

2008, 122 Stat. 3726; Pub. L. 114-217, §2(a), July 29, 2016, 130 Stat. 840.)

Editorial Notes

AMENDMENTS

2016—Pub. L. 114-217 substituted “through fiscal year 2026” for “through fiscal year 2016”.

2008—Pub. L. 110-336 substituted “for the first fiscal year beginning on or after November 9, 2000, and each succeeding fiscal year through fiscal year 2016” for “for each of the first 7 fiscal years beginning on or after November 9, 2000,”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2008 AMENDMENT

Pub. L. 110-336, §2(a)(1)(B), Oct. 2, 2008, 122 Stat. 3726, provided that: “The amendment made by subparagraph (A) [amending this section] shall take effect as if included in the enactment of the National Recording Preservation Act of 2000 [Pub. L. 106-474].”

CHAPTER 28—ARCHITECT OF THE CAPITOL

SUBCHAPTER I—GENERAL

Sec.	
1801.	Appointment.
1802.	Compensation.
1803.	Delegation of authority.
1804.	Deputy Architect of the Capitol to act in case of absence, disability, or vacancy.
1805.	Deputy Architect of the Capitol.
1806, 1807.	Repealed.
1808.	Inspector General of the Architect of the Capitol.

SUBCHAPTER II—GENERAL POWERS AND DUTIES

1811.	Powers and duties.
1812.	Care and superintendence of Capitol.
1813.	Exterior of Capitol.
1814.	Repairs of Capitol.
1815.	Repealed.
1816.	Construction contracts.
1816a.	Design-build contracts.
1817.	Transfer of discontinued apparatus to other branches.
1817a.	Disposition of surplus or obsolete personal property.
1818.	Rental or lease of storage space.
1819.	Computer backup facilities for legislative offices.
1820.	Acquisition of real property for Capitol Police.
1821.	Small purchase contracting authority.
1822.	Leasing of space.
1823.	Acquisition of real property for Sergeant at Arms and Doorkeeper of the Senate.
1823a.	Acquisition of real property for Library of Congress.
1824.	Energy and environmental measures in Capitol Complex Master Plan.
1824a.	Recyclable materials.
1825.	Repealed.
1826.	Easements for rights-of-way.
1827.	Support and maintenance during emergencies.

SUBCHAPTER III—PERSONNEL

PART A—GENERAL

1831.	Human resources program.
1832.	Assignment and reassignment of personnel.
1833.	Lighting, heating, and ventilating House of Representatives.
1834.	Heating and ventilating Senate wing.
1835.	Interagency details.

PART B—COMPENSATION

1841.	Single per annum gross rates of pay.
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Sec.	
1842.	Conversion of existing pay rates.
1843.	Obsolete references.
1844.	Savings provisions.
1845.	Effect on existing law.
1846.	Exemptions.
1847.	Authorization to fix basic rate of compensation for certain positions.
1848.	Compensation of certain positions in Office of Architect of the Capitol.
1849.	Compensation of certain positions under jurisdiction of Architect of the Capitol.
1850.	Compensation of registered nurses.
1851.	Gratuities for survivors of deceased employees.
1852.	Withholding and remittance of State income tax.
1853.	Exemption of officers and employees of Architect of Capitol from certain Federal pay provisions.
1854.	Overtime compensation for certain employees of Architect of Capitol.

SUBCHAPTER IV—APPROPRIATIONS AND EXPENDITURES

1861.	Appropriations under control of Architect of the Capitol.
1862.	Transfer of funds.
1862a.	Use of construction project funds to reimburse Capitol Police for related overtime costs.
1862b.	Transfer of amounts appropriated for Architect of the Capitol under House Office Buildings.
1863.	Funds out of Contingent Expenses, Architect of the Capitol Appropriation.
1864.	Funds out of Capitol Buildings, Architect of the Capitol Appropriation.
1865.	Capitol Police Buildings and Grounds Account.
1866.	Certification of vouchers.
1867.	Advancement and reimbursement of expenses for flying American flags and providing certification services therefor.
1868.	Semiannual compilation and report of expenditures.
1868a.	Semiannual report of disbursements.
1869.	Advance payments.
1870.	House Historic Buildings Revitalization Trust Fund.
1871.	Expired appropriations available for deposit into Employees' Compensation Fund.
1872.	Use of expired funds for unemployment compensation payments.
1873.	Acceptance of travel expenses from non-Federal sources.

SUBCHAPTER V—CAPITOL-FLOWN FLAGS FOR FAMILIES OF FALLEN HEROES

1881.	Definitions.
1881a.	Providing Capitol-flown flags for families of fallen heroes.
1881b.	Regulations and procedures.
1881c.	Authorization of appropriations.
1881d.	Effective date.

