

Union Calendar No. 326

110TH CONGRESS
2D SESSION

H. R. 5159

[Report No. 110-535]

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.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 29, 2008

Mr. BRADY of Pennsylvania (for himself and Mr. EHLERS) introduced the following bill; which was referred to the Committee on House Administration

MARCH 3, 2008

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italie*]

[For text of introduced bill, see copy of bill as introduced on January 29, 2008]

A BILL

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 this*
 7 *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 Appropriations*
12 *Act, 1999 (Public Law 105–277; 112 Stat. 2681–569), and*
13 *such facility shall be considered to be part of the United*
14 *States Capitol for all provisions of law in accordance with*
15 *this Act.*

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

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

3 (2) *improve the visitor experience by providing*
 4 *a structure that will afford improved visitor orienta-*
 5 *tion and enhance the educational experience of those*
 6 *who have come to learn about Congress and the Cap-*
 7 *itol.*

8 (c) *CONFORMING AMENDMENT RELATING TO VISITOR*
 9 *CENTER SPACE IN THE CAPITOL.*—Section 301 of the Na-
 10 *tional Visitor Center Facilities Act of 1968 (2 U.S.C. 2165)*
 11 *is repealed.*

12 **SEC. 102. OVERSIGHT OF COMMITTEES.**

13 *The Committee on Rules and Administration of the*
 14 *Senate and the Committee on House Administration of the*
 15 *House of Representatives (hereafter in this Act referred to*
 16 *as the “supervising Committees”) shall exercise policy re-*
 17 *view and oversight over the Capitol Visitor Center.*

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

20 (a) *SENATE AND HOUSE OF REPRESENTATIVES EX-*
 21 *PANSION SPACE.*—Notwithstanding any other provision of
 22 *this Act, the Senate and House of Representatives expansion*
 23 *space described as “unassigned space” under the heading*
 24 *“Architect of the Capitol, Capitol Visitor Center” in the*

1 *Legislative Branch Appropriations Act, 2002 (Public Law*
2 *107–68; 115 Stat. 588)*—

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

5 (2) *shall be treated for purposes of law (includ-*
6 *ing rules of the House of Representatives and Sen-*
7 *ate)*—

8 (A) *in the case of space assigned for the use*
9 *of the Senate, as part of the Senate wing of the*
10 *Capitol and subject to the authority and control*
11 *of the Committee on Rules and Administration*
12 *of the Senate, or*

13 (B) *in the case of space assigned for the use*
14 *of the House, as part of the House of Representa-*
15 *tives wing of the Capitol and subject to the au-*
16 *thority and control of the Speaker.*

17 (b) *TREATMENT OF CONGRESSIONAL AUDITORIUM AND*
18 *RELATED ADJACENT AREAS.*—

19 (1) *IN GENERAL.*—*Notwithstanding any other*
20 *provision of this Act, the space in the Capitol Visitor*
21 *Center known as the Congressional Auditorium, to-*
22 *gether with each of the areas referred to in paragraph*
23 *(2), shall be assigned for Congressional use by the*
24 *Chief Executive Officer for Visitor Services under*
25 *guidelines established by the supervising Committees.*

1 (2) *AREAS DESCRIBED.*—*The areas referred to in*
 2 *this paragraph are as follows, as identified and des-*
 3 *ignated by the Architect of the Capitol on October 1,*
 4 *2007:*

5 (A) *The North Congressional Meeting Room*
 6 *(CVC268) and the South Congressional Meeting*
 7 *Room (CVC217).*

8 (B) *The North Pre-function Area*
 9 *(CVC268CR) and the South Pre-function Area*
 10 *(CVC217CR).*

11 (C) *Lobbies CVC215 and CVC212.*

12 (D) *The North Cloak Room (CVC210) and*
 13 *the South Cloak Room (CVC208).*

14 (E) *The Projection Room (CVC209).*

15 (F) *The Green Room (CVC207).*

16 (G) *The TV Control Room (CVC105).*

17 (H) *Offices CVC101, CVC102, CVC103,*
 18 *CVC104, CVC106, CVC204, and CVC205.*

19 ***Subtitle B—Office of the Capitol***
 20 ***Visitor Center; Chief Executive***
 21 ***Officer for Visitor Services***

22 ***SEC. 111. ESTABLISHMENT.***

23 *There is established within the Office of the Architect*
 24 *of the Capitol the Office of the Capitol Visitor Center (in*
 25 *this Act referred to as the “Office”), to be headed by the*

1 *Chief Executive Officer for Visitor Services (in this Act re-*
 2 *ferred to as the “Chief Executive Officer”).*

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

5 (a) *APPOINTMENT.*—*The Chief Executive Officer shall*
 6 *be appointed by the Architect of the Capitol.*

