

**AFTER THE DUST SETTLES: EXAMINING
CHALLENGES AND LESSONS LEARNED IN
TRANSITIONING THE FEDERAL GOVERNMENT**

HEARING

BEFORE THE

OVERSIGHT OF GOVERNMENT MANAGEMENT,
THE FEDERAL WORKFORCE, AND THE
DISTRICT OF COLUMBIA SUBCOMMITTEE

OF THE

COMMITTEE ON

HOMELAND SECURITY AND
GOVERNMENTAL AFFAIRS
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THURSDAY, APRIL 22, 2010

U.S. SENATE,
SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT
MANAGEMENT, THE FEDERAL WORKFORCE,
AND THE DISTRICT OF COLUMBIA,
OF THE COMMITTEE ON HOMELAND SECURITY
AND GOVERNMENTAL AFFAIRS,
Washington, DC.

The Subcommittee met, pursuant to notice, at 10:03 a.m., in room SD-342, Dirksen Senate Office Building, Hon. Daniel K. Akaka, Chairman of the Subcommittee, presiding.

Present: Senators Akaka, Kaufman, and Voinovich.

OPENING STATEMENT OF SENATOR AKAKA

Senator AKAKA. Good morning. This hearing of the Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia is called to order.

Today's hearing will take a look at the 2008 and 2009 Presidential transition, its challenges and lessons learned that can improve future transitions. The most recent transition happened during a time of unprecedented economic troubles, heightened national security threats, and management challenges across the government. In advance of the 2008 election, this Subcommittee held two hearings examining our readiness for the transition. At those hearings, the Office of Management and Budget (OMB), the Department of Homeland Security (DHS), the General Services Administration (GSA), and the Office of Government Ethics (OGE) discussed their extensive planning and preparations for the transition.

Today, 15 months after President Barack Obama was sworn into office, I am very pleased to say that it appears that this early planning and preparation laid the groundwork for a smooth transition. Although some problems were revealed, I believe this was one of the most successful transfers of power to date.

Beginning well before the election, the Bush Administration ordered agencies to identify career individuals to take on leadership roles while political appointees left the Administration. This would ensure management continuity in critical areas until new people were appointed and brought up to speed. In addition, the Obama campaign took advantage of provisions in the Intelligence Reform and Terrorism Prevention Act which allowed security clearances for

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individuals who were to work in the transition or later in the Administration.

The General Services Administration worked with both campaigns to make sure they would have the administrative and financial support needed for the transition. With that assistance, the Obama-Biden Transition Project started immediately after the election. Early on, the transition project deployed teams of subject matter experts to review agencies across the government. Some of these experts later filled leadership roles within the agencies.

Before his inauguration, President-Elect Obama named several nominees for high-ranking and national security positions. By January 22, the Senate confirmed 15 of the 36 nominees submitted by Inauguration Day. At our Subcommittee hearing in September 2008, then-OMB Deputy Director for Management, Clay Johnson, recommended a goal of confirming 100 nominees by April. While we did not get to that number, the Senate did confirm over 50, an improvement over the previous transitions.

I remain concerned about the pace of nominations and confirmations. Strict vetting and high standards for nominees are important, but they do create a slow and complicated process. I believe there is still room for improvement in the nomination and confirmation process.

I have pressed the White House for action on several important Veterans Affairs nominations, including the Assistant Secretary for Management. Filling management positions must be a high priority across the government. I also hope to receive a nominee to lead the Office of Special Counsel, which is in great need of strong leadership, in the near future.

More can be done to encourage more advance planning before elections. I am proud to be an original cosponsor of Senator Kaufman's Pre-Election Presidential Transition Act, which would encourage planning and provide additional resources for candidates before the election. It would also make clear that candidates may raise funds to supplement the government allowance for their transition.

I look forward to hearing from the exceptional group that we have assembled here today. As leaders in different aspects of the incoming and outgoing transition teams, I think that you all deserve credit for making this a smooth and transparent process.

With that, I will now ask Senator Kaufman for his opening remarks. Senator Kaufman.

OPENING STATEMENT OF SENATOR KAUFMAN

Senator KAUFMAN. Thank you, Mr. Chairman, for your foresight and leadership in holding this hearing, and a special thank you for allowing me to make these opening remarks.

Before I begin my statement, I am pleased to join with you to introduce S. 3196 that would offer certain government services and resources to major candidates before election day for the purpose of an early transition planning. I also want to thank the Partnership for Public Service for its input. Their recent study, "Ready to Govern: Improving the Presidential Transition," provides an important analysis, and I am pleased that Mr. Stier will be able to share some of the Partnership's findings and recommendations with us.

I am glad that we are joined today by these four distinguished witnesses, and I really mean distinguished witnesses, who will share their expertise on transition activities and how we can make transitions more secure and more efficient.

The peaceful transition of power between administrations is often a time of great pride, and should be for all Americans. However, it also presents us with a moment of potential vulnerability. As the newly elected leaders prepare to assume control of our political and security institutions, we need to be vigilant against any systemic weaknesses that could be exploited by those who would do our Nation harm.

As someone who has served as a member of the Obama Transition Team under the great leadership of our chair, John Podesta, I can attest that the transition in the government is very challenging. It is a complex dance involving two partners who need to move in step with each other. The President-Elect only has a short amount of time between Election Day and the inauguration to fill dozens of critical positions and prepare for the first weeks in office. The outgoing President has a responsibility to transmit critical institutional knowledge about policy and issues and ongoing potential security situations.

We know from recent studies that the Bush Administration officials and incoming Obama staff met on the morning of the inauguration to coordinate plans in the event of a terrorist attack that day, which intelligence sources had suggested was possible. The kind of close coordination between the outgoing and incoming officials that morning must be the norm in any transition in our post-September 11, 2001, security environment.

The Bush Administration deserves great credit for making transition activities a priority and for assigning staff and resources to the task. The Presidential Transition Coordinating Council, established by President Bush's Executive Order on October 9, 2008, brought together key officials from leading departments and agencies and it liaised with senior staff from both campaigns and eventually President-Elect Obama's transition team.

Also crucial to the success of that transition was the Obama campaign had begun to plan for it many months in advance. S. 3196, the Pre-Presidential Transition Act, the bill I have introduced with my colleagues Senator Akaka, Senator Voinovich, and Senator Lieberman, aims to formalize this process of pre-election transition planning. It will help make transitions smoother on both sides.

For incoming administrations, early planning is vital. That is why my bill extends certain government-provided services and resources to major party nominees and eligible third-party candidates to begin transition planning before Election Day. For the outgoing Administration, the bill lays out a successful model based on that used by the Bush Administration for transferring power responsibly.

Most importantly, we need to remove the stigma that making early plans for a transition is somehow presumptuous. Twelve weeks is just too short of time frame for a thorough transition. However, if we normalize the Act of early transition planning, we will all be better for it. That is the aim of the Pre-Election Presidential Transition Act.

In closing, it is very appropriate that we are here today to discuss this issue. We cannot afford to think about transitioning the Federal Government only every 4 years. In 2010, when we are not engaged in a Presidential election, having had time to process lessons learned from the previous transition, it is important that we look carefully at how to improve upon this process. That way, a stronger transition process will be in place before Election Day.

I hope the witnesses will speak to both types of actions, organizations, and structures providing help—I am confident they will—as well as any impediments they encountered in the process. I am also interested to learn of whatever additional measures they think would be useful to encourage an early start to transition planning on the part of Presidential candidates.

Again, thank you very much, Mr. Chairman.

Senator AKAKA. Thank you very much, Senator Kaufman.

It is my pleasure to welcome our witnesses here today. First, we will hear from our first panel, which is Gail Lovelace, Chief Human Capital Officer at the General Services Administration.

As you know, it is the custom of this Subcommittee to swear in all witnesses, so will you please stand, Ms. Lovelace, to be sworn in.

Do you swear that the testimony you are about to give this Subcommittee is the truth, the whole truth, and nothing but the truth, so help you, God?

Ms. LOVELACE. I do.

Senator AKAKA. Thank you. Let the record note that the witness spoke affirmatively.

Ms. Lovelace, I want you to know that although your remarks are limited to 5 minutes, your full statement will be included in the record. Will you please proceed with your statement.

TESTIMONY OF GAIL T. LOVELACE,¹ CHIEF HUMAN CAPITAL OFFICER, U.S. GENERAL SERVICES ADMINISTRATION

Ms. LOVELACE. Yes. Good morning, Chairman Akaka and Senator Kaufman, and thank you for having us here today to talk about this important topic of Presidential transition. I am pleased to be here on behalf of the General Services Administration, and our Administrator Martha Johnson.

As you may recall, I testified before this Subcommittee on September 10, 2008, on this very topic. I am happy to be here with you today and to be able to respond to any questions that you may have about what has taken place since then. I am also pleased to be here today to share hearing time with some of my transition colleagues, Clay Johnson, John Podesta, and Max Stier.

In my 2008 testimony, I shared with you then that our acting administrator of GSA stated that Presidential transition was our highest priority. We were fully committed to a successful and smooth transition from one Administration to the next. I am proud to be here before you today to say I think that we exceeded all of our goals, and yes, we had some fun along the way, as well. We have received very positive feedback from both campaigns, the transition team, the new Administration, our agency partners,

¹The prepared statement of Ms. Lovelace appears in the Appendix on page 37.

some of our good government groups, transition historians, and others.

I was honored to be a part of an extraordinary team of individuals from inside GSA and across government to ensure a smooth transition as envisioned by the Presidential Transition Act of 1963. I couldn't have asked for a better group of team leaders in the General Services Administration, and I would publicly like to thank Tim Horne, Mary Costa, George Prochaska, Neil Skidmore, Laura Leussing, and all of their team members for their tireless efforts to make sure this was a smooth transition.

I would also like to thank you for keeping Presidential transition on the radar screen. Oftentimes, people think the Presidential transition is over after inauguration on January 20. I believe that our collective, continuing efforts to focus on transitions of the future is vitally important, especially in these changing times in which we live.

During this last transition, GSA focused our attention in many areas. This hearing has given me the opportunity to reflect back on some of our efforts and I stand in awe of our accomplishments. We worked with many groups during this time, including both campaigns, the incoming Administration, the outgoing Administration, the inaugural teams, both the Presidential Inaugural Committee and the Armed Forces Inaugural Committee, other agencies big and small, and across GSA, and we have many stories to tell about how we met the needs of many of these groups. I believe 5 minutes is just not enough time to help anyone in this room understand the magnitude of our efforts, of the collaboration, of the willingness of many people just to roll up their sleeves and make this work.

While GSA is authorized to support Presidential transition by the Act of 1963, we really didn't stay in our swim lanes this time. We partnered with many to ensure a smooth transition, and I am proud of our efforts.

Reflecting back, one story I would like to tell is about election night. Many of the GSA Presidential transition staff gathered at transition headquarters to celebrate what we had accomplished thus far and to watch the election results. We had already put in many long hours to get to that day of November 4. As the polls began to close, there was a lot of tension and excitement in the room. Once we knew the outcome of the election, we had our Acting Administrator ascertain the apparent winner by signing letters to both campaigns.

Immediately after that, our team pulled out our Obama transition plans and began arranging three floors of office space to meet their needs. Our goal was to let them hit the ground running. At 1 a.m. on the morning of November 5, I watched as our GSA team executed that plan, and within a few hours, the Obama transition team appeared at transition headquarters and we were ready.

Meanwhile, on the other side of town that same day of November 5, I hosted a meeting with members of the Obama transition team who were focused on personnel. That meeting included White House personnel, the Chief of Staff's Office, Office of Personnel Management (OPM), Office of Government Ethics, and others. We rolled up our sleeves and outlined specific next steps to ensure smooth hiring of appointees.

These are just two examples of the many roles that GSA played. I am not sure if this was envisioned when the Presidential Transition Act was written, but we did not let the Act stop us from doing what we thought was right to ensure a smooth transition.

In closing, Chairman Akaka, Senator Kaufman, I want to thank you again for the opportunity to address you this morning and for keeping Presidential transition on the radar screen. I want to thank the many people across government who helped make this transition successful. I think we really set the bar high for the next transition.

I would be happy to answer any questions.

Senator AKAKA. Thank you very much, Ms. Lovelace, for your statement.

I know that some of the second panel witnesses have tight schedules, so in the interest of time, we would like to hold our questions for now and ask the second panel to come forward, please. We can then have both panels sit for questioning at the same time.

Ms. Lovelace, I know that you worked with Mr. Johnson and Mr. Podesta on the transition, so it would be very useful to the Subcommittee if you would indulge us by fielding questions with the second panel—

Ms. LOVELACE. I sure would.

Senator AKAKA [continuing]. So we can facilitate a good dialogue.

It is my pleasure this morning to now welcome our second panel. I would especially like to acknowledge and thank our former government officials who have agreed to come back to share their views.

Clay Johnson, former Deputy Director for Management at the Office of Management and Budget from 2003 to 2009. Mr. Johnson was the Bush Administration's lead for planning the most recent transition, and he also served as the head of President Bush's transition into office.

John Podesta, incoming Staff Secretary during the Clinton transition, former White House Chief of Staff to President Clinton, Co-Chair of the Obama-Biden Transition Project, and President and CEO of the Center for American Progress Action Fund.

And Max Stier, President and CEO of the Partnership for Public Service.

Again, it is the custom of the Subcommittee to swear in all witnesses, so those who have not been sworn in, will you please stand and raise your right hands.

Do you solemnly swear that the testimony you are about to give this Subcommittee is the truth, the whole truth, and nothing but the truth, so help you, God?

Mr. JOHNSON. I do.

Mr. PODESTA. I do.

Mr. STIER. I do.

Senator AKAKA. Thank you very much. Let the record note that our witnesses answered in the affirmative.

As a reminder, although your statements are limited to 5 minutes, all written statements will be included in the record.

Mr. Johnson, will you please proceed with your statement.

**TESTIMONY OF HON. CLAY JOHNSON III,¹ FORMER DEPUTY
DIRECTOR FOR MANAGEMENT (2003–2009), U.S. OFFICE OF
MANAGEMENT AND BUDGET**

Mr. JOHNSON. Chairman Akaka, Senator Kaufman, thank you for calling this hearing and for including us in it.

There have been a lot of wonderful ideas proposed for how to effect transitions in the future. In fact, I don't know that I have come across a bad idea that has been put out on the table. So I would like to make some general comments that apply to the Senate's and the White House's consideration of all ideas about how to manage and organize transitions going forward because I think it will help us take these good ideas and put them into effect so that we really accomplish what we want to do, which is not to be better, or better than ever before, but to be good enough to meet our needs.

The line was in Mr. Stier's report, which was an excellent report, summary and recommendations from this last transition, which was that this past transition, as you all pointed out, was, I think by most accounts, the best ever. There was more work done before the election and during the transition, particularly by GSA, than ever before and I think it paid off. It showed. But I think everybody who is involved would admit that a lot more could be done. It was not as good as it could have been, or as it can be in the future.

So what does it mean to focus on a transition that is good enough? It means, for instance, when we are talking about putting the entire new Administration's team in place, it means that we focus not on putting all 1,000 or 1,200 or 1,800 Presidential Appointments requiring Senate Confirmation (PASs) in place, that we understand that some positions are more time sensitive than others. There is probably 100 or 125 positions that are really important to fill really quickly.

So it is important that the Senate and the White House, the new Administration, the transition team, pay particular attention to those and make sure they have the super-capacity to identify those individuals to put in those positions, vet them appropriately, have their way with them, and eventually put them into position very early, I would suggest by April 1.

Then there is probably another tranche of appointees that are next most important or time sensitive, and it is probably in the vicinity of 300 positions. Now, what specific positions would be included in this list would depend on the incoming Administration and what is going on in the United States, in the world at that time, and I think it would probably be pretty easy for the Senate and the incoming Administration to agree on that universe of 100, 125 most important positions, that the next 300 most time sensitive positions, what are they, and maybe special rules apply within the Senate. Maybe special handling, special capacities are created within the transition team to deal with those.

My suggestion to you is, and I think that the reports on this by Mr. Podesta's and Mr. Stier's group have both pointed this out, that there are 300, 400, 500, maybe, that are really, really important, and that is where, I think, the priority and the capacity building and so forth really needs to be focused.

¹The prepared statement of Mr. Johnson appears in the Appendix on page 46.

A second point to be made here is regarding capacity. I was visiting with some people in the Obama Administration a couple of months ago about this and strictly by chance, we started talking about how many people did you have working on this at the beginning, and I started comparing it to how many people we had working on it at the beginning, and it was about the same number. It was about five so-called Special Assistants to the President, that level of person, that were working on the appointments. And we both started laughing. There is nothing in writing that says five is the number. That is just what we had the budget to do.

If instead of dealing with the budget we dealt with what the definition of success is, which is we want 100 appointees in place by this date or 400 by this date, both of us would have decided that five is not enough, that we need 10 12, or 14, which is a much bigger transition challenge to manage than if you just have five people doing it. But that is what it would take to put the number of people in these critical positions by the dates that we are talking about.

So time sensitive capacity is an issue, and it is not only White House capacity, it is Senate vetting capacity, it is security clearance capacity. It is just something we haven't thought about, but it makes all the sense in the world. Yes, it is important to begin earlier. Yes, it is important to begin with more support for the incoming Administration. But that is not enough.

You also have to think about how many people you actually have doing the work, and I know now that the budgets that are inherited by the incoming White House, are not adequate in that first year to fund a large enough Presidential personnel staff to fill the kinds of positions that need to be filled by April 1, August 1, etc. So budgeting, particularly for Presidential personnel that first year, is something that I encourage you to look at.

And then a third area—I know I am running over, but a third area that I encourage you to look at is the data that is gathered as part of deciding who to put in these critical positions. A lot of data is gathered from the appointees. Thirty percent of it, by most measurements, is duplicative. It is data that already has been gathered previously. It presents an unnecessary burden on the applicant. It takes unnecessary extra time to collect this data.

So I think it has been suggested in some of these other reports that the duplication of this data gathering be looked at. I also encourage the Senate to look at this, and there are ways to mandate it and to call for it and smart forms and other kinds of things can be used. But I think that will help not only speed up the process, but also lessen the burden on the people that are being considered for these very important positions.

Anyway, I look forward to your questions and helping you all sort through the best ways to do this good enough in the transitions ahead. Thank you for having me.

Senator AKAKA. Thank you very much, Mr. Johnson, for your background as well as your wisdom of what you have been doing.

Mr. Podesta, will you please proceed with your statement.

**TESTIMONY OF JOHN D. PODESTA,¹ PRESIDENT AND CHIEF
EXECUTIVE OFFICER, THE CENTER FOR AMERICAN
PROGRESS ACTION FUND**

Mr. PODESTA. I am happy to, and again, thank you, Mr. Chairman, Senator Kaufman, for holding this hearing. I think it is really an important topic, and you have my written testimony. Let me just make a few key points in summary of that.

First, President Obama took the transition process extremely seriously and we began extensive planning for the transition even before the Democratic Convention. I would underscore that point. I think he was right to do so, given the unprecedented range and magnitude of the problems facing the country—two wars, the threat of terrorism, and then the economic circumstances that we faced, particularly after the Lehman Brothers meltdown in September.

As you noted, Mr. Chairman, and Mr. Johnson alluded to, I think independent observers have noted that the 2008 transition was one of the most successful in history, and the professionalism and cooperation of the outgoing Bush Administration along with the dedicated work of Ms. Lovelace and her great team at GSA and U.S. Secret Service and others deserve great credit for making that 2008 transition exemplary.

I think, as I said, the President understood the great demands that were being placed on his incoming team. We were dealing at a time when there was—we had seen in the previous years national security risk heightened during the time of transition, both in the U.K. and in Spain, right before the election in the case of Spain, right after the transfer from Tony Blair to Gordon Brown in the U.K. terrorist incident, so we were well aware of that. We got great cooperation, great help. The tabletop exercises that had been planned by the Bush Administration were, I think, very important interventions for our team going in.

And as I noted, in addition to the incoming threats and security problems that needed to be addressed in real time, we were facing an economic crisis that took extensive coordination between the President-Elect and the Vice President-Elect and their teams, as well as the outgoing Administration. So I think that the ability to plan and get all of that in gear and moving was really critical.

My second point and observation is we actually need to depoliticize the transition process. I think the only risk really to a party preparing in the fashion that I described, going back to the summer before the election, is the political risk to the campaign from being accused of measuring the drapes, tempting fate, disrespecting the voters. We were accused of all that. The Obama campaign and President Obama were accused of all of that. I again want to commend the Bush White House, Josh Bolton, and Dana Perino. They put out public statements knocking that down during the course of the campaign when it was probably—they could have politically just ignored it, but they decided to get out and say how important they believed the need to plan really was.

I want to make a point on the Pre-Election Presidential Transition Act that Senators Kaufman, Voinovich, Akaka, and Lieberman

¹The prepared statement of Mr. Podesta appears in the Appendix on page 49.

have introduced. I think it is a very important step forward in institutionalizing those pre-election transition activities. In addition to providing the additional resources for transition activities, I think it will begin to create a new political climate where presidential candidates are rewarded rather than punished for preparing for the challenges that await the Nation after election. The new normal should be that we expect candidates to take steps necessary to be thoroughly prepared to govern before the election rather than taking criticism for it. And I think that enactment of this statute would help in that regard.

In terms of the scope of the transition, we can get into this in questioning if you would like. It is a massive undertaking. We had more than 1,000 people involved after Senator Biden was elected as Vice Presidential candidate. Senator Kaufman joined us as the co-chair of his efforts. We had more than 500 people working on agency review teams. We had 134 people in policy working groups. That was critical in terms of getting ready to have that spurt of initiatives that were important in stabilizing the economy, particularly the recovery bill, but with Executive Orders, presidential memoranda, review of regulations, there is a massive amount of work that needs to take place.

I would say a word about the funding of the transition. We received about \$5.2 million in Federal funding through the GSA. We ended up having to raise \$4.4 million in private donations to pay for transition costs through a tax-exempt 501(c)(4) entity, the Obama-Biden Transition Project. We put strict limits on who could give and how much they could give, didn't take contributions from corporations or lobbyists. Nevertheless, I think it is worth reviewing that on this Subcommittee to decide whether the resources would be better spent, rather than raising money, in actually doing the movement to transition. I don't think that is a lot of money to be investing in making sure that the President-Elect's team hits the ground running.

Finally, I would like to add my two cents on the nomination challenge. I think that we did get off to a good start and the Obama White House got off to a good start. We surpassed with respect to the 100-day mark the previous records in terms of getting people confirmed, but that slowed down substantially and I think that is a problem for the White House, but it is also a problem for the Senate. I think that you have to consider whether the use, particularly the use of the filibuster on Executive Branch nominees is appropriate. I would argue that at this moment and at these times, with respect to the complexity of the problems on national security and the economy, that if you have a simple majority, the President deserves his nominees.

I say that as someone who spent many years in the Senate and who participated as a staffer in supporting filibusters. I just don't think this is one place where filibusters really make a lot of sense and I hope that you could do something to move forward, push back on the hold and try to use filibusters more judiciously.

Senator KAUFMAN. Have you undergone rehabilitation? [Laughter.]

Senator AKAKA. Thank you very much, Mr. Podesta, for your statement.

And now we will hear from Mr. Stier. Please proceed with your statement.

**TESTIMONY OF MAX STIER,¹ PRESIDENT AND CHIEF
EXECUTIVE OFFICER, PARTNERSHIP FOR PUBLIC SERVICE**

Mr. STIER. Great. Thank you very much, Chairman Akaka and Senator Kaufman. This is very important work that you are doing here and this Subcommittee has done an extraordinary job putting a spotlight on talent issues, which I think have been overlooked for a very long period of time. So whether it is hiring reform or the Senior Executive Service (SES) transformation or Roosevelt Scholars and now the transition process, this work is extraordinary and you have a dream team with the folks that you have here and time to do some very important things, I think.

I would like to make four points. The first is to focus on the legislation that was drafted by Senator Kaufman, and Chairman Akaka, you are cosponsoring, which I think is an important step. Truly, I just want to reinforce everything that you heard already from Ms. Lovelace, Mr. Johnson, and Mr. Podesta. They did an incredible job, and I think what you have an opportunity to do is to build off of what they do to make sure that we are not relying on luck to have three folks of their caliber and the teams that they represent in the next go-around.

As this transition was in terms of what the world looked like, the truth is that the world is likely to get scarier and scarier as we go on and we need to be able to upgrade our ability to transition quickly and effectively. And to Mr. Johnson's point, it has to be good enough.

The issue that you have focused on in your legislation is vital, and that is pre-election preparation. I think it does what Mr. Podesta says, which is to help diminish that concern that candidates might have of being attacked for being presumptuous. The only recommendation that we would make in terms of strengthening it would be actually to make mandatory some of the great practices that the outgoing Administration did with respect to the White House Transition Council and the Agency Transition Council.

I think that one of the real challenges will be for a first-term President who may envision that they are coming around for a second term and whether they will get ahead of the process as well as the Bush Administration did, and I think for that reason actually requiring it would be very important.

Second, I want to focus on the question that I think Mr. Johnson stated exactly right, which is that while there are a lot of things that could be improved, we are best off starting from the proposition of what do we need to see happen. What is our goal? And from that goal, if we are clear on that goal, we can decide what it is that needs to take place.

And I would argue that the goal ought to be, and there is no magic to the numbers, but that on day one or as close to there as possible that the new President has his or her economic and national security teams in place. And whether that is the 50 top people in the key agencies or whatever it might be, that seems to me

¹The prepared statement of Mr. Stier appears in the Appendix on page 60.

to be what we ought to be shooting for, whether it is the 100 in the next 100 days. But at the end of the mark, by the summer recess, by the August recess, that full team of critical positions, that 500 folks need to be in place. And if you start with that objective, I think a lot of other stuff follows.

Now, one of the questions is, how do you set that objective out? I don't have a great answer for that. Maybe it is a sense of the Senate resolution, something that states it affirmatively, that you want to hold that new team coming in, that you will jointly work with them on meeting that mark. I don't know. There are different variations of what you might consider and we could have a conversation about that. But I think you have to lay that out as a clear objective and then force actions that will allow you to get there. So that is the second point.

The third point is that it would make all of this process easier, frankly, if there were fewer political appointees. As Mr. Johnson mentioned and as Mr. Podesta knows, there are political appointees of different stripes. There are management positions, the Assistant Secretaries for Public Affairs or Congressional Affairs. Do they really need to be Senate confirmed? And if you actually reduce the number, that clears away a lot of the activity that needs to take place and will ensure that the new political team coming in actually has some critical positions filled early on when they really need them.

There is legislation that Senators Feingold and McCain have introduced to do this. Clearly, this is a challenge that has been attempted before. It is politically difficult, but incredibly important. I think there is a strong case that could be made.

And then, finally, I wanted to focus on a set of what I would call a grab-bag of improvements that are available, and Mr. Johnson, I think, addressed a number of them with respect to the actual process of security clearance or the forms that people have to fill out. We live in an age where technology ought to make this stuff a lot easier. There are all kinds of ways that the process is made difficult for talent coming in, and I don't think we even fully understand what the cost is of this system.

So one of the recommendations we would make to you is to perhaps ask Government Accountability Office (GAO) to take a look at what is the cost of the current system. How many talented people are we losing, and what are the options for improving the process going forward. That includes both looking at the ethics regime, which I think could be improved, as well as the entire process of making your way through the confirmation.

So with that, I look forward to answering any questions that you might have. I also wanted to point out Katie Malague, who is in the audience, because this report is really her baby. She put this thing together. She is no longer with the Partnership. We lost her to government, and really couldn't complain, but she is doing great work right now at OMB. But she really deserves great kudos for what she did with it. So thank you very much.

Senator AKAKA. Thank you very much, Mr. Stier, for your statement. It was great to hear from all of you.

Mr. Johnson, I am interested in hearing more about OMB's early interaction with the Presidential candidates. Early planning by the

incoming team is essential. I think it is important that they also establish a relationship early on with the outgoing Administration. Was there good communication early on between the candidates and the Bush Administration?

Mr. JOHNSON. Yes, Senator. Both candidates were very interested in working with us. They approached it differently, which is probably driven by a lot of factors, not the least of which was what they thought their chances of winning were at the time, back in July and August and September. But both candidates were very appreciative of the support we were offering, very interested in doing early work, more work before the election than had ever been done before.

The Obama campaign was particularly aggressive about this. They, I think, applied more people to this planning effort and this pre-election activity than, I would suspect, any previous Presidential candidate had ever applied to it. When the Bush Administration was, myself at the lead, figuring out what we should be doing and preparing to do, I think it was me and another person or two. Anyway, there was a whole lot more qualified people than I involved in Mr. Podesta's team that were working on that. So they really took it very seriously. They would raise questions with us. We would raise questions with them. It was something that Americans should be and were, I suspect, very proud of, because it was the kind of cooperation that you would hope would be taking place between an outgoing Administration and an incoming Administration.

Senator AKAKA. Thank you.

Mr. Podesta, one of the Partnership's suggestions for future transitions is that a Transition Director be named publicly, even before the election. However, I know there are real concerns that the transition teams need to be able to do their work without the political concerns inherent in an election campaign. In your experience, what would be the potential benefits and problems with naming transition officials before the election?

Mr. PODESTA. Well, Mr. Chairman, I think that you have almost banked it by the way you framed the question. I think that particularly the pre-election effort has to be done with the utmost discretion and discipline. First of all, the work product substantively of those deliberations is not vetted by the campaign or by the candidate. It is really preparatory work that needs to be in the can, if you will, and ready for the President and Vice President-Elect. And the campaign doesn't want to own any of that before the election, and they shouldn't own any of that before the election because it could be attacked and you could be putting some controversial ideas on the table.

The other side of that is you don't want a sideshow about who is involved in the transition to overwhelm what the important debate before the American public that is going on. So I think that the idea that there be a transition, that there be someone—my name and Mr. Ball's were out in public. I don't think there was any public announcement of it, if my recollection is right, but I think our names were out in public, that we were interfacing with the White House.

I would just add to what Mr. Johnson said. We got tremendous cooperation at every level. I, of course, had been White House Chief of Staff, so I dealt directly with Josh Bolton, who was President Bush's Chief of Staff, and Chris Lu, who was the Executive Director of the transition, dealt with Ms. Lovelace or Blake Gottesman, the Deputy Chief of Staff. So we had very good coordination and communication. The press had a sense of what was going on, and yet we didn't have to be constantly taking incoming press questions or open up essentially to being second-guessed by the press.

So I think that you have to strike a balance. The idea that there is an office, that someone is in charge, that the work is important and ongoing and in preparation, I think is fine. But after that, there has to be an ability to kind of shut down and work in a highly disciplined and discrete fashion.

Senator AKAKA. Thank you very much, Mr. Podesta.

Mr. Stier, can you please follow-up with your views on publicly naming transition officials.

Mr. STIER. Absolutely, and I think that I fully concur with what Mr. Podesta said. I mean, you don't want it to become a sideshow. But on the flip side, and I think, again, you identified the need here very well, which is that it is absolutely important that candidates be encouraged to make the investment early in that planning process. You will get, as in many issues, all things from different candidates. So there will be some candidates who understand that need and will make that investment irrespective of political risk. There are going to be some that, however, will not do so because they will either not understand its importance or be too concerned about the possibility of being attacked for that activity.

I think the best thing that this Subcommittee could do would be to help set the stage so that there are more candidates who are encouraged to make that early planning a real investment and priority for themselves. And I think you do that in some measure by ensuring that both candidates have to do it. If the two candidates are holding hands, or if there is obviously a third-party candidate, the set of candidates, and they are doing the same thing, they inoculate each other from the attacks of being presumptuous. And I think that whatever you can do in this legislation to encourage that behavior is what we need to see here.

Beyond that, plainly, this is activity that is fraught with all kinds of internal risk for campaigns, as well, because you don't want to distract from, even on the personnel side, your folks from thinking about trying to win the election as opposed to be thinking about what they will be doing after election day. But all that said, I think we, at this point, under-invest in that preparation.

My understanding from Mr. Johnson's work is he was at it a year before the election, which in some ways makes the Obama effort look late, given how early they got going. You need to do that to get the enormous work done. And as I said earlier, we have to actually get more done than has previously happened, and I think that as the world gets more complicated and cycle times increase, we will have less and less of a capacity to absorb those breaks.

Senator AKAKA. Thank you, Mr. Stier.

Ms. Lovelace, this was the first transition since the Presidential Transition Act of 2000 was implemented. One of the new require-

ments, as we discussed at our hearing with you in 2008, was orientation from GSA for new political appointees. How effective has this orientation been, and at what point will GSA stop providing orientations to new appointees during this Administration?

Ms. LOVELACE. We actually started briefing both campaigns about the requirement for appointee orientation when we started working with them very early, even before the election, so that they understood what was expected or what was anticipated in the Presidential Transition Act of 2000. Right after the election, we continued that effort to help them understand what that orientation would look like. GSA doesn't shape that orientation. We provide assistance to the incoming Administration who, in essence, shapes what orientation will look like.

We started working very early in the transition and they have, in fact, offered orientation sessions for appointees. They are continuing to do that to date. In fact, I just talked to the White House the other day and we are continuing it through this year and probably through next fiscal year. So those efforts are continuing and underway and they seem to be very pleased with the results.

Senator AKAKA. Thank you very much.

Let me finally ask Mr. Stier, your report also says that too little attention is paid to preparing and training new political appointees. What more do you think should be provided, and can this be done in conjunction with GSA's training under the 2000 Transition Act?

Mr. STIER. Thank you for the question. To me, it is pretty basic, and I am sure there is some football coach that has said this somewhere, I don't know who it is, but it is who you pick and how you prepare them. There is a lot of attention paid to who you pick, and even here, we have 140 or some odd positions out of those top 500 some odd that are still not filled 15 months into the Administration.

But preparing them is equally important, and that preparation process is being done, I think. There is an investment going on right now. But in my view, it hasn't been done at the level that it ultimately needs to be done, and that includes, I think, not only the cabinet, but also the subcabinet, and the amount of investment that has taken place so far to me is insufficient to garner the real team opportunities that any large organization needs to engender within its leadership group.

So what can be done about that? If you don't have your team in place, it is really hard to prepare them. So the slowness of getting people in their jobs is clearly one of the challenges. And if you look at some of the management functions, the acquisition officers, the chief acquisition officer is clearly a big issue, chief financial officers. They are not there. So it is really hard to get them together to actually prepare them as a team.

So solving the first problem of getting people in place earlier will enable, I think, better preparation. Ideally, I think you would be investing at least the resourcing that we see right now, and then some, and I would argue that one of the other places where we see very little in the way of effective training and orientation is between the political and the career teams. So you see very few instances in which cabinet departments or cross-agency efforts are

designed to bring those political leaders together with the top career people so that they really are melding into one team. I don't think you legislate that, but I think that is something that would be better management behavior for this Administration and others.

Senator AKAKA. Thank you very much, Mr. Stier. Mr. Johnson.

Mr. JOHNSON. Chairman Akaka, if I might add to that, I know when we, the Bush Administration, came in and we were told we had a million dollars or something to do some training, orientation, we said, well, so what is it supposed to consist of, and they said, you decide, but let us suggest some ideas. And the ideas were we should teach new subcabinet members what it means to be ethical, how to get along with the Congress, etc.

I want to add a note of caution in this, that be careful about prescribing what it means to successfully orient a new team of people. It might be different for each Administration. The primary responsibility for working effectively with Congress should be with the legislative affairs person in the department. The primary responsibility for working effectively with the press should be with the communications people working in the department.

I think one of the scariest thoughts is to take somebody who has not had to work effectively with the press before and in an orientation session try to tell them everything they need to know to work effectively with the press. That is creating all the wrong incentives and all the wrong suggestions that you can be taught how to work effectively with the press. That should not be the message that is being delivered to a new appointee.

If you only had one minute to orient somebody about how to work effectively with the press or how to work effectively with Congress, the advice to give him is, go meet your legislative affairs person. Go meet your public affairs person and trust them and work effectively with them.

So I caution us all about being too prescriptive and too simplistic about what it means to orient a new team of appointees to come up here and be effective.

Senator AKAKA. Thank you very much.

Let me call on Senator Kaufman, and take as much time as you need for your questions.

Senator KAUFMAN. Thank you, Mr. Chairman.

Mr. Podesta talked a little about the security problems. Could each one of you talk about how the post-September 11, 2001, affects the whole transition process? Ms. Lovelace, can you start?

Ms. LOVELACE. Well, where do I start? Clearly, in the appointee process, it certainly affects what that process looks like, moving forward with that. I deal more on the space issue and getting them the space that they need as an incoming Administration so that they can hit the ground running, and even there, ensuring that the space is secure and that they have all the requirements that they need, it has been a real challenge for us this past year. It required a whole new level of thinking for our team to make sure that they had what they need in terms of secure space and having people come in and out.