SUBCHAPTER I—GENERAL

§ 1801. Appointment

(a)(1) The Architect of the Capitol shall be appointed by the President by and with the advice and consent of the Senate for a term of 10 years.

(2) There is established a commission to recommend individuals to the President for appointment to the office of Architect of the Capitol. The commission shall be composed of—

(A) the Speaker of the House of Representatives,

(B) the President pro tempore of the Senate,
 (C) the majority and minority leaders of the House of Representatives and the Senate, and
 (D) the chairmen and the ranking minority members of the Committee on House Oversight of the House of Representatives, the Committee on Rules and Administration of the Senate, the Committee on Appropriations of the House of Representatives, and the Committee on Appropriations of the Senate.

The commission shall recommend at least three individuals for appointment to such office.

(3) An individual appointed Architect of the Capitol under paragraph (1) shall be eligible for reappointment to such office.

(b) Subsection (a) shall be effective in the case of appointments made to fill vacancies in the office of Architect of the Capitol which occur on or after November 21, 1989. If no such vacancy occurs within the six-year period which begins on November 21, 1989, no individual may, after the expiration of such period, hold such office unless the individual is appointed in accordance with subsection (a).

(Pub. L. 101-163, title III, §319, Nov. 21, 1989, 103 Stat. 1068; Pub. L. 104-19, title I, §701, July 27, 1995, 109 Stat. 220.)

Editorial Notes

CODIFICATION

Section was classified to section 162-1 of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107-217, §1, Aug. 21, 2002, 116 Stat. 1062.

PRIOR PROVISIONS

Act Aug. 15, 1876, ch. 287, 19 Stat. 147, transferred duties relative to the Capitol theretofore performed by Commissioner of Public Buildings and Grounds to Architect of the Capitol.

Act Mar. 2, 1867, ch. 167, §2, 14 Stat. 466, abolished office of Commissioner of Public Buildings and Grounds referred to in section 1811 of this title, and transferred the duties of that office to the Chief of Engineers of the Army.

Act Sept. 30, 1850, ch. 90, §1, 9 Stat. 538, made appropriation for “the extension of the Capitol” according to the plan as might be approved by the President, to be expended under his direction, “by such architect as he may appoint to execute the same.” Subsequent acts frequently referred to the Architect of the Capitol or to the Architect of the Capitol Extension.

Act Mar. 3, 1829, ch. 51, §2, 4 Stat. 363, authorized President to continue office of Architect of the Capitol long enough to complete work in progress.

Act May 2, 1828, ch. 45, §3, 4 Stat. 266, abolished office of Architect of the Capitol. The duties of that office were transferred to Commissioner of Public Buildings and Grounds, appointed by President under act April 29, 1816, ch. 150, §2, 3 Stat. 324, to succeed a previously existing board of three commissioners of Public Buildings and Grounds.

AMENDMENTS

1995—Subsec. (a)(2). Pub. L. 104-19, §701(1), (2), substituted “office” for “Office” in first sentence and “commission” for “Commission” in introductory provisions in second sentence.

Subsec. (a)(2)(D). Pub. L. 104-19, §701(3), substituted “Oversight of the House of Representatives, the Committee on Rules and Administration of the Senate, the Committee on Appropriations of the House of Representatives, and the Committee on Appropriations of

the Senate” for “Administration of the House of Representatives and the Committee on Rules and Administration of the Senate”.

Subsec. (b). Pub. L. 104-19, §701(1), substituted “office” for “Office” in first sentence.

Statutory Notes and Related Subsidiaries

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.

The name of Superintendent of the Capitol Building and Grounds was changed to Architect of the Capitol by Act Mar. 3, 1921, ch. 124, 41 Stat. 1291, the Legislative, Executive, and Judicial Appropriation Act Mar. 3, 1921, fiscal year 1922.

The name of Architect of the Capitol was changed to Superintendent of the Capitol Building and Grounds, by act Feb. 14, 1902, ch. 17, 32 Stat. 20, popularly known as the “Urgent Deficiency Appropriation Act for 1902”.

SHORT TITLE OF 2016 AMENDMENT

Pub. L. 114-156, §1, May 16, 2016, 130 Stat. 391, provided that: “This Act [enacting subchapter V of this chapter] may be cited as the ‘Fallen Heroes Flag Act of 2016.’”

COMPREHENSIVE MANAGEMENT STUDY AND RESPONSE

Pub. L. 107-68, title I, §129(d), Nov. 12, 2001, 115 Stat. 580, provided that:

“(1) **STUDY BY COMPTROLLER GENERAL.**—Not later than November 1, 2002, the Comptroller General shall conduct a comprehensive management study of the operations of the Architect of the Capitol, and submit the study to the Architect of the Capitol and the Committees on Appropriations of the House of Representatives and Senate.

