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The U.S. Secret Service: History and Missions

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Summary

The U.S. Secret Service has two missions—criminal investigations and protection. Criminal investigation activities have expanded since the inception of the Service from a small anti-counterfeiting operation at the end of the Civil War, to now encompassing financial crimes, identity theft, counterfeiting, computer fraud, and computer-based attacks on the nation's financial, banking, and telecommunications infrastructure, among other areas. Protection activities, which have expanded and evolved since the 1890s, include ensuring the safety and security of the President, Vice President, their families, and other identified individuals and locations.

In March 2003, the U.S. Secret Service was transferred from the Department of the Treasury to the Department of Homeland Security. Prior to enactment of the Homeland Security Act of 2002 (P.L. 107-296), the U.S. Secret Service had been part of the Treasury Department for over 100 years.

Since the September 2001 terrorist attacks, there have been consistent and continuing questions concerning the U.S. Secret Service. Are the two missions of the Service compatible and how should they be prioritized? Is the Department of Homeland Security the most appropriate organizational and administrative location for the Secret Service? These, and other policy issues such as the Secret Service's role in securing presidential inaugurations, have been raised and addressed at different times by Congress and various administrations during the long history of the Service. Additionally, there has been increased interest in the Service due to the inaugural security operations and the protection of President Barack Obama. Some may contend that these and other questions call for renewed attention given the recent increase in demand for the Service's protection function (for example, see P.L. 110-326 enacted by the 110th Congress) and the advent of new technology used in financial crimes. Numerous pieces of legislation related to the Service have been introduced and enacted by the 113th Congress, with all of the enacted legislation being appropriation bills. Introduced in the 113th Congress, H.R. 1121, *Cyber Privacy Fortification Act of 2013*; H.R. 1468, *SECURE IT*; S. 1193, *Data Security and Breach Notification Act of 2013*; and S. 1897, *Personal Data Privacy and Security Act of 2014* are related to personal data privacy and security, and confidential informant security. Additionally, the House Oversight and Government Reform Committee held a hearing entitled "White House Perimeter Breach: New Concerns about the Secret Service," on September 30, 2014, which addressed a security breach on September 19th, where a person gained unauthorized entrance into the White House after climbing the perimeter fence, and previous incidents. The committee inquired if deficient protection procedures, insufficient training, inadequate funding, personnel shortages, or low morale contributed to these security breaches. Later, on the same day as the hearing, it became public knowledge that earlier in the year a private security contractor at a federal facility, while armed, was allowed to share an elevator with President Barack Obama during a site visit, in violation of U.S. Secret Service security protocols. The following day, October 1, 2014, USSS Director Julia Pierson resigned.

This report discusses these issues and will be updated when congressional or executive branch actions warrant.

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Introduction

The U.S. Secret Service (USSS) within the Department of Homeland Security (DHS) has two missions—criminal investigations and protection.[1] Criminal investigation activities encompass financial crimes, identity theft, counterfeiting, computer fraud, and computer-based attacks on the nation's financial, banking, and telecommunications infrastructure. The protection mission is the more publicly visible of the two, covering the President, Vice President, their families, former Presidents, and major candidates for those offices, along with the White House and the Vice President's residence (through the Service's Uniformed Division). Protective duties of the Service also extend to foreign missions (such as embassies, consulates, and foreign dignitary residences) in the District of Columbia and to designated individuals, such as the Homeland Security Secretary and visiting foreign dignitaries. Separate from these specific mandated assignments, USSS is responsible for certain security activities such as National Special Security Events (NSSEs), which include presidential inaugurations,[2] the major party quadrennial national conventions, as well as international conferences and events held in the United States.

The most recent congressional action (not including appropriations) on the Service is the Federal Restricted Buildings and Grounds Improvement Act of 2011 (P.L. 112-98), enacted during the 112th Congress, which amended 18 U.S.C. 1752 and made it a crime for unauthorized individuals to enter a building that is secured by USSS. Congress, arguably, has begun to focus its attention on legislation related to the Service's financial and computer crime investigation mission activities. Legislation in the 113th Congress includes a House committee-referred bill on cyber privacy security;[3] a House committee-referred bill on information technology security;[4] a Senate committee-referred bill on data security and breaches;[5] and a Senate committee-referred bill on personal data privacy and security.[6] Additionally, the House Oversight and Government Reform Committee held a hearing entitled "White House Perimeter Breach: New Concerns about the Secret Service," on September 30, 2014, which addressed a security breach on September 19th, where a person gained unauthorized entrance into the White House after climbing the perimeter fence, and previous incidents. The committee inquired if deficient protection procedures, insufficient training, inadequate funding, personnel shortages, or low morale contributed to these security breaches. Later, on the same day as the hearing, it became public knowledge that earlier in the year a private security contractor at a federal facility, while armed, was allowed to share an elevator with President Barack Obama during a site visit, in violation of U.S. Secret Service security protocols. The following day, October 1, 2014, USSS Director Julia Pierson resigned.

This report discusses potential policy questions for the upcoming 114th Congress concerning the Service's mission and organization through an examination of the USSS history and its statutory authorities, mission, and present activities within DHS. The policy questions presented in this report are only considerations, since the Service is widely perceived to be operating and performing its missions effectively for the past 11 years as part of DHS. Additionally, **Appendix**

[1] The Homeland Security Act of 2002 (P.L. 107-296) transferred USSS to the newly created DHS. All of the Service's functions were transferred and it was to remain a "distinct" entity within DHS. Since being transferred to DHS in 2003, the USSS has continued to execute its investigative and protection missions.

[2] USSS would have been involved in President Obama's inauguration even if it had not been a National Special Security Event because the Service is responsible for protecting the President.

[3] H.R. 1121, *Cyber Privacy Fortification Act of 2013*.

[4] H.R. 1468, *SECURE IT*.

[5] S. 1193, *Data Security and Breach Notification Act of 2013*.

