



May 13, 2020

The Honorable Ron Johnson
The Honorable Gary Peters
Chairman and Ranking Member
Committee on Homeland Security and Governmental Affairs
United States Senate
Washington, DC 20510

Dear Chairman Johnson and Senator Peters,

Pursuant to the Presidential Transition Act of 1963, as amended (3 U.S.C. § 102 note), I am pleased to submit a report that outlines the activities by the Executive Branch to comply with the statute. Consistent with the statute's requirements, I will update you on this matter again in August.

If you have any questions, please feel free to contact me at 202-501-0767 or at mary.gibert@gsa.gov.

Sincerely,

/s/

Mary D. Gibert
Federal Transition Coordinator

Enclosure (1)

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Legislation: To promote the orderly transfer of the Executive power in connection with the possibility of a Presidential transition, the Presidential Transition Act of 1963 (PTA; 3 U.S.C. § 102 note) authorizes the Administrator of General Services to provide upon request to the President-elect and Vice President-elect, for use in connection with preparations for the assumption of official duties as President or Vice President, necessary services and facilities. The PTA has been amended a number of times since 1963, including the following key amendments:

- The Presidential Transition Act of 2000 (P.L. 106-293) authorized the General Services Administration (GSA) Administrator to consult with presidential candidates prior to the general election to develop a systems architecture plan for computer and communication systems, a transition directory, and orientation services for new Presidential appointees.
- Section 7601 of the Intelligence Reform and Terrorism Prevention Act (IRTPA) of 2004 (P.L. 108-458) required the preparation of a detailed classified, compartmented summary by the relevant outgoing Executive Branch officials of specific operational threats to national security, major military or covert operations, and pending decisions on possible uses of military force, which should be provided to the President-elect as soon as possible after the date of the general elections. In addition, the IRTPA required that necessary background investigations and eligibility determinations to permit appropriate prospective transition team members to have access to classified information be completed, to the fullest extent practicable, by the day after the date of the general election; and that responsible agencies undertake and complete as expeditiously as possible the background investigations necessary to provide appropriate security clearances to the individuals who are candidates as described in the act before the date of the inauguration.
- The Pre-Election Presidential Transition Act of 2010 (P.L. 111-283) further authorized GSA to provide certain services to eligible candidates before the general election.
- The Edward “Ted” Kaufman and Michael Leavitt Presidential Transitions Improvements Act of 2015 (P.L. 114-136) required the establishment and operation of an Agency Transition Directors Council (ATDC) and the White House Transition Coordinating Council (WHTCC). Additionally, it required the designation of a Federal Transition Coordinator, who is responsible for coordinating transition planning across the Executive Branch and who serves as a liaison to eligible Presidential candidates. The Act also outlines a process for designating career officials who will oversee and implement the activities of the agency, component, or subcomponent relating to the Presidential transition and provides for the negotiation, before the election, of memoranda of understanding between the incumbent President (acting through the Federal Transition Coordinator) and the transition representative of each eligible candidate concerning transition-related matters.

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- The Presidential Transition Enhancement Act of 2019 (P.L. 116-121) changes the duration of GSA's transition services from 180 days to 60 days after Inauguration Day. The Act also requires that, no later than September 15 of a year in which a Presidential election occurs, the head of each agency have a succession plan in place for each senior non-career position in the agency. Lastly, the Act requires that if there is a transition, the eligible candidate will implement and enforce an ethics plan to guide the conduct of a transition beginning on the date on which the candidate becomes the President-elect.

Transition Coordination: Both the WHTCC and ATDC have been established. As required by statute, the WHTCC will provide guidance to Executive departments and agencies (agencies) and the Federal Transition Coordinator regarding preparations for the potential Presidential transition, including: succession planning and preparation of briefing materials; facilitating communication and information sharing between the transition representatives of the eligible candidate(s) and senior employees in agencies and the Executive Office of the President (EOP); and preparing and hosting interagency emergency preparedness and response exercises.

The following individuals are members of the WHTCC:

- a) the Assistant to the President and Chief of Staff (Chair);
- b) the Assistant to the President and Deputy Chief of Staff for Policy Coordination (Vice Chair);
- c) the Director of the Office of Management and Budget (OMB);
- d) the Assistant to the President and Deputy Chief of Staff for Operations;
- e) the Counsel to the President;
- f) the Assistant to the President and Director of Presidential Personnel;
- g) the Deputy Assistant to the President and Deputy Counsel to the President;
- h) the Federal Transition Coordinator; and
- i) the transition representative for each eligible candidate, who shall serve in an advisory capacity.

