

tion 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.

(d) Day care center

The day care center referred to in S. Res. 269, Ninety-eighth Congress, first session, is a day care center for which space may be designated under subsection (a) for use as a play area.

(Pub. L. 98-392, § 3, Aug. 21, 1984, 98 Stat. 1362; Pub. L. 104-186, title II, § 221(14), Aug. 20, 1996, 110 Stat. 1750.)

Editorial Notes

REFERENCES IN TEXT

S. Res. 269, Ninety-eighth Congress, first session, referred to in subsec. (d), is dated Nov. 14, 1983, and reads as follows: “*Resolved*, That payment is authorized from the contingent fund of the Senate in an amount not to exceed \$20,000 for the start-up costs, including the procurement of the services of individual consultants or organizations, for a Senate day care center, which shall be ready for occupancy by January 1, 1984.

“SEC. 2. Payments under this resolution shall be paid from the appropriation account for ‘Miscellaneous Items’ in the contingent fund of the Senate upon vouchers approved by the chairman of the Committee on Rules and Administration.

“SEC. 3. The Committee on Rules and Administration shall supervise any contract entered into on behalf of the Senate, under authority of this resolution. Such contract shall not be subject to the provisions of section 5 of title 41 of the United States Code [now 41 U.S.C. 6101] or any other provision of law requiring advertising.”

CODIFICATION

Section was classified to section 214b 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

1996—Subsecs. (b)(1), (c). Pub. L. 104-186 substituted “House Oversight” for “House Administration”.

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.

§ 2062. House of Representatives Child Care Center

(a) Maintenance and operation; admission of children

(1) The Chief Administrative Officer of the House of Representatives shall maintain and operate a child care center (to be known as the “House of Representatives Child Care Center”) to furnish pre-school child care and (subject to the approval of regulations by the Committee on House Administration) child care for school age children other than during the course of the ordinary school day—

(A) for children of individuals whose pay is disbursed by the Chief Administrative Officer of the House of Representatives and children of support personnel of the House of Representatives;

(B) if places are available after admission of all children who are eligible under subparagraph (A), for children of individuals whose pay is disbursed by the Secretary of the Senate and children of employees of agencies of the legislative branch; and

(C) if places are available after admission of all children who are eligible under subparagraph (A) or (B), for children of employees of other offices, departments, and agencies of the Federal Government.

(2) Children shall be admitted to the center on a nondiscriminatory basis and without regard to any office or position held by their parents.

(b) Advisory board; membership, functions, etc.

(1)(A) The Speaker of the House of Representatives shall appoint 15 individuals (of whom 7 shall be upon recommendation of the minority leader of the House of Representatives), to serve without pay, as members of an advisory board for the center. The board shall—

(i) provide advice to the Chief Administrative Officer on matters of policy relating to the administration and operation of the center (including the selection of the director of the center);

(ii) be chosen from among Members of the House of Representatives, spouses of Members, parents of children enrolled in the center, and other individuals with expertise in child care or interest in the center; and

(iii) serve during the Congress in which they are appointed, except that a member of the board may continue to serve after the expiration of a term until a successor is appointed.

(B) The director of the center shall serve as an additional member of the board, ex officio and without the right to vote.

(2) A vacancy on the board shall be filled in the manner in which the original appointment is made.

(3) The chairman of the board shall be elected by the members of the board.

(c) Duties of Chief Administrative Officer of House of Representatives

In carrying out subsection (a), the Chief Administrative Officer is authorized—

- (1) to collect fees for child care services;
- (2) to accept such gifts of money and property as may be approved by the Chairman and the ranking minority party member of the Committee on House Oversight of the House of Representatives, acting jointly; and
- (3) to employ a director and other employees for the center.

(d) Salaries and expenses; funding limits

(1) There is established in the Treasury of the United States a revolving fund for the House of Representatives to be known as the “House Child Care Center Revolving Fund” (hereafter in this section referred to as the “Fund”), consisting of the amounts received under subsection (c) and any other funds deposited by the Chief Administrative Officer of the House of Representatives from amounts received by the House of Representatives with respect to the operation of the center. Except as provided in paragraphs (2) and (3), the Fund shall be the exclusive source for all salaries and expenses for activities carried out under this section.

