specific appropriation.

(Pub. L. 96-86, §101(c), Oct. 12, 1979, 93 Stat. 657; Pub. L. 100-202, §106, Dec. 22, 1987, 101 Stat. 1329-433.)

CODIFICATION

Section was classified to section 166b-6 of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107-217, §1, Aug. 21, 2002, 116 Stat. 1062.

Section is based on section 102 of title I of H.R. 4390 (Legislative Branch Appropriation Act, 1980), as incorporated by reference by section 101(c) of Pub. L. 96-86, and enacted into law by section 106 of Pub. L. 100-202.

EFFECTIVE DATE

Section 106 of Pub. L. 100-202 provided in part that this section is effective on date of enactment [Oct. 12,

1979] of the “pertinent joint resolution” making continuing appropriations for fiscal year 1980 [Pub. L. 96-86].

§ 1833. Lighting, heating, and ventilating House of Representatives

The electrician, together with everything pertaining to the electrical machinery and apparatus, and the ventilation and heating of the House of Representatives, and all laborers and others connected with the lighting, heating, and ventilating thereof, shall be subject exclusively to the orders, and in all respects under the direction, of the Architect of the Capitol, subject to the control of the Speaker; and no removal or appointment shall be made except with his approval. And all engineers and others who are engaged in heating and ventilating the House shall be subject to the orders, and in all respects under the direction, of the Architect of the Capitol, subject to the control of the Speaker; and no removal or appointment shall be made except with his approval.

(Mar. 3, 1877, ch. 105, 19 Stat. 348; Mar. 3, 1881, ch. 130, §1, 21 Stat. 388.)

CODIFICATION

Section was classified to section 167 of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107-217, §1, Aug. 21, 2002, 116 Stat. 1062.

Section, except the words “and the ventilation and heating of the House of Representatives,” is based on act Mar. 3, 1881, popularly known as the “Legislative, Executive, and Judicial Appropriation Act”. The accepted words were based on act Mar. 3, 1877, popularly known as the “Sundry Civil Appropriation Act, fiscal year 1878”.

CHANGE OF NAME

Change of name of Architect of the Capitol, functions abolished, transferred, etc., by prior acts, see Prior Provisions and Change of Name notes set out under section 1801 of this title.

§ 1834. Heating and ventilating Senate wing

All engineers and others who are engaged in heating and ventilating the Senate wing of the Capitol shall be subject to the orders and in all respects under the direction of the Architect of the Capitol, subject to the approval of the Senate Committee on Rules and Administration.

(July 11, 1888, ch. 615, 25 Stat. 258; Aug. 2, 1946, ch. 753, title I, §102, title II, §224, 60 Stat. 814, 838.)

CODIFICATION

Section was classified to section 168 of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107-217, §1, Aug. 21, 2002, 116 Stat. 1062.

Section is based on act July 11, 1888, popularly known as the “Legislative, Executive, and Judicial Appropriation Act July 11, 1888, fiscal year 1889”.

AMENDMENTS

1946—Act Aug. 2, 1946, substituted “Committee on Rules and Administration” for “Committee on Rules”.

EFFECTIVE DATE OF 1946 AMENDMENT

Section 142 of act Aug. 2, 1946, provided that section 102 of that act shall take effect on Jan. 2, 1947, and section 245 of that act provided that section 224 thereof

shall “take effect on the day on which the Eightieth Congress convenes”. The Eightieth Congress convened on Jan. 3, 1947.

PART B—COMPENSATION

§ 1841. Single per annum gross rates of pay

Whenever the rate of pay of—

(1) an employee of the Office of the Architect of the Capitol; or

(2) an employee of the House Restaurant, or of the Senate Restaurant, under the supervision of the Architect of the Capitol as an agent of the House or Senate, respectively, as the case may be;

is fixed or adjusted on or after the effective date of this section, that rate, as so fixed and adjusted, shall be a single per annum gross rate.

(Pub. L. 91-510, title IV, §481, Oct. 26, 1970, 84 Stat. 1196.)

REFERENCES IN TEXT

The effective date of this section, referred to in text, means immediately prior to noon on Jan. 3, 1971. See section 601(1) of Pub. L. 91-510, set out as an Effective Date of 1970 Amendment note under section 72a of this title.

CODIFICATION

Section was classified to section 166b-1a of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107-217, §1, Aug. 21, 2002, 116 Stat. 1062.

§ 1842. Conversion of existing pay rates

The Architect of the Capitol shall convert, as of the effective date of this section, to a single per annum gross rate, the rate of pay of each employee described in subparagraph (1) or subparagraph (2) of section 1841 of this title, whose pay immediately prior to such effective date was fixed at a basic rate with respect to which additional pay was payable by law.

(Pub. L. 91-510, title IV, §482, Oct. 26, 1970, 84 Stat. 1196.)

REFERENCES IN TEXT

The effective date of this section, referred to in text, means immediately prior to noon on Jan. 3, 1971. See section 601(1) of Pub. L. 91-510, set out as an Effective Date of 1970 Amendment note under section 72a of this title.

CODIFICATION

Section was classified to section 166b-1b of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107-217, §1, Aug. 21, 2002, 116 Stat. 1062.

§ 1843. Obsolete references

In any case in which—

(1) the rate of pay of, or any maximum or minimum rate of pay with respect to—

(A) any employee described in subparagraph (1) or subparagraph (2) of section 1841 of this title, or

(B) the position of such employee, or

(C) any class or group of such employees or positions,

is referred to in or provided by statute or other authority; and

(2) the rate so referred to or provided is a basic rate with respect to which additional pay is provided by law;

such statutory provision or authority shall be deemed to refer, in lieu of such basic rate, to the per annum gross rate which an employee receiving such basic rate immediately prior to the effective date of this section would receive, without regard to such statutory provision or authority, under section 1842 of this title on and after such date.

