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# REPORT TO THE CONGRESS

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BY THE COMPTROLLER GENERAL  
OF THE UNITED STATES



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## Federal Assistance For Presidential Transitions: Recommendations For Changes In Legislation

GAO recommends in this report, updating its 1970 report on this subject, that

- the Presidential Transition Act of 1963 be amended to make it applicable only to a President-elect and Vice-President-elect and
- the Former Presidents Act of 1958 also be amended principally to combine in one law the authorization for all Federal funds needed to provide services and allowances to former Presidents.

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DEC. 24, 1975



COMPTROLLER GENERAL OF THE UNITED STATES  
WASHINGTON, D.C. 20548

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To the President of the Senate and the  
Speaker of the House of Representatives

This is our report entitled "Federal Assistance for  
Presidential Transitions: Recommendations for Changes in  
Legislation."

Our review was made as the result of a suggestion in  
the Senate Appropriations Committee report on the 1975 Sup-  
plemental Appropriations Bill that we update our November  
1970 report on this subject.

We are sending copies of this report to selected com-  
mittees of the Congress; the Director, Office of Management  
and Budget; and the Administrator of General Services.

A handwritten signature in black ink, reading "James A. Stauts".

Comptroller General  
of the United States

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ABBREVIATIONS

EOP	Executive Office of the President
GAO	General Accounting Office
GSA	General Services Administration
OMB	Office of Management and Budget
NARS	National Archives and Records Service
SLUC	Standard Level User Charge
WHCA	White House Communications Agency

COMPTROLLER GENERAL'S  
REPORT TO THE CONGRESS

FEDERAL ASSISTANCE FOR PRESIDENTIAL  
TRANSITIONS: RECOMMENDATIONS FOR  
CHANGES IN LEGISLATION

D I G E S T

In its report on the 1975 Supplemental Appropriations Bill--which included funds to provide allowances and services to former President Richard M. Nixon--the Senate Appropriations Committee suggested that GAO update its 1970 report on Presidential transitions.

The Committee report stated that new legislation should be developed that merges the transition activities of a former President with the benefits of the Former Presidents Act.

With this report, GAO updates its 1970 report to include information on the Nixon-Ford transition and recommends that the Congress:

--Amend the Presidential Transition Act of 1963 to delete all references to assistance to be provided former Presidents and former Vice Presidents. This act would then only apply to the Presidents-elect and Vice-Presidents-elect.

--Consider the amount authorized to be appropriated to carry out this act. If the provisions pertaining to former Presidents and Vice Presidents are deleted, \$900,000 would be authorized to assist the incoming President and Vice President, or twice the amount intended. In its 1970 report, GAO stated that the \$450,000 in Federal funds made available to the incoming Nixon administration was clearly inadequate in light of the estimated \$1.5 million spent to defray the expenses of the incoming administration.

Tear Sheet. Upon removal, the report cover date should be noted hereon.

--Amend the Former Presidents Act to include in one act the authorization for all allowances, services, etc., to be provided a former President from the time he leaves office.

--Clarify provisions in the Former Presidents Act concerning the items to be furnished a former President, add a provision authorizing the use of Federal funds for a short period after a former President's death to provide for an orderly closing of his office, and transfer to this act the provisions dealing with the assistance to be provided a former Vice President for 6 months after he leaves office.

This report also includes information on the services and assistance provided to former President Nixon under both the Transition Act and the Former Presidents Act and discusses the problems GAO noted in applying the provisions of these laws which led to our recommendations for changes in legislation.

## CHAPTER 1

### INTRODUCTION

The Senate Appropriations Committee, in reporting on the 1975 Supplemental Appropriations Bill, suggested that we update our November 16, 1970, report to the Congress entitled "Federal Assistance for Presidential Transitions." That report presented information on transition problems and experiences with emphasis on the 1968-69 transition from President Lyndon B. Johnson to President Richard M. Nixon. The Senate Committee report also stated that the Committee believed new legislation in this area is required and recommended that legislation be developed that merges the transition activities of a former President with the benefits of the Former Presidents Act.

### THE AUGUST 1974 TRANSITION

Although there had been speculation for a year or more that President Nixon might be impeached or might resign, there was little time to prepare for the transition when it actually occurred on August 9, 1974. As late as August 6, 1974, Cabinet members, after a meeting with President Nixon, stated that he did not intend to resign. The debate in the House of Representatives on the Judiciary Committee's recommendations on impeachment was not scheduled to begin until later in the month.

Consequently, when Vice President Gerald Ford succeeded President Nixon, he faced a situation entirely different from that of the first Presidential succession covered by the Presidential Transition Act (Johnson-Nixon). As Vice President he was constrained from making any definite plans for his succession to the Presidency until August 8, 1974, when President Nixon announced that he planned to resign the next day. By contrast, as President-elect, Mr. Nixon had 2-1/2 months after his election in 1968 to prepare for assuming the Presidency.

Mr. Ford did have the advantage of succeeding a President of his own party in an administration of which he was a part. Most of the top White House staff on duty at the end of the Nixon administration remained for at least several months. Changes were made gradually and by March 15, 1975, 7 months after President Nixon's resignation, 18 of the top 52 White House staff on August 9, 1974, remained. Three of those who left remained on the White House payroll for 6 months after President Nixon resigned but were detailed for the entire 6 months to Mr. Nixon's transition staff. Another

top White House staff member who also left after 6 months was assigned during part of that 6-month period to the transition staff.

Changes in the President's Cabinet were also made slowly; none were replaced during the balance of calendar year 1974 and by March 15, 1975, four had been replaced and seven remained.

Because President Ford was not a President-elect, he received no funds under the Presidential Transition Act. Our observations on the operation of the Transition Act, insofar as an incoming elected administration is concerned, are included in our 1970 report. Our principal recommendation in that report concerning a President-elect was on the funding limitation.

The circumstances of the August 1974 transition resulted in much congressional and press attention to the Federal assistance provided to former President Nixon under the Presidential Transition and Former Presidents Acts. That assistance is the subject of this report.

## CHAPTER 2

### FINANCING THE NIXON TRANSITION TO PRIVATE LIFE

Assistance to former Presidents is authorized by several acts, as follows:

#### Pension:

Former Presidents Act of 1958

#### Staff, office facilities, and services:

Presidential Transition Act of 1963--for the first 6 months

Former Presidents Act of 1958--after the first 6 months

#### Operation of Presidential libraries:

Presidential Libraries Act of 1955

Thus far former President Nixon has received assistance under the Former Presidents and Presidential Transition Acts.

His resignation under the threat of impeachment presented problems not envisioned when these two laws were enacted. The General Services Administration (GSA) immediately raised the question as to whether Mr. Nixon was a former President and thereby entitled to the allowances and services authorized.

The Transition Act does not specifically define a "former President" while the Former Presidents Act does. The Justice Department determined that, based on the definition of a former President in the latter act, former President Nixon, as a person who had served as President, no longer held that office, and had not been removed by impeachment, was entitled to the benefits provided to former Presidents under both acts.