[6] S. 1897, *Personal Data Privacy and Security Act of 2014*.

A provides a list of the direct assaults on and threats to Presidents, Presidents-Elect, and candidates. **Appendix B** provides a list of statutes addressing USSS activities.

U.S. Secret Service Missions

Since 1865, as part of the U.S. Treasury Department, USSS has evolved into a federal law enforcement agency with statutory authority to conduct criminal investigations and protect specific federal officials, individuals, and sites. Congress transferred USSS to the Department of Homeland Security (DHS) in 2002 legislation.[7]

Investigations

The original mission of the Service was to investigate the counterfeiting of United States currency. This mission has been expanded throughout the agency's history through presidential, departmental, and congressional action.[8] At times, early in the agency's history, Secret Service agents conducted investigations that were not related to financial system crimes. Examples include the investigation of the Ku Klux Klan in the late 1860s and counter-espionage activities in the United States during World War I.[9]

Today, USSS conducts criminal investigations into counterfeiting and financial crimes.[10] Within the investigative mission area is the USSS's forensic services division. USSS forensic services personnel conduct analyses of evidence, some of which includes documents, fingerprints, false identification documents, and credit cards, to assist in USSS investigations.[11] USSS's investigative support is also responsible for developing and implementing a criminal and investigative intelligence program. One of the components of this program is the Criminal Research Specialist Program, which provides intelligence analysis related to infrastructure protection, conducts forensic financial analysis, and provides research and analytical support to USSS criminal investigations.[12] Additionally, in 1994, Congress mandated that USSS provide forensic and technical assistance to the National Center for Missing and Exploited Children.[13]

Protection

From protecting President Grover Cleveland in 1894 on a part-time basis to the constant protection of President Obama, the USSS history of protection has been directed by unofficial decisions (such as the protection of President Cleveland) and congressional mandate (such as the

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[7] 116 Stat. 2224.

[8] U.S. Department of Homeland Security, U.S. Secret Service, "United States Secret Service: Investigative Mission," available at http://www.secretservice.gov/investigations.shtml.

[9] U.S. Department of Homeland Security, U.S. Secret Service, "United States Secret Service: Secret Service History," available at http://www.secretservice.gov/history.shtml.

[10] Financial crimes include identity theft, counterfeit and fraudulent identification, electronic access fraud, computer fraud, forgery, money laundering, electronic benefits transfer fraud, asset forfeiture, and advance fee. For a detailed definition of each of these crimes, see the U.S. Secret Service's website on "Criminal Investigations," available at http://www.secretservice.gov/criminal.shtml.

[11] U.S. Department of Homeland Security, U.S. Secret Service, "United States Secret Service: Forensic Services," available at http://www.secretservice.gov/forensics.shtml.

[12] U.S. Department of Homeland Security, U.S. Secret Service, "United States Secret Service: Investigative Support," available at http://www.secretservice.gov/investigative_support.shtml.

[13] 108 Stat. 2043.

protection of major presidential candidates). USSS protection activities have expanded over the years as the number of individuals and events requiring USSS protection grows, with only one instance of a specified type of protectee being removed from the authorized list.[14]

For the first time, in 2008, USSS protected a spouse of a former President who was also a presidential candidate, and it protected a Vice President who was not running for his political party's nomination. The following are the current individuals authorized USSS protection in 18 U.S.C. Section 3056(a):

- President, Vice President, President- and Vice President-elect;[15]
- the immediate families of those listed above;[16]
- former Presidents and their spouses;[17]
- former Presidents' children under the age of 16;
- visiting heads of foreign states or governments;
- distinguished foreign visitors and official United States representatives on special missions abroad;
- major presidential and vice presidential candidates, within 120 days of the general presidential elections, their spouses;[18] and
- former Vice Presidents, their spouses, and their children under the age of 16.[19]

USSS protection operations have also evolved over the years. Originally, USSS protection entailed agents being, what could be described as "bodyguards." Now protection includes not only the presence of agents in close proximity to the protectee, but also advance security surveys of locations to be visited,[20] coordination with state and local enforcement entities, and intelligence analysis of present and future threats. The USSS protection mission uses human resources and physical barriers, technology, and a review of critical infrastructures and their vulnerabilities to increase security to meet evolving threats.[21] Statutes also authorize USSS to conduct such other activities as participating in the planning, coordination, and implementation of security operations at special events of national significance, and providing forensic and investigative assistance involving missing or exploited children.[22]

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[14] 91 Stat. 3 authorized USSS to continue to protect specific federal officials who had received protection during the term of their employment; this was repealed in 1984 (98 Stat. 3110).

[15] This protection cannot be declined.

[16] From this bullet forward, all of these individuals can decline protection.

[17] Former Presidents and spouses may receive protection for their lifetime, unless they serve in office after January 1, 1997, or decline the protection. If they serve after January 1, 1997, they are authorized to receive protection for 10 years after the date of leaving office and may decline the protection at any time.

[18] "Major" presidential and vice presidential candidates are determined by the DHS Secretary after consulting with an advisory committee. The advisory committee consists of the Speaker and minority leader of the House of Representatives, Senate majority and minority leaders, and one other member chosen by the committee.

[19] P.L. 110-326. This protection of former Vice Presidents and their families is for a period of not more than six months after the date the Vice President leaves office.

[20] Some of the issues addressed during an advanced survey include the assessment of manpower and equipment needs, and the location of hospitals. See USSS website on "Protection," available at http://www.secretservice.gov/protection_works.shtml.

[21] U.S. Department of Homeland Security, U.S. Secret Service, "United States Secret Service: How Protection Works," available at http://www.secretservice.gov/protection_works.shtml.

[22] 18 U.S.C. 3056(e)-(f).

In recent years Congress has appropriated approximately $1.6 billion annually for the USSS. The following table provides the Service's FY2013 and FY2014 budget authority.

