



April 2023

# PERSONNEL PRACTICES

## OPM Can Improve Oversight and Transparency of Agencies' Hiring of Political Appointees into Career Federal Positions

Accessible Version

# GAO Highlights

Highlights of [GAO-23-105066](#), a report to congressional requesters

## Why GAO Did This Study

Federal agencies must use appropriate authorities and follow proper procedures in hiring current or recent political appointees into career positions, including obtaining prior approval from OPM.

GAO was asked to provide information on political to career hires and examine the implementation and effectiveness of OPM's policies for reviewing them. This report examines, among other things, (1) appointments of current or recent political appointees to career positions; (2) OPM's procedures for reviewing agency requests to make such appointments; and (3) OPM's reporting to Congress on these appointments.

GAO obtained and corroborated OPM data on the number of proposed hires OPM reviewed and agencies intended to complete from March 18, 2016, through January 20, 2021. GAO also assessed OPM's reviews of all approved requests during the same period.

## What GAO Recommends

GAO is making three recommendations in this report, including that OPM (1) should examine how the public information on political appointees OPM is mandated to provide can be used by agencies to better identify political appointees and (2) should complete the remaining steps needed to ensure that reports to Congress on agency requests to appoint current or recent political appointees to career positions are included on its website. OPM generally agreed with GAO's recommendations.

View [GAO-23-105066](#). For more information, contact Alissa H. Czyz, (202) 512-3058, [czyza@gao.gov](mailto:czyza@gao.gov)

April 2023

## PERSONNEL PRACTICES

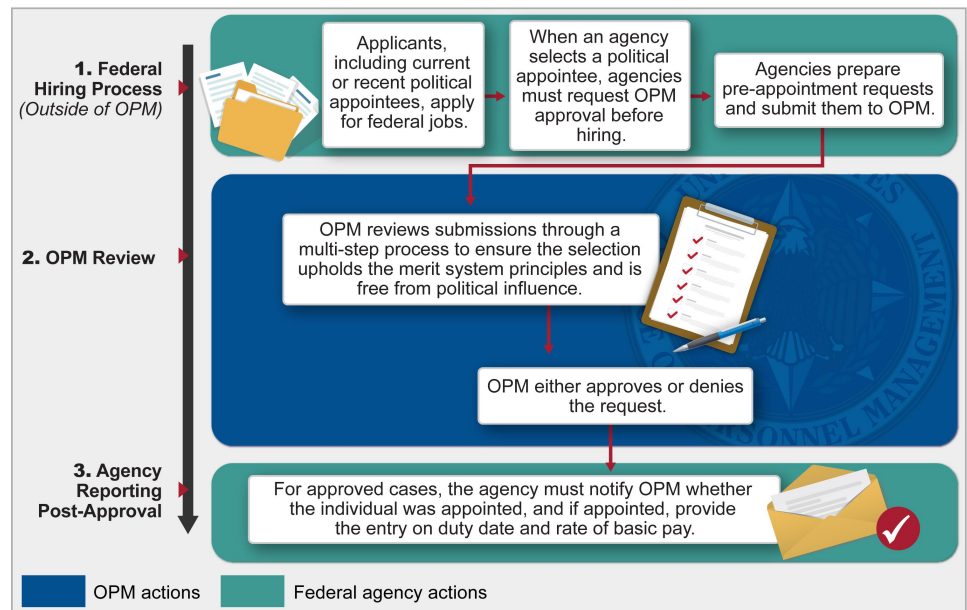
# OPM Can Improve Oversight and Transparency of Agencies' Hiring of Political Appointees into Career Federal Positions

## What GAO Found

The Office of Personnel Management (OPM) approved 129 of 187 agency requests to hire political appointees into permanent career positions from March 18, 2016, through January 20, 2021. OPM returned 26 requests that were not subject to its review or were withdrawn by the agency and denied the remaining 32. Agencies followed through and completed 125 such hires during this period, including 38 made without first obtaining OPM approval as required.

OPM has informed agencies that they must obtain its approval before hiring current or recent political appointees into career jobs. However, agency officials told GAO that it is sometimes difficult for agency staff to identify job applicants who were political appointees. Recent legislation requiring OPM to create an online listing of political appointees could help with this issue if OPM approaches this effort with agencies' information needs in mind.

### OPM and Agency Procedures when Agencies Propose Hiring Current or Former Political Appointees into Career Positions



Source: GAO analysis of Office of Personnel Management (OPM) documentation and [djvstock/Stock.Adobe.com](#) icons. | GAO-23-105066

For requests OPM approved, GAO found that agencies generally followed proper procedures in making the selections. OPM denied 32 requests for varying reasons, such as agencies bypassing qualified veterans. GAO found gaps in documentation regarding supervisory reviews in certain cases, and OPM adjusted its review process to address these gaps.

OPM reported on political to career hiring as required by law. OPM also released redacted versions of these reports in response to Freedom of Information Act requests and plans to provide them on a public website but has encountered technical delays in doing so, which impede the public's access to the reports.

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We do not agree that information made public by the PLUM Act will have a considerable impact on agencies' compliance with submitting requests for pre-appointment review to OPM. Prior to making a selection for any Federal career position (including competitive and excepted service positions), human resources offices would have the added, manual step of consulting the PLUM Act web-based site. They would have to perform a search on the proposed selectee to determine whether they are a current or former political appointee. This is not efficient. Additionally, the majority of human resources offices that fill Federal career positions are often different than agency executive resources offices, who are most familiar with presidential and political appointments, the PLUM Act/book resources, OPM's ESCS, and the SES, etc. The most efficient means of obtaining information about whether someone is a current or recent political appointee is to add a question to each job announcement asking applicants to self-identify as a current or recent political appointee. Agencies should train their HR Specialists to look at those responses.

**Recommendation 2:** The director of OPM should complete the remaining steps needed to ensure that, consistent with proactive disclosure requirements, reports to Congress on agency requests to appoint current or recent political appointees to career positions are included on OPM's website with other frequently requested records.

**Management Response: OPM concurs.** OPM currently is making final preparations to disclose 16 reports to the public. The 16 reports have been redacted in accordance with FOIA exemptions to safeguard personal privacy. OPM is working to make the reports conformant with the accessibility requirements of section 508 of the Rehabilitation Act of 1973, as amended. OPM will post reports on OPM's website upon completion of 508-conformance work.

**Recommendation 3:** The Director of OPM should work with agencies to collect and disseminate information about the scope of its pre-appointment review authority, including information that identifies those agencies and positions that are not subject to OPM's authority.

**Management Response: OPM concurs.** OPM will continue to provide agencies updates by memoranda and briefings on OPM's pre/post-appointment review process and their related responsibilities. The briefings will reinforce issued guidance, communicate key reminders, and provide updates about agencies and/or components not subject to OPM's pre-appointment review authority.

I appreciate the opportunity to respond to this draft report. If you have any questions regarding our response, please contact Ana A. Mazzi, Principal Deputy Associate Director, Merit System Accountability and Compliance, at (202) 606-4309 or [ana.mazzi@opm.gov](mailto:ana.mazzi@opm.gov).

Sincerely,

MARK  
LAMBERT



Digitally signed by MARK  
LAMBERT  
Date: 2023.03.30  
10:27:23 -0400

Mark W. Lambert  
Associate Director

Enclosure

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## Abbreviations

EHRI	Enterprise Human Resources Integration
FOIA	Freedom of Information Act
IC	intelligence community
OPM	Office of Personnel Management
OSC	Office of Special Counsel
PAS	Presidential appointee with Senate confirmation
PLUM Act	Periodically Listing Updates to Management Act of 2022
SES	Senior Executive Service
SOP	standard operating procedures
Transitions Act	Edward "Ted" Kaufman and Michael Leavitt Presidential Transitions Improvements Act of 2015





April 27, 2023

### Congressional Requesters

Current or former political appointees in the federal government sometimes apply for career positions which, unlike political appointments, typically continue across presidential administrations. These hires, like any selection for the career civil service, must conform to merit system principles and be free from political influence.

It is important that federal agencies use appropriate authorities and follow proper procedures in selecting people to fill open positions.<sup>1</sup> Most of these authorities and procedures are found in Title 5 of the U.S. Code, which includes broad principles (merit systems) governing federal personnel management. In addition, agencies are to seek the Office of Personnel Management's (OPM) approval prior to appointing any current or recent political appointee to a permanent career position.<sup>2</sup> We have previously reported that the ability to hire former political appointees into career positions can be an appropriate and valuable means of achieving a highly skilled workforce.<sup>3</sup>

You asked us to provide information on agencies' hiring of political appointees into career federal positions and to examine the implementation and effectiveness of OPM's policies and procedures for

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<sup>1</sup>For purposes of the report, references to "appropriate authorities" are intended to encompass appropriate appointing authorities for the competitive service, excepted service, and senior executive service. For more information on appointments under these services, see

<https://www.opm.gov/policy-data-oversight/hiring-information/hiring-authorities/>.

<sup>2</sup>OPM defines "appointment" as "any personnel action that brings an individual onto the rolls (staff) of an agency." OPM, *The Guide to Processing Personnel Actions*, Ch. 35: *Glossary of Terms Used in Processing Personnel Actions* (March 2017), available at <https://www.opm.gov/policy-data-oversight/data-analysis-documentation/personnel-documentation/#url=Personnel-Actions>. In this report, we use the terms "appointment" or "hire" to refer to such personnel actions, including the hiring of individuals into permanent career positions at federal agencies. We generally use the term "selection" to refer to the agency's use of an established procedure to choose an individual to hire. In addition, OPM generally defines a recent political appointee as a person who has served in a political position within the 5 years preceding the closing date of the vacancy announcement for the proposed career appointment.

<sup>3</sup>GAO, *Personnel Practices: Conversions of Employees from Political to Career Positions*, May 2005-May 2009, [GAO-10-688](#) (Washington, D.C.: June 28, 2010).

reviewing these selections. This report (1) examines appointments of current or recent political appointees into career positions from March 18, 2016, through January 20, 2021; (2) evaluates OPM's policies and procedures for reviewing requests from agencies to hire current or recent political appointees into career positions; (3) assesses the extent to which OPM has complied with mandated reporting requirements under the Edward "Ted" Kaufman and Michael Leavitt Presidential Transitions Improvements Act of 2015 (Transitions Act); and (4) examines the scope of OPM's authority to conduct pre-appointment reviews.<sup>4</sup>

To address our objectives, we obtained data from OPM on the number of agency requests to hire political appointees into career positions from March 18, 2016, through January 20, 2021, including requests submitted after January 20, 2021, for post-appointment review of hires that occurred before that date, and the outcomes of OPM's reviews of those requests. We also confirmed and, as applicable, corrected these data by requesting and reviewing information from 14 selected agencies that submitted requests to OPM. We selected the agencies with the most requests submitted to OPM, requests approved, requests denied, and post-appointment requests.<sup>5</sup> To assess the reliability of the data that OPM and agencies provided, we examined the data for obvious errors and inconsistencies, and we traced each data element to source documents, such as notifications of personnel actions. We found the data from both OPM and agencies to be sufficiently reliable for the purposes of our reporting objectives.

For each OPM-approved request in our scope, we reviewed OPM's case files, which document agency hiring decisions, and OPM's review guidance (called checklists) to help determine whether agencies used appropriate authorities and followed proper procedures in the selection

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<sup>4</sup>In previous reports, we referred to appointments of current or recent political appointees to career positions as "conversions." GAO, *Personnel Practices: Actions Needed to Improve Documentation of OPM Decisions on Conversion Requests*, [GAO-17-674](#) (Washington, D.C.: Aug. 28, 2017). However, in federal human capital management, the term "conversion" generally refers to a change from one appointment to another, under either the same or a different authority, in the same agency with no break in service or with a break of 3 days or less. To avoid confusion, in this report we generally use the terms "appointment," "hire," or "selection," as appropriate.

<sup>5</sup>See appendix I for the list of selected agencies. This list does not exactly match the data on requests by agency in appendix II because of differences in the data sources used. We selected agencies based primarily on the initial data OPM provided on agency requests in April 2021. Those data included some requests related to appointments that occurred before 2016 and did not include certain additional requests that OPM informed us about in February 2022 and April 2023.

process. For each case, two GAO analysts independently reviewed and assessed whether the agency used appropriate authorities and followed proper procedures in selecting the political appointee in question. A supervisor reviewed cases where one or both of the analysts identified potential issues or missing documentation. Consulting as needed with a GAO attorney, the supervisor further assessed the selection against relevant merit system principles and prohibited personnel practices. We requested additional information from OPM as needed and made a final determination about each case after reviewing information OPM provided.

We also reviewed OPM's standard operating procedures for reviewing agency requests and referring cases to the Office of Special Counsel (OSC).<sup>6</sup> In addition, we interviewed OPM officials charged with carrying out these procedures and obtained written responses from OPM to questions regarding their implementation.

We reviewed the reports OPM submitted to Congress pursuant to the Transitions Act and assessed these reports against the act's requirements.<sup>7</sup> We compared information OPM provided about the scope of its authority to conduct pre-appointment reviews with information from OPM case files and from six selected agencies.

We selected five of these six agencies because they had the greatest number of political appointees hired into career positions without first obtaining OPM's approval in the initial data we received from OPM in April 2021. Those data included hires made before March 18, 2016, but identified after that date. We selected the sixth agency, the Department of State, based on additional data we received from OPM in February 2022. Hires made before March 18, 2016, are not included in the data tables in this report.<sup>8</sup>

These six agencies are among the broader sample of 14 agencies described above. We obtained information from these six selected agencies about how OPM and agencies identify and review hires and

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<sup>6</sup>OSC is an independent investigative and prosecutorial agency with the primary mission of protecting the employment rights of federal employees and applicants for federal employment. OPM is required, if it finds evidence of matters within OSC's jurisdiction, to refer evidence of such matters to OSC. 5 C.F.R. § 5.3(a)(2).

<sup>7</sup>Pub. L. No. 114-136, § 4, 130 Stat. 301, 305-307 (2016).

<sup>8</sup>Specifically, table 2 below, which lists the departments and agencies that hired political appointees into career positions without obtaining prior OPM approval from March 18, 2016, through January 20, 2021, does not include unapproved hires made before March 18, 2016. Therefore, the selection of agencies does not exactly match the agencies with the greatest number of hires listed in table 2.

proposed hires of former political appointees into career positions. The six agencies include the Departments of Agriculture, Defense, Energy, Health and Human Services, Homeland Security, and State. For more detailed information on our objectives, scope and methodology, see appendix I.

We conducted this performance audit from March 2021 to April 2023 in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

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## Background

Political appointments are generally made by the administration in office to support and advocate the President's political goals and policies. These positions are noncareer appointments that are not subject to the statutory and regulatory provisions governing career appointments in the competitive, excepted, or senior executive service. Political appointees make or advocate policy for a presidential administration or support those positions. They generally serve at the pleasure of the appointing administration and do not have the civil service protections afforded to other federal employees.

Categories of political appointees subject to OPM's review include the following:

- **Presidential appointees with Senate confirmation (PAS)** exist at the top of the federal personnel hierarchy in terms of responsibility (e.g., cabinet members and other agency heads).
- **Presidential appointees** generally serve in high-level executive positions (e.g., serving in the Executive Office of the President or on advisory committees or commissions).
- **Noncareer Senior Executive Service (SES)** positions are political appointees who are added to agencies' rolls as noncareer members of the SES. These political appointees serve in positions with responsibility for formulating, advocating, and directing administration policies (e.g., Chiefs of Staff).
- **Schedule C appointee** positions are of a confidential or policy-determining nature, but generally subordinate to PAS, presidential

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appointees, or SES positions (e.g., staff positions and speechwriters.)

Other categories of political appointees are also subject to OPM's review, including those serving under agency-specific authorities, limited-term and limited-emergency SES appointments, and selected Schedule A appointments.<sup>9</sup>

Federal agencies must use appropriate authorities and follow proper procedures in hiring for career positions. The majority of authorities and procedures governing appointments to career positions are outlined in Title 5 of the U.S. Code and Title 5 of the Code of Federal Regulations. Merit system principles are one of the fundamental statutory requirements applying to civil service appointments. These principles require that agencies follow a selection process that is fair, open, and based on skills, knowledge, and ability. Another key provision under Title 5 prohibits certain personnel practices, including granting any job applicant a preference or advantage not authorized by law and failing to fulfill veterans' preference requirements.<sup>10</sup>

Federal employees in the civil service are employed in either the competitive service, the excepted service, or the SES.<sup>11</sup> Competitive service hiring is generally done through the competitive examining process, which includes specific requirements regarding public notice and assessment of applications. The President has delegated authority to OPM to make excepted service appointments for when it is neither feasible nor practical to use the competitive examination process.

