

Presidential Transitions: An Overview

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Introduction

At its heart, a presidential transition is the transfer of executive power from the incumbent President to his successor. A single step—taking the oath of the office of President—accomplishes this transfer. Yet the transition process is more complex, beginning with pre-election planning and continuing through Inauguration Day on January 20. It involves key personnel from the outgoing and incoming Presidents’ staffs; requires resources; and includes many activities, such as vetting candidates for positions in the new Administration, helping to familiarize the incoming Administration with the operations of the executive branch, and developing a comprehensive policy platform.

The Presidential Transition Act (PTA) of 1963, as amended, established formal mechanisms to facilitate presidential transitions and authorized the Administrator of General Services to provide facilities and services to eligible presidential candidates and the President-elect. CRS Report R46602, *Presidential Transition Act: Provisions and Funding*, examines the PTA, as amended. The General Services Administration’s [presidential transition directory](#) contains information and resources for the President-elect’s transition team.

Presidential Transitions

The incoming President and his team have the period between Election Day and Inauguration Day—approximately 75 days—to complete preparations for governing the massive, complex enterprise that is the executive branch of the federal government. The Partnership for Public Service, Center for Presidential Transition, notes that [an incoming President](#) “is responsible for making more than 4,000 appointments, managing an organization with a budget of nearly \$5 trillion and overseeing a workforce of more than 2 million civilian employees who perform missions as diverse as national defense, public health and citizen services.” The 15 executive departments alone—such as the Departments of Defense, Health and Human Services, Homeland Security, Justice, and State—are responsible for a broad range of missions, policies, functions, and programs, yet they represent a small percentage of the hundreds of federal government entities.

Reviewing the staffing needs of a new Administration provides another perspective on the complexity of the federal government. In 2016, there were approximately [4,013 noncompetitive positions](#) that typically would be filled by the President; the list included 1,242 presidential appointments with Senate

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confirmation (PAS positions), 459 presidential appointments that did not require Senate confirmation, 761 noncareer Senior Executive Service (SES) positions, and 1,538 Schedule C positions (confidential or policy-determining positions at or below GS-15 pay grade).

The importance of a well-organized, orderly, and coherent transition has at times been underscored by the ongoing security concerns following the terrorist attacks of September 11, 2001. More recently, in January 2009, the outgoing Administration learned of a possible terrorist attack on Inauguration Day. As described by one observer, [the outgoing and incoming national security teams](#) worked together closely: “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 as president and the last one for George Bush.”

In 2015, the [Senate Committee on Homeland Security and Governmental Affairs](#) asserted that careful presidential transition planning “prevents disruptions that can create vulnerabilities to the nation’s security,” adding that “[t]he challenges and risks identified by the Committee have only increased since 2010.” Incoming Administrations also prepare to assist, coordinate, or lead the nation’s response to and recovery from disasters, pandemics, and other types of incidents or emergencies.

The Incumbent President and the New President

In Section 2 of the PTA (as amended, [3 U.S.C. 102 note](#)), Congress declared that “[t]he national interest requires that [presidential] transitions ... be accomplished so as to assure continuity in the faithful execution of the laws and in the conduct of the affairs of the Federal Government, both foreign and domestic.” Yet, at the same time, a variety of events, decisions, and activities contribute to what some may characterize as a dynamic environment.

Academic observers have suggested [the incumbent](#) has at his disposal “a wide variety of means to effectuate lasting and substantive policy changes, both foreign and domestic.” His decisions and actions in several areas—as well as the activities of his Administration—could affect his successor and could be a cause for congressional concern. Acting unilaterally, a President can issue executive orders, appoint individuals to positions that do not require Senate confirmation, and make recess appointments. Additionally, the President can appoint individuals to PAS positions; the Administration can influence the pace of agency rulemaking; significant decisions regarding presidential and vice presidential records may be made; and some political appointees may be converted to civil service positions in a practice known as *burrowing in*.

A President-elect, once in office and eager to establish his policy agenda and populate his Administration with his appointees, will be involved in a host of decisions and activities, some of which might modify or overturn the previous Administration’s actions or decisions. An incoming President can use the same administrative tools his predecessor did during the transition period to establish his policy agenda, populate the executive branch with his appointees, and possibly overturn or modify some of his predecessor’s policies and actions.

Role of Congress

Congress has a role to play in presidential transitions, though the extent and type of its involvement vary. Congress is most directly involved in the confirmation of presidential appointees (that is, individuals appointed to PAS positions); the budget process; and, under certain circumstances, oversight of agency rulemaking. Other Administration activities, such as the issuance of executive orders, the disposition of presidential and vice presidential records, and the granting of pardons, may be of interest to Congress and, in some cases, might become the subject of congressional oversight or other congressional action.

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