

Calendar No. 611

110TH CONGRESS
2D SESSION**H. R. 5159**

IN THE SENATE OF THE UNITED STATES

MARCH 6, 2008

Received and read the first time

MARCH 7, 2008

Read the second time and placed on the calendar

AN ACT

To establish the Office of the Capitol Visitor Center within the Office of the Architect of the Capitol, headed by the Chief Executive Officer for Visitor Services, to provide for the effective management and administration of the Capitol Visitor Center, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) **SHORT TITLE.**—This Act may be cited as the
5 “Capitol Visitor Center Act of 2008”.

6 (b) **TABLE OF CONTENTS.**—The table of contents of
7 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—ADMINISTRATION AND MANAGEMENT OF CAPITOL VISITOR CENTER

Subtitle A—Description of Facility

- Sec. 101. Description and purposes of Capitol Visitor Center.
- Sec. 102. Oversight of committees.
- Sec. 103. Special rule for certain spaces in the Capitol Visitor Center.

Subtitle B—Office of the Capitol Visitor Center; Chief Executive Officer for Visitor Services

- Sec. 111. Establishment.
- Sec. 112. Appointment and supervision of Chief Executive Officer for Visitor Services.
- Sec. 113. General duties of Chief Executive Officer.
- Sec. 114. Acceptance of gifts and volunteer services.
- Sec. 115. Special rules regarding certain administrative matters.

TITLE II—RELATED SERVICES PROVIDED AT CAPITOL VISITOR CENTER

Subtitle A—Related Services Described

- Sec. 201. Gift shop.
- Sec. 202. Food service operations.
- Sec. 203. Licenses and other agreements for operations or other functions.

Subtitle B—Capitol Visitor Center Revolving Fund

- Sec. 211. Establishment; accounts.
- Sec. 212. Deposits in the Fund.
- Sec. 213. Use of monies.
- Sec. 214. Administration of Fund.

TITLE III—TREATMENT OF CAPITOL GUIDE SERVICE

Subtitle A—Transfer to Office of the Capitol Visitor Center

- Sec. 301. Transfer of Capitol Guide Service.
- Sec. 302. Duties of employees of Capitol Guide Service.

Subtitle B—Office of Congressional Accessibility Services

- Sec. 311. Establishment of Office of Congressional Accessibility Services.
- Sec. 312. Director of Accessibility Services.
- Sec. 313. Transfer from Capitol Guide Service.

Subtitle C—Technical and Conforming Amendments

- Sec. 321. Technical and conforming amendments.

Subtitle D—Transfer Date

- Sec. 331. Transfer date.

TITLE IV—GENERAL PROVISIONS

- Sec. 401. Authorization of appropriations.

1 **TITLE I—ADMINISTRATION AND**
2 **MANAGEMENT OF CAPITOL**
3 **VISITOR CENTER**

4 **Subtitle A—Description of Facility**

5 **SEC. 101. DESCRIPTION AND PURPOSES OF CAPITOL VIS-**
6 **ITOR CENTER.**

7 (a) TREATMENT AS PART OF CAPITOL.—In this Act,
8 the “Capitol Visitor Center” is the facility authorized for
9 construction under the heading “Capitol Visitor Center”
10 under chapter 5 of title II of division B of the Omnibus
11 Consolidated and Emergency Supplemental Appropria-
12 tions Act, 1999 (Public Law 105–277; 112 Stat. 2681–
13 569), and such facility shall be considered to be part of
14 the United States Capitol for all provisions of law in ac-
15 cordance with this Act.

16 (b) PURPOSES OF THE FACILITY.—In accordance
17 with the provisions of this Act, the Capitol Visitor Center
18 shall be used to—

19 (1) provide enhanced security for persons work-
20 ing in or visiting the United States Capitol; and

21 (2) improve the visitor experience by providing
22 a structure that will afford improved visitor orienta-
23 tion and enhance the educational experience of those
24 who have come to learn about Congress and the
25 Capitol.

1 (c) CONFORMING AMENDMENT RELATING TO VIS-
 2 ITOR CENTER SPACE IN THE CAPITOL.—Section 301 of
 3 the National Visitor Center Facilities Act of 1968 (2
 4 U.S.C. 2165) is repealed.

5 **SEC. 102. OVERSIGHT OF COMMITTEES.**

6 The Committee on Rules and Administration of the
 7 Senate and the Committee on House Administration of
 8 the House of Representatives (hereafter in this Act re-
 9 ferred to as the “supervising Committees”) shall exercise
 10 policy review and oversight over the Capitol Visitor Cen-
 11 ter.

12 **SEC. 103. SPECIAL RULE FOR CERTAIN SPACES IN THE CAP-**
 13 **ITOL VISITOR CENTER.**

14 (a) SENATE AND HOUSE OF REPRESENTATIVES EX-
 15 PANSION SPACE.—Notwithstanding any other provision of
 16 this Act, the Senate and House of Representatives expan-
 17 sion space described as “unassigned space” under the
 18 heading “Architect of the Capitol, Capitol Visitor Center”
 19 in the Legislative Branch Appropriations Act, 2002 (Pub-
 20 lic Law 107–68; 115 Stat. 588)—

21 (1) shall not be treated as part of the Capitol
 22 Visitor Center for purposes of this Act; and

23 (2) shall be treated for purposes of law (includ-
 24 ing rules of the House of Representatives and Sen-
 25 ate)—

1 (A) in the case of space assigned for the
2 use of the Senate, as part of the Senate wing
3 of the Capitol and subject to the authority and
4 control of the Committee on Rules and Admin-
5 istration of the Senate, or

6 (B) in the case of space assigned for the
7 use of the House, as part of the House of Rep-
8 resentatives wing of the Capitol and subject to
9 the authority and control of the Speaker.

