106TH CONGRESS
2d Session

HOUSE OF REPRESENTATIVES

REPORT
106–931

THE SUPREME COURT SECURITY ACT OF 2000

OCTOBER 4, 2000.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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

R E P O R T

[To accompany H.R. 5136]

[Including cost estimate of the Congressional Budget Office]

The Committee on the Judiciary, to whom was referred the bill (H.R. 5136) to make permanent the authority of the Marshal of the Supreme Court and the Supreme Court Police to provide security beyond the Supreme Court building and grounds, 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. 5136 would make permanent the current temporary statutory authority of the Marshal of the Supreme Court and the Supreme Court Police to provide security beyond the Supreme Court building and its grounds to Supreme Court Justices, Court personnel, and official guests of the Court. The current authority to

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provide this security will terminate on December 29, 2000. H.R. 5136 would also eliminate the Court's annual reporting requirement to Congress detailing the administrative cost associated with providing off-grounds security. This cost has been very modest in the past and is fully detailed each year in the Court's annual budget request to Congress. Finally, H.R. 5136 would repeal the ministerial requirement that the Chief Justice authorize in writing armed protection for official guests of the Supreme Court when they are traveling in the United States outside the Washington, D.C. metropolitan area.

BACKGROUND AND NEED FOR THE LEGISLATION

The Supreme Court Police is charged with enforcing the law at the Supreme Court building and its grounds as well as protecting Justices and other Court employees on and off its grounds.[1] Since 1982, Congress has provided statutory authority for the Supreme Court Police to provide security beyond the Court building and grounds for Justices, Court employees, and official visitors of the Court. This same authority requires that the Supreme Court annually report to Congress on the cost of such security. Since 1986, Congress has extended this off-grounds authority to provide security four times, but the current authority will sunset on December 29, 2000.

The current authority and jurisdiction of the Supreme Court Police are essential to the force's performance of its everyday duties. Supreme Court Police regularly provide security to Justices by transporting and accompanying them to official functions in the Washington, D.C., metropolitan area, and occasionally outside it when they, or official guests of the Court, are traveling on Court business. Some Justices, because of threats to their personal safety, are driven by the police to and from their homes and the Court every day. Additionally, the police protect Court employees going to and from its parking lot, which is located one-half block east of the Supreme Court building and off the grounds of the Court.

The committee believes that the Supreme Court Police should continue to provide off-ground security to protect the Justices, other Court personnel and the Court's official guests. Given the fact that the Court's police force is well trained and has an excellent performance record, it is appropriate that this authority be made permanent at this time.

COMMITTEE CONSIDERATION

On September 20, 2000, the Committee on the Judiciary met in open session and ordered reported favorably the bill H.R. 5136 by voice vote, a quorum being present.

VOTE OF THE COMMITTEE

No recorded votes on the bill, H.R. 5136, were taken in the committee.

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[1] 40 U.S.C. § 13 *et. seq.*

COMMITTEE OVERSIGHT FINDINGS

In compliance with clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the committee reports that the findings and recommendations of the committee, based in 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.

COMMITTEE ON GOVERNMENT REFORM FINDINGS

No findings or recommendations of the Committee on Government Reform and Oversight were received as referred to in clause 3(c)(4) of rule XIII of the Rules of the House of Representatives.

NEW BUDGET AUTHORITY AND TAX EXPENDITURES

Clause 3(c)(2) of House Rule XIII 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. 5136, the following estimate and comparison prepared by the Director of the Congressional Budget Office under section 403 of the Congressional Budget Act of 1974:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, September 28, 2000.

Hon. HENRY J. HYDE, *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. 5136, a bill to make permanent the authority of the Marshal of the Supreme Court and the Supreme Court Police to provide security beyond the Supreme Court building and grounds.

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

Sincerely,

DAN L. CRIPPEN, *Director.*

Enclosure

cc: Honorable John Conyers Jr.
Ranking Democratic Member

H.R. 5136—A bill to make permanent the authority of the Marshal of the Supreme Court and the Supreme Court Police to provide security beyond the Supreme Court building and grounds.

