

114TH CONGRESS
1ST SESSION

S. 1172

To improve the process of presidential transition.

IN THE SENATE OF THE UNITED STATES

APRIL 30, 2015

Mr. CARPER (for himself and Mr. JOHNSON) introduced the following bill;
which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

To improve the process of presidential transition.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Presidential Transi-
5 tions Improvements Act of 2015”.

6 **SEC. 2. PRESIDENTIAL TRANSITION IMPROVEMENTS.**

7 (a) IN GENERAL.—The Presidential Transition Act
8 of 1963 (3 U.S.C. 102 note) is amended—

9 (1) by redesignating sections 4, 5, and 6 as sec-
10 tions 5, 6, and 7, respectively; and

11 (2) by inserting after section 3 the following:

1 **“SEC. 4. TRANSITION SERVICES AND ACTIVITIES BEFORE**
2 **ELECTION.**

3 “(a) DEFINITIONS.—In this section—

4 “(1) the term ‘Administrator’ means the Ad-
5 ministrator of General Services;

6 “(2) the term ‘agency’ means an Executive
7 agency, as defined in section 105 of title 5, United
8 States Code;

9 “(3) the term ‘eligible candidate’ has the mean-
10 ing given that term in section 3(h)(4); and

11 “(4) the term ‘Presidential election’ means a
12 general election held to determine the electors of
13 President and Vice President under section 1 or 2
14 of title 3, United States Code.

15 “(b) GENERAL DUTIES.—The President shall take
16 such actions as the President determines necessary and
17 appropriate to plan and coordinate activities by the Execu-
18 tive branch of the Federal Government to facilitate an effi-
19 cient transfer of power to a successor President, including
20 by—

21 “(1) establishing and operating a White House
22 transition coordinating council in accordance with
23 subsection (d); and

24 “(2) establishing and operating an agency tran-
25 sition directors council in accordance with subsection
26 (e).

1 “(c) FEDERAL TRANSITION COORDINATOR.—The
2 Administrator shall designate an employee of the General
3 Services Administration who is a senior career appointee
4 to—

5 “(1) carry out the duties and authorities of the
6 General Services Administration relating to Presi-
7 dential transitions under this Act or any other provi-
8 sion of law;

9 “(2) serve as the Federal Transition Coordi-
10 nator with responsibility for coordinating transition
11 planning across agencies, including through the
12 agency transition directors council established under
13 subsection (e);

14 “(3) ensure agencies comply with all statutory
15 requirements relating to transition planning and re-
16 porting; and

17 “(4) act as a liaison to eligible candidates.

18 “(d) WHITE HOUSE TRANSITION COORDINATING
19 COUNCIL.—

20 “(1) ESTABLISHMENT.—Not later than 6
21 months before the date of a Presidential election, the
22 President shall establish a White House transition
23 coordinating council for purposes of facilitating the
24 Presidential transition.

1 “(2) DUTIES.—The White House transition co-
2 ordinating council shall—

3 “(A) provide guidance to agencies and the
4 Federal Transition Coordinator regarding prep-
5 arations for the Presidential transition, includ-
6 ing succession planning and preparation of
7 briefing materials;

8 “(B) facilitate communication and infor-
9 mation sharing between the transition rep-
10 resentatives of eligible candidates and senior
11 employees in agencies and the Executive Office
12 of the President; and

13 “(C) prepare and host interagency emer-
14 gency preparedness and response exercises.

15 “(3) MEMBERSHIP.—The members of the
16 White House transition coordinating council shall in-
17 clude—

18 “(A) senior employees of the Executive
19 branch selected by the President, which may in-
20 clude the Chief of Staff to the President, any
21 Cabinet officer, the Director of the Office of
22 Management and Budget, the Administrator,
23 the Director of the Office of Personnel Manage-
24 ment, the Director of the Office of Government
25 Ethics, and the Archivist of the United States;

1 “(B) the Federal Transition Coordinator;

2 “(C) the transition representative for each
3 eligible candidate, who shall serve in an advisory
4 capacity; and

5 “(D) any other individual the President de-
6 termines appropriate.

7 “(4) CHAIRPERSON.—The Chairperson of the
8 White House transition coordinating council shall be
9 a senior employee in the Executive Office of the
10 President, designated by the President.

