

118TH CONGRESS
1ST SESSION

S. 2679

To strengthen accountability and oversight at the Department of Veterans Affairs, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 27, 2023

Mr. TESTER (for himself, Mr. MORAN, and Mr. ROUNDS) introduced the following bill; which was read twice and referred to the Committee on Veterans' Affairs

A BILL

To strengthen accountability and oversight at the Department of Veterans Affairs, 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; TABLE OF CONTENTS.**

4 (a) **SHORT TITLE.**—This Act may be cited as the
5 “Leadership, Engagement, Accountability, and Develop-
6 ment Act of 2023” or the “LEAD Act of 2023”.

7 (b) **TABLE OF CONTENTS.**—The table of contents for
8 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—ACCOUNTABILITY AND ADVERSE ACTIONS

- Sec. 101. Establishment of system and standards for accountability and adverse actions.
- Sec. 102. Establishment of Office of Transparency, Engagement, Accountability, and Management in Veterans Health Administration.
- Sec. 103. Department of Veterans Affairs accountability, management, and leadership survey.
- Sec. 104. Establishment of administrative investigation board and other accountability actions database.
- Sec. 105. Report on accountability actions of Department of Veterans Affairs.
- Sec. 106. Report on views of Secretary of Veterans Affairs on need for additional legislative action to improve accountability, due process, and whistleblower protection at Department of Veterans Affairs.

TITLE II—OVERSIGHT OF HEALTH CARE

- Sec. 201. Oversight visit requirements for medical facilities of Department of Veterans Affairs.
- Sec. 202. Establishment of Office of the Medical Inspector of Department of Veterans Affairs.
- Sec. 203. Inclusion of officials within Office of the Under Secretary for Health.
- Sec. 204. Mobile temporary health staffing program to ensure access and continuity of care.

TITLE III—WHISTLEBLOWER PROTECTIONS AND EMPLOYEE ACCOUNTABILITY

- Sec. 301. Strengthening whistleblower protections at Department of Veterans Affairs.
- Sec. 302. Report on implementation of provisions of law relating to accountability and whistleblower protections at Department of Veterans Affairs.
- Sec. 303. Peer review of investigations by Office of Accountability and Whistleblower Protection of Department of Veterans Affairs.
- Sec. 304. Reports on improvements to adherence to recommendations of Office of Accountability and Whistleblower Protection.
- Sec. 305. Report on Department of Veterans Affairs actions in response to preliminary observations in Comptroller General of the United States report on Department whistleblower retaliation.
- Sec. 306. Modification to responsibilities and authorities of Assistant Secretary for Accountability and Whistleblower Protection.

TITLE IV—IMPROVING SECURITY, OVERSIGHT, ACCOUNTABILITY, AND MANAGEMENT OF DEPARTMENT OF VETERANS AFFAIRS

- Sec. 401. Plan to consolidate and centralize security operations of Department of Veterans Affairs to improve management, clarify accountability, and strengthen effectiveness.
- Sec. 402. Report on enterprise risk management efforts of Department of Veterans Affairs.
- Sec. 403. Modification of reporting requirement for Secretary of Veterans Affairs annual report on implementation of recommendations of Comptroller General of the United States pertaining to Department of Veterans Affairs.
- Sec. 404. Annual Hatch Act training program at Department of Veterans Affairs.

Sec. 405. Independent study regarding management structures of Department of Veterans Affairs.

1 **TITLE I—ACCOUNTABILITY AND**
 2 **ADVERSE ACTIONS**

3 **SEC. 101. ESTABLISHMENT OF SYSTEM AND STANDARDS**
 4 **FOR ACCOUNTABILITY AND ADVERSE AC-**
 5 **TIONS.**

6 Subchapter I of chapter 7 of title 38, United States
 7 Code, is amended by adding at the end the following new
 8 section:

9 **“§ 729. Accountability and adverse action system and**
 10 **standards**

11 “(a) SYSTEM AND STANDARDS.—Not later than one
 12 year after the date of the enactment of the Leadership,
 13 Engagement, Accountability, and Development Act of
 14 2023, the Secretary shall establish a system and standards
 15 for accountability and adverse action preparation and pro-
 16 posal (hereafter referred to as ‘standards’).

17 “(b) REQUIREMENTS.—In carrying out subsection
 18 (a), the Secretary shall—

19 “(1) determine distinct steps and processes
 20 whereby any adverse action is investigated, prepared,
 21 and proposed for an employee of the Department;

22 “(2) develop and distribute training on the
 23 processes determined pursuant to paragraph (1),
 24 which shall be a required annual training across the

1 enterprise and may differ for each employee based
2 on the seniority, role, and Administration within the
3 Department of the employee;

4 “(3) collect and distribute best practices and re-
5 sources on accountability reporting and investiga-
6 tions, preparation, and proposal of adverse actions
7 for human resources offices of the Department, the
8 Office of General Counsel, and heads of facilities
9 and offices of the Department, including relevant re-
10 gional offices, to distribute to their relevant staff
11 across the enterprise; and

12 “(4) monitor the implementation of the stand-
13 ards at facilities of the Department, including moni-
14 toring—

15 “(A) the number of adverse actions issued
16 versus number overturned in the three fiscal
17 years prior;

18 “(B) metrics for the time taken from alle-
19 gation of improper conduct or performance
20 raised to an official proposal being issued;

21 “(C) quality, frequency, and comprehen-
22 sion of training, information, and education
23 provided to employees regarding accountability
24 and adverse actions;

1 “(D) percentage of staff that completed
2 the training developed and distributed pursuant
3 to paragraph (2) over the past three fiscal
4 years;

5 “(E) number of external and internal in-
6 vestigations that resulted in at least one sub-
7 stantiated claim of a prohibited personnel ac-
8 tion set forth under section 731(c) of this title;

9 “(F) responses to relevant surveys con-
10 ducted by the Department, including those es-
11 tablished by section 103 of the LEAD Act of
12 2023;

13 “(G) grievances filed by labor organiza-
14 tions relative to the number of collective bar-
15 gaining unit employees and whether or not they
16 were adjudicated in favor of the labor organiza-
17 tion; and

18 “(H) such other factors as the Secretary
19 considers appropriate to monitor the account-
20 ability and due process culture of facilities, of-
21 fices, Administrations, and other relevant ele-
22 ments of the Department; and

23 “(c) CONSULTATION.—In carrying out this section,
24 the Secretary shall consult with the following:

25 “(1) Representatives of labor organizations.

1 “(2) The Inspector General of the Department.

2 “(3) The Assistant Secretary for Accountability
3 and Whistleblower Protection.

4 “(4) The Assistant Under Secretary for Health
5 for Transparency, Engagement, Accountability, and
6 Management.

7 “(5) Employees of the Department across the
8 enterprise.

9 “(6) The Comptroller General of the United
10 States.

11 “(7) The Special Counsel.

12 “(8) Such others as the Secretary considers ap-
13 propriate.

14 “(d) DEFINITION OF ADVERSE ACTION.—(1) In this
15 section, the term ‘adverse action’ means a personnel action
16 taken by the Department against an employee of the De-
17 partment.

18 “(2) Term ‘adverse action’ includes a removal, demo-
19 tion, suspension, and any other relevant significant per-
20 sonnel action taken by the Department against an em-
21 ployee of the Department.”.

22 (a) CLERICAL AMENDMENT.—The table of sections
23 at the beginning of chapter 7 of such title is amended by
24 inserting after the item relating to section 728 the fol-
25 lowing new item:

“729. Accountability and adverse action system and standards.”.

1 **SEC. 102. ESTABLISHMENT OF OFFICE OF TRANSPARENCY,**
2 **ENGAGEMENT, ACCOUNTABILITY, AND MAN-**
3 **AGEMENT IN VETERANS HEALTH ADMINIS-**
4 **TRATION.**

5 (a) ESTABLISHMENT.—

6 (1) IN GENERAL.—Subchapter I of chapter 73
7 of title 38, United States, Code, is amended by in-
8 serting after section 7306 the following new section:

9 **“§ 7306A. Office of Transparency, Engagement, Ac-**
10 **countability, and Management**

11 “(a) ESTABLISHMENT.—There is established in the
12 Veterans Health Administration an office to be known as
13 the ‘Office of Transparency, Engagement, Accountability,
14 and Management’ or the ‘TEAM Office’ (in this section
15 referred to as the ‘Office’).

16 “(b) HEAD OF OFFICE.—

17 “(1) IN GENERAL.—The head of the Office
18 shall be responsible for the functions of the Office
19 and shall be appointed by the Under Secretary for
20 Health from among individuals qualified to perform
21 the duties of the position.

22 “(2) DIRECTOR.—The head of the Office shall
23 be known as the ‘Director of the Office of Trans-
24 parency, Engagement, Accountability, and Manage-
25 ment’ or the ‘Director of the TEAM Office’ and

1 shall report directly to the Under Secretary for
2 Health.

3 “(c) FUNCTIONS.—The functions of the Office shall
4 include the following:

5 “(1) Tracking recommendations related to the
6 Veterans Health Administration, and other relevant
7 recommendations, made by the Office of the Medical
8 Inspector (established under section 7306B of this
9 title), the Inspector General of the Department, the
10 Comptroller General of the United States, the Office
11 of Special Counsel, the Joint Commission, and other
12 relevant internal and external investigative and over-
13 sight bodies, to ensure individual and relevant sys-
14 tem-wide compliance with and adoption of those rec-
15 ommendations.

16 “(2) To ensure compliance with those rec-
17 ommendations, the following:

18 “(A) Following up with relevant depart-
19 ments and program offices of the Veterans
20 Health Administration, Veterans Integrated
21 Service Networks, medical centers, and other
22 facilities to which those recommendations were
23 made.

24 “(B) Sharing knowledge of those rec-
25 ommendations and directing corrective policy

1 actions across the Veterans Health Administra-
2 tion so as to aid other offices, facilities, and
3 other entities in avoiding repetition of the
4 issues that required those recommendations.

5 “(3) Ensuring consistency and reducing vari-
6 ation in delivery of health care and related services
7 by the Veterans Health Administration (whether di-
8 rect care or through any contract or agreement) and
9 adherence to national policies across the country.

10 “(4) Conducting regular proactive and reactive
11 in-person and virtual oversight visits to check adher-
12 ence to all applicable policies, regulations, and guid-
13 ance of the Department.

14 “(5) Using internal and external data related to
15 health quality, safety, access, satisfaction, staffing,
16 and other areas with respect to health care from the
17 Department to monitor and discover risks and chal-
18 lenges before they become larger issues and
19 proactively direct changes, including by providing di-
20 rection and recommendations to the central office of
21 the Veterans Health Administration, Veterans Inte-
22 grated Service Networks, medical centers, and other
23 facilities and sub-units to address quality, safety, ac-
24 cess, satisfaction, staffing, and other health care de-
25 livery performance priorities.

1 “(6) Soliciting feedback to seek areas of im-
2 provement of delivery of health care to veterans, in-
3 cluding from individual veterans and their families,
4 veterans service organizations, labor organizations,
5 and employees across all levels of the Department.

6 “(7) Proactive sharing of best practices and
7 challenges identified across the Veterans Health Ad-
8 ministration with the appropriate leadership at every
9 level of the Veterans Health Administration.

10 “(8) Monitoring for, and incorporating best
11 practices in, health quality, safety, access, satisfac-
12 tion, staffing, compliance, and risk management in
13 public, private, and non-profit health settings and
14 providing guidance for the Veterans Health Admin-
15 istration to incorporate those relevant best practices.

16 “(9) Instilling a proactive approach to leader-
17 ship at every level of the Veterans Health Adminis-
18 tration, including the central office, Veterans Inte-
19 grated Service Networks, medical centers, and other
20 facilities and sub-units.

