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*signed
12/31/75*

APPROVED
DEC 31 1975

ACTION

THE WHITE HOUSE
WASHINGTON

Last Day: January 2

MEMORANDUM FOR THE PRESIDENT

FROM: JIM CANNON

**SUBJECT: Enrolled Bill H.R. 11184
Executive Protective Service**

*Posted
1/1
To Archives
1/2*

BACKGROUND:

The enrolled bill would expand the size of the Executive Protective Service (EPS), authorize the Secretary of the Treasury to assign EPS officers to protect foreign missions and authorize the Secretary of the Treasury to reimburse State and local governments for providing similar protective assistance.

You vetoed a similar bill (H.R. 12) on November 28, 1975. This bill, however, adds an addition restriction to the employment of EPS officers or the reimbursement of funds - i.e., it will only come about as a result of a visit of a foreign official to an international organization of which the U. S. is a member or at a permanent mission participating in the work of an international organization. This condition effectively limits the recipients of EPS assistance or reimbursement to New York City and Washington. Six other metropolitan areas which might also receive the benefits of the bill would only do so under a very limited condition.

The enrolled bill, like H.R. 12, authorizes retroactive reimbursement to New York City of \$700,000 for the visit of Yasir Arafat in 1974.

OMB recommends approval because the enrolled bill expands the size of EPS and assures adequate protection to foreign missions accredited to the U. N. without wide application outside New York City and Washington. (This legislation was a last minute compromise effected between Jim Lynn, Senator Buckley and Congressman Abzug to prevent the matter from going unresolved before the next session of Congress.)



The State Department recommends veto because, like H.R. 12, enactment of this bill would create a precedent that could erode distinctions between Federal and local law enforcement responsibilities and may lend to additional demands for reimbursement for similar services.

Additional discussion of the bill is provided in OMB's enrolled bill memorandum at Tab A.

RECOMMENDATIONS

Treasury, Justice, NSC, Lynn, Friedersdorf, Seidman, Lazarus and I recommend that you sign H.R. 11184.

State Department recommends veto.

DECISION

Sign H.R. 11184 at Tab B.

H.R. 11184

Veto H.R. 11184 and
prepare veto message





EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

DEC 26 1975

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill - H.R. 11184 - Executive Protective
Service
Sponsor - Rep. Jones (D) Alabama and two others

Last Day for Action

January 2, 1976 - Friday

Purpose

To expand the size of the Executive Protective Service (EPS); to authorize the Secretary of the Treasury to assign EPS officers to protect foreign missions to international organizations and official visitors to those missions; and to authorize the Secretary of the Treasury, or, at the direction of the President, the Secretary of State, to reimburse State and local governments for providing similar protective assistance.

Agency Recommendations

Office of Management and Budget

Approval

National Security Council
Department of the Treasury
Department of Justice
Department of State

Approval (Informally)
No objection
No objection

Discussion

The enrolled bill was developed by staffs of both Senator Buckley and Representative Abzug with the assistance of OMB staff as an acceptable alternative to H.R. 12, which you disapproved on November 29, 1975.



Summary of H.R. 11184

Public Law 91-217, which established the Executive Protective Service (EPS) in Treasury, would be amended by H.R. 11184 to:

- increase EPS size from 850 to 1200 officers.
- authorize the Secretary of the Treasury to augment local police protection of foreign missions outside the Washington, D.C. area by (a) assignment of EPS officers, and/or (b) utilization of State and local services, personnel, equipment and facilities, with reimbursement to the appropriate governments, provided that all of the following conditions are met:
 - (1) Twenty or more missions, including consultates, are located in the metropolitan area (seven areas have 20 or more such missions--New York, Chicago, Miami, New Orleans, Houston, Los Angeles, and San Francisco);
 - (2) An extraordinary protective need exists which arises from a visit to or occurs at a permanent or observer mission (e.g., the PLO observer mission to the UN) to an international organization of which the U.S. is a member (such protection may be also extended to temporary domiciles of foreign leaders on such visits);
 - (3) The metropolitan area requests assistance.
- authorize the President to transfer administration of the reimbursement authority from the Secretary of the Treasury to the Secretary of State.
- authorize appropriations of not to exceed \$3.5 million during any fiscal year for reimbursement purposes; reimbursement authority would be retroactive to July 1, 1974. This retroactive provision was designed to cover the Arafat visit in 1974.