H.R. 5136 would authorize the Marshal of the Supreme Court and the Supreme Court Police to provide security beyond the Supreme Court building and grounds for Justices, employees of the court, and official visitors. Based on information from the Supreme

Court, CBO estimates that implementing H.R. 5136 would cost less than $10,000 a year over the five-year period to pay for personnel and transportation expenses, subject to the availability of appropriated funds.

H.R. 5136 would have no effect on direct spending or receipts; therefore, pay-as-you-go procedures would not apply. H.R. 5136 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would not affect state, local, or tribal governments.

The CBO staff contact for this estimate is Lanette J. Keith, who can be reached at 226–2860. This estimate was approved by Robert A. Sunshine, Assistant Director for Budget Analysis.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to 3(d)(1) of rule XIII of the Rules of the House of Representatives, the committee finds the authority for this legislation in Article I, section 8, clause 18 of the Constitution.

SECTION-BY-SECTION ANALYSIS AND DISCUSSION

Sec. 1. Making Permanent Certain Policing Authority.

Section 1 repeals subsection (c) of 40 U.S.C. § 13n, which provides that the authority of the Marshal of the Supreme Court and the Supreme Court Police to provide security beyond the Supreme building and grounds to Supreme Court Justices pursuant to 40 U.S.C. § 13n(a)(2) will expire on December 29, 2000. Additionally, repealing subsection (c) will also eliminate the requirement that the Marshal of the Supreme Court annually report to Congress regarding the administrative cost providing off-grounds security for Justices, other Court personnel, and official guests of the Court. Finally, this section would repeal the ministerial requirement that the Chief Justice of the United States or an Associate Justice of the Supreme Court authorize in writing armed protection for official guests of the Court when they are traveling in the United States but outside the Washington, D.C. metropolitan area.

AGENCY VIEWS

SUPREME COURT OF
THE UNITED STATES,
Washington, DC, June 30, 2000.

Hon. HENRY J. HYDE, *Chairman,*
Committee on the Judiciary,
House of Representatives, Washington, DC.

DEAR CONGRESSMAN HYDE: Since 1982, Congress has recognized the authority of the Supreme Court Police to provide security beyond the Court building and grounds for Justices, Court employees, and official visitors. The authority, codified at 40 U.S.C. § 13n, requires that the Supreme Court annually inform Congress of the cost of such security and contains a sunset clause. Last amended in 1996, this clause provides that the authority will automatically terminate on December 29, 2000.

As security concerns have not diminished, it is essential that the off-grounds authority of the Supreme Court Police be continued without interruption. Accordingly, I request your support for legis-

lation to repeal the sunset provision, and to permanently authorize the off-grounds authority of the Supreme Court Police.

If you have any questions or would like additional information, please contact Jane E. Petkofsky, Supreme Court Counsel, at 479–3282 or Marshal of the Court, Dale Bosley, at 479–3333.

Sincerely,

WILLIAM H. REHNQUIST, *Chief Justice.*

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):

SECTION 9 OF THE ACT OF AUGUST 18, 1949

CHAP. 479.—An Act relating to the policing of the building and grounds of the Supreme Court of the United States.

SEC. 9. (a) * * *

(b) The Metropolitan police force of the District of Columbia [are hereby authorized] *is authorized* to make arrests within the Supreme Court Building 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 Marshal of the Supreme Court or his assistants, to enter the Supreme Court Building to make arrests in response to complaints or to serve warrants or to patrol the Supreme Court Building or grounds.

[(c) The authority created under subsection (a)(2) shall expire on December 29, 2000. The Marshal of the Supreme Court shall report annually to the Congress on March 1 regarding the administrative cost of carrying out his duties under such subsection. Duties under subsection (a)(2)(A) of this section with respect to an official guest of the Supreme Court in any part of the United States (other than the District of Columbia, Maryland, and Virginia) shall be authorized in writing by the Chief Justice of the United States or an Associate Justice of the Supreme Court, if such duties require the carrying of firearms under subsection (a)(5) of this section.]

[(d)] *(c)* As used in this Act, the term—

(1) "official guest of the Supreme Court" means an individual who is a guest of the Supreme Court, as determined by the Chief Justice of the United States or any Associate Justice of the Supreme Court;

(2) "State" means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States; and

(3) "United States", when used in a geographical sense, means the several States, the District of Columbia, the Com-

monwealth of Puerto Rico, and any territory or possession of the United States.

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