

116TH CONGRESS
2D SESSION

S. 3636

To transfer the United States Secret Service to the Department of the Treasury.

IN THE SENATE OF THE UNITED STATES

MAY 6, 2020

Mr. GRAHAM (for himself and Mrs. FEINSTEIN) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To transfer the United States Secret Service to the Department of the Treasury.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “United States Secret
5 Service Mission Improvement and Realignment Act of
6 2020”.

7 **SEC. 2. FUNCTIONS TRANSFERRED.**

8 (a) IN GENERAL.—In accordance with this Act, there
9 shall be transferred to the Secretary of the Treasury the
10 functions, personnel, assets, and obligations of the United

1 States Secret Service, including the functions of the Sec-
2 retary of Homeland Security relating thereto.

3 (b) **DISTINCT ENTITY.**—The United States Secret
4 Service shall be maintained as a distinct entity within the
5 Department of the Treasury.

6 **SEC. 3. TRANSITIONAL AUTHORITIES.**

7 (a) **PROVISION OF ASSISTANCE BY OFFICIALS.**—
8 Until the transfer of the United States Secret Service to
9 the Department of the Treasury, any official having au-
10 thority over or functions relating to the United States Se-
11 cret Service immediately before the date of enactment of
12 this Act shall provide to the Secretary of the Treasury
13 such assistance, including the use of personnel and assets,
14 as the Secretary of the Treasury may request in preparing
15 for the transfer and integration of the United States Se-
16 cret Service into the Department of the Treasury.

17 (b) **SERVICES AND PERSONNEL.**—During the period
18 beginning on the date of enactment of this Act and ending
19 on the effective date of this Act, upon the request of the
20 Secretary of the Treasury, the head of any executive agen-
21 cy may, on a reimbursable basis, provide services or detail
22 personnel to assist with the transition.

23 (c) **TRANSFER OF PERSONNEL, ASSETS, OBLIGA-**
24 **TIONS, AND FUNCTIONS.**—Upon the transfer of the

1 United States Secret Service to the Department of the
2 Treasury—

3 (1) the personnel, assets, and obligations held
4 by or available in connection with the United States
5 Secret Service shall be transferred to the Secretary
6 of the Treasury for appropriate allocation, subject to
7 the approval of the Director of the Office of Man-
8 agement and Budget and in accordance with section
9 1531(a)(2) of title 31, United States Code; and

10 (2) the Secretary of the Treasury shall have all
11 functions relating to the United States Secret Serv-
12 ice that any other official could by law exercise in
13 relation to the United States Secret Service imme-
14 diately before such transfer, including all such func-
15 tions vested in the Secretary of Homeland Security
16 by the Homeland Security Act of 2002 (6 U.S.C.
17 101 et seq.) or any other law.

18 **SEC. 4. SAVINGS PROVISIONS.**

19 (a) COMPLETED ADMINISTRATIVE ACTIONS.—

20 (1) IN GENERAL.—Any completed administra-
21 tive action of the United States Secret Service shall
22 not be affected by the enactment of this Act or the
23 transfer of the United States Secret Service to the
24 Department of the Treasury, but shall continue in
25 effect according to the terms of the completed ad-

1 ministrative action until the completed administra-
2 tive action is amended, modified, superseded, termi-
3 nated, set aside, or revoked in accordance with law
4 by an officer of the United States or a court of com-
5 petent jurisdiction, or by operation of law.

6 (2) COMPLETED ADMINISTRATIVE ACTION DE-
7 FINED.—In this subsection, the term “completed ad-
8 ministrative action” includes an order, a determina-
9 tion, a rule, a regulation, a personnel action, a per-
10 mit, an agreement, a grant, a contract, a certificate,
11 a license, a registration, and a privilege.

12 (b) PENDING PROCEEDINGS.—

13 (1) IN GENERAL.—Any pending proceeding in
14 the United States Secret Service, including a notice
15 of proposed rulemaking and an application for a li-
16 cense, permit, certificate, grant, or financial assist-
17 ance, shall continue notwithstanding the enactment
18 of this Act or the transfer of the United States Se-
19 cret Service to the Department of the Treasury, un-
20 less the pending proceeding is discontinued or modi-
21 fied under the same terms and conditions and to the
22 same extent that such discontinuance could have oc-
23 curred if such enactment or transfer had not oc-
24 curred.