11 “(e) AGENCY TRANSITION DIRECTORS COUNCIL.—

12 “(1) IN GENERAL.—The President shall estab-
13 lish and operate an agency transition directors coun-
14 cil, which shall—

15 “(A) ensure the Federal Government has
16 an integrated strategy for addressing inter-
17 agency challenges and responsibilities around
18 Presidential transitions and turnover of non-
19 career appointees;

20 “(B) coordinate transition activities be-
21 tween the Executive Office of the President,
22 agencies, and the transition team of eligible
23 candidates and the President-elect and Vice-
24 President-elect; and

1 “(C) draw on guidance provided by the
2 White House transition coordinating council
3 and lessons learned from previous Presidential
4 transitions in carrying out its duties.

5 “(2) DUTIES.—As part of carrying out the re-
6 sponsibilities under paragraph (1), the agency tran-
7 sition directors council shall—

8 “(A) assist the Federal Transition Coordi-
9 nator in identifying and carrying out the re-
10 sponsibilities of the Federal Transition Coordi-
11 nator relating to a Presidential transition;

12 “(B) provide guidance to agencies in gath-
13 ering briefing materials and information relat-
14 ing to the Presidential transition that may be
15 requested by eligible candidates;

16 “(C) ensure materials and information de-
17 scribed in subparagraph (B) are prepared not
18 later than November 1 of a year during which
19 a Presidential election is held;

20 “(D) ensure agencies adequately prepare
21 career employees who are designated to fill non-
22 career positions under subsection (f) during a
23 Presidential transition; and

24 “(E) consult with the President’s Manage-
25 ment Council, or any successor thereto, in car-

1 rying out the duties of the agency transition di-
2 rectors council.

3 “(3) MEMBERSHIP.—The members of the agen-
4 cy transition directors council shall include—

5 “(A) the Federal Transition Coordinator,
6 who shall serve as Chairperson of the agency
7 transition directors council;

8 “(B) a senior employee serving in the Ex-
9 ecutive Office of the President, who shall be ap-
10 pointed by the President;

11 “(C) a senior representative from each
12 agency described in section 901(b)(1) of title
13 31, United States Code, the Office of Personnel
14 Management, the Office of Government Ethics,
15 and the National Archives and Records Admin-
16 istration whose responsibilities include leading
17 Presidential transition efforts within the agen-
18 cy;

19 “(D) a senior representative from any
20 other agency determined by the Federal Transi-
21 tion Coordinator to be an agency that has sig-
22 nificant responsibilities relating to the Presi-
23 dential transition process; and

24 “(E) during a year during which a Presi-
25 dential election will be held, a transition rep-

1 representative for each eligible candidate, who shall
2 serve in an advisory capacity.

3 “(4) MEETINGS.—The agency transition direc-
4 tors council shall meet—

5 “(A) subject to subparagraph (B), not less
6 than once per year; and

7 “(B) during the period beginning on the
8 date that is 6 months before a Presidential elec-
9 tion and ending on the date on which the Presi-
10 dent-elect is inaugurated, on a regular basis as
11 necessary to carry out the duties and authori-
12 ties of the agency transition directors council.

13 “(f) INTERIM AGENCY LEADERSHIP FOR TRANSI-
14 TIONS.—

15 “(1) OVERSIGHT AND IMPLEMENTATION OF
16 TRANSITION.—Not later than 6 months before the
17 date of a Presidential election, the head of each
18 agency shall designate a senior career employee of
19 the agency and a senior career employee of each
20 major component and subcomponent of the agency
21 to oversee and implement the activities of the agen-
22 cy, component, or subcomponent relating to the
23 Presidential transition.

24 “(2) ACTING OFFICERS.—Not later than Sep-
25 tember 15 of a year during which a Presidential

1 election occurs, and in accordance with subchapter
2 III of chapter 33 of title 5, United States Code, for
3 each noncareer position in an agency that the head
4 of the agency determines is critical, the head of the
5 agency shall designate a qualified career employee to
6 serve in the position in an acting capacity if the po-
7 sition becomes vacant.

8 “(g) MEMORANDUMS OF UNDERSTANDING.—

9 “(1) IN GENERAL.—Not later than November 1
10 of a year during which a Presidential election oc-
11 curs, the President (acting through the Federal
12 Transition Coordinator) shall, to the maximum ex-
13 tent practicable, negotiate a memorandum of under-
14 standing with the transition representative of each
15 eligible candidate, which shall include, at a min-
16 imum, the conditions of access to employees, facili-
17 ties, and documents of agencies by transition staff.

