110TH CONGRESS 1st Session | HOUSE OF REPRESENTATIVES | REPT. 110–470 Part 1

U.S. CAPITOL POLICE AND LIBRARY OF CONGRESS POLICE MERGER IMPLEMENTATION ACT OF 2007

DECEMBER 4, 2007.—Ordered to be printed

Mr. BRADY of Pennsylvania, from the Committee on House Administration, submitted the following

R E P O R T

[To accompany H.R. 3690]

[Including cost estimate of the Congressional Budget Office]

The Committee on House Administration, to whom was referred the bill (H.R. 3690) to provide for the transfer of the Library of Congress police to the United States Capitol Police, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment (stated in terms of the page and line numbers of the introduced bill) is as follows:

Page 7, insert after line 19 the following:

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

PURPOSE OF THE LEGISLATION

The U.S. Capitol Police and Library of Congress Police Merger Implementation Act of 2007 (H.R. 3690) would establish a framework and initiate the process of merging the two police agencies as provided for by Section 1015 of Legislative Branch Appropriations Act, 2003 (Public Law 108–7).

BILL SUMMARY

H.R. 3690 would implement the merger plan developed jointly by the Capitol Police (USCP) and the Library of Congress (LoC) and recommended to the Committee. Under the plan, a transition pe-

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riod would extend from the enactment of the bill through October 1, 2009, with the merger completed by that date.

To accomplish that goal, the bill would: (1) establish guidelines for the determination of roles, duties, and retirement eligibility of LoC Police officers and civilian employees; (2) authorize the transfer of property and appropriations related to the LoC Police; (3) expand the definition of U.S. Capitol buildings and grounds to include the LoC buildings and grounds for purposes of law enforcement and the regulation of unlawful activities and use of lands; (4) specify the roles of the Librarian and the Chief of the USCP regarding the design and operation of security systems; and (5) authorize LoC to reimburse the USCP for costs incurred when providing services during a special event or program held at the Library.

COMMITTEE CONSIDERATION

On June 27, 2007, the Committee held a hearing on the implementation plan recommended jointly by the Capitol Police and the Library. The details of the plan were embodied in the bill H.R. 3690 introduced by Chairman Brady and Ranking Minority Member Ehlers on September 27, 2007. On November 7, 2007, the Committee considered H.R. 3690 and ordered it reported favorably to the House with one amendment. No recorded votes were taken during the Committee's consideration of the bill.

BACKGROUND AND NEED FOR H.R. 3690

The idea of merging the federal law enforcement agencies operating on Capitol Hill has been discussed for many years. Proponents offered two principal rationales for such a merger: better security, and potential savings. Initial discussions included potential mergers of the Capitol Police with the police forces of the Library of Congress, the Government Printing Office and the Supreme Court.

As the perceived level of threat to the Capitol rose after the events of September 11, 2001, and the anthrax attack on Congress the following month, interest focused on merging the LoC Police and USCP because the Library and the Capitol are physically connected through the House office buildings, and will be connected directly after the opening of the Capitol Visitor Center. In 2003 Congress enacted legislation to merge the police agencies in order to create "seamless security" on Capitol Hill.

The 2003 merger legislation, carried in an appropriations act with no hearings in authorizing committees, required the affected agencies to devise an implementation plan subject to congressional approval. An implementation plan developed in the summer of 2003 was estimated to cost $24 million or more, and encountered sundry concerns about how to reconcile the differing missions of the two police forces, one focused on protection from external threats, the other focused on protecting against loss of valuable assets. A Senate merger proposal addressed some of these concerns but left the issue of "collection security" largely unresolved and left older employees uncertain about their fate by requiring their termination. That proposal, added to an appropriations bill (H.R. 5521,

109th Cong.), was dropped from the full-year 2007 continuing resolution enacted in February 2007.

New leadership in the House Administration Committee made completing the merger a top priority, insisting that LoC and USCP develop a plan suitable to both the agencies and appropriate for their employees. In June 2007, the agencies agreed on a plan, which they endorsed during a hearing before the Committee on June 27. The Senate Appropriations Committee added substantially similar language to its fiscal 2008 legislative appropriations bill (S. 1686).

The bill (H.R. 3690) would implement the LoC/USCP merger plan. Under the plan, all LoC police employees (both officers and civilians) would transfer to USCP by September 30, 2009. Transferring LoC officers must meet age and certain qualifications to be established by the USCP Chief; LoC officers who cannot complete 20 years of Federal service by age 60 will be offered USCP civilian jobs. Transferred LoC employees may not suffer loss of pay, rank, grade, accrued leave or compensatory time through transfer, and will earn more generous USCP retirement credit from the transfer date. Since the LoC Police force will be abolished, officers represented by the Fraternal Order of Police (FOP) bargaining unit will become part of the USCP FOP bargaining unit, which will resolve through collective bargaining issues such as seniority or other terms and conditions arising from the merger.

The bill transfers law enforcement jurisdiction over the Library buildings and grounds in the District of Columbia to the USCP. The Librarian of Congress will have primary responsibility for the design of security systems, and issue regulations to protect his collections and maintain decorum. Finally, the bill authorizes reimbursement by LoC of USCP costs for special events held at the LoC.

