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.”

We are seeking a full accounting of political appointees who have already been hired into career positions or are being considered for such conversions. 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.” Following such requests, OPM reviews proposed selections to determine whether conversions are appropriate.

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. 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. It is critical that Congress receive timely

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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-df7f-4307-89b4-c553c218af1d&pid=08248d29-d26e-44b6-9988-5765358509); Exec. Order No. 13957, 85 Fed. Reg. 67631 (Oct. 21, 2020).


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


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
Colin 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
| 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 |
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 |
Secretary |
Deputy Secretary |
| 12. | Department of Education (DoEd) | The Honorable Betsy DeVos  
Secretary |
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 |
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<th>Head of Agency, Commission, or Office</th>
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<td>The Honorable Eugene Scalia Secretary</td>
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<td>The Honorable Michael R. Pompeo Secretary of State</td>
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<td>The Honorable Steven T. Mnuchin Secretary</td>
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<td>The Honorable Robert L. Wilkie Secretary</td>
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<td>Election Assistance Commission (EAC)</td>
<td>The Honorable Mona Harrington Executive Director</td>
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<td>The Honorable Andrew R. Wheeler Administrator</td>
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<td>Executive Office of the President (EOP)</td>
<td>Mr. Pat A. Cipollone Counsel to the President</td>
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<td>28.</td>
<td>Export-Import Bank of the United States (EXIM)</td>
<td>Ms. Kimberly A. Reed President and Chairman</td>
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<td>Mr. Glen R. Smith Chairman and Chief Executive Officer</td>
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<td>The Honorable Ajit Pai Chairman</td>
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<td>Mr. James E. “Trey” Trainor III Chair</td>
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<td>Federal Housing Finance Agency (FHFA)</td>
<td>The Honorable Mark Anthony Calabria Director</td>
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<td>The Honorable Colleen Duffy Kiko Chairman</td>
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<td>Mr. Michael A. Khouri Chairman</td>
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<td>Mr. Andrew Herscowitz Chief Development Officer</td>
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<td>Mr. Jason E. Kearns Chair</td>
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<td>Tristan Leavitt General Counsel</td>
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<td>Mr. Sean Cairncross Chief Executive Officer</td>
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<td>National Aeronautics and Space Administration (NASA)</td>
<td>The Honorable James F. Bridenstine Administrator</td>
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<td>National Archives and Records Administration (NARA)</td>
<td>The Honorable David S. Ferriero Archivist of the United States</td>
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<td>Vice Admiral Robert D. Sharp Director</td>
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<td>National Labor Relations Board (NLRB)</td>
<td>The Honorable John F. Ring Chairman</td>
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<td>National Reconnaissance Office (NRO)</td>
<td>The Honorable Christopher Scolese, Ph.D. Director</td>
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<td>National Science Foundation (NSF)</td>
<td>The Honorable Dr. Sethuraman Panchanathan Director</td>
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<td>The Honorable General Paul M. Nakasone Director</td>
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<td>Nuclear Regulatory Commission (NRC)</td>
<td>The Honorable Kristine L. Svinicki Chairman</td>
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| 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 |
Chairman |
| 60. | Small Business Administration (SBA) | The Honorable Jovita Carranza  
Administrator |
| 61. | Social Security Administration (SSA) | The Honorable Andrew Saul  
Commissioner |