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TRANSITION BRIEFING BOOK

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THE WHITE HOUSE

WASHINGTON

November 12, 1980

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MEMORANDUM FOR THE PRESIDENT

FROM: JACK WATSON *Jach*
AL MCDONALD *Al*

SUBJECT: Transition Progress Report

The purpose of this memorandum is merely to give you a sense of some of the transition activities which are underway. As I have indicated to you orally, things are proceeding very smoothly, everyone in the Administration is responding well to your instructions for "the finest transition ever," and my working relationship with Ed Meese is excellent.

I have attached for your quick perusal a copy of the briefing book I gave to Ed Meese this morning to give you an idea of how we are basically approaching the whole matter. Al McDonald and I met with Meese and Bill Casey for an hour and a half this morning to go over a wide range of issues, and then Meese and Casey joined Harrison Wellford, Al and me for lunch in the White House Mess.

At 2:00 p.m. today, both transition teams met for a joint briefing by Ed and me in the Family Theater; the session went well.

The remainder of this memorandum will simply outline in a very summary form some of the highlights of other key transition activities.

DESIGNATION OF TRANSITION OFFICIALS

- o Transition officers for some 34 departments, agencies and EOP units have been designated and lists of the officially designated transition leaders on both sides have been exchanged.
- o Full GSA liaison has been established to work with the Reagan team.
- o Security briefings: Meese has asked that we not finalize arrangements for a regular briefing schedule until tomorrow. He will meet with Stan Turner on November 13 to work out the final details.

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LOGISTICAL ARRANGEMENTSGSA

- o Transition Act funds of \$2 million triggered by agreement, signed and operative on November 5.
- o 58,000 square feet of office space provided at 1726 M Street, N.W. 250 phones and desks ordered, of which approximately 100 have already been delivered.
- o GSA is investigating possibility of further space for the President-elect and his senior staff, should it become necessary.
- o Appropriate automobile service is being provided through GSA.

White House Support

- o Blair House will be available as a temporary residence when not otherwise booked; Jackson Place townhouse will be used as a backup.
- o Some NEOB office space (one-half floor) will be made available for the OMB transition.
- o A White House switchboard line has been installed in the Reagan transition offices.

Secret Service

- o The Secret Service has already made arrangements for security in California and are working with a Reagan team security coordinator.

FBI

- o We have put the Reagan team in touch with the FBI to begin expediting the necessary personnel clearance process and to start the background checks on Reagan appointees.
- o The FBI will arrange for disclosure of personnel information for Reagan appointees under the Freedom of Information Act.

INTERNAL OPERATIONAL GUIDANCE

- o All Departments, agencies and White House staff have been instructed to make contact with the Reagan transition team only through the officially designated contact points.
- o All Departments, agencies and White House staff have been reminded of their continuing responsibility to discharge their authorities until January 20, 1981.
- o All Departments, agencies and White House staff have been asked to provide:
 - transition materials
 - records of accomplishment (the latter for our own use)
- o White House legal counsel is finalizing guidance to White House staff on the disposition of documents, papers, and other records.
- o Agencies have been given instructions on various personnel matters, including Senior Executive Service appointments and requests for detailees on a reimbursable basis to the Reagan transition team.

PLACEMENT EFFORTS

- o We are establishing an orientation and counselling program with outside speakers to non-career White House staff on proper techniques for job hunting and placement. This program will be conducted on a voluntary basis in off-duty hours.
- o Selected staff associated with the campaign are being temporarily and appropriately placed in Schedule C positions throughout the Administration.
- o We will establish a central resume file and contact point for outside placement inquiries.

OUT-TRANSITION EFFORTS

- o As you know, a complete summary of your rights, authorities and obligations is being provided by Hugh Carter, who will review those with you in a series of briefings. This will cover such topics as:

- Budget	- Protection
- Office Space	- Courtesies
- Office Staff	- Gifts
- Communications	- Moving Expenses
- Military Travel	- Presidential Portrait
- Pension	- Archives and Library

THANK-YOU OPERATION

- o Anne Wexler and I have already discussed with you a suggested comprehensive plan for an organized "thank-you" program between now and January 20, 1981.
- o We will continue to provide you with some suggested call and note lists for your review.
- o White House and campaign staff have been requested to submit lists of individuals to be thanked. As Anne and I discussed with you, we will divide these into categories of appropriate recognition.

ISSUE MONITORING

- o From the information submitted by Administration officers on upcoming issues and from our ongoing calendar tracking activities, we will distill a core list of the most important issues to monitor from the White House.
- o We will continue our daily senior and deputy staff meetings, so that we can alert you to the most pressing upcoming issues.

PLANNING/CONTROL EFFORT

- o I have asked Al McDonald to oversee the transition effort for the White House and the Executive Office of the President (except for OMB). Harrison Wellford of OMB will oversee the agencies and departments.
- o Biweekly reports on all major transition activities will be submitted to me from all over the government; I will continue to keep you appropriately informed.

THE WHITE HOUSE

WASHINGTON

November 12, 1980

MEMORANDUM FOR ED NEESE

FROM: JACK WATSON

SUBJECT: Transition

Jack

The attached briefing book is designed to cover this preliminary orientation phase of the transition. Reflecting on my personal experience with the transition in 1976, I thought such a book might be useful to you in highlighting some areas of immediate concern and to stimulate further questions for you to consider.

This information addresses primarily White House and Executive Office issues and is, by no means, comprehensive. Later today, I will introduce you to our designated Administration transition officers so that we can review with them the procedures for coordinating with Governor Reagan's transition officials. Al McDonald and I will, of course, be available to discuss other White House areas of operation, and the President's administrative staff stands ready to provide more detailed information to meet your needs.

I hope this material and approach will be helpful to you and the other members of Governor Reagan's transition team. You all have our most sincere wishes for success.

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Subject: Information Requested of Prospective Employees

TRANSITION OFFICERS
WHITE HOUSE

Jack Watson 456-6797
White House Chief of Staff

Al McDonald 456-7873
White House Staff Director

Harrison Wellford 395-3864
OMB Executive Director

Michael Rowny 456-7873
Deputy to the Staff Director

White House Administrative Contact:

Hugh Carter 456-2702
Special Assistant to the President
for Administration

White House Press Contacts:

Ray Jenkins 456-2100
Rex Granum 456-2100
Deputy Press Secretaries

Vice President's Office:

Dick Moe 456-6606
Vice President's Chief of Staff

THE WHITE HOUSE

WASHINGTON

November 12, 1980

LIST OF TRANSITION OFFICERS
DEPARTMENTS AND AGENCIES

DEPARTMENT OF AGRICULTURE

Jim Williams 447-6158
(Howard Hjort - budget)
(Joan Wallace - space, tech., pers.)

DEPARTMENT OF COMMERCE

Ms. Elsa Porter 377-4951

DEPARTMENT OF DEFENSE

Peter Hamilton 697-8388

DEPARTMENT OF EDUCATION

Under Secretary Steven A. Minter 755-1100

DEPARTMENT OF ENERGY

Douglas G. Robinson 252-6476

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Randy Kinder 245-7163
Alair Townsend 245-6396

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Terrence Duvernay 755-6810

DEPARTMENT OF INTERIOR

William Kendig 343-4701

DEPARTMENT OF JUSTICE

Kevin D. Rooney 633-3101

DEPARTMENT OF LABOR

Paul Jensen 523-8231

DEPARTMENT OF STATE

Peter Tarnoff 632-2540

DEPARTMENT OF TRANSPORTATION

Deputy Secretary Bill Beckham 426-2222

DEPARTMENT OF THE TREASURY

Curtis Hessler 566-2551

ACTION Robert Currie	254-7264
COMMUNITY SERVICES ADMINISTRATION Mr. Lee Foley	254-5590
COUNCIL OF ECONOMIC ADVISERS Susan Irving	395-5084
COUNCIL ON ENVIRONMENTAL QUALITY Malcolm Baldwin	395-4522
COUNCIL ON WAGE AND PRICE STABILITY Bob Russell	456-6466
ENVIRONMENTAL PROTECTION AGENCY Jack Ford	755-2705
FEDERAL EMERGENCY MANAGEMENT AGENCY William S.W. Jones	653-7776
GENERAL SERVICES ADMINISTRATION Mr. E. Perley Eaton, Jr.	566-1212
NATIONAL SECURITY COUNCIL Les Denend (For National Security Affairs)	456-2235
Ms. Christine Dodson (For the NSC staff)	395-3440
OFFICE OF ADMINISTRATION Ms. Sarah T. Kadec	456-2804
OFFICE OF MANAGEMENT AND BUDGET Ms. Alice Rogoff	456-6992
OFFICE OF PERSONNEL MANAGEMENT Alan Campbell, Director	632-4724
SELECTIVE SERVICE SYSTEM Dr. Bernard Rotsker	724-0817
SMALL BUSINESS ADMINISTRATION Bill Mauk	653-6678
SPECIAL REPRESENTATIVE TO THE PRESIDENT (AMBASSADOR SOL LINOWITZ) Andy Marks	456-7620
U.S. TRADE REPRESENTATIVE Ambassador Robert Hormats Robert Cassidy	395-5114 395-3150
VETERANS ADMINISTRATION Rufus H. Wilson	389-2817

CIA
Richard Lehman 351-6724

INTERNATIONAL COMMUNICATIONS AGENCY
Richard Cohen 724-9185

OFFICE OF SCIENCE & TECHNOLOGY POLICY
Frank Press 456-7116

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Jerry Griffin 755-3972

PEACE CORPS

Dick Celeste 254-7970

OFFICE OF CONSUMER AFFAIRS

Esther Peterson 456-6970

PRESIDENTIAL TRANSITION ACT OF 1963 (3 U.S.C. 102 note)
POWERS AND FUNDS

Purpose

The Act was passed in 1963 to provide public funding of Presidential transition expenses to both the incoming and outgoing President and Vice President. The stated purpose of the Act is:

- to assure the continuity in the faithful execution of the laws in the conduct of the affairs of the Federal government, both domestic and foreign.
- to avoid or minimize any disruption occasioned by the transfer of executive power, that could produce results detrimental to the safety and well-being of the country.

Since 1976, the Act has authorized \$2 million for the incoming team and \$1 million for the outgoing team.

Scope

The Act applies to all officers of the governments in the conduct of the affairs of the government for which they exercise responsibility and authority.

The Act applies equally to the outgoing and the incoming President and Vice President, except for the period of payment and the amount of available funding. Thus, the same limitations on use of funds, procedures for payment and status of employees apply to both teams.

Provision of Services and Facilities to Reagan Transition Team

Section 3(a) of the Act authorizes the Administrator of General Services to provide, upon request, the President-elect and Vice-President-elect necessary services and facilities for use in connection with preparations for the assumption of official duties, including: 1) Office space and furniture 2) Compensation of office staffs (up to GS-18 level, i.e. the "cap") and authority for use of reimbursable detailees 3) Use of experts or consultants 4) Travel expenses and subsistence allowances for intermittent or volunteer staff 5) Rental of government or hired motor vehicles, provision of communications services 6) Printing, and 7) Postage.

The Administrator of General services and the General Accounting Office have both given a strict construction to the Act. GSA has only authorized payments for services and facilities actually listed in the Act, or "reasonable extensions" thereof. A good summary of the types of allowed services and facilities is contained in the GAO Audit, December 1977, of the Ford-Carter transition.

Status of Transition Team

The staff of the transition team are not, under the Act, Federal employees. They will be considered as such only 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.

GSA Basic Agreement

On November 5, 1980, GSA executed a basic agreement with the Reagan team for provision of services and facilities (Attached). Peter McPherson and Vernon Orr were designated as authorizing officials for the transition team; Perley Eaton (Executive Assistant to Admiral Freeman) was designated as GSA co-ordinator, although Ray Fountaine, Comptroller, is responsible for fund control.

The agreement essentially provides the mechanics for payment, staffing (auditing, reporting, tax, etc.) and clarifies the status and pay levels of transition staff.

Funds

Since 1976, a total of \$3 million has been authorized: \$2 million for the incoming, and \$1 million for the outgoing Presidential team. In 1976, Carter/Mondale spent \$1,618,000, and Ford/Rockefeller spent \$738,000, for a total of \$2,456,000.

The continuing resolution passed by Congress on October 1, 1980 (H.J. Res. 610-7) appropriates \$3 million for transition funds. (Sec. 120). The House Appropriations bill appropriates the full \$3 million, but the Senate Appropriations Committee only recommended \$2.5 million. If appropriations bills are passed this session, (rather than another continuing resolution), the full \$3 million should be included.

The Anti-Deficiency Act applies to transition funds. A budget has been drawn up by GSA, and expenditures should reasonably follow that budget, in order not to exceed the appropriations level.

BASIC AGREEMENT BETWEEN
THE GENERAL SERVICES ADMINISTRATION

AND

THE OFFICE OF THE PRESIDENT-ELECT

Procedure for obtaining services made available by the General Services Administration for the President-elect and the Vice President-elect and paid for out of funds appropriated by the Congress for that purpose.

In accordance with the Presidential Transition Act of 1953, as amended, (Public Law 83-277, March 7, 1964, as amended by Public Law 94-499, October 14, 1976) the Administrator of General Services is authorized to provide, upon request, to the President-elect and Vice President-elect, for use in connection with their preparations for the assumption of official duties as President or Vice President, necessary services and facilities including suitable office space, appropriately equipped with furniture, furnishings, office machines and equipment, and office supplies; payment of the compensation of members of office staffs designated by the President-elect or Vice President-elect, payment of expenses for the procurement of services of experts or consultants or organizations thereof; payment of travel expenses and subsistence allowances including rental of Government or hired motor vehicles, communications services found necessary; payment of expenses for necessary printing; and reimbursement to the postal service in the amount equivalent to the postage that would otherwise be payable on mail matter.

Transition Funds may not be expended for the purchase of services and facilities in connection with any obligation incurred by the President-elect or Vice President-elect before the day following Election Day, November 5, 1980, or after January 20, 1981.

The Act provides that the 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 that may be required in connection with the services and facilities to be provided under the Act. The Act authorized to be appropriated to the Administrator necessary funds for carrying out the purposes of the Act, not to exceed \$3,000,000 for any one presidential transition, of which \$2,000,000 is available for the use of the President-elect and Vice President-elect (Public Law 94-363 of July 14, 1976, and Public Law 94-438 of September 30, 1976).

In order that all needs can be expeditiously provided for and necessary financial and other controls maintained, the following procedure for obtaining services made available by the GSA is effective immediately. The procedure outlined below does not attempt to be exhaustive and questions will arise from time to time with regard to handling specific questions. In those instances, the Office of the President-Elect representative should consult with Mr. Perley Eaton.

Accounting Services

Accounting records will be established and maintained by the General Services Administration to show the financial transactions of the Office of the President-Elect with regard to the expenditure of Transition Act funds.

The GSA accounting system which has been approved by the General Accounting Office will be utilized in making payments for services rendered to the extent possible. In addition, appropriate records covering financial data such as obligations and expenditures will be maintained by GSA and that agency will prepare any required reports with appropriate submission to the Office of the President-Elect, the Office of Management and Budget the U.S. Treasury Department, and the Congress.

Copies of all contracts to be paid with Transition Act funds, including reimbursable agreements with other government agencies, purchase orders, requisitions, leasing reports or other similar documents representing obligations of the Office of the President-Elect funds and/or accrual of costs should be prepared for delivery to GSA for entry into the accounts. Each document, including all forms completed and submitted to the GSA, must show the GSA assigned accounting classification chargeable and the ACT number.

All invoices received for payment or requests for reimbursement should be approved for payment and forwarded to:

Office of Finance - BCFF
Room 1240 (Transition)
General Services Administration
18th & F Sts., NW
Washington, DC 20405

Particular attention should be given to prompt transmittal of invoices having time discounts. After examination by the GSA, these items will be certified by GSA and transmitted to the Treasury Department for payment.

Reports from GSA

The following reports will be furnished by the GSA to the Office of the President-Elect:

1. A fund status report issued weekly.
2. Accounting histories showing all transactions which result in the obligation of funds since the previous fund status report.
3. Monthly allotment status reports showing costs and obligations by accounting classification.

