

United States Senate

COMMITTEE ON FINANCE

WASHINGTON, DC 20510-6200

November 23, 2020

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

Dear Administrator Murphy:

The United States is currently experiencing what the nation's leading infectious disease expert Dr. Anthony Fauci has called the most disastrous pandemic in 100 years.¹ The COVID-19 pandemic has also caused devastating impacts on the economy including tens of millions of workers losing their jobs,² millions of Americans losing their health care³ and more than 100,000 small businesses permanently shutdown⁴.

To address these twin crises, President-elect Joe Biden will need to have experienced leaders in place on January 20, 2021 at the U.S. Department of Health and Human Services (HHS) and the U.S. Department of the Treasury who can guide these departments in mobilizing the nation's public health and economic responses. A timely and orderly transition is critical to ensure that President-elect Joe Biden's administration has the leadership they urgently need to direct the federal pandemic and economic responses. The United States Senate Committee on Finance is responsible for confirming the President's nominees to serve as Secretary of HHS and Secretary of the Treasury along with many other key officials including the Assistant Secretary for the Administration for Children and Families of HHS and the Commissioner of Customs and Border Protection (CBP).

Your continuing failure to make the required ascertainment that Vice President Joe Biden is the President-elect will delay the presidential transition by blocking funds necessary to conduct an orderly transition, prevent the President-elect's staff from receiving critical information from the outgoing officials at Treasury and HHS, and stall required vetting of the President-elect's nominees to serve at these critical departments by the Office of Government Ethics and the Federal Bureau of Investigation.

¹ Fauci: COVID-19 Worst Pandemic in 100 Years, Infectious Disease Special Edition, October 21, 2020.

² Stephanie Soucheray, "US job losses from COVID-19 highest since Great Depression," Center for Infectious Disease Research and Policy, May 8, 2020.

³ Paul Fronstin and Stephen A. Woodbury, "How Many Americans Have Lost Jobs with Employer Provided Health Coverage during the Pandemic," The Commonwealth Fund, October 7, 2020.

⁴ Heather Long, "Small business used to define America's economy. The pandemic could change that forever," The Washington Post, May 12, 2020.

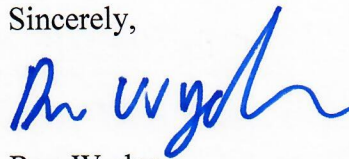
Among the specific harms that will result from your failure to act, the General Services Administration's (GSA) delay in ascertaining the results of Presidential election will exacerbate the public health threats by causing significant delays at the most dire time in the pandemic, as the nation sets new daily records of COVID-19 cases and hospitalizations. Under HHS, The Centers for Medicare & Medicaid Services (CMS) program oversees a \$1 trillion budget and administers health coverage programs for more than 130 million Americans. President-elect Joe Biden's Transition team has been barred from accessing CMS data and information, including details of nursing home oversight, hospital preparedness and response, and the vaccine rollout. Each day the Transition team is shut out of important vaccine manufacturing and distribution information could mean thousands more Americans at risk of serious illness or death from COVID-19. The GSA must recognize President-elect Joe Biden so the Transition team can work with career officials in the federal government to understand current issues in the federal pandemic response and develop policies for how to address them.

The ongoing pandemic has affected other vulnerable populations, particularly migrant families and unaccompanied children. HHS and CBP officials have a shared obligation to coordinate care for migrants seeking refuge in the United States, and their failure to cooperate with President-elect Joe Biden's transition team will disrupt ongoing family reunification, refugee resettlement, and the placement of unaccompanied children with appropriate sponsors. If the GSA continues to delay its acknowledgement of the incoming Biden administration, migrant families and unaccompanied children will continue to suffer in the Trump administration's custody at the southern border.

Further, without access to Treasury staff and economic and program data, the Transition team lacks the critical resources the Treasury Secretary needs to coordinate new policy responses to the faltering economy. Additionally, the Transition's lack of access to information from the current administration may prevent the incoming Treasury Secretary from effectively negotiating with Congress on what additional economic response is needed early next year, or delay those negotiations for weeks. As a result, tens of millions of working families and business owners could be left in the lurch as the pandemic crests and current stimulus expires because the new Administration has not been given timely access to critical information for formulating the necessary response.

For these reasons and to avoid unnecessary deaths, pain and suffering by the American people and migrant families, I urge you to fulfill the responsibilities of your position and make the necessary ascertainment that Vice President Joe Biden is the President-elect and U.S. Senator Kamala Harris is the Vice President-elect without further delay.

Sincerely,



Ron Wyden
Ranking Member
Senate Committee on Finance