

In the House of Representatives, U. S.,

June 18, 2014.

Resolved, That the House agree to the amendment of the Senate to the title of the bill (H.R. 3230) entitled “An Act making continuing appropriations during a Government shut-down to provide pay and allowances to members of the reserve components of the Armed Forces who perform inactive-duty training during such period.” and be it further

Resolved, That the House agree to the amendment of the Senate to the text of the aforementioned bill, with the following

HOUSE AMENDMENT TO SENATE AMENDMENT

In lieu of the matter proposed to be inserted by the amendment of the Senate to the text of the bill, insert the following:

1 *SECTION 1. SHORT TITLE.*

2 *This Act may be cited as the “Veteran Access to Care*
3 *Act of 2014”.*

1 **SEC. 2. PROVISION OF HOSPITAL CARE AND MEDICAL SERV-**
2 **ICES AT NON-DEPARTMENT OF VETERANS AF-**
3 **FAIRS FACILITIES FOR DEPARTMENT OF VET-**
4 **ERANS AFFAIRS PATIENTS WITH EXTENDED**
5 **WAITING TIMES FOR APPOINTMENTS AT DE-**
6 **PARTMENT FACILITIES.**

7 (a) *IN GENERAL.*—As authorized by section 1710 of
8 title 38, United States Code, the Secretary of Veterans Af-
9 fairs (in this Act referred to as the “Secretary”) shall enter
10 into contracts with such non-Department facilities as may
11 be necessary in order to furnish hospital care and medical
12 services to covered veterans who are eligible for such care
13 and services under chapter 17 of title 38, United States
14 Code. To the greatest extent possible, the Secretary shall
15 carry out this section using contracts entered into before
16 the date of the enactment of this Act.

17 (b) *COVERED VETERANS.*—For purposes of this sec-
18 tion, the term “covered veteran” means a veteran—

19 (1) *who is enrolled in the patient enrollment sys-*
20 *tem under section 1705 of title 38, United States*
21 *Code;*

22 (2) *who—*

23 (A) *has waited longer than the wait-time*
24 *goals of the Veterans Health Administration (as*
25 *of June 1, 2014) for an appointment for hospital*

1 *care or medical services in a facility of the De-*
2 *partment;*

3 *(B) has been notified by a facility of the*
4 *Department that an appointment for hospital*
5 *care or medical services is not available within*
6 *such wait-time goals; or*

7 *(C) resides more than 40 miles from the*
8 *medical facility of the Department of Veterans*
9 *Affairs, including a community-based outpatient*
10 *clinic, that is closest to the residence of the vet-*
11 *eran; and*

12 *(3) who makes an election to receive such care or*
13 *services in a non-Department facility.*

14 *(c) FOLLOW-UP CARE.—In carrying out this section,*
15 *the Secretary shall ensure that, at the election of a covered*
16 *veteran who receives hospital care or medical services at*
17 *a non-Department facility in an episode of care under this*
18 *section, the veteran receives such hospital care and medical*
19 *services at such non-Department facility through the com-*
20 *pletion of the episode of care (but for a period not exceeding*
21 *60 days), including all specialty and ancillary services*
22 *deemed necessary as part of the treatment recommended in*
23 *the course of such hospital care or medical services.*

24 *(d) REPORT.—The Secretary shall submit to Congress*
25 *a quarterly report on hospital care and medical services*

1 furnished pursuant to this section. Such report shall include
2 information, for the quarter covered by the report, regard-
3 ing—

4 (1) the number of veterans who received care or
5 services at non-Department facilities pursuant to this
6 section;

7 (2) the number of veterans who were eligible to
8 receive care or services pursuant to this section but
9 who elected to continue waiting for an appointment
10 at a Department facility;

11 (3) the purchase methods used to provide the care
12 and services at non-Department facilities, including
13 the rate of payment for individual authorizations for
14 such care and services; and

15 (4) any other matters the Secretary determines
16 appropriate.

17 (e) DEFINITIONS.—For purposes of this section, the
18 terms “facilities of the Department”, “non-Department fa-
19 cilities”, “hospital care”, and “medical services” have the
20 meanings given such terms in section 1701 of title 38,
21 United States Code.