4. Undelivered orders reports showing the balance of unliquidated obligations at monthend.

5. A copy of SF 133, Report on Budget Execution, submitted by the GSA to the Office of Management and Budget and to the House Appropriations Committee.

Compensation of Salaried Personnel

In accordance with the Presidential Transition Act of 1963, the Administrator of General Services is authorized to provide upon request payment of the compensation of members of the office staffs designated by the President-elect or the Vice President-elect at rates determined by them not to exceed the rate provided for by the Classification Act of 1949, as amended, for GS-18 (\$50,112.50). Notwithstanding any other law, persons receiving compensation as members of office staffs under the Act, other than those detailed from Agencies, are not held or considered to be employees of the Federal Government except for 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.

In order to place any person on the office staff payroll of the President-elect there must be completed for that person a Standard Form 52, Request for Personnel Action, in duplicate and signed by Mr. Peter McPherson or Mr. Vernon Orr or their designee. The original must be submitted to GSA and the copy will be retained by the Office of the President-Elect. In response, GSA issues SF 50, Notification of Personnel which is approved by its Personnel Office and the employee copy is transmitted to the Office of the President-Elect for distribution.

As indicated above, the office staffs are considered to be government employees solely for the purpose of four Federal Acts and are entitled to the benefits of those Acts:

1. Civil Service Retirement Act - An Office of the President-Elect employee may elect to be covered by the Civil Service Retirement System upon entering on the GSA Transition payroll. There would be deducted from his/her salary 7.0% of base pay as provided by 5 U.S.C. 8334. If this retirement is elected, the deduction would be in lieu of the Social Security tax deduction of 5.13% on the first \$25,900 of base pay. In either instance (retirement or Social Security) an equal contribution is made by the employer and will be charged against Transition Act funds. Generally, experts and consultants on the staff will not be covered by Civil Service Retirement, but will be under Social Security.

2. Federal Employees' Compensation Act - Each employee is entitled to the benefits of the Federal Employees' Compensation Act. No deductions are made from the employee's compensation for this purpose. No charge against Transition Act funds are involved.

3. Federal Employees' Group Life Insurance Act of 1954 - An employee of the Office of the President-Elect is covered automatically from date of first employment, in accordance with 5 U.S.C. 8702, unless he makes a specific declination. The cost of insurance is determined at the rate of 25.5 cents per \$1,000 of insurance per pay period. This represents two-thirds of the cost; the remaining one-third is contributed by the employer and would be a charge against Transition Act funds.

4. Federal Employees' Health Benefits Act of 1959 - An employee may elect coverage of a health insurance plan by requesting an appropriate deduction. The cost of each plan differs. Part of the amount is paid by the employee and part by the employer.

Payroll Services

GSA will maintain payroll records and furnish the Treasury Department Disbursing Office with required documentation for the preparation and issuance of employee salary checks and savings bonds. The employees of the Office of the President-Elect will be paid biweekly, based on the certification of Mr. Peter McPherson or Mr. Vernon Orr or their designee. The Office of the President-Elect will distribute the pay checks and savings bonds to its employees. Payroll deductions will be made for Federal and State tax withholding, payroll bond purchases, Government life insurance, and health benefit insurance, savings allotments, etc.

GSA will maintain records and prepare the required payroll deduction reports. The GSA will also prepare and submit the amounts of withholdings to the appropriate Federal and State tax authorities and others as authorized by employee payroll deduction authorization forms.

Employment of Experts and Consultants

The Presidential Transition Act of 1963 authorizes the Administrator of GSA to provide for the "payment of expenses for the procurement of services of experts or consultants or organizations thereof for the President-elect or Vice President-elect, as authorized for the head of any department by Section 15 of the Administrative Expenses Act of 1946, as amended (5 U.S.C. 3109)," at rates not to exceed \$192.72 per diem for individuals.

In order to employ any person as an expert or consultant, there must be completed for that person Standard Form 52, Request for Personnel Action, in duplicate and signed by Mr. Peter McPherson or Mr. Vernon Orr or their designee. The original will be submitted to the General Services Administration and the copy will be retained by the Office of the President-Elect. In response, GSA issues Notification of Personnel Action, which is approved by its Personnel Office. The employee copy of the SF50 is transmitted to the Office of the President-Elect for distribution.

Control of Funds

The Anti-Deficiency Act (31 U.S.C. 665) provides that obligations or expenditures shall not be incurred in excess of amounts available under an appropriation or fund, apportionment or allotment, and that any such violation must be reported through the Office of Management and Budget to the President. Penalties are imposed for willful violation of this provision.

No obligations to be paid with Transition Act Funds shall be incurred by any person on behalf of the Office of the President-Elect without the prior submission and approval from the Office of the President-Elect. Invoices will then be forwarded to GSA for payment upon certification. All invoices shall be paid by GSA upon certification as provided for in the following paragraph.

Mr. Peter McPherson or Mr. Vernon Orr or their designee of the Office of the President-Elect are hereby designated as the managers for accounting control purposes. These employees will serve as the focal point for the control of obligating documents which are entered into the GSA accounting system, will ensure that all transactions are documented and processed correctly, and will serve as the contact for GSA on financial matters. They will also certify for payment each invoice and travel voucher by use of a stamp with the following statement:

I hereby certify that this payment for services and facilities is authorized under the Presidential Transition Act of 1963, as amended (P.L. 88-277, March 7, 1964, as amended by P.L. 94-499), and is for obligations incurred at the request of the President-elect or Vice President-elect or their respective designee for the time period beginning on November 5, 1980, and ending January 20, 1981.

APPROVED: _____
Authorized signature

DATE: _____

ACT NO: _____

ACCT. CLASSIFICATION: 108.1.S00_0100.10. __.K10. __

GSA will not pay any invoice unless this signed statement is on the invoice.

Tax Forms

There must be completed for each member of the Office of the President-Elect and each expert and consultant of the President-elect and the Vice President-elect the applicable Federal and local tax forms:

1. All employees must complete a W-4 "Employee's Withholding Allowance Certificate."
2. Residents of the District of Columbia must complete Form D-4 "District of Columbia Employee's Withholding Exemption Certificate."
3. Maryland residents must complete Form MW-507 "Employee's Maryland Withholding Exemption Certificate."
4. Virginia residents must complete Form VA-4 "Virginia Employee's Withholding Exemption Certificate."
5. Non-residents of the District of Columbia, Maryland and Virginia must complete Form D-4-A "Certificate of Non-Residence in the District of Columbia."
6. Appropriate tax forms for other states will be obtained as required.

Detail of Employees

The Presidential Transition Act of 1963 provides that any employee of any agency of any branch of the government may be detailed to such staffs on a reimbursable basis with the consent of the head of the agency, and any employee so detailed shall be responsible only to the President-elect or Vice President-elect for the performance of such duties. An employee so detailed shall continue to receive compensation for his regular employment and retain the rights and privileges of such employment without interruption. A letter requesting the detail should be submitted to the head of the agency and signed by Mr. Peter McPherson or Mr. Vernon Orr or their designee with a copy of the letter to:

Mr. Raymond A. Fontaine
General Services Administration
18th & F Sts., NW - Room 2140
Washington, DC 20405

Furniture and Office Equipment

GSA will make available for use by the Office of the President-Elect, furniture and office equipment available in stock in GSA supply distribution inventory. The only charge to Transition funds will be for the cost of moving the equipment into Transition offices and for returning it at the end of the transition period. Furniture and office equipment deemed necessary and not available from GSA inventory will be procured commercially and charged to Transition funds.

Office Supplies

Standard forms, pencils, paper, calendar pads, and similar common-use items are available from GSA Self-Service Stores. Charge-a-plates are provided to identify authorized purchasers. GSA forms are available from the Printing and Publications Division in GSA. All necessary supplies are to be obtained through GSA and not commercially, except when absolutely necessary.

Travel - Tickets

The GSA Travel Office (Room 2119 GS Building, telephone 566-0191) has the facilities to arrange transportation, obtain tickets, and generally perform the same services as a carrier's agent for official travel.

Travel - General

The Transition Act permits the payment of travel expenses to staff members at their duty station if it is different than their principal place of business or residence. No allowances are available for movement of household goods or for the transportation of family members.

All official travel by employees of the Office of the President-Elect and persons not on the payroll but invited to travel at their expense shall be in accordance with the Federal Travel Regulations, FPMR-101-7.

Prior to the performance of official travel, a GSA Form 87, Official Travel Authorization, must be prepared and approved by Mr. Peter McPherson or Mr. Vernon Orr or their designee. A copy must be provided the GSA Travel Office when that Office makes travel arrangements. Upon completion of the trip, Standard Form 1012, Travel Vouchers, shall be prepared within 15 days, signed by the traveler, approved by Mr. Peter McPherson or Mr. Vernon Orr or their designee and forwarded for payment to:

Office of Finance - BCFF
Room 1240 (Transition)
General Services Administration
18th & F Sts., NW
Washington, DC 20405

Travel advances. An advance of funds may be allowed in an amount not to exceed allowable reimbursable expenses. The advance request must be approved by Mr. Peter McPherson or Mr. Vernon Orr or their designee. Requests should be made on Standard Form 1038, Application and Account for Advance of Funds, and may be obtained from the Imprest Fund if the amount is not in excess of \$250.00 (or \$500.00 in an emergency). Larger amounts may be obtained by submission of the application for advance to:

Office of Finance - BCFF
Room 1240 (Transition)
General Services Administration
18th & F Sts., NW
Washington, DC 20405

Miscellaneous expenses. Reimbursement from the Imprest Fund for taxi fares and small miscellaneous items purchased such as newspapers or other items of similar nature not obtainable from the GSA Self-Service Store shall be requested on Standard Form 1164, Claim for Reimbursement for Expenditures on Official Business.

Telephone Service

Telephone Services include technical assistance, planning initial installation preparing floor plans, issuing necessary initial orders and change orders, and are obtainable on request.

The Office of the President-Elect will be charged by GSA for installation costs of the FTS (Federal Telecommunications System). The FTS system is to be used for official government business only. Any other use of the system is prohibited.

Hire of Motor Vehicles

The Office of the President-Elect employees on travel status away from their duty stations may rent commercial vehicles if they are authorized to do so on their travel authorizations.

Office Space

Office space and related services will be furnished by GSA at 1726 M Street NW, second through ninth floors. The cost of this space will be charged to Transition funds unless waived by the Administrator in accordance with 40 U.S.C. 490(j).

The terms and conditions of this agreement are concurred with and approved by:

For the President-elect:



Peter McPherson

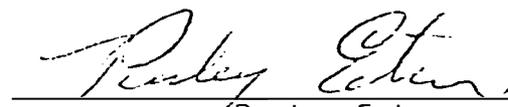
Nov. 5, 80
(Date)

For the General Services Administration:



Raymond A. Fontaine
Assistant Administrator

NOV 5, 1980
(Date)



Perley Eaton
Executive Assistant to
the Administrator

Nov 5, 1980
(Date)

THE WHITE HOUSE

WASHINGTON

November 7, 1980

MEMORANDUM FOR ALL CABINET AND AGENCY HEADS

FROM : JACK WATSON *Jack*

This is to reiterate the information conveyed by telephone concerning the transition. Until the official transition unit heads are designated by the President-elect and you are so notified by this office, any informal requests of any persons representing themselves as officials of the President-elect should be courteously refused and this office notified.

We are cooperating fully to establish a planned and coordinated transition program with the official representatives of the President-elect. Consequently, all orientations and exchanges of information should be channeled through these official designees.

cc: White House Senior Staff

THE WHITE HOUSE

WASHINGTON

November 10, 1980

MEMORANDUM FOR CABINET AND AGENCY HEADS

FROM:

JACK WATSON *Jack*

SUBJECT:

An Orderly Transition of the Presidency

The purpose of this memorandum is to confirm and clarify the President's instructions given last week regarding the transition.

The Presidential Transition Act of 1963 is intended to facilitate "... the orderly transfer of the executive power in connection with the expiration of the term of office of a President and the inauguration of a new President...." The Act states:

"The national interest requires that such transitions in the office of the 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."

As you know, the President has asked me to serve as overall coordinator of the transition effort on his behalf. Al McDonald, White House Staff Director, will be working closely with me on the transition, as will Harrison Wellford, Executive Director of OMB. As soon as Governor Reagan officially designates his transition representative(s) for your agency, I will transmit those names to you. I am planning to meet with Governor Reagan's director of the transition, Ed Meese, on Wednesday, November 12th, and should receive the names at that time.

The transition briefing materials you are preparing should be concise and contain information that will be of immediate usefulness to the incoming officials. It would not be fruitful, in my opinion, to inundate Governor Reagan's people with excessive detail or with unsolicited advice and recommendations. Our guideline is simply to be helpful and forthcoming in every way possible, without burying the new people under mountains of briefing books and paper.

Although the exact form and content of the transition briefing materials will be determined by each agency, those materials should cover the subjects set forth in the attachment to this memorandum.

The President and his Administration are, of course, fully responsible for the exercise of all governmental responsibilities until the President-elect assumes office on January 20, 1981. As the Presidential Transition Act states, one of our primary goals is to "minimize any disruption which could produce results detrimental to the safety and well-being of the United States and its people."

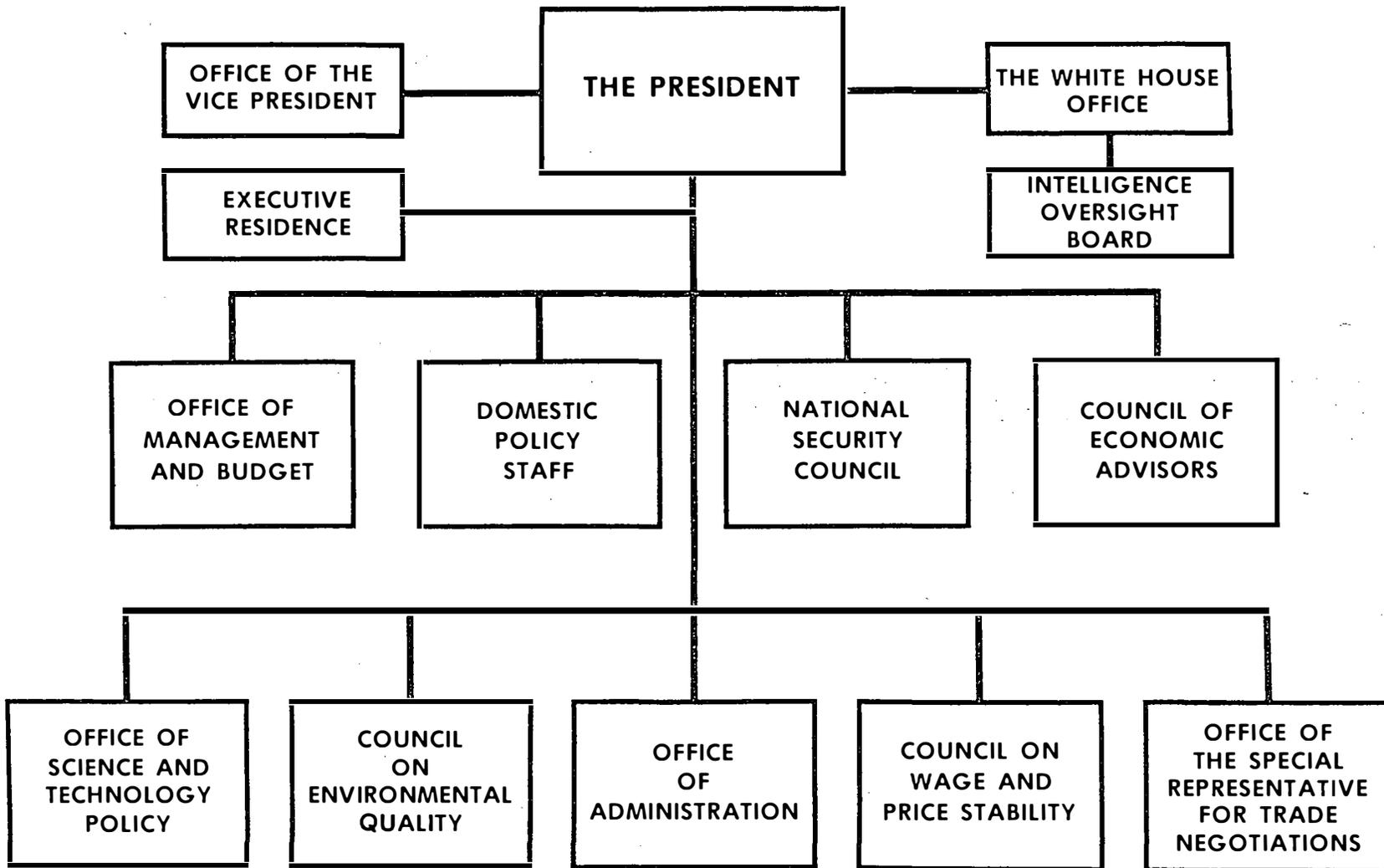
Please submit to my office a brief progress report on your transition efforts on November 15, 1980, and each two weeks thereafter.

