118TH CONGRESS  
1ST SESSION  
S.  

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

———  

IN THE SENATE OF THE UNITED STATES  

Mr. Tester (for himself, Mr. Moran, and Mr. Rounds) introduced the following bill; which was read twice and referred to the Committee on

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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. 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.
TITLE I—ACCOUNTABILITY AND ADVERSE ACTIONS

SEC. 101. ESTABLISHMENT OF SYSTEM AND STANDARDS FOR ACCOUNTABILITY AND ADVERSE ACTIONS.

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

“§ 729. Accountability and adverse action system and standards

“(a) System and Standards.—Not later than one year after the date of the enactment of the Leadership, Engagement, Accountability, and Development Act of 2023, the Secretary shall establish a system and standards for accountability and adverse action preparation and proposal (hereafter referred to as ‘standards’).

“(b) Requirements.—In carrying out subsection (a), the Secretary shall—

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

“(2) develop and distribute training on the processes determined pursuant to paragraph (1), which shall be a required annual training across the
enterprise and may differ for each employee based on the seniority, role, and Administration within the Department of the employee;

“(3) collect and distribute best practices and resources on accountability reporting and investigations, preparation, and proposal of adverse actions for human resources offices of the Department, the Office of General Counsel, and heads of facilities and offices of the Department, including relevant regional offices, to distribute to their relevant staff across the enterprise; and

“(4) monitor the implementation of the standards at facilities of the Department, including monitoring—

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

“(B) metrics for the time taken from allegation of improper conduct or performance raised to an official proposal being issued;

“(C) quality, frequency, and comprehension of training, information, and education provided to employees regarding accountability and adverse actions;
“(D) percentage of staff that completed the training developed and distributed pursuant to paragraph (2) over the past three fiscal years;

“(E) number of external and internal investigations that resulted in at least one substantiated claim of a prohibited personnel action set forth under section 731(c) of this title;

“(F) responses to relevant surveys conducted by the Department, including those established by section 103 of the LEAD Act of 2023;

“(G) grievances filed by labor organizations relative to the number of collective bargaining unit employees and whether or not they were adjudicated in favor of the labor organization; and

“(H) such other factors as the Secretary considers appropriate to monitor the accountability and due process culture of facilities, offices, Administrations, and other relevant elements of the Department; and

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

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

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

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

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


“(7) The Special Counsel.

“(8) Such others as the Secretary considers appropriate.

“(d) Definition of Adverse Action.—(1) In this section, the term ‘adverse action’ means a personnel action taken by the Department against an employee of the Department.

“(2) Term ‘adverse action’ includes a removal, demotion, suspension, and any other relevant significant personnel action taken by the Department against an employee of the Department.”.

(a) Clerical Amendment.—The table of sections at the beginning of chapter 7 of such title is amended by inserting after the item relating to section 728 the following new item:

“729. Accountability and adverse action system and standards.”.
SEC. 102. ESTABLISHMENT OF OFFICE OF TRANSPARENCY, ENGAGEMENT, ACCOUNTABILITY, AND MANAGEMENT IN VETERANS HEALTH ADMINISTRATION.

(a) Establishment.—

(1) In general.—Subchapter I of chapter 73 of title 38, United States, Code, is amended by inserting after section 7306 the following new section:

"§ 7306A. Office of Transparency, Engagement, Accountability, and Management

"(a) Establishment.—There is established in the Veterans Health Administration an office to be known as the ‘Office of Transparency, Engagement, Accountability, and Management’ or the ‘TEAM Office’ (in this section referred to as the ‘Office’).

"(b) Head of Office.—

"(1) In general.—The head of the Office shall be responsible for the functions of the Office and shall be appointed by the Under Secretary for Health from among individuals qualified to perform the duties of the position.

"(2) Director.—The head of the Office shall be known as the ‘Director of the Office of Transparency, Engagement, Accountability, and Management’ or the ‘Director of the TEAM Office’ and
shall report directly to the Under Secretary for Health.

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

“(1) Tracking recommendations related to the Veterans Health Administration, and other relevant recommendations, made by the Office of the Medical Inspector (established under section 7306B of this title), the Inspector General of the Department, the Comptroller General of the United States, the Office of Special Counsel, the Joint Commission, and other relevant internal and external investigative and oversight bodies, to ensure individual and relevant system-wide compliance with and adoption of those recommendations.

“(2) To ensure compliance with those recommendations, the following:

“(A) Following up with relevant departments and program offices of the Veterans Health Administration, Veterans Integrated Service Networks, medical centers, and other facilities to which those recommendations were made.

“(B) Sharing knowledge of those recommendations and directing corrective policy
actions across the Veterans Health Administration so as to aid other offices, facilities, and other entities in avoiding repetition of the issues that required those recommendations.

“(3) Ensuring consistency and reducing variation in delivery of health care and related services by the Veterans Health Administration (whether direct care or through any contract or agreement) and adherence to national policies across the country.

“(4) Conducting regular proactive and reactive in-person and virtual oversight visits to check adherence to all applicable policies, regulations, and guidance of the Department.

“(5) Using internal and external data related to health quality, safety, access, satisfaction, staffing, and other areas with respect to health care from the Department to monitor and discover risks and challenges before they become larger issues and proactively direct changes, including by providing direction and recommendations to the central office of the Veterans Health Administration, Veterans Integrated Service Networks, medical centers, and other facilities and sub-units to address quality, safety, access, satisfaction, staffing, and other health care delivery performance priorities.
“(6) Soliciting feedback to seek areas of improvement of delivery of health care to veterans, including from individual veterans and their families, veterans service organizations, labor organizations, and employees across all levels of the Department.

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

“(8) Monitoring for, and incorporating best practices in, health quality, safety, access, satisfaction, staffing, compliance, and risk management in public, private, and non-profit health settings and providing guidance for the Veterans Health Administration to incorporate those relevant best practices.

“(9) Instilling a proactive approach to leadership at every level of the Veterans Health Administration, including the central office, Veterans Integrated Service Networks, medical centers, and other facilities and sub-units.

“(d) CONSULTATION.—In establishing the Office and carrying out the functions of the Office, the Under Secretary shall consult with the Comptroller General of the United States and the Inspector General of the Department to ensure the Office draws upon best practices iden-

“(e) REORGANIZATION.—The Under Secretary may reorganize other offices within the Veterans Health Administration to operate under the purview of the Office if the Under Secretary notifies Congress in advance of such reorganization.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 7306 the following new item:

“7306A. Office of Transparency, Engagement, Accountability, and Management.”.

(b) COORDINATION WITH STAKEHOLDERS.—

(1) IN GENERAL.—In establishing the Office of Transparency, Engagement, Accountability, and Management under section 7306A of title 38, United States Code, as added by subsection (a)(1), the Under Secretary for Health of the Department of Veterans Affairs shall solicit formal written feedback from labor organizations, veterans service organizations, and other appropriate entities.

(2) REPORT.—Not later than 180 days after soliciting formal written feedback under paragraph (1), the Under Secretary shall submit to the Com-
mittee on Veterans’ Affairs of the Senate and the
Committee on Veterans’ Affairs of the House of
Representatives a report containing any rec-
ommendations obtained under such paragraph, in-
cluding feedback on whether or not the Under Sec-
retary intends to follow any such recommendations
and explanations for why the Under Secretary does
not intend to follow any such recommendations.