Table 1. FY2014 and FY2015 Budget Authority for the U.S. Secret Service

(Amounts in millions of dollars)

Programs and Activities	FY2014 Enacted	FY2015 Request
Salaries and Expenses	**1,533**	**1,586**
Protection	920	968
Protection of persons and facilities	*848*	*870*
Protective intelligence activities	*67*	*68*
National Special Security Events	*5*	*5*
Presidential candidate nominee protection		*26*
Investigations	368	375
Domestic field operations	*329*	*341*
International Field Office Administration, Operations and Training	*31*	*34*
Forensic Support to the National Center for Missing and Exploited Children	*8*	*0*
Headquarters, Management and Administration	189	186
Information Integration &Technology Transformation	1	1
James J. Rowley Training Center	55	56
Acquisition, construction, and improvements	52	50

Programs and Activities	FY2014 Enacted	FY2015 Request
Facilities	5	5
Information Integration &Technology Transformation	46	45
Total	**1,585**	**1,636**

Source: CRS analysis of P.L. 113-76 and the Department of Homeland Security, U.S. Secret Service, *FY2015 Budget Justification*.

Note: Amounts may not add to totals due to rounding.

Historical Overview of USSS Statutes

The "Investigation Mission" and "Protection Mission" have distinctive characteristics and histories, and each has been affected by informal decisions and congressional action. Since USSS's transfer to DHS, any statute still in effect authorizing or requiring the Treasury Secretary to perform some function connected to the USSS's previous statutory responsibilities has now been assumed by the DHS Secretary.[23] This report does not detail every law enacted that has affected USSS, but instead attempts to identify congressional actions that addressed the role and responsibility of the Service. Additionally, **Appendix B** in this report provides a list and brief description of the statutes identified in this report.

Investigation Mission

Due to a plethora of currencies issued by states prior to the establishment of a federal banking system, counterfeiting was a major problem in the United States. In 1806, Congress passed the Enforcement of Counterfeiting Prevention Act, which enabled U.S. marshals and district attorneys to investigate and prosecute counterfeiters.[24] The authority to investigate counterfeiting was later transferred to the Department of Treasury (TREAS) in 1860.[25] In order to regulate U.S. currency and increase sanctions against counterfeiters, Congress passed the National Currency Act in 1863.[26] Also in 1863, the Treasury Secretary directed the Office of the Solicitor of Treasury to assume the department's role in investigating counterfeiting.[27]

Counterfeiting continued to be a problem for the federal government throughout the Civil War; and by 1865, between one-third and one-half of all U.S. currency in circulation was counterfeit.[28] As a result of this currency crisis, the Treasury Secretary established the Secret Service Division

[23] 6 U.S.C. 381, 116 Stat. 2224.

[24] 2 Stat. 404.

[25] 12 Stat. 102.

[26] 12 Stat. 665.

[27] The U.S. National Archives & Records Administration, "Records of the U.S. Secret Service," available at http://www.archives.gov/research/guide-fed-records/groups/087.html.

[28] Philip H. Melanson, and Peter F. Stevens, *The Secret Service: The Hidden History of an Enigmatic Agency*, New York, 2002, Carroll & Graf Publishers, p. 4.

(SSD), within the Office of the Solicitor of Treasury in 1865.[29] At the July 5, 1865, swearing in of the new chief of the SSD, William P. Wood, Treasury Secretary Hugh McCulloch stated "your main objective is to restore public confidence in the money of the country."[30] SSD's primary responsibility was to investigate counterfeiting, forging, and the altering of United States' currency and securities.[31]

The Office of Solicitor of the Treasury administered the SSD until 1879.[32] Statutory recognition was given to SSD in 1882 when the 47th Congress appropriated funds when it continued to be administered by the Treasury Department, as follows.

> SECRET SERVICE DIVISION.—For one chief, three thousand five hundred dollars; one chief clerk, two thousand dollars; one clerk of class four; two clerks of class two; one clerk of class one; one clerk at one thousand dollars; and one attendant at six hundred and eighty dollars; in all, twelve thousand nine hundred and eighty dollars.[33]

In 1889, SSD's mission was expanded to include espionage activities during the Spanish-American War and World War I. This mission was phased out at the end of each war.[34] In 1894, the Service informally acquired the protection function at the request of President Grover Cleveland.[35] Additionally, the SSD began another task outside the purview of its original mandate: the investigation of land fraud in the western United States in the early 1900s.[36]

In the first half of the 20th Century, Congress continued to authorize the Treasury Secretary to "direct and use" SSD to "detect, arrest, and deliver into custody of the United States marshal having jurisdiction any person or persons violating" counterfeit laws.[37] In 1948, SSD was also authorized to investigate crimes against the Federal Deposit Insurance Corporation, federal land banks, joint-stock land banks, and national farm loan associations.[38] As throughout USSS's history, Congress continued to amend the Service's investigation mission from 1950 to 1984. Some of this continued amending of the Service's mission included funding the USSS for its confiscating and purchasing of counterfeit currency.[39]

Due to the increased use of computers and electronic devices in financial crime, Congress, in 1984, authorized USSS to investigate violations related to credit card and computer fraud.[40] In the

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[29] The U.S. National Archives & Records Administration, "Records of the U.S. Secret Service," available at http://www.archives.gov/research/guide-fed-records/groups/087.html.

[30] Philip H. Melanson, and Peter F. Stevens, *The Secret Service: The Hidden History of an Enigmatic Agency*, p. 3.

[31] The U.S. National Archives & Records Administration, "Records of the U.S. Secret Service," available at http://www.archives.gov/research/guide-fed-records/groups/087.html.

[32] Ibid. The Office of Solicitor of the Treasury was transferred to the Department of Justice in 1870 (16 Stat. 162), but continued to administer the SSD until 1879 even though the SSD remained within the Treasury Department.

[33] 22 Stat. 230.

[34] U.S. Department of Homeland Security, U.S. Secret Service, "United States Secret Service: Secret Service History," available at http://www.secretservice.gov/history.shtml.