(2) With respect to employees of the center, the House of Representatives shall make Government contributions and payments for health insurance, retirement, employment taxes, and similar benefits and programs (including the subsidies provided on behalf of employees of the center as a result of reductions in the amount of tuition otherwise charged with respect to children of such employees under paragraph (4)) in the same manner as such contributions and payments are made for other employees of the House of Representatives.

(3) The House of Representatives shall make payments from amounts provided in appropriations acts for salaries and expenses of the Office of the Chief Administrative Officer for the following activities carried out under this section:

(A) The payment of the salary of the director of the center, and, at the option of the Chief Administrative Officer during an emergency situation, the payment of the salary of other employees of the Center.

(B) The reimbursement of individuals employed by the center for the cost of training classes and conferences in connection with the provision of child care services, together with the cost of travel (including transportation and subsistence) incurred in connection with such classes and conferences.

(C) During an emergency situation, the payment of such other expenses for activities carried out under this section as the Chief Administrative Officer determines appropriate.

(4) In the case of a child of an employee of the center who is furnished care at the center, the Chief Administrative Officer shall reduce the amount of tuition otherwise charged with respect to such child during a month by the greater of—

- (A) 50 percent; or
- (B) such percentage as may be necessary to ensure that the total amount of tuition paid by the employee with respect to all children of

the employee who are furnished care at the center during the month does not exceed \$1,000.

(e) Fund as category of allowances and expenses

The Fund shall be treated as a category of allowances and expenses for purposes of section 5507(a) of this title.

(f) Definitions

As used in this section—

(1) the term “Member of the House of Representatives” means a Representative in, or a Delegate or Resident Commissioner to, the Congress;

(2) the term “agency of the legislative branch” means the Office of the Architect of the Capitol, the Botanic Garden, the Government Accountability Office, the Government Publishing Office, the Library of Congress, the Office of Technology Assessment, the Congressional Budget Office, and the Copyright Royalty Tribunal; and

(3) the term “support personnel” means, with respect to the House of Representatives, any employee of a credit union or of the Architect of the Capitol, whose principal duties are to support the functions of the House of Representatives.

(Pub. L. 102–90, title III, §312, Aug. 14, 1991, 105 Stat. 467; Pub. L. 102–392, title III, §319(a), Oct. 6, 1992, 106 Stat. 1725; Pub. L. 104–186, title II, §221(5), (6), Aug. 20, 1996, 110 Stat. 1749; Pub. L. 106–100, §1(a), Nov. 12, 1999, 113 Stat. 1332; Pub. L. 108–7, div. H, title I, §108(a), Feb. 20, 2003, 117 Stat. 355; Pub. L. 108–271, §8(b), July 7, 2004, 118 Stat. 814; Pub. L. 111–8, div. G, title I, §106, Mar. 11, 2009, 123 Stat. 818; Pub. L. 111–248, §2(a)(1), (b), Sept. 30, 2010, 124 Stat. 2625; Pub. L. 113–235, div. H, title I, §1301(b), Dec. 16, 2014, 128 Stat. 2537; Pub. L. 116–94, div. E, title I, §117(a), (b), Dec. 20, 2019, 133 Stat. 2761; Pub. L. 116–136, div. B, title IX, §19002(a), Mar. 27, 2020, 134 Stat. 577.)

Editorial Notes

CODIFICATION

Section was classified to section 184g 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 comprised of section 312 of Pub. L. 102–90. Another subsec. (f) of section 312 of Pub. L. 102–90 repealed sections 184b to 184f of former Title 40, Public Buildings, Property, and Works.

AMENDMENTS

2020—Subsec. (d)(3)(A). Pub. L. 116–136, §19002(a)(1), substituted “, and, at the option of the Chief Administrative Officer during an emergency situation, the payment of the salary of other employees of the Center.” for period at end.

Subsec. (d)(3)(C). Pub. L. 116–136, §19002(a)(2), which directed that subpar. (C) be added “at the end” of subsec. (d)(3)(A), was executed by adding subpar. (C) at the end of subsec. (d)(3), to reflect the probable intent of Congress.

