

**Congress of the United States**  
**House of Representatives**

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5074  
MINORITY (202) 225-5051

<http://oversight.house.gov>

May 7, 2015

The Honorable Joseph P. Clancy  
Director  
United States Secret Service  
950 H Street NW  
Washington, D.C. 20223

Dear Director Clancy:

We are writing to ascertain the precise employment status of former U.S. Secret Service Deputy Director Alvin Smith. The Secret Service announced that Mr. Smith “stepped down as Deputy Director of the United States Secret Service and accepted another position within the Department of Homeland Security” effective February 10, 2015.<sup>1</sup> Despite this statement,<sup>2</sup> he actually remained on the Secret Service payroll and was detailed to another component of the Department of Homeland Security.

At the Committee’s April 29, 2015 hearing you agreed to provide the Committee with relevant information by May 1, 2015. Following the hearing, Committee staff sent your staff an email specifying the requested information.<sup>3</sup> On May 4, 2015, your staff advised that the information we requested had been gathered, but that the agency could not provide it to the Committee without a formal letter.<sup>4</sup> In light of that request, please provide the following documents and information as soon as possible, but no later than 5:00 p.m. on May 8, 2015:

1. An explanation of how Mr. Smith obtained the title of Chief of Staff, including if it was an appointment, how long that appointment is for, the pay, and if anyone was displaced for that appointment;
2. The date on which Mr. Smith was placed on detail, and where he was detailed to;
3. Mr. Smith’s current title at the Secret Service and at the agency where he is detailed to;
4. The date on which Mr. Smith’s detail will end;
5. Whether Mr. Smith will be allowed to return to the Secret Service;
6. The total salary that Mr. Smith has received since being placed on detail, and his annual salary;
7. Whether Mr. Smith currently has a Secret Service government vehicle;

<sup>1</sup> Press Release, U.S. Secret Service, Office of Gov’t & Public Affairs (Feb. 9, 2015).

<sup>2</sup> See, e.g., Carol Leonnig, *Under pressure from Congress, Secret Service deputy director resigns*, WASH. POST, Feb. 9, 2015 (refers to the move as an “invitation to transfer”); Dave Boyer, *A.T. Smith, deputy director, transferred to Homeland Security in Secret Service shake-up*, WASH. TIMES, Feb. 10, 2015; Alicia Caldwell, *Former Secret Service No. 2 now cybercrime adviser at ICE*, ASSOC. PRESS, Feb. 13, 2015 (refers to the move as “being forced out” and “transferring”). See also, Press Release, Hon. Jason Chaffetz, Chairman, H Comm. on Oversight & Gov’t Reform, and Hon. Elijah E. Cummings, Ranking Member, H. Comm. on Oversight & Gov’t Reform (Feb. 9, 2015).

<sup>3</sup> Email from H. Comm. on Oversight & Gov’t Reform to U.S. Secret Service, Office of Gov’t & Public Affairs (Apr. 29, 2015).

<sup>4</sup> Email from U.S. Secret Service, Office of Gov’t & Public Affairs to H. Comm. on Oversight & Gov’t Reform (May 4, 2015).

The Honorable Joseph P. Clancy

May 6, 2015

Page 2

8. The date on which Mr. Smith will become eligible to retire with federal benefits, or, if he is already eligible, the date on which he became eligible;
9. Whether Mr. Smith has a range card in order to maintain his quarterly firearm qualification for the Secret Service;
10. Any internal e-mails announcing or describing any personnel changes related to Mr. Smith;
11. The employment status of the other Assistant Directors who were removed from their positions in January 2015;
12. The number of Senior Executive Service slots the Secret Service has, and how many of those slots are currently filled;
13. The number of Secret Service personnel detailed outside of the agency, and the number of detailees that the Secret Service currently has; and,
14. Any other information that would help to clarify the current employment status of Mr. Smith.

The Committee on Oversight and Government Reform is the principal investigative committee in the U.S. House of Representatives. Pursuant to House Rule X, the Committee has authority to investigate "any matter" at "any time."

When producing documents to the Committee, please deliver production sets to the Majority staff in Room 2157 of the Rayburn House Office Building and to the Minority staff in Room 2471 of the Rayburn House Office Building. The Committee prefers, if possible, to receive all documents in electronic format. An attachment to this letter provides additional information about responding to the Committee's request.

Please contact Mike Howell or Tristan Leavitt of Chairman Chaffetz's staff at (202) 225-5074 or Valerie Shen of Ranking Member Cummings' staff at (202) 225-5051 with any questions about this request. Thank you for your attention to this matter.

Sincerely,



Jason Chaffetz  
Chairman



Elijah E. Cummings  
Ranking Member

cc: The Honorable Harold Rogers, Chairman  
House Committee on Appropriations

The Honorable Nita M. Lowey, Ranking Member  
House Committee on Appropriations

The Honorable John Carter, Chairman  
Subcommittee on Homeland Security

The Honorable Lucille Roybal-Allard, Ranking Member  
Subcommittee on Homeland Security

Enclosure

## Responding to Committee Document Requests

1. In complying with this request, you are required to produce all responsive documents that are in your possession, custody, or control, whether held by you or your past or present agents, employees, and representatives acting on your behalf. You should also produce documents that you have a legal right to obtain, that you have a right to copy or to which you have access, as well as documents that you have placed in the temporary possession, custody, or control of any third party. Requested records, documents, data or information should not be destroyed, modified, removed, transferred or otherwise made inaccessible to the Committee.
2. In the event that any entity, organization or individual denoted in this request has been, or is also known by any other name than that herein denoted, the request shall be read also to include that alternative identification.
3. The Committee's preference is to receive documents in electronic form (i.e., CD, memory stick, or thumb drive) in lieu of paper productions.
4. Documents produced in electronic format should also be organized, identified, and indexed electronically.
5. Electronic document productions should be prepared according to the following standards:
  - (a) The production should consist of single page Tagged Image File ("TIF"), files accompanied by a Concordance-format load file, an Opticon reference file, and a file defining the fields and character lengths of the load file.
  - (b) Document numbers in the load file should match document Bates numbers and TIF file names.
  - (c) If the production is completed through a series of multiple partial productions, field names and file order in all load files should match.
  - (d) All electronic documents produced to the Committee should include the following fields of metadata specific to each document;  
  
