

S 3170

VA Accountability First and Appeals Modernization Act of 2016

Congress: 114 (2015–2017, Ended)

Chamber: Senate

Policy Area: Armed Forces and National Security

Introduced: Jul 12, 2016

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

Latest Action: Read twice and referred to the Committee on Veterans' Affairs. (Jul 12, 2016)

Official Text: <https://www.congress.gov/bill/114th-congress/senate-bill/3170>

Sponsor

Name: Sen. Rubio, Marco [R-FL]

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

Cosponsors (1 total)

Cosponsor	Party / State	Role	Date Joined
Sen. McCain, John [R-AZ]	R · AZ		Sep 14, 2016

Committee Activity

Committee	Chamber	Activity	Date
Veterans' Affairs Committee	Senate	Referred To	Jul 12, 2016

Subjects & Policy Tags

Policy Area:

Armed Forces and National Security

Related Bills

Bill	Relationship	Last Action
114 HR 5620	Related bill	Sep 15, 2016: Received in the Senate and Read twice and referred to the Committee on Veterans' Affairs.
114 HR 4138	Related bill	May 18, 2016: Ordered to be Reported by the Yeas and Nays: 18 - 4.
114 HR 5083	Related bill	May 13, 2016: Referred to the Subcommittee on Disability Assistance and Memorial Affairs.
114 HR 280	Related bill	Mar 3, 2015: Received in the Senate and Read twice and referred to the Committee on Veterans' Affairs.

VA Accountability First and Appeals Modernization Act of 2016

This bill authorizes the Department of Veterans Affairs (VA) to remove or demote a VA employee based on performance or misconduct and provides that specified federal employee performance appraisal provisions shall not apply to such removals or demotions. The VA may remove such individual from the civil service or demote the individual through a reduction in grade or annual pay rate.

A demoted individual shall not be placed on administrative leave or any other category of paid leave during the appeals period and can receive pay only if he or she reports for duty.

An expedited appeals process is established under which: (1) an employee shall have the right to an appeal before the Merit Systems Protection Board (MSPB) within seven days of removal or demotion, (2) the MSPB shall issue a decision within 60 days of the appeal or the removal or demotion becomes final, (3) an MSPB decision and any final removal or demotion may be appealed to the U.S. Court of Appeals, and (4) the MSPB may not stay any removal or demotion.

The VA may not remove or demote an employee: (1) without the approval of the Special Counsel if the individual seeks corrective action from the Office of Special Counsel based on an alleged prohibited personnel practice, and (2) until a final decision in the case of a whistleblower complaint.

The VA shall reduce the federal annuity of an individual removed from the VA Senior Executive Service (SES) who is convicted of a felony that influenced his or her performance while employed in such position.

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

The VA may recoup an award, a bonus, or relocation expenses paid to a VA employee under specified circumstances.

The VA may suspend, reprimand or admonish an SES employee for misconduct or performance that does not merit removal. The VA must notify an individual five days before taking such proposed action. Appeals may be made to the Senior Executive Disciplinary Appeals Board (as provided for by this bill) and may not be appealed to the MSPB.

The bill establishes an additional whistleblower complaint process, which shall include suspension and removal actions against supervisory employees who commit prohibited personnel actions against a whistleblower.

The bill amends the disability benefits appeals process.

The bill amends the Veterans Access, Choice, and Accountability Act of 2014 to prohibit payment of an award or bonus to any VA SES employee during each of FY2017-FY2021.

Actions Timeline

- **Jul 12, 2016:** Introduced in Senate
- **Jul 12, 2016:** Read twice and referred to the Committee on Veterans' Affairs.