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**APPROVED**  
**OCT 17 1976**

*8/10/17/76*

THE WHITE HOUSE  
WASHINGTON  
October 15, 1976

ACTION

Last Day: October 18

MEMORANDUM FOR THE PRESIDENT  
FROM: JIM CANNON *Handwritten signature*  
SUBJECT: H.R. 1244 - Presidential Protection Assistance Act of 1976

*Posted 10/18/76*

Attached for your consideration is H.R. 1244, sponsored by Representative Brooks.

*archive 10/18/76*

The purpose of the enrolled bill is to centralize responsibility in the Secret Service for the expenditure of funds relating to the protection of the President, the Vice President, their families and other persons protected by the Secret Service, and to prevent excessive and questionable capital improvements from being made to the property of persons under the protection of the Secret Service. Among other things, the bill:

- o provides that the Secret Service shall reimburse other Federal agencies for the cost of providing protection to the President, the Vice President, etc., except for the Department of Defense and the Coast Guard for protective services temporarily provided to the President or the Vice President;
- o establishes a limitation of \$10,000 on expenditures for improvements which may be made to the private residences of a protected person (other than his principal private residence) and requires Congressional committee approval of any expenditures exceeding the limitation;
- o declares that all security improvements made to a private residence by the Federal Government shall remain the property of the government, and, upon termination of Secret Service protection, shall be removed, where practicable, or purchased by the protectee.



OCT 17 1976

The Department of the Treasury has raised major objections to the bill. First, Treasury maintains that the \$10,000-per property limitation placed on expenditures for maintaining security at the private residences of a protectee, other than his principal private residence, is insufficient to meet the salary costs of permanent guard protection and the cost of installing essential facilities and equipment. Thus, the Secret Service would be required to seek Congressional Committee approval for additional expenditures in all cases where a protectee has more than one private residence.

Second, Treasury points out that the bill would require the Secret Service to reimburse the Department of Defense and the Coast Guard for all assistance performed on a regular basis, as opposed to service performed on a temporary basis. Treasury argues that this scheme fails to recognize that, because the President is Commander-in-Chief of the Armed Forces at all times, the Department of Defense and the Coast Guard have a continuing obligation to provide protective assistance.

While these objections are indeed substantial, I do not believe they are sufficiently onerous to warrant your disapproval of the bill. Neither presents an immediate problem and both can be worked out either through corrective legislation or on an annual basis with the respective Congressional Appropriations Committees. Moreover, given the fact that this bill is viewed by many as essential to preventing future abuses, your disapproval of it at this time could subject you to substantial public criticism.

#### Agency Recommendations

The Department of the Treasury and the Office of Management and Budget recommend disapproval of the bill.

The Department of Defense recommends approval of the bill.

The Department of Transportation has no objection to the bill.

#### Staff Recommendations

Max Friedersdorf, NSC and Robert Hartmann (Smith) recommend disapproval of the enrolled bill.

The Counsel's Office recommends approval of the enrolled bill.  
(See memorandum from Ed Schmults at Tab B)

Recommendation

I recommend that you sign H.R. 1244

Decision

Sign H.R. 1244 at Tab C.

Veto H.R. 1244 and sign Memorandum of Disapproval at Tab D which has been cleared by Doug Smith.





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

OCT 11 1976

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill H.R. 1244 - Presidential Protection  
Assistance Act of 1976  
Sponsor - Rep. Brooks (D) Texas

Last Day for Action

October 18, 1976 - Monday

Purpose

Centralizes responsibility in the Secret Service for the expenditure of funds relating to the protection of the President, Vice President, their families, and other persons protected by the Secret Service; provides for reimbursement of other Federal agencies providing protection, except for the Department of Defense and the Coast Guard in the case of temporary services; establishes a limitation on expenditures for the improvements to be made to the private residences of such persons; and requires congressional committee approval of any expenditures exceeding that limitation.

Agency Recommendations

Office of Management and Budget	Disapproval (Memorandum of disapproval attached)
Department of the Treasury	Disapproval (Memorandum of disapproval attached)
Department of Justice	No recommendation
Department of Transportation	No objection
General Services Administration	No objection (Informally)
Department of Defense	Approval

## Discussion

This legislation is an outgrowth of a congressional oversight investigation and a General Accounting Office (GAO) audit of funds, administered by the General Services Administration (GSA) and the Secret Service, for the protection and security of the private properties of the former President. Specific concerns were raised over the amount of expenditures, the questionable relationship of certain expenditures to the protection functions of the Secret Service, and the absence of controls in authorizing such work to be performed.

According to the House Government Operations Committee report, H.R. 1244 is "intended to tighten loose procedures and to centralize accounting and responsibility with respect to security expenditures on property not owned by the Government." The provisions of the enrolled bill are similar to recommendations of the congressional oversight investigation and GAO in this regard.

## Summary of H.R. 1244

H.R. 1244 would apply to all protective services provided by the Secret Service for the persons and property of the President, Vice President, a President- or Vice President-elect, the officer next in line of succession for the Presidency, the Presidential and Vice-Presidential nominees of major political parties, a former President, their families, a widow of a former President, and others for whom such protection is authorized by law.

In summary, the enrolled bill would:

- Limit full-time security to only one privately owned property of the President and each of the other protectees. However, a protectee may later change this selection of property and have permanent protection shifted to another property.

- Limit to \$10,000 expenditures for the security of each additional property of a protectee, unless resolutions are adopted by the House and Senate Committees on Appropriations approving larger amounts.

-- Declare that all security improvements made to property and other items acquired by the Federal Government be the property of the Government. Upon termination of Secret Service protection all such improvements are to be removed, unless (1) the Director of the Secret Service determines that it would not be "economically feasible" to do so, or (2) the protectee paid for the original cost of the improvements or their fair market value, whichever is less, as determined by the Comptroller General.

-- Direct all Federal departments and agencies to assist the Secret Service, upon request, on a temporary and reimbursable basis. However, the Secret Service would not be required to reimburse the Department of Defense and the Coast Guard for protective services temporarily provided to the President as Commander-in-Chief, the Vice President, or the officer next in succession to the Presidency.

-- Centralize responsibility in the Secret Service for the expenditure or obligation of funds for protective purposes. All such transactions made by any Federal agency must first be authorized by the Director of the Secret Service, except those made by the Department of Defense and the Coast Guard. In addition, no other agency could have funds appropriated for these protection functions, except the Department of Defense and the Coast Guard for providing temporary protective assistance to the Secret Service.

-- Require semi-annual reports of expenditures to the House and Senate Appropriations, Judiciary and Government Operations Committees by the Secret Service, Department of Defense and the Coast Guard. In addition, the Comptroller General would be authorized to audit such expenditures.

-- Repeal section 2 of Public Law 90-331 which requires that Federal departments and agencies, when requested by the Director of the Secret Service, must assist the Secret Service in the performance of its protective duties, unless the Director's authority is revoked by the President. H.R. 1244 contains a similar provision but adds the requirement that the Secret Service reimburse the agencies for such assistance.

#### Agency Views

The Department of the Treasury recommends that you withhold your disapproval of the enrolled bill on two major grounds:

-- The \$10,000 limitation on expenditures for maintaining a permanent guard detail, facilities, and equipment to secure each additional property of the President, Vice President, or other protectees. Treasury states that the limitation is insufficient. Although Treasury's enclosed views letter misinterprets the provision as limiting total expenditures for securing all additional property of a protectee to \$10,000, Treasury maintained in informal follow-up discussions that the \$10,000 per property limitation is nevertheless insufficient to meet the salary costs of permanent guard protection as well as the cost of installing essential facilities and equipment, which must be maintained irrespective of whether or not a protectee is occupying the property at a given time.

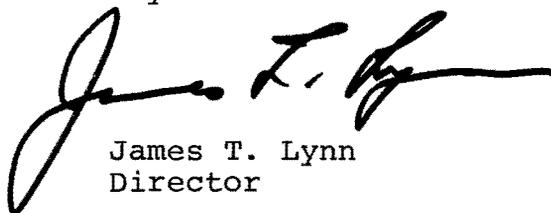
-- The revision of the requirement that Federal departments and agencies assist the Secret Service in the performance of its protective duties, upon request, to require reimbursement by the Secret Service of the agencies that provide the assistance. Requiring reimbursement by DOD and the Coast Guard when this assistance is performed on a regular basis, as opposed to a temporary basis, fails to recognize that because the President is Commander-in-Chief of the armed forces at all times, the Department of Defense and the Coast Guard have a basic obligation to provide protective assistance.

In addition, the revision would eliminate the current power of the President to revoke the authority of the Director of the Secret Service to require the assistance of other Federal agencies, should the Director abuse this authority. The legislative history is silent on the reason for this change, but it does not appear that it would adversely affect the authority of either the President or the Secretary of the Treasury to curtail abuses.

Finally, the Department of Justice advises that the provision which would require the House and Senate Appropriations Committees to approve by resolution expenditures exceeding \$10,000 for the security of each additional property of a protectee is unconstitutional. In its attached views letter, Justice states that it has "consistently taken the position that clauses vesting binding legal power in a committee of Congress violates the Constitution by delegating the power of Congress to a committee in violation of Article I." This provision was contained in H.R. 1244 as originally introduced; unfortunately, in both reports and testimony on the bill, the Administration failed to point out its unconstitutional nature.

#### Recommendation

Although the purpose of the bill is to prevent the excessive and questionable capital improvements made to the private property of Secret Service protectees and to ensure accountability in the expenditure of funds for these purposes, we believe that the objections of the Departments of the Treasury and Justice are sufficient to warrant disapproval of the enrolled bill. Accordingly, we recommend that you withhold your approval of H.R. 1244. A memorandum of disapproval is enclosed for your consideration.



James T. Lynn  
Director

Enclosures



THE WHITE HOUSE

WASHINGTON

October 16, 1976

MEMORANDUM FOR:

JIM CANNON

FROM:

ED SCHMULTS 

SUBJECT:

H.R. 1244, The Presidential  
Protection Assistance Act of 1976

While we appreciate the concerns expressed by OMB and Treasury concerning the above-referenced bill, our analysis of this bill indicates that these concerns do not warrant disapproval of the bill by the President.

I make this conclusion, based on the following:

1. There is no undue limitation on the ability of the Secret Service to provide protection. While they may spend no more than \$10,000 for permanent security protection at second and third residences of a protectee, there is no limit on temporary expenditures for this purpose.

2. The bill allows this \$10,000 limit to be increased by resolution of the two Committees on Appropriations, and thus permits the Secret Service to undertake additional permanent protective measures after demonstrating that they are either cost-effective or necessary to the protection of the Government official.

3. While the above-referenced approval mechanism by the Appropriations Committees is unconstitutional, there would be no defect if we required additional funds for such permanent protection in the form of either a supplemental or general appropriation to the Secret Service. Any constitutional problems need merely be referenced in a signing statement, which is consistent with the way in which we have handled similar provisions in numerous instances.

4. President Ford is in no way limited or affected by this bill. The Secret Service is not providing permanent protection for the President at any non-governmental properties at the present time. A good argument can be made that permanent protection at more than one location should be fully accounted for by the Secret Service if for no other reason than the political problems arising from such expenditures.

5. If emergency situations arise, temporary security can suffice. For example, the Secret Service has provided adequate protection at Vail on a temporary basis.

6. While an argument can be made that this bill will result in increased administrative costs for the Secret Service, we are in a much better position if this is shown after we have tried to operate under the bill.

7. The real problem of the Secret Service is with reimbursement. The legislative history of the bill indicates that reimbursement is only for incremental costs incurred by other Federal agencies, except for protection of the President and Vice President for whom no reimbursement to DOD and the Coast Guard would be required.

Under present law GSA must already be reimbursed for any work it does. This is solely an internal bookkeeping matter in the Federal Government and does not warrant Presidential disapproval. Nor can it be said that this is really a precedent for Congress to pass bills to require reimbursement to State and local governments for protective assistance they provide to the Secret Service. We will face these bills in the next Congress in any event, and the veto statement clearly does not attempt to justify disapproval on these grounds.

