



READY *to Govern*

Improving the Presidential Transition

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PARTNERSHIP FOR PUBLIC SERVICE

EXECUTIVE SUMMARY

As more than one million people poured onto the National Mall for Barack Obama's historic January 20, 2009 presidential inauguration, outgoing and incoming national security officials huddled in the White House Situation Room monitoring reports about a possible attack on Washington, D.C. by a militant Somali terrorist group with links to al Qaeda.

This was the nightmare transition scenario for Joshua Bolten, President George W. Bush's chief of staff. The political leadership of the country was gathering at the Capitol and the president's staff had cleaned out their White House offices, but the new president and his team were not yet in charge.

"So there I am with the president until he got into the limousine with the president-elect. I had no assistants because everyone had turned in their badges, even me, and yet there was this threat," recalled Bolten. "By inauguration time they concluded it was not credible, but it could have been a serious problem."

The transfer of power from President Bush to President Obama turned out to be smooth and peaceful on that cold, sunny January day, an American democratic ritual that occurred in the midst of the ongoing threat of terrorism, the Iraq and Afghanistan wars and the most severe economic crisis since the Great Depression.

Although a false alarm, the inauguration terror alert magnified how important it is for a new administration to immediately take charge in case of a national emergency.

In today's world, the American people expect their federal government to be equipped for any contingency. The national security issues facing an incoming president are too important to be left to chance, and in 2009, the economic crisis required immediate engagement. This means presidential transitions must be highly organized, professional, and involved in extensive advance preparation. Hope and luck are not a strategy.

There have been times in our history when newly elected presidents have been well-prepared and other times when they have not been ready to govern on the day they assume office. Some politicians have been so superstitious or fearful of seeming presumptuous that they intentionally avoided detailed planning until after they

were elected, leaving only two-and-a-half months to assume leadership of the most important government in the world. In some cases, outgoing administrations have not been fully cooperative or the incoming team has not always been receptive to even hearing advice from departing officials.

During the 2008-2009 transition, the Bush White House worked very hard to ensure that there would be a smooth transfer of power to whoever won the election.

Republican presidential candidate John McCain laid down a basic foundation and established a game plan for a formal transition, but devoted few financial resources to the task and relied mainly on a small circle of trusted associates. He personally took a hands-off approach, in large part because he did not want to be distracted from campaigning and was wary of moving ahead too quickly.

Obama's pre-election transition was highly organized, well financed, and had a policy and personnel operation that carried over into the formal transition after his November 2008 electoral victory. While Obama's operation in many ways offers a model for how presidential transitions should be run, the process began to break down on the personnel front after he entered the White House. This was partly due to a shift in personnel directors from the transition to the White House, Senate delays, a decision to stiffen vetting requirements following nominee tax issues and other problems.

In truth, as smooth as the latest transition was and even with the considerable effort put into it by all involved, in many ways our nation was simply lucky. No effort to date has been adequate to truly enable any newly elected president to hit the ground running, an inexcusable fact in today's volatile, fast-paced world where the stakes have never been higher.

It is time to better enable new presidents to get their full team in place as quickly as possible. It will not be easy, but we must strive to change the status quo. This will require institutionalizing a number of steps now left to the discretion of the participants, and creating a new set of goals and expectations that set a higher standard for all involved—the presidential candidates, the outgoing administration, a president-elect and then his new administration, and the Senate.

To provide a framework for the future, the Partnership for Public Service examined the 2008-2009 presidential transition, including the pre-election period, the phase between the election and the inauguration, and Obama's first year in office. We interviewed a number of key players from the Bush White House and the transition teams of Obama and McCain. We studied the public record, talked to outside experts and interviewed officials at the Department of Homeland Security (DHS) and the General Services Administration (GSA), which handles office space and logistics for the president-elect.

This report recounts many of the 2008-2009 presidential transition activities, includes observations from the participants, and identifies notable successes and shortcomings. Based on our study, we propose a series of legislative changes to the Presidential Transition Act, and we highlight some best practices that could be employed in future transitions by the White House and presidential campaigns.

From our study, several key issues stand out.

- **To institutionalize effective presidential transitions, we need to change the cultural norm. Rather than viewing early, pre-election transition planning as premature and presumptuous, our nation must recognize it as prudent and necessary, and acknowledge that failing to plan for the transition can leave the country vulnerable to issues ranging from national security to the stability of financial markets.**
- **The preparation to govern must not wait until the two-and-a-half-month period between the election and the inauguration; it should begin during the height of the presidential campaign season though the outcome of the political contest will still be unresolved. This requires a strong commitment and leadership from presidential candidates, a commitment of federal resources to help the candidates do the planning and the selection of respected transition leaders with past experience in government.**
- **A new president must fill, at the very minimum, top Senate-confirmed national security and economic positions immediately after the election, ensuring candidates have already been vetted, hold security clearances, are familiar with issues and procedures, and have been prepared to work as part of a team.**
- **The White House should provide cooperation and guidance to the major party presidential candidates in the pre-election period, and later to the president-elect. If the president is running for re-election, there still should be a transition plan in place that includes designating and training senior career executives who can temporarily take over from political appointees at the departments and agencies during a change of administration.**
- **The vetting process and disclosure requirements for nominees have become too onerous and complicated. Too many political appointee positions require Senate confirmations, and it takes far too long—sometimes a year or more—for a new president to get all of his nominees in their jobs and engaged in governing. The Senate needs to address the above issues to remove barriers to public service.**
- **Too little attention is paid—and insufficient resources are devoted—to preparing and training political appointees. Many political appointees are policy experts, but the success of those policies may depend on how well they are able to manage and lead the career civil servants who must carry out the mission. The new leadership needs to prioritize selecting and preparing its team to govern.**

The 2008-2009 presidential transition was historic in many respects. Without an incumbent president or vice president in contention, a major transfer of power was a certainty. This created an environment in which it was easier for President Bush to openly facilitate a smooth transition, a process that also was driven by his own concerns about the terrorist threat.

Bush decided a year before the 2008 election that he wanted “the best transition possible regardless of who was going to win,” and after the election, publicly declared that a smooth transition of power would be a “priority.”

In this report, we detail the ways in which the Bush administration cooperated with both political campaigns and then the president-elect. The White House undertook extensive transition planning long before the election, and provided assistance in many areas, including homeland and national security, the economy and agency reviews.

McCain's transition relied on a volunteer staff and a budget of only \$25,000 to \$30,000. His planning committee began talks in the spring of 2008, and by summer began engaging in preparatory work about jobs that would need to be filled. His transition developed preliminary lists of potential Cabinet, sub-Cabinet and White House appointees, had a plan for handling a range of logistical issues, and laid out timelines for what would have to be accomplished in a formal transition if he won the election.

But McCain did not plan to send sizable fact-finding teams into the agencies after the election because he believed it would be a “friendly takeover” and unnecessary. He also arranged for only five campaign aides to obtain advanced security clearances so they would have had immediate access to classified briefings after the election. McCain was described by staff members as being “superstitious” about engaging in too much advanced planning before the election. On occasion during the campaign, McCain accused Obama of “measuring the White House drapes” before the election had taken place.

Obama began preparing for his transition in the spring of 2008, had a budget of roughly \$400,000 from privately raised funds, engaged in detailed planning on the issues, began preparing for expert teams to descend on the agencies after the election, identified the top jobs that needed to be filled quickly, and arranged for more than 100 individuals to get security clearances so they would be prepared to receive classified briefings right after the election.

President-elect Obama raised in excess of \$4 million in private donations for his post-election transition to supplement the roughly \$5.3 million in taxpayer funds that were made available once he was elected. He grew his transition staff to several hundred people, and he quickly named his top White House aides and other top political appointees. He set strict ethical guidelines, had national security and economic appointees in place early, and sent review teams into every agency to gather information. Obama also prepared his policy agenda including the economic stimulus package and plans to deal with failing banks and an auto industry that was on life support. One month into his presidency, Obama still had only 13 of his 15 Cabinet secretaries confirmed.

The Obama transition, however, was not all smooth sailing. Throughout the government, key posts remained unfilled in the early months of the administration, and those in place struggled to meet the demands of Obama’s ambitious agenda. Additionally, several of Obama’s high-level appointees ultimately did not make it into office, sometimes for reasons that proved embarrassing, leading Obama to tighten the already strict vetting requirements.

According to a Washington Post count, of the top 516 Senate-confirmed positions, Obama managed to get 76 political appointees confirmed and 108 nominated in his first 100 days. This amounted to about 15 percent of those positions that were filled.

By August 7, 2009, when Congress took its summer recess, only 240 or 46 percent of his nominees had been confirmed by the Senate. By December 31, 2009, just 305 or about 59 percent of the nominees were in their jobs and 67 others were nominated and awaiting confirmation. Even with so many jobs unfilled, some political appointees already were preparing to depart, including the deputy attorney general at the Justice Department.

Bush also experienced problems getting his full team in place after the 2000 election. His transition was delayed five weeks because of the electoral dispute with Democrat Al Gore, but Bush began planning in the spring of 1999, privately funded his initial post-election transition, and quickly named his White House staff and Cabinet nominees after the outcome of the election was settled. Due in part to the election dispute and delays in the Senate, the incoming Bush administration did not have its deputy Cabinet officials in place until the spring of 2001 and its sub-Cabinet officials on the job until that summer.

President Bill Clinton had a particularly hard time, with controversies over a number of his nominees and a personnel operation that was slow off the mark. Three months after his election, only 50 of his top political appointees had been confirmed by the Senate. At the end of June 1993, only 10 of 24 positions in the Defense Department requiring Senate confirmation were filled.

There is no way to guarantee the success of a presidential transition, control the political dynamic or account for the personalities and idiosyncrasies of individual candidates. But there is no doubt that there can be significant improvements.

Improving presidential transitions will require institutionalizing some important activities now often left to chance, setting higher standards and raising expectations. Extensive cooperation from all sides is needed along with thorough and early transition planning to ensure a new administration is fully staffed and ready to govern. That is not a luxury; it’s a necessity.

Based on our study, we recommend, among other actions, the following:



THE PRESIDENTIAL CANDIDATES

- Publicly name a transition director within two weeks after their respective nominating conventions. This will signal the campaign's intention to position itself well for assuming office, take the transition out of the shadows, and remove the stigma of presumptuousness.
- Appoint a personnel director for the transition who also will serve as the White House personnel director (if elected) as a way of ensuring continuity and enhancing the effectiveness of the personnel process.
- Fully utilize the 2004 Intelligence Reform and Terrorism Prevention Act provision (P.L. 108-458, Title VII, Subtitle F) that allows select individuals to be screened for security clearances before the election.



