

Treasury of the United States as miscellaneous receipts all moneys in the revolving fund that the Architect determines are in excess of the current and reasonably foreseeable needs of the Senate Staff Health and Fitness Facility.

#### (e) Regulations

The Committee on Rules and Administration of the Senate shall promulgate regulations pertaining to the operation and use of the Senate Staff Health and Fitness Facility.

(Pub. L. 106-554, §1(a)(2) [title I, §4], Dec. 21, 2000, 114 Stat. 2763, 2763A-96; Pub. L. 108-7, div. H, title I, §1207, Feb. 20, 2003, 117 Stat. 375.)

#### Editorial Notes

##### CODIFICATION

Section was formerly classified to section 121f of this title prior to editorial reclassification and renumbering as this section.

Section is from the Congressional Operations Appropriations Act, 2001, which is title I of the Legislative Branch Appropriations Act, 2001.

##### AMENDMENTS

2003—Subsecs. (a), (b)(1). Pub. L. 108-7, §1207(1), (2), inserted “Staff” after “Senate”.

Subsec. (c). Pub. L. 108-7, §1207(3), inserted “Staff” after “costs of the Senate”.

Subsec. (d). Pub. L. 108-7, §1207(4), inserted “Staff” after “Senate”.

Subsec. (e). Pub. L. 108-7, §1207(5), added subsec. (e) and struck out former subsec. (e) which read as follows: “Subject to the approval of the Committee on Rules and Administration of the Senate, the Architect of the Capitol may issue such regulations as may be necessary to carry out the provisions of this section.”

### SUBCHAPTER III—RESTAURANTS

#### § 2041. House of Representatives restaurant, cafeteria, and food services

##### (a) Management and duties

Notwithstanding any other authority with respect to the jurisdiction and control over the management of the House Restaurant and the cafeteria and other food service facilities of the House of Representatives, the jurisdiction over such restaurant and facilities and authority over the direction and supervision of the immediate management and operation thereof shall be vested in the Committee on House Oversight; and the immediate management and operation of such restaurant and facilities may be vested in such official or other authority, acting as the agent of the committee, as the committee may designate; and the official or authority so designated shall perform the duties vested in the Architect of the Capitol by section 208 of the First Supplemental Civil Functions Appropriation Act, 1941 (54 Stat. 1056; Public, No. 812, Seventy-sixth Congress).

##### (b) Transfer of accounts, records, supplies, equipment, and assets

The Architect of the Capitol is hereby authorized and directed to transfer, as the Committee on House Oversight directs, all accounts, records, supplies, equipment, and assets of the House Restaurant and the cafeteria and other food service facilities of the House which are in the possession or under the control of the Archi-

tect of the Capitol in order that all such items may be available for the maintenance and operation of the House Restaurant under the authority of, and as directed by, the Committee on House Oversight.

##### (c) Special deposit account

All authority, responsibility, and functions vested in or imposed upon the Architect of the Capitol in connection with the special deposit account established by section 208 of the First Supplemental Civil Functions Appropriation Act, 1941, shall be vested in or imposed upon such other official, authority, or authorities as the Committee on House Oversight may designate.

##### (d) Effective date

The provisions of this section shall become effective on the first day of the first calendar month beginning after the date of adoption of this resolution, until otherwise provided by law.

(Pub. L. 92-51, July 9, 1971, 85 Stat. 133; Pub. L. 104-186, title II, §221(3)(A), Aug. 20, 1996, 110 Stat. 1748.)

#### Editorial Notes

##### REFERENCES IN TEXT

Section 208 of the First Supplemental Civil Functions Appropriation Act, 1941, referred to in subsecs. (a) and (c), 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.

The date of adoption of this resolution, referred to in subsec. (d), is Mar. 25, 1971. See Codification note below.

##### CODIFICATION

Section was classified to section 174k 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 section 2 of House Resolution No. 317, Ninety-second Congress, Mar. 25, 1971, which was enacted into permanent law by Pub. L. 92-51.

##### AMENDMENTS

1996—Subsecs. (a) to (c). Pub. L. 104-186 substituted “House Oversight” for “House Administration” wherever appearing.

#### 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.

##### SPECIAL DEPOSIT ACCOUNT FROM VENDING OPERATIONS

Pub. L. 104-53, title I, §107A, Nov. 19, 1995, 109 Stat. 522, as amended by Pub. L. 104-197, title I, §101(a), Sept. 16, 1996, 110 Stat. 2400, provided that:

“(a) Subject to the direction of the Committee on House Oversight of the House of Representatives, the amounts deposited in the account specified in subsection (b) from vending operations of the House of Representatives Restaurant System shall be available to pay the cost of goods sold for such operations.