18 “(2) EXISTING RESOURCES.—To the maximum
19 extent practicable, the memorandums of under-
20 standing negotiated under paragraph (1) shall be
21 based on memorandums of understanding from pre-
22 vious Presidential transitions.

23 “(h) EQUITY IN ASSISTANCE.—Any information or
24 other assistance provided to eligible candidates under this

1 section shall be offered on an equal basis and without re-
2 gard to political affiliation.

3 “(i) REPORTS.—

4 “(1) IN GENERAL.—The President, acting
5 through the Federal Transition Coordinator, shall
6 submit to the Committee on Oversight and Govern-
7 ment Reform of the House of Representatives and
8 the Committee on Homeland Security and Govern-
9 mental Affairs of the Senate reports describing the
10 activities undertaken by the President and agencies
11 to prepare for the transfer of power to a new Presi-
12 dent.

13 “(2) TIMING.—The reports under paragraph
14 (1) shall be provided 6 months and 3 months before
15 the date of a Presidential election.”.

16 (b) OTHER IMPROVEMENTS.—Section 3 of the Presi-
17 dential Transition Act of 1963 (3 U.S.C. 102 note) is
18 amended—

19 (1) in subsection (a)—

20 (A) in paragraph (8)—

21 (i) in subparagraph (A)(i)—

22 (I) by inserting “and during the
23 term of a President” after “during
24 the transition”; and

1 (II) by striking “after inaugura-
2 tion”; and

3 (ii) in subparagraph (B), by inserting
4 “or Executive agencies (as defined in sec-
5 tion 105 of title 5, United States Code)”
6 before the period; and

7 (B) in paragraph (10), by inserting “in-
8 cluding, to the greatest extent practicable,
9 human resource management system software
10 compatible with the software used by the in-
11 cumbent President and likely to be used by the
12 President-elect and Vice President-elect” before
13 the period;

14 (2) in subsection (b)(2), by striking “30 days”
15 and inserting “180 days”;

16 (3) in subsection (g), by inserting “except for
17 activities under subsection (a)(8)(A),” before “there
18 shall be no”; and

19 (4) in subsection (h)(2), by adding at the end
20 the following:

21 “(D) An eligible candidate shall have a right to the
22 services and facilities described in this paragraph until the
23 date on which the Administrator is able to determine the
24 apparent successful candidates for the office of President
25 and Vice President.”.

1 (c) TECHNICAL AND CONFORMING AMENDMENTS.—

2 (1) Section 3 of the Pre-Election Presidential
3 Transition Act of 2010 (3 U.S.C. 102 note) is re-
4 pealed.

5 (2) The Presidential Transition Act of 1963 (3
6 U.S.C. 102 note) is amended—

7 (A) in section 3—

8 (i) in subsection (a)(4)(B), by striking
9 “section 6” and inserting “section 7”;

10 (ii) in subsection (b), in the matter
11 preceding paragraph (1), by striking “sec-
12 tion 3 of this Act” and inserting “this sec-
13 tion”; and

14 (iii) in subsection (h)(3)(B)(iii), by
15 striking “section 5” each place it appears
16 and inserting “section 6”;

17 (B) in section 6, as redesignated by sub-
18 section (a) of this section, by striking “section
19 6(a)(1)” each place it appears and inserting
20 “section 7(a)(1)”; and

21 (C) in section (7)(a)(2), as redesignated by
22 subsection (a) of this section, by striking “sec-
23 tion 4” and inserting “section 5”.

1 (3) Section 8331(1)(K) of title 5, United States
2 Code, is amended by striking “section 4” and insert-
3 ing “section 5”.

4 (4) Section 8701(a)(10) of title 5, United
5 States Code, is amended by striking “section 4” and
6 inserting “section 5”.

7 (5) Section 8901(1)(I) of title 5, United States
8 Code, is amended by striking “section 4” and insert-
9 ing “section 5”.

10 **SEC. 3. NATIONAL ARCHIVES PRESIDENTIAL TRANSITION.**

11 Section 2203(g) of title 44, United States Code, is
12 amended—

13 (1) by redesignating paragraph (3) as para-
14 graph (4); and

15 (2) by inserting after paragraph (2) the fol-
16 lowing:

17 “(3) When the President considers it prac-
18 ticable and in the public interest, the President shall
19 include in the President’s budget transmitted to
20 Congress, for each fiscal year in which the term of
21 office of the President will expire, such funds as may
22 be necessary for carrying out the authorities of this
23 subsection.”.

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