



October 30, 1976

M E M O R A N D U M

TO: Senator Walter F. Mondale
FROM: Robert B. Barnett
RE: Presidential Transition Act of 1963

This memorandum provides a brief description of the Presidential Transition Act of 1963, as amended in 1976. This is the legislation which will govern the period between the election on November 2, 1976 and the Inauguration on January 20, 1977. A copy of the amended Act is appended to this memorandum. I have also included a brief overview of the 1968-1969 transition period prepared by the Government Accounting Office.

Background

Prior to the enactment of the Presidential Transition Act of 1963, there was no formal provision or mechanism for the transfer of power when a new President was to assume office. Moreover, there were no federal funds to pay for the expenses incurred by the President-elect or the Vice-President-elect during the period between the election and the Inauguration. An in-coming President and Vice President were left on their own in determining how to organize a new Administration. There were forced to rely upon what personal funds they had available, or those which they were able to raise privately, to pay for transition expenses.

Presidential Transition Act of 1963

Declaring its purpose to be "to promote the orderly transfer of the executive power in connection with the expiration of the term of office of a President and the inauguration of a new President", the Congress enacted transition legislation in 1963. The Act states that the national interest requires transitions to be accomplished so as to assure continuity in the faithful execution of the laws and in the conduct of the domestic and foreign affairs of the Federal Government.

Congress recognized that any disruption occasioned by the transfer of the executive power could produce results detrimental to the safety and well-being of the United States. Accordingly, Congress expressed its intent that appropriate actions be authorized and taken to avoid or minimize disruption.

Funds - The 1963 Act authorized a sum of \$900,000 to be appropriated for a Presidential transition. This sum covered the expenses of the in-coming President and Vice President as well as the expenses of the out-going President and Vice President.

During the single transition to take place under the auspices of the 1963 Act, the in-coming and out-going Administrations split the \$900,000 equally.

Services - The 1963 Act authorized the Administrator

of the General Services Administration to provide necessary services and facilities to the President-elect and the Vice President-elect.

Staff may be hired at a rate not to exceed the GS-18 level. The GS-18 level translates to approximately \$140 per day. Read literally, the Act seems to provide that employees will be covered by Civil Service retirement, by workmen's compensation, by life insurance, and by health benefits. There is no statutory limit on the number of employees that may be retained during the transition period.

The 1963 Act further provides that employees may be detailed from any agency of any branch of government. Detailed employees continue receiving the salary of their previous employment with uninterrupted rights and privileges. Under the 1963 Act, detailed employees could be provided on a reimbursable or a non-reimbursable basis. The 1976 amendments require reimbursement to the agency of origin.

Office space, furniture, furnishings, office machines, office equipment, and office supplies are also provided under the 1963 Act. Apparently, the cost of such materials, if in the GSA permanent inventory, are not charged to the transition account. Other materials, such as office space outside of a government building, would be charged to the account. The dividing line is not spelled out in the Act.

Experts or consultants may be hired by the President-elect or the Vice President-elect under the terms of the 1963 Act. A top rate of \$100 per day was imposed by the 1963 Act. This was removed by the 1976 amendments. The current ceiling is that set by the Administrative Expenses Act of \$145 per day.

Travel expenses and subsistence allowances, including the use of government vehicles and private, rental transportation, are permissible under the 1963 Act. The Act also covers communications services, the payment of expenses for printing and binding, and postage.

Procedure - Under the terms of the 1963 Act, the President-elect and the Vice President-elect will designate an assistant to act as their transition representative with the GSA. Up to ten percent of the expenditures by a President-elect or Vice President-elect may be certified as relating to national security and may be classified.

The Government Services Administration provides services and facilities during the transition period and administers the funding in accordance with the Act. The Office of Management and Budget apportions the funds to the GSA.

1976 Amendments to the Presidential Transition Act

It soon became clear that the \$900,000 sum was

inadequate to finance a Presidential transition. In 1976, the Congress amended the 1963 Act to increase the funding of a transition and to make other needed changes in the 1963 Act.

First, the 1976 amendments removed the \$100 per day ceiling on the payment of consultants. The Act now sets the level of payment for consultants at the level set by the Administrative Expenses Act of 1946 -- \$145 per day.

Second, the 1976 amendments provided that employees detailed from agencies for use by the President-elect or Vice President-elect during the transition period would be detailed on a reimbursable basis.

Third, and most importantly, the 1976 amendments authorized an appropriation of \$3 million dollars for the transition. A sum of \$2 million may be appropriated for the President-elect and Vice-President-elect. A sum of \$1 million may be appropriated for the former President and former Vice President.

