

110TH CONGRESS
2D SESSION

H. R. 5972

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

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”.

6 **SEC. 2. ADMINISTRATIVE AUTHORITIES OF THE CHIEF OF**
7 **THE CAPITOL POLICE.**

8 (a) CLARIFICATION OF CERTAIN HIRING AUTHORI-
9 TIES.—

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

5 “(a) CHIEF ADMINISTRATIVE OFFICER.—

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

11 “(2) APPOINTMENT.—The Chief Administrative
12 Officer shall be appointed by the Chief of the Capitol
13 Police, after consultation with the Capitol Police
14 Board.

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

19 (2) PERSONNEL OF OFFICE OF ADMINISTRA-
20 TION.—Section 108(c)(1) of the Legislative Branch
21 Appropriations Act, 2001 (2 U.S.C. 1903(c)(1)) is
22 amended—

23 (A) by striking “The Chief Administrative
24 Officer” and inserting “The Chief of the Cap-
25 itol Police”; and

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

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

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

13 “(B) SPECIAL RULES FOR CERTAIN AC-
14 TIONS.—

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

1 knowledge from each such Committee
2 that the Committee has received the notice:

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

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

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

24 (5) CONFORMING APPLICATION OF CONGRES-
25 SIONAL ACCOUNTABILITY ACT OF 1995.—

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

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

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

18 (b) DEPOSIT OF REIMBURSEMENTS FOR LAW EN-
19 FORCEMENT ASSISTANCE.—

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

23 (A) in subsection (a)(1), by striking “Cap-
24 itol Police Board” each place it appears and in-
25 serting “United States Capitol Police”; and

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

3
4 (2) EFFECTIVE DATE.—The amendments made
5 by paragraph (1) shall take effect as if included in
6 the enactment of the Supplemental Appropriations
7 Act, 2001.

8 (c) AUTHORITY TO SEEK WAIVERS FOR CLAIMS TO
9 RECOVER ERRONEOUS PAYMENTS.—

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

13 “(2) TRANSFER.—

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

21 “(B) AUTHORITY TO SEEK WAIVERS FOR
22 CLAIMS TO RECOVER ERRONEOUS PAYMENTS.—
23 In the case of the authority to waive a claim of
24 the United States against a person arising out
25 of an erroneous payment of any pay or allow-

1 ances to an officer or employee of the Capitol
2 Police—

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

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

18 “(iii) an application for a waiver of
19 such a claim in an amount aggregating
20 more than \$1,500 may also be investigated
21 by the Comptroller General, who shall sub-
22 mit a written report of the investigation to
23 the Chief.”.

24 (2) EFFECTIVE DATE.—The amendment made
25 by paragraph (1) shall apply as if included in the

1 enactment of the Legislative Branch Appropriations
2 Act, 2003.

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

5 (1) IN GENERAL.—Section 1002 of the Legisla-
6 tive Branch Appropriations Act, 2008 (Public Law
7 110–161) is amended—

8 (A) by striking “fiscal year 2008 and each
9 succeeding fiscal year” and inserting “fiscal
10 years 2008 and 2009”;

11 (B) by inserting after “the Senate,” the
12 following: “the Committee on House Adminis-
13 tration of the House of Representatives, and
14 the Committee on Rules and Administration of
15 the Senate,”; and

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

21 (2) EFFECTIVE DATE.—The amendments made
22 by paragraph (1) shall take effect as if included in
23 the enactment of the Legislative Branch Appropria-
24 tions Act, 2008.

1 (e) PRIOR NOTICE TO AUTHORIZING COMMITTEES
2 OF DEPLOYMENT OUTSIDE JURISDICTION.—Section
3 1007(a)(1) of the Legislative Branch Appropriations Act,
4 2005 (2 U.S.C. 1978(a)(1)) is amended by striking “prior
5 notification to” and inserting the following: “prior notifi-
6 cation to the Committee on House Administration of the
7 House of Representatives, the Committee on Rules and
8 Administration of the Senate, and”.