1 (2) ORDERS.—Any order issued in a proceeding
2 described in paragraph (1), or an appeal therefrom,
3 and any payment made pursuant to such an order,
4 shall issue in the same manner and on the same
5 terms as if this Act had not been enacted or the
6 United States Secret Service had not been trans-
7 ferred, and the order shall continue in effect until
8 amended, modified, superseded, terminated, set
9 aside, or revoked by an officer of the United States
10 or a court of competent jurisdiction, or by operation
11 of law.

12 (c) PENDING CIVIL ACTIONS.—Any pending civil ac-
13 tion shall continue notwithstanding the enactment of this
14 Act or the transfer of the United States Secret Service
15 to the Department of the Treasury, and in the pending
16 civil action, proceedings shall be had, appeals taken, and
17 judgments rendered and enforced in the same manner and
18 with the same effect as if such enactment or transfer had
19 not occurred.

20 (d) REFERENCES.—Any reference relating to the
21 United States Secret Service in a statute, an executive
22 order, a rule, a regulation, a directive, or a delegation of
23 authority that precedes such transfer or the effective date
24 of this Act shall be deemed to refer, as appropriate, to
25 the Department of the Treasury and the United States

1 Secret Service, to its officers, employees, or agents, or to
2 its corresponding organizational units or functions.

3 (e) EMPLOYMENT PROVISIONS.—

4 (1) REGULATIONS.—The Secretary of the
5 Treasury may, in regulations prescribed jointly with
6 the Director of the Office of Personnel Management,
7 adopt the rules, procedures, terms, and conditions
8 established by statute, rule, or regulation before the
9 effective date of this Act relating to employment in
10 the United States Secret Service transferred to the
11 Department of the Treasury by this Act.

12 (2) EFFECT OF TRANSFER ON CONDITIONS OF
13 EMPLOYMENT.—Except as otherwise provided in this
14 Act, or under authority granted by this Act, the
15 transfer pursuant to this Act of personnel shall not
16 alter the terms and conditions of employment, in-
17 cluding compensation, of any employee so trans-
18 ferred.

19 (f) STATUTORY REPORTING REQUIREMENTS.—Any
20 statutory reporting requirement that applied to the United
21 States Secret Service transferred to the Department of the
22 Treasury by this Act immediately before the date of enact-
23 ment of this Act shall continue to apply following that
24 transfer if the statutory requirement refers to the United
25 States Secret Service by name.

1 **SEC. 5. INCIDENTAL TRANSFERS.**

2 The Director of the Office of Management and Budg-
3 et, in consultation with the Secretary of the Treasury, is
4 authorized and directed to make such additional incidental
5 dispositions of personnel, assets, and liabilities held, used,
6 arising from, available, or to be made available, in connec-
7 tion with the functions transferred by this Act, as the Di-
8 rector determines necessary to accomplish the purposes of
9 this Act.

10 **SEC. 6. REFERENCES.**

11 With respect to any function transferred by this Act
12 and exercised on or after the effective date of this Act,
13 any reference in any other Federal law to the United
14 States Secret Service or any officer or office the functions
15 of which are so transferred shall be deemed to refer to
16 the Secretary of the Treasury or the official or component
17 of the Department of the Treasury to which such function
18 is so transferred.