21 “(d) CONSULTATION.—In establishing the Office and
22 carrying out the functions of the Office, the Under Sec-
23 retary shall consult with the Comptroller General of the
24 United States and the Inspector General of the Depart-
25 ment to ensure the Office draws upon best practices iden-

1 tified across the Federal Government and recommenda-
 2 tions of the Comptroller General and the Inspector Gen-
 3 eral.

4 “(e) REORGANIZATION.—The Under Secretary may
 5 reorganize other offices within the Veterans Health Ad-
 6 ministration to operate under the purview of the Office
 7 if the Under Secretary notifies Congress in advance of
 8 such reorganization.”.

9 (2) CLERICAL AMENDMENT.—The table of sec-
 10 tions at the beginning of such chapter is amended
 11 by inserting after the item relating to section 7306
 12 the following new item:

“7306A. Office of Transparency, Engagement, Accountability, and Manage-
 ment.”.

13 (b) COORDINATION WITH STAKEHOLDERS.—

14 (1) IN GENERAL.—In establishing the Office of
 15 Transparency, Engagement, Accountability, and
 16 Management under section 7306A of title 38,
 17 United States Code, as added by subsection (a)(1),
 18 the Under Secretary for Health of the Department
 19 of Veterans Affairs shall solicit formal written feed-
 20 back from labor organizations, veterans service orga-
 21 nizations, and other appropriate entities.

22 (2) REPORT.—Not later than 180 days after
 23 soliciting formal written feedback under paragraph
 24 (1), the Under Secretary shall submit to the Com-

1 mittee on Veterans' Affairs of the Senate and the
2 Committee on Veterans' Affairs of the House of
3 Representatives a report containing any rec-
4 ommendations obtained under such paragraph, in-
5 cluding feedback on whether or not the Under Sec-
6 retary intends to follow any such recommendations
7 and explanations for why the Under Secretary does
8 not intend to follow any such recommendations.

9 (c) REORGANIZATION.—

10 (1) IN GENERAL.—As part of the establishment
11 of the Office of Transparency, Engagement, Ac-
12 countability, and Management under section 7306A
13 of title 38, United States Code, as added by sub-
14 section (a)(1), not later than two years after the
15 date of the enactment of this Act, the Secretary of
16 Veterans Affairs and the Under Secretary for
17 Health of the Department of Veterans Affairs, in
18 consultation with the Comptroller General of the
19 United States and the Inspector General of the De-
20 partment of Veterans Affairs, shall reorganize into a
21 cohesive office with relevant sub-offices consistent
22 with best practices of the Comptroller General for
23 internal controls and management the various rel-
24 evant disparate oversight functions within the Vet-

1 erans Health Administration that have some portion
2 of responsibility for—

3 (A) health care quality, safety, and risk;

4 (B) proactive safety and quality improve-
5 ments;

6 (C) reactive safety and quality improve-
7 ments;

8 (D) access to care;

9 (E) consistency of care delivery and qual-
10 ity;

11 (F) adherence to national standards, pol-
12 icy, protocols, laws, and regulations;

13 (G) quality and safety data collection and
14 monitoring; and

15 (H) such other matters as the Secretary
16 determines appropriate.

17 (2) REDUCTION OF DUPLICATION.—In carrying
18 out the reorganization required under paragraph (1),
19 the Under Secretary for Health of the Department
20 of Veterans Affairs shall—

21 (A) reduce duplication of functions in the
22 various offices reorganized under such para-
23 graph;

24 (B) clarify reporting structures and re-
25 sponsibilities; and

1 (C) ensure the establishment of a central-
2 ized, proactive, and accountable office dedicated
3 to the functions outlined in section 7306A(e) of
4 title 38, United States Code, as added by sub-
5 section (a)(1).

6 (3) OFFICES INCLUDED.—At a minimum, the
7 offices that shall be subsumed and restructured
8 under the Office of Transparency, Engagement, Ac-
9 countability, and Management under section 7306A
10 of title 38, United States Code, as added by sub-
11 section (a)(1), as part of the reorganization required
12 under paragraph (1) shall include, from within the
13 Veterans Health Administration—

14 (A) the Office of Oversight, Risk, and Eth-
15 ics;

16 (B) relevant portions or full offices from—

17 (i) the Office of Risk Management;

18 (ii) the Office of Clinical Services;

19 (iii) the Office of Patient Care Serv-
20 ices;

21 (iv) the Office of Operations; and

22 (v) the Office of Quality and Patient
23 Safety; and

24 (C) the Office of the Medical Inspector
25 under section 7306B of title 38, United States

1 Code, as added by section 202(a), solely for
2 purposes of organizational efficiency and econo-
3 mies of scale.

4 (4) REPORT.—

5 (A) IN GENERAL.—Not later than two
6 years after the date of the enactment of this
7 Act, the Secretary of Veterans Affairs shall
8 submit to the appropriate committees of Con-
9 gress a report on the completion of the reorga-
10 nization required under paragraph (1).

11 (B) ELEMENTS.—The report required by
12 subparagraph (A) shall include—

13 (i) a description of the reorganization
14 required under paragraph (1) that the
15 Under Secretary for Health of the Depart-
16 ment of Veterans Affairs has carried out
17 and the reasoning for the various struc-
18 tures established and how those structures
19 will improve accountability, efficiency,
20 management, leadership, care delivery, and
21 oversight;

22 (ii) a description of any challenges,
23 and a response to those challenges, en-
24 countered in conducting such reorganiza-
25 tion;

1 (iii) recommendations for such legisla-
 2 tive or administrative action as the Sec-
 3 retary considers appropriate to fully imple-
 4 ment such reorganization, including addi-
 5 tional authorities or resources; and

6 (iv) a description of any reasons why
 7 offices listed under paragraph (2) were not
 8 consolidated and how that decision will not
 9 affect accountability, efficiency, care deliv-
 10 ery, and oversight.

11 (C) APPROPRIATE COMMITTEES OF CON-
 12 GRESS DEFINED.—In this paragraph, the term
 13 “appropriate committees of Congress” means—

14 (i) the Committee on Veterans’ Af-
 15 fairs and the Committee on Appropriations
 16 of the Senate; and

17 (ii) the Committee on Veterans’ Af-
 18 fairs and the Committee on Appropriations
 19 of the House of Representatives.

20 **SEC. 103. DEPARTMENT OF VETERANS AFFAIRS ACCOUNT-**
 21 **ABILITY, MANAGEMENT, AND LEADERSHIP**
 22 **SURVEY.**

23 (a) BIENNIAL SURVEY REQUIRED.—Starting not less
 24 than 180 days after the date of the enactment of this Act
 25 and not less than once every two years thereafter, the Sec-

1 retary of Veterans Affairs shall conduct a voluntary anon-
2 ymous accountability, management, and leadership survey
3 open to all employees of the Department of Veterans Af-
4 fairs.

5 (b) ANONYMITY.—The Secretary shall ensure the fol-
6 lowing:

7 (1) Feedback collected and data compiled under
8 this section is only to be disaggregated by—

9 (A) whether an employee is in a Senior Ex-
10 ecutive Service position (as such term is defined
11 in section 3132(a) of title 5, United States
12 Code) or other equivalent position or not; and

13 (B) Administration (namely Veterans
14 Health Administration, National Cemetery Ad-
15 ministration, Veterans Benefits Administration,
16 and Central Office of the Department) or staff
17 office or other entity where a survey participant
18 is employed.

19 (2) In carrying out paragraph (1), the granu-
20 larity of data collected is not recorded or collected
21 in a manner to allow the identification of employees
22 within any unit of the Department which contains a
23 relatively smaller number of employees and whose
24 identities could potentially be ascertained.

1 (3) Feedback collected and data compiled under
2 this section does not include any personally identifi-
3 able information.

4 (4) The protections for participants provided
5 under this subsection are clearly made known within
6 the survey and in educational and training material
7 informing employees of the Department about the
8 survey.

9 (c) ELEMENTS.—

10 (1) IN GENERAL.—As part of the voluntary
11 anonymous survey required by subsection (a), the
12 Secretary shall inquire about the following:

13 (A) The knowledge level and under-
14 standing of employees regarding reporting and
15 accountability structures within and outside of
16 the Department regarding employment con-
17 cerns, issues of waste, fraud, and abuse and
18 other related matters.

19 (B) The knowledge level and under-
20 standing of employees regarding whistleblower
21 protections including protections against pro-
22 hibited personnel actions described in section
23 731(c) of title 38, United States Code.

24 (C) The knowledge level and under-
25 standing of employees regarding where to seek

1 assistance with equal employment opportunity,
2 harassment, and other related matters.

3 (D) The knowledge level and under-
4 standing of how to report information to the
5 Office of Inspector General of the Department,
6 the Office of the Medical Inspector established
7 by section 7306B of title 38, United States
8 Code, as added by section 202, the Office of Ac-
9 countability and Whistleblower Protection, the
10 Office of Special Counsel, the Comptroller Gen-
11 eral of the United States, and related entities.

12 (E) To what extent employees feel com-
13 fortable reporting areas of concern to an indi-
14 vidual in the supervisory chain of the employee.

15 (F) If the employee has reported areas of
16 concern within their supervisor chain in the
17 past, to what extent the employee feels the re-
18 port was taken seriously and addressed.

19 (G) If the employee has reported areas of
20 concern to a representative of a labor organiza-
21 tion, to what extent the employee feels the labor
22 organization was able to address it.

23 (H) The opinions and comments of survey
24 participants on any topic the participants con-
25 sider appropriate.

1 (I) Such other matters the Secretary con-
2 siders appropriate.

3 (2) INFORMATION AND RESOURCES.—At the
4 end of each survey required by subsection (a), the
5 Department shall provide employees with informa-
6 tion and resources regarding the following:

7 (A) How to reach out to their appropriate
8 labor representatives, where applicable.

9 (B) Resources and information on the legal
10 protections for whistleblowers.

11 (C) Reporting information to the Office of
12 Inspector General of the Department, the Office
13 of the Medical Inspector established by section
14 301, the Office of Accountability and Whistle-
15 blower Protection, the Office of Special Coun-
16 sel, the Comptroller General of the United
17 States, and related entities.

18 (3) RESPONSES NOT REQUIRED.—The Sec-
19 retary shall not require an employee who chooses to
20 participate in the survey to respond to every ques-
21 tion of the survey required by subsection (a).

22 (d) REPORTS TO CONGRESS.—

23 (1) REPORT REQUIRED.—Not later than 180
24 after the date of the completion of the initial survey
25 conducted pursuant to subsection (a) and each sur-

1 vey conducted thereafter, the Department shall sub-
2 mit to the Committee on Veterans' Affairs of the
3 Senate and the Committee on Veterans' Affairs of
4 the House of Representatives a report on the survey.

5 (2) ELEMENTS.—Each report submitted pursu-
6 ant to paragraph (1) regarding a survey shall in-
7 clude the following, disaggregated as described in
8 subsection (b)(1):

9 (A) A copy of the survey as it was pre-
10 sented, including any variations depending on
11 employee status and Administration, staff of-
12 fice, or related element of the Department.

13 (B) The survey response rate.

14 (C) A description of outreach the Depart-
15 ment conducted to notify employees of the sur-
16 vey and solicit responses.

17 (D) A description of incentives provided to
18 employees for responding to the survey or work-
19 place accommodations made for employees to
20 respond to the survey during working hours.

21 (E) A description of safeguards instituted
22 to ensure employee anonymity.

23 (F) Conclusions, recommendations, and
24 plans of action based on survey responses to
25 improve accountability, due process, employee

1 retention and development, and leadership and
2 management at the Department.

