

111TH CONGRESS  
1ST SESSION

# H. R. 1299

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IN THE SENATE OF THE UNITED STATES

APRIL 1, 2009

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 “Capitol Police Admin-  
3 istrative Technical Corrections Act of 2009”.

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, without regard to political affiliation and  
22 solely on the basis of fitness to perform the duties  
23 of the position.

24 “(3) COMPENSATION.—The annual rate of pay  
25 for the Chief Administrative Officer shall be the

1 amount equal to \$1,000 less than the annual rate of  
2 pay in effect for the Chief of the Capitol Police.”.

3 (2) ADMINISTRATIVE PROVISIONS.—Section 108  
4 of the Legislative Branch Appropriations Act, 2001  
5 (2 U.S.C. 1903) is amended by striking subsection  
6 (c).

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

10 (A) in subsection (a), by striking “the  
11 Capitol Police Board” and inserting “the Chief  
12 of the Capitol Police”; and

13 (B) in subsection (b)(1), by striking “the  
14 Capitol Police Board” and inserting “the Chief  
15 of the Capitol Police”.

16 (4) PERSONNEL ACTIONS OF THE CHIEF OF  
17 THE CAPITOL POLICE.—

18 (A) IN GENERAL.—Section 1018(e) of the  
19 Legislative Branch Appropriations Act, 2003 (2  
20 U.S.C. 1907(e)) is amended by striking para-  
21 graph (1) and inserting the following:

22 “(1) AUTHORITY.—

23 “(A) IN GENERAL.—The Chief of the Cap-  
24 itol Police, in carrying out the duties of office,  
25 is authorized to appoint, hire, suspend with or

1 without pay, discipline, discharge, and set the  
2 terms, conditions, and privileges of employment  
3 of employees of the Capitol Police, subject to  
4 and in accordance with applicable laws and reg-  
5 ulations.

6 “(B) SPECIAL RULE FOR TERMI-  
7 NATIONS.—The Chief may terminate an officer,  
8 member, or employee only after the Chief has  
9 provided notice of the termination to the Cap-  
10 itol Police Board (in such manner as the Board  
11 may from time to time require) and the Board  
12 has approved the termination, except that if the  
13 Board has not disapproved the termination  
14 prior to the expiration of the 30-day period  
15 which begins on the date the Board receives the  
16 notice, the Board shall be deemed to have ap-  
17 proved the termination.

18 “(C) NOTICE OR APPROVAL.—The Chief of  
19 the Capitol Police shall provide notice or receive  
20 approval, as required by the Committee on  
21 Rules and Administration of the Senate and the  
22 Committee on House Administration of the  
23 House of Representatives, as each Committee  
24 determines appropriate for—

1 “(i) the exercise of any authority  
2 under subparagraph (A); or

3 “(ii) the establishment of any new po-  
4 sition for officers, members, or employees  
5 of the Capitol Police, for reclassification of  
6 existing positions, for reorganization plans,  
7 or for hiring, termination, or promotion for  
8 officers, members, or employees of the  
9 Capitol Police.”.

10 (B) TECHNICAL AND CONFORMING AMEND-  
11 MENTS.—

12 (i) SUSPENSION AUTHORITY.—Section  
13 1823 of the Revised Statutes of the United  
14 States (2 U.S.C. 1928) is repealed.

15 (ii) PAY OF MEMBERS UNDER SUS-  
16 PENSION.—The proviso in the Act of Mar.  
17 3, 1875 (ch. 129; 18 Stat. 345), popularly  
18 known as the “Legislature, Executive, and  
19 Judicial Appropriation Act, fiscal year  
20 1876”, which is codified at section 1929 of  
21 title 2, United States Code (2000 Editions,  
22 Supp. V), is repealed.

23 (5) CONFORMING APPLICATION OF CONGRES-  
24 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 (2) EFFECTIVE DATE.—The amendments made  
4 by paragraph (1) shall take effect as if included in  
5 the enactment of the Supplemental Appropriations  
6 Act, 2001.