#### PENSION UNDER THE FORMER PRESIDENTS ACT OF 1958

The Former Presidents Act, as amended, authorizes for each former President a monetary allowance for the remainder of his life equal to the annual rate of basic pay of the head of an executive department, which, at the time of President Nixon's resignation, was \$60,000. A former President is entitled to the allowance as soon as he leaves office.

The fiscal year 1975 GSA appropriation for former Presidents, approved on August 21, 1974, provided \$60,000, only enough to pay the allowances authorized by the Former Presidents Act to the widows of Presidents Lyndon B. Johnson, Dwight D. Eisenhower, and Harry S. Truman. When Mr. Nixon resigned, GSA obtained approval from the Office of Management and Budget (OMB) to reappropriation these funds so that funds would be available to pay Mr. Nixon's allowance, as well as the widows' allowances, until a supplemental appropriation could be obtained.

Included in the Supplemental Appropriation Act, 1975, approved on December 27, 1974, for expenses under the Former Presidents Act was \$55,000 for Mr. Nixon's allowance from August 1974 to June 1975. The \$55,000, when added to the \$60,000 in the regular appropriation, provided \$115,000 to pay the allowance to the three widows and Mr. Nixon for fiscal year 1975.

STAFF, OFFICE FACILITIES, AND SERVICES  
UNDER THE TRANSITION ACT OF 1963

The Transition Act of 1963 states that its purpose is "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" and provides for assistance to both the incoming and outgoing administrations.

The act aids the newly elected administration by:

- Authorizing the Administrator of General Services to provide, upon request, to each President-elect and each Vice-President-elect, during the transition between election and inauguration, necessary services and facilities including suitably equipped office space, payment of staff salaries, consultants, travel expenses, communications services, printing and binding, and postage, subject to appropriations provided therefor.
- Permitting Federal employees to be detailed to the President-elect or Vice-President-elect on a reimbursable or nonreimbursable basis with the consent of the agency head.

The act aids the outgoing administration by authorizing the Administrator of GSA to provide each former President and each former Vice-President, during the 6 months following the

expiration of their terms, services and facilities, similar to those provided the President-elect and Vice-President-elect, for use in winding up the affairs of their offices.

The act authorizes for each transition an appropriation of not more than \$900,000 to carry out the purposes of the act. The amount appears to have been based on an estimate of transition costs made by the Bureau of the Budget (now OMB), as modified in the legislative process, and was intended to be divided equally between the incoming and outgoing administrations.

Because funds are appropriated under the Presidential Transition Act only for Presidential election years, no funds were specifically available for implementing the Transition Act when Mr. Nixon left office in 1974. Therefore, on August 29, 1974, the administration requested the Congress to appropriate \$450,000 to GSA for carrying out the provisions of the Transition Act pertaining to a former President. The funds requested were to cover an 11-month period rather than the 6-month period provided in the act. According to GSA, the 11-month period was requested because Mr. Nixon's resignation was sudden and it believed the additional time would be needed to make some arrangements usually made before a President leaves office.

The Supplemental Appropriations Act of 1975 (Public Law 93-554), approved on December 27, 1974, appropriated \$100,000 to implement the Transition Act and limited the period of availability for obligation to the 6 months ended February 9, 1975. The appropriation act also provided that the salaries of detailed personnel provided on a nonreimbursable basis not exceed \$70,000 from December 27, 1974, through February 8, 1975.

We advised the Office of Management and Budget on September 10, 1974, that pending approval of the supplemental appropriation, the "Unanticipated Personnel Needs" fiscal year 1975 appropriation of the Executive Office of the President (EOP) could be used for transition expenses. OMB transferred \$50,000 to GSA from this fund for transition expenses. When the \$100,000 approved for transition under the 1975 Supplemental Appropriation Act became available, GSA reimbursed the "Unanticipated Personnel Needs" appropriation for the \$50,000 that had been made available for transition expenses.

Most of the work performed for former President Nixon during the 6-month transition was done by detailed employees provided by several Government agencies, principally the Executive Office of the President and the Department of

Defense, on a nonreimbursable basis. Only about \$4,700 of the \$100,000 Transition Act appropriation was used to pay salaries and related costs.

The transition staff of former President Nixon occupied most of the same office space at San Clemente, California, that had been used by his staff when he visited there as President. Much of the furniture and equipment in these offices was retained for the transition staff; some excess equipment was transferred to GSA; and some equipment was acquired from surplus GSA stocks. About \$14,400 of Transition Act funds were used to acquire new equipment, transport the excess GSA equipment, and rent equipment.

The remaining Transition Act funds were used to purchase stationery (\$45,400) and other office supplies (\$7,400), postage (\$12,000), communications services (\$6,500), and miscellaneous services (\$9,400). Very little of the stationery and postage paid for with Transition Act funds was used during the transition. (See p. 13.)

#### Staff detailed on a nonreimbursable basis

The Transition Act provides that any Government employee may be detailed during the 6-month transition period to a former President on a reimbursable or nonreimbursable basis with the consent of the agency head. The act does not limit the number of, or the costs that may be incurred on a nonreimbursable basis for, detailed employees. The Supplemental Appropriations Act of 1975, however, placed a dollar limitation on the nonreimbursable salary costs that could be incurred for detailed employees assigned to former President Nixon from December 27, 1974, until the end of the transition, February 8, 1975.

During the Nixon transition, all detailed employees were provided on a nonreimbursable basis. When the transition began, there was no limit on the number of, or costs that could be incurred for, detailed employees and the arrangements for detailing employees were generally informal. When it became evident that the Congress was concerned about using detailed employees to assist in the transition, OMB issued instructions on October 21, 1974, that no further details should be made without the approval of the Director, OMB.

The Supplemental Appropriations Act of 1975, which included funds for the transition, placed a limitation of \$70,000 on the funds that could be used for the salaries of detailed employees from December 27, 1974, when the

appropriation act was approved, through the end of the transition period, February 8, 1975. By the end of December 1974, the number of detailed employees had been reduced substantially and the salaries paid after that date to detailed employees were well within the limitation.

None of the agencies maintained accounting records segregating the salary and related costs of the detailed employees. At our request, the agencies provided us from their records the names, grades, periods assigned, and the travel incurred by detailed employees. Based on this information, and subsequent verification by us, we estimated that several agencies spent \$266,000 during the transition for salaries and related costs and travel expenses of detailed employees. Excluded from this total were the costs for the following services not directly related to the transition:

- (1) protection of the President and his wife by the Secret Service,
- (2) security functions performed by the Coast Guard at San Clemente,
- (3) removal of communications equipment and kitchen equipment and supplies at San Clemente by the White House Communications Agency (WHCA) and Navy mess stewards, and
- (4) archival and related services performed by employees of the National Archives and Records Service (NARS).

The detailed employees provided various services during the transition as shown below.

