



Decision

Matter of: U.S. Capitol Police—Availability of Appropriations for Local Lodging of Employees

File: B-335808

Date: August 14, 2025

DIGEST

The Capitol Police Board seeks to use its appropriation to pay for local lodging for Dignitary Protection Division Agents working certain overtime shifts. Generally, lodging within an employee's duty station is a personal expense of the employee for which appropriated funds are not available, but section 1973 of title 2 of the United States Code authorizes the Capitol Police Board to find that an emergency exists that permits the U.S. Capitol Police to provide local lodging to these agents. The U.S. Capitol Police and the Board may use this authority to provide local lodging to agents working certain overtime shifts with less than 8 hours of rest between shifts, as that constitutes an emergency that involves the safety of human life and protection of property.

DECISION

The U.S. Capitol Police (USCP) requests a decision under 31 U.S.C. § 3529 on whether the Capitol Police Board (the Board), pursuant to 2 U.S.C. § 1973, may permit the expenditure of appropriated funds to address a staffing shortage within the ranks of USCP Dignitary Protection Division (DPD) Agents. Specifically, USCP would use the funds on an interim basis to pay for local lodging of DPD agents who are working a significant amount of overtime hours with less than 8 hours of rest between shifts. Our practice when rendering decisions is to contact the relevant

agencies to seek factual information and their legal views.¹ USCP's request letter on this matter provided factual information and its legal views.²

BACKGROUND

USCP has been facing staffing challenges in DPD, the entity responsible for providing personal protection for leadership positions within Congress.³ DPD has experienced a significant reduction in staffing due to resignations, retirements, reassignments, and promotions.⁴ In addition, DPD task assignments have increased.⁵ As a result, DPD agents work an average of 40-50 hours of overtime per pay period.⁶ USCP believes that DPD agents working multiple shifts without adequate rest presents a significant risk to the safety of protectees, the agents, and the public.⁷ For instance, USCP noted two instances in which DPD agents were involved in car-related accidents. In both instances, the DPD agent had worked multiple shifts without sufficient turn-around time to rest.⁸

USCP believes that an immediate short-term solution to its staffing challenges and the overtime required of DPD agents is to provide local lodging near the Capitol Grounds.⁹ USCP believes the current situation is an emergency affecting the safety of human life and the protection of property and, as such, that section 1973 allows the use of USCP's appropriations for local lodging of DPD agents.¹⁰

¹ GAO, *GAO's Protocols for Legal Decisions and Opinions*, GAO-24-107329 (Washington, D.C.: Feb. 21, 2024), available at <https://www.gao.gov/products/gao-24-107329>.

² See Letter from General Counsel, USCP, to Comptroller General, GAO (Nov. 28, 2023) (Request Letter). Call with Thomas DiBiase, USCP General Counsel, July 10, 2025.

³ Request Letter, at 1–2.

⁴ *Id.* at 2.

⁵ *Id.*

⁶ *Id.*

⁷ *Id.*

⁸ *Id.* at 2–3.

⁹ *Id.* at 3.

¹⁰ *Id.* at 3–4.

DISCUSSION

At issue here is whether the staffing situation in DPD constitutes an emergency involving the safety of human life and protection of property.

Section 1973 of Title 2 of the U.S. Code provides that the Board may incur obligations and make expenditures “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” 2 U.S.C. § 1973 (emphasis added). Through this language, Congress vested the Board with discretion. In its request to us, USCP described many facts that could reasonably lead the Board to find an emergency. For example, USCP stated that in 2022, it investigated 7,501 threats cases, a significant increase from the 3,939 threat cases it investigated in 2017.¹¹ USCP also noted that significant mandatory overtime requires DPD agents to work an average of 40 to 50 hours of overtime per pay period, resulting in officer fatigue that increases risk to the safety of protectees, the agents, and the public.¹²

Law enforcement agencies are entitled to discretion in deciding how best to protect our national institutions, such as the United States Congress, its Members, staff, and facilities. B-303964, Feb. 3, 2005 (finding that a USCP security checkpoint program was clearly a counterterrorism measure and fell within the broad scope of a congressionally established fund meant to support national security). The law vests the Board with reasonable discretion to determine the existence of an emergency.¹³ Considering the facts USCP has presented, we would not question the Board if it determined that such an emergency exists in these circumstances.

Ordinarily, appropriations are not available for the personal expenses of federal employees, including lodging. See B-318229, Dec. 22, 2009; 71 Comp. Gen. 517 (1992). Appropriations generally are available for such expenses only when expressly provided by law. See, e.g., 5 U.S.C. § 5702(a)(1) (providing payment for employee lodging when the employee is traveling on official business away from the designated post of duty).

In this case, USCP has statutory authority to pay for “meals, refreshments and other support and maintenance for the Capitol Police”¹⁴ where the Board has made the requisite determination of an emergency as discussed above. The relevant

¹¹ Request Letter, at 2 note 3.

¹² *Id.* at 2.

¹³ 2 U.S.C. § 1973.

¹⁴ *Id.*

question, then, is whether “other support and maintenance” encompasses lodging. The general phrase “other support and maintenance” follows the more specific words “meals” and “refreshments.” Principles of statutory interpretation provide that where “general words follow specific words in a statutory enumeration, the general words are construed to embrace only objects similar in nature to those objects enumerated by the preceding specific words.” See *Washington State Department of Social and Health Services v. Guardianship Estate of Keffeler*, 537 U.S. 371, 384 (2003) (citation and internal quotation marks omitted); see also B-320998, May 4, 2011.

Here, the specific words “meals” and “refreshments” indicate that in emergencies, USCP may provide officers with these personal items, which provide sustenance and comfort. Therefore, the broader phrase “other support and maintenance” indicates that USCP may provide officers with other items necessary to provide sustenance and comfort, such as local lodging. The Board could reasonably determine that section 1973 authorizes USCP to use its appropriations to provide local lodging for officers where it has made the requisite determination of the existence of an emergency.

We note that the statute permits provision of lodging only in association with the emergency situation. USCP and the Board should institute appropriate safeguards to ensure that lodging is provided only as required by an accompanying emergency. These safeguards should also ensure that the provision of lodging is a prudent use of appropriations when considered in light of other available options, such as temporary changes in staff assignments.

CONCLUSION

Under the circumstances USCP describes, section 1973 authorizes the Board to find that an emergency exists that permits USCP to provide local lodging to officers. USCP and the Board should ensure they use this authority only emergencies that involve the safety of human life or the protection of property, and that they institute appropriate safeguards to ensure proper use of this authority.



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