

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.”

Subsec. (c). Pub. L. 102-90, §104(b), added subsec. (c).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2010 AMENDMENT

Amendment by Pub. L. 111-316 applicable with respect to pay periods beginning on or after Dec. 18, 2010, see section 1(c) of Pub. L. 111-316, set out as a note under section 1805 of this title.

EFFECTIVE DATE OF 2005 AMENDMENT

Pub. L. 109-55, title I, §1201(b), Aug. 2, 2005, 119 Stat. 579, provided that: “The amendment made by subsection (a) [amending this section] shall apply with respect to pay periods beginning on or after the date of the enactment of this Act [Aug. 2, 2005].”

EFFECTIVE DATE OF 2002 AMENDMENT

Pub. L. 107-117, div. B, §914(b), Jan. 10, 2002, 115 Stat. 2324, provided that: “The amendment made by subsection (a) [amending this section] shall apply with respect to pay periods beginning on or after October 1, 2001.”

EFFECTIVE DATE OF 2001 AMENDMENT

Pub. L. 107-68, title I, §129(c)(2), Nov. 12, 2001, 115 Stat. 580, provided that: “The amendment made by paragraph (1) [amending this section] shall apply with respect to pay periods beginning on or after the expiration of the 21-day period which begins on the date the Architect of the Capitol submits to the Committees on Appropriations of the House of Representatives and Senate a list containing the 12 positions for which the Architect will fix the rate of basic pay under the amendment, the rate of basic pay for each such position, and the job description for each such position.”

EFFECTIVE DATE OF 1997 AMENDMENT

Pub. L. 105-55, title III, §311(c), Oct. 7, 1997, 111 Stat. 1202, provided that: “The amendments made by this section [amending this section] shall apply with respect to pay periods beginning on or after January 1, 1998.”

§ 1850. Compensation of registered nurses

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.)

Editorial Notes

REFERENCES IN TEXT

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

CODIFICATION

Section was classified to section 166b-2 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

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.

§ 1851. Gratuities for survivors of deceased employees

Until otherwise provided by law, there is authorized to be paid out of the applicable accounts of the House of Representatives, on vouchers signed by the chairman of the Committee on House Oversight, a gratuity to the widow, widower, or heirs-at-law, of each deceased employee under the jurisdiction of the Architect of the Capitol who was assigned to duty in the House of Representatives at the time of his death. The payment of each such gratuity shall be in accordance with uniform rules and regulations adopted by the Committee on House Oversight except that no such gratuity shall be in excess of that payable to the widow, widower, or heirs-at-law of any deceased employee under the jurisdiction of the Architect of the Capitol having a comparable length of service, who was assigned to similar duties in the Senate at the time of his death.

(Pub. L. 88-454, §103, Aug. 20, 1964, 78 Stat. 550; Pub. L. 104-186, title II, §221(1), Aug. 20, 1996, 110 Stat. 1748.)

Editorial Notes

CODIFICATION

Section was classified to section 166b-4 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 House Resolution No. 291, June 18, 1963, which was enacted into permanent law by Pub. L. 88-454.

AMENDMENTS

1996—Pub. L. 104-186 substituted “applicable accounts” for “contingent fund” and substituted “House Oversight” for “House Administration” in two places.

Statutory Notes and Related Subsidiaries

CHANGE OF NAME

Committee on House Oversight of House of Representatives changed to Committee on House Administration of House of Representatives by House Resolution No. 5, One Hundred Sixth Congress, Jan. 6, 1999.

§ 1852. Withholding and remittance of State income tax

(a) Agreement by Architect with appropriate State official; covered individuals

Whenever—

(1) the law of any State provides for the collection of an income tax by imposing upon employers generally the duty of withholding sums from the compensation of employees and remitting such sums to the authorities of such State; and