3 (e) COORDINATION WITH THIRD PARTIES.—The
4 Secretary may enlist a reputable non-Department entity
5 to develop, conduct, and analyze the surveys.

6 (f) COORDINATION WITH COMMUNITY AND LABOR
7 ORGANIZATIONS.—The Secretary shall solicit formal writ-
8 ten feedback from labor organization partners and other
9 appropriate entities regarding the contents of the surveys
10 conducted pursuant to subsection (a) and the data anal-
11 ysis of each survey. The Secretary shall share these rec-
12 ommendations with the committees described in sub-
13 section (d)(1) and include feedback on whether or not the
14 Secretary intends to follow the recommendations and ex-
15 planations for any recommendations the Secretary does
16 not follow.

17 (g) TERMINATION.—The requirements of this section
18 shall terminate on the date that is five years after the date
19 of the enactment of this Act, but the Secretary may con-
20 tinue conducting surveys under this section as the Sec-
21 retary considers appropriate.

22 (h) DEFINITION OF WHISTLEBLOWER.—In this sec-
23 tion, the term “whistleblower” has the meaning given such
24 term in section 323 of title 38, United States Code, as
25 amended by this Act.

1 **SEC. 104. ESTABLISHMENT OF ADMINISTRATIVE INVES-**
2 **TIGATION BOARD AND OTHER ACCOUNT-**
3 **ABILITY ACTIONS DATABASE.**

4 (a) IN GENERAL.—Subchapter I of chapter 7 of title
5 38, United States Code, as amended by section 101, is
6 further amended by adding at the end the following new
7 section:

8 **“§ 729A. Administrative investigation board and**
9 **other accountability actions database**

10 “(a) ESTABLISHMENT.—The Secretary shall estab-
11 lish a central, access-controlled, and secure database to
12 make administrative investigation board information, and
13 other official investigatory process information, accessible
14 for relevant officials of the Department for the purposes
15 of—

16 “(1) reviewing an employee who is under con-
17 sideration for promotion or rehire and who was the
18 subject of an administrative investigation board or
19 other official investigatory process;

20 “(2) monitoring trends and challenges, includ-
21 ing with respect to management and accountability;
22 and

23 “(3) enabling relevant authorized officials of—

24 “(A) the Office of the Secretary and the
25 Deputy Secretary and non-Administration of-
26 fices of the Central Office of the Department to

1 attain visibility and insight into the account-
2 ability actions and investigations of the head-
3 quarters of the Department for purposes of
4 management and oversight;

5 “(B) Veterans Integrated Service Net-
6 works and the central office of the Veterans
7 Health Administration to attain visibility and
8 insight into the accountability actions and in-
9 vestigations of the Department medical centers
10 and other relevant sub-facilities for the pur-
11 poses of management and oversight;

12 “(C) the central office of the Veterans
13 Benefits Administration to attain visibility and
14 insight into the accountability actions and in-
15 vestigations of regional offices of the Adminis-
16 tration for the purposes of management and
17 oversight;

18 “(D) the central office of the National
19 Cemetery Administration to attain visibility and
20 insight into the accountability actions and in-
21 vestigations of regional offices of the Adminis-
22 tration for the purposes of management and
23 oversight; and

24 “(E) all other relevant offices and adminis-
25 trations of the Department to attain visibility

1 and insight into the accountability actions and
2 investigations of regional or sub-offices of a rel-
3 evant organization for the purposes of manage-
4 ment and oversight.

5 “(b) MANNER OF IMPLEMENTATION.—The database
6 established pursuant to subsection (a) may be imple-
7 mented through—

8 “(1) the creation of a standalone information
9 technology service or system; or

10 “(2) incorporated into an existing or planned
11 information technology solution for human re-
12 sources, accountability, or other similar functions,
13 but only if such system complies with the require-
14 ments of subsection (c).

15 “(c) PRIVACY AND SECURITY.—

16 “(1) IN GENERAL.—The database established
17 pursuant to subsection (a) shall have privacy, user-
18 based, time-limitation, and access controls to ensure
19 only those with a need to know can access the infor-
20 mation.

21 “(2) PROTOCOLS.—

22 “(A) IN GENERAL.—The Secretary shall,
23 in consultation with the General Counsel of the
24 Department, the Assistant Secretary for Infor-
25 mation and Technology, the Chief Human Cap-

1 itol Officer, and the Assistant Secretary for Ac-
2 countability and Whistleblower Protection, and
3 the heads of such other relevant offices of the
4 Department, develop protocols for who can have
5 access to the database established pursuant to
6 subsection (a) and when, so as to preserve pri-
7 vacy, preserve due process, and strengthen ac-
8 countability and whistleblower protection.

9 “(B) ANNUAL REVIEWS.—The Secretary
10 shall review the protocols developed pursuant to
11 subparagraph (A) not less frequently than once
12 each year.

13 “(d) FEATURES.—The database established pursuant
14 to subsection (a) shall include, at a minimum, the ability
15 to filter data in the database and search such data by the
16 following:

17 “(1) Outcome of an administrative investigation
18 board or other official investigatory process.

19 “(2) The implementation status of the rec-
20 ommendations or other actions included in a final
21 administrative investigation board or other official
22 investigatory process.

23 “(3) Summary of facts of a case.

24 “(4) Relevant final documents and interviews,
25 findings, and adjudication.

1 “(5) Grade of employee.

2 “(6) Status of administrative investigation
3 board review or other official investigatory process.

4 “(7) Date of initiation and whether a case is
5 open but not concluded or other such status.

6 “(8) Date of closure of an administrative inves-
7 tigation board or other official investigatory process.

8 “(9) Employee name.

9 “(10) Administration, staff office, or other De-
10 partment entity.

11 “(11) Location, such as the following:

12 “(A) Station code.

13 “(B) Regional office.

14 “(C) Department medical center or med-
15 ical facility of the Department.

16 “(D) Cemetery.

17 “(E) Such other relevant subcategories as
18 the Secretary determines appropriate.

19 “(e) EXPANSION OF SCOPE.—The Secretary may ex-
20 pand the scope of the database established pursuant to
21 subsection (a) to include such other accountability reviews
22 and adverse employment outcomes as the Secretary con-
23 siders appropriate.

24 “(f) MONITORING OF DATABASE.—The Secretary
25 shall ensure that the Veterans Integrated Service Net-

1 works, the central office of the Department, the Office of
2 Accountability and Whistleblower Protection, the district
3 offices of the National Cemetery Administration, the cen-
4 tral office of the National Cemetery Administration, the
5 regional districts of the Veterans Benefits Administration,
6 the central office of the Veterans Benefits Administration,
7 and such senior leaders of the Department as the Sec-
8 retary considers appropriate monitor the database estab-
9 lished pursuant to subsection (a) for activity and trends
10 within their organizations down to the lowest level so as
11 to ensure awareness of administrative investigation boards
12 and other official investigatory processes open and con-
13 cluded within their organization so as to determine poten-
14 tial trends and challenges within the various levels and
15 sub-levels of each organization.

16 “(g) POLICIES ON UPLOADING, ENTERING, OR OTH-
17 ERWISE SUBMITTING INFORMATION.—The Secretary shall
18 develop and implement policy to require all parts of the
19 Department to upload, enter, or otherwise submit infor-
20 mation to the database established pursuant to subsection
21 (a) in real-time so as to ensure the database has the most
22 current available information at all times.

23 “(h) ADMINISTRATION.—The General Counsel
24 shall—

1 “(1) administer the database established pursu-
2 ant to subsection (a);

3 “(2) maintain the database in coordination with
4 the Chief Human Capital Officer of the Department,
5 the Assistant Secretary for Accountability and Whis-
6 tleblower Protection, and the Assistant Secretary for
7 Information and Technology, especially with respect
8 to ensuring security, access control, due process, and
9 whistleblower protection;

10 “(3) monitor the database for trends; and

11 “(4) develop recommendations, based on the
12 findings of the General Counsel with respect to the
13 monitoring carried out pursuant to paragraph (3),
14 for the Secretary to improve accountability, over-
15 sight, leadership, and management at the Depart-
16 ment.

17 “(i) DEFINITION OF VET CENTER.—In this section,
18 the term ‘Vet Center’ has the meaning given that term
19 in section 1712A(h) of this title.”.

20 (b) CLERICAL AMENDMENT.—The table of sections
21 at the beginning of chapter 7 of such title, as amended
22 by section 101, is further amended by inserting after the
23 item relating to section 729 the following new item:

 “729A. Administrative investigation board and other accountability actions data-
 base.”.

1 **SEC. 105. REPORT ON ACCOUNTABILITY ACTIONS OF DE-**
2 **PARTMENT OF VETERANS AFFAIRS.**

3 (a) REPORT REQUIRED.—Not later than one year
4 after the date of the enactment of this Act and not later
5 than 60 days after the commencement of each fiscal year
6 thereafter until the date that is five years after the date
7 of the enactment of this Act, the Secretary of Veterans
8 Affairs shall submit to the appropriate committees of Con-
9 gress a report on adverse actions relating to employees
10 of the Department of Veterans Affairs occurring during
11 the previous fiscal year.

12 (b) CONTENTS.—Each report submitted pursuant to
13 subsection (a) shall include the following:

14 (1) Information for all terminations, removals,
15 demotions, or other adverse actions, during the 10
16 fiscal years ending before the date of the submittal
17 of the report, disaggregated by fiscal year.

18 (2) The authority used to terminate an em-
19 ployee, disaggregated by type of adverse action and
20 seniority level of employee.

21 (c) DEFINITION OF APPROPRIATE COMMITTEES OF
22 CONGRESS.—In this section, the term “appropriate com-
23 mittees of Congress” means—

24 (1) the Committee on Veterans’ Affairs and the
25 Committee on Appropriations of the Senate; and

1 (2) the Committee on Veterans' Affairs and the
2 Committee on Appropriations of the House of Rep-
3 resentatives.

4 **SEC. 106. REPORT ON VIEWS OF SECRETARY OF VETERANS**
5 **AFFAIRS ON NEED FOR ADDITIONAL LEGIS-**
6 **LATIVE ACTION TO IMPROVE ACCOUNT-**
7 **ABILITY, DUE PROCESS, AND WHISTLE-**
8 **BLOWER PROTECTION AT DEPARTMENT OF**
9 **VETERANS AFFAIRS.**

10 (a) IN GENERAL.—Not later than 60 days after the
11 date of the enactment of this Act, the Secretary of Vet-
12 erans Affairs shall submit to the Committee on Veterans'
13 Affairs of the Senate and the Committee on Veterans' Af-
14 fairs of the House of Representatives a report indicating—

15 (1) whether the Secretary has determined that
16 additional legislative action is required to ensure ac-
17 countability, due process, and whistleblower protec-
18 tion for employees of the Department;

19 (2) if the Secretary has determined that addi-
20 tional legislative action is required, the recommended
21 action and a justification for such recommendation;
22 and

23 (3) if the Secretary determines that additional
24 legislative action is not required, the reasoning for
25 such determination.

1 (b) DEFINITION OF WHISTLEBLOWER.—In this sec-
2 tion, the term “whistleblower” has the meaning given such
3 term in section 323(h) of title 38, United States Code,
4 as redesignated by section 201(d).

5 **TITLE II—OVERSIGHT OF**
6 **HEALTH CARE**

7 **SEC. 201. OVERSIGHT VISIT REQUIREMENTS FOR MEDICAL**
8 **FACILITIES OF DEPARTMENT OF VETERANS**
9 **AFFAIRS.**

10 (a) IN GENERAL.—The Secretary of Veterans Af-
11 fairs, in coordination with the Under Secretary for Health,
12 shall establish requirements for in-person oversight visits
13 by officials of the Department of Veterans Affairs to med-
14 ical facilities of the Department as follows:

15 (1) Not less frequently than once each fiscal
16 year, the director of each medical center of the De-
17 partment shall make an announced or unannounced
18 oversight visit to each medical facility that is within
19 the jurisdiction of such director or the catchment
20 area of such medical center.

