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U.S. SECRET SERVICE: HOLDING THE PROTECTORS ACCOUNTABLE

HEARING

BEFORE THE

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM HOUSE OF REPRESENTATIVES

ONE HUNDRED FOURTEENTH CONGRESS

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U.S. SECRET SERVICE: HOLDING THE PROTECTORS ACCOUNTABLE

Tuesday, March 24, 2015

HOUSE OF REPRESENTATIVES
COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM
WASHINGTON, DC.

The committee met, pursuant to notice, at 10 a.m., in room 2154 Rayburn House Office Building, Hon. Jason Chaffetz (chairman of the committee) presiding.

Present: Representatives Chaffetz, Mica, Duncan, Jordan, Walberg, Amash, Gowdy, Massie, Meadows, DeSantis, Mulvaney, Buck, Walker, Hice, Carter, Grothman, Palmer, Cummings, Maloney, Norton, Clay, Lynch, Connolly, Cartwright, Kelly, Lawrence, Lieu, Plaskett, DeSaulnier, and Lujan Grisham.

Chairman CHAFFETZ. The Committee on Oversight and Government Reform will come to order. Without objection, the Chair is authorized to declare a recess at any time. Appreciate everybody being here.

Reforming the United States Secret Service is not a partisan issue. Ranking Member Cummings and I have presented a united front on this issue, and I look forward to continuing this important work with him on both sides of the aisle.

The most important mission for the Secret Service is protecting the President and his family. However, a litany of recent mishaps raise major concerns.

In 2011, nobody recognized shots were fired at the White House until bullets were discovered by maintenance staff. It has been well publicized that Secret Service Agents engaged in misconduct in Cartagena, and Amsterdam, and Miami.

In September of last year, a security contractor with an arrest record rode in an elevator with the President in Atlanta armed with a gun completely unbeknownst to the President's detail. A few days later, a man armed with a knife jumped the White House fence, made it past the Secret Service, well into the White House.

And now on March 4th, the second-in-command of the President's detail drove his car through a crime scene involving a bomb threat while the President was in the White House.

This has to stop. The Secret Service has a zero fail mission to protect our President and his family. This is especially true for the President's Protective Detail, or what is often referred to as the PPD. We need to understand why these incidents keep happening.

This Committee requested the Special Agent in Charge of the PPD, Robert Buster, attend a bipartisan closed-door briefing regarding the incident. Director Clancy said no.

The Committee requested the supervisors on duty before and during the incident in March to testify today, but Director Clancy said no.

We asked Director Clancy to turn over video footage of the incident, and again the Director said no.

In our closed-door briefing last week, Director Clancy was unable to adequately answer questions about the events of March 4th. Instead, he asserted that by referring the matter to the Inspector General, he was unable to ask any questions of his own, but Congress is also doing an investigation. To not do an investigation would be malpractice on our part. Congress has a role, we have a duty, we have a responsibility to conduct our own investigation.

By refusing to allow the witnesses we invited to testify with firsthand knowledge of the incident, Director Clancy is keeping Congress and the American people in the dark. On top of that, the Secret Service has missed every deadline to provide this Committee with information, with no legitimate explanation as to why.

It is unclear why Director Clancy is choosing at the start of his tenure to be so unhelpful to Congress. While I was hopeful Director Clancy would assist Congress in understanding how we can restore the Agency to its prior stature, this does not appear to be the case.

The March 4th incident is concerning on three major points. (1) the interference of crime scenes by senior Secret Service personnel; (2) allegations involving decisions, communications, and dispositions of senior Secret Service personnel; and (3) the Agency's apparent botched response to a bomb threat while the President was in the White House.

Although the Secret Service has refused to provide video footage of the incident, the Metropolitan D.C. Police Department has. Initially, I had indicated that I was frustrated about the lack of response by the Metropolitan Police Department. This was based on information given to us by the Secret Service. I was critical of the Chief, and suggested that Chief Lanier was going to get a nasty gram from Congress, which we sent. But I can tell you, I have nothing but praise and thankfulness for her and her Department and Agency for swiftly and completely responding to Congress' request.

We appreciate her, the men and women who work at the Metropolitan Police Department, and their swift response to our request. It certainly stands in great contrast from what we've seen from the Secret Service.

Now, we're going to show part of a video here that was provided to us by the Metropolitan Police Department, but a few things before you see this.

On March 4th, at 10:24 p.m., a woman drove her vehicle to a security gate outside the White House fence line on 15th Street and left a package she claimed to be a bomb. Secret Service agents and officers at the scene confronted the suspect, but were unable to apprehend her. The package sat unattended as traffic drove by for a long period of time. It took 11 minutes for the Secret Service to call the Metropolitan Police Department bomb squad. For 17 minutes, 17 minutes traffic continued through the intersection and several pedestrians walked within feet of the potential bomb. I don't understand how that happens.

When the Secret Service finally did call, they failed to mention to the Metro Police Department that it was an actual bomb threat, rather than just a suspicious package. It has been explained to us there is a difference, a difference in the response time, and the approach that they take. You can understand how around the perimeter of the White House there are oftentimes items that are left unattended, but it is a wholly different situation when somebody comes up and places at the perimeter of the White House a package that they claim to be an actual bomb.

Let me show this video, and I'll try the best I can. We have this. We'll put this up on our YouTube channel. To try to describe what's happening, it's 10:30—roughly 10 to 20 plus at night, 15th Street. There's the car, it pulls up. You can start to see the person who has dropped off the bomb, and then you'll see an officer come out and try to apprehend the person who's actually been charged now with a variety of different crimes.

The potential bomb really sits next to that building right there. And, again, we're doing time lapse video, but you can see the cars have been driving by and whatnot. Then we're zooming in here, and you can see that the agents that were in question about what they were doing. This is a full 30 minutes after the initial would-be bomb was placed there.

You can see that there are some big cones, or big barrels that are put out. Now, I—again, we have two crime scenes at this point; the assault on the officer, and then you have within just a couple of feet, you can see they're actually bumping into that barricade there. That is not much of a barricade, in my personal opinion, but driving right within a couple of feet of this would-be bomb, which begs a lot of additional questions.

It takes the Secret Service and the Metropolitan Police Department about an hour and 20 minutes to finally come to the conclusion that this is not a bomb, and that the scene is then rendered safe.

An officer followed the suspect in her car, so we get to another part of the story which begs a lot of questions. Somebody drives up, drops off a would-be bomb, and then the Secret Service actually gets an officer behind this person, but they were mistakenly called off the pursuit when the Secret Service identified the wrong car as the suspect's. So, actually, right behind, I can only imagine this officer saying I've got this person in my sights, but instead of pulling this person over, instead of maybe going the extra step to just check, gets waved off. And they pursue another car, who isn't actually the suspect.

Thirty minutes, thirty minutes after the woman fled the scene, the Secret Service finally issued a BOLO, a Be On The Lookout for a vehicle to local law enforcement. Metropolitan Police Department didn't know for 30 minutes what vehicle they were to be looking for, 30 minutes.

The suspect was finally arrested 3 days later 90 miles away by a different police agency on an unrelated charge, unrelated charges. The day before she was arrested, she was interviewed by the Secret Service agent, but the Secret Service claimed they were unable to arrest her and, instead, canceled the lookout for the woman.

Back at the White House on March 4th, two senior Secret Service agents, including Mark Connolly, the President's second-in-command on his Protective Detail, disrupted the crime scene. These agents placed themselves, their colleagues, and the President and his family in potential danger by driving their government vehicle through a barricade within feet of a potential bomb.

Under Secret Service's policy, video footage of the incident should have been retained; however, most of the footage has evidently, according to the Secret Service, has mysteriously gone missing. I find this highly suspicious.

In a briefing last week, Director Clancy and Deputy Secretary Mayorkas played Committee Members two tapes of the incident that showed the same few seconds from two different angles, just a few seconds out of an incident that lasted more than an hour and 20 minutes. There were eight Members there, three Committee Chairmen, several Ranking Members, four Democrats, four Republicans. Though limited, the footage clearly showed the agents purposely moving the barricade aside with their car.

I want to set aside for a second the concern that the Secret Service is only maintaining video footage for one of the most important buildings in our country for only 72 hours. That makes absolutely no sense on any level to me, because there are issues related to national security, the prosecution of the actual event, and the basic ability to learn from past instances, as we're having to deal with now. But based on the Secret Service's policy, video footage of this incident should, nevertheless, been retained.

We have two crimes scenes that should have immediately been highlighted; yet, an agency spokesperson told CNN: "In the event of an operational security incident at the White House complex, specific video footage is maintained for investigative and protective intelligence purposes." That would seem to make sense, but that's not what's happened here.

Yet, Director Clancy and Deputy Secretary Mayorkas only showed two very limited views of the incident to the Committee. Does a potential bomb near the White House not qualify as "an operational security incident?" If a potential bomb doesn't qualify, then what does?

These tapes should have been retained, and this Committee intends to find out why they were not. We were only shown seconds of a video for an incident that lasted for more than an hour.

Director Clancy, today we expect answers, and we expect you to know them. We're nearly 3 weeks after the incident. To help you prepare for the hearing today, my staff reached out to your congressional Affairs Office to let you know what subjects we would be covering here today. Your staff was fully briefed on what we expect you to know. I want to let you know that the "I don't know" strategy is not going to sit well with our Committee.

We look forward to your answering the questions and providing clarity on what happened March 4th. We do appreciate you being here. I can tell you that you have been personally very accessible, and I greatly personally very much appreciate that.

So, with that, let me now recognize the Ranking Member, Mr. Cummings.

Mr. CUMMINGS. Thank you very much, Mr. Chairman. And I thank you for calling this hearing today.

Director Clancy, welcome, again. And let me start off by saying, Director, that there are moments in life that are and should be transformative moments. In other words, there are moments in all of our lives where something happens. It may very well be negative; usually, it is. And then we have to pause for a moment and learn from it, and correct it. And if we do not correct it at that moment, in my 64 years on earth I've discovered it usually gets worse.

I am here to tell you that we are at such a moment. And the sad part about it is that these moments seem to keep coming. Usually, in life it's one moment or two, but they seem to just keep coming, and coming. And I tell you, I have great concerns. And I'm glad this is a bipartisan effort because this is bigger than us. This is bigger than the Secret Service.

This is about the security of the most powerful person in the world, so this is not—I know that this will not get down to a partisan battle, will not get down to a gotcha. But this is about us trying to do our job.

Your job, and the great men and women of the Secret Service's job is to guard the President and his family, our former President, and other protectees. Our job is to make sure you do your job, and to make sure that you and the agents are accountable.

Now, I must tell you that I was disappointed to find out that we will not hear from the other Secret Service witnesses the Committee invited to testify here today.

Director Clancy, I have the greatest respect for you, and your service to our country. Your job is crucial. Your reputation is exceptional, and sound, and you desire to protect your agents and officers against unwarranted intrusion is admirable. But as I've said to you before, if we are going to err, let us err on the side of the safety and security of the President of the United States of America.

So, we wanted to speak with these witnesses for a very simple reason. According to your own testimony, you did not know about this incident until 5 days after it happened. You, yourself, had said that is unacceptable. And, again, as I said, we have those transformative moments, and that's one symptom of the problem saying that we need to do some transforming.

Your predecessor, in my conversations with her, one of the things that she said was that quite often she did not get information, she did not get complete information, she got inaccurate information, and in some instances got no information. Something is wrong with that picture, it was wrong with that one and, obviously, there's something wrong here.

With all due respect, I have to say how disappointed I was with your initial letter on Friday. It simply announced that you would be the only witness today without providing any reason for the other witnesses not testifying. No other Committee is doing more on this issue than our's, and we are trying to conduct our work in a responsible, bipartisan manner. We really have no room for error, and if we're going to err, we err on the side of the safety of the President.

But when we receive a response that rejects our request with no explanation at all, it's difficult to view that response as respectful, which I know is not your intent. I understand that.

For these reasons, I was heartened to receive your letter yesterday in which you outline your specific concerns with the public testimony of agents charged with protecting the President. I also appreciate your offer to work with this Committee to examine other ways to provide us with the information we need to fulfill our constitutional oversight responsibilities.

Of course, we all understand that there is an ongoing Inspector General investigation of this incident, and we respect that. The IG has informed us that he will be moving quickly, and should be able to answer key questions in weeks, not months.

We recognize the Inspector General's investigation could result in recommendations for disciplinary action, and the last thing we want to do is interfere with that process. But keep in mind what I said, if we are going to err, we must err on the side of the safety and security of the President.

That is why the Chairman and I have committed to consulting with the IG directly before taking any significant action that could impact this work.

Director Clancy, my most significant concern has always been and remains today that you did not know about this incident, and that nobody in the entire agency told you about it. There's something awfully wrong with that. Five days, 5 days, 5 days went by while you were in the dark.

Last year when the former Director of the Secret Service, Julia Pierson, sat in the same chair that you're now sitting in, I warned her that she was not getting the information she needed to do her job. I alerted her that agents and officers believe they were better off staying silent instead of raising their concerns up the chain. I informed her that there were agents that felt more comfortable coming to Members of the Congress of the United States than talking to people who were the higher ups at the Secret Service. Something wrong with the picture. And I lamented an environment in Secret Service that would allow these deficiencies to continue; yet, that appears to be exactly what happened here.

I believe that when the chain of command is broken, when the chain of command is broken there is no command. It's like a body without a head. And when there is no command, there is vulnerability. Again, that vulnerability goes to the safety of the President of the United States of America. So, let me make something very clear.

This is not business as usual. This is not just another Oversight hearing about just another agency. I admire this President greatly. I admire him for his challenges, the challenges he's overcome to be President, the accomplishments he has achieved since then, the principles he stands for on behalf of our country and the world, and the contribution he's made to our Nation's history. I also admire the people, our former Presidents and their families. I want to make sure, and all of us want to make sure that they are protected, so I don't want you to take this personally. This is about us doing our job.

You have to be accountable to us, but your job is, of course, to guard the President. So, I do not want anything to happen to him, not under my watch, not under this watch. So, this would not be about politics, it cannot be. It cannot be about headlines, or unnecessary disputes that contribute nothing to the solution. We must come together in a nonpartisan way to take concrete steps both publicly and privately to turn this agency around.

Again, this is a transformative moment. If we fail to do that in this moment, it can only get worse. The agents and officers of the Secret Service risk their lives on behalf of this great nation. They are great human beings, great public servants, and they deserve an agency that they can be proud of.

One of the things that has concerned me greatly is the anonymous email that you got to us. Would somebody put this up? This email—you're familiar with it, are you not?

Mr. CLANCY. Yes, sir.

Mr. CUMMINGS. And this email concerns me, "Since last Wednesday night, the Uniform Division established a crime scene at Special Post 15 at the White House after a package was thrown at an officer. The officer was told the package was a bomb, so they taped off the area and made it a crime scene. Then at some point an DSAIC from WFO, and a PPD DSAIC drove through the crime scene tape. Duty officers at the scene said they were both extremely intoxicated. They were coming home from Ed Donovan's retirement dinner. They apparently flipped on the lights on their government vehicles to go around the roadblocks. Then the nudged the barrels close to closing the post with their government vehicles. Then were waving their White House passes around confused as to why the post was evacuated.

UD officers were going to arrest both of them, but the UD Watch Commander said not to. Apparently, the whole incident was captured on video from inside the JLC."

What I don't understand is this. A lot of people got this email, a lot of them got it, but you didn't. That is a problem. But you know what really bothers me, as I read this, I kept reading this email this morning over, and over, and over, and you know what I concluded, it appears that we have an agency at war against itself.

The idea that in an organization like this that somebody would create this kind of document to bring this kind of disruption when they are supposed to be guarding the President of the United States of America. We're better than that, and some kind of way we have to take advantage of this transformative moment. If we don't, it can only get worse. And with that, I yield back.

Chairman CHAFFETZ. I now recognize Mr. DeSantis of Florida. He's the Chairman of the Subcommittee on National Security. Mr. DeSantis.

Mr. DESANTIS. Thank you, Mr. Chairman.

The website, Secret Service lays out the vision and that's "to uphold the tradition of excellence in its investigative and protective mission through a dedicated, highly trained, diverse partner-oriented work force that employs progressive technology, and promotes professionalism."

Notwithstanding that Statement, the Secret Service has been falling short of that standard, and I think the Chairman did a good job of enumerating some of the problems we've seen in recent years.

We are here to examine this most recent incident, and I've got to say, I join the Chairman in expressing my disappointment of the lack of cooperation. We wanted to speak with witnesses, we wanted to have information sooner, and I think that that's not the way that this is going to be productive.

This is a very important role that the agency plays not only in protecting our leaders against threats foreign and domestic, but that's part of a larger mission to protect the integrity of our government, and to make sure that elections are honored, and that the people who are elected to those high positions are safe. And I think to do that effectively, you have got to have a system that has robust accountability.

And I think that's what the questions that we're looking at today say OK, where is the accountability in the agency? And it just seemed throughout the whole saga with different problems that there's not swift accountability. And I think that's going to make it more difficult to get the agency where we all want it to be.

But I do commend the Chairman, Mr. Chaffetz, Ranking Member Cummings, and my colleague on the National Security Subcommittee, Mr. Lynch, for their diligence in insuring that those that carry out this important mission are given the tools they need to carry out their responsibilities.

We want high standards, we want accountability. That's important, and I think the American people want nothing less. And I look forward to Director Clancy's testimony, and I yield back.

Chairman CHAFFETZ. I thank the gentleman. I will now recognize the Ranking Member of the Subcommittee on National Security, Mr. Lynch of Massachusetts, for 5 minutes.

Mr. LYNCH. Thank you, Mr. Chairman. I'd like to thank Ranking Member Cummings for his work on this, as well as Chairman DeSantis. We really appreciate the fact that we're working together on this.

This hearing is to examine the continuing lapses in security involving the U.S. Secret Service. I'd also like to thank Director Clancy for being here, and to testify this morning.

I have the utmost respect for Mr. Clancy, but I have to agree with the Chairman, Mr. Chaffetz, and the Ranking Member, and Mr. DeSantis that the fact that you were not notified of this incident for 5 days concerning your two agents is totally unacceptable, and it shows a deep problem within the organization that we have to deal with.

At the outset, I'd like to notice that the purpose that we're having this hearing today is not to disparage our dedicated Secret Service work force; rather, this bipartisan investigation into recent security incidents at the White House and other Secret Service protected locations and events is founded in our genuine concern over the safety of the President, his wife, and his daughters, his mother-in-law, and White House personnel.

Regrettably, systemic challenges, antiquated security protocols and entrenched agency culture have given rise to glaring gaps in

the security, and the critical protection mission of the Secret Service demands that we make every effort to address them.

On the heels of the White House fence jumping incident that occurred in September 2014, and reported gunshots near the Delaware residence of the Vice President in January 2015, we've now learned about two security incidents that occurred on the White House grounds on the night of March 4th that again call into question the effectiveness of existing security protocols, security technology, information sharing, and post-incident review at the Secret Service.

In briefing this Committee on March 17th regarding the alleged interference of two Secret Service agents with a live bomb threat investigation at the White House, the Secret Service played us two brief and seemingly incomplete video clips of a slow-moving vehicle bumping gently into a plastic barrier that were—those videos were taken from almost identical angles and contained absolutely no audio. In response to member request that he provide us with additional videos of the incident, Director Clancy revealed that the Secret Service routinely overwrites security camera footage after only 72 hours.

Given that Director Clancy also informed us that he did not receive notification of the alleged interference until 5 days later on March 9th, the security footage in question was reportedly purged two full days before the Director even found out about the security incident. That is simply unacceptable, and it tells me that we need a stem to stern review of our security technology policy at the White House.

Director, you invited us over, members of the Committee, to review the command post for the surveillance of the White House, and I know for a fact we have full spectrum review and surveillance over that area. We probably have five or six cameras at least that would have given us useful information regarding this incident. And as the Chairman pointed out, we have overlapping incidents, so we have a bomb threat, an active bomb threat while the President is in the White House, and his family is in the White House. We have an active bomb threat, and then we have an interference by these two agents during that bomb threat, during that incident, and we purge the tapes, we purge the tapes.

That active bomb threat against the White House was something that should have raised red flags with personnel from the Secret Service. It should have been on everyone's mind. I know that multiple emails went out to supervisory personnel. Everyone knew this was a bomb threat; and, yet, we went ahead, at least that's what I'm hearing so far, that we went ahead and purged the tapes surrounding that 72—excuse me, surrounding that bomb threat to the White House within 72 hours. We destroyed the evidence, and that completely is—that is just mind boggling that we might do something like that.

Now, I've got a lot of questions. I know the members of the Committee do, as well, but as a frame of reference indicating the inadequacy of the 72-hour video retention policy, I would note that my own State of Massachusetts requires State and municipal agencies to retain their security video tapes for 30 days under the State Public Record Statute. That's why agencies ranging from the Mas-

sachusetts Bay Transportation Authority, to the Boston Housing Authority have a 1-month video storage policy in place.

In addition, under its current Memorandum of Agreement with the Federal Transportation Security Administration regarding the use of consolidated camera surveillance systems at Logan International Airport, the Massachusetts Port Authority also has expressly agreed to retain captured images for 30 days. That's at the request of a Federal agency, we're retaining that for 30 days.

Moreover, local educational institutions, such as Tufts University, University of Massachusetts have also implemented 30-day retention policies for the campus security cameras.

In addition, I have a number of kindergartens in my district that retain, because of the security interests of those children, they have a 30-day policy.

You know, I have to tell you, and I've said this before, you know, my local store 24 has a better surveillance system than we have at the White House. That's a sad Statement of affairs, and that's been the—that's been because of a number of directors going back beyond your own service. So, there's a lot of questions to be answered here.

I'm going to let the rest of my Statement go. I appreciate the Chairman's indulgence, and I yield back the balance of my time.

Chairman CHAFFETZ. I thank the gentleman.

I will hold the record open for five legislative days for any members who would like to submit a written Statement.

We welcome today our witness, the Honorable Joseph P. Clancy, Director of the United States Secret Service.

Before we go forward, though, let me say that the members of this Committee, I do not believe that the presence of Mr. Clancy alone is sufficient to achieve the goals of this hearing today. It is the Committee's intention to bring forward a series of people in transcribed interviews. We would prefer to have done this a different way. The Secret Service has refused our ability to do that, but the people involved in these incidents should know that they will be invited by this Committee, both sides will be present for transcribed interviews as we conduct this further.

To our dismay, the Secret Service refuses let other invited witnesses testify. In fact, the Committee has questions. When we issued these letters and invitations for these individuals to appear, did they receive those invitations, or was the Secret Service prompted, did Homeland Security become involved? We have a lot of questions about why those individuals who were asked to appear are not sitting here today.

We do expect to close the loop with these witnesses in the future, whether that be at a followup hearing, but I said it is the intention that we will most likely do transcribed interviews through this process.

With that said, Mr. Clancy, we do appreciate you being here. Pursuant to Committee rules, all witnesses are to be sworn before they testify. If you will please rise and raise your right hand.

Do you solemnly swear or affirm that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth?

Mr. CLANCY. I do.

Chairman CHAFFETZ. Thank you. Let the record reflect that the witness answered in the affirmative.

Mr. Clancy, we will now recognize you for your opening Statement. And please know that your entire written Statement will be part of the record. But we're pretty lenient on the time, but please share with this Committee your thoughts and perspectives. Mr. Clancy.

STATEMENT OF JOSEPH P. CLANCY, DIRECTOR, UNITED STATES SECRET SERVICE, DEPARTMENT OF HOMELAND SECURITY

Mr. CLANCY. Good morning, Chairman Chaffetz, Ranking Member Cummings, and distinguished members of the Committee. Thank you for the opportunity to be here to discuss the recent allegations of misconduct on March 4th, 2015, and the agency's progress in fulfilling the recommendations of the independent U.S. Secret Service Protective Mission Panel. As Director, I'm honored to lead the men and women of this important agency through this challenging time.

With respect to the recent allegations, I personally became aware of the incident on March 9th, when I received a phone call from a former agent informing me of an anonymous email that was circulating. On that same date, I determined that the allegations should be referred to the Department of Homeland Security's Office of the Inspector General. I made this decision because allegations of misconduct involving employees at the GS–15 and higher level must be referred to the OIG in accordance with departmental policy. I trust the OIG's investigation will be thorough. I have committed the Secret Service's full cooperation to the OIG, and eagerly await the findings of their investigation.

The fact that I did not learn of this allegation until 5 days after it is said to have occurred infuriates me. This is unacceptable. I called my senior staff together the week before last. I made clear my expectation for prompt notification of allegations of misconduct that could impact our mission, or that violate the agency's standards of conduct.

If it is determined that any of our employees failed to report information about this alleged incident, they will be held accountable. Our mission is too important for this to happen. It undermines my leadership, and I won't stand for it.

I am resolved to holding people accountable for their actions, but I want to make clear that I do not have the ability to simply terminate employees based solely on allegations of misconduct. This is not because I'm being lenient, but because the agency's ability to take action is controlled by Title V of the United States Code, which provides Federal Government employees with certain statutory due process rights. I must respect these rights and the procedures Congress has put in place to preserve them.

As it stands, the next step in this process is to wait for the issuance of the OIG report, at which point we will determine the appropriate disciplinary actions consistent with our established Table of Penalties. Once again, if the OIG investigation reveals misconduct, those involved will be held accountable.

I have personally reviewed video footage from the evening of March 4th with members of this Committee. The initial reports of a vehicle crash were inaccurate; there was no crash. The video shows a vehicle entering the White House complex at a very slow speed and pushing aside a plastic barrel. There was no damage to the vehicle.

However, many people have expressed serious concerns that the available footage from the night does not provide a full picture relative to the alleged misconduct. While the primary function of the camera systems at the White House complex is for operational security, specific video footage is routinely maintained for investigative and protective intelligence purposes.

I share the concerns of this Committee that more video footage from the night of March 4th was not preserved. After receiving consent from the OIG, the Secret Service has contacted the manufacturers of the digital storage unit and is leveraging our capabilities in cyber forensics to make every attempt to recover additional video footage from that night.

Although it predates my appointment as Director, Secret Service practice has been to retain footage from camera systems at the White House for a period of 72 hours. This practice concerns me. Therefore, I have directed that the video footage storage period be increased to 7 days effective immediately. I have also directed my staff to explore the feasibility of further expanding this timeframe while being mindful of concerns related to security and privacy.

Turning to fulfilling the recommendations made by the independent Protective Mission Panel. I will touch briefly on each of these three areas identified in the report. First, training and personnel; second, technology, perimeter security and operations; and third, leadership.

Regarding training and personnel, I have consistently held that a primary focus of mine has been to increase the critical staffing in the Secret Service to meet the demands of the mission, and to incorporate regular and consistent training to sharpen skills, insure preparedness at all times. The Secret Service is expected to exceed its hiring goals for this fiscal year, and maintain this pace for Fiscal Year 2016.

We have also fully completed integrated training for officers and specialty teams within the White House Branch, and made improvements with respect to the amount of training received during fourth shifts by agents on protective details.

With respect to technology and perimeter security recommendations, the Secret Service is in the midst of a multi-phase project to replace the current fence around the White House. The goal of this project is to mitigate security concerns identified by the panel, including delaying potential intruders to give Secret Service personnel more time to react. The selection of a final fence option will be followed by design, procurement, and construction phases.

As discussed in the classified briefings provided to this Committee, the Secret Service acknowledges the need for interim measures during this process, and has conducted initial testing, research, and development to that end.

Finally, with respect to leadership, I am moving to rebuild, restructure, and reinvigorate the Secret Service, including elevating

and empowering those with specialized professional skills within our civilian force by insuring our people have the necessary resources by developing budgets from the ground up, and utilizing a mission-based approach.

