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# PRESIDENTIAL PROTECTION ASSISTANCE ACT OF 1975

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## HEARING

BEFORE THE

SUBCOMMITTEE ON OVERSIGHT PROCEDURES  
OF THE

COMMITTEE ON

GOVERNMENT OPERATIONS

UNITED STATES SENATE

NINETY-FOURTH CONGRESS

FIRST SESSION

ON

**S. 2166**

TO AMEND THE FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT OF 1949 TO ESTABLISH PROCEDURES FOR THE USE OF FEDERAL PROPERTY AND SERVICES FOR THE PROTECTION OF THE PRESIDENT OF THE UNITED STATES AND OTHER PERSONS.

**H.R. 1244**

TO ESTABLISH PROCEDURES AND REGULATIONS FOR CERTAIN PROTECTIVE SERVICES PROVIDED BY THE UNITED STATES SECRET SERVICE

JULY 28, 1975

Printed for the use of the Committee on Government Operations



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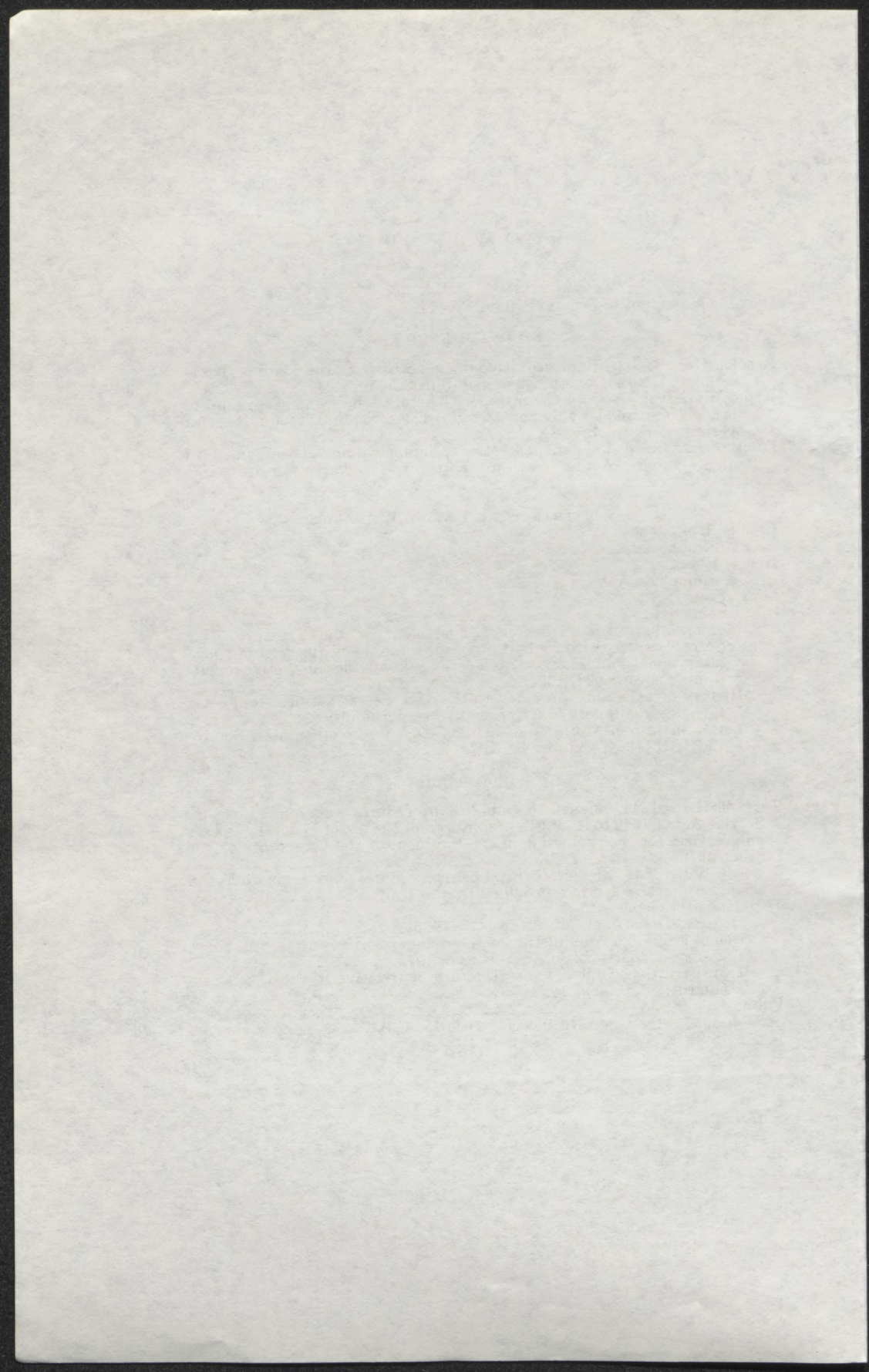
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# PRESIDENTIAL PROTECTION ASSISTANCE ACT OF 1975

MONDAY, JULY 28, 1975

U.S. SENATE,  
SUBCOMMITTEE ON OVERSIGHT PROCEDURES,  
COMMITTEE ON GOVERNMENT OPERATIONS,  
*Washington, D.C.*

The Subcommittee met, pursuant to notice, at 10 a.m. in room 3302, Dirksen Senate Office Building, Senator Sam Nunn, presiding.

Present: Senator Nunn.

Staff members present: W. P. Goodwin, Jr., chief counsel and staff director; Merriellou Howser, chief clerk; Gary Klein, minority counsel; and Betsy Pritchard, special assistant, Subcommittee on Oversight Procedures; Dani Emery, Congressional Fellow for Senator Nunn; and John Childers, minority counsel to the Government Operations Committee.

## OPENING STATEMENT OF SENATOR NUNN

Senator NUNN. I have a brief opening statement I will read.

Today the Subcommittee on Oversight Procedures opens hearings on the subject of Presidential protection and on two bills which deal with this subject—S. 2166<sup>1</sup> which I introduced, and H.R. 1244<sup>2</sup>, which was introduced in the House of Representatives by Congressman Jack Brooks of Texas.

As part of its mandate, the subcommittee is charged with reviewing the utilization and disposal of Federal property. These bills are before the subcommittee because they would regulate the use of Federal property for the purpose of protecting the President, Vice President, other officials, Presidential candidates and certain other persons.

This topic demands our attention because of recent scandals associated with the misuse of Federal property and the mismanagement of Federal funds at certain properties owned by former President Nixon. These expenditures were thoroughly documented by the House Government Operations Subcommittee on Government Activities under the chairmanship of Representative Brooks.

The bills before us today are designed to institute new safeguards against such abuses occurring in the future, while at the same time providing adequate protection for our national leaders.

Existing law on this topic is so imprecise that the expenditure of Federal funds for Presidential protection is left to good faith and good

<sup>1</sup> See p. 31.

<sup>2</sup> See p. 33.

judgment. In this situation good faith has been elusive and good judgment sadly lacking.

On June 6, 1968, the day after the assassination of Senator Robert F. Kennedy, legislation which extended Secret Service protection to Presidential and Vice Presidential candidates was passed by the Congress. The language of that law—Public Law 90-331—was very general. It simply directs the Secret Service to provide protection for those persons, and authorizes it to seek assistance from other Government agencies in carrying out its protective mission.

That law provides that:

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.

This provision has been interpreted by the Secret Service as giving it unlimited expenditure authority, and by GSA as a mandate to provide without question any facilities or services requested by the Secret Service.

This interpretation has resulted in a loss of fiscal control and ultimately in the misuse of Federal funds. Public Law 90-331 confirmed the authority of the Secret Service to request assistance from other Federal agencies without specifying limitations on such assistance. Previous practice which had allowed broad discretion to the agencies involved was continued.

In effect, the Secret Service has unlimited authority to obligate the funds of other agencies for which it is not strictly accountable. The split in obligational authority and accounting responsibility has presented an opportunity for abuse—the Secret Service can acquire whatever materials it wants from other agencies without being concerned about their costs or accounting for their use.

The imprecise language which authorizes Presidential protection creates a situation ripe for abuse, and other factors—benign in themselves—have exacerbated the problem.

Recent Presidents have spent less time at the White House and more time at Camp David and at their own private homes. Because of this situation, the Secret Service has had to face the problem of providing adequate security at such facilities.

Former President Nixon, for example, maintained three private homes: two in Key Biscayne, Fla., and one at San Clemente, Calif. All of these homes were acquired after he was elected President in November 1968.

The extravagant installation of Federal property at Mr. Nixon's homes was shocking.

The General Accounting Office accounted for a total of \$9.4 million spent from 1969 to 1973 on improvements, maintenance, communications facilities, and administrative support in connection with Mr. Nixon's homes: \$3,360,000 at the Florida locations and \$6,060,000 at the San Clemente location. An additional \$176,000 was spent in connection with the property of a friend of the former President, Robert H. Abplanalp, in the Bahama Islands. These figures do not include approximately \$4.6 million for permanently assigned Government personnel at Key Biscayne and \$3 million at San Clemente. Total expenditures at these properties amounted to over \$17 million during the period when Mr. Nixon was President. During the entire period

of the Johnson administration, a total of \$5.9 million was spent to provide security and communication for the President at his ranch in Texas and at the Federal office building in Austin.

The concern of the American people for the security and safety of their leaders in light of recent tragedies notwithstanding, is the duty of the Subcommittee on Oversight Procedures to insure that Government activities involving the utilization and disposal of Federal property are conducted responsibly with a view toward economy and efficiency. It has been substantiated that millions of dollars in Federal funds have been misspent for property under the guise of Presidential protection, that items serving no security purposes have been paid for by the Federal Government allegedly to meet Secret Service needs, that non-Government personnel have been permitted to obligate Federal funds and, finally, that personal enrichment has occurred as the result of improvements made on property owned by Presidents under this guise of security.

We are fortunate today to have Representative Brooks as our first witness. Representative Brooks has been primarily responsible for directing the House investigation on this topic and also for the development of H.R. 1244, which is very similar to S. 2166.

Mr. Brooks, I am certain, knows more than any other Member of Congress in this area. He has taken the lead.

We are delighted to have you here today, Congressman, for any comments you would like to make.

#### TESTIMONY OF HON. JACK BROOKS, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF TEXAS

Mr. BROOKS. I want to thank you very much, Senator, for your outstanding leadership in this matter, your forthright presentation on the subject, your obvious study and concern with this matter that affects the United States.

Senator, I am pleased to be with you this morning to discuss H.R. 1244, which is the result of an intensive investigation by my subcommittee in the last Congress, and long, serious consideration by two House committees this year.

The Judiciary Committee and the Government Operations Committee both worked on this legislation before sending it to the House floor, where it was approved unanimously—352-0. My remarks will also relate to the virtually identical bill which you have introduced in the Senate.

The protection of the President is a matter of gravest concern for all of us. There are few blows more shattering to a nation than to experience the assassination of governmental leaders.

You will recall, it was in the aftermath of several assassinations in the 1960's that the role of the Secret Service was enlarged, and it was given the right to call on all other Federal agencies for assistance. In the haste to respond, no guidelines accompanied this assistance and no provision was made for reimbursing the agencies for the cost of any services they provided.

There might be no need for H.R. 1244 if Presidents were content to live in the lifestyle expected of them by the American people and to

stay in the residences provided for them by the taxpayers. That really shouldn't be too much of a hardship. The White House has a certain charm, to say nothing of a movie theater, a bowling alley, a tennis court, and now a swimming pool—all in a nice, central location on 18 well-tended acres.

And, if that gets too confining, there is Camp David, which also has a heated pool, a bowling alley, skeet and trap shooting ranges, tennis courts, and a pool table—all situated on 180 acres in the Maryland mountains. As an aside, I used to go there during the time of previous Presidents and I know it is a gracious lovely place to spend a few days.

But in recent years, Presidents have chosen to spend a lot of their time away from the White House—and that is where the loose procedures of the present arrangements have led to trouble.

Our investigation centered on the properties former President Nixon visited frequently and which, as a result, the Secret Service chose to protect. There were three—Key Biscayne in Florida; San Clemente, Calif.; and Grand Cay in the Bahamas.

When we added up the total cost of the improvements, the maintenance, the administrative support, the communications facilities and the personnel that had to be assigned to the three places, we arrived at the astounding figure of \$17 million.

Equally disturbing as the amount of money that was spent is the way in which it was spent.

A fence was certainly in order as a security measure around the Key Biscayne property. But, it didn't have to be a \$66,000 replica of the fence around the White House. It cost \$5,500 just to take it down and to store it in Florida. The total cost at Key Biscayne just to remove the security equipment and restore the property at former President Nixon's home was more than \$118,000.

Are new heating systems and a sewer line the kind of improvements the Secret Service or the GSA should be paying for in the name of security? How about new furniture for the den, a shuffleboard court, flagpoles, an icemaker, a yard sprinkling system?

No one can question or complain about expenditures clearly required for the protection of a President and his family. But surely, there should be some limits on the uses to which the taxpayers' money is put in preparing privately owned property for occasional visits by a President.

All those items I mentioned a moment ago were installed either at Key Biscayne or San Clemente and were paid for with Government funds in the name of protecting the President.

There were many other items—a pier for the President's boat, a \$412,000 helipad, an exhaust fan for the fireplace, \$5,000 worth of lanterns \* \* \* the American public even paid for surveys on the San Clemente property that were conducted for the purchase of the property long before the Secret Service even began planning for security there.

All this was possible because there was no centralized responsibility for the expenditure of this money. Mr. Nixon's personal attorney, or his architect, or members of the White House staff would order these items and then the White House would call up the Secret Service and say: "You justify these things as security measures and get the GSA to pay for them."

Refurbishing these private homes was just the beginning of the problem. The thought of the upkeep and maintenance costs would send most of us into shock. The American people at one time were paying over \$50,000 a year for landscape maintenance at the San Clemente residence alone.

I went out there to look at it and I will say that the grounds were beautiful. The flowers were changed with each season. They didn't plant them. They just stuck them in the ground when they got them from a greenhouse. The U.S. Government had almost 200 Government employees permanently assigned to San Clemente and Key Biscayne at a cost of approximately \$1½ million a year.

H.R. 1244 deals with the problem in a number of ways. Responsibility for the expenditure of funds for protection would be placed in one agency—the Secret Service. There would have to be advance, written requests by the Secret Service for the services or facilities to be provided. If other departments or agencies are called on to provide assistance, the Secret Service would reimburse them for their costs. An important feature of the bill is that it would permit full-time security to be provided at only one privately owned property at a time. On other nongovernment-owned property, there would be an expenditure limitation of \$10,000. And all improvements made to these private homes would remain the property of the Federal Government.

There are provisions in the bill that give the Secret Service flexibility to deal with emergencies, and although I have referred only to protection of the President, the provisions of this bill also cover other individuals entitled by law to the protection of the Secret Service.

It should be stressed that nothing in this bill will impair the ability of the Secret Service to provide the protection necessary to safeguard the President. What it would do is provide some protection for the taxpayer against the misuse of public funds. I am pleased that your committee is acting on it.

Senator NUNN. Thank you very much, Congressman Brooks.

What other people besides the President would be entitled to protection by the Secret Service? I am certain that the Vice President would, but what other category of people are you referring to?

