

November 2, 2020

Dear Member of Congress:

On behalf of the National Active and Retired Federal Employees Association (NARFE), I urge you to nullify [Executive Order \(EO\) 13957](#) in the next government funding package or other must-pass legislation prior to the end of the year, regardless of the results of tomorrow's presidential election.

On the surface, this EO appears to center on employee accountability, but in actuality, it threatens the very integrity of a professional, nonpartisan civil service, which has been the federal government standard since the late 1800s. It does so by creating a broad, new exception (Schedule F) to competitive civil service requirements that eviscerates the basic rule that civil servants are hired and fired based on merit, not political affiliation. The order also threatens to politicize the delivery of services on which the American people rely, jeopardizing the very foundation our federal government – a prospect that should alarm you not only as lawmakers, but also as citizens of this country.

Specifically, this EO will force agency heads to move tens of thousands, if not hundreds of thousands, of employees into a new Schedule F excepted employment designation. Doing so would essentially convert competitive civil service positions into political appointments. Current rules already allow every administration to hire political appointees who are exempt from civil service rules for positions of a “confidential or policy determining nature” through Schedule C. But the new Schedule F will greatly expand upon that exception by including positions “of a confidential, policy-determining, policymaking or policy-advocating character.” This broad definition, applied liberally, could cover a significant portion of the federal workforce. And unlike Schedule C employees who conclude their tenure at the end of an administration, Schedule F appointments would last beyond the administration that appoints them, meaning the following administration could inherit thousands of the prior administration's appointees.

The order specifies several job functions (Sec. 5. Agency Actions) that would be classified as Schedule F. But in the abstract, it can be difficult to understand what the change really means and how services to the American people would be affected. Proponents of this action would have you believe that this order is targeted at those who write regulations, but in reality, the scope is far broader. Here are a few examples of who would be affected if this order is instituted on January 19 as intended:

- On-the-ground chiefs who coordinate disaster-relief efforts.
- Financial officers who set the policies that ensure agency leaders spend money as Congress appropriates.
- Federal law enforcement officers and supervisors, including FBI agents, Secret Service agents and rank and file officers.
- Senior acquisition officers who establish the ground rules maintaining a level playing field for American companies competing for government work.

- Security officers who set policies that keep foreign actors out of our workforce and data systems.
- Customs and Border Protection officers who determine fair treatment of travelers and commercial goods.
- Department of Justice officials who prioritize which investigations they should pursue and allocate resources towards.
- Mission commanders who have the final say on whether it is safe for a manned space launch.
- Fire control officials who determine the best strategies for controlling dangerous wildfires.

In this age of increasing partisanship, politicizing the civil service will only further exacerbate our divisions and weaken trust in government. The executive power of the federal government is substantial. While every election grants the winning candidate the right to wield that power and set policy, a nonpartisan, professional civil service guards against abuse of power beyond constitutional limits. It also ensures the American people receive services on which they rely regardless of who occupies the White House. Civil servants swear an oath to “support and defend the Constitution,” not to the person who is president. If your party loses this election – or the next one – do you think your opponents’ political appointees are more likely than nonpartisan civil servants to speak out about abuses of power?

A competitive, merit-based civil service provides continuity through changing administrations, preserves institutional knowledge and expertise within the federal government, and safeguards the rule of law. Civil service rules ensure federal employees are hired and fired based on their competence, or lack thereof, and not their political connections, or lack thereof. The rules also protect employees from being removed for choosing adherence to the Constitution, laws and professional standards over politically motivated actions or perceived allegiance to a president or political party.

Our country deserves a competent civil workforce that holds the trust of the American people. This EO undermines that trust and would return our nation to a spoils system that undercuts the public’s faith in its government. For these reasons, I ask that you support nullifying Executive Order 13957 in the next government funding package or other must-pass legislation prior to the end of the year.

Thank you for your consideration of NARFE’s views. If you have any questions or concerns, please contact NARFE’s Staff Vice President for Policy and Programs Jessica Klement at jklement@narfe.org.

Sincerely,



Ken Thomas
NARFE National President