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B-164811, August 2, 1968, 48 Comp. Gen. 48

Number: B-164811

Date: 1968-08-02

B-164811, AUGUST 2, 1968, 48 COMP. GEN. 48

CLOTHING AND PERSONAL FURNISHINGS - SPECIAL CLOTHING AND EQUIPMENT - TUXEDO, FORMAL ATTIRE, ETC. THE RENTAL CHARGES ON FORMAL DRESS ATTIRE REQUIRED TO BE WORN BY UNITED STATES SECRET SERVICE AGENTS FOR SECURITY PURPOSES AND NOT MERELY TO BE ATTIRED IN A SOCIALLY ACCEPTABLE MANNER MAY BE REIMBURSED TO SPECIAL AGENTS WHENEVER A WRITTEN DETERMINATION IS MADE BY A PROPER OFFICIAL OF THE SERVICE THAT THE UTILIZATION OF THE FORMAL ATTIRE IS NECESSARY FOR THE PROPER PERFORMANCE OF THE DUTY TO WHICH ASSIGNED.

TO JAMES G. JEFFRIES, TREASURY DEPARTMENT, AUGUST 2, 1968:

WE REFER TO YOUR LETTER OF JULY 9, 1968, FILE NO. 300.0, REQUESTING OUR DECISION CONCERNING THE LEGAL PROPRIETY OF THE UNITED STATES SECRET SERVICE PAYING RENTAL CHARGES ON FORMAL ATTIRE (WHITE TIE--- TAILS, WINTER OR SUMMER TUXEDO) REQUIRED TO BE USED BY SPECIAL AGENTS WHEN ATTENDING FORMAL FUNCTIONS INCIDENT TO THEIR FURNISHING PROTECTIVE SERVICE TO PERSONS WHOM THEY ARE ASSIGNED TO PROTECT.

YOU POINT OUT THAT THE NECESSITY FOR FORMAL ATTIRE MAY OCCUR AT THE OFFICIAL STATION OF THE AGENT OR WHILE HE IS IN TRAVEL STATUS AND THAT IN MANY INSTANCES AN AGENT DOES NOT KNOW AT THE START OF A TRIP WHETHER THE PERSON HE IS ASSIGNED TO PROTECT WILL ATTEND A FORMAL FUNCTION. YOU SAY FURTHER THAT CLOTHING OF THIS TYPE IS NOT NORMALLY OWNED, NOR GENERALLY USED, BY SPECIAL AGENTS EXCEPT WHEN ON AN OFFICIAL PROTECTIVE ASSIGNMENT.

WE UNDERSTAND THAT THE PURPOSE OF WEARING FORMAL DRESS BY SPECIAL AGENTS UNDER THE CIRCUMSTANCES SET FORTH IT YOUR LETTER IS NOT MERELY TO BE ATTIRED IN A SOCIALLY ACCEPTABLE MANNER. RATHER SUCH ATTIRE IS NECESSARY FOR SECURITY PURPOSES--- TO BE LESS READILY IDENTIFIED AS SPECIAL AGENT--- AND IS CONSIDERED TO BE NECESSARY FOR THE PROPER PERFORMANCE OF THE DUTY TO WHICH SUCH AGENTS ARE ASSIGNED. FOR THAT REASON THEIR SITUATION IS DISTINGUISHABLE FROM THAT CONSIDERED IN 45 COMP. GEN. 272.

ACCORDINGLY, OUR OFFICE WILL NOT OBJECT TO THE UNITED STATES SECRET SERVICE PAYING THE RENTAL CHARGES ON FORMAL DRESS ATTIRE FOR THE AGENTS IN QUESTION WHENEVER A WRITTEN DETERMINATION IS MADE BY A PROPER OFFICIAL OF THE SERVICE THAT THE UTILIZATION OF SUCH FORMAL ATTIRE IS NECESSARY FOR THE PROPER PERFORMANCE OF THE DUTY TO WHICH THE AGENT IS ASSIGNED.