

United States Senate

WASHINGTON, DC 20510

May 20, 2019

The Honorable Russell T. Vought
Acting Director
Office of Management and Budget
Executive Office of the President
Washington, DC 20503

Dear Acting Director Vought:

We write today in response to your proposal to merge the functions and responsibilities of the Office of Personnel Management (OPM) within the General Services Administration (GSA). Specifically, we wish to express both our frustration about the lack of transparency that defined the Administration's drafting of this proposal and our grave concern that these changes will negatively impact and further undermine our country's federal workforce.

In your letter to Congress dated May 16, 2019, you outline a proposal to transfer the "vast majority" of OPM's current mission to GSA. As you note, this would include Human Resources Solutions, Information Technology, Retirement, and Health and Insurance Services. The proposal would also create an Office of Federal Workforce Policy within the Office of Management and Budget (OMB), which would assume the workforce policy responsibilities currently executed by OPM.

We have serious concerns with housing this new Office of Federal Workforce Policy within the Executive Office of the President, and having it run by an Administrator appointed directly by the President and without Senate confirmation. Your proposal details that this Office is to, among other functions, "provide overall strategic direction and coordination of workforce policy and regulations for all Executive agencies, other than the Government Accountability Office." The vast majority of the federal workforce is comprised of career civil servants who perform their duties apolitically and without regard to which party presently heads the Executive Branch. These dedicated employees are the lifeblood of our democracy and it is imperative that they continue to be insulated from the political impulses of this President and any future President.

Federal workers have every right to be concerned with this proposal and the Administration owes them substantially more information and transparency than has been provided to date. To that end, we ask that you provide responses to the following questions:

- What analysis have you conducted to evaluate the potential costs and risks associated with this proposal? What specific factors did you consider, and which perceived benefits did you regard as outweighing any disruption and risk to the federal workforce?
- The civil service system is statutorily required to be apolitical and merit-based. However, this proposal would significantly impede Congress' ability to conduct oversight over this matter by no longer allowing the Senate to provide advice and consent over the individual *directly* responsible for setting all federal workforce policy and regulations. How can federal workers and Congress feel confident that neither this President nor any future

President would act to politicize civil service or take retaliatory or punitive action against federal workers?

- What other changes to federal workforce policy or the organization of OPM and/or GSA does the Administration plan to take before receiving—or absent altogether—additional Congressional authorization, to implement aspects of this proposal? If any, under what statutory authority does the Administration perceive to be empowered to take such actions?
- What input did you consider from Members of Congress, congressional committees, or federal workforce unions, management associations, professional associations, and affinity groups in drafting this proposal?
- What impact would this proposal have on the number of individuals employed by OPM? In what ways would the number of individuals dedicated to the current responsibilities and mandates of OPM change with the implementation of this proposal? Does your proposal assume increased or flat funding authorization levels for GSA after the merge?
- Does the Administration believe GSA currently has adequate cybersecurity resources and funding to appropriately protect their current mission, in addition to that of OPM?

As a first step in conducting oversight of this dramatic proposal, our federal workforce is owed answers to these questions. Until the aforementioned questions have been thoroughly addressed and the authorities under which you are proposing such actions are clearly articulated, we respectfully request that you take no further action on this or any related matter.

We request your reply by the end of this month. We will continue to actively monitor the Administration's explanation of this proposal to other Members of Congress and to the public, and look forward to your reply.

Sincerely,



MARK R. WARNER
United States Senator



BENJAMIN L. CARDIN
United States Senator



CHRIS VAN HOLLEN
United States Senator



TIM KAINÉ
United States Senator