

Suspend the Rules And Pass the Bill, H.R. 3956, with Amendments

(The amendments strike all after the enacting clause and insert a new text and a new title)

114TH CONGRESS
2^D SESSION

H. R. 3956

To direct the Secretary of Veterans Affairs to develop and implement a plan to hire directors of the medical centers of the Department of Veterans Affairs.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 5, 2015

Mr. BOST (for himself, Mr. COSTA, Mr. RODNEY DAVIS of Illinois, and Mr. SWALWELL of California) introduced the following bill; which was referred to the Committee on Veterans' Affairs

A BILL

To direct the Secretary of Veterans Affairs to develop and implement a plan to hire directors of the medical centers of the Department of Veterans Affairs.

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.**

4 This Act may be cited as the “VA Health Center
5 Management Stability and Improvement Act”.

1 **SEC. 2. FINDINGS.**

2 Congress finds the following:

3 (1) According to data from the Department of
4 Veterans Affairs, several medical centers of the De-
5 partment are managed by acting or temporary direc-
6 tors.

7 (2) Some of these medical centers have not
8 been managed by a permanent director for a long
9 period.

10 (3) Pursuant to section 317.903 of title 5, Code
11 of Federal Regulations, a member of the senior exec-
12 utive service who is detailed to a temporary position
13 in a department or agency of the Federal Govern-
14 ment may not serve in that position for periods
15 longer than 120-day increments, and no member of
16 the senior executive service may be detailed to an
17 unclassified position for a period longer than 240
18 days.

19 (4) The inability of the Department of Veterans
20 Affairs to recruit qualified, permanent candidates as
21 directors of medical centers, combined with the poli-
22 cies described in paragraph (3), leads to frequent
23 turnover of directors at the medical centers which
24 impedes the ability of system management to engage
25 in long-term planning and other functions necessary
26 to improve service delivery to veterans.

1 (5) The Secretary of Veterans Affairs should
2 develop a comprehensive plan to recruit permanent
3 directors at each medical center that lacks a perma-
4 nent director.

5 **SEC. 3. PLAN TO HIRE DIRECTORS OF MEDICAL CENTERS**
6 **OF DEPARTMENT OF VETERANS AFFAIRS.**

7 (a) PLAN.—Not later than 120 days after the date
8 of the enactment of this Act, the Secretary of Veterans
9 Affairs shall develop and implement a plan to hire highly
10 qualified directors for each medical center of the Depart-
11 ment of Veterans Affairs that lacks a permanent director
12 as of the date of the plan. The Secretary shall prioritize
13 the hiring of such directors for the medical centers that
14 have not had a permanent director for the longest periods.

15 (b) MATTERS INCLUDED.—The plan developed under
16 subsection (a) shall include the following:

17 (1) A deadline to hire the directors of the med-
18 ical centers of the Department as described in such
19 subsection.

20 (2) Identification of the possible impediments to
21 such hiring.

22 (3) Identification of opportunities to promote
23 and train candidates from within the Department to
24 senior executive positions in the Department, includ-
25 ing as directors of medical centers.

1 (c) SUBMISSION.—Not later than 120 days after the
2 date of the enactment of this Act, the Secretary shall sub-
3 mit to the Committees on Veterans' Affairs of the House
4 of Representatives and the Senate the plan developed
5 under subsection (a).

6 (d) SEMIANNUAL REPORTS.—Not later than 180
7 days after the date of the enactment of this Act, and each
8 180-day period thereafter until January 1, 2018, the Sec-
9 retary shall submit to the Committees on Veterans' Affairs
10 of the House of Representatives and the Senate a list of
11 each medical center of the Department that lacks a per-
12 manent director as of the date of the report.

13 **SEC. 4. COMPLIANCE WITH SCHEDULING REQUIREMENTS.**

14 (a) ANNUAL CERTIFICATION.—

15 (1) IN GENERAL.—The Secretary of Veterans
16 Affairs shall ensure that the director of each medical
17 facility of the Department of Veterans Affairs annu-
18 ally certifies to the Secretary that the medical facil-
19 ity is in full compliance with all provisions of law
20 and regulations relating to scheduling appointments
21 for veterans to receive hospital care and medical
22 services, including pursuant to Veterans Health Ad-
23 ministration Directive 2010–027, or any successor
24 directive.

1 (2) PROHIBITION ON WAIVER.—The Secretary
2 may not waive any provision of the laws or regula-
3 tions described in paragraph (1) for a medical facil-
4 ity of the Department if such provision otherwise ap-
5 plies to the medical facility.

6 (b) EXPLANATION OF NONCOMPLIANCE.—If a direc-
7 tor of a medical facility of the Department does not make
8 a certification under subsection (a)(1) for any year, the
9 director shall submit to the Secretary a report con-
10 taining—

11 (1) an explanation of why the director is unable
12 to make such certification; and

13 (2) a description of the actions the director is
14 taking to ensure full compliance with the laws and
15 regulations described in such subsection.

16 (c) PROHIBITION ON BONUSES BASED ON NON-
17 COMPLIANCE.—

18 (1) IN GENERAL.—If a director of a medical fa-
19 cility of the Department does not make a certifi-
20 cation under subsection (a)(1) for any year, each
21 covered official described in paragraph (2) may not
22 receive an award or bonus under chapter 45 or 53
23 of title 5, United States Code, or any other award
24 or bonus authorized under such title or title 38,

1 United States Code, during the year following the
2 year in which the certification was not made.

3 (2) COVERED OFFICIAL.—A covered official de-
4 scribed in this paragraph is each official who serves
5 in the following positions at a medical facility of the
6 Department during a year, or portion thereof, for
7 which the director does not make a certification
8 under subsection (a)(1):

9 (A) The director.

10 (B) The chief of staff.

11 (C) The associate director.

12 (D) The associate director for patient care.

13 (E) The deputy chief of staff.

14 (d) ANNUAL REPORT.—The Secretary shall annually
15 submit to the Committees on Veterans' Affairs of the
16 House of Representative and the Senate a report con-
17 taining, with respect to the year covered by the report—

18 (1) a list of each medical facility of the Depart-
19 ment for which a certification was made under sub-
20 section (a)(1); and

21 (2) a list of each medical facility of the Depart-
22 ment for which such a certification was not made,
23 including a copy of each report submitted to the
24 Secretary under subsection (b).

1 **SEC. 5. UNIFORM APPLICATION OF DIRECTIVES AND POLI-**
2 **CIES OF DEPARTMENT OF VETERANS AF-**
3 **FAIRS.**

4 (a) IN GENERAL.—The Secretary of Veterans Affairs
5 shall ensure that the directives and policies of the Depart-
6 ment of Veterans Affairs apply to each office or facility
7 of the Department in a uniform manner.

8 (b) NOTIFICATION.—If the Secretary does not uni-
9 formly apply the directives and policies of the Department
10 pursuant to subsection (a), including by waiving such a
11 directive or policy with respect to an office, facility, or ele-
12 ment of the Department, the Secretary shall notify the
13 Committees on Veterans' Affairs of the House of Rep-
14 resentative and the Senate of such nonuniform applica-
15 tion, including an explanation for the nonuniform applica-
16 tion.

Amend the title so as to read: “A bill to direct the Secretary of Veterans Affairs to develop and implement a plan to hire directors of the medical centers of the Department of Veterans Affairs, and for other purposes.”.