10 (b) TREATMENT OF CONGRESSIONAL AUDITORIUM
11 AND RELATED ADJACENT AREAS.—

12 (1) IN GENERAL.—Notwithstanding any other
13 provision of this Act, the space in the Capitol Visitor
14 Center known as the Congressional Auditorium, to-
15 gether with each of the areas referred to in para-
16 graph (2), shall be assigned for Congressional use by
17 the Chief Executive Officer for Visitor Services
18 under guidelines established by the supervising Com-
19 mittees.

20 (2) AREAS DESCRIBED.—The areas referred to
21 in this paragraph are as follows, as identified and
22 designated by the Architect of the Capitol on Octo-
23 ber 1, 2007:

1 (A) The North Congressional Meeting
2 Room (CVC268) and the South Congressional
3 Meeting Room (CVC217).

4 (B) The North Pre-function Area
5 (CVC268CR) and the South Pre-function Area
6 (CVC217CR).

7 (C) Lobbies CVC215 and CVC212.

8 (D) The North Cloak Room (CVC210) and
9 the South Cloak Room (CVC208).

10 (E) The Projection Room (CVC209).

11 (F) The Green Room (CVC207).

12 (G) The TV Control Room (CVC105).

13 (H) Offices CVC101, CVC102, CVC103,
14 CVC104, CVC106, CVC204, and CVC205.

15 **Subtitle B—Office of the Capitol**
16 **Visitor Center; Chief Executive**
17 **Officer for Visitor Services**

18 **SEC. 111. ESTABLISHMENT.**

19 There is established within the Office of the Architect
20 of the Capitol the Office of the Capitol Visitor Center (in
21 this Act referred to as the “Office”), to be headed by the
22 Chief Executive Officer for Visitor Services (in this Act
23 referred to as the “Chief Executive Officer”).

1 **SEC. 112. APPOINTMENT AND SUPERVISION OF CHIEF EX-**
2 **ECUTIVE OFFICER FOR VISITOR SERVICES.**

3 (a) APPOINTMENT.—The Chief Executive Officer
4 shall be appointed by the Architect of the Capitol.

5 (b) SUPERVISION AND OVERSIGHT.—The Chief Exec-
6 utive Officer shall report directly to the Architect of the
7 Capitol and shall be subject to policy review and oversight
8 by the supervising Committees.

9 (c) REMOVAL.—Upon removal of the Chief Executive
10 Officer, the Architect of the Capitol shall immediately no-
11 tify the supervising Committees and the Committees on
12 Appropriations of the House of Representatives and Sen-
13 ate, stating the reasons for the removal.

14 (d) COMPENSATION.—The Chief Executive Officer
15 shall be paid at an annual rate of pay equal to the annual
16 rate of pay of the Deputy Architect of the Capitol and
17 Chief Operating Officer of the Office of the Architect of
18 the Capitol.

19 (e) TRANSITION FOR CURRENT CHIEF EXECUTIVE
20 OFFICER FOR VISITOR SERVICES.—

21 (1) APPOINTMENT.—The individual who serves
22 as the Chief Executive Officer for Visitor Services
23 under section 6701 of the U.S. Troop Readiness,
24 Veterans' Care, Katrina Recovery, and Iraq Ac-
25 countability Appropriation Act of 2007 (2 U.S.C.
26 1806) as of the date of the enactment of this Act

1 shall be the first Chief Executive Officer for Visitor
2 Services appointed by the Architect under this sec-
3 tion.

4 (2) CONFORMING AMENDMENT.—Section 6701
5 of the U.S. Troop Readiness, Veterans' Care,
6 Katrina Recovery, and Iraq Accountability Appro-
7 priation Act of 2007 (2 U.S.C. 1806) is repealed.

8 **SEC. 113. GENERAL DUTIES OF CHIEF EXECUTIVE OFFICER.**

9 (a) ADMINISTRATION OF FACILITIES, SERVICES, AND
10 ACTIVITIES.—

11 (1) IN GENERAL.—Except to the extent other-
12 wise provided in this Act, the Chief Executive Offi-
13 cer shall be responsible for—

14 (A) the operation, management, and budg-
15 et preparation and execution of the Capitol Vis-
16 itor Center, including all long term planning
17 and day-to-day operational services and activities
18 provided within the Capitol Visitor Center; and

19 (B) in accordance with subtitle A of title
20 III, the management of guided tours of the in-
21 terior of the United States Capitol.

22 (2) INDEPENDENT BUDGET SUBMISSION.—

23 (A) IN GENERAL.—The proposed budget
24 for the Office for a fiscal year shall be prepared
25 by the Chief Executive Officer, and shall be in-

1 cluded without revision in the proposed budget
2 for the year for the Office of the Architect of
3 the Capitol (as submitted by the Architect of
4 the Capitol to the President).

5 (B) EXCLUSION OF COSTS OF GENERAL
6 MAINTENANCE AND REPAIR OF VISITOR CEN-
7 TER.—In preparing the proposed budget for the
8 Office under subparagraph (A), the Chief Exec-
9 utive Officer shall exclude costs attributable to
10 the activities and services described in section
11 115(b) (relating to continuing jurisdiction of
12 the Architect of the Capitol for the care and su-
13 perintendence of the Capitol Visitor Center).

14 (b) PERSONNEL AND OTHER ADMINISTRATIVE PRO-
15 VISIONS.—

16 (1) PERSONNEL, DISBURSEMENTS, AND CON-
17 TRACTS.—In carrying out this Act, the Chief Execu-
18 tive Officer shall have the authority—

19 (A) to appoint, hire, and fix the compensa-
20 tion of such personnel as may be necessary for
21 operations of the Office, except that no em-
22 ployee may be paid at an annual rate in excess
23 of the maximum rate payable for level 15 of the
24 General Schedule unless otherwise authorized
25 by law;

1 (B) to disburse funds as may be necessary
2 and available for the needs of the Office (con-
3 sistent with the requirements of section 213 in
4 the case of amounts in the Capitol Visitor Cen-
5 ter Revolving Fund); and

6 (C) to designate an employee of the Office
7 to serve as contracting officer for the Office,
8 subject to subsection (c).

