MARKUP OF H.R. 3690, U.S. CAPITOL POLICE AND LIBRARY OF CONGRESS POLICE MERGER IMPLEMENTATION ACT OF 2007

MEETING

BEFORE THE

COMMITTEE ON HOUSE ADMINISTRATION HOUSE OF REPRESENTATIVES

ONE HUNDRED TENTH CONGRESS

FIRST SESSION

HELD IN WASHINGTON, DC, NOVEMBER 7, 2007

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MARKUP OF H.R. 3690

WEDNESDAY, NOVEMBER 7, 2007

HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOUSE ADMINISTRATION,
Washington, DC.

The committee met, pursuant to call, at 12:38 p.m., in room 1310, Longworth House Office Building, Hon. Robert A. Brady (chairman of the committee) Presiding.

Present: Representatives Brady, Capuano, Gonzalez, Davis of California, Davis of Alabama, Ehlers, Lungren, and McCarthy.

Staff Present: Liz Birnbaum, Staff Director; Michael Harrison, Professional Staff; Teri Morgan, Deputy Chief Counsel; Matt Pinkus, Professional Staff/Parliamentarian; Kyle Anderson, Press Director; Kristin McCowan, Chief Legislative Clerk; Matthew DeFreitas, Staff Assistant; Fred Hay, Minority General Counsel; and Bryan T. Dorsey, Minority Professional Staff.

The CHAIRMAN. The Committee on House Administration will come to order. The committee will now mark up the U.S. Capitol Police and Library of Congress Police Merger Implementation Act, H.R. 3690.

In 2003, Congress passed legislation merging the Library Police into the Capitol Police. The goal was to unify these two police agencies and create "seamless security" on Capitol Hill. The legislation called for the agencies to develop a merger plan for congressional approval.

In 2007, four years later, the merger has yet to be completed. This is unfortunate because valuable time has been lost. Merging these police forces is a sound idea. If done carefully and well, it will make Capitol Hill more secure for the millions who visit and for the thousands privileged to work here. I believe it is time to get on with it.

Briefly, H.R. 3690 will implement the merger plan devised by the Library and the Capitol Police. The bill represents, in every aspect, the recommendations of the Capitol Police and the Library, delivered to this committee and to the Senate.

Under the plan, all Library Police employees will move to the Capitol Police by September 30, 2009. Library officers who meet age and service requirements, and who complete Capitol Police training, will continue as officers. Library officers who do not meet those requirements will be offered Capitol Police civilian jobs. This is important: Under this plan, I repeat, nobody will lose a job or suffer reduction in pay, rank, accrued leave or other benefits. Officers now represented by the Library's Fraternal Order of Police will transfer to the Capitol Police's FOP, who will bargain with management over seniority and other labor matters that may arise during the merger.

The plan shifts jurisdiction over Library buildings in the District to USCP. The Librarian will retain responsibility for design of security systems and will issue regulations to protect the collections and maintaining order. Finally, the bill provides for handling employment-related claims during the transition and authorizes reimbursement of the Capitol Police for costs of Library special events.

This is a sound plan for the merger. I commend everyone involved in both agencies, especially for finding a way to ensure that nobody loses their job or pay.

I now would like to recognize the ranking member from Michigan for any statement that he would like to make.

Mr. EHLERS. Thank you, Mr. Chairman. I have very brief comments. First of all, it struck me as you were reading this about their job security. I suddenly realized they have far greater job security than anyone here on the dais does. I think maybe we should negotiate such a good deal.

More seriously, this is something badly needed. I am sorry it took so much time to negotiate. But there are so many factors in it. But it is certainly a great idea, particularly in this age when we have greater security needs on the Hill, and we certainly have to include the Library in that as well, particularly since they are going to be immediately connected to us through the Capitol complex with two tunnels now, not just one. So I strongly support this bill and urge its adoption.

The CHAIRMAN. Thank you. Anybody have any statements? No other statements?

There being no further opening statements, the Chair lays before the Committee the bill, H.R. 3690, to provide for the transfer of Library of Congress Police to the United States Capitol Police and for other purposes, which is before the members. Without objection, the bill will be considered as read and open to amendment at any point. No objection.