In addition to the support of the Library and USCP, H.R. 3690 has the support of the House Sergeant at Arms, the Honorable Wilson Livingood. Despite its support for the merger at the Committee's June 27 hearing, the Library Fraternal Order of Police has criticized the plan for subjecting transferring Library officers to the Capitol Police mandatory retirement age (currently Library officers face no mandatory retirement). The USCP FOP bargaining unit supports H.R. 3690. Letters from the House Sergeant at Arms, a member of the Capitol Police Board, which makes policy for the Capitol Police; the Librarian of Congress; and the Capitol Police Fraternal Order of Police Lodge follow:

WILSON LIVINGOOD
SERGEANT AT ARMS

H-124 CAPITOL
(202) 225-2456

Office of the Sergeant at Arms
U.S. House of Representatives
Washington, DC 20515-6634

September 28, 2007

The Honorable Robert A. Brady
Chairman
Committee on House Administration
U.S. House of Representatives
Washington, DC 20515

The Honorable Vernon J. Ehlers
Ranking Member
Committee on House Administration
U. S. House of Representatives
Washington, DC 20515

Dear Mr. Brady and Mr. Ehlers:

I would like to officially be on record in support of HR 3690, the legislation entitled "U.S. Capitol Police and Library of Congress Police Merger Implementation Act of 2007."

As the Committee is aware, this proposed legislation represents certain refinements and clarifications from earlier proposals that address previous concerns by the Capitol Police Board and the United States Capitol Police relative to significant issues involving jurisdiction, labor-management relations, collections security, transfer of liabilities and other obligations, and important personnel transfer issues. To the extent any of these issues have not been resolved to the satisfaction of all, I believe that this measure establishes a systematic mechanism for the USCP and the Library of Congress(LOC) in continued cooperation to work out any outstanding concerns.

Most importantly, however, this legislation is the result of extensive discussions, negotiations, collaborations, and agreement between the interested parties, the USCP and the LOC, with the beneficial guidance and assistance from committee staff and legislative counsel.

Moreover, the passage of such legislation would promote the underlying concept of integrating law enforcement, security, and emergency response resources within the federal legislative branch. It is clear from all available reports and studies resulting from emergencies and disasters such as 9/11 and Katrina that enhanced communication and asset integration are at the cornerstone of any effective law enforcement, security, and emergency response systems. This measure is designed to be a positive response to this well recognized objective.

With this in mind, I commend the efforts of the many individuals who worked tirelessly on this project and I offer the Committee my support for the proposal under consideration.

Thank you for your cooperation in this and other matters. Of course, I remain available for any additional questions of the Committee.

Sincerely,

Bill Livingood

Wilson Livingood
Sergeant at Arms

THE LIBRARIAN OF CONGRESS

September 7, 2007

Dear Mr. Chairman and Mr. Ehlers:

I am writing to express my support for draft legislation providing for the transfer of the Library of Congress police to the United States Capitol Police and to ask respectfully that it be enacted into law.

Over the last few weeks staff from the Committee on House Administration, House Legislative Counsel, U.S. Capitol Police, and the Library have met for intensive discussions to refine the draft legislation and to arrive at a consensus on remaining operational issues. We appreciate the assistance of the Committee staff in working with all parties to clarify the legislation and move it forward.

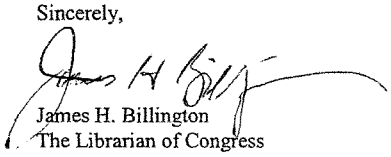
The Library's Chief Operating Officer, Jo Ann Jenkins, testified before the Committee on House Administration at the June 27, 2007, hearing on the police merger, stating that the Library and the Capitol Police are in agreement to complete the merger and achieve the goal of the Congress for seamless security on Capitol Hill. We have forged a productive and collegial working relationship with the Capitol Police, and the draft legislation reflects this. I believe that the Capitol Police have deepened their understanding of our unique institutional needs as custodians of invaluable collections, while we most certainly have gained a better appreciation of their central role in providing security throughout the Capitol complex.

We remain concerned about matters of seniority and probationary status and about the criteria for transferring Library officers. We hope that when the legislation is enacted, the Capitol Police will be mindful of two things that it does not mention, but in which we continue to hold a strong interest: that our transferring officers are treated as equitably as possible; and that the Capitol Police work closely with the police union to appropriately resolve any matters that arise surrounding these issues.

101 Independence Avenue, S.E. Washington, DC 20540-1000 Tel.: (202) 707-5205 Fax: (202) 707-1714 E-mail: libofc@loc.gov

I appreciate the efforts that you and your staff have made in moving the legislation forward to complete the police merger, and I look forward to the Library being one of the beneficiaries of the strong working relationships among all the police who protect the Capitol Complex so ably.

Sincerely,



James H. Billington
The Librarian of Congress

The Honorable Robert A. Brady
Chairman
Committee on House Administration
1309 Longworth House Office Building
Washington, DC 20515

The Honorable Vernon J. Ehlers
Ranking Republican
Committee on House Administration
1313 Longworth House Office Building
Washington, DC 20515

United States Capitol Police Labor Committee

1320 G Street, S.E. Washington, D.C. 20003
Telephone: 202.544.4813 Fax: 202.544.5918
www.laborcops.com

October 9, 2007

Hon. Robert Brady, Chairman
Hon. Vernon J. Ehlers, Ranking Minority Member
Committee on House Administration
House of Representatives
Washington, D.C.

