



UNITED STATES OFFICE OF PERSONNEL MANAGEMENT
Washington, DC 20415

Employee Services

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

Dear Director Vought:

This letter responds to the Office of Management and Budget's request dated November 20, 2020, to place positions under Schedule F of the excepted service in accordance with [Executive Order 13957](#) titled, "Creating Schedule F in the Excepted Service." The Office of Personnel Management has reviewed the request and has approved all positions with the exception of the positions listed below:

- Policy Analyst, PMF, 301, GS-11 (RF00484 (PMF/Schedule D))
- Program Examiner, PMF, 301, GS-11 (RF00488 (PMF/Schedule D))
- Program Examiner, PMF, 301, GS-12 (RF00489 (PMF/Schedule D))
- Legislative Analyst, PMF, 301, GS-11 (RF00785 (PMF/Schedule D))

I appreciate the opportunity to respond to your interest in this matter. If you have any further questions, please have your staff contact Ms. Kimberly A. Holden, Deputy Associate Director Talent Acquisition and Workforce Shaping at (202) 418-3218 or via email at [\(b\) \(6\)@opm.gov](mailto:(b) (6)@opm.gov).

Sincerely,

DENNIS
KIRK

Digitally signed by
DENNIS KIRK
Date: 2021.01.11
15:09:21 -05'00'

Dennis Dean Kirk, Esq.
Associate Director

Enclosures

List of OPM Approved OMB Positions for Schedule F

Position Title	Agency Identified Schedule F Criteria	Number of Positions
Program Examiner, 0301, GS-15 (94097)	<ul style="list-style-type: none"> • Policy-determining • Policy-advocating 	1
Administrative Support Assistant, 0303, GS-11 (RFASA11)	<ul style="list-style-type: none"> • Confidential 	1
Budget Information Management Specialist, 501, GS-15 (RF00036)	<ul style="list-style-type: none"> • Confidential • Policy-advocating 	1
Budget Information Management Specialist, 560, GS-15 (RF198.4230)	<ul style="list-style-type: none"> • Confidential 	1
Budget Methods Specialist, 501, GS-15 (RF00067)	<ul style="list-style-type: none"> • Policy making • Policy-advocating 	1
Budget Methods Specialist, 501, GS-12 (RF00067C)	<ul style="list-style-type: none"> • Policy making • Policy-advocating 	1
Budget Methods Specialist, 560, GS-15 (RF00686)	<ul style="list-style-type: none"> • Policy making • Policy-advocating 	1
Budget Preparation Specialist, 0303, GS-15 (RF163, RF129, RF018)	<ul style="list-style-type: none"> • Policy making • Policy-advocating 	1
Budget Preparation Specialist, 501, GS-12 (RF00054)	<ul style="list-style-type: none"> • Policy making • Policy-advocating 	1
Budget Preparation Specialist, 501, GS-15 (RF00057)	<ul style="list-style-type: none"> • Policy making • Policy-advocating 	2
Budget Preparation Specialist, 501, GS-15 (RF00710)	<ul style="list-style-type: none"> • Policy making • Policy-advocating 	1
Budget Preparation Specialist, 501, GS-15 (RF00782)	<ul style="list-style-type: none"> • Policy making • Policy-advocating 	1
Economist, 110, GS-11 (RF00060)	<ul style="list-style-type: none"> • Policy making • Policy-advocating 	0
Economist, 110, GS-12 (RF00061)	<ul style="list-style-type: none"> • Policy making • Policy-advocating 	0
Economist, 110, GS-13 (RF00062)	<ul style="list-style-type: none"> • Policy making • Policy-advocating 	2
Economist, 110, GS-14 (RF00063)	<ul style="list-style-type: none"> • Confidential • Policy-advocating 	2
Economist, 110, GS-15 (RF00064)	<ul style="list-style-type: none"> • Confidential • Policy-advocating 	2

Position Title	Agency Identified Schedule F Criteria	Number of Positions
General Attorney, 0905, GS-15 (RF612)	<ul style="list-style-type: none"> • Confidential • Policy-determining • Policy making • Policy-advocating 	1
General Attorney, 905, GS-12 (RF00552)	<ul style="list-style-type: none"> • Confidential • Policy-advocating 	0
General Attorney, 905, GS-14 (RF00554)		1
General Attorney (905, GS-15) (RF00555)		6
General Attorney (905, GS-15) (RF90034)	<ul style="list-style-type: none"> • Confidential • Policy-determining • Policy making • Policy-advocating 	1
General Attorney (905, GS-15) (RF900553)	<ul style="list-style-type: none"> • Confidential • Policy-advocating 	0
Information Technology Specialist (INFOSEC) (2210, GS-14) (RF00174)		1
Information Technology Specialist (INFOSEC) (2210, GS-15) (RF00173)		2
IT Cybersecurity Specialist (INFOSEC), 2210, GS-15 (RF00769)	<ul style="list-style-type: none"> • Policy making • Policy-advocating 	0
IT Cybersecurity Specialist (INFOSEC), 2210, GS-14 (RF00770)	<ul style="list-style-type: none"> • Policy making • Policy-advocating 	1 + 1 vacancy
IT Cybersecurity Specialist (INFOSEC), 2210, GS-13 (RF00771)	<ul style="list-style-type: none"> • Policy making • Policy-advocating 	2 vacancies
IT Cybersecurity Specialist (INFOSEC), 2210, GS-12 (RF00772)	<ul style="list-style-type: none"> • Policy making • Policy-advocating 	0 (vacant)

