

MEMORANDUM

November 30, 1976

TO: MSB

FROM: PNK

SUBJECT: Vacation and Sick Leave Policy, Executive Branch

This morning, I called the Civil Service Commission to inquire about the general vacation and sick leave policy of the Executive Branch. My call was returned by Mrs. Kozart in the White House Personnel Office. Thinking it wise not to engage in too extended an inquiry with her, I limited myself to a few informal questions but I think I got the answers you require.

Vacation Policy.

Vacation policy in the Executive Branch is as follows:

From the beginning of Government
Service to 3 Years:

4 hours annual leave per two
week pay period (13 days)

3 Years to 15 years service:

6 hours per pay period (20 days)

15 or more years government
service:

8 hours per pay period (26 days)

All of this is set forth in the provision of the Federal Leave Act. Government service includes all government services in any agency of the U. S. Government, including services on the Hill and military services; all services for which the employee was paid out of appropriated funds counts towards as "government service" for these purposes.

These rules, according to Mrs. Kozart, apply to all the employees of the Vice President's office. These rules do not apply to Presidential appointees or to the Vice President himself. I did not pursue with Mrs. Kozart the question whether any restrictions of the Vice President's office might change the applicability of these rules or any further specifications as to enforcement or compulsory time.

Sick Leave Policy

Sick Leave throughout the Federal Government is computed at 4 hours per two week pay period (13 days per year) regardless of length of service.

Mrs. Kozart indicated that Frank Pagnotta is in possession of a White House personnel manual which covers these matters fully. She stands ready to answer any questions that we may have.

Accumulative Policies

Up to 30 days of annual leave may be accumulated and carried over from year to year without any special arrangements. In circumstances where some exigency prevents the use of leave, approval can be made to have that leave converted to "restored leave" which has a two-year carry-over life.

There is no limit to the amount of sick leave that can be accumulated.

MEMORANDUM

December 20, 1976

TO: Dick
FROM: Mike
SUBJECT: Minnesota Office

One of the things which we are going to have to give some thought to is the justification for the Minnesota office. During the budget process it is necessary to provide justification to the OMB people for what we want. The on-going office stuff will be easy because it will not be all that different from the last few years.

However, this will be the first Vice President, since the Executive Office budget for the Vice President came into being, that had a state office.

One solution would be to leave them on the Senate payroll but there are two things about that:

- OMB people undoubtedly look at both budgets even though they only control one.
- In a general way it is quite difficult for the President of the Senate to justify such an office but it might make sense from an Executive office time because of time spent there, etc.

Obviously, there is no hurry about this.

MSB:wf

MEMORANDUM

December 6, 1976

TO: Mike

FROM: Peter

SUBJECT: Compensatory Time in the Executive Branch

I talked this morning with Mrs. Kozart in the White House Personnel office about compensatory time in the Executive Branch.

She indicated that a compensatory time system does exist. All employees subject to the Leave Act are entitled to eight hours of overtime per two week pay period. All hours worked beyond those eight hours entitles the employee to compensatory time. Mrs. Kozart was not clear as to whether the first eight hours may also be taken as compensatory time, rather than overtime.

At the very least, then, every hour beyond the first 88 in any pay period earns one hour of compensatory time. This time is not recorded on official time for attendance records submitted to the Personnel Office. It is handled separately by the supervisor of each office. There are no limits on the accumulation of this time. It may be approved and used for any purpose; Mrs. Kozart mentioned such things as shopping, doctor's visits and vacation.

Mrs. Kozart recommends that we keep accurate records in our office so that, should questions arise, we will have some basis for our decisions.

I do not consider Mrs. Kozart the final word on this, and will look into this further.

PNK:wf

MEMORANDUM

December 16, 1976

TO: Dick

FROM: Mike

SUBJECT: Meeting with Captain Howe, USN, Assistant to Vice President Rockefeller for National Security Affairs and Military Assistant

At the present time, Captain Howe is the officer in charge of all military personnel at the Vice President's office.

There are two distinct functions involved in his assignment. The first is to serve as National Security Advisor with all that it encompasses, and second is to serve as the military assistant to the Vice President. A question which I have which I did not pose to Captain Howe is why these could not be separate individuals, neither one reporting to the other; both of them reporting separately in the office structure.

I asked him specifically about the relative position of this position in the office hierarchy and whether he saw his role as being subject to the control of the Chief of Staff of the office the same as other principal staff members. He said that he did, and that there was no equivocation in his statement. It is clear, however, that because of the nature of the National Security assignment, there is a great amount of direct contact between this individual and the Vice President. Set out below is the description of the National Security part of the job which he prepared for inclusion in the memorandum on Vice Presidential staff:

The National Security Advisor keeps the Vice President informed on current and long range intelligence developments, provides background on issues before the National Security Council, and prepares material for meetings with foreigners and U.S. officials. He makes substantive preparations for foreign trips. He gives guidance on public remarks (e.g., press conferences) and provides input for speeches. He is the link with the NSC staff, Department of Defense and State, and the Central Intelligence Agency. He assists with special projects and commissions and handles public and official correspondence in the national security area.