[35] The protection mission, however, did not appear in statute until 1906.

[36] U.S. Department of Homeland Security, U.S. Secret Service, "United States Secret Service: Secret Service History," available at http://www.secretservice.gov/history.shtml. According to the USSS, millions of acres were returned to the federal government as a result of the Service's investigations. In this case, Service agents were temporarily assigned to the Departments of Justice and Interior to conduct the investigations, as neither department had a permanent investigation force.

[37] 44 Stat. 918, and 48 Stat. 178.

[38] 62 Stat. 818.

[39] 76 Stat. 809 authorizes reimbursement to USSS for funds expended in purchasing counterfeit currency.

[40] 98 Stat. 2192. U.S. Department of Homeland Security, U.S. Secret Service, "United States Secret Service: Secret

1990s, Congress continued to amend laws affecting the investigation, prosecution, and punishment of crimes against United States financial systems. One such amendment authorized USSS investigation of crimes against financial systems by authorizing the Service to conduct civil or criminal investigations of federally insured financial institutions. This investigation jurisdiction was concurrent with the Department of Justice's investigation authority.[41] Another law was the Violent Crime Control and Law Enforcement Act of 1994 (P.L. 103-322), which made international manufacturing, trafficking, and possessing of counterfeit United States currency a crime as if it were committed in the United States. Congress also enacted laws related to telemarketing fraud (P.L. 105-184) and identity theft (P.L. 105-318), both of which are used in committing financial fraud and crime.

Following the terrorist attacks of September 11, 2001, Congress enacted the USA PATRIOT Act.[42] Among numerous provisions addressing the protection of the United States financial systems and electronic device crimes, the act contains a provision that authorizes the Service to establish nationwide electronic crime task forces to assist law enforcement, private sector, and academic entities in detecting and suppressing computer-based crimes.[43]

Protection Mission

In 1894, SSD began to protect President Grover Cleveland at his request on a part-time basis. USSS agents guarded him and his family at their vacation home in the summer of 1894.[44] President William McKinley also received SSD protection during the Spanish-American War and limited protection following the end of the war.[45] There were three SSD agents present when President McKinley was assassinated in Buffalo, NY, but reportedly they were not fully in charge of the protection mission.[46]

Following the assassination of President McKinley, in 1901, congressional leadership asked that the SSD protect the President.[47] Five years later Congress, for the first time, appropriated funds for the protection of the President with the passage of the Sundry Civil Expenses Act for 1907 (enacted in 1906).[48]

Service History," available at http://www.secretservice.gov/history.shtml.

[41] 104 Stat. 1427.

[42] P.L. 107-56, for information on the USA PATRIOT Act, see CRS Report R40980, *Government Collection of Private Information: Background and Issues Related to the USA PATRIOT Act Reauthorization*, by Edward C. Liu and Charles Doyle.

[43] 115 Stat. 277.

[44] U.S. Department of Homeland Security, U.S. Secret Service, "United States Secret Service: Secret Service History," available at http://www.secretservice.gov/history.shtml, and Frederick Kaiser, "Origins of Secret Service Protection of the President: Personal, Interagency, and Institutional Conflict," *Presidential Studies Quarterly*, 1988, vol. XVIII, num. 1, p. 102. These early protective activities violated the strictures in the Service's appropriations that limited it to counterfeiting investigations.

[45] Frederick Kaiser, "Origins of Secret Service Protection of the President: Personal, Interagency, and Institutional Conflict," *Presidential Studies Quarterly*, 1988, vol. XVIII, no. 1, p. 112.

[46] Ibid.

[47] U.S. Department of Homeland Security, U.S. Secret Service, "United States Secret Service: Secret Service History," available at http://www.secretservice.gov/history.shtml. For further information on presidential assassinations, see CRS Report RS20821, *Direct Assaults Against Presidents, Presidents-Elect, and Candidates*, by Frederick M. Kaiser.

[48] 34 Stat. 708.

In 1908, SSD's protection mission was expanded to include the President-elect.[49] In that same year, President Theodore Roosevelt transferred a number of SSD agents to the Department of Justice, which served as the foundation for the Federal Bureau of Investigation.[50] Annual congressional authorization of the mandate to protect the President and President-elect began in 1913.[51]

During World War I threats against the President began to arrive at the White House, which resulted in a 1917 law making it a crime to threaten the President.[52] Additionally, later that same year, Congress authorized SSD to protect the President's immediate family.[53]

In addition to the expansion of the protection of the President and the President's family, the White House Police Force was created in 1922 to secure and patrol the Executive Mansion and grounds in Washington, DC. Initially, the White House Police Force was not supervised or administered by SSD; but rather by the President or his appointed representative.[54] In 1930, however, Congress mandated that the White House Police Force be supervised by the SSD.[55] For the first time, Congress, in 1943, appropriated funding for both the investigation and protection missions. The appropriation was specifically for "suppressing" counterfeiting and "other" crimes; protecting the President, the President-elect, and their immediate families; and providing funding for the White House Police Force.[56]

In 1951, Congress permanently authorized the "U.S. Secret Service" to protect the President, his immediate family, the President-elect, and the Vice President—if the Vice President so desired.[57] In 1954, Congress used the title "U.S. Secret Service" in an appropriation act for the first time.[58]

Eleven years after permanently authorizing USSS's protection mission, Congress mandated the protection of the Vice President[59] (or the next officer to succeed the President), the Vice President-elect, and each former President "at his request" for "a reasonable period after he leaves office."[60] In 1963, following the assassination of President John F. Kennedy, Congress enacted legislation that authorized protection for Mrs. Jacqueline Kennedy and her children for two years.[61]

In 1965, Congress authorized permanent protection for former Presidents and their spouses for the duration of their lives, and protection of their children until age 16.[62] Later that year, Congress

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[49] U.S. Department of Homeland Security, U.S. Secret Service, "United States Secret Service: Secret Service History," http://www.secretservice.gov/history.shtml.

