
PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 5620) TO AMEND TITLE 38, UNITED STATES CODE, TO PROVIDE FOR THE REMOVAL OR DEMOTION OF EMPLOYEES OF THE DEPARTMENT OF VETERANS AFFAIRS BASED ON PERFORMANCE OR MISCONDUCT, AND FOR OTHER PURPOSES

September 12, 2016.—Referred to the House Calendar and ordered to be printed.

MR. COLLINS of Georgia, from the Committee on Rules, submitted the following

REPORT

[To accompany H. Res. __]

The Committee on Rules, having had under consideration House Resolution ____, by a record vote of 7 to 3, report the same to the House with the recommendation that the resolution be adopted.

SUMMARY OF PROVISIONS OF THE RESOLUTION

The resolution provides for consideration of H.R. 5620, the VA Accountability First and Appeals Modernization Act of 2016, under a structured rule. The resolution provides one hour of general debate equally divided and controlled by the chair and ranking minority member of the Committee on Veterans' Affairs. The resolution waives all points of order against consideration of the bill. The resolution provides that the bill shall be considered as read. The resolution waives all points of order against provisions in the bill. The resolution makes in order only those amendments printed in this report. Each such amendment may be offered only in the order printed in this report, may be offered only by a Member designated in this report, shall be considered as read, shall be debatable for the time specified in this report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. The resolution waives all points of order against the amendments printed in this report. The resolution provides one motion to recommit with or without instructions.

EXPLANATION OF WAIVERS

Although the resolution waives all points of order against consideration of the bill, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

COMMITTEE VOTES

The results of each record vote on an amendment or motion to report, together with the names of those voting for and against, are printed below:

Rules Committee Record Vote No. 207

Motion by Ms. Foxx to report the rule. Adopted: 7-3

Majority Members	Vote	Minority Members	Vote
Ms. Foxx.....	Yea	Ms. Slaughter.....	Nay
Mr. Cole.....		Mr. McGovern.....	Nay
Mr. Woodall.....	Yea	Mr. Hastings of Florida.....	Nay
Mr. Burgess.....	Yea	Mr. Polis.....	
Mr. Stivers.....	Yea		
Mr. Collins.....	Yea		
Mr. Byrne.....	Yea		
Mr. Newhouse.....			
Mr. Sessions, Chairman.....	Yea		

SUMMARY OF THE AMENDMENTS MADE IN ORDER

1. Miller, Jeff (FL): MANAGER'S Makes technical and conforming changes to the bill and aligns the due process procedures for the recoupment provisions of the bill. (10 minutes)
2. Walz (MN), Titus (NV): Strikes sections 2 through 8 and section 10. (10 minutes)
3. Takano (CA): Replaces Section 3 with a new provision allowing the Secretary to suspend without pay any VA employee whose performance or misconduct threatens public health or safety, including the health and safety of veterans; and may remove a suspended employee after such investigation and review as the Secretary considers necessary, if the Secretary determines removal is in the interests of public health and safety. (10 minutes)
4. Lujan Grisham (NM): Adds Members of Congress to the reporting requirements. (10 minutes)
5. Kuster, Ann (NH): Replaces Section 7 with S. 2921 Section 113, which contains an improved process to expedite the removal or demotion of a member of the Senior Executive Service. (10 minutes)
6. Kirkpatrick (AZ): Replaces Section 8 with Sections 101-104 from S. 2921 to create the VA Office of Accountability and Whistleblower Protection. (10 minutes)
7. Newhouse (WA): Applies the statutory requirements of the Emergency Medical Treatment and Labor Act (EMTALA) to emergency care furnished by the VA to enrolled veterans. Requires every enrolled veteran who arrives at the emergency department of a VA medical facility, and indicates an emergency condition exists, be assessed and treated in an effort to prevent further injury or death. (10 minutes)
8. Schweikert (AZ): Requires that the VA use distributive ledger technology when scheduling healthcare appointments to ensure transparency and accountability 1 year after enactment. (10 minutes)
9. Cartwright (PA): Authorizes the Department of Veterans Affairs to appoint a psychiatrist who completes a residency at a Veterans Health Administration (VHA) facility to a VHA health care position immediately after such residency, without regard to civil service or classification laws, if the psychiatrist meets the qualifications established in regulations prescribed for the position, and the position has been unfilled for at least 35 days. (10 minutes)
10. Frankel (FL): Provides the sense of the Congress honoring American veterans disabled for life and encouraging Americans to do so each years. (10 minutes)
11. Gallego (AZ): Establishes positions of Directors of Veterans Integrated Service Networks (VISN) in the VA's Office of Undersecretary for Health (10 minutes)
12. Keating (MA), Rothfus (PA): Directs healthcare providers with VA affiliation to take continuing education courses specific to pain management, opioids, and substance abuse. (10 minutes)
13. Lowenthal (CA): Requires the Secretary of Veterans Affairs or a

designee to review covered whistleblower complaints quarterly. (10 minutes)

14. Lujan (NM): Directs the VA to produce a report on the number of part-time active duty military physicians in VA health facilities, the hiring process for part-time active duty military physicians, the hiring process for part-time civilian physicians in, and the steps the VA is taking to recruit active duty military physicians for part-time employment in VA health facilities. (10 minutes)
15. Maloney, Sean (NY): Extends the Department of Veterans Affairs authority for the performance of medical disability evaluations by contract physicians by one year. (10 minutes)
16. O'Rourke (TX), Stefanik (NY): Provides the VA with the authority to offer physicians conditional job offers two years earlier and increases the VA's recruiting outreach efforts to academic affiliate institutions. (10 minutes)
17. O'Rourke (TX): Provides the VA with the authority to share a patient's electronic health record with VA community-based providers, while maintaining HIPPA protections. (10 minutes)
18. O'Rourke (TX): Directs the Secretary of Veterans Affairs to conduct annual surveys of veterans on experiences obtaining hospital care and medical services from medical facilities of the Department of Veterans Affairs. (10 minutes)
19. Walz (MN): Enables any person who is entitled to retired pay for nonregular (reserve) service or who, but for age, would be so entitled to be honored as a veteran. A person shall not be entitled to any benefit by reason of such recognition. (10 minutes)
20. Walz (MN): Allows the Secretary of the VA to furnish rehabilitative equipment to Veterans entitled to prosthetic appliances, and modify non-rehabilitative equipment owned by the Veteran to meet that purpose, if the Veteran elects. Rehabilitative equipment includes recreational sports equipment that provides an adaption or accommodation for the Veteran. (10 minutes)
21. Duffy (WI): Allows the VA to also use hearing aid specialists, who are more available, and are qualified to fit, program, adjust, and repair hearing aids. (10 minutes)
22. Lance (NJ): Inserts the legislative text of H.R. 658 which requires a V.A. Regional Office carry out claim adjudication within 125 days with 98% accuracy. Regional Offices must submit a three step report every time it fails to meet its 125 day goal with explanation, reasoning and solutions for improvement. It will also contain a description of additional resources necessary for the office to reach its goals, from staffing to policy changes, and an action plan to enable the office to meet its goal. (10 minutes)

TEXT OF AMENDMENTS MADE IN ORDER

1. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MILLER OF FLORIDA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

33L

AMENDMENT TO H.R. 5620
OFFERED BY MR. MILLER OF FLORIDA

Page 4, beginning on line 16, strike "under section 7701 of title 5".

Page 11, strike lines 11 through 14 and insert the following:

- 1 “(B) before such order is made, the individual
- 2 is afforded—
- 3 “(i) notice of the order and an opportunity
- 4 to respond to the order; and
- 5 “(ii) an opportunity to appeal the order to
- 6 another department or agency of the Federal
- 7 Government.”.

Page 14, strike lines 20 through 23 and insert the following:

- 8 “(2) before such repayment, the employee is af-
- 9 forded—
- 10 “(A) notice of the order and an oppor-
- 11 tunity to respond to the order; and
- 12 “(B) an opportunity to appeal the order to
- 13 another department or agency of the Federal
- 14 Government.”.

Page 20, line 8, insert “consistent with paragraph (3),” before “may”.

Page 20, after line 11, insert the following:

1 “(3) An appeal of a personnel action pursuant to
2 paragraph (2)(A) must be filed with the Senior Executive
3 Disciplinary Appeals Board not later than the date that
4 is seven days after the date of such action. If such appeal
5 is not made within the seven-day period, the personnel ac-
6 tion shall be final and not subject to further appeal.”.

Page 29, strike lines 13 through 18 and insert the following:

7 “(2)(A) Except as provided by subparagraph (B),
8 with respect to a supervisory employee subject to an ad-
9 verse action under this section who is—
10 “(i) an individual as that term is defined in section
11 715(i)(1) of this title, the procedures under subsections
12 (d) and (e) of section 715 of this title shall apply; and
13 “(ii) an individual as that term is defined in section
14 713(g)(1) of this title, the procedures under section
15 713(d) of this title shall apply.”.

Page 29, line 21, strike “five days” and insert “ten days”.

Page 30, line 2, strike "five-day" and insert "ten-day".

Page 33, line 17, strike "except that" and all that follows through the period on line 21 and insert "except that—"

1 (I) any such department or agen-
2 cy shall issue a final decision with re-
3 spect to such appeal not later than
4 the date that is 30 days after the date
5 the department or agency received
6 such appeal; and
7 (II) if such a final decision is not
8 made by the applicable department or
9 agency within 30 days after receiving
10 such appeal, the order of the Sec-
11 retary shall be final and not subject to
12 further appeal.

Page 34, line 19, strike "7742" and insert "7332".



2. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE WALZ OF MINNESOTA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

530

**AMENDMENT TO H.R. 5620, AS REPORTED
OFFERED BY MR. WALZ OF MINNESOTA**

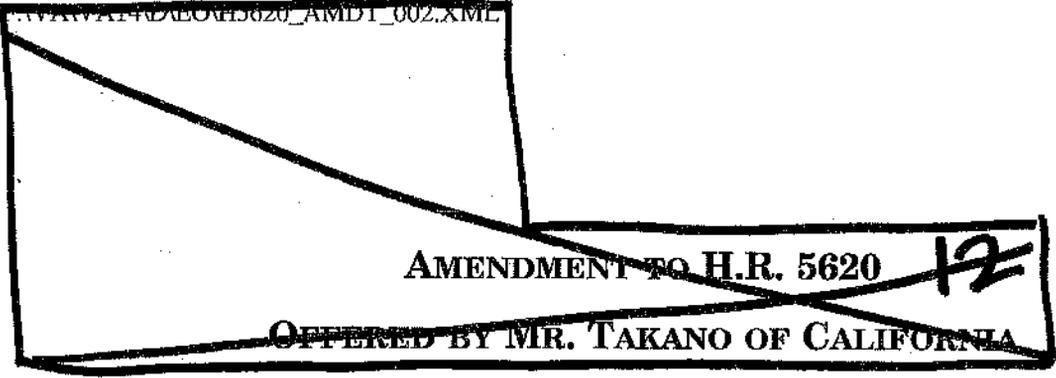
Page 1, line 5, strike "VA Accountability First
and".