I recommend that the bill be signed. We should not challenge Congress on this issue at this time.

cc: Paul O'Neill





MEMORANDUM OF DISAPPROVAL

I am withholding my approval from H.R. 1244, the Presidential Protection Assistance Act of 1976.

The purpose of H.R. 1244 is to prevent excessive and questionable capital improvements made to the property of persons under the protection of the Secret Service.

I can well understand the desire of the Congress to provide controls over Federal expenditures for such protective assistance, particularly as they relate to Federal expenditures on private property. However, the Congress in attempting to provide such controls has adopted provisions which I consider severely restrictive.

The bill would permit a person protected by the Secret Service to designate a single private property to be permanently secured for his protection; no limitation on expenditures for securing that property would be imposed. However, the bill would limit to \$10,000 expenditures by the Secret Service for maintaining a permanent guard detail and permanent equipment at any additional property, unless expenditures in excess of that amount are specifically approved by the Committees on Appropriations. This limitation would in fact preclude maintenance of a permanent guard detail or the installation of adequate permanent protective devices at any private residence of a protectee, other than the one which is not subject to the \$10,000 limitation.

In my view, it is untenable for the Congress on the one hand to authorize the Secret Service to protect the President, Vice President, and other persons, but on the other hand to make adequate protection nearly impossible by imposing an unrealistic limitation on the expenditure of funds for permanent guard details and essential security installations.

The requirement in the bill that any expenditures exceeding the \$10,000 limitation be approved by resolution of the Senate and House Appropriations Committees is, in my view, unconstitutional. This provision, vesting binding legal power in a committee of the Congress, violates Article I of the Constitution by delegating the appropriation power of Congress to a committee. The appropriation of funds requires an Act of Congress which then must be referred to the President for his action.

Accordingly, I must withhold my approval of this legislation. Were it not for these objections, I would have signed this bill into law.

THE WHITE HOUSE,

UNITED STATES OF AMERICA  
GENERAL SERVICES ADMINISTRATION  
WASHINGTON, DC 20405



October 12, 1976

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

Dear Mr. Lynn:

By letter of October 5, 1976, you requested the views of the General Services Administration (GSA) on enrolled bill H.R. 1244, "To establish procedures and regulations for certain protective services provided by the United States Secret Service."

GSA has completed its review of this bill and offers no objection to presidential approval.

Sincerely,

  
JACK ECKERD  
Administrator

THE WHITE HOUSE

MEMORANDUM

WASHINGTON

LOG NO.:

Date: October 12

Time: 130pm

FOR ACTION: Dick Parsons *oia* cc (for information): Mack Marsh  
 Max Friedersdorf *Sign* Ed Schmults  
 Bobbie Kilberg NSC/S *rets* Steve McConahey *difa*  
 Robett Hartmann  
 Judy Hope *no*

FROM THE STAFF SECRETARY

DUE: Date: October 14

Time: 1000am

SUBJECT:

H.R.1244-Presidential Protection Assistance Act of 1976

ACTION REQUESTED:

- For Necessary Action
- For Your Recommendations
- Prepare Agenda and Brief
- Draft Reply
- For Your Comments
- 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

MEMORANDUM OF DISAPPROVAL

I am withholding my approval from H.R. 1244, the Presidential Protection Assistance Act of 1976.

The purpose of H.R. 1244 is to prevent excessive and questionable capital improvements made to the property of persons under the protection of the Secret Service.

I can well understand the desire of the Congress to provide controls over Federal expenditures for such protective assistance, particularly as they relate to Federal expenditures on private property. However, the Congress in attempting to provide such controls has adopted provisions which I consider severely restrictive.

The bill would permit a person protected by the Secret Service to designate a single private property to be permanently secured for his protection; no limitation on expenditures for securing that property would be imposed. In addition, the bill would limit to \$10,000 expenditures by the Secret Service for maintaining a permanent guard detail and permanent equipment at any additional property, unless expenditures in excess of that amount are specifically approved by the Committees on Appropriations. This limitation would in fact preclude maintenance of a permanent guard detail or the installation of adequate permanent protective devices at any private residence of a protectee, other than the one which is not subject to the \$10,000 limitation.

In my view, it is untenable for the Congress on the one hand to authorize the Secret Service to protect the President, Vice President, and other persons, but on the other hand to make adequate protection nearly impossible by imposing an unrealistic limitation on the expenditure of funds for permanent guard details and essential security installations when these officials have more than one private residence.

The requirement in the bill that any expenditures exceeding the \$10,000 limitation be approved by resolution of the Senate and House Appropriations Committees is, in my view, unconstitutional. This provision, vesting binding legal power in a committee of the Congress, violates Article I of the Constitution by delegating the appropriation power of Congress to a committee. The appropriation of funds requires an Act of Congress which then must be referred to the President for his action.

Accordingly, I must withhold my approval of this legislation. Were it not for these objections, I would have signed this bill into law.



THE GENERAL COUNSEL OF THE TREASURY  
WASHINGTON, D.C. 20220

OCT 8 1976

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

Attention: Assistant Director for Legislative  
Reference

Sir:

This report responds to your request for the views of this Department on the enrolled enactment of H.R. 1244, "To establish procedures and regulations for certain protective services provided by the United States Secret Service."

The enrolled enactment would limit to \$10,000 expenditures for facilities, equipment, and services to provide full-time security at any one private property other than the principal property designated by the person being protected, whether provided by the Secret Service or by another agency under a reimbursement agreement. The practical effect of this limitation would be to preclude the installation of adequate permanent protective devices at more than one private residence of the President, Vice President, or other Secret Service protectee. The Department believes that this limitation would make furnishing adequate protective services nearly impossible.

The proper performance of the Secret Service functions under 18 U.S.C. 3056 requires that protection be provided on a continuing twenty-four hour a day basis. The furnishing of adequate protection necessarily involves the expenditure of funds for security installations and equipment wherever the President, Vice President or other protectees may be residing. Such protection cannot depend on whether the protectees happen to own more than one residence. The Secret Service has no control over the number of private residences a protectee may own, thus it must furnish protection at whichever residence a protectee may occupy at a given time.

H.R. 1244 would also repeal section 2 of Public Law 90-331 which requires Federal departments and agencies, when requested by the Director of the United States Secret Service, to assist the Secret Service in the performance of its protective duties. The enrolled bill would substitute provisions which would require Federal agencies to assist the Secret Service in its protective duties but would require Secret Service to make reimbursement for such assistance from funds specifically appropriated to it. The only exception to the requirement would be assistance provided on a temporary basis by the Department of Defense and the Coast Guard.

The operations of the Secret Service were carefully reviewed by the President's Commission on the Assassination of President Kennedy, popularly known as the Warren Commission. In its report, the Commission stated, among other things, that the protection of the President is in a real sense a Government-wide responsibility which must necessarily be assumed by the Department of State, the FBI, the CIA, and the military intelligence agencies, as well as the Secret Service. The Commission further stated that "protecting the President is a difficult and complex task which requires full use of the best resources of many parts of our Government. Recognition that the responsibility must be shared increases the likelihood that it would be met."

Subsequent to the Warren Commission Report, the Secret Service made arrangements with various Government agencies for their specialized support as the need arose without any provision for reimbursement. These informal arrangements were the basis for the express statutory authority contained in section 2 of Public Law 90-331. In its report on a predecessor bill, the Senate Committee on Appropriations stated, "The proposed language will provide specific authorization of a long-established practice of utilizing other Federal departments in the protective assignments. This assistance may include, but is not limited to, the provision of personnel and facilities for intelligence gathering, medical, transportation, and communication purposes. It eliminates any doubt of the legal basis for such practice and assures Treasury direction of the protective function."

In this connection, the Department would further like to point out that the President of the United States is Commander-in-Chief of the armed forces at all times. Thus, the Department believes that the Department of Defense and the Coast Guard have an obligation to provide protective assistance without reimbursement. Moreover, Public Law 90-331 provides that the authority to provide assistance can be revoked by the President. Consequently, any Federal department or agency that believes the Secret Service is abusing the authority by making unreasonable demands for protective assistance can seek a revocation of the authority for such assistance.

Section 9 of the enrolled bill would require semi-annual reports to congressional committees by the Director of the Secret Service, the Secretary of Defense, and the Commandant of the Coast Guard concerning expenditures made pursuant to this legislation, and section 10 would authorize audit of these expenditures by the Comptroller General. The Department believes these provisions are unnecessary. The Secret Service is currently required to reimburse the General Services Administration for all expenditures for services, alterations, installations,

or other work requested by the Secret Service and the Secret Service is required to budget and account for such expenditures. Under the Accounting and Auditing Act of 1950 such expenditures are subject to audit by the Comptroller General (31 U.S.C. 67) and under the Budget and Accounting Act, 1921, the Comptroller General has access to information with regard to these financial transactions (31 U.S.C. 54). Also, the Secret Service has been directed by the Subcommittees of the Senate and House Appropriations Committees, which consider Secret Service appropriations, to submit quarterly reports of activities performed and costs incurred. This reporting requirement should highlight Secret Service expenditures and help assure that they will receive the close scrutiny of the appropriations committees of the Congress.

In view of the foregoing, the Department recommends that the President withhold his approval of the enrolled enactment. A Memorandum of Disapproval is enclosed.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Richard E. Albrecht". The signature is fluid and cursive, with a large initial "R" and "A".

General Counsel  
Richard E. Albrecht

Enclosure

## Memorandum of Disapproval

I am withholding my approval from H.R. 1244, the Presidential Protection Assistance Act of 1976.

The enrolled enactment is designed to implement recommendations made in a report of the House Committee on Government Operations dated May 20, 1974 and a report of the Comptroller General dated December 18, 1973 on the expenditure of Federal funds on Presidential properties.

I would like to state at the outset that I can well understand the desire of the Congress to provide controls over Federal expenditures for protective assistance, particularly as they relate to Federal expenditures on private property. However, the Congress in attempting to provide such controls has gone too far by adopting two provisions which I consider too restrictive.

The first provision relates to section 2 of Public Law 90-331, which the enrolled enactment would repeal. This law requires Federal departments and agencies to assist the Secret Service in the performance of its protective duties. H.R. 1244 would substitute provisions which would continue the requirement that Federal agencies assist the Secret Service, but would require the Secret Service to reimburse such agencies, except in the case of temporary assistance provided by the Department of Defense and the Coast Guard.

Section 2 of Public Law 90-331 provided statutory authority for arrangements that had been made by Secret Service and various Government agencies after the assassination of President Kennedy. These arrangements were based on the conclusion of

the Warren Commission, of which I was a member, that the protection of the President is a Government-wide responsibility which must be assumed by all Federal agencies, as well as the Secret Service. I am still of that opinion. Since other agencies have protective responsibilities under Public Law 90-331, it is not equitable to require the Secret Service to shoulder the entire Federal financial burden. Moreover, I would like to point out that section 2 of Public Law 90-331 provides that the authority to request assistance can be revoked by the President. If I found that Secret Service was making unreasonable demands on Federal agencies for protective assistance, I would not hesitate to invoke that authority.

The second objectionable provision would limit to a cumulative total of \$10,000 expenditures by the Secret Service for maintaining a permanent guard detail and for permanent equipment at any one private property other than the property designated by the protectee, unless expenditures in excess of that amount are specifically approved by the Committees on Appropriations. The practical effect of this limitation would be to preclude permanent guard details or the installation of adequate permanent protective devices at more than one private residence of a protectee, particularly if time did not permit obtaining Congressional approval. The Secret Service has no control over the number of private residences a protectee may own, yet it must furnish protection at whatever residence the protectee may occupy at a given time. In my view, it is untenable for the Congress on the one hand to authorize the Secret Service to protect the President, Vice President, and other persons, but on the other hand to make

adequate protection nearly impossible by limiting the expenditure of funds for permanent guard details and security installations when these officials have more than one private residence.

