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# Architect of the Capitol Appointment Procedure: Evolution and Recent Changes

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# Architect of the Capitol: Evolution and Implementation of the Appointment Procedure

According to its website, the Architect of the Capitol (AOC) is responsible “for the operations and care of more than 18.4 million square feet of facilities, 570 acres of grounds and thousands of works of art.”

Changes to the Architect’s appointment process have been periodically discussed for many years, and congressional interest increased with the termination of the service of former Architect J. Brett Blanton on February 13, 2023.

The resulting Architect of the Capitol Appointment Act of 2023 was enacted within the National Defense Authorization Act for Fiscal Year 2024 (H.R. 2670, P.L. 118-31) on December 22, 2023. The act places responsibility for the appointment of the Architect within a congressional commission comprised of 12 Members. Under the new procedure, the appointment is pursuant to a majority vote of the commission, as is reappointment or removal. The act continued the 10-year term for the Architect and amended the existing law related to the appointment and service of the Deputy Architect.

Prior to this change, pursuant to the Legislative Branch Appropriations Act, 1990, the Architect was appointed by the President with the advice and consent of the Senate. Before the enactment of this law in 1989, the President appointed the Architect for an unlimited term with no formal role for Congress.

The 1989 act first established a 10-year term for the Architect as well as a bicameral, bipartisan congressional commission to recommend candidates to the President. As subsequently amended in 1995, this law provided for a commission consisting of 14 Members of Congress, including the Speaker of the House, the President pro tempore of the Senate, the House and Senate majority and minority leaders, and the chair and ranking minority members of the Committee on House Administration, the Senate Committee on Rules and Administration, and the House and Senate Committees on Appropriations. The Architect was eligible to be reappointed.

Alan M. Hantman was the first Architect appointed under the 1989 appointment procedure. He declined to seek reappointment and served from January 30, 1997, to February 4, 2007.

Stephen T. Ayers, who served as Acting Architect of the Capitol following Mr. Hantman’s retirement, was nominated by President Obama on February 24, 2010, for a 10-year term. The nomination was referred to the Senate Committee on Rules and Administration. The committee held a hearing on April 15, 2010, during which the chair and ranking member praised Mr. Ayers for his work as acting Architect and congratulated him on the nomination. Mr. Ayers was confirmed by voice vote in the Senate on May 12, 2010.

Upon Mr. Ayers’s retirement on November 23, 2018, Christine Merdon, the Deputy Architect of the Capitol/Chief Operating Officer, became the Acting Architect of the Capitol. After her resignation in August 2019, Thomas J. Carroll served as Acting Architect of the Capitol.

J. Brett Blanton was nominated to be Architect of the Capitol by President Trump on December 9, 2019. The nomination was referred to the Senate Committee on Rules and Administration. The committee held a hearing on December 12, 2019, and Mr. Blanton was confirmed by voice vote in the Senate on December 19, 2019. On February 13, 2023, Mr. Blanton was informed by the White House that his appointment as Architect was terminated.

Chere Rexroat, the Chief Engineer, was initially named the Acting Architect. She was succeeded in February 2024 by Acting Architect of the Capitol and Chief of Operations Joseph DiPietro.

For additional information and a comparison of appointments in the legislative branch, see CRS Report R42072, *Legislative Branch Agency Appointments: History, Processes, and Recent Actions*, by Ida A. Brudnick.

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The Office of the Architect of the Capitol (AOC) is responsible “for the operations and care of more than 18.4 million square feet of facilities, 570 acres of grounds and thousands of works of art.”<sup>1</sup> This includes the House and Senate office buildings, the Capitol, the Capitol Visitor Center, the Library of Congress buildings, the Supreme Court building, the U.S. Botanic Garden, the Capitol Power Plant, and other facilities. The AOC carries out its bicameral, nonpartisan responsibilities using both its own staff and contracting authority for architectural, engineering, and other professional services.

The appointment of the Architect has been a subject of periodic consideration in Congress for at least 60 years. It is a topic that has received increased attention during periods in which there has been a vacancy in the position and periods of congressional dissatisfaction with either the work of the incumbent or the involvement of the President in what some Members view as an internal legislative branch matter.

This report discusses the history of the selection of the Architect and contains tables on related legislation introduced over the past 60 years.

For additional information and a comparison of appointments in the legislative branch, see CRS Report R42072, *Legislative Branch Agency Appointments: History, Processes, and Recent Actions*, by Ida A. Brudnick.

## **Most Recent Change to the Appointment Process: 2023**

The Architect of the Capitol Appointment Act of 2023 was enacted within the National Defense Authorization Act for Fiscal Year 2024 (H.R. 2670, P.L. 118-31) on December 22, 2023.

The act places responsibility for the appointment of the Architect within a congressional commission comprised of 12 Members.<sup>2</sup> Under the new procedure, the appointment is pursuant to a majority vote of the commission, as is reappointment or removal. The law continued the 10-year term for the Architect. The act also amended the law related to the appointment and service of the Deputy Architect.

Previously, pursuant to a law enacted in 1989, the position of Architect was filled through appointment by the President, with the advice and consent of the Senate, following the forwarding of recommendations to the President from a bicameral commission consisting of Members of Congress. Pursuant to the 1989 act, the Architect was appointed for a 10-year term and could be reappointed.

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<sup>1</sup> Architect of the Capitol, “About Us,” available at <https://www.aoc.gov/defining-aoc>. The legal responsibilities of the Architect of the Capitol are dispersed through several titles of the *United States Code*. References to AOC duties are included in Title 2 (Congress), Title 5 (Government Organization and Employees), Title 36 (Patriotic Societies and Observances), Title 40 (Public Buildings, Property, and Works), Title 41 (Public Contracts), and Title 42 (Public Health and Welfare).

<sup>2</sup> The commission includes the Speaker of the House, the Senate majority leader, the House and Senate minority leaders, and the chair and ranking minority members of the Committee on House Administration, the Senate Committee on Rules and Administration, and the House and Senate Committees on Appropriations.

