

the general fund of the Treasury, an amount equal to the amount of the payment so accepted; and

(2) in the case of a repayment under paragraph (1), shall not be entitled to any payment from the Government for such expenses.

(c) Effective date

This section shall apply with respect to fiscal year 2019 and each succeeding fiscal year.

(Pub. L. 115–244, div. B, title I, § 135, Sept. 21, 2018, 132 Stat. 2937.)

**SUBCHAPTER V—CAPITOL-FLOWN FLAGS
FOR FAMILIES OF FALLEN HEROES**

§ 1881. Definitions

In this subchapter—

(1) the term “Capitol-flown flag” means a flag of the United States flown over the Capitol in honor of the deceased individual for whom the flag is requested;

(2) the terms “chaplain”, “firefighter”, “law enforcement officer”, “member of a rescue squad or ambulance crew”, and “public agency” have the meanings given such terms in section 10284 of title 34;

(3) the term “immediate family member”, with respect to an individual, means—

(A) the spouse, parent, brother, sister, or child of the individual or a person to whom the individual stands in loco parentis; or

(B) any other person related to the individual by blood or marriage;

(4) the term “public safety officer” means an individual serving a public agency in an official capacity, with or without compensation, as a law enforcement officer, as a firefighter, or as a chaplain; and

(5) the term “Representative” includes a Delegate or Resident Commissioner to the Congress.

(Pub. L. 114–156, § 2, May 16, 2016, 130 Stat. 391.)

§ 1881a. Providing Capitol-flown flags for families of fallen heroes

(a) In general

At the request of an immediate family member of a firefighter, law enforcement officer, member of a rescue squad or ambulance crew, or public safety officer who died in the line of duty, the Representative or Senator of the family may provide to the family a Capitol-flown flag, together with the certificate described in subsection (c).

(b) No cost to family

A Capitol-flown flag provided under this section shall be provided at no cost to the family.

(c) Certificate

The certificate described in this subsection is a certificate which is signed by the Speaker of the House of Representatives and the Representative, or the President pro tempore of the Senate and the Senator, providing the Capitol-flown flag, as applicable, and which contains an expression of sympathy for the family involved from the House of Representatives or the Senate, as applicable.

(Pub. L. 114–156, § 3, May 16, 2016, 130 Stat. 391.)

§ 1881b. Regulations and procedures

(a) In general

Not later than 30 days after May 16, 2016, the Architect of the Capitol shall issue regulations for carrying out this subchapter, including regulations to establish procedures (including any appropriate forms, guidelines, and accompanying certificates) for requesting a Capitol-flown flag.

(b) Review

The regulations issued under subsection (a) shall take effect upon approval by the Committee on House Administration of the House of Representatives and the Committee on Rules and Administration of the Senate.

(Pub. L. 114–156, § 4, May 16, 2016, 130 Stat. 392.)

§ 1881c. Authorization of appropriations

There are authorized to be appropriated for each of fiscal years 2017 through 2028 such sums as may be necessary to carry out this subchapter, to be derived from amounts appropriated in each such fiscal year for the operation of the Architect of the Capitol, except that the aggregate amount appropriated to carry out this subchapter for all such fiscal years may not exceed \$40,000.

(Pub. L. 114–156, § 5, May 16, 2016, 130 Stat. 392; Pub. L. 117–328, div. I, title I, § 131, Dec. 29, 2022, 136 Stat. 4929.)

Editorial Notes

AMENDMENTS

2022—Pub. L. 117–328 substituted “through 2028” for “through 2022”.

§ 1881d. Effective date

This subchapter shall take effect on May 16, 2016, except that a Capitol-flown flag may not be provided under section 1881a of this title until the regulations issued under section 1881b(a) of this title take effect in accordance with section 1881b(b) of this title.

(Pub. L. 114–156, § 6, May 16, 2016, 130 Stat. 392.)

CHAPTER 29—CAPITOL POLICE

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SUBCHAPTER I—ORGANIZATION AND
ADMINISTRATION

PART A—GENERAL

§ 1901. Establishment; officer appointments

There shall be a Capitol police. There shall be a captain of the Capitol police and such other members with such rates of compensation, respectively, as may be appropriated for by Congress from year to year. The Capitol Police shall be headed by a Chief who shall be appointed by the Capitol Police Board and shall serve at the pleasure of the Board.

(R.S. §1821; Apr. 28, 1902, ch. 594, 32 Stat. 124; June 28, 1943, ch. 173, title I, 57 Stat. 230; Pub. L. 96-152, §1(a), Dec. 20, 1979, 93 Stat. 1099; Pub. L. 108-7, div. H, title I, §1018(h)(1), Feb. 20, 2003, 117 Stat. 368; Pub. L. 111-145, §6(e)(1)–(3), Mar. 4, 2010, 124 Stat. 54, 55.)

Editorial Notes

CODIFICATION

Section was classified to section 206 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 a composite of provisions of R.S. §1821, act Apr. 28, 1902, and act June 28, 1943, cited in the credits. Provisions from act Apr. 28, 1902, and act June 28, 1943, were repealed by Pub. L. 111-145, §6(e)(1).

R.S. §1821 derived from acts Mar. 2, 1867, ch. 167, §2, 14 Stat. 466; Mar. 3, 1873, ch. 226, 17 Stat. 488.

AMENDMENTS

2010—Pub. L. 111-145, §6(e)(3), amended first sentence of R.S. §1821 by striking “, the members of which shall be appointed by the Sergeants-at-Arms of the two Houses and the Architect of the Capitol Extension” after “There shall be a Capitol police”.

Pub. L. 111-145, §6(e)(2), repealed Pub. L. 108-7, §1018(h)(1), and provided that the sentence repealed by such section is restored to appear at end of section. See 2003 Amendment note below.

Pub. L. 111-145, §6(e)(1), struck out “The captain and lieutenants shall be selected jointly by the Sergeant at Arms of the Senate and the Sergeant at Arms of the House of Representatives; and one-half of the privates shall be selected by the Sergeant at Arms of the Senate and one-half by the Sergeant at Arms of the House of Representatives.” after “from year to year.”

2003—Pub. L. 108-7, §1018(h)(1), which struck out last sentence which read “The Capitol Police shall be headed by a Chief who shall be appointed by the Capitol Police Board and shall serve at the pleasure of the Board.”, was repealed by Pub. L. 111-145, §6(e)(2).

1979—Pub. L. 96-152 inserted last sentence providing that the Capitol Police be headed by a Chief who shall be appointed by the Capitol Police Board and who shall serve at the pleasure of the Board.

Statutory Notes and Related Subsidiaries**EFFECTIVE DATE OF 2010 AMENDMENT**

Pub. L. 111-145, §6(d), Mar. 4, 2010, 124 Stat. 54, provided that:

“(1) **REPEAL OF DUPLICATE PROVISIONS.**—Effective as if included in the enactment of the Legislative Branch Appropriations Act, 2008 (Public Law 110-161), section 1004 of such Act [enacting sections 141b and 143c of this title, amending sections 167i, 167j, 182b, 185, and 1961 of this title and sections 5101, 5102, and 5104 of Title 40, Public Buildings, Property, and Works, repealing sections 167 to 167h of this title, enacting provisions set out as notes under this section and sections 167 and 182b of this title, and repealing provisions set out as notes under this section] is repealed, and any provision of law amended or repealed by such section is restored or revived to read as if such section had not been enacted into law.

“(2) **NO EFFECT ON OTHER ACT.**—Nothing in paragraph (1) may be construed to prevent the enactment or implementation of any provision of the U.S. Capitol Police and Library of Congress Police Merger Implementation Act of 2007 (Public Law 110-178) [see Tables for classification], including any provision of such Act that amends or repeals a provision of law which is restored or revived pursuant to paragraph (1).”

Pub. L. 111-145, §6(e)(4), Mar. 4, 2010, 124 Stat. 55, provided that: “The amendments made by this subsection [amending this section] shall take effect as if included in the enactment of the Legislative Branch Appropriations Act, 2003 [Pub. L. 108-7, div. H].”

EFFECTIVE DATE OF 2003 AMENDMENT

Amendment by Pub. L. 108-7 effective Feb. 20, 2003, and applicable to fiscal year 2003 and each fiscal year thereafter, see section 1907(i) of this title.

EFFECTIVE DATE OF 1979 AMENDMENT

Pub. L. 96-152, §7, Dec. 20, 1979, 93 Stat. 1100, provided that: “This Act [enacting section 1902 of this title and amending this section] shall take effect on the first day of the second month after the month in which this Act is enacted [Dec. 1979].”

SHORT TITLE OF 2021 AMENDMENT

Pub. L. 117-77, §1, Dec. 22, 2021, 135 Stat. 1522, provided that: “This Act [enacting section 1901b of this title, amending sections 1970 and 1974 of this title, and enacting provisions set out as a note under section 1970 of this title] may be cited as the ‘Capitol Police Emergency Assistance Act of 2021’.”

SHORT TITLE OF 2017 AMENDMENT

Pub. L. 115-45, §1, Aug. 4, 2017, 131 Stat. 956, provided that: “This Act [amending sections 1951, 1952, and 1954 of this title] may be cited as the ‘Wounded Officers Recovery Act of 2017’.”

SHORT TITLE OF 2010 AMENDMENT

Pub. L. 111-145, §1, Mar. 4, 2010, 124 Stat. 49, provided that: “This Act [see Tables for classification] may be cited as the ‘United States Capitol Police Administrative Technical Corrections Act of 2009’.”

SHORT TITLE OF 2008 AMENDMENT

Pub. L. 110-178, §1, Jan. 7, 2008, 121 Stat. 2546, provided that: “This Act [enacting sections 141b and 143c of this title, amending sections 167i, 167j, 182b, 185, and 1961 of this title and sections 5101, 5102, and 5104 of Title 40, Public Buildings, Property, and Works, repealing sections 167 to 167h of this title, enacting provisions set out as notes under this section and sections 167 and 182b of this title, and repealing provisions set out as notes under this section] may be cited as the ‘U.S. Capitol Police and Library of Congress Police Merger Implementation Act of 2007’.”

SHORT TITLE OF 2007 AMENDMENT

Pub. L. 110-161, div. H, title I, §1004(a), Dec. 26, 2007, 121 Stat. 2227, which provided that section 1004 of Pub.

L. 110-161 could be cited as the “U.S. Capitol Police and Library of Congress Police Merger Implementation Act of 2007”, was repealed by Pub. L. 111-145, §6(d)(1), Mar. 4, 2010, 124 Stat. 54. For identical short title, see above.

DESIGNATION OF CAPITOL POLICE WELLNESS PROGRAM

Pub. L. 117-31, title III, §301, July 30, 2021, 135 Stat. 313, provided that:

“(a) **APPLICATION OF LAW.**—The wellness program of the United States Capitol Police shall be known and designated as the ‘Howard C. Liebengood Center for Wellness’.

“(b) **EFFECTIVE DATE.**—This section shall apply with respect to fiscal year 2021 and each succeeding fiscal year.”

CAPITOL POLICE BOARD

Pub. L. 108-7, div. H, title I, §1014, Feb. 20, 2003, 117 Stat. 361, which related to composition, mission, and other aspects of the Capitol Police Board, was transferred to section 1901a of this title.

TRANSFER OF LIBRARY OF CONGRESS POLICE TO CAPITOL POLICE

Pub. L. 110-178, §§2, 3, 8, Jan. 7, 2008, 121 Stat. 2546, 2549, 2554, provided that:

“SEC. 2. TRANSFER OF PERSONNEL.**“(a) TRANSFERS.—**

“(1) **LIBRARY OF CONGRESS POLICE EMPLOYEES.**—Effective on the employee’s transfer date, each Library of Congress Police employee shall be transferred to the United States Capitol Police and shall become either a member or civilian employee of the Capitol Police, as determined by the Chief of the Capitol Police under subsection (b).

“(2) **LIBRARY OF CONGRESS POLICE CIVILIAN EMPLOYEES.**—Effective on the employee’s transfer date, each Library of Congress Police civilian employee shall be transferred to the United States Capitol Police and shall become a civilian employee of the Capitol Police.

“(b) TREATMENT OF LIBRARY OF CONGRESS POLICE EMPLOYEES.—

“(1) **DETERMINATION OF STATUS WITHIN CAPITOL POLICE.—**

“(A) **ELIGIBILITY TO SERVE AS MEMBERS OF THE CAPITOL POLICE.**—A Library of Congress Police employee shall become a member of the Capitol Police on the employee’s transfer date if the Chief of the Capitol Police determines and issues a written certification that the employee meets each of the following requirements:

“(i) Based on the assumption that such employee would perform a period of continuous Federal service after the transfer date, the employee would be entitled to an annuity for immediate retirement under section 8336(b) or 8412(b) of title 5, United States Code (as determined by taking into account paragraph (3)(A)), on the date such employee becomes 60 years of age.

“(ii) During the transition period, the employee successfully completes training, as determined by the Chief of the Capitol Police.

“(iii) The employee meets the qualifications required to be a member of the Capitol Police, as determined by the Chief of the Capitol Police.

“(B) **SERVICE AS CIVILIAN EMPLOYEE OF CAPITOL POLICE.**—If the Chief of the Capitol Police determines that a Library of Congress Police employee does not meet the eligibility requirements, the employee shall become a civilian employee of the Capitol Police on the employee’s transfer date.

“(C) **FINALITY OF DETERMINATIONS.**—Any determination of the Chief of the Capitol Police under this paragraph shall not be appealable or reviewable in any manner.

“(D) **DEADLINE FOR DETERMINATIONS.**—The Chief of the Capitol Police shall complete the determina-

tions required under this paragraph for all Library of Congress Police employees not later than September 30, 2009.

“(2) EXEMPTION FROM MANDATORY SEPARATION.—Section 8335(c) or 8425(c) of title 5, United States Code, shall not apply to any Library of Congress Police employee who becomes a member of the Capitol Police under this subsection, until the earlier of—

“(A) the date on which the individual is entitled to an annuity for immediate retirement under section 8336(b) or 8412(b) of title 5, United States Code; or

“(B) the date on which the individual—

“(i) is 57 years of age or older; and

“(ii) is entitled to an annuity for immediate retirement under section 8336(m) or 8412(d) of title 5, United States Code, (as determined by taking into account paragraph (3)(A)).

“(3) TREATMENT OF PRIOR CREDITABLE SERVICE FOR RETIREMENT PURPOSES.—

“(A) PRIOR SERVICE FOR PURPOSES OF ELIGIBILITY FOR IMMEDIATE RETIREMENT AS MEMBER OF CAPITOL POLICE.—Any Library of Congress Police employee who becomes a member of the Capitol Police under this subsection shall be entitled to have any creditable service under section 8332 or 8411 of title 5, United States Code, that was accrued prior to becoming a member of the Capitol Police included in calculating the employee's service as a member of the Capitol Police for purposes of section 8336(m) or 8412(d) of title 5, United States Code.

“(B) PRIOR SERVICE FOR PURPOSES OF COMPUTATION OF ANNUITY.—Any creditable service under section 8332 or 8411 of title 5, United States Code, of an individual who becomes a member of the Capitol Police under this subsection that was accrued prior to becoming a member of the Capitol Police—

“(i) shall be treated and computed as employee service under section 8339 or section 8415 of such title; but

“(ii) shall not be treated as service as a member of the Capitol Police or service as a congressional employee for purposes of applying any formula under section 8339(b), 8339(q), 8415(c), or 8415(d) of such title under which a percentage of the individual's average pay is multiplied by the years (or other period) of such service.

“(c) DUTIES OF EMPLOYEES TRANSFERRED TO CIVILIAN POSITIONS.—

“(1) DUTIES.—The duties of any individual who becomes a civilian employee of the Capitol Police under this section, including a Library of Congress Police civilian employee under subsection (a)(2) and a Library of Congress Police employee who becomes a civilian employee of the Capitol Police under subsection (b)(1)(B), shall be determined solely by the Chief of the Capitol Police, except that a Library of Congress Police civilian employee under subsection (a)(2) shall continue to support Library of Congress police operations until all Library of Congress Police employees are transferred to the United States Capitol Police under this section.

“(2) FINALITY OF DETERMINATIONS.—Any determination of the Chief of the Capitol Police under this subsection shall not be appealable or reviewable in any manner.

“(d) PROTECTING STATUS OF TRANSFERRED EMPLOYEES.—

“(1) NONREDUCTION IN PAY, RANK, OR GRADE.—The transfer of any individual under this section shall not cause that individual to be separated or reduced in basic pay, rank or grade.

“(2) LEAVE AND COMPENSATORY TIME.—Any annual leave, sick leave, or other leave, or compensatory time, to the credit of an individual transferred under this section shall be transferred to the credit of that individual as a member or an employee of the Capitol Police (as the case may be). The treatment of leave or compensatory time transferred under this section shall be governed by regulations of the Capitol Police Board.

“(3) PROHIBITING IMPOSITION OF PROBATIONARY PERIOD.—The Chief of the Capitol Police may not impose a period of probation with respect to the transfer of any individual who is transferred under this section.

“(e) RULES OF CONSTRUCTION RELATING TO EMPLOYEE REPRESENTATION.—

“(1) EMPLOYEE REPRESENTATION.—Nothing in this Act [see Short Title of 2008 Amendment note set out above] shall be construed to authorize any labor organization that represented an individual who was a Library of Congress police employee or a Library of Congress police civilian employee before the individual's transfer date to represent that individual as a member of the Capitol Police or an employee of the Capitol Police after the individual's transfer date.

“(2) AGREEMENTS NOT APPLICABLE.—Nothing in this Act shall be construed to authorize any collective bargaining agreement (or any related court order, stipulated agreement, or agreement to the terms or conditions of employment) applicable to Library of Congress police employees or to Library of Congress police civilian employees to apply to members of the Capitol Police or to civilian employees of the Capitol Police.

“(f) RULE OF CONSTRUCTION RELATING TO PERSONNEL AUTHORITY OF THE CHIEF OF THE CAPITOL POLICE.—Nothing in this Act shall be construed to affect the authority of the Chief of the Capitol Police to—

“(1) terminate the employment of a member of the Capitol Police or a civilian employee of the Capitol Police; or

“(2) transfer any individual serving as a member of the Capitol Police or a civilian employee of the Capitol Police to another position with the Capitol Police.

“(g) TRANSFER DATE DEFINED.—In this Act, the term ‘transfer date’ means, with respect to an employee—

“(1) in the case of a Library of Congress Police employee who becomes a member of the Capitol Police, the first day of the first pay period applicable to members of the United States Capitol Police which begins after the date on which the Chief of the Capitol Police issues the written certification for the employee under subsection (b)(1);

“(2) in the case of a Library of Congress Police employee who becomes a civilian employee of the Capitol Police, the first day of the first pay period applicable to employees of the United States Capitol Police which begins after September 30, 2009; or

“(3) in the case of a Library of Congress Police civilian employee, the first day of the first pay period applicable to employees of the United States Capitol Police which begins after September 30, 2008.

“(h) CANCELLATION IN PORTION OF UNOBLIGATED BALANCE OF FEDLINK REVOLVING FUND.—Amounts available for obligation by the Librarian of Congress as of the date of the enactment of this Act [Jan. 7, 2008] from the unobligated balance in the revolving fund established under section 103 of the Library of Congress Fiscal Operations Improvement Act of 2000 (2 U.S.C. 182c) for the Federal Library and Information Network program of the Library of Congress and the Federal Research program of the Library of Congress are reduced by a total of \$560,000, and the amount so reduced is hereby cancelled.

“SEC. 3. TRANSITION PROVISIONS.

“(a) TRANSFER AND ALLOCATIONS OF PROPERTY AND APPROPRIATIONS.—

“(1) IN GENERAL.—Effective on the transfer date of any Library of Congress Police employee and Library of Congress Police civilian employee who is transferred under this Act [see Short Title of 2008 Amendment note set out above]—

“(A) the assets, liabilities, contracts, property, and records associated with the employee shall be transferred to the Capitol Police; and

“(B) the unexpended balances of appropriations, authorizations, allocations, and other funds em-

ployed, used, held, arising from, available to, or to be made available in connection with the employee shall be transferred to and made available under the appropriations accounts for the Capitol Police for ‘Salaries’ and ‘General Expenses’, as applicable.

“(2) JOINT REVIEW.—During the transition period, the Chief of the Capitol Police and the Librarian of Congress shall conduct a joint review of the assets, liabilities, contracts, property records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, used, held, arising from, available to, or to be made available in connection with the transfer under this Act.

“(b) TREATMENT OF ALLEGED VIOLATIONS OF CERTAIN EMPLOYMENT LAWS WITH RESPECT TO TRANSFERRED INDIVIDUALS.—

“(1) IN GENERAL.—Notwithstanding any other provision of law and except as provided in paragraph (3), in the case of an alleged violation of any covered law (as defined in paragraph (4)) which is alleged to have occurred prior to the transfer date with respect to an individual who is transferred under this Act, and for which the individual has not exhausted all of the remedies available for the consideration of the alleged violation which are provided for employees of the Library of Congress under the covered law prior to the transfer date, the following shall apply:

“(A) The individual may not initiate any procedure which is available for the consideration of the alleged violation of the covered law which is provided for employees of the Library of Congress under the covered law.

“(B) To the extent that the individual has initiated any such procedure prior to the transfer date, the procedure shall terminate and have no legal effect.