[The information follows:]

I

110TH CONGRESS
1ST SESSION

H. R. 3690

To provide for the transfer of the Library of Congress police to the United States Capitol Police, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 27, 2007

Mr. BRADY of Pennsylvania (for himself and Mr. EHLERS) introduced the following bill; which was referred to the Committee on House Administration, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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A BILL

To provide for the transfer of the Library of Congress police to the United States Capitol Police, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "U.S. Capitol Police and Library of Congress Police Merger Implementation Act of 2007".

SEC. 2. TRANSFER OF PERSONNEL.

(a) TRANSFERS.—

1 (1) LIBRARY OF CONGRESS POLICE EMPLOY-
2 EES.—Effective on the employee's transfer date,
3 each Library of Congress Police employee shall be
4 transferred to the United States Capitol Police and
5 shall become either a member or civilian employee of
6 the Capitol Police, as determined by the Chief of the
7 Capitol Police under subsection (b).
8 (2) LIBRARY OF CONGRESS POLICE CIVILIAN
9 EMPLOYEES.—Effective on the employee's transfer
10 date, each Library of Congress Police civilian em-
11 ployee shall be transferred to the United States Cap-
12 itol Police and shall become a civilian employee of
13 the Capitol Police.
14 (b) TREATMENT OF LIBRARY OF CONGRESS POLICE
15 EMPLOYEES.—
16 (1) DETERMINATION OF STATUS WITHIN CAP-
17 ITOL POLICE.—
18 (A) ELIGIBILITY TO SERVE AS MEMBERS
19 OF THE CAPITOL POLICE.—A Library of Con-
20 gress Police employee shall become a member of
21 the Capitol Police on the employee's transfer
22 date if the Chief of the Capitol Police deter-
23 mines and issues a written certification that the
24 employee meets each of the following require-
25 ments:

(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 or before 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 determinations 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

1 determined by taking into account para-
2 graph (3)(A)).
3 (3) TREATMENT OF PRIOR CREDITABLE SERV-
4 ICE FOR RETIREMENT PURPOSES.—
5 (A) PRIOR SERVICE FOR PURPOSES OF
6 ELIGIBILITY FOR IMMEDIATE RETIREMENT AS
7 MEMBER OF CAPITOL POLICE.—Any Library of
8 Congress Police employee who becomes a mem-
9 ber of the Capitol Police under this subsection
10 shall be entitled to have any creditable service
11 under section 8332 or 8411 of title 5, United
12 States Code, that was accrued prior to becom-
13 ing a member of the Capitol Police included in
14 calculating the employee's service as a member
15 of the Capitol Police for purposes of section
16 8336(m) or 8412(d) of title 5, United States
17 Code.
18 (B) PRIOR SERVICE FOR PURPOSES OF
19 COMPUTATION OF ANNUITY.—Any creditable
20 service under section 8332 or 8411 of title 5,
21 United States Code, of an individual who be-
22 comes a member of the Capitol Police under
23 this subsection that was accrued prior to be-
24 coming a member of the Capitol Police—

(i) shall be treated and computed as employee service under subsection 8339 or 8415; but

(ii) shall not be treated as service as a member of the Capitol Police or service as a congressional employee for purposes of computing the amount of any benefit payable out of the Civil Service Retirement and Disability Fund.

(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.

1 (2) FINALITY OF DETERMINATIONS.—Any de-
2 termination of the Chief of the Capitol Police under
3 this subsection shall not be appealable or reviewable
4 in any manner.
5 (d) PROTECTING STATUS OF TRANSFERRED EM-
6 PLOYEES.—
7 (1) NONREDUCTION IN PAY, RANK, OR
8 GRADE.—The transfer of any individual under this
9 section shall not cause that individual to be sepa-
10 rated or reduced in basic pay, rank or grade.
11 (2) LEAVE AND COMPENSATORY TIME.—Any
12 annual leave, sick leave, or other leave, or compen-
13 satory time, to the credit of an individual trans-
14 ferred under this section shall be transferred to the
15 credit of that individual as a member or an employee
16 of the Capitol Police (as the case may be). The
17 treatment of leave or compensatory time transferred
18 under this section shall be governed by regulations
19 of the Capitol Police Board.
20 (e) RULES OF CONSTRUCTION RELATING TO EM-
21 PLOYEE REPRESENTATION.—
22 (1) EMPLOYEE REPRESENTATION.—Nothing in
23 this Act shall be construed to authorize any labor or-
24 ganization that represented an individual who was a
25 Library of Congress police employee or a Library of

1 Congress police civilian employee before the individ-
2 ual's transfer date to represent that individual as a
3 member of the Capitol Police or an employee of the
4 Capitol Police after the individual's transfer date.

