

Congress of the United States
Washington, DC 20515

November 23, 2020

The Honorable Gene L. Dodaro
Comptroller General of the United States
Government Accountability Office
441 G Street, N.W.
Washington, D.C. 20548

Dear Comptroller General Dodaro:

The American people rely each day on the expertise, work, and dedication of our nation's federal workforce. On October 21, 2020, President Donald J. Trump issued an executive order that would undermine the foundation of that workforce: our civil service consisting of non-partisan professionals who serve all Americans without regard to political party.¹ These civil servants conduct scientific research for a coronavirus vaccine, develop the policies to fight fires that are ravaging Colorado and California, and protect our national security from all threats, both foreign and domestic.

Although the executive order appears to help managers remove poor performing employees, it fails to make use of a multitude of options recommended by experts to address the problem, including the Government Accountability Office (GAO).² Instead, the executive order contradicts 137 years of tradition and practice based on merit systems principles.³ For example, the executive order would erode due process protections for civil service employees and make it easier for the Administration to fire qualified individuals who base their professional opinions on evidence, science, and analysis. It would expedite the hiring of political appointees into jobs without regard to merit and place them in roles best served by career civil servants. This action could multiply the number of political appointees within the federal workforce by tens of thousands and permit the mass firing of current federal employees whom agency heads determine make "substantive contributions to executive branch policy."⁴

¹ Exec. Order No. 13957 (Oct. 21, 2020).

² Government Accountability Office, *Issues Related to Poor Performers in the Federal Workplace* (June 2005) (online at www.gao.gov/products/GAO-05-812R); Government Accountability Office, *Federal Hiring: OPM Needs to Improve Management and Oversight of Hiring Authorities* (Aug. 2016) (online at www.gao.gov/products/GAO-16-521); Merit Systems Protection Board, *Improving Federal Hiring Through Better Assessment* (July 2018) (online at www.mspb.gov/MSPBSEARCH/viewdocs.aspx?docnumber=1534415&version=1540061&application=ACROBAT); Partnership for Public Service, *A Time for Talent: Improving Federal Recruiting and Hiring* (Aug. 2020) (online at ourpublicservice.org/wp-content/uploads/2020/08/A-Time-for-Talent.pdf).

³ Pendleton Civil Service Reform Act, Pub. L. No. 47-27 (1883).

⁴ Exec. Order No. 13957 (Oct. 21, 2020).

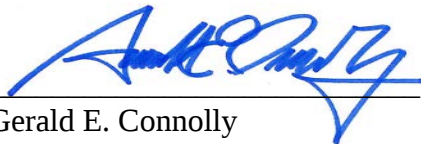
The executive order could precipitate a mass exodus from the federal government at the end of every presidential administration, leaving federal agencies without deep institutional knowledge, expertise, experience, and the ability to develop and implement long-term policy strategies. It would be a critical loss for the American people.

To assist our oversight of the outgoing Administration's attempt to implement this executive order, we request that the Government Accountability Office provide regular briefings to inform Congress about the status of position reclassifications under Schedule F. In particular, we request that GAO provide the information requested below in five briefings to be scheduled in coordination with applicable House and Senate staff between the time of this request and February 15, 2020:

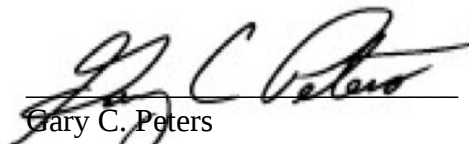
1. Information on which agencies have submitted requests to the Office of Personnel Management (OPM) for positions to be placed into Schedule F;
2. Descriptions of the positions that OPM has approved for federal agencies to place in Schedule F, the estimated number of positions approved for reclassification in Schedule F, and the apparent similarities and differences in the types of positions approved for reclassification into Schedule F across agencies — including whether these positions were competitive or non-competitive positions prior to conversion or if the positions are newly-created; and
3. Descriptions of OPM's process for reviewing and approving agencies' requests for the placement of positions into Schedule F, including whether there is oversight of attempts to move Schedule C employees into Schedule F.

Thank you for your attention to this matter. If you have any questions, please contact Committee staff at (202) 225-5051.

Sincerely,



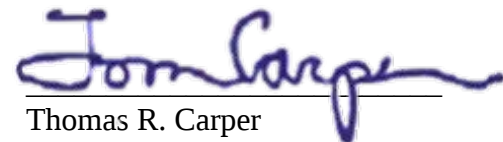
Gerald E. Connolly
Chairman
Subcommittee on Government
Operations



Gary C. Peters
Ranking Member
Committee on Homeland Security
and Governmental Affairs



Carolyn B. Maloney
Chairwoman
Committee on Oversight and Reform



Thomas R. Carper
Committee on Homeland Security
and Governmental Affairs

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

The Honorable Jody B. Hice, Ranking Member
Subcommittee on Government Operations

The Honorable Ron Johnson, Ranking Member
Committee on Homeland Security and Governmental Affairs