2024 Presidential Transition Activities: Progress Report as of August 2024

The Presidential Transition Act of 1963 (3 U.S.C. § 102 note) requires the President, acting through the Federal Transition Coordinator, to submit two reports to Congress describing the activities undertaken by the President and agencies to prepare for the responsible transfer of power to a new President. These reports to the Committee on Oversight and Accountability of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate are due six months and three months prior to the general election of November 5, 2024. This report is the 3-month report, which is due on August 5, 2024, and provides a status update of transition-related activities undertaken by the administration to date. The 6-month report was submitted to Congress on May 3, 2024.

The Presidential transition cycle occurs every four years and requires the coordinated effort of all federal agencies to prepare for a responsible transition of administrations, if necessary. The President has established two transition councils: the White House Transition Coordinating Council (WHTCC) and the Agency Transition Directors Council (ATDC). The WHTCC provides guidance regarding transition preparations, including succession planning and preparation of briefing materials. The ATDC ensures the federal government has an integrated strategy for addressing interagency challenges and responsibilities.

The General Services Administration's (GSA) pre- and post-election transition activities include providing facilities and information technology (IT) support to eligible candidates beginning three business days after the final national convention. Additionally, GSA and other federal and non-federal agencies prepare for the Presidential Inauguration on January 20, 2025, which takes place whether or not there is change in administration. Finally, in the event of an administration change, GSA provides facilities and services established to support the outgoing President and Vice President. To facilitate this coordination, GSA has appointed a Federal Transition Coordinator (FTC) who serves as the primary transition point of contact for federal agencies and the transition teams of eligible candidates.

The first section of the report, titled *Transition Coordination*, provides an update on progress of the WHTCC and the ATDC. The second section, titled *Partner Agency Updates*, describes the current status of transition activities of partner agencies that have significant roles in coordinating support for agencies governmentwide. Finally, the third section, titled *General Services Administration (GSA) Activities*, describes GSA's progress regarding pre-election, post-election, and inaugural support activities.

Transition Coordination

The WHTCC held a meeting in May at which members were briefed on transition preparation activities to date. The Council reviewed the scope of the administration's statutory responsibilities under the Presidential Transition Act, and deliberated on the manner in which these obligations would be carried out comprehensively and within the required timelines.

The ATDC met in May, June, and July to work on its statutorily required responsibilities. The ATDC will continue to meet monthly to carry out its duties. To date, the ATDC has been focused on how agencies

will meet the major milestones required by the Presidential Transition Act, such as succession planning and agency briefing materials, in addition to overall agency transition planning efforts.

In an effort to coordinate transition across government and include agencies that are not represented on the ATDC, the ATDC co-chairpersons have also invited the points of contact from agencies, boards, and commissions listed in Enclosure 2 of Office of Management and Budget Memorandum M-24-13 to informational meetings on transition preparations and their organizations' responsibilities. This group met in June and plans to meet again in August and later as needed.

Partner Agency Updates

Office of the Director of National Intelligence (ODNI): The Director of National Intelligence appointed a senior career official to oversee and implement Presidential transition related activities. This official has established a Presidential transition contingency planning team to support the effort, with representatives from across the Intelligence Community (IC) participating.

ODNI is engaged in contingency planning for security and logistics involved with the delivery of IC classified briefings and transition materials to the President-elect, Vice President-elect, and their transition teams.

The Intelligence Reform and Terrorism Prevention Act (IRTPA) of 2004, as amended, reformed the Presidential transition teams' vetting process by requiring the Government to process security clearances for transition members for major party candidates or any other candidate determined by the GSA Administrator to be among the principal contenders for the general election. The process begins after the major parties nominate their candidates.

The ODNI is designated as the agency to coordinate the investigation and adjudication efforts for Presidential transition teams and Presidential nominees through Inauguration Day, with the Department of Justice serving as the lead authority for the granting of clearances. ODNI is in the process of coordinating the 2024 Presidential Election and Transition Security Clearance Adjudication Plan that governs this activity, which updates the 2020 plan to account for lessons learned and The Presidential Transition Improvement Act. The revised plan is being developed in conjunction with the Department of Justice, the Federal Bureau of Investigation (FBI), and the Central Intelligence Agency (CIA) Office of Security. Each agency has distinct responsibilities for implementing the Plan through the conduct of background investigations for, and adjudication of, security clearances in the transition process.

Department of Justice (DOJ): Eligible candidates for President may request security clearances for prospective transition team members who will need access to classified information to fulfill their responsibilities as part of the Presidential candidate's staff. These clearances will also apply to members of the President-elect's transition team.

