

117TH CONGRESS }
1st Session } HOUSE OF REPRESENTATIVES { REPORT
117-

PREVENTING A PATRONAGE SYSTEM ACT OF 2021

JUNE --, 2021.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mrs. CAROLYN B. MALONEY of New York, from the Committee on Oversight and Reform, submitted the following

R E P O R T

together with

VIEWS

[To accompany H.R. 302]

[Including cost estimate of the Congressional Budget Office]

The Committee on Oversight and Reform, to whom was referred the bill (H.R. 302) to impose limits on excepting competitive service positions from the competitive service, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Preventing a Patronage System Act of 2021” or the “PPSA Act of 2021”.

SEC. 2. LIMITATIONS ON EXCEPTION OF COMPETITIVE SERVICE POSITIONS.

(a) **IN GENERAL.**—No position in the competitive service (as defined under section 2102 of title 5, United States Code) may be excepted from the competitive service unless such position is placed—

(1) in any of the schedules A through E as described in section 6.2 of title 5, Code of Federal Regulations, as in effect on September 30, 2020; and

(2) under the terms and conditions under part 6 of such title as in effect on such date.

(b) **SUBSEQUENT TRANSFERS.**—No position in the excepted service (as defined under section 2103 of title 5, United States Code) may be placed in any schedule other than a schedule described in subsection (a)(1).

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SUMMARY AND PURPOSE OF LEGISLATION

The Preventing a Patronage System Act would protect civil service rights and prevent federal employees from losing statutory and job protections. The bill would prevent any position in the competitive service from being reclassified to an excepted service schedule created after September 30, 2020. The bill would also limit federal employee reclassifications to the five excepted service schedules in use prior to fiscal year 2021.

The bill would protect the civil service system from political manipulation by codifying which federal employees can be hired or removed from their positions without due process.

BACKGROUND AND NEED FOR LEGISLATION

The civilian federal workforce is comprised of three types of service: the Competitive Service, the Excepted Service, and the Senior Executive Service.¹ Most civil service positions exist within the Competitive Service, which requires applicants to undergo a written test or other evaluation to demonstrate that they possess the acumen to perform their duties successfully before they can be hired into that position.² Civil servants in the Competitive Service cannot be fired without due process, and are in this way protected from political interference within the executive branch.

Congress abolished the “spoils system” and created a merit-based civil service with the enactment of the Civil Service Act of 1883.³ Also known as the Pendleton Act, the Civil Service Act of 1883 established the Civil Service Commission and created the Competitive Service and two excepted service categories, called schedules.

Historically, excepted service categories were created for positions that required unique hiring or operating rules, for example positions of a short-term political nature or positions in remote areas or areas with a hiring need so great that competitive civil service rules could not apply.⁴ In these cases, individuals hired into positions classified in the excepted service were not vested with certain civil service appeal rights because they had not undergone the required competitive hiring process.

In 1956, at the direction of President Eisenhower, the lines between the competitive service and excepted service were clarified and redrawn, resulting in the creation of Schedules A,

¹ Office of Personnel Management, *Policy, Data, Oversight* (online at www.opm.gov/policy-data-oversight/hiring-information/competitive-hiring/) (accessed July 27, 2022).

² *Id.*

³ National Archives and Records Administration, *Pendleton Act (1883)* (online at www.archives.gov/milestone-documents/pendleton-act) (accessed July 27, 2022).

⁴ Office of Personnel Management, *Excepted Service Hiring Authorities: Their Use and Effectiveness in the Executive Branch* (July 2018) (online at www.opm.gov/policy-data-oversight/hiring-information/excepted-service/excepted-service-study-report.pdf).

B, and C of Title 5 of the Code of Federal Regulations, Section 6.2.⁵ In the past ten years, two additional Schedules, D and E, were created—to open pathways to attract young talent and to except Administrative Law Judges from the Competitive Service, respectively.⁶

In 2020, President Trump issued a far-reaching executive order to create a new excepted service Schedule F, which would have removed statutory appeal rights from many federal employees whose jobs are of a “confidential, policy-determining, policy-making, or policy-advocating character.”⁷ Employees in this new Schedule F could have been subject to removal for partisan political reasons, instead of merit or job performance. The creation of Schedule F would have countered decades of congressional actions to support an independent, professional civil service.