Dear Mr. Chairman and Rep. Ehlers:

Thank you for introducing H.R. 3690, the "U.S. Capitol Police and Library of Congress Police Merger Implementation Act of 2007."

On behalf of the men and women whom I have the honor to represent, I urge passage of the bill. I believe H.R. 3690 resolves the difficult issues involved in merging the Library Police into the Capitol Police in the fairest and best way possible, especially by ensuring that no Library police employee can lose a job or suffer a reduction in pay, rank, grade or leave.

My Capitol Police colleagues and I look forward to completion of the merger and to the safer Capitol complex that will result. I hope H.R. 3690 can become law as soon as possible.

Sincerely,

Matt Tighe
Chairman

ANALYSIS OF THE BILL (AS REPORTED)

Section 1. Short title ("The U.S. Capitol Police and Library of Congress Police Merger Implementation Act of 2007").

Section 2. The section would transfer Library of Congress Police uniformed and civilian employees. Under this provision, LoC police civilian employees would become civilian employees of the USCP, while members of the LoC police would become either uniformed or civilian employees of the Capitol Police, at the discretion of the Chief of the Capitol Police.

The section would establish eligibility criteria for the transfer of uniformed Library of Congress police employees. This language would include the requirement that any employee transferring to a uniformed position in the USCP be eligible for an immediate retirement by age 60. The employee would also be required to successfully complete training. Those LoC police employees not meeting these criteria would become USCP civilian employees. Determinations made by the Chief regarding a transferring employee's status, which would not be appealable under this section, are to be made by September 30, 2009.

The section would provide, under specified conditions, a temporary exemption from mandatory separation provisions pertaining to the Capitol Police included in Title 5 of the United States Code. The applicability of these provisions, which require most Capitol Police officers to retire at age 57, would be delayed until the date on which an employee transferring to a noncivilian position on the USCP is eligible for retirement. This exemption would apply only to those Library of Congress Police employees that the Chief determines would be eligible to serve as a member of the USCP. As stated above, the Chief will base this determination in part on the requirement that such an employee be able to retire on or before reaching 60 years of age. Prior creditable service would be included in determining an employee's retirement eligibility. The bill would authorize the Chief of the Capitol Police to determine the duties of LoC employees transferred to civilian positions in the USCP. The determination of these duties would not be appealable.

The section provides that transfer of employees may not result in the reduction of basic pay, rank, or grade. All leave accrued by an employee of the Library of Congress Police, including annual, sick and compensatory, would be transferred, and its use would be governed by the Capitol Police Board. The bill prohibits the Chief from imposing any period of probation upon any employee transferred through the merger. Labor union representation or collective bargaining agreements applicable to current Library of Congress police and police civilian employees would not be applicable after the transfer to the USCP.

The section stipulates that the act does not affect the authority of the Chief of the Capitol Police to terminate any civilian or uniformed member of the USCP. The Chief would also retain the authority to reassign any employee of the USCP.

Finally, the section specifies the transfer dates for Library of Congress police and civilian employees. Library Police civilian employees would be transferred at the start of the first pay period beginning after September 30, 2008. Library Police officers continuing as Capitol Police officers would transfer at the start of the

first pay period beginning after they are determined eligible by the Chief. For Library Police officers who would become Capitol Police civilian employees, the transfer date would be the first pay period after September 30, 2009. This is the date by which the Capitol Police Chief must determine the status for all Library Police employees to be transferred pursuant to the merger.

Section 3. Section 3 would provide for the transfer of property and appropriations associated with any police or civilian employee of the LoC Police. Appropriations would be transferred to either the U.S. Capitol Police "Salaries" or "General Expenses" account, as applicable. The Chief of the USCP and the Librarian of Congress would be directed to conduct a joint review of the items and funds available for transfer.

The section also addresses the effect of the transfer on any procedures available for the consideration of alleged violations of employment laws. It would terminate any procedure available to employees of the Library, while authorizing an individual to initiate procedures applicable to the Capitol Police under the Congressional Accountability Act.

The Chief would be authorized to detail, without reimbursement, members of the Capitol Police to the Library during the transition period. The Memorandum of Understanding between the Library of Congress and the U.S. Capitol Police entered into on December 12, 2004 would be continued, subject to the provisions of the bill. The Librarian, prior to the transfer of employees, would retain the authority to terminate LoC police or police civilian employees. He could also transfer these employees to other positions within the Library.

Section 4. This section would redefine the Capitol Police jurisdiction to include the Library buildings and grounds. It would also repeal the jurisdiction of the Library of Congress police effective October 1, 2009. It would make additional conforming amendments including provisions concerning unlawful activities and use of lands pertaining to the U.S. Capitol buildings and grounds applicable to the Library, although the Librarian would retain certain authorities. References to certain offenses specific to the Library—including, for example, restrictions on the use of Library grounds, injury to Library property, and prosecution for offenses in Library buildings and grounds—would be repealed. It would also add language to the provision authorizing the Library's Inspector General to conduct and supervise audits and investigations relating to the Library, specifying that this authority does not extend to investigations of the Capitol Police.