In closing, I would like to make clear, I am proud of our work force, and would be remiss if I did not recognize that the vast majority of these men and women perform their duties with honor and distinction. They deserve strong leadership, clear and consistent policies, and appropriate resources to support the important work they do every day. It is my life's work to insure they get it.

I thank the Committee for this opportunity, and welcome any questions you have at this time.

[Prepared Statement of Mr. Clancy follows:]

Statement of Director Joseph P. Clancy
United States Secret Service
Department of Homeland Security

Before the Committee on Oversight and Government Reform
United States House of Representatives

March 24, 2015

Introduction

Good morning, Chairman Chaffetz, Ranking Member Cummings, and distinguished Members of the Committee. Thank you for the opportunity to be here to discuss the recent allegations of employee misconduct on March 4, 2015, and the agency's progress in fulfilling the recommendations of the independent U.S. Secret Service Protective Mission Panel ("the Panel"). As Director, I am honored to lead the men and women of this important agency through this challenging time.

The Secret Service's statutory mission is clear. Of all the agency's authorities, nothing is more important than the protection of the President and Vice President. Thousands of special agents and Uniformed Division ("UD") officers successfully fulfill this mission every day throughout the world. While there has been deserved attention paid to the security of the White House Complex, much of the protection mission occurs outside the 18-acres of that complex. Since my arrival on October 1, 2014, the Secret Service successfully performed Presidential protective missions to 287 domestic stops and 25 international stops, including visits to Australia, Indonesia, India, and most recently, Saudi Arabia. The decision to visit Saudi Arabia was made only days before the trip occurred, giving the Presidential Protective Division advance team members a mere 48 hours to formulate a successful security plan. Vice Presidential protective missions during this same time period included 276 domestic and 15 international trips, with international stops in Morocco, Turkey, Ukraine, Belgium, and Germany. Typically, for the President and Vice President, each foreign trip requires more than two weeks of advance preparation in addition to the operational activities that occur during the actual visits of our protectees.

Over the course of the next year, we will continue our preparations for additional international travel and National Special Security Events ("NSSEs"). Opening ceremonies for the 70th United Nations General Assembly ("UNGA") are scheduled for September 15, 2015, with the majority of the events surrounding UNGA 70 scheduled for September 22nd through September 28th, in New York, NY. Additionally, Pope Francis is expected to visit Washington, DC, New York, NY, and Philadelphia, PA from September 24th through September 27th. Already, the World Meeting of Families event in Philadelphia, which is expected to draw 2.1 million people, has been designated an NSSE by Secretary Johnson. NSSE designations require the Secret Service to take the lead role in the planning, coordination, and implementation of security operations for these events.

The UNGA is always a challenge for the Secret Service, as it recurs annually in the final weeks of the fiscal year, but with its 70th anniversary coinciding with the Papal visit, I expect this year to be especially demanding on our front-line employees. Special agents from across the field and headquarters will be called upon to establish temporary protective details for an expected record number of visiting heads of state and government, UD officers will provide magnetometer support and protective site security for multiple venues, special operations teams will be assigned to high-level visiting dignitaries, and technical security and communications teams will be working weeks in advance to ensure mission success.

Superior performance by the men and women on the front lines begins with superior leadership. To that end, I have worked to open the lines of communication between the rank and file, their supervisors, and executive leadership. I made significant changes in top leadership positions across the Secret Service to inspire a renewed focus on human capital, training, protective operations, investigations, budgeting, and professional responsibility. Part of this effort included the creation of a standalone Office of Training, which will have a direct impact on the way the agency plans for and conducts operational training for special agents and UD officers by creating a stakeholder seat on the Secret Service's Executive Review Board. This restructuring will allow the agency to set clear priorities and better align training requirements with the demands of the mission. It is critically important that the Secret Service get back to basics not only by staffing the agency at levels commensurate with the workload but also by incorporating the required training to ensure optimal performance at all times.

When I talk about optimal performance, I want to be clear that I expect all employees in the Secret Service to conduct themselves in a manner consistent with the oath they swore to uphold when they entered the agency, and with the individual responsibility and core values that have guided many generations of employees before them.

Allegations of Employee Misconduct

With respect to the recent allegations of employee misconduct on March 4, 2015, I personally became aware of the incident on March 9th when I received a phone call from a former agent informing me of an email that was circulating. On that same date, I determined that the allegations should be referred to the Department of Homeland Security's ("the Department") Office of the Inspector General ("OIG").

I made this decision because allegations of misconduct involving employees at the GS-15 level and higher must be referred to the OIG in accordance with Departmental policy (Appendix A). I trust the OIG's investigation will be swift yet thorough. I have committed the Secret Service's full cooperation to the OIG and eagerly await the findings of their investigation.

The fact that I did not learn of this allegation until five days later is unacceptable. I called my senior staff together the week before last and made clear my expectations for prompt notification of allegations of misconduct that could impact our mission or that

violate the agency's standards of conduct. Additionally, I have sent an Agency wide memorandum expressing my disappointment in the failure to timely report this allegation of misconduct, advising all employees of their responsibility to report allegations of misconduct through their chain of command, reminding employees that failure to report allegations of misconduct is dereliction of duty and a disciplinable offense, and finally that any of retaliation against an employee who reports misconduct will also be the subject of disciplinary action. If it is determined in this case that any of our employees failed to report information about this alleged incident, they will be held appropriately accountable. This is something that I communicated to all of my employees through an agency-wide message. Our mission is too important for this to happen. It undermines my leadership, and I won't stand for it.

As it stands now, the next step in this process is to wait for the issuance of the OIG report, at which point we will determine the appropriate disciplinary actions consistent with our established Table of Penalties. Once again, if the OIG investigation reveals misconduct, those involved will be punished.

I have personally reviewed video footage from the evening of March 4th with Members of this Committee. The initial reports of a crash are inaccurate – there was no crash. The video shows a vehicle entering the White House Complex at a speed of approximately 1-2 mph and pushing aside a plastic barrel. There was no damage to the vehicle.

However, many people have expressed serious concerns that the available video footage from that night does not provide a full picture relative to the alleged misconduct. While the primary function of the camera systems at the White House Complex is operational security, it is imperative that specific video footage is retained for investigative and protective intelligence purposes.

I share the concerns raised by this Committee and others that more video footage from the night of March 4th was not preserved. After receiving consent from the OIG, the Secret Service contacted the manufacturers of the digital storage unit and is leveraging its capabilities in cyber forensics to make every attempt to recover additional video clips from that night. Although it predates my appointment as Director, Secret Service practice has been to retain video footage of camera systems at the White House Complex for a period of 72 hours. I have directed that, effective immediately, the video footage storage period be increased to seven days. I have also directed that we continue to explore further preservation capabilities.

Discipline and Hiring Efficiencies

I am resolved to holding people accountable for their actions. But I want to make clear that I do not have the ability to simply terminate employees based solely on allegations of misconduct. This is not because I am being lenient, but because tenured Federal government employees have certain constitutional due process rights which are implemented through statutory procedures provided for in disciplinary Title 5 of the United States Code and OPM regulations (Appendix B).

With respect to hiring, our unique mission requires a very high level of scrutiny throughout the hiring process. The onboarding of new employees is time intensive and involves multiple interviews, polygraph examinations, and extensive background investigations. However, the agency has already made strides in reducing the time required to hire special agent and UD officer applicants by leveraging its excepted service hiring authorities granted by the Office of Personnel Management through title 5 of the Code of Federal Regulations section 213.3201. With approval from the Office of Personnel Management and our Chief Counsel, we are streamlining the process to get better qualified and diverse applicants identified earlier in the process.

Fulfilling the Independent Protective Mission Panel's Recommendations

In response to the September 19, 2014 White House incursion, Secretary Johnson made the determination that two independent reviews should be conducted, first to evaluate the incident on September 19th and then to assess the broader protective mission of the agency at the White House Complex. The details of that egregious security breach were documented in a report prepared by Deputy Secretary Mayorkas ("Mayorkas Report"), which was followed by recommendations from the independent Protective Mission Panel that were included in a report to Secretary Johnson on December 15, 2014. Taken in sum, these two reports provide a consistent assessment of what went wrong on September 19, 2014, and steps the Secret Service must take to ensure a breach of that magnitude never happens again. The Panel's recommendations in particular have brought focus to staffing, training, leadership, and technology and perimeter security requirements at the White House Complex. However, since the Secret Service's mission extends beyond the issues addressed in the Panel's report, I am committed to zero-basing the agency's budget to determine the full extent of our operational requirements.

One of the most well publicized recommendations of the Panel was to replace the fence around the White House as quickly as possible. As documented in their report, "the ease with which 'pranksters' and the mentally ill can climb the current fence puts Secret Service personnel in a precarious position: When someone jumps the fence, they must decide, in a split-second, whether to use lethal force on a person who may not pose a viable threat to the President or the White House." [1]

I have said in previous testimony before Congress that if someone does attempt to scale the White House fence, I want to ensure they are met with immediate and forceful resistance. But I also view the fence itself as a needed deterrent for would-be fence-jumpers. The Secret Service recognizes the need for protective enhancements to the White House Complex fence and is currently working with stakeholders to create a viable, long-term solution. This multi-phase project began with the formation of requirements that are guiding a formal study aimed at identifying various fence options.

[1] United States Secret Service Protective Mission Panel, Executive Summary to [the] Report from the United States Secret Service Protective Mission Panel to the Secretary of Homeland Security, December 15, 2014. Available at: http://www.dhs.gov/sites/default/files/publications/14_1218_usss_pmp.pdf.

As previously briefed to this Committee, these requirements encompassed security concerns identified by the Secret Service, including efforts to delay intruders, as well as aesthetic and historic concerns put forward by the National Park Service (NPS).

The contract for this study was awarded in January 2015 and will culminate in approximately April 2015 with a report identifying three options that meet the requirements I referenced. At that time, the U.S. Commission of Fine Arts will be given the opportunity to review and provide comment on the final options prior to a decision being made by me, as the Director of the Secret Service and the NPS's Superintendent of President's Park.

The selection of a final fence option will be followed by a design phase; a contracting, procurement, and acquisition phase; and a construction phase. It should be noted, however, that this schedule is approximate and will be contingent upon the selection of a final option and available funding.

The Secret Service acknowledges the need for interim measures addressing vulnerabilities with the current fence during the design and construction of the new fence. As discussed in the classified briefing, our Technical Security Division conducted testing, research, and development for short and long-term enhancements. We plan to deploy mitigating measures we selected in the coming months in order to enhance our security posture in the interim.

While much of the Panel's recommendations pertaining to technology included classified material, their public report made clear that, "[technology] systems used on the [White House Complex] must always remain cutting edge, and the [Secret Service] must invest in technology, including becoming a driver of research and development that may assist its mission."[2] To address this recommendation, our FY 2016 Budget requests necessary upgrades to radio communication infrastructure to modernize and improve the reliability of audio communications at the White House Complex and throughout the National Capital Region. As noted by the Panel, these systems are obsolete and need to be upgraded. It also includes funding to update all communication, video, and data systems at the Secret Service's Joint Operations Center, which functions as the command-and-control center for protective operations at the White House Complex.

Emerging Threats

While recent events have raised public concerns with the operation of small unmanned aircraft systems (UAS), the Secret Service's interest in this issue did not begin with a wayward UAS landing on the South Grounds of the White House in the early morning hours of January 26, 2015. The Secret Service recognized this threat prior to that incident and has been working with government and private sector partners for some time to develop policies and procedures to effectively counter this threat. We have

[2] *Id.*

initiated an evaluation and investment into current and future technologies to initially detect and eventually mitigate against UAS incursions. The Secret Service has conducted real-world testing with the United States Capitol Police and Department of Defense in recent weeks. The systems tested are designed to detect the operation of UAS in proximity to permanent protective sites. I can tell you today that the preliminary results of this testing were very positive, and we intend to continue refining our approach to this growing concern through additional research, development, and testing.

To address longer-range future technology needs, the Secret Service will continue to partner with the Department's Science and Technology Directorate to ensure we are researching, developing, and deploying cutting-edge technology.

Conclusion

Over the past several months I have made extensive personnel changes in senior leadership in an effort to bring about positive change. These were not easy decisions, and many of the people who left served the agency and our country honorably during their careers. But as the leader of this organization, I will do what is necessary to put us back on the right track.

In closing, I would like to make clear that I am proud of our workforce and would be remiss if I did not recognize that the vast majority of these men and women perform their duties with honor and distinction. They deserve strong leadership, clear and consistent policies, and appropriate resources to support the important work they do every day. It is my life's work to ensure that they get it.

Chairman Chaffetz, Ranking Member Cummings, and members of the Committee, this concludes my written testimony. I welcome any questions you have at this time.

APPENDIX A

Management Directive & MOU

Department of Homeland Security
Management Directive System
MD Number: 0810.1
Issue Date: 6/10/2004

THE OFFICE OF INSPECTOR GENERAL

I. Purpose

This directive established Department of Homeland Security (DHS) policy regarding the Office of Inspector General (OIG). Any prior Management Directive and any instruction or agreement of any kind issued by or entered into by any DHS official or Component that is inconsistent in any respect with this directive is hereby superseded to the extent it is inconsistent with this directive.

II. Scope

This directive applies to all DHS organizational elements (OEs), including all employees, contractors, and grantees.

III. Authorities

A. The Inspector General Act of 1978, as amended

B. The Homeland Security Act of 2002, as amended, codified in Title 6, US Code

IV. Definitions

A. ***OE Offices*** – As used in this Management Directive, the term OE offices include all Organizational Elements offices of internal affairs, inspections, audits or Professional Responsibility. This term also includes the DHS Office of Security.

B. ***DHS Organizational Element*** – As used in this directive, the term DHS Organizational Element (OE) shall have the meaning given to the term DHS Organizational Element in DHS MD 0010.1, Management Directives System and DHS Announcements. This includes Elements such as the Bureau of Customs and Border Protection, the United States Coast Guard, the Federal Emergency Management Agency, etc. It also includes entities that report to DHS Organizational Elements, such as National Laboratories.

V. Responsibilities

A. ***The Heads of DHS Organizational Elements*** shall:

1. Promptly advise the OIG of allegations of misconduct in accordance with the procedures described in Appendix A, and when they become aware of any audit, inspection or investigative work being performed or contemplated within their offices by or on behalf of an OIG from outside DHS, the General Accounting Office, or any other law enforcement authority, unless restricted by law;

2. Ensure that, upon request, OIG personnel are provided with adequate and appropriate office space, equipment, computer support services, temporary clerical support and other services to effectively accomplish their mission;

3. Provide prompt access for auditors, inspectors, investigators, and other personnel authorized by the OIG to any files, records, reports, or other information that may be requested either orally or in writing;

4. Assure the widest possible dissemination of this directive within their OEs. They may issue further instructions as necessary to implement this policy. Any such further instructions shall not conflict with this MD and shall be provided to the OIG immediately upon issuance;

5. Assist in arranging private interviews by auditors, inspectors, investigators, and other officers authorized by the OIG with staff members and other appropriate persons;

6. Advise the OIG when providing classified or sensitive information to the OIG to ensure proper handling.

B. ***DHS employees*** shall report suspicions of violations of law or regulation to the DHS Office of Inspector General or the appropriate OE offices, and will likewise:

1. Cooperate fully by disclosing complete and accurate information pertaining to matters under investigation or review;

2. Inform the investigating entity of any other areas or activities they believe require special attention;

3. Not conceal information or obstruct audits, inspections, investigations, or other official inquiries;

4. Be subject to criminal prosecution and disciplinary action, up to and including removal, for knowingly and willfully furnishing false or misleading information to investigating officials; and

5. Be subject to disciplinary action for refusing to provide documents or information or to answer questions posed by investigating officials or to provide a signed sworn statement if requested by the OIG, unless questioned as the subject of an investigation that can lead to criminal prosecution.

VI. Policy and Procedures

A. The OIG, while organizationally a Component of the DHS, operates independent of the DHS and all offices within it. The OIG reports to the Secretary. Under circumstances specified by statute, the Secretary, upon written notification to the OIG which then must be transmitted to Congress, can circumscribe the OIG's access to certain types of sensitive information and exercise of audit, investigative, or other authority. The DHS Inspector General is the head of the OIG.

The OIG is authorized, among other things, to:

1. Administer oaths;

2. Initiate, conduct, supervise and coordinate audits, investigations, inspections and other reviews relating to the programs and operations of the DHS;

3. Inform the Secretary, Deputy Secretary, and the Congress fully and currently about any problems and deficiencies relating to the administration of any DHS program or operation and the need for, and progress of, corrective action;

4. Review and comment on existing and proposed legislation and regulations relating to DHS programs, operations, and personnel;

5. Distribute final audit and inspection reports to appropriate authorizing and oversight committees of the Congress, to all headquarters and field officials responsible for taking corrective action on matters covered by the reports and to Secretarial officers, office heads, and other officials who have an official interest in the subject matter of the report;

6. Receive and investigate complaints or information from employees, contractors, and other individuals concerning the possible existence of criminal or other misconduct constituting a violation of law, rules, or regulations, a cause for suspension or debarment, mismanagement, gross waste of funds, abuse of authority, or a substantial and specific danger to the public health and safety, and report expeditiously to the Attorney General whenever the Inspector General has reasonable grounds to believe there has been a violation of Federal criminal law;

7. Protect the identity of any complainant or anyone who provides information to the OIG, unless the OIG determines that disclosure of the identity during the course of the investigation is unavoidable.

Further, the OIG shall:

8. Follow up on report recommendations to ensure that corrective actions have been completed and are effective;

9. Prepare a semiannual report to the Secretary and the Congress, summarizing OIG audit and investigative activities within DHS. Section 5(a) of the Inspector General Act of 1978, as amended, requires this report.

B. Allegations received by the OIG or OE offices shall be retained or referred in accordance with Appendix A of this MD. The only exception to this requirement is that the OIG and the United States Secret Service will adhere to the terms of the Memorandum of Understanding entered into between those two entities on December 8, 2003, and as may be amended from time to time.

C. ***Standards***. Audits shall be conducted consistent with the standards issued by the Comptroller General of the United States. Inspections and investigations shall be conducted consistent with the quality standards issued by the President's Council on Integrity and Efficiency (PCIE).

D. ***Questions or Concerns***. Any questions or concerns regarding this directive should be addressed to the OIG.

APPENDIX A

MD 0810.1

The categories of misconduct identified below shall be referred to the OIG. Such referrals shall be transmitted by the OE offices immediately upon receipt of the allegation, and no investigation shall be conducted by the OE offices prior to referral unless failure to do so would pose an imminent threat to human life, health or safety, or result in the irretrievable loss or destruction of critical evidence or witness testimony. In such extraordinary situations, the OIG will be contacted as soon as practical, and all information and evidence collected by the OE office shall then be provided to the OIG as part of the OE referral to the OIG. The OIG will accept and retain all such allegations for investigation subsumed under this exigent circumstance exception.

- All allegations of criminal misconduct against a DHS employee;
- All allegations of misconduct against employees at the GS-15, GM-15 level or higher, or against employees in the OE offices;
- All allegations of serious, noncriminal misconduct against a law enforcement officer. "Serious, noncriminal misconduct" is conduct that, if proved, would constitute perjury or material dishonesty, warrant suspension as discipline for a first offense, or result in loss of law enforcement authority. For purposes of this directive, a "law enforcement officer" is defined as any individual who is authorized to carry a weapon, make arrests, or conduct searches;
- All instances regarding discharge of a firearm that results in death or personal injury or otherwise warrants referral to the Civil Rights Criminal Division of the Department of Justice;
- All allegations of fraud by contractors, grantees or other individuals or entities receiving DHS funds or otherwise engaged in the operation of DHS programs or operations;
- All allegations of visa fraud by DHS employees working in the visa issuance process.

In addition, the OIG will investigate allegations against individuals or entities that do not fit into the categories identified above if the allegations reflect systemic violations, such as abuses of civil rights, civil liberties, or racial and ethnic profiling, serious management problems within the department, or otherwise represent a serious danger to public health and safety.

APPENDIX A

With regard to categories not specified above, the OE offices will initiate the investigation upon receipt of the allegation, and shall notify within five business days the OIG's Office of Investigations of such allegations. The OIG shall notify the OE offices if the OIG intends to assume control over or become involved in such an investigation, but absent such notification, the OE office shall maintain full responsibility for these investigations.

Any allegations received by the OIG that do not come within the categories specified above, or that the OIG determines not to investigate, will be referred within five business days of receipt of the allegation by the OIG to the appropriate OE office along with any confidentiality protections deemed necessary by the OIG.

The OE offices shall provide monthly reports to the OIG on all open investigations. In addition, upon request, the OE offices shall provide the OIG with a complete copy of the Report of Investigation, including all exhibits, at the completion of the investigation. Similarly, the OIG shall provide the OE offices, upon request, with a complete copy of any Report of Investigation relating to its OE, including all exhibits, at the completion of the investigation. The OIG shall have the right to request more frequent or detailed reports on any investigations and to reassert at any time exclusive authority or other involvement over any matter within its jurisdiction.

MEMORANDUM OF UNDERSTANDING
BETWEEN
THE UNITED STATES SECRET SERVICE
AND THE OFFICE OF THE INSPECTOR GENERAL
DEPARTMENT OF HOMELAND SECURITY

The United States Secret Service (USSS), an organizational component of the Department of Homeland Security (DHS), operates within the Department under the authority and responsibilities enumerated in Title VIII, Subtitle C of the Homeland Security Act of 2002, as amended (the Act), and includes those responsibilities described generally in Section 1512 of the Act, as well as in various delegations of authority issued by the Secretary of DHS (the Secretary). The agency's dual statutory missions of protection and criminal investigations are more fully enumerated at Title 18, United States Codes, Section 3056 (Section 3056), and Title 3, United States Code, Section 202 (Section 202), and various other statutes.

The Office of the Inspector General (OIG), an organizational component of DHS, operates within the Department under the authority and responsibilities enumerated in Title VIII, Subtitle B of the Act, as amended, and the Inspector General Act of 1978, as amended, and includes authority and responsibility acquired pursuant to Section 1512 of the Act.

To prevent duplication of effort and ensure the most effective, efficient and appropriate use of resources, the Secret Service and the OIG enter into this Memorandum of Understanding.

The categories of misconduct listed below shall be referred to the OIG. Such referrals shall be transmitted by the USSS Office of Inspection immediately upon the receipt of adequate information or allegations by the USSS Office of Inspection to reasonably conclude that misconduct may have occurred, and no investigation shall be conducted by the USSS Office of Inspection prior to the referral. In cases involving exigent circumstances, if the OIG decides to investigate the allegation but is unable to do so immediately, the USSS Office of Inspection will conduct the investigation until the OIG is able to take it over. In cases not involving exigent circumstances, the OIG will determine within one business day of the referral whether to investigate the allegation itself or to refer the matter back to the USSS Office of Inspection for investigation. If no determination is communicated to the USSS Office of Inspection within one business day of the referral, the USSS Office of Inspection may initiate the investigation. The acceptance of a referral by the OIG reflects a determination that available investigative resources will be able to conclude the referred investigation within a reasonable time. This will afford the agency a reasonable opportunity to act expeditiously, if necessary, regarding the allegations.

- All allegations of criminal misconduct against a USSS employee;
- All allegations of misconduct against employees at the GS-15, GM-15 level or higher, or against employees in the USSS Office of Inspection;
- All allegations regarding misuse or improper discharge of a firearm (other than accidental discharge during training, qualifying or practice);

- All allegations of fraud by contractors, grantees or other individuals or entities receiving Department funds or otherwise engaged in the operation of Department programs or operations.

In addition, the IG will investigate allegations against individuals or entities who do not fit into the categories identified above if the allegations reflect systemic violations, such as abuses of civil rights, civil liberties, or racial and ethnic profiling; serious management problems within the Department, or otherwise represent a serious danger to public health and safety.

With regard to categories of misconduct not specified above, the USSS Office of Inspection should initiate investigation upon receipt of the allegation, and shall notify within five business days the OIG's Office of Investigations of such allegation. The OIG shall notify the USSS Office of Inspection if the OIG intends to assume control or become involved in an investigation, but absent such notification, the USSS Office of Inspection shall maintain full responsibility for these investigations.

Pursuant to Section 811(a) of the Act, OIG audits, investigations, and subpoenas which, in the Secretary's judgment, constitute a serious threat to the protection of any person or property afforded protection pursuant to Section 3056 or Section 202, or any provision of the Presidential Protection Assistance Act of 1976, may be prohibited. Accordingly, to assure proper and timely responses to OIG requests for information or records, all OIG plans for audits involving the Secret Service shall be communicated via entrance letter by the OIG either directly to the USSS Office of Inspection or to the Office of the Deputy Director; any OIG investigation shall be communicated orally or via e-mail to the same entities. Any Secret Service Headquarters' concern under section 811(a) regarding the scope or direction of a planned audit or investigation will be raised and resolved expeditiously with OIG officials, or immediately communicated to the Secretary in the absence of resolution.

The USSS Office of Inspection shall provide a monthly report to the OIG on all open investigations. In addition, the USSS Office of Inspection, upon request, shall provide the OIG with a complete copy of the Report of Investigation, including all exhibits, at the completion of the investigation. Similarly, the OIG shall provide the USSS Office of Inspection, upon request, with a complete copy of any Report of Investigation relating to the Secret Service, including all exhibits, at the completion of the investigation. The OIG shall have the right to request more frequent or detailed reports on any investigations and to reassert at any time exclusive authority or other involvement over any matter within its jurisdiction.

This MOU shall be effective upon the signature of both parties and shall remain in effect until revoked by one party upon thirty day's written notice to the other.

W. Ralph Basham
Director of the United States Secret Service

Dated: 12/5/03

Acting Inspector General

Dated: 12/8/03

APPENDIX B

Legal Basis for Adverse Actions Against Government Employees

[Code of Federal Regulations]
[Title 5, Volume 2]
[Revised as of January 1, 2014]
[CITE: 5CFR752.201]
[Page 64-65]

Title 5—Administrative Personnel
CHAPTER I—OFFICE OF PERSONNEL MANAGEMENT (CONTINUED)
PART 752—ADVERSE ACTIONS
Subpart B—Regulatory Requirements for Suspension for 14 Days or Less

§ 752.201 Coverage.

(a) *Adverse actions covered.* This subpart covers suspension for 14 days or less.

(b) *Employees covered.* This subpart covers:

(1) An employee in the competitive service who has completed a probationary or trial period;

(2) An employee in the competitive service serving in an appointment which requires no probationary or trial period, and who has completed 1 year of current continuous employment in the same or similar positions under other than a temporary appointment limited to 1 year or less;

(3) An employee with competitive status who occupies a position under Schedule B of part 213 of this chapter;

(4) An employee who was in the competitive service at the time his or her position was first listed under Schedule A, B, or C of the excepted service and still occupies that position;

(5) An employee of the Department of Veterans Affairs appointed under section 7401(3) of title 38, United States Code; and

(6) An employee of the Government Printing Office.

(c) *Exclusions.* This subpart does not apply to a suspension for 14 days or less:

(1) Of an administrative law judge under 5 U.S.C. 7521;

(2) Taken for national security reasons under 5 U.S.C. 7532;

(3) Taken under any other provision of law which excepts the action from subchapter I, chapter 75, of title 5, U.S. Code;

(4) Of a reemployed annuitant; or

(5) Of a National Guard Technician.

(d) *Definitions.* In this subpart—

Current continuous employment means a period of employment immediately preceding a suspension action without a break in Federal civilian employment of a workday.

Day means a calendar day.

Similar positions means positions in which the duties performed are similar in nature and character and require substantially the same or similar qualifications, so that the incumbent could be interchanged between the positions without significant training or undue interruption to the work.

Suspension means the placing of an employee, for disciplinary reasons, in a temporary status without duties and pay.

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CHAPTER I—OFFICE OF PERSONNEL MANAGEMENT (CONTINUED)
PART 752—ADVERSE ACTIONS
Subpart B—Regulatory Requirements for Suspension for 14 Days or Less

§ 752.202
Standard for action.

