

Dick:

Attached is a memo on the Transition Act. In this connection, if you or Mike do not want to do so, I would be happy to undertake the role of WFM's representative to deal with the GSA on transition matters. I am also available for anything else you want after the election.

Bill

MEMORANDUM

TO: Dick Moe

FROM: Bill Smith *BS*

DATE: October 22, 1976

RE: Presidential Transition Act Procedures

The following information comes from Ray Fontaine, 202/566-1807, who is responsible for administering the Presidential Transition Act at the General Services Administration, and has been so since the Act was passed in 1963.

Two million dollars is available to the President and Vice President Elect from November 3 to January 20, under the 1976 amendments to the Presidential Transition Act.

On November 3, GSA will send separate letters to Carter and Mondale asking that they each designate, in writing, an assistant to act on their behalf with respect to the expenditure of transition funds. This designation may take place prior to November 3, so the GSA can be ready to deal with that person immediately. GSA would prefer an early letter from Mondale, making that designation. Fontaine has offered to come up here next week to talk further and give us sample correspondence re this and other matters. I said I'd call him Tuesday.

GSA will also ask Carter and Mondale to inform them how they wish to have the two million split between them. This decision would probably be run through OMB or GAO, or both, as a formality, but Fontaine had no doubt that the apportionment arrived at would be approved. The only precedent for this apportionment was in 1968, when Nixon and Agnew split \$450,000 on a 80-20% basis. Fontaine did not say so but, presumably, this apportionment could be made in writing to GSA prior to November 2.

Once the apportionment is agreed upon, GSA will treat Carter and Mondale funds as two separate accounts.

The apportionment can be changed during the transition.

MONDALE RESIGNATION--TRANSITION PAYROLL

The question of a President or Vice President Elect going on the transition payroll himself has never been raised with the GSA, GAO or House or Senate committees. Fontaine asked the GSA General Counsel for an informal opinion. He says that he is skeptical, and has referred the matter to GAO for an additional informal opinion. The GSA counsel is skeptical because, with respect to personnel matters, the transition act mentions only staff, consultants and federal employees detailed from other agencies. He thinks Mondale might have to go on the transition payroll as a member of Carter's staff or a Carter consultant.

Both GSA and Bill Jones, Counsel to the House Gov. Ops. Committee, have contacted GAO. GAO will give them an informal opinion, they hope, next Tuesday. There are presently two schools of thought at GAO. Bill Jones thinks they will probably say it would be all right for Mondale to draw a salary from the transition funds, but suspects it would have to be limited to a GS-18 level.

PERMISSIBLE EXPENDITURES

The money can be spent for the following purposes:

1. Office Staff

Staff can be paid at a rate not to exceed \$140 per day (equivalent of GS-18 salary). Health benefits, Fontaine thinks, would be provided, as with other government employees, but probably not retirement or life insurance, but this was rather vague. I read the Act as including all such benefits. There is no limit to the number of staff or the level of salaries at or below the GS-18 level.

2. Office Space, Furniture and Equipment

Anything furnished out of GAO's present inventory, including office space in a government or government leased building, furniture and equipment, would be provided without charge to the transition account. Any such items not in the inventory (e.g., lease of nongovernment office space in Atlanta or the purchase of new furniture), would be charged. Fontaine told me, off the record, that they have already set aside space in EOB 7 and in a town house on Jackson Place. Phones, office supplies and the like would be charged to the transition account.

3. Travel

All travel is charged to the transition account, including government motorpool service and rent-a-cars.

4. Consultants

Consultants and experts may be paid at the rate of \$145 a day.

5. Assignment of Federal Employees

"Any employee of any agency of any branch of the government" can be assigned to the transition staff, but only on a reimbursable basis, and with the consent of the head of the agency. Thus, Senate staff can be assigned to the transition staff, but if formally assigned, their salary would come out of transition funds.

I don't know, but I doubt that there's any legal reason why Senate staff could not work on transition matters for Mondale as long as they are eligible to remain on the Senate payroll (e.g., 30 days after resignation, although the Senate rules require they be engaged in Senate business during that 30 day period). I would not recommend seeking a formal opinion from Valeo on this--at least not now.

