

September 8, 2020

The Honorable Ron Johnson  
Chairman  
Senate Committee on Homeland Security and Governmental Affairs  
340 Dirksen Senate Office Building  
Washington, DC 20510

The Honorable Gary Peters  
Ranking Member  
Senate Committee on Homeland Security and Governmental Affairs  
442 Hart Senate Office Building  
Washington, DC 20510

Dear Chairman Johnson and Ranking Member Peters:

Our organizations write to express our concerns about a nominee pending before your committee, Mr. John Gibbs. As you know, Mr. Gibbs was nominated by President Donald Trump to become director of the Office of Personnel Management (OPM) and will come before your committee for a nomination hearing on September 9, 2020.<sup>1</sup> Unfortunately, alarming comments made by the nominee, as well as his lack of qualifications for the position, demonstrate that he may undermine the agency's critical operations to serve over 2 million federal employees and to manage the federal merit system.

Prior to being nominated to lead OPM, Mr. Gibbs enthusiastically supported the idea that new hires should be loyal to President Trump's political agenda, tweeting that those who aren't loyal are "backstabbers" and should be screened out of government service.<sup>2</sup>

If these values are brought into OPM, it would hamper the agency's ability to carry out its mandate of ensuring that the federal government makes personnel decisions based on individual merit, not on political favoritism. A strong and independent federal merit system is a critical component of ensuring a fair, qualified federal workforce that serves the interests of taxpayers, not political parties. Political appointees are responsible for understanding and fostering these same principles at the agencies they serve. The rhetoric used by the nominee raises serious questions about his willingness and ability to earnestly serve as director of an agency designed to

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<sup>1</sup> "President Donald J. Trump Announces Intent to Nominate Individual to Key Administration Post," White House, July 20, 2020. <https://www.whitehouse.gov/presidential-actions/president-donald-j-trump-announces-intent-nominate-individual-key-administration-post-072020/>; "Nominations of John Gibbs to be Director, Office of Personnel Management, and The Honorable John M. Barger, The Honorable Christopher B. Burnham, and Frank Dunlevy to be Members, Federal Retirement Thrift Investment Board," U.S. Senate Committee on Homeland Security and Governmental Affairs. <https://www.hsgac.senate.gov/nominations-of-john-gibbs-to-be-director-office-of-personnel-management-and-the-honorable-john-m-barger-the-honorable-christopher-b-burnham-and-frank-dunlevy-to-be-members-federal-retirement-thrift-investment-board>

<sup>2</sup> Although Mr. Gibbs' Twitter account is now non-public, he tweeted his support for the idea of creating a vetting mechanism for President Trump's nominees with the aim of hiring only loyalists. He wrote on November 18, 2016, "Tremendous! Systematic way of keeping out backstabbers & ensuring new hires are loyal to President Trump's agenda. #DrainTheSwamp." A copy of the tweet is enclosed in the document attached to this letter and the Tweet is archived online at <http://web.archive.org/web/20161121092639/http://twitter.com/realJohnGibbs>

be independent of political motives and to ensure that employees are protected from political interference in their work as they serve the American public.

As you know, the Office of Personnel Management is the core human resources office for the federal workforce. Among its many tasks, it plays a central role in working with agencies to ensure compliance with merit system principles and laws.<sup>3</sup> Part of that role is to audit agencies to make sure they are evaluating employee performance based on merit and not on employee partisan affiliation.<sup>4</sup> As such, it is critical that the person selected to serve as OPM's director is deeply and personally committed to upholding and overseeing an independent federal merit system.

OPM sets several government-wide policies that are directly relevant to the nominee's concerning stance. For example, OPM issues regulations for how agencies should interpret the Hatch Act, a law designed to prevent political interference in federal government service.<sup>5</sup> The agency also has the power to authorize additional political appointee positions at federal agencies, a power that could be used to insert partisan influence across the executive branch.<sup>6</sup>

OPM is also responsible for reviewing instances of so-called "burrowing" in government—a practice by which political appointees convert to civil service positions within the agency,<sup>7</sup> and one this committee has raised concerns about before.<sup>8</sup> We have serious doubts about Mr. Gibbs' commitment and ability to uphold the standards that the committee has articulated for this position.

