

**OVERSIGHT OF OUR NATION'S
LARGEST EMPLOYER: REVIEWING
THE U.S. OFFICE OF PERSONNEL
MANAGEMENT
PART II**

HEARING
BEFORE THE
**COMMITTEE ON
OVERSIGHT AND ACCOUNTABILITY**
U.S. HOUSE OF REPRESENTATIVES
ONE HUNDRED EIGHTEENTH CONGRESS

SECOND SESSION

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C O N T E N T S

Hearing held on May 22, 2024	Page 1
------------------------------------	-----------

WITNESSES

The Honorable Rob Shriver, Acting Director, Office of Personnel Management Oral Statement	8
<i>Opening statements and the prepared statements for the witnesses are available in the U.S. House of Representatives Repository at: docs.house.gov.</i>	

INDEX OF DOCUMENTS

- * Statement for the Record; submitted by Rep. Connolly.
- * Letter, November 17, 2023, to OPM, from Democracy Forward; submitted by Rep. Connolly.
- * Letter, February 8, 2023, to Members of Congress, from OPM; submitted by Rep. Biggs.
- * Letter, November 1, 2022, to OPM, from Members; submitted by Rep. Biggs.
- * Report, CBO, “Comparing Compensation of Federal and Private Sector”; submitted by Rep. Biggs.
- * Article, *Harvard Business Review*, “Why Diverse Teams Are Smarter”; submitted by Rep. Brown.
- * Article, *Wall Street Journal*, “The Truth About ‘Puberty Blockers’”; submitted by Rep. Gosar.
- * Article, *GovExec*, “Mulvaney Relocating Offices is a ‘Wonderful Way’ to Shed Federal Employees; submitted by Rep. Norton.
- * Article, *AP News*, “Conservative groups draw up plan to dismantle the US government and replace it with Trump’s vision”; submitted by Rep. Pressley.
- * Report, CBO, “Comparing Compensation of Federal and Private Sector”; submitted by Rep. Raskin.
- * Statement for the Record, for Doreen Greenwald, National President of NTEU; submitted by Rep. Raskin.
- * Statement for the Record, for National Association of Retired Federal Employees (NARFE); submitted by Rep. Raskin.

CONTINUED INDEX OF DOCUMENTS

- * Article, Union of Concerned Scientists (UCS), "Officials Sideline Scientists When Establishing Air Pollution Standard; submitted by Rep. Tlaib.
- * Press Release Environmental Protection Agency (EPA), "Stronger standards for harmful soot pollution"; submitted by Rep. Tlaib.
- * Questions for the Record: to Mr. Shriver; submitted by Rep. Gosar.
- * Questions for the Record: to Mr. Shriver; submitted by Rep. Sessions.
- * Questions for the Record: to Mr. Shriver; submitted by Rep. Perry.
- * Questions for the Record: to Mr. Shriver; submitted by Rep. Langworthy.
- * Questions for the Record: to Mr. Shriver; submitted by Rep. Raskin.
- * Questions for the Record: to Mr. Shriver; submitted by Rep. Connolly.

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**OVERSIGHT OF OUR NATION'S
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THE U.S. OFFICE OF PERSONNEL
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PART II**

Wednesday, May 22, 2024

U.S. HOUSE OF REPRESENTATIVES
COMMITTEE ON OVERSIGHT AND ACCOUNTABILITY
Washington, D.C.

The Committee met, pursuant to notice, at 10:03 a.m., in room 2154, Rayburn House Office Building, Hon. James Comer [Chairman of the Committee] presiding.

Present: Representatives Comer, Gosar, Foxx, Grothman, Cloud, Palmer, Higgins, Sessions, Biggs, Perry, Timmons, Burchett, Burlison, Raskin, Norton, Connolly, Mfume, Brown, Garcia, Frost, Lee, Casar, Crockett, Goldman, Moskowitz, Tlaib, and Pressley.

Chairman COMER. The Committee on Oversight and Accountability will come to order. I want to welcome everyone here today.

Without objection, the Chair may declare a recess at any time.

I now recognize myself for the purpose of making an opening statement.

Last March, the Oversight Committee held a hearing with then-OPM Director, Kiran Ahuja, to conduct oversight of the Office of Personnel Management. Ms. Ahuja has since left OPM, so we are joined today by Mr. Robert Shriver, the Acting Director. The rationale for today's hearing is the same as it was last year. The Federal Government is our Nation's largest employer, and this Committee must ensure the OPM and the civil service generally deliver for the American people. At last year's hearing, what Members remember most clearly is the inability of the Director to say how many Federal employees were currently teleworking. Since OPM was and is at the center of a major policy shift with respect to telework and remote work, that lack of knowledge struck Republicans as concerning, especially as we heard last month that the Biden Administration prides itself as being a data-driven organization. I understand OPM has made progress adding telework data to its main H.R. system, but I am still curious to know what this translates into in terms of it having current quality data upon which to base policy.

Also, as was discussed last month, there are several core themes that run throughout the Biden management agenda, two of which

are empowering Federal workers and Federal employee unions. We asked a number of questions of OPM regarding the data underlying the policies that stem from these themes, and I intend to do so again today. For example, while the Civil Service Reform Act of 1978 may have said labor organizations and collective bargaining in the civil service are in the public interest, and the Biden Administration's words and actions certainly suggest they are, it is important to know exactly how this might be the case. What data or evidence do you have to illustrate how growing and empowering Federal employee unions is in the public interest, and directly in OPM's purview, how does union membership impact Federal workplaces and civil servants in them?

I also understand OPM has made progress improving retirement processing. I know that is an issue that impacts all offices, so I am eager to learn more about OPM's efforts and what we should expect in the year to come, but I will end with what is likely to be a frequent topic of conversation today. In April, OPM issued its final rule upholding civil service protections and merit system principles, which is clearly an attempt to make it more difficult for President Trump to bring back Schedule F should he win a second term. And I support Schedule F because I do believe Federal employees, especially those with significant ability to influence whether an Administration's policies do or do not get implemented, should be held to account. We cannot allow the unelected Federal bureaucracy to continue to think and act like it is running the show. There must be accountability.

The Biden Administration is having to deal with this now as Federal employees protest the President's policies on telework and Gaza. With the latter, there is talk about what they are able to do "on the inside." Wow. What are they able to do on the inside? Are they using similar tactics to those as described by Trump Administration alumni, to obstruct policies they do not like? Do you know? Is anybody looking? OPM and the Biden Administration made crystal clear they do not like Schedule F, but that implies you think the current system is working just fine to deal with all manner of disciplinary concerns, and I have never heard anybody say that. In closing, I look forward to your testimony, Mr. Shriver, and I thank you for being here today.

I now recognize Pete Sessions, Chairman of the Government Operations Subcommittee, for 2 minutes.

Mr. SESSIONS. Mr. Chairman, thank you very much. Director Shriver, thank you for taking time with me yesterday for a rather not just introductory, but detailed call where we spoke about not just the essence of today's professional meeting where we will ask legitimate questions. We want to hear from you about your ideas. We find that you reside in a fishbowl that you find yourself in many instances, no different than a Republican appointee might find themselves in where you do.

So, let me just go right to this since I have a minute-24 left. There are a few questions OPM is squarely in the middle of which map directly to the question of confidence of the top priority of agencies under the Federal workforce. Immediately after Donald Trump was elected, the *Washington Post* ran a story describing how Federal workers were planning to push back against President

Trump's initiatives. In other words, Feds, as was in the paper, "use time to their advantage and pushbacks against orders that they found objectionable." I am going to move down—I thought I was going to have 5 minutes—but it is also the same type of thing that President Biden finds himself now as Federal employees protest.

Chairman COMER. Mr. Sessions, if you want to go longer, the Ranking Member said he had no problem with that.

Mr. SESSIONS. Thank you very much, Mr. Chairman. I would ask for 6 minutes then.

Chairman COMER. Go ahead.

Mr. SESSIONS. The gentleman is recognized then for 6 minutes. Thank you. It is also President Biden who finds himself at the vise grip of employees who decide that they do not like his policies related to Gaza. This is causing an uproar with this Administration across agencies. I think it is OPM's responsibility to ensure that there is confidence and transparency around the disciplinary system. Discipline is important in any organization, was for my 16 years at AT&T where employees were not running the business. The Federal managers and the people who were the management were running that organization, were responsible to not just the results, but also to the shareholders. Well, I find that the taxpayer should be the winner in this but also the policies that related to that electing officer. It is OPM's responsibility to ensure that there is confidence and transparency around the disciplinary system in the Federal Government. It is not enough to say, well, we just cannot return to a patronage system. I think we must equally be wary of a civil service that is empowered and protected, they are entrenched and they are protected. Every virtue when carried out to an extreme is a vise, and I think that we are dealing with this circumstance now.

So, Mr. Shriver, I am going to present to you a series of questions, but essentially, they revolve around this issue. What is OPM doing to ensure that Federal employees are not, have not, and will not seek to undermine a President, either party, a duly elected President of their agenda simply because they disagree with it? We have known for a long period of time, and we have seen Supreme Court cases—Chevron deference brings this issue up—but that was more to policy differences that the President brought as opposed to how it worked with law. We are talking about civil service employees who are holding hostage not only key initiatives, but that Administration that they serve, which is the taxpayer.

So, would you support, in addition to the existing merit system principles, to state that all employees will fairly execute their duties without regard to their own political and policy preferences? And you do not have to answer these right now, but this is what is going to take place today. Would you support legislation to require an annual survey of Federal managers with questions specifically designed to their role of managers? The managers of this Federal Government have been led to believe that they have to follow, and I think in many respects they do, the President of the United States or the direction that OPM gives, but it has very little to do with their ability to be able to get the work done because this President has given direction that it is OK for Federal workers to

stay at home. And you and I do not disagree, it is not 100 percent of Federal employees. It is a large group of employees.

And yesterday, we spoke specifically about one agency in particular, Millennium Challenge Corporation, that has decided, as a result of President Biden's leadership, they are going to form a union, and yet the word, well within that Agency, is that the first thing that they would do is gather together as employees and decide not to report to work because they do not want to come to work. And yet that workplace, just like it might be Federal law enforcement or other important agency, which Millennium Challenge is, it requires gathering together, working exercises, coordinated, and knowing things that would be in the best interest of not just the taxpayer, but the policy chosen by that agency, and to be held hostage is a bad thing. When you are held hostage by employees from a civil service system that protects employees and puts a Federal manager at a disadvantage, it is the essence of why we are engaging you.

Mr. Chairman and the Ranking Member, I want to thank you for your allowing me to more accurately play this out. This is the essence of why we are here, and we appreciate your professionalism as you exhibited yesterday, as I am sure you will exhibit today, and we will offer you the same professionalism back. Mr. Chairman, Ranking Member, I yield back my time.

Chairman COMER. The gentleman yields back. The Chair now recognizes Ranking Member Raskin.

Mr. RASKIN. And thank you, Mr. Chairman, and thank you, Mr. Shriver. I know it is just your third week of work on your new job, and we welcome you today. I look forward to hearing from you about everything you are doing to strengthen the 2.3-million-person workforce that we have in the Federal Government working for the American people. OPM oversees this nonpartisan workforce, which takes an oath to our Constitution, not to the President, not to a king, certainly, not to any individual, but rather to the Constitution and to the country. Our Constitution clearly defines roles for the branches of government. Congress writes the laws and appropriates funding. The President and agencies faithfully execute those laws using the resources that Congress provides.

America is in a bit of a struggle right now over whether the job of the executive branch is to faithfully implement the laws that have been adopted by the people's representatives or whether it is to serve the personal whims and the political demands of the President. From the beginning of his time in office, the last President made clear his desire to strip the Federal workforce of experts and replace them with loyalists. Right out of the gate, then President Trump proposed cutting 20 percent of funding from the National Institutes of Health in my district, the institution that has saved the lives of thousands and thousands of Americans through research into diseases like cancer, diabetes, asthma, cystic fibrosis, multiple sclerosis, and so on. As his Administration continued, Trump continued to undermine a professional, expert, nonpartisan Federal workforce, and to undermine scientific and policy expertise. At various points throughout his term, he asserted that Americans should inject themselves with disinfectant as a cure for the

coronavirus, that the noise from windmills causes cancer, and that you need an ID to buy a box of cereal.

The former President elevated political loyalty above professional expertise in the workforce, and he made no effort to conceal his desire to remove any official who dared to disagree with his particular positions. We saw that in the firing of Chris Krebs, the Director of the Cybersecurity and Infrastructure Security Agency, for daring to say that “There is no evidence that any voting system deleted or lost votes, changed votes, or was any way compromised in the 2020 election.” In his zeal to rid the government of anyone who might dare to contradict him, Trump took drastic action to convert the traditional nonpartisan Federal workforce into an army of partisan loyalists. He did this by creating a new category of Federal workers called Schedule F, for which civil service protections would not apply. Schedule F would make it possible for the President to fire any Federal worker who disagreed with his particular spin on policies or who dared to tell the truth about public safety, public health, science, or the law. And it does not take much imagination to picture how this policy could transform our government into what one former Republican political appointee called “an army of suck-ups” because this is how our government used to work before the Civil Service Act of 1883, the Pendleton Act. Federal jobs were basically at the control of political bosses and were for sale to the highest bidder, and now there is an effort to revive this system.

Thankfully, during his first week in office, President Biden revoked the Schedule F executive order, and OPM recently finalized a rule to strengthen our workforce and ensure that it remains expert and nonpartisan. But the former President has been explicit about his plans to revive Schedule F and to strip the workforce of its nonpartisan protections very aggressively should he return to office. Well, what would government be like if we moved in the direction of this assault on the professional civil service? Well, here is the example I like to think of. In 2019, the then-President declared that, despite all the evidence to the contrary from the scientific experts at the National Weather Service in NOAA, Hurricane Dorian, he said, was going to hit the state of Alabama. Now, all the meteorologists said that was wrong. It was not going to hit Alabama. It was going to hit Florida’s Atlantic coast, which it did, wreaking devastation across the state. The experts at the Weather Service had to scramble to try to undo the misinformation that had been spread by the President. But what if they had not been able to do that? What if they feared that speaking up about where the hurricane was really going to land would cost them their jobs? What if they stayed silent and allowed the dispatch of hundreds of emergency personnel to the wrong states, leaving communities to drown without essential help and services?

Well, the former President promptly instructed his team to track down the scientists who corrected his predictions by sharpie. According to a 2020 report by the Office of Inspector General at Commerce, Trump’s Chief of Staff, Mick Mulvaney, wrote an email to Commerce Department officials stating, “as it currently stands, it appears as if the National Weather Service intentionally contradicted the President, and we need to know why,” and then they demanded a correction or an explanation. And his leadership, under

Trump, went so far as to rebuke the National Weather Service's Birmingham Alabama office for tweeting accurate, lifesaving hurricane prediction information simply because it contradicted what the President had to say. Now, no one got fired because the old protections were in place, the very protections that Trump pledges to destroy if he is elected again. Is that the government we want? Do we want the reign of folly over science and whim over professional expertise or big money over the public interest?

I am sure everyone saw the former President's meeting with oil and gas executives where he asked them to raise a billion dollars and then pledged he would issue a series of regulations undoing all of the climate progress that has been made in the Biden Administration. Look, our Constitution put in place a series of checks and balances, and we elect a President to faithfully execute the laws. That is the job of the President, that is the job of the executive branch, not to rewrite the laws, not to distort the laws, not to mangle the laws, and not to override the laws with a sharpie. And so, we must preserve those safeguards, and I will be interested to hear from our witness about what he will do to make sure that those safeguards are kept in place.

With that, I will yield to Mr. Connolly for his, I suppose, 5 or 6 minutes, depending on the Chairman's grace. Thank you.

