

102nd CONGRESS
5th SESSION

S. 59

To reaffirm the governance and authority of the United States Capitol Police

IN THE SENATE OF THE UNITED STATES
January 15th, 2025

Mr. Josh Miller (and Mr. TackoSereigneFall) introduced the
following Bill; which was referred to the Committee on the
Rules and Administration

A BILL

To reaffirm the governance and authority of the United States Capitol Police

*Be it enacted by the Senate and House of Representatives of the
United States in Congress Assembled*

SEC 1. SHORT TITLE

This bill shall be referred to as the “Capitol Police Jurisdiction and Authority Act of 2025”

SEC 2. SEVERABILITY

This Act shall be severable, such that if any word, phrase, line, sentence or provision of this Act, or the application of any of them to any person or circumstance, is held invalid, their application to other persons or circumstances, and the remainder of this Act shall not be affected thereby. This Act shall not be superseded by any newer law unless that law specifically declares its intent to supersede this Act’s provisions.

SEC 3. EFFECTIVE DATE

This Act shall take effect immediately upon passage.

SEC 4. REPEAL

The Capitol Police Act and all accompanying amendments are repealed in full.

SEC 5. ESTABLISHMENT OF THE UNITED STATES CAPITOL POLICE

- (a) There shall be a Capitol Police. The Capitol Police shall be headed by a Chief who shall be appointed by the United States Capitol Police Board (the “Board”) and shall serve at the pleasure of the Board pursuant to Section 6.
- (b) The primary purpose of the Capitol Police shall be to ensure the safety and security of the United States Capitol Complex, its occupants, and visitors.
- (c) The Capitol Police is to also provide support and security to the Members of the House of Representatives and to the Members of the United States Senate, as directed by law, by Board decisions and by Congressional resolutions. Law provisions are considered the primary ones.
- (d) Conflicting clauses and subclauses of the subchapters of 2 U.S. Code Ch. 29 are considered repealed by the provisions of this Act.

SEC 6. JURISDICTION

- (a) The Capitol Police has jurisdiction within:
 - (i) The Capitol Complex

(1) Included Areas - For the purposes of this Act, the term “Capitol Complex” shall include the following areas:

- a) The United States Capitol building.
- b) The Capitol fence and perimeter.
- c) The Reflecting Pool
- d) Streets immediately adjacent to the areas described in subparagraphs (i) through (iii).
- e) A 75-foot radius around the general United States Capitol Building.
- f) The Supreme Court Building
- g) The Library of Congress.
- h) Any House of Senate Office building.

(2) Excluded Areas - The following areas are explicitly excluded from the definition of “Capitol Complex”:

- a) The Federal Reserve Bank
- b) The Department of Transportation.
- c) Any other building owned or operated by the federal government not specifically listed in paragraph (d) in subparagraph (1) above.

(ii) The Supreme Court of the United States

- (1) United States Capitol Police officers may remove unauthorized personnel from the Supreme Court premises.
- (2) The United States Marshals Service shall retain full legal authority and have the final say on all matters within the Supreme Court Building jurisdiction.
- (3) The United States Marshals Service shall have the right to override any decision made by the United States Capitol Police regarding matters within the Supreme Court Building jurisdiction.

(iii) Throughout the United States

- (1) The Capitol Police have nationwide jurisdiction throughout the United States and all its territories when conducting official duties, including the protection of Congressional members or when they observe or are made aware of crimes of violence when on official duties.

SEC 7. Establishment of the Capitol Police Board.

- (a) The Board shall be established. The Board is the primary decision-making body of the United States Capitol Police.
- (b) Each board member has one vote, other than the official designated in subsection (vi) below.
- (c) The Board shall comprise the following members:
 - (i) The Sergeant at Arms of the House of Representatives;
 - (ii) The Sergeant at Arms of the Senate;
 - (iii) The Speaker of the House of Representatives;
 - (iv) The President pro tempore of the Senate;
 - (v) The Capitol Police Overseer;
 - (1) The Overseer shall comprise one person approved by a majority of each chamber of Congress and shall exercise the decisions on behalf of the Capitol Police Board
 - (vi) The Chief of the Capitol Police
 - (1) The Chief shall serve in an ex-officio capacity and be a non-voting member of the Board.
- (d) The Chairmanship of the Board shall rotate every two months between the Sergeant at Arms of the House of Representatives and Sergeant at Arms of the Senate, beginning with the former.
- (e) The Board, through a majority vote, shall have the power to:
 - (i) Oversee the general works of the Capitol Police;
 - (ii) Appoint and dismiss the Chief of Police in accordance with Section 8 of this Act;
 - (iii) Appoint and dismiss the General Counsel;
- (f) Board decisions are made with a majority. The presiding officer of the Board ensures votes and proposals last for 24 hours only. Should a majority make a decision, board votes may be closed earlier by the presiding officer.
- (g) The Board shall not dictate or interfere with the day-to-day operations of the United States Capitol Police.

