

**Congress of the United States**  
**House of Representatives**

COMMITTEE ON OVERSIGHT AND ACCOUNTABILITY

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5074  
MINORITY (202) 225-5051  
<https://oversight.house.gov>

March 22, 2023

Kiran Ahuja  
Director  
U.S. Office of Personnel Management  
1900 E Street, NW  
Washington, DC 20415-1000

Dear Director Ahuja:

We are writing with concerns about the Office of Personnel Management's (OPM) USA Staffing service.

OPM is the Federal Government's human capital management organization. Federal Strategic Human Capital Management has been on the Government Accountability High-Risk list since 2001, largely due to inefficiencies in federal hiring.<sup>1</sup> Aside from its role as a regulator of agency compliance with federal hiring laws and regulations, OPM sells hiring-related services to those agencies which it oversees via USA Staffing,<sup>2</sup> even though there are many private firms that assist both the private and public sector with hiring and related human capital acquisition activities.

We are concerned about the potential conflict of interest posed by OPM's acting simultaneously as both regulator and competitor in the talent acquisition marketplace with respect to federal agency clients, and that this may provide USA Staffing with an unfair competitive advantage. It is the policy of the Federal Government to "rely on commercially available sources to provide commercial products and services."<sup>3</sup> Regardless, if OPM, through USA Staffing, is to continue competing with the private sector to provide hiring services, it should do so on a level playing field.

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<sup>1</sup> U.S. GOV'T ACCOUNTABILITY OFFICE, GAO-21-119SP, "High Risk Series: Dedicated Leadership Needed to Address Limited Progress in Most High-Risk Areas" at 49 (Mar. 2021), <https://www.gao.gov/assets/gao-21-119sp.pdf>.

<sup>2</sup> "USA Staffing," U.S. OFFICE OF PERS. MGMT., <https://www.opm.gov/services-for-agencies/technology-systems/usa-staffing/> (last visited Mar. 8, 2023).

<sup>3</sup> United States. Office of Management and Budget. OMB Circular A-76. [Washington, D.C.]: Executive Office of the President, Office of Management and Budget.

When OPM made the decision to in-source USAJOBS, OPM’s job posting portal, one of the reasons given was to “facilitate broad competition and innovation by talent acquisition system (TAS) providers, supporting the Federal government hiring process.”<sup>4</sup> Competition and innovation in the provision of federal talent acquisition services certainly would benefit both the federal agencies and the American people. Yet, we have received reports that OPM may be employing practices that prevent competition and lock in a government-developed and operated system – the antithesis of competition and innovation.

An inherent advantage USA Staffing has over private sector TAS providers is its ability to sell its services through an interagency agreement<sup>5</sup> rather than the cumbersome, lengthy and protest-prone federal procurement process. In addition, we have received reports OPM has been pressuring agencies to utilize USA Staffing, to including suggesting agencies would face reduced regulatory scrutiny if they did so. We have also heard concerns that USA Staffing has access to OPM policy decisions and USAJOBS functionality or planned software updates in advance of its competitors, allowing it to begin to develop capabilities and work with agencies to implement these changes prior to the OPM policy or priority being announced publicly. Private TAS providers do not have this advantage and are forced to implement updates immediately with no time to prepare. This not only increases the risk of technical problems for the TAS provider, it could leave its federal agency clients at risk of noncompliance with OPM regulations or place them at a recruiting disadvantage vis-s-vis USA Staffing customers.

Finally, in addition to hindering competition and innovation, we are concerned OPM may be subjecting federal staffing data to a sub-optimal cybersecurity environment. In a November 2022, report, the OPM Inspector General assessed OPM’s cybersecurity maturity level at 3 – *consistently implemented*.<sup>6</sup> This is an improvement over the FY21 score of 2 – *defined*,<sup>7</sup> out of a possible score of 5 – *optimized*. Furthermore, the OIG report highlights a number of areas of concern, to include data protection and privacy and information security continuous monitoring.<sup>8</sup> OPM also received grades of “D” and “F” on cyber-related section of the two most recent FITARA scorecards.<sup>9</sup> Private sector TAS providers, however, are required to be FedRAMP certified,<sup>10</sup> suggesting a higher level of cybersecurity maturity. USA Staffing should be held to the same stringent security requirements as its competitors.

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<sup>4</sup> *Back to the Basics: Is OPM Meeting its Mission: Hearing before the H. Subcomm. On Federal Workforce, U.S. Postal Service and Labor Policy*, 112<sup>th</sup> Cong. (2011) (statement of John Berry, Director, U.S. Office of Pers. Mgmt.), <https://www.opm.gov/news/testimony/112th-congress/back-to-the-basics-is-opm-meeting-its-mission/>.

<sup>5</sup> Submission for Review: Renewal of An Existing Information Collection, USA Staffing’s, Onboarding Features, 87 Fed. Reg. 90, 28040 (May 10, 2022) <https://www.govinfo.gov/content/pkg/FR-2022-05-10/pdf/2022-09983.pdf>.

<sup>6</sup> U.S. OFFICE OF PERS. MGMT., 2022-ISAG-0017, “Final Audit Report: Federal Information Modernization Act Audit – Fiscal Year 2022” (Nov. 15, 2022), <https://www.oversight.gov/sites/default/files/oig-reports/OPM/2022-ISAG-0017.pdf>.

<sup>7</sup> *Id.*

<sup>8</sup> *Id.*

<sup>9</sup> “FITARA Dashboard: Office of Pers. Mgmt.,” MERITALK, <https://fitara.meritalk.com/view/opm> (last visited: Mar. 8, 2022).

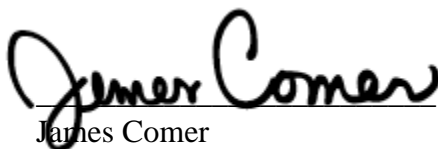
<sup>10</sup> Office of Personnel Management, Information Technology Contract Clauses (Dec. 15, 2015) available at <https://www.opm.gov/about-us/doing-business-with-opm/contracting-opportunities/policies-regulations/opm-specific-information-technology-it-clauses-updated-june-2017.pdf>

To assist Committee Republicans in investigating this issue further, we request you provide the following information to the Committees no later than April 5, 2023:

1. All documents and communications between OPM, to include USA Staffing, and agencies that relates to talent acquisition management system acquisitions.
2. Copies of all USA Staffing marketing materials and sales presentations from January 20, 2021, to the present.
3. All documents, communications, and data regarding the cost of USA Staffing's services, and any comparisons to similar private sector service options.
4. All documents and communications concerning the comparative performance of USA Staffing and other talent-acquisition-management systems, including those pertaining to the metrics used.
5. A summary of all system or software updates relevant to TAS service providers, to include dates when such updates were made available to USA Staffing and private TAS providers. In addition, all documents and communications between USA Staffing and agencies regarding system updates and related troubleshooting.
6. A comparison of USA Staffing's cybersecurity posture and the cybersecurity posture of FedRAMP certified TAS providers.

To make arrangements for document delivery or ask any related questions, please contact the Committee on Oversight and Reform Republican staff at (202) 225-5074. The Committee on Oversight and Reform is the principal oversight committee of the U.S. House of Representatives and has broad authority to investigate "any matter" at "any time" under House Rule X. Thank you in advance for your cooperation with this inquiry.

Sincerely,

A handwritten signature in black ink that reads "James Comer". The signature is written in a cursive, flowing style.

James Comer  
Chairman  
Committee on Oversight and Accountability

cc: The Honorable Jamie Raskin, Ranking Member  
Committee on Oversight and Accountability