“(2) **PLAN BY ARCHITECT IN RESPONSE.**—After the Comptroller General submits the study conducted under paragraph (1) to the Committees referred to in such paragraph, the Architect of the Capitol shall develop and submit to such Committees a management improvement plan which addresses the study and which indicates how the personnel for whom the Architect fixes the rate of basic pay under the amendment made by subsection (c)(1) [amending section 1849 of this title] will support such plan.”

ACCOUNTING AND FINANCIAL MANAGEMENT SYSTEM

Pub. L. 107-68, title I, §132, Nov. 12, 2001, 115 Stat. 581, which directed the Architect of the Capitol to develop and maintain an accounting and financial management system, including financial reporting and internal controls, was from the Legislative Branch Appropriations Act, 2002.

§ 1802. Compensation

The compensation of the Architect of the Capitol shall be at an annual rate which is equal to the annual rate of basic pay for level II of the Executive Schedule under section 5313 of title 5.

(Pub. L. 96-146, §1, formerly §1(1), Dec. 14, 1979, 93 Stat. 1086; Pub. L. 107-68, title I, §129(a), Nov. 12, 2001, 115 Stat. 579; renumbered §1 and amended Pub. L. 116-94, div. E, title II, §212(a)(3)(D), Dec. 20, 2019, 133 Stat. 2775; Pub. L. 117-103, div. I, title II, §212(a), Mar. 15, 2022, 136 Stat. 526.)

Editorial Notes

CODIFICATION

Section was classified to section 162a of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107-217, §1, Aug. 21, 2002, 116 Stat. 1062.

PRIOR PROVISIONS

Prior provisions prescribing the annual rate of compensation of the Architect of the Capitol were contained in the following prior sections 162a of former Title 40, Public Buildings, Property, and Works:

Pub. L. 88-426, title II, §203(c), Aug. 14, 1964, 78 Stat. 415; Pub. L. 90-206, title II, §219(2), Dec. 16, 1967, 81 Stat. 639; Pub. L. 94-82, title II, §204(b), Aug. 9, 1975, 89 Stat. 421, which was omitted as superseded by Pub. L. 96-146, §1(1).

Acts Oct. 15, 1949, ch. 695, §5(a), 63 Stat. 880; Aug. 5, 1955, ch. 568, §101, 69 Stat. 515, which was repealed by Pub. L. 89-554, §8(a), Sept. 6, 1966, 80 Stat. 655.

AMENDMENTS

2022—Pub. L. 117-103 substituted “the annual rate of basic pay for level II of the Executive Schedule under section 5313 of title 5.” for “the maximum rate of pay in effect under section 4575(f) of this title.”

2019—Pub. L. 116-94 amended section generally. Prior to amendment, text read as follows: “The compensation of the Architect of the Capitol shall be at an annual rate which is equal to the lesser of the annual salary for the Sergeant at Arms of the House of Representatives or the annual salary for the Sergeant at Arms and Doorkeeper of the Senate.”

2001—Pub. L. 107-68, which directed amendment of “Section 203(c) of the Federal Legislative Salary Act of 1964 (40 U.S.C. 162a)” by striking “the annual rate of basic pay” and all that follows and inserting “the lesser of the annual salary for the Sergeant at Arms of the House of Representatives or the annual salary for the Sergeant at Arms and Doorkeeper of the Senate.”, was executed by substituting the new language for “the annual rate of basic pay payable for positions at level III of the Executive Schedule under section 5314 of title 5” in this section, which is section 1(1) of Pub. L. 96-146, to reflect the probable intent of Congress.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2022 AMENDMENT

Pub. L. 117-103, div. I, title II, §212(c), Mar. 15, 2022, 136 Stat. 527, provided that: “This section [amending this section and section 1902 of this title] and the amendments made by this section shall take effect on the first day of the first applicable pay period beginning on or after the date of enactment of this Act [Mar. 15, 2022].”

EFFECTIVE DATE OF 2019 AMENDMENT

Amendment by Pub. L. 116-94 effective on the later of the first day of the first applicable pay period beginning on or after Jan. 1, 2020, or the first day of the first applicable pay period beginning on or after Dec. 20, 2019, see section 212(c) of Pub. L. 116-94, set out as a note under section 282b of this title.

EFFECTIVE DATE OF 2001 AMENDMENT

Pub. L. 107-68, title I, §129(e), Nov. 12, 2001, 115 Stat. 580, provided that: “Except as provided in subsections (c)(2) and (d) [enacting provisions set out as notes under sections 1801 and 1849 of this title], this section [amending this section and section 1849 of this title and enacting provisions set out as notes under sections 1801, 1848, and 1849 of this title] and the amendments made by this section shall apply with respect to pay periods beginning on or after October 1, 2001.”