Position Title	Agency Identified Schedule F Criteria	Number of Positions
ITOR Chief of Staff Office Manager, 301, GS-15 (RF00705)	<ul style="list-style-type: none"> • Confidential • Policy making • Policy-advocating 	1
ITOR OFCIO Information Technology Specialist (INFOSEC), 2210, GS-12 (RF00228)	<ul style="list-style-type: none"> • Confidential • Policy making • Policy-advocating 	0 (vacant)
ITOR OFCIO Information Technology Specialist (INFOSEC), 2210, GS-13 (RF00227)	<ul style="list-style-type: none"> • Confidential • Policy making • Policy-advocating 	4
ITOR Office Manager, 0303, GS-10 (RF00031)	<ul style="list-style-type: none"> • Confidential 	1
ITOR Supervisory IT Cybersecurity Specialist (INFOSEC), 2210, GS-15 (RF00707)	<ul style="list-style-type: none"> • Confidential • Policy making • Policy-advocating 	2
Supervisory IT Specialist, 2210, GS-15 (RF00288)	<ul style="list-style-type: none"> • Confidential • Policy making • Policy-advocating 	1
Supervisory Policy Analyst, 301, GS-15 (RF00695)	<ul style="list-style-type: none"> • Confidential • Policy making • Policy-advocating 	2
Performance Manager, 0301, GS-15 (RF00069)	<ul style="list-style-type: none"> • Confidential • Policy making • Policy-advocating 	2
Performance Manager, 0301, GS-13 (RF00076)	<ul style="list-style-type: none"> • Confidential • Policy making • Policy-advocating 	1
Performance Manager, 301, GS-15 (RF00625)	<ul style="list-style-type: none"> • Confidential • Policy making • Policy-advocating 	2
Performance Manager, 301, GS-14 (RF00626)	<ul style="list-style-type: none"> • Confidential • Policy making • Policy-advocating 	2
Procurement Analyst, 1102, GS-14 (RF00560)	<ul style="list-style-type: none"> • Confidential • Policy-determining • Policy making • Policy-advocating 	1

Position Title	Agency Identified Schedule F Criteria	Number of Positions
Procurement Analyst, 1102, GS-15 (RF00561)	<ul style="list-style-type: none"> • Confidential • Policy-determining • Policy making • Policy-advocating 	2
Program Examiner, 0301, GS-15 (RF023)	<ul style="list-style-type: none"> • Policy-determining • Policy-advocating • Policy making • Confidential 	5
Program Specialist, 0301, GS-09 (RF00030)	<ul style="list-style-type: none"> • Policy-advocating 	1
Budget Preparation Specialist, 0501, GS-13 (BRD) (RF00055)	<ul style="list-style-type: none"> • Confidential • Policy-advocating 	1
Budget Preparation Specialist, 0501, GS-14 (BRD) (RF00056)	<ul style="list-style-type: none"> • Confidential • Policy-advocating 	2
Correspondence and Records Management Specialist, 0301, GS-11 (MOD) (RF00074)	<ul style="list-style-type: none"> • Confidential 	1
Digital Services Expert, 0301, GS-15 (E-Government Office) (RF00172)	<ul style="list-style-type: none"> • Policy-determining • Policy-advocating 	42 + 18 vacancies
Toxicologist or Epidemiologist, 0415, GS-15 (OIRA) (RF00230)	<ul style="list-style-type: none"> • Policy-determining • Policy-advocating 	1
Digital Services Expert, 0301, GS-14 (E-Government Office) (RF00252)	<ul style="list-style-type: none"> • Policy-determining • Policy-advocating 	1
Human Capital Director, 0301, GS-15 (MOD) (RF00274)	<ul style="list-style-type: none"> • Confidential 	1
Management Analyst (Acquisition Innovation), 0343, GS-15 (OFPP) (RF00276)	<ul style="list-style-type: none"> • Policy-determining • Policy-advocating 	1
Digital Services Expert (Product Comms and Strategic Engagement), 0301, GS-15 (USDS) (RF00302)	<ul style="list-style-type: none"> • Policy-determining • Policy-advocating 	11
Digital Services Expert (Digital Services Expert (Acquisition Strategist)), 0301, GS-15 (USDS) (RF00310)	<ul style="list-style-type: none"> • Policy-determining • Policy-advocating 	3
Supervisory Digital Services Expert, 0301, GS-15 (USDS) (RF00342)	<ul style="list-style-type: none"> • Confidential 	6
Legal Support Specialist (FOIA Officer), 0301, GS-12 (OGC) (RF00478)	<ul style="list-style-type: none"> • Confidential 	1

Position Title	Agency Identified Schedule F Criteria	Number of Positions
Program Examiner, 0301, GS-09 (RF00497)	<ul style="list-style-type: none"> • Policy-determining • Policy-advocating • Policy making • Confidential 	0
Program Examiner, 0301, GS-11 (RF00498)	<ul style="list-style-type: none"> • Policy-determining • Policy-advocating • Policy making • Confidential 	3
Program Examiner, 0301, GS-12 (RF00499)	<ul style="list-style-type: none"> • Policy-determining • Policy-advocating • Policy making • Confidential 	14
Program Examiner, 0301, GS-13 (RF00500)	<ul style="list-style-type: none"> • Policy-determining • Policy-advocating • Policy making • Confidential 	24
Program Examiner, 0301, GS-14 (RF00501)	<ul style="list-style-type: none"> • Policy-determining • Policy-advocating • Policy making • Confidential 	39
Program Examiner, 0301, GS-15 (RF00502)	<ul style="list-style-type: none"> • Policy-determining • Policy-advocating • Policy making • Confidential 	29
Budget Information Support Manager, 0301, GS-15 (BRD) (RF00507)	<ul style="list-style-type: none"> • Confidential • Policy making 	0
Digital Services Expert (Digital Services Expert (Acquisition Strategist)), 0301, GS-14 (USDS) (RF00522)	<ul style="list-style-type: none"> • Policy-determining • Policy-advocating 	0
Program Specialist, 0301, GS-09 (Health Division) (RF00596)	<ul style="list-style-type: none"> • Policy-advocating 	1
Executive Assistant, 0301, GS-11 (MOD) (RF00601)	<ul style="list-style-type: none"> • Confidential 	1
Digital Services Expert (Digital Talent Specialist), 301, GS-12 (USDS) (RF00604)	<ul style="list-style-type: none"> • Policy-determining • Policy-advocating • Policy making 	2