6. National Security

Up to 10% of the total funds may be certified by the President or Vice President Elect as classified and essential to national security and spent without any accounting therefor.

pm

APPENDIX

PUBLIC LAW 88-277

PRESIDENTIAL TRANSITION ACT OF 1963, AS AMENDED, 1976

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 THIS 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.

(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 or nonreimbursable 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 Act of 1959;

76 Stat. 843.
5 USC 1113.

5 USC 2251,
751, 2091,
2001 notes.

Experts or con-
sultants.

(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), at rates not to exceed \$100 per diem for individuals;

60 Stat. 810.

Administrator of General Services,
Act as "the Administrator,"
request, to each President-
elect, for use on connection
assumption of official duties
ent necessary services and

ce appropriately equipped
ings, office machines and
plies, as determined by the
ultation with the Presi-
dent-elect, or their designee
on (c) of this section, at
in the United States as the
President-elect shall desig-

mpensation of members of
the President-elect or Vice-
determined by them not to
by the Classification Act
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etailed to such staffs on a
ursable basis with the con-
agency; and while so de-
all be responsible only to
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ensionation Act, the Federal
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alth Benefits Act of 1959;
es for the procurement of
ultants or organizations
-elect or Vice-President-
e head of any department
istrative Expenses Act of
(C. 55a), at rates not to
individuals;

(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.

(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.

(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.

(e) Each President-elect and Vice-President-elect may designate to the Administrator an assistant authorized

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.

Definitions.

Penalty mail.

74 Stat. 660.

Assistant,
designation.

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.

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 (c) 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.

**GENERAL SERVICES ADMINISTRATION
ROUTING SLIP**

TO	CO	R1	R2	R3	R4	R5	R6	R7	R8	R9	R10
NAME/TITLE						CORRESPONDENCE SYMBOL					
1.	<i>William Smith</i>										
2.											
3.	<i>Russell Blodg</i>										
4.	<i>Room</i>					<i>443</i>					
5.											

- | | | |
|---|--|---|
| <input type="checkbox"/> ALLOTMENT SYMBOL | <input type="checkbox"/> HANDLE DIRECT | <input type="checkbox"/> READ AND DESTROY |
| <input type="checkbox"/> APPROVAL | <input type="checkbox"/> IMMEDIATE ACTION | <input type="checkbox"/> RECOMMENDATION |
| <input type="checkbox"/> AS REQUESTED | <input type="checkbox"/> INITIALS | <input type="checkbox"/> SEE ME |
| <input type="checkbox"/> CONCURRENCE | <input type="checkbox"/> NECESSARY ACTION | <input type="checkbox"/> SIGNATURE |
| <input type="checkbox"/> CORRECTION | <input type="checkbox"/> NOTE AND RETURN | <input type="checkbox"/> YOUR COMMENT |
| <input type="checkbox"/> FILING | <input type="checkbox"/> PER OUR CONVERSATION | <input type="checkbox"/> YOUR INFORMATION |
| <input type="checkbox"/> FULL REPORT | <input checked="" type="checkbox"/> PER TELEPHONE CONVERSATION | <input type="checkbox"/> |
| <input type="checkbox"/> ANSWER OR ACKNOWLEDGE ON OR BEFORE _____ | | |
| <input type="checkbox"/> PREPARE REPLY FOR THE SIGNATURE OF _____ | | |

REMARKS

Your letter should not be dated prior to Nov 3

If you have any further questions, pls give me a call.

FROM	CO	R1	R2	R3	R4	R5	R6	R7	R8	R9	R10
NAME/TITLE						CORR. SYMBOL			BUILDING, ROOM, ETC.		
<i>Ray Fortune</i>											
						TELEPHONE			DATE		
									<i>10/26</i>		

THE WHITE HOUSE

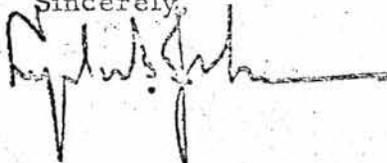
WASHINGTON

January 14, 1969

Dear Mr. Knott:

In accordance with section 3(e) of the Presidential Transition Act of 1963 (P. L. 88-277, approved March 7, 1964) Mr. W. Thomas Johnson is hereby authorized to make on my behalf such designations or findings of necessity as may be required in connection with the services and facilities to be provided under the said Act.

