



COMPTROLLER GENERAL OF THE UNITED STATES
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May 21, 1980

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The Honorable Abraham Ribicoff
Chairman, Committee on Governmental
Affairs
United States Senate

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Dear Mr. Chairman:

Your April 22, 1980, letter requested our comments on S.2408, a bill to reform the laws relating to former Presidents. The bill proposed a number of amendments to the Former Presidents Act of 1958 and the Presidential Transition Act of 1963, many of which are consistent with legislative recommendations we made in our report on the "Audit of Ford-Carter Presidential Transition Expenditures" (December 23, 1977, GGD-78-36). We also presented these recommendations in our November 7, 1979, testimony before the Treasury, Postal Service, and General Government Subcommittee of the Senate Committee on Appropriations.

The following discusses several issues we identified earlier and which are not addressed in the bill. We are also including our recommendations for the Committee's use in considering the subject bill.

DETAILS OF FEDERAL EMPLOYEES

Section 202(a) of the bill provides that any Federal employee may be detailed to the office staff of a former President on a reimbursable basis with the consent of the head of the agency involved. However, the bill does not prescribe a limit on the periods of such details. In our November 1979 testimony we recommended that the Former Presidents Act of 1958 be amended to authorize the detailing of Government employees on a reimbursable basis during the fiscal year in which the transition occurs.

During the first fiscal year of a transition, a former President usually experiences a high level of activity and requires a larger staff than in succeeding years. After the initial transition period, a former President's activities should stabilize at a level that could be adequately handled by the permanent office staff. Accordingly, we recommend that the bill be modified to limit the authority for employee details to the fiscal year in which the transition occurs.

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USE OF GOVERNMENT OR CHARTERED AIRCRAFT

As pointed out in our November 1979 testimony, a number of issues associated with the use of Government or chartered aircraft by a former President need clarification. The bill does not address these issues.

We noted that the cost of military aircraft used by former President Ford was not charged to Transition Act funds and the assignment of these aircraft was based on a Department of Justice determination that such aircraft could be assigned for either official or personal purposes. We do not believe that the President has the authority to assign military aircraft to a former President without reimbursement. During the transition the former President also traveled on some occasions on chartered flights on which the Secret Service paid part of the costs. The collections from the Secret Service were deposited in miscellaneous receipts.

To clarify the authority for the use of military or chartered aircraft by a former President, the appropriation to be charged, and the disposition of any receipts from the Secret Service and others accompanying a former President, we recommend the addition of a provision to the bill stating that:

--When authorized by the President, Government aircraft may be used by a former President for transition purposes. When deemed necessary for protective purposes, chartered aircraft may also be used by a former President in winding up the affairs of his Presidency. The cost of either Government or chartered aircraft should be paid with Former Presidents Act funds and any collections from the Secret Service or others for the use of space on chartered flights deposited to the credit of the Former Presidents Act appropriation.

PROVIDING FUNDS TO THE OUTGOING ADMINISTRATION

The bill provides for the repeal of section 4 of the Presidential Transition Act of 1963. As a result, funds would have to be available under the Former Presidents Act as soon as the outgoing administration leaves office. There is a natural reluctance on the part of an administration with a President running for reelection to request funds under the

Former Presidents Act which would only become available to him if he is defeated. This reluctance is overcome in the Transition Act by a provision which requires a President to request an appropriation for each fiscal year in which his term will expire. We believe that a similar provision should be added to the Former Presidents Act. We therefore recommend the addition of a provision to the bill to require:

--The President to include in the budget transmitted to the Congress for the fiscal year in which his regular term of office expires, a proposed appropriation providing sufficient funds to carry out the provisions of the Former Presidents Act as it would apply to him and the Vice President.

APPROVAL OF EXPENDITURES

During the Ford-Carter transition both the former President's staff and the former Vice President's staff were provided with Transition Act funds for deposit in checking accounts in private banks. The amounts advanced--\$5,000 and \$2,000, respectively--were relatively small, and we noted none of the problems encountered in the use of the much larger checking account made available to the Carter/Mondale staff. These smaller accounts were operated on an imprest basis, i.e., for minor expenses which were submitted to the General Services Administration frequently for approval and reimbursement to the checking account for the amount expended.

To prevent any problems which might arise from the use of such checking accounts in the future, however, we recommend that the bill be modified to limit the expenditures that can be made under the Former Presidents Act without prior approval by the General Services Administration to those made from a small imprest fund.

SHIPMENT OF PERSONAL EFFECTS

In our earlier work, we noted that questions were raised as to whether the Government clearly had authority to move the personal effects of the former President, the former Vice President, and their families. If it is the Committee's intent that the Government bear these costs, we recommend that the bill be modified to specifically authorize the shipment of the personal effects of the former President and his family and the former Vice President and his family from their official residences in Washington, D.C., to locations in the United States selected by them.

SECRET SERVICE PROTECTION

We note that the bill requires the Comptroller General to appoint the members of the Advisory Panel on Secret Service Protection which will review requests for additional Secret Service protection. This is a rather unique role for the Comptroller General, but we have no objection so long as the Comptroller General plays no part in the activities of the Advisory Panel.

We also noted that the bill does not provide for someone to chair the panel. In order to promote the orderly conduct of the Advisory Panel's business, we suggest that the bill be modified to provide a mechanism for the election or appointment of a member as chairperson.

Further, to facilitate the activities of the Advisory Panel on Secret Service Protection and the advisory committee established by the June 6, 1968 joint resolution, we recommend that both organizations be exempted from the requirements of the Federal Advisory Committee Act (P.L. 92-403).

We hope that these comments will be useful to the Committee in its consideration of the bill.

Sincerely yours,

SIGNED ELMER B. STAATS
Comptroller General
of the United States