

Public Law 106-544
106th Congress

An Act

To amend section 879 of title 18, United States Code, to provide clearer coverage over threats against former Presidents and members of their families, and for other purposes.

Dec. 19, 2000

[H.R. 3048]

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

Presidential
Threat Protection
Act of 2000.
18 USC 871 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the “Presidential Threat Protection Act of 2000”.

SEC. 2. REVISION OF SECTION 879 OF TITLE 18, UNITED STATES CODE.

(a) **IN GENERAL.**—Section 879 of title 18, United States Code, is amended—

- (1) by striking “or” at the end of subsection (a)(2);
- (2) in subsection (a)(3)—
 - (A) by striking “the spouse” and inserting “a member of the immediate family”; and
 - (B) by inserting “or” after the semicolon at the end;
- (3) by inserting after subsection (a)(3) the following:

“(4) a person protected by the Secret Service under section 3056(a)(6);”;
- (4) in subsection (a)—
 - (A) by striking “who is protected by the Secret Service as provided by law,”; and
 - (B) by striking “three years” and inserting “5 years”; and
- (5) in subsection (b)(1)(B)—
 - (A) by inserting “and (a)(3)” after “subsection (a)(2);” and
 - (B) by striking “or Vice President-elect” and inserting “Vice President-elect, or major candidate for the office of President or Vice President”.

(b) **CONFORMING AMENDMENTS.**—

(1) **HEADING.**—The heading for section 879 of title 18, United States Code, is amended by striking “protected by the Secret Service”.

(2) **TABLE OF SECTIONS.**—The item relating to section 879 in the table of sections at the beginning of chapter 41 of title 18, United States Code, is amended by striking “protected by the Secret Service”.

SEC. 3. CLARIFICATION OF SECRET SERVICE AUTHORITY FOR SECURITY OPERATIONS AT EVENTS AND GATHERINGS OF NATIONAL SIGNIFICANCE.

Section 3056 of title 18, United States Code, is amended by adding at the end the following:

President.

“(e)(1) When directed by the President, the United States Secret Service is authorized to participate, under the direction of the Secretary of the Treasury, in the planning, coordination, and implementation of security operations at special events of national significance, as determined by the President.

“(2) At the end of each fiscal year, the President through such agency or office as the President may designate, shall report to the Congress—

“(A) what events, if any, were designated special events of national significance for security purposes under paragraph (1); and

“(B) the criteria and information used in making each designation.”.

18 USC 3056
note.

SEC. 4. NATIONAL THREAT ASSESSMENT CENTER.

(a) **ESTABLISHMENT.**—The United States Secret Service (hereafter in this section referred to as the “Service”), at the direction of the Secretary of the Treasury, may establish the National Threat Assessment Center (hereafter in this section referred to as the “Center”) as a unit within the Service.

(b) **FUNCTIONS.**—The Service may provide the following to Federal, State, and local law enforcement agencies through the Center:

(1) Training in the area of threat assessment.

(2) Consultation on complex threat assessment cases or plans.

(3) Research on threat assessment and the prevention of targeted violence.

(4) Facilitation of information sharing among all such agencies with protective or public safety responsibilities.

(5) Programs to promote the standardization of Federal, State, and local threat assessments and investigations involving threats.

(6) Any other activities the Secretary determines are necessary to implement a comprehensive threat assessment capability.

Deadline.

(c) **REPORT.**—Not later than 1 year after the date of the enactment of this Act, the Service shall submit a report to the Committees on the Judiciary of the Senate and the House of Representatives detailing the manner in which the Center will operate.

SEC. 5. ADMINISTRATIVE SUBPOENAS WITH REGARD TO PROTECTIVE INTELLIGENCE FUNCTIONS OF THE SECRET SERVICE.

(a) **IN GENERAL.**—Section 3486(a) of title 18, United States Code, is amended—

(1) so that paragraph (1) reads as follows: “(1)(A) In any investigation of—

“(i)(I) a Federal health care offense; or (II) a Federal offense involving the sexual exploitation or abuse of children, the Attorney General; or

“(ii) an offense under section 871 or 879, or a threat against a person protected by the United States Secret Service under paragraph (5) or (6) of section 3056, if the Director of the

Secret Service determines that the threat constituting the offense or the threat against the person protected is imminent, the Secretary of the Treasury, may issue in writing and cause to be served a subpoena requiring the production and testimony described in subparagraph (B).

“(B) Except as provided in subparagraph (C), a subpoena issued under subparagraph (A) may require—

“(i) the production of any records or other things relevant to the investigation; and

“(ii) testimony by the custodian of the things required to be produced concerning the production and authenticity of those things.

“(C) A subpoena issued under subparagraph (A) with respect to a provider of electronic communication service or remote computing service, in an investigation of a Federal offense involving the sexual exploitation or abuse of children shall not extend beyond—

“(i) requiring that provider to disclose the name, address, local and long distance telephone toll billing records, telephone number or other subscriber number or identity, and length of service of a subscriber to or customer of such service and the types of services the subscriber or customer utilized, which may be relevant to an authorized law enforcement inquiry; or

“(ii) requiring a custodian of the records of that provider to give testimony concerning the production and authentication of such records or information.

