

Presidential Transition Index

Methodological Note
and Codebook

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Introduction and Summary

The American public has witnessed smooth and peaceful transitions of power every four years for decades. While the presidential transition process is tantamount for our democracy and governance, the process itself has been largely in the background. Yet, the 2020 election was held under extraordinary conditions: The vote-by-mail method has been ushered to the forefront due to the pandemic, and both the election and transition processes are marred by pervasive disinformation campaigns, and by President Donald Trump's repeated refusal to commit to a peaceful transfer of power.

A successful presidential transition is a smooth transition—that is, it is efficient and experiences as few disruptions as possible. Smooth transitions are defined by knowledge management and sharing, relationship building, and emergency preparedness. The goal of a smooth transition is to ensure the incoming administration is prepared to assume government leadership on inauguration day. Likewise, making this process as efficient and collaborative as possible helps to decrease risk during this vulnerable time. The transition period is always one of heightened vulnerability, as one administration prepares to pass the torch onto the next and the incoming administration gets settled. During this time there may be heightened risk of international and domestic security threats, uncertain or strained foreign relations, and slower response time to emergencies.

A team of researchers at the University of Notre Dame's Keough School of Global Affairs has created the Presidential Transition Index (PTI) to assess and monitor the transition process with the following objectives:

1. Provide a timely and detailed assessment of the readiness and progress for a potential presidential transition as stipulated by legal statutes.
2. Envision how electoral disputes may impact or stall the transition.
3. Monitor the intentions of and interactions between outgoing political staff, incoming political staff, and civil servants.
4. Identify areas of vulnerability in the transition process that could impact the health of US democracy and American lives in light of the pandemic.

The research utilizes a mixed-methods approach, combining a quantitative assessment of adherence to legal mandates on transition processes and a qualitative survey to assess the progress and quality of the transition from the perspective of experts.

Quantitative Assessment

Our research team constructed the PTI using existing statutes that govern presidential transitions. We identified the relevant acts of Congress based on those the United States General Services

Administration (GSA) has identified as [guiding legislation](#) for presidential transitions.¹ Those pieces of legislation include:

- Presidential Transition Act of 1963 (P.L. 88–277)
- Presidential Transitions Effectiveness Act of 1988 (P.L. 100–398)
- Presidential Transition Act of 2000 (P.L. 106–293)
- Intelligence Reform and Terrorism Prevention Act of 2004 (P.L. 108–458)²
- Pre-Election Presidential Transition Act of 2010 (P.L. 111–283)
- Presidential Transitions Improvements Act of 2015 (P.L. 114–136)
- Presidential Transition Enhancement Act of 2019 (P.L. 116–121)

Our coding procedure consists of two stages. First, two independent coders identified all provisions in the statutes that created legal obligations or authorizations. In doing so, coders were asked to identify the statute containing the provision, including the section, subsection, paragraph, and subparagraph where the provision is found, as well as the precise language of the provision and the party or parties involved. The research team then met to reconcile the codes so that there was agreement on the provisions identified in the existing statutes. Additionally, the team excluded several provisions that, while identified in the existing statutes, were determined not to contribute sufficiently to the smoothness of the transition process.³ This first stage produced a list of 46 provisions identified in the existing statutes as being directly related to the governance of presidential transition processes. This list was then used to create the codebook (included as an Annex), which was used to guide the second stage of our procedure.

Second, two teams of three coders independently scored 23 of the provisions identified during stage one. During this stage, coders were asked to score each provision as either 1 (indicating compliance with the existing statutes), 0 (indicating non-compliance), or N/A, as well as rate their confidence in each score. To maintain flexibility and accuracy of information, our team did not limit the sources that coders were allowed to consult when scoring each provision. However, coders were encouraged to refer to official GSA documents as well as credible news reporting on the transition process. Coders are asked to score each provision on a weekly basis, beginning their review after 4:00 p.m. Eastern time each Friday and ending their review before 8:00 a.m. Eastern time each Monday. Setting this window of time helps to ensure consistency in coders' scores of compliance with provisions governing rapidly changing transition processes. Once all coders have submitted their scores, the research team meets to reconcile any discrepancies and

¹ We excluded P.L. 94–499 from our analysis because its authorization of appropriations for the Ford-Carter transition in 1976 made it largely irrelevant to other cases.

² We only coded Title VII, Subtitle F of P.L. 108–458, which contains provisions directly related to presidential transitions.

³ Examples of these include provisions in P.L. 88–277 that authorize the GSA to reimburse any necessary postal (sec. 3, sub. a, para. 7) and printing and binding services (sec. 3, sub. a, para. 6) used by the president-elect and vice president-elect for transition processes.

establish inter-coder reliability in a similar process as in stage one. Finally, the average of all scores, excluding N/A values, is calculated to find the proportion of statutory provisions that are determined to be in compliance. Confidence scores and notes from each coder are recorded in the research team's spreadsheet but are not included in the publicly available version.