President Trump’s creation of a new Schedule F created an exception to the competitive civil service that was so large that the personnel of nearly entire agencies could have been redesignated as excepted employees. In fact, in the waning days of the Trump Administration, the Office of Management and Budget announced that 88% of their workforce would be eligible for reclassification under Schedule F.⁸

President Biden overturned Executive Order 13957.⁹ However, should a future president decide to attack the independence and integrity of the competitive civil service, he or she would only need to rescind President Biden’s order and reinstate Schedule F.

To protect the non-partisan federal civil service, Congress should codify protections to prevent federal workers from manipulation by executive branch fiat. On January 13, 2021, Rep. Gerald E. Connolly, Chairman of the Subcommittee on Government Operations, and Rep. Brian Fitzpatrick introduced legislation that would prevent future administrations from manipulating the civil service, and ensuring all federal employees hired in the Competitive Service retain due process protections. This bill, the Preventing a Patronage System Act, limits the future exceptions to the civil service to existing schedules A through E, or new schedules that receive explicit statutory authorization.¹⁰

SECTION-BY-SECTION ANALYSIS

Sec. 1. Short Title.

⁵ *Id.*

⁶ Exec. Order No. 13562, 75 Fed. Reg. 82583 (Dec. 27, 2010); Exec. Order No. 13843, 83 Fed. Reg. 32755 (July 10, 2018).

⁷ Exec. Order No. 13957, 85 Fed. Reg. 67631 (Oct. 21, 2020).

⁸ Letter from Chairman Gerald E. Connolly, House Subcommittee on Government Operations, to Chairwoman Nita M. Lowey and Ranking Member Kay Granger, House Committee on Appropriations, and Chairman Richard Shelby and Vice Chairman Patrick Leahy, Senate Committee on Appropriations (Nov. 24, 2020) (online at https://connolly.house.gov/uploadedfiles/joint_letter_to_senate_and_house_approps_re_sched_f.pdf).

⁹ Exec. Order No. 14003, 86 Fed. Reg. 7231 (Jan. 22, 2021).

¹⁰ H.R. 302.

The short title is the “Preventing a Patronage System Act of 2021.”

Section. 2. Limitations on Exception of Competitive Service Positions

Subsection (a) of this bill limits the positions that can be moved from the competitive service into the excepted service to those positions that were in effect in the Code of Federal Regulations prior to September 30, 2020. The subsection prohibits any changes to the conditions and terms that defined the excepted service positions that existed prior to that date.

Subsection (b) of the bill prohibits the transfer of anyone in the qualifying excepted service positions into a different schedule—other than the excepted service schedules that existed prior to September 30, 2020.

LEGISLATIVE HISTORY

Chairman Gerald E. Connolly, along with Rep. Brian K. Fitzpatrick, introduced H.R. 302, the Preventing a Patronage System Act, on January 13, 2021. The Committee considered the bill at a business meeting on May 25, 2021, and ordered the bill favorably reported. Substantially identical measures have passed the House on two occasions—as Title XXII of H.R. 5314, the Protecting our Democracy Act, and as an amendment to H.R. 7900, the National Defense Authorization Act for Fiscal Year 2023.

The Subcommittee on Government Operations has held three hearings that informed this bill. On, February 23, 2021, the Subcommittee held a hearing titled “Revitalizing the Federal Workforce” with expert witnesses—including Everett Kelley, President of the American Federation of Government Employees; Janice Lachance, former Director of the Office of Personnel Management; and Anne Joseph O’Connell, Professor of Law, Stanford School of Law—who warned of the harms Schedule F could cause.

On December 1, 2021, the Subcommittee held a hearing on “the Future of Federal Work” at which the minority witness, Andrew Biggs, Senior Fellow, American Enterprise Institute; stated:

In general, private sector employment is at-will, meaning you don’t have to give a reason to dismiss somebody. The Federal Government is the opposite of that. And partly that arose for reasons you don’t want a politicized work force, and that goes back 100 years. You don’t want patronage appointments, things like that.

On July 21, 2022, the Subcommittee held an additional hearing on the Future of Federal Work.

COMMITTEE CONSIDERATION

On May 25, 2021, the Committee considered H.R. 302 at a business meeting.