“(C) Subject to paragraph (2), the individual may initiate and participate in any procedure which is available for the resolution of grievances of officers and employees of the Capitol Police under the Congressional Accountability Act of 1995 (2 U.S.C. 1301 et seq.) to provide for consideration of the alleged violation. The previous sentence does not apply in the case of an alleged violation for which the individual exhausted all of the available remedies which are provided for employees of the Library of Congress under the covered law prior to the transfer date.

“(2) SPECIAL RULES FOR APPLYING CONGRESSIONAL ACCOUNTABILITY ACT OF 1995.—In applying paragraph (1)(C) with respect to an individual to whom this subsection applies, for purposes of the consideration of the alleged violation under the Congressional Accountability Act of 1995—

“(A) the date of the alleged violation shall be the individual’s transfer date;

“(B) notwithstanding the third sentence of section 402(a) of such Act (2 U.S.C. 1402(a)), the individual’s request for counseling under such section shall be made not later than 60 days after the date of the alleged violation; and

“(C) the employing office of the individual at the time of the alleged violation shall be the Capitol Police Board.

“(3) EXCEPTION FOR ALLEGED VIOLATIONS SUBJECT TO HEARING PRIOR TO TRANSFER.—Paragraph (1) does not apply with respect to an alleged violation for which a hearing has commenced in accordance with the covered law on or before the transfer date.

“(4) COVERED LAW DEFINED.—In this subsection, a ‘covered law’ is any law for which the remedy for an alleged violation is provided for officers and employees of the Capitol Police under the Congressional Accountability Act of 1995 (2 U.S.C. 1301 et seq.).

“(c) AVAILABILITY OF DETAIL EES DURING TRANSITION PERIOD.—During the transition period, the Chief of the Capitol Police may detail additional members of the Capitol Police to the Library of Congress, without reimbursement.

“(d) EFFECT ON EXISTING MEMORANDUM OF UNDERSTANDING.—The Memorandum of Understanding be-

tween the Library of Congress and the Capitol Police entered into on December 12, 2004, shall remain in effect during the transition period, subject to—

“(1) the provisions of this Act; and

“(2) such modifications as may be made in accordance with the modification and dispute resolution provisions of the Memorandum of Understanding, consistent with the provisions of this Act.

“(e) RULE OF CONSTRUCTION RELATING TO PERSONNEL AUTHORITY OF THE LIBRARIAN OF CONGRESS.—Nothing in this Act shall be construed to affect the authority of the Librarian of Congress to—

“(1) terminate the employment of a Library of Congress Police employee or Library of Congress Police civilian employee; or

“(2) transfer any individual serving in a Library of Congress Police employee position or Library of Congress Police civilian employee position to another position at the Library of Congress.

“SEC. 8. DEFINITIONS.

“In this Act [see Short Title of 2008 Amendment note set out above]—

“(1) the term ‘Act of August 4, 1950’ means the Act entitled ‘An Act relating to the policing of the buildings and grounds of the Library of Congress,’ (2 U.S.C. 167 et seq.);

“(2) the term ‘Library of Congress Police employee’ means an employee of the Library of Congress designated as police under the first section of the Act of August 4, 1950 (2 U.S.C. 167);

“(3) the term ‘Library of Congress Police civilian employee’ means an employee of the Library of Congress Office of Security and Emergency Preparedness who provides direct administrative support to, and is supervised by, the Library of Congress Police, but shall not include an employee of the Library of Congress who performs emergency preparedness or collections control and preservation functions; and

“(4) the term ‘transition period’ means the period the first day of which is the date of the enactment of this Act [Jan. 7, 2008] and the final day of which is September 30, 2009.”

Similar provisions were contained in Pub. L. 110-161, div. H, title I, §1004(b), (c), (h), Dec. 26, 2007, 121 Stat. 2227, 2231, 2236, prior to repeal by Pub. L. 111-145, §6(d)(1), Mar. 4, 2010, 124 Stat. 54.

Pub. L. 108-83, title I, §1006, Sept. 30, 2003, 117 Stat. 1023, as amended by Pub. L. 108-447, div. G, title I, §1002, Dec. 8, 2004, 118 Stat. 3179; Pub. L. 109-55, title I, §1006(a), Aug. 2, 2005, 119 Stat. 576, related to the effective and efficient transfer of Library of Congress Police to Capitol Police under section 1015 of Pub. L. 108-7, prior to repeal by Pub. L. 110-161, div. H, title I, §1004(g), Dec. 26, 2007, 121 Stat. 2236, and Pub. L. 110-178, §7, Jan. 7, 2008, 121 Stat. 2554, effective Oct. 1, 2009. Pub. L. 110-161, §1004, was repealed by Pub. L. 111-145, §6(d)(1), Mar. 4, 2010, 124 Stat. 54.

Pub. L. 108-7, div. H, title I, §1015, Feb. 20, 2003, 117 Stat. 362, related to the transfer of Library of Congress Police to the United States Capitol Police, prior to repeal by Pub. L. 110-161, div. H, title I, §1004(g), Dec. 26, 2007, 121 Stat. 2236, and Pub. L. 110-178, §7, Jan. 7, 2008, 121 Stat. 2554, effective Oct. 1, 2009. Pub. L. 110-161, §1004, was repealed by Pub. L. 111-145, §6(d)(1), Mar. 4, 2010, 124 Stat. 54.

LONG TERM STRATEGIC PLAN

Pub. L. 108-7, div. H, title I, §1019, Feb. 20, 2003, 117 Stat. 369, provided that:

“(a) LONG TERM STRATEGIC PLAN.—

“(1) IN GENERAL.—The Chief of the United States Capitol Police, in consultation with the Comptroller General, shall develop a long term strategic plan which outlines the goals and objectives of the Capitol Police.

“(2) ANNUAL UPDATE.—During the period in which the strategic plan developed under this subsection is in effect, the Chief shall annually update the plan.

“(3) PERIOD COVERED BY PLAN.—The strategic plan under this subsection shall cover the first 5 fiscal years which begin after the plan is developed.

“(b) ANNUAL PERFORMANCE PLAN.—

“(1) IN GENERAL.—With respect to each year which is covered by the strategic plan developed under subsection (a), the Chief of the Capitol Police, in consultation with the Comptroller General, shall develop an annual performance plan for implementing the goals and objectives of the strategic plan during the year.

“(2) CONTENTS.—The annual performance plan developed under this subsection for a year shall include performance goals for each of the goals and objectives of the strategic plan which apply during the year, and shall include (to the extent practicable) quantifiable performance measures for determining the success of the Capitol Police in meeting each such performance goal.

“(3) EVALUATION BY COMPTROLLER GENERAL.—The Comptroller General shall annually evaluate the implementation of the plan and the extent to which the Capitol Police have met the performance goals of the plan, and shall provide the results of the evaluation to the Capitol Police Board, the Committees on Appropriations of the House of Representatives and Senate, the Committee on House Administration of the House of Representatives, and the Committee on Rules and Administration of the Senate.

“(c) INITIAL ACTION PLAN.—Not later than 180 days after the date of the enactment of this Act [Feb. 20, 2003], the Chief of the Capitol Police shall develop an initial action plan describing the policies, procedures, and actions the Chief will carry out to meet the requirements of this section and setting forth a timetable for carrying out each such policy, procedure, and action, and shall submit such plan (upon the approval of the Capitol Police Board) to the Committees on Appropriations of the House of Representatives and Senate, the Committee on House Administration of the House of Representatives, and the Committee on Rules and Administration of the Senate.”

COMPENSATION OF ASSISTANT CHIEF OF CAPITOL POLICE

Pub. L. 107–117, div. B, §907(b), Jan. 10, 2002, 115 Stat. 2319, as amended by Pub. L. 108–7, div. H, title I, §1013(b), Feb. 20, 2003, 117 Stat. 361, provided that: “The annual rate of pay for the Assistant Chief of the Capitol Police shall be the amount equal to \$1,000 less than the annual rate of pay in effect for the Chief of the Capitol Police.”

SELECTION OF PRIVATES

Similar provisions as to the selection of privates were contained in the following acts:

June 8, 1942, ch. 396, 56 Stat. 340.
 July 1, 1941, ch. 268, 55 Stat. 456.
 June 18, 1940, ch. 396, 54 Stat. 471.
 June 16, 1939, ch. 208, 53 Stat. 831.
 May 17, 1938, ch. 236, 52 Stat. 389.
 May 18, 1937, ch. 223, 50 Stat. 178.
 Apr. 17, 1936, ch. 233, 49 Stat. 1223.
 July 8, 1935, ch. 374, 49 Stat. 468.
 May 30, 1934, ch. 372, 48 Stat. 826.
 Feb. 28, 1933, ch. 134, 47 Stat. 1359.
 June 30, 1932, ch. 314, 47 Stat. 390.
 Feb. 20, 1931, ch. 234, 46 Stat. 1182.
 June 6, 1930, ch. 407, 46 Stat. 512.
 Feb. 28, 1929, ch. 367, 45 Stat. 1394.
 May 14, 1928, ch. 551, 45 Stat. 524.
 Feb. 23, 1927, ch. 168, 44 Stat. 1154.
 May 13, 1926, ch. 294, 44 Stat. 545.
 Mar. 4, 1925, ch. 549, 43 Stat. 1294.
 June 7, 1924, ch. 303, 43 Stat. 586.
 Feb. 20, 1923, ch. 98, 42 Stat. 1272.
 Mar. 20, 1922, ch. 103, 42 Stat. 429.

CAPITOL POLICE CIVILIAN SUPPORT POSITIONS WITH RESPECT TO THE HOUSE OF REPRESENTATIVES

House Resolution No. 199, One Hundred Second Congress, Aug. 1, 1991, made permanent law Pub. L. 102–392, title I, §102, Oct. 6, 1992, 106 Stat. 1710, and amended by

Pub. L. 104–186, title II, §221(9)(B), Aug. 20, 1996, 110 Stat. 1749, authorized Committee on House Oversight [now Committee on House Administration] of the House of Representatives to establish 114 civilian support positions for the Capitol Police, provided for functions, compensation, and classification of positions, provided procedures for appointments to positions and that as each position was filled there would be abolished one position of private on Capitol Police, provided that positions would be filled by individuals in Capitol Police positions so abolished, that all positions would be filled by the end of the One Hundred Second Congress, and that at least 50 of such positions would be filled not later than the end of the first session of such Congress, and authorized Committee on House Oversight [now Committee on House Administration] to prescribe regulations to carry out this provision.

DIRECTOR OF EMPLOYMENT PRACTICES UNDER CAPITOL POLICE BOARD

House Resolution No. 420, One Hundred First Congress, June 26, 1990, made permanent law Pub. L. 101–520, title I, §105, Nov. 5, 1990, 104 Stat. 2262, and amended by Pub. L. 104–186, title II, §221(9)(C), Aug. 20, 1996, 110 Stat. 1749, established the position of Director of Employment Practices with respect to members of the Capitol Police, at the appropriate rate of pay under level HS–11 of the House Employees Schedule, with payment from amounts appropriated for the Capitol Police, such appointment to be made by the Capitol Police Board, subject to prior approval of the Committee on House Oversight [now Committee on House Administration], without regard to political affiliation and solely on basis of fitness to perform functions of the position.

GENERAL COUNSEL TO CHIEF OF CAPITOL POLICE

House Resolution No. 661, Ninety-fifth Congress, July 29, 1977, made permanent law Pub. L. 95–391, title I, §111, Sept. 30, 1978, 92 Stat. 777, and amended by Pub. L. 104–186, title II, §221(9)(A), Aug. 20, 1996, 110 Stat. 1749, which established the position of General Counsel to the Chief of the Capitol Police, the appropriate rate of compensation, and method of appointment, was repealed by Pub. L. 111–145, §3(a)(4), Mar. 4, 2010, 124 Stat. 52.

§ 1901a. Capitol Police Board

(a) Capitol Police Board; composition; redefining mission

(1) Purpose

The purpose of the Capitol Police Board is to oversee and support the Capitol Police in its mission and to advance coordination between the Capitol Police and the Sergeant at Arms of the House of Representatives and the Sergeant at Arms and Doorkeeper of the Senate, in their law enforcement capacities, and the Congress. Consistent with this purpose, the Capitol Police Board shall establish general goals and objectives covering its major functions and operations to improve the efficiency and effectiveness of its operations.

(2) Composition

The Capitol Police Board shall consist of the Sergeant at Arms of the House of Representatives, the Sergeant at Arms and Doorkeeper of the Senate, the Chief of the Capitol Police, and the Architect of the Capitol. The Chief of Capitol Police shall serve in an ex-officio capacity and be a non-voting member of the Board.

(b) Initial review and report

Not later than 180 days after February 20, 2003, the Capitol Police Board shall—

(1) examine the mission of the Capitol Police Board and, based on that analysis, redefine the Capitol Police Board's mission, mission-related processes, and administrative processes;

(2) conduct an assessment of the effectiveness and usefulness of its statutory functions in contributing to the Capitol Police Board's ability to carry out its mission and meet its goals, including an explanation of the reasons for any determination that the statutory functions are appropriate and advisable in terms of its purpose, mission, and long-term goals; and

(3) submit to the Speaker and minority leader of the House of Representatives and the President pro tempore and minority leader of the Senate a report on the results of its examination and assessment, including recommendations for any legislation that the Capitol Police Board considers appropriate and necessary.

(c) Executive Assistant

(1) Establishment

There shall be established in the Capitol Police an Executive Assistant for the Capitol Police Board to act as a central point for communication and enhance the overall effectiveness and efficiency of the Capitol Police Board's administrative activities.

(2) Appointment

The Executive Assistant shall be appointed by the Chief of the Capitol Police in consultation with the Sergeant at Arms of the House of Representatives and the Sergeant at Arms and Doorkeeper of the Senate.

(3) Duties

The Executive Assistant shall be assigned to, and report to, the Chairman of the Board. The Executive Assistant shall assist the Capitol Police Board in developing, documenting, and implementing a clearly defined process for additional tasks assigned to the Capitol Police Board under this section, and shall perform any additional duties assigned by the Capitol Police Board.

(d) Documentation

(1) Functions and processes

The Capitol Police Board shall document its functions and processes, including its mission statement, policies, directives, and operating procedures established or revised under subsection (a)(1) or (b), and make such documentation available for examination to the Speaker and minority leader of the House of Representatives, the President pro tempore and minority leader of the Senate, the Chief of the Capitol Police, and the Comptroller General.

(2) Meetings

The Capitol Police Board shall document Board meetings and make the documentation available for distribution to the Speaker and minority leader of the House of Representatives and the President pro tempore and minority leader of the Senate.

(e) Assistance of Comptroller General

Upon request, the Comptroller General shall provide assistance to the Capitol Police Board in

carrying out its responsibilities under this subsection.¹

(f) References in law; effect on other laws

(1) Any reference in any law or resolution in effect as of February 20, 2003, to the "Capitol Police Board" shall be deemed to refer to the Capitol Police Board as composed under subsection (a)(2).

(2) Nothing in this section shall be construed to affect the jurisdiction, powers, or prerogatives of the Capitol Police Board or its individual members unless specifically provided herein.

(Pub. L. 108–7, div. H, title I, §1014, Feb. 20, 2003, 117 Stat. 361.)

Editorial Notes

CODIFICATION

Section was formerly set out as a note under section 1901 of this title.

§ 1901b. Joint oversight hearings

(a) In General

The Committee on Rules and Administration of the Senate and the Committee on House Administration of the House of Representatives (referred to in this section as the "Committees") are authorized to jointly conduct oversight hearings regarding the Capitol Police Board and may request the attendance of all members of the Capitol Police Board at any such hearing. Members of the Capitol Police Board shall attend a joint hearing under this section, as requested and under such rules or procedures as may be adopted by the Committees.

(b) Timing

The Committees may conduct oversight hearings under this section as determined appropriate by the Committees, but shall conduct not less than one oversight hearing under this section during each Congress.

(Pub. L. 117–77, §3, Dec. 22, 2021, 135 Stat. 1523.)

§ 1902. Compensation of Chief

The annual rate of pay for the Chief of the Capitol Police shall be the amount equal to the annual rate of basic pay for level II of the Executive Schedule under section 5313 of title 5.

(Pub. L. 96–152, §1(c), Dec. 20, 1979, 93 Stat. 1099; Pub. L. 106–554, §1(a)(2) [title I, §109(a)], Dec. 21, 2000, 114 Stat. 2763, 2763A–107; Pub. L. 107–117, div. B, §907(a), Jan. 10, 2002, 115 Stat. 2319; Pub. L. 108–7, div. H, title I, §1013(a), Feb. 20, 2003, 117 Stat. 361; Pub. L. 116–94, div. E, title II, §212(a)(3)(E), Dec. 20, 2019, 133 Stat. 2775; Pub. L. 117–103, div. I, title II, §212(b), Mar. 15, 2022, 136 Stat. 526.)

Editorial Notes

CODIFICATION

Section was classified to section 206–1 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.

¹ So in original. Probably should be "this section."

AMENDMENTS

2022—Subsec. (c), Pub. L. 117–103 substituted “the annual rate of basic pay for level II of the Executive Schedule under section 5313 of title 5.” for “\$1,000 less than the maximum rate of pay in effect under section 4575(f) of this title.”

2019—Pub. L. 116–94 substituted “the maximum rate of pay in effect under section 4575(f) of this title.” for “the lower of the annual rate of pay in effect for the Sergeant-at-Arms of the House of Representatives or the annual rate of pay in effect for the Sergeant-at-Arms and Doorkeeper of the Senate.”

2003—Pub. L. 108–7 amended section generally. Prior to amendment, section read as follows: “The Chief of the Capitol Police shall receive compensation at a rate determined by the Capitol Police Board, but not to exceed \$2,500 less than the lesser of the annual salary for the Sergeant at Arms of the House of Representatives or the annual salary for the Sergeant at Arms and Doorkeeper of the Senate.”

2002—Pub. L. 107–117 substituted “but not to exceed \$2,500 less than the lesser of the annual salary for the Sergeant at Arms of the House of Representatives or the annual salary for the Sergeant at Arms and Doorkeeper of the Senate” for “but not to exceed the rate of basic pay payable for level ES-4 of the Senior Executive Service, as established under subchapter VIII of chapter 53 of title 5 (taking into account any comparability payments made under section 5304(h) of such title)”.

2000—Pub. L. 106–554 substituted “the rate of basic pay payable for level ES-4 of the Senior Executive Service, as established under subchapter VIII of chapter 53 of title 5 (taking into account any comparability payments made under section 5304(h) of such title)” for “the annual rate of basic pay payable for level IV of the Executive Schedule under section 5315 of title 5”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2022 AMENDMENT

Amendment by Pub. L. 117–103 effective on the first day of the first applicable pay period beginning on or after Mar. 15, 2022, see section 212(c) of Pub. L. 117–103, set out as a note under section 1802 of this title.

EFFECTIVE DATE OF 2019 AMENDMENT

Amendment by Pub. L. 116–94 effective on the later of the first day of the first applicable pay period beginning on or after Jan. 1, 2020, or the first day of the first applicable pay period beginning on or after Dec. 20, 2019, see section 212(c) of Pub. L. 116–94, set out as a note under section 282b of this title.

EFFECTIVE DATE OF 2003 AMENDMENT

Pub. L. 108–7, div. H, title I, § 1013(d), Feb. 20, 2003, 117 Stat. 361, provided that: “The amendments made by this section [amending this section, section 1903 of this title, and provisions set out as a note under section 1901 of this title] shall apply with respect to the first pay period beginning on or after the date of the enactment of this Act [Feb. 20, 2003].”

EFFECTIVE DATE OF 2002 AMENDMENT

Pub. L. 107–117, div. B, § 907(c), Jan. 10, 2002, 115 Stat. 2319, provided that: “This section [amending this section and enacting provisions set out as a note under section 1901 of this title] and the amendment made by this section shall apply with respect to pay periods beginning on or after the date of the enactment of this Act [Jan. 10, 2002].”

EFFECTIVE DATE OF 2000 AMENDMENT

Pub. L. 106–554, § 1(a)(2) [title I, § 109(b)], Dec. 21, 2000, 114 Stat. 2763, 2763A–107, provided that: “The amendment made by subsection (a) [amending this section] shall apply with respect to pay periods beginning on or after the date of the enactment of this Act [Dec. 21, 2000].”

EFFECTIVE DATE

Section effective Feb. 1, 1980, see section 7 of Pub. L. 96–152, set out as an Effective Date of 1979 Amendment note under section 1901 of this title.

§ 1903. Chief Administrative Officer**(a) Chief Administrative Officer****(1) Establishment**

There shall be within the United States Capitol Police an Office of Administration, to be headed by the Chief Administrative Officer, who shall report to and serve at the pleasure of the Chief of the Capitol Police.

(2) Appointment

The Chief Administrative Officer shall be appointed by the Chief of the United States Capitol Police, after consultation with the Capitol Police Board, without regard to political affiliation and solely on the basis of fitness to perform the duties of the position.

(3) Compensation

The annual rate of pay for the Chief Administrative Officer shall be the amount equal to \$1,000 less than the annual rate of pay in effect for the Chief of the Capitol Police.

(b) Responsibilities

The Chief Administrative Officer shall have the following areas of responsibility:

(1) Budgeting

The Chief Administrative Officer shall—

(A) prepare and submit to the Capitol Police Board an annual budget for the Capitol Police; and

(B) execute the budget and monitor through periodic examinations the execution of the Capitol Police budget in relation to actual obligations and expenditures.