Qualitative Expert Survey

The second part of the research methodology includes a survey of experts in presidential transitions to assess the progress and quality of the upcoming transition based on the variables identified as essential benchmarks. Polling political elites, academics, or other types of knowledgeable experts can provide us with a trove of information about the transition process that would be difficult or impossible to measure through alternative strategies.

To assess expert opinion, we identified a sample of roughly 100 experts in presidential transition among academics, journalists, activists, and think tanks/NGOs, as well as officials involved in previous transitions in November 2020. We sent each expert a questionnaire aiming to capture the nuances of the transition process, and will send a second survey in December.

We tapped into the experts' knowledge and observations on the relational aspects of the transition. In the questionnaire, we included a set of questions reflecting the quality of information sharing and communication between the Biden-Harris transition team and the Trump administration. We also asked the expert to evaluate how current developments such as the lack of ascertainment by the GSA would impact the smoothness of the transition, and to reflect on how the quality and pace of the transition could impact the management of the pandemic and the ability to govern after the inauguration. Open-ended response was available per question, which would allow us to learn how experts with different characteristics or in different contexts perceive the meaning of questions.

To minimize contemporaneous bias in the responses, we explicitly included questions on respondents' partisanship and the extent of capacity and relationship they have with the current transition process.

Annex:
Presidential Transition Index Codebook

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Note: This codebook contains a list and description of the variables identified by the Presidential Transition Index team as representing statutory requirements that meaningfully contribute to orderly transitions between presidential administrations. The GSA identified these 7 statutes as the basis for law affecting Transition. For purposes of length, we combined and in other cases omitted some variables that did not directly pertain to our research question. Therefore, this list may not be exhaustive either of all provisions contained within these statutes or of all statutes that govern presidential transitions. In all cases, we provide both the codebook and our assessments in the interest of transparency.

Presidential Transition Act of 1963

(P.L. 88-277)

Office Space

Long Variable Name: Requirement to Provide Suitable Office Space

Short Description: Has the GSA provided the President-Elect and Vice-President-Elect with suitable office space?

Long Description: The GSA is required to provide the President-Elect and Vice-President-Elect with suitable office space appropriately equipped with furniture, furnishings, office machines and equipment, and office supplies as determined by the Administrator, after consultation with the President-elect and the Vice-President elect.

Party: GSA Administrator

Source: Presidential Transition Act of 1963, Sec. 3(a)(1)

Measurement: Dichotomous [0,1]

Timing: After the general election.

Communications

Long Variable Name: Requirement to Provide Communications Services

Short Description: Has the GSA provided the President-Elect and Vice-President-Elect with communications services?

Long Description: The GSA is required to provide the President-Elect and Vice-President-Elect with any communications services found necessary by the President-elect or Vice-President-elect.

Party: GSA Administrator

Source: Presidential Transition Act of 1963, Sec. 3(a)(5)

Measurement: Dichotomous [0,1]

Timing: After the general election.

Staff Compensation

Long Variable Name: Requirement to Provide Staff Compensation

Short Description: Has the GSA provided compensation for staff and consultants of the President-Elect and Vice-President-Elect?

Long Description: The GSA is required to compensate staff working for the President-Elect and Vice-President-Elect on presidential transitions, provided that such compensation complies with federal regulations. The GSA is also required to compensate experts consulted by the President-Elect and Vice-President-Elect.

Party: GSA Administrator

Source: Presidential Transition Act of 1963, Sec. 3(a)(2)

Measurement: Dichotomous [0,1]

Timing: After the general election.

Travel Expenses

Long Variable Name: Requirement to Provide Travel Expenses

Short Description: Has the GSA provided payment of travel expenses for the President-Elect and Vice-President-Elect?

Long Description: The GSA is required to provide for travel expenses and subsistence allowances, including rental of Government or hired motor vehicles, found necessary by the President-elect or Vice-President-elect in presidential transitions.

Party: GSA Administrator

Source: Presidential Transition Act of 1963, Sec. 3(a)(4)

Measurement: Dichotomous [0,1]

Timing: After the general election.

Ascertainment

Long Variable Name: GSA Ascertainment of President-Elect

Short Description: Has the GSA ascertained the outcome of the election?

Long Description: For post-election transition processes to begin, the GSA Administrator must ascertain the apparent successful candidate for the office of the President and Vice President, based on the general election results.

Party: GSA Administrator

Source: Presidential Transition Act of 1963, Sec. 3(c)

Measurement: Dichotomous [0,1]

Timing: After the general election.