(Pub. L. 91-510, title IV, §483, Oct. 26, 1970, 84 Stat. 1196.)

REFERENCES IN TEXT

The effective date of this section, referred to in text, means immediately prior to noon on Jan. 3, 1971. See section 601(1) of Pub. L. 91-510, set out as an Effective Date of 1970 Amendment note under section 72a of this title.

CODIFICATION

Section was classified to section 166b-1c of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107-217, §1, Aug. 21, 2002, 116 Stat. 1062.

§ 1844. Savings provisions

The provisions of sections 1841 to 1846 of this title shall not be construed to—

(1) limit or otherwise affect any authority for the making of any appointment to, or for fixing or adjusting the pay for, the position of any employee described in subparagraph (1) or subparagraph (2) of section 1841 of this title;

(2) affect the continuity of employment of, or reduce the pay of, any employee holding any position referred to in subparagraph (1) of this section; or

(3) modify, change, supersede, or otherwise affect the provisions of sections 5504 and 6101(a)(5) of title 5, insofar as such sections relate to the Office of the Architect of the Capitol.

(Pub. L. 91-510, title IV, §484, Oct. 26, 1970, 84 Stat. 1197.)

CODIFICATION

Section was classified to section 166b-1d of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107-217, §1, Aug. 21, 2002, 116 Stat. 1062.

EFFECTIVE DATE

Section effective immediately prior to noon on Jan. 3, 1971, see section 601(1) of Pub. L. 91-510, set out as an Effective Date of 1970 Amendment note under section 72a of this title.

§ 1845. Effect on existing law

(a) All provisions of law inconsistent with sections 1841 to 1846 of this title are hereby superseded to the extent of the inconsistency.

(b) Sections 5504 and 6101(a)(5) of title 5 shall apply to employees of the House and Senate Restaurants who are paid at per annum rates of pay as long as such employees are under the supervision of the Architect of the Capitol as an agent of the House or Senate, respectively, as the case may be.

(Pub. L. 91-510, title IV, §485, Oct. 26, 1970, 84 Stat. 1197.)

CODIFICATION

Section was classified to section 166b-1e of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107-217, §1, Aug. 21, 2002, 116 Stat. 1062.

EFFECTIVE DATE

Section effective immediately prior to noon on Jan. 3, 1971, see section 601(1) of Pub. L. 91-510, set out as an Effective Date of 1970 Amendment note under section 72a of this title.

§ 1846. Exemptions

Notwithstanding any other provision of sections 1841 to 1846 of this title, the foregoing provisions of such sections do not apply to any employee described in section 1841 of this title whose pay is fixed and adjusted—

(1) in accordance with chapter 51, and subchapter III of chapter 53, of title 5, relating to classification and General Schedule pay rates;

(2) in accordance with subchapter IV of chapter 53 of title 5, relating to prevailing rate pay systems;

(3) at per hour or per diem rates in accordance with section 3 of the Legislative Pay Act of 1929, as amended (46 Stat. 38; 55 Stat. 615), relating to employees performing professional and technical services for the Architect of the Capitol in connection with construction projects and employees under the Office of the Architect of the Capitol whose tenure of employment is temporary or of uncertain duration; or

(4) in accordance with prevailing rates under authority of sections 2042 to 2047 of this title, or section 208 of the First Supplemental Civil Functions Appropriation Act, 1941 (54 Stat. 1056; Public, No. 812, Seventy-sixth Congress), relating to the duties of the Architect of the Capitol with respect to the House of Representatives Restaurant.

(Pub. L. 91-510, title IV, §486, Oct. 26, 1970, 84 Stat. 1197.)

REFERENCES IN TEXT

Section 3 of the Legislative Pay Act of 1929, referred to in par. (3), amended section 2 of the Classification Act of 1923, which was classified to section 662 of former Title 5, Executive Departments and Government Officers and Employees. The Classification Act of 1923, as amended, was repealed and superseded by the Classification Act of 1949, Oct. 28, 1949, ch. 782, 63 Stat. 954, 972. The amendment of section 3 of the Legislative Pay Act of 1929 made by act Aug. 1, 1941, §6, 55 Stat. 615, was not repealed by the Classification Act of 1949. See section 1202(7), 63 Stat. 973.

Section 208 of the First Supplemental Civil Functions Appropriation Act, 1941, referred to in par. (4), means section 208 of act Oct. 9, 1940, ch. 780, title II, 54 Stat. 1056, which was classified to section 174k of former Title 40, Public Buildings, Property, and Works, prior to repeal by Pub. L. 104-186, title II, §221(3)(B), Aug. 20, 1996, 110 Stat. 1748.

CODIFICATION

Section was classified to section 166b-1f of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107-217, §1, Aug. 21, 2002, 116 Stat. 1062.

EFFECTIVE DATE

Section effective immediately prior to noon on Jan. 3, 1971, see section 601(1) of Pub. L. 91-510, set out as an

Effective Date of 1970 Amendment note under section 72a of this title.

§ 1847. Authorization to fix basic rate of compensation for certain positions

On and after August 21, 1959, the Architect of the Capitol is authorized, without regard to chapter 51 and subchapter III of chapter 53 of title 5, to fix the compensation of four positions under the appropriation “Salaries, Office of the Architect of the Capitol”, of two positions under the appropriation “Capitol Buildings”, and of one position under the appropriation “House Office Buildings” at a basic rate of \$8,200 per annum each: *Provided*, That this provision shall not be applicable to the positions of Architect or Assistant Architect.