(a) An agency may take action under this subpart for such cause as will promote the efficiency of the service as set forth in 5 U.S.C. 7503(a).

(b) An agency may not take a suspension against an employee on the basis of any reason prohibited by 5 U.S.C. 2302.

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PART 752—ADVERSE ACTIONS
Subpart B—Regulatory Requirements for Suspension for 14 Days or Less

§ 752.203 Procedures.

(a) *Statutory entitlements.* An employee under this subpart whose suspension is proposed under this subpart is entitled to the procedures provided in 5 U.S.C. 7503(b).

(b) *Notice of proposed action.* The notice must state the specific reason(s) for the proposed action, and inform the employee of his or her right to review the material which is relied on to support the reasons for action given in the notice.

(c) *Employee's answer.* The employee must be given a reasonable time, but not less than 24 hours, to answer orally and in writing and to furnish affidavits and other documentary evidence in support of the answer.

(d) *Representation.* An employee covered by this subpart is entitled to be represented by an attorney or other representative. An agency may disallow as an employee's representative an individual whose activities as representative would cause a conflict of interest or position, or an employee of the agency whose release from his or her official position would give rise to unreasonable costs or whose priority work assignments preclude his or her release.

(e) *Agency decision.* (1) In arriving at its decision, the agency will consider only the reasons specified in the notice of proposed action and any answer of the employee or his or her representative, or both, made to a designated official.

(2) The agency must specify in writing the reason(s) for the decision and advise the employee of any grievance rights under paragraph (f) of this section. The agency must deliver the notice of decision to the employee on or before the effective date of the action.

(f) *Grievances.* The employee may file a grievance through an agency administrative grievance system (if applicable) or, if the suspension falls within the coverage of an applicable negotiated grievance procedure, an employee in an exclusive bargaining unit may file a grievance only under that procedure. Sections 7114(a)(5) and 7121(b)(1)(C) of title 5, U.S. Code, and the terms of any collective bargaining agreement, govern representation for employees in an exclusive bargaining unit who grieve a suspension under this subpart through the negotiated grievance procedure.

(g) *Agency records.* The agency must maintain copies of, and will furnish to the Merit Systems Protection Board and to the employee upon their request, the following documents:

(1) Notice of the proposed action;

(2) Employee's written reply, if any;

(3) Summary of the employee's oral reply, if any;

(4) Notice of decision; and

(5) Any order effecting the suspension, together with any supporting material.

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PART 752—ADVERSE ACTIONS
Subpart D—Regulatory Requirements for Removal, Suspension for More Than 14 Days, Reduction in Grade or Pay, or Furlough for 30 Days or Less

§ 752.401 Coverage.

(a) *Adverse actions covered.* This subpart applies to the following actions:

(1) Removals;

(2) Suspensions for more than 14 days, including indefinite suspensions;

(3) Reductions in grade;

(4) Reductions in pay; and

(5) Furloughs of 30 days or less.

(b) *Actions excluded.* This subpart does not apply to:

(1) An action imposed by the Merit Systems Protection Board under the authority of 5 U.S.C. 1215;

(2) The reduction in grade of a supervisor or manager who has not completed the probationary period under 5 U.S.C. 3321(a)(2) if such a reduction is to the grade held immediately before becoming a supervisor or manager;

(3) A reduction-in-force action under 5 U.S.C. 3502;

(4) A reduction in grade or removal under 5 U.S.C. 4303;

(5) An action against an administrative law judge under 5 U.S.C. 7521;

(6) A suspension or removal under 5 U.S.C. 7532;

(7) Actions taken under any other provision of law which excepts the action from subchapter II of chapter 75 of title 5, United States Code;

(8) Action that entitles an employee to grade retention under part 536 of this chapter, and an action to terminate this entitlement;

(9) A voluntary action by the employee;

(10) Action taken or directed by the Office of Personnel Management under part 731 of this chapter;

(11) Termination of appointment on the expiration date specified as a basic condition of employment at the time the appointment was made;

(12) Action that terminates a temporary or term promotion and returns the employee to the position from which temporarily promoted, or to a different position of equivalent grade and pay, if the agency informed the employee that it was to be of limited duration;

(13) Cancellation of a promotion to a position not classified prior to the promotion;

(14) Placement of an employee serving on an intermittent or seasonal basis in a temporary nonduty, nonpay status in accordance with conditions established at the time of appointment; or

(15) Reduction of an employee's rate of basic pay from a rate that is contrary to law or regulation, including a reduction necessary to comply with the amendments made by Public Law 108-411, regarding pay-setting under the General Schedule and Federal Wage System and regulations implementing those amendments.

(c) *Employees covered.* This subpart covers:

(1) A career or career conditional employee in the competitive service who is not serving a probationary or trial period;

(2) An employee in the competitive service who has completed 1 year of current continuous service under other than a temporary appointment limited to 1 year or less;

(3) An employee in the excepted service who is a preference eligible in an Executive agency as defined at section 105

of title 5, United States Code, the U.S. Postal Service, or the Postal Regulatory Commission and who has completed 1 year of current continuous service in the same or similar positions;

(4) A Postal Service employee covered by Public Law 100-90 who has completed 1 year of current continuous service in the same or similar positions and who is either a supervisory or management employee or an employee engaged in personnel work in other than a purely nonconfidential clerical capacity;

(5) An employee in the excepted service who is a nonpreference eligible in an Executive agency as defined at section 105 of title, 5, United States Code, and who has completed 2 years of current continuous service in the same or similar positions under other than a temporary appointment limited to 2 years or less;

(6) An employee with competitive status who occupies a position in Schedule B of part 213 of this chapter;

(7) An employee who was in the competitive service at the time his or her position was first listed under Schedule A, B, or C of the excepted service and who still occupies that position;

(8) An employee of the Department of Veterans Affairs appointed under section 7401(3) of title 38, United States Code; and

(9) An employee of the Government Printing Office.

(d) *Employees excluded.* This subpart does not apply to:

(1) An employee whose appointment is made by and with the advice and consent of the Senate;

(2) An employee whose position has been determined to be of a confidential, policy-determining, policy-making, or policy-advocating character by the President for a position that the President has excepted from the competitive service; the Office of Personnel Management for a position that the Office has excepted from the competitive service (Schedule C); or the President or the head of an agency for a position excepted from the competitive service by statute;

(3) A Presidential appointee;

(4) A reemployed annuitant;

(5) A technician in the National Guard described in section 8337(h)(1) of title 5, United States Code, who is employed under section 709(a) of title 32, United States Code;

(6) A Foreign Service member as described in section 103 of the Foreign Service Act of 1980;

(7) An employee of the Central Intelligence Agency or the Government Accountability Office;

(8) An employee of the Veterans Health Administration (Department of Veterans Affairs) in a position which has been excluded from the competitive service by or under a provision of title 38, United States Code, unless the employee was appointed to the position under section 7401(3) of title 38, United States Code;

(9) A nonpreference eligible employee with the U.S. Postal Service, the Postal Regulatory Commission, the Panama Canal Commission, the Tennessee Valley Authority, the Federal Bureau of Investigation, the National Security Agency, the Defense Intelligence Agency, or any other intelligence component of the Department of Defense (as defined in section 1614 of title 10, United States Code), or an intelligence activity of a military department covered under subchapter I of chapter 83 of title 10, United States Code;

(10) An employee described in section 5102(c)(11) of title 5, United States Code, who is an alien or noncitizen occupying a position outside the United States;

(11) A nonpreference eligible employee serving a probationary or trial period under an initial appointment in the excepted service pending conversion to the competitive service, unless he or she meets the requirements of paragraph (c)(5) of this section;

(12) An employee whose agency or position has been excluded from the appointing provisions of title 5, United States Code, by separate statutory authority in the absence of any provision to place the employee within the coverage of chapter 75 of title 5, United States Code; and

(13) An employee in the competitive service serving a probationary or trial period, unless he or she meets the requirements of paragraph (c)(2) of this section.

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PART 752—ADVERSE ACTIONS
Subpart D—Regulatory Requirements for Removal, Suspension for More Than 14 Days, Reduction in Grade or Pay, or Furlough for 30 Days or Less

§ 752.402
Definitions.

In this subpart—

Current continuous employment means a period of employment or service immediately preceding an adverse action without a break in Federal civilian employment of a workday.

Day means a calendar day.

Furlough means the placing of an employee in a temporary status without duties and pay because of lack of work or funds or other nondisciplinary reasons.

Grade means a level of classification under a position classification system.

Indefinite suspension means the placing of an employee in a temporary status without duties and pay pending investigation, inquiry, or further agency action. The indefinite suspension continues for an indeterminate period of time and ends with the occurrence of the pending conditions set forth in the notice of action which may include the completion of any subsequent administrative action.

Pay means the rate of basic pay fixed by law or administrative action for the position held by the employee, that is, the rate of pay before any deductions and exclusive of additional pay of any kind.

Similar positions means positions in which the duties performed are similar in nature and character and require substantially the same or similar qualifications, so that the incumbent could be interchanged between the positions without significant training or undue interruption to the work.

Suspension means the placing of an employee, for disciplinary reasons, in a temporary status without duties and pay for more than 14 days.

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§ 752.403
Standard for action.

(a) An agency may take an adverse action, including a performance-based adverse action or an indefinite suspension, under this subpart only for such cause as will promote the efficiency of the service.

(b) An agency may not take an adverse action against an employee on the basis of any reason prohibited by 5 U.S.C. 2302.

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§ 752.404
Procedures.

(a) *Statutory entitlements.* An employee against whom action is proposed under this subpart is entitled to the procedures provided in 5 U.S.C. 7513(b).

(b) *Notice of proposed action.* (1) An employee against whom an action is proposed is entitled to at least 30 days' advance written notice unless there is an exception pursuant to paragraph (d) of this section. The notice must state the specific reason(s) for the proposed action, and inform the employee of his or her right to review the material which is relied on to support the reasons for action given in the notice.

(2) When some but not all employees in a given competitive level are being furloughed, the notice of proposed action must state the basis for selecting a particular employee for furlough, as well as the reasons for the furlough.

(3) Under ordinary circumstances, an employee whose removal or suspension, including indefinite suspension, has been proposed will remain in a duty status in his or her regular position during the advance notice period. In those rare circumstances where the agency determines that the employee's continued presence in the workplace during the notice period may pose a threat to the employee or others, result in loss of or damage to Government property, or otherwise jeopardize legitimate Government interests, the agency may elect one or a combination of the following alternatives:

(i) Assigning the employee to duties where he or she is no longer a threat to safety, the agency mission, or to Government property;

(ii) Allowing the employee to take leave, or carrying him or her in an appropriate leave status (annual, sick, leave without pay, or absence without leave) if the employee has absented himself or herself from the worksite without requesting leave;

(iii) Curtailing the notice period when the agency can invoke the provisions of paragraph (d)(1) of this section; or

(iv) Placing the employee in a paid, nonduty status for such time as is necessary to effect the action.

(c) *Employee's answer.* (1) An employee may answer orally and in writing except as provided in paragraph (c)(2) of this section. The agency must give the employee a reasonable amount of official time to review the material relied on to support its proposed action, to prepare an answer orally and in writing, and to secure affidavits, if the employee is in an active duty status. The agency may require the employee to furnish any answer to the proposed action, and affidavits and other documentary evidence in support of the answer, within such time as would be reasonable, but not less than 7 days.

(2) The agency will designate an official to hear the employee's oral answer who has authority either to make or recommend a final decision on the proposed adverse action. The right to answer orally in person does not include the right to a formal hearing with examination of witnesses unless the agency provides for such hearing in its regulations. Under 5 U.S.C. 7513(c), the agency may, in its regulations, provide a hearing in place of or in addition to the opportunity for written and oral answer.

(3) If the employee wishes the agency to consider any medical condition which may contribute to a conduct, performance, or leave problem, the employee must be given a reasonable time to furnish medical documentation (as defined in § 339.104 of this chapter) of the condition. Whenever possible, the employee will supply such documentation within the time limits allowed for an answer.

(d) *Exceptions.* (1) Section 7513(b) of title 5, U.S. Code, authorizes an exception to the 30 days' advance written notice when the agency has reasonable cause to believe that the employee has committed a crime for which a sentence of imprisonment may be imposed and is proposing a removal or suspension, including indefinite suspension. This notice exception is commonly referred to as the "crime provision." This provision may be invoked even in the absence of judicial action.

(2) The advance written notice and opportunity to answer are not required for furlough without pay due to unforeseeable circumstances, such as sudden breakdowns in equipment, acts of God, or sudden emergencies requiring immediate curtailment of activities.

(e) *Representation.* Section 7513(b)(3) of title 5, U.S. Code, provides that an employee covered by this part is

entitled to be represented by an attorney or other representative. An agency may disallow as an employee's representative an individual whose activities as representative would cause a conflict of interest or position, or an employee of the agency whose release from his or her official position would give rise to unreasonable costs or whose priority work assignments preclude his or her release.

(f) *Agency review of medical information.* When medical information is supplied by the employee pursuant to paragraph (c)(3) of this section, the agency may, if authorized, require a medical examination under the criteria of § 339.301 of this chapter, or otherwise, at its option, offer a medical examination in accordance with the criteria of § 339.302 of this chapter. If the employee has the requisite years of service under the Civil Service Retirement System or the Federal Employees' Retirement System, the agency must provide information concerning disability retirement. The agency must be aware of the affirmative obligations of the provisions of 29 CFR 1614.203, which require reasonable accommodation of a qualified individual with a disability.

(g) *Agency decision.* (1) In arriving at its decision, the agency will consider only the reasons specified in the notice of proposed action and any answer of the employee or his or her representative, or both, made to a designated official and any medical documentation reviewed under paragraph (f) of this section.

(2) The notice must specify in writing the reasons for the decision and advise the employee of any appeal or grievance rights under § 752.405 of this part. The agency must deliver the notice of decision to the employee on or before the effective date of the action.

(h) *Applications for disability retirement.* Section 831.1204(e) of this chapter provides that an employee's application for disability retirement need not delay any other appropriate personnel action. Section 831.1205 and § 844.202 of this chapter set forth the basis under which an agency must file an application for disability retirement on behalf of an employee.

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§ 752.405
Appeal and grievance rights.

(a) *Appeal rights.* Under the provisions of 5 U.S.C. 7513(d), an employee against whom an action is taken under this subpart is entitled to appeal to the Merit Systems Protection Board.

(b) *Grievance rights.* As provided at 5 U.S.C. 7121(e)(1), if a matter covered by this subpart falls within the coverage of an applicable negotiated grievance procedure, an employee may elect to file a grievance under that procedure or appeal to the Merit Systems Protection Board under 5 U.S.C. 7701, but not both. Sections 7114(a)(5) and 7121(b)(1)(C) of title 5, U.S. Code, and the terms of an applicable collective bargaining agreement, govern representation for employees in an exclusive bargaining unit who grieve a matter under this subpart through the negotiated grievance procedure.

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§ 752.406
Agency records.

The agency must maintain copies of, and will furnish to the Merit Systems Protection Board and to the employee upon his or her request, the following documents:

(a) Notice of the proposed action;

(b) Employee's written reply, if any;

(c) Summary of the employee's oral reply, if any;

(d) Notice of decision; and

(e) Any order effecting the action, together with any supporting material.

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§ 752.601 Coverage.

(a) *Adverse actions covered.* This subpart applies to suspensions for more than 14 days and removals from the civil service as set forth in 5 U.S.C. 7542.

(b) *Actions excluded.* (1) An agency may not take a suspension action of 14 days or less.

(2) This subpart does not apply to actions taken under 5 U.S.C. 1215, 3592, 3595, or 7532.

(c) *Employees covered.* This subpart covers the following appointees:

(1) A career appointee—

(i) Who has completed the probationary period in the Senior Executive Service;

(ii) Who is not required to serve a probationary period in the Senior Executive Service; or

(iii) Who was covered under 5 U.S.C. 7511 immediately before appointment to the Senior Executive Service.

(2) A limited term or limited emergency appointee—

(i) Who received the limited appointment without a break in service in the same agency as the one in which the employee held a career or career-conditional appointment (or an appointment of equivalent tenure as determined by the Office of Personnel Management) in a permanent civil service position outside the Senior Executive Service; and

(ii) Who was covered under 5 U.S.C. 7511 immediately before appointment to the Senior Executive Service.

(d) *Employees excluded.* This subpart does not cover an appointee who is serving as a reemployed annuitant.

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§ 752.602
Definitions.

In this subpart—

Career appointee, limited term appointee, and *limited emergency appointee* have the meaning given in 5 U.S.C. 3132(a).

Day means calendar day.

Suspension has the meaning given in 5 U.S.C. 7501(2).

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§ 752.603
Standard for action.

(a) An agency may take an adverse action under this subpart only for reasons of misconduct, neglect of duty, malfeasance, or failure to accept a directed reassignment or to accompany a position in a transfer of function.

(b) An agency may not take an adverse action under this subpart on the basis of any reason prohibited by 5 U.S.C. 2302.

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§ 752.604
Procedures.

(a) *Statutory entitlements.* An appointee against whom action is proposed under this subpart is entitled to the procedures provided in 5 U.S.C. 7543(b).

(b) *Notice of proposed action.* (1) An appointee against whom an action is proposed is entitled to at least 30 days' advance written notice unless there is an exception pursuant to paragraph (d) of this section. The notice must state the specific reason(s) for the proposed action, and inform the appointee of his or her right to review the material that is relied on to support the reasons for action given in the notice.

(2) Under ordinary circumstances, an appointee whose removal has been proposed will remain in a duty status in his or her regular position during the advance notice period. In those rare circumstances where the agency determines that the appointee's continued presence in the work place during the notice period may pose a threat to the appointee or others, result in loss of or damage to Government property, or otherwise jeopardize legitimate Government interests, the agency may elect one or a combination of the following alternatives:

(i) Assigning the appointee to duties where he or she is no longer a threat to safety, the agency mission, or Government property;

(ii) Allowing the appointee to take leave, or carrying him or her in an appropriate leave status (annual, sick, leave without pay, or absence without leave) if the appointee has absented himself or herself from the worksite without requesting leave;

(iii) Curtailing the notice period when the agency can invoke the provisions of paragraph (d) of this section; or

(iv) Placing the appointee in a paid, nonduty status for such time as is necessary to effect the action.

(c) *Appointee's answer.* (1) The appointee may answer orally and in writing except as provided in paragraph (c)(2) of this section. The agency must give the appointee a reasonable amount of official time to review the material relied on to support its proposed action, to prepare an answer orally and in writing, and to secure affidavits, if the appointee is in an active duty status. The agency may require the appointee to furnish any answer to the proposed action, and affidavits and other documentary evidence in support of the answer, within such time as would be reasonable, but not less than 7 days.

(2) The agency will designate an official to hear the appointee's oral answer who has authority either to make or to recommend a final decision on the proposed adverse action. The right to answer orally in person does not include the right to a formal hearing with examination of witnesses unless the agency provides for such hearing in its regulations. Under 5 U.S.C. 7543(c), the agency may in its regulations provide a hearing in place of or in addition to the opportunity for written and oral answer.

(3) If the appointee wishes the agency to consider any medical condition that may have affected the basis for the adverse action, the appointee must be given reasonable time to furnish medical documentation (as defined in § 339.104 of this chapter) of the condition. Whenever possible, the appointee will supply such documentation within the time limits allowed for an answer.

(d) *Exception.* Section 7543(b)(1) of title 5, U.S. Code, authorizes an exception to the 30 days' advance written notice when the agency has reasonable cause to believe that the appointee has committed a crime for which a sentence of imprisonment may be imposed and is proposing a removal or suspension. This notice exception is commonly referred to as the "crime provision." This provision may be invoked even in the absence of judicial action.

(e) *Representation.* Section 7543(b)(3) of title 5, U.S. Code, provides that an appointee covered by this part is entitled to be represented by an attorney or other representative. An agency may disallow as an appointee's representative an individual whose activities as representative would cause a conflict of interest or position, or an employee of the agency whose release from his or her official position would give rise to unreasonable costs or whose priority work assignments preclude his or her release.

(f) *Agency review of medical information.* When medical information is supplied by the appointee pursuant to paragraph (c)(3) of this section, the agency may, if authorized, require a medical examination under the criteria of § 339.301 of this chapter, or otherwise, at its option, offer a medical examination in accordance with the criteria of § 339.302 of this chapter. If the appointee has the requisite years of service under the Civil Service Retirement System or the Federal Employees' Retirement System, the agency must provide information concerning disability retirement.

The agency must be aware of the affirmative obligations of the provisions of 29 CFR 1614.203, which require reasonable accommodation of a qualified individual with a disability.

(g) *Agency decision.* (1) In arriving at its decision, the agency will consider only the reasons specified in the notice of proposed action and any answer of the appointee or the appointee's representative, or both, made to a designated official and any medical documentation reviewed under paragraph (f) of this section.

(2) The notice must specify in writing the reasons for the decision and advise the appointee of any appeal rights under § 752.605 of this part. The agency must deliver the notice of decision to the appointee on or before the effective date of the action.

(h) *Applications for disability retirement.* Section 831.1204(e) of this chapter provides that an appointee's application for disability retirement need not delay any other appropriate personnel action. Section 831.1205 and § 844.202 of this chapter set forth the basis under which an agency must file an application for disability retirement on behalf of an appointee.

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§ 752.605
Appeal rights.

(a) Under 5 U.S.C. 7543(d), a career appointee against whom an action is taken under this subpart is entitled to appeal to the Merit Systems Protection Board.

(b) A limited term or limited emergency appointee who is covered under § 752.601(c)(2) also may appeal an action taken under this subpart to the Merit Systems Protection Board.

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§ 752.606
Agency records.

The agency must maintain copies of, and will furnish to the Merit Systems Protection Board and to the appointee upon his or her request, the following documents:

(a) Notice of the proposed action;

(b) Appointee's written reply, if any;

(c) Summary of the appointee's oral reply, if any;

(d) Notice of decision; and

(e) Any order effecting the action, together with any supporting material.

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Chairman CHAFFETZ. Thank you. Now recognize the gentleman from South Carolina, Mr. Gowdy, for 5 minutes.

Mr. GOWDY. Thank you, Mr. Chairman.

Director Clancy, do you believe Congress has a constitutional right to provide oversight over the Secret Service?

Mr. CLANCY. Yes, sir.

Mr. GOWDY. Do you believe that Chairman Chaffetz and Ranking Member Cummings are motivated solely by a desire to see what is best for the President, and for the agency, itself?

Mr. CLANCY. Yes, sir.

Mr. GOWDY. With those two thoughts in mind, does this Committee have every single bit of video footage available from that evening?

Mr. CLANCY. I'm sorry, sir. Would you——

Mr. GOWDY. Does this Committee have all available video footage from that evening?

Mr. CLANCY. It does not, sir.

Mr. GOWDY. Why not?

Mr. CLANCY. Sir, we have provided that footage video that we have to this Committee.

Mr. GOWDY. All of it?

Mr. CLANCY. We have shown two clips. We have not shown all of it.

Mr. GOWDY. That's not my question, Director. You just said that Congress has a constitutional responsibility to provide oversight. You just agreed with me that Ranking Member Cummings and Chairman Chaffetz have the best interest of the President and the agency in mind, so why would you not turn over all video footage to this Committee?

Mr. CLANCY. Congressman, we will show all video at any time day or night that this Committee would like to review the footage that we have. We will—we have done that. In fact, the Chairman was the first, I believe, to see this video before we showed——

Chairman CHAFFETZ. With all due respect, that's not true. Go ahead, Mr. Gowdy.

Mr. GOWDY. No, I would want——

Mr. CLANCY. Mr. Chairman, I'd like to just correct—if I have to correct the record, I'd like to correct it.

Mr. GOWDY. I would like to yield to the gentleman from Utah, because I was under the misapprehension, apparently, that this Committee was not in possession of all available video from that night.

Mr. CLANCY. That's correct; they are not in possession of the video, but we did allow the Chairman to view the video.

Chairman CHAFFETZ. You've shown us less than 1 minute of video.

Mr. CLANCY. Yes. Yes, sir.

Mr. GOWDY. Well, back to my question. Will you make all available video, and I say available because we're going to get in a second to the fact that all of it was not preserved. Will you make all available video available to this Committee?

Mr. CLANCY. We will make all video available to this Committee for your review at any time day or night.

Mr. GOWDY. Will you make a copy of it available so we can retain custody, as opposed to simply showing it to us?

Mr. CLANCY. I will not release a copy of this video at this point.

Mr. GOWDY. Why not?

Mr. CLANCY. The OIG has an ongoing investigation.

Mr. GOWDY. You think the OIG's responsibilities supersede those of Congress?

Mr. CLANCY. Sir, I know that they have an ongoing investigation.

Mr. GOWDY. Well, can't you have simultaneous ongoing investigations? Why can't Congress provide oversight while the IG is investigating? Why do you have to pick and choose?

Mr. CLANCY. Sir, again, I think we have one initial investigation from the OIG, and we've given them the film to look at.

Mr. GOWDY. But you understand the responsibility of the IG is very different from the responsibility of Congress. Congress determines funding among other things, the IG does not. So, those two are not exclusive. Why can't Congress investigate what's in its jurisdiction while the IG does what's in its jurisdiction?

Mr. CLANCY. Congressman, I'm sure after the OIG's investigation——

Mr. GOWDY. I don't want to wait until after, because that makes me think that you believe that Congress' constitutional responsibility to provide oversight is subservient to the IG. And surely to the world, you can't believe that.

Mr. CLANCY. Sir, the ongoing investigation that the Secret Service has, as well, regarding the Protective Intelligence case, we have an individual who committed a crime, made a threat, and that investigation is also going on at this time within the Secret Service.

Mr. GOWDY. And how will providing that video footage to Congress jeopardize that ongoing investigation?

Mr. CLANCY. That——

Mr. GOWDY. With precision, how will it?

Mr. CLANCY. That video shows the actions of the individual who would be accused of a criminal act.

Mr. GOWDY. I get that. My question is, how will providing that to Mr. Cummings and Mr. Chaffetz jeopardize an ongoing investigation?

Mr. CLANCY. Well, again——

Mr. GOWDY. With specificity.

Mr. CLANCY. I am happy to show that video all day, and be available at all hours of the day and night to show that video, but at this point we cannot release that video.

Mr. GOWDY. All right. That's the video that is available. The video that is not available, will you agree with me that there are at least two potential crime scenes at play on the evening of March 4th, at least two? There's an assault on an officer, and there's a suspicious package.

Mr. CLANCY. That's correct.

Mr. GOWDY. All right. Why would the video not be preserved as part of that ongoing investigation that you just cited as the reason you can't give the video to Congress? Why wouldn't you preserve it?

Mr. CLANCY. The process—my understanding of the process is that the watch commander onsite relays back the incident that he

is the incident commander for, and he calls back to our Joint Operation Center and says we do have an incident here. We have a suspicious package. Preserve the video from this incident.

Mr. GOWDY. Director, I'm out of time, but I want you to consider for just a moment the dueling narratives that you just portrayed.

Mr. CLANCY. Sir.

Mr. GOWDY. No. 1, we're not going to give the video that does exist to Congress because its investigation is subservient to the IG investigation. That's narrative No. 1. And narrative No. 2 is, you're not even going to preserve video that could be used in a investigation of two potential crimes. Did I hear that right?

Mr. CLANCY. Well, we did preserve the video, the footage from the incident as those in the Joint Operation Center viewed it.

Mr. GOWDY. Are you familiar——

Chairman CHAFFETZ. The gentleman's time has expired.

Mr. GOWDY. Well, some of my time was taken by the Chairman, but that is the Chairman's prerogative, and I would, of course, not ask for any more.

Chairman CHAFFETZ. And the Chairman, obviously, made the right ruling.