22 (f) IMPLEMENTATION.—The Secretary shall begin im-
23 plementing this section on the date of the enactment of this
24 Act.

1 (g) *CONSTRUCTION.*—*Nothing in this section shall be*
2 *construed to authorize payment for care or services not oth-*
3 *erwise covered under chapter 17 of title 38, United States*
4 *Code.*

5 (h) *TERMINATION.*—*The authority of the Secretary*
6 *under this section shall terminate with respect to any hos-*
7 *pital care or medical services furnished after the end of the*
8 *2-year period beginning on the date of the enactment of this*
9 *Act, except that in the case of an episode of care for which*
10 *hospital care or medical services is furnished in a non-De-*
11 *partment facility pursuant to this section before the end*
12 *of such period, such termination shall not apply to such*
13 *care and services furnished during the remainder of such*
14 *episode of care but not to exceed a period of 60 days.*

15 **SEC. 3. EXPANDED ACCESS TO HOSPITAL CARE AND MED-**
16 **ICAL SERVICES.**

17 (a) *IN GENERAL.*—*To the extent that appropriations*
18 *are available for the Veterans Health Administration of the*
19 *Department of Veterans Affairs for medical services, to the*
20 *extent that the Secretary of Veterans Affairs is unable to*
21 *provide access, within the wait-time goals of the Veterans*
22 *Health Administration (as of June 1, 2014), to hospital*
23 *care or medical services to a covered veteran who is eligible*
24 *for such care or services under chapter 17 of title 38, United*
25 *States Code, under contracts described in section 2, the Sec-*

1 *retary shall reimburse any non-Department facility with*
2 *which the Secretary has not entered into a contract to fur-*
3 *nish hospital care or medical services for furnishing such*
4 *hospital care or medical services to such veteran, if the vet-*
5 *eran elects to receive such care or services from the non-*
6 *Department facility. The Secretary shall reimburse the fa-*
7 *cility for the care or services furnished to the veteran at*
8 *the greatest of the following rates:*

9 (1) *VA PAYMENT RATE.—The rate of reimburse-*
10 *ment for such care or services established by the Sec-*
11 *retary of Veterans Affairs.*

12 (2) *MEDICARE PAYMENT RATE.—The payment*
13 *rate for such care or services or comparable care or*
14 *services under the Medicare program under title*
15 *XVIII of the Social Security Act.*

16 (3) *TRICARE PAYMENT RATE.—The reimburse-*
17 *ment rate for such care or services furnished to a*
18 *member of the Armed Forces under chapter 55 of title*
19 *10, United States Code.*

20 (b) *COVERED VETERANS.—For purposes of this sec-*
21 *tion, the term “covered veteran” means a veteran—*

22 (1) *who is enrolled in the patient enrollment sys-*
23 *tem under section 1705 of title 38, United States*
24 *Code; and*

25 (2) *who—*

1 (A) has waited longer than the wait-time
2 goals of the Veterans Health Administration (as
3 of June 1, 2014) for an appointment for hospital
4 care or medical services in a facility of the De-
5 partment;

6 (B) has been notified by a facility of the
7 Department that an appointment for hospital
8 care or medical services is not available within
9 such wait-time goals after the date for which the
10 veteran requests the appointment; or

11 (C) who resides more than 40 miles from
12 the medical facility of the Department of Vet-
13 erans Affairs, including a community-based out-
14 patient clinic, that is closest to the residence of
15 the veteran.

16 (c) *DEFINITIONS.*—For purposes of this section, the
17 terms “facilities of the Department”, “non-Department fa-
18 cilities”, “hospital care”, and “medical services” have the
19 meanings given such terms in section 1701 of title 38,
20 United States Code.

21 (d) *IMPLEMENTATION.*—The Secretary shall begin im-
22 plementing this section on the date of the enactment of this
23 Act.