ROLL CALL VOTES

There were two roll call votes during consideration of H.R. 302 on the following measures:

The amendment to the ANS offered by Rep. Hice was not adopted.

H.R. 302, as amended, was favorably reported to the House.

COMMITTEE ON OVERSIGHT AND REFORM
117TH CONGRESS
RATIO 25-20
ROLL CALL

Vote on: Rep. Hice — Amendment to ANS to H.R. 302, the Preventing a Patronage System Act.

Date: 5-25-2021

VOTE #: 4

Democrats	Aye	No	Present	Republicans	Aye	No	Present
MS. MALONEY (NY) <i>(Chairwoman)</i>		X		MR. COMER (KY) <i>(Ranking Member)</i>	X		
MS. NORTON (DC)		X		MR. JORDAN (OH)	X		
MR. LYNCH (MA)		X		MR. GOSAR (AZ)			
MR. COOPER (TN)		X		MS. FOXX (NC)	X		
MR. CONNOLLY (VA)		X		MR. HICE (GA)	X		
MR. KRISHNAMOORTHY (IL)		X		MR. GROTHMAN (WI)	X		
MR. RASKIN (MD)		X		MR. CLOUD (TX)	X		
MR. KHANNA (CA)		X		MR. GIBBS (OH)	X		
MR. MFUME (MD)				MR. HIGGINS (LA)			
MS. OCASIO-CORTEZ (NY)		X		MR. NORMAN (SC)	X		
MS. TLAIB (MI)		X		MR. SESSIONS (TX)	X		
MS. PORTER (CA)		X		MR. KELLER (PA)	X		
MS. BUSH (MO)		X		MR. BIGGS (AZ)	X		
MR. DAVIS (IL)				MR. CLYDE (GA)	X		
MS. WASSERMAN SCHULTZ		X		MS. MACE (SC)	X		
MR. WELCH (VT)		X		MR. FRANKLIN (FL)	X		
MR. JOHNSON (GA)		X		MR. LATURNER (KS)	X		
MR. SARBANES (MD)		X		MR. FALLON (TX)	X		
MS. SPEIER (CA)		X		MS. HERRELL (NM)	X		
MS. KELLY (IL)		X		MR. DONALDS (FL)	X		
MS. LAWRENCE (MI)		X					
MR. DESAULNIER (CA)		X					
MR. GOMEZ (CA)		X					
MS. PRESSLEY (MA)							
MR. QUIGLEY (IL)		X					

Roll Call Totals: Ayes: 18 Nays: 22 Present:

Passed: _____ Failed: ___X___

COMMITTEE ON OVERSIGHT AND REFORM
117TH CONGRESS
RATIO 25-20
ROLL CALL

Vote on: Final Passage—H.R. 302 The Preventing a Patronage System Act as amended.

Date: 5-25-2021

VOTE #: 5

Democrats	Aye	No	Present	Republicans	Aye	No	Present
MS. MALONEY (NY) <i>(Chairwoman)</i>	X			MR. COMER (KY) <i>(Ranking Member)</i>		X	
MS. NORTON (DC)	X			MR. JORDAN (OH)		X	
MR. LYNCH (MA)	X			MR. GOSAR (AZ)			
MR. COOPER (TN)	X			MS. FOXX (NC)		X	
MR. CONNOLLY (VA)	X			MR. HICE (GA)		X	
MR. KRISHNAMOORTHY (IL)	X			MR. GROTHMAN (WI)		X	
MR. RASKIN (MD)	X			MR. CLOUD (TX)		X	
MR. KHANNA (CA)	X			MR. GIBBS (OH)		X	
MR. MFUME (MD)				MR. HIGGINS (LA)			
MS. OCASIO-CORTEZ (NY)	X			MR. NORMAN (SC)		X	
MS. TLAIB (MI)	X			MR. SESSIONS (TX)		X	
MS. PORTER (CA)	X			MR. KELLER (PA)		X	
MS. BUSH (MO)				MR. BIGGS (AZ)		X	
MR. DAVIS (IL)	X			MR. CLYDE (GA)		X	
MS. WASSERMAN SCHULTZ	X			MS. MACE (SC)		X	
MR. WELCH (VT)	X			MR. FRANKLIN (FL)		X	
MR. JOHNSON (GA)	X			MR. LATURNER (KS)		X	
MR. SARBANES (MD)	X			MR. FALLON (TX)		X	
MS. SPEIER (CA)	X			MS. HERRELL (NM)		X	
MS. KELLY (IL)	X			MR. DONALDS (FL)		X	
MS. LAWRENCE (MI)	X						
MR. DESAULNIER (CA)	X						
MR. GOMEZ (CA)	X						
MS. PRESSLEY (MA)							
MR. QUIGLEY (IL)	X						