On and after August 21, 1959, the Architect of the Capitol is authorized, without regard to chapter 51 and subchapter III of chapter 53 of title 5, to fix the compensation of one position under the appropriation “Senate Office Buildings”, at a basic rate of \$8,200 per annum.

(Pub. L. 86-176, Aug. 21, 1959, 73 Stat. 407; Pub. L. 89-309, ch. VII, Oct. 31, 1965, 79 Stat. 1147; Pub. L. 90-206, title II, §214(p), Dec. 16, 1967, 81 Stat. 638; Pub. L. 90-239, ch. IV, Jan. 2, 1968, 81 Stat. 775; Pub. L. 94-157, title I, ch. IV, Dec. 18, 1975, 89 Stat. 835; Pub. L. 101-163, title I, §106(c), Nov. 21, 1989, 103 Stat. 1056.)

CODIFICATION

Section was classified to section 166b-3 of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107-217, §1, Aug. 21, 2002, 116 Stat. 1062.

“Chapter 51 and subchapter III of chapter 53 of title 5” substituted for “the Classification Act of 1949, as amended” in text on authority of Pub. L. 89-554, §7(b), Sept. 6, 1966, 80 Stat. 631, the first section of which enacted Title 5, Government Organization and Employees.

AMENDMENTS

1989—Pub. L. 101-163 substituted “four positions” for “three positions” and “Architect or Assistant Architect” for “Architect, Assistant Architect, or Second Assistant Architect of the Capitol”.

1975—Pub. L. 94-157 increased to two positions from one position the number of positions under the appropriation “Capitol Buildings”.

1968—Pub. L. 90-239 increased the compensation of one position under appropriation “Senate Office Buildings” from “\$7,700” to “\$8,200”.

1967—Pub. L. 90-206 increased the compensation from \$7,700 to \$8,200 per annum each of the three positions under the appropriation “Salaries, Office of the Architect of the Capitol”, of one position under the appropriation “Capitol Buildings”, and of one position under the appropriation “House Office Buildings”.

1965—Pub. L. 89-309 increased the compensation of one position under appropriation “Senate Office Buildings” from \$7,020 to \$7,700.

EFFECTIVE DATE OF 1967 AMENDMENT

Amendment by Pub. L. 90-206 effective as of beginning of first pay period which begins on or after Oct. 1, 1967, see section 220(a)(2) of Pub. L. 90-206, set out as a note under section 5332 of Title 5, Government Organization and Employees.

§ 1848. Compensation of certain positions in Office of Architect of the Capitol

(a) Amount of compensation to be that specified in appropriations Acts

Notwithstanding any other provision of law, the pay for positions described in subsection (b) of this section shall be the amounts specified for such positions in appropriations Acts.

(b) Positions covered

The positions referred to in subsection (a) of this section are—

(1) the position of assistant referred to in the proviso in the first undesignated paragraph under the center subheadings “OFFICE OF THE ARCHITECT OF THE CAPITOL” and “SALARIES” in the first section of the Legislative Branch Appropriation Act, 1971 [2 U.S.C. 1804], and

(2) the eight positions provided for in the third and fourth undesignated paragraphs under the center subheadings “OFFICE OF THE ARCHITECT OF THE CAPITOL” and “SALARIES” in the first section of the Legislative Branch Appropriation Act, 1960 [2 U.S.C. 1847].

(c) Calculation of amounts

The pay for each position described in subsection (b) of this section shall be the pay payable for such position with respect to the last pay period before this section takes effect, subject to any applicable adjustment during fiscal year 1988 under, or by reference to any applicable adjustment during fiscal year 1988 under, subchapter I of chapter 53 of title 5.

(d) Effective date

This section shall apply in fiscal years beginning after September 30, 1987, with respect to pay periods beginning after December 22, 1987.

(Pub. L. 100–202, §101(i) [title III, §308], Dec. 22, 1987, 101 Stat. 1329–290, 1329–309; Pub. L. 101–163, title I, §106(e), Nov. 21, 1989, 103 Stat. 1057.)

CODIFICATION

Section was classified to section 166b–3a of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107–217, §1, Aug. 21, 2002, 116 Stat. 1062.

AMENDMENTS

1989—Subsec. (b). Pub. L. 101–163 amended subsec. (b) generally. Prior to amendment, subsec. (b) read as follows: “The positions referred to in subsection (a) of this section are: (1) the two positions of assistant referred to in the proviso in the first undesignated paragraph under the center subheadings ‘OFFICE OF THE ARCHITECT OF THE CAPITOL’ and ‘SALARIES’ in the Legislative Branch Appropriation Act, 1971 (40 U.S.C. 164a), and (2) the seven positions provided for in the third and fourth undesignated paragraphs under the center subheadings ‘OFFICE OF THE ARCHITECT OF THE CAPITOL’ and ‘SALARIES’ in the Legislative Branch Appropriation Act, 1960 (40 U.S.C. 166b–3).”

COMPENSATION OF ASSISTANT ARCHITECT OF THE CAPITOL

Pub. L. 108–7, div. H, title I, §1206, Feb. 20, 2003, 117 Stat. 375, provided that: “Notwithstanding any other provision of law, the compensation of the Assistant Architect who is incumbent in that position when the position of Assistant Architect is abolished shall not be reduced so long as the former Assistant Architect is employed at the Office of the Architect of the Capitol.

Whenever the Architect of the Capitol receives a pay adjustment after the date of enactment of this section [Feb. 20, 2003], the compensation of such former Assistant Architect shall be adjusted by the same percentage as the compensation of the Architect of the Capitol. The authority granted in this section shall be in addition to the authority the Architect of the Capitol has in section 129(c)(1)(A) of the Legislative Branch Appropriations Act, 2002 [amending 2 U.S.C. 1849], as amended by this Act [see 2 U.S.C. 1805(e)(3)], to fix the rate of basic pay for not more than 15 positions at a rate not to exceed the highest total rate of pay for the Senior Executive Service under subchapter VIII of chapter 53 of title 5, United States Code, for the locality involved.”

