

PRESIDENTIAL TRANSITION ACT OF 1963

[Public Law 88–277, 78 Stat. 153 (3 U.S.C. 102 note)]

[As Amended Through P.L. 117–328, Enacted December 29, 2022]

【Currency: This publication is a compilation of the text of Public Law 88–277. It was last amended by the public law listed in the As Amended Through note above and below at the bottom of each page of the pdf version and reflects current law through the date of the enactment of the public law listed at <https://www.govinfo.gov/app/collection/comps/>】

【Note: While this publication does not represent an official version of any Federal statute, substantial efforts have been made to ensure the accuracy of its contents. The official version of Federal law is found in the United States Statutes at Large and in the United States Code. The legal effect to be given to the Statutes at Large and the United States Code is established by statute (1 U.S.C. 112, 204).】

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 lawful 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.

SERVICES AND FACILITIES AUTHORIZED TO BE PROVIDED TO APPARENT
SUCCESSFUL CANDIDATES

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 apparent successful candidate for the office of President and Vice President (as determined by subsection (c)), and, for up to 60 days after the date of the inauguration of each such candidate, each President and Vice President, for use in connection with the preparations for the assumption of official duties as President or Vice President necessary services and facilities, including the following:

(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 apparent successful candidate, or their designee provided for in subsection (e) of this section, at such place or places within the United States as the apparent successful candidate shall designate.

(2) Payment of the compensation of members of office staffs designated by the apparent successful candidate 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, or an employee of a committee of either House of Congress, a joint committee of the Congress, or an individual Member of Congress, may be detailed to such staffs on a reimbursable basis with the consent of the head of the agency, or in the case of an employee in a position in the legislative branch, with the consent of the supervising Member of Congress; and while so detailed such employee shall be responsible only to the apparent successful candidate 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 apparent successful candidate, 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),¹

¹So in law. Public Law 94-499, sec. 1(b), 90 Stat. 2380, failed to strikeout “” after “(5 U.S.C. 55a).” in section 3(a)(3) of the Presidential Transition Act of 1963. Public Law 106-293, sec. 2(2), 114 Stat. 1035, struck the semicolon at the end of paragraphs (1) through (6) and inserting a period.

(4)(A) Payment of travel expenses and subsistence allowances, including rental of Government or hired motor vehicles, found necessary by the apparent successful candidate, 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;

(B) When requested by the apparent successful candidate or their designee, and approved by the President, Government aircraft may be provided for transition purposes on a reimbursable basis; when requested by the apparent successful candidate or their designee, aircraft may be chartered for transition purposes; and any collections from the Secret Service, press, or other occupying space on chartered aircraft shall be deposited to the credit of the appropriations made under section 7 of this Act.

(5) Communications services found necessary by the apparent successful candidate.

(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.

(8)(A)(i) Notwithstanding subsection (b), payment of expenses during the transition and during the term of a President for briefings, workshops, or other activities to acquaint key prospective Presidential appointees with the types of problems and challenges that most typically confront new political appointees when they make the transition from campaign and other prior activities to assuming the responsibility for governance.

(ii) Activities under this paragraph may include interchange between such appointees and individuals who—

(I) held similar leadership roles in prior administrations;

(II) are department or agency experts from the Office of Management and Budget or an Office of Inspector General of a department or agency; or

(III) are relevant staff from the General Accounting Office.

(iii) Activities under this paragraph may include training or orientation in records management to comply with section 2203 of title 44, United States Code, including training on the separation of Presidential records and personal records to comply with subsection (b) of that section.

(iv) Activities under this paragraph may include training or orientation in human resources management and performance-based management.

(v)² Activities under this paragraph shall include the preparation of a detailed classified, compartmented summary by the relevant outgoing executive

²Margin so in law.

branch officials of specific operational threats to national security; major military or covert operations; and pending decisions on possible uses of military force. This summary shall be provided to the apparent successful candidate for the office of President as soon as possible after the date of the general elections held to determine the electors of President and Vice President under section 1 or 2 of title 3, United States Code.

