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United States Senate

COMMITTEE ON APPROPRIATIONS
WASHINGTON, DC 20510-6025
<http://appropriations.senate.gov>

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March 6, 2025

The Honorable Howard Lutnick
Secretary
U.S. Department of Commerce
1401 Constitution Ave NW
Washington, DC 20230

Dear Secretary Lutnick:

On February 26, 2025, I wrote you with a simple warning: the termination of thousands of Department of Commerce employees would be flatly illegal. Much to my dismay – and to the dismay of thousands of Federal employees and the millions of Americans who rely on the services they provide – this warning went unheeded. The following day, hundreds of employees at the National Oceanic and Atmospheric Administration (NOAA) were illegally and indiscriminately fired without cause. Fired employees received an email stating that: “the Agency finds that you are not fit for continued employment because your ability, knowledge and/or skills do not fit the Agency’s current needs.” This is clearly false, as many terminated employees have positive performance reviews and were working on weather prediction or other critical missions to protect life and property. Other bureaus at the Department of Commerce (Department) also terminated employees in a similar fashion, including the National Institute of Standards and Technology and the U.S. Patent and Trademark Office.

These actions violate civil service and appropriations law, as well as the Office of Personnel Management regulations. The Commerce, Justice, Science, and Related Agencies (CJS) Appropriations Act requires notifications of any such proposed terminations. Far from complying with the law’s notification requirement, the Committee has not heard anything from the Department on this matter, despite repeated requests for information. That the Department failed to merely notify the Committee underscores the utter contempt this administration has shown for Congress, the rule of law, and the American people.

While I understand the administration is already backtracking on some of these actions due to both legal proceedings and general poor planning, as Ranking Member of the Senate CJS Appropriations Subcommittee, I would like additional information to better understand the impact of the Department’s actions on the agency budgets and missions. Please provide the following information no later than March 12, 2025.

- A list of probationary employees that were terminated, broken out by bureau, and for NOAA, broken out by line office. Please include each individual's position, specialties, and rationale for dismissal; documentation sufficient to substantiate the rationale for dismissal; time in current (or most recent) role; total time in federal service; and veteran status. Further, also include a list of any employees were terminated and subsequently reinstated or rehired and the positions.
- An analysis of the impact the terminations will have on Department missions, including weather prediction capabilities, space situational awareness through the Office of Space Commerce, and fisheries surveys.
- The fiscal costs of the terminations to the affected bureaus.
- The CJS Subcommittee did not receive the required notification under Section 505 of Title V, Division C of Public Law 118–42—a provision that remains law under the American Relief Act, 2025 (Public Law 118–158)—nor have the opportunity to approve or deny. How does the Department justify these violations of law?
- How do these terminations comport with the six “John Doe” stay orders issued on February 25, 2025, by the Merit Services Protection Board (MSPB) and with the March 5, 2025, MSPB stay order requiring the United States Department of Agriculture to rescind the terminations of more than five thousand probationary employees?
- How do these terminations comport with the February 28, 2025, Northern District of California Court order regarding the administration's unlawful termination of probationary employees?

Further, I am greatly concerned about the Department and the General Services Administration (GSA), at the direction of the White House and the so-called “Department of Government Efficiency”, canceling Federal leases without considering the impact to bureau missions. As a reminder, the Department has a legal obligation to notify the Senate and House Committees on Appropriations under Section 505 of Title V, Division C of Public Law 118–42—a provision that remains law under the American Relief Act, 2025 (Public Law 118–158)—before proposing to relocate or to reorganize an office. As of today, no notification has been sent by the Department to the Committees on Appropriations for approval or objection. I would like additional information regarding, specifically:

- A complete accounting of all GSA-managed leases for the Department, broken up by bureau and NOAA line office as of January 19, 2025.
- A list of any of the Department's GSA-managed leases canceled since then.
- Any other of the Department's GSA-managed leases that are or have been considered for cancelation by this administration.
- An analysis of the impact on Departmental missions, including on weather prediction capabilities, of any terminated leases and the potential impact of any lease cancelations under consideration.

Again, I reiterate that I would welcome the opportunity to meet with you to discuss these matters at your earliest convenience. As always, please contact me or my staff with any follow-up questions or if you need clarification.

Sincerely,

A handwritten signature in blue ink that reads "Chris Van Hollen". The signature is fluid and cursive, with the first name "Chris" being the most prominent.

Chris Van Hollen
Ranking Member
Subcommittee on Commerce, Justice, Science, and Related Agencies