GSA Assistant

Long Variable Name: Appointment of GSA Assistant

Short Description: Have the President-elect and Vice-President-elect appointed an assistant to the GSA Administrator?

Long Description: The President-elect and Vice-President-elect have the right to appoint an assistant to the GSA Administrator for the purposes of facilitating the provision of services and facilities required by the GSA Administrator.

Party: President-Elect; Vice-President-Elect

Source: Presidential Transition Act of 1963, Sec. 3(e)

Measurement: Dichotomous [0,1]

Timing: After the general election.

GSA Former Pres

Long Variable Name: GSA Facilities and Services for Former Presidents

Short Description: Has the GSA Administrator provided services and facilities to former presidents?

Long Description: The GSA Administrator is authorized to provide services and facilities to former presidents for a period of not longer than 6 months after the expiration of her term of office to help with “winding up the affairs” of the administration.

Party: GSA Administrator

Source: Presidential Transition Act of 1963, Sec. 4

Measurement: Dichotomous [0,1]

Timing: Six months after inauguration.

Transition Budget

Long Variable Name: President Budgeting for Transition

Short Description: Has the President submitted a budget for transition processes to the Congress?

Long Description: The President is required to budget for presidential transition processes, and is required to submit that budget to the Congress for approval each fiscal year.

Party: GSA Administrator

Source: Presidential Transition Act of 1963, Sec. 5

Measurement: Dichotomous [0,1]

Timing: Ongoing.

Presidential Transitions Effectiveness Act of 1988

(P.L. 100-398)

Financial Disclosure

Long Variable Name: Financial Disclosure Requirements

Short Description: Have the President-elect and Vice-President-elect met their financial disclosure requirements?

Long Description: The President-elect and the Vice President-elect are required to disclose to the GSA Administrator the date of contribution, source, amount, and expenditure of all money, other than funds from the Federal Government received either before or after the date of the general election for use in the preparation of the President-elect or Vice-President-elect for the assumption of official duties as President or Vice President.

Party: President-elect; Vice-President-Elect

Source: Presidential Transitions Effectiveness Act of 1988, Sec. 3; Presidential Transition Act of 1963, Sec. 5

Measurement: Dichotomous [0,1]

Timing: After the general election.

Personnel Disclosure

Long Variable Name: Personnel Disclosure Requirements

Short Description: Have the President-elect and Vice-President-elect met their personnel disclosure requirements?

Long Description: The President-elect and the Vice President-elect are required to make publicly available information on the names and most recent employment of all transition personnel.

Party: President-elect; Vice-President-Elect

Source: Presidential Transitions Effectiveness Act of 1988, Sec. 3; Presidential Transition Act of 1963, Sec. 5

Measurement: Dichotomous [0,1]

Timing: After the general election.

Aircraft

Long Variable Name: Use of Government Aircraft

Short Description: Has the government complied with requests to use government aircraft?

Long Description: The President-elect and the Vice President-elect have the right to use government aircraft on a reimbursable basis for transition processes.

Party: White House

Source: Presidential Transitions Effectiveness Act of 1988, Sec. 4(a); Presidential Transition Act of 1963, Sec. 3

Measurement: Dichotomous [0,1]

Timing: After the general election.

Funding Timeline

Long Variable Name: Regulation of Timeline for Funding Presidential Transitions

Short Description: Has the GSA Administrator complied with regulations on the timeline for government expenditures on presidential transitions?

Long Description: The GSA Administrator may not expend funds on presidential transitions before the general election or after 30 days following the inauguration.

Party: GSA Administrator

Source: Presidential Transitions Effectiveness Act of 1988, Sec. 4(b); Presidential Transition Act of 1963, Sec. 3

Measurement: Dichotomous [0,1]

Timing: Between the general election and 30 days after the inauguration.

Vacancies

Long Variable Name: Temporary Vacancy Caused by Death or Resignation

Short Description: Has the President filled vacancies of political appointees?

Long Description: The President may fill temporary vacancies for not longer than 120 days in the case of politically appointed positions that become vacant due to the death or resignation of the appointee. If an office is vacant after 150 days after the rejection, withdrawal, or return of a second nomination, the office shall remain vacant until a person is appointed by the President. In the case of an office other than the office of an Executive agency, only the head of such agency may perform any function or duty of such office until an appointment is made.

Party: President

Source: Presidential Transitions Effectiveness Act of 1988, Sec. 7(b) and Federal Vacancies Reform Act of 1998, Sec. 2(a)

Measurement: Dichotomous [0,1]

Timing: Ongoing

Presidential Transition Act of 2000

(P.L. 106-293)

Training

Long Variable Name: Training of New Political Appointees

Short Description: Were new political appointees trained to assume their new job responsibilities?