The military assistant part of the assignment involves the responsibility for:

- Contingency planning for Vice Presidential duties in case of emergency;
- Arrangements for military transportation and other military support for domestic and foreign trips;

- Maintenance of the official residence;
- Administration of the academy appointment procedure (they receive some 4,000 applications a year, but the Vice President only has the same number of appointments as a Senator)
- Classification of material security

As you can see, the functions are quite different which leads me to the question raised above.

My impression of Howe is a good one and, as you know, he served some four years on the National Security Council.

On several occasions during the conversation, he suggested that while the Defense Department will provide suggested nominees for these posts, it might be well for the Senator to seek suggestions for this assignment through other sources. (I am sure he would not want his suggestions known to his superiors))

I raised with him the question of the impact of this position if the Vice President had an assigned staff position on the NSC. I think that possibility had not occurred to him before. But after some reflection he suggested that while there must be some advantage in this arrangement that it should not result in the elimination of the National Security Advisor position on the regular staff. He points out that NSC staff members have particular assignments and therefore tend to become somewhat narrow in their regular focus. Secondly, he suggests a possible coopting process which would ultimately diminish the breadth of options made available to the Vice President. For example, while he could attend the weekly meetings of the NSC staff, he has chosen not to do so so as not to become too involved in the on-going operation and face the coopting situation. He feels quite strongly that the Vice President needs a truly independent source of advice.

He explained that by the time matters come before a NSC meeting, they have been discussed and briefed and re-briefed and re-discussed for action involved with the exception of the President and Vice President, and he suggests that the most important role the Vice President can play is to have an independent perspective and be able to articulate and support a position on a given issue which is not necessarily consistent with the position taken by the other participants in the meeting.

Howe is willing to stay on after January 20 for a brief interim period, as he says, whatever he wants, the Defense Department will order. But I think it makes more sense for the new Vice President to have his own person in this role on Day 1 which would require having such a person available some period of time before Day 1.

I would suggest the following course of action:

1. That we have some conversation with David relative to his vision on the role and any suggestions he might have for individuals.
2. That we investigate the possibility of separating the two functions.
3. That we consider other sources of recommendation such as General Beckington and perhaps some of the people on the Senate Armed Services Committee and Foreign Relations Committee who may have had contact with good people.

MSB:wf

MEMORANDUM

December 28, 1976

TO: Dick

FROM: Mike

Ray Calamaro turned up the attached. I talked with Susan Herter about it and she says that it has never existed during their tenure.

This was probably the original Agnew program. I don't think it got very far.

MSB:wf
Attachment

PRESERVATION OF HOUSE AND SENATE COMMITTEE JURISDICTION

SEC. 604. Nothing in this Act shall be construed to affect the jurisdiction of committees under the rules of the Senate and the House of Representatives.

Approved October 16, 1968.

ESTABLISHING AN OFFICE OF INTERGOVERNMENTAL RELATIONS

EXECUTIVE ORDER 11455

[34 Fed. Reg. 2299]

By virtue of the authority vested in me by the Constitution and the statutes of the United States, and as President of the United States, it is ordered as follows:

SECTION 1. *Establishment of the Office.* (a) There is hereby established the Office of Intergovernmental Relations (hereinafter referred to as "the Office"). The Office shall be under the immediate supervision of the Vice President of the United States: ~~and the Secretary of the Council for Urban Affairs~~

(b) In addition to his other duties, the Vice President shall act as the President's liaison with executive and legislative officials of State and local governments; encourage and assist in facilitating maximum cooperation between and among the various Federal agencies and such other governments; help to make the Federal executive branch, especially those sectors thereof having a direct impact on intergovernmental relations, more sensitive, receptive and responsive to the views of State and local officials; serve as the focal point of efforts by Federal departments, agencies, and interagency councils and committees to resolve specific difficulties that arise in their relationships with such officials; work closely with and encourage the work of the Advisory Commission on Intergovernmental Relations; and inform the Council for Urban Affairs on general intergovernmental issues of an informational, administrative, or program nature so that the Council may more effectively advise and assist the President with respect to urban affairs.

SEC. 2. *Functions of the Office.* The Office shall advise and assist the Vice President with respect to (1) intergovernmental relations generally, and (2) the responsibilities assigned to the Vice President specifically under section 1 (b). In addition, the Office shall:

(a) serve as the clearinghouse for the prompt handling and solution of Federal-State-local problems brought to the attention of the President or Vice President by executive and legislative officers of State and local governments;

(b) identify and report to the Vice President on recurring intergovernmental problems of a Federal interdepartmental and inter-program nature;

(c) explore and report to the Vice President on ways and means of strengthening the headquarters and interagency relationships of Federal field offices as they relate to intergovernmental activities;

This was not
crossed out
just
highlighted

(d) maintain continuing liaison with intergovernmental units in Federal departments and agencies and with the staff of the Council for Urban Affairs; and provide the staff of the Council with information and assistance regarding issues arising in Federal-State-local relations; and

(e) review procedures utilized by Federal executive agencies for affording State and local officials an opportunity to confer and comment on Federal assistance programs and other intergovernmental issues, and propose methods of strengthening such procedures.