Mr. CONNOLLY. I thank the Ranking Member. I thank the Chair. Welcome, Mr. Shriver, to your first experience with the U.S. Congress. Just be grateful you were not here the other night.

And I do want to begin by noting for my friend from Texas, Mr. Sessions, it is not a deep state bureaucracy that thwarted, for example, the ill-advised plan to abolish your Agency and to fold it into GSA. I worked with a Republican named Mark Meadows to make sure that was killed. That was Members of Congress working on that. And as the Ranking Member just indicated, it is going to be Members of Congress working on Schedule F as well, not a deep state thwarting of the Presidential will, whether it be President Trump or President Biden or some future President.

This hearing ought to be an opportunity to explore ways we can agree in a bipartisan manner to continue to invest in and improve our Federal workforce, and to deliver more efficient and effective services for the American people. After all, OPM is the human resources Agency of the Federal Government. We ought to be finding ways to close the 22.47 percent income gap between private sector and public sector employees, such as bypassing the FAIR Act, which I have introduced with many co-sponsors, which would provide Federal employees with a 7.4 percent increase in 2025, and by following up on the Biden Administration's historic decision to establish a \$15 per hour minimum pay raise for Federal employees.

We ought to be strengthening and reforming OPM itself to maintain the Agency is a preeminent, independent H.R. and personnel policy manager for the entire Federal Government, such as through the Office of Personnel Management Reform Act, which would codify essential recommendations included in the National Academy of Public Administration's congressionally directed report from March 2021. And we ought to be expanding benefits that help recruit younger, talented employees, such as requiring the Federal Employee Health Benefit Program to cover in vitro fertilization, and

other assisted reproductive technology—ART—a mandate we could establish today by enacting the Family Building FEHB Fairness Act.

Four years ago, President Trump signed Executive Order 13957 creating a new schedule for the civil service, Schedule F. This executive order intended to undermine the merit system principles of our Federal workforce by requiring Agency heads to reclassify “policy determining, policymaking, or policy advocating” positions to a newly created schedule of category of Federal employees and remove Federal workers’ due process rights and civil service protections. The real purpose of the executive order was to provide the former President with the ability to dismiss, at start, at least 50,000 dedicated civil servants and replace them with political appointees and sycophants. The previous Administration intended to turn our skilled nonpartisan civil service into an army of ill-prepared and unqualified loyalists. That is the risk. We have not done that since the Pendleton Act of 1883. Returning to the spoils system is a bad idea for America.

In response, I introduced a bipartisan bill, the Saving the Civil Service Act, which would require any President must seek the approval of Congress before significantly expanding the accepted service in the civil service and, in doing so, depriving huge classes of existing Federal employees of their civil service protections. This legislation would preserve our merit-based civil service system, which is necessary to guarantee continuity through changing administrations, to preserve institutional knowledge and expertise within the Federal Government, and protect the rule of law. I also made sure to reintroduce this bill in this Congress, which currently has 36 co-sponsors, including a number of Republicans.

While I am grateful that the latest OPM rule to reinforce and clarify protections for nonpartisan career civil service is a great first step, the civil service will not be protected from reclassification unless it is codified into law—an executive order can be overturned. I call on all stakeholders to support the Saving the Civil Service Act and push for its passage so that it is certain that no future President, irrespective of party, can with the stroke of a pen fire tens of thousands of Federal employees who are currently protected under the law. While we fight this existential threat, I remain committed to helping OPM find ways to ensure that we have a Federal workforce our Nation needs to meet current and future challenges and that best serve our constituents, the American people. I yield back.

Chairman COMER. The gentleman yields back. Mr. Robert Shriver serves as Acting Director of the U.S. Office of Personnel Management, the Federal Government’s chief human capital agency. Mr. Shriver was appointed as the Agency’s Deputy Director in December 2022 and previously served in several roles within OPM during the Obama Administration.

Pursuant to Committee Rule 9(g), the witness will please stand and raise his right hand.

Do you solemnly swear or affirm that the testimony that you are about to give is the truth, the whole truth, and nothing but the truth, so help you God?

Mr. SHRIVER. I do.

Chairman COMER. Let the record show the witness answered in the affirmative. Thank you, and you may take a seat.

We appreciate you being here today, Mr. Shriver, and look forward to your testimony. Let me remind you that we have read your written statement, and it will appear in full in the hearing record. Please limit your oral statement to 5 minutes. As a reminder, please press the button on the microphone in front of you so that it is on, and the Members can hear you. When you begin to speak, the light in front of you will turn green. After 4 minutes, the light will turn yellow. When the red light comes on, your 5 minutes have expired, and we would ask that you please wrap up.

I now recognize Acting Director Shriver for his opening statement.

**STATEMENT OF ROBERT H. SHRIVER, III
ACTING DIRECTOR
OFFICE OF PERSONNEL MANAGEMENT**

Mr. SHRIVER. Thank you, Mr. Chairman. Thank you, Ranking Member Raskin, Members of the Committee. I am happy to be here and appreciate the opportunity to discuss the important work of the U.S. Office of Personnel Management. I would like to start by acknowledging former OPM director, Kiran Ahuja, for championing our Agency and the Federal workforce. Director Ahuja and I share a deep commitment to public service and to OPM. This shared commitment drove Director Ahuja's efforts to stabilize the Agency after years of uncertainty, deliver on the Biden-Harris Administration's priorities, and begin a multiyear modernization transformation across the Agency. I am proud to now serve as the Agency's Acting Director. I am committed to building on our culture of service to the Federal workforce and partnership with Federal agencies.

The Federal Government cannot deliver for the American people without a highly qualified Federal workforce. As Acting Director, I plan to continue improving our customer service and advancing OPM's transformation into a digital-first, data-driven Agency that can lead our Federal workforce into the future. We cannot do this without the support of Congress, and I am asking for your partnership to achieve these goals. This Committee understands the critical services that Federal workers deliver to the American people. They are firefighters putting out wildfires in your states, doctors and nurses getting veterans the care they need, cyber experts defending our grid, law enforcement officers protecting our borders, ports, and transportation systems, and so much more. These workers are also members of your communities with over 1.6 million living in states represented by the Members on this Committee. In fact, more than 85 percent of the Federal workforce serves outside the National Capital Region. These workers are delivering, and the workers at OPM from Boyers and Slippery Rock, Pennsylvania to Kansas City, Missouri; Macon, Georgia; and here in D.C., are supporting them every day.

OPM has made critical progress strengthening Federal agencies and the Federal workforce. A comprehensive list is contained in my written statement, but I did want to highlight a few key initiatives. First, OPM has issued a final rule on the Pathways Programs de-

signed to significantly expand opportunities for early career talent in the Federal Government. This is one of the most significant actions the Federal Government has taken since the program's inception 14 years ago to help Federal agencies recruit early career talent. Second, OPM has issued a final rule that clarifies and reinforces longstanding protections and merit system principles for career civil servants. OPM is proud to continue preserving this longstanding bipartisan practice that allows the Federal Government to better recruit and retain qualified career professionals. Finally, OPM published a final regulation prohibiting the use of prior non-Federal salary history in setting pay for Federal employment offers. This is an important step in promoting equality and fairness to help the Federal Government attract the best talent.

Congress has also entrusted OPM with the implementation of the new Postal Service Health Benefits Program, and I am committed to successfully launching this program on time. I thank Congress for your support through our Fiscal Year 2024 appropriation and ask for your continued support for this program going forward. In addition, there is important work we must do to modernize the Federal Employee Health Benefits Program and our Retirement Services Division. OPM has a vision and a plan to modernize FEHB, built on the implementation of the Postal Service Health Benefits Program. By expanding this modern platform to FEHB, we will not only improve customer service, we will also address many of the challenges with our current system, particularly with ineligible enrollments. I am personally focused on this issue as I know Members of this Committee are as well.

Just last week, OPM delivered a legislative proposal that would allow us to access consistent, stable funding through the Employee Health Benefits Fund to do this work. I hope to work with this Committee on advancing this legislation, and while we have made significant progress addressing inventories for retirement services, I know there is more work to be done. Success can only be achieved by modernizing our paper-based system to a digital process. This transformation cannot have been without Congress.

Thank you for the opportunity to appear before the Committee. I look forward to today's discussion on OPM's work and our plans to further enhance how we support the Federal workforce and the American people as well as the critical need to work with Congress to fully implement these plans. Thank you.

Chairman COMER. The gentleman yields. We will now begin questions. The Chair recognizes Mr. Gosar from Arizona for 5 minutes.

Mr. GOSAR. Thank you very much, Mr. Chairman. Putting children on puberty suppressors and cross-sex hormones can lead to infertility and an outcome known as chemical castration. Do you believe that Federal taxpayers should pay for the mutilation and chemical castration of children confused about their gender in the Federal Employees Health Benefits Program?

Mr. SHRIVER. Congressman, the Federal Employee Health Benefits Program provides coverage to 8 million Federal employees.

Mr. GOSAR. I am just asking you a question. Yes or no. Yes or no.

Mr. SHRIVER. So, there has been an exclusion that previously precluded coverage of gender-affirming care. It was lifted in 2016.

Mr. GOSAR. OK. I am glad. Is it the government's right to exclude any other type of benefit?

Mr. SHRIVER. So, Congressman, the way the FEHB Program works is we provide for essential health benefits to be made available across plans, and then we work with the plans to make market-based offerings available to Federal employees.

Mr. GOSAR. Just a couple of months ago, the National Health Service of England decided to prohibit the use of puberty suppressors for children confused about their gender due to a lack of safety and effectiveness. Would you consider only contracting with plans in the Federal Employees Health Benefits Program that refuse to chemically castrate children, which is what puberty suppressors followed by cross-sex hormones due to children? Yes or no.

Mr. SHRIVER. Congressman, we make decisions based on the best scientific and medical evidence that are available to us.

Mr. GOSAR. I am glad you went there. OK. Stop right there. I am reclaiming my time. So, I would like to enter into the record a *Wall Street Journal* article from June 7, 2023, entitled "The Truth About Puberty Blockers: The FDA hasn't approved them for gender dysphoria, and their effects are serious and permanent."

Chairman COMER. Without objection, so ordered.

Mr. GOSAR. Now, here is a quote from the piece: "The Center for Investigative Reporting revealed in 2017 that the FDA had received more than 10,000 adverse events from women who were given Lupron, an off label, as children, to help them grow taller." They reported thinning and brittle bones, teeth that shed enamel or crack, degenerative spinal discs, painful joints, radical mood swings, seizures, migraines, and suicidal thoughts. Some developed fibromyalgia. There are reports of fertility problems and cognitive issues as well. Does this information make you reconsider allowing FEHB to be contracted with plans that would experiment with our children in this way?

Mr. SHRIVER. Congressman, the health plans that participate in the FEHB decide on the benefit package—

Mr. GOSAR. Whoa, whoa, stop right there. So, you are allowing a bad product to go forward here? This is unbelievable here. So, in her oral and written testimony from last year, Director Ahuja refused to require FEHB to report on how many children receive sex changes surgeries and chemical castration. Will you today commit to greater transparency and begin collecting data on how children are being abused in the FEHB Program through life-altering sex change surgeries and debilitating infusions of puberty suppressors and cross-sex hormones?

Mr. SHRIVER. Congressman, once again, we—

Mr. GOSAR. Once again, you did not give a "yes" or "no." So, yes or no?

Mr. SHRIVER. So, we administer the FEHB Program—

Mr. GOSAR. So, you are going to actually support using these children as an experiment?

Mr. SHRIVER. The health plans decide which benefits packages—

Mr. GOSAR. No, no, no, no, the government decides, not the health plan. Sorry to tell you that, because you can pick and choose. Now, the United States is behind the curve on protecting children as a growing number of countries have restricted access to puberty blockers in recent years, including England, Finland, Sweden, Norway, and Denmark. Former Director Ahuja wrote to me in a written testimony last year that the OPM requires that FEHB carriers adopt an acceptable standard of care based on credible science and evidence. By allowing children to access puberty blockers, which the government of England believes to be unsafe, as well as others, and ineffective for people confused about their gender, are you concerned that the FEHB is now not following the latest science?

Mr. SHRIVER. Congressman, the health plans decide what benefits to offer and—

Mr. GOSAR. Once again, you as the purchaser of that is going to decide everything about that FEHB. I thought the USA was better than that. I thought we were the leaders in science, not followers. I find it disgusting that you still sit there and hide behind that, when children are being mutilated, do not have a chance, and we are using a healthcare plan as our hiding. First of all, I am a healthcare provider. I do understand this very, very well. With that, Mr. Chairman, I yield back.

Chairman COMER. The gentleman yields back. The Chair recognizes Mr. Raskin from Maryland.

Mr. RASKIN. Thank you, Mr. Chairman. Some people love to denigrate and castigate the Federal workforce, but I do not do that. My district borders Washington, DC, and it is filled with thousands of devoted Federal workers who make our government function. And I have people in my district who work at NOAA, the National Oceanic and Atmospheric Administration. I have people who work at the National Institutes of Health, the National Institute of Mental Health, people at the FDA, the Food and Drug Administration. All of these are in my district. These people predict the direction and the potential landfall locations of deadly storms and hurricanes. They innovate new medical treatments to protect public health. NIH discovered fluoride to prevent tooth decay and has pioneered vaccines for lots of diseases including hepatitis B and hepatitis C.

Mr. Shriver, you are a political appointee. Can you talk briefly about how the expert Federal workforce partners with and interacts with political appointees who are brought in to serve the American people?

Mr. SHRIVER. Thank you for the question, Ranking Member. We work every day at OPM with our career workforce. We have people at OPM that are economists who work on pay issues. They are health insurance specialists who understand how to review medical claims. They process complex retirement applications. They have built up an expertise in their area over many, many years, and we rely on them to carry out the business of OPM day in and day out. We lead and we set priorities, but the input that we get from our career leaders is essential to making sure that the policies that we deploy and the things that we prioritize are going to be in the best interest of the American people.

Mr. RASKIN. NOAA's National Weather Service experts who work in my district develop the weather forecasts that are depended on by businesses, farms, airlines, rail systems all over the country. They forecast the strong tornadoes in Mr. Burlison's district yesterday, and these forecasts ensure that Federal emergency responders are ready to help communities that are affected, especially in this age of climate change with the accelerating ferocity of storms and bad weather. Can you describe some other essential first responders who serve in the Federal workforce?

Mr. SHRIVER. Thank you for the question, Mr. Ranking Member. So, I have been able and privileged to do a lot of work on behalf of wildland firefighters, and we know that wildland firefighting has changed from a season to, in many cases, year-long. There are Federal wildland firefighters who are deployed to areas of need, and those decisions are based on science about where the biggest need is. We have poultry inspectors, people who go to poultry plants and make sure that our food supply is kept safe. We have people who make sure that the water is kept safe, people who make sure that grant money gets into your districts.

Mr. RASKIN. All right. So, I started off by talking about the example of the former President using a sharpie to change the direction of a hurricane, and had that advice been followed, that could have been a disaster, both for the areas that were hit and then the areas in Alabama that were not hit, but which the President insisted were the eye of the storm. One, what is the value of having independent scientific experts working for us, and two, does that mean that the President cannot, in fact, faithfully execute the laws, according to his own interpretation? In other words, is there unnecessary conflict between political appointees like you and the scientists and experts who populate most of the Federal Government?

Mr. SHRIVER. I think it is critical for the American people to have trust and confidence that decisions and information and data that is being presented is being done so by experts in the field. Especially when you are talking about risk to life and risk to property, that we make sure that the American public understands that the information they are receiving comes from the experts. And I do not see any conflict whatsoever, Congressman, with that really important public interest and being able, for political appointees, to work with career employees on the President's priorities.

Mr. RASKIN. Well, I appreciate that, and I hope that there is not a conflict and that we will be able to continue to have political leadership working together with an independent and expert civil service. Thank you, Mr. Chairman, and I yield back to you.