Position Title	Agency Identified Schedule F Criteria	Number of Positions
Digital Services Expert (Digital Talent Specialist), 301, GS-13 (USDS) (RF00605)	<ul style="list-style-type: none"> • Policy-determining • Policy-advocating • Policy making 	1
Digital Services Expert (Talent Mgmt & Recr.), 301, GS-15 (USDS) (RF00611)	<ul style="list-style-type: none"> • Policy-determining • Policy-advocating • Policy making 	5
Digital Services Expert (Talent Mgmt & Recr.), 301, GS-14 (USDS) (RF00612)	<ul style="list-style-type: none"> • Policy-determining • Policy-advocating • Policy making 	1
IT Category Management Specialist, 0301, GS-15 (OFPP) (RF00614)	<ul style="list-style-type: none"> • Policy-advocating • Policy-advocating 	1
Administrative Support Specialist (Legal), 0301, GS-12 (OGC) (RF00615)	<ul style="list-style-type: none"> • Confidential 	1
Digital Services Expert (Product Comms and Strategic Engagement), 0301, GS-12 (USDS) (RF00619)	<ul style="list-style-type: none"> • Policy-determining • Policy-advocating 	1
Executive Assistant, 0301, GS-11 (USDS) (RF00651)	<ul style="list-style-type: none"> • Confidential 	1
Digital Services Expert (Technical Operations), 301, GS-13 (USDS) (RF00670)	<ul style="list-style-type: none"> • Policy-determining • Policy-advocating • Policy making 	3
Consultant, 301, EF-00 (USDS) (RF00693)	<ul style="list-style-type: none"> • Policy-advocating • Policy making 	2
Program Examiner, 0301, GS-13 (RF00715) (Schedule A)	<ul style="list-style-type: none"> • Policy-determining • Policy-advocating • Policy making • Confidential 	1
Senior Advisor to the Deputy Administrator and Chief of Staff, 0301, GS-15 (OIRA) (RF00726)	<ul style="list-style-type: none"> • Policy-determining • Policy-advocating 	0 (vacant)
Digital Services Expert (COVID 19), 301, GS-15 (USDS) (RF00762)	<ul style="list-style-type: none"> • Policy-determining • Policy-advocating • Policy making 	1

Position Title	Agency Identified Schedule F Criteria	Number of Positions
Accountant, 0510, GS-15 (OFPP) (RF00783)	<ul style="list-style-type: none"> • Policy-determining • Policy-advocating 	0 (vacant)
Budget Officer, 0560, GS-15 (MOD) (RF95089)	<ul style="list-style-type: none"> • Confidential 	1
Program Examiner, 0301, GS-14 (RFPE14)	<ul style="list-style-type: none"> • Policy-determining • Policy-advocating • Policy making • Confidential 	1
Program Examiner, 0301, GS-15 (RFPE15)	<ul style="list-style-type: none"> • Policy-determining • Policy-advocating • Policy making • Confidential 	33
Policy Analyst, 0301, GS-15 (RF131)	<ul style="list-style-type: none"> • Policy-determining • Policy-advocating • Policy making • Confidential 	2
Associate Administrator for Workforce Programs, SL-301-00 (RF00543)	<ul style="list-style-type: none"> • Confidential • Policy-determining • Policy making • Policy-advocating 	1
Associate General Counsel, SL-905-00 (RF00409)	<ul style="list-style-type: none"> • Confidential • Policy making • Policy-advocating 	1
Budget Officer, 560, GS-15 (95089)	<ul style="list-style-type: none"> • Confidential 	1
Government Information Specialist, 0306, GS-11 (RF00573)	<ul style="list-style-type: none"> • Confidential 	1
Government Information Specialist, 0306, GS-13 (RF00515)	<ul style="list-style-type: none"> • Confidential 	1
IT Specialist, 2210, GS-15 (RF00510)	<ul style="list-style-type: none"> • Confidential • Policy making • Policy-advocating 	1
Learning and Development Specialist, 1701, GS-13 (RF00749)	<ul style="list-style-type: none"> • Confidential • Policy making • Policy-advocating 	1
Legislative Analyst, 0301, GS-15 (RF00253)	<ul style="list-style-type: none"> • Confidential • Policy making • Policy-advocating 	3

Position Title	Agency Identified Schedule F Criteria	Number of Positions
OFCIO Policy Analyst (GS-0301-09) (RF00745)	<ul style="list-style-type: none"> • Confidential • Policy making • Policy-advocating 	2
OFCIO Policy Analyst (GS-0301-11) (RF00744)	<ul style="list-style-type: none"> • Confidential • Policy making • Policy-advocating 	0
OFCIO Policy Analyst (GS-0301-12) (RF00743)	<ul style="list-style-type: none"> • Confidential • Policy making • Policy-advocating 	1
OFCIO Policy Analyst (GS-0301-13) (RF00285)	<ul style="list-style-type: none"> • Confidential • Policy making • Policy-advocating 	0 (vacant)
OFCIO Policy Analyst (GS-0301-14) (RF00284)	<ul style="list-style-type: none"> • Confidential • Policy making • Policy-advocating 	2
OFCIO Policy Analyst (GS-0301-15) (RF00283)	<ul style="list-style-type: none"> • Confidential • Policy making • Policy-advocating 	1
Policy Analyst (GS-0301-11) (RF00484 BAB)	<ul style="list-style-type: none"> • Confidential • Policy making • Policy-advocating • Confidential 	1
Policy Analyst (GS-0301-11) (RF00575)	<ul style="list-style-type: none"> • Confidential • Policy making • Policy-advocating 	1
Policy Analyst (GS-0301-12) (RF00576)	<ul style="list-style-type: none"> • Confidential • Policy making • Policy-advocating 	0
Policy Analyst (GS-0301-12) (RF00630)	<ul style="list-style-type: none"> • Confidential • Policy making • Policy-advocating 	2
Policy Analyst (GS-0301-13) (RF00366)	<ul style="list-style-type: none"> • Confidential • Policy-determining • Policy making • Policy-advocating 	1

Position Title	Agency Identified Schedule F Criteria	Number of Positions
Policy Analyst (GS-0301-13) (RF00548)	<ul style="list-style-type: none"> • Confidential • Policy making • Policy-advocating • 	1
Policy Analyst (GS-0301-13) (RF00577)	<ul style="list-style-type: none"> • Confidential • Policy making • Policy-advocating • 	5
Policy Analyst (GS-0301-13) (RF00631)	<ul style="list-style-type: none"> • Confidential • Policy making • Policy-advocating 	2
Policy Analyst (GS-0301-14) (RF00367)	<ul style="list-style-type: none"> • Confidential • Policy-determining • Policy making • Policy-advocating 	1
Policy Analyst (GS-0301-14) (RF00547)	<ul style="list-style-type: none"> • Confidential • Policy-determining • Policy making • Policy-advocating 	2
Policy Analyst (GS-0301-14) (RF00578)	<ul style="list-style-type: none"> • Confidential • Policy-determining • Policy making • Policy-advocating 	7
Policy Analyst (GS-0301-14) (RF00591)	<ul style="list-style-type: none"> • Confidential • Policy making • Policy-advocating 	1
Policy Analyst (GS-0301-15) (RF176)	<ul style="list-style-type: none"> • Confidential • Policy making • Policy-advocating 	1
Policy Analyst (GS-0301-15) (RF00368)	<ul style="list-style-type: none"> • Confidential • Policy-determining • Policy making • Policy-advocating 	4
Policy Analyst (GS-0301-15) (RF00546)	<ul style="list-style-type: none"> • Confidential • Policy-determining • Policy making • Policy-advocating 	6

