

Calendar No. 733

118TH CONGRESS }
2d Session }

SENATE

{ REPORT
118-313 }

AGENCY PREPARATION FOR TRANSITIONS
ACT OF 2024

—
R E P O R T

OF THE

COMMITTEE ON HOMELAND SECURITY AND
GOVERNMENTAL AFFAIRS
UNITED STATES SENATE

TO ACCOMPANY

S. 3654

TO AMEND THE PRESIDENTIAL TRANSITION ACT OF 1963
TO REQUIRE THE TIMELY APPOINTMENT OF AGENCY
TRANSITION OFFICIALS, TO ENSURE ADEQUATE PERFORMANCE
AND OVERSIGHT OF REQUIRED TRANSITION-RELATED
PREPARATION, TO REQUIRE NEW GUIDANCE FOR AGENCIES
AND POSSIBLE TRANSITION TEAMS, AND FOR OTHER PURPOSES



DECEMBER 19 (legislative day, DECEMBER 16), 2024.—Ordered to be
printed

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118TH CONGRESS }
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AGENCY PREPARATION FOR TRANSITIONS ACT OF 2024

DECEMBER 17 (legislative day, DECEMBER 16), 2024.—Ordered to be printed

Mr. PETERS, from the Committee on Homeland Security and
Governmental Affairs, submitted the following

R E P O R T

[To accompany S. 3654]

[Including cost estimate of the Congressional Budget Office]

The Committee on Homeland Security and Governmental Affairs, to which was referred the bill (S. 3654) to amend the Presidential Transition Act of 1963 to require the timely appointment of agency transition officials, to ensure adequate performance and oversight of required transition-related preparation, to require new guidance for agencies and possible transition teams, and for other purposes, having considered the same, reports favorably thereon with an amendment in the nature of a substitute and recommends that the bill, as amended, do pass.

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I. PURPOSE AND SUMMARY

S. 3654, the *Agency Preparation for Transitions Act of 2024*, would improve coordination and access to timely information, guidance, and services for federal officials who are required to prepare for transitions during a presidential election year. The legislation would require the timely appointment of agency transition officials, mandate regular meetings of agency and White House transition councils, and require agency briefing materials to be prepared on

a faster timeline than under current law. The bill would also create new guidance and requirements for transition stakeholders, including presidential transition teams, federal agencies, and incumbent administrations.

II. BACKGROUND AND NEED FOR THE LEGISLATION

The *Agency Preparation for Transitions Act of 2024* would codify past practices from presidential transitions and increase the minimum level of transition planning for federal agencies, the incumbent administration, presidential candidates, and incoming transition teams. Since the *Presidential Transition Act* was first enacted in 1963, Congress has passed bipartisan amendments to that law seven times, including prior to the 2016 presidential election, prior to the 2020 presidential election, and in 2022.¹ Amendments to the *Presidential Transition Act* have responded to the growing complexities in government operations and the expanding national security risks during the transfer of power between administrations.² Changes to the law have ensured that transition planning starts earlier in an election year, involves more agencies across government, and requires cooperation from the incumbent President.³ Improved transition planning has helped mitigate national security risks that can occur during this vulnerable period. For example, the 9/11 Commission, the bipartisan commission investigating the September 11, 2001 attacks on the United States, found that the delayed 2000 transition hampered national security appointments and recommended reforms to minimize disruptions for national security policymaking.⁴ In 2004, Congress responded to these findings by passing the *Intelligence Reform and Terrorism Prevention Act of 2004*, to help prevent any delays in securing key national security positions in a new administration.⁵

The *Agency Preparation for Transitions Act of 2024* would build on this history of transition improvements, including by codifying past practices from transitions for the government transition councils and coordinators, like the Federal Transition Coordinator (FTC), the Agency Transition Directors Council (ATDC), and the White House Transition Coordinating Council (WHTCC). The FTC is the career official at the General Services Administration (GSA) who is in charge of coordinating transition activities for federal

¹ General Services Administration, Governmentwide Initiatives/Presidential Transition 2024/External transition resources/Guiding legislation (<https://www.gsa.gov/governmentwide-initiatives/presidential-transition-2024/external-transition-resource>) (accessed Dec. 12, 2024); Congressional Research Service, *Presidential Transition Act: Provisions and Funding* (R46602) (May 22, 2024).

² White House Transition Project, Center for the Study of the Presidency and Congress, *Joseph Biden's Effective Presidential Transition: "Started Early, Went Big"* (Sept. 2021) (<https://www.whitehousetransitionproject.org/wp-content/uploads/2021/08/Kumar-BTransition-Start-Early-Go-Big.pdf>); Congressional Research Service, *Presidential Transition Act: Provisions and Funding* (R46602) (May 22, 2024).