(B) Activities under this paragraph shall be conducted primarily for individuals the apparent successful candidate for the office of President or eligible candidate (as defined in subsection (h)(4)) for President intends to nominate as department heads or appoint to key positions in the Executive Office of the President or Executive agencies (as defined in section 105 of title 5, United States Code).

(9)(A) Notwithstanding subsection (b), development of a transition directory by the Administrator of General Services Administration, in consultation with the Archivist of the United States (head of the National Archives and Records Administration) for activities conducted under paragraph (8).

(B) The transition directory shall be a compilation of Federal publications and materials with supplementary materials developed by the Administrator that provides information on the officers, organization, and statutory and administrative authorities, functions, duties, responsibilities, and mission of each department and agency.

(10) Notwithstanding subsection (b), consultation by the Administrator with any apparent successful candidate or eligible candidate (as defined in subsection (h)(4)) to develop a systems architecture plan for the computer and communications systems of the candidate to coordinate a transition to Federal systems if the candidate is elected including, to the greatest extent practicable, human resource management system software compatible with the software used by the incumbent President and likely to be used by the apparent successful candidates.

(b) The Administrator shall expend funds for the provision of services and facilities under this section—

(1) in connection with any obligation incurred by the apparent successful candidates, or after the inauguration of the apparent successful candidate for the office of President as President and the inauguration of the apparent successful candidate for the office of Vice President as Vice President incurred by the President or Vice President, during the period—

(A) beginning on the day after the date of the general elections held to determine the electors of the President and Vice President under section 1 or 2 of title 3, United States Code; and

(B) ending on the date that is 60 days after the date of such inauguration; and

(2) without regard to whether the apparent successful candidate, President, or Vice President submits to the Adminis-

trator a request for payment regarding services or facilities before the end of such period.

(c)(1) APPARENT SUCCESSFUL CANDIDATES.—

(A) IN GENERAL.—For purposes of this Act, the “apparent successful candidate” for the office of President and Vice President, respectively, shall be determined as follows:

(i) If all but one eligible candidate for the office of President and one eligible candidate for the office of Vice President, respectively, concede the election, then the candidate for each such office who has not conceded shall be the apparent successful candidate for each such office.

(ii) If, on the date that is 5 days after the date of the election, more than one eligible candidate for the office of President has not conceded the election, then each of the remaining eligible candidates for such office and the office of Vice President who have not conceded shall be treated as the apparent successful candidates until such time as a single candidate for the office of President is treated as the apparent successful candidate pursuant to clause (iii) or clause (iv).

(iii) If a single candidate for the office of President or Vice President is determined by the Administrator to meet the qualifications under subparagraph (B), the Administrator may determine that such candidate shall solely be treated as the apparent successful candidate for that office until such time as a single candidate for the office of President is treated as the apparent successful candidate pursuant to clause (iv).

(iv) If a single candidate for the office of President or Vice President is the apparent successful candidate for such office under subparagraph (C), that candidate shall solely be treated as the apparent successful candidate for that office.

(B) INTERIM DISCRETIONARY QUALIFICATIONS.—On or after the date that is 5 days after the date of the election, the Administrator may determine that a single candidate for the office of President or Vice President shall be treated as the sole apparent successful candidate for that office pursuant to subparagraph (A)(iii) if it is substantially certain the candidate will receive a majority of the pledged votes of electors, based on consideration of the following factors:

(i) The results of the election for such office in States in which significant legal challenges that could alter the outcome of the election in the State have been substantially resolved, such that the outcome is substantially certain.

(ii) The certified results of the election for such office in States in which the certification is complete.

(iii) The results of the election for such office in States in which there is substantial certainty of an apparent successful candidate based on the totality of the circumstances.