Position Title	Agency Identified Schedule F Criteria	Number of Positions
Policy Analyst (GS-0301-15) (RF00579)	<ul style="list-style-type: none"> • Confidential • Policy making • Policy-advocating 	3
Policy Analyst (GS-0301-15) (RF00592)	<ul style="list-style-type: none"> • Confidential • Policy making • Policy-advocating 	3
Policy Analyst (GS-0301-15) (RF00633)	<ul style="list-style-type: none"> • Confidential • Policy making • Policy-advocating 	4
Policy Analyst (GS-0301-15) (RFPA15)	<ul style="list-style-type: none"> • Confidential • Policy-determining • Policy making • Policy-advocating 	9
Procurement Policy Analyst (GS-1102-15) (93094)	<ul style="list-style-type: none"> • Confidential • Policy-determining • Policy making • Policy-advocating 	1
Records and Information Management Officer (GS-308-15) (RF00635)	<ul style="list-style-type: none"> • Confidential • Policy making • Policy-advocating 	1
Support Services Supervisor (GS-342-14) (RF00761)	<ul style="list-style-type: none"> • Confidential • Policy making • Policy-advocating 	1
USDS Administrator (SL-301-00) (RF00690)	<ul style="list-style-type: none"> • Confidential • Policy making • Policy-advocating 	1
USDS Deputy Administrator (SL-301-00) (RF00691)	<ul style="list-style-type: none"> • Confidential • Policy making • Policy-advocating 	1
Senior Evidence Analyst, 301, GS-15 (RF00249)	<ul style="list-style-type: none"> • Policy-determining • Policy making 	3
Statistician, 1530, GS-15 (RF00505)	<ul style="list-style-type: none"> • Policy making • Policy-advocating 	1
Statistician, 1530, GS-14 (RF00506)	<ul style="list-style-type: none"> • Policy making • Policy-advocating 	1
Statistician, 1530, GS-13 (RF00623)	<ul style="list-style-type: none"> • Policy making • Policy-advocating 	2

Position Title	Agency Identified Schedule F Criteria	Number of Positions
Supervisory IT Project Manager, 2210, GS-15 (RF00727)	<ul style="list-style-type: none"> • Confidential • Policy-determining • Policy-advocating 	3
Supervisory Policy Analyst, 0301, GS-15 (RF00188)	<ul style="list-style-type: none"> • Policy-determining • Policy-advocating 	2
IT Specialist (INFOSEC) (GS-2210-15) (RF00684)	<ul style="list-style-type: none"> • Confidential • Policy-making • Policy-advocating 	1
Legislative Analyst (GS-0301-14) (RF00254)	<ul style="list-style-type: none"> • Confidential • Policy-making • Policy-advocating 	1
IT Project Manager (APPSW) (GS-2210-14) (RF00024B)	<ul style="list-style-type: none"> • Confidential 	1

October 26, 2020

HON John McEntee
Director, Presidential Personnel
Executive Office of the President

Mr. McEntee:

This is to inform you that effective immediately, I hereby tender my resignation as Member and Chair of the Federal Salary Council. I do so with great regret, because while I am proud of the progress the Salary Council has made during my tenure, much work remains to be done. However, after seeing Executive Order 13957 issued by the President on October 21, 2020—which creates a new 'excepted service' for certain categories of career Federal employees—I have concluded that as a matter of conscience, I can no longer serve him or his Administration.

There is some irony in this. On its surface, the President's Executive Order purports to serve a legitimate and laudable purpose...that is, to hold career Federal employees 'more accountable' for their performance. That is something that I have spent most of my professional life—almost four decades in Federal service (over 20 as a member of the Senior Executive Service)—trying to do. However, it is clear that its stated purpose notwithstanding, the Executive Order is nothing more than a smokescreen for what is clearly an attempt to require the political loyalty of those who advise the President, or failing that, to enable their removal with little if any due process.

I simply cannot be part of an Administration that seeks to do so...to replace apolitical expertise with political obeisance. Career Federal employees are legally and duty-bound to be nonpartisan; they take an oath to preserve and protect our Constitution and the rule of law...not to be loyal to a particular President or Administration. I took that same oath, and despite being a life-long Republican (I was even named after Ronald Reagan), I would like to think that I lived up to it, even as I served three Democratic and three Republican Presidents. Yet the President's Executive Order seeks to make loyalty to him the litmus test for many thousands of career civil servants, and that is something I cannot be part of.

To some, requiring that loyalty may seem entirely appropriate. After all, shouldn't all employees do what the boss and his lieutenants tell them to do? I say no, at least not when it comes to career civil servants. The only 'boss' that they serve is the public, and the laws that their elected representatives enact...whether this or any President likes it or not. And if a President doesn't like it, he can propose that the Congress change the law. That is the way our Constitution is supposed to work, and no President should be able to remove career civil servants whose only sin is that they may speak such a truth to him.

Accordingly, please accept my resignation. I thank the President for the opportunity to serve these almost three years, but I cannot in good conscience continue to do so.

Sincerely,



Dr. Ronald Sanders

cc: HON Michael Rigas, Acting Director
US Office of Personnel Management

Template for Requesting Approval for Schedule F Positions

In accordance with Executive Order (E.O.) 13957 agencies may request Office of Personnel Management (OPM) approval to place positions of a confidential, policy-determining, policy-making, or policy-advocating character in the excepted service under Schedule F. OPM developed this form letter and the attached spreadsheet to assist agencies with submitting a request. The form letter lists the criteria OPM will consider when reviewing agency requests. OPM encourages agencies to use the attached spreadsheet to list these criteria, which may eliminate the need for OPM to seek follow-up information.