Section 5. Section 5 would allow the Librarian of Congress to establish guidelines and regulations regarding control of Library property and collections. The Librarian and the Chief of the USCP would be responsible for the operation of the security systems. The Librarian would have responsibility for the design of security systems, as well as their operation at facilities outside of the District of Columbia, subject to the review and approval of the Chief. The Chief and the Librarian would be required to submit a proposal for complying with these requirements by October 1, 2008, to the Committee on House Administration, the Senate Committee on Rules and Administration, and the Committees on Appropriations of the Senate and the House of Representatives.

Section 6. Section 6 would clarify how the Capitol Police may be reimbursed for the costs incurred in providing services during a special event or program at the Library. These special events include a limited number of events sponsored by corporations or 501(c)(3) charitable organizations in Library facilities. The bill would amend previous legislation to allow the Librarian to transfer funds deposited in the Library revolving fund by the sponsor to the USCP for services provided in connection with an event. The bill would also authorize the use of funds made available for Library salaries and expenses for this purpose.

Section 7. This section would include conforming provisions that repeal previous legislation providing for the merger, including the provisions contained in the FY2003 and FY2004 Legislative Branch Appropriations Acts. The repeal would be effective October 1, 2009.

Section 8. This section would provide definitions and U.S. Code citations, where applicable, for: (1) an act referenced in the bill; (2) the terms "Library of Congress Police employees" and "Library of Congress Police civilian employee"; and (3) the transition period, which will begin on the date of enactment of the bill and end on September 30, 2009.

MATTERS REQUIRED UNDER THE RULES OF THE HOUSE

Constitutional authority

Clause 3(d)(1) of House Rule XIII requires each committee report on a public bill or joint resolution to include a statement citing the specific constitutional power(s) granted to the Congress on which the Committee relies for enactment of the measure under consideration.

The Committee cites the legislative power broadly granted to Congress under Article I. Since 1828, the Congress has employed the Capitol Police as one element of its exercise of "exclusive jurisdiction over the District constituting seat of Government." As an exercise of Congress' exclusive jurisdiction, H.R. 3690 would implement the merger of the Library of Congress Police into the Capitol Police, expanding the latter's duties to include jurisdiction over Library facilities in the District of Columbia. The Committee finds this legislation within the Congress' constitutional power under Article I.

Committee votes

Clause 3(b) of House Rule XIII requires the results of each recorded vote on an amendment or motion to report, together with the names of those voting for and against, to be printed in the committee report. No recorded votes were taken during the Committee's consideration of H.R. 3690.

Congressional Budget Office estimate

Clause 3(c)(3) of House Rules XIII requires the report of a committee on a measure which has been approved by the committee to include a cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 403 of the CBA, if timely submitted. The Director submitted the following estimate:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, November 15, 2007.

Hon. ROBERT A. BRADY,
Chairman, Committee on House Administration,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 3690, the U.S. Capitol Police and Library of Congress Police Merger Implementation Act of 2007.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Deborah Reis.

Sincerely,

ROBERT A. SUNSHINE
(For Peter R. Orszag, Director).

Enclosure.

H.R. 3690—U.S. Capitol Police and Library of Congress Police Merger Implementation Act of 2007

H.R. 3690 would merge the Library of Congress Police (LOCP) and the U.S. Capitol Police (USCP). Assuming appropriation of the necessary amounts, CBO estimates that implementing the bill would cost $2 million over the 2008–2010 period and less than $500,000 a year thereafter. We estimate that enacting the bill also would cause small annual increases in both revenues and direct spending, resulting in a net increase in the federal deficit of about $1 million over the 2008–2017 period.

The bill contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.

Under H.R. 3690, about 100 civilian employees and police officers of the LOCP would transfer to the USCP over the next three years. Based on information provided by the LOCP and the USCP and assuming the availability of appropriated funds, CBO estimates that merging the two police forces would cost less than $1 million in each of fiscal years 2008 through 2010, primarily for one-time training expenses and purchases of equipment, weapons, and uniforms. We estimate that annual costs in later years would be less than $500,000.

The transfer of police officers to the USCP retirement system also would entail higher pension benefit costs and employee contributions to pension funds because the Capitol Police have slightly higher pension benefits and contribution rates. CBO estimates that the transfer would increase revenue (from employee retirement contributions) by less than $500,000 per year beginning in 2009 and outlays (for retirement benefits) by a similar amount beginning in 2010. The net increase in the deficit related to these pension changes would total less than $1 million over the 2008–2017 period.

The CBO staff contacts for this estimate are Deborah Reis (for discretionary costs) and David Rafferty (for police pensions). This estimate was approved by Theresa Gullo, Deputy Assistant Director for Budget Analysis.

Federal mandates

Section 423 of the CBA requires a committee report on any public bill or joint resolution that includes a federal mandate to include specific information about such mandates. The Committee states that H.R. 3690 includes no federal mandates.

Preemption clarification

Section 423 of the CBA requires a committee report on any public bill or joint resolution to include a committee statement on the extent to which the measure is intended to preempt state or local law. The Committee states that H.R. 3690 is not intended to preempt any state or local law.