5 (2) AGREEMENTS NOT APPLICABLE.—Nothing
6 in this Act shall be construed to authorize any col-
7 lective bargaining agreement (or any related court
8 order, stipulated agreement, or agreement to the
9 terms or conditions of employment) applicable to Li-
10 brary of Congress police employees or to Library of
11 Congress police civilian employees to apply to mem-
12 bers of the Capitol Police or to civilian employees of
13 the Capitol Police.

14 (f) RULE OF CONSTRUCTION RELATING TO PER-
15 SONNEL AUTHORITY OF THE CHIEF OF THE CAPITOL PO-
16 LICE.—Nothing in this Act shall be construed to affect
17 the authority of the Chief of the Capitol Police to—

18 (1) terminate the employment of a member of
19 the Capitol Police or a civilian employee of the Cap-
20 itol Police; or

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

1 (g) TRANSFER DATE DEFINED.—In this Act, the
2 term "transfer date" means, with respect to an em-
3 ployee—
4 (1) in the case of a Library of Congress Police
5 employee who becomes a member of the Capitol Po-
6 lice, the first day of the first pay period applicable
7 to members of the United States Capitol Police
8 which begins after the date on which the Chief of
9 the Capitol Police issues the written certification for
10 the employee under subsection (b)(1);
11 (2) in the case of a Library of Congress Police
12 employee who becomes a civilian employee of the
13 Capitol Police, the first day of the first pay period
14 applicable to employees of the United States Capitol
15 Police which begins after September 30, 2009; or
16 (3) in the case of a Library of Congress Police
17 civilian employee, the first day of the first pay pe-
18 riod applicable to employees of the United States
19 Capitol Police which begins after September 30,
20 2008.
21 **SEC. 3. TRANSITION PROVISIONS.**
22 (a) TRANSFER AND ALLOCATIONS OF PROPERTY
23 AND APPROPRIATIONS.—
24 (1) IN GENERAL.—Effective on the transfer
25 date of any Library of Congress Police employee and

1 Library of Congress Police civilian employee who is
2 transferred under this Act—
3 (A) the assets, liabilities, contracts, prop-
4 erty, and records associated with the employee
5 shall be transferred to the Capitol Police; and
6 (B) the unexpended balances of appropria-
7 tions, authorizations, allocations, and other
8 funds employed, used, held, arising from, avail-
9 able to, or to be made available in connection
10 with the employee shall be transferred to and
11 made available under the appropriations ac-
12 counts for the Capitol Police for "Salaries" and
13 "General Expenses", as applicable.
14 (2) JOINT REVIEW.—During the transition pe-
15 riod, the Chief of the Capitol Police and the Librar-
16 ian of Congress shall conduct a joint review of the
17 assets, liabilities, contracts, property records, and
18 unexpended balances of appropriations, authoriza-
19 tions, allocations, and other funds employed, used,
20 held, arising from, available to, or to be made avail-
21 able in connection with the transfer under this Act.
22 (b) TREATMENT OF ALLEGED VIOLATIONS OF CER-
23 TAIN EMPLOYMENT LAWS WITH RESPECT TO TRANS-
24 FERRED INDIVIDUALS.—

1 (1) IN GENERAL.—Notwithstanding any other
2 provision of law and except as provided in paragraph
3 (3), in the case of an alleged violation of any covered
4 law (as defined in paragraph (4)) which is alleged to
5 have occurred prior to the transfer date with respect
6 to an individual who is transferred under this Act,
7 and for which the individual has not exhausted all
8 of the remedies available for the consideration of the
9 alleged violation which are provided for employees of
10 the Library of Congress under the covered law prior
11 to the transfer date, the following shall apply:
12 (A) The individual may not initiate any
13 procedure which is available for the consider-
14 ation of the alleged violation of the covered law
15 which is provided for employees of the Library
16 of Congress under the covered law.
17 (B) To the extent that the individual has
18 initiated any such procedure prior to the trans-
19 fer date, the procedure shall terminate and have
20 no legal effect.
21 (C) Subject to paragraph (2), the indi-
22 vidual may initiate and participate in any pro-
23 cedure which is available for the resolution of
24 grievances of officers and employees of the Cap-
25 itol Police under the Congressional Account-

1 ability Act of 1995 (2 U.S.C. 1301 et seq.) to
2 provide for consideration of the alleged viola-
3 tion. The previous sentence does not apply in
4 the case of an alleged violation for which the in-
5 dividual exhausted all of the available remedies
6 which are provided for employees of the Library
7 of Congress under the covered law prior to the
8 transfer date.