When you are managing transition, there are a lot of people involved in it, and making sure that we are giving access to people who should be in the space, it created some issues for us, but I

think we handled them pretty effectively. I think as we foresee it in future transitions, I think it is going to become even more complicated in terms of ensuring that not only is the space secure, but the technology is secure and all aspects of the transition is in a secure environment and I think we will be challenged even more in the future.

Senator KAUFMAN. That is a good point, because I can remember and I know Mr. Podesta remembers how many briefings we had to have on when people were going to show up the first day, what they needed in terms of background to get started, I mean, just the plethora of security things was a real important part of getting things started. And then, obviously, having equipment that was secure.

Ms. LOVELACE. Absolutely. And our goal was to get people to their seat in 15 minutes from the time they walked in the door, and that created challenges, but we made it through those challenges.

Senator KAUFMAN. And it is important from a security standpoint to get those people in their place as quickly as possible—

Ms. LOVELACE. Absolutely.

Senator KAUFMAN [continuing]. Because you could be faced with some serious problem. Mr. Johnson.

Mr. JOHNSON. Well, it not only impacted the things Ms. Lovelace talked about, but all those briefings and tabletop exercises were—September 11, 2001 made all those very important. That inaugural morning meeting between the Bush outgoing and Obama incoming about some potential threat, that would have been something that nobody could have forecasted 8 years previously. So just the kinds of specific capabilities that have to be developed by 12 noon on January 20 are made multiple times greater than they were previously, prior to September 11, 2001.

Senator KAUFMAN. Mr. Podesta, do you want to say some more on that?

Mr. PODESTA. Yes, a few things. First, from the perspective of what Ms. Lovelace was talking about, the building, the equipment, etc., people were used to working on the campaign in an insecure environment. All of a sudden now you are in a context in which, from the perspective of cyber security, etc., and people listening and watching and wanting to know what the incoming Administration was going to do, you had to change habits very quickly. You had to be in a secure environment to do it. That all, I think, was handled reasonably well.

We had the additional challenge of actually being in three places, in Delaware, in Chicago, and in Washington. The day after the election, there was not a Sensitive Compartmented Information Facility (SCIF) in the Chicago Federal Building that we could use for secure briefings. So we had to take the President-Elect to the Federal Bureau of Investigation (FBI) in order to obtain his intelligence briefings, which is a mile or so away from the Federal Building in downtown Chicago. I don't remember whether you were there, Senator.

Senator KAUFMAN. Yes.

Mr. PODESTA. So there is that aspect of trying to operate in a secure environment. But I think the more important aspect is pre-

paring the incoming team for the assumption of duties, and in that regard, again, I would highlight the ability to get people clearances early in the process. The 2004 legislation gave us the ability to have, I think, about 150 clearances—

Senator KAUFMAN. Right.

Mr. PODESTA [continuing]. Done within a week of the election, most on the very day of the election. They had people who had gone through, been fingerprinted, had their background checks done, and so they were ready to go, and that meant that the team could start right away in the agencies or in the common pool that dealt with sort of as a kind of shadow National Security Council.

And then I think the other thing that was done on the Obama side in conjunction with the Bush people was we tried to exercise and really begin to work at the top tier with people in their places. I think one of the things we gave a lot of thought to was that you had to be able to hand off from the transition to the incoming people who were serving in government and they needed to exercise together. So there were virtual National Security Council meetings that took place in Chicago under the President's leadership on a range of issues that included Jim Jones, Senator Clinton, Bob Gates, Admiral Mullin, and others. They came and they worked those issues as a team. So I think it permitted them to hit the ground running.

And I would say, in contrast to my experience in the Clinton transition in 1993, the selection of the White House staff early was critical to create that smooth handing of the baton from the transition staff, if you will, to the people coming into government. And then the work with the Bush Administration seemed to me to be—everything can always be improved, but that was—concentrating on getting the people in position and really thinking through and working these problems as they would be on January 20 was quite critical to the success.

Senator KAUFMAN. You know, there is a thought that I hadn't even thought about, and one of the advantages of having this pre-Election Day transition is there was no security with the Obama—I mean, there was security with the Obama transition before Election Day, but it was just amazing to me how little of the information came out. But if you think about it, there was a dedicated person out there that wanted to get hold of what was going on in the pre-election Obama-Biden transition, it wouldn't have been that hard to do.

Mr. PODESTA. I mean, look, this is a tremendous ongoing for those of us who live in this think tank world and in government, this is a challenge today—

Senator KAUFMAN. Yes.

Mr. PODESTA [continuing]. Of people slamming our electronic communication systems and our computers, looking for any nugget of information that might be useful in terms of—a lot of that, I think, comes from our friends in China.

Senator KAUFMAN. Right.

Mr. PODESTA. But it also comes from across the world.

Senator KAUFMAN. And, of course, there is an argument we have not mentioned in terms of the legislation we are talking about, that

really having people into secure areas with secure equipment before Election Day, having the major candidates——

Mr. PODESTA. And that was all, of course, prepared by GSA.

Senator KAUFMAN. Right, but we didn't—the point is, we would now be doing that for people right after the nominating conventions——

Mr. PODESTA. Right.

Senator KAUFMAN [continuing]. So that we would have, instead of meeting in some law firm's conference room where anybody could find out whatever we were doing if they really wanted to, we will be in a secure area with secure equipment.

Mr. STIER. If I could just underscore——

Senator KAUFMAN. Sure. Go ahead.

Mr. STIER [continuing]. One point that Mr. Podesta said, the 2004 legislation allowed early clearance for personnel and I think that there was not equivalent use of that authority by the two campaigns, and I think that is quite important in terms of really understanding that. It is not every campaign that is going to understand the need to make these kind of early investments, so all you can do to promote that is really important.

And I think there is continued opportunity to improve that security clearance process. So even to the extent of looking at who really needs the full field investigation and how many positions, and increasing the number of positions that are available to allow for early clearance. Mr. Johnson has done a ton of work on making the security clearance process faster. There are questions about reciprocity, where someone is cleared by one agency and then their clearance is not accepted by another, which makes zero sense at all and just gums up the system. And then there are questions about suitability reviews. So you might have the argument that someone has been cleared, but the agency is going to say, but I haven't looked to see whether that clearance actually makes sense.

To Mr. Podesta's point, this actually carries over to today. But I think you could help in any legislative vehicle rationalize the security clearance process so you have one standard, and if someone is cleared, and if they have been cleared as a private citizen and they have met the standard, there is no reason why they have to go through it again simply because they are going to be a potential nominee for an office. They are providing the same material. That hasn't changed at all.

Senator KAUFMAN. Mr. Johnson.

Mr. JOHNSON. Senator, one thing I remember noticing, and as you all fine-tune your bill I encourage you to look at, candidates are asked to come forward with people that they want to be cleared to talk with the President-Elect about secure matters. That is different than the background check called for to be nominatable. It is not a full field background check. It is basically a name check.

Senator KAUFMAN. Right.

Mr. JOHNSON. Do you want to challenge candidates for the Presidency to submit names before the election to be given full field background checks so that, in fact, they are nominatable, not just cleared to be in a secure room with the President to talk about secure matters? Because they are different.

Senator KAUFMAN. Right. Mr. Podesta.

Mr. PODESTA. I guess I would say, I would stop short of that because I think in the pre-election part of the campaign, you have been through full field investigations. Once there are a lot of FBI agents running around your high school, the names of those people make their way into the press. It is inevitable. And I think no campaign is really going to want to start that process of guessing who is going where because they are in the full field phase of the clearance process.

Senator KAUFMAN. I think, by the way the frustration of when we were first starting to pick cabinet secretaries, we had this really secure system and everyone very quiet and very few people knew about it, but as soon as the FBI background check showed up at Attorney General Holder's high school, you didn't need a Ph.D. to figure out what was going on.

And I think this goes back to the pre-transition, too. The mechanics of how you handle—and we are not even approaching that in this bill, but that is—the key to how many people have to be confirmed, how do you deal with it in the pre-transition, how do you deal with it in the transition, how do you have an orderly focus to everything, and the biggest thing is, because I can remember, Mr. Podesta, you and I having a discussion right at the beginning where you said we had a great new idea. We are going to get more people confirmed.

And I said, unless we can do something about getting more FBI agents to do background checks or getting OPM to start doing background checks, it didn't matter what we did. All the planning and everything else didn't matter because you had this—the real kind of choke point was how many background investigations can you do and how fast can you get them done, and how fast could you get them done and still maintain confidentiality.

Mr. JOHNSON. One of the interesting things that ties all this together, you were talking about Eric Holder. He had had a clearance in his prior life.

Senator KAUFMAN. Right.

Mr. JOHNSON. The point Mr. Stier made is, evidently, they were messing around in his high school. They went back and assumed that there was no clearance evidently and started all over again. Completely nuts. There was no acceptance of the work done previously. If they were only updating the clearance, they wouldn't have been going to the high school.

For instance, one of the issues is who says that the FBI is the only investigative agency that is to be doing this work? One of the things that we have proposed that the Senate was not interested in and the Administration was not interested in was bringing in OPM's Investigative Services operation that does the background work for every security clearance given by the Federal Government.

Senator KAUFMAN. Mr. Podesta, I think that was what you attempted to get done in the last transition, right?

Mr. PODESTA. Well, we definitely supported the Bush Administration's efforts to move that background clearance process to OPM.

Mr. JOHNSON. Some of it, or all of it, but—

Senator KAUFMAN. No, but I think—

Mr. PODESTA. Again, there is sensitivity between certain nominees, but I think the resistance really in large measure was for PASs by the Senate.

Senator KAUFMAN. Yes. Right.

Mr. PODESTA. I think that if you went down to the other end of Pennsylvania Avenue, there would be a lot of support for saying, if these people can clear people for the highest levels, security clearances for everyone else in the government, they can do it for the PASs, as well. And I think that makes a lot of sense. It would be probably cheaper and it would be more efficient and I think they could apply more directed resources to it. But I think the resistance to that is probably in the Senate because they think, and maybe rightfully, although I am not convinced of that, that the gold standard is an FBI full background investigation.

Senator KAUFMAN. Mr. Stier.

Mr. STIER. Yes. I just want to underscore, again, what Mr. Johnson just said. There is some real low-hanging fruit here. There are a fair number of these folks that are going to be considered who have already been in government, who are around government, who have clearances, and it makes zero sense at all that you start from scratch. And you would actually save yourself both the resources and the publicity if you simply accepted at least some major part of that clearance, but frankly, it should be the whole thing, because they can see the same material. It doesn't matter.

So there are some very, I think, straightforward things like that that would get you part of the way there and have very little in the way of downside costs.

Senator KAUFMAN. And the thing I would say, Mr. Podesta, is the Senate is definitely—the siloing of the different committees and the different approaches. But I have talked about this with the Administration's people and Administrations and they say, well, if you are not confirmable, you don't have as much clout because you are not in a confirmable position. Why should legislative affairs people be a confirmable position? They say, we have got to be confirmable because that is the only way you have the—I mean, I hear that time and time and it doesn't make any sense to me.

Mr. JOHNSON. That is not true. We have some very important positions. The head of all IT policy for the Federal Government is not a Senate confirmed position. So some of the legislative affairs people are in Senate confirmed positions. Some of them are not.

Senator KAUFMAN. Yes.

Mr. JOHNSON. And so—

Senator KAUFMAN. I am just saying—one of the articles in the paper about the 13 czars or 15 czars in the Federal Government who don't have to be Senate confirmed. I am just saying I didn't get that push-back from just one or two. I get that push-back a lot, that they are not confirmable. And I think that this is ripe, Mr. Chairman, for legislation. This is just ripe for the Senate to get together with the Administration.

The other thing is, obviously, it all works well until it is the person you want for your administrative position in the government. You want to have the President have a say on who that person is going to be and that it is confirmed. So I think there is plenty—

I am a Senate person. I admit that. But I think there is plenty of blame to go around on this.

And I think in order to solve it, Mr. Stier, which I think your organization is uniquely set to do, we have got to sort out—yes, Mr. Johnson.

Mr. JOHNSON. I was going to say, when we say there are too many political appointees, in my mind, that means there are too many PASs, too many—

Senator KAUFMAN. Exactly. There is nothing—

Mr. JOHNSON [continuing]. Senate confirmed. You could be a Presidential appointee. You are a PA.

Senator KAUFMAN. Exactly. Right. But the point is, I am telling you, and I am sure you have run into it, too, people say, I want my post to be confirmable, and it makes no sense—

Mr. JOHNSON. Well, that is—

Senator KAUFMAN [continuing]. As far as from an objective analysis if somebody is—it makes no sense, but it is one of the hurdles that we have to figure out how to get over.

Mr. JOHNSON. One cycle will do away with that.

Senator KAUFMAN. I think that is exactly right. But, I think, look, there is a series of things, and I would like you to—before I do that, I would like Ms. Lovelace to talk a little bit about—because one of the things that we do in the bill we are talking about is we basically replicate what you did on election day to having to duplicate or maybe even more on the day after the nominating convention. Can you talk a little bit about it? Do you see that as a problem, the fact that you would have to go back and start on this process in August and do it for two complete organizations, or, in fact, if a third-party candidate qualified, for a third-party or more?

Ms. LOVELACE. As you might expect, we are currently reviewing the legislation very carefully to determine how we can go about doing it, what changes we might suggest to the legislation to make sure that we are on solid footing in getting that done. As quietly as it was kept, we actually started working with both campaigns prior to the conventions—

Senator KAUFMAN. Right.

Ms. LOVELACE [continuing]. And so I think it is important, and we would be ready, I believe, to help at an earlier stance because we don't wait until August to start doing the work. We actually start doing our work far in advance of that. So I do believe we would be prepared to help support that. But we just want to look at the legislation—

Senator KAUFMAN. Sure.

Ms. LOVELACE [continuing]. To make sure that we can meet its requirements.

Senator KAUFMAN. I am very interested in your feelings on that, because just a mechanical problem of having to do the security, having to have the space, having to have the equipment, just the mechanical problems of doing this, again, for a candidate that has not been elected to public office, and to staff and transition staff that you need who are not—

Ms. LOVELACE. One of our big issues will be the funding of it prior to the election—

Senator KAUFMAN. Right.

Ms. LOVELACE [continuing]. And we will have to work through some of those issues. But again, I think the foundation of the bill, which leads to starting earlier, we absolutely support.

Senator KAUFMAN. Right. Mr. Podesta.

Mr. PODESTA. Yes. I may be a victim of my own experience, but as I reviewed the legislation, Senator, it struck me that what you were envisioning, and I think what would be appropriate, are two smaller—

Senator KAUFMAN. Yes.

Mr. PODESTA. You wouldn't need to build out what Ms. Lovelace and her team built out for the post-election transition—

Senator KAUFMAN. Good point.

Mr. PODESTA [continuing]. But having smaller offices that could be available that had secure equipment, etc., it seems to me is a different level of challenge than having the complete operation up and running.

Senator KAUFMAN. And I think one of the things, and I would be interested in your comments on this, is the whole political problem of who is on the transition team and who is not. First off, you put some people on the transition, you clear them for security, all the rest of that, and people start, like I think you said in your testimony, they start checking them out. What is their position on issue X or issue Y, and that would create a nightmare.

So you are really talking about a transition of the technocrats, mechanical folks, the folks that were mostly on your personal staff, that were working with you, hopefully writ large, right, but not—you are not talking about people who would end up being assistant secretaries or under secretaries or secretaries.

Mr. PODESTA. Well, as Mr. Johnson and I both know well, we live in the era of the politics of personal destruction.

Senator KAUFMAN. Exactly.

Mr. PODESTA. So I think anybody, whether you are an advisor or whether you are on the airplane with the candidate or whether you are on the transition team, you open yourself up to scrutiny by the outside and by the blogs and by the opposition team and they will try to create a storyline about that.

But I think that, again, just to come back to the importance of doing the job, it is so critical in this era, the complexity of the problems, the security challenges, the economic challenges, to be able to get that work done, that I think that is manageable politically. But to think that it won't occur just because you pass a bill would be naive and—

Senator KAUFMAN. No, and so that is another reason to keep it, as you said, smaller, not as big, not having as many people involved, and the rest of it.

I would also like your comments—I mean, there is a mechanical side to this and there is a technical side to it. Like the bill says, it is putting it all together. But one of the biggest problems, and I know that Mr. Podesta has intimate knowledge, is you have a campaign going on. You have a candidate and you have a campaign staff who are spending 28 hours a day working on that. I find an incredible amount of political figures concerned about, in their own mind, doing anything that has to make decisions before that.

Can you talk a little bit about that, Mr. Podesta, about the difficulty of doing any of the things we are talking about, especially personnel, at a time—and policy—when the decision makers who are going to be coming in the next day are totally consumed because of the importance of being consumed, but also because of their basic mindset, I don't want to jinx myself by starting to plan ahead.

Mr. PODESTA. Well, I think with regard to my experience with Senator Obama, I think I saw as a part of the success of that pre-election transition process not burdening him with much of anything—

Senator KAUFMAN. Right.

Mr. PODESTA [continuing]. But keeping him informed enough that he knew that the planning was on track so that come the day after the election, things could start to move. We made no personnel decisions in advance of the election.

Senator KAUFMAN. Right.

Mr. PODESTA. But he was interested in beginning to think through and talk through different potential candidates for the different potential positions. As you know, we had a secure conversation with the—I guess he wasn't the outgoing, with the current Secretary of Defense and that had to be—

Senator KAUFMAN. Right.

Mr. PODESTA [continuing]. Arranged after the election, but in a very quiet way. So he was engaged in that, but at a very minimal level. I talked to him once a week, I think for about—

Senator KAUFMAN. Right.

Mr. PODESTA [continuing]. Half an hour or 45 minutes and gave him a short memo every week just to keep him abreast.

But I think everyone who was on the transition knew the most important thing was you had to pay—you had to get elected first. None of that mattered unless you won the election and the people on the campaign, we had an interface with Ms. Jarrett, Mr. Rouse, and that worked, I think, relatively smoothly.

Senator KAUFMAN. But essentially, the personnel decisions started on that Thursday after Election Day.

Mr. PODESTA. The next day.

Senator KAUFMAN. Yes, exactly.

Mr. PODESTA. You sat in the room.

Senator KAUFMAN. Yes, I know.

Mr. JOHNSON. The person that makes the decision is one.

Senator KAUFMAN. Right.

Mr. JOHNSON. And he is not in that transition office.

Senator KAUFMAN. Right. The most difficult of all the things that is the hardest to keep secure is personnel. So the number of people that you have involved in personnel in the transition is small. Can you talk a little bit about that, Mr. Podesta, how you approached that to keep—and how difficult—I mean, you have to keep this so secure because everybody in town wants to know who is the candidate for Secretary of State.

Mr. PODESTA. Right. Well, again, in the pre-election days, we were not passing a lot of information back and forth. We worked in, in essence, secure groups or cells. That effort was led by Mike Froman, who was in New York, who is now the Deputy National

Security Advisor. But he had several different deputies who were working in clusters around the individual agencies.

What their job at that point was to do only public record research, and I think the McCain team did something similar to this, begin to develop lists of names, only do public research, research through public records, and really just be ready for the day after the election to be able to then begin the process of serving that up to the President and Vice President-Elect for decision.

Senator KAUFMAN. So even getting 100 people and picking out who the 120 security things would have been an incredible—

Mr. PODESTA. I would say we probably, Mr. Johnson's 120 and my 120 might vary by five or 10.

Senator KAUFMAN. Right.

Mr. PODESTA. I found that to be true even when I was dealing with the White House. There were posts that we thought were important that they placed less emphasis on.

Senator KAUFMAN. Yes.

Mr. JOHNSON. It was different.

Mr. PODESTA. But I would say that we probably had a list developed of names for virtually all those posts before the election, but only with public record research.

Senator KAUFMAN. But just going through the process of doing 120 is not easy, especially at the same time while you are picking your cabinet secretaries, to the extent your cabinet secretaries have a say in who some of these key people working, Secretary of Defense, Secretary of State, they are going to want to have a say, right? So even with all the things right and even with a total commitment, it is incredibly difficult to do.

And I think that the more we go through this again and again, it just brings back some memories. We really need a major look, Mr. Chairman, just at this process. This is not just about less confirmed positions. We have to get less confirmed positions. I totally believe that. I am just saying, the push-back that we get both in the Senate and the rest of it, we have to have less confirmed positions.

The idea that you raised today about having different levels of background checks—background checks are a big problem. Having different levels of background checks would be an important part of that process. Having different people be able to do those background checks, taking advantage of security, because the same thing happened with me. Every security form now, I had to go back to this original form—where were you born? Where did you go to elementary school? It is all in OPM somewhere, and it is all in the Senate somewhere. But to go back to that, but then to have to deal with this.

And I think one of the big problems is just the President-Elect mindset. This all has to be set up, but you are not going to have approval until Election Day, and the new President coming in, the Vice President and their staff are going to be making decisions starting with the cabinet secretaries and working their way through that.

So we really need kind of a hard look at just—and I know, Mr. Stier, you have done your report that covers a lot of this, but this is a complex nut. It isn't just if we sat down—because we always—

the discussion around here is, we just need the gumption to say that we are not going to confirm these things. We just need the gumption to come up with a form, one form for everybody. We just need the gumption to do it. It is more than just gumption. These are extraordinarily complex problems that we need some staff work. Mr. Johnson.

Mr. JOHNSON. The idea of there being fewer President appointed, Senate confirmed, is a good idea. But back to a point that Mr. Stier and I commented on at the beginning, which was the goal is that 100-plus—

Senator KAUFMAN. Right.

Mr. JOHNSON [continuing]. And the 400, that is not going to impact the speed of those people getting in there.

Senator KAUFMAN. Right.

Mr. JOHNSON. That impacts whether the Senate has to, in the fall, occupy itself with getting the assistant secretary for something you never heard of confirmed. That is—if you can take that off of the “to do” list, that is great, but that doesn’t make it easier for the Senate to approve the deputy secretary of something or other by April 1.

Senator KAUFMAN. Great. Thank you. Thank you for your patience, Mr. Chairman, and—

Senator AKAKA. Thank you, Senator Kaufman.

We will have a second round, but before we do that, I would like to call on Senator Voinovich for his questions.

OPENING STATEMENT OF SENATOR VOINOVICH

Senator VOINOVICH. First of all, I want to apologize for not being here, but I am on the Appropriations Committee, and we had National Aeronautics and Space Administration (NASA) before my Subcommittee. NASA is a big job creator in Ohio and I am real interested in where they are going with that agency, so I had to be there for it.

I would like to welcome John Podesta here today—my friend—and Max Stier, Gail Lovelace—nice to see you again—and Clay Johnson. By golly, I thought that we said goodbye, but here you are. [Laughter.]

I just want to say publicly that Mr. Johnson did a wonderful job when he was over at OMB to help put the “M” back into OMB.

The Homeland Security Advisory Council’s Report of the Administration Transition Task Force issued in January 2008 recommended that Congress promptly pass appropriation bills to “avoid negative impacts on the operation and training that can result from continuing resolutions,” during the transition period. I was particularly impressed with that recommendation because I said publicly that the greatest gift that we could have given the President would be to have passed our appropriations bills on time, which we haven’t done for I don’t know how long, I mean, rarely do we ever get it done on time. Hopefully, we might do it this year. So anyway, I would like to know just what your opinion is on how important passing appropriations bills on time that is to an incoming Administration.

Mr. PODESTA. Well, Senator, you bring back memories, because I remember sitting in the—after *Bush v. Gore* in the Oval Office

with President Clinton and the five leaders, because I think the Majority Leader from the House as well as the Speaker were there in 2000, and we hashed out the last appropriations bill. I think it was on December 20, or thereabouts. And I think that it probably actually helped a little bit to be able to take that piece of business off the table so that you didn't have to come back, and I know that after the Recovery bill was passed, the Obama team had to come back and clean up the appropriations bills from the previous year. So I think that it would be—I think it is smart and useful and I would encourage at least acting in the spirit of that 2008 recommendation.

Senator VOINOVICH. Anyone else want to comment on that?

Mr. JOHNSON. I agree. It is just whether there is a new Administration coming in or not, when the government has to begin a new fiscal year and it is uncertain what money they have or don't or what is the status of new programs, old programs, and so forth. There is uncertainty, which makes it more difficult for an agency or program to clearly understand what it is that they are trying to do. So the more certainty the new Administration can have, the more certainty that the Federal agencies can have, the better the Federal Government is going to work.

Senator VOINOVICH. Mr. Johnson, the last time we met, the deadlines included in your July 18, 2008 had not passed. Can you discuss how agencies generally fared in meeting those deadlines? I was really impressed that you wanted to get started early and make a very smooth transition. How many of those agencies made your deadlines, and were there any that particularly stood out or did a good job that could be a good role model for other agencies in this period?

Mr. JOHNSON. My recollection is that all agencies met those goals. One of the reasons they did is because they helped set them. We met with agencies starting in late April and said, all right, what does it mean for an agency to prepare to accept and get up to full ramming speed a new Administration, and we brainstormed what all that would constitute and what had to be done by when to make that possible, and so what I was doing was summarizing the ideas that the different agency operating heads had, and so then I put it together and then sent the note back out basically to formalize what they had, in effect, put together to be the guidance that they thought made sense for the Federal Government.

And then we didn't have compliance people going around to see if they did it. One of the main things that a Federal agency wants to do is to please their new bosses coming in, so they want to be really well prepared to receive their new bosses, and what we did in this process was help them define what that meant. So the outgoing Administration didn't need to spend much energy to motivate them to do a good job. The fact that there was a new Administration coming in was plenty motivation enough.

Senator VOINOVICH. Ms. Lovelace.

Ms. LOVELACE. It is good to see you, Senator Voinovich. To follow onto what Mr. Johnson is saying, we really didn't have to push anybody to really step up and do what they needed to do. We had many meetings with the different agency coordinators, and clearly, they were engaged. They wanted to know what they could do.

There were a lot of new people in some of those positions. And I believe that just the support of the team helping each other understand what they should be doing and how they could move forward, I think everybody really stepped up to the plate. I agree with Mr. Johnson. They really wanted to get ready for the new Administration coming in and I believe everybody stepped up to meet that goal.

Mr. JOHNSON. One of the things that Ms. Lovelace's comment reminds me of, is several people that had been through multiple transitions previously commented they had all been charged to get ready, but it had never been clarified for them what "get ready" meant.

Ms. LOVELACE. Right.

Mr. JOHNSON. Everybody wanted to be ready and they wanted to do as much as everybody else was doing, but they didn't know what everybody else was doing. It was just unclear what "good enough" meant. And so that process of getting together and deciding what they all felt like "good enough" meant, and then clarifying that and then putting that out as a directive filled the bill.

Senator VOINOVICH. In other words, there wasn't any kind of guidance that agencies could look to saying here are the A, B, C, D, E, F, G things that you need to do in order to make this thing as effective as—

Mr. JOHNSON. No. I mean, it is pretty straightforward, when an agency head comes in, what they need to do. There is some guidance about in the first 60 days, what a new cabinet secretary needs to do. There are some things that are on fire, they need to be put out, and there are some big opportunities, some new things that need to get launched or are in the process of being launched. And so you need to prepare them to deal with those kinds of issues. There are reference materials that you can go to to give you some ideas about how to do that, or what needs to be done. But now it is just a question of deciding how to do that, prepare to take the new cabinet secretary and to help them do that in the first 15, 30, 45, 60 days of being in charge of the new department.

Senator VOINOVICH. Mr. Podesta, did you ever sit down with your folks and say, gee, I wish the Bush Administration had done "X" to get prepared for us to come into office? Do you understand what I am saying?

Mr. PODESTA. Yes, and I had different experiences, having come into the first day of the Clinton Administration and then leaving. I found that it was ad hoc, if you will, when we entered in 1993, but with tremendous cooperation, as I noted in my testimony, from my Republican counterparts who—I came in as the Staff Secretary and they were both completely generous with their ability to brief me in the few days that I had to prepare coming into the Administration. But there was no formal plan. It was just they were open and I called them up and we sat down, with Jim Cicconi and Phil Brady, and they were terrific in helping guide me in terms of the needs that I had.

At the end of the Clinton Administration, we did issue, I think, the first Executive Order on Presidential transitions to try to create the Council that was done under the Bush Administration, but I think the Bush Administration did that earlier. I think Mr. John-

son's game plan was more detailed. I think we sort of set the groundwork for that, but I think they have taken it from that experience and really built on it and I commend them for that.

And I think that it should become the norm with respect to transitions, and one of the things that Mr. Stier pointed out was that when you are at the end of an 8-year Administration, it is easy to think about these things. If you are running for reelection, it may be a little bit harder to anticipate that you may actually be handing the baton off to someone else. So trying to create institutional mechanisms to ensure that this transition works no matter when it occurs is, I think, particularly challenging.

Senator VOINOVICH. I am laughing because when the Bush Administration took over, I was pushing them to really look back at the transition and say what mistakes were made and so forth and other bad experiences that they could have avoided because I felt that once they were in the saddle, that they weren't going to be worrying about some of those things.

Mr. Stier, do you know of any situation where after you had the transition, that the folks that were in the previous Administration sat down with the next Administration and brainstormed lessons learned? It is kind of a quality management type of experience, where they kind of shared ideas and kind of wrote them down and said, this is the way to get the job done?

Mr. STIER. I am sure that there are examples of that but there is nothing that comes to mind as a best case model. I think one interesting example is what happened with DHS. In part again because of legislative requirement, they did focus, I think, a little more intensely on that transition process and there was a Coast Guard admiral who was responsible for managing that process. When he came in, actually, I think he did a very good job and he is someone I think is worth talking to in terms of how to do that process right. But because it was the first transition that they were going through, I think that enabled more attention to be paid to that process than I think existed elsewhere.

I would also underscore what both Ms. Lovelace and Mr. Johnson had to say about the power of bringing the folks from across government together, because from my vantage point, it was quite uneven in terms of the experience that people had, even the memories that people had about going through the transition process. I mean, it is obviously a very episodic process, and if it hasn't happened in 8 years, there really oftentimes are not that many people that have been through it before and it is really an oral tradition. There is not much that has really been written down. Martha Kumar has come in. She is doing a great job of writing some of this stuff down.

But I think the advantage of bringing people together early is really quite powerful, particularly among the career ranks. And again, that was one of the things they did at DHS, was really to identify early on who would be the career leaders, because you never know, again, how long that process is going to take before the actual transition occurs. I think DHS is an interesting example for that reason.

Senator VOINOVICH. I have taken more than my time, Mr. Chairman.

Senator AKAKA. Thank you very much, Senator Voinovich.

I will begin a second round here. Mr. Johnson, your testimony focuses heavily on the nomination and appointment process. One suggestion you make is expediting the most time-sensitive positions. Since the attacks of September 11, 2001, as well as the establishment of the Department of Homeland Security, there has been much more focus on getting national security staff into place quickly. Senator Voinovich and I have also advocated for quickly filling management positions across the government.

What type positions do you consider the most time sensitive that should be the primary focus in the first few months?

Mr. JOHNSON. Well, I think that list is going to vary from Administration to Administration, just because, for instance, when the Obama Administration came in, there was all this financial and economic meltdown. That was not the case 8 years previously, and so Treasury and Commerce positions were critically important when the Obama Administration came in. They were less critically important, and there were fewer of them that were super time-sensitive when the Bush 43 Administration came in.

There are probably 50 positions that are the leadership or the deputy leadership of every agency. I think it is very important to just be able to run the departments. And then beyond that, there are a handful of national security positions and State Department, Defense Department, Homeland Security Department, and a few other departments, that I think most everybody would agree are time sensitive, very time sensitive.

But it is really not relevant what I think they are. It is what the new Administration's priorities at the time are. And a management position at some department over here might be time sensitive, but the comparable management position at this other department over here may not be a time sensitive position. For instance, a manager position at Homeland Security 4 years ago might have been very important, time sensitive, whereas at an established agency, that management person, comparable management position, may not be as time sensitive because the department isn't trying to create itself.

So there is any number. It doesn't make any difference what the positions are, but I think it is important that the Senate and the incoming Administration have a general understanding about what those time-sensitive positions are and some general idea about the kind of commitments they are going to make. One can't bind the other, but what kind of general commitments they are going to make, the kinds of things they are going to try to do, the kind of capacities they are going to try to build to, in effect, address those positions faster than they are going to be able to address the next most time sensitive and the next most time sensitive and the ones that aren't particularly time sensitive.

Senator AKAKA. Mr. Podesta, would you want to comment on that?

Mr. PODESTA. Well, I fundamentally agree with what Mr. Johnson just said. As I noted at the outset, I think that our list was a little bit different than the Bush team's list. They had developed a list that I think Josh Bolton, the Chief of Staff, shared with me in August of the positions that they thought were the most critical to be filled. They were highly concentrated in the national security

arena. Obviously, as Mr. Johnson noted, we had to fill that out with a more substantial economic team as a result of the financial crisis, including the head of the U.S. Commodity Futures Trading Commission (CFTC) and Securities and Exchange Commission (SEC), which I think we named during the transition. That probably hadn't been done before. But it was necessary in the context of that time. I think the first 50 are usually pretty easy. It is the next 100 you might quibble about, and then the 100 after that.

I want to come back to one thing that was noted, again, earlier by Mr. Johnson, which is that the White House office is, at least in my view, relatively small in terms of personnel. I think it is still around 450, 500 people. The President has to divide a lot of stuff up, from the National Economic Council to the Domestic Policy Council to Presidential personnel, legislative affairs, communications, the press secretary, amongst what is a relatively small office.

And I think if you have no surge capacity in Presidential personnel, the ability to vet the White House Council, which is involved in the vetting, in the first months, it ends up showing. So you build an operation which is the steady state, what you need to do in year three and year four and year five, because that is all you can allocate to those functions.

And to the extent that the Subcommittee might consider encouraging or appropriating the monies to have a surge capacity on this ability to process nominations at the beginning of an Administration, I think that would be very well received and very worthwhile.

Senator AKAKA. Mr. Stier, would you, from your perspective—

Mr. STIER. Well, I just wanted to add something that Mr. Podesta shared in an interview with him, which I thought was also a good idea, which is that if you enabled the personnel process to continue in the transition offices past the inauguration point, that might be quite helpful, too, because there is just a dislocation of learning a new environment, systems, everything else like that, that you really don't want at a time when it is really essential, when you are really going as hard as you can on the personnel side. So if you think about your surge capacity, some of it can be maintained, frankly, in the transition space. That might be a mechanism to do it. But that is an idea Mr. Podesta had shared, and likewise, when asked about where his pain points were, the vetting resourcing was clearly one of them.

But it does strike me that on this issue of critical positions that there is sort of a hierarchy of issues here. Those are the key positions, and clearly, as Mr. Podesta and Mr. Johnson say, they are going to change a little bit over time, but there are going to be some core ones that you know are always going to be the same.

And then there is the question about how you do that faster, but then there is a series of other decisions to be made. If you can reduce the number of political appointees so your assistant secretary for public affairs, for legislative affairs, the general counsel, that those are political positions, Presidential appointees but not Senate confirmed, then presumably you can get those in and the critical people are going to have the support that they need to do their job right from day one, as well.

And then the other option that I would put on the table which I did not mention earlier is one in which you just simply actually

had fewer political appointees around the management positions. So query, does your Chief Financial Officer (CFO) and your Chief Acquisition Officer and your Chief Human Capital Officer really need to be political appointees? Dave Walker's notion of a Chief Operating Officer (COO) having a term appointment. So I think that there is real harm done to governance in our government by the very fast turnover that you have amongst the leadership, and it is particularly acute in those management functions where you have to be investing over a long time horizon and these folks aren't around to do it.

So again, this is a complicated set of issues, as you suggest, Senator Kaufman. I don't think you are going to find one answer, but I think if you start doing triage like that, you might make for a much better system.

Senator AKAKA. Mr. Podesta, in Martha Joynt Kumar's transition article, she quoted you saying that there were problems transferring personnel records from the transition system to the White House system and that it may have been easier if you were able to have used the transition system after Inauguration Day. Can you tell us more about this issue and whether there are any legal or policy barriers to keeping certain transition resources in place after January 20?

Mr. PODESTA. Well, as I noted to Ms. Kumar and to Mr. Stier, this was a problem we actually didn't anticipate, and it was, in essence, a technical problem of moving a huge data set from computers that existed in the transition to computers that existed in the White House office. Maybe we should have anticipated it, but we didn't, and those needed to be—the protocols that the White House secure environment required and that the Secret Service required in importing that data from, in essence, GSA computers into the White House computers took several weeks to basically move those files at a very critical time, which we didn't experience, I would say, in the rest of the policy apparatus. So it was because of the volume of the data that was coming in and the movement of that data into the system.

