

United States Senate
WASHINGTON, DC 20510

November 19, 2020

The Honorable Emily W. Murphy
Administrator
U.S. General Services Administration
1800 F St., NW
Washington, DC 20405

Dear Administrator Murphy,

We are writing to express deep concern regarding reports that the General Services Administration (GSA) has delayed providing President-elect Joe Biden and Vice President-elect Kamala Harris with the resources they need to ensure a timely and efficient presidential transition. We urge you to immediately ascertain Vice President Biden as President-elect and Senator Harris as Vice President-elect and allow the transition team to receive the resources required under the law. We also request an urgent briefing on steps GSA is taking to ensure an orderly transition.

The United States is in the midst of a pandemic that has now claimed over 250,000 lives, with the number of new cases rising daily. Our country also faces a number of ongoing threats, including physical and cyber attacks from foreign actors, violence from domestic extremists, and natural disasters such as wildfires and hurricanes.¹ The independent, bipartisan 9/11 Commission cited the shortened transition timeline for then President-elect George W. Bush as a factor in delaying key national security personnel appointments, potentially hampering the new Administration.² A timely transition is critical to ensure coordination between the current and incoming Administrations, provide the incoming Administration with the resources they need to immediately address these challenges, and safeguard the public health and our national security.

Under the Presidential Transition Act of 1963, as amended, GSA is charged with providing resources and support to the President-elect and Vice President-elect. Specifically, GSA must provide office space, communication services, funding for transition staff compensation, and other support. In response to a request from the Administration, Congress has appropriated \$9.9 million to GSA for transition related activities.³ The GSA Administrator's ascertainment of a President-elect is also critical for agencies' willingness to share information with the transition team, including classified information, as well as for the expeditious processing of security clearances for candidates for high-level national security positions. Your delay in acknowledging Vice President Biden's status as President-elect could undermine efforts by the incoming Administration to meet the needs of the American people in a time of national emergency.

¹ U.S. Department of Homeland Security, *Homeland Threat Assessment* (October 2020).

² National Commission on Terrorist Attacks Upon the United States, *The 9/11 Commission Report* (July 2004), p. 198.

³ U.S. Office of Management and Budget, *Budget of the U.S. Government, Fiscal Year 2021—Appendix* (2020), pp. 1162-1163; Continuing Appropriations Act, 2021 and Other Extensions Act, Pub. L. No. 116-159, Sec. 134.

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This delay is also unprecedented. In both 2008 and 2016, President-elect Barack Obama and President-elect Donald Trump, respectively, were recognized by the GSA Administrator as President-elect within a day of the general election.⁴ In 2000, this decision was delayed due to an ongoing court case regarding less than 1,000 votes in a single state—a far closer election than this one. The results of this election are clear. Vice President Biden will be the next President of the United States, and Senator Harris will be the next Vice President. It is past time to recognize the will of the American people so that the work of government can continue.

The orderly transition of power from one President to another is a bedrock principle of our democracy and one of GSA's most important duties. We urge you to fulfill your responsibilities, ascertain Vice President Biden as President-elect and Senator Harris as Vice President-elect, and provide their transition team with the resources the law requires. We also request that, no later than November 23, 2020, GSA provide a briefing to staff of the Committees on Homeland Security and Governmental Affairs, Appropriations, and Environment and Public Works regarding the presidential transition process and the support that GSA has provided to date.

Thank you for your attention to this critical matter.

Sincerely,

/s/ Gary C. Peters

Gary C. Peters
United States Senator

/s/ Patrick J. Leahy

Patrick J. Leahy
United States Senator

/s/ Thomas R. Carper

Thomas R. Carper
United States Senator

/s/ Jack Reed

Jack Reed
United States Senator

/s/ Charles E. Schumer

Charles E. Schumer
United States Senator

/s/ Margaret Wood Hassan

Margaret Wood Hassan
United States Senator

⁴ *A little-known Trump appointee is in charge of handing transition resources to Biden - and she isn't budging*, Washington Post (Nov. 8, 2020) (https://www.washingtonpost.com/politics/trump-gsa-letter-biden-transition/2020/11/08/07093acc-21e9-11eb-8672-c281c7a2c96e_story.html); *Trump Transition Team Opens DC Office as Preparations for Inauguration Begin*, NBC Washington (Nov. 9, 2016) (<https://www.nbcwashington.com/news/local/trump-transition-team-opens-dc-office-as-preparations-for-inauguration-begin/56785/>).

/s/ Jacky Rosen

Jacky Rosen
United States Senator

/s/ Christopher A. Coons

Christopher A. Coons
United States Senator

/s/ Edward J. Markey

Edward J. Markey
United States Senator

/s/ Chris Van Hollen

Chris Van Hollen
United States Senator

/s/ Ron Wyden

Ron Wyden
United States Senator

/s/ Tina Smith

Tina Smith
United States Senator

/s/ Sheldon Whitehouse

Sheldon Whitehouse
United States Senator

/s/ Tom Udall

Tom Udall
United States Senator

/s/ Catherine Cortez Masto

Catherine Cortez Masto
United States Senator

/s/ Richard Blumenthal

Richard Blumenthal
United States Senator

/s/ Jeff Merkley

Jeff Merkley
United States Senator

/s/ Debbie Stabenow

Debbie Stabenow
United States Senator

/s/ Amy Klobuchar

Amy Klobuchar
United States Senator

/s/ Bernard Sanders

Bernard Sanders
United States Senator

/s/ Dianne Feinstein

Dianne Feinstein
United States Senator

/s/ Mazie K. Hirono

Mazie K. Hirono
United States Senator

/s/ Benjamin L. Cardin

Benjamin L. Cardin
United States Senator

/s/ Tim Kaine

Tim Kaine
United States Senator

/s/ Jeanne Shaheen

Jeanne Shaheen
United States Senator

/s/ Robert Menendez

Robert Menendez
United States Senator

/s/ Cory A. Booker

Cory A. Booker
United States Senator

/s/ Tammy Duckworth

Tammy Duckworth
United States Senator

/s/ Martin Heinrich

Martin Heinrich
United States Senator

/s/ Tammy Baldwin

Tammy Baldwin
United States Senator

/s/ Sherrod Brown

Sherrod Brown
United States Senator

/s/ Robert P. Casey, Jr.

Robert P. Casey, Jr.
United States Senator

/s/ Patty Murray

Patty Murray
United States Senator

/s/ Elizabeth Warren

Elizabeth Warren
United States Senator

/s/ Mark R. Warner

Mark R. Warner
United States Senator

/s/ Michael F. Bennet

Michael F. Bennet
United States Senator

/s/ Richard J. Durbin

Richard J. Durbin
United States Senator

/s/ Maria Cantwell

Maria Cantwell
United States Senator

/s/ Jon Tester

Jon Tester
United States Senator

/s/ Kirsten Gillibrand

Kirsten Gillibrand
United States Senator

/s/ Doug Jones

Doug Jones
United States Senator

cc: Mary Gilbert
Federal Transition Coordinator
General Services Administration