

# United States Senate

WASHINGTON, DC 20510

November 4, 2024

The Honorable Lloyd J. Austin III  
Secretary of Defense  
1000 Defense Pentagon  
Washington, D.C. 20301

Dear Secretary Austin:

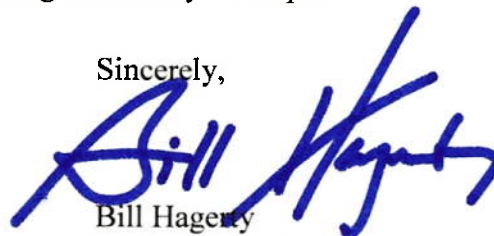
As we move into a presidential transition period, I write today to remind you of your statutory transfer-of-funds-authority and change-of-program requirements under the *Further Consolidated Appropriations Act, 2024* (Public Law 118-47), which will continue to apply with the same force during the transition. Compliance with these requirements must be a priority for the outgoing administration, given the criminal and administrative consequences of failing to do so.

As you know, the federal government is currently operating on a continuing resolution, the *Continuing Appropriations and Extensions Act, 2025* (Public Law 118-83), which extends the requirements of Public Law 118-47 through December 20, 2024. The appropriations acts in Public Law 118-47 contain numerous limitations on transferring funds or altering programs or activities, including but not limited to Sections 8005, 8006, 8075, and 8095 of Division A, which detail very specific instructions and limitations regarding transfers of funds between agencies and accounts not otherwise permitted by applicable appropriations laws, changes to programs, projects, or activities, and reprogramming of funds. These provisions also require advance congressional approval for certain funding transfers.

Federal law requires compliance with these requirements. The *Antideficiency Act*, 31 U.S.C. §§ 1341 and 1517, prohibits federal employees from obligating or expending federal funds in violation of appropriations laws. Federal employees who violate the *Antideficiency Act* are subject to both administrative and criminal sanctions, including suspension from duty without pay, removal from office, and fines, imprisonment, or both.

As the Biden Administration works to transfer the power and authorities of the President of the United States and the Executive Branch in a timely, transparent, and lawful manner, adherence to these legal obligations is imperative. Please let me know if I can provide any additional information, assistance, or oversight that may be helpful.

Sincerely,



Bill Hagerty  
United States Senator

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cc: The Honorable Patty Murray, Chair, Committee on Appropriations, United States Senate  
The Honorable Susan Collins, Vice Chair, Committee on Appropriations, United States Senate  
The Honorable Tom Cole, Chairman, Committee on Appropriations, United States House of Representatives  
The Honorable Rosa DeLauro, Ranking Member, Committee on Appropriations, United States House of Representatives  
The Honorable Shalanda D. Young, Director, Office of Management and Budget  
The Honorable Gene L. Dodaro, Comptroller General of the United States