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<sup>9</sup>While Schedule A also includes many nonpolitical career appointments, OPM's guidance specifies that the following two categories of political appointments under Schedule A are subject to OPM's pre-appointment review: (1) appointments made by the President without confirmation by the Senate; and (2) assistants to top-level federal officials if the position is being filled by a person designated by the President as a White House Fellow. See OPM Oversight FAQs at <https://www.opm.gov/policy-data-oversight/oversight-activities/faqs>; 5 C.F.R. § 213.3102(c), (z).

<sup>10</sup>5 U.S.C. § 2302.

<sup>11</sup>The competitive service includes all civil service positions in the executive branch, except for SES positions, Senate-confirmed appointees (unless otherwise provided), and positions which are specifically excepted from the competitive service by or under statute. 5 U.S.C. § 2102. The excepted service consists of those civil service positions which are not in the competitive service or the SES. 5 U.S.C. § 2103.

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## OPM's Pre-Appointment Reviews

OPM has oversight authority to ensure that federal agencies are following the merit system principles when hiring.<sup>12</sup> It also has authority to order agencies to take corrective actions regarding any agency hiring action when it determines the action was contrary to any law, rule, regulation, or standard established by OPM. Agencies are required to comply with such orders.<sup>13</sup> As one aspect of carrying out these duties, OPM requires agencies to request its approval before appointing a current or recent political appointee to a career position. OPM generally defines a recent political appointee as a person who has served in a political position within the 5 years preceding the closing date of the vacancy announcement for the proposed career appointment. The scope of OPM's review generally includes any proposed hire of a current or recent political appointee into any permanent position in the competitive service, non-political excepted service, or career SES. We discuss the scope of OPM's authority to review agency requests later in this report.

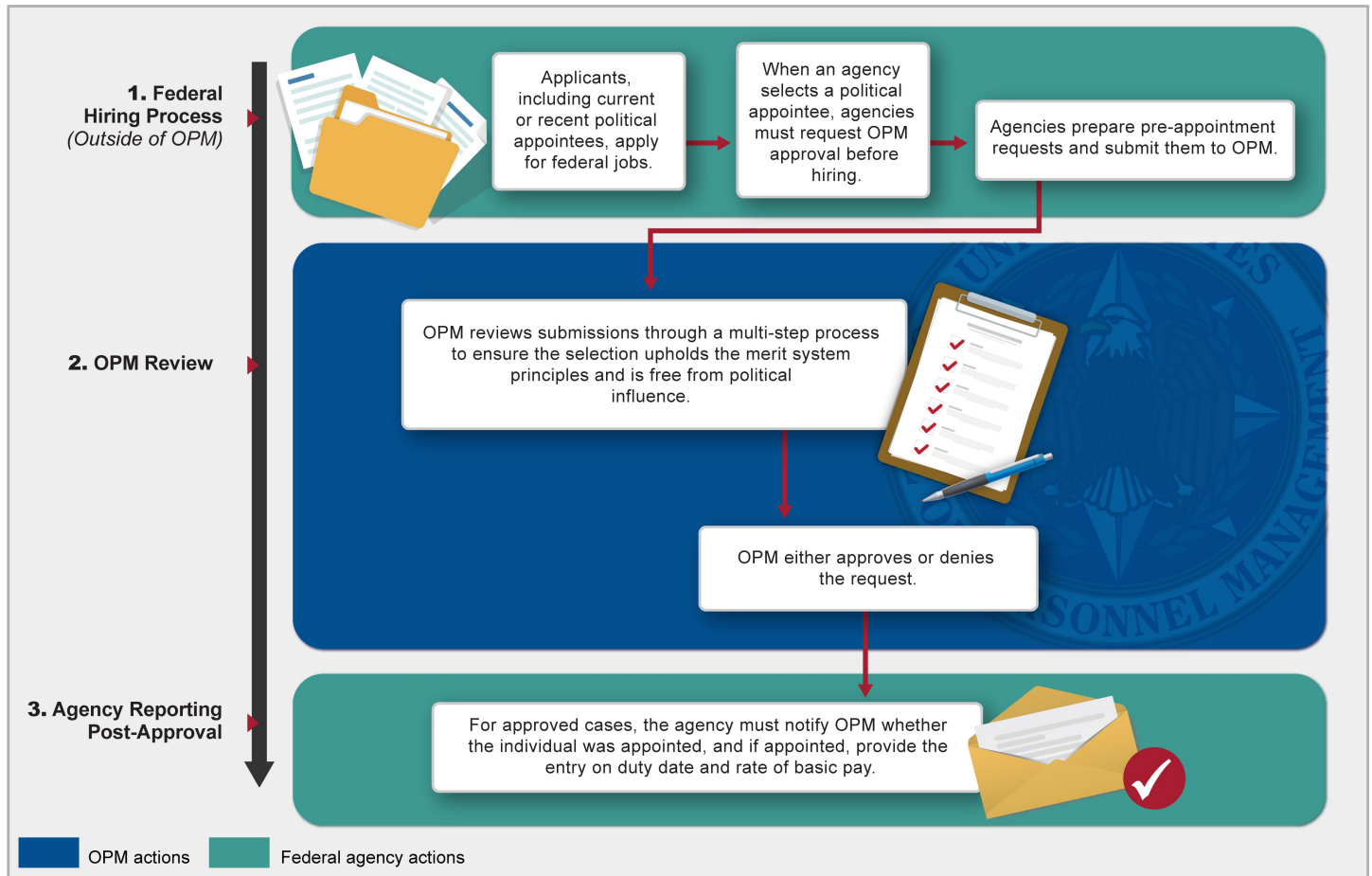
As shown in figure 1, agencies complete their standard hiring processes, identify the individual they intend to select, and if the individual is a current or recent political appointee, submit a request with supporting documentation to OPM for pre-appointment approval. Upon receipt of the request, OPM evaluators and supervisors review the submitted agency documentation in a multi-step process.

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<sup>12</sup>OPM is responsible for enforcement of laws, rules, and regulations governing the civil service. 5 U.S.C. § 1103(a)(5)(A). OPM is required to establish and maintain an oversight program to ensure that activities conducted by agencies under authority delegated by OPM are in accordance with merit system principles and the standards established by OPM for agencies to follow. 5 U.S.C. § 1104(b)(2); 5 C.F.R. § 250.102; See also 5 U.S.C. § 1303; 5 C.F.R. § 5.2.

<sup>13</sup>5 U.S.C. § 1104(c); 5 C.F.R. § 5.3; 5 C.F.R. pt. 10; 5 C.F.R. § 250.103.

**Figure 1: OPM and Agency Procedures when Agencies Propose Hiring Current or Former Political Appointees into Career Positions**



Source: GAO analysis of Office of Personnel Management (OPM) documentation and djvstock/Stock.Adobe.com icons. | GAO-23-105066

## Post-Appointment Reviews and Regularization of Appointments

Agencies sometimes hire former political appointees into career positions without requesting the required approval from OPM. When OPM becomes aware of such an unapproved hire, it conducts post-appointment reviews using the same standard procedure as for pre-appointment reviews.

Under OPM policy, failure to obtain OPM's prior approval does not, by itself, render an appointment invalid. However, if OPM identifies improprieties in the agency's selection process, OPM may require that

agencies regularize the appointment. Regularizing an appointment means correcting the illegal component of an appointment.<sup>14</sup>

OPM policy states that agencies should attempt to regularize erroneous hires by determining whether the employee could have been properly hired at the time the error was made, such as by reviewing previously advertised positions for which the employee was qualified or identifying noncompetitive hiring authorities for which the employee was eligible. In cases where these alternatives are not possible, the agency can terminate or cancel the appointment.<sup>15</sup> Alternatively, the agency may apply for a variation from OPM, consistent with law.<sup>16</sup> A variation allows the employee to retain pay received and credit for service performed while on the erroneous appointment.

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## Agencies Followed Proper Procedures in Making Most Appointments, but Some Were Made Prior to Receiving OPM Approval

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### OPM Received 187 Agency Requests to Hire Political Appointees into Career Positions

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As shown in figure 2, agencies submitted 187 requests to OPM for approval to hire a current or recent political appointee into a permanent career position. The agencies proposed to complete these hires during the period of our review, March 18, 2016, through January 20, 2021. OPM returned 26 of the 187 requests to the respective agency without

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<sup>14</sup>See *Avalos v. Department of Housing and Urban Development*, 963 F.3d 1360, 1364 n.2 (Fed. Cir. 2020).

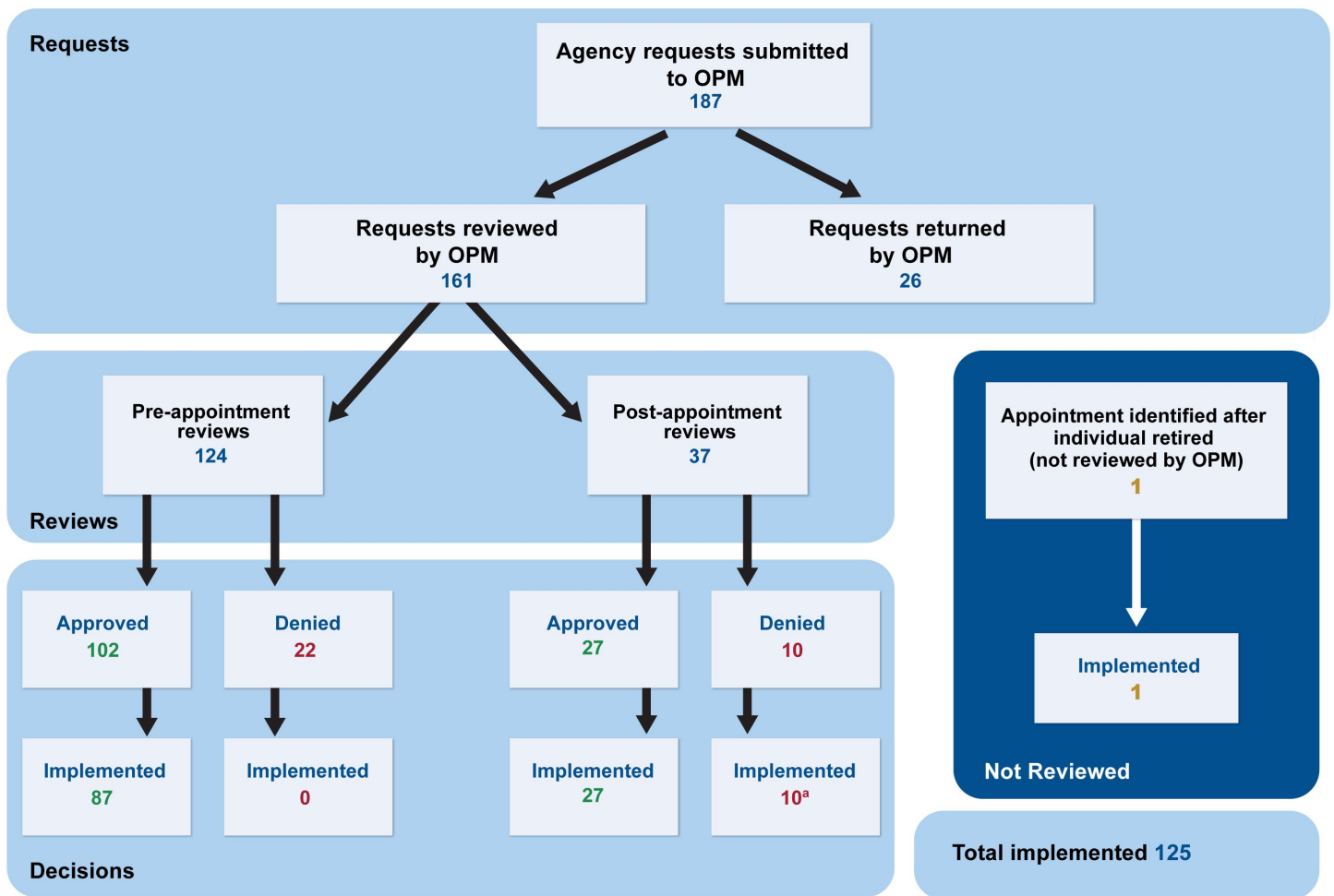
<sup>15</sup>A termination is a personnel action that ends the individual's employment with the agency. A cancellation of a personnel action rescinds an earlier action that was improper. See OPM, *The Guide to Processing Personnel Actions*, Ch. 31: *Separations by Other than Requirement* and Ch. 32: *Interim Relief Actions, Corrections, Cancellations and Replacement Actions for Cancellations* (March 2017), available at <https://www.opm.gov/policy-data-oversight/data-analysis-documentation/personnel-documentation/#url=Personnel-Actions>.

<sup>16</sup>The Director of OPM is authorized, whenever there are practical difficulties and unnecessary hardships in complying with the strict letter of the regulation, to grant a variation from the strict letter of the regulation if such a variation is within the spirit of the regulations, and the efficiency of the government and the integrity of the competitive service are protected and promoted. 5 C.F.R. § 5.1.



reviewing them. In these instances, the agency may have asked to withdraw the request, the applicant may have declined the position, or OPM may have determined that the proposed hire was outside of its scope of review.<sup>17</sup> In total, agencies made 125 appointments of current or recent political appointees to career positions during this period.

Figure 2: Hiring of Former Political Appointees into Career Positions, March 18, 2016, through January 20, 2021



Source: GAO analysis of Office of Personnel Management (OPM) documentation. | GAO-23-105066

<sup>17</sup>OPM officials said that agencies occasionally provide details regarding the reason for withdrawing requests; however, OPM does not ask agencies for this information. OPM officials told us that OPM has not identified instances where an agency withdrew a request and then hired the political appointee without approval. According to the OPM officials, if this were to happen, OPM would identify the hire using regular reports generated from its Enterprise Human Resources Integration (EHRI) database.

Note: "Implemented" refers to cases in which a current or recent political appointee was appointed to a career position, including cases in which the appointment was subsequently cancelled or the person left the position.

<sup>a</sup>Agencies hired these individuals without obtaining prior OPM approval. OPM conducted post-appointment reviews of these cases and subsequently denied them. In all 10 of these denied post-appointment review cases, agencies either cancelled the appointment or took steps to correct the improper appointment.

Table 1 shows the agencies that made the greatest number of career appointments of current or recent political appointees during the time period.

**Table 1: Departments and Agencies that Made Three or More Appointments of Current or Recent Political Appointees into Permanent Career Positions from March 18, 2016, through January 20, 2021**

Departments and Agencies	Number of career appointments
Department of Justice	17
Department of Defense	15
Department of Homeland Security	15
Consumer Financial Protection Bureau	6
Department of the Interior	6
Department of Veterans Affairs	5
Department of Agriculture	4
Department of Commerce	4
Department of Housing and Urban Development	4
Department of State	4
U.S. International Trade Commission	4
Department of Energy	3
Department of the Treasury	3
Department of Transportation	3
General Services Administration	3
U.S. Agency for International Development	3

Source: GAO analysis of OPM and agency information. | GAO-23-105066

OPM reviewed 161 agency requests to determine whether (1) agencies followed merit system principles and (2) each selection appeared to be free of political influence. Agencies submitted the majority of the requests, 124 of the 161, prior to making the appointment, in accordance with OPM's requirement that agencies obtain OPM approval in advance.

However, in the other 37 cases, agencies hired the political appointee into the career position without first requesting OPM's approval, and only later submitted a post-appointment request for OPM to review. In many of these cases, the agency submitted the request after receiving notification from OPM of the error. Table 2 shows the numbers of these hires made by agency. It also includes one hire made without OPM's approval, at the

Department of Justice, that OPM chose not to review because the individual had retired from the career position by the time the appointment was identified as subject to OPM review.