³ *Id.*; General Services Administration, Governmentwide Initiatives/Presidential Transition 2024/External transition resources/Guiding legislation (<https://www.gsa.gov/governmentwide-initiatives/presidential-transition-2024/external-transition-resource>).

⁴ The 9/11 Commission, *The 9/11 Commission Report* (Nov. 27, 2002); Alex Tippett, *What the 9/11 Commission Found: Slow Confirmations Imperil U.S. National Security*, Partnership for Public Service's Center for Presidential Transition (blog) (Dec. 12, 2020) (<https://presidentialtransition.org/what-the-9-11-commission-found-slow-confirmations-imperil-u-s-national-security/>).

⁵ *President Signs Intelligence Reform and Terrorism Prevention Act*, The White House, President George W. Bush (Dec. 17, 2004) (<https://georgewbush-whitehouse.archives.gov/news/releases/2004/12/20041217-1.html>).

agencies and the transition teams of eligible candidates.⁶ The ATDC is the council helping agency transition leaders navigate through the transition process, and the WHTCC is a group of employees generally in the Executive Office of the President, who help guide agencies on transition work and drive communication between the outgoing administration and transition teams.⁷

Currently the *Presidential Transition Act* does not specify when GSA should appoint an FTC or how often the key transition coordinating councils should convene. This bill would require GSA to appoint the FTC two years before Election Day, and require the ATDC to meet at least monthly, starting nine months before Election Day (as opposed to “regularly” and starting six months before Election Day, as specified in current law). These timelines would match past agency practices. This bill would also codify existing past practices carried out by GSA and prior FTCs. For example, the legislation would require the FTC to provide transition guidance to agencies not included in the ATDC, a practice that GSA currently follows.⁸ This provision would help ensure that all agencies have appropriate transition support.

The *Agency Preparation for Transitions Act of 2024* would update existing transition requirements, to mitigate transition delays, even during periods in which the election outcome might be delayed. This legislation would ensure that both the candidates and the incumbent administration agree to conditions of access to critical information during different election scenarios.

The *Agency Preparation for Transitions Act of 2024* would also create new reporting requirements for GSA, the WHTCC, and the Government Accountability Office (GAO), to increase the transparency and ensure security of the presidential transition process.⁹ For example, while the Presidential Transition Act requires the WHTCC to “prepare and host interagency emergency preparedness and response exercises,” Congress has limited oversight of this process. The WHTCC reports neither the information covered in these exercises, nor the dates that they occur. This legislation would require the WHTCC to provide Congress with details about this critical transition function. Currently, the *Presidential Transition Act* also does not require any post-transition reporting on successes and challenges that agencies experience during a presidential transition process. This legislation would require GAO, after Inauguration Day, to review the efficiency and effectiveness of the transition process and recommend any necessary improvements. While GAO conducted a similar report in 2017, this report

⁶Partnership for Public Service, *Presidential Transition Guide: A Comprehensive Guide to the Activities Required During the Transition* (Fifth Edition) (2023) (<https://presidentialtransition.org/wp-content/uploads/sites/6/2023/11/2023-Presidential-Transition-Guide.pdf>) (hereinafter *Presidential Transition Guide*).

⁷General Services Administration, Governmentwide Initiatives/Presidential Transition 2024/Councils (<https://www.gsa.gov/governmentwide-initiatives/presidential-transition-2024/external-transition-resource>); Presidential Transition Guide.

⁸White House Transition Project, Center for the Study of the Presidency and Congress, *Joseph Biden’s Effective Presidential Transition: “Started Early, Went Big”* (Sept. 2021) (<https://www.whitehousetransitionproject.org/wp-content/uploads/2021/08/Kumar-BTransition-Start-Early-Go-Big.pdf>); Partnership for Public Service, *The 2020–2021 Presidential Transition: Lessons Learned and Recommendations* (2022) (<https://presidentialtransition.org/reports-publications/2020-21-lessons-learned/>).

⁹*Id.*

is not required by law.¹⁰ This bill would also require GSA to report to Congress on key lessons learned from facilitating the agency transition process.

In addition to post-election reports, the *Agency Preparation for Transitions Act of 2024* would require GSA to provide pre-election cybersecurity guidance to eligible candidates to ensure they are safe from possible cyber threats. Reports of recent cyber threats and increased use of digital platforms during the transition process highlight the importance of secure technology. For example, the 2020–2021 transition was the first presidential transition operating almost exclusively in a remote environment, and future transition teams may decide to create more digital platforms than ever before.¹¹ *The Presidential Transition Act* also does not mandate that presidential transition teams use devices or technology provided by the U.S. government. In 2024, reports indicated that adversaries targeted the technology in presidential campaigns and transition teams.¹² Given these vulnerabilities and the need to ensure sensitive government information remains secure during a presidential transition, this bill would require additional technology and cybersecurity guidance for transition teams. This guidance would help transition teams safeguard their communications and information. If transition teams decide to not use government resources, the guidance would ensure they still have cybersecurity information to guide their technology processes.