9 (2) TEMPORARY ASSIGNMENT OF PER-
10 SONNEL.—The Chief Executive Officer shall tempo-
11 rarily assign personnel of the Office based on a re-
12 quest from the Capitol Police Board to assist the
13 United States Capitol Police by providing ushering
14 and informational services, and other services not di-
15 rectly involving law enforcement, in connection
16 with—

17 (A) the inauguration of the President and
18 Vice President of the United States;

19 (B) the official reception of representatives
20 of foreign nations and other persons by the
21 Senate or House of Representatives; or

22 (C) other special or ceremonial occasions
23 in the United States Capitol or on the United
24 States Capitol Grounds that require the pres-
25 ence of additional Government personnel.

1 (3) AGREEMENTS WITH THE OFFICE OF THE
2 ARCHITECT OF THE CAPITOL, WITH OTHER LEGISLA-
3 TIVE BRANCH AGENCIES, AND WITH OFFICES OF
4 THE SENATE AND HOUSE OF REPRESENTATIVES.—

5 Subject to the approval of the supervising Commit-
6 tees, the Chief Executive Officer may place orders
7 and enter into agreements with the Office of the Ar-
8 chitect of the Capitol, with other legislative branch
9 agencies, and with any office or other entity of the
10 Senate or House of Representatives for procuring
11 goods and providing financial and administrative
12 services on behalf of the Office, or to otherwise as-
13 sist the Chief Executive Officer in the administra-
14 tion and management of the Capitol Visitor Center.

15 (c) REQUIRING APPROVAL OF CERTAIN CON-
16 TRACTS.—The Chief Executive Officer may not enter into
17 a contract for which the amount involved exceeds
18 \$250,000 without the prior approval of the supervising
19 Committees.

20 (d) SEMIANNUAL REPORTS.—The Chief Executive
21 Officer shall submit a report to the supervising Commit-
22 tees not later than 45 days following the close of each
23 semiannual period ending on June 30 or December 31 of
24 each year on the financial and operational status during
25 the period of each function under the jurisdiction of the

1 Chief Executive Officer. Each such report shall include fi-
2 nancial statements and a description or explanation of
3 current operations, the implementation of new policies and
4 procedures, and future plans for each function.

5 **SEC. 114. ACCEPTANCE OF GIFTS AND VOLUNTEER SERV-**
6 **ICES.**

7 (a) ACCEPTANCE OF GIFTS.—

8 (1) AUTHORITY TO ACCEPT AND USE GIFTS.—

9 The Chief Executive Officer, with the approval of
10 the supervising Committees, is authorized to receive,
11 accept, and hold unrestricted gifts of money on be-
12 half of the Capitol Visitor Center, and to use the
13 gifts for the benefit of the Capitol Visitor Center.

14 (2) ACCEPTANCE OF GIFTS OF WORKS OF ART
15 AND OTHER RELATED OBJECTS BY OTHER LEGISLA-
16 TIVE BRANCH ENTITIES.—

17 (A) IN GENERAL.—In the case of a gift
18 consisting of a work of art, historical object, or
19 exhibit for which the authority to accept the
20 gift for display in the Capitol is provided to an
21 entity referred to in subparagraph (B), the enti-
22 ty shall have the authority to accept the gift for
23 display in the Capitol Visitor Center in accord-
24 ance with the authority provided under applica-
25 ble law.

1 (B) ENTITIES DESCRIBED.—The entities
2 referred to in this subparagraph are as follows:

3 (i) The Joint Committee on the Li-
4 brary under section 1831 of the Revised
5 Statutes of the United States (2 U.S.C.
6 2133).

7 (ii) The United States Capitol Preser-
8 vation Commission under section 801 of
9 the Arizona-Idaho Conservation Act of
10 1988 (2 U.S.C. 2081).

11 (iii) The House of Representatives
12 Fine Arts Board under section 1000 of the
13 Arizona-Idaho Conservation Act of 1988 (2
14 U.S.C. 2121).

15 (iv) The Senate Commission on Art
16 under section 1 of Senate Resolution 382,
17 Ninetieth Congress, agreed to October 1,
18 1968 and enacted into law by section
19 901(a) of Public Law 100–690 (2 U.S.C.
20 2101).

21 (3) ANNUAL REPORT ON GIFTS ACCEPTED.—

22 Each semiannual report submitted under section
23 113(d) shall include a description of each accepted
24 by the Chief Executive Officer under this subsection
25 during the period covered by the report.

1 (b) ACCEPTANCE OF VOLUNTEER SERVICES.—Not-
2 withstanding section 1342 of title 31, United States Code,
3 the Chief Executive Officer may accept and use voluntary
4 and uncompensated services for the Capitol Visitor Center
5 as the Chief Executive Officer determines necessary. No
6 person shall be permitted to donate his or her personal
7 services under this section unless such person has first
8 agreed, in writing, to waive any and all claims against the
9 United States arising out of or connection with such serv-
10 ices, other than a claim under the provisions of chapter
11 81 of title 5, United States Code. No person donating per-
12 sonal services under this section shall be considered an
13 employee of the United States for any purpose other than
14 for purposes of chapter 81 of such title. In no case shall
15 the acceptance of personal services under this subsection
16 result in the reduction of pay or displacement of any em-
17 ployee of the Office.

18 **SEC. 115. SPECIAL RULES REGARDING CERTAIN ADMINIS-**
19 **TRATIVE MATTERS.**

20 (a) SPECIAL RULES REGARDING SECURITY.—

21 (1) SECURITY JURISDICTION OF LAW ENFORCE-
22 MENT AGENCIES UNAFFECTED.—Nothing in this Act
23 granting any authority to the Chief Executive Offi-
24 cer shall be construed to affect the exclusive jurisdic-
25 tion of the United States Capitol Police, the Capitol

1 Police Board, the Sergeant at Arms and Doorkeeper
2 of the Senate, and the Sergeant at Arms of the
3 House of Representatives to provide security for the
4 Capitol Visitor Center.