**Table 2: Departments and Agencies that Hired Political Appointees into Career Positions without Obtaining Prior OPM Approval from March 18, 2016, through January 20, 2021**

Departments and Agencies	Number of hires made without prior approval from OPM
Department of Defense	10
Department of Homeland Security	7
Department of State	4
Department of the Interior	2
General Services Administration	2
Department of Agriculture	1
Department of Energy	1
Department of Housing and Urban Development	1
Department of Justice	1 <sup>a</sup>
Department of Transportation	1
Department of Veterans Affairs	1
Environmental Protection Agency	1
Federal Deposit Insurance Corporation	1
Federal Labor Relations Authority	1
Federal Mine Safety and Health Review Commission	1
Millennium Challenge Corporation	1
Social Security Administration	1
U.S. Agency for International Development	1
<b>Total</b>	<b>38</b>

Source: GAO analysis of data reported by Office of Personnel Management (OPM). | GAO-23-105066

Note: With the exception of the one hire at the Department of Justice, OPM conducted post-appointment reviews for all of these hires, following the same process and applying the same standards used for its pre-appointment reviews.

<sup>a</sup>OPM did not review because individual was not in position when identified as subject to OPM review.

Appendix II provides data on requests reviewed by OPM and hires of political appointees into career positions that agencies made from March 18, 2016, through January 20, 2021. Appendix III provides specific details on characteristics of the political and career positions. This includes titles and offices, grades, salaries, and appointment dates. Appendix IV provides numbers of hires by category of political and career position and by appointing authority.

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## Agencies Generally Followed Proper Procedures in Making Most Appointments in Requests OPM Approved

As also shown in figure 2, OPM approved 102 of the 124 pre-appointment review requests and retroactively approved 27 of the 37 post-appointment review requests. We reviewed each of the 129 OPM-approved cases, 102 pre-appointment and 27 post-appointment, and found, based on our review of OPM documentation, that agencies generally used appropriate authorities and followed proper procedures in selecting political appointees for career positions.<sup>18</sup>

For nearly all of the approved cases, the agencies generally followed the requirements associated with each appointing authority, including the merit system principles of fair and open competition and fair and equitable treatment of applicants. The procedural requirements for the hiring process vary by appointing authority. For example, some appointing authorities, such as competitive examination and the career SES, require public notice of the job opportunity and specify procedures for assessing qualifications and rating applicants. Others, such as hiring under Schedule A for people with disabilities and hiring under Title 50 of the U.S. Code for intelligence community positions, allow agencies in certain circumstances to hire without competition or announcement of a job opportunity.<sup>19</sup>

In three of the 129 approved cases, OPM's case files did not provide sufficient information for us to make a determination as to whether the agencies had followed proper procedures in making the appointments.

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<sup>18</sup>In addition to these 129 cases, we reviewed case files for nine additional requests that OPM approved. These were post-appointment requests submitted after March 18, 2016, for appointments made before that date. These appointments occurred during the period covered by our August 2017 report, but were not included in our review of approved cases for that report, because OPM did not identify the appointments until after they had been made. Therefore, we reviewed them for this report, to determine whether agencies had followed proper procedures and used appropriate authorities in making these appointments. We found that agencies appeared to have used appropriate authorities and followed proper procedures in seven of these nine cases. In the remaining two cases, OPM granted variations to address errors in the initial appointment. OPM also denied one post-appointment request for a hire that occurred before March 18, 2016. These 10 cases are not included in the totals for the period March 18, 2016, through January 20, 2021, in figure 2 or elsewhere in this report.

<sup>19</sup>As we discuss later in this report, OPM officials told us that OPM no longer reviews appointments under this hiring authority for intelligence community components. However, OPM reviewed four such appointments during the period of our review. OPM also reviewed two additional requests from intelligence community components.

Two of these requests, submitted in 2016, were for appointments to competitive service positions. The case files did not include key documents, such as resumes and other application materials. Without those documents, we were unable to determine whether all the requirements of the competitive examining process were satisfied. OPM officials told us that in 2016, when OPM reviewed these requests, OPM did not require evaluators to retain these documents, and that OPM updated its policies in 2018 to require that key documents be retained in case files.

In the remaining case, we had questions about how the agency solicited applications for the position and evaluated applicants. The documentation in the case file provided by OPM did not answer these questions. OPM officials told us that, as part of OPM's pre-appointment review, they had asked the agency for documentation of these steps in the hiring process, and the agency told OPM that the documentation did not exist. According to OPM officials, additional documentation in the case file and information agency officials provided in interviews with OPM constituted sufficient evidence for OPM to approve the request. However, without documentation of how the agency solicited applications for the position or evaluated applicants, we were unable to determine whether the agency followed proper procedures in this case.

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### OPM Denied Nearly 20 Percent of Agency Requests because Agencies Could Not Demonstrate Adherence to Merit System Principles

OPM denied 22 of the 124 pre-appointment requests and 10 of the 37 post-appointment requests for hires or intended hires during the period we reviewed, for a total of 32 denials. OPM's reasons for denying requests included agencies'

- giving unauthorized advantage to the selectee,
- handling veterans' preference improperly, and
- submitting insufficient documentation to OPM.

In each of the 32 cases, OPM stated that it could not conclude that the involved agency adhered to merit system principles or that the selection was free of political influence.

In seven of the 22 pre-appointment denied cases and two of the 10 post-appointment denied cases, OPM identified and referred evidence of potential prohibited personnel practices to the Office of Special Counsel

(OSC). In one of the seven pre-appointment cases, OSC determined that agency officials had committed a prohibited personnel practice by reposting a job opportunity under a different hiring authority after realizing that the political appointee they intended to hire was not eligible under the authority they initially used. According to OSC, the agency agreed to take corrective action by training its human capital staff on prohibited personnel practices and procedures for hiring former political appointees into career positions. In light of the agency's corrective action and after reviewing the facts of the case, OSC declined to pursue disciplinary action. OSC officials said that in determining whether to pursue disciplinary action, OSC considers factors including the strength and sufficiency of the evidence, the seriousness of the alleged violation, and the relevant case law.

OSC closed the remaining six cases for the following reasons: the selectee was no longer employed by the agency (one case); OSC lacked jurisdiction (two cases); and insufficient evidence that a prohibited personnel practice had occurred (three cases).

In one of the two post-appointment cases OPM referred, OSC closed the case without recommending disciplinary action. In the other, OSC told us its investigation was ongoing as of April 2023.<sup>20</sup>

For hires that OPM reviews post appointment and subsequently denies, OPM sends the involved agency a letter explaining the proper procedures for requesting OPM's approval to hire a political appointee into a career position and corrective actions required for the specific case. These actions may include cancelling personnel actions, reannouncing the position, separating the selected individual, or hiring another individual. OPM may also refer the case to OSC if OPM suspects any prohibited personnel practices have occurred.

In each of the 10 denied post-appointment cases, OPM instructed the involved agency to take corrective action. In three of these cases, the agency terminated or cancelled the appointment of the individual who had

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<sup>20</sup>Separately, we reported in 2017 that two OSC investigations of cases OPM had referred were still ongoing. Since then, OSC has closed the investigations. In both cases, OSC found that agency officials committed prohibited personnel practices. In one case, in response to OSC's findings, the agency agreed to provide additional guidance and training to its human capital staff on merit system principles and prohibited personnel practices, as well as counsel the officials involved in the case about future prevention of prohibited personnel practices. In the second case, the agency agreed to provide training to senior officials regarding federal hiring, prohibited personnel practices, and the requirements and prohibitions relating to hiring a Schedule C political appointee into a competitive service position. See [GAO-17-674](#).

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been hired improperly. In the remaining seven cases, according to OPM, the agencies took steps outlined in OPM's decision letter to correct the improper appointment, such as reviewing the selection process to determine whether the political appointee could have been selected if the agency had followed proper procedures.

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### OPM Has Issued Guidance, but Agencies Continue to Hire Some Political Appointees into Career Positions without OPM Approval

There is currently no government-wide mechanism for identifying individuals as former political appointees during the hiring process or shortly after they are hired, or for preventing these appointments from occurring without OPM's review and approval. OPM has used data from its federal employee database called Enterprise Human Resources Integration (EHRI) to identify career appointments where agencies failed to request approval, but it has generally taken at least 6 months, and in a few cases more than 2 years, for OPM to identify such appointments.<sup>21</sup> OPM officials told us that in 2019 and 2020, challenges with transferring data into EHRI from agency information technology systems delayed the availability of agency data, contributing to the longer timeframes.

OPM relies on agencies to identify appointments subject to OPM's review from among the many selections for career positions made each year. Officials from six agencies that hired political appointees into career jobs without OPM approval said that agency human capital staff are not always aware of job applicants' prior political service. One official told us that it is especially difficult for human capital staff to identify applicants as political appointees when the political appointment occurred at a different agency. Agency staff generally have better information about political appointees within their own agency than they do about political appointees at other agencies. In almost two-thirds of the hires made without OPM's prior approval, the selectee's political appointment was at a different agency from the career position. Officials at one agency suggested that OPM could make additional data available to agencies to help human capital staff properly identify political appointees during the agency's hiring process, such as providing a list of current and former political appointees that human capital staff could check for each hire.

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<sup>21</sup>EHRI is the primary government-wide source for information on federal employees. It includes information on most, but not all, political and career civil service positions at federal agencies.

Officials we interviewed at these six agencies said they were aware of OPM's guidance on its review requirement and shared the guidance with human capital staff in their agencies. OPM issued memorandums to agencies on August 11, 2016; February 23, 2018; February 22, 2021; and December 30, 2022, informing them about the purpose and scope of the pre-appointment review requirement. OPM also includes guidance on its website on the scope of the pre-appointment review requirement, procedures for submitting requests, and related topics.

In the December 30, 2022, memorandum, OPM recommended that agencies include a question about political appointee status on job applications. Officials from four agencies told us they do ask applicants about their political appointee status and this information is helpful for identifying cases subject to OPM review. However, human capital staff may sometimes overlook applicants' responses to this question. For example, we found two post-appointment cases at different agencies where the selectee answered "yes" to a question about political appointee status, but the agencies did not submit requests for pre-appointment review to OPM. Officials from one agency told us in December 2022 that they had recently learned that they could add a question about political appointee status to the agency's application templates and had begun doing so.

Agencies have limited access to information about individuals' past service across the government, including political appointments, other than what an applicant provides. In December 2022, the Periodically Listing Updates to Management Act of 2022 (PLUM Act) was enacted as part of the National Defense Authorization Act for Fiscal Year 2023.<sup>22</sup> The PLUM Act requires OPM to establish—by 1 year from the date of enactment—and maintain a public website to provide information on political appointees. The act requires agencies to update information about their political appointees at least once a year.

Notwithstanding the guidance and information OPM has provided to agencies, the lack of a government-wide mechanism for identifying political appointees during the hiring process for career positions has contributed to agencies' continued hiring of some political appointees without OPM pre-approval. The information provided through the website to be established under the PLUM Act could help agencies identify proposed hires that are subject to OPM review, if agencies used it for that

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<sup>22</sup>The PLUM Act addressed a matter for congressional consideration that we made in March 2019. GAO, *Federal Ethics Programs: Government-wide Political Appointee Data and Some Ethics Oversight Procedures at Interior and SBA Could Be Improved*, [GAO-19-249](#) (Washington, D.C.: Mar. 14, 2019)



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purpose and if the data are provided in a manner by OPM that facilitates such use.

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## OPM Generally Employed a Thorough Review Process, but Did Not Always Document Supervisory Review or Decisions about OSC Referrals

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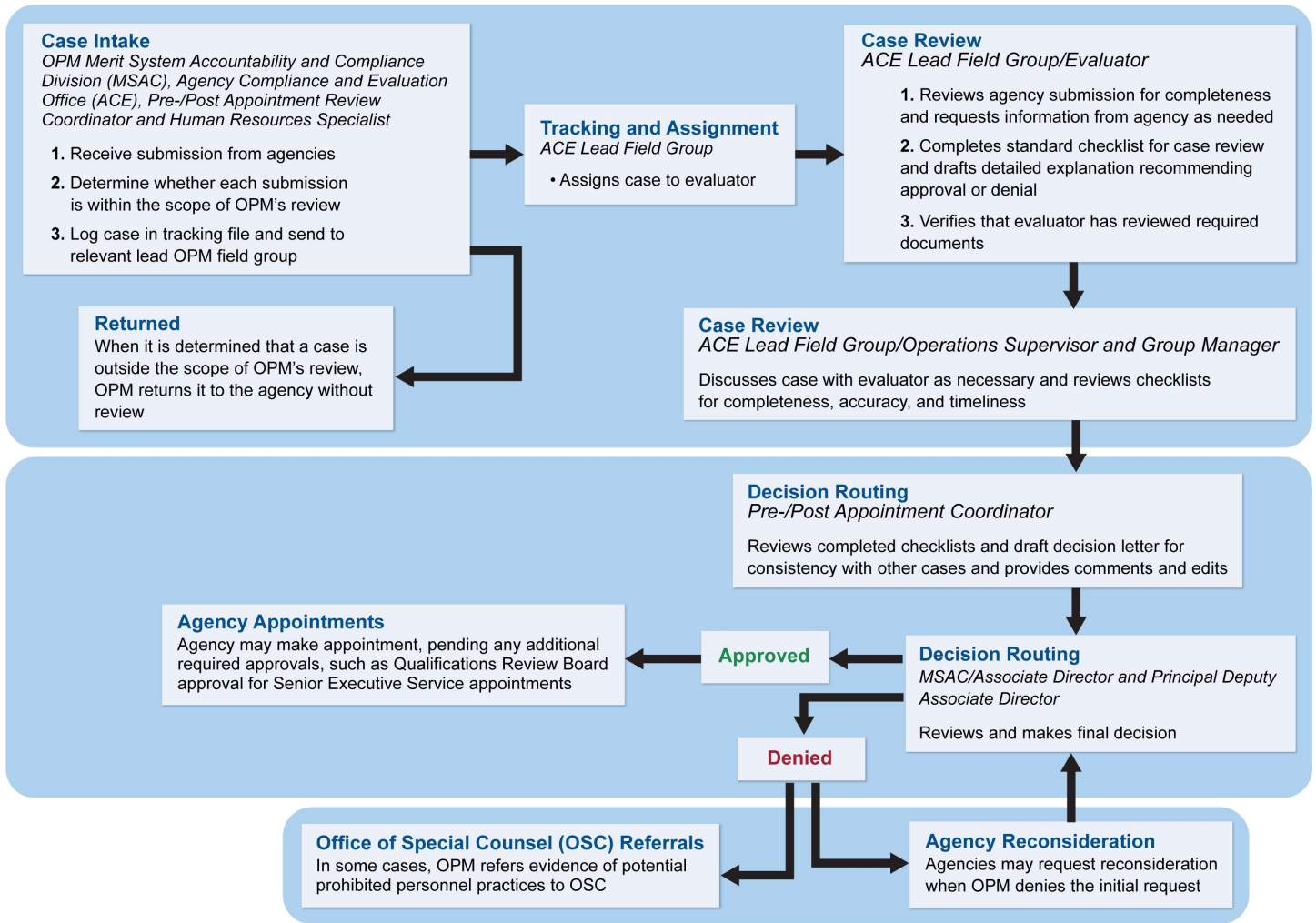
### OPM Staff Review Agency Submissions before Approving or Denying Requests for Career Hires

OPM's review process for requests to hire a political appointee into a career position involves a detailed assessment by an OPM evaluator and multiple levels of review by OPM officials, as shown in figure 3. When OPM receives a request from an agency, OPM assigns one or more evaluators to review the submitted agency documentation.

Once the OPM evaluators have made a preliminary determination, two supervisors and OPM's Pre-/Post Appointment Review Coordinator review the evaluators' work. Two senior officials within OPM's Merit System Accountability and Compliance Division participate in the final decision to approve or deny the agency's request: the Associate Director and Principal Deputy Associate Director. OPM, if it believes the involved agency committed a prohibited personnel practice, may refer the case to OSC for additional investigation.

The agency documentation that OPM reviews before approving or denying a request includes, among other things, the complete recruitment file for the proposed selection, names and titles of all agency officials involved in the hiring process, and position descriptions for the career and political positions. For some requests, a complete case file can include thousands of pages of documentation. OPM evaluators sometimes interview agency officials involved in the selection process or otherwise obtain responses from the agency to questions about the selection process. The evaluators document their review of each case using checklists that address each step of the standard federal hiring process and include citations to relevant OPM guidance documents, such as the Delegated Examining Operations Handbook.