Mr. GOWDY. I yield back.

Chairman CHAFFETZ. Good decision. We'll now recognize the gentlewoman from the District of Columbia, Ms. Norton, for 5 minutes.

Ms. NORTON. Thank you, Mr. Chairman.

I think, Mr. Clancy, that you understand that the kind—the anger, the outrage that you hear really comes from this notion that you are a zero failure agency. We don't expect that, frankly, of most Federal officials.

I was really surprised to see that you were just now, and I'm reading from your testimony on page 3, sent an agency-wide memorandum saying that they have to report allegations, apparently, right away. When, for example, before you came to the agency, you knew of the White House incident where they actually shot into the White House, and they learned about that, the Secret Service learned about it perhaps months later when an attendant found these bullets. It seems to me that the very first order that should have been given is please let me know. Don't put me on the hot seat of not knowing.

And I say that, because I think the Committee did the right thing. It began at the right place with the leadership. So, we said we wanted new leadership. You're the new leadership. It said we want an expert panel. We had that expert panel.

Now, I think we ought to go—I realize you've not been in place for a very long time, but I'd like to focus us on the men and women who are under you, because I don't think there's been any focus except for that panel. And that panel really did focus on what I was amazed to hear that people were working sometimes 14 days, and with a day off, if they got it, but it could be denied. And that—and I tried to link this to what I knew about the Secret Service. A kind of serial misconduct, you know, in Columbia, for example, in the Netherlands, all of the drunken agents.

Well, see, I don't think that the Secret Service is a bunch of bums. I've got to look at what is happening to these men and women. I asked the staff to get—tell me something, are these peo-

ple being trained? Are these people kind of letting it all out? And it looks like some of that is happening. And nobody's spoken up, and if somebody doesn't speak up, I'm not sure that this misconduct is not going to continue. This also was a drunken incident.

Then I learned that in terms of the training, there's barely any training going on at the Secret Service. There were eight special agent basic classes in 3 years, 1908, 1909, and 1910, but 2012 there were zero, by 2013 there was one. The panel said that you needed staff urgently, for starters. What is the problem? Is the problem with the leadership, is the problem with the men and women, you're not getting good people? Why don't you speak up for these men and women? If, in fact, they're letting off steam because you're overworking them, are they being overworked? Will this budget that you've just gotten begin to relieve some of those serial days in which people don't get any days off?

So, would you describe that, and would you tell us more about training, and what training sessions are expected so that some of this misbehavior will be understood to be absolutely verboten.

Mr. CLANCY. Yes. Congresswoman, thank you. I have the same concerns you have. In fact, I want to hear more and more from these agents and these officers what their issues are.

Just in a nutshell, I'll tell you that I walk by and around the perimeter of the White House frequently. This past Sunday, I went to the Roll Call Midnight Shift, the following morning went to the Roll Call, and wanted to hear what are their concerns. And in terms of the staff——

Ms. NORTON. But you can see what their concerns are, you know, the days off. Are people going to—according to the panel, the agents were consistently working 12-hour shifts under high stress, often with no days off. Is that going to change now that your budget has finally been released by the Congress, which has to take some of the responsibility for what's been happening, as well?

Mr. CLANCY. Again, you're exactly right. When I first came back here, my No. 1 initiative was to increase the staffing. We've got to increase staffing, and to do that, we've separated one of our directorates, which is H.R. and Training. We separated them apart to give each more specific training. And we have been working overtime to buildup——

Ms. NORTON. You had a little class for 2013, there was only one class. If you need more agents and need more training——

Mr. CLANCY. Yes.

Ms. NORTON [continuing]. With this new appropriation is there going to be another class of agents trained, and will the agents who are there who used to get training I understand every 4 weeks or so, will they have that regimen of training again?

Mr. CLANCY. Yes. In fact, we will exceed our goals this year. We have six UD Officer's classes, and six special agent classes that were scheduled. We will now go to nine and eight classes, so we expect to hire a lot more people in Fiscal Year 15, and continue that into 1916. That is a critical need for the Service, and that will also help with getting more people out to training. In fact, since September 19th, the Uniform Division training has increased 110 percent. That's just a snapshot that we've got to keep the momentum going. And with the agent side of the house, and the Presi-

dent's detail, that training has increased 78 percent. Again, not where we want to be, but as we increase the staff we'll get more training for our people.

Chairman CHAFFETZ. I thank the gentlewoman. Now recognize the gentleman from Florida, Mr. Mica, for 5 minutes.

Mr. MICA. Thank you, Mr. Chairman. And good morning, Mr. Director.

I've got some questions. I guess this is sort of another gotcha hearing. We just have incident after incident. We've had Cartagena, we have the fence jumper, we have this most recent one. And you testified that you cannot take action because—on personnel as far as discipline because of Title V. But as Chapter 102 of Title V sets some requirements, have you seen a draft that was prepared last year? Can you give the Director a copy of this draft? It's Deliberate Draft 72214, and its amendments to the hiring, managing, and discipline of its work force. This is amendments for Secret Service.

So, rather than just talk about more incidents, let's get down to the brass tacks of the issues you face. Right?

First is hiring. Right?

Mr. CLANCY. Yes.

Mr. MICA. You've got to hire good people. You came and you said you need more people. I submit that you need better people, and you need better qualifications.

When I left the White House about a week ago, I followed a Secret Service car just by accident and I said, "What's that on the bumper?" And it's actually soliciting for folks to work on the bumper of a police vehicle. This is the way we hire folks for the Secret Service.

I didn't know your predecessor, Ms. Pierson, although she came from my local town. She called me after she was there for a while and she says, "It's very difficult to get this place under control. I've got to have some ability to hire better qualified people." I didn't know that you didn't need a college education for some of those positions. Is that correct?

Mr. CLANCY. That's correct.

Mr. MICA. She said that by law we've dumbed down the qualifications. So, first you've got to hire people. You don't hire them with an advertisement on a bumper of a vehicle. You want qualified personnel with the highest qualifications. Right?

Second, you've got to be able to manage those personnel. And she asked for these things way back; in fact, on July 2d there was a meeting with Government Reform staff. Do you know where these recommendations are? I was told they went back to DHS.

Mr. CLANCY. We have——

Mr. MICA. Where these suggestions for improvement are. Do you know where they are? Does anyone know? I want to know where they are, because they've been sitting around. She knew what was wrong before, you know, she was railroaded out. You'll be railroaded out, too, if we don't make changes. But the fault is in the guidelines that you have to follow.

She told me managing personnel, administering them, you have a 20-year, I guess, retirement, then you have to retire on the law enforcement side?

Mr. CLANCY. That's-the older plan was a 20-year retirement, but the FERS is not 20 years.

Mr. MICA. OK. Well, in any event, when you get to the retirement, then it took 2 years to get people trained for SES positions. That still exists. Right?

Mr. CLANCY. Yes.

Mr. MICA. OK. She said that needed to be changed, because the time we're able to administer, you're hiring people getting the best qualified. Then you want the best administration. Right?

Mr. CLANCY. Yes.

Mr. MICA. OK. so, we have an impediment in that she asked for that change. Nothing's been done. It's probably sitting somewhere over—then, finally, she said to hold people accountable; Secret Service holding protectors accountable. That's what this hearing is about.

She asked for the ability to hire and fire an exempt agency under Title V. Do you agree with that?

Mr. CLANCY. Yes, we do.

Mr. MICA. And that's one of her recommendations. But we have to do that, because you—we heard oh, there's no command. Well, hell, you don't have the ability to command, because your hands are tied by Title V. You can't hire and fire. You have to go through this layer.

I chaired Civil Service, and I know how difficult it is to get rid of folks, even discipline folks. Most people are just moved horizontally to some other position. Isn't that just the case?

Mr. CLANCY. That's correct, yes.

Mr. MICA. OK. So, again, you've got to have the ability to hire and fire.

This proposal, I submit, which was last July, and I read the recommendations of the little group that came up with some. Until you address this fundamental problem, that Director, or whoever succeeds him will not succeed in managing his personnel, because one, he can't hire people that are qualified. Two, he can't manage or administer those folks. And, three, can't discipline, and hire and fire people that need to be held accountable. Is that right, basically?

Mr. CLANCY. Basically, yes, sir.

Mr. MICA. OK. And, finally, if a bullet hits the White House, a window, or the building, has something been done to address that? You talked about the fence.

Mr. CLANCY. Yes, we have procedures now if there's any—anything hits the White House. We have instituted procedures since 2011.

Mr. MICA. And I'd like to know more for the record, or behind the scenes about drones, and how they can penetrate the perimeter. Thank you. Yield back.

Chairman CHAFFETZ. Thank the gentleman. Now recognize the Ranking Member, Mr. Cummings, for 5 minutes.

Mr. CUMMINGS. Thank you very much.

Director Clancy, I want to get down to something that you said, that you said was unacceptable, and that is when you found out about this incident. You learned of these allegations on May 9th,

which was 5 days after the incident occurred. And that is a big concern for me, and I know it is for this Committee, too.

First and foremost, there's no doubt that you should have been informed about this incident immediately. Is that right?

Mr. CLANCY. That's correct. Yes, sir.

Mr. CUMMINGS. So, you should have been informed about it the day of.

Mr. CLANCY. Yes, that's correct.

Mr. CUMMINGS. At our briefing last week, you told us that no one in the immediate office had been aware of this incident. Is that correct?

Mr. CLANCY. That's correct.

Mr. CUMMINGS. Last week you testified that the Secret Service personnel should have reported this incident up the chain. If I have this right, they should have reported as follows: from personnel on the ground to the Deputy Chief of the Uniform Division, to the Special Agent-in-Charge of Presidential Protective Division, to the Assistant Director of Protective Operations, and then to you. Is that correct?

Mr. CLANCY. That's correct.

Mr. CUMMINGS. Now, yesterday, the Secret Service produced documents to the Committee indicating that the Deputy Chief of the Uniform Division, Alfonso Dyson, became aware of these allegations on the night of the incident.

Mr. CLANCY. That's correct.

Mr. CUMMINGS. According to a briefing she sent to the Inspector General, and I quote; and I guess the briefing sheet is what you sent to start the investigation in the Inspector General's Office. Is that right?

Mr. CLANCY. That's correct. And let me, if I can, correct the record, because I know I met with you and other members in a closed door briefing, and you had asked how was that process started? And I said, "I think it's a phone call." And it was started with a phone call, but I found out subsequently that there is a followup letter which is what we provided to you, that followup letter with our preliminary findings the very first day, on the 9th.

Mr. CUMMINGS. So, in his—in the briefing sheet it says, and I quote: "Deputy Chief Dyson advised that he was familiar with an incident involving DSAIC Connolly and ATSAIC Ogilvie, and was briefed about the incident on the evening of March 4th, 2015."

Mr. CLANCY. Yes.

Mr. CUMMINGS. So, Director, if the Deputy Chief of the Uniform Division knew about the allegations, did he alert the Special Agent-in-Charge of the Presidential Protective Division? Did he?

Mr. CLANCY. I don't know, sir. I'm going to tell you that I am infuriated that I have not been advised on March 4th. Why I didn't hear any of that information, I don't know, but I will tell you that the Deputy Chief needed to raise that up through the chain of command. And this is something that I've been battling since I first came back, in a very brief time here. I've been back about 30 days, and we are working furiously to try to break down these barriers where people feel that they can't talk up the chain.

I can tell you personally, I'm going out and reaching out to people, going to these roll calls and individually. We've got our Assist-

ant Director of Investigations going out to the field talking to people. We've got our Assistant Director of Protective Operations going out talking to people. We've made all these avenues through ombudsmen, through hotlines and web pages to even anonymously get information up the chain. And why it didn't happen in this case, I don't know. If you're not comfortable, and our work force I'm sure is listening today, if you're not comfortable going up through your chain of command, you have all these other avenues anonymously. You can go and report incidents of misconduct, or whatever you want to report, but you've got to make use of these outlets.

Mr. CUMMINGS. Let me ask you this. How about the Assistant Director for Protective Operations, when did he learn about these allegations? Do you know?

Mr. CLANCY. I don't know—well, March 9th. March 9th, because when I found out. I found out the morning of March 9th. I reached out to the Assistant Director of Protective Operations. He did not know at that point. I asked him to go find what he knew about it, what he could find out about it.

Mr. CUMMINGS. All right. I understand there's an ongoing IG investigation, but according to your own testimony you did not learn about these allegations from anyone at the Secret Service. Correct?

Mr. CLANCY. That's correct.

Mr. CUMMINGS. I'm concerned about whether there's still a problem with the chain of command right now, and it sounds like there is. Based on what you know today, who is the highest ranked person who knew about this incident and failed to report it, to your knowledge?

Mr. CLANCY. To my knowledge, again, on March 9th is when I was given all the details we had, and we turned it over to the OIG. Then I stepped out of it. In all candor, right or wrong, I compartmentalize things, and I didn't want to see it. The Deputy Chief is the last one that was—that's how it went.

Mr. CUMMINGS. Well, on more than one time here this morning you said you had a meeting with your higher ups.

Mr. CLANCY. Yes.

Mr. CUMMINGS. And you told them, this is—you're not going to tolerate this. Did you ask them, any of them, did you all know about this?

Mr. CLANCY. No, I didn't. I was very blunt with what was my——

Mr. CUMMINGS. Whoa, whoa, whoa, whoa. Rewind.

Mr. CLANCY. Yes.

Mr. CUMMINGS. These are your top people. Right?

Mr. CLANCY. Yes.

Mr. CUMMINGS. Would that be the top—the eight Assistants?

Mr. CLANCY. There would be more than that in this room. At that point, there were——

Mr. CUMMINGS. But you never asked them, you didn't say, ladies and gentlemen, who knew about this?

Mr. CLANCY. I did not.

Mr. CUMMINGS. Why not?

Mr. CLANCY. At that point, I honestly did not want to interfere with this OIG investigation. I wanted no indication where I might be pressuring someone, no indication that we've reached out to peo-

ple, or people to leave that room and say hey, the Director is asking for more information. I wanted to give this OIG complete ownership of this investigation.

Mr. CUMMINGS. Just one last question, Mr. Chairman. Director, at any time did you have a staff meeting where you would have expected—I mean, you know, you and I have talked about the sacred trust in Secret Service, these jobs of honor. Would you have expected—did you have any meeting amongst your higher ups where you would have expected somebody who knew about this to say it to you?

Mr. CLANCY. Absolutely. Absolutely. When I heard this on March 9th, I was in disbelief. I didn't believe it, but I called the ADMPO and said hey, look, run this out. But I honestly could not believe, especially over that timeframe.

Mr. CUMMINGS. Thank you, Mr. Chairman.

Chairman CHAFFETZ. Now recognize the gentleman from Tennessee, Mr. Duncan, for 5 minutes.

Mr. DUNCAN. Thank you, Mr. Chairman.

Director Clancy, all over this country there's been a growing belief for many years now that the Federal Government and many top-level Federal employees have been becoming more and more bureaucratic, elitist, arrogant, and there's—along with this, there's been a growing belief that we've ended up with a government that's out vying for the bureaucrats instead of one that is up vying for the people. And when you refuse to allow these four witnesses to come here and testify to us who are supposed to represent the people as best we can, when you refuse to allow these four witnesses to come, and you refuse to release most of the video that's been requested, you should realize that this looks very bureaucratic, elitist, and arrogant.

And it looks as though you feel you're working—you're not really working for the people of this country, that you're working to protect the people of the Secret Service. And last week in the House Appropriations Committee, Chairman Rogers said in a very strong, very emphatic way that he felt there should be terminations and firings for all these incidents that have happened. And I hope that you agree with that.

I assume that you are close friends with Mr. Connolly and Mr. Ogilvie, but I hope that you feel that you have more of a duty to the people of this country than you have a duty to protect Mr. Ogilvie and Mr. Connolly, and the others who have been involved in this other instance. What do you have to say about that?

Mr. CLANCY. Sir, you're absolutely correct, and I've already made changes in our agency of people that I know, and who served honorably, but I wanted a fresh perspective. Friends of mine, I have moved them, offered them positions in other components in DHS, so I'm not opposed to moving people that I know. It's all about the agency. In terms of

Mr. DUNCAN. Well, that's one of the problems, though. Too often, Federal employees who really mess up, they aren't really disciplined. They're not cut in pay, they're not fired, they're not terminated, they're just moved to a nice desk job someplace else. And I've already been told that Ogilvie and Connolly have been moved

to some other desk job someplace, and not much at all has been done to them.

I'm going to yield the balance of my time, though, to Mr. Gowdy. I think he has another question or two that he wishes to ask.

Mr. GOWDY. Thank the gentleman from Tennessee.

Director, who has custody of the video that was retained and preserved?

Mr. CLANCY. Our Technical Security Division.

Mr. GOWDY. And who has the power to make a copy of that video and turn it over to Mr. Cummings and Mr. Chaffetz?

Mr. CLANCY. Sir, I would in consultation with my legal counsel, but I've got to be honest with you. I don't know that for certain. I'm relatively new in the position. I'll have to go back——

Mr. GOWDY. Well, to the extent that you do have the power, or you have influence over those who do have power, will you recommend that a copy of all video footage be made available to Mr. Cummings and Mr. Chaffetz?

Mr. CLANCY. Congressman, I'll certainly talk to our department and with our legal counsel.

Mr. GOWDY. Well, you don't need lawyers for everything. I mean, you've got a bunch of them on this panel. And I'm telling you, if the only excuse they have for not turning it over is there some theoretical, potential investigation or prosecution, I promise Mr. Cummings and Mr. Chaffetz, they're not going to interfere with either one. I'll promise you that.

Mr. CLANCY. Yes, sir.

Mr. GOWDY. So, we can eliminate that concern. Now, will you turn over all available video to Mr. Cummings and Mr. Chaffetz.

Mr. CLANCY. Again, the video will be available at all times, but I will go back to the department within our agency and revisit this.

Mr. GOWDY. Do you know if there was, emphasis on the word "was," video footage of the alleged officer misconduct?

Mr. CLANCY. No, I'm not aware.

Mr. GOWDY. You don't know whether any of the cameras were trained on the car that these two agents were in?

Mr. CLANCY. The only video I'm aware of, Congressman, is what we have provided as they entered the gate at the South Park.

Mr. GOWDY. Well, do you have a policy of retention and preservation of any video that could be potentially part of a criminal investigation, or officer misconduct? Is that part of your policy?

Mr. CLANCY. Yes, we retain video that is related to any incident on the complex.

Mr. GOWDY. So, if there were video of that, no one would have taped over it, or destroyed it.

Mr. CLANCY. The video would not have been destroyed if there was—if someone saw an incident somewhere else in the complex, yes.

Mr. GOWDY. How about taped over, would it have been taped over?

Mr. CLANCY. Well, by practice, it's automatic. You have to—my understanding is, you have to selectively decide what you want to preserve; otherwise——

Mr. GOWDY. Wouldn't potential officer misconduct be one of those things that you wanted to preserve?

Mr. CLANCY. Without knowing the facts, I don't know what took place beyond that entry point.

Mr. GOWDY. I yield to the Chairman.

Chairman CHAFFETZ. Thank the gentleman. The gentleman's time has expired. We now recognize the gentleman from Massachusetts, the Ranking Member of the Subcommittee on National Security, Mr. Lynch.

Mr. LYNCH. Thank you, Mr. Chairman.

I'm a little bit, more than a little bit put out by the willful ignorance here. You know, when you—let's just back up a second. The Secret Service is an intelligence gathering organization, and then you don't ask questions, and you destroy evidence.

I guess the—I'm trying to have faith, I really am. And I offer no disrespect whatsoever. I think you're an honorable man, but I'll tell you, this whole system—you said at the tail end of your testimony that you had implemented a change to go to 7 days retention of video. Is that correct?

Mr. CLANCY. That's correct.

Mr. LYNCH. So, we went from 72 hours now to 7 days.

Mr. CLANCY. That's correct, with the intent to look at our storage capabilities to go beyond that.

Mr. LYNCH. All right. I'm actually going to—if we have to do it legislatively, the fact that the Department of Homeland Security requires Logan Airport to retain their video tapes, TSA, for 30 days, if I have to do it legislatively, I'm going to make a recommendation that we have—we adopt legislation that requires that Secret Service keep video for 30 days, if that's what we've got to do.

Director Clancy, who is responsible, who is the individual responsible for Technical Security Division, because I want to send them a subpoena, as well. They're not on this list of folks that we had, but who's that person?

Mr. CLANCY. OK. Now, he is relatively new in the position, just——

Mr. LYNCH. That's OK.

Mr. CLANCY. Joseph DePietro is the Chief of the Technical Division now.

Mr. LYNCH. OK. So, would it be correct in me assuming that he is responsible for that whole surveillance around the White House, and the technology, the tapes, you know, the purging or scrubbing of the tapes, and all that? Is that the person I want?

Mr. CLANCY. Yes, he would be able to talk to those questions that you have.

Mr. LYNCH. OK.

Mr. CLANCY. Yes.

Mr. LYNCH. All right. And we would give him a subpoena deuces tecum, as well, to have him bring whatever information he has. That would be good.

You know, I mean, the local Piggly Wiggly, my local supermarket has 30 days of retained tapes, so it's—you know, by scrubbing those tapes, not asking for questions, it just—and coming from an intelligence gathering organization, it's just—it leaves me almost speechless. And I just can't imagine a more deliberate attempt not to understand the nature of the problem.

Let me see. What's the penalty—now, it's clear from the tape that the two officers drove into an active bomb investigation. I don't think there's any question about that. Right? Mr. Ogilvie and the other gentleman, I'm blanking on his name, but the two agents.

Mr. CLANCY. Mr. Connolly.

Mr. LYNCH. Mr. Connolly. OK. So, you have an active bomb investigation going on, and they drive right into the—you know, they drive right through it. I guess they were going back to—they left their car at the White House, so they were going to get their car, I understand that. But in the meantime, they drove right through an active bomb investigation. Any disagreement on that?

Mr. CLANCY. I don't know the facts in terms of going to get a vehicle, but I know they absolutely drove through an active investigation.

Mr. LYNCH. OK. So, there's no question about that. And, yet, we reassign them, so we know that. We don't even ask them questions about that, and yet, we just reassign them to desk jobs. There's no discipline at all. What's the thinking behind that?

Mr. CLANCY. To put them on administrative leave, they would have administrative leave with pay, and I felt that we could still get some work out of them. And, also, I didn't want to do the discipline in a piecemeal fashion.

Mr. LYNCH. Well, I need to interrupt you right there. The signal that you're sending to every other Secret Service agent, Uniformed and PPD, is that those folks were not penalized at all for doing what they did. And so, you didn't remove them, you didn't remove them. You know, I think it would have been a clear signal to send to every other member of the Secret Service that those two guys screwed up, and they're gone for now. And we're going to hold them responsible. Instead, and now you're thinking about OK, they'll be sitting at home instead of working. But I think on balance, I think it was more important, especially with the history we've got here of folks shooting at the White House, and jumping over the fence, and it's like the Keystone Cops here. So, you know, I think it would be more important message to send to the employees that these guys screwed up, and they are being held accountable, rather than just putting them on a desk job.

Mr. CLANCY. And, Congressman, rest assured, once we get the final report which, again, I'm told will be weeks, people will be held accountable.

Mr. LYNCH. Yes.

Mr. CLANCY. And I can understand the frustration for many here on the Committee, as well as within our work force, but they're looking to see how are these things handled, and how do you handle agents as opposed to Uniform Division.

Mr. LYNCH. Yes.

Mr. CLANCY. So, I respect your view, sir.

Mr. LYNCH. I just want to—in closing, I just want to say there needs to be a rapid response to these incidents. We can't put this into a bureaucratic process where I get an answer in 8 weeks, or 10 weeks.

Mr. CLANCY. Yes, sir.

Mr. LYNCH. That cannot happen. We need to—you need to have the ability to act right now on an incident like that, rather than,

you know, file some forms, and bring in somebody else and, you know, engage in willful ignorance, and let somebody else handle the stuff.

You're in that spot because you're very capable, and we need to—in the future, we need you to have the ability to act. I'll yield back.

Chairman CHAFFETZ. Thank you gentleman. Now recognize the gentleman from North Carolina, Mr. Meadows, for 5 minutes.

Mr. MEADOWS. Thank you, Mr. Chairman.

Mr. Clancy, thank you for your testimony. I want to return to what you said earlier about meeting with your senior staff and not asking what they knew. When did that happen?

Mr. CLANCY. Sir, it happened—forgive me, sir, my memory with everything else is converging. If somebody can—Wednesday.

Mr. MEADOWS. Wednesday.

Mr. CLANCY. Yes.

Mr. MEADOWS. Wednesday, what date?

Mr. CLANCY. That would have been the 11th.

Mr. MEADOWS. All right. So, you met with your senior staff, but you waited until Wednesday to meet with your senior staff when you were informed of this on the 9th? Why would you wait 2 days to meet with your senior staff?

Mr. CLANCY. I had a hearing on the day in between, and—Mr. MEADOWS. I have hearings every single day. It doesn't preclude me from asking detailed questions like that.

Mr. CLANCY. Forgive me, sir, let me correct the record. I did not have a hearing. I don't know what my schedule was, what I was doing on Tuesday.

Mr. MEADOWS. So, why did you wait 2 days? Was it not important to you, Mr. Clancy?

Mr. CLANCY. No, as I expressed earlier, this is hugely important to me and to the agency.

Mr. MEADOWS. All right. So, why did you—you said earlier you didn't ask a question what they knew. You're not interfering with an investigation for you to be informed of what they knew. That wouldn't have interfered with an investigation. Why wouldn't you have asked the question? Is it so that you could pull a Sergeant Schultz here today that you know nothing? I don't understand.

Mr. CLANCY. No. In fact, when I pulled that group together, this hearing was not scheduled. I did that because, again, I—it's probably hard to understand for this Committee.

Mr. MEADOWS. It is very hard for Mr. Lynch and I to understand how there would be a lack of inquisitive nature on why the Director would not want to know.

Mr. CLANCY. To be candid, I compartmentalized this incident. I gave it to the OIG so I could concentrate on—I have protectees all around the world, classified documents I have to keep up with, the President of Afghanistan. I've got all these other issues that really I need to focus on today and future threats, and this, in my mind, I——

Mr. MEADOWS. Well, the President of Afghanistan may be very important and, indeed, he probably is, but the President of the United States is a lot more important, and I wouldn't compartmentalize and put that somewhere else. Would you?

Mr. CLANCY. All of our protectees are important, but certainly this—in my mind, I gave it to the OIG, and I was content to wait until we get all the facts and not do things piecemeal because I thought that was a dangerous path to take, to do things in a piecemeal fashion, because information starts to leak out, and information would have started to leak out. People would start——

Mr. MEADOWS. So, keeping these guys there working on administrative duties, do you not think that they have the ability to talk to some of their fellow workers and spin a different narrative instead of sending them home, as Mr. Lynch had suggested? Do you think it's not dangerous that they might interfere with the investigation?

Mr. CLANCY. They could still converse, in my view, at their residences with anyone they wanted to, so keeping them——

Mr. MEADOWS. So, you haven't told them not to converse and tell a different story.

Mr. CLANCY. I haven't spoken to those individuals.

Mr. MEADOWS. So, these are GS–15, and you haven't spoken to them, why?

Mr. CLANCY. The two individuals——

Mr. MEADOWS. Right. Why have you not spoken to them?

Mr. CLANCY. I didn't want to, again, interfere with the investigation. One is an SES and one is a——

Mr. MEADOWS. Mr. Clancy, we-you were hired to clean up the mess.

Mr. CLANCY. Yes.

Mr. MEADOWS. And you and I have met personally, before you were actually the official Director. And I told you about a number of things where I was actually getting emails.

Mr. CLANCY. Yes.

