



March 17, 2021

Austin Evers
American Oversight
1030 15th Street, NW B55
Washington, DC 20005

Dear Mr. Evers:

This letter is in response to U.S. General Services Administration (GSA) Freedom of Information Act (FOIA) request number GSA-2021-000485, which pertains to a portion of your National Aeronautics and Space Administration (NASA) Freedom of Information Act (FOIA) request number 21-HQ-F-00106, submitted on November 23, 2020, in which you requested a copy of communications sent by NASA Transition Director Tom Cremins containing any of twenty three key terms. On December 28, 2020, NASA referred seven pages of email communications to GSA for review and processing.

Enclosed, please find one file containing the seven pages of email communications that have been referred to GSA. In processing your request, GSA has withheld the phone numbers of GSA employees, as well as information concerning individuals' security clearances. This is done pursuant to the sixth exemption of FOIA, 5 U.S.C. § 552(b)(6), because public disclosure of this information would constitute a clearly unwarranted invasion of personal privacy.

As we have redacted information referenced in the above paragraph(s) with the aforementioned FOIA exemptions, this technically constitutes a partial denial of your FOIA request. You have the right to appeal the denial of the information being withheld. You may submit an appeal online at the following link (<https://foiaonline.regulations.gov/foia/action/public/home>) or in writing to the following address:

U.S. General Services Administration
FOIA Requester Service Center
1800 F Street, NW
Washington, DC 20405

Your appeal must be postmarked or electronically transmitted within 90 days of the date of the response to your request. In addition, your appeal must contain a brief statement of the reasons why the requested information should be released. Please enclose a copy of your initial request and this denial. Both the appeal letter and envelope or online appeal submission should be prominently marked, "Freedom of Information Act Appeal."

U.S. General Services Administration
1800 F. Street, NW
Washington, DC 20405
Toll Free: (855)-675-3642
Fax: (202) 501-2727

This completes action on your request. Should you have questions, you may contact me at travis.lewis@gsa.gov or contact our GSA FOIA Public Liaison, Duane Smith, at (202) 694-2934 or by email at duane.smith@gsa.gov for any additional assistance and to discuss any aspect of your FOIA request.

Additionally, you may contact the Office of Government Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, email at ogis@nara.gov; telephone at (202) 741-5770; toll free at (877) 684-6448; or facsimile at (202) 741-5769.

Sincerely,

Travis Lewis

Travis Lewis

FOIA Program Manager
Office of General Counsel
General Services Administration

Fwd: [EXTERNAL] Ascertainment: 2020 Apparent Successful Candidates for the offices of President and Vice President

From: Cremins, Tom (HQ-AJ000) </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6402F9F204C74ECB92AB0A3FC9D51F4A-CREMINS, TH>
To: Bridenstine, James F. (HQ-AA000) <james.f.bridenstine@nasa.gov>, Morhard, James W. (HQ-AB000) <james.w.morhard@nasa.gov>, Jurczyk, Stephen G. (HQ-AI000) <stephen.g.jurczyk@nasa.gov>, Saunders, Melanie (JSC-AA000) <melanie.saunders-1@nasa.gov>, Sherman, Gabriel J. (HQ-AH000) <gabriel.j.sherman@nasa.gov>, Saunders, Melanie (HQ-AA000) <melanie.saunders-1@nasa.gov>
Cc: Meidinger, Jolene A. (HQ-TH000) <jolene.meidinger@nasa.gov>, Russell, Jenny (HQ-IN020) <jennifer.b.russell@nasa.gov>
Sent: November 23, 2020 7:00:20 PM EST
Received: November 23, 2020 7:00:21 PM EST
Attachments: 2020-11-23 Hon Murphy to Hon Biden.pdf

Begin Forwarded Message:

From: "Presidential Transition 2020" <presidentialtransition2020@gsa.gov>
Subject: [EXTERNAL] Ascertainment: 2020 Apparent Successful Candidates for the offices of President and Vice President
Date: 23 November 2020 18:09
To: "Presidential Transition 2020" <presidentialtransition2020@gsa.gov>, "Mary Gibert - AK" <mary.gibert@gsa.gov>

All,

In accordance with the Presidential Transition Act of 1963, as amended, today, November 23, 2020, the GSA Administrator has ascertained Joseph R. Biden and Senator Kamala Harris the apparent successful candidates for the offices of President and Vice President, respectively. Attached please find her letter with this ascertainment.

