

PRESIDENTIAL
TRANSITION GUIDE



PARTNERSHIP FOR PUBLIC SERVICE

CENTER *for* PRESIDENTIAL TRANSITION

The Partnership for Public Service is a nonpartisan, nonprofit organization that works to revitalize the federal government by inspiring a new generation to serve and by transforming the way government works. 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
- Conducting outreach to college campuses and job seekers to promote public service
- Identifying and celebrating government's successes so they can be replicated across government
- Advocating for needed legislative and regulatory reforms to strengthen the civil service
- Generating research on, and effective responses to, the workforce challenges facing our federal government
- Enhancing public understanding of the valuable work civil servants perform

We would like to thank our strategic partner in this work, The Boston Consulting Group, as well as the Rockefeller Brothers Fund, whose generous support made this transition guide possible.

PRESIDENTIAL
TRANSITION GUIDE

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

This classic scene from fiction 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 poor 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 for the next four years; done poorly, and it will be difficult for a new administration to recover.

Introduction

The purpose of this guide is to share many of the lessons learned from past transitions, and to suggest best practices and key choices most likely to contribute to smooth and successful transitions in the future.

Executing a presidential transition involves establishing key goals and organizing the infrastructure necessary to achieve them, including:

- Staffing the White House and the Executive Office of the President, developing a functional decision-making structure and preparing to assume governing responsibility
- Making more than 4,000 presidential appointments, roughly 1,000 of which require Senate confirmation
- Getting up to speed on more than 100 federal agencies and organizing and training leadership teams for each
- Building a full policy platform for the new administration and planning executive actions, a management agenda, a budget proposal and potential legislation to implement those policies
- Preparing a 100- to 200-day plan for executing the policies laid out by the president during the campaign and getting the new administration off to a quick start
- Developing a strategy for communicating with the American people, Congress, the media, political appointees, the federal workforce and other stakeholders

New administrations often have faced a major crisis within their first few months in office, from the economic meltdown that confronted President Barack Obama as he took the reins in January 2009, to the September 11th terrorist attacks that occurred nine months after President George W. Bush's inauguration, to the lingering savings and loan crisis that required the early attention of President George H.W. Bush in 1989.¹ Candidates cannot wait until after the election to begin thinking about how they will organize and prepare to deal with such emergencies. This work must begin well in advance of Election Day so the new administration is ready to govern—and prepared for any possibility—on day one.

The Partnership for Public Service's [Center for Presidential Transition](#) and its Ready to Govern® initiative are designed to ensure the smooth and safe transfer of both power and knowledge during the peaceful transition from one administration to the next. Ensuring that each incoming presidential administration is ready to lead on day one is a national security imperative and a solemn duty to the American people.

Few presidential transitions have been well documented, and even fewer have captured key documents, 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, we need to place as much emphasis on the ability of candidates to lead our government as we do on their policy positions. The next president is essentially the CEO of a complex organization of nearly 4.1 million federal employees whose mandate is protecting U.S. citizens and creating an environment where they can prosper. This means the president must begin transition activities early, smartly and at full strength.

With the Center for Presidential Transition, the Partnership has created a learning system to assist outgoing administrations, presidential candidates, presidential transition teams, federal agency leaders and government career executives and provide access to the resources they need to plan, prepare and contribute to a smooth transfer of power. Our material is gleaned from a variety of sources, including prior transition teams, administration officials, government agencies, good government organizations and transition scholars. We hope this permanent “one stop shop” for all things transition 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.

¹ John P. Burke, “George H. W. Bush: Transition and Early Presidency,” in *Triumphs and Tragedies of the Modern Presidency: Seventy-Six Case Studies in Presidential Leadership*, ed. David Abshire (Washington, DC: Center for the Study of the Presidency, 2001), 43.

The Center for Presidential Transition is home to the Ready to Govern® initiative, a four-pronged approach to our work.

DEVELOPING A MANAGEMENT ROADMAP

Sound management enables the effective implementation of policy and is essential for a successful presidency. Management mistakes can cost an administration dearly in reputation and results, and as such, transition teams should devote time and resources to develop a robust management agenda. We work with good government stakeholders to develop management recommendations for the next administration.

ENGAGING CONGRESS AND PROMOTING PRESIDENTIAL TRANSITION REFORMS

To establish a stronger infrastructure and framework for transitions, the administration and Congress must work together to make improvements to the process. We have identified actions that Congress can take, including codifying best practices from prior transitions, designating a federal transition coordinator, and further reducing the number of positions subject to Senate confirmation.

ASSISTING THE 2016 PRESIDENTIAL CANDIDATES

There is currently no single place for campaigns to obtain comprehensive information regarding transition planning. The Partnership is working to fill this void by creating this presidential transition guide, and by facilitating relationships between transition teams, the outgoing administration and individuals with prior transition experience.

PREPARING PRESIDENTIAL APPOINTEES TO SUCCEED

The success of every presidency depends on picking high-quality agency appointees and preparing them to lead in the public sector. Through our Ready to Govern forums, bipartisan faculty from previous administrations will meet with incoming political leaders to prepare them to effectively govern.

ABOUT THIS GUIDE

This guide is a collection of decision points and approaches to presidential transition planning and execution. It is an attempt to clarify the process of planning for a presidential transition, and to gather lessons learned and best practices from prior recent transitions of both political parties. The goals are to create the expectation that presidential candidates will prepare for a potential transition well before Election Day, and make the transition process more established and less politically sensitive.

The intended audience includes presidential candidates and their top campaign and transition staff, outgoing administrations, policymakers invested in presidential transitions, agency officials involved in the transition, outside groups that provide advisory support, the media and the public at large.

The guide covers the major activities and phases of a presidential transition, seeks to provide detail where it will be most helpful, and explains how successful and smooth transitions of political power should operate. However, it is not exhaustive and is not intended as a complete history of past presidential transitions. Furthermore, it is a living document that will be updated and augmented as we continue to learn more about presidential transitions.

The material was drawn from a variety of sources, including interviews with participants in past transitions, archived materials that were developed as part of past transition operations, and scholarly studies on the subject of presidential transitions and the presidency. Individuals interviewed provided information on the basis of non-attribution, and direct quotes have been included with permission.

This document is the result of a number of ongoing Partnership activities focused on political transitions, specifically:

- The 2008 conference organized by the Partnership for Public Service and held at the Pocantico Conference Center of the Rockefeller Brothers Fund in Tarrytown, New York that brought together representatives of federal agencies, good government groups and members of the major campaigns to discuss transition planning.
- The Partnership's 2010 report, "Ready to Govern," that 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.
- The Partnership's 2012 Presidential Management and Transition Conference, which included senior members of the teams of President Obama and Republican candidate Mitt Romney, including the chairman of the Romney Readiness Project. Conference materials were co-developed with the Boston Consulting Group, including a "Fact Pack" on past transitions and a primer on past transition efforts.

- The Boston Consulting Group's in-depth analysis of presidential transition calendars and how presidents-elect spend their time between the election and the inauguration.
- Recommendations to simplify and streamline the presidential appointments process, including passage of legislation to reduce the number of political appointees subject to Senate confirmation.
- A series of interactive courses designed by the Partnership and other partners to provide new political appointees with the tools they need to succeed and excel in their roles as government leaders.
- Sponsoring the release event for the Romney transition team's book, *Romney Readiness Project 2012: Retrospective and 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 for Public Service is a nonprofit, nonpartisan organization that works to revitalize the federal government by inspiring a new generation to serve and by transforming the way government works. Specifically, the Partnership is committed to developing strong leaders at the highest levels of government through extensive training for both career and political employees, as well as through research and legislation. The Presidential Transition Guide is an important example of this commitment. The Partnership for Public Service was founded in 2001 by Samuel J. Heyman, a successful businessman, philanthropist and former federal employee who wanted to give back to his country. The Partnership is based in Washington, DC.

The Boston Consulting Group (BCG) is a global management consulting firm and one of the world's leading advisors on business strategy and change management. BCG was founded in 1963 and has more than 10,500 staff based in 82 offices around the world. BCG's U.S. Federal Practice was founded in 2009 and helps clients address their most critical challenges to enable more efficient, effective and affordable government.

“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

Getting Organized

Preparing to take over the Executive Office of the President and the enormous responsibility of running the federal government is the most important job a presidential candidate faces outside of winning the election. Managing a successful transition requires building and organizing a transition team, establishing clear goals and milestones for each phase of transition, and ultimately securing the right team of leaders to guide the president-elect and the entire government through the transition process.

Each presidential transition or aspiring transition has learned from prior efforts and added its own unique contributions to the process. While there are multiple approaches, smooth transition operations require clear priorities, a robust work plan, a cooperative relationship with the campaign, sufficient resources and a shared commitment to coordinate with the outgoing White House.

FUNDAMENTALS OF GETTING ORGANIZED

Preparing a candidate or president-elect to take over the functions of government is an immensely complicated process. Managed well, it can result in a smooth transition of government and 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 planning and communication and, at worst, difficulty responding to immediate national security 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 appointments and managing an organization with a budget of nearly \$4 trillion and more than 2 million civilian employees performing missions as diverse as national defense, securing our borders, conducting medical research and reducing homelessness. Any candidate for the presidency must be ready to handle the demands of leading a massive organization that operates too much like a holding company for disconnected entities and not enough like a unified whole. Building a robust and effective transition operation to ensure the new administration is “ready to govern,” with a whole-of-government approach, must begin no later than spring of an election year—and preferably sooner.

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 readiness to governing.

Transition timeline

The full presidential transition process consists of three main phases, covering roughly one year, from April or May of the election year all the way through the inauguration and the new administration’s first 100 days.

With only 75 days between the election and inauguration, incoming administrations have a very short time to assume the responsibilities of government. The volume of responsibilities and number of transition personnel increase exponentially with each new phase, reaching upward of 1,200 staff and volunteers by the eve of the inauguration. A full description of staffing and organizing the transition team can be found in [Chapter 2](#).

The three main phases of a presidential transition are as follows:

PRE-ELECTION “PLANNING” PHASE

Planning for a presidential transition should start in earnest in May or June of the election year. Successful transition operations tend to prepare early. For example, Republican candidate Mitt Romney’s team began planning in June 2012 (although some initial planning took place in April and May).² The Obama transition team began its preliminary work in April 2008 and formal planning in May, while George W. Bush began work on his transition preparation even earlier, instructing a few close advisors to begin thinking about these issues as early as June 1999.

The Romney Readiness Project considered the pre-election phase in two parts, the first being the “Readiness” phase in which the transition structure and goals were fleshed out. This period began on June 1, 2012, and concluded on August 30 following the conclusion of the Republican National Convention. The second period was considered the “Planning” phase and it began immediately following the convention. The reason for the distinction is the Pre-Election Presidential Transition Act of 2010 (Public Law 111-283), which made office space and equipment, information technology and staff assistance

² Michael O. Leavitt, Christopher Liddell, Daniel Kroese, and Clark Campbell, *Romney Readiness Project 2012: Retrospective and Lessons Learned* (Charleston, SC: R2P, Inc., 2013), 21.

available to presidential candidates through the General Services Administration (GSA) following the major party 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 2012.³

Key activities in this pre-election phase include setting goals for the transition; assembling and organizing the key transition team staff; allocating responsibilities among the team and allocating resources and personnel for each core work stream; developing an overall management work plan to guide the team through the entire transition process; and establishing relationships with Congress, the outgoing administration, GSA, the Office of Government Ethics, the FBI and the Office of Personnel Management (OPM) to encourage information sharing and to begin the security clearance process for select personnel.

POST-ELECTION “TRANSITION” PHASE

The actual transition phase lasts only about 75 days, the window between the election and the inauguration. During this time, the transition team must handle the influx of campaign staff and additional personnel into daily operations and prepare to take over the functions of government. Key activities in this phase include staffing the office of the president-elect; deploying agency review teams; building out the president-elect’s management and policy agendas and schedule; and identifying the key talent necessary to execute the new president’s priorities.

POST-INAUGURATION “HANDOVER” PHASE

Following the inauguration and transfer of power to the next president, a new administration has a narrow window of approximately 100 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 about 1,000 that require Senate confirmation. The administration also will have to officially close down the transition operation and preserve important records to aid future transition teams.

Workstreams during the transition

The complexity of the presidential transition process is simplified when it is broken down into manageable workstreams: policy implementation, agency review, presidential appointments, and operations and support functions such as legal counsel, congressional outreach and budget and financial planning. Brief summaries of the activities involved follows, with greater discussion of each in subsequent chapters. These areas intersect, but each needs a capable manager at the helm to enable the transition chairman and executive director to keep an eye on the transition enterprise as a whole.

³ Prior to the 2010 law, 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 major party candidates prior to an election.

Policy implementation

One of the roles of a presidential transition team is to take the major issues that the candidate ran on and build them out into a comprehensive policy platform with an eye toward executive orders, legislation and possible agency action. This includes prioritizing the top 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 policy initiative, and looking at ways to leverage the activities of federal agencies to further the administration's policy goals. The team should keep a running list of promises made on the campaign trail. As Tevi Troy, a group leader on the Romney Readiness Project's policy team, explains, "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."

Agency review

In preparing the incoming administration to take the reins of the federal government, the transition team must get up to speed on more than 100 agencies within the government, although one former transition chairman advises that the vast majority of the work will be spent on 30 or so agencies, including the Cabinet. The work includes devising a plan for how the president-elect and his or her appointees will lead each agency, the type of expertise needed in the agency, names of candidates for each position, the work of the agency and how it fits into the president-elect's vision and policy priorities, the state of the agency's career workforce and the most important issues facing the agency. The agency review is key to understanding the immediate issues or decisions the incoming team should know about.

Presidential appointments

Staffing a new administration requires more than 4,000 presidential appointments, including approximately 1,000 requiring Senate confirmation. The transition team must identify and internally vet priority personnel and 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 as part of an administration.⁴ The personnel team must also manage the process for selecting many mid- and lower-level positions that also require vetting and clearance.

Operations

The transition team must be prepared to handle the basic administrative tasks of running a fast-moving, rapidly growing and changing office from the election to the inauguration. This includes continuous onboarding of staff from the campaign and elsewhere, managing the flood of information, and working closely with GSA on everything from issuing credentials to ensuring adequate

⁴ See Cabinet orientation curriculum, Chapter 3 page 72.

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 like 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. The need for financial support can be significant: President Obama's 2008 transition cost more than \$9 million, and nearly half of that amount came from private funds.

Congressional and external outreach

Moving presidential nominees and policy priorities through Congress after taking office is of paramount importance, and requires a dedicated team of experienced people to build and execute a strategy to advance the new president's policy initiatives with the help of key lawmakers and external stakeholders. 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. This includes job applications, suggestions for potential appointees, 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.

Four critical areas to transitions

	OPERATIONS AND SUPPORT	POLICY PLANNING	AGENCY REVIEW	PRESIDENTIAL APPOINTMENTS
Pre-election	<p>Prepare to manage transition</p> <ul style="list-style-type: none"> • Staffing • Logistics • Security clearances <p>Coordinate with campaign</p>	<p>Prepare for post-election phase</p> <ul style="list-style-type: none"> • Get right skeleton staff in place • Develop "promises book" from campaign 	<p>Prepare for post-election phase</p> <ul style="list-style-type: none"> • Line up staff • Establish clear guidance for review teams <p>Develop initial briefing materials for agency heads</p>	<p>Build list of top 200 names</p> <ul style="list-style-type: none"> • Initial vetting with public sources • Start deep vetting of top candidates <p>Plan later personnel opportunities, PPO</p>
Post-election	<p>Manage the overall transition</p> <ul style="list-style-type: none"> • Budget • Logistics • Communications <p>Coordinate with White House, president-elect</p> <p>Work with Congress</p>	<p>Develop policy priorities for new administration</p> <ul style="list-style-type: none"> • Organized by major issue area <p>Work on urgent policy issues</p> <ul style="list-style-type: none"> • Executive orders, regulations • Budget next fiscal year 	<p>Conduct agency assessments</p> <ul style="list-style-type: none"> • Identify program, policy priorities • Identify urgent issues • Review budgets <p>Prepare summary materials for president and new agency heads</p>	<p>Deeply vet potential top-level nominees</p> <p>Vet and select next level of nominees</p> <p>Establish operations to administer hiring process</p>

Source: Boston Consulting Group analysis

Legal counsel

Having access to timely and well-informed legal advice is invaluable to any transition operation. Legal counsel play a key role in vetting potential nominees, making nominees 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. The legal counsel can also help evaluate “midnight regulations” (rules instituted by the outgoing administration near the end of its term). This is an important role of the transition team that will engage in many different aspects of the transfer of power.

Communications

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

MAJOR STEPS IN PRESIDENTIAL TRANSITION MANAGEMENT

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 rather than be consumed by it. Identifying top priorities also will help determine the overall structure of the transition team and how resources and personnel are allocated.

Transition priorities should build off 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 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 their efforts and track their 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 hopes to achieve
- 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 by which each major activity should have occurred or been completed

As part of developing its work plan, the Romney Readiness Project used a tool called the “One-Page Project Manager,” which laid out the major goals and milestones for the transition on 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 had a less fully developed work plan, but had done significant work laying the ground for the post-election transition and keeping Sen. Obama informed on their progress.

Once a transition 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 so 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

In the first phase of a presidential transition, it is important to establish a clear 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. 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.

Disconnecting the two teams can refer not only to the separation of responsibilities, but to personnel and physical office space as well. Sen. John McCain’s 2008 team ran into some trouble after housing the transition and campaign operations in the same building, with the senior managers having responsibilities to both, resulting in significant bottlenecks and delays. George W. Bush avoided this potential conflict in 2000 by moving the entire transition team to Washington DC, with completely separate publicity and communication teams, an arrangement that worked fairly well. President Obama chose to base his transition operation in Washington, DC, as well, choosing members of his Senate

staff (and later John Podesta) to manage it. Similarly, Romney based his 2012 campaign team in Boston, with his transition staff based in Washington and communication between the two channeled through the transition chairman.

Another benefit of separation is that it reduces the potential friction between the two teams. There is often a fear among campaign staff that the transition team members will position themselves for the best jobs in the administration, and a fear among transition staff that the campaign will take control following the election. Separating the teams frees each to focus on their particular responsibilities without worrying about stepping on each other's toes.

Separating the campaign and transition teams has some drawbacks, particularly in implementing what the president-elect campaigned on and building it into

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

Certain key pieces of information from the campaign will allow the transition team to make the best use of limited time and resources. Here are issues for the transition to consider:

1. How would the candidate like to be briefed on transition activities?

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 data than someone who prefers to receive information in narrative form. Some presidents-elect prefer to read briefing materials; others prefer oral briefings, or a combination of both.

2. Where will the president-elect be based?

Most recent transitions have elected to use a dual-site structure that balances important transition functions between the president-elect's hometown and Washington, DC. It is important for the transition team to know as soon as possible where the president-elect plans to be based and whether he or she will spend any time in Washington, DC so the GSA can arrange for office space and the transition team can plan accordingly.

3. 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 the candidate will be working per 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, 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.

4. What are the general characteristics that the candidate 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.

a full policy platform. Various campaigns have approached this differently. The Bush 2000 transition separated most campaign and transition functions, but the main policy architects on the campaign, such as Margaret Spellings, who developed Bush's education platform, owned their particular policy area through the campaign and transition phase and into the administration itself. In 2008, the Obama campaign chose to mostly separate the campaign and transition functions, but there was some overlap in the area of policy. For example, Linda Darling-Hammond, a well-respected Stanford professor, helped develop the campaign's education platform and then chaired the transition policy team dealing with education.

5. 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.

6. 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.

7. 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.

8. What are the communication themes for the transition? 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?

Because the campaign will serve as the lead messaging vehicle of the candidate by developing policy positions and responding to events over the course of the campaign, the transition should ensure that it hews closely to the campaign as it develops a post-election communications strategy. The transition should make sure it receives general guidelines and themes from the campaign communications staff to follow as it prepares.

Ensuring sufficient availability of resources

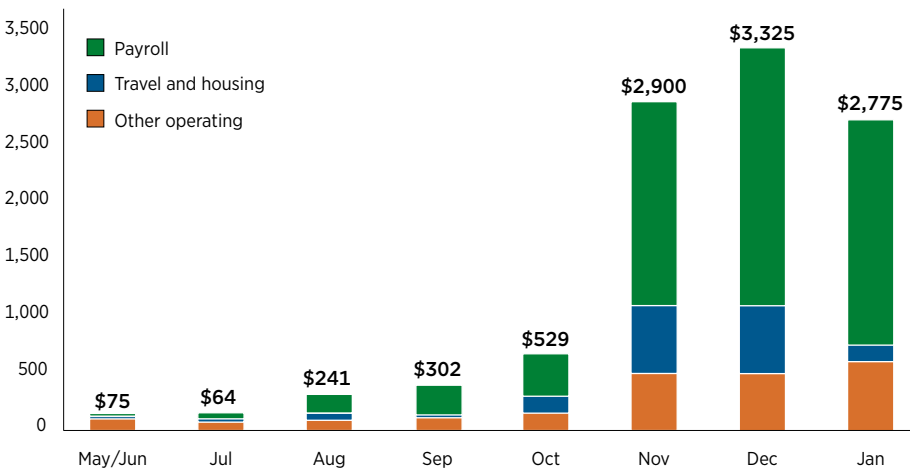
Managing a presidential transition involves the creation and maintenance of a large and rapidly growing organization. This requires the mobilization of significant resources, administrative systems, office space and IT support. Roughly two-thirds of the entire budget of a presidential transition goes to operating expenses and personnel.

The Pre-Election Presidential Transition Act of 2010 gave the GSA the responsibility to provide presidential candidates with resources following their party nomination. As part of this mandate, GSA will provide transition teams with office space and furniture, secure computer systems and communication services. GSA also facilitates access to training and other orientation activities for incoming staff. Finally, GSA can help to facilitate the process of submitting names to the FBI or the Office of Personnel Management (OPM) for security clearances for the formal stage of transition.

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 Obama from private donors. In 2012, GSA was allocated \$8.9 million to spend on the transition after Election Day if Governor Romney had won the election, an amount that will increase with inflation in 2016 in accordance with the Presidential Transition Act, as amended. Given the substantial resource requirements and technology and se-

Romney transition project costs—incurred and projected

All figures are in thousands



Source: Michael O. Leavitt, Christopher Liddell, Daniel Kroese, and Clark Campbell, *Romney Readiness Project 2012: Retrospective & Lessons Learned* (Charleston, SC: R2P, Inc., 2013), 69.

curity 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 for the transition to cover all expenses outside of GSA's contribution, including events, website development and travel.

Coordinating with the outgoing administration

The success of a presidential transition relies in part on the cooperation and preparation of the outgoing president and his team, whether the outgoing occupant of the White House has reached the end of his or her second term, or is an incumbent who has lost re-election. While the latter scenario can pose obvious challenges, this does not always have to be the case. Following his defeat in the 1992 election, President George H.W. Bush made clear that his goal was to have a professional, 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.”⁵ 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.”

Establishing communication and coordination early with the incumbent administration will help a transition team ensure a steady flow of information throughout the process. This relationship 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 and “tabletop” exercises, and briefing materials to be prepared for appointees of the incoming administration.

To facilitate an ongoing working relationship, a memorandum of understanding (MOU) should be developed before Election Day to cover the relationship between the White House and the president-elect. In 2008, the Bush White House and Obama transition team signed an MOU (see appendix 1.1) that covered a number of important issues, including:

- The specific types of resources and information that the White House will make available, and at what time
- The amount and type of access to federal agencies
- Who on the transition team will have access and how often
- Who on the White House transition team will facilitate the execution 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

⁵ Stephanie Smith, Congressional Research Service, *Presidential Transitions*, February 11, 2008, 18. Retrieved from bit.ly/1UxpHCm.

The Edward “Ted” Kaufman and Michael Leavitt Presidential Transitions Improvements Act of 2015 requires the incumbent administration to negotiate such an MOU with both major party candidates. These MOUs would, at a minimum, cover the conditions of access to agency employees, facilities and documents by transition team staff.

In addition, there were two other MOUs signed by the Bush administration and the Obama transition team. One agreement governed use of GSA services by the transition team, and the other spelled out the details of the Justice Department’s role in facilitating security clearances ([see appendix 1.2](#)). The passage of the Pre-Election Presidential Transition Act of 2010 meant that future MOUs with GSA would have to cover the set of services provided in both the pre- and post-Election Day periods, which differ somewhat. See appendix 1.3 for an example from 2012.

The transition team, in consultation with the candidate and the campaign, also 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. His legislative staff met with members of Congress and the Bush and Obama economic teams immediately following the election and throughout December on an economic stimulus package and the Troubled Asset Relief Program. 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 chairmen 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.

Closing down the transition

Closing down the transition operation once the new administration comes into office (or, for the unsuccessful candidate, when the election is over) is typically overlooked during the frenzy of pre-election activity. Building the transition organization is a highly involved and intensive process, 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 Act of 1988 contains a 30-day statutory deadline which allows for further expenditures by the president-elect and vice president-elect to allow for “a more orderly termination of transition operations.” This does not apply to the defeated candidate.⁶ The George W. Bush team viewed the transition close-down as a distinct and separate activity from the launch of White House operations.

In 2001, the Bush team found that it required more staff than originally anticipated to close down its transition. Only a small number of adminis-

⁶ Presidential Transitions Effectiveness Act of 1988: Hearings on H.R. 3932 before the Committee on Government Reform Subcommittee on Legislation and National Security, 100th Congress (1988) (statement of Charles A. Bowsher, Comptroller General of the United States).

trative staff, supported by a few full-time volunteers, was left to assist GSA in vacating the space. However, there were also Cabinet Affairs and policy staff working out of the transition space who required administrative support. Additionally, the presidential personnel office presented a unique challenge in that it proved difficult after the inauguration to integrate the human resource function of the transition into the White House. Bush transition officials stressed that future transitions should more adequately think through the staffing requirements for closing down and transferring important functions to the White House post-election.

Based on this experience, Congress included a provision in the Edward “Ted” Kaufman and Michael Leavitt Presidential Transitions Improvements Act of 2015 allowing GSA to continue providing support services to the president-elect for 180 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 in January.

Another issue that has surfaced in the past has been the applicability of the Freedom of Information Act (FOIA) to materials produced by the transition. This law applies only to transition documents that end up in the possession of a federal agency and qualify as an “agency record.” For the purpose of FOIA, an agency record is any document which has been created or obtained by an agency or which the agency is in control of at the time that the request is made.⁷ However, a presidential transition is not an agency or a government entity under federal law. A transition document becomes subject to FOIA only after it is brought into the agency by an appointee or transition team member, is under the control of the agency and is relied on in the execution of official duties. In 2008, the Obama transition took care to analyze the applicability of FOIA 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.

Finally, future transition operations should consider the importance of their work to both the candidates and transition teams that come after them 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 and 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 close of the transition operation provides an opportunity for this kind of archiving and reflection, and the Partnership for Public Service’s Center for Presidential Transition can serve as an online home for transition archives.

⁷ United States Department of Justice Office of Information Policy, *FOIA Update: FOIA Counselor: Transition Team FOIA Issues*, January 1, 1988.

Key transition milestones

	MILESTONE	TARGET COMPLETION DATE
PHASE I Pre-election “planning”	Identify transition chair, executive director and other top leadership	Early spring
	Establish strategic priorities and work plan	May
	Develop budget and fundraising plan	May
	Set time targets for presidential appointments and identify priority positions	June
	Coordinate with GSA to plan for office space, IT, financial resources	June/July
	Create standardized agency review report format	July
	Catalog key campaign promises and identify policy priorities	July–October
	Submit security clearances for key transition personnel who will require access to classified briefings post-election	August/September
Vet and finalize shortlists for top priority presidential appointments	August–October	
PHASE II Post-election “transition”	Launch agency review teams	Early November
	Select top 50 Cabinet appointees and key White House personnel	Pre-Thanksgiving
	Develop policy implementation plan, budget and management agenda; send intended Cabinet agency appointments to Senate	November/December
	Submit agency review reports and brief incoming agency heads	January
	Prepare Cabinet orientation/retreat	January
PHASE III Post-inauguration “handover”	Fill top 100 Senate-confirmed positions	End of April
	Fill remaining 300-400 presidential appointments	August congressional recess

APPENDIX 1.1

Memorandum of understanding between George W. Bush White House and Obama-Biden Transition Project

Source: Obama-Biden Transition Project documents
November 8, 2008

(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, as amended, the Intelligence Reform and Terrorism Prevention Act of 2004, and Executive Order 13476, 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) Executive Order 13476, Facilitation of a Presidential Transition, provides that the Presidential Transition Coordinating Council will “assist the President-elect by making every reasonable effort to facilitate the transition between administrations.”

(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 otherwise restricted by law. The Chief of Staff has advised the Chair of the PETT that Administration personnel will take the steps required by law, including the 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.

(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 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.

(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.

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).

Department or Agency personnel shall make a written record of any disclosure of non-public information made to a member of the PETT.

*The terms "financial interest," "imputed financial interest," "direct and predictable effect," and "particular matter" have the same meaning in this memorandum as in 18 U.S.C. § 208 and the regulations interpreting those terms set out in 5 C.F.R. parts 2635 & 2640. A financial interest for which 5 C.F.R. part 2640 provides a waiver will not block access to the information.

(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.

(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).

(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.

Signed by:

Joshua B. Bolten
Chief of Staff to the President

Date: November 8, 2008

Signed by:

John Podesta
Designated Chair of the
President-elect's Transition Team

Date: November 8, 2008

APPENDIX 1.2

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

(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

*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.

- 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 ("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.

Signed by:

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

Signed by:

Christopher P. Lu
Executive Director,
Obama Transition Project

Date: October 1, 2008

APPENDIX 1.3

Memorandum of understanding between the General Services Administration and the Romney Readiness Project

Source: Katy Steinmetz, “The Cost of Romney’s Government-Assisted Transition: \$8.9 million,” TIME Magazine
September 17, 2012

INTRODUCTION

This Memorandum of Understanding (MOU) establishes guidelines for obtaining services and facilities made available by the General Services Administration (GSA) to Governor Mitt Romney (Eligible Candidate), who is an eligible candidate in the next general election for President of the United States, as defined in the Presidential Transition Act of 1963, 3 U.S.C. § 102 note, as amended by the Pre-Election Presidential Transition Act of 2010 (Pub. L. No. 111-283) (the “Transition Act”). The services and facilities to be provided to the Eligible Candidate for the period of August 30, 2012, through November 6, 2012, are defined in Part I of this MOU, and the services and facilities to be provided to the President-elect and Vice-President-elect for the period of November 7, 2012, through February 19, 2013, are defined in Part II of this MOU. Part II of this MOU will become effective only if the Eligible Candidate is elected to be the President-elect pursuant to Section 3(c) of the Transition Act. If Governor Romney is not ascertained as the winner of the general election, Part II of this MOU will be null and void. Pursuant to section 3(h)(3) of the Transition Act, Governor Romney established R2P, Inc. (R2P) as a separate fund for the payment of expenditures in connection with his preparation for the assumption of official duties as President. R2P is also the authorized transition entity for those preparations.

I. PRE-ELECTION

The Administrator of General Services (Administrator) is authorized to provide to the Eligible Candidate, for use in connection with his preparations for the assumption of official duties as President if he wins the election, 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 for the Eligible Candidate’s preparations for the assumption of official duties as President, the Eligible Candidate has designated Michael Leavitt, Chris Liddell, and Douglas Wooden to act on his behalf to make decisions as may be required in connection with the services and facilities to be provided under the Transition Act. This authority may be re-delegated by any of the aforementioned in writing, delivered to the GSA Senior Career Executive, Darren Blue, or Liliana DelBonifro, Director of GSA’s Transition Support Team. In order that all requirements can be expeditiously provided for and necessary financial and other controls maintained, the following procedures for obtaining services made available by the GSA are effective immediately. The procedures 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 Transition Support Team, Liliana DelBonifro.

Office Space, Furniture, Equipment, and Supplies

GSA will provide office space and related services to the Eligible Candidate’s Transition Team. GSA has identified in its inventory approximately 14,459 usable square feet of office space in Washington, DC, designed to house 100 of the Eligible Candidate’s staff members from August 30, 2012, through November 6, 2012. The space and services can be increased to accommodate additional people during the time period as mutually agreed to by both parties. The location designated for use is the Mary E. Switzer Building, located at 330 C St, SW, Washington, DC. GSA has completed space planning in “universal layouts” appropriate for the purposes for which it will be used by the Eligible Candidate’s Transition Team, GSA will make furniture and office equipment available from stock inventory. The rent for this “turn-key” office space, including all customary charges and fees as defined in the attached Occupancy Agreement (Attachment A), is the responsibility of R2P unless exempted by the Administrator or his designee, in accordance with 40 U. S.C. § 586(b)(3). All furniture and equipment for the Eligible Candidate’s Transition Team will be in place by August 30, 2012. Therefore any specific requests for changes in existing space and furniture layouts, or additional furniture or equipment will result in additional costs that will be charged to R2P. Such additional costs will not be included in the rent, nor waived under any request for a rent exemption. Office equipment supplies, with the exception

of cell phones and laptops, will not be removed from the premises without the express permission of the Senior Career Executive or the Director of the Transition Support Team. All office equipment 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. Any consumable supplies required beyond what GSA initially provides must be obtained with funding from R2P. The space will be available from 7:00AM to 5:00PM, Monday through Friday. Use of the space after hours is permissible, but will be subject to overtime utility costs on a reimbursable basis and will require coordination with the Director. 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 or his representative will ensure all required information is supplied and security protocols followed. In the event of no transition, the space must be vacated within 3 days of the election.

