



# Inauguration Security: Operations, Appropriations, and Issues for Congress

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## Summary

Every four years, in January, the President-elect is sworn in as President of the United States. Presidential inauguration ceremonies are unique public events in the District of Columbia. The inauguration ceremonies are public and, like the President's State of the Union address, they are events in which a significant proportion of the American political leadership is in attendance. Consequently, the inauguration is designated as a National Special Security Event (NSSE) by the Department of Homeland Security. NSSEs are events that require significant security, in part because of the attendance of U.S. and foreign dignitaries and the event's public or official nature.

Significant funding for inauguration security operations is provided from the U.S. Secret Service's National Special Security Event general account. In limited circumstances, however, Congress has also provided supplemental appropriations to reimburse local jurisdictions for inauguration-related activities. Other inauguration spending is less easily identifiable because it is indirect and a part of typical annual appropriations to the relevant agencies. Because of the absence of specificity, substantive policy analysis on costs associated with inauguration security may be limited.

In addition to Congress's responsibility for funding inauguration security operations, Congress also conducts critical oversight of the security operations. Criticisms of past inauguration security operations and practices have generated congressional concern. An example of this criticism includes reports that some 2009 presidential inauguration ticket holders were unable to reach their designated seating areas due to security checkpoint contestation. Congressional, interest group, and media criticism appears to be specifically focused on 2009 inauguration security operations instead of general observations or criticism.

This report provides information on inauguration security operations and inauguration security appropriations, and it discusses potential policy issues associated with inauguration security operations. It also mentions policy issues associated with inauguration security operations: past inauguration security operations criticisms and inauguration security operation appropriations. Options are provided for congressional consideration for future inauguration and inauguration security planning.

Congressional interest in inauguration security may be based on various factors and determinates, including its roles in appropriating funds for inaugurations, oversight of law enforcement and first responder entities with inauguration security responsibilities, and hosting the swearing-in ceremony, as well as the heightened interest in post-9/11 security operations. Congress may wish to consider past criticisms of both inauguration security operations and appropriations.

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## Introduction

At noon on January 20<sup>1</sup> of each year following a presidential election, the President-elect is sworn-in as President of the United States.<sup>2</sup> In 2013, the President- and Vice President-elect will be officially sworn in at a private ceremony; the public inauguration ceremony will be conducted on Monday, January 21.<sup>3</sup> Presidential inaugurations are public events that are conducted primarily at the U.S. Capitol and on the grounds of the National Mall. Additionally, presidential inaugurations are ceremonies that are attended by a significant portion of the American political leadership. Due to safety and security concerns for the public and the American political leadership, the inauguration ceremony is designated a National Security Special Event (NSSE). NSSEs are high profile, and usually public, events that require significant security because of the attendance of U.S. and foreign dignitaries and the event's public or official nature. The United States Secret Service (USSS) is designated as the primary federal entity responsible for NSSE security.<sup>4</sup> The USSS, however, is not the only law enforcement or first responder agency that has inauguration security responsibilities. The United States Capitol Police (USCP), the Metropolitan DC Police Department (MPD), the U.S. Park Police (USPP), and other law enforcement and first responder entities often assist the USSS and provide security for the swearing-in ceremony and other inaugural events.

Congress appropriates funds for inauguration security. This funding is not always specifically identified for presidential inauguration security. Instead, inauguration security funding is expected to be provided from the USSS general NSSE account. In limited circumstances, Congress has provided supplemental appropriations to “reimburse” local jurisdictions for inauguration related activities. Not only does Congress provide funding for security operations, it also typically conducts oversight hearings following inaugurations to review these operations for future improvements.

Criticism of past inauguration security operations and practices has generated congressional concern. For example, during the 2009 inauguration of President Barack Obama, some ticket holders were unable to reach their designated seating areas, while others were stuck in a tunnel leading to the National Mall. In a statement following the ceremony, Senator Dianne Feinstein,

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<sup>1</sup> Pursuant to the United States Constitution, the President's term ends at noon on January 20 (Amendment XX). The first January 20 inauguration occurred in 1937 at the commencement of President Franklin D. Roosevelt's second term (Paul F. Boller Jr., *Presidential Inaugurations* (New York: Harcourt, Inc., 2001), p. 23).