2019—Subsec. (d)(2). Pub. L. 116–94, §117(b), inserted “(including the subsidies provided on behalf of employees of the center as a result of reductions in the amount of tuition otherwise charged with respect to children of such employees under paragraph (4))” after “similar benefits and programs”.

Subsec. (d)(4). Pub. L. 116–94, §117(a), added par. (4).

2010—Subsec. (d)(1). Pub. L. 111-248, §2(a)(1), amended par. (1) generally. Prior to amendment, par. (1) read as follows: “There is established an account which, subject to appropriation, and except as provided in paragraphs (2) and (3), shall be the exclusive source for all salaries and expenses for activities carried out under this section. The Chief Administrative Officer shall deposit in the account any amounts received under subsection (c) of this section.”

Subsecs. (e), (f). Pub. L. 111-248, §2(b), added subsec. (e) and redesignated former subsec. (e) as (f).

2009—Subsec. (a)(1). Pub. L. 111-8 substituted “pre-school child care and (subject to the approval of regulations by the Committee on House Administration) child care for school age children other than during the course of the ordinary school day” for “pre-school child care” in introductory provisions.

2004—Subsec. (e)(2). Pub. L. 108-271 substituted “Government Accountability Office” for “General Accounting Office”.

2003—Subsec. (d)(1). Pub. L. 108-7, §108(a)(1), substituted “paragraphs (2) and (3)” for “paragraph (2)”.

Subsec. (d)(3). Pub. L. 108-7, §108(a)(2), added par. (3). 1999—Subsec. (a)(1)(C). Pub. L. 106-100 added subpar. (C).

1996—Pub. L. 104-186, §221(5)(A), substituted “Chief Administrative Officer” for “Clerk” wherever appearing.

Subsec. (a)(1)(A). Pub. L. 104-186, §221(5)(B), struck out “or the Sergeant at Arms of the House of Representatives” before “and children”.

Subsec. (b)(1)(A). Pub. L. 104-186, §221(6)(A), substituted “minority leader” for “Minority Leader”.

Subsec. (c)(2). Pub. L. 104-186, §221(6)(B), substituted “House Oversight” for “House Administration”.

Subsec. (d)(1). Pub. L. 104-186, §221(6)(C), struck out “in the contingent fund of the House of Representatives” after “established”.

Subsec. (d)(2). Pub. L. 104-186, §221(5)(C), substituted “With respect” for “with respect”.

1992—Subsec. (d)(2). Pub. L. 102-392 amended par. (2) generally. Prior to amendment, par. (2) read as follows: “During fiscal year 1992, of the funds provided in this Act for the ‘HOUSE OF REPRESENTATIVES’ under ‘SALARIES AND EXPENSES’, not more than \$45,000 may be expended to carry out this section, subject to approval of the Committee on Appropriations of the House of Representatives. Any amount under this paragraph shall be in addition to any amount made available under paragraph (1).”

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.

“Government Publishing Office” substituted for “Government Printing Office” in subsec. (f)(2) on authority of section 1301(b) of Pub. L. 113-235, set out as a note preceding section 301 of Title 44, Public Printing and Documents.

EFFECTIVE DATE OF 2020 AMENDMENT

Pub. L. 116-136, div. B, title IX, §19002(b), Mar. 27, 2020, 134 Stat. 577, provided that: “The amendment made by subsection (a) [amending this section] shall apply with respect to fiscal year 2020 and each succeeding fiscal year.”

EFFECTIVE DATE OF 2019 AMENDMENT

Pub. L. 116-94, div. E, title I, §117(c), Dec. 20, 2019, 133 Stat. 2761, provided that: “The amendments made by this section [amending this section] shall apply with respect to fiscal year 2020 and each succeeding fiscal year.”

EFFECTIVE DATE OF 2010 AMENDMENT

Pub. L. 111-248, §2(c), Sept. 30, 2010, 124 Stat. 2626, provided that: “This section [amending this section and

enacting provisions set out as a note under this section] and the amendments made by this section shall take effect October 1, 2010, and shall apply with respect to fiscal year 2011 and each succeeding fiscal year.”