III. LEGISLATIVE HISTORY

Senator Gary Peters (D–MI) introduced S. 3654, the *Agency Preparation for Transitions Act of 2024*, on January 24, 2024, with Senator Susan Collins (R–ME) as an original cosponsor. The bill was referred to the Committee on Homeland Security and Governmental Affairs.

The Committee considered S. 3654 at a business meeting on January 31, 2024. At the business meeting, Senator Peters offered a substitute amendment, as well as a modification to that amendment. The Peters substitute amendment, as modified, included technical changes and responded to input from agencies. The substitute amendment, as modified, clarified the appropriate congressional committees for reporting under the bill; clarified that a responsibility of GSA’s FTC is to prepare agencies for uncertainty; removed previously added responsibilities of the WHTCC to oversee the transition process of the Executive Office of the President; and moved the timeline for GSA’s required cybersecurity guidance from 180 days to 270 days. The amendment also struck a requirement for guidance from the National Archives and Records Administration on records management. The Committee adopted the modification to the Peters substitute amendment, and the Peters substitute

¹⁰ Government Accountability Office, *Presidential Transition: Information on Ethics, Funding, and Agency Services* (GAO–17–615R) (September 2017).

¹¹ Partnership for Public Service, *The 2020–2021 Presidential Transition: Lessons Learned and Recommendations* (2022) (<https://presidentialtransition.org/reports-publications/2020-21-lessons-learned/>).

¹² *Iranian Operatives Charged in the US with Hacking Donald Trump’s Presidential Campaign*, Associated Press (Sept. 27, 2024) (<https://apnews.com/article/trump-hacking-iran-justice-department-1d7d83ccdc6c879be2802142f1c4719>); *Group with Close Ties to Trump Transition Says it was Targeted in Cyber Attack*, Politico (Oct. 11, 2024) (<https://www.politico.com/news/2024/10/11/afpi-cyber-attack-trump-00183540>).

amendment, as modified, by unanimous consent, with Senators Peters, Carper, Hassan, Sinema, Rosen, Ossoff, Blumenthal, Paul, Lankford, Romney, Scott, and Marshall present.

The bill, as amended by the Peters substitute amendment, as modified, was ordered reported favorably by roll call vote of 9 yeas to 3 nays, with Senators Peters, Carper, Hassan, Sinema, Rosen, Ossoff, Blumenthal, Lankford, and Romney voting in the affirmative and with Senators Paul, Scott, and Marshall voting in the negative. Senator Butler voted yea by proxy, for the record only, and Senators Johnson and Hawley voted nay by proxy, for the record only.

Consistent with Committee Rule 3(G), the Committee reports the bill with a technical amendment by mutual agreement of the Chairman and Ranking Member.

IV. SECTION-BY-SECTION ANALYSIS OF THE BILL, AS REPORTED

Section 1. Short title

This section establishes the short title of the bill as the “Agency Preparation for Transitions Act of 2024.”

Section 2. Federal Transition Coordinator

Subsection (a) amends Section 4(c) of the *Presidential Transition Act of 1963* (3 U.S.C. 102 note). This section requires the GSA Administrator to appoint a Federal Transition Coordinator (FTC) at least two years before Election Day. It also requires the Administrator to designate an official to handle any transition activities in non-election years to help provide continuity of transition activities. Additionally, this section adds two duties to the role of the FTC: (1) They must provide agencies not included in the Agency Transition Directors Council (ATDC) with transition information; and (2) Following the transition, they must identify lessons learned and address top challenges for future transitions.

Subsection (b) clarifies that the Federal Transition Coordinator can have other roles and responsibilities during their service as the Federal Transition Coordinator.

Subsection (c) makes a technical change to the underlying statute.

Section 3. White House Transition Coordinating Council

Subsection (a) amends Section 4(d) of the *Presidential Transition Act of 1963* (3 U.S.C. 102 note). The provision requires the White House Transition Coordinating Council (WHTCC) to meet prior to the first meeting of the Agency Transition Directors Meeting and at least once between determination of a sole apparent successful candidate and Inauguration Day. The purpose of this meeting is to host an emergency preparedness exercise, as is already required by law.

Subsection (b) makes the effective date for this section 30 days after enactment of this Act.

Section 4. Memorandums of Understanding

Subsection (a) amends language in a Section 4(g)(1) of the *Presidential Transition Act of 1963* (3 U.S.C. 102 note). The language adds additional requirements to the mandated MOUs between the

current president and eligible candidates, which are already required to be reported to Congress on October 1 of an election year. Section 4 requires the parties to agree on access to emergency preparedness activities, information, and briefing materials critical for national security, including during a period after Election Day when the outcome is unclear.

Subsection (b) sets the effective date of this section to ensure that changes do not disrupt an ongoing presidential transition.