(C) MANDATORY QUALIFICATIONS.—

(i) IN GENERAL.—Notwithstanding subparagraph (A) or (B), a candidate shall be the sole apparent successful candidate for the office of President or Vice President pursuant to subparagraph (A)(iv) for purposes of this Act if—

(I) the candidate receives a majority of pledged votes of electors of such office based on certifications by States of their final canvass, and the conclusion of any recounts, legal actions, or administrative actions pertaining to the results of the election for such office;

(II) in the case where subclause (I) is not met, the candidate receives a majority of votes of electors of such office at the meeting and vote of electors under section 7 of title 3, United States Code; or

(III) in the case where neither subclause (I) or (II) is met, the candidate is declared as the person elected to such office at the joint session of Congress under section 15 of title 3, United States Code.

(ii) CLARIFICATION IF STATE UNABLE TO CERTIFY ELECTION RESULTS OR APPOINTS MORE THAN ONE SLATE OF ELECTORS.—For purposes of subclauses (I) and (II) of clause (i), if a State is unable to certify its election results or a State appoints more than one slate of electors, the votes of the electors of such State shall not count towards meeting the qualifications under such subclauses.

(2) PERIOD OF MULTIPLE POSSIBLE APPARENT SUCCESSFUL CANDIDATES.—During any period in which there is more than one possible apparent successful candidate for the office of President—

(A) the Administrator is authorized to provide, upon request, to each remaining eligible candidate for such office and the office of Vice President described in paragraph (1)(A)(ii) access to services and facilities pursuant to this Act;

(B) the Administrator, in conjunction with the Federal Transition Coordinator designated under section 4(c) and the senior career employee of each agency and senior career employee of each major component and subcomponent of each agency designated under subsection (f)(1) to oversee and implement the activities of the agency, component, or subcomponent relating to the Presidential transition, shall make efforts to ensure that each such candidate is provided equal access to agency information and spaces as requested pursuant to this Act;

(C) the Administrator shall provide weekly reports to Congress containing a brief summary of the status of funds being distributed to such candidates under this Act, the level of access to agency information and spaces provided to such candidates, and the status of such candidates with respect to meeting the qualifications to be the apparent successful candidate for the office of President or Vice President under subparagraph (B) or (C) of paragraph (1); and

(D) if a single candidate for the office of President or Vice President is treated as the apparent successful candidate for such office pursuant to subparagraph (A)(iii) or (A)(iv) of paragraph (1), not later than 24 hours after such treatment is effective, the Administrator shall make available to the public a written statement that such candidate is treated as the sole

apparent successful candidate for such office for purposes of this Act, including a description of the legal basis and reasons for such treatment based on the qualifications under subparagraph (B) or (C) of paragraph (1), as applicable.

(3) DEFINITION.—In this subsection, the term “eligible candidate” has the meaning given that term in subsection (h)(4).

(d) Each apparent successful candidate for the office of President 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 apparent successful candidate for the office of Vice-President 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 apparent successful candidate, or eligible candidate (as defined in subsection (h)(4)) for President or Vice-President, may designate to the Administrator an assistant authorized to make on his behalf such designations or findings of necessity as may be required in connection with the services and facilities to be provided under this Act. Not more than 10 per centum of the total expenditures under this Act for any apparent successful candidate may be made upon the basis of a certificate by the candidate or their designee 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.

(f)(1) Any apparent successful candidate for the office of President should submit to the Federal Bureau of Investigation or other appropriate agency and then, upon taking effect and designation, to the agency designated by the President under section 115(b) of the National Intelligence Reform Act of 2004, the names of candidates for high level national security positions through the level of undersecretary of cabinet departments as soon as possible after the date of the general elections held to determine the electors of President and Vice President under section 1 or 2 of title 3, United States Code.

(2) The responsible agency or agencies shall undertake and complete as expeditiously as possible the background investigations necessary to provide appropriate security clearances to the individuals who are candidates described under paragraph (1) before the date of the inauguration of the apparent successful candidate for the office of President as President and the inauguration of the apparent successful candidate for the office of Vice President as Vice President.

