

Congress of the United States
House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

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October 5, 2017

The Honorable Trey Gowdy
Chairman
House Committee on Oversight and Government Reform
2157 Rayburn House Office Building
Washington, DC 20515

Dear Chairman Gowdy:

We are writing to request that the Oversight Committee hold hearings on the actions of the Trump Administration in restricting the hiring of federal employees across multiple federal agencies—without the approval of Congress—and the detrimental effects that the resulting staffing shortfalls are causing.

As part of this review, we also propose that the Committee obtain copies of the downsizing plans that the Trump Administration directed each agency to submit to the Office of Management and Budget (OMB) by last week.

The Constitution grants Congress the authority to appropriate funds for designated purposes, and the Executive Branch generally must spend those funds for the purposes Congress designates. For fiscal year 2017, Congress appropriated funds for a wide variety of purposes, including providing for staffing levels at federal agencies that Congress believes are adequate to protect our national security, our environment, and our health and safety.

However, it appears the Trump Administration has decided unilaterally that it will not spend these funds for the purposes for which they were designated. As a result, some federal agencies have frozen hiring for more than nine months—or 75% of the fiscal year. Several agencies, including the Department of State, the Environmental Protection Agency (EPA), and the Department of Health and Human Services (HHS), have continued to freeze the hiring of employees, leaving thousands of positions vacant to this day.

Our Committee has jurisdiction over both the federal workforce and proposed agency reorganizations, and the Trump Administration is now in the midst of one of the largest reorganizations in decades with virtually no oversight by Congress. As Members of this Committee, we believe it is our job to analyze the Trump Administration's plans to determine if, and to what extent, these massive reductions in staffing will impact the services the American people rely on every single day.

Trump Administration Actions to Date

Congress appropriated funds through the Consolidated Appropriations Act of 2017 with the expectation that the Executive Branch would obligate funds accordingly, including to provide adequate staffing levels at federal agencies serving the American people.¹ However, at the direction of the Trump Administration, non-defense agencies implemented a unilateral hiring freeze that lasted nearly three months, and several agencies have kept this hiring freeze in place to this day.

On January 23, 2017, President Trump issued a Presidential Memorandum that put in place a government-wide hiring freeze:

I hereby order a freeze on the hiring of Federal civilian employees to be applied across the board in the executive branch. As part of this freeze, no vacant positions existing at noon on January 22, 2017, may be filled and no new positions may be created, except in limited circumstances. This order does not include or apply to military personnel.²

The President also directed the OMB Director, in consultation with the Director of the Office of Personnel Management, to “recommend a long-term plan to reduce the size of the Federal Government’s workforce through attrition.”³

On April 12, 2017, OMB Director Mick Mulvaney issued a *Comprehensive Plan for Reforming the Federal Government and Reducing the Federal Civilian Workforce*, stating that “the government-wide hiring freeze is lifted upon issuance of this guidance.”⁴

However, his plan directed agencies to take “immediate actions to achieve near-term workforce reductions and cost savings.” It also directed them to submit Reorganization Plans by the end of September 2017 as part of their fiscal year 2019 budget submissions to OMB that include “long-term workforce reductions.”⁵

¹ Pub. L. No. 115-31 (2017).

² Memorandum from President Donald J. Trump to the Heads of Executive Departments and Agencies, *Hiring Freeze* (Jan. 23, 2017) (online at www.whitehouse.gov/the-press-office/2017/01/23/presidential-memorandum-regarding-hiring-freeze).

³*Id.*

⁴ Memorandum from Director Mick Mulvaney, Office of Management and Budget, to Heads of Executive Departments and Agencies, *Comprehensive Plan for Reforming the Federal Government and Reducing the Federal Civilian Workforce* (Apr. 12, 2017) (online at www.whitehouse.gov/sites/whitehouse.gov/files/omb/memoranda/2017/M-17-22.pdf).