I do not find the remaining provisions of the enrolled enactment objectionable per se. However, some of them duplicate existing law and others are unnecessary because many of the recommendations contained in the 1973 and 1974 reports of the Comptroller General and the House Committee on Government Operations that the provisions would implement have been carried out by administrative action since that time.

The White House

October , 1976

**Department of Justice**  
**Washington, D.C. 20530**

October 6, 1976

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

Dear Mr. Lynn:

In compliance with your request, we have examined a facsimile of the enrolled bill H.R. 1244, the "Presidential Protection Assistance Act of 1976."

The stated purpose of this legislation is to provide limitations and set requirements for the implementation of the responsibility of the Secret Service under section 3056 of title 18, United States Code, concerning the protection of the President and other persons, and under section 1 of Public Law 90-331 concerning protection of major Presidential or Vice Presidential candidates and other persons.

A principal feature of the bill is the repeal of section 2 of Public Law 90-331. That section requires Federal departments and agencies, when requested by the Director of the United States Secret Service, to assist the Service in the performance of its protective duties. H.R. 1244 would substitute provisions which would require Federal agencies to assist the Secret Service in its protective duties but would require the Service to make reimbursement for such assistance from funds specifically appropriated to it. An exception to this requirement would be specified assistance provided on a temporary basis by the Department of Defense and the United States Coast Guard.

Section 4 of the bill is of primary concern to this Department. H.R. 1244 provides that a "protectee" may designate one non-governmental property to be fully secured by the Secret Service on a permanent basis. Under section 4, however, expenditures for the protection of additional property of a "protectee" are limited to \$10,000 "unless expenditures in excess of that amount are specifically approved by resolutions adopted by the Committees on Appro-

priations of the House and Senate, respectively."

The Department of Justice has consistently taken the position that clauses vesting binding legal power in a committee of Congress violates the Constitution by delegating the power of Congress to a committee in violation of Art. I. See, e.g., 41 Op. A.G. 300, 308-09 (1957).

We make no recommendation as to whether the President should sign the bill. If he does, however, he should state that the provision for appropriation by committee is unconstitutional and that he does not intend to invoke it.

With regard to the remaining provisions of the bill, the Department of Justice defers to the Department of the Treasury and those other departments and agencies more directly affected by it.

Sincerely,

A handwritten signature in cursive script, reading "Michael M. Uhlmann". The signature is written in dark ink and is positioned above the typed name and title.

Michael M. Uhlmann  
Assistant Attorney General



THE SECRETARY OF TRANSPORTATION  
WASHINGTON, D.C. 20590

OCT 4 1976

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

Dear Mr. Lynn:

This is in response to your request for the Department of Transportation's views on H.R. 1244, an enrolled bill

"To establish procedures and regulations for certain protective services provided by the U.S. Secret Service."

With respect to Department of Transportation responsibilities, section 6 provides for reimbursement to the United States Coast Guard (USCG) for services, equipment, and facilities on a permanent and reimbursable basis upon advance written request by the Director of the Secret Service; except that the USCG shall provide such assistance on a temporary basis without reimbursement when assisting the Secret Service in its duties directly related to the protection of the President or the Vice President or other officer immediately next in order of succession to the office of the President.

In the past, the Coast Guard has always readily and willingly assisted the Secret Service in its Presidential security responsibilities. This assistance has, in general, consisted of personnel and vessels necessary to provide waterside security of shore facilities or security for vessels on which the President or other persons designated to be protected by law were embarked; this assistance has generally been provided for a temporary period of time and on a non-reimbursable basis. The provisions of H.R. 1244 alter the present U.S. Coast Guard role only to the extent that the U.S. Coast Guard would be prohibited by law from requesting any reimbursement, if deemed necessary, for services rendered on a temporary basis.

The Department of Transportation has no objection to the President signing the enrolled bill.

Sincerely,

  
William T. Coleman, Jr.



GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE

WASHINGTON, D. C. 20301

4 OCT 1976

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

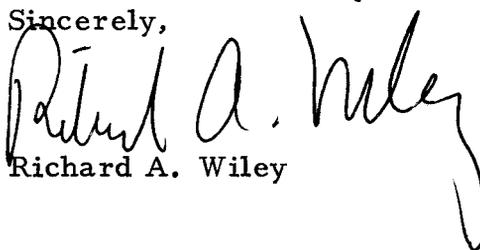
Dear Mr. Lynn:

This is in response to your October 1, 1976 request for a report on enrolled H. R. 1244, 94th Congress, "Presidential Protection Assistance Act of 1976."

The purpose of the legislation is to provide limitations and set requirements relating to the security and protection of the President, Vice President, their families, Presidential and Vice Presidential candidates, and other persons whom the Secret Service is directed to support. Among other provisions, it directs the Secret Service to be supported by other Federal Departments and Agencies on a reimbursable basis, and to require the filing of semi-annual reports of expenditures to the appropriate Committees of Congress.

Inasmuch as the provisions affecting the Department of Defense are consistent with the Department's previously advanced proposals, the Department interposes no objection to enactment. Accordingly, it is recommended that the President sign H. R. 1244 into law.

Sincerely,

  
Richard A. Wiley

THE WHITE HOUSE

AC MEMORANDUM

WASHINGTON

LOG NO.:

Date: October 12

Time: 130pm

FOR ACTION: Dick Parsons  
Max Friedersdorf  
Bobbie Kilberg  
Robert Hartmann  
Judy Hope

cc (for information):

Jack Marsh  
Ed Schmults  
Steve McConahey

NSC/S

FROM THE STAFF SECRETARY

DUE: Date: October 14

Time: 1000am

SUBJECT:

H.R.1244-Presidential Protection Assistance Act of 1976

ACTION REQUESTED:

For Necessary Action

For Your Recommendations

Prepare Agenda and Brief

Draft Reply

For Your Comments

Draft Remarks

REMARKS:

please return to judy johnston, ground floor west wing

*No objection.*  
*Judith Richards Hope*  
*10/13/76 at 11:15 am.*

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please

James M. Cannon  
For the President

NATIONAL SECURITY COUNCIL

October 13, 1976

MEMORANDUM FOR: JAMES M. CANNON  
FROM: *JW* Jeanne W. Davis *WJD*  
SUBJECT: H. R. 1244

The NSC Staff concurs in OMB's memorandum of disapproval for H. R. 1244 - Presidential Protection Assistance Act of 1976.

THE WHITE HOUSE  
WASHINGTON

October 16, 1976

MEMORANDUM FOR:

JIM CANNON

FROM:

MAX FRIEDERSDORF

*m.b.*

SUBJECT:

H.R. 1244

The Office of Legislative Affairs has reviewed subject bill and recommends disapproval.

10/12/76 - 4:00 pm

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

*JPM CM*

Date: October 12

Time: 130pm

FOR ACTION: Dick Parsons  
Max Friedersdorf  
Bobbie Kilberg  
Robert Hartmann  
Judy Hope

cc (for information):

Jack Marsh  
Ed Schmults  
Steve McConahey

NSC/S

FROM THE STAFF SECRETARY

*To Pres: 10/13 9:20 SP  
to EAS/DJS  
10/14*

DUE: Date: October 14

Time: 1000am

*10:00  
G/A*

SUBJECT:

H.R.1244-Presidential Protection Assistance Act of 1976

ACTION REQUESTED:

For Necessary Action

For Your Recommendations

Prepare Agenda and Brief

Draft Reply

For Your Comments

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

James M. Cannon  
For the President

MEMORANDUM OF DISAPPROVAL

*Back-up*  
I am withholding my approval from H.R. 1244, the Presidential Protection Assistance Act of 1976. *oh*

*Back-up*  
The purpose of H.R. 1244 is to prevent excessive and questionable capital improvements made to the property of persons under the protection of the Secret Service. *oh oh*

I can well understand the desire of the Congress to provide controls over Federal expenditures for such protective assistance, particularly as they relate to Federal expenditures on private property. However, the Congress in attempting to provide such controls has adopted provisions which I consider severely restrictive.

*Back-up*  
The bill would permit a person protected by the Secret Service to designate a single private property to be permanently secured for his protection; no limitation on expenditures for securing that property would be imposed. In addition, the bill would limit to \$10,000 expenditures by the Secret Service for maintaining a permanent guard detail and permanent equipment at any additional property, unless expenditures in excess of that amount are specifically approved by the Committees on Appropriations. This limitation would in fact preclude maintenance of a permanent guard detail or the installation of adequate permanent protective devices at any private residence of a protectee, other than the one which is not subject to the \$10,000 limitation. *oh oh oh*

*Back-up*  
In my view, it is untenable for the Congress on the one hand to authorize the Secret Service to protect the President, Vice President, and other persons, but on the other hand to make adequate protection nearly impossible by imposing an unrealistic limitation on the expenditure of funds for permanent guard details and essential security installations when these officials have more than one private residence. *oh oh*

*back-up*

The requirement in the bill that any expenditures exceeding the \$10,000 limitation be approved by resolution of the Senate and House Appropriations Committees is, in my view, unconstitutional. This provision, vesting binding legal power in a committee of the Congress, violates Article I of the Constitution by delegating the appropriation power of Congress to a committee. The appropriation of funds requires an Act of Congress which then must be referred to the President for his action.

Accordingly, I must withhold my approval of this legislation. Were it not for these objections, I would have signed this bill into law.

10/12/76 - 4:00 pm  
u

THE WHITE HOUSE  
WASHINGTON

MEMORANDUM

LOG NO.:

Date: October 12

Time: 130pm

FOR ACTION: Dick Parsons  
Max Friedersdorf  
Bobbie Kilberg  
Robert Hartmann  
Judy Hope

cc (for information):  
Jack Marsh  
Ed Schmults  
Steve McConahey

NSC/S

FROM THE STAFF SECRETARY

DUE: Date: October 14

Time: 1000am

SUBJECT:

H.R.1244-Presidential Protection Assistance Act of 1976

ACTION REQUESTED:

- For Necessary Action
- For Your Recommendations
- Prepare Agenda and Brief
- Draft Reply
- For Your Comments
- Draft Remarks

REMARKS:

please return to judy johnston, ground floor west wing

10/12/76 - Copy sent for researching. nm  
10/14/76 - Researched copy returned. nm

*Info!*  
*edited by [Signature]*

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please

James M. Cannon  
For the President

MEMORANDUM OF DISAPPROVAL

I am withholding my approval from H.R. 1244, the Presidential Protection Assistance Act of 1976.

The purpose of H.R. 1244 is to prevent excessive and questionable capital improvements made to the property of persons under the protection of the Secret Service.

I can well understand the desire of the Congress to provide controls over Federal expenditures for such protective assistance, particularly as they relate to Federal expenditures on private property. However, the Congress in attempting to provide such controls has adopted provisions which I consider severely restrictive.

The bill would permit a person protected by the Secret Service to designate a single private property to be permanently secured for his protection; no limitation on expenditures for securing that property would be imposed. ~~In addition,~~ <sup>However,</sup> the bill would limit to \$10,000 expenditures by the Secret Service for maintaining a permanent guard detail and permanent equipment at any additional property, unless expenditures in excess of that amount are specifically approved by the Committees on Appropriations. This limitation would in fact preclude maintenance of a permanent guard detail or the installation of adequate permanent protective devices at any private residence of a protectee, other than the one which is not subject to the \$10,000 limitation.

In my view, it is untenable for the Congress on the one hand to authorize the Secret Service to protect the President, Vice President, and other persons, but on the other hand to make adequate protection nearly impossible by imposing an unrealistic limitation on the expenditure of funds for permanent guard details and essential security installations. ~~When these officials have more than one private residence.~~

The requirement in the bill that any expenditures exceeding the \$10,000 limitation be approved by resolution of the Senate and House Appropriations Committees is, in my view, unconstitutional. This provision, vesting binding legal power in a committee of the Congress, violates Article I of the Constitution by delegating the appropriation power of Congress to a committee. The appropriation of funds requires an Act of Congress which then must be referred to the President for his action.

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MEMORANDUM OF DISAPPROVAL

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The purpose of H.R. 1244 is to prevent excessive and questionable capital improvements made to the property of persons under the protection of the Secret Service.