The apportionment of the \$2 million between the President-elect and the Vice President-elect is not specified by the 1976 amendments. The legislative history reveals that the apportionment is technically within the province of the General Services Administration. However, it seems clear that GSA will abide by the apportionment agreed upon by the incoming President and Vice President.

Apportionment of Funds

Since the apportionment will probably be agreed upon by Governor Carter and WFM, it may be useful to you to have some indication of the precedents on the subject.

The legislative history of the 1976 amendments reveals that the incoming Kennedy administration spent approximately \$1.36 million. There appears to be no record of how much of this was spent by incoming Vice President Johnson. This money was all from private sources. The Presidential Transition Act had not been passed.

The legislative history also reveals that the incoming Nixon administration spent approximately \$1.5 million. Included in this sum was the \$450,000 provided under the 1963 Act. The remainder was raised from private sources.

According to the testimony of the Administrator of GSA, in-coming President Nixon and in-coming Vice President Agnew split their public transition funds on a 95-5 basis. Nixon spent approximately \$430,000, and Agnew spent approximately \$19,000 of the public money. There is no record of how the private funds were split.

Out-going President Johnson and out-going Vice President Humphrey split their public transition funds on an 80-20 basis. Johnson spent \$370,000, and Humphrey spent \$74,000.

You will, of course, want to receive a portion of the \$2 million available to the in-coming Administration which is adequate to meet your needs. There are several ways to approach the apportionment.

Looking at the inflation-factor is useless. According to the legislative history of the 1976 amendments, it would require about \$2.6 million in 1976 to equal the \$1.4 million spent for the in-coming Kennedy Administration in 1960. It would require about \$2.5 million in 1976 to equal what \$1.5 million purchased for the in-coming Nixon Administration in 1968. If you look to inflation, the \$2 million is per se inadequate.

I would suggest that you ask for 20 percent of the available funds. Twenty percent does not seem to be over-reaching. It would provide you with \$400,000 and leave Governor Carter with \$1.6 million. The 80-20 split has precedent in the 1968 Johnson-Humphrey split by an outgoing administration. The entire in-coming team spent \$1.5 million in 1968. A sum of \$1.6 million for the incoming President alone seems reasonable. (The precedent working against you is the 95-5 split of public funds by Nixon and Agnew in 1968. However, that split does not account for the split of private funds which probably gave much more to the in-coming Vice President.

Several unresolved questions exist in light of the 1976 amendments to the Presidential Transition Act and the passage of the Federal Elections Campaign Act.

First, the propriety of using Senate staff, on the Senate payroll, for transition purposes after the election is unclear. If they are available to you and their salaries are available to you during the transition period, you will want to consider their value when asking for a share of the transition money.

It is clear that, if the Senate staff members are detailed to you under the 1976 amendments, their salaries must be reimbursed and their salaries must be considered in the portion of the \$2 million you receive. It may be argued, however, that they can work on transition matters without being formally detailed. The analogy is to a Senator who is defeated for reelection. His staff works on transition. That is their only responsibility. Similarly, should not a newly-elected Vice President be allowed to use his Senate staff for transition purposes without violating any rule of the Senate or considering the staff as detailees under the 1976 amendments?

In any event, you will want to resolve the status of the Senate employees after the election and consider the source of their salaries in any request for a portion of the transition money.

Second, it remains unclear whether private money may be raised after the election for transition purposes. There is no prohibition in the Presidential Transition Act. Although the 1976 amendments provide for reimbursement of the salaries of detailees, that provision may be designed to enforce the ceiling on the expenditure of government funds and not to put a ceiling on the expenditure of funds in general.

The Federal Elections Campaign Act, as interpreted by the Federal Elections Commission, prohibits the raising of private funds for transition purposes before the election. You will have to determine whether that prohibition extends to the post-election period. The pre-election danger is that the candidate will seek to spend money on transition matters or raise money for transition matters while really applying the "transition" work to campaign purposes in violation of the prohibitions and ceilings of the Federal Elections Campaign Act. That danger is gone after the election.

Even if it is determined that private money may be raised for transition work after the election, there will remain a political question as to whether to do so. In any event, this problem will have to be resolved.

I have not sought to contact the appropriate agencies for answers to these questions for obvious reasons. In addition, they are better raised by a President-elect or a Vice President-elect than by a Presidential or Vice Presidential candidate.

PRESIDENTIAL TRANSITION ACT OF 1963

AN ACT To promote the orderly transfer of the executive power in connection with the expiration of the term of office of a President and the inauguration of a new President.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Presidential Transition Act of 1963."

Presidential
Transition Act
of 1963.