At least we identified it by having encountered that problem, so maybe it can be anticipated and worked through. My suggestion, again, to the people doing that report was I didn't see any legal barrier to essentially leaving the personnel office up and running in the transition. It would have obviously had to been financed separately, but one could have continued to operate out of the transition offices, which were open for an additional month, I think. We began to shut down, but there was space available for an additional month. We could have kept the system rolling in the transition office until all that data was moved to the White House, and that was an off-the-top-of-my-head solution to the problem. There may be other technical solutions that could be worked out as long as the problem is identified.

Senator AKAKA. Ms. Lovelace, let me ask you, and you can comment on this, as well, how long does GSA support for the transition continue after the new Administration begins?

Ms. LOVELACE. I guess it depends on how you define support. In terms of the actual spaces, as Mr. Podesta talked about, that space is available for an additional 30 days, but I was intrigued by that

part of the report from the Partnership for Public Service that actually proposed that perhaps we could extend that—but that, of course, for us will require legislation—so that the incoming Administration could stay in the transition space longer to deal just with these kinds of issues that Mr. Podesta is talking about.

In terms of other kinds of support, we are still providing support to the incoming Administration on appointee orientation. That will continue for a couple of years out. And we also still continue to provide support to what is now the Office of the Former President, and we actually do that for the lifetime of that particular President. And so our support in transition never really stops. [Laughter.]

Senator AKAKA. Thank you. Senator Voinovich, have you any questions?

Senator VOINOVICH. There are so many aspects of this. I can remember that we made a real try in terms of the people that needed to receive the approval of the Senate for their nominations. It is a great story. Senator Reid and Senator McConnell were co-chairs of this effort, and they were working very conscientiously to go through the list of people that really we didn't have to confirm. And then they both ran for leadership posts in their respective parties, and the initiative disappeared because so many of the committee chairmen were so jealous of wanting to have these nominees come to their attention.

I would just be interested in your thoughts as to whether we ought to reconvene that group and see if there isn't some way at this stage of the game to look at this realistically, because I just think there are too many positions that we are having to confirm. Then that gets into the other issue, just getting nominees to apply today in light of the whole financial disclosure process. I don't know if you mentioned that or not, but the reams of paperwork is amazing. One individual who got an ambassadorship, he must have had a lot of money, because he claims he spent over \$200,000 with his accountant going through all of the papers that he had to file for financial disclosure.

And then the other one, of course, that Senator Akaka and I are trying to work on is this whole issue of security clearance. It is still on the High-Risk List and hopefully we are going to get it off the list before I get out of here, right, Senator Akaka? [Laughter.]

Do you think that mandating in law the formal transition beginning earlier than it currently does, that we should do that? In terms of the money, the way that we go about making money available for the transition, is that a sensible process, or should that be changed?

Mr. STIER. I think it is a good start and it is an important piece of solving what is, as you suggested, a collection of different problems. It is not going to be a panacea for everything, but again, I think it is a clear need and only becoming increasingly so, again, as the challenge of taking over a very complicated government increases.

So I think all that is to the good, and I think the one recommendation we made, frankly, was that you actually require the councils be set up rather simply than authorizing, which is as it is currently stated.

To your question around the number of Senate-confirmed presidential appointees, plainly, that is a challenging question and as you suggested, there is a lot of history around this. I wonder, and again, I don't have any perfect answer, but I wonder whether there isn't a mechanism of creating some kind of ad hoc committee of chairs and rankings members that would look to the question about whether, collectively as a group, that they could give up on certain classes of positions, like the assistant secretaries for public affairs, the legislative affairs, and general counsels. Individually, they may want to hold on to their folks, but if they see that they are all, again, willing to hold hands and do this together.

And in that context, might that group likewise be the group that would agree to some kind of goal and time table for the confirmation of the critical set of positions that need to come in by day one and by 100 days and by the summer recess, so that you actually had a set of folks that were focused on this, that were the necessary parties to doing this.

As presumptuous as it was, Kristine Simmons, who runs our Government Affairs operation at the Partnership—and who came to us from an esteemed employer—we had the silly idea of visiting with the staff in the key national and economic security committees, both the Majority and Minority, just to ask them, would you agree to a time table, that if the incoming Administration provided you the names by a date that you set—that you would agree to have those critical positions confirmed by or close to the time of inauguration. And what we found was that, in principle, everyone was supportive of the notion. They understood why it was important. But we were not obviously in the position to do anything but to propose an idea, and I think without the collective action, it is not going to happen.

Mr. PODESTA. Senator, I think with respect to the specific legislation that you have introduced with Senators Kaufman, Akaka, and Lieberman, I said I thought it was a good idea in my testimony. I think that it creates what I described as a new normal, that the expectation is that someone who is running for office would take the necessary steps to plan for that critical transition at a time of where the problems are so complex and where particularly the security needs of the country are so at stake. So I think that—I encourage you to move that legislation forward.

On the nomination front, I think there is a host of issues and problems. Mr. Johnson is co-chairing a task force that the Aspen Institute is doing with a number of former government officials, both from the Congress and the Executive Branch, that hopefully will produce some good recommendations. I think you can strip the number of PASs, both in terms of the category of jobs and perhaps some of the part-time jobs that are currently required to be Senate confirmed.

But I think, ultimately, it is going to require the Senate itself deciding whether the slowing down the staffing of the government, where the President's nominees, and I say this respective of party, when the President makes a selection, if there is a majority in support of that nomination, shouldn't they be confirmed and put into office? We are not talking about lifetime appointments of judges or Supreme Court. We are talking about people who, on average, only

serve for 2 years to begin with. And so delaying their entry into service, I think, is a real problem for the country. But that really is a problem that you are going to have to, I think, confront with your colleagues.

Senator VOINOVICH. Well, I have spent my last year looking at the operation of the Senate and even the government is dysfunctional. We are still looking at the process like we did 50 years ago and things have changed. I am really concerned that if we don't really start getting at some of the things we are talking about here today, the process is not going to work. Plus the fact that a lot of folks that we want to get in government aren't going to want to come around. They will just say, I don't need it.

There is this idea, David Walker's idea of an agency Chief Operating Officer that kind of stays with it. We tried to do it in the Department of Homeland Security, to get somebody that would be in charge of transformation. We have also been trying to transform the Department of Defense (DOD). There are 14 things that are on the High-Risk List. Eight of them just deal with the Defense Department. It just doesn't get done because people come in, they do a real good job, and then another group comes in with different policies. And transformation just doesn't happen.

So maybe when I get out of here, I will get with some lobbying groups. I can't do that until after a year, but maybe I'll work with some do-gooder group, and see if we can reach these goals. I guess the Aspen Institute is working on something. You don't have to tell me about it, Mr. Johnson. You can send me something on it. I would be interested.

Mr. JOHNSON. I think when you leave the Senate, you would be a great candidate to be the first person to be in charge of DOD transformation. [Laughter.]

I would be betting on you to get it done.

Senator VOINOVICH. Yes. Thank you. [Laughter.]

Senator AKAKA. Thank you very much, Senator Voinovich.

I want to thank our witnesses for appearing today and for your service to our country.

I think that we have heard here today that everyone's focus and emphasis on planning and good management paid off. We have also heard about gaps, which we may help bridge. More can be done to help the incoming and outgoing teams, and more must be done to speed the confirmation process. I look forward to continuing to work with my colleagues on this issue.

Senator Voinovich, I would like to think that our oversight and our working so closely together has really contributed to getting the message out about management and planning for the transition as well as other issues. I realize each time I chair a hearing with you, Senator Voinovich, that we don't have much time left serving together. So I hope we can make the most of it.

Senator VOINOVICH. Thank you very much, Senator Akaka.

Senator AKAKA. The hearing record will be open for 2 weeks for additional statements or questions other Members may have pertaining to the hearing.

This hearing is adjourned.

[Whereupon, at 12:03 p.m., the Subcommittee was adjourned.]

APPENDIX

STATEMENT OF

GAIL LOVELACE

**CHIEF PEOPLE OFFICER
U.S. GENERAL SERVICES ADMINISTRATION**

BEFORE THE

**COMMITTEE ON HOMELAND SECURITY AND
GOVERNMENTAL AFFAIRS**

**SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT
MANAGEMENT, THE FEDERAL WORKFORCE, AND THE
DISTRICT OF COLUMBIA**

U.S. SENATE

APRIL 22, 2010



(37)

Introduction

Good morning Chairman Akaka, Ranking Member Voinovich, and Members of the Subcommittee. Thank you for the opportunity to appear before you today on behalf of the General Services Administration (GSA) and our Administrator, Martha N. Johnson. My name is Gail Lovelace and I serve as GSA's Chief People Officer. During Presidential Transition I served as GSA's Senior Career Executive for Presidential Transition. I testified before you on September 10, 2008 on this very topic. I am happy to be back with you today to update you on our efforts in Presidential Transition.

As you may recall during my testimony, our then Acting Administrator Jim Williams stated that the Presidential Transition was his highest priority for GSA. We were fully committed to a successful and smooth transition from one Administration to the next, and emphasized an unyielding dedication to customer service throughout the process. I am proud to be here before you today to say that I think we met all our goals.

I am honored to have been able to play a role in ensuring a smooth transition as envisioned by the Presidential Transition Act of 1963. As stated in that Act –

“The Congress declares it to be the purpose of this Act to promote the orderly transfer of the executive power in connection with the expiration of the term of office of a President and the inauguration of a new President.....”

GSA's mission is to use expertise to provide innovative solutions for our customers in support of their missions and by so doing foster an effective, sustainable, and transparent government for the American people. We are able to leverage the buying power of the federal government to acquire best value for our federal customers. We exercise responsible asset management. We deliver superior workplaces, quality acquisition services, and expert business solutions.

In accordance with the Presidential Transition Act of 1963, our responsibility in Presidential Transition was to provide these same services to the President-elect, Vice President-elect and members of the Presidential Transition Team, upon request. We started early in our preparation, had great teams in place, and were well-positioned to provide space, furniture, parking, office equipment, supplies, telecommunications, mail management, travel, financial management, vehicles, information technology, human resources management, contracting and other logistical support as necessary and appropriate.

Specifically, GSA leased and furnished approximately 120,000 square feet of office space in Washington DC, in close proximity to both the White House and the Capitol. GSA also provided 600 laptops, Blackberries, and desk phones to support transition staff in both Washington DC and Chicago. GSA's secure IT infrastructure supported 1,300 users, many working remotely throughout the world. To prepare for this high volume of support, GSA proactively met with representatives from the Obama and McCain campaigns prior to the election. In doing so, we ensured the efficiency of the transition while demonstrating the non-

partisan spirit of our work. This preparation allowed us to begin supporting the Obama-Biden Transition the morning after the election. Every day during the transition period, our employees met new members of the Obama-Biden team as they walked in the door, showed them to their offices, explained how to use their computers and blackberries and gave them an overview of the facility, allowing them to get to work right away. Our motto was "*from the street to your seat in 15 minutes.*"

We partnered with the Secret Service and the Federal Protective Service, both part of the Department of Homeland Security (DHS), so they could provide security for the President-elect, Vice President-elect and the Presidential Transition Team.

GSA also provided space, services and logistical support to the Presidential Inaugural Committee (PIC) and the Armed Forces Inaugural Committee (AFIC). The PIC and the AFIC planned and staged the various events that make up a Presidential inauguration. Our GSA Inaugural Support Team began preparations in August 2007 and worked straight thru until shortly after the Inaugural on January 20, 2009. Approximately 800 employees of the Armed Forces Inaugural Committee (AFIC) occupied the Mary Switzer Building during this time. GSA provided space, IT and telecommunications support as well as several hundred pieces of surplus furniture. AFIC was very appreciative of GSA efforts to prepare their space timely so they were able to prepare for the Inaugural events. AFIC stated their specific appreciation for the money GSA saved them by diligently searching for and providing surplus furniture. GSA

provided space and other logistical support for over 600 staff members of the Presidential Inaugural Committee (PIC), working closely with the Chairs of the PIC who were named by then President-elect Obama.

GSA provided similar logistical support services to former President Bush and former Vice President Cheney. Coordination with the Executive Office of the President, the White House Office of Administration, and other agencies began in February of 2008 and continued through the transition and well into this new Administration. We helped both the Former President and Vice President to establish their offices when they departed the White House. We continue to support the Office of the Former President; those efforts will continue for the life of the former President.

The Presidential Transition Act of 2000 expanded the services that GSA provides to support the incoming Presidential transition. One of the new functions identified in that Act is to assist the incoming Administration on orientation activities for key Presidential appointees. The objective of orientation is, and I quote from the Act, "to acquaint them with the types of problems and challenges that most typically confront new political appointees when they make the transition from campaign and other prior activities to assuming the responsibility for governance after inauguration." We worked with both campaigns to understand the requirements of this Act well before the election. After the election, we worked closely with the Transition Team to outline how to best meet the requirements of the Act. Orientation activities started early in the

new Administration and are continuing. GSA will continue to work with the White House on providing these orientation activities.

GSA worked closely with NARA to create a Transition summary document and designed and constructed a website that housed more detailed information. We reached out to Office of Presidential Personnel, the Office of Personnel Management, the Office of Management and Budget and the Office of Government Ethics to ask for their assistance in completing this directory. Every one of these agencies stepped up and helped to make this a smooth transition.

In accordance with GSA's role in Presidential transition – for both incoming and outgoing Presidents, the FY 2009 President's Budget requested \$8,520,000 for this orderly transfer of executive power. Transition funds became available to the incoming administration beginning the day following the day of the general election and ended 30 days following the inauguration. Funds were available for expenses of the outgoing President and Vice President from 30 days before, until 6 months after their terms of office expired.

GSA served as the transition manager and advisor on behalf of the President-elect; however, the allocation of the funds was determined by the President-elect and his designee(s).

Looking inside Federal agencies, we started meeting with agencies very early in 2008 to help them prepare for transition. We met individually and collectively to share GSA's unique role with them and to share our thoughts and ideas about what it might take to be ready for a transition. We continued that

throughout the transition period. We created a special section of our gsa.gov website to share information about Presidential Transition with other agencies and the public. We prepared additional guidance for agencies, building upon our past experiences with transition. Prior to the election, we actively worked with Clay Johnson, then Deputy Director of Management for the Office of Management and Budget, to bring all agency Transition Directors together for special sessions focused on Transition. After the election, we worked with the Presidential Transition Team to continue these special sessions for agencies.

This was an exciting time for our government. It presented many challenges and opportunities for many of us across government. Agencies had to focus on preparing for a new administration while also paving the way for a smooth and orderly departure of outgoing appointees. Agencies prepared information and orientation activities for incoming appointees and they ensured that essential programs and services were continued unimpeded. This was a great time to be working in the public service ensuring that our country was well-served while going through a major transition.

Like all other agencies, GSA worked diligently to ensure a smooth transition within our agency. We started early in preparing for transition; we conducted many briefings for political appointees on what the change of administration could bring. Transition guidance that was issued by the Executive Office of the President on July 18th, 2008, provided us and our fellow agencies with excellent reinforcement on the importance of ensuring a smooth transition. This guidance established target dates for specific activities that helped to ensure

an orderly succession, continuity of operations and public service, and also helped non-career employees exit successfully.

In addition to our incoming, outgoing and inaugural teams, GSA empowered four teams to plan for a successful internal transition.

- The first team was focused on support to GSA political appointees who were leaving.
- The second team identified the actions that must be taken prior to and during transition to ensure the continued success of GSA programs, operations and services, including continuity of leadership, transfer of knowledge, and communication with employees. Our leadership succession plan outlined a detailed set of recommendations to ensure no gaps in organization leadership.
- The third team identified logistical and information support to members of the Presidential Transition Team that gathered information about our agency, such as organization, policies, programs and key issues.
- And the fourth team focused on how to ensure a smooth transition of new appointees into leadership positions within our agency.

As an agency, I believe we were well-positioned to ensure a smooth transition inside GSA.

Closing

Chairman Akaka, Ranking Member Voinovich, and Members of the Subcommittee, I want to thank you again for the opportunity to address you this

morning. I am proud to have served in this very important role in our government. We worked very closely with both campaigns, with the incoming and outgoing Administrations, and with many Federal agencies. We set the goal of ensuring a smooth and orderly transition. I believe we successfully met that goal.

Testimony of

Clay Johnson III

former Transition Director, Bush-Cheney Transition, 2000-2001, and
former Deputy Director for Management, the Office of Management and Budget,
in charge of Federal Agency Transition Preparation, 2008

“After the Dust Settles: Examining Challenges and Lessons
Learned in Transitioning the Federal Government”

United States Committee on Homeland Security and
Government Affairs
Subcommittee on Oversight of Government Management, the Federal
Workforce, and the District of Columbia

The Honorable Daniel K. Akaka, Chairman
The Honorable George V. Voinovich, Ranking Member

April 22, 2010

Chairman Akaka and Ranking Member Voinovich, I congratulate you for your work to ensure new administrations are adequately and expeditiously staffed and briefed to implement their initiatives and deal with the international, financial, health and other critical matters facing our nation. I am honored to be included in this hearing today.

I believe more good work was done than ever before by the Bush and Obama administrations during this past transition to prepare the Obama administration to govern. (Others have summarized the specific work done to make this happen.) But I agree with the *Ready To Govern* report on this transition by the Partnership For Public Service, which said this recent “best ever” effort is not “good enough,”

that much more can and must be done to better ensure new administrations have a well led, well briefed team “on the field” much faster than ever before.

To help ensure future transitions are “good enough,” I believe the Executive Branch and Senate should agree on approximate dates by which the most time-sensitive positions are filled by nominees who have been well vetted by the new administration and the Senate for qualifications and potential conflicts of interest. These “desired outcomes” then would be used to determine the preparation, security clearance and vetting capacity, infrastructure and funding necessary to have a successful transition. For instance, I believe that incoming administrations and the Senate should aspire to fill the 125 or so most time-sensitive positions, mutually agreed to by the new administration and Senate, by the August recess of a new administration’s first year (versus 70 to 100 of these positions currently), and 90% of these by April 1. They should subsequently aspire to fill the 400 or so most time-sensitive positions by the time Congress adjourns in the fall (versus 260 currently). It is important to help put a new administration’s entire new team on the field faster than ever before, but it is critically important to our country to have well vetted people in the most time-sensitive positions most expeditiously. We need to go beyond adopting reforms that allow the transition work to be done faster. We need to have desired outcomes that drive the magnitude of the reforms we consider, to make sure we are transitioning “good enough.”

Secondly, I believe the Executive Branch and Senate should significantly expand the “capacity” they need, by when, to accomplish the desired outcomes referred to above. Regarding the Executive Branch I believe it is merely customary for administrations to have 5 or 6 Special Assistants to the President helping select and vet nominees for Senate confirmed positions. Who said 5 or 6 is the right number

of people to do the work? If the goal is for new administrations to do this work 2 or 3 times faster than ever before, the answer is not just for new administrations to begin to do the work sooner, and/or with more IT support. The answer must also include a significant increase in the number of people assigned to do the work, especially during before and during the transition and during the first 6 months or so of a new administration's first year. This increase in Executive Branch vetting capacity mandates additional Presidential Personnel funding for the transition and first months of the first year, and coincident increases in Senate vetting and security clearance processing capacity.

Thirdly, I believe a lot of the background data gathering associated with vetting, selecting and confirming nominees is redundant and unnecessarily time-consuming and burdensome. Currently it is estimated that one-third of the information asked for is a different form of information already provided. I believe the Executive Branch and Senate could develop a computer-based "smart form" and/or other ways to share background data, to make it possible to gather the same amount and quality of data faster, with less burden on the applicant.

I suspect we all agree there is the need, will and ability to reform the means by which we transition from one administration to another. I recommend the three categories of reform summarized above be added to the list of reforms to be considered. Of the three I believe it is most important to have a clear, mutually agreeable definition of what a new administration and the Senate should try to accomplish, by when. With a clear definition of success we can most purposefully focus on transition work that is "good enough." Without a clear definition of success, we can only "work at" transitioning better than before.

**Testimony for the
U.S. Senate
Subcommittee on Oversight of Government Management, the Federal Workforce, and
the District of Columbia
Senator Daniel Akaka, Hawaii, Chair**

on

***"After the Dust Settles: Examining Challenges and Lessons Learned in Transitioning the
Federal Government"***

by

**John D. Podesta
President and CEO
The Center for American Progress Action Fund**

10:00 a.m, April 22, 2010

Mr. Chairman, members of the Committee, thank you for inviting me here today to discuss lessons learned from past presidential transitions. I also want to thank you for making the time for a hearing on this important topic and your interest in improving the transition process going forward. As co-chair of President Obama's transition team, and before that, as outgoing Chief of Staff during the transition from President Clinton to President George W. Bush, as well as the incoming Staff Secretary during the transition from the President George H. W. Bush to President Clinton, I hope my insights and past experiences prove useful.

The Importance of Pre-Election Preparation

I want to begin by emphasizing how seriously President Obama and Vice-President Biden took the transition process. Despite an impending set of challenges that I believe were unprecedented in modern times, independent observers have noted that the 2008 transition was one of the most successful in history. President Obama and Vice-President Biden's leadership, and the hard work done by their team, are key reasons for its success. The professionalism and cooperation of the outgoing Administration, along with the dedicated work of the staff at the General Services Administration, also deserve great credit for making the 2008 transition exemplary.

The President understood that the needs of the country demanded that we begin planning in earnest prior to the general election on November 4th. National security risks have become heightened during periods of transition – in addition to September 11th, both the UK and Spain suffered terrorist attacks near recent transfers of power – and this is one critical reason why transitions should proceed with full cooperation from all parties and with adequate institutional support.

In this regard, the Bush Administration's national security team deserves to be commended for their extensive assistance in assuring the transition occurred as seamlessly as possible. They worked closely with us throughout the process to ensure that our team was in place, informed, and poised both to prevent potential acts of terrorism and handle an emergency situation if one were to arise. As a result of the

Intelligence Reform and Terrorism Prevention Act of 2004, we were also able to accelerate the process of security clearances by submitting names and the requisite background information to the Department of Justice and FBI before the election. This enabled our key staff to receive approximately 150 security clearances and to dispatch 500 people into the agencies within a week of the inauguration.

In addition to the heightened risk of terrorist activity, as 2008 wore on it became increasingly clear that the Obama Administration would inherit a host of extremely severe economic challenges. As housing prices plummeted, credit markets froze, and financial markets fell deeper into crisis, avoidance of outright economic collapse hinged on the Administration's ability to execute a range of policy initiatives immediately upon taking office. Over 700,000 jobs were lost in President Bush's last month in the White House. Two of the big three auto companies were heading steadily towards bankruptcy. The economy was in the midst of contracting more than five percent for two subsequent quarters for the first time since the Great Depression. It was not only responsible, but imperative that the Obama campaign prepare as fully as was feasible for the possibility of governing in a time of crisis.

The ability of the incoming Obama administration to prepare to address these national security, economic, and other critical national issues was greatly assisted by President Bush's executive order facilitating the transition (EO 13476, signed October 9, 2008), signed a month before the November election. President Bush's approach built

on the transition executive order issued by President Clinton in 2000, (EO 13176, signed November 30, 2000), widening the Presidential Transition Coordinating Council to include key White House policy advisors and encouraging their active involvement.

The impressive cooperation between the incoming and outgoing administrations and the good work of the GSA is a success story that can hopefully be repeated during future presidential transitions. It was especially crucial in minimizing security vulnerabilities that were of concern due to changes in leadership. And although the country still faces economic challenges, the preparation for managing the many moving pieces of the financial and economic crisis was instrumental in returning to growth, stemming job losses, and improving credit conditions as quickly as possible in 2009.

De-Politicizing the Transition Process

The only risk to any party in preparing in this fashion was a political risk to Obama's own campaign for president. Despite the complexities of transitioning the federal government, the urgent nature of mounting economic challenges, and the obvious probability that one of two Senators would be taking office, the risk to the Obama campaign of fallout from political attacks were a genuine complication to the transition team's work.

President Obama himself conducted the transition in a way that prioritized process and experience over politics. Perhaps one indication of that was selecting me, a

strong supporter of Secretary Clinton during the primaries, to guide the transition team. But the transition itself did not avoid becoming a political football. On the campaign trail and on the airwaves, Republicans accused Obama of measuring the drapes, tempting fate, and disrespecting voters by preparing prudently to govern.

The Bush Administration, again very much to its credit, recognized the importance of preparing candidates for the duties of the executive prior to Election Day, a priority evidenced by President Bush's executive order, which was issued nearly a full month before the general election and directed the Coordinating Council assist major party candidates, instead of only the President-elect. Far from participating in campaign season rhetoric, Dana Perino, President Bush's Press Secretary, stated in October 2008 that a seamless transition had never been more critical, and was "especially important as our nation is fighting a war, dealing with a financial crisis and working to protect ourselves from future terrorist attacks." President Bush's Chief of Staff, Josh Bolten, worked with us diligently to ensure the transition was as seamless as possible. After taking office, President Obama has rightly and repeatedly praised Bush Administration officials, especially those officials at the Treasury Department and the National Security Council, for putting politics aside in the best interest of the country during a time of crisis.

My experience in the prior two presidential transitions confirms that, despite campaign sloganeering, both Democrats and Republicans have taken presidential

transitions extremely seriously and kept their work from being overly affected by political influences. For example, in 1992 my predecessors as Staff Secretary in the Bush Administration, Jim Cicconi and Phil Brady, were extremely helpful in preparing me for my assumption of responsibilities on January 20, 1993. Again in January 2001, along with my Deputies Maria Echaveste and Steve Ricchetti, I worked closely with incoming Chief of Staff Andy Card and Deputy Chief of Staff Blake Gottesman to ensure the same was true for the Administration of President Bush.

The orderly transfer of power since the inception of our democracy is one of the characteristics that we as Americans should be most proud of and should not take for granted. Efforts to politicize the transition process should be strongly discouraged. Planning a presidential transition prior to Election Day, on the other hand, should be encouraged and considered appropriate regardless of poll numbers or political party.

That's why The Pre-Election Presidential Transition Act, sponsored by Senators Kaufman, Voinovich, Akaka, and Lieberman, is such an important step forward towards institutionalizing some of the activities that made the 2008 transition such a success. In addition to providing additional resources for transition activities, it will begin to create a new political climate where presidential candidates are rewarded, rather than punished, for preparing for the challenges that await the nation after Election Day. The new normal should be that we expect candidates to take the steps necessary to be thoroughly prepared for governing, rather than be criticized for it.

Preparing to Govern

In total, President Obama's transition team consisted of over 1000 people. It was governed by a transition board, which I co-chaired along with Valerie Jarrett and Pete Rouse, both of whom now serve in senior positions in the White House. There were 517 people working on agency review teams, 134 people in policy working groups, and scores of people working on public outreach, personnel, communications, scheduling, advance, etc.

We endeavored to create a highly disciplined process that I believe contributed greatly to the transition's overall effectiveness. As a result of our extensive planning in the pre-transition phase, members of the various sub-teams were provided with specific guidance on the questions to which we sought answers, how to present information, and the amount of information required. The specificity with which their missions were defined ensured both that time was maximized and the work undertaken was relevant and actionable.

The bulk of the transition staff were on agency review teams. Ten teams of various sizes were organized around issues and agencies to provide the President-elect and his advisors with the information necessary to make policy, budgetary, and personnel decisions in advance of the inauguration. The concise reports they produced guided senior officials through the confirmation process and helped them take over

their departments and begin implementing policy decisions in the first weeks of governing.

Seven policy working groups operated alongside the agency review teams to prepare initiatives for the Administration to enact once in office. These groups were responsible for a number of early policy achievements, including the Lilly Ledbetter Fair Pay Act (signed January 29, 2009), the Children's Health Insurance Program Reauthorization Act (signed February 4, 2009), and the American Recovery and Reinvestment Act (signed February 17, 2009). Within the Administration's first 10 days, the President signed nine executive orders and nine presidential memoranda the policy working groups had helped to prepare.

One lesson learned during President Clinton's incoming transition was the importance of designating not only Cabinet positions, but also key White House staff early in the process. While President Clinton selected his cabinet staff in a careful and timely manner, many top White House posts were not filled until very late in the transition. The result – in addition to a degree of competition among transition staff for positions close to the President – was a team that did not have much experience working together in similar capacities as they would later in the White House.

During the Obama-Biden transition, on the other hand, there was a conscious effort to clarify White House, National Security Council, and National Economic Council

positions early in the process to seamlessly shift between their responsibilities in the transition and their authority once in government. Long before the election, this team worked closely together, almost as a shadow government, to exercise cooperation, work on specific problems, and develop initiatives that would be implemented soon upon President Obama's inauguration. This model was highly successful in ensuring critical members of the President's staff were prepared to work together in the best interest of the country and the President once they began serving in the White House.

One other novel achievement of the Obama-Biden transition was its commitment to public engagement and transparency, a commitment that began on the campaign, continued throughout the transition, and remains a priority in the White House. We made unprecedented use of the Internet to encourage talented people to work for the government, listen to the public's concerns, share information on legislative initiatives, keep records of meetings between transition staff and outside groups, and disclose financial information. In a further effort to increase accountability and practice good government even before we were actually serving in government, the transition implemented the strictest ethics requirements in history, curbing the influence of lobbyists at the outset.

Financing the Transition

The Obama-Biden transition received \$5.2 million dollars in federal funding and raised over \$4.4 million in private donations to pay for transition costs through a tax-

exempt 501(c)(4) entity, The Obama-Biden Transition Project, Inc. We placed strict limits on individual contributions and did not accept corporate contributions or contributions from lobbyists, in accordance with our internal ethics stipulations.

The fact that federal funds cover only slightly over half of the transition budget is an obstacle to achieving an optimal transition process and should be addressed, as the Pre-Election Presidential Transition Act is designed to do. The Act would also release funds prior to Election Day, helping to stand up transition teams long before the 10 short weeks between the general election and the president's inauguration. These changes would bring policy in line with the realities of carrying out a 21st century transition, both in terms of expanded support and facilitating a longer lead time in the run up to both Election and Inauguration Day.

Nomination Challenges

At this point, a year and a quarter into office, one of the key challenges the Obama Administration faces remains filling important positions. A new report from the Center for American Progress has taken stock of where the Administration stands in this regard and why a number of Administration positions remain unfilled. Although there are a variety of actions that could improve the appointment process, the Senate plays a critical role in agency appointments and has been responsible for significant delays in personnel confirmations.

Within the first 100 days of the Obama Administration, 17 percent of Senate-confirmed executive agency positions were in place, compared to only 9.5 percent for President Bush and 12.6 percent for President Clinton. But after a year, the Obama Administration fell behind all four administrations preceding it. The Senate has taken more time to confirm President Obama's nominees to executive agencies than under the previous three administrations, and the gap between the number of nominations and number of confirmations was larger for the Obama Administration than any other after one year. Sixty-four nominees were pending in the Senate, compared to 46 for President Bush and 29 for President Clinton after the same length of time.

As someone who served for many years on the Senate staff and has deep respect for Senate rules and traditions, I would urge the Senate to consider ending the use of the filibuster for executive branch appointees. The world is too dangerous and the issues facing the government too complex to deny the President his key appointments where they command majority support in the Senate. At the very least, the Senate should eliminate holds unrelated to the nominee to prevent abuse of the system by individual senators. Although holds involving concerns over an appointee's qualifications or statements to the Senate could be appropriate, holds that are unrelated to particular nominees or placed to express opposition to a policy matter should not be allowed.

Again, I appreciate the opportunity to testify before you today. Thank you to the Chairman and Members of the Subcommittee for your time this morning.



**Written Testimony of Max Stier
President and CEO, Partnership for Public Service**

Prepared for

**The Senate Committee on Homeland Security and
Governmental Affairs
Subcommittee on the Oversight of Government Management,
the Federal Workforce and the District of Columbia**

**Hearing Entitled,
“After the Dust Settles: Examining Challenges and Lessons
Learned in Transitioning the Federal Government”**

April 22, 2010

Chairman Akaka, Senator Voinovich, Members of the Subcommittee, thank you very much for the opportunity to appear before you today. I am Max Stier, President and CEO of the Partnership for Public Service, a nonpartisan, nonprofit organization dedicated to revitalizing the federal civil service and transforming the way government works. It has been a privilege to represent the Partnership before this Subcommittee on a number of occasions over the years. There are few places where one can find the bipartisanship and shared purpose that is evident on this Subcommittee, which has devoted itself for more than a decade now to improving the management of our workforce and our government. Chairman Akaka and Senator Voinovich, you have been a formidable team and as Senator Voinovich looks ahead to passing the baton, let me just say thank you, to both of you, for your truly outstanding work and for allowing the Partnership to contribute on so many occasions.

Having said that, it is clear to me and to everyone here that if anything, the Subcommittee's efforts to make government better are ramping up, not slowing down, so let me get right to the heart of today's hearing – the presidential transition process.

The Partnership has two principal areas of focus. First, we work to inspire new talent to join federal service. Second, we work with government leaders to help transform government so that the best and brightest will enter, stay and succeed in meeting the challenges of our nation. We know from our work that the leaders in government – including the politically appointed leaders in federal departments and agencies – are crucial drivers of employee engagement. So in 2007, the Partnership began to follow the next presidential campaign and transition to assess the preparation for a transfer of power and the ability of a new administration to install leaders and respond to urgent national challenges. We released our final report, "*Ready to Govern: Improving the Presidential Transition*," one year after the inauguration and I am pleased to highlight many of our findings and recommendations for you today.

I. The 2008-2009 Presidential Transition

Although not without glitches, the 2008-2009 transition is widely regarded as one of the most successful in recent memory. The outgoing Bush administration and the incoming Obama administration each did a lot right, both before and after the election. President Bush set a tone of professionalism and cooperation when he committed his administration to doing everything possible to assist the next team, regardless of political affiliation. He recognized that in a post-9/11 world, the safe and seamless transition of power could not be left to chance.

Then-candidate Senator Obama also took a proactive approach to planning for the presidential transition. His pre-election transition effort was highly organized, well-financed and had a policy and personnel operation that carried over in the formal transition after his November 2008 electoral victory.

The central problem we face, as one former White House aide told us when we were working on the *Ready to Govern* report, is "how to make a transition not depend on

personalities and good will. It worked this time because you had two grown-ups.” We believe that Congress should take steps to modernize the way we transition between administrations and ensure that a smooth transfer of power is not left to chance.

A. Pre-Election Transition Planning

Creating an atmosphere that will result in a seamless transition must begin well before election day. In our *Ready to Govern* report, we detail many of the actions and activities that the campaigns and the Bush administration initiated to ensure that a new administration could assume office ready to lead. This pre-election phase of transition planning is often overlooked or derided as presumptuous, but it is necessary for an effective and successful transition. Even if conducted quietly behind the scenes, a campaign must appreciate the importance of pre-election planning as essential to the security and safety of the nation.

A candidate must take steps to identify key White House staff positions and the individuals who would fill those positions if the 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 campaign must also 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 high gear.

The Obama team took pre-election transition planning seriously, creating a highly structured, well-funded and well-managed transition. According to his aides, Obama felt strongly about the need to lay a firm foundation so that he would be prepared if elected. In the summer of 2008, his transition operation had a paid staff, 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. By election day, they had identified about 300 top jobs and determined the order in which they wanted to fill them. The Obama aides we interviewed reported that a good deal of the transition’s organization had been laid out based on the experience of prior transitions or the transition plans of past major party candidates.

The White House must also play a role in the pre-election phase, even if the sitting president is seeking re-election. The White House must facilitate security clearances for key aides of a challenger, help agencies with coordination for a possible transition, and include funding in the president’s budget request for transition activities. An incumbent who is not seeking reelection can take additional steps to provide information and facilitate a smooth transfer of power.

President George W. Bush acted to prepare the agencies for the presidential transition – helping them focus and understand what actions and resources were needed. 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.

The Bush administration issued a guidance memo in July 2008 directing the members of the President’s Management Council to identify 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 fall to sign off on the individuals who would temporarily fill those jobs. The agencies were also directed to identify a career official to serve as their transition coordinator and as a liaison to the president-elect’s team. The agencies were also asked by November 1 to prepare a brief summary of their department’s organization, current missions and performance goals, and to identify and summarize their important policy, internal management, and legal and infrastructure issues.

The Bush administration offered to expedite security clearances for as many of each candidate’s advisers and transition aides as needed. The Obama campaign took advantage of this offer and obtained security clearances for well in excess of 100 people who would be dealing with national security, economic and other important issues.

