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THE WHITE HOUSE

WASHINGTON

Joe --

H. R. 12 passed House 5/19/75

-- increase size of EPS from 850 to 1200

-- provide for EPS protection of foreign diplomatic missions where extraordinary protective needs require and where there are 20 or more such missions headed by full time career officers (6 cities)

-- provide for ten add'l supergrade positions for Secret Service

Senate version deleted House version's authorization of ten supergrade positions.

Senate passed Senate version of H. R. 12 after agreeing to all comte amendments except part 1 of tenth amendment, which was rejected (Deputy Director, U. S. Secret Service as a career employee), thus restoring to the bill House-passed language designating the Director and Asst. Director of the Secret Service as career employees.

Admin supports increase in size of EPS but opposes extension of its protective range beyond present authority; opposes reimbursement to state and local governments as an unmanageable and costly precedent; would want the P. or Sec. to have sole resp. on assignment of EPS personnel; would oppose method by which additional supergrades are provided for Secret Service outside of CSC quota. May be too much of a budget problem.

Bill has to come in Conference and has not been scheduled as yet. Conferees have not been named.

EXECUTIVE PROTECTIVE SERVICE

MAY 1, 1975.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. JONES of Alabama, from the Committee on Public Works and Transportation, submitted the following

REPORT

[To accompany H.R. 12]

The Committee on Public Works and Transportation, to whom was referred the bill (H.R. 12) to amend title 3, United States Code, to provide for the protection of foreign diplomatic missions, to increase the size of the Executive Protective Service, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

On page 2, line 3, strike out “(c)” and insert in lieu thereof “(6)”.

BACKGROUND

The Act approved on March 19, 1970 (Public Law 91-217), changed the name of the White House Police to the Executive Protective Service and added to its responsibilities the protection of the foreign diplomatic missions located in the Washington Metropolitan area and foreign diplomatic missions located outside the Metropolitan area on a case-by-case basis as the President might direct. The authorized strength of the Executive Protective Service was set at 850 officers. The addition of the protection of the foreign diplomatic missions to the duties of the force and the increase in its size were in recognition of the obligation of the United States as the host government, under international law and practice, to take reasonable precautions to assure the safety of foreign diplomatic missions and their personnel. The Executive Protective Service also had been responsible for the protection of the buildings and grounds of the White House and Executive Office Buildings.

The Foreign Missions Division of the Executive Protective Service became operational during 1970. The condition that prompted the establishment of the Foreign Missions Division was growing street crime in the Washington, D.C. area. The Service considered that a



force of 850 uniformed officers could adequately fulfill the existing and added responsibility of the protection of foreign diplomatic missions. Since that time, however, the rise in acts of political terrorism has increased the demand-and-need-for such protective services, not only in the Washington area but in other cities which have a large number of foreign missions.

To illustrate the need for increased services, the following incidents were reported by foreign embassies in the metropolitan area during the period from August 20, 1970 to August 31, 1973: 25 breaking and enterings; 4 bombings; 92 bomb threats; 6 assaults; and 24 larcenies. During the same period, the world experienced the assassination of members of the Israeli Olympic Team, the murder of two of our diplomats in Sudan, the shooting of Colonel Josef Alon, and a rash of politically motivated kidnappings. Without this additional authority to expand the size of the Executive Protective Service, the Service will encounter difficulty in meeting its responsibilities.

Federal interest in protecting foreign diplomatic officials located in foreign missions exists, of course, whether such missions are located in Washington, D.C. or in other areas of the United States. Moreover, developments since the passage of the 1970 Act have demonstrated that the need for protective services may arise not only in the Washington area but wherever there is a substantial number of foreign missions. As this need has increased—and it threatens to increase still further, local communities can no longer bear the cost of what many metropolitan areas consider to be essentially a Federal obligation.

H.R. 12 authorizes the Secretary of the Treasury to utilize, with their consent, on a reimbursable basis, in those cases in which the Secretary does not provide the services of the EPS, the services, personnel, equipment, and facilities of State and local governments, and is authorized to transfer funds to such State and local governments as reimbursement in full for the utilization of such services, personnel, equipment and facilities.

NEED FOR THE LEGISLATION

Under existing law, the President may utilize the Executive Protective Service on a case-by-case basis in areas outside the District of Columbia when local authorities are not capable of providing the desired level of protection. The legislation would amend existing law to require the Executive Protective Service to protect foreign diplomatic missions outside the metropolitan area of the District of Columbia in localities where there are located twenty or more such missions, headed by full time career officers only (1) in the event of extraordinary protective need and (2) upon request of the affected metropolitan areas. According to the publication, "Foreign Consular Offices in the United States", the following cities have twenty or more Foreign Consular offices, other than those listed as Honorary Consuls:

New York City, Chicago, Ill.
Los Angeles, Calif., New Orleans, La.
San Francisco, Calif., Houston, Tex.

