

110<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 5972

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IN THE SENATE OF THE UNITED STATES

JUNE 5, 2008

Received; read twice and referred to the Committee on Rules and  
Administration

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## AN ACT

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,*

1 **SECTION 1. SHORT TITLE.**

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

4 **SEC. 2. ADMINISTRATIVE AUTHORITIES OF THE CHIEF OF**  
5 **THE CAPITOL POLICE.**

6 (a) CLARIFICATION OF CERTAIN HIRING AUTHORI-  
7 TIES.—

8 (1) CHIEF ADMINISTRATIVE OFFICER.—Section  
9 108(a) of the Legislative Branch Appropriations  
10 Act, 2001 (2 U.S.C. 1903(a)) is amended to read as  
11 follows:

12 “(a) CHIEF ADMINISTRATIVE OFFICER.—

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

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

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

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

5                   (A) by striking “The Chief Administrative  
6           Officer” and inserting “The Chief of the Cap-  
7           itol Police”; and

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

10          (3) CERTIFYING OFFICERS.—Section 107 of the  
11          Legislative Branch Appropriations Act, 2001 (2  
12          U.S.C. 1904) is amended—

13                   (A) in subsection (a), by striking “the  
14          Capitol Police Board” and inserting “the Chief  
15          of the Capitol Police”; and

16                   (B) in subsection (b)(1), by striking “the  
17          Capitol Police Board” and inserting “the Chief  
18          of the Capitol Police”.

19          (4) REPEAL OF COMMITTEE APPROVAL FOR AP-  
20          POINTMENTS, TERMINATIONS, AND PROMOTIONS.—  
21          Section 1018(e)(1)(B) of the Legislative Branch Ap-  
22          propriations Act, 2003 (2 U.S.C. 1907(e)(1)(B)) is  
23          amended to read as follows:

24                   “(B) SPECIAL RULES FOR CERTAIN AC-  
25          TIONS.—

1           “(i) PRIOR NOTICE REQUIRED FOR  
2 APPOINTMENTS, TERMINATIONS, AND PRO-  
3 MOTIONS.—In carrying out the authority  
4 under this paragraph, the Chief of the  
5 Capitol Police may carry out any of the  
6 following actions only after providing no-  
7 tice to the Committee on House Adminis-  
8 tration of the House of Representatives  
9 and the Committee on Rules and Adminis-  
10 tration of the Senate and receiving an ac-  
11 knowledgment from each such Committee  
12 that the Committee has received the notice:

13                   “(I) The appointment or termi-  
14 nation of any officer, member, or em-  
15 ployee.

16                   “(II) The promotion of any non-  
17 civilian officer, member, or employee  
18 to any rank higher than Private First  
19 Class or the promotion of any civilian  
20 employee to any position.

21           “(ii) APPROVAL REQUIRED FOR ES-  
22 TABLISHMENT OF NEW POSITIONS, RE-  
23 CLASSIFICATION OF POSITIONS, AND REOR-  
24 GANIZATION PLANS.—The establishment  
25 by the Chief of the Capitol Police of any

1 new position for officers, members, or em-  
2 ployees of the Capitol Police, the reclassi-  
3 fication by the Chief of any position for of-  
4 ficers, members, or employees of the Cap-  
5 itol Police, and any reorganization plan for  
6 the Capitol Police shall be subject to the  
7 approval of the Committees referred to in  
8 clause (i).”.

9 (5) CONFORMING APPLICATION OF CONGRES-  
10 SIONAL ACCOUNTABILITY ACT OF 1995.—

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

16 (B) NO EFFECT ON CURRENT PRO-  
17 CEEDINGS.—Nothing in the amendment made  
18 by subparagraph (A) may be construed to affect  
19 any procedure initiated under title IV of the  
20 Congressional Accountability Act of 1995 prior  
21 to the date of the enactment of this Act.

