



April 22, 2020

Mr. Austin R. Evers
American Oversight
1030 15th Street NW
Suite B255
Washington, DC 20005

Dear Mr. Evers:

This letter is in response to your U.S. General Services Administration (GSA) Freedom of Information Act (FOIA) request number (GSA-2020-000595), submitted on March 4, 2020, in which you requested the following:

“All electronic communications (including emails, email attachments, calendar invitations, calendar invitation attachments, or text messages) between (a) the GSA officials listed in Column A, and (b) any of the external individuals listed in Column B, below.

Column A: GSA Officials	Column B: External Individuals
i. Michael Copeland, Regional Administrator, Region 6	i. Michael Merriman
ii. Judith Dungan, Senior Advisor, Region 6	ii. Edward Merriman
	iii. Dennis Walsh
	iv. Kit Bond
	v. Vincent P. Dasta
	vi. Frank J. Joseph
	vii. Patrick J. Pedonti
	viii. Jay Shuman
	ix. Any employees or representatives of Americo Life Insurance Company, including Michael Merriman, and anyone communicating with an email address ending in americo.com
	x. Any employees or representatives of Kit Bond Strategies, including

U.S General Services Administration
1800 F. Street, Northwest
Washington, DC 20405
Telephone: 1-855-675-FOIA
Fax: (202) 501-2727

	Matthew Roney, Kenny Hulshof, Julie Murphy, and anyone communicating with an email address ending in kitbond.com xi. Any employees or representatives of SS&C Technologies, including anyone communicating with an email address ending in ssctech.com xii. Any employees or representatives of DST Systems, Inc. xiii. Any employees or representatives of DST Realty, Inc. xiv. Any employees or representatives of Broadway Square Partners xv. Any employees or representatives of Penn Seven, LLC xvi. Any employee or representatives of SCOL, Inc. xvii. Any employees or representatives of Project Leavitt xviii. Anyone communicating with an email address ending in jjmkc.com
--	--

Please provide all responsive records from January 20, 2017, through December 31, 2019.”

Enclosed please find the documents responsive to your request.

GSA has withheld the cell phone numbers of private individuals pursuant to the FOIA, 5 U.S.C. § 552(b)(6). This was done because public disclosure of this information would constitute a clearly unwarranted invasion of personal privacy.

As we have redacted information referenced in the above paragraph with the aforementioned FOIA exemption, this technically constitutes a partial denial of your FOIA request. You have the right to appeal the denial of the information being withheld. You may submit an appeal online at the following link (<https://foiaonline.regulations.gov/foia/action/public/home>) or in writing to the following address:

U.S. General Services Administration
FOIA Requester Service Center (H3A)
1800 F Street, NW, Room 7308
Washington, DC 20405

Your appeal must be postmarked or electronically transmitted within 90 days of the date of the response to your request. In addition, your appeal must contain a brief statement of the reasons why the requested information should be released. Please enclose a copy of your initial request and this denial. Both the appeal letter and envelope or online appeal submission should be prominently marked, "Freedom of Information Act Appeal."

This completes our action on this FOIA request. Should you have any questions, please contact me at (202) 219-3078 or by email at travis.lewis@gsa.gov. If you need additional assistance, you may also contact Ms. Audrey Brooks, GSA's FOIA Public Liaison at (202) 205-5912 or via email at audrey.brooks@gsa.gov.

Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at ogis@nara.gov; telephone at (202) 741-5770; toll free at (877) 684-6448; or facsimile at (202) 741-5769.

Sincerely,

Travis S. Lewis

Deputy Director
Office of Accountability and Transparency
Office of Administrative Services

Enclosure

older:
GSA-2020-00 595--michael.copeland@gsa.gov_0

Subject: Re: 805 Penn Parking **Date:** Fri, 15 Nov 2019 07:36:14 -0800 **From:** Michael Copeland - 6A <michael.copeland@gsa.gov> **To:** Alison Kohler - ZCR <alison.kohler@gsa.gov> **Cc:** Peter Leonhard - 6P1RP <peter.leonhard@gsa.gov>
Message-ID:
<CAC=pQDeKJqPvOFRp_J34uWcX9j9xDut3P=Q3AbF9G+UyHQDCLA@mail.gmail.com>
MD5: 1697c171b08a75cadca9d16cf7e57399

Thank
you.

