

**Congress of the United States**  
**House of Representatives**

COMMITTEE ON OVERSIGHT AND REFORM  
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January 15, 2021

The Honorable Russell T. Vought  
Director  
Office of Management and Budget  
725 17th Street, N.W.  
Washington, D.C. 20503

The Honorable Michael J. Rigas  
Acting Deputy Director for Management  
Office of Management and Budget  
725 17th Street, N.W.  
Washington, D.C. 20503

Dear Director Vought and Acting Deputy Director Rigas:

On October 21, 2020, President Trump issued Executive Order 13957, directing federal agencies to reclassify many federal government positions, removing them from the competitive and excepted services and reclassifying them into a newly-created “Schedule F.”<sup>1</sup> Employees designated to Schedule F would lose statutory protections and due process rights. They could be hired without consideration of merit system principles and terminated practically at will. Schedule F would undermine the foundations of our professional, non-partisan federal civil service and facilitate the hiring of political loyalists and removal of qualified civil servants.

Out of great concern for the corrosiveness of this executive order, a coalition of Members of Congress asked the Government Accountability Office (GAO) to provide regular briefings on the Administration’s attempts to implement it.<sup>2</sup> Today, GAO informed our staff that the Office of Personnel Management (OPM) approved most of the Office of Management and Budget’s (OMB) list of positions to reclassify almost 400 positions to Schedule F. According to media reports, OMB’s reclassification list included about 88% of the agency’s staff.<sup>3</sup>

We write to urge you not to proceed any further. In the waning days of this Administration, it is highly inappropriate to implement this order, and we call upon you to act responsibly and halt further efforts to reclassify the positions of career civil servants at OMB to Schedule F.

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<sup>1</sup> Exec. Order No. 13957 (Oct. 21, 2020).

<sup>2</sup> Letter from Chairman Gerald E. Connolly, Chairwoman Carolyn B. Maloney, Rep. Gary C. Peters, and Senator Thomas C. Carper to Gene L. Dodaro, Comptroller General, Government Accountability Office (Nov. 23, 2020) Committee on Oversight and Reform (online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/2020-11-23.GEC%20Peters%20Carper%20CBM%20to%20Dodaro%20re%20Request%20on%20Schedule%20F.pdf>).

<sup>3</sup> *OMB Seeks to Reclassify Workforce Under Schedule F*, Federal Computer Week (Nov. 23, 2020) (online at <https://fcw.com/articles/2020/11/23/skedf-omb-reclassify-congress.aspx>).

The Trump Administration has erroneously argued that the implementation of Schedule F would improve the accountability of the civil service.<sup>4</sup> In reality, it will have the opposite effect. Non-partisan experts could be fired and replaced by political cronies. Loyalty to a President would replace loyalty to the Constitution and the American people.

OMB's mission is to develop and execute budgets, coordinate regulatory and information policy, and oversee various management priorities, among other initiatives, touches all executive branch agencies. Managing budgetary and other federal resources that are funded by tax dollars means that OMB's federal employees are not only accountable to the President's vision but to the American people for the stewardship of the nation's resources.

Over the agency's history, OMB's career civil servants have provided this kind of stewardship by ensuring that policy decisions made by political appointees in support of a President's agenda are based on evidence and within appropriate regulatory authority. The non-partisan nature of their positions allowed them to provide objective input without fear of political reprisal. This input was rooted in historical knowledge gained over years of experience serving both Democratic and Republican administrations without bias in service to the nation.

Non-partisan groups have voiced their opposition to the implementation of Schedule F.<sup>5</sup> In addition, prior OMB employees who served both Democratic *and* Republican administrations have raised their concerns over the dangers that Schedule F poses to employees' ability to execute OMB's mission.<sup>6</sup> Some of these former officials stated,

We can only imagine what effect Mr. Vought's proposed reclassification is having on this cadre of professionals as they work through the transition between the outgoing and incoming administrations. Will they be more reluctant to support one out of fear of reprisals from the other? This does not serve either President Trump or President-elect Joe Biden, and it certainly doesn't serve the American public.<sup>7</sup>

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<sup>4</sup> *Civil Service Shouldn't Mean Unaccountable*, Wall Street Journal (Dec. 11, 2020) (online at [www.wsj.com/articles/civil-service-shouldnt-mean-unaccountable-11607722518](http://www.wsj.com/articles/civil-service-shouldnt-mean-unaccountable-11607722518)); *OMB Reportedly Designates 88% of Its Employees for Schedule F*, Government Executive (Nov. 23, 2020) (online at [www.govexec.com/management/2020/11/omb-reportedly-designates-88-its-employees-schedule-f/170275/](http://www.govexec.com/management/2020/11/omb-reportedly-designates-88-its-employees-schedule-f/170275/)); *OMB Lists Positions Stripped of Job Protection Under Trump Order*, Real Clear Politics (Nov. 21, 2020) (online at [www.realclearpolitics.com/articles/2020/11/21/omb\\_lists\\_workers\\_stripped\\_of\\_job\\_protection\\_under\\_trump\\_order\\_144708.html](http://www.realclearpolitics.com/articles/2020/11/21/omb_lists_workers_stripped_of_job_protection_under_trump_order_144708.html)).