(g) In the case where an apparent successful candidate for the office of President is the incumbent President or in the case where an apparent successful candidate for the office of Vice President is the incumbent Vice President, except for activities under subsection (a)(8)(A), 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.

(h)(1)(A) In the case of an eligible candidate, the Administrator—

(i)³ shall notify the candidate of the candidate's right to receive the services and facilities described in paragraph (2) and shall provide with such notice a description of the nature and scope of each such service and facility; and

(ii)³ upon notification by the candidate of which such services and facilities such candidate will accept, shall, notwithstanding subsection (b), provide such services and facilities to the candidate during the period beginning on the date of the notification and ending on the date of the general elections described in subsection (b)(1).

The Administrator shall also notify the candidate that sections 7601(c) and 8403(b) of the Intelligence Reform and Terrorism Prevention Act of 2004 provide additional services.

(B)³ The Administrator shall provide the notice under subparagraph (A)(i) to each eligible candidate—

(i) in the case of a candidate of a major party (as defined in section 9002(6) of the Internal Revenue Code of 1986), on one of the first 3 business days following the last nominating convention for such major parties; and

(ii) in the case of any other candidate, as soon as practicable after an individual becomes an eligible candidate (or, if later, at the same time as notice is provided under clause (i)).

(C)(i)³ The Administrator shall, not later than 12 months before the date of each general election for President and Vice-President (beginning with the election to be held in 2012), prepare a report summarizing modern presidential transition activities, including a bibliography of relevant resources.

(ii) The Administrator shall promptly make the report under clause (i) generally available to the public (including through electronic means) and shall include such report with the notice provided to each eligible candidate under subparagraph (A)(i).

(2)(A) Except as provided in subparagraph (B), the services and facilities described in this paragraph are the services and facilities described in subsection (a) (other than paragraphs (2), (3), (4), (7), and 8(A)(v) thereof), but only to the extent that the use of the services and facilities is for use in connection with the eligible candidate's preparations for the assumption of official duties as President or Vice-President.

(B) The Administrator—

(i) shall determine the location of any office space provided to an eligible candidate under this subsection;

(ii) shall, as appropriate, ensure that any information technology or communications services provided to an eligible candidate under this subsection are secure;

³Margins so in law. Probably should be moved 2 ems to the left margin (including the continuation text following clause (ii) of subsection (h)(1)(A)).

(iii) shall offer information and other assistance to eligible candidates on an equal basis and without regard to political affiliation; and

(iv) may modify the scope of any services to be provided under this subsection to reflect that the services are provided to eligible candidates rather than an apparent successful candidate, except that any such modification must apply to all eligible candidates.

(C) An eligible candidate, or any person on behalf of the candidate, shall not use any services or facilities provided under this subsection other than for the purposes described in subparagraph (A), and the candidate or the candidate's campaign shall reimburse the Administrator for any unauthorized use of such services or facilities.

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

(3)(A) Notwithstanding any other provision of law, an eligible candidate may establish a separate fund for the payment of expenditures in connection with the eligible candidate's preparations for the assumption of official duties as President or Vice-President, including expenditures in connection with any services or facilities provided under this subsection (whether before such services or facilities are available under this section or to supplement such services or facilities when so provided). Such fund shall be established and maintained in such manner as to qualify such fund for purposes of section 501(c)(4) of the Internal Revenue Code of 1986.

(B)(i) The eligible candidate may—

(I)⁴ transfer to any separate fund established under subparagraph (A) contributions (within the meaning of section 301(8) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(8))) the candidate received for the general election for President or Vice-President or payments from the Presidential Election Campaign Fund under chapter 95 of the Internal Revenue Code of 1986 the candidate received for the general election; and

(II)⁴ solicit and accept amounts for receipt by such separate fund.

