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Who Protects Whom? Federal Official and Judicial Security and Personal Protective Details

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SUMMARY

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Who Protects Whom? Federal Official and Judicial Security and Personal Protective Details

In August 2023, a Chicago-area woman was charged with threatening former President Donald J. Trump and his youngest son. Later that month, a Texas woman threatened a federal judge presiding over former President Trump's January 6th trial. These are two recent examples of the plethora of threats against which federal law enforcement entities are to protect political leaders, federal officials, and federal judges. Attacks against political figures and government officials have been an ongoing security issue in the United States since the early 19th century, and, according to a University of Nebraska study and a Princeton University project, threats to elected and federal officials are increasing.

One of the primary ways federal entities ensure the security of elected political leaders, federal officials, and federal judges is through personal protective details (PPD). Even though Congress provides funding to federal entities to support federal official and judicial security operations, limited information is known about the total number of officials and judges with PPDs and which federal law enforcement entities provide these security services. Without this information, Congress may not be able to provide appropriate appropriations or resources to the appropriate agencies to adequately ensure security for elected and appointed federal officials and judges. Congressional oversight on these issues may be due; it appears no government review (executive or legislative) has been done on federal official and judicial security in the past 20+ years.

This report discusses issues of congressional interest concerning federal official and judicial security, including threats elected and appointed officials and judges may face as well as PPD authority, operations, and determination. It also explores information that Congress may consider when evaluating PPD funding and implementation. Finally, this report includes an **Appendix** on publicly documented assaults on Presidents and Vice Presidents.

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Introduction

On January 6, 2021 (referred to hereinafter as "January 6th"), while a joint session of Congress was counting and certifying the 2020 presidential election's electoral votes, an attack on the U.S. Capitol occurred and several Members expressed their concerns about their personal safety both inside and outside the Capitol building.[1] Since January 6th, congressional interest in federal official and judicial security and personal protective details (PPDs) has increased. Congress provides funding to federal entities for such security operations; however, it has limited information concerning the total number of federal official and judicial PPDs, the identity/position of every federal official provided a PPD, which federal law enforcement entities provide such security details, and the associated costs. Without this information, Congress may not be able to provide the necessary oversight or security funding during periods of increased political violence.

Personal Protective Details

Personal Protective Detail (PPD) operations typically consist of having law enforcement officers/agents within the physical vicinity of a protected official and in locations where the official plans to travel. In addition, protection involves planning, exercising, and implementing security operations with current threat and risk assessments.

As the Government Accountability Office (GAO) stated in its 2000 report, federal officials receive different levels and frequency of protection, which generally includes protection while officials work at their offices, attend public events, and travel on official business. Some officials are also protected during private and personal time, which is typically determined by current and legitimate threat information.[2]

Attacks against political leaders and other public figures have been an ongoing security issue in the United States since the early 19th century. For example, in 1868, Arkansas Representative James Hinds was shot and killed by the Ku Klux Klan member George Clark, constituting the first assassination of a Member of Congress.[3] This assassination was part of the Ku Klux Klan's political intimidation campaign against the Republican Party during Reconstruction.[4] The most recent federal official to be assassinated was U.S. Ambassador J. Christopher Stevens, killed in 2012 by members of Al-Qaeda during their attack on the U.S. diplomatic grounds in Benghazi, Libya.[5] While other examples of federal official assassination exist, today, much of the political and public interest in the personal protection of government officials appears to focus on U.S. Secret Service (USSS) protective operations of Presidents, the protection of other individuals statutorily required to be protected under 18 U.S.C. §3056,[6] and judicial security provided by the U.S. Marshals Service (USMS).

[1] The U.S. Department of Homeland Security (DHS) periodically, as circumstances warrant, updates the nation's summary of terrorism-related threats to the United States, and identifies political violence as a significant security issue. For more information, see U.S. Department of Homeland Security, *Summary of Terrorism-Related Threat to the United States*, Washington, DC, May 24, 2023, https://www.dhs.gov/ntas/advisory/national-terrorism-advisory-system-bulletin-may-24-2023.

[2] U.S. Government Accountability Office, *Security Protection: Standardization Issues Regarding Protection of Executive Branch Officials*, GAO/GGD/OSI-00-139, July 2000, p. 5, https://www.gao.gov/assets/ggd/osi-00-139.pdf.

