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United States Senate

COMMITTEE ON VETERANS' AFFAIRS

WASHINGTON, DC 20510

June 21, 2016

Dear Colleague:

As the Chairman of the Senate Committee on Veterans' Affairs, I write today to ask you to cosponsor the *Veterans First Act* and to support bringing this legislation to the full Senate for an up-or-down vote as soon as possible. Given the Department of Veterans Affairs' (VA) decision last week to begin ignoring current accountability law, it is imperative that this comprehensive legislative package that will significantly improve accountability at the VA be signed into law. This bipartisan legislation, supported by 44 of your Senate colleagues and a wide array of veterans organizations, will help to fulfill our shared responsibility to ensure all VA employees uphold their obligation to veterans across the nation.

Two years ago, Congress came together to pass the *Veterans Access, Choice, and Accountability Act of 2014*. This law gave the VA Secretary the ability to remove poor-performing executives through an expedited process. The intent of this law was to allow the VA to more swiftly hold bad actors accountable and ensure that the egregious delays in care that happened in Phoenix would never happen again. Unfortunately, on June 2, 2016, the Justice Department announced it will not defend a key portion of these accountability measures from an ongoing Constitutional challenge. **The VA, in turn, announced last week that it will no longer use the expedited firing authority we provided through the *Choice Act* last Congress.** No matter your opinion on the Administration's actions, the result has put VA accountability back at square one.

The *Veterans First Act* strengthens accountability for employees at *all* levels of the VA without raising the Constitutional challenge now impeding current law. It creates an expedited process for removing any rank-and-file employee based on performance or misconduct by compressing both the front- and back-end of the removal process and ensuring that employees are not receiving pay or benefits while they appeal a removal decision. For senior executives at VA, it will provide the Secretary with greater authority to discipline underperforming bureaucrats – including removing them from their jobs – without allowing those decisions to be second-guessed by another federal entity. It will prevent employees who engage in certain misconduct from receiving bonuses;

promote the protection of whistleblowers; reduce the pensions of senior executives who commit certain crimes; and limit the amount of paid administrative leave for employees who are the subject of an investigation or a proposed disciplinary action. And, to ensure that all of these and other tools are being well used, it will create an Office of Accountability and Whistleblower Protection to handle all matters throughout VA relating to accountability and whistleblower protection. With the VA now using only the accountability authorities that proved inadequate in the past, the need for these reforms is more urgent than ever.

This is the only piece of reform legislation moving through Congress today that can withstand the current Constitutional scrutiny that the VA relied on in abandoning its expedited firing authority. The bill passed the Senate Veterans' Affairs Committee by a unanimous vote, and I urge you to put veterans first by cosponsoring this legislation and consenting to it being brought to the Senate floor for an up-or-down vote as soon as possible. We in Congress must get a bill to the President's desk to address these urgent needs – we cannot fail the men and women who served and sacrificed for our nation.

Sincerely,

A handwritten signature in blue ink, appearing to read "Johnny Isakson", with a long horizontal flourish extending to the right.

Johnny Isakson
Chairman