

Effective Date of 1970 Amendment note under section 72a of Title 2, The Congress.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 166b-1e, 166b-1f of this title.

§ 166b-1e. Effect on existing law

(a) All provisions of law inconsistent with sections 166b-1a to 166b-1f of this title are hereby superseded to the extent of the inconsistency.

(b) Sections 5504 and 6101(a)(5) of title 5 shall apply to employees of the House and Senate Restaurants who are paid at per annum rates of pay as long as such employees are under the supervision of the Architect of the Capitol as an agent of the House or Senate, respectively, as the case may be.

(Pub. L. 91-510, title IV, §485, Oct. 26, 1970, 84 Stat. 1197.)

EFFECTIVE DATE

Section effective 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 72a of Title 2, The Congress.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 166b-1d, 166b-1f of this title.

§ 166b-1f. Exemptions

Notwithstanding any other provision of sections 166b-1a to 166b-1f of this title, the foregoing provisions of such sections do not apply to any employee described in section 166b-1a of this title whose pay is fixed and adjusted—

(1) in accordance with chapter 51, and subchapter III of chapter 53, of title 5, relating to classification and General Schedule pay rates;

(2) in accordance with subchapter IV of chapter 53 of title 5, relating to prevailing rate pay systems;

(3) at per hour or per diem rates in accordance with section 3 of the Legislative Pay Act of 1929, as amended (46 Stat. 38; 55 Stat. 615), relating to employees performing professional and technical services for the Architect of the Capitol in connection with construction projects and employees under the Office of the Architect of the Capitol whose tenure of employment is temporary or of uncertain duration; or

(4) in accordance with prevailing rates under authority of sections 174j-1 to 174j-7 of this title entitled "Joint Resolution transferring the management of the Senate Restaurants to the Architect of the Capitol, and for other purposes", or section 174k of this title, relating to the duties of the Architect of the Capitol with respect to the House of Representatives Restaurant.

(Pub. L. 91-510, title IV, §486, Oct. 26, 1970, 84 Stat. 1197.)

REFERENCES IN TEXT

The General Schedule, referred to in par. (1), is set out under section 5332 of Title 5, Government Organization and Employees.

Section 3 of the Legislative Pay Act of 1929, as amended (46 Stat. 38; 55 Stat. 615), referred to in par.

(3), amended section 2 of the Classification Act of 1923, which was classified to section 662 of former Title 5, Executive Departments and Government Officers and Employees. The Classification Act of 1923, as amended, was repealed and superseded by the Classification Act of 1949, Oct. 28, 1949, ch. 782, 63 Stat. 954, 972. The amendment of section 3 of the Legislative Pay Act of 1929 made by act Aug. 1, 1941, §6, 55 Stat. 615, was not repealed by the Classification Act of 1949. See section 1202(7), 63 Stat. 973.

Section 174j-2 of this title, included within reference in par. (4) to sections 174j-1 to 174j-7 of this title, was omitted from the Code.

EFFECTIVE DATE

Section effective 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 72a of Title 2, The Congress.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 166b-1d, 166b-1e of this title.

§ 166b-2. Registered nurses compensated under appropriations for Capitol Buildings, Senate Office Buildings, and House Office Buildings; allocation to General Schedule salary grade

Notwithstanding any other provision of law, effective on the first day of the first applicable pay period which begins on or after December 27, 1974, the positions of registered nurses compensated under appropriations for Capitol Buildings, Senate Office Buildings, and House Office Buildings, shall be allocated by the Architect of the Capitol at not to exceed grade 12 of the General Schedule.

Notwithstanding any other provision of law, effective January 1, 1975, none of the funds appropriated to the Architect of the Capitol shall thereafter be available for any nursing position unless the position is occupied by a Registered Nurse: *Provided*, That such provision shall not be applicable to the present incumbents of such positions.

(Pub. L. 93-554, title I, ch. III, Dec. 27, 1974, 88 Stat. 1777; Pub. L. 101-520, title I, §109, Nov. 5, 1990, 104 Stat. 2269; Pub. L. 103-283, title I, §103, July 22, 1994, 108 Stat. 1435.)

REFERENCES IN TEXT

The General Schedule, referred to in text, is set out under section 5332 of Title 5, Government Organization and Employees.

PRIOR PROVISIONS

A prior section 166b-2, Pub. L. 85-462, §4(j), (t), June 20, 1958, 72 Stat. 208, 209, established position of Chief Nurse in the Senate Office Building, under Office of Architect of the Capitol, and set forth salary grade for each position of nurse under Architect of the Capitol.

AMENDMENTS

1994—Pub. L. 103-283 substituted "at not to exceed grade 12" for "to grade 11" in first par.

1990—Pub. L. 101-520 substituted "grade 11" for "grade 10" and struck out "and compensated initially at the same steps in such grade, currently in effect for their present grades, so long as such positions are held by the present incumbents" after "General Schedule" in first par.

§ 166b-3. Authorization to fix basic rate of compensation for certain positions

On and after August 21, 1959, the Architect of the Capitol is authorized, without regard to

chapter 51 and subchapter III of chapter 53 of title 5, to fix the compensation of four positions under the appropriation "Salaries, Office of the Architect of the Capitol", of two positions under the appropriation "Capitol Buildings", and of one position under the appropriation "House Office Buildings" at a basic rate of \$8,200 per annum each: *Provided*, That this provision shall not be applicable to the positions of Architect or Assistant Architect.

On and after August 21, 1959, the Architect of the Capitol is authorized, without regard to chapter 51 and subchapter III of chapter 53 of title 5, to fix the compensation of one position under the appropriation "Senate Office Buildings", at a basic rate of \$8,200 per annum.

