

110TH CONGRESS
2D SESSION

S. 3391

To make technical corrections to the laws affecting certain administrative authorities of the United States Capitol Police, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 31, 2008

Mrs. FEINSTEIN (for herself and Mr. BENNETT) introduced the following bill; which was read twice and referred to the Committee on Rules and Administration

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 “United States Capitol
5 Police Administrative Technical Corrections Act of 2008”.

6 **SEC. 2. ADMINISTRATIVE AUTHORITIES OF THE CHIEF OF**
7 **THE CAPITOL POLICE.**

8 (a) CLARIFICATION OF CERTAIN HIRING AUTHORI-
9 TIES.—

1 (1) CHIEF ADMINISTRATIVE OFFICER.—Section
2 108(a) of the Legislative Branch Appropriations
3 Act, 2001 (2 U.S.C. 1903(a)) is amended to read as
4 follows:

5 “(a) CHIEF ADMINISTRATIVE OFFICER.—

6 “(1) ESTABLISHMENT.—There shall be within
7 the Capitol Police an Office of Administration, to be
8 headed by the Chief Administrative Officer, who
9 shall report to and serve at the pleasure of the Chief
10 of the Capitol Police.

11 “(2) APPOINTMENT.—The Chief Administrative
12 Officer shall be appointed by the Chief of the Capitol
13 Police, after consultation with the Capitol Police
14 Board.

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

19 (2) ADMINISTRATIVE PROVISIONS.—Section 108
20 of the Legislative Branch Appropriations Act, 2001
21 (2 U.S.C. 1903) is amended by striking subsection
22 (c).

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

1 (A) in subsection (a), by striking “the
2 Capitol Police Board” and inserting “the Chief
3 of the Capitol Police”; and

4 (B) in subsection (b)(1), by striking “the
5 Capitol Police Board” and inserting “the Chief
6 of the Capitol Police”.

7 (4) PERSONNEL ACTIONS OF THE CHIEF OF
8 THE CAPITOL POLICE.—(A) Section 1018(e) of the
9 Legislative Branch Appropriations Act, 2003 (2
10 U.S.C. 1907(e)) is amended by striking paragraph
11 (1) and inserting the following:

12 “(1) AUTHORITY.—The Chief of the Capitol
13 Police, in carrying out the duties of office, with the
14 concurrence of the Capitol Police Board, is author-
15 ized to appoint, hire, suspend with or without pay,
16 discipline, discharge and set the terms, conditions,
17 and privileges of employment of employees of the
18 Capitol Police, subject to and in accordance with ap-
19 plicable laws and regulations.”.

20 (B)(i) Section 1823 of the Revised Statutes of
21 the United States (2 U.S.C. 1928) is hereby re-
22 pealed.

23 (ii) The proviso in the Act of Mar. 3, 1875 (ch.
24 129; 18 Stat. 345), popularly known as the “Legis-
25 lature, Executive, and Judicial Appropriation Act,

1 fiscal year 1876”, which is codified at section 1929
2 of title 2, United States Code (2000 Editions, Supp.
3 V), is repealed.

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

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

11 (B) NO EFFECT ON CURRENT PRO-
12 CEEDINGS.—Nothing in the amendment made
13 by subparagraph (A) may be construed to affect
14 any procedure initiated under title IV of the
15 Congressional Accountability Act of 1995 prior
16 to the date of the enactment of this Act.

17 (6) NO EFFECT ON CURRENT PERSONNEL.—
18 Nothing in the amendments made by this subsection
19 may be construed to affect the status of any indi-
20 vidual serving as an officer or employee of the
21 United States Capitol Police as of the date of the
22 enactment of this Act.

23 (b) DEPOSIT OF REIMBURSEMENTS FOR LAW EN-
24 FORCEMENT ASSISTANCE.—

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

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

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

10 (2) EFFECTIVE DATE.—The amendments made
11 by paragraph (1) shall take effect as if included in
12 the enactment of the Supplemental Appropriations
13 Act, 2001.