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

The administration for the first time ever also brought together a number of career agency transition coordinators in the fall of 2008, prior to the election, to discuss common issues they would need to confront during the post-election transition. These sessions were led by Gail Lovelace, GSA’s director for the presidential transition, and continued after the election. Although the sessions proved helpful, when we interviewed Gail Lovelace for our *Ready to Govern* report, she said agency coordinators should have been engaged much earlier and more should have been done to ensure they were making the necessary preparations.

B. From Election Day to the Inaugural

The period between election day and inauguration day is a short but extremely crucial period. When well-executed, this time of “formal” transition can enable a new administration to get off to a fast and productive start. Post-election transition operations must grow quickly, be highly organized and be able to communicate with the public, Congress, the outgoing administration and key allies.

In this period between early November and the inauguration, the president-elect must select key White House staff, Cabinet secretaries and numerous others to head independent agencies and other top positions. The personnel team must also begin

processing applications for other administration jobs and deploy information technology to help handle the task.

Cooperation with the White House at this time is crucial on a number of matters, including briefings on national security, economic and other issues that may be important at the time. President Bush continued to emphasize a spirit of cooperation in this post-election phase and directed his staff to help the next president and his team hit the ground running. The White House provided high-level briefings on a range of mission-critical issues, catalogued President Bush's commitments to foreign leaders and ensured the president-elect's team had access to – and cooperation from – federal agencies. The White House organized a national security crisis training drill that included key outgoing and incoming Cabinet and national security officials, and suggested that future transitions should include additional training exercises.

President-elect Obama's formal transition got off to a swift pace, building off the pre-election phase. One day after his election, he named the leaders of his transition team and appointed other close allies to handle key aspects of the transition, including vetting job candidates. That same week, he named a White House chief of staff and ramped up his transition staff.

The Obama transition staff was funded with about \$5.3 million in taxpayer funds. The president-elect also collected more than \$4 million in private donations to cover the additional costs of the transition.

The president-elect was determined not to delay in naming Cabinet nominees and White House staff, so most of his Cabinet nominees were chosen before Christmas and his top West Wing jobs were filled before the inauguration. His personnel operation was not without bumps along the road, however; the incoming administration encountered setbacks when select nominees withdrew or were delayed over ethical concerns, including pending investigations and delinquent tax payments. As a result, the already-extensive personnel vetting process tightened and prospective personnel were subject to unprecedented scrutiny of their personal, financial and professional backgrounds.

President-elect Obama and his national security and economic teams met regularly with their counterparts in the Bush administration during this period, so the incoming appointees had the benefit of working together with outgoing officials. Also at this time, the Obama 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. There was a transition contact at every agency and, although tensions sometimes arose, a vast majority of the Obama review teams were able to complete their reviews successfully.

C. Inauguration Day and Beyond

A highlight of the period following the inauguration of the president is the nomination process. 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 stretches through the first year of an administration and beyond.

The 2008 edition of the Plum Book (United States Government Policy and Supporting Positions) listed 1,141 Senate-confirmed positions, including Cabinet and sub-Cabinet positions, agency heads, U.S. attorneys, ambassadors, judges and members of various boards and commissions. A Washington Post tracking system lists 516 positions that it considers "top tier."

It is somewhat surprising, given the high level of cooperation from the Bush administration and the commitment to preparation by the Obama transition team, that the Obama administration has fared no better than its recent predecessors in filling key posts in a timely manner.

Although President Obama got off to a fast start, six months into the administration, nominees had been confirmed for only 37.5% of those top tier positions. That number increased to 51.5% after nine months, and at the one year mark, 59.2% of positions were filled by appointees confirmed by the Senate. As of April 11th of this year, the Senate had confirmed 366 nominees, accounting for 70.1% of top tier positions, and the President had announced the nomination of (or intent to nominate) another 51.¹ Some key positions, including the Administrator for Medicare and Medicaid Services at HHS, remain vacant.

The initial hiccups in the personnel operation of the new administration were attributed in part to a lack of continuity in the operation of the presidential personnel office. The office had a change in leadership when the head of the office was appointed White House deputy chief of staff, and another change when his successor was named to an ambassadorship.

As some high-profile presidential appointees ran into difficulty in the Senate confirmation process, the already-stringent standards of the Obama personnel operation tightened further. Nominees were subject to detailed disclosure requirements, including examination of years of tax records. Some qualified individuals were discouraged from pursuing positions; others were disqualified or withdrew after long periods of inaction and uncertainty.

The 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 on a wide range of issues. The

¹ [washingtonpost.com/wp-srv/politics/fedpage/](http://www.washingtonpost.com/wp-srv/politics/fedpage/), Washington Post, Fed Page: *Head Count: Tracking Obama's Appointments* (April 13, 2010)

nominees are interviewed numerous times, including by Senate committee staff. Nominees at times are held up in committee for a variety of political and policy reasons, or because problems were encountered in their background investigations.

A number of government experts have argued that the disclosure requirements are unwieldy and that the sheer number of political appointees requiring Senate confirmation has grown too large. Even this Committee has sought to streamline the presidential appointments process. The process as it exists today results in difficulty persuading talented individuals to serve, delays in the nomination process that leave jobs vacant, and constraints on the ability of a new president to govern.

II. Improving the Process in 2012 and Beyond: Recommendations for Congress

Mr. Chairman, taking steps to improve presidential transitions more than two years before the next presidential election is not high on everyone's priority list, and this Subcommittee must be commended for holding today's hearing to surface longstanding issues and initiate changes that will contribute to smooth presidential transitions in future years. We are pleased to share our recommendations with you for your consideration.

A. Pass S. 3196, the Pre-election Presidential Transition Act of 2010

We enthusiastically support S. 3196, the Pre-election Presidential Transition Act of 2010, introduced by Senator Kaufman and cosponsored by Senators Voinovich, Akaka and Lieberman. This important legislation addresses a critical factor in the success of any transition – the need for candidates and outgoing administrations to plan ahead.

Too often, presidential candidates are derided as presumptuous if they prepare to assume the role of president prior to being elected – and as a result, most are reluctant to do much planning publicly until after the election. Rather than viewing candidates as presumptuous, we need to shift the mindset of the public and the candidates themselves so that advance planning is perceived as a prudent, responsible and necessary activity for anyone pursuing our nation's highest office.

The Pre-election Presidential Transition Act makes this possible by enabling qualified presidential candidates to access important transition resources. The bill directs the General Services Administration (GSA) to offer qualified candidates an array of services, including office space, communication services, briefings, training and initiation of security clearances for prospective personnel. The bill also allows candidates to establish a fund, separate from a campaign fund, to pay for transition-related expenses or to supplement the services provided through GSA. While eligible candidates are under no obligation to accept these services from GSA or to devote additional monies to transition activities, S. 3196 provides a powerful incentive for them to do so while providing the political cover that candidates need to plan ahead without appearing presumptuous.

Section 3 of S. 3196 encourages the outgoing administration to prepare for a transfer of power and to assist eligible candidates. Among other things, the bill authorizes the president to establish and operate a transition council in the White House, comprised of senior members of the administration and members of the president's cabinet, in order to plan and coordinate the information and assistance that will be provided to each eligible candidate. The bill also authorizes the establishment and operation of an agency transition directors council, which includes career employees designated to lead transition efforts in executive branch agencies.

Mr. Chairman, S. 3196 is an important piece of legislation and we are pleased to give it our full and enthusiastic support. We believe the legislation will do much to pave the way for smooth transitions in the future. We encourage the Subcommittee to consider whether the bill might be further strengthened by incentivizing or requiring an outgoing administration to establish the councils described in Section 3 of the bill. We also suggest that the report language to accompany this bill describe in some detail what is expected of the councils and the important function they can play in facilitating a seamless transfer of power between administrations. Finally, we encourage the Subcommittee to consider bill language directing an outgoing administration to name specific career employees to lead each agency's transition efforts well before a presidential election and to designate career employees to fill critical positions on an interim basis until the incoming administration's appointees are in place. These changes would ensure continuity in federal operations and ensure that no critical area is left without leadership during a transfer of power.

B. Improve the Confirmation Process

As members of this Subcommittee well know, the Senate confirmation process is much maligned – and with good reason. In our view, there are too many political appointees requiring Senate confirmation, too few resources available for vetting candidates, too much red tape for the nominees to wade through, and too little sense of urgency when a sense of urgency is exactly what we need. This is an extraordinary time in our nation's history on virtually every front – and the American people need all hands on deck. Unfortunately, that is not what they are getting, as the Obama administration has encountered the same hurdles that slowed its predecessors. One year into the administration, President Obama had only 59.2% of his top tier nominees named and confirmed; as of April 11th this year, that number had increased to only 70.1%. No administration can govern at its very best when it is missing senior members of its political leadership.

We encourage the Committee, and Congress, to evaluate the number of political appointees requiring Senate confirmation and consider whether Senate confirmation is necessary in all of those cases. We are well aware that this ground is well-trod by the Committee and that this would be an exceedingly difficult task, given the dynamics of the Senate, but we also believe that it is a recommendation worth making and would have a very significant impact on the pace of the presidential transition.

Improving the Senate confirmation process would be truly “game-changing” – that is, a paradigm shift with highly consequential results. We believe that Congress and the incoming administration should work together to ensure that the new president’s team is in place as soon as possible. The Senate and the president-elect should agree on a timetable that would enable the Senate to vote on the top 50 administration officials on or immediately after inauguration day, including all key posts within the Departments of Defense, Homeland Security, Justice, State and Treasury, provided those names were received by a date mutually agreed upon and no problems with the nominees 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. We encourage the Subcommittee to consider adding a “Sense of the Senate” to S. 3196 establishing a Senate-wide objective of expediting consideration of a new administration’s top nominees according to this timetable.

Meeting this ambitious goal would require high levels of cooperation among Senators and between the Senate and the incoming administration – but we believe it is achievable. One necessary precondition, however, is a streamlined process. Current ethics, financial disclosure and overall vetting processes place a significant burden on the system. We encourage the Subcommittee to task the Government Accountability Office with developing measurements that would allow a better understanding of the costs and benefits of the current processes with an eye toward improvements that would contribute to a better system for clearing and confirming political appointees. These improvements may include more vetting resources and personnel for the White House personnel office and the Office of Government Ethics during high-volume periods, streamlined questionnaires for nominees, and streamlined security clearances. We also suggest that the Office of Government Ethics be granted 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 financial products and services.

Conclusion

The seamless transfer of power from one president to the next cannot depend on good luck. There are steps that can and must be taken to ensure that thorough planning for a new administration occurs on a routine basis. S. 3196, the Pre-Election Presidential Transition Act, is one of those steps and we thank the sponsor and cosponsors of this legislation for your leadership. We believe that passage of S. 3196, along with many of the other recommendations we have shared with you today, will ensure that future transitions are well-executed and a positive reflection on our government and our nation.

Thank you and I would be pleased to answer any questions.

BACKGROUND
AFTER THE DUST SETTLES: EXAMINING CHALLENGES AND LESSONS
LEARNED IN TRANSITIONING THE FEDERAL GOVERNMENT
APRIL 22, 2010

BACKGROUND

The 2008-2009 presidential transition took place as the federal government faced unprecedented economic challenges, national security threats, and major management challenges. In September 2008, the Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia held two hearings in advance of the transition examining these challenges to ensure that the administration was prepared.

The first hearing, which took place on September 10, focused on governmentwide preparation that already had occurred and future plans.¹ The hearing also examined the vetting and appointment process for political appointees. The Office of Government Ethics and the General Services Administration (GSA) assured the Subcommittee that they were equipped to handle the incoming transition teams and process the required ethics certifications.

A second hearing focused on the Department of Homeland Security's (DHS) planning for the upcoming presidential transition.² The hearing reviewed a June 2008 report³ by the National Academy of Public Administration (NAPA), which examined challenges facing DHS. In particular, the report found that high turnover and a large number of career executive vacancies could make the presidential transition especially challenging. However, the hearing made clear that DHS was taking transition planning seriously and was working to ensure a smooth transition.

OUTGOING ADMINISTRATION OF PRESIDENT GEORGE W. BUSH

The outgoing Bush administration went to unprecedented lengths to ensure that government agencies laid the groundwork to effectively transition to a new administration, emphasizing management and leadership continuity, as well as national security planning. The Office of Management and Budget (OMB) asked all agencies to identify career individuals to take over leadership roles left vacant by outgoing officials. They also were to conduct post-

¹ Senate Homeland Security and Governmental Affairs Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia Hearing, *Managing the Challenges of the Federal Government Transition*. (S. Hrg. 110-847), September 10, 2008. (hereinafter S. Hrg. 110-847).

² Senate Homeland Security and Governmental Affairs Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia Hearing, *Keeping the Nation Safe Through the Presidential Transition*. (S. Hrg. 110-852), September 18, 2008.

³ National Association of Public Administration, *Addressing the 2009 Presidential Transition at the Department of Homeland Security*, June 2008.

employment briefings and ethics training for outgoing officials, and document agency priorities and missions for the incoming administration.⁴

However, outgoing administrations currently have relatively little formal responsibility for the transition. The outgoing administration is required to prepare appropriate files and documents for archiving by the National Archives and Records Administration (NARA). This planning, under the leadership of then Deputy Director for Management, Clay Johnson, began almost a year in advance of the 2008 election.

The *Intelligence Reform and Terrorism Prevention Act* (IRTPA, P.L. 108-458) also requires that outgoing administration officials brief their incoming counterparts on matters of important national security, including ongoing covert and military operations, or planned operations. Beyond that, little is required of the outgoing administration to provide for continuity for the incoming administration.

INCOMING ADMINISTRATION

Both the Obama and McCain campaigns began some level of transition planning months before the 2008 general election. Reportedly, both campaigns contemplated jointly acknowledging their respective early planning. However the issue had become politicized, portraying such planning as presumptuous.⁵

Despite this, the Obama campaign had preparations underway for some time and both campaigns had been in contact with OMB Deputy Director for Management Clay Johnson's office as well as the General Services Administration. In addition, the Obama campaign took advantage of early security clearances for those who potentially would be involved in the transition and future administration.⁶

After the November election, the Obama-Biden Transition Project was established and afforded the transition accommodations provided through the General Services Administration. The total budget for the transition was \$12 million; \$6.8 million was raised from private sources, supplementing \$5.2 million provided by GSA.⁷

Former Chief of Staff to President Clinton and head of the Center for American Progress, John Podesta, was named Co-Chair of the Obama-Biden Transition Project.⁸ Former Obama

⁴ Memorandum from Deputy Director for Management Clay Johnson to Members of the President's Management Council, July 18, 2008.

⁵ O'Keefe, Ed, "Should the presidential transition go public?" *Washington Post*, Federal Eye column, January 13, 2009. [http://voices.washingtonpost.com/federal-eye/2010/01/should_the_presidential_transi.html]

⁶ Kumar, Martha Joynt, "The 2008-2009 Presidential Transition Through the Voices of Its Participants," *Presidential Studies Quarterly*, December 2009, p. 839 (hereinafter "Kumar").

⁷ Cooper, Helene, "Obama's Transition Team Restricts Lobbyists' Role," *New York Times*, November 11, 2008. [<http://www.nytimes.com/2008/11/12/us/politics/12obama.html>]

⁸ See Obama-Biden Transition Project website. [http://change.gov/learn/john_podesta]

Senate and campaign staffer Chris Lu became executive director of the transition and was responsible day-to-day operations.⁹ The transition soon began forming agency review teams, made up of subject matter experts, to go to agencies to review their posture.¹⁰ Many of those team members would go on to appointed positions in the agencies after the inauguration. The Partnership for Public Service report, *Ready to Govern: Improving the Presidential Transition* and an article by Martha Joynt Kumar, who interviewed many people involved in the Bush-Obama transition, for *Presidential Studies Quarterly* entitled “The 2008-2009 Transition Through the Eyes of its Participants,” are good sources for additional details about the transition.

PRESIDENTIAL NOMINATIONS AND APPOINTMENTS

One of the most important tasks for an incoming administration is to fill vacancies left by the departure of outgoing administration political appointees. Before leaving office, outgoing administrations typically ask most appointees to resign. When this is not the case, the incoming administration can ask them to leave. The new administration may ask some officials to continue serving, either as the new President’s choice for the position, as was the case with Defense Secretary Robert Gates, or in an interim capacity, as occurred, for example, with DHS Under Secretary for Management, Elaine Duke. The loss of leadership and management positions leaves a gap of around 4,000 individuals in the federal government, more than 1,100 of those needing Senate confirmation.¹¹

The IRTPA allowed for major party candidates to request security clearances for transition team members beginning after the respective party’s convention. The Obama campaign submitted in excess of 100 names, however the McCain transition opted not to submit any, instead relying on individuals who were already cleared.¹²

After the election, the President-elect begins the process of selecting nominees for high-ranking national security positions, through the level of deputy secretaries, as soon as possible and forwards additional background investigation requests to the Federal Bureau of Investigations. By the time of the inauguration, background checks for these individuals should be completed as the Senate conducts its vetting process for appointees.

During testimony in the September 10, 2008, hearing, OMB Deputy Director for Management, Clay Johnson, said there should be plans to have at least 100 nominees confirmed by April 1, 2009.¹³ As of the first week of April 2009, the Senate confirmed only

⁹ *Ibid.* [<http://change.gov/learn/transitionstaff>]

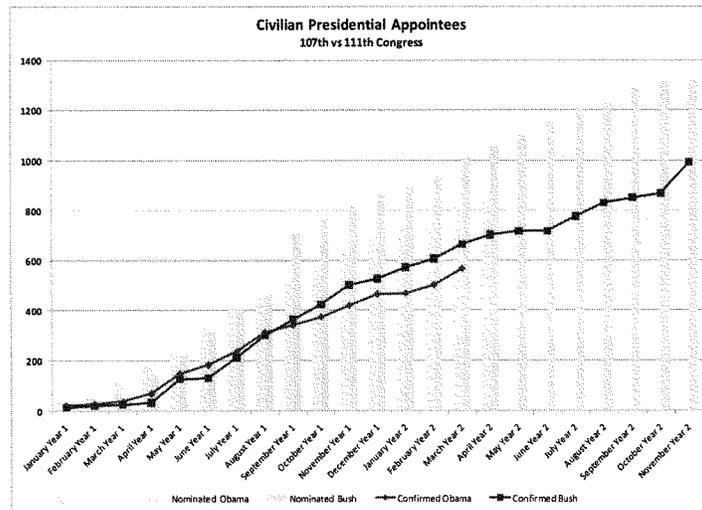
¹⁰ *Ibid.* [http://change.gov/learn/obama_biden_transition_agency_review_teams]

¹¹ Partnership for Public Service, *Surviving the Presidential Transition*, June 26, 2008.

¹² Kumar, p. 828.

¹³ S. Hrg. 110-847, p. 16.

55 civilian positions out of 126 nominations. However, this was still a marked improvement over the same time period at the beginning of the Bush administration in the 107th Congress, which had only confirmed 32 individuals out of 67 nominations. However, by the end of August 2009, the number of nominations sent to the Senate had fallen to the 2001 level, and by the end of September, the Senate had confirmed fewer individuals than in 2001.¹⁴ This may be due in part to the Obama administration's stringent set of requirements to be considered for a Presidential appointment and extensive internal vetting for potential nominees.¹⁵



(Does not include Military, Foreign Service, Public Health or NOAA Nominations).¹⁶

PRESIDENTIAL TRANSITION ACTS

Three primary pieces of legislation govern the statutory guidelines for presidential transitions: The Presidential Transition Acts of 1963 and 2000, and the Presidential Transition Effectiveness Act of 1988.

¹⁴ See, Civilian nominations for 107th and 111th Congress in Legislative Information System/THOMAS.

¹⁵ See, e.g., Executive Order on Ethics Commitments By Executive Branch Personnel, January 21, 2001; Philip, "Potential Obama Appointees Face Extensive Vetting," *Washington Post*, November 18, 2008. [<http://www.washingtonpost.com/wp-dyn/content/article/2008/11/17/AR2008111703037.html>]

¹⁶ See Appendix for data and explanation.

Before 1963, most expenses for presidential transitions were borne by the President-elect and his party, as well as volunteers. However, because of the importance of the transition to promote effective continuity of government, Congress passed the Presidential Transition Act of 1963 (PTA). This Act authorized \$900,000 in federal funding and assistance for incoming administrations, with the funding split equally between the incoming and outgoing administrations.

As important as funding, the PTA directed the GSA to provide services for both administrations. In particular, GSA was to provide for office space and other facilities for the incoming transition team. GSA would also employ transition related staff, and arrange for additional staff from other agencies to assist in the transition. More detail on the services GSA provides is below.

In 1988, Congress enacted the Presidential Transitions Effectiveness Act (PTEA, P.L. 100-398), increasing federal funding for transitions to \$5 million. Congress directed that this funding not be split evenly, but instead \$3.5 million was to be authorized for the President-elect and Vice President-elect, and the remaining \$1.5 million would go to the outgoing President and Vice President. The Act also made a new distinction that if a sitting Vice-President were elected President, \$250,000 of this funding would be returned to the Treasury. In addition, any privately donated funds for transition would have to be publicly disclosed.

In 2000, Congress passed the Presidential Transition Act of 2000 (P.L. 106-293), which added more appointee orientation and human resources support to the incoming administration.

On April 14, 2010, Senator Ted Kaufman, who was a member of the Obama-Biden Transition Project's advisory board, introduced a bill (S. 3196) that would make further changes to the Transition Acts. Among other provisions, the Pre-Election Presidential Transition (PrEPT) Act of 2010 would encourage advanced transition planning by providing major party candidates access GSA services after their nominations; expressly allowing campaigns to raise funds specifically for transition activities to supplement government funds; and authorizing funds for the outgoing administration for planning and transition coordination.

ROLE OF THE GENERAL SERVICES ADMINISTRATION¹⁷

GSA provides services to the President-elect including:

- Temporary office space, parking, furniture, telephones, furnishings, supplies, IT equipment, mail management, payroll, financial, contracting and other administrative services for the transition team;
- Consultation with Presidential candidates prior to the general election, to develop a plan for computer and communications systems that will support the transition between the election and the inauguration;
- Funding for travel, printing, postal services and other expenses;
- A transition directory to help familiarize key administration officials with information about each department and agency developed in collaboration with the NARA;
- Orientation activities for high level nominees and appointees; and

¹⁷ GSA website. [<http://www.gsa.gov/Portal/gsa/ep/channelView.do?pageTypeId=17114&channelId=26356>]

- Support for the Presidential Inaugural Committee

GSA provides services to the outgoing President and Vice-President including:

- Office space during the transition as well as a permanent office, communication systems, IT support, financial management, human resources management, telephones, parking, furniture, vehicles, office equipment, mail management and administrative support services, such as payroll and financial services, contracting, and other appropriate services;
- Support for the establishment and maintenance of Presidential libraries, in collaboration with NARA.

ADDITIONAL INFORMATION/RESOURCES:

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

[<http://www.ourpublicservice.org/OPS/publications/viewcontentdetails.php?id=138>]

Martha Joynt Kumar, "The 2008-2009 Presidential Transition Through the Voices of Its Participants." *Presidential Studies Quarterly*, December 2009, p. 823.

U.S. Senate, Homeland Security and Governmental Affairs Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia Hearing, *Managing the Challenges of the Federal Government Transition*. (S. Hrg. 110-847), September 10, 2008. [http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=110_senate_hearings&docid=f:45574.pdf]

U.S. Senate, Homeland Security and Governmental Affairs Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia Hearing, *Keeping the Nation Safe through the Presidential Transition*. September 18, 2008. [http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=110_senate_hearings&docid=f:45577.pdf]

Partnership for Public Service, *Surviving the Presidential Transition*. June 26, 2008. [http://www.ourpublicservice.org/OPS/programs/documents/SurvivingtheTransitionSummary_YGL-PPS_06-26-2008_final.pdf]

Office of Personnel Management, *Presidential Transition Guide to Federal Human Resources Managers*, June 2008. [<http://www.chcoc.gov/Transmittals/Attachments/trans1300.pdf>]

Congressional Research Service, *Presidential Transitions*, CRS-RL30736, April 11, 2008. [<http://www.congress.gov+RL30736.pdf>]

1105 Government Information Group, *Government Transition 2009 Wiki*

[<http://govtransition2009.wik.is>]

Memorandum from Office of Personnel Management Associate Director Kevin Mahoney to Human Resources Directors, July 2008.

[<http://www.chcoc.gov/Transmittals/TransmittalDetails.aspx?TransmittalID=1439>]

Clay Johnson, "Recommendations for an Effective 2008 Transition," *Public Administration Review*, July/August 2008, pp. 624-26.

LEGISLATION AND EXECUTIVE ORDERS

Intelligence Reform and Terrorism Prevention Act of 2004, Pub. L. No. 108-458, 118 Stat. 3638.

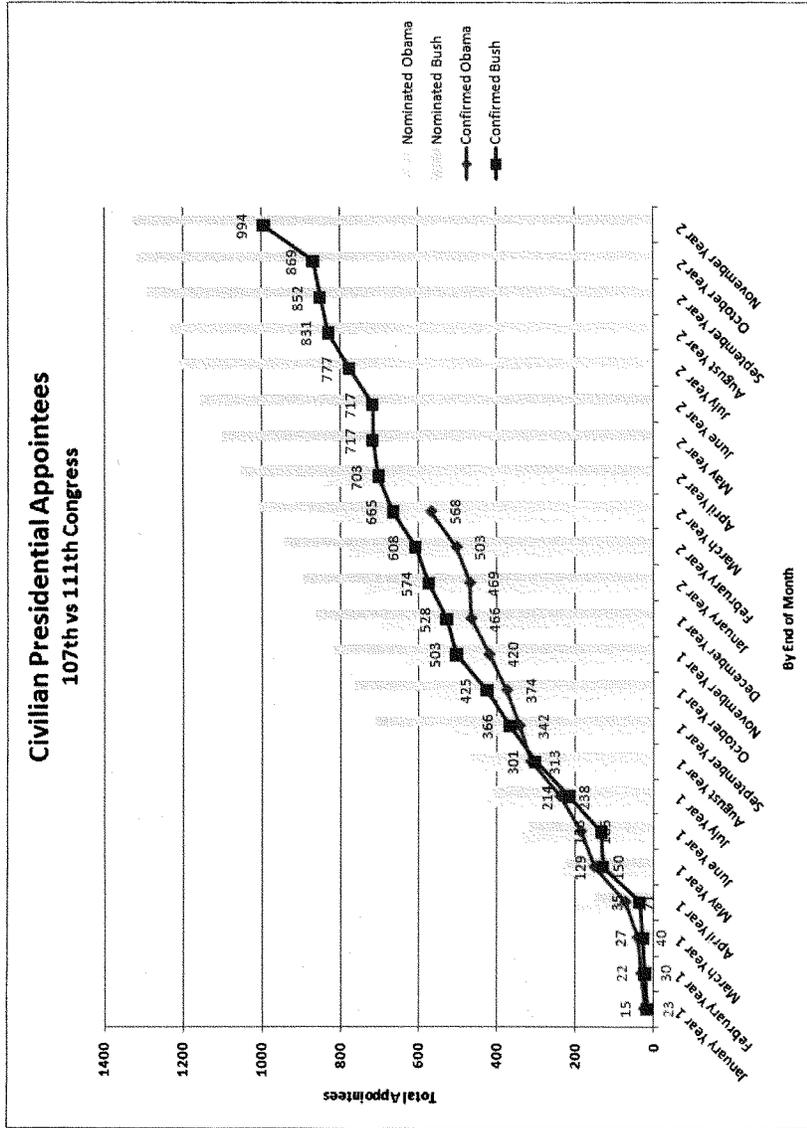
Presidential Transition Act of 1963, Pub. L. No 88-277, 78 Stat. 153.

Presidential Transitions Effectiveness Act of 1988, Pub. L. No. 100-398, 102 Stat. 985.

Presidential Transition Act of 2000, Pub. L. No. 106-293, 114 Stat. 1035.

Pre-Election Presidential Transition (PrEPT) Act of 2010, S. 3169, 111th Congress.

APPENDIX



<u>End Of</u>	<u>Confirmed</u>		<u>Nominated</u>	
	<u>Obama</u>	<u>Bush</u>	<u>Obama</u>	<u>Bush</u>
January Year 1	23	15	42	17
February Year 1	30	22	50	25
March Year 1	40	27	119	46
April Year 1	71	35	197	149
May Year 1	150	129	231	224
June Year 1	185	133	335	317
July Year 1	238	214	426	410
August Year 1	313	301	453	466
September Year 1	342	366	512	710
October Year 1	374	425	572	764
November Year 1	420	503	632	821
December Year 1	466	528	695	864
January Year 2	469	574	736	895
February Year 2	503	608	780	943
March Year 2	568	665	820	1009
April Year 2*		703	839	1056
May Year 2		717		1103
June Year 2		717		1158
July Year 2		777		1210
August Year 2		831		1230
September Year 2		852		1290
October Year 2		869		1318
November Year 2		994		1327
December Year 2		-		-

* Through April 16, 2010

Data for above chart and table from Legislative Information System/THOMAS

Queries:NominatedCongress: 107th /111th

Type of Nomination: Civilian

Latest Action: All (Blank)

Sort Results By: PN Number, Chronological

ConfirmedCongress: 107th /111th

Type of Nomination: Civilian

Latest Action: Confirmed by Senate

Sort Results By: Latest Action



II

111TH CONGRESS
2D SESSION

S. 3196

To amend the Presidential Transition Act of 1963 to provide that certain transition services shall be available to eligible candidates before the general election.

IN THE SENATE OF THE UNITED STATES

APRIL 13, 2010

Mr. KAUFMAN (for himself, Mr. VOINOVICH, Mr. AKAKA, and Mr. LIEBERMAN) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

To amend the Presidential Transition Act of 1963 to provide that certain transition services shall be available to eligible candidates before the general election.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Pre-Election Presi-
5 dential Transition Act of 2010”.

1 **SEC. 2. CERTAIN PRESIDENTIAL TRANSITION SERVICES**
2 **MAY BE PROVIDED TO ELIGIBLE CAN-**
3 **DIDATES BEFORE GENERAL ELECTION.**

4 (a) IN GENERAL.—Section 3 of the Presidential
5 Transition Act of 1963 (3 U.S.C. 102 note) is amended
6 by adding at the end the following new subsection:

7 “(h)(1)(A) In the case of an eligible candidate, the
8 Administrator—

9 “(i) shall notify the candidate of the can-
10 didate’s right to receive the services and facili-
11 ties described in paragraph (2) and shall pro-
12 vide with such notice a description of the nature
13 and scope of each such service and facility; and

14 “(ii) upon notification by the candidate of
15 which such services and facilities such can-
16 didate will accept, shall, notwithstanding sub-
17 section (b), provide such services and facilities
18 to the candidate during the period beginning on
19 the date of the notification and ending on the
20 date of the general elections described in sub-
21 section (b)(1).

22 The Administrator shall also notify the candidate of
23 the services provided under sections 7601(c) and
24 8403(b) of the Intelligence Reform and Terrorism
25 Prevention Act of 2004.

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1 “(B) The Administrator shall provide the notice
2 under subparagraph (A)(i) to each eligible can-
3 didate—

4 “(i) in the case of a candidate of a major
5 party (as defined in section 9002(6) of the In-
6 ternal Revenue Code of 1986), on one of the
7 first 3 business days following the last nomi-
8 nating convention for such major parties; and

9 “(ii) in the case of any other candidate, as
10 soon as practicable after an individual becomes
11 an eligible candidate (or, if later, at the same
12 time as notice is provided under clause (i)).

13 “(C)(i) The Administrator shall, not later than
14 January 1 of 2012 and of every 4th year thereafter,
15 prepare a report summarizing modern presidential
16 transition activities, including a bibliography of rel-
17 evant resources.

18 “(ii) The Administrator shall promptly make
19 the report under clause (i) generally available to the
20 public (including through electronic means) and
21 shall include such report with the notice provided to
22 each eligible candidate under subparagraph (A)(i).

23 “(2)(A) Except as provided in subparagraph (B), the
24 services and facilities described in this paragraph are the
25 services and facilities described in subsection (a) (other

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1 than paragraphs (2), (3), (4), and (7) thereof), but only
2 to the extent that the use of the services and facilities is
3 for use in connection with the eligible candidate's prepara-
4 tions for the assumption of official duties as President or
5 Vice-President.

6 “(B) The Administrator—

7 “(i) shall determine the location of any office
8 space provided to an eligible candidate under this
9 subsection;

10 “(ii) shall, as appropriate, ensure that any com-
11 puters or communications services provided to an eli-
12 gible candidate under this subsection are secure;

13 “(iii) shall offer information and other assist-
14 ance to eligible candidates on an equal basis and
15 without regard to political affiliation; and

16 “(iv) may modify the scope of any services to
17 be provided under this subsection to reflect that the
18 services are provided to eligible candidates rather
19 than the President-elect or Vice-President-elect, ex-
20 cept that any such modification must apply to all eli-
21 gible candidates.

22 “(C) An eligible candidate, or any person on behalf
23 of the candidate, shall not use any services or facilities
24 provided under this subsection other than for the purposes
25 described in subparagraph (A), and the candidate or the

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1 candidate's campaign shall reimburse the Administrator
2 for any unauthorized use of such services or facilities.

3 “(3)(A) Notwithstanding any other provision of law,
4 an eligible candidate may establish a separate fund for the
5 payment of expenditures in connection with the eligible
6 candidate's preparations for the assumption of official du-
7 ties as President or Vice-President, including expenditures
8 in connection with any services or facilities provided under
9 this subsection (whether before such services or facilities
10 are available under this section or to supplement such
11 services or facilities when so provided). Such fund shall
12 be established and maintained in such manner as to qual-
13 ify such fund for purposes of section 501(c)(4) of the In-
14 ternal Revenue Code of 1986.

15 “(B)(i) The eligible candidate may—

16 “(I) transfer to any separate fund estab-
17 lished under subparagraph (A) contributions
18 (within the meaning of section 301(8) of the
19 Federal Election Campaign Act of 1971 (2
20 U.S.C. 431(8))) the candidate received for the
21 general election for President or Vice-President
22 or payments from the Presidential Election
23 Campaign Fund under chapter 95 of the Inter-
24 nal Revenue Code of 1986 the candidate re-
25 ceived for the general election; and

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1 “(II) solicit and accept amounts for receipt
2 by such separate fund.

3 “(ii) Any expenditures from the separate fund
4 that are made from such contributions or payments
5 described in clause (i)(I) shall be treated as expendi-
6 tures (within the meaning of section 301(9) of such
7 Act (2 U.S.C. 431(9))) or qualified campaign ex-
8 penses (within the meaning of section 9002(11) of
9 such Code), whichever is applicable.

10 “(iii) An eligible candidate establishing a sepa-
11 rate fund under subparagraph (A) shall (as a condi-
12 tion for receiving services and facilities described in
13 paragraph (2)) comply with all requirements and
14 limitations of section 5 in soliciting or expending
15 amounts in the same manner as the President-elect
16 or Vice-President-elect, including reporting on the
17 transfer and expenditure of amounts described in
18 subparagraph (B)(i) in the disclosures required by
19 section 5.

20 “(4)(A) In this subsection, the term ‘eligible can-
21 didate’ means, with respect to any presidential election (as
22 defined in section 9002(10) of the Internal Revenue Code
23 of 1986)—

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1 “(i) a candidate of a major party (as defined in
2 section 9002(6) of such Code) for President or Vice-
3 President of the United States; and

4 “(ii) any other candidate who has been deter-
5 mined by the Administrator to be among the prin-
6 ciple contenders for the general election to such of-
7 fices.

8 “(B) In making a determination under subparagraph
9 (A)(ii), the Administrator shall—

10 “(i) ensure that any candidate determined to be
11 an eligible candidate under such subparagraph—

12 “(I) meets the requirements described in
13 article II, section 1, of the United States Con-
14 stitution for eligibility to the office of President;

15 “(II) has qualified to have his or her name
16 appear on the ballots of a sufficient number of
17 States such that the total number of electors
18 appointed in those States is greater than 50
19 percent of the total number of electors ap-
20 pointed in all of the States; and

21 “(III) has demonstrated a significant level
22 of public support in national public opinion
23 polls, so as to be realistically considered among
24 the principal contenders for President or Vice-
25 President of the United States; and

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1 “(ii) consider whether other national organiza-
2 tions have recognized the candidate as being among
3 the principal contenders for the general election to
4 such offices, including whether the Commission on
5 Presidential Debates has determined that the can-
6 didate is eligible to participate in the candidate de-
7 bates for the general election to such offices.”.