(2) Financial management

The Chief Administrative Officer shall—

(A) oversee all financial management activities relating to the programs and operations of the Capitol Police;

(B) develop and maintain an integrated accounting and financial system for the Capitol Police, including financial reporting and internal controls, which—

(i) complies with applicable accounting principles, standards, and requirements, and internal control standards;

(ii) complies with any other requirements applicable to such systems; and

(iii) provides for—

(I) complete, reliable, consistent, and timely information which is prepared on a uniform basis and which is responsive to financial information needs of the Capitol Police;

(II) the development and reporting of cost information;

(III) the integration of accounting and budgeting information; and

(IV) the systematic measurement of performance;

(C) direct, manage, and provide policy guidance and oversight of Capitol Police financial management personnel, activities, and operations, including—

(i) the recruitment, selection, and training of personnel to carry out Capitol Police financial management functions; and

(ii) the implementation of Capitol Police asset management systems, including systems for cash management, debt collection, and property and inventory management and control; and

(D) Prepare¹ annual financial statements for the Capitol Police, and such financial statements shall be audited by the Inspector General of the Capitol Police or by an independent public accountant, as determined by the Inspector General.

(3) Information technology

The Chief Administrative Officer shall—

(A) direct, coordinate, and oversee the acquisition, use, and management of information technology by the Capitol Police;

(B) promote and oversee the use of information technology to improve the efficiency and effectiveness of programs of the Capitol Police; and

(C) establish and enforce information technology principles, guidelines, and objectives, including developing and maintaining an information technology architecture for the Capitol Police.

(4) Human resources

The Chief Administrative Officer shall—

(A) direct, coordinate, and oversee human resources management activities of the Capitol Police;

(B) develop and monitor payroll and time and attendance systems and employee services; and

(C) develop and monitor processes for recruiting, selecting, appraising, and promoting employees.

(Pub. L. 106-554, §1(a)(2) [title I, §108], Dec. 21, 2000, 114 Stat. 2763, 2763A-104; Pub. L. 106-346, §101(a) [title V, §507(a)], Oct. 23, 2000, 114 Stat. 1356, 1356A-55; Pub. L. 107-68, title I, §122(a), Nov. 12, 2001, 115 Stat. 576; Pub. L. 108-7, div. H, title I, §1013(c), Feb. 20, 2003, 117 Stat. 361; Pub. L. 108-271, §8(b), July 7, 2004, 118 Stat. 814; Pub. L. 109-55, title I, §1004(g), Aug. 2, 2005, 119 Stat. 575; Pub. L. 111-145, §2(a)(1), (2), 6(a), Mar. 4, 2010, 124 Stat. 49, 54.)

Editorial Notes

CODIFICATION

Section was classified to section 206a-9 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

2010—Subsec. (a). Pub. L. 111-145, §2(a)(1), amended subsec. (a) generally. Prior to amendment, subsec. (a) related to the establishment of the Office of Administration and the appointment and compensation of the Chief Administrative Officer.

Subsec. (c). Pub. L. 111-145, §2(a)(2), struck out subsec. (c) which related to the Chief Administrative Officer's employment of personnel and access to resources of other agencies.

Subsecs. (d) to (g). Pub. L. 111-145, §6(a), struck out subsecs. (d) to (g) which related to a plan for office policies, procedures, and actions, a report on progress made in such planning, submission of the plan and report to the appropriate congressional committees, and termination of the role of the Comptroller General.

2005—Subsec. (b)(2)(D). Pub. L. 109-55 amended subpar. (D) generally. Prior to amendment, subpar. (D) read as follows: “shall prepare annual financial statements for the Capitol Police and provide for an annual audit of the financial statements by an independent public accountant in accordance with generally accepted government auditing standards.”

2004—Subsec. (a)(5). Pub. L. 108-271 substituted “Government Accountability Office” for “General Accounting Office”.

2003—Subsec. (a)(4). Pub. L. 108-7 amended par. (4) generally. Prior to amendment, par. (4) read as follows: “The Chief Administrative Officer shall receive basic pay at a rate determined by the Chief of the Capitol Police, but not to exceed \$1,000 less than the annual rate of pay for the Chief of the Capitol Police.”

2001—Subsec. (a)(4). Pub. L. 107-68 substituted “the Chief of the Capitol Police, but not to exceed \$1,000 less than the annual rate of pay for the Chief of the Capitol Police” for “the Capitol Police Board, but not to exceed the annual rate of basic pay payable for ES-2 of the Senior Executive Service, as established under subchapter VIII of chapter 53 of title 5 (taking into account any comparability payments made under section 5304(h) of such title)”.

2000—Pub. L. 106-346 amended section generally, substituting present provisions for similar provisions establishing within the Capitol Police an Office of Administration to be headed by a Chief Administrative Officer, providing that the Chief Administrative Officer would be appointed and his pay rate would be set by the Comptroller General, setting out the powers and duties of the Chief Administrative Officer, and providing that as of Oct. 1, 2002, the Chief Administrative Officer would cease to be an employee of the General Accounting Office, would become an employee of the Capitol Police, and the Capitol Police Board would assume all responsibilities of the Comptroller General under this section.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2005 AMENDMENT

Amendment by Pub. L. 109-55 effective Aug. 2, 2005, see section 1909(f) of this title.

EFFECTIVE DATE OF 2003 AMENDMENT

Amendment by Pub. L. 108-7 applicable with respect to the first pay period beginning on or after Feb. 20, 2003, see section 1013(d) of Pub. L. 108-7, set out as a note under section 1902 of this title.

EFFECTIVE DATE OF 2001 AMENDMENT

Pub. L. 107-68, title I, §122(b), Nov. 12, 2001, 115 Stat. 576, provided that: “The amendment made by subsection (a) [amending this section] shall apply with respect to pay periods beginning on or after October 1, 2001.”

EFFECTIVE DATE OF 2000 AMENDMENT

Pub. L. 106-346, §101(a) [title V, §507(b)], Oct. 23, 2000, 114 Stat. 1356, 1356A-57, provided that: “The amendments made by subsection (a) [amending this section] shall take effect as if included in the enactment of the Legislative Branch Appropriations Act, 2001 [H.R. 5657, as enacted by section 1(a)(2) of Pub. L. 106-554].”

CONSTRUCTION OF 2010 AMENDMENT

Pub. L. 111-145, §2(a)(6), Mar. 4, 2010, 124 Stat. 50, provided that: “Nothing in the amendments made by this subsection [amending this section and sections 1301, 1904, and 1907 of this title and repealing sections 1928

¹ So in original. Probably should not be capitalized.

and 1929 of this title] may be construed to affect the status of any individual serving as an officer or employee of the United States Capitol Police as of the date of the enactment of this Act [Mar. 4, 2010].”

§ 1904. Certifying officers

(a) Appointment of certifying officers of the Capitol Police

The Chief Administrative Officer of the United States Capitol Police, or when there is not a Chief Administrative Officer, the Chief of the Capitol Police, shall appoint certifying officers to certify all vouchers for payment from funds made available to the United States Capitol Police.

(b) Responsibility and accountability of certifying officers

(1) In general

Each officer or employee of the Capitol Police who has been duly authorized in writing by the Chief Administrative Officer, or the Chief of the Capitol Police if there is not a Chief Administrative Officer, to certify vouchers pursuant to subsection (a) shall—

(A) be held responsible for the existence and correctness of the facts recited in the certificate or otherwise stated on the voucher or its supporting papers and for the legality of the proposed payment under the appropriation or fund involved;

(B) be held responsible and accountable for the correctness of the computations of certified vouchers; and

(C) be held accountable for and required to make good to the United States the amount of any illegal, improper, or incorrect payment resulting from any false, inaccurate, or misleading certificate made by such officer or employee, as well as for any payment prohibited by law or which did not represent a legal obligation under the appropriation or fund involved.

(2) Relief by Comptroller General

The Comptroller General may, at the Comptroller General's discretion, relieve such certifying officer or employee of liability for any payment otherwise proper if the Comptroller General finds—

(A) that the certification was based on official records and that the certifying officer or employee did not know, and by reasonable diligence and inquiry could not have ascertained, the actual facts; or

(B) that the obligation was incurred in good faith, that the payment was not contrary to any statutory provision specifically prohibiting payments of the character involved, and the United States has received value for such payment.

(c) Enforcement of liability

The liability of the certifying officers of the United States Capitol Police shall be enforced in the same manner and to the same extent as currently provided with respect to the enforcement of the liability of disbursing and other accountable officers, and such officers shall have the right to apply for and obtain a decision by the Comptroller General on any question of law in-

volved in a payment on any vouchers presented to them for certification.

(Pub. L. 106-554, §1(a)(2) [title I, §107], Dec. 21, 2000, 114 Stat. 2763, 2763A-103; Pub. L. 111-145, §2(a)(3), Mar. 4, 2010, 124 Stat. 49.)

Editorial Notes

CODIFICATION

Section was classified to section 207d 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

2010—Subsecs. (a), (b)(1). Pub. L. 111-145 substituted “the Chief of the Capitol Police” for “the Capitol Police Board”.

§ 1905. Deposit and use of reimbursements for law enforcement assistance

(a)(1) Any funds received by the Capitol Police as reimbursement for law enforcement assistance from any Federal, State, or local government agency (including any agency of the District of Columbia), and from any other source in the case of assistance provided in connection with an activity that was not sponsored by Congress shall be deposited in the United States Treasury for credit to the appropriation for “general expenses” under the heading “United States Capitol Police”, or “security enhancements” under the heading “United States Capitol Police”.

(2) Funds deposited under this subsection may be expended by the Chief of the United States Capitol Police for any authorized purpose, including overtime pay expenditures relating to any law enforcement assistance for which reimbursement described in paragraph (1) is made, and shall remain available until expended.

(b) This section shall take effect on July 24, 2001, and shall apply to fiscal year 2001 and each fiscal year thereafter.

(Pub. L. 107-20, title II, §2802, July 24, 2001, 115 Stat. 184; Pub. L. 111-145, §2(b)(1), Mar. 4, 2010, 124 Stat. 51; Pub. L. 114-113, div. I, title I, §1001(a), (b), Dec. 18, 2015, 129 Stat. 2663.)

Editorial Notes

CODIFICATION

Section was classified to section 207e 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 is from the Supplemental Appropriations Act, 2001.

AMENDMENTS

2015—Subsec. (a)(1). Pub. L. 114-113, §1001(a), substituted “District of Columbia), and from any other source in the case of assistance provided in connection with an activity that was not sponsored by Congress” for “District of Columbia)”.

Subsec. (a)(2). Pub. L. 114-113, §1001(b), substituted “any law enforcement assistance for which reimbursement described in paragraph (1) is made” for “law enforcement assistance to any Federal, State, or local government agency (including any agency of the District of Columbia)”.

2010—Subsec. (a)(1). Pub. L. 111-145, §2(b)(1)(A), substituted “United States Capitol Police” for “Capitol Police Board” in two places.

Subsec. (a)(2). Pub. L. 111–145, §2(b)(1)(B), substituted “Chief of the United States Capitol Police” for “Capitol Police Board”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2015 AMENDMENT

Pub. L. 114–113, div. I, title I, §1001(c), Dec. 18, 2015, 129 Stat. 2663, provided that: “The amendments made by this section [amending this section] shall only apply with respect to any reimbursement received before, on, or after the date of the enactment of the Act [Dec. 18, 2015].”

EFFECTIVE DATE OF 2010 AMENDMENT

Pub. L. 111–145, §2(b)(2), Mar. 4, 2010, 124 Stat. 51, provided that: “The amendments made by paragraph (1) [amending this section] shall take effect as if included in the enactment of the Supplemental Appropriations Act, 2001 [Pub. L. 107–20].”

§ 1905a. Reimbursement for salaries paid for service at Federal Law Enforcement Training Center

Notwithstanding any other provision of law, the Chief of the Capitol Police is authorized to receive moneys from the Department of the Treasury as reimbursements for salaries paid by the Capitol Police in connection with certain officers and members of the United States Capitol Police serving as instructors at the Federal Law Enforcement Training Center. Moneys so received shall be deposited in the Treasury of the United States as miscellaneous receipts.

(Pub. L. 95–26, title I, §111, May 4, 1977, 91 Stat. 87; Pub. L. 108–7, div. H, title I, §1018(h)(3), Feb. 20, 2003, 117 Stat. 369.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 64–3 of this title.

Section is from the Supplemental Appropriations Act, 1977.

AMENDMENTS

2003—Pub. L. 108–7 substituted “Chief of the Capitol Police” for “Secretary of the Senate” and “the Capitol Police” for “the United States Senate”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2003 AMENDMENT

Amendment by Pub. L. 108–7 effective Feb. 20, 2003, and applicable to fiscal year 2003 and each fiscal year thereafter, see section 1907(i) of this title.

TRANSFER OF FUNCTIONS

For transfer of functions, personnel, assets, and liabilities of the Federal Law Enforcement Training Center of the Department of the Treasury to the Secretary of Homeland Security, and for treatment of related references, see sections 203(4), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

§ 1905b. Notification of obligation

(a) Beginning on March 15, 2022, the Chief of the United States Capitol Police shall provide written notice to the Committee on Appropriations of the Senate and the Committee on Ap-

propriations of the House of Representatives before any obligation of funds under section 1905(a)(2) of this title that equals or exceeds \$100,000.

(b) This section shall apply with respect to fiscal year 2022 and each fiscal year thereafter.

(Pub. L. 117–103, div. I, title I, §120, Mar. 15, 2022, 136 Stat. 513.)

§ 1906. Disposal of surplus property

(a) In general

Within the limits of available appropriations, the Capitol Police may dispose of surplus or obsolete property of the Capitol Police, and property which is in the possession of the Capitol Police because it has been disposed, forfeited, voluntarily abandoned, or unclaimed, by inter-agency transfer, donation, sale, trade-in, or other appropriate method.

(b) Amounts received

Any amounts received by the Capitol Police from the disposition of property under subsection (a) shall be credited to the account established for the general expenses of the Capitol Police, and shall be available to carry out the purposes of such account during the fiscal year in which the amounts are received and the following fiscal year.

(c) Effective date

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

(Pub. L. 108–7, div. H, title I, §1003, Feb. 20, 2003, 117 Stat. 357; Pub. L. 115–31, div. I, title I, §1001(a), May 5, 2017, 131 Stat. 578.)

Editorial Notes

CODIFICATION

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

AMENDMENTS

2017—Subsec. (a). Pub. L. 115–31 substituted “surplus or obsolete property of the Capitol Police, and property which is in the possession of the Capitol Police because it has been disposed, forfeited, voluntarily abandoned, or unclaimed,” for “surplus or obsolete property of the Capitol Police”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2017 AMENDMENT

Pub. L. 115–31, div. I, title I, §1001(c), May 5, 2017, 131 Stat. 578, provided that: “This section [enacting section 1982 of this title and amending this section] and the amendment made by this section shall apply with respect to fiscal year 2017 and each succeeding fiscal year.”

§ 1907. Transfer of disbursing function

(a) In general

(1) Disbursing officer

The Chief of the Capitol Police shall be the disbursing officer for the Capitol Police. Any reference in any law or resolution before February 20, 2003, to funds paid or disbursed by the Chief Administrative Officer of the House of Representatives and the Secretary of the Senate relating to the pay and allowances of

Capitol Police employees shall be deemed to refer to the Chief of the Capitol Police.

(2) Transfer

Any statutory function, duty, or authority of the Chief Administrative Officer of the House of Representatives or the Secretary of the Senate as disbursing officers for the Capitol Police shall transfer to the Chief of the Capitol Police as the single disbursing officer for the Capitol Police.

(3) Continuity of function during transition

Until such time as the Chief notifies the Chief Administrative Officer of the House of Representatives and the Secretary of the Senate that systems are in place for discharging the disbursing functions under this subsection, the House of Representatives and the Senate shall continue to serve as the disbursing authority on behalf of the Capitol Police.

(b) Treasury accounts

(1) Salaries

(A) In general

There is established in the Treasury of the United States a separate account for the Capitol Police, into which shall be deposited appropriations received by the Chief of the Capitol Police and available for the salaries of the Capitol Police.

(B) Transfer authority during transition

Until such time as the Chief notifies the Chief Administrative Officer of the House of Representatives and the Secretary of the Senate that systems are in place for discharging the disbursing functions under subsection (a), the Chief shall have the authority to transfer amounts in the account to the House of Representatives and the Senate to the extent necessary to enable the Chief Administrative Officer of the House of Representatives and the Secretary of the Senate to continue to serve as the disbursing authority on behalf of the Capitol Police pursuant to subsection (a)(3).

(2) General expenses

There is established in the Treasury of the United States a separate account for the Capitol Police, into which shall be deposited appropriations received by the Chief of the Capitol Police and available for the general expenses of the Capitol Police.

(c) Transfer of funds, assets, accounts, records, and authority

(1) In general

The Chief Administrative Officer of the House of Representatives and the Secretary of the Senate are authorized and directed to transfer to the Chief of the Capitol Police all funds, assets, accounts, and copies of original records of the Capitol Police that are in the possession or under the control of the Chief Administrative Officer of the House of Representatives or the Secretary of the Senate in order that all such items may be available for the unified operation of the Capitol Police. Any funds so transferred shall be deposited in the Treasury accounts established under sub-

section (b) and be available to the Chief of the Capitol Police for the same purposes as, and in like manner and subject to the same conditions as, the funds prior to the transfer.

(2) Existing transfer authority

Any transfer authority existing before February 20, 2003, granted to the Chief Administrative Officer of the House of Representatives or the Secretary of the Senate for salaries, expenses, and operations of the Capitol Police shall be transferred to the Chief of the Capitol Police.

(d) Unexpended balances

Except as may otherwise be provided in law, the unexpended balances of appropriations for the fiscal year 2003 and succeeding fiscal years that are subject to disbursement by the Chief of the Capitol Police shall be withdrawn as of September 30 of the fifth fiscal year following the period or year for which provided. Unpaid obligations chargeable to any of the balances so withdrawn or appropriations for prior years shall be liquidated from any appropriations for the same general purpose, which, at the time of payment, are available for disbursement.

(e) Hiring authority; eligibility for same benefits as House employees

(1) Authority

(A) In general

The Chief of the Capitol Police, in carrying out the duties of office, is authorized to appoint, hire, suspend with or without pay, discipline, discharge, and set the terms, conditions, and privileges of employment of employees of the Capitol Police, subject to and in accordance with applicable laws and regulations.

(B) Special rule for terminations

The Chief may terminate an officer, member, or employee only after the Chief has provided notice of the termination to the Capitol Police Board (in such manner as the Board may from time to time require) and the Board has approved the termination, except that if the Board has not disapproved the termination prior to the expiration of the 30-day period which begins on the date the Board receives the notice, the Board shall be deemed to have approved the termination.

(C) Notice or approval

The Chief of the Capitol Police shall provide notice or receive approval, as required by the Committee on Rules and Administration of the Senate and the Committee on House Administration of the House of Representatives, as each Committee determines appropriate for—

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

(ii) the establishment of any new position for officers, members, or employees of the Capitol Police, for reclassification of existing positions, for reorganization plans, or for hiring, termination, or promotion for officers, members, or employees of the Capitol Police.

(2) Benefits

Employees of the Capitol Police who are appointed by the Chief under the authority of this subsection shall be subject to the same type of benefits (including the payment of death gratuities, the withholding of debt, and health, retirement, Social Security, and other applicable employee benefits) as are provided to employees of the House of Representatives, and any such individuals serving as employees of the Capitol Police as of February 20, 2003, shall be subject to the same rules governing rights, protections, pay, and benefits in effect immediately before such date until such rules are changed under applicable laws or regulations.

(f) Repealed. Pub. L. 113-76, div. I, title I, § 1002(b), Jan. 17, 2014, 128 Stat. 424

(g) Effect on existing law**(1) In general**

The provisions of this section shall not be construed to reduce the pay or benefits of any employee of the Capitol Police whose pay was disbursed by the Chief Administrative Officer of the House of Representatives or the Secretary of the Senate before February 20, 2003.

(2) Superseding provisions

All provisions of law inconsistent with this section are hereby superseded to the extent of the inconsistency.

(h) Omitted**(i) Effective date**

This section and the amendments made by this section shall take effect on February 20, 2003, and shall apply to fiscal year 2003 and each fiscal year thereafter.

(Pub. L. 108-7, div. H, title I, § 1018, Feb. 20, 2003, 117 Stat. 366; Pub. L. 111-145, § 2(a)(4)(A), Mar. 4, 2010, 124 Stat. 49; Pub. L. 113-76, div. I, title I, § 1002(b), Jan. 17, 2014, 128 Stat. 424.)

Editorial Notes**REFERENCES IN TEXT**

For the amendments made by this section, referred to in subsec. (i), see Codification note below.

CODIFICATION

Section is comprised of section 1018 of div. H of Pub. L. 108-7. Subsec. (h) of section 1018 of Pub. L. 108-7 amended sections 1901 and 1905a of this title and repealed section 1921 of this title.

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

AMENDMENTS

2014—Pub. L. 113-76 struck out subsec. (f) which established a worker's compensation account for the Capitol Police.

2010—Subsec. (e)(1). Pub. L. 111-145 added par. (1) and struck out former par. (1) which authorized the Chief of the Capitol Police to appoint, hire, discharge, and set the terms, conditions, and privileges of employment of employees of the Capitol Police, subject to review and approval.

