

Public Law 100-398
100th Congress

An Act

To amend the Presidential Transition Act of 1963 to provide for a more orderly transfer of executive power in connection with the expiration of the term of office of a President.

Aug. 17, 1988
[H.R. 3932]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Presidential
Transitions
Effectiveness
Act.
3 USC 102 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Presidential Transitions Effectiveness Act".

SEC. 2. PRESIDENTIAL TRANSITION AUTHORIZATIONS.

(a) AMENDMENTS.—Section 5 of the Presidential Transition Act of 1963 (3 U.S.C. 102 note) is amended—

- (1) by redesignating such section as section 6;
- (2) by inserting before such section the following heading:

"AUTHORIZATION OF APPROPRIATIONS";

- (3) by inserting "(a)" after the section designation;
- (4) in paragraph (1), by striking out "\$2,000,000" and inserting in lieu thereof "\$3,500,000";
- (5) in paragraph (2), by striking out "\$1,000,000" and inserting in lieu thereof "\$1,500,000";
- (6) in paragraph (2), by inserting before the period at the end thereof the following: ", 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"; and
- (7) by adding at the end thereof the following new subsection:

"(b) The amounts 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 transmitted by the President under the last sentence of subsection (a)."

(b) EFFECTIVE DATE.—The amendments made by subsection (a) of this section shall be effective upon enactment, except that the amendment made by paragraph (7) of such subsection shall take effect on October 1, 1989.

3 USC 102 note.

SEC. 3. PRESIDENTIAL TRANSITION FINANCING AND PERSONNEL.

The Presidential Transition Act of 1963 (3 U.S.C. 102 note) is further amended by inserting after section 4 the following new section:

“DISCLOSURES OF FINANCING AND PERSONNEL; LIMITATION ON
ACCEPTANCE OF DONATIONS

3 USC 102 note.

“SEC. 5. (a)(1) The President-elect and Vice-President-elect (as a condition for receiving services under section 3 and for funds provided under section 6(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 President-elect or Vice-President-elect for the assumption of official duties as President or Vice President.

“(2) The President-elect and Vice-President-elect (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.

Reports.

“(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 President-elect as President and the Vice-President-elect as Vice President; and

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

“(b)(1) The President-elect and Vice-President-elect (as a condition for receiving services provided under section 3 and funds provided under section 6(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 President-elect or Vice-President-elect'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) The President-elect and Vice-President-elect (as a condition for receiving services under section 3 and for funds provided under section 6(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.”.

SEC. 4. LIMITATION ON EXPENDITURES OF CERTAIN FUNDS.

(a) USE OF AIRCRAFT.—Section 3(a)(4) of the Presidential Transition Act of 1963 (3 U.S.C. 102 note) is amended—

(1) by inserting “(A)” after “(4)”;

(2) by adding at the end thereof the following new subparagraph:

“(B) When requested by the President-elect or Vice-President-elect or their designee, and approved by the President, Government aircraft may be provided for transition purposes on a reimbursable basis; when requested by the President-elect, the Vice-President-elect, or the designee of the President-elect or Vice-President-elect, aircraft may be chartered for transition purposes; and any collections from the Secret Service, press, or others occupying space on

chartered aircraft shall be deposited to the credit of the appropriations made under section 6 of this Act.”

(b) DURATION OF EXPENDITURES.—Section 3(b) of the Presidential Transition Act of 1963 is amended to read as follows:

3 USC 102 note.

“(b) The Administrator may not expend funds for the provision of services and facilities under section 3 of this Act in connection with any obligations incurred by the President-elect or Vice-President-elect—

“(1) before the day following 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; or

“(2) after 30 days after the date of the inauguration of the President-elect as President and the inauguration of the Vice-President-elect as Vice President.”

(c) COMMENCEMENT OF EXPENDITURES.—Section 4 of the Presidential Transition Act of 1963 is amended by striking out “six months from the date of the expiration” and inserting “seven months from 30 days before the date of the expiration”.

3 USC 102 note.

SEC. 5. DISCLOSURE OF IN-KIND CONTRIBUTIONS TO 1988-1989 TRANSITION.