[3] William B. Darrow, "The Killing of Congressman James Hinds," *Arkansas Historical Quarterly*, vol. 74, no. 1 (Spring 2015), pp. 18-55.

[4] Allen W. Trelease, *White Terror: The Ku Klux Klan Conspiracy and Southern Reconstruction*, 2nd ed. (Baton Rouge: Louisiana State University Press, 1995).

[5] Spencer S. Hsu and Ann E. Marimow, "Screams, Explosions and Fire in Benghazi: Bodyguard Details Ambassador's Last Moments," *Washington Post*, October 3, 2017.

[6] 18 U.S.C. §3056 establishes the powers, authorities, and duties of the U.S. Secret Service (USSS).

Since the USSS started part-time presidential protective details in 1906, seven assaults or assassination attempts on U.S. Presidents have occurred, with one resulting in death (President John F. Kennedy).[7] Prior to USSS protection, three sitting Presidents were assassinated (Abraham Lincoln, James Garfield, and William McKinley). Additionally, certain presidential candidates have also been targets of assassination (Theodore Roosevelt, Robert F. Kennedy,[8] George C. Wallace, and Edward Kennedy).[9] One President-elect (Abraham Lincoln) was the target of assassination threats prior to inauguration.[10] However, Presidents and presidential candidates are not the only federal officials targeted for assassination and assault. For example, official congressional records and news accounts show that there have been at least 20 attacks on Members of Congress since 1789.[11] Additionally, recent media searches on threats to federal officials showed that federal judges are being increasingly targeted.[12]

Only the USSS, the U.S. State Department's Diplomatic Security Service (DSS), and USMS have explicit statutory authority to provide PPDs, and this authority specifically details which roles and positions should receive protection. Other federal agencies may provide PPDs under other legal authorities such as PPDs protecting cabinet officials. Other than the list of protectees identified in USSS and DSS authorities, there is no current and publicly available information on which specific federal officials are receiving a PPD, and it is also unclear what process federal entities use to determine who receives a PPD.

This report discusses federal official security, including past threats to officials and congressional actions taken to fund the protection of such individuals. It also discusses PPD authority, operations, and implementation (referring to how agencies make PPD determinations). A focus of this report is exploring to whom federal protection is offered and how such PPD determinations are made. Finally, this report includes an **Appendix** with more background information on assaults on Presidents and Vice Presidents.

What Is Known

Elected officials, federal officials, and federal judges are increasingly being threatened with assault and assassination. In May 2023, the U.S. Department of Homeland Security (DHS) stated in a summary of current terrorism-related threats:

> The United States remains in a heightened threat environment. Lone offenders and small groups motivated by a range [of] ideological beliefs and personal grievances continue to pose a persistent and lethal threat to the Homeland. Both domestic violent extremists (DVEs) and those associated with foreign terrorist organizations continue to attempt to

[7] For information on assaults and assassination of Presidents receiving USSS protection, see this report's **Appendix**.

[8] Robert F. Kennedy was killed by his assassin; the other three targeted presidential candidates survived.

[9] For further details concerning presidential candidate security, see CRS In Focus IF11555, *Presidential Candidate and Nominating Convention Security*, by Shawn Reese.

[10] Daniel Stashower, "The Unsuccessful Plot to Kill Abraham Lincoln," *Smithsonian Magazine*, February 2013.

[11] For further details on violence against Members of Congress, see CRS Report R41609, *Violence Against Members of Congress and Their Staff: Selected Examples and Congressional Responses*, by R. Eric Petersen and Jennifer E. Manning.

[12] U.S. Attorney's Office, Eastern District of Michigan, *Lansing Man Convicted of Threatening Federal Judge, Sheriff, and Court Clerk*, Detroit, MI, July 21, 2023, https://www.justice.gov/usao-edmi/pr/lansing-man-convicted-threatening-federal-judge-sheriff-and-court-clerk. U.S. Attorney's Office, Western District of Missouri, *New Mexico Man Indicted for Threatening Federal Judge*, Springfield, MO, July 6, 2023, https://www.justice.gov/usao-wdmo/pr/new-mexico-man-indicted-threatening-federal-judge. U.S. Attorney's Office, Middle District of Florida, *State Inmate Sentenced to 15 Additional Months in Prison for Threatening Federal Judge*, Jacksonville, FL, June 28, 2023, https://www.justice.gov/usao-mdfl/pr/state-inmate-sentenced-15-additional-months-prison-threatening-federal-judge.