Page 2, beginning line 3, strike sections 2 through
8.

Page 53, beginning line 14, strike section 10.



3. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
TAKANO OF CALIFORNIA OR HIS DESIGNEE, DEBATABLE FOR
10 MINUTES



AMENDMENT TO H.R. 5620

12

OFFERED BY MR. TAKANO OF CALIFORNIA

Strike section 3 and insert the following:

1 **SEC. 3. SUSPENSION AND REMOVAL OF DEPARTMENT OF**
 2 **VETERANS AFFAIRS EMPLOYEES FOR PER-**
 3 **FORMANCE OR MISCONDUCT THAT IS A**
 4 **THREAT TO PUBLIC HEALTH OR SAFETY.**

5 (a) IN GENERAL.—Chapter 7 of title 38, United
 6 States Code, is amended by adding after section 713 the
 7 following new section:

8 **“§ 715. Employees: suspension and removal for per-**
 9 **formance or misconduct that is a threat**
 10 **to public health or safety**

11 “(a) SUSPENSION AND REMOVAL.—Subject to sub-
 12 sections (b) and (c), the Secretary may—

13 “(1) suspend without pay an employee of the
 14 Department of Veterans Affairs if the Secretary de-
 15 termines the performance or misconduct of the em-
 16 ployee is a threat to public health or safety, includ-
 17 ing the health and safety of veterans; and

18 “(2) remove an employee suspended under
 19 paragraph (1) when, after such investigation and re-
 20 view as the Secretary considers necessary, the Sec-

1 retary determines that removal is necessary in the
2 interests of public health or safety.

3 “(b) PROCEDURE.—An employee suspended under
4 subsection (a)(1) is entitled, after suspension and before
5 removal, to—

6 “(1) within 30 days after suspension, a written
7 statement of the specific charges against the em-
8 ployee, which may be amended within 30 days there-
9 after;

10 “(2) an opportunity within 30 days thereafter,
11 plus an additional 30 days if the charges are amend-
12 ed, to answer the charges and submit affidavits;

13 “(3) a hearing, at the request of the employee,
14 by a Department authority duly constituted for this
15 purpose;

16 “(4) a review of the case by the Secretary, be-
17 fore a decision adverse to the employee is made
18 final; and

19 “(5) written statement of the decision of the
20 Secretary.

21 “(c) RELATION TO OTHER DISCIPLINARY RULES.—

22 The authority provided under this section shall be in addi-
23 tion to the authority provided under section 713 and title
24 5 with respect to disciplinary actions for performance or
25 misconduct.

1 “(d) BACK PAY FOR WHISTLEBLOWERS.—If any em-
2 ployee of the Department of Veterans Affairs is subject
3 to a suspension or removal under this section and such
4 suspension or removal is determined by an appropriate au-
5 thority under applicable law, rule, regulation, or collective
6 bargaining agreement to be a prohibited personnel prac-
7 tice described under section 2302(b)(8) or (9) of title 5,
8 such employee shall receive back pay equal to the total
9 amount of basic pay that such employee would have re-
10 ceived during the period that the suspension and removal
11 (as the case may be) was in effect, less any amounts
12 earned by the employee through other employment during
13 that period.

14 “(e) DEFINITIONS.—In this section, the term ‘em-
15 ployee’ means any individual occupying a position within
16 the Department of Veterans Affairs under a permanent
17 or indefinite appointment and who is not serving a proba-
18 tionary or trial period.”.

19 (b) CLERICAL AND CONFORMING AMENDMENTS.—

20 (1) CLERICAL.—The table of sections at the be-
21 ginning of such chapter is amended by adding after
22 the item relating to section 713 the following new
23 item:

“715. Employees: suspension and removal for performance or misconduct that
is a threat to public health or safety.”.

1 (2) CONFORMING.—Section 4303(f) of title 5,
2 United States Code, is amended—

3 (A) by striking “or” at the end of para-
4 graph (2);

5 (B) by striking the period at the end of
6 paragraph (3) and inserting “, or”; and

7 (C) by adding at the end the following:

8 “(4) any suspension or removal under section
9 715 of title 38.”.

10 (c) REPORT ON SUSPENSIONS AND REMOVALS.—Not
11 later than one year after the date of the enactment of this
12 Act, the Inspector General of the Department of Veterans
13 Affairs shall submit to the Committees on Veterans’ Af-
14 fairs of the House of Representatives and the Senate a
15 report on suspensions and removals of employees of the
16 Department made under section 715 of title 38, United
17 States Code, as added by subsection (a). Such report shall
18 include, with respect to the period covered by the report,
19 the following:

20 (1) The number of employees who were sus-
21 pended under such section.

22 (2) The number of employees who were re-
23 moved under such section.

1 (3) A description of the threats to public health
2 or safety that caused such suspensions and remov-
3 als.

4 (4) The number of such suspensions or remov-
5 als, or proposed suspensions or removals, that were
6 of employees who filed a complaint regarding—

7 (A) an alleged prohibited personnel prac-
8 tice committed by an officer or employee of the
9 Department and described in section
10 2302(b)(8) or 2302(b)(9)(A)(i), (B), (C), or
11 (D) of title 5, United States Code; or

12 (B) the safety of a patient at a medical fa-
13 cility of the Department.

14 (5) Of the number of suspensions and removals
15 listed under paragraph (4), the number that the In-
16 spector General considers to be retaliation for whis-
17 tleblowing.

18 (6) The number of such suspensions or remov-
19 als that were of an employee who was the subject of
20 a complaint made to the Department regarding the
21 health or safety of a patient at a medical facility of
22 the Department.

23 (7) Any recommendations by the Inspector
24 General, based on the information described in para-

- 1 graphs (1) through (6), to improve the authority to
- 2 make such suspensions and removals.



4. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE LUJAN GRISHAM OF NEW MEXICO OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

AMENDMENT TO H.R. 5620
OFFERED BY MS. MICHELLE LUJAN GRISHAM OF
NEW MEXICO

Page 4, line 2, after "Representatives" insert the following: "and to each Member of Congress representing a district in the State or territory where the facility where the individual was employed immediately before being removed or demoted is located".

Page 5, line 22, after "Representatives" insert the following: "and to each Member of Congress representing a district in the State or territory where the facility where the individual was employed immediately before being removed or demoted is located".

Page 25, line 17, strike "to the supervisor of the director or official." and insert "to—"

- 1 “(A) the supervisor of the director or official;
- 2 “(B) the Committees on Veterans’ Affairs of
- 3 the Senate and House or Representatives; and
- 4 “(C) each Member of Congress representing a
- 5 district in the State or territory where the facility
- 6 where the supervisor is employed is located.”.

Page 36, line 5, after "Senate" insert the following:
"and each Member of Congress representing a district in
the State or territory where a facility relevant to the
whistleblower complaint is located".



5. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
KUSTER OF NEW HAMPSHIRE OR HER DESIGNEE, DEBATABLE
FOR 10 MINUTES

AMENDMENT TO H.R. 5620

101

OFFERED BY MS. KUSTER OF NEW HAMPSHIRE

Strike section 7 and insert the following:

1 SEC. 7. IMPROVED AUTHORITIES OF SECRETARY OF VET-
2 ERANS AFFAIRS TO IMPROVE ACCOUNT-
3 ABILITY OF SENIOR EXECUTIVES.

4 (a) ACCOUNTABILITY OF SENIOR EXECUTIVES.—

5 (1) IN GENERAL.—Section 713 of title 38,
6 United States Code, is amended to read as follows:

7 “§ 713. Accountability of senior executives

8 “(a) AUTHORITY.—(1) The Secretary may, as pro-
9 vided in this section, reprimand or suspend, involuntarily
10 reassign, demote, or remove a covered individual from a
11 senior executive position at the Department if the Sec-
12 retary determines that the misconduct or performance of
13 the covered individual warrants such action.

14 “(2) If the Secretary so removes such an individual,
15 the Secretary may remove the individual from the civil
16 service (as defined in section 2101 of title 5).

17 “(b) RIGHTS AND PROCEDURES.—(1) A covered indi-
18 vidual who is the subject of an action under subsection
19 (a) is entitled to—

1 “(A) be represented by an attorney or other
2 representative of the covered individual’s choice;

3 “(B) not fewer than 10 business days advance
4 written notice of the charges and evidence sup-
5 porting the action and an opportunity to respond, in
6 a manner prescribed by the Secretary, before a deci-
7 sion is made regarding the action; and

8 “(C) grieve the action in accordance with an in-
9 ternal grievance process that the Secretary, in con-
10 sultation with the Assistant Secretary for Account-
11 ability and Whistleblower Protection, shall establish
12 for purposes of this subsection.

13 “(2)(A) The Secretary shall ensure that the grievance
14 process established under paragraph (1)(C) takes fewer
15 than 21 days.

16 “(B) The Secretary shall ensure that, under the proc-
17 ess established pursuant to paragraph (1)(C), grievances
18 are reviewed only by employees of the Department.

19 “(3) A decision or grievance decision under para-
20 graph (1)(C) shall be final and conclusive.

21 “(4) A covered individual adversely affected by a final
22 decision under paragraph (1)(C) may obtain judicial re-
23 view of the decision.

1 “(5) In any case in which judicial review is sought
2 under paragraph (4), the court shall review the record and
3 may set aside any Department action found to be—

4 “(A) arbitrary, capricious, an abuse of discre-
5 tion, or otherwise not in accordance with a provision
6 of law;

7 “(B) obtained without procedures required by a
8 provision of law having been followed; or

9 “(C) unsupported by substantial evidence.

10 “(c) RELATION TO OTHER PROVISIONS OF LAW.—

11 (1) The authority provided by subsection (a) is in addition
12 to the authority provided by section 3592 or subchapter
13 V of chapter 75 of title 5.

14 “(2) Section 3592(b)(1) of title 5 and the procedures
15 under section 7543(b) of such title do not apply to an ac-
16 tion under subsection (a).

17 “(d) DEFINITIONS.—In this section:

18 “(1) The term ‘covered individual’ means—

19 “(A) a career appointee (as that term is
20 defined in section 3132(a)(4) of title 5); or

21 “(B) any individual who occupies an ad-
22 ministrative or executive position and who was
23 appointed under section 7306(a) or section
24 7401(1) of this title.

1 “(2) The term ‘misconduct’ includes neglect of
2 duty, malfeasance, or failure to accept a directed re-
3 assignment or to accompany a position in a transfer
4 of function.