Section 5. Frequency of Agency Transition Directors Council

This section amends language in a Section 4(e)(4)(B) of the *Presidential Transition Act of 1963* (3 U.S.C. 102 note). The provision clarifies that the ATDC must meet monthly starting nine months before the date of the Presidential election, rather than “regularly” only six months before the election, as is currently required by law. Additionally, this section ensures that the ATDC meets after Election Day and after the determination of a “sole apparent successful candidate.”

Section 6. Duties of Agency Transition Directors Council

Section 6 amends Section 4(e)(2) of the *Presidential Transition Act of 1963* (3 U.S.C. 102 note). This section adds the following duties to the ATDC: (1) Provide guidance on developing both digital and physical briefing materials to accommodate in-person and virtual briefings; (2) Provide guidance to agencies on how to provide information and support to candidates during a period of multiple apparent successful candidates; and (3) Identify lessons learned from the presidential transition.

Section 7. Membership of the Agency Transition Directors Council

Subsection (a) amends Section 4(e) of the *Presidential Transition Act of 1963* (3 U.S.C. 102 note). It ensures that all CFO Act agencies are included in the ATDC when it convenes, adding agencies such as USAID, SBA, and SSA to the ATDC. This section also creates a council for all agencies not on the ATDC, the “Council for Non-ATDC Agency Transition Directors,” to which the FTC will be required to share transition information. This section would also add a senior career official from OMB to the ATDC to ensure that there is a career official who can contribute to lessons-learned activities after Inauguration Day.

Subsection (b) outlines how to implement this section for the 2024 presidential election cycle, should this legislation pass before January 20, 2024.

Section 8. Interim Agency Leadership for Transitions

Subsection (a) amends Section 4(f) of the *Presidential Transition Act of 1963* (3 U.S.C. 102 note). This section requires agencies to appoint a senior career representative to the annual convenings of the ATDC during non-election years. Currently, the *Presidential Transition Act* only requires agencies to appoint an Agency Transition Director no later than six months prior to Election Day. This section also changes the requirement for appointment to nine months, to match the new timing of the ATDC’s required meetings.

Subsection (b) makes conforming amendments to the Act.

Subsection (c) clarifies that Agency Transition directors can serve in other positions while serving as their agencies' transition lead.

Section 9. Reports on political appointees appointed to nonpolitical permanent positions

Section 9 amends Section 4(b) of the *Edward "Ted" Kaufman and Michael Leavitt Presidential Transitions Improvements Act of 2015* (5 U.S.C. 3101 note). This section requires the Office of Personnel Management to make public versions of its reports on conversion requests of political appointees to be career officials.

Section 10. Reports and guidance by transition officials

Subsection (a) adds new reporting requirements for the WHTCC, GAO, and GSA in Section 4 of the *Presidential Transition Act of 1963* (3 U.S.C. 102 note). The section requires the WHTCC to report to Congress on its plans and schedule for hosting required emergency preparedness exercises for the incoming transition team (required in Sec. 4(d)(2)(C) of the *Presidential Transition Act*). This section also requires GAO to provide a report to Congress, 270 days after Inauguration Day, reviewing the efficiency, effectiveness, and security of activities required by this Act.

Subsection (a) further requires the FTC to report to Congress on lessons learned from the ATDC members and recommendations for future improvements to the presidential transition process. This section would also require the FTC, in consultation with the Secretary of Homeland Security and the Federal Chief Information Officer, to publish information for presidential candidates on proper technology management during the transition process. The legislation requires the FTC to provide this report at least one year before Election Day, and allows them to make updates as needed.

Subsection (b) sets effective dates for provisions in this section.

Section 11. Technical amendment

This section makes a technical amendment.

V. EVALUATION OF REGULATORY IMPACT

Pursuant to the requirements of paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee has considered the regulatory impact of this bill and determined that the bill will have no regulatory impact within the meaning of the rules. The Committee agrees with the Congressional Budget Office's statement that the bill contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments.

VI. CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

S. 3654, Agency Preparation for Transitions Act of 2024			
As ordered reported by the Senate Committee on Homeland Security and Governmental Affairs on January 31, 2024			
By Fiscal Year, Millions of Dollars	2024	2024-2029	2024-2034
Direct Spending (Outlays)	0	0	0
Revenues	0	0	0
Increase or Decrease (-) in the Deficit	0	0	0
Spending Subject to Appropriation (Outlays)	*	*	not estimated
Increases <i>net direct spending</i> in any of the four consecutive 10-year periods beginning in 2035?	No	Statutory pay-as-you-go procedures apply? No	
		Mandate Effects	
Increases <i>on-budget deficits</i> in any of the four consecutive 10-year periods beginning in 2035?	No	Contains intergovernmental mandate?	No
		Contains private-sector mandate?	No
* = between zero and \$500,000.			