Mr. BROOKS. Senator Nunn, former Presidents are entitled to protection, the wives and minor children of former Presidents. Also the widows and minor children of deceased Presidents and the immediate family of the current President. And also major party Presidential candidates. I might say that the Judiciary Committee, of which I am also a member, has a subcommittee chaired by a distinguished Alabama Congressman, Congressman Flowers, and I believe they may well make a study of eligibility of the people that are afforded this protection by the Government.

Senator NUNN. As I understand it, in your legislation there is a limitation of one home for each person protected. This means that, for instance, President Ford and Vice President Rockefeller would have the authority to designate one private residence owned by them for full protection by the Secret Service, is that correct?

Mr. BROOKS. That is correct.

Senator NUNN. What if they had a second home, what if President Ford were using a skiing chalet in Colorado that was owned by a friend of his or anyone, for instance. What would be the status and

what would the Secret Service have the authority to do to protect that property?

Mr. BROOKS. On a permanent basis they could spend up to \$10,000. On a temporary basis they could spend whatever was required for Secret Service purposes. If the President went to ski for a weekend in Vermont, they might spend an unlimited amount. Whatever is required to protect him for that weekend.

Senator NUNN. Not permanent installations but temporary things. They could spend \$100,000 if they had to temporarily?

Mr. BROOKS. That is correct. There is no limit on temporary expenditures, just as there is none when he travels around the country. We are not nit picking on the Secret Service for the amount of money they are spending to protect the President. Nobody wants the President to be hurt in any way. We want to spend whatever it takes to protect him. This bill provides for that.

Senator NUNN. Let's say if the President had a home in Florida, that he would be entitled, with no limit, to protect that home if he designated that home as his one private residence and he wanted to protect it.

Mr. BROOKS. No limits as to security, that is correct.

Senator NUNN. If he had a second home they could spend up to \$10,000 on a permanent-type equipment at that home.

Mr. BROOKS. Correct.

Senator NUNN. If he had a temporary place like in Vermont as you gave, they could spend on a temporary basis any amount necessary to protect him?

Mr. BROOKS. In Vermont or anywhere.

Senator NUNN. The secret of this bill, really, as far as protection goes, is the accountability of the Secret Service rather than having it spread over 10 or 15 agencies, is it not?

Mr. BROOKS. That is correct. You and I know that Congress, the House, and Senate, would be delighted to provide whatever is necessary. There has never been any question about that. It is just that we would like to know how much and where they spend it. Somebody has to give us that little addition and subtraction.

Senator NUNN. The \$10,000 could be exceeded, as I understand it, only if the Secret Service comes back to the Appropriations Committees and the Government Operations Committees and asks for additional authority.

Mr. BROOKS. That is correct.

Senator NUNN. What about the General Services Administration's role in this? What is their role now, and what will they be doing under this bill?

Mr. BROOKS. They are the chief builders for Presidents as well as the rest of the Government. They have been just great builders, great builders, and very willing, too.

Under Mr. Sampson they were quite willing to make expenditures of all types. That list that I just gave you is a short one.

Senator NUNN. What about under these bills? If the Brooks bill becomes law, what will be the role of the GSA, and how will it interrelate with the Secret Service?

Mr. BROOKS. They will do whatever the Secret Service gives them written authorization to do. If I know the General Services Admin-

istration they would do it promptly and efficiently, as you can when you spend that kind of money.

Senator NUNN. But it would have to be written and the present law doesn't require that.

Mr. BROOKS. That is right. They would have to say it was for security.

Senator NUNN. For instance, if it were a shuffleboard court that the head of the Secret Service gave a written authorization on, would the GSA have to check that out? In other words who has the responsibility to eliminate any unnecessary expenditures?

Mr. BROOKS. The ultimate responsibility as to what was required for security would lie with the Secret Service, not with third parties, which is as I think it should be. But certainly, in good judgment, the Secret Service would think twice before they said that for security purposes, a shuffleboard has got to be moved and then rebuilt. You know, that would be a little hard. It has to be written down, you know, and somebody is going to get a copy of that writing, that justification, when it comes to getting money for it to reimburse GSA. Somebody on the Appropriations Committee is going to say, "Just how did tearing up that shuffleboard which is in disrepair, and building a nice new one, make anybody more secure?" Except the people who built it—it made them more secure. They made money out of it. It made them feel good when they went down and put the money in the bank. It gave them a secure feeling.

Senator NUNN. Has either the Secret Service or GSA taken any steps since your hearings? Do they have any better method of accountability now than they did 2 years ago when these expenditures were taking place?

Mr. BROOKS. Not by law. The Secret Service indicated it would make a lot of changes and do more of these things we have recommended. But I have not seen all these written authorizations, I have not asked for them. They have said they would be much more careful about it. Secret Service has indicated a willingness to cooperate and GSA, of course, will do whatever they are requested to do.

Senator NUNN. What about the Department of Defense and the communications that they have to set up for the President, and the U.S. Coast Guard? How are they treated under this bill?

Mr. BROOKS. The Department of Defense under this bill would act as any other Government agency. It would provide any special operations the Secret Service would require. Communications are a responsibility of, primarily, the Department of Defense, I believe. Those expenses are pretty substantial. They do not have to do particularly with security of the person but of the messages. Those are pretty generally tightly controlled by the military, and would continue to be. At San Clemente and Key Biscayne there were extensive installations.

We might as well just concede that if a President says he is going to go to Vermont or Maine or New Hampshire or Georgia or to Texas, wherever he goes now as a President, you are looking at millions of dollars of installations of communications equipment because the President needs to be in direct contact, with multiple backups, with many, many people around the world and within this Nation. That kind of an installation is very expensive. They put it in and they move it out and put it somewhere else. It is a big, big operation.

At San Clemente it was a room half this size, packed with gear. I do not say this is inappropriate. But I point out that when you do have a lot of installations, when the President wants to stay in three or four places, you are going to spend many, many millions of dollars to duplicate that kind of a communication facility.

Senator NUNN. This bill would not interfere with the Department of Defense's authority to set up such communications wherever the President would be?

Mr. BROOKS. No; it would not.

As for the Coast Guard, it would make them give an accounting of all personnel assigned to protective duty. At Key Biscayne, they had full time Coast Guard surveillance of the property. They had a patrol off-shore even when Nixon was not there. So they had as many as 55 Coast Guard people on full-time assignment just on the patrol duty. Three or four people, three shifts a day, 7 days a week. When he was there they had two boats.

Senator NUNN. This legislation would require that this would be accounted for?

Mr. BROOKS. Correct.

Senator NUNN. Who would they report to?

Mr. BROOKS. They would act on the basis of a request from the Secret Service and would be reimbursed for part of that. Transportation is a responsibility of the Defense Department and would not be included. In other words, we would not try to have the Secret Service reimburse the Defense Department for Air Force One, Two, Three, and Four, and for all the various other airplanes and helicopter fleet, all the military personnel, maintenance, investment, overhead, and tremendous other expenditures the Defense Department puts out whenever a President travels. On this European trip the President is now on, a fabulous amount of money is expended on planes, including backup planes and the press planes and the personnel that go in, in advance.

All of that would not be a part of the Secret Service because it really is transportation.

Senator NUNN. Right.

Mr. BROOKS. If they do something special with the transportation to make it more secure, that might be covered.

Senator NUNN. Chairman Brooks, are there any changes in this legislation that have come to your attention since it passed the House, that we need to make.

Mr. BROOKS. I believe the legislation was gone over pretty carefully. We tried to make it as workable as possible. Under the new House procedure, it went to the Judiciary Committee where Congressman Flowers had hearings, marked up the bill in this same fashion. Then it had to go to the Government Operations Committee where we did the same thing.

We both agreed on the facilities that should be covered, and the Judiciary Committee made some constructive changes in it. So I think it is really in good shape. We have had dozens of lawyers in and out of Congress look it over. We believe it will work.

Senator NUNN. I think you have done an excellent job. I express my appreciation. We are going to work on it here in this subcommittee.

Then we are going to look at it in full committee and move it just as quickly as possible. Certainly, we intend to try to get it passed some time during the fall months.

I appreciate very much your appearance here today, and I appreciate your good work on this excellent piece of legislation. I think it is certainly a more satisfactory procedure for the protection of the President and at least requires strict accountability so the American taxpayers will know that their funds are being spent for the purposes intended.

Mr. BROOKS. Thank you again, Senator Nunn, for your very courteous hearing and your awareness of this problem. Thank you, sir.

Senator NUNN. Thank you, sir.

Our next witness is Mr. Robert F. Keller, Deputy Comptroller General for the General Accounting Office.

**TESTIMONY OF ROBERT F. KELLER, DEPUTY COMPTROLLER GENERAL OF THE GENERAL ACCOUNTING OFFICE, ACCOMPANIED BY IRVINE CRAWFORD, ASSOCIATE DIRECTOR, GENERAL GOVERNMENT DIVISION**

Mr. KELLER. If I may first, Mr. Chairman, introduce on my right Mr. Irvine M. Crawford, Associate Director of our General Government Division, who had the responsibility for putting together our report on expenditures at Key Biscayne and San Clemente.

Mr. Chairman, I would like to read my statement. It is fairly short.

We are glad to appear at your request to give you our views on H.R. 1244, and S. 2166, either or which, if enacted, would be cited as the "Presidential Protection Assistance Act of 1975."

The language of both bills is identical except that S. 2166 amends the Federal Property and Administrative Services Act of 1949 to add a new title IX incorporating the proposed legislation.

Both bills would spell out more precisely than is now the case the procedures to be followed in furnishing protection to the President and other persons entitled to protection, particularly with respect to security expenditures on property which is not owned by the Government. They would also revise the manner in which protective work on private property by the Federal departments and agencies is funded.

The bills are an outgrowth of the controversy over expenditures at President Nixon's residences at San Clemente and Key Biscayne, and to a lesser extent, at other locations. As the controversy grew, GAO began to receive letters from Members of Congress, some asking for information and others calling for an investigation. These letters expressed a common concern about the magnitude of the total reported expenditures and, with respect to specific expenditures, questioned whether the work performed—

Related to protection of the President; and

Provided a nonprotective benefit to the President.

Many letters also expressed an interest in expenditures made at the residences of past Presidents.

In response, GAO made a review of the expenditures for protective purposes at Key Biscayne and San Clemente, noting expenditures for other purposes when appropriate. GAO also gathered information on expenditures at the residences of several past Presidents.

Our findings were included in a report to the Congress, dated December 18, 1973, entitled "Protection of the President at Key Biscayne and San Clemente—With Information on Protection of Past Presidents." An inquiry was also conducted by the Government Activities Subcommittee of the House Government Operations Committee, and a report was filed on May 20, 1974.

Although the review and report made by the Comptroller General were intended to answer the primary questions being asked about the protective measures at Key Biscayne and San Clemente, we also reviewed the experiences of 1968-73 in terms of budgeting, accounting, and auditing with a view to identifying what had been done or still needed to be done to strengthen control by the Congress and promote understanding by the public. We think that the observations we made will be useful to your committee as it considers the need for better controls over expenditures for protection.

We observed 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 protective functions. This arrangement had the following weaknesses:

- GSA funds were not directly associated with Secret Service protective activities during the budget preparation and review process.
- A casual attitude in authorizing work was fostered. Because most requests were verbal, who made requests or precisely what was requested could not be readily determined.
- GSA was invited to do more than simply execute Secret Service requests, particularly when requests were vague or general.

On the basis of the foregoing, we made several recommendations to the Congress. Let me discuss them briefly and relate them generally to the bills under consideration where appropriate. To simplify the references, I will refer only to the sections of the House bill.

First, we 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 respect, changes made in the financing of GSA public buildings activities by the Public Buildings Act Amendments of 1972 now require that the Secret Service obtain appropriations and reimburse GSA for protective assistance. However, this does not deal with the entire problem because it does not take care of expenditures by agencies not under GSA control, such as by the military. Both bills address this problem by providing that expenditures for securing any non-governmentally owned property shall only be from funds specifically appropriated to the Secret Service; except that temporary assistance may be given by the Department of Defense and the Coast Guard without reimbursement where protection of the President or Vice President or other officer next in the order of succession is concerned.

Second, we recommended 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. Both bills provide that advance written request of the Director or his authorized representative is required to obtain assistance in providing full-time security at property not in Government ownership. A written request is not required to obtain temporary

assistance, but the request must be made by the Director or his authorized representative.

Third, we 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. Both bills provide that the Secret Service, the Department of Defense, and the Coast Guard shall transmit a detailed report of expenditures under the act to the Committees on Appropriations, Committees on the Judiciary, and Committees on Government Operations on March 31 and September 30 of each year.

Fourth, we 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. Both bills provide that expenditures under the act shall be subject to audit by GAO, and that GAO shall have access to all records relating to such expenditures.

In our work on San Clemente and Key Biscayne the Secret Service was very cooperative. However, we do think it would be well to spell it out in the law because things could change in the future. We would like to make sure that we continue to have good access to information.

In addition, Mr. Chairman, we suggested that Congress may wish to consider limiting the number of private residences at which permanent protective facilities will be provided for a President.

We believe that this is taken care of by the provisions of the bills which provide that only one designated property, not in Government control at any one time, may be given full time security protection and which limits the protection of other property to \$10,000 at any one property unless a higher amount is approved by the Appropriations Committees.

Section 3 of H.R. 1244 provides that expenditures by the Secret Service for maintaining a permanent guard detail and for permanent facilities, equipment, and services to secure non-Government property shall be limited as provided by section 2 (2) and (3). While the language is not entirely clear, we interpret it as limiting to \$10,000 expenditures for all permanent protective measures at any one property other than the principal property designated, whether provided by the Service itself or by another agency under a reimbursement agreement.

While we did not make a recommendation in our report concerning the disposal of improvements and other items placed on private property for protective purposes, we are in favor of those provisions in the bills which provide that (1) all such improvements and other items shall be the property of the Government; (2) upon termination of protection the improvements and other items shall be removed unless it is economically unfeasible to do so, or removed in any event if the property owner insists; and (3) if improvements and other items are not removed then the property owner shall compensate the Government.

As a minor matter I would point out that the sections of the bills concerning the disposal of property provide that if improvements and other items are not removed the owner shall compensate the Government for the original costs or for the resulting increase in the fair market value of the property as determined by the General Accounting Office, whichever is less. Ordinarily, such determinations are an executive agency responsibility and it would be more appropriate for the

General Services Administration to make such determination. However, if the Congress wishes us to make those determinations we, of course, will do so.

We believe that the legislation being considered by your committee will do a great deal to prevent recurrence of the situations disclosed in the report of the House Government Operations Committee last year and in the report of the Comptroller General. We recommend its favorable consideration.

Mr. Chairman, that concludes my statement.

Senator NUNN. Thank you, Mr. Keller.

On page 4, you started to outline several different points about how both the Brooks bill and the Senate bill address each one of several problems. Starting on the top of page 4, your first recommendation, do you think that appropriations for expenditures at private residences for protective purposes should be made to the Secret Service, and that no other funds should be available for that purpose? Do you think that is adequately covered in the Brooks bill?

Mr. KELLER. I believe it is. I think it is quite clear. The only exception is where temporary assistance is furnished by the Department of Defense or Coast Guard. In such cases, no reimbursement is required. I am in favor of allowing some leeway there because the Department of Defense and Coast Guard are called on from time to time for Presidential protection work. If it is on a temporary basis, I think it would be better than requiring a reimbursement where you could get into all kinds of problems on costing the use of a ship, for example. This seems to me to be a reasonable approach.