Telecommunications and IT Services

GSA will provide an open architected infrastructure through telecommunications and IT services and equipment for use by the Eligible Candidate's Transition Team, with installation included as part of the "turn-key" office space. GSA will supply software and equipment from its inventory, and all such property will be repurposed, after removal of any sensitive data and/or full hard drive cleanup, to GSA users or clients after the election if there is no transition or the inauguration if there is a transition. Attached is a list of items to be provided by GSA (Attachment B). 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's Transition Team. R2P assumes responsibility for loss of, or damage to, GSA's personal property provided to the Eligible Candidate's Transition Team and agrees to return all items in the same condition as received, reasonable wear and tear excepted. The GSA Presidential Transition Support Team will establish a service desk to provide IT support and miscellaneous other assistance to be further defined by GSA. GSA acknowledges that some members of the Eligible Candidate's Transition Team may wish to use personal equipment instead of that provided by GSA. The service desk staff will be knowledgeable on hardware, software, and tools provided by GSA and used by the Eligible Candidate's Transition Team's "end-users", but only limited support will be available for non-GSA equipment. Service desk support will be available Monday through Friday, 8AM to 6PM, excluding holidays. Emergency support will be available 24 hours, 7 days a week. Any specific requests by the Eligible Candidate or his representative for additional IT services, equipment or personnel will result in additional costs that will be charged to R2P and will not be included in the rent nor waived under any request for an exemption. Local and long distance service are included for both cellular and desk phones. Outbound international calls can be enabled as required for both cellular and desk phones. Costs incurred for international calls will be directly charged to R2P. All phones will receive inbound international calls at no cost. The wireless contract supporting the GSA issued Android smart phones will provide local and long distance service for 300 anytime minutes per month pooled with all users, with unlimited nights and weekends, and unlimited texting and data. Additional minutes over this amount, including any roaming charges, will be directly charged to R2P. Conference calling cards will be provided and cover up to 2.5 million minutes (explained in Attachment B). Unused minutes will be rolled into Post Election in the event of a transition.

Other Candidates

R2P acknowledges that GSA will offer similar space and services to other eligible candidates as defined by the Transition Act. All information and assistance by GSA will be on an equal basis and without regard to political affiliation. Other eligible candidates may be given space in the Switzer Building, but the staffs will be physically separated.

Other Funds

As described above, the Eligible Candidate has established a separate fund, R2P, pursuant to Section 3(h)(3) of the Transition Act to support his activities in preparation for the assumption of official duties as President. Accordingly, R2P must comply with the reporting and disclosure requirements of the Transition Act. 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

R2P, as a condition of receiving services and office space, shall disclose to the Administrator; (1) the

date of contribution, source, amount, and expenditure of all money, other than funds from the Federal Government, and 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; and, (2) 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 the Transition Act. Disclosures made under paragraph (1) above shall be in the form of a report to the Administrator by December 5, 2012, unless the Eligible Candidate becomes the President-elect. If the Eligible Candidate becomes the President-elect, the report may be included as part of the report made to the Administrator by February 19, 2013. The report shall be made available to the public by the Administrator upon receipt.

Effective Dates

Part I of this MOU becomes effective upon signature by both parties. Part I of this agreement ends when the Administrator ascertains the apparent winner of the Presidential election.

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.

II. TRANSITION

Pursuant to the Transition Act and upon request, the Administrator is authorized 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 or 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; communications services; payment of expenses for printing and binding; and reimbursement to the postal service in the amount equivalent to the postage that would otherwise be payable on mail matter.

The Transition Act authorizes funds not to exceed \$6.6 million to be appropriated to the Administrator for the use of the Office of the President-elect and Office of Vice President-elect (referred to collectively herein as the Office of the President-elect). For the 2012-2013 transition, \$5.6 million is designated for expenditure on behalf of the Office of the President-elect and \$1 million is for Appointee Orientation and a Transition Directory (the "Transition Act funds"). The Transition Act funds may not be expended by the Administrator for obligations incurred by the President-elect or Vice President-elect before November 7, 2012, or after February 19, 2013, except that the \$1 million for the Transition Directory and orientation activities is available through September 30, 2013.

As provided in the Transition Act, the President-elect and Vice President-elect have authorized Michael Leavitt, Chris Liddell, and Douglas Wooden 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 Transition Act. This authority may be re-delegated by either of the aforementioned in writing, delivered to Darren Blue, GSA Senior Career Executive, or Liliana DelBonifro, Director of the GSA Transition Support Team.

In order that all needs can be expeditiously provided for and necessary financial and other controls maintained, the following procedures for obtaining 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 Liliana DelBonifro or directly with the appropriate GSA Transition Support Team member, as designated by Ms. DelBonifro.

Control of Funds

Michael Leavitt, Chris Liddell, and Douglas Wooden, or persons designated by any of them in writing to Mr. Blue and Ms. DelBonifro, 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 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 contact for GSA on financial matters.

GSA will not pay any person with 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 Transition Act funds. In addition, GSA will prepare any reports required by the Office of the President-elect, excluding the reports described in Section 5 of the Transition Act, which are the responsibility of the Office of the President-elect.

Personnel and Payroll Services

The Administrator 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 Transition Act funds. Payments shall be at rates determined by the Office of the President-elect (OPE), but not to exceed the rate provided for by 5 U.S.C. § 5376, for Executive Level IV (\$155,500). Persons receiving compensation, as members of the office staffs under the 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 (FEGIT).

The employees of the Office of the President-elect will be paid through the OPE or a third party provider contracted by OPE. This provision applies only to staff of the OPE who are paid with Federally appropriated funds. It does not apply to: (1) Employees of R2P who are not members of the staff of the OPE; (2) Payment for experts and consultants; or (3) Federal employees detailed to the OPE. The OPE shall be responsible for the preparation, accuracy and presentation to GSA of all payments of staff compensation using Federally appropriated funds. GSA shall be responsible for reimbursements for staff compensation at rates determined by the OPE, but not to exceed the rate provided for by 5 U.S.C. § 5376, for Executive Level IV (\$155,500 per annum). The OPE shall notify the GSA Transition Support Staff of all personnel accessions and terminations.

GSA will pay OPE bi-weekly, based on the written certification and invoice of designee of the proper payroll for the previous bi-weekly period. GSA shall provide payment to the OPE within 10 business days of receipt of such documentation by GSA. Payment will be by Electronic Funds Transfer. The OPE will notify the GSA Presidential Transition Support Team immediately if any employees terminate employment with the OPE for any reason, including beginning employment with the Federal Government, so that these employees can be removed from the active Transition payroll records. GSA retains the ability to offset against current invoices amounts that were overpaid on previous invoices. GSA retains the ability to withhold payment related to any separated employee until certification that the separated employee has returned or accounted for all GSA issued Government property.

Auditable accounts of any and all payments involving Presidential Transition Act funds shall be made available to GSA upon request. In addition, the OPE shall certify any amounts that represent fees paid to the third party provider, employee benefit payments or any other payments to the third party providers that are part of the staff compensation.

Employment of Experts and Consultants

The Administrator of General Services is authorized to pay "expenses for the procurement of services of experts or consultants or organizations thereof for the President-elect or Vice President-elect, as authorized for the head of any department by Section 15 of the Administrative Act of 1946, as amended," (5 U.S.C. § 3109) at rates not to exceed \$496.48 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 Transition Support Team.

Office Space, Furniture, Equipment, and Supplies

GSA has identified in its inventory approximately 129,000 rentable square feet of space designed to house approximately 500 to 700 Presidential Transition staff members between the election and inauguration. GSA, in coordination with the Department of Homeland Security, Federal Protective Service and the U.S. Secret Service, shall secure and control access to the site. GSA will provide 150 parking spaces.

The space has been prepared in advance of the election in “universal layouts” appropriate for the purposes for which it will be used by the Office of the President-elect, so that it will be available for use the day after the election. GSA will supply furniture and office equipment from existing inventory. The Office of the President-elect hereby assumes responsibility for loss of, or damage to, GSA's property under its control and agrees to return all items in the same condition as received, reasonable wear and tear excepted.

The rent for this ‘turn-key’ office space, including all customary charges and fees as defined in the attached Occupancy Agreement (Attachment A), is chargeable to the Transition Act funds unless exempted by 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 or his designee grants a rent exemption, and, in the event that after all accounting for expenditures by the Office of the President-elect against the Transition Act Appropriation there is an unobligated balance remaining, such unobligated balance is an appropriation available to reimburse the GSA, Federal Buildings Fund for its loss of revenue in accordance with 40 U.S.C. § 586(b)(3), and the Office of the President-elect will be deemed to have requested the Administrator to reimburse the Federal Buildings Fund from the unobligated balance of the Transition Act appropriation, in accordance with the Transition Act.

GSA has completed its space planning layouts. All furniture and equipment for the Office of the President-elect will be in place by November 6, 2012. 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 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.

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 for use after the election, and all associated costs will be charged to the 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 Transition Act funds and such cannot be waived through any rent exemption.

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

Travel

The 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. Transition Act fund are not available for movement of household goods or for the transportation of family members. All official travel by the Office of the President-elect employees and other persons invited to travel at the Office's expense, which is arranged through GSA or ADTRAV under contract to GSA, shall be in accordance with GSA Internal Travel Regulations and Control of Official Travel, PFM P 4290.1.

Telecommunications and IT Services

GSA will provide an open architected infrastructure through 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 from its inventory, and all such property

will be repurposed to GSA users or clients after inauguration. Attached is a list of items to be provided by GSA (Attachment B). The GSA 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 Office of the President-elect hereby assumes responsibility for loss of, or damage to, GSA's personal property under its control and agrees to return all items in the same condition as received, reasonable wear and tear excepted.

The GSA Presidential Transition Support Team will establish a service for the convenience of the Office of the President-elect to provide IT support and miscellaneous other assistance to be further defined by GSA. GSA acknowledges that some members of the Office the President-elect may wish to use personal equipment instead of that provided by GSA. The service desk staff will be knowledgeable on hardware, software and tools provided by GSA and used by the Office of the President-elect "end-users," but only limited support will be available for non-GSA equipment. The onsite service desk support will be available Monday through Saturday, 6AM to 10PM. Emergency support will be available 24 hours a day, 7 days a week.

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 Transition Act Funds, and will not be included in the rent nor waived under any request for a rent exception that may be granted by the Administrator.

Local and long distance service are included for both cellular and desk phones.

Outbound international calls can be enabled to the Office of the President-elect as required for both cellular and desk phones. Costs incurred for international calls will be directly charged to the Transition Act funds. All phones will receive inbound international calls at no cost.

The wireless contract supporting the GSA issued Android smart phones will provide for 300 anytime minutes per month pooled with all users, with unlimited nights and weekends, and unlimited texting and data. Additional minutes over this amount, including any roaming charges, will be directly charged to the Transition Act funds.

Conference calling cards will be provided and covered up to 2.5 million minutes (explained in Attachment B) less the minutes used in the Pre-election phase.

Mail

The GSA Transition Support Team will obtain support for mail services, the cost of which will be charged to the 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 and leasing of metering equipment. In addition, the service will provide offsite scanning of incoming USPS mail and that of alternate carriers (e.g., UPS, FedEx). This includes irradiation for biological contamination, Q scan for bomb residue, and x-ray for contraband. In the case of a suspicious incoming mail item, the article will be isolated and the Department of Defense will be contacted for appropriate handling. Scanned mail will be delivered in a secure vehicle to the Office of the President-elect's mailroom at the Switzer Building. Outgoing mail will be metered on-site and subsequently picked up and entered into the postal mail systems. The service can provide for special pickups upon request.

Reports

As required by Section 5 of the Transition Act, the President-elect and Vice President-elect shall disclose to the Administrator:

1. the date of contribution, source, amount, and expenditure thereof of all money, other than funds from the Federal Government, and including currency of the United States and of any foreign nation, checks, money orders, or any other negotiable instruments payable on demand, received either before or after November 7, 2012, 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 20, 2013, 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 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 5(b) of the Act.

Appointee Orientation and Transition Directory

The Transition Act authorizes 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." Section 3(a)(8)(B). For the 2012-2013 transition, the Administrator has requested \$1 million for the transition directory and orientation activities for the incoming Administration. GSA, along with the National Archives and Record Administration, will produce the Directory. The GSA 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 intended for Appointee Orientation and the Transition Directory must be obligated for the purposes of the Transition Act no later than September 30, 2013. Therefore, GSA strongly recommends that planning be substantially completed no later than June 2013, and that contracts be in place no later than August 31, 2013.

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 Transition Support Team will provide the following support to assist with emergency preparedness planning: (1) a draft continuity of operations plan; (2) an alternate site in the District of Columbia; (3) an alternate site outside of the District of Columbia; and (4) a Senior Emergency Management Officer 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.

Effective Dates

Part II of this MOU becomes effective after signature by both parties and upon the Administrator's ascertainment of Governor Romney as the apparent successful candidate for President, but no sooner than November 7, 2012, and terminates on February 19, 2013. GSA will remain available to assist the administration with respect to the section entitled "Appointee Orientation and Transition Directory" pursuant to the terms of the Transition Act and the applicable appropriations act.

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.

Signed by:

Michael Leavitt
Chair
R2P, Inc.

Date: September 17, 2012

Signed by:

Liliana DelBonifro
Director
GSA Transition Support Team

Date: September 17, 2012

Signed by:

Darren J. Blue
GSA Senior Career Executive

Date: September 19, 2012

“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 selecting the transition leadership—particularly the transition chair and executive director—and organizing and staffing the various teams responsible for key activities. Presidential appointments, agency review, policy implementation, legislative affairs, legal counsel, finance, operations and communications are distinct though interrelated functions that require a dedicated team of staff members and volunteers. The transition leadership can prepare the organization for the significant growth it will experience from its earliest phases up to and possibly 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 and developing a structure that reinforces their strengths and allows them to achieve their mission.

Selecting the chairman and executive director

The transition chair very likely will be the first substantial decision a presidential candidate makes in building the operation, and should be selected by spring of the election year. The chair is responsible for overseeing the entire transition operation, determining (in consultation with the candidate) the key goals of the transition and serving as the public face of the transition process. 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.

This is a position that can be vested in a single individual (the [Bush 2000](#) and [Romney 2012 models](#)) or in a team (the [Obama 2008 model](#)). In any case, the chair(s) will lead the team and will play a critical role in providing clear direction and serving as the main point of contact to the candidate and the campaign team.

The transition chair will have a 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.

In 2000, George W. Bush chose Dick Cheney as transition chairman. Cheney served as the public and legislative face of the transition, but Clay Johnson was tapped to plan and manage the transition. Johnson was not only a close friend of Bush and well known by campaign staff, but also spent four and a half years running Governor Bush's personnel operation in Texas and a year and a half as chief of staff. This gave him deep insight into the management style of the candidate and the type of people who would best fit the transition team and, potentially, a Bush White House. Obama took a different path in 2008, selecting three transition co-chairs: John Podesta, Valerie Jarrett and Pete Rouse (though Podesta was considered to be first among equals and oversaw the transition team). Each brought a unique value and expertise. Podesta was a former chief of staff for President Clinton and had a 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.

While the chairman plays the role of CEO, the executive director serves as the transition's chief operating officer. This person 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 large 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. Typically, the day-to-day management decisions will be delegated to this individual. In many ways, this is the point at which the high-level goals of the transition will meet the challenges of daily execution.

Chris Lu, who served as legislative director of Obama's Senate office prior to the transition, held the executive director position on his 2008 transition team. Lu managed a number of important functions on the team, including policy, agency review and communication with the Bush administration. 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, had previously volunteered on the Romney campaign in 2008. Liddell oversaw the entire operations of the Romney Readiness Project. In both cases, the individuals in the executive director position had management experience and were highly familiar with the policy positions of the candidate.

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 personality in rounding out the transition's senior leadership team. Some positions require a deep network of contacts while others demand political savvy or stellar communication skills. Assembling a team that functions smoothly, stays on task and makes good management decisions is essential.

KEY TRANSITION LEADERSHIP ACTIVITIES

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. This process is distinct from staffing the transition team and tends to be organized into a separate office. It is also 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 must be willing and able to continue to lead the Office of Presidential Personnel (PPO) following the inauguration, if asked. Because the personnel process requires identifying and vetting candidates for hundreds of top-level appointments and thousands of 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 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 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 out of what has become an increasingly slow and difficult nomination and confirmation process.⁸

The role of personnel director on the Obama transition changed hands several times, from Michael Froman and Federico Peña early on, to Jim Messina following the election. Messina had been a Senate and House chief of staff and a senior advisor to the Obama campaign, and he had a thorough working knowledge of Capitol Hill and the major players in and around the Obama team. However, Messina was soon named White House deputy chief of staff, in which position he played an important role as a "fixer" of complicated political issues, including personnel matters. Messina was replaced as transition personnel director by Don Gips, who had been one of the co-chairs of the transition's agency review operation until that point. Gips continued after the inauguration as director of the Office of Presidential Personnel; but he, too, soon moved on, having been named ambassador to South Africa by June 2009, and was in turn replaced by Nancy Hogan. It was not ideal to have so many personnel directors throughout this time period. Continuity and stability would have been better served by having the same person lead PPO from the beginning of the transition through the first year of the administration.

8 Partnership for Public Service, *Government Disservice: Overcoming Washington Dysfunction to Improve Congressional Stewardship of the Executive Branch*, September 2015, 26. Available at bit.ly/1LAdzuK.

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 for getting its most critical nominees in place and a plan for doing so. Ensuring that the top 100 political appointees are in place by May 1 and at least another 300 key appointees are in place by the August congressional recess will require that relevant staffing in all related organizations and functions—for example, the Office of Presidential Personnel, FBI investigators, and Senate nominations and vetting teams—needs to be double what it has been historically.

As the transition team helps nominees prepare for Senate confirmation, it should assist individuals preparing 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

The head of policy implementation is tasked with planning for 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. This last piece is particularly important for a new administration looking to turn its campaign promises and policy initiatives into action. A president is judged on how well he or she gets things done, and a head of policy implementation who understands the “how” and the “what,” and “who” to enlist in support, is an important contributor to a new administration's early success.

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, 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 and serve as chief of staff during Bush's second term. This was a rare instance in which a person was able to serve as both campaign and transition policy director. In Bolten's case, this was due in part to the fact that the Bush transition team's policy operation was indistinguishable from that of the campaign.

Agency review

A new president is the CEO of the world's most complex enterprise. The chief executive needs an excellent head of agency review to gain a clear understanding of the various agencies in the federal government and how they work together, identify pressing issues that will have to be addressed, and prepare teams of transition staff and volunteers to move into each agency following the inauguration to share and collect information and facilitate the transfer of leadership. The head of agency review will have to coordinate closely with both the policy and personnel

teams, and ideally 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 endeavors to work in cooperation 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 Senator Edward Kennedy, Lisa Brown was a 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 a single leader for the agency review process: Jim Quigley, a retired partner and CEO emeritus of Deloitte who brought private sector business experience, project management expertise and working knowledge of budget, regulatory and management issues.

Operations

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

In addition, the operations manager oversees office space, human resources, information technology and day-to-day coordination of resources. The manager is responsible for developing the overall budget and tracking spending throughout the transition. The budget must account for a variety of factors, including the number of paid staff versus volunteers, stipends for travel or housing (should the transition decide to offer them) and expenses not covered by GSA during the pre-election period such as travel and 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 through agencies like the GSA may cover only a portion of the total cost, requiring the transition teams to raise millions of dollars. The operations manager 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.

Romney's 2012 transition team delegated these responsibilities to Douglas Wooden, who was named in the memorandum of understanding between the Romney Readiness Project and GSA, along with transition chairman Mike Leavitt and executive director Chris Liddell (see appendix 1.3). Wooden was in charge of everything from the office finances to overall IT and operational support—"making the trains run on time," in the words of one transition staffer. Because of the nature of his responsibilities, Wooden worked closely with GSA throughout the transition process, reporting directly to Leavitt and Liddell.

Responsibility for the information technology functions of the transition is significant, as demonstrated by Obama's 2008 transition. The president-elect

conducted tele-town halls, gave web addresses, encouraged stakeholders and the public to submit questions and ideas via the transition's change.gov website, and had job seekers submit application materials online. These public engagement activities expanded the public's access to the new administration and offered greater transparency, but required substantial investments in information technology infrastructure and management beyond the basic IT needs related to mobility, cybersecurity and other vital services. The operations manager must ensure that the transition has a capable and properly resourced IT staff to help manage the operation's significant needs, which will evolve as new technology continues to emerge and transition teams find new ways to use it.

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 important external policy and opinion leaders—whether they are organizations or individuals—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 the president-elect advance his agenda.

The transition leadership, in consultation with the candidate, the campaign and the legislative affairs manager, must plan when and how they will engage with Congress. In 2012, the Romney transition put a great deal of effort into developing congressional outreach strategies, believing that the issues that would confront the nation after the election, including 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, with fewer staff and resources, did not seriously engage with Congress until after the election, after which, their engagement was intense and widespread given the nation's economic crisis. In either case, the transition needs to respect the authority and prerogative of the sitting president as it relates to Congress.

Legal counsel

If there is one position most important in keeping the transition team out of trouble, it is that of legal counsel. The ideal transition legal counsel should have a strong background in the federal environment, especially campaign finance and ethics law. The attorney also should have strong relationships with the transition leadership and have input into key transition decisions.

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

Additionally, a small team of lawyers will usually serve as vetting counsels, charged with conducting detailed background research on potential nominees, beginning with a search of publically available resources. Later, potential appointees are subject to much more detailed background investigations (conducted with their knowledge and consent), to look for potential red flags or issues that would disqualify them from serving in a potential administration such as financial, security or ethics disclosures that may cause problems for the new president. These positions will generally be housed under the umbrella of the presidential appointments team. The vetting counsel(s) will also be involved in coordinating with the FBI, the Office of Government Ethics and the Internal Revenue Service after the election.

Communications

The communications manager is 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, while also abiding by the all-important rule that the president-elect is not president until noon on January 20. This person 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. The communications manager may also be responsible for managing the transition's and/or the president-elect's presence on social media, which could take a significant amount of time and personnel to manage effectively.

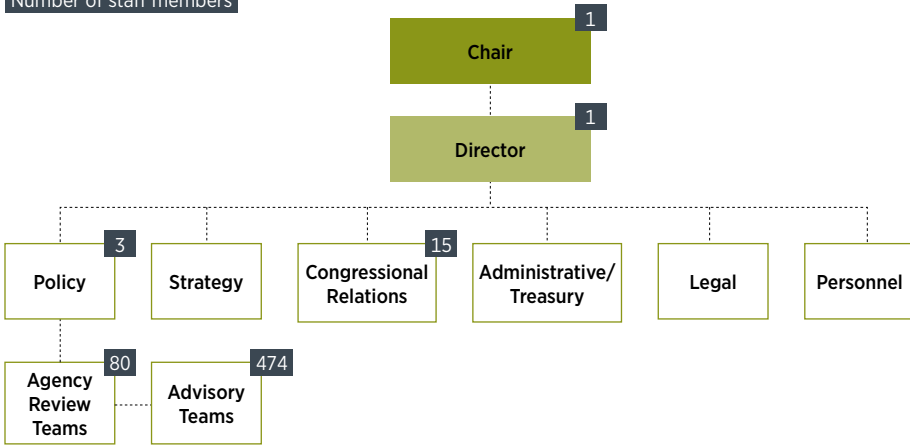
Given the fact that pre-election transition operations now receive government support, there is more public and media interest than ever in how candidates are preparing for the presidency. While past transition teams (including both Obama's in 2008 and Romney's in 2012) have typically limited their interactions with the media before the election, future transitions should consider how they could help the public understand their work while not disrupting the candidate's message or becoming a distraction for the campaign.

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 presidential appointments, agency review, policy, financial management and operations, 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.

2000 Bush transition organization

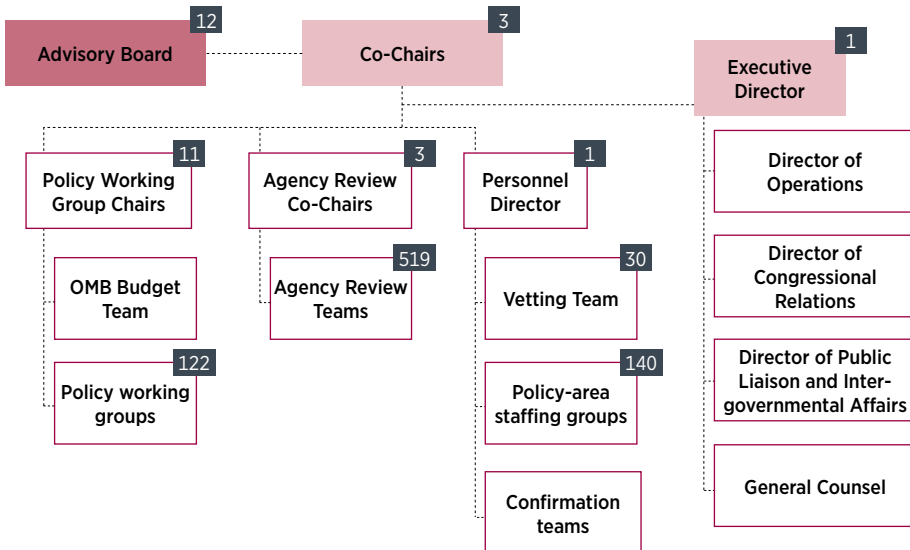
Number of staff members



Note: Numbers indicate transition team at highest staffing level. Total staff numbers for some teams were not available.
Source: Boston Consulting Group analysis

2008 Obama transition organization

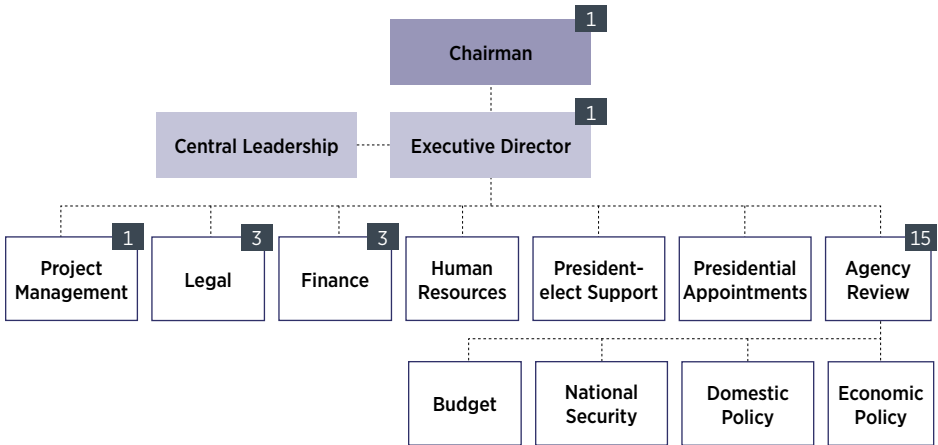
Number of staff members



Note: Numbers indicate transition team at highest staffing level. Total staff numbers for some teams were not available.
Source: Boston Consulting Group analysis

2012 Romney transition organization (pre-election)

Number of staff members



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 & Lessons Learned* (Charleston, SC: R2P, Inc., 2013), 68.

These reporting structures will vary based on the priorities of the candidate and to some extent on what the transition leadership deems most effective.

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

More recently, Romney's 2012 pre-election transition team used a flat organizational structure similar to Bush's transition operation, but with a separate project management office responsible for tracking the performance of each team and communicating this to the transition chairman and senior management team. Romney's transition included separate teams for agency review and policy, but built strong communication channels between them.

Whatever the final 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 inauguration. The transition team will peak in the weeks between the election and the inauguration as the team 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. Again, 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.⁹

To accommodate this rapid growth, organizing and staffing the transition team must begin early. Top managers should be identified by May of the election year, and shortly after the political conventions they should begin building their particular offices based on anticipated deliverables and personnel needs. By October, the team must 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, managing hiring paperwork and issuing credentials, bringing the new personnel on board and incorporating them into existing organizational structures with a clear understanding of their roles in achieving transition objectives.

Past transition team members report that staffing is typically an area of concern. The pace of the work is so fast that it is difficult to maintain constant, organization-wide communication. Additionally, there is a desire to integrate campaign staff who want to remain involved, which can cause uncertainty over the size of the post-election transition operation and what exactly the new employees will do. The result can be significant overstaffing, a problem made worse by the fact that at such a critical time before the election, the transition team cannot contact campaign leaders to ask about the skills and performance of individuals and how they would fit best on the transition team. Reaching out to campaign staff before the election can prove to be a major distraction and 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 get an idea of where additional capacity will be needed, establishing a clear policy for moving campaign staff to the transition and having access to basic personnel background information for campaign staff who are expected to join the transition team. (See the Obama transition team policy regarding this issue at presidentialtransition.org.)

The George W. Bush and Obama transition teams confronted these challenges in different ways. For Bush, the small size of the transition operation meant that key leaders on the post-election transition had to come from the campaign, since there was only a one-man pre-election planning group. For the Obama transition, there were different challenges with integrating campaign staff into the transition operation post-election. In planning for the transition, there was an understanding that most staff would come from the campaign. Generally, the preferences of the campaign 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

⁹ Michael O. Leavitt, Christopher Liddell, Daniel Kroese and Clark Campbell, *Romney Readiness Project 2012: Retrospective & Lessons Learned* (Charleston, SC: R2P, Inc., 2013), 40.

almost 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 their 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 onboarding procedures to help ensure that all employees are on the same page and fully understand their roles both on their teams and within the organization. Preparing early will pay off later on when hundreds of new staff will be joining the transition team.

Building the culture

Each individual 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. 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 leadership of the transition establishes a strong culture at the outset. The Romney Readiness Project took meaningful steps in this direction. Executive director Chris Liddell emphasized in his overview sessions for new employees (held weekly) that people should be willing to leave their egos at the door, remain low key about their work, do whatever is required of them regardless of position, be able to tolerate ambiguity, and remain objective and solutions-oriented. The organization encouraged this spirit by providing meals for those working late or on weekends, holding debate-watching parties, communicating through weekly meetings and newsletters, and awarding Employee of the Month honors. These steps helped to create a productive and team-oriented work environment in which everyone was committed to supporting Romney's vision.

BUILDING THE TEAM

Action Items

- Select and make operational the transition chair no later than April of the election year. 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 May 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 leadership is in place, ideally by May of the election year. Key leadership positions and considerations include:
 - **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.

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- **Operations:** The ideal operations manager should be comfortable tracking finances for a large organization and coordinating large amounts of time-sensitive resources.
 - **Legislative Affairs:** The legislative affairs manager 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 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.
- Build the organizational structure of the transition team by early summer, 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, and that there are robust lines of reporting and communication to senior leadership.
- After the nominating convention, develop a system to accommodate the rapidly expanding size of the transition team as Election Day draws near and workload increases, working with 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.

“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-DE)

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

April 11, 2013

CHAPTER 3

Presidential Appointments

The goal of a presidential transition team is not only to help the president-elect prepare to take office, but to fill roughly 4,000 politically appointed positions, including members of the Cabinet, the White House staff and top positions within each federal agency. Identifying, selecting and in some cases securing Senate confirmation of presidential appointees requires a robust personnel team with a thorough understanding of the number and types of presidential appointments that will need to be made, the skills that are needed in various positions, the importance of diversity among appointees, and how the team will drive the new administration's agenda for the next four years.

To accomplish these goals, the personnel team's work to identify and vet, through both public and non-public means, candidates for key administration appointments should continue from the pre-election period through the election and the inauguration, and transfer seamlessly from the transition to the White House after the inauguration.

White House positions are especially important, and staffing the White House is largely the domain of the incoming chief of staff. These positions do not require Senate confirmation, but play a critical role in building the rest of the administration. The White House should be fully staffed before the inauguration.

The personnel team also will be responsible for recommending Cabinet members and select deputies who must be nominated and confirmed quickly by the Senate as well as individuals for deputy and assistant secretary, counsel and other critical management positions which should be filled within the first 100 days of the administration. The personnel team also must develop a system for identifying, screening and processing lower-level political appointees.

THE BASICS OF MAKING PRESIDENTIAL APPOINTMENTS

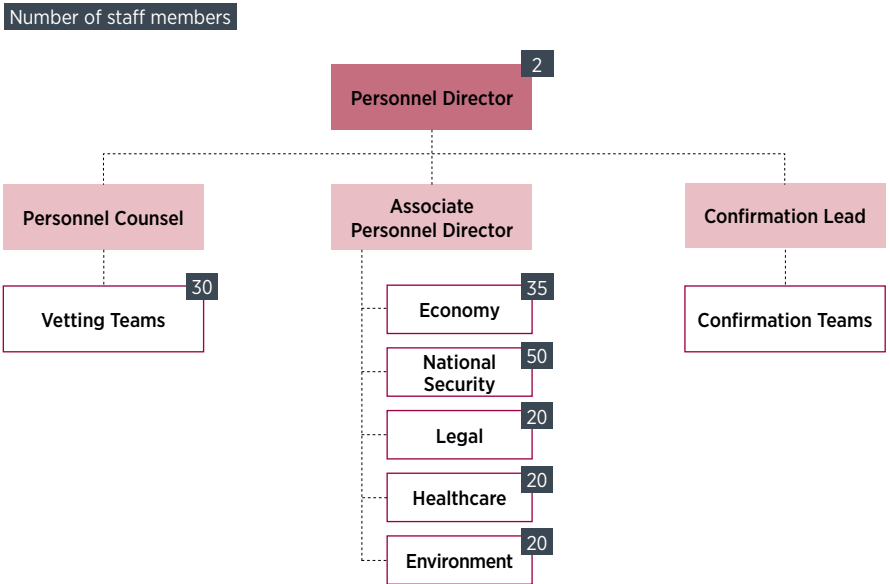
Staffing a new presidential administration requires approximately 4,000 presidential appointments, including more than 1,000 appointments requiring Senate confirmation. Filling such a large number of appointments on a timely basis requires immense internal capacity, organization and discretion within the transition team’s presidential personnel office. The personnel team is often among the largest within a transition organization; the Clinton transition team’s personnel office had close to 100 members, and the Romney Readiness Project had 124 people working or volunteering on the presidential appointments team by Election Day.

During the transition, the personnel team should be structured around groups focused on different policy or governance areas such as national security, economic affairs, healthcare, education and internal management. Because of the sensitivity of the nomination and appointment process, the personnel team should be housed separately from the rest of the transition office. The personnel staff should 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 candidates for each agency based on their particular needs and issues.