“(b) The account referred to in subsection (a) is the special deposit account established for the House of Representatives Restaurant by section 208 of the First Supplemental Civil Functions Appropriation Act, 1941 (40 U.S.C. 174k note) [former 40 U.S.C. 174k].”



[Pub. L. 104-197, title I, §101(b), Sept. 16, 1996, 110 Stat. 2401, provided that: “The amendments made by subsection (a) [amending section 107A of Pub. L. 104-53, set out above] shall apply with respect to fiscal years beginning after September 30, 1996.”]

TRANSFER OF FOOD SERVICE OPERATIONS; ELECTION BY CERTAIN AFFECTED EMPLOYEES; DISABILITY AND RETIREMENT BENEFITS; PROMULGATION OF REGULATIONS

Pub. L. 99-500, §111, Oct. 18, 1986, 100 Stat. 1783-348, and Pub. L. 99-591, §111, Oct. 30, 1986, 100 Stat. 3341-348, provided that:

“(a) Any individual who—

“(1) on the day before the date on which food services operations for the House of Representatives are transferred by contract to a corporation or other person—

“(A) is a congressional employee (as defined in section 2107 of title 5, United States Code), other than an employee of the Architect of the Capitol, engaged in providing such food services under the administrative control of the Architect of the Capitol; and

“(B) is subject to subchapter III of chapter 83 of title 5, United States Code, or chapter 84 of such title;

“(2) as a result of such contract, ceases to be an employee described in paragraph (1); and

“(3) becomes employed to provide such food services under contract, including a successor contract;

may, for purposes of the provisions of law specified in subsection (b), elect to be treated, for so long as such individual continues to be employed (without a break in service) as described in paragraph (3), as if such individual had not ceased to be an employee described in paragraph (1). Such election shall be made on or before the day referred to in paragraph (1) and shall be available only to an individual whose transition from the employment described in paragraph (1) to the employment described in paragraph (3) takes place without a break in service.

“(b) The provisions of law referred to in subsection (a) are—

“(1) subchapter III of chapter 83 of title 5, United States Code (including section 8339(m) of such title (which shall be applied, when an employee retires on an immediate annuity or dies, as if the employment at the time of retirement or death were under a formal leave system), with respect to unused sick leave to the credit of an employee on the day referred to in subsection (a)(1));

“(2) chapter 84 of title 5, United States Code; and

“(3) title III of the Federal Employees’ Retirement System Act of 1986 [sections 301 to 312 of Pub. L. 99-335, see Tables for classification].

“(c)(1) At the earliest practicable opportunity, the Director of the Office of Personnel Management shall, in consultation with the Architect of the Capitol, prescribe regulations to carry out this section with respect to matters within the jurisdiction of the Office, including regulations under which—

“(A) an individual who makes an election under subsection (a) shall pay into the Civil Service Retirement and Disability Fund any employee contributions which would be required if such individual were a Congressional employee; and

“(B) the employer furnishing food services under a contract referred to in subsection (a) shall pay into the Civil Service Retirement and Disability Fund amounts equal to any agency contributions which would be required if the individual were a Congressional employee.

“(2) At the earliest practicable opportunity, the Executive Director of the Federal Retirement Thrift Investment Board shall, in consultation with the Architect of the Capitol, prescribe regulations to carry out this section with respect to matters within the jurisdiction of the Board.”

**§ 2042. Senate Restaurants; management by Architect of the Capitol**

Effective August 1, 1961, the management of the Senate Restaurants and all matters connected therewith, heretofore under the direction of the Senate Committee on Rules and Administration, shall be under the direction of the Architect of the Capitol under such rules and regulations as the Architect may prescribe for the operation and the employment of necessary assistance for the conduct of said restaurants by such business methods as may produce the best results consistent with economical and modern management, subject to the approval of the Senate Committee on Rules and Administration as to matters of general policy: *Provided*, That the management of the Senate Restaurants by the Architect of the Capitol shall cease and the restaurants revert from the jurisdiction of the Architect of the Capitol to the jurisdiction of the Senate Committee on Rules and Administration upon adoption by that committee of a resolution ordering such transfer of jurisdiction at any time hereafter. The provisions of section 5104(c) of title 40, except for the provisions relating to solicitation, shall not apply to any activity carried out pursuant to this section, subject to the approval of such activities by the Committee on Rules and Administration.

(Pub. L. 87-82, §1, July 6, 1961, 75 Stat. 199; Pub. L. 106-57, title I, §5, Sept. 29, 1999, 113 Stat. 412.)

**Editorial Notes**

**CODIFICATION**

“Section 5104(c) of title 40” substituted in text for “section 4 of the Act of July 31, 1946 (40 U.S.C. 193d)” on authority of Pub. L. 107-217, §5(c), Aug. 21, 2002, 116 Stat. 1303, the first section of which enacted Title 40, Public Buildings, Property, and Works.