SEC. 3. *Administrative Arrangements.* (a) A person designated by the Vice President shall serve as Director of the Office. The Director shall perform such duties as the Vice President may from time to time direct.

(b) A person designated by the Vice President shall serve as Deputy Director of the Office and assist the Director in performing those duties assigned to him.

(c) All Federal departments, agencies, interagency councils and committees having an impact on intergovernmental relations, and all Federal Executive Boards, shall extend full cooperation and assistance to the Vice President and the Director of the Office in carrying out the responsibilities under this order. The Director shall, upon request, assist all Federal departments and agencies with problems that may arise between them and the executive agencies or elected officials of State and local governments.

(d) The head of each Federal department and agency shall designate an appropriate official with broad general experience in his department or agency to serve, upon request of the Vice President, as a point of contact in carrying out Federal-State-local liaison activities under this order.

SEC. 4. *Construction.* (a) Nothing in this order shall be construed as subjecting any department, establishment, or other instrumentality of the executive branch of the Federal Government or the head thereof, or any function vested by law in or assigned pursuant to law to any such agency or head, to the authority of any other such agency or head or as abrogating, modifying, or restricting any such function in any manner.

(b) This order supersedes Executive Order No. 11426 of August 31, 1968.

RICHARD NIXON.

THE WHITE HOUSE, February 14, 1969.

MEMORANDUM

December 2, 1976

TO: Mike

FROM: Peter

SUBJECT: Use of Official Cars

As we discussed, I checked briefly into the question of the use of government cars by the Vice President's staff.

Their use is governed by 31 U.S.C. § 638 (a). This statute (attached) provides in subsection (c)(2) that appropriated funds shall not be expended for the operation of vehicles "not used exclusively for official purposes."

"Official purposes" are specifically defined in the statute as not including "the transportation of officers and employees between their domiciles and places of employment" except in the case of medical officers. Government employees who use or authorize the use of vehicles for non-official purposes are subject to suspension.

The statute exempts from its provisions vehicles for "official use of the President, heads of the Executive departments enumerated in Section 101 of Title 5," and certain diplomatic officials. Section 101 of Title 5 lists only the officers of the Cabinet.

Since § 638 (a)(a) indicates that unless specifically authorized, no appropriated funds shall be expended for cars for other Than the President, "the secretaries to the President," or Cabinet officers, it seems clear that the exclusion of the phrase "secretaries to the President" from the exempting phrase of § 638 (a)(c)(2) does not include staff members.

There are apparently a set of Regulations implementing this statute. These regulations are issued by the White House Transportation office. As we discussed, I have not made an effort to obtain them.

The statute and Senator Proxmire's release are attached.

PNK/wf

Historical Note

Codification. This section is from the Naval Service Appropriation Act, Act July 12, 1921, c. 44, § 1, 42 Stat. 128.

This section was regarded as superseding Act July 1, 1918, which provided that ordnance materials procured under the various ordnance appropriations should be available for issue to meet the gener-

al needs of the naval service, under the appropriation from which procured.

1929 Amendment. Act Feb. 20, 1929 added "except that this provision . . . no longer needed for the purpose for which originally acquired" following "mode" preceding the proviso.

§ 638a. Restrictions on purchase, operation, use and maintenance of passenger motor vehicles and aircraft

Purchase or hire of vehicles

(a) Unless specifically authorized by the appropriation concerned or other law, no appropriation shall be expended to purchase or hire passenger motor vehicles for any branch of the Government other than those for the use of the President of the United States, the secretaries to the President, or the heads of the executive departments enumerated in section 101 of Title 5.

Aircraft

(b) Excepting appropriations for the Military and Naval Establishments, no appropriation shall be available for the purchase, maintenance, or operation of any aircraft unless specific authority for the purchase, maintenance, or operation thereof has been or is provided in such appropriation.

Maximum purchase price of vehicles; determination of completely equipped vehicle; purchase of additional systems and equipment; use for official purposes; penalties

(c) Unless otherwise specifically provided, no appropriation available for any department shall be expended—

(1) to purchase any passenger motor vehicle (exclusive of buses and ambulances), at a cost, completely equipped for operation, and including the value of any vehicle exchanged, in excess of the maximum price therefor, if any, established pursuant to law by a Government agency and in no event more than such amount as may be specified in an appropriation or other Act, which shall be in addition to the amount required for transportation. A passenger motor vehicle shall be deemed completely equipped for operation if it includes the systems and equipment which the Administrator of General Services finds are customarily incorporated into a standard passenger motor vehicle completely equipped for ordinary operation. Notwithstanding any other provisions of law, additional systems or equipment may be purchased whenever the Administrator finds it appropriate. The price of such additional systems or equipment shall not be considered in determining

whether the cost of a passenger motor vehicle is within any maximum price otherwise established by law;