(Pub. L. 86-176, Aug. 21, 1959, 73 Stat. 407; Pub. L. 89-309, ch. VII, Oct. 31, 1965, 79 Stat. 1147; Pub. L. 90-206, title II, §214(p), Dec. 16, 1967, 81 Stat. 638; Pub. L. 90-239, ch. IV, Jan. 2, 1968, 81 Stat. 775; Pub. L. 94-157, title I, ch. IV, Dec. 18, 1975, 89 Stat. 835; Pub. L. 101-163, title I, §106(c), Nov. 21, 1989, 103 Stat. 1056.)

CODIFICATION

"Chapter 51 and subchapter III of chapter 53 of title 5" substituted for "the Classification Act of 1949, as amended" in text on authority of Pub. L. 89-554, §7(b), Sept. 6, 1966, 80 Stat. 631, the first section of which enacted Title 5, Government Organization and Employees.

AMENDMENTS

1989—Pub. L. 101-163 substituted "four positions" for "three positions" and "Architect or Assistant Architect" for "Architect, Assistant Architect, or Second Assistant Architect of the Capitol".

1975—Pub. L. 94-157 increased to two positions from one position the number of positions under the appropriation "Capitol Buildings".

1968—Pub. L. 90-239 increased the compensation of one position under appropriation "Senate Office Buildings" from "\$7,700" to "\$8,200".

1967—Pub. L. 90-206 increased the compensation from \$7,700 to \$8,200 per annum each of the three positions under the appropriation "Salaries, Office of the Architect of the Capitol", of one position under the appropriation "Capitol Buildings", and of one position under the appropriation "House Office Buildings".

1965—Pub. L. 89-309 increased the compensation of one position under appropriation "Senate Office Buildings" from \$7,020 to \$7,700.

EFFECTIVE DATE OF 1967 AMENDMENT

Amendment by Pub. L. 90-206 effective as of beginning of first pay period which begins on or after Oct. 1, 1967, see section 220(a)(2) of Pub. L. 90-206, set out as a note under section 5332 of Title 5, Government Organization and Employees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 166b-3a of this title; title 5 section 5307.

§ 166b-3a. Compensation of certain positions in Office of Architect of Capitol

(a) Amount of compensation to be that specified in appropriations Acts

Notwithstanding any other provision of law, the pay for positions described in subsection (b) of this section shall be the amounts specified for such positions in appropriations Acts.

(b) Positions covered

The positions referred to in subsection (a) of this section are—

(1) the position of assistant referred to in the proviso in the first undesignated paragraph under the center subheadings "OFFICE OF THE ARCHITECT OF THE CAPITOL" and "SALARIES" in the first section of the Legislative Branch Appropriation Act, 1971 (40 U.S.C. 164a), and

(2) the eight positions provided for in the third and fourth undesignated paragraphs under the center subheadings "OFFICE OF THE ARCHITECT OF THE CAPITOL" and "SALARIES" in the first section of the Legislative Branch Appropriation Act, 1960 (40 U.S.C. 166b-3).

(c) Calculation of amounts

The pay for each position described in subsection (b) of this section shall be the pay payable for such position with respect to the last pay period before this section takes effect, subject to any applicable adjustment during fiscal year 1988 under, or by reference to any applicable adjustment during fiscal year 1988 under, subchapter I of chapter 53 of title 5.

(d) Effective date

This section shall apply in fiscal years beginning after September 30, 1987, with respect to pay periods beginning after December 22, 1987.

(Pub. L. 100-202, §101(i) [title III, §308], Dec. 22, 1987, 101 Stat. 1329-290, 1329-309; Pub. L. 101-163, title I, §106(e), Nov. 21, 1989, 103 Stat. 1057.)

AMENDMENTS

1989—Subsec. (b). Pub. L. 101-163 amended subsec. (b) generally. Prior to amendment, subsec. (b) read as follows: "The positions referred to in subsection (a) of this section are: (1) the two positions of assistant referred to in the proviso in the first undesignated paragraph under the center subheadings 'OFFICE OF THE ARCHITECT OF THE CAPITOL' and 'SALARIES' in the Legislative Branch Appropriation Act, 1971 (40 U.S.C. 164a), and (2) the seven positions provided for in the third and fourth undesignated paragraphs under the center subheadings 'OFFICE OF THE ARCHITECT OF THE CAPITOL' and 'SALARIES' in the Legislative Branch Appropriation Act, 1960 (40 U.S.C. 166b-3)."

FISCAL YEAR ADJUSTMENTS IN PAY

Section 307 of Pub. L. 101-163 provided that: "The pay for the positions described in section 308(b) of the Legislative Branch Appropriations Act, 1988, as contained in section 101(i) of Public Law 100-202 [40 U.S.C. 166b-3a(b)]—

"(1) shall be subject to any applicable adjustment during fiscal year 1990 under, or by reference to any applicable adjustment during fiscal year 1990 under, subchapter I of chapter 53 of title 5, United States Code; and

"(2) with respect to the position of Assistant Architect of the Capitol, shall be subject to any recommendation of the President that, pursuant to section 225 of the Federal Salary Act of 1967 (2 U.S.C. 351 et seq.), takes effect during fiscal year 1990."

Similar provisions were contained in the following prior appropriations act:

Pub. L. 100-458, title III, §308, Oct. 1, 1988, 102 Stat. 2183.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 5 section 5306.

§ 166b-3b. Compensation of certain positions under jurisdiction of Architect of Capitol

(a) Director of Engineering

Effective as of the first day of the first applicable pay period beginning on or after November