Pub. L. 107–68, title I, §129(b), Nov. 12, 2001, 115 Stat. 580, provided that: “Pursuant to the authority described in section 308(a) of the Legislative Branch Appropriations Act, 1988 (40 U.S.C. 166b–3a(a)) [now 2 U.S.C. 1848(a)], the pay for the position of assistant referred to in the proviso in the first undesignated paragraph under the center subheadings ‘Office of the Architect of the Capitol’ and ‘salaries’ in the first section of the Legislative Branch Appropriation Act, 1971 (40 U.S.C. 164a) [now 2 U.S.C. 1804] shall be an amount equal to \$1,000 less than the annual rate of pay for the Architect of the Capitol.”

§ 1849. Compensation of certain positions under jurisdiction of Architect of the Capitol

The Architect of the Capitol may fix the rate of basic pay for not more than 32 positions at a rate not to exceed the highest total rate of pay for the Senior Executive Service under subchapter VIII of chapter 53 of title 5 for the locality involved.

(Pub. L. 101–520, title I, §108, Nov. 5, 1990, 104 Stat. 2268; Pub. L. 102–90, title I, §104, Aug. 14, 1991, 105 Stat. 459; Pub. L. 105–55, title III, §311(a), (b), Oct. 7, 1997, 111 Stat. 1201; Pub. L. 107–68, title I, §129(c)(1), Nov. 12, 2001, 115 Stat. 580; Pub. L. 107–117, div. B, §914(a), Jan. 10, 2002, 115 Stat. 2324; Pub. L. 109–55, title I, §1201(a), Aug. 2, 2005, 119 Stat. 579; Pub. L. 111–316, §1(a), Dec. 18, 2010, 124 Stat. 3452.)

CODIFICATION

Section was classified to section 166b–3b of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107–217, §1, Aug. 21, 2002, 116 Stat. 1062.

AMENDMENTS

2010—Pub. L. 111–316 amended section generally. Prior to amendment, section related to compensation of certain positions under jurisdiction of Architect of the Capitol, specifying twelve positions fixed in relation to Senior Executive Service, nine positions fixed in relation to the General Schedule, and four positions for Executive Project Directors.

2005—Subsec. (b). Pub. L. 109–55 substituted “9 positions” for “8 positions”.

2002—Subsec. (c). Pub. L. 107–117 added subsec. (c).

2001—Subsec. (a). Pub. L. 107–68, §129(c)(1)(A), added subsec. (a) and struck out former subsec. (a) which read as follows: “Effective as of the first day of the first applicable pay period beginning on or after November 5, 1990, the compensation of the Director of Engineering (under the Architect of the Capitol) shall be equal to such rate as the Architect considers appropriate, not to exceed 90 percent of the highest total rate of pay for the Senior Executive Service under chapter 53 of title 5 for the locality involved.”

Subsecs. (b), (c). Pub. L. 107–68, §129(c)(1), redesignated subsec. (c) as (b) and struck out former subsec. (b) which read as follows:

“(1) Effective beginning with any pay period beginning on or after November 5, 1990, the Architect of the Capitol may fix the rate of basic pay—

“(A) for not more than one of the positions under paragraph (2) at a rate not to exceed 90 percent of the highest total rate of pay for the Senior Executive Service under chapter 53 of title 5 for the locality involved; and

“(B) for any other position under paragraph (2), at such rate as the Architect considers appropriate for such position, not to exceed 85 percent of the highest total rate of pay for the Senior Executive Service under chapter 53 of title 5 for the locality involved.

“(2) Authority under paragraph (1) may be exercised with respect to any of the following positions under the jurisdiction of the Architect of the Capitol:

“(A) The Senior Landscape Architect.

“(B) The Administrative Assistant.

“(C) The Executive Officer.

“(D) The Budget Officer.

“(E) The General Counsel.

“(F) The Superintendent of the Senate Office Buildings.

“(G) The Superintendent of the House Office Buildings.

“(H) The Supervising Engineer of the United States Capitol.”

1997—Subsec. (a). Pub. L. 105-55, §311(a), substituted “such rate as the Architect considers appropriate, not to exceed 90 percent of the highest total rate of pay for the Senior Executive Service under chapter 53 of title 5 for the locality involved” for “the rate of basic pay payable for level V of the Executive Schedule”.

Subsec. (b)(1). Pub. L. 105-55, §311(b)(1), struck out at end “For purposes of the preceding sentence, ‘the maximum rate allowable for the Senior Executive Service’ means the highest rate of basic pay that may be set for the Senior Executive Service under section 5382(b) of title 5.”

Subsec. (b)(1)(A), (B). Pub. L. 105-55, §311(b)(2), substituted “the highest total rate of pay for the Senior Executive Service under chapter 53 of title 5 for the locality involved” for “the maximum rate allowable for the Senior Executive Service”.

1991—Subsec. (b)(1). Pub. L. 102-90, §104(a)(3), inserted sentence at end relating to maximum rate allowable for Senior Executive Service.

Subsec. (b)(1)(A). Pub. L. 102-90, §104(a)(1), substituted “90 percent of the maximum rate allowable for the Senior Executive Service;” for “the rate payable for grade GS-18 of the General Schedule;”.

Subsec. (b)(1)(B). Pub. L. 102-90, §104(a)(2), substituted “85 percent of the maximum rate allowable for the Senior Executive Service.” for “the rate payable for step 2 of grade GS-17 of the General Schedule.”