If the nominee's own statement demonstrating his beliefs that run contrary to OPM's mission isn't enough to take him out of the running for this position, his lack of qualifications for the director position likely should. Although Mr. Gibbs has worked at the Department of Housing and Urban Development (HUD) for the past three years, that's his only experience in the executive branch. His limited federal experience seems objectively insufficient to qualify him for a job that demands extensive leadership experience and a firm understanding of federal employment policy. Prior to his role at HUD, Mr. Gibbs worked in the private sector as a

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<sup>3</sup> "About Us: Our Mission, Role, and History," Office of Personnel Management. <https://www.opm.gov/about-us/our-mission-role-history/what-we-do/#url=Human-Capital-Management-Leadership> (accessed September 3, 2020)

<sup>4</sup> "Merit System Accountability and Compliance," Office of Personnel Management. <https://www.opm.gov/about-us/our-people-organization/program-divisions/merit-system-accountability-and-compliance/> (accessed September 4, 2020)

<sup>5</sup> "About Us: Our Mission, Role, and History," Office of Personnel Management. <https://www.opm.gov/about-us/our-mission-role-history/what-we-do/#url=Human-Capital-Management-Leadership> (accessed September 3, 2020)

<sup>6</sup> U.S. Department of Agriculture, Draft of *Guide to Schedule C Positions: Staffing and Policy Handbook*, (December, 2013), 6. [https://www.dm.usda.gov/employ/exec/docs/Guide\\_to\\_Schedule\\_C\\_Positions%202013.pdf](https://www.dm.usda.gov/employ/exec/docs/Guide_to_Schedule_C_Positions%202013.pdf)

<sup>7</sup> U.S. Senate Committee on Homeland Security and Governmental Affairs, "Johnson Requests that OPM be Wary of Political Appointees 'Burrowing in' to Career Positions During Transition," Press Release, November 22, 2016. <https://www.hsgac.senate.gov/media/majority-media/johnson-requests-that-opm-be-wary-of-political-appointees-burrowing-in-to-career-positions-during-transition>

<sup>8</sup> Letter from Chairman Ron Johnson to acting OPM Director Beth Cobert about the chairman's concerns over the practice of burrowing in, November 21, 2016. <https://www.hsgac.senate.gov/imo/media/doc/2016-11-21%20RHJ%20to%20OPM%20Burrowing%20political%20appointees.pdf>; Letter from Chairman Ron Johnson to acting OPM Director Kathleen McGettigan about the chairman's concerns that an OPM appointee improperly burrowed into a federal agency, November 28, 2017. [hsgac.senate.gov/imo/media/doc/2017-11-28%20RHJ-to-McGettigan-OPM-CFPB-Appointee-Approval%20Final.pdf](https://www.hsgac.senate.gov/imo/media/doc/2017-11-28%20RHJ-to-McGettigan-OPM-CFPB-Appointee-Approval%20Final.pdf)

software engineer and political commentator. Reporting identifies that the nominee has “little direct federal personnel experience.”<sup>9</sup> Given that the director position exercises vast authority over OPM’s operations and policies, including the significant budgetary resources at its command, Mr. Gibbs’ lack of experience alone could greatly undermine the agency’s work.

The Office of Personnel Management was created to ensure an impartial civil service. We ask you to preserve that critical impartiality now by closely examining Mr. Gibbs’ experience with, understanding of, and dedication to the merit-based hiring system that fosters an effective federal workforce free of partisan leanings. If necessary, we urge you to consider rejecting his nomination.

Sincerely,

Government Accountability Project

Project On Government Oversight

Public Employees for Environmental Responsibility (PEER)

Union of Concerned Scientists

Whistleblowers of America

Enclosure: 1

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<sup>9</sup> Nicole Ogrysko, “Trump Taps HUD Appointee to be New OPM Director,” *Federal News Network*. July 20, 2020. <https://federalnewsnetwork.com/people/2020/07/trump-taps-hud-appointee-to-be-new-opm-director/>

Attachment - Tweet by nominee John Gibbs:



**John Gibbs** @realJohnGibbs · Nov 18

Tremendous! Systematic way of keeping out backstabbers & ensuring new hires are loyal to President Trump's agenda. [#DrainTheSwamp](#)

**Phil Kerpen** @kerpen

Peter Thiel has created a secret database to vet potential Trump hires [daily.ai/2g2xvyb](https://daily.ai/2g2xvyb) via @MailOnline



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