21 (2) Not less frequently than once every two fis-
22 cal years, each member of the executive leadership
23 team, except for the director, of each medical center
24 of the Department shall make an announced or un-
25 announced oversight visit to each medical facility

1 that is within the jurisdiction of such team or the
2 catchment area of such medical center.

3 (3) Not less frequently than once every two fis-
4 cal years, the director of each Veterans Integrated
5 Service Network of the Department shall make an
6 announced or unannounced oversight visit to each
7 medical center of the Department that falls within
8 such network.

9 (b) REPORT REQUIRED.—Not later than October 1
10 following the end of the second fiscal year beginning after
11 the date of the enactment of this Act, and every fiscal
12 year thereafter for five years, the Secretary of Veterans
13 Affairs, acting through the Under Secretary for Health,
14 shall submit to the Committee on Veterans' Affairs of the
15 Senate and the Committee on Veterans' Affairs of the
16 House of Representatives a report on—

17 (1) any observations regarding the impact of in-
18 person visits required under subsection (a) in im-
19 proving oversight of, and leadership engagement in,
20 facilities of the Department of Veterans Affairs, ac-
21 countability of employees, to include leadership, at
22 such facilities, and care delivery and quality to vet-
23 erans;

24 (2) the number of individuals, their job title,
25 and the facility of the Department at which they

1 serve, who have not met the requirements set forth
 2 in subsection (a) and steps taken to improve compli-
 3 ance with such requirements, including an expla-
 4 nation as to why those requirements were not met;
 5 and

6 (3) any other observations the Secretary or the
 7 Under Secretary for Health may have regarding the
 8 impact of visits required under subsection (a) on im-
 9 proving health care delivery, quality, safety, leader-
 10 ship, and accountability.

11 **SEC. 202. ESTABLISHMENT OF OFFICE OF THE MEDICAL IN-**
 12 **SPECTOR OF DEPARTMENT OF VETERANS AF-**
 13 **FAIRS.**

14 (a) ESTABLISHMENT.—Subchapter I of chapter 73 of
 15 title 38, United States Code, is amended by inserting after
 16 section 7306A, as added by section 102(a)(1) of this Act,
 17 the following new section:

18 **“§ 7306B. Office of the Medical Inspector**

19 “(a) IN GENERAL.—There is established in the Vet-
 20 erans Health Administration within the Office of Trans-
 21 parency, Engagement, Accountability, and Management
 22 under section 7306A of this title, or subsequent office of
 23 similar function, an office to be known as the ‘Office of
 24 the Medical Inspector’ (in this section referred to as the
 25 ‘Office’).

1 “(b) HEAD OF OFFICE.—

2 “(1) IN GENERAL.—The Medical Inspector
3 shall be the head of the Office.

4 “(2) APPOINTMENT.—The Medical Inspector
5 shall be appointed by the Secretary from among in-
6 dividuals qualified to perform the duties of the posi-
7 tion.

8 “(3) REPORTING.—The Medical Inspector shall
9 report directly to the Under Secretary for Health.

10 “(c) FUNCTIONS.—The functions of the Office shall
11 include the following:

12 “(1) To review, including proactively, the qual-
13 ity, safety, outcomes, and delivery of, and access to,
14 health care provided to veterans by the Department.

15 “(2) To proactively review offices and facilities
16 of the Veterans Health Administration that have an
17 impact on the quality, safety, and delivery of, and
18 access to, such care and the performance of the De-
19 partment in providing such care.

20 “(3) To proactively review offices and facilities
21 of the Veterans Health Administration to ensure
22 that policies and procedures of the Department and
23 the Veterans Health Administration are applied con-
24 sistently at all such offices and facilities.

1 “(4) To investigate, including proactively, the
2 existence of any systemic health delivery, quality,
3 safety, access, or related issues, as determined by
4 the Medical Inspector, that arise within the Veterans
5 Health Administration or through health care pro-
6 vided by the Department.

7 “(5) To establish temporary investigative teams
8 to carry out reviews or investigations described in
9 paragraphs (1), (2), (3), and (4) in response to spe-
10 cific incidents or inquiries, including the following:

11 “(A) Investigations of complaints by a vet-
12 eran, a family member of a veteran, an em-
13 ployee of the Department, or another individual
14 that may require a visit to a facility or facilities
15 of the Department.

16 “(B) Reviews or investigations upon re-
17 quest by the Secretary or the Under Secretary
18 for Health.

19 “(C) Reviews or investigations in response
20 to information or requests by the Inspector
21 General of the Department, the Office of Ac-
22 countability and Whistleblower Protection of
23 the Department, the Special Counsel, the
24 Comptroller General of the United States, a

1 Member of Congress, and other related entities,
2 as determined by the Secretary.

3 “(D) Assessments to examine potential
4 systemic health quality, safety, access, satisfac-
5 tion, staffing, performance, and other issues
6 within the Veterans Health Administration, in-
7 cluding through the conduct of surveys, the col-
8 lection and examination of data, and the anal-
9 ysis of databases.

10 “(6) To recommend policies to promote effi-
11 ciency in the administration of, and to prevent
12 waste, abuse, and mismanagement in, programs and
13 operations of the Veterans Health Administration.

14 “(7) To carry out other related duties required
15 of the Office by the Secretary or the Under Sec-
16 retary for Health before, on, or after the date of the
17 enactment of this section.

18 “(8) To conduct coordination and open commu-
19 nication with the Inspector General of the Depart-
20 ment, the Special Counsel, and the Comptroller Gen-
21 eral and to ensure those entities have the informa-
22 tion required to perform their independent oversight
23 functions.

24 “(d) CAPABILITIES AND INTERNAL CONTROLS.—The
25 Under Secretary and the Medical Inspector shall ensure

1 that the Office has the following capabilities and internal
2 controls to achieve effective operations of the Office:

3 “(1) A modern electronic information tech-
4 nology database, system, or systems with a min-
5 imum of the following functions or capabilities:

6 “(A) To perform modern case management
7 activities, including tracking open cases, closed
8 cases, trends, time to process, open rec-
9 ommendations, to whom a recommendation is
10 directed (such as a facility or individual), and
11 other similar activities of the Office.

12 “(B) To track referrals of issues the Office
13 declines to review but refers to other entities to
14 review.

15 “(C) To review all report recommendations
16 of the Office for trends and issues throughout
17 the Veterans Health Administration and alert
18 leadership of the Veterans Health Administra-
19 tion for corrective and preventative action.

20 “(D) Such other functions or capabilities
21 as determined by the Under Secretary and the
22 Medical Inspector.

23 “(2) Consistent guidelines for how long facili-
24 ties that have an open recommendation from the Of-
25 fice have to close such recommendation.

1 “(3) Best practice guidelines on what set of
2 management officials and processes are to be used
3 to approve the closure of recommendations from the
4 Office consistent with internal controls best practices
5 of the Government Accountability Office.

6 “(4) A staffing model and budget for the Office
7 that is consistent with those of a health care system
8 with a patient workload the size of that served by
9 the Department.

10 “(5) An organizational performance plan.

11 “(e) INFORMATION ON SENIOR EXECUTIVE SERVICE
12 APPLICANTS.—

13 “(1) IN GENERAL.—In conducting a review
14 under this section with respect to an individual serv-
15 ing in a Senior Executive Service position (as de-
16 fined in section 3132(a) of title 5) or equivalent po-
17 sition in the Department, the Medical Inspector, and
18 a limited number of personnel delegated by the Med-
19 ical Inspector from within the Office, may request
20 and receive from other relevant offices of the De-
21 partment the complete hiring packet, package, or as-
22 sembled paperwork and other information, including
23 electronically stored information, that was submitted
24 by a Federal agency on behalf of the individual when
25 the individual was a candidate for such position.

1 “(2) LIMITATION.—Access to information au-
2 thorized under paragraph (1) shall be secure, on a
3 need to know basis, and provided with appropriate
4 controls to protect privacy, whistleblower retaliation,
5 and related matters.

6 “(f) PRIVACY MATTERS.—Any medical or other per-
7 sonal information obtained by the Office shall be protected
8 from disclosure or misuse in accordance with the laws on
9 privacy and whistleblower protection applicable to such in-
10 formation.”.

11 (b) CLERICAL AMENDMENT.—The table of sections
12 at the beginning of such chapter is amended by inserting
13 after the item relating to section 7306A, as added by sec-
14 tion 102(a)(2) of this Act, the following new item:

 “7306B. Office of the Medical Inspector.”.

15 (c) GUIDANCE ON PROVISION OF FEEDBACK.—Not
16 later than 180 days after the date of the enactment of
17 this Act, the Secretary of Veterans Affairs and the Under
18 Secretary for Health of the Department of Veterans Af-
19 fairs shall determine and publish guidance requiring all
20 internal offices, sub-offices, and other entities of the De-
21 partment of Veterans Affairs reviewing a draft report by
22 the Office of the Medical Inspector under section 7306B
23 of title 38, United States Code, as added by subsection
24 (a), for the purpose of concurrence by the Department
25 with that report to provide feedback on that report to the

1 Office not later than 15 business days after assignment
2 for review of that report by the Office or another entity
3 controlling or administering the concurrence process.

4 (d) CAPABILITIES AND INTERNAL CONTROLS.—Not
5 later than one year after the date of the enactment of this
6 Act, the Under Secretary for Health of the Department
7 of Veterans Affairs and the Medical Inspector shall ensure
8 that the Office of the Medical Inspector established under
9 section 7306B of title 38, United States Code, as added
10 by subsection (a), has the capabilities and internal con-
11 trols specified in subsection (d) of such section.

12 (e) CONTINUATION IN OFFICE.—The individual serv-
13 ing as the Medical Inspector of the Department of Vet-
14 erans Affairs on the day before the date of the enactment
15 of this Act may serve as the Medical Inspector of the De-
16 partment of Veterans Affairs after that date until the date
17 on which the Secretary of Veterans Affairs appoints an
18 individual to be the Medical Inspector pursuant to section
19 7306B(b)(2) of title 38, United States Code, as added by
20 subsection (a), which may include the appointment of the
21 same individual.

22 (f) REPORT ON ACTIONS TO RESPOND TO COMP-
23 TROLLER GENERAL REPORT ON OFFICE OF MEDICAL IN-
24 SPECTOR.—

1 (1) IN GENERAL.—Not later than 60 days after
2 the date of the enactment of this Act, the Secretary
3 of Veterans Affairs shall submit to the Committee
4 on Veterans' Affairs of the Senate and the Com-
5 mittee on Veterans' Affairs of the House of Rep-
6 resentatives a report on the action plan of the Sec-
7 retary to implement relevant recommendations of the
8 Comptroller General of the United States contained
9 in any review published by the Comptroller General
10 in the previous three calendar years regarding the
11 Office of the Medical Inspector of the Department of
12 Veterans Affairs, including recommended short, me-
13 dium, and long-term plans to establish the Office of
14 the Medical Inspector pursuant to this section.

15 (2) ELEMENTS.—The report required by para-
16 graph (1) shall include—

17 (A) specific plans, timelines, and status as
18 of the date of the report of the actions of the
19 Secretary to implement the recommendations
20 contained in the report of the Comptroller Gen-
21 eral in 2023 regarding the Office of the Medical
22 Inspector of the Department of Veterans Af-
23 fairs;

24 (B) any requests for legislative action and
25 resources to implement the provisions of this

1 Act that relate to the Office of the Medical In-
2 spector to ensure the effectiveness of the Office
3 to handle the workload and caseload for an in-
4 tegrated health system with a veteran patient
5 volume and medical workforce the size of that
6 served by the Department; and

7 (C) such other matters as the Secretary
8 considers necessary.