(c) REORGANIZATION.—

(1) IN GENERAL.—As part of the establishment
of the Office of Transparency, Engagement, Ac-
countability, and Management under section 7306A
of title 38, United States Code, as added by sub-
section (a)(1), not later than two years after the
date of the enactment of this Act, the Secretary of
Veterans Affairs and the Under Secretary for
Health of the Department of Veterans Affairs, in
consultation with the Comptroller General of the
United States and the Inspector General of the De-
partment of Veterans Affairs, shall reorganize into a
cohesive office with relevant sub-offices consistent
with best practices of the Comptroller General for
internal controls and management the various rel-
evant disparate oversight functions within the Vet-
eras Health Administration that have some portion
of responsibility for—

(A) health care quality, safety, and risk;
(B) proactive safety and quality improve-
ments;
(C) reactive safety and quality improve-
ments;
(D) access to care;
(E) consistency of care delivery and qual-
ity;
(F) adherence to national standards, pol-
icy, protocols, laws, and regulations;
(G) quality and safety data collection and
monitoring; and
(H) such other matters as the Secretary
determines appropriate.

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

(A) reduce duplication of functions in the
various offices reorganized under such para-
graph;
(B) clarify reporting structures and re-
sponsibilities; and
(C) ensure the establishment of a centralized, proactive, and accountable office dedicated to the functions outlined in section 7306A(c) of title 38, United States Code, as added by subsection (a)(1).

(3) OFFICES INCLUDED.—At a minimum, the offices that shall be subsumed and restructured under the Office of Transparency, Engagement, Accountability, and Management under section 7306A of title 38, United States Code, as added by subsection (a)(1), as part of the reorganization required under paragraph (1) shall include, from within the Veterans Health Administration—

(A) the Office of Oversight, Risk, and Ethics;

(B) relevant portions or full offices from—

(i) the Office of Risk Management;

(ii) the Office of Clinical Services;

(iii) the Office of Patient Care Services;

(iv) the Office of Operations; and

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

(C) the Office of the Medical Inspector under section 7306B of title 38, United States
Code, as added by section 202(a), solely for purposes of organizational efficiency and economies of scale.

(4) REPORT.—

(A) IN GENERAL.—Not later than two years after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the appropriate committees of Congress a report on the completion of the reorganization required under paragraph (1).

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

(i) a description of the reorganization required under paragraph (1) that the Under Secretary for Health of the Department of Veterans Affairs has carried out and the reasoning for the various structures established and how those structures will improve accountability, efficiency, management, leadership, care delivery, and oversight;

(ii) a description of any challenges, and a response to those challenges, encountered in conducting such reorganization;
(iii) recommendations for such legislative or administrative action as the Secretary considers appropriate to fully implement such reorganization, including additional authorities or resources; and

(iv) a description of any reasons why offices listed under paragraph (2) were not consolidated and how that decision will not affect accountability, efficiency, care delivery, and oversight.

(C) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this paragraph, the term “appropriate committees of Congress” means—

(i) the Committee on Veterans’ Affairs and the Committee on Appropriations of the Senate; and

(ii) the Committee on Veterans’ Affairs and the Committee on Appropriations of the House of Representatives.

SEC. 103. DEPARTMENT OF VETERANS AFFAIRS ACCOUNTABILITY, MANAGEMENT, AND LEADERSHIP SURVEY.

(a) BIENNIAL SURVEY REQUIRED.—Starting not less than 180 days after the date of the enactment of this Act and not less than once every two years thereafter, the Sec-
retary of Veterans Affairs shall conduct a voluntary anon-
ymous accountability, management, and leadership survey
open to all employees of the Department of Veterans Af-
fairs.

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

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

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

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

(2) In carrying out paragraph (1), the granu-
lariry of data collected is not recorded or collected
in a manner to allow the identification of employees
within any unit of the Department which contains a
relatively smaller number of employees and whose
identities could potentially be ascertained.
(3) Feedback collected and data compiled under this section does not include any personally identifiable information.

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

(e) ELEMENTS.—

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

(A) The knowledge level and understanding of employees regarding reporting and accountability structures within and outside of the Department regarding employment concerns, issues of waste, fraud, and abuse and other related matters.

(B) The knowledge level and understanding of employees regarding whistleblower protections including protections against prohibited personnel actions described in section 731(c) of title 38, United States Code.

(C) The knowledge level and understanding of employees regarding where to seek
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assistance with equal employment opportunity, harassment, and other related matters.

(D) The knowledge level and understanding of how to report information to the Office of Inspector General of the Department, the Office of the Medical Inspector established by section 7306B of title 38, United States Code, as added by section 202, the Office of Accountability and Whistleblower Protection, the Office of Special Counsel, the Comptroller General of the United States, and related entities.

(E) To what extent employees feel comfortable reporting areas of concern to an individual in the supervisory chain of the employee.

(F) If the employee has reported areas of concern within their supervisor chain in the past, to what extent the employee feels the report was taken seriously and addressed.

(G) If the employee has reported areas of concern to a representative of a labor organization, to what extent the employee feels the labor organization was able to address it.

(H) The opinions and comments of survey participants on any topic the participants consider appropriate.
(I) Such other matters the Secretary considers appropriate.

(2) **INFORMATION AND RESOURCES.**—At the end of each survey required by subsection (a), the Department shall provide employees with information and resources regarding the following:

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

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

(C) Reporting information to the Office of Inspector General of the Department, the Office of the Medical Inspector established by section 301, the Office of Accountability and Whistleblower Protection, the Office of Special Counsel, the Comptroller General of the United States, and related entities.

(3) **RESPONSES NOT REQUIRED.**—The Secretary shall not require an employee who chooses to participate in the survey to respond to every question of the survey required by subsection (a).

(d) **REPORTS TO CONGRESS.**—

(1) **REPORT REQUIRED.**—Not later than 180 after the date of the completion of the initial survey conducted pursuant to subsection (a) and each sur-
vey conducted thereafter, the Department shall submit to the Committee on Veterans’ Affairs of the Senate and the Committee on Veterans’ Affairs of the House of Representatives a report on the survey.

(2) ELEMENTS.—Each report submitted pursuant to paragraph (1) regarding a survey shall include the following, disaggregated as described in subsection (b)(1):

(A) A copy of the survey as it was presented, including any variations depending on employee status and Administration, staff office, or related element of the Department.

(B) The survey response rate.

(C) A description of outreach the Department conducted to notify employees of the survey and solicit responses.

(D) A description of incentives provided to employees for responding to the survey or workplace accommodations made for employees to respond to the survey during working hours.

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

(F) Conclusions, recommendations, and plans of action based on survey responses to improve accountability, due process, employee
retention and development, and leadership and management at the Department.

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

(f) COORDINATION WITH COMMUNITY AND LABOR ORGANIZATIONS.—The Secretary shall solicit formal written feedback from labor organization partners and other appropriate entities regarding the contents of the surveys conducted pursuant to subsection (a) and the data analysis of each survey. The Secretary shall share these recommendations with the committees described in subsection (d)(1) and include feedback on whether or not the Secretary intends to follow the recommendations and explanations for any recommendations the Secretary does not follow.