U.S. General Services
Administration

Michael

Copeland

Regional
Administrator

Heartland
Region

Mail #1 Page #1

Folder:

GSA-2020-000595--michael.copeland@gsa.gov_0

(b) (6)

On Nov 15, 2019, at 9:15 AM, Alison Kohler - ZCR
<alison.kohler@gsa.gov> wrote:

Amanda Osborn touched base with Ryann at USDA this morning and confirmed there is no expectation for GSA to participate in the press conference.

U.S. General Services Administration

Alison Kohler Regional Public Affairs Officer
Heartland Region Office of Strategic
Communication C (b) (6)
alison.kohler@gsa.gov

On Thu, Nov 14, 2019 at 7:23 PM Alison Kohler - ZCR
<alison.kohler@gsa.gov> wrote:

Thank you! To be clear: GSA is not participating in the press conference. Just the tour of the space, right?

Sent from my
iPhone

On Nov 14, 2019, at 5:15 PM, Peter Leonhard - 6P1RP
<peter.leonhard@gsa.gov> wrote:

Parking information for those attending
tomorrow.

----- Forwarded message ----- From:
DeGalan, Ian <lan.DeGalan@americo.com>
Date: Thu, Nov 14, 2019, 5:07 PM Subject: 805
Penn Parking To: Peter Leonhard - 6P1RP
<peter.leonhard@gsa.gov>

Peter

Attached is a Google Earth image showing the garage entrance. The entrance is at the north side of 801 Pennsylvania. Once in the garage, turn south, or right, to go back towards 9th Street and they should park on the north side of the garage and look for the sign that says Elevators to 805 Penn Lobby. They can take the elevator to lobby level, which is where the press conference will be held.

Mail #1 Page #2

Folder:
GSA-2020-000595--michael.copeland@gsa.gov_0

When they leave the garage they will need to exit at the same gate they entered.

Please let me know if you need any other information.

Ian
DeGalan

Director of Real Estate
Projects

**AMERICO LIFE,
INC.**

300 W. 11th
St.

Kansas City, MO
64105

(816) 391- 2029 (office) (b) (6)
(mobile)

This email, including any attachments, is intended for the person(s) or company to whom it is addressed and may contain confidential and/or legally privileged information. If you are not the intended recipient, please be advised that you have received this message in error and that unauthorized disclosure, forwarding, printing or copying of this information is strictly prohibited and may be unlawful. Please notify the sender immediately, either at the original sender's email address, or by calling 1-800-231-0801. For all other questions please contact the company operator at (816) 391-2000.

<805 Penn
Parking.pdf>

Mail #1 Page #3

Folder:

GSA-2020-000595--michael.copeland@gsa.gov_0

Subject: Re: 805 Penn Parking **Date:** Thu, 14 Nov 2019 17:23:47 -0800

From: Alison Kohler - ZCR <alison.kohler@gsa.gov> **To:** Peter Leonhard

- 6P1RP <peter.leonhard@gsa.gov> **Cc:** "Hartley, Chris - ERS"
<chris.hartley@usda.gov>, Michael Copeland
<michael.copeland@gsa.gov> **Message-ID:**
<CACb2EKnwW+Y9nn5CmbB4wh-W5S1ZCHJeHK_4Z5XzkTf1d3OxYQ@mail.gmail.com>
MD5: 1ac2e290c97c82328081c55fd139ba5a

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When they leave the garage they will need to exit at the same gate they entered.

Please let me know if you need any other

information.

Ian
DeGalan

Director of Real Estate
Projects

**AMERICO LIFE,
INC.**

300 W. 11th
St.

Kansas City, MO
64105

(816) 391- 2029 (office) (b) (6)
(mobile)

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<805 Penn
Parking.pdf>

Mail #9 Page #26

Folder:

GSA-2020-000595--michael.copeland@gsa.gov_0

Subject: Re: 805 Penn Parking **Date:** Fri, 15 Nov 2019 09:15:31 -0600 **From:** Alison Kohler - ZCR <alison.kohler@gsa.gov> **To:** Peter Leonhard - 6P1RP <peter.leonhard@gsa.gov> **Cc:** Michael Copeland <michael.copeland@gsa.gov>

Message-ID:

<CACb2EK=7TgoyAmCR6O6vEv2+L1yLu=u+rCxsSJJJaScCj6g0gTg@mail.gmail.com>

MD5: 36e16fbb8c327ae3d941b8512c484395

Amanda Osborn touched base with Ryann at USDA this morning and confirmed there is no expectation for GSA to participate in the press conference.