CONGRESS

- Assess the true costs incurred for the presidential transition and allocate an appropriately increased sum for transition activities in future years, in part to minimize the need for private funding of transition activities that are now a necessity. To facilitate early transition planning, require campaigns to publicly name their transition director within two weeks of the nominating convention and assign a small percentage of appropriated transition funding to pre-election activities accessible only when the transition director is named.
- Create in statute an Agency Transition Directors Council, led by the GSA transition coordinator and a representative named by the White House, to ensure early and meaningful planning across federal agencies for the presidential transition.
- Mandate that the head of each Cabinet-level department, independent agency and critical agency subcomponent name a top-level careerist to lead that agency's transition efforts, with appropriate decision-making authority, six months before Election Day.
- Require the incumbent White House, as part of prudent contingency planning, to select and prepare career executives to temporarily fill the positions of top political appointees who will leave in the wake of an election. This should be done even if the president is running for re-election. If Congress does not mandate this action, the incumbent White House should take such steps on its own.

- Reduce the number of politically appointed positions that require Senate confirmation to help reduce delays that have traditionally prevented a new administration from getting a full team in place.
- To prevent a leadership vacuum and give transition planning a sense of urgency, Senate leaders should commit to work with the president-elect to have 50 top officials confirmed on or shortly after the inauguration, including all key posts within the departments of Defense, Homeland Security, Justice, State and Treasury.



THE PRESIDENT-ELECT'S TRANSITION

- Provide the names of the top 50 officials, including key posts within the departments of Defense, Homeland Security, Justice, State and Treasury, to the Senate by January 1 (or a date certain) to enable the Senate to act on their nominations on or shortly after the inauguration.
- Put in place early orientation and training for incoming political appointees who will be managing the departments and agencies, and plan for ongoing training.



THE WHITE HOUSE

- Create a White House Transition Coordinating Council comprised of administration, campaign and outside organization representatives to plan transition activities prior to the presidential election and through the inauguration. Each campaign's transition director will represent their respective campaign on the council. This may present an especially difficult challenge for an incumbent seeking re-election.
- Install a high level official who has the strong backing of the president to be in charge of handling the transition and ensuring the transfer of power is smooth and seamless.
- Stage table top exercises that bring together incoming and outgoing officials to participate in a crisis management scenario such as a national security threat or natural disaster.
- Ensure that the president-elect and appropriate agencies have sufficient resources and vetting personnel to carry out ethics and background investigations between the election and the first six months of the new administration. This would help eliminate delays that have impeded the nomination process.

INTRODUCTION

The constitutional transfer of presidential power has been one of the hallmarks of American democracy—a peaceful ritual that provides continuity for our government as well as an opportunity for change and renewal.

Yet with all the hope, pomp and circumstance that comes with the swearing-in of a president, the ability of a new administration to effectively begin governing often rests on the preparation undertaken long before Inauguration Day.

For much of American history, presidential transitions were carried out without very much advance planning or even cooperation from the sitting chief executive. A president-elect was not expected to come to the nation's capital until the inauguration and had few if any substantial policy or procedural discussions with the outgoing administration.

President Harry Truman charted a positive course by extending his hand to President-elect Dwight D. Eisenhower after the 1952 election, inviting him to the White House and ordering federal agencies to assist the new administration with the transition. John F. Kennedy funded his own transition just like his predecessors, and engaged in extensive transition planning on domestic and foreign policy issues, but did not meet with Eisenhower until January 6, 1961, two months after the election.

It was not until March of 1964 that a formal transition framework was established with the congressional passage of the Presidential Transition Act, a measure designed to “promote the orderly transfer of executive power” and to “ensure continuity” while “minimizing disruption.”

This law for the first time provided federal funding after an election for a presidential transition and was intended in part to reduce reliance on the use of private donations. The law authorized the GSA to provide the president-elect and vice president-elect as well as the outgoing president and vice president, with office space, paid staff and consultants, travel expenses, communications services and the temporary use of agency personnel.

The transition law was amended in 1976, 1988 and again in 2000, each time raising the amount of money available to the incoming and outgoing administrations. Amendments in 1988 also capped private donations at

\$5,000 from a single individual or organization, and required disclosure of how this money was spent. Congress also extended public transition funding for 30 days following the president's swearing-in instead of terminating it on Inauguration Day.

Twelve years later, in 2000, Congress for the first time authorized the GSA to coordinate and help develop an orientation program for the president-elect's Cabinet and high-level political appointees, providing up to \$1 million in funding. In 2004, Congress again revisited the transition, this time as part of the Intelligence Reform and Terrorism Prevention Act that reorganized the intelligence community in the aftermath of the September 11, 2001 terrorist attacks.

This law required that the incumbent administration provide the president-elect with detailed classified summaries of all ongoing military and security issues. It encouraged the president-elect to nominate “candidates for high level national security positions through the level of undersecretary” as soon as possible after the election and to expedite their background checks. In addition, the 2004 law allowed candidates from the major political parties to request security clearances for prospective transition team members prior to the general election.

We have come a long way since the early days of presidential transitions, and the various legislative changes of the past four decades have been helpful, but there still is vast room for improvement. Even with the assistance provided by the transition act, preparation for the transfer of power has varied widely in every presidential election cycle.

The world today is volatile, the pace of events is rapid and the stakes are so high that it's time to bring the transition process to a new level of stability and predictability. There must be a change in the cultural norm so that it is perceived as absolutely essential for presidential candidates to make detailed plans for governing, and to do so well before the election. There must be expectations placed on the candidates that engaging in the planning process is a duty, not an option. There also must be a strong commitment from the Senate to expedite consideration of key officials and to vote on the nominations of at least the top 50 defense, foreign policy, economic,

homeland security and law enforcement officials on or as quickly as possible after Inauguration Day.

Based on our examination of presidential transitions, and in particular the 2008-2009 experience, it is time once again to revisit and amend the presidential transition law to place requirements on the White House to better facilitate transition activities, and to enable campaigns and the president-elect to be better prepared to govern.

Beyond enacting changes into law, there are a number of operational practices that could improve future presidential transitions, and they should be adopted as standard procedure by presidential campaigns, the president-elect and outgoing administrations.

In most regards, the 2008-2009 transition was successful. Although there were a variety of glitches and shortcomings, President Bush's White House created a climate of cooperation and professionalism. The circumstances helped create the dynamic—a two-term president, a vice president who was not on the ballot, and an overriding concern about terrorism that fueled the sitting president's desire to fully prepare his successor.

At the same time, Barack Obama devoted substantial resources, thought and planning to governing, and came to office highly prepared amid difficult economic and national security circumstances.

The central problem we face, as one former White House aide told us, is “how to make a transition not depend on personalities and good will. It worked this time because you had two grown-ups.”

This report seeks to answer that question, and to move the process from the vagaries of fate and good will to a higher standard. We examine the three phases of the 2008-2009 transition—the pre-election timeframe, the period from the election to the inauguration and President Obama's first year in office. In each section, we provide a short narrative based on the experiences and reflections of some key participants in the transition, and offer a series of recommendations for each phase on a broad range of transition issues.

PHASE ONE

PRE-ELECTION DAY TRANSITION PLANNING

A critical phase of every presidential transition occurs before Election Day. In the most effective and successful presidential transitions, planning begins well before the outcome of the election is clear—in many cases, a year before the election. Yet in recent times, campaigns have portrayed such advance planning as “presumptuous,” when in fact it is both prudent and necessary.

Even if conducted quietly behind-the-scenes, a campaign can powerfully argue that preparing to govern is essential to the safety and security of the nation. It is necessary to reset expectations and create a climate that encourages the need to properly prepare for a transfer of power.

During the period before the election, presidential campaigns must take steps to identify key White House staff positions and the individuals who might fill them if their candidate is elected. They need to prepare lists of potential Cabinet nominees and other senior politically appointed leadership posts, and prioritize important issues that will need to be addressed early in a new administration.

The campaigns also must work with the General Services Administration (GSA) to plan for office space and other logistical and personnel requirements in the post-election period—a time when the formation of a new government must be put into full gear.

The White House should play a role even if the sitting president is seeking re-election. In such a case, the White House still must facilitate security clearances for key aides of a challenger, help agencies with coordination for a possible transition, and include funding in the budget for transition activities. If the incumbent is not running, there are a variety of steps that should be taken before the election to help provide information and facilitate a smooth post-election transition and transfer of power.

THE OBAMA PRE-ELECTION TRANSITION PLANNING

Democrat Barack Obama created a highly structured, well-funded and well-managed transition, with Obama’s aides saying that he felt strongly about the need to lay a firm foundation so that he would be prepared to govern if elected.

Christopher Lu, the executive director of the Democratic candidate’s transition, said Obama had referred to the scene in the 1972 classic political film *The Candidate* when actor Robert Redford, playing the role of a young liberal lawyer and the winner of a hard fought Senate race, turned to his campaign advisor on election night and asked, “What do we do now?”

“Obama did not want to be in that position of saying, ‘What now?’” recalled Lu.

Obama conferred with trusted advisers about the need for transition planning in May 2008. By Election Day, Lu said they had identified about 300 top jobs, and had a sense of “what order we wanted to fill them” including placing a priority on quickly naming a White House chief of staff and other key White House personnel.

John Podesta, a former chief of staff to President Bill Clinton, became head of the Obama transition effort in June of 2008 and presided over a high-level board of advisers who each had different policy expertise. The group met regularly during the pre-election period.

Podesta came to the transition after having founded the Center for American Progress in 2003. This Washington, D.C.-based think tank put together a voluminous book on how to run a Democratic administration, and had compiled detailed background on past presidential transitions and important policy considerations.

Podesta said a key to his role as a kind of chief executive officer was not having any ambitions to go into the government again, making him an honest broker and allowing him to devote his full energies to the task from the summer right through the election and the inauguration.

A similar pattern had been followed in 1960 when John F. Kennedy named Clark Clifford, an experienced Washington hand with no ambition to serve in the new ad-

ministration, as his transition director. In contrast, Bill Clinton's transition lost continuity when Warren Christopher, the director of his transition, was nominated to be secretary of state after the 1992 election.

