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April 19, 2021

Honorable Charles E. Schumer
Majority Leader
United States Senate
Washington, DC 20510

Honorable Eddie Bernice Johnson
Chairwoman, Committee on Science and Technology
U.S. House of Representatives
Washington, DC 20515

Dear Leader Schumer and Chairwoman Johnson:

On behalf of the American Federation of Government Employees, AFL-CIO (AFGE), which represents over 700,000 federal and District of Columbia employees, including Local 3403 at the National Science Foundation (NSF), I write to express our appreciation for your efforts to improve the quality of the government's basic science and technology capabilities through the Senate's "Endless Frontier Act" and the House of Representatives' "National Science Foundation for the Future Act." AFGE supports your efforts to enhance and strengthen the work of the NSF.

However, we have severe concerns about the extraordinary personnel authorities contained in both bills. The House bill would allow the Director of NSF to essentially make an unlimited number of appointments within the NSF without regard to civil services laws, and pay these individuals in an amount up to the salary of the Vice President.

The waiver of civil service appointment laws on such a vast scale bears a striking resemblance to the Trump Administration's attempt to impose a new Schedule F hiring authority on a large portion of the civil service. Fortunately, with your help, that effort failed, and the integrity of the civil service was not subject to political corruption. But dispensing with civil service pay schedules in such an unbridled manner would, at a minimum, be damaging to the integrity of the merit-based pay system for the majority of those who work at the NSF.

Creating such broad new authorities is also entirely unnecessary. Current U.S. Office of Personnel Management (OPM) regulations provide for a wide range of incentive pay and special pay rates, which would effectively address any pay-based obstacles to hiring that might arguably exist.



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The Senate bill, although not as broad in its waiver of civil service laws, provides NSF with the same civil service appointment and pay authorities as the Defense Advanced Research Projects Agency (DARPA), a national security entity quite distinct from the NSF.

The NSF already enjoys multiple appointment authorities through a combination of regular civil service employees and Intergovernmental Personnel Assignments. NSF may also take advantage of other governmentwide hiring and pay flexibilities through programs managed by OPM.

In summary, although AFGE supports your joint efforts to foster greater research opportunities at NSF, given the experience of the Trump era with regard to politicization of the civil service, we urge you not to even consider dispensing with civil service laws that have served us so well and helped to ensure that the government's scientific and engineering personnel are hired based on merit rather than political or other considerations.

Please feel free to contact Fiona Kohrman at fiona.kohrman@afge.org if you or your staff need further information.

Sincerely and in solidarity,



Everett B. Kelley
National President

