

United States Senate

WASHINGTON, DC 20510

June 11, 2015

The Honorable Jeh Johnson
Secretary
U.S. Department of Homeland Security
Washington, DC 20528

The Honorable Shaun Donovan
Director
Office of Management and Budget
725 17th Street, NW
Washington, DC 20503

Ms. Denise Turner Roth
Acting Administrator
The General Services Administration
1800 F Street, NW
Washington, DC 20405

Dear Secretary Johnson, Director Donovan and Acting Administrator Roth:

Yesterday, U.S. Citizenship and Immigration Services (USCIS) notified the Senate Judiciary Committee and Homeland Security and Governmental Affairs Committee that the agency would convert a facility in Crystal City, Virginia – which was slated to house the bureaucracy tasked with implementing the President’s controversial Deferred Action for Parents of Americans and Lawful Permanent Residents (DAPA) executive amnesty program – to a general Service Center. Because of the ongoing injunction on the implementation of DAPA, this facility has been sitting idle despite the fact that the government has already poured into the facility millions of dollars to pay for rent, furnishings, and utilities, and is expected to spend over \$26 million in total to stand up the facility¹. Now the agency has notified key Congressional committees that it plans to convert the Crystal City facility into a new Service Center for USCIS operations and adjudications. We are concerned that these decisions have not undergone proper scrutiny or formal contracting requirements to ensure that it is not only a prudent use of agency resources, but also a legal one.

It appears USCIS intends to circumvent Congress yet again, this time by not consulting with Congress or the public regarding the designation of a new Service Center. Following the passage of the Immigration Reform and Control Act of 1986, the Immigration and Naturalization Service (INS) established four Service Centers in California, Texas, Nebraska and Vermont to process benefits applications arising from that legislation. The Service Centers were established as a direct result of Congress passing a legalization program and expanding benefits to a certain defined class. USCIS’ decision to unilaterally establish and open another Service Center –

¹ USCIS Responses to Questions in the January 22, 2015 Letter from Senators Grassley, Johnson, and Sessions.

without prior congressional consultation and despite the passage of any law that expands authority to grant benefits to foreign nationals – calls into question the need for such a center, whether taxpayers and legal immigrants will be unjustly harmed, and whether such a center is being established, in potential violation of the injunction issued by the District Court in Texas, to put hundreds of adjudicatory personnel in place in order to immediately implement the DAPA program were the injunction to be lifted.

Perhaps most importantly, USCIS has not explained why it even needs a fifth Service Center. Before USCIS moves forward with a plan to turn this facility into a new Service Center, or to renew the lease currently in place, we request the following information and ask that you provide answers to the following questions:

To USCIS:

1. Please provide a copy of the occupancy agreement signed between USCIS and GSA, including any relevant documents or communications between USCIS and GSA concerning the facility in Crystal City.
2. Who owns the Crystal City facility?
3. Will the Crystal City Service Center be under a lease agreement or will the agency purchase the facility from the current owner? Please explain.
4. What funds will be used to pay for stand-up costs? What is the anticipated cost?
5. What funds will be used to pay for subsequent operational costs, including personnel, equipment, and utilities? What is the anticipated cost?
6. Will USCIS use any funds in its cash reserve to start up the Service Center or fund its operations? Please provide detailed budget reports.
7. Does USCIS plan to expand existing space requirements in locations across the country to support its normal operations? If so, where?
8. Before notifying the Judiciary Committee of its decision to establish a new service center, did the agency coordinate with the GSA or OMB? Did USCIS submit the lease to OMB for review under OMB Circular A-11? If so, when? If not, why not?
9. Is the existing lease, or any future lease of this property, going to be considered an operating lease or a capital lease?
10. Why does USCIS need a new service center? What factors led to USCIS to conclude that it needed a new Service Center?
11. What categories of cases does USCIS plan to handle at the new Service Center?
12. How long does USCIS plan to operate the Service Center at this location?
13. USCIS informed the Committee that it will hire 750 staff to work at the Crystal City facility. If the injunction on implementation of DAPA is lifted, would any of the staff at the new Service Center be re-directed to work on DAPA adjudications? If so, it would appear that the hiring of the 750 staff – nominally to work on regular service center adjudications, but in reality hired to be in place to implement DAPA immediately upon any lifting of the injunction – would constitute a potential violation of the injunction prohibiting any preparatory work on DAPA implementation.

TO OMB and GSA:

14. Is USCIS adhering to all contracting requirements under the law in establishing this Service Center?
15. Did USCIS submit the lease to OMB for review under OMB Circular A-11?
16. Is the existing lease, or any future lease of this property, going to be considered an operating lease or a capital lease? If this is a capital lease, will funding be provided to the owner upfront?
17. Is establishing a Service Center in Crystal City, Virginia, as opposed to a less expensive location in the country, the most cost effective for taxpayers?
18. Has either OMB or GSA performed an analysis of the commercial real estate market in Crystal City, Virginia, as compared to commercial real estate markets elsewhere in the country, to determine whether the establishment of a 750-person USCIS Service Center in that market is fiscally rational?
19. Have locations other than Crystal City, Virginia even been considered for the proposed new Service Center? If so, please provide details. If not, why not?

Thank you for your attention to this matter. Please provide answers to the questions raised in this letter no later than June 20, 2015.

Sincerely,

Chuck Grassley

Orin Hatch

Jeff Sessions

David A. Perdue

Debbie Wasserman Schultz

Ron Johnson

John Cornyn

Julie M. Miller

Mark E. Roth