7 (b) *SUPERVISION AND OVERSIGHT.*—*The Chief Execu-*
 8 *tive Officer shall report directly to the Architect of the Cap-*
 9 *itol and shall be subject to policy review and oversight by*
 10 *the supervising Committees.*

11 (c) *REMOVAL.*—*Upon removal of the Chief Executive*
 12 *Officer, the Architect of the Capitol shall immediately notify*
 13 *the supervising Committees and the Committees on Appro-*
 14 *priations of the House of Representatives and Senate, stat-*
 15 *ing the reasons for the removal.*

16 (d) *COMPENSATION.*—*The Chief Executive Officer shall*
 17 *be paid at an annual rate of pay equal to the annual rate*
 18 *of pay of the Deputy Architect of the Capitol and Chief Op-*
 19 *erating Officer of the Office of the Architect of the Capitol.*

20 (e) *TRANSITION FOR CURRENT CHIEF EXECUTIVE OF-*
 21 *FICER FOR VISITOR SERVICES.*—

22 (1) *APPOINTMENT.*—*The individual who serves*
 23 *as the Chief Executive Officer for Visitor Services*
 24 *under section 6701 of the U.S. Troop Readiness, Vet-*
 25 *erans’ Care, Katrina Recovery, and Iraq Account-*

ability Appropriation Act of 2007 (2 U.S.C. 1806) as of the date of the enactment of this Act shall be the first Chief Executive Officer for Visitor Services appointed by the Architect under this section.

(2) *CONFORMING AMENDMENT.*—Section 6701 of the U.S. Troop Readiness, Veterans’ Care, Katrina Recovery, and Iraq Accountability Appropriation Act of 2007 (2 U.S.C. 1806) is repealed.

SEC. 113. GENERAL DUTIES OF CHIEF EXECUTIVE OFFICER.

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

(1) *IN GENERAL.*—Except to the extent otherwise provided in this Act, the Chief Executive Officer shall be responsible for—

(A) the operation, management, and budget preparation and execution of the Capitol Visitor Center, including all long term planning and day-to-day operational services and activities provided within the Capitol Visitor Center; and

(B) in accordance with subtitle A of title III, the management of guided tours of the interior of the United States Capitol.

(2) *INDEPENDENT BUDGET SUBMISSION.*—

(A) *IN GENERAL.*—The proposed budget for the Office for a fiscal year shall be prepared by

the Chief Executive Officer, and shall be included without revision in the proposed budget for the year for the Office of the Architect of the Capitol (as submitted by the Architect of the Capitol to the President).

(B) *EXCLUSION OF COSTS OF GENERAL MAINTENANCE AND REPAIR OF VISITOR CENTER.*—In preparing the proposed budget for the Office under subparagraph (A), the Chief Executive Officer shall exclude costs attributable to the activities and services described in section 115(b) (relating to continuing jurisdiction of the Architect of the Capitol for the care and superintendence of the Capitol Visitor Center).

(b) *PERSONNEL AND OTHER ADMINISTRATIVE PROVISIONS.*—

(1) *PERSONNEL, DISBURSEMENTS, AND CONTRACTS.*—In carrying out this Act, the Chief Executive Officer shall have the authority—

(A) to appoint, hire, and fix the compensation of such personnel as may be necessary for operations of the Office, except that no employee may be paid at an annual rate in excess of the maximum rate payable for level 15 of the General Schedule unless otherwise authorized 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 Center
5 Revolving Fund); and

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

9 (2) TEMPORARY ASSIGNMENT OF PERSONNEL.—

10 *The Chief Executive Officer shall temporarily assign*
11 *personnel of the Office based on a request from the*
12 *Capitol Police Board to assist the United States Cap-*
13 *itol Police by providing ushering and informational*
14 *services, and other services not directly involving law*
15 *enforcement, in connection with—*

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

18 (B) the official reception of representatives
19 of foreign nations and other persons by the Sen-
20 ate or House of Representatives; or

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

1 (3) *AGREEMENTS WITH THE OFFICE OF THE AR-*
2 *CHITECT OF THE CAPITOL, WITH OTHER LEGISLATIVE*
3 *BRANCH AGENCIES, AND WITH OFFICES OF THE SEN-*
4 *ATE AND HOUSE OF REPRESENTATIVES.*—Subject to
5 *the approval of the supervising Committees, the Chief*
6 *Executive Officer may place orders and enter into*
7 *agreements with the Office of the Architect of the Cap-*
8 *itol, with other legislative branch agencies, and with*
9 *any office or other entity of the Senate or House of*
10 *Representatives for procuring goods and providing fi-*
11 *nancial and administrative services on behalf of the*
12 *Office, or to otherwise assist the Chief Executive Offi-*
13 *cer in the administration and management of the*
14 *Capitol Visitor Center.*