Senator NUNN. The second point, you recommend that the accounting system of the Secret Service should require that expenditures at private residences for protective purposes be authorized by the Director. Do you feel provisions in the House bill adequately cover that point?

Mr. KELLER. Yes, sir.

Senator NUNN. The third point, do you think section 8 of the Brooks bill is adequate or are there any changes you would suggest?

Mr. KELLER. I think it is adequate, Mr. Chairman. I think it is a very desirable provision.

Senator NUNN. Fourth, you recommend that GAO be given complete access to all records and files. Do both bills cover this thoroughly enough?

Mr. KELLER. Yes, sir.

Senator NUNN. On the top of page 6, you say that section 3 of H.R. 1244 provides that:

Expenditures by the Secret Service for maintaining permanent guard detail and permanent facilities, equipment and services to secure non-Government property should be limited as provided by section 2(2) and (3).

Do you have any further suggestion on that?

Mr. KELLER. I don't think so. We had a discussion the other day among ourselves as to whether the \$10,000 applied only to reimbursable items and to security expenditures other than permanent Secret Service detail.

We came to the conclusion that the language provides a \$10,000 maximum including the salaries of Secret Service agents, etc. If there is any misunderstanding about that, and perhaps the Secret Service would like to comment, I think it would be well to clarify the language.

I raise the question because if you figure a \$10,000 limit and then start adding up the cost of Secret Service personnel, even one guard at the place on a permanent basis, your \$10,000 is gone pretty fast.

Senator NUNN. What people are covered by the Secret Service besides the President, Vice President, and former Presidents and their families?

Mr. KELLER. Mr. Chairman, it is set out primarily in title 18, section 3056, which reads that subject to direction of the Secretary of the Treasury, the Secret Service is authorized to protect the person of the President, the members of his immediate family, the President-Elect, the Vice President or other officer next in line of succession to the office of President, and the Vice President-Elect and to protect the person of a former President and his wife during his lifetime, the person of the widow of a former President until her death or remarriage and minor children of the former President until they reach the age of 16, unless such protection is declined.

In addition, Congress in passing Public Law 90-331, on June 6, 1969, provided for the Secret Service to furnish protection to major Presidential or Vice Presidential candidates. This was enacted shortly after the assassination of Robert Kennedy.

Senator NUNN. Is there any danger in this bill that we are expanding the authority of the Secret Service? For instance, would every major candidate for President be entitled to have elaborate protection procedures and security measures at one private residence?

Mr. KELLER. I believe so, Mr. Chairman.

Senator NUNN. What if a candidate for President running this next year insisted under the law he was entitled to full security at his home? Is he entitled to this in this bill or under existing law, and is there any difference between existing law and this bill?

Mr. KELLER. Under the bill a candidate could be furnished full-time security at a single residence.

Senator NUNN. Is it still a discretionary matter with the Secret Service as to how much protection is needed, or are there any kind of vested rights in each of these designated people we set out here?

Mr. KELLER. I think the decision as to the extent of protection has to be left up to the Secret Service.

Senator NUNN. You think this is still in his discretion?

Mr. KELLER. Yes, sir.

Senator NUNN. That would not change existing law in this regard?

Mr. KELLER. No, sir.

Senator NUNN. If anything, it limits it?

Mr. KELLER. Yes, sir.

Senator NUNN. Under existing law a candidate could decide that he needed protection in more than one of his homes. He could not do this under this particular law?

Mr. KELLER. Not on a permanent basis. The Service could temporarily, where it was thought to be needed. All of this has to be within the limits of funds made available to the Secret Service, which, I think, we have overlooked this morning. When you say expenditures are required to be paid by Secret Service, then, of course, they are subject to the appropriation that Secret Service has received from the Congress, which was one of the faults in previous times.

Senator NUNN. We have a quorum call, Mr. Keller. We have some other questions we may need to go over with you at a later point.

But I would like to try to complete the next witness this morning. So at this point unless you have some further comments, we thank you.

Mr. KELLER. No, sir. If you have additional questions we will be glad to respond for the record.

Senator NUNN. Thank you very much.

Our witness was scheduled at 11 o'clock.

Is Mr. Francis Long here? What I will do then is recess until Mr. Long gets here, probably about 11:00 o'clock.

In the meantime I will answer the quorum call.

[A short recess was taken.]

[After recess.]

Senator NUNN. Good morning.

Our next witness is Mr. Francis A. Long, Assistant Director of the U.S. Secret Service.

I believe with him is Mr. Paul Rundle, Acting Assistant Director, Protective Forces.

Mr. Rundle, Mr. Long, we will be glad to hear your statement.

**TESTIMONY OF FRANCIS A. LONG, ASSISTANT DIRECTOR, ADMINISTRATION, U.S. SECRET SERVICE; ACCOMPANIED BY PAUL S. RUNDLE, ACTING ASSISTANT DIRECTOR, PROTECTIVE FORCES, U.S. SECRET SERVICE**

Mr. LONG. Thank you, Mr. Chairman.

I am pleased to appear before you and the other distinguished members of this committee to comment on the provisions of H.R. 1244 and S. 2166. The purpose of the bills is "to establish procedures and regulations for certain protective services provided by the U.S. Secret Service."

As you know, historically, the Secret Service has from time to time called upon other Government agencies to assist it in carrying out its protective responsibilities. The Congress has recognized this need by providing express statutory provisions for this practice through the enactment of Public Law 90-331 which also authorized the Secret Service to furnish protection to major Presidential and Vice Presidential candidates.

The bills before you today, H.R. 1244 and S. 2166, expand upon existing practices and statutes by placing limitations on the number of residences that could be permanently protected and, at the same time, in most instances, require that the Secret Service reimburse other agencies who assist the Service in carrying out its protective responsibilities, including those pertaining to the protection of candidates and nominees.

The procedures by which the Secret Service has obtained the assistance of other agencies were studied very thoroughly by the General Accounting Office, and a number of recommendations were made to the Congress. Most of these recommendations already have been implemented by the Secret Service, including, at the direction of the Subcommittees on Appropriations, the establishment of comprehensive written procedures for the acquisition of space, alterations, and services at locations involving protective operations. With your permission, Mr. Chairman, I would like to submit a copy of these procedures for the record.

Senator NUNN. Are they attached to your statement here?

Mr. LONG. Yes, sir.

Senator NUNN. They will be a part of your statement and part of the record without objection.

[The informatoin referred to follows:]



DIRECTOR

DEPARTMENT OF THE TREASURY  
UNITED STATES SECRET SERVICE

WASHINGTON, D.C. 20223

February 22, 1974

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x530.0

## MEMORANDUM

To: Deputy Director  
Assistant Directors  
Assistants to the Director  
Legal Counsel  
All SAIC's and Division Chiefs

From: Director

Subject: Procedure for the Acquisition of Space, Alterations,  
and Services at Locations Involving Protective Operations

Attached are revised procedures covering the acquisition of space, alterations, and services at locations involving protective operations. These procedures are effective immediately.

As indicated in the procedures, all approved work will be monitored jointly by the Office of Administration and the operational office involved. Any necessary adjustments in the action requested will be conveyed to the initiating office through the appropriate Assistant Director for the operational office involved.

It is expected that these procedures will be strictly followed. Any deviations therefrom must have the express written approval of the Deputy Director.

Additional copies of SS Form No. 1911 may be obtained from the Administrative Operations Division in the usual manner.

*H S Knight*  
H. S. Knight

Attachment

PROCEDURES FOR THE ACQUISITION OF SPACE,  
ALTERATIONS, AND SERVICES AT LOCATIONS  
INVOLVING PROTECTIVE OPERATIONS

1. Purpose

The purpose of these procedures is to establish a uniform method in the Secret Service for the acquisition of space, alterations, and other services at locations involving protective operations.

2. Scope

These procedures are applicable to all Secret Service Offices, Divisions, Details, or other groups who have been assigned the duty to provide protection to persons, places, or things. Included in this coverage are operations at both Government-owned and Government-leased sites and property, as well as privately-owned or leased sites and property.

3. General Coverage

These procedures cover all work performed or to be performed, together with any related expenditures for all space, alterations, services, equipment, furniture, and all other items of tangible property which are furnished, installed, constructed, repaired, or altered by or at the request of the United States Secret Service, including those items that are physically attached or made a permanent part of any structure, property, site, or other physical entity.

4. Survey or Requirements

The Secret Service will conduct its usual survey to determine what measures are necessary to provide the desired level of protection.

5. Request for Authorization and Performance

Requests for work or expenditures described in paragraph 3 above will be documented as indicated on SS Form No. 1911, including all pertinent justifications and specifications. The cost estimate will include information obtained from the General Services Administration, where appropriate. When required, use plain paper for continuation sheets. Requests will be deemed to include all necessary future replacements, maintenance, and repairs relating to the work or other items specifically requested.

6. Proposed Recovery of Equipment and/or Restoration Required

Items of equipment that the Secret Service proposes to recover at the termination of the mission will be clearly spelled out on SS Form No. 1911, together with any restorations that appear to be required. It should be understood that in some instances, it may not be practical or economically feasible at some future date to recover items and make restorations as contemplated at the time the work was originally performed.

7. Concurrence of Protectee or His Designee when Either Privately-owned or Leased Property is Involved

Prior to the commencement of any work on privately-owned or privately-leased property, the concurrence for such work that is required to be performed will be obtained by the requesting office from the protectee or his designated representative. When representatives are designated to act for protectees, such authorizations shall be obtained in writing from the particular protectee involved. Such concurrence shall not be considered as agreement by the protectee to the proposed recovery or restoration proposed in the request.

8. Processing of SS Form No. 1911, "Request for Space, Alterations, Equipment, and Services at Locations Involving Protective Operations"

SS Form No. 1911 will be initiated by the appropriate Special Agent in Charge or Assistant Director involved. Cost estimates will be determined by the requesting office in conjunction with the Administrative Operations Division in the Office of Administration. Any cost information required from the General Services Administration will be obtained by the Administrative Operations Division, which will also serve as the contacting office with that agency. After the requisite approvals and certifications as to the availability of funds has been obtained, the Administrative Operations Division will issue the appropriate job orders, purchase orders, or contracts, as the case may be. The performance of any work required will be monitored jointly by the Administrative Operations Division and the appropriate Special Agent in Charge or Assistant Director involved.

9. Emergency Procedures

When an emergency arises and time does not permit the processing of SS Form No. 1911 in the usual manner, all requests, concurrences, and approvals required by these procedures may be processed orally. Any such emergency oral actions shall be confirmed by the submission of SS Form No. 1911 with a check mark in the "Confirmation" block as soon as possible thereafter, preferably within 24 hours.

10. Accounting and Reporting

Costs will be accumulated for each location indicating whether the property is Government-owned or leased or privately-owned or leased. Any reports or notices required by law pertaining

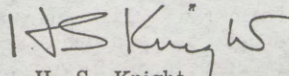
- 4 -

to the activities covered by these procedures will have the concurrence of the agencies involved, i.e., Secret Service and the General Services Administration.

Effective July 1, 1974, all costs incurred under these procedures will be funded from the appropriation of the United States Secret Service. Appropriate reports of the activities performed and the costs incurred under these procedures will be made to the Appropriations Committees of the Congress. \*

11. Effective Date

The requirements spelled out in these procedures are effective immediately. The Director's memorandum of October 15, 1973, subject "Space for Protectees," File No. 530.0 (x 610.0) is hereby rescinded.

  
H. S. Knight

REQUEST FOR SPACE, ALTERATIONS, EQUIPMENT AND SERVICES  
AT LOCATIONS INVOLVING PROTECTIVE OPERATIONS

|   |   |                          |
|---|---|--------------------------|
| A. GENERAL INFORMATION  |   | PAGE NO.                 |
| NAME OF PROTECTEE   | FINANCIAL CODE (FMD USE ONLY)             | OF PAGES                 |
| NAME OF SITE LOCATION   | <input type="checkbox"/> ORIGINAL REQUEST | DATE OF REQUEST          |
| <input type="checkbox"/> GOV'T OWNED <input type="checkbox"/> PRIVATELY OWNED   | <input type="checkbox"/> CONFIRMATION OF  | FILE NO.                 |
| <input type="checkbox"/> GOV'T LEASED <input type="checkbox"/> PRIVATELY LEASED |   | 620.0                    |
| GENERAL PROJECT TITLE   |   |                          |
| SUMMARY OF PROPOSAL   |   |                          |
| NAME OF REQUESTOR   | OFFICE                                    |                          |
| CONTACT FOR ADDITIONAL INFORMATION  | TELEPHONE NO.                             | REQUIRED COMPLETION DATE |

B. SUMMARY JUSTIFICATION AND SPECIFICATIONS FOR PROJECT (CONTINUE ON PLAIN BOND PAPER)

|                      |  |
|----------------------|--|
|                      |  |
| TOTAL ESTIMATED COST |  |

C. PROPOSED RECOVERY OF EQUIPMENT AND/OR RESTORATION REQUIRED

|                      |  |
|----------------------|--|
|                      |  |
| TOTAL ESTIMATED COST |  |

D. CONCURRENCE OF PROTECTEE OR DESIGNEE  
(PRIVATELY OWNED/LEASED PROPERTY ONLY)

|           |      |
|-----------|------|
| SIGNATURE | DATE |
|-----------|------|

E. APPROVALS

|                               |      |  |      |
|-------------------------------|------|--|------|
| OPERATIONAL                   |      |  |      |
| SAIC (SIGNATURE)              | DATE | APPROPRIATE ASSISTANT DIRECTOR (SIGNATURE)               | DATE |
| ADMINISTRATIVE                |      |  |      |
| AD-ADMINISTRATION (SIGNATURE) | DATE | F. AVAILABILITY OF FUNDS CERTIFICATION<br>(FMD USE ONLY) |      |
| AGENCY                        |      |  |      |
| DEPUTY DIRECTOR (SIGNATURE)   | DATE |  |      |

UNITED STATES SECRET SERVICE

SSP 1911 (01-74)

Mr. LONG. It should be noted that the procedures require regular reports of all costs incurred to the Appropriations Committees of the Congress.

Essentially, the issues raised by the General Accounting Office that have not yet been addressed are those matters, such as the limitation on the number of residences that may be provided permanent protection and the provision for reimbursements to other agencies, which will require the action of the Congress.

Also, I might mention that some sections of the proposed bills, namely sections 4, 5, and 9, appear to be redundant in that they duplicate the provisions of already existing statutes.

Due to the exigencies of the situation, time did not permit clearance of this statement with the Office of Management and Budget.

Mr. Chairman, this concludes my remarks, and I shall now be glad to answer any questions you or the other members of the committee may have.

Senator NUNN. Mr. Long, I know you have taken a good many steps since the problems arose with President Nixon's residences. Does the Secret Service have any problem with this legislation that you would like to point out? Do you have any suggestion?

Mr. LONG. One of the biggest areas of concern to us is the provision that provides for reimbursement to other agencies. That recommendation was an outgrowth of the investigation by the General Accounting Office and the inquiries made by the House Government Operations Committee. Our observation is that those areas that appeared to be of concern to the General Accounting Office and to the House Government Operations Committee, involved primarily our relationships with the General Services Administration.

The Public Building Act amendments of 1972 abolished the appropriations available to the General Services Administration to provide assistance to the Secret Service. We feel that all of the areas in question have been in effect corrected by this legislation in that we are now required to reimburse GSA for anything they do for us no matter where it is. To my knowledge there were no issues raised with the services provided by other Federal agencies.