Sincerely,



Honorable Lawson B. Knott, Jr.
Administrator of General Services
Washington, D. C. 20405

To:	
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For	For
<input type="checkbox"/> Action	<input checked="" type="checkbox"/> Info.
Present copy	
for signature of	
President	
Reply to	
Copy also sent to	
B	AD A
	(R-74)
<i>See record</i>	

DRAFT

Honorable Lawson B. Knott, Jr.
Administrator of General Services
Washington, D. C. 20405

Dear Mr. Knott:

In accordance with section 3(e) of the Presidential Transition
Act of 1963 (P. L. 88-277, approved March 7, 1964) _____

_____ is hereby authorized to make on my behalf such
designations or findings of necessity as may be required in
connection with the services and facilities to be provided under
the said Act.

Sincerely,

Richard M. Nixon

DRAFT

Honorable Lawson B. Knott, Jr.
Administrator of General Services
Washington, D. C. 20405

Dear Mr. Knott:

In accordance with section 3(e) of the Presidential Transition
Act of 1963 (P. L. 88-277, approved March 7, 1964) _____

_____ is hereby authorized to make on my behalf
such designations or findings of necessity as may be required
in connection with the services and facilities to be provided under
the said Act.

Sincerely,

Spiro T. Agnew

SEP 27 10 11 AM '74

September 10 1974
OFFICE OF
THE ADMINISTRATOR

Dear Mr. Sampson:

In accordance with section 3(e) of the Presidential Transition Act of 1963 (P. L. 88-277, approved March 7, 1964) Mr. Ronald L. Ziegler is hereby temporarily authorized to make on my behalf such designations or findings of necessity as may be required in connection with the services and facilities to be provided under the said Act.

Sincerely,



Honorable Arthur F. Sampson
Administrator of General Services
Washington, D. C. 20405

OFFICE OF RICHARD NIXON
SAN CLEMENTE, CA 92672

RECEIVED
GSA

SEP 27 10 11 AM '74

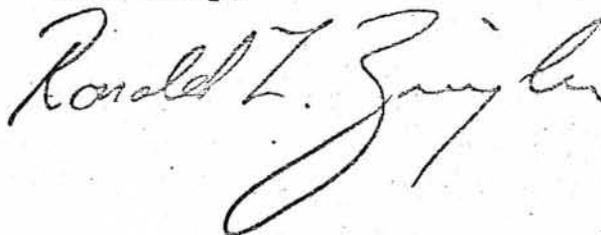
OFFICE OF
THE ADMINISTRATOR

September 11, 1974

Dear Mr. Sampson:

In accordance with section 3(e) of the Presidential Transition Act of 1963 (P. L. 88-277, approved March 7, 1964) and based on the decisions of former President Richard Nixon and myself, I have temporarily redelegated certain functions to Colonel John Brennan and Stephen Bull which will allow them to make decisions on my behalf as may be required in connection with the services and facilities to be provided under the said Act.

Sincerely,



Honorable Arthur F. Sampson
Administrator of General Services
Washington, D. C. 20405

Ray Fontaine

13000 Φ ~~Feed~~ EOB 7

Town House 726 Jackson

6-7000 Φ

Phones in both thru ~~#~~ WH
switch board

or can call thru WH operator

Have many Fern for
50-75 people.

Inaugural call
in Temp A+B building
Fern & Phones in there
already.