Section was classified to section 174j-1 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**

1999—Pub. L. 106-57 inserted at end: “The provisions of section 193d of this title, except for the provisions relating to solicitation, shall not apply to any activity carried out pursuant to this section, subject to the approval of such activities by the Committee on Rules and Administration.”

**§ 2043. Authorization and direction to effectuate purposes of sections 2042 to 2047 of this title**

The Architect of the Capitol is authorized and directed to carry into effect for the United States Senate the provisions of sections 2042 to 2047 of this title and to exercise the authorities contained herein, and any resolution of the Senate amendatory hereof or supplementary hereto hereafter adopted. Such authority and direction shall continue until the United States Senate shall by resolution otherwise order, or until the Senate Committee on Rules and Administration shall by resolution order the restaurants to be returned to the committee’s jurisdiction.

(Pub. L. 87-82, §3, July 6, 1961, 75 Stat. 199.)



**Editorial Notes**

## REFERENCES IN TEXT

Herein, referred to in text, means Pub. L. 87–82, July 6, 1961, 75 Stat. 199, which enacted sections 2042 to 2047 of this title. For complete classification of this Act to the Code, see Tables.

## CODIFICATION

Section was classified to section 174j-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.

**§ 2044. Special deposit account**

There is established with the Treasurer of the United States a special deposit account in the name of the Architect of the Capitol for the United States Senate Restaurants, into which shall be deposited all sums received pursuant to sections 2042 to 2047 of this title or any amendatory or supplementary resolutions hereafter adopted and from the operations thereunder and from which shall be disbursed the sums necessary in connection with the exercise of the duties required under sections 2042 to 2047 of this title or any amendatory or supplementary resolutions and the operations thereunder. Any amounts appropriated for fiscal year 1973 and thereafter from the Treasury of the United States, which shall be part of a “Contingent Expenses of the Senate” item for the particular fiscal year involved, shall be paid to the Architect of the Capitol by the Secretary of the Senate at such times and in such sums as the Senate Committee on Rules and Administration may approve. Any such payment shall be deposited by the Architect in full under such special deposit account.

(Pub. L. 87–82, §4, July 6, 1961, 75 Stat. 199; Pub. L. 92–51, July 9, 1971, 85 Stat. 129; Pub. L. 92–342, §101, July 10, 1972, 86 Stat. 435.)

**Editorial Notes**

## CODIFICATION

Section was classified to section 174j-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.

## AMENDMENTS

1972—Pub. L. 92–342 substituted provision that amounts appropriated for 1973 and thereafter which shall be part of “Contingent Expenses of the Senate” be paid to the Architect of the Capitol, for provision that amounts appropriated for 1972 and thereafter specifically for Senate Restaurants as “Contingent Expenses of the Senate” be paid to Architect of the Capitol.

1971—Pub. L. 92–51 substituted “amounts appropriated for fiscal year 1972 and thereafter” for Senate Restaurants for “amounts hereafter appropriated” for such Restaurants, provision that amounts appropriated specifically for such Restaurants as a Contingent Expense of the Senate item for fiscal year involved shall be paid to Architect of the Capitol, for prior provision declaring amounts appropriated for such Restaurants shall be a part of such Restaurants as a Contingent Expense of Senate for fiscal year involved and for payment of such part to Architect of the Capitol, and provision for approval of payments by Senate Committee on Rules and Administration, including times for payments, for prior provision for payments as appropriations shall specify.

**§ 2045. Deposits and disbursements under special deposit account**

Deposits and disbursements under such special deposit account (1) shall be made by the Architect, or, when directed by him, by such employees of the Architect as he may designate, and (2) shall be subject to audit by the Government Accountability Office at such times and in such manner as the Comptroller General may direct: *Provided*, That payments made by or under the direction of the Architect of the Capitol from such special deposit account shall be conclusive upon all officers of the Government.

(Pub. L. 87–82, §5, July 6, 1961, 75 Stat. 200; Pub. L. 108–271, §8(b), July 7, 2004, 118 Stat. 814.)

**Editorial Notes**

## CODIFICATION

Section was classified to section 174j-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.

## AMENDMENTS

2004—Pub. L. 108–271 substituted “Government Accountability Office” for “General Accounting Office”.

**§ 2046. Bond of Architect, Assistant Architect, and other employees**

The Architect, Assistant Architect, and any employees of the Architect designated by the Architect under section 2045 of this title shall each give bond in the sum of \$5,000 with such surety as the Secretary of the Treasury may approve for the handling of the financial transactions under such special deposit account.