Chairman COMER. The Chair recognizes the Chairman of the Government Operations Subcommittee, Mr. Sessions from Texas, for 5 minutes.

Mr. SESSIONS. Mr. Chairman, thank you very much. I hope that the gentleman, Mr. Shriver, sees that, as I spoke to you yesterday, on both sides of this Committee, Republican and Democrat, you would be offered and asked what I consider to be professional questions that are important to the legislative responsibility that we have. And I appreciate the distinguished gentleman from Maryland and Kentucky and my other Members for attempting to follow the same norm. I think it is important that the American people also

see that we make this about them and not about either one of our parties.

Mr. SHRIVER, there are two overwhelming questions that I would like to engage in right now, and one is the term, "qualified versus diversity," hiring on diversity. You have heard conversations, I am sure, out of this Committee and in the press, I am sure in your Administration, about hiring qualified employees as opposed to adding a diverse workforce. Could you please tell me the OPM decision structure on this issue?

Mr. SHRIVER. Thank you for the question, Congressman. So, we support the President's initiative on diversity, equity, inclusion, and accessibility, that we are implementing that initiative consistent with the merit system principles, which require fair and equitable treatments without regard to—

Mr. SESSIONS. All right. So, thank you very much. Well, I am talking about the hiring procedures. So, under this term that we just used, diversity, does a person have to be qualified and fit the same parameters and recommendations that it would for any employee being hired?

Mr. SHRIVER. One hundred percent, sir. That is part of the merit system principles.

Mr. SESSIONS. So, what you are attempting to do is to upgrade the number of people, I get this, across our country, to give everyone a fair and equitable chance, so to speak, at getting a job, and you are simply highlighting the need where numbers do not reflect that. Would that be appropriate way to say this?

Mr. SHRIVER. Right. So, we look for barriers, and so one barrier, for example, Congressman, is the lack of paid internships in the Federal Government. That is a barrier to people seeking Federal employment. So, we issued guidance early in the Administration to require more paid internships as an example.

Mr. SESSIONS. You think that also helps people who do not have those opportunities for an internship? Is it simply a check that is given them that you will now give them a higher threshold for entrance?

Mr. SHRIVER. I am sorry. I am not quite following your question.

Mr. SESSIONS. Do you use that as a measure then determine to give them, like a veteran, an extra plus because they have completed it? So, you use that as a measure?

Mr. SHRIVER. Thank you for the clarification. So, any time spent working in a Federal job can help you qualify for your next Federal job.

Mr. SESSIONS. Thank you very much. Director, I would like to move down to the question of the government inventing new processes, procedures to compete against the free enterprise system about what already exists and the government developing these rather than seeking opportunities. We have talked about D-18, which was an organization that was brought in under President Obama that we believe, after a hearing, on both sides, that they did not perform the duties that they said they did. It caused great consternation to .gov with deception. I would also bring up other agencies that can go and compete, like, for instance, Jobs USA. Meanwhile, there are numerous pre-enterprise system people that have a broader grasp of people to find government jobs, whether

it be in Waco, Texas or whether it be in New York City, that they are already established. And I find that this government is going and creating, spending taxpayer money to embellish their systems to go and hire more people. What are you finding? Are you finding that they just get this money and go do that, or is OPM saying let us not recreate a marketplace answer that is already there? What would the OPM answer be as your direction to agencies?

Mr. SHRIVER. Thank you for the question, Congressman. So, with respect to USA Jobs, that has been something that OPM has run now for, I think, some 15 years. One of the key design features of USA Jobs was, we called it a universal trailer hitch, which basically the idea is that any staffing system could plug into USA Jobs, and so agencies could use whatever staffing system they wanted from the private sector.

Mr. SESSIONS. Without regard for OPM trying to direct those agencies about a preference or a way to use it? So, would you consider if OPM went to an agency and said we are trying to stay leading edge, but let us not do something that might be a competitive edge or against another provider that is already out there, you are saying that would not be tolerated?

Mr. SHRIVER. I think it is very important that we maintain a level playing field for all of these staffing systems. As long as they meet the requirements, which are like cybersecurity requirements and such and an agency wants to use them, then they should be able to use them.

Mr. SESSIONS. But I am talking about the agency giving preference to their own development and their own product.

Mr. SHRIVER. Again, I think it is really important that we maintain a level playing field, so when we are offering a product as an Agency that also the private sector is offering, a staffing system is the primary example.

Mr. SESSIONS. OK. Let me go back on this.

Mr. SHRIVER. OK.

Mr. SESSIONS. Would you use your competitive insight to offer to a Federal agency that they should use you and not someone else, a preference?

Mr. SHRIVER. No.

Mr. SESSIONS. Would that be permissible under your rules and regulations from OPM for you to direct or to solicit something against another competitor in the marketplace?

Mr. SHRIVER. No. My clear direction is that we maintain a level playing field for private sector vendors.

Mr. SESSIONS. Thank you very much. Mr. Chairman, I appreciate the time and to the Ranking Member. I think that this is a great hearing, and I appreciate both of you for professionally moving this forward. I yield back my time.

Chairman COMER. The gentleman yields back. The Chair recognizes Ms. Norton from Washington, DC.

Ms. NORTON. I do not have any questions.

Chairman COMER. The Chair now recognizes Mr. Mfume from Maryland.

Mr. MFUME. Thank you, Mr. Chairman. I want to thank you and the Ranking Member, and it is good to have the remarks also from the gentleman from Texas. He serves as the Chair and I am the

Ranking Member, as many of you know, on the Subcommittee of Oversight.

Day in and day out, 2.2 million civil servants that are employed in the Federal workforce keep our government operating, to preserve and protect our Federal workforce. Many of us believe, Mr. Shriver, that Congress should focus more on legislative action that supports efforts to recruit and retain top talent and focus less on chasing away high-quality employees into the private sector.

I do want to say on the record, you have done an excellent job of keeping me and many Members of the Committee apprised of all the hard work that OPM is doing to protect the Federal workforce from political maneuvering, which is so extremely important. I also applaud OPM's finalization of the upholding civil service protections and merit systems principal rules, which implement protections that, as we know, would make it difficult for future administrations to reapply what is known as the Trump policy at Schedule F, which sought to convert tens of thousands of Federal employees to at-will workers. Several of my colleagues and I fought together to give this policy the sort of treatment that it deserves and to give the Federal workforce reassurance that they will never have their employment in jeopardy because of political manipulation. The last thing that any of us want to do, I believe, is to force agencies to adopt policies that bow to the politics that hamstringing their mission, regardless of what party might be in control.

I also want to highlight that one of those flexibilities that attract and retain high-quality employees is telework, which sometimes is a bad word in this body. I think that we have got to support telework and remote work arrangements at certain agencies, as long as it does not hamper the delivery of service to our constituents. I do want to ask you, Mr. Shriver, if you could take a minute to paint a picture for us of what our Federal workforce would look like if Schedule F prevailed under this Administration or any other administration, and to talk about what you may see as the hindrance of political loyalists over policy experts, and why that is a threat to what we would like to believe is creation and protection of the best workforce possible.

Mr. SHRIVER. Thank you for the question, Congressman. I think what is really critical for the American people is that they have confidence that the career civil servants are offering their expert advice and they are offering their expert opinions. And I think a system that transforms large portions of the Federal workforce into a world where they do not have for-cause protections, I think that it puts that important principle at risk. When Congress enacted the Civil Service Reform Act, there were several value judgments in that law, right? And one of those value judgments were that we want to make sure that Federal employees are not chilled for speaking out, to offer their expert advice or identify problems that they see. As a leader of an agency that is critical to me, I need our career workforce to feel confident that they can give me the best information and the best advice they have.

Mr. MFUME. And what would you describe as the immediate and long-term effect on both recruitment and retention if Schedule F, as we know it, were to be effective?

Mr. SHRIVER. I think that if we were to send a message to the public, that you no longer are prioritized in the Federal Government based on the skills, abilities, knowledge that you have, but instead that you are going to be valued based on some other non-merit factor, I think that the human capital challenges that the Federal Government already faces will be dramatically exacerbated.

Mr. MFUME. Well, I want to thank you, and I want to thank you for your work and your attentiveness to Members of both sides of the aisle in the Committee and Subcommittee on issues that are being discussed today. I would also associate, again, myself with the remarks from the gentleman of Texas and to thank both the Chair and the Ranking Member for calling this hearing. I yield back, sir.

Chairman COMER. The gentleman yields back. The Chair now recognizes Mr. Biggs from Arizona.

Mr. BIGGS. Thank you, Mr. Chairman. As I begin, I want to ask unanimous consent to enter a report recently issued comparing the compensation of Federal and private sector employees in 2022, which found the Federal workers, on average, receive greater total compensation than similar workers in the private sector. Mr. Chairman?

Chairman COMER. Without objection, so ordered.

Mr. BIGGS. Thank you so much. There are a lot of areas I would like to discuss with you, but I am going to begin with this right here. It was widely reported that members of the civil service organized and participated in strikes or misusing leave to protest the Biden Administration's policies with respect to Israel and Gaza. What steps does OPM recommend for agencies dealing with employees whose strike, misuse leave, or abuse their authority to undermine the policies of the Biden Administration?

Mr. SHRIVER. Thank you for the question, Congressman. We have well-established leave administration rules and policies.

Mr. BIGGS. So, what did you do? What do you recommend?

Mr. SHRIVER. So, I think that anytime that any agency suspects that somebody is misusing leave, and I am not familiar with the specifics of the hypothetical that you raised—

Mr. BIGGS. It was not a hypothetical. Let me give you an example. I am looking at an MSN story. I have got four other stories that I can introduce. This was not a hypothetical. This is folks from NASA, this is folks from staff and Congress, this is all across agencies of the Federal Government, where people were walking out, organizing letters of protest against Biden policy. They are formally engaging in opposing this Administration's policy, which is OK for us because we are elected officials, but how is that OK for Federal employees?

Mr. SHRIVER. Congressman, so Federal employees have to follow the leave rules, and they are also governed by the Hatch Act, and they need to comply with the requirements of the Hatch Act on any political activity they may engage in.

Mr. BIGGS. So, my question gets back to this: what did you all do in dealing with that and recommending to agencies, and as far as you know, has there been any investigation, anybody disciplined for violations of what seems to be a violation of Hatch Act?

Mr. SHRIVER. Congressman, I would not have known what is going on with respect to other agencies—

Mr. BIGGS. You have not had any conversations with them, with the directors? You have not had any communications with them? Isn't that really what is part and parcel of what OPM does?

Mr. SHRIVER. Well, OPM sets the rules, and then agencies follow and implement the rules. And with respect to questions around leave or the Hatch Act, those are always matters that are taken up as a management matter at the Agency.

Mr. BIGGS. So, this becomes—since you set the rules and then agencies are supposed to implement them, then that becomes the question. What are you doing to make sure and hold agency heads accountable for following the rules that OPM implements?

Mr. SHRIVER. Well, we rely on agencies to follow those rules. We have an audit function that we are able to evaluate the way that agencies—

Mr. BIGGS. So, you are telling me you audit them.

Mr. SHRIVER. That is one of the functions that we perform.

Mr. BIGGS. And what do you do if they have not enacted the rules that you put in place with regard to Hatch Act, for instance?

Mr. SHRIVER. Well, so we are not the enforcement mechanism over Hatch Act. That is the Office of Special Counsel, so our audit authority is primarily around the hiring area, for example.

Mr. BIGGS. So, it is not your job, is what you are saying?

Mr. SHRIVER. The Congress gave the Office of Special Counsel the authority to enforce the Hatch Act.

Mr. BIGGS. OK. I am going to leave that now because I have got two other areas that I am not going to clearly get to, but I got to ask this. Can you tell me how many states actually have an at-will employment?

Mr. SHRIVER. No, I cannot tell you that, Congressman.

Mr. BIGGS. I mean, you have given a story, your legend about why at-will or the Schedule F would not work for you, you think. Have you examined states that actually have at-will in the private sector?

Mr. SHRIVER. What I have examined is the value proposition that Congress put in the Civil Service Reform Act.

Mr. BIGGS. So, the answer is no, you have not looked at it. You were just opining here to somebody else previously about had the Schedule F been imposed that you might have this problem or that problem, but you have not looked at states where that have at-will. That is what your testimony is today?

Mr. SHRIVER. Well, I would refer you, Congressman, to the lengthy discussion or those kinds of comments that we got in response to our proposed regulation on strengthening the civil service. That issue is addressed there.

Mr. BIGGS. So, your testimony here today is you did not examine at-will status in states that have and the impacts of at-will status for employment in any of the states that do, right? You did not study that? You did not look at it?

Mr. SHRIVER. We built a robust administrative record with 4,100 comments that includes a variety of thoughts and opinions, including on at-will status.

Mr. BIGGS. Well, you guys were talking about science earlier, and I am just curious what data you actually garnered from these at-will states, which I come from an at-will state, and it is one of the fastest-growing states. It has tremendous employment opportunities, has higher than average wage, et cetera. I yield back.

Chairman COMER. The gentleman yields back. The Chair now recognizes Ms. Norton from Washington, DC.

Ms. NORTON. Thank you, Mr. Chairman. I want to begin by acknowledging the amazing work and tireless devotion my constituents, who are Federal workers that I represent, many Federal workers, that they demonstrate to the American people every single day. Federal employees are the backbone of our government and the driving force behind the programs and services Americans depend on for healthcare, business loans, community grant funding, and so much more.

Before I go into the bulk of my question line, I briefly want to highlight H.R. 7236, my bill that would require the Office of Personnel Management to make permanent the free identity protection coverage that Congress required OPM to provide at that point for 10 years to individuals whose Social Security Numbers were potentially compromised during the 2015 OPM data breaches. Under current law, OPM is only required to provide identity coverage through Fiscal Year 2026. Congress needs to extend the identity protection given that there is no limit to when the stolen identity data may be exploited. Therefore, there should be no limit on the duration of the coverage provided individuals. Mr. Shriver, does the Administration support extending identity coverage, and if so, for how long?

Mr. SHRIVER. Thank you for the question, Congresswoman. I am happy to take that back, but I certainly want to emphasize your point that identity theft protection is a critical tool that we have been able to leverage to protect Federal employees, and we will continue to do so as needs arise. And I look forward to working with you and talking with you more about that.

Ms. NORTON. Mr. Shriver, you led the Agency's efforts to issue a regulation that clarified and reasserts that Congress vested our Nation's 2.2 million expert Federal employees' protections from being removed from civil service for arbitrary and political reasons. Mr. Shriver, why did OPM think this regulation was needed?

Mr. SHRIVER. Thank you for the question, Congresswoman. There is a long history in this country, going back 140 years, to preserving a nonpartisan career civil service. That is critical to trust in government, to the American people being able to feel confident that the information they are receiving from their government comes from the experts. The regulation was important in order to clarify what those procedures are and what those protections are. In light of some changes, namely Schedule F, that the prior Administration attempted to implement, we thought it was important to clarify the rules that are on the books.

Ms. NORTON. Well, a prime example of the Trump Administration's efforts to attack the Federal workforce was the 2019 effort to relocate hundreds of Department of Agriculture employees from their longtime Washington, DC, worksites. The Trump Administration took this action with little notice and flawed research into the

move's potential consequences for service and mission. In 2022, a Government Accountability Office audit of the move found that, "USDA overlooked key evidence," and that, "USDA leadership may have made a relocation decision that was not the best choice to accomplish its stated objectives." For GSA, that is an extreme rebuff. Mr. Shriver, from an H.R. perspective, what are the consequences of making decisions based on politics instead of data of evidence?