In addition to Podesta, Lu and the top-level advisory board, the Obama transition had a paid staff of about 10 people during the summer of 2008, dozens of volunteers, and a budget funded from private donations that reached about \$400,000 during the pre-election period. The money was used to pay for office space, salaries, computers and software, travel, and telephones.

The transition produced policy options on a wide range of issues, including national security and had "parachute teams" ready to go into the agencies after the election to collect information. In addition, the Obama team worked out the logistics and processes for handling an expanded and formal transition operation in the post-election period, conferring frequently with officials from the GSA. They also began compiling names of potential political appointees for top jobs, and engaged in some preliminary vetting by scouring public sources of information.

The transition also obtained security clearances in advance of the election for well in excess of 100 people who would be dealing with national security, economic and other important issues.

Lu said one problem that arose during this pre-election phase involved ensuring the integrity of the sensitive policy documents developed by Obama's national security team. He said the transition rented computers at great expense that had anti-virus software and other security features, but noted there were no guarantees that the data would be fully protected. Lu said it would have been safer and less costly if the intelligence community or the Defense Department could have provided the transition with secure computers.

A good deal of the transition's organization had been laid out in the early part of 2008 by Peter Rouse, Obama's former Senate chief of staff and top campaign aide. Lu reviewed the detailed plans from the 2004 transition of losing Democratic presidential candidate John Kerry, which he said "turned out to be a road map for how to do transitions."

While Podesta and Lu ran the transition, Rouse served as the primary liaison to the campaign, and all three were in regular contact.

"We would provide Obama with a memo every week on what had been happening in the transition and then John (Podesta) and Pete (Rouse) would talk to him, and brief him in greater detail," said Lu.

Looking back, Podesta said solid work had been done in the pre-election period because of the early start, good resourcing and organization.

Lu said the transition "laid out pretty good plans up to November 4." But even so, Lu said, a lot of those plans changed after November 4, "because once the reality of what we were doing set in, you just have to make a lot of adjustments."

THE MCCAIN PRE-ELECTION TRANSITION PLANNING

John McCain engaged a small circle of six friends and advisers to begin the transition planning in the spring and summer of 2008, and they worked through the fall to lay down a basic foundation while keeping their efforts closely guarded.

Aides said the Arizona Republican felt it was premature to move too aggressively before a presidential victory was in hand. Rick Davis, McCain's campaign manager and a member of the transition's inner circle, said there was "a level of superstition involved" on the part of the senator who wanted to take a cautious approach and have a transition that "operated in a discreet environment." He said McCain believed there would be ample time to deal with a number of issues after the election if he were victorious.

"He didn't want to take his eye off of the election," said Davis. "He knew what he wanted to do when governing. He had very specific ideas."

Members of McCain's Transition Planning Committee, as the group called themselves, said they felt they had a solid framework in place and would have been prepared if McCain had won the election.

"We had a good plan, we had a good book ready," said Will Ball, a former Navy secretary who handled many of the day-to-day operations of the transition. "Based on what we understood to be the level of planning undertaken by previous transition planning teams, we were pretty far along, but we never got to take the final exam."

"In April and May of 2008, we were gathering information and then in May, I started writing down some of the basic outlines of what we needed to do going forward with some specific recommendations and a timeline,"

said Ball. “We had a blueprint with fairly general steps and then as each week went by we would flesh out more specific goals to reach in the three phases, the pre-nomination phase, the nomination to election phase, and then the post-election phase.”

Russ Gerson, a New York executive recruiter and the transition’s personnel director, said he began work in June of 2008, and put together a volunteer team of 29 mostly private-sector subject matter experts in different fields from across the country. Gerson said he built a database that included job descriptions, and with the input from his volunteers, developed lists of potential candidates along with their biographical material that went five deep for the top 125 Cabinet and sub-Cabinet positions. He also said he developed job descriptions and a list of candidates for 50 or so White House staff jobs.

Gerson said the individuals on the lists were not contacted directly, although in most cases preliminary public record vetting was undertaken. He said the lists of potential candidates were ready for McCain to see right after the election, along with a week-by-week timetable for assessing and naming appointees. Gerson said he was proud of the work product, but noted that the task was enormous and said it would have been helpful to have started the planning much earlier.

Throughout the process, Gerson said, McCain kept his distance but knew the work was taking place. “We did this with very little direct input from Sen. McCain. Sen. McCain’s philosophy was, ‘I want to be prepared to govern, but I don’t want to think about any of these decisions until after November 4,’” said Gerson. He said McCain “knew he could trust us to do an effective job.”

Ball made the same point about McCain’s view of the transition. “While McCain understood why this is important and what the major objectives of the transition should be, he was still not going to devote any significant amount of time to this planning, leaving that to us up until it became the real thing,” said Ball.

Besides Ball, Davis and Gerson, William Timmons Sr., a prominent Washington lobbyist and veteran of Republican transitions, was part of the core group. He provided a thick book filled with administrative details for a formal transition, including office space requirements, the way to conduct travel arrangements, the placement of telephone lines, and the ins and outs of building security and many other logistical issues. John F. Lehman Jr., a former Navy secretary, friend and member of the commission that investigated the September 11, 2001, ter-

rorist attacks, concentrated on national security issues. Trevor Potter, the campaign’s counsel, was also part of the transition’s inner circle that met at least every week as the election drew closer.

McCain’s transition operated out of the campaign’s headquarters in Arlington, Va., and ran on a shoestring budget of \$25,000 to \$30,000. The operation consisted of the six key players, a relatively small group of volunteers, and the part-time advisors spread around the country. Davis said that he did not think that more money for the transition was necessary and felt the small budget “did not have a material impact.” He added that it was important to devote scarce resources to the campaign, particularly in the final month-and-a-half.

Unlike the Obama transition, McCain did not have review teams prepared to go into federal agencies to obtain information and make assessments on policy and operations. Ball said it was “a conscious decision” not to pull these groups together prior to the election because McCain “would have relied to a greater extent on selected carry-over personnel” from the Bush administration. He said the process would have been like a “friendly takeover,” and large groups would not have been necessary.

The McCain transition also did not take advantage of the opportunity to obtain a sizable number of security clearances for aides to gain quick access to classified briefings after the election. Davis said there were just five campaign aides who went through the clearance process—individuals who would have been directly involved with intelligence briefings for the president-elect.

Ball said the transition did not follow through with more names. “We met with Justice Department officials and went over the procedures with the Justice Department and the FBI,” said Ball. “We didn’t have names we were ready to put into clearance at the time, but we knew the process was there, and had the election gone the other way, we would have been ready to take advantage of it.”

Throughout the summer and fall, the McCain and Obama campaigns were reluctant to talk about their transition activities for fear of being viewed as presumptuous even though representatives from each group were engaged in planning, conferring with the White House, and meeting with the GSA about post-election office space and other issues.

The McCain campaign, however, sought to exploit Obama’s extensive transition preparation.

In July of 2008, a senior Obama campaign adviser was quoted as saying, “Barack is well aware of the complexity and the organizational challenge involved in the transition process and he has tasked a small group to begin thinking through the process.” A McCain press spokesman immediately accused Obama of “dancing in the end zone” before crossing the 50-yard line.

Ball called this remark “unfortunate” and said McCain and his planning committee took the transition seriously. Yet McCain at various times during the campaign accused Obama of overconfidence and suggested during the fall campaign that he was already “measuring the drapes.”

Lu said Obama transition team members felt “burned” by some of these comments, reinforcing the need to keep their activities as quiet as possible. Davis said the McCain camp was constantly under attack on personnel issues by Obama, with the Democrat accusing the Republican of having a staff top-heavy with lobbyists. “This kind of culture doesn’t allow you to open up,” said Davis.

Some of participants in the 2008 transition agreed that finding a way to bring the pre-election transition out of the shadows and make it an accepted part of the process would be a positive development and would avoid the possibility of it being used as a campaign issue. One way to do this would be to make it a statutory requirement for each campaign to publicly name a transition director following their nominating conventions, and to be eligible to receive federal funds for transition activities during this period. This would legitimize the pre-election transition and provide the resources to begin the proper planning without having to worry about private fundraising or criticism from an opponent.

Others interviewed saw a downside to placing the pre-election transition in greater public view, feeling it might inhibit planning, create problems for the presidential campaigns, and in the end cause some transition teams to shut down activities that should actually occur. According to this view, it is better to operate under the radar and provide campaigns with greater flexibility. The low key approach, they said, serves to avoid raising issues that should not be publicly addressed, such as personnel matters. There was also concern that accepting federal funding would bring unwanted scrutiny.

THE WHITE HOUSE PRE-ELECTION TRANSITION PREPARATION

While the Obama and McCain transitions were seeking to operate quietly and their political campaigns were attacking each other on a daily basis, the two sides were privately consulting with the Bush White House in the summer of 2008 to prepare for a smooth transition of power.

These consultations had been preceded by a good deal of White House planning that was set in motion earlier in the year after President Bush instructed his chief of staff, Joshua Bolten, to make this “the best transition possible regardless of who was going to win.” According to aides, Bush wanted an effective, cooperative and seamless transition in large part because of his concerns over national security, particularly the ongoing terrorist threat and the wars in Iraq and Afghanistan.

Bush’s commitment to a thorough and professional transition process, which he communicated to his Cabinet, set the tone and direction for the White House effort. This stance was made easier given the fact that neither he nor his vice president was on the ballot.

A cornerstone of the administration’s contact with the campaigns was what it called “uniformity of access.” Seeking to avoid any charges of favoritism, all materials, meetings, and guidance given to one transition team were simultaneously offered to the other.

Bush created a White House Presidential Transition Coordinating Council by executive order that included senior economic, national security and homeland security officials, representatives from the two presidential campaigns, and outside experts. The council, similar to one created by President Clinton in 2000 after the November election, met in the 2008 pre-election period and afterward to discuss pertinent issues and plan for a smooth transfer of power.

During the period before the election, the White House also helped expedite security clearances for key advisers and top transition aides of the campaigns so that the winner’s staff would have access to classified briefings and important information quickly after the election. This process, permitted by the Intelligence Reform and Terrorism Prevention Act of 2004, was used extensively by the Obama campaign as noted earlier, but not by McCain.

The Office of the Director of National Intelligence provided briefings to the two major candidates after their political party nominations. There also were briefings on the deepening financial crisis as the campaign progressed into the fall. The Office of Government Ethics held meetings with both campaign transition teams to discuss financial disclosure rules.