24 (e) *CONSTRUCTION.*—Nothing in this section shall be
25 construed to authorize payment for care or services not oth-

1 *erwise covered under chapter 17 of title 38, United States*
2 *Code.*

3 (f) *TERMINATION.*—*The authority of the Secretary*
4 *under this section shall terminate with respect to care or*
5 *services furnished after the date that is 2 years after the*
6 *date of the enactment of this Act.*

7 **SEC. 4. INDEPENDENT ASSESSMENT OF VETERANS HEALTH**
8 **ADMINISTRATION PERFORMANCE.**

9 (a) *INDEPENDENT ASSESSMENT REQUIRED.*—*Not*
10 *later than 120 days after the date of the enactment of this*
11 *Act, the Secretary of Veterans Affairs shall enter into a con-*
12 *tract or contracts with a private sector entity or entities*
13 *with experience in the delivery systems of the Veterans*
14 *Health Administration and the private sector and in health*
15 *care management to conduct an independent assessment of*
16 *hospital care and medical services furnished in medical fa-*
17 *cilities of the Department of Veterans Affairs. Such assess-*
18 *ment shall address each of the following:*

19 (1) *The current and projected demographics and*
20 *unique care needs of the patient population served by*
21 *the Department of Veterans Affairs.*

22 (2) *The current and projected health care capa-*
23 *bilities and resources of the Department, including*
24 *hospital care and medical services furnished by non-*
25 *Department facilities under contract with the Depart-*

1 *ment, to provide timely and accessible care to eligible*
2 *veterans.*

3 *(3) The authorities and mechanisms under which*
4 *the Secretary may furnish hospital care and medical*
5 *services at non-Department facilities, including an*
6 *assessment of whether the Secretary should have the*
7 *authority to furnish such care and services at such fa-*
8 *cilities through the completion of episodes of care.*

9 *(4) The appropriate system-wide access standard*
10 *applicable to hospital care and medical services fur-*
11 *nished by and through the Department of Veterans*
12 *Affairs and recommendations relating to access stand-*
13 *ards specific to individual specialties and standards*
14 *for post-care rehabilitation.*

15 *(5) The current organization, processes, and tools*
16 *used to support clinical staffing and documentation.*

17 *(6) The staffing levels and productivity stand-*
18 *ards, including a comparison with industry perform-*
19 *ance percentiles.*

20 *(7) Information technology strategies of the Vet-*
21 *erans Health Administration, including an identi-*
22 *fication of technology weaknesses and opportunities,*
23 *especially as they apply to clinical documentation of*
24 *hospital care and medical services provided in non-*
25 *Department facilities.*

1 (8) *Business processes of the Veterans Health Ad-*
2 *ministration, including non-Department care, insur-*
3 *ance identification, third-party revenue collection,*
4 *and vendor reimbursement.*

5 (b) *ASSESSMENT OUTCOMES.*—*The assessment con-*
6 *ducted pursuant to subsection (a) shall include the fol-*
7 *lowing:*

8 (1) *An identification of improvement areas out-*
9 *lined both qualitatively and quantitatively, taking*
10 *into consideration Department of Veterans Affairs di-*
11 *rectives and industry benchmarks from outside the*
12 *Federal Government.*

13 (2) *Recommendations for how to address the im-*
14 *provement areas identified under paragraph (1) relat-*
15 *ing to structure, accountability, process changes, tech-*
16 *nology, and other relevant drivers of performance.*

17 (3) *The business case associated with making the*
18 *improvements and recommendations identified in*
19 *paragraphs (1) and (2).*

20 (4) *Findings and supporting analysis on how*
21 *credible conclusions were established.*

22 (c) *PROGRAM INTEGRATOR.*—*If the Secretary enters*
23 *into contracts with more than one private sector entity*
24 *under subsection (a), the Secretary shall designate one such*
25 *entity as the program integrator. The program integrator*

1 *shall be responsible for coordinating the outcomes of the as-*
2 *sessments conducted by the private entities pursuant to such*
3 *contracts.*

4 *(d) SUBMITTAL OF REPORTS TO CONGRESS.—*

5 *(1) REPORT ON INDEPENDENT ASSESSMENT.—*

6 *Not later than 10 months after entering into the con-*
7 *tract under subsection (a), the Secretary shall submit*
8 *to the Committees on Veterans' Affairs of the Senate*
9 *and House of Representatives the findings and rec-*
10 *ommendations of the independent assessment required*
11 *by such subsection.*

