

FEDERAL RESTRICTED BUILDINGS AND GROUNDS
IMPROVEMENT ACT OF 2011

FEBRUARY 11, 2011.—Committed to the Committee of the Whole House on the State
of the Union and ordered to be printed

Mr. SMITH of Texas, from the Committee on the Judiciary,
submitted the following

R E P O R T

[To accompany H.R. 347]

[Including cost estimate of the Congressional Budget Office]

The Committee on the Judiciary, to whom was referred the bill (H.R. 347) to correct and simplify the drafting of section 1752 (relating to restricted buildings or grounds) of title 18, United States Code, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

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PURPOSE AND SUMMARY

H.R. 347, the “Federal Restricted Buildings and Grounds Improvement Act of 2011,” amends Section 1752 of Title 18, United States Code, to make improvements to an existing criminal provi-

sion that prohibits the unlawful breach of certain Federal buildings and grounds.

BACKGROUND AND NEED FOR THE LEGISLATION

The United States Secret Service provides protective services to the President, the First Family, the Vice President, former Presidents, visiting heads of state, and others. This protection covers not only the White House and its grounds but also any where a protectee may be temporarily visiting. The Secret Service also provides protection at events designated as “a special event of national significance.”

Current law prohibits unlawful entries upon any restricted building or ground where the President, Vice President or other protectee is temporarily visiting. However, there is no Federal law that expressly prohibits unlawful entry to the White House and its grounds or the Vice President’s residence and its grounds.

The Secret Service must therefore rely upon a provision in the District of Columbia Code, which addresses only minor misdemeanor infractions, when someone attempts to or successfully trespasses upon the grounds of the White House or Vice President’s residence or, worse, breaches the White House or Vice President’s residence itself.

H.R. 347 remedies this problem by specifically including the White House, the Vice President’s residence, and their respective grounds in the definition of restricted buildings and grounds for purposes of Section 1752.

The bill also clarifies that the penalties in Section 1752 of title 18 apply to those who knowingly enter or remain in any restricted building or grounds without lawful authority to do so. Current law does not include this important element. The bill makes other technical improvements to the existing law. In the 111th Congress, the House approved similar legislation (H.R. 2780) by voice vote on July 27, 2010.

HEARINGS

The Committee on the Judiciary held no hearings on H.R. 347.

COMMITTEE CONSIDERATION

On January 26, 2011, the Committee met in open session and ordered the bill H.R. 347 favorably reported without amendment, by voice vote, a quorum being present.

COMMITTEE VOTES

In compliance with clause 3(b) of rule XIII of the Rules of the House of Representatives, the Committee advises that there were no recorded votes during the Committee’s consideration of H.R. 347.

COMMITTEE OVERSIGHT FINDINGS

In compliance with clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee advises that the findings and recommendations of the Committee, based on oversight activities under clause 2(b)(1) of rule X of the Rules of the House of Rep-

representatives, are incorporated in the descriptive portions of this report.

NEW BUDGET AUTHORITY AND TAX EXPENDITURES

Clause 3(c)(2) of rule XIII of the Rules of the House of Representatives is inapplicable because this legislation does not provide new budgetary authority or increased tax expenditures.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

In compliance with clause 3(c)(3) of rule XIII of the Rules of the House of Representatives, the Committee sets forth, with respect to the bill, H.R. 347, the following estimate and comparison prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, February 2, 2011.

Hon. LAMAR SMITH, CHAIRMAN,
Committee on the Judiciary,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 347, the “Federal Restricted Buildings and Grounds Improvement Act of 2011.”

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Mark Grabowicz, who can be reached at 226–2860.

Sincerely,

DOUGLAS W. ELMENDORF,
DIRECTOR.

Enclosure

cc: Honorable John Conyers, Jr.
Ranking Member

H.R. 347—Federal Restricted Buildings and Grounds Improvement Act of 2011.

CBO estimates that implementing H.R. 347 would have no significant cost to the Federal Government. The legislation could affect direct spending and revenues, so pay-as-you-go procedures apply, but we estimate that any such effects would not be significant.

H.R. 347 would modify and expand the current laws that prohibit access to certain Federal property. Thus, the government might be able to pursue cases against violators that it otherwise would not be able to prosecute. However, CBO expects that H.R. 347 would apply to a relatively small number of offenders, so any increase in costs for law enforcement, court proceedings, or prison operations would not be significant. Any such costs would be subject to the availability of appropriated funds.

Because those prosecuted and convicted under H.R. 347 could be subject to criminal fines, the Federal Government might collect additional amounts if the legislation is enacted. Criminal fines are recorded as revenues, deposited in the Crime Victims Fund, and later spent. CBO estimates that any additional revenues and direct

spending would not be significant because of the small number of cases likely to be affected.

H.R. 347 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would not affect the budgets of State, local, or tribal governments.

The CBO staff contact for this estimate is Mark Grabowicz. The estimate was approved by Theresa Gullo, Deputy Assistant Director for Budget Analysis.

PERFORMANCE GOALS AND OBJECTIVES

The Committee states that pursuant to clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, H.R. 347 provides increased protection to the President of the United States, the First Family, the Vice President of the United States, and other Secret Service protectees.