Oversight findings

Clause 3(c)(1) of rule XIII requires each committee report to contain oversight findings and recommendations required pursuant to clause 2(b)(1) of House Rule X. The Committee has general oversight responsibility for both the U.S. Capitol Police and the Library of Congress.

In 2003, Congress enacted legislation (Sec. 1015 of the Legislative Branch Appropriations Act, 2003 (Pub. L. 108–7) providing for the merger of the Library of Congress Police into the Capitol Police. In the exercise of its oversight responsibilities, the Committee finds the implementation plan developed by the agencies to be sound. The Committee recommends enactment of H.R. 3690, with one amendment, in order to accomplish the merger objective established in 2003.

Statement of general performance goals and objectives

Clause 3(c)(4) of House Rule XIII requires committee reports to include a statement of general performance goals and objectives. The Committee believes the agencies' plan, as embodied in H.R. 3690 and recommended to the House with one amendment, will yield an efficient implementation of the police merger provided for in 2003.

Congressional "earmarks"

Clause 9 of House Rule XXI requires committee reports on public bills and resolutions to contain an identification of congressional "earmarks," limited tax benefits, limited tariff benefits, and the names of requesting Members. The bill contains no such items either as introduced or as reported to the House.

Congressional Accountability Act applicability

Section 102(b)(3) of the Congressional Accountability Act of 1995 (Pub. L. 104–1) (CAA) requires each report on a public bill or joint resolution relating to terms and conditions of employment or access to public services or accommodations to describe the manner in which the legislation apply to the Legislative Branch.

Currently, employment-related claims raised by LoC employees (including LoC police officers) are resolved using the same procedures available to Executive-branch agencies, while the Capitol Police employment-related claims are resolved under the procedures established by the CAA. Transfer of employees from an agency subject to one procedure to one using another procedure raises jurisdic-

tional and other issues potentially complicating efficient resolution of claims arising during the transfer period. The bill provides for termination of certain claims filed by Library employees being merged and authorizes their re-filing under the CAA.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

ACT OF JULY 31, 1946

(Public Law 79–707)

AN ACT To define the area of the United States Capitol Grounds, to regulate the use thereof, and for other purposes.

* * * * * * *

SEC. 9. (a) * * *

* * * * * * *

(d) For purposes of this section, "United States Capitol Buildings and Grounds" shall include the Library of Congress buildings and grounds described under section 11 of the Act entitled "An Act relating to the policing of the buildings of the Library of Congress", approved August 4, 1950 (2 U.S.C. 167j), 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.

* * * * * * *

ACT OF AUGUST 4, 1950

AN ACT Relating to the policing of the buildings and grounds of the Library of Congress.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Librarian of Congress may designate employees of the Library of Congress as police for duty with respect to the Library of Congress buildings and adjacent streets. The rank structure and pay for employees so designated shall be the same as the rank structure and pay for the Capitol Police.

[SEC. 2. Public travel in and occupancy of the Library of Congress grounds is restricted to the sidewalks and other paved surfaces.

[SEC. 3. It shall be unlawful to offer or expose any article for sale in the Library of Congress buildings or grounds; to display any sign, placard, or other form of advertisement therein; or to solicit fares, alms, subscriptions, or contributions therein.

[SEC. 4. It shall be unlawful to step or climb upon, remove, or in any way inure any statue, seat, wall fountain, or other erection

or achitectural feature, or any tree, shrub, plant, or turf in the Library of Congress buildings or grounds.

[SEC. 5. It shall be unlawful to discharge any firearm, firework or explosive, set fire to any combustible, make any harangue or oration, or utter loud, threatening, or abusive language in the Library of Congress buildings or grounds.

[SEC. 6. It shall be unlawful to parade, stand, or move in processions or assemblages in the Library of Congress buildings or grounds, or to display therein any flag, banner, or device designed or adapted to bring into public notice any party, organization, or movement.

[SEC. 7. (a) In addition to the restrictions and requirements specified in sections 2 to 6, inclusive, of this Act, the Librarian of Congress may prescribe such regulations as may be deemed necessary for the adequate protection of the Library of Congress buildings and grounds and of persons and property therein, and for the maintenance of suitable order and decorum within the Library of Congress buildings and grounds.

[(b) All regulations promulgated under the authority of this section shall 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.

[SEC. 8. Whoever violates any provision of sections 2 to 6, inclusive, of this Act, or of any regulation prescribed under section 7 of this Act, commits a Class B misdemeanor, prosecution of such offenses to be had in the municipal court for the District of Columbia, upon information by the United States attorney or any of his assistants: *Provided,* That in any case where, in the commission of any such offense, public property is damaged in an amount exceeding $100, the person commits a Class D felony.

[SEC. 9. The police provided for in section 1 of this Act shall have the power, within the Library of Congress buildings and grounds and adjacent streets, to enforce and make arrests for violations of any provision of sections 2 to 6, inclusive, of this Act, of any regulation prescribed under section 7 of this Act, or of any law of the United States, any law 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 hereby authorized to make arrests within the Library of Congress 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 Librarian of Congress or his assistants, to enter the Library of Congress buildings to make arrests in response to complaints or to serve warrants or to patrol the Library of Congress buildings or grounds.]

