

Union Calendar No. 424

110TH CONGRESS
2^D SESSION

H. R. 5972

[Report No. 110-679]

To make technical corrections to the laws affecting certain administrative authorities of the United States Capitol Police, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 6, 2008

Mr. BRADY of Pennsylvania (for himself, Mr. EHLERS, and Mr. CAPUANO) introduced the following bill; which was referred to the Committee on House Administration

JUNE 4, 2008

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

A BILL

To make technical corrections to the laws affecting certain administrative authorities of the United States Capitol Police, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “United States Capitol
5 Police Administrative Technical Corrections Act of 2008”.

1 **SEC. 2. ADMINISTRATIVE AUTHORITIES OF THE CHIEF OF**
2 **THE CAPITOL POLICE.**

3 (a) CLARIFICATION OF CERTAIN HIRING AUTHORI-
4 TIES.—

5 (1) CHIEF ADMINISTRATIVE OFFICER.—Section
6 108(a) of the Legislative Branch Appropriations
7 Act, 2001 (2 U.S.C. 1903(a)) is amended to read as
8 follows:

9 “(a) CHIEF ADMINISTRATIVE OFFICER.—

10 “(1) ESTABLISHMENT.—There shall be within
11 the Capitol Police an Office of Administration, to be
12 headed by the Chief Administrative Officer, who
13 shall report to and serve at the pleasure of the Chief
14 of the Capitol Police.

15 “(2) APPOINTMENT.—The Chief Administrative
16 Officer shall be appointed by the Chief of the Capitol
17 Police, after consultation with the Capitol Police
18 Board.

19 “(3) COMPENSATION.—The annual rate of pay
20 for the Chief Administrative Officer shall be the
21 amount equal to \$1,000 less than the annual rate of
22 pay in effect for the Chief of the Capitol Police.”.

23 (2) PERSONNEL OF OFFICE OF ADMINISTRA-
24 TION.—Section 108(c)(1) of the Legislative Branch
25 Appropriations Act, 2001 (2 U.S.C. 1903(c)(1)) is
26 amended—

1 (A) by striking “The Chief Administrative
2 Officer” and inserting “The Chief of the Cap-
3 itol Police”; and

4 (B) by striking “but shall not” and all that
5 follows and inserting a period.

6 (3) CERTIFYING OFFICERS.—Section 107(a) of
7 the Legislative Branch Appropriations Act, 2001 (2
8 U.S.C. 1904(a)) is amended by striking “the Capitol
9 Police Board” and inserting “the Chief of the Cap-
10 itol Police”.

11 (4) REPEAL OF COMMITTEE APPROVAL FOR
12 HIRINGS, TERMINATIONS, AND PROMOTIONS.—Sec-
13 tion 1018(e)(1)(B) of the Legislative Branch Appro-
14 priations Act, 2003 (2 U.S.C. 1907(e)(1)(B)) is
15 amended to read as follows:

16 “(B) SPECIAL RULES FOR CERTAIN AC-
17 TIONS.—

18 “(i) PRIOR NOTICE REQUIRED FOR
19 HIRINGS, TERMINATIONS, AND PRO-
20 MOTIONS.—In carrying out the authority
21 under this paragraph, the Chief of the
22 Capitol Police may carry out any of the
23 following actions only after providing no-
24 tice to the Committee on House Adminis-
25 tration of the House of Representatives

1 and the Committee on Rules and Adminis-
2 tration of the Senate and receiving an ac-
3 knowledgment from each such Committee
4 that the Committee has received the notice:

5 “(I) The appointment or termi-
6 nation of any officer, member, or em-
7 ployee.

8 “(II) The promotion of any non-
9 civilian officer, member, or employee
10 to any rank higher than Private First
11 Class or the promotion of any civilian
12 employee to any position.

13 “(ii) APPROVAL REQUIRED FOR ES-
14 TABLISHMENT OF NEW POSITIONS, RE-
15 CLASSIFICATION OF POSITIONS, AND REOR-
16 GANIZATION PLANS.—The establishment
17 by the Chief of the Capitol Police of any
18 new position for officers, members, or em-
19 ployees of the Capitol Police, the reclassi-
20 fication by the Chief of any position for of-
21 ficers, members, or employees of the Cap-
22 itol Police, and any reorganization plan for
23 the Capitol Police shall be subject to the
24 approval of the Committees referred to in
25 clause (i).”.

