

Congress of the United States
Washington, DC 20515

November 13, 2020

The Honorable John Ratcliffe
Director of National Intelligence
Office of the Director of National Intelligence
Washington, D.C. 20511

Dear Director Ratcliffe,

In light of reports that Administrator of the General Services Administration (GSA) Emily Murphy has not yet signed the letter of “ascertainment” to commence the presidential transition process, I am writing to assess what actions the Intelligence Community is currently taking to assist the incoming Biden administration to protect our national security.

According to the Presidential Transition Act of 1963, the GSA Administrator must sign the letter of “ascertainment” in order to release transition funding and allow the incoming administration access to the officials, agencies, and resources within the current administration.¹ As you know, Joe Biden has been near-universally recognized as the winner of the 2020 election since Saturday, November 7th.² Despite these clear acknowledgments of former Vice President Joe Biden and Senator Kamala Harris’ victory, GSA Administrator Murphy has refused to sign the letter initiating transition proceedings.

GSA withholding the certification of the election has serious national security implications for the country. Intelligence officials and documents are not available to the incoming administration for preparation until GSA certifies the elections, and the delay of these logistical processes and resources may in turn slow the new administration’s ability to successfully begin its role in protecting the United States against national security threats. For example, the 9/11 Commission Report noted that the 36-day delay for the 2000 presidential transition process may have “hampered the new administration” in setting up their national security staff.³

The Presidential Transition Act of 1963 states that summaries on military and covert operations “shall be provided to the President-elect as soon as possible after the date of the general elections.”⁴ As part of this, it has been customary for decades for the president-elect to receive the Presidential Daily Briefing.⁵ The transition process allows the president-elect to submit candidates for national

¹ [Trump appointee slow-walks Biden transition. That could delay the president-elect's Covid-19 plan.](#) *NBC News*. November 9, 2020.

² [Biden Wins Presidency, Ending Four Tumultuous Years Under Trump.](#) *New York Times*. November 7, 2020.

³ [Trump appointee slow-walks Biden transition. That could delay the president-elect's Covid-19 plan.](#) *NBC News*. November 9, 2020.

⁴ [The GSA’s Delay in Recognizing the Biden Transition Team and the National Security Implications.](#) *Just Security*. November 10, 2020.

⁵ [How Trump’s Refusal to Concede Affects Biden’s National Security Transition.](#) *New York Times*. November 9, 2020.

security positions to the FBI for background checks, of which the agency is directed to “undertake and complete as expeditiously as possible.”⁶

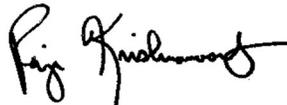
In a statement posted on Twitter, the Office of the Director of National Intelligence said that “ODNI would not have any contact with any transition team until notified by the GSA Administrator.”⁷ It is specifically noted within the Presidential Transition Act of 1963 that “any disruption occasioned by the transfer of the executive power could produce results detrimental to the safety and well-being of the United States and its people.”⁸

In light of these issues, please provide the following information:

1. Given that the GSA Administrator has not yet authorized the start of the presidential transition process and funding, what actions are the Office of the Director of National Intelligence taking currently to assist the incoming administration protect national security?
2. Are you aware that a delay in the presidential transition process may have national security implications?
3. Given that there is now a delay in the presidential transition process, what will the Office of the Director of National Intelligence do in order to expedite the transfer of national security information and documents to the Biden Administration once the letter of ascertainment is signed?

Please provide responses to my aforementioned requests by November 24th.

Sincerely,



Raja Krishnamoorthi
Member of Congress

⁶ [The GSA's Delay in Recognizing the Biden Transition Team and the National Security Implications](#). *Just Security*. November 10, 2020.

⁷ [Jeff Seldin](#). *Twitter*. November 9, 2020.

⁸ [Implementation of the 1963 Presidential Transition Act](#). *Brookings Institute*. November 4, 2020.