9 **SEC. 3. GENERAL COUNSEL TO THE CHIEF OF POLICE AND**
10 **THE UNITED STATES CAPITOL POLICE.**

11 (a) APPOINTMENT AND SERVICE.—

12 (1) IN GENERAL.—There shall be within the
13 United States Capitol Police the General Counsel to
14 the Chief of Police and the United States Capitol
15 Police (hereafter in this subsection referred to as the
16 “General Counsel”).

17 (2) APPOINTMENT.—The General Counsel shall
18 be appointed by the Chief of the Capitol Police in
19 accordance with section 1018(e)(1)(B)(i) of the Leg-
20 islative Branch Appropriations Act, 2003 (2 U.S.C.
21 1907(e)(1)(B)(i)) (as amended by section 2(a)(4)),
22 without regard to political affiliation and solely on
23 the basis of fitness to perform the duties of the posi-
24 tion.

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

5 (4) CONFORMING AMENDMENT.—House Resolu-
6 tion 661, Ninety-fifth Congress, agreed to July 29,
7 1977, as enacted into permanent law by section 111
8 of the Legislative Branch Appropriation Act, 1979
9 (2 U.S.C. 1901 note) is repealed.

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

17 (b) CONFORMING AMENDMENT TO LEGAL REP-
18 RESENTATION AUTHORITY.—

19 (1) IN GENERAL.—Section 1002(a)(2)(A) of the
20 Legislative Branch Appropriations Act, 2004 (2
21 U.S.C. 1908(a)(2)(A)) is amended by striking “the
22 General Counsel for the United States Capitol Police
23 Board and the Chief of the Capitol Police” and in-
24 serting “the General Counsel to the Chief of Police
25 and the United States Capitol Police”.

1 sion of law which relates to compensatory time for
2 the Capitol Police which is codified at section 1924
3 of title 2, United States Code (2000 Editions, Supp.
4 V), is hereby repealed.

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

10 (b) OVERTIME COMPENSATION FOR OFFICERS AND
11 EMPLOYEES EXEMPT FROM FAIR LABOR STANDARDS
12 ACT OF 1938.—

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

19 (A) the overtime work is carried out in
20 connection with special circumstances, as deter-
21 mined by the Chief;

22 (B) the Chief has established a monetary
23 value for the overtime work performed by such
24 individual; and

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

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

17 (A) who is classified under regulations
18 issued pursuant to section 203 of the Congres-
19 sional Accountability Act of 1995 (2 U.S.C.
20 1313) as exempt from the application of the
21 rights and protections established by sub-
22 sections (a)(1) and (d) of section 6, section 7,
23 and section 12(c) of the Fair Labor Standards
24 Act of 1938 (29 U.S.C. 206 (a)(1) and (d),
25 207, 212(c)); or

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

3 (3) CONFORMING AMENDMENT.—

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

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

14 (c) AUTHORITY TO SUSPEND EMPLOYEES FOR AP-
15 PROPRIATE REASONS.—

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

20 (2) REPEAL OF RELATED OBSOLETE PROVI-
21 SIONS.—(A) Section 1823 of the Revised Statutes of
22 the United States (2 U.S.C. 1928) is hereby re-
23 pealed.

24 (B) The proviso in the Act of Mar. 3, 1875 (ch.
25 129; 18 Stat. 345.), popularly known as the “Legis-

1 lature, Executive, and Judicial Appropriation Act,
2 fiscal year 1876”, which is codified at section 1929
3 of title 2, United States Code (2000 Editions, Supp.
4 V), is repealed.

5 **SEC. 5. OTHER MISCELLANEOUS TECHNICAL CORREC-**
6 **TIONS.**

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

12 (b) REPEAL OF REQUIREMENT THAT OFFICERS
13 PURCHASE OWN UNIFORMS.—Section 1825 of the Re-
14 vised Statutes of the United States (2 U.S.C. 1943) is
15 repealed.

