

Union Calendar No. 30

111TH CONGRESS
1ST SESSION

H. R. 1299

[Report No. 111–66]

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

MARCH 4, 2009

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

MARCH 30, 2009

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

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

3 (a) CLARIFICATION OF CERTAIN HIRING AUTHORITIES.—
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, without regard to political affiliation and
19 solely on the basis of fitness to perform the duties
20 of the position.

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

25 (2) ADMINISTRATIVE PROVISIONS.—Section 108
26 of the Legislative Branch Appropriations Act, 2001

1 (2 U.S.C. 1903) is amended by striking subsection
2 (c).

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

6 (A) in subsection (a), by striking “the
7 Capitol Police Board” and inserting “the Chief
8 of the Capitol Police”; and

9 (B) in subsection (b)(1), by striking “the
10 Capitol Police Board” and inserting “the Chief
11 of the Capitol Police”.

12 (4) PERSONNEL ACTIONS OF THE CHIEF OF
13 THE CAPITOL POLICE.—

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

18 “(1) AUTHORITY.—

19 “(A) IN GENERAL.—The Chief of the Cap-
20 itol Police, in carrying out the duties of office,
21 is authorized to appoint, hire, suspend with or
22 without pay, discipline, discharge, and set the
23 terms, conditions, and privileges of employment
24 of employees of the Capitol Police, subject to

1 and in accordance with applicable laws and reg-
2 ulations.

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

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

22 “(i) the exercise of any authority
23 under subparagraph (A); or

24 “(ii) the establishment of any new po-
25 sition for officers, members, or employees

1 of the Capitol Police, for reclassification of
2 existing positions, for reorganization plans,
3 or for hiring, termination, or promotion for
4 officers, members, or employees of the
5 Capitol Police.”.

6 (B) TECHNICAL AND CONFORMING AMEND-
7 MENTS.—

8 (i) SUSPENSION AUTHORITY.—Section
9 1823 of the Revised Statutes of the United
10 States (2 U.S.C. 1928) is repealed.

11 (ii) PAY OF MEMBERS UNDER SUS-
12 PENSION.—The proviso in the Act of Mar.
13 3, 1875 (ch. 129; 18 Stat. 345), popularly
14 known as the “Legislature, Executive, and
15 Judicial Appropriation Act, fiscal year
16 1876”, which is codified at section 1929 of
17 title 2, United States Code (2000 Editions,
18 Supp. V), is repealed.

19 (5) CONFORMING APPLICATION OF CONGRES-
20 SIONAL ACCOUNTABILITY ACT OF 1995.—

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

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

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

13 (b) DEPOSIT OF REIMBURSEMENTS FOR LAW EN-
14 FORCEMENT ASSISTANCE.—

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

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

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

24 (2) EFFECTIVE DATE.—The amendments made
25 by paragraph (1) shall take effect as if included in

1 the enactment of the Supplemental Appropriations
2 Act, 2001.

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

11 (d) ADVANCE PAYMENTS FOR SUBSCRIPTION SERV-
12 ICES.—

13 (1) IN GENERAL.—Section 1002 of the Legisla-
14 tive Branch Appropriations Act, 2008 (Public Law
15 110–161; 2 U.S.C. 1981) is amended by inserting
16 “the Committee on House Administration of the
17 House of Representatives, and the Committee on
18 Rules and Administration of the Senate” after “the
19 Senate,”.

20 (2) EFFECTIVE DATE AND APPLICATION.—The
21 amendment made by this subsection shall take effect
22 30 days after the date of enactment of this Act and
23 apply to payments made on or after that effective
24 date.

1 **SEC. 3. GENERAL COUNSEL TO THE CHIEF OF POLICE AND**
2 **THE UNITED STATES CAPITOL POLICE.**

3 (a) APPOINTMENT AND SERVICE.—

4 (1) IN GENERAL.—There shall be within the
5 United States Capitol Police the General Counsel to
6 the Chief of Police and the United States Capitol
7 Police (in this subsection referred to as the “General
8 Counsel”).

9 (2) APPOINTMENT.—The General Counsel shall
10 be appointed by the Chief of the Capitol Police in
11 accordance with section 1018(e)(1) of the Legislative
12 Branch Appropriations Act, 2003 (2 U.S.C.
13 1907(e)(1)) (as amended by section 2(a)(4)), with-
14 out regard to political affiliation and solely on the
15 basis of fitness to perform the duties of the position.

16 (3) COMPENSATION.—

17 (A) IN GENERAL.—Subject to subpara-
18 graph (B), the annual rate of pay for the Gen-
19 eral Counsel shall be fixed by the Chief of the
20 Capitol Police.

