

ward at least 3 designs, with recommendations, to the United States Capitol Preservation Commission.

**(B) Final selection**

The United States Capitol Preservation Commission shall select and approve the final design from among the 3 designs submitted under subparagraph (A).

**(d) Funding**

Funds otherwise made available to the Architect of the Capitol under this Act shall be available to carry out this section.

(Pub. L. 107-68, title I, § 134, Nov. 12, 2001, 115 Stat. 582.)

**Editorial Notes**

**REFERENCES IN TEXT**

This Act, referred to in subsec. (d), is Pub. L. 107-68, Nov. 12, 2001, 115 Stat. 560, known as the Legislative Branch Appropriations Act, 2002. For complete classification of this Act to the Code, see Tables.

**CODIFICATION**

Section was classified to section 217c 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.

**§ 2168. Memorandum of understanding for provision of services of the United States Capitol telephone exchange for the House**

**(a) In general**

The Chief Administrative Officer of the House of Representatives and the Sergeant at Arms and Doorkeeper of the Senate may enter into a memorandum of understanding under which the Sergeant at Arms and Doorkeeper shall provide all services of the United States Capitol telephone exchange for the House of Representatives, in accordance with such terms and conditions as may be provided in the memorandum of understanding.

**(b) Transfer of positions and personnel**

For any period during which a memorandum of understanding is in effect pursuant to this section—

(1) all positions in the United States Capitol telephone exchange for which the employing authority is the Chief Administrative Officer shall be transferred to the Sergeant at Arms and Doorkeeper;

(2) all employees in the United States Capitol telephone exchange for whom the employing authority is the Chief Administrative Officer shall be transferred to, and appointed by, the Sergeant at Arms and Doorkeeper; and

(3) the Sergeant at Arms and Doorkeeper shall serve as the employing authority for all personnel of the United States Capitol telephone exchange.

**(c) Pay and leave accrual**

In carrying out a memorandum of understanding pursuant to this section, the Sergeant at Arms and Doorkeeper shall ensure that, with respect to any employee of the United States Capitol telephone exchange whose employing authority prior to the effective date of the

memorandum was the Chief Administrative Officer—

(1) the rate of pay and leave accrual for the employee shall not be less than the employee's rate of pay and leave accrual for the most recent pay period prior to such date, unless—

(A) the employee does not remain in the same position with the exchange; or

(B) the rate of pay or leave accrual is reduced for cause; and

(2) any leave accrued by the employee that remains unused as of such date shall be transferred to the employee and made available for the employee to use under the same terms and conditions that applied to the use of the leave prior to such date.

**(d) Omitted**

**(e) Reimbursement of expenses by House**

(1) A memorandum of understanding under this section may include a provision requiring the reimbursement by the House of Representatives during a fiscal year (paid out of the applicable accounts of the House) of the expenses incurred by the Sergeant at Arms and Doorkeeper during the fiscal year in carrying out the memorandum with respect to the employees of the United States Capitol telephone exchange whose employing authority prior to the effective date of the memorandum was the Chief Administrative Officer.

(2) Any reimbursement made pursuant to this subsection—

(A) in the case of a reimbursement for salaries or agency contributions and related expenses, shall be deposited in the account under the heading “OFFICE OF THE SERGEANT AT ARMS AND DOORKEEPER” or “AGENCY CONTRIBUTIONS AND RELATED EXPENSES”, under the heading “SALARIES, OFFICERS AND EMPLOYEES”; and

(B) in the case of a reimbursement for expenses, shall be deposited in the account under the heading “SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE” under the heading “CONTINGENT EXPENSES OF THE SENATE”.

(3) Any funds deposited under paragraph (2) shall be available in like manner and for the same purposes as are other funds in the account to which the funds were deposited.

**(f) Effective date**

This section and the amendment made by this section shall apply with respect to fiscal year 2005 and each succeeding fiscal year.

(Pub. L. 108-447, div. G, title II, § 215, Dec. 8, 2004, 118 Stat. 3197.)

**Editorial Notes**

**CODIFICATION**

Section is comprised of section 215 of div. G of Pub. L. 108-447. Subsec. (d) of section 215 of div. G of Pub. L. 108-447 amended section 293 of this title.

Section is from the Legislative Branch Appropriations Act, 2005, which is div. G of the Consolidated Appropriations Act, 2005.