#### Executive Office of the President

EOP incurred \$161,000 of a total of about \$266,000 incurred for all detailed employees. Seventeen employees were assigned to the transition staff for periods ranging from a few weeks to 6 months. Four employees with annual salaries ranging from \$12,500 to \$42,500 worked principally at San Clemente for the full 6-month transition. They performed duties such as liaison with the White House and others on matters relating to the Presidential papers and funding, press contacts, and secretarial and clerical duties. They were assisted, especially during the early days of the transition, by other EOP employees at San Clemente for periods ranging from a few weeks to 3 months.

Two EOP employees with annual salaries of \$23,000 and \$36,000 were also detailed for the full 6 months to assist

with transition matters principally in Washington, D.C. They were helped by one clerk for most of the transition. Their principal duties involved working with NARS personnel engaged in sorting the Presidential papers, principally answering questions to help sort the material. They also (1) worked with NARS in sorting and inventorying Mr. Nixon's pre-Presidential papers and arranging for their eventual release and (2) read and answered, or sent to San Clemente, some mail sent to the former President in Washington, D.C., after his resignation.

#### Department of Defense

During the transition employees from the White House Communications Agency provided communications assistance at San Clemente to the transition staff as well as the Secret Service for varying periods. Some of these operated a switch-board and provided other communications assistance to the former President and his staff through January 15, 1975. The communications equipment they operated was installed in San Clemente when Mr. Nixon was President. The salary and related costs of 19 of these employees who provided assistance to the transition staff for varying periods were about \$24,000.

In addition, the Department of Defense furnished seven other people for varying periods. The Marine Corps detailed a lieutenant colonel and two enlisted men for the entire transition and one additional enlisted man for 3 months. The lieutenant colonel was in charge of the operation of the office in San Clemente; the enlisted men were listed as drivers but they also helped handle the mail and performed other duties. A Navy lieutenant, assigned to the staff for about 4-1/2 months, was responsible for opening all incoming mail. The Navy also detailed a medical corpsman, stationed at nearby Camp Pendleton, for the entire transition to take care of some of the former President's medical needs. We were told that he took the former President's blood pressure several times a day after he became ill and from time to time performed other medical procedures, such as taking blood samples. The salaries and related costs of the Department of Defense employees, other than WHCA, during the transition amounted to about \$67,000.

#### General Services Administration

GSA detailed one employee to act as liaison with the transition staff for about 1 week and a secretary for about 5 months, at a total salary cost of about \$6,400. GSA also provided maintenance and other services for the offices in

San Clemente. As noted on page 23, GSA waived the Standard Level User Charge (SLUC) of about \$77,000 annually for the office at San Clemente. If charged, the SLUC payment would have included a factor for standard maintenance and repair costs.

#### National Capital Park Service

Seven movers and packers were assigned for short periods to help in the moving of the Nixons' personal belongings from the White House to storage in Virginia and in the eventual shipment to California. Their salaries totaled about \$2,600.

EOP receives an annual appropriation for operating the White House known as the Executive Residence appropriation. The appropriation is administered by a White House employee (chief usher), but the bookkeeping and maintenance of the house and grounds are done by the National Capital Parks Service. While Mr. Nixon was President, a maid and a butler were paid from this appropriation. When he resigned, the maid and butler went with him to California. They remained on the Executive Residence payroll for about 2 months when they were dropped from the Government payroll. Their salaries during the 2 months totaled about \$3,600.

## CHAPTER 3

### UNCOMPLETED WORK AT CLOSE OF THE TRANSITION

The Transition Act presumed that most of the transition would be spent by a former President, his staff, and any detailed employees in sorting out his Presidential and other official papers and in answering mail from the public. Very little of this occurred.

#### PRESIDENTIAL RECORDS

The papers and other official materials of former President Nixon were a central issue in his transition. He never had possession of any of his official Presidential papers or materials during the transition, and much of the work which would normally have been accomplished during the transition was prevented by legal problems surrounding ownership and custody of the papers and tapes.

When Mr. Nixon resigned on August 9, 1974, little work had been done to get his records and papers in order. A group of National Archives and Records Service Employees, called the Nixon Records Liaison Unit, was established in 1968 with one or two people and grew to nine employees when Mr. Nixon resigned. They performed preliminary work on an archival collection of Nixon documents, such as securing Presidential aides' papers when they resigned and preliminary indexing and sorting of some of the papers and documents of officials of the Nixon administration.

In August 1974 NARS began increasing the size of the unit and soon after the resignation, 37 NARS employees were assigned to the Nixon papers, including the 9 members of the liaison unit, 18 additional archivists, and 10 laborers. They sorted and boxed the documents and other materials, placed them on pallets, and stacked them in the Old Executive Office Building.

On September 7, 1974, the Administrator of General Services signed an agreement on behalf of the Government with former President Nixon. The agreement provided that Mr. Nixon transfer his Presidential materials to the Government for deposit but retain title, including literary property rights, to the materials.

Neither Mr. Nixon nor the Administrator were to have sole control of the material. Rather, the agreement called for a "two-key" system in which Mr. Nixon would have one key and the Administrator would have one. Both keys, used together, would be required to gain access to the materials.

Under the agreement, the Government would retain possession of the materials in a Government facility.

The access clause provided that, for 3 years, Mr. Nixon would withdraw materials only to respond to subpoenas or other judicial orders. Thereafter, he had the right to withdraw the materials, except for the tape recordings. Mr. Nixon gave these tape recordings to the United States effective September 1, 1979; reserved the right to order their destruction after that date; and required their destruction on September 1, 1984, or his death, whichever occurred first.

Between October 17 and 24, 1974, three suits were filed seeking enforcement or cancellation of the September 7, 1974, agreement, and on October 21, 1974, the Federal District Court issued an order that temporarily sealed all Nixon Presidential records pending the outcome of litigation.

The order:

- Enjoined the Government from disclosing, transferring, disposing, or otherwise making known to any person the Presidential materials of the Nixon administration in the custody and control of the Counsel to the President, the Administrator, and the Director of the United States Secret Service.
- Enjoined the Government from carrying out the terms and conditions of the September 7 agreement.
- Specifically exempted from the injunction, however, the production of the materials pursuant to a subpoena, discovery demand, or court order; the production of the materials in regard to the Watergate criminal trial then pending before District Judge John Sirica; the production of the materials in response to requests by the Special Prosecutor or a jury; or the use of materials for purposes of current Government business after notification of Mr. Nixon and with the consent of the Counsel to the President.
- Granted Mr. Nixon access to the materials for the sole purpose of asserting privileges or defenses and granted access to former White House staff members for purposes relating to criminal investigations or prosecutions.

--Required any search conducted pursuant to the order to be conducted jointly by the counsel to the President and Counsel for Mr. Nixon.

On December 19, 1974, President Ford signed Public Law 93-526, the Presidential Recordings and Materials Preservation Act. This law granted complete possession and control of the tape recordings, papers, and documents of the Nixon administration to GSA; custody would be maintained in the District of Columbia and its metropolitan area, except as necessary to carry out other provisions of the law. On December 20, 1974, Mr. Nixon brought suit in Federal District Court to prevent the enforcement of this act on the grounds that it violated the Constitution.