> motivate supporters to conduct attacks in the Homeland, including through violent extremist messaging and online calls for violence. In the coming months, factors that could mobilize individuals to commit violence include their perceptions of the 2024 general election cycle and legislative or judicial decisions pertaining to sociopolitical issues. Likely targets of potential violence include US critical infrastructure, faith-based institutions, individuals or events associated with the LGBTQIA+ community, schools, racial and ethnic minorities, and government facilities and personnel, including law enforcement.[13]

Each branch of the federal government addresses threats to its leaders through disparate authorities.

Authority to Provide Personal Protective Detail

PPDs are authorized for certain identified individuals in all three branches of government. Specifically, the USSS and DSS are authorized in the executive branch, the USMS is authorized to provide judicial security, and the U.S. Capitol Police provide plainclothes officers as part of legislative PPDs.

Executive Branch

The USSS and the DSS are the two agencies that have specific statutory authority to protect executive branch officials. Specifically, the USSS protects the following individuals under 18 U.S.C. §3056(a):

- the President, the Vice President,[14] the President-elect, and the Vice President-elect;
- the immediate families of those listed above;
- former Presidents and their spouses for their lifetime;[15]
- children of a former President who are under 16 years of age;
- visiting heads of foreign states or governments, and other distinguished foreign visitors to the United States and official representatives of the United States performing special missions abroad when the President directs that such protection be provided;
- major presidential and vice-presidential candidates and, within 120 days of the general presidential election, the spouses of such candidates;[16] and
- former Vice Presidents, their spouses, and their children who are under 16 years of age, for a period of not more than six months after the date the former Vice President leaves office.[17]

[13] U.S. Department of Homeland Security, *Summary of Terrorism-Related Threat to the United States*, Washington, DC, May 24, 2023, https://www.dhs.gov/ntas/advisory/national-terrorism-advisory-system-bulletin-may-24-2023.

[14] Or other officer next in the order of succession to the Office of the President.

[15] Except the protection of a spouse shall terminate in the event of remarriage.

[16] "Major presidential and vice-presidential candidates" means those individuals identified as such by the DHS Secretary after consultation with an advisory committee consisting of the Speaker of the House of Representatives, the minority leader of the House of Representatives, the majority and minority leaders of the Senate, and one additional member selected by the other members of the committee.

[17] The DHS Secretary shall have the authority to direct the USSS to provide temporary protection for any of these individuals at any time thereafter if the DHS Secretary or designee determines that information or conditions warrant such protection.

The State Department's Diplomatic Security Service (DSS) special agents protect the following individuals under 22 U.S.C. §2709(3):

- heads of a foreign state, official representatives of a foreign government, and other distinguished visitors to the United States;[18]
- the Secretary of State, Deputy Secretary of State, and official representatives of the United States government, in the United States or abroad;
- members of the immediate family of the individuals listed above;
- foreign missions[19] and international organizations[20] within the United States;
- a departing Secretary of State for a period of up to 180 days after the date of termination of that individual's incumbency as Secretary of State, on the basis of a threat assessment; and
- an individual who has been designated by the President or President-elect to serve as the Secretary of State.[21]

According to GAO's 2000 report, other federal entities have identified various legal authorities to provide a PPD to an executive branch official. These legal authorities include

- the Inspector General Act of 1978;[22]
- the general authority of agency heads to issue regulations;[23]
- a 1970 memorandum from the White House Counsel to a Cabinet department;
- a 1972 letter from then-Secretary of the Treasury George Shultz to all Cabinet Secretaries that offered to have the USSS provide training for all the departments' protective personnel;
- a specific deputation from the USMS, and, according to U.S. Marshals Service policy directive 99-13 (February 5, 1999), Special Deputy Marshals are sworn and appointed to perform specific law enforcement duties, such as carry firearms for the protection of persons covered under the federal assault statutes; and
- a specific delegation of authority set forth in the Code of Federal Regulations[24] that the Secretary of Agriculture delegated authority to protect the Secretary and Deputy Secretary to the Department of Agriculture's Office of Inspector General.

