
Public Law 108-458

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.



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