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STATEMENT OF

ROBERT F. KELLER, DEPUTY COMPTROLLER GENERAL OF THE UNITED STATES

BEFORE THE

SUBCOMMITTEE ON CLAIMS AND GOVERNMENTAL RELATIONS

COMMITTEE ON THE JUDICIARY

HOUSE OF REPRESENTATIVES

ON

H.R. 11499, A BILL TO ESTABLISH PROCEDURES

AND REGULATIONS FOR CERTAIN PROTECTIVE SERVICES

PROVIDED BY THE UNITED STATES SECRET SERVICE

Mr. Chairman and members of the Subcommittee, we are glad to appear at your request to give you our views on H.R. 11499, a bill which if enacted would be cited as the Presidential Protection Act.

H.R. 11499 would spell out more precisely than is now the case the circumstances under which protection may be furnished to the President and other persons entitled to protection under 18 U.S.C. 3056, particularly with respect to security expenditures on property which is not owned by the Government. It would also revise the manner in which protective work on private property by the Federal departments and agencies is funded.

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H.R. 11499 is, of course, an outgrowth of the controversy over expenditures at President Nixon's residences at San Clemente and Key Biscayne, and to a lesser extent, at other locations. As the controversy grew, GAO began to receive letters from Members of Congress, some asking for information and others calling for an investigation. These letters expressed a common concern about the magnitude of the total reported expenditures and, with respect to specific expenditures, questioned whether the work performed:

--related to protection of the President

--provided a nonprotective benefit to the President

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

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

Our findings were included in a report to the Congress dated December 18, 1973, entitled "Protection of the President at Key Biscayne and San Clemente (With Information on Protection of Past Presidents)". We had testified earlier before the Subcommittee on Government Activities, House Government Operations Committee regarding expenditures for the protection of past Presidents at their private residences. We note that the Subcommittee has also issued a report on the subject.

Although the review and report made by the Comptroller General were intended to answer the primary questions being asked about the protective measures at Key Biscayne and San Clemente, we took the occasion to also review the experiences of 1968 - 1973 in terms of budgeting, accounting, and auditing with a view to identifying what had been done or still needed to be done to strengthen control by the Congress and promote understanding by the public. We think that the observations we made will be useful to the Committee as it considers the need for better controls over expenditures for protection.

We observed that after the enactment of Public Law 90-331 of June 6, 1968, the Secret Service began to draw heavily on GSA appropriations in order to carry out Secret Service protective functions. This arrangement has the following weaknesses

--GSA funds are not directly associated with Secret Service protective activities during the budget preparation and review process.

--A casual attitude in authorizing work is fostered. Because most requests were verbal, who made requests or precisely what was requested could not be readily determined.

--GSA is invited to do more than simply execute Secret Service requests, particularly when requests are vague or general.

Fourth, we recommended that the report made by the Secret Service should be subject to audit by GAO and GAO should be given complete access to all records, files, and documents supporting expenditures made by the Service. H.R. 11499 is silent on this matter. While we have authority to perform such an audit under existing statutes, we believe that an express provision for audit might act as a deterrent on doubtful expenditures and would tend to preclude any withholding of access to records on claim of security.

Fifth, we recommended that appropriations for expenditures at private residences of the President, not of a protective nature, should be made to the White House. 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. H.R. 11499 is understandably silent on this matter, being intended to amend legislation relating to protection. However, we believe that consideration should be given to this recommendation by the appropriate committees.

In addition, we suggested that Congress may wish to consider limiting the number of private residences at which permanent protective facilities will be provided for a President and that consideration should be given to the desirability of a Government-owned residence in Washington for the Vice President. As you know, Public Law 93-346, enacted July 12, 1974, designated the premises occupied by the Chief of Naval Operations as the official residence of the Vice President. Regarding a limit on the number

of residences at which permanent facilities will be provided for a President, our belief is that some expression by Congress could avoid unnecessary controversy in the future.

With respect to specific provisions of H.R. 11499, 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.

Section 2(2) allows 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. 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.

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 a President may, for example, involve the use of Coast Guard vessels. It would not seem necessary that the Secret Service be required to reimburse the Coast Guard for crew salaries and other operating expenses of its vessels.

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.

Mr. Chairman, that concludes my prepared statement.