**§ 2169. Capitol complex E-85 refueling station**

**(a) Construction**

The Architect of the Capitol may construct a fuel tank and pumping system for E-85 fuel at or

within close proximity to the Capitol Grounds Fuel Station.

**(b) Use**

The E-85 fuel tank and pumping system shall be available for use by all legislative branch vehicles capable of operating with E-85 fuel, subject to such other legislative branch agencies reimbursing the Architect of the Capitol for the costs of E-85 fuel used by such other legislative branch vehicles.

**(c) Authorization of appropriations**

There is authorized to be appropriated to carry out this section \$640,000 for fiscal year 2008.

(Pub. L. 110-140, title V, § 502, Dec. 19, 2007, 121 Stat. 1655.)

**Statutory Notes and Related Subsidiaries**

**EFFECTIVE DATE**

Section effective on the date that is 1 day after Dec. 19, 2007, see section 1601 of Pub. L. 110-140, set out as a note under section 1824 of this title.

**§ 2170. Battery recharging stations for privately owned vehicles in parking areas under the jurisdiction of the Senate at no net cost to the Federal Government**

**(a) Definition**

In this section, the term “covered employee” means—

- (1) an employee whose pay is disbursed by the Secretary of the Senate; or
- (2) any other individual who is authorized to park in any parking area under the jurisdiction of the Senate on Capitol Grounds.

**(b) Authority**

**(1) In general**

Subject to paragraph (3), funds appropriated to the Architect of the Capitol under the heading “Capitol Power Plant” under the heading “ARCHITECT OF THE CAPITOL” in any fiscal year are available to construct, operate, and maintain on a reimbursable basis battery recharging stations in parking areas under the jurisdiction of the Senate on Capitol Grounds for use by privately owned vehicles used by Senators or covered employees.

**(2) Vendors authorized**

In carrying out paragraph (1), the Architect of the Capitol may use 1 or more vendors on a commission basis.

**(3) Approval of construction**

The Architect of the Capitol may construct or direct the construction of battery recharging stations described under paragraph (1) after—

- (A) submission of written notice detailing the numbers and locations of the battery recharging stations to the Committee on Rules and Administration of the Senate; and
- (B) approval by that Committee.

**(c) Fees and charges**

**(1) In general**

Subject to paragraph (2), the Architect of the Capitol shall charge fees or charges for

electricity provided to Senators and covered employees sufficient to cover the costs to the Architect of the Capitol to carry out this section, including costs to any vendors or other costs associated with maintaining the battery recharging stations.

**(2) Approval of fees or charges**

The Architect of the Capitol may establish and adjust fees or charges under paragraph (1) after—

- (A) submission of written notice detailing the amount of the fee or charge to be established or adjusted to the Committee on Rules and Administration of the Senate; and
- (B) approval by that Committee.

**(d) Deposit and availability of fees, charges, and commissions**

Any fees, charges, or commissions collected by the Architect of the Capitol under this section shall be—

- (1) deposited in the Treasury to the credit of the appropriations account described under subsection (b); and
- (2) available for obligation without further appropriation during—
  - (A) the fiscal year collected; and
  - (B) the fiscal year following the fiscal year collected.

**(e) Reports**

**(1) In general**

Not later than 30 days after the end of each fiscal year, the Architect of the Capitol shall submit a report on the financial administration and cost recovery of activities under this section with respect to that fiscal year to the Committee on Rules and Administration of the Senate.

**(2) Avoiding subsidy**

**(A) Determination**

Not later than 3 years after August 10, 2012, and every 3 years thereafter, the Architect of the Capitol shall submit a report to the Committee on Rules and Administration of the Senate determining whether Senators and covered employees using battery charging stations as authorized by this section are receiving a subsidy from the taxpayers.

**(B) Modification of rates and fees**

If a determination is made under subparagraph (A) that a subsidy is being received, the Architect of the Capitol shall submit a plan to the Committee on Rules and Administration of the Senate on how to update the program to ensure no subsidy is being received. If the committee does not act on the plan within 60 days, the Architect of the Capitol shall take appropriate steps to increase rates or fees to ensure reimbursement for the cost of the program consistent with an appropriate schedule for amortization, to be charged to those using the charging stations.

**(f) Effective date**

This section shall apply with respect to fiscal year 2011 and each fiscal year thereafter.

(Pub. L. 112-167, § 1, Aug. 10, 2012, 126 Stat. 1296.)