




EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
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MEMORANDUM FOR HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES

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SUBJECT: Guidance on Presidential Transition Preparations

This memorandum provides guidance to agencies on transition preparation requirements and deadlines consistent with the statutory obligations in the Presidential Transition Act of 1963, as amended (3 U.S.C. § 102 note) (the Act) and best practices. In addition to the ongoing work required by the Act, this guidance is intended to ensure the seamless continuity of Federal government operations and services during a transition to a new administration. It also increases the transparency of the transition process. As agencies implement the guidance outlined below, officials should continue to deliver on their missions and obligations to the American people while responsibly balancing preparations for a new administration.

To prepare for a transition to a new administration, agencies shall do the following:

- 1. Agency Transition Governance.** The Act requires each agency head to designate a senior career employee of the agency and a senior career employee of each major component and subcomponent of the agency to oversee and implement the activities of the agency, component, or subcomponent relating to the Presidential transition. Where agencies have multiple components and subcomponents, working groups can be established to discuss the status of transition preparations at all levels of the agency. These agency senior career employees have been identified and have been meeting with the Co-Chairs of the Agency Transition Directors Council.
- 2. Pre-Election Engagement with Transition Teams of Eligible Candidates.** To ensure proper, consistent, and equitable dissemination of information to the authorized representatives of the eligible candidates, agency employees should refer any pre-election inquiries from the transition teams to their Agency Transition Director or Presidential Transition Communication Point of Contact, who will refer the transition team to the Office

of Management and Budget (OMB) Deputy Director for Management and the Federal Transition Coordinator. To increase transparency, Agency Transition Directors and Presidential Transition Points of Contact should share the name of each individual making such an inquiry of an agency on behalf of a transition team, the date of the inquiry, and the inquiry itself with OMB and the Federal Transition Coordinator for potential posting on the Presidential Transition Directory website. Federal officials should not engage with transition teams or their authorized representatives on any matter related to their official duties without prior written approval from the OMB Deputy Director for Management or the Federal Transition Coordinator.

3. **Succession Planning.** Agency heads are statutorily required to ensure that a succession plan is in place for each senior noncareer position in the agency. Agencies shall ensure that such succession plans are in place no later than September 13, 2024. Under the Act, agencies' succession plans must be in accordance with subchapter III of chapter 33 of title 5, U.S.C., which includes the Federal Vacancies Reform Act. As such, no later than September 13, 2024, agencies shall submit (1) a certification of completion of a succession plan for all senior noncareer positions; and (2) any other relevant materials. The FTC will provide separate instructions to agencies as to how and where to submit the required information for succession planning.
4. **Agency Briefing Materials.** Agencies are statutorily required to prepare briefing materials no later than November 1, 2024. As such, agencies should certify that they have done so on or before November 1, 2024. The Federal Transition Coordinator will provide separate instructions to agencies as to how and where to submit the agency briefing material certification. Given the different needs of potential agency review teams and incoming administration officials, post-election, agencies may be requested to prepare tailored briefing materials as appropriate. While agencies have discretion as to the format and information included in the briefing materials, they should be prepared with the needs of the intended audiences in mind, and agencies should make electronic versions available.

At a minimum, briefing materials should include information on the following: (1) an overview of the organization; (2) the top five to ten most pressing operational items a new administration will have to handle immediately after Inauguration; (3) a budget overview; (4) the current leadership structure; and (5) Congressional considerations. Agencies should ensure information included in briefing materials is approved for release to the intended audience. As a general principle, briefing materials for the agency review teams may include information that is releasable to members of the public through a Freedom of Information Act (FOIA) request, but should not include pre-decisional or deliberative information, information that is otherwise privileged, or other information that is exempted from disclosure under FOIA, the Privacy Act, or other law.

Recognizing that it may be necessary in some circumstances to provide specified transition personnel with access to non-disclosable information, a clearance mechanism will be established by the White House Transition Coordinating Council through a memorandum of understanding (MOU) between the President and the representative of the eligible candidate

on the conditions of access to employees, facilities, and documents of agencies. The MOU will be in place prior to the election.

In accordance with the Presidential Transition Act of 1963, as amended, upon the determination of the apparent successful candidates for each of the offices of the President and Vice President, agencies shall be prepared for the following:

- 1. Agency Review Team Preparations.** Agency review teams will be deployed by apparent successful candidate(s) for the office of the President or his or her transition team(s) to a subset of Federal agencies immediately following the determination of apparent successful candidate(s). Agency interactions with agency review teams will be governed by the MOU described in section 4 above. Agencies are to act in accordance with any requirements, including those regarding transparency, incorporated into the MOU. The MOU with each candidate applies to transition activities if there were to be a period of multiple possible apparent successful candidates. In general, the Presidential Transition Act requires that agencies shall make efforts to ensure that in the event of multiple apparent successful candidates, each such candidate is provided equal access to agency information and spaces as requested pursuant to the Act.

If there is a period of multiple apparent successful candidates, when a single candidate for the office of President or Vice President becomes the sole apparent successful candidate for that office or is solely treated as the apparent successful candidate for that office pursuant to the Presidential Transition Act, access to information, services and facilities provided under the MOU shall continue for that candidate and conclude for all other candidates.

The teams will review briefing materials and meet with internal agency transition teams to develop a better understanding of each agency and its current state of affairs. Not all agencies should expect to receive agency review teams, and we will work with the apparent successful candidate's transition team(s) to identify the respective agency review list. Agencies that have historically received agency review teams should begin making the necessary preparations so that by November 1, 2024, the resources are in place to provide the agency review teams with logistical and administrative support, including building access and work spaces. Moreover, upon the arrival of agency review teams, Agency Transition Directors and Presidential Transition Communication Points of Contact should assist the teams with the coordination of briefings and generally be responsive to requests by the teams for permissible information and assistance.

- 2. Off-Boarding Current Noncareer Employees.** As needed, agencies should develop guidance on the records management responsibilities of departing political appointees. For additional information, agencies should consult guidance issued by the National Archives and Records Administration. In addition, agencies should develop a briefing on "exit ethics" and post-service health benefit coverage and retirement benefits, which should include information about whom to contact with related questions after noncareer employees leave government service. As a matter of best practice, agencies may establish "one-stop" briefings for noncareer employees so they may be informed in the most efficient manner.