

# Congress of the United States

Washington, DC 20515

November 28, 2000

Mr. David J. Barram  
Administrator  
General Services Administration  
18<sup>th</sup> and F-Streets NW  
Washington, DC 20405

Dear Administrator Barram:

The Committees are extremely concerned to learn that the General Services Administration (GSA) is withholding \$7,100,000 in funds previously appropriated for the purpose of carrying out the Presidential Transition Act of 1963. The Committees believe this action jeopardizes the ability of the President-elect to implement an efficient transition, may constitute a deferral of appropriated funds, and is inconsistent with the underlying authorization.

At the request of the Administration, these funds were provided in PL 106-426, an act making further continuing appropriations for the fiscal year 2001, and signed into law on November 3, 2000. Of the total amount provided, \$5,270,000 was appropriated for the purpose of allowing the incoming Administration to implement a smooth and efficient transition. While it was perhaps justified to withhold these funds pending the outcome of the Florida election, the Florida election results were certified on November 26, 2000, with Governor George W. Bush being declared the winner. Nonetheless, despite this certification, GSA has stated to the media that "as long as both sides continue with their stated plans to seek legal remedies with respect to this election, the outcome remains unclear. Therefore, we cannot authorize non-federal employees, such as the presidential transition team would be, to spend federal funds on transition activities."

With the certification of the Florida electoral votes for Governor George W. Bush, the Committees believe the transition funds should be released immediately. Absent such a release, the Committees direct GSA to respond, no later than the close of business on Friday, December 1, 2000, to the following questions:

1. What criteria are the Administrator of General Services using to ascertain the apparent successful candidates for the Office of the President and Office of the Vice President? How did GSA develop these criteria? By whom were these criteria approved? With whom has the Administrator consulted to develop these criteria and/or to make a determination that the election outcome remains unclear?
2. For the purposes of the Presidential Transition Act, the certification of the vote in Florida and the awarding of a majority of the electoral votes to Governor George W. Bush makes Governor George W. Bush the apparent successful Presidential candidate. Does GSA agree or disagree? Why or why not?
3. How long will GSA wait before releasing Presidential Transition funding to the Presidential Transition Team of the apparent successful Presidential candidate? Does this delay in releasing the funds constitute a deferral? If so, when will the Clinton Administration submit a deferral message to the Congress?

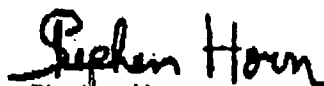
4. Under the Presidential Transition Act, authorization for the expenditure of funds incurred by the President-elect and Vice President-elect expires 30 days after the date of the inauguration. Given the delay in the transition, does GSA anticipate a need to extend this authorization and will GSA seek such authority?
5. Inclusion of these funds as part of a continuing resolution was justified by the Administration on the basis of the critical need for moving quickly to support the Presidential transition team of the incoming Administration. Given the strength of this argument, why is GSA delaying its support for the Presidential transition team of the apparent successful candidate?
6. How much of the \$5,270,000 appropriated to support the Presidential Transition team of the incoming Administration has GSA expended to date and for what purposes? To date, has GSA obligated funds for the transition from any other appropriation account? If so, from what account? Will GSA seek reimbursement from the Presidential Transition fund for these obligations? Provide both obligations to date and total estimated obligations, by object class and appropriation account.
7. Are there any restrictions on a candidate's ability to use funds from private sources or campaign funds for Presidential transition activities? What experiences, amounts, and mechanisms have been used in the past to augment federally appropriated Presidential Transition funding?
8. In the event that private or campaign funds are used for transition-related expenses typically covered by federally-appropriated Presidential Transition funding, is GSA authorized to reimburse the President-elect and Vice-President-elect for these transition-related expenses?

The Committees believe that the Presidential transition should move forward as quickly and as effectively as possible. Please do not hesitate to contact us or our staff if you have any questions regarding this inquiry.



Jim Kolbe  
Chairman  
Committee on Appropriations  
Subcommittee on Treasury, Postal  
Service and General Government

Sincerely,



Stephen Horn  
Chairman  
Committee on Government Reform  
Subcommittee on Government  
Management, Information, and Technology