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**VETOED**  
11/29/75  
Delivered to Home of  
Representative 12/1/75 (12:00 noon)

revised  
11/29/75

**THE WHITE HOUSE**  
WASHINGTON

ACTION  
LAST DAY: December 3

November 28, 1975

MEMORANDUM FOR THE PRESIDENT

FROM: JIM CANNON *[Signature]*  
SUBJECT: Enrolled Bill H.R. 12  
Executive Protective Service

BACKGROUND

The enrolled bill H.R. 12 would expand the size of the Executive Protective Service (EPS), authorize the Secretary of the Treasury to assign EPS officers to several cities to protect foreign missions under specified circumstances, and authorize the Secretary of the Treasury to reimburse State and local governments for providing protective assistance. P.L. 91-217 currently allows the President to assign EPS outside of Washington to guard foreign missions on a case by case basis.

This legislation corresponds in part to your Administration's bill to expand the size of the EPS. It would act as a deterrent to the increased threat of terrorist attack and serve as a quid pro quo for the protection of U. S. diplomats abroad. New York City would especially benefit from its provisions because of the extraordinary protective burdens the city bears due to the location of the U. N.

The State Department, Treasury, NSC and OMB recommend disapproval of H.R. 12 because they oppose the reimbursement provision, which they fear would serve as a precedent for other forms of Federal restitution for established local functions like police and fire protection. The bill would authorize \$3.5 million during any fiscal year and is retroactive to July 1, 1974 (which would entitle New York for reimbursement for Yasir Arafat's visit, which cost the City \$700,000).

An Administration alternative to H.R. 12 is impossible to offer at this time because the agencies involved cannot agree on the appropriate disposition of EPS personnel for the protection of foreign diplomats. All agencies involved do agree, however, on the need for an expanded EPS.



The Senate passed the bill by voice vote, defeating an amendment to strike everything but the EPS expansion by 57-32. The House passed the Senate version by voice vote. Earlier it had passed its version, which did not include the reimbursement provision, by 276-123.

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

RECOMMENDATIONS

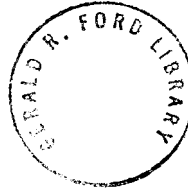
Treasury, State, NSC, Lynn, Friedersdorf, Lazarus and I recommend that you veto H.R. 12.

Justice and the Civil Service Commission have no objections to the bill.

DECISION - H.R. 12

Sign (Tab C) \_\_\_\_\_

Veto (Tab B) NR4







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

NOV 26 1975

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill H.R. 12 - Executive Protective Service  
Sponsor - Rep. Jones (D) Alabama and 2 others

Last Day for Action

December 3, 1975 - Wednesday

Purpose

To expand the size of the Executive Protective Service (EPS); to authorize the Secretary of the Treasury to assign EPS officers to several metropolitan areas to protect foreign missions; and to authorize the Secretary of the Treasury to reimburse State and local governments for services used in providing such protective assistance.

Agency Recommendations

Office of Management and Budget	Disapproval (Veto message attached)
Department of the Treasury	Disapproval
Department of State	Disapproval (Veto message attached)
National Security Council	Disapproval
Department of Justice	No objection
Civil Service Commission	Approval

Discussion

Background

Public Law 91-217, approved March 19, 1970, established the Executive Protective Service (EPS) in Treasury to protect buildings, in which Presidential offices or members of his immediate family are located, and foreign missions in Washington, D. C. It also authorized the President to assign



EPS officers to other areas of the country on a case-by-case basis to safeguard foreign missions. In conferring the latter authority upon the President, the Congress stated its intention that it be exercised in unique situations:

"This authority extends only to situations of extraordinary gravity, where the local police force is totally incapable of providing a level of protection deemed essential to the international integrity of the U.S., or where the protection of the President himself, for example, would be involved. This additional authority is not, and may not be construed to be, a substitute for the responsibility of local police forces to provide protection for consulates, the United Nations, and similar foreign delegations within the U.S." (House Committee on Public Works report on H.R. 14944, December 8, 1969).

Since approval of P.L. 91-217, the authority of the President to assign EPS officers to augment local police protection has been used sparingly. However, a protective force of 40 EPS officers has been maintained at various Arab, Israeli, and other UN missions in New York City for two years.

The prior Administration proposed legislation during the 93rd Congress to increase the size of EPS from 850 to 1200 members, because currently authorized strength was insufficient to fulfill its existing responsibilities. This action was also a response to a growing number of requests by concerned foreign governments for EPS protection of diplomatic personnel and missions in Washington, D. C.