SEC. 10. In order to permit the observance of authorized ceremonies within the Library of Congress buildings and grounds, the Librarian of Congress may suspend for such occasions so much of the prohibitions contained in sections [2 to 6, inclusive, of this Act] *5103 and 5104 of title 40, United States Code* as may be necessary for the occasion, but only if responsible officers shall have been appointed, and arrangements determined which are adequate, in the judgment of the Librarian, for the maintenance of suitable order

and decorum in the proceedings, and for the protection of the Library buildings and grounds and of persons and property therein.

SEC. 11. (a) [For the purposes of this Act the] *The* Library of Congress grounds shall be held to extend to the line of the face of the east curb of First Street Southeast, between B Street Southeast and East Capitol Street; to the line of the face of the south curb of East Capitol Street, between First Street Southeast and Second Street Southeast; to the line of the face of the west curb of Second Street Southeast, between East Capitol Street and B Street Southeast; to the line of the face of the north curb of B Street Southeast, between First Street Southeast and Second Street Southeast; and to the line of the face of the east curb of Second Street Southeast, between Pennsylvania Avenue Southeast and the north side of the alley separating the Library Annex Building and the Folger Shakespeare Library; to the line of the north side of the same alley, between Second Street Southeast and Third Street Southeast; to the line of the face of the west curt of Third Street Southeast, between the north side of the same alley and B Street Southeast; to the line of the face of the north curb of B Street Southeast, between Third Street Southeast and Pennsylvania Avenue Southeast; to the line of the face of the northeast curb of Pennsylvania Avenue Southeast, between B Street Southeast and Second Street Southeast.

(b) [For the purposes of this Act, the] *The* term "Library of Congress buildings and grounds" shall include (1) the whole or any part of any building or structure which is occupied under lease or otherwise by the Library of Congress and is subject to supervision and control by the Librarian of Congress, (2) the land upon which there is situated any building or structure which is occupied wholly by the Library of Congress, and (3) any subway or enclosed passageway connecting two or more buildings or structures occupied in whole or part by the Library of Congress.

(c) [For the purpose of this Act, the] *The* term "Library of Congress buildings and grounds" shall include (1) all real property in lot 51 in square 869 in the District of Columbia, as that lot appears on the records in the office of the Surveyor of the District of Columbia on August 1, 1990, extending to the outer face of the curbs of the square in which it is located and including all alleys or parts of alleys and streets within the lot lines and curb lines surrounding such real property, and (2) improvements to such real property.

(d) [For the purposes of this Act, the] *The* term "Library of Congress buildings and grounds" shall include the following property:

(1) * * *

* * * * * * *

TITLE 40, UNITED STATES CODE

* * * * * * *

SUBTITLE II—PUBLIC BUILDINGS AND WORKS

* * * * * * *

PART B—UNITED STATES CAPITOL

* * * * * * *

CHAPTER 51—UNITED STATES CAPITOL BUILDINGS AND GROUNDS

§ 5101. Definition

In this chapter, the term "Capitol Buildings" means the United States Capitol, the Senate and House Office Buildings and garages, the Capitol Power Plant, all buildings on the real property described under section 5102(c) (including the Administrative Building of the United States Botanic Garden) *all buildings on the real property described under section 5102(d)*, all subways and enclosed passages connecting two or more of those structures, and the real property underlying and enclosed by any of those structures.

§ 5102. Legal description and jurisdiction of United States Capitol Grounds

(a) * * *

* * * * * * *

(d) LIBRARY OF CONGRESS BUILDINGS AND GROUNDS.—

(1) IN GENERAL.—Except as provided under paragraph (2), the United States Capitol Grounds shall include the Library of Congress grounds described under section 11 of the Act entitled "An Act relating to the policing of the buildings of the Library of Congress", approved August 4, 1950 (2 U.S.C. 167j).

(2) AUTHORITY OF LIBRARIAN OF CONGRESS.—Notwithstanding subsections (a) and (b), the Librarian of Congress shall retain authority over the Library of Congress buildings and grounds in accordance with section 1 of the Act of June 29, 1922 (2 U.S.C. 141; 42 Stat. 715).

* * * * * * *

§ 5104. Unlawful activities

(a) * * *

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(e) CAPITOL GROUNDS AND BUILDINGS SECURITY.—

(1) * * *

(2) VIOLENT ENTRY AND DISORDERLY CONDUCT.—An individual or group of individuals may not willfully and knowingly—

(A) * * *

* * * * * * *

[(C) with the intent to disrupt the orderly conduct of official business, enter or remain in a room in any of the Capitol Buildings set aside or designated for the use of either House of Congress or a Member, committee, officer, or employee of Congress or either House of Congress;]

(C) with the intent to disrupt the orderly conduct of official business, enter or remain in a room in any of the Capitol Buildings set aside 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;

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SECTION 1307 OF THE LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2006

SEC. 1307. INSPECTOR GENERAL OF THE LIBRARY OF CONGRESS.