The annual cost of this legislation could range between \$7 million and \$12 million, depending upon the number of new EPS officers hired and assuming no increase in the \$3.5 million ceiling authorized for reimbursement of State and local

governments. With respect to the reimbursement authority, \$2 million will be requested in the fiscal year 1977 budget by the Treasury Department; no funds will be requested by Treasury for fiscal year 1976 or for retroactive purposes.

Comparison to H.R. 12

H.R. 11184 overcomes the major problems of H.R. 12 which prompted its disapproval. To avoid both an improper extension of EPS functions into local law enforcement matters and an unwise and potentially costly precedent which would lead to pressures to reimburse State and local governments for the provision of protective and other services to any foreign mission, the enrolled bill adds an additional condition to the other requirements of H.R. 12 for reimbursement or deployment of EPS officers. This is the requirement that an extraordinary protective need must arise out of the visit of a foreign official to an international organization of which the United States is a member, or occurs at a permanent mission or an observer mission participating in the work of the international organization.

The practical effect of the change is to limit assignment of EPS officers and reimbursement to New York City and Washington, D. C., because no other cities have "mission(s) to an international organization of which the U.S. is a member", e.g., the United Nations, the Organization of American States, the International Monetary Fund, and the World Bank. Because of this, and the authorization for the President to transfer administration of the reimbursement provision to the Secretary of State, the enrolled bill responds to the special needs of the United Nations and accredited missions for assistance in a manner consistent with current EPS authority and practice. In addition, this change explicitly reflects our host country obligations under international law and treaty to protect foreign officials engaged in the work of international organizations located in the United States.

The other six metropolitan areas which have 20 or more foreign missions might qualify on certain occasions for EPS or reimbursement assistance in association with the visit of an official foreign guest who visits such areas as an adjunct to a visit to his country's mission to an international organization; we expect such instances to be relatively few.

The enrolled bill, like H.R. 12, authorizes reimbursement retroactive to July 1, 1974. In our enrolled bill memorandum on H.R. 12, we objected to this implicitly preferential treatment for New York City to compensate for its \$700,000 expenses during Yasir Arafat's one-day November 1974 visit to the United Nations. However, this provision was agreed to as a compromise to the addition of the international organization condition of eligibility. Its carryover from H.R. 12 to the enrolled bill is by itself an insufficient basis upon which to recommend disapproval of the enrolled bill.

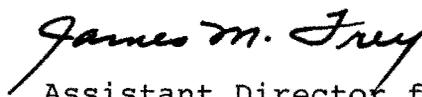
Finally, H.R. 11184 does not contain that provision of H.R. 12 which would have statutorily placed the positions of Director and Deputy Director, Secret Service, in levels IV and V of the Executive Schedule, respectively. This provision was acceptable to the Administration because it would have freed two of the 34 positions which the President is authorized to place in levels IV and V of the Executive Schedule on a discretionary basis.

Conclusion

The enrolled bill responds to two problems that have long required solution:

- the need of EPS for extra personnel for its current responsibilities; and
- assurance of adequate protection to foreign missions accredited to the UN in New York City.

The key deficiencies in H.R. 12 have been corrected in the enrolled bill, and we, therefore, recommend your approval.


Assistant Director for
Legislative Reference

Enclosures



DEPUTY UNDER SECRETARY OF STATE
FOR MANAGEMENT
WASHINGTON

December 29, 1975

Dear Mr. ~~Lynn~~ Lynn:

With reference to Mr. James M. Frey's request for the Department's views and recommendations regarding H.R. 11184, the following is offered.