The FBI's Other Government Agency Background Investigation Unit 1 (OGA 1) is responsible for conducting the background investigations necessary for issuance of security clearances for transition personnel and political appointees. The DOJ Security and Emergency Planning Staff (SEPS) is

responsible for adjudicating the investigations, granting security clearances, and conducting security indoctrination briefings for approved personnel.

The DOJ has completed or is working on the following action items:

- 1. The transition team supporting the Agency Transition Director (ATD) has been named and has met to confirm their action plan.
- 2. The FBI's Security Division has hired Reserve Service Program (reemployed annuitants) personnel to provide assistance in processing background investigations.
- 3. SEPS has identified personnel to conduct adjudications and security indoctrination briefings.
- 4. The Memorandum of Understanding (MOU) between the DOJ and Presidential candidate is currently being modified.
- 5. SEPS is collaborating with ODNI to finalize the 2024 Concept of Operations: Presidential Election and Transition Security Clearance Adjudication Plan.
- 6. SEPS and the FBI's Security Division have participated in transition meetings with the GSA Presidential Transition Support Team, ODNI, and other participating agencies.

Department of Homeland Security (DHS): DHS established a Presidential Transition Office to coordinate presidential transition related activities of DHS component agencies and offices.

DHS Office of Intelligence and Analysis (I&A):

Homeland Threat Assessment—I&A is preparing a Homeland Threat Assessment that will be finalized before the end of September. The unclassified Assessment will cover threats facing the Nation.

Classified Threat Briefing—In accordance with the *Intelligence Reform and Terrorism Prevention Act of 2004*, a classified briefing for incoming officials will be complete by October 31. I&A also will ensure DHS inputs are complete to the Presidential-level classified threat briefing.

United States Secret Service (USSS):

Candidate Protection and the Conventions—The USSS is authorized to provide security for major Presidential candidates, Vice Presidential candidates, and, within 120 days of the general Presidential election, those candidates' spouses. During the 2024 Presidential campaign cycle, the USSS is providing protection to President Joseph Biden, Vice President Kamala Harris, former President Donald Trump, Republican Vice Presidential candidate James David (JD) Vance, and third-party candidate Robert Kennedy, Jr. The USSS is expected to assume protection of the Democratic Vice Presidential candidate once the individual is formally nominated by their party.

The USSS is also the lead federal agency for operational security planning and implementation for the 2024 Republican and Democratic National Conventions and the 2025 Presidential Inauguration, which are designated National Special Security Events. Additionally, the USSS is the lead federal agency for operational security planning and implementation for the 2024 Presidential and Vice-Presidential Debates. The USSS has developed security protocols that include, for example, measures related to airspace security, explosive mitigation, intelligence support, cyber security, and transportation in coordination with state, local, and other federal agencies.

Presidential Inauguration Security Planning—The USSS, along with the Federal Protective Service (FPS) and the Federal Emergency Management Agency (FEMA), is actively engaged with interagency partners in planning security protocols for the Presidential Inauguration.

FEMA:

Domestic Incident Management and Continuity of Government Preparation—DHS is aware of the statutorily-required exercises according to Section 4(d)(2)(c) of the Presidential Transition Act. Acting through FEMA and OSA, DHS has taken steps to prepare training and tabletop exercises for incoming leaders and is poised to engage with interagency partners and the White House as appropriate.

Specifically, FEMA's National Exercise Division (NED), is coordinating with the DHS PTO for the design, planning, and conduct of the DHS Presidential Transition Exercise Series. The DHS Presidential Transition 2024 – 2025 Exercise Series is part of the DHS Exercise and Evaluation Program and includes two exercises: DHS Secretary's Leadership Exercise (SLE) 24-3: Ready to Act and DHS SLE 24-4: Ready to Lead. This series was designed to prepare career successors and incoming political appointees to anticipate and resolve critical challenges that could disrupt the Nation's capabilities to prevent, protect against, mitigate, respond to, and recover from the threats and hazards that pose the greatest risk to national and homeland security.

SLE 24-3: Ready to Act is designed for DHS career successors and current heads of agencies that remain in place through the transition. SLE 24-4: Ready to Lead is designed to help prepare incoming DHS senior leaders to fulfill their new roles. Outcomes from SLE 24-3: Ready to Act will support DHS participation in the National Security Council's Senior Officials Exercise (SOE) Presidential Transition 2024-2025 Exercises.

Defense Cyber Security Agency (DCSA): DCSA is ready to conduct background investigations for lower level positions as needed.