CONSTITUTIONAL AUTHORITY STATEMENT

The Committee finds the authority for this legislation in article I, section 8, clause 1 of the Constitution.

ADVISORY ON EARMARKS

In accordance with clause 9 of rule XXI of the Rules of the House of Representatives, H.R. 347 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(e), 9(f), or 9(g) of Rule XXI.

SECTION-BY-SECTION ANALYSIS

Section 1. Short Title. This section cites the short title of the bill as the “Federal Restricted Buildings and Grounds Improvement Act of 2010.”

Section 2. Restricted Buildings or Grounds. This section amends Section 1752 of Title 18, United States Code, to revise the prohibition against entering restricted Federal buildings or grounds to impose criminal penalties on anyone who knowingly enters any restricted building or grounds without lawful authority. It defines “restricted buildings or grounds” as a posted, cordoned off, or otherwise restricted area: (1) of the White House or its grounds, or the Vice President’s official residence or its grounds; (2) of a building or grounds where the President or other person protected by the Secret Service is or will be temporarily visiting; or (3) of a building or grounds so restricted due to an special event of national significance.

Section 3. Paygo Compliance. This section provides for compliance of the budgetary effects of this Act with the Statutory Pay-As-You-Go Act of 2010.

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 italics, existing law in which no change is proposed is shown in roman):

TITLE 18, UNITED STATES CODE

PART I—CRIMES

* * * * *

CHAPTER 84—PRESIDENTIAL AND PRESIDENTIAL
STAFF ASSASSINATION, KIDNAPPING, AND ASSAULT

* * * * *

§ 1752. Restricted building or grounds**[(a) It shall be unlawful for any person or group of persons—****[(1) willfully and knowingly to enter or remain in any posted, cordoned off, or otherwise restricted area of a building or grounds where the President or other person protected by the Secret Service is or will be temporarily visiting;****[(2) willfully and knowingly to enter or remain in any posted, cordoned off, or otherwise restricted area of a building or grounds so restricted in conjunction with an event designated as a special event of national significance;****[(3) willfully, knowingly, and with intent to impede or disrupt the orderly conduct of Government business or official functions, to engage in disorderly or disruptive conduct in, or within such proximity to, any building or grounds described in paragraph (1) or (2) when, or so that, such conduct, in fact, impedes or disrupts the orderly conduct of Government business or official functions;****[(4) willfully and knowingly to obstruct or impede ingress or egress to or from any building, grounds, or area described in paragraph (1) or (2); or****[(5) willfully and knowingly to engage in any act of physical violence against any person or property in any building, grounds, or area described in paragraph (1) or (2).****[(b) Violation of this section, and attempts or conspiracies to commit such violations, shall be punishable by—****[(1) a fine under this title or imprisonment for not more than 10 years, or both, if—****[(A) the person, during and in relation to the offense, uses or carries a deadly or dangerous weapon or firearm; or****[(B) the offense results in significant bodily injury as defined by section 2118(e)(3); and****[(2) a fine under this title or imprisonment for not more than one year, or both, in any other case.****[(c) Violation of this section, and attempts or conspiracies to commit such violations, shall be prosecuted by the United States attorney in the Federal district court having jurisdiction of the place where the offense occurred.****[(d) None of the laws of the United States or of the several States and the District of Columbia shall be superseded by this section.****[(e) As used in this section, the term “other person protected by the Secret Service” means any person whom the United States Secret Service is authorized to protect under section 3056 of this title when such person has not declined such protection.]**

§ 1752. Restricted buildings or grounds

(a) *Whoever—*

(1) *knowingly enters or remains in any restricted building or grounds without lawful authority to do so;*

(2) *knowingly, and with intent to impede or disrupt the orderly conduct of Government business or official functions, engages in disorderly or disruptive conduct in, or within such proximity to, any restricted building or grounds when, or so that, such conduct, in fact, impedes or disrupts the orderly conduct of Government business or official functions;*

(3) *knowingly, and with the intent to impede or disrupt the orderly conduct of Government business or official functions, obstructs or impedes ingress or egress to or from any restricted building or grounds; or*

(4) *knowingly engages in any act of physical violence against any person or property in any restricted building or grounds; or attempts or conspires to do so, shall be punished as provided in subsection (b).*

(b) *The punishment for a violation of subsection (a) is—*

(1) *a fine under this title or imprisonment for not more than 10 years, or both, if—*

(A) *any person, during and in relation to the offense, uses or carries a deadly or dangerous weapon or firearm; or*

(B) *the offense results in significant bodily injury as defined by section 2118(e)(3); and*

(2) *a fine under this title or imprisonment for not more than one year, or both, in any other case.*

(c) *In this section—*

(1) *the term “restricted buildings or grounds” means any posted, cordoned off, or otherwise restricted area—*

(A) *of the White House or its grounds, or the Vice President’s official residence or its grounds;*

(B) *of a building or grounds where the President or other person protected by the Secret Service is or will be temporarily visiting; or*

(C) *of a building or grounds so restricted in conjunction with an event designated as a special event of national significance; and*

(2) *the term “other person protected by the Secret Service” means any person whom the United States Secret Service is authorized to protect under section 3056 of this title when such person has not declined such protection.*

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