

**SUBSTITUTE FOR THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 1994
OFFERED BY MR. TAKANO OF CALIFORNIA**

Strike all after the enacting clause and insert the following:

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “VA Accountability Act
3 of 2015”.

4 **SEC. 2. SUSPENSION AND REMOVAL OF DEPARTMENT OF
5 VETERANS AFFAIRS EMPLOYEES FOR PER-
6 FORMANCE OR MISCONDUCT THAT IS A
7 THREAT TO PUBLIC HEALTH OR SAFETY.**

8 (a) IN GENERAL.—Chapter 7 of title 38, United
9 States Code, is amended by adding after section 713 the
10 following new section:

11 **“§ 715. Employees: suspension and removal for per-
12 formance or misconduct that is a threat
13 to public health or safety**

14 “(a) SUSPENSION AND REMOVAL.—Subject to sub-
15 sections (b) and (c), the Secretary may—

16 “(1) suspend without pay an employee of the
17 Department of Veterans Affairs if the Secretary de-
18 termines the performance or misconduct of the em-

1 ployee is a clear and direct threat to public health
2 or safety; and

3 “(2) remove an employee suspended under
4 paragraph (1) when, after such investigation and re-
5 view as the Secretary considers necessary, the Sec-
6 retary determines that removal is necessary in the
7 interests of public health or safety.

8 “(b) PROCEDURE.—An employee suspended under
9 subsection (a)(1) is entitled, after suspension and before
10 removal, to—

11 “(1) within 30 days after suspension, a written
12 statement of the specific charges against the em-
13 ployee, which may be amended within 30 days there-
14 after;

15 “(2) an opportunity within 30 days thereafter,
16 plus an additional 30 days if the charges are amend-
17 ed, to answer the charges and submit affidavits;

18 “(3) a hearing, at the request of the employee,
19 by a Department authority duly constituted for this
20 purpose;

21 “(4) a review of the case by the Secretary, be-
22 fore a decision adverse to the employee is made
23 final; and

24 “(5) written statement of the decision of the
25 Secretary.

1 “(c) RELATION TO OTHER DISCIPLINARY RULES.—

2 The authority provided under this section shall be in addi-
3 tion to the authority provided under section 713 and title
4 5 with respect to disciplinary actions for performance or
5 misconduct.

6 “(d) DEFINITIONS.—In this section, the term ‘em-
7 ployee’ means any individual occupying a position within
8 the Department of Veterans Affairs under a permanent
9 or indefinite appointment and who is not serving a proba-
10 tionary or trial period.”.

11 (b) CLERICAL AND CONFORMING AMENDMENTS.—

12 (1) CLERICAL.—The table of sections at the be-
13 ginning of such chapter is amended by adding after
14 the item relating to section 713 the following new
15 item:

“715. Employees: suspension and removal for performance or misconduct that
is a threat to public health or safety.”.

16 (2) CONFORMING.—Section 4303(f) of title 5,
17 United States Code, is amended—

18 (A) by striking “or” at the end of para-
19 graph (2);

20 (B) by striking the period at the end of
21 paragraph (3) and inserting “, or”; and

22 (C) by adding at the end the following:

23 “(4) any suspension or removal under section
24 715 of title 38.”.

1 **SEC. 3. PROHIBITION ON CERTAIN FORMER EMPLOYEE'S**
2 **ACCEPTANCE OF COMPENSATION FROM CON-**
3 **TRACTOR.**

4 (a) IN GENERAL.—Chapter 7 of title 38, United
5 States Code, is further amended by adding after section
6 715, as added by section 2, the following new section:

7 **“§ 717. Prohibition on certain former employee's ac-**
8 **ceptance of compensation from contrac-**
9 **tors of the Department**

10 “(a) IN GENERAL.—An individual who was formerly
11 employed in a senior executive position at the Department
12 may not accept compensation from a covered contractor
13 as an employee, officer, director, or consultant of the cov-
14 ered contractor during the one-year period beginning on
15 the date on which the individual was last employed in a
16 senior executive position at the Department.

17 “(b) DEFINITIONS.—In this section:

18 “(1) The term ‘covered contractor’ means a
19 contractor carrying out a contract entered into with
20 the Department, including pursuant to a sub-
21 contract.

22 “(2) The term ‘senior executive position’ has
23 the meaning given such term in section 713(g) of
24 this title.”.

1 (b) CLERICAL AMENDMENT.—The table of sections
2 at the beginning of such chapter is further amended by
3 adding at the end the following new item:

“717. Prohibition on certain former employee’s acceptance of compensation from
contractors of the Department.”.