22 (6) NO EFFECT ON CURRENT PERSONNEL.—  
23 Nothing in the amendments made by this subsection  
24 may be construed to affect the status of any indi-  
25 vidual serving as an officer or employee of the

1 United States Capitol Police as of the date of the  
2 enactment of this Act.

3 (b) DEPOSIT OF REIMBURSEMENTS FOR LAW EN-  
4 FORCEMENT ASSISTANCE.—

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

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

11 (B) in subsection (a)(2), by striking “Cap-  
12 itol Police Board” and inserting “Chief of the  
13 United States Capitol Police”.

14 (2) EFFECTIVE DATE.—The amendments made  
15 by paragraph (1) shall take effect as if included in  
16 the enactment of the Supplemental Appropriations  
17 Act, 2001.

18 (c) AUTHORITY TO SEEK WAIVERS FOR CLAIMS TO  
19 RECOVER ERRONEOUS PAYMENTS.—

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

23 “(2) TRANSFER.—

24 “(A) IN GENERAL.—Any statutory func-  
25 tion, duty, or authority of the Chief Administra-

1           tive Officer of the House of Representatives or  
2           the Secretary of the Senate as disbursing offi-  
3           cers for the Capitol Police shall transfer to the  
4           Chief of the Capitol Police as the single dis-  
5           bursing officer for the Capitol Police.

6           “(B) AUTHORITY TO SEEK WAIVERS FOR  
7           CLAIMS TO RECOVER ERRONEOUS PAYMENTS.—

8           In the case of the authority to waive a claim of  
9           the United States against a person arising out  
10          of an erroneous payment of any pay or allow-  
11          ances to an officer or employee of the Capitol  
12          Police—

13                 “(i) the Chief of the Capitol Police  
14                 shall exercise such authority in the same  
15                 manner as the Secretary of the Senate  
16                 under section 2 of the Act entitled ‘An Act  
17                 to authorize the waiver of claims of the  
18                 United States arising out of erroneous pay-  
19                 ments of pay and allowances to certain of-  
20                 ficers and employees of the legislative  
21                 branch’, approved July 25, 1974 (2 U.S.C.  
22                 130c);

23                 “(ii) an application for a waiver of  
24                 such a claim shall be investigated by the  
25                 Chief Administrative Officer of the Capitol

1 Police, who shall submit a written report  
2 of the investigation to the Chief; and

3 “(iii) an application for a waiver of  
4 such a claim in an amount aggregating  
5 more than \$1,500 may also be investigated  
6 by the Comptroller General, who shall sub-  
7 mit a written report of the investigation to  
8 the Chief.”.

9 (2) EFFECTIVE DATE.—The amendment made  
10 by paragraph (1) shall apply as if included in the  
11 enactment of the Legislative Branch Appropriations  
12 Act, 2003, except that nothing in the amendment  
13 may be construed to affect the validity of any waiver  
14 granted prior to the date of the enactment of this  
15 Act with respect to a claim of the United States  
16 against a person arising out of an erroneous pay-  
17 ment of any pay or allowances to an officer or em-  
18 ployee of the United States Capitol Police.

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

21 (1) IN GENERAL.—Section 1002 of the Legisla-  
22 tive Branch Appropriations Act, 2008 (Public Law  
23 110—161) is amended—



1 (A) by striking “fiscal year 2008 and each  
2 succeeding fiscal year” and inserting “each of  
3 the fiscal years 2008 through 2012”; and

4 (B) by inserting after “the Senate,” the  
5 following: “the Committee on House Adminis-  
6 tration of the House of Representatives, and  
7 the Committee on Rules and Administration of  
8 the Senate,”.

9 (2) EFFECTIVE DATE.—The amendments made  
10 by paragraph (1) shall take effect as if included in  
11 the enactment of the Legislative Branch Appropria-  
12 tions Act, 2008.