Quite serious w/ Carter's people

Calendar No. 1253

94TH CONGRESS }
2d Session }

SENATE

{ REPORT
No. 94-1322

PRESIDENTIAL TRANSITION ACT AMENDMENTS

SEPTEMBER 28 (legislative day SEPTEMBER 24), 1976.—Ordered to be printed

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

REPORT

[To accompany H.R. 14886]

The Committee on Government Operations, to which was referred the bill (H.R. 14886) to revise the appropriation authorization for the Presidential Transition Act of 1963, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE

H.R. 14886 would amend the Presidential Transition Act of 1963 (Public Law 87-27) so as to provide a more realistic authorization for appropriations to facilitate Presidential transitions. It would accomplish this by increasing the existing ceiling on such authorization from \$900,000 to \$3 million, of which not more than \$2 million would be available to the President-elect and the Vice President-elect, and \$1 million to the outgoing President and Vice President. The bill would also (1) remove the ceiling of \$100 per day for the payment of expenses for the procurement of experts or consultants, contained in the 1963 Act, so as to enable payment of the amount authorized under the Administrative Expenses Act (not to exceed \$145 per day) which applies to all Federal agencies; and (2) require that when personnel is detailed to the office staffs of incoming and outgoing Presidents and Vice Presidents from a Federal department or agency, reimbursement must be made to the appropriate agency for such services.

BACKGROUND

The Presidential Transition Act was enacted to promote the orderly transfer of executive power in connection with the expiration of the

term of office of an outgoing President and Vice President and the inauguration of a new President and Vice President. It authorized the Administrator of General Services to provide, upon request, to the President-elect and the Vice President-elect, suitable office space, payment of compensation of office staff, the detail of personnel from departments and agencies, on a reimbursable or nonreimbursable basis, the procurement of experts or consultants, payment of travel expenses and subsistence allowances and other necessary expenses. It also authorized the provision of such services to the outgoing President and Vice President for a period not to exceed 6 months from the expiration of their terms of office.

The Act authorized the appropriation of \$900,000 to cover such expenses. A review of actual transition expenses by the General Accounting Office, following the 1968 election, revealed that President Nixon incurred costs of \$1.5 million. The Administrator of General Services decided at that time that the \$900,000 should be divided equally between the incoming and outgoing administrations, leaving only \$450,000 for President Nixon.

HEARINGS

Hearings on H.R. 14886 were held on September 13, 1976. Representatives of the Office of Management and Budget and the General Services Administration supported the objectives of the bill.

Mr. Phillip S. Hughes, the Assistant Comptroller General, reviewed the experience under existing law and highlighted the findings of the General Accounting Office in reports which it made on the subject in 1970 and 1975. Based upon actual experience and the impact of recent inflation, Mr. Hughes advised that the General Accounting Office supported the need for an increased authorization, as provided for in the bill.

CONCLUSION

The Committee found that when the Presidential Transition Act was enacted in 1963, an authorization of \$900,000 for outgoing and incoming Presidents and Vice Presidents appeared reasonable. Actual experience, coupled with the impact of inflation, demonstrate clearly that the amount authorized in the 1963 Act is inadequate and unrealistic. The testimony of the Assistant Comptroller General with respect thereto revealed that, according to the Consumer Price Index, it would require \$2.5 million in 1976 to purchase the same amount of goods and services that \$1.5 million would have purchased for the incoming Nixon administration in 1968. In addition, the 1963 Act did not specify how the funds were to be distributed.

H.R. 14886 would increase the authorization to a realistic amount, provide for an equitable distribution of the funds appropriated and, by requiring reimbursement to Federal departments and agencies whose employees are detailed for transition purposes, it would insure adherence to the authorization ceiling.

Finally, it is the Committee's intention that in the event that a new Vice President is elected with an incumbent President, he will be entitled to an equitable share of the funds available.

In view of the foregoing, the Committee urges favorable action on H.R. 14886.

COST ESTIMATE

The Committee estimates that enactment of H.R. 14886 will cost \$2.1 million above the amount now authorized in fiscal year 1977.

CHANGES IN EXISTING LAW

In compliance with subsection (4) of rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows: (existing law proposed to be omitted is enclosed in brackets, new matter is printed in italic, and existing law in which no change is proposed is shown in roman) :

PRESIDENTIAL TRANSITION ACT OF 1963

* * * * *

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

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 in connection with his preparations for the assumption of official duties as President or Vice President necessary services and facilities, including—

(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;

(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 or nonreimbursable 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 right 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 Employee Health Benefits Act 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. 3109(b)), [at rates not to exceed \$100 per diem for individuals];

(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.

