

S 1094

Department of Veterans Affairs Accountability and Whistleblower Protection Act of 2017

Congress: 115 (2017–2019, Ended)

Chamber: Senate

Policy Area: Armed Forces and National Security

Introduced: May 11, 2017

Current Status: Became Public Law No: 115-41.

Latest Action: Became Public Law No: 115-41. (Jun 23, 2017)

Law: 115-41 (Enacted Jun 23, 2017)

Official Text: <https://www.congress.gov/bill/115th-congress/senate-bill/1094>

Sponsor

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

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

Cosponsors (39 total)

Cosponsor	Party / State	Role	Date Joined
Sen. Baldwin, Tammy [D-WI]	D · WI		May 11, 2017
Sen. Flake, Jeff [R-AZ]	R · AZ		May 11, 2017
Sen. Heller, Dean [R-NV]	R · NV		May 11, 2017
Sen. Isakson, Johnny [R-GA]	R · GA		May 11, 2017
Sen. McCain, John [R-AZ]	R · AZ		May 11, 2017
Sen. Moran, Jerry [R-KS]	R · KS		May 11, 2017
Sen. Nelson, Bill [D-FL]	D · FL		May 11, 2017
Sen. Shaheen, Jeanne [D-NH]	D · NH		May 11, 2017
Sen. Tester, Jon [D-MT]	D · MT		May 11, 2017
Sen. Boozman, John [R-AR]	R · AR		May 15, 2017
Sen. Cotton, Tom [R-AR]	R · AR		May 15, 2017
Sen. Inhofe, James M. [R-OK]	R · OK		May 15, 2017
Sen. Capito, Shelley Moore [R-WV]	R · WV		May 16, 2017
Sen. Kennedy, John [R-LA]	R · LA		May 16, 2017
Sen. Cochran, Thad [R-MS]	R · MS		May 17, 2017
Sen. Sullivan, Dan [R-AK]	R · AK		May 17, 2017
Sen. Cornyn, John [R-TX]	R · TX		May 18, 2017
Sen. Cassidy, Bill [R-LA]	R · LA		May 22, 2017
Sen. Perdue, David [R-GA]	R · GA		May 22, 2017
Sen. Tillis, Thomas [R-NC]	R · NC		May 22, 2017
Sen. Wicker, Roger F. [R-MS]	R · MS		May 22, 2017
Sen. Daines, Steve [R-MT]	R · MT		May 23, 2017
Sen. Rounds, Mike [R-SD]	R · SD		May 23, 2017
Sen. Blumenthal, Richard [D-CT]	D · CT		May 25, 2017
Sen. Duckworth, Tammy [D-IL]	D · IL		May 25, 2017
Sen. Enzi, Michael B. [R-WY]	R · WY		May 25, 2017
Sen. Blunt, Roy [R-MO]	R · MO		Jun 5, 2017
Sen. Collins, Susan M. [R-ME]	R · ME		Jun 5, 2017
Sen. Donnelly, Joe [D-IN]	D · IN		Jun 5, 2017
Sen. Hatch, Orrin G. [R-UT]	R · UT		Jun 5, 2017
Sen. King, Angus S., Jr. [I-ME]	I · ME		Jun 5, 2017
Sen. Ernst, Joni [R-IA]	R · IA		Jun 6, 2017
Sen. Gardner, Cory [R-CO]	R · CO		Jun 6, 2017
Sen. Grassley, Chuck [R-IA]	R · IA		Jun 6, 2017
Sen. Hoeven, John [R-ND]	R · ND		Jun 6, 2017
Sen. Paul, Rand [R-KY]	R · KY		Jun 6, 2017
Sen. Roberts, Pat [R-KS]	R · KS		Jun 6, 2017
Sen. Thune, John [R-SD]	R · SD		Jun 6, 2017
Sen. Toomey, Patrick [R-PA]	R · PA		Jun 6, 2017

Committee Activity

Committee	Chamber	Activity	Date
Veterans' Affairs Committee	Senate	Reported By	May 24, 2017

Subjects & Policy Tags

Policy Area:

Armed Forces and National Security

Related Bills

Bill	Relationship	Last Action
115 HRES 378	Procedurally related	Jun 13, 2017: Motion to reconsider laid on the table Agreed to without objection.
115 S 493	Related bill	Mar 2, 2017: Read twice and referred to the Committee on Veterans' Affairs.

Department of Veterans Affairs Accountability and Whistleblower Protection Act of 2017

TITLE I--OFFICE OF ACCOUNTABILITY AND WHISTLEBLOWER PROTECTION

(Sec. 101) This bill establishes in the Department of Veterans Affairs (VA) the Office of Accountability and Whistleblower Protection which shall advise the VA on all matters relating to accountability, including VA employee accountability, whistle-blower disclosures and related retaliation, and senior executive service (SES) and supervisory misconduct.

The office shall be headed by an Assistant Secretary for Accountability and Whistleblower Protection.

(Sec. 102) The bill revises whistle-blower protections.

The VA shall develop supervisory performance criteria that include whistle-blower protection and provide employees with whistle-blower disclosure and merit system protection training.

TITLE II--ACCOUNTABILITY OF SENIOR EXECUTIVES, SUPERVISORS, AND OTHER EMPLOYEES

(Sec. 201) The bill revises VA authority to remove certain employees or senior executives for reasons of misconduct or performance, including to permit such individuals to be reprimanded or suspended.

