

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:

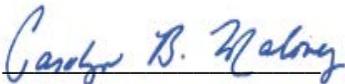
1. A list of all positions not excepted from the competitive service by statute for which your department, agency, or office has petitioned the Director of OPM under Section 5(a)(i) of Executive Order 13957 to place in Schedule F;
2. A list of all positions excepted from the competitive service by statute 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-

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.

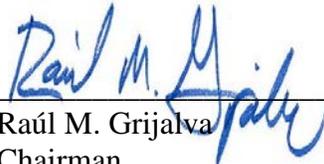
Sincerely,



Carolyn B. Maloney
Chairwoman
Committee on Oversight
and Reform



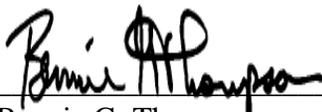
Maxine Waters
Chairwoman
Committee on Financial
Services



Raúl M. Grijalva
Chairman
Committee on Natural
Resources



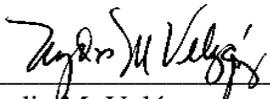
Nita M. Lowey
Chairwoman
Committee on Appropriations



Bennie G. Thompson
Chairman
Committee on Homeland
Security



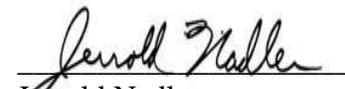
Mark Takano
Chairman
Committee on Veterans'
Affairs



Nydia M. Velázquez
Chairwoman
Committee on Small
Business



James P. McGovern
Chairman
Committee on Rules



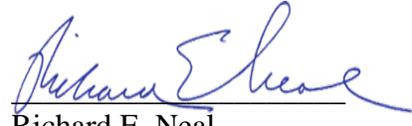
Jerrold Nadler
Chairman
Committee on the Judiciary



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



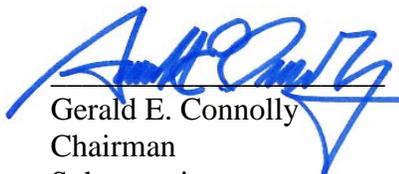
Adam Smith
Chairman
Committee on Armed
Services



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