Attachment

Subjects for Transition Materials

1. Agency missions, programs, and statutory authorities.
2. Basic organization and functions.
3. Budgetary and financial information.
4. Personnel policies and administration -- nature and tenure of appointment to major positions, conflict of interest, compensation and benefits, supporting services.
5. Key senior career personnel.
6. Significant interagency relationships.
7. Significant intergovernmental relationships.
8. Budget and appropriation processes.
9. Legislative processes, including legislative clearance requirements.
10. Issues and priorities, with emphasis on matters requiring immediate decision and those requiring action during the first quarter of 1981.

**EXECUTIVE OFFICE OF THE
PRESIDENT**



THE WHITE HOUSE OFFICE

THE PRESIDENT

ADMINISTRATIVE AIDE
SUSAN CLOUGH

NOTE: ALL SENIOR WHITE HOUSE STAFF HAVE DIRECT ACCESS TO THE PRESIDENT ON MAJOR POLICY ISSUES IN THEIR AREAS OF RESPONSIBILITY

CHIEF OF STAFF
JACK WATSON JR.

PRESIDENTIAL PERSONNEL

ADVISOR TO THE PRESIDENT ON INFLATION
ALFRED KAHN

INTELLIGENCE OVERSIGHT BOARD
TOM FARMER

STAFF DIRECTOR
ALONZO MCDONALD

SPEECHWRITERS

COUNCIL ON WAGE AND PRICE STABILITY

NATIONAL SECURITY COUNCIL

ASSISTANT TO THE PRESIDENT FOR NATIONAL SECURITY AFFAIRS
BRIGNIEW BRZEZINSKI

ASSISTANT TO THE PRESIDENT FOR DOMESTIC AFFAIRS & POLICY
STUART EIZENSTAT
DOMESTIC POLICY STAFF

COUNSEL TO THE PRESIDENT
LLOYD CUTLER

ASSISTANT TO THE PRESIDENT FOR INTERGOV'T AFFAIRS AND SECRETARY TO THE CABINET
EUGENE EIDENBERG

ASSISTANT TO THE PRESIDENT FOR PUBLIC LIAISON
ANNE WEXLER

STAFF DIRECTOR FOR THE FIRST LADY'S OFFICE
KIT DOBELLE

ASSISTANT TO THE PRESIDENT FOR CONGRESSIONAL LIAISON
FRANK MOORE

SENATE LIAISON

HOUSE LIAISON

FOREIGN POLICY LIAISON

C.I. COORDINATION

COMMUNICATIONS

PRESS SECRETARY
JODY POWELL

PRESS OFFICE

MEDIA LIAISON

PRESS ADVANCE

NEWS SUMMARY

ASSISTANT TO THE PRESIDENT
SARAH WEDDINGTON

WOMEN'S ISSUES

POLITICAL AFFAIRS

PRESIDENTIAL MESSAGES

SENIOR ADVISOR TO THE PRESIDENT
ALFRED MOSES

STAFF SECRETARY
RICK HUTCHESON

COUNSELOR TO THE PRESIDENT FOR AGING
HAROLD SHEPPARD

SPECIAL ASS'T TO THE PRESIDENT FOR ADMINISTRATION
HUGH CARTER JR.

SPECIAL ASS'T TO THE PRESIDENT
ESTEBAN TORRES

APPOINTMENTS SECRETARY
PHIL WISE JR.

SPECIAL ASS'T TO THE PRESIDENT
LOUIS MARTIN

SPECIAL ASS'T TO THE PRESIDENT FOR INFO MANAGEMENT
RICHARD HARDEN

SPECIAL ASS'T TO THE PRESIDENT FOR CONSUMER AFFAIRS
ESTHER PETERSON

SPECIAL ASS'T TO THE PRESIDENT FOR ETHNIC AFFAIRS
STEPHEN AIELLO

W.H. OPERATING UNITS

W.H. MILITARY OFFICE

ADVANCE

APPOINTMENTS & SCHEDULING

OFFICE OF ADMIN

15 AUGUST 80

SPECIAL ASSISTANT TO THE PRESIDENT
ADMINISTRATION
H. CARTER

EXECUTIVE ASSISTANT
PICKMAN

DEPUTY FOR WHITE
HOUSE OPERATIONS
MALACHUK

DEPUTY FOR MILITARY
OPERATIONS
BEAMAN

VISITORS
OFFICE

PERSONNEL, FINANCE,
AND FACILITIES
BYRNE

CORRESPONDENCE
CHEW

PERSONNEL

BUDGET AND
ANALYSIS

ACCOUNTING

FACILITIES
MANAGEMENT

TELEPHONE
SWITCHBOARD

MANAGEMENT INFO
SERVICES
PECK

ADMINISTRATIVE
LAW
LAWTON

RECORDS
MANAGEMENT
MATTHEWS

EXECUTIVE CLERK
JONES

TRAVEL AND
TELEGRAPH
MANNING

EXECUTIVE
RESIDENCE
SCOUTEN

MAIL ROOM

ANALYSIS

REPLY PROCESSING

SPECIAL REPLY

GIFT UNIT

COMMENT OFFICE

MILITARY AIDES

COMMUNICATIONS
(WHCA)

TRANSPORTATION
(GARAGE)

AIR CRAFT
(AF-1/HMX-1)

CAMP DAVID

STAFF MESS

PHYSICIAN'S OFFICE

GSA

EOP/WHITE HOUSE LOGISTICS AND COMMUNICATION SERVICES

The White House Office itself provides for services in direct support of the President and is the focal point for coordinating services provided by other agencies within the complex. This is done through The Special Assistant for Administration's office (Hugh Carter), but there are other agencies of the government involved.

The White House Office provides directly the following services:

- Personnel
- Finance (Budgeting, Accounting, Purchasing)
- Facilities Management
- Administrative Switchboard
- Management Information Services
- Administrative Law Support
- Records Management
- Executive Clerk (official papers of the President)
- Travel Arrangements
- Telegraph Services
- Presidential Correspondence (answering the mail and preparing bulk staff mailings)
- Visitors Office
- Liaison with National Archives
- Liaison with Secret Service
- Liaison with former Presidents

The Office of Administration (OA) is a separate agency within the EOP and provides common support services for all EOP agencies. At the White House, the principal services obtained from OA are:

- Printing
- Messengers
- Payroll Processing and Maintenance of official Personnel Records
- Supplies Distribution

For the other EOP agencies, OA provides virtually all administrative support.

The Military Office is directed by one of Hugh Carter's Deputies and serves as the liaison with the Office of the Secretary of Defense for White House Office requests involving DoD resources:

- White House Communications Agency (WHCA)
- Presidential Aircrew (Air Force One)
- Marine Helicopter Squadron One (HMX-1)
- Naval Support Facility, Thurmont, Maryland (Camp David)
- U.S. Army Transportation Agency (White House Garage)
- Naval Administrative Unit (Staff Mess)
- Fixed Emergency Facilities (PEF)
- White House Shelter
- Physician to the President

The Executive Residence staff is responsible for care, maintenance and operation of the mansion itself. The National Park Service maintains the grounds. These efforts are coordinated through the Chief Usher who reports to one of Hugh Carter's Deputies.

The GSA is the landlord for the "White House area" and is responsible for maintenance of the East and West Wings (not the mansion), the Old EOB, the New EOB, the Winder Building, and the townhouses along Jackson Place. The White House Office, through its Facilities Manager, assures GSA has its priorities aligned properly and authorizes all space allocations within the complex.

The State Department's Protocol Office is responsible for the maintenance and operation of the Blair House.

To help assure responsive telephone services, C&P (the telephone company) maintains an on-site engineering and installation crew, headed by a general management executive.

BUDGET AND PERSONNEL CEILING INFORMATION FOR FISCAL YEAR 1981

White House Budget Status - for Fiscal Year 1981

- Amount of the FY 1981 Budget Request \$20,373,000.00
- Status of the Appropriation Request: H.R. 7583 has been reported in the Senate and has passed the House.
- Amount of the FY 1981 Supplemental Request \$ 894,678.00
(This is the additional request to cover the recent comparability pay increase, and must be submitted to OMB by November 14, 1980)

White House Staffing Pattern - From the FY 81 Budget Request

- 351 - Full Time Permanent Positions
(200 policy and 151 career)
- 29 - Temporary and Part Time Positions

Other Executive Office of the President Staffing Patterns - From the FY 81 Budget Request

	Full Time Permanent	Other
Council of Economic Advisors	35	17
Council on Environmental Quality	32	17
Council on Wage and Price Stability	233	13
Domestic Policy Staff	50	10
National Security Council	64	22
Office of Administration	158	23
Office of Management & Budget	616	82
United States Trade Representative	116	17
Office of the Vice President	27	0
Office of Science & Technology Policy	24	30
	1355	231

WHITE HOUSE PERSONNEL SYSTEM

Employees who serve in the White House Office are exempt by legislation from the provisions of the Civil Service system. The White House Authorization Act, PL 95-570 clarified the authority for the White House Office and the executive residency in personnel matters.

The provisions of the Authorization Act allows the President to appoint and fix the pay of the employees in the White House Office without regard to any other provisions of law. These employees serve at the pleasure of the President and are not covered by the appeal provisions of the Civil Service system.

The Authorization Act also established numerical quotas for the maximum number of employees who could be paid at Level II and Level III of the executive schedule and the number who could be paid at the rate of a GS-18 in the general schedule. The provisions restricting the number of employees at the upper level of the federal salary range are the ones that apply to the White House Office.

There does exist within the White House Office itself a division into career employees and political or policy employees. Of the 351 White House employees, 151 serve within the "career service" and while their positions are subject to the same exemptions from civil service they have historically been maintained from administration to administration.

Public Law 95-570
95th Congress

An Act

To clarify the authority for employment of personnel in the White House Office and the Executive Residence at the White House, to clarify the authority for employment of personnel by the President to meet unanticipated needs, and for other purposes.

Nov. 2, 1978
[H.R. 11003]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) sections 105 and 106 of title 3, United States Code, are amended to read as follows:

White House
Office and
Executive
Residence.
Personnel
employment,
authority
clarification.
Appointment.

“ASSISTANCE AND SERVICES FOR THE PRESIDENT

“SEC. 105. (a) (1) Subject to the provisions of paragraph (2) of this subsection, the President is authorized to appoint and fix the pay of employees in the White House Office without regard to any other provision of law regulating the employment or compensation of persons in the Government service. Employees so appointed shall perform such official duties as the President may prescribe.

“(2) The President may, under paragraph (1) of this subsection, appoint and fix the pay of not more than—

“(A) 25 employees at rates not to exceed the rate of basic pay then currently paid for level II of the Executive Schedule of section 5313 of title 5; and in addition

“(B) 25 employees at rates not to exceed the rate of basic pay then currently paid for level III of the Executive Schedule of section 5314 of title 5; and in addition

“(C) 50 employees at rates not to exceed the maximum rate of basic pay then currently paid for GS-18 of the General Schedule of section 5332 of title 5; and in addition

“(D) such number of other employees as he may determine to be appropriate at rates not to exceed the minimum rate of basic pay then currently paid for GS-16 of the General Schedule of section 5332 of title 5.

“(b) (1) Subject to the provisions of paragraph (2) of this subsection, the President is authorized to appoint and fix the pay of employees in the Executive Residence at the White House without regard to any other provision of law regulating the employment or compensation of persons in the Government service. Employees so appointed shall perform such official duties as the President may prescribe.

Appointment.

“(2) The President may, under paragraph (1) of this subsection, appoint and fix the pay of not more than—

“(A) 3 employees at rates not to exceed the maximum rate of basic pay then currently paid for GS-18 of the General Schedule of section 5332 of title 5; and in addition

“(B) such number of other employees as he may determine to be appropriate at rates not to exceed the minimum rate of basic pay then currently paid for GS-16 of the General Schedule of section 5332 of title 5.

“(c) The President is authorized to procure for the White House Office and the Executive Residence at the White House, as provided in appropriation Acts, temporary or intermittent services of experts

Experts and
consultants,
temporary or
intermittent
services.

and consultants, as described in and in accordance with the first two sentences of section 3109(b) of title 5—

“(1) in the case of the White House Office, at respective daily rates of pay for individuals which are not more than the daily equivalent of the rate of basic pay then currently paid for level II of the Executive Schedule of section 5313 of title 5; and

“(2) in the case of the Executive Residence, at respective daily rates of pay for individuals which are not more than the daily equivalent of the maximum rate of basic pay then currently paid for GS-18 of the General Schedule of section 5332 of title 5.

Notwithstanding such section 3109(b), temporary services of any expert or consultant described in such section 3109(b) may be procured for a period in excess of one year if the President determines such procurement is necessary.

Appropriation
authorization.

“(d) There are authorized to be appropriated each fiscal year to the President such sums as may be necessary for—

“(1) the care, maintenance, repair, alteration, refurbishing, improvement, air-conditioning, heating, and lighting (including electric power and fixtures) of the Executive Residence at the White House;

“(2) the official expenses of the White House Office;

“(3) the official entertainment expenses of the President;

“(4) the official entertainment expenses for allocation within the Executive Office of the President; and

“(5) the subsistence expenses of persons in the Government service while traveling on official business in connection with the travel of the President.

Sums appropriated under this subsection for expenses described in paragraphs (1), (3), and (5) may be expended as the President may determine, notwithstanding the provisions of any other law. Such sums shall be accounted for solely on the certificate of the President, except that, with respect to such expenses, the Comptroller General may inspect all necessary books, documents, papers, and records relating to any such expenditures solely for the purpose of verifying that all such expenditures related to expenses in paragraph (1), (3), or (5). The Comptroller General shall certify to Congress the fact of such verification, and shall report any such expenses not expended for such purpose.

Certification and
report to
Congress.

“(e) Assistance and services authorized pursuant to this section to the President are authorized to be provided to the spouse of the President in connection with assistance provided by such spouse to the President in the discharge of the President's duties and responsibilities. If the President does not have a spouse, such assistance and services may be provided for such purposes to a member of the President's family whom the President designates.

“ASSISTANCE AND SERVICES FOR THE VICE PRESIDENT

“SEC. 106. (a) In order to enable the Vice President to provide assistance to the President in connection with the performance of functions specially assigned to the Vice President by the President in the discharge of executive duties and responsibilities, the Vice President is authorized—

Appointment.

“(1) without regard to any other provision of law regulating the employment or compensation of persons in the Government service, to appoint and fix the pay of not more than—

“(A) 5 employees at rates not to exceed the rate of basic pay then currently paid for level II of the Executive Schedule of section 5313 of title 5; and in addition

“(B) 3 employees at rates not to exceed the rate of basic pay then currently paid for level III of the Executive Schedule of section 5314 of title 5; and in addition

“(C) 3 employees at rates not to exceed the maximum rate of basic pay then currently paid for GS-18 of the General Schedule of section 5332 of title 5; and in addition

“(D) such number of other employees as he may determine to be appropriate at rates not to exceed the minimum rate of basic pay then currently paid for GS-16 of the General Schedule of section 5332 of title 5; and

“(2) to procure, as provided in appropriation Acts, temporary or intermittent services of experts and consultants, as described in and in accordance with the first two sentences of section 3109(b) of title 5, at respective daily rates of pay for individuals which are not more than the daily equivalent of the rate of basic pay then currently paid for level II of the Executive Schedule of section 5313 of title 5.

