



DoD DIRECTIVE 5105.76

TRANSITION OF ADMINISTRATION APPOINTEES AND OTHER OFFICIALS

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Approved by:	Robert O. Work, Deputy Secretary of Defense

Purpose: Pursuant to the authority vested in the Secretary of Defense (SecDef) by Section 113 of Title 10, United States Code (U.S.C.), this issuance:

- Establishes DoD policy for the transfer of authority from outgoing to incoming senior officials, whether incident to the transition between Presidential administrations or in the course of other personnel actions including, but not limited to, reassignment, retirement, or resignation.
- Establishes DoD policy for the departure and arrival of administration appointees, including those Presidentially-appointed, Senate-confirmed (PAS) officials; other Presidential appointees (PAs); non-career Senior Executive Service (SES) members; Schedule "C" appointees; and such other officials as may be appointed as experts or consultants pursuant to Section 3109 of Title 5, U.S.C. and Section 129b of Title 10, U.S.C, in accordance with this Directive.
- Assigns responsibilities for the administration, management, and direction of transition activities in compliance with Executive Order 13727.

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SECTION 1: GENERAL ISSUANCE INFORMATION

1.1. APPLICABILITY. This issuance applies to OSD, the Military Departments, the Office of the Chairman of the Joint Chiefs of Staff and the Joint Staff, the National Guard Bureau, the Combatant Commands, the Office of the Inspector General of the Department of Defense, the Defense Agencies, the DoD Field Activities, and all other organizational entities within the DoD (referred to collectively in this issuance as the “DoD Components”).

1.2. POLICY.

a. The DoD, in coordination with the Executive Office of the President, other Executive Branch departments and agencies, and the transition team of eligible candidates and the President-elect and Vice President-elect will:

(1) Coordinate and carry out responsibilities required to accomplish an efficient and thorough transition of its senior leadership.

(2) Provide for the continuity of the national security activities of the United States.

(3) Mitigate unnecessary turmoil from such transition in civilian leadership.

(4) Sustain effective and efficient operations within the DoD.

b. Pursuant to Section 113 of Title 10, U.S.C., Public Law 88-277, as amended, also known and referred to in this directive as the “Presidential Transition Act of 1963, as amended”; Public Law 114-136, also known and referred to in this directive as the “Edward ‘Ted’ Kaufman and Michael Leavitt Presidential Transitions Improvements Act of 2015”; and Executive Order 13727, the SecDef establishes the DoD Transition Structure, described in Section 3, for the planning, coordination, management, and execution of transition matters. As such, the SecDef:

(1) Establishes the DoD Transition Task Force (TTF).

(2) Designates a Head of DoD Transition.

(3) Designates a Senior Career Employee for Transition (SCET).

(4) Calls for the identification of the OSD and DoD Component Transition Assistance Coordinators (TAC).

c. The DoD will be guided by instructions from the Assistant to the President for Presidential Personnel in the coordination of all activities relating to Presidential appointments.

d. The DoD will conduct the actions necessary to identify and prepare interim agency leadership to ensure the continuity of mission operations and the goals listed in Paragraph 1.2.a. during transition.

(1) Individuals awaiting Senate confirmation and appointment by the President as PAS officials within the DoD may, at the discretion of the SecDef, be appointed as experts or consultants to the SecDef pursuant to Section 3109 of Title 5, U.S.C.; Section 129b of Title 10, U.S.C.; and Part 304 of

Title 5, Code of Federal Regulations (CFR), and will be provided the information and, where necessary, such limited training or professional development support as deemed appropriate to allow them to effectively advise the SecDef.

(2) Individuals appointed as experts or consultants will not presume to act in any position that requires an appointment made by the President by and with the advice and consent of the Senate, which includes, but is not limited to, making any personnel decisions. Often these experts or consultants will be appointed and located outside the organization to which individuals are nominated. Further, they may provide expertise or consult within the DoD on current policy topics, receive briefings, and become familiar with relevant issues, but will neither offer nor provide views or guidance on matters pertaining to the PAS offices to which they have been nominated.

(3) PAS and other non-career officials departing the DoD may, at the SecDef's discretion, be appointed as experts or consultants pursuant to Section 3109 of Title 5, U.S.C.; Section 129b of Title 10, U.S.C.; and Part 304 of Title 5, CFR, following their departure to provide for proper de-briefings, disposition of official records, and other transitional activities in the interest of the U.S. Government and the public.