PURPOSE OF THE ACT

SEC. 2. The Congress declares it to be the purpose of this Act to promote the orderly transfer of the executive power in connection with the expiration of the term of office of a President and the inauguration of a new President. The national interest requires that such transitions in the office of President be accomplished so as to assure continuity in the faithful execution of the laws and in the conduct of the affairs of the Federal Government, both domestic and foreign. Any disruption occasioned by the transfer of the executive power could produce results detrimental to the safety and well-being of the United States and its people. Accordingly, it is the intent of the Congress that appropriate actions be authorized and taken to avoid or minimize any disruption. In addition to the specific provisions contained in this Act directed toward that purpose, it is the intent of the Congress that all officers of the Government so conduct the affairs of the Government for which they exercise responsibility and authority as (1) to be mindful of problems occasioned by transitions in the office of President, (2) to take appropriate steps to avoid or minimize disruptions that might be occasioned by the transfer of the executive power, and (3) otherwise to promote orderly transitions in the office of President.

78 STAT. 153.
78 STAT. 154.

SERVICES AND FACILITIES AUTHORIZED TO BE PROVIDED TO PRESIDENTS-ELECT AND VICE-PRESIDENTS-ELECT

Administrator
of General
Services.
Authority.

SEC. 3. (a) The Administrator of General Services, referred to hereafter in this Act as "the Administrator," is authorized to provide, upon request, to each President-elect and each Vice-President-elect, for use on connection with his preparations for the assumption of official duties as President or Vice President necessary services and facilities, including—

Office space.

(1) Suitable office space appropriately equipped with furniture, furnishings, office machines and equipment, and office supplies, as determined by the Administrator, after consultation with the President-elect, the Vice-President-elect, or their designee provided for in subsection (e) of this section, at such place or places within the United States as the President-elect or Vice-President-elect shall designate;

Office staffs,
salaries.

76 Stat. 843.
5 USC 1113.

5 USC 2251,
751, 2091,
3001 notes.

Experts or con-
sultants.

60 Stat. 810.

(2) Payment of the compensation of members of office staffs designated by the President-elect or Vice-President-elect at rates determined by them not to exceed the rate provided by the Classification Act of 1949, as amended, for grade GS-18: *Provided*, ~~That any employee of any agency of any branch of the Government may be detailed to such staffs on a reimbursable basis with the consent of the head of the agency;~~ and while so detailed such employee shall be responsible only to the President-elect or Vice-President-elect for the performance of his duties: *Provided further*, That any employee so detailed shall continue to receive the compensation provided pursuant to law for his regular employment, and shall retain the rights and privileges of such employment without interruption. Notwithstanding any other law, persons receiving compensation as members of office staffs under this subsection, other than those detailed from agencies, shall not be held or considered to be employees of the Federal Government except for purposes of the Civil Service Retirement Act, the Federal Employees' Compensation Act, the Federal Employees' Group Life Insurance Act of 1954, and the Federal Employees Health Benefits of 1959;

(3) Payment of expenses for the procurement of services of experts or consultants or organizations thereof for the President-elect or Vice-President-elect, as authorized for the head of any department by section 15 of the Administrative Expenses Act of 1946, as amended (5 U.S.C. 55a);

(4) Payment of travel expenses and subsistence allowances, including rental of Government or hired motor vehicles, found necessary by the President-elect or Vice-President-elect, as authorized for persons employed intermittently or for persons serving without compensation by section 5 of the Administrative Expenses Act of 1946, as amended (5 U.S.C. 73b-2), as may be appropriate;

(5) Communications services found necessary by the President-elect or Vice-President-elect;

(6) Payment of expenses for necessary printing and binding, notwithstanding the Act of January 12, 1895, and the Act of March 1, 1919, as amended (44 U.S.C. 111);

(7) Reimbursement to the postal revenues in amounts equivalent to the postage that would otherwise be payable on mail matter referred to in subsection (d) of this section.

(b) The Administrator shall expend on funds for the provision of services and facilities under this Act in connection with any obligations incurred by the President-elect or Vice-President-elect before the day following the date of the general elections held to determine the electors of President and Vice President in accordance with title 3, United States Code, sections 1 and 2, or after the inauguration of the President-elect as President and the inauguration of the Vice-President-elect as Vice President.

Travel expenses

78 STAT. 154.
78 STAT. 155.
60 Stat. 808;
75 Stat. 339,
340.

Communica-
tions services.

Printing and
binding.

Postage.

Restriction.

62 Stat. 672.

(c) The terms "President-elect" and "Vice-President-elect" as used in this Act shall mean such persons as are the apparent successful candidates for the office of President and Vice President, respectively, as ascertained by the Administrator following the general elections held to determine the electors of President and Vice President in accordance with title 3, United States Code, sections 1 and 2.

Definitions.