EFFECTIVE DATE

Pub. L. 96-146, §2, Dec. 14, 1979, 93 Stat. 1086, provided that: “The provisions of this Act [enacting this section and section 166b of former Title 40, Public Buildings, Property, and Works] shall take effect on the first day of the first applicable pay period commencing on or after the date of the enactment of this Act [Dec. 14, 1979].”

SALARY INCREASES

1987—Salary of Architect increased to \$82,500 per annum, on recommendation of the President of the

United States, see note set out under section 358 of this title.

1977—Salary of Architect increased to \$50,000 per annum, on recommendation of the President of the United States, see note set out under section 358 of this title.

1969—Salary of Architect increased to \$38,000 per annum, on recommendation of the President of the United States, see note set out under section 358 of this title.

§ 1803. Delegation of authority

The Architect of the Capitol may delegate the duties and authorities of the Architect to officers and employees of the Office of the Architect of the Capitol, as the Architect determines appropriate.

(Aug. 5, 1955, ch. 568, 69 Stat. 515; Pub. L. 108-7, div. H, title I, §1205, Feb. 20, 2003, 117 Stat. 375; Pub. L. 116-260, div. O, title VII, §701(a), Dec. 27, 2020, 134 Stat. 2154.)

Editorial Notes

CODIFICATION

Section was classified to section 163b of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107-217, §1, Aug. 21, 2002, 116 Stat. 1062.

Section is from the Legislative Branch Appropriation Act, 1956.

AMENDMENTS

2020—Pub. L. 116-260 substituted “delegate the duties and authorities of the Architect to officers and employees of the Office of the Architect of the Capitol, as the Architect determines appropriate” for “delegate to the assistants of the Architect such authority of the Architect as the Architect may determine proper, except those authorities, duties, and responsibilities specifically assigned to the Deputy Architect of the Capitol by the Legislative Branch Appropriations Act, 2003”.

2003—Pub. L. 108-7 substituted “Architect of the Capitol may delegate to the assistants of the Architect such authority of the Architect as the Architect may determine proper, except those authorities, duties, and responsibilities specifically assigned to the Deputy Architect of the Capitol by the Legislative Branch Appropriations Act, 2003” for “Architect of the Capitol is authorized on and after August 5, 1955, to delegate to the Assistant Architect and other assistants such authority of the Architect as he may deem proper”.

§ 1804. Deputy Architect of the Capitol to act in case of absence, disability, or vacancy

On and after August 18, 1970, the Deputy Architect of the Capitol shall act as Architect of the Capitol during the absence or disability of that official or whenever there is no Architect.

(Pub. L. 91-382, Aug. 18, 1970, 84 Stat. 817; Pub. L. 101-163, title I, §106(d), Nov. 21, 1989, 103 Stat. 1057; Pub. L. 108-7, div. H, title I, §1204, Feb. 20, 2003, 117 Stat. 374.)

Editorial Notes

CODIFICATION

Section was classified to section 164a of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107-217, §1, Aug. 21, 2002, 116 Stat. 1062.

Section is from Pub. L. 91-382, popularly known as the “Legislative Branch Appropriation Act, 1971”.

PRIOR PROVISIONS

Provisions similar to those in this section were contained in the following prior appropriation acts:

Pub. L. 87-730, Oct. 2, 1962, 76 Stat. 688.
 Pub. L. 87-130, Aug. 10, 1961, 75 Stat. 329.
 Pub. L. 86-628, July 12, 1960, 74 Stat. 455.
 Pub. L. 86-176, Aug. 21, 1959, 73 Stat. 407.
 Pub. L. 85-570, July 31, 1958, 72 Stat. 448.
 Pub. L. 85-75, July 1, 1957, 71 Stat. 251.
 June 27, 1956, ch. 453, 70 Stat. 365.
 Aug. 5, 1955, ch. 568, 69 Stat. 515.
 July 2, 1954, ch. 455, title I, 68 Stat. 405.
 Aug. 1, 1953, ch. 304, title I, 67 Stat. 327.
 July 9, 1952, ch. 598, 66 Stat. 472.
 Oct. 11, 1951, ch. 485, 65 Stat. 396.
 Sept. 6, 1950, ch. 896, Ch. II, 64 Stat. 602.
 June 22, 1949, ch. 235, 63 Stat. 224.
 June 14, 1948, ch. 467, 62 Stat. 430.
 July 17, 1947, ch. 262, 61 Stat. 369.
 July 1, 1946, ch. 530, 60 Stat. 400.
 May 18, 1946, ch. 263, title I, 60 Stat. 185.
 June 13, 1945, ch. 189, 59 Stat. 251.
 June 26, 1944, ch. 277, title I, 58 Stat. 346.
 June 28, 1943, ch. 173, title I, 57 Stat. 232.
 June 8, 1942, ch. 396, 56 Stat. 341.
 July 1, 1941, ch. 268, 55 Stat. 457.
 June 18, 1940, ch. 396, 54 Stat. 472.
 June 16, 1939, ch. 208, 53 Stat. 831.
 May 17, 1938, ch. 236, 52 Stat. 390.
 May 18, 1937, ch. 223, 50 Stat. 179.
 Apr. 17, 1936, ch. 233, 49 Stat. 1224.
 July 8, 1935, ch. 374, 49 Stat. 469.
 May 30, 1934, ch. 372, 48 Stat. 826.
 Feb. 28, 1933, ch. 134, 47 Stat. 1360.
 June 30, 1932, ch. 314, 47 Stat. 391.
 Feb. 20, 1931, ch. 234, 46 Stat. 1183.
 June 6, 1930, ch. 407, 46 Stat. 513.