S. 3654 would amend the Presidential Transition Act of 1963 to expand the membership, responsibilities, and meeting requirements of existing councils of federal employees that oversee and coordinate transitions. The bill also would create a council for federal employees managing those transitions at small and independent agencies not represented on current councils. Finally, S. 3654 would require various reports, including one from the Government Accountability Office.

Because those provisions would affect agencies that already participate in transitions, codify existing policies, make relatively small changes to the meeting requirements of councils, and require relatively straightforward reports, CBO estimates that implementing the bill would cost less than \$500,000 over the 2024–2029 period. Any spending would be subject to the availability of appropriated funds.

The CBO staff contact for this estimate is Emma Uebelhor. The estimate was reviewed by H. Samuel Papenfuss, Deputy Director of Budget Analysis.

PHILLIP L. SWAGEL,
Director, Congressional Budget Office.

VII. CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

PRESIDENTIAL TRANSITION ACT OF 1963

* * * * *

TITLE III—THE PRESIDENT

* * * * *

**CHAPTER 2—OFFICE AND COMPENSATION OF
PRESIDENT**

* * * * *

**SEC. 3. SERVICES AND FACILITIES AUTHORIZED TO BE PROVIDED TO
APPARENT SUCCESSFUL CANDIDATES.**

(a) * * *

- (1) * * *
- (2) * * *
- (3) * * *
- (4) * * *
- (5) * * *
- (6) * * *
- (7) * * *
- (8) * * *

(A) * * *

- (i) * * *
- (ii) * * *

- (I) * * *
- (II) * * *

(III) are relevant staff **【**from the General Accounting Office**】** *from the Government Accountability Office.*

(b) * * *

(c) * * *

- (1) * * *
- (2) * * *

(A) * * *

(B) the Administrator, in conjunction with the **【**Federal Transition Coordinator designated under**】** *Federal Transition Coordinator appointed under* section (4)(c) and **【**the senior career employee of each agency**】** *the Agency Transition Director of each agency* and senior career employee of each major component and subcomponent of each agency designated under **【**subsection (f)(1)**】** *subsection (f)(1)(A)* to oversee and implement the activities of the agency, component, or subcomponent relating to the Presidential transition, shall make efforts to ensure that each such candidate is provided equal access to agency information and spaces as requested pursuant to this Act.

* * * * *

SEC. 4. TRANSITION SERVICES AND ACTIVITIES BEFORE ELECTION.

(a) * * *

(b) * * *

【(c) **FEDERAL TRANSITION COORDINATOR.**—The Administrator shall designate an employee of the General Services Administration who is a senior career appointee to—

【(1) carry out the duties and authorities of the General Services Administration relating to Presidential transitions under this Act or any other provision of law;

【(2) serve as the Federal Transition Coordinator with responsibility for coordinating transition planning across agencies, including through the agency transition directors council established under subsection (e);

[(3) ensure agencies comply with all statutory requirements relating to transition planning and reporting; and

[(4) act as a liaison to eligible candidates.]

(c) *FEDERAL TRANSITION COORDINATOR.*—

(1) *APPOINTMENT.*—*The Administrator shall appoint an employee of the General Services Administration who is a senior career employee to the position of Federal Transition Coordinator.*

(2) *DUTIES OF THE FEDERAL TRANSITION COORDINATOR.*—*A Federal Transition Coordinator shall be responsible for—*

(A) *carrying out the duties and authorities of the Administrator relating to Presidential transitions under this Act, or any other provision of law, except for determining when a candidate shall be treated as an apparent successful candidate under section 3(c);*

(B) *serving as the Federal Transition Coordinator with responsibility for coordinating transition planning across agencies, including through the agency transition directors council established under subsection (e);*

(C) *ensuring agencies comply with all statutory requirements relating to transition planning and reporting;*

(D) *acting as a liaison to eligible candidates;*

(E) *regularly providing updates to agencies not included on the agency transition directors council with information, including information on briefing materials, key transition milestones, and succession planning;*

(F) *identifying best practices relating to Presidential transitions for transition teams, Federal agencies, and incumbent administrations;*

(G) *providing guidance to agencies on how the agencies should engage with and provide information to apparent successful candidates, should there be multiple apparent successful candidates, as described in section 3(c)(2); and*

(H) *identifying—*

(i) *the most significant challenges for Federal agencies that are posed by Presidential transitions;*

(ii) *ways to mitigate the risks associated with such challenges during subsequent Presidential transitions; and*

(iii) *overall improvements to the Presidential transition process.*

(3) *APPOINTMENT OF THE FEDERAL TRANSITION COORDINATOR.*—

(A) *IN GENERAL.*—*Not later than 2 years before the date of each Presidential election, the Administrator shall appoint a Federal Transition Coordinator.*

(B) *NON-ELECTION PERIODS.*—*During any period during which there is not an individual serving as Federal Transition Coordinator pursuant to an appointment in accordance with subparagraph (A), the Administrator shall appoint a senior career employee to carry out any transition responsibilities until the appointment of the next Federal Transition Coordinator.*

(C) *REPORTING TO CONGRESS.*—*As soon as practicable, but not later than 30 days, after the Administrator ap-*

points a new Federal Transition Coordinator, the Administrator shall report to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Accountability of the House of Representatives that the Administrator has made the appointment.