* * * * *

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 but not to exceed \$900,000 for any one Presidential transition, to remain available during the fiscal year in which the transition occurs and the next succeeding fiscal year. The President shall include in the budget transmitted to the 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.]

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.

APPENDIX

PUBLIC LAW 88-277

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.

(5)

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.

(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 [or nonreimbursable] 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;

76 Stat. 843.
5 USC 1113.

5 USC 2251,
751, 2091,
3001 notes.

Experts or con-
sultants.

(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), at rates not to exceed \$100 per diem for individuals;

60 Stat. 810.

- (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.
- (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.
- (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.
- (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 serv-

Travel expenses

78 STAT. 154.
78 STAT. 155.
60 Stat. 808;
75 Stat. 339,
340.Communica-
tions services.Printing and
binding.

Postage.

SEE TABLE
SEE TABLE

Restriction.

62 Stat. 672.

Definitions.

Penalty mail.

74 Stat. 660.

Assistant,
designation.

ices 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.

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 (c) 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 but not to exceed \$900,000 for any one Presidential transition, to remain available during the fiscal year in which the transition occurs and the next succeeding fiscal year. The President shall include in the budget transmitted to the 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.

Approved March 7, 1964.



PRESIDENTIAL TRANSITION ACT AMENDMENTS

AUGUST 27, 1976.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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

REPORT

(Including cost estimate of the Congressional Budget Office)

[To accompany H.R. 14886]

The Committee on Government Operations, to whom was referred the bill (H.R. 14886) to revise the appropriation authorization for the Presidential Transition Act of 1963, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

The amendments are as follows:

Page 1, line 3, insert "(a)" immediately after "That".

Page 2, immediately after line 10, insert the following:

(b) Section 3(a)(3) of the Presidential Transition Act of 1963 is amended by striking out "at rates not to exceed \$100 per diem for individuals".

Amend the title so as to read:

A bill to revise the appropriation authorization for the Presidential Transition Act of 1963, and for other purposes.

EXPLANATION OF AMENDMENTS

These amendments would remove the limitation of \$100 per day to be paid to experts and consultants employed by the President-Elect or Vice-President-Elect. This limitation was placed in the Act in 1963. The intervening 13 years have seen a marked upgrading of such payment due to inflation and other factors. It would be a handicap to the incoming officers if they could not pay the normal rates for such services. The Committee amendment will permit the employment of experts and consultants at not to exceed the rates prescribed by the Administrative Expenses Act under which Federal agencies employ such persons.

SUMMARY AND PURPOSE

H.R. 14886 would increase the authorization of funds to be appropriated to carry out the purposes of the Presidential Transition Act of 1963. Under the Act, such appropriations may not exceed \$900,000 for any one Presidential Transition. Information available to the Committee makes it clear that this figure is insufficient. The bill, therefore, increases the authorization for any one Presidential Transition to \$3 million dollars to be divided as follows: not more than \$2 million dollars may be appropriated for the purposes of providing services and facilities to the President-Elect and Vice-President Elect; and no more than \$1 million dollars to provide services and facilities to the out-going President and out-going Vice-President. These amounts should be adequate and reasonable.

The Committee is aware of the possibility that some elections, including the coming election in November 1976, may result in only the Vice-President leaving office and a new Vice-President assuming that office. Although the Committee made a difference in the amount of funds available to the President-elect and Vice-President-elect on the one hand and the outgoing President and Vice-President on the other, it did not make a further division of funds between the President and Vice-President (both incoming and outgoing).

The needs of the Vice-President-elect may vary greatly depending upon the duties assigned to him. The Administrator of General Services should use his best judgment in making a determination of the amount that a Vice-President-elect and a former Vice President should receive. In the event that a change is made only in the Vice-Presidency, we would not expect all of the funds appropriated for use by both the President-elect and Vice-President-elect to go only to the latter.