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

19 (d) *SEMIANNUAL REPORTS.*—*The Chief Executive Of-*
20 *ficer shall submit a report to the supervising Committees*
21 *not later than 45 days following the close of each semi-*
22 *annual period ending on June 30 or December 31 of each*
23 *year on the financial and operational status during the pe-*
24 *riod of each function under the jurisdiction of the Chief Ex-*
25 *ecutive Officer. Each such report shall include financial*

1 *statements and a description or explanation of current op-*
 2 *erations, the implementation of new policies and proce-*
 3 *dures, and future plans for each function.*

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

6 *(a) ACCEPTANCE OF GIFTS.—*

7 *(1) AUTHORITY TO ACCEPT AND USE GIFTS.—*

8 *The Chief Executive Officer, with the approval of the*
 9 *supervising Committees, is authorized to receive, ac-*
 10 *cept, and hold unrestricted gifts of money on behalf*
 11 *of the Capitol Visitor Center, and to use the gifts for*
 12 *the benefit of the Capitol Visitor Center*

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

16 *(A) IN GENERAL.—In the case of a gift con-*
 17 *sisting of a work of art, historical object, or ex-*
 18 *hibit for which the authority to accept the gift*
 19 *for display in the Capitol is provided to an enti-*
 20 *ty referred to in subparagraph (B), the entity*
 21 *shall have the authority to accept the gift for dis-*
 22 *play in the Capitol Visitor Center in accordance*
 23 *with the authority provided under applicable*
 24 *law.*

1 (B) *ENTITIES DESCRIBED.*—*The entities re-*
2 *ferred 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 the*
9 *Arizona-Idaho Conservation Act of 1988 (2*
10 *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 by*
24 *the Chief Executive Officer under this subsection dur-*
25 *ing the period covered by the report.*

19 (a) *SPECIAL RULES REGARDING SECURITY.*—

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

4 (2) *ATTENDANCE OF CHIEF EXECUTIVE OFFICER*
5 *AT CERTAIN MEETINGS OF CAPITOL POLICE BOARD.—*

6 *At the request of the Capitol Police Board, the Chief*
7 *Executive Officer shall attend any portion of any*
8 *meeting of the Capitol Police Board during which the*
9 *Board considers issues relating to the security of the*
10 *Capitol Visitor Center, including activities described*
11 *in paragraph (3), or other issues relating to services*
12 *provided by employees of the Office.*

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

23 (4) *PLAN FOR BACKGROUND CHECKS FOR EM-*
24 *PLOYEES.—The Chief Executive Officer, in coordina-*
25 *tion with the Chief of the Capitol Police, shall develop*

1 *plans and procedures for conducting criminal history*
 2 *background checks on employees of the Office and in-*
 3 *dividuals seeking employment with the Office (includ-*
 4 *ing employees of the Capitol Guide Service who are*
 5 *transferred to the Office under title III).*

6 ***(b) SPECIAL RULES REGARDING CARE AND MAINTENANCE OF FACILITIES.—***

8 ***(1) ARCHITECT OF THE CAPITOL JURISDICTION***
 9 ***UNAFFECTED.—****Nothing in this Act granting any au-*
 10 *thority to the Chief Executive Officer (including sec-*
 11 *tion 114) shall be construed to affect the exclusive ju-*
 12 *risdiction of the Architect of the Capitol for the care*
 13 *and superintendence of the Capitol Visitor Center or*
 14 *any other part of the Capitol, and all maintenance*
 15 *services, groundskeeping services, improvements, alter-*
 16 *ations, additions, and repairs for the Capitol Visitor*
 17 *Center shall be carried out pursuant to the direction*
 18 *and supervision of the Architect subject to the over-*
 19 *sight of Congress under applicable law (including*
 20 *rules of the House of Representatives and Senate).*

21 ***(2) BUDGET SUBMISSION.—****The Architect of the*
 22 *Capitol shall submit with the annual budget for the*
 23 *Office of the Architect of the Capitol for a fiscal year*
 24 *a separate, detailed statement of the costs anticipated*
 25 *to be incurred during the year for the activities and*

1 *services described in paragraph (1) which are ex-*
 2 *cluded from the annual budget for the Office which is*
 3 *submitted by the Chief Executive Officer under section*
 4 *113(a)(2).*

5 *(c) SPECIAL RULE REGARDING EXHIBITS AND*
 6 *TOURS.—The Chief Executive Officer shall consider com-*
 7 *ments and recommendations from the Clerk of the House*
 8 *of Representatives and the Secretary of the Senate regard-*
 9 *ing the content of exhibits contained in and tours operated*
 10 *out of the Capitol Visitor Center.*