Aware of the importance of personnel matters in the transition, Bolten said the Bush White House prepared “a complete inventory and description of all the appointed jobs in government” that was turned over to the transition directors of the two campaigns. The White House also prepared briefing papers on “hot” domestic, economic and national security issues that the new administration would face in the first 90 days

The White House, with the input of both campaigns and assistance from the GSA, helped facilitate the design of a new presidential personnel computer system to replace the antiquated software program it had been using. The outdated White House personnel database, called TeleMagic, had been used by Bush when he was governor of Texas.

The template for this new personnel database had been developed initially by Gerson, McCain’s personnel director. He said he offered to let the Obama transition use his software so that both campaigns could jointly request that the Bush administration adopt it as the model for the new system that would be in place at the White House on Inauguration Day. Gerson said he believed that having both sides using the same data management system that would be available at the White House would help ensure a smoother personnel process for the new president. He said both campaigns agreed, and the White House fast-tracked the approval with the GSA by late September 2008.

On policy issues, Bolten months earlier issued a memo to the heads of all executive departments and agencies urging them to resist last minute regulatory activity except in “extraordinary circumstances.” His March 2008 memo directed that all regulations be proposed no later than June 1, 2008, and that final regulations be issued no later than November 1, 2008.

Bolten said he felt he was pursuing a prudent course that would give sufficient airing of new regulations and avoid the appearance that the administration was seeking to walk out the door while imposing “midnight” rules. The chief of staff said he drew criticism from inside the administration for constraining the agencies and the Bush

agenda. He was attacked by Democrats and outside groups who said the edict prompted agencies to rush to meet the new deadlines with a higher than normal volume of new regulatory proposals.

The president and his staff won praise from both camps and outside experts.

Ball, the McCain transition aide, said he found the White House to be very cooperative, “offering plenty of information” after the Arizona senator had secured the Republican presidential nomination.

Similarly, Lu of the Obama transition said, “Anything we ever wanted, they always got to us, before Election Day, after Election Day.”

THE WHITE HOUSE PRIMES THE AGENCIES

In April of 2008, Bolten instructed Clay Johnson, the deputy director of the Office of Management and Budget (OMB), to “prepare the agencies” for the presidential transition. Johnson said that meant “helping them figure out what to do, getting them to focus on this and devote resources.”

Johnson said he had his first meeting with the President’s Management Council in May that resulted in a July 18 transition guidance memo. This memo directed the management council, comprised of the deputy secretaries and chief operating officers of major agencies, to begin identifying by August 1, 2008, the career officials responsible for assuming the positions of departing political appointees at each major bureau and office of their department or agency, and by October 15 to sign off on the individuals who would temporarily fill those jobs.

The Johnson memo told the agencies to identify a career official to serve as their transition coordinator and as the liaison to the president-elect’s team. In addition, the agencies were asked by November 1 to prepare a brief summary of their department’s basic organization, current missions and performance goals, and to identify and summarize their important policy, internal management, and legal and infrastructure issues.

Although the agencies were given these instructions, Johnson said he did not think it was necessary to require them to report back to him on their progress. “If they were not doing what was asked, then they were going to pay the price when their new bosses got there,” he said. He added that all of the agencies completed their work by October 31.

The administration for the first time ever also brought together a number of career agency transition coordinators in the fall, prior to the election, to discuss common issues they would need to confront during the post-election transition. After the election, additional meetings were held. These sessions were arranged by Gail Lovelace, the director of the presidential transition at the GSA.

Lovelace got involved in the transition because of the GSA's role in providing office space and support services to the president-elect after the election, but she worked with Johnson to initiate pre-election agency activities including the meetings to discuss how to prepare for the new administration. Lovelace said most of the agency people had never been through a transition before and did not know what to expect.

“Nobody said, ‘Gail, do this job,’ before I became the official person here at the GSA,” said Lovelace. “There’s nobody in government, so to speak, in charge of transition.”

Lovelace said agency coordinators should have been engaged much earlier and an effort should have been made to ensure they were making the necessary preparations. “I think some agencies scurried at the last minute,” she said. “I think a lot of the agencies weren’t focused. They didn’t understand the level of effort needed to transition to a new administration.” Attendance at the meetings convened by Lovelace for the agency transition leaders varied from session to session.

PHASE ONE RECOMMENDATIONS

The experiences of the 2008 transition offer some important insights into best practices and effective policies that should be part of a pre-election transition period for presidential campaigns, the White House, and the federal departments and agencies. Based on our study, we recommend:



THE PRESIDENTIAL CANDIDATES

- Establish a transition team to conduct early planning long before the general election, with a trusted liaison between the transition and the campaign.
- Publicly name a transition director within two weeks after the official nominating convention. This will signal the campaign's intention to take the transition out of the shadows, and remove the stigma of presumptuousness. This would not be applicable for an incumbent's campaign.
- Select a transition director with significant federal or White House experience, and who does not plan to join the administration, so the focus can be on the transition alone. This would not apply to an incumbent president who would not have the same needs.
- Assign transition directors to learn about past transitions, in many cases, leveraging the plans from previous transition teams. They should consider how to archive the new transition plans for future teams, viewing the transition in the broader perspective of effective federal operations.
- Send transition advisors to key agencies (such as the Department of Homeland Security and the Defense Department) to receive briefings during the pre-election phase so that they will be well-informed on key issues early in the process.
- Name a personnel director for the transition early in the planning process who will also serve as the White House personnel director (if elected) and who intends to stay in that role for at least the first year of the administration. This will build continuity and enhance the efficiency and effectiveness of the personnel process.
- Begin compiling lists of possible appointees during the pre-election phase, and start public record vetting.
- Utilize the early security clearance process permitted by the 2004 Intelligence Reform and Terrorism Prevention Act of 2004 to expedite getting key national security aides and other important staff access to classified material immediately after the election.

CONGRESS



- Assess the true costs for the presidential transition and allocate an appropriately increased sum for transition activities in future years, in part to minimize the need for private funding of transition activities. With modern security concerns and enhanced technology needs, building on past budgets—rather than actual expenses—may underestimate resource requirements. In 2008-2009, \$8.5 million was federally allocated for the presidential transition, divided as follows: \$5.3 million for the incoming administration (62 percent), \$2.2 million for the outgoing administration (26 percent), and \$1 million for the GSA to provide initial training for appointees (12 percent.) But even with this funding, President-elect Obama had to raise millions of dollars more in private donations to finance his transition.
- Assign a small percentage of appropriated funding to pre-election transition activities, accessible only once the transition director is public named, to facilitate early transition planning. For example, 2.5 percent of the incoming administration's appropriation could be provided to each major campaign immediately following the party's nominating convention, contingent upon a campaign identifying its transition director. This could obviate the need for private transition fundraising, and provide money for important activities. Eligibility for this pre-election federal transition funding should be determined by the same standards established by the Commission on Presidential Debates. A candidate who participates in commission-sponsored debates during the general election would be eligible. The GSA representative would track the expenditures to ensure this funding is used for transition planning activities.
- Create in statute an Agency Transition Directors Council, led by the GSA transition coordinator and a representative named by the White House, such as the deputy director for management at the Office of Management and Budget, to ensure early, consistent and meaningful planning within federal agencies for the presidential transition. This would enhance GSA's significant transition role, which includes managing logistical elements such as securing office space and coordinating preparatory activities across federal agencies.
- Mandate legislatively that the head of each Cabinet-level department, independent agency and critical agency sub-component name a top-level career civil servant to lead that agency's transition planning, with appropriate decision-making authority, six months before Election Day. These individuals will comprise the Agency Transition Directors Council.

- Require by law that by September 15 of a presidential election year, agencies identify and prepare career executives to fill critical positions on an interim basis until a new administration's political appointees are in place. This would apply even if an incumbent is seeking re-election.



THE WHITE HOUSE

- Create by presidential executive order, during a president's second term, a White House Transition Coordinating Council, led by White House officials and comprised of administration, campaign and outside organization representatives to plan transition activities prior to the presidential election and through the inauguration. Each campaign's transition director will represent the campaign on the council. Conduct regular meetings leading up to a presidential election and during the period between the election and the inauguration and follow up with agencies throughout the transition until the formal transfer of power.
- If Congress does not legislatively require it, voluntarily select and prepare career executives to temporarily fill appointed positions of departing officials even if the incumbent president is seeking re-election. When choosing career executives to temporarily assume these roles, train them to be contingency-ready and able to support incoming appointees from the transition phase into the new administration.
- Direct agencies to develop briefing materials for the incoming administration dealing with the top issues and problems on their agendas with guidance from the Agency Transition Directors Council regarding the content and format (and input from the candidates' representatives) by November 1.
- Provide to campaigns, through presidential personnel, a list of all Senate-confirmed positions and their related responsibilities in the early fall of an election year. Position descriptions for high-level jobs would be especially helpful.
- Set guidelines and negotiate protocols for access to materials and personnel at the agencies and departments with the two campaign transition teams if the president is leaving office, and with the transition team of the opponent if the incumbent is running for re-election.



THE GSA

- Arrange for the transition teams of the major party nominees to have access to secure computers and state-of-the-art software that will protect sensitive national security information.



THE 2008-2009 TRANSITION

SPOTLIGHT ON THE DEPARTMENT OF HOMELAND SECURITY

The 2008 presidential election marked the first transition for the Department of Homeland Security (DHS), a six-year-old organization created in the aftermath of the September 11, 2001, terrorist attacks.

Ensuring continuity of operations and the readiness to handle a national security crisis or a natural disaster were the top transition priorities for DHS, an often troubled and complex conglomeration of 22 separate agencies with different missions, cultures and 216,000 employees.

Recent events have shown that elections are times of increased vulnerability, with terror attacks taking place in Madrid in 2004, in London in 2005, and in Glasgow in 2007 during political transitions. The 1993 World Trade Center attack as well as the 9/11 attacks occurred within the first year of new administrations.

DHS began its preparations in 2007, long before the presidential election. President Bush issued an executive order in August 2007 delineating a line of succession for DHS, and Secretary Michael Chertoff in September 2007 established task forces to develop recommendations and best practices for the presidential transition.