**Figure 3: OPM Procedures for Reviewing Agency Requests to Hire Current or Recent Political Appointees into Career Positions**



Source: GAO analysis of Office of Personnel Management (OPM) documentation. | GAO-23-105066

## OPM Checklists Were Missing Supervisory Signatures in Some Cases

In August 2017, we recommended that OPM require evaluators to verify they have reviewed all documentation required by OPM checklists before recommending approval or denial of a political to career appointment

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request.<sup>23</sup> In November 2018, in response to our recommendation, OPM revised its pre-appointment review process to require that case file evaluators using OPM checklists indicate on such checklists that they reviewed all applicable documentation before recommending approval or denial. The revised process also requires signatures from an Operations Supervisor and a Group Manager, two OPM officials responsible for reviewing the evaluator's work.

About one-third of the checklists OPM completed from November 2018 through January 20, 2021, were missing one or more required signatures of approval. Based on our review of case files for approved cases and of OPM's reasons for denying cases, we do not believe that the missing signatures affected the accuracy of OPM's determinations.

OPM told us that the missing signatures were likely an oversight. OPM also stated that at some times during this period, some Operations Supervisor and Group Manager positions were vacant, which contributed to the lack of both officials' signatures on checklists. In February 2023, OPM updated its pre-appointment review process and standard operating procedures (SOP) to state that the Pre-/Post Appointment Review Coordinator must verify that supervisory signatures and date of concurrence are included on the checklists. This improved documentation of its supervisory reviews in future cases will provide greater assurance that all steps in the review process have been completed and adequately reviewed.

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## OPM Did Not Always Document Its Decisions about Whether to Refer Denied Cases to OSC

OPM did not always provide sufficient documentation to support its decisions about referring or not referring cases to OSC for requests it reviewed. For example, we asked OPM about three of the 23 denied cases in which no referral was made to OSC including two instances where the case files included notes stating that a prohibited personnel practice may have occurred. For one case, OPM officials told us that the note was an error. For the second case, OPM officials told us that based on the totality of facts collected in the case, OPM determined a referral to OSC was not warranted. For another denied case, we asked OPM to explain why the reasons OPM cited for denial did not constitute a prohibited personnel practice. OPM officials told us that the individuals

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<sup>23</sup>GAO, *Personnel Practices: Actions Needed to Improve Documentation of OPM Decisions on Conversion Requests*, [GAO-17-674](#) (Washington, D.C.: Aug. 28, 2017).

who primarily worked on the case were no longer working at OPM and that OPM could not provide documentation to explain why the case was not referred to OSC.

We also asked OPM to describe its rationale for referring two cases to OSC involving an intelligence agency and a government corporation, respectively. OPM officials replied that OPM did so per its responsibilities to make referrals to OSC under 5 C.F.R. § 5.3(a)(2). This regulatory provision requires OPM, if it finds evidence of matters within OSC's jurisdiction, to refer evidence of such matters to OSC. However, OSC clearly states on its website that OSC does not have authority, or has limited authority, over the agencies in question and therefore cannot obtain corrective action with respect to violations of prohibited personnel practices.

In October 2022, OPM officials notified its review staff via email that for cases with a recommendation to deny, they are to document whether the case is recommended for referral to OSC or not, and to include rationale (reasons why or why not) to support the referral recommendation. In February 2023, OPM revised its pre-appointment review process and SOP to include this additional requirement. This revision will help ensure that staff appropriately and consistently consider referrals of cases to OSC for investigation.

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## OPM Reported to Congress on Agency Requests as Required by Law but Has Not Yet Made These Reports Public

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### OPM Has Issued Reports to Congressional Committees

The Edward "Ted" Kaufman and Michael Leavitt Presidential Transitions Improvements Act of 2015 (Transitions Act) requires OPM to report annually to Congress, and during certain periods quarterly, on agency requests to appoint political appointees or former political appointees to covered civil service positions.<sup>24</sup> The Transitions Act requires OPM to report, for each request,

- the date on which the request was received by OPM;

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<sup>24</sup>Pub. L. No. 114-136, § 4, 130 Stat. 301, 305-307 (2016).

- the name of the individual and the title, office, and agency of the political position held<sup>25</sup>;
- the date of the individual's political appointment (and for former political appointees, the date on which the individual ceased to serve in a political position);
- the grade and rate of basic pay for the individual as a political appointee;
- the title, office, agency, grade, and rate of basic pay for the proposed career position;
- whether OPM approved or denied the request; and
- the date the agency appointed the political appointee to the covered civil service position, if applicable.

From September 2016 through January 2021, OPM provided 14 reports to Congress on requests submitted by agencies from March 18, 2016, through January 20, 2021.<sup>26</sup> The reports generally incorporated the data elements required by the Transitions Act.<sup>27</sup> We identified one agency appointment request that OPM did not include in its reports to Congress as required under the Transitions Act, a request submitted by the Department of Defense in January 2019, which OPM approved. OPM officials attributed the omission to an administrative oversight and told us that they plan to include the omitted case in their next annual report to Congress. Although not specifically required under the Transitions Act, the reports also included OPM post-appointment reviews of appointments that occurred without first seeking OPM approval.

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<sup>25</sup>The Transitions Act allows OPM to exclude the name and title when the individual was not appointed to the civil service position or when the request was pending at the end of the period covered by the report. See Pub. L. No. 114-136, § 4(c), 130 Stat. 301, 307 (2016). Covered political positions include (1) positions described under 5 U.S.C. §§ 5312-5316 (Executive Schedule); (2) noncareer SES appointments as defined in 5 U.S.C. § 3132(a)(7), and (3) Schedule C positions under subpart C of 5 C.F.R. pt. 213. Covered civil service positions include all appointed positions in executive agencies that are not temporary or political. See Pub. L. No. 114-136, § 4(a), 130 Stat. 301, 305 (2016).

<sup>26</sup>The 14 reports were three quarterly reports for the period March 18, 2016, through January 20, 2017; three annual reports, for 2017, 2018, and 2019, respectively; three quarterly reports for the period January 1, 2020, through September 30, 2020; two separate reports, for October 1, 2020, through November 30, 2020, and December 1, 2020, through January 20, 2021, issued in response to a congressional request to expedite the quarterly report; and three additional reports for the period October 1, 2016, through January 20, 2017, issued in response to a congressional request.

<sup>27</sup>We identified a few reports that were missing elements for some positions, such as the basic rate of pay or office name.

Some appointments are subject to OPM's pre-appointment review requirement but are not subject to reporting under the Transitions Act. Specifically, OPM reviews, but is not required to report, proposed hires of individuals who have served in any of the following types of political appointments: (1) limited-term and limited emergency SES positions; (2) political Schedule A positions; and (3) certain appointments made under agency-specific authorities. We identified 10 requests that OPM reviewed during the period March 18, 2016, through January 20, 2021, that OPM told us were not subject to the reporting requirement and were therefore not included in the Transitions Act reports.

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### OPM Has Not Proactively Disclosed Reports on Agency Requests to the Public

The public, as well as Congress, has an interest in information about hiring of political appointees into career positions. The Freedom of Information Act (FOIA) is one of several laws enacted to improve the public's access to government information and promote the principles of openness and accountability in government.<sup>28</sup> It requires agencies to proactively disclose certain records.<sup>29</sup> The FOIA Improvement Act of 2016 expanded proactive disclosures by requiring agencies to make available for public inspection in an electronic format records that have been released in response to a FOIA request and requested three or more times.<sup>30</sup>

According to OPM officials, during our review period, OPM received 18 FOIA requests for its reports to Congress on hiring of current or recent political appointees into career positions. OPM officials told us that they provided copies of the reports to the requesters with appropriate redactions of personal information.

Although OPM has not included the reports to Congress on its website, when we discussed this issue with OPM officials, they agreed that these reports fall under FOIA's proactive disclosure requirement. In August

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<sup>28</sup>5 U.S.C. § 552. In addition, the Open, Public, Electronic and Necessary Government Data Act, Pub. L. No. 115-435, Tit. II, 132 Stat. 5529, 5534 (2019), and the Digital Accountability and Transparency Act, Pub. L. No. 113-101, 128 Stat. 1146 (2014), among other efforts, have taken steps to improve the availability, transparency, and quality of federal data.

<sup>29</sup>35 U.S.C. § 552(a)(2).

<sup>30</sup>FOIA Improvement Act of 2016, Pub. L. No. 114-185, § 2, 130 Stat. 538 (2016), *codified at* 5 U.S.C. § 552.

2022, OPM officials told us that OPM's FOIA program was pending public rollout of a new electronic reading room, and that they planned to release the reports through this reading room when it becomes available. According to the officials, several steps needed to be taken before the reading room could be made public, including finalizing standard operating procedures and obtaining approval from the Office of Management and Budget. In December 2022, OPM officials told us that the release of the reading room had been delayed, and that they would instead post redacted versions of the reports from 2016 through the present to OPM's website, separate from the FOIA reading room, in 2023. However, according to the officials, before posting the reports, OPM needs to reformat them to be machine-readable and to comply with the accessibility requirements of Section 508 of the Rehabilitation Act of 1973, as amended.<sup>31</sup> Until OPM completes these steps and releases the reports publicly, the public will not have ready access to certain information about appointments of political appointees to career positions.

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## OPM Could Not Fully Identify Exceptions to Its Oversight Authority

OPM has broad authority to conduct pre-appointment reviews for appointments throughout the federal government. However, there are exceptions to OPM's authority, and there is no single source of information that currently encompasses all of these exceptions.

According to OPM officials, the authority to conduct pre-appointment reviews derives from OPM's authority to oversee compliance with civil service laws, including the federal merit system principles. However, various authorities not only provide exceptions to OPM's oversight authority but also trigger OPM's review where OPM's oversight would not otherwise apply. For example, OPM does not have authority over career senior executive hiring at certain agencies, including the Federal Elections Commission, Election Assistance Commission, Securities and Exchange Commission, Office of the Comptroller of the Currency, and Consumer Financial Protection Bureau.<sup>32</sup> Conversely, government corporations are generally statutorily exempt from OPM's oversight of merit system principles, but OPM has reviewed competitive service

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<sup>31</sup>29 U.S.C § 794d.

<sup>32</sup>See 5 U.S.C. § 3132(a)(1).

appointments at government corporations, on the basis of its oversight authority over the entire competitive service.

According to OPM officials, OPM generally reviews all proposed hires of current or recent political appointees that are within its oversight authority, except for (1) hires into temporary or term-limited positions, (2) proposed career hires of current or former political appointees for reinstatement to federal jobs at the same or lower grade than that of a career position they previously held, or (3) subsequent career hires of former political appointees whose hires into an initial career position have already been approved.

In a letter to congressional committees sent on February 19, 2021, OPM stated that it neither reviews nor has reviewed career appointments in the intelligence community (IC).<sup>33</sup> The letter stated that some hiring actions within IC agencies are subject to merit system principles, but those agencies, rather than OPM, oversee the application of the principles.<sup>34</sup> However, during the course of our review, we found that OPM reviewed six requests it received from IC components. These cases predate the 2021 letter to congressional committees, and OPM officials told us that they no longer review hiring in the intelligence community.

In addition, a comprehensive list of information about the type of positions to which current or recent political appointees could be appointed without OPM review does not currently exist. Such information could be useful to

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<sup>33</sup>The IC components referenced by OPM are the Office of the Director of National Intelligence; the Central Intelligence Agency; the intelligence components of the Departments of Energy, Homeland Security, State, and the Treasury; the intelligence components of the Federal Bureau of Investigation and Drug Enforcement Administration; and Defense intelligence components. These components include the Defense Intelligence Agency, National Geospatial Intelligence Agency, National Security Agency, National Reconnaissance Office, and the intelligence and counterintelligence components of the military services.

<sup>34</sup>Specifically, OPM stated, "While enforcement of the merit system principles in each executive agency is governed by such rules, regulations, and directives that the President may prescribe, under a statutory exception, enforcement of the merit system principles in IC elements is reserved to the heads of those elements. Accordingly, in promulgating Civil Service Rules governing merit system oversight of agencies, the President explicitly excluded IC elements from the definition of agencies that are subject to OPM's oversight. Thus, while merit system principles have been made applicable to hiring by Defense intelligence components under 10 U.S.C. § 1612, oversight is conducted by the Department of Defense, not by OPM." Letter from Office of Personnel Management to U.S. House of Representatives, Permanent Select Committee on Intelligence, Committee on Oversight and Reform, and Committee on Armed Services sent on February 19, 2021 (footnotes omitted).



inform oversight or legislation. Internal control standards state that management should externally communicate the necessary quality information to achieve the entity's objectives. Among the agencies that OPM identified in response to our request for a list of exclusions from its authority to require pre-appointment review of proposed appointments of current or recent political appointees were intelligence agencies and GAO. OPM also identified senior executive positions at certain agencies as outside of its authority.

However, some agencies identified additional exclusions for us. Specifically, officials from the Departments of Agriculture, Homeland Security and State, respectively, told us that the following categories of employees are not subject to OPM's review: County Office employees of the Farm Service Agency hired under Title 7 of the U.S. Code; employees of the Federal Emergency Management Agency hired under the Stafford Act; and employees of the State Department hired under the United Nations – United States Participation Act.

Furthermore, because agency-specific statutes, regulations, or policies may also apply to a hiring action and could either limit or trigger OPM's review, upon receipt of a request for pre-appointment review, OPM makes a case-by-case determination of whether the appointment falls within OPM's scope of review. As a result, OPM may identify additional agencies and positions that are outside of its scope of pre-appointment review. This case-by-case approach may be necessary to the extent that various laws and regulations may govern a particular appointment. However, collecting and disseminating information about agencies and positions that OPM or other agencies have already determined are excluded from OPM's pre-appointment review could streamline OPM's reviews, as well as facilitate its responses to congressional inquiries.

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## Conclusions

The merit-based hiring of current or former political appointees into career positions can help contribute to building a highly qualified federal workforce. OPM's pre-appointment reviews of these hires help safeguard the merit system principles and ensure that hiring into the career civil service is not based on political considerations.

OPM's reviews could be more effective if agencies are better able to identify political appointees during the application process for selection to career positions. It can be challenging for agencies to do so because they sometimes lack information about individual applicants' prior federal

service. The public information about political appointees to be provided under the PLUM Act could provide agencies with a useful tool to help ensure that proposed hires are reviewed by OPM as appropriate, if OPM approaches the effort with agencies' needs in mind.

In addition, the Transitions Act improved the information available to congressional oversight committees, by requiring regular reporting from OPM on agencies' requests to hire political appointees into career positions and the outcomes of OPM's reviews of these requests. In accordance with FOIA proactive disclosure requirements, OPM officials said they plan to release redacted versions of these reports to the public, but have not completed the steps to do so and have encountered delays. Making these reports accessible to the public in an expedient manner will increase transparency of the agencies' hiring of political appointees into career positions and OPM's oversight of that process.

Transparency and oversight could be further enhanced by more complete information about the scope of OPM's authority to review these hires, as agency-specific statutes, regulations, and policies can affect OPM's oversight of pre-appointment reviews. Collecting and disseminating information about agencies and positions that are excluded from OPM's pre-appointment review would provide Congress, agencies, and the public with a clearer understanding of the limitations of OPM's scope of review and could help OPM streamline its review process.

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## Recommendations for Executive Action

We are making the following three recommendations to OPM:

The Director of OPM should examine how the public information on political appointees OPM is mandated to provide under the PLUM Act can be used by agencies to better identify political appointees subject to OPM's pre-appointment reviews. (Recommendation 1)

The Director of OPM should complete the remaining steps needed to ensure that, consistent with proactive disclosure requirements, reports to Congress on agency requests to appoint current or recent political appointees to career positions are included on OPM's website with other frequently requested records. (Recommendation 2)

The Director of OPM should work with agencies to collect and disseminate information about the scope of its pre-appointment review authority, including information that identifies those agencies and positions that are not subject to OPM's authority. (Recommendation 3)

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## Agency Comments and Our Evaluation

We provided a draft of this report to OPM, USDA, DOD, DOE, HHS, DHS, HUD, DOI, DOJ, State, DOT, Treasury, VA, CFPB, USITC, and OSC for review and comment. In its written comments, which are reproduced in appendix V, OPM concurred with two of our recommendations and partially concurred with the third. OPM, USDA, DOD, DOE, USITC, and OSC provided technical comments, which we incorporated into the report as appropriate. The remaining 10 agencies told us they had no comments on the draft report.