5 “(3) The term ‘senior executive position’
6 means—

7 “(A) with respect to a career appointee (as
8 that term is defined in section 3132(a) of title
9 5), a Senior Executive Service position (as such
10 term is defined in such section); and

11 “(B) with respect to a covered individual
12 appointed under section 7306(a) or section
13 7401(1) of this title, an administrative or exec-
14 utive position.”.

15 (2) CONFORMING AMENDMENT.—Section
16 7461(c)(1) of such title is amended by inserting
17 “employees in senior executive positions (as defined
18 in section 713(d) of this title) and” before “interns”.

19 (b) PERFORMANCE MANAGEMENT.—

20 (1) IN GENERAL.—The Secretary of Veterans
21 Affairs shall establish a performance management
22 system for employees in senior executive positions,
23 as defined in section 713(d) of title 38, United
24 States Code, as amended by subsection (a), that en-

1 sures performance ratings and awards given to such
2 employees—

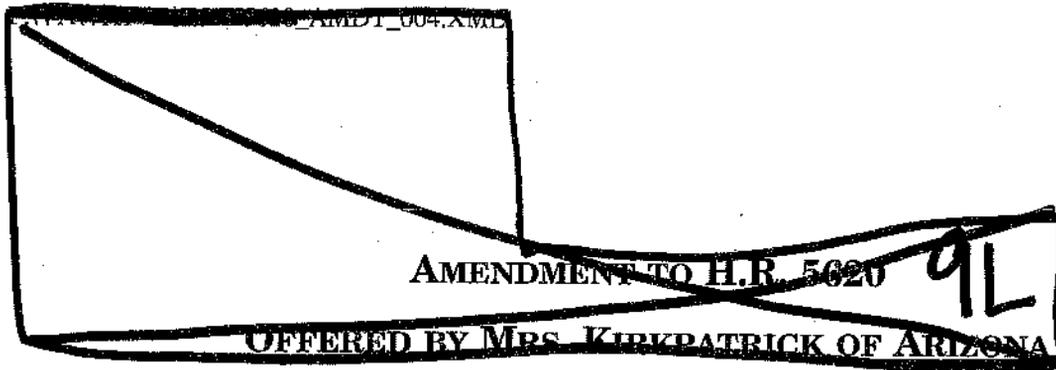
3 (A) meaningfully differentiate extraor-
4 dinary from satisfactory contributions; and

5 (B) substantively reflect organizational
6 achievements over which the employee has re-
7 sponsibility and control.

8 (2) REGULATIONS.—The Secretary shall pre-
9 scribe regulations to carry out paragraph (1).



6. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
KIRKPATRICK OF ARIZONA OR HER DESIGNEE, DEBATABLE
FOR 10 MINUTES



Strike section 8 and insert the following:

1 **SEC. 8. OFFICE OF ACCOUNTABILITY AND WHISTLE-**
2 **BLOWER PROTECTION.**

3 (a) IN GENERAL.—Chapter 3 of title 38, United
4 States Code, is amended by adding at the end the fol-
5 lowing new section:

6 **“§ 323. Office of Accountability and Whistleblower**
7 **Protection**

8 “(a) ESTABLISHMENT.—There is established in the
9 Department an office to be known as the Office of Ac-
10 countability and Whistleblower Protection (in this section
11 referred to as the ‘Office’).

12 “(b) HEAD OF OFFICE.—(1) The head of the Office
13 shall be responsible for the functions of the Office and
14 shall be appointed by the President pursuant to section
15 308(a) of this title.

16 “(2) The head of the Office shall be known as the
17 ‘Assistant Secretary for Accountability and Whistleblower
18 Protection’.

19 “(3) The Assistant Secretary shall report directly to
20 the Secretary on all matters relating to the Office.

1 “(4) Notwithstanding section 308(b) of this title, the
2 Secretary may only assign to the Assistant Secretary re-
3 sponsibilities relating to the functions of the Office set
4 forth in subsection (e).

5 “(c) FUNCTIONS.—(1) The functions of the Office
6 are as follows:

7 “(A) Advising the Secretary on all matters of
8 the Department relating to accountability, including
9 accountability of employees of the Department, re-
10 taliation against whistleblowers, and such matters as
11 the Secretary considers similar and affect public
12 trust in the Department.

13 “(B) Issuing reports and providing rec-
14 ommendations related to the duties described in sub-
15 paragraph (A).

16 “(C) Receiving whistleblower disclosures.

17 “(D) Referring whistleblower disclosures re-
18 ceived under subparagraph (C) for investigation to
19 the Office of the Medical Inspector, the Office of In-
20 spector General, or other investigative entity, as ap-
21 propriate, if the Assistant Secretary has reason to
22 believe the whistleblower disclosure is evidence of a
23 violation of a provision of law, mismanagement,
24 gross waste of funds, abuse of authority, or a sub-

1 stantial and specific danger to public health and
2 safety.

3 “(E) Receiving and referring disclosures from
4 the Special Counsel for investigation to the Medical
5 Inspector of the Department, the Inspector General
6 of the Department, or such other person with inves-
7 tigatory authority, as the Assistant Secretary con-
8 siders appropriate.

9 “(F) Recording, tracking, reviewing, and con-
10 firming implementation of recommendations from
11 audits and investigations carried out by the Inspec-
12 tor General of the Department, the Medical Inspec-
13 tor of the Department, the Special Counsel, and the
14 Comptroller General of the United States, including
15 the imposition of disciplinary actions and other cor-
16 rective actions contained in such recommendations.

17 “(G) Analyzing data from the Office and the
18 Office of Inspector General telephone hotlines, other
19 whistleblower disclosures, disaggregated by facility
20 and area of health care if appropriate, and relevant
21 audits and investigations to identify trends and issue
22 reports to the Secretary based on analysis conducted
23 under this subparagraph.

1 “(H) Receiving, reviewing, and investigating al-
2 legations of misconduct, retaliation, or poor perform-
3 ance involving—

4 “(i) an individual in a senior executive po-
5 sition (as defined in section 713(d) of this title)
6 in the Department;

7 “(ii) an individual employed in a confiden-
8 tial, policy-making, policy-determining, or pol-
9 icy-advocating position in the Department; or

10 “(iii) a supervisory employee, if the allega-
11 tion involves retaliation against an employee for
12 making a whistleblower disclosure.

13 “(I) Making such recommendations to the Sec-
14 retary for disciplinary action as the Assistant Sec-
15 retary considers appropriate after substantiating any
16 allegation of misconduct or poor performance pursu-
17 ant to an investigation carried out as described in
18 subparagraph (F) or (H).

19 “(2) In carrying out the functions of the Office, the
20 Assistant Secretary shall ensure that the Office maintains
21 a toll-free telephone number and Internet website to re-
22 ceive anonymous whistleblower disclosures.

23 “(3) In any case in which the Assistant Secretary re-
24 ceives a whistleblower disclosure from an employee of the
25 Department under paragraph (1)(C), the Assistant Sec-

1 retary may not disclose the identity of the employee with-
2 out the consent of the employee, except in accordance with
3 the provisions of section 552a of title 5, or as required
4 by any other applicable provision of Federal law.

5 “(d) STAFF AND RESOURCES.—The Secretary shall
6 ensure that the Assistant Secretary has such staff, re-
7 sources, and access to information as may be necessary
8 to carry out the functions of the Office.

9 “(e) RELATION TO OFFICE OF GENERAL COUN-
10 SEL.—The Office shall not be established as an element
11 of the Office of the General Counsel and the Assistant
12 Secretary may not report to the General Counsel.

13 “(f) REPORTS.—(1)(A) Not later than June 30 of
14 each calendar year, beginning with June 30, 2017, the As-
15 sistant Secretary shall submit to the Committee on Vet-
16 erans’ Affairs of the Senate and the Committee on Vet-
17 erans’ Affairs of the House of Representatives a report
18 on the activities of the Office during the calendar year
19 in which the report is submitted.

20 “(B) Each report submitted under subparagraph (A)
21 shall include, for the period covered by the report, the fol-
22 lowing:

23 “(i) A full and substantive analysis of the ac-
24 tivities of the Office, including such statistical infor-

1 mation as the Assistant Secretary considers appro-
2 priate.

3 “(ii) Identification of any issues reported to the
4 Secretary under subsection (c)(1)(G), including such
5 data as the Assistant Secretary considers relevant to
6 such issues and any trends the Assistant Secretary
7 may have identified with respect to such issues.

8 “(iii) Identification of such concerns as the As-
9 sistant Secretary may have regarding the size, staff-
10 ing, and resources of the Office and such rec-
11 ommendations as the Assistant Secretary may have
12 for legislative or administrative action to address
13 such concerns.

14 “(iv) Such recommendations as the Assistant
15 Secretary may have for legislative or administrative
16 action to improve—

17 “(I) the process by which concerns are re-
18 ported to the Office; and

19 “(II) the protection of whistleblowers with-
20 in the Department.

21 “(v) Such other matters as the Assistant Sec-
22 retary considers appropriate regarding the functions
23 of the Office or other matters relating to the Office.

24 “(2) If the Secretary receives a recommendation for
25 disciplinary action under subsection (c)(1)(I) and does not

1 take or initiate the recommended disciplinary action before
2 the date that is 60 days after the date on which the Sec-
3 retary received the recommendation, the Secretary shall
4 submit to the Committee on Veterans' Affairs of the Sen-
5 ate and the Committee on Veterans' Affairs of the House
6 of Representatives a detailed justification for not taking
7 or initiating such disciplinary action.

8 “(g) DEFINITIONS.—In this section:

9 “(1) The term ‘supervisory employee’ means an
10 employee of the Department who is a supervisor as
11 defined in section 7103(a) of title 5.

12 “(2) The term ‘whistleblower’ means one who
13 makes a whistleblower disclosure.

14 “(3) The term ‘whistleblower disclosure’ means
15 any disclosure of information by an employee of the
16 Department or individual applying to become an em-
17 ployee of the Department which the employee or in-
18 dividual reasonably believes evidences—

19 “(A) a violation of a provision of law; or

20 “(B) gross mismanagement, a gross waste
21 of funds, an abuse of authority, or a substantial
22 and specific danger to public health or safety.”.

23 (b) CONFORMING AMENDMENT.—Section 308(b) of
24 such title is amended by adding at the end the following
25 new paragraph:

1 “(12) The functions set forth in section 323(c)
2 of this title.”.

3 (c) CLERICAL AMENDMENT.—The table of sections
4 at the beginning of chapter 3 of such title is amended by
5 adding at the end the following new item:

 “323. Office of Accountability and Whistleblower Protection.”.