3 USC 102 note.

(a) DISCLOSURE AS CONDITION OF RECEIPT OF FUNDS.—The President-elect and Vice-President-elect (as a condition for receiving services under section 3 and for funds provided under section 6(a)(1) of the Presidential Transition Act of 1963 (3 U.S.C. 102 note) shall provide an estimate to the Administrator of General Services of the aggregate value of in-kind contributions made during the period beginning on November 9, 1988, through January 20, 1989, received for transition activities for—

- (1) transportation;
- (2) hotel and other accommodations;
- (3) suitable office space; and
- (4) furniture, furnishings, office machines and equipment, and office supplies.

(b) FORM AND AVAILABILITY OF ESTIMATES.—The estimates made under subsection (a) shall be—

- (1) in the form of a report to the Administrator of General Services within 90 days after January 20, 1989; and
- (2) made available to the public by the Administrator upon receipt by the Administrator.

Reports.

SEC. 6. TRAVEL AND TRANSPORTATION EXPENSES.

Section 5723 of title 5, United States Code, is amended—

(1) in subsection (a)(1), by striking out “or (B)” and inserting “or (C)”;

(2) in subsection (a), by adding at the end thereof: “In the case of an appointee described in paragraph (1) who has performed transition activities under section 3 of the Presidential Transition Act of 1963 (3 U.S.C. 102 note), the provisions of paragraphs (1) and (2) may apply to travel and transportation expenses from the place of residence of such appointee (at the time of relocation following the most recent general elections held to determine the electors of the President) to the assigned duty station of such appointee.”; and

(3) in subsection (c), by adding at the end thereof the following: “In the case of an appointee described in subsection (a)(1) who has performed transition activities under section 3 of the

Presidential Transition Act of 1963 (3 U.S.C. 102 note), the travel or transportation shall take place at any time after the most recent general elections held to determine the electors of the President.”

SEC. 7. EXECUTIVE AGENCY VACANCIES.

(a) **APPLICATION OF VACANCY PROVISIONS TO EXECUTIVE AGENCIES.**—(1) Section 3345 of title 5, United States Code, is amended by striking out “Executive department” and inserting in lieu thereof “Executive agency (other than the General Accounting Office)”.

(2) The heading for section 3345 of title 5, United States Code, is amended to read as follows:

“§ 3345. Details; to office of head of Executive agency or military department”.

(3) The table of section headings for chapter 33 of title 5, United States Code, is amended by amending the item relating to section 3345 to read as follows:

“3345. Details; to office of head of Executive agency or military department.”

(b) **EXTENSION OF TIME FOR INTERIM SERVICE.**—Section 3348 of title 5, United States Code, is amended to read as follows:

“§ 3348. Details; limited in time

“(a) A vacancy caused by death or resignation may be filled temporarily under section 3345, 3346, or 3347 of this title for not more than 120 days, except that—

“(1) if a first or second nomination to fill such vacancy has been submitted to the Senate, the position may be filled temporarily under section 3345, 3346, or 3347 of this title—

“(A) until the Senate confirms the nomination; or

“(B) until 120 days after the date on which either the Senate rejects the nomination or the nomination is withdrawn; or

“(2) if the vacancy occurs during an adjournment of the Congress sine die, the position may be filled temporarily until 120 days after the Congress next convenes, subject thereafter to the provisions of paragraph (1) of this subsection.

“(b) Any person filling a vacancy temporarily under section 3345, 3346, or 3347 of this title whose nomination to fill such vacancy has been submitted to the Senate may not serve after the end of the 120-day period referred to in paragraph (1)(B) or (2) of subsection (a) of this section, if the nomination of such person is rejected by the Senate or is withdrawn.”

Approved August 17, 1988.

LEGISLATIVE HISTORY—H.R. 3932 (S. 2037):

HOUSE REPORTS: No. 100-532 (Comm. on Government Operations).

SENATE REPORTS: No. 100-317 accompanying S. 2037 (Comm. on Governmental Affairs).

CONGRESSIONAL RECORD, Vol. 134 (1988):

Mar. 31, considered and passed House.

Apr. 26, S. 2037 considered and passed Senate.

Apr. 29, H.R. 3932 considered and passed Senate, amended, in lieu of S. 2037.

July 26, House concurred in Senate amendment with an amendment.

Aug. 2, Senate concurred in House amendment.