The Committee's intention is only to see that funds are available for an orderly transfer of administrations in the event that such transfer takes place. We take no position on the coming election and how it may turn out. It is only prudent to be prepared for such an eventuality if it does occur.

This bill sets no new policy. Congress has already determined the policy that presidential transition is a legitimate governmental function. This bill only makes it possible for the policy to be carried out by raising the arbitrary ceiling on expenditures fixed in 1963 without the expectation of the crushing inflation the country has been subjected to in recent years. The objectives of the Presidential Transition Act in providing for an orderly transfer of power cannot be accomplished if less than one-third of the costs involved to an incoming administration would be paid from federal funds, which is all the present funding would provide.

The passage of the Federal Election Campaign Act Amendments of 1974, establishing public financing of presidential elections as national policy, has made the provision of adequate funding of the Transition Act a necessity.

A recent ruling by the Federal Election Commission held that a presidential candidate who has accepted public financing is prohibited from raising private funds in advance of his election even for the purposes of a transition study. It was the view of the Commission

that the government, through the Presidential Transition Act, has assumed responsibility for the costs of a transition. Congress must now see to it that those costs are, indeed, covered by the Act.

BACKGROUND

The Presidential Transition Act of 1963 was enacted by the Congress to promote the orderly transfer of executive power in connection with the expiration of the term of office of a President and the inauguration of a new President. The Act states that the national interest requires such transitions to 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. It seeks to avoid disruption, which could produce detrimental results to the safety and well-being of the Nation.

Prior to the enactment of the legislation, there was no formal provision for the transfer of power when a new President was to assume office; nor were there any federal funds to pay for such expenses as may have been incurred. During the period between the November election and the inauguration in January, an in-coming President was left to his own resources as to how he would set up his administration and take on the responsibilities of government. He frequently incurred large expenses which had to be paid out of his own pocket or through such contributions as may have been made to him.

This situation was remedied by the Presidential Transition Act, which authorized the Administrator of General Services to provide, upon request, to the President-Elect and Vice-President-Elect, suitable office space, the payment of compensation of members of office staffs, the detail of personnel from Departments and Agencies, the procurement of experts or consultants, the payment of travel expenses and subsistence allowances and other normal and necessary expenses which may be incurred. The Administrator was also authorized to provide to the out-going President and Vice-President, for a period not to exceed 6 months from the expiration of their terms of office, services, facilities and personnel for use in connection with winding up the affairs of those offices.

The figure of \$900,000, a compromise which seemed reasonable at the time, was to cover all of the expenses outlined above.

The first transition to take place under the bill was that following the election of President Nixon in 1968. In a review of that transition contained in the *Journal of the American Bar Association*,¹ Franklin B. Lincoln, Jr., who served as President-elect Nixon's representative under the Presidential Transition Act in the transfer of the government from the Johnson to the Nixon Administration, commented as follows:

The successful Presidential transition of 1968-1969 did not just happen. Numerous people were involved, and many hours were spent by members of both the outgoing and incoming administrations in a joint effort to bring about a smooth transfer. The results proved to be well worth the effort. The new

¹ Volume 55, page 533, June, 1969

administration assumed the powers of government quickly and effectively, enabling President Nixon to plan and execute his successful foreign trip to our Western Allies within four weeks of taking office and demonstrating to the American people that their government was not only responsive to their will but also capable of making the change in an orderly and prompt fashion.

In a report submitted to the Congress dated November 16, 1970, the GAO reviewed that transition and informed the committee that President Nixon incurred costs of \$1.5 million dollars.² The Administrator of General Services decided that the \$900,000 available under the Transition Act should be divided equally between the incoming and outgoing administrations; therefore, only \$450,000 was available to President Nixon.

The following conclusions were drawn in that GAO report:

A question arises as to whether the transition funds made available to the incoming President and Vice President are adequate. Certainly, the question is encouraged by the manner in which the amounts were determined.

