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# United States Senate

COMMITTEE ON  
HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS  
WASHINGTON, DC 20510-6250

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November 28, 2017

Ms. Kathleen McGettigan  
Acting Director  
Office of Personnel Management  
1900 E Street, NW  
Washington, D.C. 20415-1000

Dear Acting Director McGettigan:

I write to request information regarding the Office of Personnel Management's (OPM) approval of a request for Ms. Leandra English, a political appointee at OPM during the Obama Administration, to burrow in to a career position at the Consumer Financial Protection Bureau (CFPB). Based on Ms. English's participation in politically-motivated litigation to prevent the President of the United States from appointing an Acting Director of the CFPB,<sup>1</sup> I am concerned that the conversion of Ms. English into a career position was abused for political purposes.<sup>2</sup>

Burrowing is a practice whereby non-career, political staff are "converted" to career positions outside of competitive hiring processes. Burrowing threatens to undermine the merit-based principles that serve as the foundation of the civil service because they allow political staff to be favored over candidates that may be more qualified for the job.

From January 3, 2016, until January 7, 2017, Ms. English was a political appointee in the Obama Administration at OPM, working as the Principal Deputy Chief of Staff for the Office of the Director.<sup>3</sup> After receiving approval from OPM,<sup>4</sup> Ms. English converted on January 8, 2017 from her political appointment at OPM into a career position at CFPB, a conversion that came with a salary increase of over \$11,000.<sup>5</sup> Ms. English has not remained in the role for which OPM approved a conversion and instead was tapped by CFPB to play several different roles. Ms. English's first position at CFPB after her political conversion was as Chief of Staff for the Chief Operating Officer at CFPB.<sup>6</sup> From January 8, 2017 to November 24, 2017, however, Ms. English assumed different leadership roles at CFPB, including Chief of Staff for CFPB.<sup>7</sup> In summary, after the election of President Trump but before his inauguration, Ms. English

<sup>1</sup> *Leandra English v. Donald Trump and John Michael Mulvaney*, No. 1:17-cv-02534 (D.D.C. filed Nov. 27, 2017).

<sup>2</sup> See 5 U.S.C. § 2301(b)(1)-(2).

<sup>3</sup> Letter from Kathleen McGettigan, Acting Director, U.S. Off. of Personnel Mgmt., to Senator Ron Johnson, Chairman, S. Comm. on Homeland Security and Governmental Affairs (Feb. 17, 2017).

<sup>4</sup> *Id.*

<sup>5</sup> *Id.*

<sup>6</sup> *Id.*

<sup>7</sup> *English v. Trump*, *supra* note 1.

successfully turned a political appointment by President Obama at OPM into a career position at the CFPB through the approval of the then-Acting Director of the OPM, to whom she served as the Principal Deputy Chief of Staff.

On November 24, 2017, less than eleven months after Ms. English's conversion to a career position, former CFPB Director Richard Cordray appointed Ms. English as CFPB Deputy Director.<sup>8</sup> A mere three days later, on November 27, 2017, Ms. English was fully prepared to file a lawsuit seeking an emergency temporary restraining order to serve in the capacity of Acting Director of CFPB.<sup>9</sup>

Ms. English was not the sole political conversion to CFPB during the Obama Administration,<sup>10</sup> but she was the only conversion of a senior leadership political appointee, the Principal Deputy Chief of Staff to the OPM Director, to a career position at CFPB. If not for the conversion from a political appointment at OPM to a career position at CFPB during the Obama Administration, Ms. English may not be employed in any position at CFPB.

I appreciate that OPM recognizes the importance of oversight of political conversions to ensure that career appointment decisions are not influenced by political interests.<sup>11</sup> For this reason, OPM requires agencies to submit conversion requests for OPM review and approval before carrying out any political conversions.<sup>12</sup> However, given Ms. English's senior political role at OPM during the Obama administration, it would seem that there was an inherent conflict of interest in OPM's political conversions review process for her request and approval to burrow into the CFPB.

To better understand OPM's approval of Ms. Leandra English's request to burrow into the CFPB, please provide the following information no later than December 12, 2017:

1. All documents and communications between employees or contractors of OPM referring or relating to the conversion of Leandra English from a political appointment to a career position;
2. All documents and communications between employees or contractors of OPM and any outside party, referring or relating to the conversion of Leandra English from a political appointment to a career position;

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<sup>8</sup> *Id.*

<sup>9</sup> *Id.*

<sup>10</sup> As of February 17, 2017, OPM was reviewing a conversion request from an unnamed individual to be the Deputy Assistant Director of Communications for the Division of External Affairs. OPM approved the conversion of Samuel Schumach from Public Affairs Specialist at the OPM Office of Communications and Public Liaison to Public Affairs Specialist at the CFPB Office of Communications. Letter from McGettigan, *supra* note 3.

<sup>11</sup> U.S. Off. of Personnel Mgmt., Political Appointees and Career Civil Service Positions (Nov. 5, 2009), available at <https://www.chcoc.gov/content/political-appointees-and-career-civil-service-positions>.

<sup>12</sup> *Id.*

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3. A description of the process used to approve Leandra English's conversion to a career position, including the names and positions of those OPM officials who reviewed and approved the conversion; and
4. The internal controls in place at OPM regarding personnel decisions that affect senior OPM officials.

The Committee on Homeland Security and Governmental Affairs is authorized by Rule XXV of the Standing Rules of the Senate to investigate "the efficiency, economy, and effectiveness of all agencies and departments of the Government."<sup>13</sup> Additionally, S. Res. 62 (115<sup>th</sup> Congress) authorizes the Committee to examine "the efficiency and economy of all branches of the Government including the possible existence of fraud, misfeasance, malfeasance, collusion, mismanagement, incompetence, corruption, or unethical practices..."<sup>14</sup>

Thank you for your assistance with this matter. If you have any questions please have your staff contact Courtney Allen at (202) 224-4751.

Sincerely,



Ron Johnson  
Chairman

cc: The Honorable Claire McCaskill  
Ranking Member

Enclosure

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<sup>13</sup> S. Rule XXV(k); *see also* S. Res. 445, 108th Cong. (2004).

<sup>14</sup> S. Res. 62, § 12, 115th Cong. (2017).