

## **Fritz Mulhauser Statement for the Record**

### **House Appropriations Subcommittee on Legislative Branch — FY 2027**

#### **I. Introduction.**

This statement addresses the United States Capitol Police (USCP or Department) budget request for FY 2027. Over the decades, I have represented USCP officers, assisted chiefs with First Amendment policy questions affecting the Capitol grounds, and studied the heartening worldwide evidence of how transparency improves government performance. I offer no view on whether the USCP is adequately funded. I do argue that Congress needs to align USCP funding with hoped-for outcomes. USCP's protective intelligence operations — the fastest-growing component of an \$850 million annual budget — are justified to Congress primarily through a single raw intake count of annually opened TAS cases — an intake metric that tells Congress how many investigations were initiated, but nothing about threat severity, disposition, or whether resources are proportionate to actual risk.

#### **II. The Accountability Gap in Threat Reporting.**

Since at least 2017, the Capitol Police has justified protective intelligence resource requests primarily by citing annual Threat Assessment Section (TAS) case counts. In 2025, the Department reported 14,938 "concerning statements, behaviors, and communications" opened as cases—the third consecutive increase and nearly four times the 2017 baseline. Press coverage predictably amplified these figures in the context of individual members' home states.

But "cases opened" is not a threat metric. It is an intake metric, shaped by the Department's own outreach, intake sensitivity, and case-opening thresholds—none of which are publicly disclosed. Within the same 2025 report, the Department noted that its Special Assistant U.S. Attorneys consulted on 875 cases and worked on 1,705 subpoenas—meaning roughly 93 percent of opened cases never reached prosecutorial consultation. Neither the Department's annual threat reports nor its budget justifications and testimony before this Subcommittee report how those cases are resolved — whether closed with no action, referred to local law enforcement, referred for mental health intervention, or otherwise. Congress is left with a count of cases opened, not a picture of what the Department accomplished. Investigative journalism has had to piece together from anonymous agents what case resolution categories even exist — suggesting the information is available internally but simply not reported to Congress

The Department's own consulting psychologist has acknowledged that caseload growth is partly attributable to social media's false sense of anonymity—a sociological observation about communication behavior, not a validated escalation in actionable threats. The conflation of social media volume with physical threat is precisely the imprecision that a properly structured threat taxonomy would clarify.

This matters fiscally. The Threat Assessment Section employed a single analyst as late as 2021. Yet the Department's budget more than doubled between 2015 and 2023, from \$356 million to \$840 million, with requests now approaching \$900 million annually. GAO noted in 2008 that the Capitol Police had “yet to fully integrate its risk management framework” linking resources to threats and vulnerabilities. Fourteen years later, a post-January 6 GAO review found the same structural gap: the Department's

process for assessing and mitigating physical security risks remained undocumented and incomplete. GAO's own recommendation tracking shows related Board-level recommendations still open as recently as 2021.

### **III. What Peer Democracies Do.**

Congress need not invent a new model. Following two MP murders, the UK Parliamentary Security Department now publicly describes a risk-based methodology that ingests intelligence across physical, cyber, terrorist, extremist, and state-actor vectors, sets that picture against known vulnerabilities, and prioritizes protective measures for the most targeted Members accordingly. A 2025 Speaker's Conference inquiry—a formal parliamentary proceeding—recommended that the Crown Prosecution Service establish a tracking system for cases referred, charging and sentencing outcomes, and protective orders, with data fed back to police on an ongoing basis. This is exactly the denominator information — what happened to cases after referral? — that is absent from USCP reporting.

Canada has published a ministerial direction requiring that when its security service assesses a threat to a parliamentarian, the affected Member must wherever possible be informed—through direct disclosure or the RCMP—establishing a traceable chain from assessment to notification with no U.S. published equivalent. Australia's domestic security agency, ASIO, delivers a formal annual threat assessment to its Parliamentary Joint Committee on Intelligence and Security, a model of executive accountability to legislative overseers that the Capitol Police has no counterpart to. The post-9/11 period in the United States produced extensive facility hardening and officer

expansion at the Capitol, but no published framework to link threat analysis to resource decisions.

#### **IV. Requests.**

I urge Congress to require the USCP take the following actions:

1. ***Publish a stratified annual threat report.*** Require the Department to categorize cases by type (physical threat, credible threat to life, harassment/rhetoric, other), by source channel, and by disposition: closed with no action, referral to local law enforcement, prosecutorial consultation, charges filed, conviction. The Department's own subpoena and attorney activity suggests it already maintains this data; the USCP must annually publicly disclose this information.
2. ***Commission an independent resource model.*** Direct GAO—in collaboration with the Police Executive Research Forum or a National Academy of Sciences panel—to produce a staffing methodology linking demonstrated threat types and disposition rates to agent and analyst requirements. The Secret Service's Protective Intelligence and Threat Section and the FBI's Behavioral Analysis Unit both operate under comparable frameworks; the Capitol Police Inspector General found the FBI unit was substantially underutilized because Capitol Police "does not provide a lot of subjects" for profiling. The methodology should be published and updated biennially.
3. ***Require a prosecutorial outcome report.*** The Special Assistant U.S. Attorneys embedded at DOJ on Capitol Police funds should report annually to the legislative branch appropriations subcommittees on cases consulted, charges filed, declinations and reasons, and convictions—mirroring the UK Speaker's Conference recommendation and providing the needed feedback loop.

4. **Benchmark against state legislature protection.** Request a comparative analysis of member protection resource levels at the California and New York state legislatures—which face comparable social media volumes in high-population, politically contentious environments—including threat intake rates, staffing ratios, and prosecution outcomes. The contrast would establish whether USCP resource requests are proportionate to a realistic protection mission. No such comparison has ever been required, and its absence leaves the Subcommittee without a reference point for judging the Department's requests.

5. **Adopt program-linked budget justifications.** Require budget submissions to articulate, for each major resource request: the threat category addressed, the current detection or interdiction rate for that category, the expected improvement from the requested resources, and the methodology supporting that projection. This is standard practice in federal defense planning—the logic of linking costs to defined objectives dates to the Defense Department's Planning, Programming, and Budgeting System—and has been recommended for Capitol Police by GAO since 2008. The Capitol Police Board's failure to implement it warrants a statutory mandate.

## **V. Conclusion.**

The protection of Members of Congress is legitimate and important; Members do face real threats. At issue is whether UCSP expenditures are appropriately aligned with the threats. The accountability measures above would remedy that without harm to operations or Member safety. The Subcommittee should require them and request GAO to produce the independent resource model that has been recommended but not implemented for nearly two decades. Thank you for the opportunity to testify.