I can well understand the desire of the Congress to provide controls over Federal expenditures for such protective assistance, particularly as they relate to Federal expenditures on private property. However, the Congress in attempting to provide such controls has adopted provisions which I consider severely restrictive.

The bill would permit a person protected by the Secret Service to designate a single private property to be permanently secured for his protection; no limitation on expenditures for securing that property would be imposed. However, the bill would limit to \$10,000 expenditures by the Secret Service for maintaining a permanent guard detail and permanent equipment at any additional property, unless expenditures in excess of that amount are specifically approved by the Committees on Appropriations. This limitation would in fact preclude maintenance of a permanent guard detail or the installation of adequate permanent protective devices at any private residence of a protectee, other than the one which is not subject to the \$10,000 limitation.

In my view, it is untenable for the Congress on the one hand to authorize the Secret Service to protect the President, Vice President, and other persons, but on the other hand to make adequate protection nearly impossible by imposing an unrealistic limitation on the expenditure of funds for permanent guard details and essential security installations.

The requirement in the bill that any expenditures exceeding the \$10,000 limitation be approved by resolution of the Senate and House Appropriations Committees is, in my view, unconstitutional. This provision, vesting binding legal power in a committee of the Congress, violates Article I of the Constitution by delegating the appropriation power of Congress to a committee. The appropriation of funds requires an Act of Congress which then must be referred to the President for his action.

Accordingly, I must withhold my approval of this legislation. Were it not for these objections, I would have signed this bill into law.

THE WHITE HOUSE,

**PRESIDENTIAL PROTECTION ASSISTANCE ACT OF 1975**

APRIL 22, 1975.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. Brooks, from the Committee on Government Operations, submitted the following

**REPORT**

[To accompany H.R. 1244]

The Committee on Government Operations, to whom was referred the bill (H.R. 1244) to establish procedures and regulations for certain protective services provided by the United States Secret Service, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

The amendment strikes out all after the enacting clause and inserts in lieu thereof a substitute text which appears in boldface roman in the reported bill.

**EXPLANATION OF AMENDMENT**

Inasmuch as the amendment is a substitute for the entire bill, the sections of the report which follow provide its explanation.

**SUMMARY AND PURPOSE**

H.R. 1244 is designed to correct certain deficiencies in existing law and procedure relating to the security and protection of the President, Vice President, their families and other persons whom the Secret Service is directed to protect.

A detailed investigation by the Government Activities Subcommittee of this committee in the 93d Congress of recent practices of the Secret Service in providing protection at privately owned properties showed that excesses and abuses have occurred in the expenditures of funds which in part could be attributed to the indefiniteness of existing laws governing such expenditures. Those laws contain no effective controls or limitations. H.R. 1244 would give a statutory basis for many of the recommendations which resulted from the investigation

and were adopted by this committee in its detailed report on the subject.<sup>1</sup>

In brief summary, the bill will do the following:

Centralize responsibility for the expenditure of funds for protection in one agency—the U.S. Secret Service;

Enable the Secret Service to obtain assistance from other departments and agencies but the Secret Service must reimburse the assisting agencies. (An exception is provided, however, for the Department of Defense and the Coast Guard in temporarily assisting in the protection of the President, Vice President, or the next in succession);

Limit full-time security to only one privately owned property each which may be designated by the President and other protectees; and

Place a limitation of \$10,000 on expenditures on any other property not in Government ownership or control unless a resolution of approval is adopted by the Committees on Appropriations of the House and Senate, respectively.

The bill also will—

Require that all expenditures for protective purposes under this Act be made by one agency, the Secret Service, in accordance with the Federal Property and Administrative Services Act and with payments made only for procurements by authorized officers or employees of the Federal Government;

Cause all improvements made to property or other items furnished to continue to be the property of the Government and with certain exceptions, after termination of protection, to be removed; and

Require semiannual reports of expenditures be made to certain congressional committees and to authorize the Comptroller General to audit such expenditures.

#### BACKGROUND—OVERSIGHT

This legislation grew out of an oversight investigation conducted by the Government Activities Subcommittee of the Committee on Government Operations, in the 93d Congress into the expenditure of Federal funds in support of Presidential properties. The subcommittee had received information concerning Government expenditures on the private properties of then President Nixon at San Clemente, Calif., and Key Biscayne, Fla., going far beyond the legitimate needs of Presidential protection. In its report<sup>2</sup> on the investigation, the committee's findings and recommendations requiring legislation were stated as follows:

#### FINDINGS

A. The White House, the Secret Service, White House Communications Agency, Department of Transportation, Department of Defense, and General Services Administration have spent \$17 million in public funds in connection with President Nixon's three privately owned properties and at

<sup>1</sup> "Expenditure of Federal Funds in Support of Presidential Properties," Fifteenth Report by the Committee on Government Operations, 93d Cong., 2d sess., H. Rept. No. 93-1052.

<sup>2</sup> H. Rept. No. 93-1052, 93d Cong., 2d sess., dated May 20, 1974.

the office complexes established in connection with those locations. Of this, approximately \$9.4 million has been for capital improvements, communications, maintenance, and administrative support, with the remaining \$7.6 million for permanently assigned personnel.

B. GSA paid for items allegedly for security that were not requested by the Secret Service and that served no security function.

C. Secret Service agreed to seek GSA payment for items procured by private persons not authorized to commit the Government and for which the Secret Service had not initiated a request.

D. GSA procured items which cost far in excess of what was required to meet security requests.

E. GSA officials authorized Federal Government payment for goods and services ordered by non-Government personnel.

F. Location of obligational authority and accounting responsibility in separate agencies has resulted in a loss of fiscal responsibility.

G. Secret Service used the assistance provisions of Public Law 90-331 to shift many routine agency expenditures to the budgets of other agencies.

H. Secret Service failed to develop fundamental managerial controls over expenditures of Federal funds in providing security at private properties.

I. Secret Service and GSA developed no procedures for handling requests from the Secret Service for expenditures by GSA.

J. Undue haste to complete improvements at San Clemente within 1 month resulted in grossly increased costs.

K. GSA constructed and equipped a \$720,000 single purpose office complex on Coast Guard property adjacent to the San Clemente estate.

L. Excessive numbers of Government personnel are permanently assigned to the San Clemente and Key Biscayne locations.

M. Inadequate consideration has been given to apportioning costs on private property between the Federal Government and the property owner.

N. There has been no limitation on the number of homes owned by a President which can be made secure.

#### RECOMMENDATIONS REQUIRING LEGISLATION

Congress should consider adopting legislation that more explicitly sets forth the conditions under which the Secret Service can expend public funds on private property and the terms under which it can seek the assistance of other Federal agencies. This legislation should:

1. Provide for the installation and maintenance of permanent security and administrative support facilities at no more than one principal property at a time, such property

to be designated by the person being protected. Control over the expenditures would be achieved by:

a. Requiring advance written requests by the Secret Service for these expenditures except in emergencies.

b. Requiring the Secret Service to fund all such expenditures and to reimburse other agencies for services and equipment they provide.

c. Requiring reports to Congress every 6 months of such expenditures.

2. Strictly limit expenditures for permanent security installations at any location other than the designated principal property.

3. Permit the Secret Service to borrow equipment, personnel, and facilities from other agencies without reimbursement and without written requests for periods of no more than 2 weeks at any one location in 1 year.

4. Provide that upon the transfer of private property when Government expenditures have been made, or upon the termination of entitlement to Secret Service protection, the Federal Government shall be entitled to reimbursement in an amount by which such expenditures, if not otherwise recoverable, have increased the fair market value of the property as of the date of such transfer or termination.

5. Require procurements to be made in accordance with appropriate procurement statutes and regulations.

6. Prohibit the commitment of Government funds by non-Government personnel.

7. Require that all improvements be removed upon termination of the protection requirement, if economically feasible.

8. Upon adoption of the above recommendations, repeal section 2 of Public Law 90-331, which has been interpreted by GSA as leaving it open to unlimited expenditures, and by the Secret Service as giving that agency unlimited authority to obligate the funds of other agencies.

Following the issuance of the committee's report by a vote of 36 ayes, 0 nays, and 2 present, Chairman Brooks introduced H.R. 11499 to carry out the recommendations of the committee. This bill was referred to the Judiciary Committee, which reported favorably a clean bill (H.R. 17311), and it passed the House on December 16, 1974, on the Suspension Calendar. The Senate, however, did not have time to act before adjournment.

In the 94th Congress, Chairman Brooks introduced H.R. 1244 which, under the new rules of the House, was referred to both the Judiciary Committee and the Committee on Government Operations. In the Judiciary Committee, the bill was assigned to the Subcommittee on Administrative Law and Governmental Relations which held hearings; and was reported favorably by the full Judiciary Committee with amendments on March 20, 1975 (H. Rept. No. 94-105).

In the Government Operations Committee, the bill was assigned to the Subcommittee on Legislation and National Security, which held hearings and unanimously reported the bill to the full committee.

### COMMITTEE VOTE

At a meeting of the full Committee on Government Operations on April 17, 1975, a quorum being present, H.R. 1244 as amended was approved by a vote of 35 ayes and 0 nays.

### HEARINGS

Hearings on H.R. 1244 were held by the Subcommittee on Legislation and National Security on April 10, 1975, at which time testimony was heard from representatives of the General Accounting Office, the U.S. Secret Service, and the Department of Defense. The GAO and the Defense Department strongly supported the legislation. The Secret Service reported that passage of the legislation would have no detrimental effect on its protective functions.

### GENERAL STATEMENT

This committee is well aware of the necessity of providing adequate protection to the President, Vice President, and others whom the Congress has designated as protectees. There is no attempt nor any intention to limit the security to which they are entitled and which they need.

Under the law (18 U.S.C. 3056) the U.S. Secret Service of the Treasury Department is the Federal agency responsible for such protection. Over the years, it has performed its duties well and such tragedies or near tragedies as have occurred did not result from any known deficiencies on its part.

In the wake of the murder of Senator Robert F. Kennedy in 1968, and with the memory of the assassination of President John F. Kennedy still fresh, the authority of the Secret Service was enlarged to protect Presidential and Vice Presidential candidates as well as the occupants of those high offices.<sup>3</sup> The same resolution required Federal departments and agencies, when requested by the Secret Service, to assist the Service in the performance of its duties. No limits nor guidelines were imposed on the assistance and no provision for reimbursement was made. Thus, as the committee's investigation revealed, a number of agencies were called upon to expend funds for protection with no centralized accounting or responsibility for the resulting outlays.

The intent of this bill is to tighten loose procedures and to centralize accounting and responsibility.

First, the assistance to be rendered by other Federal departments and agencies must be at the request of the Director of the Secret Service or his authorized representative. This will avoid any repetition of incidents where other Government agencies have made procurements or rendered service to protectees at the request of other officials of the Government, often on an ad hoc basis and sometimes at the request of private persons not part of the Government at all.

The Secret Service is required to reimburse the assisting agencies from the Service's own appropriated funds for the services, equipment, and facilities which the assisting agencies supply. This will provide a substantial control on expenditures and provide the centralized

<sup>3</sup> Public Law 90-331, approved June 6, 1968.

responsibility that is needed. Government agencies routinely reimburse each other for the use of facilities or personnel, and this provision places no special burden on the Secret Service. No difficulty should be found in reducing any form of assistance to dollars and cents so that the monetary basis of the assistance can be ascertained. Nor should there be any special problem in projecting the amount of assistance needed in any fiscal year for budgetary purposes as such projections are made by most Federal agencies. The Secret Service also has its experience in operating under existing law since 1968 which it may rely upon.

The committee recognized that there were some occasions in which reimbursement may be impractical and exempted the Secret Service from having to reimburse the Defense Department and the Coast Guard for such facilities, services, and equipment as they may provide in the protection of the President, Vice President, and the officer next in order of Presidential succession. The agencies provide services and protection for the Commander in Chief as part of their regular duties and such expenditures are a part of their operating budgets.

