

tion 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

(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.)

**Editorial Notes**

**CODIFICATION**

Section was classified to section 166b-5 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.

**§ 1853. Exemption of officers and employees of Architect of Capitol from certain Federal pay provisions**

The classes of employees whose compensation is authorized by section 3 of the Legislative Pay Act of 1929, as amended (46 Stat. 38; 55 Stat. 615), to be fixed by the Architect of the Capitol without regard to the Classification Act of 1923, as amended, are authorized to be compensated without regard to chapter 51 and subchapter III of chapter 53 of title 5.

(Oct. 28, 1949, ch. 782, title II, § 204(a), 63 Stat. 957.)

**Editorial Notes**

**REFERENCES IN TEXT**

Section 3 of the Legislative Pay Act of 1929, as amended (40 Stat. 38; 55 Stat. 615), referred to in text, which was an amendment of the Classification Act of 1923 and which was classified to section 662 of former Title 5, Executive Departments and Government Officers and Employees, was repealed by section 1202 of the Classification Act of 1949, Oct. 28, 1949, ch. 782, 63 Stat. 972.

The Classification Act of 1923, referred to in text, is act Mar. 4, 1923, ch. 265, 42 Stat. 1488, as amended, which was classified to section 661 et seq. of such former Title 5, and was repealed by section 1202 of the Classification Act of 1949.

**CODIFICATION**

Section was formerly classified to section 60e-2a of this title prior to editorial reclassification and renumbering as this section.

Section is comprised of section 204(a) of act Oct. 28, 1949. Subsections (b) and (c) of such section were repealed by Pub. L. 89-554, § 8, Sept. 6, 1966, 80 Stat. 655, and reenacted as sections 5102(d) and 5103 of Title 5, Government Organization and Employees.

Section was classified to section 1084(a) of Title 5 prior to the general revision and enactment of Title 5 by Pub. L. 89-554, § 1, Sept. 6, 1966, 80 Stat. 378.

“Chapter 51 and subchapter III of chapter 53 of title 5” substituted in text for “this Act”, referring to the Classification Act of 1949, on authority of section 7(b) of Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 631, section 1 of which enacted Title 5.

**§ 1854. Overtime compensation for certain employees of Architect of Capitol**

For overtime pay purposes, per diem and per hour employees under the Office of the Architect of the Capitol not subject to chapter 51 and subchapter III of chapter 53 of title 5, shall be regarded as subject to the provisions of sections 5544(a) and 6102 of title 5, and sections 60e-3 and 60e-4 of this title shall not be applicable to such employees.

(June 30, 1945, ch. 212, title V, § 503, 59 Stat. 301; Oct. 28, 1949, ch. 782, title XI, § 1106(a), 63 Stat. 972.)

**Editorial Notes**

**REFERENCES IN TEXT**

Section 6102 of title 5, referred to in text, was repealed by Pub. L. 92-392, § 7(a), Aug. 19, 1972, 86 Stat. 573,