(Pub. L. 87–82, §6, July 6, 1961, 75 Stat. 200.)

**Editorial Notes**

## CODIFICATION

Section was classified to section 174j-6 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.

**§ 2047. Superseding of prior provisions for maintenance and operation of Senate Restaurants**

Sections 2042 to 2047 of this title shall supersede any other Acts or resolutions heretofore approved for the maintenance and operation of the Senate Restaurants: *Provided, however*, That any Acts or resolutions now in effect shall again become effective, should the restaurants at any future time revert to the jurisdiction of the Senate Committee on Rules and Administration.

(Pub. L. 87–82, §7, July 6, 1961, 75 Stat. 200.)

**Editorial Notes**

## CODIFICATION

Section was classified to section 174j-7 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.

**§ 2048. Repealed. Pub. L. 110–279, §1(c)(4)(C), July 17, 2008, 122 Stat. 2606**

Section, Pub. L. 92–51, July 9, 1971, 85 Stat. 138; Pub. L. 94–59, title V, July 25, 1975, 89 Stat. 289; Pub. L.



101–509, title V, § 529 [title I, § 101(b)(5)], Nov. 5, 1990, 104 Stat. 1427, 1440, related to appropriations for certain miscellaneous restaurant expenses, appropriations for employment of management personnel of Senate restaurant facilities, and compensation and annual and sick leave of such personnel.

#### Editorial Notes

##### CODIFICATION

Section was classified to section 174j–8 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 OF REPEAL

Repeal effective July 17, 2008, and applicable to remainder of fiscal year in which enacted and each fiscal year thereafter, see section 2051(i) of this title.

#### § 2049. Loans for Senate Restaurants

##### (a) Borrowing authority

Subject to the approval of the Senate Committee on Rules and Administration, the Architect of the Capitol shall have authority to borrow (and be accountable for), from time to time, from the appropriation account, within the contingent fund of the Senate, for “Miscellaneous Items”, such amount as he may determine necessary to carry out the provisions of the joint resolution entitled “Joint Resolution transferring the management of the Senate Restaurants to the Architect of the Capitol, and for other purposes”, approved July 6, 1961, as amended (40 U.S.C. 174j–1 through 174j–8) [2 U.S.C. 2042 et seq.],<sup>1</sup> and resolutions of the Senate amendatory thereof or supplementary thereto.

##### (b) Amount and period of loan; voucher

Any such loan authorized pursuant to subsection (a) of this section shall be for such amount and for such period as the Senate Committee on Rules and Administration shall prescribe, and shall be made by the Secretary of the Senate to the Architect of the Capitol upon a voucher approved by the Chairman of the Senate Committee on Rules and Administration.

##### (c) Deposit, credit, and future availability of proceeds from repayment

All proceeds from the repayment of any such loan shall be deposited in the appropriation account, within the contingent fund of the Senate, for “Miscellaneous Items”, shall be credited to the fiscal year during which such loan was made, and shall thereafter be available for the same purposes for which the amount loaned was initially appropriated.

(Pub. L. 98–396, title I, Aug. 22, 1984, 98 Stat. 1395.)

#### Editorial Notes

##### REFERENCES IN TEXT

The Joint Resolution entitled “Joint Resolution transferring the management of the Senate Restaurants to the Architect of the Capitol, and for other purposes”, approved July 6, 1961, referred to in subsec.

<sup>1</sup> See References in Text note below.

(a), is Pub. L. 87–82, July 6, 1961, 75 Stat. 199, which enacted sections 174j–1 to 174j–7 of former Title 40, Public Buildings, Property, and Works. Sections 174j–1 and 174j–3 to 174j–7 of former Title 40 were transferred to sections 2042 and 2043 to 2047 of this title, respectively. Section 174j–2 of former Title 40 was repealed by Pub. L. 107–217, § 6(b), Aug. 21, 2002, 116 Stat. 1304. Section 174j–8 of former Title 40, which was not enacted by Pub. L. 87–82, was transferred to section 2048 of this title and subsequently repealed. For complete classification of this Act to the Code, see Tables.

##### CODIFICATION

Section was classified to section 174j–9 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.

#### § 2050. Transfer of appropriations for management personnel and miscellaneous restaurant expenses to special deposit account

Appropriations under this heading for management personnel and miscellaneous restaurant expenses on and after October 7, 1997, shall be transferred at the beginning of each fiscal year to the special deposit account in the United States Treasury established under section 2044 of this title, and effective October 1, 1997, all management personnel of the Senate Restaurant facilities shall be paid from the special deposit account. Management personnel transferred hereunder shall be paid at the same rates of pay applicable immediately prior to the date of transfer, and annual and sick leave balances shall be credited to leave accounts of such personnel in the Senate Restaurants.