An increase in the Executive Protective Service personnel ceiling is a goal we support. The Department has long relied upon that Service to perform diplomatic facility protective work, and we believe EPS should be adequately staffed to perform that function. The Department further supports a careful expansion of the routine jurisdictions of EPS beyond the National Capital area, to provide federal protective assistance to diplomatic premises in other U.S. cities when the need arises. Such legislation would be consistent, in our view, with the obligation of the United States under international law, custom and treaty to protect diplomatic establishments on our soil.

However, the Department finds that the objections raised by the President with respect to H.R. 12, a Bill vetoed on November 29, 1975, are fully applicable to H.R. 11184, and therefore, require its veto. H.R. 12 would also have raised the EPS staff ceiling, expanded its jurisdiction in certain cases to several cities other than Washington, and provided for reimbursement to those municipalities which chose to perform protective work with local resources rather than EPS personnel. H.R. 11184 differs from the vetoed Bill primarily in that it attempts to limit the deployment of EPS outside Washington, and to limit the use of the reimbursement authority to those occasions in which conditions outlined in the Bill are met.

The President focused on two major objections to H.R. 12:

- (1) "... (H.R. 12) would unwisely extend the purpose and function of the Executive Protective

The Honorable
James T. Lynn, Director,
Office of Management and Budget.

Service and would create a precedent that could erode current and proper distinctions between Federal and local law enforcement responsibilities.

(2) "... (Reimbursement authority in H.R. 12) would inevitably lead to pressures to reimburse State and local governments for other local services provided to foreign missions ... Moreover, reimbursements... are contrary to the cooperative nature of law enforcement in the United States."

The Department considers that the President's objections to H.R. 12 are not removed by the slightly more restrictive conditions contained in its new version, H.R. 11184. We therefore respectfully disagree with your statement to Senator Buckley (121 Congressional Record 188, p. 22791, 18 December 1975) that this legislation meets the President's objections to H.R. 12.

For these reasons, the Department recommends that the President veto H.R. 11184.

Sincerely,



Lawrence S. Eagleburger

Department of Justice
Washington, D.C. 20530

December 23, 1975

Honorable James T. Lynn
Director, Office of Management
and Budget
Washington, D.C. 20503

Dear Mr. Lynn:

In compliance with your request, I have examined a facsimile of the enrolled bill H.R. 11184, "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."

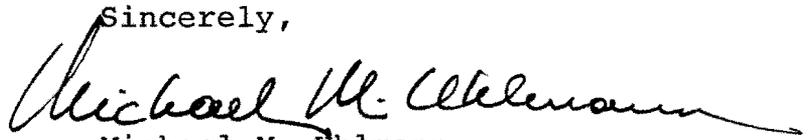
Existing item (7) in Title 3, United States Code, section 202 authorizes the President to direct the Executive Protective Service (EPS) to protect foreign diplomatic missions within the United States. H.R. 11184 would amend item (7) to also permit the Secretary of Treasury to direct such protection in metropolitan areas of the United States outside the District of Columbia having 20 or more such missions. Three conditions limit this authority: 1, extraordinary protective need must exist; 2, the affected metropolitan area must request the action; and 3, the need must arise "in association with a visit to or occurs at a permanent mission to an international organization of which the United States is a member or an observer mission invited to participate in the work of such an organization." Protection may also extend to places of temporary domicile in connection with such a visit. The authorized ceiling strength of the EPS would increase from 850 to 1,200. Finally, the Secretary of the Treasury, in responding to an area's request, could utilize with their consent and on a reimbursable basis, the resources of State and local governments, but the total of all such reimbursements may not exceed \$3,500,000 for any fiscal year. The President may transfer the reimbursement authority to the Secretary of State. The third condition upon the authority to extend



protection would in practice virtually limit application of the enrolled bill to the city of New York. This bill is much narrower in scope than the vetoed H.R. 12.

The Department of Justice has no objection to Executive approval of this bill.

Sincerely,



Michael M. Uhlmann



THE DEPUTY SECRETARY OF THE TREASURY

WASHINGTON, D.C. 20220

DEC 23 1975

Director, Office of Management and Budget
Executive Office of the President
Washington, D.C. 20503

Attention: Assistant Director for Legislative
Reference

Sir:

Reference is made to your request for the views of this Department on the enrolled enactment of H.R. 11184, "To amend title 3, United States Code, to provide for foreign diplomatic missions, to increase the size of the Executive Protective Service, and for other purposes."

