



**EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503**

July 28, 2015
(House Rules)

STATEMENT OF ADMINISTRATION POLICY

H.R. 1994 – VA Accountability Act of 2015

(Rep. Jeff Miller, R-FL, and 98 cosponsors)

The Administration strongly opposes H.R. 1994, as amended by the House Veterans' Affairs Committee. While the Administration believes strongly that Federal employees must be held accountable for their performance and actions, H.R. 1994 fails to provide tools to further that goal, and in fact would be counterproductive for the reasons expressed below.

The bill compiles a number of separate personnel policy bills aimed solely at the Department of Veterans Affairs' (VA) workforce, creating a disparity in the treatment of one group of career civil servants. The centerpiece of the bill is a provision that allows a VA employee to be removed from Federal service or demoted without the opportunity to appeal that decision to the full Merit Systems Protection Board. An employee who has been removed or demoted under this provision is instead subject to an abbreviated review process before an administrative law judge that may in some cases deprive employees of any appellate review whatsoever. These provisions remove important rights, protections, and incentives which are available to the vast majority of Federal employees in other agencies across the Government and are essential to ensure that Federal employees are afforded due process. Other provisions of the bill, such as those that would mandate rotation of VA Senior Executive employees every five years or impose arbitrary restrictions on performance ratings provided to VA Senior Executives, would also be disruptive and would hinder VA's ability to function effectively on behalf of veterans.

Under current law, Federal employees, including VA employees, may be terminated for a variety of reasons, ranging from absence without leave and inability to maintain performance standards to serious offenses such as falsification of records, misuse of government property, or sexual harassment. While VA supports authority permitting efficient removal of employees who have engaged in misconduct, this bill will have unintended consequences. It would make conditions of employment in VA significantly less attractive than in other Federal agencies or in the private sector, and as a result, would discourage outstanding VA employees from remaining in VA and dramatically impair VA's ability to recruit top talent, including veterans. Currently, VA's Office of the Inspector General, Office of the Medical Inspector, and the newly established Office of Accountability Review provide strong oversight independent of its field organizations.

The legislation raises serious concerns under the Appointments Clause of the U.S. Constitution. It could also raise concerns under the Due Process Clause depending upon its application. The bill could have a significant impact on VA's ability to retain and recruit qualified professionals and may result in a loss of qualified and capable staff to other government agencies or the private sector.

If the President were presented with H.R. 1994, his senior advisors would recommend that he veto the bill.

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