Legislative Branch

Congress provides the U.S. Capitol Police the authority to conduct PPD operations for Members generally, and specifically for congressional leadership. This authority is typically provided through annual appropriations for the U.S. Capitol Police.[25] Further information on violence against Members of Congress can be found in CRS Report R41609, *Violence Against Members of*

[18] This protection is only provided while the protectee is in the United States.

[19] As defined in 22 U.S.C. §4302(a)(4).

[20] As defined in 22 U.S.C. §4309(b).

[21] This protection would be provided prior to that individual's appointment as Secretary of State.

[22] 5 U.S.C. App.3.

[23] 5 U.S.C. §301.

[24] 7 C.F.R. §2.33(a)(2).

[25] For example, see P.L. 117-328, Div. I, Title 1, Section 121.

Congress and Their Staff: Selected Examples and Congressional Responses, by R. Eric Petersen and Jennifer E. Manning.

Judicial Branch

Protection of U.S. justices is provided by the U.S. Marshal's Service (USMS). According to statute, the USMS is authorized to

> provide for the personal protection of Federal jurists, court officers, witnesses, and other threatened persons in the interests of justice where criminal intimidation impedes on the functioning of the judicial process or any other official proceeding.[26]

Detail about recent developments in federal judiciary security can be found in CRS Insight IN12143, *Security for the Federal Judiciary: Recent Developments*, by Barry J. McMillion.

Government Research on Federal Official and Judicial Security

Current studies and research on federal official security are limited. In the past few years, the GAO has issued a number of reports that address the USSS protection mission generally;[27] however, it has not issued a specific report on the protection and security of federal officials since 2000.[28] Similar to GAO, the USMS and USSS provide limited information concerning federal official and judicial security.

In 1986, in what appears to be the first GAO report on PPDs, a Member of Congress requested that GAO survey 13 federal entities[29] and determine the annual costs and sources of funding for PPDs. GAO specifically asked these entities:

- What organizational unit provided the protective services?
- What federal official was responsible for approving and canceling PPDs?
- What was the federal entity's procedure for approving and canceling PPDs?
- What legislative authority authorized the PPDs?
- What was the total cost for these PPDs in FY1984-FY1986?
- What was the source of this PPD funding?

GAO was able to gain some of the information it requested; however, like today, most of the federal entities provided limited information. GAO determined that these 13 federal entities reported a total cost for PPDs of $1.6 million annually FY1984-FY1986.[30]

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[26] 28 U.S.C. Ch. 37, §566(e)(1)(A).

[27] See, for example, U.S. Government Accountability Office, *U.S. Secret Service: Further Progress Made Implementing the Protective Mission Panel Recommendations*, GAO-22-105100, January 26, 2022, https://www.gao.gov/products/gao-22-105100.

[28] U.S. Government Accountability Office, *Security Protection: Standardization Issues Regarding Protection of Executive Branch Officials*, GGD/OSI-00-139, July 11, 2000, https://www.gao.gov/products/ggdosi-00-139.

[29] U.S. Government Accountability Office, *Bodyguard Services: Protective Services Provided Selected Federal Officials*, GAO/GGD-86-55FS, February 1986, https://www.gao.gov/assets/ggd-86-55fs.pdf. Federal agencies surveyed included U.S. Departments of Agriculture, Commerce, Energy, Labor, Education, Housing and Urban Development, Health and Human Services, and Transportation. Other federal agencies included U.S. Information Agency, U.S. Postal Service, the Federal Reserve Board, Department of Justice's headquarters and three of its components: the Federal Bureau of Investigation, the Drug Enforcement Administration, and the Bureau of Prisons.

[30] Ibid., p. 2.