Mr. MEADOWS. And I still get emails, anonymous emails on all kinds of different things that are happening, details in Honolulu where we've had some of the same accusations made that have been made in other parts of the country. Details where people have actually had major offenses and then were left within the Secret Service and allowed to retire a year later. What are you going to do, because I asked you specifically about forced transfers and how the threatening of taking away their security clearance for some of the rank and file, and yet nothing has been done with that, Mr. Clancy. Are you going to act on that eventually?

Mr. CLANCY. Yes. In terms of threatening to take away their clearances, I understand that was in a letter that went out to people when they were—routinely, we move people around the country, and it is——

Mr. MEADOWS. It's used as a force of manipulation for most of the rank and file, at least that's the way they see it. And so, are you going to make sure that they know that their security clearance will not be taken away? Pure and simple, yes or no?

Mr. CLANCY. Their security clearance is not taken away as——

Mr. MEADOWS. If they decide not to transfer, you're not going to affect their security clearance.

Mr. CLANCY. You can't do that, Congressman. We need to have people—for example, now the President's Detail needs additional personnel, so we have to move people from the field offices to the

President's Detail. If they say no, I don't want to go to the President's Detail, now we're short on the President's Detail. So, we have to—it's the nature of our business, and they're informed of that when they're hired.

Mr. MEADOWS. You know, this sounds like just the same old problem that we had under the previous Director, Mr. Clancy, and I'm very troubled. And I'll yield back.

Mr. CLANCY. Yes, sir.

Chairman CHAFFETZ. Thank the gentleman. Now recognize the gentleman from Virginia, Mr. Connolly, for 5 minutes.

Mr. CONNOLLY. Thank you. And, Mr. Clancy, welcome to the Committee, and thank you for your service to your country.

Mr. CLANCY. Yes, sir.

Mr. CONNOLLY. I want to cite—well, first of all, I think there's bipartisan, a lot of bipartisan agreement on this Committee about a problem, obviously, at Secret Service, and I think that you're going to find there's bipartisan comity and agreement on an approach to how we resolve this.

My friend, Mr. Gowdy, in his questioning raised a very interesting point, and I'm pretty sympathetic with his point of view, but I'm open to hearing a counter argument.

You've got an OIG investigation going on, so they're got the tapes. Well, Congress has a constitutional role irrespective of what an OIG is doing. Now, the fact that we have the power to compel doesn't always mean we should use it, especially with an ongoing investigation. There are plenty of precedents for not doing that, for not dropping that hammer because we don't want to unduly interfere with a prosecution, or whatever it may be. But I will say, to underscore Mr. Gowdy's point, I think the burden is on you and your lawyers to make a case before this Committee representing the institution of Congress for why at this time it would otherwise corrupt an ongoing investigation.

Absent such compelling testimony or rationale, it seems to me this Committee is entitled to those tapes for its own investigative purposes. We are an independent branch of government and we have every right to exercise our oversight. Hopefully, we do it responsibly, but I just—I'm telling you in my view, we're going to move forward on a bipartisan basis on this issue, not always the tradition of this Committee, but in this case, I think that's where we're heading, and I don't speak for the Ranking Member, but I join with him in his observations. And I just—a word to the wise, Mr. Clancy, that's where we're headed.

Mr. CLANCY. Congressman, I sense all of you, your outrage, all of you. And I will go back and revisit this with our folks and with the department, and see if we can accommodate the request. I've heard all of you loud and clear today with what we need to do.

Mr. CONNOLLY. I thank you. I'm going to try to get through five questions quickly, and hopefully you'll cooperate.

Do you believe, given your new responsibilities, and I know you've got a lifetime invested in this very noble service with historic history. Is there, however, do you think parallel with that, or sort of superimposed on that noble tradition perhaps a creeping cultural problem that has to be addressed in your ranks? I think

both the Chairman and the Ranking Member catalogued a history going back of unfortunate headlines.

Mr. CLANCY. Yes. Congressman, I think we do. I think, to be candid——

Mr. CONNOLLY. We do what?

Mr. CLANCY. We do have an element that has——

Mr. CONNOLLY. OK.

Mr. CLANCY. We do have a small element that has a culture of, in this case—in most of our recent cases, alcohol has been involved in the most recent cases. However, I will say that the OIG did a report, and I think 8 percent of our incidents involved alcohol. But irregardless, in our—looking back at our recent history, some alcohol has been used, so that is clearly something I'm concerned about. And we're looking at how to address that.

In terms of the culture of not bringing information up through the ranks there, obviously, is a concern with that as all of you are getting these anonymous calls, or maybe not anonymous. Either way, that's something we've got to fix. And I know it's not a proper answer, but some of these things take some time, and it has to come with building trust, and it's communication, and we're trying to hammer this home. Give us a chance through communication.

Mr. CONNOLLY. OK. The 5-day delay, to what do you ascribe it? Was it bureaucratic inertia, or do you believe somebody was deliberately trying to withhold that from you so that—to preclude your taking action?

Mr. CLANCY. This is speculation on my part. I don't think anyone was intentionally hiding it from me, but at a lower level, if they felt that—I don't know how they viewed the incident. And the OIG, again, I'm sorry to keep leaning on him, but we'll find out those facts. I don't want to speculate for those at that level, that rank.

Mr. CONNOLLY. Obviously, it would be very troubling if it were the latter. Right?

Mr. CLANCY. Absolutely.

Mr. CONNOLLY. Bureaucratic inertia, we can manage through that and try to clean it up, but if somebody's deliberately stymying your ability to scrutinize, you know, an unfortunate incident that doesn't put us in a favorable light, then you've got a different problem, Mr. Clancy.

Mr. CLANCY. It would be a direct reflection of my leadership.

Mr. CONNOLLY. Well, it would be a direct challenge of your leadership. I don't know that it yet reflects your leadership. And that's another element of concern, I think both for us and for the public. We had a review panel that recommended strongly that the President should seek an outside Director for your position. He didn't take that advice. He chose you, because he had confidence in your, apparently. And there is an argument to be made that only an insider, a careerist like yourself, can actually make the tough decisions, knows where the bodies are buried, and doesn't put up with sort of nonsensical arguments.

On the other hand, the counter argument can be yes, we'll put somebody in there who's co-opted, who couldn't possibly be a change agent, and isn't what we need. I'd like to give you the opportunity as my final moment of questioning to respond to that.

Mr. CLANCY. Well, thank you, Congressman. Let me just say, one of the things we've done since I've come in, it's not the same old upper tier of management. We have made some changes, and primarily because we wanted to take better advantage of our subject matter civilian experts. So, what we've done in the past, we've had a Director and a Deputy Director. Now we have a Deputy, just recently made a Deputy Director was named, but additionally at the same level, a Chief Operating Officer. We're reaching out for a Chief Operating Officer who will not be from within the agency. He or she will be from the private sector. And then underneath that Chief Operating Officer, who again is on equal level with the agent, the Deputy Director, we have a tier of several, a Chief Financial Officer, a Chief Information Officer, several other civilian experts in that side of the house, and we're integrating both of them. So, this is not the same old Secret Service from 1 month ago. In the short time, 30 days I've been here, we've made significant changes to the traditional culture and the structure of the upper management. And we are new, including myself, and I'd like to have some time to try to let that progress.

Chairman CHAFFETZ. Thank the gentleman. Now recognize the Chairman of the Subcommittee on National Security, the gentleman from Florida, Mr. DeSantis, for 5 minutes.

Mr. DESANTIS. Director, I'm trying to figure out with this video policy, last week you said that there were three clips of the woman with the suspicious package, but only two clips of the agents in the vehicle, so why is there one more clip of the woman than of the agents?

Mr. CLANCY. Where the female was positioned, it's outside of that gate area, just outside, so that is specific to that incident with the suspicious package, and the confrontation between the officer and the lady. So, there are three very short clips of that and her actions.

The other two clips are more—although, it captures the package, the suspicious package, but it also captures the agents nudging that barrel and coming through a secure zone.

Mr. DESANTIS. So, the third angle just would not have captured the vehicle. Is that why?

Mr. CLANCY. The first one would not have—well, there are two different timeframes. Yes, I can't answer that question, sir. I don't——

Mr. DESANTIS. OK. So, the—because on Mr. Gowdy's questions about allowing Congress access, you do not want to provide Congress with any of its own versions or copies that we could then look, review with the staff, and then determine the next steps that we may want to take with the investigation. Is that your position?

Mr. CLANCY. I just recently said that I will revisit it.

Mr. DESANTIS. OK.

Mr. CLANCY. I understand the outrage on this. Our initial offer was to be there whenever you needed to view it. We would provide it at any time day or night, but I understand that's not——

Mr. DESANTIS. OK, good. Yes, and I've been bouncing around, so I apologize, I did not hear that.

Now, Mr. Gowdy also raised the issue of this Inspector General. And I know you're doing what you think you're required to do, but

sitting here in hearings and across the whole Federal Government conducting oversight, the number of times when witnesses say well, that's the IG, you know. We can't do anything. We can't give you information, Congress, because of the IG. And I just don't believe that that was ever the intent of Inspector Generals to cause the rest of the world to stand still. I mean, we have an independent duty to conduct oversight over all these agencies. We are asked to fund the agencies, and I think the American people, obviously, need to know what's going on, so that we can make decisions about that.

What is the timeline of the IG investigation?

Mr. CLANCY. I'm told weeks. Now, again, I haven't been conversing with the IG. I did have one call with the Inspector General, but I'm told that it would be a matter of weeks, not months.

Mr. DESANTIS. And he's also doing a kind of look-back investigation for some of the previous incidents. Is that correct?

Mr. CLANCY. I saw that somewhere in print, but I'm not sure we talked about that.

Mr. DESANTIS. So, that was not something that you asked the IG. You went to the IG with the incident at the gate.

Mr. CLANCY. Specifically, this incident, yes.

Mr. DESANTIS. OK. And then at that point—well, let me ask you this. With the witnesses that were invited, we had four witnesses that we asked to attend. They are not, obviously, here, so what is the reason for not bringing those witnesses here today?

Mr. CLANCY. There's a couple of reasons for that, right or wrong. They're the rank and file. They didn't sign up for coming in front of an open hearing with this—with the cameras, and lights. And I think it's my responsibility. It's my responsibility——

Mr. DESANTIS. But, did you—correct me if I'm wrong, but you have not allowed them to be interviewed behind the scenes, have you?

Mr. CLANCY. We have not. I understand the staffs may still be discussing that, and correct me if I'm wrong in this, but my understanding is that we're not doing that. Again, it goes back to interviewing people twice, you get different stories. Every time you interview someone, you get a little slight difference, not intentionally, but it could be perceived different. And we went through some examples of this in the closed-door hearing, but I think you should have one investigation, initially, to do their investigation, and then if there are gaps or whatever, then certainly others can followup.

Mr. DESANTIS. Well, I think that that's problematic. I mean, we have our own duty to conduct oversight, and the questions that we may ask from a congressional perspective may be different than what an IG would be looking at. And I think we're all interested in accountability, but how that accountability will be done within the executive branch will be different than how we, as a group that has received recommendations, that knows that there's going to be funding issues with this, of some of the issues that we would want to examine. So, I'm not satisfied that that is the way to do it, and I join the Chairman. I wish, you know, at a minimum that these witnesses would have been provided, at least behind the scenes so that we could have received some answers. And I yield back.

Mr. CLANCY. I will revisit that, sir.

Chairman CHAFFETZ. Thank the gentleman. Now recognize the gentlewoman from Michigan, Mrs. Lawrence, for 5 minutes.

Mrs. LAWRENCE. Thank you, Chairman.

Director Clancy, I looked for the core values of the Secret Service, and on the website it says that the agency has five core values, "Justice, duty, courage, honesty, and loyalty. These values in the Secret Service which is worthy of trust and confidence. And that to reinforce these values, Secret Service leaders and employees promote and measure personal accountable and program performance across the agency by holding each person to the highest standards of personal and professional integrity. The Secret Service assures that they preserve the core values and the fulfillment of the vision and the success of that mission."

And then I'm always interested in leadership, and so I understand that you have 27 years as a veteran of the Secret Service. And during your career, you were a special agent in charge of the Presidential Protection Division.

Mr. CLANCY. That's correct.

Mrs. LAWRENCE. You, yourself was in charge of that division. And that during your tenure of 27 years, you also served in the Secret Service Office of Investigation, the agency's Internal Affairs Division. Is that correct?

Mr. CLANCY. That's correct, for a brief time.

Mrs. LAWRENCE. So, my concern after listening to all the testimony, and my question to you today, is that I recognize that you were brought into this office, or given this opportunity. You've been in the office a little more than 30 days, but you were brought in in February of this year. Correct? And I would—in looking at your resume, I would think that experience like this would put you in a position where investigative skills, the knowledge of how a department should operate having—because you went up through the ranks, so you have actually performed the duties of the people you are now the Director of.

But I hear things like I don't know, I'm outraged, that shouldn't have happened, yes, there is a culture. When you're put into the job, you're expected to bring all those skills and to provide leadership, and to be able to address issues and concerns.

I'm really challenged right now. My question to you, with all of your experience, and with the continuing—because when you were brought on, we already had those issues that we have outlined today. What—how are you going to make a difference? I know that you said you need time, but when I hear you didn't talk to those who were your executive level to investigate this, when you, yourself were in charge of the agency's Internal Affairs, I would think that you would be really prepared to be able to dig right into that. And to sit here today and have a clear vision, and a clear mission under your leadership, how you're going to address these. And I'm not hearing that.

So, my question to you today as a Member of Congress and of this Committee is, where is the vision, the leadership, and just the fierce commitment to these core values that you took yourself personally, that you now personally are in charge of making sure that

that is the mission of this agency? I need you to give that to me, because I'm not hearing it.

Mr. CLANCY. Congresswoman, in my opening Statement I said this is my life's work. I've spent most of my life, 27–28 years protecting four Presidents. I've given everything I had at great expense, personal expense, to insure that our protectees, our Presidents are safe. I didn't come back from private industry to just enjoy the ride. This is critical for me, it's critical for the country. I'm going to give it everything I have. I'm immersed in it, I spend hours talking to people at all levels, and we're pushing it out to this new leadership team that we've just built. We built this new leadership team, we're bringing up the professional people to marry the responsibilities of law enforcement, get them working together.

This is a new look. We're trying to reinvigorate the look of the Secret Service. And, unfortunately, I can't—I don't have a magic wand. It's going to take a little bit of time, but one of the things that's going to be key here is once this report is done, our people are held accountable. And we have this Table of Penalties that we'll work with, and it's based on what other agencies use, and we've only had it for about a year, but we will definitely be holding people accountable. And that's what our people want to see. You know, when you go around and ask why is their morale down, there's several reasons. Quality of life is one of them, but the other thing is we're not holding people accountable in a consistent manner. And I think that's what one of the members said here today, so that's our first test. Are we being consistent with the way we hold people accountable? And insure we followup with that accountability.

Chairman CHAFFETZ. I thank the gentlewoman.

Mrs. LAWRENCE. I yield back my time, but results is what will measure your leadership.

Mr. CLANCY. Yes.

Mrs. LAWRENCE. Thank you.

Chairman CHAFFETZ. Thank the gentlewoman. Will now recognize the gentleman from South Carolina, Mr. Mulvaney, for 5 minutes.

Mr. MULVANEY. Thank you, Mr. Chairman. Thank you, Mr. Clancy, for being here.

I'm going to ask you a couple of specific questions about the incident that we've been discussing here today, and then we'll talk more generally, I think, about the agency.

As best I can tell, a layman summary of this is that a woman dropped off what she said was a bomb at 10:24 on a Wednesday night. Yet, it looks like the Be On The Lookout order didn't go out until Thursday afternoon at 4:15. Is that—does that delay surprise you? Is that ordinary course of business? Is that unusual?

Mr. CLANCY. I can't confirm. I'm going to ask my staff if that's the actual timeframe for that to go out.

Mr. MULVANEY. Well, let's assume for sake of discussion that it is. Would that be too long?

Mr. CLANCY. It would be too long.

Mr. MULVANEY. Have you all looked into why, because I can assure you it did take that long. I'm looking at the document in front

of me. I'd be happy to share it with you, but have you investigated why that happened yet?

Mr. CLANCY. Our Investigative Office certainly will investigate why. They're going to look at the whole process.

Mr. MULVANEY. OK. But you've talked to your folks about this. Right? I mean, you said you talked to your senior folks about it. You've done perhaps not a formal investigation, but you've asked them why. Right?

Mr. CLANCY. On the incident involving the lady throwing the suspicious package, I have talked to our people about that, been briefed on the incident.

Mr. MULVANEY. But you still don't have any idea why it took that long to put out the Be On The Lookout Order?

Mr. CLANCY. I don't know why it took that long, no.

Mr. MULVANEY. And then—and, again, I'm just coming to this issue for the first time. You found her, Friday morning, the woman who threw a package at the White House, and then ran over a Secret Service agent with an open car door as she was speeding away. Well, you found her on Friday morning at a hotel in Virginia. Your agents talked to her in the lobby of the hotel while she's having breakfast and they didn't detain her. Were you aware of that?

Mr. CLANCY. I am aware of it after being briefed, yes.

Mr. MULVANEY. Why didn't they detain her?

Mr. CLANCY. I'm going to make an assumption here. Other than the fact that there was no arrest warrant out, the arrest warrant came out the following day, I believe.

Mr. MULVANEY. How long should it take you to get a warrant for somebody who throws a bomb at the White House?

Mr. CLANCY. Well, the other factors here, again, making an assumption, is that at this point we know there are—we know that she has a history with the Secret Service, and she has been interviewed in the past.

Mr. MULVANEY. She does have a history, so you knew who she was. The arrest warrant, by the way, didn't go out until the following Tuesday. It took you 7 days to get the warrant to arrest this lady, which takes me to the next step in the timeline. On Saturday, she was arrested by local police in Virginia, and the local police called your PIOC, and the PIOC told the local police that the suspect is no longer a Secret Service—on the Secret Service Lookout. Were you aware of that?

Mr. CLANCY. I was not.

Mr. MULVANEY. Does that strike you as something unusual and strange, and perhaps wrong?

Mr. CLANCY. It does. I'm not sure why she would not be a lookout.

Mr. MULVANEY. And I guess we—I don't want to pile on, Mr. Clancy, because I know it's been a rough day for you, but I would hope that—this has been a month now since this happened. You knew it was a high-profile event, and granted a lot of the attention went to what happened with the officers that evening, but still, a woman threw a bomb at the White House, at least something she said was a bomb when she dropped it off. It turned out that it wasn't. And for you at this point, sir, not to know these details is a little disappointing to me, but we'll leave that for another day.

Let me ask you my general question. You've been there 27 years. You seem like a very dedicated public servant, and I thank you for your service. I think people undervalue folks like you and what you do for this Nation. Has it always been this bad?

Mr. CLANCY. No, sir.

Mr. MULVANEY. What changed?

Mr. CLANCY. Sir, I've got—I don't know that answer. I wish I did. I know there was great dedication when I was younger, and I think there is—I know there's great dedication now.

I honestly believe it's a smaller element of people that are not satisfied. And, again, it goes back to how we're treating our people, you know. And they're getting crushed, some of them, with the hours because the staffing is so limited. And we're up for some real challenges as we go into the fall here with the Pope's visit, and the U.N. That is going to be a tremendous challenge which, again, is going to create a tremendous burden on our work force. And I think that's part of it, too.

I think that the demands on the work force as our mission has somewhat expanded, but primarily our staffing levels haven't kept up. And I think that's affecting our morale, but I don't want to dismiss the leadership. You know, leadership is a key part of this, too, and that's something that I've got to correct and have got to work on. But the staffing levels which we're making some headway to, I think that's going to help over time.

Mr. MULVANEY. Let's look at that together. Let me ask you one last question, Mr. Clancy, just out of curiosity. Was it better when you all were under Treasury? Is that part of the problem here, that you're under Homeland now, and not Treasury?

Mr. CLANCY. Again, I was a young agent, a young manager when we were under Treasury, so I don't know those relationships and how that worked during that timeframe, so I wouldn't be able to give a good answer on that.

Mr. MULVANEY. Thank you, sir. Thank you, Mr. Chairman.

Chairman CHAFFETZ. Thank the gentleman. Now recognize the gentlewoman from the Virgin Islands, Ms. Plaskett, for 5 minutes.

Ms. PLASKETT. Yes, good morning. And thank you very much, Chairman and Ranking Member. Mr. Clancy, thank you so much for your time here.

My questions really go along the same line, but a much more condensed timeframe, as my colleague, Mr. Mulvaney. And I wanted to really talk with you about allegations that are out there, as opposed to facts. I have a real problem with people putting information out that is not substantiated by direct facts, so I wanted to talk about this anonymous email, and some of the allegations that are in it.

We understand that you received this anonymous email 5 days after the fact. Correct?

Mr. CLANCY. That's correct.

Ms. PLASKETT. And you're now very familiar with this, and it was given to this Committee yesterday. And I wanted to walk you through some of the allegations that were in there to see what you have been able to ascertain as being factual, as opposed to those which are not credible, or you still do not have information about.

In the email, it says at some point an ATSAIC from WFO, George Ogilvie, and a PPD DSAIC, Marc Connolly, drove through a crime scene tape. Now, I'm going to get back to that allegations of a crime scene tape specifically, but later on it says the officers at the scene said that they were both extremely intoxicated. They were coming home from Ed Donovan's retirement dinner.

Were they, in fact, coming home—coming, returning from a retirement dinner? Do you know that?

Mr. CLANCY. I know there was a retirement dinner that night. I don't know if they were coming from the retirement dinner.

Ms. PLASKETT. You haven't been able to ascertain the list of the guests or individuals who were there?

Mr. CLANCY. I have not. I stepped away from it, for the OIG.

Ms. PLASKETT. OK. But the OIG is looking into that.

Mr. CLANCY. Yes, they are.

Ms. PLASKETT. All right. And they apparently flipped on the lights of their GOVs to go around the roadblocks. What's a GOV?

Mr. CLANCY. It's a Government-Owned Vehicle.

Ms. PLASKETT. So, they were in government vehicles coming back to the White House.

Mr. CLANCY. That's correct.

Ms. PLASKETT. And they went—did they, in fact, go around the roadblock? What does that mean?

Mr. CLANCY. I don't know that. It would be an assumption on my part. I know that when they arrived at the gate on E Street and 15th Street, there was a barrel there that was placed there by our officers to secure the zone, and they did go through, they moved that barrel over.

Ms. PLASKETT. OK. Well, it says—the email says apparently, flipped on the lights. Does that mean—you know, I've been an investigator and a prosecutor. Apparently means that the person doesn't know themselves. What do you think? Were they—do you believe that this individual who sent this email was, in fact, there at the scene?

Mr. CLANCY. I can only—I don't know that, because I don't know if the lights were flipped on or not. You know, reading that, it sounds like it's secondhand information, but that would be an assumption on my part.

Ms. PLASKETT. That's what I get out of it. And that the agents nudged the barrel, as opposed to—we have heard nudged, we've heard crashed. Which one was it?

Mr. CLANCY. It was more of a nudge. It was on the right side of the bumper. It was——

Ms. PLASKETT. And why would you call it a nudge, as opposed to a crash?

Mr. CLANCY. Because there was—the barrel didn't crossover. It wasn't—it was more of a purposeful move, it wasn't losing control of a vehicle. It was a very delicate movement of the barrel with the vehicle.

Ms. PLASKETT. How fast were they going?

Mr. CLANCY. One to two miles an hour.

Ms. PLASKETT. So, to crash something would probably require a much greater speed.

Mr. CLANCY. Yes, the barrel would have been tipped over.

Ms. PLASKETT. OK. Now, I want to talk about a specific time period. We have, and you tell me if I'm correct with these times, at 10:24 the suspect drives up. Correct?

Mr. CLANCY. Yes, that's correct.

Ms. PLASKETT. And then at 10:30, the Joint Operation Center notifies the Metropolitan Police Department.

Mr. CLANCY. Yes, that's correct.

Ms. PLASKETT. 10:32, they report the—the Uniform Division reports the incident to the Joint Operating Center. Right, 10:32?

Mr. CLANCY. I don't have the timeline in front of me, but yes.

Ms. PLASKETT. And then at 10:47, a notification message goes out. Right, at 10——

Mr. CLANCY. According to the timeline, yes, I believe.

Ms. PLASKETT. OK. Now, at 10:47 the PIC sends a notification message regarding the suspicious package.

Mr. CLANCY. Yes.

Ms. PLASKETT. And then at 11:12, the PIC issues the first of two notification alerts regarding the suspicious package.

Mr. CLANCY. Yes.

Ms. PLASKETT. OK. What is the difference between the one at 10:47, a notification message, and the 11:12, the notification alerts?

Mr. CLANCY. 11:12, the alerts should be the same. They're both Protective alerts to alert the Director staff that there is a suspicious package, or there's an incident at the White House, or whatever the incident is. So, they are updates to the original alert.

Ms. PLASKETT. OK. And when did the officers arrive on the scene?

Mr. CLANCY. Metropolitan arrived——

Ms. PLASKETT. No, the two officers in question.

Mr. CLANCY. Oh, the two officers in question arrived at——

Ms. PLASKETT. 10:58.

Mr. CLANCY. 10:58.

Ms. PLASKETT. 10:58, so they didn't know that there was a scene there, did they, at 11:12 when the notifications went out?

Mr. CLANCY. They should have. They would have received the notification. Typically, senior staff would receive these notifications, so they should know. And the assumption is they saw the barrels there, and they should know.

Ms. PLASKETT. But was, based on the emails, was there crime scene tape? Was there any notification, was there anything there that would have let them know that this was a scene, a crime scene?

Mr. CLANCY. From the video that I looked at, the Committee has looked, I don't remember seeing any crime tape or any tape. There may have been some out there, but I just—I didn't see it in the video that I saw.

Ms. PLASKETT. OK, thank you, Mr. Chairman, for your indulgence with the time. It just appears that this anonymous email does not, necessarily, comport with the information that we have.

Chairman CHAFFETZ. That is why we need to see the tapes.

We will now recognize the gentleman from Georgia, Mr. Hice, for 5 minutes.

Mr. HICE. Thank you, Mr. Chairman.

Mr. Clancy, who is required, under the policies of the Secret Service, to report misconduct?

Mr. CLANCY. Anyone can report misconduct.

Mr. HICE. OK. We have a slide in that regard. So my question is not, can anyone report misconduct, but who is required to do so?

Mr. CLANCY. Every supervisor is required—is required to report misconduct.

Mr. HICE. OK. And if a supervisor fails to report misconduct, there are penalties.

Mr. CLANCY. Yes.

Mr. HICE. And we have another slide. OK.

Mr. CLANCY. That is correct.

Mr. HICE. All right. So these slides are accurate in terms of what is required and the punishment, the penalty, if policy is not followed.

On the night of March 4, Captain Michael Braun was a watch commander overseeing the White House. Is that correct?

Mr. CLANCY. That is correct.

Mr. HICE. OK. And in a nutshell, what does the "watch commander" mean?

Mr. CLANCY. The watch commander is the on-duty supervisor for the White House complex.

Mr. HICE. OK. So the on-duty supervisor in charge that night. Who does the supervisor, the watch commander, report to?

Mr. CLANCY. He reports to the—to an inspector in uniformed division.

Mr. HICE. OK. Who does the inspector report to?

Mr. CLANCY. The inspector reports to the Deputy Chief in uniformed division.

Mr. HICE. Which would be who?

Mr. CLANCY. Which would be Alfonso Dyson.

Mr. HICE. OK. Who does Deputy Chief Dyson report to?

Mr. CLANCY. He reports to the special agent in charge of the President's detail.

Mr. HICE. Which would be who?

Mr. CLANCY. Robert Buster.

Mr. HICE. OK. Now, you have confirmed that the incident was reported. Is that correct?

Mr. CLANCY. The——

Mr. HICE. Yes. The incident on March 4, it was all reported. Did it go through the proper chain of command?

