

## 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 Architect 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.)

## REFERENCES IN TEXT

Section 208 of the First Supplemental Civil Functions Appropriation Act, 1941, referred to in subsections (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 subsection (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.

## 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.)

#### 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.)

#### REFERENCES IN TEXT

Herein, referred to in text, means Pub. L. 87-82, July 6, 1961, 75 Stat. 199, as amended, 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.)

#### 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.