Template

Honorable **{Name of OPM Director}**
Director
U.S. Office of Personnel Management
Washington DC 20415

Dear Director **{Name of OPM Director}**:

The **{name of requesting agency}** requests OPM approval, under Executive Order (EO) 13957, to place the attached list of positions in Schedule F of excepted service. The **{name of requesting agency}** has determined these positions are of a confidential, policy-determining, policy-making, or policy-advocating character and not normally subject to change as a result of a Presidential transition. The following is provided in support of our request:

The **{name of requesting agency}** is requesting this inclusion in Schedule F under Section 5 (c) of EO 13957 for positions that involve substantive participation in the advocacy for, development of, or formulation of policy.

On the attached spreadsheet, we list the official position titles, occupational series, grade levels, geographic locations, and number of positions.

On the attached spreadsheet, we also have described the factors demonstrating that the identified positions have duties of a policy-determining, policy-making, policy-advocating, or confidential nature which include, but are not limited to:

- substantive participation in the advocacy for or development or formulation of policy, especially:
 - substantive participation in the development or drafting of regulations and guidance; or
 - substantive policy-related work in an agency or agency component that primarily focuses on policy;
- the supervision of attorney positions; or
- substantial discretion to determine the manner in which the agency exercises functions committed to the agency by law;

- viewing, circulating, or otherwise working with proposed regulations, guidance, executive orders, or other non-public policy proposals or deliberations generally covered by deliberative process privilege and either:
 - directly reporting to or regularly working with an individual appointed by either the President or an agency head who is paid at a rate not less than that earned by employees at Grade 13 of the General Schedule; or
 - working in an agency or agency component executive secretariat (or equivalent); or
- conducting, on the agency's behalf, collective bargaining negotiations under chapter 71 of title 5, United States Code.

The attached spreadsheet contains this information.

Sincerely,

{Agency Head}

Congress of the United States
Washington, DC 20515

November 25, 2020

Dear Department, Agency, or Office Head:

We are writing to request information on conversions of political appointees to civil service positions during the Trump Administration at your department, agency, or office, including all component entities. Protecting the nonpartisan expertise of the career civil service is essential to the safety and security of the American people. Federal law requires that personnel actions are carried out in such a way that the “selection and advancement” of employees in the civil service are “determined solely on the basis of relative ability, knowledge, and skills, after fair and open competition,” rather than on the basis of “partisan political purposes.”¹

We are seeking a full accounting of political appointees who have already been hired into career positions or are being considered for such conversions.² The merit system principles of the federal workforce put in place guardrails to ensure that competitive service requirements are not bypassed to inappropriately place political appointees in permanent career service positions. In accordance with civil service protections, the Office of Personnel Management (OPM) requires all agencies to seek its “approval prior to appointing any current or former political appointee to a permanent position ... in the civil service.”³ Following such requests, OPM reviews proposed selections to determine whether conversions are appropriate.⁴

We are also seeking a full accounting of any positions converted, or being considered for conversion, under the new Schedule F recently created through Executive Order 13957.⁵ The creation of this schedule would be a dramatic change in the composition of the civil service and expose it to undue political influence and intimidation.⁶ It is critical that Congress receive timely

¹ Civil Service Reform Act of 1978, Pub. L. No. 95-454.

² For the purposes of this request, political appointees are those requiring Senate confirmation (PAS), those not requiring Senate confirmation (PA), those defined under 5 U.S.C. §§ 5312-5316, Schedule A appointees (5 C.F.R. §§ 213.3101-3199, 5 C.F.R. §213.3102 (c) and (z)), Schedule C appointees (5 C.F.R. §§ 213.2201-3302)), Schedule F appointees (85 Fed. Reg. 67631), SES appointees (5 U.S.C. §3122(a)(5-7); and 5 C.F.R. § 317 (F)), appointees serving in a political capacity under agency-specific authority, and Provisional Political Appointments to be a “political appointee.” See also Office of Personnel Management, *Frequently Asked Questions: Which Types of Political Appointments Are Subject to OPM’s Pre-Hiring Approval?* (online at www.opm.gov/FAQs/QA.aspx?fid=023f2059-dff7-4307-89b4-c553c218af1d&pid=08248d29-d26e-44b6-9988-57655358d509); Exec. Order No. 13957, 85 Fed. Reg. 67631 (Oct. 21, 2020).

³ Memorandum from Kathleen McGettigan, Acting Director, Office of Personnel Management, to Heads of Departments and Agencies, *Political Appointees and Career Civil Service Positions* (Feb. 23, 2018) (online at <https://chcoc.gov/content/political-appointees-and-career-civil-service-positions-3>).

⁴ *Id.* citing 5 C.F.R. § 315 (F) and 5 C.F.R. § 337 (B).

⁵ Exec. Order No. 13957 (Oct. 21, 2020).

⁶ Letter from Chairwoman Carolyn B. Maloney, Committee on Oversight Reform, Chairman Gerald E. Connolly, Subcommittee on Government Operations, et al., to Michael J. Rigas, Acting Deputy Director for Management, Office of Management and Budget, and Michael J. Rigas, Acting Director, Office of Personnel

information about any potential and actual conversions made pursuant to this Executive Order.

Based on our legislative and oversight authorities, including those set forth in House Rule X, our Committees request that you produce the following documents and information:

1. A list of all positions not excepted from the competitive service by statute for which your department, agency, or office has petitioned the Director of OPM under Section 5(a)(i) of Executive Order 13957 to place in Schedule F;
2. A list of all positions excepted from the competitive service by statute that your department, agency, or office has determined are of a confidential, policy-determining, policy-making, or policy-advocating character and are not normally subject to change as a result of a Presidential transition, and has identified for placement in Schedule F under Section 5(a)(ii) of Executive Order 13957;
3. A list of all individuals whose positions have been converted to Schedule F or who otherwise have been placed in a Schedule F position at any time, including for each individual:
 - a. the individual's name and dates of employment;
 - b. the title of the individual's most recent position that was not in Schedule F;
 - c. the title of the individual's Schedule F position;
 - d. if the individual was terminated after conversion or placement in Schedule F, the final date of employment;
 - e. a justification for the conversion or placement; and
 - f. if available, the race, gender, and ethnicity of the individuals on the list.
4. Copies of any petition your department, agency, or office has made to the Federal Labor Relations Authority under Section 5(e) of Executive Order 13957 to determine whether any Schedule F position must be excluded from a collective bargaining unit under section 7112(b) of title 5, United States Code;
5. Copies of any rules your department, agency, or office has established to prohibit the same personnel practices prohibited by section 2302(b) of title 5, United States Code, with respect to any employee or applicant for employment in Schedule F of the excepted service, as required by Section 6 of Executive Order 13597; and
6. A list of all individuals who held positions as political appointees since January 20, 2017, who are now employed in permanent competitive positions, non-

