

United States Senate

WASHINGTON, DC 20510

June 5, 2019

The Honorable Sonny Perdue
Secretary
U.S. Department of Agriculture
1400 Independence Ave. SW
Washington, DC 20250

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

Dear Secretary Perdue and Administrator Murphy:

As the Senior Democratic Members of the Senate Committees with jurisdiction over the management of federal real property, government operations and the U.S. Department of Agriculture (USDA), we write to request more information about the Administration's plans to relocate two agencies of USDA, the National Institute of Food and Agriculture (NIFA) and the Economic Research Service (ERS), outside the Washington, D.C. metro area.

In January 2018, the Administration submitted a lease prospectus to Congress seeking approval to lease space for NIFA within the National Capital Region. However, in August 2018, USDA changed course, issuing a Federal Register notice seeking expressions of interest to move ERS and NIFA to a location outside the National Capital Region.¹ In this expression of interest the USDA entered into a nationwide search for approximately 160,000 square feet of space for the two agencies, but did not provide any real specifications of USDA's requirements for the space.

We are concerned that the Administration's plans to relocate these agencies will hamper the ability of the agencies to achieve their important research missions, add unnecessary expenses, increase staff turnover, and hinder the recruitment and retention of staff at NIFA and ERS.

For many years, our Committees have strengthened agricultural research and worked to pass legislation right-sizing the federal real property inventory, improving management of agency real property portfolios, and cutting down on unnecessary real estate expenses.² Given the limited information provided to the Congress about the proposed move, it is unclear if the Administration is following the intent of these laws. As the success of our agricultural economy

¹ <https://www.federalregister.gov/documents/2018/08/15/2018-17555/notice-of-request-for-expression-of-interest-for-potential-sites-for-headquarters-office-locations>

² See Public Law 114-318 "Federal Property Management Reform Act of 2016" and Public Law 114-287 "Federal Assets Sale and Transfer Act of 2016"

is rooted in sound science and research, disrupting these important research agencies with this relocation and reorganization raises many questions about the impact it will have on agriculture.

With these concerns in mind, we ask that you review and respond to the following requests by June 19, 2019:

1. Please provide a detailed cost-benefit analysis for the planned relocation of NIFA and ERS. Please ensure that the cost-benefit analysis is complete and considers all costs such as lost opportunity costs, transactional costs, costs associated with any loss of expertise and experience among staff who do not relocate, and costs of transportation for employees to return to USDA headquarters as required in carrying out official duties. As part of this analysis, we ask that you please provide:
 - a. A list of all USDA leases associated with the relocation proposal, including lease costs and expiration dates for the current NIFA and ERS locations and the planned final locations; and
 - b. A description of any ways that the relocation will impact the ability of USDA to achieve its research mission.
2. Please explain why the Administration sought approval to lease space for NIFA in the Washington, D.C. area in January 2018 but then, in August 2018, placed a Federal Register notice seeking expressions of interest to locate NIFA outside of the National Capital Region. Specifically, please provide information regarding who made the relocation decision, when this decision was made, and any new information obtained by USDA or GSA during the time period prior to the decision that prompted this change.
3. How much funding is needed to carry out all aspects of the relocation? What funds have been used so far and what additional funds will be needed to pay for costs associated with the relocation? What is the source of these funds?
4. The current vacancy rate of the Research, Education, and Economics (REE) mission area is concerning. According to USDA data, overall REE has an 18% vacancy rate of permanent staff. In breaking that down, the Agricultural Research Service has an 18% vacancy rate with 1108 positions vacant, ERS has a 20% vacancy rate with 66 positions vacant, NIFA has a 26.4% vacancy rate with 88 positions vacant, and the National Agricultural Statistical Agency has 17% vacancy rate with 170 positions vacant. USDA's own estimates are that as many as 50% of existing ERS and NIFA staff would leave the agency instead of relocating. Additionally the Administration has repeatedly sought to cut the budget of these agencies. In light of these already concerning vacancy rates and expected additional attrition due to the relocation, we are concerned that USDA will not have the personnel necessary to carry out its important research mission.
 - a. Do you anticipate any reduction in workforce, temporarily or permanently, as a result of this move?
 - b. How will USDA handle these hiring challenges and to what capacity will USDA hire for ERS and NIFA?

- c. How many employees are eligible for retirement under each division within ERS and NIFA?
 - d. How will you account for a loss of program and research expertise due to the relocation and reorganization of NIFA and ERS? How will you mitigate this concern?
 - e. How will you ensure that USDA can complete its important research mission given these staffing shortages?
5. USDA told Senate staff that the realignment of the ERS, from under the Office of the Chief Scientist to the Office of the Chief Economist, would allow for the Department to prioritize its resources on commodity markets, risk management, and trade economic research. This would result in fewer resources and attention to critical issues like food security, nutrition, food safety, climate change, conservation, farm viability, and rural communities. Additionally, moving these agencies has great potential to lose program and research expertise focused on these critical issues.
- a. How do you determine what type of economic analysis and agricultural research is most important within NIFA and ERS?
 - b. What will you do to ensure critical issues like food security, nutrition, food safety, climate change, conservation, farm viability, and rural communities continue to be a priority for economic analysis?
 - c. Please provide a list of the positions within ERS and NIFA that will stay in the National Capital Region and a list of the positions that will be located in a new location.
 - d. How did you determine which positions would stay and which positions would be sent to a new location?
6. The General Services Administration (GSA) is the agency within the federal government with primary responsibility for obtaining space for the federal government and most agencies have limited authority on their own to enter into large leases. GSA has informed Senator Carper's staff that it was not involved in the August 2018 Federal Register notice placed by USDA.
- a. Please provide the citation for the authority USDA used in seeking proposals through the August 2018 Federal Register notice and that USDA is utilizing to relocate these agencies and employees.
 - b. What was the rationale for the selection of an independent contractor to identify site locations for the relocation instead of GSA and how much has this independent contractor been paid for its work to relocate these agencies?
 - c. Please explain the procedures used in evaluating the expressions of interest received. Did USDA follow competitive procurement rules and regulations in the process of accepting and selecting from the expressions of interest pursuant to this Federal Register notice? What interaction did USDA or the private contractor have with those submitting expressions of interest? Was each entity submitting an expression of interest given a full and fair opportunity to provide additional information or were