Roll Call Totals: Ayes: 22 Nays: 18 Present:

Passed: X Failed:

EXPLANATION OF AMENDMENTS

During Committee consideration of the bill, Chairwoman Carolyn B. Maloney (D-NY), Chairwoman of the Committee, offered an amendment in the nature of a substitute (ANS) that modified the bill to make technical changes.

Rep. Jody Hice offered an amendment to the ANS that struck the provisions of the bill and codified E.O. 13957.

LIST OF RELATED COMMITTEE HEARINGS

In accordance with section 103(i) of H. Res. 6, the Committee held a hearing on February 23, 2021, to consider the proposals set forth in the Preventing a Patronage System Act along with other legislative proposals to improve the operations and engagement of the federal workforce.

In accordance with section 103(i) of H. Res. 6, the Committee held a hearing on December 1, 2021, on “the Future of Federal Work.”

In accordance with section 103(i) of H. Res. 6, the Committee held a hearing on July 21, 2022, to consider the proposals set forth in the Preventing a Patronage System Act, along with other legislative proposals to improve how federal employees serve the nation.

STATEMENT OF OVERSIGHT FINDINGS AND RECOMMENDATIONS OF THE COMMITTEE

In compliance with clause 3(c)(1) of Rule XIII and clause (2)(b)(1) of Rule X of the Rules of the House of Representatives, the Committee finds that preservation of a professional, non-partisan, civil service is essential to the functioning of the federal government.

STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

In accordance with clause 3(c)(4) of Rule XIII of the Rules of the House of Representatives, the Committee’s performance goals and objectives of this bill are to ensure that the federal workforce is comprised of nonpartisan experts who are loyal to the Constitution.

APPLICATION OF LAW TO THE LEGISLATIVE BRANCH

The bill does not relate to terms and conditions of employment or access to public services or accommodations.

DUPLICATION OF FEDERAL PROGRAMS

In accordance with clause 3(c)(5) of Rule XIII, no provision of this bill establishes or reauthorizes a program of the federal government known to be duplicative of another federal

program, a program that was included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111-139, or a program related to a program identified in the most recent Catalog of Federal Domestic Assistance.

DISCLOSURE OF DIRECTED RULE MAKINGS

This bill does not direct the completion of any specific rule makings within the meaning of section 551 of title 5, United States Code.

FEDERAL ADVISORY COMMITTEE ACT STATEMENT

The legislation does not establish or authorize the establishment of an advisory committee within the definition of section 5(b) of the appendix to title 5, United States Code.

UNFUNDED MANDATES REFORM ACT STATEMENT

Pursuant to section 423 of the Congressional Budget Act of 1974, the Committee has included a letter received from the Congressional Budget Office below.

EARMARK IDENTIFICATION

This bill does not include any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of Rule XXI of the House of Representatives.

COMMITTEE COST ESTIMATE

Pursuant to clause 3(d)(2)(B) of Rule XIII of the Rules of the House of Representatives, the Committee includes below a cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974.

NEW BUDGET AUTHORITY AND CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

Pursuant to clause 3(c)(3) of Rule XIII of the House of Representatives, the cost estimate prepared by the Congressional Budget Office and submitted pursuant to section 402 of the Congressional Budget Act of 1974 is as follows:

[Insert CBO score:]

MINORITY VIEWS

[Insert minority]

H.R. 302, PPSA Act of 2021

As ordered reported by the House Committee on Oversight and Reform on May 25, 2021

By Fiscal Year, Millions of Dollars	2021	2021-2026	2021-2031
Direct Spending (Outlays)	0	0	0
Revenues	0	0	0
Increase or Decrease (-) in the Deficit	0	0	0
Spending Subject to Appropriation (Outlays)	*	*	not estimated
Statutory pay-as-you-go procedures apply?	No	Mandate Effects	
Increases on-budget deficits in any of the four consecutive 10-year periods beginning in 2032?	No	Contains intergovernmental mandate?	No
		Contains private-sector mandate?	No
* = between zero and \$500,000.			

