



# PRESIDENTIAL **TRANSITION** **GUIDE**

A COMPREHENSIVE GUIDE TO THE ACTIVITIES  
REQUIRED DURING THE TRANSITION



CENTER FOR  
PRESIDENTIAL TRANSITION®

PARTNERSHIP FOR PUBLIC SERVICE

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The Partnership teams up with federal agencies and other stakeholders to make our government more effective and efficient. We pursue this goal by:

- Providing assistance to federal agencies to improve their management and operations, and to strengthen their leadership capacity.
- Promoting accountability by generating research on, and effective responses to, the workforce challenges facing our federal government.
- Advocating for needed legislative and regulatory reforms to strengthen the civil service.
- Identifying and celebrating government's successes so they can be replicated across government.
- Conducting outreach to college campuses and job seekers to promote public service.

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PRESIDENTIAL  
**TRANSITION GUIDE**

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# Table of Contents

<b>INTRODUCTION</b>	<b>3</b>
The Research, Discussions and Activities That Informed This Guide	5
About Our Mission	6
<b>TRANSITION OVERVIEW</b>	<b>10</b>
Fundamentals of Getting Organized	10
Responsibilities of the Transition	15
Laying a Strong Foundation	18
Coordinating with the Incumbent Administration	23
<b>BUILDING THE TEAM</b>	<b>54</b>
Key Transition Leadership Activities	61
Key Transition Workstream Leadership	65
<b>PRESIDENTIAL APPOINTMENTS</b>	<b>77</b>
Timeline and Goals for Presidential Appointments	78
The Basics of Making Presidential Appointments	83
Major Steps in Personnel Appointments	86
Vetting and Investigating Presidential Appointees	98
Onboard New Appointees	106
Prepare Cabinet Orientation and Retreat	107
<b>POLICY IMPLEMENTATION</b>	<b>126</b>
Major Activities in Policy Prioritization	129
Budget and Management Agenda	137
<b>AGENCY REVIEW</b>	<b>158</b>
What to Expect from Agencies and the Incumbent Administration	161
Major Steps in the Agency Review Process	163
<b>SUPPORTING THE PRESIDENT-ELECT</b>	<b>197</b>
Fundamentals of the President-elect's Schedule	197
Major Steps in the President-elect's Calendar Planning	204
Vice Presidential Personnel and Transition Planning	210
Transition Planning for the First Family	214
<b>SECOND-TERM TRANSITION</b>	<b>219</b>
<b>ROLE OF THE INCUMBENT ADMINISTRATION</b>	<b>229</b>
Major Steps for the Incumbent President	230
<b>CONCLUSION</b>	<b>250</b>
<b>INDEX</b>	<b>253</b>



**In the 1972 dramatic film “The Candidate,” a dazed U.S. Senator-elect Bill McKay learns he has won a hard-fought election. Turning to his campaign manager, he asks, “So ... what do we do now?”**

This classic fictional scene highlights the real-life difficulty of preparing to govern in the midst of campaigning, and the void that is created if planning does not take place. While planning may be an afterthought in the movies, the consequences in reality are serious and sobering. Preparing to take over the presidency of the United States of America is highly complex and extremely important. Done well, it will set up a new administration for success; done poorly, it will make it difficult for a new administration to recover.





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# Introduction

The purpose of this guide is to share lessons learned from past presidential transitions and to suggest best practices, as well as key choices and decision-points involved in planning for a presidential administration. It is essential to begin transition planning for a first or second term well before Election Day, which requires creating an organization, setting goals and doing the work necessary to achieve those priorities.

**The primary goals of a transition for a new president include:**

- Staffing the White House and the Executive Office of the President, developing a functional decision-making process and preparing to assume governing responsibility.
- Making more than 4,000 presidential appointments, more than 1,200 of which require Senate confirmation.
- Building a policy platform for the new administration based on campaign promises.
- Preparing a 100- to 200- day plan to build momentum and support for executing those policies, which includes drafting executive actions, preparing a management agenda, building a budget proposal and planning for potential legislation.

- Getting up to speed on more than 100 federal agencies and organizing and training leadership teams for each one.
- Developing a strategy for communicating with the American people, Congress, the media, political appointees, the federal workforce and other stakeholders.

**The primary goals of a transition for a second-term president include:**

- Planning for Cabinet and other high-level personnel changes.
- Developing plans for improvements in policymaking, program effectiveness and management practices.
- Establishing the second-term agenda and a timetable for action.
- Establishing priorities to take advantage of a post-election honeymoon period if one develops.

Presidents not only have to make critical leadership appointments across government and pursue a robust policy agenda, but they also have to be fully prepared to handle a major crisis at a moment's notice. President Joe Biden took office at the height of the COVID-19 pandemic. President Donald Trump was confronted with an emergency response to three major hurricanes in 2017, as well as escalating tensions over the North Korean nuclear threat. President Barack Obama had to deal with the worst financial crisis since the Great Depression upon taking office in 2009, and then with the Boston Marathon bombing just three months into his second term in April 2013. And of course, the Sept. 11, 2001 terrorist attacks occurred just eight months after President George W. Bush's inauguration. Even without crises, transitions include a host of practical challenges including navigating the appointments process and getting up to speed on agency operations.

Candidates cannot wait until after the election to begin thinking about how they will organize and prepare to deal with such emergencies or the demanding day-to-day requirements of governing. This work must begin in the midst of the presidential campaign so the new administration will be ready to govern on day one, and so that a second-term president will be prepared for a fresh start.

The intended audience for this guide includes presidential candidates and their top campaign and transition staff, administrations seeking a second term, outgoing administrations, policymakers invested in the transfer of power, agency officials handling transition planning, outside groups that provide advisory support, the media and the public at large.

While presidential transitions are shaped by the candidates and events of the day, the 2020-2021 transition was like no other. In addition to taking place during the worst pandemic in 100 years and serving as the first fully virtual transition, the process was complicated by the outgoing president's refusal to concede the election. The dispute stalled a decision known as ascertainment, which delayed Joe Biden's transition team receiving federal funding, access to agencies and background briefings for three weeks.

In this guide, we continue our past practice by focusing on the mechanics,

operations and art of presidential transition teams. We incorporate the lessons learned from the individuals involved in the tremendously complex but ultimately realized 2020-2021 transition.

The pages that follow cover the major activities and phases of a presidential transition, and explain how successful transitions should operate. This guide is not intended as a complete history of past presidential transitions, but it is a living document that will be updated as we learn more about presidential transitions and talk with those who have been involved in the process. Individuals provided information on the basis of non-attribution, and direct quotes have been included with permission.

## **THE RESEARCH, DISCUSSIONS AND ACTIVITIES THAT INFORMED THIS GUIDE**

The transition work of the Partnership for Public Service over the past decade has been used to develop this guide and improve the presidential transition process. Our work has included:

- Conferences in 2008, 2012 and 2016 at the Pocantico Conference Center of the Rockefeller Brothers Fund, and a virtual conference in 2020, which brought together representatives of federal agencies and members of the major campaigns to discuss transition planning. The Boston Consulting Group helped facilitate the 2012 and 2016 conferences and prepared a wealth of materials relating to the virtual 2020 presidential transition.
- Creating an oral history of transitions through our Transition Lab podcast that was launched in 2020 and used as the basis for the book, *The Peaceful Transfer of Power*.
- Convening three presidential transition roundtable forums in 2016 with members of the Hillary Clinton and Donald Trump transition teams to provide information and best practices on preparing to govern and to facilitate a smooth handover of power from the Obama administration to the successful candidate.
- Engagement with more than 170 career agency executives from 40 agencies during 2020 and 2021 to help them plan for the presidential transition and anticipate the needs of the presidential transition teams.
- Interviews with numerous participants from the Trump, Hillary Clinton, Obama, Romney, McCain, George W. Bush, George H.W. Bush and other campaigns, transition teams or administrations.
- Interviews with agency transition service providers following the 2016 and 2020 presidential elections to understand how the transition teams, the White House and the service providers were organized, what worked and what should take place in the future to improve the process.
- Discussions with Congress that led to passage of new laws that provide office space, equipment and support to eligible candidates immediately after their political conventions; require interagency emergency pre-

paredness exercises; establish White House and federal agency councils designed to assist the transition teams of the presidential candidates; and require the release of transition services on an equitable basis to the candidates in case there is no clear winner five days after the presidential election.

- An in-depth analysis of presidential transition calendars, and how presidents-elect spend their time between the election and the inauguration, developed in cooperation with the Boston Consulting Group.
- Sponsoring the release event for the Romney transition team's book, *Romney Readiness Project 2012: Retrospective & Lessons Learned*, by Michael Leavitt, Chris Liddell, Daniel Kroese and Clark Campbell, detailing the Romney team's presidential transition planning goals, milestones and activities.
- The Partnership's 2010 report "Ready to Govern," which detailed the preparations made by the presidential campaigns of Sens. Barack Obama and John McCain and the outgoing Bush administration for the 2008 presidential transition. This report recommended ways to improve presidential transitions, including through early preparation, changes to the appointment and personnel processes, and coordination between outgoing and incoming administrations.
- Review of historical documents that were developed as part of past transition operations as well as scholarly studies on the subject of presidential transitions and the presidency.

## ABOUT OUR MISSION

The nonprofit Partnership for Public Service's **Center for Presidential Transition**<sup>®</sup> serves as the premier nonpartisan source of information and resources to help presidential candidates and their teams lay the groundwork for a new administration or for a president's second term.

Effective governing requires extensive preparation by a new president long before Election Day, including building a competent leadership team, planning a budget of more than \$6 trillion, creating a comprehensive policy agenda and understanding how to manage a huge workforce.

A president's second term also represents a significant turning point, often resulting in changes in the Cabinet and other critical leadership positions while offering the chance to pursue new policies and improve government performance. The time before and after the election offers an opportunity for the incumbent to formulate plans for changes in personnel and improvements in policymaking, program effectiveness and management practices.

Few presidential transitions have been well documented, and even fewer have captured key materials, information and advice in a way that will be useful to future transition teams—a surprising and even concerning fact given the enormous amount of planning and preparation that the transition requires. As the presidential campaign season heats up, candidates must place as much emphasis on their ability to lead our government as on their policy positions.

The president is essentially the CEO of a complex organization of about 2 million civilian federal employees and some 2 million military and reserve forces. The president has a mandate to protect U.S. citizens and create an environment where they can prosper. This means presidential candidates must take transition activities seriously.

With the Center for Presidential Transition and our online platform, [presidentialtransition.org](http://presidentialtransition.org), the Partnership has created a learning system to assist presidential candidates and presidential transition teams, administrations seeking a second term, outgoing administrations, federal agency leaders, government career executives and Congress. The Center provides access to the resources needed to plan, prepare and contribute to a smooth transfer of power. We combine our in-house expertise with material gleaned from a variety of sources, including prior transition teams, administration officials, government agencies, good-government organizations and transition scholars. The result is a permanent one-stop shop for all things transition that will serve to educate, inform and equip all those who play a role in the presidential transition to make each one better than the one before.

The Center for Presidential Transition's work includes:

#### ASSISTING PRESIDENTIAL CANDIDATES, THE INCUMBENT ADMINISTRATION AND AGENCIES WITH TRANSITION PLANNING

Our comprehensive Presidential Transition Guide includes best practices and lessons learned from prior transition teams, serving as a roadmap for transition planning and implementation. We have assembled a library of past transition documents on issues ranging from budgeting for the transition to the preparations required by the Presidential Transition Enhancement Act of 2019 to preparing for the inauguration. In the months leading up to a presidential election, we offer a series of nonpartisan conferences and roundtable discussions for candidates and their transition teams. Our Agency Transition Guide helps career officials build well-organized internal transition teams to provide incoming senior leaders with critical information about agency policies, operations, budgets and personnel.

#### PREPARING PRESIDENTIAL APPOINTEES TO SUCCEED

The Partnership prepares new and seasoned political appointees to govern effectively, using a dynamic mix of seminars, interactive roundtable discussions, networking events and other activities. Our Ready to Govern<sup>®</sup> program accelerates the ability of appointees to lead by deepening their understanding of the unique aspects of managing in the federal government. We also provide content and planning tools to help appointees get ready for the rigorous background checks, ethics evaluations and the Senate confirmation process through our Ready to Serve program.

#### ADVOCATING FOR REFORMS AND DRAWING ATTENTION TO TRANSITION ISSUES

The Partnership works with Congress to promote transition reforms and streamline the appointments process so key positions are filled quickly, and with the right talent. In collaboration with The Washington Post, our online Political Appointee Tracker provides real-time data on the status of political appointments, holding the administration and the Senate accountable for timely action.

#### IDENTIFYING AND PROMOTING SOUND MANAGEMENT PRACTICES FOR A MORE EFFECTIVE GOVERNMENT

Effective government requires innovative techniques, technologies, data, customer-centric service delivery and cross-sector collaboration. The Partnership serves as a bridge between administrations, across the political aisle and from government to the private sector, providing expertise on government's talent and operational challenges and bringing together diverse perspectives to sustain momentum and institutional knowledge on federal management issues.

“My key advice to a new transition team is to decide early what you want to get out of the transition. This will help you set priorities and design your structure.”

**Clay Johnson**

**Executive Director, Bush-Cheney Transition**

CHAPTER 1

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# Transition Overview

Candidates running for a first term must not only devote their time and energy to winning the election, but must simultaneously set up a transition organization to lay the groundwork for governing. Presidents seeking a second term also need to engage in planning for the next four years as discussed later in the guide.

An effective presidential transition requires naming transition leaders, establishing a clear set of priorities and a robust work plan covering policy, personnel, federal agency review and a host of other issues. The transition leadership must develop a cooperative relationship with the campaign, have sufficient resources and, if the candidate is victorious, be ready to undertake a two-and-a-half-month sprint to the White House. This chapter offers an overview of the transition process, followed by a more in-depth look at the various aspects and phases of planning for the transfer of presidential power.

## **FUNDAMENTALS OF GETTING ORGANIZED**

Preparing to take over the functions of government is immensely complicated and requires extensive preparation. Managed well, it can result in a new administration ready to take immediate control of the presidency. Managed poorly, it can lead to delays in staffing key positions, strategic errors in policy rollout and communication and, at worst, difficulty responding to pressing national security and domestic challenges.



Given the sheer size and complexity of the federal government, transition planning is a daunting task. An incoming president is responsible for making more than 4,000 political appointments, managing an organization with a budget of over \$6 trillion and overseeing a workforce of more than 2 million civilian employees who perform missions as diverse as national defense, public health and citizen services. Any candidate for the presidency must be ready to handle the demands of leading a massive organization that operates much like a holding company for disconnected entities and not enough like a unified whole.

One inescapable feature of presidential transitions is the calendar—there will be an election and there will be a finite amount of time in which to prepare for the move from campaigning to governing. Therefore, a whole-of-government approach should begin no later than spring of an election year—and preferably sooner.

## **Transition timeline**

The full presidential transition process consists of three main phases, covering roughly one year, from April or May of the election year through the inauguration and the new administration’s first 200 days. The tasks, pace of decisions and number of transition personnel increase exponentially with each phase.

In the pre-election phase, transition team leaders must set up the core operational units of the transition, bring transition staff members onboard and engage in extensive policy and personnel planning.

In the post-election phase, campaign staff are merged into the transition, and the volume of work sharply escalates to scale up personnel vetting, policy planning and agency reviews. The number of transition personnel can jump from a few dozen prior to the election to more than 1,000 staff and volunteers by the eve of the inauguration. With roughly 75 days between the election and inauguration, incoming administrations have a very short time in which to learn and accomplish all that is necessary to assume the responsibilities of governing. A full description of staffing and organizing the transition team can be found in Chapter 2.

During the post-inauguration “handover” phase, responsibilities become vested in White House and agency offices, and the transition operation is officially closed down.

The major activities in these three phases are:

### **PRE-ELECTION “PLANNING” PHASE**

Planning for a presidential transition should start in earnest in spring of the election year. Key activities in this pre-election phase include:

- Naming a transition chair.
- Assembling and organizing the key transition team staff.
- Setting goals and deliverables for the transition.
- Assigning responsibilities among the team members.
- Allocating resources for each workstream.

- Developing an overall project plan to guide the team through the entire transition process.
- Establishing relationships with Congress, the current administration, the General Services Administration, the Office of Government Ethics, the Federal Bureau of Investigation and the Office of Personnel Management.

In April 2020, Joe Biden named Ted Kaufman and Jeff Zients as transition co-chairs. In 2016, Donald Trump named his transition chair during the first week of May, and the pre-election transition effort was launched in June with about eight staffers. Hillary Clinton’s campaign planned her transition strategy during the early summer months, but did not officially announce transition leaders until after the Democratic National Convention. In 2012, Mitt Romney’s team began planning in June of 2012, although some initial planning took place in April and May.<sup>1</sup> In 2008, Barack Obama’s transition team began its preliminary work in April and formal planning in May.

Early planning has been facilitated by the Pre-Election Presidential Transition Act of 2010 (Public Law 111-283), which made office space and equipment, information technology and staff assistance available to eligible candidates through the GSA following the nominating conventions. The Romney transition operation was the first to have access to transition support before the election and was able to move into government-supplied office space by early September 2012.<sup>2</sup> In 2016, the Trump and Clinton campaigns both moved into the GSA office space in Washington, D.C. on Aug. 1 following the conclusion of the Republican and Democratic political conventions with most in-person work reserved for post-election sensitive agency and national security briefings.

#### POST-ELECTION “TRANSITION” PHASE

In the roughly 75 days between election and inauguration, the transition team must increase hiring, often through an influx of campaign staff; integrate them into daily operations; and prepare to take over the functions of government. Key activities in this phase include:

- Staffing the White House and agencies.
- Deploying agency review teams to visit agencies.
- Building out the president-elect’s policy and management agendas and schedule.
- Identifying the key talent necessary to execute the new president’s priorities.

1 Michael O. Leavitt, Christopher Liddell, Daniel Kroese, and Clark Campbell, “Romney Readiness Project 2012: Retrospective & Lessons Learned,” R2P, Inc., 2013, 21.

2 Prior to the 2010 law, the GSA was authorized under the Presidential Transition Act of 1963, as amended, to provide post-election transition support services to the president-elect but was not authorized to provide transition support to eligible candidates prior to an election. According to the 2010 law, an eligible candidate is someone who is nominated by a major party or is determined by the GSA administrator. The administrator is instructed to make that determination by relying on several criteria, like the number of states where the candidate’s name appears on the ballot, national poll numbers and recognition by other national organizations such as the Commission on Presidential Debates.

## POST-INAUGURATION “HANDOVER” PHASE

Following the inauguration and transfer of power to the next president, a new administration has a narrow window of approximately 200 days in which to achieve quick wins and build the momentum necessary to propel significant policy initiatives forward. The focus in this phase tends to be on identifying and vetting the right staff and appointees based on the president’s top priorities—a formidable task given that the new administration will fill roughly 4,000 political appointments, including more than 1,200 that require Senate confirmation.

The administration also will have to officially close down the transition operation and preserve important records for historical value and to aid future transition teams.

Closing down the transition operation once the new administration comes into office (or, for the unsuccessful candidate, when the election concludes) is typically overlooked during the frenzy of pre-election activity. Building the transition organization is intense and challenging, and it is easy to lose sight of the fact that at some point much of the work of the transition will need to be either transferred to the White House or otherwise archived.

The Presidential Transition Enhancement Act of 2019 allows the GSA to continue providing support services to the president-elect for up to 60 days after the election. The intent of the provision is to allow the transition team to continue time-sensitive work, around personnel in particular, in the transition space, without the forced disruption of moving the operation to the White House on Jan. 20. The Trump transition team remained in the federal office space until mid-February 2017 after revising its memorandum of understanding. The GSA agreed to provide the office space and guard service, and required payment for the accommodations, but did not provide any other support services after the inauguration.

Finally, transition operations should consider the importance of their work for future candidates and transition teams as well as the historical record. Given how critical the transition process is and the bipartisan nature of the need to prepare, transition documents and experiences will be of enormous value to future transition leaders. The Romney transition set a laudable precedent with its book, *Romney Readiness Project 2012: Retrospective & Lessons Learned*, which laid out the process by which that transition team prepared for a potential Romney administration. Such resources will be invaluable to future transitions as they undertake the crucial work of building a presidential administration from scratch. The closing of the transition operation provides an opportunity for this kind of archiving and reflection.

The Partnership for Public Service’s Center for Presidential Transition® serves as an online home for transition archives, including documents from previous transitions dating back to 2000, at [presidentialtransition.org](http://presidentialtransition.org). More than 1,000 tools, templates and historical documents are available, including agency overviews, appointee position descriptions, templates for transition materials and other resources.

## Key 2024 transition milestones

	MILESTONE	TARGET COMPLETION DATE	WORKSTREAM
<b>PHASE I</b> Pre-election (planning)	Identify transition chair, executive director and other top leadership	Spring	Leadership
	Establish strategic priorities and work plan	June	Leadership
	Develop budget and fundraising plan	June	Operations
	Set time targets for presidential appointments and identify priority positions	June/July	Appointments
	Coordinate with GSA to plan for office space, IT, financial resources	June/July	Operations
	Create standardized agency review report format	July	Agency review
	Catalog key campaign promises and identify policy priorities	July-October	Policy planning
	Submit security clearances for key transition personnel who will require access to classified briefings	August/ September	Operations/ Appointments
	Vet and finalize shortlists for top priority presidential appointments	August- October	Appointments
	Identify and recruit agency review teams and landing teams	September/ October	Agency review
	Engage with the Senate on priority positions	October	Congressional relations
<b>PHASE II</b> Post-election (transition)	Launch agency review teams	Early November	Agency review
	Select key White House personnel and nominees for top 50 Senate-confirmed positions	Pre- Thanksgiving	Appointments
	Develop policy implementation plan, budget and management agenda; send intended Cabinet agency appointments to the Senate	November/ December	Policy planning
	Train Navigators	November/ December	Appointments
	Submit agency review reports and brief incoming agency heads	January	Agency review
	Prepare documents for transfer into government agencies	January	Agency review/ Legal counsel
	Prepare Cabinet orientation/retreat	January	Appointments
<b>PHASE III</b> Post- inauguration (handover)	Fill top 100 Senate-confirmed positions	End of April	PPO
	Secure confirmation for additional 300-400 presidential appointments	August congressional recess	PPO/Agencies
	Close down transition operation, maintaining documents necessary to submit for legal filings	Spring 2026	Operations

## **RESPONSIBILITIES OF THE TRANSITION**

The complexity of the presidential transition process is simplified when it is organized according to core responsibilities for the transition staff: operations, presidential appointments, policy planning and agency review. In addition, support functions such as legal counsel, congressional outreach, and budget and financial planning round out the major areas of work. These areas intersect, but each needs a capable manager at the helm to enable the transition chair and executive director to keep an eye on the transition enterprise as a whole.

### **Operations**

It is easy to underestimate the time and attention required to accomplish the basic administrative tasks of setting up and running a fast-moving, rapidly growing and changing transition operation from the springtime launch through the election and inauguration. This includes continual onboarding of staff from the campaign and elsewhere after the election, managing the flood of information and requests, and working closely with the GSA on everything from issuing credentials to ensuring adequate office space and IT support. Given the ever-increasing importance of information technology to the work of government and to the management of a large and growing organization such as a presidential transition team, it is critical that the operations team help develop IT systems that will transfer smoothly to the White House. The transition team also must have financial management and fundraising capacity to ensure sufficient resources to allow the transition operation to function and expand as necessary.

### **Presidential appointments**

Staffing a new administration requires more than 4,000 political appointments, including more than 1,200 requiring Senate confirmation. The transition team needs to identify and internally vet senior leadership candidates, help guide them through the ethics and security clearance processes and, when necessary, prepare them for Senate confirmation. Ultimately, the new president's appointees should be trained to function as a team and brought up to speed quickly on what it takes to succeed in government, a priority for those who are new to the federal environment. The personnel team must also manage the process for selecting many mid- and lower-level positions that also require vetting and clearance, including those serving in the White House.

### **Policy implementation planning**

As Tevi Troy, a group leader on the Romney Readiness Project's policy team, explained: "The policy team plays a critical role in coordinating a president-elect's formal policy platform and ensuring those policies can and will be implemented upon taking office." This work includes prioritizing the two to three issues the new president will focus on during the early days of the administration, identifying the most talented management and policy experts to lead each major initiative, and leveraging federal agencies to further the administration's policy goals. The team should keep a running list of promises made on the campaign trail.

## Agency review

In preparing the incoming administration to take the reins of the government, the transition team should get up to speed on the operations and staffing needs for more than 100 agencies. One former transition chair advised that the vast majority of the work will be spent on 30 or so agencies, including the Cabinet departments. The work includes devising a plan for how the president-elect and their appointees will lead each agency and determining the expertise that is needed. The review team will assess the work of the agency and how it fits into the president-elect’s vision and policy priorities. It also will examine the state of the career workforce, the most important issues facing the agency and establish rapport between the new administration’s political leadership and career leaders. Agency review is key to understanding the immediate issues or decisions that will confront the incoming team.

### Four critical areas to transitions

	OPERATIONS	PRESIDENTIAL APPOINTMENTS	POLICY PLANNING	AGENCY REVIEW
Pre-election	<ul style="list-style-type: none"> <li>Prepare to manage transition</li> <li>Staffing</li> <li>Logistics</li> <li>Coordinate with campaign</li> </ul>	<ul style="list-style-type: none"> <li>Build list of top 200 names</li> <li>Initial vetting with public sources</li> <li>Start deep vetting of top candidates</li> <li>Plan later personnel opportunities</li> <li>Initiate security clearance process</li> </ul>	<ul style="list-style-type: none"> <li>Develop “promises book” from campaign</li> <li>Get key staff in place</li> <li>Prepare for post-election phase</li> </ul>	<ul style="list-style-type: none"> <li>Establish clear guidance for review teams</li> <li>Develop initial briefing materials for agency heads</li> <li>Line up staff</li> <li>Prepare for post-election phase</li> </ul>
Post-election	<ul style="list-style-type: none"> <li>Manage the overall transition</li> <li>Budget</li> <li>Logistics</li> <li>Coordinate with White House and president-elect</li> </ul>	<ul style="list-style-type: none"> <li>Expand vetting for top-level nominees</li> <li>Vet and select next level of nominees</li> <li>Establish operations to administer hiring process</li> </ul>	<ul style="list-style-type: none"> <li>Work on urgent policy issues, executive orders and regulations</li> <li>Budget next fiscal year</li> </ul>	<ul style="list-style-type: none"> <li>Conduct agency assessments</li> <li>Identify program, policy priorities</li> <li>Identify urgent issues</li> <li>Review agency budgets</li> <li>Prepare summary materials for president and new agency heads</li> </ul>

Source: Boston Consulting Group analysis

## Congressional outreach

Moving presidential nominees and policy priorities through Congress after taking office is of paramount importance, and requires a dedicated and experienced team to build and execute a strategy to advance the new president’s policy initiatives and nominees with the help of key lawmakers and external stakeholders.

The transition team, in consultation with the candidate and the campaign, should consider when and how to begin conferring with Congress. In 2008, the economic crisis created an unusual situation for President-elect Obama's incoming team, and circumstances dictated early engagement. Obama's legislative staff and economic team met with members of Congress and the outgoing Bush economic team immediately following the election and throughout December on an economic stimulus package and the Troubled Asset Relief Program. They also met with members of Congress to discuss confirmations of priority positions. Four years later, the Romney Readiness Project considered proactive and substantive interaction with Congress essential to the early success of a potential Romney administration and began outreach prior to the election. Michael Leavitt, the Romney transition chairman, communicated with Republican leaders on Capitol Hill about appointments and policy, and the staff provided briefings for House GOP committee chairs and Republican senators who were ranking committee members. Most important is that any interaction with members of Congress prior to the election is either performed through the campaign or sanctioned by the campaign to ensure that the transition and the campaign are working in tandem.

### **Legal counsel**

Having access to timely and well-informed legal advice is invaluable to any transition operation. Legal counsel can play a key role in vetting potential nominees, making them aware of the legal and ethical requirements that may apply to the position for which they are being considered and ensuring the transition team meets all ethics and financial disclosure rules. Lawyers can help evaluate "midnight regulations" instituted at the end of the administration and review proposed executive orders that may be issued early in the new administration. The legal counsel can also be responsible for incorporating the transition operation during the pre-election phase and negotiating various contracts and memoranda with government entities such as the GSA, the White House and the Department of Justice.

Finally, the legal counsel plays a key role in preparing policy planning and other documents to be ready to transfer into government where the Freedom of Information Act may apply. In their dealings with agencies and producing materials, transition teams should be aware of the applicability of the Freedom of Information Act. There are many factors that can determine whether a record is subject to FOIA, and transition teams should remain informed about when the law applies. In 2008, the Obama transition analyzed the applicability of this law to their work, and future transitions would be well served to follow suit as they work with agency staff and integrate new appointees into federal agencies. The Obama memo with guidance can be found at <https://bit.ly/39HDt34>. In 2016, the Trump transition team operated under the assumption that all briefing books and any additional plans prepared by an agency or brought into an agency could be requested under FOIA.

## **Communications and external outreach**

The Pre-Election Presidential Transition Act of 2010 (P.L. 111-283) brought more congressional and public attention to the presidential transition process with its requirement that the GSA provide substantive support to transition teams before Election Day, and the events surrounding the delayed ascertainment in 2020 turbocharged that attention. A communication strategy needs to be developed to shape when and how the transition will inform the public, the press and Congress about its activities, key personnel and policy decisions, and events involving the president-elect.

In addition, the transition team will need to find ways to manage and organize the tremendous amount of information that will be offered the day after the election. The transition also will have to process job applications, suggestions for potential appointees, policy papers from stakeholders and queries and messages from governors, mayors, members of Congress, well-wishers and foreign leaders. A savvy team will use the transition to build strategic alliances in a timely and responsible manner.

## **LAYING A STRONG FOUNDATION**

### **Setting clear transition priorities**

A critical lesson learned from prior presidential transitions is to establish clear priorities early and to keep them in focus. Incoming administrations and transition teams can expect a deluge of advice from previous administration officials, interest groups, outside experts, legislators and the general public. Having a set of priorities from the beginning will help the transition team manage this information flow rather than be consumed by it. Identifying top priorities will also help determine the overall structure of the transition team and how resources and personnel are allocated.

Transition priorities should build on the major milestones or initiatives laid out by the candidate on the campaign trail and should include specific deadlines and measurable outcomes. For example, the Romney Readiness Project in 2012 divided its work into three distinct phases: the “readiness” phase, “planning” phase and “transition” phase, which were based around important dates on the election calendar as well as the candidate’s own priorities for building the administration from the ground up. These included building the infrastructure of the pre-election transition team, setting dates and timelines for deliverables, and preparing for the full transition.

### **Developing a transition work plan**

Preparing for a presidential transition requires a comprehensive work plan of the major activities and milestones at each stage of the transition process. The purpose of this work plan is to serve as the roadmap of the transition and to help the transition team focus its efforts and track its progress. A clear transition work plan also provides senior management with a direct line of sight over the activities of the entire organization.

Robust presidential transition work plans can be structured in a variety of



ways, but should all include the following elements:

- Clearly defined goals and objectives that the transition team will achieve on behalf of the candidate.
- The specific steps or activities that need to take place in order to achieve each objective.
- Clear assignments and responsibilities for implementing each activity.
- A set of milestones and deadlines to drive progress and accountability.

## **WHAT DOES THE TRANSITION TEAM NEED TO KNOW FROM THE CANDIDATE AND THE CAMPAIGN?**

### **1. How would the candidate like to be briefed on transition activities during the election?**

To make the best use of the candidate's limited time before and after the election, the transition team should understand the principal's work style, and prepare and organize materials and briefings accordingly. For example, a data-driven leader will want more numbers and analysis than someone who prefers to receive information in narrative form. Some individuals prefer to read briefing materials; others prefer oral briefings, or a combination of both.

### **2. Which campaign staff member(s) will be responsible for liaising with the transition team?**

Because communication between the campaign and transition will be limited to high-level staff within those organizations, it is important that the transition is clear as to who will be the point of contact for updates on transition activities and any items that may require attention from the campaign. This communication can also include specific points of contact for issues such as scheduling, speechwriting and advance for the president-elect that will be very important as Election Day approaches and, of course, post-election.

### **3. What are the communication themes for the transition period? How should the transition prepare to engage external stakeholders after the election? Who are the key stakeholders that should be part of the communications strategy?**

Most transition teams have preferred not to comment to the press prior to the election, and instead have left the campaigns to handle public messaging. The transition team should confirm communications strategy with the campaign.

### **4. Where will the president-elect be based?**

Most recent transition teams have elected to use a dual-site structure that balances important transition functions between the president-elect's hometown and Washington, D.C. As in 2020, it is expected that transition teams in 2024 will also use a hybrid model of in person and telecommuting options in addition to the dual-site structure. It is important for the transition team to know as soon as possible if the president-elect plans to be based in Washington, D.C., or elsewhere so the GSA can arrange for office space and the transition team can plan accordingly.

As part of developing its work plan, the Romney Readiness Project in 2012 used a tool called the “One-Page Project Manager,” which laid out the major goals and milestones for the transition in a single document. Each division (e.g., presidential appointments, president-elect support) had a single overarching goal to meet, broken down into smaller deliverables with defined steps and due dates. The Obama transition in 2008 had a less fully developed work plan, but had laid the groundwork for the post-election transition and kept Obama informed on their progress. The Trump pre-election transition team used Romney’s 2012 playbook as a guidepost, but some of that work was not used by new transition leadership after the election.

**5. How long will the president-elect work each day? How will time be allocated given strategic objectives? What kind of vacation time will the president-elect need?**

Just as important as understanding the president-elect’s work style is understanding how long they will be working each day during the transition period. The principal’s availability will dictate the time allocated to the most critical strategic objectives and how time is divided up among issues such as appointments and personnel, calls with foreign leaders, congressional affairs, and policy and intelligence briefings. There will never be enough time for every part of the transition team to get the attention it wants, so this can act as a mechanism to force the transition and president-elect’s staff to think about what is most important and what needs the most attention.

**6. What are the general characteristics that the president-elect would like to see in potential Cabinet-level appointees?**

Those responsible for developing the personnel lists need to have a clear understanding of the qualities that the president-elect wants to see in appointees and staff.

**7. How will campaign staff be integrated into the transition after Election Day? How many staff will the campaign want to integrate? How will the campaign share staff information with the transition?**

Leaders of both the transition and campaign should discuss well in advance of Election Day how best to move campaign staff into roles on the transition team, how to manage logistics and personnel issues (including getting important information from the campaign), and how to ensure that both campaign and transition staff are fully informed about policies related to transition and any potential administration employment so that there are no surprises.

**8. How will scheduling for the president-elect be handled post-election?**

Since it is highly likely that the scheduling staff from the campaign will play that same role after Election Day, the transition team should make sure it has all the critical information necessary to develop realistic schedules and timelines for the president-elect. This should include items such as the president-elect’s office hours, points of contact for scheduling and whether there will be a hiatus for vacation.

Once a work plan has been developed by the senior transition management team, it should be communicated clearly and regularly to the entire staff. Because transition teams evolve and grow rapidly, being able to quickly and easily communicate the overall objectives, activities and milestones of the transition is crucial for bringing new volunteers and staff up to speed and ensuring each individual understands how their actions fit into the larger strategy.

### **Determining the relationship to the campaign**

Transition teams are established to do a job that the candidate and the campaign team cannot do—prepare for what comes after election victory. Yet the transition team cannot serve the candidate effectively without clear lines of communication and authority. In the first phase of a presidential transition, it is important to establish a division of responsibilities between a candidate's campaign staff and transition team. Clarifying the roles of each organization and establishing lines of communication between the two allows campaign staff to focus on the task of winning the election and frees the transition team to focus on preparing to govern. The leadership of the campaign and transition operations should determine who will do what, and how and through whom the two organizations will communicate. Whatever process is arranged, the candidate should be free to focus on the election and given only the amount of transition planning information that is needed or desired.

Ken Salazar, a former senator from Colorado, Interior Department secretary and chairman of the Hillary Clinton transition in 2016, said winning the election was always paramount. But Salazar said Clinton made clear that she wanted extensive preparation taking place during the pre-election period on policy, personnel and other matters. Salazar said Clinton fully understood the importance of the work and wanted it to be the best transition in history.

Clinton's transition team had major check-in meetings in August, September and October of 2016 that were chaired by John Podesta, the Clinton campaign chairman who had served as Obama's transition chairman in 2008. The meetings included the top campaign leaders, Salazar, the four additional transition co-chairs and the two transition executive directors, Ann O'Leary and Ed Meier. These meetings were used to provide updates, get advice and make key decisions. Transition and campaign leaders also were in frequent communication during the pre-election period, but their mantra was "the campaign comes first." Nonetheless, Clinton was kept abreast of what the transition was doing.

Richard Bagger, the executive director of the Trump transition team during the 2016 pre-election period, went to New York weekly to meet with the campaign's executive committee, which included the campaign manager, Trump family members, transition chairman Chris Christie, Sen. Jeff Sessions and campaign counsel Donald McGahn. The executive committee was provided with updates on the planning that was taking place on agency reviews, policy and appointments. Transition staff members said Trump was aware that planning was taking place, but was focused on the campaign and did not want to know the details of what was occurring. Few preparations were made to integrate the campaign staff into the transition.

The transition law requires the GSA to provide eligible candidates with office

space following the political conventions. Since the enactment of the 2010 law, office space has been offered in Washington, D.C. This usually creates a geographic separation between the transition team and the campaign, as it did in 2016 for Clinton and Trump, who both housed their campaign operations in New York. In 2020, both Biden’s campaign and transition team were almost entirely remote, with Biden’s campaign headquartered in Delaware and only a skeleton transition staff working out of Washington, D.C. Separating the campaign and transition teams has some drawbacks, particularly when live coordination could facilitate the process of turning campaign promises into a full policy platform.

The most difficult phase comes after the election when the victorious campaign needs to be merged with the transition, causing people to take on new roles and responsibilities and to overcome potential rivalries. The most successful presidential transitions spend time before the election planning for this merger, a task that was not completed in 2016 by the Trump campaign and its transition team. This led to a rocky start for the transition in the post-election phase. After the election, Trump and campaign officials took over the operation, upending a good deal of the work that had been done during the pre-election phase, which resulted in major disruptions and turmoil, setting back preparation efforts. In 2020, the planned merger of the Biden campaign and the transition team also did not proceed as planned, but for different reasons. With the election results contested, the Biden team’s access to the agencies, additional funding and important briefings were delayed until Nov. 23, 2020. This required the campaign team to run operations longer than expected – even while transition operations began the post-election phase. The Biden team had done contingency planning for a variety of post-election scenarios and continued work apace despite a transfer of responsibility that was longer and more complex than normal.

The bipartisan Presidential Transition Improvement Act adopted by Congress in 2022 provides for the release of transition services on an equitable basis to the candidates in case there is no clear winner five days after the presidential election and until there is a clear winner. Future teams may want to consider contingency planning that allows for such electoral uncertainties in the future.

### **Ensuring sufficient availability of resources**

Managing a presidential transition involves the creation and maintenance of a large and rapidly growing organization. This requires the mobilization of significant resources, administrative systems, office space and IT support.

The Pre-Election Presidential Transition Act of 2010 gave GSA the responsibility to provide eligible presidential candidates with resources following their party nomination. In addition, the Presidential Transition Enhancement Act of 2019 allows a support period of up to 60 days post-inauguration. As part of this mandate, the agency provides transition teams with office space and furniture, secure computer systems and communication services prior to the election. After the election, the GSA provides the president-elect’s team with funding to cover transition-related expenses such as salaries and benefits, travel, printing, communication and office space.

A president-elect should anticipate raising and spending a significant

amount of money on the transition, from initial planning through to the inauguration. In 2008, the cost of Obama’s transition was roughly \$9.3 million, with an additional \$2.2 million set aside for the outgoing president. Of the \$9.3 million, about \$4 million was raised by the Obama transition from private donors.

The nonprofit organization formed to handle President Donald Trump’s transition raised about \$6.5 million in private contributions and spent about \$4.7 million of this money as of Feb. 15, 2017.<sup>3</sup>

Additionally, the Trump transition team had \$6 million available in appropriated funds for transition activities plus another \$1 million for political appointee training. The Government Accountability Office reported in September 2017 that the Trump transition spent \$4.39 million of the \$6 million in federal funding as of July 31, 2017, and had not used any of the \$1 million in money to train political appointees.<sup>4</sup> The bulk of private and federal money was spent on payroll and taxes, travel and relocation expenses, legal and consulting fees, rent, utilities and the costs of fundraising.

The GSA reported in February 2021 that Biden raised \$22.1 million from private donors for his transition and had spent \$24 million as he prepared to assume the presidency. Payroll expenses topped the list at \$13.6 million, followed by travel and event expenses at more than \$5 million. In the weeks following the election, the Biden transition team received \$6.3 million in federal funding.

Given the substantial resource requirements, technology and security needs of a modern transition, expenses will likely increase with each future presidential transition, and the president-elect will need to raise additional private funds to cover all expenses outside the GSA’s congressionally mandated financial support, including events, website development and travel.

## **COORDINATING WITH THE INCUMBENT ADMINISTRATION**

The success of a presidential transition relies in part on the cooperation and preparation of the outgoing president, whether the outgoing occupant of the White House has reached the end of a term or is an incumbent who has lost re-election. While the latter scenario can pose obvious challenges, cooperation is in the national interest. Following his defeat in the 1992 election, President George H.W. Bush made clear that his goal was to have a professional and cooperative transition, stating in his concession speech that “our entire administration will work closely with Bill Clinton’s team to ensure a smooth transfer of power.”<sup>5</sup> Twenty years later, President George W. Bush departed office after two terms and set a similar tone. In public remarks on the day after the 2008 election of Barack Obama, President Bush stated: “I told the president-elect he can count on complete cooperation from my administration as he makes the transition to the White House.” President Obama provided even-handed, non-partisan cooperation to the Trump and Clinton campaigns prior to the election, according to individuals in both camps, and followed through

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3 GAO, Presidential Transition: Information on Ethics, Funding, and Agency Services, GAO-17-615R, September 2017, 27. Retrieved from <http://bit.ly/2kNDkqg>.

4 *Ibid.*, 24.

5 Stephanie Smith, Congressional Research Service, Presidential Transitions, Feb. 11, 2008, 18. Retrieved from <http://bit.ly/1UxpHCm>.

in a cooperative effort with President-elect Trump's team. "I have instructed my team to set the example that President Bush's team set eight years ago, and work as hard as we can to make sure this is a successful transition for the president-elect," Obama said on Nov. 9, 2016.<sup>6</sup>

Establishing communication and coordination early with the incumbent administration will help a transition team ensure a steady flow of information throughout the process. These norms are strengthened by the legislative improvements laid out in transition law amendments of 2015 and 2019. Structurally, transition – and therefore engagement with the incumbent administration and agencies – is mediated through the White House Transition Coordinating Council and the negotiated MOUs between a transition team and the GSA which set forth the expectations for engagement at the agency level with agency transition directors. Knowing the roles and responsibilities of each of these bodies is essential for ensuring that transition teams are making the most of existing communication channels.

### **White House Transition Coordinating Council**

As outlined in the Presidential Transition Act, as amended, six months before an election, the president must establish a White House Transition Coordinating Council, chaired by a senior employee of the Executive Office of the President and consisting of other high-level officials, such as Cabinet officers; the directors of the Office of Management and Budget, the Office of Personnel Management, the Office of Government Ethics; the administrator of GSA; and the Archivist of the United States. A transition representative of the major candidates also sits on the council. The council provides guidance to agencies on transition and facilitates communications between the administration and the transition teams.

### **Agency Transition Directors Council**

The law requires a standing Agency Transition Directors Council, co-chaired by GSA's Federal Transition Coordinator and the Office of Management and Budget's deputy director for management, and including agency senior career officials responsible for transition activities. This working-level council works toward an integrated, government-wide approach to transition and ensures that briefing materials are prepared. Transition teams can send a representative to the council.

### **General Services Administration**

The law requires GSA to provide office space and administrative support (such as information technology and communications capabilities) to a president-elect and vice president-elect. The law also requires GSA to offer office space and support to major candidates following the political conventions. In the post-election period, GSA is also authorized to pay expenses for staff, experts, postage and

<sup>6</sup> Jordan Fabian and Ben Kamisar, "Obama promises smooth transition to Trump: 'We are all rooting for his success,'" *The Hill*, Nov. 9, 2016. Retrieved from: <http://bit.ly/2yJuH6e>.

travel for the transition team of a newly elected president-elect. Use of government aircraft also may be provided on a reimbursable basis.

GSA also serves a liaison between transition teams and the federal government, helping to ensure that a president-elect's "beachhead" or agency review "landing" team is cleared to enter each agency and be on the job immediately after inauguration of the new president. The law requires the GSA administrator to designate a senior career official to serve as the Federal Transition Coordinator, who coordinates transition planning across agencies. GSA is also required to compile a report on modern transitions and develop a transition directory with comprehensive information on the officers, organization, and responsibilities of each federal agency. GSA also provides support to help outgoing presidents as they depart the White House.

These relationships between a transition team and the incumbent administration can be divided between pre- and post-election communication. In the pre-election phase, communication with the current administration must be limited, handled delicately and led by a small number of senior people clearly identified at the outset. In the post-election phase, the lines of communication with the outgoing administration will be much more active as the two teams coordinate various critical items such as access to agencies by transition personnel, continuity-of-operations procedures, "tabletop" exercises and briefing materials to be prepared for appointees of the incoming administration.

To facilitate an ongoing working relationship, the Edward "Ted" Kaufman and Michael Leavitt Presidential Transitions Improvements Act of 2015 requires the incumbent administration to negotiate a memorandum of understanding by Nov. 1 of the election year with eligible candidates to establish the conditions of access to employees, facilities and documents of agencies by transition staff. The Presidential Transition Enhancement of 2019, which President Trump signed into law in March 2020, moves the date to negotiate that memorandum of understanding to Oct. 1.<sup>7</sup> The law also stipulates that each MOU must include an agreement that the candidate will implement an ethics plan to guide the transition. Both the Trump and Clinton transition teams worked with the Obama administration to prepare MOUs, and after the 2016 election, the White House and President-elect Trump's team reached final agreement on the terms of engagement. Based on memorandums from past transitions, the MOU should cover a number important issues, including:

- The specific types of resources and information that the White House will make available, and when.
- The terms of access to federal agencies.
- Who on the White House transition team will facilitate the execution of the terms of the MOU and ensure that agreed-upon access and support is provided to the president-elect's team.
- How and by whom disputes will be resolved.
- Nondisclosure requirements and a code of conduct preventing conflicts of

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<sup>7</sup> Presidential Transition Enhancement Act of 2019, Pub. L. No. 116-121 (2020).

interest.

In addition, the law requires that each eligible candidate sign an MOU that governs the use of GSA administrative support services and facilities by Sept. 1 (see appendix 1.2 on page 30).<sup>8</sup> Past teams have also signed an MOU that spells out the details of the Justice Department’s role in facilitating security clearances (see appendix 1.5 on page 50). The transition teams also need to establish a working relationship with the Office of Government Ethics, which reviews the financial disclosure reports of presidential appointees and helps them avoid violations of conflict of interest statutes.

For more information on the responsibilities of the incumbent administration, please see Chapter 8, Role of the incumbent administration, in this guide.

### **Communication and coordination with agencies**

Under the transition law, a senior career executive will be chosen at each agency to lead transition preparations. Before the election, there will be almost no contact between the presidential transition teams and the agencies. Each eligible candidate, however, can send a representative to the meetings of the Agency Transition Directors Council, the group that will gather regularly beginning six months before the election to discuss best practices and coordinate transition efforts across agencies.<sup>9</sup>

Following the election, the agency transition leaders will be the primary points of contact for the president-elect’s agency review landing teams, as laid out in the memorandum of understanding between the White House and the presidential transition team. The White House Transition Coordinating Council will facilitate communication and information sharing between the transition representatives of eligible candidates and senior employees in agencies and the Executive Office of the President, and prepare interagency emergency preparedness and response exercises after the election.

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<sup>8</sup> Ibid.

<sup>9</sup> Edward “Ted” Kaufman and Michael Leavitt Presidential Transitions Improvements Act of 2015, Pub. L. No. 114-136 (2016).



APPENDIX 1.1

**2020 Memorandum of Understanding Regarding Transition Procedures, Identification of Transition Contacts, and Access to Non-public Government and Transition Information**

Source: Office of President-elect Biden and the White House  
September 30, 2020

(1) The Chief of Staff to the President (the “Chief of Staff”) and the designated Chair of the Joseph R. Biden Transition Team (the “Chair of the Transition Team”) agree, on behalf of, respectively, the Administration and the Joseph R. Biden Transition Team, that, in order to comply with the Presidential Transition Act of 1963, as amended (the “Transition Act”) and the Intelligence Reform and Terrorism Prevention Act of 2004, should Joseph R. Biden become the “apparent successful candidate [ ] ... ascertained by the Administrator [of General Services] following the general election[.],” the Transition Team shall become the President-elect Transition Team (PETT) and the Chair of the Transition shall become the Chair of the PETT, and the President-elect and certain of his associates must become knowledgeable about current government policies and operations so that they can begin making informed decisions immediately upon taking office.

(2) Section 4(b) of the Transition Act provides that “The President shall take such actions as the President determines necessary and appropriate to plan and coordinate activities by the Executive branch of the Federal Government to facilitate an efficient transfer of power to a successor President.”

(3) The Chief of Staff and the Chair of the Transition Team enter into this memorandum of understanding in order to establish an orderly process for identifying individuals charged with transition responsibilities, to ensure that the Government’s and the Office of the President-elect’s standards of conduct are observed, to protect the confidentiality of non-public government information made available to the PETT during the transition period, to preserve the constitutional, statutory, and common law privileges that attach to such information in the possession of the Executive Branch, and to protect the confidentiality of transition information made available to the Government.

(4) The Chair of the PETT (or his designee) will furnish in writing to the Chief of Staff (or his designee) the name of each individual authorized by the PETT to work with the Executive Office of the President (EOP) and particular Departments and Agencies, including the designation of a Transition Team lead or leads for the EOP and each Department or Agency. The Chair of the PETT (or his designee) will also indicate in writing that each individual on the list has met the applicable public disclosure requirements of the Presidential Transition Act, as amended, has agreed to abide by the Transition’s Code of Ethical Conduct, and has thereby represented that he or she has no conflict of interest that precludes the individual from working on the matters the individual has been assigned to work on with the EOP or the relevant Department or Agency. These lists will be updated as new members are added to the teams. The Chief of Staff (or his designee) will promptly forward these names to the appropriate Departments, Agencies, and EOP offices. The Chief of Staff (or his designee) will also provide in writing to the Chair of the PETT the names of individuals in the Departments, Agencies, and specified offices in the EOP who will serve as contacts responsible for coordinating transition matters on behalf of those Departments, Agencies, or specified EOP offices. The Chief of Staff (or his designee) is the contact person responsible for coordinating transition matters on behalf of those offices of the EOP for which contact persons have not otherwise been designated.

(5) The Administration will conduct its transition activities with the PETT through the contacts authorized by the Chief of Staff (or his designee) and the Chair of the PETT (or his designee). The authorized contacts for the PETT will initiate transition activities with a particular Department, Agency, or specified office of the EOP through the individual(s) at that Department, Agency, or EOP office designated by the Chief of Staff (or his designee) to coordinate transition activities for that Department, Agency, or EOP office. The authorized contacts for the PETT will initiate transition activities involving any other office of the EOP through the Chief of Staff (or his designee).

(6) Each Department and Agency will use best efforts to locate and set aside available space in their

offices for the duration of the transition for use by authorized members of the PETT to facilitate review of information provided by the Department or Agency and communication with authorized contacts at such Department or Agency. Each Department or Agency will provide, to the extent practicable, appropriate support to and equipment for use by the PETT in such office space. The exact details of space and equipment will be worked out between the PETT lead(s) for that Department or Agency and the individual(s) at that Department or Agency designated by the Chief of Staff (or his designee). Each Department and Agency will use best efforts to make COVID-19 related accommodations, including, to the maximum extent practicable, facilitating remote access to information and employees, consistent with concerns for maintaining confidentiality of information, including sensitive but unclassified information.

**(7)** In order to facilitate a smooth transition, it likely will be necessary in some circumstances to provide specified transition personnel with access to non-public information that may be protected by constitutional, statutory, or common law privileges, and material whose distribution is restricted by law. The Chief of Staff has advised the Chair of the Transition Team that Administration personnel will take steps to protect non-public information that are required by law or otherwise necessary to preserve applicable privileges, such as actions based on the Executive Branch standards of conduct, the Privacy Act, or the attorney-client privilege. The Transition Team recognizes that there is some information that a Department or Agency may not be able to provide in order to comply with statutory requirements or otherwise preserve applicable privileges.

**(8)** In order to facilitate a smooth transition and provide a mechanism for expeditiously addressing any concerns, including ethical, privacy, and privilege concerns, regarding access to non-public information as described in paragraph (7), the Chief of Staff (or his designee) and the Chair of the PETT (or his designee) will each designate in writing an individual or individuals authorized to confer in order to resolve such concerns informally.

**(9)** The Chief of Staff (or his designee) further advises that, before providing any classified information to a member of the PETT, it must be established:

- That the member has the security clearances necessary to have access to that information, and the requisite need to know, and
- That the member has signed the requisite non-disclosure agreement(s).

**(10)** The Chief of Staff (or his designee) advises that, before providing non-public information (including classified information) as described in paragraph (7) to a member of the PETT authorized to receive it under the guidelines established in this memorandum, Departments and Agencies will expeditiously:

- Brief the Transition Team member on the importance of maintaining the constitutional, statutory, and/or common law safeguards afforded the non-public information.
- Clearly label non-public records provided to Transition Team personnel with a warning against subsequent disclosures to unauthorized individuals, including unauthorized members of the Transition Team.
- Specifically advise Transition Team members that non-public information provided to them cannot be shared with other Transition Team personnel unless those other personnel satisfy the requirements for access to that information set forth in this memorandum.
- Require the Transition Team member to sign a statement representing that, to the member's knowledge, he or she has no financial interest or imputed financial interest that would be directly and predictably affected by a particular matter to which the information is pertinent. The Department or Agency may require such additional information from the Transition Team member as the Department or Agency deems necessary, in light of the proposed disclosure.
- Where advisable, prohibit the Transition Team member from removing records containing non-public information from the offices of the Department or Agency.
- Make a written record of any disclosure of non-public information made to a member of the PETT.

**(11)** Upon request from the EOP, a Department, or an Agency, the PETT will provide a written statement

indicating a particular Transition Team member's need for access to the non-public information. The statement of need will be provided by the Chair of the PETT (or his designee) to the Chief of Staff (or his designee).

**(12)** A government employee may not allow the improper use of non-public information to further his own private interest or that of another by knowing unauthorized disclosure. 5 C.F.R. § 2640.

**(13)** It likely will be necessary for members of the PETT to share with the Administration information that they wish to be kept confidential. Accordingly, to the extent permitted by law, the Administration agrees to protect the confidentiality of information provided to it on a confidential basis by the PETT.

**(14)** The PETT will implement and enforce an ethics plan to guide the conduct of the transition beginning on the date on which the President-elect becomes the President-elect. The Transition Team represents that the ethics plan includes, at minimum, the provisions required by the Presidential Transition Enhancement Act of 2019 (the "Transition Enhancement Act"). In addition, the Transition Team represents that it has provided its ethics plan to the General Services Administration (GSA) for the GSA to make publicly available on its Internet website as required by the Transition Enhancement Act.

**(15)** Any disagreements between the Administration and the PETT concerning the subject matter of this memorandum that are not resolved informally pursuant to paragraph (8) or otherwise will be referred by the Administration to the Chief of Staff (or his designee) and by the PETT to the Chair of the PETT (or his designee).

**(16)** To the extent permitted by law, the Administration with respect to its staff members and the PETT with respect to its transition team members, state that they intend to take appropriate steps to discipline any person who fails to comply with the terms of this agreement.

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**Signed by:**

Mark R. Meadows  
Chief of Staff to the President

**Date:** September 30, 2020

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**Signed by:**

Edward Emmett Kaufman  
Chair of the Joseph R. Biden Transition Team

**Date:** September 30, 2020

## APPENDIX 1.2

**Memorandum of Understanding Between the General Services Administration and Joseph R. Biden, Jr.**

Source: Office of President-elect Biden and the White House  
September 3, 2020

## INTRODUCTION

This Memorandum of Understanding (MOU) establishes the provision of services and facilities made available by the U.S. General Services Administration (GSA) to Joseph R. Biden, Jr. (Eligible Candidate) who is an Eligible Candidate in the 2020 general election for President of the United States, as defined in the Pre-Election Presidential Transition Act of 2010. The services and facilities to be provided during the pre-election period are defined in Part I of this memorandum. Part II of this MOU establishes the provision of services and facilities made available by GSA to the Eligible Candidate if he is the apparent winner of the general election and becomes the President-elect, along with the Vice President-elect, and paid out of funds appropriated by the Congress in accordance with the Presidential Transition Act of 1963, as amended, 3 U.S.C. §102 note. If the Eligible Candidate is not ascertained as the winner of the general election, Part II of this MOU will become null and void.

The location designated for use pursuant to Part I is the [REDACTED]<sup>1</sup>. A diagram outlining the space allocated to the Eligible Candidate for the Pre-election period as well as the space that will be allocated to the President-elect and Vice President-elect in the event of a change in Administration, is included as an attachment to this MOU.

## PART I – PRE-ELECTION

The GSA Administrator (Administrator), upon acceptance by the Eligible Candidate, is authorized to provide to the Eligible Candidate, for use in connection with his preparations for the assumption of official duties as President, necessary services and facilities including: suitable office space appropriately equipped with furniture, furnishings, office supplies, and office machines and equipment, and telecommunications services. Other services required may be provided on a reimbursable basis. The space, supplies, and other services will be used exclusively and only for the Eligible Candidate's preparations for the assumption of official duties as President.

The Eligible Candidate has designated [REDACTED], and [REDACTED] to act on his behalf to make decisions as may be required in connection with the services and facilities to be provided under the Presidential Transition Act. This authority may be re-delegated by either of the aforementioned in writing, delivered to Mary Gibert, the GSA Federal Transition Coordinator, or Elizabeth Cain, Director of GSA's Presidential Transition Support Team (Director). GSA will direct any inquiries or legal instruments regarding the records of the Eligible Candidate that are in the custody of GSA to the Eligible Candidate's designated representatives.

In order that all requirements can be expeditiously provided for and necessary financial and other controls maintained, the following provisions regarding services made available by the GSA are effective immediately. The provisions outlined below are not exhaustive and questions may arise from time to time with regard to specific situations. In those instances, the Eligible Candidate or his representatives should consult with the Director of the GSA Presidential Transition Support Team.

**Office Space, Furniture, Equipment, and Supplies**

GSA will provide office space and related services to the Eligible Candidate and his transition staff. GSA has identified in its inventory approximately 22,000 rentable square feet of office space [REDACTED], designed to house 100<sup>2</sup> of the Eligible Candidate's staff members from September 1, 2020 through November 3, 2020. If the Administrator is unable to determine the apparent winner of the general election, the end date for this period will automatically be extended to that date in which the Administrator is able to determine the apparent winner of the general election.

<sup>1</sup> This space is also identified as the [REDACTED] in other documents related to this project.

<sup>2</sup> Standard occupancy, no adjustments for COVID-19. The Eligible Candidate staff shall determine any COVID-19 protocols for the space, including entrance and screening requirements. The Eligible Candidate shall notify GSA, the [REDACTED], the Department of Homeland Security Federal Protective Service who, in turn, shall make all reasonable efforts to accommodate such COVID-19 related protocols.

GSA has completed space planning and has developed a floor plan appropriate for the purposes for which it will be used by the Eligible Candidate. GSA will make furniture and office equipment available for use by the Eligible Candidate. As GSA received an appropriation for this period to cover space and services, there is no rent chargeable to the Eligible Candidate for this space.

All furniture and equipment for the Eligible Candidate will be in place by September 1, 2020. Therefore, any specific requests by the Eligible Candidate for changes to existing space and furniture layouts, or additional furniture or equipment, that result in additional costs will be charged to the Eligible Candidate. Office equipment and supplies (other than laptops and smartphones) will not be removed from the premises without the express permission of the Administrator, the Federal Transition Coordinator, or the Director of the Presidential Transition Support Team. All office equipment, badges, and supplies are the property of the GSA and must be returned to GSA at the conclusion of the period covered by this MOU, except for consumable supplies (e.g., paper, pens) that were used. GSA will provide initial stock of consumable supplies and will replenish as used. Consumable supplies required beyond what GSA stocks are considered special orders. A GSA-determined monetary allowance of \$10,000 will be provided to the Eligible Candidate for special orders. Any special orders purchased with these funds shall be purchased pursuant to applicable procurement statutes and regulations. Any special orders above the monetary allowance shall be reimbursed by Eligible Candidate.

The space will be available from 8:00 am to 10:00 pm Eastern Standard Time (EST), Monday through Friday, and 10:00 am to 6:00 pm EST, Saturdays, Sundays, and Federal holidays. Use of the space after hours is permissible, but will be subject to overtime utility costs on a reimbursable basis and will require prior coordination with the Director. With the exception of emergency situations, GSA facility services will be available from 8:00 am to 6:00 pm EST, Monday through Friday, excluding Federal holidays. Consistent with the GSA Bulletin issued on November 5, 2019, (84 FR 59624) staff members of the Eligible Candidate are prohibited from sleeping in the [REDACTED]. Pursuant to 41 C.F.R. 102-74.405, except where the Administrator, GSA Federal Transition Coordinator, or the Director of the GSA Presidential Transition Support Team has granted an exemption in writing, all persons entering in or on Federal property, including space allocated to the Eligible Candidate, are prohibited from being under the influence or using alcoholic beverages.

As [REDACTED] is a Federal building, GSA will work with the [REDACTED]. Armed security guards will be onsite. GSA will notify the Eligible Candidate or his representative of what information will be required regarding staff members to ensure all security access protocols are completed and staff members can access the facility and utilize the services. The Eligible Candidate will ensure all required information is supplied and security protocols followed.

In the event the Administrator determines the Eligible Candidate is not the apparent winner of the general election, the space must be vacated and returned within five (5) calendar days of the election in good condition, reasonable wear and tear excepted. All documents and personal property items of the Eligible Candidate and his transition team must be removed by this date or they will be considered abandoned.

### **Telecommunications and IT Services**

GSA will provide an architected infrastructure to meet telecommunications and IT services and equipment for use by the Eligible Candidate, with installation included as part of the “turn-key” office space. GSA will supply software and equipment. The equipment will be returned within five (5) calendar days of the election unless Part II of this MOU becomes effective. Attached is a list of items to be provided by GSA (Attachment).

The GSA Presidential Transition Support Team will establish procedures for distributing and collecting all Government personal property that is made available for use by the Eligible Candidate. The Eligible Candidate and his staff hereby assume responsibility for loss of, or damage to, GSA's Government Furnished Equipment (GFE) under their control and agree to return all items in the same condition as received, reasonable wear and tear excepted.

The GSA Presidential Transition Support Team will establish a Help Desk for the convenience of the Eligible Candidate to provide IT support and miscellaneous other assistance to be further defined by GSA. As a result of the heightened cybersecurity threats associated with the U.S. presidential campaigns and election, the Eligible Candidate and his staff are encouraged to use GSA provided GFE. GSA will provide [REDACTED]. The Help Desk staff will be knowledgeable on GFE hardware, software, and tools including multi-function devices (copier/printer/scanner/fax). Non-GFE equipment will be provided [REDACTED]. Help Desk support will be available Monday through Friday, 7:00 am to 7:00 pm EST, including holidays. Emergency network support will be available 24 hours a day, seven (7) days a week.

Recognizing that IT Security is important to both the Eligible Candidate and GSA, the parties will cooperate to resolve any concerns. GSA shall not unreasonably withhold permission from the Eligible Candidate to add additional software or services. Any specific requests by the Eligible Candidate for additional IT services, equipment, or personnel that result in additional costs will be charged to the Eligible Candidate.

Outbound international calls can be enabled as required. Costs incurred for international calls will be charged to the Eligible Candidate. All phones will receive inbound international calls at no cost. Conference calling is available through [REDACTED].

Eligible Candidate staff members will be required to individually sign and accept GFE laptops and smartphones while accepting IT Rules of Behavior to safeguard the assets and the integrity of the network infrastructure.

### **Other Candidates**

The Eligible Candidate acknowledges that GSA will offer similar services and terms to other eligible candidates as defined by the Presidential Transition Act. All information and assistance by GSA will be on an equal basis and without regard to political affiliation. The space and IT networks for each Eligible Candidate will be physically separated, and GSA will assign separate onsite staff, wherever practicable.

### **Other Funds**

The Eligible Candidate may establish a separate fund as described in Section 3(h)(3) of the Presidential Transition Act, as amended, to support his activities in preparation for the assumption of official duties as President. If the Eligible Candidate establishes a separate fund, he must comply with the reporting and disclosure requirements of the Presidential Transition Act, as amended.

The Eligible Candidate, as a condition for receiving services and office space, shall not accept more than \$5,000 from any person, organization, or other entity for purposes of preparations for his assumption of office as the President.

### **Reports**

The Eligible Candidate, as a condition of receiving services and office space, shall disclose to the Administrator

- (1) the date of contribution, source, amount, and expenditure thereof of all monetary contributions, including currency of the United States and of any foreign nation, checks, money orders, or any other negotiable instruments payable on demand, other than Federal funds, received either before or after November 3, 2020, for use in his preparations for assumption of office; and
- (2) all information concerning such contributions as the Administrator and Comptroller General may require for purposes of auditing both public and private funding used in connection with preparations for assumption of office.

Disclosures made under paragraph (1) above shall be in the form of a report to the Administrator by February 19, 2021, and shall be made available to the public by the Administrator upon receipt.

### **Emergency Preparedness**

It is critical that the Eligible Candidate be prepared to respond to any emergency situation that may occur during the transition period. The GSA Presidential Transition Support Team will provide the following support to assist with emergency preparedness planning: (1) an outline of continuity of operations (COOP) services; (2) mass notifications and accountability via the [REDACTED]; (3) temporary work space, upon request, during an actual COOP event, with requirements submitted via SF-2050 Reconstitution Questionnaire; (4) telework capability providing a “work from home” option; (5) regular updates regarding the status of facilities; and (6) a Senior Emergency Management point of contact (POC) to provide support to the Eligible Candidate. The Eligible Candidate should designate someone authorized to work with the GSA Emergency Management Officer to finalize its emergency preparedness planning. Office of Personnel Management (OPM) guidance for federal employee reporting should be utilized as an overall guide throughout any emergency or continuity event.

### **Ethics Plan**

The eligible candidate will implement and enforce an ethics plan to guide the conduct of the transition beginning on the date on which the Eligible Candidate becomes the President-elect. The ethics plan

shall include, at a minimum, the provisions required by the Presidential Transition Enhancement Act of 2019 (P.L. 116-121). The ethics plan will be provided to GSA, which will make it publicly available on the Internet website of GSA by October 1, 2020.

### **Effective Dates**

Part 1 of this MOU becomes effective upon signature by both parties. Except as provided for above to allow for an orderly shutdown, the services and facilities provided by the Pre-Election portion of the agreement terminate on November 3, 2020, or when the Administrator ascertains the apparent winner of the Presidential election, whichever occurs later.

### **Amendments**

Any terms and conditions of this MOU, other than those reflecting existing laws or regulations, may be amended at any time by the mutual agreement of the parties in writing.

## **PART II – TRANSITION**

The Presidential Transition Act, as amended, authorizes the Administrator to seek an appropriation for the purposes of the transition of the Executive Branch of the Government in an election year, some of which is designated specifically for use at the request of the President-elect and Vice President-elect (referred to collectively herein as the Office of the President-elect). For the 2020-2021 transition, the Administrator is seeking an appropriation in the amount of approximately \$7.3 million for the use of the Incoming Administration, of which \$6.3 million is designated for expenditure on behalf of the Office of the President-elect and \$1 million is for Appointee Orientation activities. The Presidential Transition Act funds may not be expended by the Administrator for obligations incurred by the President-elect or Vice President-elect before November 4, 2020, or after March 20, 2021, except that the \$1 million for the Appointee Orientation activities is available through September 30, 2021. These figures may change as no money has yet been appropriated and GSA will be bound to the amount that is actually appropriated for Presidential Transition purposes.

The Administrator is authorized to use Presidential Transition Act funds to provide to the President-elect and Vice President-elect, for use in connection with their preparations for the assumption of official duties as President and 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; payment of travel expenses and subsistence allowances, including lease of motor vehicles; IT and telecommunications services; mail services; and payment of expenses for printing and other administrative services.

As provided in the Presidential Transition Act, the President-elect and Vice President-elect have authorized [REDACTED], and [REDACTED] to act on their behalf to make decisions as may be required in connection with the services and facilities to be provided by the Administrator under the Presidential Transition Act. This authority may be re-delegated by either of the aforementioned in writing and delivered to Mary Gibert, the GSA Federal Transition Coordinator, or Elizabeth Cain, Director of GSA's Presidential Transition Support Team (Director). GSA will direct any inquiries or legal instruments regarding the records of the President-elect that are in the custody of GSA to the President-elect's designated representatives.

In order that all needs can be expeditiously provided for and necessary financial and other controls maintained, the following provisions regarding services made available by the GSA are effective immediately after the Administrator ascertains the Eligible Candidate as the apparent winner of the Presidential election. The procedures outlined below are not exhaustive and questions may arise from time to time with regard to specific situations. In those instances, the Office of the President-elect should consult with Elizabeth Cain or directly with the appropriate GSA Transition Support Team member, as designated by Ms. Cain.

### **Control of Funds**

[REDACTED] and [REDACTED], or persons designated by any of them in writing to Ms. Gibert and Ms. Cain, are designated as the "Fund Manager(s)" for the Office of the President-elect. Only these individuals shall be authorized to execute and deliver documents for the expenditure or obligation of appropriated Presidential Transition Act funds. These individuals will work directly with the GSA Transition Support Team to ensure that all transactions are documented and processed in accordance with Federal law, GSA

procedures, and this MOU, and will serve as the contacts for GSA on financial matters.

GSA will not pay any person or entity with Presidential Transition Act funds on behalf of the Office of the President-elect, nor reimburse the Office of the President-elect for expenses incurred by it, without the prior submission and approval of obligating documents from the Office of the President-elect, executed by a person authorized under the preceding paragraph.