19 **SEC. 7. REPORT ON EXPENDITURES FOR THE PURPOSE OF**
20 **PROVIDING PROTECTION DURING THE**
21 **COURSE OF TRAVEL.**

22 (a) DEFINITIONS.—In this section—

23 (1) the term “covered travel”—

24 (A) means any trip by a protected indi-
25 vidual with a stop at a location that is not

1 owned or controlled by the Federal Government;
2 and

3 (B) includes any trip described in subpara-
4 graph (A) that is outside of the United States;

5 (2) the term “immediate family” does not in-
6 clude any child under the age of 26;

7 (3) the term “incidental expenditure”—

8 (A) means a travel expenditure incurred by
9 United States Secret Service personnel and re-
10 imbursement by the United States Secret Service;
11 and

12 (B) does not include expenditures de-
13 scribed in clauses (i) or (ii) of subsection
14 (b)(1)(E);

15 (4) the term “protected individual” means the
16 President, the Vice President, and members of the
17 immediate family of the President and Vice Presi-
18 dent during the period for which a report is sub-
19 mitted under subsection (b); and

20 (5) the term “travel expenditure”—

21 (A) means any expenditure of funds by the
22 United States Secret Service for the purpose of
23 providing protection to a protected individual
24 during the course of covered travel;

1 (B) includes any expenditure incurred by
2 an Executive department or agency for the pur-
3 pose of providing protection to a protected indi-
4 vidual during the course of covered travel and
5 reimbursed by the United States Secret Service;
6 and

7 (C) does not include any expenditure for—
8 (i) the pay of United States Secret
9 Service personnel;
10 (ii) the operation or maintenance of
11 any permanent protective asset; or
12 (iii) incidental expenditures.

13 (b) REPORT.—Not later than December 31 of each
14 year, the Director of the United States Secret Service shall
15 submit to the committees listed in section 9 of the Presi-
16 dential Protection Assistance Act of 1976 (18 U.S.C.
17 3056 note), an annual report that, with respect to the pre-
18 vious fiscal year, includes, at a minimum—

19 (1) for each instance of covered travel, a state-
20 ment of—

21 (A) the protected individual or protected
22 individuals, if more than 1 protected individual
23 is traveling;

24 (B) the dates of departure and return;

1 (C) each city and State or, if outside of the
2 United States, city and country, visited;

3 (D) the total amount of travel expendi-
4 tures;

5 (E)(i) the total amount of expenditures for
6 operational costs, including the cost of using—

7 (I) any asset to transport a protected
8 individual; or

9 (II) any space and facility for oper-
10 ational purposes; and

11 (ii) the total amount of expenditures for
12 transportation, lodging, and per diem; and

13 (F) the name of and amount paid to—

14 (i) if the total amount paid is greater
15 than \$5,000, any individual who is not an
16 employee of the Federal Government or a
17 foreign government; and

18 (ii) if the total amount paid is greater
19 than \$5,000, any entity that is not an enti-
20 ty of the Federal Government or a foreign
21 government; and

22 (2) for each protected individual, the total
23 amount of incidental expenditures incurred for the
24 purpose of providing protection to the protected indi-
25 vidual during the reporting period.

1 (c) FORM OF REPORT.—The report required by sub-
2 section (b) shall be submitted in unclassified form, but
3 may include a nonpublic annex for information reported
4 under subsection (b)(1)(F) that the United States Secret
5 Service determines could harm the protective mission if
6 publicly disclosed and classified information. The non-
7 public annex and any draft of the annex shall be exempt
8 from disclosure under section 552 of title 5, United States
9 Code (commonly known as the “Freedom of Information
10 Act”).

11 **SEC. 8. TECHNICAL AND CONFORMING AMENDMENTS.**

12 (a) HOMELAND SECURITY ACT OF 2002.—The
13 Homeland Security Act of 2002 (6 U.S.C. 101 et seq.)
14 is amended—

15 (1) in section 2(11) (6 U.S.C. 101(11)), by
16 striking “except—” and all that follows through
17 “the Coast Guard, when” and inserting “except the
18 Coast Guard, when”;

19 (2) in section 103(d) (6 U.S.C. 113(d))—

20 (A) by striking paragraph (1); and

21 (B) by redesignating paragraphs (2)
22 through (5) as paragraphs (1) through (4), re-
23 spectively;

24 (3) in section 210G (6 U.S.C. 124n)—

25 (A) in subsection (a)—

1 (i) by striking “the Secretary and the
2 Attorney General” and inserting “the Sec-
3 retary of Homeland Security, the Secretary
4 of the Treasury, and the Attorney Gen-
5 eral”; and