The pending court cases and resultant court orders severely limited the amount of activity on the Nixon Presidential papers during the transition. Some work was done on pre-Presidential materials. Two White House employees detailed to the Nixon transition staff worked with NARS employees in the Executive Office Building to sort and inventory about 100 cubic feet of pre-Presidential material, which was released by the court and sent to former President Nixon at San Clemente in February 1975. An additional 1,200 cubic feet of pre-Presidential material that had been in NARS custody before President Nixon's resignation was also released and placed in temporary storage in a GSA building in Laguna Niguel, California.

NARS estimates that it incurred costs of about \$102,000 in handling the Nixon papers and related materials during the transition. About \$79,000 of this was for personnel costs, about \$5,000 for supplies, and about \$18,000 for the space occupied by the Nixon records in two buildings occupied by NARS.

The Presidential Recordings and Materials Preservation Act required GSA to report to the Congress within 90 days proposing regulations for public access to the Nixon Presidential materials. In its March 1975 report to the Congress proposing such regulations, NARS estimated that, once given legal clearance to begin complete archival work, it will require about 3-1/2 years with a staff of about 100, at a total cost of about \$7 million, to do the work necessary under its proposed regulations to make the Nixon tapes and papers available for public access. In its report GSA stated that, soon after it begins processing, some of the most sensitive Watergate material can be made available to the public and that virtually all Watergate materials can be made available within 3 years after processing starts.

The future staff requirements of former President Nixon, insofar as his Presidential papers are concerned, will depend greatly on the outcome of the court cases noted above and any future legislation affecting the ownership of the papers. The Presidential Recordings and Materials Preservation Act, in addition to granting control of the Nixon papers to GSA, established a Public Documents Commission to study the problems and questions with respect to the control, disposition, and preservation of records produced by or for Federal officials. One specific question the Commission is directed to study is the ownership of the Presidential papers.

#### MAIL

The transition staff at San Clemente estimated that former President Nixon received over 1 million pieces of mail during the transition. With the assistance of unpaid volunteers from the San Clemente area, most of the mail was opened and sorted during the transition into various categories, such as get-well wishes, birthday greetings, support, and opposition.

During most of the transition, no count was kept of the amount of outgoing mail. On the basis of an actual count of the outgoing mail for a 1-week period near the end of the transition, the transition staff's estimate of the number of envelopes used, and other factors, the outgoing mail amounted to an estimated 300 pieces a week. If this estimate is accurate, only about 8,000 pieces of mail were answered during the transition. The transition staff cited Mr. Nixon's illness and hospitalization on two occasions during the transition, as well as uncertainty as to the funds that would be available for postage, as the chief reasons why so little of the incoming mail was answered.

About \$45,000 of transition funds were used to buy stationery, envelopes, and acknowledgment cards, but very little of the stationery was used during the transition. Near the end of the transition, \$2,000 of transition funds were used to buy stamps and \$10,000 was transferred to the Postal Service as a credit to cover the charges for franked mail. On the basis of the estimate of 300 pieces of outgoing mail a week during the transition period, only \$1,015 was charged to the postal credit during the transition, leaving \$8,985 in postage credit available after February 9, 1975, for use in acknowledging some unanswered mail.

## CHAPTER 4

### ASSISTANCE AFTER THE TRANSITION

The 6-month transition period provided for in the Presidential Transition Act ended for former President Nixon on February 8, 1975. After that he continued to receive his pension under the Former Presidents Act. That act requires the Administrator of GSA:

- To give each former President an office staff selected by the former President and responsible only to him.
- To furnish each former President suitable office space appropriately furnished and equipped at such place within the United States as the former President shall specify.

The former President and his staff occupied the same offices at San Clemente as they had under the Transition Act.

The authorizing legislation places no overall limit on the total amount of funds that can be appropriated under the Former Presidents Act; there are, however, some specific limitations. The salaries of the office staff are limited to a total of \$96,000 a year, and no individual can be paid more than the rate for level II of the Executive Schedule, currently \$44,600 a year. The Former Presidents Act does not authorize detailing Federal employees to assist a former President.

The Supplemental Appropriations Act of 1975 appropriated \$100,000 for expenses under the Former Presidents Act. This provided \$55,000 for Mr. Nixon's pension from August 1974 through June 1975 and \$45,000 for all other expenses from February 9 to June 30, 1975.

When the transition ended on February 8, 1975, there were five Defense Department employees, six EOP employees, and one GSA employee detailed to former President Nixon's staff on a nonreimbursable basis. Ten of these were working at San Clemente and two in Washington, D.C. Because only \$45,000 of Former Presidents Act funds were available to pay the salaries and other expenses for the remainder of the fiscal year and there was no authority to detail Federal employees to the staff, the size of the staff had to be sharply reduced on February 9, 1975.

Two former EOP employees and one GSA employee who had been detailed to the transition staff were retained as members of the former President's staff; one was assigned to Washington, D.C.; and the other two were assigned to San Clemente. An office manager, who had been hired just before the end of the transition and paid with Transition Act funds, was also placed on the Former Presidents Act payroll. As of June 30, 1975, about \$35,000 in Former Presidents Act funds had been obligated or spent for salaries and related expenses of the four members on the former President's staff.

Other major expenditures or obligations from February 9 to June 30, 1975, were for communications, principally telephone service--\$3,600--and transportation and travel--also about \$3,600. Minor amounts were spent for supplies and rental of equipment.

From February 9, 1975, to June 30, 1975, the Postal Service charged an additional \$3,391 to the postal credit paid for with Transition Act funds (see p.13) for the use of franked mail by the former President during that period. On the basis of the postage purchased and the postal credit used, the outgoing mail volume from August 9, 1974, through June 30, 1975, totaled about 60,000 pieces. On June 4, 1975, the Administrator of GSA testified before a House Appropriations Subcommittee that the mail received by former President Nixon since his resignation had reached 2 million pieces, leaving a large backlog unanswered.

CHAPTER 5  
RECOMMENDATIONS TO THE CONGRESS  
FOR CHANGES IN LEGISLATION

The Senate Appropriations Committee, in its report on the Supplemental Appropriation request for fiscal year 1975, stated that it found many areas where the present legislation was not adequate to the situation presented when President Nixon resigned. It recommended that legislation be developed which merges the transition activities of a former President with the benefits of the Former Presidents Act.

We believe the needs of a President-elect and a former President are sufficiently different to justify legislation separating the authority for the assistance to be provided to each. We have summarized below our recommendations for the changes needed to provide separate legislation for the assistance authorized for (1) a President-elect during the period between his election and inauguration and (2) a former President for the remainder of his life from the time he leaves office.

PRESIDENTIAL TRANSITION ACT

This act should deal solely with the assistance to be provided to the incoming administration. We therefore recommend that the Presidential Transition Act of 1963 (3 U.S.C. 102 note) be amended to:

- Delete section 4 dealing with services and facilities authorized to be provided to former Presidents and former Vice Presidents. On the basis of the work we did in connection with our 1970 report, we believe the Transition Act adequately covers the types of assistance needed by an incoming administration. The provision which authorizes the availability of funds appropriated under the act in the fiscal year succeeding that in which the transition occurs should be deleted, because the authority for the services provided an incoming administration begins and ends in the fiscal year in which the transition occurs.

