

Legislative Evolution of U.S. Secret Service

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Counterfeiting of U.S. currency after the Civil War and attacks against political leaders provided the impetus for the formation of the U.S. Secret Service, a federal agency established through President Abraham Lincoln's executive action, and later provided annual appropriations by Congress. This report provides information on the historical and legislative evolution of the U.S. Secret Service, including its investigation and protection missions, and includes data concerning selected U.S. Secret Service-related legislation, generally, and the Service's protection mission, specifically.

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Introduction

The U.S. Secret Service (USSS), now part of 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 mission, and provides personal and property protection to 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. Protective duties of the Service also extend to certain foreign missions in the District of Columbia (such as embassies, consulates, and foreign dignitary residences), as well as to additional presidentially-designated individuals, such as the Homeland Security Secretary and visiting foreign dignitaries. Separate from these mandated assignments, USSS is also responsible for certain security activities including those involving National Special Security Events (NSSEs), such as presidential inaugurations,² the major party quadrennial national conventions, and international conferences held in the United States.

U.S. Secret Service Missions

Originating in 1865 as part of the U.S. Department of the Treasury, USSS has since 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.³

Investigations

The original mission of the USSS 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.⁴ 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.⁵

Today, USSS conducts criminal investigations into counterfeiting and certain other financial crimes.⁶ 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,

¹ The Homeland Security Act of 2002 (P.L. 107-296) placed USSS within 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.

³ 116 Stat. 2224.

⁴ U.S. Department of Homeland Security, U.S. Secret Service, “United States Secret Service: Investigations,” available at <https://www.secretservice.gov/investigations>.

⁵ U.S. Department of Homeland Security, U.S. Secret Service, “United States Secret Service: Timeline of Our History,” available at <https://www.secretservice.gov/about/history/timeline>.

⁶ 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 “Investigations,” available at <https://www.secretservice.gov/investigations>.

fingerprints, false identification documents, and credit cards, to assist in USSS investigations.⁷ 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.⁸ Additionally, in 1994, Congress mandated that USSS provide forensic and technical assistance to the National Center for Missing and Exploited Children.⁹

Protection

From protecting President Grover Cleveland in 1894 on a part-time basis to the constant protection of President Biden, USSS protection of individuals has been directed by unofficial decisions (such as the protection of President Cleveland) and congressional mandate (such as the protection of all major presidential candidates).¹⁰ USSS protection activities have expanded over the years as the number of individuals and events requiring USSS protection continues to grow, with one instance of a specified type of protectee being removed from the authorized list of protectees.¹¹

Table 1 below provides the statutes associated with mandates for protection of specific individuals, and shows how the USSS protection mission has expanded from “protect the President”¹² in 1906 to the elimination of certain limitations on the length of USSS protection of former Presidents in 2013.¹³ 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;¹⁴
- the immediate families of those listed above;¹⁵
- former Presidents and their spouses;¹⁶
- 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;

⁷ U.S. Department of Homeland Security, U.S. Secret Service, “United States Secret Service: Forensic Expertise,” available at <https://www.secretservice.gov/investigations/forensic>.

⁸ U.S. Department of Homeland Security, U.S. Secret Service, “United States Secret Service: Investigative,” available at <https://www.secretservice.gov/investigations>.

⁹ 108 Stat. 2043.

¹⁰ For more information on who the USSS, and other federal law enforcement agencies, protect see CRS Report R47731, *Who Protects Whom? Federal Official and Judicial Security and Personal Protective Details*, by Shawn Reese.

¹¹ 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).

¹² 34 Stat. 708.

¹³ 126 Stat. 2413.

¹⁴ This protection cannot be declined.

¹⁵ From this bullet forward, all of these individuals can decline protection.

¹⁶ 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.

- major presidential and vice presidential candidates, within 120 days of the general presidential elections, their spouses;¹⁷ and
- former Vice Presidents, their spouses, and their children under the age of 16.¹⁸

USSS protection operations have evolved over the years. Originally, USSS protection entailed agents being assigned duties comparable to those of “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,¹⁹ coordination with state and local enforcement entities, and intelligence analysis of present and future threats. The USSS protection mission uses human resources, physical barriers, technology, and a review of critical infrastructure to increase security to meet evolving threats.²⁰ 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 (NSSEs).²¹

Table I. Statutes Related to Scope of USSS Protection Mission

| Statute | Brief Description | Year |
|--------------|---|------|
| 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 “Secret Service Division” to protect the President’s immediate family. | 1917 |
| 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 |
| 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 |
| 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 |

¹⁷ “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.