<sup>2</sup> Between 1789 and the ratification of the Amendment XX in 1933, the inauguration was held on March 4. Amendment XX established that the President's and Vice President's terms ended at noon on January 20. The 2013 inauguration, for the seventh time in American history, falls on a Sunday. Historically, public presidential inaugural ceremonies have not been held on Sunday—a day considered a “legal holiday” since colonial times. When January 20 falls on a Sunday, a private ceremony has traditionally been held for the President-elect to take his oath of office on January 20 and a public ceremony occurs the next day. Since the capital moved to the District of Columbia in 1800, except for unusual circumstances, the regularly scheduled inaugural ceremony has taken place at the U.S. Capitol. For more information on Sunday inaugurations, contact Jacob R. Straus, analyst on the Congress, 7-6438 or [jstraus@ers.loc.gov](mailto:jstraus@ers.loc.gov).

<sup>3</sup> For the purposes of this report, all references to inauguration or inauguration events will reference the public, or semi-public events that require significant NSSE and USSS security.

<sup>4</sup> P.L. 106-544, Sec. 3, 114 Stat. 2716, December, 19, 2000; 18 U.S.C. 3056.

chair of the Joint Congressional Committee on Inaugural Ceremonies, asked for a review of inauguration security operations.<sup>5</sup>

The Department of Homeland Security (DHS), Office of Inspector General (IG) completed a review for Congress and released its findings in October 2009.<sup>6</sup> The IG's review focused on "the adequacy of security ... and how well the Secret Service managed its after-action review." The report recommended that the USSS address areas identified for improvement and inform the IG's office when changes are implemented.<sup>7</sup> Areas identified for improvement included improving security planning, using new communications technology, and conducting additional after-action reports in an effort to improve logistics for off-site staging for future events.<sup>8</sup>

This report provides information on inauguration security operations and inauguration security appropriations, and discusses potential policy issues associated with inauguration security operations. It also mentions policy issues associated with inauguration security operations: past inauguration security operations criticisms and inauguration security operation appropriations. Options are provided for congressional consideration for future inauguration and inauguration security planning. Congressional interest in inauguration security may be based on various factors and determinates including its roles in appropriating funds for inaugurations, oversight of law enforcement and first responder entities with inauguration security responsibilities, and hosting the swearing-in ceremony, and the heightened interest in post-9/11 security operations. Congress may wish to consider past criticisms of both inauguration security operations and appropriations. A list of agencies referenced in this report and their acronyms can be found in the **Appendix**.

## Background

Presidential inauguration ceremonies are unique public events in the District of Columbia (DC). Due to the momentous nature of the ceremonies, it is one of the few times that the American government's leadership is all present at the same time in the same location.<sup>9</sup> Consequently, the inauguration is designated as an NSSE by DHS. The USSS is the lead federal agency responsible for securing the public inaugural events.

Inaugural events, pursuant to public law, include "the day on which the Presidential inaugural ceremony is held, the 5 calendar days immediately preceding that day, and the 4 calendar days immediately following that day." While the swearing-in ceremony is the only constitutionally required event, other events have become part of the inaugural festivities. These include the inaugural luncheon, the inaugural parade, and the inaugural balls. Two major inaugural events are held at the U.S. Capitol and hosted by the Joint Congressional Committee on Inaugural

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<sup>5</sup> Joint Congressional Committee on Inaugural Ceremonies, "Senator Feinstein Statement on Incidents at 56<sup>th</sup> Presidential Inaugural Ceremonies," press release, January 21, 2009, at <http://inaugural.senate.gov/media/releases/release-012109-feinsteinstmt.cfm>.

<sup>6</sup> Department of Homeland Security, Office of the Inspector General, *United States Secret Service After-Action Review of Inaugural Security (Redacted)*, OIG-10-04, Washington, DC, October 2009, at [http://www.oig.dhs.gov/assets/Mgmt/OIGr\\_10-04\\_Oct09.pdf](http://www.oig.dhs.gov/assets/Mgmt/OIGr_10-04_Oct09.pdf).

<sup>7</sup> *Ibid.*, pp. 1-2.

<sup>8</sup> *Ibid.*, pp. 21-23.

<sup>9</sup> Another time when the majority of the government's leadership is in one location is the State of the Union Address. For more information on the State of the Union, see CRS Report R40132, *The President's State of the Union Address: Tradition, Function, and Policy Implications*, by Colleen J. Shogan and Thomas H. Neale;

Ceremonies (JCCIC): the swearing-in ceremony and the inaugural luncheon.<sup>10</sup> Following the swearing-in ceremony and luncheon, there is an inaugural parade<sup>11</sup> and numerous inaugural balls.<sup>12</sup> All of these events require special security operations.