Law enforcement activities, including the protection of foreign diplomatic missions outside the metropolitan area of the District of Columbia, have always been the responsibility of local police depart-

ments, and the Committee does not intend to extend this authority to the Executive Protective Service, unless, of course, the two requirements described above are met.

Thus, H.R. 12 would require the Secretary of the Treasury to provide the protective forces of the Executive Protective Service, or in the absence of providing such forces, reimburse the local governments for providing such services, in cases meeting the tests set out in clause (5). The meaning of "extraordinary protective need" is intended to cover requirements for extra protection occasioned not only by specific events, such as the twenty-fifth anniversary of the United Nations or the annual session of the General Assembly but also by international incidents resulting in confrontations between nationalistic groups which require additional, heavy police protection beyond the ordinary capacity of the local governments. Examples of such situations are the confrontations arising during (1) the Middle East Conflict in late 1973; (2) the Greek-Turkish Cypriot Conflict, and (3) the Yasser Arafat visit in the fall of 1974.

Under ordinary circumstances, the protection of foreign missions outside of the District of Columbia metropolitan area is a matter appropriately under the jurisdiction of the various local law enforcement agencies and, in some instances, can be more readily handled by them. Since local law enforcement officials have their own sources of intelligence and information for their own areas and are in close touch with their communities, their authority to protect official foreign persons and property within their jurisdiction should not be and is not preempted, nor usurped in any way, and with only local consent should the Executive Protective Service assume such responsibilities.

Existing Clause (5) of Section 202 of P.L. 91-207 becomes clause (6) of the proposed legislation. The word "other" has been deleted from this clause in order to make clear that the authority conferred by clause (6) may be exercised in the metropolitan areas described in clauses (4) and (5) as well as in other metropolitan areas.

The intent of the language relating to the former clause (5) in the original report of the House Committee on Public Works (No. 91-703), which confines Executive Protective Service activities outside the District of Columbia area only to those situations of such "gravity, where the local police is totally incapable of providing a level of protection deemed essential to the international integrity of the United States..." remains unchanged.

Thus, prior to the introduction of Executive Protective Service Personnel into any metropolitan area outside the Washington, D.C. area pursuant to clause (5), the Committee recommends that the local governmental officials should be consulted and given the option of receiving Federal reimbursement for the services provided by local police agencies and/or accepting a contingent of Executive Protective Service personnel in order to protect foreign diplomatic missions.

This legislation does not preclude the President on a case-by-case basis from utilizing the services of the Executive Protective Service in a particular city without the consent of the local governments as the need arises.

Section 3 of the bill amends section 5108(c) of title 5, United States Code, by adding a new paragraph (15) at the end thereof. Under the

new paragraph (15) the Secretary of the Treasury is authorized to place a total of ten additional positions in the United States Secret Service in grades GS-16, 17, and 18 of the General Schedule set forth in section 5332 of title 5. However, the classification of the additional positions and the appointment of individuals to these positions is subject to the usual Civil Service Commission procedures. For example, under section 3324 of title 5, an appointment to a position in GS-16, 17, or 18 may be made only on approval by the Civil Service Commission of the qualifications of the proposed appointee, and under section 5108(a) of title 5 a position may be placed in GS-16, 17, or 18 only by action of, or after prior approval by, a majority of the Civil Service Commissioners.

COMPLIANCE WITH CLAUSE 2(1) OF RULE XI OF THE RULES OF THE HOUSE OF REPRESENTATIVES

(1) With reference to Clause 2(1) (3) (A) of Rule XI of the Rules of the House of Representatives, no separate hearings were held on the subject matter of this legislation by the Subcommittee on Investigations and Review, however, the Subcommittee on Public Buildings and Grounds held hearings on this subject matter which resulted in the reported bill.

(2) With respect to Clause 2(1) (3) (B) of Rule XI. In the Rules of the House of Representatives the bill, as reported, provides new budget authority. Accordingly, a statement pursuant to section 308(a) of the Congressional Budget Act follows:

(a) With respect to section 308(a) (1) (A), at the time of reporting H.R. 12, there has been no agreed to concurrent resolution on the budget for fiscal year 1976, nor any of the reports referred to in section 302 of the Congressional Budget Act.

(b) With respect to section 308(a) (1) (B), it is anticipated that budget outlays for the period of five fiscal years beginning with fiscal year 1976 is as follows:

Fiscal year 1976	\$11,730,000
July 1, 1976-September 30, 1976	2,160,000
Fiscal year 1977	8,720,000
Fiscal year 1978	8,895,000
Fiscal year 1979	9,045,000
Fiscal year 1980	9,070,000

(c) With reference to section 308(a) (1) (C), inasmuch as the reimbursements to state and local governments, provided for in H.R. 12, are considered to be payments for services received, no part of the projected budget outlays falls in the category of financial assistance to state and local governments.

