

114TH CONGRESS
2D SESSION

H. R. 3956

IN THE SENATE OF THE UNITED STATES

MAY 24, 2016

Received; read twice and referred to the Committee on Veterans' Affairs

AN ACT

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

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

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

4 **SEC. 2. FINDINGS.**

5 Congress finds the following:

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

10 (2) Some of these medical centers have not
11 been managed by a permanent director for a long
12 period.

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

22 (4) The inability of the Department of Veterans
23 Affairs to recruit qualified, permanent candidates as
24 directors of medical centers, combined with the poli-
25 cies described in paragraph (3), leads to frequent
26 turnover of directors at the medical centers which

1 impedes the ability of system management to engage
2 in long-term planning and other functions necessary
3 to improve service delivery to veterans.

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

8 **SEC. 3. PLAN TO HIRE DIRECTORS OF MEDICAL CENTERS**
9 **OF DEPARTMENT OF VETERANS AFFAIRS.**

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

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

20 (1) A deadline to hire the directors of the med-
21 ical centers of the Department as described in such
22 subsection.

23 (2) Identification of the possible impediments to
24 such hiring.

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

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

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

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

18 (a) ANNUAL CERTIFICATION.—

19 (1) IN GENERAL.—The Secretary of Veterans
20 Affairs shall ensure that the director of each medical
21 facility of the Department of Veterans Affairs annu-
22 ally certifies to the Secretary that the medical facil-
23 ity is in full compliance with all provisions of law
24 and regulations relating to scheduling appointments
25 for veterans to receive hospital care and medical

1 services, including pursuant to Veterans Health Ad-
2 ministration Directive 2010–027, or any successor
3 directive.

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

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

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

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

19 (c) PROHIBITION ON BONUSES BASED ON NON-
20 COMPLIANCE.—

21 (1) IN GENERAL.—If a director of a medical fa-
22 cility of the Department does not make a certifi-
23 cation under subsection (a)(1) for any year, each
24 covered official described in paragraph (2) may not
25 receive an award or bonus under chapter 45 or 53

1 of title 5, United States Code, or any other award
2 or bonus authorized under such title or title 38,
3 United States Code, during the year following the
4 year in which the certification was not made.

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

11 (A) The director.

12 (B) The chief of staff.

13 (C) The associate director.

14 (D) The associate director for patient care.

15 (E) The deputy chief of staff.

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

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

23 (2) a list of each medical facility of the Depart-
24 ment for which such a certification was not made,

1 including a copy of each report submitted to the
2 Secretary under subsection (b).

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

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

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

Passed the House of Representatives May 23, 2016.

Attest:

KAREN L. HAAS,

Clerk.