⁵ *Id.*

The next day, on April 13, 2017, the State Department announced that “the freeze would continue ‘across the board,’ including both civil servants and Foreign Service officers.”⁶

A few days later, EPA announced it would “continue a freeze on external hiring” and “begin the necessary steps to initiate an early out/buyout program.”⁷

Although HHS has not officially announced that it is continuing the freeze, it does not appear that hiring has fully resumed at the agency. For example, nearly 700 positions at the Centers for Disease Control and Prevention remain vacant, and staff at the National Institutes of Health have said that clinical work and patient care are suffering.⁸

Impact on State Department

Decreased staff levels at the State Department could be having a major impact on the security of Americans at home and abroad. According to media reports, “the State Department plans to cut 2,300 U.S. diplomats and civil servants—about 9 percent of the Americans in its workforce worldwide.”⁹

Committee staff recently conducted site visits of three U.S. embassies in the Middle East and found that the hiring freeze may be having an adverse impact on diplomatic operations and security. Staff at one embassy raised concerns about the loss of a Regional Medical Officer and a projected shortage of trained, seasoned diplomats. These concerns were echoed by staff at another embassy.

The *Washington Post* has reported that “Secretary of State Rex Tillerson’s rush to slash the size of the State Department without a plan is harming diplomacy and having negative unintended effects.”¹⁰

In addition, *Politico* reported:

⁶ *Some Agencies Are Extending the Hiring Freeze Trump Just Ended*, Government Executive (Apr. 14, 2017) (online at www.govexec.com/management/2017/04/some-agencies-are-extending-hiring-freeze-trump-just-ended/137041/).

⁷ *EPA Plans Buyouts to Reduce Workforce Under Trump*, The Hill (Apr. 19, 2017) (online at www.thehill.com/policy/energy-environment/329592-epa-plans-buyouts-to-reduce-workforce-under-trump).

⁸ *Nearly 700 Vacancies at CDC Because of Trump Administration’s Hiring Freeze*, Washington Post (May 19, 2017) (online at www.washingtonpost.com/news/to-your-health/wp/2017/05/19/nearly-700-vacancies-at-cdc-because-of-trump-administration-hiring-freeze/?utm_term=.005cf4d6630d).

⁹ *Tillerson Seeking 9% Cut to U.S. State Department Workforce, Sources Say*, Bloomberg (Apr. 27, 2017) (online at www.bloomberg.com/news/articles/2017-04-28/tillerson-said-to-seek-9-cut-to-u-s-state-department-workforce).

¹⁰ *The State Department Just Broke a Promise to Minority and Female Recruits*, Washington Post (June 18, 2017) (online at www.washingtonpost.com/opinions/global-opinions/the-state-department-just-broke-a-promise-to-minority-and-female-recruits/2017/06/18/cd1f9d44-52b9-11e7-b064-828ba60fbb98_story.html?utm_term=.fb6e48366c22).

Foreign policy insiders say administration officials have given them the impression that Tillerson plans to restructure the State Department for at least a 30 percent budget cut, even though lawmakers insist that's not going to happen.¹¹

U.S. diplomats reportedly believe that the uncertainty caused by the hiring freeze and the slow pace of filling ambassadorial posts "threatens to undermine the work of a department that is understaffed and facing severe budget cuts."¹²

Secretary Tillerson is also facing criticism for "failing to spend \$80 million allocated by Congress to fight Russian and terrorist propaganda and for trying to freeze congressionally authorized fellowships for women and minorities."¹³

He also proposed eliminating the Office of the Coordinator for Cyber Issues, which is responsible for coordinating the nation's global diplomatic engagement on "the full spectrum of cyber-related issues to include security, economic issues, freedom of expression, and free flow of information on the Internet."¹⁴

Representative Eliot Engel, the Ranking Member of the House Foreign Affairs Committee, noted at a June hearing:

When we turn to the State Department to learn how American diplomacy and development efforts are going to help us meet these challenges in the Trump Administration, we find empty offices.¹⁵

Senator Christopher Coons warned that these actions are "beginning to have a genuine negative effect on morale and on our operating capacity." He stated: "I'm concerned we are going to lose the very best of our Foreign Service."¹⁶

¹¹ *Fears Grow That Trump Could Ignore Congress on Spending*, Politico (Aug. 18, 2017) (online at www.politico.com/story/2017/08/18/fears-grow-trump-will-ignore-congress-spending-241768).

¹² *Diplomats in Limbo at a State Department Where Most Leadership is Temporary*, Washington Post (June 1, 2017) (online at www.washingtonpost.com/world/national-security/diplomats-in-limbo-at-a-state-department-where-most-leadership-is-temporary/2017/06/01/8845d9c4-4619-11e7-a196-a1bb629f64cb_story.html?utm_term=.9dc584a790bc).