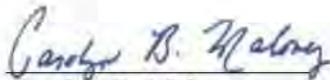
Management (Oct. 28, 2020) (online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/2020-10-28.GEC%20CBM%20et%20al.%20to%20Rigas%20OPM%20OMB%20re%20%20Schedule%20F%20Executive%20Order.pdf>).

political excepted service positions, or career Senior Executive Service (SES) positions, including for each individual:

- a. the individual's name;
- b. the title of the position to which the individual was appointed (or positions, if more than one or if they changed over time);
- c. the start and end dates of such appointment(s);
- d. the title of the individual's current position;
- e. the start date of the individual's current position; and
- f. if available, the race, gender, and ethnicity of the individuals on the list.

We ask that you provide an initial response with the information requested to the Committee on Oversight and Reform and your department, agency, or office's committees of jurisdiction by December 9, 2020. Thereafter, we ask that you produce additional updated responses on a biweekly basis through January 20, 2021. An attachment to this letter sets forth a list of departments, agencies, and offices to which this letter is being sent. Thank you for your cooperation.

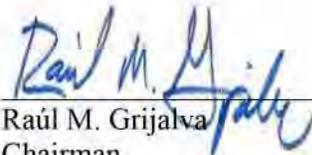
Sincerely,



Carolyn B. Maloney
Chairwoman
Committee on Oversight
and Reform



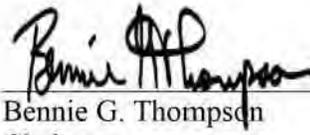
Maxine Waters
Chairwoman
Committee on Financial
Services



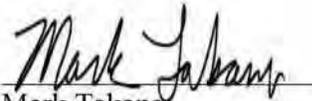
Raúl M. Grijalva
Chairman
Committee on Natural
Resources



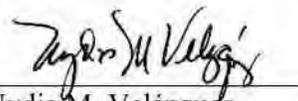
Nita M. Lowey
Chairwoman
Committee on Appropriations



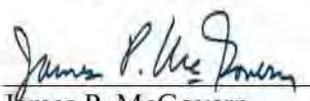
Bennie G. Thompson
Chairman
Committee on Homeland
Security



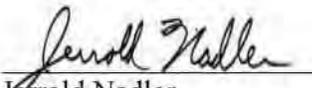
Mark Takano
Chairman
Committee on Veterans'
Affairs



Nydia M. Velázquez
Chairwoman
Committee on Small
Business



James P. McGovern
Chairman
Committee on Rules



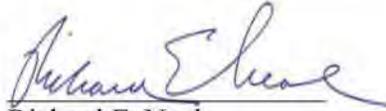
Jerrold Nadler
Chairman
Committee on the Judiciary



Collin C. Peterson
Chairman
Committee on Agriculture



Frank Pallone, Jr.
Chairman
Committee on Energy
and Commerce



Richard E. Neal
Chairman
Committee on Ways
and Means



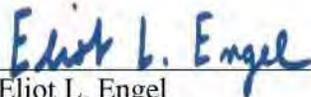
Zoe Lofgren
Chairperson
Committee on House
Administration



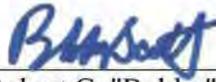
Peter A. DeFazio
Chairman
Committee on Transportation
And Infrastructure



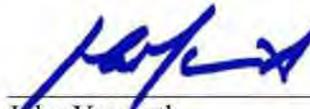
Adam B. Schiff
Chairman
House Permanent Select
Committee on Intelligence



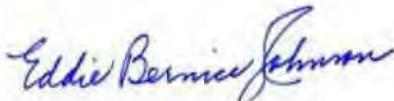
Eliot L. Engel
Chairman
Committee on Foreign
Affairs



Robert C. "Bobby" Scott
Chairman
Committee on Education
and Labor



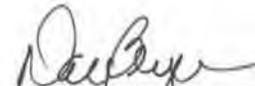
John Yarmuth
Chairman
Committee on Budget



Eddie Bernice Johnson
Chairman
Committee on Science, Space
and Technology



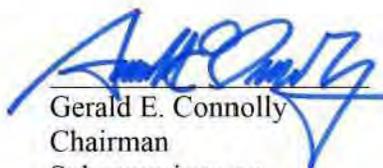
Adam Smith
Chairman
Committee on Armed
Services



Donald S. Beyer, Jr.
Vice Chairman
Joint Economic Committee



Kathy Castor
Chairwoman
Select Committee on the
Climate Crisis



Gerald E. Connolly
Chairman
Subcommittee on
Government Operations
Committee on Oversight
and Reform



Al Green
Chairman
Subcommittee on Oversight
and Investigations
Committee on Financial
Services

cc: The Honorable James R. Comer, Ranking Member
Committee on Oversight and Reform

The Honorable Patrick McHenry, Ranking Member
Committee on Financial Services

The Honorable Rob Bishop, Ranking Member
Committee on Natural Resources

The Honorable Kay Granger, Ranking Member
Committee on Appropriations

The Honorable Mike Rogers, Ranking Member
Committee on Homeland Security

The Honorable Dr. Phil Roe, Ranking Member
Committee on Veterans' Affairs

The Honorable Steve Chabot, Ranking Member
Committee on Small Business

The Honorable Tom Cole, Ranking Member
Committee on Rules

The Honorable Jim Jordan, Ranking Member
Committee on the Judiciary

The Honorable Neal Dunn, Ranking Member
Committee on Agriculture

The Honorable Greg Walden, Ranking Member
Committee on Energy and Commerce

The Honorable Kevin Brady, Ranking Member
Committee on Ways and Means

The Honorable Rodney Davis, Ranking Member
Committee on House Administration

The Honorable Sam Graves, Ranking Member
Committee on Transportation and Infrastructure

The Honorable Devin Nunes, Ranking Member
House Permanent Select Committee on Intelligence

The Honorable Michael T. McCaul, Ranking Member
Committee on Foreign Affairs

The Honorable Virginia Foxx, Ranking Member
Committee on Education and Labor

The Honorable Steve Womack, Ranking Member
Committee on the Budget

The Honorable Frank Lucas, Ranking Member
Committee on Science, Space and Technology