(4) *RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to prohibit the Administrator from revoking an existing appointment of an individual serving as Federal Transition Coordinator and appointing a new individual to serve as the Federal Transition Coordinator.*

(d) *WHITE HOUSE TRANSITION COORDINATING COUNCIL.—*

(1) *ESTABLISHMENT.—[Not later than 6 months before the date of a Presidential election, the President shall establish a White House transition coordinating council for purposes of facilitating the Presidential transition.] There is established a White House transition coordinating council for the purposes of facilitating the Presidential transition. The White House transition coordinating council shall, at a minimum, meet and perform the duties provided for in this Act.*

(2) * * *

(3) * * *

(4) * * *

(5) *MEETING FREQUENCY.—The White House transition coordinating council shall meet—*

(A) *as soon as practicable during a year during which a Presidential election is being held, but not later than the day before the first regular meeting of the agency transition directors council under subsection (e)(4)(B) during such year; and*

(B) *to host an exercise described in paragraph (2)(C) as soon as is practicable after the date on which the Administrator determines that a candidate shall be treated as the sole apparent successful candidate for the office of the President, but not later than the date on which the apparent successful candidate for the office of President is inaugurated.*

(e) * * *

(1) * * *

(2) * * *

(A) * * *

(B) *provide guidance to agencies in gathering briefing materials and information relating to the Presidential transition that may be requested by eligible candidates[;] including guidance and templates for providing briefing materials and information both in digital and physical formats;*

(C) *ensure materials and information described in subparagraph (B) are prepared not later than [November 1] October 15 of a year during which a Presidential election is held, which may be updated with additional information as needed after October 15;*

(D) *ensure agencies adequately prepare career employees who are designated to fill non-career positions under subsection (f) during a Presidential transition; [and]*

(E) consult with the President's Management Council, or any successor thereto, in carrying out the duties of the agency transition directors council[.];

(F) plan for the possibility of engaging with and providing information to apparent successful candidates, should there be multiple apparent successful candidates, as described in section 3(c)(2);

(G) develop working groups as needed; and

(H) after the inauguration as President of the apparent successful candidate for the office of President, work with the Federal Transition Coordinator to identify lessons learned from the Presidential transition.

(3) * * *

(A) * * *

(B) other senior employees serving in the Executive Office of the President, as determined by the President[;], which shall include not less than 1 senior career employee who shall oversee transition responsibilities for the Executive Office of the President, including the production of relevant transition briefing materials for eligible candidates from each office or component of the Executive Office of the President;

(C) a senior representative serving in a career position from each agency described in [section 901(b)(1) of title 31, United States Code, the Office of Personnel Management], paragraph (1) or (2) of section 901(b) of title 31, United States Code, the Executive Office of the President, the Office of Management and Budget the Office of Government Ethics, and the National Archives and Records Administration whose responsibilities include leading Presidential transition efforts within the agency;

(D) a senior representative serving in a career position from any other agency, as defined under section 3502 of title 44, United States Code, that is determined by the Co-Chairpersons to be an agency that has significant responsibilities relating to the Presidential transition process; and

(E) * * *

(4) * * *

(A) * * *

(B) during the period beginning on the date that is [6 months] 270 days before a Presidential election and ending on the date on which the apparent successful candidate for the office of President is [inaugurated, on a regular basis as necessary to carry out the duties and authorities of the agency transition directors council.], inaugurated, not less than once per month, which shall include—

(i) a meeting during the period beginning on the day after the Presidential election and ending 3 days after the date of the Presidential election; and

(ii) a meeting during the period beginning 5 days after the date of the Presidential election and ending 10 days after the date of the Presidential election.

(5) COUNCIL FOR NON-ATDC AGENCY TRANSITION DIRECTORS.—

(A) *IN GENERAL.*—The Co-Chairpersons of the agency transition directors council shall establish and operate a council for small and independent agency transition directors (referred to in this paragraph as the ‘council’).

(B) *PURPOSE.*—The council shall serve as the principle advisory body to the Co-Chairpersons of the agency transition directors council relating to the priorities, needs, and functions of the council, as they relate to small and independent agencies.

(C) *MEMBERS.*—The council shall be composed of—

(i) the Agency Transition Directors designated under subsection (f)(1)(A) from each agency that does not have a representative who is a member of the agency transition directors council; and

(ii) the Co-Chairpersons of the agency transition directors council.

