

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