H.R. 302 would limit the conditions under which a position may be reclassified from the federal competitive service to federal excepted service. Federal government civilian positions are generally part of the competitive civil service and applicants for those positions are evaluated through a competitive hiring process.¹ Under current law, people may instead be appointed to excepted service positions within the federal government under limited circumstances, such as to fill specialized jobs.

CBO is unaware of any current federal civilian position reclassification activities that would be prohibited under the bill. On that basis, CBO estimates that implementing the bill would have no significant effect on the federal budget.

The CBO staff contact for this estimate is Matthew Pickford. The estimate was reviewed by H. Samuel Papenfuss, Deputy Director of Budget Analysis.

1. See Office of Personnel Management, “Policy, Data, Oversight: Hiring Information” (accessed June 21, 2021), <https://go.usa.gov/x6mHR>.



CONGRESSIONAL BUDGET OFFICE
U.S. Congress
Washington, DC 20515

Phillip L. Swagel, Director

June 23, 2021

Honorable Carolyn B. Maloney
Chairwoman
Committee on Oversight
and Reform
U.S. House of Representatives
Washington, DC 20515

Dear Madam Chairwoman:

The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 302, the PPSA Act of 2021.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Matthew Pickford.

Sincerely,

A handwritten signature in black ink, appearing to read "Phillip L. Swagel".

Phillip L. Swagel

Enclosure

cc: Honorable James Comer
Ranking Member

MINORITY VIEWS

Committee Republicans oppose H.R. 302. This legislation rashly eliminates the ability of future presidents to improve the efficiency and effectiveness of the civil service by establishing new categories of excepted service positions. This bill is not justified by either recent experience or by the original purposes of the merit-based civil service. On the contrary, experience during the Trump Administration shows that the creation of new excepted service schedules can be critical to ensure civil servants impartially and dutifully serve all presidential administrations. That is the very purpose of the merit-based civil service.

I. The Trump Administration's Experience Demonstrates the Necessity of Preserving Presidential Flexibility to Ensure the Merit-Based Civil Service Impartially Supports Any and All Presidential Administrations.

The U.S. Constitution was written to ensure a government “of the people, by the people, for the people.”¹ Central to that design is the President’s authority to implement the policy mandate he or she receives from the voters in each presidential election.

In our modern American government, the President relies on both his or her political appointees and vast amounts of career civil servants in policy-related roles to bring the voters’ policy mandate to life across large numbers of federal agencies. The President, along with his or her appointees, are to be the decisionmakers, accountable to the voters and Congress. Career civil servants are to provide the President—and his or her administration—with impartial expertise to best inform and construct their ultimate executive policy decisions.

Many, if not most, career civil servants in policy-related roles appear to be faithful employees who deliver that impartial expertise to the benefit of successive presidents of differing parties and, above all, to the American people. Yet, in recent years—and particularly during the Trump Administration—increasing numbers of civil servants in policy-related roles have resisted the policy and political direction of the duly elected President.² As Professor Jennifer Nou of the University of Chicago Law School recounts, civil servants during the Trump Administration “reportedly created support groups to oppose the Trump Administration and signed up for workshops on how to resist.”³ While acknowledging such “resistance” is not necessarily new, she explains that:

What seems potentially novel in the Trump Administration is the extent to which that resistance is openly defiant. Instead of being covert or channeled through official mechanisms, a greater degree of dissent seems to have spilled out into the open by civil servants identified as such. Bureaucrats increasingly seem to be

¹ President Abraham Lincoln, *Gettysburg Address* (Nov. 19, 1863).

² See, e.g., Jennifer Nou, *Civil Servant Disobedience*, *Chicago-Kent Law Rev.*, vol 94, issue 2, 349 (May 1, 2019) (“*Civil Servant Disobedience*”); James Sherk, *Tales from the Swamp: How Federal Bureaucrats Resisted President Trump*, *America First Pol. Inst.* (Feb. 1, 2022) (*Tales from the Swamp*).

