

118TH CONGRESS  
1ST SESSION

# H. R. 5285

To amend title 40, United States Code, to clarify that the regulations prescribed by the Capitol Police Board to carry out the law prohibiting the possession of firearms in the United States Capitol Buildings and on the United States Capitol Grounds must take into account the exemption provided under such law for Members, officers, and employees of Congress.

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## IN THE HOUSE OF REPRESENTATIVES

AUGUST 25, 2023

Mr. ROSENDALE (for himself, Mr. CLYDE, Mr. DUNCAN, Mr. GOOD of Virginia, Mr. HIGGINS of Louisiana, and Mr. BIGGS) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

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## A BILL

To amend title 40, United States Code, to clarify that the regulations prescribed by the Capitol Police Board to carry out the law prohibiting the possession of firearms in the United States Capitol Buildings and on the United States Capitol Grounds must take into account the exemption provided under such law for Members, officers, and employees of Congress.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Staff Safety Act”.

3 **SEC. 2. FINDINGS.**

4 Congress finds the following:

5 (1) Section 5104 of title 40, United States  
6 Code, exempts Members of Congress, employees of  
7 Members of Congress, officers and employees of  
8 committees of Congress, and any other officers or  
9 employees of either House of Congress from regula-  
10 tions pertaining to the carrying and possession of  
11 firearms on the United States Capitol Grounds.

12 (2) The Supreme court in District of Columbia  
13 v. Heller held that the Second Amendment protects  
14 the individual right to possess a firearm unconnected  
15 with service in a militia, and the use of arms for tra-  
16 ditionally lawful purposes.

17 (3) Justice Clarence Thomas, in the majority  
18 opinion for New York State Rifle & Pistol Associa-  
19 tion Inc. v. Bruen, affirms that the Second Amend-  
20 ment extends to carrying firearms outside of ones  
21 home, writing “Nothing in the Second Amendment’s  
22 text draws a home/public distinction with respect to  
23 the right to keep and bear arms, and the definition  
24 of ‘bear’ naturally encompasses public carry. More-  
25 over, the Second Amendment guarantees an ‘indi-  
26 vidual right to possess and carry weapons in case of

1 confrontation’, and confrontation can surely take  
2 place outside the home.”.

3 (4) Current regulations found in the Traffic  
4 Regulations for the United States Capitol Grounds  
5 promulgated by the Capitol Police Board (in Appen-  
6 dix J) which prevent staff from carrying firearms on  
7 the United States Capitol Grounds violate both Fed-  
8 eral law and the Constitution.

9 **SEC. 3. CLARIFICATION OF APPLICABILITY OF EXEMPTION**  
10 **OF MEMBERS, OFFICERS, AND EMPLOYEES**  
11 **OF CONGRESS FROM LAWS PROHIBITING**  
12 **POSSESSION OF FIREARMS IN CAPITOL AND**  
13 **ON CAPITOL GROUNDS TO REGULATIONS OF**  
14 **CAPITOL POLICE BOARD.**

15 (a) **APPLICABILITY OF EXEMPTION TO REGULA-**  
16 **TIONS.**—Section 5104(e)(3) of title 40, United States  
17 Code, is amended by striking “This subsection does not  
18 prohibit” and inserting “This subsection does not prohibit,  
19 and the regulations prescribed by the Capitol Police Board  
20 under paragraph (1)(A) shall not prohibit,”.

21 (b) **REVISION OF EXISTING REGULATIONS.**—Not  
22 later than 90 days after the date of the enactment of this  
23 Act, the Capitol Police Board shall revise any regulations  
24 prescribed under section 5104(e)(1)(A) of title 40, United

- 1 States Code, to ensure that the regulations are consistent
- 2 with section 5104(e)(3) of such title.

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