

HR 1994

VA Accountability Act of 2015

Congress: 114 (2015–2017, Ended)

Chamber: House

Policy Area: Armed Forces and National Security

Introduced: Apr 23, 2015

Current Status: Received in the Senate and Read twice and referred to the Committee on Veterans' Affairs.

Latest Action: Received in the Senate and Read twice and referred to the Committee on Veterans' Affairs. (Jul 30, 2015)

Official Text: <https://www.congress.gov/bill/114th-congress/house-bill/1994>

Sponsor

Name: Rep. Miller, Jeff [R-FL-1]

Party: Republican • **State:** FL • **Chamber:** House

Cosponsors (99 total)

Cosponsor	Party / State	Role	Date Joined
Rep. Abraham, Ralph Lee [R-LA-5]	R · LA		Apr 23, 2015
Rep. Benishek, Dan [R-MI-1]	R · MI		Apr 23, 2015
Rep. Costello, Ryan A. [R-PA-6]	R · PA		Apr 23, 2015
Rep. Huelskamp, Tim [R-KS-1]	R · KS		Apr 23, 2015
Rep. Murphy, Tim [R-PA-18]	R · PA		Apr 23, 2015
Rep. Babin, Brian [R-TX-36]	R · TX		Apr 28, 2015
Rep. Latta, Robert E. [R-OH-5]	R · OH		Apr 28, 2015
Del. Radewagen, Aumua Amata Coleman [R-AS-At Large]	R · AS		Apr 29, 2015
Rep. Rouzer, David [R-NC-7]	R · NC		Apr 29, 2015
Rep. Sinema, Kyrsten [D-AZ-9]	D · AZ		Apr 29, 2015
Rep. Bilirakis, Gus M. [R-FL-12]	R · FL		Apr 30, 2015
Rep. Farenthold, Blake [R-TX-27]	R · TX		Apr 30, 2015
Rep. Westmoreland, Lynn A. [R-GA-3]	R · GA		May 1, 2015
Rep. Carter, Earl L. "Buddy" [R-GA-1]	R · GA		May 12, 2015
Rep. Dent, Charles W. [R-PA-15]	R · PA		May 12, 2015
Rep. Hensarling, Jeb [R-TX-5]	R · TX		May 12, 2015
Rep. Jones, Walter B., Jr. [R-NC-3]	R · NC		May 12, 2015
Rep. Joyce, David P. [R-OH-14]	R · OH		May 12, 2015
Rep. Lawrence, Brenda L. [D-MI-14]	D · MI		May 12, 2015
Rep. Rothfus, Keith J. [R-PA-12]	R · PA		May 12, 2015
Rep. Smith, Lamar [R-TX-21]	R · TX		May 12, 2015
Rep. Stewart, Chris [R-UT-2]	R · UT		May 12, 2015
Rep. Bishop, Mike [R-MI-8]	R · MI		May 13, 2015
Rep. Boustany, Charles W., Jr. [R-LA-3]	R · LA		May 13, 2015
Rep. Buchanan, Vern [R-FL-16]	R · FL		May 13, 2015
Rep. Cramer, Kevin [R-ND-At Large]	R · ND		May 13, 2015
Rep. Emmer, Tom [R-MN-6]	R · MN		May 13, 2015
Rep. Kline, John [R-MN-2]	R · MN		May 13, 2015
Rep. Lamborn, Doug [R-CO-5]	R · CO		May 13, 2015
Rep. McMorris Rodgers, Cathy [R-WA-5]	R · WA		May 13, 2015
Rep. McSally, Martha [R-AZ-2]	R · AZ		May 13, 2015
Rep. Peters, Scott H. [D-CA-52]	D · CA		May 13, 2015
Rep. Price, Tom [R-GA-6]	R · GA		May 13, 2015
Rep. Zeldin, Lee M. [R-NY-1]	R · NY		May 13, 2015
Rep. DeSantis, Ron [R-FL-6]	R · FL		May 19, 2015
Rep. Hill, J. French [R-AR-2]	R · AR		May 20, 2015
Rep. Yoho, Ted S. [R-FL-3]	R · FL		May 20, 2015
Rep. Gibbs, Bob [R-OH-7]	R · OH		May 21, 2015
Rep. Sensenbrenner, F. James, Jr. [R-WI-5]	R · WI		May 21, 2015
Rep. Hice, Jody B. [R-GA-10]	R · GA		Jun 1, 2015
Rep. McCaul, Michael T. [R-TX-10]	R · TX		Jun 1, 2015

