

**Statement of Director Joseph P. Clancy
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**Before the Committee on Oversight and Government Reform
United States House of Representatives**

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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_ussp_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.