## National Special Security Events

Inaugurations are designated as National Special Security Events (NSSEs) due to their importance, the portion of national leadership in attendance, and the public nature of the ceremony. NSSE designation factors include

- anticipated attendance by U.S. officials and foreign dignitaries;<sup>13</sup>
- the size of the event;<sup>14</sup> and
- the significance of the event.<sup>15</sup>

Recent NSSEs include the 2009 inauguration of President Barack Obama, the 2012 presidential nominating conventions, and the funeral of former President Gerald Ford on January 3, 2007. On September 12, 2012, DHS Secretary Janet Napolitano designated the 57<sup>th</sup> Presidential Inauguration—on January 20 and 21, 2013—as an NSSE.<sup>16</sup>

NSSEs were created on May 22, 1998, when President William J. Clinton issued Presidential Decision Directive (PDD) 62—Protection Against Unconventional Threats to the Homeland and Americans Overseas.<sup>17</sup> PDD 62 established a framework for federal department and agency counter-terrorism programs, which addressed terrorist apprehension and prosecution, increased transportation security, and enhanced emergency response and cyber security. PDD 62 also designated specific federal departments and agencies as the lead agencies in the event of terrorist attacks.<sup>18</sup> USSS was designated as the lead agency with the leadership role in the planning,

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<sup>10</sup> Since 1801, the swearing-in ceremony for the President-elect has, with limited exceptions, been held at the Capitol Building. Initially, the ceremony was held in either the House or Senate chambers. The first outdoor inauguration at the Capitol took place in 1833 for Andrew Jackson's second swearing-in ceremony. Since that time, all but two inaugural ceremonies held at the Capitol were conducted outside on either the East Front or—beginning in 1981 for President Ronald Reagan's first inauguration—the West Front of the Capitol.

<sup>11</sup> Organized by the Joint Task Force National Capital Region, the inaugural parade occurs after the conclusion of the inaugural luncheon. The parade proceeds from the Capitol to the White House along Pennsylvania Avenue, NW.

<sup>12</sup> The first inaugural ball was held on May 7, 1789, "one week after the Inauguration of George Washington in New York City." Today, inaugural balls are held at multiple locations around Washington, DC, and sponsored by various entities and organizations.

<sup>13</sup> Events attended by U.S. Government officials and foreign dignitaries may require federal participation to ensure the safety and security of the event and that sufficient resources are available in case of an incident.

<sup>14</sup> The number of event attendees and participants affects security requirements. For example, an event with a large number of attendees and participants would require increased security.

<sup>15</sup> Some events have historical, political, and symbolic significance that may heighten the possibility of terrorist attacks. U.S. Department of Homeland Security, Office of the Press Secretary, "National Special Security Events Fact Sheet," July 9, 2003, at [http://www.dhs.gov/xnews/releases/press\\_release\\_0207.shtm](http://www.dhs.gov/xnews/releases/press_release_0207.shtm).

<sup>16</sup> U.S. Department of Homeland Security, U.S. Secret Service, "2013 Inauguration Planning Efforts," letter from U.S. Secret Service Congressional Affairs Office to CRS, September 13, 2012.

<sup>17</sup> PDD 62 was superseded by a classified appendix to Annex II of National Security Presidential Directive 46/Homeland Security Presidential Directive 15, *U.S. Strategy and Policy in the War on Terror*, on March 6, 2006. The appendix maintains USSS responsibility in planning, coordinating, and implementing security operations at NSSEs.

<sup>18</sup> Presidential Decision Directive 62 is classified. The White House issued a fact sheet abstract about PDD 62, and the (continued...)

implementation, and coordination of operational security for events of national significance—as designated by the President.<sup>19</sup> Other lead agencies for counter terrorism activities included the Federal Emergency Management Agency (FEMA), the Department of Defense (DOD), the Federal Bureau of Investigation (FBI), and the Department of Health and Human Services (HHS).

On December 19, 2000, Congress enacted P.L. 106-544, the Presidential Threat Protection Act of 2000, which authorized USSS—when directed by the President—to plan, coordinate, and implement security operations at special events of national significance.<sup>20</sup> Some NSSEs, other than inauguration ceremonies, include major international summits held in the United States, major sporting events, and presidential nominating conventions. Prior to the establishment of DHS in January 2003, the President determined which events of national significance were designated as NSSEs. Since the establishment of the department, the DHS Secretary—as the President’s representative—has had the responsibility to designate NSSEs.

