



Department of Defense

DIRECTIVE

NUMBER 5105.76
August 8, 2008

DA&M

SUBJECT: Transition of Administration Appointees and Other Officials

- References:
- (a) Section 113 of title 10, United States Code
 - (b) Section 3109 of title 5, United States Code
 - (c) Section 129b of title 10, United States Code
 - (d) Part 304, of title 5, Code of Federal Regulations
 - (e) through (j), see Enclosure 1

1. PURPOSE

This Directive, pursuant to the authority vested in the Secretary of Defense by Reference (a):

1.1. 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.

1.2. 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 consultants pursuant to this Directive under References (b) and (c).

1.3. Assigns responsibilities for the administration, management, and direction of transition activities.

1.4. Authorizes the publication of implementing DoD Issuances.

2. APPLICABILITY AND SCOPE

This Directive applies to:

2.1. The Office of the Secretary of Defense (OSD), the Military Departments, the Office of the Chairman of the Joint Chiefs of Staff and the Joint Staff, 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 Department of Defense (hereafter referred to collectively as the “DoD Components”).

2.2. Other Executive Branch Departments and Agencies that detail officials for duties within the Department of Defense, consistent with agreements between the Department of Defense and those other Executive Branch Departments and Agencies.

3. DEFINITIONS

Terms used in this Directive are defined in Enclosure 2.

4. POLICY

It is DoD policy that:

4.1. The Department of Defense shall provide an efficient and thorough transition of its senior leadership, at those times when such transitions occur, in order to provide for continuity of the national security of the United States, to avoid unnecessary turmoil from such transition in civilian leadership, and to sustain effective and efficient operations within the Department of Defense.

4.2. In advance of a Presidential election, there shall be timely identification of the Head of DoD Transition and the OSD and DoD Component Transition Assistance Coordinators to facilitate and support the activities of a new Presidential administration.

4.3. The Department of Defense shall be guided by instructions from the Assistant to the President for Presidential Personnel in the coordination of all activities relating to Presidential appointments.

4.4. Prior to U.S. Senate confirmation hearings, individuals nominated by the President to serve within the Department of Defense may, at the discretion of the Secretary of Defense, be appointed as consultants to the Secretary of Defense pursuant to References (b) and (c), and part 304 of title 5, Code of Federal Regulations (Reference (d)).

4.5. Individuals nominated to serve as senior officials, those serving as consultants under paragraph 4.4., and such other appointees to subordinate offices not requiring Senate confirmation shall be provided the information and, where necessary, such limited training or professional development support as may be deemed appropriate to allow them to effectively advise the Secretary of Defense.

4.6. Individuals appointed as consultants under paragraph 4.4. shall not presume to act in any position that requires them to be confirmed by the Senate, which includes, but is not limited to, making any personnel decisions. In this regard, they may consult within the Department on current policy topics, receive briefings, and become familiar with relevant issues but shall neither offer nor provide views or guidance on matters pertaining to the office to which they have been nominated.

4.7. PAS and other non-career officials departing the Department of Defense may, at the discretion of the Secretary of Defense, be appointed as consultants pursuant to References (b) through (d) 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.

5. RESPONSIBILITIES

5.1. The Secretary of Defense, in advance of Presidential elections, shall:

5.1.1. Establish a DoD Transition Task Force to coordinate and assist in management of transition matters.

5.1.2. Designate the Head of DoD Transition.

5.2. The Head of DoD Transition is an official designated by the outgoing administration responsible for coordinating all support of the Department of Defense, under the control of the outgoing Presidential administration, to the transition of the incoming Presidential administration, and shall:

5.2.1. Constitute the DoD Transition Task Force, from OSD and DoD Component Transition Assistance Coordinators.

5.2.2. Coordinate with the President-elect's DoD Focal Point to provide for the development, production, and presentation of the DoD Transition Books to the incoming Presidential Transition team.

5.2.3. Provide instructions and manage and execute assigned tasks consistent with the direction of the Secretary of Defense and the Deputy Secretary of Defense.

5.3. The Director of the DoD Transition Task Force Staff is an official designated by the outgoing administration and shall:

5.3.1. Provide staff support to the Head of DoD Transition and the outgoing 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.

5.3.2. Lead the DoD Transition Task Force and orchestrate the activities of all elements constituting or supporting that Task Force.

5.3.3. Oversee transition matters of DoD Components internal to the Department of Defense.

5.3.4. Coordinate with the Head of DoD Transition on the identification, coordination, and support to transition matters external to the Department of Defense.

5.4. Subject to the President-elect's agreement and subsequent to identification, the President-elect's DoD Focal Point, is the individual responsible for transition matters for the incoming administration and shall:

5.4.1. Consistent with the guidance of the President-elect, or the President-elect's designated responsible official, be the focal point for contact between the incoming and outgoing administrations.

5.4.2. Consistent with guidance of the President-elect, or the President-elect's designated responsible official, and agreements with the outgoing President or his designated transition official, provide instructions for, manage, and exercise control of all DoD transition matters on behalf of the incoming administration.

