

Congress of the United States

Washington, DC 20510

December 17, 2020

The Honorable Gene Dodaro
Comptroller General of the United States
Government Accountability Office
441 G Street, N.W.
Washington, D.C. 20548

Dear Comptroller General Dodaro:

Our non-partisan civil service is the backbone of the United States government. Dedicated professionals serve the American people every day, often over the course of many administrations, without regard to political party. In a year in which our country grappled with the coronavirus pandemic, an economic recession, and evolving threats to our national security, we have relied on the expertise and dedication of our non-partisan federal workforce in meeting those challenges.

Unfortunately, the impending end of this presidential administration creates an opportunity for abuse of the civil service through the practice known as “burrowing in.” Burrowing in occurs when political appointees are converted to career positions in the competitive service, the Senior Executive Service, or the excepted service. While career civil service employees are normally selected through a competitive, merit-based hiring process, burrowing in allows political appointees to avoid those requirements. Such conversions raise questions as to whether individuals selected received an unfair advantage in the selection process. Even the appearance of favoritism compromises the merit system’s integrity.

We request that the Government Accountability Office (GAO) provide information on conversions of political appointees to career positions for the period from March 18, 2016 to January 20, 2021 and examine the implementation and effectiveness of the Office of Personnel Management’s (OPM) policies and procedures for reviewing these conversions. Specifically, we request that GAO examine:

- The number and type of conversion requests submitted by agencies and reviewed by OPM;
- Whether agencies used appropriate authorities, followed proper procedures, and provided sufficient justification for conversions approved by OPM;
- The categories of positions from which an individual burrowed in and if those positions differ from instances of burrowing in in prior administrations;
- An identification of positions exempt from the required OPM review;
- Total conversion requests denied by OPM, and of those denials, which were referred to the Office of Special Counsel (OSC);
- Conversion requests approved by OPM where the individual does not convert and the rationale for the failure to convert;

The Honorable Gene Dodaro

December 17, 2020

Page 2

- The extent to which OPM has complied with its government-wide reporting requirements; and
- Any trends with regard to conversions identified by GAO during this time period.

In addition to this review, we respectfully request that GAO include any recommendations for Congress and for OPM to better guard against inappropriate instances of political conversions.

Thank you for your attention to this matter.

Sincerely,

/s/ Gary C. Peters

Gary C. Peters
Ranking Member
Senate Committee on Homeland Security
and Governmental Affairs

/s/ Carolyn B. Maloney

Carolyn B. Maloney
Chairwoman
House Committee on Oversight
and Reform

/s/ Gerald E. Connolly

Gerald E. Connolly
Chairman
House Subcommittee on
Government Operations

/s/ Thomas R. Carper

Thomas R. Carper
United States Senator

/s/ Benjamin L. Cardin

Benjamin L. Cardin
United States Senator

/s/ Chris Van Hollen

Chris Van Hollen
United States Senator