9 (g) **RULE OF CONSTRUCTION ON INDEPENDENCE OF**
10 **OFFICE OF THE MEDICAL INSPECTOR.**—The establish-
11 ment of the Office of the Medical Inspector of the Depart-
12 ment of Veterans Affairs under section 7306B of title 38,
13 United States Code, as added by subsection (a), within
14 the Office of Transparency, Engagement, Accountability,
15 and Management under section 7306A of such title, as
16 added by section 102(a)(1), is done for organizational effi-
17 ciency and economies of scale but shall not be construed
18 to indicate that the Office of the Medical Inspector or the
19 Medical Inspector should report to any individual or entity
20 other than the Under Secretary for Health of the Depart-
21 ment of Veterans Affairs.

22 **SEC. 203. INCLUSION OF OFFICIALS WITHIN OFFICE OF**
23 **THE UNDER SECRETARY FOR HEALTH.**

24 Section 7306(a) of title 38, United States Code, is
25 amended—

1 (1) by redesignating paragraph (12) as para-
2 graph (14); and

3 (2) inserting after paragraph (11) the following
4 new paragraphs:

5 “(12) The Director of the Office of Trans-
6 parency, Engagement, Accountability, and Manage-
7 ment under section 7306A of this title.

8 “(13) The Medical Inspector, who shall be the
9 head of the Office of the Medical Inspector under
10 section 7306B of this title.”.

11 **SEC. 204. MOBILE TEMPORARY HEALTH STAFFING PRO-**
12 **GRAM TO ENSURE ACCESS AND CONTINUITY**
13 **OF CARE.**

14 (a) ESTABLISHMENT.—Not later than two years
15 after the date of the enactment of this Act, the Under
16 Secretary for Health of the Department of Veterans Af-
17 fairs shall establish a mobile temporary staffing program
18 (in this section referred to as the “Program”) to tempo-
19 rarily fill vacancies and employee absences for certain po-
20 sitions within the Veterans Health Administration, includ-
21 ing by combining any existing similar programs of the Vet-
22 erans Health Administration within the Program.

23 (b) ELEMENTS.—At a minimum, the Program shall
24 include—

1 (1) a team of individuals representing each
2 shortage occupation or high-turnover occupation
3 within the Veterans Health Administration; and

4 (2) a request mechanism for facilities of the
5 Veterans Health Administration to request those in-
6 dividuals to be temporarily assigned to fill vacancies
7 and employee absences.

8 (c) PRIORITY ASSIGNMENTS.—A facility of the Vet-
9 erans Health Administration shall obtain priority assign-
10 ment for staffing of an occupancy type under the Program
11 if the facility has only one position of that occupancy type
12 and that position is vacant or functionally vacant due to
13 the employee in question being under administrative inves-
14 tigation, detailed out of such position, or otherwise not
15 performing their regular care delivery duties.

16 (d) NOT PERMANENT POSITIONS.—An individual
17 temporarily assigned to a position at a facility of the Vet-
18 erans Health Administration under the Program—

19 (1) shall not be permitted to permanently oc-
20 cupy the position; and

21 (2) shall not be permitted to fill a non-tem-
22 porary employment vacancy.

23 (e) REPORTS TO CONGRESS.—

24 (1) INITIAL REPORT.—Not later than one year
25 after the date of the enactment of this Act, the

1 Under Secretary for Health shall submit to Congress
2 a report detailing the plans of the Under Secretary
3 to establish the Program.

4 (2) ANNUAL REPORT.—

5 (A) IN GENERAL.—Not later than one year
6 after the establishment of the Program, and an-
7 nually thereafter, the Under Secretary for
8 Health shall submit to Congress—

9 (i) data on staffing under the Pro-
10 gram, including—

11 (I) where temporary assignments
12 occurred under the Program and for
13 what length of time;

14 (II) the top three positions with
15 respect to which temporary assign-
16 ments are requested; and

17 (III) any other data and analysis
18 the Secretary considers appropriate;

19 (ii) an assessment of any additional
20 incentives, including any legislative action
21 to carry out those incentives, to incentivize
22 employees of the Veterans Health Adminis-
23 tration to participate in the Program; and

24 (iii) any other matters the Secretary
25 considers appropriate.

1 (B) COMBINATION OF REPORT WITH EX-
2 ISTING REPORTS.—The report required under
3 subparagraph (A) may be submitted as part of
4 another workforce-related report submitted by
5 the Department of Veterans Affairs to Con-
6 gress.

7 **TITLE III—WHISTLEBLOWER**
8 **PROTECTIONS AND EM-**
9 **PLOYEE ACCOUNTABILITY**

10 **SEC. 301. STRENGTHENING WHISTLEBLOWER PROTEC-**
11 **TIONS AT DEPARTMENT OF VETERANS AF-**
12 **FAIRS.**

13 (a) GENERAL COUNSEL OF OFFICE OF ACCOUNT-
14 ABILITY AND WHISTLEBLOWER PROTECTION.—Sub-
15 section (e) of section 323 of title 38, United States Code,
16 is amended to read as follows:

17 “(e) GENERAL COUNSEL.—(1) There is in the Office
18 a General Counsel who shall be the chief legal officer of
19 the Office and provides legal assistance to the Assistant
20 Secretary concerning the programs and policies of the Of-
21 fice.

22 “(2) The Assistant Secretary shall appoint the Gen-
23 eral Counsel of the Office, who shall be a career appointee
24 in the Senior Executive Service and shall report to the
25 Assistant Secretary.

1 “(3) In accordance with subsection (d), the Assistant
2 Secretary may hire staff for the General Counsel of the
3 Office to provide such legal assistance pursuant to para-
4 graph (1).

5 “(4) The Office shall not be established as an element
6 of the Office of the General Counsel of the Department
7 and the Assistant Secretary may not report to the General
8 Counsel of the Department.”.

9 (b) MODIFICATIONS AND ADDITIONAL FUNCTIONS
10 OF OFFICE OF ACCOUNTABILITY AND WHISTLEBLOWER
11 PROTECTION.—Subsection (c)(1) of such section is
12 amended—

13 (1) in subparagraph (C), by inserting “and alle-
14 gations of whistleblower retaliation” after “disclo-
15 sures”; and

16 (2) by striking subparagraphs (F) and (G), and
17 inserting the following new subparagraphs:

18 “(F) Recording, tracking, reviewing, and con-
19 firming implementation of relevant accountability
20 and disciplinary recommendations from audits and
21 investigations carried out by the Inspector General
22 of the Department, the Medical Inspector of the De-
23 partment, the Special Counsel, the Comptroller Gen-
24 eral of the United States, and such others as the As-
25 sistant Secretary considers appropriate, including

1 the imposition of disciplinary actions and other re-
2 lated personnel actions contained in such rec-
3 ommendations.

4 “(G) Analyzing data available to the Office of
5 Accountability and Whistleblower Protection from
6 internal and external data sources, disaggregated by
7 facility, region, network, and area of health care,
8 benefits, memorial services, or such other services of
9 the Department as the Assistant Secretary deter-
10 mines relevant, and other pertinent audits and inves-
11 tigations to identify trends relating to accountability
12 matters, whistleblower retaliation and protection, re-
13 occurring management shortcomings, and issue re-
14 ports and recommendations to the Secretary on
15 these matters based on analysis conducted under
16 this subparagraph.”.

17 (c) TRACKING AND ENFORCEMENT OF REC-
18 OMMENDATIONS AND SETTLEMENT AGREEMENTS RE-
19 GARDING WHISTLEBLOWERS.—Subsection (c) of such sec-
20 tion, as amended by subsection (b), is further amended—

21 (1) in paragraph (1), by adding at the end the
22 following new subparagraphs:

23 “(J) Tracking the negotiation, implementation,
24 and enforcement of settlement agreements entered
25 into by the Secretary regarding claims of retaliation,

1 including with respect to the work of the General
2 Counsel of the Department regarding such settle-
3 ments.

4 “(K) In conducting tracking pursuant to sub-
5 paragraph (J), examining factors, including volume,
6 size of monetary value, and other matters, so as to
7 determine and identify—

8 “(i) any underlying causes of such settle-
9 ment agreements relating to management, lead-
10 ership, accountability, prohibited personnel ac-
11 tions described in section 731(c) of this title,
12 and other similar matters at a facility, office, or
13 organization of the Department; and

14 “(ii) the need for corrective action.

15 “(L) Tracking determinations made by the Spe-
16 cial Counsel regarding claims of committal of a pro-
17 hibited personnel action described in section 731(c)
18 of this title, including—

19 “(i) any disciplinary action for the indi-
20 vidual who engaged in such prohibited per-
21 sonnel action; and

22 “(ii) determinations regarding the need for
23 corrective action under section 1214 of title 5,
24 as identified by the Special Counsel, and any
25 settlement agreement resolving claims of whis-

1 tleblower retaliation entered into by the Sec-
2 retary with the whistleblower.”; and

3 (2) by adding at the end the following new
4 paragraph:

5 “(4)(A) In carrying out subparagraph (J) of para-
6 graph (1), the Assistant Secretary shall, in consultation
7 with the General Counsel of the Department, establish
8 metrics and standards regarding—

9 “(i) the timely negotiation and implementation
10 of settlement agreements entered into by the Sec-
11 retary regarding retaliation; and

12 “(ii) reasonable restitution and restoration of
13 employment, and other relief for whistleblowers.

14 “(B) The Assistant Secretary shall establish a secure
15 electronic system to carry out subparagraphs (J) and (K)
16 of paragraph (1) in a manner that ensures the confiden-
17 tiality of the identity of a whistleblower or a party to a
18 settlement agreement described in either of such subpara-
19 graphs.”.

20 (d) TRAINING AND INFORMATION.—Section 323 of
21 such title is further amended—

22 (1) in subsection (c)(2), by striking “receive
23 anonymous whistleblower disclosures” and inserting
24 “provide information to employees of the Depart-

1 ment regarding the rights of and procedures for
2 whistleblowers”;

3 (2) by redesignating subsection (g) as sub-
4 section (h); and

5 (3) by inserting after subsection (f) the fol-
6 lowing new subsection (g):

7 “(g) TRAINING.—The Assistant Secretary shall—

8 “(1) in consultation with the Special Counsel,
9 develop annual training on whistleblower protection
10 and related issues;

11 “(2) provide and make such training available
12 to employees of the Department; and

13 “(3) disseminate training materials and infor-
14 mation to employees on whistleblower rights, whistle-
15 blower disclosures, and allegations of whistleblower
16 retaliation, including any materials created pursuant
17 to section 733 of this title.”.