(g) TERMINATION.—The requirements of this section shall terminate on the date that is five years after the date of the enactment of this Act, but the Secretary may continue conducting surveys under this section as the Secretary considers appropriate.

(h) DEFINITION OF WHISTLEBLOWER.—In this section, the term “whistleblower” has the meaning given such term in section 323 of title 38, United States Code, as amended by this Act.
SEC. 104. ESTABLISHMENT OF ADMINISTRATIVE INVESTIGATION BOARD AND OTHER ACCOUNTABILITY ACTIONS DATABASE.

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

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

“(a) Establishment.—The Secretary shall establish a central, access-controlled, and secure database to make administrative investigation board information, and other official investigatory process information, accessible for relevant officials of the Department for the purposes of—

“(1) reviewing an employee who is under consideration for promotion or rehire and who was the subject of an administrative investigation board or other official investigatory process;

“(2) monitoring trends and challenges, including with respect to management and accountability; and

“(3) enabling relevant authorized officials of—

“(A) the Office of the Secretary and the Deputy Secretary and non-Administration offices of the Central Office of the Department to
attain visibility and insight into the accountability actions and investigations of the headquarters of the Department for purposes of management and oversight;

“(B) Veterans Integrated Service Networks and the central office of the Veterans Health Administration to attain visibility and insight into the accountability actions and investigations of the Department medical centers and other relevant sub-facilities for the purposes of management and oversight;

“(C) the central office of the Veterans Benefits Administration to attain visibility and insight into the accountability actions and investigations of regional offices of the Administration for the purposes of management and oversight;

“(D) the central office of the National Cemetery Administration to attain visibility and insight into the accountability actions and investigations of regional offices of the Administration for the purposes of management and oversight; and

“(E) all other relevant offices and administrations of the Department to attain visibility
and insight into the accountability actions and investigations of regional or sub-offices of a relevant organization for the purposes of management and oversight.

“(b) MANNER OF IMPLEMENTATION.—The database established pursuant to subsection (a) may be implemented through—

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

“(2) incorporated into an existing or planned information technology solution for human resources, accountability, or other similar functions, but only if such system complies with the requirements of subsection (c).

“(c) PRIVACY AND SECURITY.—

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

“(2) PROTOCOLS.—

“(A) IN GENERAL.—The Secretary shall, in consultation with the General Counsel of the Department, the Assistant Secretary for Information and Technology, the Chief Human Cap-
itol Officer, and the Assistant Secretary for Accountability and Whistleblower Protection, and the heads of such other relevant offices of the Department, develop protocols for who can have access to the database established pursuant to subsection (a) and when, so as to preserve privacy, preserve due process, and strengthen accountability and whistleblower protection.

“(B) Annual Reviews.—The Secretary shall review the protocols developed pursuant to subparagraph (A) not less frequently than once each year.

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

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

“(2) The implementation status of the recommendations or other actions included in a final administrative investigation board or other official investigatory process.

“(3) Summary of facts of a case.

“(4) Relevant final documents and interviews, findings, and adjudication.
“(5) Grade of employee.

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

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

“(8) Date of closure of an administrative investigation board or other official investigatory process.

“(9) Employee name.

“(10) Administration, staff office, or other Department entity.

“(11) Location, such as the following:

“(A) Station code.

“(B) Regional office.

“(C) Department medical center or medical facility of the Department.

“(D) Cemetery.

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

“(e) EXPANSION OF SCOPE.—The Secretary may expand the scope of the database established pursuant to subsection (a) to include such other accountability reviews and adverse employment outcomes as the Secretary considers appropriate.

“(f) MONITORING OF DATABASE.—The Secretary shall ensure that the Veterans Integrated Service Net-
works, the central office of the Department, the Office of Accountability and Whistleblower Protection, the district offices of the National Cemetery Administration, the central office of the National Cemetery Administration, the regional districts of the Veterans Benefits Administration, the central office of the Veterans Benefits Administration, and such senior leaders of the Department as the Secretary considers appropriate monitor the database established pursuant to subsection (a) for activity and trends within their organizations down to the lowest level so as to ensure awareness of administrative investigation boards and other official investigatory processes open and concluded within their organization so as to determine potential trends and challenges within the various levels and sub-levels of each organization.

“(g) Policies on Uploading, Entering, or Otherwise Submitting Information.—The Secretary shall develop and implement policy to require all parts of the Department to upload, enter, or otherwise submit information to the database established pursuant to subsection (a) in real-time so as to ensure the database has the most current available information at all times.

“(h) Administration.—The General Counsel shall—
“(1) administer the database established pursuant to subsection (a);

“(2) maintain the database in coordination with the Chief Human Capital Officer of the Department, the Assistant Secretary for Accountability and Whistleblower Protection, and the Assistant Secretary for Information and Technology, especially with respect to ensuring security, access control, due process, and whistleblower protection;

“(3) monitor the database for trends; and

“(4) develop recommendations, based on the findings of the General Counsel with respect to the monitoring carried out pursuant to paragraph (3), for the Secretary to improve accountability, oversight, leadership, and management at the Department.

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

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

“729A. Administrative investigation board and other accountability actions database.”.
SEC. 105. REPORT ON ACCOUNTABILITY ACTIONS OF DEPARTMENT OF VETERANS AFFAIRS.

(a) Report Required.—Not later than one year after the date of the enactment of this Act and not later than 60 days after the commencement of each fiscal year thereafter until the date that is five years after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the appropriate committees of Congress a report on adverse actions relating to employees of the Department of Veterans Affairs occurring during the previous fiscal year.

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

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

(2) The authority used to terminate an employee, disaggregated by type of adverse action and seniority level of employee.

(c) Definition of Appropriate Committees of Congress.—In this section, the term “appropriate committees of Congress” means—

(1) the Committee on Veterans’ Affairs and the Committee on Appropriations of the Senate; and
(2) the Committee on Veterans’ Affairs and the Committee on Appropriations of the House of Representatives.

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.

(a) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committee on Veterans’ Affairs of the Senate and the Committee on Veterans’ Affairs of the House of Representatives a report indicating—

(1) whether the Secretary has determined that additional legislative action is required to ensure accountability, due process, and whistleblower protection for employees of the Department;

(2) if the Secretary has determined that additional legislative action is required, the recommended action and a justification for such recommendation; and

(3) if the Secretary determines that additional legislative action is not required, the reasoning for such determination.
(b) **Definition of Whistleblower.**—In this section, the term “whistleblower” has the meaning given such term in section 323(h) of title 38, United States Code, as redesignated by section 201(d).

**TITLE II—OVERSIGHT OF HEALTH CARE**

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

(a) **In General.**—The Secretary of Veterans Affairs, in coordination with the Under Secretary for Health, shall establish requirements for in-person oversight visits by officials of the Department of Veterans Affairs to medical facilities of the Department as follows:

1. Not less frequently than once each fiscal year, the director of each medical center of the Department shall make an announced or unannounced oversight visit to each medical facility that is within the jurisdiction of such director or the catchment area of such medical center.