Mr. SHRIVER. Thank you for the question, Congresswoman. Relocations are very disruptive, and agencies should make decisions about relocations based on what is best to deliver their mission, and, in fact, that should be the North Star for agencies on all of the workforce matters that they are considering, is this approach going to best allow us to advance our mission? And if agencies make decisions that are for other reasons, then it creates a lack of confidence in that agency's mission.

Ms. NORTON. Following USDA's decision to relocate, Trump's Office of Management and Budget Director boasted about the mass exodus of Federal workers it caused. I ask the Chair for unanimous consent to introduce into the record this *Government Executive* article entitled "Mulvaney: Relocating Offices is a 'Wonderful Way' to Shed Federal Employees."

Chairman COMER. Without objection, so ordered.

And the gentlelady's time has expired. The Chair now recognizes Mr. Palmer from Alabama.

Mr. PALMER. Mr. Shriver, back in August 2023, White House Chief of Staff, Jeff Zients, sent an email to Cabinet leadership calling on them to aggressively increase in-person work, saying that doing so was a priority of President Biden. His email said that doing so would allow the executive branch to deliver better results for the American people by improving teamwork and productivity within the Federal workforce. Then in January, he sent a follow-up email demanding that further action be taken, stating that some Federal agencies are not where they need to be in the transition to greater in-office work. Should we take from this that Federal agencies' operations and performance are not what they should be because Federal employees are not returning to the office? That is a "yes" or "no" because I have several questions about that.

Mr. SHRIVER. No, I do not think that should be your conclusion from that. I think—

Mr. PALMER. Well, now, just looking at some of the problems at OPM, it would indicate that there is something wrong there. Either you have got people not able to do their job or they are not there to do the job. You know, why does the government allow people not to come to work when they have a directive from the Office of the President to come back to work?

Mr. SHRIVER. So, many agencies have hybrid working arrangements where people are able to—

Mr. PALMER. I understand that. You had that before they started not showing up. I mean, the gentlelady from District of Columbia just mentioned the Department of Agriculture. It is my understanding that only about 6 percent of the office space that the Department of Agriculture has is actually occupied. That means that 94 percent of the people who should be there are not there. You cannot run an organization of any kind when you have that kind

of absenteeism. Even if you have got 15 or 20 percent of your workforce not showing up for work, it is very rare that you are going to have the productivity that is necessary to make an organization successful.

Mr. SHRIVER. Congressman, there is a difference between working in the office and being absent. For many, many years, prior to the pandemic, the Federal Government was able to have people that could spend some of their time working in an alternative location. I think——

Mr. PALMER. I understand that. Having worked in the private sector, I understand that, but what I am telling you, and you understand this and you do not want to answer the question, and I get it. You are trying to cover your backside. That happens a lot in this Committee. Why isn't there a governmentwide standard for a minimum number of days that workers should be in the office?

Mr. SHRIVER. So, first of all, Congressman, 54 percent of Federal employees do not telework at all. They show up in the office.

Mr. PALMER. That is wonderful. That means 46 percent do.

Mr. SHRIVER. Right. Forty-six percent have a mixed arrangement, and our telework report that we issued back in December——

Mr. PALMER. Let me ask you this. As my colleague from Arizona mentioned, the protesters, Federal employees out protesting Biden Administration policies, I am not fine with that. I mean, they can have their political view and their position on issues, but they should be at work, and clearly, they are not teleworking. They are telegraphing their policy agenda. So, why haven't those employees been held accountable for not only not showing up for work but out protesting?

Mr. SHRIVER. Federal employees are responsible for following the rules regarding leave and following the rules regarding the Hatch Act.

Mr. PALMER. Now, Federal supervisors are responsible for making sure that the work gets done, that Federal employees follow the rules, and I think a lot of this is political. I want to also bring up something that the gentlelady from the District of Columbia brought up, and that was the 2015 hack of the OPM that resulted in 22 million records for former and Federal employees being compromised, including those who had security classifications. What has OPM done to shore that up, and are you monitoring that on a regular basis to ensure that does not happen again?

Mr. SHRIVER. Congressman, we constantly monitor and strengthen our cybersecurity posture, and I would ask for Congress' help in supporting our Fiscal Year 2025 budget, which includes additional resources to allow us to do this and stay strong.

Mr. PALMER. Let me ask you this. In addition to that, in terms of Federal health insurance benefits, you have got a number of ineligible people who are getting those benefits, and OPM has not been able to identify all of them, has not been able to remove them. In addition to that, you have got a long waiting period for Federal retirees to get their pension benefits, their payments started. It just seems to me, Mr. Chairman, that OPM is overstretched, and there is a lack of accountability and transparency in the Agency and other Federal agencies, particularly in regard to the conduct

and whereabouts of their employees. So, I really think that this is something we need to go a little deeper in.

Chairman COMER. Absolutely.

Mr. PALMER. And with that, Mr. Chairman, I yield back.

Chairman COMER. The gentleman yields back. The Chair now recognizes Ms. Brown for 5 minutes.

Ms. BROWN. Thank you, Mr. Chairman. As we have heard today, a nonpartisan, expert, and merit-based civil workforce is essential to delivering the services Americans expect from our government. Our national security depends on it, as do the day-to-day services we rely on like timely mail, SNAP benefit delivery, and Social Security checks. Our Federal agencies can be exceptional if their workers reflect the diverse experiences and demographics of our population. Diversity and inclusion are not just nice to have, they are a must have. One of OPM's guiding principles is, "When experienced and diverse teams tap their collective knowledge, we get better results." We know that prioritizing DEIA will improve individual and team performance. To get the most from our workforce, every employee should feel welcome. So, Acting Director Shriver, how do you make the case for efforts to promote diversity, equity, and inclusion in the Federal Government?

Mr. SHRIVER. Thank you for the question, Congresswoman. I am proud of OPM's efforts as an Agency, including with respect to promoting DEIA. I think the business case is closed, that, in order for organizations to maximize their performance and their effectiveness, they need to pay attention to DEIA. That is why we have emphasized removing barriers to Federal employment opportunities by doing things like requiring internships to be paid, by improving pay for blue collar workers, and instituting a \$15-an-hour minimum wage, by hiring people based on the skills they have and not imposing unnecessary degree requirements, by conducting barrier analyses, by launching the first-ever military connected strategic plan so we can get more military spouses into the government. Those are the actions we are taking, Congresswoman.

Ms. BROWN. Thank you very much, and there is plenty of data to back up your claims, Mr. Shriver. I ask unanimous consent to enter into the record this article from *Harvard Business Review* entitled "Why Diverse Teams Are Smarter."

Chairman COMER. Without objection, so ordered.

Ms. BROWN. Thank you. Unfortunately, my colleagues on the other side of the aisle would rather weaken, shrink, and undermine our Federal workforce by eliminating diversity initiatives that bring people with new ideas, backgrounds, and experiences to the table. The Republican nominee for President has made his intention to fire experienced and expert officials in the government with whom he disagrees politically very clear. This is extremely dangerous and would make us all less safe, less secure, and worse off. So, Acting Director Shriver, can you speak to the need for expert, nonpartisan officials in all aspects of the Federal workforce, including the agencies maintaining our food safety, our transportation, and even our justice system?

Mr. SHRIVER. Thank you, Congresswoman. I think it is essential for the American people to be able to count on the information that is provided by the Federal Government, to be able to count on the

fact that our political leaders are getting the best advice they can get based on subject matter experts who have experience and expertise in their fields, and that all of us are better as leaders and our government operates more effectively and more efficiently if we can rely on the expert advice of our career civil service.

Ms. BROWN. Thank you so much. This cannot be more important as our country faces efforts to politicize the Federal workforce rather than strengthen and support the agencies doing lifesaving and critical work every day. I just want to personally thank you, Acting Director Shriver, and the Biden-Harris Administration for your continued commitment to the best interests of all Americans, and with that, Mr. Chairman, I yield back.

Chairman COMER. The gentlelady yields back. Before I recognize Mr. Perry, I believe Mr. Biggs has something to enter into the record.

Mr. BIGGS. Yes, Mr. Chairman. Thank you. I ask to enter into the record a letter that I wrote, signed by many Members of this Committee in November 2022, and the response of February 2023 by the U.S. Office of Personnel Management.

Chairman COMER. Without objection, so ordered.

The Chair now recognizes Mr. Perry from Pennsylvania.

Mr. PERRY. Thanks, Mr. Chairman. The Ranking Member talked about the increasing severity and frequency of storms related to climate change, and while I appreciate he is welcome to his own opinions, however, he is not welcome to his own facts, and a very quick search just shows NOAA saying that there is a downward trend in Atlantic hurricanes in recent decades in severity and frequency. Now, you can continue on down, you can get a number of different opinions—Center for Climate and Energy Solutions' carbon brief, NASA, CNN. The American people really do not know exactly what to believe, so they want to multisource their information, and they should do that, and they should be allowed to do that. And we should be allowed to question the systems without being accused of impugning the Federal workforce. I represent many Federal workers that get up early in the morning and go to work and believe in their mission and work hard. We are surrounded by Federal workers right here that are on their mission and believe in doing the right thing, but that does not mean that everything is hunky dory, and we should not have to be worried about being accused of being against the Federal workforce simply by asking reasonable questions about the system.

And so, with that, sir, I want to go to occupancy and whether OPM has a plan to advocate for re-leasing unused workspace by the Federal Government. Over a 3-month average in 2023, some agencies are barely hitting 25 percent occupancy, and we have had bills related to that—the Department of Veterans Affairs, 14 percent; Social Security Administration, 7 percent; the Office of Personnel Management, 12 percent—that is the occupancy rate. Now, as long as we are getting the work done, we understand that times are changing, people telework, people working from home, et cetera. We get that, but sometimes the work is not being done.

I am just going to cite an example that I have. I personally called the Federal Aviation Administration about a constituent concern that I have. It has been 3 months, and I have not gotten a re-

sponse, and I do not know if it is because people are not at work at the office. I do not know if it is because they do not care, they do not know, they do not want to answer. I do not know what the answer is. I know I cannot get an answer and neither can my boss and neither can the boss of all the people at the Federal Aviation Administration. So, I am just asking now, based on this, will OPM commit to advocating for the re-lease of these buildings, this infrastructure that we have when the occupancy rates are so low?

Mr. SHRIVER. Congressman, let me first say, a fair point, and these are the issues that we are all wrestling with today, is how the intersection of the work arrangements that are in place now measure up to our footprint.

Mr. PERRY. Sir, with all due respect, I appreciate that answer, but we know how it measures up. I just went through some numbers with you. They are not at work at the location. They might be at work somewhere—that has to be yet determined—but they are not at the location. The building is essentially sitting empty. Will you advocate for getting rid of that excess space that is costing the taxpayers money when it is not being used? Will you advocate for that? Will your Agency advocate for that?

Mr. SHRIVER. So, I have to defer to GSA generally on that, Congressman.

Mr. PERRY. All right. Let me move on. I am concerned about the use of taxpayer money when we are working for a collective bargaining unit. Particularly, I am going to use the VA as an example because many of my constituents count on the VA. They count on them for their care, and when we hire somebody like a physician, a dentist, a podiatrist, a nurse, a chiropractor, an optometrist, we want them to do that work because there is a backlog of individuals waiting. They have to travel in many cases. We want those folks doing that work. Yet we see that in many cases, those very individuals are doing work a hundred percent of their time on union organizing or union work. And the past Administration said those particular vocations could not be used to do union advocacy or union work, but the new Administration not only remanded that—not remanded, countermanded—that decision, but then went back and paid all those people for that time that had been used in the previous Administration. And so now what we have is, is veterans that cannot get care because the person, like a nurse or any of the other specialties that I listed, are doing 100 percent of their time doing union work.

Will you support a bill that requires OPM to track the official time used to do nonofficial work or organized labor work on these locations? Will you advocate or support that legislation?

Mr. SHRIVER. Congressman, I am happy to take that back and work with your office, but I would like to add that in the 1978 law, Congress compromised and required unions to represent everybody in their bargain agreements, whether they represent them or not.

Mr. PERRY. Well, I get that, sir, but that is 35 years ago, 1978. I understand that, but we are talking about now, a hundred percent of time used for union activity by people like nurses and physicians' assistants and optometrists and doctors. Is that OK with you folks, or will you support a bill, even if it is OK with you, just

to track that, just to track it. You should not have to go back to anybody. Will you advocate for tracking the use of that time?

Mr. SHRIVER. Congressman, again, I am happy to take that back and to work with your team on it.

Mr. PERRY. OK. Thank you, Chairman. I yield the balance. I think we got our answer.

Chairman COMER. The Chair now recognizes Mr. Frost from Florida.

Mr. FROST. Thank you, Mr. Chair. I think it is important to know that the government is already saving money on the hybrid and telework policies. GSA reports that over \$150 million were saved across government agencies in 2022, and so I am glad that work is already being done right now. An expert, nonpartisan government is the only way government can deliver critical services. My constituents in Central Florida rely on the Federal Government for their benefits and help keep them safe. Mr. Shriver, if anyone in our Federal workforce could be fired for pursuing evidence-based policy implementation and were instead forced to do the partisan bidding of a particular politician, how might that impact the safety of Americans?

Mr. SHRIVER. Thank you for the question, Congressman. I think that kind of system would do a huge disservice to leaders in Federal agencies and to the American people. It is critical that Federal workers have the protections so that they are able to offer their honest advice, their honest opinions even when unpopular or perhaps even when their opinion based on their expertise may be something that the leadership would disagree with. The leaders always have the opportunity to make the decision that they need to make, and then Federal employees need to follow and implement it. But it would do great damage to our system and a disservice to the American people, including to safety and national security, if our experts were chilled in their ability to bring their honest analysis to their leadership.

Mr. FROST. Yes. I mean, when Donald Trump was President, he proposed the policy—it has been brought up—Schedule F, which he is still campaigning on right now, which would have allowed him to replace civil servants with Trump henchmen, and it is dangerous because these goons have no mandate to protect Americans. I mean, last year, Americans suffered over 43,000-gun violence deaths, including 655 mass shootings. Trump and Republicans in Congress will not take any action to prevent gun violence and they have even promised to tear apart the ATF—Bureau of Alcohol, Tobacco, Firearms, and Explosives. The ATF is the Agency responsible for regulating the types of gun modifications used in mass shootings and for preventing firearms from being trafficked to those involved in community gun violence.

Mr. Shriver, just this past Saturday at an NRA event, Trump reiterated his vow to roll back the Biden Administration's gun violence prevention policies and work. As of right now, would civil servants risk losing their jobs if they did not abandon long-term, science-driven projects to carry out Trump's campaign promises?

Mr. SHRIVER. As of right now, Congressman?

Mr. FROST. As of right now.

Mr. SHRIVER. As of right now, what is expected of Federal employees is that they will bring their expertise, their analysis, their skills to their job every day and offer the best advice that they can to their leadership. That is what is expected of them today. I cannot speak to what might be expected of them under a different administration.

Mr. FROST. Exactly, because Schedule F is not currently law, and our Federal workforce is still highly trained, nonpartisan group of dedicated civil servants doing the work. What steps has OPM taken to ensure that the rights and independence of our Federal workforce are better protected?

Mr. SHRIVER. Thank you for the question, Congressman. First of all, I think that we have made clear at OPM that every Federal employee is to be valued and treated with dignity and respect. We have worked over the last several years to strengthen the Federal workforce through a number of policy initiatives, to improve the hiring process, to remove barriers by eliminating unnecessary degree requirements and focusing on skills. And the regulation that you mentioned, the strengthening of the civil service protections regulation, which we believe clarifies what the existing rules are under the laws passed by Congress.