OPM partially concurred with the recommendation that it should examine how agencies could use the public information on political appointees to be provided under the PLUM Act to identify political appointees subject to OPM's pre-appointment reviews (Recommendation 1). OPM stated that the PLUM Act information, which will be provided on a public website, can serve as an additional mechanism for agencies to identify political appointees from other agencies or organizations. OPM also stated that it uses information from its Executive and Schedule C system to publish the Plum Book, and that it plans to enhance this system to alert agencies and OPM when a political appointee is selected for a Career Senior Executive Service position. However, OPM said it does not believe the PLUM Act information will have a considerable impact on agencies' compliance with submitting requests for pre-appointment review to OPM. OPM stated that it would not be efficient for staff in human resources offices to perform manual searches on the PLUM Act website for every proposed career selection. OPM believes that the most efficient means of obtaining information about whether someone is a current or recent political appointee is to add a question to each job announcement asking applicants to self-identify as a current or recent political appointee. OPM also added that agencies should train their human resources specialists to look at those responses.

We agree with OPM that the PLUM Act information could help agencies identify political appointees from other agencies or organizations. We continue to believe that, as OPM implements the act, it should take the opportunity to examine how agencies can use the information for this purpose. Doing so could involve working with agency human capital staff to identify efficient ways for OPM to provide the information and for agencies to use it. Our recommendation does not specify that OPM should require agencies to conduct a manual search prior to each selection for a career position.

As we state earlier in this report, the lack of a government-wide mechanism for identifying political appointees during the hiring process for career positions has contributed to agencies' continued hiring of some political appointees without OPM's pre-approval, and the PLUM Act information could help address this issue. We also state that OPM, in guidance to agencies, has recommended that agencies include a question about political appointee status on job applications. Agencies that ask this question told us it is helpful for identifying cases subject to OPM review. However, we found that human capital staff sometimes overlook applicants' responses to this question. Therefore, using the PLUM Act information could help ensure that agencies are fully identifying appointments for OPM review.

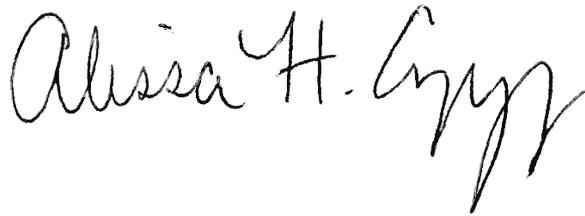
OPM agreed with our recommendation that it should complete the remaining steps needed to ensure that reports to Congress on requests to appoint current or recent political appointees to career positions are included on OPM's website (Recommendation 2). OPM stated that it is making final preparations to disclose 16 of these reports to the public, including working to make the reports conformant with the accessibility requirements of section 508 of the Rehabilitation Act of 1973, as amended.

OPM also agreed with our recommendation that it should work with agencies to collect and disseminate information about the scope of its pre-appointment review authority (Recommendation 3). OPM stated that it intends to provide briefings for agencies that will include updates about agencies or components not subject to OPM's pre-appointment review authority. Such briefings would partially address the recommendation by disseminating information to agencies. To fully address the recommendation, OPM will also need to collect information from agencies. As detailed in this report, we found that some of the agencies selected for this review identified exclusions from OPM's review authority that OPM had not identified in its responses to our requests.

We are sending copies of this report to the appropriate congressional committees, the Director of the Office of Personnel Management, the Special Counsel, the Director of the Consumer Financial Protection Bureau, the Chairman of the U.S. International Trade Commission, the Attorney General, the Secretaries of Agriculture, Defense, Energy, Health and Human Services, Homeland Security, Housing and Urban Development, the Interior, State, Transportation, the Treasury, and Veterans Affairs, and other interested parties. In addition, the report is available at no charge on the GAO website at <https://www.gao.gov>.

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If you or your staffs have any questions about this report, please contact me at (202) 512-3058 or [czyza@gao.gov](mailto:czyza@gao.gov). Contact points for our Offices of Congressional Relations and Public Affairs may be found on the last page of this report. GAO staff who made key contributions to this report are listed in appendix VI.



Alissa H. Czyz  
Director, Strategic Issues

*List of Requesters*

The Honorable Gary C. Peters  
Chairman  
Committee on Homeland Security and Governmental Affairs  
United States Senate

The Honorable Jamie B. Raskin  
Ranking Member  
Committee on Oversight and Accountability  
House of Representatives

The Honorable Mark Takano  
Ranking Member  
Committee on Veterans' Affairs  
House of Representatives

The Honorable Benjamin L. Cardin  
United States Senate

The Honorable Thomas R. Carper  
United States Senate

The Honorable Chris Van Hollen  
United States Senate

The Honorable Gerald E. Connolly  
House of Representatives

## Appendix I: Objectives, Scope, and Methodology

The objectives of this engagement were to provide information on appointments of political appointees to career positions, and examine the Office of Personnel Management's (OPM) oversight of these appointments. Specifically, this report (1) examines appointments of current or recent political appointees into career positions from March 18, 2016, through January 20, 2021; (2) evaluates OPM's policies and procedures for reviewing requests from agencies to hire current or recent political appointees into career positions; (3) assesses the extent to which OPM has complied with mandated reporting requirements under the Edward "Ted" Kaufman and Michael Leavitt Presidential Transitions Improvements Act of 2015 (Transitions Act); and (4) examines the scope of OPM's authority to conduct pre-appointment reviews.

For the purposes of our review, we included appointments agencies completed or intended to complete during the period beginning March 18, 2016, and ending January 20, 2021. This period begins with the enactment of the Transitions Act and the beginning of OPM's reporting to Congress on requests submitted by agencies, as required by the act. The period ends with the January 2021 presidential transition.

Following OPM's definition of the scope of its review requirement, we reviewed appointments to permanent career positions of individuals who, at any point during the 5 years preceding the career appointment, held political appointments in the federal government.

We excluded from our review two categories of hires for which OPM does not require agencies to obtain pre-appointment approval:

- proposed career hires of current or former political appointees for reinstatement to a federal job at the same or lower grade than that of a career position they previously held; and
- subsequent career hires of former political appointees whose appointment to an initial career position has already been approved.

For the purpose of this review, we defined political appointees as OPM does in its political to career appointments review policy. The definition encompasses the following categories:

- Presidential appointees with Senate confirmation (PAS);

- Presidential appointees without Senate confirmation (PA);
- Political appointees, as defined under 5 U.S.C. §§ 5312-5316 (relating to the Executive Schedule);
- Political Schedule A appointees:
  - Appointments made by the President without confirmation by the Senate (5 C.F.R. § 213.3102(c)).
  - Assistants to top-level federal officials if the position is being filled by a person designated by the President as a White House Fellow (5 C.F.R. § 213.3102(z)).
- Schedule C appointees (5 C.F.R. §§ 213.3301-3302);
- Noncareer Senior Executive Service (SES) appointees (5 U.S.C. § 3132(a)(7); 5 C.F.R. § 317, subpart F);
- Limited Term SES appointees (5 U.S.C. § 3132(a)(5); and 5 C.F.R. § 317, subpart F);
- Limited Emergency SES appointees (5 U.S.C. § 3132(a)(6); and 5 C.F.R. § 317, subpart F);
- Appointees serving in a political capacity under agency-specific authority; and
- Appointees serving in provisional appointments related to one of the categories of political appointments listed above.

Also following OPM's definition, we defined permanent career positions as non-time-limited appointments in either the competitive service, career SES, or career excepted service (non-Schedule C).

To address our first objective, we obtained data from OPM on its reviews of agency requests to appoint political appointees to career positions during the time period covered in our review. We confirmed and, as needed, corrected these data by requesting and reviewing information from selected agencies that submitted requests to OPM.<sup>1</sup> We selected 13 agencies on the basis of the initial data we received from OPM in April 2021: the Departments of Agriculture, Defense, Energy, Health and Human Services, Homeland Security, Housing and Urban Development, the Interior, Justice, Transportation, the Treasury, and Veterans Affairs; the Consumer Financial Protection Bureau, and the U.S. International Trade Commission. We considered the following factors when selecting

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<sup>1</sup>In some instances, agencies may not end up appointing candidates whose selections were approved by OPM.

our sample of agencies: (1) agencies that submitted the most number of requests to OPM, (2) agencies that received the most number of requests approved by OPM, (3) agencies that received the most number of requests denied by OPM, and (4) agencies that had the most number of post-appointment review cases. After receiving additional data from OPM in February 2022, we added one agency, the Department of State, to our selection, for a total of 14 agencies. We selected State because the additional data included three post-appointment requests from State, that is, appointments initially made without OPM's approval. After accounting for these additional cases, we determined that State had the third highest number of post-appointment review cases in our updated data. We asked these 14 agencies to corroborate (1) the number of requests to appoint political appointees to career positions each agency made to OPM and (2) the number of these appointments the agencies completed during the period of our review. To assess the reliability of the data that OPM and agencies provided, we examined the data for obvious errors and inconsistencies, and we traced each data element to source documents, such as notifications of personnel actions. We found the data from both OPM and agencies to be sufficiently reliable for the purposes of our reporting objectives.

We assessed OPM's reviews of all requests in our scope that OPM approved. Specifically, we examined OPM's review checklists and OPM case files documenting the selection process for each of these hires or proposed hires. If we had questions concerning specific cases, we collected additional information from OPM. Our review was designed to determine whether it appeared, from the case file documentation, that appropriate authorities were used and proper procedures were followed in making and reviewing these hires or proposed hires. For each case, two GAO analysts independently reviewed submitted checklists and documentation, appropriate laws and regulations, in consultation with a GAO attorney, and the circumstances for each request to assess whether the agency used appropriate authorities and followed proper procedures in selecting the political appointee in question. Each analyst used a data collection instrument to assess OPM's review of the case and to provide a written explanation of the analyst's determination about the hiring action. A supervisor reviewed cases where one or both of the analysts identified potential issues or missing documentation. Consulting as needed with a GAO attorney, the supervisor further assessed the selection against relevant merit system principles and prohibited personnel practices. We requested additional information from OPM as needed and made a final determination about each case after reviewing information OPM provided.



We identified the number of requests in our scope that OPM denied, and why OPM denied them. We reviewed cases referred to the Office of Special Counsel (OSC) for investigation, and described the outcome of its reviews of the cases. We interviewed OSC about its procedures for reviewing referred cases. We also summarized cases where OPM directed agencies to implement corrective actions after OPM reviewed and denied the requests.

We used data provided by OPM to identify instances during the period of our review when agencies hired political appointees into career positions without first obtaining OPM approval. We asked OPM to describe the outcomes of OPM post-appointment reviews of these appointments, including any corrective actions requested by OPM and acted on by agencies. We reviewed relevant OPM documents and interviewed OPM officials charged with administering OPM's political appointment review procedures to better understand how OPM monitors appointments that agencies make, including those not reviewed by OPM prior to the appointment. We obtained information from six of our 14 selected agencies about steps OPM and agencies have taken to identify and review hires and proposed hires of former political appointees into career positions: the Departments of Agriculture, Defense, Energy, Health and Human Services, Homeland Security, and State. We selected five of these six agencies because they had the greatest numbers of political appointees hired into career positions without first obtaining OPM's approval, based on the initial data we received from OPM in April 2021. Those data included hires made before March 18, 2016, but identified after that date. As described above, we added the sixth agency, State, to the selection after we received additional data from OPM in February 2022.

To address our second objective, we reviewed OPM's standard operating procedures for reviewing case files and for making referrals to OSC. We interviewed OPM officials and obtained written responses to questions regarding the implementation of these procedures and assessed OPM's actions against relevant internal control standards. We interviewed OSC officials about OSC's communications with OPM about referred cases.

To address our third objective, we reviewed applicable sections of the Transitions Act that requires OPM to include in its reports to Congress agency personnel requests to appoint current or former political appointees to covered civil service positions. We compared these criteria with information from reports that OPM submitted to Congress. We also obtained information from OPM about whether its disclosure of these reports to the public was consistent with the Freedom of Information Act's

(FOIA) proactive disclosure requirements for frequently requested records.

To address our fourth objective, we requested and obtained OPM's opinions on the scope of its legal authority to review appointments of current or former political appointees to civil service positions. We obtained information from OPM, including a copy of a February 19, 2021, letter OPM sent to congressional committees regarding OPM's authority to review appointments to career positions in the intelligence community. We compared this information against the data OPM provided on political to career hiring during the time period of our review and against information from the case file documents OPM provided. From six selected agencies that made hires without OPM approval, we obtained information about career positions within those agencies that, according to the agencies, are not subject to OPM's pre-appointment review requirement.

We conducted this performance audit from March 2021 to April 2023 in accordance with generally accepted government auditing standards. These standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

Appendix II: Agency Requests to Hire Political Appointees into Career Positions from March 18, 2016, through January 20, 2021

## Appendix II: Agency Requests to Hire Political Appointees into Career Positions from March 18, 2016, through January 20, 2021

**Table 3: Number of Requests to Hire Current or Recent Political Appointees into Career Positions that Agencies Submitted for Office of Personnel Management (OPM) Review and Intended to Complete from March 18, 2016, through January 20, 2021**

Departments and agencies	Number of requests submitted to OPM	Number of requests not reviewed by OPM (returned)	Number of requests that OPM approved <sup>a</sup>	Number of requests that OPM denied <sup>a</sup>	Number of hires made by agencies <sup>b</sup>
Commodity Futures Trading Commission	2	0	1	1	1
Consumer Financial Protection Bureau	7	0	7	0	6
Consumer Product Safety Commission	1	0	1	0	1
Court Services and Offender Supervision Agency	1	0	1	0	1
Department of Agriculture	5	0	4	1	4
Department of Commerce	5	1	4	0	4
Department of Defense	20	4	12	4	15
Department of Education	1	0	0	1	0
Department of Energy	4	1	2	1	3
Department of Health and Human Services	2	0	2	0	0
Department of Homeland Security	22	4	15	3	15
Department of Housing and Urban Development	6	1	3	2	4
Department of Justice	23	2	18	3	16
Department of Labor	3	1	2	0	2
Department of State	4	0	4	0	4
Department of the Interior	7	0	6	1	6
Department of the Treasury	8	1	5	2	3
Department of Transportation	7	3	4	0	3
Department of Veterans Affairs	7	0	6	1	5
Environmental Protection Agency	2	0	1	1	1
Export-Import Bank	4	1	2	1	1

**Appendix II: Agency Requests to Hire Political  
Appointees into Career Positions from March  
18, 2016, through January 20, 2021**

<b>Departments and agencies</b>	<b>Number of requests submitted to OPM</b>	<b>Number of requests not reviewed by OPM (returned)</b>	<b>Number of requests that OPM approved<sup>a</sup></b>	<b>Number of requests that OPM denied<sup>a</sup></b>	<b>Number of hires made by agencies<sup>b</sup></b>
Federal Communications Commission	1	1	0	0	0
Federal Deposit Insurance Corporation	2	0	2	0	2
Federal Energy Regulatory Commission	3	0	2	1	1
Federal Housing Finance Agency	2	0	2	0	2
Federal Labor Relations Authority	1	0	1	0	1
Federal Mediation and Conciliation Service	1	1	0	0	0
Federal Mine Safety and Health Review Commission	2	0	1	1	2
General Services Administration	4	1	1	2	3
Gulf Coast Ecosystem Restoration Council	1	0	1	0	1
Millennium Challenge Corporation	3	0	3	0	2
National Aeronautics and Space Administration	1	1	0	0	0
National Endowment for the Arts	1	0	0	1	0
National Labor Relations Board	2	0	0	2	0
National Women's Business Council	1	1	0	0	0
Occupational Safety and Health Review Commission	1	0	1	0	1
Overseas Private Investment Corporation	1	0	1	0	1
Pension Benefit Guaranty Corporation	1	1	0	0	0
Securities and Exchange Commission	3	0	2	1	2
Small Business Administration	2	0	2	0	1
Social Security Administration	1	0	1	0	1
U.S. Access Board	1	0	1	0	1
U.S. Agency for International Development	3	0	3	0	3
U.S. Commission on Civil Rights	1	0	1	0	1
U.S. International Development Finance Corporation	1	0	0	1	0
U.S. International Trade Commission	6	1	4	1	4
<b>Total</b>	<b>187</b>	<b>26</b>	<b>129</b>	<b>32</b>	<b>124<sup>c</sup></b>

Source: GAO analysis of OPM and agency information. | GAO-23-105066

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**Appendix II: Agency Requests to Hire Political  
Appointees into Career Positions from March  
18, 2016, through January 20, 2021**

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<sup>a</sup>Includes OPM pre-appointment and post-appointment reviews of appointments agencies intended to take effect from March 18, 2016, through January 20, 2021.