## Congressional Involvement in the Architect Appointment: Discussion Prior to the 1989 Act

Prior to 1989, the Architect was selected by the President for an unlimited term without any formal involvement of Congress. Paul Rundquist, congressional scholar and former specialist at the Congressional Research Service, noted in testimony before the Senate Rules and Administration Committee in 1996 that “the fact that the Architect of the Capitol was a congressional agent nominated by the President without confirmation by the Senate does not seem to have troubled Congress until recent years.”<sup>3</sup>

Bills related to the qualifications and appointment of the Architect were periodically introduced since at least the 1950s; however, little action was taken on these proposals until the 1980s.

**Appendix A** provides information on these bills.

Bills proposing a new appointment process took various approaches. Two changes ultimately enacted in 1989 included requiring the advice and consent of the Senate and establishing a commission to recommend names to the President.

Other bills introduced prior to 1989 proposed making the Architect a congressional appointee. These included proposals to make the Architect subject to a joint appointment by the Speaker and President pro tempore; to alternate appointment between the Speaker and President pro tempore; and to establish a commission of Members to recommend candidates to the Speaker and President pro tempore, with ratification by the chambers.

The introduced bills also varyingly addressed the term of office, eligibility for reappointment, procedure for removal, and procedures following early vacancies.

Whereas some of these bills focused only on the Architect, many of the bills introduced from the early 1970s forward also addressed the appointment of the other presidential appointees in the legislative branch, including the Librarian of Congress, the Comptroller General and the Deputy Comptroller,<sup>4</sup> and the Director of the Government Publishing Office.<sup>5</sup>

## Appointment Process: 1989-2023

Pursuant to a 1989 act, the Architect was to be “appointed by the President by and with the advice and consent of the Senate for a term of 10 years.”<sup>6</sup> This procedure was established by the Legislative Branch Appropriations Act, 1990, which also created a congressional commission responsible for recommending at least three individuals to the President for the position of Architect of the Capitol.<sup>7</sup> The commission originally consisted of 10 Members (including 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 chairs and the ranking minority

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<sup>3</sup> U.S. Congress, Senate Rules and Administration Committee, 104<sup>th</sup> Cong., 2<sup>nd</sup> sess., February 29, 1996 (unpublished). Dr. Rundquist gave testimony before the Senate Rules and Administration Committee during a review of the operations of various Senate officers and a study of criteria for the selection of a new AOC.

<sup>4</sup> The Deputy Comptroller General position has been vacant since 1980.

<sup>5</sup> This position was previously known as the Public Printer when the agency was known as the Government Printing Office (changes to both names were made pursuant to P.L. 113-235, div. H, December 16, 2014, 128 Stat. 2537, 2538).

<sup>6</sup> 2 U.S.C. §1801(a)(1).

<sup>7</sup> P.L. 101-163, November 21, 1989, 103 Stat. 1068, 2 U.S.C. §1801.

members of the Committee on House Administration of the House of Representatives and the Committee on Rules and Administration of the Senate).

In considering the FY1990 Legislative Branch Appropriations Act, the Senate Appropriations Committee proposed revising the process by having the President nominate the Architect for a 10-year term, subject to the advice and consent of the Senate. Previously, the position did not require Senate confirmation. In the report accompanying H.R. 3014, the Senate Appropriations Committee stated the following:

These changes will conform the process of the appointment of the Architect more closely to the appointment procedure followed for other officers of similar stature. The Committee believes this will accord proper recognition to the importance of the functions of this office and help to promote greater accountability in their performance.<sup>8</sup>

During the brief Senate debate on the provision, Senator Harry Reid, then-chairman of the Legislative Branch Appropriations Subcommittee, declared that the committee's amendment "better reflects the institutional status of the Architect as an officer of the legislative branch and should make the lines of accountability in the performance of his duties much less ambiguous."<sup>9</sup> Senator Don Nickles, then-ranking member of the subcommittee, noted the fixed term of the Architect would be similar to that of the Comptroller General, who is appointed for a single 15-year term.<sup>10</sup> The legislative history does not appear to indicate why the shorter term was chosen for the Architect.

In conference, House and Senate negotiators agreed to a compromise that reflected the absence in the Senate proposal of any formal role for the House in the selection of a future Architect. The compromise expanded the Senate's language by providing for a bicameral congressional advisory commission. The conference report does not provide additional information on this decision or any other options considered.<sup>11</sup> The compromise was accepted in both houses without debate and the measure was signed into law on November 21, 1989.<sup>12</sup>

The commission was expanded in 1995 to include the chairs and ranking minority members of the House and Senate Appropriations Committees.<sup>13</sup>

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<sup>8</sup> U.S. Congress, Senate Committee on Appropriations, *Legislative Branch Appropriations, 1990*, report to accompany H.R. 3014, 101<sup>st</sup> Cong., 1<sup>st</sup> sess., S.Rept. 101-106 (Washington: GPO, 1989), pp. 37-38.

<sup>9</sup> Sen. Harry Reid, "Legislative Branch Appropriations, 1990," remarks in the Senate, *Congressional Record*, vol. 135, September 6, 1989, p. 19591.

<sup>10</sup> Sen. Don Nickles, "Legislative Branch Appropriations, 1990," remarks in the Senate, *Congressional Record*, vol. 135, September 6, 1989, p. 19593.

<sup>11</sup> U.S. Congress, *Making Appropriations for the Legislative Branch for the Fiscal Year Ending September 30, 1990, and for other purposes*, report to accompany H.R. 3014, H.Rept. 101-254 (Washington: GPO, 1989), p. 19.

<sup>12</sup> "Conference Report on H.R. 3014, Legislative Branch Appropriations Act, 1990," Vote in the House, *Congressional Record*, vol. 135, September 28, 1989, pp. 22270-22271; "Legislative Branch Appropriations, 1990 – Conference Report," Vote in the Senate, *Congressional Record*, vol. 135, November 9, 1989, p. 28052; and P.L. 101-163, 103 Stat. 1068, 2 U.S.C. §1801.