(d) Each President-elect shall be entitled to conveyance within the United States and its territories and possessions of all mail matter, including airmail, sent by him in connection with his preparations for the assumption of official duties as President, and such mail matter shall be transmitted as penalty mail as provided in title 39, United States Code, section 4152. Each Vice-President-elect shall be entitled to conveyance within the United States and its territories and possessions of all mail matter, including airmail, sent by him under his written autograph signature in connection with his preparations for the assumption of official duties as Vice President.

Penalty mail.

74 Stat. 660.

(e) Each President-elect and Vice-President-elect may designate to the Administrator an assistant authorized to make on his behalf such designations or findings of necessity as may be required in connection with the services and facilities to be provided under this Act. Not more than 10 per centum of the total expenditures under this Act for any President-elect or Vice-President-elect may be made upon the basis of a certificate by him or the assistant designated by him pursuant to this section that such expenditures are classified and are essential to the national security, and that they accord with the provisions of subsections (a), (b), and (d) of this section.

Assistant,
designation.

Nonapplicability.

(f) In the case where the President-elect is the incumbent President or in the case where the Vice-President-elect is the incumbent Vice President, there shall be no expenditures of funds for the provision of services and facilities to such incumbent under this Act, and any funds appropriated for such purposes shall be returned to the general funds of the Treasury.

78 STAT. 155.
78 STAT. 156.

SERVICES AND FACILITIES AUTHORIZED TO BE PROVIDED TO FORMER PRESIDENTS AND FORMER VICE PRESIDENTS

SEC. 4. The Administrator is authorized to provide, upon request, to each former President and each former Vice President, for a period not to exceed six months from the date of the expiration of his term of office as President or Vice President, for use in connection with winding up the affairs of his office, necessary services and facilities of the same general character as authorized by this Act to be provided to Presidents-elect and Vice-Presidents-elect. Any person appointed or detailed to serve a former President or former Vice President under authority of this section shall be appointed or detailed in accordance with, and shall be subject to, all of the provisions of section 3 of this Act applicable to persons appointed or detailed under authority of that section. The provisions of the Act of August 25, 1958 (72 Stat. 838, 3 U.S.C. 102, note), other than subsection (a) and (e) shall not become effective with respect to a former President until six months after the expiration of his term of office as President.

AUTHORIZATION OF APPROPRIATIONS

Sec. 5. There are hereby authorized to be appropriated to the Administrator such funds as may be necessary for carrying out the purposes of this Act, except that with respect to any one Presidential transition—

(1) not more than \$2,000,000 may be appropriated for the purposes of providing services and facilities to the President-elect and Vice President-elect under section 3, and

(2) not more than \$1,000,000 may be appropriated for the purposes of providing services and facilities to the former President and former Vice President under section 4.

The President shall include in the budget transmitted to Congress, for each fiscal year in which his regular term of office will expire, a proposed appropriation for carrying out the purposes of this Act.

NOTE

The following is a brief description of the transition activities of in-coming President Richard Nixon in 1968. I thought it might be useful to you in providing an overview of the transition period. The description is taken from a General Accounting Office report prepared for the Congress in 1970.

ACTIVITIES OF PRESIDENT-ELECT NIXON **/

As in other recent transitions, President-elect Nixon and his assistants had a short 10 weeks before inauguration to plan the organization of the White House and select principal members of the White House staff, select members of the Cabinet, make substantial progress on the other major nominations required, study the budget to be submitted by the outgoing administration, begin development of a legislative program for consideration by the Congress, and familiarize themselves with the machinery of Government and the situations they were to inherit.

Some idea of the fast pace set by President-elect Nixon himself during the period between his election and his inauguration can be had from the public announcements regarding his more important activities. On November 8, 3 days after the 1968 election, President-elect Nixon met informally with his close advisers to discuss the transition. Thereafter, he:

Met with Vice-President-elect Agnew. Responsibilities of the Vice President were discussed. November 9.

Met with Henry Cabot Lodge (later to become Chief U.S. Negotiator in the Paris peace talks) and discussed Vietnam and the peace talks. November 10.

Met with President Johnson and others on Vietnam peace prospects. November 11.

Appointed Bryce Harlow as Assistant to the President for Legislation and Congressional Affairs. November 12.

Announced plans to reconstruct the White House staff. Named H.R. Haldeman as Assistant to the President. November 13.

Appointed John Ehrlichman as Counsel to the President. November 14.

Appointed Herbert Klein as Director of Communications for the Executive Branch of the Government. November 25.

**/ Source: "Federal Assistance for Presidential Transitions", GAO Report B-149372, B-158195 (Nov. 16, 1970).

Sent William Scranton on a fact-finding mission to the Middle East. November 29.

Appointed Henry Kissinger as his Assistant for National Security Affairs and to oversee a complete reorganization of White House security-planning machinery. December 2.