(Sec. 202) The VA may remove, demote, or suspend other VA employees based on performance or misconduct. The VA may also remove or suspend such employee from the civil service or demote the employee through a reduction in grade and salary.

A demoted individual may not be placed on administrative leave during an appeal period, and may receive pay only if he or she reports for duty or is approved to use certain leave. A demoted individual who does not report for duty or receive leave approval shall not receive pay or other benefits.

The VA shall issue a final written decision with respect to a removal, demotion, or suspension within 15 business days after the individual has been provided with notice and an evidentiary file.

The bill establishes an expedited appeals process, including the right to appeal to the Merit Systems Protection Board and the right to appeal a board decision to a U.S. Court of Appeals or to any court of appeals of competent jurisdiction.

The VA may not remove, demote, or suspend an employee who: (1) is seeking corrective action from the Office of Special Counsel based on discrimination without the office's approval, and (2) has made a whistle-blower disclosure to the Office of Accountability and Whistleblower Protection until a final determination of the case has been made.

(Sec. 203) The VA shall reduce the federal annuity of an individual removed from the 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 bill provides for appeals to the Office of Personnel Management.

(Sec. 204) The VA may recoup an award, a bonus, or relocation expenses paid to a VA employee under specified circumstances.

(Sec. 206) The bill shortens a supervisor's time to respond to a notice of an adverse action from 14 days to 10 days.

(Sec. 207) The VA may directly appoint qualifying individuals to the positions of Medical Center Director and Director of Veterans Integrated Service Network.

(Sec. 208) The bill revises time periods for adverse action reviews for physicians, dentists, podiatrists, chiropractors, optometrists, registered nurses, physician assistants, and expanded-function dental auxiliaries.

(Sec. 209) The VA shall provide supervisors with periodic training regarding whistle-blower rights, hostile work environments, and managing underperforming employees.

Actions Timeline

- **Jun 23, 2017:** Signed by President.
- **Jun 23, 2017:** Became Public Law No: 115-41.
- **Jun 22, 2017:** Presented to President.
- **Jun 13, 2017:** Rule H. Res. 378 passed House.
- **Jun 13, 2017:** Considered under the provisions of rule H. Res. 378. (consideration: CR H4884-4896)
- **Jun 13, 2017:** Rule provides for consideration of H.R. 2581 and S. 1094, with 1 hour of general debate for each bill. Previous question shall be considered as ordered without intervening motions except a motion to recommit with or without instructions on H.R. 2581, and a motion to commit on S. 1094. Both measures will be considered read and are closed to amendments.
- **Jun 13, 2017:** DEBATE - The House proceeded with one hour of debate on S. 1094.
- **Jun 13, 2017:** The previous question was ordered pursuant to the rule. (consideration: CR H4896)
- **Jun 13, 2017:** POSTPONED PROCEEDINGS - At the conclusion of debate on S. 1094, the Chair put the question on passage and by voice vote announced that the ayes had prevailed. Mr. Roe (TN) demanded the yeas and nays, and the Chair postponed further proceedings on passage of S. 1094 until later in the legislative day.
- **Jun 13, 2017:** Considered as unfinished business. (consideration: CR H4899)
- **Jun 13, 2017:** Passed/agreed to in House: On passage Passed by the Yeas and Nays: 368 - 55 (Roll no. 307).(text: CR H4884-4889)
- **Jun 13, 2017:** On passage Passed by the Yeas and Nays: 368 - 55 (Roll no. 307). (text: CR H4884-4889)
- **Jun 13, 2017:** Motion to reconsider laid on the table Agreed to without objection.
- **Jun 12, 2017:** Rules Committee Resolution H. Res. 378 Reported to House. Rule provides for consideration of H.R. 2581 and S. 1094. Rule provides for consideration of H.R. 2581 and S. 1094, with 1 hour of general debate for each bill. Previous question shall be considered as ordered without intervening motions except a motion to recommit with or without instructions on H.R. 2581, and a motion to commit on S. 1094. Both measures will be considered read and are closed to amendments.
- **Jun 7, 2017:** Message on Senate action sent to the House.
- **Jun 7, 2017:** Received in the House.
- **Jun 7, 2017:** Held at the desk.
- **Jun 6, 2017:** Measure laid before Senate by unanimous consent.
- **Jun 6, 2017:** The committee substitute agreed to by Unanimous Consent. (text: CR S3261-3266)
- **Jun 6, 2017:** Passed/agreed to in Senate: Passed Senate with an amendment by Voice Vote.
- **Jun 6, 2017:** Passed Senate with an amendment by Voice Vote.
- **May 24, 2017:** Committee on Veterans' Affairs. Ordered to be reported with an amendment in the nature of a substitute favorably.
- **May 24, 2017:** Committee on Veterans' Affairs. Reported by Senator Isakson with an amendment in the nature of a substitute. Without written report.
- **May 24, 2017:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 103.
- **May 17, 2017:** Committee on Veterans' Affairs. Hearings held. Hearings printed: S.Hrg. 115-299.
- **May 11, 2017:** Introduced in Senate
- **May 11, 2017:** Read twice and referred to the Committee on Veterans' Affairs.

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