Senator NUNN. In other words, you already have to reimburse GSA?

Mr. LONG. Yes, sir, and we currently are doing that.

Senator NUNN. You are saying this is duplicative of what you are already doing?

Mr. LONG. Some of the provisions of the law are, sir. For instance, they require that procurements be in accordance with the Procurement Act. Obviously, we like to think that all of our procurements are in accordance with the Procurement Act. We are currently providing the Appropriations Committees of the Congress quarterly reports on all our expenditures at protective sites. So this information in detail is available to the Congress.

Senator NUNN. When did you start this?

Mr. LONG. These procedures were effective February 22, 1974.

Senator NUNN. I understand your point about some of these provisions already being part of the law. We can check that out. But are there any provisions of this act that are going to cause you any problems in trying to protect the people you are charged to protect under the law?

Mr. LONG. I think I would have to qualify my answer a little bit to the extent that conceivably at some point in time in the future, depending on the usage of a second residence, it may cost us more money to provide protection at a second residence with a limitation of \$10,000 on permanent installations there. But that is something that is probably conjecture on my part. I could not answer that.

Senator NUNN. You could always go to the Appropriations Committees and try to get that approval.

Mr. LONG. That is correct, Mr. Chairman.

Senator NUNN. It is the kind of thing you ought to be able to project a little bit ahead. It would not be an emergency situation, would it?

Mr. LONG. On the average, no. Not for a permanent residence or residence that was used with some degree of frequency.

Senator NUNN. Has the Secret Service endorsed this legislation then?

Mr. LONG. I think the Secret Service is very sympathetic to the legislation. I think by and large the actions we have taken have met the concerns, generally, of the Congress with respect to the recommendations of the bill. The one area that still gives us some concern is the question of reimbursement to other agencies.

Senator NUNN. You mean by other agencies, other than GSA?

Mr. LONG. Other than GSA. This goes back to the days of the Warren Commission Report. They implied that the Secret Service should call on other Federal agencies to provide whatever assistance they could to us. As a matter of fact, they pointed out that it was in reality the responsibility of the entire Federal Government to protect the President.

We see some gray areas still. I am not saying these are insurmountable problems, but there are going to be problems in the event that we are required to reimburse other agencies. It is a question of what they do in the course of their normal business versus what they say they do at our request. Obviously, there are going to be some problems in that regard. I do not think they are insurmountable problems. It is obviously going to be somewhat of an additional work load for the Secret Service in order to reimburse those agencies.

One point I should mention, too, Mr. Chairman, is that many of the services we receive are of the kind an agency performs on an ongoing basis. For instance, in the protection of candidates and nominees we are going to have to call on the Department of Defense for explosive ordinance disposal people. They have those kind of people on board all the time.

While the bill exempts that kind of reimbursement for the President and Vice President, it makes no provision for exempting them from reimbursement for other kinds of protection, such as candidates and nominees.

Senator NUNN. Do you suggest that this extension to the Department of Defense for Presidential and Vice Presidential protection be extended to other protectees?

Mr. LONG. I think that would be very helpful. The additional cost to the Department of Defense consists primarily of travel expenses. Actually, a lot of the things they do for us, particularly in times such as these where they are not actually engaged in hostilities, are the things that they would be expected to perform in the time of hostilities anyhow.

Senator NUNN. Are you saying that they have already got these types of personnel that have to be trained, on board, and part of the Department of Defense for contingency reasons? Does it cost them much money, if any, except the transportation?

Mr. LONG. Yes, sir.

Senator NUNN. To lend these people to you when you need them for protection of President and Vice President, as well as other people?

Mr. LONG. Yes, sir.

Senator NUNN. You are also saying if we exempted these others, just like we have the President and Vice President, this would be helpful on an accounting basis.

Mr. LONG. The whole problem is very nebulous. Obviously, we receive a great deal of information from other agencies. Much of this information is gleaned in the course of their regular investigations. They in turn, furnish us information. Are they going to charge us for that information when it is an investigation that they conducted in the course of their normal business in the first place? And the mere fact that there was some spill over or additional information gleaned that was of benefit to the Secret Service, would we be charged for that?

Senator NUNN. Do you have any kind of language to suggest to clarify this legislation?

Mr. LONG. I think it is an area that is going to be very difficult to clarify. It is almost the kind of situation where each instance would have to be judged on its individual merits.

Senator NUNN. How about report language? We could express the intent in a report.

Mr. LONG. That would be helpful.

Senator NUNN. Could you give us the best language you could come up with that you would like to see in the report on the bill?

Mr. LONG. Yes, sir, we could furnish that very language.

Senator NUNN. So it would give some assistance in distinguishing these things.

Mr. LONG. Yes, sir.

Senator NUNN. You will furnish us some language?

Mr. LONG. Yes, sir.

Senator NUNN. Are there any other problems with the bill?

Mr. LONG. That is our primary concern.

Senator NUNN. Do you think this legislation will inhibit your duty of protecting the President or Vice President in any way?

Mr. LONG. No, I do not, Mr. Chairman.

I think, and this is purely conjecture on my part, that it is conceivable that in the event a President chose to use a second residence with some degree of frequency, it would be less costly to the Government to make permanent installations in excess of \$10,000. But as you pointed out this could be overcome by going back to the appropriations committees. So I would say that the other provisions of the bill would not present any problems to us.

Senator NUNN. Mr. Rundle, do you have any comments you would like to make?

Mr. RUNDLE. No, sir. I might be able to clarify, if I could by an example, what Mr. Long is talking about relative to reimbursement. Let us suppose the police departments here in the metropolitan area did a great deal of planning for Human Kindness Day, the types of

activities that could be expected, the types of people expected to attend, et cetera. \* \* \* If one of our protectees had attended Human Kindness Day, we would have made a request for additional police support.

The question then comes down to this, we had a protectee attending Human Kindness Day. Could we expect to be billed by the Park Police, Metropolitan Police, Fire Department and others who were participating in their regular duties? I think that is what we would like clarified with language.

Senator NUNN. What is your particular job, Mr. Rundle?

Mr. RUNDLE. I am presently Acting Assistant Director of Protective Forces, which has the 10 divisions that provide physical protection to people and places by the Secret Service. That is the Presidential Protection Division, Vice Presidential Protection Division, the former Presidents, their widows, children, foreign dignitaries and the Executive Protective Service, the former White House Police that guards the White House buildings and grounds and foreign diplomatic missions in the Washington, D.C., area.

Senator NUNN. How many people do you have? Is that a classified number?

Mr. RUNDLE. Yes, it is.

Senator NUNN. Fine, we will not get into that at all. How do you handle Presidential candidates? How do you decide to what extent they are going to be protected? Does this vary with each candidate?

Mr. RUNDLE. The protection of candidates begins once the Bipartisan Congressional Committee and the Secretary of the Treasury decide that a person is a "major" candidate for the office of President or Vice President. We are then authorized to provide protection. We commence at that time to provide 24-hour, 7-day-a-week physical protection to that person.

We do this by assessing the threat potential, the intelligence information available, travel schedules, etc., and we assign an appropriate number of agents. The numbers do vary with those variables I mentioned.

Senator NUNN. Do you protect their residences?

Mr. RUNDLE. Yes, we do, on some candidates. It depends on their frequency of visits. We do not protect them as a matter of course. However, if the candidate is going or coming from a residence with great regularity, many times it is much cheaper for manpower and equipment expenditures to provide the secure environment to leave and come back to, rather than setting up and breaking down the security two or three times a day.

Senator NUNN. Have decisions already been made on protecting the candidates who are already out running now?

Mr. RUNDLE. No sir we are not protecting anyone at this time.

Senator NUNN. What triggers that?

Mr. RUNDLE. The Bipartisan Committee here in Congress, sir.

Senator NUNN. Is there a time element involved?

Mr. RUNDLE. There is no time limit in the statute. There is a time limit that has been projected, and that would be hopefully the first of March, 1976.

Senator NUNN. Any other suggestions you have, Mr. Long or Mr. Rundle, about this legislation that would make it clearer as far as you are concerned, or any other objections you might have?

Mr. LONG. No, Mr. Chairman. I think clarification of those items we talked about regarding reimbursement is our major concern.

Senator NUNN. In other words, if we clarified it in report language saying reimbursement would not be intended by this law for functions and duties that would be carried out by other agencies in the ordinary course of their activities or for personnel who are permanently assigned to those agencies and have contingency missions.

Mr. LONG. It would also be very helpful, Mr. Chairman, if the assistance provided by the Department of Defense were extended to all our protectees because of the special nature of the services that they render to us.

Senator NUNN. Without reimbursement.

Mr. LONG. Without reimbursement inasmuch as these people are already an integral part of the Department of Defense.

Senator NUNN. Did you bring this up to any of the House committees handling this matter?

Mr. LONG. We raised the issue there, and in the debate on the floor there was some attempt made to clarify our concerns in this area. But it appears to us that some additional clarification would be very helpful.

Senator NUNN. If you could furnish to Mr. Goodwin, our counsel here, some clarifying language we will certainly take a good look at it.

Mr. LONG. Thank you, Mr. Chairman.

Senator NUNN. Any other comments?

Mr. RUNDLE. No, sir.

Mr. LONG. No, sir.

Senator NUNN. Thank you both for being here this morning. We appreciate it.

Mr. LONG. Thank you, Mr. Chairman.

Senator NUNN. You have a big job and a lot of responsibility. I know that the one thing we do not want to do is in any way inhibit you from full protection of the people you have to protect. If you see anything wrong with this legislation that you think does impede that mission as we move along, I hope you will let us know.

Mr. LONG. We shall, Mr. Chairman.

Mr. RUNDLE. Thank you.

Senator NUNN. Thank you.

[Additional information submitted by Mr. Long follows:]

#### HISTORY OF ASSISTANCE PROVIDED TO THE U.S. SECRET SERVICE FROM OTHER AGENCIES IN SUPPORT OF ITS PROTECTIVE RESPONSIBILITIES

##### *Assistance prior to assassination of President Kennedy*

Historically the U.S. Secret Service has always relied on other Federal agencies in support of its protective mission. Prior to the assassination of President Kennedy, all Federal agencies customarily provided assistance upon request of the U.S. Secret Service. Due to the fact that no legislative basis existed for this assistance it was requested and provided on an informal basis.

##### *Assistance subsequent to assassination of President Kennedy*

After the assassination of President Kennedy, the operations of the Secret Service were carefully reviewed by the President's Commission on the Assassination of President Kennedy, better known as the Warren Commission. The Warren Commission conducted the most exhaustive investigation in our history on the problems of presidential protection.

The Commission summarized the problem in this language:

"Whatever their purpose, Presidential journeys have greatly enlarged and complicated the task of protecting the President. The Secret Service and Federal, State, and local law enforcement agencies which cooperate with it, have been confronted in recent years with increasingly difficult problems, created by the greater exposure of the President during his travels and the greater diversity of the audiences he must face in a world torn by conflicting ideologies." (P. 427.) f

In addition to examining the problems related to presidential protection, one of the primary missions of the Warren Commission was to determine any means by which the quality of that protection could be improved. The Commission left no doubt as to its views. At page 459 of its report, we find this conclusion:

"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 is convinced of the necessity of better coordination and direction of the activities of all existing agencies of government which are in a position to, and do, furnish information and services related to the security of the President \* \* \*.

The Warren Commission felt so strongly about the Government-wide nature of protective duties that it proposed a more formal coordinating mechanism. Thus, the Commission's recommendations included the following:

"1. A committee of Cabinet members including the Secretary of the Treasury and the Attorney General, or the National Security Council, should be assigned the responsibility of reviewing and overseeing the protective activities of the Secret Service and the other Federal agencies that assist in safeguarding the President. Once given this responsibility, such a committee would insure that the maximum resources of the Federal Government are fully engaged in the task for protecting the President, and would provide guidance in defining the general nature of domestic and foreign dangers to Presidential security."

"8. Even with an increase in Secret Service personnel, the protection of the President will continue to require resources and cooperation of many Federal agencies. The Commission recommends that these agencies, specifically the FBI, continue the practice as it has developed, particularly since the assassination, of assisting the Secret Service upon request by providing personnel or other aid, and that there be a closer association and liaison between the Secret Service and all Federal agencies."

The Presidents' Committee on the Warren Report determined that there must be continuing assistance to the Secret Service in its performance of protective duties.

On September 27, 1964, President Johnson designated the Secretary of the Treasury, Douglas Dillon, the Attorney General, Nicholas deB. Katzenbach, the Director of the CIA, John McCone, and the President's Special Assistant for National Security Affairs, McGeorge Bundy, to act as a committee to study the Warren Commission Report and make recommendations concerning Presidential protective functions.

When the Committee reported, it expressed this view:

"Because our country is so large and complex, no one organization can, by itself, hope to provide protection for the President. Protection must be a cooperative effort among Federal, State and local law enforcement and intelligence agencies."

The Committee concurred with the Warren Commission that better liaison between the Secret Service and other departments and agencies was needed. It recommended the negotiation of written agreements formalizing agency responsibilities.

Subsequent to these findings and recommendations, the Secret Service made arrangements with various Government agencies for their specialized support as the need arose without any provisions for reimbursement.

#### *Legislative history of section 2 of Public Law 90-331*

After the assassination of Senator Kennedy, these informal arrangements formed the basis for the express statutory authority contained in section 2 of Public Law 90-331 which provided the authority to enter into formal written agreements.

Section 2 of Public Law 90-331 provides:

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.

As mentioned earlier, the Secret Service had received protective assistance from other federal agencies on a nonreimbursable basis. In providing an express statutory basis for such assistance by other agencies, Congress removed any doubts about agency authority and clearly indicated that protective activity would continue to be a responsibility shared by the Secret Service and other federal agencies. (FBI appropriations have regularly included an item for the protection of the person of the President of the United States. Warren Commission Report, pp. 457, 514.)

It would have been incumbent upon the Congress, had it intended to change existing nonreimbursement practice, to incorporate a reimbursement provision in Public Law 90-331 and to appropriate to the Secret Service sufficient funds to meet the substantial reimbursement expenses it would have incurred. That Congress did neither demonstrates that no reimbursement was contemplated. Moreover, relevant legislative history confirms this interpretation of Public Law 90-331.

The language enacted into permanent law as Public Law 90-331 originated as a Senate Appropriations Committee amendment to H.R. 16489, the Treasury, Post Office, and Executive Office Appropriation Act, 1969. H.R. 16489 was first debated by the Senate on June 6, 1968, immediately after Senator Kennedy's death. On that date, the Senate passed H.R. 16489 which included language having the same substantive effect as that now found in Public Law 90-331. This action by the Senate was reported by the House on the same day. The House did not wish to consider the entire appropriation act at that time. Instead it passed H.J. Res. 1292, which incorporated the substance of the Senate Appropriation Committee amendment to H.R. 16489. Later the same day when the Senate was informed of the House action, it also passed H.J. Res. 1292. The President signed the Resolution late in the afternoon of the same day and it became Public Law 90-331.

It is thus evident that the legislative history of the Senate Appropriations Committee amendment to H.R. 16489 is relevant in determining the intent of Congress with respect to Secret Service reimbursement of federal agencies assisting it in protective activity. Speaking with reference to what is now section 2 of Public Law 90-331, the Senate Committee on Appropriations, in its report on H.R. 16489, stated:

The proposed language [of the committee amendment] 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 communications purposes. It eliminates any doubt of the legal basis for such practice and assures Treasury direction of the protective functions.

