

United States Senate

WASHINGTON, DC 20510

November 5, 2024

The Honorable Christi A. Grimm
Inspector General
U.S. Department of Health and Human Services
330 Independence Avenue SW
Washington, D.C. 20201

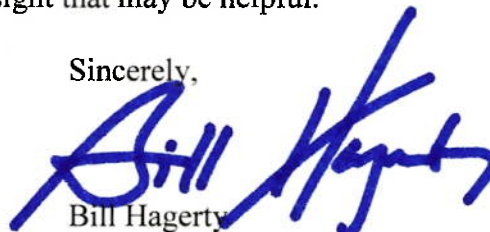
Dear Inspector General Grimm:

As we move into a presidential transition period, I wrote to Secretary of Health and Human Services Xavier Becerra on November 4, 2024, to: (1) remind him of his statutory transfer-of-funds-authority and change-of-program requirements under the *Further Consolidated Appropriations Act, 2024* (Public Law 118-47), which were extended by the *Continuing Appropriations and Extensions Act, 2025* (Public Law 118-83), and which will continue to apply with the same force during the transition; and (2) reiterate that compliance with these requirements must be a priority for the outgoing administration, given the criminal and administrative consequences of failing to do so. (See attachment.)

I therefore request that, after January 20, 2025, your Office of the Inspector General submit a report to Congress to assess the extent to which the Department of Health and Human Services complied with these requirements under appropriations laws, including all instances in which the Department failed to comply.

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

CHATTANOOGA
JOEL W. SOLOMON
FEDERAL BUILDING
900 GEORGIA AVENUE
SUITE 260
CHATTANOOGA, TN 37402
(423) 752-5337

COOKEVILLE
L. CLURE MORTON
FEDERAL BUILDING
9 E BROAD ST
3RD FL., SUITE 327
COOKEVILLE, TN 38503
(931) 469-7080

JACKSON
ED JONES
FEDERAL BUILDING
111 S HIGHLAND AVE
SUITE 216
JACKSON, TN 38301
(731) 736-7040

KNOXVILLE
HOWARD H. BAKER, JR.
U.S. COURTHOUSE
800 MARKET STREET
SUITE 112
KNOXVILLE, TN 37902
(865) 545-4253

MEMPHIS
ODELL HORTON
FEDERAL BUILDING
167 NORTH MAIN STREET
SUITE 1068
MEMPHIS, TN 38103
(901) 544-4224

NASHVILLE
FRED D. THOMPSON
FEDERAL BUILDING
719 CHURCH STREET
SUITE 2150
NASHVILLE, TN 37203
(615) 736-5129

Tri-CITIES
TRI-CITIES REGIONAL
AIRPORT
2525 HIGHWAY 75
SUITE 101
BLOUNTVILLE, TN 37617
(423) 325-6240

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November 4, 2024

The Honorable Xavier Becerra
Secretary of Health and Human Services
200 Independence Avenue SW
Washington, D.C. 20201

Dear Secretary Becerra:


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 205 and 512 of Division D, which detail very specific instructions and limitations regarding transfers of funds between agencies and accounts not otherwise permitted by applicable appropriations laws, and Section 514 of Division D, which limits changes to programs, projects, or activities and reprogramming of funds.

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,



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CHATTANOOGA, TN 37402
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COOKEVILLE
L. CLURE MORTON
FEDERAL BUILDING
9 E BROAD ST
3RD FL., SUITE 327
COOKEVILLE, TN 38503
(931) 400-7080

JACKSON
ED JONES
FEDERAL BUILDING
111 S HIGHLAND AVE
SUITE 216
JACKSON, TN 38301
(731) 234-9358

KNOXVILLE
HOWARD H. BAKER, JR.
U.S. COURTHOUSE
800 MARKET STREET
SUITE 112
KNOXVILLE, TN 37902
(866) 545-4253

MEMPHIS
ODELL HORTON
FEDERAL BUILDING
167 NORTH MAIN STREET
SUITE 106B
MEMPHIS, TN 38103
(901) 544-4224

NASHVILLE
FRED D. THOMPSON
FEDERAL BUILDING
719 CHURCH STREET
SUITE 2150
NASHVILLE, TN 37203
(615) 736-5129

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AIRPORT
2525 HIGHWAY 75
SUITE 101
BLOUNTVILLE, TN 37617
(423) 325-6240

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