November 22, 2022

The Honorable Charles Schumer  
Senate Majority Leader  
322 Hart Senate Office Building  
Washington, DC 20510

The Honorable Nancy Pelosi  
Speaker of the House  
1236 Longworth House Office Building  
Washington, DC 20515

The Honorable Jack Reed  
Chairman  
Senate Armed Services Committee  
228 Russell Senate Office Building  
Washington, DC 20510

The Honorable Adam Smith  
Chairman  
House Armed Services Committee  
2216 Rayburn House Office Building  
Washington, DC 20515

Dear Majority Leader Schumer, Speaker Pelosi, Chairman Reed, and Chairman Smith:

The undersigned organizations write to urgently request that, as you pass the National Defense Authorization Act for Fiscal Year 2023, you protect national security by stopping attempts to politicize our federal civil service. America’s long-term success and continued security rely on a professional, merit-based civil service composed of public servants committed to furthering the best interests of the people, regardless of partisanship or political loyalty. We therefore urge you to enact in the final conferenced bill Representative Gerry Connolly’s Preventing a Patronage System Act, with a few modifications that would also require employee consent before they can be transferred to an excepted service schedule, and that limit the number of positions under such a schedule. Doing so will help ensure that the Pentagon and other U. S. Government agencies with responsibilities involving U.S. national security remain neutral with respect to domestic politics, that our democracy is kept safe from foreign intrusion, and that a sudden shift in political winds does not harm our national security and standing abroad.

As you know, toward the end of the previous administration, the president created Schedule F via executive order, a broad and new exception to merit-based civil service rules applied to positions that an administration’s political leaders decide are confidential and policymaking in

---

nature. It was estimated that, under this policy, up to 50,000 or even 100,000 federal employees could potentially be transferred out of competitive service positions, stripped of due process protections, and fired at will.\(^3\) This would greatly expand presidential power to purge the federal government of career employees who refuse to obey unlawful orders, and to pack federal agencies with those loyal to a president rather than to the Constitution and rule of law. If implemented, this sort of reorganization would threaten national security by hindering the management of crucial national security operations and priorities.

Over 70% of career civil servants are employed in national security-oriented federal agencies.\(^4\) Their day-to-day work includes critical tasks like monitoring election interference, analyzing target intelligence, crafting and enforcing sanctions, coordinating nuclear nonproliferation efforts, and organizing new pandemic preparedness efforts. This work requires deep expertise, institutional knowledge, and clear risk assessment, and qualifications for these positions should absolutely remain merit based. A president’s ability to replace thousands of these experts with people whose only qualification is personal loyalty could put our national security at risk, and any disruption to these areas in the name of partisan politics would be an outrageous breach of the public’s trust in its government’s commitment to keep them safe.

Unfortunately, although the executive order that created Schedule F was rescinded,\(^5\) some politicians are actively trying to reinstate Schedule F or otherwise make federal civil servants at-will employees.\(^6\)

Congress must protect the public by blocking the politicization of critical government operations, especially regarding America’s national security apparatus. Radical politicians should not be allowed to target the defense, intelligence, and national security establishment, which are responsible for the continuity of U.S. security operations around the world, with threats of cleaning house and installing political loyalists. Unfortunately, as it stands, the risk of this sort of action is still very real, and could touch every corner of our defense and national security policymaking.

We appreciate the House passing H.R. 302, the Preventing a Patronage System Act, as a standalone bill and as amended in the 2023 NDAA, as well as the proposed amendment to the Senate version. However, Congress must do more to prevent the politicization of the civil service.

---


by enacting additional protections that require an employee’s consent before they can be transferred to an excepted service schedule, and limit the number of positions under such a schedule.

Congress must ensure that vital national security decisions are made not to achieve partisan political goals, but to keep Americans safe. These reforms would protect the American people against a politicized civil service willing to carry out a president’s every impulse, even at the cost of national security.

We strongly urge you to pass these provisions in the final fiscal year 2023 NDAA. If you have any questions or need additional information, please contact Joe Spielberger, POGO’s policy counsel, at joe.spielberger@pogo.org.

Thank you for your consideration.

Sincerely,

The American College of National Security Leaders
American Foreign Service Association
Count Every Hero
Cochairs:
   Steve Abbot, Admiral, U.S. Navy (Ret)
   Thad Allen, Admiral, U.S. Coast Guard (Ret)
   Louis Caldera, Former U.S. Secretary of the Army
   George Casey, General, U.S. Army (Ret)
   Debbie Lee Lames, Former U.S. Secretary of the Air Force
   John Jumper, General, U.S. Air Force (Ret)
   Craig McKinley, General, U.S. Air Force (Ret)
   Sean O’Keefe, Former U.S. Secretary of the Navy
   Tony Zinni, General, U.S. Marine Corps (Ret)
Citizens for Responsibility and Ethics in Washington (CREW)
Foreign Policy for America
Government Accountability Project
Partnership for Public Service
Peace Action
Project On Government Oversight (POGO)
Public Citizen
Taxpayers for Common Sense
Tri-Valley CAREs
Truman Center for National Policy
VoteVets
Win Without War