#### Summary of the enrolled bill

H.R. 12 would amend P.L. 91-217 in the following manner:

- increase EPS size from 850 to 1200 officers;
- authorize the Secretary of the Treasury to assign EPS officers to metropolitan areas, outside the Washington, D.C., area, to augment local police protection of foreign missions (including hotels or other temporary domiciles of foreign diplomatic officials visiting the U.S. on official business,



including attendance at the UN), provided that the following conditions are met:

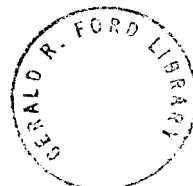
- (1) Twenty or more missions, including consulates, are located in the metropolitan area (seven areas qualify -- New York City, Chicago, Los Angeles, New Orleans, Houston, San Francisco, and Miami);
  - (2) An extraordinary protective need exists (e.g., the November 1974 visit to New York City of Yasir Arafat, which cost New York City an estimated \$700,000 in additional service and precautionary measures);
  - (3) The metropolitan area requests assistance;
- as an alternative or supplement to assignment of EPS personnel by the President or the Secretary outside the Washington, D. C. area, authorize the Secretary to reimburse State and local governments for the utilization of their services, personnel, equipment and facilities. The enrolled bill authorizes an appropriation not to exceed \$3.5 million during any fiscal year for this purpose and is retroactive to July 1, 1974; and
- place the position of Director and Deputy Director, Secret Service, in Levels IV and V of the Executive Schedule, respectively.

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

#### Previous Administration objections

In the course of the enrolled bill's consideration in both the House and Senate, the Department of the Treasury, on behalf of the Administration, opposed:

- statutory expansion of EPS responsibilities for protection of foreign missions in cities outside the Washington, D. C. metropolitan area unless the Secretary had exclusive authority to determine whether an extraordinary protective need exists; and



-- reimbursement of local governments and the retroactive date of July 1, 1974.

### Analysis of issues

Arguments for both approval and veto of the enrolled bill are presented in summary fashion below:

#### Arguments for approval

1. An increase of EPS authorized personnel from 850 to 1200 is consistent with this Administration's views as given to Congress by the Treasury Department.
2. There have been indications that an increasing number of attacks against foreign diplomatic installations in the United States can be expected, especially in New York because of the presence of the UN. H.R. 12 would provide a way to assist seven U.S. cities in preventing or combatting such incidents.
3. The authority of the Secretary to assign EPS officers to foreign diplomatic missions outside of D.C. is adequately limited by the criterion of extraordinary protective need.
4. Failure to assure adequate protection of foreign missions and officials in the U.S. could lead to weakened protection of American diplomats abroad.
5. Use of the reimbursement provision of H.R. 12 could be less expensive than the temporary assignment of EPS officers to other cities either under the existing authority of PL 91-217 or the expanded assignment authority of H.R. 12.

#### Arguments for veto

1. Instituting Federal reimbursement of State and local governments for protective assistance, which is a historic part of their duty under our Federal system of government, is contrary to the cooperative nature of law enforcement in the United States and would establish an unwise and expensive precedent. It would be extremely difficult to resist future demands of State and local governments for reimbursement for other services either provided for foreign missions (e.g., fire protection) or for other Federal/State functions, (e.g., protection of the President and Presidential candidates). The existing \$3.5 million ceiling could be removed or increased substantially.





2. Except in the special circumstances of Washington, D.C., protection of foreign dignitaries and diplomats is an established responsibility of local law enforcement agencies. The bill's broadening of the circumstances under which EPS officers could be assigned to protect foreign missions in other U.S. cities could be a step toward eroding distinctions between Federal and local responsibility.

3. H.R. 12 is unnecessary since PL 91-217 already provides authority for the President, on a case-by-case basis, to provide EPS protection to foreign missions in any area of the United States.

4. Authorizing retroactive reimbursement to July 1, 1974, is, implicitly, preferential treatment for New York City to compensate for its expenses during Yasir Arafat's November 1974 visit.

5. Deployment of EPS officers to other U.S. cities would dilute the benefits gained from increasing EPS size to meet current manpower demands in the Washington, D. C., area and could jeopardize other important EPS duties.

#### Agency views

The Executive Branch agencies principally concerned--State and Treasury--recommend disapproval of H.R. 12. OMB and NSC join in this recommendation. We believe the possibility that this bill would lead to future expansion of Federal responsibility for what have previously been local police functions and to large Federal expenditures is especially troubling. We have prepared the attached draft of a veto message for your consideration.

The House passed its version of H.R. 12, which did not include the \$3.5 million authorization limitation, by a vote of 276-123; subsequently, the House passed the enrolled version of the bill by a voice vote. There was only one Senate roll call vote; an amendment to strike all but the increase in the size of the EPS was defeated 57-33.

