

# Congress of the United States

## House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5051  
MINORITY (202) 225-6074  
<http://oversight.house.gov>

### Opening Statement

**Chairman Gerald E. Connolly (D-VA)**

**House Committee on Oversight and Reform, Subcommittee on Government Operations**

**Hearing on “The Elements of Presidential Transitions”**

**Thursday, December 10, 2020**

Every four or eight years, our nation has undergone a peaceful transfer of power. In 1981, for example, another one-term president handed over the reins of government to his election adversary. In the wake of the election President Jimmy Carter calmed the nation, saying “We’ll have a very fine transition period. I told him I wanted the best one in history.”

President Carter even sent incoming President Ronald Reagan a telegram that read: “It’s now apparent that the American people have chosen you as the next President. I congratulate you and pledge to you our fullest support and cooperation in bringing about an orderly transition of government in the weeks ahead. My best wishes are with you and your family as you undertake the responsibilities that lie before you.”

Unfortunately, our nation has yet to see so eloquent a telegram or tweet this time around.

**I called this hearing today to examine the laws, norms, and administrative practices that make a peaceful and efficient transition possible. What have we learned over 36 presidential transitions that have followed presidential elections, the first one—of course—when President George Washington relinquished his office to President John Adams? And what improvements can we make for future transitions?**

The transition currently underway to the Biden Administration marks the 25th presidential transition when the incoming president is of a different party than the incumbent.

This election was the first in 28 years when an incumbent president sought re-election and failed, and only ten times in our nation’s history has a sitting president lost a re-election bid. This context looms large over Congress’s job to ensure that the transfer of power remains peaceful.

The transition period between administrations is when our nation is at its most vulnerable. In 1932, at the peak of the Great Depression, President Hoover and President-elect Franklin D. Roosevelt failed to cooperate, delaying much needed relief to the starving public. In February 1993, shortly after Bill Clinton’s inauguration, terrorists attacked the World Trade Center in New York City. In 2009, President Obama was inaugurated during one of our nation’s most severe financial crises since the Great Depression. America is practiced in transitions

during duress. This transition, in the midst of an unprecedented pandemic and economic collapse, is no exception.

Even in the smoothest of transitions, a president-elect and vice-president-elect have between 72 to 78 days to take the reins of the federal government. **In the 2020 transition, the General Services Administration's delay in ascertaining the winner of the election has cut the post-election transition period to just 57 days.**

**The loss of 20 days is consequential to the Biden administration and to this nation. In 57 days, the president- and vice-president-elect must staff the White House and the Executive Office of the President and create a governance structure to organize, prepare, and train teams to lead the more than 100 departments and agencies of the federal government. These teams will be the point of the spear that work throughout the next administration to reinvigorate the more than 2.1 million civilian employees and 1.3 million military employees who serve and protect this nation every day. And that's just one transition responsibility.**

During the next 41 days, the Biden administration will be preparing to make more than 4,000 presidential appointments, roughly 1,200 of which will require Senate confirmation. Many of these appointees will need to undergo thorough time-consuming background investigations.

As I have noted, this new administration is taking these steps in the midst of a global pandemic that is worsening by the day. These individuals will inherit the top positions of a nation in need of economic stimulus and nearing an economic collapse. They inherit a country where racial tensions have been stoked over the past four years.

**Setting up an effective transition team is a tall task that highlights the importance of getting the things right and helping this new administration get the leaders, support, and resources it needs to bring this nation back from the brink.**

The primary law that governs the transfer of power is the Presidential Transitions Act of 1963. The law has been amended significantly four times to address lessons learned from previous transitions.

Prior to presidential elections, the law requires eligible candidates to establish a transition-related organizational structure, making sure that would-be presidents are prepared for the post-election sprint. The law also authorizes funding for office space, staff compensation, and other transition services for the president- and vice-president-elect.

**Importantly, the law also outlines the process by which candidates can designate and start vetting candidates who would fill important national security or other sensitive roles in the new administration. This law is meant to ensure a new President is ready to lead on day one.**

In the transition from George Bush to Barack Obama, the Obama/Biden transition team had more than 349 individuals cleared to enter agencies learn about their operations and engage

the workforce for the transition. In 2016, President-elect Donald Trump had 323 people cleared to enter agencies.

**Setting up a transition team is like designing the nation's largest start-up company. This year these teams are taking the baton on vaccine production and distribution, economic relief, and they face a President hellbent on starting conflict with Iran and endangering our national security. The stakes could not be higher.**

Pursuant to the Presidential Transition Act, it is the Administrator of the General Services Administration who triggers access to transition funding and office space. In the wake of this election, the Administrator inexplicably made what should be a ministerial decision into a political one.

**At this hearing we will examine ways to amend the Presidential Transition Act to put clearer guiderails on what it means to "ascertain" the "apparent successful candidate for the office of president and vice-president" and prevent any future attempts to scuttle an orderly transfer of power.**

**We will also examine at this hearing the role of Congress during the lame duck period. We have a responsibility to ensure that this administration does not place political appointees who lack qualifying expertise into the competitive civil service, promulgate so-called last minute midnight regulations, or fail to properly collect, retain, and preserve presidential or federal records.**

In addition to those political appointees who have burrowed in or seek to, this administration has taken the troubling step of issuing an executive order that would potentially enable President Trump to fire scores of federal employees on his way out the door. This strikes at the heart of our merit-based civil service.

This order removes civil service protections from federal employees – stripping their statutory appeal rights and permitting them to be replaced with the outgoing President's political appointees. The order undoes 137 years of merit system hiring and expertise in our federal workforce and is a harmful attack on the integrity of our government.

I want to take a moment right now to insert into the hearing record several resources that underscore the intense bipartisan opposition to this executive order, including an op-ed from 50 former career officials and political appointees from the Office of Management and Budget, and another letter from 22 good government organizations and scholars, including the Partnership for Public Service, which Mr. Stier represents here today.

A presidential legacy should be earned over four years, not panic-dumped on a nation six weeks before the loser in the race leaves office.

**That is why today, I plan to introduce the Midnight Regulations Review Act with my colleagues Chairwoman Carolyn Maloney, Chairman Raja Krishnamoorthi, and Representative Jackie Speier. This legislation would require the Government Accountability Office (GAO) to create a list of the regulations that the outgoing**

**administration promulgates during this lame duck, which will allow Congress and the incoming administration to review whether they are based on evidence and research or whether they should be considered for amending or elimination.**

Congress must take stock immediately of harmful regulatory actions rushed by outgoing administrations in order to exercise its authority to repeal regulations pursuant to the Congressional Review Act. The bill also builds on the bipartisan work of my Senate colleagues Ron Johnson and Tom Carper, requesting GAO produce a report a year after the inauguration to examine, more in depth, the impact of specific midnight regulations.

The nation needs the next administration to be a success. We need our people to stay safe and healthy during what promises to be the deadliest stretch of the pandemic yet. We need vaccine production and distribution to be comprehensive and efficient. We need to prevent small businesses from collapsing and keep renters and homeowners with roofs over their heads. We need to heal the acrimony that divides the nation.

To make that possible, we need the outgoing administration not to burn the building down on its way out. We need a new team to have the opportunity to restore what makes America great. It's time to put our nation before political party. I look forward to hearing from our witnesses.

###

---

Contact: Aryele Bradford, Communications Director, (202) 226-5181.