

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 L. 111-145 repealed sections 1924 and 1925 of this title.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 L. 111-145 repealed section 1009 of the Legislative Branch Appropriations Act, 2003, Pub.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.

**PART C—UNIFORM AND ARMS**

**§ 1941. Uniform**

The Capitol Police Board shall select and regulate the pattern for a uniform for the Capitol police and watchmen, and furnish each member of the force with the necessary belts and arms, payable from appropriations to the Capitol Police upon certification of payment by the Chief of the Capitol Police. Such arms so furnished or other arms as authorized by the Capitol Police Board shall be carried by each officer and member of the Capitol Police, while in the Capitol Buildings (as defined in section 5101 of title 40), and while within or outside of the boundaries of the United States Capitol Grounds (as defined in section 5102 of title 40), in such manner and at such times as the Capitol Police Board may, by regulations, prescribe.