Again in 1994, Members of Congress requested GAO "review matters relating to security protection for selected cabinet department officials."[31] In the subsequent report, GAO determined that PPDs were provided "on at least 1 occasion to each of the cabinet-level secretaries of the 10 departments" reviewed.[32] GAO also determined that between October 1991 and June 1994 these federal departments spent between $1.5 and $2 million on PPDs. These costs included salaries and overtime of PPD personnel, travel, special executive protection training, and other expenses such as equipment and residential security improvements.[33] Finally, GAO determined that these PPDs were staffed by departmental Office of Inspector General law enforcement agents and departmental uniformed law enforcement personnel.[34]

The 1994 GAO report differed from its 1986 one in that it identified the various reasons why cabinet officials needed PPDs. GAO stated that departments justified providing PPDs to the cabinet secretaries primarily on the basis of potential threats from individuals who were either aggrieved by the policies and issues handled by the department, or by individuals suffering from mental illness. Departments, additionally, provided current (at the time) and specific death-threat information.[35]

In 1998, the USMS produced a report concerning threats to federal judges. According to this report, data on assassinations and assassination attempts indicated that elected federal officials were more likely to be targeted than those holding senior appointed positions.[36] The USMS report, when referencing political violence, stated:

> The more powerful and prestigious the office, the greater the likelihood that the occupant of or aspirant to an elected office will be the victim of an assassination than will the occupant of an appointed position, even though the position may be a powerful one, such as Secretary of State, Justice of the Supreme Court, or Attorney General.[37]

In 2000, GAO again reported on federal official security. In the report, GAO stated that it was only able to identify one instance when a cabinet secretary was physically harmed as part of an assassination attempt, which occurred in 1865 when one of the Lincoln assassination conspirators attacked then-Secretary of State William Seward in his home.[38]

In the 2000 report, GAO also reported that from FY1997 through FY1999, personal security protection was provided to officials holding 42 executive branch positions at 31 executive branch agencies. Personnel from 27 different agencies protected these 42 officials: personnel from their own agencies or departments protected 36 officials and six officials were protected by personnel from other agencies or departments, such as the USSS and the USMS.[39] Additionally, GAO stated

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[31] U.S. Government Accountability Office, *Security Protection: Costs of Services Provided for Selected Cabinet Officials*, GAO/GGD-95-50, December 1994, p. 2, https://www.gao.gov/assets/ggd-95-50.pdf.

[32] Ibid., p. 1. Federal departments included in the review included Agriculture, Commerce, Education, Energy, Health and Human Services, Housing and Urban Development, Interior, Labor, Transportation, and Veterans Affairs. GAO did not obtain data from the departments of Defense, Justice, State, and Treasury.

[33] Ibid., p. 2.

[34] Ibid.

[35] Ibid., p. 6.

[36] Frederick Calhoun, *Hunters and Howlers: Threats and Violence Against Federal Judicial Officials in the United States, 1789-1993*, U.S. Marshals Service, Washington, DC, February 1998, https://babel.hathitrust.org/cgi/pt?id=uc1.31210012240543&seq=1.

[37] Ibid.

[38] U.S. Government Accountability Office, *Security Protection: Standardization Issues Regarding Protection of Executive Branch Officials*, GAO/GGD/OSI-00-139, July 2000, p. 5, https://www.gao.gov/assets/ggd/osi-00-139.pdf.

[39] Ibid.

that reviewed agencies reported that these federal officials received different levels and frequencies of protection and that this protection was needed to respond to actual threats.[40] Similar to levels and frequency of PPDs, GAO reported that agencies had different and disparate levels of access to threat intelligence, amount and types of security training, and qualified personnel to conduct PPD operations.[41] GAO's 2000 report to Congress appears to be the last significant research on protecting non-elected executive branch officials.

Since then, GAO has issued a number of reports related to the USSS, State Department security operations more generally, and federal judicial security. Some examples of issues GAO addresses in these reports include USSS protective mission panel recommendations,[42] risk-based judicial security,[43] and diplomatic security challenges.[44] These reports do not necessarily address PPDs specifically; they address issues related to federal government security more strategically.

The USSS has issued three publicly available documents related to federal government security and assassinations since 1998. These documents focus on threat assessment considerations related to attacks on the federal government (2001-2013);[45] an operational study of assassination in the United States focusing on assassins, attackers, and "near-lethal approachers";[46] and protective threat intelligence.[47] None of these documents specifically focuses on PPD operations in the federal government.

