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January 31, 2022

The Honorable Gary C. Peters
Chairman, Committee on Homeland
Security and Governmental Affairs
United States Senate
340 Dirksen Senate Office Building
Washington, D.C. 20510

The Honorable Rob Portman
Ranking Member, Committee on Homeland
Security and Governmental Affairs
United States Senate
340 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Chairman Peters, Ranking Member Portman, and Members of the Committee:

On behalf of the American Federation of Government Employees, AFL-CIO (AFGE), which represents more than 700,000 federal and District of Columbia government employees, we appreciate the Committee's efforts to improve competitive hiring practices for federal employees and provide more equitable and substantial death benefits to federal employees who die in the line of duty.

AFGE's members selflessly perform hazardous work every day on behalf of the American public. Our members include border protection agents who enforce our immigration laws, corrections officers who keep our communities safe from dangerous criminals incarcerated in federal prisons, food safety inspectors who ensure the quality of food from our meatpacking plants, VA medical workers who have braved COVID-19 to care for our veterans, and Transportation Security Officers who keep the traveling public safe from violent attacks. All too often, government employees are called upon to make the ultimate sacrifice while protecting the American public.

According to the Committee's data from several years ago, an average of 24 federal civilian workers die annually in the line of duty. These tragic deaths have certainly increased dramatically as the result of COVID-19, with many federal workers serving in the front lines responding to the pandemic, treating victims, or performing duties that resulted in exposure while protecting public health and safety.

The bipartisan "Honoring Civil Servants Killed in the Line of Duty Act," (S. 3487) goes a long way toward correcting disparities in death benefit payments between the federal civilian workforce and other public servants killed in the line of duty, establishing a required nontaxable payment of \$100,000 as well as an increased funeral benefit of \$8,800. The loss of a parent can be catastrophic for many families facing housing, medical, and educational expenses without a primary income earner. This much-needed bill expresses our nation's gratitude for the civil servants we have lost, at the time their families most need support. We urge swift passage by the Committee and the Senate as a whole.



The bill's intention is to cover all federal employees, including interns, seasonal employees, and Peace Corps volunteers. We understand the Committee's intent is to include Transportation Security Officers (TSOs) within the program, which we strongly support. TSOs are on the front lines protecting the public from terrorism and other violent threats. In 2013, TSO Gerardo Hernandez, a 39-year-old father of two, was killed by a rampaging gunman at LAX airport. Since then, bipartisan legislation in the House, the "Honoring Our Fallen TSA Officers Act," (H.R. 2616) sought to add TSA employees like Mr. Hernandez to the list of public safety officers eligible for law enforcement death benefits, but the bill has yet to advance. The legislation now before this Committee would be a significant step forward.

We note that the statute establishing TSA affords the administrator broad discretion in what civil service laws apply to TSA employees. This unfortunate provision has resulted in substandard pay and other diminished rights and protections for TSOs. We strongly urge the Committee, through report language or other means, to ensure that the families of TSOs who die in the line of duty receive the death and funeral benefits provided in S. 3487.

AFGE strongly supports another significant piece of legislation before the Committee, Subcommittee Chairwoman Sinema's "Chance to Compete Act of 2022" (S. 3423). Competitive service appointments are the key to a strong professional apolitical federal workforce that is free of personal or political patronage. Over the years, our highly trained apolitical competitive civil service – representing the best workers the country can produce - has helped the nation to overcome the Great Depression, put astronauts on the moon, and win the Cold War. But recent decades have witnessed an alarming erosion of the competitive civil service, as agencies have increasingly sought to bypass competitive hiring procedures in favor of less rigorous methods. These methods have in some cases led to less qualified hiring and the recruitment of friends and political allies instead of the best candidates available to serve our country. Qualified members of the public may never even learn that jobs are available before they are filled, and our veterans have been deprived of one of the key benefits of their service and sacrifice when later seeking federal civilian jobs.

The need for a strong professional civil service has never been greater, as the country confronts the ongoing pandemic, global tensions with rival powers, and numerous economic challenges resulting from COVID-19, supply chain shortages, and global technological competition. Yet today both houses of Congress are weighing various pieces of legislation that would actually further weaken the competitive service, as several agencies seek additional exceptions to competitive hiring. We commend this bill from Chairwoman Sinema for moving in the opposite direction by modernizing and streamlining the competitive hiring process.

This bill would help to re-establish competitive hiring as the preferred method for staffing the civil service. Specifically, it would ensure that vacancies are open to the public and to other qualified federal workers, bringing needed talent and diversity to the candidate pool. The bill would make the system for assessing applicants fairer and more objective. It would provide for panels of knowledgeable subject-matter experts to assist with screening applicants, instead of using rigid and arbitrary criteria and buzzwords. Importantly, agencies could share certificates, so that once an applicant was determined to be qualified for certain kinds of work, he or she could be considered for multiple jobs across the federal government without having to identify

and reapply for each one separately. Finally, by strengthening the competitive service, the bill supports longstanding Congressional policy that qualified veterans have an advantage – but not a guarantee – when applying for federal jobs.

It is no secret that the federal government is in a constant race to recruit the best talent, especially in today's tight labor market. The Chance to Compete Act goes a long way to help the government as well as jobseekers in this effort, and it will help to ensure that the federal government is well positioned to meet 21st century threats and challenges. We urge that the bill be passed and signed into law.

We thank the Committee for considering these two important pieces of legislation and urge their advancement to the full Senate. For additional information on AFGE's views, please contact Daniel Horowitz at 703-501-2151 or daniel.horowitz@afge.org.

Sincerely,



Julie N. Tippens
Legislative Director