6 **SEC. 9. PROTECTION OF WHISTLEBLOWERS IN DEPART-**
7 **MENT OF VETERANS AFFAIRS.**

8 (a) IN GENERAL.—Chapter 7 of title 38, United
9 States Code, is further amended by adding at the end the
10 following new sections:

11 **“§ 725. Protection of whistleblowers as criteria in**
12 **evaluation of supervisors**

13 “(a) DEVELOPMENT AND USE OF CRITERIA RE-
14 QUIRED.—The Secretary, in consultation with the Assist-
15 ant Secretary of Accountability and Whistleblower Protec-
16 tion, shall develop criteria that—

17 “(1) the Secretary shall use as a critical ele-
18 ment in any evaluation of the performance of a su-
19 pervisory employee; and

20 “(2) promotes the protection of whistleblowers.

21 “(b) PRINCIPLES FOR PROTECTION OF WHISTLE-
22 BLOWERS.—The criteria required by subsection (a) shall
23 include principles for the protection of whistleblowers,
24 such as the degree to which supervisory employees respond
25 constructively when employees of the Department report

1 concerns, take responsible action to resolve such concerns,
2 and foster an environment in which employees of the De-
3 partment feel comfortable reporting concerns to super-
4 visory employees or to the appropriate authorities.

5 “(c) SUPERVISORY EMPLOYEE AND WHISTLE-
6 BLOWER DEFINED.—In this section, the terms ‘super-
7 visory employee’ and ‘whistleblower’ have the meanings
8 given such terms in section 323 of this title.

9 **“§ 727. Training regarding whistleblower disclosures**

10 “(a) TRAINING.—Not less frequently than once every
11 two years, the Secretary, in coordination with the Whistle-
12 blower Protection Ombudsman designated under section
13 3(d)(1)(C) of the Inspector General Act of 1978 (5 U.S.C.
14 App.), shall provide to each employee of the Department
15 training regarding whistleblower disclosures, including—

16 “(1) an explanation of each method established
17 by law in which an employee may file a whistle-
18 blower disclosure;

19 “(2) the right of the employee to petition Con-
20 gress regarding a whistleblower disclosure in accord-
21 ance with section 7211 of title 5;

22 “(3) an explanation that the employee may not
23 be prosecuted or reprimed against for disclosing in-
24 formation to Congress, the Inspector General, or an-
25 other investigatory agency in instances where such

1 disclosure is permitted by law, including under sec-
2 tions 5701, 5705, and 7732 of this title, under sec-
3 tion 552a of title 5 (commonly referred to as the
4 Privacy Act), under chapter 93 of title 18, and pur-
5 suant to regulations promulgated under section
6 264(c) of the Health Insurance Portability and Ac-
7 countability Act of 1996 (Public Law 104-191);

8 “(4) an explanation of the language that is re-
9 quired to be included in all nondisclosure policies,
10 forms, and agreements pursuant to section
11 115(a)(1) of the Whistleblower Protection Enhance-
12 ment Act of 2012 (5 U.S.C. 2302 note); and

13 “(5) the right of contractors to be protected
14 from reprisal for the disclosure of certain informa-
15 tion under section 4705 or 4712 of title 41.

16 “(b) MANNER TRAINING IS PROVIDED.—The Sec-
17 retary shall ensure, to the maximum extent practicable,
18 that training provided under subsection (a) is provided in
19 person.

20 “(c) CERTIFICATION.—Not less frequently than once
21 every two years, the Secretary shall provide training on
22 merit system protection in a manner that the Special
23 Counsel certifies as being satisfactory.

24 “(d) PUBLICATION.—The Secretary shall publish on
25 the Internet website of the Department, and display

1 prominently at each facility of the Department, the rights
2 of an employee to make a whistleblower disclosure, includ-
3 ing the information described in paragraphs (1) through
4 (5) of subsection (a).

5 “(e) WHISTLEBLOWER DISCLOSURE DEFINED.—In
6 this section, the term ‘whistleblower disclosure’ has the
7 meaning given such term in section 323 of this title.”.

8 (b) CLERICAL AMENDMENT.—The table of sections
9 at the beginning of such chapter is further amended by
10 adding at the end the following new items:

“725. Protection of whistleblowers as criteria in evaluation of supervisors.
“727. Training regarding whistleblower disclosures.”.

11 **SEC. 10. TREATMENT OF CONGRESSIONAL TESTIMONY BY**
12 **DEPARTMENT OF VETERANS AFFAIRS EM-**
13 **PLOYEES AS OFFICIAL DUTY.**

14 (a) IN GENERAL.—Chapter 7 of title 38, United
15 States Code, is further amended by adding at the end the
16 following new section:

17 **“§ 729. Congressional testimony by employees: treat-**
18 **ment as official duty**

19 “(a) CONGRESSIONAL TESTIMONY.—An employee of
20 the Department is performing official duty during the pe-
21 riod with respect to which the employee is testifying in
22 an official capacity in front of either chamber of Congress,
23 a committee of either chamber of Congress, or a joint or
24 select committee of Congress.

1 (1) An assessment of the use of administrative
2 investigation boards, peer review, searches of med-
3 ical records, and other methods for investigating em-
4 ployees of the Department.

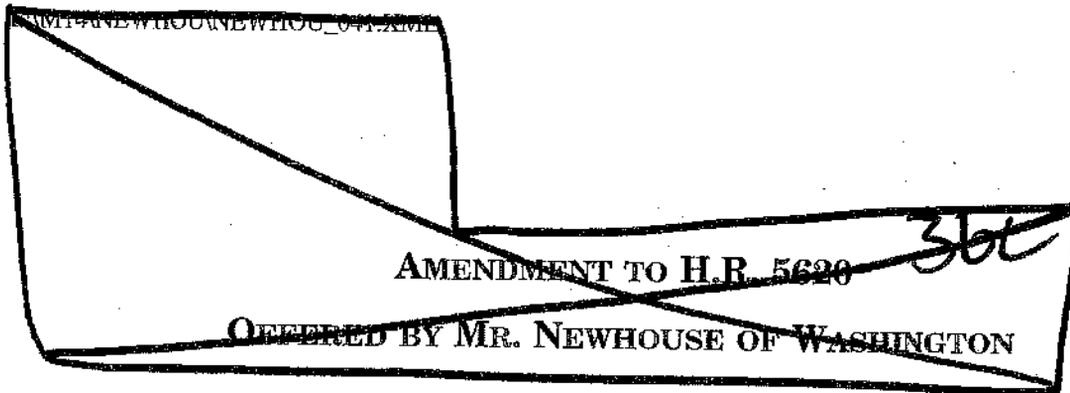
5 (2) A determination of whether and to what de-
6 gree the methods described in paragraph (1) are
7 being used to retaliate against whistleblowers.

8 (3) Recommendations for legislative or adminis-
9 trative action to implement safeguards to prevent
10 the retaliation described in paragraph (2).

11 (c) WHISTLEBLOWER DEFINED.—In this section, the
12 term “whistleblower” has the meaning given such term in
13 section 323 of title 38, United States Code, as added by
14 section 8.



7. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
NEWHOUSE OF WASHINGTON OR HIS DESIGNEE, DEBATABLE
FOR 10 MINUTES



Add at the end the following new section:

1 **SEC. 11. CLARIFICATION OF EMERGENCY HOSPITAL CARE**
2 **FURNISHED BY THE SECRETARY OF VET-**
3 **ERANS AFFAIRS TO CERTAIN VETERANS.**

4 (a) **IN GENERAL.**—Chapter 17 of title 38, United
5 States Code, is amended by inserting after section 1730A
6 the following new section:

7 **“§ 1730B. Examination and treatment for emergency**
8 **medical conditions and women in labor**

9 **“(a) MEDICAL SCREENING EXAMINATIONS.**—In car-
10 rying out this chapter, if any enrolled veteran requests,
11 or a request is made on behalf of the veteran, for examina-
12 tion or treatment for a medical condition, regardless of
13 whether such condition is service-connected, at a hospital
14 emergency department of a medical facility of the Depart-
15 ment, the Secretary shall ensure that the veteran is pro-
16 vided an appropriate medical screening examination within
17 the capability of the emergency department, including an-
18 cillary services routinely available to the emergency de-
19 partment, to determine whether an emergency medical
20 condition exists.

1 “(b) NECESSARY STABILIZING TREATMENT FOR
2 EMERGENCY MEDICAL CONDITIONS AND LABOR.—(1) If
3 an enrolled veteran comes to a medical facility of the De-
4 partment and the Secretary determines that the veteran
5 has an emergency medical condition, the Secretary shall
6 provide either—

7 “(A) such further medical examination and
8 such treatment as may be required to stabilize the
9 medical condition; or

10 “(B) for the transfer of the veteran to another
11 medical facility of the Department or a non-Depart-
12 ment facility in accordance with subsection (c).

13 “(2) The Secretary is deemed to meet the require-
14 ment of paragraph (1)(A) with respect to an enrolled vet-
15 eran if the Secretary offers the veteran the further medical
16 examination and treatment described in such paragraph
17 and informs the veteran (or an individual acting on behalf
18 of the veteran) of the risks and benefits to the veteran
19 of such examination and treatment, but the veteran (or
20 individual) refuses to consent to the examination and
21 treatment. The Secretary shall take all reasonable steps
22 to secure the written informed consent of such veteran (or
23 individual) to refuse such examination and treatment.

24 “(3) The Secretary is deemed to meet the require-
25 ment of paragraph (1) with respect to an enrolled veteran

1 if the Secretary offers to transfer the individual to another
2 medical facility in accordance with subsection (c) of this
3 section and informs the veteran (or an individual acting
4 on behalf of the veteran) of the risks and benefits to the
5 veteran of such transfer, but the veteran (or individual)
6 refuses to consent to the transfer. The hospital shall take
7 all reasonable steps to secure the written informed consent
8 of such veteran (or individual) to refuse such transfer.

9 “(c) RESTRICTION OF TRANSFERS UNTIL VETERAN
10 STABILIZED.—(1) If an enrolled veteran at a medical fa-
11 cility of the Department has an emergency medical condi-
12 tion that has not been stabilized, the Secretary may not
13 transfer the veteran to another medical facility of the De-
14 partment or a non-Department facility unless—

15 “(A)(i) the veteran (or a legally responsible in-
16 dividual acting on behalf of the veteran), after being
17 informed of the obligation of the Secretary under
18 this section and of the risk of transfer, requests in
19 writing a transfer to another medical facility;

20 “(ii) a physician has signed a certification (in-
21 cluding a summary of the risks and benefits) that,
22 based upon the information available at the time of
23 transfer, the medical benefits reasonably expected
24 from the provision of appropriate medical treatment
25 at another medical facility outweigh the increased

1 risks to the veteran and, in the case of labor, to the
2 unborn child from effecting the transfer; or

3 “(iii) if a physician is not physically present in
4 the emergency department at the time a veteran is
5 transferred, a qualified medical person (as defined
6 by the Secretary in regulations) has signed a certifi-
7 cation described in clause (ii) after a physician, in
8 consultation with the person, has made the deter-
9 mination described in such clause, and subsequently
10 countersigns the certification; and

11 “(B) the transfer is an appropriate transfer as
12 described in paragraph (2).