(D) *CO-CHAIRPERSONS.*—The Co-Chairpersons of the agency transition directors council shall serve as co-chairpersons of the council.

(6) *LESSONS LEARNED BY OMB.*—After the inauguration as President of the apparent successful candidate for the office of President, the senior representative serving in a career position in the Office of Management and Budget designated for purposes of paragraph (3)(C) shall assist the Federal Transition Coordinator by contributing any lessons learned by the Office of Management and Budget from the Presidential transition.

(f) *INTERIM AGENCY LEADERSHIP FOR TRANSITIONS.*—

(1) *ELECTION YEARS.*—

【(1)】 (A) *OVERSIGHT AND IMPLEMENTATION OF TRANSITION.*—Not later than 【6 months】 270 days before the date of a Presidential election, the head of each agency shall designate a senior career employee of the agency and a senior career employee of each major component and subcomponent of the agency 【to oversee and implement the activities of the agency, component, or subcomponent relating to the Presidential transition.】 “, who shall serve as the Agency Transition Director for the agency, oversee and implement the activities of the agency, component, or subcomponent relating to Presidential transition, and provide support to the Federal Transition Coordinator and the Administrator as necessary for the completion of the reports required under paragraphs (3) and (4) of subsection (j).

【2】(B) *ACTING OFFICERS.*—Not later than September 15 of a year during which a Presidential election occurs, and in accordance with subchapter III of chapter 33 of title 5, United States Code, the head of each agency shall ensure that a succession plan is in place for each senior noncareer position in the agency.

(2) *OVERSIGHT AND IMPLEMENTATION OF TRANSITION IN NON ELECTION YEARS.*—

(A) *IN GENERAL.*—Not later than 1 year after the date of each inauguration day—

(i) the head of each agency which has a representative who serves on the agency transition directors council shall designate an employee of the agency who is a

senior career employee to serve as the representative of the agency at the annual meetings of the agency transition directors council described in subsection (e)(4)(A); and

(ii) the head of each agency which does not have a representative who serves on the agency transition directors council shall designate an employee of the agency who is a senior career employee to oversee issues relating to Presidential transitions.

(B) DUTIES.—An employee designated by the head of an agency under subparagraph (A) shall serve as the official responsible for the transition operations of the agency until the date on which the head of the agency designates an employee as an Agency Transition Director under paragraph (1)(A) with respect to the next Presidential election.

(3) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to prohibit the head of an agency from designating—

(A) the individual who is serving as the Agency Transition Director for the agency under paragraph (1)(A) for purposes of paragraph (2)(A); or

(B) the individual who the head designated for purposes of paragraph (2)(A) as the Agency Transition Director for the agency under paragraph (1)(A).

(g) MEMORANDUMS OF UNDERSTANDING.—

(1) IN GENERAL.—Not later than October 1 of a year during which a Presidential election occurs, the President (acting through the Federal Transition Coordinator) shall, to the maximum extent practicable, negotiate a memorandum of understanding with the transition representative of each eligible candidate, which [shall include, at a minimum, the conditions of access to employees, facilities, and documents of agencies by transition staff.] shall include—

(A) at a minimum—

(i) the conditions of access to employees, facilities, and documents of agencies by transition staff;

(ii) the conditions of access to information and briefing material critical to national security, which shall be established in consultation with the relevant agencies; and

(iii) the conditions of access to any interagency emergency preparedness and response exercises under subsection (d)(2)(C);

(iv) the conditions of access to information, services, and facilities authorized to be provided in circumstances and during time periods described in section (3)(c); and

(B) a provision creating a mechanism for expeditiously addressing any concerns raised by the eligible candidate or the incumbent administration regarding ethical, privacy, or privilege concerns relating to access to the information of agencies, briefing materials, or nonpublic information.

(2) * * *

(3) * * *

(h) * * *

(i) *REPORTS BY THE PRESIDENT.*—

(1) *IN GENERAL.*—The President, acting through the Federal Transition Coordinator, shall submit to the Committee on Oversight and Government Reform of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate reports describing the activities undertaken by the President and agencies to prepare for the transfer of power to a new President.

(2) *TIMING.*—The reports under paragraph (1) shall be provided 6 months and 3 months before the date of a Presidential election.