[50] Ibid.

[51] 38 Stat. 23. Congress continued to authorize this protection annually until 1951, when it permanently authorized USSS's protective mission in statute (65 Stat. 122).

[52] 39 Stat. 919.

[53] 40 Stat. 120.

[54] 42 Stat. 841.

[55] 46 Stat. 328.

[56] 57 Stat. 259-260.

[57] 65 Stat. 122.

[58] 67 Stat. 68. The U.S. National Archives and Records Administration, "Records of the U.S. Secret Service," http://www.archives.gov/research/guide-fed-records/groups/087.html.

[59] From 1951 to 1962, the Vice President was protected by USSS if "he so desired."

[60] 76 Stat. 956.

[61] 77 Stat. 348.

[62] 79 Stat. 791.

increased USSS law enforcement responsibilities by authorizing the Service's agents to make arrests without warrant for crimes committed in their presence.[63]

The initial two-year protection of Mrs. Kennedy (a widow of a former President) was not immediately extended in 1965, but rather was deferred until 1967[64] when Congress authorized protection of former Presidents' widows and minor children until March 1, 1969.[65] This protection became permanent in 1968.[66] USSS's protection mission was furthered expanded in that same year following the assassination of Senator Robert F. Kennedy (a presidential candidate). Congress authorized the Treasury Secretary to determine which presidential and vice presidential candidates should receive USSS protection.[67] An advisory committee was established to assist the Treasury Secretary in determining which candidates could receive protection. The committee included the Speaker of the House of Representatives, the minority leader of the House of Representatives, the Senate majority and minority leaders, and one additional member selected by the committee.[68]

Following a decade of expanding USSS's protection mission, Congress further amended this mission, and renamed the White House Police Force as the Executive Protection Service (EPS) in 1970. Congress authorized the USSS Director to administer the EPS's protection of

- the Executive Mansion and grounds in the District of Columbia (DC);
- any building with presidential offices;
- the President and immediate family;
- foreign diplomatic missions[69] located in the metropolitan DC area; and
- foreign diplomatic missions located in the United States, its territories, and its possessions—as directed by the President.[70]

EPS was renamed the "Secret Service Uniformed Division" in 1977.[71]

In 1977, Congress expanded the USSS' existing protection of foreign diplomatic missions, to also protect visiting heads of foreign states, and other distinguished foreign visitors—at the direction of the President.[72] Congress also authorized the President to direct the protection of United States' official representatives on special missions abroad.[73] Additionally, in 1971, Congress established criminal penalties for a person who "knowingly and willfully obstructs, resists, or interferes with an agent of the United States engaged in the performance" of USSS's protection mission.[74]

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[63] 79 Stat. 890.

[64] 79 Stat. 791.

[65] 81 Stat. 466.

[66] 82 Stat. 1198.

[67] 82 Stat. 170. Presidential and vice presidential candidates could decline protection.

[68] Ibid.

[69] "Missions" are foreign embassies, consulates, residences, or other buildings occupied and used by foreign government entities.

[70] 84 Stat. 74-75. USSS states, on their website, that it assumed the protection of foreign diplomatic missions outside of the metropolitan DC area in 1975. This document is available at http://www.secretservice.gov/history.shtml.

[71] 91 Stat. 1371.

[72] 84 Stat. 1941. One of the "distinguished foreign visitors" to receive USSS protection was Pope Benedict in April 2008.

[73] Ibid.

[74] 84 Stat. 1892.

In 1975, Congress expanded the Service's protection mission to include the Vice President's immediate family.[75] Congress further refined the protection mission in the Presidential Protection Assistance Act of 1976 (P.L. 94-524) by regulating the number and types of property to be protected by USSS.[76] Also in 1976, Congress further expanded the list of who was eligible for USSS protection by adding presidential and vice presidential candidate spouses.[77] The "protectee" list was again expanded in 1977, when Congress authorized the USSS to continue to protect specified federal officials and their families.[78]

In 1982, the list was increased again by Congress with the addition of former Vice Presidents and their spouses for a period to be determined by the President.[79] Temporary residences of the President and Vice President were designated (as determined by the Treasury Secretary) as property that could be protected if occupied in 1982.[80]

Congress enacted a consolidated list—from earlier statutes—of individuals authorized USSS protection for the first time in 1984. The new statute amended 18 U.S.C. Section 3056, "Powers, authorities, and duties of United States Secret Service."[81] This was significant, because for the first time, there was a single statutory list that identified all of the Service's protectees. In 1994 legislation, the protection of former Presidents and their spouses was limited to 10 years after the President leaves office.[82]

The list of "protectees" has also been affected by presidential directives. As an example, in 1986, the President directed USSS to protect the spouses of visiting heads of foreign states.[83] Any protectee may decline USSS protection except the President, the Vice President, the President-elect, or the Vice President-elect.[84] Also in 1986, the Treasury Police Force was merged into the Secret Service Uniformed Division as part of its protection mission.

As the federal government began to address terrorist threats at the end of the 1990s, President William J. Clinton issued Presidential Decision Directive 62 (PDD 62)—"Protection Against Unconventional Threats to the Homeland and Americans Overseas" on May 22, 1998.[85] As

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[75] 88 Stat. 1765.

[76] 90 Stat. 2475. This activity arose in the aftermath of concerns that the security arrangements at multiple private residences were excessive and not adequately justified. See House Committee on Government Operations, Expenditures of Federal Funds in Support of Presidential Properties, H.Rept. 93-1052 (GPO, 1974), pp. 1-6.

[77] 90 Stat. 1239.

[78] 91 Stat. 3. The individual had to be an official who had been receiving USSS protection before 1977, and the President had to determine the former official still needed protection. This provision was repealed in 1984. 98 Stat. 3110.

[79] 94 Stat. 2740.