U.S. General Services Administration

Alison Kohler Regional Public Affairs Officer
Heartland Region Office of Strategic
Communication C: (b) (6)
alison.kohler@gsa.gov

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Peter

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When they leave the garage they will need to exit at the same gate they entered.

Please let me know if you need any other information.

Ian DeGalan Director
of Real Estate Projects

Mail #10 Page #27

Folder:

GSA-2020-000595--michael.copeland@gsa.gov_0

AMERICO LIFE, INC. 300 W. 11th St.
Kansas City, MO 64105 (816) 391- 2029
(office) (b) (6) (b) (6) (mobile)

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<805 Penn
Parking.pdf>

Folder:

GSA-2020-000595--michael.copeland@gsa.gov_0

Subject: Re: 805 Penn Parking **Date:** Thu, 14 Nov 2019 19:22:33 -0600 **From:** Kevin Rothmier - 6P <kevin.rothmier@gsa.gov> **To:** Peter Leonhard - 6P1CF <peter.leonhard@gsa.gov> **Cc:** Mike Copeland - 6A <michael.copeland@gsa.gov>, Shellie Starr <shellie.gill@gsa.gov> **Message-ID:** <CAONUv_RCeyFXmg1SaLG2+ub_mLf9pp3hc5tZ2X5BzThwW3EK5A@mail.gmail.com> **MD5:** cb44bc3f134f3eb7f8d3de4589d2b4d5

Thanks,
Peter!!

Kevi
n

On Thu, Nov 14, 2019, 6:13 PM Peter Leonhard - 6P1RP
<peter.leonhard@gsa.gov> wrote:

Garage parking information in case it's
needed.

----- Forwarded message ----- From:
DeGalan, Ian <lan.DeGalan@americo.com>
Date: Thu, Nov 14, 2019, 5:07 PM Subject: 805
Penn Parking To: Peter Leonhard - 6P1RP
<peter.leonhard@gsa.gov>

Peter
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Attached is a Google Earth image showing the garage entrance. The entrance is at the north side of 801 Pennsylvania. Once in the garage, turn south, or right, to go back towards 9th Street and they should park on the north side of the garage and look for the sign that says Elevators to 805 Penn Lobby. They can take the elevator to lobby level, which is where the press conference will be held.

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Please let me know if you need any other information.

Ian DeGalan Director
of Real Estate Projects

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Kansas City, MO 64105 (816) 391- 2029
(office) (b) (6) (mobile)

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Mail #3 Page #12

Folder:

GSA-2020-000595--judy.dungan@gsa.gov_0

Subject: Re: RELEASE: Norton, Hoyer Lead Letter Questioning USDA Plans to Relocate
Offices

Outside the National Capital Region **Date:** Wed, 15 May
2019 03:10:57 +0000 **From:** Matt Roney <matt@kitbond.com> **To:**
Judith Dungan - 6A <judy.dungan@gsa.gov> **Message-ID:**
<E0A87511-410A-46C4-AED7-9424266A021D@kitbond.com> **MD5:**
8388d4182d2968fe24fbcc59eab188ae

Thank
s.

Sent from my
iPhone

On May 14, 2019, at 9:14 PM, Judith Dungan - 6A
<judy.dungan@gsa.gov> wrote:

FY
I

Judy Dungan Senior Advisor to the

Regional Administrator Heartland
Region U. S. General Services
Administration 2300 Main Street, Kansas
City, MO 64108 816.349.1347

Begin forwarded
message:

From: Kevin Rothmier - 6P <kevin.rothmier@gsa.gov> **Date:** May 14, 2019 at 8:25:55 PM
CDT To: Mike Copeland - 6A <michael.copeland@gsa.gov>, Judith Dungan - 6A
<judy.dungan@gsa.gov> **Subject:** Fwd: **RELEASE: Norton, Hoyer Lead Letter
Questioning USDA Plans to Relocate Offices Outside the National Capital Region**

FY
I

----- Forwarded message ----- **From:** Michael Gelber - PD <michael.gelber@gsa.gov>
Date: Tue, May 14, 2019, 1:06 PM **Subject:** Fwd: **RELEASE: Norton, Hoyer Lead Letter
Questioning USDA Plans to Relocate Offices Outside the National Capital Region** **To:** Seyi
Gbadegesin - PAAA <seyi.gbadegesin@gsa.gov>, Tiffany Simon - PAAA
<tiffany.simon@gsa.gov> **Cc:** Stuart Burns - PT <johns.burns@gsa.gov>, Chad Gilchrist - PT
<chad.gilchrist@gsa.gov>, Allison Azevedo <allison.azevedo@gsa.gov>, JD Dennis - 4P1
<johnm.dennis@gsa.gov>, John Cooke - 5P <john.cooke@gsa.gov>, Kevin Rothmier
<kevin.rothmier@gsa.gov>, Pam Dixon - ZB <pamela.pennington@gsa.gov>, Anahita Reilly -
AC <anahita.reilly@gsa.gov>, Barry Segal <barry.segal@gsa.gov>

For
awareness.

