

115TH CONGRESS
1ST SESSION

H. R. 1771

To improve the organization of the Department of Veterans Affairs, to ensure the accuracy of health care data used by the Department, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 29, 2017

Mr. BILIRAKIS (for himself, Mrs. McMORRIS RODGERS, Mr. JONES, Mr. DUNCAN of Tennessee, and Mr. GAETZ) introduced the following bill; which was referred to the Committee on Veterans' Affairs, and in addition to the Committee on Appropriations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To improve the organization of the Department of Veterans Affairs, to ensure the accuracy of health care data used by the Department, 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “VA Guidance for Orga-
5 nizational Reform and Data Integrity for Accountability
6 Needs Key for Necessary and Optimal Transformation
7 Act” or the “VA GORDIAN KNOT Act”.

1 **SEC. 2. ORGANIZATION OF DEPARTMENT OF VETERANS AF-**
2 **FAIRS.**

3 (a) INDEPENDENT ASSESSMENT.—

4 (1) IN GENERAL.—The Secretary of Veterans
5 Affairs shall seek to enter into an agreement with an
6 independent entity to conduct an assessment of the
7 organization of the Department of Veterans Affairs.

8 (2) ELEMENTS.—The assessment under para-
9 graph (1) shall include the following:

10 (A) Whether the current organization of
11 the Department is conducive to meeting the
12 performance goals of the Department.

13 (B) An identification of the mission state-
14 ment and function of each element of the De-
15 partment, including whether any such elements
16 have duplicative functions.

17 (C) Identification of the strengths and
18 weaknesses of the current organization.

19 (D) How many full-time equivalent posi-
20 tions, including with respect to senior execu-
21 tives, are in each of the Veterans Benefits Ad-
22 ministration, the National Cemetery Adminis-
23 tration, and the Central Office.

24 (E) A description of the hierarchy in each
25 element of the Department.

1 (F) An evaluation of the cost to the De-
2 partment of providing hospital care and medical
3 services to veterans at medical facilities of the
4 Department as compared to the cost of paying
5 for such care and services furnished by a non-
6 Department provider pursuant to the Veterans
7 Choice Program established by section 101 of
8 the Veterans Access, Choice, and Accountability
9 Act of 2014 (38 U.S.C. 1701 note) or other
10 provision of law authorizing non-Department
11 hospital care or medical services.

12 (G) To assist in developing a long-term
13 sustainable capital asset planning process, iden-
14 tification of underused facilities of the Depart-
15 ment that, if closed or disposed of, would not
16 negatively affect the health care or benefits pro-
17 vided to veterans.

18 (H) With respect to the facilities described
19 in subparagraph (E), a plan to engage veteran
20 populations, veteran service organizations, and
21 other organizations and stakeholders that work
22 with veterans to identify such facilities and de-
23 termine whether veterans have the ability to
24 seek services by non-Department providers
25 under the laws administered by the Secretary.

1 (3) SUBMISSION.—Not later than one year after
2 the date of the enactment of this Act, the Secretary
3 shall submit to the Committees on Veterans’ Affairs
4 of the House of Representatives and the Senate the
5 assessment under paragraph (1).

6 (b) STATUS OF ORGANIZATION.—Not later than Oc-
7 tober 1 of 2020, and annually thereafter, the Secretary
8 shall—

9 (1) either—

10 (A) update the organizational structure of
11 the Office of the Secretary, the Veterans Health
12 Administration, the Veterans Benefits Adminis-
13 tration, and the National Cemetery Administra-
14 tion to ensure that such structure is best able
15 to provide benefits to veterans; or

16 (B) certify to the Committees on Veterans’
17 Affairs of the House of Representatives and the
18 Senate that such structure does not require
19 such updates; and

20 (2) make publically available such update or
21 certification, as the case may be, including clear or-
22 ganizational charts of the Office of the Secretary,
23 the Veterans Health Administration, the Veterans
24 Benefits Administration, and the National Cemetery
25 Administration.

1 **SEC. 3. IMPROVEMENTS TO HIRING AND RETAINING EM-**
2 **PLOYEES.**

3 (a) IMPROVEMENTS TO HIRING.—

4 (1) HIRING PLAN.—The Secretary of Veterans
5 Affairs shall ensure that each medical facility of the
6 Department of Veterans Affairs, including commu-
7 nity based outpatient clinics, has a hiring plan to
8 address the health care needs of the facility.