## **Inauguration Security Operations**

When an event is designated an NSSE, USSS becomes the lead federal agency in developing, exercising, and implementing security operations. The goal of these security operations is to “develop and implement a seamless security plan that will create a safe and secure environment for the general public, event participants, Secret Service protectees, and other dignitaries.”<sup>21</sup>

The USSS’s Major Events Division (MED) is responsible for NSSE planning and coordinates with other USSS headquarters and field offices. Some of the coordination includes advance planning and liaison for venue and air space security, training, communications, and security credentialing.<sup>22</sup> Additionally, MED coordinates and conducts liaisons with other federal, state, and local agencies—primarily law enforcement entities.

NSSE security is planned, exercised, and implemented through a unified command model that is comprised of representatives of participating federal, state, and local agencies with NSSE responsibilities. During the NSSE’s planning phase, each participating agency is tasked according to its expertise or jurisdictional responsibility. USSS states that, “with the support of hundreds of federal, state, and local law enforcement and public safety organizations, each of these events has successfully concluded without any major incidents.”<sup>23</sup>

NSSE operational plans include the use of physical infrastructure security fencing, barricades, special access accreditation badges, K-9 teams, and other security technologies. To ensure

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(...continued)

Federation of American Scientists has posted an “unclassified abstract” said to be “derived from” PDD 62, at <http://www.fas.org/irp/offdocs/pdd-62.htm>.

<sup>19</sup> U.S. Department of Homeland Security, U.S. Secret Service, Office of Legislative Affairs, “National Special Security Events: Meeting the Counter-Terrorism Challenge” (Washington: 2006), p. 1. This document is exclusively available to congressional offices by contacting the U.S. Secret Service’s Office of Legislative Affairs.

<sup>20</sup> P.L. 106-544, Sec. 3, 114 Stat. 2716, December 19, 2000; 18 U.S.C. 3056.

<sup>21</sup> U.S. Department of Homeland Security, U.S. Secret Service, Office of Legislative Affairs, “National Special Security Events: Meeting the Counter-Terrorism Challenge” (Washington: 2006), p. 1.

<sup>22</sup> *Ibid.*, p. 2.

<sup>23</sup> *Ibid.*

consequence management, DHS prepositions Domestic Emergency Support Teams, Urban Search and Rescue Teams, national Emergency Response Teams, Nuclear Incident Response Teams, and the Strategic National Stockpile and Mobile Emergency Response System. Specific teams and groupings of teams are designed for each event based on unique characteristics of each event, coordination with other federal entities, state and local jurisdictions, available local resources, and mutual aid agreements.<sup>24</sup> Additionally, USSS sponsors training seminars for command-level federal, state, and local law enforcement and public safety officials to provide principles for managing security at major events and strategies for reducing vulnerabilities related to terrorism. The seminars also discuss key strategies and lessons learned from past NSSEs.<sup>25</sup>

Inauguration security includes ticketed security check points for those attending the ceremonies and who have assigned seats in close proximity to the swearing-in location. The security border for the inauguration is expanded to the general vicinity of downtown Washington, DC, and the National Mall. For the 2013 inauguration, the USSS Office of Protective Operations/Dignitary Protective Division and the USSS Washington Field Office convened an initial planning meeting on June 28, 2012, with federal, state, and local law enforcement entities. These law enforcement entities included

- U.S. Capitol Police (USCP);<sup>26</sup>
- Metropolitan Police Department, Washington, DC (MPD);
- U.S. Park Police (USPP);
- Federal Bureau of Investigation (FBI);
- Virginia State Police;
- Maryland State Police;
- Washington Metropolitan Area Transit Authority Police (WMATA);
- Federal Protective Service (FPS);
- Arlington, Virginia, Police Department;
- Alexandria, Virginia, Police Department;
- Prince George’s County, Maryland, Police Department;
- Montgomery County, Maryland, Police Department; and
- U.S. Military District of Washington.<sup>27</sup>

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<sup>24</sup> U.S. Department of Homeland Security, Office of the Press Secretary, “National Special Security Events Fact Sheet,” July 9, 2003, at [http://www.dhs.gov/xnews/releases/press\\_release\\_0207.shtm](http://www.dhs.gov/xnews/releases/press_release_0207.shtm).

<sup>25</sup> *Ibid.*

<sup>26</sup> USCP is the law enforcement agency responsible for the protection of “Members of Congress, Officers of the United States Senate, United States House of Representatives, and their families.” Additionally, USCP focuses on “protecting life and property; preventing, detecting, and investigating criminal acts; and enforcing traffic regulations through a large complex of congressional buildings, parks, and thoroughfares.” For more information on the USCP, see U.S. Capitol Police, at <http://www.uscapitolpolice.gov>.