(3) With respect to Clause 2(1) (3) (C) of Rule XI of the Rules of the House of Representatives, the Committee has not received an estimate and comparison prepared by the Director of the Congressional Budget Office under section 403 of the Congressional Budget Office.

(4) With respect to Clause 2(1) (3) (D) of Rule XI of the Rules of the House of Representatives, the Committee has not received a report from the Committee on Government Operations pertaining to the subject matter.

(5) With reference to Clause 2(1) (4) of Rule XI of the Rules of the House of Representatives, the following information is provided:

The effect of carrying out H.R. 12 should be minimal with respect to prices and cost. The reimbursements to state and local governments would be payments for services currently being received and paid for by state and local funds. The amount of the reimbursements is estimated at \$3,000,000 a year, except for fiscal year 1976 when the amount would be \$6,100,000.

The remaining costs are for salaries for additional officers required by the Executive Protective Service. The bill authorizes 350 new positions, the need for which has been clearly established.

Accordingly, the enactment of H.R. 12 will not have an inflationary impact on prices and costs in the operation of the national economy.

COST OF THE LEGISLATION

In accordance with Rule XIII(7) of the Rules of the House of Representatives, the estimated costs to the United States which would be incurred in carrying out H.R. 12, as reported, in fiscal year 1975 and each of the following five years are set forth herein.

Fiscal year 1976	\$11,730,000
July 1, 1976 to September 30, 1976	2,160,000
Fiscal year 1977	8,720,000
Fiscal year 1978	8,895,000
Fiscal year 1979	9,045,000
Fiscal year 1980	9,070,000

VOTE

The Committee ordered the bill reported by voice vote.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3 of Rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

TITLE 3.—THE PRESIDENT

Chapter 3.—PROTECTION OF THE PRESIDENT; THE EXECUTIVE PROTECTIVE SERVICE

- Sec.
202. Executive Protective Service; establishment, control, and supervision; privileges, powers, and duties.
203. Personnel, appointment, and vacancies.
204. Grades, salaries, and transfers of appointees.
205. Appointment in accordance with civil-service laws.
206. Privileges of civil-service appointees.
207. Participation in police and firemen's relief fund.
208. *Reimbursement of State and local governments.*
- [208] 209. Appropriation to carry out provisions.

§ 202. Executive Protective Service; establishment, control, and supervision; privileges, powers, and duties.

There is hereby created and established a permanent police force, to be known as the "Executive Protective Service". Subject to the supervision of the Secretary of the Treasury, the Executive Protective Service shall perform such duties as the Director, United States Secret Service, may prescribe in connection with the protection of the following: (1) the Executive Mansion and grounds in the District of Columbia; (2) any building in which Presidential offices are located; (3) the President and members of his immediate family; (4) foreign diplomatic missions located in the metropolitan area of the District of Columbia; [and] (5) *foreign diplomatic missions located in metropolitan areas (other than the District of Columbia) in the United States, and in its territories and possessions, where there are located twenty or more such missions headed by full-time career officers, except that such protection shall be provided only on the basis of extraordinary protective needs required and then only upon request of the affected metropolitan areas and* (6) foreign diplomatic missions located in such [other] areas in the United States, its territories and possessions, as the President, on a case-by-case basis, may direct. The members of such force shall possess privileges and powers similar to those of the members of the Metropolitan Police of the District of Columbia.

§ 203. Personnel, appointment, and vacancies.

(a) The Executive Protective Service shall consist of such number of officers, with grades corresponding to similar officers of the Metropolitan Police force, and of such number of privates, with grade corresponding to that of private of the highest grade in the Metropolitan Police force, as may be necessary but not exceeding [eight hundred and fifty] *twelve hundred* in number.

§ 208. Reimbursement of State and local governments.

In carrying out its functions pursuant to section 202 (5) and (6), the Secretary of the Treasury may utilize, with their consent, on a reimbursable basis, the services, personnel, equipment, and facilities of State and local governments, and is authorized to transfer funds made available pursuant to this chapter to such State and local governments as reimbursement in full for the utilization of such services, personnel, equipment, and facilities.

[§ 208.] § 209. Appropriation to carry out provisions.

There is authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary to carry out the provisions of sections 202-204, 207, and 208 of this title.

TITLE 5, UNITED STATES CODE

§ 5108. Classification of positions at GS-16, 17, and 18

(a) * * *

* * * * *

(c) In addition to the number of positions authorized by subsection (a) of this section—

(1) * * *

* * * * *

(13) the Chairman of the Equal Employment Opportunity Commission, subject to the standards and procedures prescribed by this chapter, may place an additional ten positions in the Equal Employment Opportunity Commission in GS-16, GS-17, and GS-18 for the purposes of carrying out title VII of the Civil Rights Act of 1964; [and]

(14) the Secretary of Health, Education, and Welfare, subject to the standards and procedures prescribed by this chapter, may place a total of eleven positions in the National Institute on Alcohol Abuse and Alcoholism in GS-16, 17, and 18[.]; and

(15) the Secretary of the Treasury, subject to the standards and procedures prescribed by this chapter, may place an additional ten positions in the United States Secret Service in GS-16, GS-17, and GS-18.