Mr. FROST. In 2020, firearms became the leading cause of death for American children, and then in 2022, homicide emerged as the leading cause of death for pregnant people in the United States, and according to a Harvard study over 10 years, 68 percent of those homicides involved a gun. The Biden Administration created the first-ever White House Office of Gun Violence Prevention. I am worried about what, you know, a potential President Trump would do to these sort of offices, whether taking them apart and removing the evidence-based work that is going on, or installing political goons that do not care about science and evidence-based work that experts know that we need to do. We need a government focused on improving the lives of children, those who are pregnant, everybody else facing the gun violence crisis. And for that, we need an expert, nonpartisan Federal workforce vested and the authority to follow science and evidence. Thank you, and I yield.

Mr. RASKIN. Would the gentleman yield for a question?

Mr. FROST. I would yield the remaining of my time to the Ranking Member.

Mr. RASKIN. Say a word about what that office is doing, if you would, Mr. Frost, and explain why it would be risky to get rid of it.

Mr. FROST. Well, the Office of Gun Violence Prevention does a few things, but two I want to highlight is, No. 1, speeding up implementation of the Bipartisan Safer Communities Act, money that goes to all of our districts; and No. 2, working to act as sort of a FEMA to help municipal governments after a shooting happens, which they have helped in Republican districts as well. This is why when a bill came to the Floor to defund this office, not only was it saved, it was saved in a bipartisan way with seven Republicans voting to save the office because they see why this nonpartisan important office is important to saving the lives of our constituents. Thank you. I yield.

Chairman COMER. The gentleman's time has expired. The Chair recognizes Dr. Foxx from North Carolina.

Ms. FOXX. Thank you very much, Mr. Chairman, and thank you, Mr. Shriver, for being here. Last Congress, I was pleased to be part of the bipartisan coalition that helped bring about passage of the Postal Service Reform Act. As you know, that legislation requires employees, dependents, and retirees of the Postal Service obtain health insurance coverage through the Postal Service Health Benefit, or PSHB Program, by 2025. Is OPM on track to implement the PSHB program by 2025 as required by law?

Mr. SHRIVER. Thank you, Congresswoman. Yes, we are on track. I have been involved in enough IT projects in my time to say that until it is done, it is not done, but it is our honor to be able to implement this provision for the postal employees. And we look forward to turning on a modern system that can be a model for FEHB reform going forward. So, thank you, Congresswoman.

Ms. FOXX. When OPM was last before this Committee, I noted that OPM's Inspector General had stated that, "It will be a challenge to stand up the Postal Service Health Benefits program in such a short timeframe, while continuing to ensure that sufficient resources are devoted to the continued management of the Federal Employee Health Benefits Program," or FEHB. What has OPM done to address these concerns?

Mr. SHRIVER. Thank you, Congresswoman. It is a challenge given the timeframe and that the project has not been fully funded, and we do appreciate the funding that we got from Congress in 2024 and hope to have continued support from Congress in our 2025 budget. We have taken several steps to mitigate the risk. Congresswoman, one of the things I am proudest of is that we do a monthly demonstrations of our system that I attend along with our Inspector General. We have been working very closely with our Inspector General throughout the deployment to make sure we are de-risking this as much as possible.

Ms. FOXX. Well, you have emphasized in your other testimony about following the law, so I am glad that you are focused on following this law, and we will be holding you accountable. It is vital the Federal Government be held accountable again for providing good service. This includes making sure that the PSHB has numerous plans participating so that Postal employees and retirees have as many choices as possible, allowing them to choose the plan that works best for them. How many plans do you expect to participate in PSHB, and how does that compare to FEHB?

Mr. SHRIVER. We have 32 plans, Congresswoman. We have national plans, local plans. These Postal-specific plans are all participating. We fully expect that these plans will get to the finish line and Postal employees will have robust choices available to them.

Ms. FOXX. OK. I have a couple of more questions, but I want to ask one that you could talk a lot about, but I want you to be succinct. What lessons learned from FEHB is OPM applying to the PSHB?

Mr. SHRIVER. We absolutely need a central enrollment platform. That is the key to us being able to administer the Postal program in a way that both provides the best customer service and the highest levels of program integrity.

Ms. FOXX. All employers expect employees to perform well and provide good service, and employees should be held accountable for their performance. The Federal Government should be no different, which is why the Trump Administration created Schedule F to allow certain poor performing Federal employees to be held accountable. Since the Biden Administration rescinded Schedule F, how does OPM plan to improve employee accountability in the civil service?

Mr. SHRIVER. Thank you, Congresswoman, and I agree with you that Federal employees need to be accountable to their performance plans and to the performance of their agencies. We have focused on providing training to managers across governments. We have provided over 300 training courses just last year through our Federal Executive Institute. And we also provided free training to, I believe it is over 10,000, managers and supervisors about thriving in a hybrid work environment that helps them conduct performance management for teleworkers.

Ms. FOXX. You know, I hate that “T” word. You train dogs and you educate people. You need to get rid of that. You can spend your life trying to teach people to do things. You train them. They are not learning, they are not learning how to think. I do not know how you are going to help their employees perform better when all you are doing is treating them like trained animals. How does OPM’s new rule, which reduces civil service accountability, align with OPM’s stated values, including service and excellence?

Mr. SHRIVER. Our new rule, Congresswoman, simply clarifies the existing rules that have been in place, in some cases, going back to the 1950’s. It preserves all of the tools that are available to hold Federal workers accountable. And we are providing the education to Federal leaders to make sure that they are better equipped to use those tools.

Ms. FOXX. Thank you. Mr. Chairman, I am going to spend some time looking into this accountability issue a little bit more, and I look forward to working with you on that.

Chairman COMER. Thank you, Dr. Foxx. The Chair now recognizes Mr. Connolly from Virginia.

Mr. CONNOLLY. I thank the Chair. Mr. Shriver, how many Presidential management appointments are there in the Federal Government in a normal Presidential term?

Mr. SHRIVER. Around 4,000.

Mr. CONNOLLY. That is right. Four thousand and thirteen, currently, as I understand it. And would it be fair to say that a lot of times we have a pretty high number of vacancies among those 4,013 positions?

Mr. SHRIVER. Presidential personnel would be the one that has that information, but I think you are probably right.

Mr. CONNOLLY. And what is the reason we give Presidents that kind of latitude in making non-civil service career appointments?

Mr. SHRIVER. So, they can have leaders and confidential employees working in the agencies to advance their agenda.

Mr. CONNOLLY. To advance their agenda, and do you think based on your experience that that system works?

Mr. SHRIVER. I do.

Mr. CONNOLLY. So, that is why the idea of creating a new schedule, Schedule F, that Ms. Foxx just referred to, is sort of a bolt out of the blue and was at the time President Trump proposed it, given the fact that we already have a system of political management that is superimposed on the civil service to ensure that the political mandate, whoever is President, got in an election, is respected. Is that a fair statement?

Mr. SHRIVER. Congressman, I would say that we viewed Schedule F as an aberration that is a break from 140 years of bipartisan support to strengthening the non-career civil service.

Mr. CONNOLLY. So stipulated, but I am sort of making a different point. My point is, we already have a system in place that works that is designed to ensure that the President has some discretion in actually who manages Federal agencies by having this power of political appointment separate from normal civil service promotion.

Mr. SHRIVER. I agree with you, Congressman.

Mr. CONNOLLY. Right. So, I do not know, what should we be worried about? And remember, the 50,000 number being proposed in Project 2025 is a floor, not a ceiling, so it could be much higher. What could go wrong with suddenly taking away civil service protections from a professional cadre of Federal employees and making them essentially political appointees without normal due process or civil service protections? What can go wrong with that?

Mr. SHRIVER. I think it would be a fundamental transformation of our system that takes us back to the 1800's when we had a spoil system, when there was massive turnover among Federal workers with any new election that changed. The people that were hired were hired based on their loyalty to that particular candidate, and I think that unchecked, a policy like Schedule F could open the door to a return to that.

Mr. CONNOLLY. So, could that also extend to benefits and beneficiaries? For example, if now my appointment is based on my party affiliation and my political loyalty and I get appointed to manage something, could it also pollute my decisions about who gets benefits and when, and what ranking, order of prioritization I get around to your case, if ever? Is that a risk?

Mr. SHRIVER. Congressman, it could in reality do that, and, at a minimum, it would lead to the perception that that is what was happening, which would undermine trust in government by the American people.

Mr. CONNOLLY. When we adopted the Pendleton Act, Chester A. Arthur, a product of the spoil system, and, you know, kind of the archetype of political patronage in New York, ironically was the one who agreed to clean it up with the Pendleton Act. Is that correct?

Mr. SHRIVER. Yes, Congressman.

Mr. CONNOLLY. And is it correct that the reason he did that was that in the spoils system, political appointees in what are now civil service jobs became so polluted and so corrupt and so tainted that they were not primarily serving the American people. They were primarily serving their political patron. Would that be a fair statement of what happened that led to the adoption of the Pendleton Act in 1883?

Mr. SHRIVER. Yes, Congressman, I think that was the factual pattern against which the Pendleton Act was considered and enacted.

Mr. CONNOLLY. And do you think that maybe it is a fair statement to say that is something we do not want to go back to?

Mr. SHRIVER. I care deeply about the Federal workforce and the people who work in it, and I would be very concerned about going back to a world like that.

Mr. CONNOLLY. And you have an executive order to address that. We have legislation to codify that. What is your view about that legislation?

Mr. SHRIVER. My view, Congressman, is that the President's executive order and our regulations are consistent with the law as defined currently and the value statements that were enacted in the CSRA. If there is interest in strengthening those values or changing them, only Congress can do that.

Mr. CONNOLLY. Well, that is a nice diplomatic answer. All right. I continue to believe we have to codify it or we are in trouble. I yield back.

Chairman COMER. The gentleman yields back. The Chair now recognizes Mr. Burchett from Tennessee.

Mr. BURCHETT. Thank you, Mr. Chairman. Mr. Shriver, in your opening statement, you mentioned efforts to make it harder to fire career bureaucrats. Does retaining incompetent career bureaucrats for over 20 years benefit the American people?

Mr. SHRIVER. No, Congressman. If there are performance issues with Federal employees, those should be addressed.

Mr. BURCHETT. OK. Since you mentioned taking an increasingly data-driven approach to workforce management, can you tell me how many Federal employees have been terminated for misconduct or poor performance since 2021?

Mr. SHRIVER. So, Congressman, my understanding is that, generally, on a year-to-year basis, there is in the nature of 10,000 to 15,000 Federal employees who were terminated for cause.

Mr. BURCHETT. OK. Thank you. How often has an Agency tried to fire or discipline an employee only for that decision to be overturned?

Mr. SHRIVER. I do not have the statistics, sir. Certainly, there are appeal rights depending on the type of actions that are taken, and some decisions can be overturned if they are not adequately supported by the record.

Mr. BURCHETT. OK. It seems like the answer to how often Federal employees should be allowed to telework is always "it depends." As the Federal Government's human capital expert, what exactly you are going to do to help different agencies to find what the right amount of telework is?

Mr. SHRIVER. So, I think this is the heart of what we need to be talking about now, Congressman, so thank you very much for the question. We always have to be governed by what work arrangements are going to best advance the Agency's mission, and that might be different depending on different jobs. I can tell you, Congressman, one example is the cybersecurity workforce across the country, whether you work in government or out of government, works a lot from home. And so, if we were to require cybersecurity

professionals to come into the office 5 days a week, I think we would not be able to recruit the kind of workforce we need. There are other kinds of jobs, though, 54 percent of Federal workers, who never telework because the nature of the job requires them to do it on the worksite. Then there is a whole group that is in between, and I think agencies need to keep working there to make sure they are getting it right, that those arrangements are driving good performance.

Mr. BURCHETT. Thank you, Mr. Shriver. Mr. Chairman, I yield the rest of my time to my dear friend from the great state of wherever he is from, Mr. Pete Sessions.

Mr. SESSIONS. I want to thank the gentleman very much for yielding the time. Director, I would like to go to something which you just brought up, and that was the integrity of your data bases and your systems. Could you please bring us up to date on the OPM data base breach?

Mr. SHRIVER. So, Congressman, that breach happened in 2015. Ever since then, OPM has been working to strengthen its cybersecurity posture. I am honored to have a fantastic CIO and a fantastic CISO, who work hard every day to stay ahead of the bad actors. We manage multiple systems and are managing cyber threats constantly. OPM undertook a substantial effort last year to bring its systems into compliance with things like multi-factor authentication, anti-phishing, and encryption.

Mr. SESSIONS. Was that out of D-18? Were you counting on that organization to provide this biometric improvement?

Mr. SHRIVER. I am not familiar, Congressman, with D-18, so I am not aware that OPM works with that organization.

Mr. SESSIONS. OK.

Mr. SHRIVER. I am just not aware. I have to take that back.

Mr. SESSIONS. It is inside the government. Thank you very much. Could you tell me what percent of Federal workers fall under the Hatch Act?

Mr. SHRIVER. I believe that all—there are different rules on different categories, but they all fall under the Hatch Act.

Mr. SESSIONS. I believe they do also. And so, what you are suggesting is that every employee, even if they work for the government, if they disagree with someone and bring up the issues that they have, like we have seen with Gaza right now under this Administration, tell me how those employees fell under the Hatch Act and created what they did properly?

Mr. SHRIVER. So, Congressman, I appreciate the question. It is hard for me to provide sort of an on-the-spot answer of the Hatch Act.

Mr. SESSIONS. But aren't you the expert across the government Office of Professional Management? So, you are trying to suggest to me maybe you are not aware of it or could not comment on it. You are the official agency, not for every agency. But as the head of those agencies, what would be your take on this and those employees that on a political basis—this was politics—they exhibited what they did in a political way and held the government at, I believe, accountable for things that were against the government's best interest, the employers' best interest, the taxpayers' best interest, and this Administration. Your opinion is?

Mr. SHRIVER. So, Congressman, those are fact-based determinations. There are really years and years of precedent that interpret how the Hatch Act applies and—

Mr. SESSIONS. We are talking about specifically the things that happened that were enumerated in the media that they were holding, in a way, their job as forward against this Administration based upon a political issue. And I think that I would say that it would be bad for any administration, Republican or Democrat, to find someone who thinks they are hidden under a Hatch Act to be able to provide this sort of political content. That is what the Hatch Act is there for, and if they said that they wanted to come and protest over something else, but this was directly aimed at policy of the United States that this Administration was trying to support and was important in this country.

So, Mr. Chairman, I see I am past my time, but these are the kinds of things that I think this Committee really wants to hear your insight. We have our own opinions. As I said to you yesterday in our conversations, we are interested in what you think and I think being specific will help us. So, Mr. Chairman, we will politely follow back up, as I told the gentleman we would yesterday, and I want to respect your opinions and your ideas. I do not want to ask you something that you have not thought about, but this was a professional meeting, and I appreciate both sides for this.

Chairman COMER. Thank you.

Mr. SESSIONS. I yield back my time.

Chairman COMER. Thank you. The Chair now recognizes Ms. Lee from Pennsylvania.

Ms. LEE. Thank you, Mr. Chair. The Office of Personnel Management is one of those agencies that many people, it seems like even some of our Republican Members of Congress, just do not quite understand. Partially, this misunderstanding has to do with OPM's wide-ranging responsibilities, including shaping hiring policies, developing programming to build agency leaders, administering the world's largest healthcare system, and processing retirement benefits for America's largest employer. Mr. Shriver, how does OPM's workforce help you as a political appointee achieve these missions?

Mr. SHRIVER. Thank you for the question, Congresswoman. The OPM workforce is professional, is dedicated, is mission driven, is expert. They work hard day in and day out to try to make the government better so the government can deliver for the American people. We would not have the accomplishments that we have had in this Administration on the workforce without the commitment of the OPM workforce, things like expanding career opportunities through our pathways regulations to early career talent, things like supporting the Administration on delivering on the Bipartisan Infrastructure Law and hiring 6,000 people at those agencies, the work that we have done to bring tech talent into the government, the work we have done to implement the President's artificial intelligence executive order. Career Federal employees add their expertise to these projects and the many more that we do at OPM every day.

