

sions of law, the Architect of the Capitol is hereby authorized to (1) develop a pilot program to determine the economic feasibility and efficiency of centralizing certain maintenance functions, to assign and reassign, without increase or decrease in basic salary or wages, any person on the employment rolls of the Office of the Architect of the Capitol, for personal services in any buildings, facilities, or grounds under his jurisdiction for which appropriations have been made and are available; (2) maintain appropriate cost and productivity records for the program; and (3) report to appropriate authorities, including the Committees on Appropriations, on the results of the program, together with recommendations for continuation or expansion of the program.”

Similar provisions were contained in the following prior appropriation acts:

Pub. L. 100-458, title I, § 104, Oct. 1, 1988, 102 Stat. 2171.

Pub. L. 100-202, § 101(i) [title I, § 103], Dec. 22, 1987, 101 Stat. 1329-290, 1329-302.

### **§ 166b-7. Architect of the Capitol 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 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 Title 2, The Congress.

#### 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 Title 2, The Congress.

#### 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 that:

“(a) SEVERANCE PAY.—[Amended section 5595 of Title 5, Government Organization and Employees.]

“(b) EARLY RETIREMENT.—(1) This subsection applies to an employee of the Office of the Architect of the Capitol who—

“(A) voluntarily separates from service on or after the date of enactment of this Act [Oct. 7, 1997] and before October 1, 1999 (or, in the case of an individual who is not an employee of the United States Senate Restaurants, on or after the date of the enactment of the Legislative Branch Appropriations Act, 1999 [Oct. 21, 1998] and before October 1, 2001); and

“(B) on such date of separation—

“(i) has completed 25 years of service as defined under section 8331(12) or 8401(26) of title 5, United States Code; or

“(ii) has completed 20 years of such service and is at least 50 years of age.

“(2) Notwithstanding any provision of chapter 83 or 84 of title 5, United States Code, an employee described under paragraph (1) is entitled to an annuity which shall be computed consistent with the provisions of law applicable to annuities under section 8336(d) or 8414(b) of title 5, United States Code.

“(c) VOLUNTARY SEPARATION INCENTIVE PAYMENTS.—(1) In this subsection, the term ‘employee’ means an employee of the Office of the Architect of the Capitol, serving without limitation, who has been currently employed for a continuous period of at least 12 months, except that such term shall not include—

“(A) a reemployed annuitant under subchapter III of chapter 83 or chapter 84 of title 5, United States Code, or another retirement system for employees of the Government;

“(B) an employee having a disability on the basis of which such employee is or would be eligible for disability retirement under any of the retirement systems referred to in subparagraph (A); or

“(C) an employee who is employed on a temporary when actually employed basis.

“(2) Notwithstanding any other provision of law, in order to avoid or minimize the need for involuntary separations due to a reduction in force, reorganization, transfer of function, or other similar action affecting the agency, the Architect of the Capitol shall establish a program under which voluntary separation incentive payments may be offered to encourage eligible employees to separate from service voluntarily (whether by retirement or resignation) during the period beginning on the date of the enactment of this Act [Oct. 7, 1997] through September 30, 1999 (or, in the case of an individual who is not an employee of the United States Senate Restaurants, on or after the date of the enact-

ment of the Legislative Branch Appropriations Act, 1999 [Oct. 21, 1998] and before October 1, 2001). The number of employees of the United States Senate Restaurants to whom voluntary separation incentive payments may be offered under the program established under the previous sentence may not exceed 50.

“(3) Such voluntary separation incentive payments shall be paid in accordance with the provisions of section 5597(d) of title 5, United States Code. Any such payment shall not be a basis of payment, and shall not be included in the computation, of any other type of Government benefit.

“(4)(A) No voluntary separation incentive payment may be paid under this section on or after the date of enactment of the Legislative Branch Appropriations Act, 1999 [Oct. 21, 1998], unless the Architect of the Capitol submits a plan described under subparagraph (B) to the Committee on Rules and Administration of the Senate and the Committee on House Oversight [now Committee on House Administration] of the House of Representatives and such committees approve the plan.

“(B) The plan referred to under subparagraph (A) shall include—

“(i) the positions and functions to be reduced or eliminated, identified by organizational unit, occupational category, and pay or grade level;

“(ii) the number and amounts of voluntary separation incentive payments to be offered; and

“(iii) a description of how the Architect of the Capitol will operate without the eliminated positions and functions.

“(5)(A) In addition to any other payments which the Architect of the Capitol is required to make under subchapter III of chapter 83 of title 5, United States Code, the Architect of the Capitol shall remit to the Office of Personnel Management for deposit in the Treasury of the United States to the credit of the Civil Service Retirement and Disability Fund an amount equal to 15 percent of the final basic pay of each employee who is covered under subchapter III of chapter 83 or chapter 84 of title 5, United States Code, to whom a voluntary separation incentive has been paid under this section. This subparagraph shall not apply to any employee of the United States Senate Restaurants.

“(B) For the purpose of this paragraph, the term ‘final basic pay’, with respect to an employee—

“(i) means the total amount of basic pay which would be payable for a year of service by such employee, computed using the employee’s final rate of basic pay; and

“(ii) includes an appropriate adjustment to the amount computed under clause (i) if the employee is last serving on other than a full-time basis.

“(6)(A) Subject to subparagraph (B), an employee who has received a voluntary separation incentive payment under this section and accepts employment with the Government of the United States within 5 years after the date of the separation on which the payment is based shall be required to repay the entire amount of the incentive payment to the agency that paid the incentive payment.

“(B)(i) If the employment is with an executive agency (as defined by section 105 of title 5, United States Code), the Director of the Office of Personnel Management may, at the request of the head of the agency, waive the repayment if the individual involved possesses unique abilities and is the only qualified applicant available for the position.