Personal Protective Detail Determination

In 2000, the last time GAO surveyed federal entities, it reported that security of federal officials was determined by "a number of factors." Some of these factors included the type of policy handled by the agency or department, the public visibility of the federal official, travel needs, availability of security personnel and assets, and the current threat environment.[48] The current threat environment was determined through the credibility of threat intelligence and a risk assessment of the specific threat. GAO, in its 2000 report, stated that federal entities typically determined that specific federal officials needed security when there was a potential or actual threat from individuals or groups that met at least one of the following criteria:

- Opposition to the policies and issues being handled by the official's federal entity;
- Affected by mental health issues;

[40] Ibid., p. 5.

[41] Ibid., p. 6.

[42] U.S. Government Accountability Office, *U.S. Secret Service: Further Progress Made Implementing the Protective Mission Panel Recommendations*, GAO-22-105100, January 26, 2022, https://www.gao.gov/assets/gao-22-105100.pdf.

[43] U.S. Government Accountability Office, *Federal Judicial Security: Comprehensive Risk-Based Program Should Be Fully Implemented*, GAO/GGD-94-112, July 14, 1994, https://www.gao.gov/assets/ggd-94-112.pdf.

[44] U.S. Government Accountability Office, *State Department: Diplomatic Security Challenges*, GAO-13-191T, November 15, 2012, https://www.gao.gov/assets/gao-13-191t.pdf.

[45] National Threat Assessment Center, *Attacks on Federal Government 2001-2013: Threat Assessment Considerations*, U.S. Secret Service, Washington, DC, December 2015, https://www.secretservice.gov/sites/default/files/2020-04/Attacks_on_Federal_Government_2001-2013.pdf.

[46] Robert A. Fein and Bryan Vossekuil, "Assassination in the United States: An Operational Study of Recent Assassins, Attackers, and Near-Lethal Approachers," *Journal of Forensic Sciences*, vol. 44, no. 2 (March 1999), pp. 321-333.

[47] Robert A. Fein and Bryan Vossekuil, *Protective Intelligence and Threat Assessment Investigations: A Guide for State and Local Law Enforcement Officials*, U.S. Department of Justice/U.S. Secret Service, Washington, DC, July 1998, https://www.secretservice.gov/sites/default/files/2020-04/ecsp2.pdf.

[48] Ibid.

- Opposition to the official personally; and
- Committed acts of terrorism.[49]

Congressional Interest in PPDs

A number of recent congressional hearings, including those related to the January 6th attack on the U.S. Capitol, have focused on threats to federal officials and PPDs. Congress also expressed interest in Member security prior to the January 6th attack on the Capitol, specifically in 2018 and 2019.

In 2018, the Senate Appropriations Committee held a hearing on Justice appropriations and questions were raised concerning the U.S. Marshals Service's protective details assigned to the Secretary of Education.[50] In 2019, the Committee on House Appropriations held a hearing concerning House administration priorities, including threats against Members and their families.[51]

In 2021, the House Homeland Security Committee conducted a hearing concerning the domestic terrorism threat in the wake of the January 6th attack in which the committee stated:

> Incessant threats to politicians and their families on social media, vandals attacking the homes of Congressional leaders, armed protesters barging into State houses, extremists plotting to kidnap, and most dramatically, the violent invasion of the Capitol on January 6 are having a profound effect on those in public office and their families.[52]

In addition to hearings concerning the January 6th attack, Congress has also attempted to address federal official and judicial security, and PPDs through proposed and enacted appropriations.

For FY2023, Congress provided guidance concerning federal official security. The most recent legislative action on protective details was the enactment of the Legislative Branch Appropriations Act, 2023. Specifically, Section 121 states:

> [T]he United States Capitol Police shall perform a threat assessment for former Speakers of the House of Representatives, and if warranted, any such former Speaker shall receive a United States Capitol Police protective detail for a period of not more than one year beginning on the date they leave such office, except that such former Speaker shall have the option to decline such protective detail at any time: *Provided*, that at the conclusion of the one year period, the United States Capitol Police shall perform a threat assessment to determine whether extension of the protective details is warranted: *Provided further*, That, the protective detail may be extended beyond the initial one year period, with the concurrence of the relevant former Speaker, if the United States Capitol Police determines that information or conditions, including but not limited to violent threats, warrant such protection: *Provided further*, That the United States Capitol Police is authorized to enter into Memoranda of Understanding with relevant state and local law enforcement agencies, as needed, to carry out this section.[53]

In FY2021, enacted appropriations language included the following provision:

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[49] Ibid.