<sup>13</sup> P.L. 104-19, July 27, 1995, 109 Stat. 220. The official record provides little additional information on the changes considered in 1995. Additional membership on the commission was first agreed to in the conference report on H.R. 1158, the Second Supplemental Appropriations and Rescissions Act, 1995, which was vetoed by President Clinton on June 7, 1995. The joint explanatory statement accompanying the conference committee report did not indicate why the provision was added. Subsequently in the same Congress, the provision was included in the original version of H.R. 1944, the Emergency Supplemental Appropriations for Additional Disaster Assistance, for Anti-terrorism Initiatives, for Assistance in the Recovery from the Tragedy that Occurred at Oklahoma City, and Rescissions Act, 1995, which was introduced on June 28. It passed the House the next day following the adoption of one amendment agreed to by voice vote and passed the Senate without amendment on July 21. It became P.L. 104-19 on July 27, 1995.

The commission process established in 1989 followed a similar process used for filling vacancies in the position of Comptroller General, who leads the Government Accountability Office (GAO).<sup>14</sup> The commission procedure for GAO, which also calls for a recommendation to the President of at least three individuals, was established in 1980.

## **Appointments Considered Pursuant to the 1989 Law**

### **Filling the First Vacancy After the 1989 Act: 1995-1997**

Following the decision of George White, who served as Architect from January 27, 1971, until November 21, 1995, not to seek reappointment under the new process, Alan Hantman was nominated under the new procedure to a 10-year term by President Clinton on January 6, 1997.<sup>15</sup> Following a hearing on January 28, 1997, the Senate Committee on Rules and Administration favorably reported his nomination. Mr. Hantman was confirmed by the Senate by voice vote on January 30, 1997.<sup>16</sup> Declining to seek reappointment, Mr. Hantman retired on February 4, 2007,<sup>17</sup> and Stephen T. Ayers, then-Deputy Architect, began service as the Acting Architect of the Capitol.<sup>18</sup>

### **Filling the Second Vacancy: 2007-2010**

Mr. Ayers was confirmed and appointed as Architect three years later, in 2010. Between the announcement that Mr. Hantman would retire and the nomination and confirmation of Mr. Ayers, few congressional announcements were made regarding the status of the Architect vacancy and the submission of the recommendations to the President.

During a hearing on the FY2008 appropriations request on April 24, 2007, before the House Legislative Branch Appropriations Subcommittee, Acting Architect Stephen Ayers responded to a question about the status from ranking member Representative Zach Wamp:

I did speak to the [Senate] Rules Committee about the selection process.... They have told me that their executive recruiter is currently interviewing potential candidates, and I surmise that they would give them that list of potential candidates in a month or two. So that is about the extent of my knowledge of that.<sup>19</sup>

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<sup>14</sup> 31 U.S.C. §703.

<sup>15</sup> The 1989 act required Mr. White to be reappointed under the new procedure no later than the sixth anniversary of the enactment of the law if he chose to remain in office. (P.L. 101-163, §319(b), November 21, 1989, 103 Stat. 1068.)

<sup>16</sup> “Executive Calendar,” remarks in the Senate, *Congressional Record*, vol. 143, January 30, 1997, pp. 1304-1307, 1312. From the retirement of Mr. White until the confirmation of Mr. Hantman, William L. Ensign served as Acting Architect of the Capitol.

<sup>17</sup> Obtained from “Alan M. Hantman, FAIA,” U.S. Architect of the Capitol, <https://www.aoc.gov/about-us/history/architects-of-the-capitol/alan-m-hantman-faia>.

<sup>18</sup> According to the biography provided by the AOC, Mr. Ayers “joined the Architect of the Capitol as an Assistant Superintendent for the Senate Office Buildings. He served in several capacities over the next decade, including Deputy Superintendent for the Senate Office Buildings, Superintendent of the Library Buildings and Grounds, Acting Deputy Architect/Chief Operating Officer and Deputy Architect/Chief Operating Officer” (“Stephen T. Ayers, FAIA, LEED AP,” U.S. Architect of the Capitol, <https://www.aoc.gov/about-us/history/architects-of-the-capitol/stephen-t-ayers-faia-leed-ap>). Pursuant to 2 U.S.C. §1804, the Deputy Architect “shall act as Architect of the Capitol during the absence or disability of that official or whenever there is no Architect.”

<sup>19</sup> U.S. Congress, House Appropriations Committee, *Legislative Branch Appropriations for 2008*, hearings, pt. 3, 110<sup>th</sup> Cong., 1<sup>st</sup> sess., April 24, 2007 (Washington: GPO, 2007), p. 300.

Although the list of names was reportedly transmitted to President George W. Bush in summer 2007, the identity of the candidates was not publicly released by the commission.<sup>20</sup>

In its activities report on the 110<sup>th</sup> Congress (2007-2008), the Committee on House Administration summarized congressional actions and indicated concern about the current process:

Although the commission forwarded three candidates [to the President], complex circumstances prevented final selection and confirmation of the Architect. The Committee anticipates completion of the appointment process in the 111<sup>th</sup> Congress, but in the meantime is reviewing whether the process is simply broken and requires new legislation.<sup>21</sup>

The three-year period following the retirement of the former Architect was also noted in the February 3, 2010, debate in the House on passage of H.R. 2843 (111<sup>th</sup> Congress), the Architect of the Capitol Appointment Act.<sup>22</sup>

On February 24, 2010, President Obama nominated Stephen T. Ayers, who had been serving in an acting capacity during the vacancy, to a 10-year term. The nomination was referred to the Senate Committee on Rules and Administration, which held a hearing on April 15, 2010. The Senators in attendance at the hearing praised Mr. Ayers and congratulated him on the nomination. Mr. Ayers was confirmed by voice vote in the Senate on May 12, 2010.<sup>23</sup>

Mr. Ayers announced his intention to retire on November 23, 2018.

### **Filling the Third Vacancy After the 1989 Act: 2018-2019**

Following Mr. Ayers's retirement on November 23, 2018, Christine Merdon, the Deputy Architect of the Capitol/Chief Operating Officer, became the Acting Architect of the Capitol. After her resignation in August 2019, Thomas J. Carroll served as Acting Architect of the Capitol.

Reportedly, an executive search firm was hired to lead the search for a new Architect.<sup>24</sup> The identity of potential candidates was not publicly released by the commission.