2. Not less frequently than once every two fiscal years, each member of the executive leadership team, except for the director, of each medical center of the Department shall make an announced or unannounced oversight visit to each medical facility.
that is within the jurisdiction of such team or the

catchment area of such medical center.

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

(b) Report Required.—Not later than October 1 following the end of the second fiscal year beginning after the date of the enactment of this Act, and every fiscal year thereafter for five years, the Secretary of Veterans Affairs, acting through the Under Secretary for Health, shall submit to the Committee on Veterans’ Affairs of the Senate and the Committee on Veterans’ Affairs of the House of Representatives a report on—

(1) any observations regarding the impact of in-person visits required under subsection (a) in improving oversight of, and leadership engagement in, facilities of the Department of Veterans Affairs, accountability of employees, to include leadership, at such facilities, and care delivery and quality to veterans;

(2) the number of individuals, their job title, and the facility of the Department at which they
serve, who have not met the requirements set forth in subsection (a) and steps taken to improve compliance with such requirements, including an explanation as to why those requirements were not met; and

(3) any other observations the Secretary or the Under Secretary for Health may have regarding the impact of visits required under subsection (a) on improving health care delivery, quality, safety, leadership, and accountability.

SEC. 202. ESTABLISHMENT OF OFFICE OF THE MEDICAL INSPECTOR OF DEPARTMENT OF VETERANS AFFAIRS.

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

“§ 7306B. Office of the Medical Inspector

“(a) In General.—There is established in the Veterans Health Administration within the Office of Transparency, Engagement, Accountability, and Management under section 7306A of this title, or subsequent office of similar function, an office to be known as the ‘Office of the Medical Inspector’ (in this section referred to as the ‘Office’).
“(b) HEAD OF OFFICE.—

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

“(2) APPOINTMENT.—The Medical Inspector shall be appointed by the Secretary from among individuals qualified to perform the duties of the position.

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

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

“(1) To review, including proactively, the quality, safety, outcomes, and delivery of, and access to, health care provided to veterans by the Department.

“(2) To proactively review offices and facilities of the Veterans Health Administration that have an impact on the quality, safety, and delivery of, and access to, such care and the performance of the Department in providing such care.

“(3) To proactively review offices and facilities of the Veterans Health Administration to ensure that policies and procedures of the Department and the Veterans Health Administration are applied consistently at all such offices and facilities.
“(4) To investigate, including proactively, the existence of any systemic health delivery, quality, safety, access, or related issues, as determined by the Medical Inspector, that arise within the Veterans Health Administration or through health care provided by the Department.

“(5) To establish temporary investigative teams to carry out reviews or investigations described in paragraphs (1), (2), (3), and (4) in response to specific incidents or inquiries, including the following:

“(A) Investigations of complaints by a veteran, a family member of a veteran, an employee of the Department, or another individual that may require a visit to a facility or facilities of the Department.

“(B) Reviews or investigations upon request by the Secretary or the Under Secretary for Health.

“(C) Reviews or investigations in response to information or requests by the Inspector General of the Department, the Office of Accountability and Whistleblower Protection of the Department, the Special Counsel, the Comptroller General of the United States, a
Member of Congress, and other related entities, as determined by the Secretary.

“(D) Assessments to examine potential systemic health quality, safety, access, satisfaction, staffing, performance, and other issues within the Veterans Health Administration, including through the conduct of surveys, the collection and examination of data, and the analysis of databases.

“(6) To recommend policies to promote efficiency in the administration of, and to prevent waste, abuse, and mismanagement in, programs and operations of the Veterans Health Administration.

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

“(8) To conduct coordination and open communication with the Inspector General of the Department, the Special Counsel, and the Comptroller General and to ensure those entities have the information required to perform their independent oversight functions.

“(d) Capabilities and Internal Controls.—The Under Secretary and the Medical Inspector shall ensure
that the Office has the following capabilities and internal controls to achieve effective operations of the Office:

“(1) A modern electronic information technology database, system, or systems with a minimum of the following functions or capabilities:

“(A) To perform modern case management activities, including tracking open cases, closed cases, trends, time to process, open recommendations, to whom a recommendation is directed (such as a facility or individual), and other similar activities of the Office.

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

“(C) To review all report recommendations of the Office for trends and issues throughout the Veterans Health Administration and alert leadership of the Veterans Health Administration for corrective and preventative action.

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

“(2) Consistent guidelines for how long facilities that have an open recommendation from the Office have to close such recommendation.
“(3) Best practice guidelines on what set of management officials and processes are to be used to approve the closure of recommendations from the Office consistent with internal controls best practices of the Government Accountability Office.

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

“(5) An organizational performance plan.

“(e) Information on Senior Executive Service Applicants.—

“(1) In general.—In conducting a review under this section with respect to an individual serving in a Senior Executive Service position (as defined in section 3132(a) of title 5) or equivalent position in the Department, the Medical Inspector, and a limited number of personnel delegated by the Medical Inspector from within the Office, may request and receive from other relevant offices of the Department the complete hiring packet, package, or assembled paperwork and other information, including electronically stored information, that was submitted by a Federal agency on behalf of the individual when the individual was a candidate for such position.
“(2) LIMITATION.—Access to information authorized under paragraph (1) shall be secure, on a
need to know basis, and provided with appropriate controls to protect privacy, whistleblower retaliation,
and related matters.

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

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

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

(c) GUIDANCE ON PROVISION OF FEEDBACK.—Not later than 180 days after the date of the enactment of
this Act, the Secretary of Veterans Affairs and the Under Secretary for Health of the Department of Veterans Af-
fairs shall determine and publish guidance requiring all internal offices, sub-offices, and other entities of the De-
partment of Veterans Affairs reviewing a draft report by the Office of the Medical Inspector under section 7306B
of title 38, United States Code, as added by subsection (a), for the purpose of concurrence by the Department
with that report to provide feedback on that report to the
Office not later than 15 business days after assignment for review of that report by the Office or another entity controlling or administering the concurrence process.

(d) Capabilities and Internal Controls.—Not later than one year after the date of the enactment of this Act, the Under Secretary for Health of the Department of Veterans Affairs and the Medical Inspector shall ensure that the Office of the Medical Inspector established under section 7306B of title 38, United States Code, as added by subsection (a), has the capabilities and internal controls specified in subsection (d) of such section.

(e) Continuation in Office.—The individual serving as the Medical Inspector of the Department of Veterans Affairs on the day before the date of the enactment of this Act may serve as the Medical Inspector of the Department of Veterans Affairs after that date until the date on which the Secretary of Veterans Affairs appoints an individual to be the Medical Inspector pursuant to section 7306B(b)(2) of title 38, United States Code, as added by subsection (a), which may include the appointment of the same individual.

(f) Report on Actions to Respond to Comptroller General Report on Office of Medical Inspector.—
(1) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committee on Veterans’ Affairs of the Senate and the Committee on Veterans’ Affairs of the House of Representatives a report on the action plan of the Secretary to implement relevant recommendations of the Comptroller General of the United States contained in any review published by the Comptroller General in the previous three calendar years regarding the Office of the Medical Inspector of the Department of Veterans Affairs, including recommended short, medium, and long-term plans to establish the Office of the Medical Inspector pursuant to this section.