It seems reasonable that only one private property designated by each protectee be given full-time protection at any one time. This will avoid an uneconomical use of manpower and equipment with long interim periods of idleness in anticipation of a visit. It will also reduce the likelihood of personal enrichment by the Government's attention to and supervision of a series of private properties owned by any one protectee.

Federal agencies may only provide cumulative expenditures for full-time security at private properties, other than the one designated by each protectee, up to \$10,000 for each property, unless both the Committees on Appropriations of the House and Senate approve. This ceiling will provide a rational fiscal control without unduly hampering the Service in obtaining needed protection at these other private properties.

The committee saw no reason why the Secret Service and the assisting Federal agencies should not make their purchases and enter into contracts in accordance with the policies and procedures Congress has laid down in the Federal Property and Administrative Services Act, and we so provide. The Property Act applies already to the Secret Service but its provisions sometimes were not heeded in the past, so this requirement was included in this bill to resolve any doubts about coverage. We were not informed of any special reasons why protective services and procurements should be handled differently.

Likewise, the requirement that procurements be made only by officers or employees authorized by the Director of the Secret Service to make them is designed to prevent persons other than designated Government officials from committing the Federal Government to expenditures, as the investigations of the committee noted had occurred in connection with Presidential properties.

To avoid any possible misunderstanding, the bill directs that improvements and other items acquired for protective purposes shall continue to be the property of the Federal Government and not, by default of action or otherwise, become the property of the owner of the private property where placed. A procedure is devised calling for the removal of the improvements or items upon termination of protection or designation of a different property, with alternative arrangements

if it is uneconomical to do so. The General Accounting Office, with its expertness in this field, is designated to determine the increase in the fair market value of the improvements or items not removed so that the Government can be fairly compensated for them. Title would then pass to the owner of the property as in a negotiated disposal of surplus Government property.

With the exception of the Defense Department and Coast Guard expenditures noted above, the bill states the policy that all expenditures for protection under the act shall be from funds appropriated to the Secret Service. This should remedy the serious condition found during the committee's investigation where it was almost impossible to determine the extent of the outlays and, in many cases, who had authorized them.

The reporting requirements contained in the bill will assure proper congressional oversight of the bill's provisions.

Obviously these expenditures should not be excepted from auditing by the Comptroller General, and the bill directs such an audit with full access by the Comptroller to all records relating to such expenditures.

#### CONCLUSION

For the reasons stated above, the committee favors enactment of this measure. It is exceedingly timely in that we are in the early stages of a new Presidential administration and appropriations for protective purposes for fiscal year 1977 have not yet been enacted as of the reporting of this bill.

#### SECTION-BY-SECTION ANALYSIS OF H.R. 1244 WITH SUBCOMMITTEE AMENDMENTS

##### SECTION 1

The short title of the bill is "Presidential Protection Assistance Act of 1975."

##### SECTION 2

Federal departments and agencies are directed to assist the United States Secret Service in the performance of its protective duties as follows:

(1) Providing, at the request of the Secret Service, services, equipment, and facilities on a temporary basis with reimbursement therefor from the Secret Service. The Secret Service will not be required to reimburse the Department of Defense and the Coast Guard, however, when temporarily assisting in Secret Service duties directly related to the protection of the President, Vice President of the United States, or other officer next in order of succession to the office of President.

(2) Providing, upon written request of the Secret Service and on a reimbursable basis, such facilities, equipment, and services as the Service needs to provide full-time security for each person the Service is required to protect, but at no more than one property at a time which is not in Government ownership or control, and such property having been designated by a President, President-elect, former President, or any other person entitled to protection as the one property to be secured. Where more than one family member is eligible for protection, only one such designated property is allowed per family. However,

this limitation shall not be construed to apply to members of the immediate family who do not permanently reside with the person entitled to protection.

(3) Providing, upon written request and on a reimbursable basis therefor, facilities, equipment, and services as are required by the Secret Service to provide full-time security at a property not designated under the previous section and not in Government ownership or control to the extent that such expenditures therefore do not altogether exceed \$10,000 at any one property owned, leased, occupied, or otherwise utilized by persons entitled to protection unless such expenditures are approved by resolutions adopted by the Committees on Appropriations of the House and Senate, respectively.

#### SECTION 3

The expenditures by the Secret Service for maintaining a permanent guard detail and for permanent facilities, equipment, and services needed to secure non-Government property of those entitled to protection shall be limited to the properties designated as the property to be secured under section 2(2) or such other property covered by section 2(3) above.

#### SECTION 4

This section restates, for emphasis, current law that purchases and contracts entered into pursuant to sections 2(2), 2(3), and 3 above shall be made in accordance with the provisions of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 *et seq.*).

#### SECTION 5

Payments are forbidden for services, equipment, or facilities ordered, purchased, leased, or otherwise procured by persons who are not officers or employees of the Federal Government duly authorized by the Director of the Secret Service to make such procurements.

#### SECTION 6

All improvements made to property and other items acquired under this Act shall be the property of the Federal Government. When a person is no longer entitled to protection or designates a different property to be secured, all improvements or other items shall be removed from the original property unless the Secret Service determines that it is economically unfeasible to do so. However, the improvements and other items shall be removed and the property restored to its original state, regardless of the determination of economic unfeasibility, if the owner of the property at the time of the termination of protection requests removal. If the improvements or other items are not removed and are to remain a part of the private property, the owner of the property at the time protection is terminated for the property shall compensate the Government for the original cost of such improvements or other items, or the amount which they have increased the fair market value of the property as determined by the General Accounting Office as of the date of transfer of protection to another property or termination of protection by the Secret Service, whichever is less.

#### SECTION 7

The expenditures made under this Act are required to be from funds specifically appropriated to the Secret Service for carrying out the provisions of the Act, except that the expenditures of the Department of Defense and the Coast Guard, which are exempted from being reimbursed to the Secret Service in section 2(1), may be from funds appropriated to the Department of Defense and the Coast Guard. Any public funds not appropriated as specified above shall not be used to secure any non-Government-owned property utilized by persons entitled to protection under the specified laws.

#### SECTION 8

The Director of the Secret Service, the Secretary of Defense, and the Commandant of the Coast Guard are required to transmit a detailed report of expenditures made under this act to the Committees on Appropriations, Judiciary, and Government Operations of the House and the Senate on March 31 and September 30 of each year.

#### SECTION 9

Expenditures under this act shall be subject to audit by the Comptroller General, who shall have access to all records relating to such expenditures. He is required to transmit a report of the results of any audit that he makes to the committees listed in the previous section.

#### SECTION 10

The language in section 2 of Public Law 90-331, which directs Federal departments and agencies to assist the Secret Service unless such authority is revoked by the President, is repealed. That language contained no limits on the assistance the departments and agencies were required to provide nor did it require the Secret Service to reimburse them for such assistance. The provisions of H.R. 1244 continue the authority of the Secret Service to obtain assistance from other departments and agencies, but with appropriate limits and fiscal controls.

#### COST ESTIMATE

This bill places limitations on expenditures authorized by law and, of itself, should not create any additional costs except those that may be associated with the preparation of reports and the transfer of funds between agencies. These costs should be minimal.

#### REVIEW OF EXISTING LAW

In compliance with subdivision (A) of clause 2(1)(3) of House Rule XI, the Subcommittee on Legislation and National Security of this committee reviewed the application and administration of the laws relating to the protection of the President, the Vice President, and certain other persons, and the organization and operation of Federal agencies responsible for such protection, and the committee determined that legislation should be enacted in the manner set forth in the bill.

## ESTIMATES OF THE CONGRESSIONAL BUDGET OFFICE

With respect to subdivision (C) of clause 2(1)(3) of House Rule XI, the committee advises that no estimate or comparison has been prepared by the Director of the Congressional Budget Office relative to any of the provisions of H. R. 1244.

## INFLATIONARY IMPACT

In compliance with clause 2(1)(4) of House Rule XI, this legislation will have no inflationary impact on prices and costs in the operation of the national economy.

## 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, existing law in which no change is proposed is shown in roman):

## JOINT RESOLUTION OF JUNE 6, 1968

JOINT RESOLUTION To authorize the United States Secret Service to furnish protection to major presidential or vice presidential candidates

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That (a) the United States Secret Service, in addition to other duties now provided by law, is authorized to furnish protection to persons who are determined from time to time by the Secretary of the Treasury, after consultation with the advisory committee, as being major presidential or vice presidential candidates who should receive such protection (unless the candidate has declined such protection).

(b) The advisory committee referred to in subsection (a) shall consist of the Speaker of the House of Representatives, the minority leader of the House of Representatives, the majority leader of the Senate, the minority leader of the Senate and one additional member selected by the other members of the committee.

**[SEC. 2. Hereafter, when requested by the Director of the United States Secret Service, Federal Departments and agencies, unless such authority is revoked by the President, shall assist the Secret Service in the performance of its protective duties under section 3056 of title 18 of the United States Code and the first section of this joint resolution.]**

SEC. 3. For necessary expenses of carrying out the provisions of this resolution, there is hereby appropriated out of any money in the Treasury not otherwise appropriated, for the fiscal year ending June 30, 1968, the sum of \$400,000.

ESTABLISHING PROCEDURES AND REGULATIONS FOR  
CERTAIN PROTECTIVE SERVICES PROVIDED BY THE  
U.S. SECRET SERVICE

MARCH 20, 1975.—Ordered to be printed

Mr. FLOWERS, from the Committee on the Judiciary,  
submitted the following

REPORT

[To accompany H.R. 1244 which on January 14, 1975 was referred jointly to the  
Committee on Government Operations and the Committee on the Judiciary]

The Committee on the Judiciary, to whom was referred the bill (H.R. 1244) to establish procedures and regulations for certain protective services provided by the United States Secret Service, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

The amendments are as follows:

Page 2, lines 4 and 5, strike "(1) providing, with reimbursement, personnel, equipment, or facilities on a temporary basis;" and insert:

(1) providing with reimbursement, services, equipment, or facilities on a temporary basis except that the Department of Defense and the Coast Guard may provide such services, equipment, or facilities on a temporary basis without reimbursement when assisting the United States Secret Service in its duties directly related to the protection of the President or Vice President of the United States;

Page 4, lines 21 through 24, and page 5, lines 1 and 2, strike:

If improvements or other items are not removed, the owner of the property at the time of determination shall compensate the Government for such improvements or other items to the extent they have increased the fair market value of the property as of the date of transfer or termination.

and insert:

If improvements or other items are not removed, the owner of the property at the time of termination shall compensate the Government for the original cost of such improvements

or other items or the amount they have increased the fair market value of the property as of the date of transfer or termination whichever is less.

Page 5, line 24, after "Appropriations" insert ", Committees on of those expenditures exempted in section 2(1)."

Page 5, line 14, after "Secret Service" insert: ", Department of Defense and Coast Guard".

Page 5, line 16, after "Appropriations" insert: ", Committees on the Judiciary".

Page 5, line 24, after "Appropriations" insert ", Committees on the Judiciary".

#### PURPOSE

The purpose of the proposed legislation, as amended, is to provide limitations and set requirements for the implementation of the responsibility of the Secret Service under section 3056 of Title 18, United States Code, concerning protection of the President and other persons, and under section 1 of Public Law 90-331 concerning protection of major Presidential or Vice Presidential candidates.

#### SECTION-BY-SECTION ANALYSIS

*Section 1.* This section provides that the Act may be cited as the "Presidential Protection Assistance Act of 1975".

*Section 2.* This section provides that in assisting the Secret Service in performing its duties in connection with the protection of the President and others under section 3056 of Title 18, and in connection with the protection of major Presidential or Vice Presidential candidates under section 1 of Public Law 90-331, Federal Departments and agencies shall provide the following:

(1) services, equipment, or facilities with reimbursement, on a temporary basis except that such services, equipment or facilities may be provided by the Department of Defense and the Coast Guard on a temporary basis without reimbursement in assisting the Secret Service in its duties directly related to the protection of the President or Vice President;

(2) upon advance written request of the Director of the U.S. Secret Service or his authorized representative and conditioned upon reimbursement by the United States Secret Service of actual costs, the facilities, equipment, and services required by the U.S. Secret Service to provide full time security for each protectee at no more than one property not in Government ownership or control, when the property has been designated by a President, President elect, former president, or any other person entitled to such protection, as the one property to be secured under this paragraph. Paragraph (2) further provides that where more than one family member is eligible for protection, only one designation of property is allowed per family, but this would not apply when family members do not permanently reside with the President.