J. Brett Blanton was nominated to be Architect of the Capitol by President Trump on December 9, 2019.<sup>25</sup> The nomination was referred to the Senate Committee on Rules and Administration. The committee held a hearing on December 12, 2019, and Mr. Blanton was confirmed by voice vote in the Senate on December 19, 2019.

### **Filling the Fourth Vacancy After the 1989 Act and Enactment of New Appointment Procedure: 2023**

On February 13, 2023, Mr. Blanton was informed by the White House that his appointment as Architect had been terminated. The termination followed allegations of misconduct addressed

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<sup>20</sup> John McArdle, "Finalists for AOC's Top Job Delivered to President Bush," *Roll Call*, August 13, 2007.

<sup>21</sup> U.S. Congress, House Committee on House Administration, *Report on the Activities of the Committee on House Administration During the One Hundred Tenth Congress*, 110<sup>th</sup> Cong., 2<sup>nd</sup> sess., H.Rept. 110-924, 2008, p. 18.

<sup>22</sup> *Congressional Record*, February 3, 2010, pp. H480-H482. No further action was taken on H.R. 2843 in the 111<sup>th</sup> Congress.

<sup>23</sup> *Congressional Record*, May 12, 2010, p. S3662.

<sup>24</sup> Katherine Tully-McManus, "Ready to manage a world-famous building and grapple with a billion-dollar backlog? This job's for you," *Roll Call*, January 10, 2019.

<sup>25</sup> See White House, "President Donald J. Trump Announces Intent to Nominate Individuals to Key Administration Posts," press release, December 9, 2019, <https://trumpwhitehouse.archives.gov/presidential-actions/president-donald-j-trump-announces-intent-nominate-individuals-key-administration-posts-23/>, and PN1324, 116<sup>th</sup> Cong., December 19, 2019, <https://www.congress.gov/nomination/116th-congress/1324>.

during a hearing of the Committee on House Administration on February 9, 2023,<sup>26</sup> and in an inspector general report issued on October 26, 2022.<sup>27</sup> Numerous Members of Congress, including leadership of the Senate Committee on Rules and Administration and the Committee on House Administration, had called for his resignation.

Although pursuant to 2 U.S.C. §1804, the Deputy Architect of the Capitol was to act as the Architect of the Capitol during a vacancy, at the time of Mr. Blanton's termination as Architect, the deputy position also was vacant.

Chere Rexroat, the Chief Engineer, became the Acting Architect of the Capitol.<sup>28</sup> She was succeeded as Acting Architect in February 2024 by Joseph DiPietro, who is also the Chief of Operations.<sup>29</sup>

As stated above, the Architect of the Capitol Appointment Act of 2023 was enacted within the National Defense Authorization Act for Fiscal Year 2024 (H.R. 2670, P.L. 118-31) on December 22, 2023, while the Acting Architect continued to lead the agency.

## Legislation Introduced Between 1989 and 2023 to Change the Appointment Process

Between the enactment of the 1989 law and the 2023 law, a few bills were introduced to change the process of appointing the Architect.

These proposals aimed to shift the Architect appointment responsibility from the President to specified Members of Congress. As with earlier bills, statements in the *Congressional Record* by bill sponsors cited an interest in using the appointment process to protect the prerogatives of, and ensure accountability to, the legislative branch. Some discussions also addressed the appropriate role of the House of Representatives, which does not play a formal role in the confirmation of presidential nominees.

The only change enacted between 1989 and 2023, as stated above, occurred in 1995, when the commission charged with recommending names to the President expanded to include the chairs and ranking minority members of the House and Senate Appropriations Committees.<sup>30</sup>

**Table 1** compares the Members involved in appointment under the 1989 law, bills introduced between the enactment of the two laws, and the 2023 law. These bills are also discussed below.

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<sup>26</sup> See U.S. Congress, Committee on House Administration, *The Looking Ahead Series: The Architect of the Capitol's Strategic Plan for the 118<sup>th</sup> Congress*, hearings, 118<sup>th</sup> Cong., 1<sup>st</sup> sess., February 9, 2023, <https://cha.house.gov/committee-activity/hearings/looking-ahead-series-architect-capitols-strategic-plan-118th-congress>.

<sup>27</sup> See Architect of the Capitol, Office of Inspector General, *J. Brett Blanton, Architect of the Capitol, Abused His Authority, Misused Government Property and Wasted Taxpayer Money, Among Other Substantiated Violations*, October, 26, 2022, available at <https://www.oversight.gov/report/AOC/J-Brett-Blanton-Architect-Capitol-Abused-His-Authority-Misused-Government-Property-and>.

<sup>28</sup> See "Chere Rexroat," U.S. Architect of the Capitol, <https://www.aoc.gov/about-us/organizational-structure/office-chief-engineer/CEng>.

<sup>29</sup> See "Joseph DiPietro," U.S. Architect of the Capitol, <https://www.aoc.gov/about-us/organizational-structure/office-chief-operations/ChOps>.

<sup>30</sup> P.L. 104-19, July 27, 1995, 109 Stat. 220.

## **109<sup>th</sup> Congress (2005-2006)**

During the 109<sup>th</sup> Congress, one bill (H.R. 4446) was introduced to establish a uniform appointment process and 10-year term of service for the Architect, the Comptroller General, and the Librarian of Congress. This proposal provided for joint appointment by four Members, including the Speaker, the majority leader of the Senate, and the minority leaders of the House of Representatives and Senate. No further action was taken.

## **110<sup>th</sup> Congress (2007-2008)**

A bill (H.R. 6656), which would provide for a 12-member congressional appointing panel, was introduced in the 110<sup>th</sup> Congress and referred to two committees, although no further action was taken.

## **111<sup>th</sup> Congress (2009-2010)**

In the 111<sup>th</sup> Congress, two measures (H.R. 2185 and H.R. 2843) were introduced to remove the President from the Architect appointment process and shift it to the congressional leaders and chairs and ranking members of specific congressional committees. Under both measures, the Architect would still be appointed for a 10-year term.

Under H.R. 2185, which was introduced on April 30, 2009, and referred to the Committee on House Administration and Committee on Transportation and Infrastructure, the Architect would be appointed by a 12-member congressional appointing panel. No further action was taken during the 111<sup>th</sup> Congress.