9 (2) SPECIAL RULES FOR APPLYING CONGRES-
10 SIONAL ACCOUNTABILITY ACT OF 1995.—In applying
11 paragraph (1)(C) with respect to an individual to
12 whom this subsection applies, for purposes of the
13 consideration of the alleged violation under the Con-
14 gressional Accountability Act of 1995—

15 (A) the date of the alleged violation shall
16 be the individual's transfer date;

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

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

1 (3) EXCEPTION FOR ALLEGED VIOLATIONS
2 SUBJECT TO HEARING PRIOR TO TRANSFER.—Para-
3 graph (1) does not apply with respect to an alleged
4 violation for which a hearing has commenced in ac-
5 cordance with the covered law on or before the
6 transfer date.
7 (4) COVERED LAW DEFINED.—In this sub-
8 section, a "covered law" is any law for which the
9 remedy for an alleged violation is provided for offi-
10 cers and employees of the Capitol Police under the
11 Congressional Accountability Act of 1995 (2 U.S.C.
12 1301 et seq.)
13 (c) AVAILABILITY OF DETAILEES DURING TRANSI-
14 TION PERIOD.—During the transition period, the Chief of
15 the Capitol Police may detail additional members of the
16 Capitol Police to the Library of Congress, without reim-
17 bursement.
18 (d) EFFECT ON EXISTING MEMORANDUM OF UN-
19 DERSTANDING.—The Memorandum of Understanding be-
20 tween the Library of Congress and the Capitol Police en-
21 tered into on December 12, 2004, shall remain in effect
22 during the transition period, subject to—
23 (1) the provisions of this Act; and
24 (2) such modifications as may be made in ac-
25 cordance with the modification and dispute resolu-

1 tion provisions of the Memorandum of Under-
2 standing, consistent with the provisions of this Act.
3 (e) RULE OF CONSTRUCTION RELATING TO PER-
4 SONNEL AUTHORITY OF THE LIBRARIAN OF CONGRESS.—
5 Nothing in this Act shall be construed to affect the author-
6 ity of the Librarian of Congress to—
7 (1) terminate the employment of a Library of
8 Congress Police employee or Library of Congress
9 Police civilian employee; or
10 (2) transfer any individual serving in a Library
11 of Congress Police employee position or Library of
12 Congress Police civilian employee position to another
13 position at the Library of Congress.

14 **SEC. 4. POLICE JURISDICTION, UNLAWFUL ACTIVITIES,**
15 **AND PENALTIES.**

16 (a) JURISDICTION.—
17 (1) EXTENSION OF CAPITOL POLICE JURISDIC-
18 TION.—Section 9 of the Act entitled "An Act to de-
19 fine the area of the United States Capitol Grounds,
20 to regulate the use thereof, and for other purposes",
21 approved July 31, 1946 (2 U.S.C. 1961) is amended
22 by adding at the end the following:
23 "(d) For purposes of this section, 'United States Cap-
24 itol Buildings and Grounds' shall include the Library of
25 Congress buildings and grounds described under section

1 11 of the Act entitled 'An Act relating to the policing of
2 the buildings of the Library of Congress', approved Au-
3 gust 4, 1950 (2 U.S.C. 167j), except that in a case of
4 buildings or grounds not located in the District of Colum-
5 bia, the authority granted to the Metropolitan Police
6 Force of the District of Columbia shall be granted to any
7 police force within whose jurisdiction the buildings or
8 grounds are located.".

9 (2) REPEAL OF LIBRARY OF CONGRESS POLICE
10 JURISDICTION.—The first section and sections 7 and
11 9 of the Act of August 4, 1950 (2 U.S.C. 167, 167f,
12 167h) are repealed on October 1, 2009.

