

Congress of the United States
Washington, DC 20515

April 1, 2020

The Honorable Emily W. Murphy
Administrator
General Services Administration
1800 F Street, N.W.
Washington, D.C. 20405

Dear Administrator Murphy:

We are writing to request copies of the legal and cost-benefit analyses related to two decisions by the General Services Administration (GSA) to rescind the Delegations of Authority and Interagency Agreement for Operations and Maintenance with the Office of Personnel Management (OPM) for the Theodore Roosevelt Federal Building in Washington, D.C.¹ and the five-building Federal Executive Institute campus in Charlottesville, Virginia.²

The National Defense Authorization Act for Fiscal Year 2020—which was signed into law by President Donald Trump on Dec. 20, 2020—included a provision stating that “no person may assign, transfer, transition, merge, or consolidate any function, responsibility, authority, service, system, or program that is assigned in law” to OPM, GSA, the Office of Management and Budget (OMB), or the Executive Office of the President until specific actions are completed to assess the challenges and opportunities at OPM.³

Any action to rescind OPM’s authority to operate its own buildings is a clear violation of this statutory provision.

In addition, according to your own budget submission, the rescission is a poor use of taxpayer dollars, which will cost OPM \$2 million in higher rent costs in FY 2021.⁴ Yet, it

¹ Letter from Administrator Emily W. Murphy, General Services Administration, to Acting Director Margaret Weichert, Office of Personnel Management (July 26, 2019) (online at https://oversight.house.gov/sites/democrats.oversight.house.gov/files/OPMDelegationRescission_FEI%20%281%29.pdf) (Federal Executive Institute).

² Letter from Administrator Emily W. Murphy, General Services Administration, to Acting Director Margaret Weichert, Office of Personnel Management (July 26, 2019) (online at https://oversight.house.gov/sites/democrats.oversight.house.gov/files/OPMDelegationRescission_TRB%20%281%29.pdf) (Theodore Roosevelt Federal Building).

³ Pub. L. No. 116-92 (2019).

⁴ General Services Administration and Office of Personnel Management, *FY2021 Congressional Budget Justification* (Feb. 10, 2020) (online at www.gsa.gov/cdnstatic/GSA_FY2021_Congressional_Justification.pdf).

appears that you still plan to revoke OPM's operational authority over its own buildings effective October 1, 2020.

Your decision to rescind OPM's authority is directly tied to the Trump Administration's plan to abolish OPM and move its component parts to GSA. The Subcommittee on Government Operations held two hearings on the Administration's attempts to abolish OPM,⁵ and the Subcommittee sent five letters to OMB, OPM, and GSA repeatedly asking for basic information on the need for the merger of OPM into GSA and the authority the Administration would use to accomplish it.⁶ To this day, the Subcommittee has received no clear reasoning or analysis.

In particular, the Subcommittee's letter on August 26, 2019, requested any legal, cost, risk, or other analyses of the proposed merger, as well as documentation demonstrating a clear plan to execute it, but you produced none of the requested information.

According to internal GSA emails newly released by the Committee, your intention to remove OPM's building operation authority is part of the Administration's proposed abolition of OPM. When OPM requested that GSA reconsider rescinding the building management and operational authority, GSA officials stated in these emails that the decision to rescind this authority included "a matter of philosophy" related to then Acting Director Margaret Weichert's "Case for Change," which was what she called her plan to abolish OPM.⁷

⁵ Committee on Oversight and Reform, Subcommittee on Government Operations, *Hearing on the Administration's War on a Merit Based Civil Service* (May 21, 2019) (online at <https://oversight.house.gov/legislation/hearings/trump-s-war-on-a-merit-based-civil-service>); Committee on Oversight and Reform, Subcommittee on Government Operations, *Hearing on Document Production Status Update: OPM, FBI, and GSA* (June 27, 2019) (online at <https://oversight.house.gov/legislation/hearings/document-production-status-update-opm-fbi-and-gsa>).

⁶ Letter from Chairman Gerald E. Connolly, Subcommittee on Government Operations, et al., to Acting Director Margaret Weichert, Office of Personnel Management (Mar. 22, 2019) (online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/2019-03-22.GEC%20to%20Weichert-OPM%20re%20Witness%20Invite%20for%205-1%20Gov%20Ops%20Hearing.pdf>); Letter from Chairman Gerald E. Connolly, Subcommittee on Government Operations, et al., to Acting Director Margaret Weichert, Office of Personnel Management (May 8, 2019) (online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/2019-05-08.GEC%20to%20Weichert-OPM%20re%20OPM%20Reorganization%20%281%29.pdf>); Letter from Chairman Gerald E. Connolly, Subcommittee on Government Operations, to the Acting Director Margaret Weichert, Office of Personnel Management (June 24, 2019) (online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/documents/2019-06-24.EEC%20GEC%20Lynch%20to%20Weichert-OPM.pdf>); Letter from Chairman Gerald E. Connolly, Subcommittee on Government Operations, to Margaret Weichert, Deputy Director of Management, Office of Management and Budget and Acting Director, Office of Personnel Management (July 15, 2019) (online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/2019-07-15.%20EEC%20GEC%20to%20Weichert-OPM%20OMB%20re%20Follow%20up.pdf>); Letter from Chairman Elijah E. Cummings, Committee on Oversight and Reform, and Chairman Gerald E. Connolly, Subcommittee on Government Operations, to Administrator Emily W. Murphy, General Services Administration (Aug. 26, 2019) (online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/2019-08-26.EEC%20GEC%20to%20Murphy-%20GSA%20re%20OPM-GSA%20Merge.pdf>).

⁷ Email from Mary Davie, General Services Administration, to Joseph S. Kennedy, Associate Director of Human Resources Solutions, Office of Personnel Management (May 22, 2019) (online at

It appears you withheld critical information from Congress and continued to take actions prohibited by statute, demonstrating a flagrant disregard for congressional authority and the law. We demand that you cease the planned rescission immediately. If there are any other actions, including procurements or memoranda of understanding, currently implemented or planned for implementation that are purportedly justified by or approved of because of the proposed merger, we demand those plans and operations cease immediately.

Because you have continuously stonewalled our requests for information about the planned merger, we now request a transcribed interview with you by April 15, 2020. The Committee will arrange to do the interview by video conference.

The Committee on Oversight and Reform is the principal oversight committee of the House of Representatives and has broad authority to investigate “any matter” at “any time” under House Rule X. Please contact Subcommittee staff at (202) 225-5051 to arrange for the interview.

Sincerely,



Gerald E. Connolly
Chairman
Subcommittee on Government Operations



Jamie Raskin
Chairman
Subcommittee on Civil Rights and
Civil Liberties



Eleanor Holmes Norton
Member
Committee on Oversight and Reform



Jennifer Wexton
Member of Congress

cc: The Honorable Jody Hice, Ranking Member
Subcommittee on Government Operations

The Honorable Chip Roy, Ranking Member
Subcommittee on Civil Rights and Civil Liberties