(3) upon advance written request of the Director of the U.S. Secret Service or his authorized representative and similarly conditioned upon reimbursement by the Secret Service of actual costs, the facilities, equipment, and services, required by the U.S. Secret Service to secure any other property not in Government ownership or control to the extent that such expenditures do not cumulatively exceed \$10,000 at any one property owned, leased, occupied, or otherwise utilized by persons entitled to protection under sections 3056 of Title 18, and section one of Public Law 90-331, unless approved by the Committees on Appropriations of the House and Senate.

*Section 3.* This section limits expenditures by the U.S. Secret Service for maintaining a permanent guard detail and for permanent installations, facilities, and equipment to secure non-Government property owned, leased, occupied, or otherwise utilized by persons entitled to protection under section 3056 of title 18 and section 1 of Public Law 90-331, to properties described in section 2(2) of the bill.

*Section 4.* This section provides that all purchases and contracts concerning facilities, equipment, and services furnished by other Federal Departments and agencies under section 2(2) and 2(3) are to be made in accordance with the provisions of the Federal Property and Administrative Services Act of 1949.

*Section 5.* This section would bar payments made pursuant to the provisions of the bill for services, equipment, or facilities ordered, purchased, leased, or otherwise procured by persons other than officers or employees of the Federal Government who were duly authorized by the Director of the United States Secret Service to make such procurements.

*Section 6.* This section provides that all improvements and other items acquired pursuant to provisions of the bill are to remain the property of the Federal Government and shall be removed at the termination of the protective responsibility of the United States Secret Service unless it is determined by the United States Secret Service that it is economically unfeasible to do so. Should the President, President-elect, former President, or other person subsequently designate a different property to be so secured, or should there be an end of entitlement to protection and the improvements or other items are not removed, the owner would be required to compensate the Government for all expenditures made under this section with regard to the designated property for the original cost or the amount they have increased the fair market value as of the date of transfer or termination, whichever is less. It is further provided that improvements or other items are to be removed and the property restored regardless of the economic feasibility determination if the owner requests removal. Thus, if the owner exercises his option of having the improvements or other items removed and the property restored, there would be no cost or increase requiring compensation under this provision.

*Section 7.* This section provides that, with the exception of those expenditures exempted in section 2(1), expenditures under the provisions of the proposed Act shall be from funds specifically appropriated to the U.S. Secret Service for carrying out those provisions. The sec-

tion bars the use of public funds not so appropriated for the purpose of securing any nongovernmentally owned property owned, leased, occupied, or otherwise utilized by persons entitled to protection under section 3056 of title 18 and the first section of Public Law 90-331.

*Section 8.* This section provides that a detailed report of expenditures made pursuant to the provisions of this proposed Act shall be made on April 30 and September 30 of each year by Secret Service, the Department of Defense, and Coast Guard to the Committees on Appropriations, Committees on the Judiciary and Committees on Government Operations of the House of Representatives and Senate.

*Section 9.* Section 9 makes expenditures under the Act subject to General Accounting Office audit with right to access to relevant records. The Comptroller General would transmit reports of any such audits to the House and Senate Committees on Appropriations, Committees on the Judiciary and Government Operations.

*Section 10.* This section repeals Section 2 of the act entitled "An act to authorize the United States Secret Service to furnish protection to major presidential and vice presidential candidates" (Public Law 90-331, § 2, June 6, 1968, 82 Stat. 170), which is as follows:

SEC. 2. Hereafter, when requested by the Director of the United States Secret Service, Federal Departments and agencies, unless such authority is revoked by the President, shall assist the Secret Service in the performance of its protective duties under section 3056 of title 18 of the United States Code and the first section of this joint resolution.

#### STATEMENT

The bill H.R. 1244 is a bill which is similar to the bill H.R. 17311 of the 93rd Congress which was favorably reported by the Committee on the Judiciary on December 4, 1974 and passed the House on December 16, 1974. In that Congress, the bill H.R. 17311 was a revised bill which was introduced after subcommittee consideration and hearings on the bill H.R. 11499. A hearing on the current bill, H.R. 1244, was held on February 6, 1975.

The bill H.R. 1244 has been carefully drafted and contains provisions which were considered by the Judiciary Committee during the previous Congress and again in the present session. The purpose of the bill is not to restrict the level of protection extended to a President, nor to interfere with the Secret Service's ability to carry out its legitimate activities. The provisions of the bill are intended to give force to the principle that fiscal accountability for public expenditures should reside in the agency having the authority to obligate those expenditures.

The bill H.R. 1244 provides the specific statutory basis and definition of the circumstances under which protection may be furnished to the President and other persons entitled to protection under 18 U.S.C. 3056, and under the first section of Public Law 90-331 providing for the protection of major presidential or vice presidential candidates, particularly with respect to security expenditures on property which is not owned by the Government. It would also require a change in the manner in which protective work on private property by the Federal departments and agencies is funded. In this connection the provisions

of the bill are intended to provide the basis for control and accountability, as well as public disclosure, of Federal funds spent at private residences for persons entitled to protection under those statutory provisions which include the President, the Vice President, former Presidents and others. The need for this sort of statutory definition was demonstrated in the course of hearings in 1973 before the Government Activities Subcommittee of the House Committee on Government Operations concerning the expenditure of Federal funds in support of Presidential properties and the investigation conducted by the staff of that subcommittee on that subject.<sup>1</sup> The Subcommittee on Government Activities, at that time was chaired by the Honorable Jack Brooks, who is the sponsor of the bill H.R. 1244. The findings and conclusions of that subcommittee are embodied in the Government Operations Committee report which was transmitted to the Speaker on May 20, 1974.<sup>2</sup>

In addition, the Comptroller General of the United States on December 18, 1973, submitted a report to the Congress entitled Protection of the President at Key Biscayne and San Clemente (With Information on Protection of Past Presidents).<sup>3</sup> This committee has had the advantage of studying these reports and hearings in the course of its consideration of the bill H.R. 1244, and its earlier consideration of the bills H.R. 11499 and the revised bill H.R. 17311, and they have proven to be of great assistance to the committee.

The questions raised over expenditures at the former President's residences at San Clemente and Key Biscayne, and to a lesser extent, at other locations necessitated the studies and investigation referred to above. There was concern over the amount of the total reported expenditures, and the expenditures relating to specific work, and also the relation of the work to the protective function authorized under applicable law. The conclusion of the Government Operations Committee report expressed a serious concern about the trend of practices reviewed in its investigation. It is noted that in order to provide discretion to the Secret Service in the exercise of its responsibility to protect national leaders, the Congress had "imposed few restraints" upon that service. It was concluded that the manner in which the Secret Service and agencies acting in conjunction with it had operated amounted in several instances to an abuse of discretion. It was found that there had been instances where public funds had been used to procure nonsecurity items. It was found that the procedures followed permitted non-Government personnel to commit Federal funds. In particular, the report criticized the manner in which authorization was given for certain work in instances the Subcommittee reviewed and the informal or apparently casual nature of the procedures followed. The Government Operations Committee pointed out also that there had been a large increase of expenditures for protection in recent years.

The General Accounting Office advised the Committee that in the course of its investigation it reviewed the matters with reference to protection in terms of budgeting, accounting, and auditing with a view

<sup>1</sup> Hearings of the Government Activities Subcommittee of the Committee on Government Operations on the Expenditure of Federal Funds in Support of Presidential Properties, October 10, 11, 12, and 15, 1973.

<sup>2</sup> Fifteenth Report by the Committee on Government Operations, together with Additional and Supplemental Views "Expenditure of Federal Funds in Support of Presidential Properties" (H. Rept. No. 93-1052, 93d Cong., 2d sess.)

<sup>3</sup> United States General Accounting Office No. B-155950.

to identifying what had been done or still needed to be done to provide for responsible supervision and control over these areas, and to also provide for oversight by Congress along with understanding by the public. As will be further discussed in this report, the recommendations of the General Accounting Office form the basis for much of this bill, and those provisions are intended to provide for better controls over expenditures for protection.

The General Accounting Office found that after the enactment of Public Law 90-331 of June 6, 1968, the Secret Service began to draw heavily on GSA appropriations in order to carry out Secret Service protection functions. The General Accounting Office concluded that this had the weakness that GSA funds were not directly associated with Secret Service protection activities during the budget preparation and review process. It was also indicated that this apparently fostered a casual attitude in authorizing work because many requests were verbal and it became difficult subsequently to determine who made specific requests or precisely what had been requested. In some cases the general or vague nature of the request made it difficult to limit the scope of the work.

At the hearings on August 21, 1974, and again on February 6, 1975 before this Committee's Subcommittee on Administrative Law and Governmental Relations, the General Accounting Office witness described the Comptroller General's recommendations following its study. First, the General Accounting Office recommended that appropriations for expenditures at private residences for protective purposes should be made to the Secret Service and no other funds should be available for that purpose. In this connection, it is noted that both the GSA and the Secret Service indicated in testimony before the committee that changes made in the financing of GSA public building activities under the Public Building Act Amendments of 1972 now require GSA to charge the Secret Service for services or facilities provided in protecting the security of a President or other person entitled to protection. Such provision is not sufficient, however, to cover all potential expenditures that may be made by or on behalf of the Secret Service in connection with their protective responsibilities. For one, services or facilities utilized by the Secret Service may not be under GSA's control. In addition, the Public Building Act Amendments of 1972 authorize the Administrator of GSA to exempt anyone from the charges if such would be "infeasible or impractical." The bill, H.R. 1244, addresses this problem by providing that expenditures for securing any nongovernmentally owned property shall only be from funds specifically appropriated to the Secret Service (Section 7). This principle, with the exemption provided for in the committee amendment as to the President and Vice President, also is embodied in the provisions of subparagraph (1) of section 2 concerning temporary assistance given the Secret Service by Federal departments and agencies. The earlier bill in the 93rd Congress stated in subparagraph (1) of section 2 that assistance could be provided by Federal departments and agencies "on a temporary basis for a period not to exceed two weeks". This was changed in the revised 93rd Congress bill, H.R. 17311, to read "on a temporary basis" just as in the present bill, H.R. 1244. The two week restriction was deleted to provide for a practical flexibility in the use of this authority. The use of the term "temporary

basis" in this connection therefore covers the utilization of assistance provided to the Secret Service by other Federal departments or agencies which are other than services, equipment or facilities provided in connection with designated properties under the provisions of subparagraphs (2) and (3) of section 2, or otherwise of a permanent or continuing nature.

The second recommendation of the General Accounting Office on the basis of its study was that the accounting system of the Secret Service should require that expenditures at private residences for protective purposes be authorized by the Director or Deputy Director of the Service. H.R. 1244 provides that advance written request of the Director or his authorized representative is required to obtain assistance in making secure property not in Government ownership (Section 2, (2)(3)).

Third, the General Accounting Office recommended that the Secret Service should make an annual public report to the Congress showing in as much detail as security will allow expenditures made on private residences for protective purposes. H.R. 1244 provides that every department and agency, making expenditures under its provisions shall transmit a detailed report of such expenditures to the Committees on Appropriations and Committees on Government Operations on April 30 and September 30 of each year. (Section 8).

Fourth, the General Accounting Office recommended that the report made by the Secret Service should be subject to audit by GAO and GAO should be given complete access to all records, files, and documents supporting expenditures made by the Service. H.R. 1244 provides for this in Section 9 of the bill.

Fifth, the General Accounting Office recommended that appropriations for expenditures at private residences of the President, not of a protective nature, should be made to the White House. The GAO took the position that the White House should account for any such expenditures and make an annual report to the Congress subject to audit by GAO in the same manner suggested for expenditures by the Secret Service for protective purposes. This is a matter outside the scope of H.R. 1244, which is intended to deal with the subject of protection. At the hearing, the GAO witness recognized this and stated that his agency felt that consideration should be given to this recommendation by the appropriate committees.