13 “(2) An appropriate transfer to a medical facility is
14 a transfer—

15 “(A) in which the transferring medical facility
16 provides the medical treatment within the capacity
17 of the facility that minimizes the risks to the health
18 of the enrolled veteran and, in the case of a woman
19 in labor, the health of the unborn child;

20 “(B) in which the receiving facility—

21 “(i) has available space and qualified per-
22 sonnel for the treatment of the veteran; and

23 “(ii) has agreed to accept transfer of the
24 veteran and to provide appropriate medical
25 treatment;

1 “(C) in which the transferring facility sends to
2 the receiving facility all medical records (or copies
3 thereof), related to the emergency condition for
4 which the veteran has presented, available at the
5 time of the transfer, including records related to the
6 emergency medical condition of the veteran, observa-
7 tions of signs or symptoms, preliminary diagnosis,
8 treatment provided, results of any tests and the in-
9 formed written consent or certification (or copy
10 thereof) provided under paragraph (1)(A), and the
11 name and address of any on-call physician (de-
12 scribed in subsection (d)(1)(C) of this section) who
13 has refused or failed to appear within a reasonable
14 time to provide necessary stabilizing treatment;

15 “(D) in which the transfer is effected through
16 qualified personnel and transportation equipment, as
17 required including the use of necessary and medi-
18 cally appropriate life support measures during the
19 transfer; and

20 “(E) that meets such other requirements as the
21 Secretary may find necessary in the interest of the
22 health and safety of veterans transferred.

23 “(d) CHARGES.—(1) Nothing in this section may be
24 construed to affect any charges that the Secretary may
25 collect from a veteran or third party.

1 “(2) The Secretary shall treat any care provided by
2 a non-Department facility pursuant to this section as care
3 otherwise provided by a non-Department facility pursuant
4 to this chapter for purposes of paying such non-Depart-
5 ment facility for such care.

6 “(e) NONDISCRIMINATION.—A medical facility of the
7 Department or a non-Department facility, as the case may
8 be, that has specialized capabilities or facilities (such as
9 burn units, shock-trauma units, neonatal intensive care
10 units, or (with respect to rural areas) regional referral
11 centers as identified by the Secretary in regulation) shall
12 not refuse to accept an appropriate transfer of an enrolled
13 veteran who requires such specialized capabilities or facili-
14 ties if the facility has the capacity to treat the veteran.

15 “(f) NO DELAY IN EXAMINATION OR TREATMENT.—
16 A medical facility of the Department or a non-Department
17 facility, as the case may be, may not delay provision of
18 an appropriate medical screening examination required
19 under subsection (a) or further medical examination and
20 treatment required under subsection (b) of this section in
21 order to inquire about the method of payment or insurance
22 status of an enrolled veteran.

23 “(g) WHISTLEBLOWER PROTECTIONS.—The Sec-
24 retary may not take adverse action against an employee
25 of the Department because the employee refuses to au-

1 thorize the transfer of an enrolled veteran with an emer-
2 gency medical condition that has not been stabilized or
3 because the employee reports a violation of a requirement
4 of this section.

5 “(h) DEFINITIONS.—In this section:

6 “(1) The term ‘emergency medical condition’
7 means—

8 “(A) a medical condition manifesting itself
9 by acute symptoms of sufficient severity (in-
10 cluding severe pain) such that the absence of
11 immediate medical attention could reasonably
12 be expected to result in—

13 “(i) placing the health of the enrolled
14 veteran (or, with respect to an enrolled vet-
15 eran who is a pregnant woman, the health
16 of the woman or her unborn child) in seri-
17 ous jeopardy;

18 “(ii) serious impairment to bodily
19 functions; or

20 “(iii) serious dysfunction of any bodily
21 organ or part; or

22 “(B) with respect to an enrolled veteran
23 who is a pregnant woman having contractions—

1 “(i) that there is inadequate time to
2 effect a safe transfer to another hospital
3 before delivery; or

4 “(ii) that transfer may pose a threat
5 to the health or safety of the woman or the
6 unborn child.

7 “(2) The term ‘enrolled veteran’ means a vet-
8 eran who is enrolled in the health care system estab-
9 lished under section 1705(a) of this title.

10 “(3) The term ‘to stabilize’ means, with respect
11 to an emergency medical condition described in
12 paragraph (1)(A), to provide such medical treatment
13 of the condition as may be necessary to assure, with-
14 in reasonable medical probability, that no material
15 deterioration of the condition is likely to result from
16 or occur during the transfer of the enrolled veteran
17 from a facility, or, with respect to an emergency
18 medical condition described in paragraph (1)(B), to
19 deliver (including the placenta).

20 “(4) The term ‘stabilized’ means, with respect
21 to an emergency medical condition described in
22 paragraph (1)(A), that no material deterioration of
23 the condition is likely, within reasonable medical
24 probability, to result from or occur during the trans-
25 fer of the individual from a facility, or, with respect

1 to an emergency medical condition described in
2 paragraph (1)(B), that the woman has delivered (in-
3 cluding the placenta).

4 “(5) The term ‘transfer’ means the movement
5 (including the discharge) of an enrolled veteran out-
6 side the facilities of a medical facility of the Depart-
7 ment at the direction of any individual employed by
8 (or affiliated or associated, directly or indirectly,
9 with) the Department, but does not include such a
10 movement of an individual who—

11 “(A) has been declared dead; or

12 “(B) leaves the facility without the permis-
13 sion of any such person.”.

14 (b) CLERICAL AMENDMENT.—The table of sections
15 of such chapter is amended by inserting after the item
16 relating to section 1730A the following new item:

“1730B. Examination and treatment for emergency medical conditions and
women in labor.”.



8. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE SCHWEIKERT OF ARIZONA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

~~AMENDMENT TO H.R. 5620~~

~~711~~

~~OFFERED BY MR. SCHWEIKERT OF ARIZONA~~

Add at the end the following new section:

1 **SEC. 11. USE OF DISTRIBUTED LEDGER TECHNOLOGY TO**
2 **SCHEDULE APPOINTMENTS.**

3 (a) **USE OF DISTRIBUTED LEDGER TECHNOLOGY.—**

4 (1) **IN GENERAL.—**Beginning not later than
5 one year after the date of the enactment of this Act,
6 the Secretary of Veterans Affairs shall ensure that
7 veterans seeking health care appointments at med-
8 ical facilities of the Department are able to use an
9 Internet website, a mobile application, or other simi-
10 lar electronic method to use distributed ledger tech-
11 nology to view such appointments and ascertain
12 whether an employee of the Department of Veterans
13 Affairs has modified such appointments.

14 (2) **CONTRACTS.—**The Secretary shall carry out
15 paragraph (1) by seeking to enter into one or more
16 contracts with appropriate entities to develop the ap-
17 pointment distributed ledger technology system de-
18 scribed in such paragraph.

1 (3) PRIVACY AND OWNERSHIP OF INFORMA-
2 TION.—Any information relating to a veteran that is
3 used or transmitted pursuant to this section—

4 (A) shall be treated in accordance with sec-
5 tion 552a of title 5, United States Code (com-
6 monly referred to as the “Privacy Act”) and
7 other applicable laws and regulations relating to
8 the privacy of the veteran;

9 (B) may only be used by an employee or
10 contractor of the Department of Veterans Af-
11 fairs to carry out paragraph (1); and

12 (C) may not be disclosed to any person
13 who is not the veteran or such an employee or
14 contractor unless the veteran provides consent
15 to such disclosure.

16 (b) REPORT.—Not later than 180 days after the date
17 on which the Secretary commences subsection (a)(1), the
18 Secretary shall submit to Congress a report on the imple-
19 mentation of this section.

20 (c) DEFINITIONS.—In this section:

21 (1) The term “distributed ledger technology”
22 means technology using a consensus of replicated,
23 shared, and synchronized digital data that is geo-
24 graphically spread across multiple digital systems.

1 (2) The term “mobile application” means a
2 software program that runs on the operating system
3 of a mobile device.

4 (3) The term “mobile device” means a
5 smartphone, tablet computer, or similar portable
6 computing device that transmits data over a wireless
7 connection.



9. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
CARTWRIGHT OF PENNSYLVANIA OR HIS DESIGNEE,
DEBATABLE FOR 10 MINUTES

432

**AMENDMENT TO H.R. 5620
OFFERED BY MR. CARTWRIGHT OF
PENNSYLVANIA**

Page 54, after line 2, insert the following:

1 **SEC. 11. APPOINTMENT OF PSYCHIATRISTS BY VETERANS**
2 **HEALTH ADMINISTRATION.**

3 (a) IN GENERAL.—Chapter 74 of title 38, United
4 States Code, is amended by inserting after section 7406
5 the following new section:

6 **“§ 7406A. Appointment of certain psychiatrists who**
7 **complete residencies**

8 “(a) IN GENERAL.—(1) Subject to subsection (b), the
9 Secretary may appoint, without regard to civil service or
10 classification laws, a psychiatrist who completes a resi-
11 dency under section 7406 of this title to a position under
12 section 7401 or 7405 immediately after such residency,
13 if the psychiatrist meets the qualifications established in
14 regulations prescribed by the Secretary for such position.

15 “(2) The Secretary may begin the process of appoint-
16 ing a psychiatrist under paragraph (1) before the psychia-
17 trist completes a residency.

18 “(b) POSITIONS PERMITTED.—The Secretary may
19 appoint a psychiatrist under subsection (a) if the position

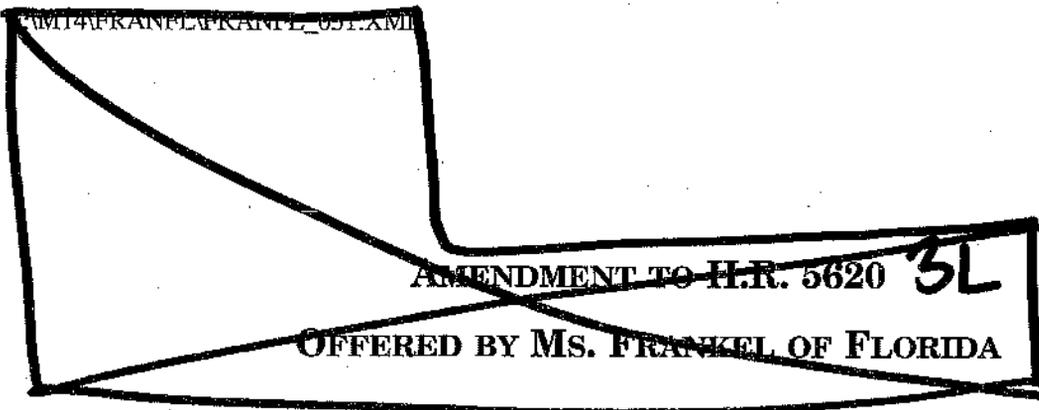
1 to which the psychiatrist is appointed has been unfilled
2 for not less than 35 days as of the date of the appoint-
3 ment.”.

