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Statement of Rep. Henry A. Waxman Markup of Civil Service and National Security Personnel Improvement Act May 7, 2003

Mr. Chairman, the heart of our federal government is the dedicated civil servants who work for it every day. These 2.7 million people toil in obscurity to help improve the lives of all Americans. Federal employees don't receive nearly enough recognition for their hard work, and they certainly aren't paid enough. Instead of receiving more compensation or even just some gratitude, federal employees find themselves under attack by politicians who call them inefficient and inept and want to privatize their jobs.

As members of Congress, we are public servants, too. But we're different. We're like the political appointees who come and go with each new administration. At the end of the day, it's the career civil servants who ensure that Social Security checks get mailed out, who make sure our national parks are maintained, and who help safeguard our national defense.

To protect the rights of these federal employees, Congress has spent the last century developing a comprehensive set of laws that are codified in Title 5 of the U.S. Code. It may not be the most scintillating book to read. But if you take a quick look at it, you'll see a lot of things in Title 5 that make perfect sense. There are provisions requiring that employment be based on merit, not family connections or political affiliations; there are requirements that government managers bargain in good faith with unions; and there are appeal rights to the EEOC if an employee is the victim of discrimination.

All of these provisions were codified as a reaction to the patronage system that had ruled the federal government during the first 100 years of the country's existence. Until the Civil Service Act of 1883, federal jobs were often awarded through the spoils system. Civil service jobs went to supporters of elected officials and loyal party members, which often led to incompetence and corruption.

We've come a long way since 1883. But we're about to embark on a path that will reverse many of the legislative accomplishments of the past century.

Today, we begin the process of stripping away the fundamental rights of one-third of federal civilian employees. And in doing so, we'll be opening the door for the rest of the federal workforce to have their rights taken away as well. That's wrong.

As yesterday's hearing demonstrated, members on both sides of the aisle agree that the Defense Department needs certain flexibilities to allow it operate more effectively and more efficiently. But the bill we're considering today goes well beyond those flexibilities. The Defense Department seeks blanket waivers from large parts of the civil service laws.

Why do they need such broad waivers? No one seems to know. At two hearings in this Committee and one hearing in the Armed Services Committee, members have asked DoD to justify its desire to be exempt from large portions of the civil service laws.

For instance, Deputy Defense Secretary Paul Wolfowitz was asked yesterday why DoD wanted to waive the due process and appeal rights contained in Chapters 75 and 77 of Title 5. Mr. Wolfowitz repeatedly said that DoD had no intention to deny these rights to employees, but he wouldn't explain why the Department needed such a broad waiver.

With regard to collective bargaining, Mr. Wolfowitz explained that it would be more efficient to bargain at the national level, instead of the local level. On this point, we've expressed willingness to give DoD flexibility. But when we asked Mr. Wolfowitz why the Department needed to be exempt from all collective bargaining responsibilities, he had no answer. He simply said that DoD should get this authority because the Department of Homeland Security got the same authority.

This reminds me of how kids behave. One child wants something just because his brother or sister got it, not because he needs it. Giving into that kind of logic is no way to be a parent, and it's certainly no way to be a legislator.

When Congress created the Homeland Security Department last fall, we were combining more than 20 different agencies from different parts of the federal government. Congress thought it made sense to try out a new approach so that the new Secretary could quickly organize the different components and functions. The Homeland Security Department was an experiment, not a precedent.

As yesterday's hearing clearly demonstrated, members on both sides of the aisle want the strongest possible national defense and are willing to give DoD the tools it needs to modernize its workforce. At the same time, it is also clear that members on both sides have very serious concerns about the broad scope of this bill. We had wanted to sit down on a bipartisan basis to try to work through these concerns. But the bill before us today is not the product of bipartisan negotiations.

Today is our last chance to address this bill in our Committee. I hope we can work together to bring balance and bipartisanship to this legislation.