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# Permanent Select Committee on Intelligence
## U.S. House of Representatives

November 23, 2020

Administrator Emily W. Murphy
General Services Administration
1800 F Street, NW
Washington, DC 20405

Dear Ms. Murphy:

As Chairman of the House Permanent Select Committee on Intelligence and with due concern for the national security implications of continued intransigence by President Donald Trump and his administration, I call upon you to fulfill your legal obligation to "ascertain" that former Vice-President Joseph R. Biden is the "apparent successful candidate" of the 2020 presidential election and to allow the formal transition process to begin.

Your refusal thus far to make this simple, but critical, determination that Mr. Biden is the "apparent successful candidate" has potentially far-reaching consequences for the nation across the full range of governmental endeavors – from the distribution of COVID-19 vaccines to the conduct of intelligence, defense policy, and diplomacy. As you are the individual charged with making this determination, you bear enormous responsibility for the harmful effects that will flow from your inaction.

Every day, tens of thousands of intelligence professionals work to produce crucial insights for our nation's leaders and many of their most important findings are restricted to the President and a handful of other top national security officials. A crucial element of the transition process is to ensure that this intelligence, often obtained at great cost and risk to American personnel, is shared with the incoming President to ensure that there is no security "gap" as a result of the change in administrations.

In the aftermath of the September 11th, 2001 terror attacks, the 9/11 Commission found that President George W. Bush's truncated transition in 2000 "hampered" the administration's ability to fill key national security positions in 2001 and urged the acceleration of "the process for national security appointments" and national security briefings, both of which cannot happen until ascertainment is made by you. The threats our nation faces today are more urgent and complex than in 2000. Most alarming is the rising death total from the pandemic, but we must also confront the continuing dangers of domestic and international terrorism, a rising China, Russia, North Korea, Iran, and more. The risks of an abbreviated transition period with insufficient opportunity for the incoming Administration to fully prepare are manifest and potentially deadly.

Our democracy and the orderly transition of power from one president to another must not be undermined by the inexplicable unwillingness of one candidate to accept the clear results of an election, or the inaction of government officials such as yourself. President Trump's efforts to overturn the people's mandate have been uniformly unsuccessful, consisting of frivolous lawsuits and outrageous and baseless conspiracy theories. It is past time for you to put the interests of the American people above gratifying his vanity or appeasing his desire to overturn the election. I should not need to remind you that your oath is only to the Constitution of the United States, and not to any President or party.

Sincerely,

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Adam B. Schiff
Chairman