(4) Qualified career civilian employees from the DoD Components will serve, in an acting or performing the duties of status, in critical positions vacated by noncareer employees during a Presidential transition.

1.3. INFORMATION COLLECTIONS. Personal security vulnerability assessments, referred to in Paragraph 2.3.b. of this issuance, do not require licensing with a report control symbol in accordance with Paragraph 1.b.(8) of Enclosure 3 of Volume 1 of DoD Manual 8910.01.

SECTION 2: RESPONSIBILITIES

2.1. DIRECTOR OF ADMINISTRATION, OFFICE OF THE DEPUTY CHIEF MANAGEMENT OFFICER OF THE DEPARTMENT OF DEFENSE (DA ODCMO).

Under the authority, direction, and control of the Deputy Chief Management Officer (DCMO) of the Department of Defense, the DA ODCMO:

a. During Presidential transitions:

(1) Serves as the DoD Senior Career Employee who manages and coordinates transition activities for PAS officials, PAs, and other senior officials entering or departing from the DoD in conjunction with the DoD Transition Structure.

(2) Publishes implementing procedures and guidelines for transition activities.

(3) When assigned, represents the DoD on any interagency transition team or as a representative for Presidential inaugural matters.

(4) Oversees assigned personnel, administrative, and logistical functions, consistent with DoD Directive (DoDD) 5105.82 and DoDD 5105.53, to provide for the orderly departure and arrival of officials assigned to serve within the DoD.

(5) Coordinates with the Head of DoD Transition, the DoD TTF Director, and the Special Assistant to the Secretary of Defense for White House Liaison for personnel and administrative matters pertaining to departing officials.

(6) Coordinates engagement on transition activities, before the election, with authorized representatives of eligible candidates in support of effective transition planning in accordance with the Presidential Transition Act of 1963, as amended, the Edward “Ted” Kaufman and Michael Leavitt Presidential Transitions Improvements Act of 2015, and Executive Order 13727.

(7) Coordinates with the Head of DoD Transition, the DoD TTF Director, and the President-elect’s DoD focal point to facilitate support for the incoming administration’s nominees for the SecDef and Deputy Secretary of Defense (DepSecDef).

(8) Coordinates matters pertaining to incoming personnel and administration.

b. During Presidential transitions or any other transition of PAS officials, PAs, and other senior officials:

(1) Provides, in coordination with the Special Assistant to the Secretary of Defense for White House Liaison, guidance to OSD Principal Staff Assistants (PSAs) and the Secretaries of the Military Departments regarding the arrival and departure of administration appointees and other officials.

(2) As appropriate, recommends to the DepSecDef assignment of responsibility for the preparation of confirmation books.

(3) Provides for leadership orientation training to non-career SES members or selected other individuals appointed to positions within the DoD.

(4) Oversees DoD mentoring activities for PAS officials and OSD PSAs within the DoD.

(5) Conducts exit interviews with departing PAS officials and OSD PSAs to identify areas where improvements may be made to DoD processes or in areas that would enhance the effectiveness and efficiency of the DoD.

(6) Oversees the arrangement of other interviews with departing PAS officials and OSD PSAs, to include interviews intended to inform the historical record during these officials' tenures of service.

2.2. DIRECTOR, WASHINGTON HEADQUARTERS SERVICES (WHS). Under the authority, direction, and control of the DCMO, through the DA ODCMO, consistent with DoDD 5110.04, and in addition to the responsibilities in Paragraph 2.7., the Director, WHS:

a. Provides operational support for the transition of PAS, PA, and other senior administration appointees within OSD, the Defense Agencies, and the DoD Field Activities.

b. Provides operational support for the transition of PAS, PA, and other senior administration appointees entering or departing from the Military Departments as may be required. Such services may be provided on a reimbursable or non-reimbursable basis as may be agreed upon by WHS and the Military Department concerned.

c. Establishes comprehensive operational guidelines and coordinates major activities, within WHS and other appropriate DoD organizations, for administration and support of all transition activities, consistent with Paragraph 2.1. Activities include, but are not limited to, human resources, general administration of pay and allowances, security clearance issuance and access, information technology, office space, security review, and disposition of official records.

d. Provides other functional support to transitions as may be directed by the DA ODCMO.