The Honorable Mac Thornberry, Ranking Member
Committee on Armed Services

The Honorable Mike Lee, Chairman
Joint Economic Committee

The Honorable Garrett Graves, Ranking Member
Select Subcommittee on the Climate Crisis

The Honorable Jody B. Hice, Ranking Member
Subcommittee on Government Operations
Committee on Oversight and Reform

The Honorable Andy Barr, Ranking Member
Subcommittee on Oversight and Investigation
Committee on Financial Services

Department, Agency, and Office Heads

1.	Administrative Conference of the United States (ACUS)	Mr. Matthew Lee Weiner Vice Chairman and Executive Director
2.	Agency for Global Media (USAGM)	The Honorable Michael Pack Chief Executive Officer
3.	Agency for International Development (USAID)	Mr. John Barsa Acting Deputy Administrator
4.	Central Intelligence Agency (CIA)	The Honorable Gina C. Haspel Director
5.	Commodity Futures Trading Commission (CFTC)	Mr. Anthony "Tony" C. Thompson Executive Director
6.	Consumer Financial Protection Bureau (CFPB)	The Honorable Kathleen Kraninger Director
7.	Consumer Product Safety Commission (CPSC)	The Honorable Robert S. Adler Commissioner and Acting Chairman
8.	Defense Intelligence Agency (DIA)	Lieutenant General Scott D. Berrier Director
9.	Department of Agriculture (USDA)	The Honorable Sonny Perdue Secretary
10.	Department of Commerce (Commerce)	The Honorable Wilbur L. Ross, Jr. Secretary
11.	Department of Defense (DOD)	The Honorable David L. Norquist Deputy Secretary
12.	Department of Education (DoEd)	The Honorable Betsy DeVos Secretary
13.	Department of Energy (DOE)	The Honorable Dan Brouillette Secretary
14.	Department of Health and Human Services (HHS)	The Honorable Alex M. Azar II Secretary
15.	Department of Homeland Security (DHS)	Mr. Chad F. Wolf
16.	Department of Housing and Urban Development (HUD)	The Honorable Benjamin S. Carson Secretary
17.	Department of Justice (DOJ)	The Honorable William P. Barr Attorney General

18.	Department of Labor (DOL)	The Honorable Eugene Scalia Secretary
19.	Department of State (State)	The Honorable Michael R. Pompeo Secretary of State
20.	Department of the Interior (Interior)	The Honorable David Bernhardt Secretary
21.	Department of the Treasury (Treasury)	The Honorable Steven T. Mnuchin Secretary
22.	Department of Transportation (DOT)	The Honorable Elaine L. Chao Secretary
23.	Department of Veterans Affairs (VA)	The Honorable Robert L. Wilkie Secretary
24.	Election Assistance Commission (EAC)	The Honorable Mona Harrington Executive Director
25.	Environmental Protection Agency (EPA)	The Honorable Andrew R. Wheeler Administrator
26.	Equal Employment Opportunity Commission (EEOC)	The Honorable Janet Dhillon Chair
27.	Executive Office of the President (EOP)	Mr. Pat A. Cipollone Counsel to the President
28.	Export-Import Bank of the United States (EXIM)	Ms. Kimberly A. Reed President and Chairman
29.	Farm Credit Administration (FCA)	Mr. Glen R. Smith Chairman and Chief Executive Officer
30.	Federal Communications Commission (FCC)	The Honorable Ajit Pai Chairman
31.	Federal Election Commission (FEC)	Mr. James E. "Trey" Trainor III Chair
32.	Federal Energy Regulatory Commission (FERC)	The Honorable James Danly Chairman
33.	Federal Housing Finance Agency (FHFA)	The Honorable Mark Anthony Calabria Director
34.	Federal Labor Relations Authority (FLRA)	The Honorable Colleen Duffy Kiko Chairman
35.	Federal Maritime Commission (FMC)	Mr. Michael A. Khouri Chairman

36.	Federal Reserve System	The Honorable Jerome H. Powell Chair, Board of Governors
37.	Federal Trade Commission (FTC)	The Honorable Joseph J. Simons Chairman
38.	General Services Administration (GSA)	The Honorable Emily W. Murphy Administrator
39.	Interagency Council on Homelessness (USICH)	Mr. Robert Marbut Executive Director
40.	International Development Finance Corporation (DFC)	Mr. Andrew Herscowitz Chief Development Officer
41.	International Trade Commission (ITC)	Mr. Jason E. Kearns Chair
42.	Merit Systems Protection Board (MSPB)	Tristan Leavitt General Counsel
43.	Millennium Challenge Corporation (MCC)	Mr. Sean Cairncross Chief Executive Officer
44.	National Aeronautics and Space Administration (NASA)	The Honorable James F. Bridenstine Administrator
45.	National Archives and Records Administration (NARA)	The Honorable David S. Ferriero Archivist of the United States
46.	National Credit Union Administration (NCUA)	The Honorable Rodney E. Hood Chairman
47.	National Geospatial-Intelligence Agency (NGA)	Vice Admiral Robert D. Sharp Director
48.	National Labor Relations Board (NLRB)	The Honorable John F. Ring Chairman
49.	National Reconnaissance Office (NRO)	The Honorable Christopher Scolese, Ph.D. Director
50.	National Science Foundation (NSF)	The Honorable Dr. Sethuraman Panchanathan Director
51.	National Security Agency (NSA)	The Honorable General Paul M. Nakasone Director
52.	Nuclear Regulatory Commission (NRC)	The Honorable Kristine L. Svinicki Chairman
53.	Office of the Director of National Intelligence (ODNI)	The Honorable John Ratcliffe Director of National Intelligence

54.	Office of Management and Budget (OMB)	The Honorable Russell T. Vought Director
55.	Office of Personnel Management (OPM)	The Honorable Michael J. Rigas Acting Director
56.	Office of Special Counsel (OSC)	The Honorable Henry J. Kerner Special Counsel
57.	Peace Corps	The Honorable Josephine K. Olsen Director
58.	Pension Benefit Guaranty Corporation (PBGC)	The Honorable Gordon Hartogensis Director
59.	Securities and Exchange Commission (SEC)	The Honorable Jay Clayton Chairman
60.	Small Business Administration (SBA)	The Honorable Jovita Carranza Administrator
61.	Social Security Administration (SSA)	The Honorable Andrew Saul Commissioner