The language reflects two purposes of Public Law 90-331 (in addition to extending protection to major vice presidential and presidential candidates): (1) to provide specific authorization of a "long-established" practice of using federal agencies other than the Secret Service in protective assignments, and (2) to assure Secret Service direction of such protective functions.

Congressional awareness of the existing practice of other agencies assisting the Secret Service in its protective functions is also reflected in the following statements by Senator Monroney during the June 6, 1968, Senate debate on H.R. 16489: (Full debate attached)

"The present practice is for other Federal departments and agencies to assist the Secret Service. However, lack of specific authority inhibits formal agreements needed to insure continuous and permanent cooperation.

"Of course, all Federal agencies have customarily provided assistance to the Secret Service. Indeed, it is inconceivable that any department would neglect or refuse to cooperate in a matter relating to Presidential protection.

"Despite a general willingness to assist, departments are naturally reluctant to formalize an understanding for which there is no express authority. The language of this bill would provide that authority."

On June 12, 1968, when the conference report on H.R. 16489 was called up before the House, the following statements were made:

"Last week, we gave support to the President's emergency action. A resolution [H.J. Res. 1292] was adopted by both Houses—and signed by the President on the same day—to provide authority for the safeguarding of presidential candidates. We also write into permanent law the right of the Secret Service to call

upon the personnel and facilities of all Government agencies to assist in the protection of our Presidents and presidential candidates. While this had long been the custom, there had been no statutory authority for this action.

Our attention has also been focused once again on the need for other Federal departments and agencies to assist the Secret Service in its protective functions. This need was stressed vigorously by the Warren Commission. As the number of persons subject to Secret Service protection and the amount of their travel has increased over the years, these protective functions have become a Government-wide responsibility.

The task of protecting our Presidents involves far more than the availability of trained agents. It requires the coordination of all law enforcement agencies for intelligence gathering, the availability of safe transportation facilities and adequate communications to reach remote areas, health and scientific expertise to test food and drinking water, and many other governmental resources. We must never permit the safety of our Presidents—present, past, or future—to be compromised because the resources of the Government were not made available to the fullest extent possible to insure their protection.”

Nowhere in the legislative history does there appear any suggestion that funds necessary to support protective activities would be made available only to the Treasury Department, for reimbursement to each agency performing its statutory responsibility to furnish requested protective assistance to the Secret Service. Rather, the intention inferentially appears that every department and agency would obtain its own funds and would expend them while performing its protective missions under the direction of the Secret Service.

It is clear from the legislative history of Public Law 90-331 that the Congress has not intended that the Secret Service shoulder the entire Federal financial burden of protective activities and that section 2 of Public Law 90-331 was simply intended to put a congressional stamp of approval on the existing practice of Federal agencies providing assistance to the Secret Service in connection with its protective functions without any requirements for reimbursement.

#### *Consequences of repeal of section 2 of Public Law 90-331*

There is a practical consideration related to the nonreimbursement aspects of P.L. 90-331. If section 2 of P.L. 90-331 is repealed, the requirement for reimbursement could result in agency disputes as to the estimated or actual costs incurred which could undermine the cooperation among federal agencies so essential to effective protective efforts. It could possibly lead to the withdrawal of assistance based on nonpayment due to disputed charges.

In addition, the cost and complexity of maintaining “actual costs” for reimbursement purposes could be substantial. The Comptroller General construes the term “actual costs” as, in addition to direct costs, the overhead and other indirect expenses including depreciation of fixed assets, proportionately allocated to services.

It is clear that the Congress, in its wisdom recognized that it would be totally impractical for the Secret Service to accurately project for budgetary purposes the variety of specialized needs which could occur in the total protection environment. (See attached list of specialized support provided the U.S. Secret Service.) Inasmuch as Secret Service requests for support are made to a number of different agencies, the budgetary impact on any one particular agency is minimized. In fact, over the years each federal agency has developed an appropriation base to continue this protective support.

The repeal of section 2 of Public Law 90-331, at this time, would raise a whole host of issues without providing resolutions. For instance, would the Secret Service be required to reimburse the Department of Defense for the purchase, maintenance, operational cost, and security of planes utilized by protectees, as well as the salaries of the crews and other support personnel involved, the use of the worldwide communications networks, and the utilization of ordnance bomb disposal and other specialized personnel.

One of the major reasons for H.R. 1244 was to correct the deficiencies in the procedures for requesting assistance from the General Services Administration in support of protective missions. These deficiencies have since been corrected through the establishment of formal internal procedures for the acquisition of space, alterations, and services at locations involving protective operations. (copy attached). In addition, the provisions of the Public Buildings Act Amendment of 1972, require that all federal agencies including the Secret Service budget and reimburse GSA for all expenditures made for alterations and the installation of security equipment at both privately owned or leased property and Government-owned and leased property.

Another point to be considered, if the Service is directed to reimburse other Federal agencies for protective support which has always been viewed as a total government responsibility, is the question that arises as to the responsibility of state or local jurisdictions to provide support on a nonreimbursable basis. Currently, the Secret Service relies very heavily on local police support when protectees move throughout the country. The protective cost to the Federal government is not calculable. If support were withheld pending reimbursement, the very lives of protectees would be jeopardized. In addition, the cost to audit these bills would be staggering.

In view of the above, it is strongly recommended that section 2 of Public Law 90-331<sup>1</sup> not be repealed as provided by section 10 of H.R. 1244 and that the current arrangements for assistance from other agencies which have proved so satisfactory in the past not be disturbed.

[Whereupon, the hearing was concluded at 11:25 a.m.]

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<sup>1</sup> See Senate floor debate on Public Law 90-331 from the Congressional Record, June 6, 1968.

## APPENDIX

91<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

**S. 2166**

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**IN THE SENATE OF THE UNITED STATES**

JULY 23 (legislative day, JULY 21), 1975

Mr. NUNN introduced the following bill; which was read twice and referred to the Committee on Government Operations

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**A BILL**

To amend the Federal Property and Administrative Services Act of 1949 to establish procedures for the use of Federal property and services for the protection of the President of the United States and other persons.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled;*  
3       That this Act may be cited as the "Presidential Protection  
4       Assistance Act of 1975".

5       SEC. 2. The Federal Property and Administrative Serv-  
6       ices Act of 1949 (40 U.S.C. 471 et seq.) is amended to  
7       add a new title, as follows:

II

## 1 "TITLE IX—PRESIDENTIAL PROTECTION

2 "SEC. 901. In performance of the protective duties of the  
3 United States Secret Service pursuant to section 3056 of  
4 title 18 of the United States Code (pertaining to the pro-  
5 tection of the President of the United States and other per-  
6 sons) and the first section of the joint resolution entitled  
7 "Joint resolution to authorize the United States Secret Serv-  
8 ice to furnish protection to major Presidential or Vice Presi-  
9 dential candidates", approved June 6, 1968 (Public Law  
10 90-331; 82 Stat. 170), Federal departments and agencies  
11 shall assist the United States Secret Service by—

12 "(1) providing, when requested by the Director of  
13 the United States Secret Service or his authorized  
14 representative and on a reimbursable basis, services,  
15 equipment, or facilities on a temporary basis except  
16 that the Department of Defense and the Coast Guard  
17 shall provide such services, equipment, or facilities on  
18 a temporary basis without reimbursement when assist-  
19 ing the United States Secret Service in its duties  
20 directly related to the protection of the President or  
21 Vice President of the United States or other officer  
22 next in order of succession to the office of the President;

23 "(2) providing, upon advance written request of  
24 the Director of the United States Secret Service or his  
25 or her authorized representative and on a reimbursable

## 3

1 basis such facilities, equipment, and services as are  
2 required by the United States Secret Service to provide  
3 full-time security for each protectee at no more than  
4 one property at a time not in Government ownership  
5 or control, such property having been designated by a  
6 (President, President-elect, former President, or any  
7 other person entitled to protection under the above  
8 provision of law, as the one property to be secured  
9 under this paragraph. Where more than one family  
10 member is eligible for Secret Service protection, there  
11 shall be only one such designated property allowed per  
12 family: *Provided, however,* That such limitation shall  
13 not be construed to apply to members of the immediate  
14 family who do not permanently reside with the person  
15 entitled to protection;

16 “(3) providing, upon advance written request of  
17 the Director of the United States Secret Service or his  
18 authorized representative and on a reimbursable basis  
19 such facilities, equipment, and services, as are required  
20 by the United States Secret Service to provide full-  
21 time security at any property not covered by paragraph  
22 (2) of this section and not in Government ownership or  
23 control to the extent that such expenditures do not  
24 cumulatively exceed \$10,000 at any one property owned,  
25 leased, occupied, or otherwise utilized by persons en-

1. titled to protection under such sections of title 18 and  
2. such Act unless approved by resolutions adopted by the  
3. Committees on Appropriations of the House and Sen-  
4. ate, respectively.

5. "SEC. 903. Expenditures by the United States Secret  
6. Service for maintaining a permanent guard detail and for  
7. permanent facilities, equipment, and services to secure non-  
8. Government property owned, leased, occupied, or otherwise  
9. utilized by persons entitled to protection under the above  
10. provisions of law shall be limited as provided in section 902  
11. (2) and 903 (3) of this title.

12. "SEC. 904. All purchases and contracts entered into pur-  
13. suant to sections 902 (2), 902 (3), and 903 of this title shall  
14. be made in accordance with the provisions of this Act.

15. "SEC. 905. No payments shall be made pursuant to this  
16. title for service, equipment, or facilities ordered, purchased,  
17. leased, or otherwise procured by persons other than officers  
18. or employees of the Federal Government duly authorized  
19. by the Director of the United States Secret Service to make  
20. such procurements.

21. "SEC. 906. All improvements and other items acquired  
22. pursuant to this title shall be the property of the Federal  
23. Government. Upon termination of entitlement to Secret Serv-  
24. ice protection or if a President, President-elect, former Presi-  
25. dent, or other person entitled to protection under section

1 3056 of title 18 of the United States Code and the first  
2 section of the joint resolution entitled "Joint resolution to  
3 authorize the United States Secret Service to furnish pro-  
4 tection to major Presidential or Vice Presidential candidates",  
5 approved June 6, 1968 (Public Law 90-331; 82 Stat.  
6 170), designates a different property to be so secured, all  
7 improvements or other items shall be removed from the  
8 original property unless it is economically unfeasible to do  
9 so, as determined by the United States Secret Service, except  
10 that, such improvements or other items shall be removed  
11 and the property restored to its original state, regardless of  
12 the determination of economic unfeasibility, if the owner  
13 of such property at the time of determination requests re-  
14 moval. If improvements or other items are not removed, the  
15 owner of the property containing the improvements at the  
16 time of termination shall compensate the Government for  
17 the original cost of such improvements or other items or the  
18 amount they have increased the fair market value, as  
19 determined by the General Accounting Office, of the  
20 property as of the date of transfer or termination whichever  
21 is less.

22 "SEC. 907. Expenditures under this title shall be from  
23 funds specifically appropriated to the United States Secret  
24 Service for carrying out the provisions of this title, with  
25 the exception of those expenditures exempted in section

1 902 (1). Public funds not so appropriated shall not be used  
2 for the purpose of securing any nongovernmentally owned  
3 property owned, leased, occupied, or otherwise utilized by  
4 persons entitled to protection under section 3056 of title  
5 18 of the United States Code and the first section of the  
6 joint resolution entitled "Joint resolution to authorize the  
7 United States Secret Service to furnish protection to major  
8 Presidential or Vice-Presidential candidates", approved  
9 June 6, 1968 (Public Law 90-331; 82 Stat. 170).

10 "SEC. 908. The Director of the United States Secret  
11 Service, the Secretary of Defense, and the Commandant of  
12 the Coast Guard shall transmit a detailed report of expendi-  
13 tures made pursuant to this title to the Committees on Appro-  
14 priations, Committees on the Judiciary, and Committees on  
15 Government Operations of the House of Representatives and  
16 Senate on March 31 and September 30 of each year.

17 "SEC. 909. Expenditures made pursuant to this title  
18 shall be subject to audit by the Comptroller General and his  
19 authorized representatives, who shall have access to all rec-  
20 ords relating to such expenditures. The Comptroller General  
21 shall transmit a report of the results of any such audit to the  
22 Committees on Appropriations, Committees on the Judiciary,  
23 and Committees on Government Operations of the House of  
24 Representatives and the Senate."

1        SEC. 3. Section 2 of the joint resolution entitled "Joint  
2 resolution to authorize the United States Secret Service to  
3 furnish protection to major Presidential and Vice-Presidential  
4 candidates", approved June 6, 1968 (Public Law 90-331;  
5 82 Stat. 170), is repealed.

94TH CONGRESS  
1ST SESSION

# H. R. 1244

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## IN THE SENATE OF THE UNITED STATES

MAY 6 (legislative day, APRIL 21), 1975

Read twice and referred to the Committees on Government Operations and the  
Judiciary jointly by unanimous consent

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## AN ACT

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

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*  
3       That this Act may be cited as the "Presidential Protection  
4       Assistance Act of 1975".

5       SEC. 2. In performance of the protective duties of the  
6       United States Secret Service pursuant to section 3056 of  
7       title 18 of the United States Code (pertaining to the pro-  
8       tection of the President of the United States and other per-  
9       sons) and the first section of the joint resolution entitled  
10      "Joint resolution to authorize the United States Secret Serv-  
11      ice to furnish protection to major presidential or vice presi-

1 dential candidates", approved June 6, 1968 (Public Law  
2 90-331; 82 Stat. 170), Federal departments and agencies  
3 shall assist the United States Secret Service by—

4 (1) providing, when requested by the Director of  
5 the United States Secret Service or his authorized rep-  
6 resentative and on a reimbursable basis, services, equip-  
7 ment, or facilities on a temporary basis except that the  
8 Department of Defense and the Coast Guard shall pro-  
9 vide such services, equipment, or facilities on a tempo-  
10 rary basis without reimbursement when assisting the  
11 United States Secret Service in its duties directly related  
12 to the protection of the President or Vice President of  
13 the United States or other officer next in the order of  
14 succession to the office of President;

15 (2) providing, upon advance written request of the  
16 Director of the United States Secret Service or his  
17 authorized representative and on a reimbursable basis  
18 such facilities, equipment, and services as are required  
19 by the United States Secret Service to provide full-  
20 time security for each protectee at no more than one  
21 property at a time not in Government ownership or  
22 control, such property having been designated by a  
23 President, President-elect, former President, or any  
24 other person entitled to protection under the above  
25 provision of law, as the one property to be secured

1 under this paragraph. Where more than one family  
2 member is eligible for Secret Service protection, there  
3 shall be only one such designated property allowed  
4 per family: *Provided, however,* That such limitation  
5 shall not be construed to apply to members of the  
6 immediate family who do not permanently reside with  
7 the person entitled to protection;

8 (3) providing, upon advance written request of  
9 the Director of the United States Secret Service or  
10 his authorized representative and on a reimbursable  
11 basis such facilities, equipment, and services, as are  
12 required by the United States Secret Service to pro-  
13 vide full-time security at any property not covered by  
14 paragraph (2) of this section and not in Government  
15 ownership or control to the extent that such expend-  
16 itures do not cumulatively exceed \$10,000 at any one  
17 property owned, leased, occupied, or otherwise utilized  
18 by persons entitled to protection under such sections  
19 of title 18 and such Act unless approved by resolu-  
20 tions adopted by the Committees on Appropriations  
21 of the House and Senate, respectively.