“(ii) If the employment is with an entity in the legislative branch, the head of the entity or the appointing official may waive the repayment if the individual involved possesses unique abilities and is the only qualified applicant available for the position.

“(iii) If the employment is with the judicial branch, the Director of the Administrative Office of the United States Courts may waive the repayment if the individual involved possesses unique abilities and is the only qualified applicant available for the position.

“(C) For purposes of subparagraph (A) (but not subparagraph (B)), the term ‘employment’ includes em-

ployment under a personal services contract with the United States.

“(7) The Architect of the Capitol may prescribe regulations to carry out this subsection.

“(d) COMPETITIVE SERVICE TREATMENT FOR CERTAIN EMPLOYEES.—(1) This subsection applies to any employee of the United States Senate Restaurants of the Office of the Architect of the Capitol who—

“(A) is involuntarily separated from service on or after the date of the enactment of this Act [Oct. 7, 1997] and before October 1, 1999 (except by removal for cause on charges of misconduct or delinquency); and

“(B) has performed any period of service employed in the Office of the Architect of the Capitol (including the United States Senate Restaurants) in a position in the excepted service as defined under section 2103 of title 5, United States Code.

“(2) For purposes of applying for employment for any position in the executive branch (including for purposes of the administration of chapter 33 of title 5, United States Code, with respect to such employment application), any period of service described under paragraph (1)(B) of this subsection shall be deemed a period of service in the competitive service as defined under section 2102 of title 5, United States Code.

“(3) This subsection shall—

“(A) take effect on the date of enactment of this Act; and

“(B) apply only to an employment application submitted by an employee during the 2-year period beginning on the date of such employee's separation from service described under paragraph (1)(A).

“(e) RETRAINING, JOB PLACEMENT, AND COUNSELING SERVICES.—(1) In this subsection, the term ‘employee’—

“(A) means an employee of the Office of the Architect of the Capitol; and

“(B) shall not include—

“(i) a reemployed annuitant under subchapter III of chapter 83 or chapter 84 of title 5, United States Code, or another retirement system for employees of the Government; or

“(ii) an employee who is employed on a temporary when actually employed basis.

“(2) The Architect of the Capitol may establish a program to provide retraining, job placement, and counseling services to employees and former employees.

“(3) A former employee may not participate in a program established under this subsection, if—

“(A) the former employee was separated from service with the Office of the Architect of the Capitol for more than 1 year; or

“(B) the separation was by removal for cause on charges of misconduct or delinquency.

“(4) Retraining costs for the program established under this subsection may not exceed \$5,000 for each employee or former employee.

“(f) ADMINISTRATIVE PROVISIONS.—(1) The Architect of the Capitol—

“(A) may use employees of the Office of the Architect of the Capitol to establish and administer programs and carry out the provisions of this section; and

“(B) may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, to carry out such provisions—

“(i) not subject to the 1 year of service limitation under such section 3109(b); and

“(ii) at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

“(2) Funds to carry out subsections (a) and (c) may be expended only from funds available for the basic pay of the employee who is receiving the applicable payment.

“(3) Funds to carry out subsection (e) may be expended from any funds made available to the Architect of the Capitol.”

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 2 section 1435; title 31 sections 753, 755.

### § 166c. Acquisition of surplus supplies, materials, etc.; priority

On and after July 1, 1946, the Architect of the Capitol in expending appropriations under his control may acquire supplies, materials, equipment, furniture, and other items from Government agencies, disposing of such property under The Surplus Property Act of 1944, as amended, and shall be accorded the same priority as granted other Government agencies under that Act.

(July 1, 1946, ch. 530, 60 Stat. 401.)

#### REFERENCES IN TEXT

The Surplus Property Act of 1944 and “that Act”, referred to in text, are act Oct. 3, 1944, ch. 479, 58 Stat. 765, as amended, which was classified principally to sections 1611 to 1646 of Title 50, Appendix, War and National Defense, and was repealed effective July 1, 1949, with the exception of sections 1622, 1631, 1637, and 1641 of Title 50, Appendix, by act June 30, 1949, ch. 288, title VI, §602(a)(1), 63 Stat. 399, renumbered Sept. 5, 1950, ch. 849, §6(a), (b), 64 Stat. 583. Sections 1622 and 1641 were partially repealed by the 1949 act, and section 1622 is still set out in part in Title 50, Appendix. Section 1622(g) was repealed and reenacted as sections 47151 to 47153 of Title 49, Transportation, by Pub. L. 103-272, §1(e), 7(b), July 5, 1994, 108 Stat. 1278-1280, 1379. Section 1631 was repealed by act June 7, 1939, ch. 190, §6(e), as added by act July 23, 1946, ch. 590, 60 Stat. 599, and is covered by sections 98 et seq. of Title 50. Section 1637 was repealed by act June 25, 1948, ch. 645, §21, 62 Stat. 862, eff. Sept. 1, 1948, and is covered by section 3287 of Title 18, Crimes and Criminal Procedure. Provisions of section 1641 not repealed by the 1949 act were repealed by Pub. L. 87-256, §111(a)(1), Sept. 21, 1961, 75 Stat. 538, and are covered by chapter 33 (§2451 et seq.) of Title 22, Foreign Relations and Intercourse. The provisions of the Surplus Property Act of 1944 originally repealed by the 1949 act are covered by chapter 10 (§471 et seq.) of this title.

#### CODIFICATION

Section is from act July 1, 1946, popularly known as the Legislative Branch Appropriation Act, 1947.

### § 166d. 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.)

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 166e of this title.

### § 166e. Funds out of Contingent Expenses, Architect of Capitol

Any expenditures required to implement the provisions of section 166d of this title shall be paid from the appropriation “Contingent Ex-