



August 3, 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 (PTA) of 1963, as amended (3 U.S.C. § 102 note), I am pleased to submit a second update that outlines the ongoing activities by the Executive Branch to comply with the statute. In particular, this update will focus on the major progress points since I submitted the Six Month Report in May 2020.¹ A copy of the Six Month Report is also attached for your reference.

Transition Coordination:

The White House Transition Coordinating Council (WHTCC) held a meeting in July at which members were briefed on transition preparation activities to date. The Council reviewed the scope of the Administration's statutory responsibilities under the Presidential Transition Act, and deliberated on the manner in which these obligations would be carried out comprehensively and within the required timelines.

The Agency Transition Directors Council (ATDC) met in May and July to work on its statutorily required responsibilities. The ATDC will continue to meet on a regular basis, as required by statute, to carry out its duties. To date, the ATDC has been focused on how agencies will meet the major milestones required by the PTA, such as succession planning and agency briefing materials, in addition to overall agency transition planning efforts. In an effort to coordinate transition across government and include agencies that are not represented on the ATDC, the ATDC co-chairs have also invited the points of contact from agencies, boards, and commissions listed in Enclosure 2 of Office of Management and Budget Memorandum 20-24 to informational meetings on transition preparations and their organizations' responsibilities. This group met in June and plans to meet again this month and later as needed.

¹<https://www.gsa.gov/governmentwide-initiatives/Presidential-transition-directory/congressional-reports>

Partner Agency Updates:

Office of the Director of National Intelligence (ODNI): The Director of National Intelligence appointed a senior career official to oversee and implement Presidential transition related activities. This official has established a Presidential transition contingency planning team to support the effort, with representatives from across the Intelligence Community (IC) participating.

ODNI is engaged in contingency planning for security and logistics involved with the delivery of IC classified briefings and transition materials to the President-elect, Vice President-elect, and their transition teams should there be a transition.

The Intelligence Reform and Terrorism Prevention Act (IRTPA) of 2004, as amended, reformed the Presidential transition teams' vetting process by requiring the Government to process security clearances for transition members for major party candidates or any other candidate determined by the General Services Administration (GSA) Administrator to be among the principal contenders for the general election. The process begins after the major parties nominate their candidates.

The ODNI is designated as the agency to coordinate the investigation and adjudication efforts for Presidential transition teams and Presidential nominees through Inauguration Day, with the Department of Justice (DOJ) serving as the lead authority for the granting of clearances. ODNI is in the final phases of coordinating the 2020 Presidential Election and Transition Security Clearance Adjudication Plan that governs this activity, which updates the 2016 plan to account for lessons learned and changes in the security clearance process since the last Presidential election. The revised plan was developed in conjunction with the DOJ, the Federal Bureau of Investigation (FBI), and the Central Intelligence Agency (CIA) Office of Security. Each agency has distinct responsibilities for implementing the Plan through the conduct of background investigations for, and adjudication of, security clearances in the transition process.

Department of Justice (DOJ): Eligible candidates for President may submit requests for security clearances for prospective transition team members who will have a need for access to classified information to carry out their responsibilities as members of the President-elect's transition team. Necessary background investigations and eligibility determinations to permit appropriate prospective transition members to have access to classified information shall be completed, to the fullest extent practicable, by the day after the date of the general election.

The FBI Special Inquiry and General Background Investigation Unit (SIGBIU) is responsible for conducting all the background investigations for security clearances for transition personnel and political appointees, and the DOJ Security and Emergency Planning Staff (SEPS) is responsible for adjudicating the investigations, determining the individuals' eligibility for a security clearance and conducting indoctrination briefings for cleared personnel.

The DOJ has completed or is working on the following action items:

1. The transition team supporting the Agency Transition Director (ATD) has been named and has met to confirm their action plan.
2. The FBI Security Division is currently hiring Reserve Service Program (reemployed annuitants) personnel to provide assistance in processing background investigations.
3. SEPS identified personnel to conduct adjudications and security indoctrination briefings.
4. The Memoranda of Understanding (MOU) to be used between the DOJ and eligible candidates is under review.
5. The secondary MOU between the DOJ and Office of the President-elect is under review (if needed).
6. Logistical needs are being addressed (supplies, office space, databases).
7. DOJ personnel collaborated with ODNI to finalize the 2020 Concept of Operations: Presidential Election and Transition Security Clearance Adjudication Plan.
8. The Department's representatives from SEPS and the FBI Security Division continue to participate in monthly transition meetings with the GSA Presidential Transition Support Team and the ODNI.

Department of Homeland Security (DHS): DHS has modeled its actions on the Department's effective preparations for the 2016-2017 Presidential transition. A DHS Presidential Transition Office (PTO) was established and Points of Contact were appointed in 33 Offices and Component Agencies, representing all of DHS. These offices and agencies have commenced gathering the data and drafting the papers and products that will form the Issue Papers, Biographies, Orders of Succession, and User's Manual that could be used in the event of a Presidential transition. Additional steps from specific DHS offices and agencies include:

DHS Office of Intelligence and Analysis (I&A):

Homeland Threat Assessment—I&A has drafted and is updating a Homeland Threat Assessment that it plans to publish in the next two months. The assessment will cover threats facing the nation, as required by the Edward “Ted” Kaufman and Michael Leavitt Presidential Transitions Improvements Act of 2015.