5.4.3. Fulfill responsibilities assigned herein pursuant to agreements with the Head of DoD Transition.

5.5. The Director of Administration and Management (DA&M), shall, in addition to the responsibilities identified in paragraph 5.7.:

5.5.1. During Presidential Transitions:

5.5.1.1. Manage and coordinate, in conjunction with the Head of the DoD Transition, the Director of the DoD Transition Task Force Staff, the President-elect's DoD Focal Point, the Special Assistant to the Secretary of Defense for White House Liaison, and with OSD and DoD Component Transition Assistance Coordinators, the transition activities for PAS officials, PAs, and other senior officials entering or departing from the Department of Defense.

5.5.1.2. Publish implementing procedures and guidelines for transition activities.

5.5.1.3. When assigned, represent the Department of Defense on any interagency transition team, or as a representative for Presidential inaugural matters.

5.5.1.4. Oversee assigned personnel, administrative, and logistical functions, consistent with DoD Directive 5105.53 (Reference (e)), to provide for the orderly departure and arrival of officials assigned to serve within the Department of Defense.

5.5.1.5. Coordinate with the Head of DoD Transition, the Director of the DoD Transition Task Force Staff, and the Special Assistant to the Secretary of Defense for White House Liaison for personnel and administrative matters pertaining to departing officials.

5.5.1.6. Coordinate with the Head of DoD Transition, Director of the DoD Transition Task Force Staff, and the President-elect's DoD Focal Point to facilitate support for the incoming administration's nominees to be the Secretary of Defense and the Deputy Secretary of Defense.

5.5.1.7. Coordinate matters pertaining to incoming personnel and administration with the incoming Secretary of Defense, or the Secretary-designate's designee.

5.5.2. During Presidential transitions or any other transition of senior DoD personnel:

5.5.2.1. Provide, 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 arriving and departing administration appointees and other officials.

5.5.2.2. As appropriate, recommend to the Deputy Secretary of Defense assignment of responsibility for the preparation of confirmation books.

5.5.2.3. Provide for leadership orientation training to non-career SES members or selected other individuals appointed to positions within the Department of Defense.

5.5.2.4. Oversee DoD mentoring activities for PAS officials and OSD PSAs within the Department of Defense.

5.5.2.5. Conduct 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 Department of Defense.

5.5.2.6. Oversee 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.

5.6. The Special Assistant to the Secretary of Defense for White House Liaison shall:

5.6.1. Serve as the focal point for the arrival and departure of administration appointees to the Department of Defense in accordance with paragraph 1.2.

5.6.2. Coordinate with the Head of the DoD Transition and the Director of the DoD Transition Task Force Staff as appropriate, when those officials are designated, and the DA&M on personnel and administrative matters pertaining to departing appointees.

5.6.3. Coordinate with the DA&M and the respective OSD PSAs and Secretaries of the Military Departments, or their designated Transition Assistance Coordinators, and provide guidance regarding the procedures for support to arriving and departing appointees of their respective DoD Components.

5.6.4. Assist in the development of, and support leadership orientation training for, non-career SES members or selected other individuals appointed to positions within the Department of Defense.

5.6.5. Assist in the identification and assignment of mentors for PAS officials and OSD PSAs within the Department of Defense.

5.7. The OSD PSAs and Secretaries of the Military Departments shall:

5.7.1. Identify an official within their respective organizations to serve as their Transition Assistance Coordinators, either as required during the transition of Presidential administrations, and at other times, for the departure or arrival of PAS and non-career SES officials assigned to their staffs or organizations.

5.7.2. Provide timely submission of materials to support transition briefings and confirmation books as required.

5.7.3. Establish, as appropriate, succession plans to provide for continuity of operations.

5.8. The Heads of the DoD Components shall:

5.8.1. Identify an official within their organizations to serve as their Transition Assistance Coordinator, either as required during the Presidential election cycle, or for the departure of senior officials within their organizational chain of command.

5.8.2. Provide timely submission of materials to support transition briefings and confirmation books on request.

5.9. The Assistant Secretary of Defense for Legislative Affairs, in addition to the responsibilities identified in paragraph 5.7., shall:

5.9.1. Monitor activities of the Executive Office of the President with respect to the nomination of officials for service within the Department of Defense to include Intent to Nominate and Nomination for Senate Confirmation.

5.9.2. As appropriate, coordinate the appearance of DoD PAS nominees before the respective committees considering their nominations, unless otherwise provided for.

5.9.3. As appropriate, coordinate and oversee 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 sworn into office.

5.9.4. Provide support to transition activities and engage in liaison activities with members of the U.S. Congress and their respective staffs and committees.

5.10. The General Counsel of the Department of Defense (GC, DoD), in addition to the responsibilities identified in paragraph 5.7., shall:

5.10.1. Provide Departmental guidance regarding permissible activities for prospective PAS nominees within the Department of Defense prior to confirmation and appointment.

5.10.2. Provide counsel, as required, on matters including, but not limited to 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; standards of conduct governing the actions of, and other matters pertaining to, prospective nominees, administration appointees, or such other officials as may be required; and use of government personnel and equipment to include government transportation.

