

HOUSE COMMITTEE ON VETERANS' AFFAIRS

CHAIRMAN MIKE BOST

Restore Department of Veterans Affairs (VA) Accountability Act

Background:

The Department of Veterans Affairs (VA) Accountability and Whistleblower Protection Act of 2017 (*2017 Accountability Act*) gave VA leaders the ability to hold bad employees accountable while protecting whistleblowers. Unfortunately, since 2017, courts have stripped away the effectiveness of the *2017 Accountability Act*. Congress **must** act by passing the *Restore Accountability Act of 2023* to ensure VA has the authority it needs to hold employees accountable for the sake of the veterans they serve.

The *2017 Accountability Act* importantly (a) gave the VA Secretary authority to expedite the removal, demotion, or suspension of VA employees based on misconduct or substandard performance; and (b) heightened the standard of review to ensure VA's disciplinary decisions would not be overturned on appeal just because the appellate body might have decided the punishment differently. Congress passed the *2017 Accountability Act* with overwhelming bipartisan and VSO support after the 2014 nationwide VA access crisis exposed a dangerous workforce culture negatively impacting veterans' care. Decisions from the Federal Circuit, the Federal Labor Relations Authority, and the Merit Systems Protection Board defied Congressional intent, rendering the authority provided in the *2017 Accountability Act* unusable for most of the VA workforce. Earlier this year, the Biden administration-led VA announced they will no longer use the principal disciplinary authority granted under the *2017 Accountability Act*, as courts have made it too weak and complex to be used effectively.

The *Restore Accountability Act of 2023* would (a) plug holes that courts have punctured in the *2017 Accountability Act* by restoring Congresses intent to give VA the authority it needs to quickly remove, demote, and suspend employees who are a disservice to veterans; and (b) strengthen the authorities VA has to discipline unsatisfactory VA middle managers: aligning its middle manager disciplinary process with the process currently in place for members of the Senior Executive Service. The *Restore Accountability Act of 2023* will ultimately help VA remove the small percentage of employees who are hurting veterans in weeks or months, rather than years.

The Message:

- The *2017 Accountability Act* led to a 50% increase in removal actions, **which in part led to veterans' VA-wide trust scores increasing from 59% in 2016 to 80% in 2020.**
- The Committee has observed instances where years of investigations and thousands of pages of damning evidence is not enough for VA to remove an employee – this is not right or what veterans deserve from VA.
- Veterans deserve the best government employees – not only do bad employees impact the care and benefits that veterans receive, but they drive away motivated and talented people who chose not to work at VA because of a negative culture or workplace environment.
- The *Restore VA Accountability Act of 2023* reinstates the intent of Congress and the priority of the leading veteran and military service organizations – **to put our veterans first.**