* * * * *

§ 5315. Positions at level IV

Level IV of the Executive Schedule applies to the following positions, for which the annual rate of basic pay is \$38,000:

(1) * * *

* * * * *

(107) *Director, United States Secret Service, Treasury Department.*

§ 5316. Positions at level V

Level V of the Executive Schedule applies to the following positions, for which the annual rate of basic pay is \$36,000:

(1) * * *

* * * * *

(139) *Deputy Director, United States Secret Service, Treasury Department.*

○



94TH CONGRESS
1ST SESSION

Union Calendar No. 81

H. R. 12

[Report No. 94-185]

IN THE HOUSE OF REPRESENTATIVES

JANUARY 14, 1975

Mr. JONES of Alabama (for himself, Mr. HARSHA, and Ms. ABZUG) introduced the following bill; which was referred to the Committee on Public Works and Transportation

MAY 1, 1975

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Omit the part struck through and insert the part printed in *italic*]

A BILL

To amend title 3, United States Code, to provide for the protection of foreign diplomatic missions, to increase the size of the Executive Protective Service, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That (a) the second sentence of section 202 of title 3, United
4 States Code, is amended by striking out "and (5)" and in-
5 serting in lieu thereof the following: "(5) foreign diplo-
6 matic missions located in metropolitan areas (other than the
7 District of Columbia) in the United States, and in its terri-
8 tories and possessions, where there are located twenty or
9 more such missions headed by full-time career officers, except
10 that such protection shall be provided only on the basis of



1 extraordinary protective needs required and then only upon
2 request of the affected metropolitan areas and (6)".

3 (b) Section 202 ~~(e)~~ (6) of title 3, United States Code,
4 as renumbered by subsection (a) of this section, is amended
5 by striking out "other".

6 (c) Subsection (a) of section 203 of title 3, United
7 States Code, is amended by striking out "eight hundred and
8 fifty" and inserting in lieu thereof "twelve hundred".

9 (d) (1) Section 208 of title 3, United States Code, is
10 amended by redesignating section 208 as section 209, and
11 by inserting the following new section 208:

12 **"§ 208. Reimbursement of State and local governments**

13 "In carrying out its functions pursuant to section 202
14 (5) and (6), the Secretary of the Treasury may utilize,
15 with their consent, on a reimbursable basis, the services,
16 personnel, equipment, and facilities of State and local gov-
17 ernments, and is authorized to transfer funds made available
18 pursuant to this chapter to such State and local governments
19 as reimbursement in full for the utilization of such services,
20 personnel, equipment, and facilities."

21 (2) The table of sections for chapter 3 of title 3 of the
22 United States Code is amended by striking out

"208. Appropriation to carry out provisions."

23 and inserting in lieu thereof the following:

"208. Reimbursement of State and local governments.

"209. Appropriation to carry out provisions."

1 (e) The amendments made by subsections (a), (b),
2 and (d) of this section shall take effect as of July 1, 1974.

3 SEC. 2. (a) Section 5315 of title 5, United States
4 Code, is amended by adding at the end thereof the following
5 new paragraph:

6 "(107) Director, United States Secret Service,
7 Treasury Department."

8 (b) Section 5316 of title 5, United States Code, is
9 amended by adding at the end thereof the following new
10 paragraph:

11 "(139) Deputy Director, United States Secret
12 Service, Treasury Department."

13 SEC. 3. Section 5108 (c) of title 5, United States Code,
14 is amended—

15 (1) by striking out "and" at the end of paragraph

16 (13);

17 (2) by striking out the period at the end of para-
18 graph (14) and inserting in lieu thereof "; and"; and

19 (3) by adding at the end thereof the following new
20 paragraph:

21 "(15) the Secretary of the Treasury, subject to the
22 standards and procedures prescribed by this chapter,
23 may place an additional ten positions in the United
24 States Secret Service in GS-16, GS-17, and GS-18."



94TH CONGRESS
1ST SESSION

H. R. 12

[Report No. 94-185]

A BILL

To amend title 3, United States Code, to provide for the protection of foreign diplomatic missions, to increase the size of the Executive Protective Service, and for other purposes.

