



The voice of career federal executives since 1980

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June 29, 2020

Dear Senator:

In 2019, 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 – and a group of university researchers released a report entitled, [Are Declines in U.S. Federal Workforce Capabilities Putting Our Government at Risk of Failing?](#) The report detailed how long-neglected governing institutions faced with multiple crises could fail the American people when they need it most. The COVID-19 pandemic has proved these fears true.

The capacity and capabilities of agencies across the federal government – indeed at all levels of government – are a national security concern. Our nation’s public service infrastructure needs a top to bottom overhaul, and we cannot wait for another pandemic, or even a second wave of this one, to make that any more apparent.

As the Senate considers the FY2021 National Defense Authorization Act (NDAA; S. 4049), I write to provide our perspective on several civilian personnel provisions included in the bill. I also call on the Senate to heed the recommendations of three congressionally-chartered Commissions – put in place by recent NDAA’s – to take urgent action to modernize the civil service by enacting their recommendations.

SEA supports the following provisions of S. 4049:

- Section 1101, Enhanced pay authority for certain acquisition and technology positions in the Department of Defense.
- Section 1102, Enhanced pay authority for certain research and technology positions in the science and technology reinvention laboratories of the Department of Defense.
- Section 1103, Extension of enhanced appointment and compensation authority for personnel for care and treatment of wounded and injured members of the Armed Forces.
- Section 1107, Pilot program on enhanced pay authority for certain high-level management positions in the Department of Defense.
- Section 1108, Pilot program on expanded authority for appointment of recently retired members of the Armed Forces to positions in the Department of Defense.
- Section 1109, Direct hire authority and relocation incentives for positions at remote locations.

- Section 1111, One-year extension of temporary authority to grant allowances, benefits, and gratuities to civilian personnel on official duty in a combat zone.
- Section 1112, One-year extension of authority to waive annual limitation on premium pay and aggregate limitation non pay for federal civilian employees working overseas.
- Section 1113, Technical amendments to authority for reimbursement of federal, state, and local income taxes incurred during travel, transportation, and relocation.

These provisions will ensure the Department can hire and appropriately compensate experts and leaders for critical national security roles.

SEA is skeptical of Section 1106, Extension of sunset of inapplicability of certification of executive qualifications by a Qualification Review Board (QRB) of Office of Personnel Management for initial appointments to Senior Executive Service positions in Department of Defense.

In 2018, SEA [cautiously endorsed the pilot program](#) to allow DOD to appoint up to 50 members of the Senior Executive Service (SES) without adherence to government-wide provisions of 5 USC 3393 due to the transparency and reporting requirements built into the legislation. The original pilot program, authorized in FY 2019 NDAA, included transparency and disclosure requirements. No such disclosures have been made. Absent any public data and evidence from the DOD pilot and some independent validation of the process and candidates selected, SEA encourages Congress to push the Department to furnish such evidence for public review as a condition for supporting a two-year extension of the pilot program. Absent any oversight or scrutiny, no one knows who DOD has been hiring under this authority and into which roles.

SEA vehemently opposes Congress expanding DOD's pilot authority to appoint a limited number of career SES per year without the statutory QRB process (5 USC 3393) to other agencies absent evidence and independent review that the process is able to maintain merit system principles and merit selection for career members of the Senior Executive Service, the government's most senior career leaders. The QRB process is a critical safeguard in the merit system.

This year's NDAA comes as our nation is experiencing an unprecedented national crisis, our civilian personnel system has proven it needs a dramatic overhaul to better meet the needs of the American people.

Our federal government's response to the COVID-19 pandemic has highlighted how the federal workforce struggles to respond to rapidly involving threats due to a lack of interagency collaboration, effective workforce planning, and technology modernization. The Government Accountability Office (GAO) explained in a [report](#) last week detailing the federal government's response to the pandemic that in "requiring an unprecedented level of dedication and agility among the federal workforce... tradeoffs were made" and "agencies have made only limited progress so far in achieving transparency and accountability goals."

The inability of our federal government to effectively and transparently provide necessary services to the American people in times of need is a national security concern which requires the immediate attention of Congress.

In the Fiscal Year 2017 NDAA, Congress created the National Commission on Military, National, and Public Service to, among other things, research methods for improving the public sector workforce to meet the needs of the nation. The Commission carefully weighed the input of the American people, agency leaders, and stakeholders, including SEA, to craft [recommendations we wholeheartedly endorse](#). These recommendations strike to the core of the issues GAO raised in the pandemic response report and in reports for many years which highlight human capital management as the government's greatest high risk area.

While many recommendations of the National Commission require additional Congressional inquiry, there are several that SEA believes can have an immediate impact on our federal government's ability to respond to national security threats and secure access to the talent the government needs to succeed. The following National Commission recommendations – all which have pre-drafted legislative language - should be prioritized by the Senate for inclusion in the FY 2021 NDAA:

- Expand national service programs targeting diverse populations – Recommendation 17A
- Reduce hardship in provision of wraparound services – Recommendation 17B
- Remote participation in Peace Corps volunteer programs – Recommendation 20A
- Increase the use of term and temporary appointments – Recommendation 21F
- Expand use of direct-hire authority – Recommendation 22C
- Standardize and extend noncompetitive eligibility – Recommendation 23B
- Improve the Pathways Internship and Recent Graduate hiring programs – Recommendation 24A
- Pilot new hiring programs for critical skills – Recommendation 24B
- Implement technical correction for direct-hire authority for students and recent graduates – Recommendation 24D
- Streamline and expand fellowship and scholarship programs – Recommendation 24E
- Streamline federal healthcare professional hiring; credential portability – Recommendation 26

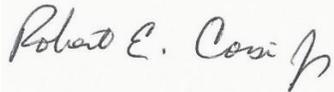
Congress this year also received the reports and recommendations from two additional congressionally-chartered Commissions, the National Security Commission on Artificial Intelligence (NSCAI) and the Cyberspace Solarium Commission (CSC). On May 7, these commissions joined the National Commission in a [joint letter to the Armed Services Committees](#) encouraging the committees to advance each of their respective sets of federal and national security workforce recommendations. SEA encourages the Senate to carefully consider these recommendations and push for their inclusion in the NDAA.

The COVID-19 pandemic has made clear that if we as Americans want our federal government to be responsive to public needs and succeed in the future, Congress must take action now, during the 116th Congress, to lay that foundation for success.

Congress must take steps now to improve public service and strengthen the federal workforce. The war for talent grows more competitive every day, and every year Congress fails to take substantial and comprehensive action, the government loses ground.

SEA stands ready to assist in this shared effort, and appreciates your consideration of the association's perspective. Please contact Jason Briefel (Jason.Briefel@seniorexecs.org; 202-971-3300) if the association can provide any further assistance.

Sincerely,

A handwritten signature in black ink that reads "Robert E. Corsi, Jr." The signature is written in a cursive style and is placed on a light gray rectangular background.

Robert E. Corsi, Jr.
Interim President