# In the Senate of the United States,

October 29, 2009.

Resolved, That the bill from the House of Representatives (H.R. 1299) entitled "An Act to make technical corrections to the laws affecting certain administrative authorities of the United States Capitol Police, and for other purposes.", do pass with the following

## **AMENDMENT:**

Strike all after the enacting clause and insert the following:

- 1 SECTION 1. SHORT TITLE.
- 2 This Act may be cited as the "United States Capitol
- 3 Police Administrative Technical Corrections Act of 2009".
- 4 SEC. 2. ADMINISTRATIVE AUTHORITIES OF THE CHIEF OF
- 5 THE CAPITOL POLICE.
- 6 (a) Clarification of Certain Hiring Authori-
- 7 TIES.—
- 8 (1) Chief administrative officer.—Section
- 9 108(a) of the Legislative Branch Appropriations

1 Act, 2001 (2 U.S.C. 1903(a)) is amended to read as 2 follows: 3 "(a) Chief Administrative Officer.— 4 "(1) ESTABLISHMENT.—There shall be within 5 the United States Capitol Police an Office of Admin-6 istration, to be headed by the Chief Administrative 7 Officer, who shall report to and serve at the pleasure 8 of the Chief of the Capitol Police. 9 "(2) APPOINTMENT.—The Chief Administrative 10 Officer shall be appointed by the Chief of the United 11 States Capitol Police, after consultation with the 12 Capitol Police Board, without regard to political af-13 filiation and solely on the basis of fitness to perform 14 the duties of the position. 15 "(3) Compensation.—The annual rate of pay 16 for the Chief Administrative Officer shall be the 17 amount equal to \$1,000 less than the annual rate of 18 pay in effect for the Chief of the Capitol Police.". 19 (2) Administrative provisions.—Section 108 20 of the Legislative Branch Appropriations Act, 2001 21 (2 U.S.C. 1903) is amended by striking subsection 22 (c). 23 (3) Certifying officers.—Section 107 of the 24 Legislative Branch Appropriations Act, 2001 (2)

U.S.C. 1904) is amended—

1	(A) in subsection (a), by striking "the
2	Capitol Police Board" and inserting "the Chief
3	of the Capitol Police"; and
4	(B) in subsection (b)(1), by striking "the
5	Capitol Police Board" and inserting "the Chief
6	of the Capitol Police".
7	(4) Personnel actions of the chief of
8	THE CAPITOL POLICE.—
9	(A) In General.—Section 1018(e) of the
10	Legislative Branch Appropriations Act, 2003 (2
11	U.S.C. 1907(e)) is amended by striking para-
12	graph (1) and inserting the following:
13	"(1) Authority.—
14	"(A) In general.—The Chief of the Cap-
15	itol Police, in carrying out the duties of office,
16	is authorized to appoint, hire, suspend with or
17	without pay, discipline, discharge, and set the
18	terms, conditions, and privileges of employment
19	of employees of the Capitol Police, subject to
20	and in accordance with applicable laws and reg-
21	ulations.
22	"(B) Special rule for termi-
23	NATIONS.—The Chief may terminate an officer,
24	member, or employee only after the Chief has
25	provided notice of the termination to the Cap-

itol 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."

1	(B) TECHNICAL AND CONFORMING AMEND-
2	MENTS.—
3	(i) Suspension Authority.—Section
4	1823 of the Revised Statutes of the United
5	States (2 U.S.C. 1928) is repealed.
6	(ii) Pay of members under sus-
7	PENSION.—The proviso in the Act of Mar.
8	3, 1875 (ch. 129; 18 Stat. 345), popularly
9	known as the "Legislature, Executive, and
10	Judicial Appropriation Act, fiscal year
11	1876", which is codified at section 1929 of
12	title 2, United States Code (2000 Editions,
13	Supp. V), is repealed.
14	(5) Conforming application of congres-
15	SIONAL ACCOUNTABILITY ACT OF 1995.—
16	(A) IN GENERAL.—Section 101(9)(D) of
17	the Congressional Accountability Act of 1995 (2
18	U.S.C. 1301(9)(D)) is amended by striking
19	"the Capitol Police Board," and inserting "the
20	United States Capitol Police,".
21	(B) No effect on current pro-
22	CEEDINGS.—Nothing in the amendment made
23	by subparagraph (A) may be construed to affect
24	any procedure initiated under title IV of the

