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June 6, 2017

Dear Senator:

On behalf of the Senior Executives Association (SEA) and its members, who are career federal executives in the Senior Executive Service (SES), and those in Senior Level (SL), Scientific and Professional (ST), and equivalent positions, including those serving at the Department of Veterans Affairs (VA), I write in regret to convey our **opposition to S. 1094**. This legislation's exclusive focus on punitive accountability measures is not the type of positive workforce policy that will enable VA employees to best serve our nations heroes.

Passage of this legislation can only serve to exacerbate VA's workforce management challenges, further straining its ability to attract talent to over 45,000 vacant positions at the agency. As the Congress is well aware, the VA has struggled in recent years to fill critical positions due to systemic issues that have plagued the agency and created a toxic and unmanageable environment. Unfortunately, this legislation fails to address many of those issues, including those identified by the Government Accountability Office (GAO).<sup>1</sup>

Further, SEA is vehemently opposed to provisions in this legislation that would eliminate essential protections provided by Congress to career federal executives and enable undue or politically influenced terminations of dedicated VA senior executives. These provisions strike at the heart of the career-run merit based civil service system by empowering the VA Secretary and political appointees to conduct wholesale political firings of VA senior executives. Coupled with provisions to provide direct hire authority for medical center directors and VISN directors, this legislation could trigger a return to the spoils system of patronage that was a hallmark of the federal civilian workforce prior to the passage of the Pendleton Act of 1883, and it's modernizing legislation the Civil Service Reform Act of 1978 (CSRA). Enacting such provisions is not in veterans' best interest.

Please do not interpret our opposition to this legislation as a defense for under-performing civil servants. SEA is on record supporting stronger accountability initiatives for civil service employees, including career senior executives, who fail to perform in their jobs. But we also believe that these accountability measures should be balanced by a new risk/reward framework that incentivizes high performing civil servants and encourages them to excel in the delivery of their vital mission of taking care of our veterans.

SEA would welcome an opportunity to work with Congress to develop a forward-thinking accountability framework that holds all civil servants accountable for misconduct or poor performance, while investing in the development and capability of civil servants to achieve an agency's mission and incentivizing them to complete work in the most effective and efficient manner possible. We believe developing such a framework would yield improved results than this misguided legislation. SEA is committed to the continued improvement of the federal government and the services we provide to the American people, and will continue to advocate for serious policy proposals to deliver upon those objectives.

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<sup>1</sup> Government Accountability Office, 2017, Veterans Health Administration: Management Attention Is Needed to Address Systemic, Long-standing Human Capital Challenges <https://www.gao.gov/products/GAO-17-30>.

We fully understand that there are serious challenges facing the VA. Unfortunately, this legislation is not the solution. Thank you for considering SEA's views. If you have any questions or comments, please contact SEA's Executive Director Jason Briefel at 202-971-3300; [briefel@seniorexecs.org](mailto:briefel@seniorexecs.org).

Sincerely,

A handwritten signature in black ink, appearing to read "Bill Valdez". The signature is fluid and cursive, with the first name "Bill" and last name "Valdez" clearly distinguishable.

BILL VALDEZ  
President