Statutory Notes and Related Subsidiaries**EFFECTIVE DATE OF 2014 AMENDMENT**

Pub. L. 113-76, div. I, title I, § 1002(c), Jan. 17, 2014, 128 Stat. 424, provided that: "This section [enacting section

1907b of this title and amending this section] shall apply with respect to appropriations for fiscal year 2014 and each fiscal year thereafter."

§ 1907a. Authority to transfer amounts between salaries and general expenses

During fiscal year 2014 and any succeeding fiscal year, the Capitol Police may transfer amounts appropriated for the fiscal year between the category for salaries and the category for general expenses, upon the approval of the Committees on Appropriations of the House of Representatives and Senate.

(Pub. L. 113-76, div. I, title I, § 1001, Jan. 17, 2014, 128 Stat. 424.)

§ 1907b. Funds available for workers compensation payments

Available balances of expired United States Capitol Police appropriations shall be available to the Capitol Police to make the deposit to the credit of the Employees' Compensation Fund required by section 8147(b) of title 5.

(Pub. L. 113-76, div. I, title I, § 1002(a), Jan. 17, 2014, 128 Stat. 424.)

Statutory Notes and Related Subsidiaries**EFFECTIVE DATE**

Section applicable with respect to appropriations for fiscal year 2014 and each fiscal year thereafter, see section 1002(c) of Pub. L. 113-76, set out as an Effective Date of 2014 Amendment note under section 1907 of this title.

§ 1908. Legal representation authority**(a) In general****(1) Authorization of representation**

Any counsel described under paragraph (2) may for the purposes of providing legal assistance and representation to the United States Capitol Police Board or the United States Capitol Police enter an appearance in any proceeding before any court of the United States or of any State or political subdivision thereof, without compliance with any requirement for admission to practice before such court.

(2) Counsel

Paragraph (1) refers to—

(A) the General Counsel to the Chief of Police and the United States Capitol Police;

(B) the Employment Counsel to the Chief of Police and the United States Capitol Police;

(C) any attorney employed in the Office of the General Counsel for the United States Capitol Police or the Office of Employment Counsel for the United States Capitol Police;

(D) the counsel for, or any attorney employed by, any successor office of either office described under subparagraph (C); and

(E) any attorney retained by contract with either office described under subparagraph (C).

(b) Limitations**(1) Direction for appearance**

Entrance of appearance authorized under subsection (a) shall be subject to the direction of the Capitol Police Board.

(2) United States Supreme Court

The authority under subsection (a) shall not apply with respect to the admission of any person to practice before the United States Supreme Court.

(c) Effective date

This section shall apply to fiscal year 2004, and each fiscal year thereafter.

(Pub. L. 108–83, title I, § 1002, Sept. 30, 2003, 117 Stat. 1020; Pub. L. 111–145, §§ 3(b)(1), 4(a)(1), Mar. 4, 2010, 124 Stat. 52.)

Editorial Notes

CODIFICATION

Section is from the Legislative Branch Appropriations Act, 2004.

AMENDMENTS

2010—Subsec. (a)(2)(A). Pub. L. 111–145, § 3(b)(1), substituted “the General Counsel to the Chief of Police and the United States Capitol Police” for “the General Counsel for the United States Capitol Police Board and the Chief of the Capitol Police”.

Subsec. (a)(2)(B). Pub. L. 111–145, § 4(a)(1), substituted “the Employment Counsel to the Chief of Police and the United States Capitol Police” for “the Employment Counsel for the United States Capitol Police Board and the United States Capitol Police”.

Statutory Notes and Related Subsidiaries

CONSTRUCTION OF 2010 AMENDMENT

Pub. L. 111–145, § 3(b)(2), Mar. 4, 2010, 124 Stat. 52, provided that: “Nothing in the amendment made by paragraph (1) [amending this section] may be construed to affect the authority of any individual to enter an appearance in any proceeding before any court of the United States or of any State or political subdivision thereof which is initiated prior to the date of the enactment of this Act [Mar. 4, 2010].”

Pub. L. 111–145, § 4(a)(2), Mar. 4, 2010, 124 Stat. 52, provided that: “Nothing in the amendment made by paragraph (1) [amending this section] may be construed to affect the authority of any individual to enter an appearance in any proceeding before any court of the United States or of any State or political subdivision thereof which is initiated prior to the date of the enactment of this Act [Mar. 4, 2010].”

Pub. L. 111–145, § 4(b), Mar. 4, 2010, 124 Stat. 52, provided that: “Nothing in this section [amending this section and enacting provisions set out as a note above] or the amendments made by this section may be construed to affect the status of the individual serving as the Employment Counsel to the Chief of Police and the United States Capitol Police as of the date of the enactment of this Act [Mar. 4, 2010].”

§ 1909. Inspector General for the United States Capitol Police

(a) Establishment of Office

There is established in the United States Capitol Police the Office of the Inspector General (hereafter in this section referred to as the “Office”), headed by the Inspector General of the United States Capitol Police (hereafter in this section referred to as the “Inspector General”).

(b) Inspector General

(1) Appointment

The Inspector General shall be appointed by, and under the general supervision of, the Capitol Police Board. The appointment shall be

made in consultation with the Inspectors General of the Library of Congress, Government Publishing Office, and the Government Accountability Office. The Capitol Police Board shall appoint the Inspector General without regard to political affiliation and solely on the basis of integrity and demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigations.

(2) Term of service

The Inspector General shall serve for a term of 5 years, and an individual serving as Inspector General may be reappointed for not more than 2 additional terms.

(3) Removal

The Inspector General may be removed from office prior to the expiration of his term only by the unanimous vote of all of the voting members of the Capitol Police Board, and the Board shall communicate the reasons for any such removal to the Committee on House Administration, the Senate Committee on Rules and Administration and the Committees on Appropriations of the House of Representatives and of the Senate.

(4) Salary

The Inspector General shall be paid at an annual rate equal to \$1,000 less than the annual rate of pay in effect for the Chief of the Capitol Police.

(5) Deadline

The Capitol Police Board shall appoint the first Inspector General under this section not later than 180 days after August 2, 2005.

(c) Duties

(1) Applicability of duties of Inspector General of executive branch establishment

The Inspector General shall carry out the same duties and responsibilities with respect to the United States Capitol Police as an Inspector General of an establishment carries out with respect to an establishment under section 404 of title 5, under the same terms and conditions which apply under such section.

(2) Semiannual reports

The Inspector General shall prepare and submit semiannual reports summarizing the activities of the Office in the same manner, and in accordance with the same deadlines, terms, and conditions, as an Inspector General of an establishment under section 405 (other than subsection (b)(13) thereof) of title 5. For purposes of applying section 405 of such title to the Inspector General, the Chief of the Capitol Police shall be considered the head of the establishment. The Chief shall, within 30 days of receipt of a report, report to the Capitol Police Board, the Committee on House Administration, the Senate Committee on Rules and Administration, and the Committees on Appropriations of the House of Representatives and of the Senate consistent with section 405(c) of such title.

(3) Investigations of complaints of employees and members

(A) Authority

The Inspector General may receive and investigate complaints or information from an employee or member of the Capitol Police concerning the possible existence of an activity constituting a violation of law, rules, or regulations, or mismanagement, gross waste of funds, abuse of authority, or a substantial and specific danger to the public health and safety, including complaints or information the investigation of which is under the jurisdiction of the Internal Affairs Division of the Capitol Police as of August 2, 2005.

(B) Nondisclosure

The Inspector General shall not, after receipt of a complaint or information from an employee or member, disclose the identity of the employee or member without the consent of the employee or member, unless required by law or the Inspector General determines such disclosure is otherwise unavoidable during the course of the investigation.

(C) Prohibiting retaliation

An employee or member of the Capitol Police who has authority to take, direct others to take, recommend, or approve any personnel action, shall not, with respect to such authority, take or threaten to take any action against any employee or member as a reprisal for making a complaint or disclosing information to the Inspector General, unless the complaint was made or the information disclosed with the knowledge that it was false or with willful disregard for its truth or falsity.

(4) Independence in carrying out duties

Neither the Capitol Police Board, the Chief of the Capitol Police, nor any other member or employee of the Capitol Police may prevent or prohibit the Inspector General from carrying out any of the duties or responsibilities assigned to the Inspector General under this section.

(d) Powers

(1) In general

The Inspector General may exercise the same authorities with respect to the United States Capitol Police as an Inspector General of an establishment may exercise with respect to an establishment under section 406(a) of title 5, other than paragraphs (7) and (8) of such section.

(2) Staff

(A) In general

The Inspector General may appoint and fix the pay of such personnel as the Inspector General considers appropriate. Such personnel may be appointed without regard to the provisions of title 5 regarding appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and Gen-

eral Schedule pay rates, except that no personnel of the Office (other than the Inspector General) may be paid at an annual rate greater than \$500 less than the annual rate of pay of the Inspector General under subsection (b)(4).

(B) Experts and consultants

The Inspector General may procure temporary and intermittent services under section 3109 of title 5 at rates not to exceed the daily equivalent of the annual rate of basic pay for level IV of the Executive Schedule under section 5315 of such title.

(C) Independence in appointing staff

No individual may carry out any of the duties or responsibilities of the Office unless the individual is appointed by the Inspector General, or provides services procured by the Inspector General, pursuant to this paragraph. Nothing in this subparagraph may be construed to prohibit the Inspector General from entering into a contract or other arrangement for the provision of services under this section.

(D) Applicability of Capitol Police personnel rules

None of the regulations governing the appointment and pay of employees of the Capitol Police shall apply with respect to the appointment and compensation of the personnel of the Office, except to the extent agreed to by the Inspector General. Nothing in the previous sentence may be construed to affect subparagraphs (A) through (C).

(3) Equipment and supplies

The Chief of the Capitol Police shall provide the Office with appropriate and adequate office space, together with such equipment, supplies, and communications facilities and services as determined by the Inspector General to be necessary for the operation of the Office, and shall provide necessary maintenance services for such office space and the equipment and facilities located therein.

(e) Transfer of functions

(1) Transfer

To the extent that any office or entity in the Capitol Police prior to the appointment of the first Inspector General under this section carried out any of the duties and responsibilities assigned to the Inspector General under this section, the functions of such office or entity shall be transferred to the Office upon the appointment of the first Inspector General under this section.

(2) No reduction in pay or benefits

The transfer of the functions of an office or entity to the Office under paragraph (1) may not result in a reduction in the pay or benefits of any employee of the office or entity, except to the extent required under subsection (d)(2)(A).

(f) Effective date

This section shall be effective on August 2, 2005.

(Pub. L. 109-55, title I, §1004, Aug. 2, 2005, 119 Stat. 572; Pub. L. 113-235, div. H, title I, §1301(b),

Dec. 16, 2014, 128 Stat. 2537; Pub. L. 117–286, § 4(b)(4), Dec. 27, 2022, 136 Stat. 4342.)

Editorial Notes

REFERENCES IN TEXT

The provisions of title 5 regarding appointments in the competitive service, referred to in subsec. (d)(2)(A), are classified generally to section 3301 et seq. of Title 5, Government Organization and Employees.

CODIFICATION

Section is comprised of section 1004 of Pub. L. 109–55. Subsec. (g) of section 1004 of Pub. L. 109–55 amended section 1903 of this title.

Section is from the Legislative Branch Appropriations Act, 2006.

AMENDMENTS

2022—Subsec. (c)(1). Pub. L. 117–286, § 4(b)(4)(A), substituted “section 404 of title 5,” for “section 4 of the Inspector General Act of 1978, (5 U.S.C. App. 4),”.

Subsec. (c)(2). Pub. L. 117–286, § 4(b)(4)(B), substituted “section 405 (other than subsection (b)(13) thereof) of title 5,” for “section 5 (other than subsection (a)(13) thereof) of the Inspector General Act of 1978, (5 U.S.C. App. 5),” “section 405 of such title” for “section 5 of such Act”, and “section 405(c) of such title.” for “section 5(b) of such Act.”

Subsec. (d)(1). Pub. L. 117–286, § 4(b)(4)(C), substituted “section 406(a) of title 5, other than paragraphs (7) and (8) of such section.” for “section 6(a) of the Inspector General Act of 1978, (5 U.S.C. App. 6(a)), other than paragraphs (7) and (8) of such section.”

Statutory Notes and Related Subsidiaries

CHANGE OF NAME

“Government Publishing Office” substituted for “Government Printing Office” in subsec. (b)(1) on authority of section 1301(b) of Pub. L. 113–235, set out as a note preceding section 301 of Title 44, Public Printing and Documents.

§ 1910. Report of disbursements

(a) In general

Not later than 60 days after the last day of each semiannual period, the Chief of the Capitol Police shall submit to Congress, with respect to that period, a detailed, itemized report of the disbursements for the operations of the United States Capitol Police.

(b) Contents

The report required by subsection (a) shall include—

(1) the name of each person or entity who receives a payment from the Capitol Police and the amount thereof;

(2) a description of any service rendered to the Capitol Police, together with service dates;

(3) a statement of all amounts appropriated to, or received or expended by, the Capitol Police and any unexpended balances of such amounts for any open fiscal year; and

(4) such additional information as may be required by regulation of the Committee on House Administration of the House of Representatives or the Committee on Rules and Administration of the Senate.

(c) Printing

Each report under this section shall be printed as a House document.

(d) Effective date

This section shall apply with respect to the semiannual periods of October 1 through March 31 and April 1 through September 30 of each year, beginning with the semiannual period in which this section is enacted.

(Pub. L. 109–55, title I, § 1005, Aug. 2, 2005, 119 Stat. 575.)

Editorial Notes

CODIFICATION

Section is from the Legislative Branch Appropriations Act, 2006.

§ 1911. General Counsel to the Chief of Police and the United States Capitol Police

(1) In general

There shall be within the United States Capitol Police the General Counsel to the Chief of Police and the United States Capitol Police (in this subsection referred to as the “General Counsel”), who shall report to and serve at the pleasure of the Chief of the United States Capitol Police.

(2) Appointment

The General Counsel shall be appointed by the Chief of the Capitol Police in accordance with section 1907(e)(1) of this title (as amended by section 2(a)(4)),¹ after consultation with the Capitol Police Board, without regard to political affiliation and solely on the basis of fitness to perform the duties of the position.

(3) Compensation

(A) In general

Subject to subparagraph (B), the annual rate of pay for the General Counsel shall be fixed by the Chief of the Capitol Police.

(B) Limitation

The annual rate of pay for the General Counsel may not exceed an annual rate equal to \$1,000 less than the annual rate of pay in effect for the Chief of the Capitol Police.

(4) Omitted

(5) No effect on current General Counsel

Nothing in this section or the amendments made by this section may be construed to affect the status of the individual serving as the General Counsel to the Chief of Police and the United States Capitol Police as of March 4, 2010.

(Pub. L. 111–145, § 3(a), Mar. 4, 2010, 124 Stat. 51.)

Editorial Notes

REFERENCES IN TEXT

Section 2(a)(4), referred to in par. (2), means section 2(a)(4) of Pub. L. 111–145.

For the amendments made by this section, referred to in par. (5), see Codification note below.

CODIFICATION

Section is comprised of subsec. (a) of section 3 of Pub. L. 111–145. Subsec. (a)(4) of section 3 of Pub. L. 111–145 repealed section 84–2 of this title, now section 5521 of

¹ See References in Text note below.

this title, and provisions set out as a note under section 1901 of this title.

§ 1912. Volunteer chaplain services

(a) The Chief of the Capitol Police shall have authority to accept unpaid religious chaplain services, whereby volunteers from multiple faiths, authorized by their respective religious endorsing agency or organization, may advise, administer, and perform spiritual care and religious guidance for Capitol Police employees.

(b) Chaplains shall not be required to perform any rite, ritual, or ceremony, and employees shall not be required to receive such rite, ritual, or ceremony, if doing so would compromise the conscience, moral principles, or religious beliefs of such chaplain or employees or the chaplain's endorsing agency or organization.

(c) **EFFECTIVE DATE.**—This section shall apply with respect to fiscal year 2023 and each succeeding fiscal year.

(Pub. L. 117-328, div. I, title I, § 120, Dec. 29, 2022, 136 Stat. 4926.)

PART B—COMPENSATION AND OTHER PERSONNEL MATTERS

§ 1921. Repealed. Pub. L. 108-7, div. H, title I, § 1018(h)(2), Feb. 20, 2003, 117 Stat. 369

Section, R.S. §1822, provided that Capitol Police would be paid on the order of the Sergeant at Arms of the Senate or the House.

Editorial Notes

CODIFICATION

Section was classified to section 207 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.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF REPEAL

Repeal effective Feb. 20, 2003, and applicable to fiscal year 2003 and each fiscal year thereafter, see section 1907(i) of this title.

§ 1921a. Sole and exclusive authority of Board and Chief to determine rates of pay

(a) In general

The Capitol Police Board and the Chief of the Capitol Police shall have the sole and exclusive authority to determine the rates and amounts for each of the following for members of the Capitol Police:

(1) The rate of basic pay (including the rate of basic pay upon appointment), premium pay, specialty assignment and proficiency pay, and merit pay.

(2) The rate of cost-of-living adjustments, comparability adjustments, and locality adjustments.

(3) The amount for recruitment and relocation bonuses.

(4) The amount for retention allowances.

(5) The amount for educational assistance payments.

(b) No review or appeal permitted

The determination of a rate or amount described in subsection (a) may not be subject to review or appeal in any manner.

(c) Rule of construction

Nothing in this section may be construed to affect—

(1) any authority provided under law for a committee of the House of Representatives or Senate, or any other entity of the legislative branch, to review or approve any determination of a rate or amount described in subsection (a);

(2) any rate or amount described in subsection (a) which is established under law; or

(3) the terms of any collective bargaining agreement.

(d) Effective date

This section shall apply with respect to fiscal year 2005 and each succeeding fiscal year.

(Pub. L. 108-447, div. G, title I, § 1004, Dec. 8, 2004, 118 Stat. 3180.)

Editorial Notes

CODIFICATION

Section is from the Legislative Branch Appropriations Act, 2005, which is div. G of the Consolidated Appropriations Act, 2005.

§ 1922. Unified payroll administration

Payroll administration for the Capitol Police and civilian support personnel of the Capitol Police shall be carried out on a unified basis by a single disbursing authority. The Capitol Police Board, with the approval of the Committee on House Oversight of the House of Representatives and the Committee on Rules and Administration of the Senate, acting jointly, shall, by contract or otherwise, provide for such unified payroll administration.

(July 31, 1946, ch. 707, §9C, as added Pub. L. 102-397, title I, § 102, Oct. 6, 1992, 106 Stat. 1950; amended Pub. L. 104-186, title II, § 221(12), Aug. 20, 1996, 110 Stat. 1750.)

Editorial Notes

CODIFICATION

Section was classified to section 207a 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

1996—Pub. L. 104-186 substituted “House Oversight” for “House Administration”.

Statutory Notes and Related Subsidiaries

CHANGE OF NAME

Committee on House Oversight of House of Representatives changed to Committee on House Administration of House of Representatives by House Resolution No. 5, One Hundred Sixth Congress, Jan. 6, 1999.

EFFECTIVE DATE

Pub. L. 102-397, title I, § 104, Oct. 6, 1992, 106 Stat. 1950, as amended by Pub. L. 102-392, title III, § 321, Oct. 6, 1992, 106 Stat. 1726, provided that: “The unified payroll administration under the amendment made by section 102 [enacting this section] shall apply with respect to pay periods beginning after September 30, 1993.”

[Pub. L. 102-392, title III, § 321, Oct. 6, 1992, 106 Stat. 1726, provided that the amendment made by that sec-

tion to section 104 of Pub. L. 102-397, set out above, is effective Oct. 6, 1992.]

§ 1923. Unified schedules of rates of basic pay and leave system

(a) Rates of basic pay

(1) The Capitol Police Board shall establish and maintain unified schedules of rates of basic pay for members and civilian employees of the Capitol Police which shall apply to both members and employees whose appointing authority is an officer of the Senate and members and employees whose appointing authority is an officer of the House of Representatives.

(2) The Capitol Police Board may, from time to time, adjust any schedule established under paragraph (1) to the extent that the Board determines appropriate to reflect changes in the cost of living and to maintain pay comparability.

(3) A schedule established or revised under paragraph (1) or (2) shall take effect only upon approval by the Committee on House Oversight of the House of Representatives and the Committee on Rules and Administration of the Senate.

(4) A schedule approved under paragraph (3) shall have the force and effect of law.

(b) Leave system

(1) The Capitol Police Board shall prescribe, by regulation, a unified leave system for members and civilian employees of the Capitol Police which shall apply to both members and employees whose appointing authority is an officer of the Senate and members and employees whose appointing authority is an officer of the House of Representatives. The leave system shall include provisions for—

- (A) annual leave, based on years of service;
- (B) sick leave;
- (C) administrative leave;
- (D) leave under the Family and Medical Leave Act of 1993 (29 U.S.C. 2601 et seq.);
- (E) leave without pay and leave with reduced pay, including provisions relating to contributions for benefits for any period of such leave;
- (F) approval of all leave by the Chief or the designee of the Chief;
- (G) the order in which categories of leave shall be used;
- (H) use, accrual, and carryover rules and limitations, including rules and limitations for any period of active duty in the Armed Forces;
- (I) advance of annual leave or sick leave after a member or civilian employee has used all such accrued leave;
- (J) buy back of annual leave or sick leave used during an extended recovery period in the case of an injury in the performance of duty;
- (K) the use of accrued leave before termination of the employment as a member or civilian employee of the Capitol Police, with provision for lump sum payment for unused annual leave; and
- (L) a leave-sharing program.

