

June 22, 2015

The Honorable Ron Johnson  
Chairman  
Committee on Homeland Security  
and Governmental Affairs  
United States Senate  
Washington, D.C. 20510

The Honorable Tom Carper  
Ranking Member  
Committee on Homeland Security  
and Governmental Affairs  
United States Senate  
Washington, D.C. 20510

Dear Chairman Johnson and Ranking Member Carper,

As National President of the Federal Managers Association (FMA), which represents managers and supervisors throughout the federal government, I strongly urge you to oppose S. 742, the Stop Wasteful Federal Bonuses Act, which your committee will mark up this week. The legislation will prohibit a federal agency from awarding a bonus to any employee for five years after the end of a fiscal year in which the Inspector General of the agency or another senior ethics official or the Government Accountability Office Comptroller General makes an adverse finding.

Adverse findings can result in a range of penalties and personnel actions, from written warnings to terminations. Yet the legislation would impose harsh consequences – a ban on bonuses for five years – upon all employees subject to an adverse finding, regardless of their underlying conduct. Distinct behavior should trigger punishment that reflects proportionality between the offense and the penalty. Penalizing an outstanding, high performing employee for a minor violation is entirely different from taking action against an employee who has violated the law through reckless negligence or criminal behavior.

The bill's proposed plan for recouping previously awarded bonuses lacks due process, as the bill fails to afford any type of administrative hearing before a federal employee may be stripped of a bonus in any year in which an adverse finding is made. Our system of law recognizes the right of a hearing before a neutral third-party before property may be taken by the government. No consideration is given to connect the bonus awarded and the adverse finding. Federal employees could be unjustly punished despite previous outstanding work.

During a hearing before the Subcommittee on Regulatory Affairs and Federal Management on May 20, FMA testified on the problems federal departments and agencies face concerning recruiting and retaining a capable workforce. This legislation does not address the root problems of performance and does not encourage members of the federal workforce to go above and beyond the call of duty. FMA hopes to work with the Committee to create long lasting solutions that promote efficiency and excellence. Should you have any questions or



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concerns, please contact FMA's Government Affairs Director Greg Stanford at [gstanford@fedmanagers.org](mailto:gstanford@fedmanagers.org) or 703-683-8700, ext. 104.

Sincerely,

A handwritten signature in blue ink, which appears to read 'Patricia J. Niehaus'. The signature is fluid and cursive, with a large initial 'P'.

Patricia J. Niehaus  
National President

Cc: Members of the Committee on Homeland Security and Governmental Affairs