Under H.R. 2843, as reported, the Architect would be appointed jointly by the same 14-member panel that currently is responsible for recommending candidates to the President. This bill was reported by the Committee on House Administration (H.Rept. 111-372), and the Committee on Transportation and Infrastructure was discharged from further consideration of the bill. The House agreed to the bill, as amended to include 18 rather than 14 Members of Congress (see **Table 1**), by voice vote. It was received in the Senate and referred to the Committee on Rules and Administration, and no further action was taken during the 111<sup>th</sup> Congress.

## **118<sup>th</sup> Congress (2022-2023)**

During the vacancy caused by the termination of Mr. Blanton's appointment, identical legislative provisions to alter the appointment process were included in an introduced House bill, as well as in Senate floor amendments—the latter of which resulted in enactment of the provision.

H.R. 3196, the Architect of the Capitol Appointment Act of 2023, was introduced on May 10, 2023. It was referred to the Committee on House Administration, which held a markup and ordered the bill reported on September 28, 2023.

Additionally, S.Amdt. 220 to S. 2226, a Senate floor amendment to the Senate FY2024 National Defense Authorization Act (NDAA), filed by Senator Klobuchar (for herself and Senator Fischer) on July 12, 2023, included the Architect appointment provision as proposed in H.R. 3196, though the amendment was not offered to the bill.

The Architect appointment provision was included, however, in S.Amdt. 935, a full-text substitute “managers’ package” offered by Senator Schumer on behalf of Senator Reed, which incorporated the text of 51 different filed amendments to the bill. Senate passage of S. 2226, as amended, on July 27, 2023, included the provision.

The Senate offered the S. 2226 text, as passed, as a Senate amendment to the House FY2024 NDAA (H.R. 2670), which did not previously include the Architect appointment provision, also on July 27, 2023. The Senate and House agreed to the conference report on December 13 and 14, 2023, respectively. H.R. 2670 was enacted on December 22, 2023, with the identical Architect appointment provision.

**Table I. Members Included in the Commission Recommending Individuals as Architect Under the 1989 Law, in Legislation Subsequently Introduced, and in the 2023 Law**

	1989 law	H.R. 4446, 109 <sup>th</sup> Cong.	H.R. 6656, 110 <sup>th</sup> Cong.	H.R. 2185, 111 <sup>th</sup> Cong.	H.R. 2843, 111 <sup>th</sup> Cong., as reported	H.R. 2843, 111 <sup>th</sup> Cong., as Passed by the House	H.R. 3196; S.Amdt. 220 and S.Amdt. 935 to S. 2226; and H.R. 2670 (P.L. 118-31) 118 <sup>th</sup> Cong.
Speaker							
President pro Tempore							
House Majority Leader							
Senate Majority Leader							
House Minority Leader							
Senate Minority Leader							
Chair and Ranking Member Committee on House Administration	2		2	2	2	2	2
Chair and Ranking Member Committee on Senate Rules and Administration	2		2	2	2	2	2
Chair and Ranking Member Committee on House Appropriations	2		2	2	2	2	2

	1989 law	H.R. 4446, 109 <sup>th</sup> Cong.	H.R. 6656, 110 <sup>th</sup> Cong.	H.R. 2185, 111 <sup>th</sup> Cong.	H.R. 2843, 111 <sup>th</sup> Cong., as reported	H.R. 2843, 111 <sup>th</sup> Cong., as Passed by the House	H.R. 3196; S.Amdt. 220 and S.Amdt. 935 to S. 2226; and H.R. 2670 (P.L. 118-31) 118 <sup>th</sup> Cong.
Chair and Ranking Member Committee on Senate Appropriations	2		2	2	2	2	2
Chair and Ranking Member Committee on House Committee on Transportation and Infrastructure						2	
A Member of the Senate to be designated by the majority leader of the Senate, and a Member of the Senate to be designated by the minority leader of the Senate						2	
<b>Total Number of Members of Congress</b>	<b>14</b>	<b>4</b>	<b>12</b>	<b>12</b>	<b>14</b>	<b>18</b>	<b>12</b>

Source: CRS survey of legislation.

## Removal of the Architect

The Legislative Branch Appropriations Act, 1990, which established the prior appointment procedure, did not address the possibility of the removal of an Architect. The Architect, then, presumably served at the pleasure of the President.<sup>31</sup>

A few of the bills introduced over the last 50 years providing for appointment by Members of Congress have contained provisions specifically addressing removal. H.R. 8616 (94<sup>th</sup> Congress) proposed that the Architect could be removed by concurrent resolution. S. 2205 (94<sup>th</sup> Congress) provided for removal by resolution in either the House or Senate.

<sup>31</sup> It has long been recognized that “the power of removal [is] incident to the power of appointment.” *Ex Parte Hennen*, 38 U.S. (13 Pet.) 230, 259 (1839).

In the 117<sup>th</sup> and 118<sup>th</sup> Congresses, following allegations of misconduct by the then-Architect, bills were introduced to establish procedures for removal by Congress, either by impeachment or joint resolution.

On December 20, 2022, S. 5319 (117<sup>th</sup> Congress) was introduced in the Senate. It was referred to the Committee on Rules and Administration, but no further action was taken during the 117<sup>th</sup> Congress. It would have provided for removal by impeachment or by joint resolution (only for permanent disability, inefficiency, neglect of duty, malfeasance, or a felony or conduct involving moral turpitude).

A similar bill, S. 97 (118<sup>th</sup> Congress), was introduced on January 26, 2023, and referred to the Committee on Rules and Administration.

The appointment-related proposals considered in 2023, and enacted in P.L. 118-31, also contained provisions authorizing the newly established commission to remove the Architect “from office at any time upon a majority vote of the members of the commission.”

## **Evaluation of the 1989-2023 Bicameral Congressional Commission Process in Choosing the Architect**

The appointment procedure in law from 1989 until 2023 raised a number of potential issues for consideration. These issues, which are discussed below, included the length of the former commission’s work and the potential for extended vacancies in the position; the operation of the former commission; and what would happen if an incumbent sought reappointment as Architect (although this never happened during that period).