- only certain entities that submitted expressions of interest asked for additional information?
- d. USDA stated in the expression of interest that it would consider “potential incentives” to offset capital and operational costs in the site selection process. Please clearly explain what incentives are being contemplated by USDA. To what extent have incentives played a role in the site selection thus far, and what role will they play in determining the final site?
7. GSA has informed Senate staff that on May 3, 2019, the day USDA announced the finalists for the relocation, USDA asked GSA to seek space to lease in Kansas City, Missouri, Raleigh, North Carolina, and Indianapolis, Indiana.
 - a. GSA has not yet placed a notice of the leasing opportunity for the new location for ERS and NIFA. When does GSA plan to place such notice?
 - b. GSA has previously informed Senator Carper’s staff that GSA works with federal agencies for multiple years on average before a lease expires to find new space for an agency before the current lease expires. Given this general timeline and given that GSA just started working with USDA on this new lease, what is the timeframe in which GSA expects the new space will be ready for occupancy by USDA employees? Please explain how this timeline aligns with the Administration’s plans to relocate employees by the end of 2019.
 - c. How will GSA follow competitive procurement rules and regulations given that USDA has identified three possible locations for the relocation through the independent contractor in the process already carried out by USDA? Will the entities previously submitting expressions of interest to the August 2018 Federal Register notice placed by USDA have any advantages in the new GSA bidding process? Does the bidding process already undertaken by USDA potentially violate any of the requirements for the full and fair process GSA is required to undertake under current law, regulations, and guidance?
 8. Who paid for USDA officials and the independent contractor officials to make visits to the locations of the finalists? Did any USDA officials or independent contractors have any expenses paid for by entities submitting proposals or receive any gifts from anyone associated with the expressions of interest submitted?
 9. USDA has received Office of Personnel Management (OPM) approval for both Voluntary Early Retirement Authority (VERA) and Voluntary Separation Incentive Payments (VSIP). These authorities generally provide for employees to receive severance payments when positions within an agency are no longer needed.
 - a. How much funding does USDA have available for potential VERA and VSIP payments? What is the source of this funding that USDA has indicated is available for VERA and VSIP payments?

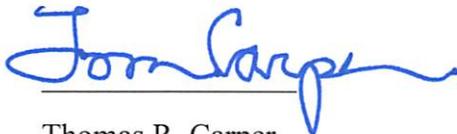
- b. How many ERS and NIFA employees does USDA plan to make VERA and VSIP payments available for and how many employees does USDA anticipate will seek this funding?
- c. Will VERA and VSIP payments be made available around the timeframe that the permanent facility is available or before the permanent building is available?
- d. Please also provide an estimate of the number of employees expected to relocate and any anticipated relocation costs associated with their moves.
- e. Please also explain how offering VERA and VSIP payments enhances the ability of USDA to attract and retain highly qualified staff. In other words, what is the agency doing to assist employees who wish to retain their positions but may be unable to relocate?

10. The Confidential Information Protection and Statistical Efficiency Act (CIPSEA), originally passed as part of the E-Government Act of 2002, provides requirements to protect data obtained for statistical purposes. The Act, and guidance issued under it, also lay out requirements for agencies to become principal statistical agencies. ERS is currently a principal statistical agency. Concerns have been expressed that moving ERS into the Office of the Secretary will threaten the objectivity of ERS, which could ultimately jeopardize ERS's standing as a principal statistical agency – a designation critical for ERS to carry out its mission.

- a. Given that objectivity is a core responsibility of a principal statistical agency, what specific processes and controls will you implement to ensure that ERS, regardless of where it resides, is not unintentionally influenced by political considerations? What specific separation of function will you support to ensure that the agency remains one of the 13 principal statistical agencies of the United States of America?
- b. How long do you estimate it will take for USDA to prepare any new space so that it meets CIPSEA's data security requirements? What are the cost estimates for preparing the new space so it meets CIPSEA's data security requirements?

Thank you for your attention to this request. We look forward to reviewing your response.

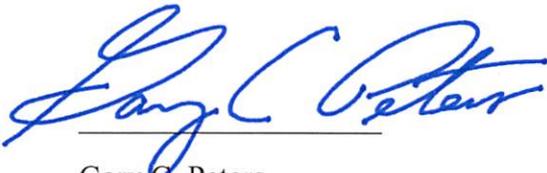
Sincerely,



Thomas R. Carper
Ranking Member
Senate Environment and
Public Works Committee



Debbie Stabenow
Ranking Member
Senate Agriculture, Nutrition, and
Forestry Committee

A handwritten signature in blue ink, reading "Gary C. Peters". The signature is written in a cursive style with a horizontal line underneath the name.

Gary C. Peters
Ranking Member
Senate Homeland Security and
Governmental Affairs Committee