(ii)⁴ Any expenditures from the separate fund that are made from such contributions or payments described in clause (i)(I) shall be treated as expenditures (within the meaning of section 301(9) of such Act (2 U.S.C. 431(9))) or qualified campaign expenses (within the meaning of section 9002(11) of such Code), whichever is applicable.

(iii)⁴ An eligible candidate establishing a separate fund under subparagraph (A) shall (as a condition for receiving services and facilities described in paragraph (2)) comply with all requirements and limitations of section 6 in soliciting or expending amounts in the same manner as an apparent successful candidate, including reporting on the transfer and expendi-

⁴Margins so in law. Probably should be moved 2 ems to the left margin.

ture of amounts described in subparagraph (B)(i) in the disclosures required by section 6.

(4)(A) In this subsection, the term “eligible candidate” means, with respect to any presidential election (as defined in section 9002(10) of the Internal Revenue Code of 1986)—

(i) a candidate of a major party (as defined in section 9002(6) of such Code) for President or Vice-President of the United States; and

(ii) any other candidate who has been determined by the Administrator to be among the principal contenders for the general election to such offices.

(B) In making a determination under subparagraph (A)(ii), the Administrator shall—

(i) ensure that any candidate determined to be an eligible candidate under such subparagraph—

(I) meets the requirements described in Article II, Section 1, of the United States Constitution for eligibility to the office of President;

(II) has qualified to have his or her name appear on the ballots of a sufficient number of States such that the total number of electors appointed in those States is greater than 50 percent of the total number of electors appointed in all of the States; and

(III) has demonstrated a significant level of public support in national public opinion polls, so as to be realistically considered among the principal contenders for President or Vice-President of the United States; and

(ii) consider whether other national organizations have recognized the candidate as being among the principal contenders for the general election to such offices, including whether the Commission on Presidential Debates has determined that the candidate is eligible to participate in the candidate debates for the general election to such offices.

(i) MEMORANDUMS OF UNDERSTANDING.—

(1) IN GENERAL.—Not later than September 1 of a year during which a Presidential election occurs, the Administrator shall, to the maximum extent practicable, enter into a memorandum of understanding with each eligible candidate, which shall include, at a minimum, the conditions for the administrative support services and facilities described in subsection (a).

(2) EXISTING RESOURCES.—To the maximum extent practicable, a memorandum of understanding entered into under paragraph (1) shall be based on memorandums of understanding relating to previous Presidential transitions.

(3) TRANSITION REPRESENTATIVE.—

(A) DESIGNATION OF REPRESENTATIVE FOR INQUIRIES.—

Each memorandum of understanding entered into under this subsection shall designate a representative of the eligible candidate to whom the Administrator shall direct any inquiries or legal instruments regarding the records of the eligible candidate that are in the custody of the Administrator.

(B) CHANGE IN TRANSITION REPRESENTATIVE.—The designation of a new individual as the transition representa-

tive of an eligible candidate shall not require the execution of a new memorandum of understanding under this subsection.

(C) **TERMINATION OF DESIGNATION.**—The designation of a transition representative under a memorandum of understanding shall terminate—

(i) not later than September 30 of the year during which the inauguration of the apparent successful candidate for the office of President as President and the inauguration of the apparent successful candidate for the office of Vice President as Vice President occurs; or

(ii) before the date described in clause (i), upon request of the apparent successful candidate or, after such inauguration, upon request of the President or the Vice President.

(4) **AMENDMENTS.**—Any amendment to a memorandum of understanding entered into under this subsection shall be agreed to in writing.

(5) **PRIOR NOTIFICATION OF DEVIATION.**—Each party to a memorandum of understanding entered into under this subsection shall provide written notice, except to the extent prohibited under another provision of law, not later than 3 days before taking any action that deviates from the terms and conditions agreed to in the memorandum of understanding.

(6) **DEFINITION.**—In this subsection, the term “eligible candidate” has the meaning given that term in subsection (h)(4).

SEC. 4. TRANSITION SERVICES AND ACTIVITIES BEFORE ELECTION.