(2) The leave system under this section may not provide for the accrual of either annual or sick leave for any period of leave without pay or leave with reduced pay.

(3) All provisions of the leave system established under this subsection shall be subject to the approval of the Committee on House Oversight of the House of Representatives and the Committee on Rules and Administration of the Senate. All regulations approved under this subsection shall have the force and effect of law.

(c) Lump sum payments

(1) Upon the approval of the Capitol Police Board, a member or civilian employee of the Capitol Police who is separated from service may be paid a lump sum payment for the accrued annual leave of the member or civilian employee.

(2) The lump sum payment under paragraph (1)—

(A) shall equal the pay the member or civilian employee would have received had such member or employee remained in the service until the expiration of the period of annual leave;

(B) shall be paid from amounts appropriated to the Capitol Police;

(C) shall be based on the rate of basic pay in effect with respect to the member or civilian employee on the last day of service of the member or civilian employee;

(D) shall not be calculated on the basis of extending the period of leave described under subparagraph (A) by any holiday occurring after the date of separation from service;

(E) shall be considered pay for taxation purposes only; and

(F) shall be paid only after the Chairman of the Capitol Police Board certifies the applicable period of leave to the Secretary of the Senate or the Chief Administrative Officer of the House of Representatives, as appropriate.

(3) A member or civilian employee of the Capitol Police who enters active duty in the Armed Forces may—

(A) receive a lump sum payment for accrued annual leave in accordance with this subsection, in addition to any pay or allowance payable from the Armed Forces; or

(B) elect to have the leave remain to the credit of such member or civilian employee until such member or civilian employee returns from active duty.

(4) The Capitol Police Board may prescribe regulations to carry out this subsection. No lump sum payment may be paid under this subsection until such regulations are approved by the Committee on Rules and Administration of the Senate and the Committee on House Oversight of the House of Representatives. All regulations approved under this subsection shall have the force and effect of law.

(d) Effect on appointment authority

Nothing in this section shall be construed to affect the appointing authority of any officer of the Senate or the House of Representatives.

(Pub. L. 105-55, title I, § 111, Oct. 7, 1997, 111 Stat. 1186.)

Editorial Notes

REFERENCES IN TEXT

The Family and Medical Leave Act of 1993, referred to in subsec. (b)(1)(D), is Pub. L. 103-3, Feb. 5, 1993, 107

Stat. 6, which enacted sections 60m and 60n of this title, sections 6381 to 6387 of Title 5, Government Organization and Employees, and chapter 28 (§2601 et seq.) of Title 29, Labor, amended section 2105 of Title 5, and enacted provisions set out as notes under section 2601 of Title 29. For complete classification of this Act to the Code, see Short Title note set out under section 2601 of Title 29 and Tables.

CODIFICATION

Section was classified to section 207b 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.

Statutory Notes and Related Subsidiaries

CHANGE OF NAME

Committee on House Oversight of House of Representatives changed to Committee on House Administration of House of Representatives by House Resolution No. 5, One Hundred Sixth Congress, Jan. 6, 1999.

§ 1924. Repealed. Pub. L. 111–145, §5(a)(2)(A), Mar. 4, 2010, 124 Stat. 53

Section, Pub. L. 92–184, ch. IV, Dec. 15, 1971, 85 Stat. 636; Pub. L. 93–245, ch. VI, §600, Jan. 3, 1974, 87 Stat. 1079; Pub. L. 93–554, title I, ch. III, Dec. 27, 1974, 88 Stat. 1777; Pub. L. 104–186, title II, §221(10), (11), Aug. 20, 1996, 110 Stat. 1750, related to emergency duty overtime pay from funds disbursed by the Chief Administrative Officer.

Editorial Notes

CODIFICATION

Section was classified to section 206b 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.

Subsecs. (a) to (f) of this section were based on section 3 of H. Res. No. 449, Ninety-second Congress, June 2, 1971, enacted into permanent law by Pub. L. 92–184, as amended by H. Res. No. 398, Ninety-third Congress, June 4, 1973, eff. Jan. 3, 1974, enacted into permanent law by Pub. L. 93–245, and H. Res. No. 1309, Ninety-third Congress, Oct. 10, 1974, eff. Dec. 27, 1974, enacted into permanent law by Pub. L. 93–554.

Subsec. (g) of this section was based on section 3 of H. Res. No. 1309, Ninety-third Congress, Oct. 10, 1974, eff. Dec. 27, 1974, enacted into permanent law by Pub. L. 93–554, and was repealed by Pub. L. 104–186, title II, §221(11)(B), Aug. 20, 1996, 110 Stat. 1750.

As originally codified, this section consisted of two undesignated pars. based on sections 3 and 5 of H. Res. No. 449, Ninety-second Congress, June 2, 1971, enacted into permanent law by Pub. L. 92–184. Section 5 of H. Res. No. 449 was superseded by section 3 of H. Res. No. 1309, formerly set out as subsec. (g) of this section, and was subsequently repealed by Pub. L. 104–186, title II, §221(11)(B), Aug. 20, 1996, 110 Stat. 1750.

§ 1925. Repealed. Pub. L. 111–145, §5(a)(2)(B), Mar. 4, 2010, 124 Stat. 53

Section, Pub. L. 92–51, July 9, 1971, 85 Stat. 130; Pub. L. 93–145, Nov. 1, 1973, 87 Stat. 532; Pub. L. 93–371, §5, Aug. 13, 1974, 88 Stat. 430, related to emergency duty overtime pay from funds disbursed by Secretary of the Senate.

Editorial Notes

CODIFICATION

Section was classified to section 206c 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.

§ 1926. Educational assistance program for employees

(a) Establishment

In order to recruit or retain qualified personnel, the Chief of the Capitol Police may establish an educational assistance program for employees of the Capitol Police under which the Capitol Police may agree—

(1) to repay (by direct payments on behalf of the participating employee) all or any portion of a student loan previously taken out by the employee;

(2) to make direct payments to an educational institution on behalf of a participating employee or to reimburse a participating employee for all or any portion of any tuition or related educational expenses paid by the employee.

(b) Special rules for student loan repayments

(1) Application of regulations under executive branch program

In carrying out subsection (a)(1), the Chief of the Capitol Police may, by regulation, make applicable such provisions of section 5379 of title 5 as the Chief determines necessary to provide for such program.

(2) Restrictions on prior reimbursements

The Capitol Police may not reimburse any individual under subsection (a)(1) for any repayments made by the individual prior to entering into an agreement with the Capitol Police to participate in the program under this section.

(3) Use of recovered amounts

Any amount repaid by, or recovered from, an individual under subsection (a)(1) and its implementing regulations shall be credited to the appropriation account available for salaries or general expenses of the Capitol Police at the time of repayment or recovery. Such credited amount may be used for any authorized purpose of the account and shall remain available until expended.

(c) Limit on amount of payments

The total amount paid by the Capitol Police with respect to any individual under the program under this section may not exceed \$80,000.

(d) No review of determinations

Any determination made under the program under this section shall not be reviewable or appealable in any manner.

(e) Effective date

This section shall apply with respect to fiscal year 2003 and each succeeding fiscal year.

(Pub. L. 107–117, div. B, §908, Jan. 10, 2002, 115 Stat. 2319; Pub. L. 108–7, div. H, title I, §1007, Feb. 20, 2003, 117 Stat. 358; Pub. L. 116–94, div. E, title I, §120, Dec. 20, 2019, 133 Stat. 2763; Pub. L. 116–260, div. I, title I, §120, Dec. 27, 2020, 134 Stat. 1643.)

Editorial Notes

CODIFICATION

Section was classified to section 207b–1 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

2020—Subsec. (c). Pub. L. 116-260 substituted “\$80,000” for “\$60,000”.

2019—Subsec. (c). Pub. L. 116-94 substituted “\$60,000” for “\$40,000”.

2003—Pub. L. 108-7 amended section generally. Prior to amendment, section consisted of subssecs. (a) to (f) relating to student loan repayment program.

Statutory Notes and Related Subsidiaries

DEADLINE FOR REGULATIONS

Pub. L. 108-7, div. H, title I, § 1020, Feb. 20, 2003, 117 Stat. 370, provided that: “Not later than 60 days after the date of the enactment of this Act [Feb. 20, 2003], the Chief of the Capitol Police shall promulgate any regulations required by sections 1004, 1006, 1007, and 1011 of this Act [enacting section 1931 of this title and amending this section and section 1927 of this title].”

§ 1927. Bonuses, retention allowances, and additional compensation

(a) Recruitment and relocation bonuses

(1) Authorization of payment

The Capitol Police Board (hereafter in this section referred to as the “Board”) may authorize the Chief of the United States Capitol Police (hereafter in this section referred to as the “Chief”) to pay a bonus to an individual who is newly appointed to a position as an officer or employee of the Capitol Police, and to pay an additional bonus to an individual who must relocate to accept a position as an officer or employee of the Capitol Police, if the Chief, in the Chief’s sole discretion, determines that such a bonus will assist the Capitol Police in recruitment efforts.

(2) Amount of payment

The amount of a bonus under this subsection shall be determined by regulations of the Board, but the amount of any bonus paid to an individual under this subsection may not exceed 25 percent of the annual rate of basic pay of the position to which the individual is being appointed.

(3) Minimum period of service required

Payment of a bonus under this subsection shall be contingent upon the individual entering into an agreement with the Capitol Police to complete a period of employment with the Capitol Police, with the required period determined pursuant to regulations of the Board. If the individual voluntarily fails to complete such period of service or is separated from the service before completion of such period of service for cause on charges of misconduct or delinquency, the individual shall repay the bonus on a pro rata basis.

(4) Bonus not considered part of basic pay

A bonus under this subsection shall be paid as a lump sum, and may not be considered to be part of the basic pay of the officer or employee.

(5) Payment permitted prior to commencement of duty

Under regulations of the Board, a bonus under this subsection may be paid to a newly-

hired officer or employee before the officer or employee enters on duty.

(6) Determination not appealable or reviewable

Any determination of the Chief under this subsection shall not be appealable or reviewable in any manner.

(b) Retention allowances

(1) Authorization of payment

The Board may authorize the Chief to pay an allowance to an officer or employee of the United States Capitol Police if the Chief, in the Chief’s sole discretion, determines that such a bonus will assist the Capitol Police in retention efforts.

(2) Amount of payment

A retention allowance, which shall be stated as a percentage of the rate of basic pay of the officer or employee, may not exceed 25 percent of such rate of basic pay.

(3) Payment not considered part of basic pay

A retention allowance may not be considered to be part of the basic pay of an officer or employee, and 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. The preceding sentence shall not be construed to extinguish or lessen any right or remedy under any of the laws made applicable to the Capitol Police pursuant to section 1302 of this title.

(4) Time and manner of payment

A retention allowance under this subsection shall be paid at the same time and in the same manner as the officer’s or employee’s basic pay is paid.

(c) Lump sum incentive and merit bonus payments

(1) In general

The Board may pay an incentive or merit bonus to an officer or employee of the United States Capitol Police who meets such criteria for receiving the bonus as the Board may establish.

(2) Bonus not considered part of basic pay

A bonus under this subsection shall be paid as a lump sum, and may not be considered to be part of the basic pay of the officer or employee.

(d) Service step increases for meritorious service for officers

Upon the approval of the Chief—

(1) an officer of the United States Capitol Police in a service step who has demonstrated meritorious service (in accordance with criteria established by the Chief or the Chief’s designee) may be advanced in compensation to the next higher service step, effective with the first pay period which begins after the date of the Chief’s approval; and

(2) an officer of the United States Capitol Police in a service step who has demonstrated extraordinary performance (in accordance with criteria established by the Chief or the

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 section¹ (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

¹ So in original. Probably should be “subsection”.

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.

(R.S. §1824; Pub. L. 92-607, ch. V, §507, Oct. 31, 1972, 86 Stat. 1508; Pub. L. 95-26, title I, §112, May 4, 1977, 91 Stat. 87; Pub. L. 108-447, div. G, title I, §1003, Dec. 8, 2004, 118 Stat. 3180.)

Editorial Notes

CODIFICATION

Section was classified to section 210 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. §1824 derived from act Mar. 30, 1867, ch. 20, §1, 15 Stat. 11.

AMENDMENTS

2004—Pub. L. 108-447, in first sentence, substituted “The Capitol Police Board” for “The Sergeant at Arms of the Senate and the Sergeant at Arms of the House of Representatives” and “payable from appropriations to the Capitol Police upon certification of payment by the Chief of the Capitol Police” for “payable out of the contingent fund of the Senate and House of Representatives upon the certificate of the officers above named” and, in second sentence, inserted “or other arms as authorized by the Capitol Police Board” after “furnished” and substituted “the Capitol Police Board” for “the Sergeant at Arms of the Senate and the Sergeant at Arms of the House of Representatives”.

1977—Pub. L. 95-26 struck out “at a cost not to exceed twenty dollars per man,” after “furnish each member of the force with the necessary belts and arms.”.

1972—Pub. L. 92-607 directed that the arms be carried in the Capitol Buildings and within and without the boundaries of the United States Capitol Grounds according to regulations prescribed by the Sergeant at Arms of the Senate and the Sergeant at Arms of the House of Representatives.

§ 1942. Uniform to display United States flag or colors

(a) The uniform of officers and members of the United States Park Police force, the United States Secret Service Uniformed Division, the Capitol Police, and the Metropolitan Police force of the District of Columbia shall bear a distinctive patch, pin, or other emblem depicting the flag of the United States or the colors thereof.

(b) The Secretary of the Interior in the case of the United States Park Police force, the Secretary of the Treasury in the case of the United States Secret Service Uniformed Division, the Capitol Police Board in the case of the Capitol Police, and the Mayor of the District of Columbia in the case of the Metropolitan Police force shall prescribe such regulations as may be necessary to carry out the purposes of this section.

(Pub. L. 91-297, title II, §201(a), (b), June 30, 1970, 84 Stat. 357; Pub. L. 93-198, title IV, §421, Dec. 24, 1973, 87 Stat. 789; Pub. L. 95-179, Nov. 15, 1977, 91 Stat. 1371.)

Editorial Notes

CODIFICATION

Section was classified to section 210a 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

1977—Pub. L. 95-179 substituted “United States Secret Service Uniformed Division” for “Executive Protective Service” wherever appearing.

Statutory Notes and Related Subsidiaries

TRANSFER OF FUNCTIONS

Office of Commissioner of District of Columbia, as established by Reorg. Plan No. 3 of 1967, abolished as of noon Jan. 2, 1975, by Pub. L. 93-198, title VII, §711, Dec. 24, 1973, 87 Stat. 818, and replaced by office of Mayor of District of Columbia by section 421 of Pub. L. 93-198. Accordingly, “Mayor” substituted in text for “commissioner”.

§ 1943. Repealed. Pub. L. 111-145, §6(b), Mar. 4, 2010, 124 Stat. 54

Section, R.S. §1825, required members of the Capitol police to pay for their own uniforms.

Editorial Notes

CODIFICATION

Section was classified to section 211 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. §1825 derived from act July 20, 1868, ch. 176, §1, 15 Stat. 94.

§ 1944. Wearing uniform on duty

The officers, privates, and watchmen of the Capitol police shall, when on duty, wear the regulation uniform.

(Mar. 18, 1904, ch. 716, §1, 33 Stat. 89.)

Editorial Notes

CODIFICATION

Section was classified to section 212 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.

The text of this section was taken from act Mar. 18, 1904, popularly known as the “Legislative, Executive and Judicial Appropriation Act for the fiscal year ending June 30, 1905”. Similar provisions were contained in the following prior appropriation acts:

Feb. 25, 1903, ch. 755, §1, 32 Stat. 857.

Mar. 3, 1901, ch. 830, §1, 31 Stat. 963.

PART D—UNITED STATES CAPITOL POLICE MEMORIAL FUND

§ 1951. Establishment of United States Capitol Police Memorial Fund

There is hereby established in the Treasury of the United States the United States Capitol Police Memorial Fund (hereafter in this part referred to as the “Fund”). All amounts received by the Capitol Police Board which are designated for deposit into the Fund, including amounts received in response to the shooting incident at the practice for the Congressional Baseball Game for Charity on June 14, 2017, shall be deposited into the Fund.

(Pub. L. 105-223, §1, Aug. 7, 1998, 112 Stat. 1250; Pub. L. 115-45, §2(c), Aug. 4, 2017, 131 Stat. 957.)

Editorial Notes

CODIFICATION

Section was classified to section 207c 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

2017—Pub. L. 115-45 substituted “deposit into the Fund, including amounts received in response to the

shooting incident at the practice for the Congressional Baseball Game for Charity on June 14, 2017,” for “deposit into the Fund”.

§ 1952. Payments from Fund for families of Detective Gibson and Private First Class Chestnut and certain other United States Capitol Police employees

(a) In general

Except to the extent used or reserved for use under subsection (b) and subject to the regulations issued under section 1954 of this title, amounts in the Fund shall be paid to the families of Detective John Michael Gibson and Private First Class Jacob Joseph Chestnut of the United States Capitol Police as follows:

- (1) Fifty percent of such amounts shall be paid to the widow and children of Detective Gibson.
- (2) Fifty percent of such amounts shall be paid to the widow and children of Private First Class Chestnut.

(b) Payments for employees killed in the line of duty or sustaining serious line-of-duty injuries

In addition to the amounts paid under subsection (a), and in accordance with the regulations issued under section 1954(b) of this title, amounts in the Fund may be paid to—

- (1) families of employees of the United States Capitol Police who were killed in the line of duty; or
- (2) employees of the United States Capitol Police who have sustained serious line-of-duty injuries.

(Pub. L. 105–223, § 2, Aug. 7, 1998, 112 Stat. 1250; Pub. L. 115–45, § 2(a), Aug. 4, 2017, 131 Stat. 956.)

Editorial Notes

CODIFICATION

Section was classified to section 207c–1 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

2017—Pub. L. 115–45 inserted “and certain other United States Capitol Police employees” at end of section catchline, designated existing provisions as subsec. (a), inserted heading, substituted “Except to the extent used or reserved for use under subsection (b) and subject to the regulations” for “Subject to the regulations”, and added subsec. (b).

§ 1953. Tax treatment of Fund

(a) Contributions to Fund

For purposes of title 26, any contribution or gift to or for the use of the Fund shall be treated as a contribution or gift for exclusively public purposes to or for the use of an organization described in section 170(c)(1) of title 26.

(b) Treatment of payments from Fund

Any payment from the Fund shall not be subject to any Federal, State, or local income or gift tax.

(c) Exemption

For purposes of title 26, notwithstanding section 501(c)(1)(A) of title 26, the Fund shall be

treated as described in section 501(c)(1) of title 26 and exempt from tax under section 501(a) of title 26.

(Pub. L. 105–223, § 3, Aug. 7, 1998, 112 Stat. 1250.)

Editorial Notes

CODIFICATION

Section was classified to section 207c–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.

§ 1954. Administration by Capitol Police Board

(a) In general

The Capitol Police Board shall administer and manage the Fund (including establishing the timing and manner of making payments under section 1952 of this title) in accordance with regulations issued by the Board, subject to the approval of the Committee on Rules and Administration of the Senate and the Committee on House Oversight of the House of Representatives. Under such regulations, the Board shall pay any balance remaining in the Fund upon the expiration of the 6-month period which begins on August 7, 1998, to the families of Detective John Michael Gibson and Private First Class Jacob Joseph Chestnut in accordance with section 1952 of this title, and shall disburse any amounts in the Fund after the expiration of such period in such manner as the Board may establish. Under such regulations, and using amounts in the Fund, a financial adviser or trustee, as appropriate, for the families of Detective John Michael Gibson and Private First Class Jacob Joseph Chestnut of the United States Capitol Police shall be appointed to advise the families respecting disbursements to them of amounts in the Fund.

(b) Regulations governing payments for employees killed in the line of duty or sustaining serious line-of-duty injuries

In carrying out subsection (a), the Capitol Police Board shall issue specific regulations governing the use of the Fund for making payments to families of employees of the United States Capitol Police who were killed in the line of duty and employees of the United States Capitol Police who have sustained serious line-of-duty injuries (as authorized under section 1952(b) of this title), including regulations—

- (1) establishing the conditions under which the family of an employee or an employee is eligible to receive such a payment;
- (2) providing for the amount, timing, and manner of such payments; and
- (3) ensuring that any such payment is in addition to, and does not otherwise affect, any other form of compensation payable to the family of an employee or the employee, including benefits for workers’ compensation under chapter 81 of title 5.

(Pub. L. 105–223, § 4, Aug. 7, 1998, 112 Stat. 1250; Pub. L. 115–45, § 2(b), Aug. 4, 2017, 131 Stat. 956.)

Editorial Notes

CODIFICATION

Section was classified to section 207c–3 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

2017—Pub. L. 115-45 designated existing provisions as subsec. (a), inserted heading, and added subsec. (b).

Statutory Notes and Related Subsidiaries

CHANGE OF NAME

Committee on House Oversight of House of Representatives changed to Committee on House Administration of House of Representatives by House Resolution No. 5, One Hundred Sixth Congress, Jan. 6, 1999.

