

PUBLIC LAW 117-77—DEC. 22, 2021

CAPITOL POLICE EMERGENCY ASSISTANCE  
ACT OF 2021

Public Law 117-77  
117th Congress

An Act

Dec. 22, 2021  
[S. 3377]

To empower the Chief of the United States Capitol Police to unilaterally request the assistance of the DC National Guard or Federal law enforcement agencies in emergencies without prior approval of the Capitol Police Board.

Capitol Police  
Emergency  
Assistance  
Act of 2021.  
2 USC 1901 note.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Capitol Police Emergency Assistance Act of 2021”.

**SEC. 2. EMERGENCY ASSISTANCE FOR THE CAPITOL POLICE.**

(a) ASSISTANCE BY EXECUTIVE DEPARTMENTS AND AGENCIES.—Section 911(a) of division B of the Department of Defense and Emergency Supplemental Appropriations for Recovery from and Response to Terrorist Attacks on the United States Act, 2002 (2 U.S.C. 1970(a)) is amended—

(1) in paragraph (1), by inserting “or in accordance with paragraph (4)” before “and on a permanent”;

(2) in paragraph (4)(B)—

(A) in the matter preceding clause (i), by striking “advance”; and

(B) in clause (ii)—

(i) in subclause (I), by striking “or” after the semicolon;

(ii) in subclause (II), by striking “and” after the semicolon and inserting “or”; and

(iii) by adding at the end the following:

“(III) the Chief of the Capitol Police, if the Chief of the Capitol Police has determined that the provision of assistance is necessary to prevent the significant disruption of governmental function and public order within the United States Capitol Buildings and Grounds, as described in section 9 of 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 (2 U.S.C. 1961); and”; and

(3) by adding at the end the following:

Consultation.

“(5) REVOCATION.—The Capitol Police Board may revoke a request for assistance provided under paragraph (4)(B)(ii)(III) upon consultation with appropriate Members of the Senate and House of Representatives in leadership positions.”.

(b) **CAPITOL POLICE SPECIAL OFFICERS.**—Section 1017 of division H of the Consolidated Appropriations Resolution, 2003 (2 U.S.C. 1974) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by inserting “or as determined by the Chief of the Capitol Police in accordance with section 911(a)(4)(B)(ii)(III) of division B of the Department of Defense and Emergency Supplemental Appropriations for Recovery from and Response to Terrorist Attacks on the United States Act, 2002 (2 U.S.C. 1970(a)(4)(B)(ii)(III)),” after “Congress,”; and

(B) by adding at the end the following:

“An appointment under this section due to an emergency determined by the Chief of the Capitol Police under paragraph (4)(B)(ii)(III) of section 911(a) of division B of the Department of Defense and Emergency Supplemental Appropriations for Recovery from and Response to Terrorist Attacks on the United States Act, 2002 (2 U.S.C. 1970(a)) shall be in effect for the period of the emergency, unless and until the Capitol Police Board revokes the request for assistance under paragraph (5) of such section.”;

Determination.

(2) by striking subsections (c) and (e);

(3) by redesignating subsections (d), (f), and (g) as subsections (c), (d), and (e), respectively; and

(4) in subsection (d), as redesignated by paragraph (3) of this subsection, by striking “President pro tempore” and inserting “Majority Leader”.

**SEC. 3. JOINT OVERSIGHT HEARINGS.**

2 USC 1901b.

(a) **IN GENERAL.**—The Committee on Rules and Administration of the Senate and the Committee on House Administration of the House of Representatives (referred to in this section as the “Committees”) are authorized to jointly conduct oversight hearings regarding the Capitol Police Board and may request the attendance of all members of the Capitol Police Board at any such hearing. Members of the Capitol Police Board shall attend a joint hearing under this section, as requested and under such rules or procedures as may be adopted by the Committees.

(b) **TIMING.**—The Committees may conduct oversight hearings under this section as determined appropriate by the Committees, but shall conduct not less than one oversight hearing under this section during each Congress.

Determination.

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2 USC 1970 note. **SEC. 4. EFFECTIVE DATE.**

The amendments made by this Act shall take effect on October 1, 2021.

Approved December 22, 2021.

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LEGISLATIVE HISTORY—S. 3377:

CONGRESSIONAL RECORD, Vol. 167 (2021):

Dec. 13, considered and passed Senate.

Dec. 14, considered and passed House.