Subsec. (c). Pub. L. 102-90, §104(b), added subsec. (c).

EFFECTIVE DATE OF 2010 AMENDMENT

Amendment by Pub. L. 111-316 applicable with respect to pay periods beginning on or after Dec. 18, 2010, see section 1(c) of Pub. L. 111-316, set out as a note under section 1805 of this title.

EFFECTIVE DATE OF 2005 AMENDMENT

Pub. L. 109-55, title I, §1201(b), Aug. 2, 2005, 119 Stat. 579, provided that: “The amendment made by subsection (a) [amending this section] shall apply with respect to pay periods beginning on or after the date of the enactment of this Act [Aug. 2, 2005].”

EFFECTIVE DATE OF 2002 AMENDMENT

Pub. L. 107-117, div. B, §914(b), Jan. 10, 2002, 115 Stat. 2324, provided that: “The amendment made by subsection (a) [amending this section] shall apply with respect to pay periods beginning on or after October 1, 2001.”

EFFECTIVE DATE OF 2001 AMENDMENT

Pub. L. 107-68, title I, §129(c)(2), Nov. 12, 2001, 115 Stat. 580, provided that: “The amendment made by

paragraph (1) [amending this section] shall apply with respect to pay periods beginning on or after the expiration of the 21-day period which begins on the date the Architect of the Capitol submits to the Committees on Appropriations of the House of Representatives and Senate a list containing the 12 positions for which the Architect will fix the rate of basic pay under the amendment, the rate of basic pay for each such position, and the job description for each such position.”

EFFECTIVE DATE OF 1997 AMENDMENT

Section 311(c) of Pub. L. 105-55 provided that: “The amendments made by this section [amending this section] shall apply with respect to pay periods beginning on or after January 1, 1998.”

§ 1850. Compensation of registered nurses

Notwithstanding any other provision of law, effective on the first day of the first applicable pay period which begins on or after December 27, 1974, the positions of registered nurses compensated under appropriations for Capitol Buildings, Senate Office Buildings, and House Office Buildings, shall be allocated by the Architect of the Capitol at not to exceed grade 12 of the General Schedule.

Notwithstanding any other provision of law, effective January 1, 1975, none of the funds appropriated to the Architect of the Capitol shall thereafter be available for any nursing position unless the position is occupied by a Registered Nurse: *Provided*, That such provision shall not be applicable to the present incumbents of such positions.

(Pub. L. 93-554, title I, ch. III, Dec. 27, 1974, 88 Stat. 1777; Pub. L. 101-520, title I, §109, Nov. 5, 1990, 104 Stat. 2269; Pub. L. 103-283, title I, §103, July 22, 1994, 108 Stat. 1435.)

REFERENCES IN TEXT

The General Schedule, referred to in text, is set out under section 5332 of Title 5, Government Organization and Employees.

CODIFICATION

Section was classified to section 166b-2 of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107-217, §1, Aug. 21, 2002, 116 Stat. 1062.

AMENDMENTS

1994—Pub. L. 103-283 substituted “at not to exceed grade 12” for “to grade 11” in first par.

1990—Pub. L. 101-520 substituted “grade 11” for “grade 10” and struck out “and compensated initially at the same steps in such grade, currently in effect for their present grades, so long as such positions are held by the present incumbents” after “General Schedule” in first par.

§ 1851. Gratuities for survivors of deceased employees

Until otherwise provided by law, there is authorized to be paid out of the applicable accounts of the House of Representatives, on vouchers signed by the chairman of the Committee on House Oversight, a gratuity to the widow, widower, or heirs-at-law, of each deceased employee under the jurisdiction of the Architect of the Capitol who was assigned to duty in the House of Representatives at the time of his death. The payment of each such gratuity shall be in accordance with uniform rules and regula-

tions adopted by the Committee on House Oversight except that no such gratuity shall be in excess of that payable to the widow, widower, or heirs-at-law of any deceased employee under the jurisdiction of the Architect of the Capitol having a comparable length of service, who was assigned to similar duties in the Senate at the time of his death.

(Pub. L. 88-454, §103, Aug. 20, 1964, 78 Stat. 550; Pub. L. 104-186, title II, §221(1), Aug. 20, 1996, 110 Stat. 1748.)

CODIFICATION

Section was classified to section 166b-4 of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107-217, §1, Aug. 21, 2002, 116 Stat. 1062.

Section is based on House Resolution No. 291, June 18, 1963, which was enacted into permanent law by Pub. L. 88-454.

AMENDMENTS

1996—Pub. L. 104-186 substituted “applicable accounts” for “contingent fund” and substituted “House Oversight” for “House Administration” in two places.

CHANGE OF NAME

Committee on House Oversight of House of Representatives changed to Committee on House Administration of House of Representatives by House Resolution No. 5, One Hundred Sixth Congress, Jan. 6, 1999.

§ 1852. Withholding and remittance of State income tax

(a) Agreement by Architect with appropriate State official; covered individuals

Whenever—

(1) the law of any State provides for the collection of an income tax by imposing upon employers generally the duty of withholding sums from the compensation of employees and remitting such sums to the authorities of such State; and

(2) such duty to withhold is imposed generally with respect to the compensation of employees who are residents of such State;

then the Architect of the Capitol is authorized, in accordance with the provisions of this section, to enter into an agreement with the appropriate official of that State to provide for the withholding and remittance of sums for individuals—

(A) employed by the Office of the Architect of the Capitol, the United States Botanic Garden, or the Senate Restaurant; and

(B) who request the Architect to make such withholdings for remittance to that State.