6 (ii) by striking “the Secretary or” and
7 inserting “the Secretary of Homeland Se-
8 curity, the Secretary of the Treasury, or”;
9 (B) in subsection (b)—

10 (i) in paragraph (2), by striking “The
11 Secretary” and inserting “The Secretary of
12 Homeland Security, the Secretary of the
13 Treasury,”;

14 (ii) in paragraph (3), by striking “The
15 Secretary” and inserting “The Secretary of
16 Homeland Security, the Secretary of the
17 Treasury,”; and

18 (iii) in paragraph (4), by striking
19 “The Secretary” and inserting “The Sec-
20 retary of Homeland Security, the Secretary
21 of the Treasury,”;

22 (C) in subsection (c), by striking “the Sec-
23 retary” and inserting “the Secretary of Home-
24 land Security, the Secretary of the Treasury,”;

25 (D) in subsection (d)—

1 (i) in paragraph (1), by striking “The
2 Secretary,” and inserting “The Secretary
3 of Homeland Security, the Secretary of the
4 Treasury,”; and

5 (ii) in paragraph (2)—

6 (I) in subparagraph (A), by strik-
7 ing “The Secretary” and inserting
8 “The Secretary of Homeland Security,
9 the Secretary of the Treasury,”; and

10 (II) in subparagraph (B), by
11 striking “The Secretary” and insert-
12 ing “The Secretary of Homeland Se-
13 curity, the Secretary of the Treas-
14 ury,”;

15 (E) in subsection (e)—

16 (i) in paragraph (3), by inserting “,
17 the Secretary of the Treasury,” after “the
18 Secretary of Homeland Security”;

19 (ii) in paragraph (4)—

20 (I) in the matter preceding sub-
21 paragraph (A), by inserting “, the De-
22 partment of the Treasury,” after “De-
23 partment of Homeland Security”; and

24 (II) in subparagraph (C)—

1 (aa) by striking “and the
2 Department of Justice” and in-
3 serting “, the Department of the
4 Treasury, and the Department of
5 Justice, or any combination of
6 those agencies,”; and

7 (bb) by striking “either
8 agency” and inserting “any such
9 agencies”; and

10 (iii) in paragraph (5), by inserting “,
11 the Department of the Treasury,” after
12 “Department of Homeland Security”;

13 (F) in subsection (f), in the first sen-
14 tence—

15 (i) by striking “The Secretary” and
16 inserting “The Secretary of Homeland Se-
17 curity, the Secretary of the Treasury,”;

18 (ii) by inserting “, treasury,” after
19 “homeland security”; and

20 (iii) by inserting “, the Department of
21 the Treasury,” after “Department of
22 Homeland Security”;

23 (G) in subsection (g)—

24 (i) in paragraph (1), by striking “the
25 Secretary” and inserting “the Secretary of

1 Homeland Security, the Secretary of the
2 Treasury,”;

3 (ii) in paragraph (3)—

4 (I) in subparagraph (E), by in-
5 serting “, the Department of the
6 Treasury,” after “Department of Jus-
7 tice”;

8 (II) in subparagraph (F), by
9 striking “how the Secretary,” and in-
10 serting “how the Secretary of Home-
11 land Security, the Secretary of the
12 Treasury,”; and

13 (III) in subparagraph (G), by
14 striking “how the Secretary,” and in-
15 serting “how the Secretary of Home-
16 land Security, the Secretary of the
17 Treasury,”; and

18 (iii) in paragraph (5), in the first sen-
19 tence, by striking “the Secretary” and in-
20 serting “the Secretary of Homeland Secu-
21 rity, the Secretary of the Treasury,”;

22 (H) in subsection (h)—

23 (i) in paragraph (1), by striking “the
24 Secretary or” and inserting “the Secretary

1 of Homeland Security, the Secretary of the
2 Treasury, or”;

3 (ii) in paragraph (2), by striking “the
4 Secretary or” and inserting “the Secretary
5 of Homeland Security, the Secretary of the
6 Treasury, or”;

7 (iii) in paragraph (3), by inserting “or
8 the Secretary of the Treasury” after “At-
9 torney General”;