AMENDMENTS

2003—Pub. L. 108-7 substituted “Deputy Architect” for “Assistant Architect”.

1989—Pub. L. 101-163 struck out “, and, in case of the absence or disability of the Assistant Architect, the Executive Assistant shall so act” before period at end.

§ 1805. Deputy Architect of the Capitol

(a) Establishment of Deputy Architect of the Capitol

The Architect of the Capitol shall appoint a suitable individual to be the Deputy Architect of the Capitol. The Architect may delegate to the Deputy Architect such duties as the Architect determines are necessary or appropriate.

(b) Compensation

The Deputy Architect of the Capitol shall be paid at an annual rate of pay to be determined by the Architect but not to exceed \$1,500 less than the annual rate of pay for the Architect of the Capitol.

(Pub. L. 108-7, div. H, title I, §1203, Feb. 20, 2003, 117 Stat. 373; Pub. L. 108-11, title II, §2601(a), Apr. 16, 2003, 117 Stat. 599; Pub. L. 108-271, §8(b), July 7, 2004, 118 Stat. 814; Pub. L. 111-316, §1(b), Dec. 18, 2010, 124 Stat. 3452; Pub. L. 116-260, div. O, title VII, §701(b), Dec. 27, 2020, 134 Stat. 2154.)

Editorial Notes

CODIFICATION

Section is from the Legislative Branch Appropriations Act, 2003, which is div. H of Pub. L. 108-7.

AMENDMENTS

2020—Pub. L. 116-260, §701(b)(1), substituted “Capitol” for “Capitol/Chief Operating Officer” in section catchline.

Subsec. (a). Pub. L. 116-260, §701(b)(2), inserted text of subsec. (a) and struck out former text of subsec. (a)

which read as follows: “There shall be a Deputy Architect of the Capitol who shall serve as the Chief Operating Officer of the Office of the Architect of the Capitol. The Deputy Architect of the Capitol shall be appointed by the Architect of the Capitol and shall report directly to the Architect of the Capitol and shall be subject to the authority of the Architect of the Capitol. The Architect of the Capitol shall appoint the Deputy Architect of the Capitol not later than 180 days after February 20, 2003. The Architect of the Capitol shall consult with the Comptroller General or his designee before making the appointment.”

Subsecs. (b) to (h). Pub. L. 116-260, §701(b)(3), (4), redesignated subsec. (h) as (b) and struck out former subsecs. (b) to (g) which related to Deputy Architect qualifications and responsibilities, submission of an action plan and annual evaluation of its implementation, and removal of the Deputy Architect.

Subsecs. (i), (j). Pub. L. 116-260, §702(b)(5), struck out subsecs. (i) and (j) which required the Deputy Architect to prepare and transmit an annual performance report and terminated the role of the Comptroller General and the Government Accountability Office in this section as of Oct. 1, 2006.

2010—Subsec. (e)(3). Pub. L. 111-316 struck out par. (3). Text read as follows: “Notwithstanding section 1849(a) of this title, as amended by section 129(c) of the Legislative Branch Appropriations Act, 2002, the Architect of the Capitol may fix the rate of basic pay for not more than 3 additional positions at a rate not to exceed the highest total rate of pay for the Senior Executive Service under subchapter VIII of chapter 53 of title 5 for the locality involved.”

2004—Subsecs. (f), (j). Pub. L. 108-271 substituted “Government Accountability Office” for “General Accounting Office”.

2003—Subsec. (a). Pub. L. 108-11, substituted “not later than 180 days” for “not later than 90 days”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2010 AMENDMENT

Pub. L. 111-316, §1(c), Dec. 18, 2010, 124 Stat. 3452, provided that: “The amendments made by this section [amending this section and section 1849 of this title] shall apply with respect to pay periods beginning on or after the date of the enactment of this Act [Dec. 18, 2010].”