While this discussion pertains to the prior appointment process, it may have some applicability for the current vacancy.

### **Time Frame for Filling a Vacancy**

Although the former commission could have transmitted names whenever there was a vacancy, it was not clear from either the statute or the legislative history exactly when the commission was to proceed. The act did not address the possibility of the bicameral congressional commission beginning its work before an incumbent’s departure. In addition, the statute was silent on any time frame for the commission’s forwarding of recommendations following a retirement, presidential action on the commission’s recommendation, or congressional action once a nomination had been received.

From the retirement of George White until the Senate confirmation of Alan Hantman, 436 days elapsed.

Some 1,193 days elapsed from the retirement of Alan Hantman until the Senate confirmation of his successor, Stephen T. Ayers. This period included a change in presidential Administration.

The Senate confirmation of J. Brett Blanton occurred 391 days after the retirement of Mr. Ayers.

### **Internal Operations of the Commission**

The statute provided no guidance on how the commission should operate. If the commission had rules of procedure or criteria for choosing potential nominees during any of the vacancies, they were not made public nor would they have been binding from one vacancy to another. The statute

establishing a commission to recommend individuals to serve as Comptroller General similarly does not address commission procedure.

Potential questions related to commission procedures included

- who was to preside over its meetings;
- where and how meetings were to be called;
- how many members of the commission constituted a quorum;
- what constituted agreement by Members of the commission regarding nominees, including whether nominees needed approval of a majority or all of the Members. In contrast, P.L. 118-31 states that appointment is made “upon a majority vote of a congressional commission”; and
- how the commission was to receive administrative or financial support (i.e., any staffing expenses, travel expenses, or other expenses related to the search and evaluation of candidates).

When former Architect Alan Hantman was chosen, press reports were the only source of information that he was among the candidates whose names were forwarded to President Clinton for consideration.<sup>32</sup> One press account indicated that “Hantman is the ‘primary choice’ of the 14-Members of Congress appointed to find the Capitol’s tenth Architect.”<sup>33</sup> This same press account reported the following: “According to a letter from the chairman of the Senate Rules and Administration Committee Chairman John Warner (R-VA), Hantman was the first choice of the Members ‘by a substantial margin.’”<sup>34</sup> The account quotes an aide as reporting that “all 14 commission members voted either by ballot or proxy for the nominees,” although the votes were not published.<sup>35</sup>

As stated above, following Mr. Hantman’s term of office, the commission reportedly forwarded a list of names to President Bush in August 2007.<sup>36</sup> President Bush did not forward a nomination to the Senate prior to the end of his term. This period also encompassed the end of the 110<sup>th</sup> Congress, with resultant changes in membership of the commission at the start of the 111<sup>th</sup> Congress. The 1989 act does not address a change in the membership of the commission while there is a vacancy in the position.

Limited information regarding the commission’s operations to fill the third vacancy was made publicly available.

## **Process for the Reappointment of an Incumbent Architect**

There were also unresolved questions that may have arisen if an incumbent Architect had decided to seek reappointment under the 1989-2023 process, although this circumstance never occurred.

For example, it is not clear if or when the commission would have formed or if the incumbent Architect would have needed to be chosen again among at least two other potential candidates.

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<sup>32</sup> Juliet Eilperin, “Rockefeller Center Architect Top Pick For Capitol Position,” *Roll Call*, September 23, 1996, pp. A-1, A-28.

<sup>33</sup> *Ibid.*

<sup>34</sup> *Ibid.*

<sup>35</sup> *Ibid.*

<sup>36</sup> “Finalists for AOC’s Top Job Delivered to President Bush,” by John McArdle, *Roll Call*, August 13, 2007.

## Discussion Regarding the Qualifications of the Architect

Many of the introduced bills and congressional hearings related to appointment have addressed the fact that not all of those who have held the position of Architect of the Capitol have been trained architects.<sup>37</sup> Some proposed legislation in the 1950s and 1960s would have required all future nominees to be trained architects.<sup>38</sup> Alternatively, at least one bill—introduced in 1968 during a period of congressional concern over plans for the expansion of the west front of the Capitol—sought to change the title of the office to “Superintendent of the Capitol Buildings and Grounds” to reflect the fact the then-Architect did not have this training.<sup>39</sup>

When Architect White announced his retirement in 1995, concerns were voiced within Congress, the media, and professional groups about the necessary qualifications for any successor. There was considerable discussion about the necessity of the new Architect being a licensed architect and the type of professional management training and experience needed for the position.

The American Institute of Architects (AIA) expressed its preference for a licensed architect with experience in management, procurement, and historic restoration. In 1995, the AIA sent congressional leaders a list of nine potential Architect nominees for consideration.<sup>40</sup> The following year, Raj Barr-Kumar, the president-elect and a fellow of the American Institute of Architects, described the process by which the AIA arrived at these names and qualifications and responsibilities it identified in a February 29, 1996, hearing of the Senate Rules and Administration Committee.<sup>41</sup>

To fill the second Architect vacancy after the 1989 act, the AIA again urged the selection of a licensed architect.<sup>42</sup> Others, including some Members of Congress, emphasized a background in management because the job responsibilities, particularly with the opening of the Capitol Visitor Center, are broader than building design and construction and include some duties not necessarily associated with typical architectural practice.

This discussion continued during the third vacancy, and the AIA again expressed its preference for a licensed architect.<sup>43</sup> The qualifications listed by JDG Associates, the executive search firm, listed

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<sup>37</sup> For a comparison to statutory qualifications in other positions, see the Appendix in CRS Report RL33886, *Statutory Qualifications for Executive Branch Positions*, by Henry B. Hogue.

<sup>38</sup> S. 1847 (86<sup>th</sup> Cong.), S. 1806 (88<sup>th</sup> Cong.), S. 1658 (89<sup>th</sup> Cong.).

<sup>39</sup> H.R. 19127 (90<sup>th</sup> Cong.). Rep. Kupperman, “Introduction of Bill to Change the Title of the Office of the ‘Architect of the Capitol’ to ‘Superintendent of the Capitol Building and Grounds,’” remarks in the House, *Congressional Record*, vol. 114, July 31, 1968, p. 24430.

