

“(2) Paragraph (1) shall not apply with respect to any of the following individuals:

“(A) An individual who is employed under the Architect of the Capitol Summer Employment Program.

“(B) An individual who is hired for a total of 120 days or less during any 5-year period (excluding any days in which the individual is employed under the Architect of the Capitol Summer Employment Program).

“(C) An individual employed by the Architect of the Capitol as a temporary employee as of the date of the enactment of this Act [Nov. 12, 2001] who exercises in writing, not later than 90 days after such date, an option offered by the Architect to remain under the pay system (including benefits) provided for the individual as of such date.

“(D) An individual who becomes employed by the Architect of the Capitol after the date of the enactment of this Act [Nov. 12, 2001] who exercises in writing, prior to the individual’s employment, an option offered by the Architect to receive pay and benefits under an alternative system which does not provide the benefits described in paragraph (1), except that under such an option the Architect shall be required to provide the individual with the benefits described in paragraph (1) as soon as the individual’s period of service as a temporary employee exceeds 1 year in length.

“(E) An individual who is covered by a collective bargaining agreement entered into by the Architect of the Capitol establishing terms and conditions of employment which include eligibility for life insurance, health insurance, retirement, and other benefits.

“(3) Nothing in this subsection may be construed to require the Architect of the Capitol to provide duplicative benefits for any employee.

“(4) The Architect of the Capitol shall make employer contributions for benefits for employees of the Architect (including temporary employees) directly to any third party designated to receive such contributions on behalf of the employees under a collective bargaining agreement, participation agreement, or any other arrangement entered into by the Architect which provides for such contributions.”

#### TREATMENT OF SEPARATED EMPLOYEES OF ARCHITECT OF CAPITOL

Pub. L. 105-55, title III, §310, Oct. 7, 1997, 111 Stat. 1199, as amended by Pub. L. 105-275, title III, §308(b)-(d), Oct. 21, 1998, 112 Stat. 2452, 2453; Pub. L. 106-57, title III, §308, Sept. 29, 1999, 113 Stat. 427, provided early retirement benefits, voluntary separation incentive payments, competitive service treatment, and retraining, job placement, and counseling services to certain employees of the Office of the Architect of the Capitol.

#### § 1832. Assignment and reassignment of personnel

Notwithstanding any other provisions of law, in order to improve the economic use of the personal services of his employees, the Architect of the Capitol is authorized on and after October 12, 1979, to assign and reassign, without increase or decrease in basic salary or wages, any person on the employment rolls of his Office, for personal services in any buildings, facilities or grounds under his jurisdiction or for personal services in connection with any project under his jurisdiction for which appropriations have been made and are available, whenever such action, in his opinion, will be most advantageous to the interest of or result in either specific or overall savings to the Government. Exceptions may be made where there are differences in equipment. No assignment or reassignment of

personnel by the Architect of the Capitol pursuant to this provision shall operate in any respect to augment or decrease any general or specific appropriation.

(Pub. L. 96-86, §101(c), Oct. 12, 1979, 93 Stat. 657; Pub. L. 100-202, §106, Dec. 22, 1987, 101 Stat. 1329-433.)

#### CODIFICATION

Section was classified to section 166b-6 of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107-217, §1, Aug. 21, 2002, 116 Stat. 1062.

Section is based on section 102 of title I of H.R. 4390 (Legislative Branch Appropriation Act, 1980), as incorporated by reference by section 101(c) of Pub. L. 96-86, and enacted into law by section 106 of Pub. L. 100-202.

#### EFFECTIVE DATE

Pub. L. 100-202, §106, Dec. 22, 1987, 101 Stat. 1329-433, provided in part that this section is effective on date of enactment [Oct. 12, 1979] of the “pertinent joint resolution” making continuing appropriations for fiscal year 1980 [Pub. L. 96-86].

#### § 1833. Lighting, heating, and ventilating House of Representatives

The electrician, together with everything pertaining to the electrical machinery and apparatus, and the ventilation and heating of the House of Representatives, and all laborers and others connected with the lighting, heating, and ventilating thereof, shall be subject exclusively to the orders, and in all respects under the direction, of the Architect of the Capitol, subject to the control of the Speaker; and no removal or appointment shall be made except with his approval. And all engineers and others who are engaged in heating and ventilating the House shall be subject to the orders, and in all respects under the direction, of the Architect of the Capitol, subject to the control of the Speaker; and no removal or appointment shall be made except with his approval.

(Mar. 3, 1877, ch. 105, 19 Stat. 348; Mar. 3, 1881, ch. 130, §1, 21 Stat. 388.)

#### CODIFICATION

Section was classified to section 167 of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107-217, §1, Aug. 21, 2002, 116 Stat. 1062.

Section, except the words “and the ventilation and heating of the House of Representatives,” is based on act Mar. 3, 1881, popularly known as the “Legislative, Executive, and Judicial Appropriation Act”. The excepted words were based on act Mar. 3, 1877, popularly known as the “Sundry Civil Appropriation Act, fiscal year 1878”.

#### CHANGE OF NAME

Change of name of Architect of the Capitol, functions abolished, transferred, etc., by prior acts, see Prior Provisions and Change of Name notes set out under section 1801 of this title.