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

15 (d) ADVANCE PAYMENTS FOR SUBSCRIPTION SERV-  
16 ICES.—

17 (1) IN GENERAL.—Section 1002 of the Legisla-  
18 tive Branch Appropriations Act, 2008 (Public Law  
19 110–161; 2 U.S.C. 1981) is amended by inserting  
20 “the Committee on House Administration of the  
21 House of Representatives, and the Committee on  
22 Rules and Administration of the Senate” after “the  
23 Senate,”.

1           (2) EFFECTIVE DATE AND APPLICATION.—The  
2           amendment made by this subsection shall take effect  
3           30 days after the date of enactment of this Act and  
4           apply to payments made on or after that effective  
5           date.

6 **SEC. 3. GENERAL COUNSEL TO THE CHIEF OF POLICE AND**  
7           **THE UNITED STATES CAPITOL POLICE.**

8           (a) APPOINTMENT AND SERVICE.—

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

14          (2) APPOINTMENT.—The General Counsel shall  
15          be appointed by the Chief of the Capitol Police in  
16          accordance with section 1018(e)(1) of the Legislative  
17          Branch Appropriations Act, 2003 (2 U.S.C.  
18          1907(e)(1)) (as amended by section 2(a)(4)), with-  
19          out regard to political affiliation and solely on the  
20          basis of fitness to perform the duties of the position.

21          (3) COMPENSATION.—

22                 (A) IN GENERAL.—Subject to subpara-  
23                 graph (B), the annual rate of pay for the Gen-  
24                 eral Counsel shall be fixed by the Chief of the  
25                 Capitol Police.



1           (B) LIMITATION.—The annual rate of pay  
2           for the General Counsel may not exceed an an-  
3           nual rate equal to \$1,000 less than the annual  
4           rate of pay in effect for the Chief of the Capitol  
5           Police.

6           (4) TECHNICAL AND CONFORMING AMEND-  
7           MENT.—House Resolution 661, Ninety-fifth Con-  
8           gress, agreed to July 29, 1977, as enacted into per-  
9           manent law by section 111 of the Legislative Branch  
10          Appropriation Act, 1979 (2 U.S.C. 1901 note) is re-  
11          pealed.

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

19          (b) LEGAL REPRESENTATION AUTHORITY.—

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

1       serting “the General Counsel to the Chief of Police  
2       and the United States Capitol Police”.

3               (2) NO EFFECT ON CURRENT PROCEEDINGS.—

4       Nothing in the amendment made by paragraph (1)  
5       may be construed to affect the authority of any indi-  
6       vidual to enter an appearance in any proceeding be-  
7       fore any court of the United States or of any State  
8       or political subdivision thereof which is initiated  
9       prior to the date of the enactment of this Act.

10 **SEC. 4. EMPLOYMENT COUNSEL TO THE CHIEF OF POLICE**

11                               **AND THE UNITED STATES CAPITOL POLICE.**

12       (a) LEGAL REPRESENTATION AUTHORITY.—

13               (1) IN GENERAL.—Section 1002(a)(2)(B) of the  
14       Legislative Branch Appropriations Act, 2004 (2  
15       U.S.C. 1908(a)(2)(B)) is amended by striking “the  
16       Employment Counsel for the United States Capitol  
17       Police Board and the United States Capitol Police”  
18       and inserting “the Employment Counsel to the Chief  
19       of Police and the United States Capitol Police”.

20               (2) NO EFFECT ON CURRENT PROCEEDINGS.—

21       Nothing in the amendment made by paragraph (1)  
22       may be construed to affect the authority of any indi-  
23       vidual to enter an appearance in any proceeding be-  
24       fore any court of the United States or of any State

1 or political subdivision thereof which is initiated  
2 prior to the date of the enactment of this Act.

3 (b) NO EFFECT ON CURRENT EMPLOYMENT COUN-  
4 SEL.—Nothing in this section or the amendments made  
5 by this section may be construed to affect the status of  
6 the individual serving as the Employment Counsel to the  
7 Chief of Police and the United States Capitol Police as  
8 of the date of the enactment of this Act.