EFFECTIVE DATE OF 2003 AMENDMENT

Pub. L. 108-11, title II, §2601(b), Apr. 16, 2003, 117 Stat. 599, provided that: “The amendment made by subsection (a) [amending this section] shall take effect as if included in the enactment of the Legislative Branch Appropriations Act, 2003 [Pub. L. 108-7, div. H].”

§ 1806. Repealed. Pub. L. 110-437, title II, § 202(e)(2), Oct. 20, 2008, 122 Stat. 4987

Section, Pub. L. 110-28, title VI, §6701, May 25, 2007, 121 Stat. 182, related to Chief Executive Officer for Visitor Services.

§ 1807. Repealed. Pub. L. 110-437, title II, § 204(b)(2), Oct. 20, 2008, 122 Stat. 4988

Section, Pub. L. 110-161, div. H, title I, §1309, Dec. 26, 2007, 121 Stat. 2244, related to Assistant to the Chief Executive Officer for Visitor Services.

§ 1808. Inspector General of the Architect of the Capitol

(a) Short title

This section may be cited as the “Architect of the Capitol Inspector General Act of 2007”.

(b) Office of Inspector General

There is an Office of Inspector General within the Office of the Architect of the Capitol which is an independent objective office to—

(1) conduct and supervise audits and investigations relating to the Architect of the Capitol;

(2) provide leadership and coordination and recommend policies to promote economy, efficiency, and effectiveness; and

(3) provide a means of keeping the Architect of the Capitol and the Congress fully and currently informed about problems and deficiencies relating to the administration of programs and operations of the Architect of the Capitol.

(c) Appointment of Inspector General; supervision; removal; pay; limits on bonuses; counsel

(1) Appointment and supervision

(A) In general

There shall be at the head of the Office of Inspector General, an Inspector General who shall be appointed by the Architect of the Capitol, in consultation with the Inspectors General of the Library of Congress, Government Publishing Office, Government Accountability Office, and United States Capitol Police. The appointment shall be made without regard to political affiliation and solely on the basis of integrity and demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigations. The Inspector General shall report to, and be under the general supervision of, the Architect of the Capitol.

(B) Audits, investigations, reports, and other duties and responsibilities

The Architect of the Capitol shall have no authority to prevent or prohibit the Inspector General from—

- (i) initiating, carrying out, or completing any audit or investigation;
- (ii) issuing any subpoena during the course of any audit or investigation;
- (iii) issuing any report; or
- (iv) carrying out any other duty or responsibility of the Inspector General under this section.

(2) Removal or transfer

(A) In general

The Inspector General may be removed from office, or transferred to another position within, or another location of, the Office of the Architect of the Capitol, by the Architect of the Capitol.

(B) Notice

Not later than 30 days before the Architect of the Capitol removes or transfers the Inspector General under subparagraph (A), the Architect of the Capitol shall communicate in writing the reason for the removal or transfer to—

- (i) the Committee on House Administration and the Committee on Appropriations of the House of Representatives; and
- (ii) the Committee on Rules and Administration and the Committee on Appropriations of the Senate.

(C) Applicability

Nothing in this paragraph shall prohibit a personnel action (except for removal or

transfer) that is otherwise authorized by law.

(3) Compensation

The Inspector General shall be paid at an annual rate of pay equal to \$1,500 less than the annual rate of pay of the Architect of the Capitol.

(4) No bonuses

The Inspector General may not receive any cash award or cash bonus, including a cash award under chapter 45 of title 5.

(5) Counsel

The Inspector General shall, in accordance with applicable laws and regulations governing selections, appointments, and employment at the Office of the Architect of the Capitol, obtain legal advice from a counsel reporting directly to the Inspector General or another Inspector General.

(d) Duties, responsibilities, authority, and reports

(1) In general

Sections 404, 405 (other than subsections (b)(13) and (f)(1)(B) thereof), 406 (other than subsection (a)(7) and (8) thereof), and 407 of title 5 shall apply to the Inspector General of the Architect of the Capitol and the Office of such Inspector General and such sections shall be applied to the Office of the Architect of the Capitol and the Architect of the Capitol by substituting—

(A) “Office of the Architect of the Capitol” for “establishment”; and

(B) “Architect of the Capitol” for “head of the establishment”.

(2) Employees

(A) In general

The Inspector General, in carrying out this section, is authorized, without the supervision or approval of any other employee, office, or other entity within the Office of the Architect of the Capitol, to select, appoint, and employ such officers and employees (including consultants) as may be necessary for carrying out the functions, powers, and duties of the Office of Inspector General subject to the provisions of law governing selections, appointments, and employment in the Office of the Architect of the Capitol.

(B) Security and suitability

Appointments under the authority under subparagraph (A) shall be made consistent with personnel security and suitability requirements.