### **Accounting Services**

Accounting records will be established and maintained by GSA to show the financial transactions of the Office of the President-elect with regard to the obligation and expenditure of Presidential Transition Act funds. In addition, GSA will prepare any reports required by the Office of the President-elect, the Office of Management and Budget, the Department of the Treasury, or the Congress, excluding the reports described in Section 6 of the Presidential Transition Act of 1963, as amended, which are the responsibility of the Office of the President-elect.

### **Personnel Services**

The Administrator is authorized, upon documented request, to pay the compensation of members of the office staff designated by the President-elect or Vice President-elect, or their designees, from the Presidential Transition Act funds. Payments shall be at rates determined by the Office of the President-elect, but not to exceed the rate provided for by 5 U.S.C. § 5376, for Executive Level IV (\$170,800 for 2020). Persons receiving compensation, as members of the office staffs under the Presidential Transition Act, other than those detailed from Federal agencies, are not held or considered to be employees of the Federal Government. These individuals are ineligible for the Federal Employees' Retirement System (FERS), Civil Service Retirement System (CSRS), Federal Employees' Health Benefits (FEHB), and Federal Employees' Group Life Insurance (FEGLI).

### **Employment of Experts and Consultants**

The Administrator is authorized to pay expenses for the procurement of services of experts, 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 \$545.01 per day for individuals.

### **Detail of Federal Employees**

Any employee of any agency of any branch of the Federal Government, or an employee of a committee of either House of Congress, a joint committee of the Congress, or an individual Member of Congress, may be detailed to the Office of the President-elect on a reimbursable basis with the consent of the head of the agency or, in the case of an employee in a position in the legislative branch, with the consent of the supervising Member of Congress. A detailed employee shall continue to receive compensation for his or her regular employment and retain the rights and privileges of such employment without interruption. A letter from the Office of the President-elect requesting the detail must be submitted to the head of the agency, with a copy to the GSA Presidential Transition Support Team.

### **Payroll Services**

GSA may pay salaries for the employees of the Office of the President-Elect either through direct payments to employees from the Presidential Transition Act fund or through reimbursement for eligible payroll expenses.

If the President-Elect and Vice President elect or their designee select have the employees of the Office of the President-elect receive direct pay from the Presidential Transition Act fund, the employees will be paid through Electronic Funds Transfer (EFT) to the financial institution of their choice. GSA will enter all payroll data and maintain all payroll records. The employees of the Office of the President-elect will be paid bi-weekly, based on the written certification of the designee. Payroll deductions will be made for FICA and Federal and State tax withholding (except for those employees paid \$1.00 or less). The Office of the President-elect will notify the GSA Presidential Transition Support Team immediately if any employees terminate employment with the Office of the President-elect for any reason, including beginning employment with the Federal Government, so that these employees can be removed from the Transition payroll.



### **Office Space, Furniture, Equipment, and Supplies**

GSA has identified in its inventory approximately 128,000 rentable square feet of space designed to house approximately 500 individuals<sup>3</sup> between the election and inauguration in the [REDACTED].

The space has been prepared in advance of the election in a way that is appropriate for the purposes for which it will be used by the President-elect, so that it will be available for use the day after the election. GSA will supply furniture and office equipment for use by the Office of the President-elect. The rent for this 'turn-key' office space, including all customary charges and fees as defined in the Occupancy Agreement, is chargeable to the Presidential Transition Act funds unless exempted by the Administrator of the General Services Administration, in accordance with 40 U.S.C. 586(b)(3). The parties acknowledge and agree that in the event that the Administrator grants a rent exemption and that after all accounting for expenditures by the Office of the President-elect against the Presidential Transition Act appropriation, if there is any unobligated balance remaining in the appropriation, the Office of the President-elect will be deemed to have requested the Administrator to reimburse the GSA Federal Buildings Fund from the unobligated balance of the Presidential Transition Act appropriation.

GSA has completed its space planning layouts. All furniture and equipment (other than smartphones and laptops) for the Office of the President-elect will be in place by November 4, 2020. Therefore, any specific requests by the Office of the President-elect for changes to existing space and furniture layouts, or additional furniture or equipment, that result in additional costs will be charged to the Presidential Transition Act funds; and such additional costs will not be included in the rent, nor waived under any request for a rent exemption that may be granted by the Administrator.

The core hours for the space will be from 8:00 am - 5:00 pm EST, Sunday - Saturday. Use of the space after hours is permissible, but will be subject to overtime utility costs on a reimbursable basis and will require prior coordination with the Director. With the exception of emergency situations, GSA facility services will be available from 7:00 am - 6:00 pm EST, Monday - Friday, excluding Federal holidays. Consistent with the GSA Bulletin issued on November 5, 2019, (84 FR 59624) staff members of the President-elect and Vice President-elect are prohibited from sleeping in the [REDACTED]. Pursuant to 411 C.F.R. 102-74.405, except where the Administrator, GSA Federal Transition Coordinator, or the Director of the GSA Presidential Transition Support Team has granted an exemption in writing, all persons entering in or on Federal property, including space allocated to the President-elect and Vice President-elect, are prohibited from being under the influence or using alcoholic beverages.

If the Office of the President-elect requests additional space or space in a location outside Washington, D.C., the Administrator will attempt to obtain such space in the location requested after the election, and all associated costs will be charged to the Presidential Transition Act funds. A rent exemption will not be considered for such additional space. Likewise, any additional costs associated with requests for "overtime" charges for building operations or additional cleaning requested by the Office of the President-elect will be charged to the Presidential Transition Act funds and such cannot be waived through any rent exemption. The provision of an additional location would be subject to a separate agreement with GSA.

Office supplies are available from the GSA Presidential Transition Support Team on a reimbursable basis.

### **Travel**

The Presidential Transition Act permits the payment of travel expenses to individual travelers at the official invitation of the Office of the President-elect and to the Office of the President-elect employees to their duty stations if those duty stations are different from their principal places of business or residence. Presidential Transition Act funds are not available for movement of household goods or for the transportation of family members. All official travel by Office of the President-elect employees and other persons invited to travel at the Office of the President-elect's expense, which is arranged through GSA or Concur, under contract to GSA, shall be in accordance with GSA's Temporary Duty (TDY) Travel Policy, OAS 5700.i. GSA, in preparation for support to the Office of the President-elect, entered into a contract with Concur which required fees be paid in advance. It is agreed that the President-elect found this action necessary and authorized the Presidential Transition Act appropriation to refund the money previously expended by GSA.

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<sup>3</sup> Standard occupancy, no adjustment for COVID-19. The President-elect staff shall determine any COVID-19 protocols for the space, including entrance and screening requirements. The President-elect shall notify the United States Secret Service and GSA shall make all reasonable efforts to accommodate such COVID-19 related protocols.

## Telecommunications and IT Services

GSA will provide an architected infrastructure to meet telecommunications and IT services and equipment for use by the Office of the President-elect, with installation included as part of the “turn-key” office space. GSA will supply software and equipment, and the equipment will be returned by March 20, 2021.

Attached is a list of items to be provided by GSA (Attachment). The GSA Presidential Transition Support Team will establish procedures for distributing and collecting all Government personal property that is made available for use by the Office of the President-elect. The President-elect and his staff hereby assume responsibility for loss of, or damage to, GSA’s Government Furnished Equipment (GFE) under their control and agree to return all items in the same condition as received, reasonable wear and tear excepted.

The GSA Presidential Transition Support Team will establish a Help Desk for the convenience of the President-elect and his employees to provide IT support. As a result of the heightened cybersecurity threats facing the U.S. Government, the Office of the President-elect is encouraged to use GSA provided GFE. GSA will provide [REDACTED]. The Help Desk staff will be knowledgeable on GFE hardware, software, and tools including multi-function devices (copier/printer/scanner/fax). Non-GFE equipment will be provided [REDACTED]. Help Desk support will be available Monday through Sunday, 7:00 am to 7:00 pm EST, including holidays. Emergency network support will be available 24 hours, 7 days a week.

Outbound international calls can be enabled as required. Costs incurred for international calls will be charged to the Office of the President-elect. All phones will receive inbound international calls at no cost. Conference calling is available through [REDACTED].

Office of the President-elect staff members will be required to individually sign and accept GFE laptop and smartphone while accepting IT Rules of Behavior to safeguard the assets and the integrity of the network infrastructure.

Recognizing that IT Security is important to both the President-Elect and GSA, the parties will cooperate to resolve any concerns. GSA shall not unreasonably withhold permission from the President-elect to add additional software or services. Any specific request by the Office of the President-elect for additional IT services, equipment, or personnel that result in additional costs will be charged to the Presidential Transition Act funds, and will not be included in the rent nor waived under any request for a rent exemption that may be granted by the Administrator.

## Mail

The GSA Presidential Transition Support Team will obtain support for mail services, the cost of which will be charged to the Presidential Transition Act funds. Support includes training on official government mail procedures for the Office of the President-elect, collection and delivery of official mail to the assigned zip code, leasing of metering equipment, and the purchase of special equipment for space. In addition, the United States Secret Service will provide off site screening of incoming USPS mail and that of alternate carriers, such as UPS and FedEx for the sole purpose of identifying suspicious or threatening items. In the case of a suspicious incoming mail item, the article will be isolated and the United States Secret Service will be contacted for appropriate handling. Scanned mail will be delivered in a secure vehicle to the [REDACTED]. Outgoing mail will be metered on-site and subsequently picked up and entered into the postal mail system. USPS can provide for special pickups upon request.

## Reports

As required by Section 6 of the Presidential Transition Act, as amended, the President-elect and Vice President-elect shall disclose to the Administrator:

- (1) the date of contribution, source, amount, and expenditure thereof of all monetary contributions, including currency of the United States and of any foreign nation, checks, money orders, or any other negotiable instruments payable on demand, other than Federal funds, received either before or after November 3, 2020, for use in their preparations for assumption of office; and
- (2) all information concerning such contributions as the Administrator and Comptroller General may require for purposes of auditing both public and private funding used in connection with preparations for assumption of office.

Disclosures made under paragraph (1) above shall be in the form of a report to the Administrator by February 19, 2021, and shall be made available to the public by the Administrator upon receipt.

The President-elect and Vice President-elect, as a condition for receiving services and funds authorized by the Transition Act, shall not accept more than \$5,000 from any person, organization, or other entity for purposes of preparations for their assumption of office as the President and Vice President.

They shall also, as a condition for receiving services and funds authorized by the Presidential Transition Act, make available to the public names, most recent employment, and information regarding the sources of funding which support the transition activities of all transition personnel (full-time or part-time, public or private or volunteer) who are members of the President-elect or Vice President-elect's Federal department or agency transition teams. Such disclosures shall be made public before the initial transition team contact with a Federal department or agency and shall be updated as necessary as required under Section 6(b) of the Act.

### **Appointee Orientation and Transition Directory**

The Presidential Transition Act directs GSA to prepare a Transition Directory and to coordinate orientation activities for individuals the President-elect intends to nominate as department heads or appoint to key positions in the Executive Office of the President. For the 2020–2021 transition, the Administrator has requested \$1 million for orientation activities for the incoming Administration. The GSA Presidential Transition Support Team will assist the Office of the President-elect in planning appointee orientation and, if requested, will contract with one or multiple third-party organizations for orientation services. The parties acknowledge and agree that the appropriated funds must be obligated for the purposes of the Transition Act not later than September 30, 2021. Therefore, GSA strongly recommends that planning be substantially completed no later than June 2021, and that contracts be in place no later than August 31, 2021.

GSA launched the Transition Directory on November 1, 2019. The Transition Directory provides resources for candidates from the GSA, National Archives and Records Administration (NARA), Office of Government Ethics (OGE) and OPM. It is available at <https://www.gsa.gov/governmentwide-initiatives/presidential-transition-directory> and continually updated with new information.

### **Emergency Preparedness**

It is critical that the Office of the President-elect be prepared to respond to any emergency situation that may occur during the transition period. The GSA Presidential Transition Support Team will provide the following support to assist with emergency preparedness planning: (1) an outline of continuity of operations (COOP) services; (2) mass notifications and accountability via the [REDACTED]; (3) temporary work space during an actual COOP event, with requirements submitted via SF-2050 Reconstitution Questionnaire; (4) telework capability providing a “work from home” option; (5) regular updates regarding the status of facilities; and (6) a Senior Emergency Management POC to provide support to the Office of the President-elect. The Office of the President-elect should designate someone authorized to work with the GSA Emergency Management Officer to finalize its emergency preparedness planning. OPM guidance for federal employee reporting should be utilized as an overall guide throughout any emergency or continuity event. Certain principals and senior staff will fall in with the White House COOP Plan, facilitated by the United States Secret Service.

### **Ethics Plan**

The eligible candidate will implement and enforce an ethics plan to guide the conduct of the transition beginning on the date on which the eligible candidate becomes the President-elect. The ethics plan shall include, at a minimum, the provisions required by the Presidential Transition Enhancement Act of 2019 (P.L. 116-121). The ethics plan will be provided to GSA, which will make it publicly available on the Internet website of GSA by October 1, 2020.

### **Effective Dates**

Part II of this MOU becomes effective upon signature by both parties and upon the Administrator's ascertainment that the Eligible Candidate and his running mate are the apparent successful candidates for President and Vice President, but no sooner than November 4, 2020, and terminates on March 20, 2021, except that this MOU shall be effective through September 30, 2021, with respect to “Appointee Orientation and Transition Directory.”

**Amendments**

Any terms and conditions of this MOU, other than those reflecting existing laws or regulations, may be amended at any time by the mutual agreement of the parties in writing.

**Authorization**

The terms and conditions of this MOU are agreed to and approved by:

Eligible Candidate

General Services Administration

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**Signed by:**  
[REDACTED]

**Date:** September 2, 2020

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**Signed by:**  
Elizabeth Cain

**Date:** September 3, 2020

APPENDIX 1.3

**Memorandum of Understanding Regarding Transition**

Source: Office of President-elect Trump and the White House  
November 13, 2016

(1) The Chief of Staff to the President (the “Chief of Staff”) and the designated Chair of the President-elect’s Transition Team (the “Chair of the PETT”) agree, on behalf of, respectively, the Administration and the PETT, that, in order to effect an orderly transition of power in accord with the Presidential Transition Act of 1963, as amended (the “Transition Act”), the Intelligence Reform and Terrorism Prevention Act of 2004, and Executive Order 13727 entitled “Facilitation of a Presidential Transition,” the President-elect and certain of his associates must become knowledgeable about current government policies and operations so that they can begin making informed decisions immediately upon taking office.

(2) Section 4(b) of the Transition Act provides that “The President shall” take such actions as the President determines necessary and appropriate to plan and coordinate activities by the Executive branch of the Federal Government to facilitate an efficient transfer of power to a successor President.” Additionally, Executive Order 13727 provides that “it is the policy of the United States to undertake all reasonable efforts to ensure that Presidential transitions are well coordinated and effective, without regard to party affiliation.”

(3) The Chief of Staff and the Chair of the PETT enter into this memorandum of understanding in order to establish an orderly process for identifying individuals charged with transition responsibilities, to ensure that the Government’s and the Office of the President-elect’s standards of conduct are observed, to protect the confidentiality of non-public government information made available to the PETT during the transition period, to preserve the constitutional, statutory, and common law privileges that attach to such information in the possession of the Executive Branch, and to protect the confidentiality of transition information made available to the Government.

(4) The Chair of the PETT (or his designee) will furnish in writing to the Chief of Staff the name of each individual authorized by the PETT to work with the Executive Office of the President (EOP) and particular Departments and Agencies, including the designation of a Transition Team lead or leads for the EOP and each Department or Agency. The Chair of the PETT (or his designee) will also indicate in writing that each individual on the list has met the applicable public disclosure requirements of the Presidential Transition Act, as amended, has agreed to abide by the Transition’s Code of Ethical Conduct, and has thereby represented that he or she has no conflict of interest that precludes the individual from working on the matters the individual has been assigned to work on with the EOP or the relevant Department or Agency. These lists will be updated as new members are added to the teams. The Chief of Staff (or his designee) will promptly forward these names to the appropriate Departments, Agencies, and EOP offices. The Chief of Staff (or his designee) will also provide in writing to the Chair of the PETT the names of individuals in the Departments, Agencies, and specified offices in the EOP who will serve as contacts responsible for coordinating transition matters on behalf of those Departments, Agencies, or specified EOP offices. The Chief of Staff (or his designee) is the contact person responsible for coordinating transition matters on behalf of those offices of the EOP for which contact persons have not otherwise been designated.

(5) The Administration will conduct its transition activities with the PETT through the contacts authorized by the Chief of Staff and the Chair of the PETT. The authorized contacts for the PETT will initiate transition activities with a particular Department, Agency, or specified office of the EOP through the individual(s) at that Department, Agency, or EOP office designated by the Chief of Staff to coordinate transition activities for that Department, Agency, or EOP office. The authorized contacts for the PETT will initiate transition activities involving any other office of the EOP through the Chief of Staff (or his designee).

(6) Each Department and Agency will use best efforts to locate and set aside available space in their offices for the duration of the transition for use by authorized members of the PETT to facilitate review of information provided by the Department or Agency and communication with authorized contacts

at such Department or Agency. Each Department or Agency will provide, to the extent practicable, appropriate support to and equipment for use by the PETT in such office space. The exact details of space and equipment will be worked out between the PETT lead(s) for that Department or Agency and the individual(s) at that Department or Agency designated by the Chief of Staff.

**(7)** In order to facilitate a smooth transition, it likely will be necessary in some circumstances to provide specified transition personnel with access to non-public information that may be protected by constitutional, statutory, or common law privileges, and material whose distribution is restricted by law. The Chief of Staff has advised the Chair of the PETT that Administration personnel will take steps to protect non-public information that are required by law or otherwise necessary to preserve applicable privileges, such as actions based on the Executive Branch standards of conduct, the Privacy Act, or the attorney-client privilege. The PETT recognizes that there is some information that a Department or Agency may not be able to provide in order to comply with statutory requirements or otherwise preserve applicable privileges.

**(8)** In order to facilitate a smooth transition and provide a mechanism for expeditiously addressing any concerns, including ethical, privacy, and privilege concerns, regarding access to non-public information as described in paragraph (7), the Chief of Staff and the Chair of the PETT will each designate in writing an individual or individuals authorized to confer in order to resolve such concerns informally.

**(9)** The Chief of Staff further advises that, before providing any classified information to a member of the PETT, pursuant to Executive Order 13526, it must be established:

- That the member has the security clearances necessary to have access to that information, and the requisite need to know, and
- That the member has signed the requisite non-disclosure agreement.

**(10)** The Chief of Staff advises that, before providing non-public information (including classified information) as described in paragraph (7) to a member of the PETT authorized to receive it under the guidelines established in this memorandum, Departments and Agencies will expeditiously:

- Brief the Transition Team member on the importance of maintaining the constitutional, statutory, and/or common law safeguards afforded the non-public information.
- Clearly label non-public records provided to Transition Team personnel with a warning against subsequent disclosures to unauthorized individuals, including unauthorized members of the Transition Team.
- Specifically advise Transition Team members that non-public information provided to them cannot be shared with other Transition Team personnel unless those other personnel satisfy the requirements for access to that information set forth in this memorandum.
- Require the Transition Team member to sign a statement representing that, to the member's knowledge, he or she has no financial interest or imputed financial interest that would be directly and predictably affected by a particular matter to which the information is pertinent. The Department or Agency may require such additional information from the Transition Team member as the Department or Agency deems necessary, in light of the proposed disclosure.
- Where advisable, prohibit the Transition Team member from removing records containing non-public information from the offices of the Department or Agency.
- Make a written record of any disclosure of non-public information made to a member of the PETT.

**(11)** Upon request from the EOP, a Department, or an Agency, the PETT will provide a written statement indicating that Transition Team member's need for access to the non-public information. The statement of need will be provided by the Chair of the PETT (or his designee) to the Chief of Staff (or his designee).

**(12)** A government employee may not allow the improper use of non-public information to further his own private interest or that of another by knowing unauthorized disclosure. 5 C.F.R § 2640.

(13) It likely will be necessary for members of the PETT to share with the Administration information that they wish to be kept confidential. Accordingly, to the extent permitted by law, the Administration agrees to protect the confidentiality of information provided to it on a confidential basis by the PETT.

(14) Any disagreements between the Administration and the PETT concerning the subject matter of this memorandum that are not resolved informally pursuant to paragraph (8) or otherwise will be referred by the Administration to the Chief of Staff (or his designee) and by the PETT to the Chair of the PETT (or his designee).

(15) To the extent permitted by law, the Administration with respect to its staff members and the PETT with respect to its transition team members, state that they intend to take appropriate steps to discipline any person who fails to comply with the terms of this agreement.

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**Signed by:**

Denis R. McDonough  
Chief of Staff to the President

**Date:** November 13, 2016

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**Signed by:**

Michael R. Pence  
Chair of the President-elect's Transition team

**Date:** November 13, 2016

## APPENDIX 1.4

**Memorandum of Understanding Between the General Services Administration and Donald J. Trump**

Source: Office of President-elect Trump and the White House  
November 9, 2016

This Memorandum of Understanding (MOU) establishes the provision of services and facilities made available by the U.S. General Services Administration (GSA) to Donald J. Trump, who is an eligible candidate in the 2016 general election for President of the United States, as defined in the Pre-Election Presidential Transition Act of 2010. The services and facilities to be provided are defined in Part I of this memorandum. Further, this MOU establishes the provision of services and facilities made available by the GSA to the President-elect and the Vice President-elect and paid out of funds appropriated by the Congress in accordance with the Presidential Transition Act of 1963, as amended, 3 U.S.C. 102 note, as detailed in Part II of this memorandum.

If the Eligible Candidate is not ascertained as the winner of the general election, Part II of this MOU will become null and void.

**PART I - PRE-ELECTION**

The GSA Administrator (Administrator), upon acceptance by the Eligible Candidate, is authorized to provide to the Eligible Candidate, for use in connection with his preparations for the assumption of official duties as President, necessary services and facilities including: suitable office space appropriately equipped with furniture, furnishings, office machines, equipment and supplies, and telecommunications services. Other services required may be provided on a reimbursable basis. The space, supplies, and other services will be used exclusively and only for the Eligible Candidate's preparations for the assumption of official duties as President.

The Eligible Candidate has designated [REDACTED] to act on his behalf to make decisions as may be required in connection with the services and facilities to be provided under the Pre-Election Presidential Transition Act of 2010. This authority may be re-delegated by either of the aforementioned in writing, delivered to [REDACTED] the GSA Federal Transition Coordinator, [REDACTED] Director of Transition Support Team (Director).

In order that all requirements can be expeditiously provided for and necessary financial and other controls maintained, the following provisions regarding services made available by the GSA are effective immediately. The provisions outlined below are not exhaustive and questions may arise from time to time with regard to specific situations. In those instances, the Eligible Candidate or his representatives should consult with the Director of the GSA Presidential Transition Support Team.

**Office Space, Furniture, Equipment and Supplies**

GSA will provide office space and related services to the Eligible Candidate and his transition staff. GSA has identified in its inventory approximately 16,000 rentable square feet of office [REDACTED] designed to house 114 of the Eligible Candidate's staff members from August 1, 2016 through November 8, 2016. If the Administrator is unable to determine the apparent winner of the general election, the end date for this period will automatically be extended to that date which the Administrator is able to determine the apparent winner of the general election.

GSA has completed space planning in an "open concept" floor plan appropriate for the purposes for which it will be used by the Eligible Candidate. GSA will make furniture and office equipment available for use by the Eligible Candidate. As GSA received an appropriation for this period to cover space and services, there is no rent chargeable to the Eligible Candidate.

All furniture and equipment for the Eligible Candidate will be in place by August 1, 2016. Therefore, any specific requests by the Eligible Candidate for changes to existing space and furniture layouts, or additional furniture or equipment, will result in additional costs that will be charged to the Eligible Candidate. Office equipment and supplies (other than smartphones and laptops) will not be removed from the premises without the express permission of the Administrator, the Federal Transition Coordinator, or the Director of the Presidential Transition Support Team. All office equipment, badges, and supplies are the property of the GSA and must be returned to GSA at the conclusion of the period covered by this MOU, except for consumable supplies (e.g., paper, pens) that were used. GSA will provide initial stock of consumable supplies and will replenish as used. Consumable supplies required



beyond what GSA stocks are considered special orders. A GSA-determined monetary allowance of \$10,000 will be provided to each Eligible Candidate for special orders. Any special orders purchased with these funds shall be purchased pursuant to applicable procurement statutes and regulations. Any special orders above the monetary allowance shall be reimbursed by Eligible Candidate.

The space will be available from 8:00 am - 10:00 pm, Monday - Friday, and 10:00 am - 6:00 pm, Saturday, Sunday, and Federal holidays. Use of the space after hours is permissible, but will be subject to overtime utility costs on a reimbursable basis and will require prior coordination with the Director. With the exception of emergency situations, GSA facility services will be available from 8:00 am - 6:00 pm, Monday - Friday, excluding federal holidays.

GSA will work with the Federal Protective Service (FPS) to obtain security services [REDACTED]. An armed security guard will be onsite from 7:30 am - 8:30 pm, Monday - Friday. GSA will notify the Eligible Candidate or his representative of what information will be required regarding staff members to ensure all security access protocols are completed and staff members can access the facility and utilize the services. The Eligible Candidate will ensure all required information is supplied and security protocols followed.

In the event the Eligible Candidate is not the apparent winner of the general election, the space must be vacated and returned within 5 calendar days of the election in good condition, reasonable wear and tear excepted. All documents and personal property items must be removed by this date or they will be considered abandoned. The pre-election space may continue to be available to the apparent winner for two weeks after the election to aid in the orderly move to the transition location. Additional time beyond the two week period would result in cost incurred by the Eligible Candidate's team.

### **Telecommunications and IT Services**

GSA will provide an architected infrastructure to meet telecommunications and IT services and equipment for use by the Eligible Candidate, with installation included as part of the "turn-key" office space. GSA will supply software and equipment, and the equipment will be returned within 5 calendar days of the election. This equipment will be inventoried and all data on these devices will be deleted. Attached is a list of items to be provided by GSA (Attachment).

The GSA Presidential Transition Support Team will establish procedures for distributing and collecting all Government personal property that is made available for use by the Eligible Candidate. The Eligible Candidate and his staff hereby assume responsibility for loss of, or damage to, GSA's Government Furnished Equipment (GFE) under their control and agree to return all items in the same condition as received, reasonable wear and tear excepted.

The GSA Presidential Transition Support Team will establish a Help Desk for the convenience of the Eligible Candidate to provide IT support and miscellaneous other assistance to be further defined by GSA. As a result of the heightened cybersecurity threats associated with the U.S. presidential campaigns and election, the Eligible Candidates and his staff are encouraged to use GSA provided GFE. GSA will provide Windows-based laptops equipped with Gmail, Calendaring, Google Drive, and Hangouts. The Eligible Candidate and his staff will receive a smartphone option of an Android or iPhone with talk time, text, unlimited data, and HotSpot services. The Help Desk staff will be knowledgeable on GFE hardware, software, and tools including multi-function devices (copier/printer/scanner/fax), but only limited support will be available for non-GFE equipment. Non-GFE equipment will be provided with Internet Only access. Help Desk support will be available Monday through Friday, 7:00 am to 7:00 pm, including holidays. Emergency network support will be available 24 hours, 7 days a week.

Any specific requests by the Eligible Candidate for additional IT services, equipment or personnel will result in additional costs that will be charged to the Eligible Candidate.

Outbound international calls can be enabled as required. Costs incurred for international calls will be charged to the Eligible Candidate. All phones will receive inbound international calls at no cost. Conference calling is available through WebEx and Hangouts.

Eligible Candidate staff members will be required to individually sign and accept GFE laptops and Smartphones while accepting IT Rules of Behavior to safeguard the assets and the integrity of the network infrastructure.

### **Other Candidates**

The Eligible Candidate acknowledges that GSA agrees to offer the same services and terms to each eligible candidate as defined by the Pre-Election Presidential Transition Act of 2010. All information and assistance by GSA will be on an equal basis and without regard to political affiliation. The space and IT networks for each Eligible Candidate are physically separated, and GSA will assign separate onsite staff, wherever practicable.

### Other Funds

The Eligible Candidate may establish a separate fund as described in Section 3(h)(3) of the Presidential Transition Act, as amended, to support his activities in preparation for the assumption of official duties as President. If the Eligible Candidate establishes a separate fund, he must comply with the reporting and disclosure requirements of the Presidential Transition Act, as amended.

The Eligible Candidate, as a condition for receiving services and office space, shall not accept more than \$5,000 from any person, organization, or other entity for purposes of preparations for his assumption of office as the President.

### Reports

The Eligible Candidate, as a condition of receiving services and office space, shall disclose to the Administrator the date of contribution, source, amount, and expenditure of all monetary contributions, including currency of the United States and of any foreign nation, checks, money orders, or any other negotiable instruments payable on demand, received for use in the preparation of the Eligible Candidate for the assumption of official duties as President. Disclosures made under this paragraph shall be in the form of a report to the Administrator by February 19, 2017. The report shall be made available to the public by the Administrator upon receipt.

The Eligible Candidate shall make available to the Administrator and the Comptroller General all information concerning such contributions as the Administrator or Comptroller General may require for purposes of auditing both the public and private funding used in the activities authorized by this Act.

### Emergency Preparedness

It is critical that the Eligible Candidate be prepared to respond to any emergency situation that may occur during the transition period. The GSA Presidential Transition Support Team will provide the following support to assist with emergency preparedness planning: (1) a draft outlining the continuity of operations service; (2) mass notifications and accountability via the [REDACTED] (3) temporary work space, upon request, during an actual COOP event, with requirements submitted via SF-2050 Reconstitution Questionnaire; (4) telework capability providing a “work from home” option; (5) regular updates regarding the status of facilities; and (6) a Senior Emergency Management point of contact (POC) to provide support to the Eligible Candidate. The Eligible Candidate should designate someone authorized to work with the GSA Emergency Management Officer to finalize its emergency preparedness planning Office of Personnel Management (OPM) guidance for federal employee reporting should be utilized as an overall guide throughout any emergency or continuity event.

### Effective Dates

Part 1 of this MOU becomes effective upon signature by both parties. Services provided by the Pre-Election portion of the agreement ends on November 8, 2016, or when the Administrator ascertains the apparent winner of the Presidential election. The facility will remain available until November 13, 2016, to allow for an orderly shutdown.

### Amendments

Any terms and conditions of this Memorandum of Understanding, other than those reflecting existing laws or regulations, may be amended at any time by the mutual agreement of the parties in writing.

## PART II — TRANSITION

The Presidential Transition Act authorizes the Administrator to seek an appropriation for the purposes of the transition of the Executive Branch of the Government in an election year, some of which is designated specifically for use at the request of the President-elect and Vice President-elect (referred to collectively herein as the Office of the President-elect). For the 2016-2017 transition, the Administrator is seeking an appropriation in the amount of approximately \$7 million for the use of the Incoming Administration, of which \$6 million is designated for expenditure on behalf of the Office of the President-elect and \$1 million for Appointee Orientation. The Presidential Transition Act funds may not be expended by the Administrator for obligations incurred by the President-elect or Vice President-elect before November 9, 2016, or after July 19, 2017, except that the \$1 million for the Appointee Orientation activities is available through September 30, 2017. These figures may change as no money has yet been appropriated and GSA will be bound to the amount that is actually

appropriated for Presidential Transition purposes.

The Administrator of General Services is authorized to use Presidential Transition Act funds to provide to the President-elect and Vice President-elect, for use in connection with their preparations for the assumption of official duties as President and Vice President, necessary services and facilities including: suitable office space, appropriately equipped with furniture, furnishings, office machines, equipment and 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; payment of travel expenses and subsistence allowances, including lease of motor vehicles; IT and telecommunications services; mail services; and payment of expenses for printing and other administrative services.

As provided in the Transition Act, the President-elect and Vice President-elect have authorized [REDACTED] to act on their behalf to make decisions as may be required in connection with the services and facilities to be provided by the Administrator under the Presidential Transition Act. This authority may be re-delegated by either of the aforementioned in writing and delivered to [REDACTED] the GSA Federal Transition Coordinator, or [REDACTED] Director of GSA's Presidential Transition Support Team (Director).

In order that all needs can be expeditiously provided for and necessary financial and other controls maintained, the following provisions regarding services made available by the GSA are effective immediately after the Administrator ascertains the Eligible Candidate as the apparent winner of the Presidential election. The procedures outlined below are not exhaustive and questions may arise from time to time with regard to specific situations. In those instances, the Office of the President-elect should consult with [REDACTED] directly with the appropriate GSA Transition Support Team member, as designated by [REDACTED].

### **Control of Funds**

[REDACTED] are designated as the "Fund Manager(s)" for the Office of the President-elect. Only these individuals shall be authorized to execute and deliver documents for the expenditure or obligation of appropriated Presidential Transition Act funds. These individuals will work directly with the GSA Transition Support Team to ensure that all transactions are documented and processed in accordance with Federal law, GSA procedures, and this MOU, and will serve as the contacts for GSA on financial matters.

GSA will not pay any person or entity with Presidential Transition Act funds on behalf of the Office of the President-elect, nor reimburse the Office of the President-elect for expenses incurred by it, without the prior submission and approval of obligating documents from the Office of the President-elect, executed by a person authorized under the preceding paragraph.

### **Accounting Services**

Accounting records will be established and maintained by GSA to show the financial transactions of the Office of the President-elect with regard to the obligation and expenditure of Presidential Transition Act funds. In addition, GSA will prepare any reports required by the Office of the President-elect, the Office of Management and Budget, the Department of the Treasury or the Congress, excluding the reports described in Section 6 of the Presidential Transition Act of 1963, as amended, which are the responsibility of the Office of the President-elect.

### **Personnel Services**

The Administrator of General Services is authorized, upon documented request, to pay the compensation of members of the office staffs designated by the President-elect or Vice President-elect, or their designees, from the Presidential Transition Act funds. Payments shall be at rates determined by the Office of the President-elect, but not to exceed the rate provided for by 5 U.S.C. § 5376, for Executive Level IV (\$160,300 for 2016). Persons receiving compensation, as members of the office staffs under the Presidential Transition Act, other than those detailed from Federal agencies, are not held or considered to be employees of the Federal Government. These individuals are ineligible for the Federal Employees' Retirement System (FERS), Civil Service Retirement System (CSRS), Federal Employees' Health Benefits (FEHB), and Federal Employees' Group Life Insurance (FEGLI).

### **Employment of Experts and Consultants**

The Administrator of General Services is authorized to pay expenses for the procurement of services

of experts, 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 \$511.52 per day for individuals.

### **Detail of Federal Employees**

Any employee of any agency of any branch of the Federal Government may be detailed to the Office of the President-elect on a reimbursable basis with the consent of the head of the agency. A detailed employee shall continue to receive compensation for his or her regular employment and retain the rights and privileges of such employment without interruption. A letter from the Office of the President-elect requesting the detail must be submitted to the head of the agency, with a copy to the GSA Presidential Transition Support Team.

### **Payroll Services**

The employees of the Office of the President-elect receiving direct pay from the Presidential Transition Act fund will be paid through Electronic Funds Transfer (EFT) to the financial institution of their choice. GSA will enter all payroll data and maintain all payroll records. The employees of the Office of the President-elect will be paid bi-weekly, based on the written certification of the designee. Payroll deductions will be made for FICA and Federal and State tax withholding (except for those employees paid \$1.00 or less). The Office of the President-elect will notify the GSA Presidential Transition Support Team immediately if any employees terminate employment with the Office of the President-elect for any reason, including beginning employment with the Federal Government, so that these employees can be removed from the Transition payroll.

### **Office Space, Furniture, Equipment, and Supplies**

GSA has identified in its inventory approximately 141,441 rentable square feet of space designed to house approximately 500 individuals between the election and inauguration in the first wing of the [REDACTED], in coordination with the Department of Homeland Security, Federal Protective Service and the U.S. Secret Service, shall secure the site.

The space has been prepared in advance of the election to “open concept” floor plans appropriate for the purposes for which it will be used by the President-elect, so that it will be available for use the day after the election. GSA will supply furniture and office equipment for use by the Office of the President-elect. The rent for this “turn-key” office space, including all customary charges and fees as defined in the Occupancy Agreement, is chargeable to the Presidential Transition Act funds unless exempted by the Administrator of the General Services Administration, in accordance with 40 U.S.C. 586(b)(3). The parties acknowledge and agree that in the event that the Administrator grants a rent exemption and that after all accounting for expenditures by the Office of the President-elect against the Presidential Transition Act appropriation, if there is any unobligated balance remaining in the appropriation, the Office of the President-elect will be deemed to have requested the Administrator to reimburse the GSA Federal Buildings Fund from the unobligated balance of the Presidential Transition Act appropriation.

GSA has completed its space planning layouts. All furniture and equipment other than [REDACTED] for the Office of the President-elect will be in place by November 8, 2016. Therefore, any specific requests by the Office of the President-elect for changes to existing space and furniture layouts, or additional furniture or equipment, will result in additional costs that will be charged to the Presidential Transition Act funds; and such additional costs will not be included in the rent, nor waived under any request for a rent exemption that may be granted by the Administrator.

The space will be available from 7:00 am - 10:00 pm, Monday - Friday, and 10:00 am - 6:00 pm, Saturday, Sunday, and Federal holidays. Use of the space after hours is permissible, but will be subject to overtime utility costs on a reimbursable basis and will require prior coordination with the Director. With the exception of emergency situations, GSA facility services will be available from 7:00 am - 6:00 pm, Monday - Friday, excluding Federal holidays.

If the Office of the President-elect requests additional space or space in a location outside Washington, D.C., the Administrator will attempt to obtain such space in the location requested after the election, and all associated costs will be charged to the Presidential Transition Act funds. A rent exemption will not be considered for such additional space. Likewise, any additional costs associated with requests for “overtime” charges for building operations or additional cleaning requested by the Office of the President-elect will be charged to the Presidential Transition Act funds and such cannot be waived through any rent exemption. The provision of an additional location would be subject to a separate

agreement with GSA.

Office supplies are available from the GSA Presidential Transition Support Team on a reimbursable basis.

### **Travel**

The Presidential Transition Act permits the payment of travel expenses to individual travelers at the official invitation of the Office of the President-elect and to the Office of the President-elect employees to their duty stations if those duty stations are different from their principal places of business or residence. Presidential Transition Act funds are not available for movement of household goods or for the transportation of family members. All official travel by Office of the President-elect employees and other persons invited to travel at the Office of the President-elect's expense, which is arranged through GSA or Concur, under contract to GSA, shall be in accordance with GSA Internal Travel Regulations and Control of Official Travel, PFM P 4290.1, GSA, in preparation for support to the Office of the President-elect, entered into a contract with Concur which required fees be paid in advance. It is agreed that the President-elect found this action necessary and authorized the Presidential Transition Act appropriation to refund the money previously expended by GSA.

### **Telecommunications and IT Services**

GSA will provide an architected infrastructure to meet telecommunications and IT services and equipment for use by the Office of the President-elect, with installation included as part of the "turn-key" office space. GSA will supply software and equipment, and the equipment will be returned by February 19, 2017. This equipment will be inventoried and all data on these devices will be deleted. Attached is a list of items to be provided by GSA (Attachment). The GSA Presidential Transition Support Team will establish procedures for distributing and collecting all Government personal property that is made available for use by the Office of the President-elect. The President-elect and his staff hereby assume responsibility for loss of, or damage to, GSA's Government Furnished Equipment (GFE) under their control and agree to return all items in the same condition as received, reasonable wear and tear excepted.

The GSA Presidential Transition Support Team will establish a Help Desk for the convenience of the President-elect and his employees to provide IT support and miscellaneous other assistance to be further defined by GSA. As a result of the heightened cybersecurity threats facing the U.S. Government, the Office of the President-elect is encouraged to use GSA [REDACTED] Help Desk staff will be knowledgeable on GFE hardware, software, and tools including multifunction devices (copier/printer/scanner/fax) but only limited support will be available for non-GFE equipment. Non-GFE equipment will be provided with Internet Only access. Help Desk support will be available Monday through Friday, 7:00 am to 7:00 pm, including holidays. Emergency network support will be available 24 hours, 7 days a week.

Outbound international calls can be enabled as required. Costs incurred for international calls will be charged to the Office of the President-elect. All phones will receive inbound international calls at no cost. Conference calling is available through WebEx and Hangouts.

Office of the President-elect staff members will be required to individually sign and accept GFE laptop and Smartphone while accepting IT Rules of Behavior to safeguard the assets and the integrity of the network infrastructure.

Any specific request by the Office of the President-elect for additional IT services, equipment or personnel will result in additional costs that will be charged to the Presidential Transition Act funds, and will not be included in the rent nor waived under any request for a rent exemption that may be granted by the Administrator.

### **Mail**

The GSA Presidential Transition Support Team will obtain support for mail services, the cost of which will be charged to the Presidential Transition Act funds. Support includes training on official government mail procedures for the Office of the President-elect, collection and delivery of official mail to the assigned zip code, leasing of metering equipment, and the purchase of special equipment for space. In addition, the service will provide off site screening of incoming USPS mail and that of alternate carriers, such as UPS and FedEx. In the case of a suspicious incoming mail item, the article will be isolated and the United States Secret Service will be contacted for appropriate handling. Scanned mail will be delivered in a secure vehicle to the [REDACTED] Outgoing mail will be metered on-site and subsequently picked up and entered into the postal mail system. The service can provide

for special pickups upon request.

### Reports

As required by Section 6 of the Presidential Transition Act, as amended, the President-elect and Vice President-elect shall disclose to the Administrator:

1. the date of contribution, source, amount, and expenditure thereof of all monetary contributions, including currency of the United States and of any foreign nation, checks, money orders, or any other negotiable instruments payable on demand, other than Federal funds, received either before or after November 8, 2016, for use in their preparations for assumption of office; and
2. all information concerning such contributions as the Administrator and Comptroller General may require for purposes of auditing both public and private funding used in connection with preparations for assumption of office.

Disclosures made under paragraph (1) above shall be in the form of a report to the Administrator by February 19, 2017, and shall be made available to the public by the Administrator upon receipt.

The President-elect and Vice President-elect, as a condition for receiving services and funds authorized by the Transition Act, shall not accept more than \$5,000 from any person, organization, or other entity for purposes of preparations for their assumption of office as the President and Vice President.

They shall also, as a condition for receiving services and funds authorized by the Presidential Transition Act, make available to the public names, most recent employment, and information regarding the sources of funding which support the transition activities of all transition personnel (full-time or part-time, public or private or volunteer) who are members of the President-elect or Vice President-elect's Federal department or agency transition teams. Such disclosures shall be made public before the initial transition team contact with a Federal department or agency and shall be updated as necessary as required under Section 6(b) of the Act.

### Appointee Orientation and Transition Directory

The Presidential Transition Act directs GSA to prepare a Transition Directory and to coordinate orientation activities for individuals the President-elect intends to nominate as department heads or appoint to key positions in the Executive Office of the President. For the 2016-2017 transition, the Administrator has requested \$1 million for orientation activities for the incoming Administration. The GSA Presidential Transition Support Team will assist the Office of the President-elect in planning appointee orientation and, if requested, will contract with one or multiple third-party organizations for orientation services. The parties acknowledge and agree that the appropriated funds must be obligated for the purposes of the Transition Act not later than September 30, 2017. Therefore, GSA strongly recommends that planning be substantially completed no later than June 2017, and that contracts be in place no later than August 31, 2017.

GSA, in collaboration with the National Archives and Record Administration, launched the Directory on November 5, 2015. The Transition Directory was completed and is available at <https://presidentialtransition.usa.gov>.

### Emergency Preparedness

It is critical that the Office of the President-elect be prepared to respond to any emergency situation that may occur during the transition period. The GSA Presidential Transition Support Team will provide the following support to assist with emergency preparedness planning: (1) a draft outlining the continuity of operations service; (2) mass notifications and accountability via the [REDACTED] (3) temporary work space during an actual COOP event, with requirements submitted via F-2050 Reconstitution Questionnaire; (4) telework capability providing a "work from home" option; (5) regular updates regarding the status of facilities; and (6) a Senior Emergency Management POC to provide support to the Office of the President-elect. The Office of the President-elect should designate someone authorized to work with the GSA Emergency Management Officer to finalize its emergency preparedness planning. Office of Personnel Management (OPM) guidance for federal employee reporting should be utilized as an overall guide throughout any emergency or continuity event. Certain principals and senior staff will fall in with the White House COOP Plan, facilitated by Secret Service.

### Effective Dates

Part II of this MOU becomes effective upon signature by both parties and upon the Administrator's ascertainment of the apparent successful candidate for President and Vice-President, but no sooner

than November 9, 2016, and terminates on January 20, 2017, except that this MOU shall be effective through July 19, 2017, with respect to the sections entitled “Control of Funds”, “Accounting Services”, and “Reports”, and for any obligation entered into by the President-elect or Vice President-elect prior to the date of inauguration (January 20, 2017), and through September 30, 2017, with respect to “Appointee Orientation and Transition Directory.”

**Amendments**

Any terms and conditions of this Memorandum of Understanding, other than those reflecting existing laws or regulations, may be amended at any time by the mutual agreement of the parties in writing.

**Authorization**

The terms and conditions of this MOU are agreed to and approved by:

Eligible Candidate

General Services Administration

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**Signed by:**  
[REDACTED]

**Date:** July 29, 2016

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**Signed by:**  
[REDACTED]

**Date:** August 1, 2016

## APPENDIX 1.5

## **Memorandum of understanding between the Department of Justice and presidential candidate Barack Obama regarding the 2008 Presidential Transition Clearance Adjudication Plan**

Source: Obama-Biden Transition Project documents  
October 1, 2008

### **I. BACKGROUND**

Under the Intelligence Reform and Terrorism Prevention Act or IRTPA, presidential candidates from the major parties may submit clearance requests for transition team members prior to the general election in order to expedite the transition process.\* Previously, only the President-Elect could submit these requests to the Federal Bureau of Investigations (FBI) and only after the general election. This Memorandum of Understanding (MOU) covers the investigations for security clearances of the prospective transition team members for major party Presidential candidates only. As defined by statute\*\*, the “major party” Presidential candidates for the 2008 Presidential Election are Senators John McCain and Barack Obama (hereafter “Presidential Candidate”).

### **II. PURPOSE**

- a. In order to assist the Department of Justice (DOJ) in implementing IRTPA and to promote orderly transitions in the office of the President, the FBI will conduct investigations at the request of the Presidential Candidate or his designated representative. Such investigations may be requested for applicants, employees, or any other persons engaged by contract or otherwise to perform services for the Presidential Candidate in connection with preparation for a transition to the Office of the President. (Hereafter the individual on whom an investigation is conducted shall be referred to as the “Appointee”).
- b. Pursuant to this agreement, these investigations shall be conducted to determine the Appointee’s trustworthiness for clearance to access information classified under the provisions of Executive Order 12958, as amended by Executive Order 13292, and Executive Order 12968 (or any successor Executive Orders) and their implementing directives. The results of these investigations will permit adjudication of the Appointee for appropriate clearance, to include access to Sensitive Compartmented Information, in accordance with the standards set forth in Director of Central Intelligence (DCI) Directive 6/4, and by any modifying policy memorandum or successor directive issued by the Office of the Director of National Intelligence (ODNI).

### **III. INVESTIGATIVE PROCEDURES**

- a. Requests for FBI investigations of Appointees shall be made in writing from the Presidential Candidate or his designated representative to the Director of the FBI and shall include: 1) a completed Standard Form 86 (SF-86) (Questionnaire for National Security Positions); 2) a set of the Appointee’s fingerprints on a standardized fingerprint card or electronically submitted prints; and, 3) a statement signed by the Appointee acknowledging his or her consent to be investigated and acknowledging that facts or information gathered shall be retained consistent with applicable FBI Privacy Act Records Systems Notices, Records Retention Plan, and Disposition Schedule. See Section (e)(3) of the Federal Privacy Act of 1974.
- b. In addition, the following requirements shall apply:
  - i. All investigation requests must be on the form provided by the FBI and must contain the original signature of the Presidential Candidate or the official acting for the Presidential Candidate in initiating the request (hereafter “Requesting Official”). The Requesting Official must certify, subject to the criminal penalties for making a false statement, that information is sought only for purposes related to transition preparations and that he or she understands that unauthorized disclosure of any information obtained may violate the Federal Privacy Act of 1974.
  - ii. As indicated on the form provided by the FBI, all investigation requests must also contain the original signature of an official designated by the Presidential Candidate to review and approve all requests prior to their transition to the FBI (hereafter “Approving Official”).



- iii. The Presidential Candidate will provide the FBI via official correspondence with the title(s), name(s), and specimen signature(s) of the person(s) designated to be Requesting Official(s) and Approving Official(s), and will apprise the FBI by official correspondence of any changes in approval authority.
- c. The FBI's point of contact for processing investigation requests is the Special Inquiry and General Background Investigations Unit (SIGBIU) [REDACTED].
- d. The DOJ Security and Emergency Planning Staff will consult with the Presidential Candidate or his designated representative if any suitability or noteworthy information is developed during the investigation. The Presidential Candidate or his designated representative may request that the clearance process be suspended at that point.
- e. If, during the period in which the FBI is conducting its investigation, the Presidential Candidate or his designated representative determines the Appointee no longer needs a security clearance, the Presidential Candidate or his designated official will notify SIGBIU within two (2) business days of the determination so the investigation can be discontinued.
- f. Whenever the FBI's investigation reveals a pending Federal civil or criminal investigation involving the Appointee, dissemination of any information relating to the pending investigation will be halted. The FBI General Counsel (or his/her designee) will consult with cognizant FBI Headquarters officials to determine what information can be disseminated without harm to the pending investigation. The FBI General Counsel will then refer the matter to the Deputy Attorney General (or his/her designee), who will determine what information will be disseminated to the Presidential Candidate or his designee.

#### IV. USE AND DISCLOSURE OF INFORMATION

- a. The FBI will furnish summary memoranda and/or supporting materials (hereafter referred to as reports) containing the results of its investigations to the DOJ.
- b. The DOJ, or other appropriate agency to which the DOJ refers the matter, will make a determination whether to grant the Appointee appropriate security clearance as well as access to sensitive information (e.g., law enforcement matters, personal information about individuals, privileged commercial or financial information) or classified information.
- c. Information obtained during an investigation will be retained at FBI Headquarters and FBI field offices in accordance with FBI Privacy Act records systems notices, Records Retention Plan, and Disposition Schedule. As provided above, certain information relating to pending Federal civil or criminal matters will be disseminated on a need-to-know basis to other officials of the DOJ or other appropriate agency to which the DOJ refers the matter. No further dissemination shall be made of information obtained during any investigation conducted pursuant to this agreement, except as part of an investigation of a violation of law, or otherwise as permitted or required by Federal statute, FBI/DOJ regulation or policy, or Presidential directive or Executive Order.
- d. No person employed by the Presidential Candidate shall be given access to any sensitive or classified information or material until appropriate clearance for access to sensitive or classified information and materials has been granted by the DOJ or other appropriate agency. The DOJ will maintain a list of persons cleared for access to sensitive or classified information, and the Presidential Candidate will advise the DOJ when an individual granted a clearance terminates employment with the Presidential Candidate or otherwise no longer requires access to classified material.

#### V. EFFECT OF THIS AGREEMENT

- a. The procedures set forth in this MOU shall remain in effect until a subsequent MOU between the President-Elect and the Department of Justice is executed. The FBI General Counsel

\*Specifically IRTPA states that "[e]ach major party candidate for President may submit, before the date of the general election, requests for security clearances for prospective transition team members who will have a need for access to classified information to carry out their responsibilities as members of the President-Elect's transition team." These investigations and eligibility determinations should be completed, "to the fullest extent practicable, by the day after the date of the general election."

\*\*IRTPA refers to Section 9002(6) of the Internal Revenue Code of 1986 to define the term "major party" as the political party whose candidate received "25 percent or more of the total number of popular votes" in the preceding election.

("GC"), subject to the authority of the Director of the FBI and of the Attorney General, may resolve issues involving interpretation of these procedures, including their applicability to situations not anticipated in their formulation. In so doing the FBI GC will give due consideration to applicable statutes and regulations, the policy considerations underlying these procedures, along with a "rule of reason". The FBI GC may delegate this authority to an FBI Deputy GC.

- b. This MOU is not intended, and should not be construed, to create any right or benefit, substantive or procedural, enforceable at law or otherwise by any third party against any of the parties, their parent entities, the United States, or the officers, employees, agents, or other associated personnel thereof. The parties will seek to resolve any disputes regarding this MOU by mutual consultation.
- c. This MOU is not an obligation or commitment of funds, nor a basis for transfer of funds, but rather is a basic statement of the understanding between the parties of the matters described herein. Expenditures by each party will be subject to its budgetary processes and to the availability of funds and resources pursuant to applicable laws, regulations, and policies. The parties expressly acknowledge that the language in this MOU in no way implies that funds will be made available for such expenditures.
- d. This MOU does not constitute an agreement for any party to assume or waive any liability or claim under any applicable law.
- e. This MOU will be effective upon signatures by the Presidential Candidate or his representative and the Department of Justice and will remain in effect until any subsequent MOUs are executed or until the date of the Presidential inauguration, whichever comes first. This MOU may be amended only by a written document signed by both the Department of Justice and the Presidential Candidate or his representative.

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**Signed by:**

Lee J. Lofthus  
 Assistant Attorney General for Administration  
 U.S. Department of Justice

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**Signed by:**

Christopher P. Lu  
 Executive Director  
 Obama Transition Project

**Date:** October 1, 2008

“A transition team doesn’t need big infrastructure, but it needs clear direction. The team needs at least one senior person to be the weight behind it.”

Senior George W. Bush transition team member

## CHAPTER 2

# Building the Team

Building a transition team requires a series of careful and thoughtful decisions, starting with selection of the leadership—particularly the transition chair and executive director—and organizing and staffing the various teams responsible for key activities. Those activities include presidential appointments, policy implementation, agency review, operations and finance, legislative affairs, legal counsel and communications. The transition leadership can prepare the organization for the significant growth it will experience from its earliest phases, up to and beyond Election Day, by creating clear lines of responsibility and robust reporting structures. Building a strong transition team, as with any organization, begins with selecting the right people with the right skills, developing a structure that reinforces their strengths and empowering them to achieve their mission.

The size and scope of transition teams have grown over time, reflecting both the increasing complexity of transition work and a positive trend towards earlier and more robust planning (see “Transition team leadership at a glance, 2008-2020,” p. 56). This chapter provides an overview of the timeline for naming key leaders on a transition team, organizational structure and key leadership activities. It addresses how the main units of a transition team relate to the requirements, skills and expertise necessary for leading those units. Further detail is also provided on vetting, ethics and the security clearance process. Also included are a side-by-side view of transition leaders from Barack Obama in 2008 to Joe Biden in 2020, sample job descriptions and a list of action items.

## **Selecting the chair and executive director**

Naming the transition chair very likely will be the first substantial decision a presidential candidate makes in building the operation, and that individual should be selected by spring of the election year. This leader will be responsible for overseeing the entire transition operation and determining (in consul-

tation with the candidate) the key goals of the transition. Generally, the chair is an individual with a long-standing relationship with the candidate and a deep network that can be put into service building the transition team and laying the groundwork for a future administration. The chair should have the trust of the candidate and the campaign leadership, proven management abilities, and be able to operate independently. Ideally the chair also should have a deep understanding of the federal government and be viewed as an honest broker. See Appendix 2.1 on page 72 for a sample position description for the transition chair.

This position can be vested in a single individual (the Bush 2000, Romney 2012 and Trump 2016 models) or in a team (the Biden 2020, Obama 2008 and Clinton 2016 models). In any case, the chair(s) will lead the team, provide direction and serve as the main point of contact to the candidate and the campaign team.

In April 2020, candidate Joe Biden named Ted Kaufman, a former senator and close friend, and Jeff Zients, a former Obama administration official and management expert, as co-chairs of his transition. They were supported by Mark Gitenstein, a long time Biden confidant. Senior campaign advisor Anita Dunn, New Mexico Gov. Michelle Lujan Grisham, and campaign co-chair Cedric Richmond were named as additional transition co-chairs in the fall of 2020.

Donald Trump publicly named Chris Christie as chairman of his transition. The two men had known each other for 14 years.<sup>10</sup> Christie, a former New Jersey governor who had sought the Republican presidential nomination in 2016, quickly endorsed Trump after dropping out of the race. Shortly after the election, however, Trump replaced Christie with Vice President-elect Mike Pence as the transition chairman. Many pointed to this change in transition leadership at a critical time as a contributing factor to Trump's slow pace of appointments and other problems that plagued the beginning of the administration.

Obama selected three transition co-chairs in 2008: John Podesta, Valerie Jarrett and Pete Rouse. Each brought a unique value and expertise. Podesta was a former chief of staff for President Bill Clinton and had an extensive network of contacts developed over a career in the legislative and executive branches. Jarrett was a close friend and advisor to Obama from their time in Chicago, and Rouse had significant experience working in the Senate. In 2000, George W. Bush chose Vice President-elect Dick Cheney as transition chairman in late November following the election.

While the chair plays the role of CEO, the executive director serves as the transition's chief operating officer. The executive director will ensure that the team is meeting its objectives on a daily basis and tracking progress toward broader goals. The ideal executive director should have prior experience managing organizations, either in government or the private sector. The executive director also will need to have a strong operations background, people and problem-solving skills and a close working relationship with the transition chair and key team members. See Appendix 2.2 on page 74 for a sample position description for the executive director

In 2020, Biden named Yohannes Abraham, a former Obama administration

<sup>10</sup> Chris Christie, "Let Me Finish: Trump, the Kushners, Bannon, New Jersey, and the Power of In-Your-Face Politics," Hachette Books, 2019, 2.

official, as executive director. In 2016, Richard Bagger, Christie’s former gubernatorial chief of staff, was named as executive director of the Trump transition. Bagger served as the executive director during the pre-election phase, but afterward was replaced by Rick Dearborn, former chief of staff to Sen. Jeff Sessions, an early Trump campaign supporter and a member of the transition executive committee. In 2012, the Romney Readiness Project brought on Chris Liddell as executive director under transition chairman and Romney confidant Michael Leavitt. Liddell, a former chief financial officer at Microsoft and General Motors, oversaw the entire operation of the Romney Readiness Project.

Chris Lu, who served as legislative director in Obama’s Senate office, held the executive director position on the 2008 transition. Lu managed a number of important functions, including policy, agency review and communications with the outgoing Bush administration. In 1999, Clay Johnson was tapped to plan and manage day-to-day operations during the pre-election phase and continued in that role under Cheney after the election. Johnson was a close friend of Bush and well known by the campaign staff. He had spent four and a half years running Bush’s gubernatorial personnel operation in Texas and a year and a half as his chief of staff. This gave Johnson deep insight into the man-

### Transition team leadership at a glance, 2008-2020

	OBAMA 2008	ROMNEY 2012	CLINTON 2016	TRUMP 2016	BIDEN 2020
Pre-election staff size	Less than 15	10	Approximately 30	Approximately 30	50+
Post-election staff size	450 full time	55 paid, 250 unpaid*	900*	500+	2200
Transition Chair(s)	John Podesta, Valerie Jarrett, Pete Rouse	Michael Leavitt	Ken Salazar, Tom Donilon, Jennifer Granholm, Neera Tanden, Maggie Williams	Chris Christie; then Mike Pence	Sen. Ted Kaufman, Jeff Zients, Anita Dunn, Michelle Lujan Grisham, Cedric Richmond
Executive Director	Chris Lu	Chris Liddell	Ed Meier, Ann O’Leary	Rich Bagger; then Rick Dearborn	Yohannes Abraham
Appointments	Jim Messina	Bill Hagerty	Leah Daughtry	Jonny DiStefano (post-inauguration)	Lisa Monaco & Suzy George
Policy	Melody Barnes, Lisa Brown, Don Gips	Tim Adams	Transition Co-chairs	Ado Machida	Cecilia Muñoz & Avril Haines
Agency review		Jim Quigley	Carlos Monje	Ron Nicol and Beth Kaufman; then Justin Clark	
Operations	Kate Kale and Brad Kiley	Doug Wooden	Kimberly Trueblood	Monica Block	Awenate Cobbina

agement style of the candidate and the type of people who would best fit the transition team and, potentially, a Bush White House.

### **Rounding out the leadership team**

It will be up to the candidate, transition chair and executive director to decide the right mix of skills, expertise and personalities in rounding out the transition's senior leadership team. Some positions require a deep network of contacts while others demand political savvy, government experience, legal or technical skills, or stellar communications expertise. It can be helpful for key members of the team to have ties to the campaign, prior federal government experience and relationships with the candidate. Assembling a team that functions smoothly, stays on task and makes good management decisions is essential.

### **Vetting and ethics requirements for transition staff and landing team members**

Decisions about transition staff policies should be made early in the process and followed before and after the election. Will congressional staff be tapped to work between the election and inauguration? How will transition staff be vetted? Who will need security clearances? The Presidential Transition Enhancement Act of 2019 requires transition teams to develop and publicly disclose ethics requirements for their transition team members before the election. The law states that ethics plans must address several issues, including the roles of registered lobbyists and registered foreign agents on the transition team, conflicts of interest held by team members, and how the candidate will address their own conflicts of interest if they become president-elect. Each member of the transition team is also required to sign an ethics pledge.<sup>11</sup>

In September of 2020, Biden released ethics rules requiring that those who were registered lobbyists or had registered as lobbyists with the previous 12 months to get approval from the general counsel to work on the transition team. The rules also barred transition team members from working on policy matters that might represent a financial conflict of interest and banned team members from buying or selling stocks without the approval of the general counsel.

In 2016, the Trump transition team initially did not have a formal stance on lobbyists. Many lobbyists were slotted on agency action teams during the pre-election planning, but after Trump's victory, those individuals were removed. This change in policy had a ripple effect that took many days to sort out. Eventually, the transition leadership instituted an ethics pledge that contained 13 rules.<sup>12</sup> These rules prohibited transition personnel from engaging in matters in which they had a financial interest or on issues that they had lobbied on during the previous 12 months. The ethics agreement also barred individuals from lobbying for six months after the inauguration on any transition matter for which they had direct or substantial responsibility. The rules banned transition staff members from accepting or soliciting any money or item of value in exchange for a promise to support or use influence on behalf of any person in an appointed government position, and prohibited aiding foreign governments

<sup>11</sup> Presidential Transition Enhancement Act of 2019, Pub. L. No. 116-121 (2020).

<sup>12</sup> Wall Street Journal, "President-Elect's Transition Team Code of Ethical Conduct." Retrieved from <https://www.wsj.com/public/resources/documents/ethicscode.pdf>.

or foreign political parties during the transition.

The Obama 2008 transition prohibited registered lobbyists from working on the transition team or serving as a presidential appointee, which excluded many otherwise qualified and experienced individuals from serving in the new administration.<sup>13</sup> Shortly after the election, the transition announced it would allow lobbyists to participate in the transition as long as they were not involved on issues related to their lobbying work. After taking office, the administration began granting a limited number of waivers to nominees needed for critical roles who would otherwise have been excluded from serving by the lobbyist ban. While the ethics pledge was an attempt to raise standards and avoid conflicts of interest, some Obama officials acknowledged that the rules at times handicapped the ability of the new administration to fully tap experienced personnel for key roles. Obama's code of ethics was built on the the transition rules of George W. Bush in 2000 and others. The rules barred employees from using nonpublic information for private gain, disqualified them from transition work related to their financial interests and prohibited them from lobbying for six months on issues related to their transition activities.

### **Background Checks and Security Clearances**

As a general rule, members of the transition team ordinarily undergo a basic background check using public sources. But transition leaders should consider initiating formal Federal Bureau of Investigation background checks and obtaining security clearances in the pre-election phase for those who will likely be in key White House and Cabinet positions. In addition, background checks and security clearances should be initiated for some likely landing team members. As a subset of agency review teams, landing team members will be sent in to meet with agencies to initiate agency review. Those landing teams working with intelligence and law enforcement agencies will need security clearances.

The ability to obtain security clearances prior to the election was made possible by the 2004 Intelligence Reform and Terrorism Prevention Act (P.L. 108-458). (See Appendix 3.1 on page 113 for the text.) This clearance process ensures the president-elect will have the necessary staff support as quickly as possible on major issues of national security.

Typically, transition teams have 10 to 20 members who receive interim security clearances in the pre-election phase of transition planning. In the period between the election and Inauguration Day, the number of individuals who will have interim security clearances scales up dramatically. The 2008 transition was the first in which the 2004 statute was put to use when the Obama team submitted an estimated 150 to 200 names for clearance so that these individuals would have access to certain agencies and classified briefings after the election. The campaign of Republican Sen. John McCain, which had a significantly smaller transition operation, did not take advantage of the opportunity. In 2016, the Clinton transition team had four individuals cleared by Election Day, but had submitted the names of about 150 people who were in the process of being reviewed. In the pre-election period, the Trump transition submitted about 50

13 Helene Cooper and Jeff Zeleny, "Obama's Transition Team Restricts Lobbyists' Role," *The New York Times*, Nov. 11, 2008. Retrieved from [nyti.ms/1PL5KHd](http://nyti.ms/1PL5KHd).



names to the FBI and a number of those individuals had been cleared. Some of those individuals were dropped from the team after new transition leadership took control following the election. The Trump team ultimately made the decision after the election to rely heavily on individuals who already had security clearances in order to save time and get transition representatives into the national security agencies quickly. In 2020, the Biden transition team had between 200 and 250 individuals cleared between the election and inauguration. After inauguration, transition team members who joined the administration have their clearances moved to permanent status.

Along with key transition leadership roles, individuals on agency review landing teams for agencies involved in national security or foreign policy related topics should expect to go through the security clearance process if they do not already hold a top secret security clearance. In addition, a member of the first lady or first family’s transition team should expect to need security clearances in order to make arrangements for the first family’s move in arrangements.<sup>14</sup>

**Process for obtaining temporary security clearances for key transition personnel prior to the general election**

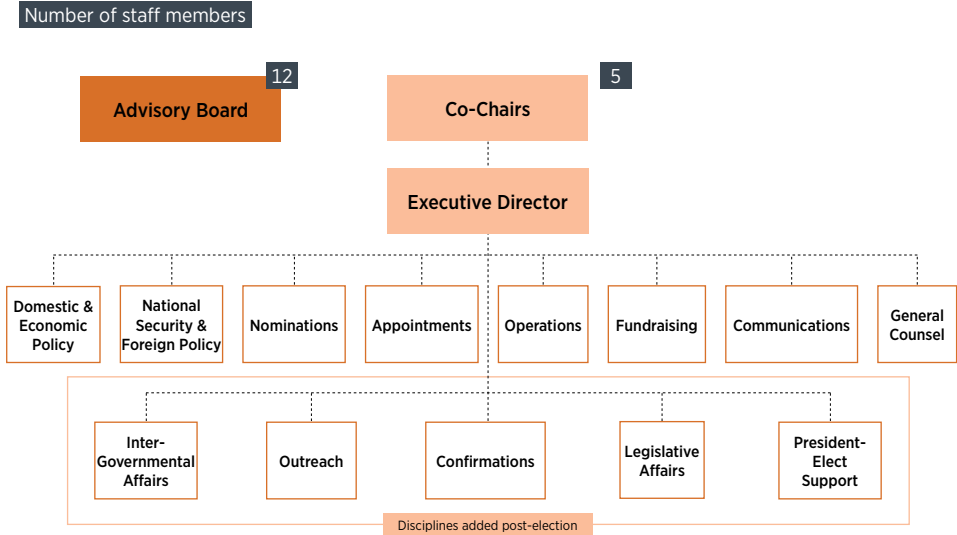
	Candidate submits name	Basic background check	Clearance granted	Clearances used after transition
<b>TIMING</b>	August/September	Prior to election	Prior to election interim clearances are used	Permanent
<b>RESPONSIBLE</b>	Candidates (through transition teams)	FBI	FBI	FBI continues to do background checks as names are submitted
<b>COMMENTS</b>	<ul style="list-style-type: none"> <li>When able, FBI/DNI/GSA solicit names from the campaign.</li> <li>Biden submitted 200-250 names prior to election. Some delays caused by delay in ascertainment</li> <li>Many Romney transition staff completed paperwork for interim clearances before the election.</li> </ul>	<ul style="list-style-type: none"> <li>FBI and DNI begin full background check with goal to complete full check in condensed timeframe for clearance.</li> <li>In some cases, there is only time for a basic name check/interim clearance.</li> </ul>	<ul style="list-style-type: none"> <li>Most clearances do not go into effect until after candidate's victory is confirmed.</li> <li>Presidential and vice-presidential candidates can have two advisors each to sit in intelligence briefings prior to election.</li> </ul>	<ul style="list-style-type: none"> <li>Individuals whose investigations are completed successfully receive clearances.</li> <li>Additional clearances are granted as the president-elect's team submits names and they pass the background check.</li> </ul>

**Notes:** The purpose is to allow key advisors to be briefed and provide briefing support to the president-elect on national security issues during the transition.

**Source:** Boston Consulting Group analysis

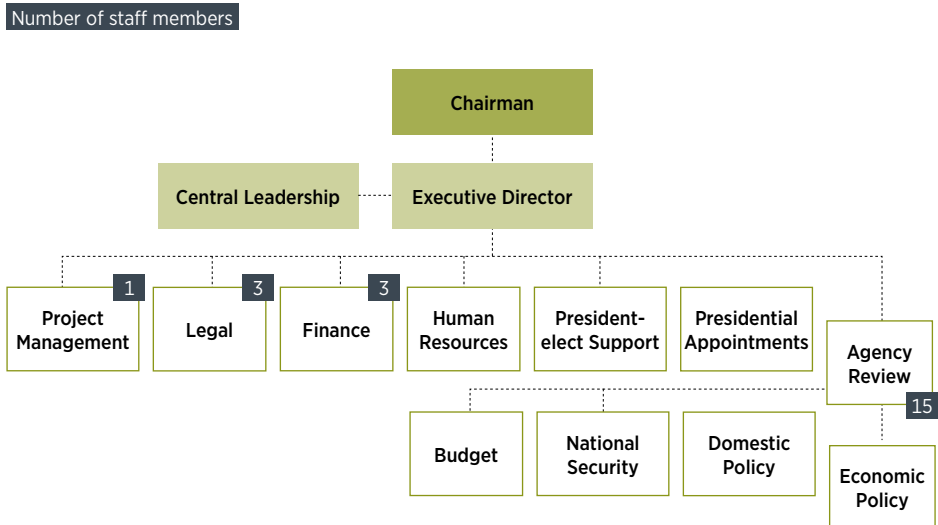
<sup>14</sup> See pp. 214, First family section on president elect chapter

## 2020 Biden transition organization



**Note:** Numbers indicate transition team at highest staffing level. Total staff numbers for some teams were not available.  
**Source:** Boston Consulting Group analysis; Biden-Harris Transition Information for Historical Record

## 2012 Romney transition organization (pre-election)



**Note:** Numbers indicate transition team at highest staffing level. Total staff numbers for some teams were not available.  
**Source:** Michael O. Leavitt, Christopher Liddell, Daniel Kroese and Clark Campbell, "Romney Readiness Project 2012: Retrospective and Lessons Learned," R2P, Inc., 2013, 68.