The ATDC was established by section 3 of Executive Order No. 13,727 (2016) (Facilitation of a Presidential Transition), and it has continued to meet on an annual basis since the 2017 Presidential transition. OMB recently circulated a memorandum to the heads of all agencies requesting agency heads' designation of officials to participate in the ATDC. As required by statute, the ATDC will ensure that the Federal Government has an integrated strategy for addressing interagency challenges and responsibilities around Presidential transitions and turnover of non-career appointees; coordinate transition activities among the EOP, agencies, and the transition team of the eligible candidate(s) and the President-elect and Vice President-elect; draw on guidance provided by the WHTCC and lessons learned from previous Presidential transitions in carrying out its duties; assist the Federal Transition Coordinator in identifying and carrying out his or her responsibilities relating to a Presidential transition; provide guidance to agencies in gathering briefing materials and information relating to the Presidential transition that may be

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requested by the eligible candidate(s); ensure that materials and information are prepared not later than November 1 of the year during which a Presidential election is held; ensure that agencies adequately prepare career employees who are designated to fill non-career positions during a potential Presidential transition; and consult with the President's Management Council, or any successor thereto, in carrying out its duties.

By law, the ATDC is co-chaired by the Federal Transition Coordinator, GSA, and the Deputy Director for Management of OMB. Members include: a senior career representative whose responsibilities include leading Presidential transition efforts within the agency from each agency described in section 205 of the Chief Financial Officers Act of 1990 (31 U.S.C. § 901(b)(1)), in addition to the Office of Personnel Management (OPM), the Office of Government Ethics (OGE), and the National Archives and Records Administration (NARA).

In addition, the ATDC will include a transition representative for each eligible candidate, who shall serve in an advisory capacity; a senior career representative from any other agency determined by the Co-Chairs to be an agency that has significant responsibilities relating to the Presidential transition process; and other senior employees serving in the EOP, as determined by the President.

In addition to the establishment of the WHTCC and ATDC, the Administration is undertaking additional transition-related activities. For example, GSA is preparing to convene meetings with the Office of the Director of National Intelligence (ODNI), the Department of Justice (DOJ), and the Federal Bureau of Investigation (FBI) to begin planning to support the activities described above required by section 7601 of the IRTPA of 2004. ODNI is the designated agency to coordinate the investigation and granting of security clearances for appropriate transition team members who will have a need for access to classified information. ODNI expects to revise its Concept of Operations for Clearance Adjudication from 2016 to account for any changes in the security clearance process since the last Presidential election. The revised Concept of Operations will be coordinated with DOJ, FBI and the Central Intelligence Agency (CIA) Office of Security, as each agency has distinct, central responsibilities in background investigations for and adjudication of security clearances for the transition process. Additionally, ODNI is engaged in contingency planning for security and logistics involved with the delivery of classified briefings to the President-elect and Vice President-elect, should there be a transition to a non-incumbent.

OGE reviews financial disclosure reports for all Presidentially appointed, Senate-confirmed (PAS) nominees, to help them avoid potential conflicts of interest. OGE runs Integrity, its Executive branch-wide electronic public financial disclosure system. The system is used successfully by nearly 23,000 of the highest level officials in the Executive branch to file nominee, annual, periodic transaction, and termination reports. To prepare for the 2020 election, OGE continues to improve the system based on user input and to comply with evolving security requirements.

OGE is also training agency ethics officials and other stakeholders for a potential transition, emphasizing substantive Government ethics and financial disclosure issues relevant to PAS nominees. OGE is updating key resources for financial disclosure filers and reviewers, which are available at: <https://www.oge.gov/web/oge.nsf/Resources/Presidential%20Transition>. These resources include: (1) the Transition Guide, which is a resource to prepare Presidential Transition Teams to fill top leadership

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positions quickly and free from conflicts of interest; and (2) a Nominee Ethics Guide, which contains helpful guidance for incoming PAS nominees, including an introduction to the nominee process, their ethics responsibilities as an individual and leader, and an overview of key ethics rules and regulations. In addition, OGE will issue ethics guidance for any outgoing officials.

Lastly, OGE will engage with the campaign transition team to communicate expectations for the complex financial disclosure review process, provide an overview of OGE's resources for the financial disclosure review process, and emphasize the need for a potential future Presidential transition team to have ethics experts on staff.

In addition, OPM provides guidance to agencies as they prepare for departing and incoming political appointees, and submits a list of all Presidential appointments to candidates after the conventions, and collects information for the Plum Book. OPM also authorizes the appointment of non-career Senior Executive Service members as well as Schedule C employees in positions of a confidential or policy determining nature. OPM also provides Congress with quarterly reports on requests by agencies to appoint political appointees or former political appointees to nonpolitical civil service positions as well as lower-level positions.

