

February 12, 2019

The Honorable Ron Johnson, Chairman
The Honorable Gary Peters, Ranking Member
Committee on Homeland Security and Governmental Affairs
Washington, D.C. 20510

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

On behalf of the undersigned organizations, who all strongly value and support our nation's professional nonpartisan civil service, we write to express our concerns about the future of the Merit Systems Protection Board (MSPB).

As you know, the Board has already operated under unprecedented circumstances, lacking a quorum for nearly two full years. The result has been a backlog of nearly 2,000 cases and a delay in justice for federal employees, whistleblowers, veterans, and federal annuitants with matters before the Board, as well as a lack of closure for agencies in personnel matters. Moreover, due to the lack of quorum the Board has been unable to issue official reports or studies to Congress and the President during a critical time in which there is growing appreciation for the imperative of modernizing our civil service.

The committee will be considering the President's nominees for the Board, yet we are concerned that the Senate's experience with the nominees from last Congress – in which they were not reported out of committee – may be repeated. Should the Senate be unable to approve the Board nominees and restore a quorum, effective March 1 the Board would be without any Senate-confirmed leadership for the first time in its history, due to the expiration of acting chairman Mark Robbins' holdover period.

In order to ensure that the Board can continue operations at the most basic levels, including the critical role in issuing stays in whistleblower cases, passage of legislation to extend the holdover period for the Board is imperative. We strongly urge passage of legislation to prevent the current crisis with the Board from doing permanent damage to the merit system and the civil service.

Thank you for your consideration of our perspective on this critical matter.

Sincerely,

FAA Managers Association (FAAMA)
Federal Managers Association (FMA)
Government Accountability Project (GAP), Tom Devine
National Council of Social Security Management Associations (NCSSMA)
National Federation of Federal Employees (NFFE)
National Whistleblower Center
Partnership for Public Service
Professional Managers Association (PMA)
Project on Government Oversight (POGO)
Public Citizen
Senior Executives Association (SEA)
Volcker Alliance

CC: Members of the U.S. Senate Committee on Homeland Security and Governmental Affairs