8 (b) ADMINISTRATOR REQUIRED TO PROVIDE TECH-
9 NOLOGY COORDINATION UPON REQUEST.—Section
10 3(a)(10) of the Presidential Transition Act of 1963 (3
11 U.S.C. 102 note) is amended to read as follows:

12 “(10) Notwithstanding subsection (b), consulta-
13 tion by the Administrator with any President-elect,
14 Vice-President-elect, or eligible candidate (as defined
15 in subsection (h)(4)) to develop a systems architec-
16 ture plan for the computer and communications sys-
17 tems of the candidate to coordinate a transition to
18 Federal systems if the candidate is elected.”.

19 (c) COORDINATION WITH OTHER TRANSITION SERV-
20 ICES.—

21 (1) SECURITY CLEARANCES.—Section 7601(c)
22 of the Intelligence Reform and Terrorism Prevention
23 Act of 2004 (50 U.S.C. 435b note) is amended—

24 (A) by striking paragraph (1) and insert-
25 ing:

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1 “(1) DEFINITION.—In this section, the term
2 ‘eligible candidate’ has the meaning given such term
3 by section 3(h)(4) of the Presidential Transition Act
4 of 1963 (3 U.S.C. 102 note).”, and

5 (B) by striking “major party candidate” in
6 paragraph (2) and inserting “eligible can-
7 didate”.

8 (2) PRESIDENTIALLY APPOINTED POSITIONS.—
9 Section 8403(b)(2)(B) of such Act (5 U.S.C. 1101
10 note) is amended to read as follows:

11 “(B) OTHER CANDIDATES.—After making
12 transmittals under subparagraph (B), the Of-
13 fice of Personnel Management shall transmit
14 such electronic record to any other candidate
15 for President who is an eligible candidate de-
16 scribed in section 3(h)(4)(B) of the Presidential
17 Transition Act of 1963 (3 U.S.C. 102 note) and
18 may transmit such electronic record to any
19 other candidate for President.”.

20 (d) CONFORMING AMENDMENTS.—Section 3 of the
21 Presidential Transition Act of 1963 (3 U.S.C. 102 note)
22 is amended—

23 (1) in subsection (a)(8)(B), by striking “Presi-
24 dent-elect” and inserting “President-elect or eligible

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1 candidate (as defined in subsection (h)(4)) for Presi-
2 dent”; and

3 (2) in subsection (e), by inserting “, or eligible
4 candidate (as defined in subsection (h)(4)) for Presi-
5 dent or Vice-President,” before “may designate”.

6 **SEC. 3. AUTHORIZATION OF TRANSITION ACTIVITIES BY**
7 **THE OUTGOING ADMINISTRATION.**

8 (a) **IN GENERAL.**—The President of the United
9 States, or the President’s delegate, may take such actions
10 as the President determines necessary and appropriate to
11 plan and coordinate activities by the Executive branch of
12 the Federal Government to facilitate an efficient transfer
13 of power to a successor President, including—

14 (1) the establishment and operation of a transi-
15 tion coordinating council comprised of—

16 (A) high-level officials of the Executive
17 branch selected by the President, which may in-
18 clude the Chief of Staff to the President, any
19 Cabinet officer, the Director of the Office of
20 Management and Budget, the Administrator of
21 the General Services Administration, and the
22 Director of the Office of Personnel Manage-
23 ment; and

24 (B) any other persons the President deter-
25 mines appropriate;

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1 (2) the establishment and operation of an agen-
2 cy transition directors council which includes career
3 employees designated to lead transition efforts with-
4 in Executive Departments or agencies;

5 (3) the development of guidance to Executive
6 Departments and agencies regarding briefing mate-
7 rials for an incoming administration, and the devel-
8 opment of such materials; and

9 (4) the development of computer software, pub-
10 lications, contingency plans, issue memoranda,
11 memoranda of understanding, training and exercises
12 (including crisis training and exercises), programs,
13 lessons learned from previous transitions, and other
14 items appropriate for improving the effectiveness
15 and efficiency of a Presidential transition that may
16 be disseminated to eligible candidates (as defined in
17 section 3(h)(4) of the Presidential Transition Act of
18 1963, as added by section 2(a)) and to the Presi-
19 dent-elect and Vice-President-elect.

20 Any information and other assistance to eligible can-
21 didates under this subsection shall be offered on an equal
22 basis and without regard to political affiliation.

23 (b) REPORTS.—

24 (1) IN GENERAL.—The President of the United
25 States, or the President's delegate, shall provide to

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1 the Committee on Oversight and Government Re-
2 form of the House of Representatives and the Com-
3 mittee on Homeland Security and Governmental Af-
4 fairs of the Senate reports describing the activities
5 undertaken by the President and the Executive De-
6 partments and agencies to prepare for the transfer
7 of power to a new President.

8 (2) TIMING.—The reports under paragraph (1)
9 shall be provided six months and three months be-
10 fore the date of the general election for the Office
11 of President of the United States.

12 (c) AUTHORIZATION OF APPROPRIATIONS.—There
13 are authorized to be appropriated such sums as may be
14 necessary to carry out the provisions of this section.

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S. 3196, Pre-Election Presidential Transition Act of 2010

Senators Kaufman, Voinovich, Akaka and Lieberman

One of the greatest sources of Americans' pride in our country comes from the peaceful nature in which power is transferred following the election of a new president. But with that change, as a president assumes the responsibilities of office and begins to set up a new administration, comes the risk of potential vulnerability. Today the job of governing this country is increasingly complex and the dangers more diverse. The sooner a new president assumes full control over the administration, the better able the government is to ensure our nation's security.

It was during the Cold War, when fears of a power vacuum brought focus on the importance of continuity of government, that Congress passed the Presidential Transition Act of 1963. It formalized several important elements of a successful transition, including public funds for transition staff, office space and equipment, and other expenses of the President-Elect and Vice President-Elect. The Act has been amended many times to adapt the nature of assistance needed to facilitate an effective transfer of power. Most recently, the Intelligence Reform and Terrorism Prevention Act (IRTPA) of 2004 provides expedited security clearances for prospective transition team members and nominees for high-level national security positions.

The transition following the 2008 election, which marked the first transfer of power following the 9/11 attacks, faced an altered security environment. That transition was aided substantially by the unprecedented pre-election planning and attention to the challenges of transferring power by both the Bush Administration and the Obama campaign. These efforts are extensively documented in the report of the Partnership for Public Service, *Ready to Govern* (1/2010), and Martha Kumar's narrative, *The 2008-2009 Presidential Transition Through the Voices of Its Participants* (12/09). Responding to the new security challenges we face today, the Pre-Election Presidential Transition Act strives to engage future presidential candidates and incumbent administrations in early transition activities, drawing from both the successes and the practical difficulties identified in recent experiences.

Make candidate transition planning an act of responsibility, not presumptuousness

The first priority of any Presidential campaign is to win the election. Historically, candidates have been reluctant to initiate early transition activities for many reasons, including political damage that may flow from appearing to assume victory, conflict or distractions for campaign staff, and limited resources. Congress cannot make political and management decisions for campaigns. The Pre-Election Presidential Transition Act seeks to make the decision to undertake transition planning easier by providing resources and educating the campaigns, the press, and the public on the importance of early transition activities.

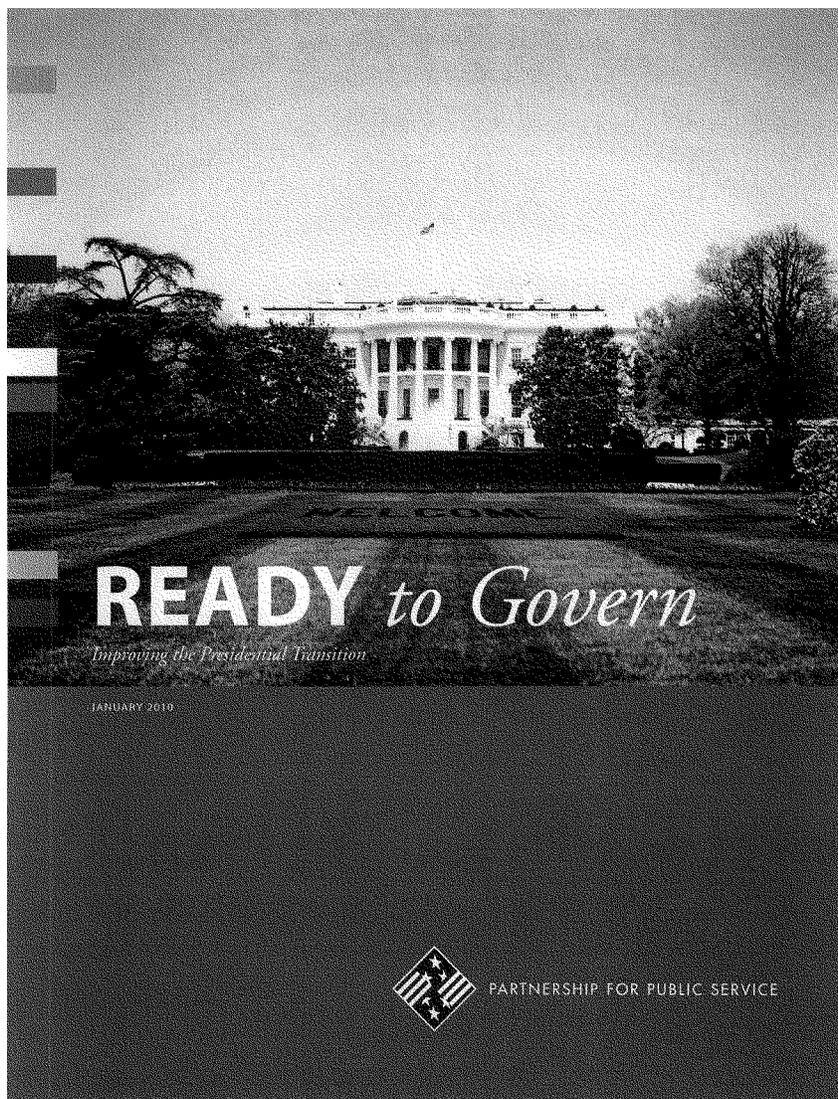
- GSA will offer each candidate an array of services promptly upon nomination, including fully equipped office space, communication services, briefings, training, and initiation of security clearances for prospective personnel.
 - Candidates eligible for services include major party candidates and others determined eligible based on the criteria used by the Commission on Presidential Debates for those participating in general election debates.
 - GSA shall distribute to candidates a report on modern transitions, including a bibliography of resources, which shall be released to the public and posted online.

- Staff compensation, travel expenses and allowances are funded exclusively by separate funds of the campaigns prior to the election.
- Provision of services and information to eligible candidates is to be provided on an equal basis and without regard to political affiliation, and are to be used by candidates or staff only for transition purposes.
- Candidates will be expressly authorized to establish at any time a separate 501(c)(4) fund comprised of campaign monies and/or separately raised funds (with a \$5,000 per person contribution limit) to cover any transition-related expenses or to supplement the services provided through GSA.

Encourage administration preparation for transfer of power:

Not every incumbent administration has or can be expected to make transition planning the priority it was made by the Bush Administration. Nonetheless, bringing greater awareness to the public – as well as to political and career agency personnel – of the critical value of a well-prepared transfer of power can enhance the likelihood of effective transition planning.

- Authorization of appropriations expressly for use by the Administration to plan and coordinate activities by the Departments and agencies to facilitate an efficient transfer of power, which may include, among other activities:
 - Establishment and operation of a transition coordinating council comprised of such high-level administration officials, or their designees, as the Chief of Staff to the President, cabinet Secretaries, director of OMB, administrator of GSA, director of OPM, and other senior officials.
 - Establishment and operation of an agency transition directors' council, which would include career employees designated to lead transition efforts within Departments or agencies.
 - Development of briefing materials on Departments and agencies and the major issues facing an incoming administration.
 - Development of computer software, publications, contingency plans, issue memoranda, memoranda of understanding, training (including crisis training), programs, and other items appropriate for improving the effectiveness and efficiency of a presidential transition.
- The Administration shall provide reports to the Senate Committee on Homeland Security and Governmental Affairs and the House Committee on Oversight and Government Reform six months and three months before the election describing the activities undertaken by the Administration, Departments, and agencies to prepare for the anticipated or potential transfer of power.



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.

PARTNERSHIP FOR PUBLIC SERVICE

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.

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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.

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- 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,

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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-

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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.

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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.

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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 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.

PARTNERSHIP FOR PUBLIC SERVICE

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."

PARTNERSHIP FOR PUBLIC SERVICE

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.

PARTNERSHIP FOR PUBLIC SERVICE

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.

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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.
 - 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.
 - Reduce the number of politically appointed positions that require Senate confirmation.
 - 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.
 - 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.
 - 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>

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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>

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APPENDIX C

TIMELINE OF 2008-2009 TRANSITION AND POST-INAUGURATION ACTIVITIES

PHASE ONE

PRE-ELECTION DAY TRANSITION PLANNING

<p>Early 2007 Transition preparations begin at the Department of Homeland Security.</p> <p>Mid-April 2008 David Bibb, deputy administrator of the General Services Administration (GSA), indicates the agency had identified temporary office space for the transition.</p> <p>Late April 2008 Top officials in the McCain campaign began meeting weekly to discuss transition preparations.</p> <p>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.</p> <p>May 2008 Top officials in the Obama campaign begin regular meetings to discuss transition-related activities.</p> <p>June 10, 2008 The Senior Executives Association holds a conference to prepare its members for the transition.</p> <p>June 2008 Russ Gerson begins limited personnel planning for the McCain campaign.</p> <p>June 2008 John Podesta assumes role as transition coordinator of the Obama campaign.</p> <p>July 18, 2008 President Bush issued an executive order mandating certain transition preparations by agencies.</p> <p>August 1, 2008 Deadline for each agency to identify a "knowledgeable, capable career official" to lead the transition preparations in that agency.</p> <p>September 2, 2008 Barack Obama receives first intelligence briefing as a presidential candidate.</p>	<p>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.</p> <p>September 24, 2008 GSA and the White House convene senior career transition coordinators from each agency to discuss their preparations for the transition.</p> <p>October 9, 2008 President Bush, through executive order, creates the Presidential Transition Coordinating Council.</p> <p>October 15, 2008 Presidential Transition Coordinating Council meets for first time, with both major campaigns' transition representatives and White House officials.</p> <p>October 15, 2008 Deadline for agencies to identify career officials to fill the positions of departing political appointees.</p> <p>October 28, 2008 Presidential Transition Coordinating Council meets for the second time.</p> <p>November 1, 2008 Deadline for each agency to prepare a brief summary of its basic organization, current mission/function/performance goals and key personnel.</p> <p>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.</p> <p>November 1, 2008 Agencies are required to finish preparing work tools and briefings for incoming political appointees</p> <p>November 4, 2008 Election Day. Democrat Barack Obama defeats Republican John McCain.</p>
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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 Governmental 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.

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APPENDIX D

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Getting Ready for Day One: Taking Advantage of the Opportunities and Minimizing the Hazards of a Presidential Transition

Academic-Practitioner Exchange: Planning an Effective Presidential Transition in 2008–2009

Presidential transitions make a difference to the quality of the start a chief executive has coming into office. With formal presidential transitions a reality since 1952, we have sufficient experience to identify some of the elements of an effective transition. This article focuses on how a president-elect can minimize the hazards and take advantage of the opportunities transitions offer. Opportunities and hazards can be found in the actions and commitments candidates take during their presidential campaigns, the information they gather on past transitions and on the actions of the incumbent president, the coordination they do with those in the Washington community, and their capacity to identify and take advantage of the early goodwill that exists when a new president comes into office.

An effective transition buys a new presidential administration the chance to take advantage of the opportunities that exist at the beginning of an administration and reduce the hazards that inevitably lie in wait. Although there is flexibility in how the transition takes shape, there are ways of handling transitions that have proved more effective than others. Political scientists and others studying transitions have focused on management, personnel, policy, coordination, and timing issues that make a difference to the ways in which a president prepares for office. Even though there is a demonstrated difference that some things work and others do not, it is still difficult for administrations to do the kind of pre-election and preinauguration work that pays off in the early months (see Burke 2000, 377–414; Burke 2003; Burke 2004, 209–26; Kumar et al. 2003; Pfiffner 1996).

“We weren’t stumbling around the first couple of months of the administration,” commented Deputy Chief of Staff Joe Hagin (2008) about the transition

of George W. Bush. “We were able to get right down to business.” Because those handling the White House transition—Andy Card, Josh Bolten, and Hagin—had served in previous White Houses, they knew the traps. “We knew all the basics that allowed us to at least walk from the first day rather than crawl,” Hagin said. “That is important.” From that beginning, the president and his administration focused on their priority issues and did so at their tempo without being sidetracked by the agendas of others. By doing so, they were able to take advantage of the goodwill and interest the public extends to a president in the early weeks of an administration.

In the period since the first formal presidential transition from the Harry Truman to the Dwight D. Eisenhower administration, when the incumbent and the president-elect worked to prepare information for the incoming chief executive, transitions have varied greatly in the types of preparation presidents and their staffs have made and the success they have had in setting the direction of their tenure in office in the days after the election through their first three months in office.

Even though there is a demonstrated difference that some things work and others do not, it is still difficult for administrations to do the kind of pre-election and preinauguration work that pays off in the early months.

Since President Truman first reached out to his successor to provide him with information on administration programs and activities, presidential transitions have become more formal and complex, as have the office of the presidency and the scope of what the chief executive is responsible for handling. Beginning in 1963, there is a formal government structure to provide assistance to

the president-elect and funds to support such an operation. Yet there is a great deal of flexibility on the part of the incumbent president, and the incoming one as well, as to how and when the transition of power from one chief executive to the next is structured. Incumbent presidents can choose how much

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information they want to provide the president-elect, and the incoming chief executive can decide how interested she or he is in what the sitting president has to offer.

Whatever they do, early planning is a must for both sides. No matter their level of preparation, at one time presidents and their staffs were reluctant to admit advance planning even while they did it. They feared a public perception of arrogance on their part. By 2000, the perception of the wisdom of early planning had begun to take hold. In early June 2000, David Broder, *Washington Post* columnist and reporter, discussed the good judgment of early planning and quoted officials from all recent administrations in calling for preparation for governing: "In fact, such advance planning has been done in many past campaigns but coverdly, to avoid conveying a sense of smug overconfidence to the voters . . . The reality is that when a new president moves in, his top aides find bare desks, empty filing cabinets and disconnected computers. They need help." No longer are candidates criticized for planning for governing; they are lauded for it. In 2008, such planning is even more important than it was in 2000, when the nation was not at war.

Chief executives come into the White House with no institutional memory waiting for them as an informational support system. Other than the Counsel's office and the National Security Council, White House offices do not have files from the previous administration waiting for the president and the incoming White House team to learn from. The Presidential Records Act of 1978 requires that presidential records leave the White House with the outgoing president. How much information is available to the incoming team about the operations of the White House and the 15 cabinet departments depends on the preparations provided for by the incumbent White House and the cooperation of the department secretaries and their deputies.

This article focuses on what we know about presidential transitions and how a new presidential team can minimize the hazards and take advantage of the opportunities transitions represent. Because the institution of the presidency retains its contours and relationships from one administration to the next, the rhythms of transitions do as well. That means presidential candidates can learn from their predecessors what opportunities lay ahead during the transition period and how they can make the most of them. They can also view some of the pitfalls their predecessors experienced. At each stage of the period from the campaign to the first few months of governing, there are actions that presidential candidates, the president-elect, and the new president can take that will ease the strains of office later on in their presidency. Their preparation for office begins with the campaign.

Campaign Commitments Affect the Ease or Difficulty with Which the President-Elect Establishes the Direction of the Administration and Staffs the Offices

Campaigns affect a president-elect's transition into office through promises that have an impact on how he or she shapes the administration. Some management and policy commitments limit what a president will be able to do when in office, whereas a clearly articulated policy agenda during the campaign makes it easier for a chief executive to establish the direction of the administration.

Commitments limiting the staffing of an administration. Many candidates make statements during their presidential campaigns that prove limiting when they become president. The 2008 campaign is no exception. Both Barack Obama and John McCain have taken positions that will influence what they are able to do if one of them takes office. Obama promised in a campaign debate that he would not have anyone on his White House staff who has been involved in lobbying: "When I am President, I will make it absolutely clear that working in an Obama administration is not about serving your former employer, your future employer, or your bank account—it's about serving your country, and that's what comes first. When you walk into my administration, you will not be able to work on regulations or contracts directly related to your former employer for two years. And when you leave, you will not be able to lobby the administration through the remainder of my term in office" (Obama 2007). Prohibiting people from working on issues related to their White House portfolio for the remainder of an Obama administration could also make potential staff members reluctant to come in. By excluding people for staff consideration, Obama could lose a potentially important pool of expertise for his administration.

Believing they needed to demonstrate their willingness to make cuts in the government workforce, Presidents Bill Clinton and Jimmy Carter got into difficulty by promising to make White House staff cuts of 25 percent. Cuts, such as those in the career staff responsible for phones and correspondence, turned out to be unpopular (Burke 2000, 305, 309, 339–40). President Clinton got into additional difficulties over staff promises. One of his early actions was to issue an executive order calling for stiff postemployment regulations requiring appointees to promise, "I will not, within five years after the termination of my employment as a senior appointee in any executive agency in which I am appointed to serve, lobby any officer or employee of that agency" (Clinton 1993a). Additionally, appointees would not be allowed to work for a foreign government for life. A lifetime ban on certain kinds of lobbying and a five-year limitation on all kinds of

lobbying relating to the agency the person served in was viewed as too stiff by groups studying public administration. "It's generally believed this executive order was much too burdensome and that a five-year ban went much too far," said New York University Professor Paul Light, who studied the ethics rules (Minz 2000). Stephen Potts, head of the Office of Government Ethics (OGE), commented that the order "was more restrictive than need be and it was going to have an inevitable chilling impact on their ability to recruit" (Babington 2000). At the end of his administration, President Clinton revoked the order (Clinton 2000).

Campaign promises as limiting policy and procedural actions.

Presidential candidate John McCain limited himself in a way that could influence his presidency, as it did that of President George H. W. Bush with a similar promise. In an interview with ABC *This Week*, Senator McCain said emphatically that he advocated "no new taxes" (Curl 2008). When President George H. W. Bush broke a similar pledge that he gave at the convention nominating him, he lost conservative support within the Republican Party in 1992 when he ran for reelection.

Another promise that could cost a President McCain some flexibility is one he made pledging that if he becomes president, he will not issue signing statements. When asked by Glenn Kessler of the *Washington Post* whether he would ever consider issuing signing statements when he disagrees with a bill presented to him by Congress, McCain stated, "Never, never, never, never. If I disagree with a law that passed, I'll veto it" (Abramowitz 2008). Not issuing signing statements would be a break with recent presidential practice.¹ President George W. Bush has regularly issued such statements to limit his interpretation of laws he did not like, including announcements of his refusal to enforce them. McCain would be closing off a practice that Democratic as well as Republican presidents and liberal as well as conservative chief executives have used to respond to legislation.

The Department of Justice in the Clinton administration prepared a memorandum on signing statements that found a president's refusal to enforce a law to be constitutional. The memorandum stated, "In each of the last three Administrations, the Department of Justice has advised the President that the Constitution provides him with the authority to decline to enforce a clearly unconstitutional law. This advice is, we believe, consistent with the views of the Framers. . . . a signing statement that chal-

lenges what the President determines to be an unconstitutional encroachment on his power, or that announces the President's unwillingness to enforce (or willingness to litigate) such a provision, can be a valid and reasonable exercise of Presidential authority" (Office of Legal Counsel 1993). By issuing such a definitive rejection of signing statements, McCain has limited his options when discussing legislation he might be signing.

Campaign agenda as governing agenda. While campaign commitments can limit the options a president-elect has at the point when the incoming chief executive is organizing the administration,

One of the reasons President Bush had an unexpected smooth start to his administration after the contested election is that the candidate and his team saw their campaign agenda as their governing one.

they can also serve as the center of the government agenda when he or she comes into office. The president-elect can organize policy priorities around campaign commitments. One of the reasons President Bush had an unexpectedly smooth start to his administration after the contested election is that the candidate and his team saw their campaign agenda as their gov-

erning one. Clay Johnson said of Bush, "He said our priorities will be what we campaigned on. We want education, we want a strong national defense. . . . We said they were our priorities and they are" (Johnson 2002). Once he came into office, President Bush took the basic issues he had campaigned on and, in a series, laid out his plans for them. His first week in office was devoted to education, followed the next week by faith-based initiatives and the creation of that office, then his tax cuts program and strengthening defense through increased spending.

Sometimes the campaign agenda proves limiting because there are keepers of the promises book or individual items in it who focus on one or more narrow items. "You have often ended up with White House staff . . . who made it their purpose to see to it that this one narrow assignment was achieved," observed Jonathan Breul (2008), who watched several White House operations from his place in the Office of Management and Budget. "Once you get into office it is the bigger picture, but you get Johnny one-notes focusing narrowly. It leads to frustration for everyone." There needs to be a balance between adhering to an agenda and being sufficiently flexible to focus on the needs of the time. For the George W. Bush administration, Breul pointed to competitive sourcing between the public and private sector as a campaign issue that caused difficulty once in office. "They soon bumped into unions and set themselves up for a losing situation."

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Establish an Information-Gathering Operation Prior to the Convention

Transitions have a rhythm to them that involves a defined number of people, activities, and decisions to be made. In those presidential elections in which there is a presumptive nominee early in the election cycle, during the primary phase, presidential candidates can designate a person to gather information on personnel and decision timetables. The second period occurs after the party nominating conventions, when government institutions, such as the OGE, get involved in a limited way in the transition process. Following the election, when the winning candidate has been designated president-elect, the formal 75-day transition period into office begins.

Appoint a transition aide tasked with information gathering. Candidates need a transition operation that begins early but is in regular contact with the political operation and with the candidate. Competition between the campaign and early transition operations can derail early transition work and build in a kind of competition the candidate will want to make certain to avoid. The one recent operation in which an early transition operation worked cooperatively with the campaign was that of President George W. Bush.²

One of the keys to the success of the Bush transition effort was that the work was under the wing of one person, Clay Johnson, an old friend of George W. Bush and a man who was well known to all of the campaign staff. No one viewed Johnson's operation as a competing one because campaign officials knew Bush had asked Johnson to gather transition information, and they also knew that politics had never been within his ken. Johnson met occasionally with the campaign leaders as well as with the candidate to give them a sense of what he was doing and finding. That way, there was no conflict among them. The same did not happen in most other transitions, during which competition developed between the political and transition operations, such as the Carter and Clinton ones (Burke 2000, 17–26, 283–85). The early Carter transition efforts led by Jack Watson ran into difficulties with the political operation, as did those of Mickey Kantor for Bill Clinton. The result was that early information gathering for personnel and White House staff was hampered.

The first part of a transition takes place during the primary season when the candidate designates a person to gather information. The person looks for information on personnel, past transitions, decisions ahead, and ones made by the incumbent administration, dealing with governing and noting their timing. With those transitions in which there was a change in party, the Ronald Reagan and George W. Bush administrations created an early operation with an

emphasis on personnel and gathering information from past transitions. Governor Bush told Clay Johnson in late 1999, "As we focus on this campaign, I want you to figure out what we do after November 7 or 8 when we win, what's involved in a transition, what are we trying to accomplish, how do we organize to get it done. I suggest you talk to the likes of George Schultz and Jim Baker and read what you need to, talk to who you need to and develop a plan. It ought to be separate from the effort required to get elected. Develop a plan for after the election" (Johnson 2001). In the period since John F. Kennedy won the presidency, seven presidents have come into office through election and had a normal transition. Of those, Presidents Carter, Reagan, George H. W. Bush, and George W. Bush designated people to work on transition issues substantially before the party nominating conventions. In all of their cases, gathering information on personnel issues was a shared concern.

Johnson gathered names that notable people sent in and also went out and talked to people they knew in policy areas. "Then I called a lot of people in the state of Texas, in the environmental area, and said who are the prominent people in the environmental area nationally and the HHS [Health and Human Services] world, who are the well known HHS people either from prior federal administrations or in other states who are the people of note. Or parks and wildlife, the interior people. So I started collecting names and knew who the well-regarded people were. There was a list of about 100 names" (Johnson 2001).

Johnson also coordinated with Dick Cheney shortly after he was selected by George W. Bush as his vice presidential nominee. Johnson "sat down with him to talk about the way we were structuring the transition, proposing the structure of the transition, and some of the names that were floating around that had been suggested to us for different positions and got his reaction to them and picked his brain about prospective people." Before the election, "there had been very few decisions made. But we had talked about the kind of person we were looking for, the kind of qualities we wanted. . . . We had more discussion about types of people by the time of the election than we had specific individuals" (Johnson 2001). No one from the Bush camp contacted any of the people or sought résumés. Once the formal transition came, they had lists with supporting information to begin their search. Johnson also had a software program ready to handle all of the people who would send in their résumés. It was a process and a program they had used when Bush as governor had considered appointees.

Transition operations are confronted with the decision of whether to create task forces dealing with government policies and programs. The Reagan administration had five groups comprising 48 task force

operations of 3–20 people each. In his study of presidential transitions, John Burke commented on the problems resulting from the work of the groups: “Some veterans of past administrations were particularly unhappy with the work of their assigned team, including Caspar Weinberger, Terrell Bell, and Alexander Haig. The relationship of transition teams to the independent regulatory agencies was especially rocky” (2000, 99). The George W. Bush transition team eschewed larger task forces composed of lobbyists or those seeking appointments in the administration. They opted instead for “small teams to prepare briefing books for, and interact with, each cabinet department,” said Clay Johnson. Once the transition was under way, they created “large advisory groups and let them advise the department policy teams as they saw fit but did not let them interface directly with the departments” (Johnson 2003, 314). They did not have the same difficulties directing the groups as the Reagan transition operation did with their larger operation.

Identifying government transition resources and creating private ones. President Truman was the first president to publicly invite his successor to meet with him to consider transition issues and then call on government departments and agencies to provide information on the status of programs. Formal government involvement came later. The Presidential Transitions Act of 1963, with updates in 1976, 1988, and 2000, provides funds for transitions when there is a new president coming into office. Reelection does not call for a government-funded transition. Once there is a president-elect, the transition takes on a formal shape with office space in Washington, funds available for staff, and funding for staff training, as well as monies for the outgoing president. In 2001, the General Services Administration (GSA) was authorized to provide \$7.1 million in funding for the presidential and vice presidential transitions, with \$1.83 million for President Clinton’s transition out of office, \$4.27 million for the transition of president-elect George W. Bush, and \$1.0 million for the GSA to “provide additional assistance as required by law” (Smith 2007, 1). The Bush transition operation estimated they needed \$8.5 million, which was approximately the amount had Clinton spent (Johnson 2003, 314). In 1992, Clinton received \$3.5 million from the federal government and privately raised \$4.8 million (Euchner and Maltese 1996, 323). Bush raised private funds before the election was decided, but he made public his transition contributions.

As a way to ease the president’s way into office, the Presidential Transition Act of 2000 (P.L. 106-293) calls for GSA-funded presentations for the incoming president’s senior-level aides in the cabinet and in executive branch positions (Smith 2007, 9). President Bush’s fiscal year 2009 budget calls for an appropriation of

\$8.52 million for the presidential transition, “to provide for the orderly transfer of Executive power” (GSA 2008). The funds are broken down into a request of \$5.3 million for the incoming administration and \$2.2 million for the Bush administration’s transition out of office. The budget request includes \$1.00 million for the personnel orientation called for in the 2000 act.

The appointment process is a maze and requires available institutions to serve as guides.³ One of the important resources for a presidential transition is the Office of Government Ethics (OGE). When presidential appointees are working through the appointment process, there are ethics rules relating to conflicts of interest with which they will need to comply. Some of those rules will be important for prospective appointees because, for some, an appointment will prove too costly. The sooner the candidate’s transition operation has a good handle on what ethics rules executive branch employees need to comply with, the easier the appointment process will be. OGE works with individual appointees on how their investments can be handled while they are in government service, an area in which conflict of interest is a continuing and important issue.

The National Archives is an important resource because the way in which records are maintained and retained needs to be set before the president comes into office. Like OGE, the National Archives is an institution that can reduce an administration’s problems by heading off trouble before it settles in. Mistakes made early in an administration can surface later, particularly with matters that appear to be inconsequential. Records issues have been an important distraction in both of the last two administrations, though they took some while to surface in the Bush White House. In the Clinton White House, records became an issue with the mishandling of Federal Bureau of Investigation (FBI) records by the White House Office of Management and Administration. Later, the administration faced problems with Vice President Gore’s e-mail records when it turned out that computer tapes had been copied over. Congress required the e-mail records be reconstituted through backup files at what turned out to be a cost of \$12 million. The Clinton White House then adopted a practice of not copying over e-mail records so that none would be lost (Williamson and Eggen 2008). The Bush White House did not follow the practice adopted in the later Clinton years and currently faces a similar situation, with congressional committees demanding to know where the records are and how they can be reconstituted. Press Secretary Dana Perino said in 2007, “I wouldn’t rule out that there were a potential 5 million e-mails lost” (Williamson and Eggen 2008). A new administration can avoid the problem by focusing on the issue with the National Archives well before the inauguration, when the records process begins.

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Review the Actions of the Incumbent President and Administration

One of the differences between this transition and earlier ones is the vast amount of information now online that provides a portrait of what government departments and agencies are doing and why. Identifying regulations in earlier administrations was a more difficult task than it will be in the upcoming transition. Items left by the outgoing administration can be difficult to find in the early months and can cause problems when they are located. In the early months of the George W. Bush administration, for example, officials at the Environmental Protection Agency (EPA) spotted a regulation left behind three days before President Clinton left office. It was a regulation limiting the allowable amount of arsenic in drinking water (Clinton 2001).

The regulations on drinking water were part of an aggressive executive action strategy by President Clinton to leave in place environmental and workplace rules. In addition to the new standards for arsenic in water, in its last two months, the Clinton administration also issued regulations relating to ergonomic standards in the workplace, tighter standards for lead in paint and elsewhere, and rules relating to building roads and logging in 60 million acres of national forest land (Morgan and Goldstein 2001). New regulations and actions in the last months came from across the administration from such places as the Department of Agriculture, the Department of Interior, the Occupational Health and Safety Administration, and the EPA. The Bush administration made clear on the president's first day in office that it would review all of the regulations printed in the *Federal Register* and stop those that were too late to get printed (Pianin 2001).

What the Bush administration soon found was that they had been left an agenda that was going to cost time, energy, and political trouble. The arsenic regulation is an example. On March 20, the EPA announced that it would revoke the standards for arsenic in water. "When the federal government imposes costs on communities—especially small communities—we should be sure the facts support imposing the federal standard" (Pianin and Skrzycki 2001). That announcement brought a raft of continuing criticism upon the administration and the EPA.⁴

On October 31, EPA administrator Christie Todd Whitman announced the administration would adopt the Clinton administration arsenic water standard (Walsh 2001). When asked by the *National Journal* about how beat up the administration was over the arsenic regulation, Karl Rove had this response: "We walked in, and there were a whole bunch of those left around; I'm surprised we didn't get more beat up in the early months over all that." When asked why the

White House had not seen it coming, he pointed to the difficulty of campaigning and planning a transition: "But that assumes that at the same time you're running and trying to plan for a transition, that you're also carefully monitoring all the stuff they [the outgoing administration] are getting ready to plant. And frankly, no organization running for President has that kind of resources to be able to monitor" (*National Journal* 2002).

The environmental regulations the Clinton administration left for President Bush had been in the pipeline for some months. Close monitoring of agency rules and comment periods would have warned the incoming team of what they would find, which might have allowed them to develop more successful strategies to combat them. Today, the agency regulations process is easier to follow than it once was, as are the trails of executive orders, proclamations, and memoranda. "It used to be obscure," said Jonathan Breul of the rules and regulations process, as well as information on agency operations. "Now it is all public with documentation and comment. Whether it is regulations or anything else. It is true with EPA almost to the point of saturation. Everything from a blog by the deputy administrator, an agency Web site, budgets, strategic plans, annual plans, performance measures and targets. A 10-page Quarterly Manager's Report, including several dozen agency priorities such as the Rio Grande clean up. Through these you get an idea of what they want. You learn a lot from what they are paying attention to" (Breul 2008). In the coming transition, a robust transition operation can track agency regulations as well as other executive actions. Those include executive orders, memoranda, proclamations, as well as regulations.