(2) for the maintenance, operation, and repair of any Government-owned passenger motor vehicle or aircraft not used exclusively for official purposes; and "official purposes" shall not include the transportation of officers and employees between their domiciles and places of employment, except in cases of medical officers on out-patient medical service and except in cases of officers and employees engaged in field work the character of whose duties makes such transportation necessary and then only as to such latter cases when the same is approved by the head of the department concerned. Any officer or employee of the Government who willfully uses or authorizes the use of any Government-owned passenger motor vehicle or aircraft, or of any passenger motor vehicle or aircraft leased by the Government, for other than official purposes or otherwise violates the provisions of this paragraph shall be suspended from duty by the head of the department concerned, without compensation, for not less than one month, and shall be suspended for a longer period or summarily removed from office if circumstances warrant. The limitations of this paragraph shall not apply to any motor vehicles or aircraft for official use of the President, the heads of the executive departments enumerated in section 101 of Title 5, ambassadors, ministers, *chargés d'affaires*, and other principal diplomatic and consular officials.

(d) Repealed. Pub.L. 87-774, Oct. 9, 1962, 76 Stat. 775.

Definition of purchase

(e) The acquisition of aircraft or passenger motor vehicles by any agency by transfer from another department of the Government shall be considered as a purchase within the meaning of this section.

July 16, 1914, c. 141, § 5, 38 Stat. 508; Aug. 2, 1946, c. 744, § 16(a), 60 Stat. 810; Oct. 9, 1962, Pub.L. 87-774, 76 Stat. 775; Sept. 26, 1970, Pub.L. 91-423, 84 Stat. 879.

Historical Note

Codification. This section was formerly classified to sections 77a and 78 of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub.L. 89-554, § 1, Sept. 6, 1966, 80 Stat. 378.

1970 Amendment. Subsec. (c)(1), Pub.L. 91-423 struck out station wagons from the enumeration of vehicles excluded from the prohibition of this section, provided that a passenger motor vehicle be deemed completely equipped for operation if it includes the systems and

equipment which the Administrator of General Services finds are customarily incorporated into a standard passenger motor vehicle completely equipped for ordinary operation, and allowed the purchase of additional systems and equipment for passenger motor vehicles over and above the statutory price limitation whenever the Administrator finds it appropriate.

1962 Amendment. Pub.L. 87-774 repealed subsec. (d), which required appropriation estimates for purchase or

hire of passenger motor vehicles, or for purchase, maintenance, or operation of aircraft.

1946 Amendment. Act Aug. 2, 1946 amended section generally.

Short Title. Section was a part of the Administrative Expenses Act of 1946, Act Aug. 2, 1946, c. 744, 60 Stat. 800, which is

now covered by section 5721 et seq. of Title 5, Government Organization and Employees.

Legislative History. For legislative history and purpose of Pub.L. 87-774, see 1962 U.S. Code Cong. and Adm. News, p. 2863. See, also, Pub.L. 91-423, 1970 U.S. Code Cong. and Adm. News, p. 3892.

Cross References

Definition of terms employed in this section, see section 5a of Title 41, Public Contracts.

Notes of Decisions

1. Penalty for unauthorized use

Under this section, a government employee may be suspended without pay for not less than one month if he uses an official government-owned vehicle for

other than official purposes, and where the use was slight, the court holds that a 90-day suspension without pay was sufficient punishment. *Clark v. U. S.*, 1963, 162 Ct.Cl. 477.

§ 638a-1. Same; purchase, maintenance, and repair of passenger motor vehicles by United States Capitol Police

Section 638a of this title shall not be construed as applying to the purchase, maintenance, and repair of passenger motor vehicles by the United States Capitol Police.

Pub.L. 94-59, Title XI, § 1108, July 25, 1975, 89 Stat. 300.

Historical Note

Effective Date. Section 1108 of Pub.L. 94-59 provided in part that this section is effective after July 25, 1975.

§ 638b. Same; Corps of Engineers

The provisions of section 638a of this title shall be construed as applying to the Corps of Engineers as to the purchase of motor-propelled passenger-carrying vehicles.

Mar. 4, 1933, c. 281, Title II, § 1, 47 Stat. 1599.

Historical Note

Codification. This section was formerly classified to section 78a of Title 5 prior to the general revision and enact-

ment of Title 5, Government Organization and Employees, by Pub.L. 89-554, § 1, Sept. 6, 1966, 80 Stat. 378.