³ *Civil Service Disobedience* at 350.

opposing the President in their official capacity. And they are doing so despite strong agency norms to the contrary.⁴

This is unacceptable in a government that is intended to be responsible to the voters—not the whims or ideological leanings of career civil servants. In opposing a substantially similar version of H.R. 302 which passed the House as an amendment proposed by Rep. Gerry Connolly (D-VA) to H.R. 7900, the Fiscal Year 2023 National Defense Authorization Act, Rep. Jody Hice (R-GA) highlighted this point on behalf of House Republicans in his remarks on the House floor:

The bottom line is that the voters elect the President, and then the President nominates administration officials to implement the policy that the voters have elected the President to implement. When career officials resist implementing those mandates, then they are, in effect, resisting the voters.⁵

Each presidential election gives a president four years to implement the voters' policy mandate. Policymaking can be notoriously slow, particularly when pursued through agency rulemaking.⁶ If the President is unable to reign in civil-servant defiance through prompt discipline or removal, the President's term in office could easily be wasted away by the refusal of civil servants in policy-related roles to help implement the voters' mandate. That would be utterly contrary to America's system of elective governance.

It is in the excepted service, not the competitive service, that the President and his or her political appointees have access to swifter disciplinary and removal procedures. President Trump thus rightly responded to the problem of insubordinate career employees in policy-making roles when he issued Executive Order 13957, "Creating Schedule F in the Civil Service."⁷ Contrary to Congressional Democrat's mischaracterization of it, this order did not reestablish a patronage system—far from it. The order did not touch the vast majority of the civil service, nor did it affect the Senior Executive Service. It simply ensured that, through the availability of better disciplinary and removal procedures against insubordinate policy-related officials, the President could guarantee that civil servants made available to him the professional and technical policy-related expertise they were placed in their positions to give.

The Schedule F executive order made it easier to take action against Schedule F employees, up to and including termination, for performance issues and denied Schedule F employees the ability to appeal disciplinary procedures and firings. That was consistent with the merit-system's goal of ensuring that any and all presidents have available to them a corps of impartial expert assistants in the career service who will help them to implement their policy mandate.

The Schedule F order's opponents claim it constituted a return to a 19th-century-style patronage system. However, the order's terms did not represent that. Rather, the order

⁴ *Id.* at 351.

⁵ 168 CONG. REC. H6469 (daily ed. July 13, 2022) (statement of Rep. Hice).

⁶ *See, e.g.,* Maeva P. Carey, *The Federal Rulemaking Process: An Overview*, CONGRESSIONAL RESEARCH SERVICE (June 17, 2013).

⁷ 85 Fed. Reg. 67631 (Oct. 26, 2020).

maintained the merit system while instituting an appropriate defense against the entrenchment of a biased corps of civil-service policy bureaucrats who could easily resist the President's—and the voters'—will. We must emphasize—the merit-based system was not intended to create a civil service independent of, and unresponsive to, presidential authority. It was intended to create an *impartial* civil service.

II. H.R. 302 Is Unnecessary and Would Needlessly Thwart the Ability of Future Presidents to Create New Schedules of Excepted Service Positions when Appropriate.

Putting aside the merits of President Trump's Schedule F order, this bill is no longer needed, represents unnecessary legislating, and it would therefore be irresponsible for the U.S. House to pass it. President Biden rescinded E.O. 13957 immediately upon taking office.⁸ Yet the bill not only would ban the reinstatement of President Trump's Schedule F, it would preclude any future president from instituting any new excepted service schedule. In other words, regardless of what circumstances future duly elected presidents may encounter, and what additions to the excepted service might be needed to meet them, this bill, out of spite for President Trump's entirely appropriate executive action, would preclude future presidents from exercising their executive prerogatives. We cannot support this reckless legislative overreach and attempt to bind the flexibility of future presidents' actions to meet our country's needs.

III. Conclusion

Committee Republicans oppose H.R. 302.



James Comer
Ranking Member
Committee on Oversight and Reform

⁸ See Executive Order 14003, *Protecting the Federal Workforce*, 86 Fed. Reg. 7231 (January 27, 2020).