These actions were followed by a number of positive and concrete steps taken by DHS in 2008 that included:

- Establishing a succession plan that designated career executives to backfill roughly 80 senior political appointees at DHS headquarters and subcomponents to preserve continuity of operations before, during and after the administration changeover. The succession plan went three levels deep in each organization. Paul Schneider, the former DHS deputy secretary, said, “On January 20, we assumed that every political appointee would be gone, which for the most part is exactly what happened.”
- Organizing seminars, training programs and hands-on group exercises in crisis management and operations for the senior career employees (and later for the new political appointees) to ensure that each component and office within DHS had capable leadership ready to take the reins and respond to an incident.
- Providing briefing materials for the new administration, as well as making sure that policies issued over the years were validated and memorialized into management directives. The materials contained descriptions of the missions and capabilities of each component,

outlined issues that affect more than one component such as cybersecurity, and included a detailed roster of decision points that would be faced in the first 30, 60 and 90 days of the new administration.

According to several knowledgeable individuals, progress on the transition was slow at the start because the day-to-day implementation of many issues was left to DHS employees who did not have the stature and authority needed to do the job.

This changed in June 2008 when Schneider, the DHS deputy secretary, appointed U.S. Coast Guard Rear Admiral John Acton to head the transition. Acton was a career officer free of politics, highly organized and respected. When he came on board, Acton said, “DHS had no transition playbook, no binder to pull off the shelf as a starting point because it was the department’s first real transition.” He immediately set clear goals, determined the functions that needed to be performed and the organization that was required to accomplish those tasks. Initially, he started with six full-time staffers and later called on some 80 others to help on a part-time basis across the department.

Acton said his efforts were enhanced by several factors, including the clear signal sent to the entire department from Chertoff and Schneider in the summer of 2008, well before the national party political conventions, that everything possible must be done to ensure the new administration succeeds. He said a successful transition requires strong support from leadership and “someone senior” heading the effort. “If the secretary and the component heads are not on board, it could be a very long road,” he said.

The Coast Guard admiral said another positive factor was that President-elect Obama’s DHS review team was “very informed on homeland security issues, knew what questions to ask and were ready to hit the ground running.” He said his DHS staff moved as quickly as they could to remove roadblocks and give the Obama team access to requested information. He said they gave them private workspace, laptops, phones, printers, shredders, building passes, and provided training and crisis management exercises for incoming political appointees.

Acton said there were a number of lessons learned from the 2008-2009 transition. He said his full-time effort

should have started a year before the election, not in June of 2008. “That was too late and really compressed our timelines,” he said. He also said the effort would have benefited greatly from a line item in the DHS budget for the transition, to avoid having to scratch out resources from others to get the job done.

There were other issues as well. Acton said DHS would have preferred direct contact with the campaigns of both Obama and Republican John McCain immediately after the national conventions, but neither the White House nor the campaigns supported early contact. He also noted that, initially, only a handful of Obama’s DHS review team held top secret security clearances and therefore had access to classified briefings. Though this later changed as the review team grew, he said that was inadequate and slowed down the review team’s work.

In addition, Acton said it was a challenge getting all of the new political appointees to engage in the initial training and crisis management sessions, since they were new to their jobs, had a lot on their plates, and in some cases did not grasp the urgency. “We sat down with them to say this is important and you really need to do it now,” said Acton.

Throughout 2008, there were a number of emergency response exercises for career officials who had been designated to backfill departing political appointees. Some observers felt that the earlier training efforts were not as effective as they could have been, but Acton said DHS sought to make them meaningful and he believes they were successful.

Aside from the internal DHS training, Acton said there was “no formal mechanism to get the entire federal government to train together” and engage in joint operations. “We presented our DHS transition training proposal to other federal agencies and Cabinet-level departments. Some took part and others did not,” he said. “No one was telling them you must do this.”

Outside observers found that the DHS transition, while experiencing a bumpy start and its share of shortcomings and frustrations, involved a high degree of advance preparation and offers a guide for other agencies to follow in the future. Acton said that he would “give us a B, because while we did well for the first time out of the blocks, we could improve substantially.”

PHASE TWO THE FORMAL TRANSITION BETWEEN ELECTION DAY AND THE INAUGURATION

The finish line of the presidential campaign represents the start of the formal transition for the victor, assuming that the individual is not the incumbent. It marks a short, but extremely crucial, two-and-a-half months for the president-elect to shift away from the campaign mode, build an administration and get ready to govern.

A failure to handle this phase properly can have serious consequences for a new administration, leaving it unprepared and squandering the chance to get off to a fast and productive start. The post-election transition operation must grow quickly, be highly organized, and be able to communicate with the public, the Congress, the outgoing administration and party, and campaign allies.

In this period between early November and the inauguration, the president-elect must select the key players for his White House staff, 15 Cabinet secretaries and numerous others to head independent agencies and other

top echelon positions. His personnel team also must begin processing applications for other administration jobs, and set up computer systems and Web sites to help handle the task.

The personnel process for the high-level jobs is a delicate one, requiring political and policy considerations, and demanding extensive background vetting. It requires consultation with congressional leaders and, in particular, Senate committee chairmen and their staffs.

Cooperation from the White House is needed on a range of matters, including high-level briefings on national security, the economy or other issues that may be important at the time. Lame duck administrations are not always helpful, however, and sometimes seek to cement their legacy with last-minute rulemaking, executive orders, national security directions, spending decisions and appointments not requiring Senate confirmations.

THE BUSH WHITE HOUSE

The 2008 transition, marked by a shift of power between the two major political parties, unfolded in the midst of the financial meltdown, two foreign wars, and the ongoing terrorist threat. Although the president-elect had run a campaign that was highly critical of the outgoing Bush administration and its policies, President Bush put politics aside and emphasized cooperation.

Two days after Obama's 2008 election, Bush spoke to his White House staff and pledged that a smooth transition of power would be "a priority," declaring "over the next 75 days, all of us must ensure that the next president and his team can hit the ground running."

"We face economic challenges that will not pause to let a new president settle in," Bush said. "This will also be America's first wartime presidential transition in four decades. We're in a struggle against violent extremists determined to attack us—and they would like nothing more than to exploit this period of change to harm the American people."

Such an approach was not taken by President Clinton in 2000, a transition that was complicated by the ballot dispute in Florida between George W. Bush and Vice President Al Gore. The dispute ended up delaying the outcome of the election for more than a month. After Bush was declared the victor, there were complaints about a lack of cooperation from the president-elect's side, and angry responses from the Clinton camp.

The muddled 2000 experience contrasted with 1988 when Vice President George H.W. Bush succeeded President Reagan. In that case, the elder Bush benefited from being Reagan's vice president and getting the close cooperation of Reagan aides before and after the election. But Towson University political science professor Martha Kumar has pointed out that Reagan did not force any of his political appointees to resign. As a result, Bush and his Cabinet officers had to clear out people who remained in order to put their own appointees in place, creating resentments.

Following the November 2008 election, George W. Bush and his staff followed through on his commitment to help President-elect Obama. The White House provided high-level intelligence, national security, defense and economic briefings, access to the federal agencies and created a climate of collaboration. The White House, for example, organized a national security crisis training drill on January 13, 2009, that included key outgoing and

incoming Cabinet and national security officials. Bolten described it as "one giant table top exercise" that required the participants to work together on handling a scenario involving the coordinated detonation of improvised explosive devices in several major cities.

"The most important thing for us to accomplish was to prepare our successors as best we could for a national security event that might happen early in their tenure," said Bolten. "We brought them all into one big room. I think (incoming national security adviser) Jim Jones was sitting next to (outgoing national security adviser) Steve Hadley and (incoming homeland security secretary) Janet Napolitano was sitting next to (outgoing homeland security secretary) Michael Chertoff and so on."

Bolten suggested that future transitions should include additional training exercises for incoming White House personnel and key Cabinet members and their staff to develop a working familiarity with each other and the processes that need to be followed.

The Bush team established written protocols and guidance for the new White House and key responders to handle a national security event, and provided the president-elect's staff with briefings on these issues. They catalogued President Bush's conversations and commitments with foreign leaders in a way that could be easily retrieved by the new president; helped ensure Obama's team members received security clearances; and they intervened with Cabinet officers and political appointees to remove roadblocks and resolve conflicts to ensure the president-elect's agency review teams had access to the information they needed.

PRESIDENT-ELECT OBAMA

Obama, for his part, set an early and swift pace during his post-election transition, having laid a solid foundation during the pre-election phase. His early preparation was fortuitous given the daunting task he faced putting together a government and seeking to implement major policy shifts under extremely difficult circumstances.

One day after his historic election, Obama formally named the leaders of his transition team that included John Podesta; Valerie Jarrett, a senior campaign adviser and close confidante; and Peter Rouse, his campaign chief of staff. He also named Christopher Lu as the executive director and appointed other close allies to handle communications, congressional relations, personnel, legal affairs and the vetting of job candidates. That same week, Obama named a White House chief of staff, Rep. Rahm

Emanuel (D-Ill.), who brought congressional and previous White House experience to the table. Obama also ramped up his transition staff, which grew to hundreds of people. Many of them were former campaign staffers.

Aides said Obama did not want to repeat the mistakes of former President Clinton, whose 1992 transition was considered chaotic. Clinton did not name any Cabinet nominees or White House staff until six weeks after the election, and most of the key White House positions were not announced until a few days before the inauguration, providing them little time to prepare for the huge tasks at hand.

The Obama transition staff, divided between Chicago and Washington, was funded with about \$5.3 million in taxpayer funds. Obama also collected more than \$4 million in private donations to cover the additional costs of the transition.

The transition process for Obama went smoothly at the beginning, but hit some bumps along the road.

Obama had picked most of his Cabinet nominees before Christmas, and filled all of his top West Wing jobs before the inauguration. His staff appointments included a number of policy “czars,” special assistants to the president with important portfolios who did not have to face Senate confirmation. Some of these appointees would come under fire from Republicans and some Democrats in the Senate who felt Obama deliberately created the positions to sidestep Senate oversight.

“We got the White House staff, senior staff, put in place first,” said Podesta. “We had a very rigorous and managed process of handing off decision-making from the transition to the incoming White House staff through the transition.”

While the Cabinet nominations flowed out at a regular pace following the election, Obama was dealt a setback in early January 2009 when Commerce Secretary-designate and New Mexico Gov. Bill Richardson withdrew from consideration amid a federal investigation into how a political donor from Beverly Hills won a lucrative state contract. Questions also were raised regarding Treasury nominee Timothy Geithner, who had been delinquent in paying \$42,000 in back taxes, and Health and Human Services nominee Tom Daschle, who withdrew two weeks after the inauguration due to his failure to pay in excess of \$140,000 in taxes. Nancy Killefer, Obama’s choice to become deputy director for management at OMB, also withdrew at the same time after disclosing

a failure to pay \$946 in unemployment compensation taxes on household help.