(a) **DEFINITIONS.**—In this section—

(1) the term “Administrator” means the Administrator of General Services;

(2) the term “agency” means an Executive agency, as defined in section 105 of title 5, United States Code;

(3) the term “eligible candidate” has the meaning given that term in section 3(h)(4);

(4) the term “nonpublic information”—

(A) means information from the Federal Government that a member of a transition team obtains as part of the employment of the member that such member knows or reasonably should know has not been made available to the general public; and

(B) includes information that a member of the transition team knows or reasonably should know—

(i) is exempt from disclosure under section 552 of title 5, United States Code, or otherwise protected from disclosure by law; and

(ii) is not authorized by the appropriate government agency or officials to be released to the public; and

(5) the term “Presidential election” means a general election held to determine the electors of President and Vice President under section 1 or 2 of title 3, United States Code.

(b) **GENERAL DUTIES.**—The President shall take such actions as the President determines necessary and appropriate to plan and co-

ordinate activities by the Executive branch of the Federal Government to facilitate an efficient transfer of power to a successor President, including by—

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

(2) establishing and operating an agency transition directors council in accordance with subsection (e).

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

(1) carry out the duties and authorities of the General Services Administration relating to Presidential transitions under this Act or any other provision of law;

(2) serve as the Federal Transition Coordinator with responsibility for coordinating transition planning across agencies, including through the agency transition directors council established under subsection (e);

(3) ensure agencies comply with all statutory requirements relating to transition planning and reporting; and

(4) act as a liaison to eligible candidates.

(d) WHITE HOUSE TRANSITION COORDINATING COUNCIL.—

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

(2) DUTIES.—The White House transition coordinating council shall—

(A) provide guidance to agencies and the Federal Transition Coordinator regarding preparations for the Presidential transition, including succession planning and preparation of briefing materials;

(B) facilitate communication and information sharing between the transition representatives of eligible candidates and senior employees in agencies and the Executive Office of the President; and

(C) prepare and host interagency emergency preparedness and response exercises.

(3) MEMBERSHIP.—The members of the White House transition coordinating council shall include—

(A) senior employees of the Executive branch selected by the President, which may include the Chief of Staff to the President, any Cabinet officer, the Director of the Office of Management and Budget, the Administrator, the Director of the Office of Personnel Management, the Director of the Office of Government Ethics, and the Archivist of the United States;

(B) the Federal Transition Coordinator;

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

(D) any other individual the President determines appropriate.

(4) CHAIRPERSON.—The Chairperson of the White House transition coordinating council shall be a senior employee in

the Executive Office of the President, designated by the President.

(e) AGENCY TRANSITION DIRECTORS COUNCIL.—

(1) IN GENERAL.—The President shall establish and operate an agency transition directors council, which shall—

(A) ensure the Federal Government has an integrated strategy for addressing interagency challenges and responsibilities around Presidential transitions and turnover of noncareer appointees;

(B) coordinate transition activities between the Executive Office of the President, agencies, and the transition team of eligible candidates and the apparent successful candidates (as determined by section 3(c)); and

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

(2) DUTIES.—As part of carrying out the responsibilities under paragraph (1), the agency transition directors council shall—

(A) assist the Federal Transition Coordinator in identifying and carrying out the responsibilities of the Federal Transition Coordinator relating to a Presidential transition;

(B) provide guidance to agencies in gathering briefing materials and information relating to the Presidential transition that may be requested by eligible candidates;

(C) ensure materials and information described in subparagraph (B) are prepared not later than November 1 of a year during which a Presidential election is held;

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

(E) consult with the President's Management Council, or any successor thereto, in carrying out the duties of the agency transition directors council.