The Department of State recommends that, in your veto message, you propose alternative legislation to the Congress, and has enclosed with its views letter a draft message, which we do not recommend be used. That legislation would expand EPS authority so that it could respond to "any need for protection of any diplomatic installation in the United States." Such legislation



would be directly counter to the reasons for vetoing H.R. 12. An inter-agency meeting to discuss the State alternative, including, State, Treasury, Justice, OMB, and NSC, concluded that the situation was as follows:

- . The two problems that require solution are (a) the need of EPS for extra personnel for its current responsibilities; and (b) assurance of adequate protection to foreign missions accredited to the UN in New York.
- . All concur with legislation that would increase the size of EPS.
- . There are three major alternatives to resolving the New York-UN problem:
  - (1) Continue temporary duty assignment, on a rotating basis, of EPS officers to New York City under the case-by-case authority of the President in P.L. 91-217.
  - (2) Have either State or Treasury reimburse the New York authorities for their expenses in providing the protection to the foreign missions accredited to the UN now being provided by the EPS.
  - (3) Expand the authority of EPS to provide the necessary protection in New York on a permanent basis.

None of these options is mutually acceptable to all the agencies. Neither State nor Treasury wishes to have the authority to reimburse New York City (Option 2). Treasury believes strongly that the stationing of EPS officers outside Washington, D.C., except on a temporary basis, whether under the existing law or through an expansion of authority, is unwise and results in personnel problems and a weakened ability of EPS to perform its protective functions (Options 1 and 3). All the other agencies believe that State's proposed nationwide expansion of EPS authority is unwise and much too broad a grant of authority to meet the specific New York City problem (State's views letter).

Under the circumstances, we do not believe an Administration alternative can be proposed to the Congress in the context of a veto message. In any event, we understand that the relevant Congressional committees, because of their crowded calendars,

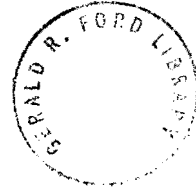


would not act on any further EPS legislation in this session of Congress. However, the issue does need to be resolved. In coordination with NSC, we shall prepare, before the next session of the Congress, a decision memorandum for you on this matter analyzing the alternatives and reflecting the views of State, Treasury, and Justice.



Director

Enclosures





C



THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: November 26

Time: 700pm

FOR ACTION:

Lynn May  
Max Friedersdorf *veto*  
Ken Lazarus *no obj to veto*  
NSC/S *veto*

cc (for information): Jack Marsh  
Jim Cavanaugh

FROM THE STAFF SECRETARY

DUE: Date: November 28

Time: 100pm

SUBJECT:

H.R. 12 - Executive Protective Service

ACTION REQUESTED:

For Necessary Action

For Your Recommendations

Prepare Agenda and Brief

Draft Reply

For Your Comments

Draft Remarks

REMARKS:

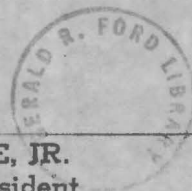
Please return to Judy Johnston, Ground Floor West Wing

The subject bill must be to the President Friday afternoon.

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

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

K. R. COLE, JR.  
For the President





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

NOV 26 1975

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

Attention: Assistant Director for Legislative  
Reference

Dear Sir:

Reference is made to your request for our comments on the enrolled version of H.R. 12, a bill "To amend title 3, United States Code, to provide for the protection of foreign diplomatic missions, to increase the size of the Executive Protective Service, and for other purposes.

The enrolled bill would provide for increase in the manpower ceiling of the Executive Protective Service from eight hundred and fifty to one thousand two hundred. The bill also expands the term "Foreign Diplomatic Missions" to include hotels and similar places of temporary domicile used by officials connected with foreign governments when they are visiting the United States on official business, including attendance at the United Nations. The bill also provides that cities in which are located twenty or more foreign diplomatic missions headed by a full time career officer may be reimbursed for services, personnel, equipment, and facilities of state and local governments utilized by the Secretary of Treasury with their consent.

The reimbursement provisions contained in H.R. 12 are not acceptable to this Department since they would require substantial outlays at a time when strong efforts are being made to reduce Federal spending and assist in the recovery of our economy. It should also be realized that the cost expansions through such a program are likely to prove to be far beyond current annual expectations.

Instituting reimbursements for state and local governments for assistance which has been an historic part of their duty under our Federal system is contrary to the cooperative



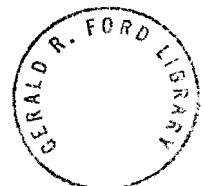
nature of law enforcement in the United States. In addition, the use of reimbursements in an area which is principally a state and local responsibility will act as a precedent for similar procedures in other areas. This is not in the best interest of either the Federal Government or the state and local entities which comprise our Federal system of government.

The Department also notes that there are no auditing provisions for the reimbursement provided for in the bill and there are no guidelines to identify activities that would be reimburseable. The lack of such auditing provisions would allow claims to be filed which may not have been anticipated.