11 ***TITLE II—RELATED SERVICES***
 12 ***PROVIDED AT CAPITOL VIS-***
 13 ***ITOR CENTER***

14 ***Subtitle A—Related Services***
 15 ***Described***

16 ***SEC. 201. GIFT SHOP.***

17 *(a) ESTABLISHMENT.—In consultation with the super-*
 18 *vising Committees, the Chief Executive Officer shall estab-*
 19 *lish a gift shop within the Capitol Visitor Center for the*
 20 *purpose of providing for the sale of gift items.*

21 *(b) EXCEPTION TO PROHIBITION OF SALE OR SOLICI-*
 22 *TATION ON CAPITOL GROUNDS.—Section 5104(c) of title 40,*
 23 *United States Code, shall not apply to any activity carried*
 24 *out under this subsection.*

1 **SEC. 202. FOOD SERVICE OPERATIONS.**

2 (a) *RESTAURANT, CATERING, AND VENDING.*—The
3 *Chief Executive Officer is authorized to establish within the*
4 *Capitol Visitor Center a restaurant and other food service*
5 *facilities, including catering services and vending ma-*
6 *chines.*

7 (b) *USE OF CONTRACT TO CARRY OUT FOOD SERVICE*
8 *OPERATIONS.*—The *Chief Executive Officer shall carry out*
9 *all food service operations within the Capitol Visitor Center*
10 *pursuant to a contract entered into with a private vendor.*

11 (c) *EXCEPTION TO PROHIBITION OF SALE OR SOLICI-*
12 *TATION ON CAPITOL GROUNDS.*—Section 5104(c) of title 40,
13 *United States Code, shall not apply to any activity carried*
14 *out under this subsection.*

15 **SEC. 203. LICENSES AND OTHER AGREEMENTS FOR OPER-**
16 **ATIONS OR OTHER FUNCTIONS.**

17 (a) *AUTHORITY.*—The *Chief Executive Officer is au-*
18 *thorized—*

19 (1) *subject to the approval of the supervising*
20 *Committees, to enter into licenses and other agree-*
21 *ments to allow operations or other functions to occur*
22 *within the Capitol Visitor Center; and*

23 (2) *to assess and collect charges or other fees as*
24 *may be appropriate under such licenses and agree-*
25 *ments, including the recoupment of costs associated*
26 *with the operation or function being held.*

1 (b) *EXCEPTION TO PROHIBITION OF SALE OR SOLICI-*
 2 *TATION ON CAPITOL GROUNDS.*—*To the extent that a li-*
 3 *cense or agreement entered into by the Chief Executive Offi-*
 4 *cer under this section permits any person to sell or solicit*
 5 *the sale of goods or services within the Capitol Visitor Cen-*
 6 *ter, section 5104(c) of title 40, United States Code, shall*
 7 *not apply to the sale or solicitation of sales of such goods*
 8 *or services.*

9 (c) *APPROVAL OF CONGRESS REQUIRED FOR CERTAIN*
 10 *EVENTS.*—*No event intended for purposes other than those*
 11 *described in section 101(b) shall be held in the central hall*
 12 *of the Capitol Visitor Center unless authorized by a resolu-*
 13 *tion agreed to by both houses of the Congress.*

14 ***Subtitle B—Capitol Visitor Center***
 15 ***Revolving Fund***

16 ***SEC. 211. ESTABLISHMENT; ACCOUNTS.***

17 *There is established in the Treasury of the United*
 18 *States a revolving fund to be known as the Capitol Visitor*
 19 *Center Revolving Fund (in this section referred to as the*
 20 *“Fund”), consisting of the following individual accounts:*

21 (1) *The Gift Shop Account.*

22 (2) *The Miscellaneous Receipts Account.*

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

24 (a) *GIFT SHOP ACCOUNT.*—*There shall be deposited in*
 25 *the Gift Shop Account all monies received from sales and*

1 *other services by the gift shop established under section 201,*
 2 *together with any interest accrued on balances in the Ac-*
 3 *count.*

4 (b) *MISCELLANEOUS RECEIPTS ACCOUNT.*—*There*
 5 *shall be deposited in the Miscellaneous Receipts Account*
 6 *each of the following (together with any interest accrued on*
 7 *balances in the Account):*

8 (1) *Any gifts of money accepted under section*
 9 *114(a).*

10 (2) *Any net profits or commissions paid to the*
 11 *Capitol Visitor Center under any contract for food*
 12 *service operations entered into under section 202(b).*

13 (3) *Any charges or fees collected from the oper-*
 14 *ations or other functions within the Capitol Visitor*
 15 *Center under licenses or other arrangements entered*
 16 *into under section 203(a).*

17 (4) *Any other receipts received from the oper-*
 18 *ation of the Capitol Visitor Center*