Ms. LEE. Yes. So, with that in mind, how does keeping that workforce nonpartisan and consistent help ensure that Federal agencies can serve the American public?

Mr. SHRIVER. Congresswoman, I need the career leaders at OPM to feel confident that they can tell me their honest opinion, that they can use their experience to help guide me to avoid unintended consequences, and to come up with creative ideas to advance the policy goals that I have. That is what a good career civil servant does, is it understands what the agency leaders' policy goals are and it finds ways to help them get there, and the OPM team works with me every day to do that.

Ms. LEE. Thank you. As we have heard today, if elected, Trump has touted a plan to remove the guardrails that protect Federal workers from partisan retaliation if they speak truth or evidence to power. Trump's plan to remove worker protections will put in jeopardy the careers of tens of thousands of scientists, engineers, contracting officials, weather experts, disaster recovery experts, and all the others who help communities recover from disasters. It will also affect experts in charge of grant distribution and recipients of those grants, like Carnegie Mellon and the University of Pittsburgh in my district.

Federal grant dollars help us to innovate and build tools that combat climate change and rebuild communities after years of neglect. This research helps the government make better evidence-based decisions about where to target government resources to remediate communities working to recover from years of under investment. Expertise matters. This Congress, I was proud to have my bipartisan bill, the Abandoned Wells Remediation Research and Development Act, pass the House. That bill directs the Department of Energy to research, develop, and implement demonstration projects on abandoned wells. These abandoned wells are sometimes more than a century old, yet they still emit harmful pollutants into the air, causing both environmental and health damage.

Right now, the process for plugging and remediating abandoned wells is woefully ineffective. Upon enactment, my bill's effectiveness depends on the expert scientists at the Department of Energy, who will use their talents to find and implement a solution to this century-old problem. Mr. Shriver, generally, are scientists at the Department of Energy considered nonpartisan career Federal workers?

Mr. SHRIVER. Yes, Congresswoman.

Ms. LEE. Is there a possibility that they could be reclassified under Schedule F plan?

Mr. SHRIVER. The scope of that effort is unknown, and so Federal jobs like that could be at risk.

Ms. LEE. Thank you. Our Federal Government needs expert scientists committed to following data and evidence to serving the American people. These experts should not have to worry that they might be fired if their findings upset powerful energy executives who contribute to Donald Trump's political campaign, and that scenario could happen under Trump's plan for the Federal workforce. Schedule F may seem obscure or abstract, but I assure you it is a critical step in his mission to put our government up for sale, so we cannot allow that to happen. I thank you so much for your time and your testimony today, and I yield the remainder of my time to the Ranking Member.

Mr. RASKIN. Thank you kindly. I actually will use the opportunity to seek unanimous consent, Mr. Chairman, for submission of several statements. One is from Doreen Greenwald, the National President of NTEU. The other is from the National Association of Retired Federal Employees, NARFE. And the final is an interesting statement from the Congressional Budget Office comparing the compensation of private sector and Federal employees.

Chairman COMER. Without objection, so ordered.

Mr. RASKIN. Thank you.

Chairman COMER. The Chair now recognizes Mr. Timmons from South Carolina.

Mr. TIMMONS. Thank you, Mr. Chairman, and thank you to the witness, Dr. Shriver, for being here today. To start off, OPM has requested \$508 million in discretionary funding for Fiscal Year 2025, which is an increase of \$60.4 million from Fiscal Year 2024 when the congressional appropriations already stood at a whopping \$448 million. And just to remind you, the United States of America is currently \$35 trillion in debt. We add a trillion dollars of debt every 100 days. Simply put, government spending is out of control, and we have to find ways to do more with less. And with this insane amount of funding, OPM claims that it will work to improve its customer service to agencies and Federal employees and it will also continue stabilizing the Agency. And I am aware that OPM has made some progress in areas such as retirement processing, but that has to be juxtaposed with fraud at FEHB and, as was reported just yesterday, fraud in Federal employees' pre-tax savings accounts.

As has been mentioned already, President Trump did propose breaking apart OPM, and that proposal occurred because over the decades since it was created, OPM had not established a track record of competence and value. Equally concerning is the issue of telework, which started with COVID-19 pandemic and is still continuing today. A great deal has been said about telework in Federal agencies, but most concerning to me is that we have yet to see any data regarding the supposed benefits of telework, and at this point, it has been years since the Biden Administration announced expanded telework was going to be the new norm. So, with this in mind, Dr. Shriver, what evidence do you have regarding the value of telework? What data do you have regarding the impact on agency missions and the impact on Federal units? In sum, what evidence do you have that widespread Federal telework is as effective and good for the taxpayer as in-person work?

Mr. SHRIVER. Thank you for the question, Congressman, and that is always the key question, right, is making sure that the work arrangements that we have in place for our workforces are driving us toward successful mission delivery. I am proud of the accomplishments that OPM has achieved with a workforce that does telework, whether you are talking about policy accomplishments—I have been detailing several of those—whether you talk about the progress that we have made on our major operations, and we are not there yet.

We need a partnership with Congress in order to really get to where we need to be in providing the level of customer service we expect to provide to Federal employees and retirees. But when I see

inventories reduce from 35,000 2 years ago to 16,000 on retirement claims, when the average processing time goes from 87 days to 61 days, and when average wait times at the call center have dropped by almost 50 percent, those are metrics that are headed in the right direction. I would appreciate Congress' help to help us modernize, and that is what our budget is about, continuing to modernize our retirement system that is a paper-based process and deliver on the implementation of the postal services system.

Mr. TIMMONS. So the metrics that you are pointing to, you are claiming that continued telework is actually moving us in the right direction. Is that a fair classification of what you just said?

Mr. SHRIVER. What I am saying is that the work arrangements that we have at OPM, which include telework, that is consistent with the performance improvement that we are seeing from our Agency.

Mr. TIMMONS. OK. So, I mean, in the 2022 State of the Union, President Biden called for Americans to get back to work, and OMB even issued a guidance in response, calling for meaningful in-person work. So, if President Biden and OMB are calling to end telework, what are your thoughts there? I mean, is he not the head of the executive branch?

Mr. SHRIVER. So, Congressman, let me be clear. President Biden did not call to end telework. We have been following, as well as all agencies have been following, guidance from the Office of Management and Budget to increase meaningful in-person work. Agencies made their plans public last fall in how to do that and have been executing that. And under a recent CBO report, we see that the Federal Government has returned to the office at a faster pace than the private sector.

Mr. TIMMONS. But the private sector also uses technology to create metrics that are available in real time to assess employees' work product, and you are using outcomes as opposed to actual metrics. You are not able to track employees' data to see what they are actually accomplishing, or can you do that just like the private sector?

Mr. SHRIVER. We do, Congressman, and it really depends on the work unit, but let me just talk this through as an example. Those organizational metrics that I mentioned, they drive down into individual performance measures. So, for example, our legal administration specialists, that they process the retirement claims that come in, they have performance standards that they are measured against about their productivity. Their improved productivity leads to shorter processing times and a lower inventory backlog.

Mr. TIMMONS. Are you reducing your costs for physical space? Since you have a substantial number of employees that are teleworking, have you saved money there?

Mr. SHRIVER. We have let go of some leased space around the country, and we have more work to do there to get to a steady state.

Mr. TIMMONS. Thank you. I am out of time. I yield back.

Chairman COMER. The Chair now recognizes Mr. Casar from Texas.

Mr. CASAR. Thank you, Chair. When people hear "government," they usually think of people like us in this room, politicians who

run in elections and work on policy, but virtually everybody else are government workers. They are not Members of Congress. They are not political appointees in Washington, DC. They are members of the civil service, scientists, researchers, nurses, diplomats, everything in between. They are in every state, every city, people who check their political opinions at the door and move our government forward by providing objective expertise. And they are held accountable to the public through political appointees who lead those government agencies, who, ultimately, are accountable to the voters. But at the core of these civil service jobs are normal jobs staffed by normal people, the folks you see at the grocery store, not the politicians that you see on TV. Yet we see that the Trump and MAGA agenda is to fire thousands, if not tens of thousands, of these folks just because that agenda and objective analysis often do not mix.

Federal workers make sure that the government works for the people, not for any given President because the responsibility of being a civil servant is telling political leaders when their ideas violate the law or even violate the Constitution, or when science and evidence do not line up with certain political opinions. There are over 2 million Federal workers, and there is no telling how many of them Donald Trump or Republican officials with their Schedule F would want to get rid of. These right-wing officials have said that applying Schedule F to civil service would be good for accountability, but, in my view, replacing experts with “yes” men is not accountability. We need experienced professionals in government, not professional bootlickers.

And so, Mr. Shriver, can you tell us a little bit more about how this Administration holds Federal employees accountable who fail to meet their responsibilities under the current system?

Mr. SHRIVER. Thank you for the question, Congressman. There are processes that are available to all agencies to hold their employees accountable, both for performance and for misconduct. With respect to performance, the process starts with a conversation between the supervisor and the employee at the beginning of the year where they lay out what the expectations are for that employee, including the measurable results that that employee will contribute to. There are reviews that happen during the course of the year. If the employee is not performing well, the manager advises them of that, and they can put them on a performance improvement plan. And if the performance fails to improve, then that employee can be terminated, and that does happen every year in the Federal Government.

Mr. CASAR. Thank you. And as we have heard, under the Schedule F plan of removing potentially thousands of employees and then replacing them with those folks determined by politics, if, say, any administration had to fill thousands more jobs that we are already having to fill through the normal process, would that, in your view, slow down an agency's ability to accomplish their goals?

Mr. SHRIVER. Depending on the agency, many agency operations could grind to a halt.

Mr. CASAR. And to me, this is a really important point for us to think about and make here that we see and hear all the time. Agency heads come through this Committee room and for us to try

to hold them accountable to meeting their goals for the American people. Oftentimes, we see backlogs in all sorts of agencies from everything from passports to making sure people get their healthcare at the VA. But if this Schedule F plan goes into effect and thousands of people have to be replaced every administration, then we will continue to see and hear from officials complaining about why it is that agencies cannot accomplish their goals, and then they will advocate to defund those agencies, and then we see the problem get worse and worse and worse.

And that is how we see our government being degraded. And as those civil servants lose their jobs, as we deliver fewer services, as people then feel less invested in the Federal Government, that is ultimately how you see, as we have heard from prior Republican officials, the government try to get shrunk down to a size that it can be drowned in a bathtub. That is, in my view, the sort of dangerous corporate agenda of those folks that want to see big corporations get their taxes cut as much as possible while we do the Kabuki theater over here in Congress. We just cannot allow it. And that is why I think it is really important for the American people to know why we need to defend the professionals and the civil servants and the people who do this work every single day and keep them out of politics so they can just deliver for everyday people and—

Mr. RASKIN. Will the gentleman yield?

Mr. CASAR. Yes, and I am happy to yield back to the Ranking Member.

Mr. RASKIN. A question for you. I have had a lot of constituents, and I wonder if you have, too, who have tried to seek Federal employment, and it takes a really long time in the Biden Administration and the Trump Administration and so on. You are making an excellent point. If we have thousands of more political appointments, that is thousands of more positions that will take a year or two or even more to fill, right?

Mr. CASAR. Yes. We already hear of backlogs, of trouble hiring up, and why would we, when we already have vacancies in these key agencies, purposefully create thousands of more vacancies? It sounds like people trying to wreck a system and then complain about it, so thank you for the question, Ranking Member. I yield back.

Chairman COMER. The Chair now recognizes Mr. Grothman from Wisconsin.

Mr. GROTHMAN. Thank you much. First of all, I want to ask a question about something you just said. Did you say that Federal employees got back to work quicker than the private sector?

Mr. SHRIVER. There is a recent CBO study that came out a few weeks ago that shows that Federal employees are back spending more time in the office than the private sector, yes.

Mr. GROTHMAN. Getting to work. I mean, almost everybody that I know never left work, maybe it is just the people I know, during the COVID. But you believe that when I go home at night and see all the cheese factories filled with people, you know, I see just about everybody, but the bars and restaurants and even there their cooks were going because they were ordered out. You really believe

that Federal employees were working at a higher rate than the private sector?

Mr. SHRIVER. It is not what I believe, Congressman, it is what I saw on the CBO report, and we are happy to share with you, and what our telework data shows is that 54 percent of Federal employees do not telework at all.

Mr. GROTHMAN. OK. Oh, do you mean back to work or are stopping telework when you said that they are—

Mr. SHRIVER. So, I think it is important to note that people who are teleworking are working, but 54 percent of Federal employees work exclusively on the worksite and do not have a hybrid arrangement where they are—

Mr. GROTHMAN. OK. So, you are saying, like, 2 weeks, 2 months, yet, 2 years after the end of COVID, a higher percentage of Federal employees were working than non-Federal employees.

Mr. SHRIVER. I am sorry. I could not—

Mr. GROTHMAN. Two years after the end of the COVID, whenever we pick that, let us say the end of 2022, a higher percentage of Federal employees were working than non-Federal employees.

Mr. SHRIVER. You mean in the office?

Mr. GROTHMAN. I mean, total.

Mr. SHRIVER. Well, I am not quite following your question, Congressman. Could you rephrase it for me?

Mr. GROTHMAN. OK. Let us say COVID ended December 31, 2022. On December 31, 2022, I will guess you asked both questions, who had a higher percentage of people at the worksite and who had a higher percentage of people working, period?

Mr. SHRIVER. So, Federal employees were working during the pandemic. They were working on a maximum telework footing, except for the 50-plus percent that had to continue showing up in the workforce day in and day out. What I am referencing is a recent CBO study that compared in office work rates.

Mr. GROTHMAN. I mean, I do not personally know anybody who is still not working in December 2022. I know nobody like that.

Mr. SHRIVER. I am still not following your question about not working. Who?

Mr. GROTHMAN. Well, I mean, your testimony is that the non-Federal employees were not working or not showing up or whatever at a greater rate, and I am just saying, 2 years in, I know of nobody. I am not saying it did not exist somewhere, but I know of nobody who is still not working then.

Mr. SHRIVER. I am not talking about them not working, Congressman. In fact, my point is that they are working while teleworking. They are working from home, and what we saw in the recent CBO study is that private sector workers are spending more time working at home than their Federal employee counterparts.

Mr. GROTHMAN. I will give you a question now. It is a difficult thing in any business when you have to let somebody go, but can you tell us every year what percent of people working for the Federal Government are let go?

Mr. SHRIVER. So, the numbers that I have, Congressman, and there has been some BLS analysis on this, is that it can range from 10,000 to 15,000 people and that, when you control for layoffs in the private sector, the numbers start to look similar. I think we

need to continue to work on our performance management system in the Federal Government. We have a duty to provide the best value to American taxpayers, and so Federal employees need to be held accountable to do that.

Mr. GROTHMAN. OK. Former President Trump sought to bring some degree of accountability into the civil service by simplifying the process for determining certain employees, make it more like the private sector. President Biden roll backed that attempt by resetting President Trump's Schedule F executive order. Without something like Schedule F, how would OPM recommend that Federal Government improve accountability within civil service?

Mr. SHRIVER. So, Congressman, thank you for the question. The tools exist for Federal Government and Federal agencies to hold employees accountable. I can walk through a little bit of the process where it is important to discuss upfront with the employee what the expectations are for that year, to document those expectations, and to communicate with the employee throughout the year, including when the employee is not living up to what those standards are, and then hold the employee accountable if they do not meet them.

Mr. GROTHMAN. One more time, percentage wise, what percent of the Federal workforce is let go every year? Say, if I got a 100 Federal employees, what percent is let go?

Mr. SHRIVER. So, I will not embarrass myself and do the math in my head, Congressman, but it is 10,000 to 15,000 out of the 2.2 million.