(b) Number of remittances authorized

Any agreement entered into under subsection (a) of this section shall not require the Architect to remit such sums more often than once each calendar quarter.

(c) Requests for withholding and remittance; amount of withholding; number and effective date of requests; change of designated State; revocation of request; rules and regulations

(1) An individual employed by the Office of the Architect of the Capitol, the United States Botanic Garden, or the Senate Restaurant may request the Architect to withhold sums from his

pay for remittance to the appropriate authorities of the State that he designates. Amounts of withholdings shall be made in accordance with those provisions of the law of that State which apply generally to withholding by employers.

(2) An individual may have in effect at any time only one request for withholdings, and he may not have more than two such requests in effect with respect to different States during any one calendar year. The request for withholdings is effective on the first day of the first pay period commencing on or after the day on which the request is received in the Office of the Architect, the Botanic Garden Office, or the Senate Restaurant Accounting Office except that—

(A) when the Architect first enters into an agreement with a State, a request for withholdings shall be effective on such date as the Architect may determine; and

(B) when an individual first receives an appointment, the request shall be effective on the day of appointment, if the individual makes the request at the time of appointment.

(3) An individual may change the State designated by him for the purposes of having withholdings made and request that the withholdings be remitted in accordance with such change, and he may also revoke his request for withholdings. Any change in the State designated or revocation is effective on the first day of the first pay period commencing on or after the day on which the request for change or the revocation is received in the appropriate office.

(4) The Architect is authorized to issue rules and regulations he considers appropriate in carrying out this subsection.

(d) Time or times of agreements by Architect

The Architect may enter into agreements under subsection (a) of this section at such time or times as he considers appropriate.

(e) Provisions as not imposing duty, burden, requirement or penalty upon United States or any officer or employee of United States

This section imposes no duty, burden, or requirement upon the United States, or any officer or employee of the United States, except as specifically provided in this section. Nothing in this section shall be deemed to consent to the application of any provision of law which has the effect of subjecting the United States, or any officer or employee of the United States to any penalty or liability by reason of the provisions of this section.

(f) “State” defined

For the purposes of this section, “State” means any of the States of the United States.

(Pub. L. 94-59, title V, §501, July 25, 1975, 89 Stat. 290.)

CODIFICATION

Section was classified to section 166b-5 of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107-217, §1, Aug. 21, 2002, 116 Stat. 1062.

SUBCHAPTER IV—APPROPRIATIONS AND
EXPENDITURES

**§ 1861. Appropriations under control of Architect
of the Capitol**

Appropriations under the control of the Architect of the Capitol shall be available for expenses of advertising and personal and other services.

(Feb. 28, 1929, ch. 367, 45 Stat. 1395; June 6, 1930, ch. 407, 46 Stat. 513.)

CODIFICATION

Section was classified to section 689 of former Title 31, prior to the enactment of Title 31, Money and Finance, by Pub. L. 97-258, §1, Sept. 13, 1982, 96 Stat. 877, and then to section 166a-1 of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107-217, §1, Aug. 21, 2002, 116 Stat. 1062.

Section consolidates provisions from the Legislative Branch Appropriation Acts for fiscal years 1930 and 1931.

§ 1862. Transfer of funds

During fiscal year 1997 and fiscal years thereafter, amounts appropriated to the Architect of the Capitol (including amounts relating to the Botanic Garden) may be transferred among accounts available to the Architect of the Capitol upon the approval of—

(1) the Committee on Appropriations of the House of Representatives, in the case of amounts transferred from the appropriation for Capitol buildings and grounds under the heading “HOUSE OFFICE BUILDINGS”;

(2) the Committee on Appropriations of the Senate, in the case of amounts transferred from the appropriation for Capitol buildings and grounds under the heading “SENATE OFFICE BUILDINGS”;

(3) the Committees on Appropriations of the Senate and the House of Representatives, in the case of amounts transferred from any other appropriation.

(Pub. L. 104-197, title III, §306, Sept. 16, 1996, 110 Stat. 2413.)

CODIFICATION

Section was classified to section 166h of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107-217, §1, Aug. 21, 2002, 116 Stat. 1062.

§ 1862a. Use of construction project funds to reimburse Capitol Police for related overtime costs

(a) Payment of overtime costs

The Architect of the Capitol shall transfer amounts made available for construction projects during a fiscal year to the applicable appropriations accounts of the United States Capitol Police in order to reimburse the Capitol Police for overtime costs incurred in connection with such projects.

(b) Effective date

This section shall apply with respect to fiscal year 2013 and each succeeding fiscal year.

(Pub. L. 112-74, div. G, title I, §1201, Dec. 23, 2011, 125 Stat. 1128.)

CODIFICATION

Section is from the Legislative Branch Appropriations Act, 2012, which is div. G of the Consolidated Appropriations Act, 2012.

§ 1863. Funds out of Contingent Expenses, Architect of the Capitol Appropriation

Any expenditures required to implement the provisions of section 1818 of this title shall be paid from the appropriation “Contingent Expenses, Architect of the Capitol” and any funds appropriated under this head shall hereafter be available for such purpose.

(Pub. L. 93-180, §2, Dec. 13, 1973, 87 Stat. 705.)

CODIFICATION

Section was classified to section 166e of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107-217, §1, Aug. 21, 2002, 116 Stat. 1062.

§ 1864. Funds out of Capitol Buildings, Architect of the Capitol Appropriation

On and after October 18, 1986, the Architect of the Capitol may incur expenses authorized by section 1818 of this title to be paid from the appropriation “Capitol Buildings, Architect of the Capitol”.