In addition, the Defense Counterintelligence and Security Agency (DCSA) within the Department of Defense (DoD) conducts background investigations for some positions.

Lastly, NARA is taking the necessary steps to help ensure that outgoing and incoming officials follow records requirements and that, in the event of a change in Administration, documents from the White House are archived as required by the Presidential Records Act.

GSA Activities: Pursuant to the PTA (3 U.S.C. § 102 note), in the event of a change in Administration, GSA is authorized to provide the President-elect and the Vice President-elect with a variety of services supporting the transition into their new official capacities. In addition, the Pre-Election Presidential Transition Act of 2010 (P.L. 111-283) authorized GSA to provide certain services to eligible candidates before the general election. To oversee Presidential transition support, the Administrator of GSA has designated a Federal Transition Coordinator.

GSA expects that the core infrastructure related to GSA transition services will be fully in place by August 2020 for pre-election services and October 2020 for post-election. This infrastructure includes GSA's development of alternate ways (e.g., remote, virtual) to fully deliver its statutorily required transition services in a way that mitigates the effects of the present national public health emergency on a potential transition of power.

After the major party conventions, the Federal Transition Coordinator will begin formal outreach to the qualifying nominated candidate or candidates to advise them of the services to be extended to them between now and Election Day and the further services that will be provided should they become the President-elect or Vice President-elect. Additional information and reference materials are available at: <http://presidentialtransition.gsa.gov>.

GSA's role in support of the Presidential transition for the 2020 election includes the following elements.

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Customers: GSA serves the following customer organizations during a Presidential transition:

- Eligible Presidential Candidate(s): The representatives of the Eligible Presidential Candidate(s) are responsible for setting processes and preparing personnel for a transition, should the candidate be successful. Staff size: 100-120 (est.) per Eligible Candidate.
- Presidential Transition Team (PTT): The PTT is responsible for the planning and coordination of Presidential Transition activities in preparation for a potential transition of power with a President-elect and Vice President-elect. Staff size: Traditionally 500-700 (est.) (including volunteers).
- In the event of a change in Administrations, the Outgoing President and Outgoing Vice President: The Outgoing President and Vice President and their designee(s) may obtain services from GSA for a period not to exceed seven months from 30 days before the date of the expiration of their terms in connection with winding up the affairs of their offices and establishing an Office of the Former President after the six month transition period. Staff size: To be determined by the Outgoing President and the Outgoing Vice President. Staff size: 12-24 (est.).
- Presidential Inaugural Committee (PIC): The PIC is responsible for the planning and coordination of Presidential Inaugural activities. Staff size: 700-900 (est.) (including volunteers). The PIC works in collaboration with the following organizations to fulfill its responsibilities:
 - Joint Forces Headquarters-National Capital Region (JFHQ-NCR): The JFHQ-NCR coordinates all military ceremonial participation and support for the Presidential Inaugural. This organization's operations will be supplemented from Fort McNair in Washington, DC. Staff size: 150 (est.).
 - Department of Homeland Security Federal Protective Service (DHS FPS): DHS FPS provides security for Federal buildings, including the Inaugural headquarters and Federal buildings along the parade route. This organization also provides security for the PIC, including credentialing. Staff size: 4-6 (est.).
 - National Park Service (NPS): NPS maintains the National Mall (location of Inaugural), Pennsylvania Avenue National Historic Site (parade route), and Lafayette Park (location of media). They also maintain the location for the Presidential Reviewing Stand along the White House sidewalk and oversee the permitting of all First Amendment demonstrations associated with the Presidential Inaugural. Staff size: 8 (est.).
 - District of Columbia Government: The District's Presidential Inaugural Committee provides executive direction regarding the planning and coordination of municipal resources and services in support of Inaugural activities. Services include law enforcement, hazardous materials protection, construction of reviewing stands, securing public spaces, and others. Staff size: 30 (est.).

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GSA Support Structure:

- *Federal Transition Coordinator:* GSA has designated a senior career executive as the Federal Transition Coordinator to oversee Presidential transition support.
- *Pre-Election Presidential Transition Support Team (PTST):* GSA's PTST ensures that GSA services are provided, pursuant to the PTA (3 U.S.C. § 102 note), to the Eligible Candidate(s). Services to be provided to the Eligible Candidate(s), on an equal basis and without regard to political affiliation, include suitable office space appropriately equipped with furniture, furnishings, office and information technology equipment, and office supplies.
- *Inaugural Support Team (IST):* GSA's IST ensures that the full complement of GSA services is provided, pursuant to 40 U.S. Code § 581, to provide direct assistance and special services for the Inaugural Committee (as defined in section 501 of title 36 of the U.S. Code) during an inaugural period in connection with Presidential inaugural operations and functions. Services include space, communication systems, information technology (IT) support, financial management, telephone services, parking, furniture, vehicles, office equipment, mail management and administrative support services. GSA's IST is estimated to consist of seven full time staff and nine supplemental staff, including Public Building Service (PBS), Federal Acquisition Service (FAS) and Office of the Chief Information Officer (OCIO) employees.