13 (b) UNLAWFUL ACTIVITIES AND PENALTIES.—

14 (1) EXTENSION OF UNITED STATES CAPITOL
15 BUILDINGS AND GROUNDS PROVISIONS TO THE LI-
16 BRARY OF CONGRESS BUILDINGS AND GROUNDS.—

17 (A) CAPITOL BUILDINGS.—Section 5101 of
18 title 40, United States Code, is amended by in-
19 serting "all buildings on the real property de-
20 scribed under section 5102(d)" after "(includ-
21 ing the Administrative Building of the United
22 States Botanic Garden)".

23 (B) CAPITOL GROUNDS.—Section 5102 of
24 title 40, United States Code, is amended by
25 adding at the end the following:

1 "(d) LIBRARY OF CONGRESS BUILDINGS AND
2 GROUNDS.—
3 "(1) IN GENERAL.—Except as provided under
4 paragraph (2), the United States Capitol Grounds
5 shall include the Library of Congress grounds de-
6 scribed under section 11 of the Act entitled 'An Act
7 relating to the policing of the buildings of the Li-
8 brary of Congress', approved August 4, 1950 (2
9 U.S.C. 167j).
10 "(2) AUTHORITY OF LIBRARIAN OF CON-
11 GRESS.—Notwithstanding subsections (a) and (b),
12 the Librarian of Congress shall retain authority over
13 the Library of Congress buildings and grounds in
14 accordance with section 1 of the Act of June 29,
15 1922 (2 U.S.C. 141; 42 Stat. 715).".
16 (C) CONFORMING AMENDMENT RELATING
17 TO DISORDERLY CONDUCT.—Section 5104(e)(2)
18 of title 40, United States Code, is amended by
19 striking subparagraph (C) and inserting the fol-
20 lowing:
21 "(C) with the intent to disrupt the orderly
22 conduct of official business, enter or remain in
23 a room in any of the Capitol Buildings set aside
24 or designated for the use of—

"(i) either House of Congress or a Member, committee, officer, or employee of Congress, or either House of Congress; or

"(ii) the Library of Congress.".

(2) REPEAL OF OFFENSES AND PENALTIES SPECIFIC TO THE LIBRARY OF CONGRESS.—Sections 2, 3, 4, 5, 6, and 8 of the Act of August 4, 1950 (2 U.S.C. 167a, 167b, 167c, 167d, 167e, and 167g) are repealed.

(3) SUSPENSION OF PROHIBITIONS AGAINST USE OF LIBRARY OF CONGRESS BUILDINGS AND GROUNDS.—Section 10 of the Act of August 4, 1950 (2 U.S.C. 167i) is amended by striking "2 to 6, inclusive, of this Act" and inserting "5103 and 5104 of title 40, United States Code".

(4) CONFORMING AMENDMENT TO DESCRIPTION OF LIBRARY OF CONGRESS GROUNDS.—Section 11 of the Act of August 4, 1950 (2 U.S.C. 167j) is amended—

(A) in subsection (a), by striking "For the purposes of this Act the" and inserting "The";

(B) in subsection (b), by striking "For the purposes of this Act the" and inserting "The";

(C) in subsection (c), by striking "For the purposes of this Act the" and inserting "The"; and

(D) in subsection (d), by striking "For the purposes of this Act the" and inserting "The".

(c) CONFORMING AMENDMENT RELATING TO JURISDICTION OF INSPECTOR GENERAL OF LIBRARY OF CONGRESS.—Section 1307(b)(1) of the Legislative Branch Appropriations Act, 2006 (2 U.S.C. 185(b)), is amended by striking the semicolon at the end and inserting the following: ", except that nothing in this paragraph may be construed to authorize the Inspector General to audit or investigate any operations or activities of the United States Capitol Police;".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect October 1, 2009.

SEC. 5. COLLECTIONS, PHYSICAL SECURITY, CONTROL, AND PRESERVATION OF ORDER AND DECORUM WITHIN THE LIBRARY.

(a) ESTABLISHMENT OF REGULATIONS.—The Librarian of Congress shall establish standards and regulations for the physical security, control, and preservation of the Library of Congress collections and property, and for the maintenance of suitable order and decorum within Library of Congress.