[80] 96 Stat. 1451.

[81] 98 Stat. 3110.

[82] 108 Stat. 2412-2413. "The protection of a former President will end ten years from the date a former President leaves office, if the President served in office after January 1, 1997. Protection of the spouse of a former President will terminate in the event of remarriage or divorce from a former President. If the President dies in office or within one year of office, the spouse will receive protection for one year from the time of death. Provided, that the Department of Homeland Security Secretary has the authority to direct USSS to provide temporary protection for any of these individuals at anytime the Secretary or designee determines that conditions or information warrant such protection." 18 U.S.C. §3056(a)(3).

[83] U.S. Department of Homeland Security, U.S. Secret Service, "United States Secret Service: Secret Service History," available at http://www.secretservice.gov/history.shtml.

[84] President Richard M. Nixon declined USSS protection after leaving office.

[85] Additionally, in 1995 a portion of Pennsylvania Avenue was closed off to vehicular traffic due to the bombing of the Alfred P. Murrah Federal Building in Oklahoma City, Oklahoma.

described by the White House, PDD 62 established a framework for federal department and agency counter-terrorism programs that addressed the issues of terrorist apprehension and prosecution, increased transportation security, enhanced emergency response, and enhanced cyber security. PDD 62 is said to designate specific federal departments and agencies as the "lead" agencies in the event of terrorist attacks.[86] PDD 62 is said to designate the USSS as the lead agency with the leadership role in the planning, implementation, and coordination of operational security for events of national significance—as designated by the President.

On December 19, 2000, President Clinton signed P.L. 106-544, the Presidential Threat Protection Act of 2000, authorizing the USSS—when directed by the President—to plan, coordinate, and implement security operations at special events of national significance.[87] The special events were entitled National Special Security Events. Some events categorized as NSSEs include presidential inaugurations, major international summits held in the United States, major sporting events, and presidential nominating conventions. Among other actions, this act also established the National Threat Assessment Center (NTAC) within USSS. Congress required NTAC to provide assistance to federal, state, and local law enforcement agencies through

- threat assessment training;
- consulting on complex threat assessment cases;
- researching threat assessment and potential targeted violence;
- promoting standardization of federal, state, and local threat assessments and investigations; and
- other threat assessment activities, as determined by the DHS Secretary.[88]

The most recent congressional action on the Service's protection mission was the enactment of the Federal Restricted Buildings and Grounds Improvement Act of 2011, which amended 18 U.S.C. 17522 and made it a crime for unauthorized individuals to enter a building that is secured by the USSS.[89]

Policy Questions

In light of the historical information presented above on the evolution of the statutory foundation for the USSS and its present budget authority, Congress might wish to consider the following policy questions, among others. With the Service effectively operating and performing its missions within DHS since 2003, the policy questions presented in this report are potential future considerations.

- What is the optimum or preferred mission of the USSS and whether the mission should consist of both investigation and protection?
- Is the current allocation of resources ensuring one or both USSS missions are efficiently achieved?

[86] Presidential Decision Directive 62 is classified. The White House issued a fact sheet abstract about it, and the Federation of American Scientists has posted an "unclassified abstract" said to be "derived from" PDD 62, available at http://www.fas.org/irp/offdocs/pdd-62.htm.

[87] 114 Stat. 2716.

[88] Ibid.

[89] P.L. 112-98.

The two USSS missions—investigation and protection—have evolved over 143 years. The original and oldest mission, which began in 1865, is the investigation mission. Statutorily, the protection mission did not begin until 1906. In FY2014, however, the protection mission received approximately 63% of the agency's funding. In FY2014, the protection mission was appropriated approximately $920 million, and the investigation mission was appropriated $368 million.[90]

As described earlier in this report, USSS's protection mission employs the majority of the Service's agents and receives a larger share of the agency's resources. Additionally, the majority of congressional action concerning USSS has been related to its protection mission. This difference may be the result of the costs associated with an increase in protecting individuals, events, and facilities. The relevant statutes discussed above illustrate the Service's expanding protection mission which includes what federal officials are authorized, through statute, USSS protection; the role and responsibilities of the Secret Service Uniform Division; and the Service's role in security for NSSEs.

While Congress has maintained USSS's role investigating financial crimes, congressional action primarily has addressed, and continues to address, the Service's protection mission. An example of this is Congress's enactment of P.L. 110-326, the Former Vice President Protection Act of 2008, which requires the Service to protect former Vice Presidents, their spouses, and minor children for a period up to six months after leaving office. Another example of congressional interest in the Service's protection mission occurred in the FY2008 Consolidated Appropriations Act, when Congress specifically stated that the USSS could not use any funds to protect any federal department head, except the DHS Secretary, unless the Service is reimbursed.[91]

One could argue potential terrorist attacks and possible direct assaults have resulted in an increase in the need for the Service's protection activities. The Service's protection mission has expanded and become more "urgent" due to the increase in terrorist threats and the expanded arsenal of weapons that terrorists could use in an assassination attempt or attacks on facilities.[92] The USSS transfer from the Treasury Department to DHS could be seen as a response to the changing nature of the terrorist threat.

The establishment of a single mission, or a distinct primary and secondary mission, for the USSS is one option for Congress in light of this increased terrorist threat. One argument for this is that the majority of the Service's resources are used for its protection mission, and that Congress has raised the issue of the Service's competing missions of protection and investigation. It can be argued, however, that the Service trains its agents in both investigations and protection with no loss of a protectee in the last 52 years. Some have argued, however, that there needs to be an independent examination of the Service's dual mission to evaluate the effectiveness of USSS's training.[93] If there were an evaluation of the Service's two missions, it might be determined that it is ineffective for the USSS to conduct its protection mission and investigate financial crimes.