EFFECTIVE DATE OF 2003 AMENDMENT

Pub. L. 108-7, div. H, title I, §108(b), Feb. 20, 2003, 117 Stat. 355, provided that: “The amendment made by subsection (a) [amending this section] shall apply with respect to fiscal year 2003 and each succeeding fiscal year.”

EFFECTIVE DATE OF 1999 AMENDMENT

Pub. L. 106-100, §1(b), Nov. 12, 1999, 113 Stat. 1332, provided that: “The amendment made by subsection (a) [amending this section] shall apply with respect to children admitted to the House of Representatives Child Care Center on or after the date of the enactment of this Act [Nov. 12, 1999].”

EFFECTIVE DATE OF 1992 AMENDMENT

Pub. L. 102-392, title III, §319(b), Oct. 6, 1992, 106 Stat. 1725, provided that: “The amendment made by subsection (a) [amending this section] shall apply to fiscal years beginning after September 30, 1992.”

TRANSFER OF EXISTING ACCOUNT

Pub. L. 111-248, §2(a)(2), Sept. 30, 2010, 124 Stat. 2625, provided that: “Any amounts in the account established by section 312(d)(1) of such Act [2 U.S.C. 2062(d)(1)] as of the day before the effective date of this section [see Effective Date of 2010 Amendment note above], together with any amounts in the House Services Revolving Fund as of the effective date of this section which, at the time of deposit into the House Services Revolving Fund, were designated for purposes of the House Child Care Center, shall be transferred to the House Child Care Center Revolving Fund established by such section, as amended by paragraph (1).”

RETIREMENT CREDIT FOR CERTAIN PRIOR SERVICE WITH HOUSE CHILD CARE CENTER

Pub. L. 103-69, title III, §309, Aug. 11, 1993, 107 Stat. 711, provided that:

“(a) DEFINITIONS.—For the purpose of this section—

“(1) the term ‘House Child Care Center’ means the House of Representatives Child Care Center; and

“(2) the term ‘Congressional employee’ has the meaning given such term—

“(A) in subchapter III of chapter 83 of title 5, United States Code, to the extent that this section relates to the Civil Service Retirement System; or

“(B) in chapter 84 of title 5, United States Code, to the extent that this section relates to the Federal Employees’ Retirement System.

“(b) CSRS.—(1) Subject to paragraph (2), any individual who is an employee of the House Child Care Center on the date of enactment of this Act [Aug. 11, 1993] shall be allowed credit under subchapter III of chapter 83 of title 5, United States Code, as a Congressional employee, for any service if—

“(A) such service was performed before October 1, 1991, as an employee of the House Child Care Center (as constituted before that date); and

“(B) the employee is subject to subchapter III of chapter 83 of such title as of the date of enactment of this Act.

“(2) Credit for service described in paragraph (1)(A) shall not be allowed under this section unless there is paid into the Civil Service Retirement and Disability Fund, by or on behalf of the employee involved, an amount equal to the deductions from pay which would have been applicable under section 8334(c) of title 5, United States Code, for the period of service involved, if such employee were then a Congressional employee, including interest. Retirement credit may not be allowed under this section for any such service unless the full amount of the deposit required under the preceding sentence has been paid.

“(c) FERS.—(1) Subject to paragraph (2), any individual who is an employee of the House Child Care Center on the date of enactment of this Act [Aug. 11, 1993] shall be allowed credit under chapter 84 of title 5, United States Code, as a Congressional employee, for any service if—

“(A) such service was performed before October 1, 1991, as an employee of the House Child Care Center (as constituted before that date); and

“(B) the employee is subject to chapter 84 of such title as of the date of enactment of this Act.

“(2) Credit for service described in paragraph (1)(A) shall not be allowed under this section unless there is paid into the Civil Service Retirement and Disability Fund, by or on behalf of the employee involved, an amount equal to the deductions from pay which would have been payable under applicable provisions of law, for the period of service involved, if such employee were then a Congressional employee, including interest (computed in the same way as interest under subsection (b)(2)). Retirement credit may not be allowed under this section for any such service unless the full amount of the deposit required under the preceding sentence has been paid.

“(d) CLARIFICATION.—Nothing in this section shall be considered to relate to the Thrift Savings Plan.