Office of Government Ethics (OGE): OGE has a unique and important statutory role in supporting election readiness and Presidential transitions. OGE plays a vital role in the Presidential appointments process by reviewing the financial disclosure reports of prospective Presidential nominees and resolving potential conflicts of interest so officials can serve with integrity. Additionally, OGE supports the ethical onboarding and offboarding of key positions across the executive branch. OGE is actively preparing the agency and the executive branch-wide ethics program in advance of the Presidential election so they can be ready to carry out this important work. Since May, OGE has enhanced, further secured, and conducted training on *Integrity*, OGE's electronic public financial disclosure system; reviewed Presidential candidate financial disclosure reports; provided professional development opportunities for hundreds of ethics officials and its own staff; and updated key election-readiness resources.

Maintain and operate *Integrity*, OGE's electronic public financial disclosure system: The nominee financial disclosure reports are filed through *Integrity*, OGE's executive branch-wide electronic public financial disclosure system. *Integrity* is used successfully by over 26,000 of the highest-level officials in the executive branch to file nominee, annual, periodic transaction, and termination reports. To prepare for

the 2024 election, OGE continues to improve the system based on user input and to comply with evolving IT security requirements. OGE also plans to engage with eligible candidates' transition teams to communicate expectations for the complex financial disclosure review process, and to provide an overview of OGE's resources for that process, including how to use *INTEGRITY*.

<u>Review disclosures of Presidential candidates</u>: In coordination with the Federal Election Commission, OGE has reviewed the financial disclosure reports of all covered candidates for the office of President of the United States that it has received. OGE will also review the reports of candidates for the office of Vice President.

Provide professional development opportunities (external and internal): Beginning in January 2024, OGE has provided significant support to thousands of agency ethics officials to ensure that they are prepared for their enhanced responsibilities and the increased workload associated with a Presidential election. OGE will continue to provide this support beyond the election. OGE is, in part, carrying out this important work by holding a year-long Summit on Election Readiness, which includes in-person and virtual training opportunities. As part of the Summit, OGE has already delivered 34 offerings with more than 1,500 registrants. This includes, for example, an all-day in-person event in June for nearly 170 ethics officials, which was also attended virtually by an additional 450 ethics officials. These Summit sessions are intended to support agency ethics officials' ability to successfully manage a potential surge in financial disclosure filings related to a high volume of incoming nominees and termination reports for outgoing Presidentially appointed, Senate-confirmed (PAS) officials, provide each new agency employee with an initial ethics orientation, and educate a high volume of officials leaving government about the ethics rules that apply to seeking employment and post-government employment. This fall, OGE will continue to hold sessions, including a six-week program for reviewers of nominee reports. OGE is also intensively cross training its own expert staff to build capacity to handle the increase in volume of nominee financial disclosure reports associated with an election, regardless of the outcome.

<u>Update key resources</u>: In addition, OGE is working to update (or has updated) key resources for Presidential campaigns, Presidential Transition Teams, prospective nominees to PAS positions, the public, and the media. These resources are available online <u>here</u>.

Notably, these resources include: (1) A Roadmap to Presidential Appointments, Ethics Program Administration, and Ethical Leadership, which describes key actions that the Presidential Transition Team, and then the White House Office and Office of the Vice President must take to ensure a smooth transition with regard to government ethics; (2) a Guide for Nominees, which contains helpful guidance for incoming PAS nominees, including an introduction to the nominee process, their ethics responsibilities as individuals and leaders, and an overview of key ethics rules and regulations; and (3) the Ethics Agreement Guide which is an extensive collection of guidance and model language for agency reviewers who draft ethics agreements for PAS nominees. OGE also published a list of PAS positions subject to its review to complement the PLUM book.

Office of Personnel Management (OPM): On May 24, 2024, OPM released <u>a memo</u> to agencies regarding appointments and awards during the 2024 Presidential election period. This memo provides guidance to agency heads on the need to ensure all personnel actions remain free of political influence or

other improprieties and meet all relevant civil service laws, rules, and regulations and reminds agencies of the prohibition on providing incentive-based awards to political appointees beginning on June 1, 2024. OPM will also release its Presidential Transition Guide for Federal Human Resources Management Matters in the fall of 2024, if necessary.

On June 17, 2024, OPM's Workforce Policy and Innovation (WPI) group issued a <u>data call</u> to Federal agencies requesting that their submission of Presidentially Appointed Senate Confirmed (PAS)/Presidential Appointment (PA) Listings, including position summaries, be submitted to OPM by July 1, 2024. Based on this information, OPM will prepare submissions to both the Democratic and Republican National Committees 15 days after their respective nominations, as required by statute.