19 **SEC. 213. USE OF MONIES.**

20 (a) *GIFT SHOP ACCOUNT.*—

21 (1) *IN GENERAL.*—*All monies in the Gift Shop*
 22 *Account shall be available without fiscal year limita-*
 23 *tion for obligation by the Chief Executive Officer in*
 24 *connection with the operation of the gift shops under*
 25 *section 201(a), including supplies, inventories, equip-*

1 *ment, and other expenses. In addition, such monies*
 2 *may be used by the Chief Executive Officer to reim-*
 3 *burse any applicable appropriations account for*
 4 *amounts used from such appropriations account to*
 5 *pay the salaries of employees of the gift shops.*

6 *(2) OBLIGATION OF FUNDS REMAINING AFTER*
 7 *USE OF FUNDS FOR GIFT SHOP.—To the extent mon-*
 8 *ies in the Gift Shop Account are available after dis-*
 9 *bursements and reimbursements are made under sub-*
 10 *paragraph (A), the Chief Executive Officer may obli-*
 11 *gate such monies for the operation of the Capitol Vis-*
 12 *itor Center, after consultation with—*

13 *(A) the supervising Committees; and*

14 *(B) the Committees on Appropriations of*
 15 *the House of Representatives and Senate.*

16 *(b) MISCELLANEOUS RECEIPTS ACCOUNT.—All monies*
 17 *in the Miscellaneous Receipts Account shall be available*
 18 *without fiscal year limitation for obligation by the Chief*
 19 *Executive Officer for the operations of the Capitol Visitor*
 20 *Center, after consultation with—*

21 *(1) the supervising Committees; and*

22 *(2) the Committees on Appropriations of the*
 23 *House of Representatives and Senate.*

1 **SEC. 214. ADMINISTRATION OF FUND.**

2 (a) *OBLIGATIONS.*—*Obligations from the Fund may be*
 3 *made by the Chief Executive Officer.*

4 (b) *INVESTMENT AUTHORITY.*—*The Secretary of the*
 5 *Treasury shall invest any portion of the Fund that, as de-*
 6 *termined by the Chief Executive Officer, is not required to*
 7 *meet current expenses. Each investment shall be made in*
 8 *an interest-bearing obligation of the United States or an*
 9 *obligation guaranteed both as to principal and interest by*
 10 *the United States that, as determined by the Chief Execu-*
 11 *tive Officer, has a maturity date suitable for the purposes*
 12 *of the Fund. The Secretary of the Treasury shall credit in-*
 13 *terest earned on the obligations to the Fund.*

14 (c) *AUDIT.*—*The Fund shall be subject to audit by the*
 15 *Comptroller General at the discretion of the Comptroller*
 16 *General.*

17 **TITLE III—TREATMENT OF**
 18 **CAPITOL GUIDE SERVICE**
 19 **Subtitle A—Transfer to Office of the**
 20 **Capitol Visitor Center**

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

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

25 (1) *the contracts, liabilities, records, property,*
 26 *and other assets and interests of the Capitol Guide*

1 *Service, established pursuant to section 441 of the*
 2 *Legislative Reorganization Act of 1970 (2 U.S.C.*
 3 *2166), and the employees of the Capitol Guide Serv-*
 4 *ice, are transferred to the Office, except that the trans-*
 5 *fer of any amounts appropriated to the Capitol Guide*
 6 *Service that remain available as of the transfer date*
 7 *shall occur only upon the approval of the Committees*
 8 *on Appropriations of the House of Representatives*
 9 *and Senate; and*

10 *(2) the Capitol Guide Service shall be subject to*
 11 *the direction, supervision, and control of the Chief*
 12 *Executive Officer in accordance with this subtitle.*

13 ***(b) TREATMENT OF EMPLOYEES OF CAPITOL GUIDE***
 14 ***SERVICE AT TIME OF TRANSFER.—***

15 ***(1) IN GENERAL.—****Any individual who is an em-*
 16 *ployee of the Capitol Guide Service on a permanent*
 17 *basis on the transfer date who is transferred to the*
 18 *Office under subsection (a) shall be subject to author-*
 19 *ity of the Chief Executive Officer under section*
 20 *302(b), except that the individual shall not be reduced*
 21 *in grade, compensation, rate of leave, or other benefits*
 22 *that apply with respect to the individual at the time*
 23 *of transfer while such individual remains continu-*
 24 *ously so employed as a Capitol Guide within the Of-*
 25 *fice, other than for cause.*

1 (2) *ELIGIBILITY FOR IMMEDIATE RETIREMENT*
2 *ON BASIS OF INVOLUNTARY SEPARATION.*—*For pur-*
3 *poses of section 8336(d) and section 8414(b) of title*
4 *5, United States Code, an individual described in*
5 *paragraph (1) who is separated from service with the*
6 *Office shall be considered to have separated from the*
7 *service involuntarily if, at the time the individual is*
8 *separated from service—*