The starting point was an estimate presented to the Congress by the Bureau of the Budget in its testimony on legislation leading to the Presidential Transition Act. The Bureau estimated that \$1,225,000 would be a conservative amount to authorize for transition expenses. The bill passed by the House authorized an amount of \$1,300,000 (apparently the Bureau's estimate rounded). This amount was compromised to \$900,000 in conference with the Senate. Although the act is silent on the matter of the division of the funds between the incoming and outgoing administrations, the legislative history reflects an expectation that they be divided equally. This was done in the case of the 1968-69 transition.

Although the \$450,000 in assistance made available to the incoming administrations might well have been based on a more accurate determination of the actual expenses, it can also be argued that Presidents-elect and Vice-Presidents-elect have both quasi-official and political responsibilities in uncertain proportion and that there is no objective means of determining in what proportion their total expenses should be born by public and private funds. It is our belief, however, that, if the Presidential Transition Act is to function as intended, the Federal assistance must cover a substantial part of the transition expenses.

We believe that the \$450,000 in Federal funds made available to the incoming Nixon administration was clearly inadequate in light of the \$1.5 million estimated to have been spent during the 1968-69 transition.

Inasmuch as the 1968-69 transition was the first full-scale transition since the passage of the Presidential Transition Act, the Congress may wish to review the adequacy of the assistance given the incoming administration.

² Comptroller General of the United States, Federal Assistance for Presidential Transitions, November 16, 1970. B149372, B158195.

In the report quoted above and also in a later report entitled "Federal Assistance for Presidential Transitions: Recommendations for Changes in Legislation," the GAO recommended that the \$900,000 ceiling be removed or a more realistic figure be enacted.³

HEARINGS

The Subcommittee on Legislation and National Security held hearings⁴ on H.R. 14886, at which time representatives of the Office of Management and Budget, the General Accounting Office and the General Services Administration testified. All three of the witnesses agreed that the authorization contained in the Act was inadequate. The representative of the Office of Management and Budget stated that if the Congress wished to change the level of appropriation at this time, the Administration would not object.

COMMITTEE VOTE

H.R. 14886 was reported by the Committee on Government Operations by a vote of 31 to 0, with a quorum present.

SECTION BY SECTION ANALYSIS OF H.R. 14886, AS AMENDED

Section 1(a) of the Bill authorizes the appropriation of funds to the Administrator of General Services as may be necessary for carrying out the purposes of the Act, except that for any one President Transition, the funds appropriated will be apportioned in the following manner: (1) Not more than \$2 million dollars may be appropriated for the purposes of providing services and facilities to the President-Elect and the Vice President-Elect as set forth in Section 3 of Public Law 88-277, which enumerates the types of services and facilities to be provided; and (2) Not more than \$1 million dollars may be appropriated for the purposes of providing services and facilities to the former President and former Vice President under Section 4 of Public Law 88-277, which authorizes services and facilities to be provided to former Presidents and former Vice Presidents. This Section of the Bill also requires the President to 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 the Presidential Transition Act, as amended.

Section 1(b) will eliminate the words "at rates not to exceed \$100 per diem for individuals" from Section 3(a) (3) of Public Law 88-277. This would remove the ceiling from the amount that may be paid 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 the Administrative Expenses Act.

Section 2 of the Bill makes the effective date of this legislation to be either the date of the enactment of this Act, or October 1, 1976, whichever is later.

³ Comptroller General of the United States, December 24, 1975, GGD-76-29.

⁴ "Presidential Transition Act Amendments, H.R. 14886" Hearings before a Subcommittee of the Committee on Government Operations, House of Representatives, 94th Cong., 2d sess., August 1976.

COST ESTIMATE

The Committee estimates that H.R. 14886 will cost \$2,100,000 above the amount now appropriated for this legislation in fiscal year 1977. The Committee does not anticipate any costs in the succeeding fiscal years, barring unforeseen events, until the next Presidential election.

INFLATIONARY IMPACT

In compliance with Clause 2(1) (4) of House Rule 11, this legislation will have no inflationary impact on price and costs in the operation of the national economy.