----- Forwarded message ----- **From:** Andrew Blaylock - S
<andrew.blaylock@gsa.gov> **Date:** Tue, May 14, 2019, 13:55 **Subject:** Fwd: **RELEASE:
Norton, Hoyer Lead Letter Questioning USDA Plans to Relocate Offices Outside the National
Capital Region** **To:** Daniel Mathews - P <daniel.mathews@gsa.gov>, Michael Gelber - PD
<michael.gelber@gsa.gov>, Stuart Burns - PT <stuart.burns@gsa.gov>, Chad Gilchrist - PTN
<chad.gilchrist@gsa.gov>, Darren Blue - WP <darren.blue@gsa.gov>, Chris Wisner - PR
<chris.wisner@gsa.gov>, Ivan Swain <ivan.swain@gsa.gov>, Dawn Stalter - BPA
<dawn.stalter@gsa.gov>, LaFondra Lynch - 4P <lafondra.lynch@gsa.gov>

Mail #4 Page #13

Folder:

GSA-2020-000595--judy.dungan@gsa.gov_0

Cc: Jeff Post - A <jeffrey.post@gsa.gov>, Tyler Menzler - S
<tyler.menzler@gsa.gov>

For
awareness.

Andrew Blaylock

Office of Congressional and Intergovernmental Affairs
U.S. General Services Administration 1800 F
Street, N.W. Washington, D.C.
20405 Office: 202.969.7189 Email:
Andrew.Blaylock@gsa.gov

May 14, 2019 Contact: Jack
Miller – 202-225-8050

Norton, Hoyer Lead Letter Questioning USDA Plans to Relocate Offices Outside the National Capital Region

WASHINGTON, D.C. – Congresswoman Eleanor Holmes Norton (D-DC) and
Congressman Steny Hoyer (D-MD) released a letter today they led to Secretary of

Agriculture Sonny Perdue expressing concern regarding the U.S. Department of Agriculture's (USDA) proposal to move the Economic Research Service (ERS) and the National Institute of Food and Agriculture (NIFA) out of the National Capital Region. The current headquarters facility for NIFA is in General Services Administration (GSA) leased space in Washington, D.C. The letter questions the legality of the proposed USDA move, as well as the rationale and process of the proposal, and requests that USDA refrain from taking further action until the outstanding questions around this proposal are addressed to the satisfaction of the committees of jurisdiction. It is signed by the entire National Capital Region congressional delegation, including Senators Benjamin Cardin (D-MD), Mark Warner (D-VA), Tim Kaine (D-VA), Chris Van Hollen (D-MD), and Representatives Dutch Ruppersberger (D-MD), John Sarbanes (D-MD), Gerry Connolly (D-VA), Don Beyer (D-VA), Anthony Brown (D-MD), Jamie Raskin (D-MD), David Trone (D-MD), and Jennifer Wexton (D-VA).

"This proposal is particularly troubling as the Office of the Inspector General has called for delaying the USDA's plans and Congress has requested, but not received, additional information," Norton said. "Until Congress has been consulted, it would be foolhardy to move forward with the potentially illegal action of moving the ERS and NIFA."

"I remain extremely opposed to the proposal to relocate the Economic Research Service and National Institute of Food and Agriculture outside of the National Capital Region," Hoyer said. "This relocation threatens to undermine the important work of these agencies and disrupt the lives of hundreds of federal employees and their families. Until USDA fully and satisfactorily explains the reasons for this move, the legal authority it has to commit to a new lease, the steps it has taken to ensure that the effectiveness of these agencies will be strengthened – not weakened – and the cost-benefit analysis underlying its actions, USDA should not move forward with the relocation."

Mail #4 Page #14

Folder:

GSA-2020-000595--judy.dungan@gsa.gov_0

In the letter Members wrote, "The USDA has cited three reasons for its proposal to move ERS and NIFA away from the nation's capital but has supplied insufficient evidence to support the accuracy of those reasons. You specifically cited the USDA's

inability to attract and retain highly qualified staff, a need to place USDA resources closer to stakeholders and to reduce costs of employees and real estate.” The lack of answers from USDA is particularly concerning.