Timeline and milestones

The presidential personnel team should set internal milestones guiding how many and which key positions it will try to fill at different points in the transition process. The Aspen Institute’s Commission to Reform the Presidential Ap-

2008 Obama transition presidential appointments team organizational chart



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

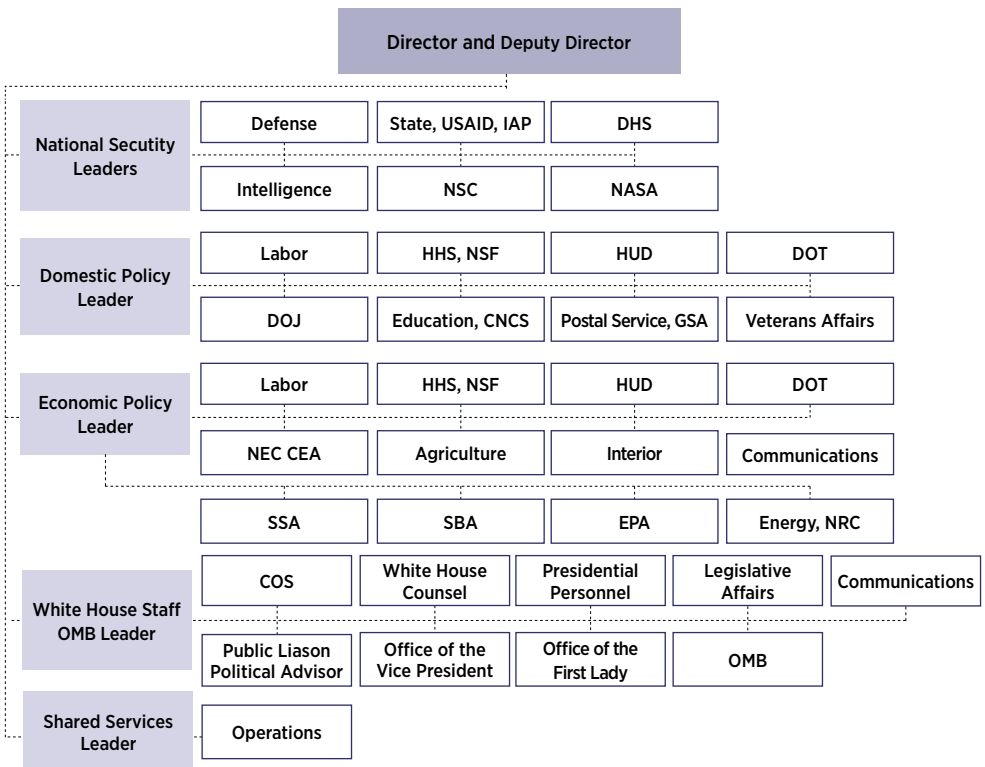
Source: Obama-Biden Transition Project, Boston Consulting Group Analysis

pointments Process¹⁰ issued bipartisan recommendations in March 2012 with suggested goals and milestones, which we have built upon here:

- Fully staff the White House by inauguration. These positions are presidential appointments that do not require Senate confirmation.
- Fill the top 100 department and agency leadership positions soon after inauguration. This should include all of the Cabinet secretaries, their deputies and the key members of management and leadership teams in most major agencies.
- Fill another 300 critical positions throughout federal agencies by the congressional recess in August, roughly 200 days into the administration.

¹⁰ The commission was co-chaired by Clay Johnson, executive director of President-elect George W. Bush's 2000 transition and former director of the Office of Presidential Personnel. The commission's report can be found here: <http://bit.ly/1YwIsXD>.

2012 Romney transition presidential appointments team organizational chart



Source: Michael O. Leavitt, Christopher Liddell, Daniel Kroese and Clark Campbell, *Romney Readiness Project 2012: Retrospective & Lessons Learned* (Charleston, SC: R2P, Inc., 2013), 57.

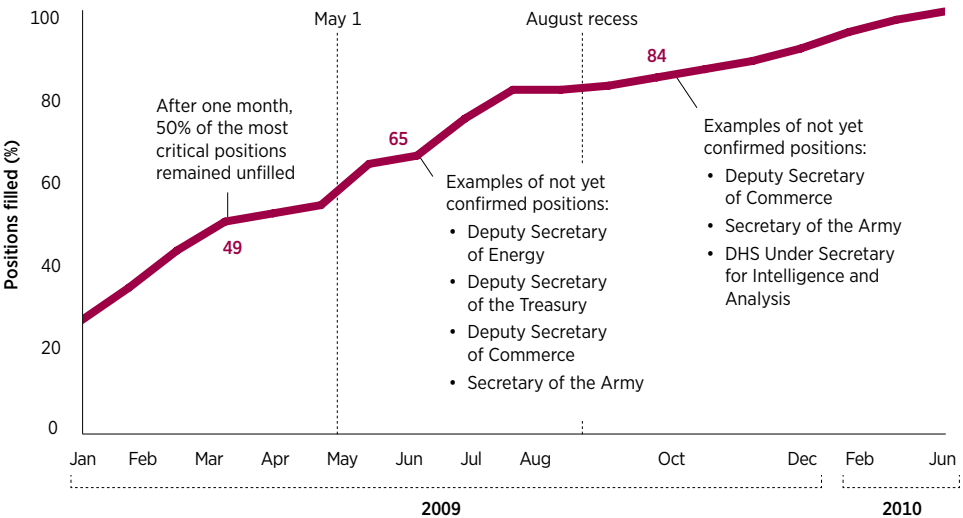
The Clinton, Bush and Obama administrations have fallen well short of these targets, which represent an ambitious but achievable goal with the right organization and staffing by all of the entities involved. Based on these targets, the activities of the personnel team should begin as early as late spring of the election year with the selection of a personnel director. By August of the election year, the personnel team should have developed rough lists of candidates for agency heads and other key positions, and should begin the initial vetting process of candidates using public sources. The period between the election and the inauguration will be a sprint, as the personnel team prepares nominees for their Senate confirmation hearings and works with GSA and outside experts to provide all political appointees with a robust onboarding and orientation program.

Even when a nominee has been vetted thoroughly and enjoys bipartisan support in Congress, the nomination and Senate confirmation process can still take weeks or even months depending on the position and its relative priority. For example, during President Obama’s first term, it took on average 45 days from nomination to Senate confirmation for the administration’s top 60 positions.¹¹ It took roughly one month to staff 50 percent of these top positions, and by the congressional recess in August, about 15 percent of the top 60 positions remained vacant. The administration did not fill all of its top 60 positions until nearly one year after inauguration.

11 In this case, the top PAS positions are defined as the secretary and deputy secretary of each Cabinet agency, as well as key subcabinet personnel and subcomponent heads who hold important national or homeland security, economic or management roles.

Fill-rate of the -60 priority PAS positions*

Only half of the priority positions were filled within a month of Obama’s inauguration. The average confirmation period was 45 days.



*See footnote 11 for definition of priority PAS position. The confirmation period is defined as the period between the Senate’s receipt of the nomination and the final confirmation by the Senate plenary. Appointees carrying over from the previous administration are counted as positions filled on January 20, 2009.

Source: Boston Consulting Group analysis

Prior transitions have experienced similarly long timelines. The Clinton administration took 267 days to fill its top Senate-confirmed positions, while George W. Bush took 242 days, compared to just 163 days for George H.W. Bush. Mid- and lower-level positions can take even longer: Clinton needed 457 days to fill all deputy positions, while George W. Bush took 422 days to fill all technical positions.¹²

A number of factors can contribute to delays at all stages of the appointments process—the availability of vetting resources (the most important being the number of presidential personnel and Senate staff to do the vetting work), followed by the need to mitigate any conflicts of interest, unexpected issues that arise during the vetting process, the Senate schedule and Senate “holds” on a nomination, among others. It is incumbent for a transition team to plan well in advance, adhere to established goals and be prepared for the unexpected.

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, the attorney general and a handful of positions within the Executive Office of the President, including the director of the Office of Management and Budget (OMB) and the U.S. Trade Representative.

PRESIDENTIAL APPOINTMENTS NOT REQUIRING SENATE CONFIRMATION (PA)

This category includes hundreds of positions, including a large 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.

NON-CAREER SENIOR EXECUTIVE SERVICE (SES)

Members of the Senior Executive Service (SES) 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 percent of senior executives are career civil servants, up to 10 percent government-wide may be political appointees. These positions include senior management positions within most federal agencies and are paid according to the SES pay scale.¹³

CONFIDENTIAL OR POLICY-MAKING POSITIONS (SCHEDULE CS)

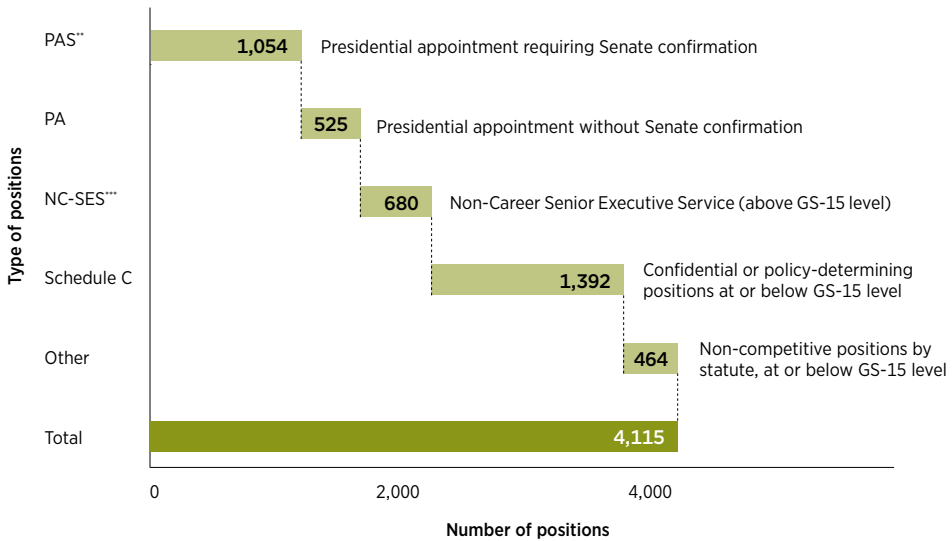
These consist of political appointees in policy-making positions or positions that require a close working relationship with the incumbent officeholder or key political officials. Schedule C positions may be designated by the Office of Personnel Management or the Executive Office of the President at the request of an agency. 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.

¹² Anne Joseph O’Connell, *Let’s Get It Started*, Center for American Progress, January 2009, 19. Retrieved from <http://ampr.gs/1PaW4Yy>. Technical positions are defined to include the following: Chief financial officers, controllers, comptrollers, scientists and science advisors, members of the CEA and CEQ, and the chief of protocol.

¹³ United States Office of Personnel Management, “Senior Executive Service: Compensation.” <http://1.usa.gov/1A54G9D>.

Types of non-competitive positions*

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



*Based on the 2012 Plum Book (officially titled Policy and Supporting Positions). The positions described in the most recent Plum Book reflect the personnel and organizational structure of the end of the first term of the Obama administration.

**P.L. 112-166, the Presidential Appointment Efficiency and Streamlining Act, converted 163 positions from PAS to PA.

***In addition to the non-career SES positions, the President may fill “general” SES positions, open to both career officials and appointees. Appointees cannot make up more than 10% 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% of that agency’s SES positions.

Source: Policy and Supporting Positions, 2012; Congressional Research Service “Presidential Appointments, the Senate’s Confirmation Process, and Changes Made in the 112th Congress,” Oct 2012.

Schedule Cs versus non-career Senior Executive Service

Schedule Cs and non-career Senior Executive Service staff play an important role in every administration. Although there is some overlap in their responsibilities and in the candidates for each, the major differences tend to be in their level of experience and their overall role in the office.

As the name suggests, non-career SES appointees are typically senior professionals with management responsibility just below the level of an assistant secretary or deputy. They tend to assume managerial roles in the federal government alongside career government executives and generally fill positions vacated by non-career 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.

Schedule C appointees, by comparison, tend to have either “policy-determining responsibilities or require the incumbent to serve in a confidential relationship to a key official.”¹⁴ The number and responsibility of Schedule C positions is controlled by the White House Office of Presidential Personnel,

14 United States Office of Personnel Management, *Presidential Transition Guide to Federal Human Resources Management*, June 2008, 13. Retrieved from <http://1.usa.gov/1RBdY7V>.

Appointee selection process by level of appointee

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

Source: Boston Consulting Group analysis

and appointees to these jobs 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 MANAGEMENT

Identifying potential candidates for the White House and top agencies and building their support teams should begin very early in the transition process and 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, making internal milestones and timeline targets that much more important. 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 goals and timelines 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 quickly, as early as April or May of the election year. Best practice generally dictates having White House positions filled by Thanksgiving, and the most important Cabinet positions ready to announce between Thanksgiving and Christmas so that the nominees will have time to be briefed and prepare for Senate confirmation hearings. This timeframe also enables Senate committees to prepare for a high volume of nominees and to complete as much vetting work as possible prior to the start of the new year. The time from January 1 until the inauguration is a frenzied period when confirmation hearings begin for the most senior nominees and the Senate itself is in the midst of a post-election reorganization. Mid- and lower-level positions, such as Schedule Cs, generally are not dealt with during the transition period due to the limited amount of time available, but there should be a well-defined process in place for filling these jobs.

Establishing standards for nominee qualifications and backgrounds is a significant task for the personnel team, and it can have lasting implications.

ROLE OF THE AGENCY CHIEF OF STAFF

The chief of staff role is unique at every agency, but such individuals focus on helping their principals and agencies succeed. They manage the flow of information, address critical personnel issues, coordinate interagency and White House relations, oversee speech writing 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.

Key steps for cabinet-level candidates in a new administration

STEP	TIMING	COMMENTS
Develop Initial list of 5-10 for each position	June–September	Early work of very small personnel group and close advisers
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 advisers
Conduct deeper background check	After short list is chosen	If person volunteers to complete forms; conducted by lawyers
Preliminary selection of nominee	Late October/early November	President selects likely candidate from small (3-5 candidate) pool
Confirmatory interview with President	Early November	Interview with presumed candidate (their job to lose)
Final decision and formal offer	During/just after interview	President (with close advisers) makes final selections
Confirmatory interview with Counsel	Following selection	With President-elect and close advisers; then WH Counsel
Announce intent to nominate	Following Counsel interview	Cannot officially nominate until after the Inauguration
FBI and OGE conduct investigations	November–Inauguration (or after)	FBI may initiated background check if name submitted earlier
Senate holds hearings for nominees	Early January	Many conducted prior to formal nomination to speed process
President sworn in	January 20	—
President officially nominates candidate	Immediately after Inauguration	—
Senate confirms nominee	Late January/early February	—

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, etc.
 - 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

The personnel team must 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 can include past lobbying activity, tax and immigration compliance, drug use, medical concerns and financial conflicts of interest. The personnel team should be asking itself, for example, what the new administration's view will be on potentially disqualifying factors, the basis for determining disqualifying factors, and how these guidelines will affect the ability of the administration to hire the talent that it wants and needs. How these issues are addressed will 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 an extremely useful exercise that can help a new administration establish sensible standards.

For example, the George H.W. Bush administration initially applied a “15-year rule” concerning drug use—that is, applicants for senior positions would be disqualified for any illegal drug use within the previous 15 years. The George W. Bush administration informally adhered to a “seven-year rule.” By 2009, the vetting standard for certain purposes used a “two-year rule,” at least for occasional marijuana usage, although past use of other illegal drugs continued to elicit special scrutiny and certain positions (e.g., in the Department of Justice) followed other customary practices.¹⁵ The legalization of marijuana use in certain states was disregarded for these purposes.

At the beginning of the Clinton administration, the nomination of lawyer Zoë Baird, as 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. This has been an issue for subsequent administrations. The Obama transition team, for example, adopted a rule holding 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.

The vetting process also should take into account how the backgrounds of nominees might have special relevance to the field in which they will be working. For example, the Senate Finance Committee is known to apply particularly close scrutiny to the tax records of nominees subject to its jurisdiction. Thus, 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), however, faced no such problems.¹⁶

Thorough vetting is essential to effectively anticipating problems and keeping the “production line” of presidential appointments moving. When problems emerge during the confirmation process, vetting issues can forestall a critical appointment and embarrass the new administration and the nominee. For example, former Sen. Tom Daschle’s nomination to be 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. Daschle’s withdrawal was a setback for the administration. Some observers have argued that the difficulties the Obama administration later faced in developing and implementing its health care reform agenda can be traced in large part to Daschle’s absence.¹⁷ These and other problems with tax issues early in the administration

15 For example, cocaine use, especially within a few years prior to nomination, can be raised as an obstacle for security clearance purposes. Additionally, the most recent version of the SF-86 has included more detailed questions concerning certain types of drugs, such as prescription drug abuse.

16 Campbell was nominated on April 27, 2009, and was subsequently confirmed on June 25, waiting a total of 59 days. Brainard, however, was nominated March 23, 2009, but was not confirmed until April 20, 2010—a total of 393 days.

17 Martha Joynt Kumar, *Before the Oath: How George W. Bush and Barack Obama Managed a Transfer of Power*, (Baltimore, Johns Hopkins University Press, 2015), 142-144.

also brought the entire production line to a near halt as tax returns for a large number of possible nominees became subject to a new level of scrutiny (see appendix 3.4 for a checklist for screening potential presidential appointees developed by the law firm Steptoe & Johnson and Allan & Overy).

Determine priority presidential appointments

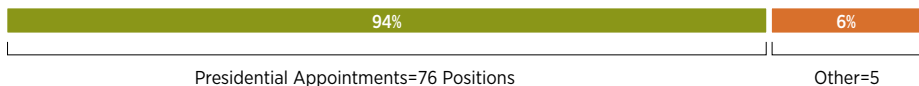
Top priority positions include White House chief of staff, senior White House advisors, key management positions, and heads and deputy heads of major federal agencies—particularly those agencies with a role in national, homeland and economic security. It is also important to acknowledge that while many appointments will be equally important to the effective functioning of the administration, the demands of individual jobs may be different and will require different sets of skills. While the White House chief of staff will take the lead in filling White House positions, the transition team and later the Office of Presidential Personnel should assist as needed, and should vet Cabinet secretaries and subcabinet and agency heads with thoughtful consideration as to how each will contribute to the overarching goals of the administration, and how appointees will function as a team and not just as individuals.

White House staff

The White House staff should be the first priority of the incoming administration. The staff serves at the pleasure of the president and therefore does not require Senate confirmation, meaning that these individuals can be in place much faster than other appointees. White House staff directly support the new

White House positions by type

None of the White House Office positions require Senate confirmation—the vast majority are presidentially appointed.



Presidential Appointments

- Chief of Staff
- Deputy Chiefs of Staff
- Counsel to the President
- Assistant to the President for Presidential Personnel
- National Security Advisor
- Director of National Economic Council
- Director of Domestic Policy Council
- Assistant to the President for Communications
- Press Secretary

Other

- Director of Records Management
- Deputy Director of Records Management
- Executive Clerk
- Assistant Executive Clerk
- Supervisor of Search and File

Source: Boston Consulting Group analysis

president's priorities and will help get the new administration off the ground. For these reasons, it is critical that the staff is in place before or soon after Inauguration Day to enable the administration to move as quickly as possible from preparation to governing.

The position of chief of staff should be considered the top priority appointment. It is typically one of the first positions announced after the election, and therefore must be thought through by the candidate in advance of Election Day. The desired person can be asked discreetly, if at all possible before the election, so that individual can get organized and prepare to take action immediately after the election. President-elect Obama, for example, announced Rahm Emanuel as chief of staff just two days after the election, and Emanuel took charge of staffing the White House. The new president's chief of staff plays an important role in setting the overall decision-making and personnel structure of the new White House, serves in the president's inner circle, and needs both management competence and political savvy. 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.¹⁸

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 a Romney administration's goals. 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."¹⁹ Each president-elect will need to decide the appropriate role for his or her chief of staff.

Other top White House positions, such as the press secretary, director of presidential personnel, national security advisor, White House counsel and directors of the National Economic and Domestic Policy Councils, should each be selected within the first month after Election Day as 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. The director of presidential personnel 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 January 1, 2009, months into the transition and just weeks before the inauguration. He handled personnel for only a few months before he was nominated and subsequently confirmed as

18 Charles E. Walcott, Shirley Anne Warshaw and Stephen J. Wayne, White House Interview Program, *The Chief of Staff*, December 17, 2000, 2. Retrieved from <http://bit.ly/1Q5NASO>.

19 Michael O. Leavitt, Christopher Liddell, Daniel Kroese and Clark Campbell, *Romney Readiness Project 2012: Retrospective & Lessons Learned* (Charleston, SC: R2P, Inc., 2013), 125-126.

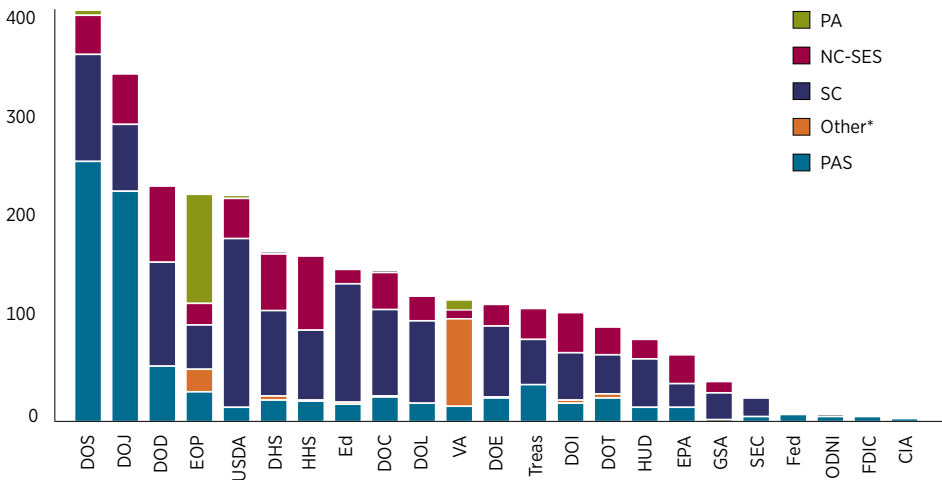
ambassador to South Africa, leading to yet another change in personnel leadership. According to those involved, the pressure of the transition, as well as the complexity of the personnel rules of the transition (e.g., who can volunteer, what constitutes conflict of interest, how the lobbying restrictions are applied) led to burnout among many of the transition personnel staff, and few transferred to the White House.

The director of the Office of Management and Budget also should be nominated as soon as possible after the election, as this is a critical job that will have a role in advancing most of the new administration’s policy initiatives and will take the lead on the president’s budget and major management initiatives. Mitch Daniels, who served as the first OMB director under President George W. Bush, was offered the position in December 2000, and confirmed by the Senate unanimously on January 23, 2001.

Cabinet secretaries

Cabinet secretaries are important both substantively and symbolically, and finding people for each job can be challenging. Preferred candidates will possess subject matter expertise and 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 tie a face to the new administration’s policies. 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

Appointed positions across major agencies



*Non-competitive positions by statute, at or below GS-15 level
 Source: Boston Consulting Group analysis

Congress to make sure they are confirmed, when possible, within a week of the inauguration. This requires early communication with the 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 secretary of defense, secretary of state, secretary of homeland security, secretary of the treasury and attorney general.

The transition team, in consultation with the president-elect, must also decide the appropriate level of input from its Cabinet nominees for key subcabinet positions. Cabinet secretaries are key officials, but they do not succeed in isolation. They are members of agency leadership teams, and the appointees working with them will be essential to their success. Transition teams should build the leadership team that will be supporting the secretary in advancing the new president's priorities—the deputy secretary, the general counsel, the chief financial officer, the assistant secretaries for public affairs and legislative affairs, and other key positions—and consider submitting their nominations²⁰ to Congress along with those of the secretary-designate. This would allow Senate committees to move quickly to vet and consider the nominee for secretary along with the key officials who will make up a department's leadership team. Secretary of the Treasury Timothy Geithner 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;²¹ his deputy secretary, Neal Wolin, was not nominated until March 2009 and was confirmed in May. Submitting a slate of appointees to fill key department leadership positions will help avoid this problem of extended vacancies at senior levels.

Key subcabinet positions

Positions that fall below the level of the Cabinet secretary or deputy secretary will still have an impact on the effectiveness of the administration from the earliest days. Each Cabinet secretary needs, in the words of one former secretary, “a good lawyer, a good congressional relations person, someone to oversee the budget and someone to deal with media.” Additional positions considered to be most important will be determined based on the priorities of the administration, but should include key national security, economic, emergency response and management jobs.

How the team may choose to prioritize these appointments could change depending on the administration and the economic and security climate it confronts upon entering the White House.

Even if a new administration is on top of its game, the process can be drawn out, with many Senate-confirmed positions remaining unfilled for long periods of time. It took the Obama administration until the end of April 2009 to fill all 15 top Cabinet secretary positions.²²

20 Pursuant to P.L. 112-166, not all of these positions will require Senate confirmation, and certain individuals from the prior administration may be asked to continue serving when the new president assumes office.

21 Partnership for Public Service, *Ready to Govern: Improving the Presidential Transition*, January 2010, 18.

22 Anne Joseph O'Connell, *Waiting for Leadership*, Center for American Progress, April 2010, 1. Retrieved from <http://ampr.gs/1l8dj0k>.

Below the level of Cabinet secretary, it took an average of 193 days to fill the first group of Senate-confirmed positions, including key subcabinet positions and subcomponent heads, from nomination to the Senate confirmation vote.

Future transitions should significantly accelerate the pace at which political appointments are filled, well beyond what prior administrations have achieved. The transition team should aspire to name subcabinet appointments and agency heads before March 15 with the goal of having them confirmed by May 1. The team also should be prepared to clear hurdles in the vetting and confirmation processes that could slow progress. By the end of the first year of the Obama administration, there were still several key subcabinet posts that had not yet been filled. For example, the Obama administration did not nominate an undersecretary of agriculture, who leads the Food Safety and Inspection Service and serves as the highest ranking food safety official in the U.S., until January 2010, when Elizabeth Ann Hagen was nominated; she was not confirmed until December. Another notable example is the National Highway Traffic Safety Administration, which was still dealing with the fallout from a major Toyota recall over the dangers from sudden acceleration of the vehicles. The White House did not nominate a NHTSA administrator until December 4, 2009, with the Senate confirming the nominee about three weeks later.

Internal vetting and security clearances

The 2004 Intelligence Reform and Terrorism Prevention Act (P.L. 108-458) allows presidential nominees to initiate and secure interim security clearances for key staff serving on the candidate's transition team. This clearance allows key advisors access to classified information and briefings on matters of national security and intelligence during the transition, ensuring the president-elect has needed staff support on major issues of national security. The 2008 transition was the first in which this statute was put to use. In the 2008 campaign, the Obama team submitted more than 100 names for clearance so that these staff would have access to classified briefings after the election. The McCain campaign, which at that point had a significantly smaller transition operation, submitted just five names.²³ The White House assisted this effort by expediting the processing of clearances for key advisors.

The clearance process is facilitated by the General Services Administration (GSA) and is generally handled by the FBI, the Office of Personnel Management (OPM) or the Office of the Director of National Intelligence (ODNI). Each of these offices has the capacity to conduct security clearances, but historically most clearances for senior positions have been handled by the FBI. The process begins when the candidates choose to submit names to GSA, ODNI and FBI following the nominating conventions. The FBI and ODNI will then begin full "concentrated" background checks in a condensed timeframe. Sometimes this will result in limited, interim clearances that will go into effect only after the candidate's victory is confirmed. After the inauguration, the security clearance process for each individual appointee and agency will return to normal.

²³ Partnership for Public Service, *Ready to Govern: Improving the Presidential Transition*, Washington D.C.: January 2010, 5.

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 during transition
TIMING	August/September	Prior to election	Prior to election	Permanent
RESPONSIBLE	Candidates (through transition teams)	FBI	FBI	FBI continues to do background checks as names are submitted
COMMENTS	<ul style="list-style-type: none"> When able, FBI/DNI/GSA solicit names from the campaign Obama submitted 150-200 names 4-6 weeks prior to election; no reported issues Romney did not submit names pre-election; discussed post-election schedule with FBI 	<ul style="list-style-type: none"> FBI and DNI begin full background check with goal to complete full check in condensed timeframe for clearance In some cases, there is only time for a basic name check/interim clearance 	<ul style="list-style-type: none"> Most clearances do not go into effect until after candidate's victory is confirmed Presidential and Vice-Presidential candidates can have two advisors each to sit in briefings prior to election 	<ul style="list-style-type: none"> Individuals whose investigations are completed successfully receive clearances Additional clearances are granted as the President-elect's team submits names and they pass the background check

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. These clearances are a result of the 2004 Intelligence Reform Act.

Source: Boston Consulting Group analysis

Transition teams should submit names of prospective nominees and staff as soon as possible after the party nomination convention. The transition team also should gather the necessary background data for all top campaign personnel who may have a role in the administration (i.e., have people fill out forms such as the SF-86 for national security positions and OGE-278 on financial disclosures) to avoid having to collect it in the final days of the campaign. During the lead-up to the 2012 election, Romney's transition chairman and executive director made it a point to fill out their SF-86 security clearance questionnaire, both to get the process started early and to serve as an example for the rest of the transition team. GSA, led by transition coordinator Darren Blue, facilitated the security clearance process by working with Romney's staff to make sure forms were turned in, coordinating with the FBI and OPM, and providing an on-site security clearance expert to help with the process and answer any questions that transition staff may have had about it.

In addition to the formal security clearance process, the transition teams also must vet prospective political appointees. During the Bush 2000 transition, which was shortened due to the election controversy, all prospective Cabinet nominees were interviewed internally by a former White House general counsel to surface any possible issues or surprises with their nominations. The nominees were advised to share any potentially embarrassing or disqualify-

Elements of FBI suitability background investigations

All Clearance Levels

- Verification of birth and citizenship records
- Verification of education
 - Level 1 and 2 personal check at each school
 - Level 3 and 4 telephone or letter checks
- Verification of advanced degrees with Board of Examiners (e.g., Bar Association)
 - Level 1 and 2 personal check
 - Level 3 and 4 written inquiry
- Arrest checks for every lived-in location
- Criminal database name check of all listed relatives
- Personal interviews with neighbors (last 5 years)
- Personal interviews with 3 listed references

Clearance Levels 1 and 2 Only

- Personal verification of employment
 - Level 1: back to age 18
 - Level 2: back 15 years (or to age 18, whichever comes first)
- At least one supervisor and two co-workers for each employer
- Personnel folder check
- IG and Security offices for former government employees or holders of prior clearances
- Foreign Agent Registry check
 - Depends on background of individual
- SEC, FDIC, FRB, Comptroller of the Treasury checks
 - Depends on background of individual

Anticipated personal interviews

- Level 1: 25-35 interviews (back to age 18)
- Level 2: 15-25 interviews (back 15 years or to age 18, whichever comes first)
- Level 3: 10-15 interviews (back 10 years)
- Level 4: 0 interviews (back 5 years)

Source: Boston Consulting Group analysis

ing information at the very outset, prior to beginning the formal background check or nomination process, with the understanding 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 they were told that if they hide something and it comes out, "we'll drop you." This was the key test appointees had to pass before the president would announce their nomination.

Determine level of White House involvement for agency appointments

There are a large number of second- and third-tier positions that need to be filled through presidential appointment. 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 history shows that personnel will be governed from the White House given that the top priority is to ensure loyalty to the president and the policies of the administration. For example, the Clinton administration's incoming Secretary of Agriculture, Dan Glickman, had been a member of Congress, and the White House acquiesced to his desire to select the department's assistant secretary

for legislative affairs, but it maintained final decision-making authority on 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 varied according to his or her preferred way of operating. For example, 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.

The key for the White House will be to ensure not just that they recruit the best people for the top job at an agency, but to make sure that agency leaders are viewed as a team rather than individuals. The secretary, deputy secretary, chief of staff and other top agency leaders should all complement each other in terms of both expertise and personality. For example, if the secretary is someone who 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.²⁴ Keeping this in mind when making specific appointments will help build a cohesive, well-functioning unit that will provide effective, unified leadership at the agency.

Develop system to manage mid- and lower-level positions

While the personnel process for a presidential transition will focus on the Senate-confirmed, senior-level 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 (PA), non-career SES and Schedule C positions; combined, they account for more than half of all political personnel, or some 2,500 positions.²⁵ 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 chief human capital officer and many assistant secretaries for management and administration, public affairs and legislative affairs, which may or may not be PAS positions depending on statute.

In order to handle the huge volume of candidates and applicants for these positions, the personnel office should coordinate with GSA to develop an online human resources system to manage the process, including potentially thousands of resumes and applications from people pursuing jobs in the administration. The past few transitions have made use of modern HR systems to facilitate staffing a presidential administration, reducing the amount of staff

²⁴ Deputy secretaries are designated to serve as agency chief operating officers by P.L. 111-352, the Government Performance and Results Act Modernization Act of 2010.

²⁵ This is an estimate, as there is not a set limit on the number of Schedule C appointments.

needed to handle physical documents or input data. Developing this system early and working with GSA and the outgoing administration to make sure that the system can easily transfer to the White House is essential.

The Bush 2000 transition had an entirely separate office within the personnel team devoted to handle 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 team’s first step was to look at Schedule C numbers from the outgoing Bush administration and adjust it based on the new administration’s priorities. The personnel staff approached the agency review teams for an estimate of Schedule C needs, and made recommendations for allocating Schedule C positions. The team did not fill all positions prior to the inauguration, holding back on some to prepare for new programs or priorities and to have positions available for political or campaign staff.

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.

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. Many nominees have 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 include the congressional affairs staff in preparing appointees for what they will experience as a presidential nominee. Both teams should work together to ensure there is a plan in place to identify allies on the relevant Senate committees early to build a positive working relationship and ensure the new president’s nominees are well-supported throughout the confirmation process.

