

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 Secretary 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; Pub. L. 113-235, div. H, title I, §1301(b), Dec. 16, 2014, 128 Stat. 2537, 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 ‘FIS2000’.

“(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 Publishing 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; Pub. L. 113-235, div. H, title I, §1301(b), Dec. 16, 2014, 128 Stat. 2537, 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 tele-

communications 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 Publishing 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) 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) 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), 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.