Appointed Lee DuBridge as his Science Adviser. December 3.

Picked Paul McCracken to be Chairman of his Council of Economic Advisers. Conferred with Representative Wilbur Mills. December 4.

Met with Averill Harriman, Chief U.S. Negotiator at the peace talks. December 5.

Announced on nationwide television his new Cabinet members. Met with President Johnson and discussed the Middle East situation. December 12.

Met with William Scranton, who had just returned from his trip to the Middle East. December 13.

Conferred with Israeli Defense Minister Moshe Dayan. December 14.

Met with Republican congressional leaders on the legislative outlook for the coming year. December 15.

Announced that J. Edgar Hoover and Richard Helms would be retained as Directors of the FBI and CIA, respectively. December 16.

Visited the Secretary General of the United Nations and other UN officials. December 17.

Appointed Daniel Moynihan as Liaison for District of Columbia Affairs. December 19.

Named Charles Yost as U.S. Representative to the United Nations. December 20.

Named David Packard as Deputy Secretary of Defense.
December 30.

Named Elliott Richardson as Undersecretary of State.
January 4

Named Henry Cabot Lodge to replace Averill Harriman as
Chief U.S. Negotiator at the peace talks. January 6.

Named James Hodgson as Undersecretary of Labor. Jan-
uary 10.

Named Frank Shakespeare as Director of the U.S. Infor-
mation Agency. January 13.

Met with his staff and future department heads for a
"pre-Cabinet meeting" just before the inauguration.

Public announcements, however, give little indication
of the massive behind-the-scenes efforts made by the incom-
ing administration, by the departments and agencies, and by
interested citizens and institutions to carry off the tran-
sition.

The Search for Talent

Shortly after the election, Mr. Nixon and his staff
turned to the job of selecting people to man the new admin-
istration. The President-elect and his closest advisers
concentrated on choices for the Cabinet and key Executive
Office and White House positions. Meanwhile staff assis-
tants began to seek and screen persons for the approximately
2,000 lesser positions that are normally opened up when
there is a party overturn.

An effort was made by the incoming Nixon administra-
tion to draw rather widely upon a cross section of U.S.
talent and to avoid the closed groups that might result if
selection and hiring were left completely to officials down
the line. Recommendations for administration positions were
solicited from such traditional sources as members of the
Congress, Republican political organizations, and the Chamber
of Commerce. In addition, a major effort was made to develop
a reservoir of candidates who were not limited to association

with these groups. Consequently, arrangements were made to obtain the computer listing of persons in "Who's Who" and, with the assistance of automatic data processing equipment, to solicit from these people recommendations of established leaders in various fields.

The result was a flood of recommendations and applications, solicited and unsolicited, which reached as high as several thousand a day. The process of screening these recommendations and applications was as follows:

1. Background information was requested from the individuals.
2. This information was reviewed and about 50 percent of the candidates were eliminated from consideration. Certain minimum requirements, such as U.S. citizenship, had to be met. In addition, an "age achievement" judgment was made which considered educational attainments and development in profession or business in relation to age.
3. The remaining candidates were turned over to so-called "department specialists" who were familiar with requirements and with job openings in the departments assigned to them. It is estimated that an additional 30 percent were eliminated at this stage.
4. A review committee consisting of some of the President-elect's top assistants made further eliminations.
5. Candidates who survived the foregoing steps were run through the 48-hour or National Agency check.
6. A check was then made of personal references.
7. Final candidates were then referred to the appropriate Presidential appointees for consideration.

The personnel information gathered during the transition period became the nucleus of the "talent bank" for continuing use in filling new and vacant positions within the Nixon administration.

The Nixon staff involved in the search for talent numbered about 125 to 150 people at the peak.

The Search for New Insights and Fresh Ideas

Continuing the practice followed in recent times, Mr. Nixon employed the task force approach to generate new insights and fresh ideas for use in shaping the programs and policies of the incoming administration.

The Nixon task forces were set in motion soon after Mr. Nixon received the Republican nomination. Paul McCracken was designated Chairman of the task force effort, and ultimately 21 subjects were selected for study by individual task forces. They were:

Urban affairs	Federal lending and loan
Voluntary action	guaranty programs
Health	Education
Housing and urban renewal	Manpower-labor/management
International trade	relations
International economic	Fiscal policy
policy	Science
Government organization	Productivity and competi-
Inflation	tion
Transportation	Space
Intergovernmental fiscal	Resources and environment
relations	Tax legislation
Public welfare	Crime and law enforcement

There were three major characteristics of the task forces, all apparently intended to enhance the usefulness of the results to the new President.

1st--Members were selected who were thought to have something to offer, without regard to party. As a matter of interest, one task force member served also on a task force for the Democratic nominee Hubert Humphrey.