In addition, the General Accounting Office suggested that Congress might wish to consider limiting the number of private residences at which permanent protective facilities will be provided for a President and that consideration should be given to the desirability of a Government owned residence in Washington for the Vice President. Public Law 93-346, enacted July 12, 1974 implemented the latter suggestion when it designated the premises then occupied by the Chief of Naval Operations as the official residence of the Vice President. Section 1(2) of H.R. 1244 deals with the limit on the number of residences at which permanent protection facilities will be provided for a President, and others entitled to protection. In essence it would provide a President with full time protection at no more than one privately owned property at a time.

At the 1974 hearing, the General Accounting Office witness pointed out that the earlier bill, H.R. 11499, in Section 2(2) allowed any person

designated under 18 U.S.C. 3056 or under the Act of June 6, 1968, to designate one non-Government property to be secured by the Secret Service. It was observed that since the President and his immediate family are all entitled to protection under 18 U.S.C. 3056, a President and his wife could under the bill each designate a separate property not in Government ownership or control to be protected at public expense. This is covered in H.R. 1244 by providing that in such a case there shall be only one such designated property per family. Where members of the immediate family do not permanently reside with the President, this limitation would not apply.

In the present bill, H.R. 1244, another suggestion of the General Accounting Office has been included. At the 1974 hearing, it was pointed out that section 6 of H.R. 11499 provided for removal of security facilities upon termination of protective responsibility unless removal is "economically unfeasible." It was suggested that because some security facilities can detract from the value of the property in the eyes of the owner it would seem reasonable to make provision for removal at his request whether such removal is economically feasible or not. H.R. 1244 includes this language in section 6.

The bill provides for the repeal of Section 2 of the Act entitled "An act to authorize the U.S. Secret Service to furnish protection to major Presidential and Vice Presidential candidates". As has been noted, this section now provides:

SEC. 2. Hereafter, when requested by the Director of the United States Secret Service, Federal Departments and agencies, unless such authority is revoked by the President, shall assist the Secret Service in the performance of its protective duties under section 3056 of title 18 of the United States Code and the first section of this joint resolution.

It is apparent from the foregoing discussion, the provisions would be superseded by the provisions of this bill. Accordingly, the bill provides for this repeal.

As has already been noted in connection with the discussion of the recommendations of the General Accounting Office, the committee amendment would make an exception in paragraph (1) of section 2 relating to the President and Vice President. That paragraph of section 2, of the bill as originally introduced, required reimbursement by the Secret Service for assistance given it by other departments or agencies of the Government under the authority of the section. The committee amendment would preserve this basic principle while providing an exception that services, equipment, or facilities may be provided on a temporary basis without reimbursement by the Department of Defense and the Coast Guard to assist the Secret Service in its duties directly related to the protection of the President and Vice President. This amendment assures a degree of flexibility in connection with assistance rendered on a temporary basis relating to the President or Vice President. It is understood that the Department of Defense and the Coast Guard provide support to the President and Vice President which is separate and distinct from the protective functions referred to in this bill. However, there may be instances when given activity may involve both supportive and protective aspects. The committee has

therefore concluded that this amendment provides a practical solution of problems which might arise in such situations. The Department of Defense and the Coast Guard would still have to report the amounts of expenditures for protective activities pursuant to section 8 of the bill as amended by the committee.

The committee feels that the reimbursement requirements of this bill provide for fiscal responsibility in a manner which is practical and consistent with current government accounting practice. At the hearing, questions were raised concerning the manner in which the departments and agencies would fix the cost of assistance given the Secret Service in the discharge of its protective functions. Particular reference was made to the Department of Defense in this connection. Therefore, additional information was requested by the Committee as to how this cost would be ascertained. The committee was advised that the Department of Defense would consider the provision for reimbursement to include only incremental costs, that is, these costs over and above the cost to the Department for maintaining a given capability in support of its military mission. The committee was informally advised that the Department would not ask to be paid for salaries, purchase of airplanes or any other costs that are normally incurred in the operations of the Military Departments. It did indicate it would seek reimbursement for the expenses related to protective activity incurred in the operation and maintenance of planes and other equipment and the use of ordnance bomb disposal and other specialized personnel. The information given the committee indicates that since the chargeable costs are incremental, they are in most cases clearly identifiable. They would include items such as per diem, rental cars, and aircraft support for a non-military mission. Should there be some doubt as to the proper division of costs, the agencies concerned would be required to work out the matter. The Department of Defense has indicated that its experience in fixing the amount for reimbursement in other situations has shown that any such questions can be resolved on a practical basis.

The committee therefore concluded that the provisions of the bill concerning reimbursement are consistent with normal interagency Federal practice. This requirement of reimbursement as contained in the bill together with the required reports will provide Congress with the facts concerning the costs of providing protection now provided for by Federal law.

#### COMMITTEE VOTE

On Tuesday, March 11, 1975, the full committee on the Judiciary approved the bill H.R. 1244 by voice vote.

#### COST

The bill provides limitations and sets requirements for the implementation of the protective responsibilities of the Secret Service, and to provide for control and responsibility in carrying out those functions. It is not possible to predict what impact or change these provisions will have in terms of cost to the Government, but is possible to state that the aim is to adequately control and account for such costs.

## CONCLUSION

The committee has concluded that the facts presented to the committee in connection with this legislation provide the basis for the approval of the amended bill. It is recommended that the amended bill be considered favorably.

## TEXT OF STATUTE TO BE REPEALED

In compliance with paragraph 3, clause 1 of Rule XIII of the Rules of the House of Representatives, the text of the portion of the statute proposed to be repealed is as follows:

(Section 2 of the Act entitled "An Act to authorize the United States Secret Service to furnish protection to major presidential and vice presidential candidates" (Public Law 90-331, § 2, June 6, 1968, 82 Stat. 170.)

SEC. 2. Hereafter, when requested by the Director of the United States Secret Service, Federal Departments and agencies, unless such authority is revoked by the President, shall assist the Secret Service in the performance of its protective duties under section 3056 of title 18 of the United States Code and the first section of this joint resolution.

GENERAL SERVICES ADMINISTRATION,  
Washington, D.C., August 21, 1974.

HON. PETER W. RODINO, JR.,  
Chairman, Committee on the Judiciary,  
House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: This is in reply to your letter of January 28, 1974, requesting an expression of the views of the General Services Administration on H.R. 11499, a bill to establish procedures and regulations for certain protective services provided by the United States Secret Service.

The bill would repeal section 2 of the Act of June 6, 1968 (Public Law 90-331; 82 Stat. 170) which requires all Federal agencies to assist the Secret Service in the performance of its protective duties under section 3056 of title 18 of the United States Code. Insofar as we are aware, section 2 has not been interpreted to require the Secret Service to reimburse or transfer to agencies the cost of rendering such assistance. H.R. 11499, if enacted, would continue to permit other Federal agencies to assist the Secret Service but, except in temporary assistance, only upon reimbursement of actual costs.

In addition to the above, the bill proposes with one exception to limit the Secret Service to providing full security at Government expense at no more than one property not in Government control as may be designated by the person entitled to protection. The exception stated in paragraph (3) of section 2 apparently is intended to limit expenditures on other private property to an amount which cumulatively does not exceed \$5,000.

The primary responsibility for the protection of the President and others designated by law as requiring personal protection rests with the Secret Service. It has long been recognized, however, that the

proper fulfillment of such responsibilities often requires the support and cooperation of other Federal agencies. The purpose of Public Law 90-331 was to eliminate any doubt as to the legal basis for such assistance and to assure that the Secret Service would be dominant in directing all protective functions.

GSA has no objection to assisting the Secret Service on a reimbursable basis as H.R. 11499 provides, but in view of the above defers to the Secret Service and to the Congress as to whether the bill is the proper vehicle for accomplishing this objective, and as to the merits of other provisions of the bill which relate directly to the protective functions of the Secret Service.

However, to be as helpful as possible to the Committee, we offer the following suggestions for amendments which we believe, if adopted, would improve the bill.

Paragraphs (2) and (3) in section 2 provide that security at full Government expense be on private property at no more than one location designated by the person to be protected; and with respect to other locations involving private property the Government's obligation would be limited to \$5,000. However, the \$5,000 limitation appears to apply only to reimbursable work and not to work performed by contract. If paragraph (3) is to remain in the bill, we recommend that it be clarified in this report.

Since purchases and contracts for the protection functions of the Secret Service are already subject to the Federal Property and Administrative Services Act of 1949, as amended, we suggest that section 4 be deleted as unnecessary. Section 5 also is unnecessary as we do not believe that existing law permits a Federal official to delegate his contracting authority to one who is not a Federal employee.

We suggest that section 6 either be deleted or alternatively be amended to reflect the current law with respect to disposal of improvements and other items acquired for security purposes. Section 6 as presently drafted infers that such property shall remain the property of the Federal government under circumstances where removal is economically unfeasible which we do not believe is intended. The section also does not provide for restoration of property to the condition which existed prior to the making of the improvement when and if the improvement is removed. In a memorandum of November 21, 1973, prepared within the Department of Justice, concerning title to improvements made on private property for security purposes, it was concluded that if items placed on the property are removed, the Federal government is under a duty to return the premises to the owner in as good a condition as when the alterations were made. Accordingly, we recommend that upon termination of the responsibility to secure the property, or if such property is determined no longer needed for security purposes, the bill provide that the property be disposed of or transferred to another Federal agency in accordance with the Federal Property and Administrative Services Act of 1949, as amended.

Finally, we recommend that paragraph 8 be amended to require that federal agencies submit reports only on non-reimbursable expenditures. With respect to reimbursable expenditures, the Secret Service will have complete and detailed information making it unnecessary for other agencies to submit reports thereon.

ALLAN G. KAUPINEN.

COMPTROLLER GENERAL OF THE UNITED STATES.  
*Washington, D.C., May 16, 1974.*

HON. PETER W. RODINO, JR.,  
*Chairman, Committee on the Judiciary,  
 House of Representatives, Washington, D.C.*

DEAR MR. CHAIRMAN: This refers to your request for our views on H.R. 11499, 93d Congress, a bill which if enacted would be cited as the "Presidential Protection Assistance Act of 1973," and which is intended to establish procedures and regulations for certain protective services provided by the United States Secret Service.

This Office has prepared a report dealing with the problems which this bill is intended to meet, entitled "Protection of the President at Key Biscayne and San Clemente (With Information on Protection of Past Presidents)," B-155950, December 18, 1973, copy enclosed. H.R. 11499 is generally consistent with the recommendations in our report. We note, however, that although the bill provides for annual reports (to be made to the Committees on Appropriations and the Committees on Government Operations) on expenditures by the Secret Service for protective services on private property (section 8), it does not provide specifically, as we suggested, that such expenditures be subject to audit by this Office, and that for that purpose we be given complete access to all records, files, and documents supporting reported expenditures. See pp. 78-79 of the enclosed report.

With respect to specific provisions of the bill, we offer the following comments.

Section 2(1) would limit nonreimbursable assistance to the Secret Service by Federal departments and agencies to "a period not to exceed two weeks at any one location in any one year." We suggest that the bill specify whether "one year" means a calendar year, a fiscal year, or any twelve-month period. Also, it is not clear whether the two-week limit at any one location applies separately to each person entitled to protection under 18 U.S.C. 3056 or under the act of June 6, 1968, nor whether a "location" is a city or a residence. These questions might arise if, for example, there were visits in the same year to the same city by various candidates for President and Vice President as well as by the incumbent President and Vice President.

Section 2(2) allows any person designated under 18 U.S.C. 3056 or under the act of June 6, 1968, to designate a non-Government property to be secured by the Secret Service. Since a President and his immediate family are entitled to protection under 18 U.S.C. 3056, a President, his wife, and each of his children could under the bill each designate a property not in Government ownership or control to be protected at public expense.