Specifically, in 2012, USSS was engaged in an increased protection workload, which included protection of major presidential candidates, ensuring security for the 2012 presidential nominating conventions, and preparing for the potential transfer of presidential administrations and the January 2013 inauguration. In March 2012, former USSS Director Sullivan stated that USSS candidate protection began in November 2011 when the DHS Secretary, in consultation

[90] P.L. 113-46, Div D.

[91] P.L. 110-161, Div. E, Title V, Section 516.

[92] Philip H. Melanson, and Peter F. Stevens, *The Secret Service: The Hidden History of an Enigmatic Agency*, p. 333.

[93] Philip H. Melanson, and Peter F. Stevens, *The Secret Service: The Hidden History of an Enigmatic Agency*, p. 335.

with the congressional advisory committee, implemented a USSS protection detail for Herman Cain. Governor Mitt Romney, Senator Rick Santorum, and Representative Newt Gingrich also received protection details.[94] This type of increased protection resulted in agents that are normally assigned to investigation missions being assigned to protection detail.

Conclusion

From 1865 to the present, USSS has been investigating financial crimes, its only activity for the first three decades, and protecting senior executive branch officials, most notably the President. Recently the Service has increased its efforts in cybersecurity and its protection activities due to certain events, such as the terrorist attacks of September 2001 and the wars in Iraq and Afghanistan. The missions of the Service have evolved and conformed to presidential, departmental, and congressional requirements. Due to evolving technology and tactics used in crimes—including financial, cyber, terrorism, and attempted assassinations—USSS has had to evolve. As the cost of this law enforcement increases, and the number of protectees increases (at least during presidential campaign election years), the Service is continuing to balance and fulfill its two missions.

[94] U.S. Congress, House Committee on Appropriations, Subcommittee on Homeland Security, *The President's Fiscal Year 2013 Budget Request for the Service*, 112th Cong., 2nd sess., March 8, 2012.

Appendix A. Presidential Death Threats and Direct Assaults Against Presidents[95]

Presidential safety is and has been a concern throughout the nation's history. For example, fears of kidnapping and assassination threats to Abraham Lincoln began with his journey to Washington, DC, for the inauguration in 1861. A much more recent example is the breach of Secret Service security at a White House State Dinner on November 24, 2009, where two uninvited guests gained entry to the event. This resulted in a House Homeland Security Committee hearing on December 3, 2009, where the Director of the Secret Service, Mark J. Sullivan, admitted that the breach was a "human error" by Secret Service personnel manning a security checkpoint.[96]

At the 2009 hearing, Director Sullivan stated that there has been no increase of death threats to President Obama when compared to death threats against Presidents George W. Bush and William J. Clinton even though some media sources have reported otherwise.[97] In 1917, Congress enacted legislation that made it a crime to threaten the President.[98] CRS does not have access to information on presidential death threats due to the security classification of this information. The extent to which Presidents have been threatened or targeted remains a matter of conjecture.

Concern for presidential safety is genuine due to the number of attempted and successful assaults against Presidents. Ten Presidents have been victims of direct assaults by assassins, with four resulting in death. Since the Secret Service started protecting Presidents in 1906, seven assaults have occurred, with one resulting in death (President John F. Kennedy). The following table provides information on assaults against Presidents who were protected by the Secret Service; it does not include information on assaults against Presidents prior to the Service assuming the responsibility of presidential safety.

[95] For detailed information on assaults against Presidents, Presidents-Elect, and candidates (those with and without Security Service protection), see CRS Report RS20821, *Direct Assaults Against Presidents, Presidents-Elect, and Candidates*, by Frederick M. Kaiser.

[96] U.S. Congress, House Committee on Homeland Security, *The U.S. Secret Service and Presidential Protection: An Examination of a System Failure*, 111th Cong., 1st sess., December 2, 2009.

[97] Ibid.

[98] 39 Stat. 919.

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

Date	President	Location	Assailant and Reason
11/01/1950	Harry S. Truman	Washington, DC	Oscar Collazo and Griseilio Torressola, advocates of Puerto Rican independence
11/22/1963	John F. Kennedy[a]	Dallas, TX	Lee Harvey Oswald, motive unknown
09/05/1975	Gerald R. Ford[b]	Sacramento, CA	Lynette Alice Fromme, member of extremist "Manson Family" and mentally unstable
09/22/1975	Gerald R. Ford	San Francisco, CA	Sara Jane Moore, desired to start a revolution with "the upheaval of needed change"
03/30/1981	Ronald W. Reagan	Washington, DC	John W. Hinckley, Jr., mentally unstable
10/29/1994	William J. Clinton	Washington, DC	Francisco M. Duran, motive unknown
05/10/2005	George W. Bush	Tibilisi, Republic of Georgia	Vladimir Arutyunian, motive unknown

Source: CRS Report RS20821, *Direct Assaults Against Presidents, Presidents-Elect, and Candidates*, by Frederick M. Kaiser.

a. Only President receiving U.S. Secret Service protection to be killed by an assassin.

b. Only President to be assaulted twice while receiving U.S. Secret Service protection.

Appendix B. Statutes Addressing U.S. Secret Service Activities[99]

