



One Hundred Fourteenth Congress  
U.S. House of Representatives  
Committee on Homeland Security  
Washington, DC 20515

November 23, 2016

The Honorable Jeh C. Johnson  
Secretary  
Department of Homeland Security  
Washington, D.C. 20528

Dear Secretary Johnson,

With 57 days until the President-elect takes the oath of office, concerns exist that Department of Homeland Security (DHS) non-career positions might be “converted” to career positions. Known as “burrowing”, this practice can damage trust with a new Administration and undermine its new priorities. In April 2016, the Chair of my Oversight and Management Efficiency Subcommittee requested quarterly updates from the Under Secretary for Management on such conversions. I appreciate your responsiveness to this request and urge you to provide the remaining information in a timely manner and continue to provide this information through January 20, 2017.

Past efforts prove that political conversions can be made across the organization and even at senior levels of DHS. For example, since 2009, DHS converted non-career positions to career Senior Executive Service positions including, but not limited to, the Deputy Under Secretary for Science and Technology and the Assistant Administrator (Response) at the Federal Emergency Management Agency. The Government Accountability Office also has reported on various conversions from May 2005 through May 2009 including two Deputy Assistant Secretaries and the Deputy Under Secretary for Science and Technology.<sup>1</sup>

I urge you to enforce applicable laws governing employee conversions from political to career positions. Such vigilance is vital to maintaining the principle that the Federal workforce should be free from political influence.

In addition, the Office of Personnel Management (OPM) recently notified agencies that it will impose a Government-wide moratorium on Qualifications Review Board (QRB) cases required to approve the appointments of individuals to Senior Executive Service positions. According to the Acting OPM Director, this moratorium is intended to “preserve the prerogatives of an incoming agency head.” DHS has made several recent announcements for career Senior Executive Service positions, such as the Principle Deputy Assistant Secretary for Policy, Deputy Assistant Secretary for Americas Policy, the Director of Enforcement and Litigation at

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<sup>1</sup> U.S. Government Accountability Office (GAO), *Personnel Practices: Conversions of Employees from Political to Career Positions May 2005 – May 2009*, GAO-10-688 (Washington, D.C.: June 28, 2010).

Immigration and Customs Enforcement, and Deputy Chief Financial Officer at Customs and Border Protection, among other positions. Issuing a pause on filling such senior positions would be prudent and allow the new Administration's leadership time to evaluate the agency's needs.

The Committee requests information (i.e., name, title, and job description) on any career Senior Executive Service appointments made on or before the Government-wide QRB moratorium takes effect. Additionally, the Committee requests information on all requests for exceptions made by DHS and its components to this moratorium including:

1. Name of title and job description for which the exception is being sought; and
2. Official requesting the exception and the stated compelling reason.

Pursuant to Rule X(3)(g) and Rule XI of the Rules of the House of Representatives, please provide the following information to the Committee as soon as possible but no later than December 28, 2016. Thank you for your assistance in this matter. If you have any questions, please have your staff contact Mr. Ryan Consaul, Majority Staff, at 202-226-8417.

Sincerely,

A handwritten signature in blue ink that reads "Michael T. McCaul". The signature is written in a cursive, slightly slanted style.

MICHAEL T. McCAUL  
Chairman