

113TH CONGRESS
2D SESSION

H. R. 5698

To create an independent advisory panel to comprehensively assess the leadership structure, protocols, training, tools, and capabilities of the United States Secret Service and make recommendations to improve the efficiency and effectiveness of the Service, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 13, 2014

Mr. McCAUL introduced the following bill; which was referred to the
Committee on the Judiciary

A BILL

To create an independent advisory panel to comprehensively assess the leadership structure, protocols, training, tools, and capabilities of the United States Secret Service and make recommendations to improve the efficiency and effectiveness of the Service, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “United States Secret
5 Service Accountability and Improvement Act of 2014”.

6 **SEC. 2. FINDINGS.**

7 (a) IN GENERAL.—Congress finds the following:

1 (1) Several recent failures have drawn negative
2 attention to the protective mission of the United
3 States Secret Service. Such key failures include
4 lapses in responding appropriately to potential
5 threats to the White House complex, United States
6 Secret Service personnel exhibiting conduct that is
7 unbecoming to the Service in several instances, and
8 reports of United States Secret Service personnel
9 misusing the authorities and resources of the Serv-
10 ice.

11 (2) For example, on September 19, 2014, an
12 individual obtained unauthorized access to the White
13 House. Such access was obtained after failures in
14 five security layers by the United States Secret Serv-
15 ice. In another example, on November 11, 2011, an
16 individual fired multiple shots from a semiautomatic
17 rifle at the White House complex. It was revealed
18 that a total of seven bullets struck the exterior of
19 the building. The Service failed to fully investigate
20 the incident in a timely manner or to disclose it.

21 (3) On March 23, 2014, a Special Agent as-
22 signed to the Counter Assault Team was found in-
23 toxicated to the point of unconsciousness in a hotel
24 in Amsterdam in advance of a Presidential visit. In
25 another example, on April 11, 2012, conduct unbe-

1 coming to United States Secret Service personnel
2 was exhibited before a Presidential visit to
3 Cartagena, Columbia. Nine personnel were involved
4 in serious misconduct.

5 (4) Surveillance personnel from the Washington
6 field office were diverted in 2011 from supporting
7 the protective mission at the request of senior lead-
8 ership in order to provide protection to a United
9 States Secret Service employee at her home fol-
10 lowing a neighborhood dispute. Such a diversion was
11 outside the scope of the Service's duties and violated
12 the Standards of Ethical Conduct for Employees of
13 the Executive Branch.

14 (b) FURTHER FINDINGS.—Congress further finds
15 that the protection of the President, Vice President, First
16 and Second Families, and former Presidents is a matter
17 of national security. Any issues that distract from the pro-
18 tective mission of the United States Secret Service are a
19 threat to the national security of the United States.

20 **SEC. 3. ESTABLISHMENT.**

21 There is established in the legislative branch an inde-
22 pendent advisory panel to—

23 (1) examine the efficiency and effectiveness of
24 the leadership structure, protocols, training, tools,
25 and capabilities of the Department of Homeland Se-

1 security's mission to protect national leaders, visiting
2 heads of state and government, designated sites, and
3 special events of national significance (in accordance
4 with paragraph (1) of section 3056(e) of title 18
5 United States Code); and

6 (2) make recommendations to improve the over-
7 all efficiency and effectiveness of the United States
8 Secret Service.

9 **SEC. 4. MEMBERSHIP.**

10 (a) IN GENERAL.—The independent advisory panel
11 (in this Act referred to as the “Panel”) established pursu-
12 ant to section 3 shall be composed of eight members, as
13 follows:

14 (1) Two members shall be appointed by the
15 Speaker of the House of Representatives, in coordi-
16 nation with the chairs of the Committee on the Judi-
17 ciary and the Committee on Homeland Security of
18 the House of Representatives. Only one of such
19 members may be from the same political party as
20 the Speaker of the House of Representatives.