18 (e) IMPROVEMENTS TO ANNUAL REPORTS.—Sub-
19 section (f) of such section is amended—

20 (1) in paragraph (1)(B)(ii), by striking “sub-
21 section (C)(1)(G)” and inserting “subsection
22 (c)(1)(E)”;

23 (2) by amending paragraph (2) to read as fol-
24 lows:

1 “(2) If the Secretary, or other relevant management
2 or supervisory official as the case may be, receives a rec-
3 ommendation for disciplinary action under subsection
4 (c)(1)(I) and does not take or initiate, or modifies, miti-
5 gates, or delays, the recommended disciplinary action be-
6 fore the date that is 60 days after the date on which the
7 Secretary or other relevant management or supervisory of-
8 ficial as the case may be, received the recommendation,
9 not later than 60 days after such date, the Secretary shall
10 submit to the Committee on Veterans’ Affairs of the Sen-
11 ate and the Committee on Veterans’ Affairs of the House
12 of Representatives a detailed justification for the relevant
13 official not taking, modifying, or mitigating, or delaying
14 or initiating such disciplinary action.”; and

15 (3) by adding at the end the following new
16 paragraph:

17 “(3) Not later than June 30, 2024, and semiannually
18 thereafter, the Secretary shall submit to the Committee
19 on Veterans’ Affairs of the Senate and the Committee on
20 Veterans’ Affairs of the House of Representatives a report
21 on settlements described in paragraph (1)(J) of subsection
22 (c), including, with respect to the period covered by the
23 report—

24 “(A) the number of settlements initiated, the
25 disposition of each settlement that was resolved, and

1 the number of settlements that are pending or have
2 not been implemented;

3 “(B) the status of each such pending settle-
4 ment, including any progress or lack of progress to-
5 ward settlement and the implementation of such a
6 settlement;

7 “(C) a description of the metrics described in
8 paragraph (4)(A) of such subsection; and

9 “(D) identification of settlement agreements
10 that are not meeting such metrics and standards, or
11 for which there has been any breach of the agree-
12 ment.”.

13 **SEC. 302. REPORT ON IMPLEMENTATION OF PROVISIONS**
14 **OF LAW RELATING TO ACCOUNTABILITY AND**
15 **WHISTLEBLOWER PROTECTIONS AT DEPART-**
16 **MENT OF VETERANS AFFAIRS.**

17 (a) REPORT REQUIRED.—Not later than 270 days
18 after the date of the enactment of this Act, the Secretary
19 of Veterans Affairs shall submit to the Committee on Vet-
20 erans’ Affairs of the Senate and the Committee on Vet-
21 erans’ Affairs of the House of Representatives a report
22 detailing the implementation of Executive Order 13793
23 (38 U.S.C. 301 note; relating to improving accountability
24 and whistleblower protection at the Department of Vet-
25 erans Affairs) and the provisions of, and amendments

1 made by, the Department of Veterans Affairs Account-
2 ability and Whistleblower Protection Act of 2017 (Public
3 Law 115–41), the effect of such implementation, and les-
4 sons learned—

5 (1) to improve accountability and sustain ac-
6 countability actions;

7 (2) to improve oversight;

8 (3) to follow due process;

9 (4) to reduce future financial expenditures and
10 legal risk due to incomplete personnel actions, insuf-
11 ficient documentation and due diligence, and poor
12 compliance;

13 (5) to support recruitment and retention of
14 high quality employees to serve at the Department
15 of Veterans Affairs; and

16 (6) to ensure accountability actions withstands
17 external judicial or other quasi-judicial or adminis-
18 trative review.

19 (b) CONTENTS.—The report submitted pursuant to
20 subsection (a) shall include, at a minimum, the following:

21 (1) A description and a timeline of pre-plan-
22 ning, reasoning of the policy steps made to imple-
23 ment, and staffing decisions and selections made to
24 carry out Executive Order 13793.

1 (2) A description and a timeline of pre-plan-
2 ning, reasoning of the policy steps made to imple-
3 ment, and staffing decisions and selections for the
4 Office of Accountability and Whistleblower Protec-
5 tion to carry out the provisions of, and amendments
6 made by, the Department of Veterans Affairs Ac-
7 countability and Whistleblower Protection Act of
8 2017 (Public Law 115–41).

9 (3) A description of the actual implementation
10 and staffing decisions made to carry out such Exec-
11 utive Order and the provisions of, and amendments
12 made by, such Act and how the implementation dif-
13 fered from what was planned.

14 (4) A discussion of the legal consequences of
15 not bargaining or notifying the relevant labor orga-
16 nization partners before implementation of section
17 714 of title 38, United States Code.

18 (5) A discussion of how and why the Depart-
19 ment was brought into legal proceedings pursuant to
20 actions in Federal courts, administrative pro-
21 ceedings, or quasi-judicial bodies, relating to the im-
22 plementation of the provisions of law and amend-
23 ments described in paragraph (2) and the Executive
24 Order 13793, including descriptions of—

1 (A) each legal proceeding, including the
2 issues presented; and

3 (B) the current or final status of litigation,
4 judicial review, quasi-judicial review, or admin-
5 istrative proceeding as of the date of the report.

6 (6) A detailed explanation of the staffing, pol-
7 icy, and other decisions made that led to the chal-
8 lenges and recommendations contained in Office of
9 Inspector General of the Department of Veterans
10 Affairs report 18-04968-249, dated October 24,
11 2019, and titled “Office of Accountability and Whis-
12 tleblower Protection: Failures Implementing Aspects
13 of the VA Accountability and Whistleblower Protec-
14 tion Act of 2017”, which contained 22 recommenda-
15 tions for corrective action.

16 (7) A count of the employees terminated or oth-
17 erwise removed from service, including their senior-
18 ity level and date of removal, pursuant to authority
19 provided by the Department of Veterans Affairs Ac-
20 countability and Whistleblower Protection Act of
21 2017 (Public Law 115-41) during the period begin-
22 ning on June 23, 2017, and ending on the date of
23 the enactment of this Act, including which authority
24 was utilized and which of those were required to be
25 rehired or financially made whole, or received some

1 other form of compensation or corrective action, be-
2 cause their termination was subsequently found to
3 be in violation of a provision of law, regulation, or
4 related matters, or was so directed by judicial, quasi-
5 judicial, or other administrative order or ruling.

6 (8) Information on the establishment of the Of-
7 fice of Accountability and Whistleblower Protection
8 pursuant to Executive Order 13793 and then by the
9 Department of Veterans Affairs Accountability and
10 Whistleblower Protection Act of 2017 (Public Law
11 115–41), including a description of the following:

12 (A) How the office was initially staffed and
13 how many of the people hired to staff the office
14 were hired using noncompetitive practices.

15 (B) How the office handled cases in the
16 period between April 27, 2017, and ending on
17 October 31, 2019, where an apparent conflict of
18 interest existed, such as in which one senior of-
19 ficial had to carry out or direct a review of an-
20 other senior official or of equal rank and what
21 firewalls or other procedures were established to
22 prevent potential conflicts of interest.

23 (C) Any leaders who had multiple roles
24 within the office and in other elements of the
25 Department simultaneously and any conflicts of

1 interest or apparent conflicts of interest in
2 those roles.

3 (D) Who was held accountable, and in
4 what manner, as a result of the failures identi-
5 fied in the report described in paragraph (6)
6 and thereafter, including—

7 (i) how many employees of the office
8 were terminated, demoted, or suspended
9 during the period beginning on April 27,
10 2017, and ending on October 31, 2019;

11 (ii) what authority was used for the
12 terminations, demotions, or suspensions,
13 described in clause (i) and the reasons for
14 such terminations; and

15 (iii) how many employees of the office
16 retired or resigned during the period de-
17 scribed in clause (i).

18 (9) What lessons were learned by the Depart-
19 ment regarding how to better implement account-
20 ability actions in the future to avoid or reduce po-
21 tential litigation, reduce financial costs incurred, re-
22 duce lost accountability actions, increase efficiency,
23 and ensure sustained accountability.

24 (10) The total final, or estimated final, finan-
25 cial cost and employment outcome, such as the re-

1 hiring or compensation of employees, of orders, rul-
2 ings, or other actions by Federal courts, administra-
3 tive judges, quasi-judicial entities, or final Collective
4 Bargaining Agreement settlement or renegotiation
5 relating to the implementation of the provisions of,
6 and amendments made by, the Department of Vet-
7 erans Affairs Accountability and Whistleblower Pro-
8 tection Act of 2017 (Public Law 115–41) from June
9 23, 2017, to the date of the report.

10 (11) For each of the outcomes under paragraph
11 (10), an indication of whether the Department could
12 have achieved the same outcome, namely of holding
13 relevant employees accountable in a sustained man-
14 ner, while avoiding litigation and costs incurred and
15 accountability actions rejected.

16 (12) Such other matters as the Secretary con-
17 siders appropriate to describe lessons learned on im-
18 plementing and sustaining accountability actions and
19 culture.

20 **SEC. 303. PEER REVIEW OF INVESTIGATIONS BY OFFICE OF**
21 **ACCOUNTABILITY AND WHISTLEBLOWER**
22 **PROTECTION OF DEPARTMENT OF VETERANS**
23 **AFFAIRS.**

24 Section 323 of title 38, United States Code, as
25 amended by section 301(d), is further amended—

1 (1) by redesignating subsection (h) as sub-
2 section (i);

3 (2) by inserting after subsection (g) the fol-
4 lowing new subsection (h):

5 “(h) PEER REVIEW.—(1) Not later than 180 days
6 after the date of the enactment of the Leadership, En-
7 gagement, Accountability, and Development Act of 2023,
8 the Assistant Secretary shall seek to enter into an ar-
9 rangement with the Council of the Inspectors General on
10 Integrity and Efficiency (in this subsection the ‘Council’)
11 to provide ongoing peer review in accordance with para-
12 graph (2).

13 “(2) Pursuant to an arrangement entered into by the
14 Assistant Secretary and the Council pursuant to para-
15 graph (1), the Council shall arrange for the conduct of
16 ongoing peer reviews by members of the Council at regular
17 intervals, but not less frequently than once each year, of
18 investigations, reports, and related matters of the Office
19 selected by the Council.

20 “(3) The arrangement entered into by the Assistant
21 Secretary and the Council pursuant to paragraph (1) shall
22 ensure that there is a regular rotation of the members of
23 the Council that conducts peer reviews pursuant to para-
24 graph (2).

1 “(4) In developing protocols to carry out an arrange-
2 ment entered into under paragraph (1), the Council shall
3 exclude the Inspector General of the Department from
4 carrying out any peer reviews under the arrangement.

5 “(5) Nothing in this subsection shall be construed to
6 curtail or limit the authority of the Inspector General of
7 the Department to conduct a review, investigation, or
8 other fact finding with respect to the Office or any other
9 element of the Department.”; and

10 (3) in subsection (f)(1)(B)—

11 (A) by redesignating clause (v) as clause
12 (vi); and

13 (B) by inserting after clause (iv) the fol-
14 lowing new clause (v):

15 “(v) The findings of the Council of the Inspec-
16 tors General on Integrity and Efficiency with respect
17 to the peer reviews carried out under subsection (h)
18 and the response of the Assistant Secretary to such
19 findings.”.

1 **SEC. 304. REPORTS ON IMPROVEMENTS TO ADHERENCE TO**
2 **RECOMMENDATIONS OF OFFICE OF AC-**
3 **COUNTABILITY AND WHISTLEBLOWER PRO-**
4 **TECTION.**

5 (a) REPORT ON IMPROVEMENTS TO ADHERENCE TO
6 RECOMMENDATIONS OF OFFICE OF ACCOUNTABILITY
7 AND WHISTLEBLOWER PROTECTION.—

8 (1) REPORT REQUIRED.—Not later than 180
9 days after the date of the enactment of this Act, the
10 Assistant Secretary for Accountability and Whistle-
11 blower Protection shall submit to the Committee on
12 Veterans' Affairs of the Senate and the Committee
13 on Veterans' Affairs of the House of Representatives
14 a report on recommendations and actions taken by
15 the Office of Accountability and Whistleblower Pro-
16 tection to improve the percentage of recommenda-
17 tions issued by the Office to elements of the Depart-
18 ment of Veterans Affairs that are adhered to by
19 such elements.

20 (2) CONTENTS.—The report submitted pursu-
21 ant to paragraph (1) shall include the following:

22 (A) A comprehensive review of the reasons
23 that recommendations issued by the Office to
24 elements of the Department are not taken, initi-
25 ated, or significantly modified by management.