9 *(A) the individual has completed 25 years*
10 *of service under such title; or*

11 *(B) the individual has completed 20 years*
12 *of service under such title and is 50 years of age*
13 *or older.*

14 (3) *CONTINUATION OF PARTICIPATION IN STU-*
15 *DENT LOAN REPAYMENT PROGRAM.*—*Notwithstanding*
16 *any other provision of law, if an individual described*
17 *in paragraph (1) has a written service agreement in*
18 *effect under section 102 of the Legislative Branch Ap-*
19 *propriations Act, 2002 (2 U.S.C. 60c–5) at the time*
20 *the individual is transferred to the Office, the agree-*
21 *ment shall remain in effect in accordance with the*
22 *terms and conditions applicable to the agreement at*
23 *the time the individual is transferred (including the*
24 *provisions of such section permitting the individual*
25 *to enter into additional service agreements for succes-*

1 *sive 1-year periods of employment), except that in ap-*
2 *plying such section to the individual, the following*
3 *shall apply:*

4 *(A) The Office shall serve as the employing*
5 *office, and the Chief Executive Officer shall serve*
6 *as the head of the employing office.*

7 *(B) The Architect of the Capitol shall carry*
8 *out the responsibilities of the Secretary of the*
9 *Senate.*

10 *(C) Any reference to the Committee on*
11 *Rules and Administration of the Senate and the*
12 *Committee on Appropriations of the Senate shall*
13 *be treated as a reference to the supervising Com-*
14 *mittees.*

15 *(D) If the individual is required to make*
16 *any reimbursement under such section with re-*
17 *spect to payments made after the individual is*
18 *transferred, the individual shall reimburse the*
19 *Office of the Architect of the Capitol.*

20 *(4) PROHIBITING IMPOSITION OF PROBATIONARY*
21 *PERIOD.—The Chief Executive Officer may not im-*
22 *pose a period of probation with respect to the transfer*
23 *of any individual who is transferred to the Office*
24 *under subsection (a).*

1 (c) *EXCEPTION FOR CONGRESSIONAL SPECIAL SERV-*
 2 *ICES OFFICE.*—*This section does not apply with respect to*
 3 *any employees, contracts, liabilities, records, property, and*
 4 *other assets and interests of the Congressional Special Serv-*
 5 *ices Office of the Capitol Guide Service that are transferred*
 6 *to the Office of Congressional Accessibility Services under*
 7 *subtitle B.*

8 **SEC. 302. DUTIES OF EMPLOYEES OF CAPITOL GUIDE SERV-**
 9 **ICE.**

10 (a) *PROVISION OF GUIDED TOURS.*—

11 (1) *TOURS.*—*In accordance with this section, the*
 12 *Capitol Guide Service shall provide guided tours of*
 13 *the interior of the United States Capitol without*
 14 *charge, including the Capitol Visitor Center, for the*
 15 *education and enlightenment of the general public.*

16 (2) *ACCEPTANCE OF FEES PROHIBITED.*—*An em-*
 17 *ployee of the Capitol Guide Service shall not charge*
 18 *or accept any fee, or accept any gratuity, for or on*
 19 *account of his official services.*

20 (3) *REGULATIONS OF CHIEF EXECUTIVE OFFI-*
 21 *CER.*—*All such tours shall be conducted in compli-*
 22 *ance with regulations approved by the Chief Execu-*
 23 *tive Officer.*

24 (b) *AUTHORITY OF CHIEF EXECUTIVE OFFICER.*—*In*
 25 *providing for the direction, supervision, and control of the*

1 *Capitol Guide Service, the Chief Executive Officer is au-*
2 *thorized—*

3 (1) *subject to the availability of appropriations,*
4 *to establish and revise such number of positions of*
5 *Guide in the Capitol Guide Service as the Chief Exec-*
6 *utive Officer considers necessary to carry out effec-*
7 *tively the activities of the Capitol Guide Service;*

8 (2) *to appoint, on a permanent basis without re-*
9 *gard to political affiliation and solely on the basis of*
10 *fitness to perform their duties, a Chief Guide and*
11 *such deputies as the Chief Executive Officer considers*
12 *appropriate for the effective administration of the*
13 *Capitol Guide Service and, in addition, such number*
14 *of Guides as may be authorized;*

15 (3) *with the approval of the supervising Commit-*
16 *tees, with respect to the individuals appointed pursu-*
17 *ant to paragraph (2)—*

18 (A) *to prescribe the individual's duties and*
19 *responsibilities,*

20 (B) *to fix, and adjust from time to time, re-*
21 *spective rates of pay at single per annum (gross)*
22 *rates, and*