(Pub. L. 105–55, title I, Oct. 7, 1997, 111 Stat. 1189.)

#### Editorial Notes

##### REFERENCES IN TEXT

Appropriations under this heading, referred to in text, probably means appropriations under the headings “ARCHITECT OF THE CAPITOL”, “CAPITAL BUILDINGS AND GROUNDS”, and “SENATE OFFICE BUILDINGS” in the annual Legislative Branch Appropriations Act.

##### CODIFICATION

Section was classified to section 174j–10 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 from the Congressional Operations Appropriations Act, 1998, which is title I of the Legislative Branch Appropriations Act, 1998.

#### § 2051. Continued benefits for certain Senate Restaurants employees

##### (a) Definitions

In this section:

##### (1) Contractor

The term “contractor” means the private business concern that enters into a food services contract with the Architect of the Capitol.

##### (2) Covered individual

The term “covered individual” means any individual who—

(A) is a Senate Restaurants employee who is an employee of the Architect of the Capitol on July 17, 2008, including—



- (i) a permanent, full-time or part-time employee;
- (ii) a temporary, full-time or part-time employee; and
- (iii) an employee in a position described under section 2048<sup>1</sup> of this title;

(B) becomes an employee of the contractor under a food services contract on the transfer date; and

(C) with respect to benefits under subsection (c)(2) or (3), files an election before the transfer date with the Office of Human Resources of the Architect of the Capitol to have 1 or more benefits continued in accordance with this section.

### **(3) Food services contract**

The term “food services contract” means a contract under which food services operations of the Senate Restaurants are transferred to, and performed by, a private business concern.

### **(4) Transfer date**

The term “transfer date” means the date on which a contractor begins the performance of food services operations under a food services contract.

## **(b) Election of coverage**

### **(1) In general**

#### **(A) Retirement coverage**

Not later than the day before the transfer date, an individual described under subsection (a)(2)(A) and (B) may file an election with the Office of Human Resources of the Architect of the Capitol to continue coverage under the retirement system under which that individual is covered on that day.

#### **(B) Life and health insurance coverage**

If the individual files an election under subparagraph (A) to continue retirement coverage, the individual may also file an election with the Office of Human Resources of the Architect of the Capitol to continue coverage of any other benefit under subsection (c)(2) or (3) for which that individual is covered on that day. Any election under this subparagraph shall be filed not later than the day before the transfer date.

### **(2) Notification to the Office of Personnel Management**

The Office of Human Resources of the Architect of the Capitol shall provide timely notification to the Office of Personnel Management of any election filed under paragraph (1).

## **(c) Continuity of benefits**

### **(1) Pay**

The rate of basic pay of a covered individual as an employee of a contractor, or successor contractor, during a period of continuous service may not be reduced to a rate less than the rate of basic pay paid to that individual as an employee of the Architect of the Capitol on the day before the transfer date, except for cause.

## **(2) Retirement and life insurance benefits**

### **(A) In general**

#### **(i) Treatment of service**

For purposes of chapters 83, 84, and 87 of title 5, any period of continuous service performed by a covered individual as an employee of a contractor, or successor contractor, shall be deemed to be a period of service as an employee of the Architect of the Capitol.

#### **(ii) Treatment of pay**

For purposes of chapter 87 of title 5, the rate of basic pay of a covered individual during the period described under clause (i) shall be deemed to be the rate of basic pay of that individual as an employee of the Architect of the Capitol on the date on which the Architect of the Capitol enters into the food services contract.

### **(B) Treatment as Civil Service Retirement Offset employees**

In the case of a covered individual who on the day before the transfer date is subject to subchapter III of chapter 83 of title 5 but whose employment with the Architect of the Capitol is not employment for purposes of title II of the Social Security Act [42 U.S.C. 401 et seq.] and chapter 21 of title 26—

(i) the employment described under subparagraph (A)(i) shall, for purposes of subchapter III of chapter 83 of title 5, be deemed to be—

(I) employment of an individual described under section 8402(b)(2) of title 5; and

(II) Federal service as defined under section 8349(c) of title 5; and

(ii) the basic pay described under subparagraph (A)(ii) for employment described under subparagraph (A)(i) shall be deemed to be Federal wages as defined under section 8334(k)(2)(C)(i) of title 5.

### **(3) Health insurance benefits**

For purposes of chapters 89, 89A, and 89B of title 5, any period of continuous service performed by a covered individual as an employee of a contractor, or successor contractor, shall be deemed to be a period of service as an employee of the Architect of the Capitol.

### **(4) Leave**

#### **(A) Credit of leave**

Subject to section 6304 of title 5, annual and sick leave balances of any covered individual shall be credited to the leave accounts of that individual as an employee of the contractor, or any successor contractor. A food services contract may include provisions similar to regulations prescribed under section 6308 of title 5 to implement this subparagraph.