1 (B) Recommendations for administrative
2 action to enable the Department to better—

3 (i) meet the goals of the Department
4 of Veterans Affairs Accountability and
5 Whistleblower Protection Act of 2017
6 (Public Law 115–41);

7 (ii) foster a culture of accountability
8 in the Department; and

9 (iii) protect whistleblowers.

10 (C) Recommendations for such legislative
11 action as may be necessary to assist the Office
12 in accomplishing Departmental adherence to
13 recommendations of the Office and other statu-
14 tory functions of the Office.

15 (b) REVIEW OF INTERNAL CHALLENGES RELATING
16 TO PROPER PROCESSING OF ACCOUNTABILITY PRO-
17 POSALS.—

18 (1) REVIEW.—

19 (A) IN GENERAL.—Not later than one year
20 after the date of the enactment of this Act, the
21 Secretary of Veterans Affairs shall complete a
22 review of internal challenges within the Depart-
23 ment relating to the proper preparation and
24 processing of accountability proposals within
25 the Department.

1 (B) FOCUS.—The review completed under
2 subparagraph (A) shall focus, at a minimum,
3 on—

4 (i) improving the completeness and
5 thoroughness of proposed accountability
6 actions and evidence for adverse actions re-
7 lating to employees of the Department, at
8 all levels and of a representative range of
9 senior levels, so as to sustain the action as
10 it goes through Departmental review by a
11 Departmental deciding official, relevant in-
12 ternal legal counsel review, or external ju-
13 dicial or other external administrative or
14 legal review, while protecting due process;
15 and

16 (ii) improving the timeliness of the ac-
17 countability process from the period of the
18 concern being raised to formal issuance of
19 an action, while protecting due process
20 through a variety of efforts to include De-
21 partmental reorganization, improved policy
22 and process guidance, improved training,
23 and enhanced or additional information
24 technology systems.

25 (2) REPORT.—

1 (A) IN GENERAL.—Not later than one year
2 after the date of the enactment of this Act, the
3 Secretary shall submit to Congress a report on
4 the review completed under paragraph (1).

5 (B) CONTENTS.—The report submitted
6 pursuant to subparagraph (A) shall include the
7 following:

8 (i) The findings of the Secretary with
9 respect to the review completed under
10 paragraph (1).

11 (ii) A description of the following:

12 (I) The current average length of
13 Departmental accountability proc-
14 esses.

15 (II) Recommendations for im-
16 provements to process, human re-
17 sources, legal, organizational struc-
18 ture, and employee training.

19 (III) Information technology in-
20 cluding those that move processes
21 from paper-based to digital or elec-
22 tronic-based systems.

23 (iii) A timeline to achieve the improve-
24 ments recommended under clause (ii)(II).

1 (iv) Recommendations for such legis-
2 lative or administrative action as the Sec-
3 retary considers necessary to implement
4 the improvements recommended under
5 clause (ii)(II).

6 (v) Such other matters as the Sec-
7 retary considers appropriate.

8 **SEC. 305. REPORT ON DEPARTMENT OF VETERANS AF-**
9 **FAIRS ACTIONS IN RESPONSE TO PRELIMI-**
10 **NARY OBSERVATIONS IN COMPTROLLER**
11 **GENERAL OF THE UNITED STATES REPORT**
12 **ON DEPARTMENT WHISTLEBLOWER RETALIA-**
13 **TION.**

14 (a) INITIAL REPORT.—Not later than 180 days after
15 the date of the enactment of this Act, the Secretary of
16 Veterans Affairs shall submit to the Committee on Vet-
17 erans' Affairs of the Senate and the Committee on Vet-
18 erans' Affairs of the House of Representatives a report
19 on steps the Department of Veterans Affairs has taken
20 or will take in response to Government Accountability Of-
21 fice report 23–106111 (relating to Department of Vet-
22 erans Affairs resolution process for whistleblower retalia-
23 tion claims).

24 (b) SUBSEQUENT REPORTS.—Not later than 180
25 days after the date on which the Comptroller General re-

1 leases a report subsequent to report 23–106111 described
 2 in subsection (a) that pertains to the same topic as such
 3 report 23–106111 and relates to the Department in cal-
 4 endar year 2023 or 2024, the Secretary shall submit to
 5 the committees described in such subsection a report on
 6 the steps the Department has taken or will taken in re-
 7 sponse to such newly released report.

8 **SEC. 306. MODIFICATION TO RESPONSIBILITIES AND AU-**
 9 **THORITIES OF ASSISTANT SECRETARY FOR**
 10 **ACCOUNTABILITY AND WHISTLEBLOWER**
 11 **PROTECTION.**

12 (a) MOVEMENT OF RESPONSIBILITIES FOR TRACK-
 13 ING POLICY AND GOVERNANCE RECOMMENDATIONS
 14 FROM OFFICE OF ACCOUNTABILITY AND WHISTLE-
 15 BLOWER PROTECTION TO THE OFFICE OF ENTERPRISE
 16 INTEGRATION.—

17 (1) IN GENERAL.—The responsibilities of the
 18 Assistant Secretary of Veterans Affairs assigned by
 19 the Secretary of Veterans Affairs to the function
 20 specified in section 308(b)(3) of title 38, United
 21 States Code, shall include the following:

22 (A) Recording, tracking, reviewing, and
 23 confirming implementation of policy, govern-
 24 ance, and all related recommendations from au-
 25 dits and investigations carried out by the In-

1 spector General of the Department, the Medical
2 Inspector of the Department, the Special Coun-
3 sel, and the Comptroller General of the United
4 States, except for such portions of such policy
5 governance and recommendations as pertain to
6 the imposition of disciplinary actions and other
7 corrective actions relating to employees of the
8 Department.

9 (B) After reviewing such recommendations
10 and confirming such implementation, providing
11 the Secretary, the Deputy Secretary, the Under
12 Secretary for Health, the Under Secretary for
13 Benefits, the Under Secretary for Memorial Af-
14 fairs, each of the other Assistant Secretaries
15 appointed under section 308 of title 38, United
16 States Code, and such other officials of the De-
17 partment as the Secretary considers appropriate
18 with information, advice, and proposed improve-
19 ments for individual administration, office, and
20 Departmental correction of deficiencies and
21 challenges identified in recommendations de-
22 scribed in subparagraph (A).

23 (2) EFFECTIVE DATE.—Paragraph (1) shall
24 take effect on the date that is 270 days after the
25 date of the enactment of this Act.

1 (b) MODIFIED DISCRETION FOR ASSISTANT SEC-
2 RETARY TO ALLOW RELEVANT DISCIPLINARY ACTIONS
3 TO PROCEED.—

4 (1) IN GENERAL.—Paragraph (2) of section
5 714(e) of title 38, United States Code, is amended—

6 (A) in subparagraph (A), by striking “;
7 or” and inserting a semicolon;

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

10 (C) by adding at the end the following new
11 subparagraph:

12 “(C) the Assistant Secretary otherwise finds
13 that the removal, demotion, or suspension under
14 subsection (a) is consistent with—

15 “(i) protecting and preserving the ability of
16 the Department to deliver services to veterans
17 and other related beneficiaries under the laws
18 administered by the Secretary in an efficient
19 and effective manner;

20 “(ii) maintaining a safe environment for
21 veterans, employees of the Department, and
22 visitors;

23 “(iii) eliminating future occurrences of
24 waste, fraud, or abuse; and

1 “(iv) ensuring a culture of accountability,
2 whistleblower protection, and due process.”.

3 (2) NOTICE.—Such section is amended by add-
4 ing at the end the following new paragraph:

5 “(3) Not later than 60 days after the Assistant Sec-
6 retary makes a finding under paragraph (2)(C) that a re-
7 moval, demotion, or suspension is consistent, the Assistant
8 Secretary shall submit to the Committee on Veterans’ Af-
9 fairs of the Senate and the Committee on Veterans’ Af-
10 fairs notice of such finding along with a justification for
11 the finding.”.

12 **TITLE IV—IMPROVING SECURITY, OVERSIGHT, ACCOUNT-**
13 **RITY, OVERSIGHT, ACCOUNT-**
14 **ABILITY, AND MANAGEMENT**
15 **OF DEPARTMENT OF VET-**
16 **ERANS AFFAIRS**

17 **SEC. 401. PLAN TO CONSOLIDATE AND CENTRALIZE SECUR-**
18 **ITY OPERATIONS OF DEPARTMENT OF VET-**
19 **ERANS AFFAIRS TO IMPROVE MANAGEMENT,**
20 **CLARIFY ACCOUNTABILITY, AND STRENGTH-**
21 **EN EFFECTIVENESS.**

22 (a) PLAN REQUIRED.—Not later than 270 days after
23 the date of the enactment of this Act, the Secretary of
24 Veterans Affairs shall submit to the Committee on Vet-
25 erans’ Affairs of the Senate and the Committee on Vet-

1 erans' Affairs of the House of Representatives a plan to
2 reorganize and consolidate all security functions of the De-
3 partment of Veterans Affairs under a single Under Sec-
4 retary or Assistant Secretary to—

5 (1) improve security for veterans, employees of
6 the Department, and visitors to facilities of the De-
7 partment;

8 (2) strengthen management;

9 (3) clearly define roles and responsibilities; and

10 (4) strengthen accountability and effectiveness.

11 (b) SECURITY FUNCTIONS.—The security functions
12 described in subsection (a) shall include operational, budg-
13 etary, and hiring and management control for the fol-
14 lowing:

15 (1) The police officers of the Department, in-
16 cluding all levels of seniority.

17 (2) Department perimeter security.

18 (3) Department building security, including
19 doors, locks, and common access card (CAC) access.

20 (4) Cameras.

21 (5) Veteran security.

22 (6) Visitor security.

23 (7) Unauthorized intruder security.

24 (8) Coordination with relevant local, State, and
25 Federal law enforcement entities.

1 (9) Coordination of Department security with
2 physical security aspects of applicable facilities man-
3 aged by the General Services Administration.

4 (10) Security inspections or standards for pri-
5 vately leased commercial property which the Depart-
6 ment leases.

7 (11) Construction specifications for security, se-
8 curity system contracts, security services contracts,
9 including for guards.

10 (12) Such other authorities and matters as the
11 Secretary determines necessary and appropriate.

12 (c) CONTENTS.—The plan submitted pursuant to
13 subsection (a) shall include the following:

14 (1)(A) A discussion of the view of the Secretary
15 on the need to recreate the Assistant Secretary for
16 Operations, Security, and Preparedness or another
17 office or entity within a part of the Department
18 rather than have that office combined with the As-
19 sistant Secretary of Human Resources and Adminis-
20 tration, which occurred as a result of the enactment
21 of the Department of Veterans Affairs Account-
22 ability and Whistleblower Protection Act of 2017
23 (Public Law 115–41).

24 (B) The Secretary shall provide the view pursu-
25 ant to subparagraph (A) notwithstanding the fact

1 that section 308(a)(1) of title 38, United States
2 Code, as in effect on the day before the date of the
3 enactment of this Act, limits the number of author-
4 ized Assistant Secretaries.

5 (2) Information on the steps taken and planned
6 to be taken to include those recommendations re-
7 quired pursuant to this Act and the timeline to im-
8 plement the open recommendations from the Depart-
9 ment of Veterans Affairs Office of Inspector General
10 report 17-01007-01 (relating to inadequate govern-
11 ance of the Department police program at medical
12 facilities).

13 (3) Steps taken or planned to be taken to im-
14 prove the recruitment, retention, and equipping of
15 all security related personnel of the Department, in-
16 cluding any legislative action required to implement
17 such changes.