9 (2) SHARING OF INFORMATION.—The Secretary
10 shall establish a system that lists each vacant posi-
11 tion in a medical facility of the Department that is
12 covered under the hiring plan under paragraph (1).
13 If the Secretary determines that an applicant for
14 such a vacant position is qualified for the position
15 but is not selected for the position, the Secretary
16 may consider the applicant for other similar posi-
17 tions listed in the system.

18 (3) DATA.—The Secretary shall keep records
19 on—

20 (A) the amount of time a vacant position
21 described in paragraph (2) remains unfilled;

22 (B) positions that have been vacant for a
23 prolonged period and such vacancy—

24 (i) is related to a whistleblower case;

25 and

1 (ii) has affected the ability of the De-
2 partment to provide quality and timely
3 health care of veterans; and

4 (C) whether an employee of the Depart-
5 ment who transfers from one medical facility of
6 the Department to another such facility was
7 reprimanded, placed on administrative leave, or
8 appealed an allegation at the previous position
9 of the employee within the Department.

10 (4) SUBMISSION.—Upon the request of either
11 the Committee on Veterans' Affairs of the House of
12 Representatives or the Committee on Veterans' Af-
13 fairs of the Senate, the Secretary shall submit to the
14 committee the records specified in paragraph (3).

15 (b) EXIT INTERVIEWS.—The Secretary shall ensure
16 that each employee of the Department who voluntarily
17 separates from the Department is afforded the oppor-
18 tunity to complete an interview in order for the Secretary
19 to ascertain—

20 (1) the reason the employee is separating;

21 (2) the opinion of the employee with respect to
22 being employed at the Department; and

23 (3) ways in which the Secretary can better im-
24 prove the retention of employees of the Department.

1 **SEC. 4. INTEGRITY OF HEALTH CARE DATA.**

2 (a) CERTAIN DEFINITIONS.—Section 7311 of title
3 38, United States Code, is amended by inserting at the
4 end the following new subsection:

5 “(f) For purposes of determining the validity of
6 health care data collected pursuant to this section or any
7 other provision of law regarding the employees of the Vet-
8 erans Health Administration, the Secretary shall develop
9 standard definitions for—

10 “(1) the actions that constitute the manipula-
11 tion of data regarding scheduling appointments for
12 health care; and

13 “(2) the ways in which such employees are held
14 accountable for such manipulation.”.

15 (b) VERIFICATION OF DATA.—

16 (1) DESIGNATION.—The Secretary of Veterans
17 Affairs shall ensure that a single position in each of-
18 fice described in paragraph (2) is designated as
19 being responsible for verifying the accuracy of the
20 data reported from such office to a superior office.

21 (2) OFFICE DESCRIBED.—An office described in
22 this paragraph is each of the following:

23 (A) A medical facility of the Department
24 of Veterans Affairs.

25 (B) A Veterans Integrated Service Net-
26 work.

1 (C) A regional office of the Veterans Bene-
2 fits Administration.

3 (D) The central office of the Veterans
4 Benefits Administration.

5 (c) ASSESSMENT.—

6 (1) IN GENERAL.—The Secretary shall seek to
7 enter into an agreement with an independent, non-
8 governmental entity to assess whether this section,
9 and the amendment made by this section, improves
10 the accuracy of data of the Department of Veterans
11 Affairs.

12 (2) SUBMISSION.—Not later than one year after
13 the date of the enactment of this Act, the Secretary
14 shall submit to the Committees on Veterans' Affairs
15 of the House of Representatives and the Senate the
16 assessment conducted under paragraph (1).

17 (d) REPORT.—Not later than one year after the date
18 of the enactment of this Act, the Secretary shall submit
19 to the Committees on Veterans' Affairs of the House of
20 Representatives and the Senate a report containing—

21 (1) a study on—

22 (A) the data collected or used by the Vet-
23 erans Health Administration and the Veterans
24 Benefits Administration, including data that
25 the Secretary, as of the date of the study, al-

1 lows to be self-reported by the appropriate of-
2 fice; and

3 (B) what metrics the Secretary should be
4 using to track such data;

5 (2) an implementation plan to correct any
6 vulnerabilities regarding the accuracy of such data;

7 (3) a description of the Department-wide mini-
8 mal standards and guidelines to reprimand employ-
9 ees of the Department who knowingly provide false
10 information to Federal investigators or who know-
11 ingly provide inaccurate information when testifying
12 before a committee of Congress; and

13 (4) an identification of the recommendations re-
14 garding data integrity, information technology, orga-
15 nizational reforms, management improvements, or
16 hiring and retaining employees reported by or made
17 by the independent assessment under section 201 of
18 the Veterans Access, Choice, and Accountability Act
19 of 2014 (Public Law 113–146; 128 Stat. 1769), the
20 Commission on Care, the Comptroller General of the
21 United States, and the Inspector General of the De-
22 partment of Veterans Affairs that, as of the date of
23 the report, have not been implemented, and a plan
24 to implement such recommendations and track the
25 progress of such implementation.