¹³ *Fears Grow That Trump Could Ignore Congress on Spending*, Politico (Aug. 18, 2017) (online at www.politico.com/story/2017/08/18/fears-grow-trump-will-ignore-congress-spending-241768).

¹⁴ Department of State, *Office of the Coordinator for Cyber Issues* (online at www.state.gov/s/cyberissues) (accessed Sept. 26, 2017).

¹⁵ *Tillerson Tightens Limits on Filling State Department Jobs*, Bloomberg (June 28, 2017) (online at www.bloomberg.com/news/articles/2017-06-28/tillerson-puts-tighter-limits-on-filling-state-department-jobs).

¹⁶ *The State Department Just Broke a Promise to Minority and Female Recruits*, Washington Post (June 18, 2017) (online at www.washingtonpost.com/opinions/global-opinions/the-state-department-just-broke-a-promise-to-minority-and-female-recruits/2017/06/18/cd1f9d44-52b9-11e7-b064-828ba60fbb98_story.html?utm_term=.fb6e48366c22).

Impact on EPA

The *Washington Post* has reported that “EPA has been a main target of the Trump administration.”¹⁷ At EPA, cuts to staff levels may be adversely impacting the ability of the agency to enforce laws to protect the environmental health and safety of the American people.

According to documents released by EPA pursuant to a Freedom of Information Act request, more than 350 positions at the agency were left unfilled during the hiring freeze, including more than 100 scientific positions in specialties such as environmental science, life science, and physical science, and at least six law enforcement positions.¹⁸

Since then, EPA has reportedly reduced its workforce by up to 1,227 employees through buyouts and early-outs, and EPA’s fiscal year 2018 budget request indicated a plan to reduce its workforce by 3,797 FTEs (full-time equivalents) over 2017 levels, or nearly 25%.¹⁹

John O’Grady, a career employee who leads a national council of EPA unions, warned that if the Trump Administration is successful in eliminating thousands of agency employees, it would result in “the utter destruction of the U.S. EPA.”²⁰

Sierra Club Global Climate Policy Director John Coequyt expressed concern about these vacancies:

These posts are crucial to understanding what types of pollutants are present, where they are coming from, how they are affecting people and wildlife, and how to return human and natural ecosystems to a healthful state. Every decision by the agency—from permit approvals to regulations—must be supported by extensive research.²¹

¹⁷ *EPA Under Trump Shrinks to Near Reagan-Era Staffing Levels*, Washington Post (Sept. 6, 2017) (online at www.washingtonpost.com/news/energy-environment/wp/2017/09/06/epa-under-trump-shrinks-to-near-reagan-era-staffing-levels/?utm_term=.1eb04073018d).

¹⁸ *More Than 350 Jobs at EPA Unfilled During Trump Hiring Freeze*, CNN (Apr. 13, 2017) (online at www.cnn.com/2017/04/13/politics/epa-hiring-freeze/index.html).

¹⁹ *The Buyouts: A Breakdown By Office*, E&E News (July 17, 2017) (online at www.eenews.net/climatewire/2017/07/17/stories/1060057454); Environmental Protection Agency, *EPA’s Budget and Spending* (online at www.epa.gov/planandbudget/budget) (accessed Sept. 26, 2017); Environmental Protection Agency, *Fiscal Year 2018 Justification of Appropriation Estimates for the Committee on Appropriations* (May 2017) (EPA-190-K-17-002) (online at www.epa.gov/sites/production/files/2017-05/documents/fy-2018-congressional-justification.pdf).

²⁰ *EPA Under Trump Shrinks to Near Reagan-Era Staffing Levels*, Washington Post (September 6, 2017) (online at www.washingtonpost.com/news/energy-environment/wp/2017/09/06/epa-under-trump-shrinks-to-near-reagan-era-staffing-levels/?utm_term=.1eb04073018d).

²¹ *More Than 350 Jobs at EPA Unfilled During Trump Hiring Freeze*, CNN (Apr. 13, 2017) (online at www.cnn.com/2017/04/13/politics/epa-hiring-freeze/index.html).