Long Description: Payment of expenses for briefings, workshops, or other activities to acquaint the Presidential appointees with the types of problems and challenges that most typically face new political appointees when they make the transition from campaign to governance. Activities may include:

1. Job training through mentorship. Interchange between new appointees and individuals who have held similar leadership roles in prior administrations, department or agency heads, or other relevant staff.
2. Training in records management and separation of Presidential and personal records.
3. Training in human resources management and performance-based management.

Party: GSA

Source: Presidential Transition Act of 2000, Sec. 2

Measurement: Dichotomous [0,1]

- Complementary measurement: numeric - how many trainings occurred?
- Complementary measurement: qualitative - what is the quality of the trainings?

Timing: Not specified

Transition Directory

Long Variable Name: Transition Directory for New Political Appointees

Short Description: Has the GSA Administrator created and distributed a transition directory?

Long Description: Development of a transition directory by the Administrator of General Services Administration, in consultation with the Archivist of the United States. The transition directory shall be a compilation of Federal publications and materials with supplementary materials that provides information on the officers, organization, statutory and administrative authorities, functions, duties, responsibilities, and mission of each department. The transition directory is used as training materials for new political appointees.

Party: GSA

Source: Presidential Transition Act of 2000, Sec. 2

Measurement: Dichotomous [0,1]

Timing: Not specified

Communications Plan

Long Variable Name: Transition to Federal Systems Computer and Communications Plan

Short Description: Has the GSA Administrator created a communications plan with each candidate?

Long Description: The GSA Administrator and candidates shall develop a systems architecture plan for computer and communications systems for the candidate to coordinate a transition to Federal systems if the candidate is elected.

Party: GSA, Candidates

Source: Presidential Transition Act of 2000, Sec. 2

Measurement: Dichotomous [0,1]

Timing: Not specified, before the general election.

Intelligence Reform and Terrorism Prevention Act of 2004

(P.L. 108-458)

National Security Summary

Long Variable Name: Summary of National Security Threats, Operations, and Use of Force for the President-elect

Short Description: Has the President-elect received a detailed national security summary?

Long Description: The GSA Administrator shall ensure the relevant outgoing executive branch officials prepare a detailed classified, compartmented summary of the specific operational threats to national security, major military or covert operations, and pending decisions on possible uses of force. This shall be provided to the President-elect as soon as possible after the date of the general elections.

Party: GSA Administrator

Source: Intelligence Reform and Terrorism Prevention Act of 2004, Sec. 7601 (a)(1)

Measurement: Dichotomous [0,1]

Timing: As soon as possible after the general election.

National Security Candidates - FBI

Long Variable Name: President's List of National Security Candidates Submitted to FBI

Short Description: Has the President-elect submitted a list of candidates for high level national security positions?

Long Description: The President-elect shall submit to the FBI or other appropriate agency, the name of candidates for high level national security positions through the level of undersecretary of cabinet departments as soon as possible after the date of the general elections.

Party: President-elect

Source: Intelligence Reform and Terrorism Prevention Act of 2004, Sec. 7601 (a)(3)

Measurement: Dichotomous [0,1]

Timing: As soon as possible after the general election.

National Security Candidates Background Investigations

Long Variable Name: Agencies Completion of National Security Candidates Background Investigations

Short Description: Have the responsible agencies completed background investigations?

Long Description: The responsible agencies shall complete, as expeditiously as possible, the background investigations necessary to provide appropriate security clearances to the individuals who are candidates for high level national security positions. This shall occur before the inauguration date.

Party: Federal Agencies

Source: Intelligence Reform and Terrorism Prevention Act of 2004, Sec. 7601 (a)(3)

Measurement: Dichotomous [0,1]

- Complementary measurement: numeric - how many background investigations have been completed?

Timing: As soon as possible, before inauguration date.

National Security Candidates - Senate

Long Variable Name: Submission of National Security Candidates to the Senate

Short Description: Has the President-elect submitted the names of candidates for high level national security positions to the Senate?

Long Description: The President-elect shall submit to the Senate the names and nominations of candidates for high level national security positions through the level of undersecretary of cabinet departments as soon as possible after the date of the general elections. This shall happen by the date of the President-elect's inauguration.

Party: President-elect

Source: Intelligence Reform and Terrorism Prevention Act of 2004, Sec. 7601 (b)(1)

Measurement: Dichotomous [0,1]

Timing: Before inauguration.

Senate Consideration

Long Variable Name: Senate Consideration of National Security Candidates

Short Description: Has the Senate completed their consideration of candidates for high level national security positions?