10 (iv) in paragraph (4)—

11 (I) by inserting “or the Secretary
12 of the Treasury” after “the Secretary
13 of Homeland Security”; and

14 (II) by striking “; or” and insert-
15 ing a semicolon;

16 (v) by redesignating paragraph (5) as
17 paragraph (6);

18 (vi) by inserting after paragraph (4)
19 the following:

20 “(5) vest in the Secretary of the Treasury any
21 authority of the Secretary of Homeland Security or
22 the Attorney General; or”; and

23 (vii) in paragraph (6), as so redesign-
24 nated—

1 (I) by striking “the Secretary or”
2 and inserting “the Secretary of
3 Homeland Security, the Secretary of
4 the Treasury, or the”; and

5 (II) by striking “the Secretary
6 and” and inserting “the Secretary of
7 Homeland Security, the Secretary of
8 the Treasury, and the”;

9 (I) in subsection (j), by striking “the Sec-
10 retary” and inserting “the Secretary of Home-
11 land Security, the Secretary of the Treasury,”;

12 (J) in subsection (k)—

13 (i) in paragraph (3)—

14 (I) in subparagraph (A)—

15 (aa) by striking “the Sec-
16 retary or” and inserting “the
17 Secretary of Homeland Security,
18 the Secretary of the Treasury,
19 or”; and

20 (bb) by striking “subpara-
21 graph (C)(i)(II) and (C)(iii)(I)”
22 and inserting “clauses (iii) and
23 (iv)(I) of subparagraph (C)”; and
24 (II) in subparagraph (C)—

1 (aa) in the matter preceding
2 clause (i), by striking “one” and
3 inserting “1”;

4 (bb) in clause (i)—

5 (AA) in the matter pre-
6 ceding subclause (I), by in-
7 serting “of Homeland Secu-
8 rity” after “Secretary”;

9 (BB) in subclause (I),
10 by inserting “or” at the end;

11 (CC) by striking sub-
12 clause (II); and

13 (DD) by redesignating
14 subclause (III) as subclause
15 (II);

16 (cc) by redesignating clauses
17 (iii) and (iv) as clauses (iv) and
18 (v), respectively;

19 (dd) by inserting after
20 clause (ii) the following:

21 “(iii) missions authorized to be per-
22 formed by the Department of the Treas-
23 ury, consistent with governing statutes,
24 regulations, and orders issued by the Sec-
25 retary of the Treasury pertaining to

1 United States Secret Service protection op-
2 erations pursuant to sections 3056(a) and
3 3056A(a) of title 18, United States Code,
4 and the Presidential Protection Assistance
5 Act of 1976 (18 U.S.C. 3056 note);”;

6 (ee) in clause (iv), as so re-
7 designated, in the matter pre-
8 ceding subclause (I)—

9 (AA) by inserting “, the
10 Department of the Treas-
11 ury,” after “Department of
12 Homeland Security”; and

13 (BB) by striking “the
14 Secretary or” and inserting
15 “the Secretary of Homeland
16 Security, the Secretary of
17 the Treasury, or”; and

18 (ff) in clause (v), as so re-
19 designated—

20 (AA) by striking
21 “clause (iii)” and inserting
22 “clause (iv)”; and

23 (BB) by striking “Sec-
24 retary,” and inserting “Sec-

1 retary of Homeland Secu-
2 rity,”;

3 (ii) in paragraph (5)—

4 (I) by inserting “, treasury,”
5 after “homeland security”;

6 (II) by striking “the Secretary”
7 and inserting “the Secretary of
8 Homeland Security, the Secretary of
9 the Treasury,”; and

10 (III) by inserting “, respec-
11 tively,” after “Attorney General”;

12 (iii) in paragraph (6), by inserting “,
13 the Department of the Treasury,” after
14 “Department of Homeland Security”; and

15 (iv) in paragraph (8), in the matter
16 preceding subparagraph (A), by striking
17 “the Secretary” and inserting “the Sec-
18 retary of Homeland Security, the Secretary
19 of the Treasury,”; and

20 (K) in subsection (l)(1), in the matter pre-
21 ceding subparagraph (A)—

22 (i) by striking “Secretary shall” and
23 inserting “Secretary of Homeland Security
24 shall”; and

1 (ii) by inserting “, the Secretary of
2 the Treasury,” after “Attorney General”;
3 and

4 (4) in section 875(d)(1) (6 U.S.C. 455(d)(1)),
5 in the first sentence, by striking “the Secret Service
6 or”.

