

Property, and Works, by Pub. L. 107-217, §1, Aug. 21, 2002, 116 Stat. 1062.

Section was based on a proviso in act Mar. 3, 1875, popularly known as the “Legislature, Executive, and Judicial Appropriation Act, fiscal year 1876”.

### **§ 1930. Applicable pay rate upon appointment**

#### **(a) In general**

Notwithstanding any other provision of law, the rate of basic pay payable to an individual upon appointment to a position with the Capitol Police shall be at a rate within the minimum and maximum pay rates applicable to the position.

#### **(b) Effective date**

This section shall apply to fiscal year 2003 and each fiscal year thereafter.

(Pub. L. 108-7, div. H, title I, §1008, Feb. 20, 2003, 117 Stat. 359.)

#### **Editorial Notes**

##### **CODIFICATION**

Section is from the Legislative Branch Appropriations Act, 2003, which is div. H of Pub. L. 108-7.

### **§ 1931. Additional compensation for employees with specialty assignments and proficiencies**

#### **(a) Establishment of positions**

The Chief of the Capitol Police may establish and determine, from time to time, positions in salary classes of employees of the Capitol Police to be designated as employees with specialty assignments or proficiencies, based on the experience, education, training, or other appropriate factors required to carry out the duties of such employees.

#### **(b) Additional compensation**

In addition to the regularly scheduled rate of basic pay, each employee holding a position designated under this section shall receive an amount determined by the Chief, except that—

- (1) such amount may not exceed 25 percent of the employee's annual rate of basic pay; and
- (2) such amount may not be paid in a calendar year to the extent that, when added to the total basic pay paid or payable to such employee for service performed in the year, such amount would cause the total to exceed the annual rate of basic pay payable for level II of the Executive Schedule, as of the end of such year.

#### **(c) Manner of payment**

The additional compensation authorized by this subsection shall be paid to an employee in a manner determined by the Chief or his designee except when the employee ceases to be assigned to the specialty assignment or ceases to maintain the required proficiency. The loss of such additional compensation shall not constitute an adverse action for any purpose.

#### **(d) Determination not appealable or reviewable**

Any determination under section<sup>1</sup> (a) shall not be appealable or reviewable in any manner.

(Pub. L. 108-7, div. H, title I, §1011, Feb. 20, 2003, 117 Stat. 360.)

<sup>1</sup> So in original. Probably should be “subsection”.

#### **Editorial Notes**

##### **REFERENCES IN TEXT**

Level II of the Executive Schedule, referred to in subsection. (b)(2), is set out in section 5313 of Title 5, Government Organization and Employees.

##### **CODIFICATION**

Section is from the Legislative Branch Appropriations Act, 2003, which is div. H of Pub. L. 108-7.

### **§ 1932. Application of premium pay limits on annualized basis**

#### **(a) In general**

Any limits on the amount of premium pay which may be earned by officers and members of the Capitol Police during emergencies (as determined by the Capitol Police Board) shall be applied by the Chief of the Capitol Police on an annual basis and not on a pay period basis. Any determination under this subsection shall not be reviewable or appealable in any manner.

#### **(b) Effective date**

Subsection (a) shall apply with respect to hours of duty occurring on or after September 11, 2001.

(Pub. L. 108-7, div. H, title I, §1012, Feb. 20, 2003, 117 Stat. 361.)

#### **Editorial Notes**

##### **CODIFICATION**

Section is from the Legislative Branch Appropriations Act, 2003, which is div. H of Pub. L. 108-7.

### **§ 1933. Clarification of authorities regarding certain personnel benefits**

#### **(a) No lump-sum payment permitted for unused compensatory time**

##### **(1) In general**

No officer or employee of the United States Capitol Police whose service with the United States Capitol Police is terminated may receive any lump-sum payment with respect to accrued compensatory time off, except to the extent permitted under section 1313(c)(4) of this title.

##### **(2) Omitted**

#### **(b) Overtime compensation for officers and employees exempt from Fair Labor Standards Act of 1938**

##### **(1) Criteria under which compensation permitted**

The Chief of the Capitol Police may provide for the compensation of overtime work of exempt individuals which is performed on or after March 4, 2010, in the form of additional pay or compensatory time off, only if—

- (A) the overtime work is carried out in connection with special circumstances, as determined by the Chief;
- (B) the Chief has established a monetary value for the overtime work performed by such individual; and
- (C) the sum of the total amount of the compensation paid to the individual for the overtime work (as determined on the basis of the monetary value established under sub-

paragraph (B)) and the total regular compensation paid to the individual with respect to the pay period involved may not exceed an amount equal to the cap on the aggregate amount of annual compensation that may be paid to the individual under applicable law during the year in which the pay period occurs, as allocated on a per pay period basis consistent with premium pay regulations of the Capitol Police Board.