“(D) As used in this paragraph, the term ‘Federal offense involving the sexual exploitation or abuse of children’ means an offense under section 1201, 2241(c), 2242, 2243, 2251, 2251A, 2252, 2252A, 2260, 2421, 2422, or 2423, in which the victim is an individual who has not attained the age of 18 years.”;

(2) in paragraph (3)—

(A) by inserting “relating to a Federal health care offense” after “production of records”; and

(B) by adding at the end the following: “The production of things in any other case may be required from any place within the United States or subject to the laws or jurisdiction of the United States.”; and

(3) by adding at the end the following:

“(5) At any time before the return date specified in the summons, the person or entity summoned may, in the United States district court for the district in which that person or entity does business or resides, petition for an order modifying or setting aside the summons, or a prohibition of disclosure ordered by a court under paragraph (6).

“(6)(A) A United State district court for the district in which the summons is or will be served, upon application of the United States, may issue an ex parte order that no person or entity disclose to any other person or entity (other than to an attorney in order to obtain legal advice) the existence of such summons for a period of up to 90 days.

“(B) Such order may be issued on a showing that the things being sought may be relevant to the investigation and there is reason to believe that such disclosure may result in—

“(i) endangerment to the life or physical safety of any person;

“(ii) flight to avoid prosecution;

“(iii) destruction of or tampering with evidence; or

“(iv) intimidation of potential witnesses.

“(C) An order under this paragraph may be renewed for additional periods of up to 90 days upon a showing that the circumstances described in subparagraph (B) continue to exist.

“(7) A summons issued under this section shall not require the production of anything that would be protected from production under the standards applicable to a subpoena duces tecum issued by a court of the United States.

“(8) If no case or proceeding arises from the production of records or other things pursuant to this section within a reasonable time after those records or things are produced, the agency to which those records or things were delivered shall, upon written demand made by the person producing those records or things, return them to that person, except where the production required was only of copies rather than originals.

“(9) A subpoena issued under paragraph (1)(A)(i)(II) or (1)(A)(ii) may require production as soon as possible, but in no event less than 24 hours after service of the subpoena.

“(10) As soon as practicable following the issuance of a subpoena under paragraph (1)(A)(ii), the Secretary of the Treasury shall notify the Attorney General of its issuance.”.

(b) CONFORMING AMENDMENTS.—

(1) SECTION HEADING.—The heading for section 3486 of title 18, United States Code, is amended by striking:

“in Federal health care investigations”.

(2) TABLE OF SECTIONS.—The item relating to section 3486 in the table of sections at the beginning of chapter 223 of title 18, United States Code, is amended by striking:

“in Federal health care investigations”.

(3) CONFORMING REPEAL.—Section 3486A, and the item relating to that section in the table of sections at the beginning of chapter 223, of title 18, United States Code, are repealed.

(c) TECHNICAL AMENDMENT.—Section 3486 of title 18, United States Code, is amended—

(1) in subsection (a)(4), by striking “summoned” and inserting “subpoenaed”; and

(2) in subsection (d), by striking “summons” each place it appears and inserting “subpoena”.

28 USC 566 note.

SEC. 6. FUGITIVE APPREHENSION TASK FORCES.

(a) IN GENERAL.—The Attorney General shall, upon consultation with appropriate Department of Justice and Department of the Treasury law enforcement components, establish permanent Fugitive Apprehension Task Forces consisting of Federal, State, and local law enforcement authorities in designated regions of the United States, to be directed and coordinated by the United States Marshals Service, for the purpose of locating and apprehending fugitives.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Attorney General for the United States Marshals Service to carry out the provisions of this section \$30,000,000 for the fiscal year 2001, \$5,000,000 for fiscal year 2002, and \$5,000,000 for fiscal year 2003.

(c) OTHER EXISTING APPLICABLE LAW.—Nothing in this section shall be construed to limit any existing authority under any other provision of Federal or State law for law enforcement agencies to locate or apprehend fugitives through task forces or any other means.

SEC. 7. STUDY AND REPORTS ON ADMINISTRATIVE SUBPOENAS.

5 USC 551 note.

(a) STUDY ON USE OF ADMINISTRATIVE SUBPOENAS.—Not later than December 31, 2001, the Attorney General, in consultation with the Secretary of the Treasury, shall complete a study on the use of administrative subpoena power by executive branch agencies or entities and shall report the findings to the Committees on the Judiciary of the Senate and the House of Representatives. Such report shall include—

Deadline.

(1) a description of the sources of administrative subpoena power and the scope of such subpoena power within executive branch agencies;

(2) a description of applicable subpoena enforcement mechanisms;

(3) a description of any notification provisions and any other provisions relating to safeguarding privacy interests;

(4) a description of the standards governing the issuance of administrative subpoenas; and

(5) recommendations from the Attorney General regarding necessary steps to ensure that administrative subpoena power is used and enforced consistently and fairly by executive branch agencies.

(b) REPORT ON FREQUENCY OF USE OF ADMINISTRATIVE SUBPOENAS.—

(1) IN GENERAL.—The Attorney General and the Secretary of the Treasury shall report in January of each year to the Committees on the Judiciary of the Senate and the House of Representatives on the number of administrative subpoenas issued by them under this section and the identity of the agency or component of the Department of Justice or the Department of the Treasury issuing the subpoena and imposing the charges.

(2) EXPIRATION.—The reporting requirement of this subsection shall terminate in 3 years after the date of the enactment of this section.

Approved December 19, 2000.

LEGISLATIVE HISTORY—H.R. 3048:

HOUSE REPORTS: No. 106-669 (Comm. on the Judiciary).

CONGRESSIONAL RECORD, Vol. 146 (2000):

June 26, considered and passed House.

Oct. 13, considered and passed Senate, amended.

Oct. 25, House disagreed to and concurred in certain Senate amendments, in another with an amendment.

Dec. 6, Senate receded from certain amendments and concurred in House amendment.