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October 31, 2017

The Honorable Trey Gowdy, Chairman
The Honorable Elijah Cummings, Ranking Member
United States House of Representatives
Oversight and Government Reform Committee
2157 Rayburn House Office Building
Washington, DC 20515

Dear Chairman Gowdy, Ranking Member Cummings, and Members of the Committee:

On behalf of the Senior Executives Association (SEA) – which represents the interests of career federal executives in the Senior Executive Service (SES), and those in Senior Level (SL), Scientific and Professional (ST), and equivalent positions – I write to offer perspective on H.R. 1132 the Political Appointee Burrowing Prevention Act.

SEA appreciates efforts to ensure the integrity a merit based civil service represented by this legislation's moniker. However, this legislation is overly complex and has concerning provisions, therefore we urge members to carefully consider the legislation's objectives and develop a new approach.

One of two central provisions of concern is that a political appointee is deciding upon the recommendations of another political appointee to convert a political appointee to a career position. This very notion strikes at the heart of an apolitical, merit based civil service.

The second central provision of concern is contained in the Exception section of the legislation, which says there will be no two-year waiting period for "a political appointee who has not personally and substantially participated in any particular matter while employed in a political position." The Definitions section fails to clarify what this really means, and the end result is a provision that appears to enable immediate conversion of selected political appointees for practically any reason.

If Congress wishes to bring greater transparency to political appointees from converting to career civil service jobs, much simpler legislation could accomplish that goal. Agency heads could be provided non-delegable authority to personally attest that the conversion of an appointee to a career status is critical to the agency, and without the conversion could jeopardize mission accomplishment. The OPM Director could then review this request and provide written certification to the agency head and the House Oversight and Government Reform Committee and the Senate Homeland Security and Governmental Affairs Committee.

Thank you for considering SEA's views on this legislation. If you have any questions or comments regarding SEA's perspective, or would like to speak about these issues in greater detail, please contact SEA Executive Director Jason Briefel at Briefel@seniorexecs.org.

Sincerely,

Bill Valdez
President

Cc: Members of the House Oversight and Government Reform Committee