These problems prompted Obama to tighten what was already an extensive vetting process requiring unprecedented scrutiny of the personal financial and professional backgrounds of prospective nominees. This policy required so much detailed information that it delayed the appointment and confirmation of many qualified nominees for important administration positions. In some cases, the vetting disqualified some of the president’s choices.

While the personnel side had some issues, the president-elect did not miss a beat on policy preparation.

Obama began receiving top level briefings two days after the election from Michael McConnell, the Director of National Intelligence, and on November 10, 2008, went to the White House to confer with President Bush. Obama’s national security team received regular briefings, and had the opportunity to work together on major issues as the transition progressed. Podesta said it was positive to have the national security staff not just reading memos and getting briefed, but meeting together, getting to know each other and really working on the problems in the transition phase.

Podesta said a similar process unfolded “out of necessity” with members of his economic team who conferred with Bush administration officials and deliberated on the banking and auto industry bailouts and an economic recovery plan. He said the same process took place on energy issues as well. Podesta said Obama pulled together many experienced people, but it was just as important to engage in “team building” and to “focus on how they are going to work together.”

AT THE AGENCIES

Two weeks after Obama’s presidential election victory, his review teams began their assessments of more than 100 federal departments and agencies to identify program and policy priorities, pour over budgets, identify potential minefields, and prepare detailed briefing materials.

The teams, said transition leader Podesta, were designed to “ensure that senior appointees have the information necessary to complete their confirmation process, lead their departments and begin implementing signature policy initiatives immediately after they’re sworn in.”

The review team leaders and members had been picked long before Election Day, trained, and given strict ethical guidelines. Many had experience at the agencies they were reviewing or substantial knowledge about the policy issues, and they were given strict timelines to produce information for the transition leaders.

“I thought one of the most important things that we did in the agency review process was the tremendous clarity in the work product of these groups,” said Podesta. “I think that was a reflection that we made based on past transitions.”

The Bush administration helped facilitate the process by bringing the agency career transition leads together early in November just after the election to meet directly with some of the top people from the Obama campaign.

“This was right before they were going to go in and start these agency reviews with their agency review teams,” said Johnson, the Bush administration’s OMB deputy director. “And so they heard it straight from the horse’s mouth, what their general approach would be, what they were looking for, and what these reviews were going to be.”

Some Obama team leaders met directly with Cabinet secretaries and agency directors, while others interviewed senior managers and employees at lower levels. The Washington Post reported on December 3, 2008, that Obama’s State Department leads, Tom Donilon and Wendy Sherman, met with Secretary of State Condoleezza Rice.

At the Pentagon, Defense Secretary Robert Gates, who would stay on as secretary in the Obama administration, designated four senior officials to directly handle the transition reviews.

Government Executive.com reported on Nov. 6 that a Pentagon task force “outlined a list of events and milestones taking place within the next 90 days that the president-elect’s team should be aware of, including the first budget submission, upcoming conferences and deployment orders for troops heading to Iraq and Afghanistan.” The Pentagon developed a succession plan for some 200 political appointees, and cleared office space for the transition team, although one Obama aide said the review team encountered some difficulties with access at the Pentagon during the transition that had to be resolved by the Bush White House.

Lu said having a transition point of contact at every agency and someone in charge of pulling information together was “incredibly important.”

“It was necessary to help guide those agencies’ transition planning such that they were ready on November 5 to start downloading information to us,” he said.

Although the White House issued explicit instructions to the agencies, some were better prepared than others with background materials and procedures for access. And while many were helpful to the Obama transition teams, there was conflict at some agencies.

Lu said that there had been a rules of engagement memo signed by the Bush White House and the president-elect’s transition detailing how review team members would obtain access to the agencies and their materials. He said these protocols had to be renegotiated regarding the level of access, space requirements and who could be interviewed at some of the departments and agencies when disputes developed.

“Our original idea was that we would have people in the agency doors the following Monday after the election or, perhaps, even a week after that,” said Lu. “Many people did not get into the agencies until weeks later.” Lu said it was up to the agency review team leaders to fight on “a case-by-case basis,” and when an impasse arose, to take it to the next level. He said this sometimes meant convening conference calls with White House Deputy Chief of Staff Blake Gottesman and principals from the noncompliant agencies.

There were also many positive stories, with reports of transition team members being warmly greeted and given full cooperation. Lu said there were no problems at the vast majority of the approximately 110 agencies involved in the transition reviews.

A former aide in the Bush White House noted that even with explicit direction, various personal, political and territorial tensions arose that no directive or order could completely erase.

“There was a fair amount of sensitivity, and it took a lot of work to iron out and manage,” said the former White House aide.

PHASE TWO RECOMMENDATIONS

Based on our interviews with principals engaged in the 2008 transition and the views of a number of outside experts, we believe there are steps that should be taken by the president-elect and an outgoing administration during the period between the election and the inauguration. We recommend that:



THE PRESIDENT-ELECT'S TRANSITION

- Name a White House chief of staff as the first order of business followed by key positions at the White House and then members of the Cabinet, and other top level appointees. With a significant number of positions to fill, selecting critical White House staff members will help incoming Cabinet and subcabinet level officials' transition into their roles.
- Utilize the outgoing administration's position descriptions as an outline of the issues that specific jobs cover. This will help facilitate a smooth transfer of knowledge by providing better specifications regarding job requirements.
- Create a personnel operation with sufficient resources and staff to properly screen, interview and fully vet the backgrounds of potential administration nominees. Launch the security clearance process as early as possible for key personnel who will assume high-level or mission-critical positions to reduce lag time early in the administration.
- Hire enough professional vetters to screen nominees for appointments. Bringing executives into an administration requires the type of talent found by an executive search firm and greatly varies from the type of hiring done on a campaign in level, magnitude and number.
- Dispatch expert teams to the departments and agencies with clear instructions on the type of information they should gather regarding operations and policy. Aim to collect only data that will be most useful to the incoming team, particularly in a brief, readable format. Set a timetable for the information to be submitted and reviewed by transition team leaders. To the extent possible, select agency review team members who are likely to serve in the agency to which they are assigned. The formal transition phase is most beneficial to those who will leverage what they learn as an employee of the same organization.
- Identify top-caliber political appointees in the departments and agencies who want to stay on an interim basis and keep them on the job to help fill the vacuum created by the slow Senate confirmation process for new political nominees. Promote highly capable career executives with institutional knowledge and management skills to political management positions to help ensure continuity.

- Make preparations and begin training sessions to help familiarize White House advisers, Cabinet nominees and other high level appointees with their department and management responsibilities. Hold pre-inauguration sessions, particularly in key areas like national security, the economy and energy, so individuals who will work together can get going early on the new agenda, become familiar with each other and develop processes for decision-making.



THE WHITE HOUSE

- Install a high-level official with the strong backing of the president to handle the transition and ensure the transfer of power is smooth and seamless.
- Ensure that the president-elect and appropriate agencies have sufficient resources and vetting personnel to carry out ethics and background investigations between the election and the first six months of the new administration. This would help eliminate delays that have impeded the nomination process.
- Provide access to the agencies and departments by the incoming administration's transition team, and be prepared to intervene to settle disputes when they arise.
- Stage table top exercises bringing together incoming and outgoing officials to participate in a crisis management event such as a national security threat or an emergency such as a natural disaster.
- Provide high-level briefings to the president-elect, his national security team and key advisers.
- Provide written protocols and guidance for the incoming White House staff and national and homeland security teams on how to handle a national security event.



THE SENATE

- Set goals for committees and the Senate as a whole for confirmation of political appointees in an effort to create high expectations and speed the process. Agree to vote on the confirmation of the 50 top officials on or immediately after the inauguration, including all key posts within the Departments of Defense, Homeland Security, Justice, State and Treasury, provided they were received by a date mutually agreed upon with the incoming administration and no problems with the candidate are surfaced. The Senate should strive to have 100 appointees confirmed within the first 100 days of the administration and close to all 516 key positions filled by the August recess.



THE 2008-2009 TRANSITION

FINANCIAL DISCLOSURE AND VETTING FOR PRESIDENTIAL APPOINTEES REQUIRING SENATE CONFIRMATION

The high level of scrutiny given to presidential nominees requiring Senate confirmation involves numerous written questionnaires, interviews, background investigations and extensive financial disclosure. The vetting starts with the White House and includes the Office of Government Ethics, the FBI and Senate committees. Many nominees with considerable wealth or complicated business holdings choose to hire an attorney or an accountant to help fill out the reports and comply with information requests. The confirmation process has grown slower and more cumbersome over the years in part because of the rigorous disclosure requirements and the number of nominees that now require Senate approval. In 2009, President Obama tightened his already stringent vetting process following embarrassing revelations of past tax problems by several nominees. Along with Senate delays, this heightened scrutiny impeded Obama's efforts to quickly get his full team of political appointees in place.

The current vetting requirements include:

- **The White House Personal Data Statement.** This questionnaire varies from administration to administration, but generally focuses on a nominee's personal, professional, legal and financial information. It asks questions about a nominee's professional experience, political affiliations, physical and mental health, published material, club memberships, alcohol and drug use, litigation and potential conflicts. There are questions about employment of domestic help (surfacing "nanny tax" and immigration concerns), and other information that could be used to attack a nominee's qualification or character. There also are questions that screen for policy opinions that would show any inconsistencies between the nominee and the White House that might create an embarrassing situation.
- **The Public Financial Disclosure Report (SF-278).** Mandated by the Ethics in Government Act, this questionnaire requires detailed reporting on assets, income, liabilities, transactions, gifts, travel expenses, loans, arrangements for future employment and recent organizational positions held outside government. Nominees must provide the names of every client or customer with whom they performed more than \$5,000 worth of personal services and offer a brief description of those services. This financial disclosure form is reviewed by the White House Counsel's Office, by the department to which the nominee is headed and by the Office of Government Ethics prior to a Senate confirmation hearing. Any financial conflicts must be remedied by divestiture, recusal, waivers, regulatory exemptions or the creation of special trusts.
- **The Questionnaire for National Security Positions (SF-86).** This questionnaire is used for the FBI background investigation and the security clearance process. The SF-86 requires very detailed information on where a nominee has lived, worked and gone to school over the last 10 years. Additionally, information must be provided on affiliations, foreign contacts, mental health, drug use, foreign travel, friends and relatives.
- **The FBI Background Investigation.** Current practice requires a full field investigation for positions that any agency or department head designates as "sensitive" due to the ability of the occupant to "bring about, by virtue of the nature of the position, a material adverse effect on national security." There are three levels of sensitive positions, with each having its own investigative requirements. Generally, an FBI background inquiry includes interviews with the nominee, family, friends, neighbors and co-workers. Issues related to the nominee's employment, professional, personal, foreign travel, medical, financial, legal, military and educational history also are explored.
- **Senate Committee Questionnaires.** Each relevant committee that confirms nominees has one or more unique disclosure forms, often duplicating information already provided to the executive branch. Committees frequently follow up with requests for interviews and additional information, and in some instances, have required lengthy tax audits of nominees.

