

REAUTHORIZING SECURITY FOR SUPREME COURT
JUSTICES ACT OF 2019

NOVEMBER 8, 2019.—Committed to the Committee of the Whole House on the State
of the Union and ordered to be printed

Mr. NADLER, from the Committee on the Judiciary,
submitted the following

R E P O R T

[To accompany H.R. 4258]

The Committee on the Judiciary, to whom was referred the bill (H.R. 4258) to authorize the Marshal of the Supreme Court and the Supreme Court Police to protect the Justices, employees, and official guests of the Supreme Court outside of the Supreme Court grounds, and for other purposes, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

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Purpose and Summary

H.R. 4258 would permanently authorize the Marshal of the Supreme Court and the Supreme Court Police to provide protection for Justices, Supreme Court officers and employees, and official guests outside the grounds of the Supreme Court Building, both domestically and internationally.

Background and Need for the Legislation

Under current law, the Marshal of the Supreme Court and the Supreme Court Police are authorized to provide protection only in “any state,” and that authority expires at the end of this year. Permanent authority will allow for long-term management of protective activities and remove the threat of disruptions and security gaps caused by having an authority that periodically expires. In addition, the bill will provide parity between the Supreme Court Police and the Capitol Police and Secret Service, which both have permanent authority to protect Senators, Members of the House leadership, and the President both domestically and internationally instead of being limited to protection in only “any state.”

Hearings

The Committee held no hearings on H.R. 4258.

Committee Consideration

On October 16, 2019, the Committee met in open session and ordered the bill, H.R. 4258, 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 no rollcall votes occurred during the Committee’s consideration of H.R. 4258.

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

New Budget Authority and Tax Expenditures and Congressional Budget Office Cost Estimate

With respect to the requirements of clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974 and with respect to requirements of clause (3)(c)(3) of rule XIII of the Rules of the House of Representatives and section 402 of the Congressional Budget Act of 1974, the Committee has requested but not received a cost estimate for this Report from the Director of the Congressional Budget Office. The Committee has requested but not received from the Director of the Congressional Budget Office a statement as to whether this Report contains any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

Duplication of Federal Programs

No provision of H.R. 4258 establishes or reauthorizes a program of the federal government known to be duplicative of another fed-

eral program, a program that was included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111–139, or a program related to a program identified in the most recent Catalog of Federal Domestic Assistance.

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. 4258 would permanently authorize the Marshal of the Supreme Court and the Supreme Court Police to provide protection for Justices, Supreme Court officers and employees, and official guests outside the grounds of the Supreme Court Building, both domestically and internationally.

Advisory on Earmarks

In accordance with clause 9 of rule XXI of the Rules of the House of Representatives, H.R. 4258 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of rule XXI.

Section-by-Section Analysis

The following discussion describes the bill as reported by the Committee.

Sec. 1. Short title. Section one establishes the title of the legislation as the “Reauthorizing Security for Supreme Court Justices Act of 2019”.

Sec. 2. Protection authority of Marshal of the Supreme Court and Supreme Court Police. Section two amends 40 U.S.C. § 6121 to give the Marshal and Supreme Court Police authority to provide protection services in “any location.” Section two also amends 40 U.S.C. § 6121 to make that authority permanent.

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

TITLE 40, UNITED STATES CODE

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SUBTITLE II—PUBLIC BUILDINGS AND WORKS

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PART C—FEDERAL BUILDING COMPLEXES

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**CHAPTER 61—UNITED STATES SUPREME COURT
BUILDING AND GROUNDS**

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SUBCHAPTER III—POLICING AUTHORITY

§ 6121. General

(a) **AUTHORITY OF MARSHAL OF THE SUPREME COURT AND SUPREME COURT POLICE.**—In accordance with regulations prescribed by the Marshal of the Supreme Court and approved by the Chief Justice of the United States, the Marshal and the Supreme Court Police shall have authority—

(1) to police the Supreme Court Building and grounds and adjacent streets to protect individuals and property;

(2) in **[any State]** *any location*, to protect—

(A) the Chief Justice, any Associate Justice of the Supreme Court, and any official guest of the Supreme Court; and

(B) any officer or employee of the Supreme Court while that officer or employee is performing official duties;

(3) while performing duties necessary to carry out paragraph (1) or (2), to make arrests for any **[violation of federal or state law]** *violation of Federal or State law* and any **[regulation under federal or state law]** *regulation under Federal or State law*; and

(4) to carry firearms as may be required while performing duties under section 6102 of this title, this subchapter, and subchapter IV.

(b) **[ADDITIONAL REQUIREMENTS RELATED TO SUBSECTION (A)(2).**—

[(1) AUTHORIZATION TO CARRY FIREARMS.—Duties under] AUTHORIZATION TO CARRY FIREARMS—Duties under subsection (a)(2)(A) with respect to an official guest of the Supreme Court in **[any State]** *any location* (other than the District of Columbia, Maryland, and Virginia) shall be authorized in writing by the Chief Justice or an Associate Justice, if those duties require the carrying of firearms under subsection (a)(4).

[(2) TERMINATION OF AUTHORITY.—The authority provided under subsection (a)(2) expires on December 29, 2019.]

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