Also the Congress should consider whether the \$900,000 limit for any one transition in section 5 should be changed. If section 4 is deleted, the limit would apply only to the incoming administration, whereas it was intended to also cover the outgoing administration. As stated in our November 1970 report, the \$450,000 in Federal funds made available to the incoming Nixon administration was clearly inadequate in light of the estimated \$1.5 million spent to defray the expenses of

the incoming administration.

FORMER PRESIDENTS ACT

Other than his pension, which begins as soon as he leaves office, the assistance authorized for a former President under this act does not begin until 6 months after he leaves office. To give a former President the type of assistance needed from the time he leaves office, we recommend that the Former Presidents Act (3 U.S.C. 102 note) be amended to:

- Delete the \$96,000 ceiling on the annual salaries that can be paid to a former President's staff and add a provision authorizing the detailing of Government employees on a reimbursable basis to assist a former President during the first 6 months after he leaves office.

Under the Transition Act a former President can have, during the first 6 months after he leaves office, a large staff of detailed employees provided on a nonreimbursable basis plus those paid with Transition Act funds. The \$96,000 ceiling in the Former Presidents Act, with no provision for detailing employees on a nonreimbursable basis, requires the drastic reduction of the former President's staff at the end of the 6-month period. In both a normal transition (Johnson-Nixon) and an abnormal one (Nixon-Ford), the workload of a former President did not decline as rapidly after the first 6 months as the much-reduced staff level in the Former Presidents Act requires.

Deleting the \$96,000 ceiling in this act will permit adjustment of the funds provided for the staff requirements of a former President through the appropriation process to meet particular circumstances as they develop.

We had proposed that a former President not be authorized to use detailed Federal employees. In commenting on that proposal, GSA:

- Suggested that a former President be permitted to use detailed employees on a reimbursable or nonreimbursable basis, at least for 6 months after he leaves office.
- Stated that a former President needs to be able to call on the expertise of various Government experts and specialists, such as the technicians from White House Communications Agency.
- Said it believes this authority is particularly needed with respect to a former President who

leaves office abruptly, so that he can receive assistance from Federal employees without waiting for the completion of the appropriation process.

--Suggested that strict financial accountability can be accomplished by including an overall monetary limit on details either in the Former Presidents Act or in the applicable appropriation act.

We agreed that a former President should be able to avail himself of the services of Government employees during the first 6 months after he leaves office and have revised our recommendation accordingly. To provide congressional control over the funds used to provide this assistance, however, such assistance should be provided only on a reimbursable basis.

In our opinion, including a monetary limit on detailed employees in either the authorizing legislation or an appropriation act would limit a former President's flexibility in choosing his staff. We are therefore recommending that a former President be authorized to use detailed Federal Government employees during the first 6 months after he leaves office but only on a reimbursable basis. The appropriation acts would provide a ceiling on the total funds available to carry out the act and would give the former President the option of using or not using Government employees.

GSA stated that the authority to use Government employees on a nonreimbursable basis is particularly important in the case of a President who leaves office abruptly. We believe the Former Presidents Act should be structured to meet the needs of former Presidents who complete their terms rather than the unusual circumstances presented by one who vacates the office abruptly. In the case of former President Nixon, an appropriation for "Unanticipated Personnel Needs" in the Executive Office of the President was used to cover some transition expenses until a specific appropriation for the Transition Act and the Former Presidents Act could be approved. We presume that this, or a similar appropriation, would be available to temporarily meet the need for funds to provide any assistance needed if a President leaves office abruptly.

--Transfer to this act the authorization language in the Presidential Transition Act concerning the services to be provided a former President.

The Transition Act lists certain services and items, such as communications services, printing and binding, office supplies, and the use of consultants and experts, which can be provided to a President-elect or former President during the

6-month transition but are not specifically included in the authority provided by the Former Presidents Act. That act includes authority for office space appropriately furnished and equipped, language sufficient to include communications services, office supplies, printing and binding, but not the services of consultants and experts. We believe that a former President may need consultants and experts for short periods when it would not be practical to add them to his staff. We are therefore recommending that the Former Presidents Act be amended to include generally the same services authorized by the Transition Act. One exception is the authority to use penalty mail.

The provisions of the Presidential Transition Act of 1963 as they apply to a former President make no direct reference to postage, but do provide that a former President be provided, for 6 months, the necessary services and facilities of the same general character as provided in the act for a President-elect. The act provides that a President-elect may send all mail sent in connection with his assumption of office as "penalty mail," and the act specifically lists as one of the authorized expenses reimbursement to the postal revenues of the postage otherwise payable on penalty mail. "Penalty mail" is defined (39 U.S.C. 3201) as official mail authorized to be sent without prepaying postage and derives its name from the requirement that the envelopes used to send such mail must include information on the penalty for unlawfully using such envelopes.

The authority of a former President to send franked mail is included in the Postal Service laws rather than the Former Presidents Act. The laws pertaining to the Postal Service (39 U.S.C. 3214) authorize a former President to send all nonpolitical mail free of postage anywhere in the United States and its territories and possessions under his signature, i.e., franked mail. The law also requires (39 U.S.C. 3216b) that the Postal Service be reimbursed the equivalent amount of postage for the use of franked mail by a former President from any appropriation made for that purpose.

We were advised by former President Nixon's transition staff that during the transition all mail was sent as franked mail.

The deletion of section 4 of the Transition Act, as recommended above, would remove the authority of a former President to use penalty mail during the transition. We believe this authority is unnecessary and do not recommend that it be transferred to the Former Presidents Act. We believe that the authority in the Postal Service laws authorizing a former President to send franked mail adequately meets, and is better

suited to, the needs of a former President, because penalty mail is limited to official mail whereas a former President can use franked mail for all nonpolitical mail. Funds appropriated under the Former Presidents Act would be available to reimburse the Postal Service for the use of the franking privilege by a former President.

GSA suggested that the act also be amended to assign to the Postal Service the responsibility for counting and determining the amount of mail sent by a former President and directly requesting the Congress for reimbursement for these mailings. Those authorized to use penalty mail or franked mail usually determine the equivalent amount of postage due, subject to periodic verification by the Postal Service, and obtain the appropriation needed to reimburse the Postal Service. We do not believe that this procedure should be changed for the mail of former Presidents.

--Amend the Former Presidents Act to include authority for the travel of a former President and members of his staff.

This act does not mention travel as an authorized expense, but the fiscal year 1969 supplemental appropriation act stated that a former President and no more than two members of his staff were authorized thereafter to use Former Presidents Act funds to pay travel expenses.

We believe that the authorizing legislation, the Former Presidents Act, rather than an appropriation act, should authorize travel expenses of a former President and his staff. Control of the amount authorized for travel can be obtained through the appropriation process, and we are recommending that the Former Presidents Act be amended to include the authority needed to authorize the travel of a former President and his staff. In effect, this would result in the deletion of the limitation on travel to just two staff members. If the Transition Act is amended as recommended above, the Former Presidents Act would also cover the period immediately after a President leaves office when travel by more staff members may be required.