13 (e) PRIOR NOTICE TO AUTHORIZING COMMITTEES  
14 OF DEPLOYMENT OUTSIDE JURISDICTION.—Section  
15 1007(a)(1) of the Legislative Branch Appropriations Act,  
16 2005 (2 U.S.C. 1978(a)(1)) is amended by striking “prior  
17 notification to” and inserting the following: “prior notifi-  
18 cation to the Committee on House Administration of the  
19 House of Representatives, the Committee on Rules and  
20 Administration of the Senate, and”.

21 **SEC. 3. GENERAL COUNSEL TO THE CHIEF OF POLICE AND**  
22 **THE UNITED STATES CAPITOL POLICE.**

23 (a) APPOINTMENT AND SERVICE.—

24 (1) IN GENERAL.—There shall be within the  
25 United States Capitol Police the General Counsel to

1 the Chief of Police and the United States Capitol  
2 Police (hereafter in this subsection referred to as the  
3 “General Counsel”).

4 (2) APPOINTMENT.—The General Counsel shall  
5 be appointed by the Chief of the Capitol Police in  
6 accordance with section 1018(e)(1)(B)(i) of the Leg-  
7 islative Branch Appropriations Act, 2003 (2 U.S.C.  
8 1907(e)(1)(B)(i)) (as amended by section 2(a)(4)),  
9 without regard to political affiliation and solely on  
10 the basis of fitness to perform the duties of the posi-  
11 tion.

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

16 (4) CONFORMING AMENDMENT.—House Resolu-  
17 tion 661, Ninety-fifth Congress, agreed to July 29,  
18 1977, as enacted into permanent law by section 111  
19 of the Legislative Branch Appropriation Act, 1979  
20 (2 U.S.C. 1901 note) is repealed.

21 (5) NO EFFECT ON CURRENT GENERAL COUN-  
22 SEL.—Nothing in this subsection or the amendments  
23 made by this subsection may be construed to affect  
24 the status of the individual serving as the General  
25 Counsel to the Chief of Police and the United States

1 Capitol Police as of the date of the enactment of this  
2 Act.

3 (b) CONFORMING AMENDMENT TO LEGAL REP-  
4 RESENTATION AUTHORITY.—

5 (1) IN GENERAL.—Section 1002(a)(2)(A) of the  
6 Legislative Branch Appropriations Act, 2004 (2  
7 U.S.C. 1908(a)(2)(A)) is amended by striking “the  
8 General Counsel for the United States Capitol Police  
9 Board and the Chief of the Capitol Police” and in-  
10 sserting “the General Counsel to the Chief of Police  
11 and the United States Capitol Police”.

12 (2) NO EFFECT ON CURRENT PROCEEDINGS.—  
13 Nothing in the amendment made by paragraph (1)  
14 may be construed to affect the authority of any indi-  
15 vidual to enter an appearance in any proceeding be-  
16 fore any court of the United States or of any State  
17 or political subdivision thereof which is initiated  
18 prior to the date of the enactment of this Act.

19 **SEC. 4. CLARIFICATION OF AUTHORITIES REGARDING CER-**  
20 **TAIN PERSONNEL BENEFITS.**

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

23 (1) IN GENERAL.—No officer or employee of  
24 the United States Capitol Police whose service with  
25 the United States Capitol Police is terminated may

1 receive any lump-sum payment with respect to ac-  
2 crued compensatory time off, except to the extent  
3 permitted under section 203(c)(4) of the Congres-  
4 sional Accountability Act of 1995 (2 U.S.C.  
5 1313(c)(4)).

6 (2) REPEAL OF RELATED OBSOLETE PROVI-  
7 SIONS.—(A) Section 3 of House Resolution 449,  
8 Ninety-second Congress, agreed to June 2, 1971, as  
9 enacted into permanent law by chapter IV of the  
10 Supplemental Appropriations Act, 1972 (85 Stat.  
11 636) (2 U.S.C. 1924), together with any other provi-  
12 sion of law which relates to compensatory time for  
13 the Capitol Police which is codified at section 1924  
14 of title 2, United States Code (2000 Editions, Supp.  
15 V), is hereby repealed.