Long Description: The Senate committees to which nominations of candidates for high level national security positions are referred shall complete their consideration of the nominations. To the fullest extent possible, the full Senate should vote to confirm or reject these nominations within 30 days of their submission.

Party: Senate

Source: Intelligence Reform and Terrorism Prevention Act of 2004, Sec. 7601 (b)(2)

Measurement: Dichotomous [0,1]

- Complementary measurement: numeric - how many have/have not been considered on time?

Timing: Within 30 days of submission of the list of candidates

Transition Team List

Long Variable Name: List of Transition Team Members for Security Clearances

Short Description: Has the candidate submitted requests for transition team members' security clearances?

Long Description: Each major party candidate for President may submit requests for security clearances for prospective transition team members who will need access to classified information to perform their responsibilities as members of the transition team. This shall be done before the date of the general election.

Party: Candidates

Source: Intelligence Reform and Terrorism Prevention Act of 2004, Sec. 7601 (c)(2)

Measurement: Dichotomous [0,1]

Timing: Before the date of the general election

Transition Team Background Checks

Long Variable Name: Completion of Transition Team Background Checks

Short Description: Has the appropriate agency completed background checks for the transition team members?

Long Description: Necessary background investigations and eligibility determinations to permit transition team members to have access to classified information shall be completed by the day after the date of the general election.

Party: Federal Agencies

Source: Intelligence Reform and Terrorism Prevention Act of 2004, Sec. 7601 (c)(3)

Measurement: Dichotomous [0,1]

- Complementary measurement: numeric - how many background investigations were completed/not completed?

Timing: The day after the date of the general election

Pre-Election Presidential Transition Act of 2010

(P.L. 111-283)

Notification of Resources

Long Variable Name: Notification to Presidential Candidates of the Right to Receive Resources

Short Description: Has the GSA Administrator notified each presidential candidate of their right to receive resources that facilitate presidential transitions from the GSA?

Long Description: Section 3 of the 1963 Presidential Transition Act requires that the Administrator of the General Services Administration provide, among other things, suitable office space and compensation for staff working on presidential transitions. Section 2(a) of the Pre-Election Presidential Transition Act of 2010 requires that the GSA Administrator notify each eligible presidential candidate of their right to receive these facilities and services.

Party: GSA Administrator

Source: Pre-Election Presidential Transition Act of 2010, Sec. 2(a); Presidential Transition Act of 1963, Sec. 3

Measurement: Dichotomous [0,1]

Timing: Begin: date of notification. End: date of general election.

Notification of National Security Resources

Long Variable Name: Notification to Presidential Candidates of the Right to Receive National Security Resources

Short Description: Has the GSA Administrator notified each presidential candidate of a major party of their right to receive national security resources that facilitate presidential transitions from the GSA?

Long Description: The GSA Administrator shall notify presidential candidates belonging to a major party of their right to receive national security resources, as outlined under sections 7601(c) and 8403(b) of the Intelligence Reform and Terrorism Prevention Act of 2004.

Party: GSA Administrator

Source: Intelligence Reform and Terrorism Prevention Act of 2004, Sec. 7601(c) and sec. 8403(b); Pre-Election Presidential Transition Act of 2010, Sec. 2(a); Presidential Transition Act of 1963, Sec. 3

Measurement: Dichotomous [0,1]

Timing: Within 3 business days after the nominating convention for each party.

Summary of Modern Transitions

Long Variable Name: Public Reporting of Modern Presidential Transitions

Short Description: Has the GSA Administrator produced and made publicly available a report summarizing modern presidential transitions?

Long Description: The GSA Administrator shall prepare a report summarizing modern presidential transition activities, including a bibliography of relevant resources. Furthermore, the GSA Administrator shall make the report publicly available.

Party: GSA Administrator

Source: Pre-Election Presidential Transition Act of 2010, Sec. 2(a); Presidential Transition Act of 1963, Sec. 3

Measurement: Dichotomous [0,1]

Timing: Not later than 12 months before the date of general election.

Technology Security

Long Variable Name: GSA Technology Security Provision

Short Description: Has the GSA Administrator ensured that technology provided to eligible candidates are secure?

Long Description: The GSA Administrator shall ensure that any computers or communications services provided to an eligible candidate under this subsection are secure.

Party: GSA Administrator

Source: Pre-Election Presidential Transition Act of 2010, Sec. 2(a); Presidential Transition Act of 1963, Sec. 3

Measurement: Dichotomous [0,1]

Timing: Not specified.

Transition Fund

Long Variable Name: Candidates' Right to Establish Transition funds

Short Description: Have presidential candidates established transition funds?