21 (2) Two members shall be appointed by the ma-
22 jority leader of the Senate, in coordination with the
23 chairs of the Committee on the Judiciary and the
24 Committee on Homeland Security and Governmental
25 Affairs of the Senate. Only one of such members

1 may be from the same political party as the majority
2 leader of the Senate.

3 (3) One member shall be appointed by the mi-
4 nority leader of the House of Representatives, in co-
5 ordination with the ranking members of the Com-
6 mittee on the Judiciary and the Committee on
7 Homeland Security of the House of Representatives.

8 (4) One member shall be appointed by the mi-
9 nority leader of the Senate, in coordination with the
10 ranking members of the Committee on the Judiciary
11 and the Committee on Homeland Security and Gov-
12 ernmental Affairs of the Senate.

13 (5) Two members shall be appointed by the
14 President, in consultation with the Secretary of
15 Homeland Security. Only one of such members may
16 be from the same political party as the President.

17 (b) PROHIBITION.—Except as provided in subsection
18 (a), members of the Panel may not be current appointees
19 of the President’s Administration or Members of Con-
20 gress, in order to ensure objectivity of the Panel’s assess-
21 ments. No member may be or have been an employee of
22 the United States Secret Service at any point in their ca-
23 reer.

1 (c) DEADLINE FOR APPOINTMENTS.—All appoint-
2 ments to the Panel shall be made not later than 90 days
3 after the date of the enactment of this Act.

4 (d) CO-CHAIRS.—The Panel shall have two co-chairs,
5 as follows:

6 (1) A co-chair who shall be a member of the
7 Panel designated by the Speaker of the House of
8 Representatives.

9 (2) A co-chair who shall be a member of the
10 Panel designated by the majority leader of the Sen-
11 ate.

12 (e) VACANCY.—In the event of a vacancy on the
13 Panel, the individual appointed to fill the vacant seat shall
14 be—

15 (1) subject to paragraph (2), appointed by the
16 same officer (or the officer's successor) who made
17 the appointment to the seat when the Panel was
18 first established; or

19 (2) if the officer's successor is of a party other
20 than the party of the officer who made the initial
21 appointment when the Panel was first established,
22 chosen in consultation with the senior officers of the
23 House of Representatives and the Senate of the
24 party which is the party of the officer who made
25 such initial appointment.

1 (f) GOVERNMENT EMPLOYEES.—Members of the
2 Panel who are officers or employees of the Federal Gov-
3 ernment shall serve without additional pay (or benefits in
4 the nature of compensation) for service as a member of
5 the Panel.

6 (g) INITIAL MEETING.—The Panel shall meet and
7 begin the operations of the Panel not later than 60 days
8 after the appointment of all Panel members under sub-
9 section (a).

10 **SEC. 5. DUTIES.**

11 The Panel shall assess the current leadership struc-
12 ture, protocols, training, tools, and capabilities of the
13 United States Secret Service, including assessing—

14 (1) the unity of effort between the divisions of
15 the United States Secret Service, law enforcement
16 agencies, and other components of the Department
17 of Homeland Security related to the protective and
18 investigative missions, including whether mission du-
19 plication with other Federal entities exists;

20 (2) the impact of United States Secret Service
21 personnel culture on the effectiveness and efficiency
22 of the Service, including Special Agent and Uni-
23 formed Division retention;

1 (3) the impact any leadership or security defi-
2 ciencies have on the threat from acts of terrorism or
3 other security incidents;

4 (4) identification of all security breaches at lo-
5 cations under United States Secret Service protec-
6 tion in the past five years;

7 (5) the extent to which current resources pro-
8 vide for accomplishing the mission of the United
9 States Secret Service;

10 (6) the effectiveness of communications and dis-
11 semination of homeland security information within
12 the United States Secret Service and with other law
13 enforcement entities in routine as well as emergency
14 situations; and

15 (7) any necessary recommendations for congres-
16 sional consideration.