§ 638c. Same; maximum purchase price of motor vehicles; exceptions

Unless otherwise specifically provided the maximum amount allowable during the current fiscal year in accordance with section 638a of

SENATOR WILLIAM PROXMIRE

WISCONSIN

FOR RELEASE AFTER 6:30 A.M. FRIDAY, NOVEMBER 26, 1976

Sen. William Proxmire (D-Wis.) Friday gave his Fleece of the Month Award for November to the Treasury Department "... for its failure to collect as much as \$4.8 million in taxes owed by government big shots who are chauffeured to and from home in government cars. The cost to the taxpayer to provide the cars and chauffeurs is estimated at \$13 million. Therefore, as much as \$17 to \$18 million in costs to the taxpayer and taxes not collected have been lost because of the Treasury Department's inaction."

Proxmire is Chairman of the Senate Banking, Housing, and Urban Affairs Committee, a member of the Senate Appropriations Committee and Chairman of the Subcommittee on Priorities and Economy in Government of the Joint Economic Committee. The Golden Fleece of the Month is given for the biggest or the most ironic or ridiculous example of government spending, tax expenditure or waste for a particular month.

"The Treasury Department richly deserves the Fleece of the Month for November. It deserves it for failing to collect taxes clearly owed by government big shots, for a double-standard of tax collection compared with the way ordinary citizens are treated, and for inordinate delay. The Treasury's lack of action in this instance exemplifies why there has been a breakdown in the respect the average citizen has for his government. Here are the facts on which this month's Fleece is based.

"Fact Number One. Under the law--Title 31, Section 638a--government cars can be used only for 'official purposes' and 'official purposes' does not include being driven to and from home. The only exceptions to the law are the President, enumerated Cabinet Officers, Ambassadors, doctors on out-patient duty or government employees on field service.

"White House staff, Generals and Admirals at the Pentagon, Under Secretaries, Assistant Secretaries, heads of agencies like the Veterans Administration, NASA, Environmental Protection Agency, FEA, the SEC, etc. are specifically not eligible for that free service under this law.

"Fact Number Two. Nevertheless about 800 government officials in the Washington, D.C. area are driven to and from work in violation of the law. There are many more outside Washington, who do not qualify for the gratuity.

"Fact Number Three. In hearings I have held as Chairman of the Subcommittee on HUD-Independent Agencies of the Senate Appropriations Committee the cost of the cars--depreciation, gas, oil, maintenance, etc.--is about \$2,000 a year and the cost of the chauffeurs is routinely from \$15,000 to \$17,000 a year. In most cases, two/are required, and they earn large amounts of overtime.

"On September 5, 1975, more than 14 months ago, the Treasury Department printed in the Federal Register a 'Discussion Draft of Regulations' on 'Fringe Benefits' which, under the regulations would be treated as gross income and subject to the personal income taxation.

"Example (11) of those proposed regulations clearly states that government officials not exempted under Title 31, Section 638a would be taxed for the fair market value of the chauffeur driven service when the regulations went into effect.

"But as of today, November 26, 1976, the regulations are still not in effect. Meanwhile the Treasury and the Internal Revenue Service have cracked down on such groups as insurance salesmen who are provided cars for use in their business. They are not only being taxed currently for the 'imputed income' of the value of using their cars to go to and from home, but the IRS has called them in, reviewed their old tax returns, and taxed them for previous years as well.

"While the Treasury has been tough on ordinary citizens, high ranking government officials still go untaxed almost 15 months after the proposed regulations were published.

"As the cost of the cars and the chauffeurs is routinely at least \$15,000 a year and as most high ranking government officials are in the 40% marginal income tax bracket, the tax could amount to as much as \$6,000 per government big shot receiving the chauffeured, portal to portal service. Using the modest number of 800 employees now getting the perquisite--many more people are involved in the regional offices at military installations and at Embassies abroad--the government is losing at least \$4.8 million a year in taxes.

"Further, if these taxes were collected most of the big shots would give up their cars and there would be a further savings of at least \$13 million a year.

"It's time for the Treasury to put its proposed regulations into effect. It hasn't taken them 14 months to collect from the ordinary, middle income taxpayers. There is no reason for another day's delay in taxing government big shots for the free limousine service they now receive."

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December 8, 1976

TO: WFM
FR
FROM: Mike
SUBJECT: Detailing

Detailing is the practice by which employees paid from the appropriations of other departments are assigned for allegedly "temporary" duty to the staffs of the President or the Vice President. Although there are general statutory provisions (for example, 31 U.S.C. Sec. 628) providing that appropriated funds must be expended for the specific purposes stated in appropriations acts, the practice of detailing is authorized by 3 U.S.C. Sec. 107, which provides:

Employees of executive departments and independent establishments of the executive branch of the government may be detailed from time to time to the White House office for temporary assistance.

The term "temporary" is not defined in the statute.

In January 1973, the Comptroller General, Elmer B. Staats, stated in a letter to Congressman Philip Burton the following:

"Although 3 U.S.C. Sec. 107 only constitutes authorization for temporary details, there is no stated maximum limit for whether or not a detail is 'temporary' within the meaning of 3 U.S.C. Sec. 107 which deals in the independent circumstance of each detail."

There is no legislative history that helps in determining the intention of the Congress when it enacted this provision.

Detailing on a long term basis usually begins by requesting that a person be assigned to the office for a specific short term assignment. Then an extension is requested, etc.