14 (c) PRIOR NOTICE TO AUTHORIZING COMMITTEES
15 OF DEPLOYMENT OUTSIDE JURISDICTION.—Section
16 1007(a)(1) of the Legislative Branch Appropriations Act,
17 2005 (2 U.S.C. 1978(a)(1)) is amended by striking “prior
18 notification to” and inserting the following: “prior notifi-
19 cation to the Committee on House Administration of the
20 House of Representatives, the Committee on Rules and
21 Administration of the Senate, and”.

22 **SEC. 3. GENERAL COUNSEL TO THE CHIEF OF POLICE AND**
23 **THE UNITED STATES CAPITOL POLICE.**

24 (a) LEGAL REPRESENTATION AUTHORITY.—

1 (1) IN GENERAL.—Section 1002(a)(2)(A) of the
2 Legislative Branch Appropriations Act, 2004 (2
3 U.S.C. 1908(a)(2)(A)) is amended by striking “the
4 General Counsel for the United States Capitol Police
5 Board and the Chief of the Capitol Police” and in-
6 serting “the General Counsel to the Chief of Police
7 and the United States Capitol Police”.

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

15 (b) TECHNICAL AND CONFORMING AMENDMENT.—
16 House Resolution 661, Ninety-fifth Congress, agreed to
17 July 29, 1977, as enacted into permanent law by section
18 111 of the Legislative Branch Appropriation Act, 1979
19 (2 U.S.C. 1901 note) is repealed.

20 (c) NO EFFECT ON CURRENT GENERAL COUNSEL.—
21 Nothing in this section or the amendments made by this
22 section may be construed to affect the status of the indi-
23 vidual serving as the General Counsel to the Chief of Po-
24 lice and the United States Capitol Police as of the date
25 of the enactment of this Act.

1 **SEC. 4. CLARIFICATION OF AUTHORITIES REGARDING CER-**
2 **TAIN PERSONNEL BENEFITS.**

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

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

13 (2) REPEAL OF RELATED OBSOLETE PROVI-
14 SIONS.—(A) Section 3 of House Resolution 449,
15 Ninety-second Congress, agreed to June 2, 1971, as
16 enacted into permanent law by chapter IV of the
17 Supplemental Appropriations Act, 1972 (85 Stat.
18 636) (2 U.S.C. 1924), together with any other provi-
19 sion of law which relates to compensatory time for
20 the Capitol Police which is codified at section 1924
21 of title 2, United States Code (2000 Editions, Supp.
22 V), is hereby repealed.

23 (B) The last full paragraph under the heading
24 “Administrative Provisions” in the appropriation for
25 the Senate in the Legislative Branch Appropriations

1 Act, 1972 (85 Stat. 130) (2 U.S.C. 1925) is hereby
2 repealed.

3 (b) OVERTIME COMPENSATION FOR OFFICERS AND
4 EMPLOYEES EXEMPT FROM FAIR LABOR STANDARDS
5 ACT OF 1938.—

6 (1) CRITERIA UNDER WHICH COMPENSATION
7 PERMITTED.—The Chief of the Capitol Police may
8 provide for the compensation of overtime work of ex-
9 empt individuals which is performed on or after the
10 date of the enactment of this Act, in the form of ad-
11 ditional pay or compensatory time off, only if—

12 (A) the overtime work is carried out in
13 connection with special circumstances, as deter-
14 mined by the Chief;

15 (B) the Chief has established a monetary
16 value for the overtime work performed by such
17 individual; and

18 (C) the sum of the total amount of the
19 compensation paid to the individual for the
20 overtime work (as determined on the basis of
21 the monetary value established under subpara-
22 graph (B)) and the total regular compensation
23 paid to the individual with respect to the pay
24 period involved may not exceed an amount
25 equal to the cap on the aggregate amount of

1 annual compensation that may be paid to the
2 individual under applicable law during the year
3 in which the pay period occurs, as allocated on
4 a per pay period basis consistent with premium
5 pay regulations of the Capitol Police Board.

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

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

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

20 (3) CONFORMING AMENDMENT.—

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

24 (B) EFFECTIVE DATE.—The amendment
25 made by subparagraph (A) shall take effect as

1 if included in the enactment of the Legislative
2 Branch Appropriations Act, 2003, except that
3 the amendment shall not apply with respect to
4 any overtime work performed prior to the date
5 of the enactment of this Act.