## KEY TRANSITION LEADERSHIP ACTIVITIES

### Organizational structure and growth

Regardless of the organization's structure, any successful transition must ensure that the responsibilities, scope and deliverables of each portion of the team—such as financial management and operations, presidential appointments, policy, agency review, congressional outreach and communications—are clearly defined to avoid duplication of effort. Internal reporting structures, hierarchies and coordination channels should be clarified at the outset to reduce confusion as the election nears and the pace of planning accelerates. These reporting structures will vary based on the priorities of the candidate and to some extent on what the transition leadership deems most effective.

George W. Bush's 2000 transition team housed the agency review team within the broader policy office, along with separate teams for personnel, congressional relations, communications, legal counsel and administration. Although it had a nontraditional structure, it was viewed as successful.

Obama's 2008 transition team was widely seen as effective and well-organized, and was structured around each of the three main transition work areas of policy, agency review and personnel. In 2016, the Trump and Clinton transition teams followed this traditional model. While the Biden transition team mostly followed the traditional model, policy and agency review teams were combined into subject matter clusters: a national security and foreign policy team, headed by Avril Haines, and a domestic and economic policy team headed by Cecilia Muñoz. Haines was subsequently named Director of National Intelligence at the start of Biden's term.

Whatever the structure, establishing a clear division of responsibilities and robust lines of communication is critical, particularly given the significant growth the team will undergo over the course of the transition. The size and complexity of the organization will increase dramatically from the initial selection of core leaders in the spring of the election year through to the inauguration.

It is important to build the organizational structure of the transition team by early summer of the election year, taking care to ensure that the responsibilities, scope and deliverables for each part of the overall team are clearly defined and line up with previously established goals and milestones. The interdependencies between the teams should be identified early, and there should be robust lines of reporting and communication to the campaign leadership. After the nominating convention, transition teams should develop a system to accommodate the rapidly expanding size of the transition team as Election Day draws near and workload increases, and work with the GSA to ensure appropriate space and resources. This should also include a plan for determining staffing needs post-election, integrating campaign staff into the transition operation and developing standardized onboarding procedures.

The transition team will peak in the weeks between the election and the inauguration as it incorporates members of the campaign staff and builds out the Cabinet and agency teams. The Obama transition team, for example, grew

from an informal handful of advisors approximately 10 weeks before the election to approximately 450 full-time staff immediately after the election. The Romney Readiness Project began with just 10 paid staff, but had more than 55 paid and 266 unpaid staff members just before the election, while planning for another 165 staff to be brought on post-election.<sup>15</sup> Both the Clinton and Trump teams had lean operations, with roughly 30 paid staff members on each team on Election Day.<sup>16</sup> However, members of both teams said they would have benefitted from a larger staff during the pre-election phase and, in some cases, earlier in the process. The Trump team grew to more than 500 after Election Day, with approximately 110 staff members paid with federal funding.<sup>17</sup> Clinton had planned to have some 900 people working on her post-election transition.

To accommodate this rapid growth, organizing and staffing the transition team must begin early. Top managers should be identified by spring of the election year, and shortly after the political conventions they should begin building their teams based on anticipated deliverables and personnel needs. By October, the transition should have the administrative and logistical capacity to handle a massive influx of staff and volunteers. Staffing and growing the transition operation will involve identifying potential transition team staff, vetting prospective hires, bringing the new personnel on board and incorporating them into existing organizational structures with a clear understanding of their roles in achieving transition objectives.

### **Campaign and transition integration**

Past transition team members have emphasized that the effective integration of campaign staff into the transition can be challenging for several reasons, including differing expectations about roles and responsibilities and perceived or actual competition over potential administration jobs. The desire to integrate campaign staff who want to work on the transition after the election, in part to secure positions in the administration, can cause uncertainty over the size of the post-election transition operation and what exactly the new employees will do. Reaching out to campaign staff before the election is often seen as a major distraction and can create the perception that some staff are being selected for the transition over others, which can affect morale.

Transition leadership can take steps to alleviate these problems by discussing, at least at a high level, how to integrate campaign staff well in advance of the election. This means determining staffing needs as much as possible before the election to pinpoint where additional capacity will be needed. Leadership should establish a clear policy for moving campaign staff to the transition and have access to basic personnel background information for campaign staff who are expected to join the transition team. Essentially, the campaign and transition staff should agree on an integration plan for merging as efficiently as possible after the election. This plan should identify key roles and responsibilities,

<sup>15</sup> Michael O. Leavitt, Christopher Liddell, Daniel Kroese and Clark Campbell, “Romney Readiness Project 2012: Retrospective & Lessons Learned,” R2P, Inc., 2013, 40

<sup>16</sup> Partnership for Public Service, “Transition Lab Episode 1: 2016: The Tale of Two Transitions,” 2020. Available at <https://bit.ly/381R9Vt>

<sup>17</sup> GAO, Presidential Transition: Information on Ethics, Funding, and Agency Services, GAO-17-615R, September 2017. Retrieved from <http://bit.ly/2kNDkqj>

establish key milestones for integration-related tasks and set up an internal communications plan to manage expectations.

Hillary Clinton's transition team quietly worked with campaign leadership to develop an organization chart with a slot for campaign employees who would be chosen to work on the transition or presidential inaugural committee, and had emails ready to offer jobs to staff the morning after the election. Significant thought was given to the timing of different functions, such as providing campaign staff some much-needed time off. The Trump transition team did not have a post-election plan for transition staffing and logistics, resulting in a period of confusion and delay in work that needed to take place. Both the Trump campaign and the transition leadership acknowledged that having a plan to integrate the teams was desirable, but at the end of the campaign they did not want to be distracted and decided to deal with the issue after the election.

For the Obama transition in 2008, there were different challenges integrating campaign staff into the transition operation. In planning for the transition, there was an understanding that most staff would come from the campaign. Generally, the preferences of the campaign leadership regarding who should be on the transition payroll were honored. However, in practice this meant that many junior staffers who had worked on the campaign were given paid jobs, making the transition a financial bridge until the formal beginning of the administration. This also meant that more senior agency review staff and others were not compensated. The large influx of campaign staff and lack of significant control over who would join forced the transition to make constant adjustments to its staffing and budget plans, which were largely based on untested estimates prepared by the presidential campaign of John Kerry in 2004.

Finally, the rapid increase in staff can cause issues regarding how to properly onboard new people. Transition teams should prepare standardized human resources and orientation procedures to help ensure that all employees fully understand their roles on their teams and within the organization.

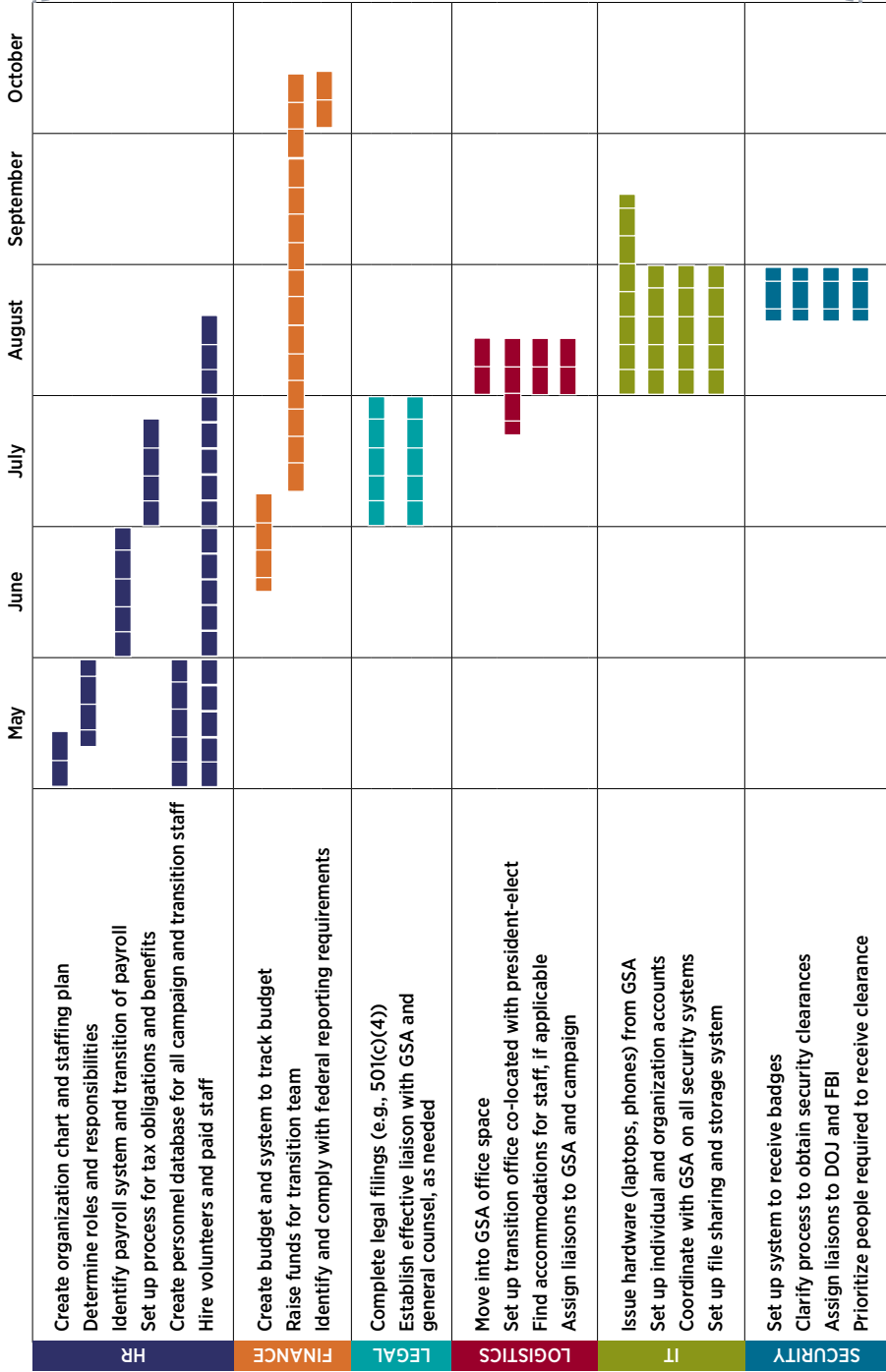
## **Building the culture**

Each individual and each team is important and plays a vital role in the successful functioning of the transition operation, but building a high-performing and cohesive culture is just as important. Those coming to work on the transition will be motivated by commitment to the candidate's vision for the country and the peaceful transfer of power. However, different levels of experience, competition for jobs in the potential administration and the pressure of the work can take their toll. It is important that the transition leadership establish a strong culture at the outset. Rich Bagger, executive director of the Trump transition team prior to the election, took steps to build the culture of the organization. At weekly onboarding sessions for new employees, Bagger briefed the staff on fundamentals, deliverables, objectives and organizational structure. The session normally would end with a "graduation ceremony," and each transition team member was given a "Make America Great Again" hat. The organization also held debate watch parties and events on the rooftop of the transition office, and distributed mugs with the campaign motto.

Biden's 2020 transition team was substantially larger than previous tran-

SCALE OPERATIONS POST-ELECTION

Key tasks for six core support functions for establishing presidential transition team



Source: Boston Consulting Group analysis

Notes: Blocks cover weeks required to initiate and complete task

sition operations and was the first transition operation to be so geographically dispersed. As a result, the operations team, like many employers during the pandemic, took on new responsibilities for onboarding and creating a team culture. They adopted an approach similar to that of tech startups that expected rapid growth, including standard, required training for full-time staff on ethics, human resources, technology, and transition team values.

## **KEY TRANSITION WORKSTREAM LEADERSHIP**

Finding leaders with the skills, experience and know how to lead each of the main workstreams is an important component of building the team. In this section, the main qualities for each team lead are described in conjunction with the duties within that field, along with examples from prior transition teams.

### **Operations**

The operations manager is responsible for the core operational functions of the transition office and should coordinate closely with the General Services Administration to ensure that the transition team has the support it needs, including basic office space, human resources and information technology support.

The operations lead is responsible for developing the budget and tracking spending throughout the transition. The budget must account for a variety of factors, including the number of paid staff vs. volunteers, stipends for travel or housing (should the transition decide to offer them), and expenses not covered by GSA funding during the pre-election period such as consultant costs. Executing a presidential transition can be costly, from early planning through to the inauguration. Based on dollars appropriated for the most recent presidential transitions, federal support may cover only a portion of the total cost, requiring the transition teams to raise tens of millions of dollars. The operations manager, or a designated staff member, must therefore work with the campaign fundraising staff to identify sufficient private funding to cover the additional costs of the transition. The ideal operations manager should be comfortable tracking finances for a large organization and coordinating large amounts of time-sensitive resources.

Additionally, the operations manager may be expected to perform tasks such as planning health insurance for paid staff, helping coordinate housing for campaign employees who move to Washington to work on the post-election transition., working with lawyers to incorporate the transition as a 501(c)(4) tax-exempt organization, coordinating the development of the president-elect's website and likely serving as an intermediary between the members of the transition team and the FBI in the security clearance process.

In 2020, the Biden transition also took on onboarding paid and volunteer staff in multiple locations throughout the U.S., necessitating an additional layer of registrations and state filings. Transition operations also invested more in IT support and personal account security, while IT support was organized in two streams: one to support transition principals, and a help desk to support the larger number of transition staff. This facilitated the rapid onboarding of staff and ensured that the functional needs of transition team members were met in a remote working environment.

## Presidential appointments

Few decisions will impact the success of a new administration more than the selection of its people. The head of presidential appointments is responsible for identifying and collecting information on candidates for roughly 4,000 presidential appointments in the new administration. It is distinct from selecting the White House staff, which is generally under the purview of the incoming White House chief of staff.

The task of identifying, narrowing and vetting political personnel continues throughout the full transition timeline and the presidential administration, so the success of this initial team will have lasting impact. The head of presidential appointments should continue to lead the Office of Presidential Personnel for some time following the inauguration to provide continuity. Because the personnel process requires identifying and vetting candidates for hundreds of top-level appointments and several thousand lower-priority positions, a head of presidential appointments would benefit from a keen understanding of the candidate's policy goals, management style and preferences. It is also important for this individual to have familiarity with the various agencies and types of positions in government, a variety of contacts both within and outside of government, and deep knowledge of the culture and people within the candidate's campaign organization. Finally, because of the sensitive nature of appointments and the Senate's "advise and consent" role, the head of presidential appointments should be prepared to deal with the challenges that will inevitably arise from what has become an increasingly slow and difficult nomination and confirmation process. The difficult confirmation process affects a second-term chief executive as well, since they will likely face high turnover and the need to fill many important positions.

In past transitions, the person leading presidential appointments changed following the inauguration, which slowed the new administrations' pace of naming people to important positions in the government. This was true in both the Obama and Trump administrations.

An incoming administration faces a number of hurdles and choke points in the selection, vetting and nomination processes. The personnel team should have an aggressive timeline and plan for getting its most critical nominees in place. Ensuring that the critical core team of roughly 100 political appointees requiring Senate confirmation is in place shortly after the inauguration and at least another 300 key appointees are on the job by the August congressional recess will require additional staffing capacity in all related organizations and functions. This includes the PPO, FBI investigators and the Senate committees. In addition, the Biden transition prepared approximately 1,000 appointees who did not require Senate confirmation to be ready to be sworn in on day one of the administration.

As the transition team helps individuals to get ready for Senate confirmation, it should assist individuals get ready for their future roles and the unique challenges they will face in the federal workplace. The Partnership for Public Service's Center for Presidential Transition® offers courses for political appointees to familiarize them with issues such as the budget process, ethics rules, working with career civil servants, dealing with Congress and employee engagement.



## **Policy implementation planning**

The head of policy implementation is responsible for planning and preparing to implement the major policy initiatives that have been driving the campaign. This requires a deep understanding of the governing philosophy and policy objectives of the candidate, a knowledge of the key experts and top officials who might be tapped to lead strategy with respect to various policies, and experience integrating policy expertise with execution.

During the 2000 transition, George W. Bush selected Joshua Bolten as his policy director for both the campaign and transition team. Bolten had Capitol Hill experience and previously served in the George H.W. Bush administration as deputy assistant for legislative affairs and as general counsel to the Office of the U.S. Trade Representative, so he brought considerable expertise in guiding policy and legislation. After his work on the transition team, Bolten became deputy chief of staff for policy in the George W. Bush White House and went on to run the Office of Management and Budget during Bush's first term and serve as chief of staff during the second. This was a rare instance in which a person was able to serve as both a campaign and transition policy director.

## **Agency review**

A new president is the CEO of the world's most complex enterprise. The chief executive needs to select a leader of the agency review team, an entity that is responsible for gaining a clear understanding of the various agencies in the federal government, how they work together and the pressing issues that will have to be addressed. Prior to the election, the leader will direct the staff to study several dozen agencies using publicly available sources. This individual will also have to prepare landing teams comprised of transition staff and volunteers to move into each agency following the election to share and collect information and facilitate the transfer of leadership. The head of agency review also will have to coordinate closely with both the policy and personnel teams and have a broad understanding of the functions of various federal agencies and offices within the White House.

The head of agency review plays a key role in setting a cooperative tone with each agency and should be someone who works well with the career staff and outgoing political team. This person will be responsible for organizing and managing a large number of people and should have strong organizational skills.

Obama had a unique agency review structure in 2008, selecting Melody Barnes, Lisa Brown and Don Gips as co-chairs to lead the process. Each brought a broad range of policy and political experience. Barnes had previously served as chief counsel to Sen. Edward Kennedy, Lisa Brown was former counsel to Vice President Al Gore during the Clinton administration, and Don Gips had served as chief domestic policy advisor to Gore. In contrast, Mitt Romney named Jim Quigley as the sole leader of agency review. Quigley, a retired partner and CEO emeritus of Deloitte, brought private sector business experience, project management expertise and working knowledge of budget, regulatory and management issues to the job.

## Legislative affairs

Congress is a critical stakeholder, and a transition team needs an experienced hand to help the new administration establish relationships with members of Congress and set up the president-elect's legislative and policy goals for success down the road. The legislative affairs manager will serve as the transition's point of contact for rank-and-file members and party leaders in Congress, track the multiple Capitol Hill suggestions and requests regarding policy and personnel, establish paths for early legislation and nominations and build a critical base of support that will help advance the president-elect's agenda.

The transition leadership, in consultation with the candidate, the campaign and the legislative affairs manager, must plan when and how to engage Congress. As former Senate Majority Leader Trent Lott commented, "Having a good strong congressional relations office is almost as critical as making your Cabinet selections."<sup>18</sup>

In 2016, the Trump campaign reached out to the chairmen of the House Ways and Means and Budget committees for policy ideas in the pre-election phase. After the election, Vice President-elect Mike Pence, a former congressman, played a pivotal role in discussions with House and Senate leaders regarding the administration's agenda, as did Reince Priebus, the former chairman of the Republican National Committee who was named White House chief of staff shortly after the election. Rick Dearborn, a former aide to Sen. Jeff Sessions, also played a key role dealing with Congress in the post-election period after being named executive director of the transition and then incoming White House deputy chief of staff for legislative, intergovernmental affairs and implementation. The Clinton transition team kept its pre-election contact with Capitol Hill to a minimum, instead planning an engagement strategy for the post-election period and creating a menu of policy options based on how the election might play out in Congress.

In 2012, the Romney transition put a great deal of effort into developing congressional outreach strategies, believing that issues such as the debt ceiling and other funding matters would require significant engagement with Congress immediately after the election. The Romney team also prepared multiple plans to account for the various possible outcomes of congressional elections. The 2008 Obama transition engaged with Congress on appointments and critical policy issues during the political campaign, but the interaction became more intense after the election.

## Legal counsel

The transition's general counsel will be responsible for supporting a number of important activities as part of the transition team. These include incorporating the transition organization as a legal entity as a 501(c)(4) tax-exempt organization, ensuring that the transition is following all relevant ethics laws and regulations in fundraising and external communications, reviewing contracts and

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18 Kate Ackley, "Trump's Legislative Liaison Key to His Fate in Congress," *Roll Call*, Nov. 17, 2016. Retrieved from <http://bit.ly/2z4MfWQ>

agreements and providing legal advice to transition leadership. The Romney Readiness Project included this position as part of the overall operations team.

Additionally, a team of lawyers will usually serve as vetting counsels, charged with conducting detailed background research on potential nominees, beginning with a search of publicly available resources. Later, potential appointees are subject to much more detailed background investigations by the FBI (conducted with their knowledge and consent) to look for potential red flags or issues that would disqualify them from serving in the new administration. The transition vetting lawyers will be involved in coordinating with the FBI, the Office of Government Ethics and the Internal Revenue Service after the election.

The ideal transition legal counsel should have a strong background in the federal environment, especially campaign finance and ethics laws. The attorney also should be trusted by the presidential candidate, have strong relationships with the transition leadership and have input into key transition decisions.

## **Communications**

Although most transition teams will want to avoid media coverage, someone should be designated to handle inquiries, especially following the political party nominating conventions when eligible candidates can receive federal funding and the team is able to move into the GSA-provided space. This communications director will be responsible for handling the interaction between the transition operation and the media, while coordinating with and, when necessary, deferring to the campaign and its separate communications staff. This position ensures that the transition can get its message out to the American people and help them to understand the importance of early planning.

Given that pre-election transition operations now receive government support, there is more public and media interest in how candidates are preparing for the presidency. While past transition teams typically have limited their interactions with the media before the election, future transitions should consider how they can help the public understand their work while not becoming a distraction to the campaign. Once the election is over, the president-elect will choose a White House communications director and a press secretary, and these individuals likely will take over responsibility for managing the transition messaging, interactions with the press and content posted on social media.

In 2016, Trump and Clinton named their transition leadership prior to the election, and periodically announced key hires on their teams. But both candidates sought to maintain a low profile for their transition operations, preferring to focus public attention on the campaign itself. Following the election, President-elect Trump's communications personnel held daily transition briefing calls with the media and occasionally briefed reporters who were staked out at Trump Tower in New York as the candidate held meetings with potential appointees. Trump held one press conference during the post-election period, but communicated frequently with the public and the media through his personal Twitter account. In the 2016 and 2008 post-election transitions, information was also made available through official transition websites.

# Building the Team

# Action Items

## Spring of Election Year

- Select the transition chair. The chair is responsible for overseeing the entire transition operation, determining the key goals of the transition and serving as the public face of the process. This should be a person who has a long-standing relationship with the candidate, a deep network to leverage in building the transition team and a proven ability to manage large organizations.
- Select the executive director after the transition chair, but no later than spring of the election year. This individual will lead the transition on a day-to-day basis, ensuring execution on the high-level goals of the transition. The ideal executive director should have experience managing organizations either in government or the private sector; strong operating, people and problem-solving skills; and a close working relationship with the transition chair and key team members.
- Select the remainder of the leadership team once top leaders are in place, ideally by spring of the election year. Key leadership positions and considerations include:
  - **Operations:** The ideal operations manager should be comfortable managing finances for a large organization and coordinating large amounts of time-sensitive resources.
  - **Presidential appointments:** The head of presidential appointments should be willing and able to continue to lead the Office of Presidential Personnel following inauguration and have a keen understanding of the candidate's goals and management style, familiarity with agencies and positions in government, and broad contacts within and outside government.
  - **Policy implementation:** The head of policy implementation should have a deep understanding of the governing philosophy and policy objectives of the candidate, knowledge of key experts and top officials who might be tapped to lead strategy around various policy priorities, and experience integrating policy expertise with execution.

- **Agency review:** The head of agency review should have a broad understanding of the functions of various federal agencies, the ability to set a cooperative tone with agencies and strong management skills with the ability to oversee a large number of people.
- **Legislative Affairs:** The legislative affairs leader should have the ability to help the new administration establish relationships with members of Congress and important external policy and opinion leaders, and set up the president-elect's legislative and policy goals for success down the road.
- **Legal Counsel:** The ideal transition legal counsel should have a strong background in the federal environment, especially campaign finance, vetting and ethics law.
- **Communications:** The communications manager should bring significant public affairs and messaging experience to the transition and be able to explain and reflect the new administration's goals and priorities.

## APPENDIX 2.1

**Position Description for Transition Team Chair**

Source: Partnership for Public Service

OVERVIEW	
Position Overview	The chair serves as the leader of the transition. <sup>i</sup>
Compensation	Determined by transition team
Position Reports to	Presidential candidate or designee
RESPONSIBILITIES	
Management Scope	The chair of the transition focuses more on broader strategy issues rather than the day-to-day operations of the transition. The executive director, who acts as the chief operating officer of the transition, is a direct report of the transition chair. <sup>ii</sup>
Primary Responsibilities	<ul style="list-style-type: none"> <li>• Oversees the entire transition operation.</li> <li>• Determines (in consultation with the candidate) the key goals of the transition and plays a critical role in providing clear direction.</li> <li>• Serves as the main point of contact to the candidate and the campaign team.</li> <li>• Selects transition's senior leadership team.<sup>iii</sup></li> <li>• Handles external matters and policy decisions related to the transition.</li> <li>• Sets the culture of the transition operation.<sup>iv</sup></li> </ul>
REQUIREMENTS AND COMPETENCIES	
Requirements	<ul style="list-style-type: none"> <li>• Close, long-standing relationship with the candidate.<sup>v</sup></li> <li>• Knowledge of the personnel, policy and organizational priorities of the candidate.</li> <li>• Extensive personal knowledge of, and experience in, Washington, D.C., and with the federal government.</li> <li>• An extensive network of people who have worked in federal and state government policy roles who can be put into service building the transition team and laying the groundwork for a future administration.<sup>vi</sup></li> </ul>
Competencies	<ul style="list-style-type: none"> <li>• Proven and tested ability to manage large organizations, operate independently and be viewed as an honest broker devoted to the best interests of the candidate.<sup>vii</sup></li> <li>• Executive leadership skills.</li> <li>• Ability to devote full time in Washington, D.C.</li> <li>• Not a job seeker; ability to organize and prepare the organization of a new administration without concern for the role individuals will play in the administration.<sup>viii</sup></li> <li>• Strong coordination skills in order to work effectively with the campaign team.</li> </ul>

PAST APPOINTEE EXAMPLES
Jeff Zients (2020 Biden transition): Director of the National Economic Council; Acting Director of the Office of Management and Budget; CEO
Mike Pence (2016 Trump transition, post-election): Vice President-Elect; Governor; Congressman
Chris Christie (2016 Trump transition, pre-election): Governor; Chair of the Republican Governors Association; U.S. Attorney
Ken Salazar (2016 Clinton transition): Secretary of the Interior; Senator; Attorney General for Colorado
Michael Leavitt (2012 Romney transition): Secretary of Health and Human Services; Administrator of the Environmental Protection Agency
John Podesta (2008 Obama transition): Founder, Podesta Group, Inc.; Chief of Staff to the President; Counselor to Sen. Tom Daschle

- i Partnership for Public Service *Presidential Transition Guide*
- ii Romney Readiness Project *Retrospective & Lessons Learned*
- iii Partnership for Public Service *Presidential Transition Guide*
- iv Romney Readiness Project *Retrospective & Lessons Learned*
- v Partnership for Public Service *Presidential Transition Guide*
- vi Romney Readiness Project *Retrospective & Lessons Learned*
- vii Partnership for Public Service *Presidential Transition Guide*
- viii Romney Readiness Project *Retrospective & Lessons Learned*

## APPENDIX 2.2

**Position Description for Transition Team Executive Director**

Source: Partnership for Public Service

OVERVIEW	
Position Overview	The executive director serves as the transition's chief operating officer. <sup>i</sup>
Compensation	Determined by transition chair or committee
Position Reports to	Transition chair or committee
RESPONSIBILITIES	
Management Scope	The executive director of the transition acts as the chief operating officer of the transition, managing day-to-day operations. Though reporting structures are up to the discretion of each transition operation, the executive director will usually oversee the heads of each transition component, such as the head of presidential appointments, the head of agency review and others. <sup>ii</sup>
Primary Responsibilities	<ul style="list-style-type: none"> <li>• Ensures that the team is meeting its objectives on a daily basis and tracking progress toward broader goals.</li> <li>• Typically makes day-to-day management decisions.</li> <li>• Helps select transition's senior leadership team.<sup>iii</sup></li> </ul>
REQUIREMENTS AND COMPETENCIES	
Requirements	<ul style="list-style-type: none"> <li>• Prior experience managing large organizations, either in government or in the private sector.</li> <li>• Strong operations background.</li> <li>• Close working relationship with the transition chair and key team members.<sup>iv</sup></li> <li>• Knowledge of the policy, personnel and organizational priorities of the candidate.<sup>v</sup></li> </ul>
Competencies	<ul style="list-style-type: none"> <li>• People and problem-solving skills.<sup>vi</sup></li> <li>• Executive leadership skills.</li> <li>• Ability to devote full time in Washington, D.C.</li> <li>• Not a job seeker; ability to organize and prepare the organization of a new administration without concern for the role individuals will play in the administration.<sup>vii</sup></li> </ul>
PAST APPOINTEE EXAMPLES	
Yohannes Abraham (2020 Biden transition): Adjunct Lecturer in Public Policy at the Harvard Kennedy School, Senior Advisor at the Obama Foundation, Senior Advisor to the National Economic Council and Deputy Assistant to the President for Intergovernmental Affairs and Public Engagement in the Obama administration; Deputy National Political Director on the Obama-Biden 2012 campaign.	
Rick Dearborn (2016 Trump transition post-election): Chief of Staff to Sen. Jeff Sessions; Assistant Secretary of Energy for Congressional and Intergovernmental Affairs; Director of Congressional Relations for the Senate at The Heritage Foundation.	
Rich Bagger (2016 Trump transition pre-election): Executive Vice President for Celgene Corporation; Chief of Staff for Governor Chris Christie; Senior Vice President for Pfizer; state senator and assemblyman for the State of New Jersey.	
Ed Meier (2016 Clinton transition): Director of Policy Outreach for Hillary for America; Senior Advisor in the Obama Administration at the Department of State; Management Consultant with McKinsey and Company.	



Ann O’Leary (2016 Clinton transition): Senior Policy Advisor for Hillary for America; Deputy City Attorney for San Francisco City Attorney’s Office; Legislative Director for Sen. Hillary Clinton; Special Assistant to the President in the Clinton Administration.

Chris Liddell (2012 Romney transition): CFO for General Motors; Chief Financial Officer and Senior Vice President of Microsoft Corporation; Chief Executive Officer and Managing Director of Carter Holt Harvey Ltd.

Chris Lu (2008 Obama transition): Legislative Director for Sen. Barack Obama; Deputy Chief Counsel of the House Oversight and Government Reform Committee

- i Partnership for Public Service *Presidential Transition Guide*
- ii Romney Readiness Project *Retrospective & Lessons Learned*
- iii Partnership for Public Service *Presidential Transition Guide*
- iv Partnership for Public Service *Presidential Transition Guide*
- v Romney Readiness Project *Retrospective & Lessons Learned*
- vi Partnership for Public Service *Presidential Transition Guide*
- vii Romney Readiness Project *Retrospective & Lessons Learned*

“At any given moment we are lacking critical leadership in numerous positions in just about every agency, undermining the effectiveness of our government.”

Sen. Tom Carper, U.S. Senator (D-Del.)

Hearing on the Nomination of Gina McCarthy to be  
Administrator of the U.S. Environmental Protection Agency

April 11, 2013

CHAPTER 3

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# Presidential Appointments

The primary responsibility of the transition personnel team is to identify individuals who will serve in the new administration, conduct preliminary background checks, and help shepherd nominees through selection and, in some instances, the Senate confirmation process. This includes Cabinet secretaries, agency heads, deputy and assistant secretaries, general counsels and a wide range of other appointees.

The activities of the personnel team should begin as early as late spring of the election year with the selection of a personnel director, who should begin hiring staff to start developing personnel priorities and lists. By late summer or early fall of the election year, the personnel team should develop lists of potential candidates for top leadership positions and begin the initial vetting process using public sources. At this point, the personnel team should establish a regular rhythm for reviewing potential nominees with the presidential candidate and create a post-election schedule for the president-elect to make decisions.

The period between the election and the inauguration will be a sprint as the personnel team prepares nominees for the financial disclosure process, background investigations and, in many cases, Senate confirmation hearings.

To accomplish its goals, the team must develop a system for identifying, screening and efficiently processing nominees, often a pain point in the transition process. White House positions, which do not require Senate confirmation, are largely the domain of the incoming chief of staff and should be filled before the inauguration.

This chapter reviews the basics of presidential appointments, the goals and best practices for a robust personnel operation and examines the steps that should be taken during the pre-election period, from the election through the inauguration, and the transfer of authority from the transition to the White

House. It also lays out the timeline for making appointments and the nuts and bolts of vetting and preparing presidential appointees, including those preparing for Senate confirmation.

The time it takes to confirm nominees in the Senate has grown substantially longer over time. In 2023, it takes on average twice as long to confirm a nominee as it did during the Reagan Administration.<sup>19</sup> As a result personnel and appointments teams also need to prepare plans to have holdover appointments stay on in the new administration, make use of day one Schedule C appointments, and understand the capabilities - and limits - outlined in the Vacancies Act.

The basic principles laid out in this chapter for a new president's transition team also generally apply to second-term administrations, which historically have experienced a high turnover in senior positions prior to and following the election.<sup>20</sup> As a result personnel and appointments teams also need to prepare plans to have holdover appointments stay on in the new administration, make use of day one Schedule C appointments, and understand the capabilities - and limits - outlined in the Vacancies Act. As a result, it is essential for an administration seeking a second term to engage personnel planning prior to and following the election. See Chapter 7 for further details on a second-term transition.

## **TIMELINE AND GOALS FOR PRESIDENTIAL APPOINTMENTS**

Identifying potential candidates for the White House and to lead the agencies as well as building their support teams should begin very early in the transition process and will continue well into the first year in office. The personnel appointment process varies considerably depending on the level and type of appointment. Positions requiring Senate confirmation have additional steps and the potential for delays. One expert described the entire system as a “production line” that requires planning and forethought to ensure that a glitch in one nomination does not derail the entire operation. The personnel process can be broken down into several steps, many of which will run concurrently based on the priority and timing of the target appointments.

### **Set the timelines and goals for presidential appointments**

Because appointments play such an important role in defining the administration and advancing the agenda of the new president, the personnel team should set aggressive timelines and goals for filling key White House, Cabinet and sub-Cabinet positions. Goal-setting should begin as early as April or May of the election year.

A number of factors can contribute to delays throughout the appointments process. These include the new president's availability to make decisions on top appointments, the efficiency of the decision-making process for appointments at all levels, and the availability of vetting resources in presidential personnel

<sup>19</sup> Partnership for Public Service, “Why reducing the number of Senate-confirmed positions can make government more effective,” August 2021. Available at: <https://presidentialtransition.org/publications/unconfirmed-reducing-number-senate-confirmed-positions/>

<sup>20</sup> Partnership for Public Service, “Significant Cabinet-level turnover after a president's re-election highlights the need for 2nd-term transition planning,” November 2019, 1. Available at <https://bit.ly/2PsdYFg>

## Key steps in selecting, nominating and confirming priority appointees

STEP	TIMING	COMMENTS
Develop initial list of 5-10 for each position	June–September	Early work of very small personnel group and close advisors
Conduct initial public record vetting	June–September	Use public record (e.g., internet); no outreach to candidates
Narrow to short list	By late October	Iterative discussion with personnel team and key advisors
Conduct deeper background check	After short list is chosen	If person volunteers to complete forms; conducted by lawyers
Transition team recommends potential nominees to president-elect	Late October/early November	Presidential candidate/president-elect selects likely candidate from small (3-5 candidate) pool
Interview and final decision by president-elect	Early November	Interview with presumed candidate and president-elect (with close advisors) makes final selections
Formal offer to nominee	During/just after interview	—
Paperwork (FBI, WHPDS, OGE, agency)	November–inauguration (or after)	FBI may initiate background check if name submitted earlier
Background investigation and ethics review conducted	November–inauguration (or after)	FBI may initiate background check if name submitted earlier
Transition team announces nominee	November to December	Announce nominees for priority Wave I positions. Cannot officially nominate until after the inauguration
Navigator spearheads meeting schedule to include leadership, chair/ranking and committee members	November (Post-election)	Begin laying the ground work with Senate committees
Confirmation hearing	January to early February	Confirmation hearings for select Wave I nominees.
Senate vote	February	—
Senate confirms nominee	February–March	—

### Notes:

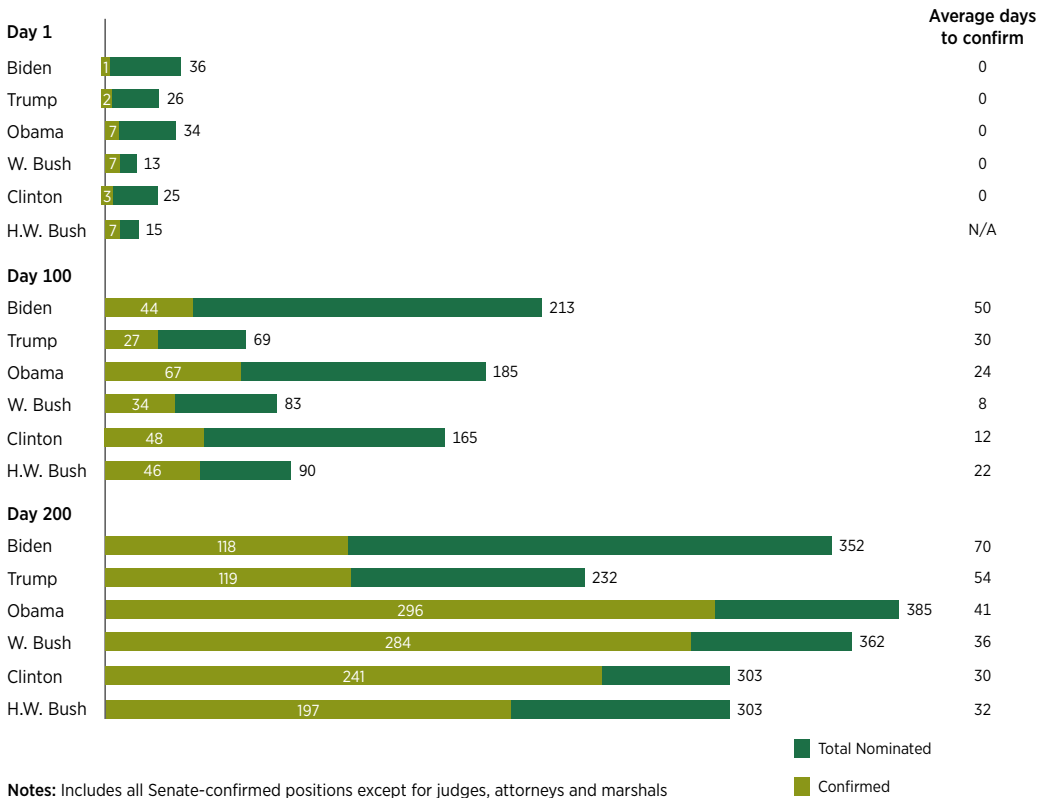
- Process for sub-Cabinet level nominees is similar:
  - Process normally begins later (post-inauguration); agency heads involved with selection
  - Accelerated process (above) used at start of administration for high-profile deputies
  - Later nominees will typically undergo FBI background check before nomination is announced
- Intended to show general process; some transition teams may run process somewhat differently.

**Source:** Boston Consulting Group analysis

and Senate committees. Delays can also be caused by the need to mitigate conflicts of interest, unexpected issues that arise during the vetting process, the Senate calendar and holds from senators on nominations.

The Aspen Institute’s Commission to Reform the Presidential Appointments Process issued bipartisan recommendations in March 2012 with suggested goals and milestones, which we have built upon here:

## Nominations and confirmations: Day 1, 100 and 200



**Notes:** Includes all Senate-confirmed positions except for judges, attorneys and marshals

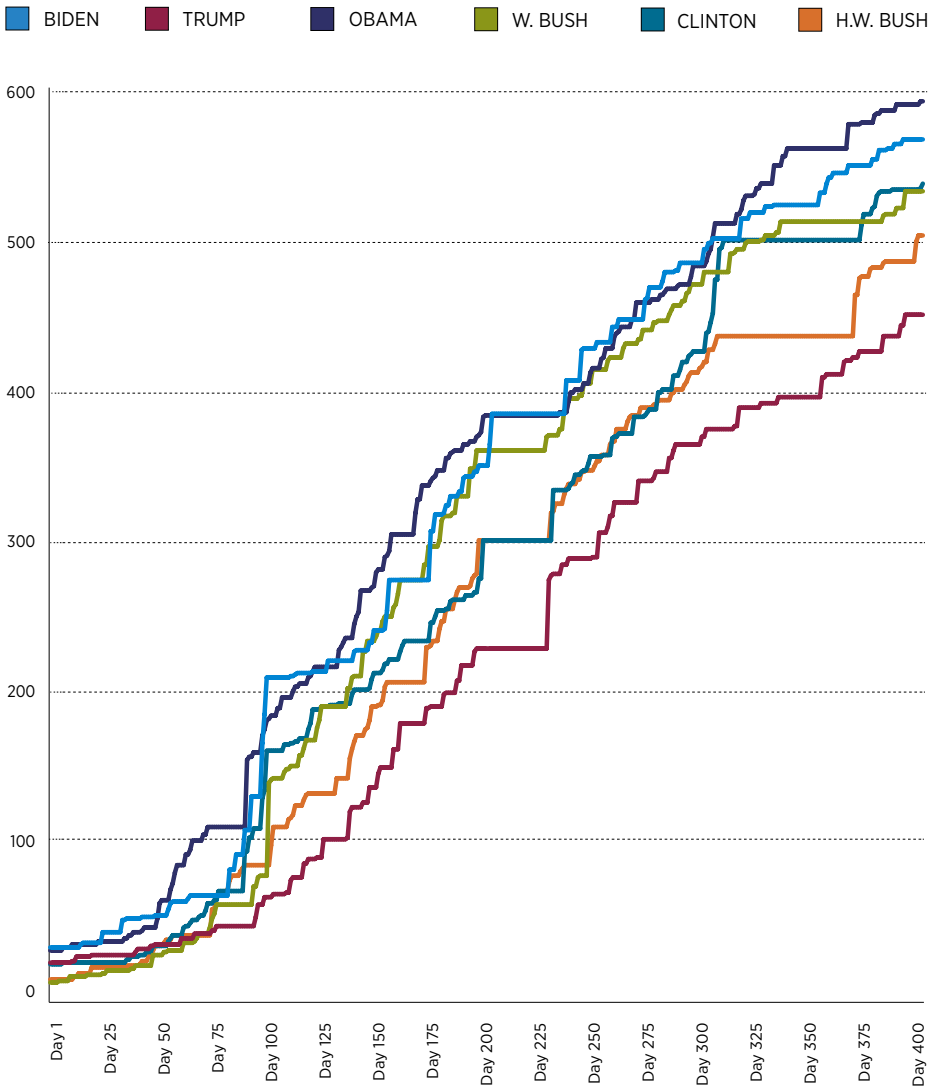
**Source:** Partnership for Public Service analysis

- Fully staff the White House by inauguration. These positions are presidential appointments that do not require Senate confirmation.
- Fill the top 50 agency leadership positions soon after inauguration, and an additional 50 by the end of April. This should include all Cabinet secretaries, their deputies and the key members of management and leadership teams in most major agencies.
- Fill an additional 300 critical positions throughout federal agencies by the August congressional recess, which is roughly 200 days into the administration.<sup>21</sup>

No new administration has achieved these ambitious but achievable targets. In fact, the Obama transition, in some ways the most successful of the most recent transitions, secured only 67 Senate confirmations by the 100-day mark. As the chart above shows, previous administrations have gotten off to a slow start on nominations and getting their candidates confirmed by the Senate.

<sup>21</sup> Partnership for Public Service, “Senate Confirmation Process Slows to a Crawl,” January 2020, 1. Available at <https://bit.ly/2T1gpa3>

### Nominations sent to the Senate by day



Source: Partnership for Public Service analysis

The time from Jan. 1 until the inauguration is a frenzied period when the Senate is in the midst of a post-election committee reorganization and confirmation hearings begin for the most senior nominees.

Until 2020, mid- and lower-level positions, such as Schedule Cs, generally were typically not dealt with during the transition period due to the limited amount of time available. However, like the Bush transition in 2000, the Biden

### Average length of time to confirm nominations for Senate-confirmed positions

	YEARS IN OFFICE	TOTAL CONFIRMATIONS	AVERAGE LENGTH TO CONFIRM
Biden (through year 2)	2	605	156.5
Trump	4	777	161.5
Obama	8	1703	153.3
W. Bush	8	2255	108.2
Clinton	8	2043	100.3
H.W. Bush	4	1154	64.7
Reagan	8	2220	69.6

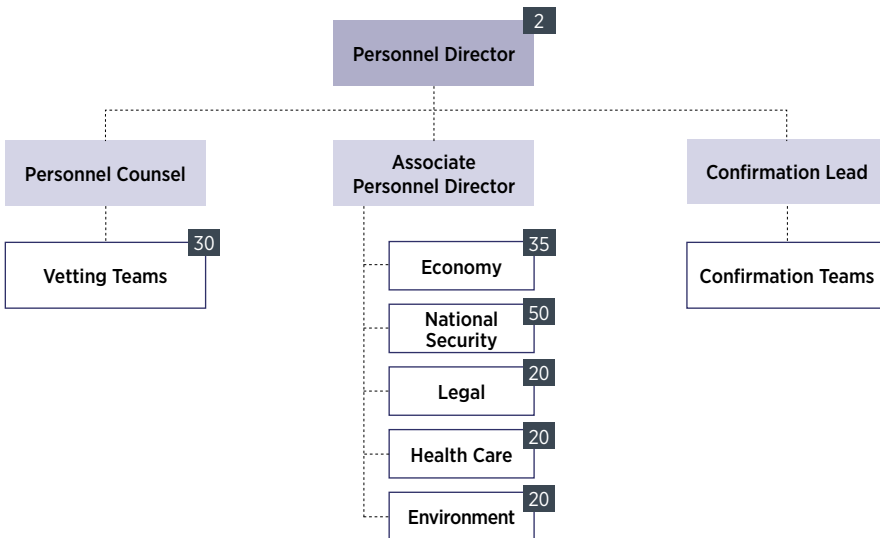
**Notes:**

- Includes all Senate-confirmed positions except for judges, attorneys and marshals
- Nominations that were returned and resubmitted soon after are combined, as are simultaneous nominations to related positions

**Source:** Partnership for Public Service's Center for Presidential Transition

### 2008 Obama transition presidential appointments team organizational chart

Number of staff members



**Notes:** Policy-area staffing groups a mix of paid staff (⅓) and volunteers (⅔). Vetting teams all volunteers.

**Source:** Obama-Biden Transition Project, Boston Consulting Group analysis

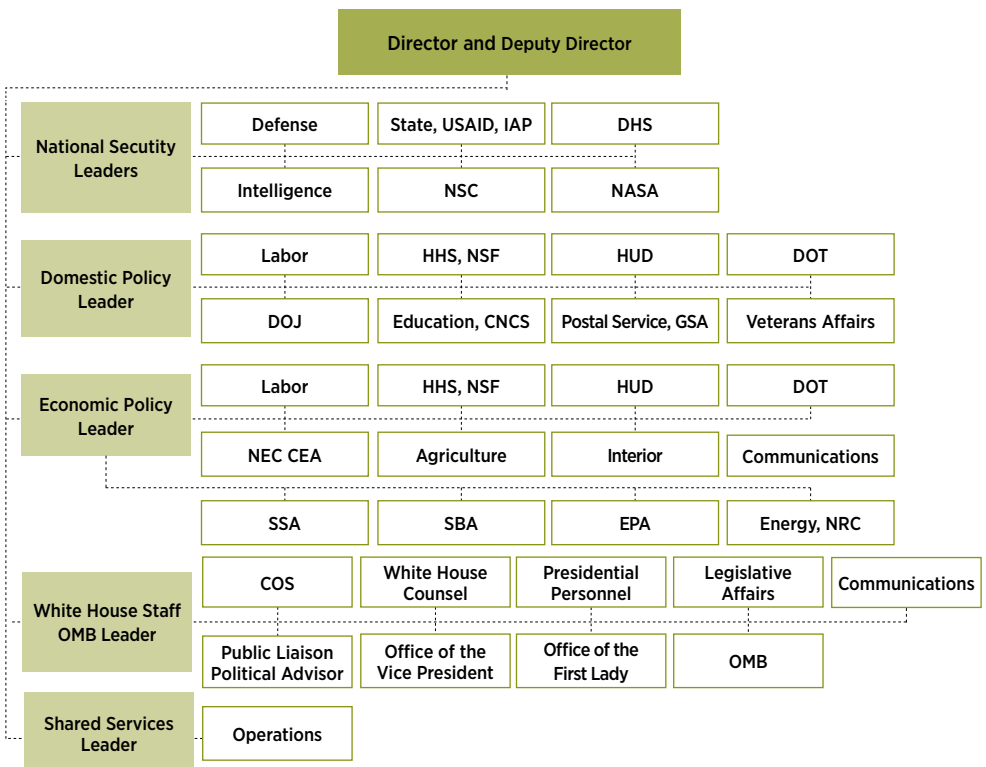


transition took a slightly different approach of developing two separate workstreams – one for appointments not requiring Senate confirmation and one for those requiring Senate confirmation – and ensuring that a great number of the highest-level appointees not requiring Senate confirmation were vetted and selected prior to inauguration. See section Major Steps in Personnel Appointments on p. 86 for more on this strategy.

### THE BASICS OF MAKING PRESIDENTIAL APPOINTMENTS

Staffing a new presidential administration requires approximately 4,000 presidential appointments ranging from Cabinet secretaries to members of boards and commissions. Approximately 1,200 of those jobs require Senate confirmation. Filling such a large number of jobs in a timely manner requires internal capacity, organization and discretion within the transition’s appointments team. This team is often among the largest within a transition organization and can include 100 or more members.

**2012 Romney transition presidential appointments team organizational chart**



Source: Michael O. Leavitt, Christopher Liddell, Daniel Kroese and Clark Campbell, “Romney Readiness Project 2012: Retrospective and Lessons Learned,” R2P, Inc., 2013, 57.

The confirmation process has become more cumbersome over time because the Senate’s responsibility to “advise and consent” takes far longer now than it did in previous years. Despite changes in technology and Senate rules, the official confirmation process takes more than twice as long now as it did during President Reagan’s administration. During President Biden’s first two years in office, the Senate took an average of 157 days to confirm nominees compared with 70 days during Reagan’s full time in office.<sup>22</sup>

The average time for confirmation is faster in year one of a president’s first term than any other year. For second-term presidents, year five confirmations were faster than subsequent years. The transition offers an opportunity for an administration to capitalize on this window of time by having political appointees ready for Senate consideration as early as possible.

During the transition, the personnel team should be organized around policy or governance areas such as national security, economic affairs, health care and education. Because of the sensitivity of the nomination and appointment process, some previous transitions have insulated their personnel team from the rest of the transition operation to ensure confidentiality, and some even used different servers or computers that were not connected to a network. The personnel staff, however, should balance discretion with their need to work closely with both the policy and agency review teams to identify priority positions based on the policy agenda of the new administration and to generate lists of qualified candidates for each agency based on their particular requirements and issues.

In order to handle the huge volume of candidates and applicants, the personnel team should coordinate with the General Services Administration to develop an online human resources system to collect and manage the thousands of resumes and applications from people pursuing jobs in the administration. Recent transitions have made use of modern HR systems, reducing the amount of staff needed to handle physical documents or input data. Developing a modern HR system early and working with the GSA and the outgoing administration to ensure that the system can easily transfer to the White House is essential. In fact, because the process for implementing new technology is never smooth, early coordination with GSA from a systems perspective should be a high priority for a transition team.

## Types of appointments

Presidential appointments break down into the following four categories.

### PRESIDENTIAL APPOINTMENTS REQUIRING SENATE CONFIRMATION (PAS)

These top-level senior positions include the heads of most major agencies as well as the top deputies, general counsels, ambassadors, U.S. attorneys and a handful of positions within the Executive Office of the President, including the director of the Office of Management and Budget and the U.S. Trade Representative. Many other politically appointed positions require Senate confirmation, including U.S. marshals and members of dozens of boards and commissions, some of which serve in a part-time capacity.

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<sup>22</sup> Partnership for Public Service, “Senate Confirmation Process Slows to a Crawl,” January 2020, 1. Available at <https://bit.ly/2T1gpa3>

**Appointee selection process by level of appointee**

	SOURCES	VETTING	RESPONSIBLE FOR SELECTION	TIMING
Cabinet-rank and key deputies	<ul style="list-style-type: none"> <li>Typically well-known within political circles</li> <li>Former administrative officials</li> <li>NGO and business leaders outside government</li> <li>Campaign and transition staff</li> <li>Other supporters and advisors of president</li> </ul>	<ul style="list-style-type: none"> <li>Initial public vet</li> <li>Deep post-election vet</li> <li>FBI background check pre-Senate hearings</li> <li>OGE public financial disclosure form</li> </ul>	<ul style="list-style-type: none"> <li>President and 4-5 key advisers</li> <li>New Cabinet-level nominees as well for their key Deputies</li> </ul>	<ul style="list-style-type: none"> <li>Within a month of election</li> </ul>
Other deputy secretaries, under secretaries and assistant secretaries	<ul style="list-style-type: none"> <li>See above</li> <li>Input from agency review teams</li> </ul>	<ul style="list-style-type: none"> <li>Initial public vet</li> <li>Less deep post-election vet by personnel team</li> <li>FBI background check pre-Senate hearings</li> <li>OGE public financial disclosure form</li> </ul>	<ul style="list-style-type: none"> <li>Personnel team</li> <li>New agency heads</li> </ul>	<ul style="list-style-type: none"> <li>Many between election and Inauguration</li> <li>Some post-inauguration</li> </ul>
Deputy assistant secretaries, noncareer SES and Schedule Cs	<ul style="list-style-type: none"> <li>Input from agency review teams</li> <li>Campaign and transition staff</li> <li>Other supporters and advisors of the president</li> </ul>	<ul style="list-style-type: none"> <li>Initial vet</li> <li>FBI, OPM background check, OGE public financial disclosure form</li> </ul>	<ul style="list-style-type: none"> <li>New agency heads</li> <li>PPO</li> </ul>	<ul style="list-style-type: none"> <li>Some formal transitioning</li> <li>Most later, after new agency heads confirmed</li> </ul>
White House personnel	<ul style="list-style-type: none"> <li>Key campaign and transition staff</li> <li>Other supports and advisors to president, COS</li> <li>Former administrative officials</li> </ul>	<ul style="list-style-type: none"> <li>Initial vet</li> <li>Varies by position</li> <li>FBI, OPM background check, OGE public financial disclosure form</li> </ul>	<ul style="list-style-type: none"> <li>President and 4-5 key advisers</li> <li>Incoming Chief of Staff</li> </ul>	<ul style="list-style-type: none"> <li>Within a week of election</li> </ul>

Source: Boston Consulting Group analysis

#### PRESIDENTIAL APPOINTMENTS NOT REQUIRING SENATE CONFIRMATION (PA)

This category includes a few hundred jobs, including a number of positions within the Executive Office of the President. These include most senior White House aides and advisors, as well as their deputies and key assistants.

#### NONCAREER SENIOR EXECUTIVE SERVICE (SES)

Members of the Senior Executive Service serve in the key positions just below the top presidential appointees. Designed to be a corps of executives charged with running the federal government, SES members are the major link between the top appointees and the rest of the federal workforce. While approximately 90% or about 7,000 of senior executives are career civil servants, up to 10% government-wide may be political appointees. These appointees often hold senior management positions within most federal agencies and are paid according to the SES pay scale.

The SES political appointees tend to assume managerial roles alongside career government executives and generally fill positions vacated by noncareer SES staff of the previous administration. Candidates for these positions may come from management positions in the private sector, Capitol Hill or state and local government.

#### CONFIDENTIAL OR POLICYMAKING POSITIONS (SCHEDULE Cs)

Schedule C appointees tend to be in policymaking positions and must be supervised by another political appointee. Schedule C positions may be designated by the Office of Personnel Management at the request of an agency or the Executive Office of the President, and typically number about 1,400 government-wide. A new administration can decide how much flexibility to give agencies in creating these positions. Most Schedule C appointments, with some exceptions, are made at or below the GS-15 level. These individuals can have broad variability in the work they are assigned and how they are managed. While some positions may be lower level, such as special assistant or confidential assistant, other Schedule Cs may hold significant authority within their agencies such as chief of staff, counsel or deputy assistant secretary for legislative affairs.

## **MAJOR STEPS IN PERSONNEL APPOINTMENTS**

### **Determine priority presidential appointments**

Top priority positions should include the White House chief of staff, senior White House advisors, and the heads and deputies of major federal agencies—particularly those agencies with a role in national and economic security, homeland security and law enforcement. It is also important to acknowledge that while many appointments will be equally important to the effective functioning of the administration, the demands of individual jobs are different and will require unique sets of skills. The Romney transition in 2012 prioritized 92 positions for their “Wave I” to be in place on day one. See Appendix 3.3 on page 117 for the list of positions.

To help prioritize positions and identify the key skills necessary, the Partnership for Public Service created position descriptions for over 400 of the top

presidentially appointed government jobs, available at <https://bit.ly/39rPMRx>. These descriptions include the core responsibilities of the appointee, the management scope of the position and any required or preferred experiences or skills needed for that role.

### **White House staff**

The White House staff members serve at the pleasure of the president and do not require Senate confirmation, meaning these individuals can be in place much faster than other appointees. The White House staff directly supports the new president's priorities and will help get the new administration off the ground. For these reasons, it is critical that members of the staff are in place on Inauguration Day to enable the administration to move as quickly as possible from preparation to governing.

The chief of staff should be one of the first positions announced after the election, and therefore the presidential candidate must think through this appointment in advance of Election Day. Each president-elect will need to decide the appropriate role for the chief of staff. The chosen appointee can be asked discreetly before the election so that individual can get organized and prepare to take action immediately after the election. James Baker, former chief of staff for President Reagan, noted that the chief of staff, along with the White House counsel and head of presidential personnel, should be chosen first because they “help the president pick the rest of the administration” and are ultimately *de facto* co-leaders of the transition post-election. According to Leon Panetta, Bill Clinton's chief of staff from 1994 to 1997, a chief of staff must have the trust of the president, establish a clear chain of command, have full control of the White House personnel and develop an orderly policy development process.

In 2020, Joe Biden chose Ron Klain as his chief of staff. Klain was a long-time aide to Biden, including a previous stint as chief of staff when Biden served as vice president.

In 2012, the Romney Readiness Project assessed different models for the chief of staff position as part of an effort to consider which White House and administrative structure would best contribute to achieving the goals of a potential Romney administration. This extensive work was led by Roger Porter and Ben Sasse in the pre-election period, with the intent to present design options to Romney following the election. They noted that chiefs of staff have served many roles beyond managing White House personnel, including managing the operations of the White House, facilitating coordination across and among offices, overseeing strategy development and even serving as the president's negotiator or “alter ego.”

President-elect Barack Obama announced Rahm Emanuel as chief of staff just two days after the 2008 election. Emanuel took charge of staffing and running the White House, and played a key role spearheading the administration's agenda in Congress.

Once announced, the White House chief of staff will take the lead in filling White House positions along with the president and some senior advisors, and the transition team and later the Office of Presidential Personnel will assist as needed.

As Baker noted, the director of presidential personnel is a critical position

to get in place early. The director will ideally be able to serve continuously from the transition through at least one year of the new administration. Don Gips, who served as the personnel director of the Obama transition, provides an illustrative example. Gips took over the transition's personnel portfolio around Jan. 1, 2009, months into the transition and just weeks before the inauguration. He handled personnel for only five or six months before he was nominated and subsequently confirmed as ambassador to South Africa, leading to yet another change in personnel leadership. According to many Obama administration officials, one of the lessons learned from their transition would be to keep the personnel chief and team in place for a much longer period of time.

Other top White House positions, such as the White House counsel, national security advisor and directors of the National Economic and Domestic Policy councils, should each be selected within the first month after Election Day since they will play important roles in getting the new president up to speed on critical issues, guiding policy development and building up the staffing and decision-making structures of the White House and federal agencies.

### **Coordination between the incoming White House, agency leaders and transition teams for agency appointments**

In addition to filling White House roles and agency leaders, the Office of Presidential Personnel is often involved in selecting and vetting personnel within agencies. There are a large number of second- and third-tier positions that need to be filled through presidential appointment, and there has been a natural tension across administrations between the White House and Cabinet secretaries over how these positions are filled. Some administrations chose to centralize the selection of these positions within the White House. Others have given greater flexibility to agency leaders to select their own appointees or developed a process that combined the two approaches. The level of involvement by the White House may differ depending on the administration, but the Carter presidency demonstrated the challenges that can arise when Cabinet secretaries are allowed to fill their departments with appointees who are more loyal to them than to the president. Ultimately, the White House needs to assert control while providing secretaries with the opportunity to give input.

President Trump's White House maintained firm control over appointments. In the early months of the administration, for example, several candidates proposed by the Cabinet secretaries at the State and Defense departments who had been critical of Trump during the 2016 campaign were rejected by the White House.

During the Clinton administration, incoming Secretary of Agriculture Dan Glickman had recently been a member of Congress, so the White House acquiesced to his desire to select the department's assistant secretary for legislative affairs. However, the White House maintained final decision-making authority over most of the other senior appointments in the department. Margaret Spellings had a similar approach in the administration of George W. Bush. As a longtime education advisor to Bush, senior White House aide and incoming secretary of education in Bush's second term, she used her considerable political capital to influence the appointments that were of particular importance to

her, while the White House selected the other appointees.

A president's direct role in making appointments has also varied. Some presidents prefer to have nominees for Senate-confirmed positions recommended first to the chief of staff, who will then discuss them with the president; others prefer to have the director of presidential personnel present the recommendations directly. The latter approach was used by George W. Bush, who met with the director and relevant staff from the Office of Presidential Personnel on a regular basis to consider their recommendations.

Finally, it is important to remember the need for smooth coordination between a transition team and the Office of Presidential Personnel, especially as it pertains to sub-Cabinet leader selection that may be mid-process on Inauguration Day. Prior to the inauguration, the transition appointments team will handle the vetting and review of candidates. After Inauguration Day, this work is taken over by PPO. Like the need for continuity in PPO leadership, the transfer of sub-Cabinet appointee vetting work without the transfer of transition personnel can lead to loss of knowledge about those appointees. In retrospect, leaders in the Biden transition team reflected that wrapping up more of the candidate reviews prior to inauguration would have facilitated a smoother process for some sub-Cabinet leadership positions.

### **Cabinet secretaries**

Cabinet secretaries are important both substantively and symbolically, and finding people for each job can be challenging. Preferred candidates possess subject-matter expertise, strong management credentials, good political instincts, media savvy and alignment with the new president's policy and governing objectives. Cabinet selections are an extension of the administration's "brand" and the face of the new administration's policies. They should be above reproach and understand that their actions reflect on the presidency. Because these critical positions require Senate confirmation and each candidate will need significant vetting, the new administration should select its Cabinet nominees by Thanksgiving and work closely with Congress to make sure they are confirmed, when possible, on Inauguration Day. This requires early communication with bipartisan Senate leadership and the committees that will be moving nominees to the floor.

It is worth noting that the relative priority of a position may depend in part on the administration and the circumstances it faces upon entering office. In general, priority should be given to positions with significant national and economic security responsibilities, such as the attorney general and the secretaries of defense, state, homeland security and treasury.

All presidents want their Cabinet secretaries confirmed and on the job as quickly as possible, a wish that does not always come true. The Biden administration was able to fill all 15 top Cabinet secretary positions by the end of March 2021, although it took the Obama and Trump administrations until the end of April to fill all Cabinet secretary positions.

## Agency leadership teams

The transition team, under the direction of the president-elect, must decide the appropriate level of input from its Cabinet nominees for key sub-Cabinet positions. Cabinet secretaries need strong leadership teams to succeed. In the words of one former secretary, what's needed is "a good lawyer, a good congressional relations person, someone to oversee the budget and someone to deal with media."

While the secretary sets the policy direction, the deputy secretary generally serves as the chief operating officer and manages the agency's day-to-day operations. The chief financial officer must be in place early to assist with the budget formulation for the agency, while the assistant secretary for legislative affairs is needed to work with Congress on the legislative agenda. The team should also include the general counsel to provide needed advice and deal with legal and ethical issues.

Two key jobs within the departments and agencies are the chiefs of staff to the secretary or agency heads, and the White House liaisons. Neither requires Senate confirmation, but both play critical management roles and should be appointed quickly. The chief of staff role is unique at every agency, but such individuals generally manage the flow of information, address critical personnel issues, coordinate interagency and White House relations, oversee messaging and policy, and manage crises. Overall, the chief of staff is essential in helping agencies execute their missions, in large part by facilitating effective communication and decision-making.

Ordinarily, Cabinet secretaries and agency leaders will have strong influence over who is picked as their chief of staff, but the White House has full discretion to choose the liaisons. The White House liaison is the critical link between agencies and the Office of Presidential Personnel regarding appointments, vacancies and talent.

Another key element in filling top agency jobs is not just to recruit the best people, but also to ensure the various nominees can function as a team rather than individuals. The secretary, deputy secretary, chief of staff and other top agency leaders should complement each other in terms of both expertise and personality. For example, if the secretary is most comfortable acting as the "face" of an agency and policy agenda, then the deputy secretary should be the one to manage the agency on a day-to-day basis as the chief operating officer. Keeping this in mind when making specific appointments will help build a cohesive, well-functioning team that will provide effective, unified leadership at the agency.

How the transition team may choose to prioritize these appointments will depend on the president-elect's priorities as well as the economic and national security issues facing the new administration.

As the transition team builds an agency's leadership team, they should consider nominating these individuals as a group along with the secretary nominee. The goal of nominating several individuals as part of a team, also known as "batching," is to help expedite the Senate's consideration, speed up the creation of each agency's leadership team and provide a head start in planning and implementing the new administration's priorities. Once the leadership team is selected, the president-elect could announce the slate, notify the Senate and encourage



lawmakers to hold a hearing for the secretary-designate, and shortly thereafter hold a joint hearing for those nominated as part of the agency's leadership team.

In 2009, the Senate Armed Services Committee took this approach, considering a slate of President Obama's Pentagon nominees. In this case, Obama decided to retain Robert Gates, George W. Bush's defense secretary. Obama chose nominees for deputy secretary, comptroller, undersecretary for policy and the general counsel, and submitted their names to the Senate on Jan. 20. The committee held a joint hearing for these nominees, and they were all confirmed on Feb. 9 with the exception of one individual, who was approved about three weeks later. Given the Department of Defense's critical role and the wars in Iraq and Afghanistan, it was vital to have this team in place so early.<sup>23</sup>

Obama's secretary of the Treasury, Timothy Geithner, however, was famously described as being "home alone" at the department during the height of the financial crisis in January and February 2009 because no other political appointees had been nominated or confirmed.<sup>24</sup> Geithner's deputy secretary, Neal Wolin, was not nominated until March 2009 and was not confirmed until May.

During the Trump administration, there were just seven deputy secretaries confirmed for the 15 Cabinet agencies at the start of the August 2017 congressional recess.

As of September 2017, the Treasury lacked permanent officials in nine of 18 positions requiring Senate confirmation, including deputy secretary, as Secretary Steven Mnuchin worked to advance tax reform and the administration's economic agenda. At the State Department, only 25 of 146 jobs requiring Senate confirmation had been filled in September 2017, and most of those were ambassadors to individual countries. As the U.S. engaged in threats of a nuclear showdown with North Korea in September 2017, for example, Trump had not filled key positions such as the ambassador to South Korea, the undersecretary for arms control and international security, the assistant secretary for East Asian and Pacific affairs, the assistant secretary for political-military affairs and the heads of the Bureau of Arms Control, Verification and Compliance and the Bureau of International Security and Nonproliferation.

Although the Biden transition had more than 1,000 nonconfirmed political appointees sworn in on the first day of the new administration, only about one-third of key national security positions requiring Senate confirmation were filled within seven months of Biden taking office. Unfilled positions critical to national security included the assistant secretary for homeland defense and global security at the Defense Department, the assistant secretary for intelligence and research at the State Department, and the assistant attorney general for the national security division at the Justice Department.<sup>25</sup>

Future transitions should significantly accelerate the pace at which political appointments are filled and seek to get the core leadership team in place as soon

23 Partnership for Public Service, "Transition Lab Episode 3: The Art of National Security Transitions," 2020. Available at <https://bit.ly/381R9Vt>

24 Partnership for Public Service, "Ready to Govern: Improving the Presidential Transition," January 2010, 18. Retrieved from <https://bit.ly/32s7RMK>

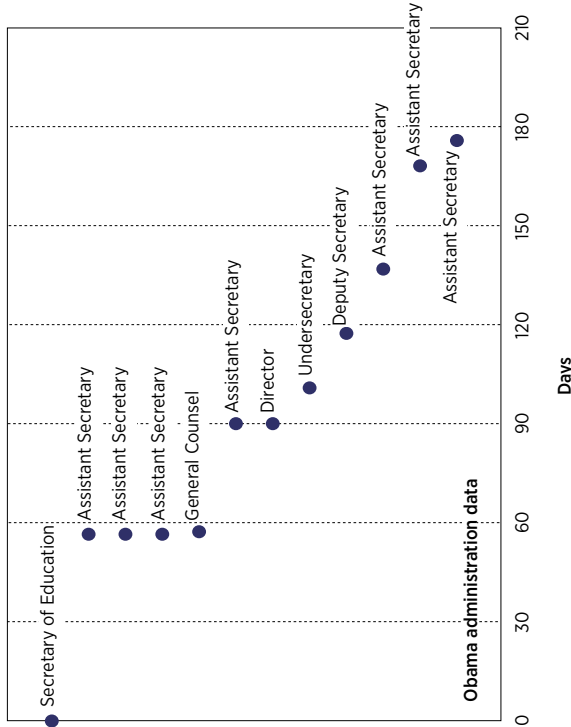
25 Partnership for Public Service, "Slow nominations and confirmations pose a threat to national security." Available at <https://presidentialtransition.org/publications/slow-presidential-nominations-and-senate-confirmations-pose-a-threat-to-national-security>. Accessed June 5 2023

**Batching is a strategic nominating technique**

Batching refers to appointing any 3+ individuals from the same agency on a given day.