(2) ELEMENTS.—The report required by paragraph (1) shall include—

(A) specific plans, timelines, and status as of the date of the report of the actions of the Secretary to implement the recommendations contained in the report of the Comptroller General in 2023 regarding the Office of the Medical Inspector of the Department of Veterans Affairs;

(B) any requests for legislative action and resources to implement the provisions of this
Act that relate to the Office of the Medical Inspector to ensure the effectiveness of the Office to handle the workload and caseload for an integrated health system with a veteran patient volume and medical workforce the size of that served by the Department; and

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

(g) Rule of Construction on Independence of Office of the Medical Inspector.—The establishment of the Office of the Medical Inspector of the Department of Veterans Affairs under section 7306B of title 38, United States Code, as added by subsection (a), within the Office of Transparency, Engagement, Accountability, and Management under section 7306A of such title, as added by section 102(a)(1), is done for organizational efficiency and economies of scale but shall not be construed to indicate that the Office of the Medical Inspector or the Medical Inspector should report to any individual or entity other than the Under Secretary for Health of the Department of Veterans Affairs.

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

Section 7306(a) of title 38, United States Code, is amended—
(1) by redesignating paragraph (12) as paragraph (14); and
(2) inserting after paragraph (11) the following new paragraphs:

“(12) The Director of the Office of Transparency, Engagement, Accountability, and Management under section 7306A of this title.

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

SEC. 204. MOBILE TEMPORARY HEALTH STAFFING PROGRAM TO ENSURE ACCESS AND CONTINUITY OF CARE.

(a) Establishment.—Not later than two years after the date of the enactment of this Act, the Under Secretary for Health of the Department of Veterans Affairs shall establish a mobile temporary staffing program (in this section referred to as the ‘‘Program’’) to temporarily fill vacancies and employee absences for certain positions within the Veterans Health Administration, including by combining any existing similar programs of the Veterans Health Administration within the Program.

(b) Elements.—At a minimum, the Program shall include—
(1) a team of individuals representing each shortage occupation or high-turnover occupation within the Veterans Health Administration; and

(2) a request mechanism for facilities of the Veterans Health Administration to request those individuals to be temporarily assigned to fill vacancies and employee absences.

(c) PRIORITY ASSIGNMENTS.—A facility of the Veterans Health Administration shall obtain priority assignment for staffing of an occupancy type under the Program if the facility has only one position of that occupancy type and that position is vacant or functionally vacant due to the employee in question being under administrative investigation, detailed out of such position, or otherwise not performing their regular care delivery duties.

(d) NOT PERMANENT POSITIONS.—An individual temporarily assigned to a position at a facility of the Veterans Health Administration under the Program—

(1) shall not be permitted to permanently occupy the position; and

(2) shall not be permitted to fill a non-temporary employment vacancy.

(e) REPORTS TO CONGRESS.—

(1) INITIAL REPORT.—Not later than one year after the date of the enactment of this Act, the
Under Secretary for Health shall submit to Congress a report detailing the plans of the Under Secretary to establish the Program.

(2) Annual report.—

(A) In general.—Not later than one year after the establishment of the Program, and annually thereafter, the Under Secretary for Health shall submit to Congress—

(i) data on staffing under the Program, including—

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

(II) the top three positions with respect to which temporary assignments are requested; and

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

(ii) an assessment of any additional incentives, including any legislative action to carry out those incentives, to incentivize employees of the Veterans Health Administration to participate in the Program; and

(iii) any other matters the Secretary considers appropriate.
(B) Combination of report with existing reports.—The report required under subparagraph (A) may be submitted as part of another workforce-related report submitted by the Department of Veterans Affairs to Congress.

TITLE III—WHISTLEBLOWER PROTECTIONS AND EMPLOYEE ACCOUNTABILITY

SEC. 301. STRENGTHENING WHISTLEBLOWER PROTECTIONS AT DEPARTMENT OF VETERANS AFFAIRS.

(a) General Counsel of Office of Accountability and Whistleblower Protection.—Subsection (e) of section 323 of title 38, United States Code, is amended to read as follows:

“(e) General Counsel.—(1) There is in the Office a General Counsel who shall be the chief legal officer of the Office and provides legal assistance to the Assistant Secretary concerning the programs and policies of the Office.

“(2) The Assistant Secretary shall appoint the General Counsel of the Office, who shall be a career appointee in the Senior Executive Service and shall report to the Assistant Secretary.
“(3) In accordance with subsection (d), the Assistant Secretary may hire staff for the General Counsel of the Office to provide such legal assistance pursuant to paragraph (1).

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

(b) Modifications and Additional Functions of Office of Accountability and Whistleblower Protection.—Subsection (c)(1) of such section is amended—

(1) in subparagraph (C), by inserting “and allegations of whistleblower retaliation” after “disclosures”; and

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

“(F) Recording, tracking, reviewing, and confirming implementation of relevant accountability and disciplinary recommendations from audits and investigations carried out by the Inspector General of the Department, the Medical Inspector of the Department, the Special Counsel, the Comptroller General of the United States, and such others as the Assistant Secretary considers appropriate, including
the imposition of disciplinary actions and other related personnel actions contained in such recommendations.

“(G) Analyzing data available to the Office of Accountability and Whistleblower Protection from internal and external data sources, disaggregated by facility, region, network, and area of health care, benefits, memorial services, or such other services of the Department as the Assistant Secretary determines relevant, and other pertinent audits and investigations to identify trends relating to accountability matters, whistleblower retaliation and protection, re-occurring management shortcomings, and issue reports and recommendations to the Secretary on these matters based on analysis conducted under this subparagraph.”.

(c) Tracking and Enforcement of Recommendations and Settlement Agreements Regarding Whistleblowers.—Subsection (c) of such section, as amended by subsection (b), is further amended—

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

“(J) Tracking the negotiation, implementation, and enforcement of settlement agreements entered into by the Secretary regarding claims of retaliation,
including with respect to the work of the General Counsel of the Department regarding such settlements.

“(K) In conducting tracking pursuant to subparagraph (J), examining factors, including volume, size of monetary value, and other matters, so as to determine and identify—

“(i) any underlying causes of such settlement agreements relating to management, leadership, accountability, prohibited personnel actions described in section 731(c) of this title, and other similar matters at a facility, office, or organization of the Department; and

“(ii) the need for corrective action.

“(L) Tracking determinations made by the Special Counsel regarding claims of committal of a prohibited personnel action described in section 731(c) of this title, including—

“(i) any disciplinary action for the individual who engaged in such prohibited personnel action; and

“(ii) determinations regarding the need for corrective action under section 1214 of title 5, as identified by the Special Counsel, and any settlement agreement resolving claims of whis-
tleblower retaliation entered into by the Secretary with the whistleblower.”; and

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

“(4)(A) In carrying out subparagraph (J) of paragraph (1), the Assistant Secretary shall, in consultation with the General Counsel of the Department, establish metrics and standards regarding—

“(i) the timely negotiation and implementation of settlement agreements entered into by the Secretary regarding retaliation; and

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

“(B) The Assistant Secretary shall establish a secure electronic system to carry out subparagraphs (J) and (K) of paragraph (1) in a manner that ensures the confidentiality of the identity of a whistleblower or a party to a settlement agreement described in either of such subparagraphs.”.