<sup>b</sup>Includes hires made by agencies but denied by OPM post-appointment. Therefore, the number of hires for some agencies is higher than the number of approved requests. In some of these denied post-appointment cases, the agency terminated or cancelled the appointment in response to OPM's decision.

<sup>c</sup>Does not include one additional case in which OPM identified a hire made without its approval but for which the agency did not submit a formal request because the individual had already retired by the time the appointment was identified as being subject to OPM's review.

Appendix III: List of Federal Selections of Political Appointees to Career Positions that OPM Approved and Agencies Completed from March 18, 2016, through January 20, 2021

## Appendix III: List of Federal Selections of Political Appointees to Career Positions that OPM Approved and Agencies Completed from March 18, 2016, through January 20, 2021

**Table 4: Characteristics of Federal Selections of Political Appointees to Career Positions that the Office of Personnel Management (OPM) Approved and Agencies Completed from March 18, 2016, through January 20, 2021**

Selections are listed by the department or agency that appointed a political appointee to a career position.

Political Appointee		Career Position		
Title, office, and department/agency	Type of political appointment, grade, and rate of basic pay <sup>a</sup>	Title, office, and department/agency	Type of career appointment, grade, and rate of basic pay <sup>a</sup>	Date appointed
<b>Appointments to career positions in the Department of Agriculture</b>				
Federal Coordinating Officer	Political Schedule A GS-0301-15	Administrative Officer	Competitive Service	8/7/2016
Federal Emergency Management Agency	\$121,958	Agricultural Research Service Department of Agriculture	GS-0341-11 \$67,354	
Department of Homeland Security				
Chief of Staff Risk Management Agency	Noncareer Senior Executive Service (SES) ES-0301-00	Associate Administrator Risk Management Agency Department of Agriculture	SES ES-0340-00 \$186,501	1/17/2021
Office of the Administrator Department of Agriculture	\$160,000			
Senior Advisor Office of the Secretary Immediate Office Assistant Secretary for Administration	Schedule C GS-0301-14 \$102,705	Management and Program Analyst Departmental Administration Office of Human Resources Management Office of the Director Department of Agriculture	Competitive Service GS-0343-14 \$105,373	12/20/2020
Department of Agriculture				

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<b>Title, office, and department/agency</b>	<b>Type of political appointment, grade, and rate of basic pay<sup>a</sup></b>	<b>Title, office, and department/agency</b>	<b>Type of career appointment, grade, and rate of basic pay<sup>a</sup></b>	<b>Date appointed</b>
Chief of Staff Office of the Administrator Rural Housing Service Department of Agriculture	Schedule C GS-0301-15 \$109,591	Deputy Administrator for Management Office of the Associate Administrator for Management and Technology, Food and Nutrition Service Department of Agriculture	SES ES-0340-00 \$170,358	4/17/2016
<b>Appointments to career positions in the Department of Commerce</b>				
Special Assistant Administration for Children and Families Department of Health and Human Services	Schedule C GS-0301-13 \$91,080	Writer-Editor Office of Inspector General Department of Commerce	Competitive Service GS-1082-13 \$113,650	7/24/2016
Associate Director of Legislative and Intergovernmental Affairs Office of the Secretary Department of Commerce	Schedule C GS-0301-14 \$93,081	Attorney Advisor Office of the General Counsel Department of Commerce	Excepted Service GS-0905-14 \$90,172	12/25/2016
Senior Advisor International Trade Administration Enforcement and Compliance Department of Commerce	Schedule C GS-0301-15 \$106,068	Senior International Trade Compliance Analyst International Trade Administration Enforcement and Compliance Department of Commerce	Competitive Service GS-1801-14 \$108,702	4/17/2017
Director of Outreach Economic Development Administration Department of Commerce	Schedule C GS-0301-15 \$133,444	Regional Director Economic Development Administration Department of Commerce	SES ES-0301-00 \$168,200	4/17/2016
<b>Appointments to career positions in the Department of Defense</b>				
Senior Advisor Executive Secretariat Office of the Secretary Department of State	Noncareer SES ES-0130-00 \$142,830	Deputy Director Defense Security Cooperation Agency Department of Defense	SES ES-0301-00 \$151,400	1/23/2017
Special Advisor to the Assistant Secretary of the Army Office of the Assistant Secretary of the Army Department of Defense	Schedule C GS-0343-15 \$120,952	Attorney (Deputy Director) Immediate Office of the Chief of Naval Operations Department of Defense	Excepted Service GS-0905-15 \$122,643	2/12/2018

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<b>Title, office, and department/agency</b>	<b>Type of political appointment, grade, and rate of basic pay<sup>a</sup></b>	<b>Title, office, and department/agency</b>	<b>Type of career appointment, grade, and rate of basic pay<sup>a</sup></b>	<b>Date appointed</b>
Special Assistant Veterans Employment and Training Department of Labor	Schedule C GS-0301-11 \$52,329	Operations Support Officer Defense Intelligence Agency Department of Defense	Excepted Service GG-0132-08 \$50,904	2/21/2017
Special Assistant National Protection and Programs Directorate Department of Homeland Security	Schedule C GS-0301-14 \$91,074	Associate Director of Committee on Foreign Investments in the United States Operations Office of the Secretary of Defense Department of Defense	Competitive Service NH-0301-4 \$111,534	6/25/2018
Staff Assistant White House Medical Unit Washington Headquarters Services Department of Defense	Schedule C GS-0301-12 \$73,090	Health Systems Specialist White House Medical Unit Washington Headquarters Services Department of Defense	Competitive Service GS-0670-13 \$79,243	12/8/2019
Special Assistant Office of the Vice Chairman National Transportation Safety Board	Schedule C GS-0301-15 \$119,139	Supervisory Attorney Advisor Fiscal, Ethics & Administrative Law Division Office of the General Counsel United States Air Force Department of Defense	Excepted Service NH-0905-IV \$123,950	9/1/2019
Financial Specialist Department of the Air Force Office of the Secretary of the Air Force (Headquarters) Department of Defense	Schedule C GS-0501-09 \$44,471	Financial Management Specialist Personnel and Training Division Office of the Assistant Secretary of the Air Force Department of Defense	Competitive Service GS-0501-09 \$44,471	11/10/2019
Advance Officer Office of the Secretary of Defense Secretary of Defense Travel Operations Department of Defense	Schedule C GS-0301-15 \$113,012	Security Specialist Immediate Office of the Secretary of Defense Department of Defense	Competitive Service GS-0080-15 \$113,012	4/12/2020
Special Assistant to the Assistant Secretary of Defense (Team Chief) (Legislative Affairs) Office of the Assistant Secretary of Defense for Legislative Affairs Department of Defense	Schedule C GS-0301-13 \$73,115	Criminal Investigator Naval Criminal Investigative Service Department of the Navy Department of Defense	Excepted Service GS-1811-11 \$69,951	10/27/2019



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Title, office, and department/agency	Type of political appointment, grade, and rate of basic pay <sup>a</sup>	Title, office, and department/agency	Type of career appointment, grade, and rate of basic pay <sup>a</sup>	Date appointed
Special Assistant for Homeland Defense and DSCA Office of the Assistant Secretary of Defense for Homeland Defense and Global Security Office of the Under Secretary of Defense for Policy Department of Defense	Schedule C GS-0301-15 \$124,360	Commander's Action Group Deputy U.S. Pacific Fleet Department of Defense	Competitive Service GS-0301-15 \$124,360	4/28/2019
Deputy Assistant Secretary of Defense for Senate Affairs Office of the Assistant Secretary of Defense for Legislative Affairs Department of Defense	Noncareer SES ES-0301-00 \$145,845	Human Resource Specialist (Military) Defense Finance and Accounting Service Department of Defense	Competitive Service GS-0201-13 \$102,288	8/31/2020
Special Assistant for Strategic Readiness Review Immediate Office of Director White House and Congressional Liaison Office Office of the Secretary of the Navy Department of Defense	Noncareer SES ES-0301-00 \$179,700	Administrative/Technical Specialist Naval Surface Warfare Center Carderock Division Naval Sea Systems Command Department of Defense	Competitive Service NT-0343-05 \$102,288	8/30/2020
<b>Appointments to career positions in the Department of Energy</b>				
Deputy Commissioner Bureau of Reclamation Commissioner's Office Department of the Interior	Noncareer SES ES-0340-00 \$163,700	Assistant Administrator for Corporate Liaison Western Area Power Administration Department of Energy	Excepted Service GS-0301-15 \$131,466	9/1/2019
Deputy Solicitor - Water Resources Office of the Solicitor Department of the Interior	Noncareer SES ES-0905-00 \$162,000	Chief Counsel Office of General Counsel Environmental Management Consolidated Business Center Department of Energy	SES ES-0905-00 \$172,508	9/13/2020
<b>Appointments to career positions in the Department of Homeland Security</b>				

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<b>Title, office, and department/agency</b>	<b>Type of political appointment, grade, and rate of basic pay<sup>a</sup></b>	<b>Title, office, and department/agency</b>	<b>Type of career appointment, grade, and rate of basic pay<sup>a</sup></b>	<b>Date appointed</b>
General Counsel Office of General Counsel Merit Systems Protection Board	Noncareer SES ES-0905-00 \$179,700	General Attorney Office of Chief Counsel Field Counsel Chicago U.S. Customs and Border Protection Department of Homeland Security	Excepted Service GS-0905-13 \$96,958	6/25/2017
Senior Advisor Special Representative for the Arctic Under Secretary for Economic Growth, Energy, and the Environment Office of the Secretary Department of State	Schedule C GS-0130-15 \$124,408	Program Analysis Officer Office of Mission Support Integration Deputy Commandant for Mission Support U.S. Coast Guard Department of Homeland Security	Competitive Service GS-0343-15 \$124,408	9/17/2017
Confidential Assistant to Chief of Staff National Endowment for the Arts National Foundation on the Arts and the Humanities	Schedule C GS-0301-07 \$36,538	Program Support Specialist Grants Program Directorate Protection and National Preparedness Federal Emergency Management Agency Department of Homeland Security	Excepted Service GS-0301-09 \$43,251	4/2/2017
Deputy White House Liaison Office of the Secretary Office of the Chief of Staff Department of Homeland Security	Schedule C GS-0301-12 \$62,722	Staff Action Officer Office of Intelligence and Analysis Office of the Secretary Department of Homeland Security	Excepted Service GS-0301-12 \$63,600	4/15/2018
Core Supervisory Emergency Management Federal Emergency Management Agency Department of Homeland Security	Political Schedule A GS-0089-15 \$110,686	Director National Integration Center Federal Emergency Management Agency Department of Homeland Security	SES ES-0340-00 \$164,271	9/3/2017
Supervisory Emergency Management Specialist (Federal Coordinating Officer) Federal Emergency Management Agency Department of Homeland Security	Political Schedule A GS-0089-15 \$112,912	Emergency Management Specialist Federal Emergency Management Agency Department of Homeland Security	Competitive Service GS-0089-15 \$112,912	12/11/2016

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<b>Title, office, and department/agency</b>	<b>Type of political appointment, grade, and rate of basic pay<sup>a</sup></b>	<b>Title, office, and department/agency</b>	<b>Type of career appointment, grade, and rate of basic pay<sup>a</sup></b>	<b>Date appointed</b>
Federal Coordinating Officer Federal Emergency Management Agency Department of Homeland Security	Political Schedule A GS-0301-15 \$119,756	National Incident Management Assistance Team Leader West Federal Emergency Management Agency Department of Homeland Security	SES ES-0301-00 \$154,892	6/12/2016
Special Assistant to Commissioner U.S. Commission on Civil Rights	Schedule C GS-0301-14 \$98,307	Attorney Advisor Office of the Chief Counsel Federal Emergency Management Agency Department of Homeland Security	Excepted Service GS-0905-14 \$99,684	8/18/2019
Deputy Chief of Staff (Operations) Secretary's Immediate Office Department of the Interior	Noncareer SES ES-0301-00 \$162,000	Supervisory Management and Program Analyst Countering Weapons of Mass Destruction Operations Support Directorate Department of Homeland Security	Competitive Service GS-0343-15 \$131,242	4/26/2020
Special Assistant Office of Policy and Strategy U.S. Citizenship and Immigration Services Department of Homeland Security	Schedule C GS-0301-11 \$53,805	Congressional Liaison Specialist Office of Legislative and Intergovernmental Affairs External Affairs Directorate U.S. Citizenship and Immigration Services Department of Homeland Security	Competitive Service GS-0301-14 \$90,621	11/24/2019
White House Liaison Officer Immediate Office of the Secretary Department of Homeland Security	Schedule C GS-0301-13 \$76,687	Staff Action Officer Office of Intelligence and Analysis Department of Homeland Security	Excepted Service GS-0301-13 \$81,304	9/13/2020
Chief Counsel U.S. Citizenship and Immigration Services Office of Chief Counsel Department of Homeland Security	Noncareer SES ES-0905-00 \$174,000	DHS Attaché to London Office of Strategy, Policy, and Plans Department of Homeland Security	Competitive Service SL-0301-00 \$177,306	1/5/2020

**Appendix III: List of Federal Selections of  
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Political Appointee		Career Position		
<b>Title, office, and department/agency</b>	<b>Type of political appointment, grade, and rate of basic pay<sup>a</sup></b>	<b>Title, office, and department/agency</b>	<b>Type of career appointment, grade, and rate of basic pay<sup>a</sup></b>	<b>Date appointed</b>
Special Assistant Office of Policy Integration and Implementation Assistant Secretary for Policy Office of the Secretary Department of Homeland Security	Schedule C GS-0301-12 \$62,101	Information Technology Specialist (INFOSEC) Cybersecurity and Infrastructure Security Agency Department of Homeland Security	Competitive Service GS-2210-12 \$64,490	3/4/2019
Attorney Advisor Office of Legislative Affairs Department of Justice	Schedule C GS-0905-14 \$88,136	General Attorney Immigration and Customs Enforcement Office of Principal Legal Advisor Department of Homeland Security	Excepted Service GS-0905-14 \$102,274	9/27/2020
<b>Appointments to career positions in the Department of Housing and Urban Development</b>				
Special Advisor Office of the Assistant Secretary for Public and Indian Housing Department of Housing and Urban Development	Schedule C GS-0301-13 \$74,584	Supervisory Community Planning and Development Specialist Office of Community Planning and Development Department of Housing and Urban Development	Competitive Service GS-0301-15 \$103,672	12/11/2017
Analyst Office of the Staff Secretary White House Correspondence White House	PA AD-0301-00 \$42,000	Law Clerk (Legal Honors Intern) Office of General Counsel Department of Housing and Urban Development	Excepted Service GS-0904-11 \$55,756	3/1/2021b
Commissioner American Battle Monuments Commission	PA Uncompensated	Director of International and Philanthropic Innovation Office of Policy Development and Research Department of Housing and Urban Development	Competitive Service GS-0301-15 \$102,646	4/25/2016
<b>Appointments to career positions in the Department of the Interior</b>				
Counselor to the Secretary of the Interior Immediate Office of the Secretary Department of the Interior	Noncareer SES ES-0905-00 \$162,000	Administrative Law Judge Office of Hearings and Appeals Department of the Interior	Excepted Service AL-0935-03 \$114,000	4/26/2020