As H.R. 11184 is written, the Secretary of the Treasury would determine when an extraordinary protective need existed. He would have the option of using EPS officers or local police.

The first sentence of subsection (a) of Section 208 of H.R. 11184 provides that the Secretary of the Treasury may utilize on a reimbursable basis with their consent the services, personnel, equipment and facilities of State and local Governments and that he is authorized to make such reimbursement. Then follows a second sentence which reads, "The authority of this subsection may be transferred by the President to the Secretary of State."

Concerning this sentence the report of the Senate Committee on Public Works states:

"The bill grants the President the authority to transfer the administration of the reimbursement provision to the Secretary of State, if that appears to be a more effective approach in view of the State Department's closer relationship with the demands of visits of foreign dignitaries or the potential problems at a mission associated with an international organization."

The Department has been assured by the Office of Management and Budget that, should the President transfer authority to the Secretary of State, this sentence will not be construed in any way to deprive the Secretary of the Treasury of his authority to determine whether an extraordinary protective need exists. OMB has also assured us that the Secretary of the Treasury will determine whether to use EPS officers or local police. The functions of the Secretary of State will merely be in the budget area.

Based on these assurances, the Department would have no objection to a recommendation that the enrolled enactment be approved by the President.

Sincerely yours,


Stephen S. Gardner



OFFICE OF MANAGEMENT AND BUDGET

Date: 12-26-75

TO : Robert D. Linder

FROM: James M. Frey
Assistant Director for
Legislative Reference

With regard to enrolled bill H.R. 11184, please note that State has not responded with its views and recommendation. We understand informally that, notwithstanding the fact that H.R. 11184 is a compromise measure worked out between OMB and the Congress and concurred in by Treasury and NSC, State will recommend veto.

I will send you State's views letter as soon as it arrives.

To
J. Coverly
12-29-75
109.M.



OFFICE OF MANAGEMENT AND BUDGET

Date: 12-26-75

TO : Robert D. Linder

FROM: James M. Frey
Assistant Director for
Legislative Reference

With regard to enrolled bill H.R. 11184, please note that State has not responded with its views and recommendation. We understand informally that, notwithstanding the fact that H.R. 11184 is a compromise measure worked out between OMB and the Congress and concurred in by Treasury and NSC, State will recommend veto.

I will send you State's views letter as soon as it arrives.

Date: December 29

Time: 1015am

FOR ACTION: Max Friedersdorf *sign* cc (for information): Jack Marsh
 Dick Parsons Jim Cavanaugh
 Ken Lazarus Warren Hendriks
 Bill Seidman *sign*

FROM THE STAFF SECRETARY

DUE: Date: December 30

Time: 500pm

SUBJECT:

H.R. 11184 - Executive Protective Service

ACTION REQUESTED:

- | | |
|---|---|
| <input type="checkbox"/> For Necessary Action | <input type="checkbox"/> For Your Recommendations |
| <input type="checkbox"/> Prepare Agenda and Brief | <input type="checkbox"/> Draft Reply |
| <input checked="" type="checkbox"/> For Your Comments | <input type="checkbox"/> Draft Remarks |

REMARKS:

Please return to Judy Johnston, Ground Floor West Wing

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

K. R. COLE, JR.
For the President



THE WHITE HOUSE
WASHINGTON

December 30, 1975

MEMORANDUM FOR: JIM CAVANAUGH
FROM: MAX L. FRIEDERSDORF *MLF.*
SUBJECT: H.R. 11184 - Executive Protective Service

The Office of Legislative Affairs concurs with the agencies that the bill be signed.

Senator Buckley (I-NY) has great interest in this bill, and OMB has worked out their differences.

