Subject: Re: Statement
Date: Thu, 12 Nov 2020 10:16:20 -0500
From: Rob Borden - AC <robert.borden@gsa.gov>
To: Mary Gibert - AK <mary.gibert@gsa.gov>
Cc: Isadora Yoffie - M1Y <isadora.yoffie@gsa.gov>, Mary Gibert - AK <mary.gibert@gsa.gov>
Message-ID: <CAE4i-7Yp-O+qbvGitL62L9Jo2OwTD5v7RCi5i3o=uH3O536dsw@mail.gmail.com>
MD5: dc1105ade66e9a5f322c2eb1b760b8c4

(b) (5) [redacted]

Robert Borden

On Thu, Nov 12, 2020 at 9:48 AM Mary Gibert - AK <mary.gibert@gsa.gov> wrote:

Rob:

(b) (5) [redacted]

Let me know if you have any questions or concerns.

Mary

U.S. General Services Administration

Mary D. Gibert

Federal Transit on Coordinator and

Associate Administrator

Office of Civil Rights (AK)

1800 F Street, NW, Room 2340

Washington, DC 20405

Office (b) (6) | Mobile (b) (6)

Federal Relay: 1-800-877-8339

www.gsa.gov

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On Tue, Nov 10, 2020 at 4:20 PM Rob Borden - AC <robert.borden@gsa.gov> wrote:

(b) (5) [redacted]

Robert Borden

On Tue, Nov 10, 2020 at 4:16 PM Isadora Yoffie - M1Y <isadora.yoffie@gsa.gov> wrote:

Hi Rob,

(b) (5) [redacted]

Dorsy

On Tue, Nov 10, 2020 at 4:02 PM Rob Borden - AC <robert.borden@gsa.gov> wrote:

Dorsy,

(b) (5) [redacted]

Thanks - Rob

Robert Borden

On Mon, Nov 9, 2020 at 5:10 PM Isadora Yoffie - M1Y <isadora.yoffie@gsa.gov> wrote:

(b) (5) [redacted]

Dorsy

On Mon, Nov 9, 2020 at 2:31 PM Isadora Yoffie - M1Y <isadora.yoffie@gsa.gov> wrote:

(b) (5) [redacted]

Dorsy

On Mon, Nov 9, 2020 at 2:21 PM Jeff Post - S <jeffrey.post@gsa.gov> wrote:

(b) (5) [redacted]

On Mon, Nov 9, 2020 at 1:38 PM Pamela Pennington - ZM <pamela.pennington@gsa.gov> wrote:

(b) (5) [redacted]

Latest Statement, attributable to a GSA Spokesperson: There are no updates at this time and

GSA's position remains the same. An ascertainment has not yet been made. GSA and its

Administrator will continue to abide by, and fulfill, all requirements under the law and adhere to

prior precedent established by the Clinton Administration in 2000.

GSA Initial Statement, attributable to a GSA Spokesperson:

The GSA Administrator does not pick the winner in the Presidential election. In accordance with the Presidential Transition Act of 1963 (PTA), as amended, and consistent with precedent established by the Clinton Administration in 2000, the GSA Administrator ascertains the apparent successful candidate once a winner is clear based on the process laid out in the Constitution. The Administrator’s ascertainment is done for the purposes of making additional services provided by the PTA available. Until an ascertainment is made, the statute allows for

the Biden Transition Team to continue to receive the pre-elect services from the government

(e.g., office space, computers, background investigations for security clearances). GSA has met

all statutory requirements under the PTA for this election cycle and will continue to do so.

Pamela Pennington
(b) (6)

Press Secretary
Deputy Associate Administrator for Media Affairs
Office of Strategic Communication
U.S. General Services Administration
pamela.pennington@gsa.gov

On Mon, Nov 9, 2020 at 1:36 PM Isadora Yoffie - M1Y <isadora.yoffie@gsa.gov> wrote:

Thanks Pam.

(b) (5)

Dorsy

On Mon, Nov 9, 2020 at 1:17 PM Pamela Pennington - ZM <pamela.pennington@gsa.gov> wrote:

(b) (5)

(b) (5)

(b) (5) [redacted]

[redacted]

[redacted]

GSA Initial Statement, attributable to a GSA Spokesperson:

The GSA Administrator does not pick the winner in the Presidential election. In accordance with the Presidential Transition Act of 1963 (PTA), as amended, and consistent with precedent established by the Clinton Administration in 2000, the GSA Administrator ascertains the apparent successful candidate once a winner is clear based on the process laid out in the

Constitution. The Administrator's ascertainment is done for the purposes of making additional services provided by the PTA available. Until an ascertainment is made, the statute allows for the Biden Transition Team to continue to receive the pre-elect services from the government (e.g., office space, computers, background investigations for security clearances). GSA has met all statutory requirements under the PTA for this election cycle and will continue to do so.