(a) * * *

(b) OFFICE OF INSPECTOR GENERAL.—There is an Office of Inspector General within the Library of Congress which is an independent objective office to—

(1) conduct and supervise audits and investigations (excluding incidents involving violence and personal property) relating to the Library of Congress**[**;**]***, 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;*

* * * * * * *

SECTION 102 OF THE LIBRARY OF CONGRESS FISCAL OPERATIONS IMPROVEMENT ACT OF 2000

SEC. 102. REVOLVING FUND FOR GIFT SHOP, DECIMAL CLASSIFICATION, PHOTO DUPLICATION, AND RELATED SERVICES.

(a) * * *

* * * * * * *

[(e) USE OF AMOUNTS.—Amounts in the accounts of the revolving fund under this section shall be available to the Librarian, in amounts specified in appropriations Acts and without fiscal year limitation, to carry out the programs and activities covered by such accounts.**]**

(e) USE OF AMOUNTS.—

(1) IN GENERAL.—Except as provided in paragraph (2), amounts in the accounts of the revolving fund under this section shall be available to the Librarian, in amounts specified in appropriations Acts and without fiscal year limitation, to carry out the programs and activities covered by such accounts.

(2) SPECIAL RULE FOR PAYMENTS FOR CERTAIN CAPITOL POLICE SERVICES.—In the case of any amount in the revolving fund consisting of a payment received for services of the United States Capitol Police in connection with a special event or program described in subsection (a)(4), the Librarian shall transfer such amount upon receipt to the Capitol Police for deposit into the applicable appropriations accounts of the Capitol Police.

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SECTION 1015 OF THE LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2003

[SEC. 1015. TRANSFER OF LIBRARY OF CONGRESS POLICE TO THE UNITED STATES CAPITOL POLICE. (a) TRANSFER OF LIBRARY OF CONGRESS POLICE TO THE UNITED STATES CAPITOL POLICE.—

[(1) TRANSFER OF PERSONNEL AND FUNCTIONS.—There are transferred to the United States Capitol Police—

[(A) each Library of Congress Police employee; and

[(B) any functions performed under the first section of the Act of August 4, 1950 (2 U.S.C. 167) and section 9 of that Act (2 U.S.C. 167h) (as in effect immediately before the effective date of this section).

[(2) EFFECT ON PERSONNEL.—

[(A) ANNUAL AND SICK LEAVE.—Any annual or sick leave to the credit of an individual transferred under paragraph (1) shall be transferred to the credit of that individual as an employee of the United States Capitol Police.

[(B) SERVICE PERFORMED FOR RETIREMENT PURPOSES.—For those Library of Congress Police employees transferred under paragraph (1)(A), any period of service performed by a Library of Congress Police employee shall be deemed to be service performed as a member of the United States Capitol Police for purposes of chapters 83 and 84 of title 5, United States Code.

[(C) VACANCIES.—Notwithstanding any other provision of law, upon the date of enactment of this section and until completion of the transfer under paragraph (1), vacancies in Library of Congress police employee positions, if filled, shall be filled in accordance with the employment standards of the United States Capitol Police, to the extent practicable as determined by the Chief of the Capitol Police.

[(3) EFFECTIVE DATE OF TRANSFER OF PERSONNEL AND FUNCTIONS.—Library of Congress employees transferred to the United States Capitol Police under paragraph (1)(A), and Library of Congress functions transferred under paragraph (1)(B) shall be transferred to the United States Capitol Police upon approval of the Committees on Appropriations of the House and Senate and the appropriate authorizing committees.

[(b) TRANSITION.—

[(1) IMPLEMENTATION PLAN.—

[(A) PLAN.—Not later than 180 days after the date of enactment of this section, the Chief of the Capitol Police shall prepare and submit to the appropriate committees of Congress for approval, and to the Capitol Police Board and the Librarian of Congress, a plan—

[(i) describing the policies and procedures, and actions the Chief of the Capitol Police will take in implementing the transfer provisions under this section;

[(ii) establishing dates by which Library of Congress personnel and functions authorized to be transferred under subsection (a)(1) shall be transferred to the United States Capitol Police;

[(iii) in consultation with the Librarian of Congress, providing for the performance of law enforcement and protection functions relating to the buildings and grounds of the Library of Congress, including collections security, within the overall security responsibilities of the United States Capitol Police;

[(iv) recommending legislative changes needed to implement the transfers under subsection (a)(1), including—

[(I) identifying options for addressing how to apply United States Capitol Police retirement provisions to such transferred personnel;

[(II) identifying options related to providing voluntary separation incentives to transferred personnel; and

[(III) identifying options to ensure the Librarian of Congress maintains appropriate authority to execute his security responsibilities;

[(v) detailing the mechanisms to be used by the Chief of the Capitol Police for ensuring that Library of Congress employees transferred to the United States Capitol Police under subsection (a)(1) are not adversely affected by the transfer with respect to pay;

[(vi) addressing—

[(I) how United States Capitol Police training and qualification requirements will be applied to Library of Congress employees transferred under subsection (a)(1); and

[(II) the overall training needs of the merged police force; and

[(vii) providing an analysis of the cost implications of implementing the plan.

