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July 6, 2016

Dear Representative:

On behalf the Senior Executives Association (SEA) and its members, I urge Members to **oppose H.R. 4361** – the so-called Government Reform and Improvement Act of 2016, which includes several highly likely unconstitutional provisions targeting the men and women who serve our nation in the federal government’s Senior Executive Service (SES). If passed into law, this bill will not yield an improved or reformed government.

In January, when several of the bills underlying this legislative package were considered by the House Oversight and Government Reform Committee, SEA conveyed its opposition to H.R. 4358 along with comments and suggested improvements it and the other considered bills in a [letter](#).

While SEA agrees that elements of the SES system are in need of reform, the purposeful inclusion of likely constitutionally deficient provisions contained in Title IV is not the way to get there. It also wastes valuable time and resources that could be better spent working towards meaningful reforms. Efforts by SEA and the Oversight Committee minority to express concerns about these provisions, including the fact that the constitutionality of those provisions was the subject of judicial review in *Helman v. Department of Veterans Affairs*, No. 15-3086 (Fed. Cir.), were ignored. Barely a month ago the Attorney General [wrote to Congress](#) to inform the Speaker that she agreed elements of the Veterans Access, Choice, and Accountability Act of 2014, which directly informed the SES Accountability provisions, violated the Constitution and a challenge against them would not be fought. Therefore, SEA **supports the Norton Amendment**, yet still has concerns about other elements of the SES components to the legislation, among others.

SEA, and our colleagues in the Government Managers Coalition (GMC) expressed in a [letter](#) our sentiments regarding H.R. 3023 and extending the probationary period for new hires in the federal government to the Oversight Committee in January. We support modifications to the existing probationary period to accommodate the needs of agencies with a longer training period; however, felt that H.R. 3023, while a step in the right direction, did not provide agencies needed flexibility.

SEA and its members welcome a dialogue about ways to truly reform and improve our federal government. Unfortunately, this legislation suggests more of an interest in the *appearance* of reforming and improving government than a *real commitment* to undertaking the hard work of understanding what the real problems are, working with stakeholders to craft a solution, and holding parties responsible to see improvements through to a conclusion.

Thank you for considering SEA’s views. If you have any questions or comments regarding this request, please contact SEA’s Senior Legislative & Media Coordinator Nikki Cannon at 202-463-8400; [ncannon@shawbransford.com](mailto:ncannon@shawbransford.com).

Sincerely,

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

JASON BRIEFEL

Interim President