4 (b) CLERICAL AMENDMENT.—The table of sections
5 at the beginning of such chapter is amended by inserting
6 after the item relating to section 7406 the following new
7 item:

“7406A. Appointment of certain psychiatrists who complete residencies.”.



10. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
FRANKEL OF FLORIDA OR HER DESIGNEE, DEBATABLE FOR 10
MINUTES



~~AMENDMENT TO H.R. 5620~~ 3L

~~OFFERED BY MS. FRANKEL OF FLORIDA~~

Page 54, after line 2, insert the following:

1 **SEC. 11. SENSE OF CONGRESS REGARDING AMERICAN VET-**
2 **ERANS DISABLED FOR LIFE.**

3 (a) FINDINGS.—Congress finds the following:

4 (1) There are at least 3,600,000 veterans cur-
5 rently living with service-connected disabilities.

6 (2) As a result of their service, many veterans
7 are permanently disabled throughout their lives and
8 in many cases must rely on the support of their fam-
9 ilies and friends when these visible and invisible bur-
10 dens become too much to bear alone.

11 (3) October 5, which is the anniversary of the
12 dedication of the American Veterans Disabled for
13 Life Memorial, has been recognized as an appro-
14 priate day on which to honor American veterans dis-
15 abled for life each year.

16 (b) SENSE OF CONGRESS.—Congress—

17 (1) expresses its appreciation to the men and
18 women left permanently wounded, ill, or injured as
19 a result of their service in the Armed Forces;

1 (2) supports the annual recognition of Amer-
2 ican veterans disabled for life; and

3 (3) encourages the American people to honor
4 American veterans disabled for life each year with
5 appropriate programs and activities.



11. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE GALLEGO OF ARIZONA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

AMENDMENT TO H.R. 5020

75L

OFFERED BY MR. GALLEGOS OF ARIZONA

Page 54, after line 2, insert the following:

1 **SEC. 11. ESTABLISHMENT OF POSITIONS OF DIRECTORS OF**
2 **VETERANS INTEGRATED SERVICE NETWORKS**
3 **IN OFFICE OF UNDER SECRETARY FOR**
4 **HEALTH OF DEPARTMENT OF VETERANS AF-**
5 **FAIRS AND MODIFICATION OF QUALIFICA-**
6 **TIONS FOR MEDICAL DIRECTORS.**

7 Section 7306(a)(4) of title 38, United States Code,
8 is amended—

9 (1) by inserting “and Directors of Veterans In-
10 tegrated Service Networks” after “Such Medical Di-
11 rectors”; and

12 (2) by striking “, who shall be either a qualified
13 doctor of medicine or a qualified doctor of dental
14 surgery or dental medicine”.



12. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
KEATING OF MASSACHUSETTS OR HIS DESIGNEE, DEBATABLE
FOR 10 MINUTES

550

**AMENDMENT TO H.R. 5620, AS REPORTED
OFFERED BY MR. KEATING OF MASSACHUSETTS**

Add at the end the following new section:

1 **SEC. 11. CONTINUING EDUCATION REQUIREMENT FOR EM-**
2 **PLOYEES OF DEPARTMENT OF VETERANS AF-**
3 **FAIRS AUTHORIZED TO PRESCRIBE MEDICA-**
4 **TION.**

5 (a) **IN GENERAL.**—Subchapter I of chapter 74 of title
6 38, United States Code, is amended by adding at the end
7 the following new section:

8 **“§ 7413. Continuing education requirement for em-**
9 **ployees authorized to prescribe medica-**
10 **tion**

11 “(a) **REQUIREMENT.**—(1) Except as provided in
12 paragraph (2), the Secretary shall require each covered
13 employee of the Department to complete not less than one
14 accredited course of continuing education on pain manage-
15 ment once every two years. Such course shall include in-
16 formation on safe prescribing practices and disposal of
17 controlled substances, principles of pain management,
18 identification of potential substance use disorders and ad-
19 diction treatment.

1 “(2) Paragraph (1) shall not apply to a covered em-
2 ployee if the covered employee is licensed or certified by
3 a State licensure or specialty board that requires the com-
4 pletion of continuing education relative to pain manage-
5 ment or substance use disorder management.

6 “(b) DEFINITIONS.—In this section:

7 “(1) The term ‘covered employee’ means any
8 employee of the Department authorized to prescribe
9 any controlled substance, including an employee
10 hired under section 7405 of this title.

11 “(2) The term ‘controlled substance’ has the
12 meaning given such term in section 102 of the Con-
13 trolled Substances Act (21 U.S.C. 802).

14 “(c) APPLICABILITY.—The requirement under sub-
15 section (a) shall apply with respect to a covered employee
16 for any 24-month period during which the covered em-
17 ployee is employed by the Department for at least 180
18 days.”.

19 (b) CLERICAL AMENDMENT.—The table of sections
20 at the beginning of such chapter is amended by adding
21 at the end of the items relating to subchapter I of such
22 chapter the following new item:

“7413. Continuing education requirement for employees authorized to prescribe
medication.”.

23 (c) APPLICABILITY.—Section 7413 of title 38, United
24 States Code, as added by subsection (a) shall apply with

- 1 respect to a 12-month period that begins on or after the
- 2 date of the enactment of this Act.



13. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
LOWENTHAL OF CALIFORNIA OR HIS DESIGNEE, DEBATABLE
FOR 10 MINUTES

AMENDMENT TO H.R. 5626, AS REPORTED
OFFERED BY MR. LOWENTHAL OF CALIFORNIA

30

Page 54, add after line 2 the following:

1 SECTION 11. REVIEW OF WHISTLEBLOWER COMPLAINTS.

2 (a) IN GENERAL.—Chapter 7 of title 38, United
3 States Code, is amended by inserting after section 711 the
4 following new section:

5 “§ 712. Review of whistleblower complaints

6 “(a) IN GENERAL.—During each calendar quarter,
7 the Secretary shall review each covered whistleblower com-
8 plaint that is filed during the previous calendar quarter.

9 “(b) DELEGATION.—The Secretary may only dele-
10 gate the authority of the Secretary under subsection (a)
11 to review a covered whistleblower complaint, without fur-
12 ther delegation, to—

13 “(1) the Deputy Secretary of Veterans Affairs;

14 “(2) the Under Secretary for Health;

15 “(3) the Under Secretary for Benefits;

16 “(4) the Under Secretary for Memorial Affairs;

17 “(5) an Assistant Secretary of Veterans Affairs;

18 “(6) a Deputy Assistant Secretary of Veterans

19 Affairs; or

1 “(7) a director of the Veterans Integrated Serv-
2 ice Network.

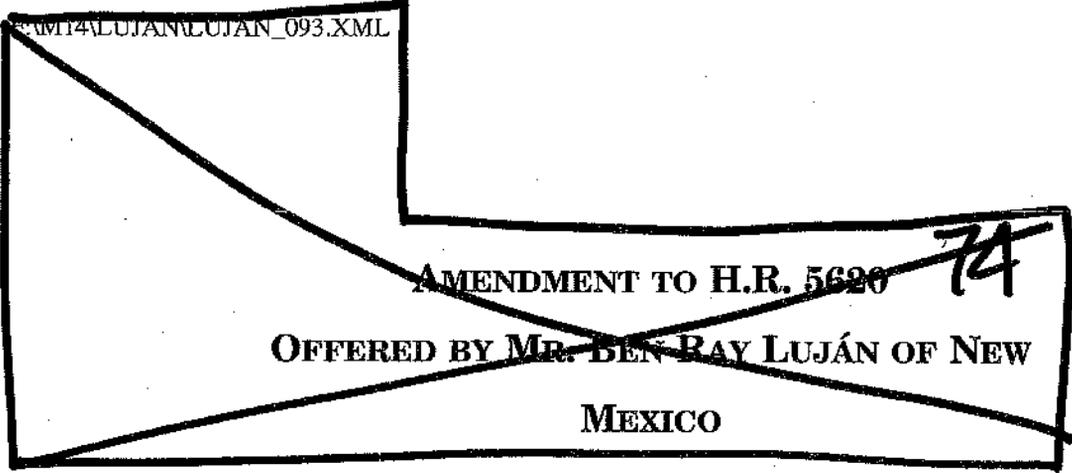
3 “(c) COVERED WHISTLEBLOWER COMPLAINT DE-
4 FINED.—In this section, the term ‘covered whistleblower
5 complaint’ means any complaint filed with the Office of
6 the Special Counsel under subchapter II of chapter 12 of
7 title 5 with respect to a prohibited personnel practice com-
8 mitted by an officer or employee of the Department of
9 Veterans Affairs and described in section 2302(b)(8) or
10 2302(b)(9)(A)(i), (B), (C), or (D) of such title.”

11 (b) CLERICAL AMENDMENT.—The table of sections
12 at the beginning of such chapter is amended by inserting
13 after the item relating to section 711 the following new
14 item:

“712. Review of whistleblower complaints.”



14. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE LUJÁN
OF NEW MEXICO OR HIS DESIGNEE, DEBATABLE FOR 10
MINUTES



AMENDMENT TO H.R. 5620
OFFERED BY MR. BEN RAY LUJÁN OF NEW
MEXICO

Page 54, after line 2, insert the following:

1 **SEC. 11. IDENTIFICATION OF MATTERS RELATING TO PART-**
2 **TIME EMPLOYMENT OF MEMBERS OF THE**
3 **ARMED FORCES WHO ARE PHYSICIANS.**

4 The Secretary of Veterans Affairs shall identify—

5 (1) the number of members of the Armed
6 Forces serving on active duty who are physicians
7 employed at a Department of Veterans Affairs med-
8 ical facility on a part-time basis;

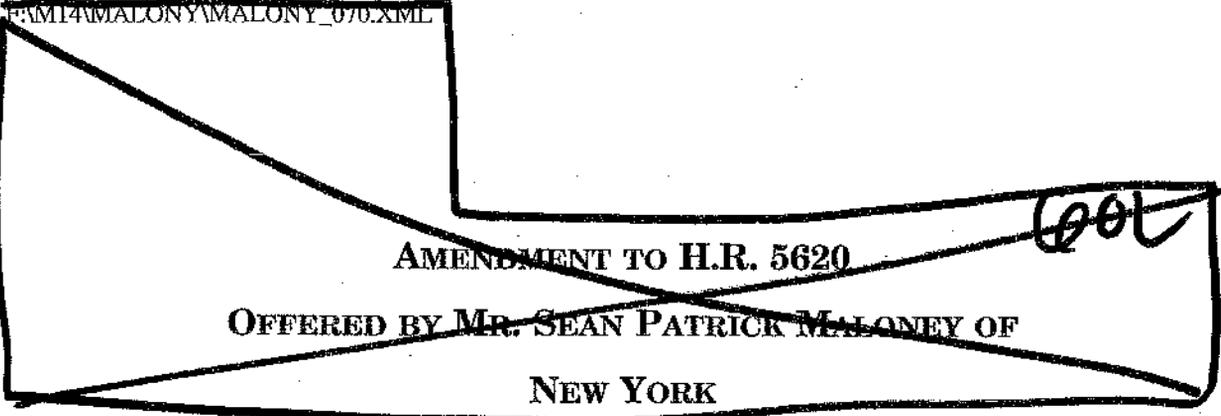
9 (2) the process by which the Department hires
10 such physicians on a part-time basis; and

11 (3) the process by which the Department hires
12 civilian physicians on a part-time basis; and

13 (4) the steps the Department is taking to re-
14 cruit members of the Armed Forces serving on ac-
15 tive duty who are physicians for employment at De-
16 partment medical facilities on a part-time basis.