After the election, and once the internal vetting and security clearance processes have been completed, the formal vetting begins, including a personal background review by the White House General Counsel and a financial disclosure review and ethics check by the Office of Government Ethics. Any issues with respect to financial disclosure are addressed by the nominee in consultation with their own legal counsel, OGE and the designated ethics officer of the agency to which they will be nominated. Once a prospective nominee has gone through these checks, the formal nomination is sent to the Senate and referred to the Senate committee of jurisdiction. The individual committees have four choices for considering the nomination: report the nomination favorably to the full Senate, report the nomination unfavorably, report without recommendation or take no action.²⁶ A favorable vote by a majority of committee members is required to send the nomination to the full Senate for approval. The full Senate rarely considers nominations that have not been reported favorably by a committee.²⁷

In order to prepare presidential nominees for Senate confirmation, the legislative affairs team should offer training and mock Senate hearings during the handover phase and in the early days of the administration. In most cases, nominees have been given a “Sherpa,” 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 Romney Readiness Project, for example, planned for guides to be assigned to every nominee. Cabinet secretaries and deputy secretaries would have a particular person assigned to be their Sherpa, along with a team made up of a scheduler, executive assistant, policy person, communications person, and others as needed. For lower-level appointments, these duties would be managed by the Office of Presidential Personnel or by the agency’s congressional affairs staff. The Romney team took the unusual step of preparing for a new White House position, deputy assistant to the president for nominations, which would oversee strategy and execution of the nominations process for the first six to nine months of the administration.²⁸

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. These should include the federal budget process, working with

²⁶ Elizabeth Rybicki, Congressional Research Service, *Senate Consideration of Presidential Nominations: Committee and Floor Procedure*, March 9, 2015, 6. Retrieved from <http://1.usa.gov/1WwNIV7>.

²⁷ Exceptions to this practice are “privileged nominations,” entitled to expedited procedures by S. Res. 116 from the 112th Congress. This resolution allows certain nominations to bypass committee referral if a committee did not request a referral within 10 days of the nomination having been received by the Senate.

²⁸ Michael O. Leavitt, Christopher Liddell, Daniel Kroese and Clark Campbell, *Romney Readiness Project 2012: Retrospective & Lessons Learned* (Charleston, SC: R2P, Inc., 2013), 117.

the White House, the Office of Management and Budget and other agencies; managing the political-career relations, ethics and optics; the intricacies of federal hiring; working with Congress and driving results and accountability.²⁹

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. 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."³⁰ This allowed the secretaries-designate to meet each other and build relationships. The Obama administration took this a step further by organizing a 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.

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 to work across government, working with Congress, opportunities for transforming government, and identifying and working with allies outside the federal government. For a [sample Cabinet orientation agenda](#), please see the following page.

29 As part of its Ready to Govern training curriculum for incoming appointees, the Partnership for Public Service addresses many of these issues, including the importance of ethics and optics for new appointees to help them recognize and avoid common legal and ethical violations, particularly as they relate to the differences between the public and private sectors.

30 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 (College Station, TX: Texas A&M University Press, 2003), 317.

ADDITIONAL INFORMATION

ON PREPARING ORIENTATION CURRICULUM FOR CABINET SECRETARIES

The president and members of his Cabinet must work together as a cohesive team with a shared vision, common values and clear priorities. The challenges facing government today require leaders to work across agencies and marshal the resources of their respective agencies to address difficult, longstanding problems.

President Obama hosted a retreat for his Cabinet in the summer following his inauguration to build important relationships and create a shared sense of purpose among his Cabinet members. However, the retreat did not occur until summer, several months after the inauguration. In the view of one senior Obama official, the offsite should have happened much earlier in the president's administration to have had maximum impact on the Cabinet as a team.

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 his Cabinet and senior White House staff 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
- Knowing the key emergency response staff in one's department
- 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. 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"
- 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

- 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 impression of impropriety or embarrass the President

Opportunities for Transforming Government

- 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 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 GAO
- Who a Cabinet secretary needs to know, and who 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—voiding mistakes, creating and seizing opportunities

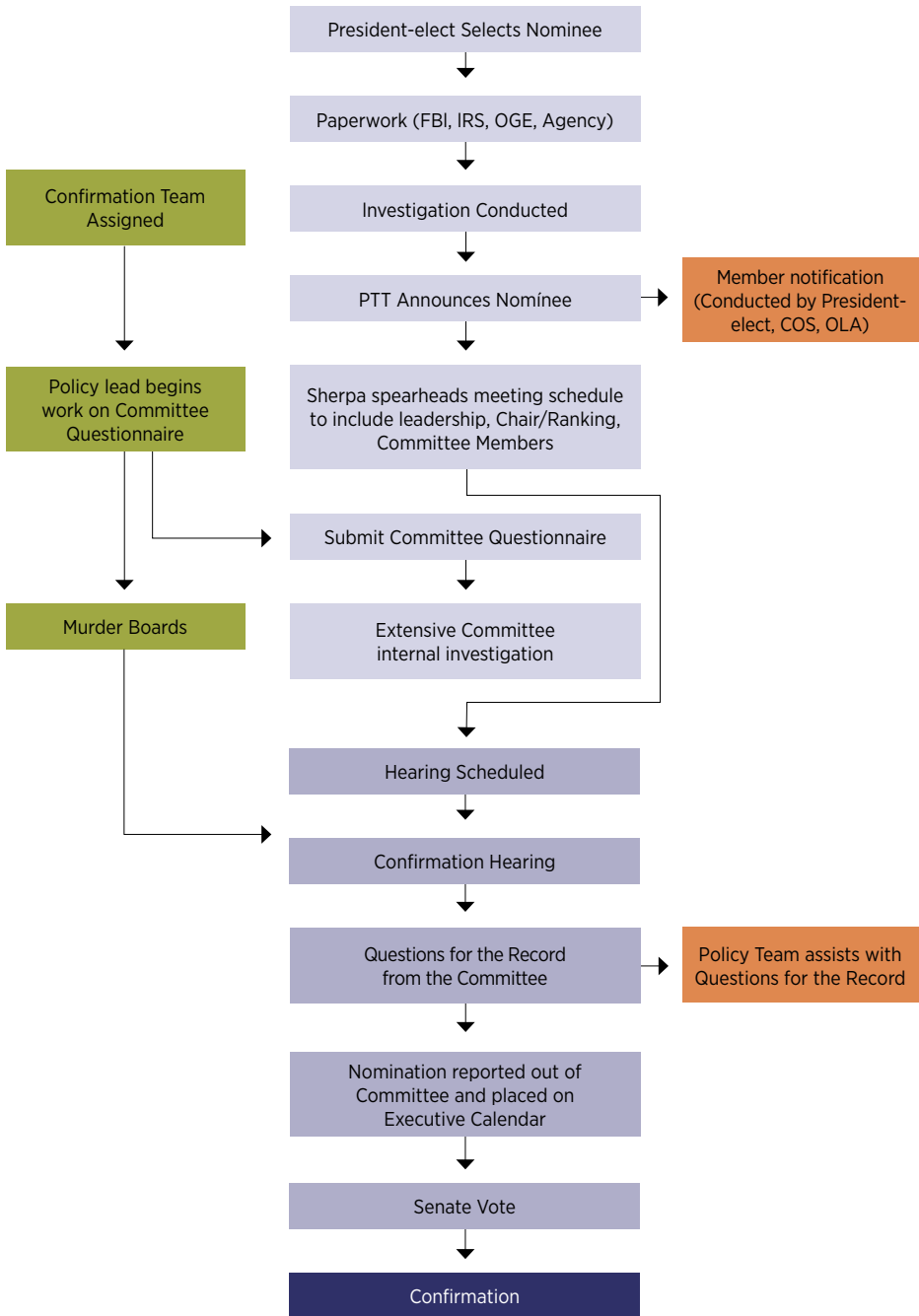
Forming and Using Your Senior Leadership Team

- Clarity of roles and governance
- Choosing the right model
- Roles of a deputy secretary
- Roles of a chief of staff

Identifying and Working with Allies Outside of 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

Confirmation flow chart



Source: Michael O. Leavitt, Christopher Liddell, Daniel Kroese, and Clark Campbell, *Romney Readiness Project 2012: Retrospective & Lessons Learned* (Charleston, SC: R2P, Inc., 2013), 118.

PRESIDENTIAL APPOINTMENTS

Action Items

Pre-election:

- Determine priority presidential appointments. Top priority positions 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: 50 most time-sensitive positions within the first few days after inauguration, another 50 key positions within the first 100 days, and another 300 critical positions within 200 days.
 - Select immediately after election: White House chief of staff
 - Select within one month of election: OMB director, top White House positions (press secretary, director of presidential personnel, national security advisor, White House counsel, directors of National Economic and Domestic Policy Councils)
 - Select by Thanksgiving: Cabinet secretaries
- Design system and standards for selecting and vetting top priority positions.
- Submit names of prospective nominees and staff for security clearance as soon as possible after the party nomination convention leading up to the election.

Post-election:

- Guide nominees through the Senate confirmation process.
- Develop and implement a system for vetting second- and third-tier presidential appointments, which include non-Senate confirmed presidential appointments (PA), Schedule C and non-career 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.

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

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

Romney Readiness Project Wave I position list

Source: Michael O. Leavitt, Christopher Liddell, Daniel Kroese and Clark Campbell, Romney Readiness Project 2012: Retrospective & Lessons Learned (Charleston, SC: 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)
Chief of Staff	Attorney General*	Deputy Secretary of Defense*	Hill Confirmations Liaison
OMB Director*	Secretary of Agriculture*	Deputy Secretary of Homeland Security*	Chief of Staff to the Vice President
OMB Deputy Director (Budget)*	Secretary of Commerce*	Deputy Secretary of State*	Chief of Staff to the First Lady
Economic Advisor	Secretary of Defense*	Deputy Secretary of Treasury*	POTUS Personal Aide
Domestic Policy Advisor	Secretary of Education*	Deputy Secretary of HHS*	POTUS Personal Secretary
National Security Advisor	Secretary of Energy*	Deputy Attorney General*	COS Executive Assistant
Deputy National Security Advisor	Secretary of HHS*	FDA Administrator*	DAP for Legislative Affairs (House)
White House Counterterrorism Advisor	Secretary of Homeland Security*	Under Secretary for Domestic Finance (Treasury)*	DAP for Legislative Affairs (Senate)
Deputy Chief of Staff for Operations	Secretary of HUD*	Under Secretary for International Finance (Treasury)*	Deputy Counsel to the President
Deputy Chief of Staff for Policy	Secretary of Interior*	Under Secretary for Terrorism and Financial Intelligence (Treasury)*	Deputy Director of Communications for Production
Staff Secretary	Secretary of Labor*	Assistant Secretary for Tax Policy (Treasury)*	Director of Media Affairs
White House Counsel	Secretary of State*	Assistant Attorney General-Legal Counsel Office*	Deputy Press Secretary
Senior Advisor/Counselor for the President (0-2)	Secretary of Transportation*	Assistant Attorney General-National Security*	Deputy Press Secretary
Communications Director	Secretary of Treasury*	Council of Economic Advisors Chair	Deputy Director of Speechwriting
Legislative Affairs Director	Secretary of Veterans Affairs*	Solicitor General*	Director of Political Affairs
Strategic Initiatives and External Affairs Director	EPA Administrator*	CFTC Chair*	Director of Public Liaison
Press Secretary	SBA Administrator*	FTC Chair*	PPO Deputy Director
Chief Speechwriter	United Nations Representative*	SEC Chair*	Advance and Operations
Presidential Personnel Director	U.S. Trade Representative*	FDIC Chair*	Appointments and Scheduling
[Deputy COS for Policy and Cabinet Operations]	CIA Director*	FHFA Director*	Management and Administration
[Cabinet Liason]	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-1's?	<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-2's, Schedule H's, 1099's, or I-9's 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:			
SECTION 6—INVESTMENT INFORMATION			
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
SECTION 7—LIABILITIES			
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
SECTION 8—LITIGATION			
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.)?			

“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

Policy Implementation

It is the job of the presidential transition policy team to prioritize the major issues and campaign promises that a candidate ran on, and to lay the groundwork so that these policies can be implemented once the president-elect takes office. The policy team has six main activities it must undertake during the transition process, each with its own specific timeline. Policies must be prioritized and built into a formal policy agenda and implementation plan for the new president's first 100 to 200 days and the first year of the administration. During the formal handover phase, the policy team must handle special interests and outside stakeholders, develop a budget to support the major policy initiatives and review how the prior administration's executive orders or regulatory actions will affect the candidate's policy priorities.

The transition team will need to coordinate closely with the campaign staff that helped the candidate develop his or her policy priorities. In some circumstances, a campaign may elect to have those 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.

Policy versus agency review

Although the roles of the policy and agency review teams are integrally linked, the policy team has a distinct set of responsibilities. Unlike the agency review team, which looks at each agency separately to explore the work they are doing and inform incoming leadership, the policy team must focus on developing the broad policy platform of the incoming administration, and coordinate activities across multiple agencies and actors to ensure that the candidate's policies are implemented. Nevertheless, the policy and agency review teams must share information throughout the transition. In the Bush 2000 transition, this meant actually housing the agency review team within the larger policy team. During Obama's 2008 transition, the two teams were separated, 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. The Romney Readiness Project linked its department and agency review group to the policy and strategy council through four themed task forces that would ultimately synthesize the products of both teams into larger, overarching content that would inform Romney's 200-day plan.³¹ 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.

Timeline and milestones

The focus of the policy team changes significantly over the course of the transition. Policy teams need to develop strategies for the candidate's agenda well before the election and should coordinate closely with other teams, including the congressional affairs staff, to begin communicating those policy priorities and laying the necessary groundwork for action. Because of the uncertainty surrounding election outcomes, 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.

In addition, the policy team should start early to collect the candidate's policy speeches and statements. The candidate's policy positions and priorities will form the basis of the structure and organization of the policy team, and will serve as a guiding document for planning both the handover phase and the early days of the new administration.

Both the Bush and Obama transitions developed catalogues of campaign policies and promises. In the early months of Bush's 2000 transition, which began in June 1999, the campaign's deputy policy director Gary Edson, began compiling policy work from the campaign trail (in July 2000, and again just before the election). By gathering these documents early, the policy team went into the formal transition phase able to focus immediately on planning and execution. Coordinating this work with the campaign will avoid duplication of effort.

31 Michael O. Leavitt, Christopher Liddell, Daniel Kroese and Clark Campbell, *Romney Readiness Project 2012: Retrospective & Lessons Learned* (Charleston, SC: R2P, Inc., 2013), 78.

In the lead-up to the election, a proven model is for the policy team to form subgroups focused on particular policy areas. In 2000, for example, the 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 the 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 during the 2000 presidential election, and his education team, including future Secretary of Education Margaret Spellings, developed a calendar to list and sequence the public events, meetings, legislation and executive orders that would advance his education policy agenda. Charts detailing the structures of the Obama and Romney policy teams are included on page 90 of this chapter.

After an election, most policy teams will have grown to incorporate additional subject experts and members of the campaign staff. At this stage, the team should focus on developing formal policy tools, including the presidential budget and the first executive orders and regulations, and on bringing in additional top subject matter experts, some of whom may be selected to serve on the White House staff or within the Cabinet and federal agencies. During the transition, the incoming Bush team set up a policy body devoted specifically to the budget.

Relationship between the campaign and the transition team

There are a variety of approaches to structuring the relationship between the campaign and the transition team on policy development. The approach chosen by the Romney Readiness Project ensured that all policy initiatives originated with the campaign in Boston based on Romney’s public statements. The transition itself was charged with tracking these 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.³²

The 2008 Obama transition team followed a similar model. It worked to catalogue the candidate’s campaign promises to help sketch the outlines of proposed administration policies that could be implemented after the election. The idea was to prepare a menu of options that would guide the post-election team and ensure that the president’s policies would be consistent with what was said on the campaign trail.

Bush’s approach in 2000 blurred the lines between the campaign and the transition team with regard to policy, with some campaign advisors generating policy on the campaign trail and then building a post-election implementation strategy. This ensures that policies are developed in a comprehensive manner, with an eye toward eventual legislation or executive action.

³² Michael O. Leavitt, Christopher Liddell, Daniel Kroese and Clark Campbell, *Romney Readiness Project 2012: Retrospective & Lessons Learned* (Charleston, SC: R2P, Inc., 2013), 11.

MAJOR ACTIVITIES IN POLICY PRIORITIZATION

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 should serve not only as a public relations document, helping to communicate the major positions and actions of the candidate, but also ideally as a governing document, directly influencing how the policy team focuses its efforts, deploys resources and personnel, and ensures accountability. This compendium, often referred to as a “promises book,” will help the transition team keep track of the smaller issues and positions expressed by the candidate and serve as a starting point for translating and incorporating these positions into actual policies (see [appendix 4.1](#)).

In 2012, the Romney policy teams placed less emphasis on compiling promise books, instead using the key policy priorities distilled in Romney’s “general instructions” to direct their work (see [appendix 4.2](#)). Each policy team was given a charter that laid out the expected timeline, objectives and deliverables (see [appendix 4.3](#)).

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 also will 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 chairman 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.

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, 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 should avoid operating in silos, and should identify priority issues that will require cross-agency collaboration and include plans that will bring agencies together to accomplish the new administrations 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.

Establish policy working groups

Most transitions organize policy teams into working groups focused on particular policy areas. The relative priority of different policy goals will determine the number and size of each policy working group and the level of resources devoted to each. These working groups should be separate from the agency review staff, but some overlap is expected and can help facilitate coordination between teams.

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 and executive orders and regulatory review. These teams essentially carried over into the transition phase.

Obama's 2008 transition team had seven different policy working groups to focus on the top priorities of the administration. These included working groups on 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 sometimes 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 working group was tasked with producing a paper prior to Election Day which 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; a section detailing key decisions for the candidate to make, including multiple options with pros and cons for each, during both the transition period and the first 100 days; and a section discussing potential actions to take during the transition and first 100 days with pros and cons.

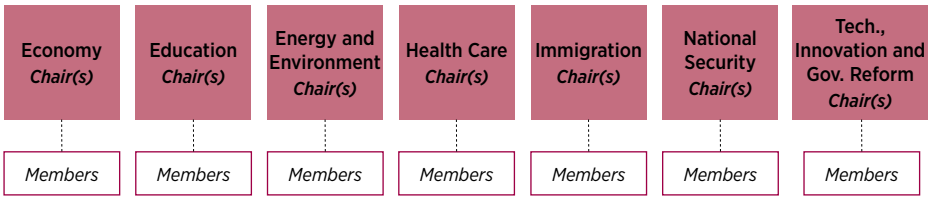
The Romney transition team created five policy working groups that focused on the economy, health care, deficit reduction, foreign affairs and federal regulations. These working groups reported to a policy and strategy council led by Tim Adams, a former Treasury Department official in the George W. Bush administration.

Decide how to manage special interests

After the election, the transition can expect a surge in interest from the policy communities. All transition teams face the challenge of dealing with these special interests who have knowledge and a point of view, and seek input into policy work. 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. Transition teams have approached this issue in different ways, sometimes with unintended negative consequences.

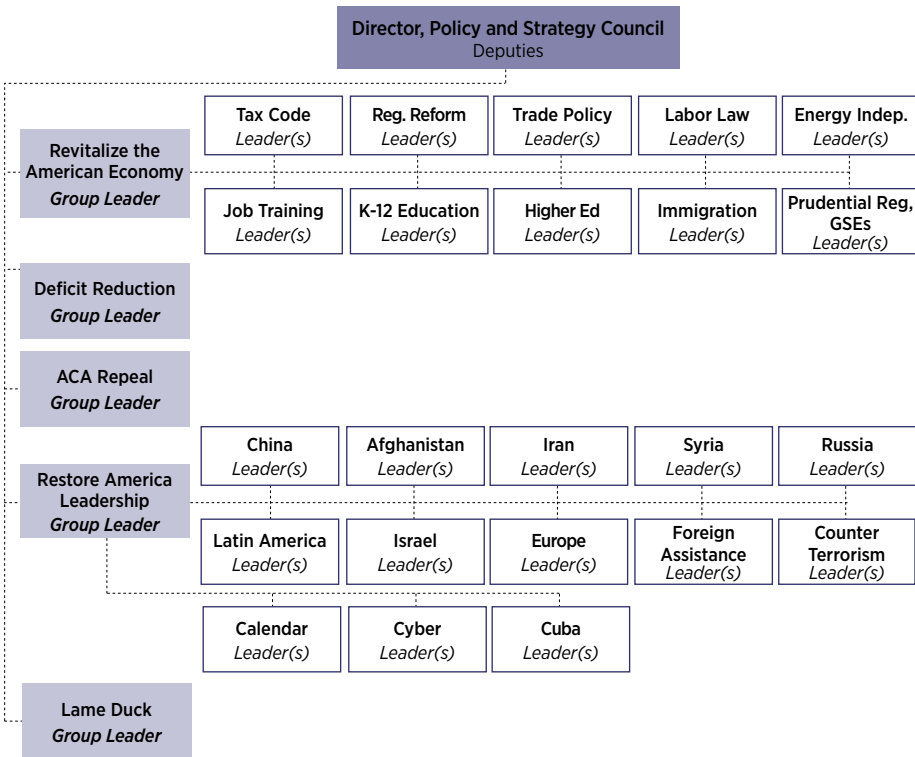
The Obama 2008 transition welcomed input from special interests via its website, used as a forum to solicit ideas and seek participation by the public and interested parties. However, consistent with its campaign prohibition

Working group structure for Obama



Source: Boston Consulting Group Analysis

Working group structure for Romney



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

against accepting lobbyists' financial contributions, the transition team 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.³³ Shortly after the election, the transition announced it would allow lobbyists to participate in the transition as long as they did not work on similar issues, and after taking office, the administration began granting limited numbers 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 the ethical standards and avoid conflicts of interest, some Obama officials have acknowledged that the ethics rules in some instances had the unintended consequence of handicapping the ability of the new administration to fully tap experienced personnel for key roles.

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.

The Romney team planned to follow a similar approach. The 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 expertise and play a role in the Readiness Project. This approach allowed these individuals to have a voice while still being kept separate from the teams themselves. Chairman Mike Leavitt viewed the members of the central leadership team as deployable assets who could provide knowledge and expertise. The Readiness Project 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.

Develop a presidential budget

A major task of the policy office is to begin laying the groundwork for the first presidential budget, which is essentially the first significant comprehensive policy document released by the new administration. Due to the Budget Enforcement Act of 1990, the president's budget is required to be submitted not later than the first Monday in February, meaning that an outgoing president can wait for his successor to submit a budget. However, the past three outgoing administrations submitted to Congress transition budgets which included a baseline and historical data, and that set the stage for the next administration's budget submission.³⁴

The need for the incoming administration to develop a comprehensive and complex economic and budgetary blueprint in a short period of time re-

33 Helene Cooper and Jeff Zeleny, "Obama's Transition Team Restricts Lobbyists' Role," *The New York Times*, November 11, 2008. Retrieved from nyti.ms/1PL5KHd.

34 Michelle D. Christensen, Congressional Research Service, *Submission of the President's Budget in Transition Years*, May 17, 2012, 5. Retrieved from bit.ly/1PfSttN.

quires a high-powered team with significant experience. For this reason, it is critical that the president-elect select a budget and policy staff early to prepare the budget submission. The Office of Management and Budget (OMB) 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.

Because it is unlikely that all Cabinet and subcabinet officials will be confirmed by the time the budget is scheduled to be submitted in February, having a budget team in place will allow the administration to move forward with the help of OMB's career staff.³⁵ This budget team should be sure to make use of information collected by the agency review teams (see appendix 5.3). 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."³⁶ New presidents have also used their first speech to a joint session of Congress³⁷ to give insight on their budget priorities and how those reflect promises made during the campaign.

During the Bush 2000 transition, 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 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.

Management agenda

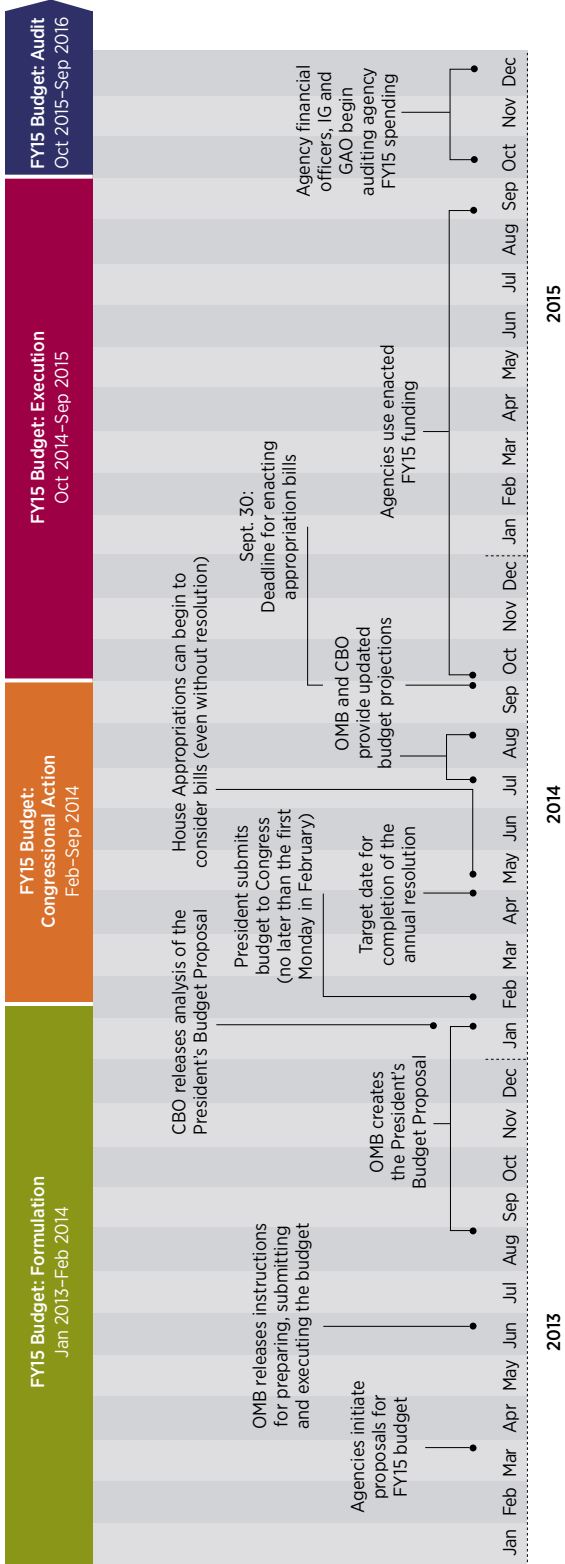
Presidents champion policies and seek to shape the direction of the nation. Yet they often fail to appreciate the direct link between the success of their administrations and the need for sound management and capable people who will implement their important policies and programs. Upon taking office on Jan. 20, 2017, our next president will become CEO of the world's largest and most complex organization, overseeing 4 million employees and an annual budget of nearly \$4 trillion.

35 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, no. 4 (2008), 610, accessed October 29, 2015, doi: 10.1111/j.1540-6210.2008.00902.x.

36 Michelle D. Christensen, Congressional Research Service, *Submission of the President's Budget in Transition Years*, May 17, 2012, 4. Retrieved from bit.ly/1PfSttN.

37 A new president may call his or her first speech to a joint session of Congress a "State of the Union" address, but President Kennedy was the last president to do so. n.pr/1SAV3JL.

Ready to Govern budget module: Fiscal 2015 process and timeline



Source: Peterson Foundation

MANAGING THE CENTER OF GOVERNMENT

The Office of Management and Budget (OMB) 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. Yet 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. 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 a focus on who will hold top jobs, how it is organized and staffed, its 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, and how the relatively small staff, most of whom are career employees with many years of experience, will be used to help the new team navigate the process and overcome barriers to policy implementation.

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.

Every presidential administration has experienced both management successes and unexpected management failures, some of which have created political firestorms, set back 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 George W. 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.

A focus on management by the White House and executive branch agencies will be essential for the new administration to successfully implement its policy goals, reduce the risk of costly missteps and build public confidence in the federal government's ability to serve our nation.

The transition teams should develop a management agenda that:

- Links management to the successful execution of policy objectives
- Recognizes management experience as a key requirement in selecting appointees
- Strengthens the capacity of the federal government to achieve mission objectives
- Builds upon management successes and initiatives already underway
- Reduces the risk of operational and policy implementation failures

Through the development of a management agenda, the transition team can identify actions to strengthen the new administration's capacity to address key challenges facing our country. The team should first clarify management objectives and then create a clear plan for executing the agenda within the complex federal environment.

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 (TIGR) Policy Team, which was responsible for developing a comprehensive and multidimensional agenda that included management reforms. This team, consisting of about 30 people, was tasked with thinking through cross-cutting management and related issues that affected multiple agencies government-wide. Several members of the TIGR team also had roles on other transition groups, and have reflected upon how valuable it was to have the perspective afforded by working across multiple groups.

In 2012, Robert Shea, head of the Office of Personnel Management and Management Review Team for the Romney campaign, 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.³⁸

However the management function is organized, the transition team should design the structure of the organization in such a way as to integrate and incorporate management 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.

38 GAO, *Major Management Challenges and Program Risks: A Government-wide Perspective*, GAO/OCG-99-1, January 1999. Retrieved from [1.usa.gov/1kNdHjZ](http://www.gao.gov/1kNdHjZ)

Modern challenges require new approaches to managing the federal government. The five cross-cutting areas that transition teams should consider for inclusion in a management agenda are:

DEVELOPING AND MANAGING EXECUTIVE TALENT IN GOVERNMENT

Focusing on strengthening federal senior leadership, including political appointees and career executives, and enhancing their collaboration.

ENHANCING AN ENTERPRISE APPROACH TO GOVERNMENT IN ORDER TO MORE EFFECTIVELY ACHIEVE MISSION OUTCOMES

Strengthening governance, improving collaboration and using enterprise frameworks to build capacity to achieve cross-agency goals, improve operations and lower costs.

HARNESSING INNOVATION TO IMPROVE OUTCOMES AND PRODUCTIVITY

Creating and sustaining innovation to drive better customer service and improve outcomes.

STRENGTHENING DECISION-MAKING PROCESSES

Creating the capacity to enhance analytics and decision-making through strategic planning, integrating existing program evaluation, risk management, analytics and benchmarking capabilities.

GETTING IT DONE IN GOVERNMENT

Utilizing the full set of operational and change management levers available to leaders and implementing new governance and collaboration structures to deliver real change in the federal government.

Implementing good management to achieve outcomes starts with talent. Transition teams can identify those appointee roles that require strong management experience and make appointments accordingly. Leadership teams in departments and agencies can be intentionally constructed to provide complementary skills such as management experience, policy expertise and political and stakeholder relationships. As part of a management agenda, the transition team can also provide guidance to incoming agency leaders on creating high-performance leadership cadres, and on how to establish strong working relationships with the senior career executives who will ultimately be responsible for policy and operational execution.

Transition teams should identify “enterprise government” initiatives that cut across departments and agencies. For example, the Obama administration’s initiative to end veterans’ homelessness required coordinated efforts between the Department of Housing and Urban Development and the Department of Veterans Affairs. The transition team should look at existing legislative frameworks and processes that must be followed—but can also be harnessed in support of achieving administration priorities. Enactment of the GPRA Mod-

ernization Act of 2010,³⁹ for example, changed the timing for agency strategic planning requirements to better align with presidential terms, and promoted interagency cooperation to address cross-agency priority goals. Transition teams would be best served by leveraging ongoing processes and frameworks to implement their strategic management and performance priorities.

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 agencies have invariably made positive progress on which to build, even when party control changes from one administration to the next (for example, the e-government agenda of the Bush administration in 2001 built on successes made at the end of the Clinton administration).

It is also critical to get top management officials in place early in a new administration. 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.⁴⁰

The management transition team and top incoming appointees need to develop relationships with career management personnel and learn about the existing government management and performance framework. One former career executive at OMB recalls Bush transition team representative Mitch Daniels (who would go on to serve as President Bush's first OMB director) sitting down with representatives from each OMB management office during the 2000 transition to get their views, a well-received practice that future teams should repeat. Another OMB career executive cautions that rapid changes in direction between administrations have the potential to breed cynicism among career employees, reinforcing the need for a thoughtful approach to understanding and building upon existing processes and frameworks.

Transition teams should also consider strategies to achieve buy-in from key stakeholders when developing and implementing a management agenda. For example, the Bush administration developed an Executive Branch Management Scorecard that was used to grade agencies on how they performed in specific management reform areas, which it published quarterly.⁴¹ However, its effectiveness was limited due to opposition by some federal employee unions

39 Public Law 111-352, January 4, 2011.

40 Martha Joynt Kumar, *Before the Oath: How George W. Bush and Barack Obama Managed a Transfer of Power*, (Baltimore: Johns Hopkins University Press, 2015), 154-155.

41 These scorecards can be found at usa.gov/IOBcqZe.

and members of Congress, who advanced policy riders meant to hinder parts of the president's proposals. The need to obtain early buy-in from Capitol Hill and engage outside stakeholders is a key lesson from the experience.

Sound management is a key enabler with a major impact on how successfully an administration is able to execute its policy and reform priorities. Many decisions will await the incoming president and his or her team, from choosing the cross-cutting areas (e.g., managing executive talent and driving innovation) and functional areas (e.g., IT and acquisition) to emphasize, to establishing milestones, engaging the central management agencies (e.g., OMB) and partnering with stakeholders. This important work needs to start early in the transition, with a dedicated team.

Review outgoing administration's regulations and executive orders

It is the responsibility of the policy team to review whatever regulatory or executive actions are coming through the pipeline during the transition phase and to develop a plan to halt or reverse anything contrary to the new administration's priorities. This not only includes those regulations issued in the final days of the outgoing administration, but any other rules or administrative changes that may be working their way through the system in its final months.