Mr. GROTHMAN. OK. I have used up all my time. Thank you.

Chairman COMER. The gentleman's time has expired. The Chair now recognizes Ms. Crockett.

Ms. CROCKETT. I did not realize that Mr. Moskowitz had left. All right. Thank you so much for being here. Thank you for your patience. Thank you for what you do for the American people. I just want to go over a few things that are concerning and alarming to me. I do not know if you are familiar, but have you ever heard of Project 2025?

Mr. SHRIVER. I have read about that, Congresswoman.

Ms. CROCKETT. OK. And there are some things indicated in Project 2025 that are quite concerning to me, and I want to talk about a few of those topics because this hearing almost feels like a Project 2025. One of those topics is diversity in the workplace. The agenda includes making sure that the next conservative administration dismantles the DEI apparatus by eliminating various chief diversity officer positions, et cetera. And you engaged in an exchange earlier with one of my colleagues, and I do not know if you recall, but it was hitting me a little differently as a Black woman sitting here because it almost seemed as if you either get diversity or you get qualifications. It did not seem as if my colleague understood that someone can be diverse and qualified.

And it is why you have people like me, that get very frustrated, not just in the halls of Congress, but in general in this country because as I am sitting here, and there seem to be this question of you are either diverse or you are qualified. All I could think about was the fact that I currently hold an honorary doctorate. I also hold a juris doctorate. I also hold a bachelor's. I also technically

hold the rank of Lieutenant Colonel in the Civil Air Patrol, and I actually practiced law for almost 2 decades, in addition to serving on various boards, in addition to being a prior state lawmaker. And there are those that would make some people believe that because I happen to be Black and/or a woman, that somehow even though I can rattle off all the qualifications in the world, my blackness makes me unqualified. My question to you is, is that the attitude that you subscribe to?

Mr. SHRIVER. Absolutely not, Congresswoman. And in fact, what we do at OPM every day, is look to knock down barriers that are keeping qualified people, like yourself, qualified people from all across America from pursuing Federal jobs. Some of the things that we have done, for example, are eliminate unnecessary degree requirements and assess people based on the skills that they have and not just where they learned them. We have opened the doors to recruiting from HBCUs, HSIs, minority serving institutions, populations that may not have thought of the Federal Government as an employer before, and we have a broad definition of "diversity." There are rural populations that have in the past never considered the Federal Government as a potential employer because the offices were too far away, and they would have to get up and leave from their hometown.

Now, there are some opportunities that they can stay right in that rural hometown and work for the Federal Government, let alone the amazing military spouses around this country who have to pick up and move and their jobs when their spouses redeploy. Trying to tap in and keep that talent in government has been a big priority of ours.

Ms. CROCKETT. Thank you so much for giving a plug to the Readiness Act that this Committee did just pass out last week in a bipartisan way, but, you know, it is interesting because we have had so many conversations about telework and the evils of telework. And it seems to be this other false equivalency, that if you telework, that means you are not working, instead of this idea that people are actually just working and they are not working in the building that is being paid for by the Federal Government. In fact, my mom is on telework, and my mom is absolutely one of the smartest people that I know, and so it always hits me a little differently every time we dump on those that are teleworking for the Federal Government. But, interestingly enough, we are not allowed to telework here. We have to show up. There is no remote voting anymore, but even though we show up, are you aware of the fact that this has been the most unproductive Congress in the history of the Congress?

Mr. SHRIVER. Congresswoman, I will leave that judgment to the Members of Congress and the media.

Ms. CROCKETT. OK. I will tell you, it is, and I have got some numbers for you. So, to me, you can show up and still not do a dog-gone thing. And so, it is rich that we have so many opinions to give you and to tell you how to do your job, but seemingly, we are not doing ours. Thus far, only 1 percent of legislation that has been introduced has been passed in this Congress versus the last Congress, where it was six points higher; and the Congress before that, six points higher; and the Congress before that, seven points high-

er. There is no other Congress that has been least productive. And guess what? The last Congress, they could vote remotely, and somehow they figured out how to get it done. So, I would just say that we need to be very mindful of when we decide to throw stones because we may reside in a glass house. Thank you so much for your work.

Chairman COMER. The Chair recognizes Mr. Burlison from Missouri. Do you want me to go to Mr. Higgins? Mr. Higgins from Louisiana.

Mr. HIGGINS. Thank you, Mr. Chairman. I am happy to assist my colleague. Mr. Shriver, you have about 2.5 million civilian employees we are talking about. What is it, is it 2.7 million? What is the number?

Mr. SHRIVER. I believe the current estimate is 2.3 million, Congressman.

Mr. HIGGINS. Two-point-three?

Mr. SHRIVER. Yes.

Mr. HIGGINS. I am seeing a variance in those numbers, but you stated a moment ago a shocking figure to my colleague, Mr. Grothman. You said about 15,000 a year get fired.

Mr. SHRIVER. Terminated for cause. That would not include other types of—

Mr. HIGGINS. You said “fired,” like in the real world? OK. So, 15,000 out of 2.5 million. You are talking about job security of 99.95 percent, appears to be locked in if you become a Federal bureaucrat. That is just the math, man. Is that business owners across the country? I mean, maintaining your team, time on a job is an important indicator of performance and efficiency. The best teams across the country in every aspect of business, you strive to keep your team together. Nobody has 99.95 percent, nobody, but apparently the Federal Government does. So, if you get a job in the Federal Government, that is a lot, man.

And now you have serious civil service protections to that job, whether you are performing or not. You stated in the report, I believe, in a release regarding OPM’s final rule to reinforce and clarify protections for nonpartisan career civil service, you said nonpartisan civil servants make sure our food is safe, our water is clean, they protect us from national security threats, they care for our veterans, and support our seniors. I believe that was your quote, sir?

Mr. SHRIVER. Yes, Congressman.

Mr. HIGGINS. OK. That is a pretty broad statement. Let me say that, I do not know if you equate safety with healthy, but do you believe that the ultra-processed food being consumed and delivered and supported by this government across the across the country, you believe that that food is healthy?

Mr. SHRIVER. Congressman, I am not an expert on food safety standards.

Mr. HIGGINS. You are a human being. You have the powers to observe. Let us move on. You protect us from national security threats. Let me say to American people watching what is happening at our Southern border were certainly suffering from national security threat. Veterans, care for our veterans, we have serious issues through our constituent services across the country as

Congressman, I believe, on both sides of the aisle. If you are trying to help your veterans, you know what the No. 1 complaint is, Mr. Shriver? The bureaucracy. The bureaucracy within the VA, No. 1 complaint. Support for our seniors, same thing. No. 1 complaint that we address again and again and again and again and again by seniors across the country is problems with the bureaucracy. Cannot get answers, long, long waiting times to maybe get an answer. And then that person, you know, is not available, shifted to another person got your case. It is a bureaucracy at its worst.

So, you stated, you quoted, you said that if there were changes in your established bureaucratic system, it will undermine the trust in government by the American people. I wrote that down because you stated it. Do you believe, Mr. Shriver, that the American people have trust in the government right now? Is that your testimony? Because if you believe that if we took action to address this 99.95 percent locked in bureaucracy that, in our opinion, does not perform very well, if we took effort to address that, you think that will undermine the trust in government by the American people? Then you must be stating that the American people generally trust the bureaucracies that you run.

Mr. SHRIVER. I believe the American people trust the career civil servants who bring in their expertise to work on their behalf every day, and the statistics that I mentioned are just one piece of a larger puzzle. There are people who have term appointments that expire. There are people who choose to leave the government—there is a lot more turnover.

Mr. HIGGINS. It is indeed a larger puzzle, Mr. Shriver, that we intend to address. I thank you for appearing before us today. It is hard to be the only guy sitting down there, so I commend you for sitting upright and answering these questions. But I have to say that, Mr. Chairman, I believe we should have across-aisle discussions about how to address these locked-in civil servants. I yield.

Chairman COMER. Agree. The Chair now recognizes Ms. Pressley from Massachusetts.

Ms. PRESSLEY. Thank you for being here, Mr. Shriver. The Federal Government has the largest and most diverse workforce in the country, and Schedule F, an executive order that would replace tens of thousands of civil servants with partisan sycophants, would destroy our government infrastructure. Destroy it. It is critical that we understand that the far-right extremists who are advocating for Schedule F see it as a means to an end and it is their pathway to enact widespread wholesale policy violence. One thing I know for sure about Trump and his sycophants is that they telegraph their harm. Mr. Shriver, are you familiar with Project 2025?

Mr. SHRIVER. Congresswoman, I have read about that.

Ms. PRESSLEY. For many people, this is their first-time hearing about it, and we must sound the alarm. Project 2025 is a far-right manifesto. It is a 1,000-page bucket list of extremist policies that would uproot every government agency and disrupt the lives of every person who calls this country home. I will not detail every aspect, but I will share some highlights. The Department of Education would be eliminated, cutting students off from civil rights protections and ending essential Title I funding for K–12 schools. The Department of Justice would go on a murdering spree. It

would rush to use the death penalty and expand its use to even more people while circumventing due process protections. Project 2025 not only calls for national book bans in schools, but also creates a list of banned words for the Federal Government that would be deleted from “every Federal rule, agency regulation, contract grant, and piece of legislation that exists.” Here are just a few of the words on the list: “diversity,” “gender,” “reproductive health,” and, of course, conservatives want to ban the word “abortion.”

On that note, abortion care would be inaccessible and illegal, no matter where you live. Take it from them. On page 6 of its play-book, Project 2025 states, “The Dobbs decision is just the beginning.” People even in my district, the Massachusetts 7, the leader in repro justice, would be criminalized for pursuing essential healthcare. Now, we could have an entire hearing on how these policies would quite literally ruin and end lives, and I did not even touch upon proposals for housing, climate change, worker protections, and more. If enacted, Project 2025 would destroy the Federal Government as we know it.

I ask unanimous consent to enter into the record an *Associated Press* article titled, “Conservative Groups Draw a Plan to Dismantle the U.S. Government and to Replace it With Trump’s vision.”

Chairman COMER. Without objection, so ordered.

Ms. PRESSLEY. Now, some may be wondering why this is germane to today’s hearing with the Office of Personnel Management. Mr. Shriver, do you know who the Director of Project 2025 is?

Mr. SHRIVER. No, Congresswoman, I do not.

Ms. PRESSLEY. The director is Paul Dans, former Chief of Staff of OPM under the Trump Administration, and I am concerned about the ethics of Mr. Dans leveraging nonpublic information or relationships forged during his government service to lead and advance this far-right extremist agenda. We need oversight and accountability of Project 2025. Thank you, and I yield back.

Chairman COMER. The gentlelady yields back. The Chair now recognizes Mr. Burlison from Missouri.

Mr. SHRIVER. Mr. Chairman, might it be possible for a quick break? Mr. Chairman, I am sorry.

Chairman COMER. Yes. We will recess for 5 or 10 minutes to give the witness a bathroom break.

Mr. SHRIVER. Thank you.

Chairman COMER. At this time, the Committee stands in recess.

Mr. SHRIVER. Thank you.

[Recess.]

Chairman COMER. The Committee will reconvene.

The Chair now recognizes Mr. Burlison from Missouri for 5 minutes.

Mr. BURLISON. Thank you, Mr. Chairman. Mr. Shriver, it appears President Biden has not missed any opportunity to show his loyalty to organized labor. Since his first day in office, he rescinded executive orders that were issued by Trump to curtail some of the various abuses by Federal employee unions. In fact, further, he said that according to his Public President’s Management Agenda, that “the public sector unions will have a front row seat in agency affairs” and which OPM will help support. This is remarkable to

me, the turnabout. Historically, there has been a different philosophy toward public sector unions than today. George Meany, who was once the President of the AFL-CIO, said that it is impossible to bargain collectively with the government.

Our President FDR, who was famously supportive of unions, actually thought it was unconscionable to have public sector unions. In his letter to the Federation for Federal Employees in 1937, he wrote that, "Meticulous attention should be paid to special relationships and obligations of public servants to the public itself and to the government. All government employees should realize that the process of collective bargaining, as usually understood, cannot be transplanted into the public service. It has its distinct and insurmountable limitations when applied to public personnel management. The very nature of purposes of government make it impossible for administrative officials to represent fully or to bind the employer in mutual discussions with government employee organizations. The employer is the whole people who speak by means of laws enacted by their representatives in Congress. Accordingly, administrative officials and employees alike are governed and guided, in many instances restricted, by laws which establish policies, procedures, or rules in personnel matters.

Particularly, I want to emphasize my conviction that"—this is President FDR's conviction—"that militant tactics have no place in the functions of any organization of government employees. Upon employees, the Federal service rests the obligations to serve the whole people whose interests and welfare require orderliness and continuity in the conduct of government activities. This obligation is paramount since their own services have to do with the functioning of the government. A strike of public employees manifests nothing less than an intent on their part to prevent or obstruct the operations of government until their demands are satisfied, such action, looking toward the paralysis of government by those who have sworn to support it is unthinkable and intolerable." Your thoughts?

Mr. SHRIVER. Congressman, my approach to labor relations is governed by the law and by the executive orders of the President. The bipartisan Congress that enacted the Civil Service Reform Act in 1978 envisioned a role for Federal employee unions. The law reflects Congress' findings that collective bargaining is in the public interest, and there is a balance there about what unions can bargain over and what they cannot bargain over. We have consulted with unions under the national consultation law rules that apply under the Civil Service Reform Act, and I have done my best to work with unions and consistent with the President's executive orders. I think that, as a representative of the employees that served the country, they are an important voice.

Mr. BURLISON. But you clearly recognize that there is a conflict of interest. What is in the interest of the public sector union may not be in the interest of the taxpayer or the public they serve.

Mr. SHRIVER. I think Congress wrestled with those issues and settled on the system that we have now for labor relations in the government, and that there is a long history over many decades of a policy view in this country that resolving disputes at the bargaining table is the more efficient way to do it.

Mr. BURLISON. Would you say that Federal employees not coming into work, not showing up onsite for work, that that is in the best interest of the public or the taxpayers they serve?

Mr. SHRIVER. I think that Federal employees need to be aligning their work arrangements to delivering the services they need to deliver for the American people, whether that is onsite or teleworking. That is an arrangement that has been around for many, many years, and, in fact, the Telework Enhancement Act, that sort of launched telework in the Federal Government, had bipartisan support.

Mr. BURLISON. Thank you, Mr. Chairman.

Chairman COMER. The Chair now recognizes Ms. Tlaib.

Ms. TLAIB. Thank you so much, Chairman. Thank you so much, Mr. Shriver, for being here. I would like to set a little bit of just background about my district and why Federal employees, and especially those in the EPA, are so critically important.

So, I have two schools, they are K through 8th, 8 schools separated, there is a park, and literally behind them is one of the largest polluters in the state of Michigan. The air monitor that there is, has got some of the highest results in contaminants. We have high rates of different kinds of respiratory issues, even talking to a father who has to put his 6-year-old twins on respiratory-like machines before bed. And so, it is so critically important that we protect those that are scientists and experts that come from the Environmental Protection Agency and so those environmental laws that we all fight so hard, and the only way it really works is implementation, is enforcement, and so it is so important.

So, it is disturbing that our Federal workforce, though, is being used in the face of, like, politically motivated interference. I even seen it on the state level, both under a Democratic Governor as well as a Republican Governor, where they really prevent some of the employees doing their job, literally dictated by law to oversee pollution. I mean, they have to test our waters, our air, everything. So, no matter who is in the White House, which should never ever, ever, no matter anybody in this room, should never ever be allowed to just fire any Federal employee. And I know everybody has brought up Schedule F to you, to just fire any Federal employees. As we know, one of the first agencies he targeted was the EPA. Is that correct, Mr. Shriver?