Current detailing in Vice President Rockefeller's office can be described in four (4) classes.

1. Civilians from civilian agencies doing civilian work
2. Military personnel doing civilian work
3. Civilians from military agencies doing military work
4. Military personnel doing military work

There is an item in the FY 77 budget for the office of the Vice President entitled "Other Personnel Compensation - \$46,000". It is my understanding that the purpose of this item is the reimbursement of various executive agencies for personnel that are detailed to that office. This is approximately the annual salary of the three people detailed to the office by a civilian agency. However, the administration official in the Vice President's office has informed me that the office does not have to reimburse the agency for its civilians. There is no more specific explanation. One can only assume that there is a certain amount of comedy in these transactions.

A list of all detailees in the Vice President's office along with the agency and salary was included in the hearing record of the Senate Appropriations Subcommittee hearing on the FY 77 budget of the Executive office of the President. The list was requested by the Subcommittee Chairman, Senator Montoya. Thus, the amount of detailing going on at the Vice President's office is a matter of public record. However, on page 1035 of the Appropriations Subcommittee hearing of April 27, 1976, the following exchange occurred between Senator Montoya and a Mr. Linder who accompanied James Lynn to this hearing. While this exchange occurred during the discussion of the President's budget, it is certainly applicable to the situation in the Vice President's office.

Senator Montoya. If the duration of a detail to the White House exceeds 6 months, is it your present policy to reimburse the parent agency of the individual concerned? If so, are there any exceptions to this rule?

Mr. Linder. Traditionally, the military departments that assign personnel to the White House in support of the President have not been reimbursed. However, salaries for civilian personnel detailed to the White House from other departments and agencies are generally reimbursed if the duration of the detail exceeds 6 months.

It is fair to assume that the intended purpose of detailing was to provide the opportunity for the President to call on the specific talents of individuals with special expertise within the Executive branch to assist him in particular projects or to simply provide additional help on a short term basis. For example, one of the detailed secretaries in the Vice President's office was sent there to help with the typing load as a result of the Commission which he headed which investigated the intelligence community. While that work was consummated sometime ago, she has not returned to that agency. At the same time, some seven positions in the Vice President's executive office complement of 30 positions, remain unfilled.

The argument can be made that because Congress is aware of detailing practices in the Executive office of the President and has not taken action to more rigidly control such practices that it has acquiesced.

However, in this case, I think that is a weak argument since the Congress has been assured that details greater than a certain length will be reimbursed even though, in fact, it is acknowledged by the very same testimony that this is not done.

Beyond the limited short term needs circumstances described above, much of the detailing that goes on must be seen for what it is, an effort to increase the allotted budget of the office without authorization or appropriation by Congress.

Certainly, detailing has been around for a long time. In Vice President Humphrey's time, he selected the people who were then put on agency payrolls and then put on detail to him. Of course, at that time, the Senate budget for the President of the Senate was significantly smaller and there was no executive office budget for the Vice President.

While it is nice to have the additional staff, it strikes me as one of the little things that we ought to change to the extent we can in an effort to be more forthright with the public and with Congress. I would not recommend our doing anything that would back the White House into a corner on this issue. I have some reason to believe that they are examining the whole question of detailing.

Therefore, I would recommend that we not use detailees from civilian agencies unless there is a short term specific need for particular kinds of individuals, and that when such a need ceases to exist, the particular detailing involved be terminated.

As to the military detailing in the office and at the residence, this should have our further attention early next year.

Parenthetically, I am less concerned about the detailing of military personnel which goes on at the residence inasmuch as the Congress has obviously understood that the Navy would be responsible for maintaining that facility.

MSB:wf

MEMORANDUM

December 13, 1976

TO: WFM

FROM: Mike Berman

SUBJECT: Addendum to Detailing Memorandum

The salary cost for the five (5) Navy stewards at the residence is approximately \$59,000. According to the FY 1977 Budget Hearings in the Senate Appropriations Subcommittee hearings there is an allowance for none (9) Navy Stewards. (There is some question whether the correct number is none (9) or seven (7)).

Additionally, the Navy appropriation for maintenance and care of the grounds associated with the residence is \$118,000.

MSB:wf

Copies to: Dick Moe
Jim Johnson

MEMORANDUM

December 8, 1976

TO: WFM

FROM: Mike

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Current detailing in Vice President Rockefeller's office can be described in four (4) classes.

