

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. Supersedure 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 Repealed.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. (a), is Pub. L. 87–82, July 6, 1961, 75 Stat. 199, as amended, 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.

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

(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 sub-

section (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

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