5 (2) ATTENDANCE OF CHIEF EXECUTIVE OFFI-
6 CER AT CERTAIN MEETINGS OF CAPITOL POLICE
7 BOARD.—At the request of the Capitol Police Board,
8 the Chief Executive Officer shall attend any portion
9 of any meeting of the Capitol Police Board during
10 which the Board considers issues relating to the se-
11 curity of the Capitol Visitor Center, including activi-
12 ties described in paragraph (3), or other issues relat-
13 ing to services provided by employees of the Office.

14 (3) CONSULTATION WITH CAPITOL POLICE
15 BOARD ON SECURITY MATTERS.—The Office shall
16 consult with the Capitol Police Board in carrying
17 out any activity which affects the security of the
18 Capitol Visitor Center or any other part of the Cap-
19 itol, including activities relating to the hours of oper-
20 ation, tour routes and the number of visitors per
21 tour guide, and other activities relating to the entry
22 of members of the general public into the Capitol
23 and the movement of members of the general public
24 within the Capitol.

1 (4) PLAN FOR BACKGROUND CHECKS FOR EM-
2 PLOYEES.—The Chief Executive Officer, in coordi-
3 nation with the Chief of the Capitol Police, shall de-
4 velop plans and procedures for conducting criminal
5 history background checks on employees of the Of-
6 fice and individuals seeking employment with the Of-
7 fice (including employees of the Capitol Guide Serv-
8 ice who are transferred to the Office under title III).

9 (b) SPECIAL RULES REGARDING CARE AND MAINTENANCE OF FACILITIES.—
10

11 (1) ARCHITECT OF THE CAPITOL JURISDICTION
12 UNAFFECTED.—Nothing in this Act granting any
13 authority to the Chief Executive Officer (including
14 section 114) shall be construed to affect the exclu-
15 sive jurisdiction of the Architect of the Capitol for
16 the care and superintendence of the Capitol Visitor
17 Center or any other part of the Capitol, and all
18 maintenance services, groundskeeping services, im-
19 provements, alterations, additions, and repairs for
20 the Capitol Visitor Center shall be carried out pur-
21 suant to the direction and supervision of the Archi-
22 tect subject to the oversight of Congress under ap-
23 plicable law (including rules of the House of Rep-
24 resentatives and Senate).

1 (2) BUDGET SUBMISSION.—The Architect of
 2 the Capitol shall submit with the annual budget for
 3 the Office of the Architect of the Capitol for a fiscal
 4 year a separate, detailed statement of the costs an-
 5 ticipated to be incurred during the year for the ac-
 6 tivities and services described in paragraph (1)
 7 which are excluded from the annual budget for the
 8 Office which is submitted by the Chief Executive Of-
 9 ficer under section 113(a)(2).

10 (c) SPECIAL RULE REGARDING EXHIBITS AND
 11 TOURS.—The Chief Executive Officer shall consider com-
 12 ments and recommendations from the Clerk of the House
 13 of Representatives and the Secretary of the Senate regard-
 14 ing the content of exhibits contained in and tours operated
 15 out of the Capitol Visitor Center.

16 **TITLE II—RELATED SERVICES**
 17 **PROVIDED AT CAPITOL VIS-**
 18 **ITOR CENTER**

19 **Subtitle A—Related Services**
 20 **Described**

21 **SEC. 201. GIFT SHOP.**

22 (a) ESTABLISHMENT.—In consultation with the su-
 23 pervising Committees, the Chief Executive Officer shall es-
 24 tablish a gift shop within the Capitol Visitor Center for
 25 the purpose of providing for the sale of gift items.

1 (b) EXCEPTION TO PROHIBITION OF SALE OR SOLIC-
2 ITATION ON CAPITOL GROUNDS.—Section 5104(c) of title
3 40, United States Code, shall not apply to any activity
4 carried out under this subsection.

5 **SEC. 202. FOOD SERVICE OPERATIONS.**

6 (a) RESTAURANT, CATERING, AND VENDING.—The
7 Chief Executive Officer is authorized to establish within
8 the Capitol Visitor Center a restaurant and other food
9 service facilities, including catering services and vending
10 machines.

11 (b) USE OF CONTRACT TO CARRY OUT FOOD SERV-
12 ICE OPERATIONS.—The Chief Executive Officer shall
13 carry out all food service operations within the Capitol
14 Visitor Center pursuant to a contract entered into with
15 a private vendor.

16 (c) EXCEPTION TO PROHIBITION OF SALE OR SOLIC-
17 ITATION ON CAPITOL GROUNDS.—Section 5104(c) of title
18 40, United States Code, shall not apply to any activity
19 carried out under this subsection.

20 **SEC. 203. LICENSES AND OTHER AGREEMENTS FOR OPER-**
21 **ATIONS OR OTHER FUNCTIONS.**

22 (a) AUTHORITY.—The Chief Executive Officer is au-
23 thorized—

24 (1) subject to the approval of the supervising
25 Committees, to enter into licenses and other agree-

1 ments to allow operations or other functions to occur
 2 within the Capitol Visitor Center; and

3 (2) to assess and collect charges or other fees
 4 as may be appropriate under such licenses and
 5 agreements, including the recoupment of costs asso-
 6 ciated with the operation or function being held.

7 (b) EXCEPTION TO PROHIBITION OF SALE OR SOLIC-
 8 ITATION ON CAPITOL GROUNDS.—To the extent that a li-
 9 cense or agreement entered into by the Chief Executive
 10 Officer under this section permits any person to sell or
 11 solicit the sale of goods or services within the Capitol Vis-
 12 itor Center, section 5104(c) of title 40, United States
 13 Code, shall not apply to the sale or solicitation of sales
 14 of such goods or services.

