

Public Law 97-143
97th Congress

An Act

To amend the Act of July 31, 1946, as amended (40 U.S.C. 193a).

Dec. 29, 1981

[S. 1976]

United States
Capitol Police,
authority.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Act entitled "An Act to define the area of the United States Capitol Grounds, to regulate the use thereof, and for other purposes", approved July 31, 1946, as amended (40 U.S.C. 193a), is amended by inserting immediately after section 9 thereof the following new section:

"SEC. 9A. (a) Subject to the direction of the Capitol Police Board, the United States Capitol Police is authorized to protect, in any area of the United States, the person of any Member of Congress, officer of the Congress, as defined in section 431 of the Act of October 26, 1970 (2 U.S.C. 60-1(b)), and any member of the immediate family of any such Member or officer, if the Capitol Police Board determines such protection to be necessary.

40 USC 212a-2.

"(b) In carrying out its authority under this section, the Capitol Police Board, or its designee, is authorized, in accordance with regulations issued by the Board pursuant to this section, to detail, on a case-by-case basis, members of the United States Capitol Police to provide such protection as the Board may determine necessary under this section.

Regulations.

"(c) In the performance of their protective duties under this section, members of the United States Capitol Police are authorized (1) to make arrests without warrant for any offense against the United States committed in their presence, or for any felony cognizable under the laws of the United States if they have reasonable grounds to believe that the person to be arrested has committed or is committing such felony; and (2) to utilize equipment and property of the Capitol Police.

"(d) Whoever knowingly and willfully obstructs, resists, or interferes with a member of the Capitol Police engaged in the performance of the protective functions authorized by this section, shall be fined not more than \$300 or imprisoned not more than one year, or both.

"(e) Nothing contained in this section shall be construed to imply that the authority, duty, and function conferred on the Capitol Police Board and the United States Capitol Police are in lieu of or intended to supersede any authority, duty, or function imposed on any Federal department, agency, bureau, or other entity, or the Metropolitan Police of the District of Columbia, involving the protection of any such Member, officer, or family member.

"(f) As used in this section, the term 'United States' means each of the several States of the United States, the District of Columbia, and territories and possessions of the United States."

"United States."

(b) Section 1114 of title 18, United States Code, is amended by inserting immediately after "any officer or employee of the Secret Service or of the Drug Enforcement Administration," the following: "any officer or member of the United States Capitol Police".

Approved December 29, 1981.

It is enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Act entitled "An Act to define the area of the United States Capitol grounds to regulate the use thereof, and for other purposes," approved July 17, 1946, as amended (40 U.S.C. 1201) is amended by inserting immediately after section 3 thereof the following new section:

"Sec. 4. (a) Subject to the direction of the Capitol Police Board, the United States Capitol Police is authorized to protect, in any area of the United States the person of any Member of Congress, officer of the Congress, as defined in section 481 of the Act of October 3, 1917 (2 U.S.C. 55-110), and any member of the immediate family of any such Member or officer, if the Capitol Police Board determines such protection to be necessary.

"(b) In carrying out its authority under this section, the Capitol Police Board or its designee is authorized, in accordance with regulations issued by the Board pursuant to this section, to detain or remove any person from any area of the United States Capitol Police to a case-by-case basis, regardless of the Board may determine necessary under this section.

"(c) In the performance of their protective duties under this section, members of the United States Capitol Police are authorized (1) to make arrests without warrant for any offense against the United States committed in their presence, or for any felony offense under the laws of the United States if they have reasonable grounds to believe that the person to be arrested has committed or is committing such felony; and (2) to utilize equipment and property of the Capitol Police.

"(d) Whoever knowingly and willfully obstructs, resists, or interferes with a member of the Capitol Police engaged in the performance of the protective functions authorized by this section, shall be fined not more than \$500 or imprisoned not more than one year, or both.

"(e) Nothing contained in this section shall be construed to imply that the authority, duty, and function conferred on the Capitol Police Board and the United States Capitol Police are in lieu of or intended to supersede any authority, duty, or function imposed on any Federal department, agency, bureau, or other entity, or the Metropolitan Police of the District of Columbia, involving the protection of any such Member, officer, or family member.

"(f) As used in this section, the term 'United States' means each of the several States of the United States, the District of Columbia, and territories and possessions of the United States."

LEGISLATIVE HISTORY—S. 1976:

CONGRESSIONAL RECORD, Vol. 127 (1981):

Dec. 16, considered and passed Senate and House.