17 **SEC. 6. POWERS AND AUTHORITIES.**

18 (a) IN GENERAL.—The Panel or, on the authority of
19 the Panel, any portion thereof, may, for the purpose of
20 carrying out this section—

21 (1) hold such hearings and sit and act at such
22 times and places, take such testimony, receive such
23 evidence, administer such oaths (provided that the
24 quorum for a hearing shall be two members of the
25 Panel); and

1 (2) subject to subsection (b), require by sub-
2 poena or otherwise provide for the attendance and
3 testimony of such witnesses and the production of
4 such books, records, correspondence, memoranda,
5 papers, and documents, as the Panel, or such por-
6 tion thereof, may determine advisable.

7 (b) OPEN TO THE PUBLIC.—Hearings and other ac-
8 tivities conducted under subsection (a) shall be open to
9 the public unless the Panel, or, on the authority of the
10 Panel, any portion thereof, determines that such is not
11 appropriate, including for reasons relating to the disclo-
12 sure of information or material regarding the national se-
13 curity interests of the United States or the disclosure of
14 sensitive law enforcement data.

15 (c) SUBPOENAS.—

16 (1) ISSUANCE.—

17 (A) IN GENERAL.—A subpoena may be
18 issued under this subsection only—

19 (i) by the two co-chairs; or

20 (ii) by the affirmative recorded vote of
21 six members of the Panel.

22 (B) SIGNATURE.—Subpoenas issued under
23 this subsection may be—

1 (i) issued under the signature of the
2 two co-chairs or any member designated by
3 a majority of the Panel; and

4 (ii) served by any person designated
5 by the two co-chairs or by any member
6 designated by a majority of the Panel.

7 (2) ENFORCEMENT.—

8 (A) IN GENERAL.—In the case of contu-
9 macy or failure to obey a subpoena issued
10 under this subsection, the United States district
11 court for the judicial district in which the sub-
12 poenaed person resides, is served, or may be
13 found, or where the subpoena is returnable,
14 may issue an order requiring such person to
15 produce documentary or other evidence. Any
16 failure to obey the order of the court may be
17 punished by the court as contempt of that
18 court.

19 (B) ADDITIONAL ENFORCEMENT.—In the
20 case of any failure of any witness to comply
21 with any subpoena, the Panel may, by majority
22 vote, certify a statement of fact constituting
23 such failure to the appropriate United States
24 attorney, who may bring the matter before a
25 grand jury for its action, under the same statu-

1 tory authority and procedures as if the United
2 States attorney had received a certification
3 under sections 102 through 104 of the Revised
4 Statutes of the United States (2 U.S.C. 192
5 through 194).

6 (d) PERSONNEL.—

7 (1) IN GENERAL.—The Panel shall have the au-
8 thorities provided in section 3161 of title 5, United
9 States Code, and shall be subject to the conditions
10 specified in such section, except to the extent that
11 such conditions would be inconsistent with the re-
12 quirements of this section.

13 (2) COMPENSATION.—The co-chairs, in accord-
14 ance with rules agreed upon by the Panel, may ap-
15 point and fix the compensation of a staff director
16 and such other personnel as may be necessary to en-
17 able the Panel to carry out its functions, without re-
18 gard to the provisions of title 5, United States Code,
19 governing appointments in the competitive service,
20 and without regard to the provisions of chapter 51
21 and subchapter III of chapter 53 of such title relat-
22 ing to classification and General Schedule pay rates,
23 except that no rate of pay fixed under this para-
24 graph may exceed the equivalent of that payable for

1 a position at level V of the Executive Schedule under
2 section 5316 of title 5, United States Code.

3 (3) DETAILEES.—Any employee of the Federal
4 Government may be detailed to the Panel without
5 reimbursement from the Panel, and such employee
6 shall retain the rights, status, and privileges of such
7 employee's regular employment without interruption.

8 (4) EXPERT AND CONSULTANT SERVICES.—The
9 Panel is authorized to procure the services of experts
10 and consultants in accordance with section 3109 of
11 title 5, United States Code, but at rates not to ex-
12 ceed the daily rate paid a person occupying a posi-
13 tion at level IV of the Executive Schedule under sec-
14 tion 5315 of title 5, United States Code.

