

Congress of the United States
Washington, DC 20515

February 16, 2016

The Honorable Sylvia Mathews Burwell
Secretary
U.S. Department of Health and Human Services
200 Independence Avenue, SW
Washington, DC 20201

Dear Secretary Burwell:

As the chairmen of the Senate Finance Committee and House Ways and Means Committee, we are charged with overseeing the organization and operation of the Department of Health and Human Services.¹ The Committees believe it is important to ensure that HHS is in compliance with Federal hiring laws governing employee “conversions” from non-career positions to career positions, particularly as we approach a transition in administrations next year. To that end, we are requesting that you provide information regarding each employee conversion at HHS throughout this administration.

The laws governing employee conversions from political to career positions are intended to prevent Federal agencies from hiring employees for career positions—which do not change from one administration to the next—based on political influence. Title V of the U.S. Code provides that Federal career employees must be hired according to nine merit system principles, including that recruitment of qualified individuals must be from “appropriate sources” and that selection and advancement must be based on “relative ability, knowledge, and skills, after fair and open competition,”² rather than on political beliefs or connections. President Obama has strengthened these protections by requiring all departments and agencies to seek prior approval from the Office of Personnel Management before appointing a current or recent political employee to a career position at any level.³

Please provide the following information regarding every non-career employee (including, but not limited to, political appointees, senior executive service employees, senior level employees, and scientific or professional employees) who has converted from his or her non-career position to a career or non-political excepted service position within HHS, from HHS to another Federal government agency, or from another agency to HHS from January 1, 2009 to the present:

¹ U.S. Senate Rules, Rule XXV 2(i) Rules of the House of Representatives, Rule X 1(t) and 2(a), 114th Congress, Jan. 6, 2015.

² 5 U.S.C. § 2301.

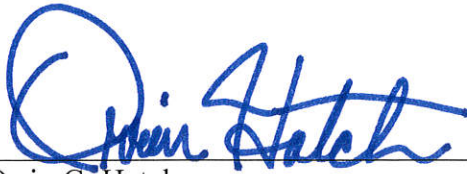
³ U.S. Office of Personnel Management, Memorandum for Heads of Departments and Agencies, from John Berry, Director, *Political Appointees and Career Civil Service Positions*, Nov. 5, 2009.

1. Name;
2. Employing agency as a non-career employee;
3. Title, job description, length of tenure, and salary as a non-career employee;
4. Date non-career employment ended;
5. Date career employment began;
6. Employing agency as a career employee;
7. Title, job description, length of tenure, and salary as a career employee;
8. End date of employment by the Federal government, if any; and
9. The request sent to OPM and OPM's response for each employee appointed to a career position.

Additionally, provide the Committees with a list of all corrective actions requested by OPM as a result of the pre-employment review process and the status of those actions.

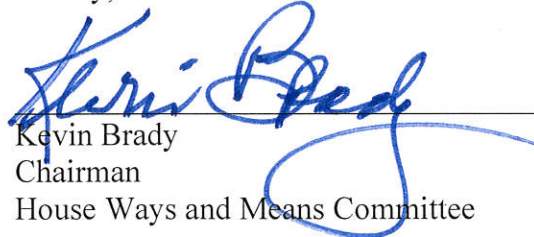
Please provide the requested information by March 1, 2016, and update the information on the first of each month following your response to this letter through January 1, 2017.

Thank you for your assistance with this matter. If you have any questions, please have your staff contact Senate Finance Committee staff member Chris Armstrong at (202) 224-4515 or House Ways and Means Committee staff member Amanda Neely at (202) 225-3783.



Orrin G. Hatch
Chairman
Senate Committee on Finance

Sincerely,



Kevin Brady
Chairman
House Ways and Means Committee