Cosponsor	Party / State	Role	Date Joined
Rep. Pearce, Stevan [R-NM-2]	R · NM		Jun 1, 2015
Rep. Salmon, Matt [R-AZ-5]	R · AZ		Jun 1, 2015
Rep. Thornberry, Mac [R-TX-13]	R · TX		Jun 1, 2015
Rep. Knight, Stephen [R-CA-25]	R · CA		Jun 2, 2015
Rep. LaMalfa, Doug [R-CA-1]	R · CA		Jun 2, 2015
Rep. Amodei, Mark E. [R-NV-2]	R · NV		Jun 3, 2015
Rep. Simpson, Michael K. [R-ID-2]	R · ID		Jun 3, 2015
Rep. Roby, Martha [R-AL-2]	R · AL		Jun 4, 2015
Rep. Coffman, Mike [R-CO-6]	R · CO		Jun 9, 2015
Rep. Hunter, Duncan D. [R-CA-50]	R · CA		Jun 9, 2015
Rep. Loudermilk, Barry [R-GA-11]	R · GA		Jun 9, 2015
Rep. Messer, Luke [R-IN-6]	R · IN		Jun 9, 2015
Rep. Graves, Tom [R-GA-14]	R · GA		Jun 10, 2015
Rep. Johnson, Bill [R-OH-6]	R · OH		Jun 11, 2015
Rep. Carter, John R. [R-TX-31]	R · TX		Jun 15, 2015
Rep. Culberson, John Abney [R-TX-7]	R · TX		Jun 15, 2015
Rep. Hurd, Will [R-TX-23]	R · TX		Jun 15, 2015
Rep. Walorski, Jackie [R-IN-2]	R · IN		Jun 15, 2015
Rep. Weber, Randy K., Sr. [R-TX-14]	R · TX		Jun 15, 2015
Rep. Williams, Roger [R-TX-25]	R · TX		Jun 15, 2015
Rep. Gosar, Paul A. [R-AZ-4]	R · AZ		Jun 16, 2015
Rep. Wittman, Robert J. [R-VA-1]	R · VA		Jun 16, 2015
Rep. Curbelo, Carlos [R-FL-26]	R · FL		Jun 17, 2015
Rep. Zinke, Ryan K. [R-MT-At Large]	R · MT		Jun 17, 2015
Rep. Olson, Pete [R-TX-22]	R · TX		Jun 23, 2015
Rep. Perry, Scott [R-PA-4]	R · PA		Jun 23, 2015
Rep. Rooney, Thomas J. [R-FL-17]	R · FL		Jun 23, 2015
Rep. Tipton, Scott R. [R-CO-3]	R · CO		Jun 23, 2015
Rep. Guinta, Frank C. [R-NH-1]	R · NH		Jun 24, 2015
Rep. Hudson, Richard [R-NC-8]	R · NC		Jun 24, 2015
Rep. Pittenger, Robert [R-NC-9]	R · NC		Jun 24, 2015
Rep. Goodlatte, Bob [R-VA-6]	R · VA		Jun 25, 2015
Rep. Mica, John L. [R-FL-7]	R · FL		Jun 25, 2015
Rep. Barr, Andy [R-KY-6]	R · KY		Jul 7, 2015
Rep. Garrett, Scott [R-NJ-5]	R · NJ		Jul 7, 2015
Rep. Lummis, Cynthia M. [R-WY-At Large]	R · WY		Jul 9, 2015
Rep. Walberg, Tim [R-MI-7]	R · MI		Jul 9, 2015
Rep. Webster, Daniel [R-FL-10]	R · FL		Jul 9, 2015
Rep. Bost, Mike [R-IL-12]	R · IL		Jul 15, 2015
Rep. Ellmers, Renee L. [R-NC-2]	R · NC		Jul 15, 2015
Rep. Rigell, E. Scott [R-VA-2]	R · VA		Jul 15, 2015
Rep. Brat, Dave [R-VA-7]	R · VA		Jul 16, 2015