15 (c) APPROVAL OF CONGRESS REQUIRED FOR CER-
 16 TAIN EVENTS.—No event intended for purposes other
 17 than those described in section 101(b) shall be held in the
 18 central hall of the Capitol Visitor Center unless authorized
 19 by a resolution agreed to by both houses of the Congress.

20 **Subtitle B—Capitol Visitor Center** 21 **Revolving Fund**

22 **SEC. 211. ESTABLISHMENT; ACCOUNTS.**

23 There is established in the Treasury of the United
 24 States a revolving fund to be known as the Capitol Visitor

1 Center Revolving Fund (in this section referred to as the
2 “Fund”), consisting of the following individual accounts:

3 (1) The Gift Shop Account.

4 (2) The Miscellaneous Receipts Account.

5 **SEC. 212. DEPOSITS IN THE FUND.**

6 (a) GIFT SHOP ACCOUNT.—There shall be deposited
7 in the Gift Shop Account all monies received from sales
8 and other services by the gift shop established under sec-
9 tion 201, together with any interest accrued on balances
10 in the Account.

11 (b) MISCELLANEOUS RECEIPTS ACCOUNT.—There
12 shall be deposited in the Miscellaneous Receipts Account
13 each of the following (together with any interest accrued
14 on balances in the Account):

15 (1) Any gifts of money accepted under section
16 114(a).

17 (2) Any net profits or commissions paid to the
18 Capitol Visitor Center under any contract for food
19 service operations entered into under section 202(b).

20 (3) Any charges or fees collected from the oper-
21 ations or other functions within the Capitol Visitor
22 Center under licenses or other arrangements entered
23 into under section 203(a).

24 (4) Any other receipts received from the oper-
25 ation of the Capitol Visitor Center.

1 **SEC. 213. USE OF MONIES.**

2 (a) GIFT SHOP ACCOUNT.—

3 (1) IN GENERAL.—All monies in the Gift Shop
4 Account shall be available without fiscal year limita-
5 tion for obligation by the Chief Executive Officer in
6 connection with the operation of the gift shops under
7 section 201(a), including supplies, inventories, equip-
8 ment, and other expenses. In addition, such monies
9 may be used by the Chief Executive Officer to reim-
10 burse any applicable appropriations account for
11 amounts used from such appropriations account to
12 pay the salaries of employees of the gift shops.

13 (2) OBLIGATION OF FUNDS REMAINING AFTER
14 USE OF FUNDS FOR GIFT SHOP.—To the extent
15 monies in the Gift Shop Account are available after
16 disbursements and reimbursements are made under
17 subparagraph (A), the Chief Executive Officer may
18 obligate such monies for the operation of the Capitol
19 Visitor Center, after consultation with—

20 (A) the supervising Committees; and

21 (B) the Committees on Appropriations of
22 the House of Representatives and Senate.

23 (b) MISCELLANEOUS RECEIPTS ACCOUNT.—All mon-
24 ies in the Miscellaneous Receipts Account shall be avail-
25 able without fiscal year limitation for obligation by the

1 Chief Executive Officer for the operations of the Capitol
2 Visitor Center, after consultation with—

3 (1) the supervising Committees; and

4 (2) the Committees on Appropriations of the
5 House of Representatives and Senate.

6 **SEC. 214. ADMINISTRATION OF FUND.**

7 (a) OBLIGATIONS.—Obligations from the Fund may
8 be made by the Chief Executive Officer.

9 (b) INVESTMENT AUTHORITY.—The Secretary of the
10 Treasury shall invest any portion of the Fund that, as de-
11 termined by the Chief Executive Officer, is not required
12 to meet current expenses. Each investment shall be made
13 in an interest-bearing obligation of the United States or
14 an obligation guaranteed both as to principal and interest
15 by the United States that, as determined by the Chief Ex-
16 ecutive Officer, has a maturity date suitable for the pur-
17 poses of the Fund. The Secretary of the Treasury shall
18 credit interest earned on the obligations to the Fund.

19 (c) AUDIT.—The Fund shall be subject to audit by
20 the Comptroller General at the discretion of the Com-
21 troller General.

1 **TITLE III—TREATMENT OF**
2 **CAPITOL GUIDE SERVICE**
3 **Subtitle A—Transfer to Office of**
4 **the Capitol Visitor Center**

5 **SEC. 301. TRANSFER OF CAPITOL GUIDE SERVICE.**

6 (a) TRANSFER OF AUTHORITIES AND PERSONNEL TO
7 OFFICE OF THE CAPITOL VISITOR CENTER.—Except as
8 provided in subsection (c), effective on the transfer date—

9 (1) the contracts, liabilities, records, property,
10 and other assets and interests of the Capitol Guide
11 Service, established pursuant to section 441 of the
12 Legislative Reorganization Act of 1970 (2 U.S.C.
13 2166), and the employees of the Capitol Guide Serv-
14 ice, are transferred to the Office, except that the
15 transfer of any amounts appropriated to the Capitol
16 Guide Service that remain available as of the trans-
17 fer date shall occur only upon the approval of the
18 Committees on Appropriations of the House of Rep-
19 resentatives and Senate; and

20 (2) the Capitol Guide Service shall be subject to
21 the direction, supervision, and control of the Chief
22 Executive Officer in accordance with this subtitle.

23 (b) TREATMENT OF EMPLOYEES OF CAPITOL GUIDE
24 SERVICE AT TIME OF TRANSFER.—

1 (1) IN GENERAL.—Any individual who is an
2 employee of the Capitol Guide Service on a perma-
3 nent basis on the transfer date who is transferred to
4 the Office under subsection (a) shall be subject to
5 authority of the Chief Executive Officer under sec-
6 tion 302(b), except that the individual shall not be
7 reduced in grade, compensation, rate of leave, or
8 other benefits that apply with respect to the indi-
9 vidual at the time of transfer while such individual
10 remains continuously so employed as a Capitol
11 Guide within the Office, other than for cause.