The full text of the letter can be read here: [May](#)

13, 2019

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

Dear Secretary
Perdue:

As Members of the National Capital Region, we write to express our concern regarding the U.S. Department of Agriculture’s (USDA) proposal to move the Economic Research Service (ERS) and the National Institute of Food and Agriculture (NIFA) out of the National Capital Region and reorganize ERS under the Office of the Secretary. The current headquarters facility for NIFA is in General Services Administration (GSA) leased space in Washington, D.C. Essential questions regarding the legality of the proposal, the rationale for the proposal and the process used to develop the proposal remain unanswered, and we ask that you refrain from moving forward with the proposal unless and until these questions have been answered to the satisfaction of the committees of jurisdiction.

The USDA issued a Notice of Request for Expression of Interest (RFEI) for Potential Sites to relocate ERS and NIFA on August 15, 2018, but did so without a clear determination that the USDA has the legal authority to relocate an agency without congressional approval or the budget authority to acquire the real estate necessary to execute the move of these two agencies. In a highly unusual decision, the USDA decided to issue its RFEI under its own authority rather than under the leasing authority of GSA and to state its view that the scope of the RFEI encompassed the entire country. However, even if the USDA’s leasing authority would provide adequate legal authority for a long-term lease agreement, a much larger question surrounds whether the USDA has the budget authority to proceed with this move. Section 717(a) of the

Consolidated Appropriations Act of 2018 (P.L. 115-141) prohibits the expenditure of funds for the relocation of an office or employees or the reorganization of offices, programs or activities unless the House and Senate Appropriations Committees are given written notice and grant approval 30 days before funds are reprogrammed for those purposes. USDA's plan, which has not been approved by appropriators, would both relocate employees and reorganize an office by moving ERS into the Office of the Secretary.

The Government Accountability Office (GAO) has issued a report that makes clear that several federal agencies have incorrectly determined that their independent real estate leasing authority grants them the ability to sign long-term lease agreements without accompanying budget authority. We believe that the USDA may be similarly mistaken. On August 30, 2018, Democratic members of the House Appropriations Committee wrote to you expressing their concern about the move and requested more information from the USDA about the justification for the move. We share these concerns and believe that a proposal of this magnitude should not be allowed to move forward while such fundamental questions remain unanswered.

In a May 6, 2019, meeting with staff of the House Appropriations Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies and staff of the Transportation and Infrastructure Committee's Subcommittee on Economic

Mail #4 Page #15

Folder:

GSA-2020-000595--judy.dungan@gsa.gov_0

Development, Public Buildings, and Emergency Management, USDA noted that it has recently decided to use GSA's leasing authority going forward. While USDA indicated that it has been in contact with GSA regarding this proposal at various points throughout the year, we are concerned that GSA was not formally involved in this process until this month, nine months after USDA's initial announcement of its intention to relocate ERS and NIFA, and a time when USDA's short list of areas for relocation had already been selected. The USDA's tardy decision to use GSA's leasing authority without moving through the standard GSA procurement process from the beginning of this relocation effort is particularly troubling.

The USDA has cited three reasons for its proposal to move ERS and NIFA away

from the nation's capital but has supplied insufficient evidence to support the accuracy of those reasons. You specifically cited the USDA's inability to attract and retain highly qualified staff, a need to place USDA resources closer to stakeholders and to reduce costs of employees and real estate. However, as recently as January 9, 2018, GSA submitted a prospectus on behalf of the USDA proposing the continued housing of NIFA in Washington, D.C., USDA's home since the 1800s and the hub of a workforce that ranks among the most highly educated in the nation. Since that submission, USDA has provided no evidence that it has had difficulty recruiting and retaining ERS and NIFA staff. Similarly, USDA has not provided the explanation for why ERS and NIFA, as opposed to other USDA agencies, need to move close to stakeholders and leave the Washington, D.C. area.

Finally, we are deeply concerned that the process used to develop USDA's relocation proposal may have omitted critical considerations. It is unclear whether a robust cost-benefit analysis was completed to justify relocation of two vital federal agencies. In fact, the proposed relocation may result in considerable harm to USDA. A number of press reports have indicated that USDA officials believe that many ERS and NIFA officials will choose not to relocate and that this potential relocation could deprive the agencies of many of their top economists and scientists with specialized knowledge.