2d--Task forces were not highly publicized or used as adjuncts to the campaign effort.

3d--Task force reports were to be for "the next President." That is, if candidate Nixon lost, they were to be offered to the successful candidate.

Task force reports were required to be not more than about 20 pages long, setting forth the main issues, the pros and cons, and the principal conclusions about the direction the new administration should move. In the interest of time, there were usually no efforts to work out recommendations in detail. Some task forces completed their work before December and all finished before the inauguration.

On January 10 and 11 the task forces met with the appropriate future Cabinet members at the Hotel Pierre in 2-hour sessions. Later, Arthur Burns and his staff prepared a consolidated book of the task force reports for the President--a coordinating role that he later continued as Counselor to the President.

Ten days after the inauguration the President issued to Cabinet officers and agency heads a number of directives calling for actions, some of which grew out of reports by the task forces working with these departments. In some cases, the directives indicated the President's intentions; in others, further study was called for and a report was required by a specific date. Additional directives were issued over the next several weeks.

It has been suggested that a useful by-product of the task force approach is the opportunity it affords to observe various people in action with a view to their selection for posts in the administration. Whether this is so or not, it is interesting to note that Herbert Stein, Richard Nathan, Russell Train, George Shultz, Robert Seamans, David Packard, Henry Loomis, and Paul McCracken--all associated with the task force effort--were later appointed to important posts in the administration.

Other voluntary efforts were made to provide new ideas for the incoming administration. The Brookings Institution, continuing its interest in presidential transitions begun in the 1950's, prepared an analysis of the substantive problems with which the new President and the new Congress would have to grapple. The result was the publication of Agenda for the Nation, a series of 18 essays on a wide range of subjects, edited by Kermit Gordon. Henry Kissinger, author of the essay on "Central Issues of American Foreign Policy," was to become Assistant to the President for National Security Affairs and Herbert Stein, author of the essay on "Unemployment, Inflation, and Economic Stability," was to become a member of the Council of Economic Advisers.

Establishing Continuity

Whatever its plans for the future may be, a new administration must begin where the outgoing administration leaves off. Therefore, to ensure continuity in the conduct of the affairs of the Government, it is vital that the outgoing administration take steps to familiarize the new administration with ongoing activities, as well as matters requiring immediate attention.

Preparations began in the spring of 1968 when the Bureau of the Budget (now the Office of Management and Budget) instructed its division heads to gather material that might be useful in advising the President-elect during the transition. The Bureau's transition papers dealing with national issues were designed to identify and describe current issues facing the President-elect. The Bureau also prepared papers on individual departments and agencies which served as a basis for Bureau discussions with incoming department and agency heads and supplemented the papers prepared by the departments and agencies themselves.

In September 1968 President Johnson named a member of his staff, Charles Murphy, to be his representative on transition matters. He invited the candidates to do the same. Candidate Nixon appointed Franklin B. Lincoln, Jr., a member of his law firm and a former Department of Defense official, to be his personal representative on transition matters. The President also sent a memorandum to department and agency heads directing them to designate a senior

official to develop transition plans adapted to the needs of the agency. The memorandum charged each agency with the major responsibility of briefing its own incoming management and called for the preparation of briefing books with information which would be useful to incoming officials. As appointees were named, the briefing materials prepared by the departments and agencies were given to them by their counterparts within the administration at their first meetings.

Meanwhile there were special arrangements for continuity at the highest level. At their first meeting, President Johnson and President-elect Nixon agreed on a plan of consultations which would permit the Johnson administration to continue its efforts toward peace negotiations at Paris with public assurance that it had the backing of the incoming administration. Former Ambassador Robert Murphy was designated by the President-elect as his liaison to the Department of State, and through him arrangements were made for the outgoing administration to make commitments on a number of matters in the international sphere. The President and President-elect communicated by telephone on Vietnam and other matters. In the last week of his administration, President Johnson could announce that procedural obstacles had been surmounted and serious negotiations seemed to be starting at Paris. He was also able to recommend, with the concurrence of his successor, an extension of the controversial special income surtax.

These arrangements between President Johnson and President-elect Nixon were not tested by the necessity of a serious emergency decision. Nevertheless, the 1968-69 experience marked a new high in cooperation between a President and a President-elect in safeguarding the national interest during the transition period.