9 **SEC. 5. CLARIFICATION OF AUTHORITIES REGARDING CER-**  
10 **TAIN PERSONNEL BENEFITS.**

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

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

21 (2) REPEAL OF RELATED OBSOLETE PROVI-  
22 SIONS.—

23 (A) OVERTIME PAY DISBURSED BY  
24 HOUSE.—Section 3 of House Resolution 449,  
25 Ninety-second Congress, agreed to June 2,

1 1971, as enacted into permanent law by chapter  
2 IV of the Supplemental Appropriations Act,  
3 1972 (85 Stat. 636) (2 U.S.C. 1924), together  
4 with any other provision of law which relates to  
5 compensatory time for the Capitol Police which  
6 is codified at section 1924 of title 2, United  
7 States Code (2000 Editions, Supp. V), is re-  
8 pealed.

9 (B) OVERTIME PAY DISBURSED BY SEN-  
10 ATE.—The last full paragraph under the head-  
11 ing “Administrative Provisions” in the appro-  
12 priation for the Senate in the Legislative  
13 Branch Appropriations Act, 1972 (85 Stat.  
14 130) (2 U.S.C. 1925) is repealed.

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

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

1 (A) the overtime work is carried out in  
2 connection with special circumstances, as deter-  
3 mined by the Chief;

4 (B) the Chief has established a monetary  
5 value for the overtime work performed by such  
6 individual; and

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

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

23 (A) who is classified under regulations  
24 issued pursuant to section 203 of the Congres-  
25 sional Accountability Act of 1995 (2 U.S.C.

1 1313) as exempt from the application of the  
2 rights and protections established by sub-  
3 sections (a)(1) and (d) of section 6, section 7,  
4 and section 12(c) of the Fair Labor Standards  
5 Act of 1938 (29 U.S.C. 206 (a)(1) and (d),  
6 207, 212(c)); or

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

9 (3) CONFORMING AMENDMENT.—

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

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

20 **SEC. 6. OTHER MISCELLANEOUS TECHNICAL CORREC-**  
21 **TIONS.**

22 (a) REPEAL OF OBSOLETE PROCEDURES FOR INI-  
23 TIAL APPOINTMENT OF CHIEF ADMINISTRATIVE OFFI-  
24 CER.—Section 108 of the Legislative Branch Appropria-

1 tions Act, 2001 (2 U.S.C. 1903) is amended by striking  
2 subsections (d) through (g).

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

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

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

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

1 place it appears and inserting “other than for the  
2 United States Capitol Police”.

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

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

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

21 (e) AUTHORITY OF CHIEF OF POLICE.—

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



1 594; 32 Stat. 124), and the provisions appearing in  
2 the first paragraph under the heading “Capitol Po-  
3 lice” in title I of the Legislative and Judiciary Ap-  
4 propriation Act, 1944 (ch. 173; 57 Stat. 230), inso-  
5 far as all of those provisions are related to the sen-  
6 tence “The captain and lieutenants shall be selected  
7 jointly by the Sergeant at Arms of the Senate and  
8 the Sergeant at Arms of the House of Representa-  
9 tives; and one-half of the privates shall be selected  
10 by the Sergeant at Arms of the Senate and one-half  
11 by the Sergeant at Arms of the House of Represent-  
12 atives.”, which appears in 2 U.S.C. 1901 (2000 Edi-  
13 tion, Supp. V), are repealed.

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

24 (3) CONFORMING AMENDMENT.—The first sen-  
25 tence of section 1821 of the Revised Statutes of the

1 United States (2 U.S.C. 1901) is amended by strik-  
2 ing “, the members of which shall be appointed by  
3 the Sergeants-at-Arms of the two Houses and the  
4 Architect of the Capitol Extension”.

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

Passed the House of Representatives March 31,  
2009.

Attest: LORRAINE C. MILLER,  
*Clerk.*