[(2) IMPLEMENTATION REPORT.—Not later than 1 year after the date of enactment of this section, and annually thereafter until the transfer is fully implemented, the Chief of the Capitol Police shall prepare and submit a report to the appropriate committees of Congress, the Capitol Police Board, and the Librarian of Congress, on the Chief of the Capitol Police's progress in implementing the plan required in paragraph (1)(A) of this subsection, including any adjustments to cost estimates or legislative changes needed to implement the provisions of this section.

[(c) DEFINITIONS.—In this section—

[(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", approved August 4, 1950 (2 U.S.C. 167 et seq.); and

[(2) the term "Library of Congress Police employee"—

[(A) 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) (as in effect immediately before the effective date of this section); and

[(B) does not include any civilian employee performing police support functions.

[(d) EFFECTIVE DATE.—Except as otherwise provided in this section, this section shall take effect on the date of enactment of this section.]

SECTION 1006 OF THE LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2007

[SEC. 1006. TRAINING, DETAILING, AND HIRING AUTHORITY PENDING TRANSFER OF LIBRARY OF CONGRESS POLICE EMPLOYEES. (a) TRAINING AND DETAILING.—

[(1) IN GENERAL.—To provide for a more effective and efficient transfer under section 1015 of the Legislative Branch Appropriations Act, 2003 (2 U.S.C. 1901 note)—

[(A) the Chief of the Capitol Police shall provide for training, on a reimbursable basis, of Library of Congress Police employees who on the date of enactment of this Act, are 42 years of age or less and have 5 years or less of service as a Library of Congress Police employee, which shall be supplemental to Library of Congress Police training;

[(B) the Librarian of Congress may detail, with or without reimbursement, Library of Congress Police employees to the Capitol Police; and

[(C) the Chief of the Capitol Police may detail, on a reimbursable basis, members of the Capitol Police to the Library of Congress Police.

[(2) BEGINNING OF TRAINING.—Training under paragraph (1) shall begin within 90 days of the date of enactment of this Act.

[(b) HIRING.—

[(1) DEFINITIONS.—In this subsection, the terms "Act of August 4, 1950" and "Library of Congress Police employee" have the meanings given such terms under section 1015(c) of the Legislative Branch Appropriations Act, 2003 (2 U.S.C. 1901 note).

[(2) LIMITATION ON NEW LIBRARY OF CONGRESS POLICE EMPLOYEES.—Notwithstanding the first section of the Act of August 4, 1950 or any other provision of law, the Librarian of Congress may not—

[(A) hire any individual as a Library of Congress Police employee; or

[(B) transfer any employee of the Library of Congress to a Library of Congress Police employee position.

[(3) HIRING OF INDIVIDUALS.—

[(A) IN GENERAL.—The Librarian of Congress may select individuals to be submitted to the Chief of the Capitol Police for purposes of subparagraph (B).

[(B) HIRING.—If an individual submitted under subparagraph (A) meets all qualifications to be a member of the Capitol Police, the Chief of the Capitol Police shall hire that individual as a member of the Capitol Police. The Chief of Police may hire individuals under this subsection who are not submitted for selection under this subparagraph. All hirings under this subparagraph shall comply with the limitations under this paragraph for any fiscal year.

[(C) LIMITATION FOR FISCAL YEAR 2004.—During fiscal year 2004, the number of individuals hired under this subsection may not exceed the total of—

[(i) 23 individuals; and

[(ii) the number of Library of Congress Police employees who separate from service or transfer to a position other than a Library of Congress Police employee position.

[(D) LIMITATION FOR FISCAL YEAR 2005.—During fiscal year 2005, the number of individuals hired under this subsection may not exceed—

[(i) the number of Library of Congress Police employees who separated from service or transferred to a position other than a Library of Congress Police employee position during fiscal year 2004 for whom a corresponding hire was not made under this subsection; and

[(ii) the number of Library of Congress Police employees who separate from service or transfer to a position other than a Library of Congress Police employee position during fiscal year 2005.

[(E) LIMITATION FOR FISCAL YEAR 2006.—During fiscal year 2006, the number of individuals hired under this subsection may not exceed—

[(i) the number of Library of Congress Police employees who separated from service or transferred to a position other than a Library of Congress Police employee position during fiscal year 2005 for whom a corresponding hire was not made under this subsection; and

[(ii) the number of Library of Congress Police employees who separate from service or transfer to a position other than a Library of Congress Police employee position during fiscal year 2006.

[(4) TRAINING AND DETAILING.—Notwithstanding subsection (a)(1)(C), the Chief of the Capitol Police may detail an individual hired under this subsection to the Library of Congress Police on a nonreimbursable basis. Any individual detailed under this subsection shall receive necessary training, including training by the Library of Congress Police.

[(5) ASSIGNMENTS AND REASSIGNMENTS.—Nothing under this subsection may be construed to affect the authority of the Chief of the Capitol Police, after the date of the transfer of Library of Congress Police employees under section 1015 of the Legislative Appropriations Act, 2003 (2 U.S.C. 1901 note), to assign or reassign any member of the Capitol Police hired under this subsection.

[(6) EFFECTIVE DATE.—This subsection shall take effect on the date of enactment of this Act and apply with respect to—

[(A) any remaining portion of fiscal year 2003, if this Act is enacted before October 1, 2003; and

[(B) fiscal year 2004 and each fiscal year, thereafter.]

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