Federal law ordinarily mandates a 60-day delay for "major" rules before they take effect, and a 30-day waiting period for "non-major" regulations that do not have major policy significance or that will have less than a \$100 million annual effect on the U.S. economy.⁴² For this reason, some outgoing administrations have tried to publish new regulations on November 21–60 days before the presidential inauguration on January 20.⁴³

The working group of George W. Bush's policy team responsible for executive order and regulatory review tracked, analyzed and, when necessary, prepared to stop newly issued regulations and executive orders announced by the Clinton administration—including the 22 executive orders published in the final two months of the administration.⁴⁴ 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 November 1, 2008 (memorandum available at presidentialtransition.org). However, there were exceptions made to this requirement, and some regulations were published later.⁴⁵

Alternatively, the policy team should plan to look for regulations and executive orders that may either advance the new administration's agenda, or that address issues that the new administration does not want unresolved and which it can help push through the rulemaking process.

42 The White House, *Presidential Documents (Executive Order 12866)*, October 4, 1993. Washington, D.C.

43 Peter Overby, "Bush Hits Deadline For 'Midnight Regulations,'" National Public Radio Morning Edition, November 21, 2008. Retrieved from n.pr/1SAV8N1.

44 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, no. 4 (2008), 609, doi: 10.1111/j.1540-6210.2008.00902.x.

45 Martha Joynt Kumar, "The 2008-2009 Presidential Transition Through the Voices of Its Participants", *Presidential Studies Quarterly* 39, no. 4 (2009), 842, doi: 10.1111/j.1741-5705.2009.03712.x.

The policy team, in cooperation with legal counsel, also should begin drafting the first executive orders and directives 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. President Obama was aggressive in this regard, issuing executive orders and presidential memoranda on a range of issues, including ethics standards, labor regulations and Guantanamo Bay. He issued nine executive orders and nine presidential memoranda in his first 10 days.⁴⁶

The policy team plays a critical role in coordinating a president-elect's formal policy platform and creating the structure through which those policies will be further developed and implemented upon taking office. This requires tracking major policy issues; developing policy, budget and advisory working groups during the handover process after the election; and reviewing and preparing executive orders for the first 100 days after the inauguration.

46 Ibid., 831.

POLICY IMPLEMENTATION

Action Items

Pre-election:

- Align with candidate and campaign to identify top policy priorities.
- Catalog campaign policy promises into “promises book” to outline proposed administration policies and serve as the basis for designing an implementation strategy around policy agenda for the administration’s first 100 to 200 days in office.
- Establish policy working groups in order to develop actionable strategy for implementing the proposed administration’s policy agenda.
- Develop a management agenda to strategically address cross-cutting management issues and operational challenges that could affect the new administration.

Post-election:

- Work with OMB career staff to develop a presidential budget aligned with president-elect’s policy priorities.
- Review the outgoing administration’s regulatory or executive actions currently in the pipeline 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.
- Finalize 100- or 200-day implementation plans for key policy priorities.

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

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. 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;
- 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 American;
- 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;
- 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;
- 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.
- 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;
- 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

Agency Review

The agency review team is responsible for collecting information about the unique roles and responsibilities of each major department and agency of the federal government, and providing information that is relevant, useful and important to the new administration. Incoming leadership needs a clear sense of the strengths, challenges, culture and pressing issues of each organization to make informed decisions about who should serve in key leadership roles and to prioritize the issues where attention is most needed, particularly during the first six months of an administration. The transition team must develop and prepare agency review teams to work with agency transition liaisons and career employees to develop an overall understanding of the issues that the incoming administration will face, and where their attention is most needed.

Each transition team needs to decide how to make the most effective use of its agency review process. For example, the Romney Readiness Project integrated agency review into the development of its 200-day plan, ensuring that the focus of the agency review teams would be on what the administration could accomplish quickly while also being mindful of longer term issues and challenges.

Interaction between the agency review, policy and personnel teams

Agency review, policy and personnel all have distinct mandates, but their work will overlap in important ways—especially as the election nears. Unlike the policy review team, which is charged with taking on major cross-cutting policy priorities and developing plans to achieve them, the main mission of the agency review team is providing clear and factual information on each agency’s role, pending issues the incoming president and agency heads should be prepared to face, and emerging issues that may grow into something more serious. One former Cabinet secretary referred to some of these issues as “asteroids”—unplanned and disruptive or even catastrophic developments that can derail an agency, an appointee or a policy agenda if leaders are not paying attention.

Because the responsibility of the agency review team is to collect and present information rather than formulate policy, most transitions separate the policy and agency review functions. Nevertheless, because the work of the two teams overlaps significantly, there should be close coordination, particularly in identifying “flashpoint issues” that will require the new administration’s attention right away. It is inevitable that the review teams will develop some policy proposals or uncover successful policies already in place during the course of their review.

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. Furthermore, the agency review team may play a role in identifying the major management challenges or successes within each agency, identifying particular skills and competencies needed for each position, and uncovering any best practices or successful programs.

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 would be well served to 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 of the better ways 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 and these positions are highly coveted. However, this agency-specific onboarding process may not provide incoming appointees with the broad knowledge of the federal government that they need to be effective once they are in their jobs, especially for appointees who have never worked in government.⁴⁷

Second, agency review is an opportunity to identify not just what a new administration should know or change, but what they should augment or continue. Future agency review teams should make an effort to capture not just

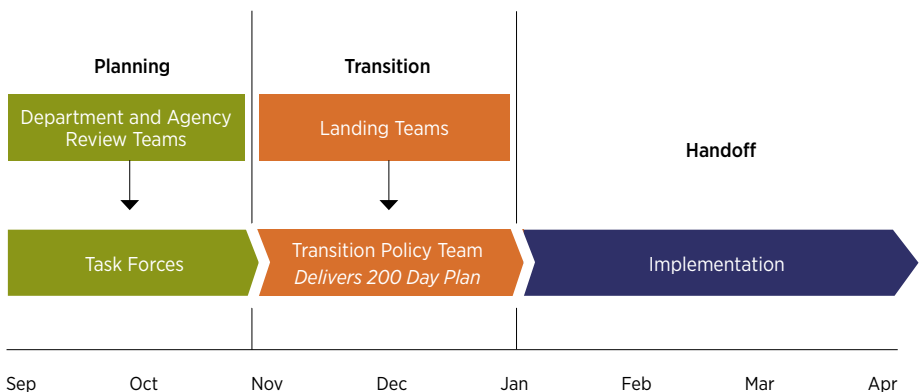
⁴⁷ The Partnership has developed a series of courses designed to help incoming appointees get up to speed in crucial areas such as working with the White House and OMB, understanding the federal budget, federal hiring rules, succeeding in the federal space, and the political-career interaction.

critical policy issues, deadlines and challenges, but a sense of positive initiatives at the agency or those in the pipeline, existing and potential cross-agency partnerships, and the quality people who are making an outsized impact. The teams should make use of resources like the Office of Personnel Management's Federal Employee Viewpoint Survey and the Partnership for Public Service's Best Places to Work in the Federal Government® rankings, valuable tools that allow incoming appointees to understand how employees view their leaders and mission, and give a sense of the health of each organization. All of this information provides incoming leaders with an idea of areas where they can achieve early wins, improve morale and find high-performers who might serve as a leadership bench.

Timeline

The agency review planning and implementation process should ideally begin with the selection of an agency review team leader in late spring of the election year. By July, agency review team leads should be identified and working with a handful of staff to prepare to enter the agencies post-election. Throughout the fall, the various agency review teams should begin training the staff to enter agencies and preparing information using publicly available resources. The formal agency review process will begin immediately after the election and last through to the inauguration, when teams will develop their final deliverables and brief incoming agency leadership on their new jobs and organizations.

R2P agency review/policy integration flow chart



Source: Michael O. Leavitt, Christopher Liddell, Daniel Kroese and Clark Campbell, *Romney Readiness Project 2012: Retrospective & Lessons Learned* (Charleston, SC: R2P, Inc., 2013), 78.

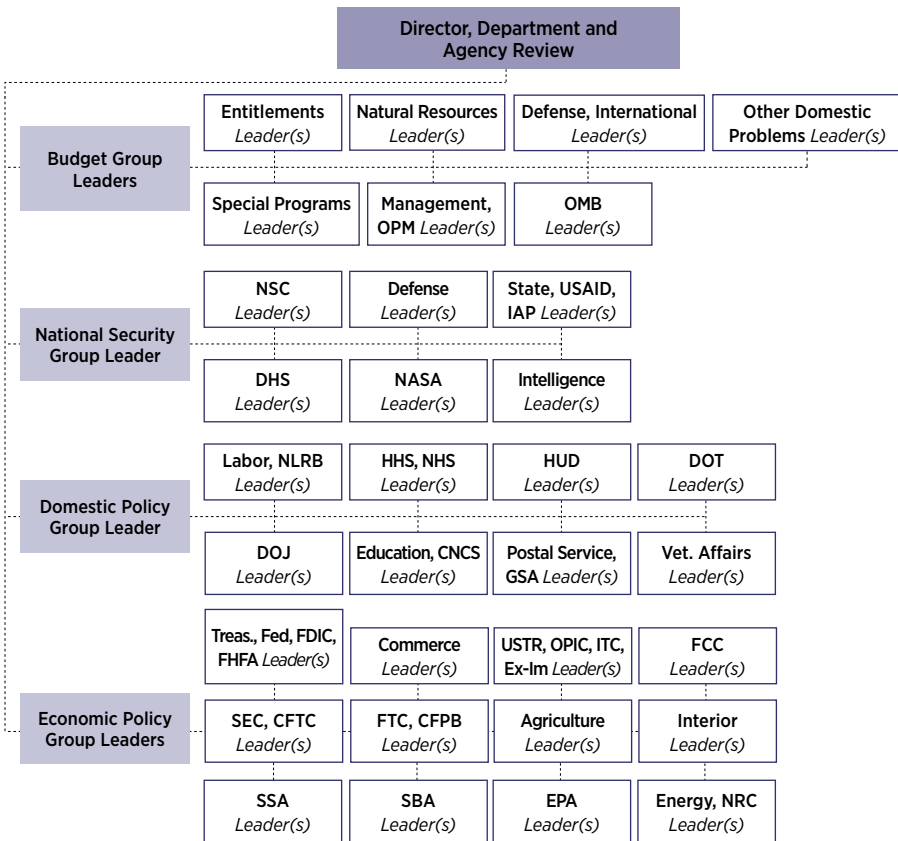
MAJOR STEPS IN THE AGENCY REVIEW PROCESS

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 focused on nearly 100 federal agencies across government after Election Day.⁴⁸ This requires working closely with the transition operations team to quickly bring on and vet additional staff, including people from the campaign with relevant backgrounds as well as outside experts. As noted earlier, agency review personnel are generally an important source of new appointees for the incoming administration and serving on an agency review team is a useful, but usually unstated way of onboarding them. Transition leaders should keep this in mind as they staff the individual review teams.

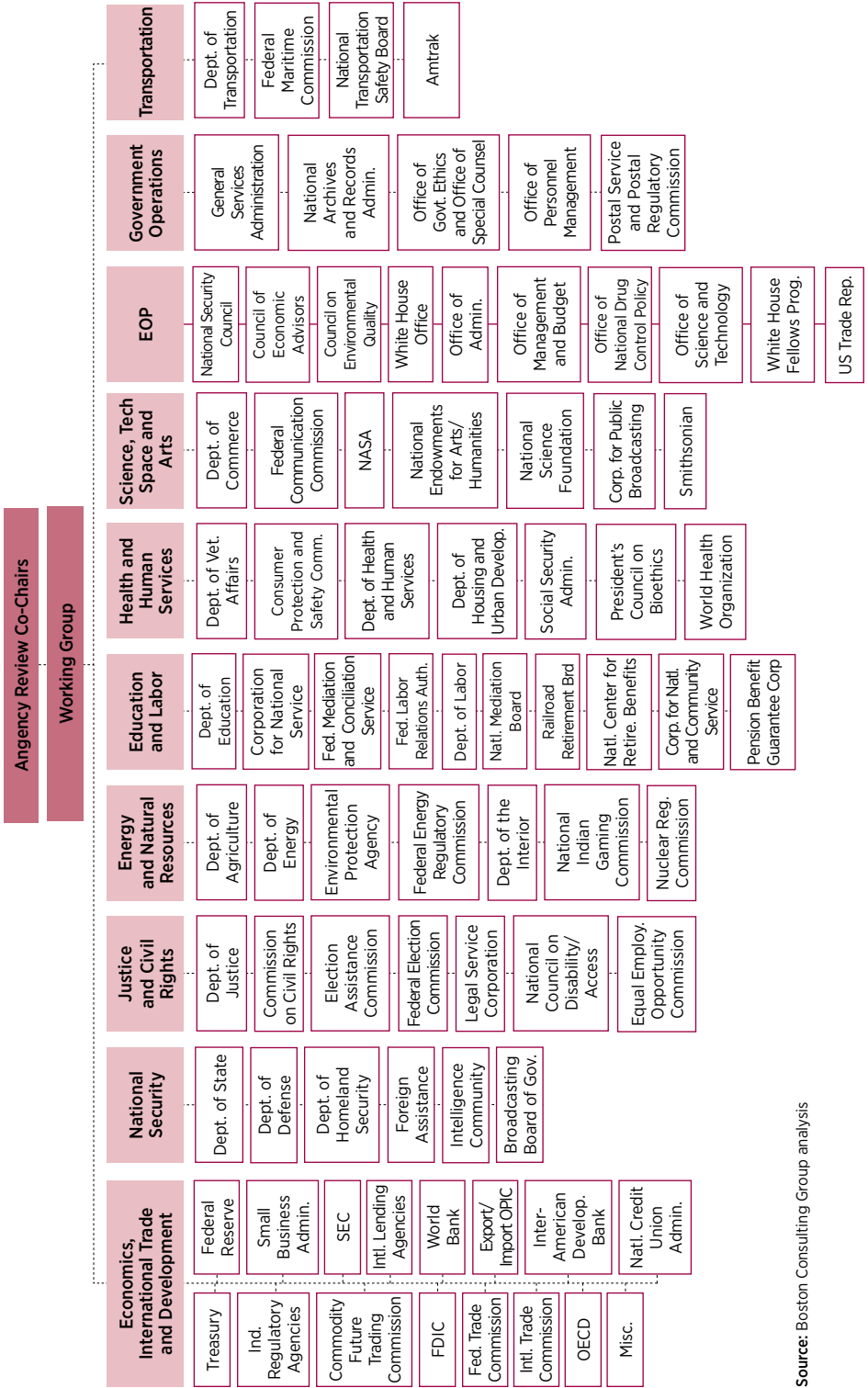
48 Based on past experience, transitions will focus most on the 20 to 30 most important agencies.

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* (Charleston, SC: R2P, Inc., 2013), 55.

2008 Obama agency review organizational chart



Source: Boston Consulting Group analysis

Within the Romney Readiness Project, 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.

The Obama 2008 agency review team began with only four people prior to the election, nearly all volunteers. Following the election, the team was divided into 10 separate agency review teams (see [chart](#) on page 117), each with a particular area of focus, including economics, international trade and development, national security, energy and natural resources, and education and labor. Each review team was allowed to hire 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. A large number of the members of the agency review teams went on to become members of the Obama administration due to their work and their previous professional experience.

The Bush 2000 transition team took a different approach, partially because of the shortened transition timeline resulting from the disputed election results.

Actions of Bush 2000 agency review teams

Bush 2000 agency review teams prepped new leadership teams and laid groundwork for their arrival.

Agency review teams created briefing books for incoming agency leaders...	...and minimized agency actions that would be contrary to new administration
<p>Materials prepared by agencies for new incoming leaders often long, lacked prioritization</p> <p>Bush transition team sent small groups into agencies to create more targeted, concise and readable briefing books</p> <p>These materials focused on key information</p> <ul style="list-style-type: none"> • Overview of agency (including organization chart, budget) • Priority issues • Major administrative challenges • Key upcoming decisions • Top 10 list of actions that new agency head should consider taking immediately <p>Tried to avoid policy recommendations</p> <p>New agency head responsible for creating own plan after a more thorough analysis</p> <ul style="list-style-type: none"> • Subject to review/approval by White House 	<p>Agency review teams identified acting agency head designee prior to January 20</p> <ul style="list-style-type: none"> • Allowed team to raise problematic appointments with outgoing White House • However, limited leverage to make changes <p>After Inauguration, White House quickly appointed some team members to temporary positions in agencies to serve as “watchdogs”</p> <ul style="list-style-type: none"> • Helped ensure that acting heads took no actions contrary to interests of new admin • Remained in place until new agency head was confirmed <p>Important priority was to prevent issuance of new regulations</p> <ul style="list-style-type: none"> • Concerns around outgoing administration’s attempts to issue “midnight” regulations • Upon taking office, put in place a process to stop issuance of new regs pending review • Andy Card sent January 20 memo to agencies asking them to halt new actions

Source: Boston Consulting Group analysis

DEVELOP A STANDARDIZED AGENCY REPORT FORMAT

Agency review teams should develop a clear and concise reporting format to capture essential agency 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
- Notes on potential staffing issues and quality staff already at the agency who can form the “leadership bench”
- Effective policies in the pipeline or already in place that can provide early successes for the new administration
- Pending legal, regulatory or legislative issues that require early attention
- The agency’s Federal Employee Viewpoint Survey results and Best Places to Work in the Federal Government rankings for the past several years, including particular areas of strength and weaknesses

Instead of teams of about 30 people, Bush’s agency review teams were much smaller, approximately 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 for review teams to use at some 100 federal agencies and potentially for White House offices will help ensure that the necessary information for each agency will be collected and presented in a clear and understandable way. In the past, agency leaders reported that the materials provided to them have not been especially helpful because they were too long, outdated or inaccurate.

The 2008 Obama transition consulted with previous political appointees about what they found helpful in an effort to learn from prior experience, and they created specific guidelines for agency review teams to follow. In the pre-election phase, the teams were asked to produce four deliverables: a two-page summary memo to be read by the candidates 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 appendices [5.4](#), [5.5](#) and [5.6](#) for templates). The format of these documents and the information they contained resulted from the transition’s discussions with former Clinton administration Cabinet members about what materials had been useful as they were preparing for their confirmation hearings and getting ready to take over their agencies.

In its two-page agency review template, the Obama transition 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 or issues that the agency review team would need to address. These briefs were compiled prior to the election and were accompanied by a copy of the general organizational chart and a page of contacts within each agency. The information had to be compiled from publicly available sources since agency review personnel had no access to agencies before the election.

The work done by 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 Office of Management and Budget (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 by asking agency review teams to include 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, meaning that the reports were often much longer.

Negotiate an MOU with the current White House

A memorandum of understanding (MOU) is needed between the transition team and the White House regarding the transition team’s access to federal agencies. Ideally, this MOU should be negotiated after the party nominating conventions, although it will be signed only after Election Day. For certain agencies, including the Department of Defense, additional MOUs may be needed. In 2012, the legal team of the Romney Readiness Project drafted an MOU to be signed by the president’s chief of staff and the chairman of the Romney transition based on the 2008 MOU between the Bush White House and the Obama transition.⁴⁹ Had Romney been elected, this would have been signed and executed immediately following the election. Future presidential administrations and transition teams should consider adopting this model as the standard template for all future transitions.⁵⁰ For more information about developing an MOU with the White House, please see [Chapter 1](#).

⁴⁹ Michael O. Leavitt, Christopher Liddell, Daniel Kroese and Clark Campbell, *Romney Readiness Project 2012: Retrospective & Lessons Learned* (Charleston, SC: R2P, Inc., 2013), 80.

⁵⁰ S. 1172, the Edward “Ted” Kaufman and Michael Leavitt Presidential Transitions Improvements Act of 2015, includes a provision directing the negotiation of an MOU no later than November 1 of an election year.

The MOU between the outgoing Bush administration and the Obama transition team was the result of Bush’s Executive Order 13476, Facilitation of a Presidential Transition. The order required the Presidential Transition Coordinating Council, through the agencies, to “assist the president-elect by making every reasonable effort to facilitate the transition between administrations.” This includes assisting and supporting “transition agreements between the White House or appropriate executive branch departments and agencies and the transition teams for the major party candidates and the president-elect... regarding transition procedures and identification of transition contacts.” The order also states that the council or its designee can direct the GSA administrator to coordinate activities with the appropriate agencies, including the Office of Government Ethics and the Office of Personnel Management, for key prospective presidential appointees.

The MOU title was Memorandum of Understanding Regarding Transition Procedures, Identification of Transition Contacts, and Access to Non-Public Government and Transition Information and was signed by Bush Chief of Staff Joshua Bolten and Obama Transition Chairman John Podesta on November 8, 2008, four days after the presidential election. The MOU covered all relevant aspects involved in the transfer and sharing of information between agencies and the Obama agency review teams. Both sides agreed to provide in writing lists of individuals authorized to initiate and coordinate transition activities between agencies and the transition, with these individuals solely responsible for the work that would take place within their specified agencies. The MOU also created an informal mechanism for resolving disputes. Bolten and Podesta each agreed to “designate in writing an individual or individuals authorized to confer in order to resolve [ethical, privacy, and privilege] concerns informally.”

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

The MOU also laid out the rules regarding the transfer of privileged and non-public information to the transition team, including a requirement that all transition team members have the requisite security clearances to access necessary materials. Further, it provided that agencies must require transition team members to sign non-disclosure agreements where appropriate and keep records of all information disclosed to the agency review teams. The administration and Obama transition also agreed to establish a disciplinary process for those who violated the terms of the MOU.

By establishing the rules and mechanisms for access early in the formal transition period, the Bush administration and Obama transition team laid a foundation for an effective and professional agency review process, especially given the legal requirements and complexities inherent in sharing such a large volume of confidential and non-public information. In a memo to the agency review teams, the Obama transition stated, “As members of an agency review team who will be going into government agencies ... 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.”

Train review teams to enter agencies

The agency review team should reach out to agencies immediately after the election in accordance with the MOU that has been negotiated between the transition team and the outgoing administration. Establishing a spirit of collaboration, open communication and trust is critical. In the words of a senior Bush advisor, the agency review team needs to be seen as “working with” and not “doing to” the agencies. Teams also should view this process as a way to onboard potential new appointees into the agency, while making clear that there should be no expectation on the part of agency review team members of a position in the new administration.

In the past, agencies created work space for the new administration’s representatives. This helped facilitate open communication between the agency review teams and agency staff, and allowed the agency to provide a handful of career employees to help the teams get to know the environment, people and mission during the first few weeks of the post-election transition.

Building a spirit of collaboration between top staff of the outgoing administration and agency review team is important, and can be accomplished by maintaining professional and courteous relationships. At the same time, if the election has brought a change in 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.

The Obama 2008 transition for the Department of Defense provides a good example of this process working well, although Robert Gates, George W. 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 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 pre-reads 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 political appointees and non-career 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 government-wide 2008 transition was notable for the high level of cooperation between the agency review teams and the Bush administration. 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 review teams were having in getting the appropriate access to agencies.

In 2012, the Romney Readiness Project created a number of smaller landing teams of five to 10 people as part of the department and agency review group. They were responsible for working with each agency directly and facilitating the handover of responsibilities and decision-making authority. The initial goal of these teams was to evaluate and identify issues that would need the immediate attention of incoming leadership. Landing team members were subject to more rigorous vetting than agency review team members due to their access to non-public information, need for security clearances for some agencies, and potential conflicts of interest. Those exposed to classified information required an FBI clearance. Registered lobbyists were not permitted to serve as landing team members.⁵¹

The Romney team held tabletop exercises for all landing teams to “help prepare the teams for effective agency review. Additionally, the exercises were aimed at reinforcing the need for highly professional conduct once in the agency. Any undue tension between the outgoing appointees and landing team members would be counterproductive.”⁵²

As was the case in the Romney transition team, agency review personnel should be trained to approach each agency with respect, to ask questions about the overall functions and mission of the agency and sub-offices, and to quickly develop a collaborative and open working relationship with their agency coun-

51 Michael O. Leavitt, Christopher Liddell, Daniel Kroese and Clark Campbell, *Romney Readiness Project 2012: Retrospective & Lessons Learned* (Charleston, SC: R2P, Inc., 2013), 79.

52 Ibid.

terparts. The review teams should have a clear understanding of the major policy priorities of the president-elect and how their particular agency fits into the overall policy platform of the incoming administration. Finally, the agency review teams should collaborate and work closely, to share information and to learn from each other as well as from their respective agencies.

In the Obama transition, agency review 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 non-public information and that they left a positive impression on agency staff (see [appendix 5.2](#)). In general, agency review teams were asked to:

- Not accept or seek personnel files or attorney-client privileged materials
- Avoid non-public information regarding adjudications or enforcement actions
- Treat all documents as confidential and follow special procedures for limited-access documents (generally, documents containing non-public information)
- Be transparent and deferential in interactions with agencies
- Maintain consistent tone when interviewing agency staff, which included avoiding questions designed to elicit views on the policy priorities of the incoming administration
- 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

Agency career staff are professional civil servants who generally welcome a new administration's representatives. Just as the agency review teams need to be mindful of how they are engaging agency staff, the career staff want to build a strong working relationship with the new team. They will "aim to please" their new political leadership, and appointees would be well served by finding every opportunity to work collaboratively with their counterparts in the civil service.

Identify core continuity staff

It is sometimes worthwhile to identify the top-performing political appointees who are carrying out key functions of an office and 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 could include jobs critical to national, homeland and economic security. Agency review teams working with each major agency are well positioned to determine whether particular non-career staff members should be invited to stay on temporarily or permanently.

Incoming administrations are often worried about political staff "burrowing in" (the practice of outgoing administrations converting political appointees to career staff) and staying on in the new administration. The Presidential Transitions Improvements Act of 2015 requires OPM to report quarterly to Congress on which political appointees have converted to civil service positions. But fears over unwanted holdovers from the previous administration

should not stop a new administration from identifying talented individuals who could be of value to the incoming president’s agenda.

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. 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 on board. 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 may ask for the resignation of 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 a nonpolitical role in which appointees can and do span multiple administrations. Other positions are politically appointed but serve for fixed terms.

Finally, agency review teams should identify high-performing career employees and those playing critical roles. This will be especially helpful as agencies seek outstanding performers for high-impact roles and to serve as the “bench” of talent that will help minimize the effect of departures by those in appointed positions. Identifying key career staff also will help political leaders build relationships with those employees who will be most critical to implementing the new administration’s policy priorities. By taking this step early, the agency review team can set up both the agency’s new political team and the administration for success down the line, and build credibility and goodwill among the career staff. Identifying and developing such staff early through training and involvement 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.

Facilitate coordination between agencies

A major resource for agency career personnel during the agency review and transition process is their counterparts who are working on the internal transition in other agencies. Some agencies, particularly the Department of Defense, spend considerable time and energy planning for transitions and ensuring continuity. These agencies often have valuable information, resources and experience to share with the transition directors of smaller agencies or agencies with less in-house institutional knowledge.

In preparation for the 2008 transition, President Bush set up the Agency Transition Directors Council to facilitate the sharing of information and lessons learned between agencies, and to standardize what each agency was preparing for the incoming administration. This brought together the designated transition leads of each major agency to share lessons learned from prior tran-

sitions and to coordinate resources and information. The result was a stronger network of agency transition directors and a closer working relationship among agency transition staff.

In 2012, the Agency Transition Directors Council also served an important role during the pre-election period. Described half-jokingly as a “first date,” this meeting was held in October, shortly before the election, and brought together the transition leads from each federal agency as well as the agency review leads from Romney’s transition team. The purpose of the meeting was to allow agency transition leaders and Romney team members to meet each other, to identify key points of contact in the event that a transition occurred, and to set the tone between the agencies and the Romney team for future meetings.

The process of organizing and facilitating the Agency Transition Directors Council in 2012 was led by Darren Blue, who at the time served as GSA’s associate administrator for emergency response and recovery. The council developed standardized reporting guidelines for agencies to use in preparing materials for the landing teams, as well as lists of landing team leads and contact information that agencies would have been able to use. The Presidential Transitions Improvements Act of 2015 makes the council permanent and require it to meet regularly during the months leading up to a presidential transition. A permanent standing council is a way to ensure that GSA and other executive agencies have the means to share lessons learned and best practices for managing transitions and appointee turnover. Giving the council a permanent role also lessens, or at least sidesteps, the potential reluctance toward transition planning for an incumbent administration running for re-election.

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 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 for the agency. 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 made an effort to give incoming officials the opportunity to sit down with their predecessors and the last few people to have served in those positions.

Agency review personnel should make sure that incoming agency leaders are getting concise, useful and meaningful information. Teams should, to the extent possible, learn from the experience of previous political appointees and the outgoing administration to determine what was most helpful to them when developing the requirements and templates for final deliverables. The briefings should include information beyond the basic “need to know” to cover items that may help the new appointees succeed in their jobs, including recent agency interaction with Congress, the state of employee morale and engagement in the agency, and policies in the pipeline that can provide easy, early wins for the new administration.

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 and budget and organizational design.
- Negotiate a memorandum of understanding with the White House regarding the transition team's access to federal agencies. This will be signed after Election Day.
- Select, train and prepare agency landing teams to approach each agency with respect, to ask the right questions about the overall functions and mission of the agency and sub-offices, and to quickly develop a collaborative and open working relationship with their agency counterparts.

Post-election:

- Agency landing teams meet with agency staff to capture information for the agency review reports.
- Identify: (1) top-performing political appointees recommended to stay on in the new administration (often true for management positions such as CFOs and assistant secretaries for management and administration); (2) political appointees who should be asked to stay until a qualified replacement is found (for positions too important to leave vacant, such as finance, acquisitions, and other key administrative roles); and (3) 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 5.1

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

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 5.2

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

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 5.3

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

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 memo’s 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 FY2009, 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 5.4

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

APPENDIX 5.5

Annotated Outline for the “Liaison Roadmap”

Source: Obama-Biden Transition Project documents

Table of Contents

- I. Section 1—Executive Summary
 - a. Provide a short summary for the Agency Liaison of the key issues highlighted in the main memorandum below.
 - b. Describe the very short list of “first 90 days” priorities for the agency and/or key areas of investigation for Agency Liaisons related to immediate priorities. Note that this is likely to be less about affirmative strategic priorities than about “ticking time bomb” concerns related to looming deadlines or matters where immediate course corrections related to Bush administration actions is necessary.
- II. Section 2—Agency Overview
 - a. Agency History Under Bush—Provide a short summary of the history of the agency since January 19, 2001. Briefly highlight major shifts in overall policy emphasis; legal and regulatory changes of direction; and structural or personnel changes that have materially impacted the functioning of the agency.
 - b. Campaign commitments—Provide a brief summary of the primary commitments made by the campaign either directly pertaining to the agency or involving areas under the agency’s primary jurisdiction. This short discussion should focus exclusively on the most important issues; it need not be a comprehensive discussion.
 - c. Strategic—Summarize the strategic importance and role of the agency in advancing the goals of the Administration in 2009.
- III. Section 3—High Priority Issues

Note to agency review teams: item 3A asks in part for recommendations for important external stakeholders who Agency Liaisons should contact for additional input during the post-election period. For purposes of this memorandum, please limit your discussion to a handful of top priority items. Some agencies will also require a much more extensive external outreach plan. As needed, please create a separate document with this information, as outlined in the work plan and instructions memorandum from Lisa Brown.

- a. Priority Policy and Legislative Issues Requiring Immediate Attention—List the major non-regulatory policy and legislative issues requiring attention from the agency’s senior leadership between January 21, 2009 and January 21, 2010. Propose questions that would elicit additional useful information about these issues or flush out other similarly important issues. List key contacts in Congress or other outside stakeholders who should be contacted and consulted (including proposed order or priority) immediately after the election.
- b. Priority Regulatory and Litigation Issues Requiring Immediate Attention—List the regulatory and litigation issues requiring attention from the agency’s senior leadership between January 21, 2009 and January 21, 2010 including, but not limited to, significant regulations and significant, publicly available regulatory “guidance” documents (e.g., general counsel opinions, opinion letters, interpretive regulations, revisions to agency manuals, etc.) that have been proposed, promulgated, or otherwise issued since January 2008. Include any pending U.S. Supreme Court cases as well as any federal litigation where the agency must take positions of material importance to policy priorities. Propose questions that would elicit additional useful information about these issues or flush out other similarly important issues.

- c. Priority Budgetary and Management Issues Requiring Immediate Attention—List the budget and management issues requiring attention from the agency’s senior leadership between January 21, 2009 and January 21, 2010. Propose questions that would elicit additional useful information about these issues or flush out other similarly important issues.
- d. Priority Personnel Issues Requiring Immediate Attention—List the personnel issues requiring attention from the agency’s senior leadership between January 21, 2009 and January 21, 2010. Propose questions that would elicit additional useful information about these issues or flush out other similarly important issues.
- e. Budget Opportunities—List opportunities where the current agency budget could be reduced to free up resources for other priorities. Propose questions about existing budget areas that would elicit additional information about importance and impact, as well as the costs or other risks of cutting current budget areas.
- f. Organizational structure—Given the strategic goals with respect to this agency, describe potential changes that should be made to the structure of the agency. In addition, also in light of strategic goals, describe changes both with respect to any functions that should be moved outside or inside the agency, as well as with respect to other forms of inter-agency coordination involving the agency. List questions and issues that should be investigated to clarify whether and how such changes should be made. Emphasis should be on achieving strategic goals and priorities, not on basic management efficiency (unless imperative for strategic goals). Note that this item may not be applicable for many agencies.