Cosponsor	Party / State	Role	Date Joined
Rep. Gibson, Christopher P. [R-NY-19]	R · NY		Jul 16, 2015
Rep. Marino, Tom [R-PA-10]	R · PA		Jul 16, 2015
Rep. Herrera Beutler, Jaime [R-WA-3]	R · WA		Jul 20, 2015
Rep. Love, Mia B. [R-UT-4]	R · UT		Jul 20, 2015
Rep. Newhouse, Dan [R-WA-4]	R · WA		Jul 20, 2015
Rep. Walters, Mimi [R-CA-45]	R · CA		Jul 20, 2015
Rep. Flores, Bill [R-TX-17]	R · TX		Jul 21, 2015
Rep. Frelinghuysen, Rodney P. [R-NJ-11]	R · NJ		Jul 21, 2015
Rep. Granger, Kay [R-TX-12]	R · TX		Jul 21, 2015
Rep. Palazzo, Steven M. [R-MS-4]	R · MS		Jul 21, 2015
Rep. Poe, Ted [R-TX-2]	R · TX		Jul 21, 2015
Rep. Allen, Rick W. [R-GA-12]	R · GA		Jul 22, 2015
Rep. Cook, Paul [R-CA-8]	R · CA		Jul 22, 2015
Rep. Katko, John [R-NY-24]	R · NY		Jul 22, 2015
Rep. Young, David [R-IA-3]	R · IA		Jul 22, 2015
Rep. Thompson, Glenn [R-PA-5]	R · PA		Jul 23, 2015

Committee Activity

Committee	Chamber	Activity	Date
Oversight and Government Reform Committee	House	Discharged From	Jul 23, 2015
Veterans' Affairs Committee	House	Reported by	Jun 25, 2015
Veterans' Affairs Committee	Senate	Referred To	Jul 30, 2015

Subjects & Policy Tags

Policy Area:

Armed Forces and National Security

Related Bills

Bill	Relationship	Last Action
114 S 3330	Related bill	Sep 14, 2016: Read twice and referred to the Committee on Veterans' Affairs.
114 HR 3909	Related bill	Dec 3, 2015: Referred to the Subcommittee on Health.
114 S 1082	Related bill	Nov 3, 2015: By Senator Isakson from Committee on Veterans' Affairs filed written report. Report No. 114-163. Minority views filed.
114 HRES 388	Related bill	Jul 29, 2015: Motion to reconsider laid on the table Agreed to without objection.

VA Accountability Act of 2015

(Sec. 2) This bill authorizes the Department of Veterans Affairs (VA) to remove or demote a VA employee based on performance or misconduct.

The VA may also remove an individual from the civil service or demote the individual through a reduction in grade or annual pay rate.

A demoted individual: (1) shall be paid at the demoted rate as of the date of demotion, (2) may not be placed on administrative leave or any other category of paid leave while an appeal is ongoing, and (3) may only receive pay and other benefits if the individual reports for duty.

The VA shall notify Congress of, and the reason for, any removal or demotion.

An employee shall have the right to an appeal before the Merit Systems Protection Board within seven days of removal or demotion. If an administrative judge does not make a final decision within 45 days the original decision becomes final. The Board or an administrative judge may not stay any removal or demotion.

Between the date on which an individual appeals a removal from the civil service and the date on which the administrative judge issues a final decision on the appeal, the individual may not receive any pay, awards, bonuses, incentives, allowances, differentials, student loan repayments, special payments, or benefits.

The VA may not remove or demote an employee during the pendency of a whistle blower complaint made to the VA Office of Special Counsel or to the central whistle blower office until a final decision has been made.

The Special Counsel may terminate an investigation of a prohibited personnel practice alleged by a VA employee or former employee after it has given the individual a written statement of the reasons for the termination.

(Sec. 3) An individual's appointment to a permanent position within the competitive service or as a career appointee within the Senior Executive Service (SES) shall become final after an 18-month probationary period, which the VA may extend. Final appointment shall be made by the employee's supervisor.

(Sec. 4) There is established an additional method for filing whistle blower complaints in which a VA employee may file such complaints with his or her immediate and next-level supervisors, and ultimately with the VA after having properly filed a complaint at each supervisory level.

If a supervisor makes a positive determination regarding such complaint the VA shall: (1) inform the employee of the ability to volunteer for a transfer, and (2) give preference to such transfer.

The VA may not exempt any employee from such whistle blower coverage.

The central whistle blower office shall be responsible for investigating all VA whistle blower complaints, regardless of whether such complaints are made by or against an employee who is not a SES member.

The VA shall ensure that the central whistle blower office:

- is not an element of the Office of the General Counsel;

is not headed by an official who reports to the General Counsel;

- does not provide, or receive from, the General Counsel any information regarding a whistle blower complaint except pursuant to an action regarding the complaint before an administrative body or court; and
- does not provide advice to the General Counsel.