12 (2) ELIGIBILITY FOR IMMEDIATE RETIREMENT
13 ON BASIS OF INVOLUNTARY SEPARATION.—For pur-
14 poses of section 8336(d) and section 8414(b) of title
15 5, United States Code, an individual described in
16 paragraph (1) who is separated from service with
17 the Office shall be considered to have separated from
18 the service involuntarily if, at the time the individual
19 is separated from service—

20 (A) the individual has completed 25 years
21 of service under such title; or

22 (B) the individual has completed 20 years
23 of service under such title and is 50 years of
24 age or older.

1 (3) CONTINUATION OF PARTICIPATION IN STU-
2 DENT LOAN REPAYMENT PROGRAM.—Notwith-
3 standing any other provision of law, if an individual
4 described in paragraph (1) has a written service
5 agreement in effect under section 102 of the Legis-
6 lative Branch Appropriations Act, 2002 (2 U.S.C.
7 60c–5) at the time the individual is transferred to
8 the Office, the agreement shall remain in effect in
9 accordance with the terms and conditions applicable
10 to the agreement at the time the individual is trans-
11 ferred (including the provisions of such section per-
12 mitting the individual to enter into additional service
13 agreements for successive 1-year periods of employ-
14 ment), except that in applying such section to the in-
15 dividual, the following shall apply:

16 (A) The Office shall serve as the employing
17 office, and the Chief Executive Officer shall
18 serve as the head of the employing office.

19 (B) The Architect of the Capitol shall
20 carry out the responsibilities of the Secretary of
21 the Senate.

22 (C) Any reference to the Committee on
23 Rules and Administration of the Senate and the
24 Committee on Appropriations of the Senate

1 shall be treated as a reference to the super-
2 vising Committees.

3 (D) If the individual is required to make
4 any reimbursement under such section with re-
5 spect to payments made after the individual is
6 transferred, the individual shall reimburse the
7 Office of the Architect of the Capitol.

8 (4) PROHIBITING IMPOSITION OF PROBA-
9 TIONARY PERIOD.—The Chief Executive Officer may
10 not impose a period of probation with respect to the
11 transfer of any individual who is transferred to the
12 Office under subsection (a).

13 (c) EXCEPTION FOR CONGRESSIONAL SPECIAL SERV-
14 ICES OFFICE.—This section does not apply with respect
15 to any employees, contracts, liabilities, records, property,
16 and other assets and interests of the Congressional Special
17 Services Office of the Capitol Guide Service that are trans-
18 ferred to the Office of Congressional Accessibility Services
19 under subtitle B.

20 **SEC. 302. DUTIES OF EMPLOYEES OF CAPITOL GUIDE SERV-**
21 **ICE.**

22 (a) PROVISION OF GUIDED TOURS.—

23 (1) TOURS.—In accordance with this section,
24 the Capitol Guide Service shall provide guided tours
25 of the interior of the United States Capitol without

1 charge, including the Capitol Visitor Center, for the
2 education and enlightenment of the general public.

3 (2) ACCEPTANCE OF FEES PROHIBITED.—An
4 employee of the Capitol Guide Service shall not
5 charge or accept any fee, or accept any gratuity, for
6 or on account of his official services.

7 (3) REGULATIONS OF CHIEF EXECUTIVE OFFI-
8 CER.—All such tours shall be conducted in compli-
9 ance with regulations approved by the Chief Execu-
10 tive Officer.

11 (b) AUTHORITY OF CHIEF EXECUTIVE OFFICER.—
12 In providing for the direction, supervision, and control of
13 the Capitol Guide Service, the Chief Executive Officer is
14 authorized—

15 (1) subject to the availability of appropriations,
16 to establish and revise such number of positions of
17 Guide in the Capitol Guide Service as the Chief Ex-
18 ecutive Officer considers necessary to carry out ef-
19 fectively the activities of the Capitol Guide Service;

20 (2) to appoint, on a permanent basis without
21 regard to political affiliation and solely on the basis
22 of fitness to perform their duties, a Chief Guide and
23 such deputies as the Chief Executive Officer con-
24 siders appropriate for the effective administration of

1 the Capitol Guide Service and, in addition, such
2 number of Guides as may be authorized;

3 (3) with the approval of the supervising Com-
4 mittees, with respect to the individuals appointed
5 pursuant to paragraph (2)—

6 (A) to prescribe the individual's duties and
7 responsibilities,

8 (B) to fix, and adjust from time to time,
9 respective rates of pay at single per annum
10 (gross) rates, and

11 (C) to take appropriate disciplinary action,
12 including, when circumstances warrant, suspen-
13 sion from duty without pay, reduction in pay,
14 demotion, or termination of employment with
15 the Capitol Guide Service, against any employee
16 who violates any provision of this section or any
17 regulation prescribed by the Chief Executive
18 Officer pursuant to paragraph (7);

19 (4) to prescribe a uniform dress, including ap-
20 propriate insignia, which shall be worn by personnel
21 of the Capitol Guide Service;

22 (5) from time to time and as may be necessary,
23 to procure and furnish such uniforms to such per-
24 sonnel without charge to such personnel;

1 (6) to receive and consider advice and informa-
2 tion from any private historical or educational orga-
3 nization, association, or society with respect to those
4 operations of the Capitol Guide Service which involve
5 the furnishing of historical and educational informa-
6 tion to the general public; and

7 (7) with the approval of the supervising Com-
8 mittees, to prescribe such regulations as the Chief
9 Executive Officer considers necessary and appro-
10 prium for the operation of the Capitol Guide Service,
11 including regulations with respect to tour routes and
12 hours of operation, number of visitors per guide,
13 staff-led tours, and non-law enforcement security
14 and special event related support.