22 SEC. 3. Expenditures by the United States Secret  
23 Service for maintaining a permanent guard detail and for  
24 permanent facilities, equipment, and services to secure non-  
25 Government property owned, leased, occupied, or other-

## 4

1 wise utilized by persons entitled to protection under the  
2 above provisions of law shall be limited as provided in section  
3 2 (2) and (3) of this Act.

4 SEC. 4. All purchases and contracts entered into pur-  
5 suant to sections 2 (2), 2 (3), and 3 of this Act shall be  
6 made in accordance with the provisions of the Federal  
7 Property and Administrative Services Act of 1949.

8 SEC. 5. No payments shall be made pursuant to this  
9 Act for service, equipment, or facilities ordered, purchased,  
10 leased, or otherwise procured by persons other than officers  
11 or employees of the Federal Government duly authorized  
12 by the Director of the United States Secret Service to make  
13 such procurements.

14 SEC. 6. All improvements and other items acquired pur-  
15 suant to this Act shall be the property of the Federal Gov-  
16 ernment. Upon termination of entitlement to Secret Service  
17 protection or if a President, President-elect, former Presi-  
18 dent, or other person entitled to protection under section  
19 3056 of title 18 of the United States Code and the first  
20 section of the joint resolution entitled "Joint resolution to  
21 authorize the United States Secret Service to furnish protec-  
22 tion to major Presidential or Vice Presidential candidates",  
23 approved June 6, 1968 (Public Law 90-331; 82 Stat. 170),  
24 designates a different property to be so secured, all improve-

1 ments or other items shall be removed from the original  
2 property unless it is economically unfeasible to do so, as  
3 determined by the United States Secret Service, except  
4 that, such improvements or other items shall be removed and  
5 the property restored to its original state, regardless of the  
6 determination of economic unfeasibility, if the owner of such  
7 property at the time of determination requests removal. If  
8 improvements or other items are not removed, the owner of  
9 the property containing the improvements at the time of  
10 termination shall compensate the Government for the orig-  
11 inal cost of such improvements or other items or the amount  
12 they have increased the fair market value, as determined by  
13 the General Accounting Office, of the property as of the date  
14 of transfer or termination whichever is less.

15       SEC. 7. Expenditures under this Act shall be from funds  
16 specifically appropriated to the United States Secret Service  
17 for carrying out the provisions of this Act, with the excep-  
18 tion of those expenditures exempted in section 2 (1). Public  
19 funds not so appropriated shall not be used for the purpose  
20 of securing any non-governmentally-owned property owned,  
21 leased, occupied, or otherwise utilized by persons entitled to  
22 protection under section 3056 of title 18 of the United States  
23 Code and the first section of the joint resolution entitled  
24 "Joint resolution to authorize the United States Secret Serv-

1 ice to furnish protection to major presidential or vice-presi-  
2 dential candidates", approved June 6, 1968 (Public Law  
3 90-331; 82 Stat. 170).

4 SEC. 8. The Director of the United States Secret Serv-  
5 ice, the Secretary of Defense, and the Commandant of the  
6 Coast Guard shall transmit a detailed report of expenditures  
7 made pursuant to this Act to the Committees on Appropria-  
8 tions, Committees on the Judiciary, and Committees on  
9 Government Operations of the House of Representatives and  
10 Senate on March 31 and September 30 of each year.

11 SEC. 9. Expenditures made pursuant to this Act shall  
12 be subject to audit by the Comptroller General and his  
13 authorized representatives, who shall have access to all  
14 records relating to such expenditures. The Comptroller  
15 General shall transmit a report of the results of any such  
16 audit to the Committees on Appropriations, Committees on  
17 the Judiciary, and Committees on Government Operations  
18 of the House of Representatives and the Senate.

1       SEC. 10. Section 2 of the joint resolution entitled  
2       “Joint resolution to authorize the United States Secret  
3       Service to furnish protection to major presidential and  
4       vice-presidential candidates”, approved June 6, 1968  
5       (Public Law 90-331; 82 Stat. 170), is repealed.

      Passed the House of Representatives May 5, 1975.

Attest:

W. PAT JENNINGS,

*Clerk.*



GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE  
WASHINGTON, D. C. 20301

27 August 1975

Dear Mr. Chairman:

This is in response to your letter of 12 August 1975 to Secretary Schlesinger requesting the Department of Defense views on S. 2166 and H.R. 1244. We greatly appreciate the opportunity to comment on this proposed legislation.

While a number of the provisions of the bills relate to matters outside the jurisdiction of the Defense Department, there are three provisions which have an immediate effect on the DoD-Secret Service arrangements for protective support. The first is contained in Section 901(1) of S. 2166 and Section 2(1) of H.R. 1244 and provides that the Secret Service shall reimburse the Department of Defense and the Coast Guard for protective services rendered, subject to certain exceptions. The second provision is in Section 908(S. 2166) and Section 8 (H.R. 1244) which requires the Department of Defense to transmit a detailed report of expenditures made pursuant to this Bill. The third provision is Section 3(S. 2166) and Section 10 (H.R. 1244) which repeals Section 2 of Public Law 90-331 relating to assistance provided the Secret Service by other Departments and Agencies.

The Department of Defense fully supports the objectives of the Bills, specifically the provisions noted above. As the House Judiciary Report 94-105 noted, "The provisions of this 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."

In order to put the Department of Defense position in perspective, some background information on DoD support of the Secret Service may be helpful. On June 6, 1968, Congress enacted Public Law 90-331, "Joint Protection to Major Presidential or Vice Presidential Candidates." Section 2 of that law requires Federal Departments and Agencies to assist the Secret Service in the performance of its protective duties under Section 18 U.S.C. 3056 and in the performance of its duties to protect major Presidential and Vice Presidential candidates under Section 1 of that Act.

In recognition of these responsibilities, the Secretary of Defense and the Secretary of the Treasury entered into an agreement on June 11, 1968, for the purpose of providing procedures and delineating in more specific terms the logistical assistance and other support the Department of Defense will provide to the Secret Service. On July 15, 1968, the Department of Defense issued Department of Defense Directive 3025.13, "Employment of Department of Defense Resources in Support of the United States Secret Service" (Tab A). Neither the Defense-Treasury Agree-

ment nor the Defense Directive address whether or not reimbursement would be required. The result was that Defense periodically submitted requests to the Secret Service for reimbursement for facilities, equipment and services rendered to the Secret Service. As a general rule, Secret Service denied any responsibility to reimburse, although on occasion it did pay the operational costs of aircraft furnished to the Secret Service.

S. 2166 and H.R. 1244 make plain that reimbursement is intended as a general rule. They would also require Secret Service to make a detailed report of these expenditures to the Committees named in the Bills. They would likewise require the Department of Defense to submit a detailed report of its expenditures except when the support is provided to the President or the Vice President under the exception clause of Section 901(1)(S. 2166) and Section 2(1)(H.R. 1244).

It may be helpful to explain our views by describing the categories of persons who are subject to Secret Service protection. For ease of description, I will divide the list of persons eligible for protection into four categories:

The first category includes the President and his immediate family, the President-elect, the Vice President and his immediate family and the Vice-President elect.

The second category consists of former Presidents and their wives, the widows of former Presidents and the minor children of former Presidents.

The third category of persons eligible for protection are visiting heads of foreign states, other distinguished foreign visitors to the United States and official United States representatives performing missions abroad.

The fourth category of persons qualifying for protection are major Presidential and Vice Presidential candidates as determined by the Advisory Committee established by Section 1 of Public Law 90-331.

S. 2166 and H.R. 1244 provide that the Secret Service will reimburse the Department of Defense for all protective services rendered to categories one through four, except when the protection is provided the President or Vice President, and then only under the circumstances to be described hereafter. This provision is consistent with the Department's general policy of requiring any other Federal Agency to which support is provided to reimburse for the costs

incurred. The statutory authority for this policy is 31 U.S.C. 686, the so-called Economy Act, under which Defense makes available its unique capabilities to the remainder of the Federal Government when it is determined to be in the national interest and beneficial to overall governmental economy.

The Department seeks reimbursement only for identifiable costs incurred in providing the requested support, i.e., the costs over and above the costs to the Department for maintaining a given capability in support of its military mission. The reimbursement cost would not include salaries of military personnel providing occasional support while remaining under the control of their parent military activity, purchase of military equipment or other costs normally incurred in the operation of the Military Departments. It would include, for example, incremental aircraft operation and maintenance costs, rental cars, travel costs, salaries of personnel assigned full time to Secret Service support and other specialized services in direct support of the Secret Service.

It should be emphasized that these costs are in most cases readily identifiable. Attachment B lists the kinds of services rendered to the Secret Service during the 1972 Presidential campaign pursuant to Public Law 90-331, Attachment C lists the costs incurred in providing explosive ordnance disposal services to the Secret Service in 1973 and 1974, exclusive of that provided to the President and Vice President.

The Department of Defense does not consider the reach of S. 2166 and H.R. 1244 to extend to those services that the Department provides directly to the President as the Commander-in-Chief. In that role, the President looks to the Department of Defense to provide him necessary equipment, services and facilities to fulfill certain of his national security responsibilities. These include communications, aircraft, personnel and certain types of physical security devices. These are provided directly to the President, not the Secret Service, even though the Secret Service may exercise a degree of operational control. These services are considered to be appropriate Defense Department expenditures, unlike support provided to the Secret Service for other of its protectees. This rationale also applies to the Vice President as the primary Presidential successor. Accordingly, if the temporary support is provided directly to the President or Vice President and that support is incidentally assisting the Secret Service, it is exempt from the requirement for reimbursement.

The mechanics of properly accounting for support provided other agencies are rather simple and straight forward. As noted earlier, the chargeable costs are in almost all cases clearly evident, such as rental cars, aircraft support for a

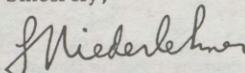
non-military mission, etc. In those few cases where there may be some doubt as to the proper division of costs, they are negotiated with the agency concerned. To date, except for the Secret Service, there have been no situations that could not be resolved. With the reimbursement provision language now proposed in S. 2166 and H.R. 1244, the Department of Defense anticipates no difficulty in reaching accord with the Secret Service as to the proper division of costs.

Comments on the specific issues raised by the Secret Service during their testimony before your Subcommittee are attached at Tab D.

In conclusion, the Department of Defense supports the objectives of S. 2166 and H.R. 1244 as being consistent with sound management and fiscal policy and recommends its favorable consideration by your Subcommittee. In this connection, the Secret Service concedes that the enactment of this legislation will not inhibit it from carrying out its difficult and important mission (Testimony before your Subcommittee, page 10, lines 20-24).

The Office of Management and Budget advises that, from the standpoint of the Administration's program, there is no objection to the presentation of this letter for consideration.

Sincerely,



L. Niederlehner  
Acting General Counsel

Honorable Sam Nunn, Chairman  
Committee on Government Operations  
Subcommittee on Oversight Procedures  
United States Senate  
Washington, D.C. 20510

## ATTACHMENT A



July 15, 1968  
NUMBER 3025.13

The SpecAsst to S/D

## Department of Defense Directive

SUBJECT Employment of Department of Defense Resources in Support of the United States Secret Service

- Refs. : (a) 18 USC 3056 and Pub. Law 90-331, "Joint Resolution - To Authorize the United States Secret Service to Furnish Protection to Major Presidential or Vice Presidential Candidates," approved June 6, 1968
- (b) "Interdepartmental Agreement Between the Department of Defense and the Department of the Treasury Concerning Secret Service Protective Responsibilities," June 10-11, 1968, and revision of June 27, 1968 (Enclosure 1)
- (c) DoD Instruction 5030.34, "Agreement Between the U. S. Secret Service and DoD Concerning Protection of the President," December 30, 1965

### I. PURPOSE AND APPLICABILITY

- A. This Directive implements reference (b) by (1) establishing Department of Defense policy governing the employment of DoD resources in support of the U. S. Secret Service, Department of the Treasury, in the performance of its protective duties under reference (a), and (2) assigns responsibilities to staff officials in the Office of the Secretary of Defense; the Joint Chiefs of Staff; and the Military Departments for carrying out the provisions of this Directive.
- B. Existing procedures for obtaining (1) support for the President (see also reference (c)), and (2) aircraft support for the incumbent Vice President are not affected by the provisions of this Directive.

### II. POLICY

- A. Logistic and other support, as defined in enclosure 1, will be provided only upon request of the Director, U. S. Secret Service, or his authorized representative.

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B. All DoD personnel assigned to assist the Secret Service, in accordance with the provisions of the agreement (enclosure 1), shall, during the duration of their assignment, be subject to overall supervision and direction of the Director, U. S. Secret Service, or his authorized representative.

\* C. All requests 1/ by the Secret Service (see II. C. 4 and II. C. 5., \*  
\* below, for exceptions) for support under the provisions of \*  
\* enclosure 1 must be approved by The Special Assistant to the  
\* Secretary of Defense or his authorized representative before  
\* such support is provided, as follows:

1. Requests will be addressed directly to The Special Assistant to the Secretary of Defense or his authorized representative.
2. Outside of normal duty hours, requests may be received by the National Military Command Center (NMCC) for action and forwarding to The Special Assistant to the Secretary of Defense or his authorized representative.
3. Within the Continental United States (CONUS), DoD support will be provided by the Military Departments; outside the CONUS, by the Commanders of Unified Commands.
4. Military Commanders may respond to urgent requests as circumstances justify; however, all requests so met will be reported, through channels, to The Special Assistant.
- \* 5. DoD communications support for the Secret Service will \*  
\* be provided by the Director, Defense Communications \*  
\* Agency, in direct coordination with the Secret Service. \*  
\* The Director, DCA, need not inform The Special Assistant \*  
\* of such support, unless Secret Service communications re- \*  
\* quirements cannot be met within existing DCA resources. \*

### III. RESPONSIBILITIES

In carrying out the provisions of this Directive -

A. The Special Assistant to the Secretary of Defense or his authorized representative:

1. Will approve/disapprove Secret Service requests for

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1/ This requirement does not include support for the President and for aircraft support for the incumbent Vice President, as outlined in I. B., above.

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DoD support, in accordance with the agreement (enclosure 1);

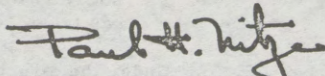
2. Will forward approved requests to the Deputy Director for Operations, NMCC (see exception under II, C. 4., above);
  3. Will act as the point of contact for the DoD in all matters pertaining to DoD support of the Secret Service;
  4. May designate as his authorized representative a person(s) from a Military Department (recommended by the Secretary concerned in consultation with the Joint Chiefs of Staff) with authority for approving Secret Service requests for support by his Department, subject to specific terms of reference. A person so designated will direct his Department to provide the support and will notify The Special Assistant of the action he has taken.
- B. Under the direction and supervision of the Joint Chiefs of Staff:
1. The National Military Command Center will:
    - a. Designate the appropriate Military Department/ Unified Command(s) to provide the DoD support and dispatch directives for compliance by the Department or Command concerned, unless the Department has already been designated under the provision of III, A. 4., above.
    - b. Assure that Secret Service requests for DoD support received outside of normal duty hours are promptly given to The Special Assistant to the Secretary of Defense or his authorized representative, and that the Department/ Command(s) concerned are alerted of the impending request(s).
    - c. Provide the office of The Special Assistant with information on the action taken on each

Secret Service request for DoD support.