#### § 1834. Heating and ventilating Senate wing

All engineers and others who are engaged in heating and ventilating the Senate wing of the Capitol shall be subject to the orders and in all respects under the direction of the Architect of the Capitol, subject to the approval of the Senate Committee on Rules and Administration.

(July 11, 1888, ch. 615, 25 Stat. 258; Aug. 2, 1946, ch. 753, title I, §102, title II, §224, 60 Stat. 814, 838.)

#### CODIFICATION

Section was classified to section 168 of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107-217, §1, Aug. 21, 2002, 116 Stat. 1062.

Section is based on act July 11, 1888, popularly known as the “Legislative, Executive, and Judicial Appropriation Act July 11, 1888, fiscal year 1889”.

#### AMENDMENTS

1946—Act Aug. 2, 1946, substituted “Committee on Rules and Administration” for “Committee on Rules”.

#### EFFECTIVE DATE OF 1946 AMENDMENT

Act Aug. 2, 1946, ch. 753, title I, §142, 60 Stat. 834, provided that section 102 of that act shall take effect on Jan. 2, 1947, and section 245 of title II of that act, 60 Stat. 839, provided that section 224 thereof shall “take effect on the day on which the Eightieth Congress convenes”. The Eightieth Congress convened on Jan. 3, 1947.

#### PART B—COMPENSATION

### § 1841. Single per annum gross rates of pay

Whenever the rate of pay of—

(1) an employee of the Office of the Architect of the Capitol; or

(2) an employee of the House Restaurant, or of the Senate Restaurant, under the supervision of the Architect of the Capitol as an agent of the House or Senate, respectively, as the case may be;

is fixed or adjusted on or after the effective date of this section, that rate, as so fixed and adjusted, shall be a single per annum gross rate.

(Pub. L. 91-510, title IV, §481, Oct. 26, 1970, 84 Stat. 1196.)

#### REFERENCES IN TEXT

The effective date of this section, referred to in text, means immediately prior to noon on Jan. 3, 1971. See section 601(1) of Pub. L. 91-510, set out as an Effective Date of 1970 Amendment note under section 4301 of this title.

#### CODIFICATION

Section was classified to section 166b-1a of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107-217, §1, Aug. 21, 2002, 116 Stat. 1062.

### § 1842. Conversion of existing pay rates

The Architect of the Capitol shall convert, as of the effective date of this section, to a single per annum gross rate, the rate of pay of each employee described in subparagraph (1) or subparagraph (2) of section 1841 of this title, whose pay immediately prior to such effective date was fixed at a basic rate with respect to which additional pay was payable by law.

(Pub. L. 91-510, title IV, §482, Oct. 26, 1970, 84 Stat. 1196.)

#### REFERENCES IN TEXT

The effective date of this section, referred to in text, means immediately prior to noon on Jan. 3, 1971. See section 601(1) of Pub. L. 91-510, set out as an Effective

Date of 1970 Amendment note under section 4301 of this title.

#### CODIFICATION

Section was classified to section 166b-1b of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107-217, §1, Aug. 21, 2002, 116 Stat. 1062.

### § 1843. Obsolete references

In any case in which—

(1) the rate of pay of, or any maximum or minimum rate of pay with respect to—

(A) any employee described in subparagraph (1) or subparagraph (2) of section 1841 of this title, or

(B) the position of such employee, or

(C) any class or group of such employees or positions,

is referred to in or provided by statute or other authority; and

(2) the rate so referred to or provided is a basic rate with respect to which additional pay is provided by law;

such statutory provision or authority shall be deemed to refer, in lieu of such basic rate, to the per annum gross rate which an employee receiving such basic rate immediately prior to the effective date of this section would receive, without regard to such statutory provision or authority, under section 1842 of this title on and after such date.

(Pub. L. 91-510, title IV, §483, Oct. 26, 1970, 84 Stat. 1196.)

#### REFERENCES IN TEXT

The effective date of this section, referred to in text, means immediately prior to noon on Jan. 3, 1971. See section 601(1) of Pub. L. 91-510, set out as an Effective Date of 1970 Amendment note under section 4301 of this title.

#### CODIFICATION

Section was classified to section 166b-1c of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107-217, §1, Aug. 21, 2002, 116 Stat. 1062.

### § 1844. Savings provisions

The provisions of sections 1841 to 1846 of this title shall not be construed to—

(1) limit or otherwise affect any authority for the making of any appointment to, or for fixing or adjusting the pay for, the position of any employee described in subparagraph (1) or subparagraph (2) of section 1841 of this title;

(2) affect the continuity of employment of, or reduce the pay of, any employee holding any position referred to in subparagraph (1) of this section; or

(3) modify, change, supersede, or otherwise affect the provisions of sections 5504 and 6101(a)(5) of title 5, insofar as such sections relate to the Office of the Architect of the Capitol.

(Pub. L. 91-510, title IV, §484, Oct. 26, 1970, 84 Stat. 1197.)

#### CODIFICATION

Section was classified to section 166b-1d of former Title 40, prior to the enactment of Title 40, Public