18 (4) The opinion of the Secretary, including with
19 respect to support or lack of support, and reasoning
20 therein for consolidating under one office and chain
21 of command the following offices and entities of the
22 Department, which currently perform some security
23 function, including how a lack of consolidation will
24 lead to increased effectiveness, efficiency, and secu-
25 rity:

- 1 (A) Department of Veterans Affairs Inte-
2 grated Operations Center.
- 3 (B) Office of Security and Law Enforce-
4 ment.
- 5 (C) Department of Veterans Affairs Police
6 Operations and Oversight.
- 7 (D) Infrastructure Protection, Policy.
- 8 (E) Office of the Chief of Police and all
9 Regional Directors of Police.
- 10 (F) Office of Identity, Credential and Ac-
11 cess Management.
- 12 (G) Access and Identity Management.
- 13 (H) Access Management.
- 14 (I) Information Technology Safety and
15 Physical Security-Business Relations.
- 16 (J) Facilities Planning.
- 17 (K) Facilities Standards Service.
- 18 (L) Human Resource Operations.
- 19 (M) National Personnel Security.
- 20 (N) Mission Support.
- 21 (O) Office of Security and Preparedness
22 personnel security and suitability functions.

1 **SEC. 402. REPORT ON ENTERPRISE RISK MANAGEMENT EF-**
2 **FORTS OF DEPARTMENT OF VETERANS AF-**
3 **FAIRS.**

4 (a) REPORT REQUIRED.—Not later than 90 days
5 after the date of the enactment of this Act, the Secretary
6 of Veterans Affairs shall submit to Congress a report on
7 the enterprise risk management offices, strategies, and ac-
8 tivities of the Department.

9 (b) CONTENTS.—The report submitted pursuant to
10 subsection (a) shall include the following:

11 (1) Where the various enterprise risk manage-
12 ment offices currently reside within the Department.

13 (2) Which office and official position is the lead
14 responsible and accountable official for all enterprise
15 risk management activities of the Department and
16 to whom the heads of the offices described in para-
17 graph (1) report.

18 (3) The duties of the heads of the offices de-
19 scribed in paragraph (1).

20 (4) The number of employees who conduct work
21 relating to enterprise risk management,
22 disaggregated by authorized, funded, and vacant.

23 (5) Information about the various budgets to
24 support the work described in paragraph (4).

1 (6) The current metrics, goals, and perform-
2 ance of the enterprise risk management activities of
3 the Department.

4 (7) The plans of the Secretary to improve—

5 (A) the risk management activities of the
6 Department, including through following rec-
7 ommendations of the Inspector General of the
8 Department, the Comptroller General of the
9 United States, and other such relevant privacy
10 and public sector organizations who conduct
11 strong risk management activities;

12 (B) the management and performance of
13 such work; and

14 (C) such other matters the Secretary con-
15 siders relevant and appropriate to improve the
16 enterprise risk management work of the De-
17 partment.

18 (8) Such recommendations as the Secretary
19 may have for legislative or administrative action to
20 support the efforts of the Department relating to en-
21 terprise risk management.

1 **SEC. 403. MODIFICATION OF REPORTING REQUIREMENT**
2 **FOR SECRETARY OF VETERANS AFFAIRS AN-**
3 **NUAL REPORT ON IMPLEMENTATION OF REC-**
4 **COMMENDATIONS OF COMPTROLLER GEN-**
5 **ERAL OF THE UNITED STATES PERTAINING**
6 **TO DEPARTMENT OF VETERANS AFFAIRS.**

7 (a) IN GENERAL.—Section 7008 of the Johnny Isak-
8 son and David P. Roe, M.D. Veterans Health Care and
9 Benefits Improvement Act of 2020 (Public Law 116–315)
10 is amended—

11 (1) in subsection (a), by inserting “, high risk
12 recommendations, and duplication and cost-savings
13 recommendations” after “priority recommenda-
14 tions”;

15 (2) in subsection (b)—

16 (A) by striking “open priority rec-
17 ommendations of the Comptroller General”
18 each place it appears and inserting “open rec-
19 ommendations described in subsection (a)”;

20 (B) in paragraph (2), by striking “open
21 priority recommendation of the Comptroller
22 General” and inserting “open recommendation
23 described in subsection (a)”;

24 (3) in the section heading, by striking “**PRI-**
25 **ORITY**”.

1 (b) CLERICAL AMENDMENT.—The table of contents
 2 in section 1(b) of such Act is amended by striking the
 3 item relating to section 7008 and inserting the following
 4 new item:

“Sec. 7008. Annual report by Secretary of Veterans Affairs on implementation
 of recommendations of Comptroller General of the United
 States pertaining to Department of Veterans Affairs.”.

5 **SEC. 404. ANNUAL HATCH ACT TRAINING PROGRAM AT DE-**
 6 **PARTMENT OF VETERANS AFFAIRS.**

7 (a) IN GENERAL.—Subchapter I of chapter 7 of title
 8 38, United States Code, as amended by section 104, is
 9 further amended by adding at the end the following new
 10 section:

11 **“SEC. 729B. ANNUAL TRAINING FOR SENIOR LEADERS ON**
 12 **POLITICAL ACTIVITIES.**

13 “(a) REQUIRED PARTICIPATION IN TRAINING PRO-
 14 GRAM.—

15 “(1) IN GENERAL.—The Secretary shall require
 16 each covered employee to participate each year in
 17 the training program developed pursuant to sub-
 18 section (b).

19 “(2) COVERED EMPLOYEES.—For purposes of
 20 paragraph (1), a covered employee is an employee of
 21 the Department who is—

22 “(A) a political appointee;

23 “(B) a senior executive;

24 “(C) a senior manager; or

1 “(D) such other category of employee as
2 the Secretary considers appropriate.

3 “(b) DEVELOPMENT OF TRAINING PROGRAM RE-
4 QUIRED.—Not later than 180 days after the date of the
5 enactment of the Leadership, Engagement, Account-
6 ability, and Development Act of 2023, the Secretary shall,
7 acting through the General Counsel of the Department
8 and in coordination with the Special Counsel, complete de-
9 velopment of a standardized training program for covered
10 employees described in subsection (a)(2) regarding the re-
11 quirements of subchapter III of chapter 73 of title 5 (often
12 referred to as the ‘Hatch Act’).

13 “(c) COMPLIANCE FOR POLITICAL APPOINTEES.—
14 The training program developed pursuant to subsection
15 (b) shall cover compliance matters for all political ap-
16 pointees of the Department, regardless of level of senior-
17 ity.

18 “(d) UPDATES.—Not less frequently than once every
19 two years, the Secretary shall, in consultation with the
20 Special Counsel, update the training program developed
21 pursuant to subsection (b).

22 “(e) ANNUAL REPORTS.—Not later than June 30 of
23 each calendar year, beginning with the first June 30 that
24 occurs more than one year after the date of the enactment
25 of this Act, the Secretary shall submit to the Committee

1 on Veterans' Affairs of the Senate and the Committee on
2 Veterans' Affairs of the House of Representatives, in con-
3 junction with each report submitted pursuant to section
4 323(f)(1)(A) of this title a report on the training program
5 developed under subsection (b). Each such report such in-
6 clude an indication of the following:

7 “(1) The percentage of all covered employees
8 described in subsection (a)(2) that received training
9 as part of the program developed pursuant to sub-
10 section (b).

11 “(2) The actions the Secretary is taking to in-
12 crease the percentage indicated pursuant to para-
13 graph (1).

14 “(f) DEFINITION OF POLITICAL APPOINTEE.—In this
15 section, the term ‘political appointee’ has the meaning
16 given such term in section 106(f) of title 49, United States
17 Code.”.

18 (b) NOTICE TO CONGRESS.—Not later than 90 days
19 after the date of completion of the training program devel-
20 oped pursuant to subsection (b) of section 729B of such
21 title, as added by subsection (a), and delivery of the first
22 training pursuant to subsection (a) of such section, the
23 Secretary of Veterans Affairs shall submit to the Com-
24 mittee on Veterans' Affairs of the Senate and the Com-

1 mittee on Veterans' Affairs of the House of Representa-
 2 tives—

3 (1) notice that the development of the program
 4 pursuant to such subsection (b) has been completed
 5 and that the first training has been delivered pursu-
 6 ant to such subsection (a);

7 (2) the percentage of individuals compliant or
 8 not compliant with the requirements of the Sec-
 9 retary under such subsection (a); and

10 (3) copies of any materials being developed for
 11 the program, including training documents used in
 12 training sessions conducted under such subsection
 13 (a).

14 (c) CLERICAL AMENDMENT.—The table of sections
 15 at the beginning of chapter 7 of such title, as amended
 16 by section 104, is further amended by inserting after the
 17 item relating to section 729A the following new item:

“729B. Annual training for senior leaders on political activities.”.

18 **SEC. 405. INDEPENDENT STUDY REGARDING MANAGEMENT**
 19 **STRUCTURES OF DEPARTMENT OF VET-**
 20 **ERANS AFFAIRS.**

21 (a) AGREEMENT.—

22 (1) IN GENERAL.—The Secretary of Veterans
 23 Affairs shall seek to enter into an agreement with
 24 the National Academy of Public Administration (in
 25 this section referred to as the “National Academy”)

1 for the National Academy to conduct the study and
2 review under subsection (b) and submit the report
3 under subsection (c).

4 (2) TIMING.—The Secretary shall seek to enter
5 into the agreement described in paragraph (1) by
6 not later than 90 days after the date of the enact-
7 ment of this Act.

8 (b) STUDY AND REVIEW.—

9 (1) IN GENERAL.—Under an agreement be-
10 tween the Secretary and the National Academy en-
11 tered into pursuant to subsection (a), the National
12 Academy shall conduct a study and review of the
13 management structures within the Department.

14 (2) REQUIREMENTS.—In carrying out the study
15 and review pursuant to paragraph (1), the National
16 Academy shall—

17 (A) examine alternatives and develop rec-
18 ommendations for improving the management
19 of the Department;

20 (B) develop recommendations relating to
21 office creation, restructuring, movement, or
22 consolidation to improve the management of the
23 Department, including with respect to perform-
24 ance and accountability;

1 (C) review previous management reports
2 and recommendations; and

3 (D) review best practices of other Federal
4 agencies and State governments and ascertain
5 if such best practices may be applicable to the
6 Department.

7 (3) CONSULTATION.—In conducting the study
8 and review pursuant to paragraph (1), the National
9 Academy shall consult with the Secretary, relevant
10 employees of the Department, and such persons out-
11 side of the Department as the National Academy
12 considers appropriate and have an interest in the af-
13 fairs of the Department.

14 (c) REPORT.—Not later than 540 days after the date
15 of the enactment of this Act, the National Academy shall
16 submit to the Committee on Veterans' Affairs of the Sen-
17 ate and the Committee on Veterans' Affairs of the House
18 of Representatives a report that contains—

19 (1) the findings of the National Academy with
20 respect to the study and review conducted under
21 subsection (b), including the recommendations devel-
22 oped under subparagraphs (A) and (B) of paragraph
23 (2) of such subsection; and

1 (2) such other recommendations as the Na-
2 tional Academy believes are necessary and relevant
3 to the study and review.

4 (d) VIEWS OF THE SECRETARY.—Not later than 90
5 days after the National Academy submits the report re-
6 quired by subsection (c), the Secretary shall submit to the
7 committees described in such subsection the views of the
8 Secretary regarding the following:

9 (1) The study and review conducted under sub-
10 section (b).

11 (2) The findings of the National Academy re-
12 ported pursuant to subsection (c)(1).

13 (3) Each of the recommendations made by the
14 National Academy in the report.

15 (4) The intent of the Secretary to implement
16 such recommendations.

17 (5) A timeline for such implementation.

18 (6) Whether implementing such recommenda-
19 tions would require legislative action.

20 (7) Not implementing the recommendations de-
21 scribed in paragraph (3) and the reason for such de-
22 cision.

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