(3) MEMBERSHIP.—The members of the agency transition directors council shall include—

(A) the Federal Transition Coordinator and the Deputy Director for Management of the Office of Management and Budget, who shall serve as Co-Chairpersons of the agency transition directors council;

(B) other senior employees serving in the Executive Office of the President, as determined by the President;

(C) a senior representative serving in a career position from each agency described in section 901(b)(1) of title 31, United States Code, the Office of Personnel Management, the Office of Government Ethics, and the National Archives and Records Administration whose responsibilities include leading Presidential transition efforts within the agency;

(D) a senior representative serving in a career position from any other agency determined by the Co-Chairpersons to be an agency that has significant responsibilities relating to the Presidential transition process; and

- (E) during a year during which a Presidential election will be held, a transition representative for each eligible candidate, who shall serve in an advisory capacity.
- (4) MEETINGS.—The agency transition directors council shall meet—
- (A) subject to subparagraph (B), not less than once per year; and
- (B) during the period beginning on the date that is 6 months before a Presidential election and ending on the date on which the apparent successful candidate for the office of President is inaugurated, on a regular basis as necessary to carry out the duties and authorities of the agency transition directors council.
- (f) INTERIM AGENCY LEADERSHIP FOR TRANSITIONS.—
- (1) OVERSIGHT AND IMPLEMENTATION OF TRANSITION.—Not later than 6 months before the date of a Presidential election, the head of each agency shall designate a senior career employee of the agency and a senior career employee of each major component and subcomponent of the agency to oversee and implement the activities of the agency, component, or subcomponent relating to the Presidential transition.
- (2) ACTING OFFICERS.—Not later than September 15 of a year during which a Presidential election occurs, and in accordance with subchapter III of chapter 33 of title 5, United States Code, the head of each agency shall ensure that a succession plan is in place for each senior noncareer position in the agency.
- (g) MEMORANDUMS OF UNDERSTANDING.—
- (1) IN GENERAL.—Not later than October 1 of a year during which a Presidential election occurs, the President (acting through the Federal Transition Coordinator) shall, to the maximum extent practicable, negotiate a memorandum of understanding with the transition representative of each eligible candidate, which shall include, at a minimum, the conditions of access to employees, facilities, and documents of agencies by transition staff.
- (2) EXISTING RESOURCES.—To the maximum extent practicable, the memorandums of understanding negotiated under paragraph (1) shall be based on memorandums of understanding from previous Presidential transitions.
- (3) ETHICS PLAN.—
- (A) IN GENERAL.—Each memorandum of understanding under paragraph (1) shall include an agreement that the eligible candidate will implement and enforce an ethics plan to guide the conduct of the transition beginning on the date on which the eligible candidate becomes the apparent successful candidate for the office of President.
- (B) CONTENTS.—The ethics plan shall include, at a minimum—
- (i) a description of the ethics requirements that will apply to all members of the transition team, including any specific requirement for transition team members who will have access to nonpublic or classified information;

(ii) a description of how the transition team will—
 (I) address the role on the transition team
 of—

(aa) lobbyists registered under the Lobbying Disclosure Act of 1995 (2 U.S.C. 1601 et seq.) and individuals who were former lobbyists registered under that Act; and

(bb) persons registered under the Foreign Agents Registration Act of 1938 (22 U.S.C. 611 et seq.), foreign nationals, and other foreign agents;

(II) prohibit a transition team member with conflicts of interest similar to those applicable to Federal employees under section 2635.402(a) and section 2635.502(a) of title 5, Code of Federal Regulations, related to current or former employment, affiliations, clients, or investments, from working on particular matters involving specific parties that affect the interests of such member; and

(III) address how the covered eligible candidate will address his or her own conflicts of interest during a Presidential term if the covered eligible candidate becomes the apparent successful candidate for the office of President;

(iii) a Code of Ethical Conduct, which each member of the transition team will sign and be subject to, that reflects the content of the ethics plans under this paragraph and at a minimum requires transition team members to—

(I) seek authorization from transition team leaders or their designees before seeking, on behalf of the transition, access to any nonpublic information;

(II) keep confidential any nonpublic information provided in the course of the duties of the member with the transition and exclusively use such information for the purposes of the transition; and

(III) not use any nonpublic information provided in the course of transition duties, in any manner, for personal or private gain for the member or any other party at any time during or after the transition; and

(iv) a description of how the transition team will enforce the Code of Ethical Conduct, including the names of the members of the transition team responsible for enforcement, oversight, and compliance.