7 (b) TITLE 18.—Chapter 203 of title 18, United
8 States Code, is amended—

9 (1) in section 3056, in subsections (a), (b), (c),
10 (e)(1), (f), and (g), by striking “of Homeland Secu-
11 rity” each place that term appears and inserting “of
12 the Treasury”; and

13 (2) in section 3056A—

14 (A) in subsection (a), in the matter pre-
15 ceding paragraph (1), in the second sentence,
16 by striking “of Homeland Security” and insert-
17 ing “of the Treasury”; and

18 (B) in subsection (d), in the first and sec-
19 ond sentences, by striking “of Homeland Secu-
20 rity” and inserting “of the Treasury”.

21 (c) TITLE 5.—Title 5, United States Code, is amend-
22 ed—

23 (1) in section 6324(b)(3), by striking “of
24 Homeland Security” and inserting “of the Treas-
25 ury”; and

1 (2) in section 10201(2), by striking “the De-
2 partment of Homeland Security” and inserting “the
3 Treasury”.

4 (d) INSPECTOR GENERAL ACT OF 1978.—The In-
5 specter General Act of 1978 (5 U.S.C. App.) is amend-
6 ed—

7 (1) in section 8D(b)(1)—

8 (A) in the first sentence, by inserting “and
9 by the Office of Professional Responsibility of
10 the United States Secret Service” after “Trade
11 Bureau”; and

12 (B) in the second sentence, by striking
13 “The head of such” and inserting “The head of
14 each such”; and

15 (2) in section 8I(e), in the first sentence, by
16 striking “the Office of Inspections of the United
17 States Secret Service,”.

18 (e) DEPARTMENT OF HOMELAND SECURITY APPRO-
19 PRIATIONS ACT, 2007.—Section 532 of the Department
20 of Homeland Security Appropriations Act, 2007 (6 U.S.C.
21 382) is amended—

22 (1) in subsection (d), in the first sentence, by
23 striking “of Homeland Security” and inserting “of
24 the Treasury”; and

25 (2) in subsection (e)—

1 (A) in paragraph (1), by striking “of
2 Homeland Security” and inserting “of the
3 Treasury”; and

4 (B) in paragraph (2), by striking “of
5 Homeland Security” and inserting “of the
6 Treasury”.

7 (f) IMPLEMENTING RECOMMENDATIONS OF THE 9/11
8 COMMISSION ACT OF 2007.—Section 502 of the Imple-
9 menting Recommendations of the 9/11 Commission Act of
10 2007 (Public Law 110–53; 121 Stat. 310) is amended by
11 striking subsection (b) and redesignating subsection (c) as
12 subsection (b).

13 **SEC. 9. EFFECTIVE DATE.**

14 (a) IN GENERAL.—Except as provided in subsection
15 (b), this Act and the amendments made by this Act shall
16 take effect on the date that is 30 days after the date of
17 enactment of this Act.

18 (b) TRANSITION PERIOD.—Any action authorized to
19 be taken under subsection (a) or (b) of section 3 may be
20 taken beginning on the date of enactment of this Act.

21 **SEC. 10. RULE OF CONSTRUCTION.**

22 Except as provided in section 8, nothing in this Act
23 or the amendments made by this Act shall be construed
24 to modify or amend section 3056 or 3056A of title 18,

1 United States Code, or the Homeland Security Act of
2 2002 (6 U.S.C. 101 et seq.).

3 **SEC. 11. AUTHORIZATION OF APPROPRIATIONS.**

4 There are authorized to be appropriated such sums
5 as are necessary to carry out this Act and the amendments
6 made by this Act.

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