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

(1) in subsection (c)(2), by striking “receive anonymous whistleblower disclosures” and inserting “provide information to employees of the Depart-
ment regarding the rights of and procedures for whistleblowers’’;

(2) by redesignating subsection (g) as subsection (h); and

(3) by inserting after subsection (f) the following new subsection (g):

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

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

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

“(3) disseminate training materials and information to employees on whistleblower rights, whistleblower disclosures, and allegations of whistleblower retaliation, including any materials created pursuant to section 733 of this title.”.

(e) IMPROVEMENTS TO ANNUAL REPORTS.—Subsection (f) of such section is amended—

(1) in paragraph (1)(B)(ii), by striking “subsection (C)(1)(G)” and inserting “subsection (c)(1)(E)”;

(2) by amending paragraph (2) to read as follows:
“(2) If the Secretary, or other relevant management or supervisory official as the case may be, receives a recommendation for disciplinary action under subsection (c)(1)(I) and does not take or initiate, or modifies, mitigates, or delays, the recommended disciplinary action before the date that is 60 days after the date on which the Secretary or other relevant management or supervisory official as the case may be, received the recommendation, not later than 60 days after such date, the Secretary shall submit to the Committee on Veterans’ Affairs of the Senate and the Committee on Veterans’ Affairs of the House of Representatives a detailed justification for the relevant official not taking, modifying, or mitigating, or delaying or initiating such disciplinary action.”; and

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

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

“(A) the number of settlements initiated, the disposition of each settlement that was resolved, and
the number of settlements that are pending or have
not been implemented;

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

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

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

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

(a) REPORT REQUIRED.—Not later than 270 days
after the date of the enactment of this Act, the Secretary
of Veterans Affairs shall submit to the Committee on Vet-
erans’ Affairs of the Senate and the Committee on Vet-
erans’ Affairs of the House of Representatives a report
detailing the implementation of Executive Order 13793
(38 U.S.C. 301 note; relating to improving accountability
and whistleblower protection at the Department of Vet-
erans Affairs) and the provisions of, and amendments
made by, the Department of Veterans Affairs Accountability and Whistleblower Protection Act of 2017 (Public Law 115–41), the effect of such implementation, and lessons learned—

(1) to improve accountability and sustain accountability actions;

(2) to improve oversight;

(3) to follow due process;

(4) to reduce future financial expenditures and legal risk due to incomplete personnel actions, insufficient documentation and due diligence, and poor compliance;

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

(6) to ensure accountability actions withstands external judicial or other quasi-judicial or administrative review.

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

(1) A description and a timeline of pre-planning, reasoning of the policy steps made to implement, and staffing decisions and selections made to carry out Executive Order 13793.
(2) A description and a timeline of pre-planning, reasoning of the policy steps made to implement, and staffing decisions and selections for the Office of Accountability and Whistleblower Protection to carry out the provisions of, and amendments made by, the Department of Veterans Affairs Accountability and Whistleblower Protection Act of 2017 (Public Law 115–41).

(3) A description of the actual implementation and staffing decisions made to carry out such Executive Order and the provisions of, and amendments made by, such Act and how the implementation differed from what was planned.

(4) A discussion of the legal consequences of not bargaining or notifying the relevant labor organization partners before implementation of section 714 of title 38, United States Code.

(5) A discussion of how and why the Department was brought into legal proceedings pursuant to actions in Federal courts, administrative proceedings, or quasi-judicial bodies, relating to the implementation of the provisions of law and amendments described in paragraph (2) and the Executive Order 13793, including descriptions of—
(A) each legal proceeding, including the
issues presented; and

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

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

(7) A count of the employees terminated or oth-
erwise removed from service, including their senior-
ity level and date of removal, pursuant to authority
provided by the Department of Veterans Affairs Ac-
countability and Whistleblower Protection Act of
2017 (Public Law 115–41) during the period begin-
ing on June 23, 2017, and ending on the date of
the enactment of this Act, including which authority
was utilized and which of those were required to be
rehired or financially made whole, or received some
other form of compensation or corrective action, be-
cause their termination was subsequently found to
be in violation of a provision of law, regulation, or
related matters, or was so directed by judicial, quasi-
judicial, or other administrative order or ruling.

(8) Information on the establishment of the Of-

cine of Accountability and Whistleblower Protection
pursuant to Executive Order 13793 and then by the
Department of Veterans Affairs Accountability and
Whistleblower Protection Act of 2017 (Public Law
115–41), including a description of the following:

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

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

(C) Any leaders who had multiple roles
within the office and in other elements of the
Department simultaneously and any conflicts of
interest or apparent conflicts of interest in
those roles.

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

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

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

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

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

(10) The total final, or estimated final, finan-
cial cost and employment outcome, such as the re-
hiring or compensation of employees, of orders, rulings, or other actions by Federal courts, administrative judges, quasi-judicial entities, or final Collective Bargaining Agreement settlement or renegotiation relating to the implementation of the provisions of, and amendments made by, the Department of Veterans Affairs Accountability and Whistleblower Protection Act of 2017 (Public Law 115–41) from June 23, 2017, to the date of the report.

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

(12) Such other matters as the Secretary considers appropriate to describe lessons learned on implementing and sustaining accountability actions and culture.

SEC. 303. PEER REVIEW OF INVESTIGATIONS BY OFFICE OF ACCOUNTABILITY AND WHISTLEBLOWER PROTECTION OF DEPARTMENT OF VETERANS AFFAIRS.

Section 323 of title 38, United States Code, as amended by section 301(d), is further amended—
(1) by redesignating subsection (h) as subsection (i);

(2) by inserting after subsection (g) the following new subsection (h):

"(h) PEER REVIEW.—(1) Not later than 180 days after the date of the enactment of the Leadership, Engagement, Accountability, and Development Act of 2023, the Assistant Secretary shall seek to enter into an arrangement with the Council of the Inspectors General on Integrity and Efficiency (in this subsection the ‘Council’) to provide ongoing peer review in accordance with paragraph (2).

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

“(3) The arrangement entered into by the Assistant Secretary and the Council pursuant to paragraph (1) shall ensure that there is a regular rotation of the members of the Council that conducts peer reviews pursuant to paragraph (2)."
“(4) In developing protocols to carry out an arrangement entered into under paragraph (1), the Council shall exclude the Inspector General of the Department from carrying out any peer reviews under the arrangement.

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

(3) in subsection (f)(1)(B)—

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

(B) by inserting after clause (iv) the following new clause (v):

“(v) The findings of the Council of the Inspectors General on Integrity and Efficiency with respect to the peer reviews carried out under subsection (h) and the response of the Assistant Secretary to such findings.”.
SEC. 304. REPORTS ON IMPROVEMENTS TO ADHERENCE TO
RECOMMENDATIONS OF OFFICE OF ACCOUNTABILITY AND WHISTLEBLOWER PROTECTION.