16 (B) The last full paragraph under the heading  
17 “Administrative Provisions” in the appropriation for  
18 the Senate in the Legislative Branch Appropriations  
19 Act, 1972 (85 Stat. 130) (2 U.S.C. 1925) is hereby  
20 repealed.

21 (b) OVERTIME COMPENSATION FOR OFFICERS AND  
22 EMPLOYEES EXEMPT FROM FAIR LABOR STANDARDS  
23 ACT OF 1938.—

24 (1) CRITERIA UNDER WHICH COMPENSATION  
25 PERMITTED.—The Chief of the Capitol Police may

1 provide for the compensation of overtime work of ex-  
2 empt individuals which is performed on or after the  
3 date of the enactment of this Act, in the form of ad-  
4 ditional pay or compensatory time off, only if—

5 (A) the overtime work is carried out in  
6 connection with special circumstances, as deter-  
7 mined by the Chief;

8 (B) the Chief has established a monetary  
9 value for the overtime work performed by such  
10 individual; and

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

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

4           (A) who is classified under regulations  
5 issued pursuant to section 203 of the Congres-  
6 sional Accountability Act of 1995 (2 U.S.C.  
7 1313) as exempt from the application of the  
8 rights and protections established by sub-  
9 sections (a)(1) and (d) of section 6, section 7,  
10 and section 12(c) of the Fair Labor Standards  
11 Act of 1938 (29 U.S.C. 206 (a)(1) and (d),  
12 207, 212(c)); or

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

15           (3) CONFORMING AMENDMENT.—

16           (A) IN GENERAL.—Section 1009 of the  
17 Legislative Branch Appropriations Act, 2003  
18 (Public Law 108—7; 117 Stat. 359) is re-  
19 pealed.

20           (B) EFFECTIVE DATE.—The amendment  
21 made by subparagraph (A) shall take effect as  
22 if included in the enactment of the Legislative  
23 Branch Appropriations Act, 2003, except that  
24 the amendment shall not apply with respect to

1 any overtime work performed prior to the date  
2 of the enactment of this Act.

3 (c) **AUTHORITY TO SUSPEND EMPLOYEES FOR AP-  
4 PROPRIATE REASONS.—**

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

9 (2) **REPEAL OF RELATED OBSOLETE PROVI-  
10 SIONS.—**(A) Section 1823 of the Revised Statutes of  
11 the United States (2 U.S.C. 1928) is hereby re-  
12 pealed.

13 (B) The proviso in the Act of Mar. 3, 1875 (ch.  
14 129; 18 Stat. 345.), popularly known as the “Legis-  
15 lature, Executive, and Judicial Appropriation Act,  
16 fiscal year 1876”, which is codified at section 1929  
17 of title 2, United States Code (2000 Editions, Supp.  
18 V), is repealed.

19 **SEC. 5. OTHER MISCELLANEOUS TECHNICAL CORREC-  
20 TIONS.**

21 (a) **REPEAL OF OBSOLETE PROCEDURES FOR INI-  
22 TIAL APPOINTMENT OF CHIEF ADMINISTRATIVE OFFI-  
23 CER.—**Section 108 of the Legislative Branch Appropria-  
24 tions Act, 2001 (2 U.S.C. 1903) is amended by striking  
25 subsections (d) through (g).

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

5 (c) REPEAL OF REFERENCES TO OFFICERS AND PRI-  
6 VATES IN AUTHORITIES RELATING TO HOUSE AND SEN-  
7 ATE OFFICE BUILDINGS.—

8 (1) HOUSE OFFICE BUILDINGS.—The item re-  
9 lating to “House of Representatives Office Building”  
10 in the Act entitled “An Act making appropriations  
11 for sundry civil expenses of the Government for the  
12 fiscal year ending June thirtieth, nineteen hundred  
13 and eight, and for other purposes”, approved March  
14 4, 1907 (34 Stat. 1365; 2 U.S.C. 2001), is amended  
15 by striking “other than officers and privates of the  
16 Capitol police” each place it appears and inserting  
17 “other than the United States Capitol Police”.