15 (c) PROVISION OF ACCESSIBLE TOURS IN COORDINA-
16 TION WITH OFFICE OF CONGRESSIONAL ACCESSIBILITY
17 SERVICES.—The Chief Executive Officer shall coordinate
18 the provision of accessible tours for individuals with dis-
19 abilities with the Office of Congressional Accessibility
20 Services established under subtitle B.

1 **Subtitle B—Office of Congressional**
2 **Accessibility Services**

3 **SEC. 311. ESTABLISHMENT OF OFFICE OF CONGRESSIONAL**
4 **ACCESSIBILITY SERVICES.**

5 (a) ESTABLISHMENT.—There is established in the
6 legislative branch the Office of Congressional Accessibility
7 Services, to be headed by the Director of Accessibility
8 Services.

9 (b) SUPERVISION AND CONTROL.—The Office of
10 Congressional Accessibility Services shall be subject to the
11 direction, supervision, and control of the Capitol Police
12 Board.

13 (c) MISSION AND FUNCTIONS.—

14 (1) IN GENERAL.—The Office of Congressional
15 Accessibility Services shall—

16 (A) provide and coordinate accessibility
17 services for individuals with disabilities, includ-
18 ing Members of Congress, employees of the
19 House of Representatives and the Senate, and
20 visitors, in the United States Capitol Complex;
21 and

22 (B) in consultation with the Office of
23 House Employment Counsel and the Senate
24 Chief Counsel for Employment, provide infor-
25 mation regarding accessibility for individuals

1 with disabilities, as well as related training and
2 staff development, to Members of Congress and
3 employees of the House of Representatives and
4 Senate.

5 (2) SPECIFIC FUNCTIONS.—The Director of Ac-
6 cessibility Services shall submit to the supervising
7 Committees a list of the specific functions that the
8 Office of Congressional Accessibility Services will
9 perform in carrying out this subtitle with the ap-
10 proval of the supervising committees. The Director
11 of Accessibility Services shall submit the list not
12 later than 30 days after the transfer date.

13 (3) NO EFFECT ON AUTHORITY OF EMPLOY-
14 MENT COUNSELS.—Nothing in this subtitle shall be
15 construed to limit any authority or function of the
16 Office of House Employment Counsel or the Senate
17 Chief Counsel for Employment that such Office or
18 Counsel carries out prior to the transfer date.

19 (4) UNITED STATES CAPITOL COMPLEX DE-
20 FINED.—In this subsection, the term “United States
21 Capitol Complex” means the Capitol buildings (as
22 defined in section 5101 of title 40, United States
23 Code) and the United States Capitol Grounds (as
24 described in section 5102 of such title).

1 (d) CONFORMING AMENDMENT.—Section 310 of the
2 Legislative Branch Appropriations Act, 1990 (2 U.S.C.
3 130e) is repealed.

4 **SEC. 312. DIRECTOR OF ACCESSIBILITY SERVICES.**

5 (a) APPOINTMENT AND REMOVAL; COMPENSA-
6 TION.—

7 (1) APPOINTMENT.—The Director of Accessi-
8 bility Services shall be appointed by the Capitol Po-
9 lice Board.

10 (2) REMOVAL.—The Director of Accessibility
11 Services may be removed by the Capitol Police
12 Board, upon notification to the supervising Commit-
13 tees.

14 (3) COMPENSATION.—The Director of Accessi-
15 bility Services shall be paid at an annual rate of pay
16 determined by the Capitol Police Board, except that
17 such rate may not exceed the maximum rate payable
18 for level 15 of the General Schedule.

19 (4) TRANSITION FOR CURRENT HEAD OF CON-
20 GRESSIONAL SPECIAL SERVICES OFFICE OF CAPITOL
21 GUIDE SERVICE.—The individual serving as the head
22 of the Congressional Special Services Office of the
23 Capitol Guide Service as of the transfer date shall
24 be appointed by the Capitol Police Board as the first
25 Director of Accessibility Services under this subtitle.

1 (b) PERSONNEL AND OTHER ADMINISTRATIVE
2 FUNCTIONS.—

3 (1) PERSONNEL, DISBURSEMENTS, AND CON-
4 TRACTS.—In carrying out the functions of the Office
5 of Congressional Accessibility Services under section
6 311, the Director of Accessibility Services shall have
7 the authority—

8 (A) to appoint, hire, and fix the compensa-
9 tion of such personnel as may be necessary for
10 operations of the Office of Congressional Acces-
11 sibility Services, except that no employee may
12 be paid at an annual rate in excess of the an-
13 nual rate of pay for the Director of Accessibility
14 Services;

15 (B) to disburse funds as may be necessary
16 and available for the needs of the Office of Con-
17 gressional Accessibility Services; and

18 (C) to serve as contracting officer for the
19 Office of Congressional Accessibility Services.

20 (2) AGREEMENTS WITH THE OFFICE OF THE
21 ARCHITECT OF THE CAPITOL, WITH OTHER LEGISLA-
22 TIVE BRANCH AGENCIES, AND WITH OFFICES OF
23 THE SENATE AND HOUSE OF REPRESENTATIVES.—
24 Subject to the approval of the supervising Commit-
25 tees, the Director of Accessibility Services may place

1 orders and enter into agreements with the Office of
2 the Architect of the Capitol, with other legislative
3 branch agencies, and with any office or other entity
4 of the Senate or House of Representatives for pro-
5 curing goods and providing financial and administra-
6 tive services on behalf of the Office of Accessibility
7 Services, or to otherwise assist the Director in the
8 administration and management of the Office of Ac-
9 cessibility Services.

10 (c) SEMIANNUAL REPORTS.—The Director of Acces-
11 sibility Services shall submit a report to the supervising
12 Committees not later than 45 days following the close of
13 each semiannual period ending on June 30 or December
14 31 of each year on the financial and operational status
15 during the period of each function under the jurisdiction
16 of the Director. Each such report shall include financial
17 statements and a description or explanation of current op-
18 erations, the implementation of new policies and proce-
19 dures, and future plans for each function.