1 (5) CONFORMING APPLICATION OF CONGRES-
2 SIONAL ACCOUNTABILITY ACT OF 1995.—

3 (A) IN GENERAL.—Section 101(9)(D) of
4 the Congressional Accountability Act of 1995 (2
5 U.S.C. 1301(9)(D)) is amended by striking
6 “the Capitol Police Board,” and inserting “the
7 United States Capitol Police.”

8 (B) NO EFFECT ON CURRENT PRO-
9 CEEDINGS.—Nothing in the amendment made
10 by subparagraph (A) may be construed to affect
11 any procedure initiated under title IV of the
12 Congressional Accountability Act of 1995 prior
13 to the date of the enactment of this Act.

14 (6) NO EFFECT ON CURRENT PERSONNEL.—
15 Nothing in the amendments made by this subsection
16 may be construed to affect the status of any indi-
17 vidual serving as an officer or employee of the
18 United States Capitol Police as of the date of the
19 enactment of this Act.

20 (b) DEPOSIT OF REIMBURSEMENTS FOR LAW EN-
21 FORCEMENT ASSISTANCE.—

22 (1) IN GENERAL.—Section 2802 of the Supple-
23 mental Appropriations Act, 2001 (2 U.S.C. 1905) is
24 amended—

1 (A) in subsection (a)(1), by striking “Capitol Police Board” each place it appears and inserting “United States Capitol Police”; and

2
3
4 (B) in subsection (a)(2), by striking “Capitol Police Board” and inserting “Chief of the United States Capitol Police”.

5
6
7 (2) EFFECTIVE DATE.—The amendments made
8 by paragraph (1) shall take effect as if included in
9 the enactment of the Supplemental Appropriations
10 Act, 2001.

11 (c) AUTHORITY TO SEEK WAIVERS FOR CLAIMS TO
12 RECOVER ERRONEOUS PAYMENTS.—

13 (1) IN GENERAL.—Section 1018(a)(2) of the
14 Legislative Branch Appropriations Act, 2003 (2
15 U.S.C. 1907(a)(2)) is amended to read as follows:

16 “(2) TRANSFER.—

17 “(A) IN GENERAL.—Any statutory func-
18 tion, duty, or authority of the Chief Administra-
19 tive Officer of the House of Representatives or
20 the Secretary of the Senate as disbursing offi-
21 cers for the Capitol Police shall transfer to the
22 Chief of the Capitol Police as the single dis-
23 bursing officer for the Capitol Police.

24 “(B) AUTHORITY TO SEEK WAIVERS FOR
25 CLAIMS TO RECOVER ERRONEOUS PAYMENTS.—

1 In the case of the authority to waive a claim of
2 the United States against a person arising out
3 of an erroneous payment of any pay or allow-
4 ances to an officer or employee of the Capitol
5 Police—

6 “(i) the Chief of the Capitol Police
7 shall exercise such authority in the same
8 manner as the Secretary of the Senate
9 under section 2 of the Act entitled ‘An Act
10 to authorize the waiver of claims of the
11 United States arising out of erroneous pay-
12 ments of pay and allowances to certain of-
13 ficers and employees of the legislative
14 branch’, approved July 25, 1974 (2 U.S.C.
15 130e);

16 “(ii) an application for a waiver of
17 such a claim shall be investigated by the
18 Chief Administrative Officer of the Capitol
19 Police, who shall submit a written report
20 of the investigation to the Chief; and

21 “(iii) an application for a waiver of
22 such a claim in an amount aggregating
23 more than \$1,500 may also be investigated
24 by the Comptroller General, who shall sub-

1 mit a written report of the investigation to
2 the Chief.”.

3 (2) EFFECTIVE DATE.—The amendment made
4 by paragraph (1) shall apply as if included in the
5 enactment of the Legislative Branch Appropriations
6 Act, 2003.

7 (d) MODIFICATION OF AUTHORITY TO MAKE AD-
8 VANCE PAYMENTS FOR SUBSCRIPTION SERVICES.—

9 (1) IN GENERAL.—Section 1002 of the Legisla-
10 tive Branch Appropriations Act, 2008 (Public Law
11 110–161) is amended—

12 (A) by striking “fiscal year 2008 and each
13 succeeding fiscal year” and inserting “fiscal
14 years 2008 and 2009”;

15 (B) by inserting after “the Senate,” the
16 following: “the Committee on House Adminis-
17 tration of the House of Representatives, and
18 the Committee on Rules and Administration of
19 the Senate,”; and

20 (C) by striking “determines it to be more
21 prompt, efficient, or economical to do so” and
22 inserting the following: “certifies in writing that
23 doing so would promote efficiency and cost-ef-
24 fectiveness”.