Attachments

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.: 1553

Date: December 29

Time: 1015am

FOR ACTION: Max Friedersdorf
Dick Parsons
Ken Lazarus
Bill Seidman

cc (for information): Jack Marsh
Jim Cavanaugh
Warren Hendriks

FROM THE STAFF SECRETARY

DUE: Date: December 30

Time: 5;00pm

SUBJECT:

H.R. 11184 - Executive Protective Service

ACTION REQUESTED:

- | | |
|---|---|
| <input type="checkbox"/> For Necessary Action | <input type="checkbox"/> For Your Recommendations |
| <input type="checkbox"/> Prepare Agenda and Brief | <input type="checkbox"/> Draft Reply |
| <input checked="" type="checkbox"/> For Your Comments | <input type="checkbox"/> Draft Remarks |

REMARKS:

Please return to Judy Johnston, Ground Floor West Wing

Recommend that President sign.

*Bobbie Kilberg +
Ph. L. Bichard*

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

For the President

DEC 29 REC'D

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.: 1553

Date: December 29

Time: 1015am

FOR ACTION: Max Friedersdorf
Dick Parsons
Ken Lazarus
Bill Seidman

cc (for information): Jack Marsh
Jim Cavanaugh
Warren Hendriks

FROM THE STAFF SECRETARY

DUE: Date: December 30

Time: 5:00pm

SUBJECT:

H.R. 11184 - Executive Protective Service

ACTION REQUESTED:

- | | |
|---|---|
| <input type="checkbox"/> For Necessary Action | <input type="checkbox"/> For Your Recommendations |
| <input type="checkbox"/> Prepare Agenda and Brief | <input type="checkbox"/> Draft Reply |
| <input checked="" type="checkbox"/> For Your Comments | <input type="checkbox"/> Draft Remarks |

REMARKS:

Please return to Judy Johnston, Ground Floor West Wing

*Approved
JWS*

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

Stamp: For the President

H. R. 11184

Ninety-fourth Congress of the United States of America

AT THE FIRST SESSION

*Begun and held at the City of Washington on Tuesday, the fourteenth day of January,
one thousand nine hundred and seventy-five*

An Act

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the second sentence of section 202 of title 3, United States Code, is amended by striking out "and (7)" and inserting in lieu thereof the following: "(7) foreign diplomatic missions located in metropolitan areas (other than the District of Columbia) in the United States where there are located twenty or more such missions headed by full-time officers, except that such protection shall be provided only (A) on the basis of extraordinary protective need, (B) upon request of the affected metropolitan area, and (C) when the extraordinary protective need arises in association with a visit to or occurs at a permanent mission to an international organization of which the United States is a member or an observer mission invited to participate in the work of such organization, provided that such protection may be extended at places of temporary domicile in connection with such a visit; and (8)".

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

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

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

"§ 208. Reimbursement of State and local governments

"(a) In carrying out the functions pursuant to section 202(7), the Secretary of 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 reimburse such State and local governments for the utilization of such services, personnel, equipment, and facilities. The authority of this subsection may be transferred by the President to the Secretary of State.

"(b) There is authorized to be appropriated not more than \$3,500,000 under this section for the purposes of reimbursement for any fiscal year, to remain available for expenditure as provided in appropriation Acts."

H. R. 11184—2

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

“208. Appropriations to carry out provisions.”

and inserting in lieu thereof the following:

“208. Reimbursement of State and local governments.

“209. Appropriation to carry out provisions.”

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

Speaker of the House of Representatives.

*Vice President of the United States and
President of the Senate.*

December 22, 1975

Dear Mr. Director:

The following bills were received at the White House on December 22nd:

✓ H.J. Res. 749	✓ H.R. 8304	✓ H.R. 11184
✓ H.R. 4016	✓ H.R. 9968	✓ S.J. Res. 157
✓ H.R. 4287	✓ H.R. 10035	✓ S. 95
✓ H.R. 4573	✓ H.R. 10284	✓ S. 322
✓ H.R. 5900	✓ H.R. 10355	✓ S. 1469
✓ H.R. 6673	✓ H.R. 10727	✓ S. 2327

Please let the President have reports and recommendations as to the approval of these bills as soon as possible.

Sincerely,

Robert D. Linder
Chief Executive Clerk

The Honorable James T. Lynn
Director
Office of Management and Budget
Washington, D. C.