



Decision

Matter of: Architect of the Capitol—Purpose Availability of Amounts Obligated for Contract Actions

File: B-336331

Date: May 28, 2026

DIGEST

In fiscal year (FY) 2023, the Architect of the Capitol (AOC) obligated FY 2023 Capital Construction and Operations (CCO) funds for two contract actions: one, a modification of a previously existing contract, provided human resources support services, while another entered a new contract for advisory services regarding AOC business processes and organizational structure. Under the purpose statute, appropriations are available only for authorized purposes. We conclude here that AOC acted within the range of discretion the CCO appropriation afforded it when it incurred these obligations, and we found no evidence of a more specific appropriation available for these purposes. Therefore, the obligations were consistent with the purpose statute. Further, we did not find any requirements pertaining to transfers or reprogrammings that barred AOC's use of these funds.

DECISION

The Architect of the Capitol (AOC) Inspector General (IG) requests our decision on whether funds appropriated to AOC were available for two contract actions.¹ In

¹ Letter from Inspector General, AOC, to Comptroller General (Feb. 2, 2024) (Request Letter).

accordance with our regular practice, we contacted AOC to seek factual information and AOC's legal views on this matter.² AOC responded to our inquiries.³

BACKGROUND

AOC maintains, operates, preserves, renovates, and makes new construction on the Capitol Grounds and the buildings thereon.⁴ AOC "should develop human resources management programs that are consistent with the practices common among other Federal and private sector organizations." 2 U.S.C. § 1831(b)(1).

In fiscal year (FY) 2023, Congress appropriated an amount to the AOC Capital Construction and Operations (CCO) account. Consolidated Appropriations Act, 2023, Pub. L. No. 117-328, div. I, title I, 136 Stat. 4459, 4927 (Dec. 29, 2022) (appropriating about \$145 million). Those funds were available to AOC "[f]or salaries . . . and other personal services, at rates of pay provided by law; for all necessary expenses for surveys and studies, construction, operation, and general and administrative support in connection with facilities and activities under the care of the Architect of the Capitol." *Id.*

In FY 2023, AOC obligated FY 2023 CCO funds for two specific contract actions as described below:

Human resources support services contract modification: In FY 2023, AOC modified an existing contract to require the contractor to provide human resources specialist support to the Office of the Chief Engineer within AOC.⁵ One subsequent FY 2023 contract modification required the contractor to provide AOC with reports containing independent analysis and determinations about employees' eligibility for expanded telework and remote work.⁶ An additional subsequent modification required the contractor to conduct a survey and analysis regarding telework and remote work policies within the Legislative Branch as part of determining industry best practice,

² GAO, *Procedures and Practices for Legal Decisions and Opinions*, GAO-06-1064SP (Washington, D.C.: Sept. 2006), available at www.gao.gov/products/GAO-06-1064SP; Letter from Assistant General Counsel for Appropriations Law, GAO, to General Counsel, AOC (May 29, 2024).

³ Letter from General Counsel, AOC, to Assistant General Counsel for Appropriations Law, GAO (July 16, 2024). (Response Letter).

⁴ See generally AOC, *What We Do*, available at <https://www.aoc.gov/what-we-do> (last visited Apr. 3, 2026).

⁵ Response Letter, at 3 (Contract Modification M029).

⁶ *Id.* at 1, 3, and attachments (Contract Modification M030).

and to submit a report of its findings to AOC.⁷ Neither of these subsequent modifications obligated any additional funds.⁸

According to AOC IG, this contract modification supported work ordinarily done by AOC's Human Capital Management Division, not by the Office of the Chief Engineer.⁹ AOC IG also states that "[Office of the Chief Engineer] funds" were used for the contract modification.¹⁰

Business process analysis contract: In FY 2023, AOC entered a contract "to obtain advisory services and business process analysis regarding AOC operations [and] organizational structure."¹¹ The contractor was required to evaluate AOC's existing business processes and organizational structures to identify potential areas of improvement and efficiencies.¹²

DISCUSSION

At issue here is whether Capital Construction and Operation (CCO) funds were available to AOC for these contract actions.