1 (2) EFFECTIVE DATE.—The amendments made
2 by paragraph (1) shall take effect as if included in
3 the enactment of the Legislative Branch Appropriations
4 Act, 2008.

5 (e) PRIOR NOTICE TO AUTHORIZING COMMITTEES
6 OF DEPLOYMENT OUTSIDE JURISDICTION.—Section
7 1007(a)(1) of the Legislative Branch Appropriations Act,
8 2005 (2 U.S.C. 1978(a)(1)) is amended by striking “prior
9 notification to” and inserting the following: “prior notifi-
10 cation to the Committee on House Administration of the
11 House of Representatives, the Committee on Rules and
12 Administration of the Senate, and”.

13 **SEC. 3. GENERAL COUNSEL TO THE CHIEF OF POLICE AND**
14 **THE UNITED STATES CAPITOL POLICE.**

15 (a) APPOINTMENT AND SERVICE.—

16 (1) IN GENERAL.—There shall be within the
17 United States Capitol Police the General Counsel to
18 the Chief of Police and the United States Capitol
19 Police (hereafter in this subsection referred to as the
20 “General Counsel”).

21 (2) APPOINTMENT.—The General Counsel shall
22 be appointed by the Chief of the Capitol Police in
23 accordance with section 1018(e)(1)(B)(i) of the Leg-
24 islative Branch Appropriations Act, 2003 (2 U.S.C.
25 1907(e)(1)(B)(i)) (as amended by section 2(a)(4)),

1 without regard to political affiliation and solely on
2 the basis of fitness to perform the duties of the posi-
3 tion.

4 (3) COMPENSATION.—The annual rate of pay
5 for the General Counsel shall be the amount equal
6 to \$1,000 less than the annual rate of pay in effect
7 for the Chief of the Capitol Police.

8 (4) CONFORMING AMENDMENT.—House Resolu-
9 tion 661, Ninety-fifth Congress, agreed to July 29,
10 1977, as enacted into permanent law by section 111
11 of the Legislative Branch Appropriation Act, 1979
12 (2 U.S.C. 1901 note) is repealed.

13 (5) NO EFFECT ON CURRENT GENERAL COUN-
14 SEL.—Nothing in this subsection or the amendments
15 made by this subsection may be construed to affect
16 the status of the individual serving as the General
17 Counsel to the Chief of Police and the United States
18 Capitol Police as of the date of the enactment of this
19 Act.

20 (b) CONFORMING AMENDMENT TO LEGAL REP-
21 RESENTATION AUTHORITY.—

22 (1) IN GENERAL.—Section 1002(a)(2)(A) of the
23 Legislative Branch Appropriations Act, 2004 (2
24 U.S.C. 1908(a)(2)(A)) is amended by striking “the
25 General Counsel for the United States Capitol Police

1 Board and the Chief of the Capitol Police” and in-
2 sserting “the General Counsel to the Chief of Police
3 and the United States Capitol Police”.

4 (2) NO EFFECT ON CURRENT PROCEEDINGS.—
5 Nothing in the amendment made by paragraph (1)
6 may be construed to affect the authority of any indi-
7 vidual to enter an appearance in any proceeding be-
8 fore any court of the United States or of any State
9 or political subdivision thereof which is initiated
10 prior to the date of the enactment of this Act.

11 **SEC. 4. CLARIFICATION OF AUTHORITIES REGARDING CER-**
12 **TAIN PERSONNEL BENEFITS.**

13 (a) NO LUMP SUM PAYMENT PERMITTED FOR UN-
14 USED COMPENSATORY TIME.—

15 (1) IN GENERAL.—No officer or employee of
16 the United States Capitol Police whose service with
17 the United States Capitol Police is terminated may
18 receive any lump-sum payment with respect to ac-
19 crued compensatory time off, except to the extent
20 permitted under section 203(c)(4) of the Congres-
21 sional Accountability Act of 1995 (2 U.S.C.
22 1313(c)(4)).

23 (2) REPEAL OF RELATED OBSOLETE PROVI-
24 SIONS.—(A) Section 3 of House Resolution 449,
25 Ninety-second Congress, agreed to June 2, 1971, as

1 enacted into permanent law by chapter IV of the
2 Supplemental Appropriations Act, 1972 (85 Stat.
3 636) (2 U.S.C. 1924), together with any other provi-
4 sion of law which relates to compensatory time for
5 the Capitol Police which is codified at section 1924
6 of title 2, United States Code (2000 Editions, Supp.
7 V), is hereby repealed.