(Pub. L. 99-500, §101(j), Oct. 18, 1986, 100 Stat. 1783-287, and Pub. L. 99-591, §101(j), Oct. 30, 1986, 100 Stat. 3341-287, as amended Pub. L. 100-71, title I, July 11, 1987, 101 Stat. 425.)

CODIFICATION

Section was classified to section 166f of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107-217, §1, Aug. 21, 2002, 116 Stat. 1062.

Section is based on the words “to hereafter incur expenses authorized by the Act of December 13, 1973 (87 Stat. 704)” appearing under heading “Architect of the Capitol” and subheading “Capitol Buildings” contained in H.R. 5203 (see House Report 99-805 as filed in the House on Aug. 15, 1986), as incorporated by reference in section 101(j) of Pub. L. 99-500 and Pub. L. 99-591, as amended by Pub. L. 100-71, to be effective as if enacted into law.

§ 1865. Capitol Police Buildings and Grounds Account

(a) Establishment

There is hereby established in the Treasury of the United States an account for the Architect of the Capitol to be known as “Capitol Police Buildings and Grounds” (hereinafter in this section referred to as the “account”).

(b) Use of funds

Funds in the account shall be used by the Architect of the Capitol for all necessary expenses for the maintenance, care, and operation of buildings and grounds of the United States Capitol Police.

(c) Effective date; transfer of funds

This section shall apply with respect to fiscal year 2002 and each succeeding fiscal year. Any amounts provided to the Architect of the Capitol prior to August 2, 2002, for the maintenance, care, and operation of buildings of the United States Capitol Police during fiscal year 2002 shall be transferred to the account.

(Pub. L. 107–206, title I, §906, Aug. 2, 2002, 116 Stat. 877.)

CODIFICATION

Section was classified to section 166f of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107–217, §1, Aug. 21, 2002, 116 Stat. 1062.

§ 1866. Certification of vouchers

It shall not be a duty of the Architect of the Capitol to certify any pay roll or other voucher covering any expenditure from any appropriation for the Senate Office Building, or for any other building or activity, unless the obligation involved was incurred by him or under his direction.

(June 8, 1942, ch. 396, 56 Stat. 343.)

CODIFICATION

Section was classified to section 174e of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107–217, §1, Aug. 21, 2002, 116 Stat. 1062.

§ 1867. Advancement and reimbursement of expenses for flying American flags and providing certification services therefor

On and after November 19, 1995, expenses, based on full cost recovery, for flying American flags and providing certification services therefor shall be advanced or reimbursed upon request of the Architect of the Capitol, and amounts so received shall be deposited into the Treasury.

(Pub. L. 104–53, title I, Nov. 19, 1995, 109 Stat. 528.)

CODIFICATION

Section was classified to section 166g of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107–217, §1, Aug. 21, 2002, 116 Stat. 1062.

§ 1868. Semiannual compilation and report of expenditures

(1) Commencing with the semiannual period beginning January 1, 1965 and for each semiannual period thereafter, the Architect of the Capitol shall compile and, not later than sixty days following the close of the semiannual period, submit to the Senate and the House of Representatives a report of all expenditures made from monies appropriated to the Architect of the Capitol, based on payrolls and other vouchers transmitted during such period to the Treasury Department for disbursement, such report to include (1) the name, title, and gross salary payment to each employee; (2) a list of government contributions to retirement, health, insurance, and other similar funds; and (3) name of payee, brief description of service rendered or items furnished under contract, purchase order or other agreement. Such report shall be printed as a Senate document.

(2) The report by the Architect of the Capitol under paragraph (1) for the semiannual period beginning on January 1, 1976, shall include the period beginning on July 1, 1976, and ending on September 30, 1976, and such semiannual period

shall be treated as closing on September 30, 1976. Thereafter, the report by the Architect of the Capitol under paragraph (1) shall be for the semiannual periods beginning on October 1 and ending on March 31 and beginning on April 1 and ending on September 30 of each year.

(Pub. L. 88–454, §105(b), Aug. 20, 1964, 78 Stat. 551; Pub. L. 94–303, title I, §118(c), June 1, 1976, 90 Stat. 616.)

CODIFICATION

Section was classified to section 162b of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107–217, §1, Aug. 21, 2002, 116 Stat. 1062.

AMENDMENTS

1976—Pub. L. 94–303 designated existing provisions as par. (1) and added par. (2).

TERMINATION OF REPORTING REQUIREMENTS

For termination, effective May 15, 2000, of provisions in par. (1) of this section relating to the requirement that the Architect of the Capitol submit a semiannual report to the Senate and the House of Representatives, see section 3003 of Pub. L. 104–66, as amended, set out as a note under section 1113 of Title 31, Money and Finance, and page 1 of House Document No. 103–7.

§ 1869. Advance payments

During fiscal year 2008 and each succeeding fiscal year, following notification of the Committees on Appropriations of the House of Representatives and the Senate, the Architect of the Capitol may make payments in advance for obligations of the Office of the Architect of the Capitol for subscription services if the Architect determines it to be more prompt, efficient, or economical to do so.

(Pub. L. 110–161, div. H, title I, §1304, Dec. 26, 2007, 121 Stat. 2242.)

CODIFICATION

Section is from the Legislative Branch Appropriations Act, 2008, which is div. H of the Consolidated Appropriations Act, 2008.

§ 1870. House Historic Buildings Revitalization Trust Fund

(a) Establishment

There is hereby established in the Treasury of the United States, as an account for the Architect of the Capitol, the House Historic Buildings Revitalization Trust Fund (hereafter in this section referred to as the “Fund”).

(b) Use of amounts

Amounts in the Fund shall be used by the Architect of the Capitol for the revitalization of the major historical buildings and assets of the House of Representatives which the Architect is responsible for maintaining and preserving, except that the Architect may not obligate any amounts in the Fund without the approval of the Committee on Appropriations of the House of Representatives.