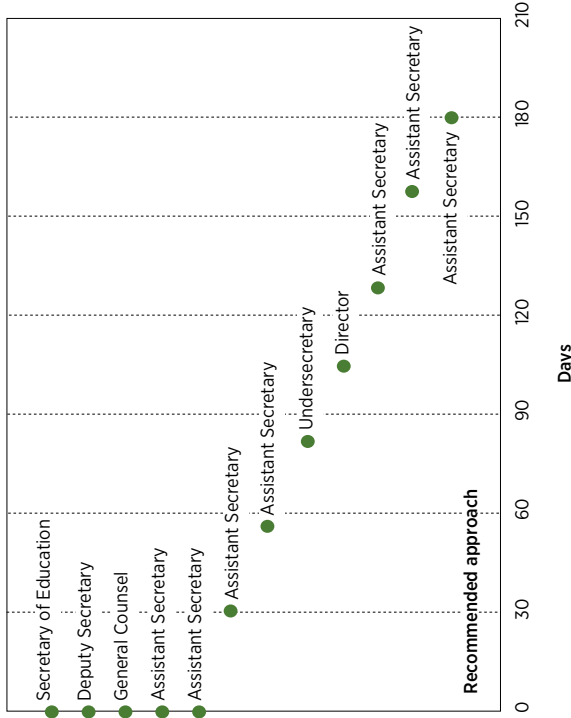
**TRADITIONAL APPROACH**

Secretary confirmed first; expanding sets of deputies selected sequentially afterward



**BATCHING APPROACH**

Hierarchically diverse sets of individuals confirmed in teams



Source: Congress.gov nominations database; BCG analysis and expert interviews; "Shortening Agency and Judicial Vacancies Through Fillbuster Reform – An Examination of Confirmation Rates and Delays from 1981 to 2014," O'Connell, Anne Joseph. Center for American Progress (2010); Romney Readiness Project 2012: Retrospective & Lessons Learned (2013).

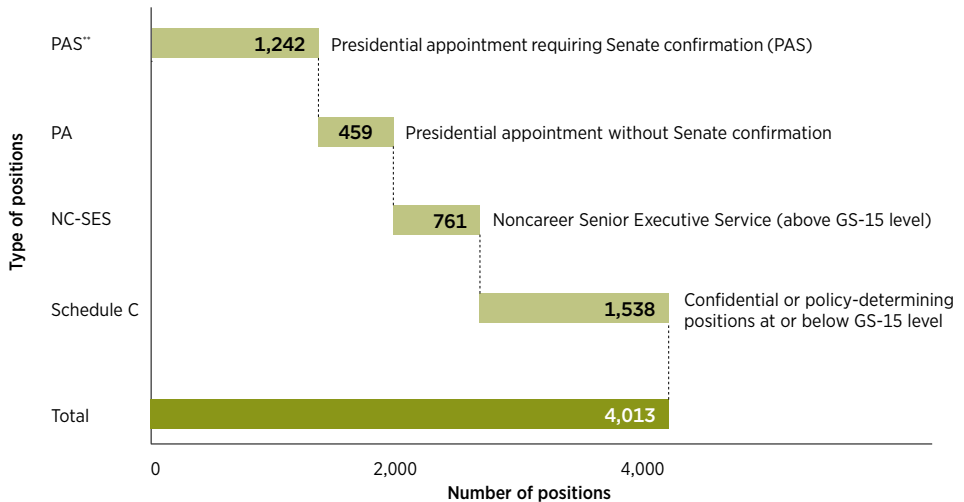
as possible.

### Develop system to manage mid- and lower-level positions

While the personnel process for a presidential transition will focus on the Senate-confirmed jobs in an administration, it must also plan for the politically appointed positions below the level of senior agency leadership. These positions include non-Senate confirmed presidential appointees, noncareer SES and Schedule C positions. Combined, they account for more than half of all political personnel, or some 2,500 positions. Many positions that fall below the level of Senate confirmation play a unique role in the build-out and functioning of the administration, including select management positions such as the assistant secretaries for management and administration, public affairs and legislative affairs, which may or may not be Senate-confirmed positions depending on statute.

#### Types of noncompetitive positions\*

A new administration typically makes ~4,000 appointments. Over 1,100 can require Senate confirmation.



\*Historically, the Plum Book (officially titled Policy and Supporting Positions) is published once every four years. The positions described in the 2016 Plum Book reflect the personnel and organizational structure of the end of the second term of the Obama administration. This is a snapshot to give a general idea of the number of appointments that need to be made, and not an accurate count for 2020.

\*\*In addition to the noncareer SES positions, the president may fill "general" SES positions, open to both career officials and appointees. Appointees cannot make up more than 10 percent of all SES positions. The president may also appoint limited term or emergency SES officials. The total number of appointed SES positions within a given agency must be less than 25 percent of that agency's SES positions.

Source: Policy and Supporting Positions, 2016

## BIDEN'S NON-SENATE CONFIRMED APPOINTMENT STRATEGY

Presidential candidates have traditionally prioritized identifying and vetting individuals for Senate confirmed positions during the transition over appointees not requiring Senate approval. However, Joe Biden and his transition team in 2020 knew that because of long confirmation delays, this strategy would leave agencies without presidential personnel for extended periods of time. Biden's Transition Chair Ted Kaufman explained this point, stating, "The big mistake has been too much emphasis on high-profile confirmable positions."<sup>26</sup> Instead, he said the transition team's goal was to "get people on the ground, ready to go to work on Inauguration Day."<sup>27</sup>

To achieve this goal, the transition team placed a high priority on filling non-Senate confirmed, presidentially appointed positions. These jobs historically have been filled after a president takes office and have been typically less tightly controlled by the White House. Biden's transition personnel team, however, ensured these positions would be a high priority by creating two separate working groups, one for non-Senate confirmed appointments and another for Senate confirmed positions.<sup>28</sup> The non-Senate confirmed appointments group interviewed more than 8,000 candidates prior to Inauguration Day, and 1,136 of these individuals were sworn in on Jan 20, 2021, a total greater than the number of appointments that Presidents Barack Obama and Donald Trump made during their first 100 days combined.<sup>29</sup>

These appointees were on hand to assist incoming agency leaders after they were confirmed by the Senate, and were available to help implement some of Biden's earliest executive orders and lay the groundwork for the president's agenda. Yohannes Abraham, the executive director of the Biden transition team, highlighted this point, stating, "We wanted to make sure that our senior Cabinet officials, upon confirmation, had appropriate and adequate support." Biden's success in filling so many positions so quickly, along with the continually increasing delays in the confirmation process, suggest that this strategy will be considered by future administrations.

<sup>26</sup> Kumar, Martha. 2021 "Joseph Biden's Effective Presidential Transition: "Started Early, Went Big"" Presidential Studies Quarterly, September 2021, DOI: 10.1111/psq.12732

<sup>27</sup> Ibid

<sup>28</sup> Partnership for Public Service, "The 2020-21 Presidential Transition: Lessons Learned and Recommendations," Accessed May 2023. Available at: <https://presidentialtransition.org/publications/2020-21-lessons-learned/>

<sup>29</sup> James P. Pfiffner, "Organizing the Biden Presidency," Presidential Studies Quarterly, September 2021. Available at: <https://doi.org/10.1111/psq.12744>

The Bush 2000 transition had an entirely separate office within the personnel team devoted to handling Schedule Cs, which became something of a "placing agency" for committed people from the campaign. A separate office handled SES appointments, but the two teams worked together closely due to the overlap between the pools of eligible people for these types of positions.

The Obama 2008 transition team did not begin focusing on Schedule C positions until after the election. The personnel staff approached the agency review teams for an estimate of Schedule C appointments needed and made recommendations for allocating those positions. The team did not fill all positions prior to the inauguration, holding back to prepare for new programs or priorities and to have positions available for political or campaign staff.

The Trump administration deployed teams of temporary political appointees, often using short-term, 120-day appointments for Schedule C designations, into federal agencies after the inauguration to begin laying the groundwork for the president’s agenda while he made decisions on those he would formally name for Senate-confirmed positions. Almost all of these “beachhead” appointees had worked on the presidential campaign, but they did not all have expertise regarding the agencies to which they were assigned. Some of these beachhead appointees served only for a short time while others eventually received permanent appointments.

The personnel team should think strategically about how the allocation and selection of Schedule C appointees can be used to help advance administration priorities well into the future. Given that every administration must deal with the exit of political appointees and other key staff, the flexibility granted to Schedule C appointments means that a new administration has a rare opportunity to use this group as a talent pipeline for future appointments. Both the administration and agencies should make a continual effort to evaluate and develop this group to maximize the effectiveness and identify those who should be groomed for another (and perhaps a more prominent) role later on in the administration.

## **TEMPORARY AND SHORT-TERM APPOINTMENTS**

While it is ideal to have the president’s team in place on day one, the realities of a long nomination and confirmation process for Senate confirmed appointees, and the need to plan for only a portion of all presidential appointees ready to go at the start of an administration mean that planning for continuity and short term placements is essential to the appointments process. There are three main tools appointments teams can use in this respect: relying on the continuity plans required of all agencies as part of their transition planning and supplementing these with the holdover appointments; using temporary Schedule C appointments; and making short-term appointments as enabled by the Vacancies Act.

### **Identify core agency continuity staff**

It is worthwhile to identify top-performing political appointees of the previous administration who are carrying out key functions and could be an asset to the incoming administration. This is particularly true for hard-to-fill jobs, some sensitive national security positions and roles such as chief financial officers, assistant secretaries for management and administration, chief acquisition officers and similar positions where management competence is the dominant skill set.

The personnel team should work with its agency review teams and the career transition directors from each agency to identify political appointees who should be invited to stay on temporarily or permanently in the new administration. The incoming White House personnel director should also meet with the outgoing director to discuss logistics of this holdover process, such as which individuals it might make sense to retain and how to gauge an appointee’s interest in continued service. The transition team should make sure to address potential holdovers early on in the transition, as outgoing appointees are likely

to begin leaving the administration or looking for jobs as early as the spring or summer of an election year. Appointees who are held over between administrations do not go through the Senate confirmation process again if they retain the same job. Prior to the 2017 inauguration, Trump asked about 50 senior Obama administration appointees to remain in their posts to ensure continuity of government. Most were at key national security agencies, including the Pentagon and State Department, and stayed on only a few months. There were exceptions, however, including Gen. Joseph F. Dunford Jr., whom President Obama appointed to be chairman of the Joint Chiefs of Staff in 2015 and was nominated by Trump for a second term in 2017.<sup>30</sup> Frank Klotz, appointed as the undersecretary of energy for nuclear security in 2014, stayed on the job until January 2018.

Hillary Clinton's transition team considered the possibility of asking "a couple hundred" Obama appointees in critical posts or positions needed to advance the new administration's agenda to stay on for a few months. The plan also was to consider some Obama appointees for new roles.

During the 2008 Bush-to-Obama transition, some key political appointees in important roles dealing with finance, acquisitions and other essential administrative functions were given the option to stay on until a qualified replacement could be brought on board. During the Ronald Reagan-to-George H.W. Bush transition, the outgoing administration sent a survey with their requests for resignation letters, which asked current appointees if they would like to stay in government. Reagan's director of presidential personnel worked with the incoming personnel director on the issue of holdovers, and a number of individuals were retained. Although Bush placed some Reagan appointees on his White House staff and across government, he did not want the appearance of a third Reagan term and had the view that an appointee "who keeps his job will be an exception, not a rule."

Certain positions have a more complicated selection process that takes longer than normal to fill, so a temporary or permanent holdover should be seriously considered. For example, if there is a vacancy for the undersecretary for health at the Department of Veterans Affairs, a commission must be formed to nominate at least three qualified people for appointment by the president. This undersecretary must be selected on the basis of professional qualifications as a health care practitioner or administrator, not political affiliation. There also are some politically appointed positions that have fixed terms or are selected "without regard to political affiliation" and do not immediately turn over. These include the archivist of the United States, the Pentagon's director of operational testing and evaluation, and the architect of the Capitol.

Inspectors general are generally considered a nonpolitical role in which appointees can and do span multiple administrations. In fact, inspectors general are the only non-termed appointees not required to submit a letter of resignation at the end of an administration, but they still serve at the pleasure of the president and can be replaced.

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30 Department of Defense, "General Officer Announcement," May 2017. Retrieved from <https://bit.ly/2VnNfDO>

## Day one Schedule C appointments

In 2017 after the inauguration, the Trump administration sent a wave of 536 temporary personnel, called “beachhead” team members, into agencies across the government.<sup>31</sup> The beachhead team concept was developed by the Romney transition team in 2012 and put into practice by Trump. Beachhead teams are intended to serve as temporary appointees until Senate-confirmed officials are in place, and help lay the groundwork for the new administration’s priorities. Depending on how long it takes for high-level nominees to be confirmed by the Senate, beachhead team members may serve for several months, but generally lack authority to make policy given their temporary status.

Trump’s beachhead teams operated under Temporary Transition Schedule C Authority, which allows agencies to non-competitively appoint employees for 120-day terms. Agencies have the option to extend those terms by another 120 days. The number of these appointments allowed varies by agency, but the number is capped at 50 percent of the highest number of Schedule C appointments filled in any one of the preceding five years at that agency.<sup>32</sup> For example, the Department of Agriculture was allowed up to 80 temporary Schedule C appointees in 2016 because the highest number of permanent Schedule Cs in a single year from 2012 to 2016 was 161. Agencies that had fewer than three permanent Schedule Cs were allowed three temporary appointees. The authority lasts for one year from the time that a new president is sworn in or when a new agency head is on the job, whichever is later. Some of the Trump beachhead appointees served only for a short time while others eventually received permanent appointments either in the same agency or elsewhere in government.

Additionally, from Jan. 20–30, 2017, the Trump administration was allowed to place nominees for Senate-confirmed positions in temporary SES jobs under Temporary Transition SES Appointing Authorities before the Senate voted on their nominations. Those appointees, limited to five at Cabinet agencies and three at non-Cabinet agencies, served in an advisory role and offered input on agency policies and programs, but could not serve in the positions for which they were nominated. Temporary SES appointees can serve for 21 days, after which agencies need OPM’s permission for an extension.<sup>33</sup>

The Obama administration sent in a few appointees to agencies on the first day of the administration, but not to the same degree as Trump. Similar to beachhead teams, the Bush administration sent “parachute” teams into agencies on the first day of the administration in order to stop departments from issuing guidance, rules and statements that reflected the views of the Clinton administration. However, the team members sent in by Obama and Bush generally had specified jobs before entering an agency, such as chief of staff or press secretary.

31 Vice President-elect Mike Pence, Transition Accomplishments Summary, Jan. 19, 2017. Retrieved from <https://bit.ly/2vn8cUP>

32 Office of Personnel Management, “Temporary Transition Schedule C Authority and Temporary Transition Senior Executive Service Appointing Authorities,” Jan. 9, 2017. Retrieved from <https://bit.ly/2w4LqRJ>

33 Ibid.

## Vacancies Act Appointments

Should a Senate confirmed position remain vacant for a long period of time, the president can make temporary appointments under the Federal Vacancies Reform Act. According to the law, there are two types of acting officials who can serve in vacant positions requiring Senate confirmation. If there is an individual serving in “first assistant” position (generally interpreted to be the first deputy) below the Senate confirmed position, that individual will become the acting official by default. These deputy positions can be career or appointed positions. When they are appointed positions, presidents may fill these jobs with an appointee and immediately have that official serve in an acting capacity. Presidents may also select an individual who is serving in a position confirmed by the Senate or senior officer or employee within the agency who has been in the agency at least 90 days and who is paid at the equivalent of the GS-15 pay level or above to serve in acting capacity. These options provide presidents with broad latitude.

Incoming presidents and their personnel teams must decide during the transition and in the early days of the administration who they will choose for these important positions on an interim basis. Presidents Donald Trump and Joe Biden relied heavily on long-serving career officials within Cabinet departments to serve as acting secretaries while they waited for their nominees to be confirmed.<sup>34</sup> For lower-level leadership jobs, Biden made numerous appointments to non-Senate confirmed first assistant positions, allowing these individuals to immediately take on the role of the Senate confirmed position in an acting capacity.<sup>35</sup>

These acting officials serve in critical roles and are key to the new administration hitting the ground running on day one of the new administration. In addition, they provide continuity of government while the president selects and the Senate confirms permanent nominees.

## VETTING AND INVESTIGATING PRESIDENTIAL APPOINTEES

Presidential appointees are subjected to extensive scrutiny that initially starts with the transition’s presidential appointments team, and subsequently includes a background investigation by the FBI, extensive financial disclosure, and examination by the Senate if confirmation is required.

During the pre-election phase of the transition, the personnel team must begin compiling lists of potential Cabinet secretaries and other high-level political appointees who will require Senate confirmation, and undertake preliminary vetting of these individuals using public records. This vetting is usually done by experienced lawyers who will focus on business associations, potential conflicts of interest, pending litigation or investigations, published writings, speeches, social media posts and any potentially controversial personal issues of the prospective nominees.

After the election, the president-elect will begin making decisions on Cabinet secretaries and the other critical Senate-confirmed appointments. The

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<sup>34</sup> Waiting for confirmed leaders: President Biden’s actings, Anne Joseph O’Connell 2021

<sup>35</sup> Waiting for confirmed leaders: President Biden’s actings, Anne Joseph O’Connell 2021; Presidential Strategy amidst the “Broken” Appointments Process Christopher Piper 2022



transition’s general counsel and legal staff will examine the information developed in the pre-election phase and conduct additional background reviews of those selected by the president-elect. This will be followed by formal FBI, government ethics office and Senate inquiries.

When discussing job prospects with potential presidential appointees, the personnel team needs to ensure that the individuals understand the nature and complexity of the role they will be undertaking, that their personal lives and finances will be closely examined, and that in some instances, information they provide may be publicly disclosed. While our democracy needs skilled and dedicated individuals to serve the nation, and holding these jobs can be professionally and personally rewarding, the transition team should make sure these individuals understand the potential costs of service. The Center for Presidential Transition’s Ready to Serve program provides a comprehensive, one-stop “how to” resource for the tens of thousands of Americans who want to serve in an administration but do not understand what the process requires.

Following the election in November 2016, President-elect Trump’s website, [greatagain.gov](http://greatagain.gov), provided information about what prospective candidates should know before applying for a job. They were warned that the “time commitment is significant and the pace is fast.” The site explained that the selection process is “rigorous” and most should expect to submit to a full FBI background check and conflicts of interest “must be remedied by divestiture, the creation of special trusts, and other actions.” They were also cautioned that information submitted during this process is “ultimately subject to public disclosure if requested under the Freedom of Information Act.”

### **Establish guidelines and learn the lessons from previous administrations**

The transition’s appointments team should establish clear and well-defined guidelines as to the nature of past statements, associations, behavior or events that will qualify or disqualify a nominee. These issues may include past lobbying activity, tax and immigration compliance, drug use, medical concerns or financial conflicts of interest. How these issues are addressed might be influenced by past precedent, the administration’s needs and even changing societal or legal views. Understanding how these issues have been addressed by prior administrations can be a useful exercise that can help a new administration establish sensible standards. Every administration has experienced controversy and had nominees derailed, leaving positions vacant and causing embarrassment.

In February 2017, for example, Andrew Puzder, President Trump’s choice for labor secretary, withdrew his nomination because of fierce opposition, mostly from Senate Democrats, in part based on his record on labor rights as a fast food executive as well as the fact that he employed an undocumented immigrant housekeeper.

Todd Ricketts, whose family owns the Chicago Cubs, was chosen by Trump on Nov. 30, 2016 as deputy commerce secretary, but withdrew his nomination in April 2017 due to difficulties reconciling his family’s complicated finances with the Office of Government Ethics. Philip Bilden, the nominee for secretary of the Navy, withdrew in late February 2017 because he said he could not satisfy ethics requirements without “undue disruption” to his private finances, while

Vincent Viola, the nominee for secretary of the Army, cited “insurmountable” trouble separating himself from his business ties as the reason for withdrawing from consideration.

During the early days of the Clinton administration, the nomination of lawyer Zoë Baird, the first woman to be considered for attorney general, was torpedoed by revelations that she and her husband had hired an undocumented nanny and a chauffeur for their young child, and had failed to pay Social Security taxes for the two employees. The Obama transition team adopted a rule that any such “nanny tax” liability could prevent consideration for any politically appointed position, even if steps had been taken to “cure” the liability, such as filing amended returns and paying past taxes, interest and penalties. This “nanny tax rule” disqualified numerous potential nominees. However, Trump’s OMB director Mick Mulvaney overcame a “nanny tax lapse” by paying the \$15,000 in back taxes as part of the vetting process. Mulvaney also benefited from a Republican-majority Senate, which did not hold up his nomination after he repaid the taxes.

Former Sen. Tom Daschle’s nomination to be President Obama’s secretary of the Department of Health and Human Services was derailed by revelations that he failed to fully pay his taxes from 2005 through 2007 for consulting work and the use of a car service and driver. Daschle’s withdrawal was a setback for the administration. The Obama administration’s personnel operation subsequently slowed as tax returns for a large number of possible nominees became subject to a new level of scrutiny. See Appendix 3.4 on page 118 for a checklist for screening potential presidential appointees developed by the law firms Steptoe & Johnson and Allen & Overy.

During the Bush 2000 transition, which was shortened due to the election recount, all prospective Cabinet nominees were interviewed internally by a former White House counsel to surface any possible issues or surprises with their nominations. The nominees were advised to share any potentially embarrassing or disqualifying information at the very outset and prior to beginning the formal background check or nomination process. They also were told that if they were honest and forthcoming in their initial vetting and earned the president’s support, the White House would back them regardless of what came out. But if troubling information came to light after the initial vetting, they were told, “We’ll drop you.”

That some otherwise talented nominees will attract controversy for reasons unrelated to the job at hand is as certain as human imperfection. But appointing individuals with problematic backgrounds can harm public perceptions of the administration’s competence or credibility. The transition’s appointments team should ensure that the administration fills important positions with able and ethical public servants who are committed to the public good and can earn the trust of the American people.

### **The formal nominee investigation process**

Once potential nominees successfully pass through the internal vetting process, the transition will request a formal investigation by the FBI and a review of financial records by the government ethics office or the receiving agency’s ethics officials, depending on the type of appointee.

As part of this process, potential nominees will be asked to submit several forms, including White House Questionnaires such as a Personal Data Statement (if required by the administration), the Public Financial Disclosure Report (OGE Form 278e), the Questionnaire for National Security Positions (SF-86) and its supplement. If nominated for a Senate-confirmed position, a Senate committee questionnaire also will have to be filled out.

The FBI will begin the background inquiry starting with examination of the information provided in the SF-86 form and conduct a full-field investigation. This will include an examination of any FBI records and other sources, as well as interviews with the prospective nominee, current and former employers, neighbors, and associates. The FBI will look at a nominee's employment and credit history, tax compliance, travel abroad, foreign contacts, involvement in civil litigation and a range of other issues. The Department of State's Bureau of Diplomatic Security conducts the background investigations for virtually all politically appointed positions within that department, including ambassadors.

The depth of the background investigations varies in scope depending on the position, responsibilities and whether individuals will have access to classified information. The investigations for the lowest security clearances go back five years, while potential nominees for Cabinet-level positions and their equivalent, as well as for positions in the Department of Justice and those with the highest security clearance, cover an individual's entire adult life. Most of the FBI background investigations for Senate-confirmed political appointees go back 15 years.

These investigations have two basic functions. One is to determine the suitability or fitness of individuals to serve in the jobs for which they have been nominated. Federal jobs are classified as low risk, medium risk public trust or high risk public trust, with individuals in each category getting a different degree of scrutiny based on their level of responsibility. The White House has great latitude to determine suitability requirements for Senate-confirmed political appointees, but the Senate has the final say.

The second function of the background investigations is to determine whether an appointee is eligible to hold a national security position and have access to classified information. There are three basic levels of national security clearances: noncritical-sensitive, which allows access to confidential or secret information; critical-sensitive, which provides access to top secret information; and special-sensitive, which provide access to sensitive compartmented information. The Office of the Director of National Intelligence clears nominees for positions requiring top-level national security clearances.

### **Financial disclosure**

The law requires the Office of Government Ethics to review the financial disclosure reports of most presidential appointees for civilian positions, including Senate-confirmed and non-Senate confirmed positions. In these instances, the information will be reviewed by the White House counsel, by the agency to which the nominee is headed and by the OGE. Issues regarding financial disclosure should be addressed by the nominees in consultation with their own legal counsel, the attorneys at the OGE and the designated ethics officer of the agency to which they will be nominated. The financial disclosure process is complex and time

## **DISCLOSURE FORMS FOR PRESIDENTIAL APPOINTEES REQUIRING SENATE CONFIRMATION**

### **ON PREPARING ORIENTATION CURRICULUM FOR CABINET SECRETARIES**

The high level of scrutiny given to presidential nominees requiring Senate confirmation involves numerous written questionnaires, interviews, background investigations and extensive financial disclosure. The vetting starts with the White House and includes the Office of Government Ethics, the FBI and Senate committees. Many nominees with considerable wealth or complicated business holdings choose to hire an attorney or an accountant to help fill out the reports and comply with information requests. Presidential appointees not requiring Senate confirmation are also subject to vetting procedures, including:

**The White House Personal Data Statement.** The use of this questionnaire varies by administration, but generally focuses on a nominee's personal, professional, legal and financial information. It asks questions about a nominee's professional experience, political affiliations, physical and mental health, published material, club memberships, alcohol and drug use, litigation and potential conflicts. There are questions about employment of domestic help (surfacing "nanny tax" and immigration concerns) and other information that could be used to attack a nominee's qualification or character. There also are questions that screen for policy opinions that would show any inconsistencies between the nominee and the White House that might create an embarrassing situation.

**The Public Financial Disclosure Report (OGE 278e).** Mandated by the Ethics in Government Act, this questionnaire requires detailed reporting on assets, income, liabilities, transactions, gifts, travel expenses, loans, arrangements for future employment and recent organizational positions held outside government. Nominees must provide the names of every client or customer for whom they performed more than \$5,000 worth of personal services and a brief description of those services. This financial disclosure form is reviewed by the White House counsel or the agency to which the individual is nominated and by the Office of Government Ethics prior to a Senate confirmation hearing. Any financial conflicts must be remedied by divestiture, recusal, waivers, regulatory exemptions or the creation of special trusts.

**The Questionnaire for National Security Positions (SF-86).** This questionnaire is used for the FBI background investigation and the security clearance process. The SF-86 requires very detailed information on where a nominee has lived, worked and gone to school over a lengthy period of time. Additionally, information must be provided on affiliations, foreign contacts, mental health, drug use, foreign travel, friends and relatives. Administrations also require that nominees fill out a supplement to the SF-86.

**Senate Committee Questionnaires.** Each relevant committee that confirms nominees has one or more unique questionnaire forms, often duplicating information already provided to the executive branch. Committees frequently follow up with requests for interviews and additional information, and in some instances have required lengthy tax audits of nominees.

consuming, and appointees often have to redo their paperwork to fix errors or add information. For some individuals, this may require retaining attorneys or accountants to help in the preparation and with the disclosures required by the forms. In some cases, individuals may be asked to sell assets, create blind trusts or take other steps to avoid conflicts of interest. Nominees and the transition team must be prepared to have an ongoing dialogue with OGE attorneys and maintain close communications to move quickly through the process.

To expedite the process, the ethics office can conduct blind reviews of potential nominees.<sup>36</sup> This will allow the transition team to get ahead on filing some of this paperwork without fully committing to a nominee or publicly revealing names. The OGE also can conduct a training session for transition staff on how to use their online financial disclosure system, Integrity, pre- and post-election. It is critical that transition team members are trained on how to use the system to file these forms to ensure a smooth flow of paperwork. Following the general election, the transition team may also request to have an OGE attorney onsite in the transition workspace to help with the financial disclosure process, which the Trump transition team had but didn't fully utilize.

The personnel team and the transition's general counsel should communicate to potential nominees what might be disqualifying and what will be required of them in terms of financial disclosure, ethics requirements and suitability to work in the federal government. Such conversations can help ensure individuals are fully committed and willing to go through the stringent process before it begins. The ethics office reports that "the single biggest factor affecting the time it takes to review a nominee's financial disclosure report is the responsiveness of the nominee."

The OGE has found that the process is often impeded by nominees who are slow to gather documents needed for review and to respond to questions from OGE attorneys. In addition, the office said delays often are the result of roadblocks in negotiations regarding requests for nominees to dissolve partnerships, sell a company, terminate an employment relationship, recuse themselves from certain matters or divest of financial holdings.

During the early part of the Trump administration, some nominees were surprised by requirements that they needed to sell stakes in private equity and hedge funds, family trusts and even professional sports franchises to steer clear of conflicts of interest. A number of wealthy nominees, including Commerce Secretary Wilbur Ross and Education Secretary Betsy DeVos, engaged in lengthy discussions with the OGE and had to take steps to meet the financial conflict of interest requirements before they were cleared for Senate confirmation.

Senate committees often will conduct their own background inquiries. The Ethics in Government Act requires the OGE to give an ethics report to the committees, including any ethics agreement describing potential conflicts of interest. The distribution of the FBI background investigation is ordinarily quite limited because of the sensitivity of the information, but the results may be shared with leadership of the relevant Senate committees.

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36 Office of Government Ethics, "Transition Guide," 2016, 13. Retrieved from <https://bit.ly/2I0RzAS>

With Senate-confirmed positions, the vetting process should take into account that committees have different standards. For example, the Senate Finance Committee is known to apply particularly close scrutiny to the tax records of nominees subject to its jurisdiction, auditing a nominee's past three years of tax filings, and sometimes going back as far as 10 years for certain arrangements, like offshore accounts. The 2009 nomination of Lael Brainard as a Treasury undersecretary was delayed for months in part over questions concerning late payments on taxes owed on property jointly owned with her husband, Kurt Campbell. Campbell's own nomination as assistant secretary of state, under the Senate Foreign Relations Committee's purview, faced no such problems.

Senate committees also have differing procedures on how they process a nomination. Some committees require a nominee's paperwork to be submitted several weeks in advance before scheduling a hearing, and nominations are held for one week between the confirmation hearing and a vote. Other committees show more flexibility. It is important to know the culture and practices of each committee and factor this information into the timeline for bringing appointees on board. The Partnership has created profiles of each Senate committee, outlining their nomination procedures and noting positions that have often received the greatest scrutiny, among other information, which are available by request.

### **Vetting White House staff**

Members of the White House staff also must undergo FBI background investigations and many of those individuals will need national security clearances.

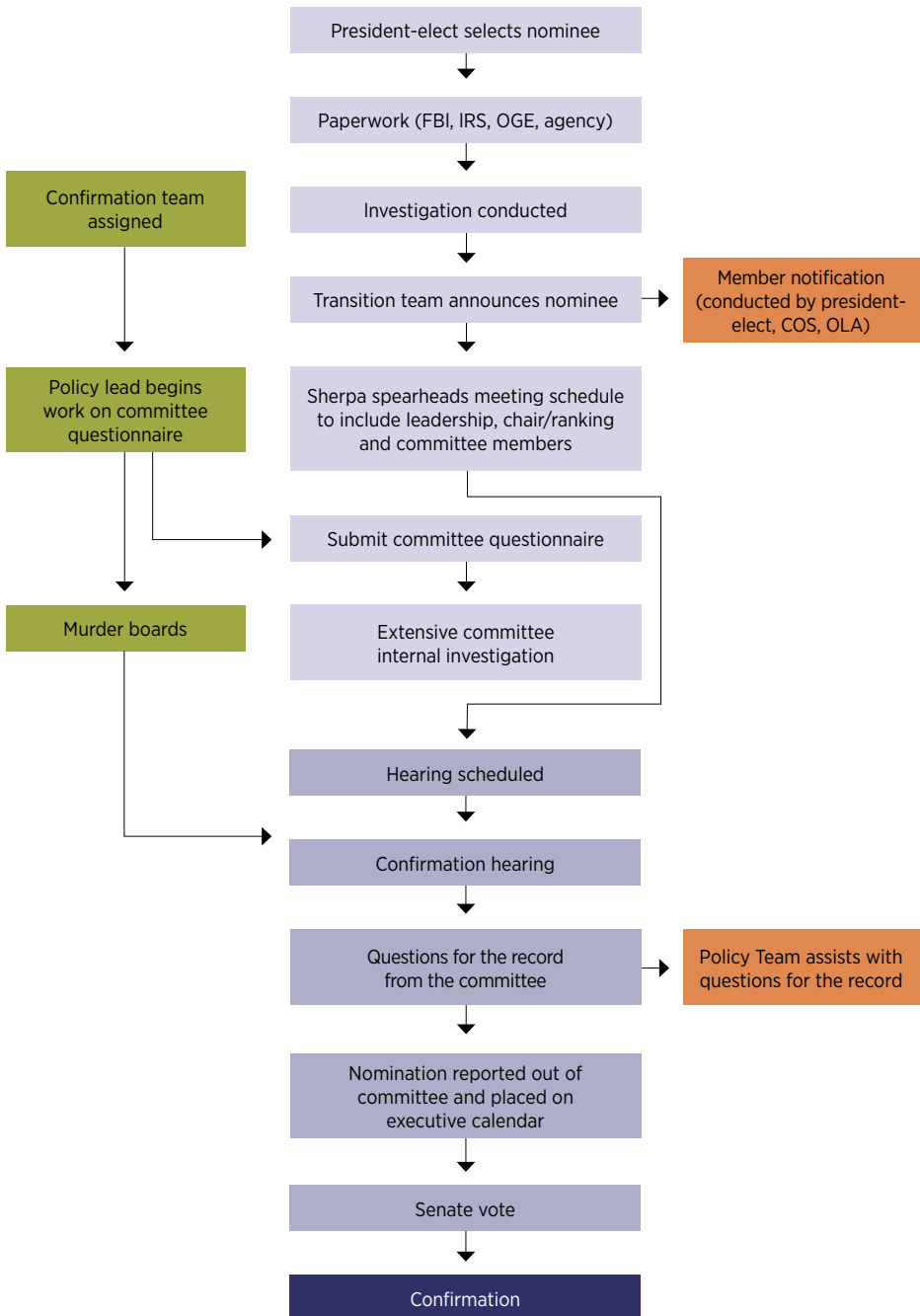
The White House chief of staff-designate will normally oversee the White House transition for the president-elect and have primary responsibility for hiring key staff members, many of whom may come from the campaign and presidential transition team. The selection of these individuals and the commencement of their background investigations should come early in the post-election transition so that the majority of White House staff members can be cleared and in place by Inauguration Day. Completing the investigation process as early as possible can avoid embarrassment for the White House, as happened in February 2017 when it was publicly disclosed that several White House staffers were dismissed after failing their FBI background checks. Additionally, White House staff are required to fill out the OGE form 278e Public Financial Disclosure Report, which is subject to review by the White House counsel and the OGE.

### **Guide nominees through the Senate confirmation process**

Positions that require Senate confirmation are particularly important for a new administration. They are the most senior and usually the most visible appointments in government, and they come with enormous responsibility and increased public and congressional scrutiny. Cabinet-level appointments, in particular, should be discussed with the candidate before the election so the formal nomination process can get underway as soon as possible following Election Day.

Although the president-elect's personnel team vets potential appointees before they are nominated, the Senate conducts its own vetting and specific procedures vary by committee, as mentioned previously. Many nominees have

**Confirmation flow chart**



**Source:** Michael O. Leavitt, Christopher Liddell, Daniel Kroese, and Clark Campbell, “Romney Readiness Project 2012: Retrospective and Lessons Learned,” R2P, Inc., 2013, 118.

been held up in the Senate due to unexpected issues that arise during the Senate's review of a nominee's personal experience, policy views, finances, public statements, associations or other factors. For this reason, it is important to thoroughly prepare presidential nominees for their confirmation hearings. The legislative affairs team should offer training and mock Senate hearings. In most cases, nominees are assigned a member of the congressional affairs staff or a volunteer who advises and accompanies the nominee when meeting with senators to help build relationships on Capitol Hill, avoid pitfalls and prepare for their nomination hearing. The staff member must know Senate protocol regarding the confirmations process and the committee's specific culture and practices. They must ensure that the nominee is clear on expectations for the process and has accurately completed all necessary paperwork in a timely manner, and help the nominee prepare for the confirmation hearing.

The Trump transition team recruited more than a dozen volunteers to serve as staff for Cabinet-level nominees and organized two training sessions in late November 2016. All the participants had congressional experience and most had worked in a senior capacity in the Senate. The training included advice from former Cabinet secretaries, experienced staffers and those involved in ethics and messaging. The Trump administration took a more decentralized approach for lower-level nominees and delegated this responsibility to different staff within the agencies. Regardless of who takes on the responsibility later in the administration, this person must be clear on the expectations of their role and be prepared to juggle this critical job along with their day-to-day responsibilities.

For more information on action items and best practices for handling nominees and the Senate confirmation process, please refer to the Partnership's checklist in Appendix 3.5 on page 120.

## **ONBOARD NEW APPOINTEES**

Holding a leadership position in a government agency differs significantly from working in the private sector. Even if an appointee has had prior federal government experience, stepping into an appointed leadership role presents new challenges. It is critical to prepare appointees to operate effectively in the federal environment. The Partnership for Public Service offers a series of courses on a range of topics to prepare appointees for this unique experience, including the federal budget process; working with the White House, the Office of Management and Budget and other agencies; building strong political-career teams; ethics and optics; the intricacies of federal hiring; and working with Congress.

Many appointees bemoan the absence of onboarding in government and complain that it can take months to fully understand the new environment and their role. This often recited complaint highlights the importance of proper onboarding, which helps set the tone for an appointee's term. The Partnership has also developed a checklist of the important items for Cabinet secretaries and agency heads and their deputies to consider in the first two weeks that can be found at <http://bit.ly/secchecklist> and <http://bit.ly/depsecchecklist>.



## PREPARE CABINET ORIENTATION AND RETREAT

Molding the Cabinet into a cohesive team—educated on what it takes to succeed in government and what the new president and the public will expect from them—is critical but often overlooked in the crush of activity early in the administration. There is essential knowledge that the Cabinet and its senior leadership teams need to have on the first day in order to start quickly and effectively, avoid mistakes and accomplish their objectives. An orientation program should be initiated for these individuals on key issues they will confront once in office.

It is also important to give Cabinet members an opportunity to get to know each other and view themselves as a team united by the shared goal of advancing the administration's priorities. Few challenges confronting the federal government today are within the control of a single agency; they require a collaborative effort by leaders working together across government, starting with members of the Cabinet. There are several opportunities to advance a spirit of teamwork and collaboration.

The transition team should begin planning for a Cabinet-level offsite with the president well before Inauguration Day, and before the White House and the Cabinet become swept up in the daily tasks of governing. The offsite should take place as close as possible to the inauguration, provided a significant majority of Cabinet members have been identified and are well into the confirmation process. Areas of focus could include the values and vision that will guide the work of the administration, the decision-making process, breaking down silos and identifying communication channels to work across government, opportunities for transforming government and identifying and working with allies outside the federal government.

Although President Biden convened several Cabinet meetings early in his tenure, no Cabinet retreat was held during his first two years in office. President Trump waited until September 2017 for his first lengthy Cabinet get-together. He convened his Cabinet secretaries at Camp David in Maryland for what the White House called a team-building weekend designed to align officials on key agenda items, including tax legislation, North Korea and a regulatory overhaul. The president and his team also monitored Hurricane Irma, which was heading toward Florida that weekend.

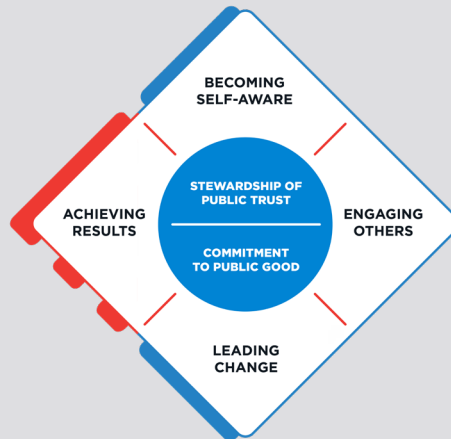
The Obama administration held its first Cabinet retreat from July 31 to August 1, 2009 to create a shared sense of purpose and to build relationships within the group. A highlight of this retreat was the opportunity for new secretaries to ask questions of the president. In the view of one senior Obama official, the offsite should have happened much sooner after the inauguration in order to have had maximum impact on the Cabinet as a team. During Bush's 2000 transition, nominees for Cabinet posts were brought to Washington and given offices in the transition's headquarters, a space dubbed "Secretaries Row."<sup>37</sup> This allowed the secretaries-designate to meet each other and build relationships.

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<sup>37</sup> Clay Johnson III, "The 2000-2001 Presidential Transition: Planning, Goals, and Reality," in "The White House World: Transitions, Organization, and Office Operations," eds. Martha Joynt Kumar and Terry Sullivan, Texas A&M University Press, 1984, 310.

## PREPARING ORIENTATION TOPICS FOR CABINET SECRETARIES

The president and members of their Cabinet must work together as a cohesive team with a shared vision, common values and clear priorities. Core values, such as stewardship of public trust and commitment to public good, must guide decision-making. The Partnership's Public Service Leadership Model offers a new standard for effective federal leadership and includes the critical competencies necessary to advance priorities (Figure). These values should influence how the president and members the Cabinet build their leadership teams and work together across agencies to address difficult, long-standing problems.



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Creating the culture of the president's Cabinet should begin early. Planning for a Cabinet-level offsite with the president should begin well before Inauguration Day, and the offsite itself should happen as close as possible to the inaugural, provided a significant majority of Cabinet members have been identified and/or are well into the confirmation process.

Ideally, the new president or president-elect should spend dedicated time with their Cabinet to cover a range of issues essential to effective governing and service as a Cabinet secretary.

### Values and Vision

- What are the values that will guide the work of this administration? How will each member of the Cabinet demonstrate those values? What is this administration's "brand"?
- What is the president's vision for the first 100 days, the first year and the first term, and how will the senior leadership team contribute to realizing that vision and engage others in doing so?
- What are the specific goals and milestones by which the president will measure progress in:
  - The economy and fiscal outlook?
  - Policy?
  - Personnel?
  - Management improvement?
  - Addressing government-wide challenges?
- In what key ways will the administration leave the federal government better than we found it?

### **Making Decisions in the Administration**

- What is the president's intention with respect to the frequency and purpose of White House staff meetings, Cabinet meetings and the role of each individual in those meetings?
- Which existing interagency bodies exist, or what new interagency bodies will be established, to enable collaboration across departments and agencies in addressing government-wide challenges? How and by whom will government-wide initiatives be prioritized?
- How will the departments work with the White House on policy, personnel and other management decisions?
- Where do Cabinet secretaries have autonomy?
- How and by whom will decisions and progress be shared with the American people?

### **Emergency Response**

- Line of succession
- Role of the White House Military Office
- Continuity of government plans
  - White House level
  - Department level
- Knowing when there is an emergency, and knowing one's role
- Understanding and navigating response across agencies and sectors
- Keys to a rapid and effective emergency response  
In addition, there is essential knowledge that Cabinet members and senior members of their leadership teams need to have on "day one" in order to get off to a good start, avoid mistakes and accomplish objectives. During these initial days, Cabinet members and their teams may rely heavily on the expertise of career officials, many of whom will be serving in an acting capacity as senior appointees are being confirmed. An orientation program should be initiated for members of the Cabinet and senior agency officials on the following key issues.

### **Understanding the Federal Environment**

- What makes the federal government unique or different from the private sector?
  - Mix of career and political staff
  - Partisanship
  - Budgeting complexity
  - Layers of oversight and accountability (including accountability to Congress)
- Difficulty of measuring outcomes/results
- Cross-cutting nature of challenges
- "Living in a Fishbowl"
- The mission and rewards—"best job I ever had"
- What are the hallmarks of a successful leader in the federal government?

### **Leading in the Federal Space: Being Smart and Avoiding Costly Mistakes**

- What are good habits and practices?
- Get to know your designated agency ethics officer
- Common ethics and legal violations and how to avoid them
  - Government funds (e.g., expense accounts, credit cards)
  - Personnel (may include hiring/firing dos and don'ts)
  - Travel
  - Procurement
  - Lobbyists
- Avoiding legal behavior that could nevertheless create the impression of impropriety or embarrass the president

### **Forming and Using Your Senior Leadership Team**

- Clarity of roles and governance
- Building trust and rapport with career leadership – many will be acting in critical continuity roles
- Choosing the right model
- Roles of a deputy secretary
- Roles of a chief of staff

### **Opportunities for Transforming Government**

- Build an agenda: What are the challenges facing government (both long-standing and emerging) that require a government-wide approach and sustained attention over time?
- GAO high risk list; prior presidents' management agendas
- What does it take to make real, systemic change and fix chronic problems?
- Choosing where to prioritize and invest in order to address these challenges

### **Managing the Political/Career Interface**

- Role of the career staff
- What signals does this administration want to send to career employees? To subordinate political appointees?
- Engaging career staff early and often
- Identifying and re-recruiting top career talent
- What are the key positions and are they filled with the right people?
- Who are the key people you need to know, and who you will need to be successful?
- Understanding union activity in your department

### **Federal Budget Process and the Role of OMB**

- Understanding the president's budget as a statement of policy
- OMB's role
- Concurrent budget processes
- Where and when Cabinet secretaries can have an impact
- Coordination and communication with White House and OMB—how it's done and what the process looks like

### **Working With Congress**

- Board of directors role; culture of House vs. Senate
- Legislative, oversight and appropriations responsibilities
- Keeping an agency out of trouble (e.g., doctrine of no surprises)
- Role of the Government Accountability Office
- Whom a Cabinet secretary needs to know, and whom they need as an ally

### **Working With the Media/New Media**

- Staying on message and reflecting the president's priorities
- Using the media to advance priorities
- Using the media to communicate with the American people
- New media—avoiding mistakes, creating and seizing opportunities

### **Identifying and Working With Allies Outside the Federal Government**

- Identifying organizations and individuals who can help advance the president's agenda
- Communicating with the American people and engaging the public in addressing challenges
- Engaging the nation's governors and local leaders
- Engaging with former government executives on lessons learned

# Presidential Appointments

## Action Items

### Pre-election:

- Build out the transition's personnel team and decide on decision-making structure and processes.
- Determine priority presidential appointments. Top priority positions should include White House chief of staff, top White House advisors, key management positions, and heads and deputy heads of major federal agencies with a role in national, homeland and economic security.
- Set goals and time targets for filling appointments:
  - Select immediately after election: White House chief of staff.
  - Select within one month of election: OMB director, top White House positions (national security advisor, White House counsel, director of presidential personnel, directors of National Economic and Domestic Policy councils press secretary, communications director).
  - By Thanksgiving: Select Cabinet secretaries; design system and standards for selecting and vetting top priority positions, and begin to conduct internal vetting of those nominees.
- Decide on a regular rhythm for meeting with the presidential candidate to make decisions on prospective nominees to ensure that the flow of appointments moves at an efficient pace.
- Submit names of prospective nominees and staff for security clearance as soon as possible after the party nomination convention to the OGE and receive training on their Integrity system to understand the financial disclosure process.
- Discuss appointments goals with Senate leadership.
- Begin to identify potential holdovers and instruct agency landing teams to look for holdovers.

### **Post-election:**

- Continue working with the FBI and the OGE to get nominees through the background investigation and financial disclosure process efficiently.
- Begin announcing nominees for top appointed positions.
- Guide nominees through the Senate confirmation process with the help of sherpas.
- Develop and implement a system for vetting second- and third-tier presidential appointments, which include sub-cabinet PAS appointees, non-Senate-confirmed presidential appointments (PA), Schedule C and noncareer SES positions.
- Prepare an orientation curriculum and retreat as close as possible to the inauguration for Cabinet secretaries in order to build cohesiveness and reinforce the values and vision of the administration.
- Plan the structure of the future PPO office and prepare to transition personnel operations from transition team into the White House.
- Work with outgoing administration to designate career acting officials.
- Determine and select day one Schedule C appointments.

### **Post-inauguration:**

- Transfer personnel operation into the White House.
- Onboard new political appointees.
- Host Cabinet orientation and retreat.
- Continue to pursue appointment goals for major milestones, including the 100-day, 200-day and one-year mark.

## APPENDIX 3.1

**Excerpt from Intelligence Reform and Terrorism Prevention Act of 2004**

Source: Public Law 108-458: Intelligence Reform and Terrorism Prevention Act of 2004

## SUBTITLE F—PRESIDENTIAL TRANSITION

**(a) Services Provided President-Elect**—Section 3 of the Presidential Transition Act of 1963 (3 U.S.C. 102 note) is amended—

(1) by adding after subsection (a)(8)(A)(iv) the following: “(v) Activities under this paragraph shall include the preparation of a detailed classified, compartmented summary by the relevant outgoing executive branch officials of specific operational threats to national security; major military or covert operations; and pending decisions on possible uses of military force. This summary shall be provided to the President-elect as soon as possible after the date of the general elections held to determine the electors of President and Vice President under section 1 or 2 of title 3, United States Code.”;

(2) by redesignating subsection (f) as subsection (g); and

(3) by adding after subsection (e) the following: “(f)(1) The President-elect should submit to the Federal Bureau of Investigation or other appropriate agency and then, upon taking effect and designation, to the agency designated by the President under section 115(b) of the National Intelligence Reform Act of 2004, the names of candidates for high level national security positions through the level of undersecretary of cabinet departments as soon as possible after the date of the general elections held to determine the electors of President and Vice President under section 1 or 2 of title 3, United States Code.

“(2) The responsible agency or agencies shall undertake and complete as expeditiously as possible the background investigations necessary to provide appropriate security clearances to the individuals who are candidates described under paragraph (1) before the date of the inauguration of the President-elect as President and the inauguration of the Vice-President-elect as Vice President.”

**(b) Sense of the Senate Regarding Expedited Consideration of National Security Nominees**—It is the sense of the Senate that—

(1) the President-elect should submit the nominations of candidates for high-level national security positions, through the level of undersecretary of cabinet departments, to the Senate by the date of the inauguration of the President-elect as President; and

(2) for all such national security nominees received by the date of inauguration, the Senate committees to which these nominations are referred should, to the fullest extent possible, complete their consideration of these nominations, and, if such nominations are reported by the committees, the full Senate should vote to confirm or reject these nominations, within 30 days of their submission.

**(c) Security Clearances for Transition Team Members**—

(1) Definition—In this section, the term “major party” shall have the meaning given under section 9002(6) of the Internal Revenue Code of 1986.

(2) In General—Each major party candidate for President may submit, before the date of the general election, requests for security clearances for prospective transition team members who will have a need for access to classified information to carry out their responsibilities as members of the President-elect’s transition team.

(3) Completion Date—Necessary background investigations and eligibility determinations to permit appropriate prospective transition team members to have access to classified information shall be completed, to the fullest extent practicable, by the day after the date of the general election.

**(d) Effective Date**—Notwithstanding section 351, this section and the amendments made by this section shall take effect on the date of enactment of this Act. appendix 3.2

## APPENDIX 3.2

### **Obama transition team memorandum on the Intelligence Reform Act of 2004's impact on presidential transition**

Source: Obama-Biden Transition Project documents

#### **Question presented**

How does the Intelligence Reform Act of 2004 affect Transition?

#### **Short Answer**

The Intelligence Reform Act of 2004 encourages rapid placement of national security personnel in both Transition and the new Administration and requires immediate transfer of information from current Executive Branch officials to the President-Elect.

#### **The Act:**

Allows each major party candidate, before the election, to request security clearances for prospective transition team members who would need access to classified information to carry out transition responsibilities; and requires the investigating agency to process the requests, to the fullest extent practicable, by the day after the election.

Encourages the President-Elect to request security clearances for high level national security candidates as soon as possible after the election; and requires the investigating agency to process the requests as soon as possible before the inauguration.

Encourages the President-Elect to submit high level national security nominees to the Senate before inauguration; and encourages the Senate to confirm or reject the nominees within 30 days.

Requires executive officials to prepare a detailed written summary of current national security issues and deliver it to the President-Elect as soon as possible after the election.

#### **Discussion**

Section 7601 of the Intelligence Reform Act of 2004 “addresses the 9/11 Commission’s recommendation to improve the transition between administrations.” Cong. Rec. S10008 (Sep. 30, 2004) (Sen. McCain). During the course of their investigation, Commissioners found that “the time of transition is a time of great vulnerability for our country” and that “[n]ational security policy making is too important to be disrupted by transition between administrations or delayed by an overburdened system.” Testimony of Commissioner Fred Fielding before the Senate Oversight of Government Management Subcommittee (Sep. 14, 2004). The Commission recommended several reforms so “transitions can work more effectively and allow new officials to assume their responsibilities as soon as possible.” The 9-11 Commission Report 422-23, quoted in Cong. Rec. S10008 (Sep. 30, 2004) (Sen. McCain). To implement these recommendations, Senators McCain and Lieberman introduced the text of section 7601 as an amendment; it passed on a voice vote. Cong. Rec. S10007 – 9 (Sep. 30, 2004).

The Act affects four aspects of Transition—

Security clearances for prospective transition team members;

Security clearances for candidates for national security positions in the Administration;

Senate consideration of candidates for high level national security positions.

Transmission of national security information from officials to the President-Elect;

See § 7601, Intelligence Reform Act of 2004, Pub. L. 108-458, 118 Stat. 3857 (Dec. 17, 2004).

#### **SECURITY CLEARANCES FOR TRANSITION TEAM MEMBERS**

The statute provides:

Each major party candidate for President may submit, before the date of the general election, requests for security clearances for prospective transition team members who will have a need for access to classified information to carry out their responsibilities as members of the President-elect’s transition team.

... Necessary background investigations and eligibility determinations to permit appropriate prospective



transition team members to have access to classified information shall be completed, to the fullest extent practicable, by the day after the date of the general election.

Section 7601(b) (codified at 50 U.S.C. § 435b note).

This provision was recommended by the 9-11 Commission. Report at 422.

The agency implementing this statute may require us to wait until Senator Obama accepts the Democratic nomination to submit requests under this provision. The term “major party candidate for President” could be read to only include persons who have been nominated by their party (who were previously candidates for the party nomination).

The statute does not define “prospective transition team members” or “who will have a need for access,” apparently leaving that determination to the candidate. This may allow us to submit requests for a range of personnel whose transition work at least partially intersects with national security.

#### SECURITY CLEARANCES FOR ADMINISTRATION CANDIDATES

The Act provides:

- (1) The President-elect should submit to the Federal Bureau of Investigation or other appropriate agency ... the names of candidates for high level national security positions through the level of undersecretary of cabinet departments as soon as possible after the date of the general election[] ...
- (2) The responsible agency or agencies shall undertake and complete as expeditiously as possible the background investigations necessary to provide appropriate security clearances to the individuals ... before the date of the inauguration....

Section 7601(a) (codified at 3 U.S.C. § 102 note).

This provision was recommended by the 9-11 Commission. Report at 422. Senator McCain advocated for this provision because having “Defense Department, as well as other national-security-related positions, literally vacant for months and months and months ... is really not an acceptable situation.” Cong. Rec. S10009 (Sep. 30, 2004).

#### SENATE CONFIRMATION OF ADMINISTRATION NOMINEES

The Act also contains a Sense of the Senate addressing the confirmation process:

- (1) [T]he President-elect should submit the nominations of candidates for high-level national security positions, through the level of undersecretary of cabinet departments, to the Senate by the ... inauguration ... and
- (2) for all such national security nominees received by the date of inauguration, the Senate committees to which these nominations are referred should, to the fullest extent possible, complete their consideration of these nominations, and, if such nominations are reported by the committees, the full Senate should vote to confirm or reject these nominations, within 30 days of their submission.

Section 7601(b).

Instead of this provision, the 9-11 Commission recommended that the Senate “adopt special rules requiring hearings and votes to confirm or reject national security nominees within 30 days of their submission.” Report at 422. While the Sense of the Senate statement in the Act is not binding, it may remind participants in the confirmation process of the risks associated with unnecessary delay. It could also be a powerful talking point.

#### TRANSMISSION OF INFORMATION

The Act provides that:

Activities ... shall include the preparation of a detailed classified, compartmented summary by the relevant outgoing executive branch officials of specific operational threats to national security; major military or covert operations; and pending decisions on possible uses of military force. This summary shall be provided to the President-elect as soon as possible after the date of the general election.

Section 7601(a) (codified at 3 U.S.C. § 102 note).

This provision was recommended by the 9-11 Commission, report at 422, after it found that “the [Clinton-Bush] transition process didn’t serve well in the briefing and handing over of important national security decisions from one administration to another.” Fielding Testimony (Sep. 14, 2004).

### **Conclusion**

The Intelligence Reform Act of 2004 encourages rapid placement of national security personnel in both Transition and the new Administration and requires immediate transfer of information from current Executive Branch officials to the President-Elect. The passages providing for early investigation of Transition and Administration personnel do not rigidly define who is eligible for this treatment. appendix 3.3

## APPENDIX 3.3

**Romney Readiness Project Wave I position list**

Source: Michael O. Leavitt, Christopher Liddell, Daniel Kroese and Clark Campbell, "Romney Readiness Project 2012: Retrospective and Lessons Learned," R2P, Inc., 2013, 102

**Wave I Prioritization: 69 positions + 23 White House Support Positions**

WAVE I-A (23)	WAVE I-B (23)	WAVE I-C (23)	WAVE I-D SUPPORT (23)
<b>Chief of Staff</b>	<b>Attorney General*</b>	Deputy Secretary of Defense*	Hill Confirmations Liaison
<b>OMB Director*</b>	<b>Secretary of Agriculture*</b>	Deputy Secretary of Homeland Security*	Chief of Staff to the Vice President
OMB Deputy Director (Budget)*	<b>Secretary of Commerce*</b>	Deputy Secretary of State*	Chief of Staff to the First Lady
Economic Advisor	<b>Secretary of Defense*</b>	Deputy Secretary of Treasury*	POTUS Personal Aide
Domestic Policy Advisor	<b>Secretary of Education*</b>	Deputy Secretary of HHS*	POTUS Personal Secretary
National Security Advisor	<b>Secretary of Energy*</b>	Deputy Attorney General*	COS Executive Assistant
Deputy National Security Advisor	<b>Secretary of HHS*</b>	FDA Administrator*	DAP for Legislative Affairs (House)
White House Counterterrorism Advisor	<b>Secretary of Homeland Security*</b>	Under Secretary for Domestic Finance (Treasury)*	DAP for Legislative Affairs (Senate)
Deputy Chief of Staff for Operations	<b>Secretary of HUD*</b>	Under Secretary for International Finance (Treasury)*	Deputy Counsel to the President
Deputy Chief of Staff for Policy	<b>Secretary of Interior*</b>	Under Secretary for Terrorism and Financial Intelligence (Treasury)*	Deputy Director of Communications for Production
Staff Secretary	<b>Secretary of Labor*</b>	Assistant Secretary for Tax Policy (Treasury)*	Director of Media Affairs
White House Counsel	<b>Secretary of State*</b>	Assistant Attorney General-Legal Counsel Office*	Deputy Press Secretary
Senior Advisor/Counselor for the President (0-2)	<b>Secretary of Transportation*</b>	Assistant Attorney General-National Security*	Deputy Press Secretary
Communications Director	<b>Secretary of Treasury*</b>	Council of Economic Advisors Chair	Deputy Director of Speechwriting
Legislative Affairs Director	<b>Secretary of Veterans Affairs*</b>	Solicitor General*	Director of Political Affairs
Strategic Initiatives and External Affairs Director	<b>EPA Administrator*</b>	CFTC Chair*	Director of Public Liaison
Press Secretary	<b>SBA Administrator*</b>	FTC Chair*	PPO Deputy Director
Chief Speechwriter	<b>United Nations Representative*</b>	SEC Chair*	Advance and Operations
Presidential Personnel Director	<b>U.S. Trade Representative*</b>	FDIC Chair*	Appointments and Scheduling
[Deputy COS for Policy and Cabinet Operations]	CIA Director*	FHFA Director*	Management and Administration
[Cabinet Liaison]	Director of National Intelligence*	Director, Bureau of Consumer Financial Protections*	Social Secretary
[Deregulation Coordinator]	FEMA Administrator*	National Credit Union Administration Chair*	Visitors Office Director
[Governor's Liaison/Director Office of Federalism]	CMS Administrator*	Financial Stability Council Independent Member*	WH Military Office Director

**Bold** = Cabinet-level appointment    \* = PAS    [ ] = Provisional position

APPENDIX 3.4

**Draft checklist for screening potential presidential appointees**

Source: Steptoe & Johnson and Allen & Overy

SECTION 1—TAX RETURNS AND TAX RETURN PREPARATION		
a.	Have you ever been audited for taxes?	<input type="checkbox"/> YES <input type="checkbox"/> NO
b.	Have you ever paid taxes late?	<input type="checkbox"/> YES <input type="checkbox"/> NO
c.	Have you ever paid any tax-related penalties?	<input type="checkbox"/> YES <input type="checkbox"/> NO
d.	Have you ever had a tax lien?	<input type="checkbox"/> YES <input type="checkbox"/> NO
e.	Do you have an accountant who prepares your tax returns?	<input type="checkbox"/> YES <input type="checkbox"/> NO
SECTION 2—SALARY AND BONUSES		
a.	Have you received bonuses in the last two years?	<input type="checkbox"/> YES <input type="checkbox"/> NO
When are bonuses normally paid?		
b.	Is it possible that will receive a bonus upon departure?	<input type="checkbox"/> YES <input type="checkbox"/> NO
c.	Do you receive K-1s?	<input type="checkbox"/> YES <input type="checkbox"/> NO
SECTION 3—EXECUTIVE COMPENSATION ARRANGEMENTS		
1.	Do you have any executive compensation arrangements?	<input type="checkbox"/> YES <input type="checkbox"/> NO
Complete the following if you responded “YES”		
a.	Do you hold any compensatory stock options, phantom stock, restricted stock or other equity compensation?	<input type="checkbox"/> YES <input type="checkbox"/> NO
If so, please describe:		
b.	Do you anticipate accelerated vesting upon departure?	<input type="checkbox"/> YES <input type="checkbox"/> NO
c.	Do you hold any carried interests or profits interests?	<input type="checkbox"/> YES <input type="checkbox"/> NO
If so, please describe:		
SECTION 4—HOUSEHOLD EMPLOYEES AND OTHER SERVICE PROVIDERS		
a.	Do you pay any individuals, whether as employees or otherwise as service providers, to work in our home or for you personally (nannies, housekeepers, tutors, gardeners, drivers, etc.)?	<input type="checkbox"/> YES <input type="checkbox"/> NO
b.	Have you ever employed or otherwise engaged as source providers any of the categories of individuals in paragraph (a)?	<input type="checkbox"/> YES <input type="checkbox"/> NO
If you responded “YES” to (a.) or (b.):		
Names of service providers:		
Types of services provided:		
c.	Have you verified that each employee or service provider is or was authorized to work in the U.S.?	<input type="checkbox"/> YES <input type="checkbox"/> NO
d.	Do you have any W-2s, Schedule Hs, 1099s, or I-9s for the employees or other service providers?	<input type="checkbox"/> YES <input type="checkbox"/> NO
SECTION 5—SPEECHES AND PUBLICATIONS		
a.	Have any of your speeches or publications ever generated public controversy?	<input type="checkbox"/> YES <input type="checkbox"/> NO
If so, please describe:		

b.	Have any of your public appearances been recorded (e.g., YouTube)?	<input type="checkbox"/> YES	<input type="checkbox"/> NO
If so, please describe:			
<b>SECTION 6—INVESTMENT INFORMATION</b>			
a.	Names of banks, etc. for all bank accounts (including checking, money market, savings) for yourself and spouse		
b.	Have you made any FBAR filings?	<input type="checkbox"/> YES	<input type="checkbox"/> NO
c.	Do you have any investment accounts other than bank accounts?	<input type="checkbox"/> YES	<input type="checkbox"/> NO
If so, please list names of financial institutions in which you have investment/brokerage accounts:			
d.	Do you own any investments other than mutual funds, stocks and securities?	<input type="checkbox"/> YES	<input type="checkbox"/> NO
	i. Private equity investments?	<input type="checkbox"/> YES	<input type="checkbox"/> NO
	ii. Hedge funds?	<input type="checkbox"/> YES	<input type="checkbox"/> NO
	iii. Real estate investments?	<input type="checkbox"/> YES	<input type="checkbox"/> NO
	iv. Derivatives or similar holdings (e.g., call options, short positions)?	<input type="checkbox"/> YES	<input type="checkbox"/> NO
	v. 529 Savings Plan?	<input type="checkbox"/> YES	<input type="checkbox"/> NO
	vi. UTMA accounts?	<input type="checkbox"/> YES	<input type="checkbox"/> NO
e.	Are you a grantor, settlor, beneficiary or trustee of any trust?	<input type="checkbox"/> YES	<input type="checkbox"/> NO
f.	Is your spouse or any child a beneficiary of a trust?	<input type="checkbox"/> YES	<input type="checkbox"/> NO
<b>SECTION 7—LIABILITIES</b>			
a.	Do you have any mortgages?	<input type="checkbox"/> YES	<input type="checkbox"/> NO
If so,			
Name of lender:			
Location of property:			
Location of property:			State:
b.	Have you co-signed a loan for anyone?	<input type="checkbox"/> YES	<input type="checkbox"/> NO
c.	Have you ever defaulted or been in arrears on a mortgage or any other debt?	<input type="checkbox"/> YES	<input type="checkbox"/> NO
d.	Do you have any other liabilities, other than mortgages or credit card debt?	<input type="checkbox"/> YES	<input type="checkbox"/> NO
<b>SECTION 8—LITIGATION</b>			
a.	Have you ever been involved in any litigation either directly or as an officer or director of a company?	<input type="checkbox"/> YES	<input type="checkbox"/> NO
If so, in what capacity (plaintiff, defendant, witness, expert, etc.)?			

## APPENDIX 3.5

### **Checklist for preparing presidential appointments with Senate confirmation (PAS) nominees**

Source: Partnership for Public Service

For nominees to a Presidential Appointment with Senate Confirmation (PAS) role, the grueling confirmation process can seem grueling. Fortunately, nominees will have Senate-savvy supporters to guide them to confirmation.

#### **The Confirmation Process**

*“... and he [the president] shall nominate, and by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law ...” (U.S. Const. art. II, § 2)*

The formal confirmation process begins with the president’s signed transmittal of a nomination—one paragraph listing the nominee’s name, home state and position to be filled—to the United States Senate. Once signed by the president, this document is hand-delivered by the White House clerk to the Senate executive clerk. While the nomination can be held by the full Senate, it is almost automatically referred to the appropriate committee of jurisdiction. The nomination stays in committee until the committee votes to refer the nomination back to the Senate. If a committee defeats a nomination, the parliamentary obstacles for the Senate to act on that nomination are so enormous that the full Senate has never voted to overturn a committee’s decision to defeat a nomination. Thus, every appropriate effort must be made to win committee approval of a nomination, or at least have a committee refer a nomination to the full Senate.

Once a committee has approved a confirmation, it is usually placed on the Senate Executive Calendar. This can be bypassed, however, if necessary, and the Senate can simply act on a nomination. The Senate must be in executive session to consider a nomination. Once the Senate approves a nomination, the secretary of the Senate signs a one-sentence statement to the president notifying them that the Senate has confirmed the nomination. This statement is hand-carried to the White House. A fact often overlooked is that the president (and often the secretary of state) must sign the appointment paper/commission before the nominee can take office.

The confirmation effort can be viewed as a mini campaign to ethically win a majority, if not most or all, of 100 votes in the Senate. Similar to election campaigns, confirmations involve knowing the issues that are on the minds of voters (who are, in this case, senators), working with the media, making good use of your time and resources and preparing yourself for the office you are about to hold.

#### **Organizing**

- Schedule an initial one-on-one meeting with the nominee. Ensure your nominee knows the following Golden Rules:
  - Confirmation is your highest priority. Do not presume confirmation. Use “If I am confirmed.”
  - While you do not need to be an expert, demonstrate during your confirmation hearing familiarity with and knowledge of the position and agency to which you are being nominated.
  - Respond quickly and accurately to appropriate Senate questions.
  - Make no commitments that bind the federal government. You do not have the authority. You can, however, make commitments of time and energy. (For example, you can say “if confirmed, I will look into that matter,” “I will be briefed,” “knowing of your interest, I will carefully study that issue” or “I will travel to your state.”)
  - Thank the president for the honor of being nominated.