#### **(B) Accrual rate**

During any period of continuous service performed by a covered individual as an employee of a contractor, or successor contractor, that individual shall continue to accrue annual and sick leave at rates not less

<sup>1</sup> See References in Text note below.



than the rates applicable to that individual on the day before the transfer date.

**(C) Omitted**

**(5) Transit subsidy**

For purposes of any benefit under section 7905 of title 5, any period of continuous service performed by a covered individual as an employee of a contractor, or successor contractor, shall be deemed to be a period of service as an employee of the Architect of the Capitol.

**(6) Employee pay; Government contributions; transit subsidy payments; and other benefits**

**(A) Payment by contractor**

A contractor, or any successor to the contractor, shall pay—

(i) the pay of a covered individual as an employee of a contractor, or successor contractor, during a period of continuous service;

(ii) Government contributions for the benefits of a covered individual under paragraph (2) or (3);

(iii) any transit subsidy for a covered individual under paragraph (5); and

(iv) any payment for any other benefit for a covered individual in accordance with a food services contract.

**(B) Reimbursements and payments by Architect of the Capitol**

From appropriations made available to the Architect of the Capitol under the heading “SENATE OFFICE BUILDINGS” under the heading “ARCHITECT OF THE CAPITOL”, the Architect of the Capitol shall—

(i) reimburse a contractor, or any successor contractor, for that portion of any payment under subparagraph (A) which the Architect of the Capitol agreed to pay under a food services contract; and

(ii) pay a contractor, or any successor contractor, for any administrative fee (or portion of an administrative fee) which the Architect of the Capitol agreed to pay under a food services contract.

**(7) Regulations**

**(A) Office of Personnel Management**

**(i) In general**

After consultation with the Architect of the Capitol, the Director of the Office of Personnel Management shall prescribe regulations to provide for the continuity of benefits under paragraphs (2) and (3).

**(ii) Contents**

Regulations under this subparagraph shall—

(I) include regulations relating to employee deductions and employee and employer contributions and deposits in the Civil Service Retirement and Disability Fund, the Employees’ Life Insurance Fund, and the Employees Health Benefits Fund; and

(II) provide for the Architect of the Capitol to perform employer administra-

tive functions necessary to ensure administration of continued coverage of benefits under paragraphs (2) and (3), including receipt and transmission of the deductions, contributions, and deposits described under subclause (I), the collection and transmission of such information as necessary, and the performance of other administrative functions as may be required.

**(B) Thrift Savings Plan benefits**

After consultation with the Architect of the Capitol, the Executive Director appointed by the Federal Retirement Thrift Investment Board under section 8474(a) of title 5 shall prescribe regulations to provide for the continuity of benefits under paragraph (2) of this subsection relating to subchapter III of chapter 84 of that title. Regulations under this subparagraph shall include regulations relating to employee deductions and employee and employer contributions and deposits in the Thrift Savings Fund.

**(d) Covered individuals not entitled to severance pay**

**(1) In general**

Except as provided under paragraph (2), a covered individual shall not be entitled to severance pay under section 5595 of title 5 by reason of—

(A) separation from service with the Architect of the Capitol and becoming an employee of a contractor under a food services contract; or

(B) termination of employment with a contractor, or successor to a contractor.

**(2) Separation during 90-day period**

**(A) In general**

**(i) Covered individuals**

Except as provided under clause (ii), a covered individual shall be entitled to severance pay under section 5595 of title 5 if during the 90-day period following the transfer date the employment of that individual with a contractor is terminated as provided under a food services contract.

**(ii) Exception**

Clause (i) shall not apply to a covered individual who is terminated for cause.

**(B) Treatment**

For purposes of section 5595 of title 5—

(i) any period of continuous service performed by a covered individual described under subparagraph (A) as an employee of a contractor shall be deemed to be a period of service as an employee of the Architect of the Capitol; and

(ii) any termination of employment of a covered individual described under subparagraph (A) with a contractor shall be treated as a separation from service with the Architect of the Capitol.

**(e) Voluntary separation incentive payments**

**(1) Submission of plan**

Not later than 30 days after July 17, 2008, the Architect of the Capitol shall submit a plan



under section 4505 of this title to the applicable committees as provided under that section.

**(2) Plan**

**(A) In general**

Notwithstanding section 4505(e) of this title, the plan submitted under this subsection shall—

- (i) offer a voluntary separation incentive payment to any employee described under subsection (a)(2)(A) of this section in accordance with section 4505 of this title; and
- (ii) offer such a payment to any such employee who becomes a covered individual, if that individual accepts the offer during the 90-day period following the transfer date.