Experts and consultants.

Notwithstanding such section 3109(b), temporary services of any expert or consultant described in such section 3109(b) may be procured under paragraph (2) of this subsection for a period in excess of one year if the Vice President determines such procurement is necessary.

“(b) In order to carry out the executive duties and responsibilities referred to in subsection (a), there are authorized to be appropriated each fiscal year to the Vice President such sums as may be necessary for—

Appropriation authorization.

“(1) the official expenses of the Office of the Vice President;

“(2) the official entertainment expenses of the Vice President;

and

“(3) the subsistence expenses of persons in the Government service while traveling on official business in connection with the travel of the Vice President.

Sums appropriated under this subsection for expenses described in paragraphs (2) and (3) may be expended as the Vice President may determine, notwithstanding the provisions of any other law. Such sums shall be accounted for solely on the certificate of the Vice President, except that, with respect to such expenses, the Comptroller General may inspect all necessary books, documents, papers, and records relating to any such expenditures solely for the purpose of verifying that all such expenditures related to expenses in paragraph (2) or (3). The Comptroller General shall certify to Congress the fact of such verification, and shall report any such expenses not expended for such purpose.

Certification and report to Congress.

“(c) Assistance and services authorized pursuant to this section to the Vice President are authorized to be provided to the spouse of the Vice President in connection with assistance provided by such spouse to the Vice President in the discharge of the Vice President's executive duties and responsibilities. If the Vice President does not have a spouse, such assistance and services may be provided for such purposes to a member of the Vice President's family whom the Vice President designates.”

(b) The items relating to sections 105 and 106 in the table of sections at the beginning of chapter 2 of title 3, United States Code, are amended to read as follows:

3 USC 101.

"105. Assistance and services for the President.
"106. Assistance and services for the Vice President."

3 USC 101.

SEC. 2. (a) Chapter 2 of title 3, United States Code, is amended by striking out section 107 and inserting in lieu thereof the following new sections:

"DOMESTIC POLICY STAFF AND OFFICE OF ADMINISTRATION; PERSONNEL

"SEC. 107. (a) In order to enable the Domestic Policy Staff to perform its functions, the President (or his designee) is authorized—

Appointment.

"(1) without regard to any other provision of law regulating the employment or compensation of persons in the Government service, to appoint and fix the pay of not more than—

"(A) 6 employees at rates not to exceed the rate of basic pay then currently paid for level III of the Executive Schedule of section 5314 of title 5; and in addition

"(B) 18 employees at rates not to exceed the maximum rate of basic pay then currently paid for GS-18 of the General Schedule of section 5332 of title 5; and in addition

"(C) such number of other employees as he may determine to be appropriate at rates not to exceed the minimum rate of basic pay then currently paid for GS-16 of the General Schedule of section 5332 of title 5; and

Experts and consultants, temporary or intermittent services.

"(2) to procure, as provided in appropriation Acts, temporary or intermittent services of experts and consultants, as described in and in accordance with the first two sentences of section 3109 (b) of title 5, at respective daily rates of pay for individuals which are not more than the daily equivalent of the rate of basic pay then currently paid for level III of the Executive Schedule of section 5314 of title 5.

"(b) (1) In order to enable the Office of Administration to perform its functions, the President (or his designee) is authorized—

Appointment.

"(A) without regard to such other provisions of law as the President may specify which regulate the employment and compensation of persons in the Government service, to appoint and fix the pay of not more than—

"(i) 5 employees at rates not to exceed the rate of basic pay then currently paid for level III of the Executive Schedule of section 5314 of title 5; and in addition

"(ii) 5 employees at rates not to exceed the maximum rate of basic pay then currently paid for GS-18 of the General Schedule of section 5332 of title 5; and

Experts and consultants, temporary or intermittent services.

"(B) to procure, as provided in appropriation Acts, temporary or intermittent services of experts and consultants, as described in and in accordance with the first two sentences of section 3109 (b) of title 5, at respective daily rates of pay for individuals which are not more than the daily equivalent of the maximum rate of basic pay then currently paid for GS-18 of the General Schedule of section 5332 of title 5.

"(2) In addition to any authority granted under paragraph (1) of this subsection, the President (or his designee) is authorized to employ individuals in the Office of Administration in accordance with section 3101 of title 5 and provisions relating thereto. Any individual so employed under the authority granted under such section 3101 shall be subject to the limitation specified in section 114 of this title.

“(c) There are authorized to be appropriated each fiscal year such sums as may be necessary for the official expenses of the Domestic Policy Staff and the Office of Administration. Appropriation authorization.

“ASSISTANCE TO THE PRESIDENT FOR UNANTICIPATED NEEDS

“SEC. 108. (a) There is authorized to be appropriated to the President an amount not to exceed \$1,000,000 each fiscal year to enable the President, in his discretion, to meet unanticipated needs for the furtherance of the national interest, security, or defense, including personnel needs and needs for services described in section 3109(b) of title 5, and administrative expenses related thereto, without regard to any provision of law regulating the employment or compensation of persons in the Government service or regulating expenditures of Government funds. Appropriation authorization.
3 USC 108.

“(b) The President shall transmit a report to each House of the Congress for each fiscal year beginning on or after the effective date of this subsection which sets forth the purposes for which expenditures were made under this section for such fiscal year and the amount expended for each such purpose. Each such report shall be transmitted no later than 60 days after the close of the fiscal year covered by such report. Report, transmittal to Congress.

“(c) An individual may not be paid under the authority of this section at a rate of pay in excess of the rate of basic pay then currently paid for level II of the Executive Schedule of section 5313 of title 5.”

(b) The items relating to sections 107 and 108 in the table of sections at the beginning of chapter 2 of title 3, United States Code, are amended to read as follows: 3 USC 101.

“107. Domestic Policy Staff and Office of Administration; personnel.

“108. Assistance to the President for unanticipated needs.”

SEC. 3. (a) Chapter 2 of title 3, United States Code, is amended by adding at the end thereof the following new sections:

“DETAIL OF EMPLOYEES OF EXECUTIVE DEPARTMENTS

“SEC. 112. The head of any department, agency, or independent establishment of the executive branch of the Government may detail, from time to time, employees of such department, agency, or establishment to the White House Office, the Executive Residence at the White House, the Office of the Vice President, the Domestic Policy Staff, and the Office of Administration. Any such office to which an employee has been detailed for service to such office shall reimburse the detailing department, agency, or establishment for the pay of each employee thereof— 3 USC 112.

Reimbursement.

“(1) who is so detailed, and

“(2) who is performing services which have been or would otherwise be performed by an employee of such office, for any period occurring during any fiscal year after 180 calendar days after the employee is detailed in such year.

“PERSONNEL REPORT

“SEC. 113. (a) The President shall transmit to each House of the Congress, and make available to the public, reports containing information described in subsection (b) for each fiscal year beginning on Report, transmittal to Congress.
3 USC 113.

or after the effective date of this section. Each such report shall be transmitted no later than 60 days after the close of the fiscal year covered by such report and shall contain a statement of such information for such year.

Contents.

“(b) Each report required under subsection (a) shall contain—

“(1) the number of employees who are paid at a rate of basic pay equal to or greater than the rate of basic pay then currently paid for level V of the Executive Schedule of section 5316 of title 5 and who are employed in the White House Office, the Executive Residence at the White House, the Office of the Vice President, the Domestic Policy Staff, or the Office of Administration, and the aggregate amount paid to such employees;

“(2) the number of employees employed in such offices who are paid at a rate of basic pay which is equal to or greater than the minimum rate of basic pay then currently paid for GS-16 of the General Schedule of section 5332 of title 5 but which is less than the rate then currently paid for level V of the Executive Schedule of section 5316 of title V and the aggregate amount paid to such employees;

“(3) the number of employees employed in such offices who are paid at a rate of basic pay which is less than the minimum rate then currently paid for GS-16 of the General Schedule of section 5332 of title V, and the aggregate amount paid to such employees;

“(4) the number of individuals detailed under section 112 of this title for more than 30 days to each such office, the number of days in excess of 30 each individual was detailed, and the aggregate amount of reimbursement made as provided by the provisions of section 112 of this title; and

“(5) the number of individuals whose services as experts or consultants are procured under this chapter for service in any such office, the total number of days employed, and the aggregate amount paid to procure such services.

The information required under this subsection to be in any report shall be shown both in the aggregate and by office involved.

“GENERAL PAY LIMITATION

3 USC 114.

“SEC. 114. Notwithstanding any provision of law, other than the provisions of this chapter, no employee of the White House Office, the Executive Residence at the White House, the Domestic Policy Staff, or the Office of Administration, nor any employee under the Vice President appointed under section 106 of this title, may be paid at a rate of basic pay in excess of the minimum rate of basic pay then currently paid for GS-16 of the General Schedule of section 5332 of title 5.”

3 USC 101.

(b) The table of sections for chapter 2 of title 3, United States Code, is amended by adding at the end thereof the following new items:

“112. Detail of employees of executive departments.

“113. Personnel report.

“114. General pay limitation.”.

SEC. 4. Section 103 of title 3, United States Code, relating to travel expenses of the President, is amended by striking out “\$40,000” and inserting in lieu thereof “\$100,000”.

SEC. 5. (a) Section 102 of title 3, United States Code, is amended by striking out “Executive Mansion” and inserting in lieu thereof “Executive Residence at the White House”.

(b) (1) Section 109 of title 3, United States Code, is amended—

- (A) by striking out from the section caption "EXECUTIVE MANSION" and inserting in lieu thereof "THE EXECUTIVE RESIDENCE AT THE WHITE HOUSE", and
- (B) by striking out from the text "Executive Mansion" each place it appears and inserting in lieu thereof "Executive Residence at the White House".
- (2) The item relating to section 109 in the table of sections for chapter 2 of such title 3 is amended by striking out "Executive Mansion" and inserting in lieu thereof "the Executive Residence at the White House".
- (c) (1) Section 110 of title 3, United States Code, is amended—
- (A) by inserting in the section caption, immediately before "WHITE HOUSE" the following: "THE EXECUTIVE RESIDENCE AT THE";
- (B) by striking out "President's House" and inserting in lieu thereof the following: "Executive Residence at the White House"; and
- (C) by striking out "White House" each place it appears and inserting in lieu thereof "Executive Residence at the White House".
- (2) The item relating to section 110 in the table of sections for chapter 2 of such title is amended by inserting immediately before "White House" the following: "the Executive Residence at the".
- (d) Section 202 of such title is amended by striking out "Executive Mansion and grounds" and inserting in lieu thereof "White House".
- SEC. 6. (a) The amendments made by this Act shall apply to any fiscal year which begins on or after October 1, 1978.
- (b) In the case of an individual—
- (1) who is an employee of the Office of Administration as of the date of the enactment of this Act, and
- (2) whose position would be terminated or whose rate of basic pay would be reduced (but for this subsection) by reason of section 107(b) of title 3, United States Code (as amended by this Act), such employee may be allowed to continue to hold such position and receive basic pay at the rate in effect on the effective date of this Act during the period which begins on such date and ends 2 years after such date so long as such employee continues as an employee of the Office of Administration.

3 USC 202.

3 USC 102 note.

3 USC 107 note.

Approved November 2, 1978.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 95-979 (Comm. on Post Office and Civil Service) and No. 95-1639 (Comm. of Conference).

SENATE REPORTS: No. 95-868 (Comm. on Governmental Affairs) and No. 95-1258 (Comm. of Conference).

CONGRESSIONAL RECORD, Vol. 124 (1978):

Apr. 4, considered in House and failed of passage.

Apr. 13, considered and passed House.

July 13, 14, considered and passed Senate, amended.

Oct. 7, Senate agreed to conference report.

Oct. 15, House agreed to conference report.

SECURITY ARRANGEMENTS DURING TRANSITION

1. Access to the White House, Executive Office Building and New Executive Office Building during Transition.

Access to the White House and Executive Office Buildings is controlled. Persons working full time in those buildings are issued permanent passes; those on temporary duty are issued temporary passes. All others having business to transact are "cleared" for access on an individual appointment basis.

Transition personnel who may be assigned office space in the New Executive Office Building can be issued the necessary temporary passes. To facilitate this, the Reagan transition staff should designate a single coordinator to work with the Secret Service pass office. The coordinator can then furnish to Secret Service the name, date of birth, place of birth and social security number of each person requiring a temporary pass. Secret Service will complete a name check on the individual and, after photographing and fingerprinting the individual, will issue the temporary pass.

Transition personnel requiring access to the White House complex can obtain the necessary clearance either through the individual they are scheduled to visit or Jack Watson's office.

2. Access to Classified Information During Transition.

By law no individual may be given access to classified information or documents until given a security clearance by the appropriate government agency. Clearances are provided only to persons whose trustworthiness has been determined and whose duties require access to the information. Classified documents may be retained only by those who have adequate storage and control facilities suitable to the level of classification.

Appropriate clearance can be arranged for those members of the transition staff requiring access to classified information. Jerry Jennings of the National Security staff can arrange the clearance for the individual who will be coordinating the clearance process. Thereafter, the coordinator can determine which other members of the transition staff have a need for access to classified information and can request clearance from Mr. Jennings. Mr. Jennings will furnish the necessary forms, initiate the clearance process and arrange the briefings required for certain code word clearances.

GSA can provide the storage facilities required for classified documents.

3. Background Investigation for Potential Appointees

There is no explicit statutory authority for the FBI to conduct background investigations for the transition staff. Moreover, the Privacy Act constrains the FBI in collecting background information and transmitting that information to the transition staff. The following arrangements, worked out in 1976, should satisfactorily resolve these problems.

Jack Watson will request the Attorney General to authorize the FBI to provide background investigation services to the President-elect. The Attorney General will then enter into a Memorandum of Understanding with the transition staff, assuring adequate Privacy Act protection for potential appointees comparable to that provided appointees in government agencies. These protections include a consent form from the prospective appointee, a notice advising of the use to be made of the information collected, and a commitment from the transition staff to protect the information from unauthorized disclosure.

When the transition staff is ready to begin the process of securing background investigations on prospective appointees, the FBI can furnish the person designated to coordinate the process with the necessary forms, including the background form (SF 86), the fingerprint card (SF 87), Privacy Act notice, and the privacy release forms required by various statutes. The Special Inquiry Section of the FBI will then be in a position to take direct requests from the transition staff for background information.

COURTESIES

Transportation

Fixed and rotary aircraft available on a reimbursable basis through the Military Office.

Consult GSA for ground transportation in D.C.

Communications

WHCA has already coordinated with Joe Canzerie the installation of essential communications in California.

A White House line off of the White House Administrative Switchboard has already been provided to the Reagan transition office at 1726 M Street.

Mail

All mail received at White House addressed to Reagan transition is being forwarded to the 1726 M Street address daily.