In the event of a change in Administration:

- *Post-Election Presidential Transition Support Team:* GSA's PTST provides services to the President-elect and Vice President-elect, including suitable office space appropriately equipped with furniture, furnishings, office and IT equipment, office supplies, mail management, payment of compensation for office staff, human resources support, payment of expenses for the procurement of experts or consultants, communications services, and payment of travel, subsistence, printing, postal and other expenses as necessary and appropriate. GSA's PTST will consist of approximately 60 full time staff, comprised mainly of PBS, FAS and OCIO personnel at various phases of the transition, and will be complemented by contracted employees.
- *Outgoing Transition Support Team:* GSA's Outgoing Transition Support Team ensures that GSA provides the necessary support to the Outgoing President and Outgoing Vice President under the PTA if there is a transition in Administrations. These services include office space and necessary furniture, furnishings, supplies, printing, mail services, technology equipment and services, payroll and human resource services, and travel support. This team also coordinates the initial phase of necessary support activities to the Former President under the Former President's Act of 1958, which include similar services to those provided during the Outgoing transition period.

Support to Eligible Presidential Candidate(s) (Pre-Election Activities):

- **Funding:** GSA received a FY 2020 appropriation of \$9.62 million to directly fund or reimburse other GSA activities for costs to provide the necessary pre-election services.

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- **Location:** GSA has selected 1401 Constitution Ave NW, Washington, DC (Herbert C. Hoover Building, Department of Commerce Headquarters) as the office space for the eligible candidate(s).
- **Space:** In order to accommodate the needs of the eligible candidate(s), some alterations to the space and IT infrastructure are required. These alterations are under way and are anticipated to be completed by August 1, 2020. The space is designed to support 100 or more personnel per eligible candidate. Below is a schedule of major milestones for the modernization project and tenant occupancy:
 - *August 1, 2020: Pre-election Space for Eligible Candidates complete*
 - *September 1, 2020: Eligible Candidate(s) begin occupancy pursuant to the statutory timeline.*
- **Furniture:** To the extent possible, GSA will use the existing furniture in the space to meet the furniture requirements for the pre-election. Some additional furniture, such as desk chairs and specialty furniture, will be sourced from excess inventory or purchased.
- **IT:** GSA is on schedule to meet all IT needs associated with the pre-election period. To be prepared for a scenario where there is more than one eligible candidate who is not the incumbent, two separate, secure networks are being created to ensure complete separation of data and services between eligible candidates. Two separate domain names will be put in place to further the separation of data and traffic between eligible candidates. Hardware and software requirements have been developed, and the infrastructure required to support the pre-election teams will be in place by September 1, 2020. Infrastructure and help desk support contracts are in place, and service will be provided through Election Day. Laptops and other equipment will be prepared for deployment to team members. Equipment to be utilized by the pre-election teams is being purchased with the funds appropriated for the pre-election effort, and it will be reused after transition activities conclude. Where possible, any equipment that does not have a long term use is being leased in an effort to reduce costs and prevent excess once transition activities conclude.

In the event of a change in Administrations, support to the President-elect and Vice President-elect (Transition Activities)

- **Funding:** GSA has requested a budget allocation of \$9,900,000 for transition activities in the FY 2021 budget request, of which \$6,300,000 would be for a new incoming Administration. This funding will be managed on behalf of a new President-elect and Vice President-elect, and specifically becomes available when the Administrator ascertains an apparent winner of the general election that is not the incumbent.
- **Location:** GSA has selected 1401 Constitution Ave NW, in Washington, D.C., as the office space for the transition team. By co-locating the pre-election services at the same facility, there will be no need for moving costs and disruption between the two project phases. GSA similarly co-located the pre-election services with the planned post-election services location in the 2012 cycle.