2. Commanders of Unified Commands will provide DoD support for the Secret Service in accordance with approved requests and instructions (see III. B.1.a., above);
- C. Secretaries of the Military Departments will:
1. Provide Military Service resources in accordance with approved instructions (see III. B.1.a., above); and
  2. Coordinate the use of resources under the operational control of the Unified Commands with cognizant commanders in instances when DoD support to the Secret Service is of such magnitude as to limit the mission capability of the Unified Commands.

IV. EFFECTIVE DATE AND IMPLEMENTATION

This Directive is effective immediately. Two (2) copies of implementing instructions shall be forwarded to The Special Assistant to the Secretary of Defense within forty-five days.



Deputy Secretary of Defense

Enclosure - 1  
Interdepartmental Agreement

Interdepartmental Agreement Between the Department of  
Defense and the Department of the Treasury Con-  
cerning Secret Service Protective Responsibilities.

I. Purpose of Agreement

For many years the Department of Defense has rendered valuable support to the Secret Service, Department of the Treasury, to aid in discharging that Agency's statutory protective responsibilities. The purpose of this agreement is to provide procedures for and delineate in more specific terms the logistical assistance and other support the Department of Defense will provide to the Secret Service.

II. Support to be Provided by the Department of Defense to the United States Secret Service.

A. The Department of Defense shall, upon request, provide the Secret Service with medical service, motor vehicles, communications, and such other support as may be necessary to assist the Secret Service in the performance of its protective functions.

B. The Department of Defense shall, upon request, make available appropriate aircraft to transport Secret Service agents to destinations where persons entitled to Secret Service protection intend to travel or do travel either within or outside the United States, in the event commercial transportation is not available, readily obtainable, or satisfactorily capable of meeting the requirement.

C. The Department of Defense shall, upon request, make available when appropriate aircraft to transport Secret Service automobiles required by persons entitled to Secret Service protection when such persons travel either within or outside the United States.

D. The Department of Defense shall, upon request, make available when appropriate helicopters and other aircraft and crews to provide transportation to persons entitled to Secret Service protection when such persons travel either within or outside the United States and the Secret Service personnel accompanying such persons.

E. The Department of Defense shall, upon request, make available when appropriate a sufficient number of helicopters and crews to accompany motorcades when persons entitled to Secret Service protection travel within or outside the United States to aid in the security of the motorcades by overhead surveillance and to assist in the event motor vehicles containing protected persons should become immobilized.

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III. Procedure for Requesting Assistance and Supervision of Department of Defense Personnel Furnishing Support to the Secret Service.

A. The Secretary of Defense will designate an official within the Office of the Secretary of Defense who shall have the responsibility for providing the support required by the Secret Service in accordance with the provisions of this agreement. Logistic and other support will be provided only upon request by the Director of the Secret Service or his authorized representative.

B. Requests for logistical support and other assistance shall be communicated to the official designated by the Secretary of Defense as soon as possible after the need for such assistance is ascertained.

C. All Department of Defense personnel assigned to assist the Secret Service in accordance with the provisions of this agreement shall, during the duration of their assignment, be subject to overall supervision and direction of the Director, U.S. Secret Service or his authorized representative.

Charles L. Sigmond  
Secretary  
Department of Defense

Henry H. Fowler  
Secretary  
Department of the Treasury

Date: June 10, 1968

Date: JUN 11 1968

## ATTACHMENT B

 PRESIDENTIAL AND VICE PRESIDENTIAL CANDIDATES  
 DURING  
 ELECTION YEAR PERIOD, JANUARY-NOVEMBER 1972

| Cost Elements   | Army               | Navy             | Air Force         | DCA               | Total              |
|---|--------------------|------------------|-------------------|-------------------|--------------------|
| <b>CATEGORY I</b>   |                    |                  |                   |                   |                    |
| Military Labor:   |                    |                  |                   |                   |                    |
| Personnel Services  | \$ 571,806         | \$ 43,291        | \$ 166,244        | \$ 46,099         | \$ 827,440         |
| Subsistence & Qtrs  |                    | 2,600            | 102               |                   | 2,702              |
| Aircraft Operations   |                    | 907              |                   |                   | 907                |
| Motor Vehicle Trans   |                    |                  | 91                |                   | 91                 |
|   | <u>\$ 571,806</u>  | <u>\$ 46,798</u> | <u>\$ 166,437</u> | <u>\$ 46,099</u>  | <u>\$ 831,140</u>  |
| <b>CATEGORY II</b>  |                    |                  |                   |                   |                    |
| Incremental Costs:  |                    |                  |                   |                   |                    |
| Personnel Services  | \$                 | \$ 1,068         | \$ 3,302          | \$ 12,527         | \$ 16,897          |
| Subsistence & Qtrs  |                    | 270              |                   |                   | 270                |
| Travel  | 614,107            | 6,557            | 333,112           | 44,997            | 998,773            |
| Trans of Things   | 1,029              |                  | 404               |                   | 1,433              |
| Aircraft Operations   | 79,380             | 8,022            |                   |                   | 87,402             |
| Motor Vehicle Trans   |                    |                  | 3,003             | 41,933            | 44,936             |
| Consumable Material   | 4,276              |                  | 798               | 5,420             | 10,494             |
| Investment Equipment  |                    |                  | 229               |                   | 229                |
| Communications  |                    |                  | 1,497             | 237,504           | 239,001            |
| Clothing Allowances   | 25,414             |                  | 4,100             |                   | 29,514             |
| Other (Toll Calls, &<br>Generator, Room &<br>Trailer Rentals) | 153                | 272              | 1,350             |                   | 1,775              |
|   | <u>\$ 724,359</u>  | <u>\$ 16,189</u> | <u>\$ 347,795</u> | <u>\$ 342,381</u> | <u>\$1,430,724</u> |
| <b>CATEGORY III</b>   |                    |                  |                   |                   |                    |
| Total Costs:  |                    |                  |                   |                   |                    |
| Personnel Services  | \$ 571,806         | \$ 44,359        | \$ 169,546        | \$ 58,626         | \$ 844,337         |
| Subsistence & Qtrs  |                    | 2,870            | 102               |                   | 2,972              |
| Travel  | 614,107            | 6,557            | 333,112           | 44,997            | 998,773            |
| Trans of Things   | 1,029              |                  | 404               |                   | 1,433              |
| Aircraft Operations   | 79,380             | 8,929            |                   |                   | 88,309             |
| Motor Vehicle Trans   |                    |                  | 3,094             | 41,933            | 45,027             |
| Consumable Material   | 4,276              |                  | 798               | 5,420             | 10,494             |
| Investment Equipment  |                    |                  | 229               |                   | 229                |
| Communications  |                    |                  | 1,497             | 237,504           | 239,001            |
| Clothing Allowances   | 25,414             |                  | 4,100             |                   | 29,514             |
| Other (Toll Calls, &<br>Generator, Room &<br>Trailer Rentals) | 153                | 272              | 1,350             |                   | 1,775              |
|   | <u>\$1,296,165</u> | <u>\$ 62,967</u> | <u>\$ 514,232</u> | <u>\$ 388,480</u> | <u>\$2,261,864</u> |

## ATTACHMENT C

\*U.S. ARMY INCREMENTAL EXPLOSIVE  
ORDNANCE DISPOSAL (EOD) COSTS

| <u>Reporting<br/>Commands</u>   | <u>EOD Costs</u>  |                             |
|---------------------------------|-------------------|-----------------------------|
|                                 | <u>1973</u>       | <u>1974</u>                 |
| Military District of Washington |                   | \$ 1,282.00                 |
| Force Command                   |                   | 17,094.00                   |
| Health Service                  | 3,050.00          |                             |
| Training and Doctrine Command   | <u>446,823.00</u> | <u>                    </u> |
| TOTALS:                         | \$449,873.00      | \$ 22,376.00                |

\* These figures are illustrative of our ability to break out detailed incremental costs and do not represent the total DoD costs in support of the U.S.S.S. These figures represent only expenditures within the continental United States.

## ATTACHMENT D

DEPARTMENT OF DEFENSE COMMENTS ON  
SECRET SERVICE TESTIMONY ON S. 2166 AND  
H.R. 1244 BEFORE THE SUBCOMMITTEE ON  
OVERSIGHT PROCEDURESTestimony (page 7, lines 15-20)

Mr. Long. Other than GSA. This goes back to the days of the Warren Commission Report. They implied that the Secret Service should call on other federal agencies to provide whatever assistance they could to us. As a matter of fact, they pointed out that it was in reality the responsibility of the entire federal government to protect the President.

DoD Comment

The DoD does not dispute the statement "that it was in reality the responsibility of the entire federal government to protect the President." The DoD provides a significant amount of support to the Secret Service mission. Our concern is not with providing support, but with the proper fiscal accounting for the support rendered. Our position with regard to reimbursement arises from two primary sources. First, 31 U.S.C. 628 states:

"Except as otherwise provided in law, sums appropriated for the various branches of expenditures in the public service shall be applied solely to the objects for which they are respectively made, and for no others."

Since P.L. 90-331 and 18 U.S.C. 3056 are silent on the issue of reimbursement, it would seem that the provisions of 31 U.S.C. 628 presently preclude expenditures of defense funds to accomplish the mission of the Secret Service.

Secondly, under the provisions of 31 U.S.C. 686, the so-called Economy

Act, the Department of Defense makes available its unique capabilities to the remainder of the federal government when it is determined to be in the national interest and beneficial to overall governmental economy. Under that Act, the Department of Defense is expressly authorized to request payment from the agency extended these services. While the Secret Service has maintained that P.L. 90-331 exempts it from the provisions of the Economy Act, P.L. 90-331 is silent on the point. However, the legislative history expresses the intent of Congress that the resources of other federal agencies be made available to support the Secret Service, but not their budgets.

Testimony (page 7, lines 21-25 and page 8, lines 1-5)

Mr. Long. We have some gray areas still. I am not saying these are insurmountable problems, but there are going to be problems in the event that we are required to reimburse other agencies. It is a question of what they do in the course of their normal business versus what they say they do at our request. Obviously, there are going to be some problems in that regard. I do not think they are insurmountable problems. It is obviously going to be somewhat of an additional work load for the Secret Service in order to reimburse those agencies.

DoD Comment

The mechanics of properly accounting for support provided other agencies are rather simple and straight forward. As noted in our cover letter, the chargeable costs are in almost all cases clearly evident, such as per diem, rental cars, aircraft support for a non-military mission, etc. In those few cases where there may be some doubt as to the proper division of costs, they can be negotiated with the agency concerned. To date, there have not been situations that could not be resolved, except in instances in which reimbursement from the Secret Service was requested.

The argument has previously been made that the Secret Service cannot properly budget for its security requirements, as the demand is not internally controlled. Obviously, the Department of Defense is in no better position in this regard than Secret Service, and has far less basis in expertise for making estimates. Treasury may seek, and in the past has sought, supplemental appropriations like any other agency. This means of supplemental funding would

(Testimony, p7, lines 21-25, p8, lines 1-5)

2

further lay out for the Congress the true cost of the Secret Service's protective function.

The main issues to be resolved by S. 2166 and H.R. 1244 are budgetary control and accountability. The Department of Defense believes it is both practical and proper that the Secret Service budget for the requirements of its particular mission and reimburse for support provided by other Departments. This method of doing business is consistent with normal inter-agency federal practice and with Congress' desire to account for the costs attending the security functions of the Secret Service.

Testimony (page 8, lines 6-12 and page 14, lines 6-19)

p 8 Mr. Long. One point I should mention, too, Mr. Chairman, is that many of the services we receive are of the kind an agency has on an ongoing basis. For instance, in the protection of candidates and nominees we are going to have to call on the Department of Defense for ordinance bomb disposal people. They have those kind of people on board all the time.

p 14 Senator Nunn. In other words, if we clarified it in report language saying reimbursement would not be intended by this law for functions and duties that would be carried out by other agencies in the ordinary course of their activities or for personnel who are permanently assigned to those agencies and have contingency missions.

Mr. Long. It would also be very helpful, Mr. Chairman, if the assistance provided by the Department of Defense were extended to all our protectees because of the special nature of the kind of services that they render to us.

Senator Nunn. Without reimbursement.

Mr. Long. Without reimbursement inasmuch as these people are already an integral part of the Department of Defense.

DoD Comment

As pointed out in our cover letter, the Department of Defense considers the provisions for reimbursement to include only those costs which are directly attributable to the support provided to the Secret Service, over and above the cost to the Department for maintaining a given capability in support of its military mission.

(Testimony, p8, lines6-12, p14, lines6-19)

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Reimbursement would not include military salary costs incident to the short term diversion of personnel, aircraft procurement costs or other costs normally incurred in support of the operation of the military departments. It would include, however, incremental aircraft operating and maintenance costs, rental cars, travel and related expenses of explosive ordnance disposal and other specialized personnel and salary costs of any personnel assigned to support the Secret Service on a full time basis for extended periods of time.

Testimony (page 8, lines 13-16)

While the bill exempts that kind of reimbursement for the President and Vice President, it makes no provision for exempting them from reimbursement for other kinds of protection, such as candidates and nominees.

DoD Comment

As pointed out in our cover letter, the Military Departments have a unique relationship to the President. We do not consider S. 2166 or H.R. 1244 to extend to those services that the Department provides directly to the President. In his role as Commander-in-Chief, the President looks to the Department of Defense to provide him necessary equipment, services and facilities to fulfill certain of his national security responsibilities. These include communications, aircraft, personnel and certain types of physical security measures. These are provided directly to the President, not to the USSS, even though it may exercise a degree of operational control. Accordingly, they are considered to be appropriate Defense Department expenditures, unlike support provided to other protectees of the USSS. This rationale also applies to the Vice President as the primary Presidential successor.

As for the other three categories of protectees described in our cover letter, the Department of Defense has no such relationship. On the contrary the Congress has determined that the Secret Service should bear the responsibility for providing protection, and under the pending legislation the corresponding obligation to budget for such expenditures.

Testimony (page 9, lines 2-7)

Senator Nunn. You are saying they have already got these kind of personnel that have to be trained and be on board and have to be part of the Department of Defense for contingency reasons, and it does not really cost them much money, if any, except the transportation.

Mr. Long. Yes, sir.

DoD Comment

See Tabs B and C to our cover letter for examples of the costs associated with DoD support of the Secret Service.

UNITED STATES OF AMERICA  
 GENERAL SERVICES ADMINISTRATION  
 WASHINGTON, DC 20405



SEP 25 1975

Honorable Sam Nunn  
 Chairman  
 Subcommittee on Oversight Procedures  
 Committee on Government Operations  
 United States Senate  
 Washington, DC 20510

Dear Senator Nunn:

Reference is made to your letter of July 24, 1975, requesting the views of this agency on S. 2166 and H.R. 1244, as passed by the House of Representatives, with respect to their effect on the operations of the General Services Administration. Both bills are entitled the "Presidential Protection Act of 1975." Specifically, you have asked that we comment on the desirability of amending the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended (Property Act) to include the provisions of S. 2166, and on section 4 of H.R. 1244, which requires that purchases and contracts entered into under the bill be made in accordance with the provisions of the Property Act.

Both bills 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. The proposed legislation would continue to permit other Federal agencies to assist the Secret Service only upon reimbursement of actual costs with the exception that the Department of Defense and the Coast Guard could provide temporary assistance without reimbursement.