(C) PUBLICLY AVAILABLE.—The transition team shall make the ethics plan described in this paragraph publicly available on the internet website of the General Services Administration the earlier of—

(i) the day on which the memorandum of understanding is completed; or

(ii) October 1.

(h) EQUITY IN ASSISTANCE.—Any information or other assistance provided to eligible candidates under this section shall be offered on an equal basis and without regard to political affiliation.

(i) REPORTS.—

(1) IN GENERAL.—The President, acting through the Federal Transition Coordinator, shall submit to the Committee on Oversight and Government Reform of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate reports describing the activities undertaken by the President and agencies to prepare for the transfer of power to a new President.

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

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

SEC. 5. The Administrator is authorized to provide, upon request to each former President and each former Vice President, for a period not to exceed seven months from 30 days before 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 apparent successful candidates (as determined by section 3(c)). 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 subsections (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.

DISCLOSURES OF FINANCING AND PERSONNEL; LIMITATION ON ACCEPTANCE OF DONATIONS

SEC. 6. (a)(1) Each apparent successful candidate (as determined by section 3(c)) (as a condition for receiving services under section 3 and for funds provided under section 7(a)(1)) shall disclose to the Administrator the date of contribution, source, amount, and expenditure thereof of all money, other than funds from the Federal Government, and including currency of the United States and of any foreign nation, checks, money orders, or any other negotiable instruments payable on demand, received either before or after the date of the general elections for use in the preparation of the apparent successful candidate for the assumption of official duties as President or Vice President.

(2) Each apparent successful candidate (as a condition for receiving such services and funds) shall make available to the Administrator and the Comptroller General all information concerning such contributions as the Administrator or Comptroller

General may require for purposes of auditing both the public and private funding used in the activities authorized by this Act.

(3) Disclosures made under paragraph (1) shall be—

(A) in the form of a report to the Administrator within 30 days after the inauguration of the apparent successful candidate for the office of President as President and the apparent successful candidate for the office of Vice-President as Vice President; and

(B) made available to the public by the Administrator upon receipt by the Administrator.

(b)(1) Each apparent successful candidate (as a condition for receiving services provided under section 3 and funds provided under section 7(a)(1)) shall make available to the public—

(A) the names and most recent employment of all transition personnel (full-time or part-time, public or private, or volunteer) who are members of the apparent successful candidate's Federal department or agency transition teams; and

(B) information regarding the sources of funding which support the transition activities of each transition team member.

(2) Disclosures under paragraph (1) shall be made public before the initial transition team contact with a Federal department or agency and shall be updated as necessary.

(c) Each apparent successful candidate (as a condition for receiving services under section 3 and for funds provided under section 7(a)(1)) shall not accept more than \$5,000 from any person, organization, or other entity for purposes of carrying out activities authorized by this Act.

AUTHORIZATION OF APPROPRIATIONS

SEC. 7. (a) 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 \$3,500,000 may be appropriated for the purposes of providing services and facilities to the apparent successful candidates under section 3, and

(2) not more than \$1,500,000 may be appropriated for the purposes of providing services and facilities to the former President and former Vice President under section 5, except that any amount appropriated pursuant to this paragraph in excess of \$1,250,000 shall be returned to the general fund of the Treasury in the case where the former Vice President is the incumbent President.

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.

(b) The amount authorized to be appropriated under subsection (a) shall be increased by an inflation adjusted amount, based on increases in the cost of transition services and expenses which have occurred in the years following the most recent Presidential transition, and shall be included in the proposed appropriation trans-

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mitted by the President under the last sentence of subsection (a).