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- **Space:** In order to accommodate the needs of the PTT, some alterations to the space and IT infrastructure are required. These alterations are under way and are anticipated to be completed by September 1, 2020. The space is designed to accommodate 500 or more Presidential Transition personnel. Below is a schedule of major milestones for tenant occupancy related to Transition activities:
 - *October 1, 2020: Presidential Transition Support spaces complete*
 - *October 31, 2020: United States Secret Service (USSS) construction and outfitting complete*
 - *November 3, 2020: Election Day: GSA Administrator ascertains apparent winner of the election, and if the winner is not the incumbent President, offers Transition Services to the apparent winner*
 - *November 4, 2020: PTT begins occupancy.*

- **Furniture:** To the extent possible, GSA will use the existing furniture in the space to meet the furniture requirements for the Presidential Transition. Some additional furniture, such as desk chairs and specialty furniture will be sourced from excess inventory or purchased.

- **IT:** GSA is on schedule to meet all IT needs associated with a potential transition. A separate, secure network is being created within the facility, although existing cabling will be utilized throughout the space as much as possible. The IT infrastructure will be installed by September 1, 2020, and all laptops, phones, etc. will be prepared for deployment to transition staff on November 4, 2020. Help desk support contracts are in place, and service will be provided from the election until 60 days after the Inauguration. Wherever possible, GSA is utilizing IT equipment that was originally purchased to support GSA operations, such as monitors, keyboards, and mice, as well as port replicators and legacy voice-over internet protocol (VoIP) for the sensitive compartmentalized information facility (SCIF). At the conclusion of transition activities, this equipment will be returned to GSA.

- **Security:** GSA is working closely with USSS personnel to ensure that building access, credentialing, and monitoring procedures are in place prior to staff arrival and to make sure all security requirements are met.

- **Parking:** Parking will be limited to only high level officials and visiting VIPs within a designated courtyard at 1401 Constitution Ave., N.W., adjacent to the Presidential Transition office.

- **Appointee Orientation:** The PTA requires the GSA Administrator to coordinate the development and delivery of orientation activities for key prospective Presidential appointees. GSA's fiscal year 2021 budget request includes \$1,000,000 for this activity. Funding for this activity is available to a new incoming Administration or the incumbent. During the transition, GSA's Federal Transition Coordinator will work with the appropriate members of the transition team and the current Administration to prepare to meet this requirement after the election.

- **Transition Directory:** The PTA requires GSA, in consultation with the Archivist of the United States (head of NARA), to develop a compilation of Federal publications and materials that provide information on the officers, organization, statutory and administrative authorities, functions, duties, responsibilities, and mission of each department and agency. This directory was

made available on November 1, 2019, ahead of the one-year date before the election, as required by the PTA, and is available at <http://presidentialtransition.gsa.gov>.

Support to the PIC and JFHQ-NCR Inaugural Committee (Inaugural Efforts)

- **Location:** GSA has selected a Federal office building located at 301 D Street, S.W., in Washington, D.C., as the location for the PIC.
- **Space:** Inaugural staff will occupy approximately 56,000 rentable square feet of the Federal office building. Below is a schedule of major milestones for the tenant occupancy related to Inaugural activities:
 - *June 2020: GSA's IST begins occupancy*
 - *August 24, 2020: FPS begins occupancy*
 - *September 1, 2020: JFHQ-NCR, NPS, USSS, D.C. Government begins occupancy*
 - *October 1, 2020: GSA Supply Store commences operations.*
- **Furniture:** GSA's IST will support the needs of the PIC and associated Government support groups using excess furniture. All furniture will be identified and secured by July 2020, with the move and installation occurring between July and August 2020. All furniture for Inaugural staff will be supplied by GSA's Personal Property Center in Springfield, VA, or from other agency disposal locations in the Washington, D.C., area.
- **IT:** GSA is on schedule to meet all IT needs associated with the PIC. GSA will ensure that the existing IT infrastructure within all PIC occupied space of the Federal office building is available, to include existing CAT-5, CAT-6 and Fiber Optic cabling and Wireless Access Points (WAPs) in all locations to supply communications or other data systems. The PIC Federal Protective Service and PIC volunteers will have access to the GSA Guest network.
- **Security:** GSA's IST is currently working with GSA's Office of Mission Assurance and DHS FPS personnel to ensure that building access and credentialing procedures are in place prior to staff arrival. GSA and DHS FPS have a Security Risk Assessment underway for the Federal office building.
- **Parking:** Parking options are currently under development and will be offered to customers on a reimbursable basis.
- **Non Traditional Spaces:** Other space options, including floral staging areas and spaces for ticket sales, are currently being developed to offer to the PIC.

In the event of a change in Administrations, support to Former President and Former Vice President:

GSA's Federal Transition Coordinator will work with the EOP to fulfill this requirement and will designate an Outgoing Transition Support Team to support these efforts. GSA's fiscal year 2021 budget request includes \$2,600,000 to be utilized to support the Outgoing Transition Support Team in the event of a change of Administration.