16 (c) REPEAL OF REFERENCES TO OFFICERS AND PRI-
17 VATES IN AUTHORITIES RELATING TO HOUSE AND SEN-
18 ATE OFFICE BUILDINGS.—

19 (1) HOUSE OFFICE BUILDINGS.—The item re-
20 lating to “House of Representatives Office Building”
21 in the Act entitled “An Act making appropriations
22 for sundry civil expenses of the Government for the
23 fiscal year ending June thirtieth, nineteen hundred
24 and eight, and for other purposes”, approved March
25 4, 1907 (34 Stat. 1365; 2 U.S.C. 2001), is amended

1 by striking “other than officers and privates of the
2 Capitol police” each place it appears and inserting
3 “other than the United States Capitol Police”.

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

11 (d) CLARIFICATION OF APPLICABILITY OF U.S. CAP-
12 ITOL POLICE AND LIBRARY OF CONGRESS POLICE MERG-
13 ER IMPLEMENTATION ACT OF 2007.—

14 (1) REPEAL OF DUPLICATE PROVISIONS.—Ef-
15 fective as if included in the enactment of the Legis-
16 lative Branch Appropriations Act, 2008 (Public Law
17 110–161), section 1004 of such Act is repealed, and
18 any provision of law amended or repealed by such
19 section is restored or revived to read as if such sec-
20 tion had not been enacted into law.

21 (2) NO EFFECT ON OTHER ACT.—Nothing in
22 paragraph (1) may be construed to prevent the en-
23 actment or implementation of any provision of the
24 U.S. Capitol Police and Library of Congress Police
25 Merger Implementation Act of 2007 (Public Law

1 110–178), including any provision of such Act that
2 amends or repeals a provision of law which is re-
3 stored or revived pursuant to paragraph (1).

4 (e) AUTHORITY OF CHIEF OF POLICE.—

5 (1) REPEAL OF CERTAIN PROVISIONS CODIFIED
6 IN TITLE 2, UNITED STATES CODE.—The provisions
7 appearing in the first paragraph under the heading
8 “Capitol Police” in the Act of April 28, 1902 (ch.
9 594, 32 Stat. 124), and the provisions appearing in
10 the first paragraph under the heading “Capitol Po-
11 lice” in title I of the Legislative and Judiciary Ap-
12 propriation Act, 1944 (ch. 173, 57 Stat. 230), inso-
13 far as all of those provisions are related to the sen-
14 tence “The captain and lieutenants shall be selected
15 jointly by the Sergeant at Arms of the Senate and
16 the Sergeant at Arms of the House of Representa-
17 tives; and one-half of the privates shall be selected
18 by the Sergeant at Arms of the Senate and one-half
19 by the Sergeant at Arms of the House of Represent-
20 atives.”, which appears in 2 U.S.C. 1901 (2000 Edi-
21 tion, Supp. V), are repealed.

22 (2) RESTORATION OF REPEALED PROVISION.—
23 Section 1018(h)(1) of the Legislative Branch Appro-
24 priations Act, 2003 (Public Law 108–7, div. H, title
25 I, 117 Stat. 368) is repealed, and the sentence “The

1 Capitol Police shall be headed by a Chief who shall
2 be appointed by the Capitol Police Board and shall
3 serve at the pleasure of the Board.”, which was re-
4 pealed by such section, is restored to appear at the
5 end of section 1821 of the Revised Statutes of the
6 United States (2 U.S.C. 1901).

7 (3) CONFORMING AMENDMENT.—The first sen-
8 tence of section 1821 of the Revised Statutes of the
9 United States (2 U.S.C. 1901) is amended by strik-
10 ing “, the members of which shall be appointed by
11 the Sergeants-at-Arms of the two Houses and the
12 Architect of the Capitol Extension”.

13 (4) EFFECTIVE DATE.—The amendments made
14 by this subsection shall take effect as if included in
15 the enactment of the Legislative Branch Appropria-
16 tions Act, 2003.

○