

113TH CONGRESS
2D SESSION

S. 2419

To protect America's veterans from dishonesty and malfeasance in the delivery of medical services and to hold the Department of Veterans Affairs accountable to those they serve.

IN THE SENATE OF THE UNITED STATES

JUNE 3, 2014

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

A BILL

To protect America's veterans from dishonesty and malfeasance in the delivery of medical services and to hold the Department of Veterans Affairs accountable to those they serve.

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 "VA Accountability Act
5 of 2014".

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

1 (1) HEALTH INFORMATION.—The term “health
2 information” means any information, whether oral
3 or recorded in any form or medium, that relates
4 to—

5 (A) the past, present, or future physical or
6 mental health or condition of an individual;

7 (B) the provision of health care to an indi-
8 vidual; or

9 (C) the past, present, or future payment
10 for the provision of health care to an individual.

11 (2) VA HEALTH RECORD.—The term “VA
12 health record” means any item, collection, or group-
13 ing of information about an individual that is main-
14 tained by the Department of Veterans Affairs and
15 that contains or relates to the health information of
16 the individual.

17 **SEC. 3. PROHIBITED ACTS.**

18 It shall be a violation of this Act for any officer, em-
19 ployee, or agent of the Department of Veterans Affairs
20 to—

21 (1) knowingly falsify any health information in
22 the VA health record of an individual;

23 (2) knowingly destroy any health information or
24 exclude any health information from the VA health
25 record of an individual with the intent to defraud—

1 (A) the individual;

2 (B) an employee or officer of the United
3 States Government; or

4 (C) a Member of Congress;

5 (3) direct another individual to commit conduct
6 described in paragraph (1) or (2); or

7 (4) know of the commission of conduct de-
8 scribed in paragraph (1), (2), or (3) by an individual
9 under his or her supervision, and fail to stop, if pos-
10 sible, or report to a superior the commission of that
11 conduct.

12 **SEC. 4. CAUSE OF ACTION AND REMEDIES.**

13 (a) CAUSE OF ACTION.—

14 (1) IN GENERAL.—An individual aggrieved by a
15 violation of this Act by an officer, employee, or
16 agent of the Department of Veterans Affairs may
17 bring a civil action against the officer, employee, or
18 agent in an appropriate district court of the United
19 States for damages or other legal or equitable relief.

20 (2) CONSIDERATIONS.—In determining whether
21 to award compensatory damages or restitution in a
22 civil action brought under this section and in calcu-
23 lating the amount of any such damages, the court—

24 (A) shall consider the amount of benefits
25 the officer, employee, or agent is entitled to col-

lect from the Department of Veterans Affairs relating to service for the Department, including retirement benefits; and

(B) may include the amount of those benefits, or a percentage of the amount of those benefits, in calculating the amount of any damages awarded.

(b) ATTORNEYS' FEES AND EXPERT FEES.—

(1) ATTORNEYS' FEES.—In a civil action brought under this section, the court, in its discretion, may award to the prevailing party, other than the United States, reasonable attorneys' fees.

(2) EXPERT FEES.—In awarding attorneys' fees under this subsection, the court, in its discretion, may include fees related to the hiring of experts as part of the attorneys' fees awarded.

(c) NO PREEMPTION.—The rights and remedies created by this section shall be in addition to, and do not preempt, any other rights and remedies available under Federal or State law.

SEC. 5. EFFECTS ON EMPLOYMENT AND BENEFITS.

Notwithstanding any other provision of law, including title 5, United States Code, or any contract, on and at any time after the date on which a court enters final judgment in an action brought under section 4 in which the

1 court determines that the officer, employee, or agent vio-
2 lated this Act, the Secretary of Veterans Affairs may,
3 without prior notice—

4 (1) terminate the officer, employee, or agent
5 without cause; and

6 (2) may terminate any or all of the benefits of
7 the officer, employee, or agent relating to service as
8 an officer, employee, or agent, including retirement
9 benefits, without cause.

10 **SEC. 6. RETROACTIVE EFFECT.**

11 This Act shall apply to conduct committed before, on,
12 or after the date of the enactment of this Act.

○