

Congress of the United States

Washington, DC 20510

November 13, 2023

The Honorable Kiran Ahuja
Director
Office of Personnel Management
1900 E St NW
Washington, DC 20415

Re: Proposed Rule –Upholding Civil Service Protections and Merit System Principles [OPM-2023-0013]

Dear Director Ahuja:

We write to applaud the Office of Personnel Management’s (OPM)’s Proposed Rule - Upholding Civil Service Protections and Merit System Principles [OPM-2023-0013]. We fully support OPM’s proposed regulation as it would clarify and reinforce statutory protections for career civil servants and advance the importance of nonpartisan public service. These are critical regulatory updates that would continue the efforts of the Pendleton Act of 1883 and the Civil Service Reform Act of 1978. We also remain committed to codifying civil service protections into law with our legislation, the Saving the Civil Service Act. These efforts to strengthen civil service protections underpin a well-functioning merit system, which is critical to preserving our democracy.

Roughly 2.2 million federal employees work tirelessly to serve the American people. From protecting national security and administering Social Security and veterans benefits to researching terminal diseases and ensuring food and water safety, federal employees uphold essential programs and ensure the American public can access vital resources. This proposed rulemaking is an important first step to protect civil servants from the threat of politically motivated removal and ensure the civil service continues to rely on merits and expertise to deliver for the American people.

In October 2020, the Trump Administration issued Executive Order 13957 to establish a new employment category for federal employees in the excepted government service known as Schedule F.¹ This plan allowed the former President to move as many as 50,000 career employees into a new “at-will” status of employment, stripping them of civil service protections and making it easier to hire and fire them based on political loyalty. While it is a relief that the Biden Administration swiftly revoked this proposal, we remain deeply concerned about former President Trump’s stated plan to reinstitute Schedule F if elected.² Reinstating a Schedule F or

¹ Exec. Order No. 13957, 85 Fed. Reg. 207, October 21, 2020, <https://www.govinfo.gov/content/pkg/FR-2020-10-26/pdf/2020-23780.pdf>.

² Jonathan Swan, “A radical plan for Trump’s second term,” *Axios*, July 22, 2022, <https://www.axios.com/2022/07/22/trump-2025-radical-plan-second-term>.

similar policy will jeopardize the livelihoods of tens of thousands of hard-working, career civil servants nationwide and upend civil service precedent.

Furthermore, the impacts of a Schedule F policy would not only harm federal employees but also countless communities, small businesses, and families across America. The federal government's ability to provide quality public services depends on a dedicated federal workforce invested in the best outcomes for the American people – not personal political gain. As the proposed rule highlights, career civil servants possess valuable institutional experience, niche technical knowledge and subject matter expertise that political appointees often lack. It is vital to the mission of every federal agency that the career employees who execute daily operations be impartial and objective in their work without fear of politically motivated retaliation.

As Members of Congress, we understand the critical role of our civil servants and strongly support OPM's efforts to uphold our country's competitive civil service. Thank you for the opportunity to offer comments on this proposed rulemaking, and we look forward to working with you and your agency to swiftly implement these important protections.

Sincerely,



Tim Kaine
United States Senator



Gerald E. Connolly
Member of Congress



Abigail Davis Spanberger
Member of Congress



John P. Sarbanes
Member of Congress



Jennifer Wexton
Member of Congress



Eleanor Holmes Norton
Member of Congress



André Carson
Member of Congress



Mark R. Warner
United States Senator



Brian Schatz
United States Senator



Richard J. Durbin
United States Senator



Donald S. Beyer Jr.
Member of Congress



Richard Blumenthal
United States Senator



Jamie Raskin
Member of Congress



Kweisi Mfume
Member of Congress



Chris Van Hollen
United States Senator



Benjamin L. Cardin
United States Senator



David J. Trone
Member of Congress