

ARCHITECT OF THE CAPITOL APPOINTMENT ACT OF 2023

NOVEMBER 18, 2024.—Ordered to be printed

Mr. STEIL, from the Committee on House Administration,
submitted the following

R E P O R T

[To accompany H.R. 3196]

[Including cost estimate of the Congressional Budget Office]

The Committee on House Administration, to whom was referred the bill (H.R. 3196) to provide for the appointment of the Architect of the Capitol, and for other purposes, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

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PURPOSE AND SUMMARY

H.R. 3196, To repeal 2 U.S. Code § 1801 and amend 2 U.S. Code § 1811 to change the appointment and removal process of the Architect of the Capitol, introduced by Representative Bryan Steil (WI-01) and Representative Joseph Morelle (NY-25), to replace the

current presidential power to appoint the Architect of the Capitol (“Architect”) with a majority vote of a congressional commission (“Commission”), similar to the current commission established under 2 U.S.C. § 1801. Further, H.R. 3196 would amend 2 U.S.C. § 1803, 2 U.S.C. § 1804, and 2 U.S.C. § 1805 to change the appointment process of the Deputy Architect of the Capitol (“Deputy Architect”) in the event the Architect does not appoint a Deputy Architect within 120 days of the Architect’s appointment or a vacancy within the office of the Deputy Architect. Previously, the Architect had the discretion to appoint a Deputy Architect, and that position would sit vacant until filled by the Architect. Under H.R. 3196, the Commission would have the power to appoint a Deputy Architect in the event the position is not filled within the required timeframe. H.R. 3196 also authorizes the Deputy Architect to act as Architect should the Architect become absent or disabled or the office vacant. Furthermore, it provides that should the Architect and Deputy Architect both be absent or disabled or the offices vacant, then the Commission shall appoint an acting Architect by a majority vote. Additionally, H.R. 3196 would establish removal provisions for the Architect of the Capitol, vesting the authority with the Commission. This statute provides for a clearer process that better respects the separation of powers between the federal branches of government and better reflects the Architect as an officer of the legislative branch.

BACKGROUND AND NEED FOR LEGISLATION

BACKGROUND

2 U.S.C. § 1801 is the current law that governs the appointment of the Architect. That statute established a commission to recommend qualified individuals to the president for consideration for appointment as Architect. That commission consists of the Speaker of the House, the President *pro tempore* of the Senate, the Majority and Minority leaders of the House and Senate, and the Chairs and Ranking Members of the House Committee on House Administration, the Senate Committee on Rules and Administration, the House Committee on Appropriations, and the Senate Committee on Appropriations. The commission must recommend no fewer than three individuals to the president. It establishes that the president appoints the Architect with the advice and consent of the Senate for a term of 10 years.

H.R. 3196 would move the process for the appointment of the Architect completely to the legislative branch. The president would no longer have the power to appoint the Architect; instead, a majority vote of a congressional commission would appoint the Architect for a term of 10 years. The nominating commission would be made up of the Speaker of the House, the Majority Leader of the Senate, the Minority Leaders of the House and Senate, the Chair and Ranking Member of the House Committee on Appropriations, the Chair and Ranking Member of the House Committee on House Administration, the Chair and Ranking Member of the Senate Committee on Appropriations, and the Chair and Ranking Member of the Senate Committee on Rules and Administration. Finally, unlike current statute 2 U.S.C. § 1801, the Architect may be removed by a majority vote of the commission.

Furthermore, H.R. 3196 would also establish a clearer process for the appointment of a Deputy Architect. Under current law, the Deputy Architect is selected by the Architect with no requirement to select a Deputy Architect within any timeframe, meaning the Deputy Architect position could sit vacant indefinitely. Under this legislation, if the Deputy Architect position is vacant, the Architect would be required to appoint a new Deputy Architect within 120 days of the Architect's appointment or within 120 days of any vacancy. If the Architect fails to appoint a Deputy Architect within the required timeframe, the Commission would make the appointment by a majority vote. Additionally, the Deputy Architect would act as Architect should the Architect become absent, disabled, or vacant. Furthermore, should the Architect and the Deputy Architect become absent, disabled, or vacant at the same time, the Commission would appoint an acting Architect by a majority vote.

There have been four attempts to change the Architect's appointment process since 1990, including H.R. 4446, 109th Congress, the Legislative Branch Officer Appointment Act of 2005, sponsored by Representative Ray LaHood (IL-18); H.R. 6656, 110th Congress, the Architect of the Capitol Appointment Act of 2008, sponsored by Representative Debbie Wasserman Schultz (FL-20); H.R. 2185, 111th Congress the Architect of the Capitol Appointment Act of 2009, sponsored by Representative Debbie Wasserman Schultz (FL-20); and H.R. 2843, 111th Congress, the Architect of the Capitol Appointment Act of 2010, sponsored by Representative Debbie Wasserman Schultz (FL-20). Like H.R. 3196, each of these attempts tried to make the legislative branch more actively involved in the appointment of the Architect while also removing the role of the president. Despite strong bipartisan support for these bills, none of them reached the president's desk.

NEED FOR LEGISLATION

H.R. 3196 would strengthen congressional oversight of the Architect of the Capitol by empowering a congressional commission to appoint and remove the Architect by a bipartisan, majority vote. In contrast, the current process makes the appointment too complex and causes long vacancies for the position of Architect.

Under the current system, the office of Architect of the Capitol has had numerous extended vacancies. Currently, the office has been vacant since February 2023, nearly 10 months. Prior to this, the office was vacant for over a year before the appointment of J. Brett Blanton on January 16, 2020. Without the changes set forth in H.R. 3196, the office would likely continue to see long vacancies, creating a less productive and responsive office of the Architect of the Capitol.

COMMITTEE ACTION

INTRODUCTION AND REFERRAL

On May 10, 2023, Representative Bryan Steil (WI-01), Chair of the Committee on House Administration, and Joseph Morelle (NY-25), Ranking Member of the Committee on House Administration, introduced H.R. 3196, To provide for the appointment and removal of the Architect of the Capitol and Deputy Architect. The bill was

referred to the Committee on House Administration and Committee on Transportation and Infrastructure.

HEARING

For the purposes of clause 3(c)(6)(A) of House rule XIII, in the 118th Congress, the Committee held one full committee hearing to develop H.R. 3196.

1. On February 9, 2023, the Committee held a full committee hearing titled, “The Looking Ahead Series: The Architect of the Capitol’s Strategic Plan for the 118th Congress.” The hearing discussed the waste, fraud, and abuse that occurred under the Architect at the time, J. Brett Blanton.

COMMITTEE CONSIDERATION

On September 28, 2023, the Committee on House Administration met in an open session and ordered the bill, H.R. 3196, To repeal 2 U.S. Code § 1801 and amend 2 U.S. Code § 1811 to change the appointment and removal process of the Architect of the Capitol, reported favorably to the House of Representatives, by voice vote, a quorum being present.

COMMITTEE VOTES

In compliance with clause 3(b) of House rule XIII, the following voice vote occurred during the Committee’s consideration of H.R. 3196:

1. Vote to favorably report H.R. 3196 to the House of Representatives, passed by voice vote.

STATEMENT OF CONSTITUTIONAL AUTHORITY

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18—“To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.”

COMMITTEE OVERSIGHT FINDINGS

In compliance with clause 3(c)(1) of House rule XIII, the Committee advises that the findings and recommendations of the Committee, based on oversight activities under clause 2(b)(1) of rule X of the Rules of the House of Representatives, are incorporated in the descriptive portions of this report.

STATEMENT OF BUDGET AUTHORITY AND RELATED ITEMS

Pursuant to clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a)(I) of the Congressional Budget Act of 1974, the Committee provides the following opinion and estimate with respect to new budget authority, entitlement authority, and tax expenditures. The Committee believes that there will be no costs attributable to H.R. 3196.

