

§ 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.)

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.)

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.)

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.

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.

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.)

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 shall be deposited into the Fund.

(Pub. L. 105–223, §1, Aug. 7, 1998, 112 Stat. 1250.)

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.

§ 1952. Payments from Fund for families of Detective Gibson and Private First Class Chestnut

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.

(Pub. L. 105–223, §2, Aug. 7, 1998, 112 Stat. 1250.)

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.

§ 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.)

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.