Template for Requesting Approval for Schedule F Positions

In accordance with Executive Order (E.O.) 13957 agencies may request Office of Personnel Management approval to place positions it has determined to be of confidential, policy-determining, policy-making, or policy-advocating character in the excepted service under Schedule F. OPM developed this spreadsheet to assist you with submitting your request. Please provide information for each of the following columns:

1. Official Position Title
2. Occupational Series - Indicate the occupational series number (ex. 0301 for Program Analyst)
3. Pay Plan and Grade Level(s) - Indicate the pay plan and grade levels of the position (ex. GS-13)
4. Geographic Location - Indicate if the position is filled nationwide or in a specific geographic location(s).
5. Number of Positions - Indicate the number of position in the agency.
6. Description of factors demonstrating that the position is of a confidential, policy-determining, policy-making, or policy-advocating character - Please provide information about the position that supports the determination to include the position in Schedule F.

This spreadsheet with an accompanying coversheet signed by the Agency Chief Human Capital Officer (or equivalent) may be submitted electronically to [Insert email address].

Schedule F Preliminary Review

In accordance with Executive Order (EO) 13957 agencies must complete a preliminary review to identify positions for potential placement under Schedule F of the Excepted Service. These positions include positions covered by subchapter II of chapter 75 of title 5, United States Code that are categorized as confidential; policy-determining; policy-making; or policy-advocating and are not subject to change based on a Presidential transition. OPM developed this spreadsheet to assist you with your preliminary review of which positions to include.

This spreadsheet with an accompanying coversheet signed by the Agency Chief Human Capital Officer (or equivalent) may be submitted electronically to [Insert email address].

Schedule F Preliminary Review Information

Official Position Title	Occupational Series	Grade Level	Geographic Location	Number of positions	Schedule F Criteria, indicate as many as may apply (ex. 1A, 3, 4B)
-------------------------	---------------------	-------------	---------------------	---------------------	--

For a position to be placed in a Schedule F appointment, the position must meet one or more of the following criteria:

- (1) substantive participation in the advocacy for or development or formulation of policy, especially:
 - (A) substantive participation in the development or drafting of regulations and guidance; or
 - (B) substantive policy-related work in an agency or agency component that primarily focuses on policy;
- (2) the supervision of attorneys;
- (3) substantial discretion to determine the manner in which the agency exercises functions committed to the agency by law;
- (4) viewing, circulating, or otherwise working with proposed regulations, guidance, executive orders, or other non-public policy proposals or deliberations generally covered by deliberative process privilege and either:
 - (A) directly reporting to or regularly working with an individual appointed by either the President or an agency head who is paid at a rate not less than that earned by employees at Grade 13 of the General Schedule; or
 - (B) working in the agency or agency component executive secretariat (or equivalent); or
- (5) conducting, on the agency's behalf, collective bargaining negotiations under chapter 71 of title 5, United States Code.

Template for Requesting Approval for Schedule F Positions

In accordance with Executive Order (E.O.) 13957 agencies may request Office of Personnel Management approval to place positions it has determined to be of confidential, policy-determining, policy-making, or policy-advocating character in the excepted service under Schedule F. OPM developed this spreadsheet to assist you with submitting your request. Please provide information for each of the following columns:

1. Official Position Title
2. Occupational Series - Indicate the occupational series number (ex. 0301 for Program Analyst)
3. Pay Plan and Grade Level(s) - Indicate the pay plan and grade levels of the position (ex. GS-13)
4. Geographic Location - Indicate if the position is filled nationwide or in a specific geographic location(s).
5. Number of Positions - Indicate the number of position in the agency.
6. Schedule F Criteria - Indicate whether the position is of a policy-determining, policy-making, policy-advocating, or confidential nature (indicate all that apply).
7. Description of factors demonstrating that the position is of a confidential, policy-determining, policy-making, or policy-advocating character - Please provide information about the position that supports the determination to include the position in Schedule F.

This spreadsheet with an accompanying coversheet signed by the Agency Chief Human Capital Officer (or equivalent) may be submitted electronically to [Insert email address].

Template for Requesting Approval for Schedule F Positions

In accordance with Executive Order (E.O.) 13957 agencies may request Office of Personnel Management approval to place positions it has determined to be of confidential, policy-determining, policy-making, or policy-advocating character in the excepted service under Schedule F. OPM developed this spreadsheet to assist you with submitting your request. Please provide information for each of the following columns:

1. Official Position Title
2. Occupational Series - Indicate the occupational series number (ex. 0301 for Program Analyst)
3. Pay Plan and Grade Level(s) - Indicate the pay plan and grade levels of the position (ex. GS-13)
4. Geographic Location - Indicate if the position is filled nationwide or in a specific geographic location(s).
5. Number of Positions - Indicate the number of position in the agency.
6. Description of factors demonstrating that the position is of a confidential, policy-determining, policy-making, or policy-advocating character - Please provide information about the position that supports the determination to include the position in Schedule F.

This spreadsheet with an accompanying coversheet signed by the Agency Chief Human Capital Officer (or equivalent) may be submitted electronically to [Insert email address].

Template for Reviewing and Requesting Approval for Schedule F Positions

In accordance with Executive Order (E.O.) 13957 agencies may request Office of Personnel Management approval to place positions it has determined to be of confidential, policy-determining, policy-making, or policy-advocating character in the excepted service under Schedule F. OPM developed this spreadsheet to assist agencies with reviewing positions and submitting requests. Please provide information for each of the following columns:

1. Official Position Title
2. Occupational Series - Indicate the occupational series number (ex. 0301 for Program Analyst)
3. Pay Plan and Grade Level(s) - Indicate the pay plan and grade levels of the position (ex. GS-13)
4. Geographic Location - Indicate if the position is filled nationwide or in a specific geographic location(s).
5. Number of Positions - Indicate the number of position in the agency.
6. Schedule F Criteria - Indicate whether the position is of a policy-determining, policy-making, policy-advocating, or confidential nature (indicate all that apply).
7. Description of factors demonstrating that the position is of a confidential, policy-determining, policy-making, or policy-advocating character - Please provide information about the position that supports the determination to include the position in Schedule F.

This spreadsheet with an accompanying coversheet signed by the Agency Chief Human Capital Officer (or equivalent) may be submitted electronically to [Insert email address].

