



114TH CONGRESS
1ST SESSION

S. _____

To amend title 38, United States Code, to expand the authority of the Secretary of Veterans Affairs to remove senior executives of the Department of Veterans Affairs for performance or misconduct to include removal of certain other employees of the Department, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. JOHNSON (for himself, Mr. PERDUE, Mr. LEE, Mr. INHOFE, Mr. DAINES, Mr. FLAKE, Mr. CRAPO, Mr. CASSIDY, Mr. CRUZ, Mr. TOOMEY, Ms. COLLINS, Mr. VITTER, and Mr. MCCAIN) introduced the following bill; which was read twice and referred to the Committee on

A BILL

To amend title 38, United States Code, to expand the authority of the Secretary of Veterans Affairs to remove senior executives of the Department of Veterans Affairs for performance or misconduct to include removal of certain other employees of the Department, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Ensuring Veteran
3 Safety Through Accountability Act of 2015”.

4 **SEC. 2. EXPANSION OF AUTHORITY OF SECRETARY OF VET-**
5 **ERANS AFFAIRS TO REMOVE SENIOR EXECU-**
6 **TIVES OF DEPARTMENT OF VETERANS AF-**
7 **FAIRS FOR PERFORMANCE OR MISCONDUCT**
8 **TO INCLUDE CERTAIN OTHER EMPLOYEES**
9 **OF THE DEPARTMENT.**

10 (a) IN GENERAL.—Section 713 of title 38, United
11 States Code, is amended—

12 (1) in subsection (a)—

13 (A) in paragraph (1)—

14 (i) in the matter before subparagraph
15 (A), in the first sentence, by striking “sen-
16 ior executive position” both places it ap-
17 pears and inserting “covered position”;
18 and

19 (ii) in subparagraph (B), by striking
20 “in paragraph (2)” and inserting “in para-
21 graph (3) employed in a senior executive
22 position at the Department”;

23 (B) by redesignating paragraph (2) as
24 paragraph (3); and

25 (C) by inserting after paragraph (1) the
26 following new paragraph (2):

1 “(2) For purposes of this section, a covered position
2 is—

3 “(A) a senior executive position; or

4 “(B) a position listed in section 7401 of this
5 title that is not a senior executive position.”;

6 (2) in subsection (b), by striking “under sub-
7 section (a)(2)” and inserting “under subsection
8 (a)(1)(B)”;

9 (3) in subsection (c), by striking “senior execu-
10 tive position” and inserting “covered position”;

11 (4) in subsection (d)(1), by striking “The pro-
12 cedures under section 7543(b) of title 5” and insert-
13 ing “Sections 7461(b) and 7462 of this title and
14 sections 7503, 7513, and 7543(b) of title 5”; and

15 (5) in subsection (g)(1)—

16 (A) in subparagraph (A), by striking “or”
17 at the end;

18 (B) in subparagraph (B), by striking the
19 period at the end and inserting “; or”; and

20 (C) by adding at the end the following new
21 subparagraph:

22 “(C) an employee of the Department em-
23 ployed on a full-time basis under a permanent
24 appointment in a position listed in section 7401
25 of this title (other than interns and residents

1 appointed pursuant to section 7406 of this title)
2 who is not in a senior executive position.”.

3 (b) CONFORMING AMENDMENTS.—Subchapter V of
4 chapter 74 of such title is amended—

5 (1) in section 7461(b)(1), by striking “If the”
6 and inserting “Except as provided in sections 713 of
7 this title, if the”; and

8 (2) in section 7462—

9 (A) in subsection (a)(1), by striking “Dis-
10 disciplinary” and inserting “Except as provided in
11 section 713 of this title, the Disciplinary”; and

12 (B) in subsection (b)(1), by striking “In
13 any case” and inserting “Except as provided in
14 section 713 of this title, in any case”.

15 (c) TECHNICAL CORRECTIONS.—Section 713 of such
16 title is amended—

17 (1) in subsection (a)(1), in the first sentence,
18 by striking “of Veterans Affairs”; and

19 (2) in subsection (c), by striking “Committees
20 on Veterans’ Affairs of the Senate and House of
21 Representatives” and inserting “Committee on Vet-
22 erans’ Affairs of the Senate and the Committee on
23 Veterans’ Affairs of the House of Representatives”.

24 (d) CLERICAL AMENDMENT.—

1 (1) SECTION HEADING.—The heading for sec-
2 tion 713 of such title is amended by striking “**Sen-**
3 **ior executives: removal based on per-**
4 **formance or misconduct**” and inserting “**Re-**
5 **moval of senior executives and certain**
6 **other employees based on performance or**
7 **misconduct**”.

8 (2) TABLE OF SECTIONS.—The table of sections
9 at the beginning of chapter 7 of such title is amend-
10 ed by striking the item relating to section 713 and
11 inserting the following new item:

“713. Removal of senior executives and certain other employees based on per-
 formance or misconduct.”.