[50] U.S. Congress, Senate Committee on Appropriations, Subcommittee on Commerce, Justice, Science, and Related Agencies, *Commerce, Justice, Science, and Related Agencies Appropriations*, 115th Cong., 2nd sess., 2018.

[51] U.S. Congress, House Committee on Appropriations, Subcommittee on Legislative Branch, *House of Representative Budget*, 116th Cong., 1st sess., March 12, 2019.

[52] U.S. Congress, House Committee on Homeland Security, *Examining the Domestic Terrorism Threat in the Wake of the Attack on the U.S. Capitol*, 117th Cong., February 4, 2021, p. 42.

[53] P.L. 117-328, Div. I, Title 1, Section 121.

> [N]ot less than $5,000,000 shall be made available for reimbursable agreements with State and local law enforcement agencies and not less than $4,800,000 shall be available for protective details for Members of Congress, including Delegates and Resident Commissioner of Congress.[54]

Finally, another bill introduced, but not enacted, in FY2021, S. 2311, the Emergency Security Supplemental to Respond to January 6th Appropriations Act, proposed to address threats to federal judges and their families by stating:

> [T]he amount made available under this heading in this Act shall be available to address judicial security vulnerabilities, including threat management capabilities, for the personal safety and security of Federal judges and their immediate families: *Provided further*, That up to $35,000,000 shall be transferred to the Federal Protective Service for the costs of required upgrades and replacement of exterior perimeter security cameras at United States courthouses and Federal facilities that house judicial activities.[55]

This bill additionally addressed Members' protective details by proposing "not less than $4,800,000 shall be available for protective details for Members of Congress, including Delegates and the Resident Commissioner to the Congress."[56] Congress has enacted relatively few provisions of legislation that address the federal law enforcement authority to conduct PPD operations.

What Is Not Known

Currently, Congress is aware of which individuals are to be protected by the USSS (18 U.S.C. §3056) and by DSS (22 U.S.C. §2709), and the USMS authority to provide judicial security.[57] Congress is also provided information regarding what it appropriated to federal entities (which may include funding for PPDs). There are numerous federal PPD factors that Congress may be currently unaware of. They include

- Which federal officials receive protective detail security provided by entities other than USSS and DSS?
- What federal law enforcement entities conduct these PPD operations?
- What costs are associated with federal official PPD operations?
- Who determines what federal official receives PPD security?
- What process is used by federal entities in determining who receives PPD?

GAO has attempted to determine the answers to these questions on at least three occasions. The most recent effort was in 2000, and the results of the survey did not provide in-depth information about the limited number and type of federal entities surveyed.

To address these issues, Congress may wish to engage a survey (e.g., by GAO; by the National Academy of Public Administration; by the National Academies of Sciences, Engineering, and Medicine) of all federal agencies with PPDs or PPD authority with the above-listed questions. Additionally, a more consistent approach to determining credible threats to federal elected and appointed officials, and insight into current protectees may help better inform congressional

[54] P.L. 117-31, Title III, Legislative Branch, General Expenses.

[55] S. 2311, Emergency Security Supplemental to Respond to January 6th Appropriations Act, 2021, 117th Cong., 2nd Sess., July 13, 2021, https://www.congress.gov/bill/117th-congress/senate-bill/2311.

[56] Ibid.

[57] 28 U.S.C. Chapter 37, §566(e)(1)(A).

decisionmakers appropriating funding for such purposes. Absent this information, Congress may not be fully informed when making oversight and appropriation decisions, and this may affect how well the federal government secures its elected representatives, federal employees, and senior federal officials.

Appendix. Threats to and Assaults on Presidents and Vice Presidents

On January 6, 2021, Vice President Mike Pence was presiding over a joint session of Congress to certify the November 2020 presidential election electoral votes when a violent mob breached the U.S. Capitol's security. Due to these events, some Members of Congress have expressed a renewed interest in USSS protective detail operations.