15 (5) VOLUNTEER SERVICES.—Notwithstanding
16 section 1342 of title 31, United States Code, the
17 Panel may accept and use voluntary and uncompen-
18 sated services as the Panel determines necessary.

19 (e) SECURITY CLEARANCES.—The appropriate de-
20 partments or agencies of the Federal Government shall co-
21 operate with the Panel in expeditiously providing to the
22 Panel members and staff appropriate security clearances
23 to the extent possible pursuant to existing procedures and
24 requirements, except that no person shall be provided with

1 access to classified information under this section without
2 the appropriate security clearances.

3 (f) CONTRACTING.—The Panel may, to such extent
4 and in such amounts as are provided in appropriation
5 Acts, enter into contracts to enable the Panel to carry out
6 its duties under this Act.

7 (g) POSTAL SERVICES.—The Panel may use the
8 United States mails in the same manner and under the
9 same conditions as departments and agencies of the Fed-
10 eral Government.

11 (h) SUPPORT SERVICES.—Upon request of the Panel,
12 the Administrator of General Services shall provide the
13 Panel, on a reimbursable basis, with the administrative
14 support services necessary for the Panel to carry out its
15 duties under this Act. Such administrative services may
16 include human resource management, budget, leasing, ac-
17 counting, and payroll services.

18 (i) RULES OF PROCEDURE.—The Panel may estab-
19 lish rules for the conduct of the Panel's business, if such
20 rules are not inconsistent with this Act or other applicable
21 law.

22 (j) NONAPPLICABILITY OF THE FEDERAL ADVISORY
23 COMMITTEE ACT.—The Federal Advisory Committee Act
24 (5 U.S.C. App.) shall not apply to the Panel.

1 (k) TERMINATION.—The Panel shall terminate on
2 the date that is 60 days after the date of the submission
3 of its final report.

4 **SEC. 7. REPORTS TO CONGRESS.**

5 (a) INTERIM REPORT.—Not later than nine months
6 after the date of the appointment of all the members of
7 the Panel, the Panel shall submit to the Committee on
8 the Judiciary and the Committee on Homeland Security
9 of the House of Representatives and the Committee on
10 the Judiciary and the Committee on Homeland Security
11 and Governmental Affairs of the Senate an interim report,
12 including the results and findings of the assessments car-
13 ried out in accordance with section 5.

14 (b) OTHER REPORTS AND BRIEFINGS.—The Panel
15 may from time to time submit to the committees specified
16 in subsection (a) such other reports and briefings relating
17 to the assessments carried out in accordance with section
18 5 as the Panel considers appropriate. Such committees
19 may request information on the Panel’s progress as it con-
20 ducts its work.

21 (c) FINAL REPORT.—Not later than eighteen months
22 after the date of the appointment of all the members of
23 the Panel, the Panel shall submit to the committees speci-
24 fied in subsection (a) a final report on the assessments

1 carried out in accordance with section 5. Such final report
2 shall—

3 (1) include the findings of the Panel;

4 (2) identify lessons learned related to United
5 States Secret Service leadership issues; and

6 (3) include specific recommendations, including
7 those for congressional consideration, relating to—

8 (A) improving the efficiency and effective-
9 ness of the leadership structure, protocols,
10 training, tools, and capabilities of the Depart-
11 ment of Homeland Security's mission to protect
12 national leaders, visiting heads of state and
13 government, designated sites, and special events
14 of national significance (in accordance with
15 paragraph (1) of section 3056(e) of title 18
16 United States Code);

17 (B) improving unity of effort between the
18 divisions of the United States Secret Service
19 and other law enforcement agencies and other
20 components of the Department of Homeland
21 Security relating to the protective and, as appli-
22 cable, investigative missions, including whether
23 duplication with other Federal entities exists;

1 (C) eliminating barriers to effective com-
2 munications in routine as well as emergency sit-
3 uations;

4 (D) identifying and mitigating cultural
5 issues within the United States Secret Service
6 that detract from the mission of the Service;
7 and

8 (E) improvements needed to mitigate risks
9 based on past security breaches.

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