The VA shall carry out the following adverse actions against a supervisor who commits a prohibited personnel action relating to a whistle blower complaint:

- for a first offense, an adverse action that is not less than a 14-day suspension and not more than removal; and
- for a second offense, removal.

A supervisor subject to an adverse employment action shall have five days to respond to a notification of the proposed action, and if the supervisor's response is inadequate or untimely, the adverse action will take effect.

The criteria used to evaluate a supervisor's performance shall include whistle blower-related actions.

A supervisor who commits a prohibited personnel action shall not be paid any award or bonus for a one-year period, and any award or bonus paid during that period shall be recouped.

VA employees shall receive annual whistle blower complaint training.

(Sec. 5) The VA shall provide five annual performance level ratings for SES employees as follows:

- outstanding,
- exceeds fully successful,
- fully successful,
- minimally satisfactory, and
- unsatisfactory.

The number of employees who may receive outstanding or exceeds fully successful ratings in each year is limited.

At least once every five years the VA shall reassign each individual employed in an SES position to a position at a different location that does not include the supervision of the same personnel or programs. The VA may waive this requirement if it notifies Congress of the waiver and the reasons for it.

The VA shall enter into a contract with a nongovernmental entity to review the SES management training program.

(Sec. 6) The VA shall reduce the federal annuity of an individual removed from the SES who: (1) is convicted of a felony that influenced his or her performance while employed in that position, and (2) was afforded prior notice and an opportunity for a hearing conducted by another department or federal agency.

The VA may reduce the federal annuity of an individual convicted of such a felony and who was subject to removal or transfer from the SES, but who left the VA before final action was taken.

(Sec. 7) The VA may not place an employee on administrative leave or any other type of paid non-duty status for more than a total of 14 days during any 365-day period. The VA may waive this prohibition if it gives Congress a detailed explanation of the reasons the employee was placed on such leave or status and the reasons for extending that placement.

(Sec. 8) Congressional testimony by a VA employee in his or her official capacity shall be considered official duty, and the VA shall provide any such employee with travel expenses, including per diem in lieu of subsistence, during the period when the employee is so testifying.

(Sec. 9) The Veterans Access, Choice, and Accountability Act of 2014 is amended to reduce to \$300 million the aggregate amount of awards and bonuses that may be paid by the VA in each of FY2015-FY2018.

(Sec. 10) The Government Accountability Office shall study the amount of time spent by VA employees carrying out labor organizing activities and the amount of VA space used for such activities.

(Sec. 11) The VA Inspector General shall submit to the VA and to Congress any report that recommends actions to address an issue with respect to public health or safety relating to misconduct by a VA employee.

Such a report shall include: (1) an explanation of any VA-recommended changes to the report during the period in which the Inspector General was preparing the report, and (2) the names of each responsible manager (which the Inspector General shall not make public).

The VA: (1) shall notify each responsible manager within seven days and provide such person with appropriate counseling and a mitigation plan to resolve the issue, and (2) may not pay any bonus or award to such manager if an issue is unresolved.