PHASE THREE

AFTER THE INAUGURATION

The inauguration marks the formal launch of a new administration and the starting point for measuring the effectiveness of the presidential transition. While many view the period between the election and the inauguration as the formal transition, the first few months, and in some instances the first year of a new administration, often reflect the depth of the planning and advance preparation.

The post-inauguration period, in fact, actually represents yet another phase of the presidential transition. New administrations spend enormous energy to scrutinize, announce and then shepherd a long list of political appointees through the Senate confirmation process, a task that can stretch through the first year of an administration and sometimes longer.

The 2008 edition of the Plum Book (United States Government Policy and Supporting Positions) listed 1,141 Senate-confirmed positions, including the Cabinet, important sub-Cabinet management positions, the heads of agencies, U.S. attorneys, ambassadors, judges and members of various boards and commissions.

A Washington Post tracking system lists 516 of these positions that it considered top tier. These include the Cabinet and high-level department management positions, the heads of independent regulatory agencies and members of the Executive Office of the President, such as the Council of Economic Advisers and key people in the Office of Management and Budget.

The confirmation process is often regarded as too slow, frequently encumbering the progress of a new administration. Many experts and officials who have served in both Republican and Democratic administrations believe that far too many jobs require Senate approval, and that there are too many delays stemming from political gamesmanship and extensive and, in some cases, excessive vetting requirements.

OBAMA: NOMINATION PROGRESS

President Obama got off to a fast start after his January 2009 inauguration in terms of naming and filling Cabinet and other high-level administration positions, and was ahead of his predecessors even with withdrawals of two Commerce secretary nominees, Gov. Richardson of New Mexico and Sen. Judd Gregg (R-N.H.), as well as former South Dakota Sen. Daschle, his first choice to head the HHS.

As he was seeking to staff his new administration, Obama also moved forward at a rapid pace on his policy agenda that included drafting and passing a \$787 billion economic stimulus package, dealing with the collapse of the U.S. auto industry, the crisis in the banking and financial sectors, the housing foreclosure stampede and the economy as whole. He also quickly turned to health care, and sought to address foreign policy matters regarding the wars in Iraq and Afghanistan as well as relations in the Middle East and Iran.

Although Obama was prepared on appointments, there was a lack of continuity in the operation of the presidential personnel office. Jim Messina, the chief of staff during the presidential campaign, was named as the transition personnel director after the election, but soon was appointed White House deputy chief of staff and became more focused on responsibilities related to those duties. Two weeks before the inauguration, Don Gips, who had handled agency review teams during the transition, took over the presidential personnel position until he was nominated as ambassador to South Africa in the summer of 2009.

Podesta said that changing personnel directors between the transition and the entry into the White House caused some disruptions and should have been handled differently. Podesta also said in hindsight it would have been better to keep the transition operation running at the office down the street from the White House for at least a month after the inauguration with the “personnel functions staying at the transition” to create better continuity. He said the communications problems and other issues that came up in the early days at the White House resulted in some slowdown on the personnel front.

A similar void occurred in 1992 when Richard Riley, President-elect Bill Clinton's transition personnel director, was named education secretary. In contrast, Pendleton James served as Ronald Reagan's personnel director during the pre-election summer and fall of 1980, during the post-election period, and through the first year-and-a-half of the administration. James came to the job with personnel experience in the Nixon administration.

Despite the extensive planning and appointee vetting that took place in the pre-election and post-election transitions and a record of early confirmations that surpassed some of his predecessors, Obama still ran into staffing problems as he worked to confront serious problems facing the nation. News stories began appearing in late February and early March of 2009 that Treasury Secretary Geithner was "home alone" without top deputies confirmed to handle major economic policy issues.

There were reports during the same timeframe of the billions of dollars in stimulus money that needed to be allocated and key appointees at major departments expected to handle this aid not yet confirmed. Energy Secretary Steven Chu, for example, was the only Senate-confirmed appointee in his department in March. Despite the importance of the upcoming health care debate and the need for serious planning to deal with the unusual H1N1 flu epidemic, Kathleen Sebelius was not confirmed to head HHS, with its 64,000 employees and a \$700 billion budget, until late April.

Secretary of State Hillary Clinton commented in July 2009 that she was frustrated by the long-standing USAID vacancy. "The clearance and vetting process is a nightmare," she said. "And it takes far longer than any of us would want to see. It is frustrating beyond words." Obama did not make a USAID nomination until November 2009, with a Washington Post story on November 11, 2009, attributing the delay in part to an internal debate between the White House and State Department over how much autonomy and authority should be given to the agency director.

A Washington Post tracking system lists 516 of these positions that it considered top tier. These include the Cabinet and high-level department management positions, the heads of independent regulatory agencies and members of the Executive Office of the President, such as the Council of Economic Advisers and key people in the Office of Management and Budget.

Some vacant posts in late October 2009 included the head of the Centers for Medicare and Medicaid Services,

the Agriculture Department's undersecretary for food safety, the inspector general of the CIA, the administrator of Maritime Administration, the Defense Department's principal deputy undersecretary for personnel and readiness, and the head of the U.S. Agency for International Development (USAID).

On the December 25, 2009, more than 11 months into Obama term and the day a terrorist unsuccessfully sought to blow up a jetliner headed from Amsterdam to Detroit, the two agencies charged with keeping terrorists off of airplanes and out of the country were without leaders. The president had nominated individuals to head the Transportation Security Administration and the Customs and Border Protection agency, but they were among some 200 political appointees still not confirmed by the Senate.

A number of reasons have been cited for the hold-up of nominees. In some instances, the Senate Finance Committee demanded extensive tax records going back many years and audits that ended up sidetracking some nominees and delaying others for Treasury posts. Some senators blocked nominees for a variety of political and policy reasons—a common occurrence for every new administration—while some nominees ran into problems with their personal background checks.

But part of the problem also can be attributed to Obama and his team, whose stringent standards and detailed disclosure requirements, including examination of years of tax records, discouraged some qualified individuals from pursuing positions, disqualified others and resulted in long periods of inaction.

This vetting process is onerous and requires three lengthy questionnaires and detailed financial and tax information in addition to an FBI background check and additional Senate questionnaires and disclosure requirements. The nominees are interviewed numerous times, including by Senate committee investigators.

Nominees are asked about small financial transactions, travel and personal and business contacts going back decades. They also are routinely fingerprinted and required to provide detailed medical records, reveal if they have employed domestic help, provide information on their families and job history, and disclose any information going back years that might prove embarrassing.

A number of government experts, including Norman Ornstein of the American Enterprise Institute, argue that the disclosure requirements have become unreasonable

and unwieldy and need to be streamlined. They also argue that the number of Senate-approved political executive positions has grown exponentially in recent decades, and that far too many administration positions require Senate confirmation. The result has been difficulty getting talented individuals to serve, delays in the nomination process that keep political leadership jobs vacant, and constraints on the ability of a new president to govern.

There have been a number of commissions, studies and legislative initiatives calling for changes, but to no avail. In 2003, The National Commission on Public Service led by Paul A. Volcker called for turning at least one-third of Senate-confirmed political executive positions into career positions or even terminating some of the job titles altogether to streamline the government leadership structure of federal agencies and departments.

Early in President Bush's first term, discussions were held with the Senate about reducing the number of Senate-confirmed appointees. This proposal met with resistance from senators reluctant to surrender power and prerogatives.

Besides these issues, there have been routine delays related to completion of security clearance reviews, with some appointees having to be fully investigated even if they already hold a clearance from another job that meets the standards of their new position. This needless duplication of effort could be eliminated by a government-wide policy that requires agencies to accept use of security clearances already held by individuals that meet their same standards. Another problem in this arena centers on the government having too few people available to undertake the ethics and security reviews of appointees, creating another serious choke point in the nomination process.

Clearly something needs to be done both on the length and extensive nature of the vetting, and on the ever-growing number of administration jobs that require Senate confirmation. These have been intractable problems for a long time, and altering the status quo will mean a new mindset and strong leadership in the Senate, and cooperation from the president.

PREPARING APPOINTEES

The congressional revisions to the Presidential Transition Act of 2000 included \$1 million for an incoming administration to provide leadership training and orientation sessions for “individuals the president-elect intends to nominate as department heads or appoint to key positions in the Executive Office of the President or federal agencies.”

The Obama White House worked with GSA to select a contractor to handle the orientation program, with a bid awarded in the summer of 2009. One session was held for about 50 Cabinet secretaries and top White House staff in July 2009 and another for deputy secretaries took place in November. The White House also scheduled training sessions in early 2010 for assistant secretaries and chiefs of staff.

Since many appointees are unfamiliar with the inner workings of their departments and agencies, and many are schooled more in policy than management, earlier orientation and ongoing training could have been beneficial to the administration's efforts to implement its agenda.

Some of the appointee preparation, in fact, should as a matter of course take place before the inauguration—as was intended by the 2000 Presidential Transition Act amendment. This would enable nominees to have some of the background and tools needed to make a quick start.

