



WHAT HAPPENS DURING THE TRANSITION PERIOD?

INTRODUCTION

The peaceful transition of power is a hallmark of American democracy. Considering the size of the U.S. government, the importance of its responsibilities and the short time between the election and the inauguration, transitions are always a tall order. But the stakes could not be higher this year – indeed, this will be the most important transition since 1932 when the country was in the midst of the Great Depression. Our next president will face the mammoth challenges of tackling an economic crisis, a health crisis, a political crisis and a social justice crisis. Law and tradition prescribe support for both the incoming and outgoing presidents, as well as activities to prepare for the transition to a new administration.

HOW DOES THE TRANSITION TEAM INTERACT WITH THE INCUMBENT ADMINISTRATION?

Prior to the election, the White House chief of staff and the chairperson of the transition team sign a memorandum of understanding that covers how the administration and the transition team will work together after the election. The MOU lays out how the transition team will gain access to the White House and federal agencies, how nonpublic information will be handled and how any disputes will be resolved. The MOU is a formal expression of the spirit of cooperation that traditionally accompanies presidential transitions.

After the election results are known, the terms of the MOU are put into effect. Within a few days of the election, the transition team sends the names of individuals who will visit agencies on behalf of the president-elect to the current administration, typically represented by the White House, the Office of Management and Budget or the federal transition coordinator. The administration will then share those names with the designated agencies so that they may welcome the appropriate individuals, who collectively belong to what are known as agency review teams. The agency review teams gather information about agency operations, flag critical issues and tee up early decisions or actions for the president-elect and new agency heads. Agency review team members' names and most recent employment must be made public before they can contact agencies.

Certain agencies play an especially important role in the transition process. The Office of Government Ethics, for example, helps presidential appointees identify and resolve potential conflicts of interest.

HOW MANY AGENCIES DOES THE TRANSITION TEAM TYPICALLY VISIT?

In 2016, President-elect Donald Trump's transition team had 328 agency review personnel engage with 42 government agencies. In 2008, President-elect Barack Obama's transition team had 349 agency review personnel engage with 62 agencies.

DOES THE OUTGOING PRESIDENT MEET WITH THE PRESIDENT-ELECT?

The outgoing president typically hosts the president-elect at the White House within a week after the election. The president and first lady welcome the president-elect and his spouse for a tour of the White House and private discussions in the Oval Office.

Presidents also typically leave a handwritten note for their successors in the Oval Office. This tradition was started by Ronald Reagan and cemented by George H.W. Bush, who left a touching note for incoming President Bill Clinton, who beat him in the 1992 election.

HOW ARE NATIONAL SECURITY ISSUES HANDLED DURING THE TRANSITION?

The transfer of power and accompanying departures of key appointees represent a vulnerable moment for the country, so laws have been adopted to safeguard national security during the transition. The Presidential Transition Act requires the outgoing administration to provide the president-elect with a detailed classified summary of threats to national security, major military or covert operations, and more as soon as possible after the election. Agencies are also responsible for completing background investigations for candidates for top national security positions as quickly as possible before the inauguration. Another requirement of the law is for the outgoing administration to host interagency emergency preparedness and response exercises. These exercises allow the incoming and the outgoing administrations to walk through a simulated threat to the homeland. During the Obama to Trump transition, one of the scenarios was a global pandemic that started in Asia and spread to the U.S.

Along with the legal requirements, sitting presidents have extended certain courtesies to their successors in the interests of national security. One notable example concerns the President's Daily Brief. This is the highly classified intelligence briefing received by the president, and have been made it available to presidents-elect during recent transitions. Most presidents-elect have chosen to receive daily or near-daily intelligence briefings throughout the transition period. President George W. Bush personally briefed President-elect Obama on covert programs. And during the 2016 transition, National Security Advisor Susan Rice spent more than 12 hours personally briefing her designated successor, Michael Flynn. The National Security Council staff supplemented these briefings with over 275 memos.

HOW DOES THE PRESIDENT-ELECT ENGAGE WITH FOREIGN LEADERS DURING THE TRANSITION?

Presidents-elect typically accepts congratulatory phone calls from foreign leaders and heads of state while remaining mindful that there is only one president at a time. The order in which a president-elect returns calls is based on precedent and the importance of the international relationship. NATO allies and close partners such as Mexico, Israel and Japan are typically among the first to engage with the president-elect. During the first week after the 2008 election, President-elect Obama spoke with leaders from a wide range of countries, including Australia, Britain, Canada, France, Germany, Israel, Japan, Mexico, South Korea, Egypt, Italy, Pakistan, Poland, Saudi Arabia, Spain, China, Russia, India, Jordan, Kenya and the Vatican.

WHERE DOES THE PRESIDENT-ELECT FOCUS BETWEEN ELECTION AND INAUGURATION?

