



The Administrator

November 23, 2020

The Honorable Joseph R. Biden, Jr.
1401 Constitution Avenue, N.W.
Washington, D.C. 20230

Dear Mr. Biden:

As the Administrator of the U.S. General Services Administration, I have the ability under the Presidential Transition Act of 1963, as amended, to make certain post-election resources and services available to assist in the event of a presidential transition. See 3 U.S.C. § 102 note (the "Act"). I take this role seriously and, because of recent developments involving legal challenges and certifications of election results, am transmitting this letter today to make those resources and services available to you.

I have dedicated much of my adult life to public service, and I have always strived to do what is right. Please know that I came to my decision independently, based on the law and available facts. I was never directly or indirectly pressured by any Executive Branch official—including those who work at the White House or GSA—with regard to the substance or timing of my decision. To be clear, I did not receive any direction to delay my determination. I did, however, receive threats online, by phone, and by mail directed at my safety, my family, my staff, and even my pets in an effort to coerce me into making this determination prematurely. Even in the face of thousands of threats, I always remained committed to upholding the law.

Contrary to media reports and insinuations, my decision was not made out of fear or favoritism. Instead, I strongly believe that the statute requires that the GSA Administrator ascertain, not impose, the apparent president-elect. Unfortunately, the statute provides no procedures or standards for this process, so I looked to precedent from prior elections involving legal challenges and incomplete counts. GSA does not dictate the outcome of legal disputes and recounts, nor does it determine whether such proceedings are reasonable or justified. These are issues that the Constitution, federal laws, and state laws leave to the election certification process and decisions by courts of competent jurisdiction. I do not think that an agency charged with improving federal procurement and property management should place itself above the constitutionally-based election process. I strongly urge Congress to consider amendments to the Act.

**U.S. General Services Administration
1800 F Street, N.W.
Washington, D.C. 20405-0002**

As you know, the GSA Administrator does not pick or certify the winner of a presidential election. Instead, the GSA Administrator's role under the Act is extremely narrow: to make resources and services available in connection with a presidential transition. As stated, because of recent developments involving legal challenges and certifications of election results, I have determined that you may access the post-election resources and services described in Section 3 of the Act upon request. The actual winner of the presidential election will be determined by the electoral process detailed in the Constitution.

Section 7 of the Act and Public Law 116-159, dated October 1, 2020, which provides continuing appropriations until December 11, 2020, makes \$6,300,000 available to you to carry out the provisions of Section 3 of the Act. In addition, \$1,000,000 is authorized, pursuant to Public Law 116-159, to provide appointee orientation sessions and a transition directory. I remind you that Section 6 of the Act imposes reporting requirements on you as a condition for receiving services and funds from GSA.

If there is anything we can do to assist you, please contact Ms. Mary D. Gibert, the Federal Transition Coordinator.

Sincerely,

A handwritten signature in blue ink that reads "Emily W. Murphy". The signature is written in a cursive style.

Emily W. Murphy
Administrator
U.S. General Services Administration

cc: The Honorable Edward Kaufman
The Honorable Jeffrey Zients
The Honorable Mark Meadows
The Honorable Chris Liddell