1	Congressional Accountability Act of 1995 prior				
2	to the date of the enactment of this Act.				
3	(6) No effect on current personnel.—				
4	Nothing in the amendments made by this subsection				
5	may be construed to affect the status of any indi-				
6	vidual serving as an officer or employee of the				
7	United States Capitol Police as of the date of the				
8	enactment of this Act.				
9	(b) Deposit of Reimbursements for Law En-				
10	FORCEMENT ASSISTANCE.—				
11	(1) In General.—Section 2802 of the Supple-				
12	mental Appropriations Act, 2001 (2 U.S.C. 1905) is				
13	amended—				
14	(A) in subsection (a)(1), by striking "Cap-				
15	itol Police Board" each place it appears and in-				
16	serting "United States Capitol Police"; and				
17	(B) in subsection (a)(2), by striking "Cap-				
18	itol Police Board" and inserting "Chief of the				
19	United States Capitol Police".				
20	(2) Effective date.—The amendments made				
21	by paragraph (1) shall take effect as if included in				
22	the enactment of the Supplemental Appropriations				
23	Act, 2001.				
24	(c) Prior Notice To Authorizing Committees				
25	OF DEPLOYMENT OUTSIDE JURISDICTION.—Section				

- 1 1007(a)(1) of the Legislative Branch Appropriations Act,
- 2 2005 (2 U.S.C. 1978(a)(1)) is amended by striking "prior
- 3 notification to" and inserting the following: "prior notifi-
- 4 cation to the Committee on House Administration of the
- 5 House of Representatives, the Committee on Rules and
- 6 Administration of the Senate, and".
- 7 (d) Advance Payments for Subscription Serv-
- 8 ICES.—
- 9 (1) IN GENERAL.—Section 1002 of the Legisla-
- tive Branch Appropriations Act, 2008 (Public Law
- 11 110–161; 2 U.S.C. 1981) is amended by inserting
- 12 "the Committee on House Administration of the
- House of Representatives, and the Committee on
- Rules and Administration of the Senate" after "the
- 15 Senate,".
- 16 (2) Effective date and application.—The
- amendment made by this subsection shall take effect
- 18 30 days after the date of enactment of this Act and
- apply to payments made on or after that effective
- date.
- 21 SEC. 3. GENERAL COUNSEL TO THE CHIEF OF POLICE AND
- 22 THE UNITED STATES CAPITOL POLICE.
- (a) APPOINTMENT AND SERVICE.—
- 24 (1) IN GENERAL.—There shall be within the
- 25 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 1018(e)(1) of the Legislative Branch Appropriations Act, 2003 (2 U.S.C. 1907(e)(1)) (as amended by section 2(a)(4)), 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) Technical and conforming amendment.—House Resolution 661, Ninety-fifth Con-

- gress, agreed to July 29, 1977, as enacted into permanent law by section 111 of the Legislative Branch
  Appropriation Act, 1979 (2 U.S.C. 1901 note) is repealed.
- 5 (5) NO EFFECT ON CURRENT GENERAL COUN-6 SEL.—Nothing in this subsection or the amendments 7 made by this subsection may be construed to affect 8 the status of the individual serving as the General 9 Counsel to the Chief of Police and the United States 10 Capitol Police as of the date of the enactment of this 11 Act.

### (b) Legal Representation Authority.—

- (1) IN GENERAL.—Section 1002(a)(2)(A) of the Legislative Branch Appropriations Act, 2004 (2 U.S.C. 1908(a)(2)(A)) is amended by striking "the General Counsel for the United States Capitol Police Board and the Chief of the Capitol Police" and inserting "the General Counsel to the Chief of Police and the United States Capitol Police".
- (2) No EFFECT ON CURRENT PROCEEDINGS.—
  Nothing in the amendment made by paragraph (1)
  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