Shortly, you will receive an invitation for upcoming Office Hours to discuss any questions.

Thank you all for your support, and please do not hesitate to reach out to PresidentialTransition2020@gsa.gov if you have any questions or concerns.

Regards,

Mary D. Gibert

Federal Transition Coordinator

(b) (6)

mary.gibert@gsa.gov

Attachment

1. 2020-11-23 Hon Murphy to Hon Biden.pdf

Type: application/pdf
Size: 103 KB (106,032 bytes)



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
NASA-20-2819-B-000003

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,



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

Re: [EXTERNAL] National Aeronautics and Space Administration (NASA)

Designated Agency Review Team Members as of 11/23/2020

From: Cremins, Tom (HQ-AJ000) </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6402F9F204C74ECB92AB0A3FC9D51F4A-CREMINS, TH>
To: Morhard, James W. (HQ-AB000) <james.w.morhard@nasa.gov>
Sent: November 24, 2020 1:41:53 PM EST
Received: November 24, 2020 1:41:54 PM EST

Thanks and you too, Jim!

On: 24 November 2020 12:15, "Morhard, James W. (HQ-AB000)" <james.w.morhard@nasa.gov> wrote:

Thank you Tom. Hope you have a good holiday.

From: Cremins, Tom (HQ-AJ000) <tom.cremins-1@nasa.gov>
Sent: Monday, November 23, 2020 6:57 PM
To: Bridenstine, James F. (HQ-AA000) <james.f.bridenstine@nasa.gov>; Morhard, James W. (HQ-AB000) <james.w.morhard@nasa.gov>; Jurczyk, Stephen G. (HQ-AI000) <stephen.g.jurczyk@nasa.gov>; Saunders, Melanie (HQ-AA000) <melanie.saunders-1@nasa.gov>; Sherman, Gabriel J. (HQ-AH000) <gabriel.j.sherman@nasa.gov>
Subject: Fwd: [EXTERNAL] National Aeronautics and Space Administration (NASA) Designated Agency Review Team Members as of 11/23/2020

Fysa. Ellen is the authorized person to reach out. Will let you know once she does. Best

Tom

Begin Forwarded Message:

From: "Presidential Transition 2020" <presidentialtransition2020@gsa.gov>
Subject: [EXTERNAL] National Aeronautics and Space Administration (NASA) Designated Agency Review Team Members as of 11/23/2020
Date: 23 November 2020 18:24
To: "Cremins, Tom (HQ-AJ000)" <tom.cremins- <mailto:tom.cremins-1@nasa.gov>1@nasa.gov>, "Meidinger, Jolene A. (HQ-TH000)" <jolene.meidinger@nasa.gov>

Agency Transition Director,

In accordance with the Presidential Transition Act of 1963, as amended, I am pleased to share with you the Agency Review Team (ART) member(s) with whom the National Aeronautics and Space Administration (NASA) is authorized to engage as part of the 2020 Presidential Transition. I remind you that only the individuals authorized below are allowed to engage your agency. If someone not on this list attempts to engage with your agency, please let me know.

Agency Name

Type

Member Name

Email

Security Clearance

Team Lead?

National Aeronautics and Space Administration (NASA)

ATDC

Bhavya Lal

(b) (6)

National Aeronautics and Space Administration (NASA)

ATDC

Dave Noble

National Aeronautics and Space Administration (NASA)

ATDC

David Weaver

National Aeronautics and Space Administration (NASA)

ATDC

Ellen Stofan

estofan@nasa.gov

(b) (6)

Yes

National Aeronautics and Space Administration (NASA)

ATDC

Jedidah Isler

National Aeronautics and Space Administration (NASA)

ATDC

Pam Melroy

(b) (6)

National Aeronautics and Space Administration (NASA)

ATDC

Shannon Valley

National Aeronautics and Space Administration (NASA)

ATDC

Waleed Abdalati

As applicable, we will continue to send updates accordingly to reflect any additions or removals from this list, as well as any updates to security clearances from DOJ.

I appreciate your continued partnership, and please do not hesitate to reach out to PresidentialTransition2020@gsa.gov if you have any questions or concerns.

Regards,
Dorsy Yoffie
Deputy Federal Transition Coordinator

(b) (6)

isadora.yoffie@gsa.gov