SEC 8. APPOINTMENT AND REMOVAL OF THE CHIEF OF THE UNITED STATES CAPITOL POLICE.

- (a) The Board shall have the exclusive authority to appoint, by a majority vote of members of the Board, the Chief of the United States Capitol Police (the “Chief”).
- (b) Removal Authority
 - (i) The Board shall have the authority to remove the Chief from office with cause.

(ii) Appeal from Removal

- (1) The Chief of the United States Capitol Police may appeal the decision of the Board for removal by submitting a written appeal to the Speaker of the House of Representatives or President pro tempore of the Senate within seven days, detailing the grounds of disagreement with the Board's determination.
- (2) Upon receipt of the written appeal, the Speaker or President pro tempore shall immediately introduce a concurrent resolution in accordance with this section to determine whether the Chief shall be retained, notwithstanding the decision of the Board.
- (3) The concurrent resolution shall be subject to approval by a majority vote in the House of Representatives and the Senate.
- (4) If the concurrent resolution is adopted by a majority vote in both Houses of Congress, the Chief shall be retained and will not be removed from office. If the concurrent resolution fails to obtain the required majority vote, the Chief shall be dismissed from office effective immediately.
- (5) Nothing in this section shall preclude the Board from continuing to exercise its authority to remove the Chief from office again after a successful appeal.

(c) The Chief shall by definition be considered as a Civil Office.

SEC 9. AUTHORITY AND RESPONSIBILITIES OF THE UNITED STATES CAPITOL POLICE

- (a) The general policing powers are set by 2 U.S. Code Subchapter II and are upheld by this Act.
- (b) The Chief may prescribe how and when Capitol Police protection works for Congressional staff, visitors and other guests.
- (c) The United States Capitol Police shall reserve the right to refuse or decline protection details for any protectee only if such circumstances shall apply:
 - (i) The protectee's refusal to cooperate with security protocols.

- (ii) The protectee's involvement in illegal activity or behaviour.
 - (iii) The protectee's past or ongoing actions constitute an abuse of capitol police personnel.
- (d) Any refusal under subsection (c) must be approved by one of the following officials:
 - (i) Assistant Chief of the United States Capitol Police.
 - (ii) Chief of Staff/Chief of Operations of the United States Capitol Police.
 - (iii) Deputy Chief of the United States Capitol Police
- (e) In the event that protection is refused under this section, the official approving the refusal, as described in subsection (d), must provide written notice to the Speaker of the House of Representatives if the protectee is a member of the House, or to the President pro tempore of the Senate if the protectee is a Senator. If a protectee is a member of neither house, such notice shall be sent to both. This notice must include:
 - (i) A letter detailing the reasons for the refusal of protection.
 - (ii) Accompanying evidence supporting the decision, which may include, but not limited to:
 - (1) Images, Videos, Audio Recordings depicting the relevant events and behaviors.
 - (2) Sworn Affidavits from first-hand witnesses describing relevant events and behaviors.
 - (3) Any other reports or documents outlining factors that led to the decision to decline protection.

SEC 10. INVESTIGATIVE AUTHORITY OF THE UNITED STATES CAPITOL POLICE

- (a) The United States Capitol Police shall establish and maintain a dedicated investigative unit.
- (b) All criminal cases identified by the United States Capitol Police will be submitted to the Department of Justice for prosecution.
- (c) The Department of Justice will be responsible for prosecuting cases submitted by the investigative unit of the United States Capitol Police.

SEC 11. NOTIFICATION OF CONGRESSIONAL SESSIONS

- (a) Advanced Notice Requirement

- (i) Congress shall notify at least two ranking United States Capitol Police officers no less than 12 hours prior to any congressional session.
 - (ii) The notification required under paragraph (i) must be delivered via direct communication to the designated officers.
- (b) Designated Officers
 - (i) The Chief shall designate the officers eligible to receive notifications under subsection (a).
 - (ii) Officers designated under paragraph (i) shall be at the rank of Assistant Chief or above.
 - (iii) The Chief must notify the Speaker of the House and President pro tempore of any change of Designated Officer.