(C) Consultants

Any appointment of a consultant under the authority under subparagraph (A) shall be made consistent with section 6(a)(8) of the Inspector General Act of 1978 (5 U.S.C. App.).¹

(3) Law enforcement authority

(A) In general

Subject to subparagraph (B), any supervisory special agent under the Inspector

¹ See References in Text note below.

General and any special agent supervised by such a supervisory special agent is authorized to—

(i) make an arrest without a warrant while engaged in official duties as authorized under this section or any other statute for any offense against the United States committed in the presence of such supervisory special agent or special agent, or for any felony cognizable under the laws of the United States if such supervisory special agent or special agent has reasonable grounds to believe that the person to be arrested has committed or is committing such felony;

(ii) seek and execute warrants for arrest, search of a premises, or seizure of evidence issued under the authority of the United States upon probable cause to believe that a violation has been committed; and

(iii) carry a firearm while engaged in official duties as authorized under this section or any other statute.

(B) Requirements to exercise authority

(i) Required certification

(I) In general

In order to exercise the authority under subparagraph (A), a supervisory special agent or a special agent supervised by such a supervisory special agent shall certify that he or she—

(aa) is a citizen of the United States;

(bb) has successfully completed a basic law enforcement training program or military or other equivalent; and

(cc) is not prohibited from receiving a firearm under Federal law, including under section 922(g)(9) of title 18, because of a conviction of a misdemeanor crime of domestic violence.

(II) Additional requirements

After providing notice to the appropriate committees of Congress, the Inspector General may add requirements to the certification required under subclause (I), as determined appropriate by the Inspector General.

(ii) Maintenance of requirements

The Inspector General shall maintain firearms-related requirements (including quarterly firearms qualifications) and use of force training requirements that, except to the extent the Inspector General determines necessary to effectively carry out the duties of the Office of the Inspector General, are in accordance with the Council of the Inspectors General on Integrity and Efficiency use of force policies, which incorporate Department of Justice guidelines.

(iii) Eligibility determination

(I) In general

The Inspector General shall—

(aa) determine whether an individual meets the requirements under this paragraph; and

(bb) revoke any authority granted to an individual under subparagraph (A) if the individual is not in compliance with the requirements of this paragraph.

(II) Reauthorization

The Inspector General may reauthorize an individual to exercise the authority granted under subparagraph (A) if the Inspector General determines the individual has achieved compliance with the requirements under this paragraph.

(III) Limitation on appeal

A revocation of the authority granted under subparagraph (A) shall not be subject to administrative, judicial, or other review, unless the revocation results in an adverse action. Such an adverse action may, at the election of the applicable individual, be reviewed in accordance with the otherwise applicable procedures.

(C) Semiannual certification of program

(i) In general

Before the first grant of authority under subparagraph (A), and semiannually thereafter as part of the report under section 5 of the Inspector General Act of 1978 (5 U.S.C. App.),¹ the Inspector General shall submit to the appropriate committees of Congress a written certification that adequate internal safeguards and management procedures exist that, except to the extent the Inspector General determines necessary to effectively carry out the duties of the Office of the Inspector General, are in compliance with standards established by the Council of the Inspectors General on Integrity and Efficiency, which incorporate Department of Justice guidelines, to ensure proper exercise of the powers authorized under this paragraph.

(ii) Suspension of authority

The authority granted under this paragraph (including any grant of authority to an individual under subparagraph (A), without regard to whether the individual is in compliance with subparagraph (B)) may be suspended by the Inspector General if the Office of Inspector General fails to comply with the reporting and review requirements under clause (i) of this subparagraph or subparagraph (D). Any suspension of authority under this clause shall be reported to the appropriate committees of Congress.

(D) Peer review

To ensure the proper exercise of the law enforcement powers authorized under this paragraph, the Office of Inspector General shall submit to and participate in the external review process established by the Council of the Inspectors General on Integrity and Efficiency for ensuring that adequate internal safeguards and management procedures continue to exist. Under the review process, the exercise of the law enforcement

powers by the Office of Inspector General shall be reviewed periodically by another Office of Inspector General or by a committee of Inspectors General. The results of each review shall be communicated in writing to the Inspector General, the Council of the Inspectors General on Integrity and Efficiency, and the appropriate committees of Congress.

(E) Alleged misconduct

Any allegation of misconduct by an individual granted authority under subparagraph (A) may be reviewed by the Integrity Committee of the Council of the Inspectors General on Integrity and Efficiency.

(F) Appropriate committees of Congress

In this paragraph, the term “appropriate committees of Congress” means—

- (i) the Committee on Rules and Administration and the Committee on Appropriations of the Senate; and
- (ii) the Committee on House Administration and the Committee on Appropriations of the House of Representatives.