Long Description: An eligible candidate may establish a separate fund for the payment of expenditures in connection with the eligible candidate's preparations for the assumption of official duties as President or Vice-President, including expenditures in connection with any services or facilities provided under this subsection (whether before such services or facilities are available under this section or to supplement such services or facilities when so provided).

Party: Presidential Candidates

Source: Pre-Election Presidential Transition Act of 2010, Sec. 2(a); Presidential Transition Act of 1963, Sec. 3

Measurement: Dichotomous [0,1]

Timing: Not specified.

Transition Coordinating Council

Long Variable Name: President's Right to Establish a Transition Coordinating Council

Short Description: Has the president established a transition coordinating council?

Long Description: The president may establish and operate a Transition Coordinating Council composed of high-level officials of the Executive branch selected by the President, which may

include the Chief of Staff to the President, any Cabinet officer, the Director of the Office of Management and Budget, the Administrator of the General Services Administration, the Director of the Office of Personnel Management, the Director of the Office of Government Ethics, and the Archivist of the United States, or any other persons the President determines appropriate;

Party: President

Source: Pre-Election Presidential Transition Act of 2010, Sec. 3(a)(1).

Measurement: Dichotomous [0,1]

Timing: No less than 6 months before the Presidential election

Agency Transition Directors Council

Long Variable Name: President's Right to Establish an Agency Transition Directors Council

Short Description: Has the president established an agency transition directors council?

Long Description: The president may establish and operate an agency transition directors council which includes career employees designated to lead transition efforts within Executive Departments or agencies.

Party: President

Source: Pre-Election Presidential Transition Act of 2010, Sec. 3(a)(2).

Measurement: Dichotomous [0,1]

Timing: Not specified.

Agency Guidance

Long Variable Name: President's Right to Develop Agency Briefing Guidance

Short Description: Has the president developed guidance for executive agencies to brief the incoming administration?

Long Description: The president may develop guidance to executive departments and agencies regarding briefing materials for an incoming administration, and the development of such materials.

Party: President

Source: Pre-Election Presidential Transition Act of 2010, Sec. 3(a)(3).

Measurement: Dichotomous [0,1]

- Complementary measurement: survey data - what is the quality of the information provided?

Timing: Not specified.

Information Sharing with Incoming Administration

Long Variable Name: President's Sharing Information with Incoming Administration

Short Description: Has the president shared information with the incoming administration?

Long Description: The president may share with the incoming administration, computer software, publications, contingency plans, issue memoranda, memoranda of understanding, training and exercises (including crisis training and exercises), programs, lessons learned from

previous transitions, and other items appropriate for improving the effectiveness and efficiency of a presidential transition.

Party: President

Source: Pre-Election Presidential Transition Act of 2010, Sec. 3(a)(4).

Measurement: Dichotomous [0,1]

- Complementary measurement: survey data - what is the quality of the information provided?

Timing: Not specified.

Transition Reports

Long Variable Name: President's Transition Reporting Requirements

Short Description: Has the president provided reports on transition activities to the Senate?

Long Description: The President of the United States, or the President's delegate, shall provide 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 the Executive Departments and agencies to prepare for the transfer of power to a new President.

Party: President

Source: Pre-Election Presidential Transition Act of 2010, Sec. 3(b).

Measurement: Dichotomous [0,1]

Timing: Six and three months before the date of the general election

Presidential Transitions Improvements Act of 2015

The Edward 'Ted' Kaufman and Michael Leavitt Presidential Transitions Improvements Act of 2015
(P.L. 114-136)

Federal Transition Coordinator

Long Variable Name: GSA Appointment of a Federal Transition Coordinator

Short Description: Has the Administrator designated an employee of the GSA who is a senior career appointee to be the Federal Transition Coordinator?

Long Description: The Administrator shall designate an employee of the GSA who is a senior career appointee to be the Federal Transition Coordinator. This appointee shall carry out the duties and authorities of the presidential transition under this Act and other relevant laws. The Federal Transition Coordinator is responsible for coordinating transition planning across agencies, ensuring agencies comply with all statutory requirements related to transition planning and reporting, and acting as a liaison for eligible candidates.

Party: GSA

Source: Presidential Transitions Improvements Act of 2015, Sec. 2(a)

Measurement: Dichotomous [0,1]

Timing: Unspecified

Transition Council Guidance to Agencies

Long Variable Name: White House Transition Coordinating Council Provision of Guidance to Agencies

Short Description: Has the Transition Coordinating Council provided guidance to agencies and the Federal Transition Coordinator regarding preparations for the presidential transition?

Long Description: The Transition Coordinating Council shall provide guidance to agencies and the Federal Transition Coordinator regarding preparations for the presidential transition. This guidance shall include succession planning and preparation of briefing materials, facilitation of communication and information sharing between transition representatives of eligible candidates senior agency employees, and the President, and preparation and hosting of interagency emergency preparedness and response exercises.