United States Secret Service (USSS):

Candidate Protection and the Conventions—The USSS is authorized to provide security for the major Presidential candidates, Vice Presidential candidates, and, within 120 days of the general Presidential election, the candidates' spouses. The Secretary of DHS, after consultation with a Congressional Advisory Committee, identifies those candidates who receive protection. During the primaries for the

2020 Presidential Campaign, the USSS provided protection to President Donald Trump and on March 17, 2020, Protection was initiated for former Vice President Joseph Biden.

The USSS is also the lead Federal agency for operational security planning and implementation for the 2020 Republican and Democratic National Conventions and the 2021 Inauguration, which are designated National Special Security Events. Additionally, the USSS is the lead Federal Agency for operational security planning and implementation for the 2020 Presidential and Vice Presidential Debates, which are designated Special Event Assessment Rating One (1). The USSS has developed security protocols that include, for example, measures related to airspace security, explosive mitigation, intelligence support, cyber security, and transportation in coordination with State, local, and other Federal agencies.

Federal Emergency Management Agency (FEMA), Federal Protective Service (FPS), DHS Office of Operations Coordination (OPS):

Presidential Inauguration Security Planning—The USSS, along with the FPS and FEMA, are actively engaged with interagency partners in planning security protocols for the Presidential Inauguration.

Domestic Incident Management and Continuity of Government Preparation—DHS is aware, in the event of a transition, of the statutorily-required exercises according to Section 4(d)(2)(c) of the Presidential Transition Act. Acting through FEMA and OPS, DHS has taken steps to prepare and is poised to engage with interagency partners and the White House as appropriate.

Office of Government Ethics (OGE): OGE plays a vital role in transition readiness by leading the executive branch ethics program and fulfilling its role in the Presidential appointments process. OGE has taken numerous steps to ensure its systems, resources, staff, and agency ethics programs and officials across the executive branch are ready for the Presidential election, irrespective of the outcome.

OGE reviews financial disclosure reports for Presidentially-appointed, Senate-confirmed (PAS) nominees, to help them avoid potential conflicts of interest, and operates *Integrity* (OGE's executive branch-wide electronic public financial disclosure system) for those disclosures. *Integrity* 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. OGE continues to improve the system based on user input and evolving security requirements. In addition, in coordination with the Federal Election Commission, OGE has reviewed the financial disclosure reports of all covered candidates for the office of President of the United States. OGE will also review the reports of candidates for the office of Vice President of the United States. OGE releases these reports publicly upon request.

OGE is also actively training agency ethics officials and other stakeholders in preparation for the upcoming election. The training emphasizes substantive government ethics and financial disclosure issues relevant to PAS positions, which are expected to experience some degree of turnover regardless of whether there is a transition. Beginning with its Ethics Summit in March of 2020 and continuing through the summer, OGE will have delivered nearly 20 virtual sessions on topics related to election readiness.

OGE plans to provide intensive training to agency nominee reviewers this fall to ensure that they are prepared for their enhanced responsibilities and the increased workload associated with the Presidential election. OGE is also intensively cross training its own expert staff to build capacity to handle the increase in volume of nominee financial disclosure reports associated with an election.

In addition, OGE has updated several key resources to prepare for the Presidential election including the: (1) Guide for Nominees; (2) Transition Guide; (3) and Ethics Agreement Guide. The Guide for Nominees 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. The Transition Guide is a resource to prepare Presidential Transition Teams to fill top leadership positions quickly and free from conflicts of interest. The Ethics Agreement Guide is an extensive collection of guidance and model language for agency reviewers who draft ethics agreements for PAS nominees. OGE also updated a listing of PAS positions for which OGE reviews nominees. These and other key resources for financial disclosure filers and reviewers are available at:

<https://www.oge.gov/web/oge.nsf/Resources/Presidential%20Transition>.

OGE will continue to engage with the current administration on PAS positions and plans to engage with eligible candidates' transition team(s) to communicate expectations for the complex financial disclosure review process and to provide an overview of OGE's resources for the financial disclosure review process.

Office of Personnel Management (OPM): On June 24, 2020 OPM's Senior Executive Resources Services (SERS) group released a data call to Federal agencies requesting that their agency letter of certification (Presidentially Appointed Senate Confirmed (PAS)/Presidential Appointment (PA) Listings for Election Year 2020) be submitted to OPM by August 7, 2020. The letters will be used to prepare the submission to both the Democratic and Republican National Committees after the nominations.