Enrolled H.R. 12 also expands the definition of "Foreign Diplomatic Missions" to such a broad extent that it would have the practical affect of regularly sending the uniformed Executive Protective Service throughout the nation. The legislative history of the Executive Protective Service indicates that Congress never intended the Executive Protective Service to be used outside the Washington Metropolitan area except on a case by case basis, and then only at the direction of the President. It is the Department's belief that the present authority is sufficient for the protection of those missions.

It is, therefore, the recommendation of the Department that H.R. 12 be vetoed and that the following paragraphs be used in the veto message sent to Congress:

The reimbursement provisions contained in H.R. 12 are not acceptable since they would require substantial outlays at a time when we are making strong efforts to reduce Federal spending and assist the recovery of our economy. It is also necessary that we realize that the cost expansions through such a program are likely to prove to be far beyond current annual expectations. Instituting reimbursements for state and local governments for assistance which is a historic part of their duty under our Federal system of government is contrary to the cooperative nature of law enforcement in the United States. The use of reimbursements in this area of principally state and local responsibility will act as a precedent for similar procedures in other areas. This is not in the best interest of either the Federal government or the





state or local entities that comprise our Federal system of government. The lack of auditing provisions for reimbursement raises many questions as to what types of law enforcement activities would be reimburseable.

The expansion of the term "Foreign Diplomatic Mission" would have the practical effect of sending the uniformed Executive Protective Service to those places mentioned in the definition throughout the nation. The legislative history of the Executive Protective Service indicates that Congress never intended the Executive Protective Service to be utilized outside of the Metropolitan area except as the President, on a case by case basis, may direct. There has been no demonstrated need that would require cities with twenty or more diplomatic missions to be treated differently from those cities with less than twenty diplomatic missions. Until there is such a demonstration, the statutes are presently sufficient to provide the protection necessary for the foreign diplomatic missions outside of the Washington area.

I fully support the provisions of H.R. 12 providing for additional manpower for the Executive Protective Service. However, during its passage through Congress, several amendments to the original bill were attached which now make the bill unacceptable. It is my intention that a clean bill be introduced in the Congress that would accomplish this increase in manpower for the Executive Protective Service.

In view of the foregoing, this Department opposes this enrolled bill.

Sincerely yours,

  
General Counsel





DEPARTMENT OF STATE

Washington, D.C. 20520

November 25, 1975

Honorable James T. Lynn  
Director  
Office of Management and Budget

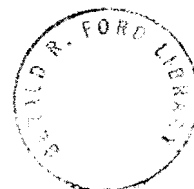
Dear Mr. Lynn:

With reference to Mr. James M. Frey's request for the Department's views and recommendations regarding HR-12, the following is offered.

The Department finds the intent of HR-12, to provide for the protection of foreign diplomatic missions and the reimbursement of municipal governments for services rendered pursuant to such protection consistent with the Federal Government's obligations under international law, custom and treaty. The expansion of the Executive Protective Service from 850 to 1200 personnel would enable more effective coverage of diplomatic missions in the District of Columbia and the reimbursement provision of HR-12 would permit local governments to provide needed protection to diplomatic installations outside Washington, D.C.

However, the Department finds that the provision of HR-12 which would enable metropolitan areas to decide whether or not Executive Protective Service protection is required for diplomatic installations in that metropolitan area (and, therefore, the level of protection provided a diplomatic installation), inconsistent with the Federal Government's responsibilities under international law, tradition and treaty to ensure the protection of all diplomatic facilities it hosts.

The Federal Government, because of this provision, could be placed in the position of being unable to provide what it deemed adequate protection to diplomatic missions, despite its determination that such protection would be desirable. Further, the open-ended nature of the reimbursement would, in the Department's view, open the door for excessive

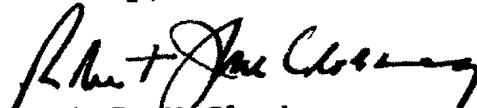


claims from any municipality in the United States hosting foreign visitors and would quickly render the 3.5 million dollar reimbursement figure contained in the bill inadequate.

These two provisions make the bill essentially unworkable and the Department must, therefore, recommend a veto by the President.

The Department is, however, interested in assuring that legislation is adopted by the Congress which would provide for the necessary protection of all diplomatic missions in the United States. To this end, we are preparing alternative legislation which would provide for the expansion of the Executive Protective Service to a level adequate to permit that service to respond to any threat against any diplomatic mission in the United States. The Department feels that using an existing service for the protection of diplomatic installations outside Washington and avoiding opening the door to reimbursement of municipalities for services rendered to the Federal Government is both efficient and consistent with the Administration's position.

Sincerely,

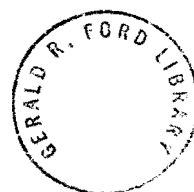
  
Robert J. McCloskey  
Assistant Secretary for  
Congressional Relations



I return herewith, without my approval, HR-12. I find the provision of the Bill which provides for the payment of federal funds to cities for services which I consider the obligation of those cities and the provision that enables these same cities to determine if officers of the Executive Protective Service may be used to protect diplomatic installations within those cities, unacceptable.

Reimbursing cities for providing police services is inconsistent with my views concerning the traditional division of fiscal responsibility among federal, state and local governments and would open the door for a wide range of claims from any city for any service provided for the even partial benefit of the Federal Government. Granting the decision-making authority for the level of protection to be provided diplomatic installations anywhere in the United States to municipal governments would be inconsistent with my responsibility to protect those same installations under international law, tradition, and specific treaties. I cannot, in good conscience, give that responsibility to anyone but myself.

In order to ensure that the Federal Government is able to provide necessary protection to diplomatic installations throughout the United States, I am submitting to the Congress legislation expanding the Executive Protective Service to a level necessary to provide a timely response to any need for protection of any diplomatic installation in the United States. Using this existing service to provide nationwide protection



of diplomatic installations will insure that protection is coordinated at the federal level and applied only when and where required in response to a specific situation.



NATIONAL SECURITY COUNCIL  
WASHINGTON, D.C. 20506

November 25, 1975

MEMORANDUM FOR:

Mr. James M. Frey  
Assistant Director for Legislative Reference  
Office of Management and Budget

SUBJECT: NSC Staff Views on Enrolled Bill H.R. 12

The NSC Staff has carefully reviewed enrolled bill H.R. 12. It strongly supports the provision authorizing an increase in the strength of the Executive Protection Service (EPS). It has no substantive objection to the provision which grants the Secretary of the Treasury authority to independently deploy EPS officers to a limited number of cities in the event of an "extraordinary protective need" with the consent of the affected metropolitan area. The NSC Staff strongly objects, however, to the reimbursement provision of this legislation. This will establish a dangerous precedent in matters related to protection against terrorism, both domestic and international.

Although somewhat limited in applicability and scope in H.R. 12, this provision is almost certain to lead to increased pressures from State and local governments for reimbursement to other metropolitan areas. This would lead to greatly increased Federal expenditures for this purpose in the future. In addition, the current Federal/local division of responsibility for the protection of foreign officials and installations could be seriously affected, which has broader implications in international terrorism. Because of the potential long-range effects of the reimbursement provisions, the NSC Staff recommends that the President veto H.R. 12.

Should the President decide to veto H.R. 12, the NSC Staff strongly supports the simultaneous submission of substitute legislation to the Congress. This legislation should contain a provision increasing the authorized strength of the EPS. The NSC Staff would also support a provision in the substitute legislation that would authorize the Secretary of State to reimburse local governments in the New York City metropolitan area for the use of police personnel and services for "extraordinary protective functions" (beyond that normally provided) limited to the protection of the United Nations installations. The NSC Staff believes that submission of the above substitute legislation would indicate the President's concern for the protection of foreign officials and installations. In addition, it is likely to prove acceptable to the New York City Congressional delegation, the strongest supporters of H.R. 12.

*Jn*  
*Michelle Hantes*  
Jeanne W. Davis  
Staff Secretary



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

November 24, 1975

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

Dear Mr. Lynn:

In compliance with your request, I have examined a facsimile of the enrolled bill H.R. 12, "To amend Title 3, United States Code, to provide for the protection of foreign diplomatic missions, to increase the size of the Executive Protective Service, and for other purposes."

Under item (7) in 3 U.S.C. 202 the President may direct the Executive Protective Service (EPS) to protect foreign diplomatic missions within the United States. H.R. 12 would also permit the Secretary of the Treasury to direct such protection in metropolitan areas having 20 or more such missions upon request of the area concerned to meet extraordinary protective needs. By definition the term "foreign missions" would include places of temporary domicile of officials visiting in the United States on official business. The ceiling strength of the EPS would increase from 850 to 1,200. Finally, the Secretary of the Treasury, in responding to an area's request, could utilize with their consent and on a reimbursable basis the resources of State and local governments to provide protection in such a metropolitan area, but the total of all such reimbursements may not exceed \$3,500,000 for any fiscal year. As enacted, H.R. 12 is free of those aspects which were objectionable in the bill as introduced.



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

Sincerely,

A handwritten signature in cursive script that reads "Michael M. Uhlmann".

Michael M. Uhlmann







UNITED STATES CIVIL SERVICE COMMISSION

WASHINGTON, D.C. 20415

CHAIRMAN

November 24, 1975

Honorable James T. Lynn  
Director  
Office of Management and Budget

Attention: Assistant Director for  
Legislative Reference

Dear Mr. Lynn:

This is in reply to your request for the views and recommendations of the Civil Service Commission on H.R. 12, an enrolled bill "To amend title 3, United States Code, to provide for the protection of foreign diplomatic missions, to increase the size of the Executive Protective Service, and for other purposes."

This enrolled bill would provide for the protection of foreign diplomatic missions in metropolitan areas where twenty or more such missions are located. This protection would be provided either by the Executive Protective Service or by State and local governments which would receive reimbursement from the Federal Government for such protection. The number of Executive Protective Service officers and privates would be increased from 850 to 1200.

We defer to the Department of the Treasury on the desirability of these provisions. However, we think it must be noted that the increasing assignment of Executive Protective Service personnel outside the District of Columbia area will call into question more and more the appropriateness of continuing to pay this police force under the pay system for District of Columbia Metropolitan Police.

Enrolled bill H.R. 12 would also amend the Executive Schedule listing in subchapter II of chapter 53 of title 5, United States Code, by adding the position of Director of the United States Secret Service to level IV and the position of Deputy Director to level V. These positions are already paid at these levels under the President's authority, under section 5317 of title 5, United States Code, to place

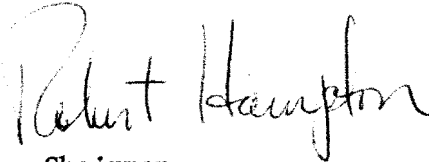


a total of 34 positions in levels IV and V of the Executive Schedule. The effect of this provision, therefore, will be to free two of the 34 quota spaces for other positions the President may wish to have paid at these levels. We believe this is desirable.

Therefore, from the standpoint of the personnel provisions of H.R. 12, we recommend that the President sign the enrolled bill into law.

By direction of the Commission:

Sincerely yours,



Chairman



THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: November 26

Time: 700pm

FOR ACTION:

Lynn May  
Max Friedersdorf  
Ken Lazarus ✓  
NSC/S

cc (for information): Jack Marsh  
Jim Cavanaugh

FROM THE STAFF SECRETARY

DUE: Date: November 28

Time: 100pm

SUBJECT:

H.R. 12 - Executive Protective Service

ACTION REQUESTED:

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

REMARKS:

Please return to Judy Johnston, Ground Floor West Wing

The subject bill must be to the President Friday afternoon.

No objection to veto. Dudley Chapman for  
Ken Lazarus 11/28/75



PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

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

James H. Cavanaugh  
For the President

THE WHITE HOUSE  
WASHINGTON

November 28, 1975

MEMORANDUM FOR: JIM CAVANAUGH  
FROM: MAX FRIEDERSDORF *M.F.*  
SUBJECT: H.R. 12 - Executive Protective Service.

The Office of Legislative Affairs recommends subject bill be vetoed.



NATIONAL SECURITY COUNCIL

November 28, 1975

MEMORANDUM FOR: JAMES CAVANAUGH  
FROM: Jeanne W. Davis *JWD*  
SUBJECT: H.R. 12 - Executive Protective Service

The NSC Staff concurs in James Lynn's memo regarding the veto of H.R. 12 - Executive Protective Service.



TO THE HOUSE OF REPRESENTATIVES:

I am returning, without my approval, H.R. 12, a bill to provide for the protection of foreign diplomatic missions and to increase the size of the Executive Protective Service.

I am in agreement with the primary objective of H.R. 12 -- to increase the size of the Executive Protective Service to enable it to more effectively fulfill its responsibility under current law. I am also mindful of the need to assure adequate protection of foreign diplomats and missions. However, I am unable to sign this bill because it would unwisely extend the purpose and functions of the Executive Protective Service and would create a precedent that could erode current and proper distinctions between Federal and local law enforcement responsibilities.

Protection of foreign diplomatic officials and missions is an established part of the overall responsibility of local law enforcement agencies to protect individuals and property within their respective jurisdictions. The conditions under which EPS personnel could be assigned outside the Washington, D.C., area under the enrolled bill are unwarranted and unwise. Although I realize that the Congress has limited these circumstances to only seven metropolitan areas and to situations of extraordinary protective need, I am concerned that this bill would be but a first step toward a permanent and wider expansion of the role of EPS nationally.

When the Congress enacted Public Law 91-217, which established the EPS in 1970 and authorized the President to assign officers of the Service to areas outside Washington, D.C., on a case-by-case basis to safeguard foreign missions, it made its intention clear concerning the wise exercise of that authority. The House Committee on Public Works in its report on that legislation emphasized that:



*Delivered to House of Representatives 12/1/75 (Woon)*

*(Stencilled)*

*noted  
DAM*

"This authority extends only to situations of extraordinary gravity, where the local police force is totally incapable of providing a level of protection deemed essential to the international integrity of the U.S., or where the protection of the President himself, for example, would be involved. This additional authority is not, and may not be construed to be, a substitute for the responsibility of local police forces to provide protection for consulates, the United Nations, and similar foreign delegations within the U.S."

(House Committee on Public Works report on H.R. 14944, December 8, 1969).

I agree fully with that statement.

H.R. 12 would also authorize the Secretary of the Treasury to reimburse State and local governments for provision of protective and other services to foreign missions and visiting officials, in lieu of providing those services directly by the Executive Protective Service. A maximum of \$3.5 million annually would be authorized to be appropriated for that purpose. This authority, too, would set an unwise and potentially very expensive precedent. It would inevitably lead to pressures to reimburse State and local governments for other local services provided to foreign missions and perhaps even for protection of the President and Presidential candidates. Moreover, reimbursements to State and local governments for protective assistance, which is a historic part of their duty under our Federal system of government, are contrary to the cooperative nature of law enforcement in the United States.

*Gerald R. Ford*

THE WHITE HOUSE,  
November 29, 1975





EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF MANAGEMENT AND BUDGET

WASHINGTON, D.C. 20503

NOV 26 1975

To  
J. Casper  
11-26-75  
6:00 p.m.

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill H.R. 12 - Executive Protective Service  
Sponsor - Rep. Jones (D) Alabama and 2 others

Last Day for Action

December 3, 1975 - Wednesday

Purpose

To expand the size of the Executive Protective Service (EPS); to authorize the Secretary of the Treasury to assign EPS officers to several metropolitan areas to protect foreign missions; and to authorize the Secretary of the Treasury to reimburse State and local governments for services used in providing such protective assistance.

Agency Recommendations

Office of Management and Budget	Disapproval (Veto message attached)
Department of the Treasury	Disapproval
Department of State	Disapproval (Veto message attached)
National Security Council	Disapproval
Department of Justice	No objection
Civil Service Commission	Approval

Discussion

Background

Public Law 91-217, approved March 19, 1970, established the Executive Protective Service (EPS) in Treasury to protect buildings, in which Presidential offices or members of his immediate family are located, and foreign missions in Washington, D. C. It also authorized the President to assign





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Protection of foreign diplomatic officials and missions is an established part of the overall responsibility of local law enforcement agencies to protect individuals and property within their respective jurisdictions. The apparent broadening by the enrolled bill of the circumstances under which EPS personnel could be assigned outside the Washington, D. C., area is unnecessary and unwise. Although I realize that the Congress has limited those circumstances to situations of extraordinary protective needs in only seven metropolitan areas, I am concerned that this bill would be but a first step toward a permanent and wider expansion of the role of EPS nationally.

When the Congress enacted Public Law 91-217, which established the EPS in 1970 and authorized the President to assign officers of the Service to areas outside Washington, D.C., on a case-by-case basis to safeguard foreign missions, it made its intention clear concerning the wise exercise of that authority. The House Committee on Public Works in its report on that legislation emphasized that:

"This authority extends only to situations of extraordinary gravity, where the local police force is totally incapable of providing a level of protection deemed essential to the international integrity of the U.S., or where the protection of the President himself, for example, would be involved. This additional authority is not, and may not be construed to be, a substitute for the responsibility of local police forces to provide protection for consulates, the United Nations, and similar foreign delegations within the U.S." (House Committee on Public Works report on H.R. 14944, December 8, 1969).

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THE WHITE HOUSE,

## EXECUTIVE PROTECTIVE SERVICE

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

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

### REPORT

together with  
MINORITY VIEWS

[To accompany H.R. 12]



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

### PURPOSE

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

### BACKGROUND AND NEED FOR LEGISLATION

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

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

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

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

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

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

#### PROVISIONS OF LEGISLATION

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

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

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

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

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

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

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

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

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

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



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

#### HEARINGS

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

#### ROLLCALL VOTES

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

#### COST OF THE LEGISLATION

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

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

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

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

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

#### MINORITY VIEWS OF MR. MORGAN AND MR. BURDICK

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

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

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

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

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

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

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

For these reasons, we cannot support this legislation.

ROBERT MORGAN.  
QUENTIN N. BURDICK.

(5)

S.R. 375



## CHANGES IN EXISTING LAW

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

### TITLE 3.—THE PRESIDENT

\* \* \* \* \*

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

Sec.

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

\* \* \* \* \*

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

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

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

**§ 203. Personnel, appointment, and vacancies.**

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

\* \* \* \* \*

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

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

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

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

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

○



## EXECUTIVE PROTECTIVE SERVICE

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

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

### REPORT

[To accompany H.R. 12]

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

The amendment is as follows:

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

#### BACKGROUND

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

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



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

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

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

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

#### NEED FOR THE LEGISLATION

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

New York City, Chicago, Ill.

Los Angeles, Calif., New Orleans, La.

San Francisco, Calif., Houston, Tex.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### COST OF THE LEGISLATION

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

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

#### VOTE

The Committee ordered the bill reported by voice vote.

#### CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

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

#### TITLE 3.—THE PRESIDENT

\* \* \* \* \*

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

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

\* \* \* \* \*

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

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

§ 203. Personnel, appointment, and vacancies.

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

§ 208. Reimbursement of State and local governments.

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

§ 209. Appropriation to carry out provisions.

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

TITLE 5, UNITED STATES CODE

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

(a) \* \* \*

\* \* \* \* \*

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

(1) \* \* \*

\* \* \* \* \*

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

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

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

\* \* \* \* \*

§ 5315. Positions at level IV

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

(1) \* \* \*

\* \* \* \* \*

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

§ 5316. Positions at level V

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

(1) \* \* \*

\* \* \* \* \*

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



## Office of the White House Press Secretary

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THE WHITE HOUSE

TO THE HOUSE OF REPRESENTATIVES:

I am returning, without my approval, H.R. 12, a bill to provide for the protection of foreign diplomatic missions and to increase the size of the Executive Protective Service.

I am in agreement with the primary objective of H.R. 12 -- to increase the size of the Executive Protective Service to enable it to more effectively fulfill its responsibility under current law. I am also mindful of the need to assure adequate protection of foreign diplomats and missions. However, I am unable to sign this bill because it would unwisely extend the purpose and functions of the Executive Protective Service and would create a precedent that could erode current and proper distinctions between Federal and local law enforcement responsibilities.

Protection of foreign diplomatic officials and missions is an established part of the overall responsibility of local law enforcement agencies to protect individuals and property within their respective jurisdictions. The conditions under which EPS personnel could be assigned outside the Washington, D.C., area under the enrolled bill are unwarranted and unwise. Although I realize that the Congress has limited these circumstances to only seven metropolitan areas and to situations of extraordinary protective need, I am concerned that this bill would be but a first step toward a permanent and wider expansion of the role of EPS nationally.

When the Congress enacted Public Law 91-217, which established the EPS in 1970 and authorized the President to assign officers of the Service to areas outside Washington, D.C., on a case-by-case basis to safeguard foreign missions, it made its intention clear concerning the wise exercise of that authority. The House Committee on Public Works in its report on that legislation emphasized that:

"This authority extends only to situations of extraordinary gravity, where the local police force is totally incapable of providing a level of protection deemed essential to the international integrity of the U.S., or where the protection of the President himself, for example, would be involved. This additional authority is not, and may not be construed to be, a substitute for the responsibility of local police forces to provide protection for consulates, the United Nations, and similar foreign delegations within the U.S." (House Committee on Public Works report on H.R. 14944, December 8, 1969).



I agree fully with that statement.

more

H.R. 12 would also authorize the Secretary of the Treasury to reimburse State and local governments for provision of protective and other services to foreign missions and visiting officials, in lieu of providing those services directly by the Executive Protective Service. A maximum of \$3.5 million annually would be authorized to be appropriated for that purpose. This authority, too, would set an unwise and potentially very expensive precedent. It would inevitably lead to pressures to reimburse State and local governments for other local services provided to foreign missions and perhaps even for protection of the President and Presidential candidates. Moreover, reimbursements to State and local governments for protective assistance, which is a historic part of their duty under our Federal system of government, are contrary to the cooperative nature of law enforcement in the United States.

GERALD R. FORD

THE WHITE HOUSE,  
November 29, 1975

# # # #





# Ninety-fourth Congress of the United States of America

AT THE FIRST SESSION

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

## An Act

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

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That (a) the second sentence of section 202 of title 3, United States Code, is amended by striking out "and (7)" and inserting in lieu thereof the following: "(7) foreign diplomatic missions located in metropolitan areas (other than the District of Columbia) in the United States, and in its territories and possessions, where there are located twenty or more such missions headed by full-time career officers, except that such protection shall be provided only on the basis of extraordinary protective needs required and then only upon request of the affected metropolitan areas and (8)".

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

(c) Section 202 of title 3, United States Code, is amended by adding at the end thereof: "As used in this section, the term 'foreign diplomatic missions' includes hotels and similar places of temporary domicile that are used by officials connected with foreign governments, including provisional governments, when such officials are visiting the United States on official business, including attendance at the United Nations."

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

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

### **§ 208. Reimbursement of State and local governments**

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

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

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

"208. Appropriation to carry out provisions."

and inserting in lieu thereof the following:

"208. Reimbursement of State and local governments.

"209. Appropriation to carry out provisions."



H. R. 12—2

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

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

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

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

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

*Speaker of the House of Representatives.*

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



November 21, 1975

Dear Mr. Director:

The following bills were received at the White House on November 21st:

- H.R. 12 ✓
- H.R. 2343 ✓
- H.R. 3922 ✓
- H.R. 8841 ✓
- H.R. 9472 ✓

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

Sincerely,

Robert D. Linder  
Chief Executive Clerk



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