In response to the many concerns enumerated in this letter, the USDA Office of Inspector General (OIG) began a review of USDA's relocation and reorganization proposal for ERS and NIFA in November of 2018. The scope of the OIG review includes: (1) a determination of USDA's legal and budgetary authority to undertake its proposed relocation of the agencies and realignment of ERS, and (2) a determination of USDA's adherence to any established procedures relating to agency realignment and relocation and procedures associated with cost-benefit analysis. This review is ongoing.

The explanatory statement accompanying the enacted FY 2019 appropriations bill echoed these concerns and directed the USDA to provide cost estimates and a detailed analysis of any research benefits of the proposed relocation of ERS and NIFA when the FY 2020 budget was submitted to Congress. House Appropriations staff have indicated that this information was not submitted when it was due and still has not been received. The report language also expressed support for an indefinite delay of the proposed transfer of ERS to the Office of the Chief Economist, deeming both the proposed reorganization and relocation of ERS premature given the lack of information and justification for the proposal.

In light of the ongoing OIG review, report language calling for a delay in USDA's plans, and USDA's failure to comply with Congress's request for additional information, we ask that you halt USDA's plan to relocate ERS and NIFA unless and until the outstanding questions around this proposal are addressed to the satisfaction of the committees of jurisdiction.

Sincerely,
y,

Eleanor Holmes
Norton Member of
Congress

Steny H. Hoyer
Member of
Congress

Mail #4 Page #16

Folder:

GSA-2020-000595--judy.dungan@gsa.gov_0

Benjamin L. Cardin
United States
Senator

Mark R. Warner
United States
Senator

Tim Kaine United
States Senator

Chris Van Hollen
United States

Senator

C. A. Dutch
Ruppersberger Member
of Congress

John P. Sarbanes
Member of
Congress

Gerald E. Connolly
Member of
Congress

Donald S. Beyer,
Jr. Member of
Congress

Anthony G. Brown
Member of
Congress

Jamie Raskin
Member of
Congress

David Trone
Member of
Congress

Jennifer Wexton
Member of
Congress

#

Mail #4 Page #17

Folder:

GSA-2020-000595--judy.dungan@gsa.gov_0

Subject: Fwd: RELEASE: Norton, Hoyer Lead Letter Questioning USDA Plans to Relocate
Offices

Outside the National Capital Region **Date:** Tue, 14 May 2019 19:14:07

-0700 **From:** Judith Dungan - 6A <judy.dungan@gsa.gov> **To:** matt@kitbond.com

Message-ID:

<CACEuXYX7qyf8hpo0+xRtoAyPNO-Ficq3V5Z1rwwtGz4HeQLBg@mail.gmail.com>

MD5: 12ee5efb536e0d7ef210c6471a1a8081

FY

I

Judy Dungan Senior Advisor to the
Regional Administrator Heartland Region
U. S. General Services Administration
2300 Main Street, Kansas City, MO
64108 816.349.1347

Begin forwarded
message:

From: Kevin Rothmier - 6P <kevin.rothmier@gsa.gov> **Date:** May 14, 2019 at 8:25:55 PM
CDT **To:** Mike Copeland - 6A <michael.copeland@gsa.gov>, Judith Dungan - 6A
<judy.dungan@gsa.gov> **Subject:** Fwd: **RELEASE: Norton, Hoyer Lead Letter
Questioning USDA Plans to Relocate Offices Outside the National Capital Region**

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----- Forwarded message ----- **From: Michael Gelber - PD** <michael.gelber@gsa.gov>
Date: Tue, May 14, 2019, 1:06 PM **Subject:** Fwd: **RELEASE: Norton, Hoyer Lead Letter
Questioning USDA Plans to Relocate Offices Outside the National Capital Region** **To:** Seyi
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<tiffany.simon@gsa.gov> **Cc:** Stuart Burns - PT <johns.burns@gsa.gov>, Chad Gilchrist - PT
<chad.gilchrist@gsa.gov>, Allison Azevedo <allison.azevedo@gsa.gov>, JD Dennis - 4P1
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awareness.

----- Forwarded message ----- **From: Andrew Blaylock - S**
<andrew.blaylock@gsa.gov> **Date:** Tue, May 14, 2019, 13:55 **Subject:** Fwd: **RELEASE:
Norton, Hoyer Lead Letter Questioning USDA Plans to Relocate Offices Outside the National
Capital Region** **To:** Daniel Mathews - P <daniel.mathews@gsa.gov>, Michael Gelber - PD
<michael.gelber@gsa.gov>, Stuart Burns - PT <stuart.burns@gsa.gov>, Chad Gilchrist - PTN
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For
awareness.