(c) Continuing availability of funds

Any amounts transferred to and merged with, or otherwise deposited into, the Fund shall remain available until expended.

(d) Omitted**(e) Effective date**

This section and the amendment made by this section shall apply with respect to fiscal year 2010 and each succeeding fiscal year.

(Pub. L. 111-68, div. A, title I, §1304, Oct. 1, 2009, 123 Stat. 2035.)

CODIFICATION

Section is comprised of section 1304 of Pub. L. 111-68. Subsec. (d) of section 1304 of Pub. L. 111-68 amended section 95b of this title.

Section is from the Legislative Branch Appropriations Act, 2010, which is div. A of Pub. L. 111-68.

CHAPTER 29—CAPITOL POLICE**SUBCHAPTER I—ORGANIZATION AND ADMINISTRATION****PART A—GENERAL**

Sec.	
1901.	Establishment; officer appointments.
1902.	Compensation of Chief.
1903.	Chief Administrative Officer.
1904.	Certifying officers.
1905.	Deposit and use of reimbursements for law enforcement assistance.
1905a.	Reimbursement for salaries paid for service at Federal Law Enforcement Training Center.
1906.	Disposal of surplus property.
1907.	Transfer of disbursing function.
1908.	Legal representation authority.
1909.	Inspector General for the United States Capitol Police.
1910.	Report of disbursements.
1911.	General Counsel to the Chief of Police and the United States Capitol Police.

PART B—COMPENSATION AND OTHER PERSONNEL MATTERS

1921.	Repealed.
1921a.	Sole and exclusive authority of Board and Chief to determine rates of pay.
1922.	Unified payroll administration.
1923.	Unified schedules of rates of basic pay and leave system.
1924, 1925.	Repealed.
1926.	Educational assistance program for employees.
1927.	Bonuses, retention allowances, and additional compensation.
1928, 1929.	Repealed.
1930.	Applicable pay rate upon appointment.
1931.	Additional compensation for employees with specialty assignments and proficiencies.
1932.	Application of premium pay limits on annualized basis.
1933.	Clarification of authorities regarding certain personnel benefits.
1934.	Waiver by Chief of Capitol Police of claims arising out of erroneous payments to officers and employees.

PART C—UNIFORM AND ARMS

1941.	Uniform.
1942.	Uniform to display United States flag or colors.
1943.	Repealed.
1944.	Wearing uniform on duty.

PART D—UNITED STATES CAPITOL POLICE MEMORIAL FUND

1951.	Establishment of United States Capitol Police Memorial Fund.
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1952.	Payments from Fund for families of Detective Gibson and Private First Class Chestnut.
1953.	Tax treatment of Fund.
1954.	Administration by Capitol Police Board.

SUBCHAPTER II—POWERS AND DUTIES

1961.	Policing of Capitol Buildings and Grounds.
1962.	Detail of police.
1963.	Protection of grounds.
1964.	Security systems for Capitol buildings and grounds.
1965.	Maintenance of security systems for Capitol buildings and grounds.
1966.	Protection of Members of Congress, officers of Congress, and members of their families.
1967.	Law enforcement authority.
1968.	Citation release.
1969.	Regulation of traffic by Capitol Police Board.
1970.	Assistance by Executive departments and agencies.
1971.	Contributions of meals and refreshments during emergency duty.
1972.	Contributions of comfort and other incidental items and services during emergency duty.
1973.	Support and maintenance expenditures during emergency duty.
1974.	Capitol Police special officers.
1975.	Overseas travel.
1976.	Acceptance of donations of animals.
1977.	Settlement and payment of tort claims.
1978.	Deployment outside of jurisdiction.
1979.	Release of security information.
1980.	Mounted horse unit.
1981.	Advance payments.

SUBCHAPTER I—ORGANIZATION AND ADMINISTRATION**PART A—GENERAL****§ 1901. Establishment; officer appointments**

There shall be a Capitol police. There shall be a captain of the Capitol police and such other members with such rates of compensation, respectively, as may be appropriated for by Congress from year to year. The Capitol Police shall be headed by a Chief who shall be appointed by the Capitol Police Board and shall serve at the pleasure of the Board.

(R.S. §1821; Apr. 28, 1902, ch. 594, 32 Stat. 124; June 28, 1943, ch. 173, title I, 57 Stat. 230; Pub. L. 96-152, §1(a), Dec. 20, 1979, 93 Stat. 1099; Pub. L. 108-7, div. H, title I, §1018(h)(1), Feb. 20, 2003, 117 Stat. 368; Pub. L. 111-145, §6(e)(1)-(3), Mar. 4, 2010, 124 Stat. 54, 55.)

CODIFICATION

Section was classified to section 206 of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107-217, §1, Aug. 21, 2002, 116 Stat. 1062.

Section was a composite of provisions of R.S. §1821, act Apr. 28, 1902, and act June 28, 1943, cited in the credits. Provisions from act Apr. 28, 1902, and act June 28, 1943, were repealed by Pub. L. 111-145, §6(e)(1).

R.S. §1821 derived from acts Mar. 2, 1867, ch. 167, §2, 14 Stat. 466; Mar. 3, 1873, ch. 226, 17 Stat. 488.

AMENDMENTS

2010—Pub. L. 111-145, §6(e)(3), amended first sentence of R.S. §1821 by striking “, the members of which shall be appointed by the Sergeants-at-Arms of the two Houses and the Architect of the Capitol Extension” after “There shall be a Capitol police”.

Pub. L. 111-145, §6(e)(2), repealed Pub. L. 108-7, §1018(h)(1), and provided that the sentence repealed by