

115TH CONGRESS
2D SESSION

S. 3487

To amend the Presidential Transition Act of 1963 to improve the orderly transfer of the executive power during Presidential transitions.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 25, 2018

Mr. JOHNSON introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

To amend the Presidential Transition Act of 1963 to improve the orderly transfer of the executive power during Presidential transitions.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Presidential Transition
5 Enhancement Act of 2018”.

6 **SEC. 2. PRESIDENTIAL TRANSITION ENHANCEMENTS.**

7 (a) IN GENERAL.—Section 3 of the Presidential
8 Transition Act of 1963 (3 U.S.C. 102 note) is amended—

9 (1) in subsection (a)(2), by inserting “, or in
10 the case of an employee in a position in the legisla-

1 tive branch, with the consent of the supervising
2 Member of Congress” after “with the consent of the
3 head of the agency”;

4 (2) by striking subsection (b) and inserting the
5 following:

6 “(b) The Administrator shall expend funds for the
7 provision of services and facilities under this section—

8 “(1) in connection with any obligation incurred
9 during the period—

10 “(A) beginning on the day after the date
11 of the general elections held to determine the
12 electors of the President and Vice President
13 under section 1 or 2 of title 3, United States
14 Code; and

15 “(B) ending on the date that is 60 days
16 after the date of the inauguration of the Presi-
17 dent-elect as President and the inauguration of
18 the Vice-President-elect as Vice President; and

19 “(2) without regard to whether the transition
20 team submits to the Administrator a request for
21 payment regarding services or facilities before the
22 end of such period.”;

23 (3) in subsection (h)(2)(B)(ii), by striking
24 “computers” and inserting “information tech-
25 nology”; and

1 (4) By adding at the end the following:

2 “(i) MEMORANDUMS OF UNDERSTANDING.—

3 “(1) IN GENERAL.—Not later than August 1 of
4 a year during which a Presidential election occurs,
5 the Administrator shall, to the maximum extent
6 practicable, enter into a memorandum of under-
7 standing with the transition representative of each
8 eligible candidate, which shall include, at a min-
9 imum, the conditions of access to employees, facili-
10 ties, and documents of agencies by transition staff.

11 “(2) EXISTING RESOURCES.—To the maximum
12 extent practicable, a memorandum of understanding
13 entered into under paragraph (1) shall be based on
14 memorandums of understanding relating to previous
15 Presidential transitions.

16 “(3) TRANSITION REPRESENTATIVE.—

17 “(A) DESIGNATION OF REPRESENTATIVE
18 FOR INQUIRIES.—Each memorandum of under-
19 standing entered into under this subsection
20 shall designate a representative of the eligible
21 candidate to whom the Administrator shall di-
22 rect any inquiries or legal instruments regard-
23 ing the records of the eligible candidate that are
24 in the custody of the Administrator.

1 “(B) CHANGE IN TRANSITION REPRESENT-
2 ATIVE.—The designation of a new individual as
3 the transition representative of an eligible can-
4 didate shall not require the execution of a new
5 memorandum of understanding under this sub-
6 section.

7 “(4) AMENDMENTS.—Any amendment to a
8 memorandum of understanding entered into under
9 this subsection shall be agreed to in writing.

10 “(5) PRIOR NOTIFICATION OF DEVIATION.—
11 Each party to a memorandum of understanding en-
12 tered into under this subsection shall provide written
13 notice not later than 3 days before taking any action
14 that deviates from the terms and conditions agreed
15 to in the memorandum of understanding.

16 “(6) DEFINITION.—In this subsection, the term
17 ‘eligible candidate’ has the meaning given that term
18 in subsection (h)(4).”.

19 (b) AGENCY TRANSITIONS.—Section 4 of the Presi-
20 dential Transition Act of 1963 (3 U.S.C. 102 note) is
21 amended—

22 (1) in subparagraphs (C) and (D) of subsection
23 (e)(3), by inserting “serving in a career position”
24 after “senior representative”; and

1 (2) by striking subsection (f)(2) and inserting
2 the following:

3 “(2) *ACTING OFFICERS.*—Not later than Sep-
4 tember 15 of a year during which a Presidential
5 election occurs, and in accordance with subchapter
6 III of chapter 33 of title 5, United States Code, the
7 head of each agency shall ensure that a succession
8 plan is in place for each senior noncareer position in
9 the agency.”.

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