



INTERNATIONAL FEDERATION OF PROFESSIONAL & TECHNICAL ENGINEERS AFL-CIO & CLC

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Hon. Charles Schumer, Majority Leader
United States Senate
Capitol Building S-221
Washington, DC 20515

Hon. Mitch McConnell, Minority Leader
United States Senate
Capitol Building S-230
Washington, DC 20515

Hon. Jack Reed, Chairman
Armed Services Committee
United States Senate
Russell Senate Building Rm 228
Washington, D.C. 20515

Hon. James Inhofe, Ranking Member
Armed Services Committee
United States Senate
Russell Senate Building Rm 228
Washington, D.C. 20515

Dear Majority Leader Schumer, Minority Leader McConnell, Chairman Reed, and Ranking Member Inhofe:

We write to you as the executive officers of the International Federation of Professional and Technical Engineers (IFPTE), a labor union representing upwards of 90,000 professional employees, including federal employees working at Navy shipyards and depots, U.S. Army Corps of Engineers, NASA, Social Security Administration, the Immigration Court, Environmental Protection Agency, Department of Energy, Merit Systems Protection Board, and elsewhere. As the House and Senate Armed Service Committees continue to work on the National Defense Authorization Act (NDAA) of 2023, we urge you to support language included in Section 5705 of the House-passed NDAA, H.R. 7900, and proposed in Senate Amendment 5886 to the NDAA to limit the Executive Branch's authority to unilaterally create new exceptions to the competitive service.

This language provides a crucial defense of the federal civil service so that it cannot be undermined by a presidential administration that seeks to replace nonpartisan career federal employees and merit system principles with political operatives who are hired and fired at the whim of the administration. The NDAA provision originates from the Preventing a Patronage System Act, H.R. 302, sponsored by Oversight and Reform Subcommittee Chair Gerry Connolly (D-VA) and Congressman Brian Fitzpatrick (R-PA), which was passed by the House as a standalone bill with bipartisan support in September of this year. The Senate companion bill, S.4702, is sponsored by Senator Tim Kaine (D-VA). A version of this bill is also included in the Senate Financial Services and General Government Appropriations Act of 2023, S. 4685, and in the House-passed Protecting Our Democracy Act, H.R. 5314.

Whether employed in federal agencies, in the private sector, or by state and local governments, IFPTE members count on a professional and qualified civil service to deliver essential public services and provide for our national defense and homeland security. Since the Pendleton Act of 1883 and through several modernizations of the law, including the Civil Service Reform Act of 1978, the U.S. government's competitive hiring and merit systems principles have been a model of good governance that other democracies have



sought to emulate. Through our nation's merit-based civil service, the federal government hires federal employees based on their qualifications and provides due process rights to federal employees so they cannot be removed based on partisan or political reasons. Our apolitical and nonpartisan civil service is essential to ensuring the continuity of government, for maintaining institutional knowledge between presidential administrations, and for protecting government functions from political interference.

We know full-well the threat of an executive branch taking the extraordinary step of converting vast parts of the merit-based federal workforce to a patronage system is real. The Preventing a Patronage System Act was drafted in response to the Trump Administration's Executive Order 13957, issued in October 2020, which created a new excepted service classification called "Schedule F." Though Schedule F was rescinded soon after President Biden took office, a broad coalition on good governance organizations and unions agree that the threat of any future administration implementing Schedule F or any similar effort to inject political patronage, cronyism, and corruption into the federal government would not only be felt by federal employees — it would harm working people, our economy, and the legitimacy and functionality of our democracy.

Schedule F has significant implications and risks for national security and homeland security. The 2020 Executive Order sought to move merit-based civil service positions related to policy formulation to into at-will excepted service employment. Civil service roles that inform and support foreign policy, national defense strategy, national intelligence, defense industrial policy, defense procurement, and homeland security policies are performed by qualified, experienced, and dedicated nonpartisan civil servants — but Schedule F may potentially convert these positions into political appointments where federal employees can be fired by a president for any reason with no recourse to due process, and their political appointee replacements hired with no required qualifications. Alarming, advocates of schedule F have expressed their enthusiasm for the broadest application of Schedule F possible, sharing with the media that the goal is to "[Fire everyone you're allowed to fire... And \[then\] fire a few people you're not supposed to, so that they have to sue you and you send the message.](#)" (J. Swan, www.axios.com/2022/07/23/donald-trump-news-schedule-f-executive-order, *Axios*, 25 Jul 2022)

The defense of our democratic institutions and the advancement of good governance should be a goal that is shared across party lines. This NDAA provision makes sure that no president can decimate the professional civil service, the merit system principles and due process protections that serves the best interests of the American public. Should it be necessary to create a new excepted service schedule, the Preventing a Patronage System Act restores the constitutional balance of power by requiring Congress to grant explicit authority to do so.

Therefore, we urge you to pass an NDAA that includes the Preventing a Patronage System Act and affirm the role of a professional, nonpartisan, qualified civil service based on merit system principles in our democracy. Should you have any questions, please do not hesitate to contact IFPTE Legislative Director Faraz Khan at 202-239-4892 or fkhan@ifpte.org.

Sincerely,



Matthew S. Biggs
IFPTE President



Gay Henson
IFPTE Secretary-Treasurer