

115TH CONGRESS
2D SESSION

H. R. 6101

To amend titles 5 and 38, United States Code, to ensure that certain employees of the Department of Veterans Affairs are subject to the same removal, demotion, and suspension policies as other employees of the Federal Government, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 14, 2018

Mr. FITZPATRICK (for himself, Mr. SMITH of New Jersey, and Mr. BROWN of Maryland) introduced the following bill; which was referred to the Committee on Veterans' Affairs, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend titles 5 and 38, United States Code, to ensure that certain employees of the Department of Veterans Affairs are subject to the same removal, demotion, and suspension policies as other employees of the Federal Government, 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 “VA Personnel Equity
5 Act of 2018”.

1 **SEC. 2. REPEAL OF SEPARATE REMOVAL, DEMOTION, AND**
2 **SUSPENSION PROCESSES FOR CERTAIN EM-**
3 **PLOYEES OF DEPARTMENT OF VETERANS AF-**
4 **FAIRS.**

5 (a) REPEAL.—

6 (1) TITLE 38.—Section 714 of title 38, United
7 States Code, is amended—

8 (A) by striking subsections (a), (b), (c),
9 (d), and (g);

10 (B) by redesignating subsections (e), (f),
11 and (h) as subsections (a), (b), and (c), respec-
12 tively;

13 (C) in subsection (a), as so redesignated,
14 by striking “under subsection (a)” each place it
15 appears; and

16 (D) in subsection (c), as so redesignated—

17 (i) by striking paragraphs (3) and (4);

18 and

19 (ii) by redesignating paragraphs (5)

20 and (6) as paragraphs (3) and (4), respec-
21 tively.

22 (2) TITLE 5.—Section 4303(f) of title 5, United
23 States Code, is amended—

24 (A) in paragraph (2), by striking the
25 comma at the end and inserting “, or”;

1 (B) in paragraph (3), by striking “, or”
2 and inserting a period; and

3 (C) by striking paragraph (4).

4 (b) CONFORMING AMENDMENTS.—Chapter 7 of title
5 38, United States Code, is amended—

6 (1) in section 719, by striking “under section
7 713, 714, or 7461 of this title” each place it appears
8 and inserting “under section 713 or 7461 of this
9 title”;

10 (2) in section 714, as amended by subsection
11 (a), by striking the heading and inserting “**Protec-**
12 **tions for whistleblowers from removal,**
13 **demotion, and suspension**”;

14 (3) by redesignating section 714 as section 734;

15 (4) by transferring section 734, as so redesign-
16 nated, so as to appear after section 733; and

17 (5) in the table of sections—

18 (A) by striking the item relating to section
19 714; and

20 (B) by inserting after the item relating to
21 section 733 the following new item:

“734. Protections for whistleblowers from removal, demotion, and suspension.”.

1 **SEC. 3. RESTORATION OF CERTAIN DISCIPLINARY AND**
2 **GRIEVANCE PROCEDURES FOR PERSONNEL**
3 **OF THE VETERANS HEALTH ADMINISTRA-**
4 **TION.**

5 The following provisions of title 38, United States
6 Code, are each amended to read as such provisions read
7 on the day before the date of the enactment of the Depart-
8 ment of Veterans Affairs Accountability and Whistle-
9 blower Protection Act of 2017 (Public Law 115–41):

10 (1) Section 7461(b).

11 (2) Section 7462(b).

12 (3) Section 7463(c).

13 **SEC. 4. COMPTROLLER GENERAL OF THE UNITED STATES**
14 **REPORT ON DISCIPLINE AND REMOVALS AT**
15 **DEPARTMENT OF VETERANS AFFAIRS.**

16 (a) REPORT.—Not later than 180 days after the date
17 of the enactment of this Act, the Comptroller General of
18 the United States shall submit to Congress a report that
19 evaluates proposed and final disciplines and removals of
20 employees of the Department of Veterans Affairs that oc-
21 curred during each of the following periods:

22 (1) Calendar years 2014, 2015, and 2016.

23 (2) Beginning on the date of the enactment of
24 the Department of Veterans Affairs Accountability
25 and Whistleblower Protection Act of 2017 (Public

1 Law 115–41) and ending on the date of the enact-
2 ment of this Act.

3 (b) MATTERS INCLUDED.—The report under sub-
4 section (a) shall include, at a minimum, the following with
5 respect to each period covered by the report:

6 (1) The number of employees of the Depart-
7 ment of Veterans Affairs proposed for discipline or
8 removal.

9 (2) The number of such employees formally dis-
10 ciplined or removed.

11 (3) The organization, position titles, type of ac-
12 tion, effective date of the action, and grades of such
13 employees.

14 (4) The duty locations of such employees.

15 (5) The gender, age, race, veteran status, ten-
16 ure, and length of service of such employees.

17 (6) With respect to each such employee, the na-
18 ture of the disciplinary charge (including whether
19 the charge was a first offense), or if related to a per-
20 formance issue, a summary of the less-than-satisfac-
21 tory performance leading to the removal or reduction
22 in pay or grade.

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