Mr. CLANCY. It was reported up to the Deputy Chief of the White House complex, Mr. Dyson, and from that point on I don't know what notifications were made.

Mr. HICE. OK. Were the reports that were made done so in a timely manner? When were they reported?

Mr. CLANCY. And, again, there is two separate incidents, though. If you are talking about the misconduct, I know that it stopped at——

Mr. HICE. Or, really, both. I mean, the question, I am trying to determine if we are following the proper chain of command——

Mr. CLANCY. Right.

Mr. HICE [continuing]. And doing so properly.

Mr. CLANCY. The incident involving the throwing of the books, that followed the proper chain of command. The incident involving the misconduct, it did not follow.

Mr. HICE. It did not. OK. And so it did not. Could it be that it did not follow the proper chain of command for the misconduct because he was a superior officer, a superior agent? Could they have been intimidated, fearful, or even instructed not to report Mr. Connolly?

Mr. CLANCY. I can't answer that, but I am sure when they interview the watch commander that would come out. But I don't—I can't answer that. I don't know.

Mr. HICE. Don't you think you should know?

Mr. CLANCY. Well, I will know once the investigation is completed.

Mr. HICE. OK. What would have happened to this crime scene had it been disturbed by someone other than Secret Service agents? Would anything have been handled differently? What if someone driving a car ran into the area?

Mr. CLANCY. Yes. I would say they would be interviewed—they would be detained, they would be interviewed, and see if there was intent. Did they know what they were doing? Was there intent to disrupt the zone?

Mr. HICE. But that did not happen if it is an agent. So is one set of policies for an agent, which is basically nothing, versus had it been a civilian, the entire scenario would have been treated differently?

Mr. CLANCY. Again, not knowing all the facts, it may have been longer——

Mr. HICE. But that is what you seem to be indicating. Had it been someone else——

Mr. CLANCY. Yes.

Mr. HICE [continuing]. It would have all been treated differently.

Mr. CLANCY. Yes.

Mr. HICE. Do you have policies for agents who are intoxicated?

Mr. CLANCY. Yes. If you are driving under the influence and operating a motor vehicle, there are penalties for that.

Mr. HICE. Do you believe that the agents who responded to this incident should be reprimanded for any failure not to report according to policy?

Mr. CLANCY. Now, I am prejudging here, but—the investigation, but if they—if we find that people did not report to their—all the way up through the chain of command, absolutely.

Mr. HICE. But you have already admitted——

Mr. CLANCY. Absolutely.

Mr. HICE [continuing]. You have already admitted that that did not happen.

Mr. CLANCY. Yes. I can't say that I know that it went to the Deputy Chief, but I don't know where it went after that.

Mr. HICE. But there was a breakdown. So there was obviously——

Mr. CLANCY. Well, there is a breakdown, yes, sir.

Mr. HICE [continuing]. A breakdown.

Mr. CLANCY. Because I——

Mr. HICE. Yes. OK.

Mr. CLANCY [continuing]. I didn't hear about it. Yes, sir.

Mr. HICE. And so you have also admitted that there should be reprimands.

Mr. CLANCY. Yes.

Mr. HICE. What reprimands have taken place to this point for those agents who did not properly report?

Mr. CLANCY. None to this point, sir, because, right or wrong, I don't want to piecemeal some of these disciplinary actions. And I want to wait until I hear all the facts, too, because there is a lot of hearsay out there right now, and I would like to get the one definitive report.

Mr. HICE. You have Stated a significant number of facts, and there has still been no reprimand. I find that inexcusable, sir.

Thank you, Mr. Chairman.

Chairman CHAFFETZ. Thank the gentleman.

We will now recognize the gentlewoman from New Mexico, Ms. Lujan Grisham, for 5 minutes.

Ms. LUJAN GRISHAM. Thank you, Mr. Chairman.

Mr. Clancy, I recognize that this is a difficult environment, and I have to say that I think there is general agreement by both sides of the aisle in this Committee, and in other committees of jurisdiction, that this is a significant series of issues that affect the Secret Service, and then ultimately affect the security and safety of the Commander-in-Chief, and largely everybody else in the White House, and the credibility of the country as a whole about our ability to provide that level of protection and security here and currently abroad.

And I also know that no amount of money will fix an environment that is like the environment that you are describing, where there are questions of accountability, transparency, whether there are reprimands, whether those are fair, whether it is clear that you have got low morale, that folks aren't reporting incidents.

You have said—while you are having an independent review, you did say that the chain of command on the face was not followed, and I would have to agree that even if you get ancillary and additional information that that, in and of itself, warrants some action. And there may be other actions as you garner more information about what is coming. And so I believe that without a sustained and concerted effort to change the culture of the Secret Service that nothing will change.

Now, I say this because I have headed a difficult culture change in my career when I was the Department of Health Secretary, and it requires rigorous, constant work, and a clear timeframe where you are evaluating whether or not those culture shifts are making a difference. And while it is—I understand that you are making administrative changes, that there will be some new folks, if you are not careful and that is all administrative, you still aren't going to attract the right kinds of shifts in a culture change in that—in the Secret Service.

And I also recognize that you have got a very difficult job, and that we expect you, because that is part of your job, you have to restore not only the operations but our trust, and the public's trust, that you can do that. I also know it is an honor and a privilege to work for the Secret Service.

So here is the question. Tough environment, we don't feel like we are getting the right answers. You are trying to have some independence, but we are not seeing the kind of work day to day that would indicate leadership on culture change. Give me some substantive, clear examples, more than the CAO, about what you are doing to instill a culture shift in the Secret Service.

Mr. CLANCY. No. 1 is staffing. We know that our people are being overworked, and we are trying to buildup their staffing and, once we do that, give them more training, so that they can—if they receive this training, they are going to feel more pride in their work I think, be more efficient, and just operate better.

We have also initiated about 5 weeks ago, 6 weeks ago now, a work life initiative, where we are reaching out to our work force to see what is troubling them, what do they need from us, what suggestions do they have. We have brought in an outside contractor to do this. We expect to hear some very promising results.

But I would say also that some of these changes we are making, including the COO and the CIO, et cetera, the chief financial officer, those changes are going to have an impact on the work force.

Ms. LUJAN GRISHAM. I am not getting a sense, though, about that timeline. And I am not saying I disagree that those investments are important, but I am going to disagree that you need to give me something—I would like something about your management style.

If there is not accountability for every investment that you make in supporting that work force, which I agree you have got to have a work force that feels like they are supported, but they also have to feel like it is a fair work environment. And if there is no accountability or transparency, I don't believe that you will have the changes that you desire. What kind of management style, what is the message that you are providing today to the Secret Service?

Mr. CLANCY. We are reaching out in ways that we haven't done it in the past, to hear our work force, all of our executives are getting out to talk to the work force, an investigation. In fact, next week I am going——

Ms. LUJAN GRISHAM. So accountability is not part of your management style.

Mr. CLANCY. Oh, absolutely, it is.

Ms. LUJAN GRISHAM. I mean, I am not hearing that from you, Mr. Clancy.

Mr. CLANCY. Well, accountability—and, again, once this investigation is completed, then we will see what accountability is administered. And we do have this table of penalties, which is very strict, we have to follow, and it shows that we are serious about holding people accountable.

So there is no making decisions on our own here, how do we discipline; we have it in stone and it is modeled after other agencies. So, and you are right, that is what our people want to see—accountability, fairness across the board.

Ms. LUJAN GRISHAM. I am still concerned, I have to say.

With that, I yield back. Thank you, Mr. Chairman.

Chairman CHAFFETZ. We thank the gentlewoman.

We will now recognize the gentleman from Georgia, Mr. Carter, for 5 minutes. Mr. Palmer, pardon. Mr. Palmer.

Mr. PALMER. Second straight hearing where I have been misappropriated to the wrong State. My jurisdiction has expanded.

Thank you, Mr. Clancy, for coming in today. There is many reports that suggest the Secret Service morale is at an all-time low. According to the Best Places to Work in the Federal Government Report, the agency ranks 226 out of 300 agencies. There are routine requests for uniformed division officers to work on their days off, and the Secret Service's failure to pay proper overtime.

This is particularly troubling in the context of what we have been discussing, because when you have low morale at what was once one of the most respected agencies in the world, it seems to be indicative of a climate and an environment not conducive to excellence and, in some respects, not conducive to integrity.

How do you respond to that?

Mr. CLANCY. Well, you are exactly right. When I went to this roll call the other night, the first question when I asked, what are the issues here, what do you need and why, why are we having these issues? And the staffing was the first thing they said. They said, "We can't get a day off." To get a day off in uniformed division, very often you have to put in a leave slip to—sick leave, because—and you may have a very important function within your family.

Now, we all grow up with that. You know, you miss your anniversaries and birthdays, and all that, growing up, but it is more exasperated now, especially within uniformed division. They are routinely held over for an additional 4 hours or their days off are canceled, and that is one of the most important things we have got to address.

Mr. PALMER. Let us talk about the excessive overtime. And this was brought up in a previous hearing and the lack of training. I think they said that uniformed officers were getting 25 minutes of training, and that the protection detail previously had been spending 25 percent of their on-duty time in training. It is now down to 2 percent.

Does that not indicate that you have got a staffing problem? And not only that, in the context of what has happened, the quality of the people that you are recruiting—I, frankly, don't understand why you are advertising for Secret Service agents on bumper stickers instead of going to college campuses and recruiting the best and brightest that you can find.

Mr. CLANCY. Well, first of all, we have corrected that. We have asked for funding to go out to these universities, to the military bases, and do a better job of recruiting. I will say, we get still, last I heard, 40,000 people apply for a special agent position. So we are getting a lot of people, but trying to get the right people, it takes us a while to get to them.

Mr. PALMER. All right. In that regard, though, Deputy Assistant Director James Helminski sent an email to all of the Secret Service field offices saying that because of an upcoming class the Secret Service was trying to fill in March, all background investigations had to be completed within 3 days. I, in a previous position, had a national security clearance, and I can promise you that they did not do the background check in 3 days. Are you familiar with this email?

Mr. CLANCY. I am not familiar with that particular email. I know typically they are given 14 days, and I think there is some talk to bring it back to 10 days, to speed up that background check. But they still go through the polygraph examination, they still go through several other steps.

Mr. PALMER. Ten days, though. Even 10 days, you know——

Mr. CLANCY. Yes, right.

Mr. PALMER [continuing]. When you are responsible for safeguarding the President and his family and other members of the executive branch, does it make sense to have in this case a 3-day background check?

Mr. CLANCY. No. Let me just say this, that there are specific requirements in that background check, so they have to be met. We don't lessen the requirements. And, again, it is about a 7-month or 8-month process to ensure that we get right people, good people. They are fully vetted, and that is one of the reasons why it takes a while to get our staffing levels up.

Mr. PALMER. You have had some foreign nationals——

Mr. CLANCY. And, yes, clearance. Yes, sir.

Mr. PALMER [continuing]. You have had some foreign nationals apply, and in one case you had a Chinese-born foreign national who had—apparently had her review expedited in the Washington field office, despite the fact that it wasn't confirmed whether or not she had renounced her Chinese citizenship. What is the Secret Service's policy for someone who applies—a foreign national who applies who has dual citizenship?

Mr. CLANCY. I don't have that answer. But to be an advisor, you have to renounce your citizenship, renounce your citizenship. Mandatory.

Mr. PALMER. I realize that this country is a melting pot, but does it make sense that we are not—that we are recruiting foreign nationals to serve in the Secret Service?

Mr. CLANCY. Yes. You have to be a U.S. citizen. That is—to be employed by the Federal Government.

Mr. PALMER. I believe my time has expired. Thank you, Mr. Chairman.

Chairman CHAFFETZ. Thank the gentleman from Alabama, great State of Alabama.

Mr. PALMER. Thank you, Mr. Chairman.

Chairman CHAFFETZ. Now recognize the gentleman from Wisconsin, Mr. Grothman, for 5 minutes.

Mr. GROTHMAN. Thanks much. First of all, I want to just say I disagree a little bit for one of my Statements of one of my colleagues. It doesn't bother me if some of your guys don't have college degrees. That is overrated. I know so many great people without college degrees.

But let me ask you some questions, digging a little bit more about this situation with this woman's vehicle. According to Metropolitan Police, they weren't contacted until 30 minutes after she fled the scene. Is that an accurate Statement?

Mr. CLANCY. I don't know if that is accurate or not, sir.

Mr. GROTHMAN. OK. I would look into it, because at least that is what I have here on my paper. And, I mean, to me if you had two law enforcement divisions—you know, say in my neck of the

woods the county and the city—and somebody was fleeing into the county, man, the sheriff's department would be notified immediately. I mean, it is kind of scary if it took them 30 minutes.

Mr. CLANCY. I would just say that I know they in a very short period of time I think reached out for the bomb explosive unit, so it should have been in that same timeframe that the police force was notified.

Mr. GROTHMAN. Maybe my stuff here is wrong, but check into it. Did you have a copy of her license plate right away?

Mr. CLANCY. They had a license plate.

Mr. GROTHMAN. OK. Did the officer—did you find somebody show up like right away where she lived, assuming there was——

Mr. CLANCY. My understanding is that the license plate is what helped identify who this individual was.

Mr. GROTHMAN. Right, right, right. And I assume that once you know who the person is at least they have an address on file. Did somebody show up at the——

Mr. CLANCY. Yes.

Mr. GROTHMAN [continuing]. House?

Mr. CLANCY. They showed up at the spouse's address in the Philadelphia region, and we had agents go out to that residence and talk to the spouse, who indicated that this lady was down in the Washington area.

Mr. GROTHMAN. OK. What was their name?

Mr. CLANCY. I can't say that in a public hearing. I will be happy to give it to you later.

Mr. GROTHMAN. OK. What else can I say? For every open spot, how many applications do you get for Secret Service?

Mr. CLANCY. When I first came back here at the Acting Director, I was told that for a special agent vacancy announcement we had 45,000 people apply, and very few actually made it through the process.

Mr. GROTHMAN. OK. Like "very few" means how many?

Mr. CLANCY. I am told there are about 70 that made it through the process. Now, that is on USAJobs, 45,000, and so it was very cumbersome.

Mr. GROTHMAN. OK. But you get 70 people who at least make the first thing for everybody—everybody in there. You have said a lot of these problems are alcohol-related, which is kind of scary, but you were not familiar with how to deal with them. I guess it kind of bothers me because like I have a lot of trucking companies in my district.

Mr. CLANCY. Yes, sir.

Mr. GROTHMAN. And you can't drink at all. And, nevertheless, these guys never seem to have huge problems finding guys to drive a truck who don't have an alcohol problem. And I guess I will just suggest you talk to some of the local trucking firms. And if, you know, you guys are having a hard time finding guys without alcohol problems, you can ask them how they do it.

Mr. CLANCY. Well, first of all, we have changed the policy driving—within 10 hours, you cannot enter a government-owned vehicle or a leased vehicle. That policy has gone out. We revisited that and—yes.

Mr. GROTHMAN. OK. I would just wrap up with one more thing and kind of a followup on what Congressman Palmer said there. When I was a kid, I mean, the Secret Service was the top of the top. I mean, if you heard the Secret Service was coming to town, you really felt you had an elite institution.

And, you know, you go through the stuff in the file when they got their name in the paper the last four or 5 years, it is kind of embarrassing. I mean, it is almost like a screen play for some comedy or something like that. So just good luck in your new job, and hope you can do something to bring back the pride, and just explain to the guys you are working with, and gals that you are working with, that right now it is like—like I said, you look at it, it is like it is some comedy movie starring Phil Silvers or something or other.

Mr. CLANCY. Congressman, thank you, and I will say that as we are focusing on certainly the negative aspect that we have had over several years here, I don't want to paint the entire 6,500 force in a negative light. We have people that are doing great work, and they are pained by this as much as we are here. But there is certainly an element, and rightfully so, we have got to work to try to get them to where they need to be.

Mr. CUMMINGS. Would the gentleman yield?

Mr. GROTHMAN. Thanks much for coming over. I yield the remainder of my time.

Mr. CUMMINGS. Let me ask you, 45,000 applications. Why do—what is the reason most of these people don't make it? And I think a lot of people don't realize that we are hitting a brick wall in this country, in many instances with regard to quality of people. And I hate to say it, when I listen to my Bowman City Police Department and others, they tell me they have to go through a whole lot of applications before they can get to a few people.

And I am just wondering, when you are talking about 45,000, to fill how many positions?

Mr. CLANCY. That would be a class of 24 is my understanding, that that is what I heard when I first came back.

Mr. CUMMINGS. And so what is the main reasons why—if you know.

Mr. CLANCY. Yes. Again, this is more anecdotal than having the stats right in front of me, but primarily it is drugs, drug-related past or credit issues in the past. They are two of the things that rule people out.

But one of the things we are doing now is with this excepted service we can bring people in that we may know that have a good background, and they can get into that pipeline a little bit quicker to go through the polygraph and do the background check and all that. So rather than waste a lot of time on people that we don't know if they are going to make it through or not, we can highlight those that we know will probably get through that process.

Mr. CUMMINGS. Thank you.

Chairman CHAFFETZ. Thank the gentleman. Pursuant to Clause B of Committee Rule 9, we will use the next 60 minutes for an extended period of questioning of the witness. I will now recognize myself for 30 minutes.

Director Clancy, who was the most senior official on duty the evening of March 4?

Mr. CLANCY. Most senior official on duty at the White House was the watch commander, Captain Braun.

Chairman CHAFFETZ. Captain Braun. Did the individual act appropriately and report the incident per United States Secret Service policy?

Mr. CLANCY. I know he reported it up to the next level.

Chairman CHAFFETZ. Which is?

Mr. CLANCY. To the lieutenant or, I am sorry, the inspector. He reported it up to his inspector, who was not on the complex.

Chairman CHAFFETZ. Is it the Joint Operations Center?

Mr. CLANCY. No. The inspector is just his in-line supervisor.

Chairman CHAFFETZ. And he did report it.

Mr. CLANCY. To the inspector. That is my understanding.

Chairman CHAFFETZ. Did the inspector report it, then, to who?

Mr. CLANCY. My understanding, again, from the initial preliminary review was he reported it to the Deputy Chief, Alfonso Dyson.

Chairman CHAFFETZ. Who is he supposed to report it to?

Mr. CLANCY. He would report it or should report it to the special agent in charge, Robert Buster.

Chairman CHAFFETZ. Both of which these—again, these people were invited, too. You indicated that you learned of the event from a former Secret Service agent.

Mr. CLANCY. That is correct.

Chairman CHAFFETZ. Can you describe that call?

Mr. CLANCY. Yes. On the morning of March 9, I was getting ready to leave our headquarters to an offsite meeting, and I received this call from this individual who said, "Hey, are you aware of this incident that happened supposedly on March 4?" And I said, "No." And he went into some of those details based on the email that you put up there on the screen and——

Chairman CHAFFETZ. Who is the first person you called?

Mr. CLANCY. The first person I called I believe—now, again, please forgive me as I go through this, because this is weeks ago and I don't have notes in front of me, so I don't intentionally mean to misspeak—but I believe it was the assistant director of protective operations.

Chairman CHAFFETZ. Who is?

Mr. CLANCY. William Callahan.

Chairman CHAFFETZ. Who counseled you not to ask questions on your own following the incident?

Mr. CLANCY. I am looking at the Management Directive from Homeland Security regarding the OIG investigations.

Chairman CHAFFETZ. Who is that?

Mr. CLANCY. No, no. I am sorry. The Management Directive—it is a memorandum with the Department of Homeland Security.

Chairman CHAFFETZ. Who did you consult with to make the decision that you couldn't ask any questions?

Mr. CLANCY. I don't know if I spoke to or—well, re security, the Office of Professional Responsibility. And I think that is—they described the process.

Chairman CHAFFETZ. Did you consult with Homeland Security?

Mr. CLANCY. Not other than advising them of this incident. I didn't consult with them in terms of what I could investigate.

Chairman CHAFFETZ. Who in your chain of command is ultimately responsible for briefing you about security threats around the complex?

Mr. CLANCY. The assistant director of protective operations.

Chairman CHAFFETZ. When did you know that there was an assault on one of your officers?

Mr. CLANCY. The evening of March 4, I would have received that alert via email. And I believe they called me as well. They typically call as well.

Chairman CHAFFETZ. So you knew that there was an assault on your officer that night. What did you do?

Mr. CLANCY. No. I know that there was a suspicious package, and I would have to go back to the PIOC alert, but that there was an altercation with an officer. That is routine. They happen almost—I wouldn't say every day, but that is a routine event at the White House complex.

Chairman CHAFFETZ. Should that have triggered the saving of the videos?

Mr. CLANCY. It would have—the fact that there was a suspicious package would have triggered saving videos.

Chairman CHAFFETZ. Assaulting—assault on one of your officers, does that trigger——

Mr. CLANCY. Yes. That would have as well. It was one in the same. It was the same incident.

Chairman CHAFFETZ. Well, two different incidents, but——

Mr. CLANCY. OK.

Chairman CHAFFETZ [continuing]. What period of time is reasonable before and after that altercation should they have saved the videos?

Mr. CLANCY. I would say within—once things settled down, they would call that evening. Before the shift—certainly before the shift was over, I would assume that the watch commander would call the Joint Operations Center.

Chairman CHAFFETZ. No. I am saying how much video before and after the incident is a reasonable time to save?

Mr. CLANCY. I think anything that captures the incident—that captures the incident.

Chairman CHAFFETZ. Do you deal with these incidents different when the President is in the residence?

Mr. CLANCY. I am sorry. Do you mean video——

Chairman CHAFFETZ. Does your policy change—all of these discussions about response and video and——

Mr. CLANCY. No.

Chairman CHAFFETZ. Does not change if the President is in the White House.

Mr. CLANCY. No, Mr. Chairman, it does not.

Chairman CHAFFETZ. Was the President or anybody in the White House briefed on the March 4 incident?

Mr. CLANCY. The White House was briefed on the March 4 incident, not on March 4, though. When I found out about it on March 9. That is my assumption. March 9, when I found out about it was——

Chairman CHAFFETZ. Who was briefed?

Mr. CLANCY. The Deputy Chief of staff.

Chairman CHAFFETZ. And who briefed him?

Mr. CLANCY. The special agent—no, I am sorry. Initially, I did via an email, and I think the special agent in charge may have followed up on that.

Chairman CHAFFETZ. So you sent an email to the Deputy Chief of Staff. Who is the Deputy Chief of Staff?

Mr. CLANCY. Anita Breckenridge.

Chairman CHAFFETZ. Have you ever spoken with Metropolitan Police Chief Lanier regarding this incident?

Mr. CLANCY. I have not.

Chairman CHAFFETZ. Have you ever visited with her?

Mr. CLANCY. I have not. We had a——

Chairman CHAFFETZ. You are the director of the Secret Service. She is the Chief of Police.

Mr. CLANCY. And can I just say that we did have a meeting scheduled, and it was—there was a conflict.

Chairman CHAFFETZ. You have been in this position for 6 months as the acting and current director, and you are—you have never had a personal conversation with the Chief of Police for the Metropolitan Police Department?

Mr. CLANCY. Since I have been back, I have not had a personal——

Chairman CHAFFETZ. In the last 6 months.

Mr. CLANCY. That is correct.

Chairman CHAFFETZ. And not about this incident.

Mr. CLANCY. And not about this incident. Again, there is interaction all the time with Metro around the White House complex. There are issues every day. There are arrests every day.

Chairman CHAFFETZ. I just don't understand when the principals don't talk to each other.

Mr. CLANCY. And I don't think the Chief would want me to call every time we have an incident at the White House complex.

Chairman CHAFFETZ. But I would think there would be some open lines of communication, some indication that—do you all even know each other, and that you have each other's telephone number.

What time did the Protective Intelligence Operations Center alert Secret Service personnel about the bomb—about the email about the bomb threat? I believe the answer is 11:12 p.m., correct?

Mr. CLANCY. Yes.

Chairman CHAFFETZ. This is 47 minutes after the package was dropped and 15 minutes after the crime scene was disrupted. Who drafted the alert?

Mr. CLANCY. Protective Intelligence Division would draft the alert.

Chairman CHAFFETZ. Do you have a specific name or title?

Mr. CLANCY. I don't.

Chairman CHAFFETZ. Do you think it was complete?

Mr. CLANCY. I think based on the information they received it was complete. I don't——

Chairman CHAFFETZ. You have reviewed this.

Mr. CLANCY. I am sorry?

Chairman CHAFFETZ. You have reviewed this. You have gone back, looked at it.

Mr. CLANCY. I have read the PIOC alert, yes.

Chairman CHAFFETZ. Why didn't this alert contain information about the suspicious package barrier being breached by Mr. Connolly and Mr. Ogilvie?

Mr. CLANCY. I don't know that they were aware of it. I don't know that the Protective Intelligence Division was aware of it.

Chairman CHAFFETZ. They are watching this on—there is a live feed of this, correct?

Mr. CLANCY. There is, yes.

Chairman CHAFFETZ. And nobody notices that a car kind of just drives right through the scene?

Mr. CLANCY. They may have noticed it. I can't answer, but I do know——

Chairman CHAFFETZ. That is why we are going to drag these people in and have a discussion with them. We tried to invite Mr. Buster, Kimberly Tello, Thomas Rizza, and Michael Braun, very senior people within the organization. Did the witnesses we sent invitations to for this hearing personally receive those invitations?

Mr. CLANCY. I don't know that answer. I know they were aware, but I don't have the answer if they personally received them.

Chairman CHAFFETZ. How do you know that they were aware of it?

Mr. CLANCY. Because I know that some of our people have talked to them.

Chairman CHAFFETZ. But not you.

Mr. CLANCY. I have not.

Chairman CHAFFETZ. Did they personally decline?

Mr. CLANCY. Did they personally?

Chairman CHAFFETZ. Decline to come testify before Congress.

Mr. CLANCY. I was not involved in those conversations, but I——

Chairman CHAFFETZ. Whose decision——

Mr. CLANCY [continuing]. Don't know if they were asked.

Chairman CHAFFETZ. Whose decision was it to not allow witnesses invited to testify before this Committee? Who made that decision?

Mr. CLANCY. Ultimately, it is my decision.

Chairman CHAFFETZ. Why is it your decision?

Mr. CLANCY. They work in the Secret Service, and it is my responsibility to make those decisions.

Chairman CHAFFETZ. So you told them not to come testify before Congress.

Mr. CLANCY. I didn't specifically tell them. Through our staffs I said, working with the department, that we would not provide them in this open hearing.

Chairman CHAFFETZ. Why?

Mr. CLANCY. Again, I was focused on this open hearing, and I didn't think it was proper to have them in an open hearing giving testimony which would—as we have heard today, the morale in the Secret Service among many people is not where it should be. And as we bring out——

Chairman CHAFFETZ. Are you concerned that it would have been embarrassing?

Mr. CLANCY. I am concerned that some of the information that would have been released would have generated a lot more conversation within the ranks, and they would have said, well, if those four were brought up, why didn't we have others, or why were they representatives, or their story doesn't sound right. It might taint others that have to be investigated or interviewed. So there is a number of things that would have——

Chairman CHAFFETZ. So instead of transparency, you opted for just keep it close to the vest and don't provide that transparency, correct?

Mr. CLANCY. No. I wanted—again, I——

Chairman CHAFFETZ. You wanted one filter point.

Mr. CLANCY. I wanted the Office of the Inspector General to give them some——

Chairman CHAFFETZ. We will go back to the conversation that we had. Did you or your staff have any conversations with any White House officials regarding their appearance?

Mr. CLANCY. With the White—no. No.

Chairman CHAFFETZ. You had no conversations with anybody at the White House.

Mr. CLANCY. No. My conversations were with—actually, it was through my staff, with the Department of Homeland Security.

Chairman CHAFFETZ. Who at the Department of Homeland Security?