- Until you are confirmed, you should not have access to internal documents or make decisions.
- Work closely with the team assigned to your confirmation.
- Recognize that committee chairs, ranking members and their staffs are vital to the confirmation process.
- To the extent possible, avoid discussing your nomination with the media. The appropriate time to answer questions is usually in a confirmation hearing.
- Share with the point person responsible for your confirmation contacts who may be helpful in a confirmation hearing, your fears, your worries and potential schedule conflicts (like “my son is getting married in three weeks so don’t let a hearing get scheduled before then”).
- Even when the going gets tough, have fun going through the confirmation process. Realize few Americans get the opportunity.
- Ensure that your nominee completes all disclosure forms (SF86, OGE-278/450, Senate committee questionnaire(s)) as quickly as possible. With few exceptions, Senate staff will not begin vetting nominees until the appropriate bodies (Office of Government Ethics, FBI) have adjudicated your nominee and completed committee questionnaire(s) have been received.
- Ensure that wealthy nominees with complicated investment portfolios engage private counsel, and that their counsel engages the agency’s Dedicated Agency Ethics Official (DAEO) and OGE.
- Instruct your nominee to suspend or scrub their social media accounts and if possible limit postings by family members.
- Within your nominee support team (media, legal, HR, administrative, etc.) establish a proper chain of command with clearly outlined roles for managing the confirmation process.
- Coordinate with your nominee, the nominee support team (especially the media specialist), White House Legislative Affairs or Office of Presidential Personnel, and anyone expected to serve on the nominee’s team if confirmed (such as chief of staff).
- Tap the relevant agency staff for prepping your nominee on their agency’s outstanding policy goals, pending regulations, ongoing litigation, pending legislative initiatives, etc., and secure a copy of the briefing materials prepared by the agency.
- Research the committee(s) of jurisdiction’s unique culture, rules and processes using the Center for Presidential Transition’s committee profiles and public sources, such as the committee’s website.
- Prepare a notebook for each nominee that contains:
  - President’s inaugural address
  - Transcript of the confirmation hearing for the head of the agency
  - Transcript of the confirmation hearing for the two previous nominees of the position they’ll hold
  - Description of their position
  - Roster of senators on the committee handling their confirmation
  - Summary of the confirmation process
  - Names and phone numbers of confirmation team
  - Issue summaries
- Sequencing Protocol for Senate Outreach
- While difficult to script Senate meetings in a specific sequence, strive to schedule in the following order\*:
  1. Your party’s leader
  2. Your party’s most senior member of the committee(s) of jurisdiction (if joint referral, engage simultaneously; if sequential referral, engage primary committee first)
  3. Your party’s rank-and-file members on the committee, in descending order of seniority
  4. The opposing party’s most senior member of the committee(s) of jurisdiction
  5. Your nominee’s home-state senators and governor to explore who will introduce the nominee at the hearing; may include the nominee’s House member as well

6. The opposing party's leader
7. The opposing party's rank-and-file members on the committee, in descending order of seniority
8. Your party's most senior House leader as a courtesy

\*For Armed Services and Select Intelligence committees, the order should be: chair; ranking member; rank-and-file committee members as available irrespective of party affiliation; both parties' leaders as available.

- If not engaged earlier, the nominee's home-state House member can receive a phone call pre-confirmation or a meeting post-confirmation as a courtesy.

### **Confirmation Hearing**

If your nominee falls under multiple committees with joint or sequential jurisdiction, contact relevant staff directors to gain clarity on the process as early as possible. Joint/sequential jurisdiction is malleable and can vary from Congress to Congress based on the chairs' desire to assert their jurisdiction or yield to another committee's jurisdiction.

For committees with joint jurisdiction, explore with staff directors the possibility of a combined hearing.

Ask if a pre-hearing staff-level interview will be required. If so, factor into scheduling and prepare your nominee for potentially rigorous questioning.

Hold at least two murder board sessions to repeatedly test the nominee's preparation and delivery, preceded by informal, low-pressure sessions to work through the best answers to challenging questions (some of which can be provided by your party's committee staff).

### **Floor Consideration**

Coordinate closely with White House Legislative Affairs, your party's Senate leader and, if anticipating a close vote, your party's whip and the vice president's legislative affairs team.

Request Senate allies, especially home-state senators including from opposing party if feasible, to deliver supportive floor speeches or at least submit statements for the record.

## **BEST PRACTICES**

### **General**

- Nominee support team leads must keep confidential information confidential, earn the trust of the nominee and realize that a team is needed to win confirmation.
- Senate confirmation should be tailored to the level of knowledge and experience of the nominee. A nominee who has been previously confirmed by the Senate three times does need "confirmation 101" that a person not familiar with the Senate may need.
- Paperwork mistakes can delay or even disqualify a nominee just as much as policy disagreements or a widely publicized gaffe. Be vigilant to catch them early.
- Work with your sherpa team to help the nominee promptly fix any issue that surfaces during the OGE vetting process (such as curing a tax issue).
- Bear in mind that you represent the president, not the nominee to which you are assigned, and that the nominee must defend the administration's positions.
- Though confirmation by unanimous consent or overwhelming majority vote can confer a potentially beneficial aura on an appointee, remember that your nominee does not need to please everyone. Under current Senate rules a nominee only requires simple majority support.
- Presumption of confirmation can imperil a nominee's chance of success. Underscore that the nominee, friends and family must telegraph humility, never overconfidence.
- Keep meticulous records of meeting requests, meetings, phone calls and the sequence in which they occur in order to document that you adhered to a thoughtful process and to protect against important outreach falling through the cracks.
- Until confirmed, your nominee must avoid entering any agency building in which they will work. Similarly, content that circulates within an agency building constitutes a public record subject to FOIA. To avoid correspondence becoming a government record, write it on a piece of paper



and dispose of it immediately after its use.

- Keeping your supportive senators on board is as important as trying to convert “no” votes to yes, sometimes even more so.
- It is your responsibility to keep the head of the agency informed about progress, or lack thereof, on winning confirmation.

### Meetings With Senators

- It is important to work with committee majority and minority staff.
- Monitor the congressional schedule carefully and plan around anticipated recesses when senators may be unavailable for meetings.
- Avoid a large entourage.
- Punctuality is vital: plan ahead for possible logistical challenges by adding buffer time between meetings.
- During intervals between meetings, find a waiting area away from media visibility.
- Only you should accompany the nominee into a senator meeting. If the media specialist senses a need to, they can wait where members of the press are most likely to appear, typically the hallway.
- Images matter as much as words. Remind your nominee to always be media-aware and smiling confidently, especially when entering and leaving meetings and hearings where media could be present.
- A photo with each senator after the meeting could be useful to your media specialist.
- In meetings and hearings, apply the 80/20 rule by allowing senators to dominate the vast majority of allotted time.
- In meetings and hearings, nominees must adhere to the president’s policy positions, rather than freelance or infer positions not explicitly established during or since the campaign.
- Try to avoid providing substantive commitments on a senator’s parochial issues.
- If a meeting surfaces a significant obstacle to confirmation, immediately call your point of contact in White House Legislative Affairs or Office of Presidential Personnel.
- Bear in mind that nothing is off the record, even if a senator or their staff says so.
- The best time to correct a mistake is immediately after it has been made.
- Focus on major points of agreement, then try to wrap up before disagreement arises.
- Your nominee should ask senators for a vote commitment, either generally or specifically in committee or on the floor depending on your handicapping of the process landscape.
- Reinforce any commitments by having prominent allies call the senator and assure them the nominee is worthy of support.
- Marshal grassroots advocates to likewise reach out to senators to gain or reinforce commitments of support. Grassroots organizations can submit letters of support to the committee(s) as well.

### Confirmation Hearing

- Where available, provide your nominees with transcripts and videos of past confirmation hearings for the same role, or at least recent hearings of the same committee, to get a feel for each member’s style.
- Arrange for the nominee to visit the hearing room in advance to get a feel for the layout.
- Family, friends and nominee support team should sit behind the nominee during testimony, but the nominee should not consult them for input during the hearing.
- A short opening statement is preferable to a lengthy one.
- Provide the nominee with a one-page sheet with key topics and reminders to speak slowly, maintain eye contact, etc.
- On any issues where your nominee might be vulnerable, it could be helpful if a member of your party raises the issue with a question before a hostile member can ask in a more pointed manner. Coordinate with committee staff if the order of questioning is uncertain.

- The nominee could address a contentious issue in their opening statement, then refer back to the statement and reiterate a consistent message in response to questions pertaining to those issues—unless in your judgment doing so would draw unnecessary attention to the issue.
- If the nominee does not know the answer to a question, it is acceptable to say, “Senator, you raise important issues. I would be happy to get back to you for the record, and I look forward to working with you.” Do this sparingly to avoid the appearance of unpreparedness.

### **Media Relations**

- Monitor the mood surrounding your nominee on social media.
- Never speak to the press, deferring always to the media specialist.
- Prepare for your nominee to be attacked, but distinguish between a viable effort to derail the nomination versus less legitimate threats (such as an interest group’s fundraising ploy).
- Fight viable attempts to derail your nominee with a coordinated campaign including high-profile surrogates armed with consistent talking points, not ad hoc comments that fail to suppress a rising tide of negativity.
- Employ rapid response against attacks, expanding the scope of conflict by moving the conversation from Beltway press to wider media circles.
- Aggressively leverage social media for rapid response to any attacks.

“A presidential candidate runs on ideas; the transition’s policy team figures out how to make them happen.”

**Ted Kaufman**  
**Former U.S. Senator (D-DE)**

CHAPTER 4

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# Policy Implementation

A core responsibility of the presidential transition policy team is to lay the groundwork for the successful implementation of the president-elect's priorities and campaign promises upon taking office. The policy team undertakes a number of important activities throughout the transition, each with its own specific timeline. Policies must be prioritized and built into a formal agenda and implementation plan for the new president's first 100 to 200 days and the first year of the administration. During the post-election phase, the policy team will handle special interests and outside stakeholders, review how the prior administration's executive orders and regulatory actions will be addressed, and prepare executive actions for the new president. The policy implementation team will also develop a budget to support the major policy initiatives and lay the groundwork for a management agenda.

The transition team will need to coordinate closely with the campaign staff who helped the candidate develop the policy priorities. In some circumstances, a campaign may elect to have the individuals working on policy continue with planning its implementation during the transition phase. Clear lines of responsibility will benefit both the transition and campaign staffs and contribute to early policy success for the new president.

The policy implementation planning team will also need to work closely with the agency review, appointments and congressional relations workstreams within the transition team. While agency review and appointments generally work only within one agency at a time, it is incumbent upon the policy team to take an enterprise-level view of implementation in order to meet the challenges of modern day governance.

### **Timeline and milestones**

The focus of the policy team will change significantly over the course of the transition. The policy team will need to develop strategies for the candidate's White House agenda well before the election and should coordinate closely with other teams, including the congressional affairs staff, to begin communicating policy priorities and establishing the foundation for action. Because of the uncertainty surrounding the election, strategy options should be developed and adapted to the likely outcomes of the congressional races and subsequent decisions regarding congressional committee assignments and leadership elections.

As soon as the team is established, members should start to understand the candidate's priorities by monitoring and cataloging policy speeches and statements. The candidate's policy positions and priorities will form the basis of the structure and organization of the policy team's work. They also will serve as a guide for planning both the post-election phase and the early days of the new administration.

In the lead-up to the election, a proven model is to form subgroups focused on particular policy areas. In 2000, for example, the George W. Bush team developed a calendar for the first 100 days of the administration detailing the schedule for various policy rollouts. While policy was generated by the campaign and maintained in the form of a policy "compendium," smaller groups were dedicated to individual issue areas and developed calendars and ideas for specific legislation. Education reform was a priority for then-Gov. Bush and his education team, including future Secretary of Education Margaret Spellings. The team developed a calendar to lay out a sequence for the public events, meetings, legislation and executive orders that would advance Bush's education policy agenda.

After the election, most policy subgroups will grow to incorporate additional subject-matter experts and members of the campaign staff. Some of the team members may be selected to serve on the White House staff or within the Cabinet and federal agencies after the inauguration. Regardless of how many team members continue to work in the administration, the transition policy team should present policy proposals in a consistent format, develop a budget that reflects those priorities and create a roadmap to help implement the new agenda. The policy team also should begin coordinating with the incoming White House counsel's team to draft the first executive orders and regulations to ensure they are ready for review, as necessary, by relevant Cabinet secretaries.

## Communication between the campaign and the transition policy teams

The value of the policy work will depend in large measure on effective coordination between the transition team and campaign staff. There are a variety of approaches to structuring the relationship between the campaign and the transition team on policy development to ensure a coordinated effort that makes the best use of everyone’s relative strengths and efforts.

In 2016, the director of policy implementation on the Trump transition, Ado Machida, talked regularly to Stephen Miller, the campaign’s senior policy advisor, to ensure that the campaign would dictate the policy agenda while the transition laid out plans for implementing those initiatives. The Hillary Clinton team went to great lengths to ensure that the campaign and transition were on the same wavelength when it came to policy. “If we hadn’t had an effort to integrate what the campaign was saying and what we were trying to accomplish on transition, then it would have been a transition for naught,” said Ken Salazar, the Clinton transition chair. There were also long-standing relationships between many of the campaign and transition leaders in policy roles. Ann O’Leary, one of the executive directors of the Clinton transition, had worked on policy with Clinton for years, and other key transition officials had strong ties to the candidate and the campaign hierarchy.

The Romney Readiness Project in 2012 ensured that all policy initiatives originated with the campaign and were based on the candidate’s public statements. The transition itself was charged with tracking the policy commitments in close coordination with the campaign headquarters and making the necessary preparations to implement them. Michael Leavitt, chairman of the Romney Readiness Project, took exceptional care to ensure that no “policy entrepreneurs” within the transition were focusing on their own policy agenda over that of Romney.<sup>39</sup>

## Relationship between the policy implementation team and the agency review, appointments and other teams

The policy implementation, agency review and appointments teams are integrally linked, and must coordinate closely and share information to be successful. Unlike the agency review and appointments teams, which consider each agency individually to explore the work being done and choose incoming leadership, the policy team must focus on developing the broad policy platform that will draw on multiple organizations across the entire government.

The policy team should communicate with the appointments team about the priorities of the new administration, as well as the key positions and the necessary competencies for appointees in those roles to effectively implement the agenda. The agency teams should outline the challenges and strategies needed for policy execution. In turn, the agency landing teams should also be prepared by the policy team with relevant budgetary or other questions needed to gather information needed for budget development.

During Barack Obama’s 2008 transition, the policy and agency review

39 Michael O. Leavitt, Christopher Liddell, Daniel Kroese and Clark Campbell, “Romney Readiness Project 2012: Retrospective & Lessons Learned,” R2P, Inc., 2013, 11.

teams operated separately, but some high-level experts served on both. This included policy advisors like Michèle Flournoy, who led the Department of Defense agency review team, but also participated in the national security policy working group. This facilitated coordination and information sharing between the two groups. Similarly, the Biden team grouped policy and agency review under two umbrella headings: Foreign Policy and National Security led by Avril Haines, and Domestic and Economic Policy, headed by Cecilia Muñoz.

The Romney transition in 2012 linked its department and agency review groups to the policy and strategy councils through four themed task forces that would ultimately synthesize the products of both teams into larger, overarching content to inform Romney’s 200-day plan.<sup>40</sup> By the end of the formal transition phase leading up to the inauguration, the intent was for the two teams to work closely to develop policy strategies tied to particular agencies and positions, leading to an increased interdependence and cooperation between the teams.

Following the 2016 election, Trump’s policy implementation and agency review (referred to as “agency action”) teams met to share information, coordinate their efforts and sequence activities for the White House and the agencies. Some of the discussions dealt with implementing new initiatives and others focused on stopping or reversing Obama administration regulations and policies. This information was included in agency and White House briefing books that were given to newly appointed agency leaders, some temporary beachhead team members and key White House officials. The Trump transition also created four joint task forces of agency action and policy team members to tackle key cross-cutting issues, which included “Buy America,” women and children, intellectual property and currency manipulation.<sup>41</sup> In addition to the Foreign Policy & National Security/ Domestic & Economic Policy grouping, the Biden transition emphasized an agenda shaped around the Build Back Better agenda, as well as around racial equity and climate action.

## **MAJOR ACTIVITIES IN POLICY PRIORITIZATION**

The policy team has a number of priorities, ranging from identifying and detailing major policy proposals articulated during the presidential campaign to drafting the first presidential budget and a management agenda.

### **Catalogue key campaign issues and promises**

One of the first tasks of the policy team in the early phase of the transition is to build a compendium of major campaign policies and promises. This will serve as a public relations document and help communicate the major positions and actions of the candidate. It also should serve as a governing document, directly influencing how the policy team focuses its efforts, deploys resources and personnel, and ensures accountability. Often referred to as the “promise book,” this document will help the transition team keep track of the smaller issues and positions expressed by the candidate and serve as a starting point

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40 Michael O. Leavitt, Christopher Liddell, Daniel Kroese and Clark Campbell, “Romney Readiness Project 2012: Retrospective & Lessons Learned,” R2P, Inc., 2013, 78

41 Vice President-elect Mike Pence, Transition Accomplishments Summary, January 19, 2017. Retrieved from <https://bit.ly/2vn8cUP>

for translating and incorporating these positions into actual policies (see Appendix 4.1 on page 147).

In 2012, the Romney policy teams placed less emphasis on compiling a promise book, instead using the key policy priorities distilled in “general instructions” provided by the candidate (see Appendix 4.2 on page 150). Each policy team was given a charter that laid out the expected timeline, objectives and deliverables (see Appendix 4.3 on page 154). In the early months of Bush’s 2000 transition, Gary Edson, the campaign’s deputy policy director, compiled the candidate’s campaign promises, and the transition policy team focused on planning and policy execution during the post-election phase.

### **Identify top policy priorities**

The policy team’s work is driven by the vision, promises and policies of the candidate, and the team should make sure that it is aligned with the candidate and campaign as it develops the agenda for the administration’s first 100 and 200 days. The policy priorities will determine everything from the internal structure of the policy team to the actual scheduling of the president-elect’s time during the post-election transition phase. This prioritization will also influence how resources and personnel are deployed within the policy team and which senior positions are prioritized for security clearances and appointment. The prioritization process needs the participation of the transition chair and top campaign advisors to ensure alignment with the candidate’s goals and public statements, and in recognition of the political, economic and security climates that help drive policy choices and their relative priority. For example, in early 2009, the financial crisis required immediate intervention by the new administration and forced President Obama to prioritize passage of economic stimulus legislation over health care reform and other domestic policy objectives.

### **Establish policy working groups**

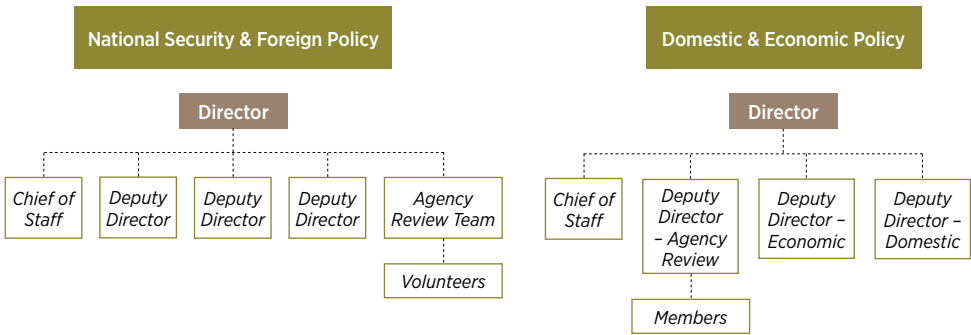
Most transitions organize policy teams into working groups focused on particular policy areas. The relative priority of different goals will determine the number and size of each policy working group and the level of resources de-

#### **TAKE A CROSS-AGENCY OR ENTERPRISE VIEW FOR POLICYMAKING**

The federal government historically has been structured with each department and agency having its own mission and responsibilities, but many of today’s critical challenges require the collective action of multiple agencies and, in many instances, the engagement of local, state and international partners in the public and private sectors. Our government must take a more coordinated, multiagency, whole-of-government approach—in other words, an enterprise approach—to the nation’s most difficult problems. Such coordination across agencies will result in more effective policy implementation and reduce fragmentation, overlap and duplication of effort. Transition policy teams can avoid operating in silos by identifying priority issues that will require cross-agency collaboration and designing plans that will bring agencies together to accomplish the new administration’s goals. Agency review teams also should identify opportunities for cross-agency cooperation, as well as the sticking points that have prevented collaboration in the past.

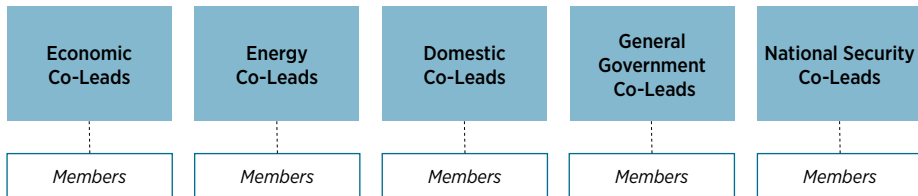


## Working group structure for Biden



Source: Boston Consulting Group analysis; Biden-Harris Transition Information for Historical Record

## Clinton-Kaine Transition Project policy working groups



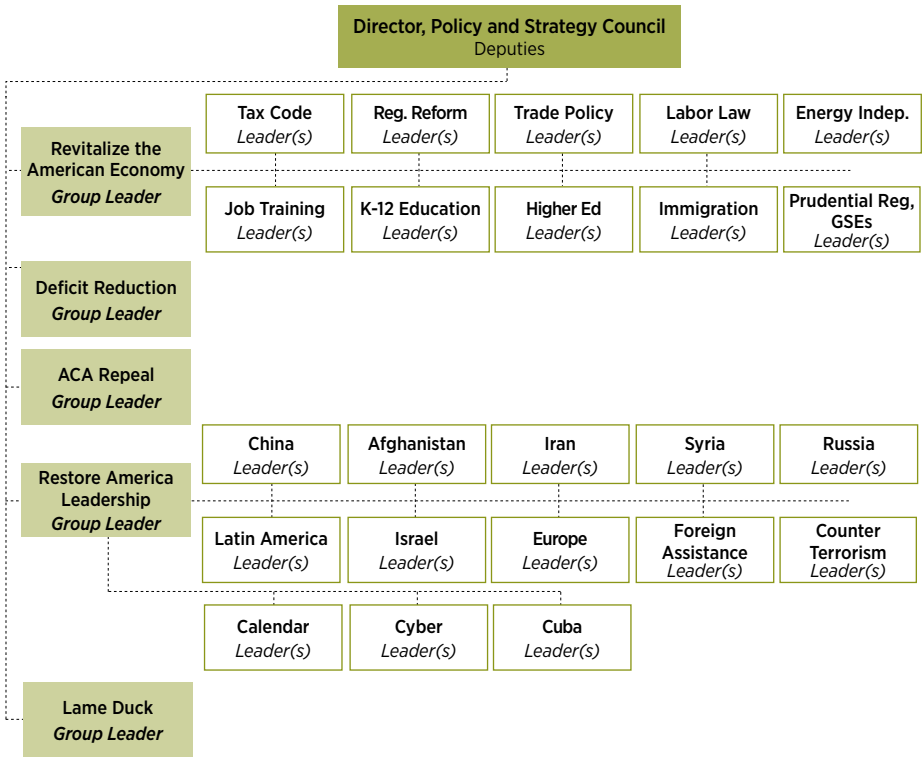
Source: Partnership for Public Service analysis

voted to each. These working groups should be separate from the agency review staff, but some overlap is expected and can help facilitate necessary coordination between teams.

In 2016, the Trump transition housed 14 policy working groups, some of which were created after the election. These groups began 200-day planning based on Romney’s 2012 model, with the specification that “day one” would not be the same day for every policy group. Otherwise, a transition official commented, the administration would be releasing 50 to 80 executive actions on one day. The Clinton team had five groups: national security, economics, domestic policy, energy and general government. Each was overseen by a transition co-chair and a senior policy advisor. The groups had two leads with the assumption that many would be tapped for senior leadership positions in the administration and may need to step away early in the transition period after their formal announcement.

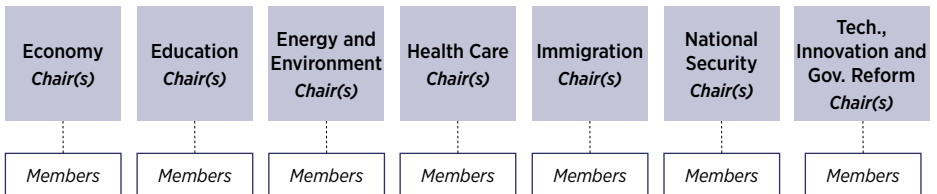
The Romney transition team created five policy working groups in 2012 that focused on the economy, health care, deficit reduction, foreign affairs and federal regulations. These working groups reported to a policy and strategy council led

### Working group structure for Romney



Source: Michael O. Leavitt, Christopher Liddell, Daniel Kroese and Clark Campbell, "Romney Readiness Project 2012: Retrospective & Lessons Learned," R2P, Inc., 2013, 56.

### Working group structure for Obama



Source: Boston Consulting Group analysis

by Tim Adams, a former Treasury Department official in the George W. Bush administration.

Obama's 2008 transition team had seven different policy working groups to focus on the top priorities of the administration. These included the economy, education, energy and the environment, health care, immigration, national security and technology, and government reform. Each working group included approximately 10 members, with a chairperson who went on to serve in the administration. The energy and environment working group, for example, was chaired by former Environmental Protection Agency administrator Carol Browner, who later served as director of the White House Office of Energy and Climate Change. The technology working group was headed by Julius Genachowski, who became the chairman of the Federal Communications Commission. Jeanne Lambrew, who led the health care working group, was selected by Secretary of Health and Human Services Kathleen Sebelius to lead the department's Office of Health Reform.

Each Obama working group produced a paper prior to Election Day that included a brief background discussion on the topic area; an outline of the candidate's strategic objectives for the first 180 days of the new administration; and a section detailing key decisions for the candidate to make. The paper included multiple options with pros and cons for each, during both the transition period and the first 100 days.

Structurally, George W. Bush's 2000 campaign policy team was divided into a number of core working groups focused on broad categories, including national security, economic policy and domestic policy. There also were working groups focused on the federal budget, executive orders and regulatory review. These teams essentially carried over into the transition phase.

## **Decide how to gather feedback from outside groups**

After the election, the transition can expect a surge in interest from policy communities. All transition teams face the challenge—and opportunity—of dealing with these special interests who have knowledge and a point of view, and seek to influence policy. Gathering their input in a way that makes them feel valued and included but does not distract from the transition team's work is important.

The Trump transition team created the Office of Nationwide Engagement to serve as the first point of contact from the business community, associations and other organizations. This team held 28 listening sessions between Dec. 1 and Jan. 13 to hear about top policy concerns.<sup>42</sup> Transition officials said the sessions in some instances validated their plans, and in other cases brought in new ideas for consideration. In addition, more than 220,000 Americans shared their ideas or comments on the transition website.<sup>43</sup> In 2008, the Obama transition welcomed public input via its website, used as a forum to solicit ideas and seek participation by interested parties.

In 2012, the Romney Readiness Project established a "Central Leadership Team" directly under the project's director of personnel, Jamie Burke. The team was made up of supporters, donors and lobbyists who wanted to share their ex-

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<sup>42</sup> Vice President-elect Mike Pence, Transition Accomplishments Summary, Jan. 19, 2017. Retrieved from <https://bit.ly/2vn8cUP>

<sup>43</sup> Ibid.

expertise and play a role. This approach allowed these individuals to have a voice while still being kept separate from the teams themselves. Transition chairman Mike Leavitt viewed the members of the central leadership team as deployable assets who could provide knowledge and expertise. The Romney team found that they did not have enough for this group to do and, in retrospect, would like to have engaged them later in the process when the work began to ramp up.

The Bush 2000 transition team took a different approach, forming advisory groups for each major policy area. Individuals with knowledge of the policy issues were welcome to participate in the groups, which were managed by an outreach team. Groups were able to offer input, but regular meetings and deliverables were discouraged and participants were prohibited from contacting members of the policy or agency review teams directly. This allowed the agency teams to operate freely, while providing an outlet for the many external policy experts, constituencies and well-wishers who wanted to help.

### **Create policy implementation plans**

Based on the candidate's policy promises, prioritization and feedback, policy working groups will develop implementation plans. The policy implementation plans, sometimes called 100- and 200-day plans, will lay out what actions need to take place, by whom and in what order, to enact policies. This can include drafting legislation or executive actions, working with the appointments team to ensure that critical management positions are filled, and directing agency leaders. The documents will feed directly into the president's budget, the management agenda, legislative strategy and agency plans. The plans should be developed in the pre-election period and then refined throughout the roughly 75-day transition period. In the days between the election and the inauguration, it is important for the policy groups to meet with individuals from every part of the transition, especially the agency and legislative teams. Some members of the policy working groups might go on to work in the White House, while others might end up in agencies working on the policies. Whatever the case, it is important to have a plan that ties together agency action, the management agenda, budget and executive decisions to ensure that policy goals can be achieved.

After the inauguration, the implementation plans should go to the White House and policy councils to ensure they are monitoring the progress of actions in agencies and using the plans to inform executive actions from the president.

### **Review outgoing administration's regulations and executive orders**

The policy team should consider pursuing regulatory actions and executive orders that will advance the new administration's agenda early in the president's term. It is also the responsibility of the policy team to review whatever regulatory actions are coming through the pipeline and to develop a plan to halt or reverse those contrary to the new administration's priorities. This not only includes regulations issued in the final days of the outgoing administration, but also any other pending rules or administrative changes that may be working their way through the system.

Federal law ordinarily mandates a 60-day delay for "major" rules before

they take effect, and a 30-day waiting period for “nonmajor” regulations that do not have major policy significance or that will have less than a \$100 million annual effect on the U.S. economy.<sup>44</sup> For this reason, some outgoing administrations have tried to publish new regulations by Nov. 21–60 days before the presidential inauguration on Jan. 20.<sup>45</sup>

In September 2016, the Trump transition team disclosed it was conducting a thorough review of pending Obama administration financial and economic regulations as well as those dealing with health care, energy, the environment and labor.<sup>46</sup> This effort by the transition team laid the groundwork for early actions taken by the administration to undo a number of Obama initiatives during the early days of the new administration. By July 2017, the Trump administration had withdrawn 469 proposed Obama regulations and delayed 391 others for further evaluation and consideration.<sup>47</sup>

Once in office, Trump and the Republican-led Congress used the 1996 Congressional Review Act to stop 14 newly issued Obama regulations dealing with the environment, labor, financial protections, education, abortion, gun rights and internet privacy.<sup>48</sup> This law provides Congress with the authority to overturn regulations imposed during the final six months of the previous administration through a joint resolution approved by a two-thirds vote in both the House and Senate and signed by the president. Once a rule is invalidated, the law prohibits agencies from issuing any rule that is essentially the same. Before 2017, the law had only been successfully used once. President George W. Bush used the law to kill a major Occupational Safety and Health Administration regulation related to workplace ergonomics standards that had been strongly opposed by the business community.<sup>49</sup>

In 2000 during the George W. Bush transition, a working group of the policy team responsible for executive orders and regulatory review tracked, analyzed and prepared to stop newly issued regulations and executive orders announced by the Bill Clinton administration—including the 22 executive orders published in the final two months of the administration.<sup>50</sup> Eight years later, on May 9, 2008, Bush chief of staff Josh Bolten sent a memorandum to agency leaders attempting to limit the issuance of “midnight regulations” by requiring all new rules to be proposed by June 1, 2008, and issued by Nov. 1, 2008.<sup>51</sup> However, there were exceptions made to this requirement and some regulations were published after Nov. 1.<sup>52</sup>

44 The White House, “Presidential Documents,” Executive Order 12866, Oct. 4, 1993. Retrieved from <https://bit.ly/38yVGPq>

45 Peter Overby, “Bush Hits Deadline for ‘Midnight Regulations,’” National Public Radio Morning Edition, Nov. 21, 2008. Retrieved from [n.pr/1SAV8NI](http://n.pr/1SAV8NI)

46 Tal Kopan, “Donald Trump’s transition team targets regulations, executive actions, Chris Christie tells K Street,” CNN, Sept. 9, 2016. Retrieved from <http://cnn.it/2ejJz2J>

47 Office of Information and Regulatory Affairs, “Current Unified Agenda of Regulatory and Deregulatory Actions.” Retrieved from <http://bit.ly/2vJI2G>

48 Jonathan Miller, “Congressional Review Act Gets a Workout,” Roll Call, May 15, 2017. Retrieved from <http://bit.ly/2pbQS17>

49 Congressional Research Service, “Agency Final Rules Submitted on or After June 13th, 2016, May Be Subject to Disapproval by the 115th Congress,” IN10437, December 2016. Retrieved from <https://fas.org/sgp/crs/misc/IN10437.pdf>

50 Martha Joynt Kumar, “Getting Ready for Day One: Taking Advantage of the Opportunities and Minimizing the Hazards of a Presidential Transition,” Public Administration Review 68(4), June 2008. DOI: 10.1111/j.1540-6210.2008.00902.x. Retrieved from <http://bit.ly/2hJzMIi>

51 Joshua Bolten, Issuance of Agency Regulations at the End of the Administration, May 9, 2008. Retrieved from <https://bit.ly/2PVium8>

52 Martha Joynt Kumar, “The 2008-2009 Presidential Transition Through the Voices of Its Participants,” Presidential Studies Quarterly 39(4), October 2009, 842. DOI: 10.1111/j.1741-5705.2009.03712.x. Retrieved from <https://bit.ly/39xD7g1>

## Draft executive actions

The policy team, in cooperation with legal counsel, should also begin drafting the first executive actions via executive orders and presidential memoranda for the new president to issue upon taking office. These should reflect the president-elect's top policy priorities, tee up the major initiatives of the administration's first months in office and help build momentum for the administration's agenda. They are also a quick way to enact change instead of working legislation through Congress. Executive orders drafted during the transition should be reviewed by the incoming White House counsel, and officials in the implementing agencies should be consulted to ensure that all parties understand what will be needed to carry them out. It was widely reported that Trump's White House bypassed the traditional interagency review process on its travel ban executive order issued on Jan. 27, 2017, a process that would have allowed the Department of Justice and homeland security agencies to provide important operational guidance and may have helped avoid a lengthy legal battle that ensued.

Trump issued seven executive orders and 10 presidential memoranda in his first 10 days, including those dealing with ethics standards, health care, a federal hiring freeze and a travel ban. Obama issued nine executive orders and nine presidential memoranda in his first 10 days on a range of issues, including ethics standards, labor regulations and Guantanamo Bay. At the 100-day mark, Biden had issued 99 executive actions while Trump had issued 60, Obama 45, Bush 16 and Clinton 25. See the graph on the next page for details.

It should be remembered that while early executive actions are a useful way to get an administration started, it is often executive actions issued later in a term that are more likely to stand the test of time. Political scientist Sharece Thrower found that executive actions passed in the later stages of a president's term are more likely to endure and are less likely to be revoked by future presidents than those passed in the early days.<sup>53</sup> While there are many contributing factors, the greater use of interagency policy review processes for these later executive orders likely contributed to their durability.

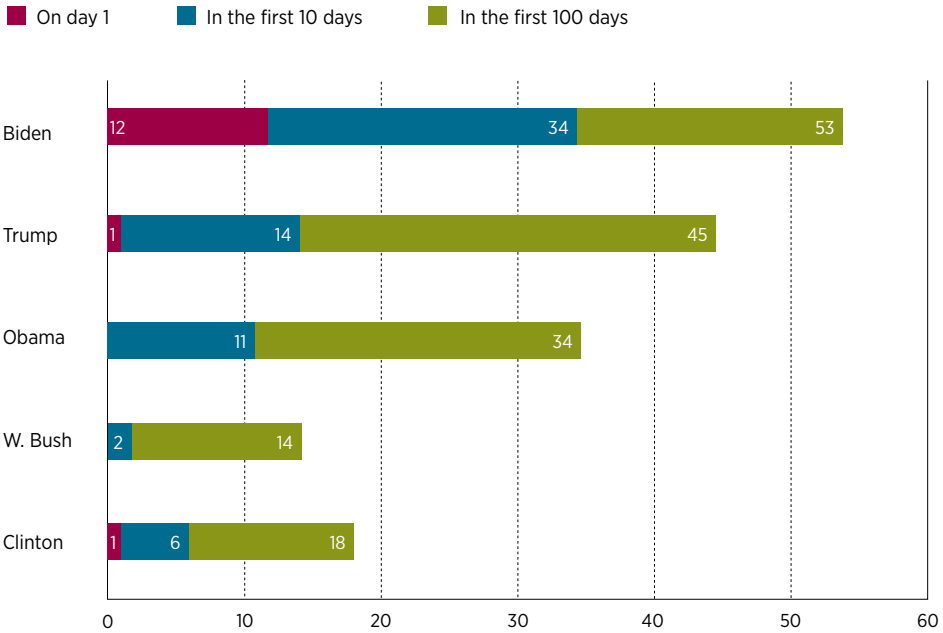
## Prepare to transfer policy implementation planning documents

As described in chapter one, preparing to transfer documents from a transition team into the administration can be a precarious task. As one Biden appointee quipped, policy memo transfer can be a matter of trying to catch your own throw. Policy implementation teams do well to plan early with the transition team's general counsel on what should be transferred and how. Similarly, members of transition teams who go into the administration should plan for a period of transferring communications where transition team and personal channels are no longer used and new government accounts are set up. These transfer windows are particularly important for appointees who arrive early in an administration's new term and work on cross-agency policy areas, often making it challenging to easily locate where other transition team members

<sup>53</sup> Sharece Thrower, "To Revoke or Not Revoke? The Political Determinants of Executive Order Longevity," *American Journal of Political Science* 61(3): 642-656. Available at: <https://doi.org/10.1111/ajps.12294>

have landed. Planning ahead will aid smooth communication in these crucial early days of an administration.

### Executive actions issued by recent presidents in the first 100 days



Source: Partnership for Public Service analysis

## BUDGET AND MANAGEMENT AGENDA

### Develop a presidential budget

A major task of the policy office is to begin outlining the first presidential budget, which is essentially the first comprehensive policy document released by the new administration. Due to the Omnibus Budget Reconciliation Act of 1990, the president’s budget for the fiscal year beginning Oct. 1 is required to be submitted not later than the first Monday in February, meaning that an outgoing president can leave it to the new chief executive to submit a budget.<sup>54</sup> However, the past four outgoing administrations submitted budgets to Congress, which included a baseline and historical data to set the stage for the next administration’s budget submission.<sup>55</sup>

<sup>54</sup> Omnibus Budget Reconciliation Act of 1990, Pub. L. No. 101-508, 104 Stat. 1388 (1990).

<sup>55</sup> Congressional Research Service, “Submission of the President’s Budget in Transition Years,” RS20752, May 2012, 5. Retrieved from <https://bit.ly/2IrvoUO>

The need for the incoming administration to develop an economic and budget blueprint in a short period of time requires a high-powered team with significant experience. For this reason, it is critical that the president-elect select budget and policy staff early to prepare the budget submission on or around the February deadline. The Office of Management and Budget career staff is well prepared and motivated to help the president-elect's team translate priorities into a new budget. This will be one of the new administration's first opportunities to work with the nonpartisan civil servants who serve with expertise and dedication across the federal government. The OMB staff will brief the transition team on a wide variety of budgetary issues, provide information about federal programs and operations and help the incoming administration turn its priorities into specific budgetary and policy proposals. While it is unlikely that all Cabinet and sub-cabinet officials will be confirmed by the time the first budget is submitted, having a budget team in place early will allow the administration to quickly move forward with the help of OMB's career staff.<sup>56</sup> Additionally, having sub-Cabinet appointees with major responsibilities for budget preparation in place by no later than the spring can help ensure that they are prepared to engage on preparing a president's new budget as it is being prepared. This budget team should make use of information collected by the agency review teams to expedite the process (see Appendix 5.3 on page 181).

The incoming administration may also need to weigh in on current year appropriations in the event that Congress and the sitting president have not completed all of the spending bills for the current fiscal year. It is not unusual for spending bills to be completed late. In fact, in the four decades since the current system for budgeting and spending tax dollars has been in effect, Congress has managed to pass all its required appropriations measures on time only four times: in fiscal 1977 (the first full fiscal year under the current system), 1989, 1995 and 1997.<sup>57</sup> This was the situation in 2016, when President-elect Trump urged Congress to push final resolution on the unfinished fiscal year 2016 spending bills into spring of 2017 to give him influence on spending priorities early in his term. As a result, most federal agencies operated at fiscal year 2016 levels until May, more than eight months into fiscal year 2017. The chart on the next page outlines key milestones in the fiscal 2020 budget cycle. The chart is intended to indicate when key events would ideally occur for planning purposes; it does not account for disruptions to the budget cycle.

The past several administrations have not met the February statutory budget submission deadline. In each of these cases, the new president has submitted a message to Congress "regarding the general contours of their economic and budgetary policies."<sup>58</sup> New presidents have also used their first State of the Union address to a joint session of Congress to give insight on their budget priorities and how those reflect promises made during the campaign.

56 Martha Joynt Kumar, "Getting Ready for Day One: Taking Advantage of the Opportunities and Minimizing the Hazards of a Presidential Transition," *Public Administration Review* 68(4), July/August 2008, 610. DOI: 10.1111/j.1540-6210.2008.00900.x. Retrieved from <https://bit.ly/3cCXF8N>

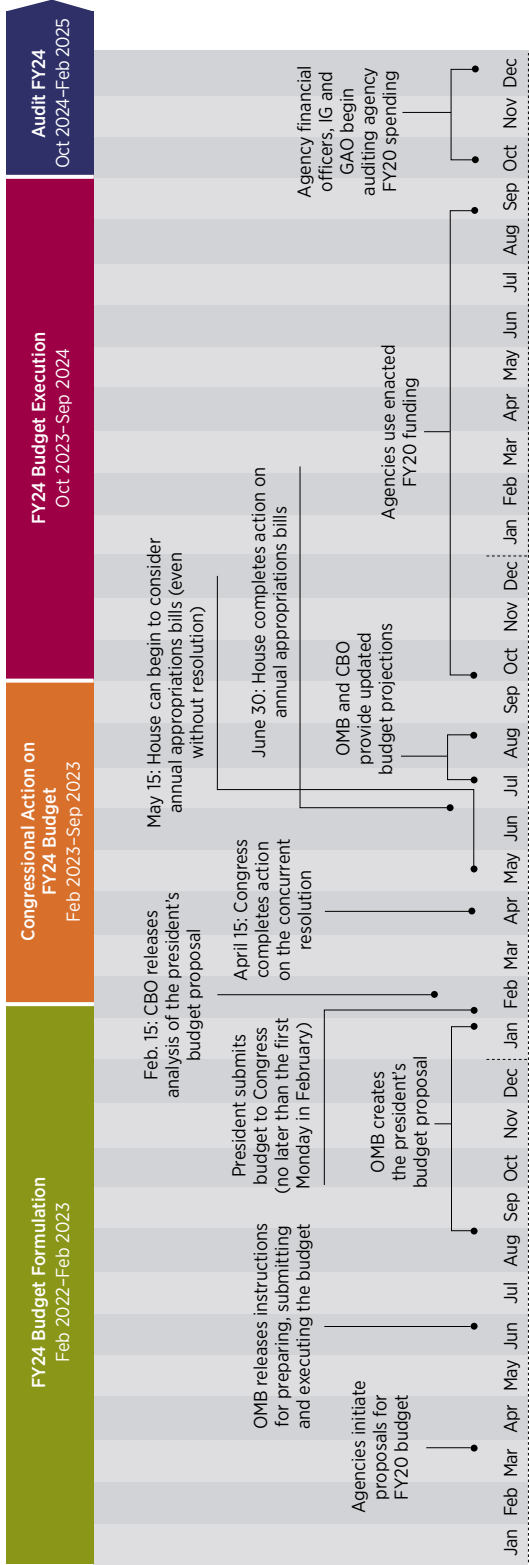
57 Pew Research Center, "Congress has long struggled to pass spending bills on time," Jan. 16, 2018. Retrieved from <https://pewrsr.ch/2VSu0Cz>

58 Congressional Research Service, "Submission of the President's Budget in Transition Years," RS20752, May 2012, 5. Retrieved from <https://bit.ly/2IrvoUO>



**Budget cycle from start to finish**

Timeline of the FY24 budget process



**Note:** The dates given for events represent when they ideally occur—the actual dates may vary  
**Source:** Peterson Foundation and the U.S. House of Representatives Committee on the Budget

President Biden submitted his first budget to Congress on May 28, 2021. President Trump outlined his priorities in an address to Congress on Feb. 28, 2017, and submitted his 2018 budget blueprint on March 13. Preliminary work on the budget was undertaken during the post-election transition by members of the policy and legislative affairs teams. Much of the budget work centered on incorporating big policy promises, including tax reform, infrastructure spending and construction of a wall along the border with Mexico. Hillary Clinton's transition team began laying out a budget framework in August 2016 that was grounded in the candidate's vision and campaign platform. The Clinton transition planned to wait until the nomination of the OMB director before having detailed discussions about the budget development.

During the Bush 2000 transition, the incoming team set up a policy body devoted specifically to the budget. John Cogan and future OMB director Mitch Daniels developed a “shadow” budget aligned with the size and resources of the various components of the transition team. Working from President Clinton's fiscal 2001 budget, which was submitted in February 2000, the Bush transition team then developed a revised budget that matched the established policy priorities, ensuring sufficient resources went to priority areas. Preparing a budget as soon as possible also serves as a source of important guidance to the policy teams and future Cabinet members. As part of this process, Daniels sat down with representatives from each OMB resource management office to get their views. He also made a point of engaging and being respectful of the career staff, listening to what they had to say before making final decisions.

### **Develop a management agenda**

While presidents champion policies and seek to shape the direction of the nation, many do not fully understand the management challenges of implementing policy priorities in the federal environment. Policy success depends on sound management, which requires the transition team to lay the groundwork for a management agenda and for the White House to engage with OMB early in the new administration and establish a management agenda.

Every presidential administration has experienced both management successes and unexpected management failures, some of which have created political firestorms, derailed policy initiatives or undermined public confidence in our government. For example, the inadequate emergency response to Hurricane Katrina, which devastated New Orleans and much of the Gulf Coast in 2005, led to increasingly negative public perceptions of President Bush's performance and government's overall competence. In the fall of 2013, the botched rollout of Healthcare.gov, the online portal for President Obama's signature domestic policy initiative, reinforced the perception that government and its leaders cannot get things right and slowed down the launch of the initiative.

To help the new administration succeed and lessen the risk of missteps, the transition team should consider a number of options when authoring a management agenda. This agenda should:

- Link management priorities such as IT, data and workforce modernization to the successful execution of policy objectives.

## HISTORY OF MANAGEMENT AGENDAS

The purpose of a management agenda is to improve how government operates and manages its people and resources.

Guided by the federal performance framework established by the Government Performance and Results Act Modernization Act of 2010, management priorities of the current and previous administrations have centered on financial management, human capital, acquisition, information technology, data, performance improvement, cost savings, customer service and government-wide approaches to solving problems. They have been underpinned by government reform and reorganization based on the following themes:

- How will the government be organized?
- Are the right processes and structures in place?
- Where should resources be devoted?
- Is the right information accessible to make the smartest choices?
- Are the American people getting the best value for their money?

The management agendas of Presidents Bill Clinton, George W. Bush, Barack Obama and Donald Trump demonstrate many of these core themes.

### PRESIDENT CLINTON (1993)

Clinton launched the National Performance Review, led by Vice President Al Gore, that established a task force of career civil servants. Supported by OMB, the task force sought to “create a government that works better and costs less,” largely through reducing staff, focusing on serving customers, cutting red tape and modernizing operations through technology.\*

### PRESIDENT BUSH (2001)

Bush’s management agenda included five initiatives to improve the management operations of federal agencies. The effort was led by OMB, which used a scorecard to track agency progress. One of the initiatives focused on integrating performance information with budget planning and execution, and led to the Program Assessment Rating Tool, which OMB used to assess the performance of more than 1,000 government programs. The overall initiative focused largely on operational improvements in areas such as information technology, financial management, the use of commercial best practices to modernize government services and plan for future skill needs.

### PRESIDENT OBAMA (2009)

The Obama administration focused on increasing transparency, citizen participation and collaboration across government agencies, as well as improving federal employee engagement. The White House encouraged increased use of technology to improve government services provided to the public and the systematic use of evidence in policymaking decisions.

### PRESIDENT TRUMP (2018)

In the early days of the administration, the president issued an executive order calling for agencies, in cooperation with OMB, to develop plans to reorganize the executive branch with the aim of reducing the size of government and creating greater efficiencies.

The president also outlined several management priorities in his March 2017 budget submission to Congress that laid the foundation for Trump’s management agenda, released in March 2018. It laid out a long-term reform vision to improve the ability of agencies to deliver mission outcomes, provide excellent customer service and effectively steward taxpayer dollars. Efforts to implement this vision focus on the intersection of three reform drivers: modernizing IT to meet the needs and expectations of citizens and keep sensitive data secure; data, accountability and transparency to deliver better outcomes and keep agencies accountable to taxpayers; and modernizing the workforce so that senior leaders and managers can better align staff skills to evolving mission needs.

## MANAGING AT THE CENTER OF GOVERNMENT

The Office of Management and Budget is the only executive branch agency with a government-wide perspective and responsibility regarding the federal budget and the administration's management and policy agendas—three issues critical to a successful presidency.

OMB is a small agency with only about 400 employees, most of them career staff with exceptional knowledge and expertise. Despite its size, it plays a giant role in the management of our government. OMB is responsible for the federal budget, ensures agencies are in alignment with the president's priorities and statutory direction, reviews proposed regulations, drives management reform and promotes the effectiveness and efficiency of government programs.

In addition, OMB promotes cross-agency collaboration to improve the government's capacity to tackle complex policy challenges. With support from GSA, it oversees multiple cross-government councils, such as the Chief Information Officers Council and the President's Management Council, and serves as an integral member of numerous other councils responsible for informing and integrating policy development and execution across government.

Presidential transition teams should be thinking carefully about how OMB can be used most effectively to achieve a new administration's goals. This includes:

- How it is organized and staffed, especially leadership roles.
- Its unique ability to drive government-wide approaches to solving problems.
- The relationship of the president's budget to the president's management agenda.
- Its capacity to drive innovation across government.
- How to use the career staff to help navigate the legislative framework and successfully implement policy.

During the pre-election phase, the transition should confer with outside experts and former OMB officials to understand how the organization operates and consider possible changes in structure, role or mission to enhance OMB's capacity to lead effective policy implementation and promote management improvement across government. During the post-election period, transition teams can work directly with the OMB staff, placing an emphasis on the new administration's budget proposal and on preparing to implement a robust management agenda across government that builds on what already works and strengthens our government's ability to serve the American people.

- Recognize management experience as a key requirement in selecting appointees.
- Strengthen the capacity of the federal government to achieve mission objectives.
- Promote interagency collaboration, especially through established forums such as the President's Management Council.
- Encourage innovation to improve outcomes and productivity, including new ways of doing business, greater use of technology and better customer service.
- Articulate a defined approach to decision-making within agencies and between agencies and the White House that covers routine decisions, new

initiatives and unanticipated events.

- Build on management successes and initiatives already underway.
- Reduce the risk of operational and policy implementation failures.

To design the management agenda, the transition should consider designating someone with extensive senior-level experience in federal agency or government-wide management. Management is at the nexus of policy, agency review and appointments, and it is important that the management agenda—and the associated team—be closely connected to the work of the transition policy team, the agency review teams and the appointments team.

The transition may choose to structure a management-focused team in different ways. The 2008 Obama transition organized a Technology, Innovation and Government Reform Policy Team, which was responsible for developing a comprehensive and multidimensional agenda that included management reforms. This team consisted of about 30 people and was tasked with thinking through cross-cutting management and related issues that affected multiple agencies. Several members of the TIGR team, who also had roles in other transition groups, have reflected upon how valuable it was to have the perspective afforded by working across multiple teams.

In 2012, Robert Shea, head of the Office of Personnel Management and Management Review Team for the Romney transition, was asked to lead development of a management agenda for a Romney administration. Shea had been an integral part of the OMB management team in the George W. Bush administration. His review team was housed within the budget group and organized into five areas: finance, information technology, procurement, performance and human capital, a structure that roughly tracked the primary challenges to government-wide performance and management identified by the Government Accountability Office in a series of reports in the late 1990s.<sup>59</sup>

However the management function is organized, the transition organization should be structured in a way that management is integrated and incorporated into the other key areas of the transition. Doing so will signal the importance of effective management to achieving the president's priorities and will help get the administration off to a strong start, while avoiding management pitfalls throughout the president's term. Likewise, when it comes to management initiatives, the transition team should repurpose and rebrand, but not start over. New administrations almost always assume that their management approach must be different from that of the previous administration and that the existing initiatives and structures cannot be adapted. But history shows that even when party control changes from one administration to the next, agencies have invariably made positive progress on existing management initiatives. For example, the IT modernization agenda of the Trump administration, spearheaded by the Office of American Innovation, which was established in 2017, built on accomplishments made in previous administrations.

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<sup>59</sup> Government Accountability Office, "Major Management Challenges and Program Risks: A Government-Wide Perspective," OCG-99-1, January 1999. Retrieved from <https://bit.ly/2vMIpFM>

## Get the management team in place

In order to implement a new administration's policy, it is critical to get top management officials in office early, but that has not always been easy to achieve. The policy team should work with the appointments staff to ensure that management positions are prioritized. These officials include OMB's leadership team, deputy secretaries and assistant secretaries for administration and management, although the titles vary by agency. Many of the positions will require Senate confirmation, so will require planning well in advance of the election.

The Senate confirmed Mick Mulvaney as President Trump's OMB director on Feb. 16, 2017, about a month before the administration announced its plan to undertake a major reorganization of federal departments and unveiled a 2018 budget proposal outlining a management framework. The Senate did not confirm Trump's nominees for OMB's deputy director or deputy director for management until February 2018. Across government, there were a number of high-level vacancies when Congress recessed in August, including eight deputy secretaries who are designated as the chief operating officers of their organizations. Attempting to formulate reorganization plans at every agency—a challenging task under the best of circumstances—was made more difficult because dozens of top politically appointed management jobs across the government were unfilled for many months into the administration and occupied by career officials serving in an acting capacity.

Transition teams need to place a strong emphasis on selecting nominees for key jobs early and getting them in place as quickly as possible to ensure management and policy success. In 2020, Biden's first nominee for OMB director, Neera Tanden, faced controversy in the Senate and was withdrawn in March 2021. Shalanda Young, confirmed as OMB deputy director, served as acting director for eight months before being nominated as OMB director in November 2021 and finally confirmed in March 2022. Eight years earlier, President Obama initially nominated Nancy Killefer as his OMB deputy director for management and as the first federal chief performance officer, but she withdrew her nomination in February 2009 over personal tax issues. It was more than two months before the president nominated Jeff Zients for the position, and he was not confirmed until mid-June, six months into Obama's presidency. This delay created difficulties for OMB career officials, who were left in charge of government management without political leadership. Political scientist Martha Kumar argues that continued turnover and extended vacancies in OMB's leadership were detrimental to government management throughout Obama's presidency.<sup>60</sup>

60 Martha Joynt Kumar, "Before the Oath: How George W. Bush and Barack Obama Managed a Transfer of Power," Johns Hopkins University Press, 2015, 154-155.

# Policy Implementation

# Action Items

## Pre-election

- Align with candidate and campaign to identify top policy priorities.
- Catalog campaign policy promises into a “promise book” to outline proposed administration policies and serve as the basis for designing a policy implementation strategy for the administration’s first 100 to 200 days in office.
- Establish policy working groups in order to develop actionable strategies for implementing the candidate’s policy agenda.
- Develop a briefing for the president-elect immediately following the election about legislative strategy, policy and fiscal issues.
- Develop a management agenda to modernize government operations, promote agency collaboration and address operational challenges in order to drive policy.

## Post-election

- Equip agency landing teams with questions to gather information needed for budget development.
- Finalize 100- or 200-day implementation plans for key policy priorities.
- Review the outgoing administration’s regulatory actions in the pipeline and all executive actions, and develop a plan to halt or reverse anything contrary to the new administration’s priorities.
- In cooperation with legal counsel, begin drafting the first executive orders and directives for the new president to issue upon taking office.
- Refine the cross-cutting management agenda.
- Work with OMB career staff to develop a presidential budget aligned with the president-elect’s policy priorities.

### **Post-inauguration**

- Ensure the White House and its policy councils are equipped to monitor the progress of 100- to 200-day implementation plans.
- Finalize preparations on the president's budget for release in February, including the administration's management agenda.



## APPENDIX 4.1

### Obama Guide for Promise Books

Source: Obama-Biden Transition Project documents

#### MEMORANDUM

To: Interested parties  
Re: Obama Promise Book Project  
Date: September 4, 2008

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Thank you for your willingness to help on the promise book project. This memorandum details the general approach we have been following to compile “promise books” for discrete policy areas. The purpose of a promise book is to catalog all of the pledges, promises, proposals, and other commitments that Sen. Obama has made in a particular policy area. They will be of crucial importance going forward, and we greatly appreciate your assistance.

#### Formatting

We have used Microsoft Word to prepare an outline-style document for each policy area. A sample is attached. The major features of the document that should be included are:

- *An “overview” section.* At a minimum, this section should describe all of the time-sensitive commitments made regarding your policy area. It should include: any appointments that Sen. Obama has pledged to make; any new positions, programs, offices, agencies, or other entities that he has promised to create; and anything that he has committed to do “immediately” or within the first 100 days of his administration.
- *Sections for each discrete sub-area.* You should use your discretion to organize the document in a way that makes sense to you and is readable. Some policy books may focus on narrow policy areas that do not need to be divided into sections. Most will be much larger, and it will make sense to break them into sections and sub-sections. So, for example, the health care promise book might include a section for Medicare, a separate section for proposals related to the uninsured, etc.
- *A comprehensive list of all the sources reviewed.* This list should include every document that you examined, even if you did not ultimately include anything from it in the promise book.

#### Sources

In searching for promises you should consult the following sources:

- “Fact Sheets” from the Obama campaign. These are generally short documents that summarize Sen. Obama’s proposals in a given area. A few of them are available by going to the relevant “issues” page at [www.barackobama.com](http://www.barackobama.com). But for the most part you will have to obtain them from us electronically. In some policy areas there will be numerous fact sheets that are very repetitive. It is still important to review every fact sheet to catch any new details added to a proposal.
- Responses to questionnaires prepared by the Obama campaign. The Obama campaign has responded to scores of questionnaires by newspapers, unions, and other groups over the course of the campaign. These responses usually repeat the policy proposals set out in the fact sheets, but often expand on those proposals and contain new promises and commitments. Be careful to review all of the questionnaires that are sent to you, even if it seems unlikely that the group that created the questionnaire would be interested in your policy area. Questionnaires are often broad-ranging. For example, the questionnaire created by AFSCME included questions on national security, campaign finance, education, health care, and immigration. Finally, if you come across multiple iterations of a response to a questionnaire, please use the most recent, final version.

- Speeches by Senator Obama. You should review all of the speeches that may touch on your area. The speeches are available at <http://www.barackobama.com/speeches/index.php> and <http://obama.senate.gov/speech/>.
- Press releases and statements by the campaign or senate office. You should review all of the press releases from the campaign that might touch upon your policy area. These are available at <http://www.barackobama.com/newsroom/press/> and <http://obama.senate.gov/press/>.
- Debate transcripts. The transcripts for most of the primary debates are available online. Links to the transcripts are available at [http://en.wikipedia.org/wiki/Democratic\\_Party\\_\(United\\_States\)\\_presidential\\_debates,\\_2008](http://en.wikipedia.org/wiki/Democratic_Party_(United_States)_presidential_debates,_2008).
- Legislation. You should include all bills and amendments from the 110th and 109th Congress that were introduced by Sen. Obama and are relevant to your policy area. You can find this information at <http://thomas.loc.gov>. You should include only those bills and amendments where Sen. Obama was listed as a sponsor, and omit bills and amendments where he was merely a co-sponsor. (There is one exception to this rule. If Sen. Obama has committed to “pass,” “enact,” or “sign into law” a piece of legislation in a fact sheet, questionnaire, or other document, you should include that legislation even if Sen. Obama was not the lead sponsor.)
- News reports, interviews, etc. If you have access to Lexis-Nexis or Westlaw, please do a search of major newspapers to try and find promises or statements related to your policy area that were not included in the above documents. If you are aware of any other sources containing relevant promises, please include them as well.

### What to Include

#### *What qualifies as a promise?*

Use your best judgment in determining what qualifies as a promise, but err on the side of inclusion. Words like “will,” “would,” “create,” “ensure,” “increase,” “eliminate,” are good signals of specific policy commitments. We have also been including statements such as “all children should have access to health care” and “corporations should not be rewarded for shipping jobs overseas.” Finally, many of the campaign materials include statements at a high level of generality, such as “I will make sure that a college education is affordable and within the reach of every American.” These should generally be included as well, even if there are more specific commitments underlying the general promise.

#### *What if a promise seems to overlap with a different policy area?*

There is necessarily a great deal of overlap between different policy areas, and we expect that some promises and proposals will be relevant to several different promise books. Please include all promises that are relevant to your policy area in any way, even if you think they would also fit into another policy area.

#### *Citations*

In order for the promise books to be useful going forward, it is important that you include a citation for every single promise that you list. It is only necessary to cite one source for each promise; there is no need to cite multiple sources if the promise was repeated several times over the course of the campaign. Citations should go in endnotes at the end of the document. If, however, Obama has made inconsistent statements or changed his position, this should be noted in a footnote at the bottom of the page.

We have generally used the following citation format:

#### *Fact Sheet:*

OFA, Fact Sheet: Barack Obama’s Plan to Empower Americans with Disabilities (12/11/07), at 3.

#### *Website Content:*

OFA, Website Content, <http://www.barackobama.com/issues/education/> (visited 9/2/08).

#### *Response to Questionnaire:*

OFA, Response to TakeCareNet Candidate Survey (12/14/07), at 3.

#### *Speech:*

Sen. Barack Obama, Remarks: Cutting Costs and Covering America (5/29/07), at 3.

*Press Release:*

OFA, Press Release, Statement of Senator Barack Obama on the Anniversary of Title IX (6/23/08), at 1.

*Debate:*

6/3/07 Manchester, New Hampshire Debate Transcript.

*Print Article:*

David Leonhardt, How Obama Reconciles Dueling Views on Economy, The New York Times, Aug. 24, 2008, at A1.

*Online Article:*

CNBC Interview, 3/27/08, <http://www.cnbc.com/id/23832520> (visited 9/1/08).

Wherever possible, please cite the page of the document where the promise appears and the date of the document. (Although dates are not generally included in the text of the campaign fact sheets and questionnaire responses, they often can be found in the computer file name.)

**Updating**

Please update your promise book as the campaign progresses, to include statements appearing in speeches, debates, press releases, and other materials that are released between now and election day.

**Questions**

If you have any questions, please contact [REDACTED].

## APPENDIX 4.2

**Romney Readiness Project: General Instructions—First 200 Days**

Source: Romney Readiness Project documents

The Readiness Project is tasked to plan the implementation of Governor Romney's campaign commitments and priorities. The following are general instructions for department or agency review teams, task forces and work groups as they plan implementation of the commitments Governor Romney has made during his campaign. Recommendations should contemplate the initiation of action during the first 200 days of the administration.

**REVITALIZE THE AMERICAN ECONOMY****Reform and simplify the federal tax code to encourage economic growth and job creation.**

Insofar as tax reform will require legislative action, recommend measures that could form part of a legislative strategy to accomplish reform that:

- a. Is revenue neutral;
- b. Maintains the progressivity of the current tax code;
- c. Reduces current personal income rates by 20 percent across the board;
- d. Eliminates the taxation of dividends for those earning less than \$200,000;
- e. Reduces the corporate rate to 25 percent with revenue neutral base-broadening; and
- f. Transitions to a territorial tax system.

**Facilitate regulatory reform and ensure that economic growth remains a priority throughout department or agency rule-making processes.** Specifically:

- a. Identify growth-inhibiting Obama-era regulations and path to repeal;
- b. Establish process for regulatory budgeting to establish zero-dollar cap on new costs; and
- c. Draft environmental reforms to ensure laws accurately account for costs.

**Open markets for American goods and services while confronting nations that do not play by the rules.** Specifically:

- a. Renew Trade Promotion Authority;
- b. Develop strategy for rapid completion of Trans-Pacific Partnership negotiations;
- c. Identify additional opportunities for FTA negotiations;
- d. Determine pathway for designating China a currency manipulator and increasing pressure;
- e. Develop options to apply pressure on trading partners like China who restrict market access or apply unfair subsidies;
- f. Build stronger economic ties in Latin America; and
- g. Create a Reagan Economic Zone to strengthen free enterprise around the world.

**Encourage hiring by reversing Obama actions and reforming labor law.** Specifically:

- a. Draft executive order to eliminate the use of project labor agreements in federal contracting;
- b. Prepare for replacement of recess-appointed NLRB members; and
- c. Determine best statutory or regulatory approach to implementing broader labor reforms.

**Promote energy independence.** Specifically:

- a. Increase access to domestic energy resources;
- b. Streamline permitting for exploration and development;
- c. Eliminate regulations destroying the coal industry; and
- d. Approve the Keystone XL pipeline.

**Empower American workers to compete in the current and future global economy by consolidating overlapping federal job training programs into an accessible and accountable resource.** Specifically:

- a. Determine which existing federal programs should be retained as independent programs; and
- b. Design process for consolidating other funding and block granting to states.

**Ensure that young Americans have opportunities to acquire a high quality K-12 education by encouraging education innovation and emphasizing skill attainment.** Specifically:

- a. Prepare for implementation of WMR's proposed Title I reforms;
- b. Review federal teacher quality programs and determine how to return them to states; and
- c. Identify opportunities to increase support for charter schools and digital learning.

**Improve higher education by expanding access to a greater diversity of options that will give students an opportunity to succeed in their careers.** Specifically:

- a. Develop options for reversing nationalization of the student loan market;
- b. Identify regulatory barriers to competition and choice in higher education;
- c. Encourage development and expansion of innovative delivery models that reduce the cost of quality higher education; and
- d. Review all federal funding for tuition and identify opportunities to preserve support for students while preventing unnecessary inflation in the cost of education.

**Attract and retain the best and the brightest.** Specifically:

- a. Review H1-B and other high-skill visa programs and determine best way to raise caps and meet demand;
- b. Design program to give green card to graduates with advanced degrees; and
- c. Identify opportunities to streamline the visa and legal immigration processes, with a focus on speeding the process for immediate family members of U.S. citizens and permanent residents.

**Develop options for winding down Fannie Mae and Freddie Mac.**

## REDUCE THE DEFICIT

**Place government spending on a more sustainable trajectory.** Specifically:

- a. Write a rescissions bill to effect an immediate five percent reduction in non-security discretionary spending;
- b. Develop policy directive/executive order to establish attrition policy to reduce agency workforces by 10 percent;
- c. Determine legal options for presidential action to reduce/eliminate any COLA ordered for 2013;
- d. Conduct study to determine nature of excess compensation disaggregated by job profile, education levels, etc.; and
- e. Present budget to Congress that achieves fiscal goals (e.g. 20% of GDP by 2016).

## REPEAL AND REPLACE THE AFFORDABLE CARE ACT

**Minimize the negative impact of the Patient Protection and Affordable Care Act and prepare to implement real health care reform.** Specifically:

- a. Identify all opportunities to prevent implementation of the law or waive its requirements;
- b. Determine if and how reconciliation should be used for full repeal;
- c. Prepare proposals for implementation of WMR's health care policies via legislation and agency rule-making; and
- d. Establish process for block granting Medicaid to the states.

**Enhance Medicare's sustainability and value.** Specifically:

- a. Identify the key program design challenges and regulatory decisions that must be addressed to implement WMR Medicare reform plan;
- b. Recommend options that will meet the sustainability goal while improving the value of care; and
- c. Identify functions that can be properly and more efficiently administered at the state or local level.

**RESTORE AMERICAN LEADERSHIP AROUND THE WORLD AND PRESERVE U.S. INTERESTS AND IDEALS****Develop calendar of international conferences and events to inform travel planning.****Begin restoration of the military, minimize the negative impact of sequestration on the defense budget, and prepare for reversal of Obama-era defense cuts to the FY2011 baseline spending level set by Secretary Gates in 2010.** Specifically:

- a. Identify regulatory and legislative strategies to reverse sequestration and/or mitigate effects of sequestration that would compromise development of needed weapons systems and vital sectors of the defense industrial base;
- b. Identify ways to increase naval shipbuilding from 9 per year to 15 per year;
- c. Identify other needed force structure improvements in other services besides the Navy;
- d. Identify ways to effectively add 100,000 active duty troops; and
- e. Evaluate multi-layered national missile defense program and identify how to effectively use increased funding for the program.

**Establish an interagency process responsible for coordinating military and foreign aid efforts in Afghanistan.** Specifically:

- a. Review troop rotation schedules to preserve President's flexibility to change course;
- b. Launch 30-day interagency review of Afghanistan war goals and strategies;
- c. Identify a strategy to achieve sustained support from the governments of Afghanistan and Pakistan to rid the border region of the Taliban and other insurgent groups;
- d. Coordinate the training of Afghan forces and transfer security responsibility to them; and
- e. Collaborate with Afghan forces to fight the narcotics trade that finances the insurgency.

**Increase pressure on the Iranian regime to engage in good faith negotiations with the international community.** Specifically:

- a. Identify methods to enhance the credibility of the military option, including but not limited to establishing the regular presence of carrier groups in the eastern Mediterranean and Persian Gulf region, increasing military assistance to Israel, and increasing military coordination with Arab partners;
- b. Identify process to plan for all contingencies related to either an Israeli-led or a U.S.-led military strike to degrade Iran's nuclear weapons program;
- c. Identify ways to enhance the enforcement and effectiveness of current and potential economic sanctions;
- d. Identify methods to increase support to responsible Iranian dissidents and increase internal pressure on the Iranian regime; and
- e. Identify parameters for an acceptable and results-oriented negotiation process.

**Develop a Syria strategy that increases pressure on Bashar al-Assad and provides greater assistance to responsible elements of the opposition.** Specifically:

- a. Identify ways to levy new multilateral sanctions and increase enforcement of existing sanctions to undermine support for Assad and encourage high-level defections;
- b. Identify opportunities to work with partners to facilitate the delivery of arms provided by partners to responsible elements of the opposition;

- c. Identify strategies to mitigate the risk that Syrian WMDs will fall into the hands of bad actors; and
- d. Establish a mechanism to coordinate with key international partners as we jointly prepare for a post-Assad Syria, stabilize the country, and influence the makeup of a new Syrian government that will sever ties with Iran, respect the territorial integrity of its neighbors, and represent the interests of all of Syria's minorities and religions.

**Map out sequence of initiatives to reevaluate the U.S. relationship with Russia.** Specifically:

- a. Establish review of implementation of the New START treaty and overall nuclear weapons reduction and missile defense cooperation with Russia to ensure that frameworks serve U.S. interests; and
- b. Establish coordinated diplomatic and legislative strategy to place greater pressure on Russia with regards to its obstructionism on Iran and Syria sanctions, its support to Assad in Syria, its growing relations with Venezuela, its suppression of the personal and political rights of the Russian people, and its aggressive actions in Georgia and assertive posture toward Eastern European and Central Asian states.

**Create a national strategy to counter militarized cyber-attacks, cyber-terrorism, cyber-espionage, and private sector intellectual property theft.** Specifically:

- a. Encourage collaboration between departments and agencies confronting similar threats and ensure participation of intelligence and defense agencies;
- b. Promote sharing of technical information to prevent similar attacks against different departments and agencies; and
- c. Create a mechanism for federal agencies and private firms to learn from and benefit one another.