21 (B) LIMITATION.—The annual rate of pay
22 for the General Counsel may not exceed an an-
23 nual rate equal to \$1,000 less than the annual
24 rate of pay in effect for the Chief of the Capitol
25 Police.

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

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

14 (b) LEGAL REPRESENTATION AUTHORITY.—

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

22 (2) NO EFFECT ON CURRENT PROCEEDINGS.—
23 Nothing in the amendment made by paragraph (1)
24 may be construed to affect the authority of any indi-
25 vidual to enter an appearance in any proceeding be-

1 fore any court of the United States or of any State
2 or political subdivision thereof which is initiated
3 prior to the date of the enactment of this Act.

4 **SEC. 4. EMPLOYMENT COUNSEL TO THE CHIEF OF POLICE**
5 **AND THE UNITED STATES CAPITOL POLICE.**

6 (a) LEGAL REPRESENTATION AUTHORITY.—

7 (1) IN GENERAL.—Section 1002(a)(2)(B) of the
8 Legislative Branch Appropriations Act, 2004 (2
9 U.S.C. 1908(a)(2)(B)) is amended by striking “the
10 Employment Counsel for the United States Capitol
11 Police Board and the United States Capitol Police”
12 and inserting “the Employment Counsel to the Chief
13 of Police and the United States Capitol Police”.

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

21 (b) NO EFFECT ON CURRENT EMPLOYMENT COUN-
22 SEL.—Nothing in this section or the amendments made
23 by this section may be construed to affect the status of
24 the individual serving as the Employment Counsel to the

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

3 **SEC. 5. CLARIFICATION OF AUTHORITIES REGARDING CER-**
4 **TAIN PERSONNEL BENEFITS.**

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

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

15 (2) REPEAL OF RELATED OBSOLETE PROVI-
16 SIONS.—

17 (A) OVERTIME PAY DISBURSED BY
18 HOUSE.—Section 3 of House Resolution 449,
19 Ninety-second Congress, agreed to June 2,
20 1971, as enacted into permanent law by chapter
21 IV of the Supplemental Appropriations Act,
22 1972 (85 Stat. 636) (2 U.S.C. 1924), together
23 with any other provision of law which relates to
24 compensatory time for the Capitol Police which
25 is codified at section 1924 of title 2, United

1 States Code (2000 Editions, Supp. V), is re-
2 pealed.

3 (B) OVERTIME PAY DISBURSED BY SEN-
4 ATE.—The last full paragraph under the head-
5 ing “Administrative Provisions” in the appro-
6 priation for the Senate in the Legislative
7 Branch Appropriations Act, 1972 (85 Stat.
8 130) (2 U.S.C. 1925) is repealed.

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

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

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

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

24 (C) the sum of the total amount of the
25 compensation paid to the individual for the

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

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

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

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

1 (3) CONFORMING AMENDMENT.—

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

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

12 **SEC. 6. OTHER MISCELLANEOUS TECHNICAL CORREC-**
13 **TIONS.**

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

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

23 (c) REPEAL OF REFERENCES TO OFFICERS AND PRI-
24 VATES IN AUTHORITIES RELATING TO HOUSE AND SEN-
25 ATE OFFICE BUILDINGS.—

1 (1) HOUSE OFFICE BUILDINGS.—The item re-
2 lating to “House of Representatives Office Building”
3 in the Act entitled “An Act making appropriations
4 for sundry civil expenses of the Government for the
5 fiscal year ending June thirtieth, nineteen hundred
6 and eight, and for other purposes”, approved March
7 4, 1907 (34 Stat. 1365; 2 U.S.C. 2001), is amended
8 by striking “other than officers and privates of the
9 Capitol police” each place it appears and inserting
10 “other than the United States Capitol Police”.

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

18 (d) CLARIFICATION OF APPLICABILITY OF U.S. CAP-
19 ITOL POLICE AND LIBRARY OF CONGRESS POLICE MERG-
20 ER IMPLEMENTATION ACT OF 2007.—

21 (1) REPEAL OF DUPLICATE PROVISIONS.—Ef-
22 fective as if included in the enactment of the Legis-
23 lative Branch Appropriations Act, 2008 (Public Law
24 110–161), section 1004 of such Act is repealed, and
25 any provision of law amended or repealed by such

1 section is restored or revived to read as if such sec-
2 tion had not been enacted into law.

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

11 (e) AUTHORITY OF CHIEF OF POLICE.—

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

1 by the Sergeant at Arms of the House of Represent-
2 atives.”, which appears in 2 U.S.C. 1901 (2000 Edi-
3 tion, Supp. V), are repealed.

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

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

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

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