**(B) Treatment of covered individuals**

For purposes of the plan under this subsection—

- (i) any period of continuous service performed by a covered individual as an employee of a contractor shall be deemed to be a period of service as an employee of the Architect of the Capitol; and
- (ii) any termination of employment of a covered individual with a contractor shall be treated as a separation from service with the Architect of the Capitol.

**(f) Early retirement treatment for certain separated employees**

**(1) In general**

This subsection applies to—

(A) an employee of the Senate Restaurants of the Office of the Architect of the Capitol who—

- (i) voluntarily separates from service on or after July 17, 2008, but prior to the day before the transfer date; and
- (ii) on such date of separation—
  - (I) has completed 25 years of service as defined under section 8331(12) or 8401(26) of title 5; or
  - (II) has completed 20 years of such service and is at least 50 years of age; and

(B) except as provided under paragraph (2), a covered individual—

- (i) whose employment with a contractor is terminated as provided under a food services contract during the 90-day period following the transfer date; and
- (ii) on the date of such termination—
  - (I) has completed 25 years of service as defined under section 8331(12) or 8401(26) of title 5; or
  - (II) has completed 20 years of such service and is at least 50 years of age.

**(2) Exception**

Paragraph (1)(B) shall not apply to a covered individual who is terminated for cause.

**(3) Treatment**

**(A) Annuity**

Notwithstanding any provision of chapter 83 or 84 of title 5, an employee described under paragraph (1) is entitled to an annuity which shall be computed consistent with the

provisions of law applicable to annuities under section 8336(d) or 8414(b) of title 5.

**(B) Separation during 90-day period**

For purposes of chapter 83 or 84 of title 5—

- (i) any period of continuous service performed by a covered individual described under paragraphs (1)(B) and (2) as an employee of a contractor shall be deemed to be a period of service as an employee of the Architect of the Capitol; and
- (ii) any termination of employment of a covered individual described under paragraphs (1)(B) and (2) with a contractor shall be treated as a separation from service with the Architect of the Capitol.

**(g) Congressional Accountability Act of 1995**

**(1), (2) Omitted**

**(3) Continuing application to certain acts and omissions**

For purposes of the Congressional Accountability Act of 1995 (2 U.S.C. 1301 et seq.) a covered individual shall be treated as an employee of the Architect of the Capitol with respect to any act or omission which occurred before the transfer date.

**(h) Deposit of commissions**

**(1) Senate Restaurants food services contract**

Any commissions paid by a contractor under a food services contract shall be deposited in the miscellaneous items account within the contingent fund of the Senate.

**(2) Use of funds**

Any funds deposited under paragraph (1) shall be available for expenditure in the same manner as funds appropriated into that account.

**(i) Effective date**

This section shall take effect on July 17, 2008, and apply to the remainder of the fiscal year in which enacted and each fiscal year thereafter.

(Pub. L. 110-279, §1, July 17, 2008, 122 Stat. 2604; Pub. L. 116-21, §1(a), June 12, 2019, 133 Stat. 903.)

**Editorial Notes**

**REFERENCES IN TEXT**

Section 2048 of this title, referred to in subsec. (a)(2)(A)(iii), was repealed by Pub. L. 110-279, §1(c)(4)(C), July 17, 2008, 122 Stat. 2606.

The Social Security Act, referred to in subsec. (c)(2)(B), is act Aug. 14, 1935, ch. 531, 49 Stat. 620. Title II of the Act is classified generally to subchapter II (§401 et seq.) of chapter 7 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see section 1305 of Title 42 and Tables.

Appropriations made available to the Architect of the Capitol under the heading “SENATE OFFICE BUILDINGS” under the heading “ARCHITECT OF THE CAPITOL”, referred to in subsec. (c)(6)(B), probably means appropriations under the heading “SENATE OFFICE BUILDINGS” under the heading “ARCHITECT OF THE CAPITOL” in the annual Legislative Branch Appropriations Act.

The Congressional Accountability Act of 1995, referred to in subsec. (g)(3), is Pub. L. 104-1, Jan. 23, 1995, 109 Stat. 3, which is classified principally to chapter 24 (§1301 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1301 of this title and Tables.



## CODIFICATION

Section is comprised of section 1 of Pub. L. 110-279. Subsec. (c)(4)(C) of section 1 of Pub. L. 110-279 repealed section 2048 of this title. Subsec. (g)(1), (2) of section 1 of Pub. L. 110-279 amended sections 1301 and 1331 of this title.

## AMENDMENTS

2019—Subsec. (c)(2)(A). Pub. L. 116-21, §1(a)(1), struck out introductory provisions which read as follows: “For purposes of chapters 83, 84, and 87 of title 5—”.