¹⁸ 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.

¹⁹ 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 <https://www.secretservice.gov/protection>.

²⁰ U.S. Department of Homeland Security, U.S. Secret Service, “United States Secret Service: Protecting Leaders,” available at <https://www.secretservice.gov/protection/leaders>.

²¹ 18 U.S.C. 3056(e)-(f). For more information on special event security and NSSEs, see CRS Report R47439, *Special Event Security and National Special Security Events: A Summary and Issues for Congressional Consideration*, by Shawn Reese.

| Statute | Brief Description | Year |
|----------------|---|------|
| 82 Stat. 1198 | Congress permanently authorizes the protection of former Presidents' widows and minor children. | 1968 |
| 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 |
| 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 |
| 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 |
| 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 |
| 108 Stat. 2413 | Congress modifies authorities concerning protection of former Presidents and their spouses by limiting the protection to 10 years following the date the President leaves office. | 1994 |
| 122 Stat. 3560 | Authorized protection of former Vice Presidents, their spouses, and their children who are under 16 years of age. | 2008 |
| 126 Stat. 2413 | Eliminates certain limitations on the length of USSS protection of former Presidents, and their spouses and children. | 2013 |

Source: CRS analysis of selected legislation.

Note: All statutes before 2003 were when the USSS was in the U.S. Department of the Treasury.

Historical Overview of USSS Statutes

The “Investigation Mission” and “Protection Mission” have distinct characteristics and histories, and each has been affected by both 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.²² This report does not detail every enacted law affecting USSS, but instead attempts to identify congressional actions that addressed the role and responsibility of USSS. Additionally, the **Appendix** in this report provides a list and brief description of the statutes identified in this report.

Evolution of the 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

²² 6 U.S.C. 381, 116 Stat. 2224.

attorneys to investigate and prosecute counterfeiters.²³ The authority to investigate counterfeiting was later transferred to the Department of the Treasury in 1860.²⁴ In order to regulate U.S. currency and increase sanctions against counterfeiters, Congress passed the National Currency Act in 1863.²⁵ Also in 1863, the Treasury Secretary directed the Office of the Solicitor of the Treasury to assume the department's role in investigating counterfeiting.²⁶

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.²⁷ As a result of this currency crisis, the Treasury Secretary established the Secret Service Division (SSD) within the Office of the Solicitor of the Treasury in 1865.²⁸ 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."²⁹ SSD's primary responsibility was to investigate counterfeiting, forging, and the altering of United States' currency and securities.³⁰

The Office of the Solicitor of the Treasury administered the SSD until 1879.³¹ 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.³²

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.³³ In 1894, the Service informally acquired the protection function at the request of President Grover Cleveland.³⁴ 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.³⁵

²³ 2 Stat. 404.

²⁴ 12 Stat. 102.

²⁵ 12 Stat. 665.

²⁶ The U.S. National Archives and Records Administration, "Records of the U.S. Secret Service," available at <http://www.archives.gov/research/guide-fed-records/groups/087.html>.

²⁷ Philip H. Melanson, and Peter F. Stevens, *The Secret Service: The Hidden History of an Enigmatic Agency*, New York, 2002, Carroll and Graf Publishers, p. 4.

²⁸ The U.S. National Archives and Records Administration, "Records of the U.S. Secret Service," available at <http://www.archives.gov/research/guide-fed-records/groups/087.html>.

²⁹ Philip H. Melanson, and Peter F. Stevens, *The Secret Service: The Hidden History of an Enigmatic Agency*, p. 3.

³⁰ The U.S. National Archives and Records Administration, "Records of the U.S. Secret Service," available at <http://www.archives.gov/research/guide-fed-records/groups/087.html>.

³¹ Ibid. The Office of the 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.

³² 22 Stat. 230.

³³ U.S. Department of Homeland Security, U.S. Secret Service, "United States Secret Service: History," available at <https://www.secretservice.gov/about/history>.

³⁴ The protection mission, however, did not appear in statute until 1906.

³⁵ U.S. Department of Homeland Security, U.S. Secret Service, "United States Secret Service: Timeline of Our History," available at <https://www.secretservice.gov/about/history/timeline>. 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.