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1	or political subdivision thereof which is initiated
2	prior to the date of the enactment of this Act.
3	SEC. 4. EMPLOYMENT COUNSEL TO THE CHIEF OF POLICE
4	AND THE UNITED STATES CAPITOL POLICE.
5	(a) Legal Representation Authority.—
6	(1) In general.—Section 1002(a)(2)(B) of the
7	Legislative Branch Appropriations Act, 2004 (2
8	U.S.C. 1908(a)(2)(B)) is amended by striking "the
9	Employment Counsel for the United States Capitol
10	Police Board and the United States Capitol Police"
11	and inserting "the Employment Counsel to the Chief
12	of Police and the United States Capitol Police".
13	(2) No effect on current proceedings.—
14	Nothing in the amendment made by paragraph (1)
15	may be construed to affect the authority of any indi-
16	vidual to enter an appearance in any proceeding be-
17	fore any court of the United States or of any State
18	or political subdivision thereof which is initiated
19	prior to the date of the enactment of this Act.
20	(b) No Effect on Current Employment Coun-
21	SEL.—Nothing in this section or the amendments made
22	by this section may be construed to affect the status of
23	the individual serving as the Employment Counsel to the
24	Chief of Police and the United States Capitol Police as
25	of the date of the enactment of this Act.

### SEC. 5. CLARIFICATION OF AUTHORITIES REGARDING CER-2 TAIN PERSONNEL BENEFITS. 3 (a) No Lump-Sum Payment Permitted for Un-USED COMPENSATORY TIME.— 5 (1) In general.—No officer or employee of 6 the United States Capitol Police whose service with 7 the United States Capitol Police is terminated may 8 receive any lump-sum payment with respect to ac-9 crued compensatory time off, except to the extent 10 permitted under section 203(c)(4) of the Congres-11 sional Accountability Act of 1995 (2 U.S.C. 12 1313(c)(4)). 13 (2) Repeal of related obsolete provi-14 SIONS.— 15 (A) **OVERTIME** PAY DISBURSED BY16 HOUSE.—Section 3 of House Resolution 449, 17 Ninety-second Congress, agreed to June 2, 18 1971, as enacted into permanent law by chapter 19 IV of the Supplemental Appropriations Act, 20 1972 (85 Stat. 636) (2 U.S.C. 1924), together 21 with any other provision of law which relates to

compensatory time for the Capitol Police which

is codified at section 1924 of title 2, United

States Code (2000 Editions, Supp. V), is re-

pealed.

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1	(B) Overtime pay disbursed by sen-					
2	ATE.—The last full paragraph under the head-					
3	ing "Administrative Provisions" in the appro-					
4	priation for the Senate in the Legislative					
5	Branch Appropriations Act, 1972 (85 Stat.					
6	130) (2 U.S.C. 1925) is repealed.					
7	(b) Overtime Compensation for Officers and					
8	EMPLOYEES EXEMPT FROM FAIR LABOR STANDARDS					
9	ACT OF 1938.—					
10	(1) Criteria under which compensation					
11	PERMITTED.—The Chief of the Capitol Police may					
12	provide for the compensation of overtime work of ex-					
13	empt individuals which is performed on or after the					
14	date of the enactment of this Act, in the form of ad-					
15	ditional pay or compensatory time off, only if—					
16	(A) the overtime work is carried out in					
17	connection with special circumstances, as deter-					
18	mined by the Chief;					
19	(B) the Chief has established a monetary					
20	value for the overtime work performed by such					
21	individual; and					
22	(C) the sum of the total amount of the					
23	compensation paid to the individual for the					
24	overtime work (as determined on the basis of					
25	the monetary value established under subpara-					

graph (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 203 of the Congressional Accountability Act of 1995 (2 U.S.C. 1313) as exempt from the application of the rights and protections established by subsections (a)(1) and (d) of section 6, section 7, and section 12(c) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206 (a)(1) and (d), 207, 212(c)); or
  - (B) whose annual rate of pay is not established specifically under any law.
  - (3) Conforming Amendment.—