APPENDIX 5.6

Agency Data File Outline

Source: Obama-Biden Transition Project documents
September 5, 2008

Annotated Outline for the “Agency Data File”

Table of Contents

- I. Section 1—Agency Overview
 - a. Agency’s Mission and History—Provide the “mission statement” and any brief history available on the agency’s web site or from other sources. Provide any similar statements or histories about the agency’s major component units (i.e., each significant organization, office, division, administration, bureau etc. within the agency).
 - b. Agency’s Organization—Provide an organizational chart of the agency and each of the agency’s major component units. List the major programs for which each unit is primarily responsible.
 - c. Agency in 2001—Describe how the agency has changed structurally since January 19, 2001. List organizational units, programs, advisory committees, or other entities associated with the agency that have been created, disbanded, reorganized, moved, or significantly downsized or expanded.
 - d. Campaign commitments—List all commitments made by the campaign with respect to either the agency specifically or regarding policy areas under the agency’s influence.
- II. Section 2—High Priority Issues
 - a. Priority Policy and Legislative Issues Requiring Immediate Attention—List the major non-regulatory policy and legislative issues requiring attention from the agency’s senior leadership between January 21, 2009 and January 21, 2010. Propose questions that would elicit additional useful information about these issues or flush out other similarly important issues. List key contacts in Congress or other outside stakeholders who should be contacted and consulted (including proposed order or priority) immediately after the election.
 - b. Priority Regulatory and Litigation Issues Requiring Immediate Attention—List the regulatory and litigation issues requiring attention from the agency’s senior leadership between January 21, 2009 and January 21, 2010 including, but not limited to, significant regulations and significant, publicly available regulatory “guidance” documents (e.g., general counsel opinions, opinion letters, interpretive regulations, revisions to agency manuals, etc.) that have been proposed, promulgated, or otherwise issued since January 2008. Include any pending U.S. Supreme Court cases as well as any federal litigation where the agency must take positions of material importance to policy priorities. Propose questions that would elicit additional useful information about these issues or flush out other similarly important issues.
 - c. Priority Budgetary and Management Issues Requiring Immediate Attention—List the budget and management issues requiring attention from the agency’s senior leadership between January 21, 2009 and January 21, 2010. Propose questions that would elicit additional useful information about these issues or flush out other similarly important issues.
 - d. Priority Personnel Issues Requiring Immediate Attention—List the personnel issues requiring attention from the agency’s senior leadership between January 21, 2009 and January 21, 2010. Propose questions that would elicit additional useful information about these issues or flush out other similarly important issues. Place special emphasis on identifying any new groups of Bush political appointees or other non-career management at the agency.
 - e. Budget Opportunities—List opportunities where the current agency budget could be reduced to free up resources for other priorities. Propose questions about existing budget areas that would elicit additional information about importance and impact, as well as the costs or other risks of cutting current budget areas.

- f. Organizational structure—Given the strategic goals with respect to this agency, describe potential changes should be made to the structure of the agency. In addition, also in light of strategic goals, describe changes both with respect to any functions that should be moved outside or inside the agency, as well as with respect to other forms of inter-agency coordination involving the agency. List questions and issues that should be investigated to clarify whether and how such changes should be made. Emphasis should be on achieving strategic goals and priorities, not on basic management efficiency (unless imperative for strategic goals). Note that this item may not be applicable for many agencies.

III. Section 3—Personnel and Management

- a. Agency's Total Workforce—Provide the section of the President's FY 2009 budget that discloses the total number of full-time employees ("FTEs") authorized to be employed by the agency during FY 2009. Provide the same information from the budgets for FY 2001 and FY 2005. If available, provide comparable information about the total number of FTEs actually "on board" in FY 2001, FY 2005, and FY 2009.
- b. Press, Trade Press, or Blog Stories About Personnel and Management Issues in the Agency—Search for any discussion of personnel issues in the agency since January 21, 2001, including:
- converting political appointees to career status;
 - hiring of experts, consultants, or contractors;
 - resignations of career employees or career employees being forced to retire;
 - appointments to advisory committees or other agency-related bodies;
 - recent decisions made within the agency about salaries or other compensation, travel, or other benefits provided to political appointees or senior career employees;
 - any significant outsourcing of key agency functions to private entities with a particular emphasis on identifying the programs most affected by outsourcing;
 - significant management issues or controversial decisions; or
 - significant conflict with unions.
- c. 2000 and 2004 "Plum Book" and Other Resources—Provide copies of the 2000 and 2004 "Plum Book" section about this agency. Also, provide a copy of the most recent Federal Yellow Book or other resource listing agency personnel for this agency.
- d. Identify any newly created non-career positions in the agency.
- e. Provide current job descriptions for the agency's senior leadership positions.
- f. Federal Advisory Committees. List any committees organized by the agency under the provisions of the Federal Advisory Committee Act (FACA). Include a brief description of the committees purpose and membership.

IV. Section 4—Program, Policy, and Regulatory Information

- a. Program Information
1. Programmatic Authority—Organized by component unit, provide material from the agency's web site or other sources describing all programs over which the agency has been given jurisdiction by legislation, executive order, or other legal authority.
 2. Appropriations Riders and Earmarks Affecting Existing Programs—Provide a copy of the portions of the FY 2008 and, if available, FY 2009 appropriations bill or omnibus act funding the agency. To the extent possible, identify riders or earmarks that limit, prohibit, direct, or require any action by the agency.^{*} Specify when the rider or earmark first became effective and its stated duration.
 3. Other Legislative Changes—Describe any recently-enacted legislation that will affect the programs or operations of the agency after November 5, 2008 through July 20, 2010. Include all legislation, including that which does not directly or explicitly regulate the agency's behavior.

^{*} We will attempt to make arrangements with the appropriate congressional staff or the Office of Management and Budget to provide this information

4. GAO Reports—Provide an annotated list of all GAO Reports issued since January 21, 2001 discussing and assessing the agency's programs. Identify and provide a copy of important GAO Reports requiring attention from the agency's senior leadership.
5. OIG Reports—Provide an annotated list of all Inspector General Reports issued since January 21, 2001 discussing and assessing the agency's programs. Identify and provide a copy of important GAO Reports requiring attention from the agency's senior leadership.
6. Program Evaluations—List and provide a copy of all publicly available evaluations of major programs (i.e., \$200 million or larger) other than the "PART" evaluations discussed in Section 5(c)(3) below.

b. Other Policy Issues and Enforcement

1. Imminent Non-Regulatory, Non-Legislative Policy Issues—List all non-regulatory policy issues that may require attention from the agency's leadership between January 21, 2009 and July 20, 2010.
2. Pending or Expected Legislation—List all legislation pending in Congress that is likely to require attention from the agency's leadership between January 21, 2009 and July 20, 2010.
3. Pending, Expected, or Recent Regulations—Provide a copy of the agency's section of the most recent Semi-Annual Unified Regulatory Agenda. Provide an annotated list of all significant regulations promulgated or published for notice and comment since January 21, 2008, as well as any "guidance" documents that could have significant impacts on regulatory programs.*
4. Agency's Congressional Relations—Identify the agency's authorizing committee, sub-committees of that authorizing committee that address issues within the agency's jurisdiction, other committees and sub-committees that address issues within the agency's jurisdiction, and the agency's appropriations sub-committee. List the membership of the committees and principal majority and minority staff.
5. (5) Executive Orders and Other Orders affecting Agency's Programs—List and provide copies of all executive orders, secretarial orders, significant bureau directives (i.e., defining the scope, resources allocated to, or processes used by the program), intra-Executive Branch memoranda of understanding, or similar actions relating to the agency's jurisdiction that have been issued since January 21, 2001 or which are expected to be issued between November 5, 2008 and July 20, 2010.*
6. Press, Trade Press, or Blog Stories About Enforcement, Regulatory or Litigation Issues—Search for any discussion of major enforcement strategies or tactics, regulatory matters, or pending or past litigation involving the agency after January 21, 2001 or expected to be commenced between November 5, 2008 and July 20, 2010.
7. Currently active litigation—Please complete a federal courts search in Westlaw/Lexis for the agency. List all active federal court actions including a short one/two sentence annotation of the basic issues in the action.

V. Section 5—Budget and Management

- a. FY 2001, 2005, 2009 Budget Information—Provide copies of the President's budgets for the agency for FY 2001, FY 2005, and FY 2009, including the public justification for the budget and relevant materials in OMB's budget appendix, accompanied by "Analytical Materials" and other OMB-produced or agency-produced supplementary materials that are relevant to the agency's budget.
- b. Mid-Year OMB Estimates—Provide copies of the OMB Mid-Session review for each from FY 2001, FY 2005, and FY 2009.
- c. Government Performance and Results Act (GPRA) and Presidential Management Agenda (PMA).

* We will attempt to make arrangements with the appropriate congressional staff or the Office of Management and Budget to provide this information

1. Strategic Plans—Provide a copy of the agency's last Multi-Year Strategic Plan from the Clinton-Gore Administration and the most recent Multi-Year Strategic Plan prepared pursuant to GPRA and the strategic plans for the preceding four fiscal years.
2. Annual Performance Plans (a/k/a "Performance Budgets")—Provide a copy of the agency's Annual Performance Plan for the last year of the Clinton-Gore Administration and the most recent Annual Performance Plan.
3. Annual Performance Reports—Provide copies of all PART assessments of the agency and its component units since the inception of PART plans (FY 2004?).
4. President's Management Agenda Scorecards and Supporting Materials—Provide copies of all the agency's PMA scorecards since the inception of the President's Management Agenda and all other PMA information that is unique to the agency.

* We will attempt to make arrangements with the appropriate congressional staff or the Office of Management and Budget to provide this information

APPENDIX 5.7

Guidelines for Agency Review User's Manual for Tier 1 Agencies

Source: Obama-Biden Transition Project documents
November 5, 2008

Guidance and an Annotated Outline for the "Users' Manual"

General Guidance

This outline is designed to help you produce detailed and useful information about your agency and to deliver that information in easily digestible form to a variety of audiences in the transition team and the next administration. Nonetheless, we expect you to use your best judgment while creating the Agency Users' Manual. Do not treat this outline as a mere formula to be filled in. Your analysis, your insights, and your prioritization of the information you collect will be just as important to the success of this endeavor as any of the particular information requests listed below.

This outline asks you to accomplish two things in your Agency Users' Manual. First, you should identify the big strategic questions facing the agency in light of our candidate's promises during the campaign and the big decisions that will need to be made about those questions. Don't make the decisions; rather, present options and be unsparing in identifying the tough choices to be made. If it is possible, define a vision for the agency, but you should be honest if different visions or philosophies are possible within the boundaries of the President-elect's stated positions on the issues. Sections 2 and 4 are appropriate forums for these discussions, but you may address these large issues elsewhere, as well.

Second, you should identify the specific tactics that the agency's new leadership team should consider to achieve the vision you have sketched out while also avoiding land mines along the way. Again, be unsparing and honest about the tough questions and choices that are presented. Keep the high-level vision and strategic questions discussed above in sight at all times, even when you are providing the detailed information requested by Sections 5, 6, 7, and 8.

The Audiences for the AUM's Various Sections

Sections 2, 3, and 4 are designed to be lifted out and presented as a summary document to the Secretary-designate or agency head, but also to remain in the full Agency Users' Manual for all of the agency's sub-Cabinet officials. If possible, please keep Chapters 2, 3, and 4 to a total of 25 pages. While some Secretaries-designate and agency heads may be interested in the entire Agency Users' Manual, we expect the summary and strategic material in Chapters 2, 3, and 4 to be most valuable, at least as a starting place. In addition, Section 2 can be lifted out and presented to the relevant policy council(s) in the transition team and their White House successors.

Section 5 is designed to surface important personnel issues for the transition team's central personnel operation (and its successor, the Office of Presidential Personnel), the agency's new Chief Operating Office, the agency's Assistant Secretary (or equivalent) for administration and management, and the sub-Cabinet officials who will lead the agency's component units. It will help these agency officials to work with the Office of Management and Budget to address overall personnel levels in the agency and each of its component units. It will also provide the sub-Cabinet officials with important information about available human resources to help them meet the challenges you will describe in Section 2, 4, and 6.

Section 6 will be critical to the sub-Cabinet officials leading component units, the agency's General Counsel, and the Assistant Secretary (or equivalent) for congressional affairs. Basically, this section will educate these officials about the environment in which they must try to achieve the vision you will describe in Section 2.

Section 7 will help the agency's new leaders and their sub-Cabinet officials participate in meaningful discussions with OMB and Congress about the FY 2009 continuing resolution and the FY 2010 budget. In addition, some of the information in Section 7 will be provided to the transition team's budget operation. This section will also help the COO and the Assistant Secretary (or equivalent) for budget, along with the new sub-Cabinet officials leading the agency's component units, to understand how others have evaluated their programs so that they can assess how and whether to respond.

Section 8 is designed to focus the new leadership team’s attention on opening up agency processes to the public and using technology, particularly information technology, to improve their agency’s functioning.

The Outline

- I. Section 1—Introduction and Table of Contents
 - a. Table of Contents (including appendices)
 - b. List of team members involved in the preparation of this book specifying the agency subdivision(s) from which each team member collected information.
 - c. List of agency personnel and others interviewed or otherwise providing information—This list should include every person interviewed and consulted in the preparation of the book, including agency officials and employees, congressional staff, former agency officials, and as appropriate, outside “stakeholders” of the agency. It should describe all other sources of information on which the team relied in the creation of this briefing book.

- II. Section 2—Executive Summary

For each of the following items: (1) include policy, legislative, regulatory, personnel, budget, and management priorities; (2) prioritize agency actions across these categories; (3) specify which action items the new President promised during the campaign or advocated during his Senate career; and (4) specify which action items will depend upon White House involvement for their success and which action items can be accomplished by the agency.

 - a. List the agency’s top priorities in the “first 100 days.” This section should focus on “ticking time bomb” concerns arising out of looming deadlines, immediate course corrections, or other near-term decisions that must be made by the agency’s senior leadership.
 - b. List the agency’s top priorities in the “first year.” This section should define intermediate-term goals for the agency, how the agency’s goals fit into the administration’s agenda, and top-priority actions which the agency should take to achieve its intermediate-term goals. Focus on both the new administration’s affirmative agenda and efforts to reverse Bush Administration actions.
 - c. List the agency’s top priorities in the “first term.” This section should define long-term goals for the agency, how the agency’s goals fit into the administration’s agenda, and top-priority actions which the agency should take to achieve its long-term goals. Focus on the new administration’s affirmative agenda.

- III. Section 3—Agency Overview
 - a. Agency’s Mission and History—Describe the agency’s history and the chronology of any major organizational changes. Describe the agency’s “mission”—that is, both its statutory mandates and its historic role—and the mission of each major component unit of the agency (i.e., each significant organization, office, division, administration, bureau etc.).
 - b. Agency’s Organization—Describe how the agency is organized and provide an organizational chart of the agency. In particular, identify the agency’s significant component units and list the major programs for which each unit is primarily responsible.
 - c. Agency History Under Bush—Provide a short summary of the history of the agency since January 19, 2001. Briefly highlight major shifts in overall policy emphasis; legal and regulatory changes of direction; and structural or personnel changes that have materially impacted the functioning of the agency.

- IV. Section 4—Issue Summaries

Please note that this section provides the opportunity to (a) provide a fuller discussion of the issues raised in Section 2, (b) identify any issues that you did not discuss in Section 2, but which should be considered by the new senior leadership team, and (c) offer summary background information.

 - a. Policy and Legislative Issues—List all important non-regulatory policy and legislative issues requiring attention from the agency’s senior leadership in the first year.

- b. Regulatory and Litigation Issues—List all important regulatory and litigation issues requiring attention from the agency’s senior leadership in the first year.
- c. Budgetary Issues—Briefly summarize the agency’s FY 2009 budget in a manner that is sufficiently detailed and clear to permit meaningful review by designees for senior leadership positions in the agency, their staffs, and senior transition team staff without extensive experience with or training in the budget process. This summary should include, for the agency as a whole and for each of its component units:
 - the total FY 2009 budget;
 - total full-time employees (“FTEs”) who are “on board” and the personnel budget;
 - the budget by program within each component unit (distinguishing discretionary spending from non-discretionary spending);
 - the budget and categories of expenditures for non-personnel spending by program;
 - the same information for each fiscal year from FY 2001 to FY 2008 (preferably presented graphically) and the agency’s FY 2010 submission to the Office of Management and Budget (OMB); and
 - any other useful budget information.

List budget issues requiring attention from the agency’s senior leadership in the first 100 days, the first year, and the first term.

- d. Organizational structure—If any are identified, list potential changes to the structure of the agency. In addition, describe any functions that should be moved outside or inside the agency, eliminated entirely, or newly created. Finally, identify areas requiring coordination with other agencies that would not involve structural changes.
- e. Personnel Summary—Identify the total number of staff in the agency and each of its component units. By component unit, list each position appointed by the President and subject to Senate confirmation, all other appointed positions, and all career managers. Identify all vacancies in career manager positions and term positions and all positions in which vacancies will arise before January 21, 2010. Discuss personnel issues requiring attention from the agency’s senior leadership in the first 100 days, the first year, and the first term.
- f. Management Issues Summary—Prepare a summary of the agency’s most recent Annual Performance Report and/or Performance Assessment Rating Tool (PART), prepared pursuant to the Government Performance and Results Act (GPRA), which is sufficiently detailed and clear to permit meaningful review by designees for senior leadership positions in the agency, their staffs, and senior transition team staff without extensive experience with or training in the GPRA process. This summary should explain which component units and programs of the agency are performing consistent with the expectations expressed in the Multi-Year Strategic Plan and the Annual Performance Plan, as well as whether additional resources may be required by any component units to perform consistent with expectations. In addition, discuss any other management issues requiring attention from the agency’s senior leadership in the first 100 days, the first year, and the first term.

V. Section 5—Detailed Discussion of Personnel

- a. Overview and Important Issues
 - 1. Organization and Reporting Relationships—Provide an organizational chart for the agency and each component unit of the agency. The chart should show reporting relationships of all senior staff and relationships between component units and sub-units. Include any further explanation of the reporting relationships that might prove helpful.
 - 2. Succession—Describe the department’s succession plan and the succession plan within each of the agency’s component units. Specify whether the succession plan is the subject of a secretarial order or other formal declaration of policy. If so, provide a copy of that order/declaration as an appendix. If not, then specify how succession decisions are made and name the official(s) who will make them.
 - 3. Agency’s Total Workforce—List the total number of full-time employees (“FTEs”)

authorized to be employed by the agency in each fiscal year from FY 2001 to FY 2009. Also, list the total number of FTEs actually “on board” in each year from October 1, 2001 through October 31, 2008.

4. **Component Units’ Workforces**—For each component unit of the agency, list the total number of FTEs which the component unit was authorized to employ in each fiscal year from FY 2001 through FY 2009. Also, list the total number of FTEs actually “on board” in that unit (and in each division, bureau or other sub-unit of that unit) in each year from October 1, 2001 through October 31, 2008.
 5. **Current Vacancies**—For each component unit of the agency, list all existing vacancies which the agency is currently authorized to fill. For each position, include the job title, position description, level, type of appointment (e.g., term, career or non-career, SES or GS), the closing date for applications, and other pertinent information.
 6. Identify any newly created non-career positions in the agency.
 7. Provide current job descriptions for the agency’s senior leadership positions.
 8. **Federal Advisory Committees**—List any committees organized by the agency under the provisions of the Federal Advisory Committee Act (FACA). Include a brief description of the committees’ purpose and membership.
 9. **Recent Decisions Affecting Salaries or Other Compensation, Travel, or Other Benefits to Any Category of Employees or Individual Employees**—Apart from congressionally mandated decisions, automatic increases, or increases tied to performance reviews, list all decisions implemented since January 21, 2005 that were made within the agency affecting the compensation, travel reimbursement, travel permissions, or other benefits provided to a category of employees (e.g., ES, SES, Schedule A, Schedule C, GS), a group within a category of employees (e.g., political SES, managers within one agency component unit) or an individual employee.
- b. **Career Managers and Political Appointees**
1. **Presidential Appointee Positions**—List all Presidential Appointment positions within the agency by job title, position description, level, and salary, along with the name of the individual currently holding the position, if any. Articulate the difference between the official job descriptions and duties the incumbents in those positions actually perform. If any Presidential Appointment positions are term appointments (i.e., the individual in the position serves for a fixed term of years rather than at the pleasure of the President), indicate both the date of the incumbent’s appointment and the date on which the incumbent’s term expires. For all term appointments, specify whether the incumbent intends to voluntarily resign from his/her position before the expiration of his/her term and, if so, the date on which he/she would like to have the resignation become effective.
 2. **SES and Other Managers, with dates of promotions**—Organized by component unit, list all career and non-career SES positions within the agency, including all limited term or emergency SES positions. Also, list all non-SES career managers in each component unit (i.e., GS-14 or higher supervisors and managers). For each position, provide the job title, a position description, level, type of appointment (i.e., career or political), and the date on which the position became an SES position, along with the name of the individual presently holding that position, if any. Where there is a significant difference between the official job descriptions and duties the incumbents in those positions actually perform, describe the differences. For all career SES positions, specify whether the incumbent intends to voluntarily resign or retire from his/her position and the date on which he/she would like to have the resignation or retirement become effective. For each component unit within the agency, list all career SES positions from which an incumbent has retired or otherwise left the agency since January 21, 2001 and the name of the incumbent currently occupying that position, if any.
 3. **Schedule C Employee Positions**—Organized by component unit, list all “Schedule C” appointments within the agency. For each position, provide a job title, position description, level, and the name of the individual presently holding the position. Articulate the difference between the official job descriptions and duties the incumbents in those positions actually perform. Also, determine whether the agency has any other non-career appointing authorities and, if so, how long they have been in effect and when they expire.

4. All Conversions from Political to Career—List all employees currently employed in career positions of any type who were employed after January 21, 2001 as non-career employees in your agency or another agency of the federal government. Also, list all positions in the agency that have been converted from political status to career or some other status.
 5. Pending or Expected Career Employee Hiring—Organized by component unit, list the name, grade, job title, date of hiring, and place of employment of all individuals hired or expected to be hired (include the projected hiring date) between November 5, 2008 and January 21, 2009.
 6. Retirements and Resignations—For each component unit, list the total number of retirements and resignations or other separations from the agency during each of the preceding four fiscal years. Acquire a list of the career GS 15's and SES's who are retirement-eligible and a branch-by-branch succession plan within the Agency.
 7. Advisory Committees—For each component unit (or specify if they are agency-wide), list all advisory committees to the agency, each advisory committee's membership, the members' terms of appointments, and any appointment that has been made, is pending, or is expected to be made before January 21, 2009.
- c. Outplacements and Inplacements
1. Transfers and Separations—List the total number of transfers or other separations from the agency during FY 2009 and each of the four preceding fiscal years. Also, list the name, grade, job title, and location of assignment or place of employment for all individuals presently being processed or processed in the last year for a transfer, a temporary duty assignment, or a conversion from a political or other type of employment status.
 2. IPAs and White House Fellows—List all currently effective appointments or anticipated appointments under the Intergovernmental Personnel Act, the White House Fellows Program, or other similar programs. Also, list any agency employee detailed to a foreign government by executive agreement or otherwise.
 3. Details—Determine what appointive positions are currently on intra-agency detail outside of their "home" branch. List all employees detailed from your agency to or from the White House, another Executive Branch entity, or any office in or related to the U.S. Congress since January 21, 2001. Include the current status of each detailee, as well as the job title, level, and component unit within the agency from which the employee was detailed. Specify the office in which the detailee works or worked and for what period.
- d. Contractors
1. Experts and Consultants—List all individuals currently engaged by the agency or who are parties to letters of intent with the agency, as well as those individuals expected to be engaged, as experts or consultants between November 5, 2008 and January 21, 2009. Indicate the nature of the work to be performed, the duration of the relationship, and the agency employee assigned to supervise the expert or consultant.
 2. Contractors—List all corporations, firms, associations, and other groups or organizations with which the agency has a current contract for consulting services, or which are parties to letters of intent for such services or expected to be contracted with between November 5, 2008 and January 21, 2009. Indicate the nature of the work to be performed, the terms and duration of the agreements, and the agency employee assigned to supervise the corporation, firm, association, group or organization.
- e. Other Useful Information
1. Union Contacts: Meet with any union that represents a unit of the agency's employees if the union is the employees' exclusive representative and the union has an effective collective bargaining agreement with the agency. Record any issues raised by the union during the meeting that should be brought to the attention of the agency's incoming leadership.

2. Other Information at the Team’s Discretion, including:
 - Determine branch-by-branch within the Agency what are the management processes that have improved the most in the past three years?
 - Determine branch-by-branch within the Agency what significant management and human capital initiatives are currently underway? Briefly describe their goals. When are they expected to be operational? What significant changes have been made in the last two years?
 - Determine branch-by-branch within the Agency the 4 most significant current challenges in managing each branch. These are questions about the capabilities of senior managers, processes crucial to the branch’s output, budget, and Congressionally mandated funding.
 - Detail the duties of the White House Liaison as currently constituted. How does the selection of appointees currently work? Name the steps.
 - Describe the role of the Executive Secretariat as currently constituted. Interview the senior career officer in the Executive Secretariat if possible.

VI. Section 6—Program, Policy, and Regulatory Information

a. Program Information

1. Programmatic Authority—Organized by component unit, list all programs over which the agency has been given jurisdiction by legislation, executive order, or other legal authority. For each program, provide a citation to the source of the authority for the agency’s jurisdiction and identify the agency officials who oversee the program and to whom they report.
2. Programs Expiring—Organized by component unit, list all programs or other activities over which the agency has jurisdiction which will expire or otherwise terminate by operation of law or other preexisting requirement between November 5, 2008 and July 21, 2010. For each program, provide a citation to the authority for the program’s expiration or termination, identify the agency officials who oversee the program and to whom they report, and the date on which the program will expire or terminate.
3. Pending Proposed Program Changes—For each program listed in #1, describe any proposed changes to the program proposed by the agency for possible implementation before July 20, 2010, expected to be proposed by the agency before July 20, 2010 for future implementation, or otherwise under development within the agency, or recommended to the agency by the Office of Management and Budget (OMB), or the agency’s congressional authorizing committee (or its sub-committees) or appropriations sub-committee.
4. Appropriations Riders and Earmarks Affecting Existing Programs—Organized by component unit, list all riders and earmarks in the agency’s FY 2009 appropriations bill that limit, prohibit, direct, or require any action by the agency. Specify when the rider or earmark first became effective and its stated duration.
5. Other Legislative Changes—By program, describe any already-enacted legislation that will affect the programs or operations of the agency beginning after November 5, 2008 through July 20, 2010. Include all legislation, including that which does not directly or explicitly regulate the agency’s behavior.
6. GAO Reports—List all GAO Reports issued since January 21, 2001 discussing and assessing the agency’s programs. Identify reports worth special attention from the agency’s incoming senior leadership. Attach the “special attention” GAO reports as appendices.
7. OIG Reports—List all Inspector General Reports issued since January 21, 2001 discussing and assessing the agency’s programs. Identify reports worth special attention from the agency’s incoming senior leadership. Attach the “special attention” OIG reports as appendices.
8. Program Evaluations—Identify and describe any other cost-benefit analyses or other evaluation data relating to the agency’s programs. For major programs (i.e., \$200 million or larger), list the evaluations completed within the last four fiscal years and those evaluations currently in progress. Identify those evaluations worth special attention from the agency’s incoming senior leadership. Attach those “special attention” evaluations as appendices.

- b. Policy, Legislative, Regulatory, and Enforcement Issues
 1. Pending or Expected Legislation—List all legislation pending in Congress that was proposed by the agency or identified with the agency. Include the agency’s legislative calendar, if any.
 2. Pending or Expected Regulations—Organized by component unit, list all regulatory actions, including notices of proposed rulemaking, advance notices of proposed rulemaking, requests for public comment, notices of availability for public examination or review, final rules, or interpretive rules, that will be initiated, continued, or completed or are expected to be initiated, continued, or completed, between November 5, 2008 and July 20, 2010. Include the most recent Semi-Annual Unified Regulatory Agenda and any information not included in the Unified Agenda. Also, identify all regulations on which work was begun before January 21, 2001, halted after January 21, 2001 without being published in final form, and the work still exists in the agency.
 3. OIRA Relations—Identify which agency employees manage the agency’s relationship with the Office of Management and Budget’s Office of Information and Regulatory Affairs (OIRA) with respect to regulatory matters. Describe the relations between these agency employees and the OIRA career staff. List the agency’s principal contacts on OIRA’s career staff.
 4. Existing Agency Regulatory Practice—Describe the existing practice within the agency for the review of regulatory actions proposed by a component unit before the regulation is sent to OIRA for consideration. Also, identify the agency employees responsible for managing the regulatory process and assembling the agency’s section of the Unified Agenda.
 5. Agency’s Congressional Relations—Identify the agency’s authorizing committee, sub-committees of that authorizing committee that address issues within the agency’s jurisdiction, other committees and sub-committees that address issues within the agency’s jurisdiction, and the agency’s appropriations sub-committee. List the membership of the committees and principal majority and minority staff. Describe how the agency has managed its congressional relations and with whom it has worked most closely on its authorizing and appropriations committees. Identify which agency employees manage the agency’s relationship with the relevant appropriations sub-committee.
 6. In-Process Reports by Agency, including In-Process OIG Reports—Organized by component unit, list all reports, assessments, or other analytical documents to be provided to the U.S. Congress or other federal government body which the agency expects or is required to issue in draft or final form between November 5, 2008 and July 20, 2010.
 7. Executive Orders and Other Orders affecting Agency’s Programs—List all executive orders, secretarial orders, bureau directives, intra-Executive Branch memoranda of understanding, or similar actions relating to the agency’s jurisdiction which might be or are expected to be issued between November 5, 2008 and July 20, 2010.
 8. Enforcement Issues—For each component unit with any form of law enforcement authority, list each major enforcement strategy or important tactic commenced by the agency after January 21, 2001 or expected to be commenced between November 5, 2008 and July 20, 2010.
- c. Litigation
 1. Pending Lawsuits—List all significant pending lawsuits (i.e., ongoing at the time of your report) commenced by or against the agency. Provide copies of the initial litigation reports and a summary of the current status of each lawsuit. Include any lawsuit in which the agency is participating as *amicus curiae* (i.e., “friend of the court”) as well as those in which the agency is a party.
 2. Expected Lawsuits—List all lawsuits expected to be commenced by or against the agency between November 5, 2008 and July 20, 2010 and the expected date on which the lawsuit will commence.

3. Resolved Lawsuits Affecting Agency Operations or Decisionmaking—List all lawsuits resolved after January 21, 2001 which significantly affect the agency's operations or a component unit's operations, including regulatory, enforcement, or other programmatic activities.

VII. Section 7—Budget, Management, Contracts, and Procurement

a. FY 2009 Budget Information

1. FY 2009 Budget—For each authorized program, specify (a) the program's authorized level of funding; (b) the amount appropriated by Congress in FY 2009 or otherwise available for the program and whether annual or "no year" funds; (c) unobligated balances at the end of FY 2008; (d) the amount appropriated by Congress in FY 2008 and whether annual or "no year" funds; and (e) any other funds available for use by the program.
2. Budget Justification—As an appendix to this briefing book, provide a complete copy of the agency's FY 2009 and FY 2010 justification books supplied to the Appropriations Committee or its sub-committees.
3. Supporting Materials—As an appendix to this briefing book, provide a complete copy of any Comparative Statement of Budget Authority or "All Purpose" tables provided by the agency to the Appropriations Committee or similar tables currently used by the budget office. Describe the latest congressional action relating to this information.
4. Unobligated Balances—By line item, list current unobligated balances and describe the intended use of these funds in as much detail as possible.
5. Changes in Current Services Estimates—By line item, list all major changes (more than \$200 million or 10% in budget authority or outlays for any account) in the current services estimates for FY 2008 and FY 2009 when compared with the OMB Mid-Session estimates for those fiscal years.
6. Additional Supporting Materials—As an appendix, provide complete copies of all issue and background papers prepared for OMB staff in preparation for the FY 2009 budget and for the transition process.

b. FY 2010 Budget Information

1. OMB Submission—As an appendix to this briefing book, provide a complete copy of the agency's latest submission(s) to OMB during the 2008 review process for the President's FY 2010 Budget.
2. Proposed Management and Administrative Savings—By line item, describe major savings (i.e., more than \$200 million or more than 10% of appropriated funds) incorporated in the current services baseline that are based on management reforms or administrative actions that have not yet been fully implemented. Explain whether these actions are on schedule and consistent with the savings estimates.
3. Regulatory Impact—List all regulatory actions that will have an impact on the agency's budget and personnel. Describe the impact on the current services estimates, programs, operations, or other budgetary aspects of the agency. Specify how this impact will be reflected in the agency's FY 2010 current services submission to OMB. Include information relating to all regulatory actions identified in Section 6B(2) above.
4. Impact of Litigation or Union Issues—Taking care to avoid the disclosure of closely held information, list all lawsuits or union grievances that will have an impact on the agency's budget and personnel. Describe the impact on the current services estimates, programs, operations, or other budgetary aspects of the agency. Specify how this impact will be reflected in the agency's FY 2010 current services submission to OMB.
5. Impact of Executive and Other Orders—List all executive orders, secretarial orders, bureau directives, intra-Executive Branch memoranda of understanding, or similar actions relating to the agency's areas of jurisdiction that will have an impact on the agency's budget and personnel. Describe the impact on current services estimates, programs, operations, or other budgetary aspects of the agency. Specify how this impact will be reflected in the agency's FY 2010 current services submission to OMB.