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.³⁶ 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.³⁷ 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.³⁸

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.³⁹ In the 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.⁴⁰ 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.⁴¹ 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.⁴² Congress continued to expand the USSS investigation mission in the 2010s by enacting a number of laws associated with investigation forensics. Some of these statutes authorize the Service to:

- assist state local law enforcement mass shooting investigated if requested.⁴³
- administer the National Computer Forensics Institute and the institute expand the Service’s Electronic Crime Task Forces,⁴⁴ and
- provide forensic and investigative assistance to state and local law enforcement agencies in support of any investigation.⁴⁵

³⁶ 44 Stat. 918, and 48 Stat. 178.

³⁷ 62 Stat. 818.

³⁸ 76 Stat. 809 authorizes reimbursement to USSS for funds expended in purchasing counterfeit currency.

³⁹ 98 Stat. 2192. U.S. Department of Homeland Security, U.S. Secret Service, “United States Secret Service: Timeline of Our History” available at <https://www.secretservice.gov/about/history/timeline>.

⁴⁰ 104 Stat. 1427.

⁴¹ 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 (out of print; available to congressional clients upon request).

⁴² 115 Stat. 277.

⁴³ 126 Stat. 2435.

⁴⁴ 131 Stat. 1256.

⁴⁵ 132 Stat. 5265.

Evolution of 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 1894.⁴⁶ President William McKinley also received SSD protection during the Spanish-American War and limited protection following its conclusion. 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.⁴⁷

Following the assassination of President McKinley, in 1901, congressional leadership asked that the SSD protect the President.⁴⁸ 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).⁴⁹

In 1908, Congress expanded SSD's protection mission to include the President-elect.⁵⁰ 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.⁵¹ Annual congressional authorization to protect the President and President-elect began in 1913.⁵²

During World War I, letters that contained 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.⁵³ Additionally, later that same year, Congress authorized SSD to protect the President's immediate family.⁵⁴

In addition to the expansion of list of authorized protectees, Congress created the White House Police 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.⁵⁵ In 1930, however, Congress mandated that the White House Police Force be supervised by the SSD.⁵⁶ For the first time, Congress, in 1943, appropriated funding for both the SSD's investigation and protection missions. The appropriation

⁴⁶ U.S. Department of Homeland Security, U.S. Secret Service, "United States Secret Service: Timeline of Our History," available at <https://www.secretservice.gov/about/history/timeline> 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.

⁴⁷ 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.

⁴⁸ U.S. Department of Homeland Security, U.S. Secret Service, "United States Secret Service: Timeline of Our History," available at <https://www.secretservice.gov/about/history/timeline>.

⁴⁹ 34 Stat. 708.

⁵⁰ U.S. Department of Homeland Security, U.S. Secret Service, "United States Secret Service: Timeline of Our History," <https://www.secretservice.gov/about/history/timeline>.

⁵¹ *Ibid.*

⁵² 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).

⁵³ 39 Stat. 919.

⁵⁴ 40 Stat. 120.

⁵⁵ 42 Stat. 841.

⁵⁶ 46 Stat. 328.

was specifically for “suppressing” counterfeiting and “other” crimes; protecting the President, the President-elect, and their immediate families; and funded the White House Police Force.⁵⁷

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.⁵⁸ In 1954, Congress used the title “U.S. Secret Service” in an appropriation act for the first time.⁵⁹

Eleven years after permanently authorizing USSS’s protection mission, Congress mandated the protection of the Vice President⁶⁰ (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.”⁶¹ 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.⁶²

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 16.⁶³ Later that year, Congress increased USSS law enforcement responsibilities by authorizing the Service’s agents to make arrests without warrant for crimes committed in their presence.⁶⁴

The initial two-year protection of Mrs. Kennedy (now widowed) was not immediately extended in 1965, but rather was deferred until 1967⁶⁵ when Congress authorized protection of former Presidents’ widows and minor children until March 1, 1969.⁶⁶ This protection later became permanent in 1968.⁶⁷ USSS’s protection mission was further 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.⁶⁸ An advisory committee was established to assist the Treasury Secretary in determining which candidates should 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.⁶⁹

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;

⁵⁷ 57 Stat. 259-260.

⁵⁸ 65 Stat. 122.

⁵⁹ 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>.

⁶⁰ From 1951 to 1962, the Vice President was protected by USSS if “he so desired.”

⁶¹ 76 Stat. 956.

⁶² 77 Stat. 348.

⁶³ 79 Stat. 791.

⁶⁴ 79 Stat. 890.

⁶⁵ 79 Stat. 791.

⁶⁶ 81 Stat. 466.

⁶⁷ 82 Stat. 1198.