4 **SEC. 4. LIMITATION ON CONTRACTING WITH ENTITIES EM-**
5 **PLOYING CERTAIN RECENTLY SEPARATED**
6 **DEPARTMENT EMPLOYEES.**

7 (a) IN GENERAL.—Subchapter II of chapter 81 of
8 title 38, United States Code, is amended by adding at the
9 end the following new section:

10 **“§ 8129. Limitation on contracting with entities em-**
11 **ploying certain recently separated De-**
12 **partment employees**

13 “(a) IN GENERAL.—The Secretary may not enter
14 into a contract with any entity if the entity employs an
15 individual who is prohibited from accepting compensation
16 from a contractor under section 717 of this title.

17 “(b) CERTIFICATION.—Before entering into a con-
18 tract with any entity, the Secretary shall require the entity
19 to submit to the Secretary certification that the entity
20 does not employ, and will not employ during the period
21 covered by the contract, any individual who is prohibited
22 from accepting compensation from a contractor under sec-
23 tion 717 of this title.

1 “(c) DEFINITIONS.—In this section, the term ‘senior
2 executive position’ has the meaning given such term in
3 section 713(g)(3) of this title.”.

4 (b) CLERICAL AMENDMENT.—The table of sections
5 at the beginning of such chapter is amended by adding
6 after the item relating to section 8128 the following new
7 item:

 “8129. Limitation of contracting with entities employing certain recently sepa-
 rated Department employees.”.

8 **SEC. 5. LIMITATION ON ADMINISTRATIVE LEAVE FOR EM-**
9 **PLOYEES WITHIN THE DEPARTMENT OF VET-**
10 **ERANS AFFAIRS.**

11 (a) IN GENERAL.—Chapter 7 of title 38, United
12 States Code, is further amended by adding after section
13 717, as added by section 3, the following new section:

14 **“§ 719. Administrative leave limitation and report**

15 “(a) LIMITATION APPLICABLE TO EMPLOYEES
16 WITHIN THE DEPARTMENT OF VETERANS AFFAIRS.—(1)
17 The Secretary may not place any covered individual on
18 administrative leave, or any other type of paid non-duty
19 status without charge to leave, for more than a total of
20 14 days during any 365-day period.

21 “(2) The Secretary may waive the limitation under
22 paragraph (1) and extend the administrative leave or other
23 paid non-duty status without charge to leave of a covered
24 individual placed on such leave or status under paragraph

1 (1) if the Secretary submits to the Committees on Vet-
2 erans' Affairs of the Senate and House of Representatives
3 a detailed explanation of the reasons the individual was
4 placed on administrative leave or other paid non-duty sta-
5 tus without charge to leave and the reasons for the exten-
6 sion of such leave or status. Such explanation shall include
7 the name of the covered individual, the location where the
8 individual is employed, and the individual's job title.

9 “(3) In this subsection, the term ‘covered individual’
10 means an employee of the Department—

11 “(A) who is subject to an investigation for pur-
12 poses of determining whether such individual should
13 be subject to any disciplinary action under this title
14 or title 5; or

15 “(B) against whom any disciplinary action is
16 proposed or initiated under this title or title 5.

17 “(b) REPORT ON ADMINISTRATIVE LEAVE.—(1) Not
18 later than 30 days after the end of each quarter of any
19 calendar year, the Secretary shall submit to the Commit-
20 tees on Veterans' Affairs of the House of Representatives
21 and the Senate a report listing the name of any employee
22 of the Department (if any) who has been placed on admin-
23 istrative leave, or any other type of paid non-duty status,
24 for a period longer than 7 days during such quarter.

1 “(2) Any report submitted under subsection (a) shall
2 include, with respect to any employee listed in such report,
3 the position occupied by the employee, the number of days
4 of such leave, and the reason that such employee was
5 placed on such leave.”.

6 (b) APPLICATION.—

7 (1) ADMINISTRATIVE LEAVE LIMITATION.—Sec-
8 tion 719(a) of title 38, United States Code (as
9 added by subsection (a)), shall apply to any action
10 of removal or transfer under section 713 of such
11 title or title 5, United States Code, commencing on
12 or after the date of enactment of this section.

13 (2) REPORT.—The report under section 719(b)
14 of such title (as added by subsection (a)) shall begin
15 to apply in the quarter that ends after the date that
16 is 6 months after the date of enactment of this sec-
17 tion.

18 (c) CLERICAL AMENDMENT.—The table of sections
19 at the beginning of such chapter 7 is amended by adding
20 at the end the following new item:

“719. Administrative leave limitation and report.”.

