

Union Calendar No. 375

106TH CONGRESS
2^D SESSION

H. R. 3048

[Report No. 106-669]

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.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 8, 1999

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

JUNE 12, 2000

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italic*]

[For text of introduced bill, see copy of bill as introduced on October 8, 1999]

A BILL

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 Pro-*
 3 *tection 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 at*

14 *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 Se-*

21 *cret 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 amend-
 18 ed by adding at the end the following:

19 “(e) Under the direction of the Secretary of the Treas-
 20 ury, the United States Secret Service is authorized to co-
 21 ordinate the design, planning, and implementation of secu-
 22 rity operations for any special event of national signifi-
 23 cance, as determined by the President or the President’s des-
 24 ignee.”.

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

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

8 (b) *FUNCTIONS.*—*The Service may provide the fol-*
9 *lowing to Federal, State, and local law enforcement agencies*
10 *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 determines*
23 *are necessary to implement a comprehensive threat*
24 *assessment capability.*

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

1 port to the committees on the judiciary of the Senate and
 2 the House of Representatives detailing the manner in which
 3 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, United
 8 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 States
 16 Secret Service under paragraph (5) or (6) of section
 17 3056, if the Director of the Secret Service determines
 18 that the threat constituting the offense or the threat
 19 against the person protected is imminent, the Sec-
 20 retary 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 things
2 relevant to the investigation; and

3 “(ii) testimony by the custodian of the things re-
4 quired to be produced concerning the production and
5 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 name,
12 address, local and long distance telephone toll billing
13 records, telephone number or other subscriber number
14 or identity, and length of service of a subscriber to or
15 customer of such service and the types of services the
16 subscriber or customer utilized, which may be relevant
17 to an authorized law enforcement inquiry; or

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

21 “(D) As used in this paragraph, the term ‘Federal of-
22 fense involving the sexual exploitation or abuse of children’
23 means an offense under section 1201, 2241(c), 2242, 2243,
24 2251, 2251A, 2252, 2252A, 2260, 2421, 2422, or 2423, in

1 *which the victim is an individual who has not attained the*
2 *age of 18 years.”;*

3 *(2) in paragraph (3)—*

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

7 *(B) by adding at the end the following:*

8 *“The production of things in any other case may*
9 *be required from any place within the United*
10 *States or subject to the laws or jurisdiction of the*
11 *United States.”; and*

12 *(3) by adding at the end the following:*

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

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

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

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

7 “(ii) flight to avoid prosecution;

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

9 or

10 “(iv) intimidation of potential witnesses.

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

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

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

22 “(8) If no case or proceeding arises from the produc-
23 tion of records or other things pursuant to this section with-
24 in a reasonable time after those records or things are pro-
25 duced, the agency to which those records or things were de-

1 *livered shall, upon written demand made by the person pro-*
 2 *ducing those records or things, return them to that person,*
 3 *except where the production required was only of copies*
 4 *rather than originals.*

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

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

12 (b) CONFORMING AMENDMENTS.—

13 (1) SECTION HEADING.—The heading for section
 14 3486 of title 18, United States Code, is amended by
 15 striking:

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

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

“in Federal health care investigations”.

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

1 (c) *TECHNICAL AMENDMENT.*—Section 3486 of title
2 18, *United States Code*, is amended—
3 (1) in subsection (a)(4), by striking “summoned”
4 and inserting “subpoenaed”; and
5 (2) in subsection (d), by striking “summons”
6 each place it appears and inserting “subpoena”.

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