2.3. DIRECTOR, PENTAGON FORCE PROTECTION AGENCY (PFPA). Under the authority, direction, and control of the DCMO, through the DA ODCMO, consistent with DoDD 5105.68, and in addition to the responsibilities in Paragraph 2.7., the Director, PFPA:

a. Oversees all physical security requirements for the transition of administration appointees entering or departing OSD and those administration appointees of the Military Departments, Defense Agencies, and DoD Field Activities.

b. Conducts personal security vulnerability assessments for newly confirmed or appointed officials, as appropriate.

c. Conducts personal security training for newly appointed or assigned officials, as appropriate.

d. Monitors newly appointed or assigned officials for threat indications or warnings and takes actions necessary to provide for force protection consistent with law and regulations.

e. Establishes comprehensive operational support and appropriate guidelines for administration of security support of all transition activities within the scope of responsibilities otherwise assigned. Such operational support and guidelines may include, but will not be limited to, physical security access permissions and badging, appropriate training, driver support, alarms, and sensors.

2.4. GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE (GC DoD). In addition to the responsibilities in Paragraph 2.7., the GC DoD:

a. Provides Departmental guidance regarding permissible activities for prospective PAS nominees within the DoD before confirmation and appointment.

b. Provides counsel, as required, on matters including, but not limited to:

(1) Filling, both permanently and temporarily, vacancies that are required to be filled by appointment made by the President, by and with the advice and consent of the Senate.

(2) Standards of conduct governing the actions of and other matters pertaining to, prospective nominees, administration appointees, or such other officials as may be required.

(3) Use of government personnel and equipment, to include government transportation.

2.5. ASSISTANT SECRETARY OF DEFENSE FOR LEGISLATIVE AFFAIRS. In addition to the responsibilities in Paragraphs 2.7., the Assistant Secretary of Defense for Legislative Affairs :

a. Monitors activities of the Executive Office of the President with respect to the nomination of officials for service within the DoD to include Intent to Nominate and Nomination for Senate Confirmation.

b. As appropriate, coordinates the appearance of DoD PAS nominees before the respective committees considering their nominations.

c. As appropriate, coordinates and oversees official calls or visits by administration officials to members of the U.S. Congress or with the staffs of such members or oversight committees, to include such official calls and visits made in advance of their being appointed.

d. Provides support to transition activities and engages in liaison activities with members of the U.S. Congress and their respective staffs and committees.

2.6. ASSISTANT TO THE SECRETARY OF DEFENSE FOR PUBLIC AFFAIRS (ATSD(PA)). In addition to the responsibilities in Paragraphs 2.7., the ATSD(PA):

- a. Reviews and approves all news media requests for engagement with the DoD TTF, in coordination with the Head of DoD Transition.
- b. Reviews and approves all responses to news media queries regarding DoD Transition activities, in coordination with the Head of DoD Transition.
- c. As appropriate, in coordination with the Head of DoD Transition, prepares official statements and announcements for release to the news media regarding DoD Transition activities and administration appointees arriving or departing DoD, and updates and issues public affairs guidance to bases and stations.
- d. Receives and manages all news media queries and requests for engagement regarding DoD Transition activities and administration appointees arriving or departing.

2.7. DOD COMPONENT HEADS AND OSD PSAs. The DoD Component heads and OSD PSAs:

- a. Identify an official within their respective organization to serve as their TAC, either as required during the Presidential election cycle, or for the departure of senior officials within their organization.
- b. Provide timely submission of materials to support transition briefings and confirmation books on request.
- c. Establish, as appropriate, succession plans for critical noncareer positions to provide for continuity of operations. During a Presidential transition year, identifies, nominates and adequately prepares career employees to serve in critical noncareer positions in an acting or other capacity if these positions become vacant.

2.8. SECRETARIES OF THE MILITARY DEPARTMENTS. In addition to the responsibilities in Paragraphs 2.7., the Secretaries of the Military Departments:

- a. Coordinate with the DA ODCMO and the Special Assistant to the Secretary of Defense for White House Liaison to arrange accession and orientation for arriving administration appointees.
- b. Provide DoD Component-specific orientation and support to arriving administration appointees.
- c. Identify transition support requests to the Director, WHS, through the DA ODCMO.