Office Support Services

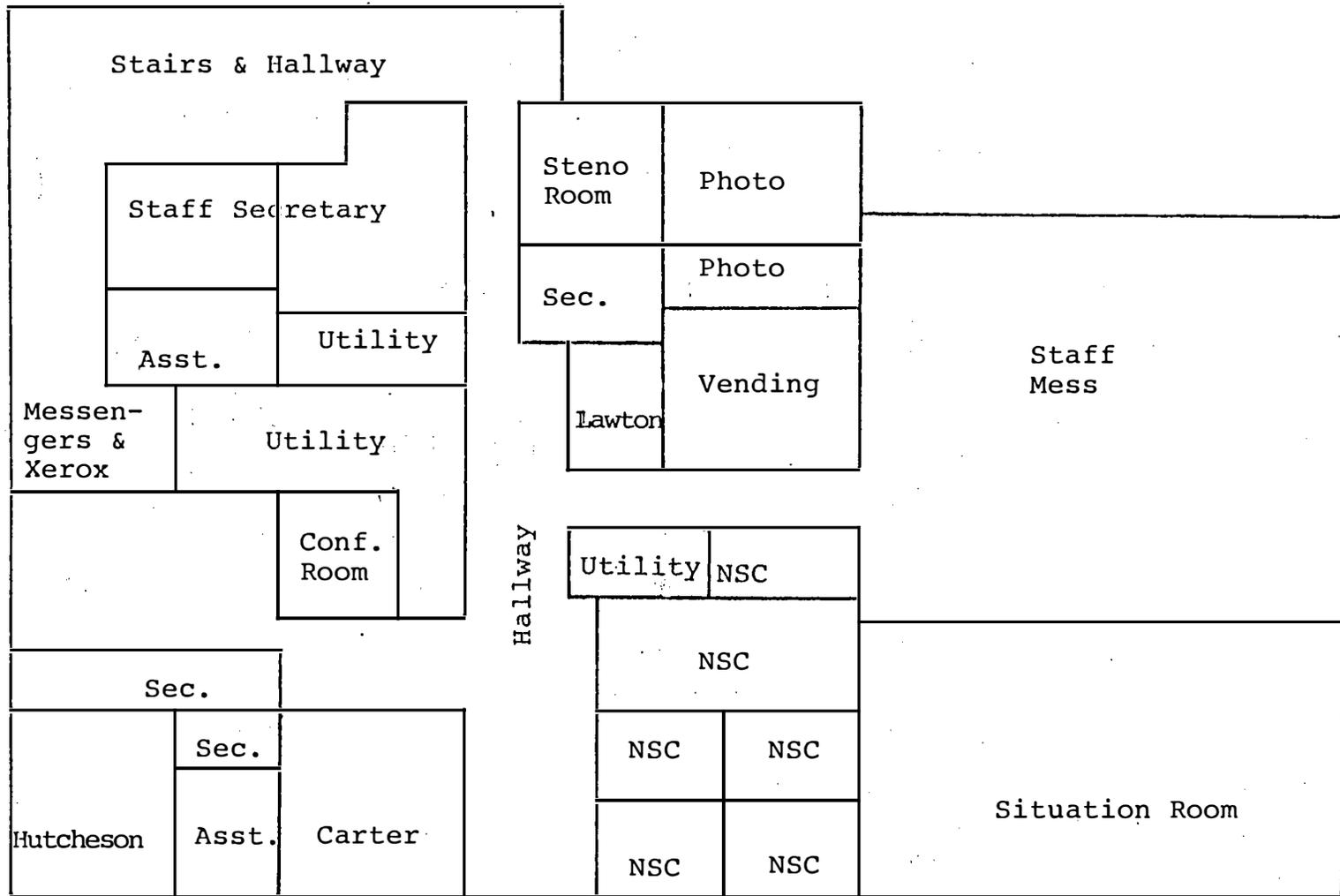
Will be provided by GSA.

U.S. Secret Service Protection

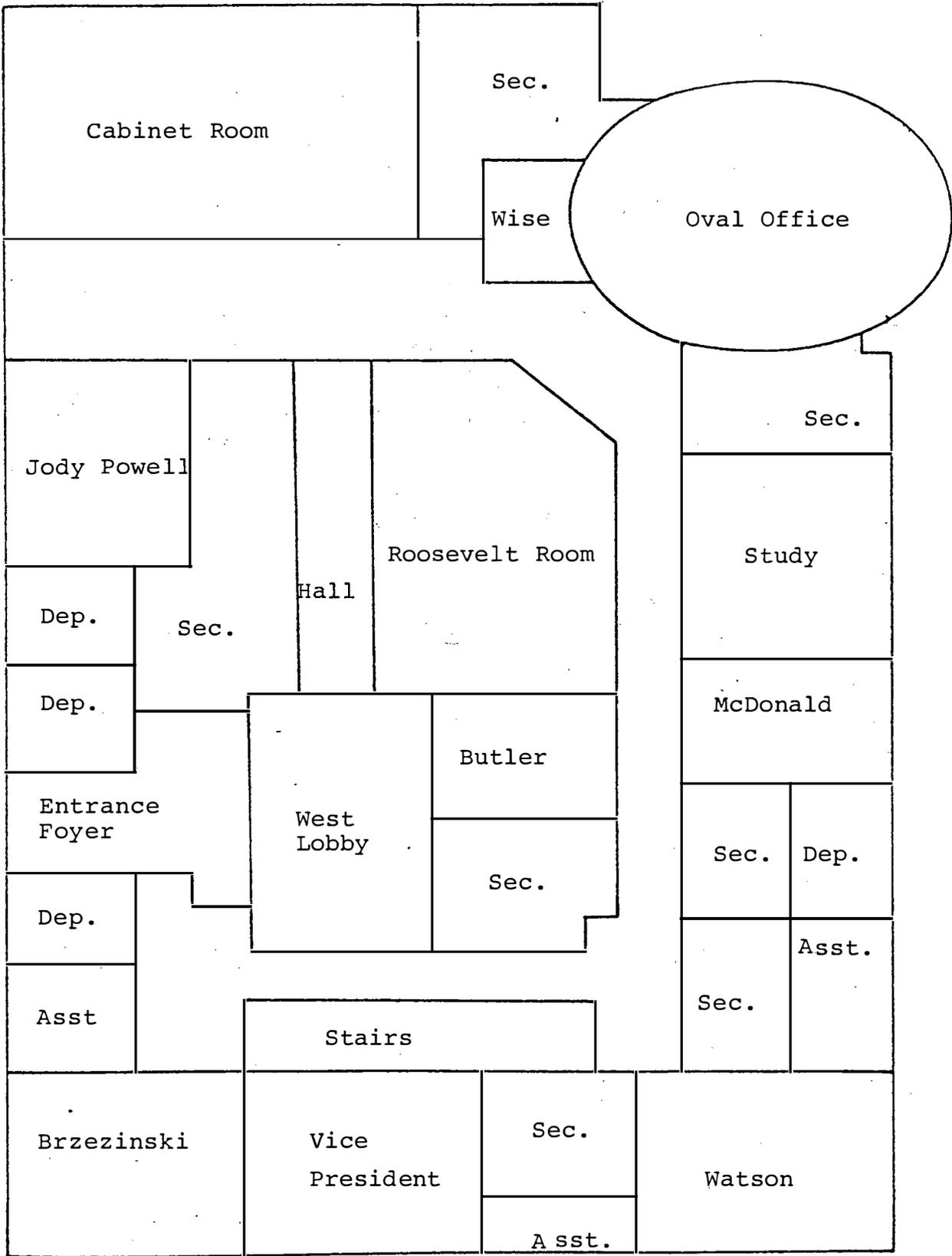
Already coordinated between USSS and Reagan transition staff.

Office Space

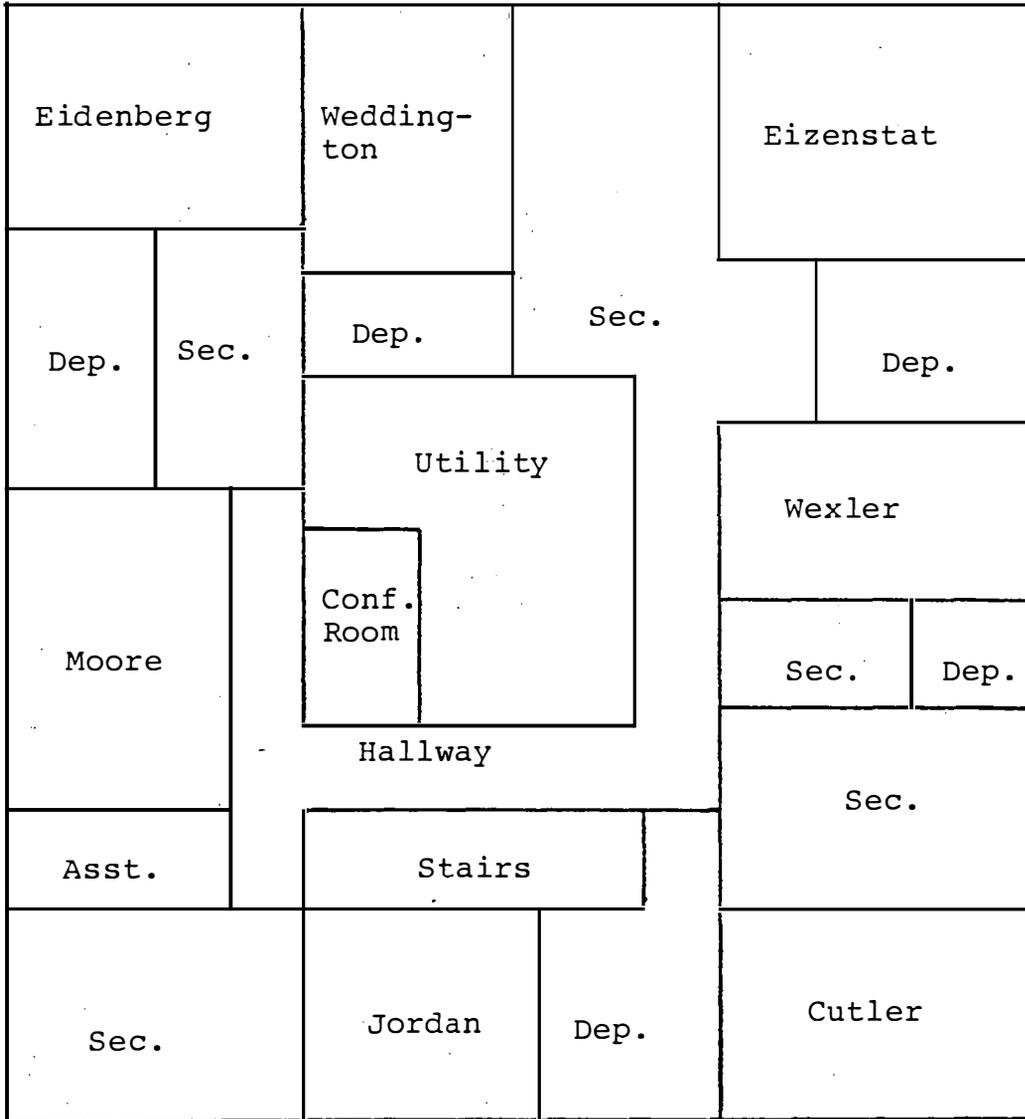
Approximately one half of one floor in the New Executive Office Building will be made available to the Reagan transition staff. Point of contact for this space is Hugh Carter's Office.



