

## [S. 1172, Edward "Ted" Kaufman and Michael Leavitt Presidential Transitions Improvements Act of 2015, as amended](#)

### FLOOR SITUATION

On Monday, February 29, 2016, the House will consider [S. 1172](#), the Edward "Ted" Kaufman and Michael Leavitt Presidential Transitions Improvements Act of 2015, as amended, under suspension of the rules. S. 1172 was introduced on April 30, 2015, by Sen. Tom Carper (D-DE) and passed the Senate by unanimous consent on July 30, 2015. The House Committee on Oversight and Government Reform reported the bill, with an amendment, on December 18, 2015.

### SUMMARY

S. 1172 requires the interagency transition coordinating council to be established no later than six months before the presidential election, creates an Agency Transition Directors Council and Federal Transition Coordinator, and extends transition services from 30 to 180 days after inauguration day. The bill also requires a report to Congress on national security threats related to terrorism and border security during a transition.

The House Oversight and Government Reform Committee reported the bill, with an amendment, which requires the Office of Personnel Management to report to Congress detailing the “burrowing in” of political appointees into civil service positions. Under law, federal civil service employees are generally not permitted to be appointed on a partisan basis.

### BACKGROUND

The constitutional transfer of power and authority from an incumbent American President to a successor is a complex and multi-faceted process. In the present day, this transfer of authority is a complex and multi-faceted undertaking, as the outgoing Administration concludes its affairs and the incoming Administration gets organized.<sup>1</sup>

The Presidential Transition Act of 1963 (PTA), as amended, authorizes funding for the General Services Administration to provide suitable office space, staff compensation, and other services

<sup>1</sup> See CRS Report, [“Presidential Transition Act: Provisions and Funding.”](#) December 17, 2012.

associated with the presidential transition process. The Pre-Election Presidential Transition Act of 2010 amended the PTA and included several other provisions to provide additional support to eligible candidates for pre-election transition planning. The Act directs the Administrator to provide certain presidential transition services and facilities to major-party and certain third-party presidential and vice-presidential nominees before a presidential general election. These services and facilities include, with specified exceptions, many of the items authorized to be provided to the President-elect and Vice President-elect—such as office space, appropriate furnishings, and office equipment. These provisions had effect for the first time during the 2012 presidential election.

The President's FY2013 budget proposal included \$8.95 million in funding for the 2012-2013 presidential transition. In the event the President-elect is the incumbent President, or the Vice President-elect is the incumbent Vice President, any funds appropriated for such purposes are returned to Treasury.

According to the bill sponsor, “Given the challenges facing our country, both at home and abroad, Congress has a critical responsibility to help ensure an orderly changeover from one administration to the next. This bill will help ensure that when future presidents take the oath of office, their administrations are as prepared as possible to hit the ground running from day one. This bipartisan bill, which builds on work spearheaded by my former colleague Sen. Ted Kaufman and former Utah Gov. Mike Leavitt, offers some common-sense improvements to the current presidential transition process and outlines the shared responsibilities between outgoing and incoming administrations to prepare for a new president’s smooth transition to the White House.”<sup>2</sup>

### **COST**

The Congressional Budget Office [estimates](#) that implementing this legislation would cost less than \$500,000 over the next five years. Enacting S. 1172 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

### **STAFF CONTACT**

For questions or further information please contact [John Huston](#) with the House Republican Policy Committee by email or at 6-5539.

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<sup>2</sup> See Sen. Tom Carper Press Release, [“Senate Passes Bipartisan Legislation to Improve Presidential Transitions.”](#) July 30, 2015.