1. Civilians from civilian agencies doing civilian work
2. Military personnel doing civilian work
3. Civilians from military agencies doing military work
4. Military personnel doing military work

1. Civilians from Civilian agencies doing civilian work

<u>Position</u>	<u>Agency</u>	<u>Salary</u>
Secretary	Treasury	\$17,074
Secretary	AID	\$17,442
Secretary	Labor	\$11,046
		<u>\$45,562</u>

2. Military Personnel Doing Civilian Work

<u>Position</u>	<u>Agency</u>	<u>Salary</u>
Driver	Air Force	\$10,119
Driver	Air Force	\$ 8,048
Driver	Air Force	\$ 6,886
		<u>\$ 25,053</u>

3. Civilians From Military Agencies doing Military Work

<u>Position</u>	<u>Agency</u>	<u>Salary</u>
Staff Asst. (airplane)	Air Force	\$30,641
Secretary	Air Force	\$16,041
Secretary	Marines	\$11,907
		<u>\$58,589</u>

4. Military Personnel doing Military Work

<u>Position</u>	<u>Agency</u>	<u>Salary</u>
National Security Advisor	Navy	\$24,956
Military Aide	Air Force	\$18,522
Class material control clerk	Air Force	\$10,540
Administrative Asst.	Navy	\$11,394
Driver	Air Force	\$10,404
		<u>\$75,816</u>

Total salary of detailing for military doing military work: \$134,405

Total Salary of detailing for civilians and military doing
civilian work: \$ 71,415

Total Detail \$205,820

(Note: None of the above include military services provided at the Vice President's residence.)

There is an item in the FY 77 budget for the office of the Vice President entitled "Other Personnel Compensation - \$46,000". It is my understanding that the purpose of this item is the reimbursement of various executive agencies for personnel that are detailed to that office. This is approximately the annual salary of the three people detailed to the office by a civilian agency. However, the administration official in the Vice President's office has informed me that the office does not have to reimburse the agency for its civilians. There is no more specific explanation. One can only assume that there is a certain amount of comedy in these transactions.

A list of all detailees in the Vice President's office along with the agency and salary was included in the hearing record of the Senate Appropriations Subcommittee hearing on the FY 77 budget of the Executive office of the President. The list was requested by the Subcommittee Chairman, Senator Montoya. Thus, the amount of detailing going on at the Vice President's office is a matter of public record. However, on page 1035 of the Appropriations Subcommittee hearing of April 27, 1976, the following exchange occurred between Senator Montoya and a Mr. Linder who accompanied James Lynn to this hearing. While this exchange occurred during the discussion of the President's budget, it is certainly applicable to the situation in the Vice President's office.

Senator Montoya. If the duration of a detail to the White House exceeds 6 months, is it your present policy to reimburse the parent agency of the individual concerned? If so, are there any exceptions to this rule?

Mr. Linder. Traditionally, the military departments that assign personnel to the White House in support of the President have not been reimbursed. However, salaries for civilian personnel detailed to the White House from other departments and agencies are generally reimbursed if the duration of the detail exceeds 6 months.

It is fair to assume that the intended purpose of detailing was to provide the opportunity for the President to call on the specific talents of individuals with special expertise within the Executive branch to assist him in particular projects or to simply provide additional help on a short term basis. For example, one of the detailed secretaries in the Vice President's office was sent there to help with the typing load as a result of the Commission which he headed which investigated the intelligence community. While that work was consummated sometime ago, she has not returned to that agency. At the same time, some seven positions in the Vice President's executive office complement of 30 positions, remain unfilled.

The argument can be made that because Congress is aware of detailing practices in the Executive office of the President and has not taken action to more rigidly control such practices that it has acquiesced.

However, in this case, I think that is a weak argument since the Congress has been assured that details greater than a certain length will be reimbursed even though, in fact, it is acknowledged by the very same testimony that this is not done.

Beyond the limited short term needs circumstances described above, much of the detailing that goes on must be seen for what it is, an effort to increase the allotted budget of the office without authorization or appropriation by Congress.

Certainly, detailing has been around for a long time. In Vice President Humphrey's time, he selected the people who were then put on agency payrolls and then put on detail to him. Of course, at that time, the Senate budget for the President of the Senate was significantly smaller and there was no executive office budget for the Vice President.

While it is nice to have the additional staff, it strikes me as one of the little things that we ought to change to the extent we can in an effort to be more forthright with the public and with Congress. I would not recommend our doing anything that would back the White House into a corner on this issue. I have some reason to believe that they are examining the whole question of detailing.

Therefore, I would recommend that we not use detailees from civilian agencies unless there is a short term specific need for particular kinds of individuals, and that when such a need ceases to exist, the particular detailing involved be terminated.

As to the military detailing in the office and at the residence, this should have our further attention early next year.

Parenthetically, I am less concerned about the detailing of military personnel which goes on at the residence inasmuch as the Congress has obviously understood that the Navy would be responsible for maintaining that facility.

MSB:wf
cc: Dick Moe

MEMORANDUM

December 3, 1976

TO: Mike Freeman

FROM: Mike Berman

Thanks so much for your memo on paying off the Mondale campaign debt. Your concern and willingness to help is much appreciated. However, it is my inclination to try to get the job done before the end of December without events and without mailings. The nature of the debt i is now about \$15,000. What I hope to do is to call a number of people and ask them each to raise \$1,000 by Christmas. If I do not make it, I will get back to you. Perhaps you can help after the first of the year.