Financial and Other Support

President-elect Nixon's representative on transition matters estimated that "approximately \$1.5 million was required to defray the expenses of the incoming administration for such items as the rental of temporary office space, telephone and other communications, travel, expenses of task forces, disbursements in connection with interviewing applicants and a myriad of other expenses necessarily incurred during the interregnum." Included were expenditures from funds appropriated under the Presidential Transition Act for the incoming Nixon administration, as follows:

<u>Type of expense</u>	<u>Amount</u>
Salaries and related expenses	\$422,644
Rental of office space and utility services	17,880
Printing and reproduction	5,760
Other	<u>3,716</u>
Total	<u>\$450,000</u>

As indicated by the estimate of President-elect Nixon's representative, funds made available under the Presidential Transition Act are not the sole measure of efforts expended on behalf of the incoming administration. For example, of the 125 to 150 people involved in the search for talent, only about 35 were paid out of the Presidential Transition Act funds, about 20 were Government clerical employees on rotating detail, about 20 were furnished by Kelly Services and paid for with special Republican transition committee funds, and the remainder were volunteers who donated their services. On the other hand all of the task force members donated their services. Travel and other expenses associated with the task force activities amounted to about \$52,000 and were paid from non-Government funds.

Various agencies of the Federal Government provided direct support to the incoming administration. The Secret Service, of course furnished protection to the President-elect and the Vice-President-elect as required by law and

October 27, 1976

M E M O R A N D U M

TO: Senator Walter F. Mondale
FROM: Robert B. Barnett
RE: Vice Presidential Staffing

As requested by Dick Moe, I am pulling together some additional information gathered in preparing "The Vice Presidency: A Preliminary Report" for you last August. This information deals with the resources available to the Vice President for hiring staff. Based upon an examination of how other Vice Presidents have structured their staffs, I have also included a draft staffing plan for your use in discussing how best to design your staff.

Resources and Funding

First, the Vice President has funds available from the Legislative Branch Appropriations Act. This money is used to staff and support the Vice President's office in the New Senate Office Building. This bill includes the Vice President's salary and expense allowance. At current funding levels, \$615,015 is earmarked from this bill to use to employ staff. The top salary for an employee hired with this money is \$39,600.

There is no statutory limitation on the number of positions for which this money may be used. Currently,

thirty-eight people are paid with these funds. There is an informal understanding between the Appropriations Committee and the Vice President that persons hired with this money will be used for Senate-related duties. The limitation does not, however, seem to be enforced or even monitored. If necessary, it could probably be changed

Second, the Vice President receives funds from the Treasury, Postal Service, and General Government Appropriations Act. This money is used to support the Vice President's office in the Old Executive Office Building. This bill includes funds for the official residence.

Unlike the Legislative Appropriations Act, this bill does not specifically earmark money to be used to hire staff. At current funding levels, a lump sum of \$1,246,000 is available from this bill to use to support the Vice President's EOB office. A substantial portion of this money is used for supplies and equipment. The rest is used to pay staff.

The top salary for an employee hired with this money is \$39,600. The maximum number of employees who may be paid with this money is currently set at 30 by virtue of the language in the funding request. This level is flexible and could certainly be changed by request. Currently, 30 employees are actually paid with this money.

Again, there is an informal understanding between

the Appropriations Committee and the Vice President that persons hired with this money will be used for Executive Branch duties. Again, this limitation does not appear to be enforced or monitored. If necessary, it could probably be changed.

Draft Staffing Plan

In putting together the draft staffing plan which follows, I have considered how you have structured your Senate office for the past twelve years. The most important element in designing a staffing arrangement is, of course, what is most useful to you. A final plan will have to await a determination of the duties you will have as Vice President.

I have also looked at records of the staffing arrangements used by the last four Vice Presidents. I have talked with former employees of Vice President Humphrey and, on a strictly off-the-record basis, have talked with two personal friends who have worked for Vice President Rockefeller. For obvious reasons, I have talked with no one associated with Vice President Agnew or Vice President Ford. I have only looked at public records dealing with staffing by these two Vice Presidents.

I have also considered the financial resources available to you and have indicated rough estimates of the salary level for each position. It appears that there

is sufficient flexibility to pay some of these employees, particularly support personnel, from either funding source (Legislative Branch Appropriations Act of Treasury, Postal Service, and General Government Appropriations Act) and to house them in either the NSOB of the EOB depending upon specific duties.

As discussed in "The Vice Presidency: A Preliminary Report", in many cases it will be important for you to use the same people who staff the President in a subject-matter area when you undertake responsibilities in that substantive area. Nevertheless, I have drafted this plan with an eye toward using personal staff on outside responsibilities or as liaison with task forces or commissions.