SECTION 3: DOD TRANSITION STRUCTURE

3.1. PURPOSE. The DoD Transition Structure is established before a presidential election by the SecDef pursuant to Section 113 of Title 10, U.S.C., the Presidential Transition Act of 1963, as amended, the Edward “Ted” Kaufman and Michael Leavitt Presidential Transitions Improvements Act of 2015, and Executive Order 13727. Its purpose is to plan for, manage, support, and execute DoD transition matters and ensure optimum efficiency, effectiveness, and communication throughout the transition.

3.2. HEAD OF DOD TRANSITION. The Head of DoD Transition is designated by the SecDef in accordance with Section 113 of Title 10, U.S.C. Under SecDef authority, direction, and control, the Head of the DoD Transition:

- a. Coordinates all support of the DoD under the control of the outgoing Presidential administration to the transition of the incoming Presidential administration.
- b. Coordinates with representatives of eligible candidates before the election and after the election with the President-elect’s DoD focal point to provide guidance for the development and production of briefing materials, information, and the Initial Transition Books presented to the incoming Presidential Transition Team.
- c. Provides instructions, and manages and executes assigned tasks consistent with SecDef and DepSecDef direction.
- d. Organizes the DoD TTF, from OSD and DoD Component TACs, and other staff members from the OSD PSAs and DoD Components as needed.
- e. Upon approval of nominations submitted by the OSD and DoD Component Heads, not later than September 15 in each Presidential transition year:
 - (1) Designates a career official for each critical PAS position who would be eligible to act in or perform the duties of such position in the event of a vacancy.
 - (2) Certifies that DoD has completed the broader succession plans for all critical non-career positions.
- f. Ensures DoD briefing materials and information related to a Presidential transition are prepared not later than November 1 of a year during which a Presidential election is held.
- g. Ensures career employees designated to temporarily assume the responsibilities of critical noncareer vacancies are adequately prepared.

3.3. DIRECTOR OF THE DOD TTF. The DoD TTF Director:

- a. Provides staff support to the Head of DoD Transition and the outgoing DoD leadership, as well as the incoming leadership, to the extent permitted by law, by executing the broad range of day-to-day functions and activities necessary to efficiently conduct the transition.
- b. Leads the DoD TTF and orchestrates the activities of its elements or supporting organizations.
- c. Oversees transition matters of DoD Components internal to the DoD.
- d. With the Head of DoD Transition, oversees the identification, coordination, and support to transition matters external to the DoD.

3.4. DOD SENIOR CAREER EMPLOYEE FOR TRANSITION (SCET). As the SCET, the DA ODCMO oversees and implements DoD activities related to the Presidential transition. In the event of a vacancy, the DoD SCET is designated not later than 6 months before the date of the Presidential election.

3.5. OSD AND DOD COMPONENT TACS. Each Component TAC:

- a. Serves as the lead representative facilitating and supporting transition matters directly involving their respective Component.
- b. Serves as a supplemental member of the DoD TTF supporting department-wide TTF and transition requirements.

3.6 SPECIAL ASSISTANT TO THE SECRETARY OF DEFENSE FOR WHITE HOUSE LIAISON. The Special Assistant to the Secretary of Defense for White House Liaison:

- a. Serves as the focal point for the arrival and departure of administration appointees to the DoD.
- b. Coordinates with the DA ODCMO and the Head of DoD Transition and the DoD TTF Director as appropriate, when designated, on personnel and administrative matters pertaining to departing appointees.
- c. Coordinates with the DA ODCMO and the respective OSD PSAs and Secretaries of the Military Departments, or their designated TACs, to provide guidance regarding the procedures for support to arriving and departing appointees of their respective DoD Components.
- d. Helps develop and support leadership orientation training for non-career SES members or selected other individuals appointed to positions within the DoD.
- e. Helps identify and assign mentors for PAS officials and OSD PSAs within the DoD.

GLOSSARY

G.1. ACRONYMS.

ATSD(PA)	Assistant to the Secretary of Defense for Public Affairs
CFR	Code of Federal Regulations
DA ODCMO	Director of Administration, Office of the Deputy Chief Management Officer of the Department of Defense
DCMO	Deputy Chief Management Officer of the Department Of Defense
DepSecDef	Deputy Secretary of Defense
DoDD	DoD directive
DoDI	DoD instruction
GC DoD	General Counsel of the Department of Defense
ITB	Initial Transition Book
PA	Presidential appointee
PAS	Presidentially-appointed, Senate-confirmed
PFFPA	Pentagon Force Protection Agency
PSA	Principal Staff Assistant
SCET	Senior Career Employee for Transition
SecDef	Secretary of Defense
SES	Senior Executive Service
TAC	Transition Assistance Coordinator
TTF	Transition Task Force
WHS	Washington Headquarters Services

G.2. DEFINITIONS. Unless otherwise noted, these terms and their definitions are for the purposes of this issuance.

administration appointees. PAS, PA, non-career SES, and Schedule “C” appointed individuals serving within the DoD at the pleasure of the President.

confirmation book. A compendium of material used to prepare a nominee for confirmation hearing(s), usually for a Presidentialy-appointed, Senate-confirmed position.