Andrew Blaylock

Office of Congressional and Intergovernmental Affairs
U.S. General Services Administration

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May 14, 2019 Contact: Jack
Miller – 202-225-8050

Norton, Hoyer Lead Letter Questioning USDA Plans to Relocate Offices Outside the National Capital Region

WASHINGTON, D.C. – Congresswoman Eleanor Holmes Norton (D-DC) and Congressman Steny Hoyer (D-MD) released a letter today they led to Secretary of Agriculture Sonny Perdue expressing concern regarding the U.S. Department of Agriculture's (USDA) proposal to move the Economic Research Service (ERS) and the National Institute of Food and Agriculture (NIFA) out of the National Capital Region. The current headquarters facility for NIFA is in General Services Administration (GSA) leased space in Washington, D.C. The letter questions the legality of the proposed USDA move, as well as the rationale and process of the proposal, and requests that

USDA refrain from taking further action until the outstanding questions around this proposal are addressed to the satisfaction of the committees of jurisdiction. It is signed by the entire National Capital Region congressional delegation, including Senators Benjamin Cardin (D-MD), Mark Warner (D-VA), Tim Kaine (D-VA), Chris Van Hollen (D-MD), and Representatives Dutch Ruppersberger (D-MD), John Sarbanes (D-MD), Gerry Connolly (D-VA), Don Beyer (D-VA), Anthony Brown (D-MD), Jamie Raskin (D-MD), David Trone (D-MD), and Jennifer Wexton (D-VA).

“This proposal is particularly troubling as the Office of the Inspector General has called for delaying the USDA’s plans and Congress has requested, but not received, additional information,” Norton said. “Until Congress has been consulted, it would be foolhardy to move forward with the potentially illegal action of moving the ERS and NIFA.”

“I remain extremely opposed to the proposal to relocate the Economic Research Service and National Institute of Food and Agriculture outside of the National Capital Region,” Hoyer said. “This relocation threatens to undermine the important work of these agencies and disrupt the lives of hundreds of federal employees and their families. Until USDA fully and satisfactorily explains the reasons for this move, the legal authority it has to commit to a new lease, the steps it has taken to ensure that the effectiveness of these agencies will be strengthened – not weakened – and the cost-benefit analysis underlying its actions, USDA should not move forward with the relocation.”

In the letter Members wrote, “The USDA has cited three reasons for its proposal to move ERS and NIFA away from the nation’s capital but has supplied insufficient evidence to support the accuracy of those reasons. You specifically cited the USDA’s inability to attract and retain highly qualified staff, a need to place USDA resources closer to stakeholders and to reduce costs of employees and real estate.” The lack of answers from USDA is particularly concerning.

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The full text of the letter can be read here: [May](#)

13, 2019

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

Dear Secretary
Perdue:

As Members of the National Capital Region, we write to express our concern regarding the U.S. Department of Agriculture's (USDA) proposal to move the Economic Research Service (ERS) and the National Institute of Food and Agriculture (NIFA) out of the National Capital Region and reorganize ERS under the Office of the Secretary. The current headquarters facility for NIFA is in General Services Administration (GSA) leased space in Washington, D.C. Essential questions regarding the legality of the proposal, the rationale for the proposal and the process used to develop the proposal remain unanswered, and we ask that you refrain from moving forward with the proposal unless and until these questions have been answered to the satisfaction of the committees of jurisdiction.

The USDA issued a Notice of Request for Expression of Interest (RFEI) for Potential Sites to relocate ERS and NIFA on August 15, 2018, but did so without a clear determination that the USDA has the legal authority to relocate an agency without congressional approval or the budget authority to acquire the real estate necessary to execute the move of these two agencies. In a highly unusual decision, the USDA decided to issue its RFEI under its own authority rather than under the leasing authority of GSA and to state its view that the scope of the RFEI encompassed the entire country. However, even if the USDA's leasing authority would provide adequate legal authority for a long-term lease agreement, a much larger question surrounds whether the USDA has the budget authority to proceed with this move. Section 717(a) of the Consolidated Appropriations Act of 2018 (P.L. 115-141) prohibits the expenditure of funds for the relocation of an office or employees or the reorganization of offices,

programs or activities unless the House and Senate Appropriations Committees are given written notice and grant approval 30 days before funds are reprogrammed for those purposes. USDA's plan, which has not been approved by appropriators, would both relocate employees and reorganize an office by moving ERS into the Office of the Secretary.