The primary responsibility for the protection of the President and others designated by law as requiring personal protection rests with the Secret Service. GSA, in accordance with section 2 of the 1968 Act, *supra*, and provisions included in GSA's annual appropriation acts for the fiscal years 1963 through 1974, inclusive, which made funds appropriated for operating expenses of the Public Buildings Service available for providing facilities necessary for the protection of those entitled to Secret Service protection has, at the request of the Secret Service, provided assistance without reimbursement in the past. However, GSA's appropriation act for fiscal 1975, and the enrolled bill making appropriations for GSA for fiscal year 1976, now awaiting signature by the President, include a provision requiring that all assistance

2

rendered by GSA to the Secret Service be on a reimbursable basis only. The effect of this language in GSA's appropriation acts is that notwithstanding the Act of June 6, 1968, GSA must receive reimbursement for all services performed for the Secret Service which are necessary to enable that Service to perform its protective functions under 18 U.S.C. 3056.

In view of the above, enactment of either H.R. 1244 or S. 2166 will have no appreciable effect on the operations of GSA.

We do not believe that it is desirable to incorporate the provisions of S. 2166 as new title IX of the Property Act as is proposed. The Property Act is a law of general application with respect to the property management functions of the Federal agencies. S. 2166, if enacted, would not provide for an exception to its provisions but merely set forth authorities and limitations effecting responsibilities which are primarily those of the Secret Service. It would be more appropriate, in our opinion, that the proposed Presidential Protection Assistance Act of 1975 be considered as a distinct and separate proposal rather than an amendment to an unrelated existing Act.

Since purchases and contracts for the protection functions of the Secret Service will be subject to laws of general application respecting contract procedures, we do not believe that section 4 of S. 2166 is necessary. Further, procurements by the Department of the Defense are subject to the Armed Services Procurement Act of 1947, 62 Stat. 21, as amended, and implementing regulations. This Act has provisions similar to title III of the Property Act. Services provided by the Department of Defense to the Secret Service will be subject to the 1947 Act if section 4 is deleted.

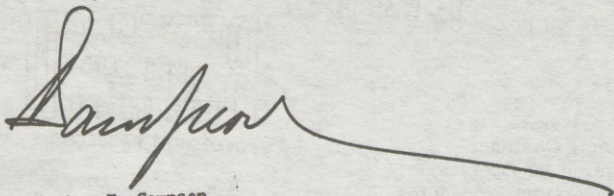
Finally, you have asked that we outline the steps taken administratively by GSA to "remedy past problems in this area." Under the language included in GSA's current and FY 1975 appropriation act, discussed above, funds appropriated to this agency are not available, without reimbursement, for expenditure for protection of any person. Therefore, the procedures which existed at the time work was accomplished at properties of former Presidents Nixon and Johnson are no longer applicable. Additionally, GSA and the Secret Service have jointly established a detailed standard operating procedure to be used whenever the Secret Service requests GSA to render assistance on a reimbursable basis. This procedure will insure proper accountability and control of reimbursable services performed by GSA on behalf of the Secret Service.

With respect to the relative merits of the two bills, GSA, of course, defers to the Secret Service which has primary responsibility for the protection of the President.

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The Office of Management and Budget has advised that, from the standpoint of the Administration's program, there is no objection to the submission of this report to your Committee.

Sincerely,

A handwritten signature in cursive script, appearing to read "Sampson", with a long horizontal flourish extending to the right.

Arthur F. Sampson  
Administrator



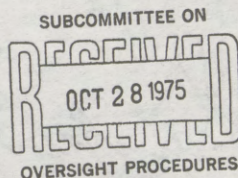
OFFICE OF THE DIRECTOR

DEPARTMENT OF THE TREASURY  
UNITED STATES SECRET SERVICE

601.0

WASHINGTON, D.C. 20223

OCT 28 1975



Honorable Sam Nunn, Chairman  
Committee on Government Operations  
Subcommittee on Oversight Procedures  
United States Senate  
Washington, D.C. 20510

Dear Mr. Chairman:

This is in response to your letter of October 1, 1975 requesting my comments on the Defense Department's interpretation of Section 901(1) of S. 2166 and Section 2(1) of H.R. 1244.

It is my opinion that the Department of Defense (DOD) is misinterpreting the provisions of the above section. Paragraph three of page two appears to be saying that S. 2166 and H.R. 1244 provides for Secret Service reimbursement of DOD for all protective services rendered the President, Vice President, or other officer next in the order of succession to the Office of President that do not meet the circumstances provided in paragraph three of page three.

The DOD feels that they currently have the authority to make expenditures for services in support of the President in his role as Commander-in-Chief. This same rationale is applied by the DOD to the Vice President or the other officer next in the order of succession to the Office of President. They indicate that certain services are supplied directly to the President, not the Secret Service. They go on to say: ", if the temporary support is provided directly to the President or Vice President and that support is incidentally assisting the Secret Service, it is exempt from the requirement for reimbursement." They appear to be making a subtle distinction between temporary support provided directly to the President and only incidentally assisting the Secret Service, and temporary support provided directly to the U. S. Secret Service in support of the President. This seems to imply that under the provision of Section 901(1) of S. 2166 they would not be

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reimbursed for temporary support supplied directly to the President, but they would be reimbursed for protective support services supplied directly to the U. S. Secret Service in support of Presidential protection. Also they seem to want to make the final decision as to what temporary service supplied to the President should be reimbursed by the U. S. Secret Service.

If DOD's interpretation stands and they request reimbursement for services we feel are not reimbursable under the law, it may be necessary in the future for the Service to make some very difficult decisions in deciding whether or not to utilize the equipment or personnel of the DOD on a reimbursable basis for protection of the President.

It is my opinion that the Section 901(1) of S. 2166 and Section (2)(1) of H.R. 1244 do not provide for the subtle distinction the Department of Defense appears to imply in their letter to you dated August 27, 1975.

I would also like to take this opportunity to make some additional comments on S. 2166 and H.R. 1244. To avoid disagreements between the U. S. Secret Service and the Department of Defense and the Coast Guard and possibly jeopardizing the life of our President, the words temporary basis in Section 901(1) of S. 2166 should be defined in the Final Report on the Bill. The interpretation the U. S. Secret Service would like to see is that the assistance historically provided by the DOD and the Coast Guard to the U. S. Secret Service in support of protection of the President, Vice President or other officer next in the order of succession to the Office of President will remain unchanged as a result of passage of S. 2166 and H.R. 1244.

There are other concerns we have about this legislation as it relates to the protection of our other protectees. We would like to see the provision of DOD and Coast Guard support on a non-reimbursable basis applied to all of our protectees. What concerns us is that it may be necessary in the future for the Secret Service to make some very difficult decisions in the protective field in deciding whether or not to utilize equipment or personnel from the Defense Department on a reimbursable basis for the protection of an individual. A decision on whether to utilize the personnel or equipment available for the protection of a person other than the President or Vice President or next in line of succession, would be determined not on the basis of whether it was necessary to utilize the services of another agency, but rather whether budgetary considerations are paramount. With protectees other than the President, Vice President and those next in line of succession,

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it may well be decided to forego requesting assistance for which reimbursement would be required. The end result could be protection based on budgetary limits rather than on protective needs.

One of the arguments for reimbursement is that the Secret Service will be able to ask Congress for supplemental monies. Though the intentions of Congress may be good in this area at this time, there is always the possibility that supplemental requests will not be granted.

We feel the cost of protection should be shared by at least the DOD and the Coast Guard who have on-board at all times the unique capabilities that are so necessary to the successful accomplishment of our mission. The financial burden that this places on these Departments is negligible in relation to their total budgets. On the other hand this provision could very well double or triple the size of the U. S. Secret Service budget and in fact, lead to a lessening of security for our other protectees.

In this connection, it should be noted that the operations of the Secret Service were carefully reviewed by the President's Commission on the Assassination of President Kennedy, better known as the Warren Commission. The Commission made substantial recommendations relative to the level of protection being afforded the President. In its report, the Commission mentioned, among other things, that the protection of the President is in a real sense a Government-wide responsibility which must necessarily be assumed by various Government agencies. 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 will be met."

Subsequent to the 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 the 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 communications purposes. It

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eliminates any doubt of the legal basis for such practice and assures Treasury direction of the protective functions."

From the legislative history of Public Law 90-331, the Congress has not intended that the Secret Service shoulder the entire Federal financial burden of protective activities and that section 2 of Public Law 90-331 was simply intended to put a Congressional stamp of approval on the existing practice of Federal agencies providing assistance to the Secret Service in connection with its protective functions without any requirements for reimbursement.

The Congress, in its wisdom, recognized that it would be totally impractical for the Secret Service to accurately project for budgetary purposes the variety of specialized needs which could occur in the total protection environment. Inasmuch as our requests for support are made to a number of different agencies, the budgetary impact on any one particular agency is minimized.

Also, the repeal of Section 2 of Public Law 90-331, at this time, would raise a whole host of issues without providing resolutions. For instance such action would seriously impair the efforts of the Federal Government in resisting requests for reimbursement from the various states who provide assistance to the Secret Service similar to that provided by the Department of Defense when protectees visit their localities.

As you know, the Service has received many requests from various state and local governments for reimbursement for protective services. In addition, there have been a number of bills introduced in the Congress which provide that the Secret Service reimburse state and local governments for their services. The most prominent of these is H.R. 12, now pending before the Senate. This bill would require reimbursement for the protection of foreign missions in any city where there is located twenty or more foreign missions staffed by full time foreign service officers of a foreign government.

The implications of the passage of this or similar legislation involving reimbursement by the Service either to other Federal agencies or to state and local governments, are in my judgement, very grave. First, it is obvious that reimbursement to Federal agencies, such as the Department of Defense, weakens the case against reimbursement to state and local governments. It

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is not logical to reimburse Federal agencies and at the same time deny similar requests from state and local governments.

Secondly, as you know, the Service has historically taken the position that it is incumbent on the state and local governments to provide protection to persons within their jurisdictions including any protectees of the Service who may be visiting their localities. To erode this position could only lead to additional claims in other areas, such as fire protection, and in my judgement, ultimately force the Federal Government into playing the dominant role in almost all purely local affairs.

I recognize that there are policy issues which the Congress must decide, but I would be remiss in my duties if I did not point out what I perceive to be the ultimate consequences of legislation that provide for reimbursement for the protection of the President and others.

In closing, I want to thank you for the opportunity to comment on the interpretations of the Department of Defense regarding H.R. 1244. I shall be glad to supply any additional information you may require.

Sincerely yours,

F. A. Long  
Assistant Director  
Office of Administration



GENERAL COUNSEL

OFFICE OF THE SECRETARY OF TRANSPORTATION  
WASHINGTON, D.C. 20590

SEP 18 1975

Honorable Abraham A. Ribicoff  
Chairman  
Committee on Government Operations  
United States Senate  
Washington, D.C. 20510

Dear Senator Ribicoff:

This will respond to Senator Nunn's request to the United States Coast Guard Commandant for comments on S. 2166, a bill

"To amend the Federal Property and Administrative Services Act of 1949 to establish procedures for the use of Federal property and services for protection of the President of the United States and other persons;"

and H.R. 1244, a bill

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

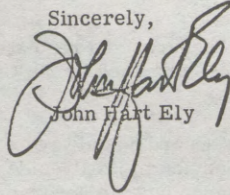
In the past, the Coast Guard has always readily and willingly assisted the Secret Service in its Presidential security responsibilities. This assistance has, in general, consisted of personnel and vessels necessary to provide waterside security of shore facilities or security for vessels on which the 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 nonreimbursable basis. The provisions of S. 2166 and 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.

*definition*  
This Department believes, however, that if the required Presidential protective service was of a periodic or regular nature, the U.S. Coast Guard should be allowed to seek reimbursement for certain costs of men and material so as to avoid negatively affecting its capability to perform any of its primary missions. In this regard, we request that the term "temporary" be clarified in the bill. It is suggested that "temporary" be related to services performed on a short-term, nonrecurring basis. Such clarification would allow the Coast Guard to seek reimbursement from the U.S. Secret Service for the procurement of dedicated vessels, equipment, and salaries of personnel specifically detailed to providing protective services, and the expenses directly related to the operation and maintenance of this activity when such activity is conducted on a periodic or regular basis.

With respect to the specific provisions of these bills, we believe that references to the Coast Guard should be changed to "the Secretary of the Department in which the Coast Guard is operating."

The Office of Management and Budget advises that from the standpoint of the Administration's program, there is no objection to the submission of this report to the Committee.

Sincerely,



John Hart Ely

## Public Law 90-330

## AN ACT

June 5, 1968  
[H. R. 15348]

To extend the authority to grant a special thirty-day leave for members of the uniformed services who voluntarily extend their tours of duty in hostile fire areas.

80 Stat. 1163.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 703(b) of title 10, United States Code, is amended by striking out "June 30, 1968", and inserting in lieu thereof "June 30, 1970".

Approved June 5, 1968.

## Public Law 90-331

## JOINT RESOLUTION

June 6, 1968  
[H. J. Res. 1292]

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

Presidential  
candidates.  
Secret Service  
protection.

*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).

Advisory com-  
mittee.

(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.

65 Stat. 122;  
79 Stat. 890.

Appropriation.

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.

Approved June 6, 1968.

## TITLE 18, U.S.C.

\* \* \* \* \*

## § 3056. Secret Service powers

(a) Subject to the direction of the Secretary of the Treasury, the United States Secret Service, Treasury Department, is authorized to protect the person of the President of the United States, the members of his immediate family, the President-elect, the Vice President or other officer next in the order of succession to the office of President, and the Vice President-elect; protect the person of a former President and his wife during his lifetime, the person of the widow of a former President until her death or remarriage, and minor children of a former President until they reach sixteen years of age, unless such protection is declined; protect the person of a visiting head of a foreign state or foreign government and, at the direction of the President, other distinguished foreign visitors to the United States and official representatives of the United States performing special missions abroad; detect and arrest any person committing any offense against the laws of the United States relating to coins, obligations, and securities of the United States and of foreign governments; detect and arrest any person violating any of the provisions of sections 508, 509, and 871 of this title and, insofar as the Federal Deposit Insurance Corporation, Federal land banks, joint-stock land banks and Federal land bank associations are concerned, of sections 218, 221, 433, 493, 657, 709, 1006, 1007, 1011, 1013, 1014, 1907, and 1909 of this title; execute warrants issued under the authority of the United States; carry firearms; offer and pay rewards for services or information looking toward the apprehension of criminals; and perform such other functions and duties as are authorized by law. In the performance of their duties under this section, the Director, Deputy Director, Assistant Directors, Assistants to the Director, Inspectors, and agents of the Secret Service are authorized to make arrests without warrant for any offense against the United States committed in their presence, or for any felony cognizable under the laws of the United States if they have reasonable grounds to believe that the person to be arrested has committed or is committing such felony. Moneys expended from Secret Service appropriations for the purchase of counterfeits and subsequently recovered shall be reimbursed to the appropriation current at the time of deposit.

(b) Whoever knowingly and willfully obstructs, resists, or interferes with an agent of the United States Secret Service engaged in the performance of the protective functions authorized by this section, by the Act of June 6, 1968 (82 Stat. 170), or by section 1752 of title 18, United States Code, shall be fined not more than \$300 or imprisoned not more than one year, or both.

As amended Jan. 2, 1971, Pub.L. 91-644, Title V, § 19, 84 Stat. 1892; Jan. 5, 1971, Pub.L. 91-651, § 4, 84 Stat. 1941.

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