Subsec. (c)(2)(A)(i). Pub. L. 116-21, §1(a)(1), (2), inserted heading, inserted “For purposes of chapters 83, 84, and 87 of title 5,” before “any period”, and substituted period for “; and” at end.

Subsec. (c)(2)(A)(ii). Pub. L. 116-21, §1(a)(3), inserted heading, inserted “For purposes of chapter 87 of title 5,” before “the rate of basic pay”, and substituted “a covered” for “the covered”.

**Statutory Notes and Related Subsidiaries**

## EFFECTIVE DATE OF 2019 AMENDMENT

Pub. L. 116-21, §1(c), June 12, 2019, 133 Stat. 903, provided that:

“(1) DEFINITIONS.—In this subsection, the terms ‘contractor’, ‘covered individual’, and ‘food services contract’ have the meanings given those terms in section 1(a) of Public Law 110-279 (2 U.S.C. 2051(a)).

“(2) APPLICABILITY.—The amendments made by this section shall apply with respect to—

“(A) a covered individual who separates from service as an employee of a contractor performing services under the food services contract before, on, or after the date of enactment of this Act [June 12, 2019]; and

“(B) each payment to a covered individual under chapter 83 or 84 of title 5, United States Code, made on or after the effective date of the regulations promulgated under subsection (b) [set out as a note below].”

## REGULATIONS

Pub. L. 116-21, §1(b), June 12, 2019, 133 Stat. 903, provided that:

“(1) IN GENERAL.—The Director of the Office of Personnel Management shall promulgate regulations to carry out this section [amending this section and enacting provisions set out as a note under this section].

“(2) EFFECTIVE DATE.—The regulations promulgated under paragraph (1) shall take effect not later than 180 days after the date of enactment of this Act [June 12, 2019].”

**§ 2052. Senate restaurant deficit fund; deposit of proceeds from surcharge on orders**

The Committee on Rules and Administration of the United States Senate is authorized and directed hereafter to add a minimum of 10 per centum to each order in excess of 10 cents served in the Senate restaurants and 20 per centum to all orders served outside of said restaurants, and the proceeds accruing therefrom shall be placed in a fund to be used in the payment of any deficit incurred in the management of such kitchens and restaurants.

(May 18, 1937, ch. 223, §1, 50 Stat. 173; Aug. 2, 1946, ch. 753, title I, §102, 60 Stat. 814.)

**Editorial Notes**

## CODIFICATION

Section was formerly classified to section 121 of this title prior to editorial reclassification and renumbering as this section.

## AMENDMENTS

1946—Act Aug. 2, 1946, substituted “Committee on Rules and Administration” for “Committee on Rules”.

**Statutory Notes and Related Subsidiaries**

## EFFECTIVE DATE OF 1946 AMENDMENT

Act Aug. 2, 1946, ch. 753, title I, §142, 60 Stat. 834, provided that the amendment made by that act is effective Jan. 2, 1947.

## SUBCHAPTER IV—CHILD CARE

**§ 2061. Designation of play areas on Capitol grounds for children attending day care center****(a) Authority of Capitol Police Board**

Notwithstanding any other provision of law and subject to the provisions of paragraph (1) of subsection (b), the Capitol Police Board is authorized to designate certain portions of the Capitol grounds (other than a portion within the area bounded on the North by Constitution Avenue, on the South by Independence Avenue, on the East by First Street, and on the West by First Street) for use exclusively as play areas for the benefit of children attending a day care center which is established for the primary purpose of providing child care for the children of Members and employees of the Senate or the House of Representatives.

**(b) Required approval; fences; termination of authority**

(1) In the case of any such designation referred to in subsection (a) involving a day care center established for the benefit of children of Members and employees of the Senate, the designation shall be with the approval of the Senate Committee on Rules and Administration, and in the case of such a center established for the benefit of children of Members and employees of the House of Representatives, the designation shall be with the approval of the House Committee on House Oversight, with the concurrence of the House Office Building Commission.

(2) The Architect of the Capitol shall enclose with a fence any area designated pursuant to subsection (a) as a play area.

(3) The authority to use an area designated pursuant to subsection (a) as a play area may be terminated at any time by the Committee which approved such designation.

**(c) Playground equipment; required approval**

Nothing in this or any other Act shall be construed as prohibiting any day care center referred to in subsection (a) from placing playground equipment within an area designated pursuant to subsection (a) for use solely in connection with the operation of such center, subject to, in the case of a day care center established for the benefit of children of Members and employees of the Senate, the approval of the Senate Committee on Rules and Administration, and in the case of such a center established for the benefit of children of Members and employees of the House of Representatives, the approval of the House Committee on House Oversight, with the concurrence of the House Office Building Commission.