



SENIOR
EXECUTIVES
ASSOCIATION

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March 20, 2024

The Honorable Jen Kiggans
Chairwoman
Subcommittee on Oversight and Investigations
Committee on Veterans' Affairs
Washington, DC 20515

The Honorable Frank Mrvan
Ranking Member
Subcomm. on Oversight and Investigations
Committee on Veterans' Affairs
Washington, DC 20515

RE: SEA comments for Legislative Hearing on Pending Legislation

Dear Chairwoman Kiggans, Ranking Member Mrvan, and Members of the Subcommittee:

On behalf of the Senior Executives Association (SEA) – which represents the interests of career federal executives in the Senior Executive Service (SES), those in Senior Level (SL), Scientific and Professional (ST) and equivalent positions and other senior career federal leaders, including our members at the Department of Veterans Affairs (VA) – I write to provide SEA's comments on four bills that will be considered at the Subcommittee's March 21 legislative hearing.

H.R. XXXX, Required Notation of Investigation in Personnel Record File Act

SEA has concerns with this bill as drafted. Congress, led in part by this Committee's prior leadership, passed a law nearly a decade ago, requiring a permanent notation in the Official Personnel Record of any federal employee who voluntarily separates before the resolution of a personnel investigation when an adverse finding is subsequently made. That law, [5 USC §3322](#), unlike this proposal, provides due process to the employee by giving them advance notification of the resolution of the investigation and an opportunity to respond to its findings.

If Congress is still concerned about this issue, it could use its oversight authority by seeking information from the VA and the Office of Personnel Management (OPM) about 5 USC 3322's implementation.

H.R. XXXX, Reporting Performance Plans for VA Political Appointees Act

SEA believes that political leaders play a critical role in the successful management of federal agencies and should be held accountable for their performance. Congress recognized the importance of this for the VA when it approved specific elements of political appointee performance plans around the employee talent development lifecycle. 38 U.S.C. § 725

While we appreciate the spirit of this proposal – seeking to validate if and how the Department is following through implementing the law, and what other priorities appointees of the agency have and how they would be rated on their performance - but question whether this is the best approach.

In soliciting feedback on this proposal from our membership, concerns were expressed about Congress micromanaging performance plans by reviewing each and every one which could cause appointees to set lower metrics and goals to ensure expectations can be met.

There may be better options for Congress to perform its oversight function than to review individual performance plans. Federal agencies, including VA, report publicly on Performance.gov their agency priority goals, their strategic plans, learning agendas, performance plans and quarterly reports. To strengthen its oversight capabilities, Congress should seek to understand how the Secretary and Departmental leadership are using performance information to hold its appointees accountable for serving Veterans. This may be a topic that would be ideal for study by the National Academy of Public Administration (NAPA), or a similar independent and well-respected non-profit.

H.R. 6531, TRAIN VA Employees Act

SEA believes that supervisor and executive development is critical and often overlooked. However, this bill should be reconsidered before advancing in an amended form.

SEA believes a better strategy would be to focus on the desired outcomes and associated measures of effectiveness, and leave the implementation process to the VA. As written, there is a high likelihood this bill will produce check-the-box training (albeit expensive, in-person training) because the only accountability seems to be "did you do it" not "was it effective." Moreover, some of these training topics are already covered by existing law and available from OPM.

H.R. 6538, VA Correct Compensation Act

SEA supports this bipartisan bill which would amend existing law to allow for certain healthcare providers at the VA to grieve errors in their compensation. All VA employees have a right to their full paycheck, and we commend the leaders of this Committee for working together to close this loophole.

If you wish to further discuss SEA's views, we would be pleased to meet. Please contact SEA Director of Policy & Outreach Jason Briefel at Jason.Briefel@seniorexecs.org, who can coordinate such a discussion.

Sincerely,



Marcus L. Hill
President