Mr. CLANCY. I can't answer who at the Department of——

Chairman CHAFFETZ. Was it Mr. Mayorkas?

Mr. CLANCY. No. I did not speak to Mr. Mayorkas regarding——

Chairman CHAFFETZ. Will you give us the answer to that later?

Mr. CLANCY. I will research that. Yes.

Chairman CHAFFETZ. When will you give us that answer?

Mr. CLANCY. We should be able to get that this afternoon, I would assume. Yes.

Chairman CHAFFETZ. Thank you. That would be great.

If we invite these individuals, and others within the Secret Service, if we invite them in for transcribed interviews, will you provide these individuals to the Committee?

Mr. CLANCY. I will.

Chairman CHAFFETZ. Will you provide all personnel we request to the Committee for transcribed interviews?

Mr. CLANCY. With the department, I will certainly work through this. But I answered——

Chairman CHAFFETZ. You are the director.

Mr. CLANCY. I am the director under the Department of Homeland Security.

Chairman CHAFFETZ. Can you make this decision by yourself?

Mr. CLANCY. I can take responsibility for it.

Chairman CHAFFETZ. Can you make this decision by yourself?

Mr. CLANCY. Well, we would have to see. We would have to see.

Chairman CHAFFETZ. What does it depend on?

Mr. CLANCY. I am sorry?

Chairman CHAFFETZ. Is it Jeh Johnson that makes the decision?

Mr. CLANCY. No.

Chairman CHAFFETZ. Is it the President that makes the decision? Who makes the decision?

Mr. CLANCY. I would seriously doubt this raises to that level. I would imagine—again, I am assuming—that it gets to the legal offices, and decisions are made there. And I don't know if they are looking at precedent. I don't know what they might look at there.

Chairman CHAFFETZ. Why haven't you fully responded to the Committee's letter, done in a very bipartisan way, the letter of March 19 for our document request?

Mr. CLANCY. I think some of that takes time to acquire all——

Chairman CHAFFETZ. Do you intend to fully comply with it?

Mr. CLANCY. Yes, we do.

Chairman CHAFFETZ. By what timeframe?

Mr. CLANCY. I can't answer that. I know the intent was to try to have it ready completely by today. But some of these things it just takes time.

Chairman CHAFFETZ. Have you had conversations with Homeland Security about the fulfillment of these requests?

Mr. CLANCY. Our staff, I would assume, has.

Chairman CHAFFETZ. Is anybody else in the administration clearing or approving your response to the Committee?

Mr. CLANCY. No.

Chairman CHAFFETZ. But Homeland Security is.

Mr. CLANCY. Homeland Security is looking at the work and the decisions that we make, yes.

Chairman CHAFFETZ. Anybody at the White House?

Mr. CLANCY. Not that I am aware of.

Chairman CHAFFETZ. Why haven't you provided the Committee a detailed description and timeline of when you became aware of the alleged misconduct or other events of March 4?

Mr. CLANCY. I don't know. I thought I was forthright in the testimony today of what my account of that day was.

Chairman CHAFFETZ. We need a more complete timeline. You have yet to provide a list of all the personnel on duty or otherwise involved in the response on March 4. Is that something you will provide to the Committee?

Mr. CLANCY. We will.

Chairman CHAFFETZ. When?

Mr. CLANCY. I don't have a timeframe for that.

Chairman CHAFFETZ. What is reasonable?

Mr. CLANCY. Depends.

Chairman CHAFFETZ. It shouldn't be that hard to tell who is on duty.

Mr. CLANCY. No, it shouldn't be that hard, so I would assume by the early—early tomorrow.

Chairman CHAFFETZ. That would be great. We appreciate it. Thank you.

Let me ask you, when you were the special agent in charge of the Presidential Protective Detail, the PPD, did you ever have a situation in which a lower level agent or officer raised concerns about security at the White House complex?

Mr. CLANCY. Well, I am assuming yes, because I was pretty open talking to officers.

Chairman CHAFFETZ. How did you respond?

Mr. CLANCY. This is when I was a special agent in charge?

Chairman CHAFFETZ. Yes.

Mr. CLANCY. Yes, I——

Chairman CHAFFETZ. How did you deal with those?

Mr. CLANCY. Well, I would talk frankly with them, what is your concern, what can we do, what vulnerability do you see, have you talked to your chain of command, I am glad you came to me, but be—you should be comfortable going through your chain of command. But I don't think it would be unusual for me to say, "I won't talk to you."

Chairman CHAFFETZ. Do you think you encouraged junior officers or agents to raise concerns up the chain of command?

Mr. CLANCY. I think I did, and I think my manner was the same as it is today, that I am very—I would think very approachable.

Chairman CHAFFETZ. What is a fireable offense?

Mr. CLANCY. Well, something that would require your security clearance to be removed if you have something that might affect national security in terms of your relations with foreign nationals.

Chairman CHAFFETZ. Did you take any disciplinary action regarding the failure to report misconduct by your staff?

Mr. CLANCY. In this case, I have not at this point. Well, the only—it is not discipline, but I did move the two individuals involved until we get through this investigation.

Chairman CHAFFETZ. At the time of the March 4 incident, what was the Secret Service policy for driving a government vehicle after drinking alcohol?

Mr. CLANCY. At the time of the incident, you cannot drive a government vehicle under the influence of alcohol.

Chairman CHAFFETZ. Can you have a drink? What level is acceptable?

Mr. CLANCY. The way the policy reads, going off memory here, is that if you are impaired, if you have—you are not able to control your actions. So it is not a legal limit. It is not the legal limit. So, in other words, it could be less. You may not be intoxicated by a legal limit, but someone could say that you don't have proper abilities.

Mr. GOWDY. Will the Chairman yield for a question?

Chairman CHAFFETZ. Yes.

Mr. GOWDY. Has the Chairman or the Ranking Member been able to establish who asked Agents Connolly and Ogilvie to respond to the scene?

Mr. CLANCY. Again, I don't know the facts of this case. What I have heard—and, again, at this point, some are news reports and so much information, but I am told that they were returning to retrieve a vehicle. They were not responding back to the White house.

Chairman CHAFFETZ. Can you determine somebody's level of intoxication based on a phone call?

Mr. CLANCY. I don't think so.

Chairman CHAFFETZ. Do you know how many people attended the retirement party of March 4?

Mr. CLANCY. I do not.

Mr. GOWDY. Will the Chairman yield for another question?

Chairman CHAFFETZ. Yes.

Mr. GOWDY. Director, I am trying to understand this dichotomy between the inspector general and you. Does the inspector general

have jurisdiction to issue subpoenas to people outside the Secret Service?

Mr. CLANCY. I don't know that answer.

Mr. GOWDY. Does the inspector general have jurisdiction to interview former agents?

Mr. CLANCY. I am assuming he can ask. They are private citizens.

Mr. GOWDY. But the answer might very well be different, right?

Mr. CLANCY. Different in which way, sir?

Mr. GOWDY. Different from a current agent than a former agent.

Mr. CLANCY. Yes.

Mr. GOWDY. You can't discipline a former agent.

Mr. CLANCY. You are absolutely——

Mr. GOWDY. Does the inspector general have the power to subpoena, say, surveillance video or credit card receipts from a bar, hypothetically, where a retirement party may have taken place?

Mr. CLANCY. Yes.

Mr. GOWDY. So the inspector general does have subpoena power.

Mr. CLANCY. My understanding is they do. My understanding is they are 1811s. They are investigators.

Mr. GOWDY. Well, my understanding was that they had less power than even you would have to investigate your own folks, which is why I am kind of wondering, and I am sure the Chairman is headed there, why you would stand down your investigation of agents in lieu of the inspector general who has no authority over former agents at all.

Mr. CLANCY. Yes. I may be wrong on that in terms of the subpoena power, but I believe they are investigators and we can confirm that. And also, looking at the Management Directive from the Department of Homeland Security, specifically says that you have to stand down with your investigation.

Chairman CHAFFETZ. Let me jump in on this, and we can come back if that is all right with the gentleman. So I understand that the Washington field office requested the video the morning after the incident, within the 72-hour period whereby the video should be retained. Why were the videos then erased if they were requested within that period?

Mr. CLANCY. I am not aware of that.

Chairman CHAFFETZ. Do you think it is suspicious?

Mr. CLANCY. From what I understand of the process, it does not seem suspicious to me, first of all, no. You can argue that that loop every 72 hours, you can argue that that is not enough. But we are not in the position where we delete—we intentionally delete film. It is a matter of just selecting what you think is pertinent to the incident.

Chairman CHAFFETZ. By the way, the Washington field office requested, and something that you actually did produce to this Committee, but how many different videos or angles have you reviewed?

Mr. CLANCY. I would say the same—well, I would say including the lady who—yes, I would say three, four. I don't know. I know there were five clips.

Chairman CHAFFETZ. Right.

Mr. CLANCY. So there may have been five views, very similar——

Chairman CHAFFETZ. When did you first get to the see the videos?

Mr. CLANCY. Again, the days, I don't know when the days are. I know I saw it before——

Chairman CHAFFETZ. It is kind of important.

Mr. CLANCY [continuing]. Before you saw it. I wanted to see what we were going to present to your Committee.

Chairman CHAFFETZ. By the way, the timeline, Thursday, March 5, 10:40 a.m., WFO requests a copy of the surveillance video recording of the incident, is where this comes from.

Would it have been U.S. Secret Service policy to train cameras on the alleged misconduct by Mr. Connolly and Mr. Ogilvie in the event—in the evening of March 4?

Mr. CLANCY. I wouldn't say it is policy, but I think if there is an incident the watch commander has to decide what an incident is, and then he calls back to the Joint Operations Center and says, "Preserve this video," if he saw—whatever he sees as an incident.

Chairman CHAFFETZ. Have you discussed providing custody of the video to our Committee with Homeland Security?

Mr. CLANCY. I have not personally, but I believe our staff has.

Chairman CHAFFETZ. Have you communicated with the White House, you or your staff, on possession of the video?

Mr. CLANCY. No, not that I am aware of.

Chairman CHAFFETZ. You said you sent an email to the White House Chief of Staff regarding the Deputy Chief of Staff on the March 4 incident. Did it reference that your staff had interrupted a crime scene?

Mr. CLANCY. It referenced—yes, it—I think the way I phrased it was that two individuals drove through the secure zone. I think that is it.

Chairman CHAFFETZ. Did you receive a response?

Mr. CLANCY. I am trying to recall if I spoke to the Deputy Chief of Staff or the special agent in charge did. I don't honestly remember. I know I did speak to the deputy special agent—I am sorry, to the Deputy Chief of Staff. But I don't know if the SAIC spoke to her first. I don't know that timeframe.

Chairman CHAFFETZ. So, but you did speak with her.

Mr. CLANCY. I spoke to her, yes. Yes. I don't know the timeframe, though. I honestly don't know the timeframe.

Chairman CHAFFETZ. But you will get that to us?

Mr. CLANCY. I will look for it. I didn't keep notes, but I will look for when I may have spoken to her.

Chairman CHAFFETZ. And will you give us a copy of the email you sent?

Mr. CLANCY. Yes. Sure.

Chairman CHAFFETZ. Who in the Joint Operations Center would have been responsible for real-time flagging of the video during the March 4 incident? Who at the Joint Operations Center is responsible for that?

Mr. CLANCY. There is an on-duty supervisor at the Joint Operations Center that——

Chairman CHAFFETZ. You have a forensic services division, correct, at the——

Mr. CLANCY. We do.

Chairman CHAFFETZ. Have they been engaged in this?

Mr. CLANCY. I think everyone has been trying to retrieve these videos.

Chairman CHAFFETZ. When you say "everyone"——

Mr. CLANCY. Well, I am sorry. I should be more concise. I know that when we didn't have these videos available that you requested we brought in some of our people from cyber investigations, as well as some of our people from our technical side, as well as the manufacturer. I directed the staff——

Chairman CHAFFETZ. So did you engage the forensic services division?

Mr. CLANCY. I don't know personally who—I just don't know.

Chairman CHAFFETZ. Who gave orders on which tapes to preserve, which to not, during the March 4 timeframe?

Mr. CLANCY. I don't know that answer.

Chairman CHAFFETZ. Who should have been responsible for that?

Mr. CLANCY. I would—there is a sergeant, a lieutenant in the Joint Operations Center, as well as a GS–14 supervisor. And the watch commander decides who or what—what is an incident, and typically, as I understand it, would call back and make that request.

Chairman CHAFFETZ. Recognize the gentleman from South Carolina.

Mr. GOWDY. Thank you, Mr. Chairman. Very briefly, and then I want to go to the gentleman of North Carolina who has done so much work on this issue.

Director, I am a little bit vexed as to whether or not these two agents were on duty or not. I am sure that you have policies on the consumption of alcohol while you are on duty, and I don't know whether or not either of these agents consumed alcohol. Do you?

Mr. CLANCY. I don't know if they consumed alcohol. That will be a matter of the investigation. It will come out.

Mr. GOWDY. What we do know is that they either responded to a crime scene, which would be problematic because they potentially contaminated a crime scene, or, secondarily, they were unaware and they just can't drive worth a damn and drove over a barricade, neither of which would be good scenarios, right?

Mr. CLANCY. That is correct.

Mr. GOWDY. I continue—and then I want to go to the gentleman from North Carolina—I continue, honestly, to not understand this desire/willingness of government agencies to stand down for the inspector general and suspend their own internal investigations. I just—you have been an investigator for how long?

Mr. CLANCY. Well, I have been in the business 27 years.

Mr. GOWDY. All right. Twenty-seven years. If you saw two GS–15s fighting in the parking lot, would you call the inspector general?

Mr. CLANCY. Well, we call the inspector general, and then it is their option whether to take it or give it back to our agency. They could have refused to investigate and give it back to us, but I think, again, in an effort to try to be transparent, you know—and, again, I am required to do that by the Department of Homeland Security's memorandum.

Mr. GOWDY. But if there were an ongoing theft, just an ongoing theft of, say, a vending machine at your headquarters, you wouldn't call the inspector general. Wouldn't you interrupt that theft?

Mr. CLANCY. Yes, that one would not be required, because it is not a GS–15.

Mr. GOWDY. Well, what if it were a GS–15?

Mr. CLANCY. If it is a GS–15, we could notify the OIG, and then they could make a decision on——

Mr. GOWDY. I cannot believe that in the throes of an ongoing crime you would notify the inspector general. I mean, we trust you to protect the life of the President of the United States, and you can't investigate a suspected drunk driving?

Mr. CLANCY. Well, we would investigate the incident that—of the protective interest, which is the female with the bomb. That is ours, and we would take that. With regard to misconduct, that is something that we would offer to the special agent—or to the OIG.

Mr. GOWDY. Well, I am going to say this in conclusion, and then I am going to give the time to the gentleman from North Carolina, it is great to correct and punish misconduct after the fact. It is even better to prevent it in the first place.

Mr. CLANCY. Yes.

Mr. GOWDY. And there is not a person here who does not want to see you successful, Director. Not a single person on either side of the aisle does not want to see you successful. I just don't think this is a training issue, and I don't think it is a resource issue. But you have got to get to the bottom of whatever is pervading the culture, and I hope you can because it is a venerable, well-respected agency, and I hate to participate in hearings like this.

Mr. CLANCY. Yes, sir.

Chairman CHAFFETZ. Thank the gentleman. I reclaim my time.

Director, it was, according to the Metropolitan Police Department, 11 minutes after a suspect has dropped what might be a bomb on the gate of the White House with the President in the residence. It takes 11 minutes to call Metro Police Department. Why does it take so long?

Mr. CLANCY. Yes. I don't know the answer to that.

Chairman CHAFFETZ. But how do you not know? This is what is so infuriating. You are the director of the Secret Service. It is almost 3 weeks after the incident, and you don't know why it takes 11 minutes to pick up the phone and say, "Hey, Metro Police Department, we have got a problem down here and we need your help." It takes 27 minutes to secure the scene, 27 minutes. What if it was a real bomb? What if it was a real bomb?

Mr. CLANCY. Mr. Chairman, I have been at the White House complex when we have cordoned off areas, when we have secured zones, and it happens very rapidly from my——

Chairman CHAFFETZ. But this didn't, and this is the most recent example. Why didn't it happen?

Mr. CLANCY. I don't know, and——

Chairman CHAFFETZ. Who are you holding accountable?

Mr. CLANCY. Well, we are going to wait—we are not going to——

Chairman CHAFFETZ. You are going to wait. That is the problem.

Mr. CLANCY. We are going to wait and not——

Chairman CHAFFETZ. That is the problem: we are going to wait.

Mr. CLANCY. Yes.

Chairman CHAFFETZ. That is the problem.

Mr. CLANCY. Yes.

Chairman CHAFFETZ. That is the problem. It took you 30 minutes—30 minutes—to be on the lookout for a woman who dropped a package at the White House and said, "This is a bomb." I want her taken down. I want a net to go over that city. I want her in custody immediately. You take 11 minutes to call Metro Police Department, you take 27 minutes to secure the area, and you take 30 minutes to say, "Hey, we have got a problem here."

You get an officer behind the right car and they get waved off. They didn't pull them over. You said you had the license plate number. We spent millions of dollars building a video capability. Somebody can't push rewind and go see what that car make, model, and license plate is? Don't we trust that officer who had that person in their sight and say, "Go ahead and pull them over until we clear this up." But, no, that is not what happened.

Then, you go out to Virginia, you find the person and the agents say, "Well, we don't—we can't really arrest this person." This is somebody who had already come in contact with us, and the problem is, you are still waiting. We are not playing games.

This is the life, safety, and security of the President of the United States and the White House. Don't let anybody get in that gate. And when they come to the gate and they have got a bomb, and they say they have a bomb, believe them. Take them down. Take them down. That is what I want to see. I want to see determination. I want those officers and those agents to know we have got their back. You take those people down. You do not let that happen.

This is the United States of America. The threat is real, but I don't feel it, I don't see it, and it is unacceptable.

Time has expired. Yield to the gentleman from Maryland.

Mr. CUMMINGS. Thank you very much, Mr. Chairman.

Mr. Clancy, I want to just go back for a few minutes, because when all of the dust settles the question is—when all of the dust settles, is the President of the United States and his family and all of the other protectees safe?

Mr. CLANCY. The President, the White House, the First Family, is safe. Absolutely.

Mr. CUMMINGS. And tell us why you say that.

Mr. CLANCY. I have protected four Presidents. Four Presidents who apparently respect the work that I have done. I have directly protected Presidents. I know what it takes to protect Presidents and their families, and I know that we are not a perfect agency. And this is not a perfect science.

When you look at the number of sites that we have per year, you look at the 36,000 people that come through that White House every month, we know what we are doing. But do we make mistakes? Yes, we do. We make mistakes, and we followup on them. Our mistakes, compared to the number of visits that we have throughout a year, 5,700 sites in 1 year, we have got a pretty good track record. Doesn't mean that we have got to—we have a problem here, definitely have a problem. We are going to fix it.

But it is not that all of our practices are off or our foundation is bad. We have just got to get—do a better job of training our people and responding quicker to some of these events. I could list several very positive events where we have saved lives, where we have responded very quickly to individuals who wanted to climb the fence. I could cite numerous examples of that. But I know that today we are looking at the—this negative incident.

But I am confident that because of the good work that is being done by the vast majority of our people that the President is safe, the First Family is safe, and the White House is safe. But it is not an easy task. It is a challenge in an urban environment.

Mr. CUMMINGS. A little earlier I said that when I looked at the memo, the email, the anonymous email, that it made me realize that—or believe that we had an agency in war with itself.

Mr. CLANCY. Yes.

Mr. CUMMINGS. Do you understand why I say that?

Mr. CLANCY. Yes. There is conflict within the agency.

Mr. CUMMINGS. The idea that someone would even create the email, would create it, put it out there—let us assume it is not true. That makes it even worse——

Mr. CLANCY. Right.

Mr. CUMMINGS [continuing]. To put it out there. You know, there used to be a—when I was a kid, there was a saying that said, "When two elephants fight, the ground suffers." And the point is is that when people are involved in conflict, and that is distracting—I know that is—from the mission——

Mr. CLANCY. Yes.

Mr. CUMMINGS [continuing]. That is a problem. Would you agree?

Mr. CLANCY. Absolutely.

Mr. CUMMINGS. Just the idea that somebody would put that out there.

Mr. CLANCY. It is a reflection on all of us that we are not—there is not enough trust within the agency that you can't bring things up through the agency. Somehow we have got to regain that trust. Rather than going out and doing an anonymous email, bring it to someone's attention.

And, again, we have so many avenues that we have created so that you can do that, even outside your chain of command, use these hotlines and ombudsmen and—or call me directly. I have had people directly contact me with issues that they have, and then I have followed up on them.

So, and to the work force that is listening today, if you are not getting results, contact me so that we can get results.

Mr. CUMMINGS. What is the—you know, I think one of the things that becomes frustrating for a lot of us up here is that—is something I sent to you a little bit earlier. It is one thing when you have one incident here, then maybe 2 years go by and you have a little incident there. But when you see them and they just keep coming, keep coming, keep coming, that is when you move into that zone of culture.

Mr. CLANCY. Yes.

Mr. CUMMINGS. And It seems like the problems, because they keep coming, it seems like we are not maybe digging down deep enough to try to get to that ongoing situation.

Now, hold that point, and let me go to number 2 with that. One of the things you also talked about, and Congresswoman Eleanor Holmes Norton talked about, was this overtime and the fact that people can't even get a day off and all that. And all of that—and I am sure that plays a role. But help us try to understand how you see it.

I mean, you have got to be sitting there scratching your head saying, OK, it is one thing after another. Is it—am I digging deep enough to get to the problems? What else do I have to do? I mean, when you look at all that you have seen, what—I am sure you see some daylight at the end. The question is: how do you see yourself getting to that daylight?

And when I say "that daylight" I mean bringing the agency back to the level of integrity that it once held. And how do you do that? I mean, how do you see yourself doing it? And can you see yourself accomplishing that?

Mr. CLANCY. I am trying to stay the course. I am trying to stay the course of what we have started 30 days ago when I was named the director. As an acting director, you do some things, you make some changes, but you are not the permanent director. And to be honest with you, I thought if they brought in someone else, they would want to bring in their own team, bring in their own restructuring, and I didn't want to extend too far out until I was the director.

And now in the last 30 days, I want to stay this course of trying to do all we can to hire this staffing. That is the biggest issue we have. And I admit there are other issues we have got to work on with the way we have handled this incident. But if we handle this staffing problem, I honestly believe it is going to help the morale a little bit. When people start to get days off, then they are more excited to work as a team and get back into the business. But that is something we have just got to fix, the staffing and the communication. I can't say it enough and I know it doesn't mean maybe a lot here as I speak to the committee, but we have been stressing with all of our officials in Uniform Division, as well as my executive staff. And I have personally tried to engage people, engage them and make them feel comfortable to talk to us and try to make this agency better.

It is that 1 percent. And I have said this to our roll call. It is the 1-percent that is tearing down the 99 percent and it is that 99 percent who has got to stand up to that 1 percent. And that is what I am asking our work force to do. If you see someone starting to go south on their professional or personal conduct, then that 99 percent has got to straighten it out. That person in that vicinity has to grab that individual and say that is not what we do. And somehow I need the help of the work force, too, besides the supervisors, I need the help of the work force to stand up for that agency and make it the way it was so many years ago.

And one last thing, I know I am talking too much here, but again, we are talking about some very negative things here, but there are so many wonderful, wonderful agents and officers, these professional people—I am sorry.

Mr. CUMMINGS. I agree with you. They are great agents. And I have talked to a number of them and as a matter of fact, I had one

visit with me not long ago. And this was an agent who has been around for a good while. As a matter of fact, he is about to retire. But he really wanted to make sure that the Agency got back to that place that I just talked about.

And the reason why I ask you these questions is because I am trying to figure out can we—I mean it seems as if some people probably have to go. And do you understand that? That there may be some people who maybe this is not where they need to be or maybe they are good people, but it doesn't mean that they are necessarily good for this Agency.

Mr. CLANCY. Right.

Mr. CUMMINGS. And so I mean how do you make those determinations? I mean how do you come to that? How do you come to those kind of decisions? And do you feel that you can make those decisions? If you know somebody, known them for 20 years, I mean it is——

Mr. CLANCY. I have made that decision with some people that we did offer some other positions in DHS. Again, good people, but I wanted this fresh look and this aggressive work that we need to have done on the upper levels. If we can set a tone, if we can set a tone at the upper levels, that is going to filter down. Not only the work ethic, but the professionalism, but also this idea of trust.

I am a great believer in trust. You have got to try to through your actions, through your actions, gain trust of people. I think we just have to—it is going to take time. But I am not giving up. It is going to take time. But we are going to have to just keep working through it.

Mr. CUMMINGS. Now Chief Lanier had told the committee that 30 minutes was a quick time response. Do you see that as quick, 30 minutes?

Mr. CLANCY. I don't know. I can't evaluate the chief's force. But ideally, we want them there as soon as possible. We have our own people on the complex.

Mr. CUMMINGS. Is there a bomb expert inside?

Mr. CLANCY. Inside the complex, but not for the metropolitan streets. Not for the District.

Mr. CUMMINGS. But inside the White House.

Mr. CLANCY. It is actually in the—I believe it is in the NEOB, the New Executive Office Building, so they can respond within minutes.

Mr. CUMMINGS. A question also came up with regard to the IG. And according to code, the IG does have the—the IG is authorized to require by subpoena the production of all the information, documents, reports, answers, records, accounts, papers, and other data. Did you know that? Were you aware of that?

Mr. CLANCY. I made an assumption and an answer to an earlier question, I thought that they could, yes. They are 1811s.

Mr. CUMMINGS. Yes, I just want to make sure that we are clear on that.

Mr. CLANCY. Thank you.

Mr. CUMMINGS. Tell me, describe your relationship with—between the relationship between the Secret Service and the Metropolitan Police Department.

Mr. CLANCY. Well, with our Washington Field Office, the Agent-in-Charge or Washington Field Office, they work very closely with the Metropolitan Police Department. And I can see it myself as I walk around the White House, as we have protestors and incidents at the White House. They are very responsive. I can see them in force. It is actually very comforting as just maybe it was a week ago, 2 weeks ago, I walked down, it was St. Patrick's Sunday, I think, I walked around—or that weekend. We had a St. Patrick's Day Parade, and there was a Syrian protest group and there was a large crowd on the north fence line. And the Metropolitan Police was there offering a lot of support.

And I remember talking to some of the officers as I walked around. My view, it is much better than it was from years ago. So I think the relationship was very strong, but their support has been very helpful to us. I think there is a very good relationship.

Mr. CUMMINGS. And what has their communications been? How has that been between your agency and theirs?

Mr. CLANCY. Well, at the level with the Washington Field Office, it has been very good. But to the chairman's point I agree that I should have made more of an effort to meet with Commissioner Lanier.

Mr. CUMMINGS. Do you plan to do that any time soon?

Mr. CLANCY. I do. It is on the schedule for maybe next week. I can't remember off the top of my head, but I know that it had been canceled, and then we had another event that we were going to have a table top exercise and that had to be canceled, so we have missed a couple of opportunities, but that is on me. I should have made more of an effort to reach out to the chief.

Mr. CUMMINGS. Now going back to the incidents of March 4th, I understand what you were saying when you said that you were concerned. You turned this investigation over to the IG. Do you think your Agency, if you had the authority, could have done the investigation?

Mr. CLANCY. Absolutely. I think we could have done it much faster. I think we would have worked, again, I don't want to cast judgment on the OIG. I am sure they are doing a very good, thorough job, and that is why we gave it to them, but we would have worked on this very quickly. But I didn't want that view. The concern was that it is the Service taking over their investigation of their people and then I just didn't want to take that chance. And again, I am required to give it to the OIG.