By Mr. JONES of Alabama, Mr. HARSHA, and
Ms. ABZUG

JANUARY 14, 1975

Referred to the Committee on Public Works and
Transportation

MAY 1, 1975

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

Calendar No. 370

94TH CONGRESS
1ST SESSION

H. R. 12

[Report No. 94-375]

IN THE SENATE OF THE UNITED STATES

MAY 20, 1975

Read twice and referred to the Committee on Public Works

SEPTEMBER 17 (legislative day, SEPTEMBER 11), 1975

Reported by Mr. BUCKLEY, with amendments

[Omit the part struck through and insert the part printed in italic]

AN ACT

To amend title 3, United States Code, to provide for the protection of foreign diplomatic missions, to increase the size of the Executive Protective Service, and for other purposes.

- 1 *Be it enacted by the Senate and House of Representa-*
- 2 *tives of the United States of America in Congress assembled,*
- 3 That (a) the second sentence of section 202 of title 3,
- 4 United States Code, is amended by striking out “and (7)”
- 5 and inserting in lieu thereof the following: “(7) foreign dip-
- 6 lomatic missions located in metropolitan areas (other than
- 7 the District of Columbia) in the United States, and its ter-
- 8 ritories and possessions, where there are located twenty or
- 9 more such missions headed by full-time career officers, except



1 that such protection shall be provided only on the basis of
2 extraordinary protective needs required and then only upon
3 request of the affected metropolitan areas; and (8)".

4 (b) Section 202 (8) of title 3, United States Code,
5 as renumbered by subsection (a) of this section, is amended
6 by striking out "other".

7 (c) Section 202 of title 3, United States Code, is
8 amended by adding at the end thereof: "As used in this sec-
9 tion, the term 'foreign diplomatic missions' includes hotels
10 and similar places of temporary domicile that are used by
11 officials connected with foreign governments, including pro-
12 visional governments, when such officials are visiting the
13 United States on official business, including attendance at the
14 United Nations."

15 ~~(e)~~(d) Subsection (a) of section 203 of title 3, United
16 States Code, is amended by striking out "eight hundred
17 and fifty" and inserting in lieu thereof "twelve hundred".

18 ~~(d)~~(e) (1) Section 208 of title 3, United States Code,
19 is amended by redesignating section 208 as section 209, and
20 by inserting the following new section 208:

21 **"§ 208. Reimbursement of State and local governments**

22 "(a) In carrying out its functions pursuant to section
23 202 (7) and (8), the Secretary of the Treasury may utilize,
24 with their consent, on a reimbursable basis, the services,
25 personnel, equipment, and facilities of State and local gov-

1 ernments, and is authorized to transfer funds made available
2 pursuant to this chapter to such State and local governments
3 as reimbursement in full for the utilization of such services,
4 personnel, equipment, and facilities." facilities.

5 "(b) Not more than \$3,500,000 may be transferred to
6 State and local governments as reimbursement for any fiscal
7 year."

8 (2) The table of sections for chapter 3 of title 3 of the
9 United States Code is amended by striking out

"208. Appropriation to carry out provisions."

10 and inserting in lieu thereof the following:

"208. Reimbursement of State and local governments.

"209. Appropriation to carry out provisions."

11 ~~(e)~~ (f) The amendments made by subsections (a), (b),
12 (c), and ~~(d)~~ (e) of this section shall take effect as of July 1,
13 1974.

14 SEC. 2. ~~(a)~~ Section 5315 of title 5, United States Code,
15 is amended by adding at the end thereof the following new
16 paragraph:

17 ~~"(107)~~ Director, United States Secret Service,
18 Treasury Department."

19 ~~(b)~~ Section 5316 of title 5, United States Code, is
20 amended by adding at the end thereof the following new
21 paragraph:

22 ~~"(139)~~ Deputy Director, United States Secret
23 Service, Treasury Department."



1 SEC. 3. Section 5108 (e) of title 5, United States Code,
2 is amended—

3 (1) by striking out "and" at the end of paragraph
4 (13);

5 (2) by striking out the period at the end of para-
6 graph (14) and inserting in lieu thereof "; and"; and

7 (3) by adding at the end thereof the following new
8 paragraph:

9 "(15) the Secretary of the Treasury, subject to the
10 standards and procedures prescribed by this chapter, may
11 place an additional ten positions in the United States
12 Secret Service in GS-16, GS-17, and GS-18."

Passed the House of Representatives May 19, 1975.

Attest: W. PAT JENNINGS,

Clerk.

Calendar No. 370

94TH CONGRESS
1ST SESSION

H. R. 12

[Report No. 94-375]

AN ACT

To amend title 3, United States Code, to provide for the protection of foreign diplomatic missions, to increase the size of the Executive Protective Service, and for other purposes.

MAY 20, 1975

Read twice and referred to the Committee on Public
Works

SEPTEMBER 17 (legislative day, SEPTEMBER 11), 1975

Reported with amendments

EXECUTIVE PROTECTIVE SERVICE

SEPTEMBER 17 (legislative day, SEPTEMBER 11), 1975.—Ordered to be printed

Mr. BUCKLEY, from the Committee on Public Works,
submitted the following

REPORT

together with

MINORITY VIEWS

[To accompany H.R. 12]

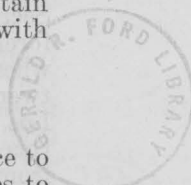
The Committee on Public Works, to which was referred the act (H.R. 12) to amend title 3, United States Code, to provide for the protection of foreign diplomatic missions, to increase the size of the Executive Protective Service, and for other purposes, having considered the same, reports favorably thereon with amendments and recommends that the act as amended do pass.

