

**Congress of the United States**  
**Washington, DC 20515**

March 31, 2016

The Honorable Johnny Isakson  
Chairman  
Senate Committee on Veterans' Affairs  
412 Russell Senate Office Building  
Washington, DC 20215

Dear Mr. Chairman:

We write you today about our shared goals of creating an environment for true accountability at the Department of Veteran Affairs (VA). While we believe you are dedicated to this goal, we are writing to respectfully reiterate that any legislation put forth by the Committee must include comprehensive accountability.

Following the passage of the Veterans Access Choice and Accountability Act of 2014, we introduced legislation that would expand the expedited firing authority for senior executives contained in the Choice Act to all VA employees (H.R. 1994 and S. 1082).

H.R. 1994, as amended, not only would give the Secretary the tools to swiftly and fairly discipline all VA employees, it also includes new bipartisan and comprehensive whistleblower protections and commonsense reforms that would help fix the VA's broken civil service system. The bill passed the House of Representatives on an overwhelming bipartisan basis on July 29, 2015.

S. 1082 was favorably reported by your committee via a unanimous voice vote on July 22, 2015 but has been blocked from Senate consideration. Both H.R. 1994 and S. 1082 are broadly supported by several veteran service organization including The American Legion, Veterans of Foreign Wars of the United States (VFW), AMVETS, Iraq and Afghanistan Veterans of America (IAVA), Paralyzed Veterans of America (PVA), Student Veterans of America (SVA), Military Officers Association of America (MOAA), Vietnam Veterans of America (VVA), Concerned Veterans of America (CVA), and the Military Order of the Purple Heart (MOPH).

The reason all of the aforementioned groups support making it easier for VA to discipline all employees is because right now it is essentially impossible to do so. In fact, since H.R. 1994 passed the House and S. 1082 cleared your committee, we have continuously seen instance after instance in which the VA has failed to provide meaningful discipline for employees that, by any measure of common sense, do not deserve to be employed at the Department. In one incident, the VA was not able to sustain the firing of an employee in Puerto Rico who participated in an armed robbery and, according to media reports the employee even collected back pay for time she spent in jail. This is only the latest example in what is a steady cascade of real-life examples demonstrating the outright dysfunction of the civil service rules governing the VA.

Every day that the VA's accountability problem goes unaddressed, taxpayers are being forced to foot the bill for the salaries of failed bureaucrats. For example, recently— almost two years after problems were

first uncovered—the VA announced proposed discipline against three employees at the center of the Phoenix wait-times scandal. Had H.R. 1994, as amended, or S. 1082, as amended, been law, the misconduct in these cases could have been dealt with in an expedited manner which would benefit employees, taxpayers, and most importantly veterans. Instead, the three Phoenix employees the VA is seeking to discipline will be cashing taxpayer-funded checks for the foreseeable future.

In December, House and Senate Committee on Veterans' Affairs staff began negotiations on an omnibus package of veterans' bills, with the goal of getting something to President Obama as soon as possible. The negotiations centered on the removal provision contained in H.R. 1994, as amended, and S. 1082, as amended, as well as other House and Senate passed and reported provisions. As you know, these negotiations continued for several weeks and included two member meetings with the Chairmen and Ranking Members of both Committees and we appreciate your continued commitment during that time to include a strong accountability provision in any future legislation.

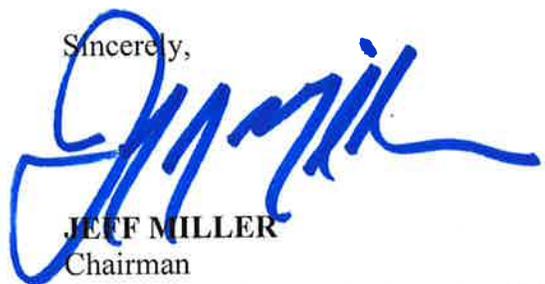
However, we are now concerned that you have halted the aforementioned negotiations and may be taking an approach that favors reaching a deal with the Administration or others at any cost, regardless of whether it actually addresses the VA's many problems or pays for new programs in a responsible way.

We hope you realize that any piece of comprehensive veterans' legislation that doesn't provide the VA Secretary swift and comprehensive disciplinary authority for all VA employees misses the true mark on what ails the Department. Not including such strong accountability language would be a disservice to both taxpayers and our nation's veterans.

We welcome the opportunity to further discuss our priorities with you so we can all come to an agreement on meaningful accountability legislation that is fair to employees, veterans, and taxpayers. If we do this now, we will be one step closer to a bipartisan, bicameral agreement that we can get to the President's desk by Memorial Day and truly make a profound difference in changing the culture at the VA. America's veterans, who have given so much, deserve no less.

We look forward to your response to this letter, and if you or your staff has any additional information or questions please contact Mr. Jon Towers, Staff Director of the House Committee on Veterans' Affairs, or Mr. J.R. Sanchez, Senior Policy Advisor for Senator Rubio.

Sincerely,



**JEFF MILLER**

Chairman

House Committee on Veterans' Affairs



**MARCO RUBIO**

U.S. Senator

Cc: Corrine Brown, Ranking Member, U.S. House Committee on Veterans' Affairs  
Richard Blumenthal, Ranking Member, U.S. Senate Committee on Veterans' Affairs

JM/MR/jc