

113TH CONGRESS  
2D SESSION

# S. 2013

To amend title 38, United States Code, to provide for the removal of Senior Executive Service employees of the Department of Veterans Affairs for performance, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

FEBRUARY 11, 2014

Mr. RUBIO introduced the following bill; which was read twice and referred to the Committee on Veterans' Affairs

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## A BILL

To amend title 38, United States Code, to provide for the removal of Senior Executive Service employees of the Department of Veterans Affairs for performance, 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,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Department of Vet-  
5       erans Affairs Management Accountability Act of 2014”.

1 **SEC. 2. REMOVAL OF SENIOR EXECUTIVE SERVICE EM-**  
 2 **PLOYEES OF THE DEPARTMENT OF VET-**  
 3 **ERANS AFFAIRS FOR PERFORMANCE.**

4 (a) IN GENERAL.—Chapter 7 of title 38, United  
 5 States Code, is amended by adding at the end the fol-  
 6 lowing new section:

7 **“§ 713. Senior Executive Service: removal based on**  
 8 **performance**

9 “(a) IN GENERAL.—(1) Notwithstanding subchapter  
 10 V of chapter 35 of title 5, subchapter V of chapter 75  
 11 of title 5, or any other provision of law, the Secretary may  
 12 remove any individual who is an employee of the Depart-  
 13 ment from a Senior Executive Service position (as defined  
 14 in section 3132(a) of title 5) if the Secretary determines  
 15 the performance of the individual warrants such removal.

16 “(2) If the Secretary so removes such an individual,  
 17 the Secretary may—

18 “(A) remove the individual from the civil service  
 19 (as defined in section 2101 of title 5); or

20 “(B) appoint the individual to a General Sched-  
 21 ule position at any grade of the General Schedule  
 22 the Secretary determines appropriate.

23 “(b) NOTICE TO CONGRESS.—Not later than 30 days  
 24 after removing an individual from the Senior Executive  
 25 Service under subsection (a), the Secretary shall submit  
 26 to the Committee on Veterans’ Affairs of the Senate and

1 the Committee on Veterans' Affairs of the House of Rep-  
2 resentatives notice in writing of such removal and the rea-  
3 son for such removal.

4 “(c) MANNER OF REMOVAL.—A removal under this  
5 section shall be done in the same manner as the removal  
6 of a professional staff member employed by a Member of  
7 Congress.”.

8 (b) CLERICAL AMENDMENT.—The table of sections  
9 at the beginning of such chapter is amended by adding  
10 at the end the following new item:

“713. Senior Executive Service: removal based on performance.”.