PURPOSE

The purpose of H.R. 12, as reported, is to authorize an increase of 350 in the number of Executive Protective Service officers, thus enabling the Service to meet its responsibilities more effectively. The bill also directs the Service to provide for extraordinary protective needs at foreign missions in cities where 20 or more such facilities exist, eliminating the necessity that the President authorize such protection on a case-by-case basis. The Executive Protective Service would also be authorized to delegate this special protective work, under certain circumstances, to local police officials outside Washington, D.C., with reimbursement.

BACKGROUND AND NEED FOR LEGISLATION

Public Law 91-217 changed the name of the White House Police to the Executive Protective Service and expanded its responsibilities to include the regular protection of foreign embassies in the Washington,



D.C., area and diplomatic missions outside Washington as the President may direct on a case-by-case basis. The authorized strength of the Service was set at 850 officers. Public Law 91-217 was written in recognition of the nation's obligations under international law and practice to take all reasonable precautions to assure the safety of foreign diplomatic missions and their personnel. The Executive Protective Service also retained its responsibility to protect the buildings and grounds of the White House and Executive Office Buildings.

Since 1970, however, incidents of political terrorism have increased, along with the demands for protective services. A strong Federal interest exists in assuring the safety of foreign officials visiting the United States, whether the visit is to Washington, D.C., or other areas of the United States. Developments since the passage of the 1970 Act demonstrate the need for protective services wherever a substantial number of foreign missions exist. As this need has increased—and it could increase still further—local communities must no longer be forced to bear the full cost of what is essentially a Federal obligation.

A number of incidents have occurred since 1970 at foreign embassies in Washington, D.C., including bombings, bomb threats, assaults, and robberies. The world during the same period has experienced the assassination of members of the Israeli Olympic Team, the murder of American diplomats in Sudan, and a spate of politically motivated kidnappings. This threat exists not only in Washington but in any city where a substantial number of foreign missions are located.

Day-to-day protection of foreign diplomatic missions located outside Washington, D.C., is the responsibility of local police departments. That basic responsibility should remain with local officials. But there are instances of extraordinary protective need when Federal assistance is wise and justified. This legislation facilitates such assistance.

Such assistance is particularly valid in view of the fact that local residents in New York or Chicago must otherwise pay the full cost of what must be considered a national duty and responsibility. The United Nations, for example, and the foreign missions accredited to the United Nations pay no property or other taxes or payments in lieu of taxes under Article 23 of the Vienna Convention and the Convention on the United Nations. Nor do employees of the United Nations who are aliens pay local income taxes to help offset any costs they impose on local government. This burden is significant. About 4,000 of the 5,000 United Nations employees stationed in New York City are foreign nationals and thus exempt from all local taxes.

PROVISIONS OF LEGISLATION

In addition to raising the Executive Protective Service personnel ceiling from 850 to 1200 officers, H.R. 12, as reported, authorizes the Secretary of the Treasury to provide additional police protection for foreign missions in cases of extraordinary protective need in cities where 20 or more legations are located. The following cities have twenty or more foreign consular offices: New York City, Chicago, Los Angeles, New Orleans, San Francisco, and Houston. To provide this protection, the Secretary may dispatch the necessary officers from Washington. As an alternative, the Secretary may utilize, with their consent and on a reimbursable basis, the services, personnel,

equipment, and facilities of State and local governments to meet such extraordinary protective needs. This authority to protect foreign officials and property does not preempt the role of local officials.

Following any decision that an extraordinary protective need existed, but prior to the decision to introduce Executive Protective Service officers into any metropolitan area outside the Washington, D.C., area, local officials should be consulted and given the option of providing the necessary protection and receiving Federal reimbursement for such services, instead of accepting the contingent of Executive Protective Service personnel.

Whenever possible the Executive Protective Service should utilize local police agencies in fulfilling the duties outlined in this bill. Local police are more knowledgeable about local conditions than officers sent from Washington. And the cost savings from the use of local officers could prove substantial. The cost in salary, transportation, and benefits of sending one EPS officer to New York City for one week is estimated by the Treasury Department at \$700, or an annual rate of about \$35,000. That is approximately twice the cost, in salary and benefits, of using one New York City policeman. The cost differential would be greater at locations farther from Washington.

This legislation, of course, does not preclude the President, on a case-by-case basis, from directing the Executive Protective Service to provide protection in a particular city, without the consent of the local governments, as the need may arise.