OPM's WPI team is also working on the 2024 Plum Book, which is published every four years and contains a listing of all general Senior Executive Service (SES), PAS and PA positions (whether filled or vacant), and all filled Schedule C positions Government-wide. It also includes other populations, including Senior Foreign Service, policy and supporting positions in the excepted service, and four agencies in the Legislative Branch. Responsibility for issuing the Plum Book alternates between the U.S. Senate and the U.S. House; in 2024, it will be published at the request of the Senate. Currently, OPM has not yet received the official U.S. Senate request. Agencies submit data through OPM's Executive and Schedule C System (ESCS) database; this system is used to update, edit, and correct staffing data and to produce reports provided to Congress, and more recently supports OPM's reporting requirements under the Periodically Listing Updates to Management (PLUM) Act. Based on historical precedent, OPM will include information in the Plum Book as of July 12, 2024, and provide guidance to agencies to confirm and certify the data by the end of August. The Plum Book data will then be provided to the U.S. Congress and the U.S. Government Publishing Office (GPO) for printing around November 1, 2024.

National Archives and Records Administration (NARA): NARA continues its efforts to ensure records from the White House are properly managed as required by the Presidential Records Act (PRA) during the current administration and in anticipation of a potential transition. NARA holds regular meetings with the White House Counsel's Office on records issues relating to the transition. Appropriate staff from NARA's Office of General Counsel, White House Liaison Division, Archival Operations Division, Office of Presidential Libraries, and the Office of Information Services have also met with the White House Office of Records Management, the White House Counsel's Office, the National Security Council, the White House Photo Office, the White House Gift Office, and the White House Office of Administration regarding records transition.

NARA participates in weekly meetings led by the Office of Administration to plan for the eventual transfer of electronic Presidential records, which comprise the vast majority of records subject to transfer under the PRA. NARA is also a member of the Presidential Records Transition Task Force, which is evaluating existing policies and procedures and identifying best practices for a presidential transition to address the inadvertent removal of classified documents and help prevent it from happening in the future.

NARA also continues to take the necessary steps to help agencies ensure outgoing and incoming officials follow records management requirements in accordance with the Federal Records Act. NARA is making transition specific records management guidance and briefing products through the GSA Presidential

Transition Directory and on <u>NARA's website</u>. These resources include records management guidance for political appointees; a video briefing featuring an introduction from the Archivist of the United States; and model records and information management entrance and exit checklists.

General Services Administration (GSA) Activities

The GSA Federal Transition Coordinator, Presidential Transition Support Team, and the Inaugural Support Team continue to prepare to fulfill their statutorily required transition services to their customers on time.

Pre-election services: The preparation for the delivery of pre-election services to the eligible candidates is on schedule and within budget. As required by the Presidential Transition Act, GSA will be ready to offer pre-election services to the eligible candidates at 1800 F Street NW, Washington, DC (GSA Headquarters Building) three business days following the last nominating convention (August 27, 2024). A secure IT network, hardware, software (inclusive of video conferencing), and the associated infrastructure support are a part of the services GSA provides to the eligible candidates. The Microsoft 365 Suite, a widely recognized set of productivity software currently used by numerous government agencies, will be provided to the candidate teams to support productivity for both on-site and teleworking staff. Security during the Pre-election period will be provided by DHS FPS. GSA and DHS FPS are coordinating to provide badges for access to the facility during the pre-election period. The Executive Office of the President (EOP) will provide information regarding the administration's current resume intake tool, known as the Apply Application, and GSA has a contract in place to support customization of a resume intake tool for the pre-election customers after September 1, 2024.

Post-election services: GSA and its partner agencies' continue preparations for the delivery of post-election services at 1800 F Street NW, Washington, DC. GSA is also preparing for a possible period with multiple apparent successful candidates, as provided in the Presidential Transition Act, as amended. During such a period, GSA will provide equal space, IT resources, and support to remaining eligible candidates.

Security during the post-election period will be provided by USSS. GSA and USSS are coordinating to provide badges for access to the facility during the post-election period. GSA will continue to support the resume intake tool and has a plan in place to transfer the tool, and all associated data, to EOP on January 20, 2025. GSA and EOP have already used this transfer process successfully, on January 20, 2017, and January 20, 2021.

Inaugural Support Team (IST): GSA's IST and its partner agencies continue to move forward with their preparations for the Inauguration. The team is staffed and prepared to meet all of its requirements on time. Additionally, parking options have been identified and will be included in the occupancy agreements.