Executive Branch Departments and Agencies. Defined in Title 5, U.S.C.

initial transition book. A notebook prepared by each Military Department Secretary and OSD Principal Staff Assistant (including each PAS official in their organization), as well as the Chairman of the Joint Chiefs of Staff and Chief of the National Guard Bureau. ITBs contain DoD and organizational background information to assist the incoming President-elect Transition Team with planning. At a minimum, ITBs contain the mission/functions, organization charts, Transition Issue Papers, existing statutory functions/authorities, manpower/personnel end-strength and budgetary information. Each ITB “sets the stage” for follow-on, more detailed meetings and briefings.

non-career SES. A member of the SES whose appointment is approved by the White House and the Office of Personnel Management, and who serves at the pleasure of the appointing officer. Appointments to non-career SES positions do not require competition and offer no tenure.

operational support. Includes support services as may be provided by WHS in accordance with DoDD 5110.04 and by PFPA in accordance with DoDD 5105.68, or as may be provided under DoD Instruction 4000.19. These transition services may include office facilities, building access, badging, communications, transportation, human resources services, security, supplies, and administrative support.

OSD. As defined in Section 131 of Title 10, U.S.C., includes the Immediate Office of the Secretary and Deputy Secretary of Defense, the Under Secretaries of Defense, the GC DoD, the Assistant Secretaries of Defense, the Inspector General of the Department of Defense, Assistants to the Secretary of Defense, the OSD Directors, and equivalents who report directly to the Secretary or the Deputy Secretary of Defense, their staffs, and such other staff offices as the Secretary of Defense establishes within the Office of the Secretary of Defense to assist in carrying out assigned responsibilities.

PAs. Officials appointed to terms of service in the DoD or its subordinate DoD Components by the President.

PAS officials. Civilian officials appointed by the President, by and with the advice and consent of the Senate, to positions within the DoD.

PSAs: The Under Secretaries of Defense; the DCMO; the GC DoD; the Inspector General of the DoD; and those Assistant Secretaries of Defense, Assistants to the Secretaries of Defense, and OSD Directors, and equivalents, who report directly to the Secretary or Deputy Secretary of Defense. The PSAs provide advice, assistance, and support to the Secretary of Defense in managing the Department and in carrying out such duties as may be prescribed by the Secretary or by law.

Schedule “C.” As defined in Section 6.2 of Title 5, CFR, positions that are established in the excepted service with duties of a confidential or policy determining character. Typically, Schedule C employees serve in General Schedule positions up to grade GS-15.

transition. The full spectrum of activities to support the arrival and in-briefing of officials assigned to the DoD, as well as the departure of those officials at the conclusion of their terms of service.

REFERENCES

Code of Federal Regulations, Title 5

DoD Directive 5105.53, “Director of Administration and Management (DA&M),” February 26, 2008

DoD Directive 5105.82, “Deputy Chief Management Officer (DCMO) of the Department of Defense,” October 17, 2008

DoD Directive 5105.68, “Pentagon Force Protection Agency (PFPA),” December 5, 2013

DoD Directive 5110.04, “Washington Headquarters Services (WHS),” March 27, 2013

DoD Instruction 4000.19, “Support Agreements,” April 25, 2013

DoD Manual 8910.01, Volume 1, “DoD Information Collections Manual: Procedures for DoD Internal Information Collections,” June 30, 2014, as amended

Executive Order 13727, “Facilitation of a Presidential Transition,” May 6, 2016

Public Law 88-277, “Presidential Transition Act of 1963,” as amended, March 7, 1964

Public Law 114-136, “Edward ‘Ted’ Kaufman and Michael Leavitt Presidential Transitions Improvements Act of 2015,” March 18, 2016

United States Code, Title 5

United States Code, Title 10