--Add a provision to cover the staff, services, and facilities authorized to be provided a former Vice President for 6 months after his term expires. Such authorization is now provided in section 4 of the Transition Act, which we have recommended be deleted.

We are recommending basically that the provisions in the Transition Act as they apply to a former Vice President be transferred to the Former Presidents Act with a few changes.

Under the Transition Act a former Vice President can be furnished office space at any place or places in the United States. The Former Presidents Act limits a former President to office space in just one place, and we believe a similar limit should be placed on a former Vice President. We are therefore recommending that the office space provided a former Vice President be located in just one place.

The Transition Act authorizes detailing Federal employees to assist a former Vice President on a reimbursable or non-reimbursable basis. Because of the difficulties a former Vice President might have in obtaining for his own staff the type of assistance needed for a short period, we believe the authority for detailing Federal employees to a former Vice President should be retained. To provide adequate control, however, over the number and cost of such employees, we recommend that the authority to provide them be limited to those provided on a reimbursable basis.

We are also recommending that the Former Presidents Act be amended to specify the benefits to which the staff of a former President is entitled.

GSA suggested that the Former Presidents Act be amended to provide that the staffs of former Presidents are not 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. Section 4 of the Transition Act, which we have recommended be deleted, includes language along the lines suggested by GSA.

The Former Presidents Act as enacted in 1958 provided that the staff of a former President be considered employees of the Federal Government for purposes of the Civil Service Retirement Act, the Federal Employees' Compensation Act, and the Federal Employees' Group Life Insurance Act of 1954. As the result of the codification of title 5 of the United States Code, the benefits provided to the staff of a former President in the Former Presidents Act of 1958 are now included in title 5 of the United States Code rather than title 3, which includes the other provisions of the Former Presidents Act. Title 5 provides specifically that the staff of a former President is entitled to the benefits provided by the Civil Service Retirement Act (8331(1)(I)), compensation for work injuries (8101(1)(E)), and group life insurance (8701(a)(9)). Although not specifically mentioned, the provisions dealing with unemployment insurance in title 5 (8501) are probably broad enough to include the staff of a former President.

The Federal Employees' Health Benefits Act of 1959 was enacted after the Former Presidents Act of 1958, and title 5, section 8901, does not specifically include the staff of a former President among those covered by the Health Benefits Act. The Civil Service Commission, however, advised GSA in 1960 that the office staffs of former Presidents, except those serving in temporary, intermittent, or other excluded categories, were eligible to enroll under the Federal Employees' Health Benefits Act.

To clarify the benefits intended to be provided the staffs of former Presidents, we have adopted GSA's suggestion and have recommended that the Former Presidents Act be amended to include the language now included in the Transition Act concerning the benefits to be provided the staffs of former Presidents.

GSA also pointed out that, under the Transition Act, the staffs of the President-elect and Vice-President-elect may be compensated at rates up to that of a GS-18, while under the Former Presidents Act, staffs may be compensated up to the rate of an Executive Level II. GSA commented that we might want to recommend some action to correct this inconsistency. The limit in the Transition Act on salary levels also applies to the staff of a former Vice President and of a former President during the first 6 months after they leave office.

We have recommended changes which will result in the Former Presidents Act being in effect immediately after a President leaves office, so that the limit on the salary level of any member of a former President's staff will be that of Executive Level II for the entire period that assistance is provided. We do not believe it is necessary to increase the authorized maximum salary levels of the staffs of a President-elect, a Vice-President-elect, or a former Vice President who hold those positions for only a short period.

During our review we noted some other matters, in addition to the basic changes recommended above to provide separate legislation for the incoming and outgoing Presidents and Vice Presidents, which we believe require consideration. We recommend that the Former Presidents Act be amended to:

- Add a provision specifically authorizing the appropriation of funds to pay GSA the Standard Level User Charge (SLUC) for space and services provided to a former President beginning with the fiscal year following the fiscal year during which a President leaves office, at rates determined in accordance with Public Law 92-313 (40 U.S.C. 490(j)).

Before July 1, 1974, when GSA furnished space and services in a building occupied by Federal agencies, it obtained the funds from the Congress for these purposes and was not reimbursed by the agencies. Public Law 92-313, however, now requires the agencies to reimburse GSA at rates approximating commercial rates for such space and services unless GSA waives such charges as infeasible or impractical. The rates established by GSA are called Standard Level User Charges. The estimated annual SLUC of \$77,000 for the San Clemente offices occupied by former President Nixon and his staff were waived by GSA for fiscal year 1975. Funds were not requested in the fiscal year 1976 Former Presidents Act budget to pay SLUC for the San Clemente office during fiscal year 1976.

One of the major costs incurred by the Government for a former President concerns the office space provided and, in our opinion, should be subject to control through the appropriation process.

According to GSA, a requirement that Former Presidents Act funds be charged SLUC could create problems for GSA in the fiscal year during which a President leaves office. It said the timing of the budget cycle would require it to develop an estimate for SLUC about 16 months before a President's term expires, when he may not have announced where he intends to relocate.

The purpose of our recommendation is to require GSA in its budget justifications to advise the Congress each fiscal year of the value of the space and standard repair and maintenance services provided and to obtain the funds needed to pay those charges. We believe this would require all parties concerned--GSA, the former President, and the Congress--to review the space requirements at least annually and evaluate the need for the space occupied. We agreed with GSA, however, that estimating the funds for SLUC during the fiscal year in which a President leaves office could present a problem if the location of the space to be provided has not been determined. We have therefore recommended that SLUC payments would be required only beginning with the fiscal year following the fiscal year during which a President leaves office.

GSA also pointed out that our recommendation for changes in legislation would not have required the payment of SLUC for the office space furnished a former Vice President. A former Vice President would be entitled to office space only during the first 6 months after he leaves office; to be consistent with our revised recommendation concerning former Presidents, noted above, we are not recommending mandatory SLUC payments for space furnished to a former Vice President.

--Add a provision authorizing the appropriation of funds to pay the expenses of moving the personal effects of a former President from the White House to a place of his choice in the United States and of a former Vice President from the official Vice Presidential residence to a place of his choice in the United States.

After President Nixon resigned, National Capital Park Service employees were detailed on a nonreimbursable basis to pack and move the Nixons' furniture and other personal belongings from the White House to a Government warehouse in Alexandria, Virginia. Most of these items were eventually flown by military aircraft to the west coast and delivered to San Clemente. None of these costs were paid for with Transition Act funds but were absorbed by the agencies performing the services. We were advised by an official in the office of the Military Assistant to the President that the shipment of the property of other former Presidents had been handled in the same way, although there is no specific authority for using Government funds for this purpose.

We believe the Former Presidents Act should be amended to authorize moving the personal effects of a former President from the White House to a place of his choice in the United States and of a Vice President from the official residence in Washington, D.C., to a place of his choice in the United States.