Actions Timeline

- **Jul 30, 2015:** Received in the Senate and Read twice and referred to the Committee on Veterans' Affairs.
- **Jul 29, 2015:** Considered under the provisions of rule H. Res. 388. (consideration: CR H5623-5627, H5627-5640)
- **Jul 29, 2015:** Previous question shall be considered as ordered without intervening motions except motion to recommit with or without instructions. All points of order against consideration of the bills are waived. For H.R. 1994, The committee amendment in the nature of a substitute shall be considered as read. No amendment will be in order except those printed in the report accompanying the resolution .
- **Jul 29, 2015:** House resolved itself into the Committee of the Whole House on the state of the Union pursuant to H. Res. 388 and Rule XVIII.
- **Jul 29, 2015:** The Speaker designated the Honorable Jeff Fortenberry to act as Chairman of the Committee.
- **Jul 29, 2015:** GENERAL DEBATE - The Committee of the Whole proceeded with one hour of general debate on H.R. 1994.
- **Jul 29, 2015:** The Committee rose informally to receive a message from the President.
- **Jul 29, 2015:** GENERAL DEBATE - The Committee of the Whole resumed its sitting.
- **Jul 29, 2015:** DEBATE - Pursuant to the provisions of H. Res. 388, the Committee of the Whole proceeded with 10 minutes of debate on the Benishek amendment No. 1.
- **Jul 29, 2015:** DEBATE - Pursuant to the provisions of H. Res. 388, the Committee of the Whole proceeded with 20 minutes of debate on the Takano amendment in the nature of a substitute No. 2.
- **Jul 29, 2015:** POSTPONED PROCEEDINGS - At the conclusion of debate on the Takano amendment in the nature of a substitute the Chair put the question on adoption of the amendment and by voice vote, announced that the noes had prevailed. Mr. Takano demanded a recorded vote and the Chair postponed further proceedings on the question of adoption of the amendment until a time to be announced.
- **Jul 29, 2015:** Mr. Miller (FL) moved that the Committee rise.
- **Jul 29, 2015:** On motion that the Committee rise Agreed to by voice vote.
- **Jul 29, 2015:** Committee of the Whole House on the state of the Union rises leaving H.R. 1994 as unfinished business.
- **Jul 29, 2015:** Considered as unfinished business. (consideration: CR H5650-5653)
- **Jul 29, 2015:** The House resolved into Committee of the Whole House on the state of the Union for further consideration.
- **Jul 29, 2015:** UNFINISHED BUSINESS - The Chair announced that the unfinished business was the question of adoption of an amendment which had been debated earlier and on which further proceedings were postponed.
- **Jul 29, 2015:** The House rose from the Committee of the Whole House on the state of the Union to report H.R. 1994.
- **Jul 29, 2015:** The previous question was ordered pursuant to the rule. (consideration: CR H5651)
- **Jul 29, 2015:** The House adopted the amendment in the nature of a substitute as agreed to by the Committee of the Whole House on the state of the Union. (text of amendment in the nature of a substitute: CR H5631-5635)
- **Jul 29, 2015:** Mr. Takano moved to recommit with instructions to the Committee on Veterans' Affairs. (consideration: CR H5651-5653; text: CR H5651)
- **Jul 29, 2015:** Floor summary: DEBATE - The House proceeded with 10 minutes of debate on the Takano motion to recommit with instructions. The instructions contained in the motion seek to require the bill to be reported back to the House with an amendment to ensure that the Secretary of Veterans' Affairs may not remove or demote an individual that has filed a whistleblower complaint or sought corrective action from the Office of Special Counsel or the Inspector General regarding a threat to the health or safety of the public or regarding a prohibited personnel practice.
- **Jul 29, 2015:** The previous question on the motion to recommit with instructions was ordered without objection. (consideration: CR H5652)
- **Jul 29, 2015:** On motion to recommit with instructions Failed by recorded vote: 184 - 241 (Roll no. 488).
- **Jul 29, 2015:** Passed/agreed to in House: On passage Passed by the Yeas and Nays: 256 - 170 (Roll no. 489).
- **Jul 29, 2015:** On passage Passed by the Yeas and Nays: 256 - 170 (Roll no. 489).
- **Jul 29, 2015:** Motion to reconsider laid on the table Agreed to without objection.
- **Jul 28, 2015:** Rules Committee Resolution H. Res. 388 Reported to House. Previous question shall be considered as ordered without intervening motions except motion to recommit with or without instructions. All points of order against consideration of the bills are waived. For H.R. 1994, The committee amendment in the nature of a substitute shall be considered as read. No amendment will be in order except those printed in the report accompanying the resolution .
- **Jul 27, 2015:** Supplemental report filed by the Committee on Veterans' Affairs, H. Rept. 114-225, Part II.
- **Jul 23, 2015:** Reported (Amended) by the Committee on Veterans' Affairs. H. Rept. 114-225, Part I.

- Jul 23, 2015:** Committee on Oversight and Government discharged.
- **Jul 23, 2015:** Placed on the Union Calendar, Calendar No. 170.
 - **Jul 15, 2015:** Committee Consideration and Mark-up Session Held.
 - **Jul 15, 2015:** Ordered to be Reported in the Nature of a Substitute (Amended) by Voice Vote.
 - **Jun 25, 2015:** Subcommittee Consideration and Mark-up Session Held.
 - **Jun 25, 2015:** Forwarded by Subcommittee to Full Committee in the Nature of a Substitute (Amended) by Voice Vote .
 - **Jun 2, 2015:** Subcommittee Hearings Held.
 - **May 11, 2015:** Referred to the Subcommittee on Economic Opportunity.
 - **Apr 23, 2015:** Introduced in House
 - **Apr 23, 2015:** Referred to the Committee on Veterans' Affairs, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.