1 (b) TREATMENT OF SECURITY SYSTEMS.—

2 (1) RESPONSIBILITY FOR SECURITY SYS-
3 TEMS.—In accordance with the authority of the Cap-
4 itol Police and the Librarian of Congress established
5 under this Act, the amendments made by this Act,
6 and the provisions of law referred to in paragraph
7 (3), the Chief of the Capitol Police and the Librar-
8 ian of Congress shall be responsible for the oper-
9 ation of security systems at the Library of Congress
10 buildings and grounds described under section 11 of
11 the Act of August 4, 1950, in consultation and co-
12 ordination with each other, subject to the following:

13 (A) The Librarian of Congress shall be re-
14 sponsible for the design of security systems for
15 the control and preservation of Library collec-
16 tions and property, subject to the review and
17 approval of the Chief of the Capitol Police.

18 (B) The Librarian of Congress shall be re-
19 sponsible for the operation of security systems
20 at any building or facility of the Library of
21 Congress which is located outside of the Dis-
22 trict of Columbia, subject to the review and ap-
23 proval of the Chief of the Capitol Police.

24 (2) INITIAL PROPOSAL FOR OPERATION OF SYS-
25 TEMS.—Not later than October 1, 2008, the Chief of

1 the Capitol Police, in coordination with the Librar-
2 ian of Congress, shall prepare and submit to the
3 Committee on House Administration of the House of
4 Representatives, the Committee on Rules and Ad-
5 ministration of the Senate, and the Committees on
6 Appropriations of the House of Representatives and
7 the Senate an initial proposal for carrying out this
8 subsection.

9 (3) PROVISIONS OF LAW.—The provisions of
10 law referred to in this paragraph are as follows:

11 (A) Section 1 of the Act of June 29, 1922
12 (2 U.S.C. 141).

13 (B) The undesignated provision under the
14 heading "General Provision, This Chapter" in
15 chapter 5 of title II of division B of the Omni-
16 bus Consolidated and Emergency Supplemental
17 Appropriations Act, 1999 (2 U.S.C. 141a).

18 (C) Section 308 of the Legislative Branch
19 Appropriations Act, 1996 (2 U.S.C. 1964).

20 (D) Section 308 of the Legislative Branch
21 Appropriations Act, 1997 (2 U.S.C. 1965).

1 **SEC. 6. PAYMENT OF CAPITOL POLICE SERVICES PRO-**
2 **VIDED IN CONNECTION WITH RELATING TO**
3 **LIBRARY OF CONGRESS SPECIAL EVENTS.**

4 (a) PAYMENTS OF AMOUNTS DEPOSITED IN REVOLV-
5 ING FUND.—Section 102(e) of the Library of Congress
6 Fiscal Operations Improvement Act of 2000 (2 U.S.C.
7 182b(e)) is amended to read as follows:

8 "(e) USE OF AMOUNTS.—

9 "(1) IN GENERAL.—Except as provided in para-
10 graph (2), amounts in the accounts of the revolving
11 fund under this section shall be available to the Li-
12 brarian, in amounts specified in appropriations Acts
13 and without fiscal year limitation, to carry out the
14 programs and activities covered by such accounts.

15 "(2) SPECIAL RULE FOR PAYMENTS FOR CER-
16 TAIN CAPITOL POLICE SERVICES.—In the case of
17 any amount in the revolving fund consisting of a
18 payment received for services of the United States
19 Capitol Police in connection with a special event or
20 program described in subsection (a)(4), the Librar-
21 ian shall transfer such amount upon receipt to the
22 Capitol Police for deposit into the applicable appro-
23 priations accounts of the Capitol Police.".

24 (b) USE OF OTHER LIBRARY FUNDS TO MAKE PAY-
25 MENTS.—In addition to amounts transferred pursuant to
26 section 102(e)(2) of the Library of Congress Fiscal Oper-

1 ations Improvement Act of 2000 (as added by subsection
2 (a)), the Librarian of Congress may transfer amounts
3 made available for salaries and expenses of the Library
4 of Congress during a fiscal year to the applicable appro-
5 priations accounts of the United States Capitol Police in
6 order to reimburse the Capitol Police for services provided
7 in connection with a special event or program described
8 in section 102(a)(4) of such Act.

9 (c) EFFECTIVE DATE.—The amendments made by
10 this section shall apply with respect to services provided
11 by the United States Capitol Police on or after the date
12 of the enactment of this Act.