1 (e) STUDY OF COSTS.—

2 (1) IN GENERAL.—The Secretary shall conduct
3 a study to determine the costs to the United States
4 relating to officials and employees of the Depart-
5 ment of Veterans Affairs manipulating health care
6 data, providing negligent management, and retali-
7 ating against whistleblowers, during the five-year pe-
8 riod preceding such study.

9 (2) ELEMENTS.—The study under paragraph
10 (1) shall include the following:

11 (A) The amount of money that the Federal
12 Government has spent, by fiscal year, on settle-
13 ments (including confidential settlements) with
14 whistleblowers of the Department.

15 (B) The number of hours that employees
16 of the Federal Government have spent to de-
17 fend the Department in administrative or judi-
18 cial proceedings with respect to employees of
19 the Department accused of manipulating health
20 care data, providing negligent management, or
21 retaliating against whistleblowers.

22 (C) Obstacles preventing the Secretary
23 from demoting, removing, or terminating an
24 employee of the Department based on perform-
25 ance or misconduct.

1 (3) SUBMISSION.—Not later than one year after
2 the date of the enactment of this Act, the Secretary
3 shall submit to the Committees on Veterans' Affairs
4 of the House of Representatives and the Senate a
5 report containing the study under paragraph (1).

6 **SEC. 5. PUBLICATION OF WAIT TIMES.**

7 (a) PUBLICATION OF WAIT TIMES.—The Secretary
8 of Veterans Affairs shall make publically available on the
9 Internet website of the Department of Veterans Affairs
10 the current wait times for a veteran enrolled in the health
11 care system established under section 1705(a) of title 38,
12 United States Code, to receive an appointment for health
13 care at a medical facility of the Department of Veterans
14 Affairs. Such wait time shall be categorized by primary
15 care, specialty care, and mental health services and in-
16 clude an explanation on the metrics used to determine
17 such wait times.

18 (b) TRANSPARENCY.—The Secretary of Veterans Af-
19 fairs shall seek to enter into an agreement with the Comp-
20 troller General of the United States or an independent en-
21 tity to conduct an assessment of the accuracy of the wait
22 times published under subsection (a). The Secretary shall
23 publish information regarding such assessment on the
24 Internet website described in subsection (a).

1 (c) WAIT TIME DEFINED.—In this section, the term
2 “wait time” means, with respect to a veteran receiving an
3 appointment at a medical facility of the Department of
4 Veterans Affairs, the period beginning on the date on
5 which the veteran first requests such appointment and
6 ending on the date on which such appointment occurs.

7 **SEC. 6. TRANSFER AUTHORITY.**

8 (a) IN GENERAL.—Chapter 1 of title 38, United
9 States Code, is amended by inserting after section 117 the
10 following new section:

11 **“§ 117A. Transfer authority**

12 “(a) IN GENERAL.—In addition to any other provi-
13 sion of law authorizing the transfer of amounts by the Sec-
14 retary of Veterans Affairs, in any fiscal year in which
15 there is a shortfall, the Secretary may transfer covered
16 amounts to accounts of the Department for purposes of
17 mitigating or removing such shortfall.

18 “(b) NOTIFICATION.—In any fiscal year in which
19 there is a shortfall and the Secretary does not make a
20 transfer under subsection (a), the Secretary shall submit
21 to the Committees on Veterans’ Affairs of the House of
22 Representatives and the Senate justifications for not mak-
23 ing such transfer.

24 “(c) DEFINITIONS.—In this section:

1 “(1) The term ‘covered amounts’ means
2 amounts made available to the Secretary for awards
3 or bonuses under chapter 45 or 53 of title 5, United
4 States Code, or any other awards or bonuses author-
5 ized under such title or this title.

6 “(2) The term ‘shortfall’ means the event, as
7 determined by the Secretary, that the funds made
8 available to the Secretary for a fiscal year are not
9 sufficient to provide the benefits under the laws ad-
10 ministered by the Secretary or otherwise carry out
11 the responsibilities of the Department during any
12 period of such fiscal year.”.

13 (b) CLERICAL AMENDMENT.—The table of sections
14 at the beginning of such chapter is amended by inserting
15 after the item relating to section 117 the following new
16 item:

“117A. Transfer authority.”.

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