



January 21, 2015

The Honorable Jeff Miller  
Chairman  
House Committee on Veterans' Affairs  
335 Cannon House Office Building  
Washington, DC 20515

The Honorable Corinne Brown  
Ranking Member  
House Committee on Veterans' Affairs  
333 Cannon House Office Building  
Washington, DC 20515

Dear Chairman Miller and Ranking Member Brown:

As you know, the Senior Executives Association (SEA) 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. On behalf of the Association, and of the SEA members who serve at the Department of Veterans Affairs (VA), I write express significant concerns with recently introduced legislation (H.R. 280) that would enable the VA Secretary to "claw back" bonuses to VA employees.

Given that the VA has already taken the extraordinary step of voluntarily banning performance awards for Senior Executives, it is unclear why such legislation is necessary. Furthermore, SEA questions the constitutionality of a bill that allows an agency to take back an award that has already been paid.

As you know, the government-wide SES system was set up as a pay for performance system by the Bush Administration. Performance awards are based on annual performance plans that take into account an Executive's specific duties and line of sight. Performance reviews are also conducted annually and subject to a higher level review and ultimately signed off on by the Secretary. The view that a Secretary would need the authority to "claw back" a performance award would mean that the system of granting such awards is broken. Such awards are given for strong performance and taking them after the fact is nothing more than blatant punishment – and could be utilized for reasons that are optically and politically motivated.

Over the past year, SEA has watched as Congress has called for the termination of individual Senior Executives along with the rescinding of their performance awards. SEA is strongly

concerned that allowing a political appointee to take back performance awards for any reason could well politicize such awards and allow political appointees and Congress to use the threat of rescinding bonuses to target individual employees without any evidence of wrongdoing.

That being said, SEA does believe that any awards that can clearly be shown through an investigation and impartial hearing to have been awarded on the basis of fraudulent actions or accomplishments should be rescinded.

SEA has long called for reforms to the SES performance management system to ensure it is utilized to incentivize the best performance. The Association looks forward to working with the Committee to develop such reforms. In addition, however, SEA encourages the Committee to focus on the systemic issues that have been raised on conjunction with the VA scandal – shortage of doctors and nurses, outdated IT systems, and an influx of patients. While the Committee should absolutely call for the agency to hold employees accountable, SEA fails to see how continuing to politicize the system and punish employees accomplishes that goal.

Sincerely,

A handwritten signature in black ink that reads "Carol A. Bonosaro". The signature is written in a cursive, slightly slanted style.

CAROL A. BONOSARO  
President