Mr. CUMMINGS. I understand that. But I have heard you say this many times about being concerned about—first of all, you had a duty to do it, but putting that aside, this idea of the perception——

Mr. CLANCY. Yes.

Mr. CUMMINGS. Talk about that for a minute, the perception that if you had gotten involved. Because I have heard you say this now at least five or six times.

Mr. CLANCY. Yes, I just wanted to be as transparent. Maybe the best example I can give you is I know many members wanted an outsider in this position so that that outsider could make decisions. So here we have this incident and I have reached to an outsider to investigate. And now I am being told that it should have been an insider, us, to do it. So I am trying to be transparent here.

I admit that being new in the role that there is a lot for me to learn and I am going to learn from my mistakes, but I did want to be transparent. I just didn't want to have any indication that we were tainting the investigation. And that is why again right or wrong, I compartmentalized things and said OK, the OIG has got it, let me focus on the protection of the White House today and tomorrow and future trips, the First Lady who is making a trip overseas.

There are so many other issues and threats that are coming in and this is my third hearing and I had the closed hearing, too. As you can imagine, that takes considerable amount of time from some of my other duties that I am concerned that are in the future here. And I have got to focus on these like the Pope's visit, and the campaign. These are things that I should be looking at now, in advance, to make sure that we don't go down the wrong path. And again, it is on us. We put ourselves in this position, I realize that. But it has taken a considerable amount of my time to look back when I was content, at this point, to let the OIG do that investigation so I could, I had hoped to be able to focus on the protection today and our future events.

Mr. CUMMINGS. You know, I told you that one of my concerns all along here is that, and I think you are getting a feel that it is probably the concerns of a number of us is that in the process of waiting for the OIG to come back with their findings, recommendations, and what have you, that the President still has to be seen.

Mr. CLANCY. Yes.

Mr. CUMMINGS. And a lot of the concern went to if there are things that could be threatening to the safety and welfare of the President and the family and all the others that you protect, whether while we are waiting something could not be happening. Now let me finish. You had mentioned to me, you had told us that you were going to go back a few days later to the OIG and be in contact with them as to things that they could let you know that would allow you, if they being serious enough to be able to act with regard to disciplinary issues. Did you have that conversation?

Mr. CLANCY. I did not have a second conversation with the OIG. I will say that as a result of what I do know here where these agents drove through the secure zone, we had our assistant director for training. We gave him the task of going back out and looking at our model for incident commands, what do we do when we have an incident like this? Are we securing the zone properly? Is the communication done properly? So that directive has gone out from my office to the training director. So we are looking at this from where we are now from the outside. And just from that, we know there are things that we can do better and we are addressing those. The piece that is missing, primarily, is the accountability piece, and that comes when we get the definitive facts as they come through.

Mr. CUMMINGS. Now you were going to, you told the chairman that you were going to produce certain witnesses. Now I am not trying to put words in your mouth now, let me finish. I want to make sure we are all on the same page and I want to make sure you said what I think you said, that you are going to produce cer-

tain witnesses for interviews. Is that right? Is that your understanding?

Mr. CLANCY. I have to go back to the Department, but that will be my recommendation that if we go back to the Department and not in open hearing though.

Mr. CUMMINGS. Right.

Mr. CLANCY. We will do it in a closed hearing.

Mr. CUMMINGS. Right.

Mr. CLANCY. And do it in that mode.

Mr. CUMMINGS. And would that satisfy your concerns with regard to interfering with the IG? And by the way, we told the IG that we would work with them so as we would avoid those kinds of problems.

Mr. CLANCY. It would satisfy my concerns. In all candor, that will go through the work force and they will know who has been brought in, who hasn't, and it generates a lot of chatter, but it would satisfy my concerns.

Mr. CUMMINGS. But you know, when you say it would cause a lot of chatter, a lot of chatter is going to be caused no matter what because the IG has to interview the same people we want to interview. You understand that, right?

Mr. CLANCY. Yes. If you are going to do all the interviews they are doing, yes, sure.

Mr. CUMMINGS. We probably will do quite a few interviews. And so what is the difference?

Mr. CLANCY. There may not be, Congressman, in a closed hearing.

Mr. CUMMINGS. Yes, I am talking about closed. Yes, I am talking about closed. So what can you tell us, so if you were working with the IG, you said that if you had done the investigation, it would have been much faster. Is that right?

Mr. CLANCY. That is my view. Again, it would be an assumption, but knowing that we would throw all of the assets that we have available, we would take investigators, we would empty out our Internal Affairs and 24 hours a day, we would follow through on this to get it done so we can act on it quicker.

Mr. CUMMINGS. Now when you have a shortage of manpower, how do you deal with that? You talked about all the vacancies. I still can't get over this 45,000 people.

Mr. CLANCY. Yes, sir. When we have a shortage of manpower, operationally, we pull people in. Just as an example, at the White House now, the Uniform Division, as we have discussed is short in terms of manpower. So we have brought in agents to assist in some of these positions until they get up to staff. And we are working toward building up their staff. In fact, this year we should hire approximately 192 officers, maybe a little bit more to bring them on.

Now the key here is the retention piece of it. It is one thing to bring them on, but if we lose a hundred, then our increase is not as great as we would like. So we are looking at both, not just the hiring, we are looking at retention matters, too. Should there be bonuses available, retention bonuses? We are looking at other options, too, looking at annuitants, people who have retired. Can we bring them back in some kind of a role with our Uniform Division?

So we are looking at as many different options available to try to buildup our staff and that is where we are.

Mr. CUMMINGS. Does it surprise that out of 45,000 people, you can't get a few? I mean does that surprise you?

Mr. CLANCY. It absolutely does.

Mr. CUMMINGS. And you said mainly because of drugs.

Mr. CLANCY. Primarily because of drugs.

Mr. CUMMINGS. And when you say drugs, do you mean a history of drugs or they come in for a drug test and they are still on drugs?

Mr. CLANCY. Very often it is through the polygraph examination, when they are asked questions through the polygraph examinations, there are admissions to possibly selling drugs or having some kind of a past, crime in the past or something.

Mr. CUMMINGS. Let us say if somebody is asked have you ever used marijuana? And they say, yes, I used it in high school and now they are 27 years old. What happens to that person? In other words, is that the kind of thing that disqualify them?

Mr. CLANCY. I don't know that I can go into specifics for each one. Because, I am sorry, others may hear that——

Mr. CUMMINGS. I got you. So it is a major problem though.

Mr. CLANCY. It is a dilemma, but we have to go through that in order to get good people. We are willing to—we are not going to compromise our hiring standards.

Mr. CUMMINGS. Right.

Mr. CLANCY. Because we have got to get good people. Now the thing I have got to battle with, we have done all this vetting and it takes seven or 8 months and they go through the polygraph and the background checks and they get this Top Secret clearance, where do we lose them when they get to the 10-year mark, the 15-year mark? Why are they not—why do they write to the members? Why are they disgruntled? Why are they not reporting up through the chain of command? That is something I have got to find a solution to that because we are getting good people on the front end. And again, I am so sorry to keep saying this, but again, we are looking at a smaller element. Our work force is listening to this, probably saying hey, this isn't the work force I know. But there is an element that we have got to do a better job of reaching.

Mr. CUMMINGS. Do we have to do a better job of making sure that the people in the supervisory roles are well selected? Because I have told you several times I have been sitting for years on the board of the Naval Academy. And one of the things I have noticed is that they are very—the students are very selective about who has leadership roles up and down the ranks. And it is earned. People have earned trust. People have shown good examples. And it is not a I am going to scratch your back and you scratch mine, none of that. But I am just wondering, are you looking at how you are elevating people because you can have people at the top, but if you have got folks in supervisory roles, for example, who might say to officers rank and file don't conduct a sobriety test, hypothetically. We are still figuring all this out.

Mr. CLANCY. Right.

Mr. CUMMINGS. That is pretty bad because then you have got the person who is trying to do their job being told not to do their job. You are talking about something that would be harmful to morale

and at the same time take away from the mission. That is a hell of a dilemma. So are you looking at how you promote people and trying to make sure you have the right people in the right positions?

Mr. CLANCY. Well, a couple of things. I know some things that have taken place in the time that I was not in the Service when I had left. To make it more objective, there is testing. So you have got to either pass the test or you don't pass the test to go on to the next level. So that prevents someone from just tapping their friend and saying you are going to be a supervisor. So you have got to get through that test. But beyond that, we have got to do more training with those supervisors we have in place today. We have got to do more ongoing training so that they engage their work force. I am just thinking of the Uniform Division, for example. Those officials need to be walking around that complex as much as possible, engaging their employees, testing our employees. Go up to the officers and say OK, if this happens, what are you going to do?

I often give the example, you know, if you have ever played baseball, you sit out there in right field and you are thinking about what if it is a ground ball or what if it is a fly ball, what am I going to do with the ball? Well, that is what we have to do in our line of work. I think you have always got to be thinking about if this happens, what is my reaction so that you are not slow in reacting.

Mr. CUMMINGS. Yes. My time is running out, but let me say that first of all to the men and women of the Secret Service, I want to thank them for what they do. And I have watched them whenever they are around. I mean I have just seen phenomenal professionalism. But when these things happen, you are right, it just takes away from all of those folks who are doing a great job. And I am hoping that they will accept your directions. And that is that if there are people who are not doing the right things, that they themselves will weed them out, like they do in the Naval Academy. They will weed them out in a minute because they want to make sure that they keep this elite organization elite and maintain that reputation. They want to make sure that the reputation matches the performance.

So again, I want to thank you, but I have got to tell you, as I have said many times, we have got a high-powered microscope on this agency.

Mr. CLANCY. I understand.

Mr. CUMMINGS. And we will not rest in a bipartisan way. We will not rest until we get back to where we need to be. Thank you, Mr. Chairman.

Chairman CHAFFETZ. I now recognize the gentleman from Georgia, Mr. Carter, for 5 minutes.

Mr. CARTER. Thank you, Mr. Chairman. Mr. Clancy, thank you for being here. We appreciate this very much. I want to reiterate what Representative Gowdy said earlier and that is that we all want to see you succeed, we do. We truly, sincerely bipartisanly. We want to see you succeed and we hope that you will do that. Unfortunately, off to a bad start.

Mr. CLANCY. Yes, sir.

Mr. CARTER. And that happens, OK? Let me ask you something. When your agency hires a new employee, can you tell me what the process—how much time it usually takes when you hire a new employee, the amount of time?

Mr. CLANCY. Well, to go through the hiring process is approximately 7 months, seven or 8 months. We have cut it down. It was longer up until about a year ago, but we have cut it down to about seven or 8 months. And then once we get them on board, they go through training for 7 months. We send them down to Georgia for three and a half months of training down at the Federal Law Enforcement Training Center.

Mr. CARTER. By the way, that is in my district. Thank you very much.

Mr. CLANCY. It is a great facility. It has grown quite a bit since I have been down there, but they get excellent training down there in basic law enforcement training. And then they come up to Washington for more specific training related to the Secret Service laws, investigations, and protection and of course, our cyber mission. So it is about a 7-month training.

Mr. CARTER. Of that 7-month training, and I am not talking specifically about training, but what about background investigations? How long does that usually take?

Mr. CLANCY. And others can correct or we will correct the record later if I am wrong on this, but it was 14 days——

Mr. CARTER. I am looking specifically for the background check.

Mr. CLANCY. For the background, the field office to the best of my knowledge is they get 14 days to go and go to your schools and neighborhoods and do that background check.

Mr. CARTER. Right.

Mr. CLANCY. Now it may have been brought down to 10 days.

Mr. CARTER. But recently, has it been adjusted to be less than even that, maybe just 3 days?

Mr. CLANCY. You know, one of the other members had mentioned that. I am not aware of that down to 3 days. I was aware that it may go down to 10 days. I will research that when I go back to see if it dropped down to 3 days.

Mr. CARTER. Wait, you weren't aware of it. We have got information that says there was an email sent out that said because you were trying to fill a class for March that you wanted to decrease it to 3 days, but you didn't approve that?

Mr. CLANCY. No, now I don't get involved at that level to be candid with you, sir, with how they are—I set the tone with how many classes we wanted to get, what is the goal? To get nine classes or eight classes, and then just fill those classes. I don't know if they have brought it down to 3 days. I am not aware of that.

Mr. CARTER. Do you feel like you should get involved? I mean that seems to me like that is a pretty high management decision and that is something that you ought to run by the boss.

Mr. CLANCY. Yes, well, the requirements stay the same though. There is somewhat of a check box. You have to make sure you talk to so many neighborhood—neighbors, somebody at schools. You have to still do a background check. It is just that your time to do it is condensed. It is not that you can knock off some parts of the background check.

Mr. CARTER. OK, well, let me ask you in the background check, if you find someone who has got a dual nationality, does that impact whether you hire them or not?

Mr. CLANCY. A dual nationality? You cannot have dual citizenship.

Mr. CARTER. You cannot have dual citizenship.

Mr. CLANCY. Yes.

Mr. CARTER. But it is my understanding that that did happen during this time that you had the 3-day background check period.

Mr. CLANCY. That someone was brought in with a dual citizenship?

Mr. CARTER. That is my understanding.

Mr. CLANCY. I will check on that. Our staff will check with yours and we will followup on that.

Mr. CARTER. OK. I am just concerned. It seems to me like when there is an alteration in policy, you know, the one thing—look, I am a small business owner. OK? The one thing I don't like is surprises. And that is all I tell my staff.

I believe you surround yourself with good people and you let them go at it and I admire that and I think that is good management practice, but at the same time I don't like surprises. And it would appear to me that going from a 14 or a 10 day background check period to a 3 day, that is a surprise.

Mr. CLANCY. Yes, sir. That is a considerable condensing of our hiring process. We will definitely followup on that and certainly if you will help us with that dual citizenship issue.

Mr. CARTER. OK, back to the dual citizenship. If you do find out they have dual citizenship, then they are ineligible? They have to renounce one of their citizenships?

Mr. CLANCY. My understanding is yes, they have to renounce their citizenship. They have to be American citizens.

Mr. CARTER. OK. All right, well, again, let me reiterate that we want to see you succeed and we don't want to see you here. OK? The less we see of you, the better off we are and the better off you are.

Mr. CLANCY. Yes, sir.

Mr. CARTER. Thank you.

Mr. CLANCY. Thank you, Congressman.

Mr. CARTER. Thank you, Mr. Chairman. I yield back.

Chairman CHAFFETZ. Thank the gentleman. Listen, on behalf of all of us, please convey to the men and women who do the hard work day in and day out, holidays, weekends, they have got the family lives going on and yet, they are asked to continue to perform their duties. Please, I hope they know how much we love them, care for them, and wish them nothing but the best. That is why we go through this process. It is part of what makes the United States of America the greatest country on the face of the planet is we are self critical. You can't do this type of discussion that we are having in most countries.

As representatives of the people who care about what you do and how you do it, that is the spirit in which we approach that and I know you share that as well. So we thank you for your personal service. We thank the men and women for all that they do and the men and women who are behind you supporting you here today,

but probably most importantly back at the office or at home or on the grounds of the White House or wherever it might be we thank them. So this will continue. We do appreciate it, but the committee stands adjourned.

[Whereupon, at 1:33 p.m., the committee was adjourned.]

APPENDIX

MATERIAL SUBMITTED FOR THE HEARING RECORD

Statement of Congressman Gerald E. Connolly (VA-11)
Committee on Oversight and Government Reform
U.S. Secret Service: Holding the Protectors
March 24, 2015

Since it was announced in late February 2015 that Acting United States Secret Service ("Secret Service") Director Joseph Clancy would be elevated to the position of permanent Director, I have been concerned that by rejecting one of the key recommendations made by the U.S. Secret Service Protective Mission Panel ("USSSPMP"), namely that, "...we think the right person should come from **outside the Service**," and that, "The next director will have to make difficult choices, identifying clear priorities for the organization and holding management accountable for any failure to achieve those priorities. **Only a director from outside the Service**, removed from organizational traditions and personal relationships, will be able to do the honest top-to-bottom reassessment this will require" [emphasis added], the Secret Service has set itself up to fail in meeting the daunting challenge of achieving comprehensive transformation.

The incident on March 4, 2015 only heightened my apprehension, and put charitably, does not inspire confidence that the Secret Service even understands or accepts that the agency must completely overhaul its culture. Indeed, putting aside the question of whether the allegations are true that a Supervisor overruled and prevented Secret Service Uniformed Division Officers from conducting field sobriety tests of two senior agency leaders that were suspected of operating a government vehicle within hours of consuming alcohol, it is simply unacceptable that Secret Service management would fail to notify the Director of an event that potentially involved the inappropriate disruption of an active bomb investigation by agency leadership.

That Director Clancy only learned about the March 4 allegations from an anonymous whistleblower confirms my fear that the individuals managing the Secret Service are likely the same individuals who defended the rejection of the USSSPMP recommendation for outside leadership by leaking to the New York Times on the day of Director Clancy's announcement the rather astounding quote: "Despite all the criticisms of the Secret Service, several current and former agency officials, and other law enforcement officials, have said the agency is not nearly as troubled as members of Congress and the panel have made it seem. The officials said that the agency had made some mistakes, but that it did not need a complete overhaul."

The bottom line is that the once-proud Secret Service appears to be an agency that not only is in disarray but in deep denial.

This cannot continue. As a child of the 60's, I am of a generation that can vividly recall exactly where and when they learned of the shocking news that President John F. Kennedy had been shot and killed in Dallas. The image of Secret Service special agent Clinton Hill leaping over the back of the car transporting President Kennedy and at great risk to his own life, shielding the First Lady with his own body will forever be seared in my memory. The Kennedy assassination traumatized an entire Nation. As we recently observed the 51st Anniversary of that horrible day in Dallas several weeks ago, it is incumbent upon all of us to ensure such a horrific tragedy never happens again.

(OVER)

To date, I have been pleased that this Committee's oversight of the Secret Service has been conducted in a serious and bipartisan manner to thoroughly examine every facet of how the Secret Service carries out its dual missions of protection and investigation. The most important challenge facing us now is identifying and implementing the long-term reforms that will be necessary to transform the Secret Service back into an elite enterprise that truly honors the brave service of the thousands of dedicated men and women who serve our Nation as special agents, uniformed officers, and support staff. The results of our bipartisan investigation will enable the Congress to develop and enact policies that will enhance the security of our Nation's Commander in Chief.

Congress must work with the current Administration to authorize and implement transformative reforms. Every option must be analyzed and considered, from mundane improvements to policy and procedure, to more fundamental modifications of the agency's statutory mission, structure, and personnel practices. Despite the daunting challenge before us, I am confident that if we work in a pragmatic and bipartisan fashion, the Secret Service will emerge from this troubling period as a stronger, more disciplined, and more effective law enforcement agency.

Indeed, there is past precedent for this. It was a 1930 White House intrusion that originally spurred the transfer of the White House Police Force to be placed under the direct supervision of the Chief of the Secret Service to ensure the agency had exclusive and complete control over Presidential protection operations. Recent Secret Service scandals must serve a similar purpose and force Congress to fundamentally reexamine every facet of how our Nation protects its President.

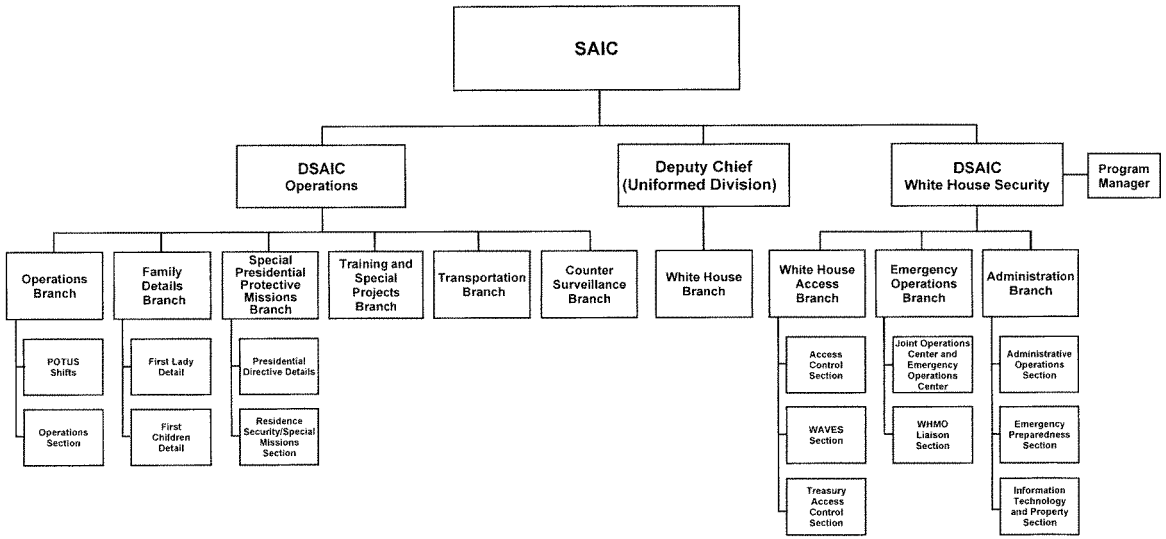
Now is the time to examine far-reaching questions, such as whether it is time to separate the Secret Service from its legacy mission of investigating sophisticated financial crimes, which may be handled better by the U.S. Department of Justice's Federal Bureau of Investigation.

In the 21st Century, the prevalence of threats against the President of the United States continues to expand and evolve. Is it realistic or fair to expect the Secret Service – a relatively small agency of 6,705 full time employees, approximately half of which are Special Agents, in addition to about 1,300 Uniformed Division Officers – to effectively protect the President, Vice President, First Families, visiting heads of state, and National Special Security Events; while simultaneously safeguarding our country's financial infrastructure and payment systems? The Secret Service's recent operational failures in its protection mission indicate the answer may be no, and I look forward to examining this question with Director Clancy.

-END-

	TIME	ACTION
	10:24:38 p.m.	Suspect's vehicle pulls up to security gate 15th and E Street NW.
	10:25:42 p.m.	Suspect's vehicle seen leaving the area.
	10:26:28 p.m.	USSS Uniform Division leaves 15th and E Street, NW in pursuit.
11 minutes	**10:36:42 p.m.**	**USSS Joint Operations Center calls MPD's Command Information Center (CIC) to request EOD.**
	10:39:00 p.m.	USSS calls 911 to request that DC Fire and Emergency Medical Services respond to the scene.
	10:45:51 p.m.	The DC Office of Unified Communications (OUC) dispatches MPD officers from the Second District to assist with the incident.
	10:50:59 p.m.	USSS calls 911 requesting additional MPD units to assist with the perimeter.
27 minutes	**10:53:00 p.m.**	**First MPD Units mark on the scene to assist with securing perimeter (7 minutes, 9 seconds after OUC dispatch).**
	10:54:04 p.m.	Additional MPD vehicles arrive on the scene to assist with the perimeter.
30 minutes	10:55:00 p.m.	USSS issues a lookout to local law enforcement for the suspect.
	10:57:48 p.m.	Unmarked USSS vehicle enters closed gate at 15th and E Street NW. Vehicle strikes an orange traffic barrel, knocking it over and enters the suspicious package perimeter.
	11:10:16 p.m.	**MPD EOD technician arrives on the scene and checks in with the command post (33 minutes, 24 seconds after the first notification from the USSS to the MPD CIC).**
	11:15:02 p.m.	MPD EOD technician goes downrange to handle the package.
	11:45:00 p.m.	MPD EOD technician declares the package safe.
	11:46:30 p.m.	USSS returns to the location of the package that has been rendered safe.

United States Secret Service
Presidential Protective Division
Organization Chart



Office Number: 116
Office Abbreviation: PPD

Table of Penalties

- Reporting of Misconduct
  - **All Employees:** encouraged and expected to report misconduct as described in the Table.
    - Chain of Command, ISP or OIG Hotline, Ombudsman
  - **Supervisors:** REQUIRED to report through chain of command an employee's misconduct as described in the Table.
    - Failure to report may result in discipline for the supervisor. See Offense Code 5.6. Dereliction of Supervisory Responsibility.

Offense Code 5.6 Dereliction of Supervisory Responsibility	**A supervisor, or an employee acting in an authorized supervisory capacity, failing to exercise reasonable care in the execution of his duties or responsibilities; disregarding his duties or responsibilities; significantly deviating from appropriate methods of supervision; or intentionally failing to report an employee's misconduct involving violations set forth in the Table of Penalties, the USSS Standards of Ethical, Professional, and Personal Conduct Desk Reference, Human Resources and Training Manual, section SCD-02(01) relating to security policies and procedures, and other violations of law.** This Offense Code does not require that supervisors report performance issues and other minor policy violations not otherwise described above. Mitigated: Letter of Reprimand - 3 Days Penalty: 5 Days Aggravated: 7-14 Days

Offense Code 4.6 DUI/DWI – Government Vehicle	**Operating or being in actual physical control of government owned, leased, or rented passenger motor vehicle, boat, or aircraft, while intoxicated or impaired by alcohol or a controlled substance.** Impairment can be evidenced by a chemical analysis (breathalyzer and/or blood test), or credible observations of law enforcement personnel or other witnesses if no law enforcement personnel are present. **Mitigated: 30 – 40 Days** **Penalty: 45 Days** **Aggravated: Removal**

From: EDWIN DONOVAN (GPA)
Sent: Tuesday, February 24, 2015 11:30 AM
To: EDWIN DONOVAN (GPA)
Subject: retirement get together

You are cordially invited to join my wife Kelley and I at Fado's Irish Pub for some drinks and appetizers on Wednesday March 4th from 5:30pm – 7:30pm. This is a by invitation only event so don't invite other people as I can barely stand all of you.

There will be no presentations or speeches at this event either, just a nice little get together. It was either do this or do a sheet cake, freight elevator, Uber car home. This will be more fun.

Please let me know if you will attend by Friday for planning purposes. Fado's is at 808 7th Street NW, just a few blocks from headquarters.

Thanks and we hope to see you there.

Ed

Edwin M. Donovan
Deputy Assistant Director
U.S. Secret Service
Office of Government and Public Affairs
Desk: 202-406-6149
Cell: 202-538-9438

Secret Service Training Class Totals from 2008 to 2013

Fiscal Year	Special Agent Basic Classes	Total Special Agent Trainees	Uniformed Division Basic Classes	Total UD Trainees
2008	8	177	7	113
2009	8	185	11	168
2010	8	176	11	181
2011	5	117	6	130
2012	0	0	1	23
2013	1	24	1	23
TOTALS	30	679	37	638

Source: Department of Homeland Security, United States Secret Service Operating Expenses, Fiscal Year 2015 Congressional Justification, http://www.dhs.gov/sites/default/files/publications/DHS-Congressional-Budget-Justification-FY2015.pdf.

USSS Funding by Fiscal Year[1]

	FY 2013	FY 2014	FY 2015
Requested by President	$1,544,113,000	$1,494,614,000	$1,585,970,000
Appropriated by Congress	$1,555,913,000	$1,533,497,000	$1,615,860,000
Difference	+ $11,800,000	+ $38,883,000	+ $29,890,000

Source: Appendix, Budget of the U.S. Government, Fiscal Years 2013 – 2015; P.L. 113-6 Explanatory Statement; P.L. 113-76 Explanatory Statement; P.L. 114-4.

[1] Numbers exclude expenses for acquisition, construction, and improvement of physical and technical infrastructure.

USSS Funding by Fiscal Year[1]

	FY 2014	FY 2015
Requested by President	$1,494,614,000	$1,585,970,000
Appropriated by Congress	$1,533,497,000	$1,615,860,000
Difference	+ $38,883,000	+ $29,890,000

Source: Appendix, Budget of the U.S. Government, Fiscal Years 2013 – 2015; P.L. 113-76 Explanatory Statement; P.L. 114-4.

[1] Numbers exclude expenses for acquisition, construction, and improvement of physical and technical infrastructure.