(a) Report on Improvements to Adherence to Recommendations of Office of Accountability and Whistleblower Protection.—

(1) Report required.—Not later than 180 days after the date of the enactment of this Act, the Assistant Secretary for Accountability and Whistleblower Protection shall submit to the Committee on Veterans’ Affairs of the Senate and the Committee on Veterans’ Affairs of the House of Representatives a report on recommendations and actions taken by the Office of Accountability and Whistleblower Protection to improve the percentage of recommendations issued by the Office to elements of the Department of Veterans Affairs that are adhered to by such elements.

(2) Contents.—The report submitted pursuant to paragraph (1) shall include the following:

(A) A comprehensive review of the reasons that recommendations issued by the Office to elements of the Department are not taken, initiated, or significantly modified by management.
(B) Recommendations for administrative action to enable the Department to better—

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

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

(iii) protect whistleblowers.

(C) Recommendations for such legislative action as may be necessary to assist the Office in accomplishing Departmental adherence to recommendations of the Office and other statutory functions of the Office.

(b) REVIEW OF INTERNAL CHALLENGES RELATING TO PROPER PROCESSING OF ACCOUNTABILITY PROPOSALS.—

(1) REVIEW.—

(A) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Veterans Affairs shall complete a review of internal challenges within the Department relating to the proper preparation and processing of accountability proposals within the Department.
(B) Focus.—The review completed under subparagraph (A) shall focus, at a minimum, on—

(i) improving the completeness and thoroughness of proposed accountability actions and evidence for adverse actions relating to employees of the Department, at all levels and of a representative range of senior levels, so as to sustain the action as it goes through Departmental review by a Departmental deciding official, relevant internal legal counsel review, or external judicial or other external administrative or legal review, while protecting due process; and

(ii) improving the timeliness of the accountability process from the period of the concern being raised to formal issuance of an action, while protecting due process through a variety of efforts to include Departmental reorganization, improved policy and process guidance, improved training, and enhanced or additional information technology systems.

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

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

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

(ii) A description of the following:

(I) The current average length of Departmental accountability processes.

(II) Recommendations for improvements to process, human resources, legal, organizational structure, and employee training.

(III) Information technology including those that move processes from paper based to digital or electronic based systems.

(iii) A timeline to achieve the improvements recommended under clause (ii)(II).
(iv) Recommendations for such legislative or administrative action as the Secretary considers necessary to implement the improvements recommended under clause (ii)(II).

(v) Such other matters as the Secretary considers appropriate.

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.

(a) INITIAL REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committee on Veterans’ Affairs of the Senate and the Committee on Veterans’ Affairs of the House of Representatives a report on steps the Department of Veterans Affairs has taken or will take in response to Government Accountability Office report 23-106111 (relating to Department of Veterans Affairs resolution process for whistleblower retaliation claims).

(b) SUBSEQUENT REPORTS.—Not later than 180 days after the date on which the Comptroller General re-
leases a report subsequent to report 23-106111 described
in subsection (a) that pertains to the same topic as such
report 23-106111 and relates to the Department in cal-
endar year 2023 or 2024, the Secretary shall submit to
the committees described in such subsection a report on
the steps the Department has taken or will taken in re-
sponse to such newly released report.

SEC. 306. MODIFICATION TO RESPONSIBILITIES AND AU-
THORITIES OF ASSISTANT SECRETARY FOR
ACCOUNTABILITY AND WHISTLEBLOWER
PROTECTION.

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

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

(A) Recording, tracking, reviewing, and
confirming implementation of policy, govern-
ance, and all related recommendations from au-
dits and investigations carried out by the In-
spector General of the Department, the Medical Inspector of the Department, the Special Counsel, and the Comptroller General of the United States, except for such portions of such policy governance and recommendations as pertain to the imposition of disciplinary actions and other corrective actions relating to employees of the Department.

(B) After reviewing such recommendations and confirming such implementation, providing the Secretary, the Deputy Secretary, the Under Secretary for Health, the Under Secretary for Benefits, the Under Secretary for Memorial Affairs, each of the other Assistant Secretaries appointed under section 308 of title 38, United States Code, and such other officials of the Department as the Secretary considers appropriate with information, advice, and proposed improvements for individual administration, office, and Departmental correction of deficiencies and challenges identified in recommendations described in subparagraph (A).

(2) EFFECTIVE DATE.—Paragraph (1) shall take effect on the date that is 270 days after the date of the enactment of this Act.
(b) MODIFIED DISCRETION FOR ASSISTANT SECRETARY TO ALLOW RELEVANT DISCIPLINARY ACTIONS TO PROCEED.—

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

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

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

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

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

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

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

“(iii) eliminating future occurrences of waste, fraud, or abuse; and
“(iv) ensuring a culture of accountability, whistleblower protection, and due process.”

(2) NOTICE.—Such section is amended by adding at the end the following new paragraph:

“(3) Not later than 60 days after the Assistant Secretary makes a finding under paragraph (2)(C) that a removal, demotion, or suspension is consistent, the Assistant Secretary shall submit to the Committee on Veterans’ Affairs of the Senate and the Committee on Veterans’ Affairs notice of such finding along with a justification for the finding.”.

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.

(a) Plan Required.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committee on Veterans’ Affairs of the Senate and the Committee on Vet-
eral Affairs of the House of Representatives a plan to
reorganize and consolidate all security functions of the De-
partment of Veterans Affairs under a single Under Sec-
retary or Assistant Secretary to—

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

(2) strengthen management;

(3) clearly define roles and responsibilities; and

(4) strengthen accountability and effectiveness.

(b) **Security Functions.**—The security functions
described in subsection (a) shall include operational, budg-
etary, and hiring and management control for the fol-
lowing:

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

(2) Department perimeter security.

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

(4) Cameras.

(5) Veteran security.

(6) Visitor security.

(7) Unauthorized intruder security.

(8) Coordination with relevant local, State, and
Federal law enforcement entities.
(9) Coordination of Department security with physical security aspects of applicable facilities managed by the General Services Administration.

(10) Security inspections or standards for privately leased commercial property which the Department leases.

(11) Construction specifications for security, security system contracts, security services contracts, including for guards.

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

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

(1)(A) A discussion of the view of the Secretary on the need to recreate the Assistant Secretary for Operations, Security, and Preparedness or another office or entity within a part of the Department rather than have that office combined with the Assistant Secretary of Human Resources and Administration, which occurred as a result of the enactment of the Department of Veterans Affairs Accountability and Whistleblower Protection Act of 2017 (Public Law 115–41).

(B) The Secretary shall provide the view pursuant to subparagraph (A) notwithstanding the fact
that section 308(a)(1) of title 38, United States Code, as in effect on the day before the date of the enactment of this Act, limits the number of authorized Assistant Secretaries.

(2) Information on the steps taken and planned to be taken to include those recommendations required pursuant to this Act and the timeline to implement the open recommendations from the Department of Veterans Affairs Office of Inspector General report 17–01007–01 (relating to inadequate governance of the Department police program at medical facilities).

(3) Steps taken or planned to be taken to improve the recruitment, retention, and equipping of all security related personnel of the Department, including any legislative action required to implement such changes.