SUBCHAPTER II—POWERS AND DUTIES

§ 1961. Policing of Capitol Buildings and Grounds

(a) The Capitol Police shall police the United States Capitol Buildings and Grounds under the direction of the Capitol Police Board, consisting of the Sergeant at Arms of the United States Senate, the Sergeant at Arms of the House of Representatives, and the Architect of the Capitol, and shall have the power to enforce the provisions of this section, sections 1922, 1966, 1967, and 1969 of this title¹ (and regulations promulgated under section 1969 of this title), and chapter 51 of title 40, and to make arrests within the United States Capitol Buildings and Grounds for any violations of any law of the United States, of the District of Columbia, or of any State, or any regulation promulgated pursuant thereto: *Provided*, That for the fiscal year for which appropriations are made by this Act the Capitol Police shall have the additional authority to make arrests within the District of Columbia for crimes of violence, as defined in section 16 of title 18, committed within the Capitol Buildings and Grounds and shall have the additional authority to make arrests, without a warrant, for crimes of violence, as defined in section 16 of title 18, committed in the presence of any member of the Capitol Police performing official duties: *Provided further*, That the Metropolitan Police force of the District of Columbia are authorized to make arrests within the United States Capitol Buildings and Grounds for any violation of any such laws or regulations, but such authority shall not be construed as authorizing the Metropolitan Police force, except with the consent or upon the request of the Capitol Police Board, to enter such buildings to make arrests in response to complaints or to serve warrants or to patrol the United States Capitol Buildings and Grounds. For the purpose of this section, the word “grounds” shall include the House Office Buildings parking areas and that part or parts of property which have been or hereafter are acquired in the District of Columbia by the Architect of the Capitol, or by an officer of the Senate or the House, by lease, purchase, intergovernment transfer, or otherwise, for the use of the Senate, the House, or the Architect of the Capitol.

(b) For purposes of this section, “the United States Capitol Buildings and Grounds” shall include any building or facility acquired by the Sergeant at Arms of the Senate for the use of the Senate for which the Sergeant at Arms of

the Senate has entered into an agreement with the United States Capitol Police for the policing of the building or facility.

(c) For purposes of this section, “the United States Capitol Buildings and Grounds” shall include any building or facility acquired by the Chief Administrative Officer of the House of Representatives for the use of the House of Representatives for which the Chief Administrative Officer has entered into an agreement with the United States Capitol Police for the policing of the building or facility.

(d) For purposes of this section, “United States Capitol Buildings and Grounds” shall include the Library of Congress buildings and grounds described under section 167j of this title, except that in a case of buildings or grounds not located in the District of Columbia, the authority granted to the Metropolitan Police Force of the District of Columbia shall be granted to any police force within whose jurisdiction the buildings or grounds are located.

(July 31, 1946, ch. 707, §9, 60 Stat. 719; Pub. L. 93-198, title VII, §739(g)(4), (5), Dec. 24, 1973, 87 Stat. 829; Pub. L. 101-520, title I, §106, formerly §106(a), Nov. 5, 1990, 104 Stat. 2264, renumbered §106 and amended Pub. L. 102-392, title III, §310, Oct. 6, 1992, 106 Stat. 1723; Pub. L. 102-397, title I, §103, Oct. 6, 1992, 106 Stat. 1950; Pub. L. 107-117, div. B, §§901(c)(2), 903(c)(2), Jan. 10, 2002, 115 Stat. 2316, 2317; Pub. L. 107-206, title I, §§902(b), 903(b), Aug. 2, 2002, 116 Stat. 876; Pub. L. 108-7, div. H, title I, §1016(c), Feb. 20, 2003, 117 Stat. 365; Pub. L. 110-161, div. H, title I, §1004(d)(1)(A), Dec. 26, 2007, 121 Stat. 2233; Pub. L. 110-178, §4(a)(1), Jan. 7, 2008, 121 Stat. 2551; Pub. L. 111-145, §6(d)(1), Mar. 4, 2010, 124 Stat. 54.)

Editorial Notes

REFERENCES IN TEXT

This section and sections 1922, 1966, 1967, and 1969 of this title, referred to in subsec. (a), was in the original a reference to the act of July 31, 1946, meaning act July 31, 1946, ch. 707, 60 Stat. 718, which enacted this section, sections 1922, 1966, 1967, and 1969 of this title, and provisions set out as a note below. For complete classification of the act of July 31, 1946, to the Code, see Tables.

This Act, referred to in subsec. (a), probably means Pub. L. 101-520, Nov. 5, 1990, 104 Stat. 2254, known as the Legislative Branch Appropriations Act, 1991, which amended this section generally. For complete classification of this Act to the Code, see Tables.

CODIFICATION

Section was classified to section 212a 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

2010—Subsec. (d). Pub. L. 111-145 repealed Pub. L. 110-161, §1004(d)(1)(A). See 2007 Amendment note below.

2008—Subsec. (d). Pub. L. 110-178 added subsec. (d).

2007—Subsec. (d). Pub. L. 110-161, §1004(d)(1)(A), which made an amendment identical to that made by Pub. L. 110-178, was repealed by Pub. L. 111-145. See Effective Date of 2010 Amendment note below.

2003—Subsec. (a). Pub. L. 108-7 substituted “this section, sections 1922, 1966, 1967, and 1969 of this title (and regulations promulgated under section 1969 of this title), and chapter 51 of title 40” for “sections 193a to 193m, 212a, 212a-2, and 212b of this title and regulations promulgated under section 212b of this title,”.

¹ See References in Text note below.

2002—Subsec. (a). Pub. L. 107–117, §§901(c)(2)(A), 903(b)(2)(A), amended section identically, inserting “(a)” before “The Capitol Police shall police”.

Subsec. (b). Pub. L. 107–206 redesignated subsec. (b) relating to buildings or facilities acquired by the Chief Administrative Officer of the House of Representatives as (c).

Pub. L. 107–117, §903(c)(2)(B), added subsec. (b) relating to buildings or facilities acquired by the Chief Administrative Officer of the House of Representatives.

Pub. L. 107–117, §901(c)(2)(B), added subsec. (b) relating to buildings or facilities acquired by the Sergeant at Arms of the Senate.

Subsec. (c). Pub. L. 107–206 redesignated subsec. (b) relating to buildings or facilities acquired by the Chief Administrative Officer of the House of Representatives as (c).

1992—Pub. L. 102–392 and Pub. L. 102–397 amended directory language of Pub. L. 101–520 identically. See 1990 Amendment note below.

1990—Pub. L. 101–520, as amended by Pub. L. 102–392 and Pub. L. 102–397, amended section generally. Prior to amendment, section read as follows: “The Capitol Police shall police the United States Capitol Buildings and Grounds under the direction of the Capitol Police Board, consisting of the Sergeant at Arms of the United States Senate, the Sergeant at Arms of the House of Representatives, and the Architect of the Capitol, and shall have the power to enforce the provisions of sections 193a to 193m, 212a, 212a–2, and 212b of this title and regulations promulgated under section 212b of this title, and to make arrests within the United States Capitol Buildings and Grounds for any violations of any law of the United States, of the District of Columbia, or of any State, or any regulation promulgated pursuant thereto: *Provided*, That the Metropolitan Police force of the District of Columbia are authorized to make arrests within the United States Capitol Buildings and Grounds for any violations of any such laws or regulations, but such authority shall not be construed as authorizing the Metropolitan Police force, except with the consent or upon the request of the Capitol Police Board, to enter such buildings to make arrests in response to complaints or to serve warrants or to patrol the United States Capitol Buildings and Grounds. For the purpose of this section, the word ‘grounds’ shall include the House Office Building parking area.”

1973—Pub. L. 93–198 inserted reference to violations of any law of the District of Columbia and struck out “, with the exception of the streets and roadways shown on the map referred to in section 193a of this title as being under the jurisdiction and control of the Commissioners of the District of Columbia” after “or to patrol the United States Capitol Buildings and Grounds”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2010 AMENDMENT

Repeal of section 1004 of Pub. L. 110–161 by Pub. L. 111–145 effective as if included in the enactment of Pub. L. 110–161 and provisions amended by section 1004 of Pub. L. 110–161 to be restored as if such section had not been enacted, and repeal to have no effect on the enactment or implementation of any provision of Pub. L. 110–178, see section 6(d) of Pub. L. 111–145, set out as a note under section 1901 of this title.

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment by Pub. L. 110–178 effective Oct. 1, 2009, see section 4(d) of Pub. L. 110–178, set out as an Effective Date of Repeal note under section 167 of this title.

EFFECTIVE DATE OF 2003 AMENDMENT

Pub. L. 108–7, div. H, title I, §1016(d), Feb. 20, 2003, 117 Stat. 365, provided that: “The amendments made by this subsection [probably means this section, amending this section and sections 5101 and 5102 of Title 40, Public Buildings, Property, and Works] shall apply to fiscal year 2003 and each fiscal year thereafter.”

EFFECTIVE DATE OF 2002 AMENDMENTS

Amendment by section 902(b) of Pub. L. 107–206 effective as if included in the enactment of the Emergency Supplemental Act, 2002, Pub. L. 107–117, div. B, see section 902(c) of Pub. L. 107–206, set out as a note under section 2022 of this title.

Amendment by section 903(b) of Pub. L. 107–206 effective as if included in the enactment of the Emergency Supplemental Act, 2002, Pub. L. 107–117, div. B, see section 903(c) of Pub. L. 107–206, set out as a note under section 2002 of this title.

Amendment by section 901(c)(2) of Pub. L. 107–117 applicable with respect to fiscal year 2002 and each succeeding fiscal year, see section 2022(e) of this title.

Amendment by section 903(c)(2) of Pub. L. 107–117 applicable with respect to fiscal year 2002 and each succeeding fiscal year, see section 2002(e) of this title.

EFFECTIVE DATE OF 1992 AMENDMENTS

Pub. L. 102–397, title I, §103, Oct. 6, 1992, 106 Stat. 1950, provided that the amendment made by section 103 is effective Nov. 5, 1990.

Pub. L. 102–392, title III, §310, Oct. 6, 1992, 106 Stat. 1723, provided that the amendment made by section 310 is effective Nov. 5, 1990.

EFFECTIVE DATE OF 1973 AMENDMENT

Pub. L. 93–198, title VII, §771(d), Dec. 24, 1973, 87 Stat. 836, provided that the amendment made by Pub. L. 93–198 is effective on Jan. 2, 1975, if a majority of the registered qualified electors in the District of Columbia voting on the charter issue in the charter referendum accepted the charter set out in title IV of Pub. L. 93–198, Dec. 24, 1973, 87 Stat. 785. The charter was approved by the voters on May 7, 1974.

CONSTRUCTION

Act July 31, 1946, ch. 707, §16(b), 60 Stat. 721, provided that: “Nothing in this Act [2 U.S.C. 1922, 1961, 1966, 1967, 1969; 40 U.S.C. 5101 to 5107, 5109, see References in Text note under section 1819 of this title] shall be construed to repeal, amend, alter, or supersede (1) section 1820 of the Revised Statutes (U.S.C., title 40, sec. 193) [now 2 U.S.C. 2183]; (2) an Act entitled ‘An Act to protect the public property, turf, and grass of the Capitol Grounds from injury’, approved April 29, 1876 (19 Stat. 41; U.S.C., title 40, sec. 214) [now 2 U.S.C. 1963]; (3) except as provided in section 9 of this Act [2 U.S.C. 1961], section 15 of an Act entitled ‘An Act for the preservation of the public peace and the protection of property within the District of Columbia’, approved July 29, 1892 (27 Stat. 325; U.S.C., title 40, sec. 101) [see 40 U.S.C. 8103]; (4) the second proviso in the item ‘Capitol garages’ under the caption ‘Capitol Buildings and Grounds’ contained in an Act entitled ‘An Act making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1933, and for other purposes’, approved June 30, 1932 (47 Stat. 382, 391; U.S.C., title 40, sec. 185a) [now 2 U.S.C. 2025]; or (5) an Act entitled ‘An Act to authorize the use of part of the United States Capitol Grounds east of the Union Station for the parking of motor vehicles’, approved July 8, 1943 (57 Stat. 390).”

JURISDICTION OF UNITED STATES CAPITOL POLICE OVER TEMPORARY PARKING AREAS DURING CONSTRUCTION OF JUDICIARY ANNEX BUILDING

Pub. L. 101–302, title III, §313, May 25, 1990, 104 Stat. 245, provided that:

“(a) The supervision and jurisdiction of the United States Capitol Police shall extend over any area with respect to which the Architect of the Capitol has contracted, or otherwise entered into an agreement, for parking space in the Union Station parking garage to accommodate personnel of the United States Senate whose parking privileges have been affected by the construction of the Judiciary Annex Building, and over any area and streets necessary to carry out such supervision and to travel between such parking area and the United States Capitol Grounds.

“(b) In carrying out such supervision, the United States Capitol Police shall have, within any such area or street, jurisdiction, concurrent with that of the Metropolitan Police of the District of Columbia, to provide security for such personnel and property of such personnel and of the United States Senate within such area or street, and to make arrests for the violation of the laws and regulations of the United States and the District of Columbia.

“(c) The provisions of subsections (a) and (b) shall be effective only during the period that there is in effect a contract or other agreement as referred to in subsection (a).”

EXTENSION OF UNITED STATES CAPITOL POLICE SUPERVISION

Pub. L. 95-175, Nov. 14, 1977, 91 Stat. 1362, provided: “That the supervision of the United States Capitol Police shall extend over that part or parts of the premises located at 600 Pennsylvania Avenue, Southeast, Washington, District of Columbia, leased by the Office of Technology Assessment. In carrying out such supervision, the United States Capitol Police shall have within such part or parts jurisdiction, concurrent with that of the Metropolitan Police of the District of Columbia, to provide security for the personnel and property of the Office of Technology Assessment within such leased premises, and to make arrest therein for the violation of the laws and regulations of the United States and the District of Columbia.”

§ 1962. Detail of police

The Capitol Police Board is authorized to detail police from the House Office, Senate Office, and Capitol Buildings for police duty on the Capitol Grounds and on the Library of Congress Grounds.

(Pub. L. 96-432, § 5, Oct. 10, 1980, 94 Stat. 1853.)

Editorial Notes

CODIFICATION

Section was classified to section 212a-1 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.

Provisions of this section were enacted as permanent law in Pub. L. 96-432. Similar fiscal year provisions were contained in the following appropriation acts and have not been repeated since 1983:

Pub. L. 98-51, title I, § 112, July 14, 1983, 97 Stat. 271.
 Pub. L. 97-276, § 101(e) [S. 2939, title I], Oct. 2, 1982, 96 Stat. 1189.
 Pub. L. 97-51, § 101(c) [H.R. 4120, title I], Oct. 1, 1981, 95 Stat. 959.
 Pub. L. 96-536, § 101(c) [H.R. 7593, title I], Dec. 16, 1980, 94 Stat. 3167.
 Pub. L. 95-391, title I, Sept. 30, 1978, 92 Stat. 780.
 Pub. L. 95-94, title I, Aug. 5, 1977, 91 Stat. 671.
 Pub. L. 94-440, title III, Oct. 1, 1976, 90 Stat. 1451.
 Pub. L. 94-59, title III, July 25, 1975, 89 Stat. 285.
 Pub. L. 93-371, Aug. 13, 1974, 88 Stat. 436.
 Pub. L. 93-145, Nov. 1, 1973, 87 Stat. 539.
 Pub. L. 92-342, July 10, 1972, 86 Stat. 441.
 Pub. L. 92-51, July 9, 1971, 85 Stat. 136.
 Pub. L. 91-382, Aug. 18, 1970, 84 Stat. 817.
 Pub. L. 91-145, Dec. 12, 1969, 83 Stat. 350.
 Pub. L. 90-417, July 23, 1968, 82 Stat. 406.
 Pub. L. 90-57, July 28, 1967, 81 Stat. 135.
 Pub. L. 89-545, Aug. 27, 1966, 80 Stat. 363.
 Pub. L. 89-90, July 27, 1965, 79 Stat. 275.
 Pub. L. 88-454, Aug. 20, 1964, 78 Stat. 544.
 Pub. L. 88-248, Dec. 30, 1963, 77 Stat. 811.
 Pub. L. 87-730, § 104, Oct. 2, 1962, 76 Stat. 694.
 Pub. L. 87-130, § 104, Aug. 10, 1961, 75 Stat. 334.
 Pub. L. 86-628, § 104, July 12, 1960, 74 Stat. 460.
 Pub. L. 86-176, § 104, Aug. 21, 1959, 73 Stat. 412.

Pub. L. 85-570, § 104, July 31, 1958, 72 Stat. 453.
 Pub. L. 85-75, § 104, July 1, 1957, 71 Stat. 256.
 June 27, 1956, ch. 453, § 104, 70 Stat. 370.
 Aug. 5, 1955, ch. 568, § 104, 69 Stat. 520.
 July 2, 1954, ch. 455, title I, § 104, 68 Stat. 409.
 Aug. 1, 1953, ch. 304, title I, § 106, 67 Stat. 332.
 July 9, 1952, ch. 598, § 106, 66 Stat. 478.
 Oct. 11, 1951, ch. 485, § 106, 65 Stat. 403.
 Sept. 6, 1950, ch. 896, § 106, 64 Stat. 608.
 June 22, 1949, ch. 235, § 106, 63 Stat. 230.
 June 14, 1948, ch. 467, § 106, 62 Stat. 437.
 July 17, 1947, ch. 262, § 106, 61 Stat. 377.
 July 1, 1946, ch. 530, § 106, 60 Stat. 408.
 June 13, 1945, ch. 189, § 106, 59 Stat. 259.
 June 26, 1944, ch. 277, title I, § 105, 58 Stat. 354.
 June 28, 1943, ch. 173, title I, 57 Stat. 230.
 June 8, 1942, ch. 396, 56 Stat. 340.
 July 1, 1941, ch. 268, 55 Stat. 456.
 June 18, 1940, ch. 396, 54 Stat. 471.
 June 16, 1939, ch. 208, 53 Stat. 831.
 May 17, 1938, ch. 236, 52 Stat. 390.

§ 1963. Protection of grounds

It shall be the duty of the Capitol police on and after April 29, 1876, to prevent any portion of the Capitol Grounds and terraces from being used as playgrounds or otherwise, so far as may be necessary to protect the public property, turf and grass from destruction or injury.

(Apr. 29, 1876, ch. 86, 19 Stat. 41.)

Editorial Notes

CODIFICATION

Section was classified to section 214 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.

§ 1964. Security systems for Capitol buildings and grounds

(a) Design and installation

(1) Effective October 1, 1995, the unexpended balances of appropriations specified in paragraph (2) are transferred to the appropriation for general expenses of the Capitol Police, to be used for design and installation of security systems for the Capitol buildings and grounds.

(2) The unexpended balances referred to in paragraph (1) are—

(A) the unexpended balance of appropriations for security installations, as referred to in the paragraph under the heading “CAPITOL BUILDINGS”, under the general headings “JOINT ITEMS”, “ARCHITECT OF THE CAPITOL”, and “CAPITOL BUILDINGS AND GROUNDS” in title I of the Legislative Branch Appropriations Act, 1995 (108 Stat. 1434), including any unexpended balance from a prior fiscal year and any unexpended balance under such headings in this Act; and

(B) the unexpended balance of the appropriation for an improved security plan, as transferred to the Architect of the Capitol by section 102 of the Legislative Branch Appropriations Act, 1989 (102 Stat. 2165).

(b) Transfer of responsibility to Capitol Police Board

Effective October 1, 1995, the responsibility for design and installation of security systems for the Capitol buildings and grounds is transferred from the Architect of the Capitol to the Capitol

Police Board. Such design and installation shall be carried out under the direction of the Committee on House Oversight of the House of Representatives and the Committee on Rules and Administration of the Senate, and without regard to section 6101 of title 41. On and after October 1, 1995, any alteration to a structural, mechanical, or architectural feature of the Capitol buildings and grounds that is required for a security system under the preceding sentence may be carried out only with the approval of the Architect of the Capitol.

(c) Transfer of positions to Capitol Police

(1) Effective October 1, 1995, all positions specified in paragraph (2) and each individual holding any such position (on a permanent basis) immediately before that date, as identified by the Architect of the Capitol, shall be transferred to the Capitol Police.

(2) The positions referred to in paragraph (1) are those positions which, immediately before October 1, 1995, are—

(A) under the Architect of the Capitol;

(B) within the Electronics Engineering Division of the Office of the Architect of the Capitol; and

(C) related to the design or installation of security systems for the Capitol buildings and grounds.

(3) All annual leave and sick leave standing to the credit of an individual immediately before such individual is transferred under paragraph (1) shall be credited to such individual, without adjustment, in the new position of the individual.

(Pub. L. 104-53, title III, §308, Nov. 19, 1995, 109 Stat. 537.)

Editorial Notes

REFERENCES IN TEXT

The paragraph under the heading “CAPITOL BUILDINGS”, under the general headings “JOINT ITEMS”, “ARCHITECT OF THE CAPITOL”, and “CAPITOL BUILDINGS AND GROUNDS” in title I of the Legislative Branch Appropriations Act, 1995, referred to in subsec. (a)(2)(A), is contained in Pub. L. 103-283, title I, July 22, 1994, 108 Stat. 1423, 1434, and is not classified to the Code.