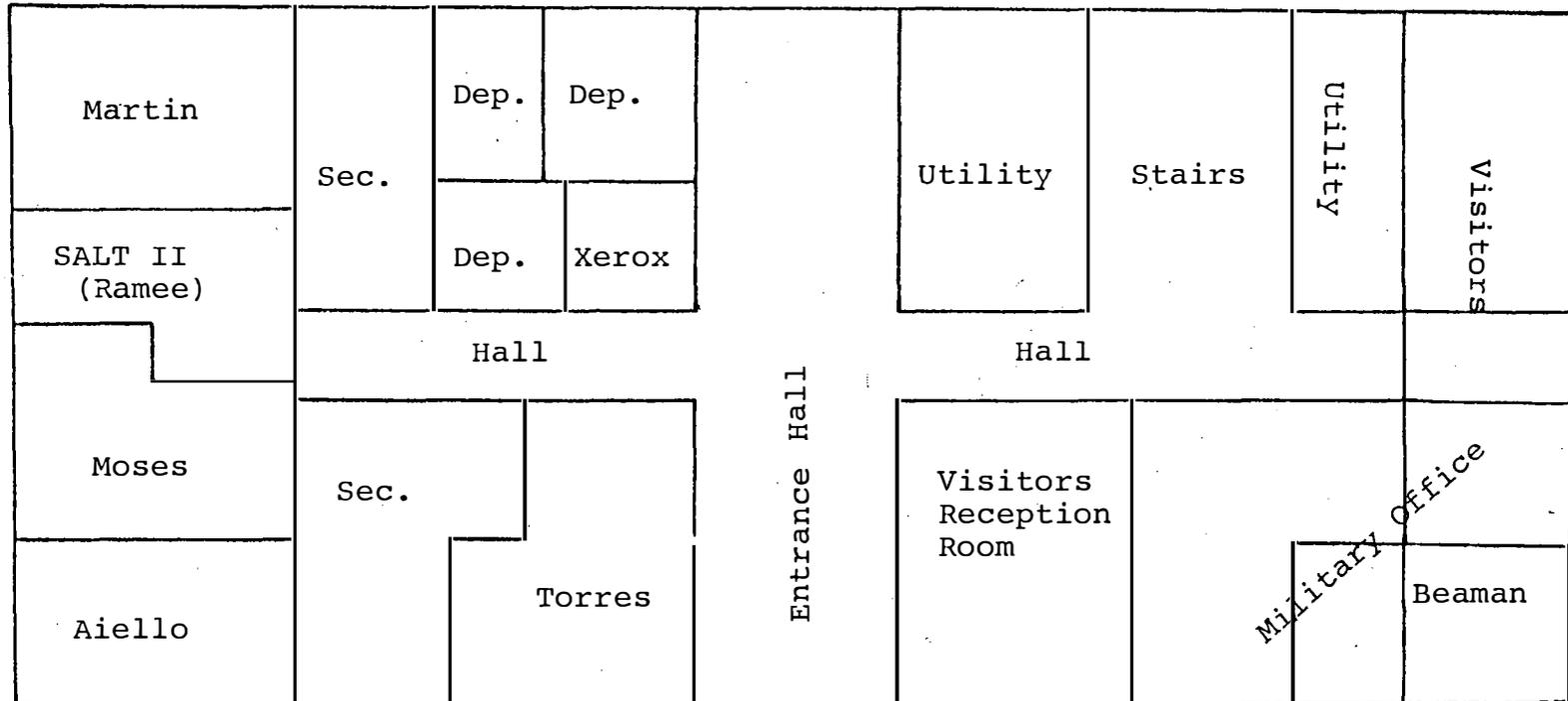
GROUND FLOOR -- WEST WING



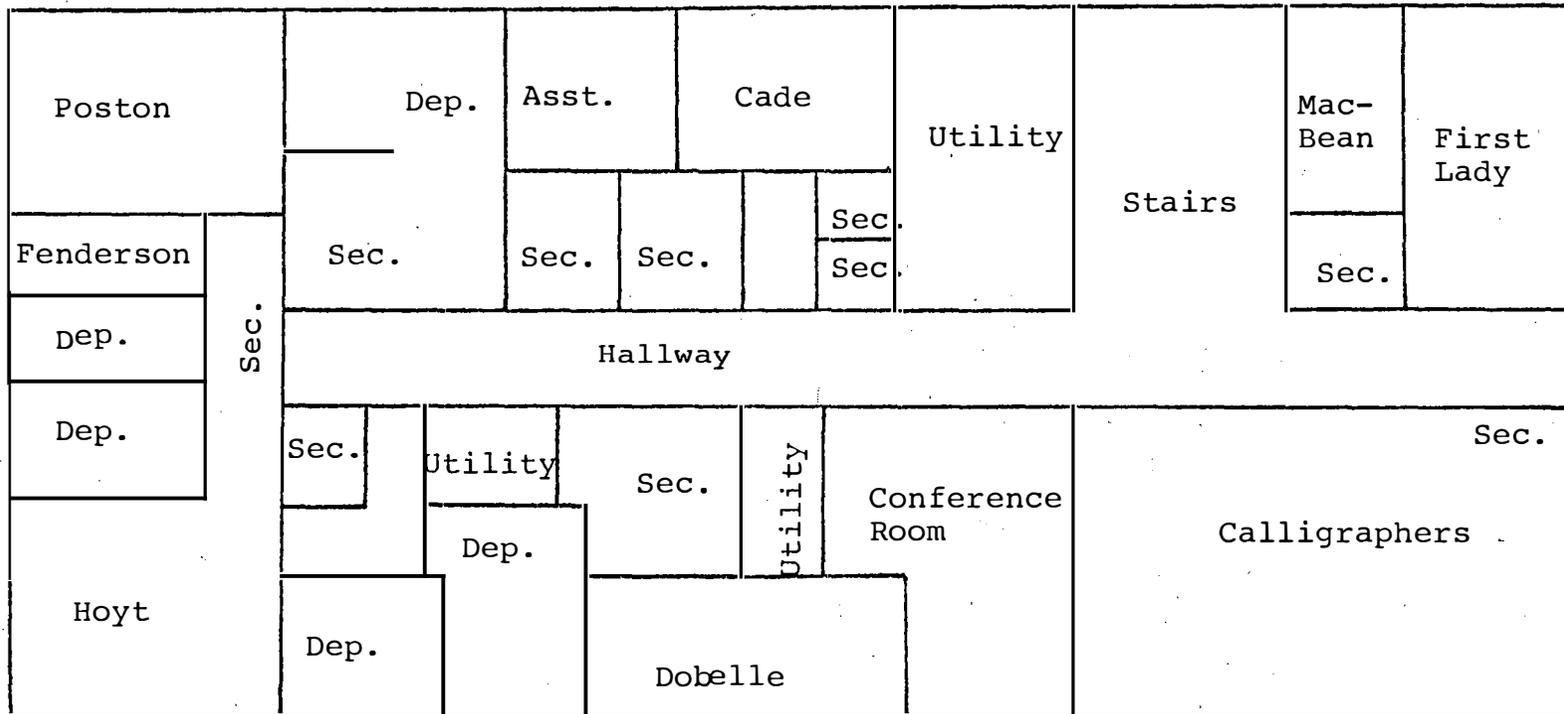
FIRST FLOOR -- WEST WING



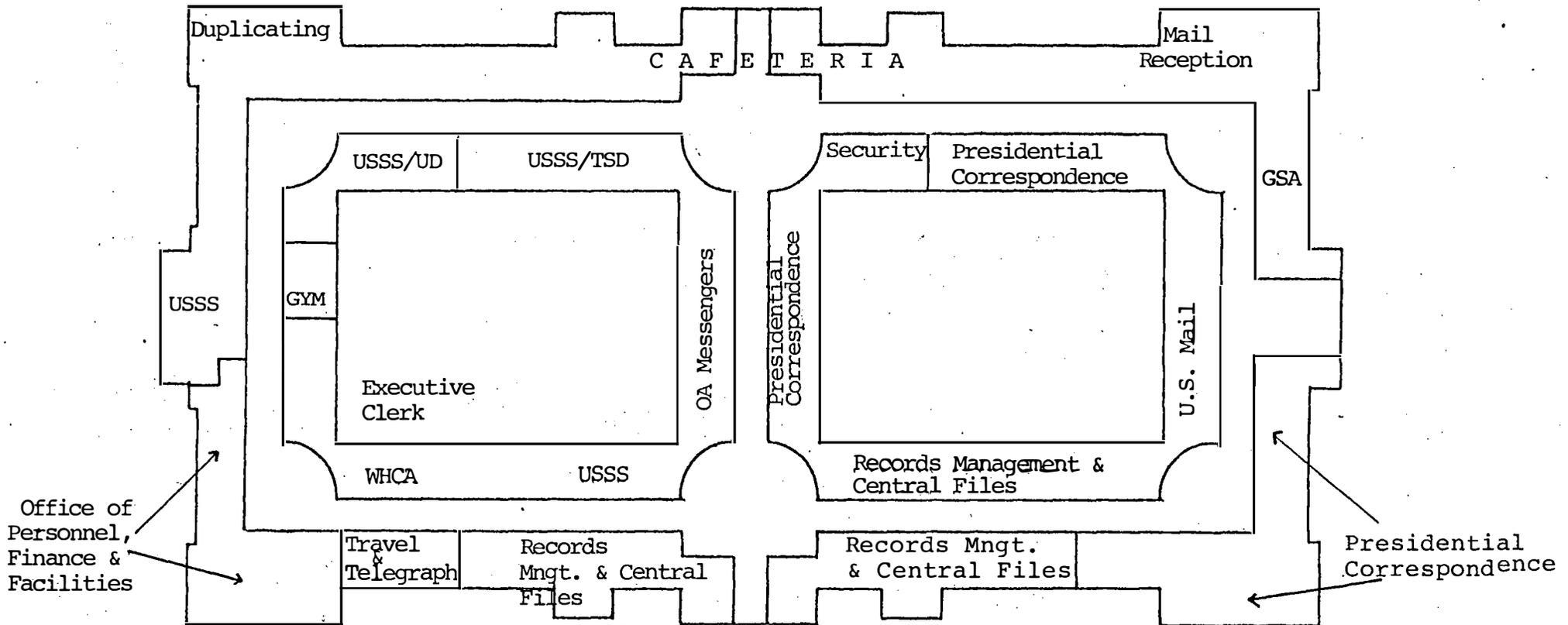
SECOND FLOOR -- WEST WING



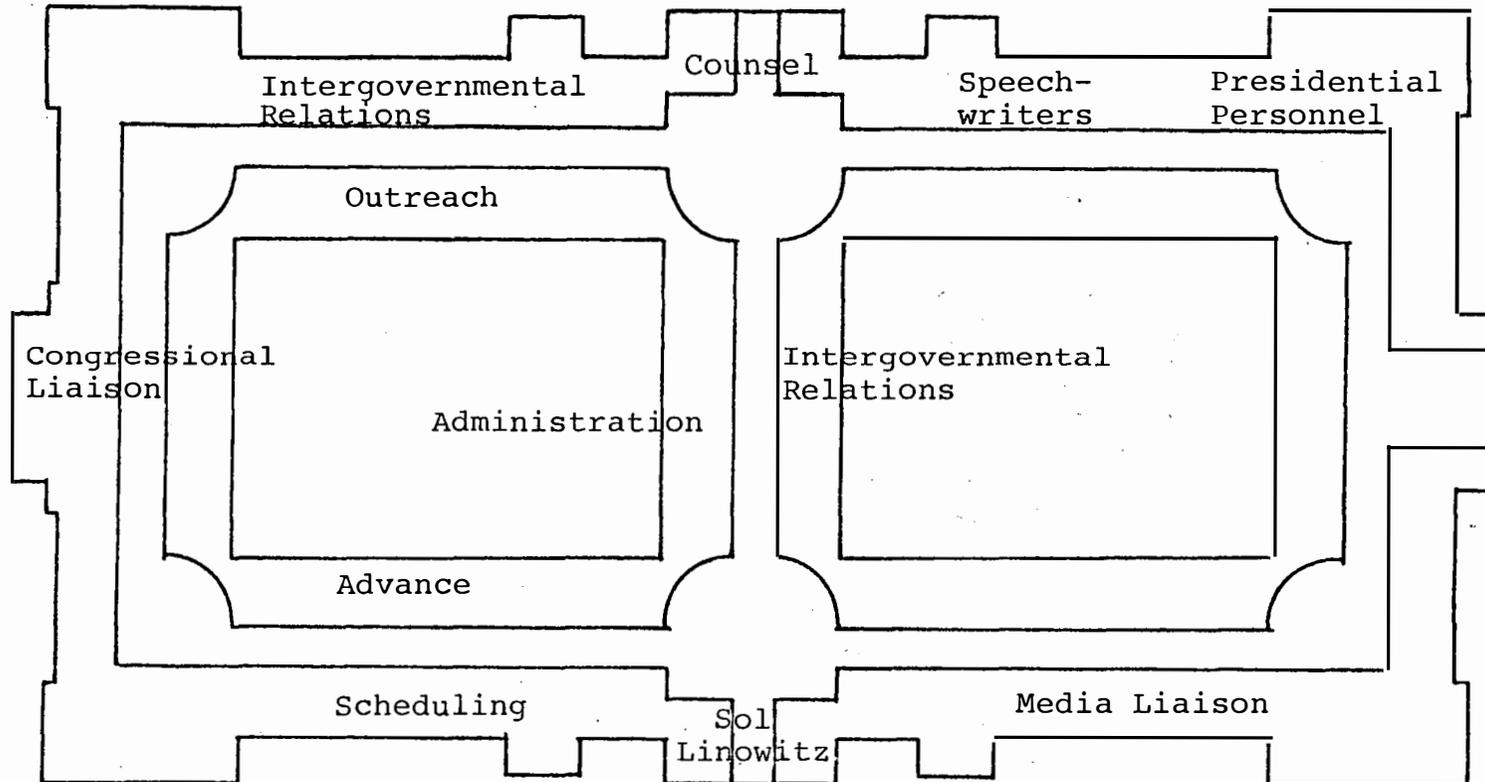
FIRST FLOOR -- EAST WING



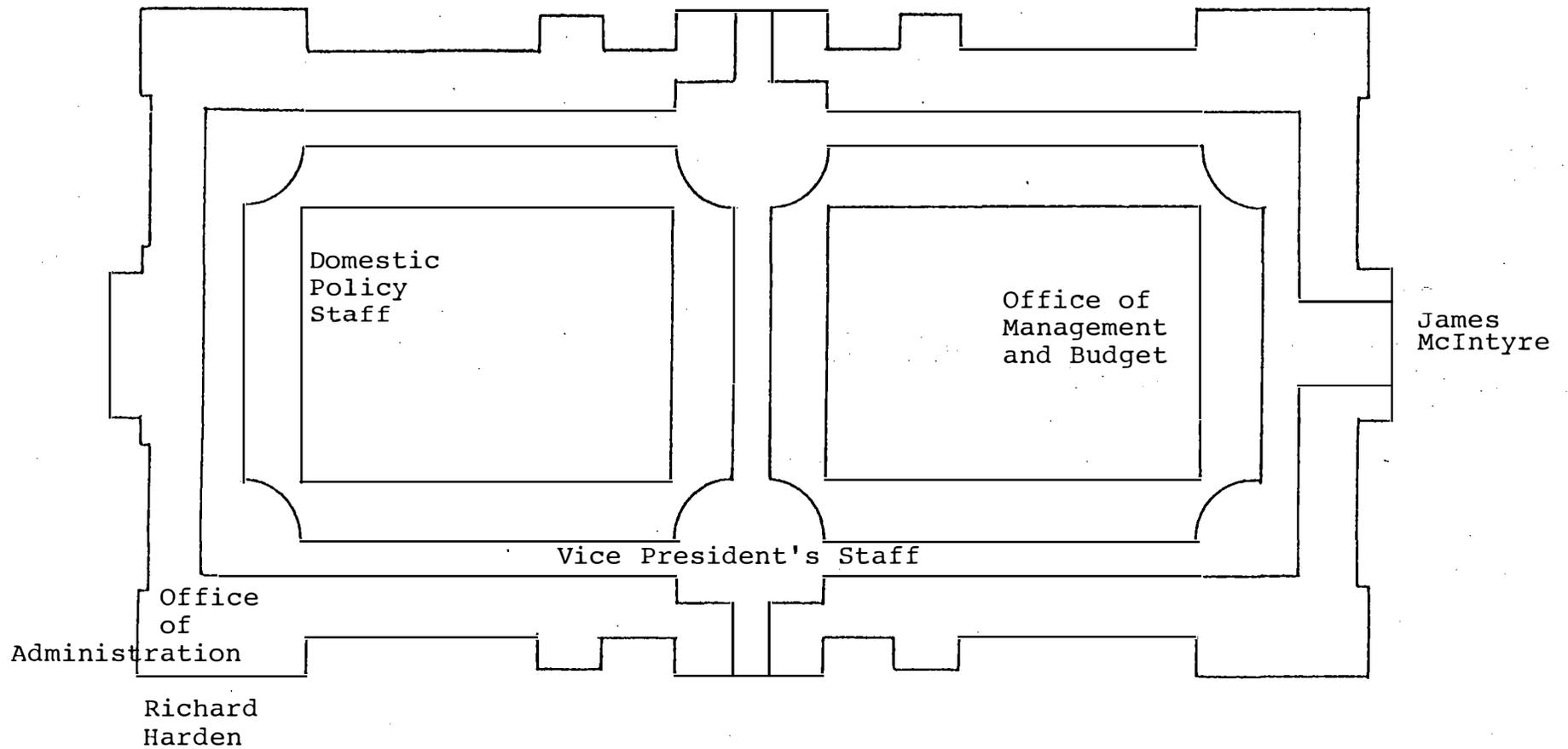
SECOND FLOOR -- EAST WING



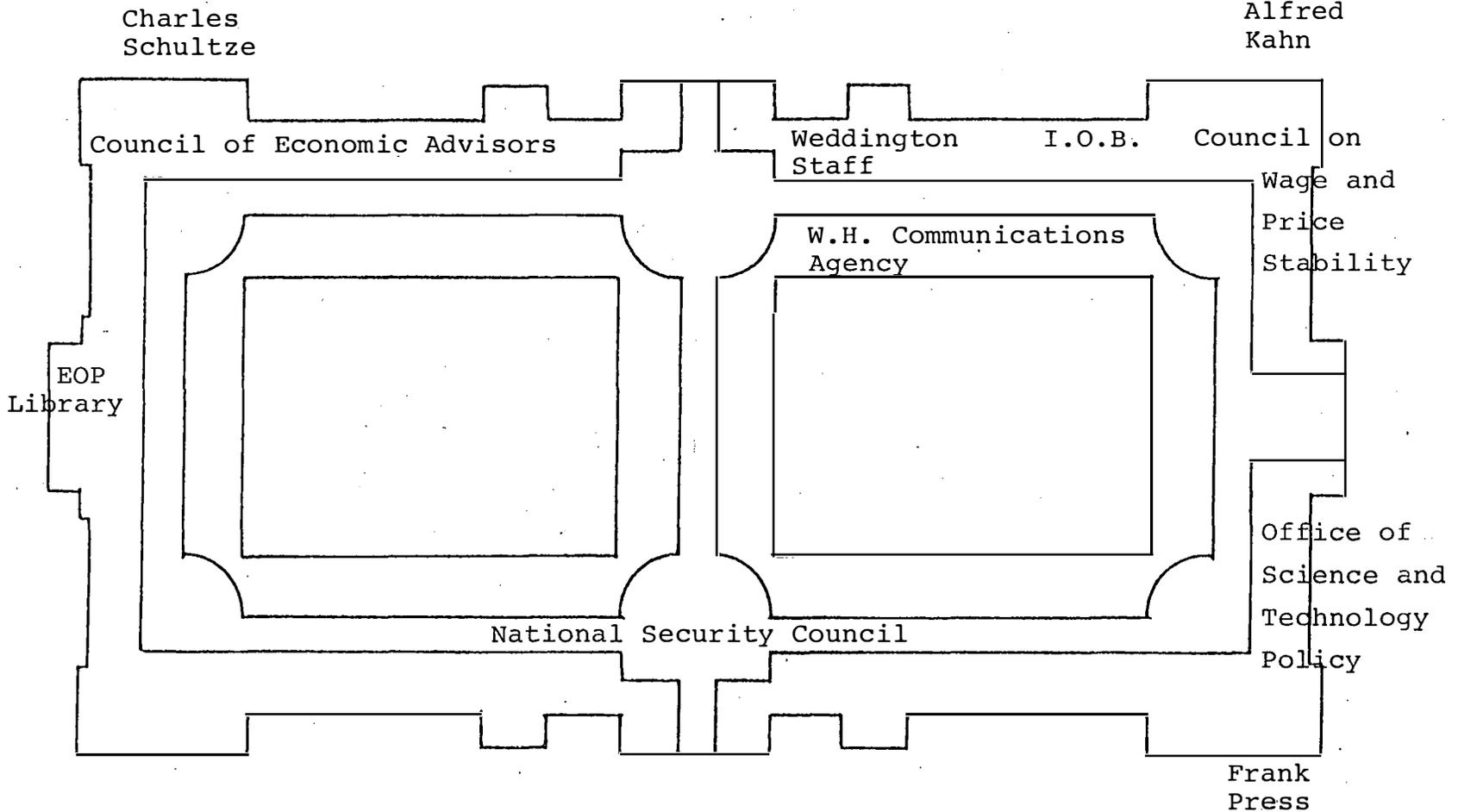
GROUND FLOOR -- OLD EXECUTIVE OFFICE BUILDING



FIRST FLOOR -- OLD EXECUTIVE OFFICE BUILDING



SECOND FLOOR -- OLD EXECUTIVE OFFICE BUILDING



Charles
Schultze

Alfred
Kahn

Council of Economic Advisors

Weddington
Staff

I.O.B.