<sup>27</sup> U.S. Department of Homeland Security, U.S. Secret Service, “2013 Inauguration Planning Efforts,” letter from U.S. Secret Service Congressional Affairs Office to CRS, September 13, 2012.



Inauguration security planning includes the creation of the Law Enforcement Executive Steering Committee (ESC) and 24 operational subcommittees focusing on securing the inauguration.<sup>28</sup> In conjunction with USSS, the FBI is the lead agency for intelligence and counterterrorism, while FEMA is the lead agency for coordinating emergency response.<sup>29</sup>

Inauguration security is focused on physical screening of the audience and protection of officials.<sup>30</sup> For the 2009 inauguration, DHS and additional federal law enforcement agencies provided personnel and equipment, including screening magnetometers. In total, USSS received security assistance in the form of approximately 30,000 law enforcement officers from 58 federal, state, and local law enforcement agencies for multiple inaugural events.<sup>31</sup> Additionally, USSS partnered with the Joint Congressional Committee on Inaugural Ceremonies and the Presidential Inaugural Committee (PIC) to plan logistics and security. The USSS uses JCCIC and PIC seating plans and projected audience size to plan security; however, the USSS does not receive a list of ticketed attendees by name. The following section provides information on appropriations that provide funding to these entities for inauguration security.

## **Inauguration Ceremony Security Appropriations**

In general, agencies involved in inauguration security often do not receive specific account-level appropriations for inauguration security operations. Instead, inauguration security costs are included in regular fiscal year planning and budget requests. In recent years, however, Congress has appropriated additional funds to reimburse some local governments and federal agencies for inauguration related expenses and has provided appropriations to the USSS for “unanticipated costs related to security operations for National Special Security Events,” which could be used for inauguration related activities.<sup>32</sup> Limited, and identified, appropriations for NSSE and the absence of specific inauguration security operations appropriations may not result in substantive policy analysis on the costs associated with inaugurations generally, and inauguration security operations specifically.

Since the 2001 inauguration of President George W. Bush, Congress has specifically appropriated funds to reimburse state and local entities for security costs associated with the inauguration. The appropriations ranged from approximately \$6 million in 2001, to reimburse the District of Columbia, to a total of \$22 million in 2009 to reimburse the National Park Service and state and local governments, including the District of Columbia, “for extraordinary costs associated with the 2009 Presidential Inauguration.”<sup>33</sup> For the 2013 inauguration, Congress has appropriated \$9.8

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<sup>28</sup> Ibid.

<sup>29</sup> Statement for the record of USSS Director Mark Sullivan, in U.S. Congress, House Committee on Appropriations, Subcommittee on Homeland Security, *Protecting our Nation’s Leaders: Challenges of 2008 Presidential Campaign and the 56<sup>th</sup> Presidential Inauguration*, 111<sup>th</sup> Cong., 1<sup>st</sup> sess., March 25, 2009 (Washington: GPO, 2009), at [http://appropriations.house.gov/Witness\\_testimony/HS/Mark\\_Sullivan\\_03\\_25\\_09.pdf](http://appropriations.house.gov/Witness_testimony/HS/Mark_Sullivan_03_25_09.pdf).

<sup>30</sup> Department of Homeland Security, Office of Inspector General, *United States Secret Service After-Action Review of Inaugural Security (Redacted)*, Washington, DC, October 2009, p. 3-4.

<sup>31</sup> Ibid., p. 3.

<sup>32</sup> P.L. 103-334, 118 Stat. 1308, October 18, 2004.

<sup>33</sup> P.L. 111-8, 123 Stat. 580, March 11, 2009. The National Park Service received \$2 million for inauguration activities in P.L. 110-329, §151 [122 Stat. 3581, September 30, 2009]. The other \$20 million was appropriated to reimburse state and local governments pursuant to P.L. 111-8.

million to the District of Columbia for “emergency planning and security costs ... associated with the Presidential Inauguration” as part of the FY2013 continuing resolution.<sup>34</sup>

Besides direct appropriations, other funds are used to support inauguration security operations. For example, by designating the inauguration an NSSE, DHS allows the USSS to use funds specifically appropriated for NSSEs. For the 2001, 2005, and 2009 inaugurations, appropriations for all NSSEs remained consistent at \$1 million per year. In both FY2005 and FY2009, however, additional appropriations of \$5 million and \$1 million were provided to the USSS for NSSE operations, respectively.<sup>35</sup>