Purpose availability

Under the purpose statute, appropriations are available only for authorized purposes. 31 U.S.C. § 1301(a). Each authorized expense need not be stated explicitly in an appropriation. B-336076, Apr. 18, 2024. We apply a three-part test to determine whether an appropriation is available for a particular purpose. An appropriation is available for an expense that (1) bears a reasonable, logical relationship to the purpose of the appropriation; (2) is not prohibited by law; and (3) is not otherwise provided for. B-335871, Aug. 28, 2024; B-333508, Sept. 7, 2023. Our analysis will focus on steps one and three of the purpose analysis as we are not aware of any relevant statutory prohibitions on the use of these funds.

To determine whether a reasonable, logical relationship exists between the appropriation and the expenses, the starting point is the text of the appropriation.

⁷ *Id.* (Contract Modification M033).

⁸ Response Letter, at 1, 3, and attachments (Contract Modification M030 and Contract Modification M033).

⁹ Request Letter, at 4.

¹⁰ *Id.* at 5.

¹¹ Response Letter, at 1.

¹² *Id.*

See, e.g., B-334321, Feb. 8, 2023; B-330984, May 27, 2020. Where the text of the appropriation neither explicitly authorizes nor explicitly prohibits a contemplated expense, we have long held that

“the question is whether [the expense] bears a reasonable relationship to fulfilling an authorized purpose or function of the agency. This, in the first instance, is a matter of agency discretion. When we review an expenditure with reference to its availability for the purpose at issue, the question is not whether we would have exercised that discretion in the same manner. Rather, the question is whether the expenditure falls within the agency's legitimate range of discretion, or whether its relationship to an authorized purpose or function is so attenuated as to take it beyond that range.”

B-333826, Apr. 27, 2022 (*quoting* B-223608, Dec. 19, 1988).

The CCO appropriation was available to AOC “[f]or salaries . . . and other personal services, at rates of pay provided by law; for all necessary expenses for surveys and studies, construction, operation, and general and administrative support in connection with facilities and activities under the care of the Architect of the Capitol.” Pub. L. No. 117-328, 136 Stat. at 4927.

With respect to the human resources support contract modification, AOC obligated funds to modify the contract to order human resources specialist support to the Office of the Chief Engineer within AOC, with two subsequent modifications at no additional cost to order additional analysis and survey work related to human resource issues.¹³ AOC’s CCO account is specifically available for the operational needs and “general and administrative support in connection with” AOC activities, and to conduct “surveys and studies.” Pub. L. No. 117-328, 136 Stat. at 4927.

Moreover, AOC has statutory authority to develop and maintain a human resources program. 2 U.S.C. § 1831. Human resources-related expenditures are common operational expenses accompanying managing a workforce. Such expenses are consistent both with the CCO appropriation, which is available for “general and administrative support,” and with AOC’s general authority to develop and maintain its human resources program. Pub. L. No. 117-328, 136 Stat. at 4927; 2 U.S.C. § 1831. Accordingly, we find that AOC could reasonably conclude that the contract modification bore a reasonable, logical relationship to the CCO appropriation, and that the contract action fell within AOC’s legitimate range of discretion.

With respect to the business process analysis contract, the purpose of the contract was to obtain advisory services and business process analysis regarding AOC’s operational and organizational structure, and to review the existing structure for

¹³ Response Letter, at 1, 3, and attachments.

improvements and efficiencies.¹⁴ As stated above, AOC's CCO account is specifically available for the operational needs and general and administrative support in connection with AOC activities, and to conduct surveys and studies. Pub. L. No. 117-328, 136 Stat. at 4927. A contract focused on improving workforce organization and management could be considered a human resource and operational expense of AOC. Accordingly, we find that AOC could reasonably conclude that the business process analysis contract bore a reasonable, logical relationship to the CCO appropriation, and that the contract action fell within AOC's legitimate range of discretion.