Council on

Wage and
Price
Stability

W.H. Communications
Agency

EOP
Library

National Security Council

Office of
Science and
Technology
Policy

Frank
Press

THIRD FLOOR -- OLD EXECUTIVE OFFICE BUILDING

THE WHITE HOUSE

WASHINGTON

SUMMARY OF PRESIDENTIAL RECORDS ACT OF 1978

Traditionally the records compiled by White House staff and certain other elements in the Executive Office of the President have been viewed as the personal property of the President. However, on November 4, 1978 Congress enacted the Presidential Records Act of 1978, 92 Stat. 2523, 44 U.S.C. 2201. A copy of that Act is attached. The Act becomes effective January 20, 1981 and thus will apply to the Reagan Administration.

Under the terms of the Act all Presidential Records are declared to be the property of the United States and custody of them is assumed by the Archivist of the United States when the President leaves Office. The statute does permit the outgoing President to assert access controls over certain categories of records for a period of twelve years but these controls must be affirmatively imposed by the President during his term of Office and must be communicated to the Archivist. Records over which a President has not asserted access restrictions will be available to the public under the terms of the Freedom of Information Act, 5 U.S.C. 552 as soon as the Archivist has completed processing them.

These same provisions also apply to the records of the Vice-President.

For the past two years a task force under the direction of the Special Assistant to the President for Administration has been planning the implementation of this Act, identifying those elements of the Executive Office of the President which generate Presidential Papers and preparing an employee handbook on Presidential Papers.

Public Law 95-591
95th Congress

An Act

amend title 44 to insure the preservation of and public access to the official records of the President, and for other purposes.

Nov. 4, 1978

[H.R. 13500]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Presidential Records Act of 1978".

Presidential
Records Act of
1978.

44 USC 101,
2201 notes.

RECORDS MANAGEMENT, PRESERVATION, AND PUBLIC AVAILABILITY

SEC. 2. (a) Title 44 of the United States Code is amended by adding immediately after chapter 21 the following new chapter:

"Chapter 22.—PRESIDENTIAL RECORDS

- Sec.
2201. Definitions.
2202. Ownership of Presidential records.
2203. Management and custody of Presidential records.
2204. Restrictions on access to Presidential records.
2205. Exceptions to restriction on access.
2206. Regulations.
2207. Vice-Presidential records.

"§ 2201. Definitions

44 USC 2201.

"As used in this chapter—

"(1) The term 'documentary material' means all books, correspondence, memorandums, documents, papers, pamphlets, works of art, models, pictures, photographs, plats, maps, films, and motion pictures, including, but not limited to, audio, audiovisual, or other electronic or mechanical recordings.

"(2) The term 'Presidential records' means documentary materials, or any reasonably segregable portion thereof, created or received by the President, his immediate staff, or a unit or individual of the Executive Office of the President whose function is to advise and assist the President, in the course of conducting activities which relate to or have an effect upon the carrying out of the constitutional, statutory, or other official or ceremonial duties of the President. Such term—

"(A) includes any documentary materials relating to the political activities of the President or members of his staff, but only if such activities relate to or have a direct effect upon the carrying out of constitutional, statutory, or other official or ceremonial duties of the President; but

"(B) does not include any documentary materials that are (i) official records of an agency (as defined in section 552(e) of title 5, United States Code); (ii) personal records; (iii) stocks of publications and stationery; or (iv) extra copies of documents produced only for convenience of reference, when such copies are clearly so identified.

"(3) The term 'personal records' means all documentary materials, or any reasonably segregable portion thereof, of a purely private or nonpublic character which do not relate to or have an effect upon the carrying out of the constitutional, statutory,

or other official or ceremonial duties of the President. Such term includes—

“(A) diaries, journals, or other personal notes serving as the functional equivalent of a diary or journal which are not prepared or utilized for, or circulated or communicated in the course of, transacting Government business;

“(B) materials relating to private political associations, and having no relation to or direct effect upon the carrying out of constitutional, statutory, or other official or ceremonial duties of the President; and

“(C) materials relating exclusively to the President’s own election to the office of the Presidency; and materials directly relating to the election of a particular individual or individuals to Federal, State, or local office, which have no relation to or direct effect upon the carrying out of constitutional, statutory, or other official or ceremonial duties of the President.

“(4) The term ‘Archivist’ means the Archivist of the United States.

“(5) The term ‘former President’, when used with respect to Presidential records, means the former President during whose term or terms of office such Presidential records were created.

44 USC 2202. **“§ 2202. Ownership of Presidential records**

“The United States shall reserve and retain complete ownership, possession, and control of Presidential records; and such records shall be administered in accordance with the provisions of this chapter.

44 USC 2203. **“§ 2203. Management and custody of Presidential records**

“(a) Through the implementation of records management controls and other necessary actions, the President shall take all such steps as may be necessary to assure that the activities, deliberations, decisions, and policies that reflect the performance of his constitutional, statutory, or other official or ceremonial duties are adequately documented and that such records are maintained as Presidential records pursuant to the requirements of this section and other provisions of law.

“(b) Documentary materials produced or received by the President, his staff, or units or individuals in the Executive Office of the President the function of which is to advise and assist the President, shall, to the extent practicable, be categorized as Presidential records or personal records upon their creation or receipt and be filed separately.

Disposal,
notification to
Archivist.

“(c) During his term of office, the President may dispose of those of his Presidential records that no longer have administrative, historical, informational, or evidentiary value if—

“(1) the President obtains the views, in writing, of the Archivist concerning the proposed disposal of such Presidential records; and

“(2) the Archivist states that he does not intend to take any action under subsection (e) of this section.

Disposal
schedule,
submittal to
congressional
committees.

“(d) In the event the Archivist notifies the President under subsection (c) that he does intend to take action under subsection (e), the President may dispose of such Presidential records if copies of the disposal schedule are submitted to the appropriate Congressional Committees at least 60 calendar days of continuous session of Congress in advance of the proposed disposal date. For the purpose of this section, continuity of session is broken only by an adjournment of Congress

sine die, and the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of the days in which Congress is in continuous session.

“(e) The Archivist shall request the advice of the Committee on Rules and Administration and the Committee on Governmental Affairs of the Senate and the Committee on House Administration and the Committee on Government Operations of the House of Representatives with respect to any proposed disposal of Presidential records whenever he considers that—

Consultation with congressional committees.

“(1) these particular records may be of special interest to the Congress; or

“(2) consultation with the Congress regarding the disposal of these particular records is in the public interest.

“(f) (1) Upon the conclusion of a President's term of office, or if a President serves consecutive terms upon the conclusion of the last term, the Archivist of the United States shall assume responsibility for the custody, control, and preservation of, and access to, the Presidential records of that President. The Archivist shall have an affirmative duty to make such records available to the public as rapidly and completely as possible consistent with the provisions of this Act.

“(2) The Archivist shall deposit all such Presidential records in a Presidential archival depository or another archival facility operated by the United States. The Archivist is authorized to designate, after consultation with the former President, a director at each depository or facility, who shall be responsible for the care and preservation of such records.

“(3) The Archivist is authorized to dispose of such Presidential records which he has appraised and determined to have insufficient administrative, historical, informational, or evidentiary value to warrant their continued preservation. Notice of such disposal shall be published in the Federal Register at least 60 days in advance of the proposed disposal date. Publication of such notice shall constitute a final agency action for purposes of review under chapter 7 of title 5, United States Code.

Publication in Federal Register.

5 USC 701 *et seq.*

44 USC 2204.

“§ 2204. Restrictions on access to Presidential records

“(a) Prior to the conclusion of his term of office or last consecutive term of office, as the case may be, the President shall specify durations, not to exceed 12 years, for which access shall be restricted with respect to information, in a Presidential record, within one or more of the following categories:

“(1) (A) specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and (B) in fact properly classified pursuant to such Executive order;

“(2) relating to appointments to Federal office;

“(3) specifically exempted from disclosure by statute (other than sections 552 and 552b of title 5, United States Code), provided that such statute (A) requires that the material be withheld from the public in such a manner as to leave no discretion on the issue, or (B) establishes particular criteria for withholding or refers to particular types of material to be withheld;

“(4) trade secrets and commercial or financial information obtained from a person and privileged or confidential;

“(5) confidential communications requesting or submitting advice, between the President and his advisers, or between such advisers; or

“(6) personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

“(b)(1) Any Presidential record or reasonably segregable portion thereof containing information within a category restricted by the President under subsection (a) shall be so designated by the Archivist and access thereto shall be restricted until the earlier of—

“(A)(i) the date on which the former President waives the restriction on disclosure of such record, or

“(ii) the expiration of the duration specified under subsection (a) for the category of information on the basis of which access to such record has been restricted; or

“(B) upon a determination by the Archivist that such record or reasonably segregable portion thereof, or of any significant element or aspect of the information contained in such record or reasonably segregable portion thereof, has been placed in the public domain through publication by the former President, or his agents.

“(2) Any such record which does not contain information within a category restricted by the President under subsection (a), or contains information within such a category for which the duration of restricted access has expired, shall be exempt from the provisions of subsection (c) until the earlier of—

“(A) the date which is 5 years after the date on which the Archivist obtains custody of such record pursuant to section 2203(d)(1); or

“(B) the date on which the Archivist completes the processing and organization of such records or integral file segment thereof.

Determination by
Archivist,
consultation.

“(3) During the period of restricted access specified pursuant to subsection (b)(1), the determination whether access to a Presidential record or reasonably segregable portion thereof shall be restricted shall be made by the Archivist, in his discretion, after consultation with the former President, and, during such period, such determinations shall not be subject to judicial review, except as provided in subsection (e) of this section. The Archivist shall establish procedures whereby any person denied access to a Presidential record because such record is restricted pursuant to a determination made under this paragraph, may file an administrative appeal of such determination. Such procedures shall provide for a written determination by the Archivist or his designee, within 30 working days after receipt of such an appeal, setting forth the basis for such determination.

Administrative
appeal
procedures.

Administration.

“(c)(1) Subject to the limitations on access imposed pursuant to subsections (a) and (b), Presidential records shall be administered in accordance with section 552 of title 5, United States Code, except that paragraph (b)(5) of that section shall not be available for purposes of withholding any Presidential record, and for the purposes of such section such records shall be deemed to be records of the National Archives and Records Service of the General Services Administration. Access to such records shall be granted on nondiscriminatory terms.

“(2) Nothing in this Act shall be construed to confirm, limit, or expand any constitutionally-based privilege which may be available to an incumbent or former President.

“(d) Upon the death or disability of a President or former President, any discretion or authority the President or former President may have had under this chapter shall be exercised by the Archivist unless otherwise previously provided by the President or former President in a written notice to the Archivist.

“(e) The United States District Court for the District of Columbia shall have jurisdiction over any action initiated by the former President asserting that a determination made by the Archivist violates the former President’s rights or privileges. Jurisdiction.

“§ 2205. Exceptions to restricted access

44 USC 2205.

“Notwithstanding any restrictions on access imposed pursuant to section 2204—

“(1) the Archivist and persons employed by the National Archives and Records Service of the General Services Administration who are engaged in the performance of normal archival work shall be permitted access to Presidential records in the custody of the Archivist;

“(2) subject to any rights, defenses, or privileges which the United States or any agency or person may invoke, Presidential records shall be made available—

“(A) pursuant to subpoena or other judicial process issued by a court of competent jurisdiction for the purposes of any civil or criminal investigation or proceeding;

“(B) to an incumbent President if such records contain information that is needed for the conduct of current business of his office and that is not otherwise available; and

“(C) to either House of Congress, or, to the extent of matter within its jurisdiction, to any committee or subcommittee thereof if such records contain information that is needed for the conduct of its business and that is not otherwise available; and

“(3) the Presidential records of a former President shall be available to such former President or his designated representative.

“§ 2206. Regulations

44 USC 2206.

“The Archivist shall promulgate in accordance with section 553 of title 5, United States Code, regulations necessary to carry out the provisions of this chapter. Such regulations shall include—

“(1) provisions for advance public notice and description of any Presidential records scheduled for disposal pursuant to section 2203(f)(3);

“(2) provisions for providing notice to the former President when materials to which access would otherwise be restricted pursuant to section 2204(a) are to be made available in accordance with section 2205(2);

“(3) provisions for notice by the Archivist to the former President when the disclosure of particular documents may adversely affect any rights and privileges which the former President may have; and

“(4) provisions for establishing procedures for consultation between the Archivist and appropriate Federal agencies regarding materials which may be subject to section 552(b)(7) of title 5, United States Code.

“§ 2207. Vice-Presidential records

44 USC 2207.

“Vice-Presidential records shall be subject to the provisions of this chapter in the same manner as Presidential records. The duties and responsibilities of the Vice President, with respect to Vice-Presidential records, shall be the same as the duties and responsibilities of the President under this chapter with respect to Presidential records. The authority of the Archivist with respect to Vice-Presidential rec-

Depository agreement.

ords shall be the same as the authority of the Archivist under this chapter with respect to Presidential records, except that the Archivist may, when the Archivist determines that it is in the public interest, enter into an agreement for the deposit of Vice-Presidential records in a non-Federal archival depository. Nothing in this chapter shall be construed to authorize the establishment of separate archival depositories for such Vice-Presidential records.”

(b)(1) The table of chapters for title 44, United States Code, is amended by inserting immediately after the item relating to chapter 21 the following new item:

“22. Presidential Records..... 2201”.

(2) Section 2107 of title 44, United States Code, is amended by adding at the end thereof the following new sentence: “This section shall not apply in the case of any Presidential records which are subject to the provisions of chapter 22 of this title.”

(3) Section 2108(c) of title 44 is amended by adding at the end thereof the following: “Only the first two sentences of this subsection shall apply to Presidential records as defined in section 2201(2) of this title.”

EFFECTIVE DATE

44 USC 2201
note.

SEC. 3. The amendments made by this Act shall be effective with respect to any Presidential records (as defined in section 2201(2) of title 44, as amended by section 2 of this Act) created during a term of office of the President beginning on or after January 20, 1981.

SEPARABILITY

44 USC 2201
note.

SEC. 4. If any provision of this Act is held invalid for any reason by any court, the validity and legal effect of the remaining provisions shall not be affected thereby.

Approved November 4, 1978.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 95-1487, pt. I (Comm. on Government Operations).
CONGRESSIONAL RECORD, Vol. 124 (1978):

Oct. 10, considered and passed House.

Oct. 13, considered and passed Senate, amended.

Oct. 15, House concurred in Senate amendments.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 14, No. 45:

Nov. 6, Presidential statement.

United States of America
**Office of
Personnel Management**

Washington, D.C. 20415

In Reply Refer To:

November 10, 1980

Your Reference:

MEMORANDUM FOR EDWIN MEESE

FROM: Alan K. Campbell
Director



The purpose of this memorandum is to inform you about matters which affect Presidential appointees and other non-career employees. The types of people subject to change in a new Administration include most Presidential appointees, non-career appointees to the Senior Executive Service, and Schedule "C" appointees.

A. REMOVALS

Removal of Current Presidential Appointees

As a general rule, Presidential appointees serve at the pleasure of the President and can be terminated at any time without cause and without conflicting with recent court decisions. A limited number of these appointees, however, are appointed pursuant to statutes which provide they may not be removed except for cause. These positions include Inspectors General and Regulatory Commission appointees.

Removal of Current Schedule C and Non-Career Employees

The Supreme Court's decision in Branti v. Finkel (March 31, 1980) has restricted the grounds for firing political appointees. The Court held it unconstitutional to remove for political affiliation public employees whose jobs do not require political affiliation. However, the Court's decision appears to permit removal of such employees if the confidential or policy making relationship is broken. Although Branti arose in the context of state employees, the rationale has since been applied to the Federal government in a case involving the Department of Agriculture's removal of excepted service personnel (DeLong v. Bergland).