8 (B) The last full paragraph under the heading
9 “Administrative Provisions” in the appropriation for
10 the Senate in the Legislative Branch Appropriations
11 Act, 1972 (85 Stat. 130) (2 U.S.C. 1925) is hereby
12 repealed.

13 (b) OVERTIME COMPENSATION FOR OFFICERS AND
14 EMPLOYEES EXEMPT FROM FAIR LABOR STANDARDS
15 ACT OF 1938.—

16 (1) CRITERIA UNDER WHICH COMPENSATION
17 PERMITTED.—The Chief of the Capitol Police may
18 provide for the compensation of overtime work of ex-
19 empt individuals which is performed on or after the
20 date of the enactment of this Act, in the form of ad-
21 ditional pay or compensatory time off, only if—

22 (A) the overtime work is carried out in
23 connection with special circumstances, as deter-
24 mined by the Chief;

1 (B) the Chief has established a monetary
2 value for the overtime work performed by such
3 individual; and

4 (C) the sum of the total amount of the
5 compensation paid to the individual for the
6 overtime work (as determined on the basis of
7 the monetary value established under subpara-
8 graph (B)) and the total regular compensation
9 paid to the individual with respect to the pay
10 period involved may not exceed an amount
11 equal to the cap on the aggregate amount of
12 annual compensation that may be paid to the
13 individual under applicable law during the year
14 in which the pay period occurs, as allocated on
15 a per pay period basis consistent with premium
16 pay regulations of the Capitol Police Board.

17 (2) EXEMPT INDIVIDUALS DEFINED.—In this
18 subsection, an “exempt individual” is an officer or
19 employee of the United States Capitol Police—

20 (A) who is classified under regulations
21 issued pursuant to section 203 of the Congres-
22 sional Accountability Act of 1995 (2 U.S.C.
23 1313) as exempt from the application of the
24 rights and protections established by sub-
25 sections (a)(1) and (d) of section 6, section 7,

1 and section 12(c) of the Fair Labor Standards
2 Act of 1938 (29 U.S.C. 206 (a)(1) and (d),
3 207, 212(c)); or

4 (B) whose annual rate of pay is not estab-
5 lished specifically under any law.

6 (3) CONFORMING AMENDMENT.—

7 (A) IN GENERAL.—Section 1009 of the
8 Legislative Branch Appropriations Act, 2003
9 (Public Law 108–7; 117 Stat. 359) is repealed.

10 (B) EFFECTIVE DATE.—The amendment
11 made by subparagraph (A) shall take effect as
12 if included in the enactment of the Legislative
13 Branch Appropriations Act, 2003, except that
14 the amendment shall not apply with respect to
15 any overtime work performed prior to the date
16 of the enactment of this Act.

17 (c) AUTHORITY TO SUSPEND EMPLOYEES FOR AP-
18 PROPRIATE REASONS.—

19 (1) IN GENERAL.—Section 1018(e)(1)(A) of the
20 Legislative Branch Appropriations Act, 2003 (2
21 U.S.C. 1907(e)(1)(A)) is amended by inserting “sus-
22 pend with or without pay,” after “hire,”.

23 (2) REPEAL OF RELATED OBSOLETE PROVI-
24 SIONS.—(A) Section 1823 of the Revised Statutes of

1 the United States (2 U.S.C. 1928) is hereby re-
2 pealed.

3 (B) The proviso in the Act of Mar. 3, 1875 (ch.
4 129; 18 Stat. 345.), popularly known as the “Legis-
5 lature, Executive, and Judicial Appropriation Act,
6 fiscal year 1876”, which is codified at section 1929
7 of title 2, United States Code (2000 Editions, Supp.
8 V), is repealed.

9 **SEC. 5. OTHER MISCELLANEOUS TECHNICAL CORREC-**
10 **TIONS.**

11 (a) REPEAL OF OBSOLETE PROCEDURES FOR INI-
12 TIAL APPOINTMENT OF CHIEF ADMINISTRATIVE OFFI-
13 CER.—Section 108 of the Legislative Branch Appropria-
14 tions Act, 2001 (2 U.S.C. 1903) is amended by striking
15 subsections (d) through (g).