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Deputy Solicitor (Energy and Mineral Resources) Office of the Solicitor Department of the Interior	Noncareer SES ES-0905-00 \$170,000	Chief Administrative Judge-Interior Board of Land Appeals Office of Hearings and Appeals Department of the Interior	Excepted Service SL-0905-00 \$187,000	4/26/2020
State Executive Director Farm Service Agency Department of Agriculture	Schedule C GS-0301-15 \$120,807	State Director, Oregon Office of the State Director Department of the Interior	SES ES-0340-00 \$166,910	6/21/2020
Principal Deputy Director Fish and Wildlife Service Department of the Interior	Noncareer SES ES-0301-00 \$162,000	Utah State Director Bureau of Land Management Office of the State Director Utah State Office Department of the Interior	SES ES-0340-00 \$179,140	8/2/2020
State Director Rural Development Office of the Georgia State Director Department of Agriculture	Schedule C GS-0301-15 \$103,672	Park Manager (Superintendent) National Park Service Department of the Interior	Excepted Service GS-0025-13 \$99,691	3/3/2019
<b>Appointments to career positions in the Department of Justice</b>				
Senior Advisor Office on Violence Against Women Department of Justice	Schedule C GS-0301-13 \$73,846	Policy Analyst Partnerships and Technical Assistance Division Community Policing Advancement Directorate Office of Community Oriented Policing Services Department of Justice	Excepted Service GS-0301-13 \$73,846	7/10/2016
Deputy Special Counsel Policy and Congressional Affairs Office of Special Counsel	Schedule C GS-0905-15 \$153,730	Attorney Advisor Office of the Inspector General Department of Justice	Excepted Service GS-0905-15 \$127,913	5/12/2019
Counsel Office of the Director Executive Office of the U.S. Attorney Department of Justice	Schedule C GS-0905-14 \$87,263	Trial Attorney Criminal Division Office of International Affairs Department of Justice	Excepted Service GS-0905-15 \$105,123	5/27/2018

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Counsel Office of the Deputy Attorney General Department of Justice	Schedule C GS-0905-14 \$92,349	Assistant United States Attorney United States Attorney's Office District of Maryland Department of Justice	Excepted Service AD-0905-23 \$70,192	9/30/2018
General Counsel Office of the General Counsel Office of Personnel Management	Noncareer SES ES-0905-00 \$173,000	Assistant United States Attorney United States Attorney's Office Southern District of Mississippi Department of Justice	Excepted Service AD-0905-29 \$115,988	6/23/2019
Senior Counselor Office of Legal Policy Department of Justice	Noncareer SES ES-0905-00 \$175,500	Assistant United States Attorney Office of the United States Attorney Middle District of Alabama Department of Justice	Excepted Service AD-0905-29 \$124,503	4/14/2019
Deputy Administrator Federal Motor Carrier Safety Administration Department of Transportation	Noncareer SES ES-0340-00 \$179,700	Director Appropriations Liaison Office Justice Management Division Department of Justice	SES ES-0301-00 \$191,340	3/29/2020
Senior Counsel Office of Legal Policy Department of Justice	Schedule C GS-0905-15 \$106,595	Trial Attorney Civil Division Department of Justice	Excepted Service GS-0905-15 \$109,366	4/26/2020
Senior Advisor Immigration and Customs Enforcement Office of the Assistant Secretary Department of Homeland Security	Noncareer SES ES-0301-00 \$174,875	Chief Immigration Judge Executive Office for Immigration Review Department of Justice	SES ES-0905-00 \$185,368	6/29/2020
Deputy Assistant Attorney General Office of the Assistant Attorney General Department of Justice	Noncareer SES ES-0905-00 \$178,835	Assistant United States Attorney United States Attorney's Office Northern District of Texas Department of Justice	Excepted Service AD-0905-29 \$130,000	7/5/2020
Chief of Staff and Counsel Office of the Assistant Attorney General Civil Rights Division Department of Justice	Schedule C GS-0905-13 \$76,687	Assistant United States Attorney Office of United States Attorney District of Columbia Department of Justice	Excepted Service AD-0905-23 \$81,304	8/30/2020

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Principal Deputy Assistant Attorney General Office of Legal Counsel Department of Justice	Noncareer SES ES-0905-00 \$183,100	Deputy Solicitor General Office of the Solicitor General Department of Justice	SES ES-0905-00 \$192,500	9/13/2020
Counselor to the Attorney General Office of Attorney General Department of Justice	Noncareer SES ES-0905-00 \$151,500	Assistant United States Attorney Criminal Division Virginia, Eastern Department of Justice	Excepted Service AD-0905-28 \$85,000	11/22/2020
Chief of Staff and Counsel Office of Legal Policy Office of the Assistant Attorney General Department of Justice	Schedule C GS-0905-15 \$113,012	Assistant United States Attorney U.S. Attorney's Office Middle District of North Carolina Criminal Division Department of Justice	Excepted Service AD-0905-29 \$103,493	1/3/2021
Assistant Secretary Bureau of Consular Affairs Department of State	PAS EX-93001-04 \$161,900	Deputy Director Executive Office for Immigration Review Department of Justice	SES ES-0905-00 \$181,048	12/20/2020
Attorney Advisor Office of the Director Executive Office for United States Attorneys Department of Justice	Schedule C GS-0905-15 \$119,756	Trial Attorney Public Integrity Section Criminal Division Department of Justice	Excepted Service GS-0905-15 \$133,444	4/3/2016
<b>Appointments to career positions in the Department of Labor</b>				
Special Assistant Office of the Assistant Secretary for Administration and Management Department of Labor	Schedule C GS-0301-13 \$78,770	International Relations Officer Office of Child Labor, Forced Labor, and Human Trafficking Department of Labor	Excepted Service GS-0131-12 \$80,731	7/24/2016
Special Assistant Occupational Safety and Health Administration Office of the Secretary Department of Labor	Schedule C GS-0301-13 \$77,070	Statistician Occupational Safety and Health Administration Directorate of Enforcement Programs Department of Labor	Competitive Service GS-1530-14 \$88,136	1/8/2017
<b>Appointments to career positions in the Department of State</b>				

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Senior Vice President and Chief of Staff Office of the Chairman Office of the Chief of Staff Export-Import Bank	Schedule C SL-0301-00 \$179,900	Program Analyst Bureau of International Organization Affairs Office of Management Policy and Resource Department of State	Excepted Service GS-0343-15 \$138,572	9/29/2019
Staff Assistant Office of Global Women's Issues Office of the Secretary Department of State	Schedule C GS-0301-09 \$43,251	Foreign Affairs Officer Bureau for International Narcotics and Law Enforcement Affairs Department of State	Competitive Service GS-0130-11 \$55,204	7/19/2020
Deputy Director Faith-Based and Community Initiatives U.S. Agency for International Development	Political AD AD-0301-00 \$94,012	Foreign Affairs Officer Office of the Assistant Secretary Bureau of Democracy, Human Rights, and Labor Office of Western Hemisphere Affairs Department of State	Excepted Service GS-0130-13 \$99,665	1/19/2020
Staff Assistant Bureau of Western Hemisphere Affairs U.S. Mission to the Organization of American States Department of State	Schedule C GS-0301-12 \$61,486	Foreign Affairs Officer Bureau of Western Hemisphere Affairs Office of Regional Economic Policy and Summit Coordination Department of State	Competitive Service GS-0130-13 \$81,304	1/19/2020
<b>Appointments to career positions in the Department of the Treasury</b>				
Advisor to the Assistant Secretary Assistant Secretary Indian Affairs Office of the Secretary Department of the Interior	Schedule C GS-0301-12 \$64,813	Financial Analyst Community Development Financial Institutions Fund Under Secretary for Domestic Finance Departmental Offices Department of the Treasury	Competitive Service GS-1160-13 \$74,584	5/30/2017
Senior Advisor Under Secretary for Terrorism and Financial Intelligence Office of Terrorism and Financial Intelligence Department of the Treasury	Schedule C GS-0301-15 \$99,628	Special Advisor to the Principal Deputy Assistant Secretary Departmental Offices Office of Intelligence and Analysis Department of the Treasury	Excepted Service GS-0301-15 \$138,572	12/23/2019



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Senior Advisor Office of the Under Secretary for Terrorism and Financial Intelligence Department of the Treasury	Schedule C GS-0301-15 \$109,490	Director of the Office of Illicit Finance Office of Intelligence and Analysis Department of the Treasury	Excepted Service GS-0301-15 \$109,490	7/10/2016
<b>Appointments to career positions in the Department of Transportation</b>				
Senior Advisor for Economic and Regulatory Analysis Office of the Secretary Office of the Assistant Secretary for Transportation Policy Office of Transportation Policy Development Department of Transportation	Limited Term SES ES-0110-00 \$161,387	Chief Economist Office of the Secretary Office of the Assistant Secretary for Transportation Policy Department of Transportation	SES ES-0110-00 \$166,000	1/22/2017
Associate Director for Communications Census Bureau Department of Commerce	Noncareer SES ES-0301-00 \$140,000	Deputy Assistant Administrator for Corporate Communications Federal Aviation Administration Department of Transportation	Excepted Service EV-0340-02 \$148,000	12/25/2016
Confidential Assistant to the Chairman Occupational Safety and Health Review Commission	Schedule C GS-0301-13 \$73,115	Attorney-Advisor Pipeline and Hazardous Materials Safety Administration Department of Transportation	Excepted Service GS-0905-12 \$63,600	1/7/2018
<b>Appointments to career positions in the Department of Veterans Affairs</b>				
District Veterans Experience Officer Office of Policy and Planning Department of Veterans Affairs	Noncareer SES ES-0301-00 \$157,000	District Veterans Experience Officer North Atlantic District Office MyVA Veterans Experience Office Department of Veterans Affairs	SES ES-0301-00 \$166,420	9/4/2016
Special Assistant Deputy Assistant Secretary for Intergovernmental and International Affairs Department of Veterans Affairs	Schedule C GS-0301-12 \$66,241	Program Analyst Loan Guaranty Service Veterans Benefits Affairs Department of Veterans Affairs	Competitive Service GS-0343-13 \$73,846	9/18/2016

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Chief of Staff Veterans Health Administration Department of Veterans Affairs	Noncareer SES ES-0671-00 \$179,700	Executive Director, Medical Center Veterans Health Administration Department of Veterans Affairs	SES ES-0670-00 \$190,400	5/24/2020
Advisor Fish and Wildlife Service Department of the Interior	Schedule C GS-0301-12 \$62,722	Program Application Specialist Veterans Health Administration Department of Veterans Affairs	Competitive Service GS-0301-09 \$59,316	7/5/2020
Policy Advisor Office of the Administrator Wage and Hour Division Department of Labor	Schedule C GS-0301-13 \$78,681	Attorney-Adviser (General) Ethics Specialty Team Office of General Counsel Department of Veterans Affairs	Excepted Service GS-0905-12 \$80,197	1/3/2021
<b>Appointments to career positions in the Commodity Futures Trading Commission</b>				
Economist Office of the Chairman Commodity Futures Trading Commission	Schedule C CT-0110-15 \$188,233	Deputy Director Division of Clearing and Risk Commodity Futures Trading Commission	Competitive Service CT-1101-16 \$203,292	10/14/2018
<b>Appointments to career positions in the Consumer Financial Protection Bureau</b>				
Senior Advisor Office of the Director Office of Personnel Management	Noncareer SES ES-0301-00 \$168,850	Chief of Staff Office of the Director Consumer Financial Protection Bureau	Competitive Service CN-0301-82 \$179,936	1/8/2017
Public Affairs Specialist Office of Communications Office of Personnel Management	Schedule C GS-1035-14 \$91,074	Public Affairs Specialist External Affairs Division Consumer Financial Protection Bureau	Competitive Service CN-1035-53 \$95,763	1/22/2017
Attorney Advisor Office of Legislative Affairs Department of Justice	Schedule C GS-0905-13 \$74,584	Congressional Liaison Office of Legislative Affairs Consumer Financial Protection Bureau	Competitive Service CN-0301-52 \$85,074	5/28/2017
Deputy Assistant Secretary, Financial Departmental Offices Department of the Treasury	Noncareer SES ES-0301-00 \$158,700	Assistant Director Mortgage Markets Division of Research, Markets and Regulations Consumer Financial Protection Bureau	Competitive Service CN-0301-82 \$189,873	7/23/2017

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Special Counsel and Senior Advisor Office of the General Counsel Office of Personnel Management	Noncareer SES ES-0905-00 \$183,300	Supervisory Attorney-Advisor (Assistant General Counsel) Office of Litigation and Oversight Legal Division Consumer Financial Protection Bureau	Excepted Service CN-0905-71 \$149,153	10/15/2017
Deputy Assistant Attorney General Civil Division Office of the Assistant Attorney General Department of Justice	Noncareer SES ES-0905-00 \$178,835	Assistant Director, Enforcement Division of Supervision, Enforcement, Fair Lending, and Equal Opportunity (SEFL) Consumer Financial Protection Bureau	Excepted Service CN-0905-82 \$209,746	2/16/2020
<b>Appointments to career positions in the Consumer Product Safety Commission</b>				
Executive Assistant Office of the Commissioner Consumer Product Safety Commission	Schedule C GS-0301-12 \$86,021	Consumer Ombudsman Office of the Executive Director Consumer Product Safety Commission	Competitive Service GS-0301-15 \$127,596	4/12/2020
<b>Appointments to career positions in the Court Services and Offender Supervision Agency</b>				
Chairman, U.S. Parole Commission U.S. Parole Commission Office of the Chairman Department of Justice	PAS EX-0185-04 \$155,500	Deputy Director Office of the Director Pre-Trial Services Agency for the District of Columbia Court Services and Offender Supervision Agency	SES ES-0340-00 \$175,500	8/5/2018
<b>Appointments to career positions in the Environmental Protection Agency</b>				
Confidential Assistant Office of the Secretary Department of Agriculture	Schedule C GS-0301-09 \$43,251	Physical Scientist Office of Chemical Safety and Pollution Prevention Office of Pesticides Programs Biopesticides and Pollution Prevention Division Biochemical Pesticides Branch Environmental Protection Agency	Competitive Service GS-1301-11 \$53,062	6/24/2018
<b>Appointments to career positions in the Export-Import Bank</b>				

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Special Advisor Office of the General Counsel Export-Import Bank	Schedule C GS-0301-11 \$57,393	Attorney Advisor Litigation, Fraud and Compliance Division Office of the General Counsel Export-Import Bank	Excepted Service GS-0905-12 \$66,829	1/17/2021
<b>Appointments to career positions in the Federal Deposit Insurance Corporation</b>				
Deputy General Counsel Office of the General Counsel Department of Education	Schedule C GS-0905-15 \$129,517	Counsel Legal Division Office of the General Counsel Federal Deposit Insurance Corporation	Excepted Service CG-0905-15 \$172,698	12/25/2016
Assistant Secretary for Public Affairs Office of Public Affairs Department of Housing and Urban Development	PA EX-0301-04 \$155,500	Director Office of Communications Federal Deposit Insurance Corporation	Competitive Service EM-0301-00 \$186,379	6/23/2019
<b>Appointments to career positions in the Federal Energy Regulatory Commission</b>				
Senior Counsel Civil Division Department of Justice	Schedule C GS-0905-15 \$110,460	Trial Attorney (Public Utilities) Office of General Counsel Solicitors Office Federal Energy Regulatory Commission	Excepted Service GS-0905-15 \$110,460	3/15/2021 <sup>b</sup>
<b>Appointments to career positions in the Federal Housing Finance Agency</b>				
Senior Advisor Office of Legislative Affairs Department of the Treasury	Schedule C GS-0301-13 \$73,846	Senior Congressional Affairs Specialist Office of Congressional Affairs and Communications Federal Housing Finance Agency	Competitive Service EL-0301-13 \$121,000	2/21/2017
Director, MYRETIREMENT Departmental Offices Under Secretary Domestic Finance Department of the Treasury	Noncareer SES ES-0301-00 \$158,700	Supervisory Attorney Advisor Office of the Director Division of Resolution Federal Housing Finance Agency	Excepted Service EL-0905-15 \$224,406	1/31/2021 <sup>b</sup>
<b>Appointments to career positions in the Federal Labor Relations Authority</b>				