12 *(2) REPORT ON VA ACTION PLAN TO IMPLEMENT*

13 *RECOMMENDATIONS IN ASSESSMENT.—Not later than*

14 *120 days after the date of submission of the report*

15 *under paragraph (1), the Secretary shall submit to*

16 *such Committees on the Secretary's response to the*

17 *findings of the assessment and shall include an action*

18 *plan, including a timeline, for fully implementing the*

19 *recommendations of the assessment.*

20 **SEC. 5. LIMITATION ON AWARDS AND BONUSES TO EM-**

21 **PLOYEES OF DEPARTMENT OF VETERANS AF-**

22 **FAIRS.**

23 *For each of fiscal years 2014 through 2016, the Sec-*

24 *retary of Veterans Affairs may not pay awards or bonuses*

1 *under chapter 45 or 53 of title 5, United States Code, or*
2 *any other awards or bonuses authorized under such title.*

3 **SEC. 6. OMB ESTIMATE OF BUDGETARY EFFECTS AND**
4 **NEEDED TRANSFER AUTHORITY.**

5 *Not later than 30 days after the date of the enactment*
6 *of this Act, the Director of the Office of Management and*
7 *Budget shall transmit to the Committees on Appropria-*
8 *tions, the Budget, and Veterans' Affairs of the House of Rep-*
9 *resentatives and of the Senate—*

10 *(1) an estimate of the budgetary effects of sec-*
11 *tions 2 and 3;*

12 *(2) any transfer authority needed to utilize the*
13 *savings from section 5 to satisfy such budgetary ef-*
14 *fects; and*

15 *(3) if necessary, a request for any additional*
16 *budgetary resources, or transfers or reprogramming of*
17 *existing budgetary resources, necessary to provide*
18 *funding for sections 2 and 3.*

19 **SEC. 7. REMOVAL OF SENIOR EXECUTIVE SERVICE EMPLOY-**
20 **EES OF THE DEPARTMENT OF VETERANS AF-**
21 **FAIRS FOR PERFORMANCE.**

22 *(a) IN GENERAL.—Chapter 7 of title 38, United States*
23 *Code, is amended by adding at the end the following new*
24 *section:*

1 **“§ 713. Senior Executive Service: removal based on**
2 **performance**

3 “(a) *IN GENERAL.*—Notwithstanding any other provi-
4 sion of law, the Secretary may remove any individual from
5 the Senior Executive Service if the Secretary determines the
6 performance of the individual warrants such removal. If the
7 Secretary so removes such an individual, the Secretary
8 may—

9 “(1) remove the individual from Federal service;

10 or

11 “(2) transfer the individual to a General Sched-
12 ule position at any grade of the General Schedule the
13 Secretary determines appropriate.

14 “(b) *NOTICE TO CONGRESS.*—Not later than 30 days
15 after removing an individual from the Senior Executive
16 Service under paragraph (1), the Secretary shall submit to
17 the Committees on Veterans’ Affairs of the Senate and
18 House of Representatives notice in writing of such removal
19 and the reason for such removal.

20 “(c) *MANNER OF REMOVAL.*—A removal under this
21 section shall be done in the same manner as the removal
22 of a professional staff member employed by a Member of
23 Congress.”.

1 (b) *CLERICAL AMENDMENT.*—*The table of sections at*
2 *the beginning of such chapter is amended by adding at the*
3 *end the following new item:*

“713. Senior Executive Service: removal based on performance.”.

4 **SEC. 8. BUDGETARY EFFECTS OF ACT.**

5 *The budgetary effects of this Act, for the purpose of*
6 *complying with the Statutory Pay-As-You-Go Act of 2010,*
7 *shall be determined by reference to the latest statement titled*
8 *“Budgetary Effects of PAYGO Legislation” for this Act,*
9 *submitted for printing in the Congressional Record by the*
10 *Chairman of the House Budget Committee, provided that*
11 *such statement has been submitted prior to the vote on pas-*
12 *sage.*

Attest:

Clerk.

113TH CONGRESS
2^D SESSION

H.R. 3230

**HOUSE AMENDMENT TO
SENATE AMENDMENT**