Statute	Brief Description	Year
2 Stat. 404	The Enforcement of Counterfeiting Prevention Act passed; authorized U.S. marshals and district attorneys to investigate and prosecute counterfeiters.	1806
12 Stat. 102	Counterfeiting investigation authority transferred to the Department of the Treasury.	1860
12 Stat. 665	National Currency Act passed by Congress.	1863
16 Stat. 162	The Office of the Solicitor of the Treasury transferred to the Department of Justice.	1870
22 Stat. 230	Statutory recognition given to the Secret Service Division (SSD) in an appropriation act.	1882
34 Stat. 708	Congress, for the first time, appropriated funds specifically for the protection of the President.	1906
38 Stat. 23	Beginning of annual authorization for presidential protection.	1913
39 Stat. 919	Congress makes it a crime to threaten the President.	1917
40 Stat. 120	Congress authorizes SSD to protect the President's immediate family.	1917
42 Stat. 841	White House Police Force established.	1922
44 Stat. 918	Treasury Secretary authorized to use SSD to investigate counterfeiting.	1926
46 Stat. 328	Congress authorizes SSD to administer and supervise the White House Police Force.	1930
48 Stat. 178	Congress authorizes SSD to investigate and arrest individuals involved in fraud related to the Federal Deposit Insurance Corporation.	1933
57 Stat. 259-260	Congress, for the first time, appropriates funding for the SSD's investigation and protection missions.	1943
62 Stat. 680	Created White House Police Force within Secret Service Division	1948
62 Stat. 818	SDD authorized to investigate crimes related to federal banks and loan associations.	1948
65 Stat. 122	Congress permanently authorizes the "U.S. Secret Service" to protect the Presidents, their immediate families, Vice Presidents (if so desired), and the Presidents-elect.	1951
66 Stat. 283	Removes the limitation on the numerical strength of the White House Police Force.	1952
67 Stat. 68	Congress, for the first time, uses the title "U.S. Secret Service" in an appropriation act.	1954
76 Stat. 95	Increases the limitation on the size of the White House Police Force from 170 to 250.	
76 Stat. 809	Congress authorizes reimbursement to USSS for funds used to purchase counterfeit currency.	1962
76 Stat. 956	Congress authorizes permanent protection of the Vice President and former Presidents (as requested) for a "reasonable amount of time."	1962
77 Stat. 348	Congress authorizes USSS protection of Mrs. Jacqueline Kennedy and her minor children for two years following the assassination of President John F. Kennedy.	1963
79 Stat. 791	Congress authorizes permanent protection of former Presidents and their spouses during their lifetime, and their children until age 16.	1965

[99] This appendix was updated by Dan Richardson, CRS Research Assistant.

Statute	Brief Description	Year
79 Stat. 890	Congress authorizes USSS agents to make arrests without warrants if crimes are committed in their presence.	1965
81 Stat. 466	Congress extends USSS protection to widows of former Presidents and minor children until March 1, 1969.	1967
82 Stat. 170	Congress authorizes the Treasury Secretary to determine what presidential and vice presidential candidates should receive USSS protection, and establishes an advisory committee to assist the Secretary in this determination.	1968
82 Stat. 1198	Congress permanently authorizes the protection of former Presidents' widows and minor children.	1968
84 Stat. 74-75	Congress renames the White House Police Force the Executive Protection Service (EPS), and authorizes the USSS Director to ensure EPS's protection of different locations and facilities.	1970
84 Stat. 1892	Congress makes it a crime to interfere with USSS agents engaged in a protection mission.	1971
84 Stat. 1941	Congress authorizes USSS protection of visiting heads of foreign states, distinguished foreign visitors, and U.S. officials abroad on special missions.	1971
88 Stat. 1765	Congress extends USSS protection of foreign diplomatic missions and the Vice President's immediate family.	1975
89 Stat. 1109	Provided authority for foreign diplomatic missions and increased the size of the EPS from 850 to 1200.	1975
90 Stat. 1239	Congress authorizes protection of presidential and vice presidential candidates' spouses.	1976
90 Stat. 2475	Congress identifies the number and types of residences and properties to be protected by USSS, such as residences owned by Presidents and Vice Presidents.	1976
91 Stat. 3	Congress authorizes USSS protection to specified federal officials. Repealed in 1984 (98 Stat. 3110).	1977
91 Stat. 1371	EPS is renamed the Secret Service Uniform Division.	1977
94 Stat. 1562	USSS Uniformed Division receives same adjustments to compensation as other federal employees on the general schedule.	1980
94 Stat. 2740	Former Vice Presidents and spouses are authorized USSS protection if directed by the President, but not indefinite protection.	1980
96 Stat. 1451	Temporary presidential and vice presidential residences were designated as property that could be protected when occupied.	1982
96 Stat. 2089	Authorized appropriations for the USSS Uniformed Division related to foreign diplomatic missions for FY1982 and FY1983.	1983
98 Stat. 2192	USSS authorized to investigate credit card and computer fraud.	1984
98 Stat. 3110	Congress authorizes a specific list of individuals to be protected by USSS, including the President, Vice President, and their immediate families.	1984
100 Stat. 1783-308	Limited the authority of the USSS (and other U.S. government personnel) to assist democratic movements in Nicaragua (Contras).	1986
104 Stat. 1427	Congress authorizes USSS to conduct civil and criminal investigations into crimes against federally insured financial institutions.	1990
108 Stat. 2043	Congress mandates that USSS provide technical and analytical assistance to the National Center for Missing and Exploited Children.	1994

Statute	Brief Description	Year
108 Stat. 2413	Congress modifies authorities concerning protection of former Presidents and their spouses by limiting the protection to ten years following the date the President leaves office.	1994
100 Stat. 3009-314	Removed limitation on the number of USSS personnel.	1996
114 Stat. 2716	Congress authorizes USSS to plan, coordinate, and implement security at National Special Security Events, and established the National Threat Assessment Center within the Service.	2000
115 Stat. 277	Congress authorizes USSS to establish electronic crimes taskforces.	2001
116 Stat. 2224	Congress transfers USSS to DHS as a "distinct entity."	2002
177 Stat. 665	Authorized USSS to provide forensic and investigative assistance to support for missing and exploited children.	2003
120 Stat. 251	Modified prohibitions on entering areas being protected by the USSS; revised prohibitions involving fraudulent identification; permitted the protection of officers next in line for order of succession, former Presidents and their families, special events of national significance, major presidential candidates, and visiting heads of government. Required that USSS remain as distinct entity within DHS.	2006
122 Stat. 3560	Authorized protection of former Vice Presidents, their spouses, and their children who are under 16 years of age.	2008
124 Stat. 3033	Compensation modernization.	2010
126 Stat. 263	Congress makes it a crime for unauthorized persons to enter buildings secured by the USSS.	2011

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