The Government Accountability Office (GAO) has issued a report that makes clear that several federal agencies have incorrectly determined that their independent real estate leasing authority grants them the ability to sign long-term lease agreements without accompanying budget authority. We believe that the USDA may be similarly mistaken. On August 30, 2018, Democratic members of the House Appropriations Committee wrote to you expressing their concern about the move and requested more information from the USDA about the justification for the move. We share these concerns and believe that a proposal of this magnitude should not be allowed to move forward while such fundamental questions remain unanswered.

In a May 6, 2019, meeting with staff of the House Appropriations Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies and staff of the Transportation and Infrastructure Committee's Subcommittee on Economic Development, Public Buildings, and Emergency Management, USDA noted that it has recently decided to use GSA's leasing authority going forward. While USDA indicated that it has been in contact with GSA regarding this proposal at various points throughout the year, we are concerned that GSA was not formally involved in this process until this month, nine months after USDA's initial announcement of its intention to relocate ERS and NIFA, and a time when USDA's short list of areas for relocation had already been selected. The USDA's tardy decision to use GSA's leasing authority without moving through the standard GSA procurement process

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from the beginning of this relocation effort is particularly troubling.

The USDA has cited three reasons for its proposal to move ERS and NIFA away from the nation's capital but has supplied insufficient evidence to support the accuracy

of those reasons. You specifically cited the USDA's inability to attract and retain highly qualified staff, a need to place USDA resources closer to stakeholders and to reduce costs of employees and real estate. However, as recently as January 9, 2018, GSA submitted a prospectus on behalf of the USDA proposing the continued housing of NIFA in Washington, D.C., USDA's home since the 1800s and the hub of a workforce that ranks among the most highly educated in the nation. Since that submission, USDA has provided no evidence that it has had difficulty recruiting and retaining ERS and NIFA staff. Similarly, USDA has not provided the explanation for why ERS and NIFA, as opposed to other USDA agencies, need to move close to stakeholders and leave the Washington, D.C. area.

Finally, we are deeply concerned that the process used to develop USDA's relocation proposal may have omitted critical considerations. It is unclear whether a robust cost-benefit analysis was completed to justify relocation of two vital federal agencies. In fact, the proposed relocation may result in considerable harm to USDA. A number of press reports have indicated that USDA officials believe that many ERS and NIFA officials will choose not to relocate and that this potential relocation could deprive the agencies of many of their top economists and scientists with specialized knowledge.

In response to the many concerns enumerated in this letter, the USDA Office of Inspector General (OIG) began a review of USDA's relocation and reorganization proposal for ERS and NIFA in November of 2018. The scope of the OIG review includes: (1) a determination of USDA's legal and budgetary authority to undertake its proposed relocation of the agencies and realignment of ERS, and (2) a determination of USDA's adherence to any established procedures relating to agency realignment and relocation and procedures associated with cost- benefit analysis. This review is ongoing.

The explanatory statement accompanying the enacted FY 2019 appropriations bill echoed these concerns and directed the USDA to provide cost estimates and a detailed analysis of any research benefits of the proposed relocation of ERS and NIFA when the FY 2020 budget was submitted to Congress. House Appropriations staff have indicated that this information was not submitted when it was due and still has not been received. The report language also expressed support for an indefinite delay of the proposed transfer of ERS to the Office of the Chief Economist, deeming both the proposed reorganization and relocation of ERS premature given the lack of information and justification for the proposal.

In light of the ongoing OIG review, report language calling for a delay in

USDA's plans, and USDA's failure to comply with Congress's request for additional information, we ask that you halt USDA's plan to relocate ERS and NIFA unless and until the outstanding questions around this proposal are addressed to the satisfaction of the committees of jurisdiction.

Sincerely,
y,

Eleanor Holmes
Norton Member of
Congress

Steny H. Hoyer
Member of
Congress

Benjamin L. Cardin
United States
Senator

Mark R. Warner
United States
Senator

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Tim Kaine United
States Senator

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United States
Senator

C. A. Dutch
Ruppersberger Member
of Congress

John P. Sarbanes
Member of
Congress

Gerald E. Connolly
Member of
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Donald S. Beyer,
Jr. Member of
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Anthony G. Brown
Member of
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Jamie Raskin
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David Trone
Member of
Congress

Jennifer Wexton
Member of
Congress

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