

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.