



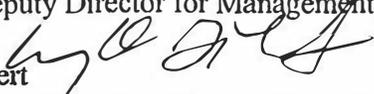
EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF MANAGEMENT AND BUDGET  
WASHINGTON, D.C. 20503

September 4, 2020

M-20-33

MEMORANDUM FOR THE HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES

FROM: Michael Rigas   
Acting Deputy Director for Management, Office of Management and Budget

Mary Gibert   
Federal Transition Coordinator, General Services Administration

SUBJECT: Guidance on Presidential Transition Preparations

This memorandum provides guidance to agencies on transition preparation requirements and deadlines consistent with 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 second term of an administration or to a new administration. It also increases the transparency of the transition process. As agencies implement the guidance outlined below, officials should approach the work in ways that are responsive to the ongoing needs of the current administration while balancing the preparations for a potential new administration.

**To prepare for a transition to a second term of an administration or 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. The 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, Federal employees should refer any inquiries from the campaigns to their Agency Transition Director or Presidential Transition Communication Point of Contact, who will refer the campaign to the Office of Management and Budget (OMB) Deputy Director for Management and the Federal Transition Coordinator (FTC). To

increase transparency, the name of each individual requesting information on behalf of a campaign from an agency, the date of the request and the request itself are to be compiled by the agency for posting on the Presidential Transition Directory website. Federal officials should not engage with candidates 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 FTC.

- 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 15, 2020. Under the Act, agencies' succession plans must be in accordance with subchapter III of chapter 33 of title 5, which includes the Federal Vacancies Reform Act (VRA). As such, no later than September 15, 2020, agencies shall submit (1) a certification of completion of a succession plan for all senior noncareer positions; (2) a high level organizational chart inclusive of the senior noncareer positions identified in the succession plan; and (3) 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 and finalize briefing materials no later than November 1, 2020. As such, agencies should certify that they have done so on or before November 1, 2020. The FTC 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, 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 team; 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 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 ascertainment of the President-elect and Vice President-elect, agencies shall be prepared for the following if there will be a transition to a new administration:**

- 1. Agency Review Team Preparations.** Agency review teams will be deployed by the President-elect or his transition team to a subset of Federal agencies immediately following the ascertainment of the election results. 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 transparency, incorporated into the MOU.

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 President-elect's transition team 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, 2020, 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 Point 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.** A key component of a change in administrations is the successful outward transition of 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.