(4) The opinion of the Secretary, including with respect to support or lack of support, and reasoning therein for consolidating under one office and chain of command the following offices and entities of the Department, which currently perform some security function, including how a lack of consolidation will lead to increased effectiveness, efficiency, and security:
(A) Department of Veterans Affairs Integrated Operations Center.
(B) Office of Security and Law Enforcement.
(C) Department of Veterans Affairs Police Operations and Oversight.
(D) Infrastructure Protection, Policy.
(E) Office of the Chief of Police and all Regional Directors of Police.
(F) Office of Identity, Credential and Access Management.
(G) Access and Identity Management.
(H) Access Management.
(I) Information Technology Safety and Physical Security-Business Relations.
(J) Facilities Planning.
(K) Facilities Standards Service.
(L) Human Resource Operations.
(M) National Personnel Security.
(N) Mission Support.
(O) Office of Security and Preparedness personnel security and suitability functions.
SEC. 402. REPORT ON ENTERPRISE RISK MANAGEMENT EFFORTS OF DEPARTMENT OF VETERANS AFFAIRS.

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

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

(1) Where the various enterprise risk management offices currently reside within the Department.

(2) Which office and official position is the lead responsible and accountable official for all enterprise risk management activities of the Department and to whom the heads of the offices described in paragraph (1) report.

(3) The duties of the heads of the offices described in paragraph (1).

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

(5) Information about the various budgets to support the work described in paragraph (4).
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(6) The current metrics, goals, and performance of the enterprise risk management activities of the Department.

(7) The plans of the Secretary to improve—

(A) the risk management activities of the Department, including through following recommendations of the Inspector General of the Department, the Comptroller General of the United States, and other such relevant privacy and public sector organizations who conduct strong risk management activities;

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

(C) such other matters the Secretary considers relevant and appropriate to improve the enterprise risk management work of the Department.

(8) Such recommendations as the Secretary may have for legislative or administrative action to support the efforts of the Department relating to enterprise risk management.
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.

(a) In General.—Section 7008 of the Johnny Isakson and David P. Roe, M.D. Veterans Health Care and Benefits Improvement Act of 2020 (Public Law 116–315) is amended—

(1) in subsection (a), by inserting ‘‘, high risk recommendations, and duplication and cost-savings recommendations’’ after ‘‘priority recommendations’’;

(2) in subsection (b)—

(A) by striking ‘‘open priority recommendations of the Comptroller General’’ each place it appears and inserting ‘‘open recommendations described in subsection (a)’’; and

(B) in paragraph (2), by striking ‘‘open priority recommendation of the Comptroller General’’ and inserting ‘‘open recommendation described in subsection (a)’’; and

(3) in the section heading, by striking ‘‘PRI- ORITY’’.
(b) **CLERICAL AMENDMENT.**—The table of contents in section 1(b) of such Act is amended by striking the item relating to section 7008 and inserting the following 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.”

SEC. 404. ANNUAL HATCH ACT TRAINING PROGRAM AT DEPARTMENT OF VETERANS AFFAIRS.

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

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

“(a) **REQUIRED PARTICIPATION IN TRAINING PROGRAM.**—

“(1) **IN GENERAL.**—The Secretary shall require each covered employee to participate each year in the training program developed pursuant to subsection (b).

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

“(A) a political appointee;

“(B) a senior executive;

“(C) a senior manager; or
“(D) such other category of employee as
the Secretary considers appropriate.

“(b) Development of Training Program Required.—Not later than 180 days after the date of the
enactment of the Leadership, Engagement, Accountability, and Development Act of 2023, the Secretary shall,
acting through the General Counsel of the Department
and in coordination with the Special Counsel, complete de-
velopment of a standardized training program for covered
employees described in subsection (a)(2) regarding the re-
quirements of subchapter III of chapter 73 of title 5 (often
referred to as the ‘Hatch Act’).

“(c) Compliance for Political Appointees.—
The training program developed pursuant to subsection
(b) shall cover compliance matters for all political ap-
pointees of the Department, regardless of level of senior-
ity.

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

“(e) Annual Reports.—Not later than June 30 of
each calendar year, beginning with the first June 30 that
occurs more than one year after the date of the enactment
of this Act, the Secretary shall submit to the Committee
on Veterans’ Affairs of the Senate and the Committee on Veterans’ Affairs of the House of Representatives, in conjunction with each report submitted pursuant to section 323(f)(1)(A) of this title a report on the training program developed under subsection (b). Each such report such include an indication of the following:

“(1) The percentage of all covered employees described in subsection (a)(2) that received training as part of the program developed pursuant to subsection (b).

“(2) The actions the Secretary is taking to increase the percentage indicated pursuant to paragraph (1).

“(f) Definition of political appointee.—In this section, the term ‘political appointee’ has the meaning given such term in section 106(f) of title 49, United States Code.”.

(b) Notice to Congress.—Not later than 90 days after the date of completion of the training program developed pursuant to subsection (b) of section 729B of such title, as added by subsection (a), and delivery of the first training pursuant to subsection (a) of such section, the Secretary of Veterans Affairs shall submit to the Committee on Veterans’ Affairs of the Senate and the Com-
mittee on Veterans' Affairs of the House of Representa-
tives—

(1) notice that the development of the program
pursuant to such subsection (b) has been completed
and that the first training has been delivered pursuant
to such subsection (a);

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

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

(e) Clerical Amendment.—The table of sections
at the beginning of chapter 7 of such title, as amended
by section 104, is further amended by inserting after the
item relating to section 729A the following new item:

"729B. Annual training for senior leaders on political activities."

SEC. 405. INDEPENDENT STUDY REGARDING MANAGEMENT
STRUCTURES OF DEPARTMENT OF VETERANS AFFAIRS.

(a) Agreement.—

(1) In general.—The Secretary of Veterans Affairs shall seek to enter into an agreement with
the National Academy of Public Administration (in
this section referred to as the “National Academy”)
for the National Academy to conduct the study and
review under subsection (b) and submit the report
under subsection (c).

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

(b) STUDY AND REVIEW.—

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

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

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

(B) develop recommendations relating to
office creation, restructuring, movement, or
consolidation to improve the management of the
Department, including with respect to perform-
ance and accountability;
(C) review previous management reports and recommendations; and

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

(3) CONSULTATION.—In conducting the study and review pursuant to paragraph (1), the National Academy shall consult with the Secretary, relevant employees of the Department, and such persons outside of the Department as the National Academy considers appropriate and have an interest in the affairs of the Department.

(e) REPORT.—Not later than 540 days after the date of the enactment of this Act, the National Academy shall submit to the Committee on Veterans’ Affairs of the Senate and the Committee on Veterans’ Affairs of the House of Representatives a report that contains—

(1) the findings of the National Academy with respect to the study and review conducted under subsection (b), including the recommendations developed under subparagraphs (A) and (B) of paragraph (2) of such subsection; and
(2) such other recommendations as the National Academy believes are necessary and relevant to the study and review.

(d) **Views of the Secretary.**—Not later than 90 days after the National Academy submits the report required by subsection (c), the Secretary shall submit to the committees described in such subsection the views of the Secretary regarding the following:

(1) The study and review conducted under subsection (b).

(2) The findings of the National Academy reported pursuant to subsection (c)(1).

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

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

(5) A timeline for such implementation.

(6) Whether implementing the such recommendations would require legislative action.

(7) Not implementing the recommendations described in paragraph (3) and the reason for such decision.