

Section 208 of the First Supplemental Civil Functions Appropriation Act, 1941, referred to in par. (4), means section 208 of act Oct. 9, 1940, ch. 780, title II, 54 Stat. 1056, which was classified to section 174k of former Title 40, Public Buildings, Property, and Works, prior to repeal by Pub. L. 104-186, title II, § 221(3)(B), Aug. 20, 1996, 110 Stat. 1748.

CODIFICATION

Section was classified to section 166b-1f 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.

Statutory Notes and Related Subsidiaries

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 4301 of this title.

§ 1847. 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.)

Editorial Notes

CODIFICATION

Section was classified to section 166b-3 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.

“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.

Statutory Notes and Related Subsidiaries

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.

§ 1848. Compensation of certain positions in Office of Architect of the 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) shall be the amounts specified for such positions in appropriations Acts.

(b) Positions covered

The positions referred to in subsection (a) 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 [2 U.S.C. 1804], 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 [2 U.S.C. 1847].

(c) Calculation of amounts

The pay for each position described in subsection (b) 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.)

Editorial Notes

CODIFICATION

Section was classified to section 166b-3a 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.

AMENDMENTS

1989—Subsec. (b). Pub. L. 101-163 amended subsec. (b) generally. Prior to amendment, subsec. (b) read as fol-

lows: “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).”

Statutory Notes and Related Subsidiaries

COMPENSATION OF ASSISTANT ARCHITECT OF THE CAPITOL

Pub. L. 108-7, div. H, title I, §1206, Feb. 20, 2003, 117 Stat. 375, provided that: “Notwithstanding any other provision of law, the compensation of the Assistant Architect who is incumbent in that position when the position of Assistant Architect is abolished shall not be reduced so long as the former Assistant Architect is employed at the Office of the Architect of the Capitol. Whenever the Architect of the Capitol receives a pay adjustment after the date of enactment of this section [Feb. 20, 2003], the compensation of such former Assistant Architect shall be adjusted by the same percentage as the compensation of the Architect of the Capitol. The authority granted in this section shall be in addition to the authority the Architect of the Capitol has in section 129(c)(1)(A) of the Legislative Branch Appropriations Act, 2002 [amending 2 U.S.C. 1849], as amended by this Act [see former 2 U.S.C. 1805(e)(3)], to fix the rate of basic pay for not more than 15 positions at a rate not to exceed the highest total rate of pay for the Senior Executive Service under subchapter VIII of chapter 53 of title 5, United States Code, for the locality involved.”

Pub. L. 107-68, title I, §129(b), Nov. 12, 2001, 115 Stat. 580, provided that: “Pursuant to the authority described in section 308(a) of the Legislative Branch Appropriations Act, 1988 (40 U.S.C. 166b-3a(a)) [now 2 U.S.C. 1848(a)], the pay for 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) [now 2 U.S.C. 1804] shall be an amount equal to \$1,000 less than the annual rate of pay for the Architect of the Capitol.”

§ 1849. Compensation of certain positions under jurisdiction of Architect of the Capitol

The Architect of the Capitol may fix the rate of basic pay for not more than 32 positions at a rate not to exceed the highest total rate of pay for the Senior Executive Service under subchapter VIII of chapter 53 of title 5 for the locality involved.

(Pub. L. 101-520, title I, §108, Nov. 5, 1990, 104 Stat. 2268; Pub. L. 102-90, title I, §104, Aug. 14, 1991, 105 Stat. 459; Pub. L. 105-55, title III, §311(a), (b), Oct. 7, 1997, 111 Stat. 1201; Pub. L. 107-68, title I, §129(c)(1), Nov. 12, 2001, 115 Stat. 580; Pub. L. 107-117, div. B, §914(a), Jan. 10, 2002, 115 Stat. 2324; Pub. L. 109-55, title I, §1201(a), Aug. 2, 2005, 119 Stat. 579; Pub. L. 111-316, §1(a), Dec. 18, 2010, 124 Stat. 3452.)

Editorial Notes

CODIFICATION

Section was classified to section 166b-3b 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.

AMENDMENTS

2010—Pub. L. 111-316 amended section generally. Prior to amendment, section related to compensation of certain positions under jurisdiction of Architect of the Capitol, specifying twelve positions fixed in relation to Senior Executive Service, nine positions fixed in relation to the General Schedule, and four positions for Executive Project Directors.

2005—Subsec. (b). Pub. L. 109-55 substituted “9 positions” for “8 positions”.

2002—Subsec. (c). Pub. L. 107-117 added subsec. (c).

2001—Subsec. (a). Pub. L. 107-68, §129(c)(1)(A), added subsec. (a) and struck out former subsec. (a) which read as follows: “Effective as of the first day of the first applicable pay period beginning on or after November 5, 1990, the compensation of the Director of Engineering (under the Architect of the Capitol) shall be equal to such rate as the Architect considers appropriate, not to exceed 90 percent of the highest total rate of pay for the Senior Executive Service under chapter 53 of title 5 for the locality involved.”

Subsecs. (b), (c). Pub. L. 107-68, §129(c)(1), redesignated subsec. (c) as (b) and struck out former subsec. (b) which read as follows:

“(1) Effective beginning with any pay period beginning on or after November 5, 1990, the Architect of the Capitol may fix the rate of basic pay—

“(A) for not more than one of the positions under paragraph (2) at a rate not to exceed 90 percent of the highest total rate of pay for the Senior Executive Service under chapter 53 of title 5 for the locality involved; and

“(B) for any other position under paragraph (2), at such rate as the Architect considers appropriate for such position, not to exceed 85 percent of the highest total rate of pay for the Senior Executive Service under chapter 53 of title 5 for the locality involved.

“(2) Authority under paragraph (1) may be exercised with respect to any of the following positions under the jurisdiction of the Architect of the Capitol:

“(A) The Senior Landscape Architect.

“(B) The Administrative Assistant.

“(C) The Executive Officer.

“(D) The Budget Officer.

“(E) The General Counsel.

“(F) The Superintendent of the Senate Office Buildings.

“(G) The Superintendent of the House Office Buildings.

“(H) The Supervising Engineer of the United States Capitol.”

1997—Subsec. (a). Pub. L. 105-55, §311(a), substituted “such rate as the Architect considers appropriate, not to exceed 90 percent of the highest total rate of pay for the Senior Executive Service under chapter 53 of title 5 for the locality involved” for “the rate of basic pay payable for level V of the Executive Schedule”.

Subsec. (b)(1). Pub. L. 105-55, §311(b)(1), struck out at end “For purposes of the preceding sentence, ‘the maximum rate allowable for the Senior Executive Service’ means the highest rate of basic pay that may be set for the Senior Executive Service under section 5382(b) of title 5.”

Subsec. (b)(1)(A), (B). Pub. L. 105-55, §311(b)(2), substituted “the highest total rate of pay for the Senior Executive Service under chapter 53 of title 5 for the locality involved” for “the maximum rate allowable for the Senior Executive Service”.

1991—Subsec. (b)(1). Pub. L. 102-90, §104(a)(3), inserted sentence at end relating to maximum rate allowable for Senior Executive Service.

Subsec. (b)(1)(A). Pub. L. 102-90, §104(a)(1), substituted “90 percent of the maximum rate allowable for the Senior Executive Service;” for “the rate payable for grade GS-18 of the General Schedule;”.

Subsec. (b)(1)(B). Pub. L. 102-90, §104(a)(2), substituted “85 percent of the maximum rate allowable for the Senior Executive Service.” for “the rate payable for step 2 of grade GS-17 of the General Schedule.”