

# [***DAVID BERNHARDT: Biden Is Pandering To The Swamp And Here's How Trump Will Drain It***](https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:6BS0-69P1-JBFB-H004-00000-00&context=1516831)

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**Body**

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President Biden catered to the swamp last week. The Office of Personnel Management (OPM) finalized a rule intended to frustrate a future president's ability to revive President Trump's “Schedule F” executive order. That order would have made it simple to fire policy-influencing bureaucrats who refused to work for the American people. Thankfully this rule will only present a minor obstacle to increased accountability in government.

The federal government has 2.2 million civilian employees. Only 4,000 are political appointees the president can remove at will. Consequently, career bureaucrats, neither elected by the American people nor appointed by the president, routinely make major policy decisions.

The civil service system presumes these career employees will impartially implement the law and presidential directives, irrespective of their personal preferences. To their credit, many do. Unfortunately, some do not. During my 12 years working at the Department of the Interior, I saw many career bureaucrats push their preferred policy passions irrespective of the law, the agencies' processes, federal regulations, or the president's views. Such behavior is inappropriate and destructive.

In the fall of 2020, President Trump addressed this problem by creating Schedule F. That executive order started a process for converting senior policy-influencing career bureaucrats into at-will employees. While it would only apply to about 2 percent of the total federal workforce, it would have covered some of the most powerful career bureaucrats. President Trump intended the order to ensure accountability in policy-making positions, while still protecting the employees from adverse personnel decisions based on their political affiliations. Schedule F employees would remain career employees and would keep their jobs no matter their personal ***politics***-provided they faithfully followed the law, not their personal policy preferences.

Official Washington reacted like Count Dracula to a garlic-lover's pizza. Federal unions immediately denounced the order and lobbied for its repeal. President Biden did so within days of taking office. However, President Trump has promised to revive Schedule F if he wins re-election.

The Washington swamp would prefer to avoid such accountability. In 2023 a major federal union wrote to President Biden seeking the adoption of regulations neutralizing Schedule F before the 2024 election.

Like clockwork, the Biden administration responded. It has now issued a rule that closely approximates the one the union requested. So long as the rule remains on the books dismissing Schedule F employees will be no easier than anyone else in the bureaucracy.

The finalization of the rule led to a rush of headlines. But a close look at this rule shows it will provide little comfort to the swamp. In fact, the preamble to the rule emphasizes that it is not opining on the legality of Schedule F.

Despite Biden's new rule, a future president could swiftly revive Schedule F. The president could simply add an additional sentence to a new executive order restoring it back that instructs OPM to withdraw Biden's regulation. Such a withdrawal effort will take no more time than the seven months or so it took the Biden administration to propose and finalize their rule. As such, the effort to deter a future president is unlikely to amount to anything other than a momentary blip on a radar screen, nor should it.

Elections have consequences. Elections provide the American people with the chance to choose how they want to move our great nation forward. Once the American people make a choice, the civil service is obligated to advance the new president's policies. Each new president must have the ability to lead the civil service in a manner that ensures that its members adhere to his (or her) policy vision, consistent with law. Bureaucrats who insist on pushing their personal policy agendas are not defying the president-they are defying the will of the American people.

David Bernhardt served as the U.S. Secretary of the Department of the Interior.

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