

THE WHITE HOUSE

Washington, DC

September 14, 2016

MEMORANDUM FOR AGENCY TRANSITION DIRECTORS AND AGENCY POINTS OF CONTACT

FROM: Anita Breckenridge, Deputy Chief of Staff, The White House
Andrew Mayock, Senior Advisor for Management, Office of Management and Budget
Tim Horne, Federal Transition Coordinator, General Services Administration

SUBJECT: Guidance on Presidential Transition Preparations

This memorandum provides guidance to agencies on transition preparation requirements and deadlines consistent with statutory obligations and best practices. In addition to the ongoing work of the White House Transition Coordinating Council and Agency Transition Directors Council, the guidance is intended to: (1) ensure the seamless continuity of federal government operations and services during the presidential transition; and (2) assist the incoming Administration in being ready to govern immediately following the peaceful transfer of power.

As agencies implement the guidance outlined below, officials should approach the transition in ways that are responsive to the needs of the incoming Administration, while balancing the work of the ongoing Administration.

- 1. Agency Transition Governance.** The Edward “Ted” Kaufman and Michael Leavitt Presidential Transitions Improvements Act of 2015 (PTIA) requires that each agency head designate a senior career employee of the agency and a senior career employee of each major component and subcomponent of the agency to oversee and implement the activities of the agency, component, or subcomponent relating to the presidential transition. Where agencies have multiple components and subcomponents, a number of agency transition directors have established working groups that meet regularly to discuss the status of transition preparations at all levels of the agency. These designations and working groups are critical to governing a smooth transition within your agency and for the Federal government as whole.
- 2. Off-Boarding Current Non-career Employees.** A key component of an agency’s transition preparations is the successful outward transition of current non-career employees. Agencies should develop for delivery as needed a briefing on the records management responsibilities of departing political appointees. For additional information, agencies should consult guidance issued by the National Archives and Records

Administration. In addition, agencies should develop a briefing on “exit ethics” and post-service health benefit coverage and retirement benefits, which should include information about whom to contact with related questions after non-career employees have left government service. As a matter of best practice, a number of agencies have established “one-stop” briefings for non-career employees so they may be informed in the most efficient manner.

3. **Succession Planning.** Agency heads are statutorily required to designate qualified career employees to serve in “critical non-career positions” in an acting capacity if a position becomes vacant. No later than September 15, 2016, agencies should identify the career officials who may act in place of a non-career official in critical positions. Importantly, the PTIA provides that agency heads must designate officials in accordance with subchapter II of chapter 33 of title 5, which includes the Federal Vacancies Reform Act (VRA). Agencies should therefore ensure compliance with its delegation of authorities and the VRA. As such, no later than September 15, agencies should submit to the White House ([REDACTED]) and the Federal Transition Coordinator ([REDACTED]): (1) the name of a career employee for each critical, Senate-confirmed position who would be eligible for presidential designation to serve as an acting officer under section 3345(a)(3) in the event of a vacancy; and (2) a certification that you have completed your broader succession plans for all critical non-career positions.
4. **Pre-Election Engagement with Transition Teams of Eligible Candidates.** To ensure proper, consistent, and equitable dissemination of information to the authorized representatives of eligible candidates, federal employees should refer any inquiries from the campaigns to their Agency Transition Director who will refer them to the Deputy Chief of Staff to the President for Operations, the OMB Deputy Director for Management, and the Federal Transition Coordinator. Federal officials should not engage with potential candidates or their authorized representatives on any matter related to their official duties without prior written approval from the Deputy Chief of Staff to the President for Operations, the OMB Deputy Director for Management, or the Federal Transition Coordinator, even if the contact is otherwise permissible by law and agency policy.
5. **Agency Briefing Materials.** Agencies are statutorily required to prepare and finalize briefing materials for the incoming Administration no later than November 1, 2016. As such, agencies should certify in writing to the Federal Transition Coordinator ([REDACTED]) that they have done so on or before November 1. Given the different needs of the agency review teams and incoming administration officials following the Inauguration, agencies should prepare tailored briefing materials as appropriate. While agencies have discretion as to the format and information included in the briefing materials, they should be prepared with the needs of the intended audiences in mind. At a minimum, they should include information on the following: (1) agency’s mission, vision and strategic goals; (2) organizational chart; (3) budget; (4) human capital overview; and (5) overview of key issues facing the organization that require immediate attention by the new Administration. Agencies should ensure information included in briefing materials is

approved for release to the intended audience. As a general principle, briefing materials for the agency review teams may include information that is releasable to members of the public through a Freedom of Information Act (FOIA) request, but should not include pre-decisional or deliberative information. Recognizing that it may be necessary in some circumstances to provide specified transition personnel with access to non-disclosable information, a clearance mechanism will be established through a memorandum of understanding (MOU) negotiated between the President and the President-elect to review requests for the sharing of non-disclosable information.

- 6. Agency Review Team Preparations.** Agency review teams will be deployed by the President-elect or his/her transition team to a subset of federal agencies immediately following the election. The teams will review briefing materials and meet with internal agency transition teams to develop a better understanding of each agency and its current state of affairs. In 2008, the Obama-Biden Transition team fielded approximately 500 agency review team members across approximately 60 agencies and Executive Office of the President (EOP) components. Not all agencies should expect to receive agency review teams, and we will work with the eligible candidates' transition teams to identify their respective agency review list. Agencies that have historically received agency review teams should begin making the necessary preparations so that by November 1, 2016, the resources are in place to provide the agency review teams with all due logistical and administrative support, including building access and work spaces. Moreover, upon the arrival of the agency review teams, agency transition directors should assist the teams with the coordination of briefings and generally be responsive to requests by the teams for information and assistance.