For the 2013 inauguration, a portion of inauguration security funding is being provided by P.L. 112-175, the FY2013 Continuing Resolution (CR). The CR provides funding at a rate of operations equal to FY2012 levels plus 0.612% for many projects and activities until March 27, 2013—a period of six months from enactment of the CR—unless otherwise specified in the law. There is a specific provision in the CR that provides \$9.8 million to the District of Columbia for “emergency planning and security costs ... associated with the Presidential Inauguration.”<sup>36</sup> There is no such provision for NSSE security reimbursement, however, which suggests that funds would be made available at FY2012 levels, which was \$19.307 million for the full fiscal year.<sup>37</sup>

In addition to regular appropriations, NSSE reimbursements for inauguration security activities could be provided from the Department of Defense and Full-Year Continuing Appropriations Act of 2011 and Consolidated Appropriations Act of 2012. For both FY2011 and FY2012, \$7.5 million in two-year funds was appropriated and could be allocated for NSSE security cost reimbursements to state and local governments based on the recommendation of the FEMA Administrator.<sup>38</sup>

## Issues for Congressional Consideration

Congressional interest in inauguration security may be based on various factors and determinates including its roles in appropriating funds for inaugurations, oversight of law enforcement and first responder entities with inauguration security responsibilities, and hosting the swearing-in ceremony, and the heightened interest in post-9/11 security operations. Congress may wish to consider past criticisms of both inauguration security operations and funding.

## Inauguration Security Operations

Security operations for the 2009 inauguration were evaluated as generally positive, with two exceptions. The most widely cited exception and criticism was the inability of some ticketed

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<sup>34</sup> P.L. 112-175 (H.J.Res. 117), September 28, 2012.

<sup>35</sup> P.L. 108-335, 118 Stat. 1308, October 18, 2004; and P.L. 110-329, 122 Stat. 3666, September 30, 2008.

<sup>36</sup> P.L. 112-175 (H.J.Res. 117), 126 Stat. 1319, September 28, 2012.

<sup>37</sup> P.L. 112-74, 125 Stat. 956, December 23, 2011. If the Department of Homeland Security appropriations bill (H.R. 5855), or another measure funding the Department of Homeland Security for the full year, were to be enacted, it would supersede any provisions contained in the CR, unless otherwise stated. For more information on the CR, see CRS Report R42647, *Continuing Resolutions: Overview of Components and Recent Practices*, by Jessica Tollestrup.

<sup>38</sup> P.L. 112-10, §1653, 125 Stat. 147, April 15, 2011; and P.L. 112-74, §552, 125 Stat. 979, December 23, 2011.

attendees to gain access to viewing areas. The DHS IG determined this problem to be the result of inadequate communications and crowd management. Immediately following the inauguration, the USSS, USCP, MPD, and the USPP conducted a joint investigation and issued a report on March 17, 2009.<sup>39</sup> This report identified crowd management and communication weaknesses, and made 38 recommendations to improve inauguration security operations; these are not, however, detailed in the publicly available report. The report provided recommendations such as establishing enhanced real time cell phone or Internet communications between security officials and the public and ticket holders.<sup>40</sup>

The other, less-publicized criticism appeared in a *Washington Post* article that cited six named and additional unnamed campaign donors who stated that security at the inauguration seemed lax.<sup>41</sup> The *Washington Post* article, which was cited by the DHS IG, mentioned six concerns, including accounts that VIPs were not asked to show identification to receive tickets; public and ticketed attendees mingled among non-screened attendees and then returned to the screened ticketed area without re-screening; and VIPs leaned on the President-elect's limousine.<sup>42</sup>

Several options are available to Congress, should it decide that future inauguration security operations need to be addressed. These include increasing coordination among federal, state, and local law enforcement and first responder entities; amending USSS authority; and maintaining present inauguration security operations with continued USSS leadership.

### **Increase Congressional Input**

Due to the large and complex nature of securing an inauguration, Congress may wish to address issues that were identified following the 2009 presidential swearing in. As stated earlier, these issues included identified weaknesses in crowd management and law enforcement communications.

Congress may require the USSS to provide an in-depth briefing to the JCCIC prior to the inauguration to ensure these past issues are addressed. The JCCIC would likely receive regular updates on inauguration security planning from the USSS, as the USSS reports that it works with the JCCIC on logistic and security planning.<sup>43</sup>

### **Amend USSS Authority**

In order to ensure inauguration security and the safety of its statutorily designated protectees,<sup>44</sup> Congress could amend the Presidential Threat Protection Act of 2000<sup>45</sup> and specifically address

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<sup>39</sup> The *Multi-Agency Response to Concerns Raised by the Joint Congressional Committee on Inaugural Ceremonies for the 56<sup>th</sup> Presidential Inauguration* report is not publicly available.