1	(A) In General.—Section 1009 of the
2	Legislative Branch Appropriations Act, 2003
3	(Public Law 108–7; 117 Stat. 359) is repealed.
4	(B) Effective date.—The amendment
5	made by subparagraph (A) shall take effect as
6	if included in the enactment of the Legislative
7	Branch Appropriations Act, 2003, except that
8	the amendment shall not apply with respect to
9	any overtime work performed prior to the date
10	of the enactment of this Act.
11	SEC. 6. OTHER MISCELLANEOUS TECHNICAL CORREC-
12	TIONS.
13	(a) Repeal of Obsolete Procedures for Ini-
14	TIAL APPOINTMENT OF CHIEF ADMINISTRATIVE OFFI-
15	CER.—Section 108 of the Legislative Branch Appropria-
	CER. Section 100 of the Degislative Dranen Appropria-
16	tions Act, 2001 (2 U.S.C. 1903) is amended by striking
17	tions Act, 2001 (2 U.S.C. 1903) is amended by striking
17 18	tions Act, 2001 (2 U.S.C. 1903) is amended by striking subsections (d) through (g).
17 18 19	tions Act, 2001 (2 U.S.C. 1903) is amended by striking subsections (d) through (g).  (b) Repeal of Requirement That Officers
17 18 19	tions Act, 2001 (2 U.S.C. 1903) is amended by striking subsections (d) through (g).  (b) Repeal of Requirement That Officers Purchase Own Uniforms.—Section 1825 of the Re-
17 18 19 20 21	tions Act, 2001 (2 U.S.C. 1903) is amended by striking subsections (d) through (g).  (b) Repeal of Requirement That Officers Purchase Own Uniforms.—Section 1825 of the Revised Statutes of the United States (2 U.S.C. 1943) is
17 18 19 20 21 22	tions Act, 2001 (2 U.S.C. 1903) is amended by striking subsections (d) through (g).  (b) Repeal of Requirement That Officers Purchase Own Uniforms.—Section 1825 of the Revised Statutes of the United States (2 U.S.C. 1943) is repealed.

24 ATE OFFICE BUILDINGS.—

- 1 (1) House office buildings.—The item re-2 lating to "House of Representatives Office Building" 3 in the Act entitled "An Act making appropriations 4 for sundry civil expenses of the Government for the 5 fiscal year ending June thirtieth, nineteen hundred 6 and eight, and for other purposes", approved March 7 4, 1907 (34 Stat. 1365; 2 U.S.C. 2001), is amended 8 by striking "other than officers and privates of the 9 Capitol police" each place it appears and inserting 10 "other than the United States Capitol Police".
- 11 (2) SENATE OFFICE BUILDINGS.—The item re12 lating to "Senate Office Building" in the Legislative
  13 Branch Appropriation Act, 1943 (56 Stat. 343; 2
  14 U.S.C. 2023) is amended by striking "other than for
  15 officers and privates of the Capitol Police" each
  16 place it appears and inserting "other than for the
  17 United States Capitol Police".
- 18 (d) CLARIFICATION OF APPLICABILITY OF U.S. CAP-19 ITOL POLICE AND LIBRARY OF CONGRESS POLICE MERG-20 ER IMPLEMENTATION ACT OF 2007.—
- 21 (1) Repeal of Duplicate Provisions.—Ef-22 fective as if included in the enactment of the Legis-23 lative Branch Appropriations Act, 2008 (Public Law 24 110–161), section 1004 of such Act is repealed, and 25 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), including any provision of such Act that amends or repeals a provision of law which is restored or revived pursuant to paragraph (1).

### (e) AUTHORITY OF CHIEF OF POLICE.—

(1) Repeal of Certain Provisions codified in title 2, united states code.—The provisions appearing in the first paragraph under the heading "Capitol Police" in the Act of April 28, 1902 (ch. 594; 32 Stat. 124), and the provisions appearing in the first paragraph under the heading "Capitol Police" in title I of the Legislative and Judiciary Appropriation Act, 1944 (ch. 173; 57 Stat. 230), insofar as all of those provisions are related to the sentence "The captain and lieutenants shall be selected jointly by 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

- 1 by the Sergeant at Arms of the House of Represent-2 atives.", which appears in 2 U.S.C. 1901 (2000 Edi-3 tion, Supp. V), are repealed.
- 4 (2) Restoration of Repealed Provision.— 5 Section 1018(h)(1) of the Legislative Branch Appro-6 priations Act, 2003 (Public Law 108–7, div. H, title I, 117 Stat. 368) is repealed, and the sentence "The 7 8 Capitol Police shall be headed by a Chief who shall 9 be appointed by the Capitol Police Board and shall 10 serve at the pleasure of the Board.", which was repealed by such section, is restored to appear at the 12 end of section 1821 of the Revised Statutes of the 13 United States (2 U.S.C. 1901).
  - (3) Conforming amendment.—The first sentence of section 1821 of the Revised Statutes of the United States (2 U.S.C. 1901) is amended 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".
  - (4) Effective date.—The amendments made by this subsection shall take effect as if included in the enactment of the Legislative Branch Appropriations Act, 2003.