Party: Transition Coordinating Council

Source: Presidential Transitions Improvements Act of 2015, Sec. 2(a)

Measurement: Dichotomous [0,1]

- Complementary measurement: survey data - what is the quality of the information provided?

Timing: Unspecified

Agency Transition Council Strategy

Long Variable Name: Agency Transition Directors Council Management of Agency Transitions

Short Description: Has the Agency Transition Directors Council created a strategy for coordination of transition activities for agencies?

Long Description: The Agency Transition Directors Council shall ensure the Federal Government has an integrated strategy for addressing interagency challenges and responsibilities around presidential transitions and turnover of non-career appointees and coordinate transition activities between the Executive Office of the President, agencies, and President-elect. The council should draw on guidance provided by the White House transition coordinating council and lessons learned from past transitions to inform its duties.

Party: Agency Transition Directors Council

Source: Presidential Transitions Improvements Act of 2015, Sec. 2(a)

Measurement: Dichotomous [0,1]

Timing: Unspecified

Agency Transition Council Guidance

Long Variable Name: Agency Transition Directors Council Guidance to Agencies

Short Description: Has the Agency Transition Council provided guidance to agencies for gathering briefing and informational materials?

Long Description: The Agency Transition Directors Council shall provide guidance to agencies in gathering briefing materials and information relating to the presidential transition. These materials may be requested by eligible candidates. The council shall ensure these materials and information are prepared no later than November 1st on a year of a presidential election.

Party: Agency Transition Directors Council

Source: Presidential Transitions Improvements Act of 2015, Sec. 2(a)

Measurement: Dichotomous [0,1]

- Complementary measurement: survey data - what is the quality of the information provided?

Timing: No later than November 1st on a year of a presidential election

Agency Transition Directors Council Meeting

Long Variable Name: Agency Transition Directors Council Meeting Time Requirements

Short Description: Has the Agency Transition Directors Council met this year?

Long Description: Agency Transition Directors Council shall meet not less than once per year. This shall include meeting on a regular basis as necessary to carry out the duties and authorities of the council during the period from 6 months before a presidential election to inauguration.

Party: Agency Transition Directors Council

Source: Presidential Transitions Improvements Act of 2015, Sec. 2(a)

Measurement: Dichotomous [0,1]

- Complimentary measurement: numeric - how many times did the council meet?

Timing: Six months before a presidential election until presidential inauguration.

Agency Transition Staff

Long Variable Name: Appointment of Agency Transition Leadership

Short Description: Has each agency head designated employees to serve as leadership for the agency transition processes?

Long Description: Not later than 6 months before the date of a presidential election, the head of each agency shall designate senior career employees of the agency to serve as leadership for the presidential transition. Each major and sub-component of the agency shall have transition leadership.

Party: Agency Heads

Source: Presidential Transitions Improvements Act of 2015, Sec. 2(a)

Measurement: Dichotomous [0,1]

- Complementary measurement: numeric - how many employees were designated as transition leadership?

Timing: Not later than 6 months before the date of a Presidential election.

Access to Resources Memo

Long Variable Name: Access to Resources Memorandum of Understanding

Short Description: Has the President negotiated a memorandum of understanding with each eligible candidate?

Long Description: Not later than November 1 of a presidential election year, the President, acting through the Federal Transition Coordinator, shall negotiate a memorandum of understanding with the transition representative of each eligible candidate. This memorandum of understanding shall include the conditions of access to employees, facilities, and documents of agencies by transition staff. To the maximum extent possible, this memorandum shall be based on past memorandums from prior presidential transitions.

Party: President, Presidential Candidates

Source: Presidential Transitions Improvements Act of 2015, Sec. 2(a)

Measurement: Dichotomous [0,1]

Timing: Not later than November 1 of a presidential election year

OPM Quarterly Appointees Report

Long Variable Name: Expansion of Annual Report -- OPM Quarterly Report on Current or Recent Political Appointees to Civil Service Positions

Short Description: In the election year, has the OPM submitted the appointees report quarterly?

Long Description: In the last year of a President's term the OPM Annual Appointees Report shall be submitted quarterly and shall cover each quarter of the year. The last quarterly report shall also cover January 1st-20th of the following year.

Party: OPM

Source: Presidential Transitions Improvements Act of 2015, Sec. 4(b)(1)

Measurement: Dichotomous [0,1]

Timing: Quarterly in the last year of a President's term

DHS Report

Long Variable Name: DHS Report on Security Threats During Transition Period

Short Description: Has DHS submitted a report to Congress analyzing the security threats that exist to the United States?