PHASE THREE RECOMMENDATIONS

The problems encountered by President Obama in the post-inauguration period, even with all of the advanced planning and preparation, reflect many of the same experiences of previous administrations in getting their appointees confirmed and their government up and running. To deal with some of these problems, we recommend:



CONGRESS

- Provide the Office of Government Ethics statutory authority to revise and update financial disclosure forms for the executive branch to address the changing nature of “conflict of interest” and other increased complexities in finance.
- Reduce the number of Senate-confirmed politically appointed positions. Congress should take the lead, and work cooperatively with the administration.
- Expand the 2000 Presidential Transition Act amendment’s appointee training target audience to include a broader cross-section of political appointees.
- Provide funding for ongoing training of incoming appointees throughout an administration’s tenure, not only at the beginning of a presidential term of office.
- Order an interagency effort to consolidate and streamline the political appointee background questionnaires into a single, secure electronic form, providing each investigating agency the opportunity to add jurisdiction-specific addenda.
- Address impediments that slow down political appointees from assuming their new government roles including adoption of a government-wide policy requiring agencies to ac-

cept the security clearances already held by individuals that meet their same standards instead of having to repeat the background investigation.

- Investigate, analyze and understand the consequences of the ethics requirements, financial disclosures and overarching political appointment process on getting the nation’s top talent to consider government service. Task the Government Accountability Office with developing the measurements that would allow a better understanding of the costs and benefits of the process.



THE NEW ADMINISTRATION

- Recognize the challenges associated with vetting nominees and hire appropriate staff to serve during the first year of an administration, when the greatest influx of new hires will join the government ranks.
- Ensure White House personnel has adequate resources to help usher nominees through the political appointment process.
- Conduct training for political appointees early in the administration. Elements of this orientation could be standardized, with added components that focus on a specific president’s agenda.



THE GSA

- Permit the incoming administration to use a portion of the GSA-provided office space for a period of up to six months following the inauguration to better facilitate, without interruption, the personnel selection process. This extension would also offer nominees for appointed positions necessary office space as they prepare for confirmation.

PHASES ONE THROUGH THREE

IDEAL PRESIDENTIAL TRANSITION MILESTONES

PHASE ONE

PRE-ELECTION DAY TRANSITION PLANNING

Spring and summer of election year:



Campaigns establish a transition team to conduct early planning, with a trusted liaison between the transition and the campaign, and pick a personnel director.



Agencies designate a top level career executive to lead their transition activities.



Incumbent administration activates Agency Transition Directors Council and names White House official to assist agency transition effort and work with agency transition leaders.



Agencies pick and help prepare top level career civil servants to fill in on an interim basis for departing top-level political appointees.



White House begins regular meetings of a high-level Transition Coordinating Council to plan important government-wide transition activities.



Agencies identify and prepare career executives to fill critical positions of outgoing political appointees, on an interim basis.

Nominating convention:



Campaigns publicly name their transition director within two weeks after the official nominating convention to take planning out of the shadows.



Campaigns request security clearances for top advisers.



Transition teams prepare briefing books on top policy priorities, and ready plans for review teams to visit agencies.



Transition teams begin preliminary vetting of potential nominees for top positions.



The Senate creates a mutually agreeable confirmation schedule with the new administration.

PHASE TWO

BETWEEN ELECTION DAY AND THE INAUGURATION



President-elect names a White House chief of staff as the first order of business followed by key positions at the White House and then members of the Cabinet



President-elect dispatches expert teams to the departments and agencies with clear instructions on the type of information they should gather regarding operations and policy.



White House stages table top exercises for incoming and outgoing officials to participate in a crisis management event such as a national security threat.



President-elect agrees to timeline with key committees on when nominees need to be received in order to have them in place on or shortly after Inauguration Day.



President-elect expands personnel operation with resources and staff to properly screen, interview and fully vet the backgrounds of potential administration nominees.

PHASE THREE

AFTER THE INAUGURATION



President has national security and economic aides in place who have working familiarity with the procedures and protocols needed to marshal action by the government



Administration has 50 top officials confirmed on or immediately after the inauguration, including all key posts within the departments of Defense, Homeland Security, Justice, State and Treasury.



Administration conducts management training and orientation for new political appointees.



Administration has top 500-plus Senate-confirmed political appointees in place by summer congressional recess.



THE NEXT TRANSITION

STEPS CONGRESS SHOULD TAKE NOW TO PREPARE FOR THE NEXT PRESIDENTIAL ELECTION

- Provide realistic financing for the transition. Allocate a portion of the money to the major party pre-election transition teams contingent upon campaigns publicly naming their transition directors following their nominating conventions.
 - Reduce the number of politically appointed positions that require Senate confirmation.
 - Create an Agency Transition Directors Council led by the GSA and the White House to coordinate early planning across federal agencies for the presidential transition.
 - Mandate that each department and agency name a top-level career civil servant six months before Election Day to lead that agency's transition efforts, and be part of the Agency Transition Directors Council.
 - Require by September 15 of a presidential election year that departments and agencies identify and prepare career executives to fill critical positions on an interim basis until new political appointees are in place.
 - Consolidate the multiple political appointee background questionnaires into a single, secure electronic form, providing each investigating agency the opportunity to add jurisdiction-specific addenda.
-

APPENDIX A

BUSH ADMINISTRATION MEMO LAYING OUT TIMELINE FOR TRANSITION ACTIVITIES TO PRESIDENT'S MANAGEMENT COUNCIL

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 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.

Source: <http://transition2008.files.wordpress.com/2008/08/omb-transition-memo-07-18-08.pdf>

APPENDIX B

PRESIDENT BUSH'S EXECUTIVE ORDER ON THE PRESIDENTIAL TRANSITION

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:

Section 1. *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 (6) 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) 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 be sought 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.

Sec. 2. *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.

Sec. 3. *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.

Sec. 4. *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 13176 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.

George W. Bush

The White House,
October 9, 2008

Source: <http://edocket.access.gpo.gov/2008/pdf/E8-24465.pdf>

APPENDIX C

TIMELINE OF 2008-2009 TRANSITION AND POST-INAUGURATION ACTIVITIES

PHASE ONE

PRE-ELECTION DAY TRANSITION PLANNING

Early 2007

Transition preparations begin at the Department of Homeland Security.

Mid-April 2008

David Bibb, deputy administrator of the General Services Administration (GSA), indicates the agency had identified temporary office space for the transition.

Late April 2008

Top officials in the McCain campaign began meeting weekly to discuss transition preparations.

May 5-6, 2008

Representatives of federal agencies, good government groups, and major political campaigns meet to discuss transition planning at a conference organized by the Partnership for Public Service at the Pocantico Conference Center of the Rockefeller Brothers Fund in Tarrytown, N.Y.

May 2008

Top officials in the Obama campaign begin regular meetings to discuss transition-related activities.

June 10, 2008

The Senior Executives Association holds a conference to prepare its members for the transition.

June 2008

Russ Gerson begins limited personnel planning for the McCain campaign.

June 2008

John Podesta assumes role as transition coordinator of the Obama campaign.

July 18, 2008

President Bush issued an executive order mandating certain transition preparations by agencies.

August 1, 2008

Deadline for each agency to identify a “knowledgeable, capable career official” to lead the transition preparations in that agency.

September 2, 2008

Barack Obama receives first intelligence briefing as a presidential candidate.

September 18, 2008

Reports emerged that Bill Timmons will serve on John McCain’s transition team along with former Navy secretary and 9/11 commission member John Lehman.

September 24, 2008

GSA and the White House convene senior career transition coordinators from each agency to discuss their preparations for the transition.

October 9, 2008

President Bush, through executive order, creates the Presidential Transition Coordinating Council.

October 15, 2008

Presidential Transition Coordinating Council meets for first time, with both major campaigns’ transition representatives and White House officials.

October 15, 2008

Deadline for agencies to identify career officials to fill the positions of departing political appointees.

October 28, 2008

Presidential Transition Coordinating Council meets for the second time.

November 1, 2008

Deadline for each agency to prepare a brief summary of its basic organization, current mission/function/performance goals and key personnel.

November 1, 2008

Deadline for each agency to summarize the most pressing policy, internal management, legal and infrastructure issues facing the incoming administration’s officials.

November 1, 2008

Agencies are required to finish preparing work tools and briefings for incoming political appointees

November 4, 2008

Election Day. Democrat Barack Obama defeats Republican John McCain.

PHASE TWO

BETWEEN ELECTION DAY AND THE INAUGURATION

November 5, 2008

President-elect Obama names John Podesta, Valerie Jarrett and Pete Rouse as co-directors of his presidential transition.

November 6, 2008

President Bush promises that a smooth transition will be a “priority” so that Obama and his team can “hit the ground running.”

November 6, 2008

Obama receives his first intelligence briefing as the president-elect.

November 10, 2008

President-elect Obama visits the White House and confers with President Bush.

November 11, 2008

The President-elect’s staff announces new ethics guidelines for the presidential transition.

November 12, 2008

White House Chief of Staff Josh Bolten sends a memo to agencies and departments detailing transition coordination between the outgoing and incoming administrations.

November 12, 2008

The Senate Committee on Homeland Security and Government Affairs publishes the 2008 version of the Plum Book.

November 14, 2008

President-elect Obama’s transition review teams begin operating in agencies.

November 17, 2008

Under President Bush’s order, agencies submit lists of crucial issues to Obama transition teams.

December 1, 2008

President-elect Obama’s agency review teams began reporting back findings to the main transition office.

January 8, 2009

President-elect Obama introduces the primary goals of the American Recovery and Reinvestment Plan to provide a stimulus to the ailing economy.

PHASE THREE

AFTER THE INAUGURATION

January 20, 2009

Inauguration Day. In five hours, White House staff and GSA prepare the White House and the Eisenhower Executive Office Building for the new administration. By noon, the National Archives Administration collects papers from the Bush White House with the support of 400 employees.

February 5, 2009

President Obama holds his first address to government employees at a visit to the Department of Energy.

February 17, 2009

President Obama signs massive \$787 billion economic stimulus bill.

February 26, 2009

President Obama presents his fiscal 2010 budget proposal to Congress.

April 1, 2009

Forty-nine political appointees, or 9.5 percent of the 516 top tier positions, have been confirmed by the Senate.

April 29, 2009

At the 100-day mark, 76 political appointees, or 14.7 percent, have been confirmed.

June 9, 2009

GSA selected the Hay Group to provide an orientation program for the new administration’s political appointees.

June 24-25, 2009

The Office of Personnel Management holds orientation for new career and non-career Senior Executive Service.

July 20, 2009

Six months into the new administration, 191 political appointees, or 37 percent, have been confirmed.

August 20, 2009

Administration has 240 nominees confirmed, or 46.5 percent.

November 13, 2009

Administration has 285 nominees confirmed, or 55.2 percent.

December 31, 2009

Administration has 305 nominees confirmed, or 59 percent.

APPENDIX D

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