Pamela Pennington
(b) (6)

Press Secretary
Deputy Associate Administrator for Media Affairs
Office of Strategic Communication
U.S. General Services Administration
pamela.pennington@gsa.gov

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Jeffrey A. Post

Associate Administrator

Office of Congressional and Intergovernmental Affairs

U.S. General Services Administration

phone: (b) (6) | email: jeffrey.post@gsa.gov

Subject: Re: (ON DEADLINE) Referred to you by White House re threshold for implementing transition process
Date: Fri, 6 Nov 2020 16:27:06 -0500
From: Rob Borden - AC <robert.borden@gsa.gov>
To: Pamela Pennington - ZM <pamela.pennington@gsa.gov>
Cc: Elizabeth Cain - AD <elizabeth.cain@gsa.gov>, Isadora Yoffie - M1Y <isadora.yoffie@gsa.gov>, Mark Mchale - Z <mark.mchale@gsa.gov>, Mary Gibert - AK <mary.gibert@gsa.gov>, Trent Benishek - L <trent.benishek@gsa.gov>
Message-ID: <CAE4i-7bGJPOWWVbdLAaRW9WRbfBAzWx5yoYoYKppoNizQ3cdFA@mail.gmail.com>
MD5: fd2a2d00c8b92c7ddec1c6252ff6e847

(b) (5) [redacted]

On Fri, Nov 6, 2020 at 4:23 PM Pamela Pennington - ZM <pamela.pennington@gsa.gov> wrote:

(b) (5) [redacted]

Pamela D. Pennington
(b) (6) [redacted]

Press Secretary
Deputy Associate Administrator for Media Affairs
Office of Strategic Communication
U.S. General Services Administration
pamela.pennington@gsa.gov

---------- Forwarded message ---------
From: Andrew Feinberg <(b) (6) [redacted]@independent.co.uk>
Date: Fri, Nov 6, 2020 at 3:45 PM
Subject: Re: (ON DEADLINE) Referred to you by White House re threshold for implementing transition process
To: Pamela Pennington ZM <pamela.pennington@gsa.gov>

Pamela:

Your MOU with the Biden campaign says the Administrator ascertains the identify of the winner of the general election for the purpose of providing services/facilities and releasing funds appropriated for the transition.

This statement implies that the Administrator will not recognize the successful candidate until the Electoral College vote on December 14 (per 3 USC § 7), yet the MOU says funds/facilities/services available to the President-Elect can be available as early as November 4.

Please explain the process by which *the Administrator* would determine the apparent winner of the election as laid out in the MOU with the Biden campaign.

Thanks,

Andrew

Andrew Feinberg
The Independent
(b) (6) @independent.co.uk
(b) (6) (mobile/Signal/Confide)
Twitter: @AndrewFeinberg

On Nov 6, 2020, at 3:03 PM, Pamela Pennington - ZM <pamela.pennington@gsa.gov> wrote:

External Sender~~

Hi Andrew,

In regard to your inquiry, here is our statement:

The GSA Administrator does not pick the winner in the Presidential election. In accordance with the Presidential Transition Act of 1963 (PTA), as amended, the GSA Administrator ascertains the apparent successful candidate once a winner is clear based on the process laid out in the Constitution. The Administrator's ascertainment is done for the purposes of making services provided by the PTA available. Until an ascertainment is made, the statute allows for the Biden Transition Team to continue to receive the pre-elect services from the government (e.g., limited office space, computers, background investigations for security clearances). GSA has met all statutory requirements under the PTA for this election cycle and will continue to do so.

Also - for future inquiries, please send them to press@gsa.gov, we do not regularly check the media@gsa.gov address.

Thanks,
Pamela

Pamela D. Pennington
(b) (6)
Press Secretary
Deputy Associate Administrator for Media Affairs
Office of Strategic Communication
U.S. General Services Administration
pamela.pennington@gsa.gov

On Fri, Nov 6, 2020 at 2:08 PM Andrew Feinberg <(b) (6) @independent.co.uk> wrote:
Good afternoon.

OMB's guidance on transition preparations (https://www.whitehouse.gov/wp-content/uploads/2020/09/M-20-33.pdf) says that agencies should be prepared for "agency review teams" to be deployed by the President-Elect immediately following the ascertainment of the election results."

In light of the ongoing legal challenges that the president's campaign is running in a number of battleground states, can someone explain the standard GSA is using to determine whether "the ascertainment of the election results" has occurred for the purposes of implementing statutorily-

mandated transition processes?

Is GSA going hold off on implementing transition plans until the campaign has exhausted all legal remedies? If not, at what point does GSA recognize that a transition will occur, and begin the process, give Biden-Harris transition officials get access to office space, etc?

Thanks,

Andrew Feinberg
The Independent
(b) (6) @independent.co.uk
(b) (6) (mobile/Signal/Confide)
Twitter: @AndrewFeinberg

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Robert Borden

Chief of Staff

U.S. General Services Administration