DRAFT STAFFING PLAN
PREPARED FOR SENATOR WALTER F. MONDALE
DEMOCRATIC VICE PRESIDENTIAL NOMINEE

<u>Position</u>	<u>Salary Level</u>
<u>Chief of Staff to the Vice President</u> (overall coordination of substantive and procedural activities of the Vice President)	A
Deputy Chief of Staff	C
<u>Counselor to the Vice President</u> (responsible for political liaison and political matters)	A
Deputy Counselor	C
<u>Counselor to the Vice President</u> (responsible for domestic policy and interest group liaison)	A
Deputy Counselor	C
Deputy Counselor	C
<u>Counselor to the Vice President for National Security and Foreign Policy Affairs</u> (responsible for National Security Counsel liaison and foreign policy matters)	A
Deputy Counselor	C
<u>Assistant to the Vice President for Congressional Affairs</u> (overall responsibility for Senate office and congressional liaison)	A

Deputy Assistant	D
<u>Counsel to the Vice President</u>	B
(responsible for legal matters and reporting requirements)	
<u>Press Secretary and Assistant to the Vice President for Public Affairs</u>	B
(responsible for press relations and public relations)	
Deputy Press Secretary	D
<u>Assistant to the Vice President for Military Affairs</u>	B
(responsible for armed services liaison and military policy matters)	
<u>Assistant to the Vice President for Special Events</u>	B
(responsible for trip coordination and logistics and special events)	
Deputy Assistant	E
<u>Administrative Assistant to the Vice President</u>	B
(responsible for office management and procedural matters)	
Deputy Assistant	E
<u>Special Assistant to the Vice President for Task Force Liaison</u>	C
(responsible for liaison with outside task forces and commissions)	
<u>Personal Secretary to the Vice President for Scheduling</u>	C

Personal Secretary to the Vice President for D
Appointments

Chief Correspondence Analyst for the Vice C
President

(responsible for mail and for supervising
the NSOB support staff)

Staff Assistant for Mrs. Joan Mondale C

Staff Assistant to the Vice President for D
Budget and Accounting

Staff Assistant to the Vice President for E
Office Services

Staff Assistant to the Vice President for E
Supplies and Reproduction

* * *

Correspondence Analysts (5) F

Secretaries (20) F

Receptionists (2) G

Clerks (5) G

SALARY LEVELS

A	\$35,000 to \$39,600
B	\$30,000 to \$35,000
C	\$25,000 to \$30,000
D	\$20,000 to \$25,000
E	\$10,000 to \$20,000
F	\$ 8,000 to \$15,000
G	\$ 5,000 to \$10,000

OFFICE OF THE VICE PRESIDENT

	<u>Amount</u>	<u>Explanation</u>
LEGISLATIVE BRANCH APPROPRIATIONS ACT:		
A. Controlled by Vice President:		
1. Salary of Vice President-----	\$ 65,600 ¹	P. 3-CRS Report JK-761
2. Expense Allowance of Vice President----	10,000	P. 4-CRS Report JK-761
3. Clerk Hire, as President of the Senate--	615,015 ¹	P. 4-CRS Report JK-761
4. Stationery, as President of the Senate--	4,500	P. 4-CRS Report JK-761
5. Postage, as President of the Senate----	1,215	P. 5-CRS Report JK-761
Subtotal-----	696,330	
B. Provided Vice President:		
6. Office of the Sergeant at Arms and Doorkeeper -- one (1) Driver-Messenger, Vice President-----	(14,628)	
7. Automobiles and Maintenance -- one (1) leased Lincoln for Vice President-----	(2,000)	
Subtotal-----	(16,628) ²	
Total, Legislative Branch Approp- riations Act-----	696,330	

TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS ACT:

1. Official Residence of the Vice President	61,000 ³	P. 24, S. Report 953
2. Special Assistance to the President-----	1,246,000	P. 26, S. Report 953
Total, Treasury, Postal Service, and General Government Approp- riations Act-----	1,307,000	
Grand Total-----	<u>2,003,330⁴</u>	

¹The Vice President's salary is now subject to the Executive Salary Cost of Living Adjustment Act so that an increase can be anticipated in both the salary of the Vice President and the staff at the level of the cost of living increases. In addition, the Senate provides for the Government share of the retirement, life insurance, and health benefits of the Vice President and his staff paid from these funds under the appropriation "Agency Contributions."

²In addition, the Vice President is supplied with suitable office space, furniture and equipment, and local and long distance telephone and telegraph service by the Senate.

³In addition, the Navy provides stewards and grounds keepers under the appropriation "Operations and Maintenance, Navy," Defense Appropriation Act.

⁴In addition, the Vice President is entitled to protection of the Secret Service of the Department of the Treasury.



MINNESOTA HISTORICAL SOCIETY

Copyright in the Walter F. Mondale Papers belongs to the Minnesota Historical Society and its content may not be copied without the copyright holder's express written permission. Users may print, download, link to, or email content, however, for individual use.

To request permission for commercial or educational use, please contact the Minnesota Historical Society.



www.mnhs.org