

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.

**(b) Other listed positions**

(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.

**(c) Authority to list additional positions**

Effective beginning with any pay period beginning on or after August 14, 1991, the rate of basic pay for up to 8 positions under the jurisdiction of the Architect of the Capitol may be fixed at such rate as the Architect considers appropriate for each, not to exceed 135 percent of the minimum rate payable for grade GS-15 of the General Schedule.

(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.)

REFERENCES IN TEXT

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

AMENDMENTS

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).

EFFECTIVE DATE OF 1997 AMENDMENT

Section 311(c) of Pub. L. 105-55 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.”

**§ 166b-4. Gratuities for survivors of deceased employees under jurisdiction of Architect of Capitol**

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.)

CODIFICATION

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.

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.

**§ 166b-5. Withholding and remittance of State income tax by Architect of Capitol**

**(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 em-

ployers generally the duty of withholding sums from the compensation of employees and remitting such sums to the authorities of such State; and

(2) such duty to withhold is imposed generally with respect to the compensation of employees who are residents of such State;

then the Architect of the Capitol is authorized, in accordance with the provisions of this section, to enter into an agreement with the appropriate official of that State to provide for the withholding and remittance of sums for individuals—

(A) employed by the Office of the Architect of the Capitol, the United States Botanic Garden, or the Senate Restaurant; and

(B) who request the Architect to make such withholdings for remittance to that State.

**(b) Number of remittances authorized**

Any agreement entered into under subsection (a) of this section shall not require the Architect to remit such sums more often than once each calendar quarter.

**(c) Requests for withholding and remittance; amount of withholding; number and effective date of requests; change of designated State; revocation of request; rules and regulations**

(1) An individual employed by the Office of the Architect of the Capitol, the United States Botanic Garden, or the Senate Restaurant may request the Architect to withhold sums from his pay for remittance to the appropriate authorities of the State that he designates. Amounts of withholdings shall be made in accordance with those provisions of the law of that State which apply generally to withholding by employers.

(2) An individual may have in effect at any time only one request for withholdings, and he may not have more than two such requests in effect with respect to different States during any one calendar year. The request for withholdings is effective on the first day of the first pay period commencing on or after the day on which the request is received in the Office of the Architect, the Botanic Garden Office, or the Senate Restaurant Accounting Office except that—

(A) when the Architect first enters into an agreement with a State, a request for withholdings shall be effective on such date as the Architect may determine; and

(B) when an individual first receives an appointment, the request shall be effective on the day of appointment, if the individual makes the request at the time of appointment.

(3) An individual may change the State designated by him for the purposes of having withholdings made and request that the withholdings be remitted in accordance with such change, and he may also revoke his request for withholdings. Any change in the State designated or revocation is effective on the first day of the first pay period commencing on or after the day on which the request for change or the revocation is received in the appropriate office.

(4) The Architect is authorized to issue rules and regulations he considers appropriate in carrying out this subsection.

**(d) Time or times of agreements by Architect**

The Architect may enter into agreements under subsection (a) of this section at such time or times as he considers appropriate.

**(e) Provisions as not imposing duty, burden, requirement or penalty upon United States or any officer or employee of United States**

This section imposes no duty, burden, or requirement upon the United States, or any officer or employee of the United States, except as specifically provided in this section. Nothing in this section shall be deemed to consent to the application of any provision of law which has the effect of subjecting the United States, or any officer or employee of the United States to any penalty or liability by reason of the provisions of this section.

**(f) "State" defined**

For the purposes of this section, "State" means any of the States of the United States.

(Pub. L. 94-59, title V, § 501, July 25, 1975, 89 Stat. 290.)

**§ 166b-6. Assignment and reassignment of personnel by Architect of Capitol for personal services**

Notwithstanding any other provisions of law, in order to improve the economic use of the personal services of his employees, the Architect of the Capitol is authorized on and after October 12, 1979, to assign and reassign, without increase or decrease in basic salary or wages, any person on the employment rolls of his Office, for personal services in any buildings, facilities or grounds under his jurisdiction or for personal services in connection with any project under his jurisdiction for which appropriations have been made and are available, whenever such action, in his opinion, will be most advantageous to the interest of or result in either specific or overall savings to the Government. Exceptions may be made where there are differences in equipment. No assignment or reassignment of personnel by the Architect of the Capitol pursuant to this provision shall operate in any respect to augment or decrease any general or specific appropriation.

(Pub. L. 96-86, § 101(c), Oct. 12, 1979, 93 Stat. 657; Pub. L. 100-202, § 106, Oct. 22, 1987, 101 Stat. 1329-433.)

CODIFICATION

Section is based on section 102 of title I of H.R. 4390 (Legislative Branch Appropriation Act, 1980), as incorporated by reference by section 101(c) of Pub. L. 96-86, and enacted into law by section 106 of Pub. L. 100-202.

EFFECTIVE DATE

Section 106 of Pub. L. 100-202 provided in part that this section is effective on date of enactment [Oct. 12, 1979] of the "pertinent joint resolution" making continuing appropriations for fiscal year 1980 [Pub. L. 96-86].

PILOT PROGRAM TO DETERMINE ECONOMIC FEASIBILITY OF CENTRALIZING CERTAIN MAINTENANCE FUNCTIONS AND ASSIGNING OR REASSIGNING PERSONS ON EMPLOYMENT ROLLS

Pub. L. 101-163, title I, § 104, Nov. 21, 1989, 103 Stat. 1056, provided that: "Notwithstanding any other provi-