

ARCHITECT OF THE CAPITOL APPOINTMENT ACT OF 2009

DECEMBER 10, 2009.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. BRADY of Pennsylvania, from the Committee on House Administration, submitted the following

R E P O R T

[To accompany H.R. 2843]

[Including cost estimate of the Congressional Budget Office]

The Committee on House Administration, to whom was referred the bill (H.R. 2843) to provide for the joint appointment of the Architect of the Capitol by the Speaker of the House of Representatives, the President pro tempore of the Senate, the majority and minority leaders of the House of Representatives and Senate, and the chairs and ranking minority members of the committees of Congress with jurisdiction over the Office of the Architect of the Capitol, and for other purposes, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF THE LEGISLATION

The current law governing appointment of the Architect of the Capitol was enacted in the Legislative Branch Appropriations Act, FY 1990. Whenever there is a vacancy in the office of Architect of the Capitol (AOC), a bicameral commission composed of the Speaker of the House, the President Pro Tempore of the Senate, the Majority and Minority leaders of both houses, and the chairs and ranking minority members of the Committee on House Administration, the Senate Committee on Rules and Administration, and the House and Senate Appropriations Committees recommends to the President a list of at least three candidates for the post. The President then nominates an individual, who is subject to Senate confirmation, for a 10-year term.

The bicameral commission has fully exercised its authority only once, following the retirement of Architect George White. On January 30, 1997, Alan Hantman was confirmed by the Senate following

his nomination by President Clinton, and served for a single ten-year term. Hantman retired on February 4, 2007. Since that time, the bicameral commission and the president have not been able to advance the process to the stage where a new nomination could be sent to the Senate.

H.R. 2843 would move the selection process entirely to the legislative branch. The legislation gives authority to select the AOC to the following, acting jointly: the Speaker of the House, the President Pro Tempore of the Senate, the majority and minority leaders of the House of Representatives and Senate, the chairs and ranking minority members of the Committee on House Administration of the House of Representatives and the Committee on Rules and Administration of the Senate, and the chairs and ranking minority members of the Committees on Appropriations of the House and Senate.

Under the current system, the office of Architect has been vacant for nearly three years. The long delay in filling the position has been exacerbated by the complexities and uncertainties of the current law, and the involvement of the executive branch. The Committee believes that enactment of H.R. 2843 will streamline the selection process.

COMMITTEE CONSIDERATION

H.R. 2843 was introduced on June 12, 2009, by Rep. Debbie Wasserman Schultz with the co-sponsorship of Chairman Brady, Ranking Minority Member Lungren, and Representatives Aderholt, Ehlers, Latham and Wamp. On November 4, 2009, by voice vote, with a quorum present, the Committee ordered H.R. 2843 reported favorably to the House, without amendment.

SECTION BY SECTION SUMMARY OF H.R. 2843

Section 1. Short title: “Architect of the Capitol Appointment Act of 2009”.

Section 2. Appointment and Term of Service of Architect of the Capitol.

(a) Appointment—enumerates the representatives and senators who select the Architect;

(b) Term of Service— provides that the appointment of the Architect is for a term of 10 years, and may be renewed;

(c) Conforming Amendment—repeals the current selection process for the Architect of the Capitol;

(d) Effective Date—provides that the provisions of the bill apply to any appointment of the Architect after the date of enactment.

MATTERS REQUIRED UNDER THE RULES OF THE HOUSE

CONSTITUTIONAL AUTHORITY

Clause 3(d)(1) of House rule XIII requires each committee report on a public bill or joint resolution to include a statement citing the specific constitutional power(s) granted to the Congress on which the Committee relies for enactment of the measure under consideration. The Committee cites the legislative power granted to Congress in Article I, Section 8, Clause 18.

COMMITTEE VOTES

Clause 3(b) of House rule XIII requires the results of each recorded vote on an amendment or motion to report, together with the names of those voting for and against, to be printed in the committee report. No recorded votes were taken during the Committee's consideration of H.R. 2843.

FEDERAL MANDATES

Section 423 of the CBA requires a committee report on any public bill or joint resolution that includes a federal mandate to include specific information about such mandates. The Committee states that H.R. 2843 includes no federal mandates.

PREEMPTION CLARIFICATION

Section 423 of the CBA requires a committee report on any public bill or joint resolution to include a committee statement on the extent to which the measure is intended to preempt state or local law. The Committee states that H.R. 2843 is not intended to preempt any state or local law.

OVERSIGHT FINDINGS

Clause 3(c)(1) of rule XIII requires each committee report to contain oversight findings and recommendations required pursuant to clause 2(b)(1) of House rule X. The Committee has general oversight responsibility over the Architect of the Capitol. The Committee finds that appointment of the Architect by the legislative branch will increase the accountability of the Architect to Congress and enhance congressional oversight activities.

GENERAL PERFORMANCE GOALS AND OBJECTIVES

Clause 3(c)(4) of House rule XIII requires committee reports to include a statement of general performance goals and objectives. The Committee believes that enactment of H.R. 2843 will streamline the selection process of the Architect of the Capitol, enhance the performance of the Architect by requiring greater accountability, and ensure greater coordination between that official and the Congress.

CONGRESSIONAL EARMARKS

In response to the requirements of clause 9 of rule XXI, the Committee reports that H.R. 2843 does not include any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(e), 9(f), or 9(g) of rule XXI.

APPLICABILITY TO THE LEGISLATIVE BRANCH

The Committee finds that the bill 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 (P.L. 104-1).

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

Clause 3(c)(3) of House rule XIII requires the report of a committee on a measure which has been approved by the committee to include a cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the CBA, if timely submitted. The Director submitted the following estimate:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, November 9, 2009.

Hon. ROBERT A. BRADY,
*Chairman, Committee on House Administration,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 2843, the Architect of the Capitol Appointment Act of 2009.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Matthew Pickford.

Sincerely,

DOUGLAS W. ELMENDORF,
Director.

Enclosure.

H.R. 2843—Architect of the Capitol Appointment Act of 2009

H.R. 2843 would amend federal law to require that the Architect of the Capitol be appointed jointly by the Speaker of the House of Representatives, the President pro tempore of the Senate, the majority and minority leaders of the House of Representatives and the Senate, and the chair and ranking minority members of the Committee on House Administration, the Senate Committee on Rules and Administration, and the Committees on Appropriations. Currently, the Architect of the Capitol is appointed by the President. CBO estimates that enacting H.R. 2843 would not have a significant impact on the federal budget.

The legislation contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would not affect the budgets of state, local, or tribal governments.

The CBO staff contact for this estimate is Matthew Pickford. The estimate was approved by Theresa Gullo, Deputy Assistant Director for Budget Analysis.

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):

**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 the date of the enactment of this Act. If no such vacancy occurs within the six-year period which begins on the date of the enactment of this Act, no individual may, after the expiration of such period, hold such office unless the individual is appointed in accordance with subsection (a).]