23 (C) *to take appropriate disciplinary action,*
24 *including, when circumstances warrant, suspen-*
25 *sion from duty without pay, reduction in pay,*

1 *demotion, or termination of employment with*
2 *the Capitol Guide Service, against any employee*
3 *who violates any provision of this section or any*
4 *regulation prescribed by the Chief Executive Of-*
5 *ficer pursuant to paragraph (7);*

6 *(4) to prescribe a uniform dress, including ap-*
7 *propriate insignia, which shall be worn by personnel*
8 *of the Capitol Guide Service;*

9 *(5) from time to time and as may be necessary,*
10 *to procure and furnish such uniforms to such per-*
11 *sonnel without charge to such personnel;*

12 *(6) to receive and consider advice and informa-*
13 *tion from any private historical or educational orga-*
14 *nization, association, or society with respect to those*
15 *operations of the Capitol Guide Service which involve*
16 *the furnishing of historical and educational informa-*
17 *tion to the general public; and*

18 *(7) with the approval of the supervising Commit-*
19 *tees, to prescribe such regulations as the Chief Execu-*
20 *tive Officer considers necessary and appropriate for*
21 *the operation of the Capitol Guide Service, including*
22 *regulations with respect to tour routes and hours of*
23 *operation, number of visitors per guide, staff-led*
24 *tours, and non-law enforcement security and special*
25 *event related support.*

1 (c) *PROVISION OF ACCESSIBLE TOURS IN COORDINA-*
 2 *TION WITH OFFICE OF CONGRESSIONAL ACCESSIBILITY*
 3 *SERVICES.*—*The Chief Executive Officer shall coordinate*
 4 *the provision of accessible tours for individuals with dis-*
 5 *abilities with the Office of Congressional Accessibility Serv-*
 6 *ices established under subtitle B.*

7 ***Subtitle B—Office of Congressional***
 8 ***Accessibility Services***

9 ***SEC. 311. ESTABLISHMENT OF OFFICE OF CONGRESSIONAL***
 10 ***ACCESSIBILITY SERVICES.***

11 (a) *ESTABLISHMENT.*—*There is established in the leg-*
 12 *islative branch the Office of Congressional Accessibility*
 13 *Services, to be headed by the Director of Accessibility Serv-*
 14 *ices.*

15 (b) *SUPERVISION AND CONTROL.*—*The Office of Con-*
 16 *gressional Accessibility Services shall be subject to the direc-*
 17 *tion, supervision, and control of the Capitol Police Board.*

18 (c) *MISSION AND FUNCTIONS.*—

19 (1) *IN GENERAL.*—*The Office of Congressional*
 20 *Accessibility Services shall—*

21 (A) *provide and coordinate accessibility*
 22 *services for individuals with disabilities, includ-*
 23 *ing Members of Congress, employees of the House*
 24 *of Representatives and the Senate, and visitors,*
 25 *in the United States Capitol Complex; and*

1 (B) *in consultation with the Office of House*
 2 *Employment Counsel and the Senate Chief*
 3 *Counsel for Employment, provide information*
 4 *regarding accessibility for individuals with dis-*
 5 *abilities, as well as related training and staff de-*
 6 *velopment, to Members of Congress and employ-*
 7 *ees of the House of Representatives and Senate.*

8 (2) *SPECIFIC FUNCTIONS.—The Director of Ac-*
 9 *cessibility Services shall submit to the supervising*
 10 *Committees a list of the specific functions that the Of-*
 11 *fice of Congressional Accessibility Services will per-*
 12 *form in carrying out this subtitle with the approval*
 13 *of the supervising committees. The Director of Accessi-*
 14 *bility Services shall submit the list not later than 30*
 15 *days after the transfer date.*

16 (3) *NO EFFECT ON AUTHORITY OF EMPLOYMENT*
 17 *COUNSELS.—Nothing in this subtitle shall be con-*
 18 *strued to limit any authority or function of the Office*
 19 *of House Employment Counsel or the Senate Chief*
 20 *Counsel for Employment that such Office or Counsel*
 21 *carries out prior to the transfer date.*

22 (4) *UNITED STATES CAPITOL COMPLEX DE-*
 23 *FINED.—In this subsection, the term “United States*
 24 *Capitol Complex” means the Capitol buildings (as de-*
 25 *finied in section 5101 of title 40, United States Code)*

1 *and the United States Capitol Grounds (as described*
 2 *in section 5102 of such title).*

3 (d) *CONFORMING AMENDMENT.*—Section 310 of the
 4 *Legislative Branch Appropriations Act, 1990 (2 U.S.C.*
 5 *130e) is repealed.*