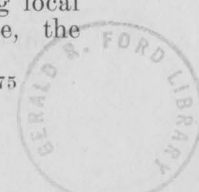
The bill also contains a definition of "foreign diplomatic mission" for the purposes of this bill. When associated with Washington, D.C., this definition should be necessarily limited to the embassy structure proper. But outside Washington, it must take on a broader interpretation.

Representatives of foreign governments, including provisional governments that may not be recognized by the United States, often visit New York City to participate in the activities of the United Nations. The presence of these individuals may incite what must be termed an extraordinary protective need. This was the case during the visit to New York City in November 1974 of Yasir Arafat, the leader of the Palestine Liberation Organization. The extraordinary protection for that one-day Arafat visit cost the taxpayers of New York City an estimated \$700,000.

While visiting the United Nations, these foreign visitors often stay at a hotel, rather than at what might be defined under the strictest interpretation as a foreign mission. To assure equitable treatment in such situations, this legislation covers the extraordinary protective needs provided at the hotels and other facilities utilized by visiting dignitaries in such a situation.

The interpretation of this definition, as well as the balance of the amendments to title 3, United States Code, is retroactive to July 1, 1974, when these added burdens and dangers became particularly acute.

A maximum of \$3,500,000 is set on the funds that can be reimbursed for the retroactive period. This figure was derived from testimony that the projected costs were within that limitation. A similar limitation of \$3,500,000 per fiscal year is set on the funds for reimbursing local agencies. Should that prospective ceiling prove inaccurate, the



Treasury Department can meet the problem by dispatching Executive Protective Service officers from Washington, rather than asking local officers to serve on a reimbursable basis.

HEARINGS

The Subcommittee on Buildings and Grounds conducted a hearing on H.R. 12 on June 9, 1975. Testimony was presented by an official of the Treasury Department, Members of Congress, and representatives of the International Conference of Police Associations.

ROLLCALL VOTES

Section 133 of the Legislative Reorganization Act of 1970 and the rules of the Committee on Public Works require that any rollcall votes be announced in this report. H.R. 12 was ordered reported on a rollcall vote of nine to two, with Senators Baker, Bentsen, Buckley, Culver, Domenici, Gravel, Hart, Randolph, and Stafford voting in the affirmative and Senators Burdick and Morgan voting in the negative.

COST OF THE LEGISLATION

Section 252(a)(1) of the Legislative Reorganization Act of 1970 requires publication in this report of the Committee's estimate of the cost of reported legislation, together with estimates prepared by any Federal agency.

The cost of subsection (d) is estimated by the Treasury Department as follows:

Fiscal year:	
1977-----	\$4,450,000
1978-----	3,500,000
1979-----	3,600,000
1980-----	3,700,000
1981-----	3,750,000

The estimate is based upon plans to hire 166 new officers, out of the 350 authorized by this subsection. Should the Department hire the full complement of 350 officers, the cost of this subsection would be approximately twice the above figures.

The cost of subsection (e) is limited to a maximum of \$3,500,000 annually.

MINORITY VIEWS OF MR. MORGAN AND MR. BURDICK

During consideration of H.R. 12 by the Committee on Public Works, we became extremely concerned that the bill will have effects far beyond what the supporters intend, and will establish an undesirable precedent. In brief, the bill is vague, discriminatory, and redundant of existing law in major provisions. Moreover, it will break down important distinctions between federal and local police authority.

The bill is vague as to applicability and cost. It invites either carte blanche spending by city governments or dangerous federal control. It authorizes retroactive reimbursements to local police departments for undefined expenses relating to "extraordinary protective needs," connected with protecting foreign officers and their missions. It goes so far as to provide for officers of provisional governments staying in hotel or motel rooms.

The measure offers no guidelines for the limits of protection to be paid for by the federal government, and no provision for audit of the scope and quality of police response. Thus the government will have to do one of two things: either it will pay out whatever the local jurisdictions claim as justifiable, or it will begin, direct, and control the actions of local police, deciding what shall and shall not be acceptable procedure.

H.R. 12 is obviously discriminatory. Federal restitution to local jurisdictions will be made only if such are metropolitan areas having 20 or more foreign missions. These presently are New York City, Houston, San Francisco, Los Angeles, Chicago, and New Orleans. The District of Columbia is specifically excluded, in spite of the fact that its police routinely encounter expenses relating to foreign missions, even with the presence of federal police. The point ought to be immediately obvious that other major cities, states, counties and small towns may experience identical problems with foreign visitors, but will be excluded from benefit. The result may be that in the future we will see a steady stream of cities asking to be included and costs will skyrocket.

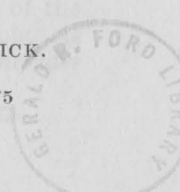
Finally, the bill is redundant. Public Law 91-217 already provides for the President, on a case-by-case basis, to provide direct federal police protection to any foreign visitor anywhere in the United States. Obviously, the old law enjoys the blessing of more restraint than the measure under consideration.