**(2) Exempt individuals defined**

In this subsection, an “exempt individual” is an officer or employee of the United States Capitol Police—

(A) who is classified under regulations issued pursuant to section 1313 of this title as exempt from the application of the rights and protections established by subsections (a)(1) and (d) of section 206, section 207, and section 212(c) of title 29; or

(B) whose annual rate of pay is not established specifically under any law.

**(3) Conforming amendment**

**(A) Omitted**

**(B) Effective date**

The amendment made by subparagraph (A) shall take effect as if included in the enactment of the Legislative Branch Appropriations Act, 2003, except that the amendment shall not apply with respect to any overtime work performed prior to March 4, 2010.

(Pub. L. 111–145, § 5, Mar. 4, 2010, 124 Stat. 52.)

**Editorial Notes**

**REFERENCES IN TEXT**

The Legislative Branch Appropriations Act, 2003, referred to in subsec. (b)(3)(B), is div. H of Pub. L. 108–7, which was approved Feb. 20, 2003.

**CODIFICATION**

Section is comprised of section 5 of Pub. L. 111–145. Subsec. (a)(2) of section 5 of Pub. L. 111–145 repealed sections 1924 and 1925 of this title. Subsec. (b)(3)(A) of section 5 of Pub. L. 111–145 repealed section 1009 of the Legislative Branch Appropriations Act, 2003, Pub. L. 108–7, div. H, 117 Stat. 359, which is not classified to the Code.

**§ 1934. Waiver by Chief of Capitol Police of claims arising out of erroneous payments to officers and employees**

**(a) Waiver of claim**

Subject to the joint approval of the Chief Administrative Officer of the House of Representatives and the Secretary of the Senate, the Chief of the United States Capitol Police may waive in whole or in part a claim of the United States against a person arising out of an erroneous payment of any pay or allowances, other than travel and transportation expenses and allowances, to an officer, member, or employee of the United States Capitol Police, if the collection of the claim would be against equity and good conscience and not in the best interests of the United States.

**(b) Investigation of application; report**

The Chief shall investigate each application for the waiver of a claim under subsection (a)

and shall submit a written report of the investigation, including a description of the facts and circumstances of the claim, to the Chief Administrative Officer of the House of Representatives and the Secretary of the Senate, except that if the aggregate amount of the claim involved exceeds \$1,500, the Comptroller General may also investigate the application and submit a written report of the investigation, including a description of the facts and circumstances of the claim, to the Chief Administrative Officer of the House of Representatives and the Secretary of the Senate.

**(c) Prohibition of waiver under certain circumstances**

The Chief may not exercise the authority to waive a claim under subsection (a) if—

(1) in the Chief’s opinion, there exists in connection with the claim an indication of fraud, misrepresentation, fault, or lack of good faith on the part of the officer, member, or employee involved or of any other person having an interest in obtaining a waiver of the claim; or

(2) the Chief receives the application for the waiver after the expiration of the 3-year period that begins on the date on which the erroneous payment of pay or allowances was discovered.

**(d) Credit for waiver**

In the audit and settlement of accounts of any accountable officer or official, full credit shall be given for any amounts with respect to which collection by the United States is waived under subsection (a).

**(e) Effect of waiver**

An erroneous payment, the collection of which is waived under subsection (a), is deemed a valid payment for all purposes.

**(f) Construction with other laws**

This section does not affect any authority under any other law to litigate, settle, compromise, or waive any claim of the United States.

**(g) Rules and regulations**

Subject to the approval of the Chief Administrative Officer of the House of Representatives and the Secretary of the Senate, the Chief shall promulgate rules and regulations to carry out this section.

**(h) Effective date**

This section shall apply with respect to payments of pay and allowances made at any time after the Chief became the disbursing officer for the United States Capitol Police pursuant to section 1907(a) of this title.

(Pub. L. 112–74, div. G, title I, § 1102, Dec. 23, 2011, 125 Stat. 1125.)

**Editorial Notes**

**CODIFICATION**

Section is from the Legislative Branch Appropriations Act, 2012, which is div. G of the Consolidated Appropriations Act, 2012.