This Act, referred to in subsec. (a)(2)(A), is Pub. L. 104-53, Nov. 19, 1995, 109 Stat. 514, known as the Legislative Branch Appropriations Act, 1996. Provisions under such headings in this Act appear at 109 Stat. 527, and are not classified to the Code.

Section 102 of the Legislative Branch Appropriations Act, 1989, referred to in subsec. (a)(2)(B), is section 102 of Pub. L. 100-458, title I, Oct. 1, 1988, 102 Stat. 2165, which is not classified to the Code.

CODIFICATION

In subsec. (b), “section 6101 of title 41” substituted for “section 3709 of the Revised Statutes of the United States (41 U.S.C. 5)” on authority of Pub. L. 111-350, §6(c), Jan. 4, 2011, 124 Stat. 3854, which Act enacted Title 41, Public Contracts.

Section was classified to section 212a-4 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.

Statutory Notes and Related Subsidiaries

CHANGE OF NAME

Committee on House Oversight of House of Representatives changed to Committee on House Adminis-

tration of House of Representatives by House Resolution No. 5, One Hundred Sixth Congress, Jan. 6, 1999.

§ 1965. Maintenance of security systems for Capitol buildings and grounds

(a) Effective October 1, 1996, the responsibility for maintenance of security systems for the Capitol buildings and grounds is transferred from the Architect of the Capitol to the Capitol Police Board. Such maintenance shall be carried out under the direction of the Committee on House Oversight of the House of Representatives and the Committee on Rules and Administration of the Senate. On and after October 1, 1996, any alteration to a structural, mechanical, or architectural feature of the Capitol buildings and grounds that is required for security system maintenance under the preceding sentence may be carried out only with the approval of the Architect of the Capitol.

(b)(1) Effective October 1, 1996, all positions specified in paragraph (2) and each individual holding any such position (on a permanent basis) immediately before that date, as identified by the Architect of the Capitol, shall be transferred to the Capitol Police.

(2) The positions referred to in paragraph (1) are those positions which, immediately before October 1, 1996, are—

(A) under the Architect of the Capitol;

(B) within the Electronics Engineering Division of the Office of the Architect of the Capitol; and

(C) related to the maintenance of security systems for the Capitol buildings and grounds.

(3) All annual leave and sick leave standing to the credit of an individual immediately before such individual is transferred under paragraph (1) shall be credited to such individual, without adjustment, in the new position of the individual.

(Pub. L. 104-197, title III, §308, Sept. 16, 1996, 110 Stat. 2413.)

Editorial Notes

CODIFICATION

Section was classified to section 212a-4a 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.

Statutory Notes and Related Subsidiaries

CHANGE OF NAME

Committee on House Oversight of House of Representatives changed to Committee on House Administration of House of Representatives by House Resolution No. 5, One Hundred Sixth Congress, Jan. 6, 1999.

§ 1965a. Prohibition on use of funds for installation of permanent fencing on Capitol Grounds

None of the funds made available in this or any other Act in prior fiscal years, this fiscal year, or any fiscal year thereafter may be used to install permanent, above-ground fencing around the perimeter, or any portion thereof, of the United States Capitol Grounds, as described in section 5102 of title 40.

(Pub. L. 117-31, title III, §310, July 30, 2021, 135 Stat. 314.)

§ 1966. Protection of Members of Congress, officers of Congress, and members of their families

(a) Authority of the Capitol Police

Subject to the direction of the Capitol Police Board, the United States Capitol Police is authorized to protect, in any area of the United States, the person of any Member of Congress, officer of the Congress, as defined in section 4101(b) of this title, and any member of the immediate family of any such Member or officer, if the Capitol Police Board determines such protection to be necessary.

(b) Detail of police

In carrying out its authority under this section, the Capitol Police Board, or its designee, is authorized, in accordance with regulations issued by the Board pursuant to this section, to detail, on a case-by-case basis, members of the United States Capitol Police to provide such protection as the Board may determine necessary under this section.

(c) Arrest of suspects

In the performance of their protective duties under this section, members of the United States Capitol Police are authorized (1) to make arrests without warrant for any offense against the United States committed in their presence, or for any felony cognizable under the laws of the United States if they have reasonable grounds to believe that the person to be arrested has committed or is committing such felony; and (2) to utilize equipment and property of the Capitol Police.

(d) Fines and penalties

Whoever knowingly and willfully obstructs, resists, or interferes with a member of the Capitol Police engaged in the performance of the protective functions authorized by this section, shall be fined not more than \$300 or imprisoned not more than one year, or both.

(e) Construction of provisions

Nothing contained in this section shall be construed to imply that the authority, duty, and function conferred on the Capitol Police Board and the United States Capitol Police are in lieu of or intended to supersede any authority, duty, or function imposed on any Federal department, agency, bureau, or other entity, or the Metropolitan Police of the District of Columbia, involving the protection of any such Member, officer, or family member.

(f) “United States” defined

As used in this section, the term “United States” means each of the several States of the United States, the District of Columbia, and territories and possessions of the United States.

(July 31, 1946, ch. 707, §9A, as added Pub. L. 97-143, §1(a), Dec. 29, 1981, 95 Stat. 1723.)

Editorial Notes

CODIFICATION

Section was classified to section 212a-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.

§ 1966a. Protection of former Speakers of the House of Representatives

Notwithstanding any other provision of law (except section 1341 of title 31), hereafter, the United States Capitol Police shall perform a threat assessment for former Speakers of the House of Representatives, and if warranted, any such former Speaker shall receive a United States Capitol Police protective detail for a period of not more than one year beginning on the date they leave such office, except that such former Speaker shall have the option to decline such protective detail at any time: *Provided*, That at the conclusion of the one year period, the United States Capitol Police shall perform a threat assessment to determine whether extension of the protective detail is warranted: *Provided further*, That, the protective detail may be extended beyond the initial one year period, with the concurrence of the relevant former Speaker, if the United States Capitol Police determines that information or conditions, including but not limited to violent threats, warrant such protection: *Provided further*, That the United States Capitol Police is authorized to enter into Memoranda of Understanding with relevant state and local law enforcement agencies, as needed, to carry out this section.

(Pub. L. 117-328, div. I, title I, §121, Dec. 29, 2022, 136 Stat. 4926.)

§ 1967. Law enforcement authority

(a) Scope

Subject to such regulations as may be prescribed by the Capitol Police Board and approved by the Committee on House Oversight of the House of Representatives and the Committee on Rules and Administration of the Senate, a member of the Capitol Police shall have authority to make arrests and otherwise enforce the laws of the United States, including the laws of the District of Columbia—

(1) within the District of Columbia, with respect to any crime of violence committed within the United States Capitol Grounds;

(2) within the District of Columbia, with respect to any crime of violence committed in the presence of the member, if the member is in the performance of official duties when the crime is committed;

(3) within the District of Columbia, to prevent imminent loss of life or injury to person or property, if the officer is in the performance of official duties when the authority is exercised;

(4) within the area described under subsection (b)(1); and

(5) within the area described under subsection (b)(2)—

(A) with respect to any crime of violence committed in the presence of the member, if the member is in the performance of official duties, as defined under such regulations, when the crime is committed; and

(B) to prevent imminent loss of life or injury to person or property, if the officer is in the performance of official duties, as defined under such regulations, when the authority is exercised.

(b) Area

(1) The area referred to in subsection (a)(4) is that area bounded by the north curb of H Street from 3rd Street, N.W. to 7th Street, N.E., the east curb of 7th Street from H Street, N.E., to M Street, S.E., the south curb of M Street from 7th Street, S.E. to 1st Street, S.E., the east curb of 1st Street from M Street, S.E. to Potomac Avenue S.E., the southeast curb of Potomac Avenue from 1st Street, S.E. to South Capitol Street, S.W., the west curb of South Capitol Street from Potomac Avenue, S.W. to P Street, S.W., the north curb of P Street from South Capitol Street, S.W. to 3rd Street, S.W., and the west curb of 3rd Street from P Street, S.W. to H Street, N.W.

(2) The area referred to under subsection (a)(5) is that area bounded by the north curb of Constitution Avenue from 14th Street, N.W., to 3rd Street, N.W., the east curb of 3rd Street from Constitution Avenue, N.W., to Independence Avenue, S.W., the south curb of Independence Avenue from 3rd Street, S.W., to 14th Street, S.W., and the west curb of 14th Street from Independence Avenue, S.W., to Constitution Avenue, N.W.

(c) Authority of Metropolitan Police unaffected

This section does not affect the authority of the Metropolitan Police force of the District of Columbia with respect to the area described in subsection (b).

(d) “Crime of violence” defined

As used in this section, the term “crime of violence” has the meaning given that term in section 16 of title 18.

(July 31, 1946, ch. 707, §9B, as added Pub. L. 102-397, title I, §101, Oct. 6, 1992, 106 Stat. 1949; amended Pub. L. 104-186, title II, §221(13), Aug. 20, 1996, 110 Stat. 1750; Pub. L. 108-83, title I, §1003(a), Sept. 30, 2003, 117 Stat. 1021.)

Editorial Notes**CODIFICATION**

Section was classified to section 212a-3 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)(3). Pub. L. 108-83, §1003(a)(1)(A), struck out “and” after the semicolon.

Subsec. (a)(4). Pub. L. 108-83, §1003(a)(1)(B), which directed the substitution of “under subsection (b)(1); and” for “in subsection (b) of this section,” was executed by making the substitution for language which read in the original “in subsection (b).”, to reflect the probable intent of Congress.

Subsec. (a)(5). Pub. L. 108-83, §1003(a)(1)(C), added par. (5).

Subsec. (b). Pub. L. 108-83, §1003(a)(2), designated existing provisions as par. (1) and added par. (2).

1996—Subsec. (a). Pub. L. 104-186 substituted “House Oversight” for “House Administration”.

Statutory Notes and Related Subsidiaries**CHANGE OF NAME**

Committee on House Oversight of House of Representatives changed to Committee on House Administration of House of Representatives by House Resolution No. 5, One Hundred Sixth Congress, Jan. 6, 1999.

EFFECTIVE DATE OF 2003 AMENDMENT

Pub. L. 108-83, title I, §1003(c), Sept. 30, 2003, 117 Stat. 1022, provided that: “This section [amending this section and enacting provisions set out as a note under this section] shall take effect on the date on which the Committee on Rules and Administration of the Senate and the Committee on House Administration of the House of Representatives approve regulations prescribed by the Capitol Police Board for the sole implementation, execution and maintenance of the truck interdiction program.” [Regulations approved by Committee on Rules and Administration of the Senate on Jan. 5, 2004, and by Committee on House Administration of the House of Representatives on Dec. 18, 2003.]

RULE OF CONSTRUCTION

Pub. L. 108-83, title I, §1003(b), Sept. 30, 2003, 117 Stat. 1022, provided that: “Nothing in the amendments made by this section [amending this section] may be construed to limit the authority of the Capitol Police as in effect before the effective date of this section [see Effective Date of 2003 Amendment note set out above].”

§ 1968. Citation release**(a) In general**

The Chief of the Capitol Police, with the approval of the Capitol Police Board, may designate a member of the Capitol Police to have responsibility for citation release.

(b) Authority

(1) In the same manner as provided for with respect to an official of the Metropolitan Police Department of the District of Columbia under section 23-1110(a) of the District of Columbia Code, the Superior Court of the District of Columbia shall have the authority to appoint the member of the Capitol Police designated under subsection (a) of this section to take bail or collateral from persons charged with offenses triable in the Superior Court of the District of Columbia. Pursuant to that authority—

(A) the citation power described in subsection (b) of section 23-1110 of the District of Columbia Code shall be exercised by such member of the Capitol Police in the same manner as by an official of the Metropolitan Police Department; and

(B) paragraph (4) of subsection (b) of section 23-1110 of the District of Columbia Code, relating to failure to appear, shall apply with respect to citations under subparagraph (A) of this paragraph.

(2) The United States District Court for the District of Columbia shall have the power to authorize the member of the Capitol Police referred to in subsection (a) of this section to take bond from persons arrested upon writs and process from that court in criminal cases in the same manner as provided for with respect to an official of the Metropolitan Police Department of the District of Columbia under the third sentence of section 23-1110(a) of the District of Columbia Code.

(Pub. L. 104-186, title I, §108, Aug. 20, 1996, 110 Stat. 1723.)

Editorial Notes**CODIFICATION**

Section was classified to section 212a-5 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.

§ 1969. Regulation of traffic by Capitol Police Board

(a) Exclusive charge and control of all vehicular and other traffic

The Capitol Police Board, consisting of the Sergeant at Arms of the United States Senate, the Sergeant at Arms of the House of Representatives, and the Architect of the Capitol, shall have exclusive charge and control of the regulation and movement of all vehicular and other traffic, including the parking and impounding of vehicles and limiting the speed thereof, within the United States Capitol Grounds; and said Board is authorized and empowered to make and enforce all necessary regulations therefor and to prescribe penalties for violation of such regulations, such penalties not to exceed a fine of \$300 or imprisonment for not more than ninety days. Notwithstanding the foregoing provisions of this section those provisions of the District of Columbia Traffic Act of 1925, as amended, for the violation of which specific penalties are provided in said Act, as amended, shall be applicable to the United States Capitol Grounds. Prosecutions for violation of such regulations shall be in the Superior Court of the District of Columbia, upon information by the Corporation Counsel of the District of Columbia or any of his assistants.

(b) Promulgation of regulations

Regulations authorized to be promulgated under this section shall be promulgated by the Capitol Police Board and such regulations may be amended from time to time by the Capitol Police Board whenever it shall deem it necessary: *Provided*, That until such regulations are promulgated and become effective, the traffic regulations of the District of Columbia shall be applicable to the United States Capitol Grounds.

(c) Printing of regulations and effective dates

All regulations promulgated under the authority of this section shall, when adopted by the Capitol Police Board, be printed in one or more of the daily newspapers published in the District of Columbia, and shall not become effective until the expiration of ten days after the date of such publication, except that whenever the Capitol Police Board deems it advisable to make effective immediately any regulation relating to parking, diverting of vehicular traffic, or the closing of streets to such traffic, the regulation shall be effective immediately upon placing at the point where it is to be in force conspicuous signs containing a notice of the regulation. Any expenses incurred under this subsection shall be payable from the appropriation "Uniforms and Equipment, Capitol Police".

(d) Cooperation with Mayor of District of Columbia

It shall be the duty of the Mayor of the District of Columbia, or any officer or employee of the government of the District of Columbia designated by said Mayor upon request of the Capitol Police Board, to cooperate with the Board in the preparation of the regulations authorized to be promulgated under this section, and any future amendments thereof.

(July 31, 1946, ch. 707, §14, 60 Stat. 720; July 11, 1947, ch. 221, 61 Stat. 308; Pub. L. 87-873, §1, Oct. 23, 1962, 76 Stat. 1171; Pub. L. 88-60, §1, July 8, 1963, 77 Stat. 77; 1967 Reorg. Plan No. 3, §401, eff. Nov. 3, 1967, 32 F.R. 11669, 81 Stat. 951; Pub. L. 91-358, title I, §155(a), July 29, 1970, 84 Stat. 570; Pub. L. 93-198, title IV, §421, title VII, §739(g)(6), Dec. 24, 1973, 87 Stat. 789, 829.)

Editorial Notes

REFERENCES IN TEXT

The District of Columbia Traffic Act of 1925, referred to in subsec. (a), is act Mar. 3, 1925, ch. 443, 43 Stat. 1119, as amended, which is not classified to the Code.

CODIFICATION

Section was classified to section 212b 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

1973—Subsec. (a). Pub. L. 93-198, §739(g)(6), struck out “, except on those streets and roadways shown on the map referred to in section 193a of this title as being under the jurisdiction and control of the Commissioner of the District of Columbia”.

1947—Subsec. (b). Act July 11, 1947, §1, struck out reference to six months after July 31, 1946, as the time for promulgation of regulations and authorized amendment of regulations.

Subsec. (c). Act July 11, 1947, §2, authorized certain traffic regulations to be effective immediately upon placing conspicuous signs containing notice of regulations at the places affected thereby and inserted provision for payment of expenses.

Statutory Notes and Related Subsidiaries

CHANGE OF NAME

“District of Columbia Court of General Sessions” changed to “Superior Court of the District of Columbia” pursuant to Pub. L. 91-358, which provided that such change is effective first day of seventh calendar month which begins after July 29, 1970.

Pub. L. 87-873, §1, Oct. 23, 1962, 76 Stat. 1171 and Pub. L. 88-60, §1, July 8, 1963, 77 Stat. 77, both redesignated the “Municipal Court for the District of Columbia” as the “District of Columbia Court of General Sessions”.

EFFECTIVE DATE OF 1973 AMENDMENT

Pub. L. 93-198, title VII, §771(d), Dec. 24, 1973, 87 Stat. 836, provided that the amendment made by Pub. L. 93-198 is effective on Jan. 2, 1975, if a majority of the registered qualified electors in the District of Columbia voting on the charter issue in the charter referendum accepted the charter set out in title IV of Pub. L. 93-198, Dec. 24, 1973, 87 Stat. 785. The charter was approved by the voters on May 7, 1974.

Executive Documents

TRANSFER OF FUNCTIONS

Except as otherwise provided in Reorg. Plan No. 3, of 1967, functions of Board of Commissioners of District of Columbia transferred to Commissioner of District of Columbia by section 401 of Reorg. Plan No. 3 of 1967. Office of Commissioner of District of Columbia, as established by Reorg. Plan No. 3 of 1967, abolished as of noon Jan. 2, 1975, by Pub. L. 93-198, title VII, §711, Dec. 24, 1973, 87 Stat. 818, and replaced by office of Mayor of District of Columbia by section 421 of Pub. L. 93-198. Accordingly, “Mayor” substituted in subsec. (d) for “commissioner”.

§ 1970. Assistance by Executive departments and agencies

(a) Assistance

(1) In general

Executive departments and Executive agencies may assist the United States Capitol Police in the performance of its duties by providing services (including personnel), equipment, and facilities on a temporary and reimbursable basis when requested by the Capitol Police Board or in accordance with paragraph (4) and on a permanent and reimbursable basis upon advance written request of the Capitol Police Board; except that the Department of Defense and the Coast Guard may provide such assistance on a temporary basis without reimbursement when assisting the United States Capitol Police in its duties directly related to protection under sections 1922, 1961, 1966, 1967, and 1969 of this title and sections 5101 to 5107 and 5109 of title 40.¹ Before making a request under this paragraph, the Capitol Police Board shall consult with appropriate Members of the Senate and House of Representatives in leadership positions, except in an emergency.

(2) Procurement

No services (including personnel), equipment, or facilities may be ordered, purchased, leased, or otherwise procured for the purposes of carrying out the duties of the United States Capitol Police by persons other than officers or employees of the Federal Government duly authorized by the Chairman of the Capitol Police Board to make such orders, purchases, leases, or procurements.

(3) Expenditures or obligation of funds

No funds may be expended or obligated for the purpose of carrying out this section other than funds specifically appropriated to the Capitol Police Board or the United States Capitol Police for those purposes with the exception of—

(A) expenditures made by the Department of Defense or the Coast Guard from funds appropriated to the Department of Defense or the Coast Guard in providing assistance on a temporary basis to the United States Capitol Police in the performance of its duties directly related to protection under sections 1922, 1961, 1966, 1967, and 1969 of this title and sections 5101 to 5107 and 5109 of title 40;¹ and

(B) expenditures made by Executive departments and agencies, in providing assistance at the request of the United States Capitol Police in the performance of its duties, and which will be reimbursed by the United States Capitol Police under this section.

(4) Provision of assistance

Assistance under this section shall be provided—

(A) consistent with the authority of the Capitol Police under sections 1961 and 1966 of this title;

(B) upon the written request of—
(i) the Capitol Police Board; or
(ii) in an emergency—

(I) the Sergeant at Arms and Doorkeeper of the Senate in any matter relating to the Senate;

(II) the Sergeant at Arms of the House of Representatives in any matter relating to the House of Representatives; or

(III) the Chief of the Capitol Police, if the Chief of the Capitol Police has determined that the provision of assistance is necessary to prevent the significant disruption of governmental function and public order within the United States Capitol Buildings and Grounds, as described in section 1961¹ of this title; and

(C)(i) on a temporary and reimbursable basis;

(ii) on a permanent reimbursable basis upon advance written request of the Capitol Police Board; or

(iii) on a temporary basis without reimbursement by the Department of Defense and the Coast Guard as described under paragraph (1).

(5) Revocation

The Capitol Police Board may revoke a request for assistance provided under paragraph (4)(B)(ii)(III) upon consultation with appropriate Members of the Senate and House of Representatives in leadership positions.

(b) Reports

(1) Submission

With respect to any fiscal year in which an executive department or executive agency provides assistance under this section, the head of that department or agency shall submit a report not later than 90 days after the end of the fiscal year to the Chairman of the Capitol Police Board.

(2) Content

The report submitted under paragraph (1) shall contain a detailed account of all expenditures made by the Executive department or executive agency in providing assistance under this section during the applicable fiscal year.

(3) Summary

After receipt of all reports under paragraph (2) with respect to any fiscal year, the Chairman of the Capitol Police Board shall submit a summary of such reports to the Committees on Appropriations of the Senate and the House of Representatives.

(c) Effective date

This section shall take effect on January 10, 2002, and apply to each fiscal year occurring after such date.

(Pub. L. 107–117, div. B, §911, Jan. 10, 2002, 115 Stat. 2322; Pub. L. 117–77, §2(a), Dec. 22, 2021, 135 Stat. 1522.)