All these difficulties derive from the real nature of the bill. This is legislation for the benefit of New York City and—quite incidentally—a handful of others. What we are being asked to do is pay for more or less routine expenses experienced by New York City because of the presence of the United Nations and ambassadors to it, and in the case of the other cities because of consulates.

The City of New York, and not the federal government, asked that the United Nations be located within its limits and since has reaped the economic and cultural rewards of its presence there. It is only fair, therefore, that if there are expenses to be incurred by the city as a result, they be borne willingly and with no expectation that the United States Government reimburse the city for them.

For these reasons, we cannot support this legislation.

ROBERT MORGAN.
QUENTIN N. BURDICK.



CHANGES IN EXISTING LAW

In compliance with subsection (4) of the rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill as reported are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in *italic*, existing law in which no change is proposed is shown in roman):

TITLE 3.—THE PRESIDENT

* * * * *

Chapter 3.—PROTECTION OF THE PRESIDENT; THE EXECUTIVE PROTECTIVE SERVICE

- Sec.
202. Executive Protective Service; establishment, control, and supervision; privileges, powers, and duties.
203. Personnel, appointment, and vacancies.
204. Grades, salaries, and transfers of appointees.
205. Appointment in accordance with civil-service laws.
206. Privileges of civil-service appointees.
207. Participation in police and firemen's relief fund.
208. *Reimbursement of State and local governments.*
[208.] 209. Appropriation to carry out provisions.

* * * * *

§ 202. Executive Protective Service; establishment, control, and supervision; privileges, powers, and duties.

There is hereby created and established a permanent police force, to be known as the "Executive Protective Service". Subject to the supervision of the Secretary of the Treasury, the Executive Protective Service shall perform such duties as the Director, United States Secret Service, may prescribe in connection with the protection of the following: (1) the Executive Mansion and grounds in the District of Columbia; (2) any building in which Presidential offices are located; (3) the President and members of his immediate family; (4) foreign diplomatic missions located in the metropolitan area of the District of Columbia; (5) the temporary official residence of the Vice President and grounds in the District of Columbia; (6) the Vice President and members of his immediate family; [and] (7) *foreign diplomatic missions located in metropolitan areas (other than the District of Columbia) in the United States, and its territories and possessions, where there are located twenty or more such missions headed by full-time career officers, except that such protection shall be provided only on the basis of extraordinary protective needs required and then only upon request of the affected metropolitan areas; and* (8) foreign diplomatic missions located in such [other] areas in the United States, its territories and possessions, as the President, on a case-by-case basis, may direct. The members of such force shall possess privileges and powers similar to those of the members of the Metropolitan Police of the District of Columbia. As used in this section, the term "*foreign diplomatic missions*" includes

hotels and similar places of temporary domicile that are used by officials connected with foreign governments, including provisional governments, when such officials are visiting the United States on official business, including attendance at the United Nations.

§ 203. Personnel, appointment, and vacancies.

(a) The Executive Protective Service shall consist of such number of officers, with grades corresponding to similar officers of the Metropolitan Police force, and of such number of privates, with grade corresponding to that of private of the highest grade in the Metropolitan Police force, as may be necessary but not exceeding [eight hundred and fifty] *twelve hundred* in number.

* * * * *

§ 208. Reimbursement of State and local governments.

(a) In carrying out its functions pursuant to section 202 (7) and (8), the Secretary of the Treasury may utilize, with their consent, on a reimbursable basis, the services, personnel, equipment, and facilities of State and local governments, and is authorized to transfer funds made available pursuant to this chapter to such State and local governments as reimbursement in full for the utilization of such services, personnel, equipment, and facilities.

(b) Not more than \$3,500,000 may be transferred to State and local governments as reimbursement for any fiscal year.

[§ 208.] § 209. Appropriation to carry out provisions.

There is authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary to carry out the provisions of sections 202–204, 207, and 208 of this title.



There is hereby created and established a permanent police force, to be known as the "Executive Protective Service." Subject to the supervision of the Secretary of the Treasury, the Executive Protective Service shall perform such duties as the Director, United States Secret Service, may prescribe in connection with the protection of the following: (1) the Executive Mansion and grounds in the District of Columbia; (2) any building in which Presidential offices are located; (3) the President and members of his immediate family; (4) foreign diplomatic missions located in the metropolitan area of the District of Columbia; (5) the temporary official residence of the Vice President of the United States; (6) the Vice President and grounds in the District of Columbia; (7) foreign diplomatic missions located in the metropolitan area of the District of Columbia; (8) the President, on a case-by-case basis, may direct the members of such force shall possess privileges and powers similar to those of the members of the Metropolitan Police of the District of Columbia. As used in this section, the term "foreign diplomatic missions" includes