Presidents-elect since Ronald Reagan have spent the majority of their time during the transition selecting personnel for key positions, developing policy and taking personal time before assuming the demands of the presidency. Intelligence briefings and meetings with key stakeholders take up the rest of the president-elect's time during the transition.

WHEN DOES THE PRESIDENT-ELECT CHOOSE THE CABINET AND WHITE HOUSE STAFF?

Presidents-elect start announcing appointments for top positions soon after the election. The White House chief of staff is typically the first appointment, and the choice is announced within days after

the election. President-elect Obama named his White House staff and Cabinet before Christmas. Appointments were made almost daily starting in mid-November, and they were announced in “topic clusters.” The Obama economic team, for example, was announced on Nov. 24, while nominees for national security Cabinet posts were announced on Dec. 1. George W. Bush planned to announce his White House staff by Dec. 15 and his Cabinet by Christmas, but those plans were delayed due to the uncertainty caused by the ballot recount in Florida. Ultimately, the Cabinet and White House picks were announced rapidly and in parallel after Bush was confirmed as the winner. The Senate will traditionally begin consultations and hearings with nominees for Cabinet posts during the transition to ensure that the president has as many top officials in place as soon as possible after the inauguration.

In January 2017 before the inauguration, the Senate held hearings for President-elect Trump’s intended nominees for attorney general, and for the secretaries of State, Defense, Treasury, Interior, Commerce, Health and Human Services, Housing and Urban Development, Transportation, Energy, Education, Homeland Security, the CIA, the EPA, and the United Nations ambassador.

WHAT TYPES OF MEETINGS AND EVENTS DOES THE PRESIDENT-ELECT HOST DURING THE TRANSITION?

Presidents-elect typically host news conferences to announce senior nominees or to take questions from the press. Some presidents-elect have hosted policy summits to explain their goals and build support for their priorities. In 1992, President-elect Clinton hosted a televised economic summit that included 329 participants. President-elect George W. Bush also hosted an economic summit, as well as an education forum with educators, civic leaders and business leaders. The Obama transition was heavily focused on the financial crisis, and 85% of the time was focused on this single issue. Incoming presidents also meet with members of Congress, state and local elected officials, and key stakeholders from all sectors.

WHAT SUPPORT DOES THE GOVERNMENT PROVIDE TO THE PRESIDENT-ELECT’S TRANSITION TEAM?

The General Services Administration has been allocated \$6.3 million in the fiscal 2021 budget to support transition activities for an incoming administration. After the election, the GSA will use these funds to provide the president-elect’s transition team with office space that can accommodate 500 or more people inside the Department of Commerce headquarters. This office space includes a facility where classified information may be reviewed, known as a SCIF.

Adjustments have been made during this election cycle in response to the COVID-19 pandemic. When Democrat Joe Biden’s transition team was given federal office space after the political party nominating conventions, the GSA informed the team about the Centers for Disease Control and Prevention and GSA guidelines for COVID-19, and other relevant guidance. The transition team was able to determine how the guidelines would be implemented. In preparation for post-election engagements, the GSA and agencies have stepped up use of videoconference platforms and made documents available in digital formats. When in-person meetings are necessary, agencies and agency review teams will follow COVID-19 safety protocols to allow for safe in-person interactions.

The \$6.3 million allocated to the GSA for the post-election transition may also be used to provide compensation to transition staff, office equipment, allowances for travel, and printing and postage costs, among other expenses. The GSA also offers the transition team with access to HR management system software that is compatible with the software used by the White House. In

addition, the GSA has \$1 million available to provide orientation activities for key prospective presidential appointees.

The GSA's work is complemented by senior career executives in agencies across government. These career public servants play a vital role in transition. One of their most important responsibilities is to develop briefing materials to share with the transition team. These briefing materials contain information about how an agency is organized, recent budgets, pressing operational issues and other information that new appointees need to lead the agency.

Career staff also prepare succession plans for senior noncareer positions to ensure that agencies are ready when an outgoing administration's appointees leave office. They will onboard new appointees, conducting everything from fingerprinting and badging to orientation sessions to helping the new administration's appointees be ready to govern on day one.

WHEN DOES GSA'S POST-ELECTION TRANSITION SUPPORT BEGIN?

This support becomes available as soon as the GSA administrator ascertains the apparent successful candidate in the presidential election.

CAN TRANSITION ACTIVITIES PROCEED IN THE ABSENCE OF AN ASCERTAINMENT?

All pre-election transition activities continue until there is an ascertainment. Moreover, certain transition activities are at the discretion of the president and can proceed without an ascertainment. In the aftermath of the disputed election in 2000, President Clinton approved the provision of classified intelligence briefings for then Texas Gov. George W. Bush two weeks before the GSA administrator recognized Bush as the winner. President Clinton believed that it was in the national interest for Bush to be kept informed about critical national security issues.