Editorial Notes

REFERENCES IN TEXT

Sections 1922, 1961, 1966, 1967, and 1969 of this title and sections 5101 to 5107 and 5109 of title 40, referred to in subsec. (a)(1), (3)(A), (4)(B)(ii)(III), was in the original a reference to the Act of July 31, 1946 (40 U.S.C. 212a–2),

¹ See References in Text note below.

which is act July 31, 1946, ch. 707, 60 Stat. 718. Sections 9, 9A, 9B, 9C, and 14 of the Act are classified, respectively, to sections 1961, 1966, 1967, 1922, and 1969 of this title, and section 16(b) of the Act is set out as a note under section 1961 of this title. Sections 1 to 8, 10 to 13, and 16(a) of the Act, which were classified to sections 193a to 193m of former Title 40, Public Buildings, Property, and Works, were repealed and reenacted as sections 5101 to 5107 and 5109 of Title 40, Public Buildings, Property, and Works, by Pub. L. 107-217, §§1, 6(b), Aug. 21, 2002, 116 Stat. 1062, 1312, the first section of which enacted Title 40. Section 5(c) of Pub. L. 107-217, set out as a note preceding section 101 of Title 40, provides that a reference to a law replaced by section 1 of Pub. L. 107-217 is deemed to refer to the corresponding provision enacted by Pub. L. 107-217. For complete classification of the act of July 31, 1946, to the Code, see Tables. For disposition of sections of former Title 40, see table at the beginning of Title 40.

CODIFICATION

Section was classified to section 212c 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

2021—Subsec. (a)(1). Pub. L. 117-77, §2(a)(1), inserted “or in accordance with paragraph (4)” before “and on a permanent”.

Subsec. (a)(4)(B). Pub. L. 117-77, §2(a)(2)(A), struck out “advance” before “written request” in introductory provisions.

Subsec. (a)(4)(B)(ii)(III). Pub. L. 117-77, §2(a)(2)(B), added subcl. (III).

Subsec. (a)(5). Pub. L. 117-77, §2(a)(3), added par. (5).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2021 AMENDMENT

Pub. L. 117-77, §4, Dec. 22, 2021, 135 Stat. 1524, provided that: “The amendments made by this Act [amending this section and section 1974 of this title] shall take effect on October 1, 2021.”

§ 1971. Contributions of meals and refreshments during emergency duty

At any time on or after November 12, 2001, the United States Capitol Police may accept contributions of meals and refreshments in support of activities of the United States Capitol Police during a period of emergency (as determined by the Capitol Police Board).

(Pub. L. 107-68, title I, §121, Nov. 12, 2001, 115 Stat. 576.)

Editorial Notes

CODIFICATION

Section was classified to section 206d 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.

§ 1972. Contributions of comfort and other incidental items and services during emergency duty

In addition to the authority provided under section 1971 of this title, at any time on or after January 10, 2002, the Capitol Police Board may accept contributions of comfort and other incidental items and services to support officers and employees of the United States Capitol Police while such officers and employees are on duty in

response to emergencies involving the safety of human life or the protection of property.

(Pub. L. 107-117, div. B, §910, Jan. 10, 2002, 115 Stat. 2322.)

Editorial Notes

CODIFICATION

Section was classified to section 206d-1 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.

§ 1973. Support and maintenance expenditures during emergency duty

At any time on or after November 12, 2001, the Capitol Police Board may incur obligations and make expenditures out of available appropriations for meals, refreshments and other support and maintenance for the Capitol Police when, in the judgment of the Capitol Police Board, such obligations and expenditures are necessary to respond to emergencies involving the safety of human life or the protection of property.

(Pub. L. 107-68, title I, §124, Nov. 12, 2001, 115 Stat. 576.)

Editorial Notes

CODIFICATION

Section was classified to section 206e 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.

§ 1974. Capitol Police special officers

(a) In general

In the event of an emergency, as determined by the Capitol Police Board or in a concurrent resolution of Congress, or as determined by the Chief of the Capitol Police in accordance with section 1970(a)(4)(B)(ii)(III) of this title, the Chief of the Capitol Police may appoint—

(1) any law enforcement officer from any Federal agency or State or local government agency made available by that agency to serve as a special officer of the Capitol Police within the authorities of the Capitol Police in policing the Capitol buildings and grounds; and

(2) any member of the uniformed services, including members of the National Guard, made available by the appropriate authority to serve as a special officer of the Capitol Police within the authorities of the Capitol Police in policing the Capitol buildings and grounds.

An appointment under this section due to an emergency determined by the Chief of the Capitol Police under paragraph (4)(B)(ii)(III) of section 1970(a) of this title shall be in effect for the period of the emergency, unless and until the Capitol Police Board revokes the request for assistance under paragraph (5) of such section.

(b) Conditions of appointment

An individual appointed as a special officer under this section shall—

(1) serve without pay for service performed as a special officer (other than pay received from the applicable employing agency or service);

(2) serve as a special officer no longer than a period specified at the time of appointment;
 (3) not be a Federal employee by reason of service as a special officer, except as provided under paragraph (4); and

(4) shall be an employee of the Government for purposes of chapter 171 of title 28 if that individual is acting within the scope of his office or employment in service as a special officer.

(c) Reimbursement agreements

Nothing in this section shall prohibit the Capitol Police from entering into an agreement for the reimbursement of services provided under this section with any Federal, State, or local agency.

(d) Regulations

Subject to approval by the Speaker of the House of Representatives (in consultation with the Minority Leader of the House of Representatives) and the Majority Leader of the Senate (in consultation with the Minority Leader of the Senate), acting jointly, the Capitol Police Board may prescribe regulations to carry out this section.

(e) Effective date

This section shall take effect on February 20, 2003, and shall apply to fiscal year 2003 and each fiscal year thereafter.

(Pub. L. 108-7, div. H, title I, §1017, Feb. 20, 2003, 117 Stat. 365; Pub. L. 117-77, §2(b), Dec. 22, 2021, 135 Stat. 1523.)

Editorial Notes

CODIFICATION

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

AMENDMENTS

2021—Subsec. (a). Pub. L. 117-77, §2(b)(1), inserted “or as determined by the Chief of the Capitol Police in accordance with section 1970(a)(4)(B)(ii)(III) of this title,” after “Congress,” in introductory provisions and inserted concluding provisions.

Subsec. (c). Pub. L. 117-77, §2(b)(2), (3), redesignated subsec. (d) as (c) and struck out former subsec. (c). Prior to amendment, text of subsec. (c) read as follows: “Any individual appointed under subsection (a) shall be subject to—

“(1) qualification requirements as the Chief of the Capitol Police determines necessary; and
 “(2) approval by the Capitol Police Board.”

Subsec. (d). Pub. L. 117-77, §2(b)(3), (4), redesignated subsec. (f) as (d) and substituted “Majority Leader” for “President pro tempore”. Former subsec. (d) redesignated (c).

Subsec. (e). Pub. L. 117-77, §2(b)(2), (3), redesignated subsec. (g) as (e) and struck out former subsec. (e). Prior to amendment, text of subsec. (e) read as follows: “Any appointment under this section shall be subject to initial approval by the Capitol Police Board and to final approval by the Speaker of the House of Representatives (in consultation with the Minority Leader of the House of Representatives) and the President pro tempore of the Senate (in consultation with the Minority Leader of the Senate), acting jointly.”

Subsecs. (f), (g). Pub. L. 117-77, §2(b)(3), redesignated subsecs. (f) and (g) as (d) and (e), respectively.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2021 AMENDMENT

Amendment by Pub. L. 117-77 effective Oct. 1, 2021, see section 4 of Pub. L. 117-77, set out as a note under section 1970 of this title.

§ 1975. Overseas travel

(a) Definition

In this section, the term “United States” means each of the several States of the United States, the District of Columbia, and the territories and possessions of the United States.

(b) In general

A member of the Capitol Police may travel outside of the United States if—

(1) that travel is with, or in preparation for, travel of a Senator, including travel of a Senator as part of a congressional delegation;

(2) the member of the Capitol Police is performing security advisory and liaison functions (including advance security liaison preparations) relating to the travel of that Senator; and

(3) the Sergeant at Arms and Doorkeeper of the Senate gives prior approval to the travel of the member of the Capitol Police.

(c) Law enforcement functions

Subsection (b) shall not be construed to authorize the performance of law enforcement functions by a member of the Capitol Police in connection with the travel authorized under that subsection.

(d) Reimbursement

The Capitol Police shall be reimbursed for the overtime pay, travel, and related expenses of any member of the Capitol Police who travels under the authority of this section. Any reimbursement under this subsection shall be paid from the account under the heading “SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE” under the heading “CONTINGENT EXPENSES OF THE SENATE”.

(e) Amounts received

Any amounts received by the Capitol Police for reimbursements under subsection (d) shall be credited to the accounts established for the general expenses or salaries of the Capitol Police, and shall be available to carry out the purposes of such accounts during the fiscal year in which the amounts are received and the following fiscal year.

(f) Effective date

This section shall apply to fiscal year 2005 and each fiscal year thereafter.

(Pub. L. 108-447, div. G, title I, §12, Dec. 8, 2004, 118 Stat. 3171.)

Editorial Notes

CODIFICATION

Section is from the Legislative Branch Appropriations Act, 2005, which is div. G of the Consolidated Appropriations Act, 2005.

§ 1975a. Overseas travel to accompany members of House leadership

(a) Travel authorized

(1) In general

A member of the Capitol Police may travel outside of the United States for official duty if—

(A) that travel is with, or in preparation for, travel of a Member of the House of Rep-

representatives who holds a position in a House Leadership Office, including travel of the Member as part of a congressional delegation; and

(B) the Sergeant at Arms of the House of Representatives gives prior approval to the travel of the member of the Capitol Police.

(2) Definitions

In this subsection—

(A) the term “House Leadership office”¹ means an office of the House of Representatives for which the appropriation for salaries and expenses of the office for the year involved is provided under the heading “House Leadership Offices” in the act making appropriations for the Legislative Branch for the fiscal year involved;

(B) the term “Member of the House of Representatives” includes a Delegate or Resident Commissioner to the Congress; and

(C) the term “United States” means each of the several States of the United States, the District of Columbia, and the territories and possessions of the United States.

(b) Reimbursement from Sergeant at Arms

(1) In general

From amounts made available for salaries and expenses of the Office of the Sergeant at Arms of the House of Representatives, the Sergeant at Arms of the House of Representatives shall reimburse the Capitol Police for the overtime pay, travel, and related expenses of any member of the Capitol Police who travels under the authority of this section.

(2) Use of amounts received

Any amounts received by the Capitol Police for reimbursements under paragraph (1) shall be credited to the accounts established for the general expenses or salaries of the Capitol Police, and shall be available to carry out the purposes of such accounts during the fiscal year in which the amounts are received and the following fiscal year.

(c) Effective date

This section shall apply with respect to fiscal year 2017 and each succeeding fiscal year.

(Pub. L. 115–31, div. I, title I, § 110, May 5, 2017, 131 Stat. 575.)

§ 1976. Acceptance of donations of animals

(a) In general

The Capitol Police may accept the donation of animals to be used in the canine units of the Capitol Police.

(b) Effective date

This section shall apply with respect to fiscal year 2005 and each fiscal year thereafter.

(Pub. L. 108–447, div. G, title I, § 1005, Dec. 8, 2004, 118 Stat. 3180.)

Editorial Notes

CODIFICATION

Section is from the Legislative Branch Appropriations Act, 2005, which is div. G of the Consolidated Appropriations Act, 2005.

¹ So in original. The word “office” probably should be capitalized.

§ 1977. Settlement and payment of tort claims

(a) Federal Tort Claims Act

(1) In general

Except as provided in paragraph (2), the Chief of the Capitol Police, in accordance with regulations prescribed by the Attorney General and any regulations as the Capitol Police Board may prescribe, may consider, ascertain, determine, compromise, adjust, and settle, in accordance with the provisions of chapter 171 of title 28, any claim for money damages against the United States for injury or loss of property or personal injury or death caused by the negligent or wrongful act or omission of any employee of the Capitol Police while acting within the scope of his office or employment, under circumstances where the United States, if a private person, would be liable to the claimant in accordance with the law of the place where the act or omission occurred.

(2) Special rule for claims made by Members of Congress and congressional employees

(A) In general

With respect to any claim described in paragraph (1) which is made by a Member of Congress or any officer or employee of Congress, the Chief of the Capitol Police shall—

(i) not later than 14 days after the receipt of such a claim, notify the Chairman of the applicable Committee of the receipt of the claim; and

(ii) not later than 90 days after the receipt of such a claim, submit a proposal for the resolution of such claim which shall be subject to the approval of the Chairman of the applicable Committee.

(B) Extension

The 90-day period in subparagraph (A)(ii) may be extended for an additional period (not to exceed 90 days) for good cause by the Chairman of the applicable Committee, upon the request of the Chief of the Capitol Police.

(C) Approval consistent with Federal Tort Claims Act

Nothing in this paragraph may be construed to permit the Chairman of an applicable Committee to approve a proposal for the resolution of a claim described in paragraph (1) which is not consistent with the terms and conditions applicable under chapter 171 of title 28 to the resolution of claims for money damages against the United States.

(D) Applicable Committee defined

In this paragraph, the term “applicable Committee” means—

(i) the Committee on Rules and Administration of the Senate, in the case of a claim of a Senator or an officer or employee whose pay is disbursed by the Secretary of the Senate; or

(ii) the Committee on House Administration of the House of Representatives, in the case of a Member of the House of Representatives (including a Delegate or Resident Commissioner to the Congress) or an officer or employee whose pay is disbursed

by the Chief Administrative Officer of the House of Representatives.

(3) Head of agency

For purposes of section 2672 of title 28, the Chief of the Capitol Police shall be the head of a Federal agency with respect to the Capitol Police.

(4) Regulations

The Capitol Police Board may prescribe regulations to carry out this subsection.

(b) Claims of employees of Capitol Police

(1) In general

The Capitol Police Board may prescribe regulations to apply the provisions of section 3721 of title 31 for the settlement and payment of a claim against the Capitol Police by an employee of the Capitol Police for damage to, or loss of personal property incident to service.

(2) Limitation

No settlement and payment of a claim under regulations prescribed under this subsection may exceed the limits applicable to the settlement and payment of claims under section 3721 of title 31.

(c) Rule of construction

Nothing in this section may be construed to affect—

(1) any payment under section 1304 of title 31 of a final judgment, award, compromise settlement, and interest and costs specified in the judgment based on a claim against the Capitol Police; or

(2) any authority for any—

(A) settlement under section 1414 of this title, or

(B) payment under section 1415 of this title.

(d) Effective date

This section shall apply to fiscal year 2005 and each fiscal year thereafter.

(Pub. L. 108-447, div. G, title I, § 1006, Dec. 8, 2004, 118 Stat. 3180.)

Editorial Notes

CODIFICATION

Section is from the Legislative Branch Appropriations Act, 2005, which is div. G of the Consolidated Appropriations Act, 2005.

§ 1978. Deployment outside of jurisdiction

(a) Requirements for prior notice and approval

The Chief of the Capitol Police may not deploy any officer outside of the areas established by law for the jurisdiction of the Capitol Police unless—

(1) the Chief provides prior notification to the Committee on House Administration of the House of Representatives, the Committee on Rules and Administration of the Senate, and the Committees on Appropriations of the House of Representatives and Senate of the costs anticipated to be incurred with respect to the deployment; and

(2) the Capitol Police Board gives prior approval to the deployment.

(b) Exception for certain services

Subsection (a) does not apply with respect to the deployment of any officer for any of the following purposes:

(1) Responding to an imminent threat or emergency.

(2) Intelligence gathering.

(3) Providing protective services.

(c) Effective date

This section shall apply with respect to fiscal year 2005 and each succeeding fiscal year.

(Pub. L. 108-447, div. G, title I, § 1007, Dec. 8, 2004, 118 Stat. 3182; Pub. L. 111-145, § 2(c), Mar. 4, 2010, 124 Stat. 51.)

Editorial Notes

CODIFICATION

Section is from the Legislative Branch Appropriations Act, 2005, which is div. G of the Consolidated Appropriations Act, 2005.

AMENDMENTS

2010—Subsec. (a)(1). Pub. L. 111-145 substituted “prior notification to the Committee on House Administration of the House of Representatives, the Committee on Rules and Administration of the Senate, and” for “prior notification to”.

§ 1979. Release of security information

(a) Definition

In this section, the term “security information” means information that—

(1) is sensitive with respect to the policing, protection, physical security, intelligence, counterterrorism actions, or emergency preparedness and response relating to Congress, any statutory protectee of the Capitol Police, and the Capitol buildings and grounds; and

(2) is obtained by, on behalf of, or concerning the Capitol Police Board, the Capitol Police, or any incident command relating to emergency response.

(b) Authority of Board to determine conditions of release

Notwithstanding any other provision of law, any security information in the possession of the Capitol Police may be released by the Capitol Police to another entity, including an individual, only if the Capitol Police Board determines in consultation with other appropriate law enforcement officials, experts in security preparedness, and appropriate committees of Congress, that the release of the security information will not compromise the security and safety of the Capitol buildings and grounds or any individual whose protection and safety is under the jurisdiction of the Capitol Police.

(c) Rule of construction

Nothing in this section may be construed to affect the ability of the Senate and the House of Representatives (including any Member, officer, or committee of either House of Congress) to obtain information from the Capitol Police regarding the operations and activities of the Capitol Police that affect the Senate and House of Representatives.

(d) Regulations

The Capitol Police Board may promulgate regulations to carry out this section, with the ap-

proval of the Committee on Rules and Administration of the Senate and the Committee on House Administration of the House of Representatives.

(e) Effective date

This section shall take effect on December 8, 2004, and apply with respect to—

- (1) any remaining portion of fiscal year 2004, if this Act is enacted before October 1, 2004; and
- (2) fiscal year 2005 and each fiscal year thereafter.

(Pub. L. 108-447, div. G, title I, § 1009, Dec. 8, 2004, 118 Stat. 3182.)

Editorial Notes

REFERENCES IN TEXT

This Act, referred to in subsec. (e)(1), is div. G of Pub. L. 108-447, Dec. 8, 2004, 118 Stat. 3166, known as the Legislative Branch Appropriations Act, 2005, which was enacted Dec. 8, 2004.

CODIFICATION

Section is from the Legislative Branch Appropriations Act, 2005, which is div. G of the Consolidated Appropriations Act, 2005.

§ 1980. Mounted horse unit

(a) The United States Capitol Police may not operate a mounted horse unit during fiscal year 2006 or any succeeding fiscal year.

(b) Not later than 60 days after the date of the enactment of this Act, the Chief of the Capitol Police shall transfer to the Chief of the United States Park Police the horses, equipment, and supplies of the Capitol Police mounted horse unit which remain in the possession of the Capitol Police as of such date.

(Pub. L. 109-55, title I, § 1002, Aug. 2, 2005, 119 Stat. 572.)

Editorial Notes

REFERENCES IN TEXT

The date of the enactment of this Act, referred to in subsec. (b), is the date of the enactment of Pub. L. 109-55, which was approved Aug. 2, 2005.

CODIFICATION

Section is from the Legislative Branch Appropriations Act, 2006.

§ 1981. Advance payments

During fiscal year 2008 and each succeeding fiscal year, following notification of the Committees on Appropriations of the House of Representatives and the Senate, the Committee on House Administration of the House of Representatives, and the Committee on Rules and Administration of the Senate¹ the Chief of the Capitol Police may make payments in advance for obligations of the United States Capitol Police for subscription services if the Chief determines it to be more prompt, efficient, or economical to do so.

(Pub. L. 110-161, div. H, title I, § 1002, Dec. 26, 2007, 121 Stat. 2227; Pub. L. 111-145, § 2(d)(1), Mar. 4, 2010, 124 Stat. 51.)

¹ So in original. Probably should be followed by a comma.

Editorial Notes

CODIFICATION

Section is from the Legislative Branch Appropriations Act, 2008, which is div. H of the Consolidated Appropriations Act, 2008.

AMENDMENTS

2010—Pub. L. 111-145 inserted “the Committee on House Administration of the House of Representatives, and the Committee on Rules and Administration of the Senate” after “House of Representatives and the Senate,”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2010 AMENDMENT

Pub. L. 111-145, § 2(d)(2), Mar. 4, 2010, 124 Stat. 51, provided that: “The amendment made by this subsection [amending this section] shall take effect 30 days after the date of enactment of this Act [Mar. 4, 2010] and apply to payments made on or after that effective date.”

§ 1982. Acceptance of surplus or obsolete property

Upon notifying the Committees of Appropriations of the House of Representatives and Senate, the United States Capitol Police may accept surplus or obsolete property offered by another Federal department, agency, or office.

(Pub. L. 115-31, div. I, title I, § 1001(b), May 5, 2017, 131 Stat. 578.)

Editorial Notes

CODIFICATION

Section is from the Legislative Branch Appropriations Act, 2017, which is div. I of the Consolidated Appropriations Act, 2017.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section applicable with respect to fiscal year 2017 and each succeeding fiscal year, see section 1001(c) of Pub. L. 115-31, set out as an Effective Date of 2017 Amendment note under section 1906 of this title.

CHAPTER 30—OPERATION AND MAINTENANCE OF CAPITOL COMPLEX

SUBCHAPTER I—HOUSE OF REPRESENTATIVES

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