(4) Budget independence

The Architect of the Capitol shall include the annual budget request of the Inspector General in the budget of the Office of the Architect of the Capitol without change.

(e) Transfers

All functions, personnel, and budget resources of the Office of the Inspector General of the Architect of the Capitol as in effect before the effective date of this section are transferred to the Office of Inspector General described under subsection (b).

(f) References

References in any other Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or relating to the Inspector General of the Architect of the Capitol shall be deemed to refer to the Inspector General as set forth under this section.

(g) First appointment

By the date occurring 180 days after December 26, 2007, the Architect of the Capitol shall appoint an individual to the position of Inspector General of the Architect of the Capitol described under subparagraph (A) of subsection (c)(1) in accordance with that subparagraph.

(h) Effective date

(1) In general

Except as provided under paragraph (2), this section shall take effect 180 days after December 26, 2007, and apply with respect to fiscal year 2008 and each fiscal year thereafter.

(2) First appointment

Subsection (g) shall take effect on December 26, 2007, and the Architect of the Capitol shall take such actions as necessary after December 26, 2007, to carry out that subsection.

(Pub. L. 110–161, div. H, title I, §1301, Dec. 26, 2007, 121 Stat. 2240; Pub. L. 113–235, div. H, title I, §1301(b), Dec. 16, 2014, 128 Stat. 2537; Pub. L. 116–94, div. P, title XVI, §§1602(b), 1603(b), 1604(b),

1605(b), Dec. 20, 2019, 133 Stat. 3210, 3214, 3218, 3219; Pub. L. 117–286, §4(b)(3), Dec. 27, 2022, 136 Stat. 4342.)

Editorial Notes

REFERENCES IN TEXT

Sections 5 and 6(a)(8) of the Inspector General Act of 1978, referred to in subsec. (d)(2)(C), (3)(C)(i), are sections 5 and 6(a)(8) of Pub. L. 95–452, which were set out in the Appendix to Title 5, Government Organization and Employees, and were repealed and restated as sections 405 and 406(a)(8), respectively, of Title 5 by Pub. L. 117–286, §§3(b), 7, Dec. 27, 2022, 136 Stat. 4212, 4219, 4361.

CODIFICATION

Section is from the Legislative Branch Appropriations Act, 2008, which is div. H of the Consolidated Appropriations Act, 2008.

AMENDMENTS

2022—Subsec. (d)(1). Pub. L. 117–286 substituted “Sections 404, 405 (other than subsections (b)(13) and (f)(1)(B) thereof), 406 (other than subsection (a)(7) and (8) thereof), and 407 of title 5” for “Sections 4, 5 (other than subsections (a)(13) and (e)(1)(B) thereof), 6 (other than subsection (a)(7) and (8) thereof), and 7 of the Inspector General Act of 1978 (5 U.S.C. App.)” in introductory provisions.

2019—Subsec. (c). Pub. L. 116–94, §1602(b)(1), inserted “; pay; limits on bonuses; counsel” after “removal” in heading.

Subsec. (c)(2). Pub. L. 116–94, §1602(b)(2), added par. (2) and struck out former par. (2). Prior to amendment, text read as follows: “The Inspector General may be removed from office by the Architect of the Capitol. The Architect of the Capitol shall, promptly upon such removal, communicate in writing the reasons for any such removal to each House of Congress.”

Subsec. (c)(4), (5). Pub. L. 116–94, §1602(b)(3), added pars. (4) and (5).

Subsec. (d)(2). Pub. L. 116–94, §1605(b), designated existing provisions as subpar. (A), inserted subpar. heading and “, without the supervision or approval of any other employee, office, or other entity within the Office of the Architect of the Capitol,” after “is authorized”, and added subpars. (B) and (C).

Subsec. (d)(3). Pub. L. 116–94, §1603(b), added par. (3).

Subsec. (d)(4). Pub. L. 116–94, §1604(b), added par. (4).

Statutory Notes and Related Subsidiaries

CHANGE OF NAME

“Government Publishing Office” substituted for “Government Printing Office” in subsec. (c)(1)(A) on authority of section 1301(b) of Pub. L. 113–235, set out as a note preceding section 301 of Title 44, Public Printing and Documents.

SUBCHAPTER II—GENERAL POWERS AND DUTIES

§ 1811. Powers and duties

The Architect of the Capitol shall perform all the duties relative to the Capitol Building performed prior to August 15, 1876, by the Commissioner of Public Buildings and Grounds, and shall be appointed by the President: *Provided*, That no change in the architectural features of the Capitol Building or in the landscape features of the Capitol Grounds shall be made except on plans to be approved by Congress.

(Aug. 15, 1876, ch. 287, 19 Stat. 147; Feb. 14, 1902, ch. 17, 32 Stat. 20; Mar. 3, 1921, ch. 124, 41 Stat. 1291.)