The language of section 2(2) should perhaps be modified with respect to reimbursement of certain costs where military equipment and men are used. Protection of the President may, for example, involve the use of Coast Guard vessels. It would not seem necessary or desirable that the Secret Service be required to reimburse the Coast Guard for crew and operating expenses, including depreciation, of the Coast Guard vessel. We take such a position on page 74 of the enclosed report.

One effect of section 2 is to take from the Secret Service a measure of its management discretion as to whether protection at a given location will be provided by use of permanently installed facilities or, as an alternative, by temporary facilities and added Secret Service manpower—a decision which normally would take into consideration security effectiveness and cost.

Also, under section 2, the Secret Service can call upon other departments and agencies, on a reimbursable basis, to do permanent work on private property which is to be protected. This authority is a continuation of present practice, which we consider reasonable, whereby the Secret Service has chosen to call on other agencies for such assistance, rather than developing the capability to do permanent work itself.

Section 6 provides for removal of security facilities upon termination of protective responsibility unless removal is "economically unfeasible." Because some security facilities can detract from the value of the property in the eyes of the owner it would seem reasonable to make provision for removal at his request whether such removal is economically feasible or not.

Sincerely yours,

ROBERT F. KELLER,  
*Acting Comptroller General  
 of the United States.*

STATEMENTS UNDER CLAUSE 2(1)(3) OF RULE XI OF  
THE RULES OF THE HOUSE OF REPRESENTATIVES

A

OVERSIGHT STATEMENT

This report embodies the findings and recommendations of the Subcommittee on Administrative Law and Governmental Relations pursuant to its oversight responsibility over protective functions of the Secret Service and related activities of the other Federal departments and agencies under Rule VI(b) of the Rules of the Committee on the Judiciary. They are:

(1) That Federal departments and agencies, in assisting the Secret Service in protective functions under section 3056 of Title 18 and under section 1 of Public Law 90-331 shall provide:

(a) Services, equipment and facilities with reimbursement on a temporary basis except that the Departments of Defense and Coast Guard may provide such assistance without reimbursement when directly related to the protection of the President or Vice President of the United States;

(b) Upon advance written request of the Director of the Secret Service and upon reimbursement by the Secret Service of actual costs, the facilities, equipment and services required to provide full time security at no more than one property not in Government ownership or control designated by a person entitled to protection;

(c) Upon advance written request of the Director of the Secret Service and conditioned on reimbursement, facilities, equipment and services on any other nongovernmental property utilized by a person entitled to protection, to the extent that the expenditures do not exceed \$10,000, unless otherwise authorized by law.

(2) A Secret Service permanent guard detail and permanent installations, facilities, and equipment relating to nongovernment property utilized by persons entitled to protection under law should be limited to a single non-government owned property designated by a protectee in accordance with law.

(3) Facilities, equipment and services referred to above should be purchased and contracted for under the provisions of the Federal Property and Administrative Services Act of 1949, and can only be procured by officers or employees of the Federal Government duly authorized by the Director of the Secret Service.

(4) All improvements or other items acquired pursuant to the foregoing requirements shall remain the property of the United States and be disposed of only in connection with applicable law.

(5) Except as otherwise provided by law, expenditures for protective functions by the Secret Service shall be from funds specifically appropriated to the Secret Service for that purpose.

(6) Expenditures for protective functions should be the subject of reports to the relevant committees of the Congress and such expenditures shall be subject to General Accounting Office audit.

## B

### BUDGET STATEMENT

Clause 2(1)(3)(B) of Rule XI is not yet applicable because there is as yet no Congressional Budget Resolution.

## C

No estimate or comparison from the Director of the Congressional Budget Office was received.

## D

Under Clause 2(1)(3)(D) of Rule XI, the findings and recommendations of the Committee on Government Operations in its 1974 report "Expenditure of Federal Funds in Support of Presidential Properties",<sup>1</sup> are as follows:

### B. RECOMMENDATIONS REQUIRING LEGISLATION

Congress should consider adopting legislation that more explicitly sets forth the conditions under which the Secret Service can expend public funds on private property and the terms under which it can seek the assistance of other Federal agencies. This legislation should:

1. Provide for the installation and maintenance of permanent security and administrative support facilities at no more than one principal property at a time, such property to be designated by the person being protected. Control over the expenditures would be achieved by:

(a) Requiring advance written requests by the Secret Service for these expenditures except in emergencies.

(b) Requiring the Secret Service to fund all such expenditures and to reimburse other agencies for services and equipment they provide.

(c) Requiring reports to Congress every 6 months of such expenditures.

2. Strictly limit expenditures for permanent security installations at any location other than the designated principal property.

3. Permit the Secret Service to borrow equipment, personnel, and facilities from other agencies without reimbursement

<sup>1</sup>Fifteenth Report by the Committee on Government Operations "Expenditure of Federal Funds in Support of Presidential Properties." (H. Rept. No. 93-1052, 93 Cong. 2d Sess.) page 6.

and without written requests for periods of no more than 2 weeks at any one location in one year.

4. Provide that upon the transfer of private property when Government expenditures have been made, or upon the termination of entitlement to Secret Service protection, the Federal Government shall be entitled to reimbursement in an amount by which such expenditures, if not otherwise recoverable, have increased the fair market value of the property as of the date of such transfer or termination.

5. Require procurements to be made in accordance with appropriate procurement statutes and regulations.

6. Prohibit the commitment of Government funds by non-Government personnel.

7. Require that all improvements be removed upon termination of the protection requirement, if economically feasible.

8. Upon adoption of the above recommendations, repeal section 2 of Public Law 90-331, which has been interpreted by GSA as leaving it open to unlimited expenditures, and by the Secret Service as giving that agency unlimited authority to obligate the funds of other agencies.

STATEMENT UNDER CLAUSE 2(1) (4) OF RULE XI OF THE  
RULES OF THE HOUSE OF REPRESENTATIVES CON-  
CERNING ANY INFLATIONARY IMPACT IN PRICES  
AND COSTS IN THE OPERATION OF THE NATIONAL  
ECONOMY

This bill would not have an inflationary effect on the national economy because it does not authorize additional expenditures. As has been explained under the explanation relating to cost, the bill provides limitations and sets requirements relating to the protective functions of the Secret Service. The purpose of the bill is to provide for specific fiscal control and responsibility in the Secret Service which now is charged by law to provide the protective functions referred to in the bill. The bill would require adequate control and accounting for expenditures now authorized by law.

(19)

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# Ninety-fourth Congress of the United States of America

## AT THE SECOND SESSION

*Begun and held at the City of Washington on Monday, the nineteenth day of January,  
one thousand nine hundred and seventy-six*

### An Act

To establish procedures and regulations for certain protective services provided by the United States Secret Service.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That this Act may be cited as the "Presidential Protection Assistance Act of 1976".

SEC. 2. As used in this Act the term—

(1) "Secret Service" means the United States Secret Service, the Department of the Treasury;

(2) "Director" means the Director of the Secret Service;

(3) "protectee" means any person eligible to receive the protection authorized by section 3056 of title 18, United States Code, or Public Law 90-331 (82 Stat. 170);

(4) "Executive departments" has the same meaning as provided in section 101 of title 5, United States Code;

(5) "Executive agencies" has the same meaning as provided in section 105 of title 5, United States Code;

(6) "Coast Guard" means the United States Coast Guard, Department of Transportation or such other Executive department or Executive agency to which the United States Coast Guard may subsequently be transferred;

(7) "duties" means all responsibilities of an Executive department or Executive agency relating to the protection of any protectee; and

(8) "non-Governmental property" means any property owned, leased, occupied, or otherwise utilized by a protectee which is not owned or controlled by the Government of the United States of America.

SEC. 3. (a) Each protectee may designate one non-governmental property to be fully secured by the Secret Service on a permanent basis.

(b) A protectee may thereafter designate a different non-Governmental property in lieu of the non-Governmental property previously designated under subsection (a) (hereinafter in this Act referred to as the "previously designated property") as the one non-Governmental property to be fully secured by the Secret Service on a permanent basis under subsection (a). Thereafter, any expenditures by the Secret Service to maintain a permanent guard detail or for permanent facilities, equipment, and services to secure the non-Governmental property previously designated under subsection (a) shall be subject to the limitations imposed under section 4.

(c) For the purposes of this section, where two or more protectees share the same domicile, such protectees shall be deemed a single protectee.

SEC. 4. Expenditures by the Secret Service for maintaining a permanent guard detail and for permanent facilities, equipment, and services to secure any non-Governmental property in addition to the one non-Governmental property designated by each protectee under subsection 3(a) or 3(b) may not exceed a cumulative total of \$10,000 at each such additional non-Governmental property, unless expenditures in excess of that amount are specifically approved by resolutions adopted by the Committees on Appropriations of the House and Senate, respectively.

SEC. 5. (a) All improvements and other items acquired by the Federal Government and used for the purpose of securing any non-Governmental property in the performance of the duties of the Secret Service shall be the property of the United States.

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(b) Upon termination of Secret Service protection at any non-Governmental property all such improvements and other items shall be removed from the non-Governmental property unless the Director determines that it would not be economically feasible to do so; except that such improvements and other items shall be removed and the non-Governmental property shall be restored to its original state if the owner of such property at the time of termination requests the removal of such improvements or other items. If any such improvements or other items are not removed, the owner of the non-Governmental property at the time of termination shall compensate the United States for the original cost of such improvements or other items or for the amount by which they have increased the fair market value of the property, as determined by the Comptroller General of the United States, as of the date of termination, whichever is less.

(c) In the event that any non-Governmental property becomes a previously designated property and Secret Service protection at that property has not been terminated, all such improvements and other items which the Director determines are not necessary to secure the previously designated property within the limitations imposed under section 4 shall be removed or compensated for in accordance with the procedures set forth under Subsection (b) of this section.

SEC. 6. Executive departments and Executive agencies shall assist the Secret Service in the performance of its duties by providing services, equipment, and facilities on a temporary and reimbursable basis when requested by the Director and on a permanent and reimbursable basis upon advance written request of the Director; except that the Department of Defense and the Coast Guard shall provide such assistance on a temporary basis without reimbursement when assisting the Secret Service in its duties directly related to the protection of the President or the Vice President or other officer immediately next in order of succession to the office of the President.

SEC. 7. No services, equipment, or facilities may be ordered, purchased, leased, or otherwise procured for the purposes of carrying out the duties of the Secret Service by persons other than officers or employees of the Federal Government duly authorized by the Director to make such orders, purchases, leases, or procurements.

SEC. 8. No funds may be expended or obligated for the purpose of carrying out the purposes of section 3056 of title 18, United States Code, and section 1 of Public Law 90-331 other than funds specifically appropriated to the Secret Service for those purposes with the exception of—

(1) expenditures made by the Department of Defense or the Coast Guard from funds appropriated to the Department of Defense or the Coast Guard in providing assistance on a temporary basis to the Secret Service in the performance of its duties directly related to the protection of the President or the Vice President or other officer next in order of succession to the office of the President; and

(2) expenditures made by Executive departments and agencies, in providing assistance at the request of the Secret Service in the performance of its duties, and which will be reimbursed by the Secret Service under section 6 of this Act.

SEC. 9. The Director, the Secretary of Defense, and the Commandant of the Coast Guard shall each transmit a detailed semi-annual report of expenditures made pursuant to this Act during the six-month period immediately preceding such report by the Secret Service, the Department of Defense, and the Coast Guard, respectively, to the

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Committees on Appropriations, Committees on the Judiciary, and Committees on Government Operations of the House of Representatives and the Senate, respectively, on March 31 and September 30, of each year.

SEC. 10. Expenditures made pursuant to this Act shall be subject to audit by the Comptroller General and his authorized representatives, who shall have access to all records relating to such expenditures. The Comptroller General shall transmit a report of the results of any such audit to the Committees on Appropriations, Committees on the Judiciary, and Committees on Government Operations of the House of Representatives and the Senate, respectively.

SEC. 11. Section 2 of Public Law 90-331 (82 Stat. 170) is repealed.

*Speaker of the House of Representatives.*

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