

United States Senate

WASHINGTON, DC 20510

May 18, 2021

VIA ELECTRONIC TRANSMISSION

Hon. Thomas J. Vilsack
Secretary
U.S. Department of Agriculture
1200 Pennsylvania Ave., NW
Washington, DC 20004

Dear Secretary Vilsack,

According to recent news reports, the U.S. Department of Agriculture (USDA) plans to send five hundred staff to the southern border to assist the Department of Health and Human Services (HHS) with the care and placement of unaccompanied alien children (UAC).¹ USDA leaders have been actively involved in efforts to recruit staff for the voluntary deployment. On April 22, 2021, USDA's Natural Resources Conservation Service (NRCS) held an information session for staff regarding the volunteer opportunity that was attended by the USDA Assistant Secretary for Administration.² Following the session, Acting NRCS Chief Terry Cosby e-mailed staff to "urge [them] to seriously consider answering this call to service" and stress that he has "thrown [his] full support behind [the] Departmental and Administration effort...".³ In the e-mail, Acting Chief Cosby also stated that there was a "strong response from NRCS attendees" at the information session.⁴

It is unclear why leaders at the USDA and NRCS believe they have so many employees to spare. During recent years, NRCS staffing levels have been on the decline, and a significant number of positions have gone unfilled.⁵ At the same time, farmers and ranchers across the country in states such as Iowa depend on the NRCS, including scientists based in their local county offices, to be readily available to help them solve problems and provide technical assistance when they need it. Further, if annual budgetary appropriations for the USDA and the NRCS are set at appropriate levels, Congress has provided funding for no more regular staff than the USDA requires to fulfill its mission of "provid[ing] leadership on food, agriculture, natural resources, rural development, nutrition, and related issues" or than the NRCS requires to fulfill its responsibility of "provid[ing] America's farmers and ranchers with financial and technical assistance to voluntarily put conservation on the ground...".⁶

¹ Audrey Conklin, "USDA sending 500 volunteers to Mexico border, expected to work 12-hour shifts without training: report" *Fox News* (April 29, 2021), available at <https://www.foxnews.com/politics/usda-volunteers-mexico-border-migrant-children>.

² Amber Athey, "Exclusive: Biden admin sending 500 USDA employees to assist with border crisis" *The Spectator* (April 28, 2021), available at <https://spectator.us/topic/leaked-documents-biden-administration-usda-border-crisis/>.

³ *Id.*

⁴ *Id.*

⁵ Megan Stubbs, "FY 2021 Appropriations for Agricultural Conservation" CRS Report R46728 (March 19, 2021).

⁶ "About the U.S. Department of Agriculture," available at <https://www.usda.gov/our-agency/about-usda>; "About NRCS," available at <https://www.nrcs.usda.gov/wps/portal/nrcs/main/national/about/>.

The USDA has said that it expects “no disruption in service” to its customers.⁷ According to a spokesperson, “[t]hose who are accepted to volunteer will work with their supervisors to ensure their duties are assigned to other staff for the duration of the volunteer assignment ensuring continuity of service; some will perform a portion of their duties remotely[.]”⁸ However, it is unclear how much remote work will actually be possible in light of indications that HHS may require its volunteers to work up to 12 hour shifts and put in a significant amount of overtime.⁹ Further, USDA’s decision to compensate for staff shortages by spreading work to other employees raises additional questions regarding overtime costs and the specific offices from which volunteers will be drawn. Some NRCS county offices operate with limited staff under normal conditions, and the removal of even a small number of employees could be strongly felt.

It is important for Congress to ensure that federal resources are allocated in a cost effective manner and that federal tax dollars are not being wasted. It is also important to ensure that measures taken to address the border crisis do not affect the ability of federal agencies to carry out their statutorily mandated functions.

In order to clarify the scope of the USDA’s contribution to HHS’s request for assistance and the extent to which staff deployments may affect the USDA’s ability to carry out its mission, please respond to the following no later than June 1, 2021.

1. How many USDA employees are currently detailed to HHS in association with the request for volunteers to assist in the care of UAC? How many are scheduled to be detailed in the future?
2. Please provide a list of the job positions, descriptions, and salaries of those who have been accepted for staff deployments to assist HHS with the care of UAC. Please include the length of each staff member’s deployment.
3. Has the USDA set a cap on the number of employees who may serve detail assignments to HHS at any given time? Has the USDA set separate caps for individual offices, agencies, and other divisions within the USDA? Please provide all related documentation.
4. Please provide copies of all formal announcements sent to USDA employees regarding the HHS detail opportunity.
5. Have formal or informal directives been issued within the USDA’s various offices indicating that certain categories of employees are eligible or ineligible to volunteer for the aforementioned detail assignment, or that certain employees are encouraged or discouraged from volunteering for the assignment based on their job titles and responsibilities? Please provide all related documentation.

⁷ Audrey Conklin, “USDA sending 500 volunteers to Mexico border, expected to work 12-hour shifts without training: report” *Fox News* (April 29, 2021), available at <https://www.foxnews.com/politics/usda-volunteers-mexico-border-migrant-children>.

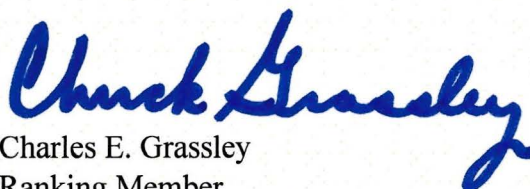
⁸ *Id.*

⁹ *Id.*; see also *Field Program Specialist*, USA JOBS (Mar. 25, 2021), <https://www.usajobs.gov/GetJob/ViewDetails/596318100>.

6. Please provide copies of all formal agreements between USDA and other federal agencies relating to payment and reimbursement of USDA employees' salaries during periods while they are detailed to HHS.
7. Is the USDA incurring any costs as a result of staff member deployments that are not fully covered by HHS? If so, please explain and provide all relevant amounts.
8. Are staff deployments to HHS for purposes of assisting in the care of UAC affecting the USDA's ability to carry out its statutory mission?
 - a. If yes, please describe the nature and extent of the impact.
 - b. If no, for each staff member deployed, please describe the normal responsibilities of the staff member, the way in which the staff member's normal duties contribute to USDA's fulfillment of its statutory mission, and the steps the USDA is taking to ensure that the staff member's duties are fulfilled during their deployment.
 - a. If one or more USDA staff members have assumed the deployed staff member's responsibilities during their absence, please describe those staff members' normal responsibilities, the way in which those staff members' normal duties contribute to USDA's fulfillment of its statutory mission, and the steps the USDA has taken to ensure that those normal duties are fulfilled while the employees are filling in for the employee who was deployed to assist HHS.
 - b. If the answer involves USDA employees who are not deployed putting in overtime, please describe the nature and extent of overtime costs incurred.
 - c. If the answer involves hiring additional temporary staff, please describe the costs incurred and the source of funds used to pay the temporary staff.
9. What benefit, if any, is the USDA receiving as a result of staff deployments to HHS?

Thank you for your attention to this important matter. Should you have questions, please contact Daniel Parker of Ranking Member Grassley's Judiciary Committee staff at 202-224-5225 or Andrew Rezendes of Ranking Member Boozman's Agriculture, Nutrition, and Forestry Committee staff at 202-224-2035.

Sincerely,



Charles E. Grassley
Ranking Member
Senate Committee on the Judiciary



John Boozman
Ranking Member
Senate Committee on Agriculture,
Nutrition, & Forestry