

**§ 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) 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 [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) 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.)

**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 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).”

**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 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.)

**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: