

## 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.

**§ 166b-5. Withholding and remittance of State income tax by Architect of Capitol**

**(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.)

**§ 166b-6. Assignment and reassignment of personnel by Architect of Capitol for personal services**

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, Oct. 22, 1987, 101 Stat. 1329-433.)

## CODIFICATION

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].

**PILOT PROGRAM TO DETERMINE ECONOMIC FEASIBILITY OF CENTRALIZING CERTAIN MAINTENANCE FUNCTIONS AND ASSIGNING OR REASSIGNING PERSONS ON EMPLOYMENT ROLLS**

Pub. L. 101–163, title I, § 104, Nov. 21, 1989, 103 Stat. 1056, provided that: “Notwithstanding any other provisions 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, pro-

moted, 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