MSB/wf

TO: DICK MOE
MIKE BERMAN
JIM JOHNSON

FROM: MIKE FREEMAN
JUDY HAMILTON
DAVID JONES
TOM BORMAN

RE: RETIRING POLITICAL DEBTS OF WFM

It is our understanding that WFM has political debts of less than \$20,000.00 remaining from the 1974 Presidential campaign and from his senatorial campaign committee. We know that the transition period and the first months of the new Administration are busy and hectic times and that you three should not be burdened with concerns of how to eliminate this debt. Therefore, we propose, with your approval, to undertake the responsibility to eliminate this liability.

We propose to undertake this fund raising effort in February, 1977. This time is suggested because it is between the DFL victory dinner on December 11, 1976, and the Jefferson-Jackson Pay Dinner in mid-April, 1977. It also avoids the concerted fund raising efforts of the Minneapolis Mayoral campaign and the 1978 state wide campaigns that will begin in earnest later in the spring.

We propose either one of the two following plans both aimed at known WFM contributors:

- A. Direct mail to \$25-\$50 and higher contributors with follow-up phone calls by volunteer solicitors. The larger giver would receive a follow-up call from a person suited to solicit a large contribution.

B. Cocktail Party Event - Tickets - Mailing - Follow-Up Solicitation via telephone.

The only real difference is the addition of an event in Plan B. As the exact amount of the debt is not known, it is difficult to determine if we need an event to fully eliminate a debt. Revision of the plans awaits your consideration.

Finally, fund raising is easier with the principal involved, either by having WFM sign the solicitation letter or appearing at the function. We assume he may not want to sign a letter or appear at a fund raiser for him at this time. If so, we still feel the necessary moneys can be raised and are willing to put forth our efforts to do so.

TANICK, HEINS & FREEMAN
ATTORNEYS AT LAW
905 Soo Line Building
Minneapolis, Minnesota 55402

MARSHALL H. TANICK
SAMUEL D. HEINS
MICHAEL O. FREEMAN

(612) 339-3395

November 24, 1976

Mr. Richard Moe
443 Russell Office Bldg.
U. S. Capitol
Washington, D.C.

Dear Dick:

Enclosed please find a memorandum from Judy Hamilton, Tom Borman, David Jones and myself. We are most willing to take this fund raising load off the back of you, Mike and Jim, during this crucial transition period.

We are all very proud of the efforts of you three and of the Vice President-elect and hope to make a small contribution to the cause by eliminating the remaining campaign debts. Please advise us of your thoughts.

Sincerely yours,



Michael O. Freeman

MOF:slb

November 29, 1976

Mr. Homer Kruckenberg
Great Bend, Kansas

Dear Homer,

Dick is absolutely overwhelmed with work these days and since your note has to do with money, etc., he asked me to get back to you.

It was great to see you on the plane and the Senator mentioned how delighted he was to see you.

Your idea for an appreciation gift for the Vice President-to-be is very thoughtful but I'm afraid that it won't work. Neither the President-elect nor the Vice President-elect nor their families or staffs are going to be accepting any gifts. While this rule isn't aimed at friends like you it has to be applied across the board. So, I am returning your check with this letter.

Just to make sure that there aren't any slip-ups, I am putting you on our invitation list for the inaugural parties (they have replaced the balls) and the Vice Presidential reception which will be Wednesday afternoon.

I look forward to seeing you in Washington and again, thank you for your thoughtfulness.

Sincerely,

Michael S. Berman

MSB/wf
Enclosure

THE

KALO

COMPANY

11-3-76

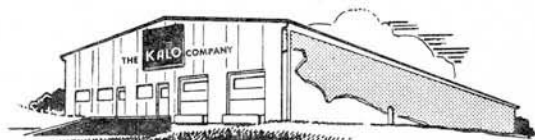
TO: Dick Moe % Senator Walter Mondale, US Senate
 FROM: HOMER KRUCKENBERG, Great Bend, Ks
 Re: Seed money for gift to Senator Walter Mondale
 a Vice Presidential ascendancy

Dear Dick -

Please convey my best to the Senator, you have done such a great job with your Atlanta assignment and it was so good to hear him acknowledge you in the victory statement this morning.

We plan to attend the inaugural and I'm certain that there are hundreds that are as enthused as I am. My point is this: I believe it would be nice if some of his supporters from all over the country would give him an appreciation gift as he becomes vice president. Would you head up a little something like this? Please! Attached is check for \$100.00 for seed money to start such a fund made out to Mondale appreciation fund - if that isn't adequate let me know. Best wishes and congratulations on a job well done.

Sincerely,
 Homer





GREAT BEND, KANSAS, Nov 3 1976 No.

AMERICAN STATE BANK
& TRUST COMPANY

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PAY TO THE
ORDER OF

Monale Appreciation Fund \$100⁰⁰
One Hundred ⁰⁰/₁₀₀ DOLLARS

LIMITED STATES
UNION BANK

ACCOUNT NO.

420061

Walter A. Kueckberg

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