President Clinton's executive actions drew a great deal of media attention as George W. Bush took office. Besides his executive policy actions in the final days of his administration, President Clinton granted pardons and commutations to 176 people (Goldstein and Schmidt 2001). With some of the pardons controversial ones, the outgoing president drew a great deal of news media attention. In his first 50 days in office, President Bush was the subject of 204 stories on the three major networks, while former President Clinton was the focus of 115 (Center for Media and Public Affairs 2001). Most of the Clinton stories were associated with actions taken late in his administration. The attention Clinton received meant, in part, that President Bush lost space for himself and his programs.

Two indicators of what President Bush might do at the end of his administration are his action in issuing an executive order on earmarks and the history of executive orders of recent presidents. Ed Gillespie, counselor to President George W. Bush, discussed during a briefing on the president's 2008 State of the

Union address an executive order that the president was about to announce to nullify certain types of congressional appropriations known as earmarks. From a practical perspective, the fact that the new order would not go into effect until a new president came in did not trouble Gillespie. "When the current administration came in 2001, there were a number of executive orders that had been issued very late in President Clinton's second term that were on the books, and President Bush had to either repeal or live with," he said. "This will be on the books, and will be an executive order that future Presidents will have to repeal or live with" (Gillespie 2008). In a large number of areas, presidents have to alter or live with actions taken by their predecessors. But first they have to learn about them.

Most recent presidents have issued executive orders at both the beginning and end of their administrations. Other than Ronald Reagan, recent presidents have issued more executive orders in the last two months of their terms than in the first two. In President Clinton's case, for example, he issued 22 executive orders in his final two months in office. Nine were issued in the last week he was in office. That means presidential successors have to focus attention early in their terms on reviewing the executive orders of their predecessors to see whether they want to revoke them, particularly if there is a change in party with the new administration. A tit-for-tat game can result. On February 17, 2001, President George W. Bush issued an executive order on a signature issue, union membership and dues. Executive Order no. 13201 ordered that contractors post a notice that "employees cannot be required to join a union or maintain membership in a union in order to retain their jobs" (Bush 2001). Under the circumstance in which there is a "union-security agreement," employees can be required to pay dues but may object to their dues monies being used for purposes other than collective bargaining activities. This order revoked Executive Order no. 12836, issued on February 1, 1993 by President Clinton. Clinton's order, in turn, revoked one issued by President George H. W. Bush, Executive Order no. 12800 (April 13, 1992), in the last year of his administration. Switching parties in these three administrations meant clearing out orders sensitive to party positions. In order to respond to the party behind them, presidents need to be aware of how their signature issues are reflected in administrative orders of every stripe.

At the end of their term, presidents often issue proclamations that have an impact on policy. President Clinton used proclamations to set aside federal land to be included in the national park system. Proclamations are a combination of ceremonial items and actions furthering administrative policies. In his final year, President Clinton used proclamations to broaden the boundaries of national parks. Together with Inte-

rior Secretary Bruce Babbitt, President Clinton increased the acreage of the park system through proclamations. From January 2000 until he left office, he set aside land through 22 proclamations. He used executive orders in two additional cases for land expansion.

Focus on the White House Decision-Making Process, Key Positions, and Budget Officials

Organizing the top tier of the White House is a central task of the transition, as is lining up the budget operation. How the White House is organized, the decisions the president makes selecting aides, and the process by which choices are made are matters of great importance to the direction of government.

President Bush was asked in December 2007 by ABC reporter John Cochran what it takes to be president: "You've been in office for seven years now. You must have some pretty strong opinions about what it takes to sit in the Oval Office. What is important to you?" (White House 2007). The president went on to discuss how important the White House is to what a chief executive does and how significant the structure of the decision-making system is: "How do you intend to get advice from people you surround yourself—who are you going to surround yourself with, and what process will you have in place to ensure that you get the unvarnished opinion of advisors? Because whoever sits in that Oval Office is going to find this is a complex world, with a lot of issues coming into the Oval Office—a lot—and a great expectation in the world that the United States take the lead. And so my question would be, how do you intend to set up your Oval Office so that people will come in and give their advice?" President Bush did not say whether he came in with that view or whether it was something he learned through his years in office.

Switching from campaigning to governing. As they focus on personnel and decision making, the president and senior White House staff members have to make the switch from campaigning to governing. It is not easy for a president-elect nor for the staff to come into the White House ready to govern because governing involves staffing the administration with people who are appropriate for management responsibilities, not campaign ones: developing a decision-making process designed for the work of governing and working with power centers inside and outside of government; and approaching policy from a governing perspective and timeline. The rhythms of a campaign are based on a clear electoral goal with a defined timetable and a staff appropriate for the black-and-white nature of campaigning, in which your candidate is "right" and your opponent is "wrong." Nicolle Devenish Wallace, communications director for the Bush reelection campaign, said that White House senior advisor Karl Rove called her "at the end of every day around eight

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o'clock. . . . after the network news, and would say, "Did we win today?" (Kumar 2007, 111). The timetable and thus the tasks for governing are different, explained White House counselor Dan Bartlett: "You're trying to accomplish a goal, whether it be implementing a piece of legislation or affecting public opinion over a period of time, whether it be [over] the tenure of your presidency" (Kumar 2007, 111).

To make the transition from campaigning to governing, the president needs to recruit staff appropriate to working in shades of gray rather than in the black-and-white election world and must enter a world in which compromise is a necessity—not the weakness it is portrayed in presidential campaigns. Roger Porter, senior economic and domestic policy adviser in the Ford, Reagan, and George H. W. Bush administrations, described the needs of governing: "You have to build coalitions. You're not in an us-them, we've got to defeat them; we've got to destroy them. There's just a different mentality. But when you govern you've got to figure how to build a coalition and work with others because, in fact, in our system power is so widely distributed and fragmented that that's the only way you can effectively govern. Those are not necessarily the same set of skills that get illuminated during the course of a campaign" (Kumar 2003, 84–85). Nor is the decision-making process the same. During the months between the election and the inauguration, as well as the early months in office, the new president needs to become adept at reaching across the partisan divide to acknowledge the need to build coalitions in order to govern.

White House staff and budget officials come first. In order to pick cabinet secretaries, the president needs the White House chief of staff, personnel director,

and counsel in place. Assessing potential administration appointees requires the work of several White House offices. Personnel staff sift through possible appointees and gather material on each, but presidents consult their relevant policy people, the chief of staff, and counsel before making a choice. That means the major White House staff members need to be in place. Not having them in place can be costly. When President Clinton chose Zoë Baird as his nominee for attorney general, he did not have his White House staff in place or a personnel operation coordinated with the incoming White House counsel. Having a legal opinion is important in weighing nominations—had Clinton had such an operation in place, he might have understood the cost of putting forward Baird's nomination in spite of her and her husband having employed undocumented workers. Her problems were front-page news for over a week, including the days of President Clinton's inauguration. When George W. Bush's staff was confronted with their nominee for

labor secretary, Linda Chavez, having an undocumented worker situation, she withdrew within two days. Those handling the personnel vetting process for George W. Bush were people with previous White House experience. Fred Fielding had served as White House counsel during the Richard M. Nixon and Reagan years, and Tim Flanigan had been in the Justice Department during the Reagan years; both were familiar with the Senate confirmation process.

Getting budget officials and White House policy staff in place early on is important, too. The budget prepared by the outgoing president will be submitted early in February. If the president-elect is to have an impact on the budget, the incoming chief executive will need to choose top budget officials and then ask the sitting president to have the outgoing budget team provide their figures to the new crew. That way, they can figure out how they want to handle the budget document. "The issue," commented Clay Johnson, executive director of the George W. Bush transition, "is how much will a new president's budget reflect his or her priorities" (Johnson 2008). The budget is the bottom line for presidential policy, but by the time the president submits one, there are few appointees below the departmental secretary level who have made it through the confirmation process at the 100-day mark (Mackenzie 2003, 330). With so few people in the departments in place, the policy people in the White House and those in the Office of Management and Budget took on a special importance. "Another reason it is important to start early [picking White

"The issue . . . is how much will a new president's budget reflect his or her priorities."

House staff and budget officials] is that at that point there are few appointees," commented Jonathan Breul. "Even by June, very few got through [in Bush's first year]. So you don't have a government in place that can

function that well so you have OMB director and policy folks to decide how to move forward. It is a thin group. That is how Stockman pulled things together for Reagan, Panetta for Clinton, and Daniels for Bush" (Breul 2008).

Handling the unanticipated. Incoming presidents have to deal with late policy actions taken by the incumbent and policy still in the planning stage that they were not fully aware of. President Kennedy inherited the Bay of Pigs plan for an invasion of Cuba developed by the intelligence and military communities. Richard Neustadt commented that President Kennedy regarded it as a "distinctly transition story. . . . One of the things this episode taught Kennedy was his vulnerability when military or diplomatic advice, and foreign intelligence, came at him independent of domestic and political perspectives" (Jones 2000, 117). President Clinton had an early lesson as well. He was faced at the beginning of his administration

with troops sent in December to Somalia by President George H. W. Bush as part of a United Nations force. Initially viewed as a simple plan to alleviate starvation caused by environmental factors, the action led to a situation in which U.S. soldiers were attacked by the forces of local warlords early in the Clinton administration. It took the president more than a year into his administration to bring the U.S. troops home and by then 44 of them had died (Keen 1994).

One of the reasons a president needs a White House working effectively early in his or her term is that unanticipated situations will come along that will require the chief executive to know where resources are and what individuals and institutions can resolve problems. President George W. Bush found out early in his White House tenure that the presidential communications system had fatal flaws. On a weekend trip by limousine to Camp David during snowy conditions, the system through which he communicated with the outside world failed to operate during the 90-minute trip up to Camp David and on the way back to the White House as well. "Not even the cell phone worked in the President's car," said Joe Hagin (2008). The following day, President Bush called for a 120-day review of the system. The review reported "system no longer manufactured" for many of the individual parts of the system. While no one had anticipated such a situation, there was a great deal of work that had to be done by the operations people to manufacture a new system. The work they did to build a new presidential communications system led to the development of a new White House Situation Room with an enhanced presidential communications system.

Coordinate People and Policy around a Presidential Agenda

Incoming presidents have an opportunity to establish their agenda early in their term, but this requires that the president integrate campaign policy priorities with a knowledge of the world he or she is about to enter. A combination of institutional tools and environmental factors make the early days a president is in office a time to effectively set out the administration's priorities and policies. The chief executive's tools include appointments, opportunities to speak to the public, access to the public through news organizations, and the attention of the public.

Clearing out political appointees. Before a president can appoint administration officials, those working for the previous chief executive need to be cleared out. One of the most helpful actions a president can take for the incoming chief executive is to take a strong hand in clearing out political appointees and using a restrained hand in making last-minute policy commitments. Clearing out executive branch offices is not easy because people often want to stay where they

are. If there is a change in parties, though, it is easier to get people out of their posts. On the other hand, when there is a same-party transition, people often feel they are due continued service. This has been one of the problems of transitions in which there is a vice president who wins the presidency. President George H. W. Bush followed a president who did not clear out the offices and had to do it himself. Shortly after Bush's victory, President Reagan requested resignations of all of his top political appointees (Boyd 1988). But he did not force people to resign, and Bush and his cabinet officers were left to clear out people who remained after Bush took office. Louis Sullivan, who was confirmed as Secretary of Health and Human Services in March 1989, is an example of what it took to get out the unwanted appointees. Three days after assuming office, "acting under standing orders to department from the White House, [Sullivan] has sent notice to HHS' approximately 100 Schedule C political appointees that their employment is terminated as of April 1. The White House has told secretaries to take such action on political appointees in order to make way for new political appointees selected by the Bush Administration" (Schwartz et al. 1989). It was difficult for President Bush to start fresh when he had to clear out President Reagan's appointees. President Clinton ordered his political appointees to leave before he left office and then on January 19 fired people who did not leave (Marquis 2001).

Begin with the personnel process. Appointments represent a substantial opportunity for a president to move government in a desired direction or directions, but it is unrealistic to expect that a chief executive can have a large number of appointees selected and in place in the administration's first few months in office. The universe of appointments is large. Bradley Patterson, in his forthcoming book *Inside the White House Staff: Continuity and Innovation*, lays out how broad the appointments list stretches. There are the following categories of presidential appointments that in 2008 add up to a total of 7,840, including approximately 400 judicial vacancies: There are 1,177 presidential appointees requiring Senate confirmation (PAS) including Cabinet secretaries, their deputies and assistants, ambassadors, district attorneys, and U. S. marshals. The White House personnel operation has control over the PAS positions, but it also has a role in approving noncareer positions for which agency heads make the selection. Patterson has 1,428 Schedule C positions and another 796 noncareer positions in the Senior Executive Service. Not all positions are full-time ones. There are 3,088 part-time members of boards and commissions that a president can name, 579 of whom require Senate confirmation. The president can also appoint another 790 White House staff members, Patterson calculates. Filling vacancies takes a considerable amount of time for

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such a large number of people to appoint and a cumbersome nomination process requiring nominees to fill out a White House personal data statement, an FBI background check, the SF 86, as well as one for the Internal Revenue Service, and a financial review for conflicts of interest by the OGE, the SF 278. If the person requires Senate confirmation, there are committee forms as well.

Between the numbers and the steps in the confirmation process that an appointee must navigate, presidential candidates and their staffs focus first on those appointees who are most important to their agenda. For President Reagan, his agenda of appointments emphasized his interest in the economy, as there was a building recession when he came into office. Pendleton James, who handled the personnel operation during the transition and in the White House, detailed how they identified the positions they were interested in. "So I and my group went through and said what are the key economic policy-making jobs? Those are the ones we want to address first because, until that person is sworn in, confirmed or appointed, that desk is empty over at Treasury or over at Commerce. Economic policy goes from State Department, Commerce, Treasury; it goes through everybody. It's not just Treasury Department. You want to make certain in the early days to work filling those appointments crucial to your initiatives of the first hundred days" (Kumar et al. 2003, 8).

As Ronald Reagan's vice president, President George H. W. Bush did not have the same kind of urgency to fill vacancies as Reagan had following a chief executive of the opposing party. President-elect Clinton did not have a narrow range of issues he wanted to influence through appointments. Instead, he focused on the whole of the cabinet and agency heads. Following the Reagan example, however, Governor George W. Bush had Clay Johnson gather information about the positions he would be able to fill if he was elected. Once Andy Card became chief of staff, he knew from his experience in the Reagan and Bush administrations that they would benefit from sifting through possible appointments with an idea of what they wanted their early achievements to be. "Andy had suggested that we focus on, in addition to the deputies [of the department secretaries] the legislative affairs, the public affairs and the general counsels. Let's get them a good lawyer, a good PR person and a good relationship person with the Congress" (Johnson 2001). That ended up being around 75 positions.

The White House reviewed other positions in the departments and agencies, but the five were among the first ones decided upon (Johnson 2007). The wisdom of focusing on a limited number of appointees first was borne out when, at the end of 100 days, there were only 29 confirmed nominees (Burke 2004,

87). The confirmation was a much slower one than in the Reagan administration, when 72 officials had been confirmed at the same point, and in the Clinton administration, when 42 had gotten through the confirmation gauntlet. In nine of the 14 departments, the only official confirmed by the Senate was the department secretary. The next president can expect a confirmation process equally as slow as the Bush administration experienced.

Stating priorities. President Reagan made his priorities clear very quickly. His first official act was to follow through on a campaign promise and set the stage for his economic priorities. It was a simple act of signing an administrative order to put a freeze on hiring in the federal government. He explained his action:

This—for the benefit of the oral press—this is an order that I am signing, an immediate freeze on the hiring of civilian employees in the executive branch. I pledged last July that this would be a first step toward controlling the growth and the size of Government and reducing the drain on the economy for the public sector. And beyond the symbolic value of this, which is my first official act, the freeze will eventually lead to a significant reduction in the size of the Federal work force. Only rare exemptions will be permitted in order to maintain vital services. (Reagan 1981a)

In the order itself, he said, "Imposing a freeze now can eventually lead to a significant reduction in the size of the federal workforce. This begins the process of restoring our economic strength and returning the Nation to prosperity" (Reagan 1981b). President Reagan followed his first memorandum with a second one two days later. That memorandum laid out in specific terms what additional cost-saving measures would be taken in the federal government (Reagan 1981c). President George W. Bush also issued a hiring freeze at the beginning of his administration. Presidents Clinton and George W. Bush signed memoranda dealing with standards of conduct. After issuing memoranda and executive orders related to their policy goals, presidents move to their legislative agendas, which will take longer to accomplish.

In addition to standards of conduct and government spending issues, recent presidents have used the early days of their administration to signal their social policy preferences. President Clinton, for example, issued government regulations two days after his inauguration rescinding federal regulations adopted by the Reagan and George H. W. Bush administrations dealing with several women's health issues related to family planning services. In a series of presidential memoranda, President Clinton directed

government agencies to rescind the prohibition on importing the abortion pill RU-486; to reverse the ban on privately funded abortions at military hospitals; to remove the restrictions on the use of U.S. Agency for International Development funds for abortion services; to remove the rule disallowing family planning clinics from giving abortion information, counseling, or referrals to low-income patients; and to remove restrictions on using fetal tissue from induced abortions for federally funded research (Clinton 1993b).

Establish Effective Working Governmental and Nongovernmental Relationships

An early need is establishing good working relationships with members of Congress and with the Washington community. Having staff members and others designated as part of the administration work with those whose support they will need depends on strong relationships. One of the early initiatives of the George W. Bush transition team was to work on their relations with Congress and with those chosen to be cabinet secretaries. "Everybody talks about the importance of reaching out to the Congress," observed Clay Johnson, executive director of the Bush transition (Johnson 2001).

We use the phrase a lot "doing it with them not to them," doing it with Congress, not to Congress and doing it with the subcabinet, with the cabinet secretary, doing it with them not to them. That general theme, I think, is an important one during a transition. I would suggest that nobody had more credibility with the Hill than Dick Cheney. So as the Congress is all concerned about who these new people are, no one was better suited to be the administration's senior person on the ground in the Washington area than Dick Cheney. And then Dave Gribben came in and set up the legislative affairs operation very quickly. So getting connected with all the Republican leadership, the congressional leadership was overseen by Dick and he did it very, very well. So we didn't have unnecessary fights to pick or unnecessary credibility problems to deal with because of who he was and how involved he was in the transition.

A president establishes good relationships early on or pays dearly later when there is no support from the Washington community when it is needed to ease the way for administration people and proposals. President Carter never had the Washington relations that are so important for developing support for a president among those in the governing community, and it meant he did not have a bench of supporters known to the Washington community who could attest to the worthiness of his actions and plans.

One of the reasons that putting a great deal of emphasis on Congress is so important during the transition is that presidents spend even more time than they anticipate dealing with members of Congress. The way needs to be prepared during the transition. Some recent transition operations have tracked where their president-elect will spend his time once in office.

David Gergen prepared a study of past transitions for president-elect Reagan, as did Karl Rove for President George W. Bush. Both relied on public documents such as the *Weekly Compilation of Presidential Documents*. Political scientist Terry Sullivan found a different distribution of presidential time during the early days when studying presidents' detailed daily diaries rather than the public record, as found in contemporary releases. Each president has a diarist employed by the National Archives who is responsible for keeping track of all the moves a president makes. Working with the public record, David Gergen's study estimated that President Kennedy had three meetings with congressional leaders, yet the presidential diary showed he had 50 such meetings. With President Carter, the same was true. The public record showed 26 meetings with congressional leaders, whereas the presidential diarist recorded 74 (Sullivan 2004, 157). "That image of the presidency, as less engaged in legislative affairs, does a disservice to those who want to know the 'normal' demands on a president's time" (160). The presidential diary for the two presidents for their first 100 days demonstrated as well that the public record understated the number of times the presidents met with people representing different interests and the amount of time he had for personal time (157).

Take Advantage of Goodwill and Capture Public Attention

For a short while, the president has the goodwill of the public and the Washington community. Even in politics, people do not want to attack the newcomer until there is substantial reason to do so. In the early days, there is little advantage for a president's opponents to go on the attack against the administration's people and positions. Instead, they wait to do so.

The public pays attention at the start of a president's term, but that willingness to listen does not last through the chief executive's term. The inaugural address is important because not only is it a statement of the president's priorities but it also draws strong public attention. At the same time the public is watching, the treatment of presidents by the press in the early days is fairly positive as well. The Center for Media and Public Affairs found in its charting of news coverage by ABC, CBS, and NBC that in the first 50 days of the George H. W. Bush, Bill Clinton, and George W. Bush administrations, presidents got positive coverage for particular aspects of their administrations. The center's evaluation of

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press coverage for President George H. W. Bush's first 50 days was 61 percent positive, while those numbers on the three major networks fell during President Clinton's first 50 days to 44 percent and rose in a similar period of George W. Bush's tenure to 48 percent (Center for Media and Public Affairs 2001, 4). Even if their overall coverage was under 50 percent in its favorability, the coverage of individual policy areas came out well in the George W. Bush administration: faith-based initiatives, 60 percent; defense, 50 percent;

taxes, 49 percent, domestic policy, 48 percent; and other economic issues, 54 percent (Center for Media and Public Affairs 2001, 3). While President Clinton did not receive as

many favorable as unfavorable stories in his first 50 days, he did come in with favorable television pieces about himself and about members of his administration, which is the medium recent administrations have aimed their publicity toward (Kumar 2007, 100–104). In the period between his election and inauguration, President Clinton had 64 percent favorable television pieces, and the coverage of his new team was even more favorable, except for controversial cabinet nominees Zoë Baird and Ron Brown for commerce secretary (Center for Media and Public Affairs 1993, 3).

Presidents need to come in expecting to speak regularly and respond to reporters' queries on a regular basis. In their first two months in office, presidents address Congress about their priorities and give other addresses and remarks of less importance. The last five presidents made national addresses in addition to their inaugural address. Of the last four presidents, President Reagan was the most successful in focusing on his economic agenda and not offering other issues for reporters to report on. President George W. Bush had a set of core issues he wanted to talk about each week for his first months in office, though, as we saw, he also had to deal with issues left behind by the Clinton administration. During his first two months, President Bush spoke approximately 100 times. To do that, he focused on speeches and markedly cut down the number of interchanges with reporters that Bill Clinton had in his first two months in office. President Bush met with reporters in short question-and-answer sessions 36 times during his first two months, whereas President Clinton had 56 such sessions in the same time period. President Bush had three press conferences (one solo, two joint), whereas President Clinton had six (one solo, five joint) (Kumar 2007, 8–27). With the attention of the media as intense as it is in the early days, presidents have a mixed record of what the attention produced. For Clinton, his stances in the military policy received attention in the early days in reporters'

queries, though he had not intended it to be a policy priority.

Individual speeches early in a president's term receive the attention of the public. President Reagan kept up the theme of getting the budget under control through a televised address less than a month after he came into office. In reviewing all of the televised addresses to the nation from his eight years in office, his February 18, 1981, budget speech had a larger audience than any other address he gave. In a poll of the audiences for 22 of President Reagan's major speeches conducted by Richard Wirthlin, the average number of people who heard "all" of a Reagan speech was 21

Individual speeches early in a president's term receive the attention of the public.

percent, "part" of a speech was 24 percent, "read about later" was 16 percent, and "heard/read nothing" was 39 percent (Edwards 2003, 193). For his budget speech, however, 39 percent heard all of it, 25 percent part of it, 18 percent read about it later, and only 18 percent heard or read nothing about it. Reagan knew this early period of his presidency would be important for getting the attention of the public, and he took advantage of it.

In part it was the subject, but it was also the time when Reagan delivered his budget speech was important, too. President Clinton delivered an economic speech on February 17, 1993, one day earlier in his presidency than Reagan delivered his. Clinton's result was similar to Reagan's experience in terms of the size of his television audience. To the question of whether a person watched all, some, a little, or none of the Clinton speech, 70 percent saw some part of the speech, while only 30 percent said they saw none (Edwards 2003, 194).

Transition Challenges

Presidential transitions matter, and the one in 2009 matters more than most. "At a time of war, you don't want there to be any gaps, but particularly any extended gaps in having knowledgeable people [in office]," Joseph Hagin said. From a national security point of view, and even from a financial markets perspective, continuity in government is crucial, as transitions represent soft periods when government is changing hands. In June 2007, three days after Prime Minister Gordon Brown took office in the United Kingdom, there were terrorist attacks in Glasgow and London. The March 2004 Madrid train bombings that killed 191 people came three days before that country's general election. With wars in Afghanistan and Iraq under way, continuity in governing is essential.

The 2009 transition will be a time when we know the hands of the new government will be least

experienced. The last time there was a presidential election in which the incumbent chief executive was not running for reelection, nor was the sitting vice president, was 1952. The transition represents a special challenge to whomever wins because the preparations for office and early actions are going to be important, but the president-elect's knowledge of the presidency will come from a position in the Senate, not as an executive branch officeholder. In order to take advantage of opportunities a transition offers and avoid its hazards, the presumptive party candidates will need to prepare for the presidency before they come into office and, ideally, well before the party conventions.

By taking advantage of the opportunities a presidential candidate has to begin early gathering information on personnel, programs, and presidential actions, a president-elect can understand what it will take to establish the direction of the new administration. In addition to setting the course of presidential policy, an effective transition will help the incoming president staff up the White House and the administration.

While an effective transition provides a good start for an administration, the duration of its beneficial effects will last only as long as the president and White House as well as administration officials are responsive to their environment. Their operation must be flexible and able to detect changes in conditions and sense new issues rising. Without that capacity, the benefits of a good transition will prove transitory.

Acknowledgments

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Notes

1. For a discussion of earlier and recent presidential signing statement practice, see the report on presidential signing statements by a task force of the American Bar Association, available at <http://www.abanet.org/media/docs/signstatereport.pdf>. See also the section on signing statements on the Web site of the American Presidency Project, <http://www.presidency.ucsb.edu/signingstatements.php>. The documents in notes 10, 11, and 12 can be accessed from this Web site.

2. For a detailed discussion of the George W. Bush transition, see Burke (2004).
3. For a discussion of the problems involved in the appointment process, see Light (2007).
4. An example of the problems that White House staff had with the arsenic and related issues can be seen in Tim Russert's questioning of Karl Rove on *Meet the Press* on April 29, 2001.

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The 2008-2009 Presidential Transition Through the Voices of Its Participants

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When Barack Obama assumed the presidency on January 20, he had in place a White House decision-making system of his choice, a policy agenda in order and a plan of his priorities, and a personnel process well under way. Several factors contributed to the orderly transition into the presidency. First, Congress, the president, and the executive branch over the years had made decisions that affected the transition, especially in the national security area. Second, members of the incoming administration worked with records of White House office structures, administration operations, and personnel processes and with former government officials experienced in past transitions. Third, unprecedented early transition planning and actions by the George W. Bush administration led to a new level of cooperation between the outgoing and incoming administrations. Finally, the early attention of Senator and then President-Elect Barack Obama to the need for transition planning and his assignment of experienced and knowledgeable people to handle studies of White House staff structure, agency operations, policy development, and staff selection eased the move from campaigning to governing.

It was mid-morning at the White House on January 20, 2009. President and Mrs. George W. Bush were hosting the traditional pre-inauguration coffee in the Blue Room for President-Elect and Mrs. Barack Obama, as well as the Cheney and the Bidens. Meanwhile, the chiefs of staff for the outgoing and incoming chief executives, Joshua Bolten and Rahm Emanuel, went over to the Situation Room in the West Wing, where they joined the national security teams for both administrations. They were alert to new developments in an unfolding security threat pegged to the inauguration, which would be witnessed by millions throughout the world. By this point, the principals of both national security teams knew one another from their group crisis training sessions and their one-on-one meetings that had begun before the election. And the Bush administration had prepared information for officials from the Obama team. "We talked about a

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threat to the inauguration, which had just surfaced in the last 24 hours. And the FBI briefed the threat—the intelligence community briefed the threat, what we were doing about it, how credible we thought it was. . . . it involved an attack on the mall,” said National Security Advisor Stephen Hadley, who was in the room and involved in the response. The night before the inauguration, an FBI/Homeland Security bulletin issued to state and local law enforcement identified a possible threat to the event from al-Shabaab, a Somalia-based Islamist group with links to al Qaeda (Hsu 2009).¹

Hadley recalled that the session that morning “went almost three hours [with] the incoming and outgoing core teams of the National Security Council . . . I was there, Condi [Secretary of State Condoleezza Rice] was there, [Secretary of Defense] Bob Gates was there, [Chairman of the Joint Chiefs of Staff] Admiral Mullen was there, [Central Intelligence Agency Director] Mike Hayden was there, [Director of National Intelligence] Mike McConnell was there. . . . we had the Attorney General [Michael Mukasey] as well, and [FBI Director] Bob Mueller came for part of it. And we had [the] rough counterparts on the other side [officials named to those positions by President-Elect Obama]” (Hadley 2009).

Cabinet members and designees felt sufficiently comfortable with one another to discuss responses the incoming president could have. “Senator [Hillary] Clinton really showed . . . the sense of both a politician and also [was] able to see things from the president’s perspective. And she asked the best question of the meeting, which was ‘So what should Barack Obama do if he’s in the middle of his inaugural address, and a bomb goes off way in the back of the crowd somewhere on the mall? What does he do? Is the Secret Service going to whisk him off the program—or the podium, so the American people see their incoming president disappear in the middle of the inaugural address? I don’t think so.’” The threat discussion with all of the principal officials in the outgoing and incoming administrations allowed everyone to work through a potential crisis event on the first day for Barack Obama and the last one for George W. Bush. It also demonstrated how well people were able to work together. Joshua Bolten commented about the handling of the situation: “Rahm was well informed and he had informed Obama about what was going on. So at that moment I was proud of the way that we had managed to integrate the incoming folks into the management of a potential crisis” (Bolten 2009).

The crisis management operation that morning illustrates several aspects of the 2008-2009 transition that made the period a successful transfer of power. First, since 2001, Congress, the president, and the executive branch have made decisions that indirectly as well as directly had an impact on the transition, especially in the national security area. Second, members of the incoming administration worked with administration records of White House office structures, administration operations, and personnel processes and with former government officials experienced in past transitions. Together, the records and the people represent an institutional memory of what worked

1. On February 26, 2008, the State Department designated the organization as a terrorist group, noting that it “poses a significant risk of committing, acts of terrorism that threaten the security of U.S. nationals or the national security, foreign policy, or economy of the United States” (*Federal Register* 2008).

in past transitions and what did not. Third, unprecedented early transition planning and actions by the George W. Bush administration led to a new level of cooperation between the outgoing and incoming administrations. Fourth, the move from campaigning to government was eased by the early attention by Senator and then President-Elect Barack Obama to the need for transition planning and his assignment of experienced and knowledgeable people to handle studies of White House staff structure, agency operations, policy development, and staff selection. All of these factors helped create an environment in which President Obama took the oath of office and entered the White House on January 20 with a decision-making system of his choice, policy initiatives ready to present to the public and to Congress, a sense of his priorities, and a personnel process under way. That is what a well-prepared transition can buy for an incoming president. It doesn't happen by chance; it requires solid preparation from the outgoing as well as the incoming administration to achieve a smooth handover of power, especially when there is a change of parties involved.

The focus of this article is the thoughts and reflections of those involved in the most recent presidential transition. The time period begins with the early stirrings of transition preparations in 2007 and continues up to the inauguration. Developed through interviews with those active in the transition, the piece describes the actions officials took and their thoughts about what happened during the pre-presidential period. I began the interviews in early January 2009 and continued them through June. Most of the major figures in the transition are on the record here. All of the quotes from officials and transition participants in this article come from interviews that I conducted with the quoted individuals, who are listed in the references with the dates when I interviewed them. All of the interviews took place in Washington, D.C. The ground rules for the interviews were that they were on the record with an option to put some information on background or off the record. No one put information on background, and only two people had any information of consequence that was off the record, most of which did not deal with the transition. The Bush White House officials interviewed who worked on the outgoing transition include Chief of Staff Joshua Bolten; Deputy Chief of Staff Joel Kaplan; National Security Advisor Stephen Hadley; Press Secretary Dana Perino; Counselor Ed Gillespie; Communications Director Kevin Sullivan; Deputy for Management of the Office of Management and Budget Clay Johnson; and Robert Shea, chief staff aide to Clay Johnson. The people I interviewed who worked for or in the transition operation of President Barack Obama include John Podesta, co-chair of the Obama transition; White House Cabinet Secretary Christopher Lu, executive director for the transition; Don Gips, White House personnel director and head of the agency review teams following the election; Press Secretary Robert Gibbs; Deputy Press Secretary Joshua Earnest; Communications Director Ellen Moran; Deputy Communications Director Dan Pfeiffer; and Harrison Wellford, a former government official and Washington lawyer who worked on White House organization in an early transition initiative beginning in late spring that continued until the administration took office. Other transition participants whom I interviewed include William Ball, the representative of Senator John McCain's campaign who dealt with the White House and government agencies, and Gail Lovelace, transition director for the General Services Administration (GSA). Not all of

those who were interviewed are quoted here, but they still proved important to the portrait of how transition operations worked.

Government Security Initiatives with an Impact on the Transition

One of the aspects that made the 2008-2009 transition such a well-thought-out one was the groundwork laid by government actions taken to enhance national security. Congress and the president viewed a smooth transition as a national security necessity, and both branches took action on issues related to getting a new administration up and running as soon as possible. The impetus for much of their preparatory work was the events of September 11, 2001. The attacks on the United States that day had a substantial impact on the shape of the 2008-2009 transition. In two particular subject areas discussed here, the recommendations of the National Commission on Terrorist Attacks Upon the United States (9/11 Commission) shaped the course of the 2008-2009 presidential transition. Security clearances for administration nominees and contingency crisis plans are areas in which Congress and the administration took action. These two issues areas provide us with examples of the ways in which national security issues were important in guiding the presidential transition. There are other transition security issues as well, such as those concerned with ensuring a smooth first transition for the Department of Homeland Security, but our discussion is focused on the examples of security clearances and contingency plans.

The government adopted the 9/11 Commission recommendations to improve the national security clearance process and to gather and provide information on security threats. In recent transitions, security clearances have consistently been an issue because they represent a major pinch point in getting presidential appointees from announcement to confirmation. The appointment process itself is notoriously slow, with the result that it takes an extended number of months to get a new government up and running with a president's political employees in place. Effectively gathering and sharing security threat information was an important concern after the September 11 attacks, and a central feature of the 9/11 Commission report to Congress.

Revamping Security Clearances for Presidential Appointees

The 9/11 commissioners criticized the lack of a full complement of presidential appointees in national security positions at the time of the terrorist attacks. One of their recommendations to Congress and the president was to see future national security teams in place sooner than was the case in 2001.

Since a catastrophic attack could occur with little or no notice, we should minimize as much as possible the disruption of national security policymaking during the change of administrations by accelerating the process for national security appointments. We think the process could be improved significantly so transitions can work more effectively and allow new officials to assume their new responsibilities as quickly as possible. (9/11 Commission Report, 422)

Congress and the president responded to the commission's recommendations for a smooth transition by providing in the Intelligence Reform and Terrorism Prevention Act of 2004 for changes in the security clearance process for nominees to executive branch positions. In the section on presidential transitions, the act calls for the president-elect to submit names for clearance as soon as possible after the election results are affirmed.

The President-elect should submit to the Federal Bureau of Investigation or other appropriate agency and then, upon taking effect and designation, to the agency designated by the President under section 115(b) of the National Intelligence-Reform Act of 2004, the names of candidates for high level national security positions through the level of undersecretary of cabinet departments as soon as possible after the date of the general elections held to determine the electors of President and Vice President under section 1 or 2 of title 3, United States Code. (Intelligence Reform and Terrorism Prevention Act of 2004, Sec. 7601 Presidential Transition, [f][1])

At the same time, the act provides that the two major party candidates can begin setting up their organizations for the transition by submitting names for national security clearance prior to election day. "Each major party candidate for President may submit, before the date of the general election, requests for security clearances for prospective transition team members who will have a need for access to classified information to carry out their responsibilities as members of the President elect's transition team" (Intelligence Reform and Terrorism Prevention Act of 2004 [c][2]). This section of the act was a potentially useful tool for the presidential candidates. They could submit names to the FBI for security clearances so that the eventual victor could be prepared for national security events on election day and following the election.

The White House was particularly interested in having the transition teams for the presidential candidates make effective use of the new legal provision allowing the candidates to clear their names early. Joshua Bolten talked about his discussions with representatives of the candidates. "I thought the most important thing for them to focus on was the personnel side and that they really needed to get that going early; that we were there, ready to use the authorities from the legislation to get them clearances and that we wanted to put in place a mechanism that would permit them, without fear of compromise either on the general issue of being presumptive and sort of arrogantly starting to name people, or on just the specific side of names getting out." The question for Bolten was how to create a way for the transition teams to submit names without leaks to reporters and others. "We were keen to put in place a mechanism and a commitment that they would face no risk from us, the White House, in pushing that process forward. Both sides were, I thought, naturally reticent about taking a political ding for naming people too early and I think the Obama people might have been nervous that if they gave us names that we would leak the names. But we were able to assure them that we were not going to make the situation any worse for them."