OPM SERS is also working on the 2020 Plum Book, which is published every four years and contains a listing of all general Senior Executive Service (SES), PAS and PA positions whether filled or vacant and all filled Schedule C positions Government-wide. It also includes other populations, as has been requested by Congress, including Senior Foreign Service, and four agencies in the Legislative Branch. The Senate and House alternate responsibility, and the 2020 Plum Book is published at the request of the House. OPM has not yet received the official House request for the Plum Book. The data is prepared and submitted to OPM by the agencies through the Executive and Schedule C System (ESCS) database, which OPM owns. This system is used to update, edit and correct the data and to produce the reports provided to Congress. Based on historical precedent, OPM is preparing to include information in the Plum Book as of June 30, 2020 and to provide guidance to agencies to confirm the data by the end of August. The Plum Book will then be ready to be provided to Congress and the US Government Printing Office (GPO) for printing on October 31, 2020.

Additionally, OPM will release a memo to agencies regarding appointments and awards during the 2020 Presidential election period. This memo will provide guidance to agency heads on the need to ensure all personnel actions remain free of political influence or other improprieties and meet all relevant civil service laws, rules, and regulations. OPM will also release its Presidential Transition Guide for Federal Human Resources Management Matters in September.

National Archives and Records Administration (NARA): NARA continues its efforts to ensure, in the event of a change in Administration, records from the White House are archived as required by the Presidential Records Act (PRA). NARA holds regular meetings with the White House Counsel's Office on records issues relating to the transition. Appropriate staff from NARA's Office of General Counsel, White House Liaison Division, Office of Presidential Libraries, and the Office of Information Services have also met with the White House Office of Records Management, the National Security Council, the White House Photo Office, the White House Gift Office, and the White House Office of Administration regarding records transition. NARA participates in weekly meetings led by the Office of Administration to plan for the eventual transfer of electronic Presidential records, which comprise the vast majority of records subject to transfer under the PRA.

NARA also continues to take the necessary steps to help agencies ensure outgoing and incoming officials follow records management requirements in accordance with the Federal Records Act. NARA has made available transition specific records management guidance and briefing products through the GSA Presidential Transition Directory and on NARA's website. These resources include records management guidance for political appointees; a video briefing featuring an introduction from the Archivist of the United States; and model records and information management entrance and exit checklists.

Defense Counterintelligence and Security Agency (DCSA): DCSA is ready to conduct background investigations for lower level positions as needed.

General Services Administration (GSA) Activities:

The GSA Federal Transition Coordinator, Presidential Transition Support Team (PTST), and the Inaugural Support Team (IST) continue to prepare to fulfill their statutorily required transition services to their customers on time. The eligible candidate(s) and the respective Presidential transition team(s) will be informed of the Center for Disease Control (CDC) and GSA guidelines for COVID-19, and other relevant guidance. The eligible candidate(s) will then determine how the guidelines will be implemented for his/her team in the office space GSA provides.

Pre-election services: The preparation for the delivery of pre-election services to the eligible candidate(s) is on schedule and within budget. As required by the PTA, GSA will be ready to offer pre-election services to the eligible candidate(s) at 1401 Constitution Ave. NW, Washington, DC (Herbert C. Hoover Building, Department of Commerce Headquarters) on one of the first three business days (by September 1, 2020) following the last nominating convention. A secure information technology (IT) network,

hardware, software (inclusive of video conferencing), and the associated infrastructure support are a part of the services GSA provides to the eligible candidate(s). The same suite of software that GSA uses for itself and has been using successfully across the agency throughout the increased level of telework over the past few months will be provided to the eligible candidate(s). Security during the Pre-election period will be provided by the Department of Commerce Guard Service. GSA and DHS FPS are coordinating to provide badges for access to the facility during the pre-election period. The Executive Office of the President (EOP) has provided information regarding the Administration's current resume intake tool, known as the Apply Application, and GSA has a contract in place to support customization of a resume intake tool for the pre-election customer(s) after September 1, 2020. In 2016, GSA had to create the resume intake tool from scratch and so the partnership from EOP to share information has been a significant improvement from the previous election cycle.

Post-election services: GSA and its partner agencies' preparations for the potential delivery of post-election services at 1401 Constitution Ave NW, Washington, DC, in the event of a transition continue to move forward on time and on budget. The Fiscal Year 2021 Financial Services and General Government appropriations bill, as reported by the Committee on Appropriations of the House of Representatives, includes the full \$9,900,000 GSA requested for potential transition activities in 2021. In the event of a transition, security during the post-election period will be provided by USSS. GSA and USSS are coordinating to provide badges for access to the facility during the post-election period if required. In the event of a transition, GSA will continue to support the resume intake tool and has a plan in place to transfer the tool, and all associated data, to EOP on January 20, 2021. GSA and EOP have already used this transfer process successfully once, on January 20, 2017.

IST: GSA's IST and its partner agencies continue to move forward with their preparations for the Inauguration. While the IST did not physically move into its office space in June as initially planned because of the ongoing pandemic, the team is fully staffed and prepared to meet all of its requirements on time. Additionally, parking options were identified and included in the occupancy agreements.

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

Sincerely,

Mary D. Gibert
Federal Transition Coordinator