⁶⁸ 82 Stat. 170. Presidential and vice presidential candidates could decline protection.

⁶⁹ *Ibid.*

- the President and immediate family;
- foreign diplomatic missions⁷⁰ 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.⁷¹

EPS was renamed the “Secret Service Uniformed Division” in 1977.⁷²

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.⁷³ Congress also authorized the President to direct the protection of United States’ official representatives on special missions abroad.⁷⁴ 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.⁷⁵

In 1975, Congress expanded the Service’s protection mission to include the Vice President’s immediate family.⁷⁶ 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.⁷⁷ Also in 1976, Congress further expanded the list of who was eligible for USSS protection by adding presidential and vice presidential candidate spouses.⁷⁸ The “protectee” list was again expanded in 1977, when Congress authorized the USSS to continue to protect specified federal officials and their families.⁷⁹

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.⁸⁰ 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 1982.⁸¹

Congress enacted a consolidated list—from earlier statutes—of individuals authorized USSS protection in 1984. The new statute amended 18 U.S.C. Section 3056, “Powers, authorities, and duties of United States Secret Service.”⁸² 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

⁷⁰ “Missions” are foreign embassies, consulates, residences, or other buildings occupied and used by foreign government entities.

⁷¹ 84 Stat. 74-75.

⁷² 91 Stat. 1371.

⁷³ 84 Stat. 1941. One of the “distinguished foreign visitors” to receive USSS protection was Pope Benedict in April 2008.

⁷⁴ *Ibid.*

⁷⁵ 84 Stat. 1892.

⁷⁶ 88 Stat. 1765.

⁷⁷ 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.

⁷⁸ 90 Stat. 1239.

⁷⁹ 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.

⁸⁰ 94 Stat. 2740.

⁸¹ 96 Stat. 1451.

⁸² 98 Stat. 3110.

protection of former Presidents and their spouses was limited to 10 years following their departure from office.⁸³

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.⁸⁴ Any protectee may decline USSS protection except the President, the Vice President, the President-elect, or the Vice President-elect.⁸⁵ 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, 1998.⁸⁶ As described by the White House, PDD 62 established a framework for federal department and agency counterterrorism 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.⁸⁷ 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.⁸⁸ The special events were entitled National Special Security Events (NSSE).⁸⁹ 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; and

⁸³ 108 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 any time the Secretary or designee determines that conditions or information warrant such protection.” 18 U.S.C. §3056(a)(3).

⁸⁴ U.S. Department of Homeland Security, U.S. Secret Service, “United States Secret Service: History,” available at <https://www.secretservice.gov/about/history>.

⁸⁵ President Richard M. Nixon declined USSS protection after leaving office.

⁸⁶ 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.

⁸⁷ 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>.

⁸⁸ 114 Stat. 2716.

⁸⁹ For more information on NSSEs, see CRS Report R47439, *Special Event Security and National Special Security Events: A Summary and Issues for Congressional Consideration*, by Shawn Reese.

- promoting standardization of federal, state, and local threat assessments and investigations.⁹⁰

In 2011, Congress amended 18 U.S.C. 17522 and made it a crime for unauthorized individuals to enter a building that is secured by the USSS.⁹¹ Finally, the most recent congressional action affecting the Service's protection mission was the enactment of the Former Presidents Protection Act of 2012, which eliminated certain limitations on the length of USSS protection of former Presidents and their spouses and children.⁹²

⁹⁰ Ibid.

⁹¹ 126 Stat. 263.

⁹² 126 Stat. 2413.

Appendix. Statutes Addressing U.S. Secret Service Activities

| 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 |
| 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 |

| Statute | Brief Description | Year |
|--------------------|---|------|
| 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. 1317 | Amends criminal codes associated with threats against former Presidents and other persons protected by the USSS. | 1982 |
| 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 |
| 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 |

| Statute | Brief Description | Year |
|--------------------|--|------|
| 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 |
| 126 Stat. 2413 | Eliminates certain limitations on the length of USSS protection of former Presidents, and their spouses and children. | 2013 |
| 126 Stat. 2435 | Permits USSS to assist (when requested) state and local law enforcement agency investigate mass shootings. | 2013 |
| 131 Stat. 1246 | Authorizes USSS’s National Computer Forensics Institute and expands the Electronic Crime Task Forces. | 2017 |
| 132 Stat. 5256 | Broadens the authority of the USSS to provide forensic and investigative assistance to state and local law enforcement agencies by allowing assistance in support of any investigation. | 2018 |

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