<sup>40</sup> Department of Homeland Security, Office of Inspector General, *United States Secret Service After-Action Review of Inaugural Security (Redacted)*, Washington, DC, October 2009, p. 4-5.

<sup>41</sup> Aaron Davis, "Security Around Obama Alarms Some VIP Donors," *The Washington Post*, January 30, 2009.

<sup>42</sup> Department of Homeland Security, Office of Inspector General, *United States Secret Service After-Action Review of Inaugural Security (Redacted)*, Washington, DC, October 2009, p. 5.

<sup>43</sup> *Ibid.*, p. 3-4.

<sup>44</sup> 18 U.S.C. 3056(a). For a complete list of USSS protectees, see p. 3 of CRS Report RL34603, *The U.S. Secret Service: An Examination and Analysis of Its Evolving Missions*, by Shawn Reese.

<sup>45</sup> P.L. 106-544, Sec. 3, 114 Stat. 2716, December 19, 2000.

security operations related to presidential inaugurations. For example, Congress may wish to statutorily require specific USSS inauguration security operations. This may assist in ensuring that past criticisms or future security concerns or issues are addressed. Additionally, this option may increase the level of federal, state, and local law enforcement coordination by identifying, in statute, required USSS inauguration activities.

This option, however, may result in the need for further legislation that requires specificity on other NSSEs, such as presidential nominating conventions and sporting events. To address this, Congress may wish to refine USSS NSSE authority instead of specifically identifying actions related to presidential inaugurations.

### **Status Quo**

In 2009, the DHS IG's review found that overall inaugural security was "reasonable" and that the USSS was actively engaged in inauguration threat assessment. Additionally, DHS IG found that the 2009 inauguration security operations

- were a combination of past experience of security operations with flexibility related to specific 2009 Presidential Inauguration security issues;
- included USSS coordination with other law enforcement and first responder entities despite a continuously evolving security situation;
- did not include any unaddressed security breaches;
- were adequate based on USSS protective security plans;
- were managed as required by USSS; and
- were reviewed and improved by USSS internal evaluations for the 2013 inauguration.<sup>46</sup>

Based on the DHS IG's report, Congress may choose not to make significant changes in law or practice regarding operational planning and execution of future USSS inauguration security. Instead, Congress may determine to rely upon the USSS to continue executing its protective mission. Congress, however, may wish to conduct oversight hearings and investigations following future inaugurations to ensure that the USSS continues to effectively protect its designated protectees at inaugurations and other NSSEs.

### **Inauguration Security Appropriations**

While the amount of funding and the mechanisms for funding inauguration security have not been identified as problematic, several options are available to Congress, should it decide to make changes. These include providing supplemental federal appropriations as necessary, providing specially targeted appropriations, or allowing privately raised funds to pay for inauguration security.

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<sup>46</sup>Department of Homeland Security, Office of Inspector General, *United States Secret Service After-Action Review of Inaugural Security (Redacted)*, Washington, DC, October 2009, p. 11-23.

## **Supplemental Appropriations**

As has been done in the past, Congress could choose to provide supplemental appropriations to cover security related inauguration costs. One option would be to create a disaster-relief type grant or assistance program that would allow local jurisdictions to apply for assistance in the event an NSSE is declared. Once an NSSE has been declared and the USSS establishes its needs for event security, state and local governments could request funds to help offset costs associated with assisting the USSS with event security.<sup>47</sup>

Use of a reimbursement program, which is based on FEMA's protocols for disaster assistance, could standardize the USSS process for deciding whether to grant reimbursements to local jurisdictions for security services. While presidential and vice-presidential visits are not NSSEs, local governments routinely ask for reimbursement for security and emergency service costs for these events. For example, in 2007, in preparation for Vice President Dick Cheney's visit to Coeur D'Alene, Idaho, the USSS requested ambulance and paramedic services for the Vice President's motorcade from the Northern Lakes Fire Protection District. Subsequently, it was reported that the fire district sought "\$2,087.79 for overtime costs and the expense of ambulances and fire trucks that had to remain on standby during the visit."<sup>48</sup> While the fire district presumably could have declined to provide service, creating a standard reimbursement plan for presidential travel or an NSSE may provide an incentive for state and local jurisdictions. Further, having a procedure in place for reimbursement application would require the District of Columbia and other National Capital area jurisdictions to apply for inauguration related funds like any other local jurisdiction.

