

## insights

TYPES NOT MAPPED YET December 03, 2020 | TTR not mapped yet | Christopher T. Murray

# Presidential Transition Act

The federal statute that governs the presidential transition process.

### So Long, Farewell

Ever since George Washington voluntarily stepped down from the presidency in 1797 after two terms, the United States has always enjoyed a peaceful transfer of executive power. The Constitution itself does not say much about the transition process. The Twentieth Amendment moved Inauguration Day forward to January 20, and the Twenty-Second Amendment [limited](#) the president to two terms in office.

The most visible parts of the transition are still highly symbolic rather than codified (e.g., Oval Office photo ops and the notes presidents leave for their successors). In 1963, the [Presidential Transition Act](#) (PTA) formalized certain aspects of the transfer of power.

### Ch-ch-ch-changes

The PTA [established](#) the processes and requirements that govern the presidential transition, which is managed by the General Services Administration (GSA). It allows the [GSA](#) to “ascertain” the election of the new president and vice president, make resources available to the incoming administration, and grant access to federal agencies and classified intelligence. The PTA also provides federal agencies with guidance and a timetable to assist in the transition.

Since 1963, the PTA has been amended numerous times to address the increasing complexities of transitions. Updates in 2010 and 2015 provided additional support for pre-election transition planning, and the most [recent update](#) in 2019 clarified the role of the GSA and required the candidates to release an ethics plan for their transition team, including disclosures and conflicts of interest.

### Teach Them How to Say Goodbye

Despite efforts to organize and reform the process, recent history has seen its share of rocky transitions. After the drawn-out 2000 election, the GSA did not authorize transition funds for President Bush until shortly after Vice President Gore conceded on December 13, 2000. Besides the logistical headache this caused, Bush’s former Chief of Staff Andy Card said the lack of cooperation and access to intelligence hampered Bush’s ability to govern and made the U.S. more vulnerable to the 9/11 attacks.

The GSA has, after weeks of delay, ascertained President-elect Biden’s victory, meaning Biden’s transition team now has access to federal transition funds and may directly coordinate with and be briefed by federal agencies. President-elect Biden’s transition is now in full swing and will be working hard until Inauguration Day on the transition of power, though President Trump still disputes the election outcome.

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