## APPENDIX 4.3

**Romney Readiness Project Charter for the Restore American Leadership Task Force**

Source: Romney Readiness Project documents  
September 13, 2012

The purpose of the Restore American Leadership Task Force is to spearhead the process that will convert Governor Romney's commitments and policies on foreign policy issues into a 200 day plan of action. This charter document provides instructions and guidelines for its operation and describes the deliverables that members of the Task Force are expected to produce. Periodically, this charter may be amended in response to new circumstances.

**Background of the Romney Readiness Project**

The Romney Readiness Project (R2P) was created in May 2012 to prepare for the potential election of Mitt Romney as President of the United States. Its activities comport with the Presidential Transition Act of 2010 enacted by Congress for the purpose of assuring continuity of government.

**Structure and Responsibility of the Restore American Leadership Task Force**

Brian Hook is appointed Group Leader of the Restore American Leadership Task Force.

The primary responsibility of Restore American Leadership Task Force is to create, oversee, and coordinate work done by the following subject matter groups, informed by the agency review teams in each area. The subject matter group leader is also listed below.

1. China (leader tbd)
2. Afghanistan (leader tbd)
3. Iran (leader tbd)
4. Syria (leader tbd)
5. Russia (leader tbd)
6. Latin America (leader tbd)
7. Cybersecurity (leader tbd)
8. Calendar of key dates (leader tbd)
9. Europe (leader tbd)
10. Foreign Assistance (leader tbd)
11. Counter-terrorism (leader tbd)

In forming each subject matter task force team, the subject matter leaders will enlist appropriate review team members on an ad hoc or permanent basis. Subject matter leaders are encouraged to consult on an informal basis with Members of Congress and congressional staff, subject matter experts, and other stakeholders. They will also coordinate with the Policy and Strategy Council deputies.

Each subject matter group will be responsible for preparing and delivering a briefing document (generally about 10 pages long) that will serve as a "quick start guide" for implementing campaign commitments during the first 200 days. The document should, at a minimum, include the following components:

- Recap of campaign commitments and stated policy positions.
- List of the relevant government agencies that would be involved in the implementation and identification of inter-agency (NEC, DPC, NSC) and intra-agency policy process.
- List of the relevant congressional committees.
- Discussion of specific actions that need to be taken - including proposed legislation, Executive Orders, and administrative /regulatory proposals, Congressional Review Act.
- Identification of any additional policy details/questions that will need to be addressed.
- Timeline for specific actions, including a "Day One" agenda and list of priorities.



- Associated decision points and level of decision (Department/Agency, Inter-agency, POTUS decision).
- Review of the legislative and political landscape for the issue in lame duck, based on electoral scenarios.
- Identify any issues that should be discussed orally rather than included in the physical memoranda.

The Restore American Leadership Task Force reports to the Policy and Strategy Council, which is led by Tim Adams. The task force will coordinate with the Policy and Strategy Council deputies Laura Dove and Jeff Kupfer.

## **Operating Rules**

### *General planning horizon*

The primary task of R2P is to provide a plan under which the Romney administration can initiate activities in the first 200 days that can be in full effect within 2000 days.

### *Rules of Governance*

The Restoring American Leadership Task Force is chartered to recommend plans and strategies to Governor Romney. It will be governed by the Rules of Consensus and Elevation which articulate a collaborative process designed to ensure consideration of multiple points of view and arrive at high quality recommendations. A copy of the Rules of Consensus and Elevation is contained in the appendix of this charter.

### *Creation of additional sub working groups*

As needs arise, additional sub-working groups may be formed. While it is anticipated that most task force participants will be current Agency Review team members, all additional participants (if any) must be vetted according to normal processes.

### *Involvement of outside resources*

It is not intended that points of view reflected in task force reports be confined to those who serve as members. While membership in a review group is limited to those invited, it is expected that members will (within the confines of confidentiality) seek the views, input, and involvement of expert resources to enrich the task force's recommendations.

### *OPPM*

Progress will be tracked on a system referenced as an OPPM (One Page Project Manager). The Group Leader is responsible to assure that the OPPM accurately reflects progress.

## **Clearance, Confidentiality and Ethics**

As Restoring American Leadership Task Force Leader, Brian Hook is authorized to grant membership on any of the aforementioned task force teams subject to vetting by the R2P. Before joining the team, proposed members must sign confidentiality and ethics agreements. No exceptions will be made on this requirement.

Members of certain task force teams may require national security clearance so they can receive sensitive information during the Transition Phase. If necessary, such members should be prepared to comply with all pertinent background checks.

Governor Romney's policies and positions are determined through a process managed by the Policy Director of Romney for President. R2P and the Restoring American Leadership Task Force are responsible for planning mechanisms, time tables and processes to implement those policies and priorities. They do not originate or set policy priorities. While the Task Force may be tasked to provide recommendations for use in the campaign's policy process, no Task Force member is authorized to speak on behalf of Governor Romney. Work product generated by the Task Force constitutes a recommendation and not a policy of Governor Romney or the Romney for President Campaign.

### Deliverables

The Restoring American Leadership Task Force is commissioned to produce the following deliverables by the dates indicated.

ACCOUNTABILITY DATE	DESCRIPTION
September 10, 2012	Develop a task force charter and associated OPPM.
October 2, 2012	Conclude the recruitment, clearance, and orientation of the leaders of each subject matter task force subgroup, and provide each group with a charter and appendix of instructions.
October 20, 2012	Present draft content for 200 day plan in Restoring American Leadership task force subject areas.
November 3, 2012	Finalize content of 200 day plan.
November 7, 2012–January 20, 2013	Support the work of policy team in implementing the 200 day plan.

“Agency review captures critical information that a new team needs to know to begin working the minute it walks in the door and identifies opportunities to implement the new president’s priorities.”

**Lisa Brown**  
**Co-Chair, Agency Review**  
**Obama-Biden Transition Project**

CHAPTER 5

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# Agency Review

The agency review team is responsible for collecting information about the roles and responsibilities of each major department and agency of the federal government, and providing insights that will be useful to the new administration as it assumes power and pursues its policy agenda. The incoming White House leadership and Cabinet secretaries need a clear sense of the strengths, policy and management challenges, culture, internal operations and emerging issues in order to make informed decisions, particularly during the first 200 days of an administration. One former Cabinet secretary referred to some of the emerging issues as “asteroids”—unplanned, disruptive or even catastrophic developments that can derail an agency, an appointee or a policy agenda if leaders are not paying attention.

As part of this process, the agency review team, in coordination with the transition leadership, must select landing team members and prepare these individuals to go into agencies immediately after the election and work directly with agency transition directors and other career employees. Their job will be to gather firsthand information that can be incorporated into agency planning, help ensure an orderly transition of power and enable early momentum on priorities. They also should work closely with policy implementation teams.

## Timeline and Milestones

The agency review planning process should ideally begin with the selection of an agency review team leader in late spring of the election year. By July or August, the various agency team leads should be identified and working with a handful of staff to prepare to enter the agencies after the election. Throughout the fall, the agency review teams should begin developing standard operating procedures, creating templates, collecting information using publicly available resources and training landing teams to enter agencies. The formal agency review process will begin immediately after ascertainment of the election results when landing team members enter the agencies. Agency reviews should be completed well before the inauguration so that new agency leaders can be given briefings about their organizations.

In 2020, the delay in ascertainment had one of the biggest impacts on the agency review workstream, preventing the Biden team from getting access to the agencies for three weeks following the election. Agency transition directors cannot begin briefings for the landing teams, as part of their agency review work, until the General Service Administration administrator produces a letter that ascertains the winner of the election for purposes of starting the formal transition process. The agency review teams typically finish up their work midway through the transition period. The delay in ascertainment in 2020 placed agency review teams under an even shorter timeframe than usual to gather information relevant for the transition team.

At the agencies, career counterparts will begin planning in early spring of the election year in anticipation of either a transfer of power or a second-term administration. By law, the Office of Management and Budget and the General Services Administration will convene the Agency Transition Directors Council, and agencies will begin their planning for the transition.<sup>54</sup>

### AGENCY REVIEW AND LANDING TEAMS

The work of **agency review teams** and **landing teams** are discussed throughout this chapter. Each group has distinct but related functions, including in the production of the final agency review briefing materials prepared for transition leaders.

- **Agency review teams** begin their work pre-election and prepare drafts based on open source information. Agency review teams can grow upwards of several hundred members. In 2020 the Biden transition had more than 500 individuals serving on agency review teams. Agency review teams are responsible for final briefing materials for future White House and agency leaders, using in part the information gathered by landing teams.
- **Landing teams** are much smaller and begin their work after election results have been ascertained. They enter agencies to receive briefings about programs, policies and operations. They use prepared questions and materials from agency review teams and transition leaders to inform questions during the agency briefings, and then provide information back to agency review teams to be incorporated into briefing materials. For more information, see pp. 168.

<sup>54</sup> Edward “Ted” Kaufman and Michael Leavitt Presidential Transitions Improvements Act of 2015, Pub. L. No. 114-136 (2016).

Throughout the summer and fall, groups of career executives inside each agency will prepare briefing materials about their agencies and develop presentations to share with transition team members and new appointees.

### **Interaction between the agency review, policy and personnel teams**

Since the responsibility of the agency review team is to collect and present information rather than formulate policy implementation plans, most transitions have distinct the policy and agency review workstreams. Nevertheless, the work of the two teams overlaps and there should be close coordination, particularly in identifying “flashpoint issues” that will require the new administration’s immediate attention and successful policies already in place that should be continued.

The Biden transition took this close coordination one step further by having the policy and agency review teams clustered together under two umbrella headings: foreign policy and national security; and domestic and economic policy. In 2020, budget information was also compiled by the Biden agency review teams rather than the traditional route of working with career staff at the Office of Management and Budget.

The work of the agency review team also is related to, yet distinct from, the work of the presidential personnel team. Because the agency review team will have a clear line of sight into key staff positions, potential personnel issues or leadership gaps within each agency, it should work closely with the personnel team to identify potential candidates to lead each agency and identify other core positions that should be prioritized. The agency review team can help identify political appointees currently serving in government who should be asked to stay in their critical roles, either short term until a new appointee is found or permanently.

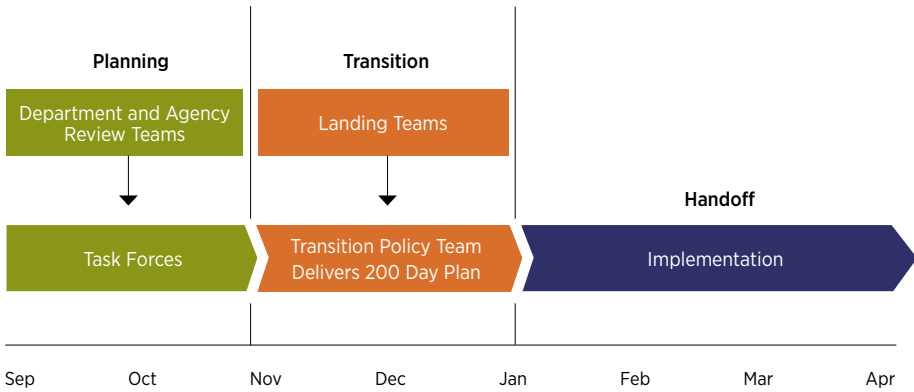
### **Critical aspects of the agency review process**

Based on the experiences of previous transition teams, there are a few notable aspects of the agency review process that future teams should keep in mind. First, the agency review process is typically an unstated way of onboarding incoming political appointees, and work on the review team for a specific agency is one way for potential appointees to build critical knowledge of key agency functions, practices and culture. Many review team staff are chosen to serve in the administration, although not necessarily in the same agency they review.

Second, agency review is an opportunity to identify what a new administration should know or change, but also what it should augment or continue. Agency review teams should make an effort to capture not just critical policy issues, deadlines and challenges, but also existing positive initiatives at the agency and potential cross-agency partnerships and identify quality people who are making an outsize impact.

Third, the landing team function of agency review is the new administration’s first opportunity to interact with agency career employees. Just as the agency review team will gather information about the agency, career staff may use the transition period as a chance to size up the new administration, espe-

**Romney Readiness Project agency review/policy integration flow chart**



Source: Michael O. Leavitt, Christopher Liddell, Daniel Kroese and Clark Campbell, "Romney Readiness Project 2012: Retrospective & Lessons Learned," R2P, Inc., 2013, 78.

cially after a contentious election. Transition team members who are sent into agencies after the election will be viewed as representatives of the new administration, and their conduct will influence perceptions of the administration's competence and disposition. Accordingly, the transition team should use the agency review process to begin developing a positive rapport with career staff inside the agencies.

**WHAT TO EXPECT FROM AGENCIES AND THE INCUMBENT ADMINISTRATION**

**What landing teams can expect from agencies**

Agency career staff will be in charge of assisting the landing teams. They are professional civil servants who welcome a new administration's representatives. The career staff will want to build a strong working relationship with the landing team and the new political leadership, and landing team members should find every opportunity to work collaboratively with the career agency transition officials.

Landing teams can set the relationship on solid footing by having open, honest conversations about how both sides will work together. At the first meeting with career staff, the landing team leaders should explain their goals during the transition period. Both sides should align on how they will exchange information, how often they will meet, the types of briefings they desire and any other subjects that will facilitate a smooth working relationship. Anchoring the engagement in shared understanding will boost the chances that agency review teams obtain what they need and that career staff look forward to serving the new team.

Under The Edward "Ted" Kaufman and Michael Leavitt Presidential Tran-

sitions Improvements Act of 2015 (P.L. 114-136), agencies are required to create briefing materials for transition teams. The specific material prepared will vary by agency. Some agencies will prepare one basic set of materials and ask landing team leaders what their priorities are once they arrive. Other agencies will create information reflecting the priorities the candidates have as expressed during the campaign.

In the Agency Transition Directors Council meetings, officials from OMB and GSA recommended that agencies create briefing materials for the landing team as well as separate materials designed for the new appointees who will arrive after the election. They also distributed suggested templates for each product developed in concert with the Partnership for Public Service’s Center for Presidential Transition. See appendices 5.0 and 5.1 starting on page 174 for the templates.

#### THE AGENCY TRANSITION DIRECTORS COUNCIL

The Edward “Ted” Kaufman and Michael Leavitt Presidential Transitions Improvements Act of 2015 formally established the Agency Transition Directors Council to facilitate the agency transition process. This council is charged with sharing transition guidance from the incumbent administration with agency transition leads and coordinating transition efforts across agencies to support the continuity of government and prepare for a possible second term or a transition to a new administration. The agency council meets monthly starting no later than May of a presidential election year and annually in nonelection years. It is co-chaired by the federal transition coordinator at GSA and the deputy director for management at OMB. Members include the senior transition leads from the large agencies, described in section 901(b)(1) of title 31, United States Code, as well as individuals from the Office of Personnel Management, the Office of Government Ethics, the National Archives and Records Administration and any other agencies deemed necessary by the co-chairs of the council. In 2016, the council’s co-chairs also engaged the many agencies that are not part of the council through conference calls to share recommendations developed in that forum.

Prior to the election, there will be limited contact between the presidential transition teams and the agencies. Full access to agencies after the election will be negotiated as part of the memorandum of understanding between the White House chief of staff and the president-elect’s transition chair, but each eligible presidential candidate will be able to send a representative to Agency Transition Directors Council meetings. Any requests for information by the presidential transition teams before the election must be funneled through the federal transition coordinator. If a new president is elected, the barrier between presidential and agency transition teams will come down after the election, but interactions still must be closely managed to adhere to the “one president at a time” tradition. If the incumbent is reelected, current or new appointees will be able to make use of the resources created by the agency transition teams.

The idea of the coordinating council originated with the Bush administration, which set up this forum in 2008 to facilitate the sharing of information and lessons learned between agencies, and to standardize what each agency was preparing for the incoming administration. The result was a stronger network of agency transition directors and a closer working relationship among agency transition staff than previous transitions, a practice that was continued in 2012 and again in 2016 and in 2020 under the terms of the newly enacted law.



Asma Mirza, the OMB special assistant who played a leading role in developing the guidance, said the intent was to provide a baseline for the agencies, but she noted that agencies retained the flexibility to customize their materials if needed. While many agencies appreciated this flexibility in 2016, some Trump transition officials said they would have preferred having information presented in the same format from every agency. Future transition teams should evaluate the 2016 template, identify any gaps in knowledge that they would like agencies to provide and share that feedback with officials from the incumbent administration.

## **AGENCY LANDING TEAMS AND CAREER FEDERAL EMPLOYEES**

### **Signal Arrival of New Administration**

- Be aware of your role as the initial public face of the incoming administration to much of the executive branch.
- Treat agency career staff with respect and present the best possible image of the new administration.

### **Engage Career Staff Early**

- Understand that the career workforce is apolitical and will be your greatest source of information.

### **Build a Strong Team**

- Identify high performers and “go-to” people within the organization who might be considered for a challenging new assignment.

### **Set Up Clear Governance Structures**

- Understand how career employees contribute to the agency’s decision-making process and recommend a process for engaging them going forward.

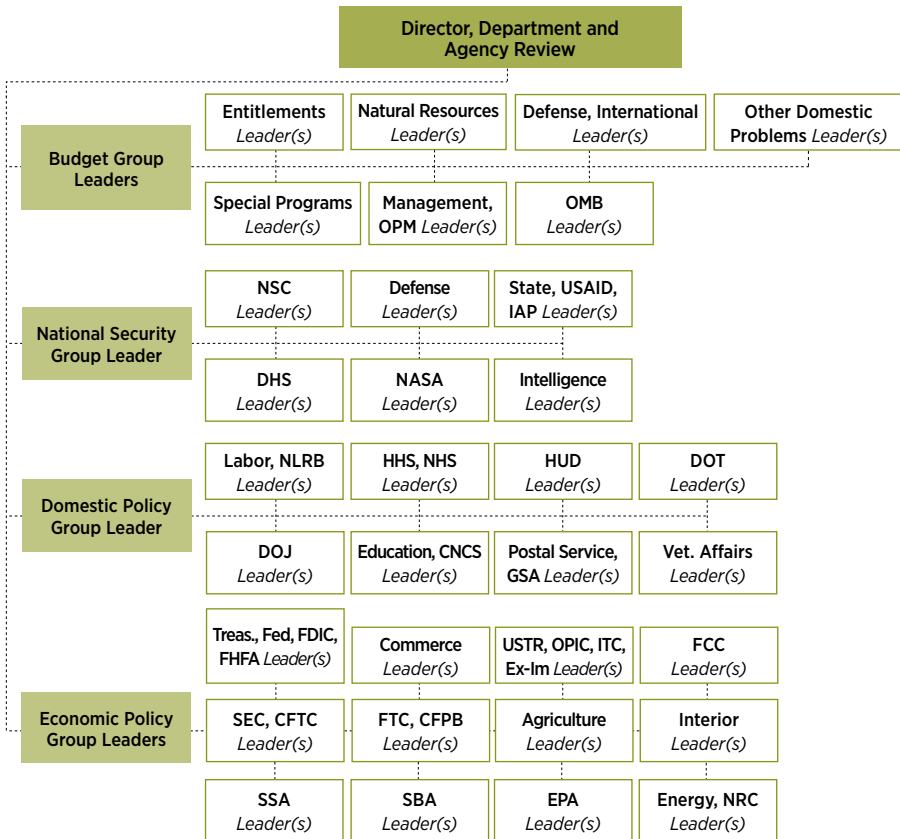
## **MAJOR STEPS IN THE AGENCY REVIEW PROCESS**

### **Develop and staff agency review teams**

The agency review team must anticipate that it will grow significantly over the course of the three phases of the transition, from a handful of staff at the outset to a much larger team that will have oversight of more than 100 federal agencies across the government. Detailed review and examination, however, will likely focus on several dozen of the most high-profile agencies. The workload will necessitate bringing on and vetting additional staff as the transition progresses from the pre-election to the post-election phase, including individuals from the campaign with relevant backgrounds as well as outside experts.

The Biden transition team built large agency review teams for 38 agencies consisting of over 500 staff and volunteers, reporting into two policy/agency review teams. During the pre-election phase in 2016, Donald Trump’s transition created 39 agency review teams and recruited team leads as well as several

## 2012 Romney department and agency review organizational chart



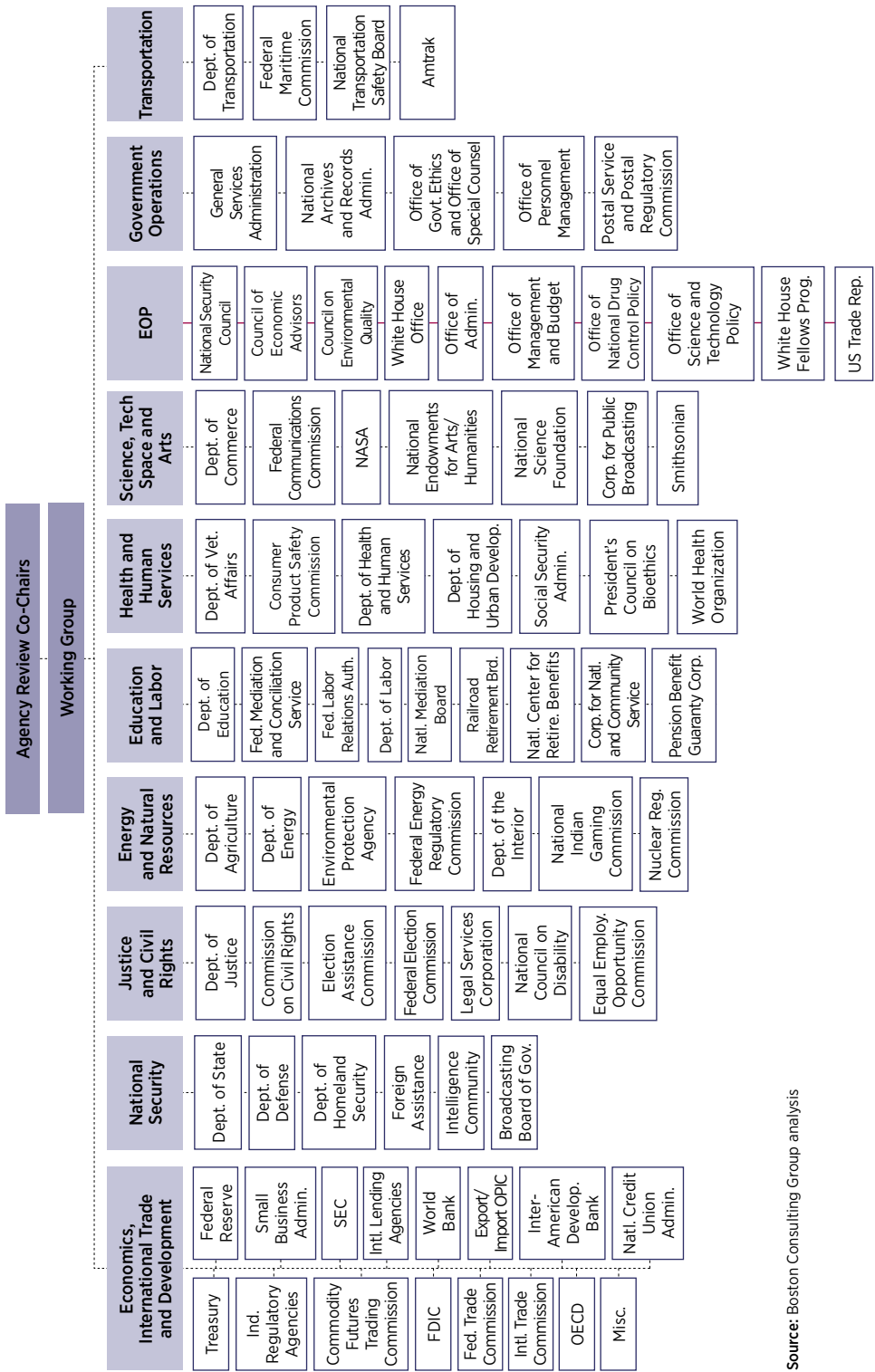
Source: Michael O. Leavitt, Christopher Liddell, Daniel Kroese and Clark Campbell, "Romney Readiness Project 2012: Retrospective & Lessons Learned," R2P, Inc., 2013, 55.

hundred volunteers.<sup>55</sup> These agency review teams were asked to prepare a two-page summary covering the budget, key agency initiatives, Obama administration policies that should be kept or discarded, and proposals that an agency might want to pursue under a Trump administration. They also were asked to prepare a more detailed 20-page version and an interview guide for the landing teams.

Hillary Clinton's transition team also selected agency review team leaders and volunteers in 2016, placing an emphasis on both the diversity of the team members as well as subject-matter expertise. The teams were asked to conduct an examination of major issues, potential problems and high-risk programs rather than developing summary information about the operation of the agencies.

55 Vice President-elect Mike Pence, Transition Accomplishments Summary, Jan. 19, 2017. Retrieved from <https://bit.ly/2vn8cUP>

2008 Obama agency review organizational chart



Source: Boston Consulting Group analysis

Within Mitt Romney’s transition in 2012, the department and agency review group was the largest single team, with 250 total members by Election Day. This group had 33 teams under four major subgroups (budget, national security, domestic policy and economic policy). Most team members were volunteers. Agency review team members were chosen directly by their team leaders and not vetted by the campaign.

Following the 2008 election, Barack Obama’s agency review operation was divided into 10 topic areas (see chart on page 165), including economics, international trade and development, national security, energy and natural resources and education and labor. Each review team was allowed to recruit its own volunteers and staff, with incoming staff vetted by a central working group. Teams consisted of about 30 people, mostly from the campaign. Most positions were unpaid volunteers, with the team deliberately not using Capitol Hill staffers in an attempt to minimize leaks and avoid future conflicts with congressional oversight activities.

George W. Bush’s 2000 transition team took a different approach, partially because of the shortened transition timeline resulting from disputed election results. Bush’s review teams had just three to six people for each agency. Team leads were mostly campaign staff well known to transition leaders and familiar with campaign policy objectives, while team members were a mix of volunteers, congressional staffers using leave over the holidays and experts from the private sector.

### **Create standardized agency review report format**

Developing a standardized reporting format will ensure that the necessary information for each agency will be collected and presented in a clear and understandable way to the leaders of the new administration. In the past, agency leaders reported that the materials were not especially helpful because they were often too long and unwieldy.

Agency review teams should develop a clear and concise reporting format to capture essential data and present it in an easily digestible format. Reports should include:

- Mission and current strategy of agency and sub-offices.
- Organizational chart and contact information for key agency personnel.
- Size of workforce, information on potential staffing issues and expert staff already at the agency who can form the leadership bench.
- Effective policies in the pipeline or already in place that can provide quick wins for the new administration.
- Top legal, regulatory and legislative issues requiring early leadership attention.
- Budget overview.
- Key management challenges.
- Issues of relevance before the inspector general and the Government Accountability Office.

- The agency's Federal Employee Viewpoint Survey results and *Best Places to Work in the Federal Government*<sup>®</sup> rankings for the past several years, including particular areas of strength and weakness.

In 2008, the Obama transition consulted with former Bill Clinton Cabinet members about what they found helpful in an effort to learn from prior experience, and the Obama team created specific guidelines for agency review teams. In the pre-election phase, the teams were asked to produce four deliverables: a two-page summary memo to be read by the candidate and senior transition staff; a 20-page document identifying high-priority issues for the agency landing teams to focus on during the formal transition period; a list of members of Congress and other stakeholders to contact for additional information; and an agency data file of public background information on the agency's mission, personnel and budget. (See Appendix 5.6 for a sample template.)

In its two-page agency review template, the Obama team focused on four topline priorities: agency overview; strategic priorities and opportunities for the agency; major looming issues; and senior personnel issues. Each issue was further divided into a number of key questions that the agency review team would need to address. These papers were compiled prior to the election and were accompanied by a copy of the general organizational chart and a list of contacts within each agency. The information was compiled from publicly available sources since agency review personnel had no access to agencies before the election. The two- and 20-page format was adopted by the transition teams that followed, including Romney and Trump.

## **The role of landing teams**

Prior to the election, the agency review team will study federal agencies using open source information. The team also will select individuals to serve on landing teams that will enter the agencies after the election. The landing teams will receive briefings and gather information about programs, policies and operations. The information that the landing teams collect will be incorporated into the final agency review products and used to inform the new White House leadership and incoming agency leaders.

The landing team leaders should contact agencies immediately after the election in accordance with the terms and conditions delineated in the memorandum of understanding signed by the incumbent administration and the transition leadership. See Chapter 1 for more information on the MOU.

Landing team members should be selected and vetted prior to the election so they will be ready to enter the agencies as quickly as possible, with knowledge of major policy priorities of the president-elect and how their particular agency fits into the overall policy platform of the incoming administration. Before beginning its work, the transition team should hold training sessions for landing team members so they will fully understand the rules of engagement and what they will be expected to accomplish.

Hillary Clinton's agency review team selected and vetted more than 300 individuals who agreed to serve on landing teams. The transition leadership planned to send the head of each landing team into the agencies on the Thurs-

day following the election to make an initial introduction. They planned to train landing team members on that Friday and have the majority of those volunteers enter their assigned agencies the next Monday morning.

A key part of making this review process successful is building a spirit of collaboration between the agency leaders and the landing teams, and maintaining professional and courteous relationships. At the same time, if the election has changed the political party in power, incoming teams usually are intent on changing direction and moving quickly, and trust and cooperation may not always be easy. Whatever the circumstances, the landing teams should be seen as “working with” and not “doing to” the agencies, according to a senior advisor to President George W. Bush.

During the Obama transition in 2008, agency landing teams were given a number of rules to follow in their work with agency staff to ensure that the teams met statutory requirements regarding access to nonpublic information and that they left a positive impression on agency staff (see appendices 5.3 and 5.4 on pages 181 and 188). In general, agency review teams were given the following instructions:

- Do not accept or seek personnel files or attorney-client privileged materials.
- Avoid nonpublic information regarding adjudications or enforcement actions.
- Treat all documents as confidential and follow special procedures for limited-access documents (generally, documents containing nonpublic information).
- Be transparent and deferential in interactions with agencies.
- Prepare final deliverables as if they will be viewed not just by the transition team or incoming administration personnel, but by agency staff as well.

The 2008 transition was notable for the high level of cooperation. Chris Lu of the Obama transition and Blake Gottesman, who served as the Bush administration’s point of contact, spoke twice a day for the first few weeks after the election. The two dealt with problems as they arose and discussed issues that landing teams were having in getting the appropriate access to agencies.

The Bush-Obama experience at the Department of Defense provides a good example of the process working well. Robert Gates, Bush’s defense secretary, was tapped to remain on the job, and this made a huge difference. An overall tone of cooperation was set by Gates and relayed to the outgoing Bush administration officials, who gave clear instructions to each defense agency to cooperate fully with the transition team. Gates tapped Deputy Undersecretary of the Navy Thomas Tesch to lead the transition effort, giving him the resources and personnel needed to plan for the transition and welcome the incoming administration.

Tesch, whose official title in this role was director of the Transition Task Force, emphasized that the focus of the transition would be on continuity in a time of war. He assembled a small team of senior career staff from organizations within the Pentagon responsible for transition assistance coordination.

This team developed the official transition plan and requirements for prereads and briefing materials, and organized resources across the Defense Department, which included administrative issues such as scheduling appointments and arranging parking. The task force also developed a list of presidential appointees and noncareer members of the Senior Executive Service to stay on into the new administration for a time to ensure continuity. The incoming Department of Defense agency review team, led by Michèle Flournoy and John White, approached the agency with respect and professionalism, avoiding any semblance of partisanship or overconfidence in the wake of President-elect Obama's victory. The team also appreciated the professionalism and spirit of cooperation exhibited by the Bush appointees and career staff, which contributed greatly to a smooth transition at DOD.<sup>56</sup>

Four years later, Mitt Romney's transition planned to have its landing teams evaluate and identify issues that would need the immediate attention of incoming leadership. Proposed landing team members were subjected to rigorous vetting due to their access to nonpublic information, the need for security clearances for some agencies and potential conflicts of interest. Those exposed to classified information required clearance from the FBI. Registered lobbyists were not permitted to serve as landing team members.<sup>57</sup> The Romney team also held tabletop exercises for all landing teams to help prepare the teams for effective agency review and to reinforce the need for highly professional conduct once in the agency. They felt that any undue tension between the outgoing appointees and landing team members would be counterproductive.<sup>58</sup>

### **Identify core continuity staff**

Transition teams should identify which current political appointees could be an asset to the incoming administration. This is particularly true for those positions that are considered management jobs, such as chief financial officers, assistant secretaries for management and administration, chief acquisition officers and similar positions where management competence is highly important and sometimes hard to find. This also could include jobs critical to national, homeland and economic security. Landing teams working with each major agency are well positioned to determine whether any political appointees should be invited to stay on temporarily or permanently, decisions that are more easily made when the new president represents the same political party as the outgoing administration. In 2016, the Clinton team envisioned this type of review as one of the responsibilities of the landing teams.

In practice, the identification and selection of continuity staff can be challenging. Although it would be easier to simply release all political appointees and replace them, there will invariably be positions too technical or important to leave vacant until a qualified replacement can be found, and individuals too talented or skilled to let go. Both Presidents Bush and Obama provided transition

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<sup>56</sup> Partnership for Public Service, "Transition Lab Episode 3: 2016: The Art of National Security Transitions" 2020. Available at <https://bit.ly/381R9Vt>

<sup>57</sup> Michael O. Leavitt, Christopher Liddell, Daniel Kroese and Clark Campbell, "Romney Readiness Project 2012: Retrospective & Lessons Learned," R2P, Inc., 2013, 79.

<sup>58</sup> *Ibid.*

teams with a list of positions that were too important to be left vacant.<sup>59</sup> On Jan. 19, 2017, the Trump administration announced that they had asked 50 individuals to stay on in their roles on a temporary basis, including Department of Defense Deputy Secretary Robert Work.<sup>60</sup> During the 2008 transition, key political appointees in important positions, including finance, acquisitions and other essential administrative roles, were given the option to stay on through the transition until a qualified replacement could be brought onboard. Although this led to a more complicated process due to the shifting exit dates for political personnel, it allowed greater continuity in agency functions and eased the burden of filling core positions immediately—particularly important as the new administration assumed governing responsibility in the middle of a global financial crisis.

Outgoing presidents will ask for the resignation of almost all political appointees to clear the decks for the new administration. It is worth noting, however, that not every position needs to be turned over. For example, inspectors general are generally considered nonpolitical and tend to span multiple administrations. President Reagan fired 16 inspectors general shortly after taking office, but rehired five of them following public uproar.<sup>61</sup> Other government positions, such as members of boards and commissions as well as career ambassadors, are politically appointed but serve for fixed terms and do not submit a letter of resignation when the administration changes.

Another issue involves political staff who seek to “burrow in,” the practice of an administration converting political appointees to career status so they can continue to serve in a new administration. The transition law that took effect in 2016 requires OPM to report quarterly to Congress on which political appointees have converted to civil service positions. In September 2017, GAO reported that OPM approved 78 conversions of political appointees between Jan. 1, 2010 and March 17, 2016. The GAO said agencies converted seven employees without approval. OPM conducted reviews for those seven cases and retroactively denied the conversions.<sup>62</sup> In 2023, GAO reported that between March 2016 and January 2021, agencies approved 114 requests to convert political appointees to career roles. The GAO found that 20% of the requests for conversion were denied.<sup>63</sup>

Agency landing teams also should consider identifying high-performing career employees early. This will be especially helpful as agencies seek outstanding performers for high-impact roles in implementing the new administration’s policy priorities. Identifying these individuals early in the decision-making process, where appropriate, also will enhance the working relationship between political and career staff, and get them further invested in the success of the administration’s agenda.

59 Martha Joynt Kumar, “Before the Oath: How George W. Bush and Barack Obama Managed a Transfer of Power,” Johns Hopkins University Press, 2015.

60 Jordan Fabian and Ben Kamisar, “Trump keeping 50 Obama administration officials,” *The Hill*, Jan. 19, 2017. Retrieved from <http://bit.ly/2iFEV0c>.

61 Francis X. Clines, “Reagan reappoints five to be inspectors general,” *The New York Times*, March 27, 1981. Retrieved from <http://nyti.ms/2ycyfOK>.

62 Government Accountability Office, “Personnel Practices: Actions Needed to Improve Documentation of OPM Decisions on Conversion Requests,” GAO-17-674, August 2017, 2. Retrieved from <https://bit.ly/3cDjdC8>

63 Government Executive, “OPM denied 20% of agency requests to let politicals convert into career roles, GAO finds,” <https://www.govexec.com/workforce/2023/04/one-four-cases-agencies-failed-look-for-permission-letting-political-appointees-burrow/385780/> accessed 5/30/23



## Agency review team deliverables

In 2008, the work prepared by the Obama agency review teams prior to Election Day served as a starting point for the deliverables they were expected to produce during the formal post-election transition period. These consisted of an updated two-page summary memo; an updated 20-page briefing book intended for the incoming agency head and senior leadership; a comprehensive “user’s manual” containing information on the agency’s organization, personnel, management and budget as well as legal, legislative and regulatory data; and a budget memo to be shared with the OMB review team to inform the budget planning process.

The 20-page briefing books included information on duties of senior career officials and political appointees, the overall staffing strategy for the office and notes on personnel needs for key political positions. These reports consisted of an executive summary, an agency overview and a summary of high-priority issues. This report was similar to the two-page document but went into considerably more depth, with information on the agency’s history under the previous administration, Obama campaign commitments, policy priorities, legislative, regulatory and personnel issues, and recommendations from external and congressional contacts. Twenty pages was considered the absolute maximum that a high-level appointee could absorb, and in some cases may even have been too long. Further, each 20-page agency report included an appendix with documents related to the agency’s work, such as contracts and other information, often making the reports much longer.

Following the Obama two- and 20-page format, the Trump agency review teams each produced an agency action plan, a standard document that included a description of the agency’s current state, detailed change initiatives that specified how to deliver on campaign promises and improve agency operations, and a timeline of Day 1, Day 100 and Day 200 actions.<sup>64</sup> The Clinton agency review teams were expected to create briefing materials for the president-elect, the incoming secretary, deputy secretary and key White House staff by Dec. 15 for the major departments and agencies, or what they referred to as the “tier one” agencies. These materials, slated to be about 40 to 50 pages in length, would have incorporated information from the landing teams and provided a comprehensive overview of the big policy, budget and programmatic issues the agency would face during the first two to three months of the new administration. The Clinton transition also planned for the documents to include 200-day plans for the agencies.

## Brief incoming agency leaders

The final step in the agency review process is to deliver oral briefings to incoming agency heads and White House staff on the key functions of their agency or office, how various offices interact with one another, staff roles, pressing challenges and other “need to know” information. Although much of this information may be included in the agency review reports, having a briefing in person has a much greater impact than simply “throwing the memo over the

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<sup>64</sup> Vice President-elect Mike Pence, Transition Accomplishments Summary, Jan. 19, 2017. Retrieved from <https://bit.ly/2vn8cUP>

fence,” as one senior Obama transition staffer put it. The level of detail of these briefings will depend on the seniority and experience of the incoming agency head and should be done as soon as possible. As stated by one agency liaison, the briefings “should not try to tell incoming heads what to do, but should help them do what they want to do.” New agency leaders will inevitably develop their own plans based on their personal expertise and experience, what they learn from the agency review team and other transition team members, and their understanding of the new president’s goals and expectations. The role of the transition team is to help agency leaders identify the issues, problems and opportunities they should prepare to address.

In 2008, the Obama transition team encouraged incoming officials to sit down with their predecessors and the last few people to have served in those positions. Similarly, in 2017 before he was sworn in as Treasury secretary, Steven Mnuchin met with Jack Lew, his predecessor, for advice on a range of subjects that included the debt ceiling, China currency issues and the Puerto Rican debt issues, according to several news sources. While no formal encouragement was offered in 2020, those incoming agency leaders who sat down with their predecessors reported the conversations were invaluable. This was equally important for new appointees coming in at the start of the new administration as it was for those joining later in the summer and up through the second year of the administration.<sup>65</sup>

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65 Partnership for Public Service, “Advice to Incoming Agency Leaders From Those Who Have Been There,” January 2023. Available at <https://presidentialtransition.org/publications/advice-to-incoming-agency-leaders-from-those-who-have-been-there/>

# Agency Review

# Action Items

## Pre-election

- Design structure for agency review teams; vet and select staff members.
- Create a standardized, clear and concise agency review reporting format, which should include mission of the agency, high-priority issues, expected challenges and opportunities for the incoming head, senior personnel considerations, budget and organizational design.
- Understand the terms of engagement with agencies based on the MOU that will be negotiated by the transition leadership and the White House prior to Election Day.
- Select, train and prepare agency landing teams to approach each agency with respect, ask the right questions about the overall functions and mission of the agency and sub-offices, and quickly develop a collaborative and open working relationship with their agency counterparts.

## Post-election

- Meet with agency staff to capture information for the agency review reports.
- Identify political appointees to stay on in the new administration; political appointees who should be asked to stay until a qualified replacement is found for positions too important to leave vacant; and career staff who will be critical to implementing the new administration's policy priorities.
- Prepare briefings for incoming agency heads and White House staff on key aspects of their new positions, including staff roles, current challenges, important functions of their job and agency, and other critical information.

## APPENDIX 5.0

**Agency briefing materials for landing teams**

Source: Partnership for Public Service

## TABLE OF CONTENTS

**I. AGENCY CONTACT**

- a. Name, title and contact information for agency liaison to landing teams

**II. IN-PERSON BRIEFING SCHEDULE**

- a. Topic, date, time and location of in-person briefings
- b. Interview guide

**III. ORGANIZATIONAL OVERVIEW**

- a. Overview of organization's mission and priorities
- b. Organizational chart—highlight key decision-makers, influencers, etc.
- c. Biographies and photos of career and political staff in key leadership positions

**IV. TOP ISSUES FOR NEW LEADERSHIP**

- a. 30/60/90-day issues – Include a visual calendar of critical events and deadlines with supporting 1- to 2-page issue papers for critical topics
  - i. Management issues (e.g., operational, budget and financial)
  - ii. Draft 2018-2022 agency strategic plan and 2018-2019 agency priority goals
  - iii. Potential legal, media or congressional issues, and Government Accountability Office/Office of the Inspector General reports
  - iv. Cyber security issues
  - v. Key congressional or outside contacts for each issue
- b. Pending decisions
- c. Process for decision approval
- d. Quick wins tailored to each campaign: what can be accomplished in the first 100 days?

**V. BUDGET OVERVIEW**

- a. Major budget changes from 2009-2017
- b. Funding sources
- c. Expenditures by program: highlight areas of flexibility, cost-cutting opportunities, etc.

**VI. CONGRESSIONAL RELATIONS AND ISSUES**

- a. Oversight committees (oversight, authorization and appropriations)
  - i. Membership and key issues for each
  - ii. Key staff—include career agency staff who manage relationships
  - iii. Overview of previous hearings
  - iv. Current inquiries
- b. Other members with special interest or subject-matter expertise
- c. Confirmation hearing prep
  - i. Leadership and members
  - ii. Top issues addressed at hearings
  - iii. Process, logistics and historical roadblocks
- d. Implications of continuing resolutions
- e. Implications of changes in Congress (e.g., majorities, new committee chairs, etc.)

**VII. ADMINISTRATIVE INFORMATION**

- a. Contact information for agency transition team and immediate office staff
- b. Security procedures, transportation and parking information
- c. Computer access, IT usage information and telephone instructions
- d. Map/floor plan of organization facilities (including evacuation plans)

## APPENDIX 5.1

**Agency briefing materials for new appointees**

Source: Partnership for Public Service

## TABLE OF CONTENTS

**I. IN-PERSON BRIEFING SCHEDULE**

- a. Topic, date, time and location of in-person briefings
- b. Briefing guide

**II. ORGANIZATIONAL OVERVIEW**

- a. Organization's mission, strategic plan and priorities
- b. Organization's history
- c. Statutory requirements and enabling legislation
- d. Key mission delivery performance measures/scorecard
  - i. Performance agreements
- e. Historical performance outcomes
- f. Organizational chart (with headcount)—highlight key decision-makers, influencers, etc.
- g. Order of succession
- h. Biographies and photos of career staff in key leadership positions
- i. Biographies and photos of political staff in key leadership positions
- j. List of agency detailees in Congress and other agencies
- k. Workforce data and trends
  - i. Size of workforce
  - ii. By level (executive and senior level, General Schedule, Federal Wage System, other)
  - iii. Length of federal service
  - iv. Percent retirement eligible
  - v. Age breakdown of workforce
  - vi. Percent of positions vacant
  - vii. Agency profile trends over time
- l. OPM limits on Schedule Cs/noncareer senior executive service appointments and rules pertaining to hiring
- m. Organizational culture overview
- n. Federal Employee Viewpoint Survey data and *Best Places to Work in the Federal Government* scores
- o. Important relationships with other federal agencies

**III. TOP ISSUES FOR NEW LEADERSHIP**

- a. 30/60/90-day issues – Include a visual calendar of critical events and deadlines with supporting 1- to 2-page issue papers for critical topics
  - i. Management issues (e.g., operational, budget, and financial)
  - ii. Draft fiscal years 2018-2022 Agency Strategic Plan and fiscal year 2018-2019 Agency Priority Goals (due to OMB June 2017)
  - iii. Potential legal, media and congressional issues, regulatory actions, expiring authorities, recent Government Accountability Office/Office of the Inspector General reports, especially high-risk issues
  - iv. Cybersecurity infrastructure and Cybersecurity National Action Plan-related procedures
  - v. Key congressional or outside contacts for each issue
- b. History of key management initiatives and mandates

- c. Pending decisions
- d. Issues requiring White House involvement
- e. Process for decision-making
- f. Common challenges or roadblocks to policy
- g. Most important political staff positions needed to be filled
- h. Quick wins tailored to each campaign: what can be accomplished in the next 100 days?
- i. Administrative action

#### **IV. BUDGET OVERVIEW**

- a. Basic guide for understanding key budget details
- b. Budget dashboard that agency staff can update on an ongoing basis
- c. Major budgetary constraints
- d. Budget history
  - i. Major changes from 2009 to 2017
  - ii. Historical context of budget decisions, changes and implications
- e. Funding sources
- f. Expenditures
  - i. Personnel/non-personnel expenses by program—highlight areas of flexibility, cost cutting opportunities, etc.

#### **V. COMPONENT OR DIVISION INFORMATION**

This should be an enterprise overview. In-depth binders may be developed for major components.

- a. Mission
- b. Organizational chart
- c. Workforce
- d. Budget
- e. Top issues

#### **VI. OVERSIGHT**

- a. Office of the inspector general
  - i. Biography of the inspector general
  - ii. Top issues and recent reports
- b. Government Accountability Office
  - i. High risk list
  - ii. Duplication reports

#### **VII. GOVERNANCE**

- a. Key structures and decision-making processes
  - i. Talent and performance management
  - ii. Budget process
  - iii. Risk assessments
- b. Calendar of agency actions and activities
- c. Participation in enterprise government activities
  - i. Interagency council membership
  - ii. Cross-department initiatives and funding
  - iii. Shared services

#### **VIII. POLICIES AND REGULATIONS**

- a. Overview of historical policies and regulations

- i. Number of new regulations per year
- ii. Percent deemed significant by Office of Information and Regulatory Affairs
- b. Recently adopted or pending policies and regulations
- c. Overview of the policy/regulation review and enforcement process
  - i. Enforcement issues
- d. Summary of litigation

#### **IX. CONGRESSIONAL RELATIONS AND ISSUES**

- a. Oversight committees (oversight, authorization and appropriations)
  - i. Membership and key issues for each
  - ii. Key staff—include career agency staff who manage relationships
  - iii. Overview of previous hearings
  - iv. Current inquiries
- b. Other members with special interest or subject-matter expertise
- c. Confirmation hearing prep
  - i. Leadership and members
  - ii. Top issues addressed at hearings
  - iii. Process, logistics and historical roadblocks
- d. Required authorization/appropriations reports and updates to Congress
- e. Key pending legislation
- f. Implications of continuing resolutions
- g. Implications of changes in new Congress (e.g., majorities, new committee chairs, etc.)

#### **X. EXTERNAL STAKEHOLDERS OVERVIEW AND ISSUES (MEDIA, FEDERAL EMPLOYEE UNIONS, INTEREST GROUPS AND REGULATED ENTITIES)**

- a. Stakeholder group overview (mission and leadership)
- b. Special initiatives or hot topics of the stakeholder
- c. Recent engagements with stakeholder
- d. Pertinent third-party reports (e.g., National Transportation Safety Board)

#### **XI. CRISIS MANAGEMENT AND EMERGENCY RESPONSE**

- a. Emergency response plan
  - i. Roles/responsibilities
  - ii. Decisions to be made
- b. Continuity of operations information
- c. Primary points of contact

#### **XII. ADMINISTRATIVE INFORMATION**

- a. Contact information for agency transition team and immediate office staff
- b. Security procedures
- c. IT issues
  - i. Privacy infrastructure
  - ii. Key IT contacts
- d. Computer access, technology usage information and telephone instructions
- e. Map/floor plan of organization facilities (including evacuation plans)
- f. Transportation and parking information
- g. Lessons learned for success on day one (e.g., opportunities to streamline administrative processes to address surge in demand)



APPENDIX 5.2

**Romney Sample Agency Landing Team Charter**

Source: Romney Readiness Project documents  
November 7, 2012

Romney Readiness Project  
Transition Phase Charter Addendum  
Department and Agency Review

Department of Justice Landing Team

October 30, 2012

The purpose of the Department of Justice Landing Team is to evaluate a series of DOJ-related matters from within the DOJ. It is governed by the same rules and standards articulated in the DOJ Planning Phase Charter. This addendum lists the deliverables members of the Landing Team are expected to produce. In addition to the deliverables—each team will be expected to complete a series of activities outlined in the checklists for the budget, regulatory inventory, policy coordination and personnel planning. The relevant specialists on each team will be networked with the appropriate central team for direction and communication.

**Deliverables**

Accountability Date	Description
	<b>LANDING TEAM ORIENTATION AND TRAINING</b>
October 8–9, 2012	Convene Landing Team. Attend Landing Team Kick-off and orientation session. Meet with current administration Department/Agency Liaison.
	<b>OUTREACH PLANNING</b>
October 24, 2012	Prepare a summary of the industry associations, think tanks, non-profit organizations and other third parties that the Landing Team plans to consult during the Transition Phase. Identify the association contact and any issues that may require assistance from the Public Liaison Team.  Also provide to the Legislative Affairs Team a summary of the planned/ desired outreach to Capitol Hill.
November 12, 2012	In coordination with the Public Liaison Team, schedule and conduct meetings with the relevant industry associations and others as planned.  In coordination with the Legislative Affairs Teams, schedule and conduct meetings with relevant representatives on the Hill.
	<b>BUDGET DELIVERABLES</b>
December 15, 2012	Budget Input guidance to be provided by Budget Group
	<b>POLICY AND STRATEGY DELIVERABLES</b>
December 15, 2012	Submit updated memoranda documenting key issues and recommended actions (legislation, executive order, agency guidance) needed to achieve President-Elect Romney’s priorities.

**REGULATORY DELIVERABLES**

December 15, 2012 Review the regulatory pipeline. Specifically, in the template provided to all landing teams on November 9: (1) inventory all rules that are in process or may be proposed by the agency prior to inauguration or in 2013, completed rules not yet published in the Federal Register, and final rules that are not yet effective and may be extended; (2) compile available benefit and cost information for each rule in the inventory; (3) identify any rules in the inventory that have statutory or judicial deadlines; (4) develop a net zero regulatory cost plan by identifying potential regulatory modifications to offset costs imposed by rules in the inventory; and (5) identify any extraordinary circumstances that may affect regulatory policy, especially in the first 200 days of the new administration.

**PERSONNEL**

December 15, 2012 Conduct an assessment of current positions within the agency. Work with the Presidential Appointments Group to develop a comprehensive staffing plan for the agency. This assessment will include obtaining a list of all Presidential Appointments, career and non-career SES positions, GS 14 and GS 15 L5 positions, and Schedule C appointments in the agency as well as creating lists of current vacancies, recently created non-career positions that recently converted from political to career status, and employees who have at some point been detailed to the White House, another executive agency or a congressional office. A more detailed checklist of personnel and staffing information will be available in early November.

December 15, 2012 Assimilate Beachhead Team members into Agency Landing Team and assist in preparing Beachhead Team members to assume their new administration roles post inauguration.

**BRIEFING NEWLY APPOINTED LEADERS**

January 3, 2013 Submit the final lists of (1) the most urgent deadlines the new Attorney General will confront post-handoff and (2) the key policy issues for the Attorney General to address during the first 200 days.

January 10, 2013 Submit the final briefing package for the new Attorney General. As part of this effort, landing teams should ask agencies for the following:

1. Preparation of an up to date briefing of the basic organization structure.
2. A summary of ongoing policy or transitional initiatives.
3. An overview of performance goals including a full list of key personnel.
4. To identify and summarize the critical policy, internal management legal, and infrastructure issues that may require immediate attention by any new officials.

**CONFIRMATION DELIVERABLES**

January 20, 2013  
(Announcement) Prepare the Attorney General-Designate for Senate confirmation.

APPENDIX 5.3

**Obama Memorandum for Agency Review team leaders**

Source: Obama-Biden Transition Project documents  
November 9, 2008

To: Agency Liaison Teams  
From: Agency Review Working Group  
Subject: Information on Transition Agency Review Process

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Thank you for volunteering your time and expertise to support the work of the Obama Transition Agency Review process. Your work will be critical to the success of the transition. Before engaging with Agency officials, you will have signed the transition ethics pledge, and this memo will provide you with background information on the broader transition project; the mission, objectives and operation of the Agency Review Working Group; and your role and responsibilities as a member of a post-election Agency Liaison Team (“ALT”). While we have tried to create as much structure around this process as possible, please understand that the transition environment will be very fluid, with changing personnel and requirements. We will need you to be both flexible and patient as we work through the inevitable “bumps in the road” that we will experience. Most importantly, please remember that we are temporary custodians of President-Elect Obama’s incoming administration.

**Mission and Objectives of Agency Review Working Group**

Working in concert with the Transition Advisory Board and other Transition teams, the Agency Review Working Group’s mission is to complete a timely and thorough review of the key departments, agencies and commissions (together, “the agencies”) of the United States government, as well as the White House, and to provide the President-elect and his key advisors with the information necessary to make strategic policy, budgetary and personnel decisions prior to the inauguration. It will also ensure that senior appointees have the information necessary to lead their departments, begin implementing signature policy initiatives, and score early victories after the inauguration. During the post-Election Day transition period, the agency teams will work with Bush Administration officials to gather and organize material that will inform the President-elect and key advisors’ policy and budget planning process (e.g., the budget, executive orders) and personnel selection, and provide background information for appointees who must navigate the confirmation process.

The Agency Review Working Group is chaired by Don Gips, a member of the Transition Advisory Board, Melody Barnes and Lisa Brown, and includes eight other individuals, most of whom are responsible for overseeing one or two groups of agencies: Louisa Terrell (representing Vice President-elect Biden); Seth Harris (Education and Labor; Transportation), David Hayes (Energy and Natural Resources), Reed Hundt (International Trade and Development and Economics); Sally Katzen (White House; Government Operations), Tom Perez (Health and Human Services; Justice and Civil Rights); Sarah Sewall (State, National Security, Defense, Intelligence and Arms Control); Tom Wheeler (Science, Technology, Space, Arts and Humanities), Ray Rivera (Outreach Coordinator) and Jon Wilkins (Senior Advisor). (A contact list for the Agency Review Working Group is attached.)

We have identified federal executive branch and related agencies that the agency liaison operation will examine during the transition period. This list includes every agency over which the President has either direct or indirect influence. As a result, the list includes both executive branch agencies which the President directly controls and so-called independent, legislative agencies which are not directly controlled by the President. We have also included commissions where the President appoints leadership or a significant number of commissioners.

For management purposes, we have organized the agencies into the ten groups listed above and prioritized each agency within those groups. (See attached list.) The groups are the agency liaison operation’s management structure. Agencies with related or overlapping policy jurisdictions have been grouped together so that one member of the Agency Review Working Group can manage the

ALTs conducting agency liaison examinations in those agencies. Thus, the Working Group members are the senior managers of the agency liaison operation and responsible for its success. The Agency Liaison Team Leaders are the management layer below the Working Group and share a substantial share of the responsibility for the success of the agency liaison operation, working directly with ALT members and interfacing with the Working Group member responsible for their agency.

The work of the Agency Review Working Group has been divided into two phases: (1) pre-election and (2) the official transition post-election. The pre-election work is described briefly below to provide context for the post-election work in which you will be engaged, which is subsequently addressed in greater detail.

### **Pre-Election Work**

During the pre-election phase, small agency review teams reviewed and analyzed key public information about each agency. Working in concert with centralized researchers, the teams produced four core products, each of which will be provided to you:

1. A two-page Executive Summary for Senator Obama, Senator Biden, and the Transition Advisory Board that summarizes the key priorities, opportunities and issues facing the agency in light of candidate Obama's promises relevant to that agency.
2. A 20 page Roadmap for the post-election agency liaison team (plus the Agency Review Working Group and Transition Advisory Board) outlining the high priority issues and opportunities they need to learn more about based on the publicly available information. This is a strategic document rather than a summary of information known about the agency; it reflects the Agency Review team's judgment about the key strategic issues facing the agency based on both their review of the data file described in subparagraph 4 below and their independent knowledge of the agency.
3. A prioritized list of contacts in Congress and other outside stakeholders who should be contacted and consulted for additional input soon after the election. This list will be used both by the Agency Liaison team to obtain important additional information about the agency following the election and by the post-election Congressional liaison and public liaison teams to organize public outreach.
4. A virtual Agency Data File of public background information regarding the mission, organization, personnel, and budget of each agency along with legal, legislative and regulatory data about the agency. The data file also includes all of candidate Obama's promises about what he would do as President that are relevant to the agency.
5. Part of your job, as detailed below, will be to build on these documents, incorporating information that you learn over the course of your agency review.

### **Post-Election Transition Work**

You have agreed to help us during the post-election official transition period, during which time expanded agency teams will work with Bush Administration agency staff to supplement the information gathered prior to the election with critical internal information about the agency. The goal of the post-election transition work is to provide the President-elect and Agency head nominees/appointees the information necessary first to navigate the confirmation process and then to hit the ground running the day after the inauguration. Your role is to (a) "raise the flag" for the new administration, (b) obtain information and answer critical questions regarding your agency so that President-elect Obama and the incoming head of your agency can implement the President-elect's priorities, (c) uncover land mines that the new administration will need to defuse shortly after taking office, (d) prepare senior appointees subject to the confirmation process, and (e) provide options for a first-year agenda for senior agency leadership.

#### *Agency Liaison's Role*

The principal role of the agency liaison operation is to collect information from the federal agencies which the transition team and the new administration will need. It is not to create policy. This is a service function. Agency liaison teams will collect information to be used by other parts of the transition team and by the incoming administration—the FY 2010 budget planners, the policy planners, the transition team's personnel operation, and the President-elect's designees and their confirmation teams and incoming staff, among others.

The agency liaison teams' secondary role is to signal the arrival of the new administration. The agency liaison operation will be the public face of the new administration for many in the executive branch and beyond. In this sense, agency liaison staff will represent the President-elect to the people with whom they work. While the remainder of this memorandum will focus on the agency liaison's principal role, you should keep this secondary role in mind during the coming weeks and recognize that your interactions with agency employees will impact how they view the Obama administration.

The agency liaison operation will fulfill these two roles by sending teams of transition staff members into each agency during the transition period to interview incumbent agency leaders, career managers and selected staff, and to collect documents from the agency's staff. ALTs will also conduct outreach to Members of Congress and relevant stakeholders in consultation with the Transition's Office of Congressional Affairs and Office of Public Liaison.

Group 1 agencies—the largest and most complex agencies—will be subjected to the most thorough examination, with in-person interviews of everyone who matters in the agency—political leaders, career managers, budget officers, and personnel officers, for example and collecting a considerable number of documents on-site. Group 2 agencies tend to be smaller and less complex, potentially requiring slightly less labor-intensive and time-intensive examinations. Working Group members have some flexibility with respect to authorizing the Group 2 ALTs to modify how they perform their examinations (eg, while the Group 2 ALTs should conduct in-person interviews, the team lead and responsible Working Group member might agree that they need not interview every senior manager in their agencies) and on-site document collection will remain important, but there likely will be fewer documents to collect. Group 3 agencies are small and generally the least complex. While it is important that the team lead personally go into the agency to “raise the flag” soon after the election, much of the agency examination can occur by letter, phone, and email.

Work Products: Each ALT will generate the following products that build on what was compiled during the pre-election period:

1. An updated two-page “Executive Summary” for the incoming Agency head, the heads of other agencies, Transition policy groups and White House policy councils that summarizes the key priorities, opportunities and issues facing the agency in light of President-elect Obama's promises relevant to that agency. This document is likely to be quite similar to the pre-election version, but should be updated as necessary to reflect newly obtained information.
2. A 25 page “Agency Strategy Paper” fleshing out the issues identified in the Executive Summary for the incoming Agency head and senior Agency leadership (plus the Agency Review Working Group). This Briefing Paper is both a distinct document and Sections 2-4 of the User's Manual described in the following paragraph, an outline of which is attached. This paper should identify the big strategic questions facing the agency in light of candidate Obama's proposals during the campaign and the big decisions that will need to be made about those questions. The goal is not to make the decisions, but rather to present options and identify choices to be made. If possible, it should define a vision for the agency, but should be honest if different visions or philosophies are possible within the boundaries of the President-elect's stated positions on the issues. The paper should be no more than 25 pages, as anything longer is unlikely to be read.
3. A large and comprehensive virtual data file or “User's Manual” of information regarding the mission, organization, personnel, technology and budget of each agency along with legal, legislative and regulatory data about the agencies. A considerable amount of the information to be included in the User's Manual was collected in the pre-election Agency Data File, and your job is to complete the file with information that was not publicly available which you learn over the course of your transition work in the agency. An outline of the User's Manual is attached along with a more detailed memorandum regarding the budgetary information to be collected by each ALT. The audiences for the particular sections of the User's Manual are listed in the outline; in particular, the sections relating to the budget, technology and personnel will be shared respectively with the OMB team preparing the budget; the Technology, Innovation and Government Reform working group; and the personnel team, and will be discussed at the ALT orientation session. The goal is to have the User's Manual be as useful as possible for incoming senior management at the agency. With the exceptions of Sections 2-4 which you complete carefully and comprehensively, you should consider the User's Manual outline as starting point for your information collection, and should work with your ALT Leader and Working Group member responsible for your agency to determine the most useful information to collect.
4. Priority 1 and 2 agencies will also produce a budget memo for the OMB team which will be prepared in consultation with them under guidelines described by the ALT Leader.

All of these documents will be collected in a virtual data room. You will receive a separate memorandum explaining how to access the virtual data room, and we will provide you with access to the data room folder for your agency.

Your work may necessitate coordination with the work of one or more other Agency Liaison teams and/or with the work of one of the Transition Policy Working Groups: where your agency has substantive responsibilities that overlap with the work of other agencies (e.g., EPA, DOJ's environmental enforcement division and CEQ); where a Transition Policy Group is developing policy for your agency (e.g., education); and/or where it will take a number of agencies to effectively address an issue and we want to encourage cross-agency creative, cooperative thinking (e.g., financial sector reform). It is the responsibility of the Working Group member responsible for your agency to ensure that all of this coordination occurs efficiently, and the ALT Leader should work closely with him or her to structure that coordination.

**Congressional and Stakeholder Outreach and Intake:** Each ALT will work with the Transition's Office of Congressional Affairs run by Phil Schiliro and Office of Public Liaison run by Mike Strautmanis to conduct outreach to core communities as well as to handle incoming requests for meetings. This outreach was not conducted during the pre-election period, so it is essential that it be done quickly and thoughtfully post-election. As mentioned above, an outreach plan for each agency was developed as part of the pre-election process which should guide the ALT's post-election outreach. Both congressional liaison and public liaison functions will be managed centrally by the Transition's Offices of Congressional Affairs and Public Liaison, and all meetings—both outreach desired by the ALT and those responsive to incoming requests—should be coordinated with your contacts in those offices. Your Working Group member will inform you of your point(s) of contact in each office. You should be in "receive" mode during meetings with outside groups, listening to and recording their opinions, and your meeting notes should be memorialized in the congressional and public liaison databases and shared with Transition policy groups and others as appropriate. Anyone desiring to provide personnel recommendations should be sent directly to Transition Personnel.

#### *Advisors Team*

Each ALT will have a small team of outside Advisors to provide information and support. Advisor Teams will be responsible for: a) answering specific questions from the ALT about the agency or policy through written memos; b) reviewing materials submitted by outside interest groups and providing 1-page summaries to the ALT; and c) talking or meeting with interested individuals (at the request of the ALT) and providing 1-page summaries to the ALT. The Advisor operation is being run by Michele Jolin and Lisa Ellman and each agency Advisors Team will have a specific person designated as the Liaison with the ALT. The ALT member responsible for congressional and public liaison should be the person interfacing with the Advisor Liaison.

#### *Agency Liaison Time Line*

To be useful to the confirmation, budgeting and personnel process, the work must be conducted and completed in a very short period of time. The schedule set forth below is very tight, but necessary if our work is to feed into the broader transition process.

##### Priority 1: Agencies

- November 26: Draft 25 page Agency Strategy Paper (and 2 page Executive Summaries with any revisions) due to Working Group Member
- December 1: Budget Memo due to OMB team
- December 8: Final Papers
- December 12: User's Manual

##### Priority 2: Agencies

- December 1: Budget Memo due to OMB team
- December 5: Draft 25 page Agency Strategy Paper (and 2 page Executive Summaries with any revisions) due to Working Group Member
- December 15: Final Papers
- December 19: User's Manual

### Priority 3: Agencies

- December 12: Draft 25 page Agency Strategy Paper (and 2 page Executive Summaries with any revisions) due to Working Group Member
- Final Papers due December 19
- No User's Manual

The papers and Users' Manual are not the only means through which you will be expected to convey the information collected by your ALT. You should be prepared to provide sections of the Users' Manual to other components of the transition team before the deadline for completing the Users' Manual. In addition, your ALT may be called upon to provide verbal briefings or syntheses of the information the ALT has collected at various times during the transition period to be of service to other components of the Transition.

### Rules of the Road

**Agency Contacts.** The transition team and the incumbent administration have entered into a memorandum of understanding ("MOU") establishing the terms for access to agency personnel and documents. Pursuant to the terms of the MOU, no member of the transition team may contact any agency leader or other agency personnel or seek to review internal agency documents until the Transition's leadership has contacted the White House and authorized the ALTs to proceed.

The MOU requires that the transition team conduct transition activities involving a particular Agency through the contacts authorized by the Administration. Specifically, you will have to receive permission from a designated contact person in each agency before your ALT may interview or receive documents from any agency leaders or other personnel. Agency Liaison Team Leaders have the responsibility for managing any notifications that must precede these contacts and the contacts themselves. The MOU also provides that only those transition staff people included on lists provided to the incumbent administration may speak with agency leaders or other personnel or review agency documents. In other words, only bona fide members of the ALTs whose names have been provided to the incumbent administration in advance would be permitted to participate in the ALT's examination. The transition is also required by the Presidential Transition Act to disclose the names and most recent employment of all people serving on President-elect's agency transition teams, along with any sources of funding supporting their work on the transition.

### *Access to Classified and Non-Public Information*

All government documents provided to ALT by an agency must be handled appropriately. There will be a detailed discussion of this topic at your orientation, but the fundamental rules are set forth below.

- **Classified Information:**  
Most importantly, only team leaders and team members with appropriate security clearances and a need to know, and who have also signed the appropriate non-disclosure form, should request or be given access to classified materials. The transition team's offices have a SCIF and classified materials can be reviewed and stored there in consultation and coordination with the national security team.
- **Non-Public Information:**  
The attached Agency Review Information and Document Policy sets forth in detail the Transition's policy regarding the acquisition, handling, and use of confidential documents and information. To summarize:
  - **Information You Should Never Request or Accept:** ALT's should not request or receive any personnel files, attorney-client privileged information or non-public information concerning enforcement actions, lawsuits, and adjudications.
  - **Procedures for Requesting, Maintaining and Sharing Non-Public Information:** The MOU specifies rules for the disclosure of non-public information to Transition team members and procedures for resolving disputes regarding disclosure of such information. These rules and procedures are set forth in the attached Agency Review Information and Document Policy and you must comply with them. Practically speaking, the Agency Liaison team leads will serve as the first point of contact when disputes arise over the disclosure of purportedly non-public information. If you cannot resolve a dispute, you should bring it to the attention of the Working Group member responsible for your agency, who will bring it to the attention of the appropriate Transition officials and work with incumbent administration officials to resolve the dispute. Non-public information cannot

be shared with anyone who is not authorized to see it. We have accordingly established clear procedures for the storage of this information, which are set forth in the attached Agency Review Information and Document Policy.

- **Independent Agencies:**  
Particular care is required when reviewing an independent agency in order to avoid the appearance of improperly intruding on their independence. Review of independent agencies should be based on the understanding that the primary purpose of the review process is to make sure that the President-elect and his personnel team have adequate information about what is pending in the agency to make informed decisions in the appointments process. The specific procedures to be followed when reviewing independent agencies are set forth in the attached Agency Review Information and Document Policy.
- It is the responsibility of the ALT Leader to assure that only transition team staff with appropriate clearances have access to classified materials, that non-public information provided by the administration is handled appropriately pursuant to the terms of the MOU, and that interaction with independent agencies is handled appropriately.

#### *Agency Decision-Making.*

President-elect Obama does not take office until after the inauguration. Accordingly neither he nor his transition team has any governmental decision-making power during the transition period. When you are engaging with agency officials, it is vitally important to remember that your job is information collection and you should not attempt in any way to influence an agency decision or to put yourself in a position where you appear to approve or disapprove of a decision.

#### *Press Inquiries.*

You may well receive inquiries from the press about the Transition and your role. You should not talk to the press and should refer all calls to Dan Pfeiffer [REDACTED].