An organization of former EPA officials warned that decreased staffing levels “would dramatically disrupt the Agency’s ability to do its work to protect the environment and almost certainly involve layoffs” and “deprive EPA not only of the staff it needs now but many of the next generation of environmental professionals, crippling EPA for years to come.”²²

Another former EPA official, Heather McTeer Toney, has expressed concerns that cuts to EPA staffing could hinder the agency’s ability to respond to natural disasters since “they don’t have the people to be there on the ground’ to prepare for and assesses damage from the storms and coordinate with local government on recovery efforts.”²³

In addition, reduced grant funding for state environmental agencies, which conduct most enforcement actions, would reduce their “capacity to monitor pollution and enforce against violators of pollution control requirements.”²⁴ As EPA stated in a January report:

Violations of environmental laws put public health and the environment at risk. EPA enforces federal environmental laws to protect communities and to keep our air, land and water healthy. These compliance and enforcement efforts also level the playing field by deterring violators who might otherwise have an unfair business advantage over environmentally compliant facilities and businesses.²⁵

Impact on HHS

Vacancies at some components of HHS and the Centers for Disease Control may also be having a negative effect on the agency’s mission to protect the public health and safety of all Americans. The *Washington Post* reported:

Nearly 700 positions are vacant at the Centers for Disease Control and Prevention because of a continuing freeze on hiring that officials and researchers say affects programs supporting local and state public health emergency readiness, infectious disease control and chronic disease prevention.

²² Environmental Protection Network, *The Trump Budget Aims to Cripple Environmental Protection* (online at assets.documentcloud.org/documents/3863053/EPN-Overview-of-EPA-FY18-Budget-Final-With.pdf) (accessed on Sept. 28, 2017).

²³ *Trump Plans to Cut EPA Programs Could Hurt Post-Storm Rebuilding*, Bloomberg BNA (Sept. 11, 2017) (online at www.bna.com/trump-plans-cut-n57982087691/).

²⁴ Environmental Protection Network, *The Trump Budget Aims to Cripple Environmental Protection* (online at assets.documentcloud.org/documents/3863053/EPN-Overview-of-EPA-FY18-Budget-Final-With.pdf) (accessed on Sept. 28, 2017).

²⁵ Environmental Protection Agency, Region 10, *Compliance with Environmental Laws Helps Protect Air, Water and Land in Alaska, Idaho, Oregon and Washington* (Jan. 17, 2017) (online at www.epa.gov/newsreleases/compliance-environmental-laws-helps-protect-air-water-and-land-alaska-idaho-oregon-1).

The same restriction remains in place throughout the Health and Human Services Department despite the lifting of a government-wide hiring freeze last month. At the National Institutes of Health, staff say clinical work, patient care and recruitment are suffering.²⁶

The *Washington Post* added:

Several positions are in the Office of Public Health Preparedness and Response, which regulates some of the world's most dangerous bacteria and viruses and manages the nation's stockpile of emergency medical countermeasures. Others include positions in the director's office, infectious disease offices and the office for noncommunicable diseases, injury and environmental health.²⁷

In all, "at least 125 job categories have been blocked from being filled."²⁸

Request for Hearings and Review of Agency Downsizing Plans

The degradation of the federal workforce—particularly among those who dedicate their lives to protecting our national security, our environmental safety, and our health and wellness—should not occur in darkness.

If Trump Administration officials truly believe their policies will make our nation safer, make our air and water cleaner, and make American families healthier, they should prove it in the full light of day. They should submit their plans to Congress, they should testify under oath, and they should answer questions from Members of our Committee.

For all of these reasons, we hope you will support our request for hearings on this topic, and we hope together we can send a bipartisan request to OMB seeking copies of each agency's reorganization proposal.

Thank you for your consideration of this request.

Sincerely,

A handwritten signature in blue ink that reads "Eligh E. Cummings". The signature is written in a cursive style and is positioned above a horizontal line.

(continued below)

²⁶ *Nearly 700 Vacancies at CDC Because of Trump Administration's Hiring Freeze*, Washington Post (May 19, 2017) (online at www.washingtonpost.com/news/to-your-health/wp/2017/05/19/nearly-700-vacancies-at-cdc-because-of-trump-administration-hiring-freeze/).

²⁷ *Id.*

²⁸ *Id.*

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