⊗

15. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MALONEY OF NEW YORK OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES



AMENDMENT TO H.R. 5620

**OFFERED BY MR. SEAN PATRICK MALONEY OF
NEW YORK**

Page 54, after line 2, insert the following:

1 **SEC. 11. EXTENSION OF AUTHORITY OF THE SECRETARY**
2 **OF VETERANS AFFAIRS TO PROVIDE FOR THE**
3 **CONDUCT OF MEDICAL DISABILITY EXAMINA-**
4 **TIONS BY CONTRACT PHYSICIANS.**

5 Section 704(e) of the Veterans Benefits Act of 2003
6 (Public Law 108-183; 38 U.S.C. 5101 note) is amended
7 by striking "December 31, 2016" and inserting "Decem-
8 ber 31, 2017".



16. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
O'ROURKE OF TEXAS OR HIS DESIGNEE, DEBATABLE FOR 10
MINUTES

AMENDMENT TO H.R. 5620 **5L**

OFFERED BY MR. O'ROURKE OF TEXAS

Add at the end the following new section:

1 **SEC. 11. RECRUITMENT OF PHYSICIANS IN DEPARTMENT**
2 **OF VETERANS AFFAIRS.**

3 (a) IN GENERAL.—Section 7402(b)(1) of title 38,
4 United States Code, is amended—

5 (1) by inserting “or to be offered a contingent
6 appointment to such position,” after “position,”; and

7 (2) by striking subparagraph (B) and inserting
8 the following new subparagraph (B):

9 “(B)(i) have completed a residency program
10 satisfactory to the Secretary; or

11 “(ii) with respect to an offer for a contingent
12 appointment upon the completion of a post-graduate
13 training program; complete such a residency pro-
14 gram by not later than two years after the date of
15 such offer; and”.

16 (b) OVERSIGHT OF GRADUATE MEDICAL EDUCATION
17 PROGRAMS.—The Secretary shall—

18 (1) ensure that a recruiter or other similar offi-
19 cial of each Veterans Integrated Service Network
20 visits, not less than annually, each allopathic and os-

1 teopathic teaching institution with a graduate med-
2 ical education program within the Network to re-
3 cruit individuals to be appointed to positions in the
4 Veterans Health Administration; and

5 (2) submit to Congress an annual report on the
6 implementation of paragraph (1), including the suc-
7 cess of such recruiting efforts.



17. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
O'ROURKE OF TEXAS OR HIS DESIGNEE, DEBATABLE FOR 10
MINUTES

AMENDMENT TO H.R. 5620

OFFERED BY MR. O'ROURKE OF TEXAS

64

Add at the end the following new section:

1 **SEC. 11. AUTHORITY TO DISCLOSE CERTAIN MEDICAL**
2 **RECORDS OF VETERANS WHO RECEIVE NON-**
3 **DEPARTMENT OF VETERANS AFFAIRS**
4 **HEALTH CARE.**

5 Section 7332(b)(2) of title 38, United States Code,
6 is amended by adding at the end the following new sub-
7 paragraph:

8 “(H) To a non-Department entity (including
9 private entities and other departments or agencies of
10 the Federal Government) that provides hospital care
11 or medical treatment to veterans.”.

☒

18. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
O'ROURKE OF TEXAS OR HIS DESIGNEE, DEBATABLE FOR 10
MINUTES

16L

**AMENDMENT TO H.R. 5620, AS REPORTED
OFFERED BY MR. O'ROURKE OF TEXAS**

Page 54, add after line 2 the following:

1 **SEC. 11. SURVEY OF VETERAN EXPERIENCES WITH DE-**
2 **PARTMENT OF VETERANS AFFAIRS MEDICAL**
3 **CARE.**

4 (a) **IN GENERAL.**—The Secretary of Veterans Affairs
5 shall seek to enter into a contract with a non-government
6 entity with significant experience conducting scientifically
7 verifiable surveys and research to conduct an annual sur-
8 vey of a statistically significant sample of veterans who
9 reside in the geographic area served by each of the medical
10 facilities of the Department of Veterans Affairs to deter-
11 mine the nature of the experiences of such veterans in ob-
12 taining hospital care and medical services furnished by the
13 Secretary at each such medical facility. Each such survey
14 shall be conducted using scientific and verifiable methods.
15 Such contract shall provide that the non-government enti-
16 ty shall conduct such annual surveys during the five-year
17 period beginning on the date on which the Secretary en-
18 ters into the contract with the non-government entity.

19 (b) **CONTENTS.**—The contract entered into under
20 subsection (a) shall provide that each survey conducted

1 pursuant to the contract shall be specific to a medical fa-
2 cility of the Department and shall include questions relat-
3 ing to the experiences of veterans in requesting and receiv-
4 ing appointments for hospital care and medical services
5 furnished by the Secretary at that medical facility, includ-
6 ing questions relating to each of the following:

7 (1) The veteran's ability to obtain hospital care
8 and medical services at the facility in a timely man-
9 ner.

10 (2) The period of time between the date on
11 which the veteran requests an appointment at the
12 facility and the date on which the appointment is
13 scheduled.

14 (3) The frequency with which scheduled ap-
15 pointments are cancelled by the facility.

16 (4) The quality of hospital care or medical serv-
17 ices the veteran has received at the facility.

18 (c) CONSULTATION.—The contract entered into
19 under subsection (a) shall provide that in designing and
20 conducting the surveys for each medical facility of the De-
21 partment pursuant to such contract, the non-government
22 entity shall consult with veterans service organizations.

23 (d) CERTIFICATION.—The contract entered into
24 under subsection (a) shall provide that—

1 (1) before conducting a survey pursuant to the
2 contract, the non-government entity shall submit the
3 proposed survey to the Comptroller General who
4 shall assess whether the survey is scientifically valid
5 and whether the proposed sample size of veterans to
6 be surveyed is statistically significant; and

7 (2) the non-government entity may not conduct
8 such a survey until the Comptroller General provides
9 such a certification for the survey.

10 (e) SUBMITTAL OF RESULTS AND PUBLIC AVAIL-
11 ABILITY OF INFORMATION.—Not later than 30 days after
12 the completion of the surveys conducted pursuant to a
13 contract entered into under subsection (a) for a year, the
14 Secretary shall make the results of the surveys publicly
15 available on the Internet website of the Department.

16 (f) PAPERWORK REDUCTION.—Subchapter I of chap-
17 ter 35 of title 44, United States Code shall not apply to
18 this section.

19 (g) DEADLINE FOR IMPLEMENTATION.—The Sec-
20 retary shall enter into a contract under subsection (a) for
21 each medical facility of the Department by not later than
22 180 days after the date of the enactment of this Act.



19. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE WALZ
OF MINNESOTA OR HIS DESIGNEE, DEBATABLE FOR 10
MINUTES

507

**AMENDMENT TO H.R. 5020, AS REPORTED
OFFERED BY MR. WALZ OF MINNESOTA**

Page 54, add after line 2 the following:

1 **SEC. 11. PROVISION OF STATUS UNDER LAW BY HONORING**
2 **CERTAIN MEMBERS OF THE RESERVE COM-**
3 **PONENTS AS VETERANS.**

4 (a) **VETERAN STATUS.**—

5 (1) **IN GENERAL.**—Chapter 1 of title 38, United
6 States Code, is amended by inserting after section
7 107 the following new section:

8 **“§ 107A. Honoring as veterans certain persons who**
9 **performed service in the reserve compo-**
10 **nents**

11 “Any person who is entitled under chapter 1223 of
12 title 10 to retired pay for nonregular service or, but for
13 age, would be entitled under such chapter to retired pay
14 for nonregular service shall be honored as a veteran but
15 shall not be entitled to any benefit by reason of this sec-
16 tion.”.

17 (2) **CLERICAL AMENDMENT.**—The table of sec-
18 tions at the beginning of such chapter is amended
19 by inserting after the item relating to section 107
20 the following new item:

“107A. Honoring as veterans certain persons who performed service in the reserve components.”

1 (b) CLARIFICATION REGARDING BENEFITS.—No
2 person may receive any benefit under the laws adminis-
3 tered by the Secretary of Veterans Affairs solely by reason
4 of section 107A of title 38, United States Code, as added
5 by subsection (a).



20. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE WALZ
OF MINNESOTA OR HIS DESIGNEE, DEBATABLE FOR 10
MINUTES

~~526R~~

**AMENDMENT TO H.R. 5698, AS REPORTED
OFFERED BY MR. WALZ OF MINNESOTA**

Page 54, add after line 2 the following:

1 **SEC. 11. PROVISION OF REHABILITATIVE EQUIPMENT AND**
2 **HUMAN-POWERED VEHICLES TO CERTAIN**
3 **DISABLED VETERANS.**

4 (a) IN GENERAL.—Section 1714(a) of title 38,
5 United States Code, is amended—

6 (1) by striking “Any veteran” and inserting
7 “(1) Any veteran”; and

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

10 “(2)(A) The Secretary may furnish rehabilitative
11 equipment to any veteran who is entitled to a prosthetic
12 appliance.

13 “(B) In carrying out subparagraph (A), the Secretary
14 may modify non-rehabilitative equipment owned by a vet-
15 eran only if the veteran elects for such modification.

16 “(C) The Secretary shall annually submit to the
17 Committees on Veterans’ Affairs of the House of Rep-
18 resentatives and the Senate a report on rehabilitative
19 equipment furnished to veterans under subparagraph (A).