<sup>40</sup> American Institute of Architects, “Suggested Candidates for Appointment as Architect of the Capitol,” April 2, 1995.

<sup>41</sup> U.S. Congress, Senate Rules and Administration Committee, *FY1997 Senate Budget*, 104<sup>th</sup> Cong., 2<sup>nd</sup> sess., February 29, 1996 (unpublished).

<sup>42</sup> American Institute of Architects, “Tell the President to Choose an Architect,” *The Angle*, vol. 5, no. 22, October 11, 2007. American Institute of Architects, “The Architect of the Capitol Should Be An Architect,” December 4, 2008; American Institute of Architects, “Make the Next Architect of the Capitol A Licensed Professional Architect,” *Issue Brief*, February 2008.

<sup>43</sup> Ned Cramer, “The Architect of the Capitol Should Be an Architect,” *Architect*, March 2019; Katherine Tully-McManus, “Ready to manage a world-famous building and grapple with a billion-dollar backlog? This job’s for you,” *Roll Call*, January 10, 2019; William Bates and Jane Frederick, “Lawmakers should consider experience, diversity in choosing the next Architect of the Capitol,” *The Hill*, May 19, 2019.

“Architectural training and licensure a plus.”<sup>44</sup> Mr. Blanton is “a Licensed Professional Engineer in Civil Engineering and a Certified Energy Manager.”<sup>45</sup>

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<sup>44</sup> Katherine Tully-McManus, “Ready to manage a world-famous building and grapple with a billion-dollar backlog? This job’s for you,” *Roll Call*, January 10, 2019; JDG Associates, Ltd., “The United States Congress Architect of the Capitol,” p. 4.

<sup>45</sup> See <https://www.aoc.gov/about-us/history/architects-of-the-capitol/j-brett-blanton>.

## Appendix A. Legislation to Alter the Architect of the Capitol Appointment Process

**Table A-1. Proposals to Alter the Appointment of the Architect: 1959-Present**

Bill	Date of Introduction	Congressional Action (if any)	Process	Term of Office (if specified)
S. 1847, 86 <sup>th</sup> Cong.	April 30, 1959		joint appointment by Speaker of the House and President pro tempore of the Senate	term expires first day of odd-numbered Congresses
S. 1800, 88 <sup>th</sup> Cong.	June 26, 1963		joint appointment by Speaker and President pro tempore <sup>a</sup>	term expires first day of odd-numbered Congresses
S. 1658, 89 <sup>th</sup> Cong.	April 1, 1965		joint appointment by Speaker and President pro tempore	term expires first day of odd-numbered Congresses
H.R. 17102, 92 <sup>nd</sup> Cong.	October 12, 1972		appointment alternating between Speaker and President pro tempore	
H.R. 63, 93 <sup>rd</sup> Cong.	January 3, 1973		appointment alternating between Speaker and President pro tempore	
S. 1278, 93 <sup>rd</sup> Cong.	March 19, 1973		appointment alternating between Speaker and President pro tempore	
H.R. 8616, 94 <sup>th</sup> Cong.	July 14, 1975		commission of 10 Members (including the Speaker, President pro tempore, majority and minority leaders of the House and Senate, and the chair and ranking minority members of the Committee on House Administration and the Senate Committee on Rules and Administration) nominate candidates, and the Speaker and President pro tempore, following confirmation by a majority vote in each house, shall appoint	5 years
S. 2205, 94 <sup>th</sup> Cong.	July 29, 1975		appointed by the Speaker and majority leader of the Senate after considering recommendations from the majority and minority leaders <sup>b</sup>	7 years
S. 2760, 96 <sup>th</sup> Cong.	May 22, 1980	Passed Senate 11/24/1980 S.Rept. 96-818	President nominates subject to advice and consent of the Senate	
H.R. 3014, 101 <sup>st</sup> Cong.	November 21, 1989	P.L. 101-163	commission of 10 Members (including the Speaker, President pro tempore, majority and minority leaders of the House and Senate, and the chair and ranking minority members of the Committee on House Administration and the Senate Committee on Rules and Administration) recommends candidates to the President for nomination with consent of the Senate	10 years

Bill	Date of Introduction	Congressional Action (if any)	Process	Term of Office (if specified)
H.R. 1944, 104 <sup>th</sup> Cong.	June 28, 1995	P.L. 104-19	added chair and ranking minority members of the House and Senate Appropriations Committees to commission established by P.L. 101-163, increasing the number of Members of the commission to 14	
H.R. 4446, 109 <sup>th</sup> Cong.	December 6, 2005		appointed jointly by 4 Members, including the Speaker, the Senate majority leader, and the House and Senate minority leaders	10 years
H.R. 6656, 110 <sup>th</sup> Cong.	July 30, 2008		appointed jointly by 12 Members, including the Speaker, the Senate majority leader, the House and Senate minority leaders, and the chair and ranking minority members of the Committee on House Administration, the Senate Committee on Rules and Administration, and the House and Senate Committees on Appropriations	10 years
H.R. 2185, 111 <sup>th</sup> Cong.	April 30, 2009		appointed jointly by 12 Members, including the Speaker, the Senate majority leader, the House and Senate minority leaders, and the chair and ranking minority members of the Committee on House Administration, the Senate Committee on Rules and Administration, and the House and Senate Committees on Appropriations	10 years
H.R. 2843, 111 <sup>th</sup> Cong.	June 12, 2009	Reported by Committee on House Administration (12/10/2009) H.Rept. 111-372 Passed House (2/3/2010)	appointed jointly by 18 Members, including the Speaker, the President pro tempore, the House and Senate majority and minority leaders, a Member of the Senate to be designated by the majority leader of the Senate, a Member of the Senate to be designated by the minority leader of the Senate, and the chair and ranking minority members of the Committee on House Administration, the House Committee on Transportation and Infrastructure, the Senate Committee on Rules and Administration, and the House and Senate Committees on Appropriations	10 years
H.R. 3196 118 <sup>th</sup> Cong.	May 10, 2023	Reported by Committee on House Administration (9/28/2023)	appointed jointly by 12 Members, including the Speaker, the Senate majority leader, the House and Senate minority leaders, and the chair and ranking minority members of the Committee on House Administration, the Senate Committee on Rules and Administration, and the House and Senate Committees on Appropriations	10 years