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

7 (a) *APPOINTMENT AND REMOVAL; COMPENSATION.*—

8 (1) *APPOINTMENT.*—*The Director of Accessibility*
 9 *Services shall be appointed by the Capitol Police*
 10 *Board.*

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

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 be*
 24 *appointed by the Capitol Police Board as the first Di-*
 25 *rector of Accessibility Services under this subtitle.*

1 (b) *PERSONNEL AND OTHER ADMINISTRATIVE FUNC-*
2 *TIONS.—*

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 Accessi-*
11 *bility Services, except that no employee may be*
12 *paid at an annual rate in excess of the annual*
13 *rate of pay for the Director of Accessibility Serv-*
14 *ices;*

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 Of-*
19 *fice of Congressional Accessibility Services.*

20 (2) *AGREEMENTS WITH THE OFFICE OF THE AR-*
21 *CHITECT OF THE CAPITOL, WITH OTHER LEGISLATIVE*
22 *BRANCH AGENCIES, AND WITH OFFICES OF THE SEN-*
23 *ATE AND HOUSE OF REPRESENTATIVES.—Subject to*
24 *the approval of the supervising Committees, the Di-*
25 *rector of Accessibility Services may place orders and*

1 *enter into agreements with the Office of the Architect*
 2 *of the Capitol, with other legislative branch agencies,*
 3 *and with any office or other entity of the Senate or*
 4 *House of Representatives for procuring goods and*
 5 *providing financial and administrative services on*
 6 *behalf of the Office of Accessibility Services, or to oth-*
 7 *erwise assist the Director in the administration and*
 8 *management of the Office of Accessibility Services.*

9 *(c) SEMIANNUAL REPORTS.—The Director of Accessi-*
 10 *bility Services shall submit a report to the supervising Com-*
 11 *mittees not later than 45 days following the close of each*
 12 *semiannual period ending on June 30 or December 31 of*
 13 *each year on the financial and operational status during*
 14 *the period of each function under the jurisdiction of the Di-*
 15 *rector. Each such report shall include financial statements*
 16 *and a description or explanation of current operations, the*
 17 *implementation of new policies and procedures, and future*
 18 *plans for each function.*

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

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

24 *(1) the contracts, liabilities, records, property,*
 25 *and other assets and interests of the Congressional*

1 *Special Services Office of the Capitol Guide Service,*
 2 *and the employees of such Office, are transferred to*
 3 *the Office of Congressional Accessibility Services es-*
 4 *tablished under section 311(a), except that the trans-*
 5 *fer of any amounts appropriated to the Congressional*
 6 *Special Services Office that remain available as of the*
 7 *transfer date shall occur only upon the approval of*
 8 *the Committees on Appropriations of the House of*
 9 *Representatives and Senate; and*

10 *(2) the employees of such Office shall be subject*
 11 *to the direction, supervision, and control of the Direc-*
 12 *tor of Accessibility Services.*

13 *(b) TREATMENT OF EMPLOYEES AT TIME OF TRANS-*
 14 *FER.—*

15 *(1) IN GENERAL.—Any individual who is an em-*
 16 *ployee of the Congressional Special Services Office of*
 17 *the Capitol Guide Service on a permanent basis on*
 18 *the transfer date who is transferred under subsection*
 19 *(a) shall be subject to authority of the Director of Ac-*
 20 *cessibility Services under section 312, except that the*
 21 *individual shall not be reduced in grade, compensa-*
 22 *tion, rate of leave, or other benefits that apply with*
 23 *respect to the individual at the time of transfer while*
 24 *such individual remains continuously so employed*
 25 *within the Office of Congressional Accessibility Serv-*

1 *ices established under section 311(a), other than for*
2 *cause.*

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

12 (A) *the individual has completed 25 years*
13 *of service under such title; or*

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

17 (3) *PROHIBITING IMPOSITION OF PROBATIONARY*
18 *PERIOD.—The Director of Accessibility Services may*
19 *not impose a period of probation with respect to the*
20 *transfer of any individual who is transferred to the*
21 *Office of Congressional Accessibility Services under*
22 *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 amend-
 4 ed by striking “the Capitol Guide Service,” and in-
 5 serting “the Office of Congressional Accessibility Serv-
 6 ices,”.

7 (c) *TREATMENT AS CONGRESSIONAL EMPLOYEES FOR*
 8 *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 this
 13 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 the
 20 appropriate authorities.

21 ***TITLE IV—GENERAL PROVISIONS***

22 ***SEC. 401. AUTHORIZATION OF APPROPRIATIONS.***

23 There are authorized to be appropriated such sums as
 24 are necessary to carry out this Act.

Union Calendar No. 326

110TH CONGRESS
2^D Session

H. R. 5159

[Report No. 110-535]

A BILL

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 3, 2008

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed