

**The original documents are located in Box 57, folder “Protection - Presidential Candidates (1)” of the Philip Buchen Files at the Gerald R. Ford Presidential Library.**

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Tuesday 12/31/74

11:20 Dave Macdonald called to talk about two things:

1. Having volunteered to solicit for the Michigan Law School Fund, he came up with your name. If you're going to give, it might be a good idea to do it before the end of this year for income tax purposes.
2. Some time ago, he sent proposed guidelines for the protection of major candidates for the Presidency in 1976 for the staff to look over. Wondered if you had any comments from a legal standpoint.



6ms  
December 3, 1968

**FOR:** Philip W. Buchen  
**FROM:** Jay French  
**SUBJECT:** Secret Service Protection for Presidential Candidates

Several weekends ago, Congressman Morris Udall (D - Ariz.) formally announced his candidacy for the Democratic Presidential nomination. Although it is premature to do so at this time, I thought I would acquaint you with Public Law 90-331 which authorizes the Secretary of the Treasury to provide Secret Service protection to major Presidential and Vice Presidential Candidates. This law was the result of a Joint Resolution of the Congress which was passed and signed into law on June 6, 1968, as a result of the death of Robert Kennedy. A copy is attached for your information. It is important to note that the law does not define either who a major candidate is or when protection should commence.

The pertinent language of the law authorizes protection for major candidates as determined by the Secretary of the Treasury after consultation with the Advisory Committee. The Committee is composed of the Speaker and Minority Leader of the House, the Majority and Minority Leaders of the Senate, and one additional member elected by the others. Hearings were not held on this resolution because of the press of time, and debate on the floor of both houses was very brief.

In the House, Congressman Gerald R. Ford recognized the difficulty of pinpointing and spelling out when a person becomes a "major" candidate. He said that the Advisory Committee was set up for this reason to consult with the Secretary of the Treasury. Vol. 114, Congressional Record, page 16270 (June 6, 1968, daily edition). During debate in the Senate, Senator Javits said that he believed a "sectional" candidate could be a major candidate. Senator Monroney indicated that he was in accord with Senator Javits' position and he further indicated that a major candidate might be one who



has some degree of inter-state prominence as shown by opinion polls. Vol. 114 Congressional Record, page 16169 (June 6, 1968, daily edition).

With regard to the commencement of protection, Senator Javits said that the law was meant to protect candidates before the party convention as well as after. Historically, protection was started in June of the 1968 campaign, a few days before passage of Public Law 90-331; and in the 1972 campaign, protection for approximately six to eight candidates was started in March.

A third problem, raised by you, is how extensive should protection be for each candidate?

I recommend no particular action on our part at this time since the statutory responsibility belongs to the Secretary and historically protection does not begin until the election year.

Attachment



Tuesday 1/14/75

is  
11:45 This/the memo from David Macdonald  
you said Jay was supposed to remind me to give you.

Also attached is Jay's December 3 memo re protection  
for Presidential candidates.



THE WHITE HOUSE  
WASHINGTON

Advisory Committee  
approval of Treas,  
policy



Wednesday 1/15/75

7:20 Jay said to let you know he's ready to discuss the David Macdonald memorandum whenever you're free to do so.

*Called to  
Mr. Donald 1/16/75*



Date: AUG 27 1974

MEMORANDUM FOR: SECRETARY SIMON

From: David R. Macdonald *DRM*  
 Assistant Secretary (Enforcement,  
 Operations, and Tariff Affairs)

Subject: Advisory Committee Guidelines for Assignment of  
 Secret Service Protection to Presidential Candidates  
 Pursuant to P.L. 90-331

As you know, P.L. 90-331 places upon the Secretary of the Treasury the responsibility for determining those persons who are entitled to protection as major Presidential and Vice Presidential candidates. One of the FY '75 Presidential level MBO's is the drafting of guidelines under P.L. 90-331 to define those "Major Candidates" which are entitled to Secret Service protection in the 1976 election year. The Secretary of the Treasury consults, in making his determination, with an Advisory Committee consisting of the Majority and Minority Leaders of the Senate, and the Speaker and Minority Leader of the House, together with an additional member selected by those four persons.

Attached to this memo are the suggested Advisory Committee guidelines for identifying "Major Candidates."

SUMMARY OF GUIDELINES

The guidelines require all candidates to be declared candidates actively campaigning on a national scale. Consonant with the legislative history, the guidelines utilize national public opinion polls to determine who is a "Major Candidate." Briefly, with respect to the Republican and Democratic Parties, any candidate for the nomination who receives a ten percent party preference would receive protection up to the time of the nomination. After the nomination, of course, the Presidential and Vice Presidential candidates of the two major parties each receive protection. Protection will also be accorded to third party candidates who are favored with a ten percent preference in a national

*U. Sec.*

	Initiator	Reviewer	Reviewer	Reviewer	Reviewer	<i>CM</i>
Surname	MACDONALD	WEBBER	SCHMULTS	BENNETT	GARDNER	ALBRECHT
Initials	<i>DRM</i>	<i>JH 8/28</i>	<i>5/JA 8/28</i>	<i>B / 29</i>	<i>JG/9/3</i>	<i>RA 8/29</i>

poll which includes the leading candidate of the Republican and Democratic Parties. Protection commences on March 1, 1976, and once granted as to any candidate, will not be withdrawn no matter how that candidate subsequently fares in the public opinion polls. The guidelines are stated to be non-inclusive; that is, the Secretary can always make exceptions for unforeseen situations.

Attachment

SUGGESTED ADVISORY COMMITTEE GUIDELINES FOR  
ASSIGNMENT OF SECRET SERVICE PROTECTION TO  
PRESIDENTIAL CANDIDATES PURSUANT TO P.L. 90-331

I. Introduction

P.L. 90-331 places upon the Secretary of the Treasury (the "Secretary") responsibility for determining from time to time, after consultation with an Advisory Committee (the "Committee"), those persons who qualify as a major Presidential and Vice Presidential Candidate ("Major Candidate") and thus should be furnished with Secret Service protection, unless declined. The Committee consists of the Majority Leader of the Senate, the Minority Leader of the Senate, the Speaker of the House of Representatives, the Minority Leader of the House of Representatives and one additional member to be selected by the members of such Committee. These guidelines will assist the Committee and the Secretary in determining who are the "major presidential or vice presidential candidates who should receive. . .protection. . ."

II. Guidelines Relating to Persons Who Are Major Candidates

A. Candidates of the Democratic and Republican Parties

1. The nominees for President and Vice President of the Democratic and Republican National Conventions shall be deemed to be Major Candidates.



2. Prior to the National Conventions of the candidate's party, a candidate seeking the nomination of the Democratic or Republican Party for President or Vice President shall be deemed to be a Major Candidate when:

(a) the candidate has publicly announced his or her candidacy;

(b) the candidate receives at least a 10% party preference rating in any national Gallup or Harris public opinion poll (or other national poll designated by the Secretary, after consultation with the Committee) completed at any time after thirty days prior to the Date of Commencement of Protection, as defined in Part III, which poll includes preference ratings with respect to substantially all candidates of the same political party for the office for which the person's candidacy has been announced; and

(c) the candidate is seriously interested in, and actively campaigning on a national basis for, the office for which his or her candidacy has been announced.

B. Candidates of Other Parties

1. A candidate for President or Vice President of a party other than the Democratic or Republican Party



shall be deemed to be a Major Candidate when:

(a) the candidate has publicly announced his or her candidacy;

(b) the candidate receives at least a 10% preference rating in any national Gallup or Harris public opinion poll (or other national poll designated by the Secretary, after consultation with the Committee) completed at any time after thirty days prior to the Date of Commencement of Protection, as defined in Part III, which poll includes preference ratings for the candidate and for the leading candidate of the Republican and Democratic Parties for the office for which the person's candidacy has been announced; and

(c) the candidate is seriously interested in, and is actively campaigning on a national basis for, the office for which the person's candidacy has been announced.

III. Commencement and Duration of Protection of Major Candidates

A. Commencement of Protection. No protection shall be furnished pursuant to P.L. 90-331 earlier than thirty days prior to the date of the first state primary election or March 1 of the Presidential election year, whichever is earlier. After such



date, protection shall be commenced forthwith upon a determination by the Secretary that a person is a Major Candidate.

B. Duration of Protection. When a determination by the Secretary is made that protection is to be furnished a Major Candidate, protection shall not be withdrawn so long as the candidate remains seriously interested in, and is actively campaigning on a national basis for, the office for which the person's candidacy has been announced, unless the candidate specifically declines protection or unless the Secretary, after consultation with the Committee, specifically so determines.

IV. General

Nothing contained in these guidelines shall preclude a determination by the Secretary, after consultation with the Committee, that a person is a Major Candidate although the guidelines set forth herein are not satisfied.



THE WHITE HOUSE

WASHINGTON

January 29, 1975

MEMORANDUM FOR:

JERRY JONES

FROM:

PHILLIP W. BUCHEN

*P.W.B.*

I have reviewed the attached materials concerning protection for major candidates. These guidelines are necessary and I urge their approval.

Enclosure



THE WHITE HOUSE  
WASHINGTON

January 28, 1975

MEMORANDUM FOR: PHIL BUCHEN  
FROM: JERRY JONES  
SUBJECT: Simon Memo re Secret Service  
Protection of Presidential  
Candidates (Attached)

Don Rumsfeld would like your reactions to the attached memo as soon as possible. Please send your comments to the Office of the Staff Secretary.

Thank you very much.





THE SECRETARY OF THE TREASURY  
WASHINGTON 20220

DEC 24 1974

Dear Don:

The Secretary of the Treasury has the responsibility for determining those persons who are entitled to Secret Service protection during the 1976 campaign as "major" Presidential and Vice Presidential candidates. Under P.L. 90-331, this determination is made after consulting with an Advisory Committee, consisting of the Majority and Minority Leaders of the Senate, the Speaker and Minority Leader of the House, and a fifth member selected by those four persons.

The Treasury Department, with the help of the Secret Service, has developed guidelines for the use of the Secretary and the Advisory Committee for identifying major candidates. These guidelines are, to some extent, based upon the legislative history of the Act. Consonant with the legislative history, the guidelines utilize national public opinion polls to determine who is a "major candidate." Briefly, prior to the nominating conventions, any candidate for the Republican or Democratic nomination who receives a 10 percent party preference would receive protection up to the time of the nomination. After the nomination, of course, the Presidential and Vice Presidential candidates of the two major parties each receive protection. Protection will also be accorded to third party candidates who are favored with a 10 percent preference in a national poll which includes the leading candidate of the Republican and Democratic Parties. Protection commences thirty days prior to the first primary election (approximately February 8, 1976), and once granted as to any candidate, will not be withdrawn no matter how that candidate subsequently fares in public opinion polls. The guidelines are



stated to be non-inclusive; that is, the Secretary (upon the recommendation of the Advisory Committee) can always make exceptions for unforeseen situations.

Before we propose these guidelines to the Advisory Committee after the 94th Congress organizes itself in early 1975, we would appreciate any comments that you or the President might have regarding them. A copy of the proposed guidelines is therefore enclosed, together with the Report of the Senate Appropriations Committee and the floor debate relating to the definition of the term "major candidate." Also enclosed is a chart indicating which of the Democratic candidates in 1972 would have been protected (by receiving a 10 percent preference rating) under the guidelines as proposed and when protection would have commenced as to each. On the Republican side, only former President Nixon would have been protected under the guidelines in 1972.

In case you have any questions concerning the guidelines, or desire any additional material, Assistant Secretary David Macdonald should be able to help.

Sincerely,



William E. Simon

The Honorable  
Donald Rumsfeld  
Assistant to the President  
The White House  
Washington, D. C. 20500

Enclosures



SUGGESTED ADVISORY COMMITTEE GUIDELINES FOR  
ASSIGNMENT OF SECRET SERVICE PROTECTION TO  
PRESIDENTIAL CANDIDATES PURSUANT TO P.L. 90-331

I. Introduction

P.L. 90-331 places upon the Secretary of the Treasury (the "Secretary") responsibility for determining from time to time, after consultation with an Advisory Committee (the "Committee"), those persons who qualify as a major Presidential and Vice Presidential Candidate ("Major Candidate") and thus should be furnished with Secret Service protection, unless declined. The Committee consists of the Majority Leader of the Senate, the Minority Leader of the Senate, the Speaker of the House of Representatives, the Minority Leader of the House of Representatives and one additional member to be selected by the members of such Committee. These guidelines will assist the Committee and the Secretary in determining who are the "major presidential or vice presidential candidates who should receive. . .protection. . ."

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2. Prior to the National Conventions of the candidate's party, a candidate seeking the nomination of the Democratic or Republican Party for President or Vice President shall be deemed to be a Major Candidate when:

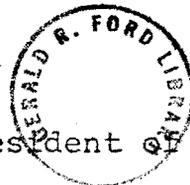
(a) the candidate has publicly announced his or her candidacy;

(b) the candidate receives at least a 10% party preference rating in any national Gallup or Harris public opinion poll (or other national poll designated by the Secretary, after consultation with the Committee) completed at any time after that date which is thirty days prior to the Date of Commencement of Protection, as defined in Part III, which poll includes preference ratings with respect to substantially all candidates of the same political party for the office for which the person's candidacy has been announced; and

(c) the candidate is seriously interested in, and actively campaigning on a national basis for, the office for which his or her candidacy has been announced.

**B. Candidates of Other Parties**

1. A candidate for President or Vice President of a party other than the Democratic or Republican Party



shall be deemed to be a Major Candidate when:

(a) the candidate has publicly announced his or her candidacy;

(b) the candidate receives at least a 10% preference rating in any national Gallup or Harris public opinion poll (or other national poll designated by the Secretary, after consultation with the Committee) completed at any time after that date which is thirty days prior to the Date of Commencement of Protection, as defined in Part III, which poll includes preference ratings for the candidate and for the leading candidate of the Republican and Democratic Parties for the office for which the person's candidacy has been announced; and

(c) the candidate is seriously interested in, and is actively campaigning on a national basis for, the office for which the person's candidacy has been announced.

III. Commencement and Duration of Protection of Major Candidate:

A. Commencement of Protection. No protection shall be furnished pursuant to P.L. 90-331 earlier than thirty days prior to the date of the first state primary election or March 1 of the Presidential election year, whichever is earlier. After such



date, protection shall be commenced forthwith upon a determination by the Secretary that a person is a Major Candidate.

B. Duration of Protection. When a determination by the Secretary is made that protection is to be furnished a Major Candidate, protection shall not be withdrawn so long as the candidate remains seriously interested in, and is actively campaigning on a national basis for, the office for which the person's candidacy has been announced, unless the candidate specifically declines protection or unless the Secretary, after consultation with the Committee, specifically so determines.

IV. General

Nothing contained in these guidelines shall preclude a determination by the Secretary, after consultation with the Committee, that a person is a Major Candidate although the guidelines set forth herein are not satisfied.



However, in the light of the tragic events of the past week, we should realize that this is of greatest and utmost urgency, because it threatens the very keystone of our governmental structure, and that is the proper selection, by democratic means—and that means exposure to all the citizens of the United States, if possible—of the person of the candidate. These tragic events have shown that this is a hazardous undertaking today, and we must not ignore our responsibilities for these major positions.

The committee recommends that the Secret Service be specifically authorized, in addition to its other duties now provided by law, to protect major presidential or vice-presidential candidates. No words can express our shock at the tragic death of our colleague, Senator ROBERT F. KENNEDY. This senseless act of violence makes it clear to the committee—and to every American—that it is in the public interest to provide protection to major candidates who are daily exposed to the hazards and risks of national political campaigns.

May I say, as I read the newspapers carefully with respect to this tragedy, that it might not have been prevented, but there would have been a great chance that this security would be enormously increased had the provisions of the bill we are now considering provided Senator KENNEDY with the services not only of the Secret Service but also, as the bill provides, the helping hand to the Secret Service of the narcotics agents, the FBI, the immigration inspectors, and other law-enforcement branches.

As I read the accounts, the tragedy occurred in the exit going through the hallway to the kitchen. I know the Secret Service and the FBI well enough that if that was the planned exit for the Senator, there would have been surveillance of that particular point. In many instances, with mob scenes, there is no way in which that safety can be assured, but danger can be materially lessened by the presence on duty of these men and, if necessary, the presence on duty of military detachments; because this lessens to a great degree—it will not prevent, but will lessen—the exposure to abnormal dangers that this week has shown that the men who campaign for high office may be subject to.

Mr. President, I am happy to yield to the distinguished Senator from New York.

Mr. JAVITS. First, Mr. President, let me say that I join with the distinguished Senator from Oklahoma [Mr. MONRONEY] in his views, as he has expressed them, as he expressed them in the committee. I believe this is a most salutary provision, and it is just heart-breaking that we should not have thought of it sooner. I thoroughly agree with the Senator because I, too, have some experience with these security procedures, having been attorney general of my own State.

I thoroughly agree with the Senator that it is inconceivable that Senator KENNEDY would even have been led through such a passage, with the ad-

vance routing which the Secret Service always works out. So I thoroughly agree.

Now, we had two problems in committee. I believe we have dealt with them both decently, and I would not dream of interrupting the Senator.

Mr. MONRONEY. I am happy to yield, because I desire to clear up this matter. I believe it is an important point in the discussion. I believe we have achieved an end and guarantee the methods sought to achieve that end by the distinguished Senator from New York.

Mr. JAVITS. Two points arose that have troubled us, Mr. President. The first point was already incorporated in the provision which Senator MONRONEY had presented, and that was the question of who is a major candidate and is he a candidate before he is a nominee—that is, designated by a convention.

The understanding of the legislative history should be clear that by the use of the words "major presidential candidate" we mean one who has not yet been nominated by his party convention, and we mean one who the decider—in this particular instance, as carried in the provision—in consultation—and the consultation is extremely important—with the leadership in the House and Senate, will have decided that so-and-so is a major presidential candidate. He might even be a sectional candidate.

We spoke of former Governor Wallace in that regard. He, too, could be within that definition of a major presidential candidate.

Mr. MONRONEY. The Senator is correct. And there may be other major candidates before we move forward with the final election, if they have some degree of interstate prominence as shown by opinion polls or in some other way. I would feel certain they could have this protection.

I do not think we dare reach down to people who run for publicity only, as in the cases of some of those who have appeared before various committees demanding equal time on network programs because major candidates were so provided.

This is not an unworkable problem nor is it an unsolvable problem. We have protected the selection by guaranteeing that there will be a nonpartisan commission of the highest level that could make the final decision after the recommendation of the Secretary of the Treasury, who is the titular head of the Secret Service.

(At this point, Mr. McGOVERN assumed the chair.)

Mr. JAVITS. Mr. President, will the Senator yield further?

Mr. MONRONEY. I yield.

Mr. JAVITS. It is very important that this matter be made clear, because the language which is contained at page 6, line 15, and thereafter indicates rather general language which would seem to give the complete determination of the question to the Secretary of the Treasury. However, I am satisfied, having locked the matter in with the legislative history which the Senator from Oklahoma and I are now making, and considering the sensitivity and seriousness of the matter, that it will be administered in that way.

I notice the Senator used the word "commission." That is what we have in mind, although the legislation at page 6 on line 19 uses the term "advisory committee."

I am satisfied, considering the sensitivity and solemnity of what is being done, and with this legislative history, that it will be administered as the Senator and I and the committee have in mind.

Mr. MONRONEY. I am sure the Senator is correct. I am sure the language on page 6, line 15 to line 19 where it provides, "the protection of persons who are determined by the Secretary of the Treasury from time to time as being major presidential or vice presidential candidates who should receive such protection—unless the candidate has declined such protection—after consultation with an advisory committee" will be applicable after consultation with an advisory committee, and this shows the intent of the law that they are to have a great part in designating the persons who will have protection.

Certainly, I feel they will lean on the side of security. Certainly, in the case which the Senator mentioned, the former Governor of Alabama would be entitled to such protection. The other area was by polls, or publicity, or by general judgment of people who have lived in the field of presidential elections for a long time.

I believe we have done about as well as we could do. Time is fleeting. We felt this matter had to be underway, and tomorrow is too late. Last week would have been most helpful but we did have time to work out, after we had executive hearings, the settlement of committee jurisdiction which the distinguished Senator, who is a member of the Committee on the Judiciary, knows is a tremendous hurdle. After time in consultation we cleared this matter with the chairman of the Committee on the Judiciary of both Houses and their members.

We cleared the matter in many other ways and we carefully considered the testimony.

I hope it will be understood that we did have executive sessions because, the publicity on lack of protection for these men who are not guarded by the Secret Service caused in itself a tragedy. We have been working quietly and both the minority and the majority side cooperated in presenting this bill today.

We have stricken out some things we would have liked to have in the measure, because the House of Representatives might have held it up and made it necessary to go to conference. We recognize the emergency and we feel, in striking the amendment which the committee added, we will have acceptance by the House, thereby making it unnecessary to go through another period of delay.

I would like to see this bill passed by the Senate today, agreed to by the House, and signed by the President this evening. I know the President wants to get that done, too.

Mr. JAVITS. There was one other consideration in our minds which has not been fully expressed. When a candidate is a Governor, generally, he has the protection of his State police organization.

When he is not a Governor he does not have even that but depends on his private resources and his own organization.

So many of us thought that Senator ROBERT KENNEDY, who suffered so tragically, allowed himself to be exposed too much, but this is now tragic history and we are trying to prevent for the future what the tragic history of the past has taught us.

However, the candidate who is not a Governor will have a form of safeguard which is not only in his interest but also in the national interest.

I wish to ask the Senator if he would not agree with me and it should be a part of the legislative history, that we do not look with favor on the "daring do" of declining this protection, and we also fervently hope that every candidate will accept it as being in the national interest if he aspires to be President of the United States.

Mr. MONRONEY. I could not agree more. I would say, indeed so. The Senator is absolutely right.

In my judgment, having participated in many presidential campaigns by presidential candidates, those who would not accept protection, or vice-presidential candidates who would not accept protection would be questioned on their judgment to occupy the highest office in the world.

For that reason, I think it would be a matter that would be accepted by his party; and if he were an independent, by those men who advise him, and perhaps some men who might want this "daring-do" spirit which the Senator has suggested, might be unduly exposing themselves when they do not have to.

Mr. JAVITS. I thought it essential that we at least indicate our feeling on the subject.

The final question which concerned me, and which proved to be of concern to other Members also, is the rather broad grant of authority to the Director of the Secret Service.

It will be noted at page 7, lines 1 through 6, that the Director of the Secret Service has the authority, and the word used is "shall" to require other Federal departments and agencies, which would naturally include the national defense forces of the United States, to "assist the Secret Service in the performance of its protective duties."

While we recognize the protective duties are limited to protect major presidential candidates chosen by a combined form of authority which the Senator from Oklahoma has described, we did realize, when dealing with such a sensitive matter—and this is a vast grant of power—the Director of the Secret Service could technically justify an enormous control over the Armed Forces and other sensitive agencies and departments of the United States.

On the other hand, we wanted to be very careful that there was the assistance which these other agencies and departments could bring.

The Senator from Oklahoma has properly described that, so that, as a result, we are including the words "unless such authority be revoked by the President of the United States"—that is in lines 2 and

3. I suggested—and the committee adopted—language relating to assistance by other agencies to the Secret Service which provides that the Director of the Secret Service should have the power to obtain this assistance, "unless such authority be revoked by the President of the United States." It seems to me altogether proper that the President should possess residual power to modify or revoke authority granted to the Director of the Secret Service, if there is good and sufficient cause to do so.

However, I did not, and I do not intend the language to have the effect of involving the President of the United States in the daily operating decisions of the Secret Service in carrying out this particular authority. I realize that the assistance of other Federal departments and agencies should be on a continuous basis. I know that emergency situations—such as the terrible tragedy we have just had—require prompt action at the operating level. Under any circumstances, the Director of the Secret Service should not feel obligated to obtain advance clearance from the President before requesting assistance. He should protect those persons for whom the Secret Service has protective responsibility with the full cooperation of other agencies of the Government.

The purpose of my language which is incorporated in the bill—with full cooperation and the desire of the Senator from Oklahoma, because there is no adversary attitude here at all—is to provide a means for periodic review by the President of the manner in which this authority has been exercised to guard against any abuse or usurpation of responsibility. The decisions themselves should be made by the career official having this responsibility—that is, the Secret Service Director. It is much more preferable that this authority—in which all Americans of all parties have a stake—be exercised at the operating level rather than by the President or by a presidentially appointed official.

On this basis, I feel my language will in no way inhibit the Secret Service and other Federal agencies from the effective performance of these critical duties.

I would most respectfully ask the Senator from Oklahoma whether he concurs with this understanding and interpretation.

Mr. MONRONEY. Mr. President, I am happy to concur with the distinguished senior Senator from New York [Mr. JAVITS], and with the distinguished senior Senator from Colorado [Mr. ALLOTT], who participated in helping to make this paragraph effective yet safe in its purposes.

The reason the original draft of the bill turned over to the Director of the Secret Service the right to invoke aid from other Government law-enforcement agencies, including the military, was to relieve the President of any responsibility or liability for too much, too little, or no protection at all of presidential or vice-presidential candidates of other parties. We all know the scurrilous attacks which have been made in the past, oftentimes on events that were inevitable, which sought to blame the President of the United States. We want-

ed this under a career civil service officer, to manage the protection of Presidents, Vice Presidents, and other persons entitled to protection and the candidates for President and Vice President, so that no one could charge that one political faith or another was receiving better protection.

The Senator now comes in with an amendment that gives us, shall we say, the best of both worlds. We have civil service protection and we have operation on a day-by-day scheduling, and the men needed, at times, when needed. But we provide against any excess abuse of power or, in that matter, an excessive negligence of security, by permitting the Chief Officer of the United States to reclaim or restrain or advise when the overall picture is unsatisfactory.

It would be unthinkable for us to put the President in the position of chief of the FBI or chief of the Secret Service. I think we get the best of both worlds in this. I think it would be most effective, I am grateful to the Senator from New York and the Senator from Colorado for their great contribution in this matter.

Mr. JAVITS. Let me say in that regard that when I broached the idea to the Senator from Colorado [Mr. ALLOTT], he immediately saw the point and worked out the language which is here contained. He found the same receptivity from the Senator from New Hampshire [Mr. CORRON], my colleague on the committee, and from the Senator from Oklahoma [Mr. MONRONEY] himself, who went to great pains to help us. We know this could brook no delay and we had to work it out. I thank my colleague from Colorado very deeply for his graciousness in every way in working out the language, and even in yielding to me to propose the basic language which he had himself been instrumental in working out.

Mr. BYRD of Virginia. Mr. President, will the Senator from Oklahoma yield?

Mr. MONRONEY. I yield.

Mr. BYRD of Virginia. May I ask the Senator from Oklahoma if my understanding is correct that a vice-presidential candidate, as used in this legislation, means one who has been nominated for the position of Vice President?

Mr. MONRONEY. This protects both the candidate who has been nominated, and before the nomination. If he is an announced vice-presidential candidate of stature of more than local interest, he would be entitled to request it. If found to be a major candidate by the Secretary of the Treasury and this committee, he would be entitled to have the same degree of protection. If he is not campaigning, I would say he would have little chance of getting it because who knows, we might have 100 vice-presidential candidates in this Chamber and one never knows when the lightning might strike, but this would not be a burden at all unless they were accepted the same as a presidential candidate seriously interested and actively campaigning for that particular office—there are only two offices, of course, President and Vice President.

Mr. BYRD of Virginia. If an individual is an active candidate for the position of Vice President, he would then

come under the terms of this legislation; is that not correct?

Mr. MONRONEY. If he were a major candidate, yes. The committee would try to rule out the insignificant. He does not have to be active but he would have to be an announced candidate and he would have to be recognized by the Secretary of the Treasury and the bipartisan committee which we have set up as being a major vice-presidential candidate.

Mr. BYRD of Virginia. The Senator's reply clarifies the point I was interested in. As I see it, then, a major candidate for Vice President, seeking the nomination, would be covered under this legislation the same as a major candidate seeking the presidential nomination?

Mr. MONRONEY. That is correct.

Mr. BYRD of Virginia. I thank the Senator.

Mr. MONRONEY. Mr. President, in this connection, I commend the President of the United States for his prompt action early Wednesday morning in directing that a protective U.S. Secret Service detail be placed with each presidential candidate and his family and that the FBI assist with supplying manpower if necessary to supplement the Secret Service details. While there was no specific authorization for this action, this was no time to ponder legalities. It is, however, exceedingly important that the Congress support the President's action by providing a legal foundation for this continuing protection.

The bill provides authority for protection of persons who are determined by the Secretary of the Treasury as being major presidential and vice-presidential candidates after consultation with an advisory committee consisting of the majority leader of the Senate, the minority leader of the Senate, the Speaker of the House of Representatives, the minority leader of the House of Representatives and one additional member selected by the members of such committees. It is contemplated that protection will be provided for all major candidates for President until after the selection of nominees at the major political conventions. The major nominees for President and Vice President will then be protected until election of the successful candidates for the office of President and Vice President.

This bill also gives us the opportunity to remedy a serious deficiency in existing law. It provides that, when requested by the Director of the Secret Service, other Federal departments and agencies shall assist the Secret Service in the performance of its statutory protective duties and those additional duties established by this bill.

The protection of the President of the United States and the other persons entitled to protection is a governmentwide responsibility. While primary responsibility rests with the U.S. Secret Service, the personnel and facilities of every agency must be available.

The Government became painfully aware of the need for improving this coordination after the assassination of President Kennedy. The Warren Commission stressed the absolute necessity of continuous assistance to the Secret

Service in the exercise of its protective duties.

The personnel and facilities of Federal departments and agencies are made available as requested by the Secret Service. However, no legislative basis exists for the provision of this assistance. This lack of specific statutory authority has been an impediment to the making of more formal arrangements with various departments for continuing and permanent assistance.

This omission has become of such concern to me that I asked my staff to study this problem and give me background information on the need for better governmentwide coordination. Let me give you the results of that study.

Protective functions for our Presidents have grown increasingly difficult through the years so that many agencies must provide assistance to the Secret Service.

We live in a shrinking globe of rapidly expanding travel by those who serve and have served us as Presidents of our country. The job of protecting them has become far more difficult.

The Warren 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) *Emphasis added.*

Clearly, the frequency of presidential travel will not abate. And turmoil—both abroad and at home—will place maximum demands on protective and security forces.

Moreover, the number of persons to be protected has also increased.

Congress has provided specific statutory authority to the Secret Service to protect the President and his family, the President-elect, and the Vice President at his request.

Congress has extended protection to others next in line of succession to the Presidency, the Vice-President-elect, and a former President for a reasonable period after he leaves office.

Congress has extended the protection to include a former President and his wife during his lifetime, and the widow and minor children of a former President for a period of 4 years after he leaves or dies in office.

Congress has extended the period of protection for Mrs. John F. Kennedy and her children through 1969.

Now this bill extends needed protection to major presidential and vice-presidential candidates during the presidential campaign.

Of course, we want to provide adequate protection to our Presidents and those other persons whose contribution to this Nation has been so substantial. But it has become increasingly clear that the increasing complexities of providing this protection requires the resources of many agencies.

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The Warren Commission concluded that there had been inadequate liaison between the Secret Service and other Government agencies in the performance of protective duties.

The Warren Commission conducted the most exhaustive investigation in our history on the problems of presidential protection. One of its primary missions 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 the 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.

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The President's 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

TREASURY, POST OFFICE, AND EXECUTIVE OFFICE  
APPROPRIATION BILL, 1969

JUNE 5, 1968.—Ordered to be printed  
Filed under authority of the order of the Senate of March 16, 1967

Mr. MONRONEY, from the Committee on Appropriations, submitted  
the following

REPORT

[To accompany H.R. 16489]

The Committee on Appropriations, to which was referred the bill (H.R. 16489) making appropriations for the Treasury and Post Office Departments, the Executive Office of the President, and certain independent agencies for the fiscal year ending June 30, 1969, and for other purposes, report the same to the Senate with various amendments and present herewith information relative to the changes made:



## COMPLIANCE

Appropriation, 1968.....	\$496,700,000
Budget estimate, 1969.....	547,551,000
House allowance.....	541,500,000
Committee recommendation.....	541,500,000
Bill compared with—	
1968 appropriation.....	+44,710,000
Estimate, 1969.....	-6,051,000
House allowance.....	

<sup>1</sup> Includes \$1,900,000 proposed supplemental (H. Doc. 274).

The committee recommends an appropriation of \$541,500,000 for compliance activities of the Service. The amount allowed is \$44.7 million over 1968, \$6,051,000 under the estimate for 1969, and the same as the House allowance.

This appropriation provides (1) for assistance to taxpayers in understanding and complying with the tax laws, and (2) for detecting and correcting instances of noncompliance. The increase allowed is essential to maintain compliance program levels on income tax returns that are estimated to rise from 109 million in 1968 to 112 million in 1969. Additional funds have also been provided to fund 1,200 of the 2,284 new positions requested in the fiscal 1969 budget. These additional employees will help to reduce the delinquent return investigation inventory and the delinquent account inventory.

## OFFICE OF THE TREASURER

## SALARIES AND EXPENSES

Appropriation, 1968.....	\$6,588,000
Budget estimate, 1969.....	6,878,000
House allowance.....	6,878,000
Committee recommendation.....	6,878,000
Bill compared with—	
1968 appropriation.....	+290,000
Estimate, 1969.....	
House allowance.....	

The committee recommends \$6,878,000, the budget estimate and House allowance, for salaries and expenses of the Office of the Treasurer.

This Office (a) receives, keeps, and disburses the moneys of the United States; (b) processes claims for the proceeds of Government checks; (c) issues and redeems currency and Government securities; (d) maintains fiscal accounts; and (e) prepares financial statements and reports.

The amount allowed provides for and includes the full-year cost of the salary increase and a net increase of 11 additional positions to cope with the increased workload.

## U.S. SECRET SERVICE

## SALARIES AND EXPENSES

Appropriation, 1968.....	\$17,050,000
Budget estimate, 1969.....	19,871,000
House allowance.....	19,300,000
Committee recommendation.....	21,300,000
Bill compared with—	
1968 appropriation.....	+4,250,000
Estimate, 1969.....	+1,429,000
House allowance.....	+2,000,000

<sup>1</sup> Includes \$200,000 proposed supplemental for civilian Pay Act increases.



The committee recommends an appropriation of \$21,300,000 for salaries and expenses of the U.S. Secret Service. This amount is \$4,250,000 over the 1968 appropriation and an increase of \$1,429,000 over the estimate and \$2 million over the House allowance. The committee has also proposed a language amendment, the explanation for which follows:

It is the desire of the committee that the major candidates for President and Vice President receive Secret Service protection as authorized by this language. Therefore, funds, authority, and personnel beyond that requested by the President are provided the Secret Service in the bill for that purpose. The excitement, tension, and turbulence of a presidential campaign year create hazards and risks for presidential and vice-presidential candidates substantially beyond those of other political candidacy. In these circumstances, the committee considers it appropriate and in the national interest to provide Secret Service protection to the candidates under the provision set forth in the amendment proposed by the committee and set forth hereinafter.

The additional funds in the amount of \$2 million above the House bill are recommended to carry out the added protective responsibilities of the Secret Service provided by this bill and are based on the expectation that in the immediate period following its enactment six or seven candidates will require such protection. However, during the period immediately preceding the major conventions and during the conventions themselves the number requiring protection may increase and the persons to be protected may change. After the major conventions the expectation would be that not more than six nominees would require such protection. Existing law provides for the protection of the President-elect and the Vice President-elect until inauguration.

The committee suggests that, in recommending to the Secretary of the Treasury persons to whom protection is to be authorized, the Advisory Committee provided for by this bill consider among other factors the report of results of nationally recognized opinion polls, and the extent to which any particular candidate is conducting his campaign throughout the Nation. Moreover, it must be recognized that protection can be afforded only to the extent that the candidate accepts the advice of Secret Service as to what may be acceptable or unacceptable risks.

It is estimated that the costs of this added protection will be approximately \$1.5 million from early June until election day. However, the committee has provided \$2 million. The additional \$500,000 is in the nature of a contingency amount, to be used only if the original estimate of \$1.5 million should fall short of meeting the needs. Therefore, if it is not used for the protection of the candidates, it should remain unused by the Secret Service. The language also makes available \$400,000 which could be used for the balance of the fiscal year 1968 for the candidates' protection.

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



The language as proposed by the committee reads as follows:

*For necessary expenses for the operation of the United States Secret Service, including purchase (not to exceed one hundred and seventy-one for police-type use which may exceed by \$300 each the general purchase price limitation for the current fiscal year, of which one hundred and twenty-nine are for replacement only), and hire of passenger motor vehicles, hire of aircraft, services as authorized by title 5, United States Code, section 3109, purchase, repair, and cleaning of uniforms, and, in addition, to other duties now provided by law, the protection of persons who are determined by the Secretary of the Treasury from time to time as being major presidential or vice presidential candidates who should receive such protection (unless the candidate has declined such protection), after consultation with an advisory committee consisting of the majority leader of the Senate, the minority leader of the Senate, the Speaker of the House of Representatives, the minority leader of the House of Representatives, and one additional member selected by the members of such committee; \$21,300,000, of which \$400,000 shall be immediately available.*

*Hereafter, when requested by the Director of the Secret Service, Federal departments and agencies, unless such authority be revoked by the President, shall assist the Secret Service in the performance of its protective duties under title 18, United States Code, section 3056 and the preceding paragraph.*

This service is responsible for investigation of counterfeiting of currency, specie, and securities; forgery and conversion of Government checks and bonds; and for the protection of the President, his immediate family, and others as stipulated by law.

The permanent White House Police Force, funded by this appropriation, protects the Executive Mansion and Grounds in the District of Columbia, and any building in which White House offices are located.

The Treasury guard force also funded from this appropriation is responsible for safeguarding paper currency and other Government securities and also provides protection for the main Treasury Building and its Annex.

#### CONSTRUCTION OF SECRET SERVICE TRAINING FACILITIES

Appropriation, 1968.....	(1)
Budget estimate, 1969.....	\$1,000,000
House allowance.....	1,000,000
Committee recommendation.....	800,000
Bill compared with—	
1968 appropriation.....	+800,000
Estimate, 1969.....	-200,000
House allowance.....	-200,000

<sup>1</sup> No request.

The committee recommends \$800,000, for construction of modern outdoor firearms ranges at Beltsville, Md., on Government-owned property.

The need for expanded and improved training facilities has been previously demonstrated and documented. The Service is presently



using a site at the National Arboretum which is inadequate and not capable of accommodating the necessary firearms ranges. The proposed ranges will facilitate the development of improved basic, refresher, and specialized training for Secret Service agents, the White House Police, the Treasury guard force, and other law enforcement personnel.

## TITLE II—POST OFFICE DEPARTMENT

Appropriations totaling \$7,128,000,000 are recommended for the regular annual requirements of the Post Office Department for fiscal year 1969. This is a decrease of \$169,710,000 in the estimates and an increase of \$1,000,000 compared with the House bill amount of \$7,127,000,000. The amount recommended is \$524,902,000 over the 1968 appropriation of \$6,603,098,000 to date.

### ADMINISTRATION AND REGIONAL OPERATION

Appropriation, fiscal year 1968 (to date).....	\$103,450,000
Proposed supplemental.....	4,011,000
<b>Total obligational authority, fiscal year 1968 (estimate)...</b>	<b>107,461,000</b>
Budget estimate, fiscal year 1969.....	123,802,000
House allowance.....	119,000,000
Committee recommendation.....	119,000,000
Bill compared with—	
Total obligational authority, fiscal year 1968 (estimated)....	+11,539,000
Estimate, fiscal year 1969.....	-4,802,000
House allowance.....	

<sup>1</sup> Pending.

The committee recommends an appropriation of \$119,000,000. The amount recommended is \$11,539,000 over the estimated 1968 appropriation, \$4,802,000 under the estimate and the same as the House allowance.

This limitation (appropriation) provides for the executive direction, control, and administration of the Postal Establishment; for the postal inspection and internal audit services; and for the direction and administration of postal field activities under authority delegated by Washington headquarters to the 15 regional administration offices and six postal data centers. The amount recommended will fund 521 of the 964 additional positions requested.

### RESEARCH, DEVELOPMENT, AND ENGINEERING

Appropriation, fiscal year 1968 (to date).....	\$23,148,000
Proposed supplemental.....	1,210,000
<b>Total obligational authority, fiscal year 1968 (estimate)....</b>	<b>23,358,000</b>
Budget estimate, fiscal year 1969.....	36,386,000
House allowance.....	34,000,000
Committee recommendation.....	35,000,000
Bill compared with—	
1968 appropriation.....	+11,642,000
Estimate, 1969.....	-1,386,000
House allowance.....	+1,000,000

<sup>1</sup> Pending.

The committee recommends an appropriation of \$35 million for activities under this head. The amount recommended is \$11,642,000 over the 1968 appropriation, including proposed supplementals.



	Protection Commenced	GALLUP			HARRIS			
		3/72	4/72	6/72	2/72	2/72	5/72	5/72
• U KENNEDY	(March, Fall)	-	-	-	15	-	20	-
■ D MUSKIE	(March)	23	11	6	23	28	6	7
■ D HUMPHREY	(March)	31	35	27	18	21	20	28
■ D WALLACE	(March)	15	18	25	11	12	19	21
▲ D LINDSAY		7	-	-	6	8	-	-
▲ D MCCARTHY		5	3	2	4	5	3	4
■ D MCGOVERN	(March)	6	20	30	5	6	21	26
• D CHISHOLM	(May)	2	3	3	5	6	2	3
• D JACKSON	(March)	3	3	3	3	3	3	3
▲ D YORTY		under 1	-	under 1	1	1	-	-
▲ D HARTKE		1	-	-	1	1	-	-
• D MILLS	(May)	2	2	1	-	-	-	-
▲ D SANFORD		-	-	0	-	-	-	-
•• D SPOCK	(Fall)	-	-	-	-	-	-	-
•• D SCHMITZ	(Fall)	-	-	-	-	-	-	-
		democratic voters			democratic voters		democratic and independent voters	



Faint text and markings at the bottom of the page, including a date stamp '1972' and some illegible text.

**January 29, 1975**

**To: Jay**

**From: Phil Buchen**

**I would like your comments  
on the attached please.**

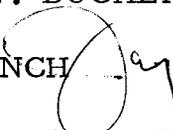


THE WHITE HOUSE

WASHINGTON

January 29, 1975

MEMORANDUM FOR: PHILIP W. BUCHEN

FROM: JAY FRENCH 

SUBJECT: GUIDELINES FOR PROTECTION OF  
MAJOR PRESIDENTIAL AND VICE  
PRESIDENTIAL CANDIDATES

I have reviewed the attached materials. In light of our earlier discussion, I have no further comment except that I believe these guidelines are necessary and will make the process of directing protection for major candidates a great deal easier and more uniform.

Attached is a separate memo for Jerry Jones.

Enclosure



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



MARCH 20, 1975.—Ordered to be printed

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

REPORT

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

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

The amendments are as follows:

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

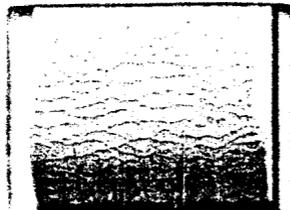
(1) providing with reimbursement, services, equipment,  
or facilities on a temporary basis except that the Department  
of Defense and the Coast Guard may provide such services,  
equipment, or facilities on a temporary basis without reim-  
bursement when assisting the United States Secret Service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

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

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

and insert:

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



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

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

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

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

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

#### PURPOSE

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

#### SECTION-BY-SECTION ANALYSIS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### STATEMENT

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

COMMITTEE VOTE

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

COST

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

*incremental costs to be reimbursed for other than POTUS + VP*

CONCLUSION

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

TEXT OF STATUTE TO BE REPEALED

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ALLAN G. KAUPINEN.

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

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

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

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

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

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

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

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

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

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

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

Sincerely yours,

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

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

A

OVERSIGHT STATEMENT

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

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

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

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

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

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

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

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

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

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

## B

## BUDGET STATEMENT

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

## C

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

## D

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

#### B. RECOMMENDATIONS REQUIRING LEGISLATION

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(19)

○

PRESIDENTIAL PROTECTION ASSISTANCE ACT OF 1975

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

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

REPORT

[To accompany H.R. 1244]

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

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

EXPLANATION OF AMENDMENT

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

SUMMARY AND PURPOSE

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

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

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

In brief summary, the bill will do the following:

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

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

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

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

The bill also will—

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

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

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

#### BACKGROUND—OVERSIGHT

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

#### FINDINGS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### RECOMMENDATIONS REQUIRING LEGISLATION

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

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



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

- a. Requiring advance written requests by the Secret Service for these expenditures except in emergencies.
  - b. Requiring the Secret Service to fund all such expenditures and to reimburse other agencies for services and equipment they provide.
  - c. Requiring reports to Congress every 6 months of such expenditures.
2. Strictly limit expenditures for permanent security installations at any location other than the designated principal property.
  3. Permit the Secret Service to borrow equipment, personnel, and facilities from other agencies without reimbursement and without written requests for periods of no more than 2 weeks at any one location in 1 year.
  4. Provide that upon the transfer of private property when Government expenditures have been made, or upon the termination of entitlement to Secret Service protection, the Federal Government shall be entitled to reimbursement in an amount by which such expenditures, if not otherwise recoverable, have increased the fair market value of the property as of the date of such transfer or termination.
  5. Require procurements to be made in accordance with appropriate procurement statutes and regulations.
  6. Prohibit the commitment of Government funds by non-Government personnel.
  7. Require that all improvements be removed upon termination of the protection requirement, if economically feasible.
  8. Upon adoption of the above recommendations, repeal section 2 of Public Law 90-331, which has been interpreted by GSA as leaving it open to unlimited expenditures, and by the Secret Service as giving that agency unlimited authority to obligate the funds of other agencies.

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

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

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

## COMMITTEE VOTE

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

## HEARINGS

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

## GENERAL STATEMENT

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### CONCLUSION

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

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

##### SECTION 1

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

##### SECTION 2

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

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

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



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

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

#### SECTION 3

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

#### SECTION 4

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

#### SECTION 5

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

#### SECTION 6

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

#### SECTION 7

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

#### SECTION 8

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

#### SECTION 9

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

#### SECTION 10

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

#### COST ESTIMATE

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

#### REVIEW OF EXISTING LAW

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

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

## INFLATIONARY IMPACT

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

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

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

## JOINT RESOLUTION OF JUNE 6, 1968

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

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

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

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

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



THE DEPARTMENT OF THE TREASURY

WASHINGTON, D.C. 20220

ASSISTANT SECRETARY

May 20, 1975

MEMORANDUM FOR: The Honorable Philip W. Buchen  
Counsel to the President

FROM: David R. Macdonald /s/David R. Macdonald  
Assistant Secretary (Enforcement,  
Operations, and Tariff Affairs)

SUBJECT: Revised Presidential Candidate  
Protection Guidelines

As a result of a suggestion from Donald Rumsfeld, we have revised our Presidential candidate protection guidelines to base them upon the Campaign Reform Act of 1974, rather than upon the results of national preference polls. It was thought that this touchstone would be less subject to partisan misuse. I enclose a copy of the revised guidelines, therefore, as well as a memorandum of explanation.

We have now received inquiries concerning protection from Senators Fred Harris and Henry Jackson. It does appear that the pressure is beginning to build for the formation of the Advisory Committee and the consideration of protective guidelines.

Attachments