13 **SEC. 7. OTHER CONFORMING AMENDMENTS.**

14 (a) IN GENERAL.—Section 1015 of the Legislative
15 Branch Appropriations Act, 2003 (2 U.S.C. 1901 note)
16 and section 1006 of the Legislative Branch Appropriations
17 Act, 2004 (2 U.S.C. 1901 note; Public Law 108–83; 117
18 Stat. 1023) are repealed.

19 (b) EFFECTIVE DATE.—The amendments made by
20 subsection (a) shall take effect October 1, 2009.

21 **SEC. 8. DEFINITIONS.**

22 In this Act—

23 (1) the term "Act of August 4, 1950" means
24 the Act entitled "An Act relating to the policing of

1 the buildings and grounds of the Library of Con-
2 gress," (2 U.S.C. 167 et seq.);
3 (2) the term "Library of Congress Police em-
4 ployee" means an employee of the Library of Con-
5 gress designated as police under the first section of
6 the Act of August 4, 1950 (2 U.S.C. 167);
7 (3) the term "Library of Congress Police civil-
8 ian employee" means an employee of the Library of
9 Congress Office of Security and Emergency Pre-
10 paredness who provides direct administrative sup-
11 port to, and is supervised by, the Library of Con-
12 gress Police, but shall not include an employee of
13 the Library of Congress who performs emergency
14 preparedness or collections control and preservation
15 functions; and
16 (4) the term "transition period" means the pe-
17 riod the first day of which is the date of the enact-
18 ment of this Act and the final day of which is Sep-
19 tember 30, 2009.

○

The CHAIRMAN. I would like to offer an amendment on the subject of a probationary period for transferring employees, which is also before the Members. Without objection, the amendment will be considered as read.

[The information follows:]

AMENDMENT TO H.R. 3690

OFFERED BY MR. BRADY OF PENNSYLVANIA

Page 7, insert after line 19 the following:

1 (3) PROHIBITING IMPOSITION OF PROBA-
2 TIONARY PERIOD.—The Chief of the Capitol Police
3 may not impose a period of probation on any indi-
4 vidual who is transferred under this section.

The CHAIRMAN. This amendment is simple, fair and appropriate. Like other Federal agencies, the Capitol Police place new employees in a "probationary" status for the first year of employment. During this year, managers have wide discretion to terminate the new employees whose performance does not meet expectations and the employees have little recourse.

I consider probation for Library police officers transferred to the Capitol Police in this merger inappropriate. All have served for over a year, many much longer. They are not "new" employees.

Chief Morris agrees and has advised the Committee that he considers probationary periods unnecessary. Under the circumstances I believe the Committee should add language to that effect.

I urge the Committee to support the amendment.

Mr. Ehlers.

Mr. EHLERS. Mr. Chairman, I certainly agree with this. It totally makes sense. I am a little concerned about the wording because this could be interpreted to say that they can never during their tenure here be put on probation for some disciplinary action. I wonder if perhaps we should just insert the words "the initial period of probation" to make that clear. We could certainly take care of that with negotiation with the Senate. I am not sure we need a formal amendment here, but I wanted to bring that to your attention, and perhaps your staff and our staff can look at that.

The CHAIRMAN. I understand. We are not saying that they could never be looked at or disciplined.

Mr. EHLERS. We may want to clarify that one point.

The CHAIRMAN. That is not a problem. We could certainly do that.

Is there any further debate? The question is on the amendment. All in favor signify by saying "aye." All opposed, say "no."

The amendment passes.

Any further amendments? With no further amendments, I would like to recognize the gentleman from Massachusetts for a motion.

Mr. CAPUANO. Mr. Chairman, I move that H.R. 3690 be referred to the House, with an amendment.

The CHAIRMAN. We have heard the motion. All in favor signify by saying "aye." Any opposed? The amendment is passed. In the opinion of the Chair the "ayes" have it. The "ayes" do have it, and the motion is agreed to.

Without objection, a motion to reconsider is laid upon the table.

Without objection, the staff will be authorized to make such technical and conforming changes as may be required to reflect the actions of the committee.

With that, this Committee is now in recess until 1:00, when we will have a hearing. We have 15 minutes. Thank you.

[Whereupon, at 12:45 p.m., the committee was adjourned.]