1 Each such report shall include, with respect to the year
2 covered by the report—

3 “(i) the number of veterans eligible to receive
4 such rehabilitative equipment;

5 “(ii) the number of veterans who received such
6 rehabilitative equipment;

7 “(iii) the number of veterans who elected to re-
8 ceive modified equipment pursuant to subparagraph
9 (B); and

10 “(iv) any recommendations of the Secretary to
11 improve furnishing veterans with rehabilitative
12 equipment.

13 “(D) In this paragraph, the term ‘rehabilitative
14 equipment’ means—

15 “(i) rehabilitative equipment, including rec-
16 reational sports equipment that provide an adaption
17 or accommodation for the veteran, regardless of
18 whether such equipment is intentionally designed to
19 be adaptive equipment; and

20 “(ii) includes hand cycles, recumbent bicycles,
21 medically adapted upright bicycles, and upright bicy-
22 cles.”.

23 (b) NO ADDITIONAL FUNDS.—No additional funds
24 are authorized to be appropriated to carry out the require-
25 ments of this section and the amendments made by this

1 section. Such requirements shall be carried out using
2 amounts otherwise authorized.



21. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE DUFFY
OF WISCONSIN OR HIS DESIGNEE, DEBATABLE FOR 10
MINUTES

AMENDMENT TO H.R. 5620

80LR

OFFERED BY MR. DUFFY OF WISCONSIN

Page 54, after line 2, insert the following:

1 **SEC. 11. APPOINTMENT OF LICENSED HEARING AID SPE-**
2 **CIALISTS IN VETERANS HEALTH ADMINIS-**
3 **TRATION.**

4 (a) LICENSED HEARING AID SPECIALISTS.—

5 (1) APPOINTMENT.—Section 7401(3) of title
6 38, United States Code, is amended by inserting “li-
7 censed hearing aid specialists,” after “Audiol-
8 ogists.”

9 (2) QUALIFICATIONS.—Section 7402(b)(14) of
10 such title is amended by inserting “, hearing aid
11 specialist” after “dental technologist”.

12 (b) REQUIREMENTS.—With respect to appointing
13 hearing aid specialists under sections 7401 and 7402 of
14 title 38, United States Code, as amended by subsection
15 (a), and providing services furnished by such specialists,
16 the Secretary shall ensure that—

17 (1) a hearing aid specialist may only perform
18 hearing services consistent with the hearing aid spe-
19 cialist’s State license related to the practice of fit-
20 ting and dispensing hearing aids without excluding

1 other qualified professionals, including audiologists,
2 from rendering services in overlapping practice
3 areas;

4 (2) services provided to veterans by hearing aid
5 specialists shall be provided as part of the non-med-
6 ical treatment plan developed by an audiologist; and

7 (3) the medical facilities of the Department of
8 Veterans Affairs provide to veterans access to the
9 full range of professional services provided by an au-
10 diologist.

11 (c) CONSULTATION.—In determining the qualifica-
12 tions required for hearing aid specialists and in carrying
13 out subsection (b), the Secretary shall consult with vet-
14 erans service organizations, audiologists,
15 otolaryngologists, hearing aid specialists, and other stake-
16 holder and industry groups as the Secretary determines
17 appropriate.

18 (d) ANNUAL REPORT.—

19 (1) IN GENERAL.—Not later than one year
20 after the date of the enactment of this Act, and an-
21 nually thereafter during the five-year period begin-
22 ning on the date of the enactment of this Act, the
23 Secretary of Veterans Affairs shall submit to Con-
24 gress a report on the following:

1 (A) Timely access of veterans to hearing
2 health services through the Department of Vet-
3 erans Affairs.

4 (B) Contracting policies of the Department
5 with respect to providing hearing health serv-
6 ices to veterans in facilities that are not facili-
7 ties of the Department.

8 (2) TIMELY ACCESS TO SERVICES.—Each re-
9 port shall, with respect to the matter specified in
10 paragraph (1)(A) for the one-year period preceding
11 the submittal of such report, include the following:

12 (A) The staffing levels of audiologists,
13 hearing aid specialists, and health technicians
14 in audiology in the Veterans Health Adminis-
15 tration.

16 (B) A description of the metrics used by
17 the Secretary in measuring performance with
18 respect to appointments and care relating to
19 hearing health.

20 (C) The average time that a veteran waits
21 to receive an appointment, beginning on the
22 date on which the veteran makes the request,
23 for the following:

24 (i) A disability rating evaluation for a
25 hearing-related disability.

- 1 (ii) A hearing aid evaluation.
- 2 (iii) Dispensing of hearing aids.
- 3 (iv) Any follow-up hearing health ap-
- 4 pointment.

5 (D) The percentage of veterans whose total

6 wait time for appointments described in sub-

7 paragraph (C), including an initial and follow-

8 up appointment, if applicable, is more than 30

9 days.

10 (3) CONTRACTING POLICIES.—Each report

11 shall, with respect to the matter specified in para-

12 graph (1)(B) for the one-year period preceding the

13 submittal of such report, include the following:

14 (A) The number of veterans that the Sec-

15 retary refers to non-Department audiologists

16 for hearing health care appointments.

17 (B) The number of veterans that the Sec-

18 retary refers to non-Department hearing aid

19 specialists for follow-up appointments for a

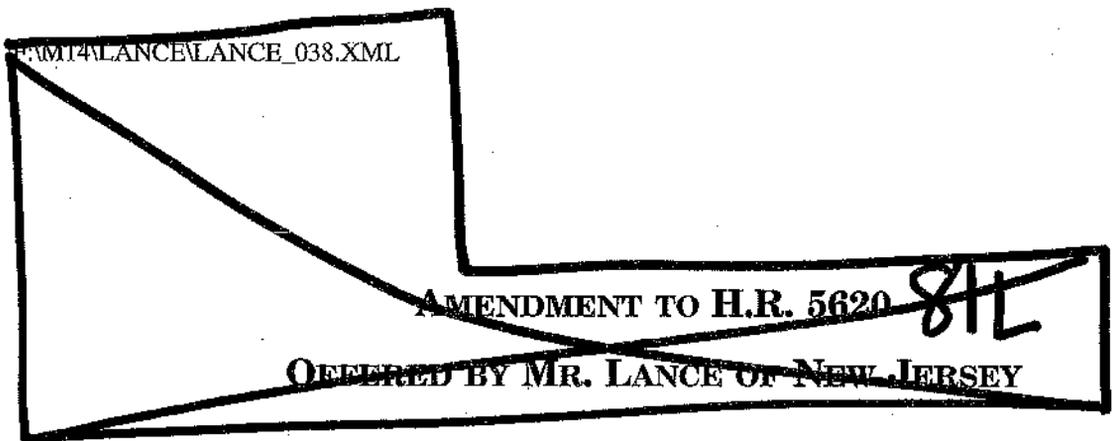
20 hearing aid evaluation, the dispensing of hear-

21 ing aids, or any other purpose relating to hear-

22 ing health.



22. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE LANCE
OF NEW JERSEY OR HIS DESIGNEE, DEBATABLE FOR 10
MINUTES



Page 54, after line 2, insert the following:

1 **SEC. 11. ANNUAL REPORT ON PERFORMANCE OF RE-**
2 **GIONAL OFFICES OF THE DEPARTMENT OF**
3 **VETERANS AFFAIRS.**

4 Section 7734 of title 38, United States Code, is
5 amended—

6 (1) in the first sentence, by inserting before the
7 period the following: “and on the performance of
8 any regional office that fails to meet its administra-
9 tive goals”;

10 (2) in paragraph (2), by striking “and”;

11 (3) by redesignating paragraph (3) as para-
12 graph (4); and

13 (4) by inserting after paragraph (2) the fol-
14 lowing new paragraph (3):

15 “(3) in the case of any regional office that, for
16 the year covered by the report, did not meet the ad-
17 ministrative goal of no claim pending for more than
18 125 days and an accuracy rating of 98 percent—

19 “(A) a signed statement prepared by the
20 individual serving as director of the regional of-

1 fice as of the date of the submittal of the report
2 containing—

3 “(i) an explanation for why the re-
4 gional office did not meet the goal;

5 “(ii) a description of the additional re-
6 sources needed to enable the regional office
7 to reach the goal; and

8 “(iii) a description of any additional
9 actions planned for the subsequent year
10 that are proposed to enable the regional of-
11 fice to meet the goal; and

12 “(B) a statement prepared by the Under
13 Secretary for Benefits explaining how the fail-
14 ure of the regional office to meet the goal af-
15 fected the performance evaluation of the direc-
16 tor of the regional office; and”.



House Calendar No. _____

114TH CONGRESS
2^D SESSION

H. RES. _____

Report No. 114-_____

Providing for consideration of the bill (H.R. 5620) to amend title 38, United States Code, to provide for the removal or demotion of employees of the Department of Veterans Affairs based on performance or misconduct, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 12, 2016

Mr. COLLINS of Georgia, from the Committee on Rules, reported the following resolution; which was referred to the House Calendar and ordered to be printed

RESOLUTION

Providing for consideration of the bill (H.R. 5620) to amend title 38, United States Code, to provide for the removal or demotion of employees of the Department of Veterans Affairs based on performance or misconduct, and for other purposes.

- 1 *Resolved*, That at any time after adoption of this reso-
- 2 lution the Speaker may, pursuant to clause 2(b) of rule
- 3 XVIII, declare the House resolved into the Committee of
- 4 the Whole House on the state of the Union for consider-

1 ation of the bill (H.R. 5620) to amend title 38, United
2 States Code, to provide for the removal or demotion of
3 employees of the Department of Veterans Affairs based
4 on performance or misconduct, and for other purposes.
5 The first reading of the bill shall be dispensed with. All
6 points of order against consideration of the bill are waived.
7 General debate shall be confined to the bill and shall not
8 exceed one hour equally divided and controlled by the chair
9 and ranking minority member of the Committee on Vet-
10 erans' Affairs. After general debate the bill shall be con-
11 sidered for amendment under the five-minute rule. The bill
12 shall be considered as read. All points of order against
13 provisions in the bill are waived. No amendment to the
14 bill shall be in order except those printed in the report
15 of the Committee on Rules accompanying this resolution.
16 Each such amendment may be offered only in the order
17 printed in the report, may be offered only by a Member
18 designated in the report, shall be considered as read, shall
19 be debatable for the time specified in the report equally
20 divided and controlled by the proponent and an opponent,
21 shall not be subject to amendment, and shall not be sub-
22 ject to a demand for division of the question in the House
23 or in the Committee of the Whole. All points of order
24 against such amendments are waived. At the conclusion
25 of consideration of the bill for amendment the Committee

1 shall rise and report the bill to the House with such
2 amendments as may have been adopted. The previous
3 question shall be considered as ordered on the bill and
4 amendments thereto to final passage without intervening
5 motion except one motion to recommit with or without in-
6 structions.