Turning to step three of the purpose analysis, an appropriation is not available for an expenditure where another appropriation is more specifically available. B-334321, Feb. 8, 2023; B-330984, May 27, 2020. In FY 2023, AOC received multiple appropriations in addition to its CCO account. For example, AOC received specific appropriations related to the necessary expenses for maintaining and operating a variety of spaces, such as the Capitol Building and the Capitol Grounds.¹⁵ These appropriations provide funds relevant to the specific needs of the respective space. By contrast, the CCO appropriation specifically provides for general operations-related expenses that benefit all facilities and activities under AOC's care. Pub. L. No. 117-328, 136 Stat. at 4927 (making CCO available for "general and administrative support in connection with facilities and activities under the care of" AOC.) AOC explained that it did not have any other appropriations more specifically available for these purposes.¹⁶ Further, we did not identify another appropriation more specific for AOC to use. Accordingly, we conclude that AOC's CCO appropriation is the most specific appropriation available for this purpose.

Transfer and reprogramming

According to AOC IG, the Office of the Chief Engineer carried out the contract actions at issue, even though other offices within AOC ordinarily carry out this type of work.¹⁷ This prompts us to consider whether the relevant contract actions involved the transfer or reprogramming of funds.

¹⁴ *Id.*

¹⁵ AOC generally receives specific appropriations related to its duties to maintain and operate a variety of locations, including appropriations for the following accounts: Capitol Building; Capitol Grounds; Senate Office Buildings; House Office Buildings; Capitol Power Plant; Library Buildings and Grounds; Capitol Police Buildings, Ground and Security; Botanic Garden; and Capitol Visitor Center. Pub. L. No. 117-328, Stat. at 4927–29.

¹⁶ Response Letter, at 2.

¹⁷ Request Letter, at 4–5.

Transfer is the movement of funds from one appropriation to another and generally is prohibited except as permitted by specific statutory authority. 31 U.S.C. § 1532; B-323792, Jan. 23, 2013. According to AOC, it did not transfer any funds for either contract action.¹⁸

Reprogramming is the shifting of funds from one purpose to another within a single appropriation. B-323792, Jan. 23, 2013. Agencies generally are free to reprogram if the resulting obligations and expenditures are consistent with the purpose restrictions applicable to the appropriation.¹⁹ *Id.* However, Congress may enact restrictions upon an agency's authority to reprogram. *Id.*

AOC stated that, with respect to the business process analysis contract, it reprogrammed funds from its Payroll program group to its Administrative program group.²⁰ We did not identify any statutory constraints on AOC's authority to reprogram funds within the CCO appropriation. Nevertheless, AOC stated that it notified the Senate and House Appropriations Committees in advance of this reprogramming action.²¹ Accordingly, we find no provision of law pertaining to either transfers or reprogramming of funds that restricted the actions AOC took concerning either contract.

CONCLUSION

Expenses for both the human resources support services contract modifications and the business process analysis contract fell within the reasonable range of discretion afforded to AOC by its CCO appropriation, and we found no evidence of a more specific appropriation available for these purposes. Therefore, these expenses were

¹⁸ Response Letter, at 2.

¹⁹ As discussed above, we conclude that these contract actions fell within AOC's reasonable range of discretion and that no other appropriation was more specifically available and, therefore, that these expenditures were consistent with the purpose availability of the CCO appropriation.

²⁰ Response Letter, at 2. AOC also stated that it did not reprogram funds for the human resources support services contract modification. *Id.*

²¹ *Id.* at 3; see H.R. Rep. No. 117-389 (2022), at 3 ("agencies funded through this bill are required to notify the [House Appropriations] Committee" before taking specified reprogramming actions).

consistent with the purpose statute. We are not aware of any other provision of law that barred AOC from using CCO funds in this manner.

A handwritten signature in black ink that reads "Edda Emmanuelle Perez". The signature is written in a cursive, flowing style.

Edda Emmanuelli Perez
General Counsel