The Obama transition team began submitting names in the summer of 2008 after they met with Justice Department officials in a joint discussion with Republican presidential nominee Senator McCain's representative to discuss transition resources. Chris Lu, executive director of the Obama transition, described the Bush administration's effort to

implement the clear-early provision in the 2004 act. "One of the things we had to do was get security clearances for our folks, because there was a whole group of people who would need access to classified information . . . on November 5th. . . . They said first, 'Shoot for maybe submitting a hundred people's names for clearances, for interim clearances.' . . . We probably submitted about 150, 200 [names]. We submitted well more than a hundred."

The Obama transition operation made early use of the law's new allowance section and submitted the names of people they wanted in their administration. There was no requirement in the law or by the agencies performing the clearances that those submitting the names stipulate the positions to be held along with the identity of people the presidential candidate wanted to serve in his administration. In early December, David Shedd, deputy director of national intelligence for policy, reported to attendees at a meeting of President Bush's Transition Coordinating Council that President-Elect Obama received the President's Daily Brief from the Bush intelligence community, as had Rahm Emanuel, his designated White House chief of staff. "Not a single daily briefing has been missed," Shedd reported (author's notes, Transition Coordinating Council meeting, December 4, 2009).² Emanuel could only have participated with an FBI security clearance.

Should Senator McCain have been elected in November, the situation would have been different because of a decision that he made. The McCain transition team would have had no one cleared to work on information requiring a national security clearance unless they had come to work for McCain with a current, preexisting clearance. Will Ball, Senator McCain's representative who met with Bush administration officials and served on the transition board, said that they did not submit any names to the FBI for review during the transition period. "We met with the Justice Department, FBI, and IRS representatives about the process, but we did not turn names in to initiate the process. We had lists of names compiled internally for Senator McCain, but he did not wish at that point to turn names in to begin the clearance process on any individual." Discussed later in the article, in part McCain feared appearing presumptuous if names submitted to the FBI prior to November 5 leaked to the press.

Further Streamlining the Nomination Process

The Bush administration tried to reduce the time needed to perform a national security investigation in advance of the transition period. Clay Johnson, the deputy for management at the Office of Management and Budget, used several approaches to reach the goal of getting presidential appointees requiring Senate confirmation (PAS) into office

2. In Executive Order 13476, "Facilitation of a Presidential Transition" (October 9, 2008), President Bush established the Transition Coordinating Council "to assist and support the transition efforts of the transition teams for the 'major party' candidates." The order provided that outside groups and individuals could be consulted on transition issues and brought into council meetings if the director of the group chose to do so. Chief of Staff Joshua Bolten, who chaired the group, invited a half dozen transition experts to several of those meetings. I attended the fourth and fifth sessions as an observer. I was invited in my role as director of the White House Transition Project (<http://www.whitehousetransitionproject.org>).

earlier than was true in 2000-2001. Johnson said his focus was twofold: "Expand the capacity to do the work and shorten the process, the elapsed time."

There were three ways the Bush administration sought to increase capacity. First, require the FBI, the agency conducting many of the national security clearance investigations, to reduce the amount of time it takes to conduct an investigation and, second, have the Office of Personnel Management (OPM) do investigations as well. Johnson explained how the government determines how many clearances need to be done and then asks the FBI to figure out what resources it needs to reach that goal: "You go to the FBI and you say you need to figure out what sort of staff you need to be able to do this in 30 days, maximum. It used to take 60 days on average, including filling out the paperwork for the applicant. Sixty days average is not satisfactory. We expect 30 days maximum. So the FBI goes back and they have to figure out how many extra agents to hire and how to change their processes and so forth. So they were charged to go do that." In addition to increasing the funding for the FBI to hire a sufficient number of agents or personnel to conduct the investigations, Johnson also recommended using other agencies to do investigations, especially the Office of Personnel Management. "We looked at alternative organizations to do the investigations. We determined that it is conceivable that if the new administration wanted to . . . with no real impact on quality of the investigation, [to ask] OPM to do a lot of these investigations," Johnson said.

Third, the Bush White House took an additional step to get needed presidential appointees in place early in an administration. Their effort was aimed at reducing the number of presidential appointee positions requiring Senate confirmation. The effort failed. The idea was to reduce non-policy-making positions requiring Senate confirmation from PAS (presidential appointee Senate confirmed) to PA, presidential appointments not requiring consultation with Congress. With Clay Johnson leading the internal effort to streamline the process in 2001, White House officials came up with a list of positions that the Bush administration believed could be dropped from the list of approximately 1,200 Senate-confirmed ones. "The actual letter we ended up sending to the Congress, and I think it was over 100, maybe 140 or 150 positions that weren't policy positions, they weren't high level operational positions, they were support positions," explained Johnson. "Leg [legislative] affairs, government affairs, public affairs, intergovernmental affairs. . . . We recommended all the general counsels, all the CFOs, those kind of positions."

If the designated positions were converted to presidential appointees without Senate confirmation, the officeholders, Johnson observed, "would still be presidential appointed positions and they could still testify." The group also included part-time board and commission positions that are Senate confirmed. "Some of them are important, like the Broadcasting Board of Governors and some of these things can be sensitive, but others . . . there's no apparent reason why they we need to be Senate confirmed." The idea was not to change the posts, but rather, "it just streamlines the process a little." The response of the Senate leadership was not positive. "They looked at it and they disagreed with our definition of what was critical or not. They came back and had whittled the list down to eight positions. . . . we got the message that they weren't interested and said thank you." In preparation for the 2008 transition, White House officials tried to

rekindle the discussion with Congress and thought about “going back up with such a list, but nothing ever became of it,” Johnson said.

Joel Kaplan, deputy chief of staff under Joshua Bolten, viewed the effort as “a bit of tilting of windmills . . . To me that falls into the category of good government that is probably not worth spending a lot of high level time on it because it is unlikely to happen. I did not use up a whole lot of my time and effort. I had been through a similar effort early in the administration. . . . Congress just does not like getting rid of PAS positions.” Johnson said that the “issue is not whether they need to confirm somebody or not to ensure that America is having the best and the brightest in these positions. That’s not the thing that drives their thinking.” Senators of both parties are interested in having leverage with administration officials. “Every appointee is a bargaining chip. . . . the more power and leverage they have over an administration the more they like it. Remove the number of leverage points, the number of Senate confirm positions . . . it removes some power from them.”

Senators want the lower-level positions to retain their PAS status, as lower-level positions are more realistic bargaining chips than are cabinet secretaries. “They wouldn’t dare try to bargain with somebody who is going to be Secretary of Education. . . . because that’s high profile. They would rather do their bargaining with some lower profile people because it’s sort of a nuisance and you try to get rid of the nuisance.” Johnson’s chief staff aide, Robert Shea, pointed out that political appointees who have managed to get through the confirmation process enjoy the added legitimacy that Senate confirmation provides them and are just as reluctant as senators to see positions converted to PA ones.

Creating and Sharing Contingency Plans

The second area of recommendations that became an important part of the 2008-2009 transition was the 9/11 Commission recommendation calling for an administration to provide national security threat information to the incoming team as soon as possible after the election. “The outgoing administration should provide the president-elect, as soon as possible after election day, with a classified, compartmented list that catalogues specific, operational threats to national security; major military or covert operations; and pending decisions on the possible use of force” (9/11 Commission Report, 422-23). There were a variety of ways in which the Bush administration provided information on national security issues, including one-on-one meetings of the incoming and outgoing cabinet officers and agency heads, like the one on inauguration day, and contingency plans dealing with national security threats.

National Security Advisor Stephen Hadley reported to Bush’s Transition Coordinating Council (TCC) on December 4, 2008, that the core national security teams for the president and the president-elect had met and discussed the review under way of the administration’s Afghanistan operations as well as the operational aspects of the war on terror (author’s notes). President Bush was involved in preparing a series of memoranda for the record on 40 issues, a project discussed later in the article. Hadley prepared a series of 17 contingency plans. “If the worst happens, here are some responses,” he told the TCC members in early December about the project. While the contingency plans were an

ongoing operation, Joshua Bolten commented that “we put a lot of effort in towards the end of the administration into making sure that those [were] updated, in place . . . ready to hand over in good shape. . . . Our impending departure . . . really helped focus our minds on making sure those things were right before we left.”

The contingency plans were created by a separate group than those in the National Security Council (NSC) who were working on the 40 issue memoranda. The work was done in the National Security Council's Office for Strategic Plans and Institutional Reform. Hadley explained the development of the group and its work. The group gathered information from across the administration about possible crises that might arise. “And they in turn started to work with the policy planning people at Treasury, State, and DOD, to start addressing issues . . . three to five years out. And we asked them to develop a list of contingency plans, things that might happen. We started this in 2007, for our own purposes. But I also thought it was going to be useful, something to give to the transition team.” The individual plans were developed through an administration-wide search for information. “We tasked these papers out, some of them to the intelligence community through the NIC (National Intelligence Council), some of them individual agencies, some this little group did by itself, some the NSC did.” When he was talking to the Obama transition people, Hadley told them, “It's just a starting point for your own thinking if this happens, particularly early on your watch.” General James Jones, President Obama's national security advisor, indicated that he wanted them, so the Bush White House provided them (Hadley 2009).

Developing Crisis Training

Crisis management was an important part of President Bush's transition out of office. When the transition team began working on the transition in early 2008, Chief of Staff Bolten worked with Deputy Chief of Staff Joe Hagin, who specialized in White House operations. “Joe and I started conversations probably in early 2008, maybe even before that for serious planning. . . . We wanted to be sure that each of the operating units was leaving behind a good record of how they did business, and that required a fair amount of lead time,” said Bolten.

“Joe was especially focused on the security aspects and on emergency procedures. That really is one of the tough spots in all of these things in preparing for a crisis. It's very hard to get people who have more than full plates on a daily basis to focus on an event . . . everybody either thinks or hopes won't happen. To get them to spend time preparing for that is hard.” Hagin worked on emergency planning until he left the White House on July 23. “Joe spent a lot of time trying to make sure that . . . before we left . . . we had in place the best possible emergency procedures and that we had mechanisms to make sure that incoming people were trained and that there would be continuity between the administrations. He worked a lot with the military office as well as on the infrastructure, the physical and technological infrastructure that goes with responding to an emergency.”

Hagin's emergency plans later led to a crisis training event held on the White House grounds on January 13, 2009. The Obama and Bush White House and national

security teams worked together on a manufactured crisis scenario involving improvised explosive devices in several cities (Ward 2009). It was an opportunity for the incoming and outgoing officials to sit next to one another and think through possible crisis responses. "Part of it [the crisis exercise] is . . . sobering to the incoming team and it tells them here is a bunch of stuff I need to learn about quickly and be ready for . . . on day one, which is something I think was not the case in the mind's of either the outgoing or incoming administration in 2001. . . . I think everybody from both sides appreciated the importance of getting it right," Joel Kaplan commented.

The Bush team valued crisis training because they knew from their experiences in 2001 and during Hurricane Katrina how difficult it can be for personnel across the government to work together in situations where they do not know one another. In his role at the Office of Management and Budget, Clay Johnson was involved in the development of training for crisis management. The idea for such a plan came from what they had learned during Hurricane Katrina about the operation of the government in crisis. You need to have a history with people in other agencies; otherwise, it is difficult to make the initial contacts work if they get together for the first time in a crisis. Johnson observed that the need to have regular contacts among those in departments and agencies across the government arises from the fact that "we do way more things that are government-wide now than we did 10 years ago. . . . So one of the things that came out of Katrina was an initiative to train our people, orient and train and groom people . . . such that they are used to working with their counterparts in other agencies." This is important in settings in which conditions are not optimal for decision making, such as situations "where they never have enough information about what's going on, where there's no clear recipe for success."

Adding to Transition Difficulties

While security needs advanced the presidential transition time clock, there were areas in which security needs made the move into the White House more difficult than it had been in previous years. First among them was the transfer of the personnel selection process from transition headquarters to the White House. John Podesta, who directed the Obama transition based in Washington and was its public as well as behind-the-scenes face, said building a government was a challenge: "The one thing that I think that we didn't account for was the inability of the personnel system, in essence, to function on January 21st. . . . it wasn't like we didn't think about it. We had planned for it. It just proved to be the most difficult piece to transition." There were difficulties because of security concerns relating to integrating data into the White House system. With thousands of résumés and information on positions and people, there was an enormous amount of data to put into the White House system at the same time.

Don Gips, Obama's director of the Office of Presidential Personnel, described the situation as he and his staff came into the White House on January 20: "We were flying blind for about a week or two, . . . at least once we got it fixed, we were up and operational." They had not anticipated the White House security needs related to the

input of computer data. "They then need to go through the database to make sure nothing was going to cause the White House system to go down. So it's just a regular certification process for [data] that enters the White House. And we were bringing a lot of data over from the transition," said Gips. "There was just no way around it." Podesta thought the answer would have been to have a two-track operation going for the first couple of weeks. "The one thing I would have done differently is I would have kept the transition personnel process rolling for two or three weeks, while the people got into the White House, got the systems up, imported the data. . . . There was probably a two or three week period where we stopped, and they hadn't really quite started, which was different in personnel than it was in the policy part." The Obama transition operation could have kept an operation going outside of the White House for personnel until those inside the building caught up with the White House computer system.

The Importance of Institutional Memory in the Transition

The institutional memory available to presidential candidates and their staffs has grown broader and deeper. There are now four main sources of information for them to tap in shaping how they will handle their transitions to govern should they win the presidential election. First, there is a great deal of information available through published government sources and online. In 2000-2001, departments and agencies did not use Web sites as informational tools in the way they did eight years later. In the 2008-2009 transition, staff for the two presidential candidates did not need to wait for the White House to provide them with significant information about what government agencies are doing and to get some assessments of their performance. There is valuable public information they can access online. In addition, there is a growing body of scholarly literature on presidential transitions that transition teams can tap for what works and what does not.³ New White House staff and administration officials repeatedly cite transition postmortems as helpful to their understandings of their jobs, offices, and preparations to govern.

The second source of institutional memory is the written record that former transition teams and current White Houses officials pass on to aides to the president-elect. Those include the files from previous transitions, the writings of personnel involved in transitions, and the information gathered by a sitting administration describing its operations. The third source of institutional memory is the first-person record a president-elect and his staff can draw on. One of the most important troves of information are the individuals who have taken part in earlier transitions and, in many cases, those

3. As the director of the White House Transition Project, a group of two dozen political science presidency scholars preparing information about presidential transitions and White House operations, I gathered and gave to each of the transition teams 32 published books relating to transitions and White House operations (see <http://www.whitehousetransitionproject.org>). In June, I delivered them to Harrison Wellford to use in his work on White House staff structure and to give to the Obama transition team, and in August, I gave the materials to Will Ball, who served on the transition board of the John McCain operation and was preparing information for his team on past transitions.

who held key offices. These individuals form the institutional memory for presidential candidates as they think about moving out of a campaign into governance. The fourth type of institutional memory in the 2008-2009 transition was the memoranda prepared by Bush administration officials on foreign and national security policy and domestic policy issues. Stephen Hadley oversaw the preparation of 40 memoranda on issues important in the national security and foreign policy areas, while Deputy Chief of Staff Joel Kaplan prepared memoranda for issues in the domestic policy area.

Available Public Information

As part of their preparation for office, transition staff in 2008 and 2009 had available to them a great deal of information about the operation of the agencies, including budget and performance information. "We've made it a requirement that every agency's home page have a section, and I think everybody but Defense and Homeland Security, which are two big departments, have done this, where there's a link on the home page that says something to the effect of Department of Agriculture performance and budget . . . here's how all the programs work. Here's where all the IG [inspector general] reports are and so forth," said Johnson.

Additionally, transition team members can now visit watchdog Web sites that track the performance of government agencies as well as congressional Web sites that include hearings, legislation, and reports. The Congressional Research Service and the Government Accountability Office both publish individual assessments of government performance and information about presidential transitions that are important sources of information as candidates task staff to gather information about the presidential transition ahead of them. Academic and other online sites provide easy access to presidential speeches, statements and announcements, and official actions, such as those found at <http://www.americanpresidency.org>. There are other groups that monitor government actions and agencies, such as OMB Watch (<http://www.ombwatch.org>).

Information about past transitions persuaded the Obama team to put a White House staff together before the cabinet. Starting around May 2008, Chris Lu, Senator Obama's legislative director in his Senate office and early point man for the transition, gathered information as his first step in preparing for a transition into the presidency. "One of the things I did early on was basically read everything I could possibly find about transitions." His reading of the transition literature led him to the conclusion that the sequencing of personnel decisions is very important. "The one thing you learn is that the Clinton folks probably made a mistake in choosing their cabinet first and then the White House staff. If you go back to those articles, some of their White House staff didn't get chosen until right before inauguration day. . . . We were very conscious of that. We needed to have a White House staff in place early so . . . we had our senior White House staff pretty much filled out by Christmas."

Former Secretary of the Navy William Ball is the person who was responsible for gathering information for Senator McCain's transition operation. "I tried to spend some time studying each transition. . . . by the time we got started, it was a given that you had to start these things early, and that the identification—that the organizational effort had

to start earlier than before, because of not only the national security situation, but as we learned in October, the economic situation." As a result of what they learned from past transitions, the McCain operation placed its emphasis on selecting personnel to staff an administration should McCain win and on a budget to submit in early February.

Records from Earlier Transitions

The Democrats have gradually built an institutional memory that proved helpful to the Obama transition. Chris Lu, executive director of the Obama transition, explained the importance of the work done by earlier candidates and their transition staff. Jim Johnson, who handled the projected transition for Senator John Kerry, provided Lu with the information the Kerry people gathered in 2004. One of the areas in which Johnson's documents were useful was the information they had on transition finances. Alexis Herman, who served as a co-chair of the John Kerry transition effort in 2004 and worked on transition planning for Al Gore in 2000, included a breakdown of how they would spend the government transition funds and how much money they needed to raise to augment the public money. "You get about \$5 million in federal funding and we ended up raising probably another 4 or 5 million [dollars] on top of that. . . . You have no idea how many people you need to hire, how expensive it is. . . . But they [the Kerry transition team] had done such a detailed budget in 2004 down to . . . you need this many people to staff the call center, this many people to do document retention. . . . We basically took their budget, updated the numbers, tweaked it a little bit, and that was our draft budget. . . . On things like that, there's no sense in reinventing the wheel."

Chris Lu found the written transition record he inherited from Jim Johnson and the Kerry team to be helpful to the Obama transition operations as well as governing. Lu also found that discussions with his predecessors and their office practices to be important for how he now runs his White House Cabinet Affairs Office. Having canvassed several people who once held his position as White House cabinet secretary, Lu and the Obama team "took from the best practices of the Clinton administration and blended some of the best practices of the Bush administration. . . . The Bush administration gave us a lot of . . . helpful suggestions that we incorporated." From the Clinton administration, they learned the importance of the status of the White House cabinet secretary. In the Clinton years, the position was classified as an assistant to the president, the highest White House rank, while it was downgraded later in the Bush years.

There were people associated with the Obama transition effort who worked on several Democratic presidential transitions. Harrison Wellford was one of them. He worked on the Carter transitions in and out of the White House and prepared transition information for presidential candidates Bill Clinton and John Kerry. Lu said of Wellford, "Harrison is one of these people with such incredible institutional memory about transition, so he was a invaluable asset." Wellford was involved in early discussions with the General Services Administration. "And then Harrison did a lot of outside consulting with John Podesta on a variety of issues," said Lu. Working with

fellow lawyer Tom Shakow, Wellford worked on White House–related issues and general transition ones.

Predecessors as an Information Source

The Bush national security team met with principals as the inauguration loomed. Hadley recounted, “We agreed we would try to have the new team have some face to face conversations to talk about the key issues that were transitioning, and that came about. Condi had a dinner at the State Department 10 days, maybe two weeks before the inauguration, where Jim Jones and Hillary Clinton, and Tom Donilon [Obama’s incoming deputy director of the NSC] were on one side, and Condi, and I, and she had someone from State [were] on the other. . . . And we went over in detail North Korea, and Middle East peace.” Hadley thought the dinner session with the national security team was helpful to the incoming administration team members. “And it was very useful because it actually was the night before, or two nights before Senator Clinton [Obama’s nominee to be secretary of state] . . . had her confirmation hearing, and . . . she really clearly drew on that with respect to North Korea, maybe the Middle East as well . . . It gave them, again, a starting point on where we were.”

Some Bush White House officials believed their successors needed only a limited amount of information from them because they thought the work they had been doing on the campaign and transition was similar to what they would be doing when Obama came into office. President Bush’s press secretary, Dana Perino, talked to her successor, Robert Gibbs, about press operations before January 20. “He didn’t really need a lot of advice from me. I think that they’ve seen how the media has operated. . . . the same outlets covering us have been covering them in the campaign.” Perino gave Gibbs a sense of the resonance of the presidential spokesperson’s words. “I did tell him about how the worldwide audience is listening, . . . And sometimes it’s hard to remember that your audience is bigger than the 40-odd people [who] sit in the briefing room. You’re taking their questions, but what you say matters to the whole world.”

Will Ball gathered information for the McCain transition about past transitions from published sources and from speaking with people knowledgeable about transition patterns. An institutional memory was important for Senator McCain’s operation, but it did not focus solely on the written record or the information developed by the Bush White House. The McCain team relied heavily on the experiences of one primary person: William Timmons. Timmons was a White House veteran who had worked in the Nixon and Ford administrations in congressional relations and had worked on the transitions of those two chief executives and Presidents Reagan, George H. W. Bush, and George W. Bush. Timmons was one of six people forming “the board” of the McCain transition operation. Fellow board member Will Ball recalled, “Bill Timmons had been through all these transitions and he brought a very fine-tooth-detailed comb, sort of detailed focus on budget—transition budgets, and transition people, and transition procedures.” Ball heard anecdotes about Timmons’s long track record with Republican administrations: “At Senator Warner’s retirement party, John Warner said, ‘You know, in 1968, I was involved in the Nixon transition, and my boss was Bill Timmons,’” Ball said.

Memoranda on National Security and Domestic Issues

One of the efforts by members of President Bush's White House staff to create a record of their work was related to the contingency plans. There were two types of memoranda on issues the Bush administration had dealt with during their eight years: national security and foreign policy, and domestic policy. Under Steve Hadley's guidance, the NSC prepared 40 memoranda on a variety of issues. The issues were chosen by the senior directors of the NSC. Hadley explained how he constructed the foreign policy and national security memoranda. "They were both country focused, and they were also functionally focused, so China policy, Iraq policy, Afghanistan policy, Pakistan policy, our policy with respect to Iran, all the big issues. . . . And similarly we would have the war on terror, proliferation. We would go through and have trade issues, Doha [Doha Development Round of World Trade Organization negotiations] issues. So it was both issues driven by our relations with particular countries, but also the functional issues that we were dealing with, that cut across substantive areas. There were a number of them on the defense directorate, [such as] what did we do about cyber security, for example?"

The process of writing the memoranda began in February 2008 and continued through most of the year. Hadley described what he said to General Jones and Tom Donilon: "The first section will be what we found, what our strategy was, what we think we accomplished, and what was left to do, what was going to hit the new team early on. And then we supported that with tabs, where we had all the relevant policy documents, notes of NSC meetings or principals' meetings, or in some sense deputies' meetings, where major policy decisions were made, the key presidential speeches, or my speeches, or Condi's speeches; 'memcons' of meetings the president had, and the telephone calls the president had, which we actually pulled out of the set, in terms of the actual transcripts, but the index showed what they were. And I said to the new team, 'If you decide you need any of these, call us, and we'll get you a copy.' And they have, and we have." In a discussion of the memoranda at the fourth session of the Bush Transition Coordinating Council, Hadley said the president read and edited them (author's notes). Bolten discussed President Bush's interest in the memos. "Especially on the national security side, the president read a lot of those and made his own comments . . . because he wanted to see them. He was interested in something of a recap on his way out the door."

Deputy Chief of Staff Joel Kaplan was responsible for assembling domestic policy memoranda. The goal of the domestic memoranda was different than for foreign policy, primarily because domestic policy is transparently in public view. "In the foreign policy area you expect . . . that a lot of issues are just mid-stream. And the history of the issues and . . . how you engaged with allies or non-allies is important background for the incoming NSC team and the [new] administration and the State Department and Department of Defense." In the domestic policy area, much of the information is already in the public arena. "A lot of those memos would be stuff like [background about the] No Child Left Behind [the 2001 law] or what we did on Social Security or what we did on Medicare, which the incoming Obama administration already had positions on that tended to be adverse to ours," he said.

Kaplan described their instructions to agency heads. "What we asked them to do is 'pick out . . . the critical issues that are going to come across the secretary's desk, or should come across the secretary's desk.' . . . so [the Obama team could] make sure that in the first 90 days that this does not catch you by surprise," Kaplan said. "Rather than sending them 40 different issue papers on things that they would not be interested in . . . and would disagree anyway, what we thought would be most helpful to them would be 'here are the things where you are going to have to do something.' It might be because of litigation. It might be because of a statutory deadline that is occurring. It might be because it is just in flux, like student loans."

Unprecedented Early Transition Planning by President Bush and His Administration

While most incumbent presidents turn to transition preparations in the final months of their administrations, President Bush began more than a year ahead of time. That early start gave the administration the opportunity to communicate with representatives of the presidential campaigns after the primary season was at a close and well before the election. Beginning in the spring, the Bush team worked within the administration directing preparations of executive branch agencies and disciplining the process of issuing "midnight" regulations. Within the White House, the Bush personnel staff catalogued key administration positions. After the conclusion of the primaries, the General Services Administration began planning with representatives of the two presidential candidates for the creation of transition office space. The campaign transition representatives also worked with White House officials on developing the memorandum of understanding, the document signed by representatives of the outgoing and incoming administrations that sets transition ground rules. In this section, we will look at these preparations and their importance to the transition to govern.

Creating a Disciplined Process from the Top

One of the elements crucial to the success of the 2008-2009 transition was the unprecedented effort by President Bush and his administration to take steps to bring about a smooth transition to power for whomever won the presidential election. John Podesta commented on the cooperation the Obama transition operation received from Chief of Staff Joshua Bolten and the administration. "I think we had a very good professional interaction. I think that was empowered by the President [Bush]. . . . I think it would have been Josh's [inclination] anyway, but I think Bush was mindful of what was going on and . . . said . . . 'make this thing work right.' It gave us the opportunity to create the dialogue that went back and forth." The early discussions among transition representatives on both teams went beyond anything the White House, departments, and agencies had done as a group.

In past transitions, outgoing two-term presidents thought about their obligations in the final months of their administrations. President George W. Bush departed from his

predecessors with his early concern and his instructions to his chief of staff to prepare for a smooth transition. Joshua Bolten discussed the mandate he received about the transition from President Bush in 2007. "I don't recall him talking about the transition until about a year before the end of the administration. And he and I, and I don't have a specific date, had a conversation probably in late 2007, in which he said that he wanted to make sure that his transition was the best; that he recognized that regardless of who won the election, we were still going to be in a situation where the country was under threat. And he basically said 'go all-out to make sure that the transition is as effective as it possibly can be, especially in the national security area.'" When asked how President Bush planned on bringing about the goal of the best transition, Bolten replied, "It was up to me. It was not a detailed conversation. It was explicit but not a detailed conversation, which is the way he operated; I set the direction, I set the principles." President Bush told him, "You go work on it and when you get issues that require my attention, bring them back."

With Bolten responsible for the planning, individuals and agencies took their cues from him. Bolten began early to set the stage for a solid handover on January 20. He set the dimensions of the transition out of office, assigning specific transition responsibilities to White House and administration officials, issuing orders to administrative agencies, working with administration figures on priorities and timetables, working on national security and domestic policy issue information in preparation for the transition, providing for a smooth personnel process, and meeting with representatives of the Obama and McCain transition teams. All of these actions required coordination of officials and institutions throughout the executive branch. Candidate representatives met with government officials. Everything was on a timetable geared toward getting the transition teams up to speed before the election.

Communicating with the Representatives of the Presidential Campaigns

Clay Johnson described the meetings that Chief of Staff Joshua Bolten had with the representatives of the two campaigns. Bolten met with the candidate representatives on successive days in mid-August. "Let us profess our level of commitment to serve you two equally and here are the players you will be introduced to, will be working with, and we want to help you on the presidential personnel front. We want to give you . . . background information on what . . . the person in every one of these PAS jobs does statutorily.' . . . So it was the things we were going to do for them and the things that we could help them do: what they needed to do before the election. Then there was very, very frequent communications between their representatives and the White House's representatives just on every conceivable kind of thing." Chris Lu of Obama's team discussed the regular exchanges he had with Deputy Chief of Staff Blake Gottesman and with the McCain people as well. "Blake was the one that was tasked with interacting with the campaigns. . . . Blake and I probably talked every couple days, and I also had regular contact with the McCain people."

One of the unique aspects of the transition operations the Bush White House created was bringing together the representatives of the two presidential campaigns to

gather information and make decisions well before the election. The Department of Justice held a meeting with the McCain and Obama people. Justice officials discussed the process of submitting names for clearance following the conventions. The IRS described background check procedures for taxes for those who might be nominated. The associate attorney general for administration assembled both sides. Will Ball, who was the McCain transition representative attending meetings, described what information the two camps received at the meeting: "As a part of the clearance process, the FBI representatives briefed on the FBI portion of the process. The Justice Department briefed on their role, and how . . . if we had sent names in, what would have been the procedure they would have undertaken, both for interim clearances, and then after the election, for the full permanent clearance process. . . . We understood the process and the procedures . . . We never did submit a list for pre-clearance."

After the election, the Bush administration brought in members of the Obama transition operation on substantive issues as well as on procedural ones. While most actions were well planned in advance, there were also meetings held in response to particular issues that arose during the transition period from the election to the inauguration. The most pressing issue during that time period was the critical financial situation, including the near collapse of major American automobile companies. During that period, Joshua Bolten brought together the Obama financial team members with Treasury and White House officials of the Bush administration to discuss the appointment of an auto czar. Although the Sunday, November 30, 2008, meeting in Secretary Henry Paulson's office at the Treasury Department did not lead to joint action, team members explored the possibilities of how funds from the Troubled Asset Relief Program could be used and what measures could be taken to deal with the crisis in the auto industry.⁴ The session brought together the most important White House players on economic issues—Secretaries Paulson and Carlos Gutierrez (Commerce), Joshua Bolten, Joel Kaplan, Keith Hennessey (director of the National Economic Council), Dan Meyer (director of legislative affairs), and Kevin Froman (legislative affairs director for the Department of Treasury). The Obama economic team representatives at the meeting included Larry Summers (director designate for the National Economic Council), Mona Sutphen (White House deputy chief of staff designate), Dan Tarullo (leader of the economic policy team), and Phil Schiliro (White House legislative affairs director designate). The team members may not have been able to work out a coordinated policy, but at least the incoming and outgoing officials set a precedent of meeting together to tackle important issues.

Directing Executive Branch Agencies to Prepare for the Transition

Bush administration officials identified early on that to make their transition efforts useful, they needed to get agencies to work together. Clay Johnson began his work when

4. For a discussion of the meeting, see the discussion Keith Hennessey (director of the National Economic Council in the Bush White House) has at <http://keithhennessey.com/2009/06/07/dr-goolsbeegs-it-wrong-on-the-auto-loans/>. It is a discussion vetted by several Bush administration people who were present for the session and represents their collective thinking about the meeting.

Joshua Bolten came to him to talk about the executive branch transition. "We first had a conversation about let's decide what we . . . as a leadership community want to establish as our goals for preparing to receive the new team and get them up to full governance speed quickly. . . . So that began in response to Josh saying, 'Clay, I want you to handle what agencies do to prepare and separately we'll get the White House squared away.' So that began in say March or April. So that's why we went through several iterations of what we wanted to define as success for all the agencies in May and June."

At the spring meeting of the President's Management Council (PMC), a collection of 22 of the key agencies, Johnson talked to agency representatives about the transition. As deputy director for management in the Office of Management and Budget, Johnson chaired the council. The President's Management Council was established by President Clinton in an October 1, 1993, memorandum as an initiative to coordinate the work of the most critical government agencies (Clinton 1993). Johnson described the council in the Bush administration as a group that "guided and coordinated all government-wide performance and management reform activities, which would include such efforts as the transition to a new administration" (Johnson 2009). The agencies worked together to establish common agency priorities and templates for their work. Working with what he considered to be a cooperative team of executive branch staff, Johnson discussed the transition with the group in a meeting held on May 14, 2008. "I don't think any previous administration has tried to get the different agencies together and say let's agree on some common definitions of what it means to prepare." By getting agency representatives together, the group could settle on some common ways of gathering and presenting transition information. "It gives people some better perspective about what the agencies are doing so you can pick best practices from all the different agencies and perhaps even raise the bar in terms of what agencies do . . . People from the agencies loved them [the meetings] because they had just never ever talked to their transition counterparts at other agencies." On July 18, Johnson sent a memorandum to agencies and departments laying out their transition roles (Johnson 2008). "The memo was basically the sum and substance of our conversation [in the May 14 PMC meeting] about what we wanted to agree to."

Johnson's instructions to the agency staff were to focus on priorities. "The way we referred to it was the, not hot and spicy items, but the high priority items or the items, the trend, the specific transactions that the new leadership group will have to deal with and . . . they won't have a choice," Johnson said. "There's a decision [that] has to be made on this, there's these legal rulings or these regulatory things. There's this world conference that your secretary has to go to in the first 90 days or so.' Focus your assemblage of information on those matters because things are going very, very quickly and they're not going to have time and it won't be appropriate for them to know everything they ever need you to know about the history of the Department of Agriculture, and so forth."

Johnson and Gail Lovelace, who was responsible for the General Services Administration (GSA) transition effort, discussed getting agency personnel together to discuss the transition as a group rather than simply meeting with agency people individually. "One of the things we had talked about with the PMC was . . . get the senior career

transition leads from all agencies together as appropriate,” Johnson said. As it worked out, agency leaders were very interested in meeting as a group. The group met three times, Johnson said. The first session was held on September 23, 2008.

Disciplining the Issuance of “Midnight” Regulations

One of the elements of modern transitions is the issuance of regulations and executive orders at the end of a term, especially when the election brings a change in party and, with it, a change in political philosophy. What results is a rush by agencies to submit regulations designed to put in place their priorities. Joshua Bolten issued a memorandum May 9, 2008, seeking to rein in so-called midnight regulations. The memorandum stated, “Except in extraordinary circumstances, regulations to be finalized in this Administration should be proposed no later than June 1, 2008, and final regulations should be issued no later than November 1, 2008” (Bolten 2008). He laid down a process for discipline. Even so, there were a sufficient number of eleventh-hour exceptions to draw the administration’s critics and the attention of news organizations.

Bolten discussed his memorandum. He said the idea for it had come from Susan Dudley, who headed the Office of Information and Regulatory Affairs at the OMB and Jim Nussle, the director of the Office of Management and Budget. Bolten was sympathetic to the idea of tiding up the regulations process at the end of the Bush administration because he remembered that President Clinton and his team had left them with a pile of regulations in January 2001. “I was determined that we avoid that. In other words, I was trying to create a situation in which we didn’t recede from what we thought was right, but that we did not intentionally jam or burden our successors. That we go through as much regular order as we could and that we move rapidly to implement the president’s agenda while he was president; but that we not do it in a midnight manner with the specific intent of burdening our successors. I just felt like the experience that we had had on the way in shouldn’t be standard operating procedure. . . . I asked the president about it before I signed the memorandum and he confirmed that he didn’t want to do business that way. He wanted to do business straight. So that was the purpose of the memorandum.”

While he felt the idea was good, it was sometimes difficult to implement. “It’s a little hard to get the cabinet officers to focus on it. . . . One of the reasons that I had as many appeals as I did in October and November and December is that the cabinet officers didn’t pay any attention until they realized that they were about to leave office with some important piece, some agenda item that either they thought was important or they thought was important to the president’s agenda, [left] undone. And here was my memorandum saying that if you didn’t have it done by X date, it’s not happening.”