16 (b) REPEAL OF REQUIREMENT THAT OFFICERS
17 PURCHASE OWN UNIFORMS.—Section 1825 of the Re-
18 vised Statutes of the United States (2 U.S.C. 1943) is
19 repealed.

20 (c) REPEAL OF REFERENCES TO OFFICERS AND PRI-
21 VATES IN AUTHORITIES RELATING TO HOUSE AND SEN-
22 ATE OFFICE BUILDINGS.—

23 (1) HOUSE OFFICE BUILDINGS.—The item re-
24 lating to “House of Representatives Office Building”
25 in the Act entitled “An Act making appropriations

1 for sundry civil expenses of the Government for the
2 fiscal year ending June thirtieth, nineteen hundred
3 and eight, and for other purposes”, approved March
4 4, 1907 (34 Stat. 1365; 2 U.S.C. 2001), is amended
5 by striking “other than officers and privates of the
6 Capitol police” each place it appears and inserting
7 “other than the United States Capitol Police”.

8 (2) SENATE OFFICE BUILDINGS.—The item re-
9 lating to “Senate Office Building” in the Legislative
10 Branch Appropriation Act, 1943 (56 Stat. 343; 2
11 U.S.C. 2023) is amended by striking “other than for
12 officers and privates of the Capitol Police” each
13 place it appears and inserting “other than for the
14 United States Capitol Police”.

15 (d) CLARIFICATION OF APPLICABILITY OF U.S. CAP-
16 ITOL POLICE AND LIBRARY OF CONGRESS POLICE MERG-
17 ER IMPLEMENTATION ACT OF 2007.—

18 (1) REPEAL OF DUPLICATE PROVISIONS.—Ef-
19 fective as if included in the enactment of the Legis-
20 lative Branch Appropriations Act, 2008 (Public Law
21 110–161), section 1004 of such Act is repealed, and
22 any provision of law amended or repealed by such
23 section is restored or revived to read as if such sec-
24 tion had not been enacted into law.

1 (2) NO EFFECT ON OTHER ACT.—Nothing in
2 paragraph (1) may be construed to prevent the en-
3 actment or implementation of any provision of the
4 U.S. Capitol Police and Library of Congress Police
5 Merger Implementation Act of 2007 (Public Law
6 110–178), including any provision of such Act that
7 amends or repeals a provision of law which is re-
8 stored or revived pursuant to paragraph (1).

9 (e) AUTHORITY OF CHIEF OF POLICE.—

10 (1) REPEAL OF CERTAIN PROVISIONS CODIFIED
11 IN TITLE 2, UNITED STATES CODE.—The provisions
12 appearing in the first paragraph under the heading
13 “Capitol Police” in the Act of April 28, 1902 (ch.
14 594, 32 Stat. 124), and the provisions appearing in
15 the first paragraph under the heading “Capitol Po-
16 lice” in title I of the Legislative and Judiciary Ap-
17 propriation Act, 1944 (ch. 173, 57 Stat. 230), inso-
18 far as all of those provisions are related to the sen-
19 tence “The captain and lieutenants shall be selected
20 jointly by the Sergeant at Arms of the Senate and
21 the Sergeant at Arms of the House of Representa-
22 tives; and one-half of the privates shall be selected
23 by the Sergeant at Arms of the Senate and one-half
24 by the Sergeant at Arms of the House of Represent-

1 atives.”, which appears in 2 U.S.C. 1901 (2000 Edi-
2 tion, Supp. V), are repealed.

3 (2) RESTORATION OF REPEALED PROVISION.—

4 Section 1018(h)(1) of the Legislative Branch Appro-
5 priations Act, 2003 (Public Law 108–7, div. H, title
6 I, 117 Stat. 368) is repealed, and the sentence “The
7 Capitol Police shall be headed by a Chief who shall
8 be appointed by the Capitol Police Board and shall
9 serve at the pleasure of the Board.”, which was re-
10 pealed by such section, is restored to appear at the
11 end of section 1821 of the Revised Statutes of the
12 United States (2 U.S.C. 1901).

13 (3) CONFORMING AMENDMENT.—The first sen-
14 tence of section 1821 of the Revised Statutes of the
15 United States (2 U.S.C. 1901) is amended by strik-
16 ing “, the members of which shall be appointed by
17 the Sergeants-at-Arms of the two Houses and the
18 Architect of the Capitol Extension”.

19 (4) EFFECTIVE DATE.—The amendments made
20 by this subsection shall take effect as if included in
21 the enactment of the Legislative Branch Appropria-
22 tions Act, 2003.

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