“(e) OPM FUNCTIONS.—The Office of Personnel Management shall—

“(1) prescribe any regulations which may be necessary to carry out this section; and

“(2) with respect to any service for which credit is sought under this section, accept the certification of the Clerk of the House of Representatives concerning the period of such service and the amount of pay which was paid for such service.”

AVAILABILITY OF AMOUNTS DEPOSITED IN ACCOUNT FOR SALARIES AND EXPENSES

Pub. L. 102-392, title III, §307, Oct. 6, 1992, 106 Stat. 1722, provided that: “The amounts deposited in the account established by section 312(d)(1) of the Legislative Branch Appropriations Act, 1992 (40 U.S.C. 184g(d)(1)) [now 2 U.S.C. 2062(d)(1)] shall be available for salaries and expenses of the House of Representatives Child Care Center without fiscal year limitation, subject to the approval of the Committee on Appropriations of the House of Representatives.”

§ 2063. Senate Employee Child Care Center

(a) Applicability of provisions

The provisions of this section shall apply to any individual who is employed by the Senate day care center (known as the “Senate Employee Child Care Center” and hereafter in this section referred to as the “Center”) established pursuant to Senate Resolution 269, Ninety-eighth Congress, and section 2061 of this title.

(b) Employee election of health care insurance coverage

Any individual described under subsection (a) who is employed by the Center on or after August 14, 1991, shall be deemed an employee under section 8901(1) of title 5 for purposes of health insurance coverage under chapter 89 of such title. An individual described under subsection (a) who is an employee of the Center on August 14, 1991, may elect coverage under this subsection during the 31-day period beginning on August 14, 1991, and during such periods as determined by the Office of Personnel Management for employees of the Center employed after August 14, 1991.

(c) Deductions and withholding from employee pay

The Center shall make such deductions and withholdings from the pay of an individual de-

scribed under subsection (a) who is an employee of the Center in accordance with subsection (d) of this section.

(d) Employee records; amount of deductions

The Center shall—

(1) maintain records on all employees covered under this section in such manner as the Secretary of the Senate may require for administrative purposes; and

(2) after consultation with the Secretary of the Senate—

(A) make deductions from the pay of employees of amounts determined in accordance with section 8906 of title 5; and

(B) transmit such deductions to the Secretary of the Senate for deposit and remittance to the Office of Personnel Management.

(e) Government contributions

Government contributions for individuals receiving benefits under this section, as computed under section 8906 of title 5, shall be made by the Secretary of the Senate from the appropriations account, within the contingent fund of the Senate, “miscellaneous items”.

(f) Regulations

The Office of Personnel Management may prescribe regulations to carry out the provisions of this section.

(Pub. L. 102-90, title III, §311, Aug. 14, 1991, 105 Stat. 467.)

Editorial Notes

REFERENCES IN TEXT

For Senate Resolution 269, referred to in subsec. (a), see References in Text note set out under section 2061 of this title.

CODIFICATION

Section was classified to section 214c 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

SOURCE OF FUNDS USED FOR PAYMENT OF SALARIES AND EXPENSES OF SENATE EMPLOYEE CHILD CARE CENTER

Pub. L. 116-136, div. B, title IX, §19001, Mar. 27, 2020, 134 Stat. 577, as amended by Pub. L. 116-260, div. O, title XI, §1101(a), Dec. 27, 2020, 134 Stat. 2156, provided that:

“(a) REIMBURSEMENTS.—During the period beginning on July 1, 2020 and ending on the termination date of the public health emergency declared pursuant to section 319 of the Public Health Service Act (42 U.S.C. 247d) resulting from the COVID-19 pandemic, the Secretary of the Senate shall reimburse the Senate Employee Child Care Center for expenses, due to measures taken in the Capitol complex to combat coronavirus, as calculated under subsection (b) and from amounts in the appropriations account ‘Miscellaneous Items’ within the contingent fund of the Senate.

“(b) AMOUNT.—The amount of the reimbursement under this section for each month of the period described in subsection (a) shall be equal to the difference between—

“(1) the lesser of—

“(A) the amount of the operating costs (including payroll, general, and administrative expenses) of the Center for such month; or