Long Description: The Secretary of Homeland Security shall submit a report analyzing threats and vulnerabilities to the United States during the presidential transition to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives. This report shall identify and discuss vulnerabilities relating to border security and threats relating to terrorism, including from weapons of mass destruction. The report also shall identify steps being taken to address these threats during the transition. The report may include recommendations for actions by components and agencies within the Department of Homeland Security. The report shall be prepared in an unclassified form but may contain a classified annex.

Party: DHS

Source: Presidential Transitions Improvements Act of 2015, Sec. 5(b)(1)

Measurement: Dichotomous [0,1]

Timing: No later than February 15

Presidential Transition Enhancement Act of 2019

(P.L. 116-121)

Transition Representative

Long Variable Name: Candidates' transition representative

Short Description: Has each candidate appointed a transition representative?

Long Description: Each memorandum of understanding allows for the designation of a representative for each eligible candidate to whom the Administrator may direct any inquiries or legal instruments. Changing the transition representative does not require a new memorandum of understanding. This role terminates on September 30 of the year during which the President is inaugurated or upon the request of the President or Vice President on a date after the inauguration, whichever comes first.

Party: Presidential Candidates

Source: Presidential Transition Enhancement Act of 2019, Sec. 2(a)(i)(3)

Measurement: Dichotomous [0,1]

Timing: Not later than September 1st in an election year

Deviation Notice

Long Variable Name: Access to Resources Deviation Notice

Short Description: Have parties provided written notice of any deviations to MOU?

Long Description: Each party to a memorandum of understanding shall provide written notice of any action of deviation from the agreed memorandum of understanding. This notice shall be provided no later than three days before the deviation occurs.

Party: President; Presidential Candidates

Source: Presidential Transition Enhancement Act of 2019, Sec. 2(a)(i)(5)

Measurement: Dichotomous [0,1]

- Complementary measurement: numeric, how many deviations exist without appropriate notice?

Timing: Starting not later than September 1st in an election year

Agency Succession Plan

Long Variable Name: Agency Succession Plan for Non Career Positions

Short Description: Has the head of each Agency ensured that there is a succession plan for each senior non-career position in the agency?

Long Description: The head of each Agency shall ensure that there is a succession plan in place for each senior non-career position in the agency. This shall occur no later than September 15 of a year during which a Presidential election occurs. This plan must be in accordance with subchapter III of chapter 33 of title 5, United States Code.

Party: Agency Heads

Source: Presidential Transition Enhancement Act of 2019, Sec. 2(b)(3)

Measurement: Dichotomous [0,1]

- Complementary measurement: numeric, how many agencies have a succession plan?

Timing: Not later than September 15th in an election year

Ethics Plan

Long Variable Name: Ethics Plan for transition duties

Short Description: Does each memorandum of understanding include a publicly available, comprehensive ethics plan?

Long Description: Each memorandum of understanding shall include an agreement that the candidate will implement and enforce an ethics plan to guide the conduct of the transition. This shall go into force on the date on which the candidate becomes the President-elect. The ethics plan shall be made publicly available on the internet website of the General Services Administration either the day on which the memorandum of understanding is completed, or October 1st, whichever comes first. At minimum this ethics plan shall include a description of ethics requirements that apply to all members of the transition team and specific requirements for transition team members who will have access to nonpublic or classified information. This ethics plan shall include:

1. A description of how the transition team will address the role of lobbyists, foreign nationals and other foreign agents.
2. A description of how the transition team will address a transition team member with conflict of interests from working on matters involving specific parties that affect those interests
3. How covered eligible candidate will address his or her own conflicts of interest during a Presidential term if the candidate becomes the President-elect
4. A Code of Ethical Conduct which each transition team member will sign and be subject to. This will require at a minimum, transition team members to:
 - a. Seek authorization from transition leaders before seeking access to any nonpublic information
 - b. Keep confidential any nonpublic information provided in the course of their duties
 - c. Not use any nonpublic information in any manner for personal or private gain for themselves or any other party, during or after the transition
5. A description of how the transition team will enforce the Code of Ethical Conduct

Party: Presidential Candidates

Source: Presidential Transition Enhancement Act of 2019, Sec. 2(b)(4)

Measurement: Dichotomous [0,1]

Timing: Not later than September 1st in an election year

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About the Keough School

The University of Notre Dame's Keough School of Global Affairs brings a concern for human dignity to the forefront of global policymaking. Its research and teaching focuses on effective and ethical responses to poverty, war, disease, political oppression, environmental degradation, and other threats to human flourishing.

Drawing on a network of internationally engaged faculty, alumni, centers, and institutes, the Keough School and its Global Policy Initiative coordinate policy-relevant research, teaching, and outreach.