USSS has two mandated missions: (1) criminal investigations, and (2) protection of persons and facilities. Criminal investigations focus primarily on financial crimes, whereas protection focuses on the safety and security of specific government officials and certain identified government facilities. The criminal investigations mission is the USSS's oldest mission; however, the protection mission is the one that most often receives public and media attention.

USSS protects the President, Vice President, their families, former Presidents, and major candidates for those offices, along with the White House and the Vice President's official residence. Protective activities also extend to foreign missions in the District of Columbia (embassies, consulates, residences, and other buildings used by foreign governments) and to designated individuals, such as the Secretary of Homeland Security and visiting dignitaries. Separate from protecting these specific mandated individuals and facilities, USSS is responsible for coordinating security activities for National Special Security Events (NSSE), including inauguration ceremonies, major party quadrennial national conventions, and certain international conferences and events held in the United States.[58]

USSS has been providing protection to Presidents from President Grover Cleveland in 1894 on a part-time basis to the continuous, round-the-clock protection of the President today. Over the years, the USSS protection mission has been determined by unofficial decisions (such as the one to protect President Cleveland) to congressional mandates (such as the one to protect major presidential candidates). USSS protection activities have generally expanded with an increase in the number of protected individuals.

Over the past century, congressional action has focused primarily on the USSS's protection mission. The most recent changes were enacted by the Federal Restricted Buildings and Grounds Improvement Act of 2011, which amended 18 U.S.C. §1752 and made it a crime for an unauthorized person to enter a building secured by USSS.

Threats to Presidents and Vice Presidents

Presidential safety is and has been a concern throughout the nation's history. For example, fears of kidnapping and assassination threats towards Abraham Lincoln began with his journey to Washington, DC, for the 1861 inauguration. The number of attempted and successful assaults against Presidents legitimizes concern for presidential safety. Ten Presidents have been victims of direct assaults by assassins, with four resulting in death (Presidents Abraham Lincoln, James A. Garfield, William McKinley, and John F. Kennedy). President Woodrow Wilson's Vice President, Thomas R. Marshall, is the only known Vice President to have been targeted for assassination. In 1915, a German-American opposed to the United States selling weapons and material to the Allies bombed the U.S. Senate Chamber's reception room, which was next to the Vice President's

[58] For further information, see CRS In Focus IF11732, *U.S. Secret Service: Threats to and Assaults on Presidents and Vice Presidents*, by Shawn Reese.

office. Vice President Marshall had been receiving death threats from opponents to American policy in World War I, in letters, for weeks.

Since USSS started officially protecting Presidents in 1906—in 1917, Congress enacted legislation (39 Stat. 919) that made it a crime to threaten the President—seven assaults have occurred, with one, President Kennedy, resulting in death. The USSS does not make publicly available any threats to protectees or investigations related to threats made against protectees. Thus, the full extent to which protectees have been threatened or targeted remains a matter of conjecture.

The following table provides information on assaults against Presidents who were protected by USSS; it does not include information on assaults against Presidents prior to the USSS assuming responsibility for presidential safety.

Table A-1. Direct Assaults on Presidents Protected by the Secret Service

Date	President	Location	Assailants and Motive
11/01/1950	Harry S. Truman	Washington, DC	Oscar Collazo and Griseilio Torressola, advocates for Puerto Rican independence
11/22/1963	John F. Kennedy	Dallas, TX	Lee Harvey Oswald, motive unknown
09/05/1975	Gerald R. Ford	Sacramento, CA	Lynette Alice "Squeaky" Fromme, member of extremist "Manson Family" and mentally ill
09/22/1975	Gerald R. Ford	San Francisco, CA	Sara Jane Moore, wanted to ignite a revolution
03/30/1981	Ronald W. Reagan	Washington, DC	John W. Hinckley, Jr., mentally ill
10/29/1994	William J. Clinton	Washington, DC	Francisco M. Duran, motive unknown
05/10/2005	George W. Bush	Tbilisi, Republic of Georgia	Vladimir Arutyunian, motive unknown

Source: Information provided to CRS by USSS congressional affairs.

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