

July 13, 2022

Sent via e-mail

Dear Representative:

On behalf of the National Active and Retired Federal Employees Association (NARFE), which is dedicated to advancing the interests of the more than 5 million federal employees and retirees, as well as their spouses and survivors, I write in favor of the bipartisan Connolly-Fitzpatrick Amendment X (#220) to the National Defense Authorization Act for Fiscal Year 2023 and urge you to vote in favor of the amendment whether it is brought up individually or en bloc.

The Connolly-Fitzpatrick amendment would provide a bipartisan, congressional check on abuse of executive powers from any administration. It would do so by limiting the ability of the executive branch to bypass the entire framework of the merit-based civil service through the creation of broad new exceptions to the application of merit-based rules. Specifically, the amendment would prohibit the reclassification of any position in the competitive service to an excepted service schedule that was created after September 30, 2020, and limit federal employee reclassifications to the five excepted service schedules in use prior to fiscal year 2021.

Given the attempt in late 2020 to create a broad, new excepted service category (Schedule F) with rules more akin to those covering political appointments, and recent legislative efforts to revive the idea, it is critical to pass this amendment now. It would provide a real, bipartisan check preventing our nation from returning to the spoils system on the late 1800s and ensuring we remain a nation governed by laws.

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 what political connections they have or lack. 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. In so doing, the rules protect against abuse of power by the executive branch, providing greater assurance that laws passed by Congress will be faithfully executed. This system must be protected for the sake of all Americans.

Current rules already allow every administration to hire political appointees who are exempt from civil service rules through Schedule C. But the short-lived Schedule F would have greatly expanded upon that exemption 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. Unlike Schedule C employees who conclude their tenure at the end of an administration, those hired under Schedule F could remain beyond the administration that appoints them. But if a new administration decided it wanted a new set of Schedule F employees, civil service rules would no longer stand in its way.

While every administration holds substantial executive power, that power is limited by the Constitution and laws of the United States. By prioritizing allegiance to that rule of law over personal allegiance, our civil service system stands as a bulwark for limited government. Our country deserves a competent civil workforce that holds the trust of the American people, and the Connolly-Fitzpatrick amendment represents an opportunity for Congress to do just that, by ensuring the civil service remains the professional and nonpartisan system that Americans have come to rely on.

For these reasons, I ask that you support the amendment and vote in its favor when it is considered by the House of Representatives. Thank you for your consideration of NARFE's views. If you have any questions or concerns, please contact NARFE Staff Vice President for Policy and Programs John Hatton at jhatton@narfe.org.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ken Thomas', with a stylized flourish at the end.

Ken Thomas
NARFE National President