The following estimate was prepared by the Congressional Budget Office in accordance with subdivision (C) of Clause 2(1) (3) of House Rule XI:

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE, AUGUST 25, 1976

1. Bill number: H.R. 14886.
2. Bill title: To revise the appropriation authorization for the Presidential Transition Act of 1963.
3. Purpose of bill: This legislation increases the amounts provided to the President-elect, the Vice President-elect and to the terminating President and Vice President. Formerly, \$900,000 was divided among the four executives to compensate for their transition costs. This legislation provides a maximum of \$1 million for the transition expenses of the terminating President and Vice President and a maximum of \$2 million for the President-elect and Vice President-elect.
4. Cost estimate: (millions of dollars).

	Fiscal year—				
	1977	1978	1979	1980	1981
Budget function 800:					
Authorization level.....	3.0				3.0
Costs.....	3.0				3.0

5. Basis for estimates: Regardless of the results of the 1976 presidential election, it is assumed that the total authorization of \$3 million will be spent. Although this total could be lower if the incumbent President is re-elected, the maximum was assured for this analysis because the act does not prohibit the maximum amount from going to a former Vice President only.

6. Estimate comparison: None.
7. Previous CBO estimate: None.
8. Estimate prepared by Terry Nelson (225-5275).
9. Estimate approvee by R. Scheppach for James L. Blum, Assistant Director for Budget Analysis.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as re-

ported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman) :

PRESIDENTIAL TRANSITION ACT OF 1963

* * * * *

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

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 in connection with his preparations for the assumption of official duties as President or Vice President necessary services and facilities, including—

(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;

(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 or nonreimbursable 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 Act 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), [at rates not to exceed \$100 per diem for individuals];

(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 au-

thorized 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.

* * * * *

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 but not to exceed \$900,000 for any one Presidential transition, to remain available during the fiscal year in which the transition occurs and the next succeeding fiscal year. The President shall include in the budget transmitted to the 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.]

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.

APPENDIX

PUBLIC LAW 88-277

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."

PURPOSE OF THIS 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.

(9)

Presidential
Transition Act
of 1963.

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 (c) 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.

(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 or nonreimbursable 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 Act of 1959;

5 USC 2251,
751, 2091,
3001 notes.

Experts or con-
sultants.

60 Stat. 810.

(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), at rates not to exceed \$100 per diem for individuals;

- (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.
- (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.
- (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.
- (e) Each President-elect and Vice-President-elect may designate to the Administrator an assistant authorized

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.

Definitions.

Penalty mail.

74 Stat. 660.

Assistant,
designation.

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.

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 but not to exceed \$900,000 for any one Presidential transition, to remain available during the fiscal year in which the transition occurs and the next succeeding fiscal year. The President shall include in the budget transmitted to the 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.

Approved March 7, 1964.

H. R. 14886

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 2 (legislative day, AUGUST 27), 1976

Read twice and referred to the Committee on Government Operations

AN ACT

To revise the appropriation authorization for the Presidential Transition Act of 1963, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 That (a) section 5 of the Presidential Transition Act of
4 1963 (3 U.S.C. 102 note) is amended to read as follows:

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

9 "(1) not more than \$2,000,000 may be appro-
10 priated for the purposes of providing services and
11 facilities to the President-elect and Vice President-elect
12 under section 3, and

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

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

9 (b) Section 3 (a) (3) of the Presidential Transition
10 Act of 1963 is amended by striking out “at rates not to
11 exceed \$100 per diem for individuals”.

12 SEC. 2. Section 3 (a) (2) of the Presidential Transition
13 Act of 1963 is amended by striking out “or nonreimburs-
14 able”.

15 SEC. 3. The amendment made by the first section of this
16 Act shall take effect on—

- 17 (1) the date of the enactment of this Act, or
18 (2) October 1, 1976,
19 whichever is later.

 Passed the House of Representatives September 1, 1976.

Attest: EDMUND L. HENSHAW, JR.,

Clerk.

94TH CONGRESS
2D SESSION

H. R. 14886

AN ACT

To revise the appropriation authorization for the Presidential Transition Act of 1963, and for other purposes.

SEPTEMBER 2 (legislative day, AUGUST 27), 1976
Read twice and referred to the Committee on
Government Operations



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