#### *Confidentiality and Contacts.*

Given the sensitivity and volume of the work to be done in a very short time, it is important that we maintain strict confidentiality and streamline the transmission of information. Therefore, please keep the following in mind:

- All information regarding the operation of your agency team, the Agency Review Working Group and the broader Transition Project should be treated as confidential.
- Your work product should be provided in the first instance to the Working Group member responsible for your agency. Any requests for information from other Transition components should be run through your Working Group member.
- Any questions regarding the work of your agency liaison team should go first to your ALT Leader and then to the Working Group member responsible for your agency, and all contacts with Agency Review Working Group members and coordination with other agency review teams or Transition Policy Working Groups also should be funneled through him or her. If you have a high-priority, time-sensitive question and are unable to reach your Working Group liaison, you should contact [REDACTED].
- Questions regarding ethics issues should go to the relevant lawyer on the attached sheet. Questions regarding access to or storage of non-public information should be directed to [REDACTED].
- Questions regarding credentials, equipment, travel and other administrative matters should be directed to [REDACTED].
- Each ALT should compile a contact sheet with the name; work, home and cell phone numbers; and email address for each member of their agency team and to provide it to the Working Group Member responsible for your agency to facilitate rapid and efficient communication.

#### **Working Environment**

The work produced by our team is critically important and serves as a foundation for policy, personnel and budgetary decisions at the highest levels. However, the process that will produce an excellent final product is not glamorous. Newspaper articles won't—and shouldn't—be written about the inner-workings of our team. **Accordingly, by accepting this role, you agree that you will not—now or in the future—author, contribute to, or comment for any media stories or articles about our work or work**



**product without advance permission. Discussing this work with the media without prior approval will result in immediate dismissal.** You have also agreed to abide by a strict ethics policy. The bottom line is that you should enter into this work for only two purposes: the satisfaction of serving our country and creating the best foundation possible for the success of the new Administration. While many of you may be interested in serving full time in the Administration, you should do this work on the clear understanding that here are no promises regarding future engagement with the new Administration and that your position on the transition team does not advantage you in pursuit of these jobs.

Finally, in addition to your substantive expertise and political savvy, we asked you to work with us because we strongly believe you share President-elect Obama's "no drama" work ethic: we must all leave our egos at the door and put our work ahead of any personal agendas. We look forward to a collegial and fast-paced environment.

Thank you again for your vital contribution to the Transition Project and we very much look forward to working with you.

## APPENDIX 5.4

**Memorandum on Agency Review Information and Document Policy**

Source: Obama-Biden Transition Project documents  
November 9, 2008

To: Agency Review Teams  
From: Jon Molot & Lisa Brown  
Re: Agency Review Information and Document Policy

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As a member of an agency review team for the Transition, it is vital that you follow Transition policy regarding the acquisition, handling, and use of confidential documents and information. All Transition personnel must of course respect the confidentiality of our work and we have all signed an ethics form to that effect. As members of an agency review team who will be going into government agencies, however, your obligations extend beyond that general duty of confidentiality. There are a number of laws governing administrative agencies that will bear upon your acquisition, handling, and use of confidential information. In addition, your access to information will be governed by a Memorandum of Understanding executed by the Transition and the Administration (“MOU”), relevant provisions of which are included at the end of this memo.

This memo is intended to provide guidance on three sets of core issues you will encounter as you proceed with your work: (1) there are certain categories of confidential government documents you should avoid acquiring in the first place; (2) once a confidential document is in your possession – whether obtained from the government or created by Transition personnel – you must follow specified procedures in handling that document; and (3) before you incorporate any confidential information into your finished product, you must revisit whether that information was obtained and handled properly and be sure that you present the information in a manner that is sensitive to its confidential nature and tailored to its audiences. In addition, the memo provides special guidance for agency review teams charged with reviewing independent regulatory agencies, as those teams will encounter special problems and will have to take care to avoid the appearance of intruding upon agency independence.

The memo is intended as a high-level roadmap. As specific questions arise, you should initially contact your agency Team Leader. Team Leaders and working group members will be in regular touch with the Transition’s legal team for guidance on document access and handling. If a Team Leader cannot resolve a problem with his counterpart in the Agency, the Team leader will bring the matter to the attention of the working group member who oversees your agency. That working group member will coordinate with [REDACTED] to pursue a resolution with the Administration.

If you have any questions on this memo, feel free to contact [REDACTED].

**GUIDELINES ON ACQUIRING INFORMATION & DOCUMENTS****DO NOT SEEK OR ACCEPT**

- **Personnel Files Protected by the Privacy Act (Paragraph 7 of MOU)**
  - Do not request or accept access to any individual’s personnel file. In the course of your interviews you will likely learn a great deal about current agency personnel, and may become privy to sensitive information, such as which civil servants are likely to be more or less sympathetic to the new administration’s policy agenda. There is no legal prohibition on acquiring this sort of soft, informal information. You may not, however, obtain more concrete information from an employee’s personnel file, such as performance evaluations, disciplinary records, employment history etc.
- **Attorney-Client Materials (Paragraph 7 of MOU)**
  - Do not request or accept any documents protected by attorney-client privilege. In the course of your investigation, you may request and accept documents summarizing and/or analyzing pending lawsuits, investigations, or rulemakings. To the extent that you

learn of documents that are marked confidential and written (1) by any employee of the agency to an agency lawyer requesting legal advice or (2) by an agency lawyer to any employee of the agency providing legal advice, you should not accept these documents. To accept these documents would risk violating the agency's attorney-client privilege

#### AVOID NON-PUBLIC INFORMATION REGARDING ADJUDICATIONS

- **Adjudication versus Rulemaking**
  - Agencies sometimes make policy through rulemaking proceedings with broad public participation and sometimes make (and enforce) policy through case-by-case enforcement actions, litigation and other adjudications involving specified private parties.
  - The law strictly prohibits agencies from engaging in off-the-record, ex parte communication regarding adjudications, but is more forgiving of free exchanges of information regarding rulemaking proceedings.
- **Information Regarding Adjudications, Enforcement Actions and Litigation**
  - You should not request, accept, or discuss non-public information regarding adjudications, enforcement actions, or lawsuits involving private parties. You may request and accept public information regarding pending enforcement actions, lawsuits, and adjudications. You may also request and accept information regarding future enforcement plans on a general level—that is, information that does not discuss individual parties. You should not, however, seek or accept confidential information regarding pending or planned actions against or involving specified private parties. To do so may be deemed to violate administrative law prohibitions against ex parte communications and/or to prejudice the rights of private parties.

#### GUIDELINES ON HANDLING INFORMATION & DOCUMENTS

##### TREAT ALL DOCUMENTS AS CONFIDENTIAL

- **Government Documents**
  - Any document received from any agency, even if a public document, should be kept confidential within the Transition and not shared with anyone outside the Transition. Electronic copies should be stored on your agency review team's portion of the Transition's virtual private network. Do not store documents in your home or private office or on your personal computer, except with express permission from your team leader.
- **Transition Prepared Documents**
  - Any document prepared by Transition personnel, even if it does not appear to contain non-public information, should be kept confidential within the Transition and not shared with anyone outside the Transition.

##### FOLLOW SPECIAL PROCEDURES FOR "LIMITED ACCESS" DOCUMENTS

- **"Limited Access" Documents (Paragraph 10 of MOU)**
  - Both (1) non-public documents obtained from the government and (2) Transition-generated documents containing non-public government information should be prominently labeled "limited access" and should be shared only with authorized members of your agency review team and other expressly authorized Transition personnel.
- **"Limited Access" Label and Storage**
  - "Limited Access" documents should be labeled: "CONFIDENTIAL DOCUMENT. LIMITED ACCESS ONLY. THIS DOCUMENT CAN BE SHARED ONLY WITH AUTHORIZED INDIVIDUALS."
  - "Limited access" documents should be stored only in the separate, password-protected section of your agency review team's portion of the Transition's virtual private network, or, in the case of hard copies, in a separate "Limited Access" file in the team's office at the agency.

- **Distinguish from Classified Documents (Paragraph 9 of MOU)**
  - Most agency review teams will not have access to any classified (secret) documents. Access to classified documents is restricted to those with the requisite clearance and need to know, and maintenance of such documents must comply with rules for documents with those classifications.

#### SEGREGATE DRAFTS AND INTERNAL MEMOS FROM DELIVERABLES

- **Finished Products versus Drafts and Internal Memoranda**
  - The only documents prepared by your team that should ever become part of government files after January 20 are the finished products delivered by your team leader to your final audience.
  - As January 20 approaches you will receive additional guidance on what you should do with drafts, internal memoranda, and other documents.

#### GUIDELINES ON PREPARING DELIVERABLES

##### DO NOT INCLUDE LIMITED ACCESS DOCUMENTS IN DELIVERABLES

- **Appendix not to Include Limited Access Documents**
  - To the extent that your User's Manual includes copies of original government documents in an appendix, the appendix should not include limited access documents.

##### REVIEW FINAL DRAFTS TO EXCLUDE PROHIBITED INFORMATION

- **Correct Earlier Errors**
  - To the extent that your agency review team has acquired information it should not have, the negative consequences of this error will only be compounded if the information is included in any finished products.
- **Submit Finished Products for Central Review Before Delivery**
  - Before an agency review team leader delivers a finished product to its target audience, the team leader will obtain clearance from a Transition lawyer to ensure that it does not include inappropriate confidential information.

#### ANTICIPATE AUDIENCE REACTION

- **Tailoring Information for the Target Audience**
  - Agency Review memoranda are intended to be useful to appointees, senior agency personnel, White House policy teams, OMB officials, and White House personnel involved in the nomination of senior appointees in agencies. (As noted below, however, the target audience for independent regulatory agencies will not include White House policy teams.)
  - Be sure to present the materials in a manner most useful to those audiences—highlighting the ways in which the campaign's stated policy goals relate to matters pending in the agency.
- **Anticipating Other Audiences**
  - Despite our efforts at confidentiality, you should write every document with the expectation that the documents will be read by people outside the targeted audiences. (They may even be leaked to the press.)
  - The substance and tone of your deliverables should accurately reflect the law and policy in your agency and, where critical of Bush administration policy, should be respectful and cast no aspersions or make personal judgments about agency personnel or any current or past agency officials.
- **Oral Briefings as a Complement to Written Deliverables**
  - Your investigation may produce information that is appropriate to share with the White House and/or nominees for agency positions, but which might have negative repercussions if leaked to a broader audience. In those instances you should consider carefully whether the information can be conveyed in oral briefings and left out of your written deliverables.

## **SPECIAL GUIDELINES FOR INDEPENDENT AGENCIES**

To avoid the appearance of improperly intruding on agency independence:

### **STEP 1—BE TRANSPARENT AND DEFERENTIAL FROM THE START**

- Your team leader should contact the Chair and/or his Chief of Staff and set up an initial meeting in which the team leader explains what your team needs to collect.
- At that meeting, you should give the Chair the option of either (1) inviting you to come into the agency to gather the relevant documents and interview the relevant agency staff, or (2) having the Chair's Office itself oversee the initial gathering of this information which it would then provide to you. If helpful, you may provide the Chair with a copy of the Independent Regulatory Agency Users' Manual outline as a starting point and discuss the information you plan to collect.
- If the Chair chooses to gather the information himself, you should say that you would like to follow up with interviews with all of the Commissioners and senior staff (as appropriate) to make sure you have an accurate sense of pending issues.
- You should make clear that your information collection efforts have only three purposes: (1) to provide the President-elect and his personnel team with adequate information about the agency to make informed decisions in the appointments process; (2) to brief the President-elect's nominees and assist them in the confirmation process; and (3) to inform incoming OMB personnel about any budget or management issues. Make clear that you have no authority on matters of regulatory policy and will not offer opinions on pending rulemaking proceedings, lawsuits, enforcement proceedings, or agency adjudications.
- If the Chair refuses to gather the information AND denies permission to collect the information, please immediately contact your working group leader.

### **STEP 2—MAINTAIN CONSISTENT TONE IN FOLLOW UP INTERVIEWS**

- In the course of interviewing other Commissioners and staff, you should explain your mission just as you did to the Chair.
- Commissioners and staffers may offer additional useful information beyond what you request, such as their views on which civil servants are likely to be more or less sympathetic to the incoming Administration's policy goals. You should avoid any questioning designed to elicit this sort of information, however, as your questions may be perceived as an unwarranted intrusion upon agency independence. You should never suggest, through your conduct or questions, that you expect the White House to control agency policymaking.

### **STEP 3—FINISHED PRODUCTS MUST REFLECT AGENCY INDEPENDENCE**

- Draft all of your deliverables as if they will be read not only by your intended audiences, but also by the current Commissioners and their staffs.
- Your deliverables should, in tone and substance, reflect the limited scope of your work: (1) to educate the President-elect and the Transition team's personnel team to inform their appointment decisions; (2) to prepare appointees for office; and (3) to provide limited information to the new OMB. You should not suggest in your deliverables that agency policy can or will be controlled by the White House.

### **RELEVANT PROVISIONS OF THE MOU**

#### *Paragraph (7)*

- "In order to facilitate a smooth transition, it likely will be necessary in some circumstances to provide specified transition personnel with access to non-public information that may be protected by constitutional, statutory, or common law privileges, and material whose distribution is otherwise restricted by law. The Chief of Staff has advised the Chair of the PETT that Administration personnel will take steps required by law, including Executive Branch standards of conduct, the Privacy Act, and the attorney-client privilege, to protect such information. In particular, a government employee may not allow the improper use of non-public information to further his own private interest or that of another by knowing unauthorized disclosure. 5 C.F.R. 2640. The PETT recognizes that there is some information that the Department or Agency may not be able to provide in order to comply with statutory requirements, or otherwise preserve applicable privileges."

#### *Paragraph (8)*

- "In order to facilitate a smooth transition and provide a mechanism for expeditiously addressing any concerns, including ethical, privacy, and privilege concerns, regarding access to non-public information as described in paragraph (7), the Chief of Staff and the Chair of the PETT will each

designate in writing an individual or individuals authorized to confer in order to resolve such concerns informally.”

*Paragraph (9)*

- “The Chief of Staff further advises that, before providing any classified information to a member of the PETT, pursuant to Executive Order 12958, as amended, it must be established:
  - That the member has the security clearances necessary to have access to that information, and the requisite need to know, and
  - That the member has signed the requisite non-disclosure agreement.”

*Paragraph (10)*

- “The Chief of Staff advises that, before providing non-public information (including classified information) as described in paragraph (7) to a member of the PETT authorized to receive it under the guidelines established in this memorandum, Departments and agencies will expeditiously:
  - Brief the Transition Team member on the importance of maintaining the constitutional, statutory, and/or common law safeguards afforded the non-public information.
  - Clearly label non-public records provided to Transition Team personnel with a warning against subsequent disclosures to unauthorized individuals, including unauthorized members of the Transition Team.
  - Specifically advise Transition Team members that non-public information provided to them cannot be shared with other Transition Team personnel unless those other personnel satisfy the requirements for access to that information set forth in the memorandum.
  - Require the Transition Team member to sign a statement representing that, to the best of the member’s knowledge, he or she has no financial interest or imputed financial interest that would be directly and predictably affected by a particular matter to which the information is pertinent. The Department or Agency may require such additional information from the Transition Team member as the Department or Agency deems necessary, in light of the proposed disclosure.
  - Where advisable, prohibit the Transition Team member from removing the records containing non-public information from the offices of the Department or Agency.
- Upon Request from the EOP, a Department, or an Agency, the PETT will provide a written statement indicating the Transition Team member’s need for access to the non-public information. The statement of need will be provided by the Chair of the PETT (or his designee) to the Chief of Staff (or his designee).
- Department or Agency personnel shall make a written record of any disclosure of non-public information made to a member of the PETT.”

*Paragraph (11)*

- “It likely will be necessary for members of the PETT to share with the Administration information that they wish to be kept confidential. Accordingly, to the extent permitted by law, the Administration agrees to protect the confidentiality of information provided to it on a confidential basis by the PETT.”

*Paragraph (12)*

- “Any disagreements between the Administration and the PETT concerning the subject matter of this memorandum that are not resolved informally pursuant to paragraph (8) or otherwise will be referred by the Administration to the Chief of Staff (or his designee) and by the PETT to the Chair of the PETT (or his designee).”

*Paragraph (13)*

- To the extent permitted by law, the Administration with respect to its staff members and the PETT with respect to its transition team members, state that they intend to take appropriate steps to discipline any person who fails to comply with the terms of this agreement.”

APPENDIX 5.5

**Budget Memorandum for Agency Review Team Leads**

Source: Obama-Biden Transition Project documents  
November 4, 2008

Memo to Post-election Transition leaders  
From: Bo Cutter, OMB Transition team leader

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The following memo is intended to begin specifying context and budget development plans for the transition and to identify specific budget related tasks we need to ask of the post-election transition agency teams.

1. Obama Administration deliverables: The post-inauguration Obama Administration is expected:
  - a. To present an economic framework at the end of Feb. This framework will provide an overview of economic policy, and a “top-line” 2010 budget (as well as any proposed changes to FY2009), all within the context of President Obama’s overall economic vision.
  - b. To deliver to the Congress a full 2010 budget in mid-April.
2. Schedules: Accomplishing this necessitates very tight pre and post inauguration schedules. The transition teams will not make budget policy; that is the task of President Obama’s appointees. Our task is to lay out a clear process and provide a strong foundation, specifically:
  - a. A detailed pre and post inauguration schedule; and
  - b. Fully analyzed current services budget numbers; all with the intent of putting the Obama Administration in the position to have formal budget instructions and OMB Director’s budget “marks” transmitted to the Executive branch agencies the day after inauguration.
3. Briefings: We anticipate, very broadly, 3 kinds of briefings:
  - a. Agency transition team briefings: as soon as possible post-election; focusing principally on process and schedule.
  - b. Cabinet level briefings: as soon as cabinet appointments have been made. A separate transition group is organizing a Cabinet level process of which an OMB briefing effort will be an important part.
  - c. President-elect briefings: a series of options and decision meetings will be held with agenda and schedule to be decided by transition leadership.
4. Agency team budget preparation memos: We need a memorandum from each of the Cabinet agency teams by Dec. 1, covering the following topics:
  - a. Current services and cost savings: the Bush Administration is preparing to leave current services numbers only (not budgets) for all agencies except State, DOD, and Homeland Security. The budget offices of each department agency will have the numbers. Given the fiscal challenges ahead and the need to make room for new initiatives, your memo should indicate how the Obama 2010 budget process could achieve a 3% and 10% reduction from these current services numbers should this become necessary.
  - b. Specific campaign budget goals: we have prepared a list of budget goals we could identify. Your memo should provide a prioritization and rank ordering of these goals and identify any we have missed. Most of these goals are stated in specific dollar terms, but your memoranda should provide us with estimates if there are none stated on the list. They are all important; the issue is how and when we fit them into Obama Administration budgets.
  - c. Major initiatives, options and costing: Please provide us with the options and pricing that you have developed for major Obama Administration initiatives. We want to underline that the formal budget process can only occur after the Obama Administration

- takes office, and only President-elect Obama's appointees can make policy decisions. But we will need to array the options and associated costs for all of the major initiatives so that the President-elect and his senior staff and cabinet appointees can begin a process.
- d. "Landmines" in the current services numbers: There may be much more, or much less than is appropriate that was put in some agency or sub agency current services estimates by departing Bush Administration appointees. For example, operating expenses of essential services – prisons, national forests, etc – may be understated with the budget dollars shifted somewhere else. Your memo should identify these specifics and show how you would alter current services numbers to reflect these cases. And we should underline that we do not know this has happened.
  - e. Regulations and executive orders: A separate transition group will be preparing a "stop" order for all pending Bush Administration regulations. Your memo should identify particularly troublesome regulations which require immediate attention; and it should do the same for Bush Administration Executive Orders/Directives/Memorandum. Remember: these stay in effect until they are explicitly changed.
    - i. In addition, there will be pending or newly created regulations which the Agency teams believe should go through quickly. Please identify those as soon as possible.
  - f. Scheduled testimony, legislation, etc: Your memo should identify all major scheduled events or actions of a budgetary nature that will occur with your Agency during the first 3 months post-inauguration. For example, specific annual required testimonies, or expiring legislation.
  - g. I want to underline that we are not asking for budget decision memos. The formal budget process will begin immediately after inauguration when agencies will be given targets and asked for responses by the OMB director nominated by President Obama.
5. Major initiatives: Senator Obama has stated significant goals with respect to a few major initiatives. We expect the Obama Administration will follow through on these goals, but prioritization and sequencing is required. Decisions regarding these major initiatives will be made by the President-elect and his principal advisors in a separate process during the transition.
  6. Expectations: As is the case in all transitions, funding expectations in every area of the federal budget are enormous. But this time, more than ever, budget room is extraordinarily limited. In your meetings with agencies, the Hill, and external interest groups, you should do everything you can do to ensure that this is well understood.
  7. Context: the FY 2009, 2010 deficits will be substantial. Given the severe economic turndown and the on-going financial crisis, these deficits are expected and appropriate. But the appearance and reality of fiscal control is also essential. The Obama Administration will likely be judged—to an important degree—by its ability to manage the current economic and financial crisis while simultaneously beginning to gain control over our country's long run and deep fiscal problem.



APPENDIX 5.6

**Outline for Agency Review Two-Page Summary Memorandum**

Source: Obama-Biden Transition Project documents

- I. Overview of the Agency
  - a. Mission and main components
  - b. An attached organization chart populated with budget and headcount
  
- II. Strategic Priorities/Opportunities for the Agency [offense: President-elect's agenda]
  - a. Major Promises/Commitments made by the President-elect relative to the Agency
  - b. Strategic Vision for the Agency—Year One and long term
  - c. Opportunities (including those identified by the transition policy groups) to achieve priorities of the new Administration, e.g., executive orders (new and ones needing to be revoked), secretarial orders, regulations, legislation, bully pulpit. Also include reference to any cost-saving opportunities involving non-strategic areas in the agency budget.
  - d. Important changes to intra- or inter-agency organizational structure that will be necessary to achieve strategic goals
  
- III. Major Looming Issues [defense: what the new Administration is going to have to deal with regardless]
  - a. Major legislative issues relevant to the department that will arise in Year One which the Administration will need to address (e.g., big reauthorizations)
  - b. Key organizational issues requiring attention in Year One
  - c. Important regulatory issues relevant to the department (e.g., new or problematic regulations)
  - d. Major litigation issues relevant to the department (e.g., important SCOTUS or lower court cases)
  - e. Key policy issues for the department (including problems and time-sensitive issues)
  - f. Major budget/procurement issues
  
- IV. Senior Personnel Issues
  - a. Key positions within the department and order in which they should be filled
  - b. Qualifications we should be looking for in filling those roles, and political/substantive signals that will be sent by choices made
  - c. Senior positions that should be eliminated or newly-created in Year One

“The use of the president-elect’s time during the period between election and inauguration is incredibly important to making sure that person will assume the office as an effective leader.”

**Steve Preston**

**Director, President-elect Support  
Romney Readiness Project**

## CHAPTER 6

# Supporting the President-elect

The roughly 75 days between election and inauguration will be an exceptionally busy time for the president-elect, whose days and nights will be filled with internal meetings, travel, intelligence briefings, public events, personnel decisions and finalizing the policy agenda for the first 100 and 200 days of the presidency. This chapter focuses on the rigorous planning required to ensure the run-up to the inauguration will effectively meet the needs of the president-elect and lay the groundwork for a successful start to the new administration. While some decisions, by necessity, will be made after the November election, planning for the president-elect's schedule and the timelines for various decisions should begin well before the ballots are cast.

## FUNDAMENTALS OF THE PRESIDENT-ELECT'S SCHEDULE

The president-elect's time is a limited resource that must be invested wisely. Scheduling choices are informed by a variety of factors that include personal style, relationships, and the priorities and agenda set during the campaign. These and other factors must be weighed in designing a forward-looking, high-impact schedule. Ideally, such a schedule aligns engagements, outreach, briefings and other meetings to the president-elect's key responsibilities during transition. It is critical that the president-elect selects personnel, refines priorities and builds support with key stakeholders during this time.

The nature of the transition support has varied based on what works best for the president-elect. It is important, therefore, to understand the president-elect's work style, including their preferred manner of receiving information and who should be included in meetings.

George W. Bush's transition team did not play a role managing his activities; those were handled by the incoming chief of staff and other incoming White House staff. The Romney Readiness Project envisioned a different model.

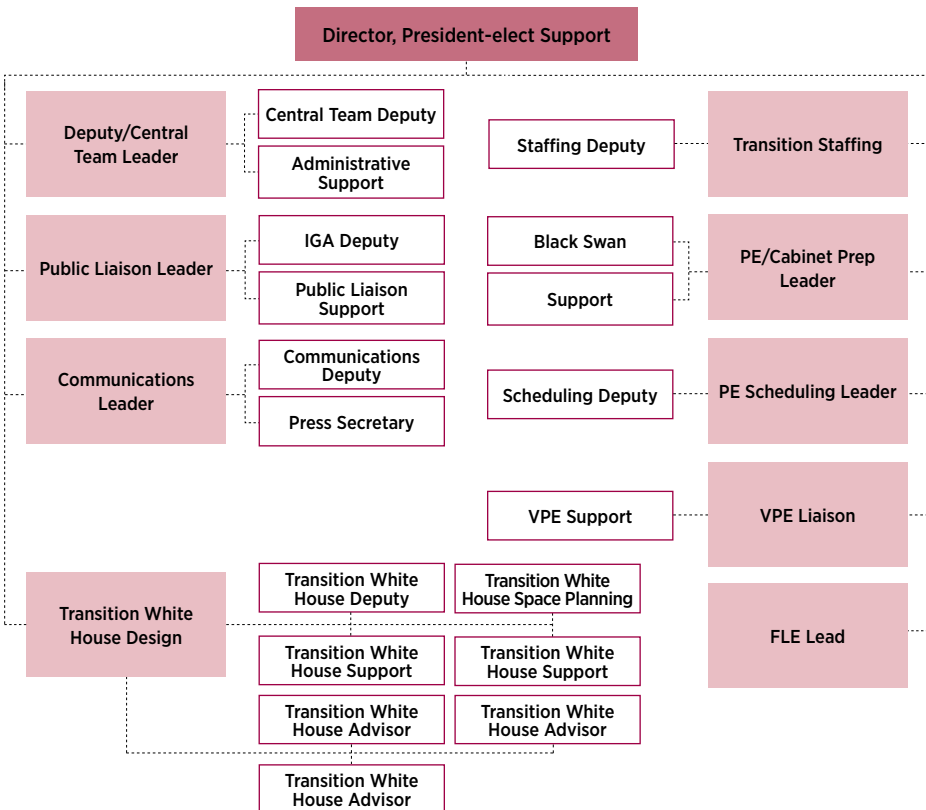
The president-elect support team designed a strategic 75-day calendar to help advance the new administration’s goals. Their work included everything from the president-elect’s scheduling and “transition White House design” to Cabinet preparation and assistance for the vice president-elect and the incoming first lady. The Barack Obama transition team planned a detailed schedule, but the exigencies of the financial crisis resulted in a new plan for the president-elect after the election. Similarly, the carefully choreographed schedule laid out for the President-elect Joe Biden’s team had to quickly adapt to the circumstances of delayed ascertainment.

**Political functions**

A good portion of the president-elect’s time between the election and the inauguration will be taken up by traditional events and formal functions. These include personnel announcements, congratulatory communications with foreign dignitaries, outreach to Congress, engagements with major political figures and meeting with the defeated opponent and with the outgoing president. State

**Romney president-elect support: organizational chart**

IGA=Intergovernmental Affairs, PE=President-elect, VPE=Vice President-elect, FLE=First Lady-elect



Source: Michael O. Leavitt, Christopher Liddell, Daniel Kroese and Clark Campbell, “Romney Readiness Project 2012: Retrospective & Lessons Learned,” R2P, Inc., 2013, 58.

**Various transition approaches**

Transition approaches are influenced by each president-elect’s personal style, and strategic focus of the day.

	CLINTON	G.W. BUSH	OBAMA	TRUMP
<b>Location preferences</b>	<ul style="list-style-type: none"> <li>Based in Arkansas; two brief, high-impact DC trips</li> <li>Several trips to other states</li> </ul>	<ul style="list-style-type: none"> <li>Late move (delayed result; preference to stay outside DC)</li> <li>Flew stakeholders, members of Congress to Texas</li> </ul>	<ul style="list-style-type: none"> <li>Based in Illinois, but early DC move for daughters’ school</li> <li>Split transition office model (Illinois and DC)</li> </ul>	<ul style="list-style-type: none"> <li>Based in Trump Tower in New York City</li> <li>Conducted meetings and interviews with potential nominees at his properties in Bedminster, NJ and Palm Beach, FL</li> </ul>
<b>Personnel selection</b>	<ul style="list-style-type: none"> <li>Highly consultative approach; high president-elect engagement in interviews (including low-level White House)</li> <li>Announcements made later in blocks-Cabinet then White House</li> <li>Promotion of successive transition leads to Cabinet</li> </ul>	<ul style="list-style-type: none"> <li>Official processes delayed until president-elect declared, but hearings expedited to ensure readiness on Jan. 20.</li> <li>White House and Cabinet announcements made rapidly, in parallel</li> </ul>	<ul style="list-style-type: none"> <li>Extensive written application process</li> <li>Daily announcements (White House then Cabinet)</li> <li>Announced in “topic clusters” to create press opportunities and frame policies</li> </ul>	<ul style="list-style-type: none"> <li>Appointed hundreds of officials known as “beachhead” appointees using temporary transition authorities</li> <li>Kept the public informed about interviews and selections of top appointees</li> </ul>
<b>Policy focus</b>	<ul style="list-style-type: none"> <li>Commentary on broad range of topical issues (including economy and foreign policy)</li> <li>Used “summit” approach (economic)</li> </ul>	<ul style="list-style-type: none"> <li>Heavy emphasis on economy and education</li> <li>Expanded “summit” format (business, technology, education, agriculture); used to inform policy</li> </ul>	<ul style="list-style-type: none"> <li>Dominated by economic crisis</li> <li>“Backward mapping” of key foreign and domestic events to prioritize policy (e.g., TARP)</li> <li>Used Cabinet announcements as policy platforms</li> </ul>	<ul style="list-style-type: none"> <li>Created four joint task forces of agency action and policy team members to tackle key cross-cutting issues, which included “Buy America,” women and children, intellectual property and currency manipulation</li> </ul>
<b>Congress and stakeholder outreach</b>	<ul style="list-style-type: none"> <li>Congress compressed into two brief, high-intensity DC visits</li> <li>Significant effort with external stakeholders (e.g., business leaders and benefactors)</li> </ul>	<ul style="list-style-type: none"> <li>Significant outreach to own party; some to Democrats</li> <li>Key stakeholders visited Texas</li> <li>Vice president conducted much outreach as president-elect’s “proxy” in DC</li> </ul>	<ul style="list-style-type: none"> <li>Less emphasis on Congress due to partisan rifts, though more in January due to crisis</li> <li>Transition team conducted much on president-elect’s behalf</li> </ul>	<ul style="list-style-type: none"> <li>Created an office to serve as the first point of contact with the business community, associations and other organizations</li> <li>Held 28 listening sessions between Dec. 1 and Jan. 13 to hear about policy concerns</li> </ul>
<b>Media and publicity</b>	<ul style="list-style-type: none"> <li>Significant focus on media and public appearances (including speeches and events)</li> </ul>	<ul style="list-style-type: none"> <li>Strong use of photo ops; ad hoc press interaction</li> </ul>	<ul style="list-style-type: none"> <li>Announcements and web videos as policy vehicles</li> <li>Staggered appearances to stay in public eye</li> </ul>	<ul style="list-style-type: none"> <li>Staff held daily transition briefing calls with the media</li> <li>Occasionally briefed reporters staked out at Trump Tower</li> <li>Communicated frequently with the public through personal Twitter account</li> </ul>

Source: Boston Consulting Group analysis

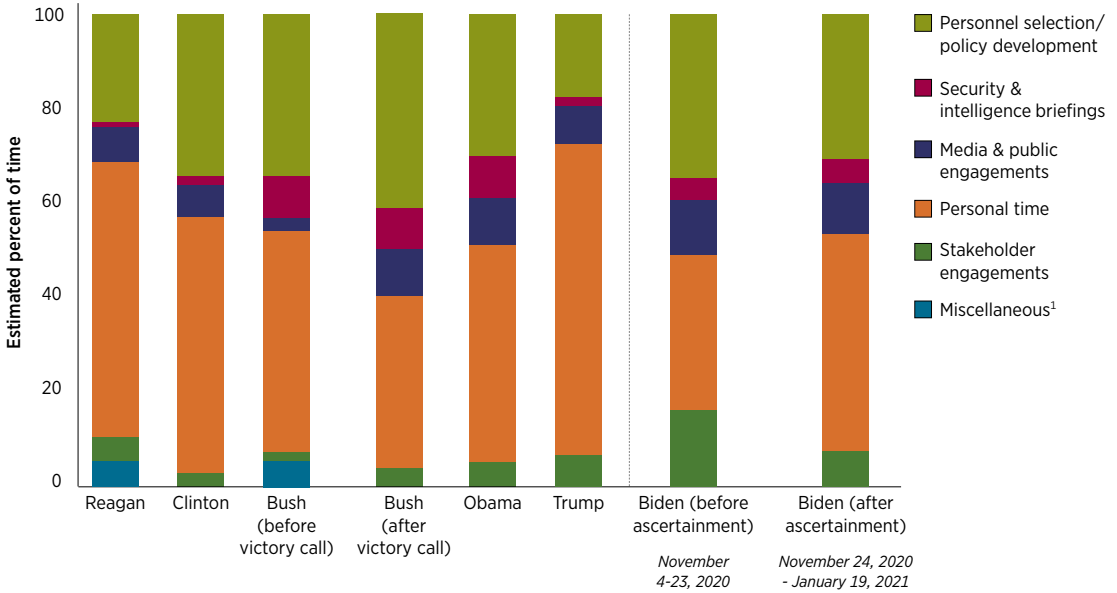
and local outreach also plays an important role. State and local governments can provide a pipeline of potential nominees and serve as a source of policy ideas. In 2008, the Obama transition had an intergovernmental affairs shop that coordinated this communication and outreach. In 2016, state and local entities were a priority of the Trump transition’s Office of Nationwide Engagement’s listening sessions. In 2020, Biden named Cedric Richmond as senior advisor and the director of the Office of Public Liaison, one of his first appointee announcements.

During this period, it is essential for the president-elect and the staff to understand the relevant protocols and adhere to the democratic custom that there is only one president at a time, especially in contacts with foreign leaders. The transition team should also acknowledge and work with the outgoing administration to ensure the government is always speaking with one voice, especially on matters of national security and foreign policy. President-elect Donald Trump deviated from this tradition in a December telephone call with the Taiwanese leader, and in his later criticism of the Obama administration’s decision not to veto a United Nations resolution critical of Israel’s settlements.

In the 2008-2009 post-election period, President-elect Obama kept quiet on emerging foreign policy crises, but was outspoken on the financial crisis and his plans for the nation’s financial recovery.

**President-elect time study**

Allocations vary greatly across four president-elect transitions. This is largely due to different investments in meetings, personal work and time off.



<sup>1</sup>Categories are unaccounted in public records and are estimated

**Source:** BCG analysis based on historical records of public-facing time and assumptions to drive unaccounted activities (including 10- or 12-hour work days, weekend and vacation time off with exceptions, regular intelligence briefings, extra personnel and policy meetings daily). Detailed assumptions included in backup.

## Meeting with the defeated candidate

During the transition, the president-elect traditionally meets with his election opponent. This is an opportunity to reaffirm the strength and vitality of America's democracy and to look for potential areas of common ground on which the two can work together. On Nov. 17, 2008, about two weeks after the presidential election, President-elect Obama met with his campaign opponent, Sen. John McCain of Arizona, at the Obama transition office in Chicago to discuss critical issues of interest to both men, such as Guantanamo Bay and the war in Afghanistan. Following the meeting, they issued a joint statement saying, "We hope to work together in the days and months ahead on critical challenges like solving our financial crisis, creating a new energy economy, and protecting our nation's security." By taking the time for such a meeting, the president-elect can demonstrate goodwill toward political adversaries and potentially generate more support for policies that will be pursued after the inauguration. Defeated presidential candidate Mitt Romney met for more than an hour with President Obama at the White House at the end of November 2012, and according to news reports discussed America's leadership in the world. No such meeting was held between President-elect Trump and Hillary Clinton after the 2016 election, nor did any take place between President-elect Biden and Trump in 2020.

## Policy and intelligence briefings

After ascertainment, the president-elect and top advisors will receive daily intelligence briefings on matters of national security. In addition, there will be regular meetings on major domestic and international developments as well as potential policy decisions. The frequency and content of these meetings will vary depending on the president-elect's management style and policy agenda. Data compiled by the Boston Consulting Group found that Presidents-elect Bush and Obama spent roughly 8 to 9% of their time on security and intelligence briefings, while President-elect Trump spent only 2% of his time receiving these briefings. Trump stated publicly that he did not need them on a daily basis and was content to rely on those around him on matters of intelligence and national security.<sup>66</sup> (See the time study analysis on the previous page.) Vice President-elect Mike Pence, however, received regular intelligence briefings after the 2016 election. President-elect Biden reverted to the norm of receiving daily intelligence briefings.

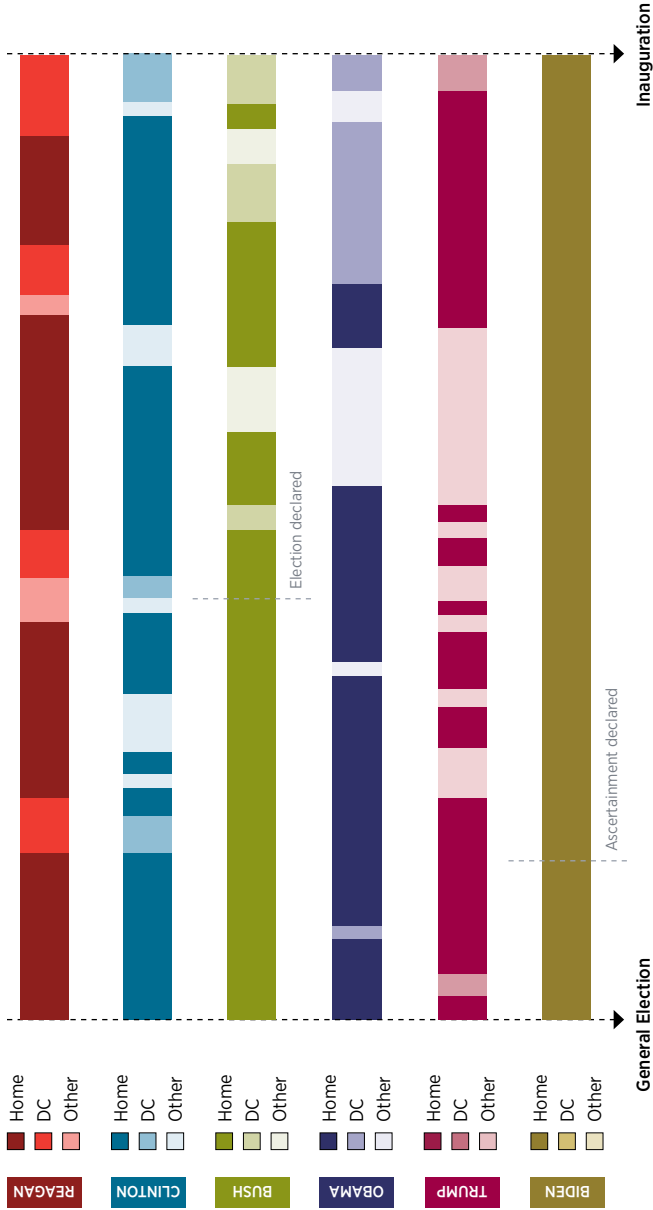
In general, meetings with the president-elect during the transition should use the same processes that will eventually govern meetings in the White House, including briefing materials, agenda preparation and a clear means of communicating the president's decisions and corresponding action items. The transition period is a good opportunity to test and refine processes and learn to work together as a team.

It also can be helpful to confer with officials from the outgoing administration to get up to speed on hot button issues that will quickly confront the new president. During the 2008 transition, as the financial crisis was growing, President-elect Obama's economic team met with Bush administration officials

66 Louis Nelson, "Trump: I don't need daily briefings," *Politico*, Dec. 11, 2016. Retrieved from <https://politi.co/2IusFKs>

### Travel and location

“Dual office” model in home state and DC; most PEs stay outside the Beltway as long as possible, including Biden who did not arrive until the day before his inauguration.



Source: Factiva searches in *Washington Post*, CNN and *New York Times* for 11/4/1980 to 1/20/1981, 11/3/1992 to 1/20/1993, 11/7/2000 to 1/20/2001, 11/4/2008 to 11/9/2009 and 11/9/2016 to 1/20/2017, publicly available transition websites (e.g., [whitehousetransitionproject.org](http://whitehousetransitionproject.org), [marthakumar.com](http://marthakumar.com) and [change.gov](http://change.gov)), transcripts of Presidential Diary from Reagan Presidential Library, C-SPAN.



to discuss the distribution of Troubled Asset Relief Program funds, the collapse of the auto industry and the appointment of an auto czar.<sup>67</sup> In order to be fully prepared for these types of situations, the president-elect and his team will need to be briefed in advance of such meetings.

## Downtime

Just as important as the formal functions and events that take place during the handover phase is the need to reserve sufficient downtime for the president-elect to recuperate from the campaign. As one senior transition advisor put it: “The candidate will not know how tired he is until he actually goes on vacation.” After the 2008 election, Obama vacationed for 10 days with only limited availability to staff. It is important when determining the president-elect’s schedule to have an idea of how much time the candidate plans to take off and prepare accordingly. By assuming that the candidate will be available to work a full schedule immediately after the election, the transition team may pose difficulties for itself down the road. Following the 2016 election, President-elect Trump made periodic visits to Mar-a-Lago, his estate and private club in Palm Beach, Fla., and to his Bedminster resort in New Jersey. Trump continued to work during these visits, often hosting potential Cabinet nominees for interviews.

## Unexpected events

In addition to the gamut of regular meetings, formal functions and downtime, the transition team must understand that unexpected issues will always crop up during the formal transition period, just as they will during the president’s term. These can include nomination challenges from the Senate, the unanticipated withdrawal of top administration nominees, or simply unexpected domestic or international events. During the 2008 election, for example, the American economy moved deeper into a financial crisis. Just weeks after the election, Obama stated in his weekly radio address that his economic team was developing a stimulus plan that would eventually become the American Recovery and Reinvestment Act.<sup>68</sup> By the time Inauguration Day arrived, the transition had spent, in the estimate of one team member, roughly 85 percent of its time developing the Recovery Act, something that could not have been foreseen before the election, but which was critically important to the early months of Obama’s first term.

Controversies regarding nominees can cause major disruptions during the transition and consume an inordinate amount of time should ethics, finance or other problematic issues come to light. Obama had three top Cabinet nominees withdraw for a variety of reasons, including Commerce secretary nominee Bill Richardson for political donor questions and Health and Human Services secretary nominee Tom Daschle for tax irregularities. Andrew Puzder, President Trump’s nominee to be secretary of labor, withdrew from consideration

67 Martha Joynt Kumar, “The 2008-2009 Presidential Transition Through the Voices of Its Participants,” *Presidential Studies Quarterly* 39(4), October 2009, 840. DOI: 10.1111/j.1741-5705.2009.03712.x. Retrieved from <https://bit.ly/39xD7g1>

68 Jackie Calmes and Jeff Zeleny, “Obama Vows Swift Action on Vast Economic Stimulus Plan,” *The New York Times*, Nov. 22, 2008. Retrieved from [nyti.ms/1Su8gFa](https://nyti.ms/1Su8gFa).

in February 2017 when Senate support evaporated in part due to issues involving business practices. Neither president had all of the members of his Cabinet confirmed before the end of April. The withdrawals of presidential nominations over the years have delayed the final appointments by two to three months and diverted time and attention away from other transition activities.

## **MAJOR STEPS IN THE PRESIDENT-ELECT'S CALENDAR PLANNING**

The president-elect's schedule during the formal handover phase should be planned before the election and should reflect the critical relationships and top priorities of the new administration. Although the responsibility of developing the schedule may be assigned to a specific sub-office within the transition, the process of developing the major goals and themes of the transitions requires coordination among all areas of the transition—including the policy, agency review and personnel teams—as well as the campaign and the candidate's scheduler. As a result, the presidential transition calendar plays an important role in ensuring that all areas within the transition team are aligned to the president-elect's overall priorities.

### **Decide on location(s) of formal transition operations**

How a president-elect divides time between Washington, D.C., and the campaign headquarters depends on personal preference and management style. In recent history, those elected president have chosen their hometowns as their base of operations. Doing so may be a matter of choice, but it is also an important way in which a president-elect can respect the convention of one president at a time. George W. Bush brought advisors to Texas, with only two short visits to Washington after the election was decided. Obama, for example, spent nearly all of his time in Chicago and Hawaii. President-elect Trump spent most of his time at Trump Tower in New York City, the location of his residence and transition operation, and at his resorts in Florida and New Jersey, where he also held transition meetings with potential appointees and staff members. Biden based his campaign in Delaware even prior to the pandemic and subsequently conducted all of his transition activities while working remotely from his house in 2020-2021.

While a transition operation may be set up in a president-elect's hometown, the General Services Administration also will provide transition work space as well as technical and logistical support in the nation's capital, where the bulk of the staff is likely to be located. It will be important to make sure that the GSA officials are aware of the candidate's location preference well before the election so they can make advance preparations for office space as well as computers, internet services and other support that will be needed by the winner immediately following the election. It is also important for the campaign and the transition team to coordinate with the Secret Service to ensure that appropriate security will be available at any additional location, including secure phone lines and access to a sensitive compartmented information facility, or SCIF, for classified briefings.

One of the major decision points for the transition team leading up to the

election is how functions will be divided between the two offices and the resources that will be needed. In most cases, the policy experts and congressional staff will end up working on the transition in Washington, so it makes sense to put most of the transition functions in the capital. The transition leadership will likely need to spend a significant amount of time shuttling between Washington and the president-elect's base of operations. There also will be a need for press and advance staff at the campaign headquarters if personnel and policy announcements will be made there. Ultimately, it is up to the president-elect and the transition team to determine the structure that best suits the president-elect and the goals of the transition.

Most presidents-elect choose to compress their time in Washington into a few intensive, high-visibility visits. These visits can serve as an opportunity to reach out to Congress and other important stakeholders, and host major press events such as the announcement of Cabinet secretaries. Such visits should be timed to ensure maximum impact and avoid the time when Congress is in recess, where possible, or major holidays. Meetings with members of Congress should include both public events and private meetings to allow the incoming president to build important working relationships.

### **Coordinate external stakeholder outreach**

The formal transition phase presents a fresh opportunity for the president-elect to reach out to external stakeholders and build support and momentum for major policy initiatives. A combination of public and private events may be a part of this outreach strategy.

One approach to building media attention and momentum for major policies is the summit model used by Presidents Clinton and Bush. Each held a two-day summit in the run-up to the inauguration. Bill Clinton's summit was designed to focus attention on the economy and build support around his economic policies. Moderated by Clinton and televised on C-SPAN, the summit had 329 participants, including academic economists, business executives, trade unions, special interest groups and some Republicans. Bush's summit brought together business leaders and other experts to discuss the economy, was closed to the press and geared toward providing a candid and open exchange of policy ideas to inform Bush's policies.<sup>69</sup> After the disputed 2000 election was decided, Bush also held a meeting in the governor's mansion in Austin, Texas, with members of Congress from both parties to discuss education reform proposals, one of his top policy priorities.<sup>70</sup> While this meeting was closed to the public, it gave Bush an opportunity to push his agenda with an important constituency and move forward on an issue that he considered a key part of his presidency.

69 Peter Roff, "Analysis: Personnel is Policy," United Press International, Jan. 3, 2001. Retrieved from <https://bit.ly/2PX8B7s>

70 Richard A. Oppel Jr. and Diana Jean Schemo, "The 43rd President: The President-Elect; Bush Is Warned Vouchers Might Hurt School Plans," *The New York Times*, Dec. 22, 2000. Retrieved from <https://nyti.ms/2VXcxbZ>

**Policy summits in transition period**

Clinton and Bush favored the “summit” model.

	GOALS	FORMAT	ATTENDEES
<b>Clinton:</b> Economic summit	<ul style="list-style-type: none"> <li>Publicly demonstrate economy’s priority and demonstrate expertise/action.</li> <li>Highlight lingering long-term problems in the economy.</li> <li>Flesh out and build support for agenda with Cabinet and experts.</li> </ul>	<ul style="list-style-type: none"> <li>7 sessions over 2 days.</li> <li>Range of topics related to the economy, including trade, health reform, childhood education, poverty.</li> <li>Primarily moderated by Clinton.</li> <li>“Oval” table discussion with Vice President-elect Gore, nominated economic team (Treasury, Labor, OMB, NEC, CEA) and rotating group of 25 guests.</li> <li>Q&amp;A at every session.</li> <li>Held in downtown conference center.</li> <li>Televised on C-SPAN and broadcast on NPR.</li> </ul>	<ul style="list-style-type: none"> <li>329 participants.</li> <li>Academic economists (e.g., Yale, MIT, Brookings).</li> <li>Interest groups (e.g., trade unionists, community leaders, small-business owners).</li> <li>Business executives (e.g., Apple, HP).</li> <li>Many were Clinton supporters but ~10 percent of invitees were Republicans.</li> </ul>
<b>Bush:</b> Business and tech summits	<ul style="list-style-type: none"> <li>Receive information from experts across range of industries candidly and quickly.</li> <li>Inform policy agenda development.</li> </ul>	<ul style="list-style-type: none"> <li>2 days, split by topic.</li> <li>Day 1: Business—including reports from different sectors (e.g., retail, manufacturing, food), upcoming recession, trade, education, immigration visas.</li> <li>Day 2: High-tech industry and its impact on economy, education, minorities in business, workforce pipeline.</li> <li>Hosted by secretary-designates of Treasury and Commerce.</li> <li>Held at the governor’s mansion.</li> <li>Closed to the press.</li> </ul>	<ul style="list-style-type: none"> <li>Day 1: ~30-35 CEOs from a range of industries (e.g., Walmart, Home Depot), academic experts and labor leaders.</li> <li>Day 2: High-tech leaders including heads of AOL, IBM, HP, Sun Microsystems, Dell and Cisco.</li> <li>Many attendees were campaign contributors or Bush supporters.</li> </ul>

**Source:** Boston Consulting Group analysis

## Develop communications strategy

A president-elect's communications and outreach strategy will vary significantly based on goals, personal preference and the opportunities presented by evolving communications technologies. Transition teams should seek to develop an outreach strategy in consultation with campaign communications staff, based on the level of comfort and visibility of the president-elect and the preferred communications channels.

Biden made ample use of virtual meetings throughout his campaign and transition period. Like Trump, he also posted regularly on social media accounts and less frequently conducted traditional press interviews. Both Biden and Trump held only four print or TV news interviews, compared with 12 for Obama, eight for George W. Bush and nine for Clinton.

Trump held “thank you tour” campaign-style rallies during December 2016 in nine of the states in which he was victorious. On Jan. 11, 2017, Trump also held an hour-long press conference in New York to discuss a wide range of topics, and he frequently used his Twitter account throughout the transition to send nearly 400 messages to connect with the public, foreign governments and various constituencies. The communications team also hosted a daily transition briefing call with reporters.

Bill Clinton and Obama each devoted significant emphasis and time to public communications. Clinton focused on community outreach and public speaking engagements as well as regular press conferences. Obama used a combination of weekly radio addresses on the web modeled after the presidential radio address and regular television appearances. In these addresses, Obama laid out his policy proposals and used this forum to announce the Cabinet nomination of Shaun Donovan to be the secretary of the Department of Housing and Urban Development. As technology evolves, video conferencing, live-streaming web events, social media and other means provide flexibility for the president-elect's schedule and allow connections with more groups than was previously possible.

Ronald Reagan and George W. Bush had more traditional approaches to media outreach. Reagan preferred informal press question-and-answer sessions and photo opportunities rather than formal press conferences, and relied on written announcements and press briefings. Bush had a slow start to his media outreach, due in part to the late election results, and preferred photo opportunities as a way to maintain visibility rather than public speaking engagements or press conferences.

The transition should also consider the extent to which the transition chair will be available for press appearances to provide details about transition planning. Given the current media environment and the increased exposure that transition planning now receives thanks to laws like the Pre-Election Presidential Transition Act of 2010, the public will have a keen interest in what the president-elect is doing to prepare for their time in office.

The Biden team launched the website BuildBackBetter.com shortly after Election Day but before ascertainment, which then converted to buildbackbetter.gov after ascertainment. The Trump transition team launched greatagain.gov, the official website of the transition, the day after the election, where they announced landing team members, policy promises and appointments, and col-

**Communication strategy**

Varied significantly by president-elect, with each trying to strike his own level of visibility and channel mix

	November	December	January
<b>REAGAN</b> Media Q&A/Photos TV Interviews Print Interviews Appearances			
<b>CLINTON</b> Press Conferences TV Interviews Print Interviews Speeches Appearances			
<b>BUSH</b> Photo Opportunities TV Interviews Print Interviews Appearances			
<b>OBAMA</b> Web Addresses TV Interviews Print Interviews Appearances			
<b>TRUMP</b> Social Media TV Interviews Print Interviews Press Releases Appearances			
<b>BIDEN</b> Social Media TV Interviews Print Interviews Press Releases Appearances			

Used photo opportunities and informal press exchanges, rather than formal press conferences. Personnel announcements written rather than in-person.

Significant emphasis and time spent on public communications; focus on community outreach and speaking engagements.

Slow ramp-up of media outreach; favored photo ops to maintain public visibility.

Ongoing communication via new channels (e.g., weekly web address). Used personnel announcements as press conferences.

Constant communication using Twitter, which was then typically rebroadcast by media. Higher number of public appearances than other presidents-elect.

Significant leverage of virtual public appearances (from Delaware) to announce key nominations and policy priorities.

→ Inauguration

← General Election

Source: Boston Consulting Group analysis

lected ideas and suggestions for the new administration. Nearly 87,000 interested individuals used the website to apply for positions in the new administration.<sup>71</sup> Obama also launched his transition website, [change.gov](http://change.gov), right after the election. The website included a list of people involved in the transition, a blog and a jobs page. It also had a section that allowed visitors to share stories or their visions for the country using the Citizen's Briefing Book.

### **Develop personnel announcement strategy**

The timing of personnel appointments and announcements has varied widely in past presidential transitions, depending on the level of preparation of the transition team, the goals for making the announcements and, occasionally, on external factors. Although most transitions try to make their top candidate picks known before Dec. 25, this leaves insufficient time for unexpected delays and nominee derailments. Instead, transitions should aim to announce their top candidate picks closer to Thanksgiving. Although the actual scheduling may vary depending on when the selection and vetting work is complete, transition teams should build sufficient time into the president-elect's schedule to enable a steady flow of announcements rather than waiting until the end of the transition period.

The delay in ascertainment impacted the timing of the Biden team's personnel announcements, but in other respects the sequencing followed similar patterns to previous transition efforts. Only a handful of positions were announced after the election but before ascertainment, including Ron Klain as chief of staff and a few senior White House roles. Once GSA Administrator Emily Murphy announced ascertainment, the Biden team quickly moved to announce national security and COVID-19 appointments, followed soon after by economic leadership positions.

President-elect Trump brought numerous potential Cabinet picks in for interviews at the transition office at Trump Tower in New York City, where they encountered television cameras and a large press contingent in the building's lobby. Trump's picks were announced on the daily transition briefing call and posted on the [greatagain.gov](http://greatagain.gov) transition website and Twitter. Unlike past transitions, the nominees were not announced at official press conferences or afforded an opportunity to make public statements before the media.

Ronald Reagan and Barack Obama both spaced out their appointment announcements during their transition periods, with Reagan announcing his first Cabinet picks immediately after the election via written statements, preferring to let his candidates speak for themselves. Obama made his first personnel announcements shortly after the election, naming his White House chief of staff and a senior advisor. In late November, Obama filled out his White House staff, followed by economic advisors. On Dec. 1, he announced his selections for top national and homeland security positions. Obama structured his announcements in daily "topic clusters," using each as an opportunity to provide policy commentary himself and frame his administration's approach.

Bill Clinton and George W. Bush had compressed announcement schedules. For Clinton, this was due to a lengthy selection process, which contin-

<sup>71</sup> Vice President-elect Mike Pence, Transition Accomplishments Summary, Jan. 19, 2017. Retrieved from <https://bit.ly/2vn8cUP>

ued through the final weeks of the year. His announcements were made largely during a two-week block just before Dec. 25. Bush also had a compressed announcement schedule due to the delayed election results. Extensive preparation by his transition team allowed him to make Cabinet and White House announcements, often at press conferences, in parallel throughout the final five weeks of the transition, making up for lost time.

A selection process for the Cabinet should balance the need for sufficient internal vetting and consultation with the risk of leaks and delay while also aiming to meet the Thanksgiving target. The transition team should also be prepared in case a Cabinet nominee is derailed, and should have options for backup candidates should the need arise.

### **Determine policy development approach**

A major focus for the president-elect during the transition phase is building relationships and establishing a rhythm with incoming White House aides. This goes hand-in-hand with developing a proper decision-making structure for the White House and assembling the Cabinet early to become familiar with the various secretary nominees and to develop relationships where they may not already exist. This process enables the Cabinet to coalesce early around the president-elect's vision and priorities, and allows the team to begin planning for policy development.

When scheduling major policy development meetings and priorities, the transition team should look ahead to the major international and domestic events and milestones immediately after the inauguration to determine the key focus areas for the transition itself. This approach will ensure that the incoming administration is proactively orchestrating and planning for upcoming situations rather than reacting to unfolding events. Policy teams on the Obama transition included relevant domestic and international events in their recommendations to the transition team. For example, the Energy and Climate Change Policy Team identified the 14th Session of the Conference of the Parties to the United Nations Convention on Climate Change and the 4th Meeting of the Parties to the Kyoto Protocol as an upcoming opportunity to advance the incoming administration's climate change priorities. The Obama transition's economic policy team also prepared a full memo advising President-elect Obama against attending the Nov. 15, 2008, G20 summit called by President Bush to address the deepening Great Recession.

Because of the limited time frame during the formal handover phase, the transition team must invest time translating the campaign agenda into a governing agenda and identifying the most vital opening issues that will set the early tone of the administration.

## **VICE PRESIDENTIAL PERSONNEL AND TRANSITION PLANNING**

The role of the vice president has become far more critical to the effective operation of a new administration in recent years as the office has grown in stature and importance. Recent vice presidents have led transition teams, spearheaded policy initiatives and served as key advisors to the president. Accordingly, rep-



representatives of the vice presidential nominee should be included in transition planning during the pre-election phase to lay the groundwork for a collaborative relationship between the future president and vice president.

### Getting started

A former vice presidential chief of staff explained that the office presents unique considerations for transition planning since the vice president is simultaneously a player in the president's world and the architect of their own. As a result, transition planning should account for both of these roles.

In September 2016, vice presidential candidate Mike Pence said that he and Donald Trump discussed the areas that Pence would like to focus on if they were victorious in the November election.<sup>72</sup> This helped serve as a guide for the vice presidential planning in the pre-election phase.

As part of this planning, thought was given to setting up and staffing a variety of offices used by the vice president, not only in the West Wing but also in the Old Executive Office Building, on Capitol Hill and at his residence. Pence was given wide latitude to pick his own staff, many of whom worked for him when he was in Congress and when he was governor of Indiana. The planning not only involved Pence's policy role and overall portfolio, but dealt with basic logistical issues such as when he should resign as governor, where he would live prior to the inauguration and who would pay the cost of moving from the Indiana governor's mansion to Washington, D.C.

In October 2016, Sen. Tim Kaine of Virginia, Hillary Clinton's running mate, publicly named Wayne Turnage as his transition director to work with the Democratic nominee's transition team. Turnage served as Kaine's chief of staff when Kaine was the governor of Virginia from 2006 to 2010 and had his full trust. Turnage prepared a memorandum on the roles that vice presidents have played in prior administrations and how the vice president-elect could approach his work in the Clinton administration. He concentrated on building the staff for the vice president's post-election transition and thinking through how Kaine's new office in the White House would be organized and staffed. Although Turnage worked closely with the Clinton transition team, some issues such as staffing decision authority required negotiation.

In 2012, the Romney Readiness Project sought to ensure the smooth integration of Rep. Paul Ryan of Wisconsin, Mitt Romney's vice presidential nominee, into the transition planning process and to support his own transition. Joel Kaplan, a former deputy chief of staff for policy under President George W. Bush, led this aspect of the transition. Ryan's support functions would have had similar duties to Romney's support team if they had won the election: scheduling, speechwriting, advance, and travel and public liaison.<sup>73</sup>

In 2008, the Obama transition team prepared a memorandum on the possible roles of vice presidents, and Biden decided where he wanted to focus his attention after the election. The transition team included two longtime Biden

72 Jonathan Landay, "Tillerson pays flying visit to Afghanistan to discuss U.S. strategy," Reuters, Oct. 23, 2017. Retrieved from <http://reut.rs/2zc1kXU>

73 Michael O. Leavitt, Christopher Liddell, Daniel Kroese and Clark Campbell, "Romney Readiness Project 2012: Retrospective & Lessons Learned," R2P, Inc., 2013, 18, 64, 108.

aides: Ted Kaufman, who later took Biden's seat in the Senate, and Mark Gitenstein, who later became U.S. ambassador to Romania.

Part of the planning should include public and private activities for the vice president-elect and coordination with the needs of the president-elect. The vice president-elect is an important surrogate for the new administration and any comments or events will receive scrutiny.

## **After the election**

Following the election, the vice president-elect will likely want to have input on the administration's personnel decisions, have authority to set up the Office of the Vice President, hire staff members and have a voice on policy decisions. For all of this to occur as seamlessly as possible, it will be essential for the presidential and vice presidential nominees to reach a basic agreement on how these matters will be handled prior to the election and for this information to be conveyed to transition leadership to avoid any misunderstanding. The vice president-elect will want to move quickly after the election to confirm these arrangements. It also should be assumed that the vice president-elect's transition staff will grow in the post-election phase.

After the 2016 election, Trump appointed Vice President-elect Mike Pence as head of the entire transition planning process. Trump also asked Pence for input on matters dealing with Congress, personnel decisions and a wide range of policy issues. Previous transitions have shown that presidential transition teams perform best when the pre-election leadership team remains intact after the election. The Trump transition team lost valuable time in the weeks immediately after the election by shifting New Jersey Gov. Chris Christie's responsibilities to Pence.

During the pre-election phase, Daniel Murphy, who worked for Vice Presidents George H.W. Bush and Dan Quayle, handled Pence's vice presidential transition planning operation. Much of that responsibility after the election fell to Josh Pitcock, who had been chief of staff to Pence when he was in Congress and ran the Indiana governor's Washington office. Pitcock later served as the vice president's chief of staff from Inauguration Day until July 2017.

Two days after the 2016 election, Pence met with Biden at the White House to discuss the key duties of the vice president, and in the weeks that followed, he visited Capitol Hill to confer with lawmakers, appeared on Sunday talk shows and worked behind the scenes with Trump in New York and the transition staff in Washington.

After Election Day 2008, Vice President-elect Biden spent a significant amount of time in Chicago participating in the policy and personnel discussions involving the president-elect. In Washington, D.C., the Obama transition team created a separate vice president-elect team to oversee functions such as staffing, scheduling and communications. Members of Biden's Senate staff were integrated into the agency review and policy teams, and efforts were made to ensure that Biden staffers were in the mix for administration positions.

In addition to planning for the vice president's official duties, the transition team should plan and provide support for the vice president-elect's family move into the residence located on the grounds of the U.S. Naval Observatory

in Washington, D.C. This should include designating a landing team, which can enter the White House post-election, to liaise with the vice president’s office to collect materials and discuss outstanding questions or request information.

### **After the inauguration: models for the vice presidency**

The vice presidency is a unique office that is neither part of the executive branch nor of the legislative branch, but rather has constitutional functions in both branches.<sup>74</sup> The vice presidency was originally conceived as a legislatively focused office. In one of the few sections that ascribes specific duties to the office, the Constitution states that the vice president “shall be President of the Senate” with the power to cast tie-breaking votes.<sup>75</sup> In recent decades, the vice president has become more focused on the executive branch, but maintains ties to Congress through his constitutional role as president of the Senate.<sup>76</sup>

In some administrations, the vice president has taken ownership of several issues. This model is exemplified by the Clinton administration, when Gore led policies on the environment, government transformation and technology. Early in her tenure, Vice President Kamala Harris also followed this model, building a portfolio including voting rights and immigration.

Another model for the vice presidency is that of the George W. Bush administration, when Vice President Dick Cheney assumed an expansive role.<sup>77</sup> Bush, a former business executive and governor, focused on big policy decisions while delegating many day-to-day managerial responsibilities to Cheney.<sup>78</sup>

After the 2008 election, Obama adopted a different model. As vice president, Biden did not want to own any particular issue area, but instead sought a broad advisory portfolio as a trusted counselor to the president. Beyond this role, however, the administration recognized the power of the vice president to manage complicated policy initiatives. Obama made economic recovery a top priority in 2009, and he signaled his seriousness by tapping Biden to lead the administration’s signature initiative to counteract the Great Recession, the American Recovery and Reinvestment Act (otherwise known as the stimulus). The prominence of the office, combined with Biden’s connection to the president, allowed him to hold agency heads accountable for spending stimulus funds effectively. Determining the role of the vice president in advance will be critical in determining the staffing expertise that will be needed.

While the nuances will vary based on the personalities involved, presidents and vice presidents who had strong relationships shared some common strategies. They blended staff, meaning that some of the president’s aides went to work for the vice president after the election, and the vice president placed some staff members in the West Wing. They reserved time every week to meet alone. The president also made a determined effort to engage the vice president as part of the decision-making process. The vice president received the same documents that were sent to the president, and the vice president’s staff were included in key meetings alongside their counterparts on the president’s

74 “United States Government Policy and Supporting Positions,” 114th Congress, 2016.

75 “Constitution of the United States,” Article I, Section 3. Retrieved from <https://bit.ly/3cII5bR>

76 Senate.gov, “Vice President of the United States (President of the Senate).” Retrieved from <https://bit.ly/2TLpcfH>

77 Ibid.

78 Ibid.

staff. Maintaining a close relationship with the president and being an active participant in significant briefings and other meetings during the transition and after the inauguration are vital to ensuring that the vice president is prepared to become president if it ever becomes necessary.

The selection of a vice president is the president's first appointment, and perhaps the most significant. A strong working relationship that begins during transition is vital for the relationship between the nation's two highest elected leaders and the success of the administration.

## **TRANSITION PLANNING FOR THE FIRST FAMILY**

The White House is a symbol for Americans and people around the world, and planning for the first family that will live there is an important part of the transition process. The person who fills the roles traditionally handled by the first lady has a unique set of tasks in transition, namely establishing an office and also working with the residence staff to make the White House a home for the first family.<sup>79</sup> The size of the staff will be determined in consultation with the transition team's personnel director, but 15 is about average.<sup>80</sup> Generally, a spouse or partner will choose issues to champion. George W. Bush's wife, Laura, chose literacy and education for women and girls in Afghanistan, while Michelle Obama took up the issue of childhood obesity early in her husband's first term. Melania Trump spoke out against cyberbullying and began participating in public events during the latter part of the first year centered on helping children.

If the president-elect has young children, as Trump and Obama did, there will need to be planning around the children's transition. For example, arrangements were made for Obama's two young daughters to attend private school in Washington, D.C. beginning in early January 2009, and for Obama's mother-in-law to move into the White House to help care for her grandchildren. In 2017, Melania Trump remained in New York with her 11-year-old son until June so he could finish the school year, and they officially moved into the White House in the summer.

The transition should have a White House team dedicated to gathering information needed by the first family for the move into the residence. This team should be selected prior to the election and, if possible, include individuals who may be chosen to work in the Office of the First Lady. This team should coordinate with the appropriate staff at 1600 Pennsylvania Avenue, including the chief usher, regarding the family's move, the timing, what rooms will be needed, how they will be set up and other personal matters. Traditionally, the president-elect and his family stay in Blair House across the street from the White House just prior to the inauguration, and these arrangements should be part of discussions if necessary. In addition, at least one individual involved with the first family's transition should have a top secret clearance in order to receive high-level briefings and plan for the family's security and comfort.

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<sup>79</sup> Partnership for Public Service, "Transition Lab Episode 6: The First – Lady? Husband? Spouse?" 2020. Available at <https://bit.ly/381R9Vt>

<sup>80</sup> *Ibid.*

In 2008, the Obama transition prepared briefing materials about the historical roles of first ladies, social events that occur each year, the interaction between the East Wing and West Wing, the organization of the White House residence staff, and the logistics of living expenses, schooling and vacations. After Election Day, the Obama transition created a separate team to staff Mrs. Obama and help manage the family's move to Washington, D.C. There were also numerous consultations between the Obama team and the staffs of previous presidents and vice presidents with young children (Carter, Clinton and Gore).

# Supporting the President-elect

# Action Items

## Pre-election

- Determine effective dual-office structure between the president-elect's hometown and Washington, D.C. and how transition functions will be allocated between the two. Most presidents-elect choose to spend the majority of time in their hometowns, with a few high-profile visits to Washington timed for maximum impact.
- Coordinate with the GSA to prepare transition office space for the candidate following the election.
- Plan for contingencies, including the impact of potential delays in ascertainment of the election results.
- Work across the transition and with the candidate's personal assistant if necessary to create a schedule for the president-elect.
- Include members of the vice-president elect's team in the transition work.
- Plan for a summit or meetings that the president-elect and surrogates can hold following the election.
- Develop a personnel announcement strategy with the appointments team, with the goal of making the first Cabinet nominee announcements by Thanksgiving.

## Post-election

- Meet with the defeated candidate to demonstrate goodwill and find common ground on areas in which the two can work together.
- Coordinate daily intelligence briefings on national security matters and regular meetings with top advisors on major domestic and international developments as well as potential policy decisions.
- Coordinate outreach to and interaction with major stakeholders—including other branches of government and major political figures—to build support and momentum for major policy initiatives.
- Build a comprehensive communications strategy to help reinforce and promote the incoming administration’s policy agenda. This strategy should be developed in consultation with the campaign and be based on the preferred methods and channels of communication for the president-elect.
- Create a White House landing team to gather information on West Wing operations, including those of the vice president, and have discussions with the incumbent president’s staff and chief usher regarding arrangements for the first and second families’ moves.

“It’s understandable that administrations focus on winning re-election, instead of what happens afterward. Planning for a second-term transition—including personnel, process, policy and management—is necessary for the effective functioning of our government.”