18 (2) SENATE OFFICE BUILDINGS.—The item re-  
19 lating to “Senate Office Building” in the Legislative  
20 Branch Appropriation Act, 1943 (56 Stat. 343; 2  
21 U.S.C. 2023) is amended by striking “other than for  
22 officers and privates of the Capitol Police” each  
23 place it appears and inserting “other than for the  
24 United States Capitol Police”.



1 (d) CLARIFICATION OF APPLICABILITY OF U.S. CAP-  
2 ITOL POLICE AND LIBRARY OF CONGRESS POLICE MERG-  
3 ER IMPLEMENTATION ACT OF 2007.—

4 (1) REPEAL OF DUPLICATE PROVISIONS.—Ef-  
5 fective as if included in the enactment of the Legis-  
6 lative Branch Appropriations Act, 2008 (Public Law  
7 110—161), section 1004 of such Act is repealed,  
8 and any provision of law amended or repealed by  
9 such section is restored or revived to read as if such  
10 section had not been enacted into law.

11 (2) NO EFFECT ON OTHER ACT.—Nothing in  
12 paragraph (1) may be construed to prevent the en-  
13 actment or implementation of any provision of the  
14 U.S. Capitol Police and Library of Congress Police  
15 Merger Implementation Act of 2007 (Public Law  
16 110—178), including any provision of such Act that  
17 amends or repeals a provision of law which is re-  
18 stored or revived pursuant to paragraph (1).

19 (e) AUTHORITY OF CHIEF OF POLICE.—

20 (1) REPEAL OF CERTAIN PROVISIONS CODIFIED  
21 IN TITLE 2, UNITED STATES CODE.—The provisions  
22 appearing in the first paragraph under the heading  
23 “Capitol Police” in the Act of April 28, 1902 (ch.  
24 594, 32 Stat. 124), and the provisions appearing in  
25 the first paragraph under the heading “Capitol Po-

1       lice” in title I of the Legislative and Judiciary Ap-  
2       propriation Act, 1944 (ch. 173, 57 Stat. 230), inso-  
3       far as all of those provisions are related to the sen-  
4       tence “The captain and lieutenants shall be selected  
5       jointly by the Sergeant at Arms of the Senate and  
6       the Sergeant at Arms of the House of Representa-  
7       tives; and one-half of the privates shall be selected  
8       by the Sergeant at Arms of the Senate and one-half  
9       by the Sergeant at Arms of the House of Represent-  
10      atives.”, which appears in 2 U.S.C. 1901 (2000 Edi-  
11      tion, Supp. V), are repealed.

12           (2) RESTORATION OF REPEALED PROVISION.—  
13      Section 1018(h)(1) of the Legislative Branch Appro-  
14      priations Act, 2003 (Public Law 108–7, div. H, title  
15      I, 117 Stat. 368) is repealed, and the sentence “The  
16      Capitol Police shall be headed by a Chief who shall  
17      be appointed by the Capitol Police Board and shall  
18      serve at the pleasure of the Board.”, which was re-  
19      pealed by such section, is restored to appear at the  
20      end of section 1821 of the Revised Statutes of the  
21      United States (2 U.S.C. 1901).

22           (3) CONFORMING AMENDMENT.—The first sen-  
23      tence of section 1821 of the Revised Statutes of the  
24      United States (2 U.S.C. 1901) is amended by strik-  
25      ing “, the members of which shall be appointed by

1 the Sergeants-at-Arms of the two Houses and the  
2 Architect of the Capitol Extension”.

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

Passed the House of Representatives June 4, 2008.

Attest: LORRAINE C. MILLER,  
*Clerk.*