

S. 2679 LEAD ACT OF 2023

Leadership, Engagement, Accountability, and Development Act of 2023

Senator Tester (D-MT), Senator Moran (R-KS), Senator Rounds (R-SD)

The LEAD Act will improve the Department of Veterans Affairs' (VA) ability to issue sustained accountability actions against VA leaders and employees who engage in documented misconduct; require more engaged and proactive management by leaders at all levels of the Department; reform VA's oversight and accountability functions; and increase patient safety and quality of care at VA facilities across the country. Its provisions are informed by dozens of [Office of Inspector General](#) (OIG) and [Government Accountability Office](#) (GAO) reports and years of Congressional hearings and oversight.

Enacting Reforms to Create a Proactive, High-Reliability Organization

- Mandates VA develop consistent internal processes and training on how to prepare and process proposed disciplinary actions, while protecting due process and whistleblower rights. While VA has the ability and authority to remove bad actors today, there can be delays and reductions in penalties largely due to inconsistent processes and paperwork shortcomings. (Section 101)
- Instructs VA to establish a group of VA medical staff dedicated to temporarily covering certain absences of critical staff at medical facilities, including for staff who are detailed away from their position while under administrative review. VA must ensure due process does not interrupt access to quality patient care for veterans. (Section 203)
- Institutes an annual report to Congress providing the number of employees who were the subject of adverse actions (i.e., termination, demotion, suspension), what authority under law was used to take action against an employee, and the seniority level of the individual. (Section 105)

Strengthening Pathways for Identifying and Preventing Wrongdoing

- Establishes the Transparency, Engagement, Accountability, and Management (TEAM) office, which will consolidate many of Veterans Health Administration's (VHA) existing oversight, patient safety, quality and accountability offices into one single structure aimed at reviewing incidents that occur within VA facilities and proactively monitoring policy compliance across VHA with the goal of preventing wrongdoing, leadership failures, and care delivery issues. (Section 102)
- Codifies into law and provides additional structure and tools (consistent with recent [GAO](#) findings) to VHA's existing [Office of the Medical Inspector](#) (OMI) whose mission is to independently investigate health care issues raised by stakeholders to improve care provided to veterans by VHA. (Section 202)
- Produces a VA report to Congress on the lessons learned and steps for improvement in implementing the 2017 law that created VA's Office of Accountability and Whistleblower Protection (OAWP) and provided VA additional accountability authorities. (Section 302)
- Charges VA with creating a secure database of finalized internal investigations accessible on a need-to-know basis to leaders and managers in order to prevent promoting bad actors, address trends of misconduct, and monitor accountability recommendations that may otherwise be lost in leadership transitions. (Section 104)

Holding Leadership Accountable and Empowering Rank-and-File Staff

- Directs VHA leaders to regularly conduct in-person oversight visits of facilities within their purview. This is in response to dozens of investigations that found local and regional leaders had not visited facilities under their management at regular intervals, limiting their ability to address problems at the earliest possible moment. (Section 201)
- Strengthens whistleblower protections at VA by establishing an independent legal office within OAWP, developing an auditing process of OAWP investigations to provide feedback on process improvement, tracking settlement agreements made with whistleblowers, examining trends of leaders or facilities with frequent settlements, and refocusing OAWP on its core mission of accountability and whistleblower protection. (Section 301)
- Improves existing VA [Hatch Act](#) training, in consultation with the Office of Special Counsel, for Department employees regarding restrictions on certain political activities of political appointees and senior career employees. (Section 404)
- Requires VA to conduct anonymous, voluntary surveys of staff to assess awareness of their rights as employees and how and where to report concerns about the workplace. (Section 103)