

Chief's designee) may be advanced in compensation to the second next higher service step, effective with the first pay period which begins after the date of the Chief's approval.

**(e) Regulations**

**(1) In general**

The payment of bonuses, allowances, step increases, compensation, and other payments pursuant to this section shall be carried out in accordance with regulations prescribed by the Board.

**(2) Repealed. Pub. L. 108-7, div. H, title I, § 1004(2), Feb. 20, 2003, 117 Stat. 358**

**(f) Effective date**

This section shall apply with respect to fiscal year 2002 and each succeeding fiscal year.

(Pub. L. 107-117, div. B, § 909, Jan. 10, 2002, 115 Stat. 2320; Pub. L. 108-7, div. H, title I, §§ 1004, 1006, Feb. 20, 2003, 117 Stat. 358.)

**Editorial Notes**

**CODIFICATION**

Section was classified to section 207b-2 of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107-217, § 1, Aug. 21, 2002, 116 Stat. 1062.

**AMENDMENTS**

2003—Subsec. (a)(1). Pub. L. 108-7, § 1004(1)(A), substituted “the Chief, in the Chief's sole discretion, determines that such a bonus will assist the Capitol Police in recruitment efforts” for “the Board determines that the Capitol Police would be likely, in the absence of such a bonus, to encounter difficulty in filling the position”.

Subsec. (a)(6). Pub. L. 108-7, § 1004(1)(B), added par. (6).

Subsec. (b)(1). Pub. L. 108-7, § 1006(1), substituted “if the Chief, in the Chief's sole discretion, determines that such a bonus will assist the Capitol Police in retention efforts.” for “if—” and struck out pars. (A) and (B) which read as follows:

“(A) the unusually high or unique qualifications of the officer or employee or a special need of the Capitol Police for the officer's or employee's services makes it essential to retain the officer or employee; and

“(B) the Chief determines that the officer or employee would be likely to leave in the absence of a retention allowance.”

Subsec. (b)(3). Pub. L. 108-7, § 1006(2), which directed the substitution of “any determination of the Chief under this subsection, or the reduction or elimination of a retention allowance, shall not be appealable or reviewable in any manner” for “the reduction or the elimination of a retention allowance may not be appealed”, was executed by making the substitution for “the reduction or elimination of a retention allowance may not be appealed”, to reflect the probable intent of Congress.

Subsec. (e). Pub. L. 108-7, § 1004(2), (3), redesignated subsec. (f) as (e) and struck out former subsec. (e) which related to additional compensation for field training officers.

Subsec. (f). Pub. L. 108-7, § 1004(3), redesignated subsec. (g) as (f). Former subsec. (f) redesignated (e).

Subsec. (f)(2). Pub. L. 108-7, § 1004(2), struck out heading and text of par. (2). Text read as follows: “The regulations prescribed pursuant to this subsection shall be subject to the approval of the Committee on Rules and Administration of the Senate, the Committee on House Administration of the House of Representatives, and the Committees on Appropriations of the Senate and the House of Representatives.”

Subsec. (g). Pub. L. 108-7, § 1004(3), redesignated subsec. (g) as (f).

**Statutory Notes and Related Subsidiaries**

**CAPITOL POLICE LONGEVITY COMPENSATION**

Pub. L. 88-454, § 104(c), Aug. 20, 1964, 78 Stat. 550, provided that: “Any member of the Capitol Police who by reason of the provision repealed by subsection (b) [subsec. (c) of section 4507 of this title] was receiving immediately prior to the effective date of this section [Sept. 1, 1964], longevity compensation provided by [former] section 105 of the Legislative Branch Appropriation Act, 1959 [Pub. L. 85-570, 72 Stat. 453], shall, on and after such effective date, receive in lieu thereof a longevity increase under section 106(b) of the Legislative Branch Appropriation Act, 1963 [2 U.S.C. 4507(b)], in addition to any other such increases (not to exceed three) to which he may otherwise be entitled under such section. In computing the length of service of such member for the purpose of such other increases, only service performed subsequent to the date on which he began receiving longevity compensation in accordance with such [former] section 105 shall be counted.”

[Section 4507 of this title, referred to above, not to apply, on or after Oct. 1, 1983, to any individual whose pay is disbursed by the Secretary of the Senate except for individuals entitled to longevity compensation prior to Oct. 1, 1983, on the basis of service performed prior to such date, see section 4509 of this title.]

[Pub. L. 88-454, § 104(d), Aug. 20, 1964, 78 Stat. 550, provided that: “This section [amending section 4507 of this title and enacting provisions set out as a note above] shall become effective on the first day of the month following the date of enactment of this Act [Aug. 20, 1964].”]

**§ 1928. Repealed. Pub. L. 111-145, § 2(a)(4)(B)(i), Mar. 4, 2010, 124 Stat. 50**

Section, R.S. § 1823; Mar. 3, 1921, ch. 124, § 1, 41 Stat. 1291, related to suspension of members of the force.

**Editorial Notes**

**CODIFICATION**

Section was classified to section 208 of former Title 40, prior to the enactment of Title 40, Public Buildings, Property, and Works, by Pub. L. 107-217, § 1, Aug. 21, 2002, 116 Stat. 1062.

R.S. § 1823 derived from acts Mar. 3, 1873, ch. 226, 17 Stat. 488; June 20, 1874, ch. 328, 18 Stat. 86; Mar. 3, 1875, ch. 129, 18 Stat. 345.

**§ 1929. Repealed. Pub. L. 111-145, § 2(a)(4)(B)(ii), Mar. 4, 2010, 124 Stat. 50**

Section, Mar. 3, 1875, ch. 129, 18 Stat. 345, related to pay of members under suspension.

**Editorial Notes**

**CODIFICATION**

Section was classified to section 209 of former Title 40, prior to the enactment of Title 40, Public Buildings, 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.)

#### Editorial Notes

##### REFERENCES IN TEXT

Level II of the Executive Schedule, referred to in subsec. (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 subparagraph (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

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