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1	SEC. 7. TREATMENT OF CAPITOL POLICE EMPLOYEES AS
2	CONGRESSIONAL EMPLOYEES.
3	(a) Definition of Congressional Employee.—
4	Section 2107(4) of title 5, United States Code, is amended
5	by inserting "or employee" after "member".
6	(b) Dual Pay and Dual Employment.—
7	(1) Definition of agency in the legisla-
8	TIVE BRANCH.—Section 5531(4) of title 5, United
9	States Code, is amended by striking "and the Con-
10	gressional Budget Office" and inserting "the Con-
11	gressional Budget Office, and the United States
12	Capitol Police".
13	(2) Dual Pay.—Section 5533 of title 5, United
14	States Code, is amended—
15	(A) in subsection (c)—
16	(i) in paragraph (1), by striking "or
17	the Chief Administrative Officer of the
18	House of Representatives" and inserting ",
19	the Chief Administrative Officer of the
20	House of Representatives, or the Chief of
21	the Capitol Police"; and
22	(ii) in paragraph (2), by inserting "or
23	the Chief of the Capitol Police" after
24	"House of Representatives"; and
25	(B) in subsection (d)(5)(A), by striking "or
26	the Chief Administrative Officer of the House

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1	of Representatives" and inserting ", the Chief
2	Administrative Officer of the House of Rep-
3	resentatives, or the Chief of the Capitol Police"
4	(c) Fees for Jury and Witness Service.—
5	(1) Crediting amounts received.—Section
6	5515 of title 5, United States Code, is amended by
7	striking "or the Chief Administrative Officer of the
8	House of Representatives" and inserting ", the
9	Chief Administrative Officer of the House of Rep-
10	resentatives, or the Chief of the Capitol Police".
11	(2) Fees for service.—Section 5537(a) of
12	title 5, United States Code, is amended by striking
13	"or the Chief Administrative Officer of the House of
14	Representatives" and inserting ", the Chief Adminis-
15	trative Officer of the House of Representatives, or
16	the Chief of the Capitol Police".
17	(d) Effective Date.—The amendments made by
18	this section shall take effect as though enacted as part
19	of section 1018 of the Legislative Branch Appropriations
20	Act, 2003 (2 U.S.C. 1907).
21	SEC. 8. LAW ENFORCEMENT AUTHORITY OF SERGEANT-AT
22	ARMS AND DOORKEEPER OF THE SENATE.
23	(a) In General.—The Sergeant-at-Arms and Door-

24 keeper of the Senate shall have the same law enforcement

25 authority, including the authority to carry firearms, as a

- 1 member of the Capitol Police. The law enforcement au-2 thority under the preceding sentence shall be subject to
- 3 the requirement that the Sergeant-at-Arms and Door-
- 4 keeper of the Senate have the qualifications specified in
- 5 subsection (b).
- 6 (b) QUALIFICATIONS.—The qualifications referred to 7 in subsection (a) are the following:
- 8 (1) A minimum of 5 years of experience as a 9 law enforcement officer before beginning service as 10 the Sergeant-at-Arms and Doorkeeper of the Senate.
- 12 (2) Current certification in the use of firearms 12 by the appropriate Federal law enforcement entity 13 or an equivalent non-Federal entity.
- (3) Any other firearms qualification required
   for members of the Capitol Police.
- 16 (c) REGULATIONS.—The Committee on Rules and 17 Administration of the Senate shall have authority to pre-18 scribe regulations to carry out this section.

Attest:

Secretary.

# 111TH CONGRESS H.R. 1299

# **AMENDMENT**