GSA suggested that consideration also be given to providing moving allowances to the staffs of the former President and Vice President and to the President-elect and Vice-President-elect and their staffs. We did not accept this suggestion. We were advised by GSA and the office of the Military Assistant to the President that, in the two most recent transitions, the Government did not pay such moving expenses.

Our recommendation that the Government be authorized to pay the moving expenses of a former President and a former Vice President from the White House and the Vice Presidential residence was based on the fact that these are Government-owned residences which must be vacated. These same conditions do not apply to the staffs or to the incoming President and Vice President, and our recommended changes in legislation do not include authority to pay their moving expenses.

--Add a provision specifically authorizing the use of funds appropriated under the act for 3 months after a former President's death to allow for the orderly closing of his office.

The Former Presidents Act provides that a former President be paid a monetary allowance during his lifetime but does not specify when the services and facilities authorized by the act will terminate. After the death of other former Presidents, GSA advised the Appropriations Committees that Former Presidents Act funds would be used after the death of a President to bring about the orderly closing of the former President's office. We believe that this act should specify a 3-month period after a former President's death for closing his office.

Appendix I includes the present text of the Presidential Transition Act and the Former Presidents Act with our recommendations for additions and deletions.

## CHAPTER 6

### SCOPE OF REVIEW

We examined the authorizing legislation pertaining to assistance provided to former Presidents and reviewed the obligation and expenditure of funds provided to assist former President Nixon during fiscal year 1975. Our work included discussions with officials in the agencies which detailed personnel on a nonreimbursable basis to assist in the transition, members of Mr. Nixon's staff, and White House officials familiar with the transition.

Our work was performed at various agency locations in Washington, D.C.; GSA's San Francisco regional office; and San Clemente.

A draft of this report was sent to GSA, an Assistant to former President Nixon, and a Counsellor to President Ford; their comments were considered in the final report. GSA and the Assistant to Mr. Nixon gave us written comments, which are included as appendixes II and III.

SUGGESTED ADDITIONS AND DELETIONS TO LAWS PERTAINING  
TO PRESIDENTIAL TRANSITIONS AND FORMER PRESIDENTS<sup>1</sup>

PRESIDENTIAL TRANSITION ACT OF 1963

"Sec. 1. That this Act may be cited as the 'Presidential Transition Act of 1963.'

"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 terms 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.

"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

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<sup>1</sup>[ ] = deletion; italics = suggested changes or additions.

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] 3109b, 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] 5703(b)-(d), 5707, 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] 501;

"(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 no 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] 3202. 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 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.

"(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.

["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 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.]

"Sec. [5] 4. 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<sup>1</sup>] 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."

#### FORMER PRESIDENTS ACT OF 1958

FORMER PRESIDENTS AND VICE PRESIDENTS: ALLOWANCE: SELECTION, COMPENSATION, AND STATUS OF OFFICE STAFF; OFFICE SPACE; WIDOW'S ALLOWANCE, TERMINATION; "FORMER PRESIDENT" AND "VICE PRESIDENT" DEFINED

"(a) Each former President shall be entitled for the remainder of his life to receive from the United States a monetary allowance at a rate per annum, payable monthly by the Secretary of the Treasury, which is equal to the annual rate of basic pay, as in effect from time to time, of the head of an executive department, as defined in section 101 of title 5, United States Code. However, such allowance shall not be paid for any period during which such former President

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<sup>1</sup>It is suggested that amount authorized be deleted and a new ceiling inserted because of the suggested changes in the law and the experience with past transitions.

holds an appointive or elective office or position in or under the Federal Government or the government of the District of Columbia to which is attached a rate of pay other than a nominal rate.

"(b) The Administrator of General Services shall, without regard to the civil-service and classification laws, provide for each former President an office staff. Persons so employed [under this subsection] shall be selected by the former President and shall be responsible only to him for the performance of their duties. *Persons so employed shall not be considered to be employees of the Federal Government except for the 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.* Each former President shall fix basic rates of compensation for persons employed for him under this paragraph [which in the aggregate shall not exceed \$96,000 per annum]. The annual rate of compensation payable to any such person shall not exceed the highest annual rate of basic pay now or hereafter provided by law for positions at level II of the Executive Schedule under section 5313 of title 5, United States Code.

*During the first 6 months after a President leaves office, any employee of any branch of the Government may be detailed to the former President's staff on a reimbursable basis with the consent of the head of the agency; and while so detailed such employees shall be responsible only to the former President for the performance of his duties; 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.*

"(c) The Administrator of General Services shall furnish for each former President suitable office space appropriately furnished and equipped, as determined by the Administrator, at such place within the United States as the former President shall specify. *Beginning with the fiscal year following the fiscal year in which a President leaves office, funds authorized to be appropriated under this Act shall be available to pay the General Services Administration or other executive agency providing space to a former President, as authorized by this Act, at rates determined in accordance with the provisions of 40 U.S.C. 490 (j) and (k).*

*Funds appropriated to carry out the provisions of this Act shall be available for the payment of expenses for the procurement of services of experts or consultants or organizations thereof, as authorized for the head of any department by section 15 of the Administrative Expenses Act of 1946 (5 U.S.C. 3109(b)) at rates not to exceed \$100 per diem for individuals; as found necessary by the former President, the payment of travel expenses and subsistence allowances, including rental of Government or hired motor vehicles, in accordance with the provisions of*

chapter 57 of title 5 of the United States Code; communications services found necessary by the former President; and 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. 501).

"(d) Funds appropriated to carry out the provisions of this Act shall also be available to reimburse the Postal Service for the equivalent amount of postage on franked mail sent by a former President and widows of former Presidents as authorized in 39 U.S.C. 3214 and by former Vice Presidents as authorized in subsection (g) of this Act.

["(e)"] "(e) The Administrator of General Services shall provide for the movement of the personal effects of a former President and his family from the Executive Residence in Washington, D.C., to a location in the United States selected by him.

"(f) Funds appropriated to carry out the provisions of this Act shall be available for 3 months after the death of a former President to permit the orderly closing of his office.

"(g) The Administrator shall furnish each former Vice President, for a period not to exceed 6 months from the date of the expiration of his term of office, with the services and facilities needed to wind up the affairs of his office. The services and facilities shall consist of suitable office space appropriately furnished and equipped, as determined by the Administrator at such place within the United States as a former Vice President shall specify; an office staff selected by and responsible only to the former Vice President at pay rates which do not exceed the rate provided by the Classification Act of 1949, as amended, for grade GS-18. Such employees shall not be considered to be employees of the Federal Government except for the 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. Provided, That any employee of any agency of any branch of the Government may be detailed to such staff on a reimbursable basis with the consent of the head of the agency; and while so detailed, such employee shall be responsible only to the former Vice President for the performance of his duties. 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.

Payment of expenses is authorized for the procurement of services of experts or consultants or organizations thereof 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.