Mr. SHRIVER. Congresswoman, I was not part of the Administration, and I could not comment on that.

Ms. TLAIB. Well, so it was—he targeted the scientists, the experts with partisan kind of hacks and, like, listening to campaign donors to shield corporate polluters from laws intended to keep our community safe, and we know he has already done it.

I mean, I would like, Mr. Chair, to submit for the record, this report from the Union of Concerned Scientists, which shows that under the Trump Administration, EPA officials ignore their own scientists calling for more stringent standard for soot and other contaminants, which cause more than 100,000 deaths per year.

Chairman COMER. Without objection, so ordered.

Ms. TLAIB. I mean, so for many of my residents at home, this is a life-and-death situation. I mean, for us, we cannot allow, no matter who is the President of United States, to use that office for po-

litical motivation to attack many of the Federal employees that act in a very nonpartisan way. They are dictated by law what they are supposed to be out there enforcing. Mr. Shriver, can you talk about that? I mean, one of the things that I think my colleagues do not understand is these are not political opinions. This is the law that they are enforcing.

Mr. SHRIVER. Thank you for the question, Congresswoman. And that is right, Federal employees, they carry out their duties day-to-day consistent with the law that governs their agencies, and that governs their activities. They carry out their priorities as determined by the leadership in their agencies and are accountable for doing that. And as we have discussed, that there is a mechanism for holding them accountable.

Mr. Chairman, if I could just take a second to correct that the more accurate number of the number of Federal employees who are either terminated or suspended for cause, there is a GAO report that says it is 16,000 to 17,000. We are happy to provide that, but I wanted to correct the number there.

Chairman COMER. We would like any information you have regarding that.

Mr. SHRIVER. Thank you.

Chairman COMER. Go ahead, Ms. Tlaib.

Ms. TLAIB. What do you think would happen if Schedule F was gone, like right now? Would that impact the inspectors who come out to look at some of these larger corporate polluters?

Mr. SHRIVER. The two main concerns that I would have with Schedule F are, No. 1, a chilling effect on current Federal employees. They need to have the protections in place that allow them to bring their expertise and their opinions to leadership without fear of reprisal based on partisanship. And then No. 2, I would be concerned about our ability to continue to recruit the kind of workforce that we need to perform these critical jobs.

Ms. TLAIB. Yes. And, Mr. Chair, if I may, I mean, even when we submit these into the record, it is something incredibly, like, daunting and scary to think that a President of the United States can fire an EPA Federal employee that is out there literally trying to provide clean air and clean water for our communities. So, again, I would emphasize the importance of making sure that we are doing this in a bipartisan way. No matter, again, who is the President of United States, we must, must make sure that we are prepared. And I am really, for the record, so happy that a lot of Federal employees have unions to protect them. Thank you.

Chairman COMER. The gentlelady's time has expired. Who is next? Mr. Moskowitz.

Mr. MOSKOWITZ. Thank you, Mr. Chairman. Thank you for coming today, Mr. Shriver. I appreciate you coming.

We have been talking about productivity, and it is a little awkward when you want to disagree with someone on your side of the aisle, but I have to dramatically disagree with my colleague, Ms. Crockett, who used data and statistics and facts to claim that this is the least productive Congress in modern history. First of all, this Congress removed the Speaker, OK, which has never happened in the history of the Republic. That is a big accomplishment in the 118th. This Congress took 15 rounds to even elect that Speaker

that they then removed, right, which was historic in its own right, and then they removed a Member of their own party. That had not happened in 20 years, so kudos to them. They have had a failed impeachment of a President. I do not think we have seen that happen in a really long time. This Congress did impeach a Cabinet Secretary, though, without meeting any constitutional threshold. We have not seen that happen in 150 years. This Congress wants to hold Merrick Garland in contempt and then possibly arrest him. I do not think we have ever seen that in the history of the Republic.

We have seen a failed motion to vacate, to remove a second Speaker, again, history in the 118th. And who could forget that this Congress, on behalf of the American people, saved gas stoves and ovens and toasters and blenders and dishwashers from the communist grip of energy standards? So, I think Ms. Crockett was pointing out that this is least productive, these seem to be accomplishments on behalf of the American people that are clearly historic and may never be repeated in another Congress.

You know, with that, there was a lot of discussion about the CBO report. Who is the CBO, Mr. Shriver?

Mr. SHRIVER. The Congressional Budget Office.

Mr. MOSKOWITZ. OK. So, those are our folks?

Mr. SHRIVER. Correct, Congressman.

Mr. MOSKOWITZ. OK. And it is nonpartisan.

Mr. SHRIVER. Correct.

Mr. MOSKOWITZ. OK. And you mentioned a report that they issued, right? That report, which I have here, came out in April 2024.

Mr. SHRIVER. Yes, Congressman. That is the report I was referring to.

Mr. MOSKOWITZ. OK. And even though it is nonpartisan, who controls the House in 2024?

Mr. SHRIVER. I believe the Republican Party.

Mr. MOSKOWITZ. OK. I believe you are correct. So, on page 21 of that report, which is the congressional report from the CBO, it specifically shows the difference between the private sector and the Federal Government when it comes to teleworking. There is a chart which I have behind me and, you know, I am not going to do what Trump did and just circle Alabama.

[Chart]

But I am going to circle that area right there, right? So, we always constantly hear that we should run government like a business. This seems to show, according to the congressional report, our report, from April, just a month ago, that the private sector is teleworking more than Federal employees. Is that what this chart shows?

Mr. SHRIVER. Congressman, that is how I read that chart, yes.

Mr. MOSKOWITZ. Oh my God. So, the Federal Government is actually outpacing the private sector—I am sorry—the private sector is actually outpacing us in teleworking. I mean, do you think, like, my colleagues should file, like, a resolution of disapproval of the private sector because of all of this teleworking that the private sector is doing?

Mr. SHRIVER. Well, Congressman, I always think that the work arrangement should be aligned to what best advances the mission of the agency, and this is the data I was referring to that shows that Federal workers are spending more time in the office than private sector right now.

Mr. MOSKOWITZ. OK. So, that attack about all of this teleworking that Federal employees, right, is really misinformation because, it is really, we are below the private sector. We are really keeping pace, right? Would that be fair?

Mr. SHRIVER. I think we are keeping pace, and I think consistent with what I have been testifying to today, we have to keep evaluating it, right? Like, our North Star is providing the best service to the American people, and we need to make sure that work arrangements like telework are advancing that and I think that they are.

Mr. MOSKOWITZ. Thank you. I yield the balance of my time. Thank you.

Chairman COMER. I will now recognize myself for questions, and I know this question has been asked, but I want to ask it again, for the record. How many Federal employees are currently teleworking?

Mr. SHRIVER. So, Congressman, we have 46 percent, under OPM's most recent telework data, 46 percent.

Chairman COMER. Forty-six percent of the Federal workforce. What was that number before COVID?

Mr. SHRIVER. I would have to go back and look at the specific reports, Congressman. I think the thing that changed is that a higher percentage of the people who are eligible to telework are now teleworking than were before COVID.

Chairman COMER. Would it be somewhere around 17 percent before COVID or 20 percent before COVID? Roughly? Ballpark?

Mr. SHRIVER. Congressman, I would have to go back, but, Mr. Chairman, for sure the telework participation is at a higher level now than it was prior to the pandemic.

Chairman COMER. How current is that data where you say 46 percent?

Mr. SHRIVER. So, that data is based on the OPM Telework Report, the annual telework report that we produced in December 2023, which is based on 2022 data.

Chairman COMER. OK. So, well more than double of the number of Federal employees are teleworking since COVID currently. How many days a week are Federal employees teleworking?

Mr. SHRIVER. It is a range, Congressman. It can go anywhere from occasionally and situationally, where you do not have any specific scheduled telework day to sometimes people have a certain number of telework days. The maximum would be 4 a week.

Chairman COMER. What specific benefits has OPM observed related to increased union membership in Federal agencies?

Mr. SHRIVER. So, my understanding is that the membership of Federal unions has gone up over the last several years.

Chairman COMER. Since COVID.

Mr. SHRIVER. Has union membership has gone up since COVID? I have not drawn that causal connection, but I think probably, given where the data has been that it has increased.

Chairman COMER. So, I would like to read a quote to you: “Complex rules and procedures have undermined confidence in the merit system. Many managers and personnel officers complain that the existing procedures, intended to ensure merit and protect against arbitrary actions, have too often become the refuge of the incompetent employee. It is the dedicated and competent employee who must increase his workload. The morale of even the best-motivated employee is bound to suffer under such a system.” That is from the Senate report to the Civil Service Reform Act of 1978. That is 6 years after I was born—I am 51 now—but that could easily have been written in the present day.

In the 2023 Federal Employee Viewpoint Survey, 41 percent of respondents said poor performers remained in the work unit and continued to underperform. In previous years, as few as 28 percent of respondents said that steps were taken to deal with the poor performer who cannot or will not improve. A GAO recommendation from 2018 saying OPM needed to ensure agencies have tools to effectively address misconduct remains open. So, what is OPM doing to know exactly how well the system is or is not working, and what is it doing to ensure that the civil service is working diligently and impartially, regardless of who is in the Oval Office?

Mr. SHRIVER. Thank you for the question, Mr. Chairman, and every civil servant has an obligation to put the mission first and work on behalf of the American people.

Chairman COMER. What specifically are you doing?

Mr. SHRIVER. So, these are the things that we have done. No. 1, we issued guidance to agencies to remind them about how they can make effective use of probationary periods. That is the period at the beginning of a person’s career when—

Chairman COMER. And what is the length of that probation?

Mr. SHRIVER. It can be 1 year. It can be 2 years. It depends on different jobs. That is why we offered free—

Chairman COMER. You know, with a teacher, it is 5 years, but with a Federal employee, it is little as 1 year, maybe even 6 months, perhaps. I just wanted to point that out.

Mr. SHRIVER. Thank you, Mr. Chairman. My parents are both schoolteachers.

Chairman COMER. My mom was a schoolteacher.

Mr. SHRIVER. Yes. So, other things that we have done is provided free training to managers and supervisors across government on thriving in a hybrid work environment. This included a focus on performance management for teleworkers. We offer robust training to our executives and supervisors through our Federal Executive Institute Training Program.

Chairman COMER. So, here is the frustration from our side of the aisle. We do not think you know an exact number of people who are teleworking. You say it is 46 percent, but you knew that it was going to be a major topic of this Committee hearing. And we get complaints from Federal employees, we communicate with Federal employees, we represent Federal employees, and the Federal employees who have to go to work every day and do the work have this sneaky suspicion that a lot of these teleworkers are not working as hard as they are. So, the morale in the Federal workforce among the hardworking employees who are going to work every

day is pretty high. And we have the legislation in this Committee that I sponsored, and I believe that Mayor Bowser has even publicly supported, called the SHOW UP Act, to try to get the teleworking numbers back to pre-pandemic levels.

Now, if you can provide some data that will prove that this is more efficient, like my friends on the other side of the aisle keep claiming, then we would support that, if you can prove to us it is more efficient. But the problem is we all have caseworkers, and our caseworkers say it has gotten significantly harder to get people on the phone at every government agency since COVID, and we believe one of the reasons is because of excessive telework. If telework can save the taxpayers' money and if teleworkers are as efficient as people who have to go to work every day and work hard in the office every day, then I would support that, and I think most of my colleagues would support that. We would start liquidating some office buildings in Washington, DC. where you can maybe have affordable housing or private development or things like that.

But you do not have the data, and we have been begging for data. How many employees are teleworking, and is this a better deal for the taxpayers? Not is it a better deal for the teleworkers. We know the answer to that. It is a lot better deal for the teleworkers. We want to know about the taxpayers. That is who we are concerned about on this side of the aisle, so we will keep hounding you until we get that answer.

The Chair now recognizes Mr. Garcia.

Mr. GARCIA. Thank you very much, Mr. Chairman. I have to respectfully disagree with some of our Chairman's comments. I mean, if we do not like the data, it does not mean it doesn't exist or it is not being collected. There is data both presented by yourself and the Agency, but also by the CBO and the Congressional Budget Office. The data is pretty clear. So, I just want to repeat what has been said earlier today, and that is that right now our Federal workforce is teleworking less than their private counterparts in the private sector. And so, I think it is really important to note that the attacks that often happen to our Federal workforce, I think, are unmerited. And we should be proud that union membership is up in our Federal workforce, and perhaps if we can continue providing those same opportunities to our private sector employees, we would have this level of results. And so, I appreciate our Federal workforce is actually going to work, into the office, at a higher rate than the private sector.

We know what is happening in cities across America, which is we are seeing downtown suffering, towns having a hard time, small businesses having a hard time surviving because, of course, we know that so much of the workforce has shifted to working from home. And in some cases, we have to recognize that that has been a positive development. We are never going to go back to pre-pandemic numbers. That is not going to happen. The nature of work has changed, technology like Zoom, like the different technology that connects people has changed, and so those numbers have shifted permanently. But I want to thank you and our Federal workforce for actually outpacing what the private sector has done. I think that is important to recognize and to look at the facts.

I also just want to note, I served as Mayor of Long Beach 2 years ago before I got to Congress. We had 6,000 employees that I was proud to help lead, most of them civil servants, doing hard work, firefighters, public works officers, folks that are filling out potholes in our health department. My concern is this constant attack on Federal workers and civil servants. Where are the hearings on the private sector? Where are the hearings on these massive, large corporations that are not providing protections for workers?

And I am especially concerned with my colleagues, and there were mentions earlier of what Donald Trump's plans are for the civil service, for his plans and essentially creating a mini army within the Federal bureaucracy to lay out what he wants to see and his view of the government. We already know that he said he wants to be a dictator on day one. We know he wants to wipe out civil servants' legal protections. He talks about draining the swamp, yet he is the swamp. He wants to create this entirely different version of the Federal workforce, which we strongly oppose. And this is the same person who we all know has stolen, in our opinion, millions of dollars from foreign governments, is trading favors to Big Oil for what he is going to do when he is back in the White House. So, he has no interest in the law and the Constitution, and, importantly, in protecting the civil servants that make our government work every single day.

I also want to note that Schedule F, which has been brought up by many of our colleagues, is very concerning, this idea of firing 50,000 civil servants and replacing them with his own little army of extreme conservatives who essentially damage the Federal bureaucracy, should be something that concerns all of us. And whether it is issues around Homeland Security, whether it is issues around immigration, the ability to put in appointees to stop giving out visas, enacting damage on folks, like our Dreamers and DACA recipients, is very concerning to us and those of us on this side of the aisle. So, we are going to continue to stand up for our Federal employees.

And last, I just wanted to ask, I think the Biden Administration has actually strengthened the civil service department, has actually tried to isolate interference with civil servants. And can you briefly mention in my time that is remaining a few of the steps that the Biden Administration has taken to strengthen the Federal workforce?

Mr. SHRIVER. Thank you, Congressman. In our regulation on strengthening the civil service, we focused on three areas. First, is you made it clear that Federal employees who obtained due process protections do not lose them through a technical H.R. process like Schedule F. Second, we made clear that the exception in the law, that has existed going back to 1978 and earlier, for confidential policymaking, policy advocating positions applies to political appointees, the 4,000 or so political appointees that we have talked about before. And third, we put forth transparent processes for agencies who are attempting to move employees from one status to another and allow them to file an appeal if their rights are taken away.

Mr. GARCIA. Thank you.

Chairman COMER. Thank you, and that concludes our questions. So, in closing, I want to thank you, Mr. Shriver, for testifying today. We look forward to continued communication, continued working relationship.

And with that, without objection, all Members will have 5 legislative days within which to submit materials and to submit additional written questions for the witnesses, which will be forwarded to the witnesses for their response.

If there is no further business, without objection, the Committee stands adjourned.

[Whereupon, at 12:54 p.m., the Committee was adjourned.]