BEGDOC, ENDDOC, TEXT, BEGATTACH, ENDATTACH,  
PAGECOUNT, CUSTODIAN, RECORDTYPE, DATE, TIME, SENTDATE,  
SENTTIME, BEGINDATE, BEGINTIME, ENDDATE, ENDTIME, AUTHOR, FROM,  
CC, TO, BCC, SUBJECT, TITLE, FILENAME, FILEEXT, FILESIZE,  
DATECREATED, TIMECREATED, DATELASTMOD, TIMELASTMOD,  
INTMSGID, INTMSGHEADER, NATIVELINK, INTFILPATH, EXCEPTION,  
BEGATTACH.
6. Documents produced to the Committee should include an index describing the contents of the production. To the extent more than one CD, hard drive, memory stick, thumb drive, box or folder is produced, each CD, hard drive, memory stick, thumb drive, box or folder should contain an index describing its contents.

7. Documents produced in response to this request shall be produced together with copies of file labels, dividers or identifying markers with which they were associated when the request was served.
8. When you produce documents, you should identify the paragraph in the Committee's schedule to which the documents respond.
9. It shall not be a basis for refusal to produce documents that any other person or entity also possesses non-identical or identical copies of the same documents.
10. If any of the requested information is only reasonably available in machine-readable form (such as on a computer server, hard drive, or computer backup tape), you should consult with the Committee staff to determine the appropriate format in which to produce the information.
11. If compliance with the request cannot be made in full by the specified return date, compliance shall be made to the extent possible by that date. An explanation of why full compliance is not possible shall be provided along with any partial production.
12. In the event that a document is withheld on the basis of privilege, provide a privilege log containing the following information concerning any such document: (a) the privilege asserted; (b) the type of document; (c) the general subject matter; (d) the date, author and addressee; and (e) the relationship of the author and addressee to each other.
13. If any document responsive to this request was, but no longer is, in your possession, custody, or control, identify the document (stating its date, author, subject and recipients) and explain the circumstances under which the document ceased to be in your possession, custody, or control.
14. If a date or other descriptive detail set forth in this request referring to a document is inaccurate, but the actual date or other descriptive detail is known to you or is otherwise apparent from the context of the request, you are required to produce all documents which would be responsive as if the date or other descriptive detail were correct.
15. Unless otherwise specified, the time period covered by this request is from January 1, 2009 to the present.
16. This request is continuing in nature and applies to any newly-discovered information. Any record, document, compilation of data or information, not produced because it has not been located or discovered by the return date, shall be produced immediately upon subsequent location or discovery.
17. All documents shall be Bates-stamped sequentially and produced sequentially.
18. Two sets of documents shall be delivered, one set to the Majority Staff and one set to the Minority Staff. When documents are produced to the Committee, production sets shall be delivered to the Majority Staff in Room 2157 of the Rayburn House Office Building and the Minority Staff in Room 2471 of the Rayburn House Office Building.

19. Upon completion of the document production, you should submit a written certification, signed by you or your counsel, stating that: (1) a diligent search has been completed of all documents in your possession, custody, or control which reasonably could contain responsive documents; and (2) all documents located during the search that are responsive have been produced to the Committee.

### Definitions

1. The term "document" means any written, recorded, or graphic matter of any nature whatsoever, regardless of how recorded, and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, working papers, records, notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, inter-office and intra-office communications, electronic mail (e-mail), contracts, cables, notations of any type of conversation, telephone call, meeting or other communication, bulletins, printed matter, computer printouts, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, videotape, recordings and motion pictures), and electronic, mechanical, and electric records or representations of any kind (including, without limitation, tapes, cassettes, disks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape or otherwise. A document bearing any notation not a part of the original text is to be considered a separate document. A draft or non-identical copy is a separate document within the meaning of this term.
2. The term "communication" means each manner or means of disclosure or exchange of information, regardless of means utilized, whether oral, electronic, by document or otherwise, and whether in a meeting, by telephone, facsimile, email (desktop or mobile device), text message, instant message, MMS or SMS message, regular mail, telexes, releases, or otherwise.
3. The terms "and" and "or" shall be construed broadly and either conjunctively or disjunctively to bring within the scope of this request any information which might otherwise be construed to be outside its scope. The singular includes plural number, and vice versa. The masculine includes the feminine and neuter genders.
4. The terms "person" or "persons" mean natural persons, firms, partnerships, associations, corporations, subsidiaries, divisions, departments, joint ventures, proprietorships, syndicates, or other legal, business or government entities, and all subsidiaries, affiliates, divisions, departments, branches, or other units thereof.

5. The term "identify," when used in a question about individuals, means to provide the following information: (a) the individual's complete name and title; and (b) the individual's business address and phone number.
6. The term "referring or relating," with respect to any given subject, means anything that constitutes, contains, embodies, reflects, identifies, states, refers to, deals with or is pertinent to that subject in any manner whatsoever.
7. The term "employee" means agent, borrowed employee, casual employee, consultant, contractor, de facto employee, independent contractor, joint adventurer, loaned employee, part-time employee, permanent employee, provisional employee, subcontractor, or any other type of service provider.