

ward at least 3 designs, with recommendations, to the United States Capitol Preservation Commission.

**(B) Final selection**

The United States Capitol Preservation Commission shall select and approve the final design from among the 3 designs submitted under subparagraph (A).

**(d) Funding**

Funds otherwise made available to the Architect of the Capitol under this Act shall be available to carry out this section.

(Pub. L. 107-68, title I, §134, Nov. 12, 2001, 115 Stat. 582.)

**Editorial Notes**

**REFERENCES IN TEXT**

This Act, referred to in subsec. (d), is Pub. L. 107-68, Nov. 12, 2001, 115 Stat. 560, known as the Legislative Branch Appropriations Act, 2002. For complete classification of this Act to the Code, see Tables.

**CODIFICATION**

Section was classified to section 217c 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.

**§ 2168. Memorandum of understanding for provision of services of the United States Capitol telephone exchange for the House**

**(a) In general**

The Chief Administrative Officer of the House of Representatives and the Sergeant at Arms and Doorkeeper of the Senate may enter into a memorandum of understanding under which the Sergeant at Arms and Doorkeeper shall provide all services of the United States Capitol telephone exchange for the House of Representatives, in accordance with such terms and conditions as may be provided in the memorandum of understanding.

**(b) Transfer of positions and personnel**

For any period during which a memorandum of understanding is in effect pursuant to this section—

(1) all positions in the United States Capitol telephone exchange for which the employing authority is the Chief Administrative Officer shall be transferred to the Sergeant at Arms and Doorkeeper;

(2) all employees in the United States Capitol telephone exchange for whom the employing authority is the Chief Administrative Officer shall be transferred to, and appointed by, the Sergeant at Arms and Doorkeeper; and

(3) the Sergeant at Arms and Doorkeeper shall serve as the employing authority for all personnel of the United States Capitol telephone exchange.

**(c) Pay and leave accrual**

In carrying out a memorandum of understanding pursuant to this section, the Sergeant at Arms and Doorkeeper shall ensure that, with respect to any employee of the United States Capitol telephone exchange whose employing authority prior to the effective date of the

memorandum was the Chief Administrative Officer—

(1) the rate of pay and leave accrual for the employee shall not be less than the employee's rate of pay and leave accrual for the most recent pay period prior to such date, unless—

(A) the employee does not remain in the same position with the exchange; or

(B) the rate of pay or leave accrual is reduced for cause; and

(2) any leave accrued by the employee that remains unused as of such date shall be transferred to the employee and made available for the employee to use under the same terms and conditions that applied to the use of the leave prior to such date.

**(d) Omitted**

**(e) Reimbursement of expenses by House**

(1) A memorandum of understanding under this section may include a provision requiring the reimbursement by the House of Representatives during a fiscal year (paid out of the applicable accounts of the House) of the expenses incurred by the Sergeant at Arms and Doorkeeper during the fiscal year in carrying out the memorandum with respect to the employees of the United States Capitol telephone exchange whose employing authority prior to the effective date of the memorandum was the Chief Administrative Officer.

(2) Any reimbursement made pursuant to this subsection—

(A) in the case of a reimbursement for salaries or agency contributions and related expenses, shall be deposited in the account under the heading "OFFICE OF THE SERGEANT AT ARMS AND DOORKEEPER" or "AGENCY CONTRIBUTIONS AND RELATED EXPENSES", under the heading "SALARIES, OFFICERS AND EMPLOYEES"; and

(B) in the case of a reimbursement for expenses, shall be deposited in the account under the heading "SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE" under the heading "CONTINGENT EXPENSES OF THE SENATE".

(3) Any funds deposited under paragraph (2) shall be available in like manner and for the same purposes as are other funds in the account to which the funds were deposited.

**(f) Effective date**

This section and the amendment made by this section shall apply with respect to fiscal year 2005 and each succeeding fiscal year.

(Pub. L. 108-447, div. G, title II, §215, Dec. 8, 2004, 118 Stat. 3197.)

**Editorial Notes**

**CODIFICATION**

Section is comprised of section 215 of div. G of Pub. L. 108-447. Subsec. (d) of section 215 of div. G of Pub. L. 108-447 amended section 293 of this title.

Section is from the Legislative Branch Appropriations Act, 2005, which is div. G of the Consolidated Appropriations Act, 2005.

**§ 2169. Capitol complex E-85 refueling station**

**(a) Construction**

The Architect of the Capitol may construct a fuel tank and pumping system for E-85 fuel at or