**Chris Lu**

**Former executive director of the Obama  
2008-2009 presidential transition,  
assistant to the president and White House Cabinet secretary,  
deputy secretary of Labor**



## CHAPTER 7

# Second-Term Transition

Presidents who win re-election begin their second terms with some distinct advantages. Four years in the Oval Office leads to greater comfort and confidence with the responsibilities of the presidency, as well as deeper expertise on policy issues and hard-won knowledge of how to work with Congress, the press and other key players in Washington.

But as political science professor Michael Nelson has pointed out, second terms also bring significant challenges that have perplexed presidents since Franklin D. Roosevelt.<sup>81</sup> Second-term presidents typically do not receive the benefit of a honeymoon period, often suffer sizable losses in the midterm congressional elections and watch their political capital diminish as lame duck status sets in during their final years in office.<sup>82</sup> Effective transition planning can mitigate some of these challenges, but presidents should recognize that planning for a second term is different than it is for a first.<sup>83</sup>

A president's second term is often approached as a continuation of the first term rather than an opportunity to renew, refresh and reprioritize in a new political environment. But the re-election of a president represents a significant turning point, a transition that often results in numerous changes in the Cabinet and other leadership positions while offering an opportunity to pursue new policies and improve government performance. The changes, opportuni-

81 Michael Nelson, "2013 and Beyond: Barack Obama and the Perils of Second-Term Presidents," in "The Elections of 2012," CQ Press, 2014, 7.

82 Ibid.

83 John P. Burke, "Second-Term Transitions," in "U.S. Presidential Transitions," eJournal USA, 2009, 40.

ties and challenges presented by a second term make transition planning an imperative for any administration that hopes to make the most of four more years in office.

### **How previous administrations have approached second-term transition planning**

Presidents seeking a second term are consumed by the day-to-day exigencies of the office and campaigning, and rarely use the months leading up to and following their re-election to absorb lessons from the first four years and plan for changes and adjustments.

For the most part, incumbents have not considered that a transition is occurring when they are re-elected because they already run the government and have people and policies in place.

In interviews, several former top White House officials said that neither George W. Bush nor Barack Obama engaged in significant organized transition planning during their successful bids for a second term. In hindsight, the former officials said, it would have been useful if they had a team of trusted aides lay the groundwork for implementing the major policy promises made during the presidential campaign, as well as identifying and planning for other critical second-term priorities.

“My instinct is that every two-term presidency has had the same problem, which is the president doesn’t think of it as a transition,” said Josh Bolten, Bush’s former chief of staff. “It’s a huge lost opportunity.” “We need to treat the re-election of a president as though it were a transition for both personnel and policy,” Bolten said. “It is a good time to bring in new people and to step back and refresh the whole agenda.”<sup>84</sup>

Senior Obama officials described a similar experience. Denis McDonough, Obama’s chief of staff during his second term and a foreign policy advisor during his first, acknowledged, “I did not think about it as a moment of transition and I don’t think we as a team did.”<sup>85</sup>

In the lead-up to the 2020 election and transition, White House Deputy Chief of Staff Chris Liddell incorporated second term planning into the work of his office. In late December 2019, Liddell organized a retreat for senior White House and Cabinet officials on policy and organizational priorities going into a second term – one of the few instances of second term transition planning being initiated in advance.<sup>86</sup>

Former White House officials also said advanced planning on policy initiatives and personnel can position a second-term administration to capitalize on a window of opportunity following a president’s re-election. This timeframe also provides the administration with a chance to consider how to address controversial or intractable issues that were put on hold during the first term.

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84 Partnership for Public Service, “Transition Lab Episode 2: Peaceful Transition of Power,” 2020. Available at <https://bit.ly/381R9Vt>

85 Ibid.

86 Kumar, Martha. 2021 “Joseph Biden’s Effective Presidential Transition: “Started Early, Went Big”” *Presidential Studies Quarterly*, September 2021, DOI: 10.1111/psq.12732

**Cabinet secretaries are often replaced in the Second Term**



**Note:** Each bar represents a different Cabinet secretary. When the color changes, a new Cabinet secretary was confirmed. Spaces between bars represent vacancies.

**Note:** The Department of Homeland Security was created in 2002, during George W. Bush's first term.

**Source:** Partnership for Public Service analysis

## Second-term planning starts at the White House

A second-term transition should have at least two major components, one centered at the White House and the other involving assistance from agency leaders. The focus should be on two major strands of planning in year four: policy and personnel.

According to former presidential aides, the White House should oversee second-term transition planning. A separate transition entity makes sense for a candidate who is running for a first term, but not for an incumbent. The former aides said it would not be wise to create a stand-alone transition team outside of the White House that might be perceived as a competing power center or attract unwanted public attention. Instead, those overseeing the transition should have sufficient time to devote to the endeavor, have the president's trust and be under the direction of the White House chief of staff or a designee. The focus, they said, should be on priorities going forward, informed by what has worked during the first term, what needs to be fixed or dropped, opportunities for new initiatives, the best strategies to achieve desired results, and the management changes necessary to improve government operations.

### Policy planning

Although the policy direction of an administration is ordinarily crafted each year in preparation for the president's State of the Union address in late January or early February, the transition offers a chance to start the planning process at a much earlier stage. The policy component will certainly mirror the campaign promises, but should also take advantage of the assistance of experts inside the White House and agency leaders.

The team planning for a second-term transition must position the president to move quickly on ambitious legislative proposals after the election, before the president's relative power declines with lame duck status and the president's position with Congress erodes.<sup>87</sup> White House legislative proposals in the second term generally require more concessions and have a lower chance of passing. And a president's window of opportunity to pass legislation closes quickly during the second term because the president's party typically loses seats in the midterm election. In fact, since 1906, no second-term president has had his party gain seats in either the House or the Senate with one exception: the Democrats gained five House seats in 1998 when Bill Clinton was in office.<sup>88</sup>

The second term also offers an opportunity to pursue initiatives that may have been too politically risky in the first term. George W. Bush, for example, chose to wait until after he was re-elected to try to reform Social Security. Bush's 2004 campaign policy director, Tim Adams, explained that the administration wanted to be in a stronger political position before it took on the issue. "The president is adamant that we do it in a bipartisan way," he declared. "And it's such a big issue that it almost requires an election to give the president the political capital and the ability to frame the issue so that he can get his conceptual solution through a divided Congress." Despite the timing, Bush was unable

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<sup>87</sup> John P. Burke, "Second-Term Transitions," in "U.S. Presidential Transitions," eJournal USA, 2009, 40.

<sup>88</sup> Ibid

to win support for the always thorny issue.

Second-term presidents are more likely to find success in the foreign policy arena, where they enjoy greater freedom of action. Many presidents have pursued ambitious initiatives overseas during their second terms. Ronald Reagan negotiated a nuclear arms control treaty with the Soviet Union, Bill Clinton brokered the Good Friday peace agreement in Northern Ireland and George W. Bush launched the troop surge in Iraq.<sup>89</sup> Barack Obama secured some of the most notable foreign policy achievements of his presidency during his second term, including negotiating the Iran nuclear deal, supporting discussions that led to the Paris Agreement on climate change, and restoring U.S. relations with Cuba. Second-term transition planning should account for the potential divergence of opportunities in the domestic and foreign policy arenas.

### Personnel planning

On the personnel front, former White House aides recommended that the president and the chief of staff confer prior to the election about making changes in the Cabinet and among senior White House staff. In some cases, Cabinet secretaries may have already signaled a desire to leave at the end of the first term to pursue other opportunities. In other cases, the president may wish to request the resignations of some Cabinet secretaries based on performance, personalities and second-term priorities, and discuss replacements based on the policy, management and political skills needed to advance the agenda for the next four years.

When it comes to second-term transitions, there is no officially recognized rule that all political appointees must tender letters of resignation at the end of a first term and prior to the beginning of a second one. However, there have been administrations that have adopted the norm that appointees should not expect to be reappointed by the president for the second term and thus should tender a resignation at the end of the first one. This gives the president an opportunity to nominate new individuals without having the difficult conversation of asking an appointee to resign.

Data compiled by the Partnership for Public Service's Center for Presidential Transition shows that for the last three two-term presidents, an average of 46 percent of their top Senate-confirmed officials serving on Election Day left their jobs within six months into the second terms. These include Cabinet secretaries, deputy secretaries and undersecretaries. On average, 31 percent left within three months.

"This kind of turnover shows planning for the next four years is more important than you might think," said McDonough, the former Obama White House chief of staff. "How you can build in time to make those kinds of decisions so they're not coming at the expense of everything else you want to do in the second term is really important."<sup>90</sup>

The vast majority of the Cabinet secretaries, deputy secretaries and undersecretaries have been traditionally filled by presidents during their first year in

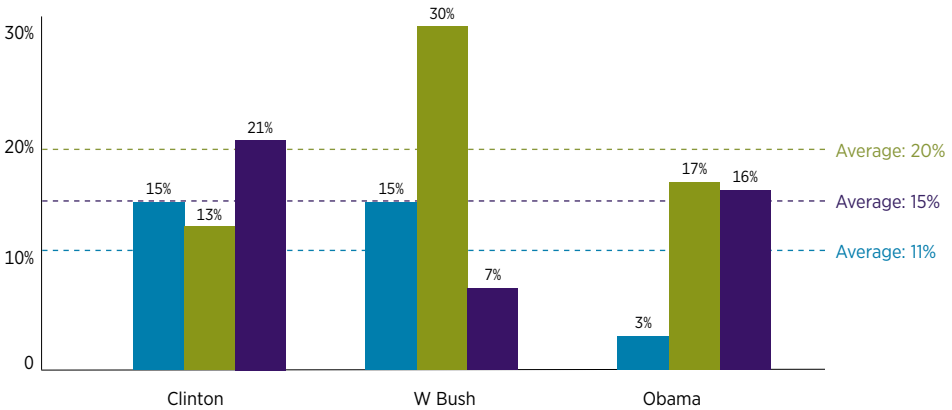
89 Michael Nelson, "2013 and Beyond: Barack Obama and the Perils of Second-Term Presidents," in "The Elections of 2012," CQ Press, 2014, 6.

90 Partnership for Public Service, "Transition Lab Episode 2: Peaceful Transition of Power," 2020. Available at <https://bit.ly/381R9Vt>

## Percent of top Senate-confirmed appointees who resigned near the start of the second term

Appointments at the levels of secretary, deputy secretary and undersecretary

- Resigned between Election Day and Inauguration Day
- Resigned between Inauguration Day and three months into second term
- Resigned three to six months into second term



**Note:** Appointees were included if they were nominated by the sitting president, were confirmed prior to the second election day and served through at least the inauguration.

**Note:** Appointees who moved from one Senate-confirmed position to another position in the government were considered resignations since the position they left needed to be filled.

**Source:** Partnership for Public Service's Center for Presidential Transition

office. However, presidents cannot expect those early appointees to serve deep into their administrations. For the Clinton, Bush and Obama administrations, 76 percent of senior-level appointees served less than four years.

As for the White House staff, the jobs can be so exhausting that some aides may want to leave after the election. In such cases, the challenge may be how to encourage people to stay and how to maintain continuity.

White House offices of presidential personnel have previously developed retention and advancement strategies for appointees in less senior roles and at agencies. Often started in the first term, these programs can support retaining talent by identifying individuals interested in staying in the administration by moving to a new role or agency. During the Obama administration, for instance, White House liaisons coordinated with the Office of Presidential Personnel to bring individuals into new roles. In this manner, a core of appointees built cross-agency experience and supported leaders with an enterprise-wide mindset for policy implementation.

The president may have a clear sense of who should depart and the names of possible replacements, but the Office of Presidential Personnel, at the direction of the White House chief of staff, should develop a highly confidential short list of qualified people for every Cabinet post available for the president's scrutiny. A list of high-performing individuals who could be promoted or given new responsibilities in the agencies and at the White House should also be

developed, along with the names of campaign staff who may want to serve in the administration.

President George W. Bush had conversations about Cabinet changes with then-chief of staff Andy Card prior to his 2004 re-election and in a number of instances had made up his mind about who should be replaced and by whom, but that information was kept confidential to avoid distractions during the campaign.

Obama waited until after the 2012 election, meeting with his Cabinet secretaries individually to determine whether they wanted to stay on the job. Both presidents ultimately experienced significant turnover among the Cabinet secretaries and their leadership teams, along with other political appointees.

During the period between the election and the early months of the second term, nine Cabinet secretaries departed the Bush administration and six left the Obama administration.

During the post-election phase, the president should act quickly to pick Cabinet replacements and other critical nominees, and coordinate with the Senate to expedite confirmation hearings and votes. Anticipating changes in agency leadership teams, the White House can prepare to train new political appointees using the \$1 million authorized in statute for this purpose.

Congress provided resources to train incoming appointees in recognition that many come to their jobs without prior experience in government. Once this critical team is in place, a retreat for the president and members of the second-term Cabinet and senior White House staff will help build relationships and set a foundation for the next four years.

### **Convene White House and agency transition coordinating councils**

Even when an incumbent president is running for re-election, the White House is still obligated by law to plan and coordinate activities to ensure a smooth and efficient transfer of power to a possible successor.

This includes convening the White House Transition Coordinating Council and the Agency Transition Directors Council to provide guidance on transition activities, and negotiating a memorandum of understanding with the challenger setting forth the terms of agency engagement and addressing ethics issues following the election. The law also requires the naming of a transition coordinator from the General Services Administration, who serves as the person responsible for ensuring that statutory requirements for transition planning and reporting by agencies are met and as a liaison to presidential candidates.

The law also directs that agency leaders appoint career executives as transition directors. These agency transition directors will lead agency efforts to provide new appointees with the information needed to be ready to govern.

Agency transition teams led by career executives must prepare just as they would at the end of an eight-year presidency, including developing comprehensive briefing materials and, after the election, offering full assistance to a president-elect's transition landing teams and new political appointees. More information on this topic can be found in the next chapter.

### **Agency political leaders can play a pivotal role in second-term planning**

While the career-led agency transition teams prepare briefing materials for a new administration prior to the election, the incumbent president should direct the political leaders at the major departments to develop separate materials for the White House focusing on how their organizations will contribute to advancing the president's agenda during a second term. Thoughtful planning for a second term will allow both the White House and agency leaders to generate ideas and momentum. Agency political appointees are well-positioned to highlight important initiatives that should continue and be strengthened in a second term, offer new ideas that could be incorporated into a second-term agenda and provide information on the resources needed to achieve the various goals and the risks that must be managed.

In the past, presidents seeking re-election have not taken full advantage of the opportunity that a second term offers to review and improve policymaking, program effectiveness and management practices. While a second term in many respects represents a continuation of the previous four years, it offers a chance for a recalibration and a new start that requires serious planning and preparation long before Inauguration Day.



# Second-Term Transition

# Action Items

In addition to the legally required actions of a sitting administration, an administration seeking a second term should:

## Pre-election

- Select a person or team to oversee second-term planning, most likely in the White House.
- Designate top political appointees at the Cabinet departments to evaluate successes, opportunities for change and how to fulfill new campaign promises.
- Evaluate performance of Cabinet secretaries and any changes the president would like to make.
- Consider opportunities to advance the president's policy priorities in Congress and abroad.

## Post-election

- Collect transition information from the agencies, both from political and career staff, and use it to chart a second-term agenda.
- Prepare to spend \$1 million for onboarding new appointees.
- Organize an early Cabinet retreat.

“I have instructed my team to follow the example that President Bush’s team set eight years ago, and work as hard as we can to make sure this is a successful transition for the president-elect.”

**President Barack Obama**

**November 9, 2016**

CHAPTER 8

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# Role of the Incumbent Administration

A successful presidential transition requires extensive preparation not only on the part of the incoming team, but also by the incumbent president and administration. This chapter examines what an incumbent administration must do to prepare for transition, as well as the incumbent's responsibilities if indeed there is a transfer of power to a new president.

Whether the election brings a change in political parties and a shift in ideology or a friendly takeover by a candidate of the same political persuasion, the occupant of the Oval Office has a responsibility to the country to help the president-elect be ready to govern. This requires creating a cooperative environment and sharing information about national security and pressing domestic issues. It also requires developing an infrastructure for coordinating the transition within the White House and at the agencies, offering assistance on presidential personnel issues and providing training on emergency response with members of the incoming Cabinet. The outgoing administration also must make preparations to leave office, including archiving records and facilitating the departure of its political appointees.

## **MAJOR STEPS FOR THE INCUMBENT PRESIDENT**

The actions of the incumbent president are determined by three factors: law, precedent and goodwill. Starting with the Presidential Transition Act of 1963 as amended and updated through 2022, and through additional legislation such as the Intelligence Reform and Terrorism Prevention Act of 2004, the major architecture, governing councils, milestones and resources provided to presidential candidates, and expectations of agency preparations, have all been laid down with great specificity over time. In addition, transition leaders in incumbent administrations have often looked to precedent for guidance on how to carry out major transition responsibilities.

But the single biggest factor that remains in the incumbent administration's control is setting the standard for cooperation and facilitating the advancement of the national interest above the basic requirements of the law. The smooth transfer of power depends on the attitudes and actions of the outgoing administration, starting with the president. The 2008-2009 transition from George W. Bush to Barack Obama was widely regarded as one of the smoothest in recent history because the president made the transition a top priority and communicated this fact to his Cabinet and the rest of the administration. In 2016, Obama made the same pledge as Bush. His administration worked in the pre-election phase to prepare for the transfer of power, and followed through on this commitment during the post-election period with President-elect Donald Trump's team.

While the president should set the right tone, other administration officials must follow suit by seeking to be helpful to the president-elect and the incoming team. Building relationships can start with the incumbent president meeting with the president-elect shortly after the election. Other high-ranking administration officials should sit down with their incoming counterparts as soon as they have been announced. This will allow for an invaluable transfer of knowledge. The outgoing and incoming teams should be professional, respectful and focused on serving the national interest. The goal is to ensure that the incoming president will be as prepared as possible to assume control of the government.

### **Cooperation with all candidates prior to the election**

The incumbent administration must ensure uniform access to transition information and assistance to all eligible candidates.<sup>91</sup> The importance of ensuring that our nation's leaders are ready for the challenges of governing rises above partisanship. The incumbent president must ensure that each candidate's transition team receives an equal offer of materials, assistance, access and guidance. Moreover, an appropriate level of access to any internal White House systems or processes that may be useful to the candidates should be shared early and equally so that an incoming administration can transition seamlessly.

In 2016, officials from both Donald Trump's and Hillary Clinton's transition teams said they felt they received fair and equal treatment prior to the election from the Obama administration. To coordinate the planning across

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<sup>91</sup> Pre-Election Presidential Transition Act of 2010, Pub. L. No. 111-283 (2010).

government, White House chief of staff Denis McDonough convened the president's Cabinet and held meetings with senior White House staff in early 2016, providing an overview of the transition process and setting the expectation that the transition would be a top priority. In late July, McDonough also called the Clinton and Trump campaigns to emphasize Obama's commitment to working with both teams in a nonpartisan manner to ensure a seamless transition.<sup>92</sup>

During the 2008 transition, Bush pledged that his administration would provide uniformity of access to both the campaigns of Sens. Obama and John McCain, and took several steps to facilitate the work of their transition teams. The Bush administration offered to expedite security clearances for advisors to each candidate, provided national security briefings through the Office of the Director of National Intelligence, shared an inventory of federal appointments and designed a new personnel system with input from both campaigns that the winner could eventually use in the White House.<sup>93</sup>

### **Convene White House and agency transition coordinating councils**

The president is required by the Edward “Ted” Kaufman and Michael Leavitt Presidential Transitions Improvements Act of 2015 to form the White House Transition Coordinating Council and the Agency Transition Directors Council no later than six months before Election Day. The two councils are responsible for assisting all eligible candidates' presidential transition teams prior to the election, and providing advice and assistance to the president-elect after the election. Both councils must be established and fulfill their statutory responsibilities, even if the incumbent president is running for re-election.

The White House Transition Coordinating Council provides senior-level guidance to help agencies prepare for the presidential transition, including succession planning and preparation of briefing materials; facilitating communication and information sharing among the transition representatives of the eligible candidates, senior officials in agencies and the Executive Office of the President; and preparing and hosting interagency emergency preparedness and response exercises.

The president is required to designate a senior White House official as the chairperson of the White House Transition Coordinating Council. This individual will ensure that all necessary preparation takes place for a smooth transfer of power and serve as the front line of communication and coordination within the White House. The council plays a significant role in gathering and disseminating information about White House personnel and staffing issues, and its leader serves as the main point of contact between the White House and the candidates' transition representatives. For that reason, the coordinator should be a person of significant stature at the White House.

In 2016, White House Chief of Staff Denis McDonough and deputy chief of staff for operations Anita Breckenridge served as the points of contact at the Obama White House for the presidential transition teams. In 2012 when

92 Brian Naylor, “With White House Help, Clinton And Trump Start Transition Planning,” National Public Radio, Aug. 1, 2016. Retrieved from <http://n.pr/2aqWgnM>.

93 Partnership for Public Service, “Ready to Govern: Improving the Presidential Transition,” January 2010. Available at <https://bit.ly/3cJt7lC>

## Membership of White House Transition Coordinating Council

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<b>WHITE HOUSE</b>	White House Chief of Staff* Director of OMB* Other senior members of EOP selected by the president*
<b>OTHER AGENCIES</b>	Federal Transition Coordinator Administrator of GSA* Director of OPM* Director of OGE* Archivist of the United States* Any Cabinet member*
<b>CANDIDATE LIAISONS</b>	Transition representatives from each eligible candidate

\*These officials are suggested by the act as potential members of the council but are not required. The president must select the council's chairperson, who must be a senior member of the Executive Office of the President.

**Source:** S. 1172, the Edward "Ted" Kaufman and Michael Leavitt Presidential Transitions Improvements Act of 2015

## Membership of Agency Transition Directors Council

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<b>WHITE HOUSE</b>	Deputy Director for Management, OMB (Co-Chair) Other senior members of EOP selected by the president
<b>OTHER AGENCIES</b>	Federal Transition Coordinator (Co-Chair) Senior representative serving in a career position: <ul style="list-style-type: none"><li>• Each Cabinet department</li><li>• Environmental Protection Agency</li><li>• National Aeronautics and Space Administration</li><li>• Office of Personnel Management</li><li>• Office of Government Ethics</li><li>• National Archives and Records Administration</li><li>• Other agencies selected by co-chairs</li></ul>
<b>CANDIDATE LIAISONS</b>	Transition representatives from each eligible candidate (during election years)

**Sources:** S. 1172, the Edward "Ted" Kaufman and Michael Leavitt Presidential Transitions Improvements Act of 2015; S. 394, the Presidential Transition Enhancement Act of 2019

Obama was running for re-election, he named Cabinet Secretary Chris Lu and deputy chief of staff for operations Alyssa Mastromonaco to run transition activities, including directing agencies to prepare briefing materials.

In 2020, the first year the transition council was established under the Kaufman-Leavitt transition law and while there was an incumbent president running for re-election, the coordinating council included the eight officials required by law. This smaller size was in keeping with the low-key approach Obama took in 2012, while at the end of the eight-year terms of Bill Clinton, Bush and Obama, the transition councils had 12, 15 and 11 members, respectively.<sup>94</sup>

The Agency Transition Directors Council's job is to coordinate transition activities among the various federal agencies. The council should draw on guidance provided by the White House Transition Coordinating Council and lessons learned from previous transitions. The law requires the incumbent administration to designate a career federal transition coordinator from the General Services Administration to lead the Agency Transition Directors Council and for the co-chair to be the deputy director for management at the Office of Management and Budget. The federal transition coordinator serves as the intermediary between the presidential transition teams and the agencies prior to election, and is responsible for ensuring that all statutory requirements for transition planning are met. By custom, when the incumbent president is running for re-election, the federal transition coordinator serves as the 'lead' co-chair. This is the system that co-chairs Chris Liddell, the White House liaison, and Mary Gibert, the federal transition coordinator, used in 2020, where Gibert worked out most issues on a day-to-day basis and only elevated some issues for Liddell's attention as needed.

Members of the agency council include the career transition leaders appointed by each of the major agencies as well as individuals from the Office of Personnel Management, the Office of Government Ethics, the National Archives and Records Administration and any other agencies deemed necessary by the co-chairs of the council. The agency council is expected to meet monthly starting in May of a presidential election year and by law must convene at least once a year between presidential elections.

The agency council provides guidance on gathering briefing materials and information relating to the transition, and ensures agencies adequately prepare career employees who are designated to serve in acting roles until political appointees are confirmed. Under the law, the senior career executives leading the transition at each agency are responsible for ensuring briefing materials are assembled for the incoming administration no later than Nov. 1 of the election year. Additionally, agency leaders must ensure that a succession plan is in place for each senior noncareer position in the agency.

President Obama signed an executive order titled "Facilitation of a Presidential Transition" on May 6, 2016, six months before the election and 259 days before the presidential inauguration, marking the formal start of the transi-

<sup>94</sup> Kumar, Martha. 2021 "Joseph Biden's Effective Presidential Transition: "Started Early, Went Big"" *Presidential Studies Quarterly*, September 2021, DOI: 10.1111/psq.12732

tion and establishing the two councils.<sup>95</sup> He also made the transition a standing agenda item for the monthly President’s Management Council meeting, composed of deputy secretaries of major agencies.

Prior to that order, the Obama administration appointed Mary Gibert in the spring of 2015 to serve as the federal transition coordinator and begin early planning, but she was replaced by Tim Horne in early 2016 after being named as a regional commissioner for GSA’s Public Buildings Service. Horne led a team of more than 60 who were focused on providing support to the presidential transition teams. Besides working with the agencies, the GSA transition team identified transition office space in Washington, D.C., and built a staff to perform key transition support activities that would take place following the political conventions and after the November election. Amendments to the presidential transition law adopted in 2010 require the GSA to offer presidential nominees a host of services once the parties’ nominating conventions have concluded. This includes office space, phones, computers, and briefings.

95 The White House, “Facilitation of a Presidential Transition,” Executive Order 13727, May 6, 2016. Retrieved from <https://bit.ly/2wAz0RH>

**Transition checklist for incumbent president**

The intentions and actions of a sitting president are a significant driver in the overall success of the transition.

April to October PHASE I	November to January PHASE II
<ul style="list-style-type: none"> <li><input type="checkbox"/> Establish White House Transition Coordinating Council and Agency Transition Directors Council</li> <li><input type="checkbox"/> Designate a federal transition coordinator</li> <li><input type="checkbox"/> Set guidelines and negotiate MOU with ethics provisions and protocols for access to materials and personnel at the agencies and departments with the challenger</li> <li><input type="checkbox"/> Provide to campaigns a list of all appointed positions and their related responsibilities</li> <li><input type="checkbox"/> Ensure that succession plans are in place for senior noncareer positions in agencies</li> <li><input type="checkbox"/> Direct agencies to develop briefing materials for the incoming administration</li> </ul>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Ensure relevant agencies have sufficient resources and vetting personnel to carry out ethics and background investigations</li> <li><input type="checkbox"/> Ensure that agency briefing materials are completed.</li> <li><input type="checkbox"/> Provide high-level briefings to the president-elect, national security team and key advisors</li> <li><input type="checkbox"/> Stage tabletop exercises with incoming and outgoing officials to prepare for crisis management</li> <li><input type="checkbox"/> Provide access to the agencies and departments for the incoming administration’s transition team</li> <li><input type="checkbox"/> Provide written protocols and guidance for the incoming White House staff, national and homeland security teams on everything they need to know in the event of a national security event</li> </ul>

↓  
**General Election**

Source: Boston Consulting Group analysis



Supporting Horne, Andrew Mayock, the OMB deputy director for management, was the co-chair of the Agency Transition Directors Council. Mayock had two full-time employees working on the transition in his office, as well as some support from interns.

By late spring of 2016, Horne and Mayock convened the agency council with directors from 21 agencies to provide guidance on building agency teams and preparing briefing materials for the president-elect's landing teams. In addition, the agency transition directors also attended the Partnership for Public Service's Center for Presidential Transition Agency Transition Roundtable to work through how to implement the council's guidance and to develop a common approach to addressing transition-related challenges. Many of these challenges, from utilizing IT platforms to developing procedures for sharing information after the election, will likely arise in future transitions. The roles and responsibilities of the agency transition teams are spelled out in the Partnership's Agency Transition Guide.<sup>96</sup>

The 2016 transition was the first time that these councils were officially convened under the law, although President Bush was the first to convene the transition councils pre-election, with Executive Order 13476: Facilitation of a Presidential Transition, in October 2008.<sup>97</sup> The Obama administration also hosted a meeting of agency transition directors in October of 2012 to provide direction and deadlines regarding the material they needed to prepare in anticipation of a possible transition. This meeting identified three key roles and responsibilities for agency transition directors as they related to either working with the Romney landing teams or preparing for a second-term Obama administration: naming lines of succession and key personnel; organizational briefings, including performance management and improvement goals; and a summary of key congressional, regulatory and legal matters that would impact the agency or its work in the first 90 days after the election. Staff from the Office of Government Ethics also briefed the participants about their roles in the transition and the certification of nominees. The meeting was beneficial as it enabled agency representatives to meet each other, flag high-priority or time-sensitive issues, and identify areas in which they might need to work together.

### Agency preparations

Agencies will be expected to develop briefing materials on their organizations' structure, mission, relevant legislation and other key issues to inform incoming agency leaders. It is important for agencies to highlight what is working well and provide examples of successes and notable reform efforts. At the same time, the incoming administration needs to understand the challenges, including management risks, that it is likely to face in its first months in office. Agencies should consider highlighting issues that will need immediate attention during the first months of a new administration. They should communicate the programmatic goals the new administration will inherit and provide information

96 For more information on agency transition, please see our companion *Agency Transition Guide*, available at <https://bit.ly/2RloJAC>

97 The White House, "Facilitation of a Presidential Transition," Executive Order 13476, October 9, 2008. Retrieved from <https://bit.ly/2v9YrJC>

that will help the new leaders to act on their top priorities. During the 2016-2017 presidential transition, for example, the Department of Justice team knew that the time between the inauguration and the development of a preliminary budget in February was short. They began tracking both candidates' relevant positions in September and after the election developed several policy proposals based on President-elect Trump's campaign promises that the incoming administration could incorporate into the budget.

A significant turnover in political appointments is a natural consequence of the change in presidential administrations, and many jobs will become vacant before and following the election. By Sept. 15 of an election year, agency heads are required to ensure that a succession plan is in place for each senior non-career position in the agency.<sup>98</sup> Human resources, records and ethics officers in the agencies should prepare for both the exit of a large number of appointees in the last year of a presidency and the wave of incoming officials from a new administration or a second-term administration, while following guidance issued by the OPM, NARA and OGE.

The outgoing administration also should ensure that career executives designated to serve in an acting capacity are prepared to take on these roles, in some cases for a long duration. At the Department of Homeland Security in 2016, training sessions were held for career employees with a focus on being prepared to handle potential domestic emergencies. Separately, career employees serving temporarily in political positions at more than 10 other agencies also attended the Ready to Act training sessions run by the Partnership for Public Service to learn about the role of an acting official, critical resources and how to prepare.

## Executive actions

In addition to creating the two councils, the incumbent administration must spell out the terms of access for the president-elect's team to federal facilities, information and personnel. See Chapter 1 for additional information on this memorandum, and see Appendix 1.1 on page 27 for the most recent example from 2016.

The administration also may choose to limit the number of "midnight regulations" issued by agencies in the final months of the president's term. As discussed in Chapter 4, Bush White House chief of staff Joshua Bolten circulated a memo to agency heads in May 2008 setting deadlines of June 1 for proposed regulations and Nov. 1 for the issuance of any new regulations. In December 2015, the Obama administration took a similar step when Howard Shelanski, administrator of OMB's Office of Information and Regulatory Affairs, directed the agencies' deputy secretaries to complete high-priority rules by summer 2016. However, the Regulatory Review, a publication affiliated with the University of Pennsylvania Law School, reported that "President Obama left office with a bang, issuing 41 economically significant rules between Nov. 1, 2016 and Jan. 19, 2017."<sup>99</sup>

Obama, through the Office of Personnel Management, also announced on Nov. 18, 2016 that the administration would freeze hiring new members of the

<sup>98</sup> Presidential Transition Enhancement Act of 2019, Pub. L. No. 116-121 (2020).

<sup>99</sup> Sofie E. Miller and Daniel R. Pérez, "Measuring the Obama Administration's Historic Midnight Surge," *The Regulatory Review*, Feb. 6, 2017. Retrieved from <http://bit.ly/2yQEfw4>.

Senior Executive Service, the top career executives in government, through the remainder of his presidency, effective Dec. 7. The administration said the pause was designed to empower President-elect Donald Trump's political appointees to influence their agencies upon taking office.<sup>100</sup>

### **Prepare for national security handover**

The outgoing administration has an obligation to ensure a complete knowledge transfer of national security and intelligence matters so that the new president will be well informed and fully prepared to handle a crisis on the very first day in office.

The earliest obligation is to provide intelligence briefings to the eligible candidates following the political nominating conventions. In 2020, Joe Biden received periodic briefings and later was provided with daily briefings after ascertainment at the end of November. In 2016, the director of national intelligence provided periodic intelligence briefings to Trump, Clinton and their running mates following the conventions. After the election, Trump and Vice President-elect Mike Pence received the same classified briefings as the president and vice president. In 2012, the Obama White House provided periodic intelligence briefings to Republican presidential candidate Mitt Romney and his running mate, Paul Ryan, starting in mid-September. And in 2008, Obama and Republican presidential nominee John McCain each received one intelligence briefing following their political conventions. After the election, Obama and Vice President-elect Joe Biden received top secret intelligence briefings similar to the ones provided to President Bush each day.

During the post-election phase, the White House also is responsible for bringing the incoming national security team up to speed on a wide range of issues. During the 2016-2017 transition, the Obama administration prepared 275 briefing papers for the incoming Trump administration, including classified material on North Korea's nuclear program, the military campaign against the Islamic State, tensions in the South China Sea and other threats. The designated national security advisor, Lt. Gen. Michael T. Flynn, met four times with his Obama counterpart, Ambassador Susan Rice, to get briefings. However, Flynn resigned less than a month into the administration.

The staff from the National Security Council also met with Trump landing team members, although their engagement was not extensive. Subsequently, it was reported that there was a delay in appointing senior NSC staff members, which deprived the Trump team of weeks of prep work on some of the most complex national security issues facing the country.<sup>101</sup>

During the Bush-to-Obama transition—the first wartime presidential transition for the United States since the Vietnam War—Bush's national security staff held numerous sessions with the incoming team. This included briefings by Secretary of State Condoleezza Rice and National Security Advisor Stephen Hadley with incoming National Security Advisor Jim Jones and Secretary of State-Designee Hillary Clinton to discuss North Korea, the Middle East and a range of

100 Office of Personnel Management, "Governmentwide Moratorium on Senior Executive Service (SES) Qualifications Review Board (QRB) Cases," Nov. 18, 2016. Retrieved from <http://bit.ly/2yT1YJA>

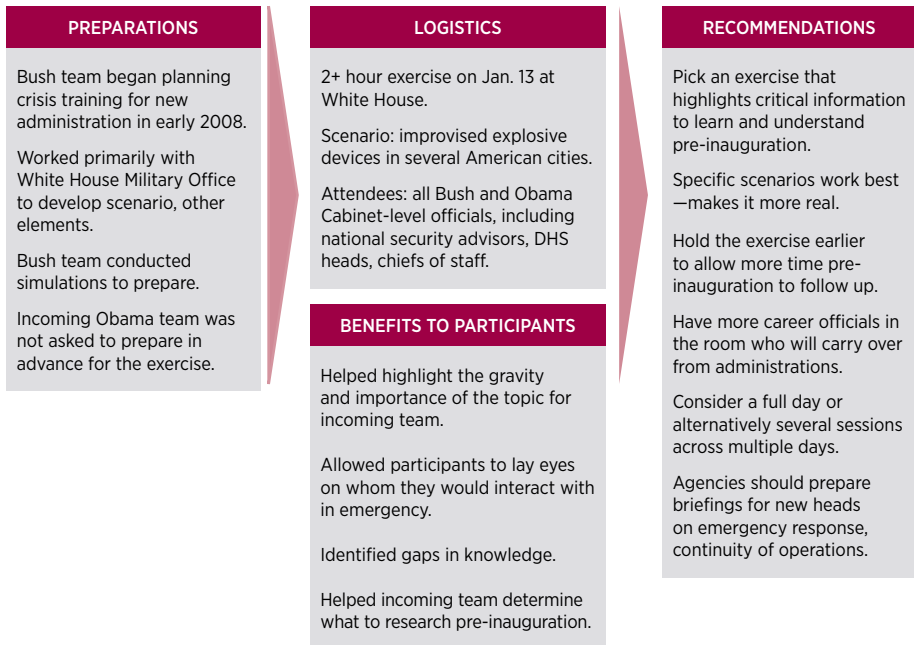
101 Mark Landler, "Trump National Security Team Gets a Slow Start," *The New York Times*, Jan. 18, 2017. Retrieved from <http://nyti.ms/2xudKsB>.

other foreign policy issues. Many of these memos have since been declassified and collected by Hadley in his 2023 book, *Handoff: The Foreign Policy George W. Bush Passed to Barack Obama* (Brookings University Press), combining the original memos with reflections from their authors 15 years later.

During interviews, former national security officials recommended that the meetings between the outgoing and incoming national security teams include briefings on the legal, policy and legislative frameworks and the relevant protocols, including plans for continuity of leadership. It also was recommended that the White House Military Office and the Secret Service coordinate briefings directly with the incoming team to discuss protocols for a smooth transfer of the presidential line of succession in the event of an emergency.

In 2008, the Bush White House implemented a provision of the Intelligence Reform and Terrorism Prevention Act of 2004 (see Appendix 3.1 on page 113) that allowed for expedited security clearances for key advisors and top transition aides of the presidential campaigns in the run-up to the election. The law and the committed work of the Bush administration ensured that, regardless of the election outcome, the new president-elect’s staff would have immediate access to classified briefings and national security intelligence. Obama’s transition obtained security clearances pre-election for more than 100 people

### Conduct a crisis planning tabletop exercise (2008 crisis training)



Source: Boston Consulting Group analysis

who would be dealing with national security, law enforcement and other critical issues. Prior to the 2016 election, the Trump transition team identified about 40 members to apply for interim security clearances.

Besides briefings, another important national security transition activity involves emergency preparedness and response exercises, a requirement included as part of the Edward “Ted” Kaufman and Michael Leavitt Presidential Transitions Improvements Act of 2015.

On Jan. 13, 2017, the White House convened 30 members of Trump’s team and Cabinet designees together with 41 Obama White House, Cabinet and agency leaders to discuss and determine how to respond to various domestic crisis scenarios such as a terrorist incident, a natural disaster or a cyberattack. The Obama White House reported that the exercise “provided a high-level perspective on a series of challenges that the next administration may face and introduced key authorities, policies, capabilities and structures that are currently in place to respond to major domestic incidents.”<sup>102</sup> The National Security Council proposed other tabletop exercises dealing with a nuclear provocation from North Korea and foreign policy challenges involving NATO or Russia, but these never came to fruition.

In 2008, the Bush administration conducted an initial crisis training session prior to the joint exercise with incoming officials. Over the course of a few hours following a Cabinet meeting, the Bush administration hosted an initial internal session to prepare its team. In late November, government officials met with incoming Obama chief of staff Rahm Emanuel and members of the president-elect’s national security team to brief them on the legal, policy and legislative frameworks and the relevant protocols that the new administration would need to know. In January 2009, a full exercise was also conducted in the White House Situation Room with the Bush and Obama Cabinets, those who would have been involved in a real situation. Incoming Cabinet officials sat next to their outgoing counterparts. This exercise, according to soon-to-be Secretary of Homeland Security Janet Napolitano, simulated an event in which multiple bombs were detonated in different locations and “how that information would be received, processed—what different departments would begin to do.”<sup>103</sup> The session was intended to provide the incoming administration with a sense of what it is like to manage a major crisis in real time, and to equip the Obama team with critical information on emergency procedures, planning and response both within the White House and across government.

White House staff members involved in the exercise said it was still difficult for senior government officials to set aside the time necessary to participate, and the Obama team had a similar challenge ensuring their people were able to attend. Ultimately, the exercise was a mixed experience. The short time frame, only two hours, left little time for actual training, and the exercise only hit on some key information. Still, the training conveyed the importance of crisis planning and the need to work together and communicate effectively. It

102 The White House, “Readout of Principal-Level Transition Exercise,” Jan. 14, 2017. Retrieved from <http://politi.co/2AWkAJh>

103 Hearing on “The Nomination of Janet Napolitano to be Secretary of Homeland Security,” Senate Committee on Homeland Security and Governmental Affairs, 2009.

provided participants with a sense of who they would be interacting with in a crisis and the responsibilities of different organizations. The exercise also illustrated how chaotic the immediate aftermath of a crisis can be. One official said: “What matters in a transition is not telling the incoming team how to do their jobs, but what they need to know and understand in an emergency.”

Several officials who participated in the tabletop exercises provided recommendations to improve the process. These include setting aside more time for the training (ideally a full day on emergency response), selecting a specific scenario to highlight key takeaways and to make it more realistic, and involving more career staff in the training. A former official advised that every Cabinet secretary be accompanied by their most senior career executive to improve knowledge sharing and enable the incoming secretary to meet that person.

The officials also recommended that outgoing administration officials meet with the incoming transition team in advance of any exercise to provide a detailed briefing on the White House decision structure in a crisis, a necessary step and a useful conversation starter. Officials said that the incoming White House staff would benefit from an opportunity to determine how it would be organized for emergency situations before involving the Cabinet secretaries in a scenario. It would also be important to form a clear understanding of the interagency process by which conflicts between agencies are resolved. Key to all of these recommendations is high-level ownership from within the outgoing White House.

Finally, at the end of the transition period, many outgoing and incoming national security personnel gather at the United States Institute of Peace for a “Passing the Baton” event, culminating in a public panel discussion with the outgoing and incoming national security advisors. Started in 2001 with Sandy Berger and Condoleezza Rice, every subsequent national security advisor for the outgoing and incoming presidents has taken part in the discussion. In 2021, Condoleezza Rice hosted a discussion between outgoing national security advisor Ambassador Robert O’Brien and incoming national security advisor Jake Sullivan.

### **Assist the candidate transition teams with the presidential appointments process**

Because of the importance of the presidential personnel selection process in a transition, one of the ways the White House facilitates the handover is to prepare a list of all the politically appointed positions in the federal government and a brief description of the responsibilities of each job. This list is currently required by the Intelligence Reform and Terrorism Prevention Act of 2004, and should include a count of the number of each appointment type (e.g., PAS, PA, noncareer SES, Schedule C) as well as their distribution throughout the various agencies and the White House.

This listing of appointments, called the Plum Book, has historically been incomplete and only captured appointments at one moment in time – in the summer before an election year when the Office of Personnel Management sends the data collection survey out. This has led to undercounting the number of political appointees, including Senate-confirmed appointments. To address these issues, Congress in 2022 passed the PLUM Act as part of the National Defense Authorization Act of 2023, laying the groundwork for a modernized, online Plum Book. Rather than only gathering data on appointments every four years, the new law

requires the listing to be updated every year and will give each appointee a unique identifier number that can make it easier to track appointees across roles and administrations. The new process will take effect in time for the 2024 election, providing a more comprehensive set of positions for the candidates.

In addition to understanding the nature of the more than 4,000 political appointments available to be filled, the logistics of processing applications can be daunting.

In 2016, the GSA, the Office of Presidential Personnel and White House information technology staff collaborated with the candidates' transition teams to design and develop an online human resources application for the collection, categorization, assignment and processing of applications for positions in the new administration. This system was designed to serve as a single tool for processing a candidate from application through appointment, rather than the multiple systems used at the beginning of the Obama administration. In addition, the personnel office provided data on executive branch agencies, offices and positions with which to populate the system. After the inauguration, this system replaced the legacy system used by PPO, which allowed the Trump administration to use the same tool and processes before and after the inauguration. For the 2020 election cycle, GSA worked with PPO and the Biden transition team on the human resources system. GSA transferred the tool to PPO on Inauguration Day for use going forward, as they were able to do in 2017.

In addition, the Office of Government Ethics developed a new filing system called Integrity, which allowed nominees for presidentially appointed positions to enter their financial disclosure information online through a secure website and for ethics officials to review the forms and communicate back with the nominees via the automated system. OGE held orientation sessions on Integrity for each campaign's transition team beginning in the summer of 2016.

An outgoing White House may consider additional steps to reform or streamline the appointments process as a service to the next administration. For example, many presidential appointees are subject to time-consuming full-field FBI investigations as part of the clearance process. Such investigations involve interviews of family members, friends and past employers. Originally required by an Eisenhower administration executive order for appointees to sensitive national security positions, the use of the full-field investigations has expanded to cover many positions not sensitive in nature. In fact, the presumptive standard for all potential Senate-confirmed nominees, regardless of role, is a background investigation that covers the previous 15 years, even though a 10-year investigation is sufficient for other positions in the executive branch, including national security positions that require access to the most sensitive information.<sup>104</sup> An outgoing administration could review this and other practices and make changes, ideally in consultation with the incoming administration, to improve the process. For example, a legal analysis conducted for the Partnership for Public Service found that an executive order could be issued

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104 Working Group on Streamlining Paperwork for Executive Nominations, "Streamlining the Background Investigation Process for Executive Nominations: Report to the President and the Chairs and Ranking Members of the Senate Committee on Homeland Security & Governmental Affairs and Senate Committee on Rules & Administration," May 2013, 6-7. Available at <http://bit.ly/2zLMRUH>.

to adopt a tiered clearance process based on the type of position to which an individual has been nominated and whether an individual has previously been cleared. Those appointed to nonsensitive positions and those with previous clearances, or who are moving between government posts, could qualify for more streamlined background checks. This change would reduce the time required to fill vacancies and save time and resources for the FBI.<sup>105</sup>

### **Budget process**

Since 1990, the outgoing president has been able to choose whether to submit a budget to Congress during the final month in office or leave the task to the new administration. All four departing presidents since have chosen not to submit a final budget request. Nevertheless, OMB and the federal agencies must collect a large amount of data and make significant preparations in order to allow the incoming president to submit a budget proposal in their first months in office.

### **Archive records**

The outgoing administration must comply with the Presidential Records Act, which established public ownership of presidential and vice presidential records, imposed record-keeping requirements on the president and vice president and authorized NARA to preserve and make publicly available presidential records under a variety of circumstances and timelines.<sup>106</sup>

Preserving these materials will be an ongoing responsibility from the time the president enters the Oval Office. At the end of a president's final term, the records will be automatically transferred to the legal custody of the National Archives. The records eventually will be housed in a presidential library maintained by the Archives. The records include not only written documents and photographs, but also electronic and audiovisual materials. The electronic records include emails, materials from websites, YouTube videos and social media posts from sources such as Twitter, Facebook, Instagram and Snapchat. In October 2016, President Obama—considered the first “social media president”—laid out plans for preserving the digital material for the National Archives, and for public access in the future. The Obama administration transferred more than 250 terabytes of electronic records, which included approximately 300 million emails.<sup>107</sup>

### **Meet with the president-elect**

The outgoing president should hold a meeting with the incoming president shortly after the election. This formal event is an important demonstration of the peaceful nature of America's democratic tradition and an opportunity for the incoming president to hear directly from the current president about the challenges and opportunities that the new administration will face. It is also an

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<sup>105</sup> Memorandum to Fred Fielding by O'Melveny & Myers on behalf of the Partnership for Public Service, April 10, 2008. Available at : <https://bit.ly/2HCeBJo>.

<sup>106</sup> National Archives and Records Administration, “Guidance on Presidential Records,” 2016. Retrieved from <https://bit.ly/2Ty5NzH>

<sup>107</sup> National Archives and Records Administration, “National Archives Announces New Model for the Preservation and Accessibility of Presidential Records,” May 3, 2017. Retrieved from <http://bit.ly/2hyqF6p>



opportunity for the president-elect to learn about some of the unique aspects of the presidency and to be directly informed about pressing issues. George W. Bush, for example, met with President-elect Obama six days after the election, on Nov. 10, to brief him on several international issues, including the U.S. drone program in Pakistan, the cyberattacks the U.S. was conducting against Iran's nuclear program and the strategic importance of the U.S.'s relationship with Saudi Arabia.<sup>108</sup> President-elect Donald Trump met with Obama at the White House shortly after the 2016 election. They discussed a number of pressing foreign policy issues, including the threat from North Korea. There were also several follow-up phone calls between the two men. Denis McDonough, Obama's chief of staff, met with Trump's incoming chief of staff, Reince Priebus, and arranged a luncheon for Priebus and 10 former chiefs of staff from every administration dating back to President Jimmy Carter. In 2020, President Trump did not meet with President-elect Biden, nor did he attend the inauguration. The ceremonial duties of greeting the new administration were instead carried out by Vice President Mike Pence and Karen Pence, who welcomed Vice President-elect Kamala Harris and Doug Emhoff to the vice president's residency at the Naval Observatory.

### **Meet with Cabinet successors**

Outgoing Cabinet officers also should meet and brief their successors, if possible, to give them a sense of the major issues they will face and the demands of the job.

One of the best examples of this knowledge transfer came after the 2008 election. Steve Preston, the secretary of the Department of Housing and Urban Development, faced multiple challenges in the midst of the housing crisis and financial meltdown that would require the immediate attention of his successor, Shaun Donovan. This included the Federal Housing Authority's vastly expanded role in the mortgage insurance market, his position on the board of the Troubled Asset Relief Program and the ongoing effort to rebuild public housing in New Orleans in the wake of Hurricane Katrina. Preston explained: "When the new secretary was coming in, I felt it was going to be a very important part of my role to make sure that the baton was passed on any number of critical initiatives that were important to the mission of the agency and to the country. I put together a five-page issues list, called the new secretary and invited him to dinner. I think he thought we were just going to chat and have a nice dinner. Instead, I put that list in front of him and said, 'Shaun, this is what you've got to think about. We're not leaving this dinner until we get through this.' He and I developed a great relationship through that experience, and we continued to confer a number of times after the handover of the government."

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<sup>108</sup> Martha Joynt Kumar, "Before the Oath: How George W. Bush and Barack Obama Managed a Transfer of Power," Johns Hopkins University Press, 2015, 176.

# Role of the Incumbent Administration

# Action Items

## Pre-election

- As required by law, convene the White House Transition Coordinating Council, chaired by a senior White House official, to coordinate transition planning for the whole administration.
- As required by law, convene the Agency Transition Directors Council to facilitate the sharing of best practices among career agency transition leaders.
- Provide the transition teams a list of all of the politically appointed positions in the federal government and a brief description of their responsibilities.
- Ensure agencies comply with all transition-related legal requirements, including identifying career officials to serve as transition coordinators, identifying career succession plans during the handover and creating brief summaries of their agencies' organizational structure, mission and policies, as well as any major upcoming issues or decisions.
- Negotiate a memorandum of understanding with a transition representative for each eligible candidate.
- Prepare for a national security handover by expediting security clearances for key advisors from both transition teams prior to the election to allow for immediate access to classified briefings post-election.
- Direct agency heads to formalize a plan for continuity of leadership until the incoming administration can take over.

**Post-election:**

- Meet with the president-elect shortly after the election to provide briefings on challenges and opportunities the new administration will face going forward.
- As required by law, host at least one tabletop exercise at the White House with the president-elect's team, and consider other exercises that may benefit national security.
- Encourage the current appointees to support the incoming administration however possible, including offering time to meet.

APPENDIX 7.1

**Obama Administration Executive Order  
Facilitating the Presidential Transition**

Source: Executive Order 13727

Executive Order 13727 of May 6, 2016

**FACILITATION OF A PRESIDENTIAL TRANSITION**

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By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 7301 of title 5, United States Code, and the Presidential Transition Act of 1963, as amended, and to assist the Presidential transition, it is hereby ordered as follows:

**I. POLICY**

The peaceful transition of power has long been a hallmark of American democracy. It is the policy of the United States to undertake all reasonable efforts to ensure that Presidential transitions are well-coordinated and effective, without regard to party affiliation.

**II. ESTABLISHMENT OF THE WHITE HOUSE TRANSITION COORDINATING COUNCIL**

- a. To facilitate the Presidential transition, including assisting and supporting the transition efforts of the transition teams of eligible candidates, there is established a White House Transition Coordinating Council.
- b. The White House Transition Coordinating Council shall be composed of the following officials or their designees:
  - i. Assistant to the President and Chief of Staff, who shall serve as Chair;
  - ii. Assistant to the President and Deputy Chief of Staff for Operations, who shall serve as Vice Chair;
  - iii. Assistant to the President and Deputy Chief of Staff for Implementation;
  - iv. Counsel to the President;
  - v. Assistant to the President for Presidential Personnel;
  - vi. Assistant to the President for National Security Affairs;
  - vii. Assistant to the President for Homeland Security and Counterterrorism;
  - viii. Assistant to the President for Economic Policy and Director, National Economic Council;
  - ix. Director of National Intelligence;
  - x. Director of the Office of Management and Budget;
  - xi. Administrator of General Services;
  - xii. Federal Transition Coordinator;
  - xiii. the transition representative for each eligible candidate, who shall serve in an advisory capacity; and
  - xiv. any other executive branch official the President determines appropriate.
- c. The White House Transition Coordinating Council shall:
  - i. provide guidance to executive departments and agencies (agencies) and the Federal Transition Coordinator regarding preparations for the Presidential transition, including succession planning and preparation of briefing materials;
  - ii. facilitate communication and information sharing between the transition representatives of eligible candidates and senior employees in agencies and the Executive Office of the President, including the provision of information relevant to facilitating the personnel aspects of a Presidential transition and such other information that, in the Council's judgment, is useful and appropriate, as long as providing such information is not otherwise prohibited by law; and

- iii. prepare and host interagency emergency preparedness and response exercises.
- d. In order to obtain a wide range of facts and information on prior transitions and best practices, the White House Transition Coordinating Council, its members, or their designees may seek information from private individuals, including individuals in outside organizations, who have significant experience or expertise in Presidential transitions. The White House Transition Coordinating Council, its members, or their designees shall endeavor to obtain such facts and information from individuals representing a range of bipartisan or nonpartisan viewpoints. If the White House Transition Coordinating Council, its members, or their designees find it necessary to seek advice from private individuals or outside organizations, such counsel should be sought in a manner that seeks individual advice and does not involve collective judgment or deliberation.

### III. ESTABLISHMENT OF THE AGENCY TRANSITION DIRECTORS COUNCIL

- a. To implement the guidance provided by the White House Transition Coordinating Council and to coordinate transition activities across agencies, there is established an Agency Transition Directors Council.
- b. The Agency Transition Directors Council shall be composed of the following officials or their designees:
  - i. Federal Transition Coordinator, who shall serve as Co-Chair;
  - ii. Deputy Director for Management of the Office of Management and Budget, who shall serve as Co-Chair;
  - iii. a senior career representative from each agency described in section 901(b)(1) of title 31, United States Code, the Office of Personnel Management, the Office of Government Ethics, and the National Archives and Records Administration whose responsibilities include leading Presidential transition efforts within the agency;
  - iv. during a year in which a Presidential election will be held, a transition representative for each eligible candidate, who shall serve in an advisory capacity;
  - v. a senior career representative from any other agency determined by the Co-Chairs to be an agency that has significant responsibilities relating to the Presidential transition process; and
  - vi. other senior employees serving in the Executive Office of the President, as determined by the President.
- c. The Agency Transition Directors Council shall:
  - i. ensure the Federal Government has an integrated strategy for addressing interagency challenges and responsibilities around Presidential transitions and turnover of non-career appointees;
  - ii. coordinate transition activities among the Executive Office of the President, agencies, and the transition team of eligible candidates and the President-elect and Vice-President-elect;
  - iii. draw on guidance provided by the White House Transition Coordinating Council and lessons learned from previous Presidential transitions in carrying out its duties;
  - iv. assist the Federal Transition Coordinator in identifying and carrying out his or her responsibilities relating to a Presidential transition;
  - v. provide guidance to agencies in gathering briefing materials and information relating to the Presidential transition that may be requested by eligible candidates;
  - vi. ensure materials and information described in subparagraph (v) of this subsection are prepared not later than November 1 of the year during which a Presidential election is held;
  - vii. ensure agencies adequately prepare career employees who are designated to fill non-career positions during a Presidential transition; and
  - viii. consult with the President's Management Council, or any successor thereto, in carrying out its duties.
- d. The Agency Transition Directors Council shall meet:
  - i. subject to subparagraph (ii) of this subsection, not less than once per year; and
  - ii. during the period beginning on the date that is 6 months before a Presidential

election and ending on the date on which the President-elect is inaugurated, on a regular basis as necessary to carry out its duties and authorities.

**IV. GENERAL PROVISIONS**

- a. Nothing in this order shall be construed to impair or otherwise affect:
  - i. the authority granted by law to a department or agency, or the head thereof; or
  - ii. the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.
- b. This order shall be implemented consistent with applicable law and subject to the availability of appropriations.
- c. The terms “eligible candidate,” “Federal Transition Coordinator,” and “Presidential election” shall have the same meaning as those terms used in the Presidential Transition Act of 1963, as amended. The term “President’s Management Council” shall have the same meaning as that term is used in the Presidential Memorandum of July 11, 2001.
- d. This order is intended only to facilitate the transition and is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.



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# Conclusion

This guide provides an overview of the role that the presidential transition team plays in preparing a new administration to assume responsibility for governing, how Congress has stepped in to promote early planning, and what outgoing administrations and federal career executives should do to ensure the smooth transfer of power. It also examines how a president seeking re-election can lay the groundwork for the second-term agenda.

From the very first day in office, a new president must be ready to make countless domestic, economic and foreign policy decisions of great consequence, deal with unexpected crises and manage relations with Congress. The chief executive must oversee an enterprise that spends over \$6 trillion a year as well as a workforce of 2 million civilian employees and more than 2 million active-duty and military reserve members. A new president also has more than 4,000 political jobs to fill, including more than 1,200 positions requiring Senate confirmation.

Planning for a second term is also critical. Every second-term president experiences significant turnover in personnel, and has an important policy window in the months after the election. Therefore, effective planning is essential given the inevitable changes in personnel, a Senate confirmation process that is often lengthy, and the fact that the fifth year of a president's tenure typically provides an opportunity for an administration to make progress on legislative priorities.

It was once considered presumptuous for a newcomer to begin preparing to govern in advance of Election Day or unnecessary for a president seeking re-election. But the stark reality is that the time between the election and the inauguration is insufficient given the enormous task. That is why it is important that planning begin as early as possible.



This transition guide describes the different ways candidates and second-term presidents have prepared to govern and how their choices shaped their presidencies. There is much to be learned from the experiences of prior transition teams and second-term presidents, and this transition guide attempts to distill those lessons into useful, actionable advice for future candidates and presidents. Additional resources also are available on the Center for Presidential Transition® website, [presidentialtransition.org](http://presidentialtransition.org).

In the months leading up to the general election, candidates should set clear goals for the transition, build robust transition operations and methodically lay the groundwork for the policies, personnel and management of their administration. Such planning will enhance the opportunity for the start of a successful first- or second-term presidency and could help avoid policy and management missteps that have sidetracked previous administrations.

It is not only in the self-interest of the candidates or an incumbent administration to engage in robust transition and second-term planning, it is an obligation to the nation. The American people deserve leaders who will be well prepared to govern.



# Index

## A-L

Agency Transition Directors Council, 24, 26, 159, 162, 225, 231-235, 244

appointees, 85, 106

    political appointees, 4, 7, 23, 66, 86, 91, 95, 101, 112, 160, 169-173, 223-229, 237, 240

    Schedule C 78, 81, 85, 86, 93-97, 112, 240

    Senate-confirmed 14, 80-82, 88-89, 94-97, 101, 104, 224, 240-241

appointments

political appointments 8, 11-15, 91, 236, 241

    1,200 Senate-confirmed appointments 3, 13, 15, 83, 250

    presidential appointments 3, 14-16, 20, 54, 60, 66, 70, 77-112, 240

        confirmation process 7, 66, 77, 84, 94-96, 104, 106, 107, 112, 250

        sherpa 105, 112

    Senior Executive Service (SES) 85-86, 93-94, 97, 112, 169, 237, 240

batching, 90, 92

beachhead team, 25, 95, 97, 129, 199

Biden, Joe, 4, 12, 22-23, 54-63, 80-91, 94, 98, 107, 129, 131, 136-137, 140, 144, 159, 160, 163, 198-213, 221, 237, 241, 243

“burrow in,” 170

Bush, George H.W., 5, 23, 67, 80-82, 212

    Chief of staff

- Baker, James, 87
- transition team, 96
- Bush, George W., 4, 23, 55, 67, 89, 91, 135, 141, 168, 214, 220, 222, 223, 225, 230, 243
  - Administration, 80-82, 88, 133, 137, 143, 166, 213, 221, 223, 238
  - Cheney, Dick, 213
  - Chief of staff
    - Bolten, Joshua, 67, 135, 220, 236
  - executive orders, 127, 133, 135, 235
  - president-elect, 197, 199, 204, 207, 209, 211
  - transition team, 61, 127, 130, 133, 197, 197
    - 2000 transition, 55, 58, 61, 67, 81, 100, 107, 127, 135, 166, 202, 205
    - agency review, 61, 166, 168
    - organizational structure, 56
    - policy team, 61, 127, 130, 133-135, 140
    - transition chairman
      - Cheney, Dick, 55
    - transition executive director
      - Johnson, Clay, 56
- Cabinet, 4, 14, 20, 24, 58, 61, 68, 77-94, 97, 101, 104, 140, 167, 198-199, 203-210, 216, 219, 222, 232, 238-239, 243
  - deputy secretaries, 90-92, 110, 144, 170-171, 223-224, 226
  - nominees, 90, 100, 203
  - positions, 58, 78
  - secretaries, 77, 83, 88-90, 98, 100, 102, 106-112, 127, 158, 205, 221, 223, 225, 227, 240
  - sub-Cabinet positions, 78-79, 89-90, 112, 138
- career civil servants, 66, 86, 141
- Clinton, Bill

Administration, 67, 80-82, 88, 97, 100, 135-137, 141, 167, 213, 221-224, 233, 237, 242

Chief of staff

Panetta, Leon, 87

Gore, Al, 67, 141, 206, 213, 215

executive orders, 135

president-elect, 23, 199, 200, 202, 205-209, 215

Clinton, Hillary Rodham, 5, 21-22, 201, 237

campaign chairman

Podesta, John, 21, 55

transition team, 11, 21, 25, 55-56, 58, 61-63, 69, 96, 131, 140, 230-231

agency review, 164, 167, 169, 171

Monje, Carlos, 56

legislative affairs, 68

operations manager

Trueblood, Kimberly “KP,” 56

organizational structure, 56

transition co-chairs

Salazar, Ken, 21, 56, 128

transition communication, 69

transition executive directors,

Meier, Ed, 21, 56

O’Leary, Ann, 21, 56, 128

vice president transition

Kaine, Tim, 131, 211

Turnage, Wayne, 211

Kumar, Martha, 144

McCain, John, 6, 58, 201, 231, 237

Congress, 12, 16-18, 66, 68, 71, 88-89, 90, 110, 135, 137-141, 144, 167, 170, 198-199, 205, 211-213, 219, 222, 225, 227, 240, 242, 250

Department of Justice, 17, 64, 83 101, 136, 164, 236

## Election

2020, 22, 159, 220, 233, 237, 241, 243

2016, 21-25, 55-56, 58, 68, 69, 99, 106, 129, 163, 201-203, 207, 211-212, 230, 236, 237

2012, 12, 18, 68, 87, 201, 225, 233

2008, 23, 87, 166, 203, 213, 243

2004, 225

2000, 100, 166, 202, 205

1992, 23, 202

Executive Office of the President (EOP), 3, 24, 26, 84, 86, 165, 231-232

Office of Management and Budget (OMB), 24, 84, 138-145, 159, 162-165, 206, 233, 242

Bolten, Joshua, 67

Mayock, Andrew, 235

Mulvaney, Mick, 100, 144

Daniels, Mitch, 140

Shelanski, Howard, 236

Executive Order "Facilitation of a Presidential Transition," 233, 235, 246

Federal Bureau of Investigation (FBI), 12, 58, 104, 112

security clearance process, 15-16, 54, 59, 64-65, 169, 241

appointees, 66, 69, 79, 85, 98-103, 242

Questionnaire for National Security Positions (SF-86), 101

White House personnel, 85

White House Personal Data Statement, 102

Federal Transition Coordinator, 24-25, 162, 232-234

Gibert, Mary, 233-234

Horne, Tim, 234, 235

Freedom of Information Act (FOIA), 17, 99

General Service Administration (GSA), 12, 24, 84, 159, 165, 204, 225

Government Accountability Office (GAO), 23, 110, 139, 166, 170

Intelligence Reform and Terrorism Prevention Act of 2004, 58, 113, 230, 240

Internal Revenue Service (IRS), 69

## **M-Z**

memorandum of understanding (MOU), 24-26-29, 30-38, 39-41, 167, 173, 225, 234, 244

Obama transition and Department of Justice, 50

Trump transition and GSA, 42

“nanny tax” liability, 100

National Archives and Records Administration, 162, 165, 232, 236

Presidential Records Act, 242

Obama, Barack, 4, 20, 23, 87, 91, 96, 130, 140, 144, 201, 203, 213-214, 220, 223, 230-231, 233, 243

Administration, 5, 26, 88, 89, 96, 99, 135, 141, 199, 213, 223-225, 231, 234-237, 239, 241-242

Breckenridge, Anita, 231

chief of staff

Emanuel, Rahm, 87, 239

McDonough, Denis, 220, 223, 231, 243

executive orders, 136

president-elect, 169, 199, 201, 203, 204-205, 210, 243

transition team, 12, 17, 54-56, 61, 63, 82, 198, 211, 212

2008 transition, 20, 23, 55-58, 61, 68, 80, 94, 96, 128-129, 133, 168, 206, 209, 215, 237-238

agency review, 67, 165-167, 171-172

Gips, Don, 56, 67, 88

- Brown, Lisa, 56, 67, 159
- Barnes, Melody, 56, 67
- executive director
  - Lu, Chris, 56, 88, 168, 218
- legislative affairs, 17,
- organizational structure, 61
- operations manager
  - Lu, Chris, 233
  - Mastromonaco, Alyssa, 233
- policy team, 133, 143, 210
- transition co-chairs
  - Jarret, Valerie, 55
  - Podesta, John, 55
  - Rouse, Pete, 55
- vice president transition
  - Gitenstein, Mark, 212
  - Kaufman, Ted, 212
- Office of the Director of National Intelligence, 101, 117, 231
- Office of Government Ethics (OGE), 12, 24, 26, 79, 85, 99, 103-105, 112, 162, 232, 233, 235-236, 241
  - Ethics in Government Act, 102-103
  - financial disclosure process, 77, 101, 111, 112
  - Public Financial Disclosure Report (OGE Form 278e), 101-102
- Office of Personnel Management (OPM), 12, 24, 85-86, 97, 143, 162, 165, 170, 232-233, 236, 240
- Office of Presidential Personnel (PPO), 14, 66, 70, 85, 87-90, 112, 224, 241
- Omnibus Budget Reconciliation Act of 1990, 137
- Parachute teams, 97



Pre-Election Presidential Transition Act of 2010, 18, 22

Presidential Transition Agency Transition Roundtable, 235

Presidential Transition Enhancement Act of 2019, 7, 13, 22

Reagan, Ronald

Administration, 78, 83-84, 86, 96, 170

president-elect, 200, 202, 207-209

Romney, Mitt 67, 201, 237

transition team, 6, 12-13, 60, 83, 132, 198

agency review, 161, 164

Quigley, Jim, 56, 67

executive director

Liddell, Chris, 6, 56,

legislative affairs, 68

policy implementation, 128

Adams, Tim, 56, 133, 222

Shea, Robert, 143

transition chairman

Leavitt, Michael, 6, 17, 56, 133

vice president transition

Ryan, Paul, 211, 237

See also Romney Readiness Project

Romney Readiness Project, 13, 15, 17-18, 20, 56, 62, 69, 88, 128, 133, 197, 211

Senior Executive Service (SES), 86, 169, 237

noncareer, 86, 93, 112, 169, 233-234, 240

Temporary Transition Schedule C Authority, 97

The Edward “Ted” Kaufman and Michael Leavitt Presidential Transitions Improvements Act of 2015 (P.L. 114-136), 25, 162, 231-232, 239

- Trump, Donald, 4, 12, 21, 22, 25, 55, 88, 94, 96, 98, 107, 140, 211-212, 237, 243
- Administration, 66, 88-89, 91, 95, 97, 106, 141, 143, 170
  - appointments, 99, 103, 144, 203, 209, 237
  - Chief of staff
    - Priebus, Reince, 68, 243
  - executive orders, 136
  - president-elect, 24, 69, 99, 138, 200-204, 207, 230, 236, 243
  - transition team, 5, 12, 17, 20, 23, 25, 57, 58-59, 63, 131, 133, 135, 200, 207, 237, 239
    - agency review (“agency action”), 129, 163-164, 167, 171
      - Clark, Justin, 56,
      - Kaufman, Beth, 56
      - Nicol, Ron, 56
  - legislative affairs
    - Dearborn, Rick, 68
    - Pence, Mike, 68, 212
    - Priebus, Reince, 68
  - operations manager
    - Block, Monica, 56,
  - organizational structure, 61-62
  - policy implementation team, 128
    - Machida, Ado, 56, 128
  - transition chairman
    - Christie, Chris, 21, 55-56, 212
    - Pence, Mike 56, 212
  - transition communication 207
  - transition executive director
    - Bagger, Richard, 21, 56, 63

Dearborn, Rick, 56

vice president transition

Pence, Mike, 68, 201, 211-212, 237, 243

White House, 12, 13, 17, 23, 25-26, 67, 84, 90, 100-102, 107, 127, 129, 134, 136, 140, 142, 146, 167, 214, 222, 229, 237-240

staff, 3, 14, 15, 57-58, 66, 68-69, 77-78, 80, 86-88, 94-96, 104, 111, 127, 171, 173, 197-198, 209-210, 220, 223-226, 231, 240-241

White House Transition Coordinating Council 24, 231-234, 244



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The Partnership for Public Service has compiled this comprehensive guide to the activities required during the transition. The guide features detailed outlines of the transition practices, archival materials from past transitions, and recommendations for a successful presidential transition.

For more resources and information, please visit the Center for Presidential Transition website at [presidentialtransition.org](http://presidentialtransition.org).



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