

**Congress of the United States**  
**Washington, DC 20515**

June 5, 2017

The Honorable Kathleen McGettigan  
Acting Director, Office of Personnel Management  
1900 E Street NW  
Washington, D.C. 20415

Dear Acting Director McGettigan,

The Constitution created the House of Representatives as part of a co-equal branch of government, made up of directly elected Representatives of the people. Every Representative, regardless of political party, has a responsibility to serve his or her constituents, just as the administration has a responsibility to serve every American, regardless of who they voted for.

We write to you today to request a written response to our New Democrat Coalition Cybersecurity Task Force letter dated May 1, 2017 about the federal cybersecurity hiring and training process, and to tell you that we have reason to believe that the Office of Personnel Management (OPM) has implemented a policy that could prevent Members of Congress from fulfilling our Constitutional responsibilities. Because it is our understanding that this policy prohibits OPM from responding, as explained below, we have also sent a copy of this letter to OPM's Acting Inspector General, Norbert E. Vint, to ensure that he is aware of this situation.

On May 1, 2017, we wrote to inquire about the federal cybersecurity hiring and training process and express our desire to work with OPM to help improve that process. On May 9, 2017, a member of Rep. Rice's staff spoke by phone with OPM's Acting Director of Congressional, Legislative & Intergovernmental Affairs, Janel Fitzhugh. Ms. Fitzhugh told Rep. Rice's staffer that OPM would not respond to our letter, because a new policy at OPM prohibits them from responding to any letter that has not been signed by a Committee Chairman. On a subsequent phone call, Ms. Fitzhugh added that a letter signed by a Subcommittee Chairman would also allow for a response under this policy. In effect, such a policy would permit OPM to respond to a letter only if it has been signed by a Republican. Ms. Fitzhugh also told Rep. Rice's staffer that this new policy had been put in place by OPM's new Chief of Staff, Jason Simmons.

On May 15, 2017, Rep. Rice's staff-member emailed Ms. Fitzhugh asking her to confirm in writing what she had previously said on the phone – that OPM would not respond to our letter unless it was signed by a Committee or Subcommittee Chairman, as per their new policy. Ms. Fitzhugh did not respond to this email, though she did reiterate to Rep. Rice's staffer in a subsequent phone call that this was in fact OPM's policy.

If what Ms. Fitzhugh said is accurate, it would suggest that official OPM policy prevents federal agencies from communicating with Democratic members of Congress – an alarming and overt politicization of the most basic aspects of government.

While we are not members of the President's political party, we have a responsibility to work with this administration – as we would with any administration – on issues where we can find common ground, and we believe cybersecurity is such an issue. If this administration is categorically prohibiting basic communication with Democrats, then they are prioritizing politics and loyalty over national security and common sense, and making it nearly impossible for members of Congress to do our jobs.

In light of the events detailed above, we request that you answer the following questions in writing and provide relevant documentation as soon as possible.

- 1.) **Is it now or has it ever been OPM's policy not to respond to a letter from members of Congress unless it has been signed by a Committee or Subcommittee Chairman or Chairwoman?**
- 2.) **If so, when was this policy enacted, and by whom? How was this policy communicated to OPM personnel? Has this policy been put into writing? Please provide any relevant documentation (emails, written correspondence, employee policy manuals, etc.).**
- 3.) **If this is in fact OPM's policy, was Mr. Simmons or anyone else at OPM ordered by the White House to implement it?**
- 4.) **Are you aware of any other federal departments or agencies that have implemented this policy? If so, please provide the names of those departments or agencies and any relevant documentation.**
- 5.) **Will OPM respond in writing to the letter we sent on May 1<sup>st</sup> regarding the federal cybersecurity hiring and training process? If so, by what date can we expect a written response?**

Please respond to the questions above and provide any relevant documents as soon as possible. If we have not received a written response by Monday, June 12, 2017 or been notified that a written response is forthcoming, we will follow up with OPM's Acting Inspector General at that time.

Sincerely,



KATHLEEN M. RICE  
Member of Congress



DEREK KILMER  
Member of Congress

CC: Acting Inspector General Norbert E. Vint