6. Hiring Freezes and Reductions in Force—Determine whether the agency or any part of the agency is subject to a hiring freeze. Identify how much of a reduction in the agency's present operating budget would trigger furloughs or reductions-in-force not currently planned.
 7. Reductions in Resources—If a major reduction in resource levels were required, describe what major program consolidations or downsizing should be considered that would not interfere with accomplishing the agency's mission. Assess a 3% reduction and a 10% reduction.
 8. Reductions in Operations—By component unit, list any closings, consolidations, or relocations of any agency offices or installations that will be undertaken after November 5, 2008 under mandate by Congress or the General Services Administration. Identify the total expected costs and savings associated with those actions. Also, list any closings, consolidations, or relocations of any agency offices or installations since January 21, 2001, the costs or savings projected to flow from those actions, and the actual costs or savings from those actions.
- c. Government Performance and Results Act (GPRA)
1. Strategic Plans—Provide a copy of the agency's most recent Multi-Year Strategic Plan prepared pursuant to GPRA and any interim adjustments to the strategic plan. If the strategic plan has not been completed, provide any draft materials to be used in the preparation of the next Multi-Year Strategic Plan. Also, provide a copy of any prior Multi-Year Strategic Plans and interim adjustments prepared by the agency pursuant to GPRA and the agency's schedule for the completion of the next Multi-Year Strategic Plan.
 2. Annual Performance Plans (a/k/a "Performance Budgets")—Provide a copy of the agency's most recent Annual Performance Plan, its plans for the preceding four fiscal years, and any interim adjustments to those strategic plans. If the FY 2008 or FY 2009 performance plan has not been completed, provide any draft materials to be used in the preparation of the next set of plans.
 3. Annual Performance Reports—Provide copies of all PART assessments of the agency and its component units, if any. Also, provide copies of the agency's and the component units' Annual Performance Reports prepared pursuant to GPRA for FY 2009 and each of the four preceding fiscal years. Also, provide any draft materials to be used in the preparation of the Annual Performance Report for FY 2010.
 4. Congressional and OMB Responses—Provide copies of any congressional correspondence or other formal responses to the agency's or component units' current Multi-Year Strategic Plan, most recent Annual Performance Plan, and most recent Annual Performance Plan. Also, provide copies of any formal correspondence from the responding to the agency's or component units' current Multi-Year Strategic Plan, most recent Annual Performance Plan, and most recent Annual Performance Plan.
- d. Presidential Management Agenda (PMA)
1. President's Management Agenda Scorecards and Supporting Materials—Provide copies of the agency's PMA scorecards since the inception of the President's Management Agenda and all materials prepared by the agency, whether or not submitted to the Office of Management and Budget, relating to the subjects addressed in the scorecards. In particular, provide a copy of any completed or ongoing feasibility studies associated with the President's Management Agenda and all competitive sourcing competitions that have been completed or are planned or ongoing.
 2. PMA Plans—Identify all plans within the agency relating to the President's Management Agenda that would be implemented between November 5, 2008 and July 20, 2010.
- e. Budget Officers' Opinions About the Agency's Budget—Interview the agency's budget officers and seek their opinions regarding any cuts or increases they suggest as options for the agency's FY 2010 budget. Also, describe any short-term or long-term budgetary "land mines" or potential problems in the agency's budget that have been identified by the agency budget officers.

- f. OMB/OIG Relations and Related Matters
 1. OMB/Budget and Management—Describe the relations between the agency budget officers and the OMB career staff, specifically the examining staff and the management staff. Identify the agency employees who manage the relationship with the OMB career staff.
 2. OIG—Describe the role played by and the effectiveness of the agency’s Office of the Inspector General with respect to budget issues.

- g. Special Spending Categories
 1. Pending Procurement Decisions—List any major procurement decisions that will bind the agency in any way and will be made or are expected to be made between November 5, 2008 and July 20, 2010. Also, identify any major procurement decisions made after September 1, 2008.
 2. List of Contracts with Experts, Consultants, and Contractors—Using the list of experts, consultants, and contractors identified in Section 4D, and any other vendors or service providers to the agency, list which contracts are currently in force; which contracts are expected to be awarded or renewed during FY 2009 or FY 2010; and which contracts have been or are likely to be awarded on a sole source basis.

- h. Other Useful Information

VIII. Section 8—Technology Information

- a. Information Transparency—List the agency’s major information dissemination activities (in reports, on web sites, etc.). Describe how the agency decides what information to publish on the Internet and on paper. Identify the agency officials who manage these decisions and to whom they report.
- b. Key Data—Provide the following information about the agency’s collection and dissemination of information:
 1. Identify information that has been collected in the agency, but is not currently available to the public via the web (e.g. ethics disclosure forms are not online).
 2. Identify information that is not yet collected, but could be collected, and disseminated to the public to improve programs or operations.
 3. Identify agency data that are published in open, structured, machine-readable formats.
 4. Identify key agency data that the CTO or CIO believe ought to be made more transparent and accessible.
- c. Open Government—Identify any ways in which the agency conducts its business in the open (e.g., televised or webcast meetings, posting of travel and meeting schedules online).
- d. Cyber-Security and Privacy—Identify the agency officials who have primary responsibility for 1) cyber security policies and practices and 2) privacy policies and practices. Identify to whom these officials report. Ask the responsible officials to describe how the agency protects application, infrastructure, and network security and user/citizen privacy. Assess the extent to which the agency’s cybersecurity and privacy programs are robust, mature, and effective.
- e. Public Participation Practices—Identify forms of consultation the agency uses, other than notice-and-comment rulemaking, for consulting scientists or other experts and consulting the public (e.g. Federal Advisory Committees, Science Advisory Boards, Negotiated Rulemaking). Identify existing ways in which a citizen can contribute to agency work via the Internet.
- f. Transacting with the Public—Identify ways in which the agency transacts business with the public online (e.g., submission of benefits applications, account management, applications for licenses, online tax and regulatory filings).
- g. IT Infrastructure—Ask the CTO/CIO to describe major IT infrastructure owned by the agency and major IT infrastructure leased or outsourced by the agency. Ask him/her to provide the age of the major IT infrastructure and to indicate how much (if any) ancillary infrastructure is not included in the above.

- h. Planning—Ask the CTO/CIO to describe the IT capital planning process. Ask him/her to describe any major IT infrastructure or application projects that have been completed in the past two years. Also, ask him/her to describe any major projects that are currently under construction and their status.
- i. Procurement—Ask the CTO/CIO how well the IT procurement process works. Ask him/her if it produces results that achieve the agency's technology goals and how might it be improved.
- j. Cost Savings—Ask the CTO/CIO to identify ways in which they agency could save money in its technology budget without interfering with the agency carrying out its programs and functions. Ask him/her to identify the three most expensive processes performed by the agency.
- k. Innovations—Ask the CTO/CIO to identify the agency's three most significant technology innovations in the past 2 years and any near-term opportunities to use technology in innovative ways to better perform the agency's mission.

APPENDIX 5.8

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 (DOJ) 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
	LANDING TEAM ORIENTATION AND TRAINING
October 8–9, 2012	Convene Landing Team. Attend Landing Team Kick-off and orientation session. Meet with current administration Department/Agency Liaison.
	OUTREACH PLANNING
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.
	BUDGET DELIVERABLES
December 15, 2012	Budget Input guidance to be provided by Budget Group
	POLICY AND STRATEGY DELIVERABLES
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 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.

“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

How a president-elect spends the roughly 75 days between election and inauguration is determined not only by policy priorities and goals, but also by a wide variety of public events, internal meetings, travel and briefings that will consume the majority of time. Despite the many demands during the handover phase, care must be taken to build in sufficient time for the incoming president to rest and recharge before assuming the duties of the presidency.

The position of president-elect is unique and challenging regarding interaction with the current officeholder. The incoming president's team should obey the maxim of "one president at a time" and refrain from interfering with the policies of the incumbent. The transition team also should 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.

FUNDAMENTALS OF THE PRESIDENT-ELECT'S SCHEDULE

How a president-elect chooses to spend time before assuming office is a function of personal style, the priorities and agenda set during the campaign, and the core commitments that must be kept. Extreme and varying demands placed on the president-elect's time warrant a carefully planned schedule.

How the president-elect is supported and by whom has varied in prior transitions. President-elect George W. Bush's transition team did not play a role managing the president-elect's activities; those were handled by the incoming chief of staff and members of the incoming White House staff. The Romney Readiness Project envisioned a different model, creating a president-elect support team to design a strategic 75-day calendar to help advance the new administration's goals. This work was to have 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 first lady.

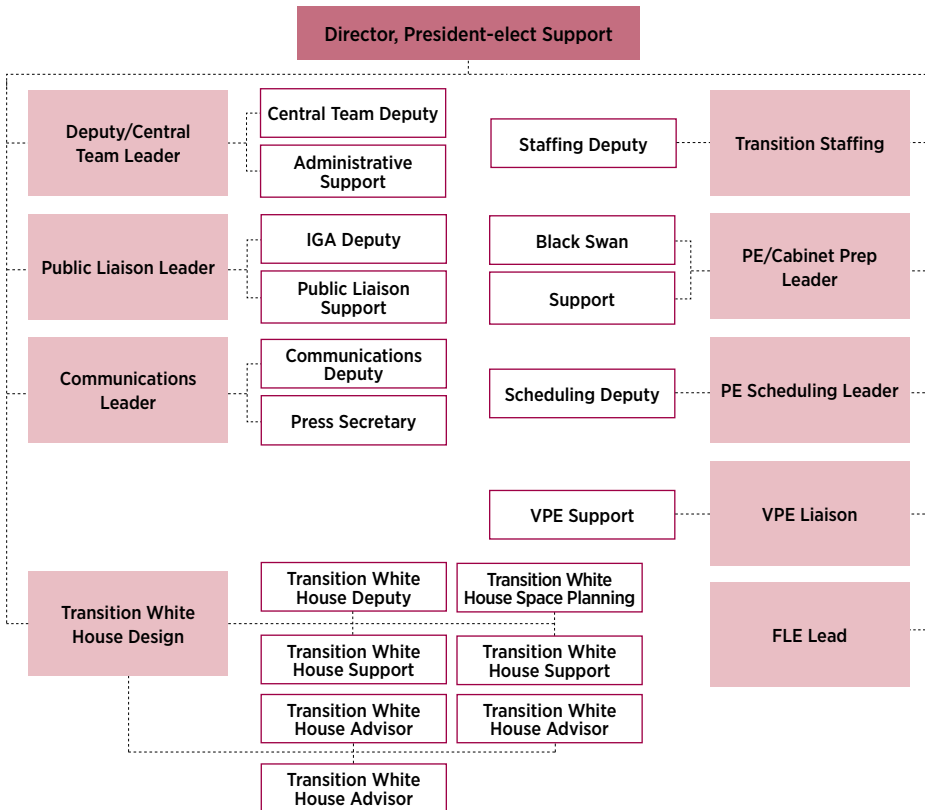
To the extent that the transition team is involved in president-elect support, it is important for the team to understand the president-elect’s work style, including how early he or she likes to start, the preferred manner of receiving information, and who and how many people should be included in meetings as they develop the calendar and agenda for the post-election transition period.

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 communications with foreign dignitaries, outreach to other branches of government, major political figures and personnel announcements. State and local outreach plays a particularly important role. In 2008, the Obama transition had an intergovernmental affairs shop that coordinated communication and outreach to state and local governments, as these can provide a pipeline of potential nominees and serve as an outlet to key supporters and a source of pol-

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* (Charleston, SC: R2P, Inc., 2013), 58.

Various transition approaches

Transition approaches are influenced by each President-elect’s personal style, and strategic focus of the day.

	REAGAN	CLINTON	G.W. BUSH	OBAMA
Location preferences	<ul style="list-style-type: none"> Based in California; retreated often to personal ranch Regular DC trips to conduct own outreach 	<ul style="list-style-type: none"> Based in Arkansas; two brief, high-impact DC trips Several trips to other states 	<ul style="list-style-type: none"> Late move (delayed result; preference to stay outside DC) Flew stakeholders, members of Congress to Texas 	<ul style="list-style-type: none"> Based in Illinois, but early DC move for daughters’ school Split transition office model (Illinois and DC)
Personnel selection	<ul style="list-style-type: none"> White House staff announced early; other positions paced throughout Written statements, no press conferences; wanted to let nominees “shine” 	<ul style="list-style-type: none"> Highly consultative approach; high president-elect engagement in interviews (including low-level White House) Announcements made later in blocks-Cabinet then White House Promotion of successive transition leads to Cabinet 	<ul style="list-style-type: none"> Official processes delayed until president-elect declared, but hearings expedited to ensure readiness on January 20. White House and Cabinet announcements made rapidly, in parallel 	<ul style="list-style-type: none"> Extensive written application process Daily announcements (White House then Cabinet) Announced in “topic clusters” to create press opportunities and frame policies
Policy focus	<ul style="list-style-type: none"> Stuck to narrow and focused policy agenda (~5 priority policy issues) during the campaign period 	<ul style="list-style-type: none"> Commentary on broad range of topical issues (including economy and foreign policy) Used “summit” approach (economic) 	<ul style="list-style-type: none"> Heavy emphasis on economy and education Expanded “summit” format (business, technology, education, agriculture); used to inform policy 	<ul style="list-style-type: none"> Dominated by economic crisis “Backward mapping” of key foreign and domestic events to prioritize policy (e.g., TARP) Used Cabinet announcements as policy platforms
Congress and stakeholder outreach	<ul style="list-style-type: none"> Heavy congressional outreach (perceived weakness of predecessor) President-elect spent much of own time on the Hill 	<ul style="list-style-type: none"> Congress compressed into 2 brief, high-intensity DC visits Significant effort with external stakeholders (e.g., business leaders and benefactors) 	<ul style="list-style-type: none"> Significant outreach to own party; some to Democrats Key stakeholders visited Texas Vice president conducted much outreach as president-elect’s “proxy” in DC 	<ul style="list-style-type: none"> Less emphasis on Congress due to partisan rifts, though more in January due to crisis Transition team conducted much on president-elect’s behalf
Media and publicity	<ul style="list-style-type: none"> Stayed out of public limelight; few formal press conferences Used informal press Q&A sessions while on the road 	<ul style="list-style-type: none"> Significant focus on media and public appearances (including speeches and events) 	<ul style="list-style-type: none"> Strong use of photo ops; adhoc press interaction 	<ul style="list-style-type: none"> Announcements and web videos as policy vehicles Staggered appearances to stay in public eye

Source: Boston Consulting Group analysis

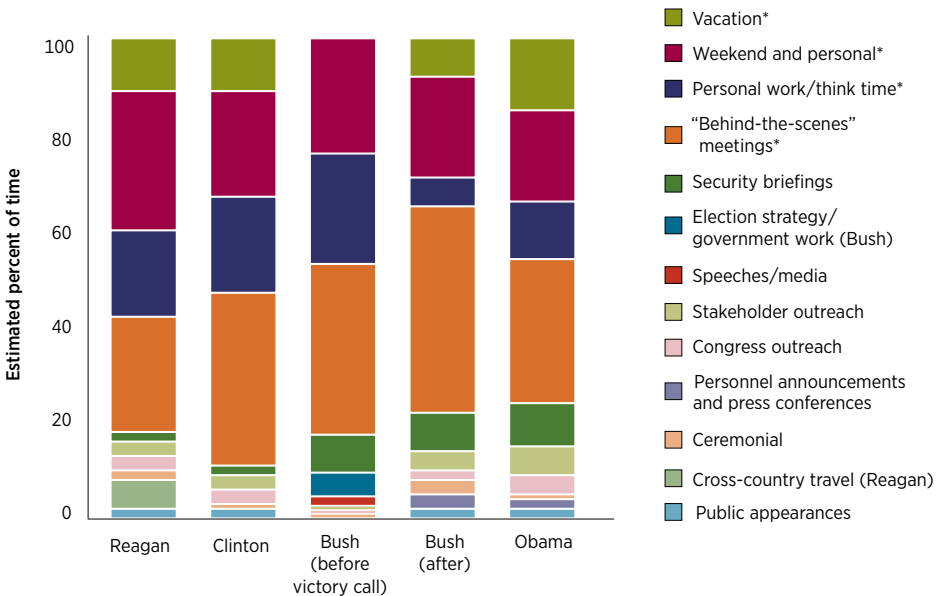
icy ideas. Immediately after the election, the president-elect and his staff will spend time returning congratulatory phone calls from foreign leaders, members of Congress and domestic supporters. While these calls typically do not touch heavily on outstanding policy issues, it is vital that the president-elect and the staff understand the relevant protocol.

Policy and intelligence briefings

After the election, the president-elect and top advisors will begin receiving 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 percent of their time on security and intelligence briefings (time study available at presidentialtransition.org). In general, meetings with the president-elect during the transition should use the same processes that will eventually govern meetings in the White House—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. During the 2008 transition, President-elect Obama’s economic team met with Bush administration

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.



*Categories are unaccounted in public records and are estimated

Source: Boston Consulting Group analysis

officials to discuss the distribution of Troubled Asset Relief Program funds, the appointment of an auto czar and the collapse of the auto industry.⁵² 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.

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 November 17, 2008, about two weeks after the presidential election, President-elect Obama met with his campaign opponent, Sen. John McCain, 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.

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.

Unexpected events

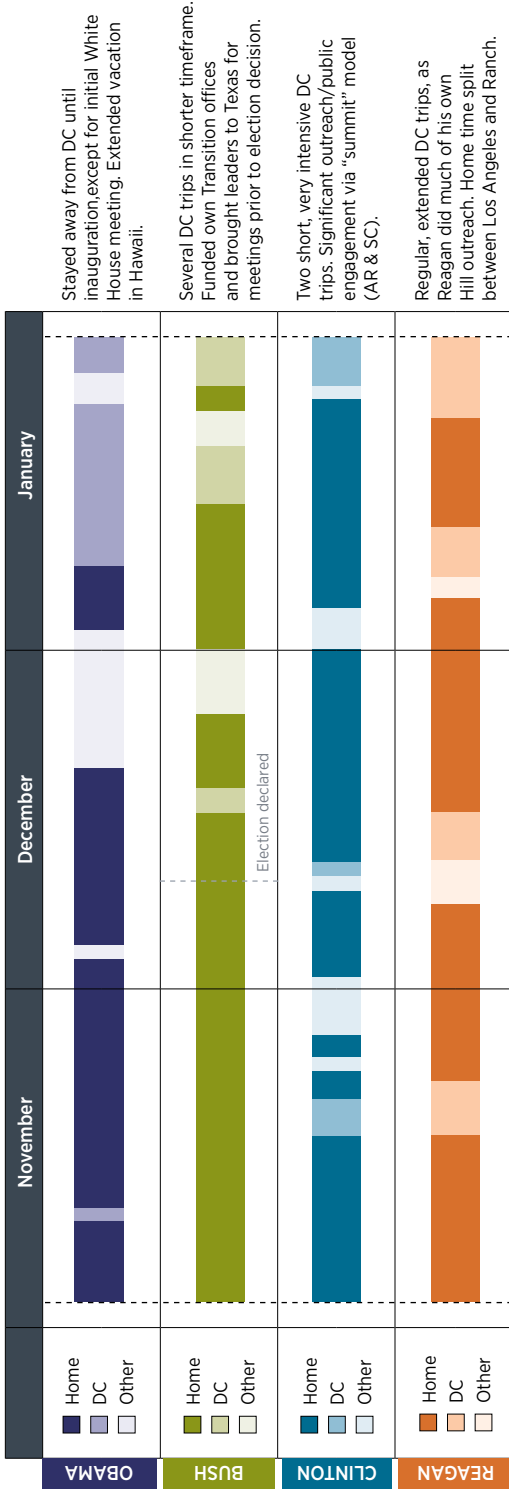
In addition to the gamut of regular meetings, formal functions and downtime, the transition team must understand that unexpected issues will always crop up during the formal transition period, just as they will during the president's term. These can include nomination challenges from the Senate, the unanticipated withdrawal of top administration nominees, or simply unexpected domestic or international events. During the 2008 election, for example, the American economy continued to decline. Just weeks after the election, President-elect Obama stated in the Democratic weekly radio address that his economic team was developing a stimulus plan that would eventually become the American Recovery and Reinvestment Act.⁵³ By the time Inauguration Day

52 Martha Joynt Kumar, "The 2008-2009 Presidential Transition Through the Voices of Its Participants," *Presidential Studies Quarterly* 39, no. 4 (2009), 840, doi: 10.1111/j.1741-5705.2009.03712.x.

53 Jackie Calmes and Jeff Zeleny, "Obama Vows Swift Action on Vast Economic Stimulus Plan," *The New York Times*, November 22, 2008. Retrieved from nyti.ms/1Su8gFa.

Travel and location

“Dual office” model in home state and DC; most PEs stay outside the Beltway as long as possible.



Source: Boston Consulting Group analysis

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 President Obama's first term.

Nominations can 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 controversies, including Commerce Secretary nominee Bill Richardson for political donor questions, and Health and Human Services Secretary nominee Tom Daschle for tax irregularities. These withdrawals delayed the final appointments by two to three months and diverted time and attention away from other transition activities.

MAJOR STEPS IN PRESIDENTIAL CALENDAR PLANNING

The president-elect's schedule during the formal handover phase should be planned before the election, and should reflect the major issues and 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 requires coordination among all areas of the transition, including the policy, agency review and personnel teams. As a result, the presidential transition calendar plays an important role in ensuring that the various functions 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, DC, and his or her hometown depends on personal preference and management style. Most choose their hometowns, avoiding the capital except for a few high-priority visits. Doing so may be a matter of choice, but it is also an important way in which presidents-elect respect the convention of "one president at a time." Obama, for example, spent nearly all his time in Chicago and Hawaii. George W. Bush brought advisors to Texas, with only two short visits to Washington after the election was decided.

The transition team should consider, in coordination with the General Services Administration (GSA), establishing offices in Washington and in the president-elect's hometown, divided in such a way as to maximize the staff and resources of the transition. It will be important to make sure that GSA is aware of the president-elect's preferences. 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 candidate's hometown. There also will be a need for press and advance staff in the candidate's hometown 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 should serve as an opportunity to reach out to Congress and other important stakeholders, and to be available for major press events. These 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.

Finally, the presidential scheduling team should consider how to connect the president-elect with stakeholders outside of Washington. This can be accomplished by organizing fly-ins to the president-elect's hometown (the "summit" model favored by Clinton and Bush), more private meetings that are closed to the press, or by using vacations to connect with ordinary citizens (Obama's Hawaii vacations). Shortly after the 2000 election was decided, for example, Bush met at the governor's mansion in Austin, Texas with members of Congress of both parties to discuss education reform proposals, one of his top policy priorities.⁵⁴ While this meeting was closed to the public, it gave President-elect 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. As technology continues to advance and grow in importance as a tool of the political process, video conferencing and live-streaming web events can replace in-person events as a way to connect with the American people. It will allow for much more flexibility in building the president-elect's schedule, and allow connections with many more diverse groups than was previously possible. Obama is an example of an adopter of this approach. During the transition, his team began producing and disseminating a weekly webcast address that was modeled after the traditional presidential radio address. In these weekly addresses, Obama laid out his policy proposals and even announced the Cabinet nomination of Shaun Donovan to be the secretary of the Department of Housing and Urban Development.

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 in making the announcements and occasionally on external factors. Although most prior transitions try to make their top candidate picks known before December 25, this leaves insufficient time for unexpected delays and nominee derailments. Instead, transitions should aim to make their top candidate picks known 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.

Ronald Reagan and Barack Obama both spaced out their appointment announcements during their transition periods, with Reagan announcing his

⁵⁴ 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*, December 22, 2000.

Policy summits in transition period

Clinton and Bush favored the “summit” model.

	GOALS	FORMAT	ATTENDEES
Clinton: Economic summit	<ul style="list-style-type: none"> Publicly demonstrate economy’s priority and demonstrate expertise/action Highlight lingering long-term problems in the economy Flesh out and build support for agenda with Cabinet and experts 	<ul style="list-style-type: none"> 7 sessions over 2 days Range of topics related to the economy, including trade, health reform, childhood education, poverty Primarily moderated by Clinton “Oval” table discussion with Vice President-elect Gore, nominated economic team (Treasury, Labor, OMB, NEC, CEA) and rotating group of 25 guests Q&A at every session Held in downtown conference center Televised on C-SPAN and broadcast on NPR 	<ul style="list-style-type: none"> 329 participants Academic economists (e.g., Yale, MIT, Brookings) Interest groups (e.g., trade unionists, community leaders, small-business owners) Business executives (e.g., Apple, HP) Many were Clinton supporters but ~10% of invitees were Republicans
Bush: Business and Tech summits	<ul style="list-style-type: none"> Receive information from experts across range of industries candidly and quickly Inform policy agenda development 	<ul style="list-style-type: none"> 2 days, split by topic Day 1: Business—including reports from different sectors (e.g., retail, manufacturing, food), upcoming recession, trade, education, immigration visas Day 2: High-tech industry and its impact on economy, education, minorities in business, workforce pipeline Hosted by Secretary-designates of Treasury and Commerce Held at the governor’s mansion Closed to the press 	<ul style="list-style-type: none"> Day 1: ~30-35 CEOs from a range of industries (e.g., Wal-Mart, Home Depot), academic experts and labor leaders Day 2: High-tech leaders including heads of AOL, IBM, HP, Sun Microsystems, Dell and Cisco Many attendees were campaign contributors or Bush supporters

Source: Boston Consulting Group analysis

first Cabinet picks immediately after the election via written statements, preferring to let his candidates speak for themselves. Obama made his first personnel announcements in mid-November, focusing initially on top White House economic and defense advisors before announcing the members of his Cabinet. Obama structured his announcements in daily “topic clusters,” using each as an opportunity to provide policy commentary himself and frame his administration’s approach.

Clinton and George W. Bush had much more compressed announcement schedules. For Clinton, this was due to a lengthy selection process, which continued through the final weeks of the year. His announcements were made largely in a two-week block just before December 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 in parallel throughout the final five weeks of the transition, making up for lost time.

A selection process that meets the president-elect’s preferences while also aiming to meet the Thanksgiving target should balance the need for sufficient internal vetting and consultation with the risk of leaks and delay. It also is important to consider the diversity of various candidates for the Cabinet, and to announce nominations in a way that reinforces the president-elect’s commitment to diversity. The transition team also should be prepared in case a Cabinet nominee is derailed, and should have backup candidates in place 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 constructing an early working Cabinet to become familiar with the various secretary nominees and develop relationships where they may not already exist. This process enables early team alignment around the president-elect’s vision and priorities, and allows the team to begin planning and policy development early.

When scheduling the 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 November 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.

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 during their transitions. Each held a two-day summit in the run-up to the inauguration, although President-elect Bush's summit on January 3, 2001, which 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.⁵⁵

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.

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 his or her preferred communications channels.

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 web addresses and regular television appearances. Obama also used personnel announcements as informal press conferences on specific policy areas.

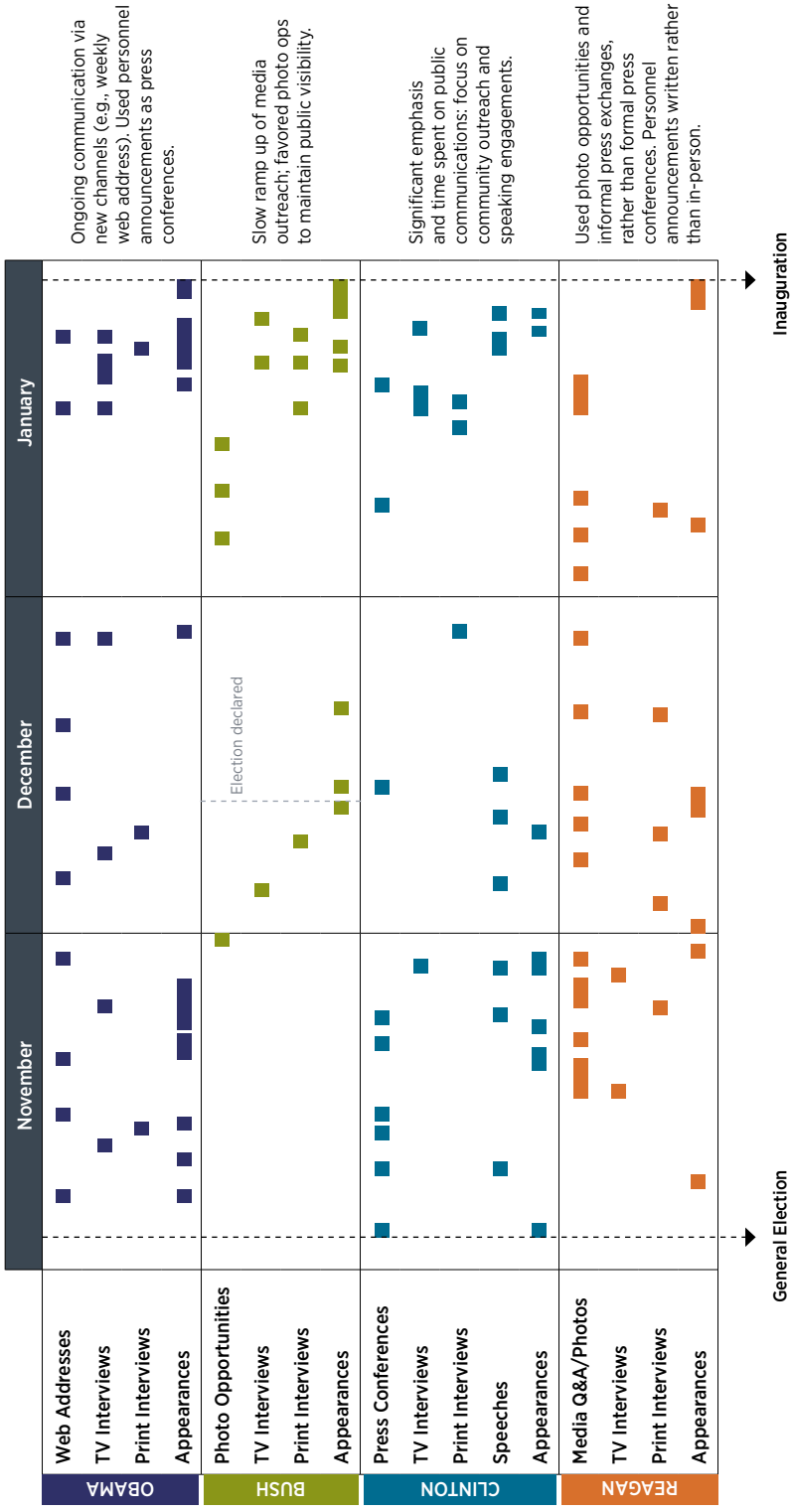
Reagan and George W. Bush had more traditional approaches to media outreach. Reagan preferred informal press question-and-answer sessions and photo opportunities rather than formal press conferences, and relied on written announcements and press briefings. Bush had a slow start to his media outreach, 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 also should consider the extent to which the transition chairman will be available for press appearances to provide details about transition planning. Given the current media environment, and the increased expo-

55 Peter Roff, "Analysis: Personnel is Policy," *United Press International*, January 3, 2001.

Communication strategy

This varied significantly by president-elect, with each trying to strike own level of visibility and channel mix



sure that transition planning now receives thanks to laws like the Pre-Election Presidential Transition Act, the public will have a keen interest in what the president-elect is doing to prepare for his or her time in office.

On November 5, 2008, the Obama transition team launched change.gov, the official website of the transition. 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.

VICE PRESIDENTIAL PERSONNEL AND TRANSITION PLANNING

Including the vice presidential candidate's team in transition planning will help set the tone for the working relationship between the future president and vice president. The vice presidential candidate will likely want close associates included in the transition planning before Election Day to have input on potential administration personnel decisions and to convey any policy expertise. The presidential candidate and his running mate also will need to agree on the vice president's role in the new administration.

In 2008, the Obama transition team 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 Obama administration. The transition team included two longtime aides of Sen. Joseph Biden: Ted Kaufman, who later took Biden's seat in the U.S. Senate, and Mark Gitenstein, who later became U.S. ambassador to Romania. The two provided valuable insights on issues in which Biden had been a leader in the Senate, including foreign policy and the judiciary. They also began the planning process for the responsibilities Biden would assume when he became vice president.

After Election Day, 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, DC, 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.

The Romney Readiness Project made similar efforts to ensure the smooth integration of Rep. Paul Ryan of Wisconsin, the Republican 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 George W. Bush, led this aspect of the transition. The vice president-elect and first family support functions had similar duties to the president-elect support team that had been established earlier in the transition planning process: scheduling, speechwriting, advance and travel and public liaison.⁵⁶

⁵⁶ Michael O. Leavitt, Christopher Liddell, Daniel Kroese and Clark Campbell, *Romney Readiness Project 2012: Retrospective & Lessons Learned* (Charleston, SC: R2P, Inc., 2013), 18, 64, 108.

TRANSITION PLANNING FOR THE FIRST FAMILY

Planning the first family's transition is different than that for a potential president or vice president. Generally, a spouse would not be expected to have a separate policy agenda, though will certainly choose some issues to champion. Literacy, education for women and girls in Afghanistan and fighting childhood obesity are some recent examples. However, careful thought should be given to what issues the future spouse of the president might focus on after Inauguration Day. Also, if the presidential candidate has young children as the Obamas did, there will need to be planning around the children's transition.

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, DC. 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

- Determine effective dual-office structure between the president-elect's hometown and Washington, DC 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.
- Develop a personnel announcement strategy with the goal of making the first nominee announcements by Thanksgiving.
- 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.
- Meet with the defeated candidate to demonstrate goodwill and find common ground on areas in which the two could work together.
- Coordinate outreach to and interaction with major stakeholders—including foreign dignitaries, 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.

“Ensuring that this transition is seamless is a top priority for the rest of my time in office.”

George W. Bush
November 8, 2008 radio address

CHAPTER 7

Role of the Outgoing Administration

A successful presidential transition requires planning and preparation not only on the part of the incoming transition team, but also on the part of the outgoing president and administration. The 2008 Bush to Obama transition was widely regarded as one of the smoothest in recent history. Bush made the transition a top priority during his final months in office, and communicated that priority to the rest of his Cabinet and administration. This transition benefitted from a particularly auspicious set of circumstances, where the sitting vice president was not running for the presidency and the White House leadership could commit to helping the next president's team prepare, regardless of who won the election.

The incumbent has a responsibility not only to establish a tone of cooperation and transparency, but also to share information and knowledge about national security issues, develop an infrastructure for coordinating the transition within the White House and between the White House and agencies, provide assistance on presidential personnel issues, and plan and conduct training on emergency response with members of the incoming Cabinet.

ROLE OF THE OUTGOING PRESIDENT

A smooth transfer of power depends heavily on the attitudes and actions of the outgoing administration starting with the president. The relationship between the two sides should be professional and one of mutual respect. The president can play an important role in building this relationship, as President George W. Bush did at the end of his term of office. Just as it is important for the incoming administration to treat career and non-career agency staff with respect, it is important for outgoing officials to make the same commitment, and to prepare for a seamless transition regardless of whether the next president will be of the same political party or ideology.