Bill	Date of Introduction	Congressional Action (if any)	Process	Term of Office (if specified)
S. 2226 118 <sup>th</sup> Cong.	July 11, 2023 (original measure reported by the Committee on Armed Services without the AOC language); see S.Amdt. 220 and S.Amdt. 935	Agreed to in the Senate on 7/27/2023, postponed, and incorporated text into H.R. 2670 as an amendment.	appointed jointly by 12 Members, including the Speaker, the Senate majority leader, the House and Senate minority leaders, and the chair and ranking minority members of the Committee on House Administration, the Senate Committee on Rules and Administration, and the House and Senate Committees on Appropriations	10 years
H.R. 2670 118 <sup>th</sup> Cong.	April 18, 2023 (introduced and referred to the Committee on Armed Services without the AOC language)	AOC provision incorporated as part of the Senate amendment to H.R. 2670 (7/27/2023); included when enacted as P.L. 118-31 on 12/22/2023	appointed jointly by 12 Members, including the Speaker, the Senate majority leader, the House and Senate minority leaders, and the chair and ranking minority members of the Committee on House Administration, the Senate Committee on Rules and Administration, and the House and Senate Committees on Appropriations	10 years

**Source:** CRS survey of legislation.

**Notes:** This table includes all legislation identified by CRS as of the date of this report. Additional bills will be added if identified.

- a. Under S. 1806 (88<sup>th</sup> Congress), which was introduced the day after S. 1800, the Architect would have been unable to “evaluate, review, give preliminary approval to, or otherwise pass judgment” on construction or renovation of the Capitol buildings and grounds.
- b. S. 2206, 94<sup>th</sup> Congress, was introduced the same day and addressed the appointment of the Comptroller General and Deputy Comptroller General.

## Appendix B. Architects of the Capitol Since 1793

Since 1793, 12 persons have held the position currently known as the Architect of the Capitol.<sup>46</sup> Of these, two served for more than three decades and two others served for more than two decades.

As stated above, since the 1989 act and continued in the 2023 revisions, any subsequent appointments would be for a term of 10 years, with the possibility of reappointment.

**Table B-1** lists the individuals who have served as Architect, including names, dates of service, and links to biographical information. This table does not include information on Acting Architects.

**Table B-1. Architects of the Capitol**

Name	Dates of Service	Biographical Information
William Thornton	1793	<a href="https://www.aoc.gov/about-us/history/architects-of-the-capitol/dr-william-thornton">https://www.aoc.gov/about-us/history/architects-of-the-capitol/dr-william-thornton</a>
Benjamin Latrobe	1803-1811 1815-1817	<a href="https://www.aoc.gov/about-us/history/architects-of-the-capitol/benjamin-henry-latrobe">https://www.aoc.gov/about-us/history/architects-of-the-capitol/benjamin-henry-latrobe</a>
Charles Bulfinch	1818-1829	<a href="https://www.aoc.gov/about-us/history/architects-of-the-capitol/charles-bulfinch">https://www.aoc.gov/about-us/history/architects-of-the-capitol/charles-bulfinch</a>
Thomas Walter	1851-1865	<a href="https://www.aoc.gov/about-us/history/architects-of-the-capitol/thomas-ustick-walter">https://www.aoc.gov/about-us/history/architects-of-the-capitol/thomas-ustick-walter</a>
Edward Clark	1865-1902	<a href="https://www.aoc.gov/about-us/history/architects-of-the-capitol/edward-clark">https://www.aoc.gov/about-us/history/architects-of-the-capitol/edward-clark</a>
Elliott Woods	1902-1923	<a href="https://www.aoc.gov/about-us/history/architects-of-the-capitol/elliott-woods">https://www.aoc.gov/about-us/history/architects-of-the-capitol/elliott-woods</a>
David Lynn	1923-1954	<a href="https://www.aoc.gov/about-us/history/architects-of-the-capitol/david-lynn">https://www.aoc.gov/about-us/history/architects-of-the-capitol/david-lynn</a>
J. George Stewart	1954-1970	<a href="https://www.aoc.gov/about-us/history/architects-of-the-capitol/j-george-stewart">https://www.aoc.gov/about-us/history/architects-of-the-capitol/j-george-stewart</a>
George White	1971-1995	<a href="https://www.aoc.gov/about-us/history/architects-of-the-capitol/george-m-white-faia">https://www.aoc.gov/about-us/history/architects-of-the-capitol/george-m-white-faia</a>
Alan Hantman	1997-2007	<a href="https://www.aoc.gov/about-us/history/architects-of-the-capitol/alan-m-hantman-faia">https://www.aoc.gov/about-us/history/architects-of-the-capitol/alan-m-hantman-faia</a>
Stephen T. Ayers	2010-2018	<a href="https://www.aoc.gov/about-us/history/architects-of-the-capitol/stephen-t-ayers-faia-leed-ap">https://www.aoc.gov/about-us/history/architects-of-the-capitol/stephen-t-ayers-faia-leed-ap</a>
J. Brett Blanton	2020-2023 <sup>a</sup>	<a href="https://www.aoc.gov/about-us/history/architects-of-the-capitol/j-brett-blanton">https://www.aoc.gov/about-us/history/architects-of-the-capitol/j-brett-blanton</a>

**Sources:** U.S. Architect of the Capitol, *Architects of the Capitol since 1793*, <https://www.aoc.gov/about-us/history/architects-of-the-capitol>; and William Allen, *History of the United States Capitol* (Washington: GPO, 2001). List does not include Acting Architects.

- a. Mr. Blanton's nomination was confirmed by the Senate on December 19, 2019, but he was sworn in as Architect on January 16, 2020.

<sup>46</sup> The term Architect of the Capitol also refers to some of the early occupants of the office who were known as Commissioner, Surveyor of Public Buildings, or Superintendent of the Capitol. For more information, see William Allen, *History of the United States Capitol* (Washington: GPO, 2001), pp. 27, 50-51, 398, and 400-401.

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