B. APPOINTMENTS

Role of the Office of Government Ethics

The Ethics Act established a statutory role for the office of Government Ethics within OPM. With respect to every Presidential nominee requiring Senate confirmation, the Director of the Office, currently J. Jackson Walter, must sign and deliver the nominee's public financial disclosure report to

the Senate Confirmation Committee. He provides an opinion letter confirming the nominee's compliance with all applicable laws and regulations. This letter is a condition precedent to scheduling each confirmation hearing. Opinion letters culminate a review process by the agencies and the Office of Government Ethics which focuses on the formal requirements of Title II of the Ethics Act ("Executive Personnel Public Financial Disclosure Requirements") and the substantive conflict of interest laws (18 U.S.C. 202-209). The Confirmation Committees may require other detailed information.

Consultant Appointments

Consultant appointments made under authority of 5 U.S.C. 3109 may be used for individuals who have been nominated, but not confirmed or for individuals whose permanent appointments are in process. Consultants may be paid a rate not to exceed \$192.00 per day. They may also be reimbursed for travel but not moving expenses and may participate in orientation/training programs at government expense.

Schedule C Positions

Schedule C positions are those which either include policy determining responsibilities or require the incumbent to share in a confidential relationship with a key political official of an agency. These positions are at the GS-15 grade level and below. As of November 4, 1980, there were a total of 1,828 Schedule C positions, 1,520 occupied and 308 vacant. About one third of these are secretarial positions. OPM normally authorizes the establishment of each Schedule C position. Many agencies have received delegated authority to establish a fixed-number of Schedule C positions. OPM does not review the qualifications of a Schedule C appointee; final authority on this matter rests with the appointing official. Schedule C employees may be separated at any time if the confidential relationship between the incumbent and his or her superior no longer exists.

After January 19 agencies may establish and fill temporary Schedule C positions. This authority permits the establishment of (1) positions identical to existing Schedule C positions (ITC's) provided intent to vacate these positions has been put in writing by management or the incumbent and (2) new temporary Schedule C positions (NTC's) up to 25% of the agency's authorized Schedule C positions.

Appointment and Reassignment of SES Employees

The Senior Executive Service was established by the Civil Service Reform Act to cover top management positions below the level of Presidential appointees. Agencies have been allocated about 7,000 positions of which approximately 1,000 are currently unfilled. About 40% of SES positions may be filled only on a career basis (called "career reserved"). The remainder (called "general") may be filled on either a career or non-career basis. However each agency has a specific limit on the number of positions it can fill on a non-career basis. Government wide there is a 10% limitation. Many, but not all, non-career appointments are made on a political basis. Any specific "general" position which has been filled as career may in the future be filled as non-career, and vice versa; provided the agency does not exceed its limit on non-career appointments.

In order to provide a smooth transition agencies may make limited term SES appointments of up to six months to a position where a current non-career appointee will continue temporarily.

Those persons holding career appointments may not be involuntarily moved to a different position until 120 days after the new agency head or other non-career officer who makes the assignment takes office. This period is intended to give new agency leadership an opportunity to assess the capacity of senior career managers to carry out the programs and policies of the new leadership. Those appointed on a non-career basis do not have this protection.

Career SES employees may be given Presidential appointments with a right to return to a career job at the end of their service.

C. OTHER MATTERS

Salary Levels

Salary levels are set in four ways. Salaries of Presidential appointees are prescribed in law. SES salaries may be set any one of six steps by agency heads. However, because of salary compression virtually all personnel are paid \$50,112. For General Schedule positions there is a range of salary steps prescribed for each grade level. A new employee can only be paid the first step unless OPM authorizes a higher step in advance. (Note: Some agencies have been delegated this authority.) There are Special Presidential authorities to set the pay of White House employees.

Travel and Moving Expenses

Pre-employment interview travel expenses may be paid to applicants for Presidential appointments, Schedule C positions and Senior Executive Service positions. Travel expenses to attend confirmation hearings are considered part of the pre-employment interview process.

The Federal Government may not reimburse moving expenses for Presidential or Schedule C appointees. For new appointees to the Senior Executive Service only, the Federal Government may reimburse the appointee for transportation of the appointee's family, household goods and personal effects in accordance with the Federal Travel Regulations.

Orientation for Presidential Appointees

The new Administration may want to organize a formal orientation program for new Presidential appointees on how the government operates. Groups such as the National Academy of Public Administration and the American Society for Public Administration recommended this prior to the election. The Office of Personnel Management, which has staffed these programs in the past, has developed a plan which you may wish to consider.

MEMORANDUM FOR: ALL PRESIDENTIAL NOMINEES AND APPOINTEES
FROM: PRESIDENTIAL PERSONNEL OFFICE
SUBJECT: Entrance Materials

You are being considered by the President for a position with the Federal government. We are sending you the enclosed entrance materials and are asking you to submit the appropriate information to the Personnel Office as soon as possible so that the steps leading up to a Presidential nomination can be initiated.

This packet contains the following materials:

- 1) Personal Information Sheet
Completion of this questionnaire is required by the Personnel Office. Your official papers will be drawn up from the information submitted on this sheet.
- 2) Policy Guidelines Memorandum
This memorandum outlines certain policies of the Carter/Mondale Administration and applicable Federal laws designed to prevent conflicts of interest or the appearance thereof.
- 3) Form 278A -- Submit two copies
Form 278A is the standard financial disclosure report required by the Ethics in Government Act of 1978. Each copy must bear your original signature.
- 4) Form 86 -- Submit four copies
Form 86 is needed by the FBI to initiate a full field background investigation. Each copy must bear your original signature. You may type one, reproduce three, and sign all four as originals.
- 5) Consent and Release Forms -- Submit two copies of each
One form is necessary to assist the FBI in investigation of your background for a security clearance. The second authorizes the IRS to release to the Counsel's Office tax information concerning the past three years. The third form authorizes the White House to release your file to appropriate Federal agencies.
- 6) Information Requested of Prospective Appointees Memorandum
Completion of this memorandum is required by the Counsel to the President. The financial and other information requested by the President's Counsel will not be disclosed except as indicated.

- In addition, please supply an updated resume for use by the White House Press Office. The White House issues a press release announcing every Executive level appointment and nomination made by the President. For this purpose, it is important that you provide accurate and timely information.

- Finally, you might include a list, with mailing addresses, of any newspapers and radio/television stations in your area that you would like notified by the White House Press Office when a formal announcement is made.

THE WHITE HOUSE

WASHINGTON

MEMORANDUM FOR: PROSPECTIVE APPOINTEES TO PART-TIME POSITIONS

FROM: LLOYD N. CUTLER
Counsel to the President

SUBJECT: Information Requested of Prospective Appointees

The Carter-Mondale Administration requires prospective appointees to disclose all continuing affiliations, assets and principal liabilities in order to ensure that they may carry out their official duties without any actual or apparent conflicts of interest. For appointees to part-time commissions, such as that to which you are being nominated, we are attempting to minimize the information requested while at the same time not lowering the standards necessary to protect you and the Administration.

I remind you that each nominee must comply with all relevant Federal conflict of interest statutes, particularly 18 U.S.C. 208, and the rules and regulations of the organization to which you are being appointed.

Please provide a typed response to the following questions. Copies of your answers will not be made available to the Senate committee considering your nomination without your consent.

A. Name and Position

1. Name (include any former names used):
2. Government position for which you are under consideration:
3. Address (list current residence address and mailing address):
4. List all office and home telephone numbers where you may be reached.
5. Marital status: If married, identify spouse's employer.
6. List all jobs held in the past 10 years, including the title or description of job, name of employer, location of work, and dates of inclusive employment.

B. Personal Data

1. Have your federal or state tax returns been the subject of any audit or investigation or inquiry at any time? If so, explain.
2. Are you currently under federal, state, or local investigation for a possible violation of a criminal statute? If so, give full details.
3. List all offices and other policy-making positions currently held in professional, fraternal, scholarly and civic organizations.
4. Have you ever been disciplined or cited for a breach of ethics or unprofessional conduct by, or been the subject of a complaint to, any court, administrative agency, professional association, disciplinary committee, or other professional group? If so, please give full details.
5. Have you ever been involved in civil litigation, or administrative or legislative proceedings of any kind, either as plaintiff, defendant, respondent, witness or party in interest, which may be appropriate for consideration by the committee of the Senate to which your nomination will be submitted? If so, please give full details.
6. List all offices with a political party held during the past 10 years. List any public office for which you have been a candidate during the past 6 years.

C. Financial Data

1. List the names of corporations, companies, firms, or other business enterprises, partnerships, nonprofit organizations, and educational and other institutions --
 - A. with which you are now connected as an employee, officer, owner, director, trustee, partner, advisor, attorney, or consultant. (Attorneys and consultants need list only their major clients, but should include all of those whom you represent on a regular basis or which might give rise to an appearance of bias on your part in connection with your proposed appointment.);

- B. in which you have any continuing financial interests, through a pension or retirement plan, stock bonus, shared income, severance pay agreement, or otherwise as a result of any current or prior employment or business or professional association;
 - C. in which you have financial interest through the ownership of stocks, stock options, bonds, partnership interests, or other securities. Any interests held indirectly through trusts or other arrangements should be included.
2. List sources of compensation or value received during 1979 including salaries, fees, dividends, interest and royalties. Amounts need not be submitted.
 3. Describe any business relationship, dealing or financial transaction which you have had during the last five years, whether for yourself, on behalf of a client, or acting as an agent, that could in any way constitute or result in a possible conflict of interest in the position to which you have been nominated.
 4. Federal income tax returns for the three (3) immediate preceding years.

THE WHITE HOUSE

WASHINGTON

MEMORANDUM FOR: PROSPECTIVE APPOINTEES TO THE EXECUTIVE
DEPARTMENTS AND AGENCIES

FROM: LLOYD N. CUTLER
Counsel to the President

SUBJECT: Information Requested of Prospective Appointees

Please type, if possible, your answers to the following questions. If you do not respond on this form, you may reply in outline form by indicating the number of the question being answered, without repeating the question itself.

A. Name and Position

1. Name (include former names):
2. Current position or employment and address:
3. Post or position for which you are under consideration:
4. Current residence address and mailing address:
5. All office and home telephone numbers where you may be reached:
6. Marital status: If married, identify spouse's present employer.

7. All jobs held in the past ten years:

B. Personal Data

1. Are you currently under federal, state, or local investigation for a possible violation of a criminal statute? If so, please give full details.

2. Have you ever been disciplined or cited for a breach of ethics or unprofessional conduct by, or been the subject of a complaint to, any court, administrative agency, professional association, disciplinary committee, or other professional group? If so, please give full details.

3. Have you ever been involved in civil litigation, or administrative or legislative proceedings of any kind, either as plaintiff, defendant, respondent, witness or party in interest, which may be sufficiently controversial or so intimately related to the area of work for which you are being considered, that your involvement may be appropriate for consideration by the committee of the Senate to which your nomination will be submitted? If so, please give full details.

4. Have your federal or state tax returns been the subject of any audit, investigation or inquiry at any time? If so, please provide details, including outcome.

5. List all offices and other policy-making positions currently held in professional, fraternal, scholarly and civic organizations.

6. List all offices held during the past ten years in a political party. List any public office for which you have been a candidate during the past ten years.

7. List all contributions to political parties or election committees during the past six years.

8. What is the condition of your health?

9. Have you had a physical examination recently? If so, when?

10. Without details, is there now or has there been anything in your personal life which you feel, if made public, may be of embarrassment to you or to the Administration in the event you should be nominated?

What about any near relative?

C. Financial Data

The Ethics in Government Act of 1978 requires submission of a Financial Disclosure Statement (Form 278A) for review by the Office of Government Ethics and transmittal to the appropriate Senate Committee.

The information requested in this section is intended to provide an elaboration on your financial status beyond that which is required by the Ethics in Government Act. It will be reviewed by the White House Counsel's Office but will not be sent to the Senate Committee considering your nomination, or otherwise be made public, without your consent.

1. Please attach a complete, current financial net worth statement that itemizes in detail all assets (including, but not limited to, bank accounts, real estate, securities, bonds, partnership interests, trusts, investments, and other financial holdings) and liabilities (including, but not limited to, debts, mortgages, loans, liabilities of others guaranteed by you, and other financial obligations). When identifying each liability, include the nature of the liability and the entity or person to which it is owed. Assets representing personal or household goods, and liabilities for current and ordinary household and living expenses must be included but need not be separately itemized.

Please provide this information for yourself, your spouse, minor children, and any other member of the immediate household.

A sample net worth statement is attached for your convenience. You may use any form you like.

2. To the extent not included in your answer to Question (C)(1), list the names of all corporations, companies, firms, or other business enterprises, partnerships, nonprofit organizations, and education or other institutions --
 - (a) with which you are now connected as an employee, officer, owner, director, trustee, partner, advisor, or consultant, or
 - (b) in which you have any financial interest through the ownership of stocks, stock options, bonds, partnership interests, or other securities. Any interests held indirectly through trusts or other arrangements should be included. (Please provide a copy of any trust or other agreement.)

3. List sources and amounts of all items of value received during calendar years 1978 and 1979 (including, but not limited to, salaries, wages, fees, dividends, capital gains or losses, interests, rents, royalties, patents, honoraria, and other gifts of more than nominal value).

4. Please provide for review (but not for passing on to Senate Committee staff or to the public) copies of your federal income tax returns for the last three years.

D. Potential Conflicts of Interest

1. Federal law (18 U.S.C. 208) prohibits officers and employees of the Executive Branch from participating personally and substantially in any particular matter in which they, their immediate families, business associates or prospective employers have a financial interest that would be directly and predictably affected by participation in such matters (for example, through ownership of securities or interest in a trust). Are you aware of any such financial interest which, in the context of the position for which you are being considered, seems likely to pose difficulties in this regard? If so, specify.

2. Describe any business relationship, dealing or financial transaction which you have had during the last five years, whether for yourself, on behalf of a client, or acting as an agent, that could in any way constitute or result in a possible conflict of interest in the position to which you have been nominated.

3. If you are an attorney or consultant, please list your major clients, including all clients whom you represent on a regular basis or might give rise to an appearance of bias on your part in connection with your proposed appointment.

4. With respect to any pension or retirement plan, stock bonus, shared income or severance pay agreement, or any other arrangement resulting from any current or prior employment or business or professional association, please provide all details necessary for a thorough understanding of how the arrangement operates. Please include information concerning any renewal right you may have if the arrangement is allowed to lapse, and whether it is possible for you to receive lump sum or severance payments in lieu of continuing the arrangement. You should know, however, that 18 U.S.C. 209(b) contemplates continued participation in certain benefit plans such as retirement, profit sharing, or stock bonus plans maintained by a former employer.

5. Explain how you will resolve any potential conflict of interest, including any that may be disclosed by your responses to the above items.

One mechanism which may be used to resolve potential financial conflicts of interest is a blind trust. Under Sections 202(f)(3) and (4)(b) of the Ethics in Government Act, assets may be placed in a blind trust, which if qualified, serves to immunize the grantor from the more routine disqualification requirements imposed by 18 U.S.C. 208(a). Such a trust may be particularly useful for a nominee who has a diversified portfolio of securities. Further information concerning qualified blind trusts may be obtained from the Office of Government Ethics, 1900 E Street, N.W., Washington, D.C. 20415 (202/632-7642).

The Administration has established a firm policy requiring all Presidential nominees who are being appointed to full-time positions to resign from all offices and boards of directors in for-profit corporations.

E. Future Employment Relationships

1. Will you sever all connections with your present employer, business firm, association or organization if you are nominated by the President and confirmed by the Senate?

2. Do you have any plans after completing government service to resume employment, affiliation or practice with your previous employer, business firm, association or organization?

3. Has anybody made a commitment to employ your services in any capacity after you leave government services?

4. Do you have any plans, commitments or agreements to pursue outside employment, with or without compensation, during your service with the government? If so, explain.

5. If confirmed, do you expect to serve your full term of office?