Deputy Chief of Staff Joel Kaplan commented that the real impact of the regulations memorandum was to move the clock back and give those in the White House additional time to consider exceptions to the memo. “Josh wanted to be able to identify principled rules by which exceptions would be granted, which really was not fleshed out in the memo. . . . I think what it . . . really was most effective at doing was—I think somebody on our staff coined this phrase—it basically moved midnight to 9 o’clock,”

Kaplan observed. "You still had a lot of rush at the end, but the end was no longer defined as December 15th; it was now November 1st. We still had a lot of people rushing in and trying [to regulate] but then we had a period to make more rational decisions about where exceptions were warranted. And we did shut down a lot of late rulemaking, much to the chagrin of the agencies, who have a lot of people working on stuff."

From his view, Bolten found unwarranted the criticism of their effort to slow down the promulgation of regulations. "I thought that was a good government thing to do and I was more than a bit peeved to have had the White House take—it wasn't a lot of criticism, but it was more than trivial criticism—for our supposed midnight regulations, when in fact we were making a pretty serious effort to do the opposite." Some groups were critical of the memoranda, as they saw it as an effort to make it difficult for the next administration to change regulations.⁵

Cataloguing Key Personnel Positions

The Bush White House gathered information and helped smooth the personnel process for the transition operations of the Obama and McCain campaigns. The White House personnel office brought together information about appointed positions and also facilitated a discussion with the two campaigns about the purchase of new software to be ready in the White House to handle a high volume of résumés that would be sent to the new administration.

Gail Lovelace, who headed government transition coordination for the General Services Administration and was involved in most meetings with transition representatives, commended this effort. "I thought Presidential Personnel, for example, did a great job in working with both campaigns to help them understand the complexities of bringing people into the government and what it would take to manage the tens of thousands of resumes that they would be hit with and all of the other complexities that I think a lot of people take for granted, going through the confirmation process and all of that. Presidential Personnel spent a tremendous amount of time with both campaigns."

The Bush White House preparation for the candidates on personnel issues included accumulating information on each of the presidential appointees requiring Senate confirmation. Clay Johnson described the effort to gather information on confirmed positions: "They [Office of Presidential Personnel] had developed it. Joie Gregor [director of the Office of Presidential Personnel] came in. She had put it together in an organized way. . . . [There was] reference material on that particular position but it didn't exist for all positions in some consistent manner until Joie came on." Will Ball, the McCain transition representative, described the information contained in the four volumes assembled by the Bush White House with personnel information. "It had the statutory history of the position, Secretary of Defense, established 1947, National Security

5. For an example of the suspicions of groups tracking government regulations, see the concerns of OMB Watch about the Bolten memorandum at <http://www.ombwatch.org/node/3703>. For criticism of the impact of their labor regulations, see the congressional testimony of Lynn Rhinehart, associate general counsel of the AFL-CIO, at <http://judiciary.house.gov/hearings/pdf/Rhinehart090204.pdf>.

Act, . . . Had the name of the incumbent, it had basic information about the department, budget, number of employees, scope of responsibilities. So it was a lot more detailed than you would find off the shelf with one of the federal manuals.”

Initially, the White House came up with a list of 150 positions they considered to be key ones based on agency recommendations. The list was less useful than intended. Joshua Bolten commented, “I do remember being a little bit surprised at some of the names on that list when it first showed up in my office. Because I think . . . we allowed the agencies themselves to tell us whom it was important to get named and confirmed early, and there were some sort of silly names on the list. So that exercise could have and should have been done better.” Prepared early in the transition before the September financial crisis, the list focused on national security positions and did not focus in the same way on the economy.

Chris Lu, who was the contact person for the Obama transition on daily issues with the White House, talked about the effort the Bush White House initiated to upgrade the personnel system software. The new president would need a computer software program capable of handling hundreds of thousands of résumés from people seeking appointments. The representatives of both candidates met in the White House to come to agreement on the parameters of the software. Lu explained, “We had meetings at the White House with the McCain campaign where we all discussed what we wanted in a system. And we basically came up with the specs for it, and we agreed on it. The White House contracted it out. Once they got the software vendor, the vendor gave the system to us and to the McCain campaign people to tinker with as we wanted, so that whoever won, on November 5th they would have it the way they wanted it. . . . And that was really facilitated by Bush administration.”

Creating GSA-Supplied Office Space

Another aspect of the transition is the work of the General Services Administration, which is the entity that leases or provides space for the president-elect and his transition team and disperses the funds provided by Congress. Chris Lu discussed his work with the General Services Administration. “GSA really . . . dealt with us in a very even-handed way and made modifications of the transition space based on our requirements and our preferences. And we had basically said, if we win, we’re going to want to have a transition base in Chicago as well. And they started mapping that entire thing out before election day. Whatever we asked them to do, they were very amenable to doing.”

By tradition, GSA personnel tasked with presidential transitions begin their work with candidates only when there are clear nominees for the two major parties. Lovelace said that the GSA’s schedule depended on the results of the primaries. “Everybody follows the campaign, especially this time . . . We didn’t reach out to the campaigns this time until Hillary [Clinton] stepped down [in June] and we had two, a Republican and a Democrat, that we knew were running for office. Once she did that, in a matter of a couple of days I reached out to the campaigns.” The campaigns gave the GSA a green light to talk to transition representatives. “We met for the first time with both of them on the same day. It was July 11th,” Lovelace said. “We met with one party in the morning

and one party in the afternoon. . . . Each group brought two people. And then from our side, David Bibb [acting administrator of the GSA] was still here. He was the executive in charge, and I was there. We had our lawyer there.”

The GSA discussed issues related to space and office needs. “And we do everything, . . . building out the space, where they want desks, where they want trash cans . . . We had charts that were laid out—a huge chart. Literally for each of the floors that they were on, we had desks in place, trash cans in place, everything. Where we were putting the Xerox machines, everything,” said Lovelace. In preparation for the transition, Lovelace began talking to agency people in 2007. “I thought agencies need to start thinking about this. . . . I actually started in November 2007 going out talking about GSA’s role because I figured I could do that. But what I was really trying to get them to do was to focus on their internal role. . . . DHS is a good example. They had studies that were done because, of course, this is a very vulnerable period of the government. And with their particular mission, did they have leadership in place when all of their political stepped out?” In working with agencies, Lovelace worked with OMB management deputy Clay Johnson.

Crafting the Postelection Memorandum of Understanding

One of the important postelection steps is the agreement between the White House representative of the transition and the representative of the incoming administration on the agency review teams that the president-elect sends into the government to gather information on executive agency operations and programs. Deputy Chief of Staff Blake Gottesman, who replaced Joe Hagin in late July, provided the Obama and McCain representatives with previous memoranda for them to tinker with so that after the election, Joshua Bolten, as the president’s representative, could quickly reach agreement with John Podesta, the incoming transition representative. The agreement concerned what the ground rules would be for the agency review teams and for their information-gathering visits to government agencies. The election was November 4, and the memorandum of understanding was signed by Joshua Bolten and John Podesta on Saturday, November 8. The early signature was important because without it, agency review teams could not get started gathering information from departments and agencies.

Chris Lu, who helped negotiate the agreement for the Obama transition operation with Gottesman, discussed the challenge of sending so many people out into the agencies. “At least 500 people went out . . . [to] a hundred different agencies; and we had established protocols in advance for how people would get access; and what they would be allowed to see. . . . But even though they were negotiated by . . . the White House, at the individual agency level there was all kinds of . . . interpretations of it that sometimes made it difficult for our folks.”

Making sure that the agreement worked in a smooth way, Chris Lu worked regularly with Gottesman. “I actually had a daily call where we would hash-out okay, ‘x’ agency, we’re hearing from our folks at this agency. If there’s a problem, then you would work on those. And without fail, every one of those problems got resolved in about a day or so.”

Barack Obama's Corporate-Style Transition Operation

President Obama's transition planning operation brought together people who were knowledgeable about and experienced in government operations and policy, as well as those who knew the candidate well. The operation had a well-organized process for gathering information and making decisions. It had a personnel operation that brought in people with expertise and a background in government service. The transition board, the agency review teams, and the policy teams during the transition successfully brought together people, process, and policy as the Obama teams gathered information on department and agency operations and prepared to govern. The policy teams prepared initiatives for the new administration-in-waiting to share with the Democratic congressional leadership, such as the economic stimulus bill, state children's health insurance, and the Lucy Ledbetter Fair Pay Act. The transition teams also prepared executive action for the president to swiftly set the tone of an active chief executive moving in a different policy direction from his predecessor.

John Podesta as the Transition Director

"John Podesta did an amazing job and queued up all the necessary decisions," commented Chris Lu. "That was incredibly important, because this transition was unique in so many ways." In addition to the wars in Iraq and Afghanistan, the financial crisis that surfaced in September brought with it rounds of decisions to be made government-wide. The Obama team worked on governing before they came into office. Dan Pfeiffer, deputy to Chris Lu in the transition and deputy communications director in the Obama White House, commented on their early role in governing decisions. "We didn't really get to transition because we were in a quasi governing mode almost from the moment we got there. You know, when we tried to pass the Recovery Act, and auto companies are failing, . . . the American people were looking . . . to the next president and not the current president for guidance. So we . . . jumped in."

The Bush administration brought the president-elect and his team into many crucial decisions. In such an environment, "the last thing he [Obama] wanted to think about was all the day-in and day-out stuff with the transition, and he didn't have to," Lu commented. "That was one of the advantages of having a very smooth transition. . . . [Obama] obviously had more important issues on his plate."

In commenting on the Obama transition operation, Joshua Bolten observed that the seeds of success of the Obama transition organization lay in its corporate rather than family structure. "Obama's campaign was corporate by the end. . . . to take somebody like Podesta who had been Clinton's chief of staff and . . . had a good relationship with Obama but not a family member, and to basically sub-contract to him." It worked well because Podesta brought to the transition the resources of a cadre of people with experience appropriate to transition and governing tasks, as well as the financial resources to fund his own operation during the early months before government funding began. As the founder and head of the Center for American Progress, Podesta had a wealth of resources to draw on as he prepared for his transition role. The organization has 180

employees and a yearly budget of \$25 million (Eggen 2009). Founded in 2003, the organization has almost daily presentations of experts and practitioners on domestic, foreign policy, and national security issues.

Through their many sessions, Podesta got to know the talents and interests of a broad range of people in a variety of policy circles. The center has found places for selected ones who needed support for their work and became known as a government-in-waiting for a Democratic administration. Podesta estimated that, by late spring 2009, there were approximately 40 people from the center who had jobs in the Obama administration (Eggen 2009). When Senator Obama brought Podesta to his team after Hillary Clinton left the race, he welcomed an advisor with experience building an organization and with a reputation around Washington as an effective person who knows how to make things work. In commenting on Podesta and Bolten, Steve Hadley observed, "They're both very substantive, and they're kind of low key. They've got their egos in line." That style worked well for Podesta in the transition and for Obama as well, as his transition chief kept out of the limelight and focused on the tasks of preparing to govern.

Part of the reason the Podesta operation worked well was that he was not a member of the coterie of aides around the candidate, nor did he want a job in an Obama administration. Chris Lu indicated that the Obama transition operation was mindful of the need to staff the transition with people who were not angling for a job in the coming administration. "You don't want them jockeying for their future jobs, so we looked for people who either didn't have a vested interest in who was going to staff certain jobs or could be seen as honest brokers . . . In many ways, that was the perfect pick, because John Podesta made clear fairly early on that he had no desire to go into the administration, at least at the outset, so people saw John as an honest broker." These were lessons learned through the experiences of those serving in earlier transitions and administrations and reinforced in the writings of Clay Johnson.

Early Transition Stirrings

Chris Lu was responsible for transition work in the late spring and early summer before John Podesta came on to lead the effort in late July. "I think there were conversations happening very early on largely between Senator Obama and Pete Rouse [chief of staff of Obama's Senate office], probably in the spring. . . . I will tell you that from my perspective I was asked to start thinking about the transition in probably mid-May, so before the primaries were actually over," said Lu. "I suspect Pete Rouse had been thinking about it even longer than that." Rouse, now a senior advisor to President Obama, worked for and was very close to Senator Obama. Lu explained his transition assignment. "It actually came about in kind of a funny way. I was the legislative director in the Senate office under Pete Rouse, who was the chief of staff. As Pete spent more and more of his time on the campaign, I became the acting chief of staff, and I was fine doing that role, because it was an important role. But I remember having a conversation with Obama. It was probably March or April, and I said, 'Look, I'm happy to continue doing this and holding down the fort in D.C., but if there's a better use of my time in the campaign I'd

be interested in that as well, even if that meant moving to Chicago.’” Senator Obama said he needed him in Washington, but “if there’s something you can think about that you could do here in D.C., I’d be open to it.” Lu suggested the transition. “He mentioned that to Pete—and he had really wanted Pete to be the main guy.” But as Rouse devoted more time to the campaign, there wasn’t sufficient time for him to handle transition work as well. “So I was basically Pete’s designated person on the transition efforts, and then at a certain point, Pete . . . backed out and let me handle it.”

In the spring and early summer, Lu read all of the transition materials available from earlier administrations, such as those previously discussed here. He got the Gore and Kerry transition materials from Jim Johnson and read articles and books on past transitions. “There was not a long time that was pre-Podesta. And, during that time it was basically just me talking to as many people as I could, and me talking to David McKean [co-chair of the Kerry transition], Alexis Herman [co-chair of the Kerry transition], and to Jim Johnson, talking to Harrison [Wellford], talking to a lot of the good government groups on the outside, just pulling together as much information as I possibly could for John [Podesta],” said Lu. Johnson and McKean led the 2004 Kerry transition effort. Harrison Wellford, who was one of the leaders of the Carter transition out of office, handled the White House staff structure piece of the Kerry transition. He did the same for the early Obama effort, working with a PowerPoint presentation he had developed for Kerry in 2004 and updated in June and July 2008.⁶ Then, in July, John Podesta came in to run the transition as part of a three-person group that included Valerie Jarrett [currently senior advisor to President Obama] and Pete Rouse in addition to Podesta. Lu took the position of executive director and became the daily contact with the Bush White House on transition issues.

There were people associated with the Obama transition effort who represent the institutional memory of several Democratic presidential transitions. Harrison Wellford was one of them. In addition to his work on the Carter transitions in and out of the White House, he prepared transition information for presidential candidates Walter Mondale, Bill Clinton, and John Kerry. Lu said of Wellford, “Harrison is another one of these folks who has such incredible institutional memory about transition, so he was a valuable asset.” Wellford was involved in early Obama team discussions with the General Services Administration. “And then Harrison did a lot of outside consulting with John Podesta on a variety of issues,” said Lu.

Personnel and the Obama Transition

One of the important aspects of the transition was developing a process to staff an Obama administration should he win. Chris Lu explained what Senator Obama was thinking about early in the transition in terms of people he would want to bring into his administration: “Senator Obama in probably our first or second transition meeting with

6. In late spring, when Harrison Wellford and fellow lawyer Tom Shakow were working on an update of his PowerPoint presentation on the White House staff structure developed for the Kerry transition, he asked me for a scholar’s perspective on how staff structures had developed over time. I gave him information on staff developments as a whole and on the functioning of specific offices.

him was very, very clear, that he wanted us to build an administration that just was not the usual suspects, . . . the inside the Beltway people. He wanted people that not only had a diversity of race and sex, but . . . folks that actually had private sector experience, state and local experience, people from academia, people from all parts of the country.”

Obama White House personnel director Don Gips commented that the goal of bringing new people into the administration was of continuing interest. They pursued numerous paths to recruiting a diverse pool of applicants, Gips said, “including extensive outreach both through the Internet and through outreach of groups around the country.” One of the ways the administration broadened the pool was by allowing cabinet secretaries to bring in their own staffs when they took their posts. “Our cabinet’s pretty diverse in where they’ve come from, so Ken Salazar [secretary of the interior and former senator from Colorado] has people from Colorado. . . . and Gary Locke’s [secretary of commerce and former governor of Washington] brought people from Washington state. Those help . . . broaden the pool of people we’re looking for.” Most administrations encourage cabinet secretaries to accept political appointees whom White House officials have vetted and selected for the departments. The president’s team usually worries about divided loyalties and the values of those who serve cabinet secretaries, while their real boss is the president.

In the summer months, the personnel operation was dominated by a fear of leaks. Lu discussed their fears. “We weren’t . . . asking potential nominees for their tax returns. We were basically having our folks run Nexis searches on people. . . . We were very conscious of the leaks; and, in the summer of 2008, at the end of the summer, we were very, very careful about this presumptuous arrogance label that McCain’s campaign had started throwing at us.”⁷ The result was that perhaps needed work was not getting done. “Could we have done more work? Yeah, we probably could have done more work on that front, actually. But the idea was that we did not want to be thrown off by leaks coming out of the transition about ‘x’ person being named for a certain job.”

Previous administrations with successful personnel operations had one person who handled the recruitment and hiring process from early in the election year, through the transition, and into the White House as personnel director for the first year. Ronald Reagan had Pendleton James, a personnel search specialist, handle the personnel process from the spring of 1980 through to the White House as personnel director. The same was true with Clay Johnson, who worked on appointment and transition issues for George W. Bush from June 1999 into the White House. With the Obama operation, several people have held the personnel portfolio. First, Michael Froman, who later would be appointed to the Obama National Security Council staff heading the international economics unit, handled personnel along with Federico Peña. Podesta observed that “it would have been preferable to have the person who was going to be the personnel director from the point of the election moving forward. But Mike was doing a good job. He had built out the

7. On July 24, 2008, Senator McCain’s spokesperson, Brian Rogers, criticized Senator Obama for transition planning. Following up on a report in Marc Ambinder’s blog for *The Atlantic*, Rogers released a statement reported by Fox News that said in part, “Before they’ve even crossed the 50-yard line, the Obama campaign is already dancing in the end zone with a new White House transition team,” McCain spokesman Brian Rogers said in a statement (Fox News 2008).

team. It made sense for him to continue with that." Froman, Peña, and Obama Senate aide Jim Messina, who later became White House deputy chief of staff, carried the personnel portfolio until Donald Gips took it over and brought it into the White House.

While there were notable problems with several nominations at the beginning of the process, especially with three cabinet secretaries—Treasury, Commerce, Health and Human Services—as well as the management deputy at the Office of Management and Budget, the process settled down once the administration got their clearance process working so that they were better able to recruit nominees for positions and sense trouble. The administration had to provide waivers to several nominees who did not meet President Obama's ethics regulations, but the bad publicity that such waivers generated had a short life. By the 100-day mark on April 29, the administration was ahead of Obama's recent predecessors in terms of nominations announced and confirmed by the Senate.

Transition and Campaign Operations

While the McCain transition operation was entwined with the McCain campaign, such was not the case with the Obama operation. "We very much separated the work of the campaign from the work of the transition," said Lu. "If there was an hour of time that the senator could spend either on planning the transition or helping to win the election, we wanted him to win the election. So we very carefully did not put our campaign people onto the transition, and they were actually sort of cordoned off from it." With two separate operations, there was a need for a person who could coordinate them, at least as far as letting each know what the other was doing. Pete Rouse had that role. "Pete has always been seen as an honest broker on things, and Pete was really the conduit of information back and forth."

There was overlap with campaign policy people when the transition operation needed the names of appropriate policy experts. "I had worked closely with our campaign policy director, Heather Higginbottom, so when I wanted to say, 'We're looking for somebody to help us on education policy to balance out the team, who would you suggest?' She would give me names of people she thought were good who the campaign wasn't using. . . . I think the communications people were coordinating to some extent." There was crossover on scheduling as well, Lu said. "We did not want to take up Obama's time in the last . . . month or so . . . And in retrospect it obviously was the right decision."

Once Obama won the election, then the campaign people who had focused on the election goal came into the transition operation. "A lot of our planning got changed from November 4th to November 5th. We largely hadn't talked to people on the campaign before we did any of these things, and then once we won, we then had those conversations," Lu said. "People like [campaign spokesman] Robert Gibbs, [campaign strategist] David Axelrod, who we largely had not interacted with at all during the transition, had very strong ideas on what we should do." Once the campaign people got into the transition and went through the recommendations, there were changes. "There was

probably a mixing of ideas, and so I'm sure we used a lot of stuff that had been preplanned. A lot of it was changed based on the input of people who had been on the campaign."

As executive director of the transition, Chris Lu stayed in Washington during the campaign. "John [Podesta] had conversations with Senator Obama every single week, a short call . . . where they discussed things, but we largely didn't want to take up the candidate's time at all." After the campaign, Lu was in Washington while the president-elect spent most of his time in Chicago. "The first month was just meeting after meeting with Podesta, Rahm [Emanuel], president-elect, vice president-elect [Joe Biden], and a couple other people. . . . There were mostly personnel related meetings. But the day-to-day operation of the transition was basically John and myself doing it. Rahm initially did not get involved really in the transition . . . but there came a point at which Rahm . . . started taking on more and more of the planning. . . . There came a point at which John started passing more of that stuff off to Rahm."

In most presidential transitions, after election day, the campaign team worries about missing an opening to get a Washington job with the new president. The Obama team sought to allay the fears of campaign staff members. Lu recounted, "There were a good number of folks on the campaign who just needed some time off and didn't want to help on the transition. . . . The message was sent to them that, 'Look, if you take time off, this is not going to disadvantage you in getting a job'; and it didn't, because lots of folks that didn't participate in the transition got wonderful jobs." At the same time, the senior people on the campaign wanted to participate in the transition. "I think virtually every senior level person who wanted to participate had a chance to participate. And Pete Rouse was the main person helping to facilitate that."

The Transition Board, Agency Review Teams, and Policy Working Groups

There are a variety of patterns that presidential candidates have followed in organizing their official transitions after election day. A transition operation has to decide on a central organization to guide the preparations for governing. "One of the things that we did very early on after John Podesta came on was to sit down and figure out how we wanted to organize the transition," Lu said. John Kerry, for example, used three people who formed a board that together served as co-chairs. In the Obama transition, there was a board of three co-chairs—John Podesta, Valerie Jarrett, and Pete Rouse—who represented the three facets of Obama's political persona. Jarrett is the close friend from Chicago; Rouse, his trusted mastermind from the Senate; and Podesta, the wise survivor of the Clinton years who could navigate Washington and all three branches of government.

Lu described the board operations, which had 12 members active in the operation. "Each person was in charge of a certain [policy] area and they would manage that part on a day-to-day basis." In addition, some of the transition board members managed a policy working group team that was developing initiatives for the new administration. Lu continued, "And then we would have board meetings. . . . every two or three weeks. We had conference calls every week, and then a sit-down meeting every couple of weeks

where people report on what was going on.” John Podesta served as its chairman. The advantage of the structure was the way it brought together people from Barack Obama’s political career, those who had long experience in government, and a few new to governing. “There were a lot of folks who came out of Obama world: people like myself, . . . Pete [Rouse] . . . Michael Froman, Julius Genachowski, Don Gips; people like that who are Obama people. And then there are people who had had previous experience in government, people like . . . Carol Browner.”

Some people on the board, such as foreign policy specialist Susan Rice, had experience in the Clinton White House and with Barack Obama as well. Others, such as Sonal Shah of Google, had public and private sector experience but were new to the Obama world. Lu, who served as executive director of the transition senior staff, talked about the blend: “I thought it was a very useful process to get cross-pollination of ideas. . . . We had virtually no leaks at all; and it was a nice mix of people. There were people who had [an] institutional history in government, [and] a lot of other people who may not have had history in government, but understood Obama world.” The board experience also gave the senior staff, almost all of whom came into the administration, a feel for working together as a team in the Obama White House and throughout the executive branch.

While the Obama transition board and policy working groups discussed policy and strategies, Obama’s agency review operation was designed to gather information to support individuals nominated and appointed to the administration. The Obama team defined what the 10 teams were asked to do. The 10 teams organized around issues and agencies were charged to “provide the President-elect, Vice President-elect, and key advisors with information needed to make strategic policy, budgetary, and personnel decisions prior to the inauguration. The Teams will ensure that senior appointees have the information necessary to complete the confirmation process, lead their departments, and begin implementing signature policy initiatives immediately after they are sworn in” (<http://change.gov>).

The specific nature of their task helped organize what could well have become an unwieldy operation. The structure was headed by three co-chairs—Melody Barnes, Lisa Brown, and Don Gips—and 15 working group members who headed review teams. The basic part of the operation was the 10 review teams organized around issues and government agencies, such as the education and labor and justice and civil rights teams. Each team had a group of lead people ranging from 6 for transportation to 21 for economic and international trade. The teams themselves varied from 10 for the government operations team to 75 for the national security team. Altogether, there were 365 team member positions—134 team leads for the 10 teams with a leadership of 15 working group members and the three agency review co-chairs.

Though there were what appeared to be a multitude of people working independently in the agency review operation, they were closely guided by John Podesta. As a former staff secretary in the Clinton administration, Podesta was experienced in bringing together mission and method. He described the operation as “much more highly disciplined process than at least the past Democratic transition. . . . People had very specific assignments about what to produce in what form and at what lengths. So they didn’t just

wander all over the place producing reams of useless information.” There were templates for the teams to use rather than having each one decide how to produce information. “You know a template for the budget, a template for particular management challenges. People reviewed all the most recent IG [Inspectors General] reports, the GAO reports on the agency,” Podesta said. “I think that what was most specific, what was most helpful probably was to try to marry the agency mission . . . and those elements of where there were problems, . . . with . . . what the budget looked like, where there [were] looming decisions that would need to be taken early on by a cabinet secretary, with a mission coming from the campaign.”

Podesta commented that the agency review teams produced what they were asked to do. “People actually came through and executed . . . [which is] what really made the effort worthwhile.” The protocol they set up stressed gathering similar information from all the agencies they were assessing. “You could take a program, an agency, the budget, [and say] these are the challenges, how do you move forward and produce the results Obama had promised, both during the campaign and then fleshed out in the transition and into the early parts of governing?” Cabinet secretaries and White House staff found the information they received from the agency review teams to be useful, Podesta said. “They got strategic product that was more digestible, [a view of] both opportunity and challenge from the perspective of what Obama was trying to accomplish coming into office, as . . . it was coming from the campaign. So there was alignment between what these review teams were producing and the way the now-transition team was thinking about the project of governing. That gave the review teams the opportunity to surface particular problems in the agency, but not just wander all over the place and . . . start making it up from scratch.” He added, “in my conversations with the incoming cabinet secretaries, they very much appreciated that they were getting focused, well-written, reviewed third-draft 30-page memos, not 5,000 pages of junk [as] had been practiced in the past.”

An additional element of the transition structure was the policy working groups that complemented the work of the transition board and the agency review teams. The policy teams worked through the issues in the seven areas—economic, education, energy and environment, health care, immigration, national security, and technology, innovation, and government reform—and prepared initiatives for the administration to undertake once President Obama took office. Ranging from 8 members for the immigration group to 41 for the national security one, altogether there were 134 people in the working groups, including the 11 leaders of the individual groups. The groups worked through policy issues along with the transition board that resulted in a swift start for the administration on January 20. Working with the Congress, President Obama signed the Lilly Ledbetter Fair Pay Act on January 29, the Children’s Health Insurance Program Reauthorization Act of 2009 on February 4, and the American Recovery and Reinvestment Act of 2009 on February 17. The nine executive orders and nine presidential memoranda that President Obama signed in his first 10 days in office covered a broad range of subjects, including ethics standards for administration employees, labor regulations, the economy, detention policies and the future of Guantánamo Bay, reproductive rights, energy, a White House pay freeze, and a review of agency regulations. All of the work the Obama transition teams did was aimed at getting their policy agenda

under way as soon as possible. While there were, and continue to be, criticisms the Obama agenda was too broad, the president got off to the start that he hoped with policy initiatives moving in the directions he sought. As large an operation as the transition board, agency review teams, and policy working groups were, the process was both disciplined and productive. The total of 679 members on the three transition operations (transition board, 26; agency review teams, 517; policy working groups, 134) was a disciplined operation. The corporate style structure gave shape and substance to what the Obama transition operation did.

The Family-Style Transition Operation of John McCain

Joshua Bolten observed that while the Obama operation was characterized by its corporate structure, the McCain operation had a family feel to it. McCain's transition operation was small and decisions closely held. When it came to submitting names to the FBI for security clearances, McCain was not willing to take the chance of a leak of personnel information, and those working in the campaign did not have time to focus on that aspect of transition planning. Bolten said, "The McCain campaign was a family operation and I think they were reluctant to subcontract something as delicate as who are the people that are going to help start to fill out this administration to somebody outside the family. And everybody inside the family was working too hard on the campaign to spend time on the effort." Will Ball, a longtime friend of McCain and former navy secretary who was one of six people on McCain's transition board, explained Senator McCain's thinking on his decision not to submit names for security clearance before the election: "From a candidate's point of view, I'm not sure in the home stretch of a campaign, weighing the relative merits of lists of candidates for cabinet positions [is a good use of the candidates time], . . . how practical that is. You can put them in, but then think about that a minute. If you put in five names [of people] who may be candidates for Secretary of Homeland Security . . . there cannot be a 100 percent guarantee that those names won't get out into the public domain." In addition to the possibility of a leak, the process represents an imposition on people, a step McCain did not want to impose on individuals, especially when there was no assurance someone would get a position. "In order to initiate that process, you have to provide the Standard Form 278 [public financial disclosure report] and other forms to each of those five prospects, and they have to go through the somewhat difficult process of completing those forms. And so is that an imposition on someone who may be on a list of five candidates for a cabinet position, but doesn't make the final cut?"

John McCain had a group of six people handling transition issues, two of whom were also central people in the campaign operation. Rick Davis and Trevor Potter served as the campaign manager and campaign counsel, respectively. Trying to work meetings around their schedule was not easy, especially in the fall. Two of the six, John Lehman, former navy secretary and 9/11 Commission member, and Russ Gerson, who has a professional personnel search firm in New York, were based in New York and did not spend their full time in Washington. Will Ball was based in Washington, as was William

Timmons, a lobbyist with strong ties in the Washington community. Joshua Bolten discussed the differences in dealing with the two organizations. "I invited both campaigns to send a transition designee and the Obama camp seemed much more organized. . . . They had groups and sub-groups and the desk in charge who knew everything. The McCain campaign was a little slower on the uptake and was a little more ambiguous about who was actually in charge." Ball represented the McCain transition operation in meetings at the White House and the Department of Justice, but there was no publicly designated leader among the transition group board members.

In the early stage of the pre-convention period, the McCain operation was low key. The veterans working on transition and campaign issues persuaded McCain to allow people to begin gathering information, though he was reticent. Ball explained the startup of the operation: "He permitted those of us who were working in this area . . . to go forward rather aggressively and start to make plans. He did not want to initiate it too early . . . Through Rick Davis, his campaign manager, and Charlie Black [McCain friend, campaign advisor, and a veteran of the Washington lobbying community] and others, he recognized early on, that this is a complicated process, and so he permitted this activity to begin." Ball spent April and part of May gathering information, reading about past transitions, and having conversations with people such as Andy Card, former chief of staff for President Bush, and Clay Johnson, as well as others in the Washington governing community. After Memorial Day, he met with campaign manager Rick Davis and Russ Gerson, who was handling the personnel search, to discuss transition preparations.

The McCain transition operation focused on the federal budget and on developing the personnel list. The personnel operation focused on building a database of possible nominees. Ball recounted, "Russ Gerson came down from New York each week and pulled together a team of volunteers." Ball explained that as Gerson shaped the team gathering names for personnel suggestions, he was encouraged by Senator McCain to search broadly. McCain said to "pull people in from beyond the beltway . . . who would have some fresh ideas, and who were leaders in their respective fields, and who could help . . . develop a broad based list." That was in June or July, Ball recounted. After they got their team of personnel volunteers together, "we began to meet in September. . . . we had probably 15 who were group leaders, and then each of them would have two, sometimes three people to assist them." Their meetings were structured so that the volunteer team leaders came in on Thursday and worked through the weekend. "We would feed them . . . at the headquarters there, but . . . they volunteered their own time," Ball commented.

Most of the McCain transition volunteers were not professional personnel search experts, but rather professionals who knew policy. Some were friends whom Senator McCain knew well. "We had a woman from the faculty of Yale medical school, who was an M.D., who led our health group. We had financial [people] from New York, and one from Texas. We broke it down by different disciplines," Ball said. McCain tapped some old friends, Ball added. The team "had a retired admiral [from] Florida, who came to help with the Defense Department, who Senator McCain had known years ago. So it was an eclectic mix." Ball said the guidance given to him and to Gerson was "to identify people

without ties to Washington to be the initiators of this process in compiling prospective [candidates for nomination]. This was well before the stage of calling and asking, would one be willing to serve. This was to simply compile a list of prospects." They never advanced to the next step.

McCain's team prepared to submit a budget consistent with the candidate's campaign agenda. Ball pointed out that the transition would have been different from a Bush to Obama one. "In our case, had we won, it would have been a same-party to same-party transition. . . . Clay [Johnson] had done a pretty good job of laying out the objectives and goals [for the internal administration transition]. We tried to focus on the policy side and the budget side, specifically getting a budget team together that would anticipate the fact that this budget process was so front loaded." Ball was referring to the fact that within his first month in office, a president has to submit a preliminary budget to Congress, which is followed later by a more complete document. The transition group worked on schedules and its goals. "And so we had a similar budget group assembled. . . . So personnel, budget, planning in the broader sense, goals and objectives, we would discuss, and a timetable. We'd . . . take a timetable, and break it out into phase one, phase two, phase three, with—pre-convention, pre-convention planning, which was for lack of a better term, fairly covert, it was underground, so to speak." The time periods broke down for them in this way after the pre-convention period. "Then convention to election day, with a much broader effort, involving more people and more engagement with our broader personnel team and policy teams. And then, you know, election day in Phoenix, we had our [three] books ready and our plans ready," said Ball.

The meeting schedule for the group of six was dominated by the need for at least two of the participants, Rick Davis and Trevor Potter, to put their attention on their campaign responsibilities "We tried to meet every week. . . . But as a practical matter, since Rick Davis was integral to this process and he was the campaign manager, we couldn't nail that down every week." With John Lehman and Russ Gerson in New York for much of the week, the group needed to get together through a weekly conference call through August and September rather than in person. "In October, we started trying to meet every week. And then down the home stretch of the campaign, we pretty much had our plans ready. The last two weeks of October, we had a lot of communication, but we didn't have any meetings."

The lesson of the McCain transition is similar to the one that came out of the Obama operation: transition structures and direction reflect the candidate they serve. President Obama sought out people to guide his transition who knew him and his policy preferences, his campaign, and the terrain of presidential governance. While he chose friends to join his transition, such as Valerie Jarrett, Pete Rouse, and Chris Lu, he relied most heavily on John Podesta to manage his transition, a person who was not a close associate and, in fact, had supported his chief opponent in the primary season. For Senator McCain, having a small coterie of friends around him was paramount. Though those associates represented many years of governing experience and had an interest in moving transition preparations forward, the candidate was wary of having them create a broad transition effort of anywhere near the scale of the Obama operation.

Conclusion

We learned through this transition that it is possible to assemble and direct a large organization of transition team members without the group getting out of hand. With a transition structure of 679 people, the Obama operation could easily have gone in many different and conflicting directions without generating significant governing information. That has happened in many previous transition efforts, but good management kept the operation on track in this transition. If effective ground rules are established by the incoming and outgoing administrations for the transition team to gather information from government agencies and departments, an effective organization can get a large organization to stay within the rules and produce reports structured to meet presidential needs.

The 2008-2009 transition taught us that all benefit when a president directs early and thorough preparations for the change over in administrations. At the direction of President Bush, Joshua Bolten guided a government-wide effort to define and then meet the needs of the new administration. Presidents today cannot afford to let preparations wait until after the election. Through legislation, executive direction, and individual effort, the Congress, President Bush, and career and political officials in the departments and agencies all worked hard at preparing the next president and his team for the responsibilities of governing. President Bush established a useful model for his successors to follow as they prepare to leave office. White House and administration officials made certain information was available on government programs and positions and that there was continuity in governing with career staff assigned to fill the posts of political appointees as they left the Bush administration. While such presidential action can realistically be done when a president is not running for reelection, it remains to be seen whether an incumbent president who is running for reelection will be so cooperative in gathering and providing information to the opposing party candidate.

The transition was an effective one in meeting the president-elect's needs. More than earlier transitions, when President Barack Obama came into office, he had a White House staff structure in place, his personnel operation up and running (even if problems persisted), his priorities established, and his initiatives ready to introduce as legislation and executive action. He and his staff were well informed by those in office throughout the government about the status of issues and programs. It took a series of government actions to lay the ground work for the transition by easing the clearance process for appointments so that people could begin working in the transition as soon as there was a president-elect. The path to governing was smoothed by the increasing amount of information available in the public domain as well as available from earlier transition preparations of presidential candidates. A great deal of the credit for the smooth passage to power in 2009 belongs to Barack Obama and the experienced group handling his transition as well as the team of President George W. Bush headed by Chief of Staff Joshua Bolten.

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