CONGRESSIONAL BUDGET OFFICE ESTIMATE

With respect to the requirement of clause 3(c)(3) of rule XIII of the Rules of the House of Representatives, a cost estimate provided by the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974 was not made available to the Committee in time for the filing of this report. The Chairman of the Committee shall cause such an estimate to be printed in the Congressional Record if it is received by the Committee.

H.R. 3196, Architect of the Capitol Appointment Act of 2023			
As ordered reported by the House Committee on House Administration on September 28, 2023			
By Fiscal Year, Millions of Dollars	2024	2024-2028	2024-2033
Direct Spending (Outlays)	0	0	0
Revenues	0	0	0
Increase or Decrease (-) in the Deficit	0	0	0
Spending Subject to Appropriation (Outlays)	*	*	not estimated
Increases <i>net direct spending</i> in any of the four consecutive 10-year periods beginning in 2034?	No	Statutory pay-as-you-go procedures apply?	No
		Mandate Effects	
	Increases <i>on-budget deficits</i> in any of the four consecutive 10-year periods beginning in 2034?	No	Contains intergovernmental mandate?
Contains private-sector mandate?			No
* = between zero and \$500,000.			

H.R. 3196 would change how the Architect of the Capitol is appointed. Under the bill, the Architect would be appointed by a Congressional commission composed of members from the House of Representatives and Senate; the Architect also could appoint a Deputy Architect. The Architect manages the preservation and restoration of the campus buildings of the U.S. Capitol.

Under current law, a bicameral, bipartisan Congressional commission recommends candidates to the President, who appoints the Architect for a 10-year term with the advice and consent of the Senate. CBO estimates that implementing H.R. 3196 would cost less than \$500,000 over the 2024–2028 period because the bill would not significantly affect Congressional responsibilities. Any spending would be subject to the availability of appropriated funds.

The CBO staff contact for this estimate is Kelly Durand. The estimate was reviewed by H. Samuel Papenfuss, Deputy Director of Budget Analysis.

PHILLIP L. SWAGEL,
Director, Congressional Budget Office.

PERFORMANCE GOALS AND OBJECTIVES

The performance goals and objectives of H.R. 3196 are to provide for a new appointment and removal process for the Architect of the Capitol, to provide for a new appointment process for the Deputy Architect of the Capitol, and to establish continuity-of-operations procedures for the office of the Architect of the Capitol in the event of vacancy, disability, or absence.

DUPLICATION OF FEDERAL PROGRAMS

Pursuant to clause 3(c)(5) of House rule XIII, no provision of H.R. 3196 establishes or reauthorizes a program of the federal government known to be duplicative of another federal program.

ADVISORY ON EARMARKS

In accordance with clause 9 of House rule XXI, H.R. 3196 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clauses 9(d), 9(e), or 9(f) of House rule XXI.

FEDERAL MANDATES STATEMENT

An estimate of federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act was not made available to the Committee in time for the filing of this report. The Chairman of the Committee shall cause such an estimate to be printed in the Congressional Record if it is received by the Committee.

ADVISORY COMMITTEE STATEMENT

H.R. 3196 does not establish or authorize any new advisory committees.

APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act (“CAA”). This bill would change the appointment of the Architect of the Capitol from an appointment by the president to an appointment by the majority vote of a congressional commission. Despite this change, however, the Architect would remain exempt from sections 102(a)(7) and 102(a)(8) of the CAA because such sections exclude “any such individual employed by an entity listed in subparagraphs (C) through (K) of paragraph (3)”. The Office of the Architect of the Capitol is cited in paragraph (3)(F).

SECTION-BY-SECTION SUMMARY OF H.R. 3196

Section 1. Short title: “Architect of the Capitol Act of 2023”

Section 2. Appointment and term of service of Architect of the Capitol

- (a) Appointment—Enumerates the representatives and senators who select the Architect;
- (b) Removal—Provides how the Architect may be removed;
- (c) Conforming Amendments—Repeals the current selection process for the Architect;
- (d) Effective Date—Provides that the provisions of the bill apply to any appointment of the Architect after the date of enactment.

Section 3. Appointment of Deputy Architect of the Capitol and vacancy in the Architect or Deputy Architect

This section provides for a process and deadline for the Architect to appoint a Deputy Architect and what can be done if the Architect fails to do so.

Section 4. Deputy Architect of the Capitol to serve as Acting in case of absence, disability, or vacancy

(a) In General—Provides that the Deputy Architect will act as Architect if the Architect is absent or disabled.

(b) Absence, Disability, or Vacancy in Office of Deputy Architect—Provides a process for when the Deputy Architect is absent, disabled, or vacant.

(c) Authority—Provides for the powers given to the Deputy Architect when he or she assumes the position of Architect.

(d) Conforming Amendment—Amends the current responsibilities of the Deputy Architect.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, and existing law in which no change is proposed is shown in roman):

**SECTION 319 OF THE LEGISLATIVE BRANCH
APPROPRIATIONS ACT, 1990**

【SEC. 319. (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 indi-

vidual may, after the expiration of such period, hold such office unless the individual is appointed in accordance with subsection (a).]

ACT OF FEBRUARY 14, 1902

AN ACT Making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June thirtieth, nineteen hundred and two, and for prior years, and for other purposes.

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DEPARTMENT OF INTERIOR.

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FOR THE CAPITOL: For work at Capitol, and for general repairs thereof, including wages of mechanics and laborers, twenty-one thousand three hundred and forty-five dollars and seventy-five cents.

Hereafter the office of Architect of the Capitol shall be designated as Superintendent of the Capitol Building and Grounds shall hereafter exercise all the power and authority heretofore exercised by the Architect of the Capitol], and he 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.

For payment to the Loomis-Manning Filter Company for filter plant installed in the Senate wing of the Capitol, one thousand and fifty-three dollars and two cents.

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SECTION 1203 OF DIVISION H OF THE CONSOLIDATED APPROPRIATIONS RESOLUTION, 2003

SEC. 1203. DEPUTY ARCHITECT OF THE CAPITOL. (a) ESTABLISHMENT OF DEPUTY ARCHITECT OF THE CAPITOL.—The Architect of the Capitol (*in this section referred to as the “Architect”*) shall appoint a suitable individual to be the Deputy Architect of the Capitol (*in this section referred to as the “Deputy Architect”*). The Architect may delegate to the Deputy Architect such duties as the Architect determines are necessary or appropriate.

(b) DEADLINE.—*The Architect shall appoint a Deputy Architect under subsection (a) not later than 120 days after—*

- (1) *the date on which the Architect is appointed under section 2 of the Architect of the Capitol Appointment Act of 2023, if there is no Deputy Architect on the date of the appointment; or*
- (2) *the date on which a vacancy arises in the office of the Deputy Architect.*

[(b)] (c) 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].

(d) *FAILURE TO APPOINT.*—If the Architect does not appoint a Deputy Architect on or before the applicable date specified in subsection (b), the congressional commission described in section 2(a) of the Architect of the Capitol Appointment Act of 2023 shall appoint the Deputy Architect by a majority vote of the members of the commission.

(e) *NOTIFICATION.*—If the position of Deputy Architect becomes vacant, the Architect shall immediately notify the members of the congressional commission described in section 2(a) of the Architect of the Capitol Appointment Act of 2023.

LEGISLATIVE BRANCH APPROPRIATIONS ACT, 1971

AN ACT Making appropriations for the Legislative Branch for the fiscal year ending June 30, 1971, and for other purposes.

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ARCHITECT OF THE CAPITOL.

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OFFICE OF THE ARCHITECT OF THE CAPITOL.

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SALARIES.

For the Architect of the Capitol; the Assistant Architect of the Capitol; the Executive Assistant (whose salary shall be equivalent to the rate for grade GS-18 of the General Schedule (5 U.S.C. 5332a), on and after the date of enactment hereof); and other personal services; at rates of pay provided by law, \$938,800[: *Provided*, That, on and after such date, 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].

Appropriations under the control of the Architect of the Capitol shall be available for expenses of travel on official business not to exceed in the aggregate under all funds the sum of \$20,000.

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