

Calendar No. 775

106<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**H. R. 3048**

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IN THE SENATE OF THE UNITED STATES

JULY 27, 2000

Received; read the first time

SEPTEMBER 5, 2000

Read the second time and placed on the calendar

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**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.

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 “Presidential Threat  
3 Protection Act of 2000”.

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

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

8           (1) by striking “or” at the end of subsection

9       (a)(2);

10       (2) in subsection (a)(3)—

11           (A) by striking “the spouse” and inserting

12       “a member of the immediate family”; and

13           (B) by inserting “or” after the semicolon

14       at the end;

15       (3) by inserting after subsection (a)(3) the fol-

16       lowing:

17           “(4) a person protected by the Secret Service

18       under section 3056(a)(6);”;

19       (4) in subsection (a)—

20           (A) by striking “who is protected by the

21       Secret Service as provided by law,”; and

22           (B) by striking “three years” and inserting

23       “5 years”; and

24       (5) in subsection (b)(1)(B)—

25           (A) by inserting “and (a)(3)” after “sub-

26       section (a)(2)”;

1 (B) by striking “or Vice President-elect”  
2 and inserting “Vice President-elect, or major  
3 candidate for the office of President or Vice  
4 President”.

5 (b) CONFORMING AMENDMENTS.—

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

9 (2) TABLE OF SECTIONS.—The item relating to  
10 section 879 in the table of sections at the beginning  
11 of chapter 41 of title 18, United States Code, is  
12 amended by striking “protected by the Secret Serv-  
13 ice”.

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

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

19 “(e) Under the direction of the Secretary of the  
20 Treasury, the United States Secret Service is authorized  
21 to coordinate the design, planning, and implementation of  
22 security operations for any special event of national sig-  
23 nificance, as determined by the President or the Presi-  
24 dent’s designee.”.

1 **SEC. 4. NATIONAL THREAT ASSESSMENT CENTER.**

2 (a) ESTABLISHMENT.—The United States Secret  
3 Service (hereinafter in this section referred to as the  
4 “Service”), at the direction of the Secretary of the Treas-  
5 ury, may establish the National Threat Assessment Center  
6 (hereinafter in this section referred to as the “Center”)  
7 as a unit within the Service.

8 (b) FUNCTIONS.—The Service may provide the fol-  
9 lowing to Federal, State, and local law enforcement agen-  
10 cies through the Center:

11 (1) Training in the area of threat assessment.

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

14 (3) Research on threat assessment and the pre-  
15 vention of targeted violence.

16 (4) Facilitation of information sharing among  
17 all such agencies with protective or public safety re-  
18 sponsibilities.

19 (5) Programs to promote the standardization of  
20 Federal, State, and local threat assessments and in-  
21 vestigations involving threats.

22 (6) Any other activities the Secretary deter-  
23 mines are necessary to implement a comprehensive  
24 threat assessment capability.

25 (c) REPORT.—Not later than 1 year after the date  
26 of the enactment of this Act, the Service shall submit a

1 report to the committees on the judiciary of the Senate  
2 and the House of Representatives detailing the manner  
3 in which the Center will operate.

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

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

9 (1) so that paragraph (1) reads as follows:

10 “(1)(A) In any investigation of—

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

14 “(ii) an offense under section 871 or 879, or a  
15 threat against a person protected by the United  
16 States Secret Service under paragraph (5) or (6) of  
17 section 3056, if the Director of the Secret Service  
18 determines that the threat constituting the offense  
19 or the threat against the person protected is immi-  
20 nent, the Secretary of the Treasury,

21 may issue in writing and cause to be served a subpoena  
22 requiring the production and testimony described in sub-  
23 paragraph (B).

24 “(B) Except as provided in subparagraph (C), a sub-  
25 poena issued under subparagraph (A) may require—

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

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

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

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

19           “(ii) requiring a custodian of the records of  
20 that provider to give testimony concerning the pro-  
21 duction and authentication of such records or infor-  
22 mation.

23           “(D) As used in this paragraph, the term ‘Federal  
24 offense involving the sexual exploitation or abuse of chil-  
25 dren’ means an offense under section 1201, 2241(c),

1 2242, 2243, 2251, 2251A, 2252, 2252A, 2260, 2421,  
2 2422, or 2423, in which the victim is an individual who  
3 has not attained the age of 18 years.”;

4 (2) in paragraph (3)—

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

8 (B) by adding at the end the following:  
9 “The production of things in any other case  
10 may be required from any place within the  
11 United States or subject to the laws or jurisdic-  
12 tion of the United States.”; and

13 (3) by adding at the end the following:

14 “(5) At any time before the return date specified in  
15 the summons, the person or entity summoned may, in the  
16 United States district court for the district in which that  
17 person or entity does business or resides, petition for an  
18 order modifying or setting aside the summons, or a prohi-  
19 bition of disclosure ordered by a court under paragraph  
20 (6).

21 “(6)(A) A United State district court for the district  
22 in which the summons is or will be served, upon applica-  
23 tion of the United States, may issue an ex parte order  
24 that no person or entity disclose to any other person or  
25 entity (other than to an attorney in order to obtain legal

1 advice) the existence of such summons for a period of up  
2 to 90 days.

3 “(B) Such order may be issued on a showing that  
4 the things being sought may be relevant to the investiga-  
5 tion and there is reason to believe that such disclosure  
6 may result in—

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

9 “(ii) flight to avoid prosecution;

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

11 or

12 “(iv) intimidation of potential witnesses.

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

17 “(D) Whoever knowingly violates an order under this  
18 paragraph shall be fined under this title or imprisoned not  
19 more than 5 years, or both.

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

24 “(8) If no case or proceeding arises from the produc-  
25 tion of records or other things pursuant to this section



1 within a reasonable time after those records or things are  
 2 produced, the agency to which those records or things  
 3 were delivered shall, upon written demand made by the  
 4 person producing those records or things, return them to  
 5 that person, except where the production required was  
 6 only of copies rather than originals.

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

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

15 (b) CONFORMING AMENDMENTS.—

16 (1) SECTION HEADING.—The heading for sec-  
 17 tion 3486 of title 18, United States Code, is amend-  
 18 ed by striking:

19 **“in Federal health care investigations”.**

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

“in Federal health care investigations”.

24 (3) CONFORMING REPEAL.—Section 3486A,  
 25 and the item relating to that section in the table of

1       sections at the beginning of chapter 223, of title 18,  
2       United States Code, are repealed.

3       (c) TECHNICAL AMENDMENT.—Section 3486 of title  
4 18, United States Code, is amended—

5           (1) in subsection (a)(4), by striking “sum-  
6       moned” and inserting “subpoenaed”; and

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

Passed the House of Representatives June 26, 2000.

Attest:

JEFF TRANDAHL,

*Clerk.*



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