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National Ombudsman and Assistant Administrator for Regulatory Enforcement Fairness Office of the National Ombudsman Small Business Administration	Noncareer SES ES-0340-00 \$168,036	Chief Counsel Office of the Member Federal Labor Relations Authority	Excepted Service SL-0905-00 \$177,278	8/16/2020
<b>Appointments to career positions in the Federal Mine Safety and Health Review Commission</b>				
Commissioner Office of the Commissioner Federal Mine Safety and Health Review Commission	PA EX-0301-04 \$155,500	Administrative Law Judge Office of the Chief Administrative Law Judge Federal Mine Safety and Health Review Commission	Excepted Service AL-0935-03 \$141,800	1/31/2021 <sup>b</sup>
<b>Appointments to career positions in the General Services Administration</b>				
Assistant Secretary for Management Office of Management Department of Education	PA EX-0301-04 \$157,100	Regional Commissioner Federal Acquisition Service General Services Administration	SES ES-0340-00 \$175,000	1/8/2017
<b>Appointments to career positions in the Gulf Coast Ecosystem Restoration Council</b>				
Interim Executive Director Gulf Coast Ecosystem Restoration Council	Limited Term SES ES-0301-00 \$140,000	Executive Director Gulf Coast Ecosystem Restoration Council	SES ES-0301-00 <sup>c</sup>	10/2/2016
<b>Appointments to career positions in the Millennium Challenge Corporation</b>				
Deputy Press Secretary Office of Public Affairs Environmental Protection Agency	Schedule C GS-0301-13 \$78,770	Press Secretary Department of Congressional and Public Affairs Millennium Challenge Corporation	Competitive Service MC-0301-4A \$108,360	5/29/2016
Special Assistant Deputy Assistant Secretary of Defense East Asia Department of Defense	Schedule C GS-0301-12 \$62,101	Program Officer (Country Operations) Office of the Chief Executive Officer Department Compact Operations, VP Office Millennium Challenge Corporation	Competitive Service MC-0301-4B \$87,344	3/18/2018
<b>Appointments to career positions in the Occupational Safety and Health Review Commission</b>				

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Attorney-Advisor (Counsel to a Commissioner) Office of the Commissioner II Occupational Safety and Health Review Commission	Schedule C GS-0905-15 \$113,701	Supervisory Attorney-Advisor Office of the General Counsel Occupational Safety and Health Review Commission	Excepted Service GS-0905-15 \$116,658	3/1/2020
<b>Appointments to career positions in the Overseas Private Investment Corporation</b>				
Special Assistant to Vice President and General Counsel Office of Legal Affairs Overseas Private Investment Corporation	Schedule C AD-0301-00 \$74,841	Project Finance and Insurance Project Specialist Structured Finance and Insurance Department Overseas Private Investment Corporation	Competitive Service GS-1101-11 \$60,981	9/15/2019
<b>Appointments to career positions in the Securities and Exchange Commission</b>				
Confidential Assistant Office of the Commissioner Securities and Exchange Commission	Schedule C SK-0301-11 \$97,061	Senior Program Information Specialist Office of the Secretary Securities and Exchange Commission	Competitive Service SK-0301-12 \$108,457	7/24/2016
Senior Officer Office of the Executive Staff Securities and Exchange Commission	Schedule C SO-0340-02 \$257,686	Supervisory Management and Program Analyst Office of Compliance Inspections and Examinations Securities and Exchange Commission	Competitive Service SK-0343-17 \$203,142	5/10/2020
<b>Appointments to career positions in the Small Business Administration</b>				
State Director State Offices Office of the Puerto Rico State Director Department of Agriculture	Schedule C GS-0301-15 \$105,123	District Director Office of Field Operations (OFO) Region II Puerto Rico/Virgin Islands District Office Hato Rey, Puerto Rico Small Business Administration	Excepted service GS-0340-15 \$117,824	1/17/2021
<b>Appointments to career positions in the Social Security Administration</b>				

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Confidential Assistant Office of the Commissioner U.S. International Trade Commission	Schedule C GS-0301-11 \$51,811	Contact Representative Philadelphia Region Social Security Administration	Competitive Service GS-0962-05 \$37,113	9/17/2017
<b>Appointments to career positions in the U.S. Access Board</b>				
Member U.S. Access Board	PA AD-0301-00 \$654.72	Executive Director U.S. Access Board	SES ES-0301-00 \$175,000	12/20/2020
<b>Appointments to career positions in the U.S. Agency for International Development</b>				
Senior Advisor Bureau for Democracy, Conflict, and Humanitarian Assistance U.S. Agency for International Development	Political AD AD-0301-15 \$102,646	Disaster Operations Specialist Bureau for Democracy, Conflict, and Humanitarian Assistance U.S. Agency for International Development	Competitive Service GS-0301-14 \$104,717	11/28/2016
Congressional Liaison Specialist Bureau for Legislative and Public Affairs Office of Legislative Affairs Division of Senate Affairs U.S. Agency for International Development	Political AD AD-0301-00 \$62,722	Congressional Liaison Specialist Bureau for Legislative and Public Affairs U.S. Agency for International Development	Competitive Service GS-0301-13 \$78,681	10/25/2020
Advisor Bureau for Asia U.S. Agency for International Development	Political AD AD-0301-00 \$62,722	International Cooperation Specialist Bureau for Africa U.S. Agency for International Development	Competitive Service GS-0136-13 \$78,681	10/25/2020
<b>Appointments to career positions in the U.S. Commission on Civil Rights</b>				
Special Assistant to Commissioner U.S. Commission on Civil Rights	Schedule C GS-0301-14 \$85,544	Attorney Advisor Office of the General Counsel U.S. Commission on Civil Rights	Excepted Service GS-0905-12 \$86,021	11/24/2020
<b>Appointments to career positions in the U.S. International Trade Commission</b>				

**Appendix III: List of Federal Selections of Political Appointees to Career Positions that OPM Approved and Agencies Completed from March 18, 2016, through January 20, 2021**

Political Appointee		Career Position		
Title, office, and department/agency	Type of political appointment, grade, and rate of basic pay <sup>a</sup>	Title, office, and department/agency	Type of career appointment, grade, and rate of basic pay <sup>a</sup>	Date appointed
Staff Assistant Office of the Commissioner U.S. International Trade Commission	Schedule C GS-0301-15 \$123,178	General Attorney Office of the General Counsel U.S. International Trade Commission	Excepted Service GS-0905-15 \$126,147	5/15/2018
Staff Assistant Office of Commissioner Broadbent U.S. International Trade Commission	Schedule C GS-0301-15 \$113,701	International Economist Office of Industries U.S. International Trade Commission	Competitive Service GS-0110-14 \$114,789	8/18/2019
Staff Assistant (Legal) Office of the Commissioner U.S. International Trade Commission	Schedule C GS-0301-15 \$135,019	Supervisory International Trade Analyst Office of Investigations U.S. International Trade Commission	Competitive Service GS-1105-15 \$135,019	3/15/2020
Staff Assistant (Legal) Commissioner's Office U.S. International Trade Commission	Schedule C GS-0301-15 \$130,022	Attorney Advisor Office of Administrative Law Judges U.S. International Trade Commission	Excepted Service GS-0905-15 \$130,022	5/29/2016

Source: GAO analysis of Office of Personnel Management (OPM) data. | GAO-23-105066

<sup>a</sup>We report on the rates of basic pay for the political and career positions, which in some cases do not include the full salary for the position. OPM officials confirmed that in the data we received from OPM, the reported rates of basic pay for both the political and career positions do not include locality pay. Many federal positions, including positions in the General Schedule (GS) pay plan with official worksites in the United States, are eligible for locality pay. Certain federal positions, such as most Senior Executive Service positions, would not be eligible for locality pay.

<sup>b</sup>Although the individual was hired into the career position after the time period covered by our review (March 18, 2016, through January 20, 2021), we include the appointment because the agency requested OPM's approval for the hire during the time period.

<sup>c</sup>OPM files did not include information on pay for this appointment.

Legend:

AD: Administratively determined; rate set by agency.

AL: Administrative Law Judges

CG: Corporate Grade. Code is for use by the Federal Deposit Insurance Corporation only.

CN: Consumer Financial Protection Bureau employees

CT: Nonsupervisory employees at Commodity Futures Trading Commission other than consultants under 5 U.S.C. 3109. Code is for use by the Commodity Futures Trading Commission only.

EL: Non-executive positions at the Federal Housing Finance Agency. Code is for use by the Federal Housing Finance Agency only.



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**Appendix III: List of Federal Selections of  
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EM: Executive Grade. Code is for use by the Federal Deposit Insurance Corporation only.

ES: Senior Executive Service

EV: Federal Aviation Administration Executive Compensation Plan. Code is for use by the Federal Aviation Administration (Department of Transportation) only.

EX: Executive Schedule

GG: Grades similar to General Schedule

GS: General Schedule

MC: Employees of the Millennium Challenge Corporation appointed under Public Law 108-199 only. Code is for use by the Millennium Challenge Corporation only.

NH: Business Management and Technical Management Professional DOD Acquisition Workforce Demonstration Project. Code is for use by the Department of the Air Force, Department of the Army, Department of Defense, and Department of the Navy only.

NT: Demonstration Administrative and Technical. Code is for use by the Department of the Navy only.

PA: Presidential appointee in a position not requiring Senate confirmation

PAS: Presidential appointee in a position requiring Senate confirmation

SK: Securities and Exchange Commission individuals formerly under the GS, GM and EZ pay plans. Code is for use by the Securities and Exchange Commission only.

SES: Senior Executive Service

SL: Senior level positions

SO: Senior Officers. Code is for use by the Securities and Exchange Commission only.

Note: This table includes all the hires that OPM approved, either pre- or post-appointment during the time period covered by our review. It does not include the cases in which OPM approved the request, but agencies did not complete the hire. It also does not include the hires that were made without OPM's prior approval and subsequently denied by OPM in post-appointment reviews.

## Appendix IV: Hires of Current or Recent Political Appointees into Career Positions by Type and Appointing Authority

This appendix provides additional information on 114 Office of Personnel Management (OPM)-approved appointments that agencies made from March 18, 2016, through January 20, 2021.<sup>1</sup> Table 5 includes information on the numbers of OPM-approved appointments that agencies completed by categories of political positions covered by OPM’s review.

**Table 5: Types of Political Positions for Appointments Approved by Office of Personnel Management (OPM) and that Agencies Made from March 18, 2016, through January 20, 2021**

Categories of political positions	Number of OPM-approved hires that agencies completed
Schedule C	68
Noncareer Senior Executive Service (SES)	28
Presidential appointee without Senate confirmation (PA)	6
Political Schedule A	4
Administratively determined	4
Limited-term SES	2
Presidential appointee with Senate confirmation (PAS)	2
<b>Total</b>	<b>114</b>

Source: GAO analysis of OPM data. | GAO-23-105066

Agencies made the 114 approved hires into the following categories of career positions and used the following hiring authorities:

- Agencies hired 49 individuals into career excepted service positions. Agencies used the Schedule A (attorney) hiring authority for 25, Schedule A (disability) for eight, and Assistant United States Attorneys hiring authority for six of these excepted service positions. Agencies used other hiring authorities for the

<sup>1</sup>OPM approved 114 of 125 appointments that agencies completed from March 18, 2016, through January 20, 2021. We do not discuss in this appendix the 10 denied post-appointment cases or the one case in which an agency did not submit a formal post-appointment request for OPM approval because the individual had retired by the time the appointment was identified.

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**Appendix IV: Hires of Current or Recent  
Political Appointees into Career Positions by  
Type and Appointing Authority**

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remaining 10 excepted service positions, including Title 50 (intelligence) and agency-specific hiring authorities.

- Agencies hired 45 individuals into competitive service positions. Agencies used the competitive examining hiring authority in 32, veterans hiring authorities in six, career reinstatements in three, and other authorities in the remaining four of these competitive service positions.
- Agencies hired 20 individuals to career Senior Executive Service (SES) positions using the career SES hiring authority.

# Appendix V: Comments from the Office of Personnel Management



Merit System  
Accountability and  
Compliance

UNITED STATES OFFICE OF PERSONNEL MANAGEMENT  
Washington, DC 20415

Mr. Clifton G. Douglas, Jr.  
Assistant Director  
U.S. Government Accountability Office  
441 G Street, NW  
Washington, DC 20548

Dear Mr. Douglas:

Thank you for providing us the opportunity to respond to the U.S. Government Accountability Office (GAO) draft report, *Personnel Practices: OPM Can Improve Oversight of Agencies' Hiring of Political Appointees into Career Federal Positions*, GAO-23-105066, GAO job code number 105066.

We recognize that even the most well-run programs benefit from external evaluations, and we appreciate your input as we continue to enhance our program. Technical comments are provided in the enclosure to this letter. In addition, the response to your recommendations is provided below.

**Recommendation 1:** The Director of OPM should examine how the public information on political appointees OPM is mandated to provide under the PLUM Act can be used by agencies to better identify political appointees subject to OPM's pre-appointment reviews.

**Management Response: OPM partially concurs.** OPM's Executive and Schedule C System (ESCS) collects, stores, and provides information on Federal employees by agency, organization, position, individual, request, and other HR-related information for the Federal Government's Senior Executive Service (SES), Senior Level (SL), Scientific and Professional (ST), Presidential, and Schedule C appointees. Information from ESCS is used in the publishing of the quadrennial Plum Book. Federal agencies' HR personnel use ESCS to maintain and update data on, and have the capability to identify, their agency senior officials (to include Presidential and Political appointees).

Under the PLUM Act, OPM is in the beginning stages of making Plum Book information publicly accessible through a web-based site. This site can serve as an additional mechanism for agencies to identify political appointees not currently within their agency and organization. Additionally, included in future enhancements to ESCS are triggers to alert OPM and agencies of current or past political appointees that are selected for Career SES positions. However, additional mechanisms will be considered for competitive service positions.

**Appendix V: Comments from the Office of  
Personnel Management**

Mr. Clifton G. Douglas, Jr.

Page 2

We do not agree that information made public by the PLUM Act will have a considerable impact on agencies' compliance with submitting requests for pre-appointment review to OPM. Prior to making a selection for any Federal career position (including competitive and excepted service positions), human resources offices would have the added, manual step of consulting the PLUM Act web-based site. They would have to perform a search on the proposed selectee to determine whether they are a current or former political appointee. This is not efficient. Additionally, the majority of human resources offices that fill Federal career positions are often different than agency executive resources offices, who are most familiar with presidential and political appointments, the PLUM Act/book resources, OPM's ESCS, and the SES, etc. The most efficient means of obtaining information about whether someone is a current or recent political appointee is to add a question to each job announcement asking applicants to self-identify as a current or recent political appointee. Agencies should train their HR Specialists to look at those responses.

**Recommendation 2:** The director of OPM should complete the remaining steps needed to ensure that, consistent with proactive disclosure requirements, reports to Congress on agency requests to appoint current or recent political appointees to career positions are included on OPM's website with other frequently requested records.

**Management Response: OPM concurs.** OPM currently is making final preparations to disclose 16 reports to the public. The 16 reports have been redacted in accordance with FOIA exemptions to safeguard personal privacy. OPM is working to make the reports conformant with the accessibility requirements of section 508 of the Rehabilitation Act of 1973, as amended. OPM will post reports on OPM's website upon completion of 508-conformance work.

**Recommendation 3:** The Director of OPM should work with agencies to collect and disseminate information about the scope of its pre-appointment review authority, including information that identifies those agencies and positions that are not subject to OPM's authority.

**Management Response: OPM concurs.** OPM will continue to provide agencies updates by memoranda and briefings on OPM's pre/post-appointment review process and their related responsibilities. The briefings will reinforce issued guidance, communicate key reminders, and provide updates about agencies and/or components not subject to OPM's pre-appointment review authority.

I appreciate the opportunity to respond to this draft report. If you have any questions regarding our response, please contact Ana A. Mazzi, Principal Deputy Associate Director, Merit System Accountability and Compliance, at (202) 606-4309 or [ana.mazzi@opm.gov](mailto:ana.mazzi@opm.gov).

Sincerely,

MARK  
LAMBERT  Digitally signed by MARK  
LAMBERT  
Date: 2023.03.30  
10:27:23 -0400

Mark W. Lambert  
Associate Director

Enclosure

## Agency Comment Letter

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### Text of Appendix V: Comments from the Office of Personnel Management

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Assistant Director  
U.S. Government Accountability Office  
441 G Street, NW  
Washington, DC 20548

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**Appendix V: Comments from the Office of  
Personnel Management**

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Sincerely,

Mark W. Lambert  
Associate Director

Enclosure



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## Appendix VI: GAO Contact and Staff Acknowledgments

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### GAO Contact

Alissa H. Czyz at (202) 512-3058 or [czyza@gao.gov](mailto:czyza@gao.gov)

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### Staff Acknowledgments

In addition to the contact named above, key contributors to this report were Clifton G. Douglas, Jr. (Assistant Director), Theodore Alexander (Analyst in Charge), Sherrice Kerns, Bailey McCoy, Sarahi Robles, Tania Uruchima, and Jessica Walker. In addition, Arpita Chattopadhyay, Karin Fangman, Amalia Konstas, Serena Lo, Robert Robinson, Tyler Spunaugle, Clarette Yen, and Mercedes Wilson-Barthes made significant contributions to this report.

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