6 **SEC. 5. OTHER MISCELLANEOUS TECHNICAL CORREC-**
7 **TIONS.**

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

13 (b) REPEAL OF REQUIREMENT THAT OFFICERS
14 PURCHASE OWN UNIFORMS.—Section 1825 of the Re-
15 vised Statutes of the United States (2 U.S.C. 1943) is
16 repealed.

17 (c) REPEAL OF REFERENCES TO OFFICERS AND PRI-
18 VATES IN AUTHORITIES RELATING TO HOUSE AND SEN-
19 ATE OFFICE BUILDINGS.—

20 (1) HOUSE OFFICE BUILDINGS.—The item re-
21 lating to “House of Representatives Office Building”
22 in the Act entitled “An Act making appropriations
23 for sundry civil expenses of the Government for the
24 fiscal year ending June thirtieth, nineteen hundred
25 and eight, and for other purposes”, approved March

1 4, 1907 (34 Stat. 1365; 2 U.S.C. 2001), is amended
2 by striking “other than officers and privates of the
3 Capitol police” each place it appears and inserting
4 “other than the United States Capitol Police”.

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

12 (d) CLARIFICATION OF APPLICABILITY OF U.S. CAP-
13 ITOL POLICE AND LIBRARY OF CONGRESS POLICE MERG-
14 ER IMPLEMENTATION ACT OF 2007.—

15 (1) REPEAL OF DUPLICATE PROVISIONS.—Ef-
16 fective as if included in the enactment of the Legis-
17 lative Branch Appropriations Act, 2008 (Public Law
18 110–161), section 1004 of such Act is repealed, and
19 any provision of law amended or repealed by such
20 section is restored or revived to read as if such sec-
21 tion had not been enacted into law.

22 (2) NO EFFECT ON OTHER ACT.—Nothing in
23 paragraph (1) may be construed to prevent the en-
24 actment or implementation of any provision of the
25 U.S. Capitol Police and Library of Congress Police

1 Merger Implementation Act of 2007 (Public Law
2 110–178), including any provision of such Act that
3 amends or repeals a provision of law which is re-
4 stored or revived pursuant to paragraph (1).

5 (e) AUTHORITY OF CHIEF OF POLICE.—

6 (1) REPEAL OF CERTAIN PROVISIONS CODIFIED
7 IN TITLE 2, UNITED STATES CODE.—The provisions
8 appearing in the first paragraph under the heading
9 “Capitol Police” in the Act of April 28, 1902 (ch.
10 594; 32 Stat. 124), and the provisions appearing in
11 the first paragraph under the heading “Capitol Po-
12 lice” in title I of the Legislative and Judiciary Ap-
13 propriation Act, 1944 (ch. 173; 57 Stat. 230), inso-
14 far as all of those provisions are related to the sen-
15 tence “The captain and lieutenants shall be selected
16 jointly by the Sergeant at Arms of the Senate and
17 the Sergeant at Arms of the House of Representa-
18 tives; and one-half of the privates shall be selected
19 by the Sergeant at Arms of the Senate and one-half
20 by the Sergeant at Arms of the House of Represent-
21 atives.”, which appears in 2 U.S.C. 1901 (2000 Edi-
22 tion, Supp. V), are repealed.

23 (2) RESTORATION OF REPEALED PROVISION.—

24 Section 1018(h)(1) of the Legislative Branch Appro-
25 priations Act, 2003 (Public Law 108–7, div. H, title

1 I, 117 Stat. 368) is repealed, and the sentence “The
2 Capitol Police shall be headed by a Chief who shall
3 be appointed by the Capitol Police Board and shall
4 serve at the pleasure of the Board.”, which was re-
5 pealed by such section, is restored to appear at the
6 end of section 1821 of the Revised Statutes of the
7 United States (2 U.S.C. 1901).

8 (3) CONFORMING AMENDMENT.—The first sen-
9 tence of section 1821 of the Revised Statutes of the
10 United States (2 U.S.C. 1901) is amended by strik-
11 ing “, the members of which shall be appointed by
12 the Sergeants-at-Arms of the two Houses and the
13 Architect of the Capitol Extension”.

14 (4) EFFECTIVE DATE.—The amendments made
15 by this subsection shall take effect as if included in
16 the enactment of the Legislative Branch Appropria-
17 tions Act, 2003.

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