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Protection of Executive Branch Officials

Overview

Due to the October 2018 attempted bombing attacks on current and former government officials (and others), there may be congressional interest in protective details for government officials. Congress may also be interested due to media reports of costs or budgetary requests associated with funding security details for the Secretaries of some departments or agencies, including the Department of Education, the Department of Labor, and the Environmental Protection Agency. Attacks against political leaders and other public figures has been a consistent security issue in the United States. Since the U.S. Secret Service (USSS) started protecting Presidents in 1906, seven assaults or assassination attempts have occurred, with one resulting in a death (President John F. Kennedy). Prior to USSS protection, three sitting presidents have been assassinated (Abraham Lincoln, James Garfield, and William McKinley). In addition, official records and news accounts show that there have been at least 20 attacks against Members of Congress since 1789. For further details on violence against Members of Congress, see CRS Report R41609, *Violence Against Members of Congress and Their Staff: Selected Examples and Congressional Responses*.

According to a 1998 U.S. Marshals Service report, data on assassinations and assassination attempts against federal officials suggest that elected officials are more likely to be targeted than those holding senior appointed positions. The U.S. Marshal Service report quoted a 1970 report on political violence (commissioned by President Lyndon Johnson) indicating that

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

In a 2000 report, the Government Accountability Office (GAO) stated that it was only able to identify one instance when a Cabinet Secretary was physically harmed as part of an assassination attempt, which occurred when one of the Lincoln assassination conspirators attacked then-Secretary of State William Seward in his home in 1865. Even with few attempted attacks against appointed officials, federal law enforcement entities have been providing personal protection details (PPD) to select executive branch officials since at least 1994. In total, GAO reported that from FY1997 through FY1999, security protection was provided to officials holding 42 executive branch positions at 31 executive branch agencies. Personnel from 27 different agencies protected the 42 officials: personnel from their own agencies or departments protected 36 officials and 6

officials were protected by personnel from other agencies or departments, such as the USSS and the U.S. Marshals Service.

Since GAO's 2000 report, it appears there has been no significant research on protecting executive branch officials. Considering the increased federal government and congressional interest in security of federal personnel and facilities since the terrorist attacks of 9/11, there may be a need for further research to inform analysis of related issues.

Personal Protection Detail Authority

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

- President, Vice President, President- and Vice President-elect;
- immediate families of those listed above;
- former Presidents, their spouses, and their children under the age of 16;
- former Vice Presidents; their spouses, and their children under the age of 16; for six months after leaving office but the Department of Homeland Security Secretary can extend this period due to threats.
- visiting heads of foreign states or governments;
- distinguished foreign visitors and official United States representatives on special missions abroad; and
- major presidential and vice presidential candidates within 120 days of the general elections, and their spouses.

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

- heads of foreign state, official representatives of a foreign government, and other distinguished U.S. visitors, while in the United States;
- the Secretary of State, Deputy Secretary of State, and official U.S. government representatives, in the United States or abroad;
- members of the immediate family of persons described above;

- a departing Secretary of State for a period of up to 180 days after the date of termination of that individual's incumbency as Secretary of State, on the basis of a threat assessment; and
- an individual who has been designated by the President or President-elect to serve as Secretary of State, prior to that individual's appointment.

GAO reported that any other agency providing PPD to an executive branch official was based on various legal authorities. Some of these legal authorities include

- the Inspector General Act of 1978 (5 U.S.C., App. 3);
- the general authority of agency heads to issue regulations (5 U.S.C. §301);
- a 1970 memorandum from the White House Counsel to a Cabinet department;
- a 1972 letter from then-Secretary of the Treasury George Schultz to all Cabinet Secretaries that offered to have the USSS provide training for all the departments' protective personnel;
- a specific deputation from the U.S. Marshals Service, and according to U.S. Marshals Service policy directive 99-13 (February 5, 1999), Special Deputy Marshals are sworn and appointed to perform specific law enforcement duties, such as carry firearms for the protection of persons covered under the federal assault statutes; and
- a specific delegation of authority set forth in the Code of Federal Regulations (7 C.F.R. §2.33(a)(2)) that the Secretary of Agriculture delegated authority to protect the Secretary and Deputy Secretary to the Department of Agriculture's Office of Inspector General.

PPD Operations

In general, PPD operations consist of having armed personnel within the vicinity of a protected official and in locations the official plans to travel. In addition, protection involves making related security plans and analyzing possible and actual threats. GAO's 2000 report stated that officials received different levels and frequencies of protection, which generally included protection while they worked in their offices, attended public events, and traveled on official business. Some officials were protected during private personal time. GAO, in avoiding compromising official security, did not disclose specific information on PDD operations.

Determination for PPD

GAO reported that agency or department security officials generally determined officials needed protection when there was a possible or actual threat received from individuals who meet one, some, or all of these criteria:

- opposed to the policies and issues being handled by their agency or department;

- apparently suffering from mental problems;
- opposed to the officials personally; and
- terrorists.

Security officials also said the level of protection provided was determined by a variety of factors, such as the sensitivity of the issues being handled by the agency or department, the visibility of the protected official to the public, travel needs, and the officials' personal preferences. Finally, GAO reported in 2000 that the primary PDD personnel employed at 11 agencies, including 2 offices of Inspectors General, were deputized as U.S. Marshals to provide them with needed law enforcement authorities.

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