Building relationships can start with outgoing administration officials sitting down with their incoming counterparts as soon as they have been announced. This will allow for a valuable transfer of knowledge and create relationships that may be useful later on. The Bush administration prioritized this type of knowledge transfer, with several administration officials meeting with their successors to share the status or progress of different efforts. For example, Secretary of State Condoleezza Rice and National Security Advisor Stephen Hadley sat down with incoming National Security Advisor Jim Jones and Secretary of State-designee Hillary Clinton to discuss the administration's work regarding North Korea and the Middle East.⁵⁸ Bush Press Secretary Dana Perino met with Robert Gibbs, President-elect Obama's press secretary, at the White House, gave him a tour and offered some friendly advice on preparing for the job, including keeping his home telephone number private.⁵⁹

Cooperation with all candidates prior to the election

A supportive outgoing administration can go a long way toward ensuring a smooth transfer of power to the incoming president and his or her staff. During the 2008 transition, which took place during a time of war and economic recession, President Bush decided that he wanted "the best transition possible regardless of who was going to win,"⁶⁰ and publicly declared the smooth transition a "top priority for the rest of my time in office." As a result, the Bush White House worked hard to cooperate with both political campaigns before the election and with President-elect Obama after the election, doing extensive transition planning and providing assistance on homeland and national security, the economy, and agency reviews. President Bush pledged that his administration would provide "uniformity of access" to both campaigns, and took several steps to facilitate the work of the Obama and McCain pre-election transition teams. The Bush administration expedited 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

58 Martha Joynt Kumar, "The 2008-2009 Presidential Transition Through the Voices of Its Participants," *Presidential Studies Quarterly* 39, no. 4 (2009), 836, doi: 10.1111/j.1741-5705.2009.03712.x.

59 Mark Leibovich, "Between Obama and the Press," *New York Times*, Dec. 17, 2008.

60 William A. Galston and E.J. Dionne, Brookings Institution, *A Half-Empty Government Can't Govern: Why Everyone Wants to Fix the Appointments Process, Why It Never Happens, and How We Can Get It Done*, December 14, 2010, 11. Retrieved from brook.gs/1VKt8XH.

appointments and designed a new personnel system with input from both campaigns that the winner could eventually use in the White House.⁶¹

Meeting 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 his or her predecessor about the challenges and opportunities that the new administration will face going forward. It is also an 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, personally met with President-elect Obama right after the election, on November 10, to brief him on several international issues, including the U.S. drone program in Pakistan, the cyber-attacks the U.S. was conducting against Iran’s nuclear program, and the strategic importance of the U.S.’s relationship with Saudi Arabia.⁶²

61 Partnership for Public Service, *Ready to Govern: Improving the Presidential Transition*, Washington, DC: January 2010, 6-7.
 62 Martha Joynt Kumar, *Before the Oath: How George W. Bush and Barack Obama Managed a Transfer of Power* (Baltimore, Johns Hopkins University Press, 2015), 176.

Transition checklist for incumbent president

Intentions and actions of sitting president are a significant driver in overall success of the transition.

April to October PHASE I	November to January PHASE II
<ul style="list-style-type: none"> <input type="checkbox"/> Establish White House Transition Coordinating Council and Agency Transition Directors Council <input type="checkbox"/> Designate federal transition coordinator <input type="checkbox"/> Set guidelines and negotiate protocols for access to materials and personnel at the agencies and departments with the challenger <input type="checkbox"/> Provide to campaigns a list of all appointed positions and their related responsibilities <input type="checkbox"/> Select and prepare career executives to temporarily fill appointed positions of departing officials <input type="checkbox"/> Direct agencies to develop briefing materials for the incoming administration <input type="checkbox"/> Designate career officials to act until PAS nominees confirmed 	<ul style="list-style-type: none"> <input type="checkbox"/> Ensure relevant agencies have sufficient resources and vetting personnel to carry out ethics and background investigations <input type="checkbox"/> Provide high-level briefings to the president-elect, his national security team and key advisers <input type="checkbox"/> Stage table top exercises with incoming and outgoing officials to prepare for crisis management <input type="checkbox"/> Provide access to the agencies and departments for the incoming administration’s transition team <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

↓
General Election

Source: Boston Consulting Group analysis

Presidential memoranda

In addition to setting the tone, there are several formal tools the outgoing president can use to support a smooth transition. The first are presidential memoranda and executive orders. These should make it clear to the administration as a whole that supporting a smooth transition of power is a top priority, and should establish general guidelines on how and what types of information to provide to incoming transition teams. The outgoing Bush administration did this early in the process, well before the election had taken place, sending out a message to agencies and the Cabinet to cooperate fully with the transition and to provide the new president's team with whatever information they needed. This set a clear mandate for cooperation that continued throughout the transition.

President Bush used executive orders and presidential memoranda to help develop an infrastructure that could support the formal handover of power. For example, Bush's Executive Order 13476, Facilitation of a Presidential Transition, dated October 9, 2008, established a Presidential Transition Coordinating Council and took other steps including requiring the General Services Administration (GSA) to develop a transition directory and briefing materials for incoming appointees, and agencies to enter into transition agreements with the major-party transition teams regarding "transition procedures and identification of transition contacts" (see appendix 7.1). Some of these provisions are now required by the Pre-Election Presidential Transition Act of 2010, while others were enshrined into law by the Edward "Ted" Kaufman and Michael Leavitt Presidential Transitions Improvements Act of 2015.

In addition, the White House should negotiate a memorandum of understanding with the incoming transition team governing terms of access to federal facilities, information and personnel. See chapter 1 for additional information on this memorandum and see appendix 1.1 for an example from 2008.

The administration may also seek to limit the number of "midnight regulations" issued by agencies in the final months of the president's term. As discussed in chapter 4, in 2008, White House Chief of Staff Joshua Bolten circulated a memo to the agency heads in May setting a deadline of November 1 for the issuance of new regulations. In December 2015, the Obama administration took a similar step when Howard Shelanski, administrator of the Office of Information and Regulatory Affairs, directed the agencies' deputy secretaries to complete high-priority rules by summer 2016. Both of these memoranda can be found at presidentialtransition.org.

Federal transition coordinator

One important way in which the outgoing administration can ensure an orderly and committed transition is by designating a federal transition coordinator within GSA in advance of any potential transition, whether the incumbent administration is running for re-election or leaving office. The Obama administration did this in the spring of 2015 with the appointment of Mary Gibert to

serve as GSA's director of presidential transitions.⁶³ By late spring, Gibert and her team had already identified transition office space and begun building the teams that would oversee key transition work streams. The coordinator should be empowered to ensure that all statutory requirements for transition planning are met, and should serve as co-chair of the Agency Transition Directors Council and as a member of the White House Transition Coordinating Council.⁶⁴ The federal transition coordinator may also serve as the intermediary through which candidates can initiate communication and planning with agencies that provide transition services prior to the formal transition period.

White House transition coordinator

The outgoing administration should designate a high-ranking official to serve as the White House transition coordinator, responsible for ensuring that all necessary preparation takes place for a smooth transfer of power and to serve as the front line of communication and coordination within the White House itself. This person will play a significant role in gathering and disseminating information about White House personnel and staffing issues, and will serve as the main point of contact between the White House and the candidate's transition representatives. For that reason, the coordinator should be a person of significant stature within the White House. For President Bush, this role was handled by Deputy Chief of Staff Blake Gottesman. In planning for a possible transition in 2012, President Obama devised two possible transition scenarios, depending on whether he won or lost re-election. In both cases, however, Cabinet Secretary Chris Lu, Deputy Chief of Staff for Operations Alyssa Mastromonaco and GSA's federal transition coordinator, Darren Blue, would play key roles. Once named, the White House transition coordinator should work closely with the federal transition coordinator, housed at GSA, to disseminate guidance to the agencies and facilitate communication with the incoming transition teams.

Uniformity of access

During elections when the sitting president is not seeking re-election, the outgoing administration must ensure uniformity of access to transition information and assistance. The importance of ensuring that our nation's leaders are ready for the challenges of governing rises above partisanship, and the outgoing president should ensure that each candidate's transition team receives an equal offer of materials, assistance, access and guidance. Moreover, access to any internal White House systems or processes that may be useful to the candidates should be shared early and equally to ensure that the incoming administration can transition seamlessly regardless of the election outcome.

63 In early 2016, Gibert was assigned as a regional commissioner for GSA's Public Buildings Service, and Tim Horne was named to replace her as director of presidential transition. Horne had led the presidential transition support team during the 2008 election.

64 S. 1172, the Edward "Ted" Kaufman and Michael Leavitt Presidential Transitions Improvements Act of 2015, established these councils and the role of the federal transition coordinator via statute; prior to this legislation, the president could choose to establish them via executive order, as President Bush did in 2008.

MAJOR STEPS FOR THE OUTGOING PRESIDENT

The actions of the incumbent president during the campaign and formal transition period can have a significant impact on the overall ease of a presidential transition. It is important for incumbent presidents to ensure the right organizations and processes are in place to facilitate the smooth transfer of power, and take determined steps to coordinate and share knowledge and resources with the incoming transition teams, regardless of who their successor will be.

Transition coordinating councils

President Bush established a 15-member Presidential Transition Coordinating Council⁶⁵ to support the 2008 transition. The council was chaired by Joshua Bolten, who was the White House chief of staff at the time, and composed of White House and select administration officials. The executive order that established the council allowed it to obtain input and advice from outside individuals and groups. The council was tasked with coordinating a cross-government effort to assist both campaigns in planning transition activities prior to the presidential election and through the inauguration.

The activities of the council included everything from arranging domestic security briefings and intelligence coordination to assisting with administrative issues and developing a proposed schedule for the incoming transition team.

65 The White House, *Facilitation of a Presidential Transition* (Executive Order 13476), October 9, 2008. Washington, DC.

The 2008 Bush Transition Coordinating Council

The council was critical to the success of the Bush-Obama transition.

WHITE HOUSE	Chief of Staff (Chair) Deputy Chief or Staff for Operations (Vice Chair) Deputy Chief of Staff for Policy White House Counsel National Security Advisor Homeland Security Advisor NEC Director OMB Director PPO Director
OTHER AGENCIES	OPM Director Attorney General Director of National Intelligence General Services Administrator Archivist of the United States OGE Director
CANDIDATE LIAISONS	Obama transition liaison(s) McCain transition liaison(s)

Source: Boston Consulting Group analysis

The Transition Coordinating Council helped streamline the security clearance process for both campaigns and set up classified briefings with President-elect Obama and his top advisors following the election. The council also prepared transition documents and “performance snapshots” for each agency, and ensured that the same information and assistance was provided to both candidates.

Membership of White House Transition Coordinating Council

WHITE HOUSE	<p>White House Chief of Staff*</p> <p>Director of OMB*</p> <p>Other senior members of EOP selected by the president*</p>
OTHER AGENCIES	<p>Federal Transition Coordinator</p> <p>Administrator of GSA*</p> <p>Director of OPM*</p> <p>Director of OGE*</p> <p>Archivist of the United States*</p> <p>Any Cabinet member*</p>
CANDIDATE LIAISONS	<p>Transition representatives from each eligible candidate</p>

*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 EOP.

Source: S. 1172, the Edward “Ted” Kaufman and Michael Leavitt Presidential Transitions Improvements Act of 2015

Membership of Agency Transition Directors Council

WHITE HOUSE	<p>Deputy Director for Management, OMB (Co-Chair)</p> <p>Other senior members of EOP selected by the president</p>
OTHER AGENCIES	<p>Federal Transition Coordinator (Co-Chair)</p> <p>Senior representative leading transition efforts from:</p> <ul style="list-style-type: none"> • Each Cabinet department • Environmental Protection Agency • National Aeronautics and Space Administration • Office of Personnel Management • Office of Government Ethics • National Archives and Records Administration • Other agencies selected by Co-Chairs
CANDIDATE LIAISONS	<p>Transition representatives from each eligible candidate (during election years)</p>

Source: S. 1172, the Edward “Ted” Kaufman and Michael Leavitt Presidential Transitions Improvements Act of 2015

The Edward “Ted” Kaufman and Michael Leavitt Presidential Transitions Improvements Act of 2015 requires that the president form a White House Transition Coordinating Council no later than six months before Election Day. The measure directs the council to provide guidance to agencies and the federal transition coordinator regarding preparations for the presidential transition, including succession planning and preparation of briefing materials; facilitating communication and information sharing between the transition representatives of eligible candidates and senior employees in agencies and the Executive Office of the President; and preparing and hosting interagency emergency preparedness and response exercises.

President Bush also established an agency transition council, bringing together career agency transition coordinators prior to the 2008 election under the auspices of GSA to discuss common issues they would need to confront during the post-election period. After the election, additional meetings were held to deal with issues such as giving Obama transition personnel access to agency officials and information. In 2012, GSA’s Darren Blue, then serving as the coordinator for federal transition, facilitated the creation of an agency transition directors council. The council was a natural conduit between the administration and the Romney team and served as a catalyst for agencies to begin preparing for the possible transition (such as identifying career staff who would serve in interim roles and developing briefing materials) and for the White House to remain engaged in the process.

The Edward “Ted” Kaufman and Michael Leavitt Presidential Transitions Improvements Act of 2015 codifies this process, enshrining a permanent Agency Transition Directors Council to ensure the federal government has an integrated strategy for addressing interagency challenges and responsibilities around presidential transitions and turnover of non-career appointees.

The council is tasked with coordinating transition activities among the various federal agencies while drawing on guidance provided by the White House Transition Coordinating Council and lessons learned from previous transitions. It is also required to assist the federal transition coordinator, provide guidance to agencies in gathering briefing materials and information relating to the transition, and ensure agencies adequately prepare career employees who are designated to serve in acting roles until political appointees are confirmed.

Prepare for national security handover

Ensuring complete knowledge transfer of national security and intelligence matters is one of the top priorities in any transition, particularly during times of war. This was of particular concern for the outgoing Bush administration due to the fact that the 2008 transition was the first wartime presidential transition for the United States since the Vietnam War.

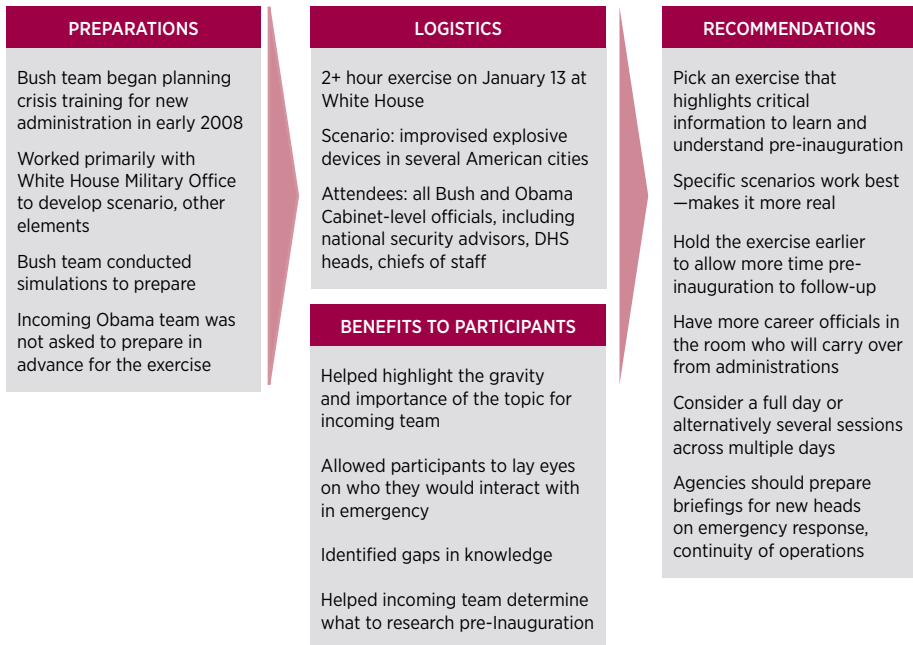
As a result, the White House implemented processes put into place by the Intelligence Reform and Terrorism Prevention Act of 2004 (see appendix 3.I), which allowed for expedited security clearances for key advisors and top transition aides of both campaigns in the run-up to the election. The law and 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.

The White House also facilitated orientation briefings for both presidential candidates. Immediately after the party nominating conventions, the White House directed the Office of the Director of National Intelligence to provide regular briefings to each presidential candidate and their staff on important issues of national security. Additional briefings were prepared on the ongoing financial crisis, as well as general ethics and financial disclosure rules, to facilitate the presidential appointment process.

In mid-December, the Bush administration advised agency heads to formalize a plan for continuity of leadership and identify a career executive or executives to steward critical functions until the incoming administration could take over. The administration also reached out to the White House Military Office and the Secret Service to coordinate briefings directly with the incoming Obama team and to ensure a smooth transfer of the presidential line of succession in the event of an emergency.

Besides the orientation briefings, the Bush administration hosted a tabletop “black swan” exercise after the election in the Eisenhower Executive Office Building for President-elect Obama’s national security team. This exercise, according to soon-to-be Secretary of Homeland Security Janet Napolitano,

Conduct a crisis planning tabletop exercise (2008 crisis training)



Source: Boston Consulting Group analysis

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, and the like.”⁶⁶ 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.

An initial crisis training session was conducted in November 2008 over the course of a few hours immediately following a Bush Cabinet meeting, including only the internal Bush team and meant to prepare for a joint exercise with incoming officials. 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 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. 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, provided participants with a sense of who they would be interacting with in a crisis (e.g., the FBI director, who serves a fixed term that spans administrations) and which organizations were responsible for what, and showed 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.”

There were several recommendations for improving the experience from advisors involved in its execution. These included setting aside more time for the training (ideally a full day on emergency response), selecting a specific scenario that highlights the key takeaways and that will make it more realistic, and involving more career agency staff in the training. A senior White House 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. One senior national security official commented that the Cabinet exercise would have been most effective as the culmination of a tiered series of related exercises designed for both career executives in an acting role and the incoming political leadership. Finally, those involved agreed on the value of the administration sitting down 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.

⁶⁶ *Hearing on the Nomination of Janet Napolitano to be Secretary of Homeland Security, Before the Committee on Homeland Security and Governmental Affairs, 111th Congress (2009).*

An incoming White House staff would benefit from both an opportunity to determine how it would be organized for emergency situations before involving the Cabinet secretaries in a scenario, and from 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. In 2008, Bush Chief of Staff Joshua Bolten made clear the importance of this exercise and how critical it was that Cabinet and White House staff attended, a message that incoming Obama Chief of Staff Rahm Emanuel echoed to his team.

Ensuring senior-level participation in such exercises is critical, as previously unforeseen circumstances will inevitably arise. In March 2010, the Coast Guard conducted a Spill of National Significance exercise as required by statute to simulate a catastrophic oil spill. Homeland Security Assistant Secretary Juliette Kayyem participated, but was the only senior political appointee to do so. The Deepwater Horizon oil spill occurred just one month later.

Budget process

Since 1990, the outgoing president has been able to choose whether to submit a budget to Congress in their final month in office or leave the task to their successor. All three departing presidents since have chosen not to submit a final budget request.⁶⁷ 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. In April 2008, OMB Director Jim Nussle informed the agencies that although the Fiscal Year 2010 budget would be submitted by the next president, “we intend to prepare a budget database that includes a complete current services baseline...from which the incoming Administration can develop its budget proposals.”⁶⁸ This information helped inform President Obama’s Fiscal Year 2010 budget request, an overview of which was submitted to Congress one month after taking office.⁶⁹

Assist the campaigns 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 can facilitate the handover is to prepare a list of all the presidentially appointed positions in the federal government and a brief description of their responsibilities, and to share this list with the candidates’ transition teams. 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 type of personnel (e.g., PAS, PA, non-career SES, Schedule C) as well as their distribution throughout the various agencies and the White House. This list was compiled by the Bush administration well before the election and the information in it served as the basis for the Obama

67 Michelle D. Christensen, Congressional Research Service, *Submission of the President’s Budget in Transition Years*, May 17, 2012, 1. Retrieved from <http://bit.ly/1PfSttN>.

68 Office of Management and Budget Memorandum M-08-17, April 7, 2008. Retrieved from <http://1.usa.gov/1U0aZqC>.

69 Michelle D. Christensen, Congressional Research Service, *Submission of the President’s Budget in Transition Years*, May 17, 2012, 2. Retrieved from <http://bit.ly/1PfSttN>.

transition team's personnel planning. In addition, the Bush White House helped to facilitate the design of a new presidential personnel database, with input from both the Obama and McCain campaigns as well as GSA. McCain's personnel director had developed the template for the new database initially, but the software was shared with the Obama campaign in an effort to help ensure a smoother personnel process regardless of who won the election. As a result, the updated personnel system was fast-tracked by the White House and developed and put in place by GSA before the inauguration. It was shared with both campaigns prior to the election, ensuring that the incoming administration was familiar with the tool and could move smoothly from transition personnel planning to the Office of Presidential Personnel in the White House.

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 a time-consuming and, some would argue, unnecessary FBI full field investigation 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 investigation 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.⁷⁰ 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 new executive order could be issued 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. More streamlined background checks could apply for those appointed to non-sensitive positions and those with previous clearances or who are moving between government posts. This change would reduce the time required to fill vacancies and save time and resources for the FBI.⁷¹

70 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 presidentialtransition.org.

71 Memorandum to Fred Fielding by O'Melveny & Myers on behalf of the Partnership for Public Service, April 10, 2008. Available at presidentialtransition.org.

Prime the agencies for the presidential transition

An important way in which the incumbent administration can facilitate a smooth presidential transition is to provide clear guidelines and instructions to the various federal agencies on how to cooperate and what materials to prepare. The Bush administration did this by issuing a transition guidance memorandum in July 2008 to the President's Management Council, composed of deputy secretaries and chief operating officers of each major agency (see appendix 7.2). This memo instructed agencies to identify a career official to serve as their transition coordinator and as the main liaison between the agency and the president-elect's transition team. The memo also gave broad guidance to provide the transition teams with whatever information they required to prepare for the handover, and to be as helpful and transparent as possible.

The memorandum directed agencies to prepare a brief summary of their department's basic organization, current mission and performance goals, and to identify and provide a summary of their major policies as well as internal management, legal and infrastructure challenges. Agencies were told to complete this assignment by October 31, and all accomplished this goal, though several senior transition advisors suggest that this deadline should have been set earlier to avoid the last-minute scramble.

The Presidential Transition Coordinating Council also instructed each agency to identify and describe the positions of departing political appointees and to identify the career officials responsible for assuming those positions during the handover. As part of this process, the White House asked politically appointed staff members to resign prior to the election, or to commit to staying through the entire handover and inauguration process.

Other interagency councils were used to prepare for the transition as well. In May 2008, OMB Deputy Director for Management Clay Johnson led a President's Management Council meeting focused on preparing career employees to receive new political leadership and assisting current political appointees successfully exit. This discussion surfaced issues ranging from ensuring national security continuity of operations to providing incoming political appointees with government-issued phones and parking credentials.

The Obama administration followed the Bush model in preparing agencies in 2012 for a possible transition. In an October 17 Agency Transition Directors Council meeting hosted by GSA and attended by Chris Lu, agency transition directors were given direction and deadlines regarding the material they needed to prepare in anticipation of a possible transition. The 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 will impact the agency or its work in the first 90 days after the election. The Office of Government Ethics also briefed the participants about its role in the transition and in the certification of nominees. The meeting was of further benefit in that 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

Just as outgoing White House leaders can meet with their successors to set the right tone, develop a working relationship, and share critical information, so too can senior agency leaders. In 2008, the secretary of housing and urban development, Steve Preston, was faced with multiple challenges in the midst of the housing crisis that he would have to hand off to his successor, including the Federal Housing Authority's vastly expanded role in the mortgage insurance market, a 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 explains, "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." Departing agency leaders can also provide their successors with tips on how best to interact with the career workforce. One senior Bush administration official thought emphasizing the role of inspectors general to help minimize waste, fraud and abuse would be particularly helpful to highlight.

Agencies should also be prepared to follow any guidelines or instructions issued by the interagency transition coordinating councils regarding transition preparations. This will require designating senior career employees to oversee transition activities for each agency and major subcomponent. Ensuring continuity of operations will also require identifying career officials to fill potential vacancies in an acting capacity and adequately preparing them to do so. This kind of preparation requires training materials that reach the intended audience. In 2008, the Department of Homeland Security developed a robust training curriculum, including readings, in-class seminars, and exercises, based on their already-established National Security Professional Development program. However, Rear Adm. (Ret.) John Acton, who ran the Department of Homeland Security's transition preparations in 2008, explained that "without mandated attendance and resource support, participation in the training was sometimes sparse, due to time pressures and the 'tyranny of the present.' As a result, some in positions of authority could have been unprepared to execute their mission should a crisis have occurred in the first few months of the new president's term. This may have been the single biggest shortcoming in 2008." Moving forward, the outgoing administration, as well as the incoming presidential personnel operation, should prioritize training programs such that all incoming political appointees and career officials designated to take on acting roles are expected to participate and are adequately prepared to handle emergencies on day one.

A significant amount of turnover in political appointments is a natural consequence of the change in presidential administrations. Agencies should

prepare for vacancies by identifying career officials to temporarily fill those roles in an acting capacity and to train them as necessary. Agencies' human resources, records and ethics officers 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 in the new administration, while following guidance issued by OPM, the National Archives and Records Administration and OGE.

Agencies will be expected to develop briefing materials on their organizations' structure, mission, relevant legislation and other key issues to inform incoming agency leaders. These briefing materials need to be candid to be most helpful. It is important to highlight things that are working well and provide examples of big successes and notable reform efforts. At the same time, the incoming administration needs to understand the challenges, including management risks, they are likely to face in their first months in office. Agencies should consider putting together a "30-60-90 day" issues binder that collects this information. Briefing materials should also communicate the programmatic goals the new administration will inherit. One senior Bush administration official emphasized that the best briefing materials are those that personify the subject by giving examples of specific people who led efforts when discussing agency programs.

While the presidential candidates do receive informational briefings prior to the election, these have historically been limited to national security and the intelligence community. Many agencies could provide basic "101" briefings to candidates' teams, which could free up valuable time between the election and inauguration for the president-elect's agency landing teams to dig deeper into the work of the agencies.

ROLE OF THE OUTGOING ADMINISTRATION

Action Items

- Convene the White House Transition Coordinating Council, chaired by a senior-level White House official, to coordinate transition planning for the whole administration and the Agency Transition Directors Council to facilitate the sharing of best practices among agency-level transition leaders.
- Give both campaigns' transition teams a list of all the presidentially appointed positions in the federal government and a brief description of their responsibilities.
- Prime agencies for the transition by requiring them to identify career officials to serve as their transition coordinator, identify and describe the positions of departing political appointees and identify the career officials responsible for assuming those positions during the handover, and create brief summaries for agency review teams of their agencies' organizational structure, mission and policies, as well as any major upcoming issues or decisions.
- Prepare for a national security handover by (1) expediting security clearances for key advisors from both transition teams prior to the election to allow for immediate access to classified briefings post-election; (2) hosting a tabletop "black swan" exercise at the White House with the president-elect's team; and (3) directing agency heads to formalize a plan for continuity of leadership until the incoming administration can take over.
- Meet with the president-elect shortly after the election to brief him/her on challenges and opportunities the new administration will face going forward.

APPENDIX 7.1

Bush Administration Executive Order Facilitating the Presidential Transition

Source: Executive Order 13476

Federal Register, Vol. 73, No. 199, Tuesday, October 14, 2008

 Title 3—The President
 Executive Order 13476 of October 9, 2008
Facilitation of a Presidential Transition

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 Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108—458) (IRTPA), and in order to further the purposes of the Presidential Transition Act of 1963, as amended, and to assist the presidential transition, it is hereby ordered as follows:

I. PRESIDENTIAL TRANSITION COORDINATION

- a. To assist and support the transition efforts of the transition teams for the “major party” “candidates,” as those terms are used in the IRTPA and defined in section 9002(2) and (o) of the Internal Revenue Code of 1986 (26 U.S.C. 9002(2),(6)), and the President-elect, there is established a Presidential Transition Coordinating Council (Council).
- b. The Council shall be composed of the following officials or their designees:
 - i. Chief of Staff to the President, 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 Policy;
 - 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. Attorney General;
 - x. Director of National Intelligence;
 - xi. Director of the Office of Management and Budget;
 - xii. Director of the Office of Personnel Management;
 - xiii. Administrator of General Services;
 - xiv. Archivist of the United States;
 - xv. Director of the Office of Government Ethics; and
 - xvi. Such others as the President or the Chair of the Council may select.
- c. (c) The Council shall assist the major party candidates and the President-elect by making every reasonable effort to facilitate the transition between administrations. This assistance may include, among other things, providing 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.
- d. In order to obtain a wide range of facts and information on prior transitions and best practices, the Council, its members, or their designees may, from time to time, seek information from private individuals, including individuals within outside organizations,

who have significant experience or expertise in presidential transitions. The 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 Council, its members, or their designees find it necessary to seek advice from private individuals or outside organizations, such counsel should besought in a manner that seeks individual advice and does not involve collective judgment or deliberation.

- e. It shall be the policy of the Council to provide appropriate information and assistance to the major party candidates on an equal basis and without regard for party affiliation.

II. TRANSITION ACTIVITIES AND MATERIALS

- a. At the direction of the Council or its designee(s), the Administrator of General Services shall coordinate orientation activities with the appropriate agencies, including the Office of Government Ethics and the Office of Personnel Management, for key prospective presidential appointees.
- b. At the direction of the Council or its designee(s), the White House Office of Presidential Personnel shall supplement as appropriate and necessary the electronic record of all title 5 presidentially appointed positions provided by the Office of Personnel Management to the major party candidates pursuant to section 8403(b) of IRTPA.
- c. The Suitability and Security Clearance Performance Accountability Council shall coordinate with the Council when performing those functions authorized by Executive Order 13467 of June 30, 2008, that are necessary to assist in transition-related activities.
- d. At the direction of the Council or its designee(s), executive departments and agencies shall prepare a set of briefing materials for new political appointees before the inauguration of the President-elect. The current Administration shall work with the incoming transition team to provide copies of all such materials.
- e. At the direction of the Council or its designee(s) and consistent with the Presidential Transition Act of 1963, as amended, the Administrator of General Services, in consultation with the Archivist of the United States and other appropriate agencies, shall develop a Transition Directory. This directory shall include Federal publications and other materials that provide information on each executive department and agency.

III. TRANSITION AGREEMENTS

To assist and support the transition, transition agreements between the White House or appropriate executive branch departments and agencies and the transition teams for the major party candidates and the President-elect will be entered into, as necessary, regarding transition procedures and identification of transition contacts.

IV. GENERAL PROVISIONS.

- a. In order to take appropriate account of the transition reforms made by IRTPA and to further update and clarify the presidential transition process, this order supersedes Executive Order 73776 of November 27, 2000.
- b. Nothing in this order shall be construed to impair or otherwise affect:
 - i. authority granted by law to a department or agency, or the head thereof; or
 - ii. functions of the Director of the Office of Management and Budget relating to budget, administrative, or legislative proposals.
- c. 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 agencies, instrumentalities, or entities, its officers, employees, or agents, or any other person.
- d. Unless extended by the President, this order shall expire on February 20, 2009.

APPENDIX 7.2

Bush Administration OMB Memo Providing Transition Guidance to Agencies

Source: IBM Center for the Business of Government, <http://businessofgovernment.org/blog/bush-transition-out-plan>

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

July 18, 2008

To: PMC Members
From: Clay Johnson
CC: Josh Bolten, White House Chief of Staff

TRANSITION DIRECTION

I provide you the attached, minimum transition preparation guidance, which you helped develop. I ask each of you to formally assure me (by brief, return email) that your agency will perform these tasks by the dates indicated. I know that most of you have already done this and more to ensure the continuity of public services during the transition to the new Administration, and to assist the current non-career employees to exit successfully.

TRANSITION DIRECTION FOR AGENCIES**Goal 1: Help ensure continuity of public services during the transition to the new Administration**

- By 8/1: Identify a knowledgeable, capable career official to lead/coordinate the transition, and communicate internally and externally.
- By 10/15: Identify the career official who will be responsible for acting in place of the departing/ departed political official, for each major bureau and office of the department/agency, and communicate internally and externally. Ensure compliance with your agency's delegation of authorities and the Vacancies Act.
- By 11/1: Ensure all COOP and NRF procedures are tested and understood by the senior career officials referenced above.
- By 11/1: Prepare a brief summary of the department's basic organization, current mission/function/ performance goals, and key personnel.
- By 11/1: Identify and summarize the "hot" policy, internal management, legal and infrastructure issues to require immediate attention by the new Administration officials. Ensure the information is approved for release to the intended audience.
- By 11/1: Prepare to provide the work tools and new employee briefings: badges, computers, Blackberries, parking, work spaces, access to secure information and areas, ethics briefings and the like.
- In mid-October and, if desired, again after the election: OMB and DDM to create the opportunity for career transition leads to meet to confer with each other and others from whom they seek counsel.
- In general:
 - Work to ensure every program/initiative is as you are proud to have it, as of 1/20/09.
 - Ensure all program improvement, high risk improvement and management improvement goals and plans are as all stakeholders are proud to have them, and available to the public, as planned.
 - Do transition planning with (not to) career officials.

Goal 2: Help current non-career employees exit successfully

- By 8/04, develop for delivery as needed a briefing on what a departing political can and cannot take with them.
- By 8/04, develop for delivery as needed a briefing on "exit ethics" and post-service health benefit coverage, retirement estimates, etc. Include information about who to contact with related questions after they have left government service.

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TRANSITION GUIDE PROJECT TEAM

PARTNERSHIP FOR PUBLIC SERVICE

Bob Cohen, Writer and Editor

Bevin Johnston, Creative Director

Andrew Lobel, Manager

Audrey Pfund, Associate Design Manager

Zachary Piaker, Associate

Matt Sanford, Ready to Govern Fellow

Kristine Simmons, Vice President
of Government Affairs

Max Stier, President and CEO

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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 [presidentialtransition.org](https://www.presidentialtransition.org).



PARTNERSHIP FOR PUBLIC SERVICE

1100 New York Avenue NW
Suite 200 East
Washington DC 20005

(202) 775-9111
[ourpublicservice.org](https://www.ourpublicservice.org)
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