<sup>5</sup> Coalition Letter on Schedule F, Partnership for Public Service (Nov. 20, 2020) (online at <https://ourpublicservice.org/publications/coalition-letter-on-schedule-f/>).

<sup>6</sup> *Former OMB Employees Critique 'Fundamentally Damaging' Schedule F Plans*, Federal Times (Dec. 9, 2020) ([www.federaltimes.com/management/2020/12/09/former-omb-employees-critique-fundamentally-damaging-schedule-f-plans/](http://www.federaltimes.com/management/2020/12/09/former-omb-employees-critique-fundamentally-damaging-schedule-f-plans/)); *Trump Takes a Parting Swipe at the Executive Branch*, Wall Street Journal (Dec. 9, 2020) (online at [www.wsj.com/articles/trump-takes-a-parting-swipe-at-the-executive-branch-11607555895?mod=article\\_inline](http://www.wsj.com/articles/trump-takes-a-parting-swipe-at-the-executive-branch-11607555895?mod=article_inline)).

<sup>7</sup> *Trump Takes a Parting Swipe at the Executive Branch*, Wall Street Journal (Dec. 9, 2020) (online at [www.wsj.com/articles/trump-takes-a-parting-swipe-at-the-executive-branch-11607555895?mod=article\\_inline](http://www.wsj.com/articles/trump-takes-a-parting-swipe-at-the-executive-branch-11607555895?mod=article_inline)).

Indeed, these concerns have already been realized.<sup>8</sup> The Biden transition team has reported that OMB prevented career staff from working on the next administration's budget plan and the economic response to the effects of the pandemic.<sup>9</sup> This example of petty partisanship by senior political appointees was undoubtedly aided by the threat to non-partisan career staff that their jobs could be reclassified and they would be stripped of their statutory and due process protections.

With just days before a new administration takes office, and as litigation is pending, OMB's decision to implement Schedule F will only lead to additional protracted legal battles and a bureaucratic waste of government resources to the detriment of the vital operations of the agency.<sup>10</sup> In addition, it is simply cruel to strip federal employees, who have faithfully and consistently served the American public throughout the pandemic, of civil service protections.

This Committee has made clear our grave concerns over the implementation of this executive order.<sup>11</sup> Yet, our appeals to reason and sound judgment have fallen on deaf ears. It is time for you to act like leaders and let your staff know they are valued. Cease implementation of this slapdash, callous executive order and avoid the bureaucratic and litigious nightmare it will surely cause.

Therefore, we demand that OMB immediately halt its assault on the dedicated career federal workforce by discontinuing its planned implementation of Schedule F.

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<sup>8</sup> *OMB Reportedly Designates 88% of Its Employees for Schedule F*, Government Executive (Nov. 23, 2020) (online [www.govexec.com/management/2020/11/omb-reportedly-designates-88-its-employees-schedule-f/170275/](http://www.govexec.com/management/2020/11/omb-reportedly-designates-88-its-employees-schedule-f/170275/)).

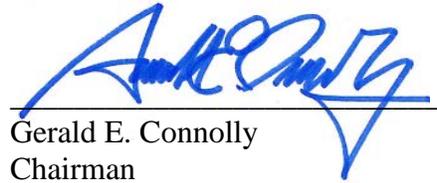
<sup>9</sup> *Spat Between Biden Team, OMB May Delay Fiscal 2022 Budget*, E&E News (Jan.11, 2021) (online at [www.eenews.net/stories/1063722229](http://www.eenews.net/stories/1063722229)); *Biden Transition Chief Blasts 'Obstruction' By Political Appointees At OMB, Pentagon*, Politico (Dec. 30, 2020) (online at [www.politico.com/news/2020/12/30/abraham-blasts-trump-omb-pentagon-452354](http://www.politico.com/news/2020/12/30/abraham-blasts-trump-omb-pentagon-452354)).

<sup>10</sup> *Union Lawsuit Looks to Block Schedule F*, Federal Computer Week (Dec. 22, 2020) (online at <https://fcw.com/articles/2020/12/22/nteu-schedule-f-lawsuit.aspx>); *NTEU Sues Trump Over Schedule F Executive Order*, FedSmith (Oct. 28, 2020) (online at [www.fedsmith.com/2020/10/28/nteu-sues-trump-over-schedule-f-executive-order/](http://www.fedsmith.com/2020/10/28/nteu-sues-trump-over-schedule-f-executive-order/)).

<sup>11</sup> Letter from Chairwoman Carolyn B. Maloney, Committee on Oversight and Reform, et al., to Acting Director Michael J. Rigas, Office of Personnel Management (Nov. 25, 2020) (online at [https://oversight.house.gov/sites/democrats.oversight.house.gov/files/2020-11-25.Cmte.\\_%20Chairs%20to%20Agencies\\_Burrowing%20In.pdf](https://oversight.house.gov/sites/democrats.oversight.house.gov/files/2020-11-25.Cmte._%20Chairs%20to%20Agencies_Burrowing%20In.pdf)); Letter from Chairwoman Carolyn B. Maloney, Committee on Oversight and Reform, et al., to Acting Director Michael J. Rigas, Office of Personnel 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>).

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The Honorable Michael J. Rigas  
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Sincerely,



Gerald E. Connolly  
Chairman  
Subcommittee on Government  
Operations



Carolyn B. Maloney  
Chairwoman  
Committee on Oversight and Reform

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

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