5.11. The Secretaries of the Military Departments, in addition to the responsibilities identified in paragraph 5.7., shall:

5.11.1. Coordinate with the DA&M and the Special Assistant to the Secretary of Defense for White House Liaison, to arrange accession and orientation for arriving administration appointees.

5.11.2. Provide component-specific orientation and support to arriving administration appointees.

5.11.3. Identify transition support requests to the Director, Washington Headquarters Services (WHS), through the DA&M.

5.12. The Director, WHS, under the DA&M and consistent with DoD Directive 5110.4 (Reference (f)), and in addition to the responsibilities identified in paragraph 5.8., shall:

5.12.1 Provide operational support for the transition of administration appointees within OSD, Defense Agencies, and DoD Field Activities.

5.12.2. Provide 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.

5.12.3. Establish comprehensive operational guidelines for administration and support of all transition activities, consistent with paragraphs 5.12.1. and 5.12.2., including but not limited to human resources, general administration of pay and allowances, security clearance processing, office space, and security review and disposition of official records.

5.12.4. Provide such other functional support to transitions as may be directed by the DA&M.

5.13. The Director, Pentagon Force Protection Agency (PFPA), under the DA&M and consistent with DoD Directive 5105.68 (Reference (g)), and in addition to the responsibilities identified in paragraph 5.8., shall:

5.13.1. Be responsible for 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 as may be directed by the DA&M.

5.13.2. Conduct Personal Security Vulnerability Assessments for newly confirmed or appointed officials, as appropriate.

5.13.3. Conduct personal security training for newly confirmed, appointed, or assigned officials, as appropriate.

5.13.4. Monitor newly confirmed, appointed, or assigned officials for threat indications or warnings and take actions necessary to provide for force protection consistent with law and regulations.


5.13.5. Establish 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 shall not be limited to appropriate training, physical security, driver support, alarms, and sensors.

6. RELEASABILITY

UNLIMITED. This Directive is approved for public release. Copies may be obtained through the Internet from the DoD Issuances Web Site at <http://www.dtic.mil/whs/directives>.

7. EFFECTIVE DATE

This Directive is effective immediately.



Robert M. Gates

Enclosures - 2

- E1. References, continued
- E2. Definitions

E1. ENCLOSURE 1

REFERENCES, continued

- (e) DoD Directive 5105.53, "Director of Administration and Management (DA&M)," February 26, 2008
- (f) DoD Directive 5110.4, "Washington Headquarters Services (WHS)," October 19, 2001
- (g) DoD Directive 5105.68, "Pentagon Force Protection Agency," May 3, 2002
- (h) Section 131 of title 10, United States Code
- (i) DoD Instruction 4000.19, "Interservice and Intragovernmental Support," August 9, 1995
- (j) Section 6.2 of title 5, Code of Federal Regulations

E2. ENCLOSURE 2

DEFINITIONS

E2.1 Administration Appointees. Presidentially-Appointed, Senate-confirmed (PAS); Presidential Appointees (PAs); Non-career Senior Executive Service (SES); and Schedule “C” appointed individuals serving within the Department of Defense at the pleasure of the President.

E2.2. Detailed Official. For the purpose of this Directive, a Government employee of an agency other than the Department of Defense, who is temporarily assigned to serve in an approved billet within the Department of Defense for a specified period of time, and who is expected to return to his or her parent agency at the end of that period.

E2.3. 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.

E2.4. Office of the Secretary of Defense. As provided for in section 131 of title 10, United States Code (Reference (h)), 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 (ASDs); the Inspector General of the Department of Defense (IG DoD); Assistants to the Secretary of Defense (ATSDs); 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.

E2.5. Operational Support. For the purpose of this Directive, includes support services as may be provided by WHS under Reference (f) and by PFPA under Reference (g), or as may be provided under DoD Instruction 4000.19 (Reference (i)). These transition services may include, for example, office facilities, communications services, transportation, human resource services, security, supplies, and administrative support.

E2.6. OSD Principal Staff Assistants (PSAs). The Under Secretaries of Defense; the GC, DoD; the IG DoD; and those ASDs, ATSDs, and OSD Directors, and equivalents, who report directly to the Secretary or Deputy Secretary of Defense. OSD PSAs are also known as the “Heads of the OSD Components.”

E2.7. PAs. Officials nominated and appointed to terms of service in the Department of Defense or its subordinate DoD Components by the President.

E2.8. PAS Officials. Civilian officials appointed by the President, by and with the advice and consent of the Senate, to positions within the Department of Defense.

E2.9. Schedule “C.” As defined in section 6.2 of title 5, Code of Federal Regulations (Reference (j)), positions that are established in the excepted service with duties of a confidential or policy determining character. Typically, Schedule C employees serve in grades General Schedule-15 or National Security Personnel System Pay Band-3 and below.

E2.10. Transition. For the purpose of this Directive, the full spectrum of activities to support the arrival and in-briefing of officials assigned to the Department of Defense, as well as the departure of those officials at the conclusion of their terms of service.