Opponents of such a reimbursement program could cite issues in the evaluation of requests and deciding how to divide potentially limited funds. Each year, the President and Vice President attend many events. Providing reimbursement to every local jurisdiction could be expensive. Additionally, the quadrennial inauguration poses unique challenges for the National Capital Region. Lumping inauguration related security expenses with other speeches, rallies, town hall meetings, and events could disproportionally provide funds to non-inauguration related events.

## **Specifically Targeted Appropriations**

Since 2001, NSSE appropriations have been consistent and have not been raised during years in which inaugurations have been held. Should Congress want to provide additional appropriations to the USSS and other federal law enforcement agencies for inauguration activities, it could provide additional appropriations during inauguration years. Providing additional appropriations for NSSEs during inaugural years, however, would potentially require Congress to specifically designate the funds for inauguration security. In most years, NSSE appropriations are for all NSSE events, and the USSS decides how to divide the funds. Providing additional funds for inauguration security probably would require Congress to direct USSS to spend the additional funds only on the inauguration, not other potential NSSEs.

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<sup>47</sup> For more information on federal disaster assistance, see CRS Report RL34146, *FEMA's Disaster Declaration Process: A Primer*, by Francis X. McCarthy.

<sup>48</sup> Taryn Brodwater and Erica Curless, "GOP Mum on Reimbursement; Fire District Seeking More than \$2,000 for Cheney Visit," *Spokesman Review*, January 25, 2007, p. B1.

Beyond past reimbursement to the District of Columbia and other local jurisdictions, Congress has not generally provided specific inauguration security funding in appropriations bills. Should Congress decide to provide an additional level of specificity, legislative language could be included in future inauguration year appropriations bills that specifically mentions the inauguration and congressional intent for utilizing funds. Additional specificity would allow Congress to more closely monitor inauguration security spending. Providing detailed instructions, however, could also limit choices available to the USSS and other agencies that assist with inauguration security. Additional specificity could also raise concerns about the disclosure of detailed security arrangements to the public, potentially decreasing overall security. The current system allows the USSS to use money as necessary, without having to spend on specific items or programs.

### **Private Funding**

For many inaugural events, including inaugural balls, the Presidential Inauguration Committee (PIC) raises money from private sources. To assist in offsetting costs associated with securing inaugural events, Congress could require that security costs for some events be covered partially or in full by PIC or another private entity. For example, since inaugural balls are ticketed events and not open to the public, Congress could require the event organizer or PIC to reimburse the government for the cost of security arrangements, in a similar arrangement to other presidential events. Securing the events in this manner could reduce the overall appropriations necessary for inauguration security. Requiring private funding of event security, however, could also be problematic. If the private entity is unable to raise sufficient funds, event security could become a liability. It could also result in fewer inauguration events and fewer locations for the USSS to secure. Additionally, since the USSS provides presidential protective services whenever the President attends an event, his attendance would require the USSS to be involved in security arrangements and the use of federal funds.

## **Conclusion**

Every four years, the President- and Vice President-elect are sworn in at an inauguration ceremony. This ceremony is designated as an NSSE, and the USSS is the lead federal agency responsible for the security operations. Security operations for the 56<sup>th</sup> presidential inauguration in 2009 have been criticized on several grounds. Following the 2009 inauguration, Congress held hearings and the DHS IG and USSS conducted investigations and after-action reviews to address these criticisms. Additionally, Congress has, at different times, appropriated specific amounts to fund inauguration security operations. Continued federal, state, and local law enforcement and first responder entity coordination may result in safe and secure inaugurations. Continued congressional concerns regarding security and funding may add to this continued record of safe and secure inaugurations.

## Appendix. Terms and Agency Names and Acronyms

Table A-1 provides a list of agencies referred to in this report and their acronyms.

**Table A-1. Inauguration Security Terms and Agencies and Acronyms**

<b>Acronym</b>	<b>Agency</b>
DC	District of Columbia
DHS	Department of Homeland Security
DOD	Department of Defense
FBI	Federal Bureau of Investigation
FEMA	Federal Emergency Management Agency
FPS	Federal Protective Services
IG	Inspector General
HHS	Department of Health and Human Services
JCCIC	Joint Congressional Committee on Inaugural Ceremonies
JTFNCR	Joint Task Force National Capital Region
MED	United States Secret Service Major Events Division
MPD	Metropolitan (DC) Police Department
NSSE	National Security Special Event
PIC	Presidential Inaugural Committee
PDD	Presidential Decision Directive
USCP	United States Capitol Police
USPP	United States Park Police
USSS	United States Secret Service
WMATA	Washington Metropolitan Area Transit Authority

**Source:** CRS analysis of acronyms used.

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