20 **SEC. 313. TRANSFER FROM CAPITOL GUIDE SERVICE.**

21 (a) TRANSFER OF AUTHORITIES AND PERSONNEL OF
22 CONGRESSIONAL SPECIAL SERVICES OFFICE OF CAPITOL
23 GUIDE SERVICE.—In accordance with the provisions of
24 this subtitle, effective on the transfer date—

1 (1) the contracts, liabilities, records, property,
2 and other assets and interests of the Congressional
3 Special Services Office of the Capitol Guide Service,
4 and the employees of such Office, are transferred to
5 the Office of Congressional Accessibility Services es-
6 tablished under section 311(a), except that the
7 transfer of any amounts appropriated to the Con-
8 gressional Special Services Office that remain avail-
9 able as of the transfer date shall occur only upon the
10 approval of the Committees on Appropriations of the
11 House of Representatives and Senate; and

12 (2) the employees of such Office shall be sub-
13 ject to the direction, supervision, and control of the
14 Director of Accessibility Services.

15 (b) TREATMENT OF EMPLOYEES AT TIME OF TRANS-
16 FER.—

17 (1) IN GENERAL.—Any individual who is an
18 employee of the Congressional Special Services Of-
19 fice of the Capitol Guide Service on a permanent
20 basis on the transfer date who is transferred under
21 subsection (a) shall be subject to authority of the
22 Director of Accessibility Services under section 312,
23 except that the individual shall not be reduced in
24 grade, compensation, rate of leave, or other benefits
25 that apply with respect to the individual at the time

1 of transfer while such individual remains continu-
2 ously so employed within the Office of Congressional
3 Accessibility Services established under section
4 311(a), other than for cause.

5 (2) ELIGIBILITY FOR IMMEDIATE RETIREMENT
6 ON BASIS OF INVOLUNTARY SEPARATION.—For pur-
7 poses of section 8336(d) and section 8414(b) of title
8 5, United States Code, an individual described in
9 paragraph (1) who is separated from service with
10 the Office of Congressional Accessibility Services
11 shall be considered to have separated from the serv-
12 ice involuntarily if, at the time the individual is sep-
13 arated from service—

14 (A) the individual has completed 25 years
15 of service under such title; or

16 (B) the individual has completed 20 years
17 of service under such title and is 50 years of
18 age or older.

19 (3) PROHIBITING IMPOSITION OF PROBA-
20 TIONARY PERIOD.—The Director of Accessibility
21 Services may not impose a period of probation with
22 respect to the transfer of any individual who is
23 transferred to the Office of Congressional Accessi-
24 bility Services under subsection (a).

Subtitle C—Technical and Conforming Amendments

SEC. 321. TECHNICAL AND CONFORMING AMENDMENTS.

(a) EXISTING AUTHORITY OF CAPITOL GUIDE SERVICE.—Section 441 of the Legislative Reorganization Act of 1970 (2 U.S.C. 2166) is repealed.

(b) COVERAGE UNDER CONGRESSIONAL ACCOUNTABILITY ACT OF 1995.—

(1) TREATMENT OF EMPLOYEES AS COVERED EMPLOYEES.—Section 101(3)(C) of the Congressional Accountability Act of 1995 (2 U.S.C. 1301(3)(C)) is amended to read as follows:

“(C) the Office of Congressional Accessibility Services;”.

(2) TREATMENT OF OFFICE AS EMPLOYING OFFICE.—Section 101(9)(D) of such Act (2 U.S.C. 1301(9)(D)) is amended by striking “the Capitol Guide Board,” and inserting “the Office of Congressional Accessibility Services;”.

(3) RIGHTS AND PROTECTIONS RELATING TO PUBLIC SERVICES AND ACCOMMODATIONS.—Section 210(a)(4) of such Act (2 U.S.C. 1331(a)(4)) is amended to read as follows:

“(4) the Office of Congressional Accessibility Services;”.

1 (4) PERIODIC INSPECTIONS FOR OCCUPATIONAL
 2 SAFETY AND HEALTH COMPLIANCE.—Section
 3 215(e)(1) of such Act (2 U.S.C. 1341(e)(1)) is
 4 amended by striking “the Capitol Guide Service,”
 5 and inserting “the Office of Congressional Accessi-
 6 bility Services,”.

7 (c) TREATMENT AS CONGRESSIONAL EMPLOYEES
 8 FOR RETIREMENT PURPOSES.—Section 2107(9) of title 5,
 9 United States Code, is amended to read as follows:

10 “(9) an employee of the Office of Congressional
 11 Accessibility Services.”.

12 (d) EFFECTIVE DATE.—The amendments made by
 13 this section shall take effect on the transfer date.

14 **Subtitle D—Transfer Date**

15 **SEC. 331. TRANSFER DATE.**

16 In this title, the “transfer date” means the date on
 17 which the Chief Executive Officer, in consultation with the
 18 Architect of the Capitol, certifies that a certificate of occu-
 19 pancy for the Capitol Visitor Center has been issued by
 20 the appropriate authorities.

1 **TITLE IV—GENERAL**
2 **PROVISIONS**

3 SEC. 401. AUTHORIZATION OF APPROPRIATIONS.

4 There are authorized to be appropriated such sums
5 as are necessary to carry out this Act.

Passed the House of Representatives March 5,
2008.

Attest: **LORRAINE C. MILLER,**
Clerk.

Calendar No. 611

110TH CONGRESS
2D SESSION

H. R. 5159

AN ACT

To establish the Office of the Capitol Visitor Center within the Office of the Architect of the Capitol, headed by the Chief Executive Officer for Visitor Services, to provide for the effective management and administration of the Capitol Visitor Center, and for other purposes.

MARCH 7, 2008

Read the second time and placed on the calendar