(j) *OTHER REPORTS REGARDING TRANSITIONS.*—(1) *DEFINITIONS.*—*In this subsection—*

(A) *the term ‘incoming administration’ means the apparent successful candidate for the office of President, the apparent successful candidate for the office of Vice President, a member of the transition team, or any other employee or contractor of the apparent successful candidate for the office of President or the apparent successful candidate for the office of Vice President who is performing duties relating to the Presidential transition; and*

(B) *the term ‘outgoing administration’ means an individual who, during the period beginning on the date of a Presidential election and ending on the date of the inauguration with respect to the Presidential election (unless the individual serving as President on the date of such Presidential election is inaugurated as President at such inauguration), serves as the President, the Vice President, or an officer or employee in the executive branch of the Federal Government.*

(2) *EXERCISES.*—*Not later than November 1 of each year during which a Presidential election is held, the White House transition coordinating council shall submit to Congress a report, which may contain a classified annex, on the plans of the council for hosting exercises described in subsection (d)(2)(C), which shall include a summary of—*

(A) *the topics to be covered by the exercises;*

(B) *scheduled dates for the exercises; and*

(C) *plans for ensuring emergency preparedness prior to a determination by the Administrator that a single candidate for the office of President should be treated as the sole apparent successful candidate in accordance with section 3(c), including during any period of multiple apparent successful candidates as described in section 3(c)(2), if applicable.*

(3) *GAO REPORTS.*—

(A) *IN GENERAL.*—*Not later than 270 days after the date of each inauguration day, the Comptroller General of the United States, in consultation with the agency transition directors council, shall submit to the Committee on Homeland Security and Governmental Affairs and the Committee on Appropriations of the Senate and the Committee on Oversight and Accountability and the Committee on Appropriations of the House of Representatives a report on the Presidential transition process and make a version of the report available to the public.*

(B) *CONTENTS.*—A report under subparagraph (A) shall include—

(i) a review of the efficiency, effectiveness, and security of activities required in this Act of the outgoing administration and the incoming administration, including—

(I) briefings of members of the incoming administration by members of the outgoing administration;

(II) migration of technology platforms;

(III) information-sharing between agencies or between the outgoing administration and the incoming administration; and

(IV) the services and facilities provided by the Administrator to facilitate an efficient transfer of power before and after the date of the applicable Presidential election;

(ii) the cost of the services and facilities provided by the General Services Administration, the National Archives and Records Administration, the Office of Government Ethics, Office of Personnel Management, and the Department of Justice to facilitate an efficient transfer of power before and after the date of the applicable Presidential election;

(iii) an assessment of the major challenges and achievements of service-providing agencies in the delivery of core transition services to agencies, the outgoing administration, and the incoming administration;

(iv) if the apparent successful candidate for the office of President is not serving as President on the date of the applicable Presidential election, a description of any known or reported delays in services provided by any agency to the incoming administration; and

(v) recommendations, if any, for changes to the Presidential transition process.

(4) *LESSONS LEARNED.*—Not later than 180 days after each inauguration day, the Federal Transition Coordinator shall report to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Accountability of the House of Representatives regarding lessons learned from the transition period and offer recommendations for improvements to the Presidential transition process, which shall include—

(A) lessons learned by Agency Transition Directors and the agency transition directors council with respect to the transition operations of agencies; and

(B) recommendations, if any, for improvements to the Presidential transition process.

(k) *GUIDANCE ON IT MANAGEMENT DURING THE TRANSITION.*—

(1) *GENERAL GUIDANCE.*—Not later than 1 year before the date of each Presidential election, the Federal Transition Coordinator, in consultation with the Secretary of Homeland Security and the Administrator of the Office of Electronic Government, shall make publicly available in a manner that is accessible by any candidate for the office of President or Vice-Presi-

dent information regarding information technology management during the Presidential transition, including—

(A) information technology management best practices to protect against cyber threats;

(B) a description of technology platforms that will be provided by the Administrator to eligible candidates, including at minimum—

- (i) email and video conferencing;
- (ii) file-sharing and document-sharing software;
- (iii) personnel selection, vetting, and documenting systems; and
- (iv) other technology required to facilitate virtual briefings, meetings, and other interactions between transition team members and with Federal agencies; and

(C) a description of what, if any, technology platforms a candidate may be able to transition into the incoming administration, should the candidate become President.

(2) GUIDANCE FOR ELIGIBLE CANDIDATES.—After the date described in paragraph (1) and before inauguration day, the Federal Transition Coordinator, in consultation with the Secretary of Homeland Security and the Administrator of the Office of Electronic Government, may provide additional information regarding information technology management during the Presidential transition to each eligible candidate.

(3) SUBMISSION TO CONGRESS.—The Federal Transition Coordinator shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Accountability of the House of Representatives any information made publicly available or provided to an eligible candidate under this subsection.

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EDWARD ‘TED’ KAUFMAN AND MICHAEL LEAVITT PRESIDENTIAL TRANSITIONS IMPROVEMENTS ACT OF 2015

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SEC 4. REPORTS ON POLITICAL APPOINTEES APPOINTED TO NON-POLITICAL PERMANENT POSITIONS.

(a) * * *

(b) * * *

(1) * * *

(2) * * *

(3) PUBLICATION.—The Director of the Office of Personnel Management shall make a version of each report required under paragraph (1) and each report required under paragraph (2) available to the public, which may exclude information in accordance with subsection (c).

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