Payment of travel expenses and subsistence allowances, including rental of Government or hired motor vehicles, found necessary by the

*former Vice President in accordance with the provisions of chapter 57 of title 5 of the United States Code and communications services found necessary by the former Vice President is authorized.*

*Payment of expenses is authorized 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. 501); conveyance within the United States and its territories and possessions of all mail matter, including airmail, sent by him under his written autograph signature; the shipment of his personal effects and those of his family from the official Vice Presidential residence in Washington, D.C., to a location in the United States selected by him.*

["(e)"] "(h) The widow of each former President shall be entitled to receive from the United States a monetary allowance at a rate of \$20,000 per annum, payable monthly by the Secretary of the Treasury, if such widow shall waive the right to each other annuity or pension to which she is entitled under any other Act of Congress. The monetary allowance of such widow--

"(1) commences on the day after the former President dies;

"(2) terminates on the last day of the month before such widow--

"(A) dies; or

"(B) remarries before becoming 60 years of age; and

"(3) is not payable for any period during which such widow holds an appointive or elective office or position in or under the Federal Government or the government of the District of Columbia to which is attached a rate of pay other than a nominal rate.

["(f)"] "(i) As used in this section, the term 'former President' means a person

"(1) who shall have held the office of President of the United States of America;

"(2) whose service in such office shall have terminated other than by removal pursuant to section 4 of article II of the Constitution of the United States of America; and

"(3) who does not then currently hold such office."

*"(j) As used in this section, the term former Vice President means a person*

*"(1) who shall have held the office of Vice President of the United States of America;*

*"(2) whose service in such office shall have terminated other than by removal pursuant to section 4 of article II of the Constitution of the United States of America; and*

*"(3) who does not then currently hold such office."*

UNITED STATES OF AMERICA  
GENERAL SERVICES ADMINISTRATION  
WASHINGTON, DC 20405



September 26, 1975

Honorable Elmer B. Staats  
Comptroller General of the United States  
General Accounting Office  
Washington, DC 20548

Dear Mr. Staats:

This is in response to Mr. Fred J. Shafer's letter of August 27, 1975, requesting General Services Administration's comments on your draft report to the Congress on Federal assistance for Presidential transitions. I have reviewed the draft report and find it to be very well documented, factual and the proposed changes in legislation you have recommended should bring about some long needed changes to both Acts that we at GSA feel are necessary and will benefit in smoother "transitions" in future years.

In addition to the proposed changes recommended in the draft report, I recommend the following:

1. Sections (b) and (f) of the Former Presidents Act should be amended to provide that the staffs of the former President and former Vice President 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. This addition would provide the same status and benefits to the staffs of a former President and Vice President as the staffs of the President-elect and Vice President-elect receive under the Presidential Transition Act.
2. Sections (e) and (f) of the Former Presidents Act provide for movement of personal effects of a former President and Vice President and their families to a location in the United States selected by them. While we feel this is a needed amendment to the current law, consideration should also be given to providing moving allowances to the respective staffs of the former President and Vice President and to Presidents-elect and Vice Presidents-elect and their staffs.
3. Section (c) of the Former Presidents Act as it pertains to paying GSA the Standard Level User Charge for space in accordance with P.L. 92-313 could create some problems for us. First, due to the timing in the budget cycle, we would have to develop an estimate of the costs for SLUC approximately 16 months before the expiration of a President's term of office by which time he will almost assuredly not have announced

where he intends to relocate. To develop an amount for space costs when we do not know where the former President will reside, the amount of space he will require, and the rate for that space would be an extremely difficult task for us. Second, if an amount were budgeted for SLUC and the Congress reduced this amount, would we then be authorized to charge only for the amount Congress approved and grant a waiver for the cost of the remaining space or would we be required to reduce accordingly the amount of space that the former President requires? Third, are we correct in assuming from the language of your recommended draft that SLUC payments will not be required in connection with the space used for the former Vice President? In this regard, I would like to point out that, because of the problems mentioned above, I have determined in the past that it is unfeasible or impractical to charge for space and services required to be furnished to former Presidents and Vice Presidents. This exemption from SLUC charges is made under the authority contained in subsection 210(j) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(j)). If the recommendation is made to Congress to change the law to require the payment of SLUC, however, your views on the problems raised in the paragraph above will be greatly appreciated.

4. We would recommend that a former President be permitted to continue to use details from Federal agencies, both on a reimbursable and non-reimbursable basis, at least for a period of six months after he leaves office. First of all, we feel that a former President needs the flexibility to be able to call upon the expertise of various Government experts and specialists, e.g., White House Communications Agency technicians, immediately upon leaving office. Secondly, and this is particularly important with respect to a former President who leaves office abruptly, we feel that non-reimbursable details should be available to assist him immediately after he leaves office and that he not be required to wait out the appropriations process before he is able to receive assistance from Government employees. Strict financial accountability for the use of both reimbursable and non-reimbursable details could be accomplished by the inclusion of an overall monetary limitation on details either in the Former Presidents Act or in the applicable appropriation act.

5. With respect to the reimbursement to the Postal Service for the cost of the franked mail as authorized by section (d) of the Former Presidents Act, we recommend that the Act be amended to assign to the Postal Service the responsibility for counting or otherwise determining the amount of mail sent under the authority of section (d) and for directly seeking from Congress the appropriate amount for reimbursement for these mailings. Basic authority for the use of franked mail by former Presidents and widows of former Presidents is currently in the postal statutes, 39 U.S.C. 3214, and the Postal Service is obviously in the best position to determine the number of mailings made under this authority.

6. We note that under the Transition Act employees of the staffs of the President-elect and Vice President-elect may be compensated up to a grade GS-18 while under the Former Presidents Act staff employees

may be compensated up to an executive level II. You may wish to recommend some action to correct this inconsistency.

[See GAO note.]

Thank you for the opportunity of commenting on your draft report.

Sincerely,



Arthur F. Sempson  
Administrator

GAO note: Deleted comments relate to matters discussed in the draft but omitted from this final report.

## OFFICE OF RICHARD NIXON

September 17, 1975

Mr. Victor L. Lowe  
Director  
United States General Accounting Office  
Washington, D.C. 20548

Dear Mr. Lowe:

I have reviewed your draft proposal report on Federal Assistance For Presidential Transitions.

I agree completely in principle and commend you for some excellent recommendations.

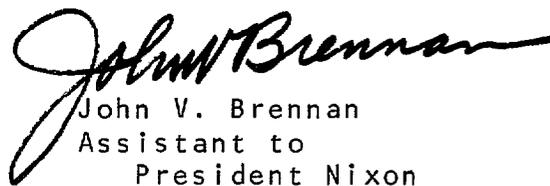
I would like to note that the specific reference to status of employees of former presidents is not addressed on page 7 of the appendix and it certainly should be. [See GAO note 1.]

i.e. Words to the effect that: "employees of Former Presidents are not Civil Service except that they may take advantage of Retirement Insurance, Life Insurance, Health Insurance etc".

[See GAO note 2.]

Thank you for inviting our comments.

Sincerely,

  
John V. Brennan  
Assistant to  
President Nixon

- GAO notes:
1. The page number in this appendix may not correspond with the page number in the final report.
  2. Deleted comments relate to matters discussed in the draft report but omitted from this final report.

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